

CRIMINAL JUSTICE STATISTICAL ANALYSIS CENTER

Division of Criminal Justice Services
 Department of Military Affairs and Public Safety
 State of West Virginia

Juvenile Offenders & Probation

January - June 1998

Two out of every 100 juveniles age 12 to 17 were involved in West Virginia's juvenile probation system between January and June of 1998. These juveniles were charged with committing nearly 9,000 offenses.

This report describes these juveniles, summarizes the offenses that were charged, and reviews case dispositions. The source of this information is the juvenile justice database (JJDB), created to provide systematic statistical information on juvenile offenders to policymakers and practitioners throughout West Virginia. The JJDB, and subsequently this report, are a result of the cooperative partnership between Juvenile Probation and the Division of Criminal Justice Services. One limitation of the JJDB and this report is that neither includes juveniles who are referred directly to the Department of Health and Human Services.

Juvenile Offenders

About 4,000 juveniles were involved in the juvenile probation system either through a written and signed complaint or petition, or through the disposition of a case. These juveniles, who were charged with either status offenses* or criminal offenses, will be referred to as juvenile offenders.

Gender & Race

Males were twice as likely to be an offender than females in each racial group. Additionally, the racial distribution was identical for both males and females. Eighty-nine percent of the juveniles were white, 9% were black, and almost 2% were multi-racial, Asian, or American Indian.

The distribution of race and gender of juvenile offenders was different from the

Highlights

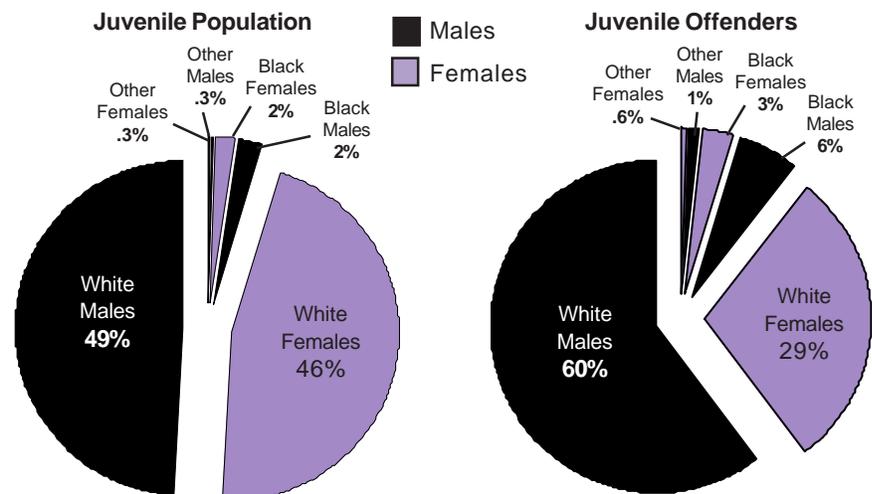
- Approximately 2 out of every 100 juveniles age 12 to 17 in West Virginia were involved in the juvenile probation system between January and June 1998.
- Males were twice as likely to be a juvenile offender than females. White females were the only group less frequent than expected based on the West Virginia population.
- Over 5,000 juvenile cases were reported, most often charging only one offense. Fifty-seven percent of these cases were brought to juvenile probation by law enforcement officers.
- Over 50% of the offenses charged can be categorized as status offenses* (27%) or property crimes (26%).
- Cases were disposed most frequently by assigning the juvenile to an improvement period, counseling the juvenile, dismissing the case, assigning the juvenile to probation without custody, or informal supervision by probation.

general population of West Virginia juveniles. Using 1997 census estimates as a guide, white females were the only group underrepresented. They comprised 46% of the general population, but only 29% of the juvenile offenders. There were 3 times more black males than expected

based on the population. They increased from 2% of the population to 6% of the offenders. These differences between the population and the offenders are presented in Table 1.

*See page 5 for a definition of status offender.

Table 1: Gender and Race



Based upon July 1997 census estimates for juveniles 6 to 21 years old.

