

# DIVISION OF CRIMINAL JUSTICE SERVICES

Criminal Justice Statistical Analysis Center  
Department of Military Affairs and Public Safety  
State of West Virginia

1999 WV JUVENILE PROBATION ANNUAL REPORT

OCTOBER 2000

West Virginia juvenile probation officers handled more than 8,000 cases involving nearly 7,000 juveniles in 1999. Almost 11,000 offenses were charged, and more than 7,500 cases were disposed.

Most of the cases charged juveniles with delinquency offenses. Property offenses were charged more frequently than any other offense category, although assault was the most frequently charged individual offense. Theft and property damage were the 2<sup>nd</sup> and 3<sup>rd</sup> most frequent offenses, comprising almost one-third of the all delinquency offenses charged. Truancy was the most frequently charged status offense.

The majority of cases involved juveniles who had no prior complaints for either delinquency or status offenses. Most juveniles were not detained prior to the disposition of their cases.

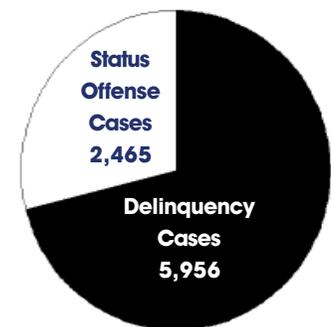
Most juveniles involved with probation in 1999 were white males between the ages of 14 and 17. Although only one-third of delinquent offenders were female, almost half of the status offense cases involved females. Most juveniles were mainstream students living with parents or another relative.

More than two-thirds of status offense cases were handled informally, whereas delinquent cases were handled informally almost half of the time. Case dispositions in 1999 most frequently involved a formal improvement period, informal juvenile counseling, informal probation and formal probation.

This report summarizes juvenile cases handled by probation officers in 1999, including the juveniles involved, the offenses charged and the methods of case disposition.

## Juvenile Probation Cases in 1999

Graph #1



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## 1999 Juvenile Probation Totals

### 8,421 Cases

94% were opened in 1999. 6% were opened in previous years but disposed in 1999. 71% were delinquency offense cases, and 29% were status offense cases. (For this report, a case is defined as a written and signed petition/complaint referred to juvenile probation alleging a juvenile committed one or more delinquency or status offenses within a 24-hour period in one county.)

### 6,811 Juveniles

69% were charged with committing delinquency offenses, and 31% were charged with committing status offenses only.

### 10,662 Offenses (Charged in Cases Opened in 1999)

70% were delinquency offenses. The remaining 30% were status offenses. 18% of the cases opened in 1999 involved a juvenile charged with more than one offense.

### 7,748 Case Dispositions

53% were resolved informally, and 47% were resolved formally.

# West Virginia Juvenile Probation

In West Virginia, juvenile proceedings fall under the jurisdiction of the state's circuit court. Jurisdiction is initiated when a petition is filed with the WV Circuit Court charging a juvenile with committing an act of delinquency or a status offense.

Before a petition is officially filed, however, the court may refer a case to juvenile probation to determine whether the situation can be resolved informally.

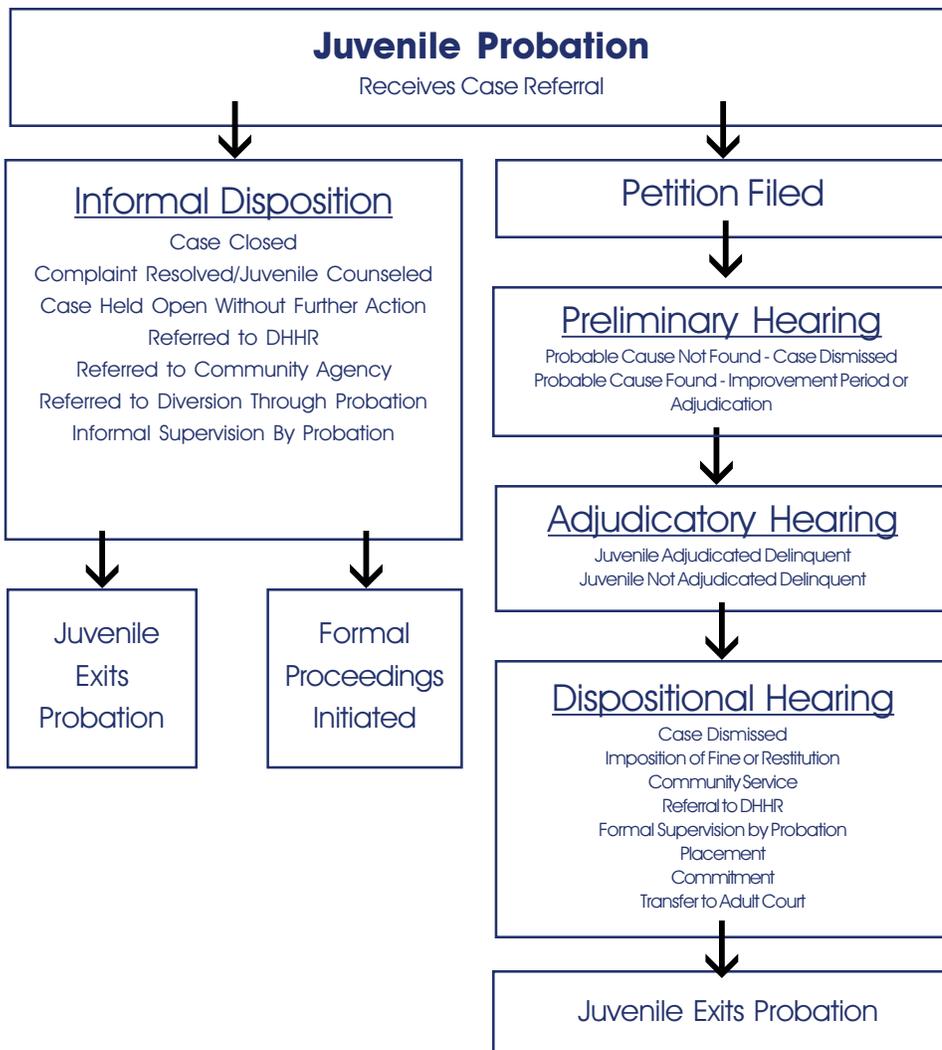
Juvenile probation also receives case referrals from other entities such as law enforcement and the Department of Health and Human Resources (DHHR).

If informal action does not resolve a case, formal proceedings are initiated. A formal petition is filed with the court, and a preliminary hearing is scheduled to determine whether the case should include an adjudication hearing and formal disposition.

Sometimes, even after a petition is formally filed, the court may refer the case back to juvenile probation for informal resolution.

In most cases involving serious charges such as felonies, petitions may be immediately filed without attempting informal resolution.

The chart below generalizes the flow of the juvenile probation system in West Virginia. Practices can and do vary among juvenile probation offices across the state.



## Source

Data in this report are taken from the Juvenile Probation Database, which is compiled from forms completed by juvenile probation officers across the state on cases taken into the juvenile probation system.

The Juvenile Probation Database is a cooperative partnership between DCJS and the Administrative Office of the WV Supreme Court of Appeals Juvenile Probation Services. It was created to provide statistical information on juvenile offenders and offenses. The information is intended to facilitate sound policy and case level decisions, fair resource allocation and appropriate program development.

*See page #15 for a list of references cited within this report.*

## Limitations

Only information reported by WV juvenile probation is included in this report. Many other state and local agencies and organizations, including law enforcement, juvenile detention, juvenile corrections, community programs, education, child shelters and the DHHR, deal directly with juvenile offenders.

The WV Juvenile Probation Database relies on accurate, complete and timely reporting by all state probation officers. Cases for which DCJS does not receive a form are not included in this report.

The 1998 Juvenile Probation Annual Report discussed delinquent and status offense cases, offenders, offenses and dispositions as a whole. This year's report discusses them separately. Therefore, caution must be taken when comparing numbers in this report with those in the 1998 report.

# Delinquency Cases

In 1999, WV juvenile probation opened and/or disposed 5,956 delinquency cases.

Delinquency cases are defined for this report as cases charging a juvenile with one or more acts that could result in criminal prosecution if committed by an adult.

## Date of Complaint

Most (5,561) of the delinquency cases were initiated by complaints signed in 1999 (See Map #1 Below). The remaining 395 cases were based on complaints signed in a previous year, but the case disposition occurred in 1999.

In one-third (32.1%) of the delinquency cases, the complaint was signed the same day as the alleged offense(s). In one-fourth (23.4%) of the cases, the complaint was signed within seven days of the alleged offense(s). In three-fourths of the cases (73.0%), the complaint was signed within one month of the alleged offense(s).

## Complaint History

No prior complaints for delinquency or status offenses had been filed on the juvenile in 57.2% of the delinquency cases. In some cases, however, prior status offense history was unknown to probation because the cases were handled solely by the DHHR.

