Report of the West Virginia Intergovernmental Task Force on Juvenile Justice

December 1, 2014

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Final Report of the West Virginia Intergovernmental Task Force on Juvenile Justice

I. EXECUTIVE SUMMARY

In June 2014, the West Virginia Intergovernmental Task Force on Juvenile Justice was established under the leadership of Governor Earl Ray Tomblin, Chief Justice of the Supreme Court of Appeals Robin Jean Davis, Senate President Jeffrey Kessler, House of Delegates Speaker Tim Miley, Senate Minority Leader Mike Hall, and Supreme Court of Appeals Administrative Director Steve Canterbury. The charge of the Task Force was to conduct a comprehensive analysis of the state's juvenile justice system. The Task Force conducted an extensive review of data and produced a set of policy recommendations that meets its charge: protecting public safety by improving outcomes for youth, families and communities; enhancing accountability for juvenile offenders and the system; and containing taxpayer costs by focusing resources on the most serious offenders.

A. Status Offenses versus Delinquency Offenses

During this process, the Task Force discovered a remarkable shift in the profile of youth entering West Virginia's juvenile justice system over the past decade. Succinctly, the vast majority of youth now entering the West Virginia's juvenile justice system are being adjudicated for lower-level offenses, including status offenses.[1] Status offenses are acts that would not be a crime if committed by an adult, such as truancy, consumption of alcohol or tobacco products, or running away from home. Delinquency offenses, on the other hand, are offenses that would be considered crimes regardless of age. The recommendations contained in this report are focused solely on the increase in the number of status offenders and lower level misdemeanants entering West Virginia's juvenile justice system and do not pertain to serious or violent crimes.

B. The Juvenile Justice System

A youth becomes involved with the juvenile justice system when he or she is either arrested by law enforcement (often for a delinquency offense) or referred to court for a petition to be filed (often for a status offense). At that point, one of three things generally occurs. First, the petition can be moved through court processing and the youth found responsible and adjudicated. Second, the youth could receive an informal diversion prior to adjudication, which often occurs through an "improvement period." Third, the petition can be dismissed, at which point the case ceases to move forward and no further action is taken. If the youth is found responsible and adjudicated, he or she may be referred to the Department of Health and Human Resources ("DHHR") for services in the community, placed on probation supervision in the community, or placed out-of-home through DHHR or the Division of Juvenile Services ("DJS") custody.

[1] Unless otherwise noted, analyses in this report were conducted by The Pew Charitable Trusts, based on data from West Virginia's Administrative Office of the Courts (AOC), the Department of Health and Human Resources (DHHR), and the Division of Juvenile Services (DJS).

C. Key Data Points and Research

Within this system flow, according to data and research analyzed by the Task Force:

- Between 2002 and 2012, the number of court referrals for delinquent offenses actually declined by 55 percent; during the same period of time, referrals for status offenses increased by 124 percent.
- Status offenders currently occupy a large portion of out-of-home placements. Many of these placements cost more than $100,000 per bed per year, and are the most expensive resource in the system.
    - The number of status offenders placed out-of-home by DHHR increased 255 percent between 2002 and 2012. Three-quarters of juvenile justice system youth placed in facilities by DHHR in 2012 were status offenders or misdemeanants. Just under 50 percent of these youth had no prior contact with the court. This means that these youth had never been arrested for a crime or referred to court, informally or formally, for any type of behavior or offense, status or delinquent.
    - More than half of the youths committed to the custody of DJS in 2012 were misdemeanor offenders or probation violators.
- The average length of stay for youth placed in DHHR facilities has increased to 15 months, an increase of 11 percent since 2003.

Research has demonstrated that lengthy out-of-home placements (1) fail to produce better outcomes than alternative sanctions for many youth, (2) are more expensive, and, (3) sometimes even increase recidivism.[2] Recidivism can be measured in several ways, but is commonly measured as the rate at which juvenile offenders have subsequent contact (e.g., arrest, adjudication or conviction, commitment or incarceration) with the justice system during a specified time period. This is a critical measure of effectiveness of the juvenile justice system, and states have demonstrated that evidence-based services in the community can be more effective in keeping young people from reoffending.[3] Furthermore, despite wide-ranging efforts from leaders across West Virginia to use available resources to address truancy and other lower level offenses, the state lacks a comprehensive network of alternatives for youth. This insufficient access to community-based options is the main reason why large numbers of low-level, nonviolent offenders go through the court process and are placed in residential facilities.

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[2] Edward P. Mulvey, et al., "Trajectories of desistance and continuity in antisocial behavior following court adjudication among serious adolescent offenders," Development & Psychopathology 22 (2010): 453–475; Daniel S. Nagin, Francis T. Cullen, and Cheryl Lero Jonson, "Imprisonment and reoffending," in Crime and justice: A review of research, ed. Michael Tonry. (Chicago: University of Chicago Press, 2009), 115–200; Patrice Villettaz, Martin Killias, and Isabel Zoder, "The effects of custodial vs. noncustodial sentences on re-offending: A systematic review of the state of knowledge," (Oslo, Norway: The Campbell Collaboration, 2006); Christopher T. Lowenkamp and Edward J. Latessa, "Evaluation of Ohio's RECLAIM funded programs, community corrections facilities, and DYS facilities," (Cincinnati, OH: University of Cincinnati, 2005); Paula Smith, Claire Goggin, and Paul Gendreau, "The effects of prison sentences and intermediate sanctions on recidivism: General effects and individual differences," (Ottawa, Ontario, Canada: Solicitor General of Canada, 2002).

[3] Christopher T. Lowenkamp and Edward J. Latessa, "Evaluation of Ohio's RECLAIM funded programs, community corrections facilities, and DYS facilities," (Cincinnati, OH: University of Cincinnati, 2005).

D. Task Force Recommendations Overview

Based on these findings, the centerpiece of the Task Force's recommendations is a stronger network of evidence-based programs in the community. These programs will permit many lower-level offenders currently placed in expensive residential facilities to be safely and more effectively held accountable in their home communities, thus reducing the number of youth who go on to commit additional crimes and cutting costs significantly, while also strengthening families and neighborhoods. As a result, more youth will be on track towards becoming productive members of society and part of West Virginia's future workforce.

Briefly, these recommendations include:

- Expanding opportunities for early intervention and diversion by providing additional tools in schools to address truancy earlier and connecting youth with critically needed community services.
- Enhancing effective community services and expanding evidence-based options to give judges proven tools to reduce juvenile delinquency.
- Increasing data collection, outcome information, and information sharing to ensure taxpayer dollars are used in their most efficient ways.
- Targeting system resources to the right youth at the right time to further reduce reoffending, while providing accountability for youth in community and residential placements.

The Task Force recommends that state leaders introduce legislation based on this report and that the relevant state agencies and the court system implement policies, practices, and programs to achieve these goals. By realigning its juvenile justice system with these recommendations, West Virginia can protect public safety and improve outcomes for youth throughout the state.

II. THE PROCESS

A. The Issues Facing West Virginia

In addition to this trend of an increase in status and low-level offenses, in July of 2013, concerns over conditions at the Industrial Home for Youth, a DJS secure facility, led to its closing. At the same time, across the country, the rate of youth committed to facilities dropped by 48 percent (between 1997 and 2011),[4] and at least 37 states were able to realize a decline in both juvenile commitment and violent crime arrest rates (between 1997 and 2010).[5] In response to these developments, the Supreme Court established the Adjudicated Juvenile Rehabilitation Review Commission (now the Juvenile Justice Commission) to review youth placed in facilities, and state leaders sought to address the changing

[4] M. Sickmund et. al., Easy Access to the Census of Juveniles in Residential Placement (August 2013), ojjdp.gov/ojstatbb/ezacjrp; Puzzanchera, C. and Kang, W. (2014). Easy Access to FBI Arrest Statistics, 1994-2011.
[5] The Pew Charitable Trusts, "Latest Data Show Juvenile Confinement Continues Rapid Decline," (2013), http://www.pewtrusts.org/~/media/Assets/2013/08/Juvenile-_Confinement_Continues_Rapid_Decline.pdf.

juvenile justice populations using available tools and resources. Resoundingly, however, in light of new strategies and decades of research into juvenile delinquency, stakeholders and leaders across the state knew West Virginia had an opportunity to create an improved juvenile justice system: better for West Virginia's families and communities, and better for West Virginia's future.