Other includes multi-racial, Asian, and American Indian.

Age

The age of offenders ranged from 5 to 21 years old. Those 18 to 21 years old within the juvenile probation system were charged with an offense prior to turning 18. State law on juvenile jurisdiction allows for these individuals to be handled by the juvenile system until their 21st birthdate.

As with national trends, illegal activity by males peaked at a later age than females. Seventeen year-old males and sixteen year-old females were the most common ages at offense.

Education

The majority, 71%, were categorized as mainstream students. Eleven percent were in special education, 8% were in an alternative program, and 2% had obtained their GED. The 8% drop-out rate was greater than the state-wide rate of 3% for all enrolled 7th to 12th grade students. The educational status for many of the juvenile offenders was not available. Table 2 does not include these juveniles.

Home County

Thirteen percent of the juveniles were from Kanawha County. Only 2% were from other states. Table 5 displays offense rates for each county.

Table 2: Educational Status

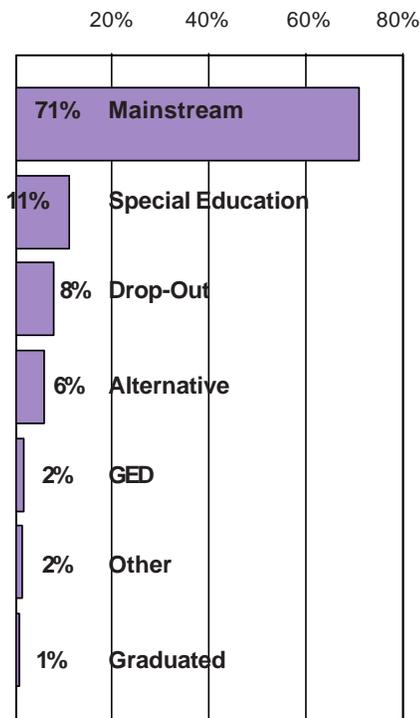
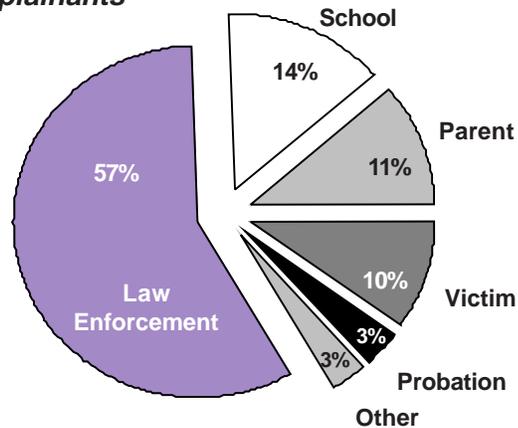


Table 3: Complainants



Cases

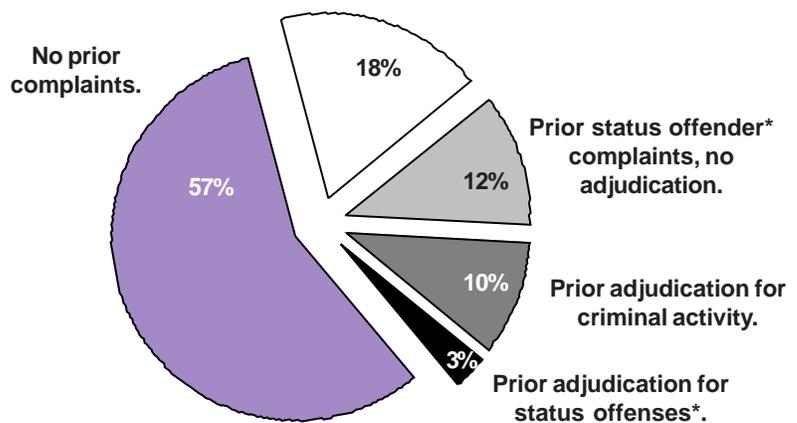
A little more than 5,000 cases were reported for this six month period. A case is defined as a written and signed complaint or petition charging the juvenile with one or more crime or status offense* committed within a 24-hour period in one county.