Delinquency cases with a complaint history included:

- 21.4% with a prior delinquency charge that did not result in adjudication;
- 10.6% with a prior status offense charge that did not result in adjudication;
- 11.5% with a prior adjudication of delinquency;
- 4.4% with a prior adjudication for a status offense;
- 6.8% with a prior arrest;
- 6.4% with prior probation.

## Predispositional Detention

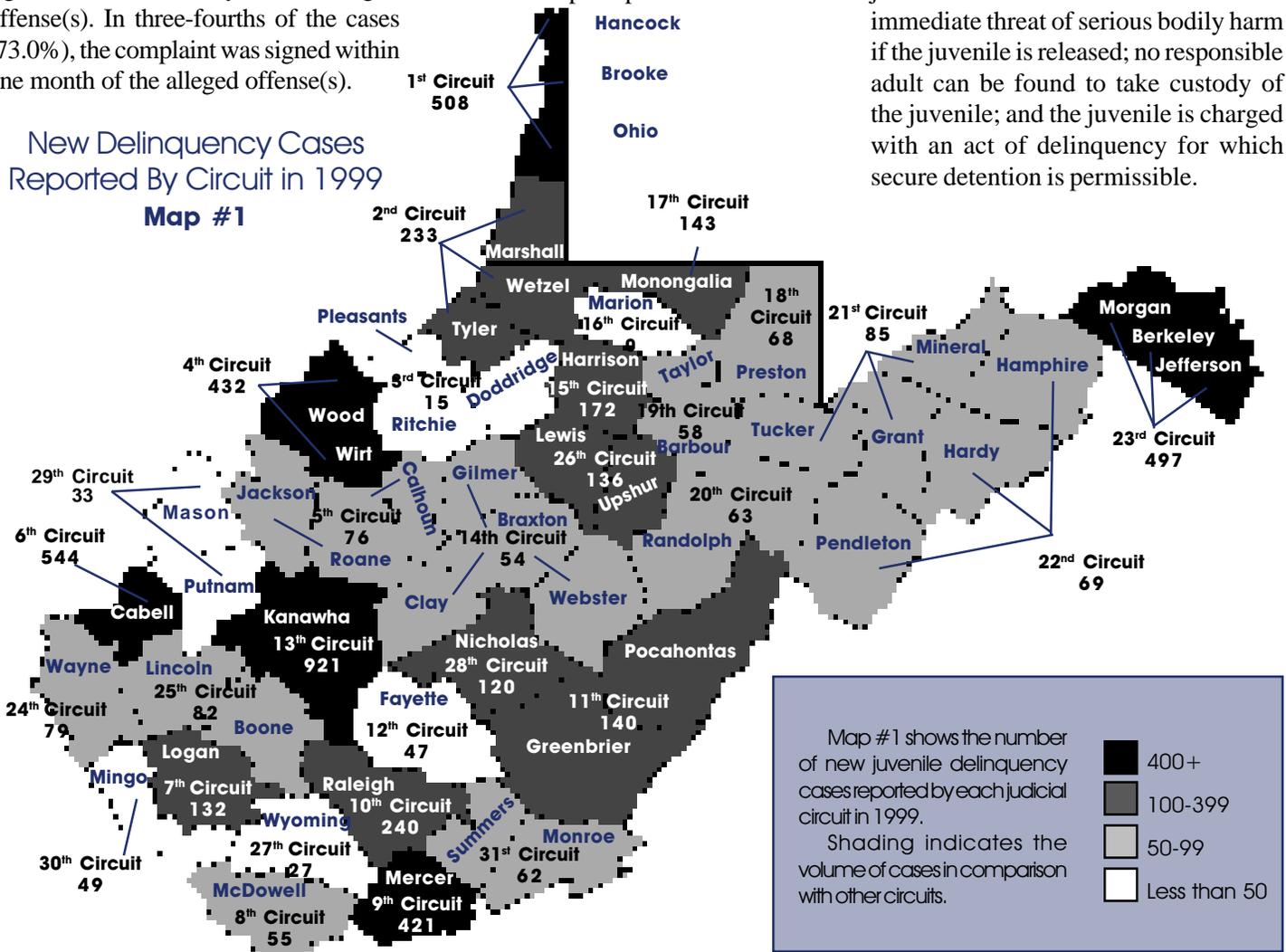
In 85.7% of delinquency cases, the juvenile was not detained prior to the disposition hearing.

Of the remaining 854 delinquency cases in which juveniles were detained prior to the disposition hearing: 6.4% (379) involved a juvenile held in a detention center; 1.2% involved a juvenile held in a non-secure facilities; 0.5% involved a juvenile held in staff secure facilities; 0.7% involved a juvenile held in home confinement; and 0.8% of the cases reported juveniles held in other dispositional detention. In 4.8% of the cases, the predispositional detention was either unknown or not reported.

Juvenile detention in West Virginia is regulated by the WV Code, which states that the only circumstances in which a juvenile should be detained include: an immediate threat of serious bodily harm if the juvenile is released; no responsible adult can be found to take custody of the juvenile; and the juvenile is charged with an act of delinquency for which secure detention is permissible.

## New Delinquency Cases Reported By Circuit in 1999

Map #1



Map #1 shows the number of new juvenile delinquency cases reported by each judicial circuit in 1999. Shading indicates the volume of cases in comparison with other circuits.

# Delinquency Offenders

**There were 4,723 juveniles involved in delinquency cases opened and/or disposed in 1999.** Juveniles involved in delinquency cases are referred to as delinquent offenders in this report.

## Gender and Race

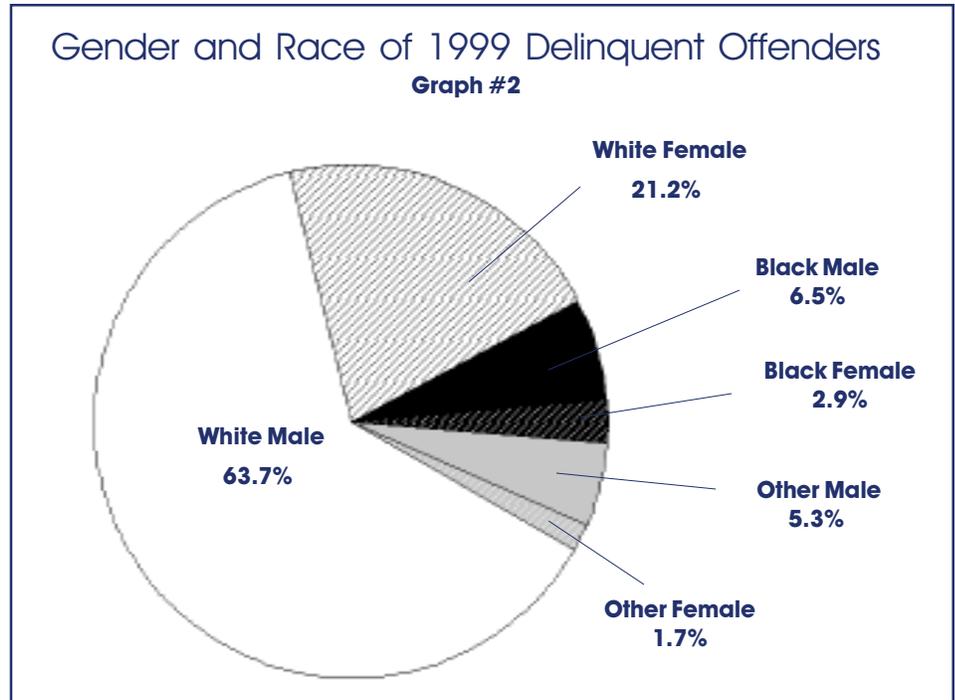
Most (74.2%) of the delinquent offenders were male, and 25.7% were female.

The majority (84.9%) of delinquent offenders were reported to be white. 9.4% were black, 0.2% were Asian, and 1.2% were reported to be multiracial. The race of 204 delinquent offenders (4.3%) was either unknown or not reported.

## Age At Complaint

**Delinquent offenders ranged in age from 4 to 20 years old with 15 being the average age.** The highest number of complaints were signed against 17 year olds (23.2%). The age of 105 delinquent offenders (2.2%) was either unknown or not reported.

*(The 4 year old was charged with 2<sup>nd</sup> degree arson. The 5 year old was charged with destruction of property. 18-20 year olds in the juvenile probation system were charged with offenses committed prior to their 18<sup>th</sup> birthday. WV law on juvenile jurisdiction allows these individuals to be handled by the juvenile system until their 21<sup>st</sup> birthday.)*



## Education

**The majority (57.5%) of delinquent offenders for whom educational status at the time of offense was known were categorized as mainstream students.** 8.5% were in special education, and 5.9% were in alternative programs.

Less than one percent (0.7%) had graduated from high school, and 1.5% had obtained their GED.

The delinquent offender drop out rate of 6.4% is more than twice as high as

the statewide dropout rate of 2.8% for all enrolled 7<sup>th</sup> to 12<sup>th</sup> grade students during the 1998-99 school year, according to the *WV Report Cards*.