B. Creation of the Intergovernmental Task Force on Juvenile Justice

In June 2014, state leaders launched the West Virginia Intergovernmental Task Force on Juvenile Justice to undertake a comprehensive, data-driven, and research-based analysis of its juvenile justice system and to identify policies focused on increasing the effectiveness of the system. The Task Force consisted of 30 members from the legislative, executive, and judicial branches of state government as well as stakeholders representing law enforcement, prosecution, public defense, the faith community, and families. Membership on the Task Force was bipartisan, and the Task Force was directed to come to a consensus on the analysis and policy recommendations to ensure broad agreement. With technical assistance from the Pew Charitable Trusts' public safety performance project and the Crime and Justice Institute at Community Resources for Justice, the Task Force was charged with developing proposals for statutory, budgetary, and administrative changes to protect and promote public safety by (1) improving outcomes for youth, families, and communities; (2) enhancing accountability for juvenile offenders and the system; and (3) containing taxpayer costs by focusing system resources on the most serious juvenile offenders.

C. Task Force Methodology

The Task Force met six times from August to November 2014 and formed four subgroups that met on multiple occasions to discuss specific policy areas and formulate options for evaluation by the full Task Force. These subgroups included (1) Early Intervention and Diversion; (2) Evidence-based and Effective Practices; (3) Community Services and Interagency Service Delivery; and (4) Disposition and Placement. The effort started with an analysis of the state's juvenile justice data, including information regarding juvenile court referrals, admissions to probation, commitments to DJS and DHHR, length of stay for out-of-home placements, and demographic breakdowns for each stage of the court process. The Task Force then engaged in a comprehensive assessment of West Virginia's juvenile justice policies and statutes at the state and local levels.

The Task Force also conducted outreach to stakeholders from all levels of the juvenile justice system. In surveys, meetings, and roundtables, the Task Force collected data and gathered the input of judges, victims' advocates, law enforcement, service providers, DHHR and DJS staff, the Division of Probation Services, the Administrative Office of the Courts, the Department of Education, and other state and juvenile justice stakeholders.

Equipped with this information about policies and practices in West Virginia, the Task Force reviewed national research on effective juvenile justice policies and practices to reduce reoffending and produce positive outcomes for youth, families, and communities. The Task Force used information from both sources to produce a series of key findings and policy recommendations.

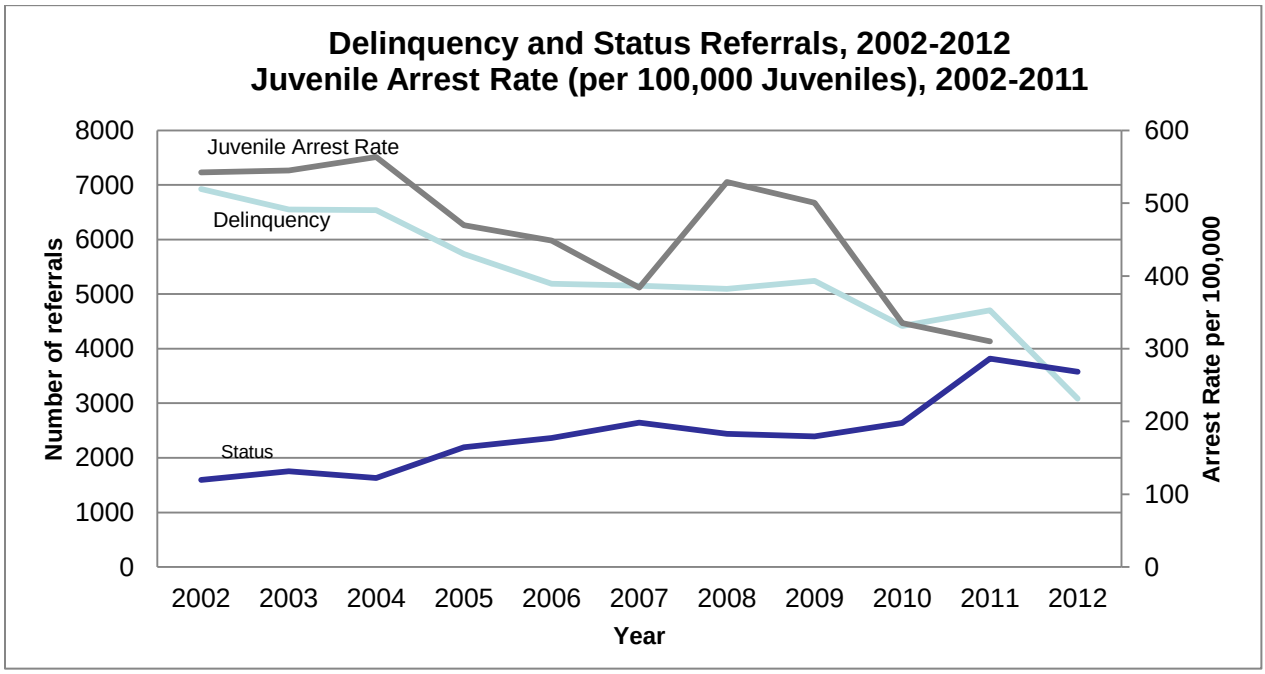
III. KEY FINDINGS

During the process, the Task Force made the following findings:

1. Fewer Youth have been Entering the Juvenile Justice System Overall, but the Number of Low-Level Offenders has Grown Significantly

Mirroring a decline in West Virginia's juvenile arrest rates,[6] delinquency referrals to the juvenile court system fell by more than 50 percent between 2002-2012 (see Figure 1). Referrals for status offenses, however, increased by 124 percent and now outnumber referrals for delinquency. This is the result of a change in truancy referral rates.[7] Truancy offenses accounted for 40 percent of all referrals in 2012. Also in 2012, two-thirds of delinquency referrals were for nonviolent offenses, and 75 percent were for misdemeanor-level conduct.

Figure 1



[6] Analysis of unpublished data available from Puzzanchera, C. and Kang, W. (2014). Easy Access to FBI Arrest Statistics, 1994-2011. Arrest statistics include index crimes such as robbery, burglary and arson and non-index crimes such as disorderly conduct and drug offenses.

[7] Recent statutory changes included a shift in the allowable unexcused absences (from 10 to 5) and an increase in the compulsory attendance age (from 16 to 17).

2. *Youth Placed on Probation are Increasingly Lower-Level Offenders*

When a youth is placed on probation, he or she remains at home and in the community with supervision by a probation officer. Youth on probation are required to comply with certain court-ordered conditions which may include drug testing, curfew, and participation in services, among other conditions. Although dispositions to probation for delinquent offenses decreased between 2002 and 2012, probation dispositions for status offenses increased by 77 percent. The percent of probation dispositions for status offenses rose from 8 percent in 2002 to 25 percent by 2012, resulting in one out of every four dispositions to probation arising out of a status offense. Of all the dispositions to probation in 2012, more than half had no prior history of contact with the court system. No prior contact means that these youth had never been arrested for a crime or referred to court, informally or formally, for any type of behavior or offense, status or delinquent.

3. *The Use of Objective Information in Decision-Making is Inconsistent*

Risk and needs assessments are statistically-based tools that can be used throughout the juvenile justice system to help guide placement and case planning decisions. The West Virginia juvenile justice system uses a variety of assessment tools, including a diagnostic facility assessment within DJS. However, the Youth Level of Service-Case Management Inventory, the current risk and need assessment employed by DJS, juvenile drug courts, and some psychological assessment providers, is not administered for all youth and has not been validated for accuracy on West Virginia's population. Instead of utilizing a risk and need assessment, probation officers report that court orders most often guide service referrals and treatment planning for youth under their supervision. In addition, youth placed within the DJS diagnostic facility for assessment stay, on average, 88 days (including time spent in detention awaiting placement in the diagnostic facility), and more than half are subsequently recommended and placed in community services rather than residential treatment.

West Virginia also uses a multidisciplinary team (MDT) approach to guide disposition. This approach is intended to inform case management, treatment planning, and out-of-home placement, while providing for a regular review of cases (every 90 days). Each MDT involves stakeholders across agencies to review each youth's case and recommend a course of action to the judge. However, stakeholders report inconsistency in MDT meetings, including irregular scheduling and, in some cases, sporadic attendance and participation.