In 76% of the cases the juvenile was charged with only one offense. Fourteen percent were charged with two offenses and the remaining 10% of the cases contained 3 or more offenses.

Juvenile's History

In 57% of the cases the juvenile did not have a history of complaints. The juvenile was reported to have prior complaints in 43% of the cases. These are represented in Table 4. The juvenile's history in 779 cases was not available and was not included in this table.

Table 4: Juvenile's History



*See page 5 for a definition of status offender.

Complainants

The person signing the complaint or petition charging the juvenile with committing an offense is the complainant. Fifty-seven percent of the cases were brought to probation by law enforcement officers. Schools brought in 14%, parents signed petitions on 11% of the cases, victims reported about 10% of the cases, and probation filed complaints on 3% of the cases. This distribution is presented in Table 3.

Predispositional Detention

In 230, or 5%, of the cases, the juvenile was detained in a detention center prior to the disposition of their case. Three percent were confined in non-secure facilities, 1% in the home, and 1% in staff secure facilities. In 3,754, or 88%, of the cases the juvenile was not detained prior to the disposition. Unreported information was not included in these figures.

Table 5: Offender Rates by County

County	Juvenile Population	Juvenile Offenders	Rate
West Virginia ...	164,061	3,216	1.96%
Brooke	2,479	108	4.36%
Lincoln	2,221	86	3.87%
Wood	7,605	272	3.58%
Mercer	6,183	212	3.43%
Nicholas	2,984	102	3.42%
Cabell	7,648	261	3.41%
Tyler	947	32	3.38%
Ohio	3,734	117	3.13%
Marshall	3,279	102	3.11%
Harrison	6,304	175	2.78%
Kanawha	17,158	445	2.59%
Greenbrier	3,046	74	2.43%
Hancock	3,092	74	2.39%
Morgan	996	23	2.31%
Summers	1,201	27	2.25%
Lewis	1,571	33	2.10%
Pendleton	545	11	2.02%
Taylor	1,265	24	1.90%
Wirt	430	8	1.86%
Upshur	2,099	38	1.81%
Monongalia	5,032	91	1.81%
Monroe	1,052	19	1.81%
Raleigh	8,178	144	1.76%
Preston	3,092	54	1.75%
Mingo	3,838	66	1.72%
Randolph	2,677	43	1.61%
Pocahontas	731	10	1.37%
Mineral	2,267	31	1.37%
Marion	4,865	61	1.25%
Putnam	4,040	49	1.21%
Wetzel	1,750	21	1.20%
Boone	2,899	32	1.10%
Jefferson	3,000	33	1.10%
Wayne	4,171	44	1.05%
Roane	1,627	17	1.04%
Clay	1,170	12	1.03%
Calhoun	686	7	1.02%
Logan	4,969	49	0.99%
Fayette	4,991	47	0.94%
Berkeley	5,055	46	0.91%
Hardy	924	8	0.87%
Mason	2,311	19	0.82%
Wyoming	3,462	27	0.78%
Doddridge	678	5	0.74%
Hampshire	1,633	12	0.73%
Grant	1,088	7	0.64%
Tucker	713	4	0.56%
Webster	1,068	5	0.47%
McDowell	4,129	18	0.44%
Braxton	1,094	4	0.37%
Jackson	2,513	4	0.16%
Barbour	1,381	2	0.14%
Ritchie	845	1	0.12%
Gilmer	579	0	0.00%
Pleasants	766	0	0.00%

Offender rates were calculated by dividing the number of juvenile offenders by the juvenile population for the county. 1990 Census figures were used to determine the juvenile population. Both sets of numbers include juveniles age 12 to 17 years old only. Juveniles were reported by their home county which may be different than the county where the offense or offenses occurred.

In the map below the number of juvenile offenders are reported under the county name and the complaint rates are indicated by the degree of shading within the county.