Other types of educational placement reported for delinquent offenders included home school, expulsion from school and job corps.

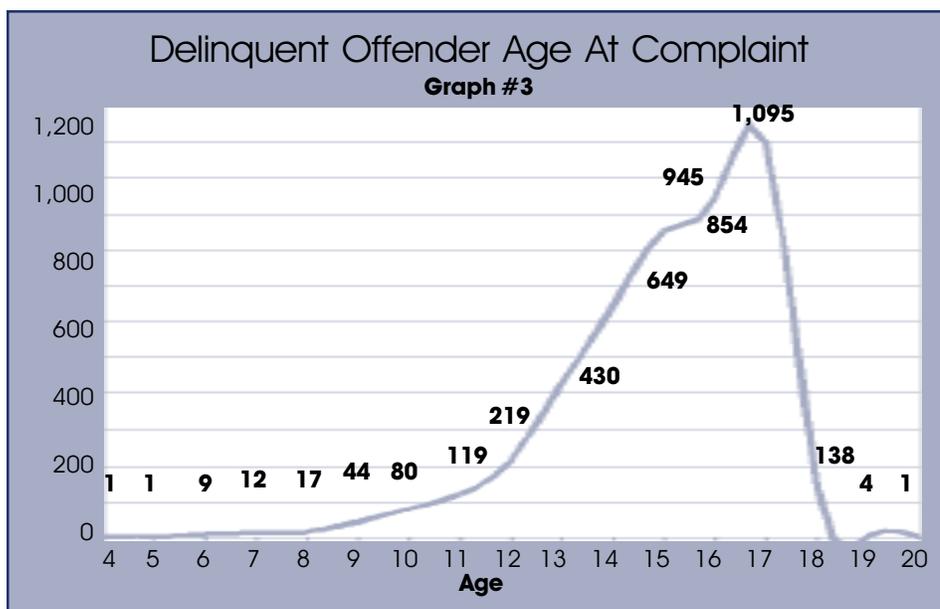
The educational status of 840 (17.8%) delinquent offenders was either unknown or not reported.

## Living Situation

**In cases where living situation at the time of offense was known, most delinquent offenders were living with a parent or relative.** 47% lived with one parent, and 35.7% lived with both parents. 3.6% lived with grandparents, and 1.7% lived with other relatives.

Delinquent offenders living in a DHHR-approved setting at the time of offense comprised 3.2%. Less than one percent (0.4%) lived in detention facilities or were transients.

Other living situations included living with friends, stepparents and adoptive parents. The living situation for 293 (6.2%) juveniles was unknown.





# Delinquency Offenses

There were 7,799 offenses charged in new delinquency cases in 1999. These offenses include both delinquent and status offenses, because some juveniles who are charged with a delinquency offense are charged with multiple offenses that might include one or more status offenses.

The most frequently charged offenses were assault (22.2%), theft (18.4%), property damage (11.0%), drug law violations 7.4%, and burglary 6.6% (See Table #2).

Most cases (76.3%) opened in 1999 involved delinquent offenders charged with only one offense. Two offenses were charged in 15.2% of the cases, and three offenses were charged in 5.0% of the cases. Four offenses were charged in 2.0% of the cases. Only 1.4% of the cases charged five or more offenses to delinquent offenders.

The source of cases referred to juvenile probation was law enforcement in 72.7% of the new cases reported in 1999. Victims reported 13.7%, schools reported 6.5%, and parents reported 3.7%. Complaints signed by DHHR totaled 2 (0.3%).

## Classification

To effectively present the types of offenses charged to juveniles, similar offenses have been grouped together into categories. The categories used in this report are similar to those developed by the Federal Bureau of Investigation's National Crime Information Center (NCIC).

Status offenses are all included in the NCIC status offense category. Delinquent offenses, however, fall into several NCIC categories including assault, robbery, traffic, weapons and others listed in Table #2 on the next page. Probation violations have been placed in its own category. In addition, NCIC categories have been further classified into seven general categories (See Graph #5) to facilitate organization.

## Property Offenses

Theft was the second most frequent offense representing 18.4% of all offenses charged to delinquent offenders in 1999. Theft charges included 839 counts of 1<sup>st</sup> offense shoplifting, 14 counts of 2<sup>nd</sup> offense shoplifting, one count of 3<sup>rd</sup> offense shoplifting, 462 counts of petit larceny, 116 counts of grand larceny, 4 counts of attempted grand larceny and one count of embezzlement.

Property damage charges comprised 11% of all charges making it the third most frequent offense charged. These charges included 706 counts of destruction of property, 21 counts of vandalism, 38 counts of auto tampering, 64 counts of auto breaking and entering and 27 counts of breaking without entering.

Burglary offenses comprised 6.6% of all offenses charged. These charges included 110 counts of nighttime burglary, 164 counts of daytime burglary, 201 counts of breaking and entering, 17 counts of attempted breaking and entering or conspiracy, one count of attempted burglary and 20 counts of entering but not breaking.

Stolen vehicle offenses included 94 counts of joyriding, 85 counts of grand auto larceny and 40 counts of possession of a stolen vehicle.

Trespassing was charged 141 times.

Stolen property offenses included 77 counts of transporting and receiving stolen goods and property and 5 counts of interstate transport of stolen goods.

Arson was charged 69 times. Arson charges included 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> degree arson and setting fire to land.

## Person Offenses

Assault charges totaled 1,729 making assault the most frequently charged (22.2%) offense in new delinquency cases in 1999.

The remaining crimes were much less frequent, yet included serious charges.

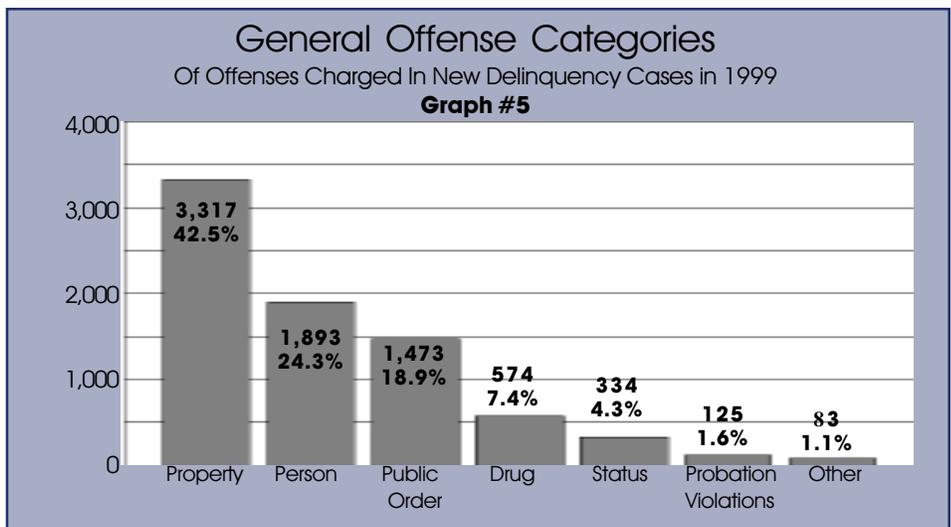
Sexual assault was charged 82 times comprising 1.1% of all offenses charged to delinquent juveniles. These charges included 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> degree sexual assault and 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> degree sexual abuse.

Robbery was charged 47 times including 35 counts of aggravated robbery and 12 counts of nonaggravated robbery.

A total of 24 sexual offenses were charged including 6 counts of incest, 17 counts of indecent exposure and one other sexual offense.

Homicide was charged 7 times including 3 counts of 1<sup>st</sup> degree murder and 4 counts of attempted murder.

There were three child abuse charges and one kidnapping charge.



# Delinquency Offenses

## Public Order Offenses

**Traffic offenses** charged in 1999 totaled 380. They included 85 counts of 1<sup>st</sup> offense DUI, one count of 2<sup>nd</sup> offense DUI, one count of DUI causing death with reckless regard, 2 counts of negligent vehicular homicide, 86 counts of DUI, 6 counts of personal injury DUI, one count of hit and run personal injury, 6 counts of hit and run property damage, 16 counts of leaving the scene of an accident, 33 counts of reckless driving and 229 traffic violations. *(These numbers do not reflect all traffic offenses charged to juveniles in 1999. Only traffic offenses referred to probation are included in this number.)*

**Public peace** violations included 79 counts of disorderly conduct, 152 counts of school disturbance and 82 counts of public intoxication.

**Obstruction of police** charges included 157 counts of obstructing an officer, 96 counts of fleeing from police, 17 counts of resisting arrest and 7 counts of reporting false emergencies.

**Weapons offenses** totaled 193, comprising 2.5% of all offenses charged to delinquent offenders in 1999. Weapons offenses included 66 counts of brandishing a deadly weapon, 62 counts of carrying a concealed weapon, 4 counts each of possession of a weapon and possession of a weapon on school property, 14 counts of possessing explosives, 31 counts of bomb threats, 4 counts of placing explosives, and 4 counts each of shooting across roads and unlawful shooting.