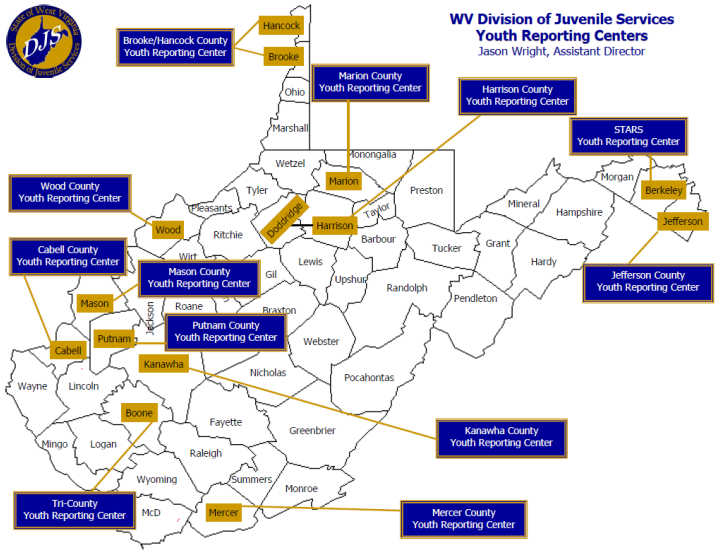
4. *Outcome Data and Recidivism Information is Not Broadly Collected*

Outcome information, including recidivism data, is not consistently collected by agencies in West Virginia. Stakeholders report the need for comprehensive outcome and recidivism data to better manage and evaluate the use of system resources and performance. Further, information sharing across agencies is inconsistent, and stakeholders indicated that, in many situations, they did not have access to all the relevant information.

5. Community Services are Lacking across the State

Community services are accessed by a youth and his or her family while the youth is still residing at home, and may include but are not limited to: in-home family services; outpatient substance abuse treatment; outpatient mental health services; individual, group or family counseling; comprehensive behavioral health centers; and Youth Reporting Centers (YRCs). Probation officers report that community-based services often are of poor quality and have long wait lists. In a survey of probation officers,[8] 80 percent of respondents reported gaps in the treatment or services available in their counties. The top five needs for youth indicated by probation officers in the survey included education, substance abuse treatment, family conflict issues, mental health, and anger management.

Figure 2



DJS recently responded to this gap in services by implementing YRCs in 12 locations to provide access to services in communities to complement probation supervision. These YRCs accept referrals from judges for delinquent youth and (at times) status offenders, and provide transportation and mental health services. In seven counties, YRCs also provide public education services through a partnership with the local boards of education.

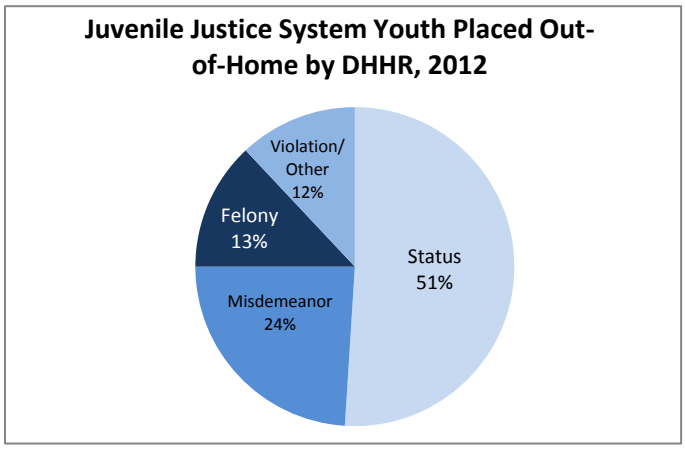
In addition, juvenile drug courts exist in 19 counties. Juvenile drug courts are pre-adjudication and disposition options for nonviolent offenders with alcohol or substance abuse issues, or at risk for those issues. Drug court may involve intensive supervision and substance abuse treatment for the juvenile, random drug testing, community service, incentives, and sanctions. Family involvement is required. Teen courts also exist in 12 counties and provide an alternative to court processing for status offenders and misdemeanants. The juvenile and the parent must consent to the Teen Court's jurisdiction, and dispositions may include community service and jury service, an educational program, restitution, remedial classes, and essays. If the juvenile does not successfully complete these requirements, the original petition is filed on that juvenile.

[8] In conjunction with the West Virginia Supreme Court of Appeals Division of Probation Services, the Task Force distributed this survey to all West Virginia probation officers between August 1-8, 2014. Ninety-eight probation officers completed the survey.

6. Most Youth Placed Out-of-Home in DHHR Custody are Low-Level Offenders

Youth who enter the juvenile justice system and are placed out-of-home by DHHR[9] are overwhelmingly lower-level offenders. Of the 270 juvenile justice system youth placed in facilities by DHHR in 2012,[10] more than 50 percent were status offenders and nearly 25 percent were misdemeanants (see Figure 3). The number of status offenders placed out-of-home increased 255 percent between 2002 and 2012, and the vast majority of these underlying status offenses were truancy and incorrigibility.

Figure 3



A large portion of these youth were first-time offenders. Nearly half of status and delinquent DHHR youth placed out-of-home had no prior history of court involvement.

7. Youth Placed Out-of-Home in DHHR Custody are Staying for Longer Periods of Time

Once youth are removed from home and placed in facilities, they are staying in custody for longer periods of time. The average length of stay for status and delinquent youth placed out-of-home in DHHR custody in 2013 was 15 months, compared with 13.5 months in 2003. Within that average, the lengths of stay for status offenders rose 22 percent to 14.5 months; for misdemeanor offenders, the average length of stay rose 23 percent to 16 months. Youth without prior history stay, on average, three months longer than those with prior history, and status offenders in DHHR placements actually stay six months longer than misdemeanor offenders in DJS placements. Youth who are placed at facilities located outside of West Virginia spend an average of 23 months out-of-home, almost twice as long as youth placed in-state.

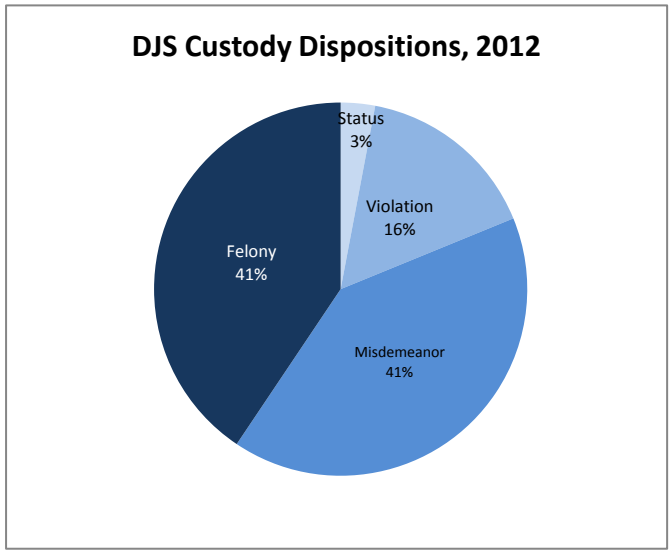
[9] Delinquent youth and status offenders in West Virginia can be placed out-of-home with the Department of Health and Human Resources (DHHR) or with the Division of Juvenile Services (DJS). DHHR facilities include emergency facilities, group facilities, and psychiatric facilities, among others, and include in-state and out-of-state facilities. DJS facilities are located only in West Virginia, and include detention, diagnostic, and other facilities.

[10] DHHR has 1,006 beds within West Virginia, including emergency shelters, group homes, and psychiatric residential treatment facilities. These beds are used for child welfare cases as well as adjudicated youth. DHHR also contracts with 62 group homes out-of-state and 15 psychiatric facilities out-of-state. DHHR also funds some community services through its Comprehensive Behavioral Health Centers, Regional Youth Service Centers, and other initiatives.

8. A Large Share of DJS Youth in Custody are Misdemeanor Offenders or Probation Violators

Lower-level offenders make up a significant proportion of the population occupying DJS facilities, West Virginia's juvenile correctional facilities. DJS custody dispositions declined 13 percent since 2002, but 41 percent of youth committed to DJS in 2012 were misdemeanants (see Figure 4). Of the youth committed to DJS custody in 2013, 53 percent were committed for a nonviolent offense.

Figure 4



9. Out-of-Home Placements are Costly

The average cost of placing a youth in a DHHR out-of-home facility—based on average facility per diems for emergency shelters and all in-state and out-of-state group residential programs—is $289.32 per day, or $105,600 per year.[11] The average cost of placing a youth in a DJS facility is $277.91 per day, or $101,439 per year.[12] Information about the cost of various alternatives in West Virginia was not available, but the Task Force reviewed information on the cost of juvenile justice programs in Washington State, which range from $400 to $8,000 or more, per participant, for the duration of the program."[13]

10. Research Indicates Targeted Use of System Resources Can Reduce Recidivism

The Task Force reviewed evidence that residential placements generally fail to produce better outcomes than alternative sanctions, cost much more, and can increase reoffending for certain youth.[14] There is no consistent evidence that longer lengths of stay in juvenile facilities reduce reoffending. A recent study reported that for institutional stays lasting between 3 and 13 months, longer periods of confinement did

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[11] The DHHR per diem is based on the average of the FY 2014-2015 per diem rates charged for 119 private in-state and out-of-state facilities.