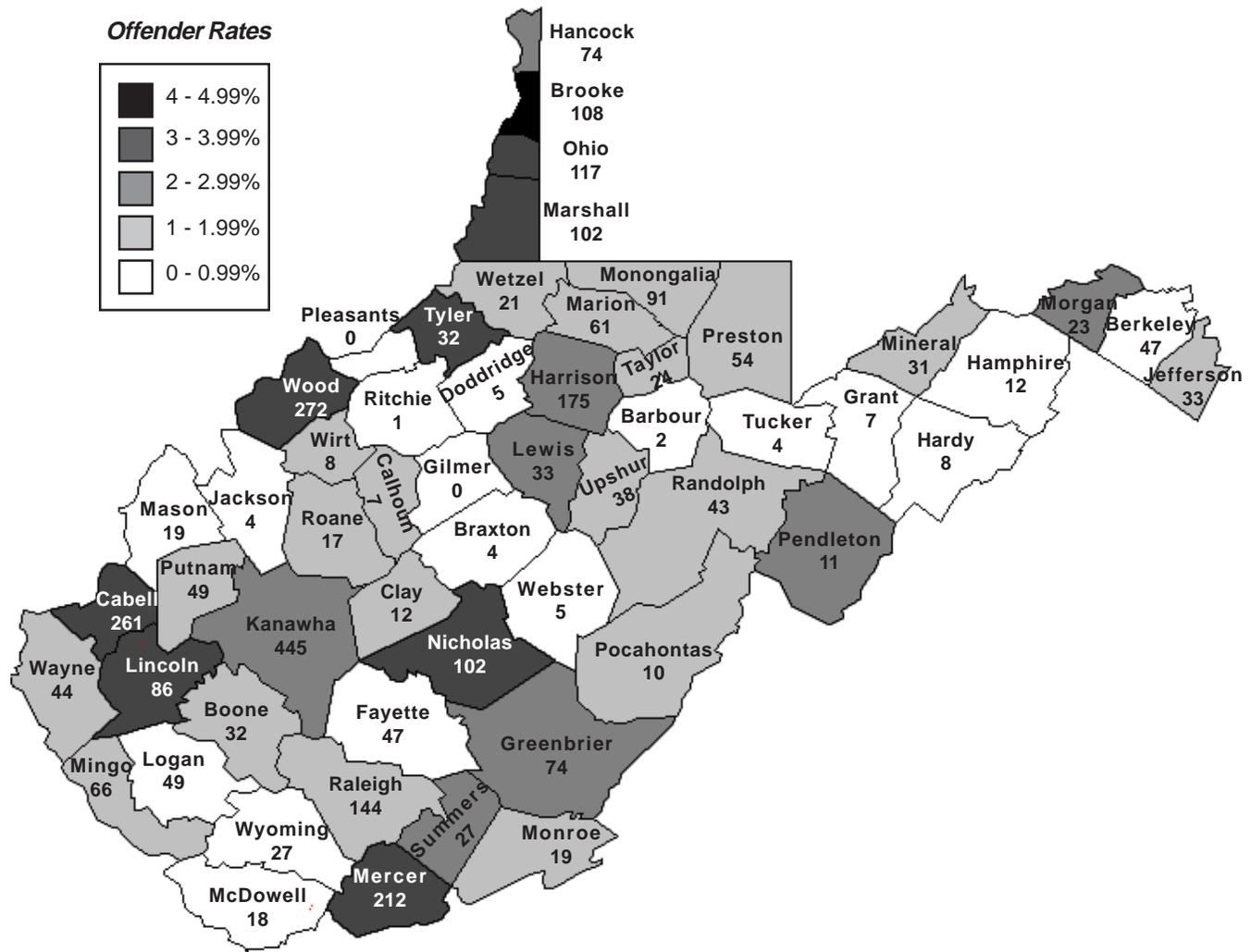
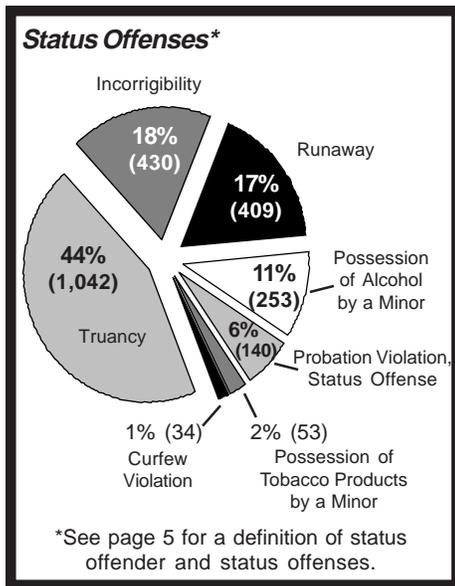


