



Juvenile Justice Commission

2014

Annual Report



West Virginia Supreme Court of Appeals

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Juvenile Justice Commission

Mission Statement

The West Virginia Supreme Court of Appeals is committed to a juvenile justice system that promotes effective interventions that will enhance the likelihood of rehabilitation and behavior reform for those children involved in delinquent behavior. It is the Court's desire that West Virginia serve these youths and their families within a sound framework of public safety while providing guidance, structure and appropriate, evidence-based services. Circuit judges need to be confident that those youths whom they sentence to the Industrial Home for Youth at Salem are given, through rehabilitative programs, every opportunity for success after their confinement.

Therefore, the facilities and the programs they include must, from time to time, be examined by the Court not only to ensure that the sentencing judges are very familiar with the environment into which they are sentencing adjudicated juveniles, but also in order to ensure that these programs are appropriate and as effective as they can possibly be. In that manner, the adjudication system itself can be improved by providing more effective intervention at an early stage of juvenile delinquency. Through collaboration and communication between the Court, the Legislature, and the Executive agencies, West Virginia's investment of energy and resources into children who are in trouble will result in the best possible future for the State.



Juvenile Justice Commission

Member List

The Honorable Omar Aboulhosn, Judge
Ninth Judicial Circuit

The Honorable Gary Johnson, Judge
Twenty-Eighth Judicial Circuit Court

The Honorable J. Lewis Marks, Jr., Judge
Fifteenth Judicial Circuit

The Honorable Gail Boober, Magistrate
Jefferson County

The Honorable Phillip Stowers, Judge
Twenty-Ninth Judicial Circuit

The Honorable Joanna Tabit, Judge
Thirteenth Judicial Circuit

Justice Margaret Workman, Ex-Officio

Jane Moran, Attorney

Megan Annitto, Assistant Professor
Charlotte School of Law

Steve Canterbury, Administrative
Director, WVSCA

Bobbi Hatfield, Former State Delegate

Sam Hickman, Executive Director
National Association of Social Workers

Cindy Largent-Hill, Director
Juvenile Justice Commission, WVSCA

Michael J. Martirano, Ed.D. State
Superintendent of Schools, WV DOE

Represented by:

Charles (Chuck) Heinlein
Deputy Superintendent, WVDOE
and Jacob Green, Special Assistant
Assoc. State Superintendent, WVDOE

Reverend Matthew Watts
MJ Watts Ministries

WVSCA Administrative Office Staff

Kirk Brandfass, General Administrative
Counsel

Jennifer Bundy, Public Information
Officer

April Harless, Public Information
Specialist

Alicia Lauderman Mascioli, Deputy
Director of Juvenile Justice Comm.

Tina Payne, Director of Legislative
Analysis

Tom Scott, Court Compliance Officer

Lorri Stotler, Administrative Assistant

Nikki Tennis, Director Division of
Children's Services

Rights of Juveniles in Custody or Detention

State Code 49-5-16a

Under the West Virginia Code, juveniles in custody or detention have, at minimum, the following rights:

1. A juvenile may not be punished by physical force, deprivation of nutritious meals, deprivation of family visits or forced solitary confinement.
2. A juvenile must be given the opportunity to participate in daily physical exercise.
3. A juvenile in a state facility may not be locked alone in a room, except for sleeping hours, unless unresponsive to reasonable direction and control.
4. A juvenile must be given access to daily showers.
5. A juvenile must be provided with his or her own clothing or individualized, clean clothing supplied by the facility.
6. A juvenile must be given constant access to writing materials and must be allowed to send mail without limitation, censorship or prior reading. The juvenile must also be able to receive mail without prior reading, although mail may be opened in the juvenile's presence to inspect it for contraband.
7. A juvenile may make and receive regular phone calls without being charged. He or she can also make and receive long distance phone calls to his or her family without charge at least once a week.
8. A juvenile has the right to receive visitors daily and on a regular basis.
9. A juvenile shall be given immediate access to medical care as necessary.
10. If a juvenile is in a juvenile detention facility or juvenile corrections facility, he or she must be provided access to education, including teaching, educational materials and books.
11. If a juvenile requests access to an attorney, he or she must be afforded reasonable access.
12. A juvenile has a right to a grievance procedure, including some mechanism in place for appeal.

All juveniles must be given a copy of these and any other rights afforded to them upon admission to their respective facilities.

Juvenile Justice Commission

2014 Annual Report

The Adjudicated Juvenile Rehabilitation Review Commission was established by Administrative Order of the West Virginia Supreme Court of Appeals in July 2011 by then-Chief Justice Margaret L. Workman. The initial purpose of the Commission was to examine the Division of Juvenile Services' operations plan and programs at the West Virginia Industrial Home for Youth in Salem and at the Kenneth "Honey" Rubenstein Juvenile Center in Davis. Although the initial scope of the Commission's mission was to focus on these two facilities, the Commission has since expanded its review to other facilities and programs operated or contracted by the Division of Juvenile Services and the Department of Health and Human Resources as it has deemed necessary.

When youths are removed from their families and homes and are detained in secure settings as a result of court orders, they remain a proper concern of the court system. It must be emphasized that any children ordered into secure facilities are wards of the courts.

Resolution of STATE OF WEST VIRGINIA ex rel. D.L. and K.P. v. STEPHANIE BOND, Acting Director, Division of Juvenile Services, and DAVID JONES, Superintendent of the West Virginia Industrial Home for Youth

The matter STATE OF WEST VIRGINIA ex rel. D.L. and K.P. (represented by Mountain State Justice) v. STEPHANIE BOND, Acting Director, Division of Juvenile Services, and DAVID JONES, Superintendent of the West Virginia Industrial Home for Youth was resolved by a final order entered by the Honorable Omar Aboulhosn on January 21, 2014. Included in this order was a directive specific to the Adjudicated Juvenile Rehabilitation Review Commission. In Section V, entitled "Continued Monitoring", he ordered that the monitoring of the Division of Juvenile Services' facilities continue under the direction and control of the Adjudicated Juvenile Rehabilitation Review Commission. While the Judge acknowledged the cooperative nature between the parties throughout the proceedings and noted the improvements made with the change in leadership at the West Virginia Division of Juvenile Services, he said he felt compelled to ensure that the directives outlined in the court orders related to this suit were maintained.