[12] The DJS per diem is calculated from the average daily population and the annual facility expenditure in each of the 10 facilities in FY 2014.

[13] Washington State Institute for Public Policy, "Benefit-Cost Results: Juvenile Justice," (August 2014), http://www.wsipp.wa.gov/BenefitCost?topicId=1.

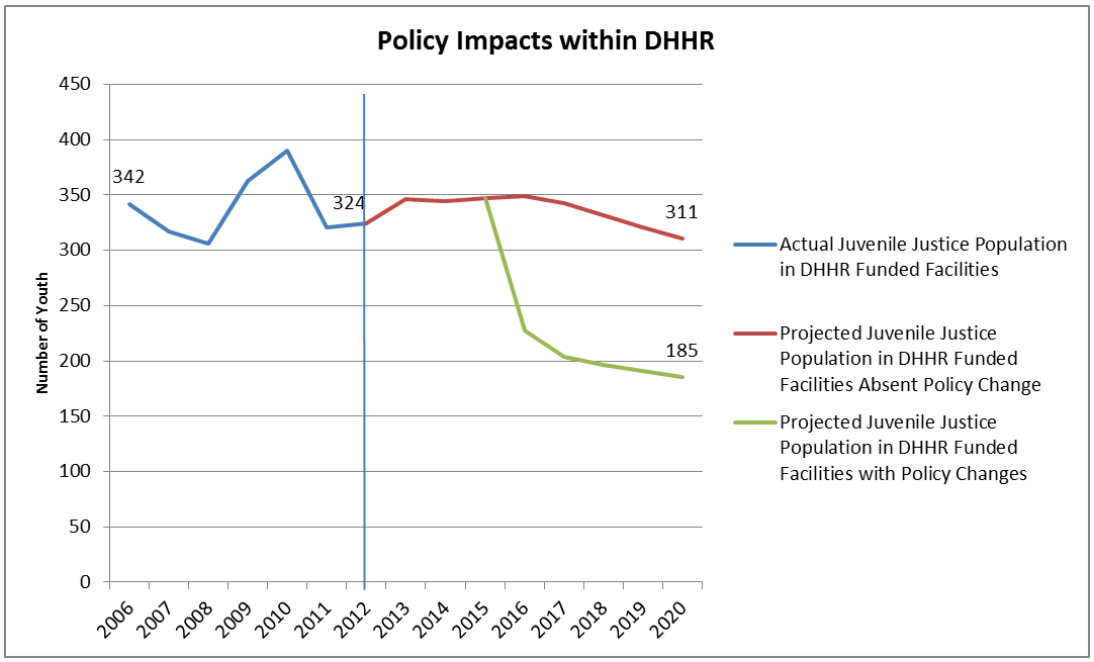
[14] Edward P. Mulvey, et al., "Trajectories of desistance and continuity in antisocial behavior following court adjudication among serious adolescent offenders," Development & Psychopathology 22 (2010): 453–475; Daniel S. Nagin, Francis T. Cullen, and Cheryl Lero Jonson, "Imprisonment and reoffending," in Crime and justice: A review of research, ed. Michael Tonry. (Chicago: University of Chicago Press, 2009), 115–200; Patrice Villettaz, Martin Killias, and Isabel Zoder, "The effects of custodial vs. noncustodial sentences on re-offending: A systematic review of the state of knowledge," (Oslo, Norway: The Campbell Collaboration, 2006); Christopher T. Lowenkamp and Edward J. Latessa, "Evaluation of Ohio's RECLAIM funded programs, community corrections facilities, and DYS facilities," (Cincinnati, OH: University of Cincinnati, 2005); Paula Smith, Claire Goggin, and Paul Gendreau, "The effects of prison sentences and intermediate sanctions on recidivism: General effects and individual differences," (Ottawa, Ontario, Canada: Solicitor General of Canada, 2002).

not reduce recidivism.[15] Finally, community programming and practices have been shown to be effective when systems use evidence-based risk assessment tools; match placement, supervision, and treatment to risk and need; combine treatment with surveillance; and ensure quality service delivery. [16]

IV. POLICY RECOMMENDATIONS

Based on these findings, the Task Force designed a set of policy recommendations in response to the charge given by state leaders. These recommendations are focused on three overarching goals: 1) Early Intervention and Effective Outcomes 2) Accountability for Juveniles and the System; and 3) Realignment of Resources. These recommendations are projected to reduce the number of youth in residential placement within DHHR and committed to DJS custody by at least 40 percent by 2020, creating $59 million in avoided costs over five years (see Figures 5 and 6).[17]

Figure 5

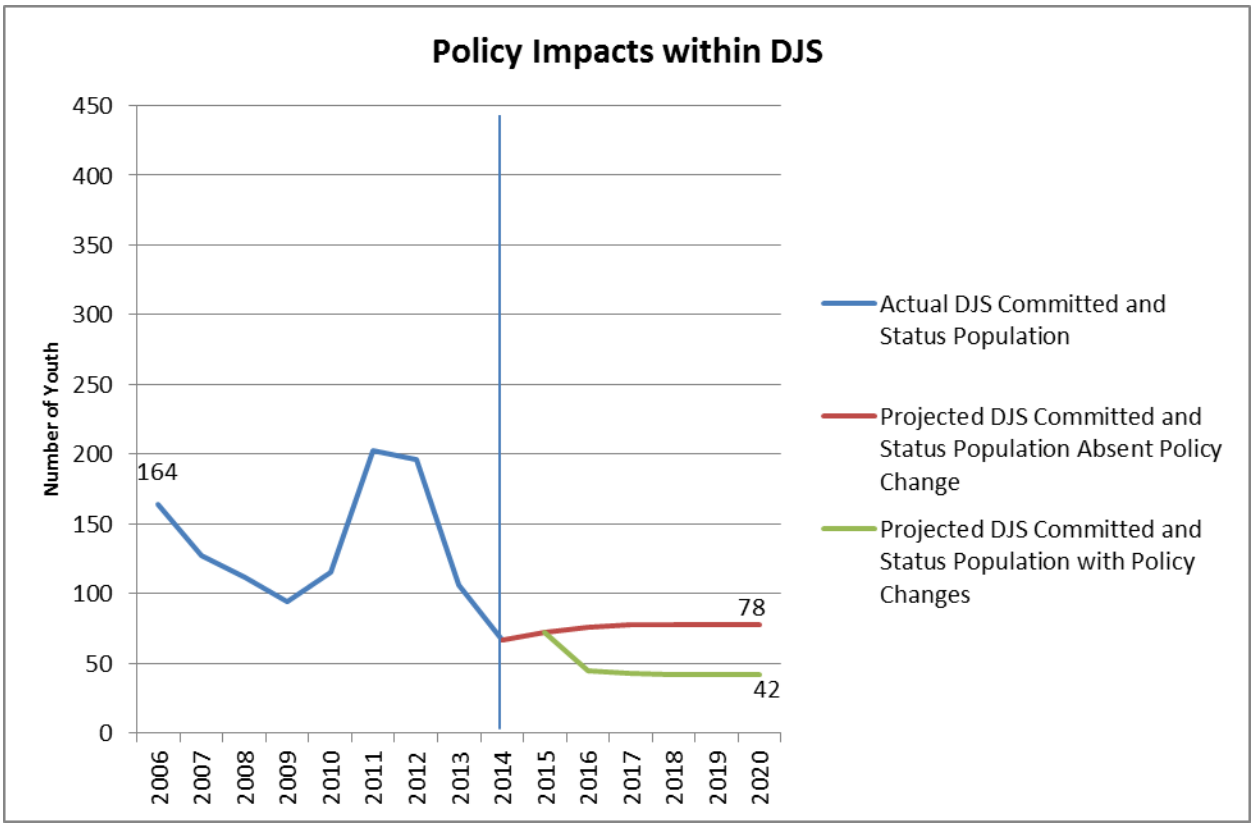


[15] Thomas A. Loughran, et al., "Estimating a dose-response relationship between length of stay and future recidivism in serious juvenile offenders," *Criminology* 47, no. 3 (2009): 699–740.