Table 6: Offenses Charged



Person Crimes

Battery	682
Simple Assault	170
Telephone Harassment	39
Malicious Assault	27
Malicious Wounding	25
Aggravated Robbery	21
Wanton Endangerment	13
Attempted Murder	10
Stalking	8
Kidnapping	7
Unlawful Wounding	7
Murder (1st degree)	5
Nonaggravated Robbery	3
Intimidation of a Witness	3
Involuntary Manslaughter	1
Murder (2nd degree)	1
Injurious Child Neglect	1

Auto-Related

Traffic Violations	112
Grand Larceny (auto)	89
Breaking & Entering (auto)	88
Joy Riding	74
DUI (other offenses)	47
Possession of Stolen Vehicle	35
Reckless Driving (1st offense)	28
Hit & Run Property Damage	13
DUI (personal injury)	4
DUI (2nd offense)	3
Hit & Run Personal Injury	3
Leaving the Scene of an Accident	3
Auto Tampering	1

This table lists all offenses charged to juveniles and reported by juvenile probation officers. These do not necessarily represent all offenses charged to juveniles in West Virginia. The categories and offenses are ordered by frequency. Many of these offenses are resolved informally or dismissed by the court.

Other Offenses

Obstructing an Officer	104
Conspiracy to Commit a Misdemeanor	101
Probation Violation (misdemeanor)	90
Fleeing from a Police Officer (misdemeanor)	41
Probation Violation (felony)	38
Conspiracy to Commit a Felony	14
Cruelty of Animals	8
Escape	7
Natural Resources Violations	7
Shooting Across the Road	2
Contributing to the Delinquency of a Minor	1
Aiding Escape	1

Drug Crimes

Possession of a Controlled Substance (any form of marijuana)	162
Possession of a Controlled Substance (1st offense, conditional discharge)	46
Manufacture or Delivery of Non-Narcotic Controlled Substance (marijuana)	33
Possession of a Controlled Substance - narcotics (heroin, crack, ice, etc.)	31
Manufacture or Delivery of Narcotics (1st offense)	21
Possession of a Controlled Substance (other pharmaceuticals)	12
Manufacture or Delivery of Non-Narcotic Controlled Substance (hallucinogens)	6
Possession of Drug Paraphernalia	5
Manufacture or Delivery Narcotics (2nd offense or subsequent)	4
Manufacture or Delivery of Non-Narcotic Controlled Substance (other pharmaceuticals)	3
Possession of a Controlled Substance (hallucinogens)	3

Property Crimes

Shoplifting (1st offense)	27% (636)
Destruction of Property	18% (417)
Petit Larceny	16% (364)
Breaking and Entering	15% (360)
Grand Larceny	7% (153)
Daytime Burglary	5% (119)
Trespassing	4% (105)
Nighttime Burglary	3% (71)
Arson	2% (43)
Entering without Breaking	2% (42)
Burning Property and Vandalism	.5% (11)
Shoplifting (2nd and subsequent)	.4% (9)
Malicious Killing of Animals	.2% (4)

Public Disorder

Public Intoxication	77
Disturbance of Schools	55
Disorderly Conduct	37
Reporting False Emergencies	7
Loitering on School Property	2