Judge Aboulhosn, of the Ninth Judicial Circuit (Mercer County) complimented the new policies and the eagerness of the Division to remedy established concerns. He also noted, however, that many of the changes had not been fully accepted or implemented, thus the desire for ongoing monitoring.

Judge Aboulhosn believed it would be a natural partnership for the Adjudicated Juvenile Rehabilitation Review Commission to assume the duty of monitoring. The Commission Monitor and West Virginia Supreme Court Administrative Office staff had been providing regular and consistent facility monitoring for the Court throughout the litigation. From its inception, the mission of this Commission has been to examine facilities and programs to ensure that the programs are appropriate, effective and promote rehabilitative outcomes. With that, the Commission embraced the task as outlined in the final order.

Because the Division of Juvenile Services Administration has demonstrated a collaborative working relationship with the monitoring staff, the Adjudicated Juvenile Rehabilitation Review Commission agreed that quarterly visits would be sufficient. It was further established that if a problem or concern arose, the number and frequency of visits would increase. Tina Payne and Tom Scott (both with the Supreme Courts' Administrative Office) have agreed to assist with monitoring visits and special investigation situations.

To ensure compliance with the final order, a protocol of reporting visit findings was established. Once completed by the monitor, a detailed summary report is sent to West Virginia Division of Juvenile Services Director. Director Bond then forwards the report to the facility administrator, who responds with comments and, if necessary, a corrective action plan. It was agreed that the report will also be sent to the Commission Chairman.



Adjudicated Juvenile Rehabilitation Review Commission members will receive a quarterly summary at each meeting. The Juvenile Justice Commission Director will provide a verbal report to Commissioners. Any significant situations involving resident and/or staff safety and any situations that might be “media worthy” will be shared with Commissioners immediately.

Language within Judge Aboulhosn’s final order states the court’s desire that the line of communication between parties remain open and reports be provided. The Commission concurred and agreed to send both quarterly summary and individual facility reports to Mountain State Justice after its review during quarterly meetings.

(Section 5 of the Final Order is shown on the following page)

Final Order – Section V

DJS Lawsuit

V. CONTINUED MONITORING

The Court recognizes that circuit courts in this State maintain a special relationship with juveniles under their jurisdiction. “A person under the age of eighteen years who appears before the circuit court in proceedings under this article shall be considered a ward of the court and protected accordingly.” W. Va. Code § 49-5-4. Unlike the adult correctional system, courts continue to be informed about the juveniles under their jurisdiction, both while the juvenile is committed to the Division of Juvenile Services, and even after the juvenile has been discharged from DJS custody¹⁶. See, W. Va. Code §§ 49-5D-1 to -8 and 49-5-20 respectively.

Consistent with the role and duty of the courts in the juvenile justice system is the need for information regarding the conditions at the various juvenile facilities, as well as the programming and services being provided by the Respondents to promote the rehabilitation of juveniles. While many positive policy changes have resulted from the instant litigation, there continues to be setbacks and, at times, even resistance to the changes, despite the Respondents’ implementation of those new policies. Many changes have occurred over a relatively short period of time (in great measure due to the cooperative spirit of all involved) but many of these improvements are not yet fully ingrained into the practices of the facilities. Further, due to the

¹⁶ For example, routinely many courts around the state, including the undersigned, will hold review hearings on juveniles placed in DJS custody every 90 days to check on the progress of a juvenile’s rehabilitation and education.

continued transitioning within DJS and its facilities, it is apparent to the Court that there is a need for continued monitoring to ensure that the changes as agreed to by the parties continue to progress, to oversee the practices by the Respondents herein, and to work towards improving the potential outcomes of youths committed to facilities operated by the Respondents. Fortunately for the Court and the parties herein, the Court has had the services of Cindy Largent-Hill, and her staff who have provided the monitoring to the Court and the parties. As the parties are aware, Ms. Largent-Hill also works for the Supreme Court's Adjudicated Juvenile Justice Rehabilitation Commission. By having Ms. Largent-Hill as the Court's monitor, this Court has saved the parties tens of thousands of dollars in additional costs by not having to pay for monitoring services since Ms. Largent-Hill and her staff is already paid by the Administrative Office of the Supreme Court of Appeals. Ms. Largent-Hill and her staff have proved instrumental and helpful to this Court during these proceedings. Furthermore, while this case is coming to an end, the Supreme Court's Adjudicated Juvenile Justice Rehabilitation Commission work is not. While the Commission's goals and work are much larger than the issues that were before this Court, there is no question that the issues before this Court are matters within which the scope of the work that the Commission is undertaking. Therefore, this Court hereby **ORDERS** that monitoring that has been undertaken by Ms. Largent-Hill and her staff for this litigation continue under the direction and control of the Supreme Court's Adjudicated Juvenile Justice Rehabilitation Commission. While the Commission does not have the ability to litigate disputes as a Circuit Court would have, the cooperative atmosphere that the parties have operated under during this litigation, will allow parties to have a mechanism to work through the Commission to hopefully resolve any issues that may arise in the future. By utilizing the Supreme Court's Adjudicated Juvenile Justice Rehabilitation Commission to continue the monitoring, once again

this Court is saving the parties untold tens of thousands of dollars versus the cost to the parties of having a different monitor selected to continue the monitoring contemplated by this Court's Order herein. Of course there is nothing that prevents the parties from going back to Court should either or both feel it necessary to reopen this litigation in the future. The duration and scope of the monitoring shall continue for as long as the Supreme Court's Adjudicated Juvenile Justice Rehabilitation Commission deems such monitoring necessary.

The Court cannot commend the parties enough of their cooperative rapport shown throughout this case has led to quick resolution of many of the issues initially brought to the Court's attention and has further led to greatly needed improvements to the juvenile justice system in a short period of time. Based on the rapport that has developed over the last several months during the litigation of this case, the Court recommends that the parties should continue to exchange information and updates concerning the development of the Division's transitioning evident in this case. These issues continue to be addressed by the Commission which may prevent further litigation or the reopening of this case, so long as the parties maintain the course that they have taken since the beginning of this proceeding. For example, the parties have been exchanging emails regarding room detentions that have occurred. This Court believes that those emails should continue as they are helpful to the parties, to the monitor and also reflect well upon DJS that they are complying with the procedures agreed to by the parties.¹⁷

¹⁷ However, DJS will no longer have to send those notices to the Court, but should continue to send them to Petitioners' counsel and to Ms. Largent-Hill, the Court's monitor.