[16] Mark W. Lipsey, "The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview," *Victims & Offenders* 4, no. 2 (2009): 124–147; Tracey A. Vieira, Tracey A. Skilling, and Michele Peterson-Badali, "Matching court-ordered services with treatment needs," *Criminal Justice and Behavior* 36, no. 4 (2009): 385–401; D.A. Andrews, James Bonta, and J. Stephen Wormith, "The Recent Past and Near Future of Risk and/or Need Assessment," *Crime & Delinquency* 52, no. 1 (2006): 7-27; Craig Dowden and D.A. Andrews, "What works in young offender treatment: A meta-analysis," *Forum on Corrections Research* 11, no. 2 (1999): 21-24; D.A. Andrews, et al., "Does correctional treatment work? A clinically relevant and psychologically informed meta-analysis," *Criminology* 28, no. 3 (1990): 369-404.

[17] This estimate of avoided costs includes avoided costs within DHHR's expenditures, marginal savings within DJS facilities, and avoided costs within the Department of Education's budget to provide education to youth placed in DHHR and DJS-funded facilities.

Figure 6



The Task Force strongly recommends that a significant portion of these savings be reinvested to build a stronger network of evidence-based alternatives in communities throughout West Virginia. The Task Force has identified several specific policies and programs that will help expand alternatives. These proposals are prime candidates for reinvestment.

A. Early Intervention and Effective Outcomes

1. Provide Early Interventions in Schools and Prior to Court Processing

a. The school-based probation officer or the social work truancy intervention model shall be required in every county across the state.

This approach has already proved effective in certain counties when providing early interventions to truant behavior prior to court processing. In Cabell County, for example, the school-based probation officer identifies truant youth eligible for diversion through this approach, and develops a behavior contract with that youth, stipulating that, among other requirements, he or she will attend school, weekly meetings, and participate in community services. Subsequent truant behavior can trigger the filing of a court petition. Under this recommendation, the officer or social worker shall collaborate with schools, work with youth and families prior to court involvement, and may use a behavior contract or community services, as needed; however, schools or counties should have flexibility to structure this position as a school-based probation officer or as a social worker. Outcomes for each of these models shall be evaluated in order to ascertain the effect on truancy county-by-county, with the goal of

identifying the best model to reduce truancy. This in-school support will help reduce truancy and increase graduation rates.

b. A two-step diversion process should be provided for status offenders and lower-level misdemeanant youth prior to adjudication.

In many instances, truancy or lower level delinquency issues surrounding a youth may arise from a simple problem that requires appropriate attention. For example, a youth may not want to attend school because he or she does not have clean clothes or an alarm clock. The use of a two-step diversion process would allow these types of problems to be handled without involvement of the court system. Under this process, the first step should require a case worker to provide an immediate assessment and referral for services for the youth and his or her family. Service providers should be required to attempt to make contact with the youth and family within 72 hours. If youth or their families are unsuccessful or noncompliant with the original case plan, the second step should provide a team review of the case plan, with clinical expertise and broad engagement from across systems, revising and updating the plan as necessary. Court referral remains an option if the youth continues to be noncompliant. This approach will provide more resources at the front end of the court system for swift intervention and more effective referrals to appropriate services.

c. The Defending Childhood Initiative "Handle with Care" approach to information sharing should be implemented statewide.

Law enforcement and schools should have the authority to maintain open lines of communication to be aware of traumatic events in the lives of students. In Charleston, West Virginia, the Charleston Police Department has initiated the "Handle with Care" program. The purpose of this program is to provide notice to schools when a student is identified at the scene of a traumatic incident. For example, if a student is present during a domestic disturbance, law enforcement is able to give the school notice of that incident. In turn, schools are able to respond as needed, or simply be aware of the traumatic situation. This information should not include confidential or sensitive details, but it should include the student's name and that the school should handle him or her with care that day. This allows schools to better intervene and deal with issues arising from those events, and can provide an integrated response to trauma that often impacts youth in the juvenile justice system.

d. The Mountaineer ChalleNGe Academy should be utilized by families, schools, and communities as an alternative intervention and education option for certain at-risk youth in West Virginia.

Developed and instituted by the West Virginia National Guard, the Mountaineer ChalleNGe Academy uses eight core components in a quasi-military environment during a 22 week program to train and mentor selected at-risk youth with the goal of becoming contributing members of society. The program also includes a year-long post-residential phase and reentry support. Starting in 2013, the Mountaineer ChalleNGe Academy has been approved to supply diplomas to cadets from their high school of origin. Since that time, 75 percent of graduating cadets have obtained their high school diplomas, and an

additional six percent have obtained a diploma equivalency.[18] Based on their high school completion scores, 70 percent of the high school diplomas obtained by graduating cadets are PROMISE scholarship eligible.[19] This program should continue to be supported and expanded as a voluntary option for youth and families. In addition, schools and community organizations should be aware of this intervention for certain at-risk youth.

2. Expand Effective Interventions for Youth on Community Supervision

a. A tiered assessment process should be available to better evaluate youth; every youth placed on community supervision should receive a case plan informed by a risk and needs assessment; and the current multidisciplinary team (MDT) process should be enhanced by expanding membership and facilitating attendance.

Screener tools can quickly identify issues, such as suicide ideation, and determine requisite detention and court processing needs. Risk and needs assessments are actuarial tools that identify risk factors (factors that indicate a youth's likelihood of reoffending) and needs (factors that, if addressed, will reduce the likelihood of reoffending). By using a combination of screener tools, a risk and needs assessment to inform dispositions, and, when necessary, psychological assessments, system stakeholders will have broad access to valuable information on each youth in the system.

By incorporating that information into a case plan, stakeholders will be better able to match supervision and treatment to each youth and reduce the likelihood of future delinquent or criminal behavior. Staff developing a case plan may use a recently completed (within six months) risk and needs assessment rather than conducting a new assessment, and agencies should strive for uniformity and collaboration with assessment tools, taking into account the tools used by other agencies or branches of government. In addition, the risk and needs assessments should be validated on the West Virginia population through recidivism data in order to ensure that the tools are accurately depicting the risk levels of youth.

The MDT process is a treatment planning approach that brings together stakeholders and experts to review case files and advise the court and providers about the types of services and placements needed for youth. Currently, this process is inconsistent across the state. Attendance and participation are sometimes low, which may affect the recommendations and review process. Counties that designate a specific day for MDTs on which juvenile court proceedings are not held and allow teleconferencing have seen higher attendance from all stakeholders. Membership on the MDT should be mandatory, including a treatment or service provider and a school system member representing the county superintendent. In addition, attendance could be increased by devoting a specific day to the MDT meetings and allowing teleconferencing.

[18] Data calculated and provided by Jeffrey Wood, Mountaineer ChalleNGe Academy.
[19] Data calculated and provided by Jeffrey Wood, Mountaineer ChalleNGe Academy.

b. *Juvenile justice stakeholders should have access to a comprehensive tool to better match youth across the state with the appropriate agencies, services, and providers.*

Judges, probation officers, DHHR workers, and MDTs often need to match adjudicated youth to the most effective services, whether in the community or in an out-of-home placement. Often, time is of the essence. Some of the factors considered during this process include the needs of the youth, the geographic region, and the availability of services or beds, among others. Currently, many youth are being placed in out-of-state residential facilities instead of receiving community services or placement in in-state providers. Although there is currently a tool available to match youth with an out-of-home placement, a separate listing of community service providers, and a third system that provides recommendations for types of services based on risk and needs assessments, these tools are not necessarily integrated. Existing tools should be enhanced and merged to aid referrals to community services and residential placements, and include comprehensive demographic information, risk and needs assessment results, clinical information, outcome data, and service locations. This tool should also allow a user to make a standardized request for services not available in a particular region of the state. Whenever appropriate, placements out-of-state should be as close in proximity to the youth's home as is feasible.

c. *State agency and contracted service providers should devote at least 50 percent of program expenditures to evidence-based practices by 2017.*

Research has identified a variety of programs and practices that have been proven to reduce juvenile recidivism and have a significant return on investment.[20] Currently, juvenile drug courts require that 100 percent of contracted services be evidence-based. The Task Force recommends at least 50 percent of program spending be committed to evidence-based practices to expand these effective interventions, while still allowing for programs that may be effective based on outcome data but not yet classified as evidence-based.[21] The proposed oversight committee should reevaluate the percentage in 2017 to determine if it can be increased.

d. *Probation staff, DHHR, DJS, the Department of Education (DOE), and the community of juvenile justice stakeholders should be offered training on evidence-based practices and working with juveniles, provided that funding is available.*

Agencies and communities that work with juvenile justice youth should be aware of evidence-based practices and effective ways to interact with youth to improve outcomes and encourage successful transitions. Train-the-trainer and web-based models should be utilized when possible to develop

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[20] Steve Aos, Marna Miller, and Elizabeth Drake, "Evidence-based public policy options to reduce future prison construction, criminal justice costs, and crime rates," (Olympia, WA: Washington State Institute for Public Policy, 2006); Washington State Institute for Public Policy, "Benefit-Cost Results: Juvenile Justice," (August 2014), http://www.wsipp.wa.gov/BenefitCost?topicId=1.