Money - Related

Receiving or Transferring Stolen Goods (misdemeanor)	63
Forgery	40
Uttering	35
Obtaining by Fraud	18
Worthless Checks	4
Interstate Transporting Stolen Property	2
Manufacture of Counterfeit Bills	1
Fraudulent Schemes	1

Weapons - Related

Brandishing a Deadly Weapon	55
Carrying a Concealed Weapon	44
Possession of Explosives	12
Bomb Threat (misdemeanor)	8
Possession/Placing Explosives	6
Bomb Threat (felony)	2
Negligent Shooting	1
Unlawful Shooting	1

Sex Offenses

Sexual Assault (2nd degree)	14
Sexual Abuse (1st degree)	11
Sexual Assault (1st degree)	10
Indecent Exposure	7
Sexual Abuse (3rd degree)	6
Sexual Assault (3rd degree)	4
Prostitution	4
Child Sexual Abuse	1
Incest	1
Sexual Abuse (2nd degree)	1

Offenses Charged

Almost 9,000 offenses were charged. Status offenses* and property crimes combined represented over 50% of the offenses. Sexual and weapons-related offenses were infrequent, 59 and 129 charges respectively. A listing of the individual offenses are presented in Table 6 and the frequency of offense categories are displayed in Table 7.

Status Offenses*

Using the JJDP Act to define status offenses, they include truancy, incorrigibility, runaway, possession of alcohol by a minor, possession of tobacco products by a minor, and curfew violations. In addition, probation violations that are status offenses are included in this category. These are acts that cannot be charged against adults.

They represented 27% of all offenses. Truancy was the most frequent of all individual offenses, representing 12%. Incorrigibility was the second most frequent status offense representing 18% of the status offenses, followed closely by charges of runaway which totaled 17% of status offenses. Possession of alcohol by a minor was charged 253 times (11% of status offenses).

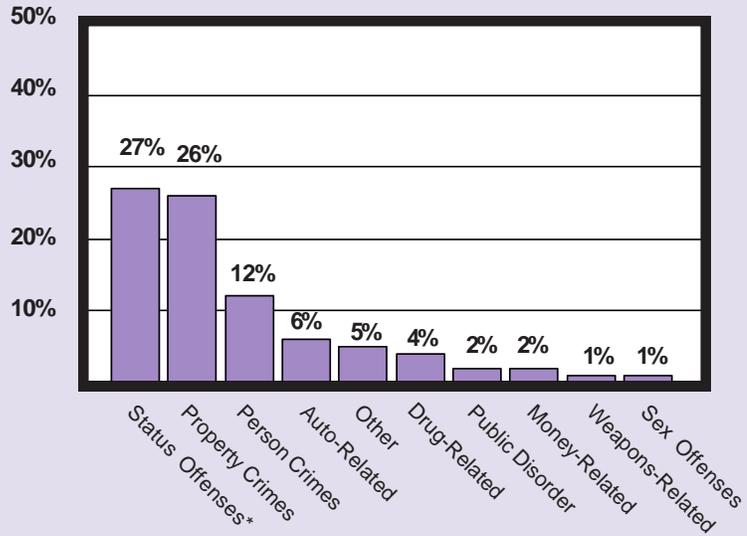
Property Crimes

First offense shoplifting totaled 7% of all offenses and destruction of property totaled 5%. Petit larceny, breaking and entering, grand larceny, daytime burglary, and trespassing were charged to juveniles over 100 times each.

Person Crimes

Battery was the second most frequent of all individual offenses and by far the most frequent person-related crime with 682 charges. The remaining crimes were infrequent, yet some extremely serious. Ten counts of attempted murder, 7 counts of kidnapping, 5 counts of first degree murder, and 1 count of involuntary manslaughter were charged.

Table 7: Frequency of Offenses by Categories



Auto-Related Offenses

Although traffic violations were common with 112 charges, auto larceny, breaking and entering an auto, and other serious offenses were reported. There were no DUI deaths or negligent vehicular homicides reported.