Change in Leadership



With the conclusion of the above mentioned lawsuit, Chairwoman Justice Margaret Workman asked Judge Aboulhosn to rejoin the Commission. He had been one of the original members of the Commission but resigned after accepting the appointment to preside over the lawsuit between Mountain State Justice and the West Virginia Division of Juvenile Services.

← Judge Omar Aboulhosn

Justice Workman believed this was an appropriate juncture to step away as Chairwoman and asked Judge Aboulhosn to step in as Chairman of the Commission. With the Commission's continued task of monitoring the agreed components of the lawsuit order, Justice Workman believed Judge Aboulhosn was in the best position to assume this leadership position. She will continue to stay informed and will assume more of an administrative role.



Justice Margaret Workman

Both Justice Workman's commitment to juveniles in the justice system and her insight into forming the Adjudicated Juvenile Rehabilitation Commission has had a significant impact on the state's juvenile justice system. During its short tenure of existence, in collaboration with the other branches of government, the following has occurred:

- ▶ The West Virginia Industrial Home for Youth was closed, a change which is in line with current national trends and established best practices;
- ▶ The Division of Juvenile Services now focuses on enhancing rehabilitative services and treatment opportunities;
- ▶ There continues to be open and positive dialogue between all three branches of government;
- ▶ Commission staff authored proposed legislation and worked closely with legislators and legislative staff to introduce bills enhancing the multidisciplinary team (MDT) process for juveniles in the custody of the West Virginia Division of Juvenile Services; and
- ▶ Circuit Court Judges have a resource available to provide information on processes, facilities, programs, care and treatment for juveniles on their dockets.

Renaming of the Commission

Justice Workman reflected that at the creation of the Commission, its name was descriptive of its mission. However, the work of the Commission evolved and its initial concerns have expanded. As a result, Justice Workman believed the title no longer reflected what the Commission has become. She suggested changing the name to indicate this broader scope of work. The members unanimously decided on the *Juvenile Justice Commission*.

Changing the Title of the Monitor

Justice Workman further suggested changing the title of the monitor. The members agreed that the tasks assumed by the monitor have grown and go beyond facility monitoring. It is the desire of the Commission that the staff position perform the following duties:

- Continue with regular facility (Division of Juvenile Services and Department of Health and Human Resources) visits and reviews;
- Provide consultation to the court;
- Act as a resource to stakeholders in the juvenile justice system; and
- Serve as an advocate for the juvenile justice process to work as intended.

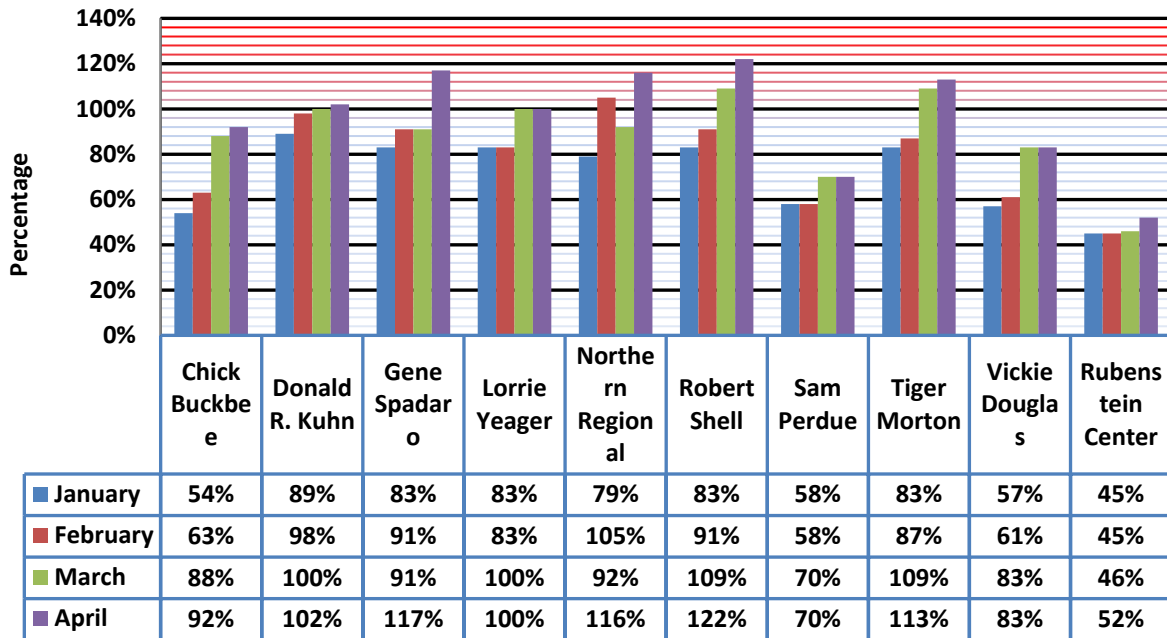
Supreme Court Administrative Director, Steve Canterbury suggested the title of Director—as that fits into the existing organizational structure of the Supreme Courts Administrative Office—and all agreed to change the title to *Director of the Juvenile Justice Commission*.