[21] Catalogs include the Office of Justice Programs' CrimeSolutions.gov, the Office of Juvenile Justice and Delinquency Prevention's Model Programs Guide, the Blueprints for Healthy Youth Development, and the Washington State Institute for Public Policy.

institutional knowledge that can be easily accessed by state agencies, the court system, providers, and members of the community.

e. Effective options within the community should be expanded, including Youth Reporting Centers and restorative justice options.

Youth Reporting Centers (YRCs) are a DJS initiative to provide community-based services to youth, including assessments, mental health services, and transportation. Twelve YRCs exist, serving 15 of West Virginia's 55 counties, and the population they serve is a mix of delinquency offenders and status offenders. Education is currently being provided through local boards of education at seven of the YRCs, and expanding this practice to all YRCs will assist in developing a more comprehensive package of services. Status offenders should be eligible for referral to a YRC, education should be consistently provided through agreements with local boards of education, and YRCs should connect youth with services in the community and develop a plan for reentry and continued coordination of services. For example, at the Kanawha County, Boone County, Marion County, Brooke/Hancock County, Wood County, Putnam County, and Mason County YRCs, the local board of education works with the YRC to provide alternative education on the grounds of the YRC, providing more integrated services to youth referred to the YRCs. DJS should develop consistent guidelines for YRCs, including guidelines for the provision of general services and education. In addition, DJS should form local or regional YRC councils to involve the community in achieving the goals and outcomes for youth in YRCs.

Restorative justice programs can also be an effective option for lower-level offenders.[22] Restorative justice programs focus on repairing harm done by a juvenile offender by encouraging face-to-face dialogue between youth and victims or their representatives. For example, some models of restorative justice allow the juvenile offender to express remorse directly to the victim and enter into an agreement with the victim to make restitution, engage in community service, and take responsibility for his or her actions. This alternative program allows victims and their families to have a direct voice in determining just outcomes and involves the community to support the individuals affected by crime. It will give judges and prosecutors another tool at the front end of the system to ensure youth are held accountable and to make communities and victims whole.

B. Accountability for Juveniles and the System

3. Increase Options to Hold Youth Accountable by Judges and Court Staff

a. West Virginia's truancy code should be updated to reflect different approaches for truant youth under the age of 11 and those over the age of 11.

Truancy by youth of different ages typically is caused by very different underlying issues. For youth 11 years or younger, court intervention should mainly focus on the parents; for youth 12 years or older, a

[22] Mark W. Lipsey, "The primary factors that characterize effective interventions with juvenile offenders: A meta-analytic overview," Victims & Offenders 4, no. 2 (2009): 124–147; Steve Aos, Marna Miller, and Elizabeth Drake, "Evidence-based public policy options to reduce future prison construction, criminal justice costs, and crime rates," (Olympia, WA: Washington State Institute for Public Policy, 2006).

truancy petition may be filed on the youth, but parents should continue to be involved in the process and held accountable. Judges should retain the ability to depart from these guidelines based on the circumstances of individual cases. This policy guideline is not intended to replace any current truancy interventions, but rather to give courts another tool to incorporate parental involvement and accountability when addressing truancy and providing early intervention.

b. Courts should have explicit authority over parents to direct any reasonable orders to the parents or guardians of youth.

Courts currently exercise authority over the parents to participate in components of delinquency dispositions from time to time in appropriate cases. Stakeholders across the state, however, reported that codifying this practice and establishing explicit court authority over parents in juvenile justice cases, such as the ability to order them to participate in treatment or even to transport their youth to treatment, will significantly help in addressing the root causes of delinquency and status offenses. This will also encourage an approach that emphasizes the use of family-centered interventions, treatment, family education and engagement, and responses. These reasonable orders are rarely necessary, but can include requirements to attend meetings and court proceedings, participate in counseling or services, provide transportation, and other important support.

c. Youth on probation should have their progress reviewed every ninety days to determine whether further supervision is warranted.

In order to allow probation officers to focus their time on youth in need of more intensive supervision and to incentivize successful probation supervision completion, regular review of youth placed on probation should assist in identifying those who are in compliance with the terms and conditions of probation. If these youth no longer need full supervision, the youth should be discharged from probation. If further supervision is necessary, the judge and the MDT should update the youth's goals and case plan. In any case, this approach would allow probation officers to focus their time and efforts on youth who need more attention.

d. A system of graduated sanctions and incentives should be incorporated for use by judges and probation officers to help address probation violations, and youth committing technical violations of probation should be sanctioned within a community-based accountability system unless three or more technical violations have occurred.

Graduated sanctions provide judges and probation officials with a continuum of sanctions, intervention, and treatment options to swiftly deal with violations of probation, hold offenders accountable, and reduce reoffending. Incentives give these officials options to encourage positive behavior and compliance with court-ordered conditions. The Supreme Court of Appeals of West Virginia should develop this type of system in collaboration with circuit court judges and probation officers, and should emphasize the use of community-based sanctions whenever available and appropriate. Technical violations should not include repeatedly testing positive for drugs. This type of violation should trigger swift and proportionate responses, including drug treatment as necessary to address addiction or dependency issues.

4. Enhance Data Collection, Oversight, and Information Sharing

a. An ongoing interagency oversight committee should be created to oversee reforms, study additional areas, and review data.

The oversight committee should be comprised of representatives from relevant state agencies, the court system, and juvenile justice stakeholders, including private citizens. Its focus should include guiding the implementation of the Task Force's recommendations; additional topical studies; instituting a system for continued performance measurement and data analysis; and ensuring accountability and monitoring fidelity, including through an objective evaluation of implementation efforts or programs, if necessary. After five years, the Legislature should review the functionality of the oversight committee to determine if it continues to be necessary.

b. State agencies and contracted service providers should increase data collection, quality assurance of programs, outcome measurement, and information sharing strategies.

In order to ensure that these reforms are implemented successfully, agencies and providers should more broadly and consistently collect process and performance measures. The Task Force identified the most critical areas for improvement in data collection as recidivism rates, outcomes of diversion and community services, disproportionate minority contact, drug court and teen court outcomes, and the use and quality of evidence-based practices.

5. Address the Issue of Disproportionate Minority Contact

a. West Virginia should continue to address the serious issue of disproportionate minority contact through training, awareness, objective tools, comprehensive data collection, and pilot programs.

Disproportionate minority contact means the proportion of minority youth who come into contact with the juvenile justice system is greater than their representation in the general population. West Virginia, like other states, is faced with disproportionate minority contact in its juvenile justice system. By providing broad training and awareness of this issue, along with using objective tools like risk and needs assessments throughout the system, the system can better focus on addressing this issue. In addition, comprehensive data collection and analysis is needed to ensure full recognition of this issue throughout the state, including county-by-county analyses that reflect the race and gender of youth processed in the juvenile justice system. A portion of the dollars reinvested in community services should also be targeted towards pilot programs focused on reducing the amount of disproportionate minority contact across the state.

C. Realignment of Resources

6. Focus Residential Beds on Higher-Level Youth

a. First-time adjudicated status offenders and misdemeanants should be placed into community services rather than committed to residential facilities.

Judges and stakeholders agree, and research consistently indicates, that providing lower-level youth with evidence-based community services can be an effective strategy for reducing recidivism and improving outcomes.[23] First-time status offenders and misdemeanants should be referred to these community services rather than placed out-of-home, except in cases involving child abuse or neglect. In addition, no status offenders should be placed in DJS custody. Specifically, services that integrate families, including those services that may be delivered through the YRCs, are critical and valuable options for these youth. For other status offenders and misdemeanants, community-based services should be utilized, when possible, but residential treatment may be ordered. When residential treatment is ordered, the judge should issue findings detailing the type of treatment or sanctions necessary in light of the specific circumstances in each case to help guide treatment, case planning in the facility, and, ultimately, reentry.

b. Youth placed in DHHR facilities for treatment should begin the transition to community services within thirty days to three months, and reentry planning should begin for all youth at the time of entry into a residential placement.

When residential treatment is necessary, it is essential that youth are given clear goals for rehabilitation and accountability. Judges should include these goals in the court order committing youth to DHHR; judges and the MDT should have the opportunity to regularly review progress towards those goals; and most youth should be able to complete residential treatment goals and transition back into the community to continue community-based treatment within 30 days to three months. Thereafter, if further residential treatment is necessary, the treatment provider should be required to provide clear and convincing evidence to the MDT that continued residential treatment will be the best method of rehabilitation for that youth. The MDT should then present its recommendation to the court whether continued residential treatment is necessary. Unless the court orders continued residential treatment, youth should continue supervision and treatment in a community setting.