Drug-Related Offenses

Fifty percent of all drug-related offenses and 2% of all offenses involved the possession of any form of marijuana. Possession of a controlled substance, first offense, conditional discharge, was charged 46 times.

Public Disorder

Seventy-seven counts of public intoxication, 55 counts of disturbance of

schools, and 37 counts of disorderly conduct were reported.

Money - Related Offenses

The misdemeanor offense, receiving or transferring stolen goods, was charged 63 times.

Weapons - Related Offenses

Fifty-five counts of brandishing a deadly weapon were reported. Forty-four counts of carrying a concealed weapon were reported. Offenses involving explosives or bombs totaled 28 counts.

Sex Offenses

Sex offenses, in general, were infrequent, totaling less than 1% of all offenses.

*Definition of a Status Offender

For the purposes of this report, the federal definition of a status offender was used. According to Section 223(12)(A) of the JJDP Act, juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult are status offenders.

At the state level, the WV Code is not as broad. According to WV Code (49-1-4) a status offender means a juvenile who has been adjudicated as one:

“(A) Who habitually and continually refuses to respond to the lawful supervision by his or her parents, guardian or legal custodian such that the child’s behavior substantially

endangers the health, safety, or welfare of the juvenile or any other person;

(B) Who has left the care of his or her parents, guardian or custodian without the consent of such person or without good cause;

(C) Who is habitually absent from school without good cause; or

(D) Who violates any West Virginia municipal, county, or state law regarding use of alcoholic beverages by minors;”

The WV Code includes incorrigibility, running away, truancy, and possessing alcohol by a minor. Possessing tobacco by a minor and violating curfew were categorized as status offenses in this report but are not included in WV Code.

Dispositions

There were a variety of case dispositions. The most common involved assigning the juvenile to an improvement

period, counseling and closing the case, dismissing the case, or assigning the juvenile to noncustodial probation or to informal supervision. Six cases were transferred to adult court during this six-

month period. See Table 8 for the complete list of dispositions, both formal and informal.

Commitment Setting

Only 365 or 7% of the juvenile cases involved commitment to non-secure, staff secure, or hardware secure facilities by the courts. Juveniles were not committed to any facility in at least 73% of the cases.

Table 8: Disposition of Cases

<i>Formal (F)</i> <i>Informal (I)</i>	<i>Disposition</i>	<i>Number of Cases</i>
F	Improvement Period	730
I	Counseled, Case Closed	717
F	Dismissed	525
F	Probation, Noncustodial	497
I	Informal Supervision by Probation	458
I	Complaint Resolved	350
I	Held Open without Further Action	229
I	Referred to Community Agency	222
F	DHHR Custody, Probation	160
I	Other Informal Disposition	105
F	DHHR Custody	96
F	Adjudicated Delinquent	85
F	Adjudicated Status Offender*, No DHHR Custody	83
F	Division of Juvenile Services Custody	64
F	Other Formal Disposition	51
F	Adjudicated Status Offender*, DHHR Custody	37
F	Adjudicated, Not Delinquent	7
F	Transferred to Adult Court	6
F	Adjudicated, Not Status Offender*	1
F	No Status Offender* Adjudication	1
F	No Delinquent Adjudication	1
F	Mental Health Proceeding Initiated	1
	Disposition Information Not Yet Available	631

Acknowledgements

This report was written by Laura Hutzell, Research Analyst for the Criminal Justice Statistical Analysis Center, and other staff of the Division of Criminal Justice Services (DCJS). DCJS gratefully acknowledges Juvenile Probation Officers, Probation Services, and the JJDB Planning and Evaluation Committee for contributing to the JJDB; Delphine Coffey of the Development Office for providing West Virginia census data; and Doris White of the Department of Education for providing the state drop-out rate. This project is funded by the U. S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention Program. The 1998 annual JJDB summary is expected March of 1999. If you have questions about this report or suggestions for future summaries, please contact Laura Hutzell.

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