There were 168 counts of **fraud**. This category included 73 counts of forgery, 2 counts of obtaining by fraud, 1 count of counterfeiting, 65 counts of uttering, 3 counts of worthless checks, 10 counts of credit card fraud, and 14 counts of fraudulent schemes.

**Obstruction of justice** charges totaled 54 including 40 counts of providing false information, one count each of contempt of court and absconding from probation, 5 counts of noncompliance order and 7 fugitive charges.

## Offenses Charged

In Delinquency Cases Opened in 1999

Table #2

Category	#	%
Assault	1,729	22.2%
Theft	1,437	18.4%
Property Damage	856	11.0%
Drug Law	574	7.4%
Burglary	513	6.6%
Traffic Offense	380	4.9%
Status Offense*	334	4.3%
Public Peace	313	4.0%
Obstructing Police	277	3.6%
Stolen Vehicle	219	2.8%
Weapons Offense	193	2.5%
Fraud	168	2.2%
Trespassing	141	1.8%
Probation Violations	125	1.6%
Miscellaneous	83	1.1%
Sexual Assault	82	1.1%
Stolen Property	82	1.1%
Arson	69	0.9%
Obstructing Justice	54	0.7%
Privacy Violation	50	0.6%
Robbery	47	0.6%
Animal Offense	28	0.4%
Sexual Offense	24	0.3%
Homicide	7	0.1%
Extortion	5	0.1%
Escape/Fleeing	4	0.1%
Child Abuse	3	0.0%
Kidnapping	1	0.0%
Liquor Law	1	0.0%
<b>Total</b>	<b>7,799</b>	<b>100%</b>

\*All 334 status offense charges were secondary to delinquency offenses charged in delinquency cases opened in 1999.

This table lists all offenses charged to juveniles in delinquent offense cases reported by juvenile probation officers. They do not necessarily represent all offenses charged to juveniles in WV. The offense categories used conform to Federal National Crime Information Center (NCIC) standards.

**Privacy violations** included 48 telephone harassment charges and 2 Internet harassment charges.

**Animal control** offenses included 25 counts of cruelty to animals and 3 counts of killing/maliciously wounding animals.

There were five counts of **extortion** and four **escape** charges. There was one **alcohol violation** (open container) charged.

## Drug Offenses

Drug law violations were the fourth most frequent offenses (7.4%) charged to delinquent offenders in 1999. The charges included 436 counts of **possession of controlled substances**, 22 counts of **possession of drug paraphernalia**, 104 counts of **manufacture and delivery**, and 12 counts of **obtaining controlled substances by fraud**.

## Status Offenses

There were 334 status offenses charged to delinquent offenders in 1999. These status offenses were secondary to the one or more delinquency offenses charged in these delinquency cases.

**Possession/consumption of alcohol by a minor** was charged 115 times making it the most frequent status offense charged in delinquency cases. There were 102 **incorrigibility** charges, 44 **possession of tobacco by a minor** charges, 26 **curfew violation** charges, 24 **truancy** charges and 23 **runaway** charges.

## Probation Violations

There were 125 **probation violations** charged to delinquent offenders in 1999.

## Miscellaneous Offenses

There were 83 **miscellaneous** offenses charged to delinquent offenders in 1999. The charges included loitering on school property, littering, and conspiracy to commit a misdemeanor.

# Delinquency Case Dispositions

**In 1999, 5,431 delinquency cases were disposed.** Less than half (47.2%) were resolved informally, and 52.8% were resolved formally. The disposition was pending for 525 cases.

*(An informal disposition is an action taken in a case before a case is adjudicated. A formal disposition is imposed by a court after a juvenile has been adjudged to be a delinquent or has been adjudged to be a status offender.)*

Of the cases that reported a disposition and disposition date, less than one percent (0.4%) were disposed the same day the complaint was signed. Almost 20% of the cases reported disposal within one month of signing.

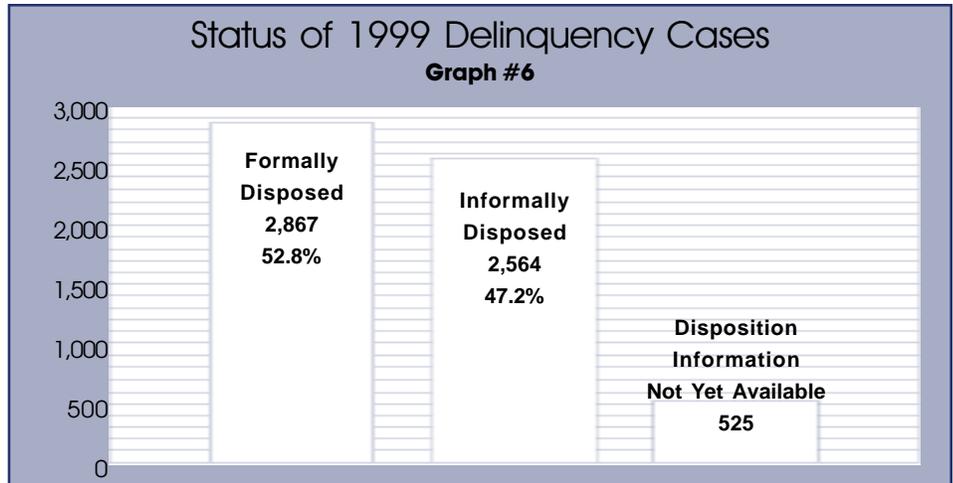
More than half of the cases (63.4%) were disposed within three months, and 88.6% within six months. Less than three percent of the cases disposed reported offense disposals occurring more than a year after the complaint was signed.

## Informal Dispositions

In 1999, 2,564 delinquent cases were resolved informally. The most common informal dispositions were case resolved/juvenile counseled, informal supervision by probation and case closed/complaint withdrawn.

## Formal Dispositions

In 1999, 2,867 delinquent cases were resolved formally. The most common formal dispositions were improvement period, noncustodial probation and case dismissal.



**Initial Disposition of Delinquency Cases in 1999**  
**Table #3**

Disposition		#	%
Formal	Improvement Period	1,058	17.8%
Informal	Complaint Resolved and/or Juvenile. Counseled	802	13.5%
Formal	Probation, Noncustodial	725	12.2%
Informal	Informal Supervision By Probation	587	9.8%
Formal	Dismissed	556	9.3%
Informal	Case Closed or Complaint Withdrawn	421	7.1%
Informal	Referred to Diversion Through Probation	307	5.2%
Informal	Referred to Community Agency or DHHR	255	4.3%
Formal	DHHR Custody, Probation	189	3.2%
Informal	Held Open Without Further Action	187	3.1%
Formal	DHHR Custody	145	2.4%
Formal	Division of Juvenile Services Custody	113	1.9%
Formal	Transfer to Adult Court	31	0.5%
Formal	Referred to DHHR	25	0.4%
Formal	Fine or Restitution, Case Dismissed	18	0.3%
Formal	Other Formal Disposition	5	0.1%
Informal	Other Informal Disposition	5	0.15%
Formal	Mental Health Proceeding Initiated	2	0.0%
	Disposition Information Not Yet Available	525	8.8%
<b>Total</b>	<b>Cases Handled in 1999</b>	<b>5,956</b>	<b>100%</b>

**Formal Disposition of Delinquency Cases Adjudicated in 1999--Table #4**

Adjudication Disposition	No Adjud.	Dismiss At Preliminary	Nolle Pros. W/O Prejudice	Nolle Pros. W/Prejudice	Not Guilty By Trial	Guilty By Plea	Guilty By Trial	Total
Dismissed	309	154	31	31	15	15	1	556
Improvement Period	990					68		1,058
Fine/Restitution						18		18
Referred To DHHR						25		25
Probation, Noncustodial						678	47	725
DHHR Custody						140	5	145
DHHR Custody/ Probation						176	13	189
DJS Custody						101	12	113
Mental Health Proceeding Initiated						2		2
Transferred to Adult Court	16					14	1	31
Other						4	1	5
<b>Total</b>	<b>1,315</b>	<b>154</b>	<b>31</b>	<b>31</b>	<b>15</b>	<b>1,241</b>	<b>80</b>	<b>2,867</b>

# Delinquency Case Dispositions

## Formal Supervision By Probation

Of the formally disposed delinquency cases that included formal supervision by probation, 1,134 reported the type of supervision.

- 64.4% Straight probation
- 17.7% Probation with DHHR Custody
- 5.5% Improvement Period Supervision
- 5.1% Monitor Salem/Davis
- 3.6% Monitor Compliance
- 1.5% Probation With Home Confinement
- 0.7% Home Confinement Program
- 0.3% Bond Release

## Entry Type

Of the formally disposed delinquency cases involving formal supervision by probation, 1,127 reported the type of entry into supervision.

Almost all (97.2%) cases were assigned. Less than one percent of the cases were transferred in from another circuit in West Virginia. Two percent of the cases were transferred in from out of state.