West Virginia Division of Juvenile Services Capacity Concerns

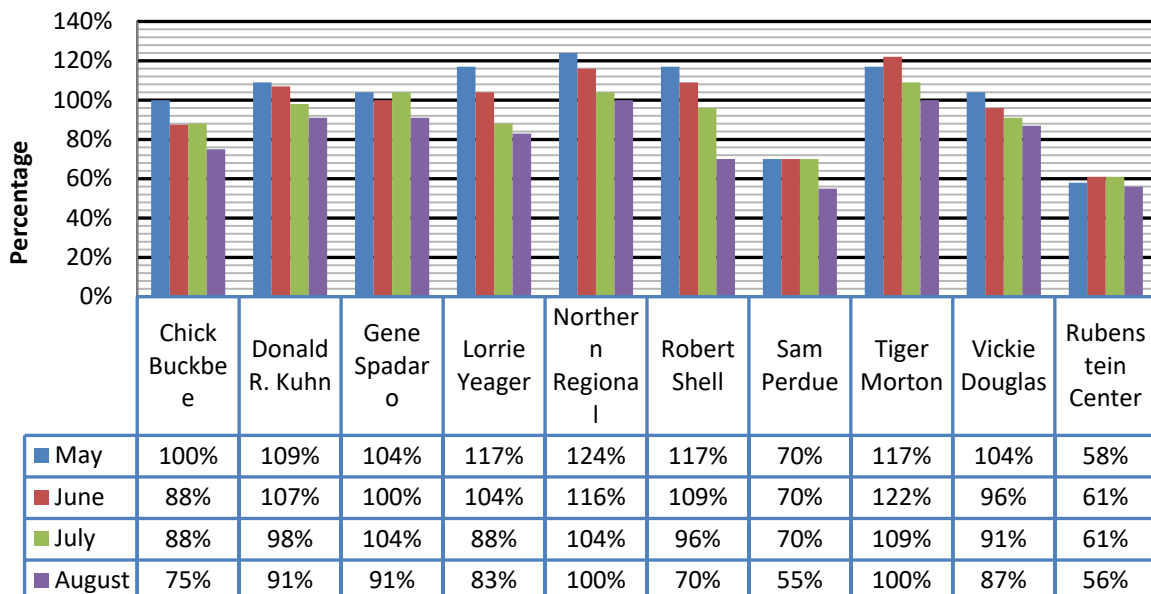
With the closing of the West Virginia Industrial Home for Youth and the relocation of the Harriet B. Jones Sex Offender Program, the Division of Juvenile Services has undergone a realignment of facility functions. With these changes, the number of beds substantially decreased. This led to significant concerns about overcrowding and mixed populations. The Juvenile Justice Director began monitoring the lengths of stay for youths in detention facilities—especially those awaiting an out-of-home placement. Working in concert with facility directors and case managers, residents at each of the facilities are reviewed weekly. Items addressed are lengths of stay, scheduling (and attendance) of multidisciplinary teams, processing of necessary paperwork (i.e. Interstate Compact, Medicaid MCMI) and presenting problems like cognitive functioning and mental health symptoms. This task has heightened the Commission's awareness of problems which interfere with and sometimes halt the transition of youths from detention to rehabilitation.

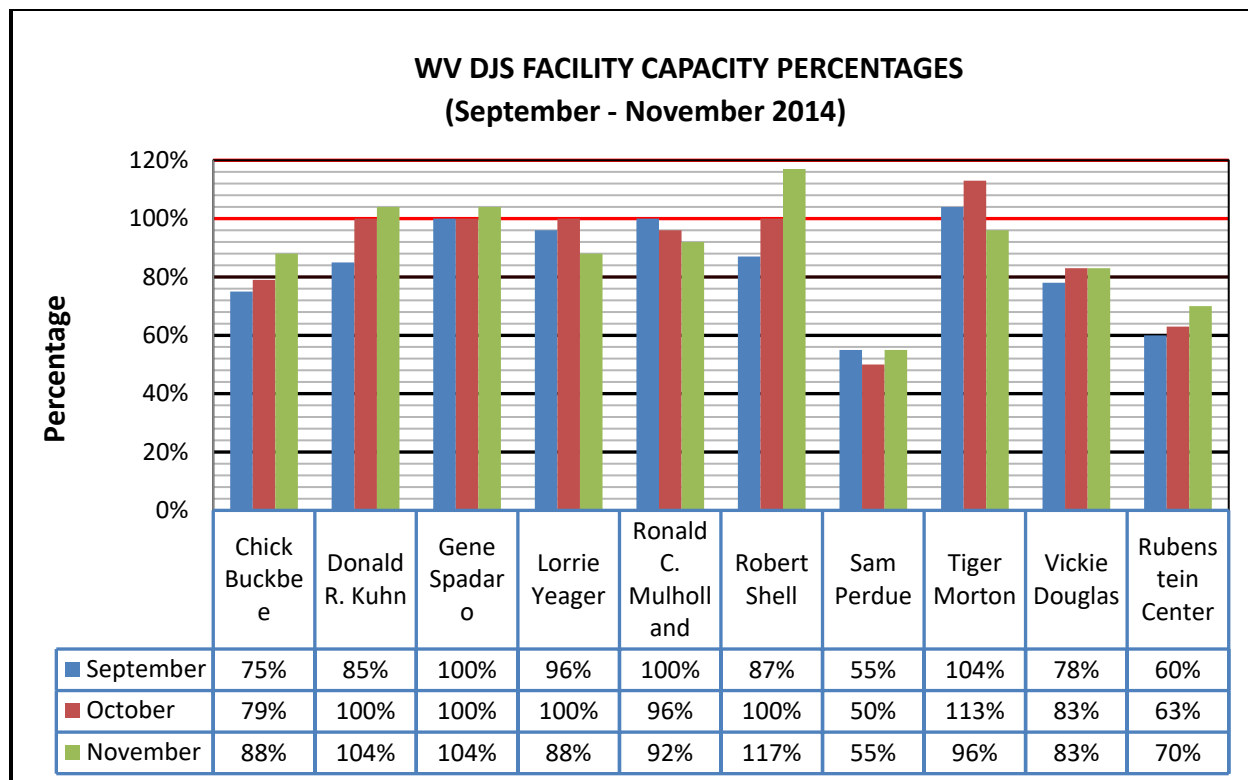
(The Compilation Reports are shown on the following page)

WV DJS FACILITY CAPACITY PERCENTAGES (Jan-April 2014)



WV DJS FACILITY CAPACITY PERCENTAGES (May - August 2014)





Areas of Interest

The Commission has continued its practice of inviting guest speakers to discuss items of concern or to become more aware of current issues. Speakers in 2014 included:

- Sue Hage, DHHR Bureau for Children and Families Deputy Commissioner and Laura Barno, Program Manager for Regulatory Managements, who; presented information on licensing mechanisms for residential providers, in and out-of-state;
- Dr. Tim Saar and Eric Walls, who; addressed the ongoing struggle for mental health professionals receiving payments for evaluations and services provided;
- Jason Wright, Division of Juvenile Services Director for the Youth Reporting Centers, who; provided an update on current locations and services provided in each of the Division’s community-based centers and shared eligibility criteria and census information;
- Senator William Laird and Kathy Smith, who; shared the juvenile justice platform of the “Our Children, Our Future” initiative; and
- Pew Charitable Trust staff, who; discussed the West Virginia Intergovernmental Task Force and its work.

Welcome New Commissioners

With the broadened mission and increased focus on systemic issues, the Commission expanded its judicial membership of the Commission. The Honorable Phillip Stowers and Honorable Joanna Tabit joined the Commission in December 2014.