In addition, youth in DHHR and DJS placements should have a reentry plan and aftercare services to ensure smooth transition back to his or her community. Research shows aftercare can be an effective method of reducing recidivism,[24] and this policy will increase the consistent provision of aftercare services. The MDT and the judge should consider and deliberate on these reentry plans. For youth in DHHR placements, treatment providers should develop aftercare plans as a part of their work with youth, fully integrated into the residential programming being provided.

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[23] Christopher T. Lowenkamp and Edward J. Latessa, "Evaluation of Ohio's RECLAIM funded programs, community corrections facilities, and DYS facilities," (Cincinnati, OH: University of Cincinnati, 2005).

[24] Edward P. Mulvey, "Highlights From pathways to desistance: A longitudinal study of serious adolescent offenders," (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2011).

c. The DJS diagnostic center should be limited to higher risk youth.

The average length of time that youth spend undergoing a DJS diagnostic process is 88 days. After being assessed, over half of these youth are determined not to need an out-of-home placement. Residential diagnostics should be used only for youth who pose a public safety risk and those adjudicated for serious or violent felony offenses. In addition, the length of time used to conduct the diagnostic should be reduced. Low-risk youth should have a community-based evaluation to determine their needs, as outlined in Recommendation 2.

7. Reinvest Savings into Evidence-based Community Options

a. If savings are achieved from the Task Force's recommendations, a portion of the savings should be reinvested in the juvenile justice system, including in the evidence-based policies and programs outlined above and in new community-based service grants that will expand services in communities and ensure sustainability of funding, guided by the ongoing oversight committee, and continuing until this reinvestment has aligned system resources appropriately.

Stakeholders have strongly indicated the need for family wraparound services, intensive outpatient substance abuse services, and outpatient mental health services in the community. Several evidence-based model programs use family-based treatment models to target known predictors of problem behaviors and family needs and issues. In addition, substance abuse treatments (including juvenile drug courts) and mental health treatments (including YRCs and cognitive-behavioral therapies) can further allow communities to effectively reduce reoffending. These are priority areas for reinvestment.

Importantly, however, different regions of the state have different needs. Research and other state examples have shown[25] that fiscal incentives can help expand effective community-based programs and reduce the out-of-home population and recidivism. In addition to the reinvestment goals in this report, regional coalitions (which may include schools, service providers, courts, and others) should be eligible to collaborate in applying for grants to fund evidence-based community programs to reduce out-of-home populations**.**

[25] Christopher T. Lowenkamp and Edward J. Latessa, "Evaluation of Ohio's RECLAIM funded programs, community corrections facilities, and DYS facilities," (Cincinnati, OH: University of Cincinnati, 2005); Christopher T. Lowenkamp and Edward J. Latessa, "Evaluation of Ohio's RECLAIM funded programs: Cost-benefit analysis, supplemental report," (Cincinnati, OH: University of Cincinnati, 2005).

V. CONCLUSION

West Virginia has made significant improvements in its juvenile justice system and now has an opportunity to take a new leap forward. In the past, as status offenses referred to the system rose 124 percent, stakeholders were forced to address a changing juvenile population and juvenile delinquency using the limited community services and supervision available.

Using the recommendations in this report, West Virginia can implement a proactive, result-focused, effective juvenile justice system, which improves outcomes for youth, families, and communities; holds juveniles accountable and enhances system oversight; and realigns system resources to provide more crime-cutting options.

The recommendations contained in this report are projected to reduce the population in residential placement with DHHR, and committed to DJS, by at least 40 percent by 2020. This would create $59 million in avoided costs over five years that can provide funds needed for reinvestment throughout the system. This reinvestment is an essential part of integrating these policies within West Virginia's juvenile justice system.

The West Virginia Intergovernmental Task Force on Juvenile Justice recommends the package of policies included in this report to Governor Tomblin, Justice Davis, Senate President Kessler, Speaker Miley, Senate Minority Leader Hall, House Minority Leader Tim Armstead, and Supreme Court of Appeals Administrative Director Canterbury. The Task Force further recommends that state leaders introduce legislation based on these recommendations, and that the relevant state agencies and the court system implement policies to achieve these goals.

Glossary of Terms

Adjudication: A judgment or decision of a court or jury regarding a case.

Case: Any proceeding, action, cause, suit, lawsuit, or controversy initiated through the court system by filing a complaint, petition, or indictment.

Circuit: A geographical court jurisdiction composed of one or more counties. West Virginia's 55 counties are divided into 31 circuits.

Community services: Programs or services that are intended to reduce delinquency and other negative behaviors, and/or build skills and prevent a youth from penetrating further into the juvenile justice or child welfare systems. Programs are planned, coordinated groups of activities and processes designed to achieve a specific purpose. A program should have specified procedures (e.g., a defined curriculum, an explicit number of treatment or service hours, and an optimal length of treatment) to ensure the program is implemented with fidelity to its model.

Delinquency: An act committed by a juvenile that would be criminal if committed by an adult.

Disposition: A decision made by the judge regarding a guilty adjudication. This could include (among many options): an improvement period, probation, specialty courts, DHHR custody and probation, DHHR custody, or DJS custody.

Diversion: A mechanism designed to hold youth accountable for their actions by sanctioning behavior and in some cases securing services, but at the same time generally avoiding formal court processing in the juvenile justice system.

Evidence-based practices: Practices that have been shown, through rigorous evaluation and replication, to be effective at preventing or reducing juvenile delinquency. Evidence-based programs or practices can come from many valid sources (e.g., Blueprints for Violence Prevention, OJJDP's Model Programs Guide).

Felony: The most serious of two categories to which criminal offense are assigned. The minimum sentence is one year in West Virginia.

Improvement period: A preadjudication term of up to one year with conditions calculated to serve the rehabilitative needs of the juvenile. If the conditions are fulfilled, the proceedings shall be dismissed.

Length of stay: The length of time that a juvenile stays (is enrolled) in service or placement (in days).

Misdemeanor: The less serious of two categories to which criminal offenses are assigned.

Multidisciplinary team: A team of qualified professionals focused on providing evaluation and coordinated service delivery for children who may be undergoing certain status offense and delinquency proceedings. The team seeks to determine the juvenile's mental and physical condition, maturity and education level, home and family environment, rehabilitative needs and recommended service plan,

which shall be provided in writing to the court and team members. Upon completion of the assessment, the treatment team shall prepare and implement a comprehensive, individualized service plan for the juvenile.

Out-of-home placement: A placement of a youth as a result of a court-ordered disposition in a foster family home, group home, nonsecure facility, emergency shelter, hospital, psychiatric residential treatment facility, staff secure facility, hardware secure facility, or detention facility, other than placement in the home of a parent, relative, or guardian.

Probation: Community supervision which may include meetings with probation officer, community services, restitution, and regular drug tests.

Referral: A charge of a status or delinquent offense that is sent to the court but not yet filed. Referrals can be addressed informally, or can go through formal processing steps and become a case.

Recidivism: While there is no commonly accepted measure of recidivism, it is generally measured by the number of juveniles who, over a set period of time, subsequently return to the system at one of four access points in the juvenile or criminal justice process: arrest, intake, adjudication, or incarceration.

Risk and needs assessments: An actuarial tool that can identify risks (conditions, variables, exposures, and behaviors associated with a lower likelihood of positive outcomes and a higher likelihood of negative or socially undesirable outcomes) and needs (the factors which, if addressed, can reduce the likelihood of future delinquency).

Status offense: Conduct that would not, under the law of the jurisdiction in which the offense was committed, be a crime if committed by an adult. Status offenses include truancy, curfew violations, incorrigibility, running away, and underage possession and/or consumption of alcohol or tobacco.

Wraparound: A flexible, integrated community-based service delivery approach to meet youth and family needs, focusing on strength-based approaches, family involvement, and individualized planning.

Definitions include information from West Virginia Code, West Virginia Trial Court Rules, West Virginia Rules of Criminal Procedure, and the Office of Juvenile Justice and Delinquency Prevention.

Appendix

I. Technical Assistance Request Letter

II. Executive Order No. 6-14

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305
(304) 558-2000

EARL RAY TOMBLIN
GOVERNOR

June 18, 2014

Adam Gelb, Director
Public Safety Performance Project
The Pew Charitable Trusts
901 E Street, NW, 10th Floor
Washington, D.C. 20004-1409

Dear Director Gelb:

Representing all three branches of West Virginia's government, we write to request technical assistance from The Pew Charitable Trusts (Pew) to engage in a comprehensive, data-driven, and evidence-based review of our State's juvenile justice system. The goals of this review are to protect public safety by improving outcomes for our youth, families, and communities; to increase accountability for juveniles and the system; and to contain taxpayer costs by focusing system resources and beds on serious juvenile offenders.