## Exit Type

Of the formally disposed delinquency cases that involved formal supervision by probation, only 170 cases reported the type of exit from supervision. However, this small reporting number is due in part to the fact that in some cases the period of formal supervision has not yet ended.

- 65.9% Discharged After Full Term
- 13.5% Revoked Term Violation
- 6.5% Early Discharge
- 4.7% Revoked New Crime
- 3.5% Transfer In State
- 1.2% Transfer Out of State
- 4.7% Other Type of Exit

## Pleas

Only 150 or 1.9% of all offenses charged in delinquent cases were plead to a charge different than the original offense charged on the complaint.

## Transfer to Adult Court

In 1999, 31 delinquency cases reported transferring the juvenile offender to adult criminal status. However, only 21 juveniles were actually transferred to adult court because five juveniles were involved in more than one of the 31 adult transfer cases.

Almost all (20) of the juveniles transferred to adult court were male. Only one was female. Eleven were black, and 19 were white. The race of one juvenile was not reported.

The age of the juveniles transferred to adult court ranged from 14 to 18 years old. More than half (12) of the juveniles were 17.

The offense(s) charged to juveniles who were transferred to adult court ranged from breaking and entering to 1<sup>st</sup> degree murder.

1999 Delinquency Cases Transferred To Adult Court

Graph #7



## Commitment Setting

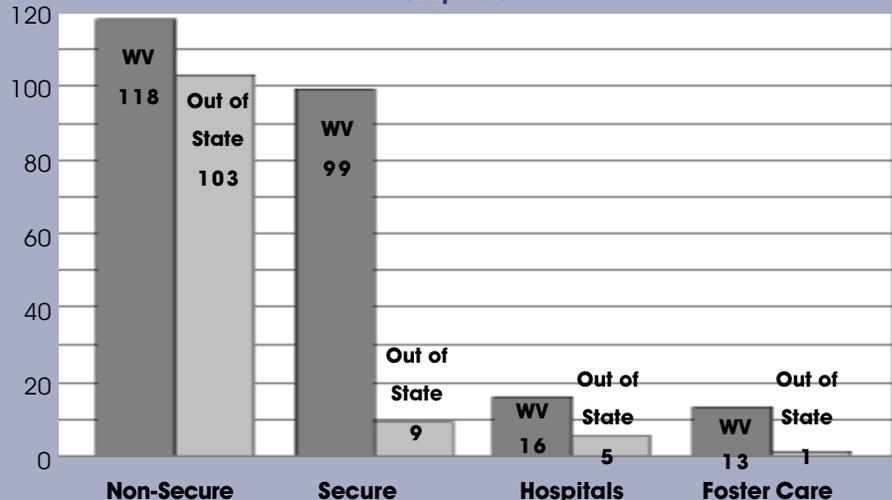
Only 19.5% of the delinquency cases disposed in 1999 resulted in out of home placement.

Of those 364 cases, 60% involved commitment by the courts to non-secure,

staff secure facilities; 30% involved assignment to hardware secure facilities, 6% involved a hospital commitment, and 4% to foster care.

Commitment Setting of Delinquency Cases Disposed in 1999

Graph #8



# Status Offense Cases

In 1999, WV juvenile probation opened and/or disposed 2,465 status offense cases. Status offense cases are defined for this report as cases charging a juvenile with acts that could not be charged to adults.

## Date of Complaint

Most (2,357) of the status offense cases were initiated by complaints signed in 1999 (See Map #2 Below). The remaining 108 cases were based on complaints signed in a previous year, but the case disposition occurred in 1999.

In almost half (46.6%) of the status offense cases, the complaint was signed the same day as the alleged offense(s). In one-third (25.1%) of the cases, the complaints were signed within seven days of the alleged offense(s). In 85.5% of the cases, the complaints were signed within one month of the alleged offense(s).

## Complaint History

No prior complaints for status or delinquency offenses had been filed on the juvenile in 61.3% of the status offense cases. In some cases, however, prior status offense history was unknown to probation because the cases were handled solely by the DHHR.

Status offense cases with a complaint history included:

- 18.7% with a prior status offense charge that did not result in adjudication;
- 14.6% with a prior delinquency charge that did not result in adjudication;
- 4.8% with a prior adjudication for a status offense;
- 5.5% with a prior adjudication of delinquency;
- 2.0% with a prior arrest;
- 3.2% with prior probation.

## Predispositional Non-Secure Detention

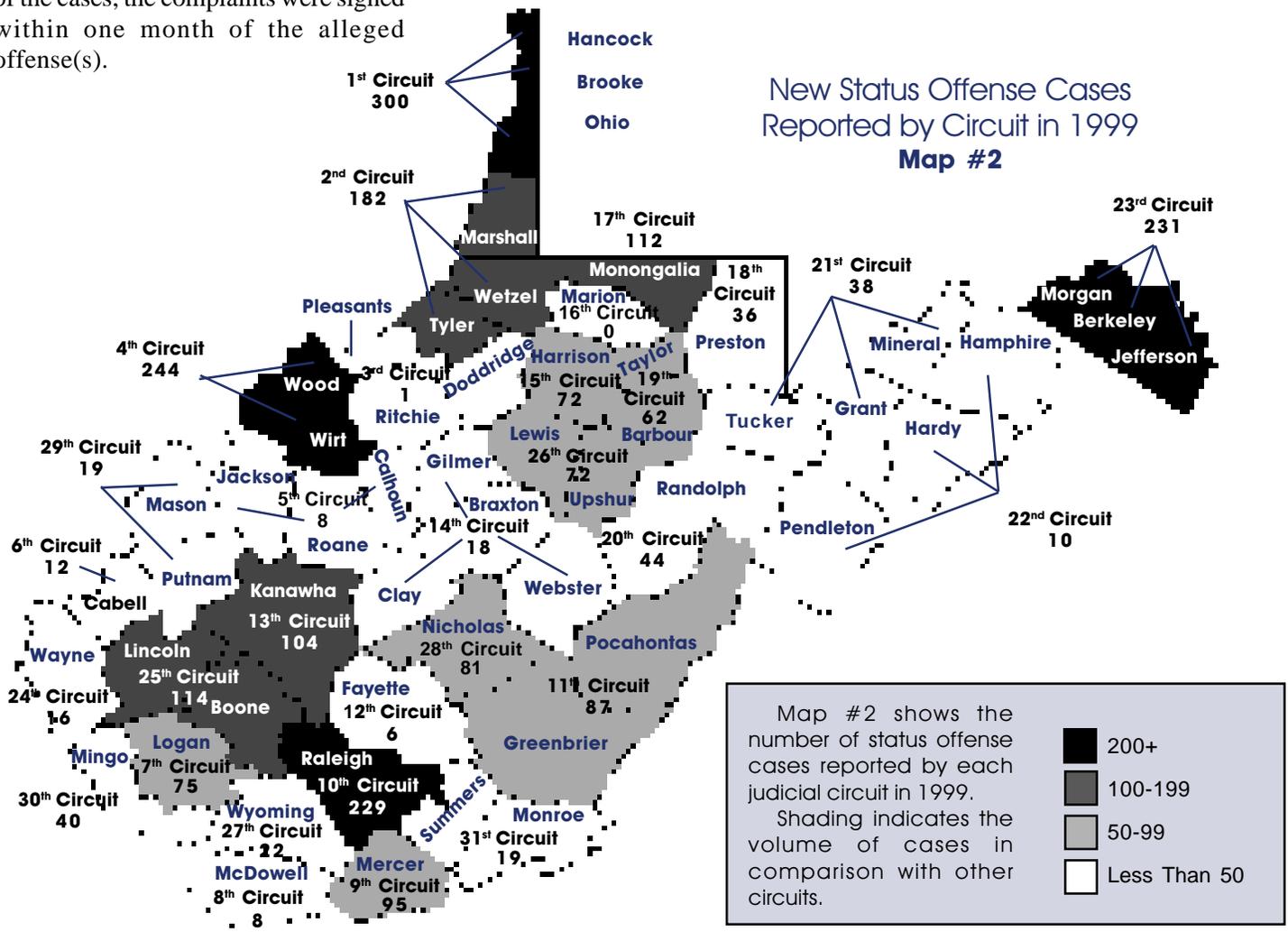
In 92.1% of status offense cases, West Virginia did not detain the juvenile prior to the disposition hearing.

Of the remaining 195 status offense cases in which juveniles were detained prior to the disposition hearing:

- 2.4% involved a juvenile held in non-secure facilities;
- 0.7% involved juveniles held in staff secure facilities;
- 0.2% involved juveniles placed in home confinement;
- 0.8% involved juveniles placed in "other" predispositional detention such as hospitals.

In 3.8% of the status offense cases, the juveniles' predispositional detention was either unknown or not reported.

New Status Offense Cases Reported by Circuit in 1999  
Map #2



Map #2 shows the number of status offense cases reported by each judicial circuit in 1999. Shading indicates the volume of cases in comparison with other circuits.