Judge Phillip Stowers
29th Judicial Circuit



Judge Joanna Tabit
13th Judicial Circuit

First Position Paper

As the scope of their work expanded, Commissioners expressed a desire to develop a position paper. Throughout its work, the Commission has maintained a list of ongoing focus areas which appear to impede the progression of the state's juvenile justice system. The Commission desires to provide a consistent and concise response to major issues which need to be addressed and/or in which corrective actions need to be implemented. The areas of concern include:

- Attorney Representation;
- Sentencing Mandates;
- Alternatives to Detention and/or Incarceration;
- Continuum of Services; and
- Evaluations and Assessments.

(A copy of the Position Paper is shown on the following page)

Juvenile Justice Commission Position Paper

The Supreme Court of Appeals of West Virginia is committed to a juvenile justice system that promotes goals established by the legislative and executive branches as found in W.Va. Code § 49-1-1, which includes effective interventions that will enhance the likelihood of rehabilitation and behavior reform. With the establishment of the Adjudicated Juvenile Rehabilitation Review Commission, renamed the Juvenile Justice Commission, a formal mechanism was established by the Court to study our state's juvenile justice system. The Juvenile Justice Commission believes that through collaboration and communication between the Court, the Legislature, and the Executive branch of government, West Virginia can identify, invest, and organize the resources that will produce the best possible outcomes for youths placed in the juvenile justice system.

The Juvenile Justice Commission applauds Governor Earl Ray Tomblin for his commitment to the juvenile justice system and for establishing the West Virginia Intergovernmental Task Force on Juvenile Justice. Through the partnership with Pew Charitable Trusts and by organizing an across-all-branches-of-government collaboration, systems reorganization and implementation can be studied with an evidence-based, data-driven approach. This is critical in establishing systems to serve children in the system and their families. It will also meet the additional goal of enhancing public safety by implementing programs that will result in proven, positive outcomes.

¹ (a) The purpose of this chapter is to provide a coordinated system of child welfare and juvenile justice for the children of this state that has goals to:

- (1) Assure each child care, safety, and guidance;
- (2) Serve the mental and physical welfare of the child;
- (3) Preserve and strengthen the child's family ties;
- (4) Recognize the fundamental rights of children and parents;
- (5) Adopt procedures and establish programs that are family-focused rather than focused on specific family members, except where the best interests of the child or the safety of the community are at risk;
- (6) Involve the child and his or her family or caregiver in the planning and delivery of programs and services;
- (7) Provide services that are community-based, in the least restrictive settings that are consonant with the needs and potentials of the child and his or her family;
- (8) Provide for early identification of the problems of children and their families, and respond appropriately with measures and services to prevent abuse and neglect or delinquency;
- (9) Provide a system for the rehabilitation of status offenders and juvenile delinquents;
- (10) Provide a system for the secure detention of certain juveniles alleged or adjudicated delinquent;
- (11) Provide a system for the secure incarceration of juveniles adjudicated delinquent and committed to the custody of the director of the division of juvenile services; and
- (12) Protect the welfare of the general public.

Since its establishment, the Juvenile Justice Commission has learned of various problems that hinder the best possible interventions for youths in the juvenile justice system. The following statements reflect the Juvenile Justice Commission's positions on areas of concern.

Attorney Representation

While interviewing juveniles in the custody of the West Virginia Division of Juvenile Services, overwhelming information was received indicating the lack of contact with counsel during all parts of the adjudication process. Not only do juveniles have the right to counsel, assigned/appointed attorneys serve as advocates for the youths in a complicated and often confusing process. It is our goal that adequate and effective representation happens throughout the entire adjudicatory process, including disposition and post-disposition proceedings. Attorneys for juveniles need to understand that their representation of clients detained or sentenced to juvenile placements, -- either DJS or DHHR based, -- DOES NOT end until clients are returned home or have achieved permanency, and dismissal orders have been entered by the Court. The failure of a juvenile's counsel to represent a client adequately, even while detained or in placement, has long-term negative impact on the youth that frustrates the goals as outlined above in Footnote 1.

Sentencing Mandates

Sentencing options for juveniles are often either "completing the program" or "flat" (fixed time frame) sentences. As research has been completed on adolescent development of the brain, it has been noted that motivation can be a struggle for teens. This is especially challenging for teens in the juvenile justice system, who present with chaotic family situations, learning disabilities, histories of substance abuse, and mental health concerns. It is our desire that sentencing options encourage quarterly multidisciplinary team meetings that include recommendations from treatment teams and the completion of individualized service plans. Further, we discourage the use of "flat sentences" and encourage the focus to be on completion of programs or achievement of established treatment goals.

It is important for the public and those involved in the Juvenile Justice system to remember the mission of the juvenile justice system is two-fold: rehabilitate juveniles and protect the public. With that said, flat sentences of juveniles may not serve the goal of rehabilitating juveniles as a detainee would have successfully complete the plan of rehabilitation but would not be permitted to be released because of not having completed the flat sentence. We have found that some juveniles with flat sentences do NOT behave as well after completing the rehabilitation part of the program as there is no incentive, such as level increases leading to early release, for behaving well.

Alternatives to Detention and/or Incarceration

Evidence continues to show that incarceration or residential placement of juvenile offenders is often counterproductive to rehabilitation and reform. Incarceration and residential placement has been demonstrated to be ineffective, antiquated, and expensive. While we recognize the need for consequences for misbehavior and the importance of public safety, we advocate strongly for providing services that will re-direct these teens toward becoming successful young adults. With appropriate re-direction of resources, research has shown that in many cases where incarceration or residential placement of youths currently are ordered, better outcomes and less recidivism occur when youths are ordered to complete community based programs. It is our hope that, in appropriate cases, a continuum of services is developed and available in each juvenile's home/community. Further, it is our belief that with the development of community-based services, the current bed capacity for the Division of Juvenile Services will adequately serve those West Virginia youths who need detention or commitment.

Continuum of Services

The Juvenile Justice Commission realizes the term "continuum of services" is used frequently throughout the systems serving West Virginia's children and families. However, without organizing a system of interventions that address the individualized needs of a youth and his/her family in a local setting, successful outcomes will be difficult to achieve. A focus on diversion and treatment versus the belief that treatment requires out-of-home placement is necessary when embracing a community-based philosophy. If out-of-home placement is necessary, we encourage the establishment of a service plan that includes rehabilitative programs (individualized to that juvenile), specific goals leading to transition, and strong discharge plans. This should be established and reviewed using the multidisciplinary team process.