According to the most recent national data, West Virginia has one of the lowest juvenile crime rates in the country. However, between 1997 and 2011, we experienced the largest increase in the juvenile commitment rate of any state, one of only four states to increase commitment rates during that period. In the past several years, West Virginia leaders have taken steps to improve the juvenile justice system, including

- The closure of the outdated Industrial Home for Youth in Salem, West Virginia;
- The development and funding of alternative courts and community programs like juvenile drug courts, truancy courts, and Youth Reporting Centers; and
- The establishment of the Supreme Court of Appeals' Juvenile Justice Commission, which monitors facilities operated or contracted by the Division of Juvenile Services (DJS) and the Department of Health and Human Resources (DHHR) for the secured placement of children.

To determine whether our current policies and resource allocations are providing our State with the best public safety returns and outcomes for youth, families, and communities, West Virginia seeks Pew's technical assistance to examine our juvenile justice system and to develop policies based on data, research, and consensus among our key stakeholders.

As state leaders, we commit to

- Form a bipartisan, inter-branch West Virginia Intergovernmental Task Force on Juvenile Justice, charged with developing recommendations that will protect public safety, improve outcomes and accountability, and contain taxpayer costs;
- Provide Pew and its partners with full access to the data and staff necessary to complete this analysis;
- Review the information and analyses produced by the Task Force;
- Strongly consider the report produced by the Task Force in developing statutory, budgetary, and administrative changes to be introduced during the 2015 Regular Session of the Legislature; and
- Strongly consider reinvesting a portion of the resulting cost savings in strategies and programs proven to reduce recidivism, hold juvenile offenders accountable, and protect public safety.

We request that Pew and its partners

- Work with the Chair and members of the Task Force to facilitate meetings and stakeholder engagement;
- Provide the Task Force with research and analysis of West Virginia's juvenile justice system and relevant statutes and administrative policies, including an analysis of the factors driving confinement in West Virginia's residential facilities and out-of-state placements, a review of relevant agency policies, and an assessment of the use of evidence-based programs and practices in our state;
- Assist in the development and drafting of policy options based on data and research by
    - Advising and educating the Task Force about practices that have been proven effective in reducing juvenile offenses and recidivism;
    - Projecting the juvenile correctional population and cost impact to our State if specific policy options are adopted;
    - Assisting the Task Force in developing and producing its final report no later than December 1, 2014; and,
    - Engaging and consulting with West Virginia's justice system stakeholders prior to and after the release of the report.
- Assist the Office of the Governor, the Legislature, and the Task Force in drafting and commenting on legislation for and during the 2015 legislative session, as well as other changes to policy, procedure, and budgets; and,
- Assist the Office of the Governor, the Legislature, the Supreme Court and the Task Force in public and policymaker education on the Task Force's recommendations and legislation.

West Virginia's manager for this initiative is the Governor's Deputy General Counsel, Joseph D. Garcia, who may be reached at Joseph.D.Garcia@wv.gov.

OFFICE OF THE GOVERNOR

We, the undersigned, are committed to improving public safety and outcomes for youth, families, and communities in West Virginia, and we collectively request Pew's assistance in helping us reach this goal. We look forward to working with you and appreciate your consideration of our request.

Sincerely,

Earl Ray Tomblin, Governor
State of West Virginia

Robin Davis, Chief Justice
Supreme Court of Appeals of WV

Jeffrey V. Kessler, President
West Virginia State Senate

Timothy R. Miley, Speaker
West Virginia House of Delegates

Mike Hall, Minority Leader
West Virginia State Senate

Steven D. Canterbury, Administrative Director
Supreme Court of Appeals of WV

STATE OF WEST VIRGINIA

EXECUTIVE DEPARTMENT

At Charleston

EXECUTIVE ORDER NO. 6-14

By the Governor

WHEREAS, West Virginia requires a comprehensive, data-driven, and evidence-based analysis of its juvenile justice system to identify strategies to protect public safety, increase accountability, promote rehabilitation and contain costs; and

WHEREAS, according to recent data, West Virginia has one of the lowest juvenile crime rates in the country; however, between 1997 and 2011, our State experienced the largest increase in the juvenile commitment rate of any state; and

WHEREAS, following the closure of the West Virginia Industrial Home for Youth in 2013, the appropriateness of youth placement in residential facilities inside and outside of the State requires careful consideration; and

WHEREAS, West Virginia leaders in the three branches of government have worked to develop legislation, policies, procedures, and best practices to effectively and efficiently respond to delinquent behavior and protect public safety, but desire a systemic review to increase effectiveness system-wide; and

WHEREAS, all three branches of government and stakeholders throughout the system have agreed to participate in and work together to accomplish this analysis; and

WHEREAS, it is incumbent on our State and imperative for our youth, families, communities, and taxpayers to undertake this analysis to ensure our juvenile justice system is protecting public safety and obtaining better outcomes for youth, families, and communities; and

WHEREAS, The Pew Charitable Trusts Public Safety Performance Project ("Pew") works with states to advance data-driven, fiscally sound policies and practices in the criminal and juvenile justice systems that protect public safety, hold offenders accountable, and control corrections costs; and

WHEREAS, Pew has agreed to provide West Virginia with technical assistance to examine our juvenile justice system and to develop policies based on data, research, and consensus among our key stakeholders.

NOW, THEREFORE, I, EARL RAY TOMBLIN, pursuant to the authority vested in me as the Governor of West Virginia, do hereby **DECLARE** and **ORDER** that

1. The West Virginia Intergovernmental Task Force on Juvenile Justice (hereinafter "the Task Force") is hereby established.
2. The purpose of the Task Force is to undertake a comprehensive analysis of West Virginia's juvenile justice system and data, and develop system-level recommendations, including proposals for statutory, budgetary, and administrative changes, to protect and promote public safety by
    a. Improving outcomes for youth, families, and communities;
    b. Enhancing accountability for juvenile offenders and the system; and
    c. Containing taxpayer costs by focusing system resources on serious juvenile offenders.
3. The Task Force shall consist of the following:
    a. The Governor, or his or her designee, who shall serve as Chair;
    b. The Chief Justice of the Supreme Court of Appeals of West Virginia, or his or her designee;

c. The Administrative Director of the Supreme Court of Appeals of West Virginia, or his or her designee;

d. The Director of the West Virginia Division of Juvenile Services, or his or her designee;

e. The Commissioner of the West Virginia Division of Behavioral Health and Health Facilities, or his or her designee;

f. The Commissioner of the West Virginia Bureau for Children and Families, or his or her designee;

g. The Superintendent of the West Virginia Department of Education, or his or her designee;

h. The Executive Director of the Hebert Henderson Office of Minority Affairs, or his or her designee;

i. Six members of the West Virginia Legislature, appointed by the Governor from a list of recommendations submitted by the President of the Senate and the Speaker of the House;

j. Three circuit court judges, appointed by the Chief Justice of the Supreme Court of Appeals of West Virginia;

k. Two employees of the Supreme Court of Appeals of West Virginia, appointed by the Administrative Director of the Supreme Court of Appeals of West Virginia, with experience in juvenile justice, including one school-based juvenile probation officer;

l. Seven public members, appointed by the Governor, with expertise in juvenile justice and/or child welfare; and

m. The Governor may appoint additional members as necessary.

4. The Task Force shall

a. Review, study, and analyze West Virginia's juvenile justice data, statutes, policies, and practices throughout the State, and offer recommendations for statutory, budgetary, or administrative changes, as necessary.

b. Collaborate with juvenile justice system stakeholders, State and local organizations, public and private, to carry out the Task Force's duties.

c. Submit a report of its initial findings and recommendations to the Governor, the President of the Senate, the Speaker of the House of Delegates, and the Justices of the Supreme Court of Appeals of West Virginia no later than December 1, 2014.

5. Members of the Task Force shall receive no compensation.
6. The Task Force shall have access to all relevant data and information as needed to complete its work.
7. The Task Force shall meet at times and locations to be determined by the Chair in consultation with the Task Force members.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of West Virginia to be affixed.

DONE at the Capitol, in the City of Charleston, State of West Virginia, this sixteenth day of July, in the year of our Lord, Two Thousand Fourteen, and in the One Hundred Fifty-Second year of the State.

GOVERNOR

By the Governor

SECRETARY OF STATE