- 200+
- 100-199
- 50-99
- Less Than 50

# Status Offenders

There were 2,088 juveniles involved in status offense cases opened and/or disposed in 1999. The juveniles involved in these cases are referred to as status offenders in this report.

## Gender and Race

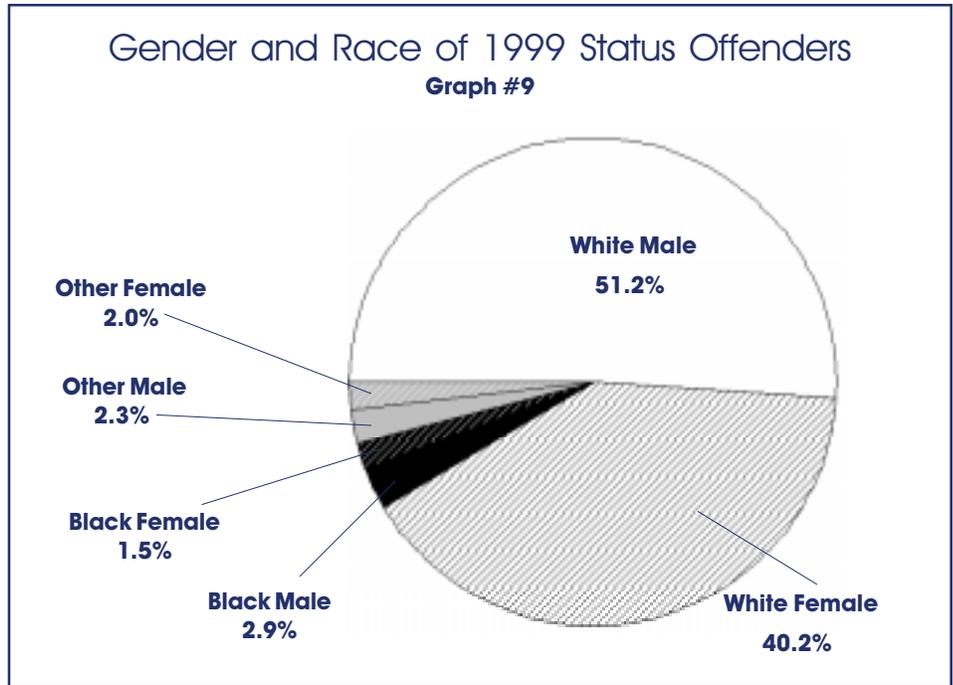
The majority (56.4%) of status offenders were male. 43.6% were female.

Most (91.3%) of the status offenders were reported to be white. 4.4% were black, 0.1% were Asian and 1.5% were reported to be multiracial. The race of 56 (2.7%) status offenders was either unknown or not reported.

## Age

The age of status offenders at the time of complaint ranged from 5 to 19 years old. The average and most frequent age at complaint was 15 years old. Most (88.6%) ranged between 13 and 17 years old. The age of 28 juveniles was either unknown or not reported.

*(The five and six year olds were charged with truancy. 18 and 19 year olds included in these statistics were charged with status offenses committed prior to their 18<sup>th</sup> birthday. WV law on juvenile jurisdiction allows for these individuals to be handled by the juvenile system until their 21<sup>st</sup> birthday.)*



Many status offenders are served by DHHR instead of probation. This number has grown due to the 1997 change in WV state law allowing for the referral of all preadjudicatory status offenders to DHHR. However, in some counties probation continues to handle the preadjudicatory status offense cases referring them to DHHR after adjudication.

## Education

The majority (66.4%) of status offenders for whom educational status was known at the time of offense were categorized as mainstream students. Only 7.7% were in special education, and 4.4% were in alternative programs.

Less than one percent (0.4%) of status

offenders had graduated from high school. A slightly higher percentage (.7%) had obtained their GED. 3.7% had dropped out of high school.

Several other types of educational placement were reported for status offenders including home schooling, Christian school, job corps and college.

The educational status of 329 (15.9%) juvenile offenders was either unknown or not reported.

## Living Situation

In cases where the juvenile's living situation at the time of offense was known, most were living with a parent or relative. 50.5% lived with one parent, 35.8% lived with both parents, 3.3% lived with grandparents, and 1.4% lived with other relatives.

Status offenders who lived in DHHR approved settings comprised 4.5%. The remaining 1.5% listed other living situations including friends, guardians and stepparents. The living situation of 64 (3.1%) status offenders was unknown.



# Status Offenses

## Home County

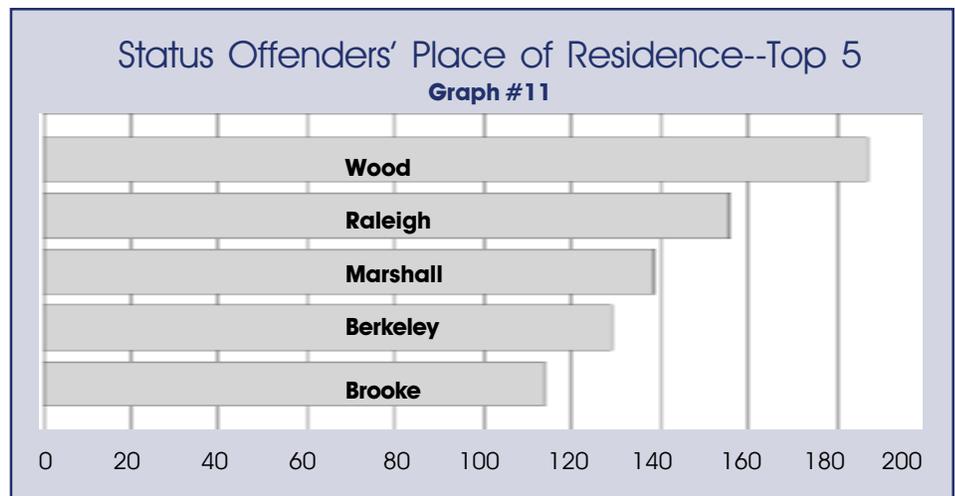
**Wood County had the largest number (187) of status offenders** reporting it as their county of residence at the time of offense. Raleigh, Marshall, Berkeley and Brooke all followed with more than 100 status offenders each.

Less than one percent (0.80%) of status offenders reported living outside of West Virginia at the time of offense. Nine were from Ohio. Two each were from Virginia and Washington D.C. There was one status offender each from Florida, Kentucky, Maryland and Pennsylvania.

## County Offender Rates

**The average rate of status offenders handled by probation in WV was 1.02% of the total juvenile population ages 10 to 17.**

More than half (29) of the individual



counties had status offender rates of less than one percent.

Hardy County had the highest number of status offenders compared to its population with a rate of 7.27%. Pendleton followed with a rate of 4.75%. Brooke, Pocahontas and Marshall all had status

offender rates of more than 3.00%.

*(Numbers in the Home County section and Graph #11 include all status offenders ages 5-19 in the Juvenile Probation Database. Numbers in the County Offender Rates section and Table #5 include only status offenders ages 10-17 in the database.)*

## 1999 Status Offender Rates By Juveniles' Home County

Table #5

Juvenile Population	Status Offenders	Rate	Juvenile Population	Status Offenders	Rate	Juvenile Population	Status Offenders	Rate				
<b>WV</b>	<b>195,036</b>	<b>1,981</b>										
Hardy	1,156	84	7.27%	Mingo	4,470	57	1.28%	Roane	1,909	7	0.37%	
Pendleton	758	36	4.75%	Wetzel	1,967	24	1.22%	Lincoln	2,837	10	0.35%	
Brooke	2,664	108	4.05%	Wayne	4,801	61	1.27%	Clay	1,386	4	0.29%	
Pocahontas	909	35	3.85%	Barbour	1,829	22	1.20%	Tyler	1,084	3	0.28%	
Marshall	3,772	121	3.21%	Mercer	6,948	83	1.19%	Putnam	5,704	15	0.26%	
Taylor	1,588	32	2.48%	Summers	1,456	16	1.10%	Preston	3,475	9	0.26%	
Morgan	1,289	29	2.25%	Mineral	2,853	30	1.05%	McDowell	4,184	8	0.19%	
Wood	8,810	179	2.02%	Mason	2,961	30	1.02%	Wirt	650	1	0.15%	
Ohio	4,321	84	1.94%	Harrison	7,505	66	0.88%	Cabell	8,684	12	0.14%	
Greenbrier	3,633	70	1.93%	Boone	3,414	30	0.88%	Calhoun	926	1	0.11%	
Nicholas	3,403	63	1.85%	Wyoming	3,761	31	0.82%	Ritchie	1,133	1	0.09%	
Berkeley	7,269	126	1.73%	Lewis	1,911	14	0.73%	Randolph	2,978	2	0.07%	
Upshur	2,540	44	1.73%	Webster	1,288	7	0.54%	Hampshire	2,059	1	0.05%	
Jefferson	4,186	67	1.60%	Grant	1,235	6	0.49%	Jackson	2,988	0	0.00%	
Hancock	3,450	55	1.59%	Kanawha	19,804	89	0.44%	Logan	5,605	1	0.02%	
Raleigh	9,748	152	1.56%	Fayette	5,723	25	0.44%	Marion	5,643	1	0.02%	
Doddridge	890	12	1.35%	Gilmer	686	3	0.44%	Braxton	1,466	0	0.00%	
Monongalia	6,244	83	1.34%	Monroe	1,417	6	0.42%	Pleasants	855	0	0.00%	
									Tucker	811	0	0.00%

The table above displays the number of status offenders, the juvenile population and the status offender rate of each county. The status offender rate was calculated by dividing the number of status offenders by the juvenile population. Although there were 2,088 status offenders involved in the juvenile probation system in 1999, only those **juveniles ages 10 to 17** were included in both the status offender counts and the juvenile population numbers in this table. Juvenile offenders under the age of 10 are rare. Including those age groups in the rate calculation would underrepresent the county offender rate. This methodology is the federal standard for computing juvenile offender rates. Juvenile population figures are based on **1998 U.S. Census population estimates**. A juvenile's reported home county may be different than the county where the offense(s) occurred. The 1,981 status offenders counted in this table exclude 16 status offenders age 10 to 17 year old who were from out of state.