The Juvenile Justice Commission is interested in the opportunities offered through the Division of Juvenile Services Youth Reporting Centers. It is our goal to learn more about this intervention strategy and how it fits into the community-based continuum.

Evaluations and Assessments

The clients within this system are children; teenagers who are still growing and developing. Because of the complex issues involved in working with adolescents, combined with sometimes chaotic family situations, learning disabilities, histories of substance abuse, and mental health concerns, we feel compelled to emphasize our support for assessments and evaluations.

These should be concise and timely. A report outlining all components of a youth's presenting issues is necessary prior to organizing treatment services. We would further encourage that these assessments include each youth's family/home environment, and if at all possible be conducted locally allowing a juvenile to stay close to home (if not feasible to be in the home) throughout the assessment process. Local, community-based, forensic mental health and educational evaluations, as opposed to longer duration evaluations of forty-five or sixty days, provide for less disruption in a juvenile's education, thereby promoting the added goal of keeping children from falling behind in school. Evidence suggests that juveniles who are held back a year in school are often less likely to complete their high school education. Failing to graduate high school is one of the critical factors that lead to criminal conduct as an adult. Therefore, minimizing the disruption to a juvenile's education by completing local evaluations, or evaluations that last no longer than ten to fourteen days of detention, will once again promote the goals as outlined above in Footnote 1.

West Virginia Intergovernmental Task Force on Juvenile Justice

Governor Earl Ray Tomblin, along with Chief Justice Robin Davis, Senate President Jeffrey Kessler, and House of Delegates Speaker Tim Miley, established a task force whose sole focus was the state's juvenile justice system. In June 2014, the West Virginia Intergovernmental Task Force on Juvenile Justice began a comprehensive analysis of the system that included an extensive review of data. This information was obtained, studied, and presented by systems experts from the Pew Charitable Trust Foundation. After a series of meetings, a report was generated which included key findings and policy recommendations.

(Link to the report is provided below)

<http://www.governor.wv.gov/Documents/Final%20Report%20of%20the%20WV%20Intergovernmental%20Task%20Force%20on%20Juvenile%20Justice.pdf>

The West Virginia Intergovernmental Task Force's broad findings called for establishing early intervention, diversion, and community-based programs. With the implementation of these types of programs and expanding evidence-based options, judges and multidisciplinary team members will have options and tools to assist juveniles in the system. In turn, it is expected that the number of youth placed out-of-home will decrease and recidivism rates will decline.

Commission members who also served on the Intergovernmental Task Force were Director Canterbury, Deputy Superintendent Heinlein, Twenty-Eighth Judicial Circuit (Nicholas County) Judge Gary Johnson, Judge Aboulhosn, The Rev. Matthew Watts, and Cindy Largent-Hill, Director of the Juvenile Justice Commission.

Collaborative and Learning Efforts

The Juvenile Justice Commission is represented on a number of formal groups related to the juvenile justice system within the state and on a national level. This enhances the Commission's goal to work with all three branches of government and to become more knowledgeable on evidence-based practices and national trends. Those groups include

- Court Improvement Program Board;
- Court Improvement Program Subcommittee – Youth Services Committee;
- Court Improvement Program Subcommittee – Multidisciplinary Team Committee;
- Court Improvement Program Subcommittee – Behavior Health Committee;
- Court Improvement Program – Statutory Retreat (Chapter 49 review and rewrite);
- West Virginia Intergovernmental Task Force on Juvenile Justice;
- West Virginia Intergovernmental Task Force on Juvenile Justice respective sub-groups;

- Department of Health and Human Resources Commission to Study Residential Placement of Children;
- National Governor’s Association Three Branch Institute on Child Social and Emotional Wellbeing Core and Home Teams;
- Three Branch Institute on Child Social and Emotional Wellbeing Capacity and Access Workgroup;
- Three Branch Institute on Child Social and Emotional Wellbeing Out-of-Home Placement Workgroup;
- Department of Education – Education of Children in Out-of-Home Care Advisory Committee;
- West Virginia’s Justice Task Force Regional Training;
- Annie E. Casey Foundation - Juvenile Detention Alternatives Initiative Conference;
- Pew Charitable Trust Foundation Conference - Getting Results in Juvenile Justice: Improving Outcomes and Containing Costs; and
- Our Children, Our Future Annual Symposium (specifically the Juvenile Justice Panel).

Cindy Largent-Hill, Juvenile Justice Commission Director, spoke to the following groups or organizations on the Commission and/or other juvenile justice related issues:

- Council of Agency Executives, Kanawha County;
- Morgan County Starting Points, Morgan County;
- National Association of Social Workers, West Virginia Annual Spring Conference (with Division of Juvenile Services Director Stephanie Bond);
- West Virginia Division of Juvenile Services, Employee Academy Graduation; and
- Morgan County Teen Court – Student Club Meeting.

Cindy Largent-Hill and Alicia Lauderman Mascioli, Deputy Director of the Juvenile Justice Commission facilitated or participated in conversations with various agencies:

- Department of Health and Human Resources and the Division of Juvenile Services (Chaffee/Modify - transitional programs);
- Division of Juvenile Services and Supreme Court Drug Court Staff (Juvenile Drug Court Sanctions - use of detention facilities);
- Division of Juvenile Services (HB 2780 – use of the multidisciplinary team meetings);
- Division of Juvenile Services and Department of Education (low census issues at the Rubenstein Center);
- Donald R. Kuhn Advisory Board (concerns about staff and resident safety);

- Communication Workers of America, Military Affairs and Public Safety, Division of Juvenile Services, with Judge Aboulhosn (concerns about safety issues at the Donald R. Kuhn facility);
- United States Department of Justice – Civil Rights Division (interested in the availability and accessibility of children’s mental health services);
- West Virginia Chief Public Defender, Dana Eddy and staff (share mission of Juvenile Justice Commission);
- American Civil Liberties Union – West Virginia, with Division of Juvenile Services Director Stephanie Bond (discuss the work of the Intergovernmental Task Force recommendations);
- Emergency Shelter Care Network, with Judge Aboulhosn, West Virginia Division of Juvenile Services, and Governor’s Legislative Director Joseph Garcia (discuss current population trends in shelter care); and
- Department of Education – Transition Specialist (explained mission and history of Juvenile Justice Commission).

Closing Remarks

Rehabilitation is the key!

West Virginia Supreme Court Justices believe that positive, consistent rehabilitation programs make sense; hence the Juvenile Justice Commission was created. Providing proven evidence-based interventions can significantly impact the system in a variety of ways – producing positive attitudes, providing education and vocational opportunities, teaching better decision making, enhancing public safety, and offering a savings of state dollars.

Formally, by way of the sharing of Commission and Intergovernmental Task Force conversations, data, reports, and position papers, the three branches of government have committed to collaborating, problem solving, and altering the processes within the system.

West Virginia has embarked on this journey of rehabilitating our state’s juvenile justice system. As we move forward and focus the system on our youth, providing interventions at the right time can improve lives, reduce out-of-home placements, decrease recidivism, and enhance public safety.



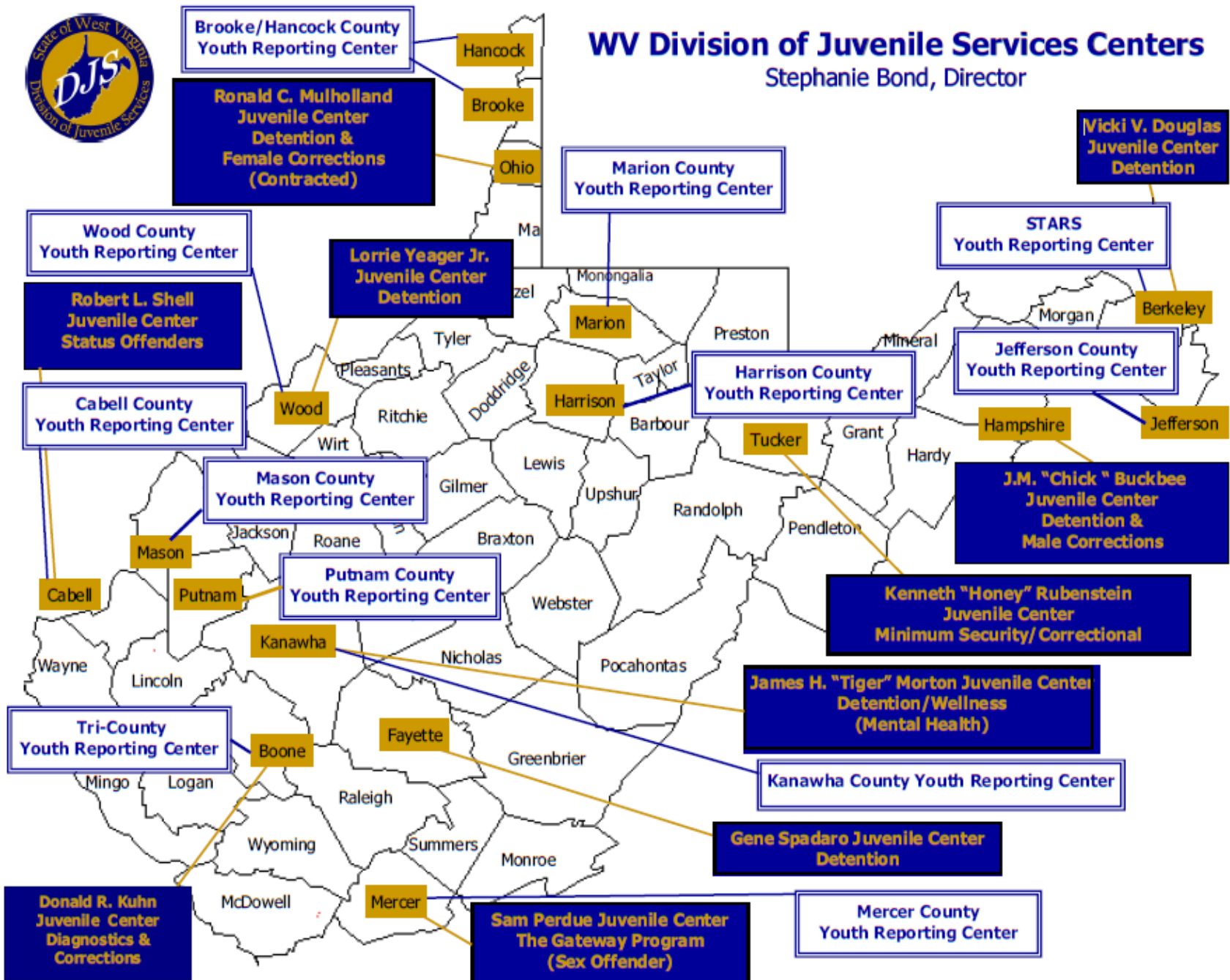
Responsibilities of the Juvenile Justice Director

- Identify systems issues for juveniles in the court system;
- Review and evaluate treatment and rehabilitative services;
- Compare specific treatment and rehabilitative services with the national standards of care;
- Ensure that treatment programs are evidence-based and offer outcomes measures;
- Review and evaluate policies and standard operating procedures for the facilities operated by and/or contracted by the Division of Juvenile Services and the Department of Health and Human Resources;
- Ensure compliance and implementation of appropriate policies and procedures;
- Conduct regular site visits to designated facilities at a minimum of twice per month, interviewing staff members, reviewing write-ups of residents, and interacting with residents;
- Advocate for the rights of juveniles in the justice system;
- Review agency investigations to ensure a fair and impartial process;
- Investigate complaints and/or issues of concern;
- Ensure a coordinated and comprehensive planning process for successful reentry and transition into the juvenile's home community;
- Act as a liaison for the circuit judges to the facilities so that judges can be made aware of issues regarding the juveniles' care, supervision, and treatment;
- Work with the Department of Education's Office of Institutional Education to ensure that appropriate, meaningful, academic services are being provided that meet national standards;
- Represent the Commission as directed by the Commission and/or the Court at various forums or with various initiatives as they materialize;
- And report all of these activities – and any others as they come up – to the Commission at each meeting.