# Status Offenses

**There were 2,863 status offenses charged in status offense cases opened in 1999. Truancy was the most frequently charged status offense.**

Status offenses include incorrigibility, runaway, truancy, underage consumption or possession of alcohol, possession of tobacco by a minor\*, curfew violations and status offense probation violations.

*(A status offense probation violation is charged when a juvenile who is on probation because of a status offense violates his or her probation by committing another status offense.)*

**Most status offense cases (92.6%) involved a juvenile charged with only one status offense.** Two status offenses were charged in 6.3% of the cases. A little less than one percent of the cases involved a juvenile charged with three or more status offenses.

**The source of cases referred to juvenile probation was a offense was a parent in 34.4% of the new status offense cases reported in 1999.** A school signed the complaint in 32.8% of the cases, and law enforcement signed in 29.3%. Probation signed the complaint in 0.9% of the new cases in 1999, and DHHR signed in 0.2%. In 2.5% of the status offense cases, the

**Status offenses are acts that cannot be charged to adults**, according to Section 223(12)(A) of the Juvenile Justice and Delinquency Prevention Act. At the state level, however, the definition is not so broad. The WV Code (49-1-4) states a status offender is a juvenile who has been adjudicated as one 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;
- .. Has left the care of his or her parents, guardian or custodian without the consent of such person or without good cause;
- .. Is habitually absent from school without good cause; or
- .. Violates any WV municipal, county or state law regarding use of alcoholic beverages by minors.

The WV Code's definition of status offense includes incorrigibility, running away, truancy and possession of alcohol by a minor. Possessing tobacco by a minor and violating curfew are not included in the WV Code, but they are included as status offenses in this report because they are offenses that cannot be charged to adults.

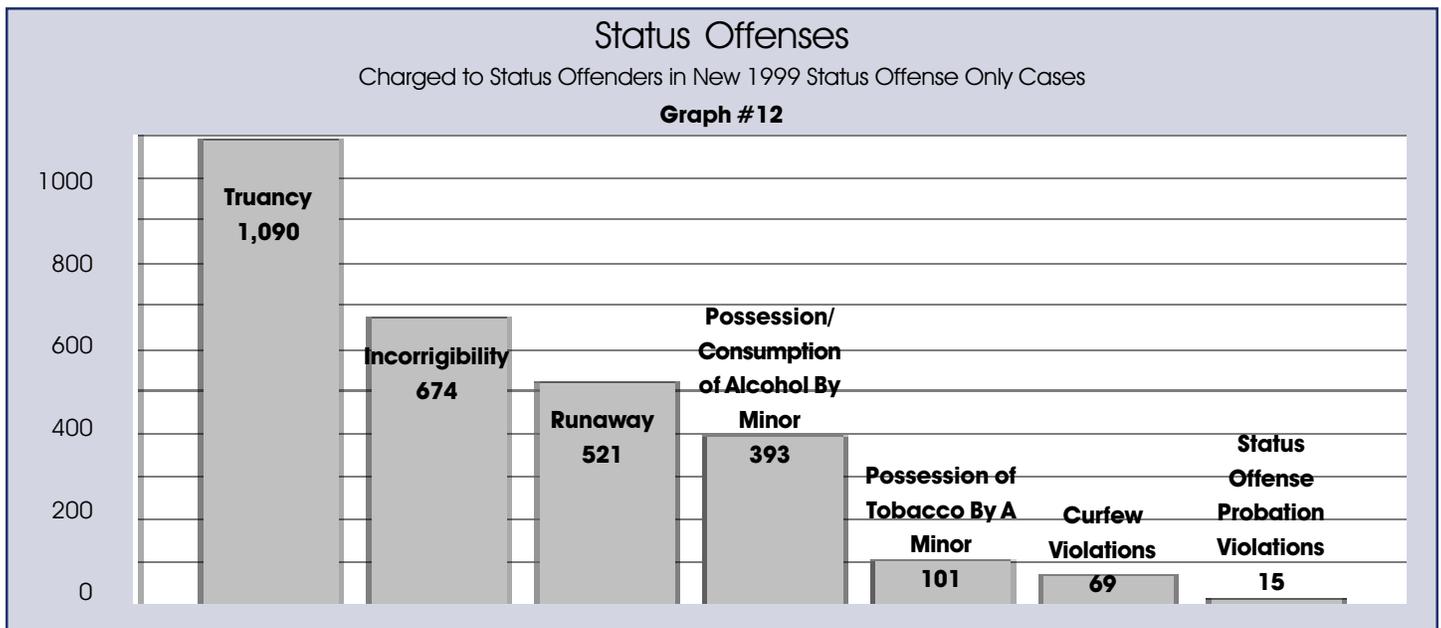
\*During the 2000 WV legislative session, possession of tobacco by a minor was reclassified as a misdemeanor.

complainant was either unknown or unreported.

**Truancy** was the most frequently charged status offense comprising 38.1% of all status offenses charged to status offenders in 1999. **Incorrigibility** was the second most frequent at 23.5%. **Runaway** was the third most frequent status offense at 18.2%.

Counts of **possession/consumption of alcohol by a minor** comprised 13.7% of the offenses charged to status offenders. **Possession of tobacco by a minor** charges comprised 3.5%.

**Curfew violations** comprised 2.4%, and **status offense probation violations** comprised 0.5% of the status offenses charged.



## Status Offense Case Dispositions

In 1999, 2,317 status offense cases were disposed. More than half (68%) were resolved informally, and 32% were resolved formally. The disposition was pending for 148 cases.

*\*An informal disposition is an action taken in a case before a petition is formally filed. A formal disposition is imposed by a court after a juvenile has been adjudged to be a delinquent or has been adjudged to be a status offender.*

Of the cases that reported a disposition and disposition date, 3.0% were disposed the same day or the day after the complaint was signed. One-fourth of the cases reported disposal within one month of signing.

More than half of the cases (55.4%) were disposed within two months, and 90% were disposed within six months. Less than two percent of the cases disposed reported offense disposals occurring more than a year after the complaint was signed.

### Informal Dispositions

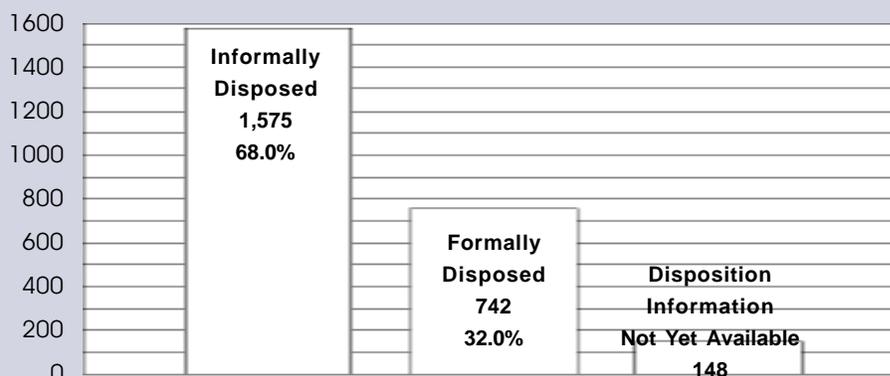
In 1999, 1,575 status offense cases were resolved informally. The most common informal dispositions were case resolved/ juvenile counseled and referred to community agency or DHHR.

### Formal Dispositions

In 1999, 742 status offense cases were resolved formally. The most common formal dispositions were improvement period, case dismissal and noncustodial probation.