WV Division of Juvenile Services Centers

Stephanie Bond, Director



Quarterly Monitoring Form

**Juvenile Justice Commission
Facility Monitoring Summary**

Date: _____

Facility	Date	Findings	Remedy
Chick Buckbee Hampshire Co. (detention & commitment)			
Donald R. Kuhn Boone Co. (detention, diagnostic, max/med commitment)			
Gene Spadaro Fayette Co (detention)			
Lorrie Yeager Wood Co. (detention)			
Northern Regional Ohio Co. (detention & female commitment)			
Sam Perdue Mercer Co. (sex offender)			
Robert Shell Cabell Co (status offender – DHHR)			
Tiger Morton Kanawha County (detention & beh. health commitment)			
Vicki Douglas Berkeley Co (detention)			
Rubenstein Center Tucker Co (med/min commitment)			

Note: Director receives monthly Self Harm Reviews. DJS conducts a clinical and procedural review of ALL suicide management interventions that occur in the DJS facilities. Those reviews include a summary of the incident, policy issues, training issues, precipitating factors and recommendations for changes. There are also sections to address concerns & remedies.

Facility Monitoring Form

Facility: _____

Census: _____

Date: _____

General Issues	Per Court Order	Current Status	Staff / Resident
Residents are out of rooms 6 am – 8 pm; 7 days/week (A. 1.)			
Programming/Activities are offered for most of day/evening (A.1.)	On unit programming/written schedule posted (1. & 2.)		
Unit has an hourly detailed activity schedule & it is followed (A.2.)	Hourly programming posted schedule (2. & 3.)		
Outdoor recreation is offered 1 hour/weekdays and 2 hours/weekends (A. 4.)	Organized daily outside recreation (i.e. sports and positive organized activities) (4)		
Resident Handbook (D. 19.)	Handbook-range of potential sanctions for each violation (19.)		
Food is not w/held due to punishment (H. 47. a)			
Residents talk during meals (H. 48)			
Residents are not cuffed/shackled during movement on unit (H. 47. b)			
No random strip searches (H. 49)			
Visitation is available daily (H. 52. a)	Visitation programming (52. d & (52. e)		
Visitation Coordinator (H. 52. c)	No visitation coordinator actively performing functions (52. c)		
Visitation area & plan (H. 52 d & e)	Visitation plan with specifics (52. e)		
Prison clothing changes	Slacks and polo shirts – no prison garb (H. 50.)		
Shoes provided include athletic, good quality (not flops) (H. 51.)			
Girls' hair can touch neck (H. 50.c.)			

Mattress, pillow and clothing storage (H. 53)	Room Accommodations (53.)		
Bathroom Access: Toilet at night; toilet paper (H. 54.a. & b.)			
Room Confinement			
DJS Policy 332.00: <i>Specialized housing is used for residents who are separated from others due to medical necessity, sanctions, behavioral concerns, a court order, or protective custody</i>	NO ROOM CONFINEMENT (whether doors open or closed) No LOH, no CO sending to room; no euphemisms such as EBT; no lockdowns; not sending to room before & after meals (A.1.)		
Incidents are documented – with reason, staff initiating, duration (B. 7.)			
Access to daily shower, large muscle recreation, similar food, education (B. 8.)			
Medical and/or mental health talked with resident daily (face/face; not thru door) (B.9.)			
Time Out not to exceed 4 hours (out of control) (B.10.)	Time out only while not in control (not in control means actively engaged in physically disruptive conduct at that moment (10. & 11.)		
Time Out exceeding 4 hours approved by Admin. (B.11.)			
Confinement due to major infraction not to exceed 3 days (B. 12.)			
Due process was used (B.13.)			
Ad Seg (sparingly) not to exceed 10 days; direct order & detailed reasons available in writing (B. 14.)	Per DJS Policy 332.00: <i>Bhv Mgmt Plan developed in 2 calendar days by tx team</i>		
Resident on Ad Seg can verbally explain why and process to be removed (B.15.)			

Ad Seg exceeding 10 days involves C'Office (B. 16.)	<i>Per DJS Policy 332.00: 7 day perpetual review by Facility Admin</i>		
Modified Procedures for Safety			
<i>DJS Policy 332.00: Residents may be segregated prior to hearing if they are being physically aggressive with other staff and/or residents and are not amenable to reasonable direction and control.</i>	Per May 3, 2013 Order: To provide for the safety and protection of residents & staff; when resident is physically aggressive & is NOT amenable to reasonable direction & control		
Immediate sanction of room confinement up to 3 days	Severe cases up to 10 days – determined by due process		
Due Process hearing held within 24 hours	As outlined in November 27, 2012 Order		
Specialized Housing procedures should be followed	As outlined in November 27, 2012 Order		
Mechanical restraints used for resident movement in facility	Determined by Supt/Director; only as a SAFETY measure		
Written notice is made	Forwarded to Monitor with explanation		
Immediate notice to court, monitor & parties' counsel; within 24 hours	Every time the procedures outlined in May 3 Order are implemented		
Suicidal Procedures			
Protocol was followed as outlined.	DJS to provide monthly reports to Monitor.		
Disciplinary Due Process			
Resident received written notice of violation 24 hours before hearing (no punish prior to) (D. 21.)	Receive and retain written notice of rule violation at least 24 hour prior to hearing (21)		
Resident was heard during hearing & has witnesses (D. 22.)	Hearing – opportunity to present witnesses (22)		
Resident received written decision with reasons and sanctions; based upon evidence (D. 23. 24.)	No prehearing sanctions (25) Written decision – nature & duration of sanctions (24) Written decision based only on evidence at hearing (24)		

Right to appeal decision (D. 26.)	Right to appeal (26)		
Tracking process (D.27.)			
Grievance Process			
Access to process – locked box; handled by Supt/Director (E. 29 30.)			
Receive written copy of decision (E. 32.)			
Tracking process (E. 33.)			
Other			
Mail: scanned in front of resident; if censored resident notified (F. 35.)			
Resident receive 10 stamps/month; delivered immediately; photos permitted; receive writing supplies (F. 39. & 40. 41. & 42.)			
Telephone: free calls/week minimum of 15 min.; reasonable privacy (G. 43.)			
Permitted to receive calls from attorneys, other professionals & close family any time; unrestricted legal calls (G. 45. & 46.)			

Items to be tracked for Juvenile Justice Commission

MDT Meetings			
Was MDT held prior to placement (other than detention)	N/A		
Quarterly MDT's while in placement	N/A		
MDT was pre-scheduled; meeting conducted with stakeholders invited and/or present	N/A		

Attorney Contact			
Resident spoke with attorney prior to hearing	N/A		
Resident has had contact with attorney since placement (detention, commitment, residential)	N/A		

Additional Comments

Submitted by: Cindy Largent-Hill
 Form revised April 1, 2014