Status of 1999 Status Offense Cases

Graph #13



Initial Disposition of Status Offense Cases in 1999

Table #6

Disposition		#	%
Informal	Complaint Resolved and/or Juvenile. Counseled	462	18.7%
Informal	Referred to Community Agency or DHHR	354	14.4%
Formal	Improvement Period	326	13.2%
Informal	Case Closed or Complaint Withdrawn	269	10.9%
Informal	Informal Supervision By Probation	240	9.7%
Informal	Referred to Diversion Through Probation	147	6.0%
Formal	Dismissed	122	4.9%
Formal	Probation, Noncustodial	108	4.4%
Informal	Held Open Without Further Action	100	4.1%
Formal	Referred to DHHR	89	3.6%
Formal	DHHR Custody	48	1.9%
Formal	DHHR Custody, Probation	45	1.8%
Informal	Other Informal Disposition	3	0.1%
Formal	Transfer to Adult Court	2	0.1%
Formal	Fine or Restitution, Case Dismissed	1	0.0%
Formal	Mental Health Proceeding Initiated	1	0.0%
	Disposition Information Not Yet Available	148	6.0%
<b>Total</b>	<b>Cases</b>	<b>2,465</b>	<b>100%</b>

Formal Disposition of Status Offense Cases Adjudicated in 1999--Table #7

Adjudication Disposition	No Adjud.	Dismiss At Preliminary	Nolle Pros. W/O Prejudice	Nolle Pros. W/Prejudice	Not Guilty By Trial	Guilty By Plea	Guilty By Trial	Total
Dismissed	45	32	24	14	0	5	2	122
Improvement Period	287					39		326
Fine/Restitution						1		1
Referred To DHHR			1			65	23	89
Probation, Noncustodial						106	2	108
DHHR Custody	2 (Transferred Out of State)					32	14	48
DHHR Custody/ Probation						43	2	45
DJS Custody								0
Mental Health Proceeding Initiated							1	1
Transferred to Adult Court	2 (See Page # 15 For Details)							2
Other								0
<b>Total</b>	<b>336</b>	<b>32</b>	<b>25</b>	<b>14</b>	<b>0</b>	<b>291</b>	<b>44</b>	<b>742</b>

## Status Offense Case Dispositions

### Formal Supervision By Probation

Of the formally disposed status offense cases that involved formal supervision by probation, 256 reported the type of supervision.

- 41.8% Straight probation
- 23.0% Monitor Compliance
- 15.0% Improvement Period Supervision
- 12.5% Probation with DHHR Custody
- 5.5% Bond Release
- 0.4% Home Confinement Program
- 0.4% Monitor Salem/Davis

### Entry Type

Of the formally disposed status offense cases that involved formal supervision by probation, 235 reported the type of entry. Almost all (99.6%) cases were assigned. Less than one percent of the cases were transferred in from another state.

### Exit Type

Of the formally disposed status offense cases that involved formal supervision by probation, only 45 cases reported type of exit from supervision. However, this small reporting number is due in part to the fact that in some cases the period of formal supervision has not yet ended.

- 55.6% Discharged After Full Term
- 15.6% Revoked Term Violation
- 13.3% Revoked New Crime
- 8.9% Transfer In State
- 4.4% Early Discharge
- 2.2% Other Type of Exit

### Pleas

Only 8 offenses charged in status offense cases were pled to a charge different than the original offense charged on the complaint.

### Transfer to Adult Court

Two status offense cases reported transferring the juvenile offender to adult criminal status. Both cases charged the juvenile with underage drinking. One of the juveniles was transferred because he was 18 years old. The other juvenile was transferred at the request of the juvenile.

### Commitment Setting

**Only 3.4% of the status offense cases disposed in 1999 resulted in out of home placement.**

Of those 84 cases, 78% involved commitment by the courts to non-secure, staff secure facilities, 18% to foster care, and 8.4% to hospitals.



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Information in this report does not necessarily represent the opinions of the U.S. Department of Justice or the State of West Virginia.

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## West Virginia Juvenile Probation Officers

As of August 2000

Aguirre, Angela*	7 <sup>th</sup> Circuit	Fogle, Debra	2 <sup>nd</sup> Circuit	Powell, Jerome	8 <sup>th</sup> Circuit
Aird, Jocelyn	23 <sup>rd</sup> Circuit	Fontaine, Joan	4 <sup>th</sup> Circuit	Powell, Thomas*	12 <sup>th</sup> Circuit
Austin, Carlana*	6 <sup>th</sup> Circuit	Fry, Gail	24 <sup>th</sup> Circuit	Pratt, Gladys	24 <sup>th</sup> Circuit
Ballard, Terry*	6 <sup>th</sup> Circuit	Gain, Rose	15 <sup>th</sup> Circuit	Price, Marcia	30 <sup>th</sup> Circuit
Barker, John	16 <sup>th</sup> Circuit	Ginanni, Laflovia	4 <sup>th</sup> Circuit	Riggleman, Brad	23 <sup>rd</sup> Circuit
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Barth, Carol	4 <sup>th</sup> Circuit	Herbert, Raymond*	29 <sup>th</sup> Circuit	Robertson, Juanita	11 <sup>th</sup> Circuit
Bechtold, William*	23 <sup>rd</sup> Circuit	Hoover, Jon*	14 <sup>th</sup> Circuit	Rogers, Bill*	6 <sup>th</sup> Circuit
Bills, Caren*	29 <sup>th</sup> Circuit	Hostettler, Bryan	2 <sup>nd</sup> Circuit	Ross, Dave	15 <sup>th</sup> Circuit
Bland, Paula	13 <sup>th</sup> Circuit	Hunter, Michelle*	6 <sup>th</sup> Circuit	Runyon, Kevin*	7 <sup>th</sup> Circuit
Bowden, Cathy	10 <sup>th</sup> Circuit	Kane, James	13 <sup>th</sup> Circuit	Scarpellini, Thomas	25 <sup>th</sup> Circuit
Bragg, Jack*	12 <sup>th</sup> Circuit	Kelly, Lon*	17 <sup>th</sup> Circuit	Sheppard, Rodney	4 <sup>th</sup> Circuit
Britner, Vickie*	14 <sup>th</sup> Circuit	Kilgore, Brian*	6 <sup>th</sup> Circuit	Shrader, Brenda*	29 <sup>th</sup> Circuit
Brown, Charles*	7 <sup>th</sup> Circuit	Lacy, Michael*	6 <sup>th</sup> Circuit	Simmons, Manda*	22 <sup>nd</sup> Circuit
Brown, James*	13 <sup>th</sup> Circuit	Lee, James *	1 <sup>st</sup> Circuit	Smoot, Ricky	13 <sup>th</sup> Circuit
Browning, Kay*	7 <sup>th</sup> Circuit	Lemons, Karen	11 <sup>th</sup> Circuit	Sovine, Sally*	6 <sup>th</sup> Circuit
Burgess, Lloyd*	14 <sup>th</sup> Circuit	McCann, Charles*	6 <sup>th</sup> Circuit	Sponaule, Larry*	14 <sup>th</sup> Circuit
Buzzo, Kerry	9 <sup>th</sup> Circuit	McCoy, John*	17 <sup>th</sup> Circuit	Stephens, Judy	4 <sup>th</sup> Circuit
Childers, Lewis	15 <sup>th</sup> Circuit	McCrum, Vickie	21 <sup>st</sup> Circuit	Stephens, Phillip*	4 <sup>th</sup> Circuit
Childs, Karen	31 <sup>st</sup> Circuit	McGilton, Melinda A.	23 <sup>rd</sup> Circuit	Stewart, Phyllis*	17 <sup>th</sup> Circuit
Christian, Susan	19 <sup>th</sup> Circuit	McLaughlin, Carl Jr.	13 <sup>th</sup> Circuit	Stewart, R. Keith	13 <sup>th</sup> Circuit
Cipoletti, Ralph	1 <sup>st</sup> Circuit	Mealey, Scott A.	2 <sup>nd</sup> Circuit	Thomas, Crystal*	18 <sup>th</sup> Circuit
Claxton, Stacey*	15 <sup>th</sup> Circuit	Mellinger, John	5 <sup>th</sup> Circuit	Thorne, John	13 <sup>th</sup> Circuit
Cline, Peggy	3 <sup>rd</sup> Circuit	Moore, Bryan*	14 <sup>th</sup> Circuit	Visconti, Angela	13 <sup>th</sup> Circuit
Cook, Tamela	20 <sup>th</sup> Circuit	Morales, Lewis*	6 <sup>th</sup> Circuit	Voloski, John	10 <sup>th</sup> Circuit
Crowe, Charlotte	9 <sup>th</sup> Circuit	Mortakis, Susan	1 <sup>st</sup> Circuit	Westfall, James	5 <sup>th</sup> Circuit
Curenton, Jonathan	1 <sup>st</sup> Circuit	Mullens, Angela*	26 <sup>th</sup> Circuit	Wiles, Deborah*	27 <sup>th</sup> Circuit
Davis, Stephen	22 <sup>nd</sup> Circuit	O'Brien, Sandra	21 <sup>st</sup> Circuit	Wilson, Roben	23 <sup>rd</sup> Circuit
Dorsey, Jimmy	28 <sup>th</sup> Circuit	Paige, Marlene	16 <sup>th</sup> Circuit	Winkler, Jonny*	6 <sup>th</sup> Circuit
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