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WEST CENTRAL REGIONAL JUVENILE DETENTION CENTER  
MAKING A GOOD FAITH EFFORT

NCJRS

WAN 12 1988

ACQUISITIONS

JUVENILE JUSTICE COMMITTEE

MARCH 1987

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## INTRODUCTION

In December 1986, the Juvenile Justice Committee completed an unannounced inspection of the West Central Regional Juvenile Detention Center located in Parkersburg. The Center is a small, secure institution which temporarily detains children who have been accused of committing criminal offenses and are awaiting further court proceedings. For the purpose of gathering additional information, a follow-up inspection by Committee staff was completed in January 1987. A previous report on the Center was released by the Juvenile Justice Committee in April 1980. The following report was submitted to the Center's Director in draft form and his comments/corrections have been incorporated herein.

The Center is operated directly by the Department of Human Services and targets Tyler, Pleasants, Ritchie, Wood, Wirt, Jackson, Roane, and Calhoun counties. Although the Center occasionally detains children from outside of its region, approximately thirty-five percent of the children are from Wood County. Based upon the 1980 Census, Wood County contains almost fifty-two percent of the region's population under eighteen years old. Therefore, Parkersburg is an appropriate location for a regional juvenile detention center.

The following report focuses upon the efforts being made by the Center's administration to protect the rights of children without compromising the legitimate security interests of a detention center. The Center's Director has designed program components which verify children's need for lock-up, provides personalized and individualized assistance to children and involves children's families in planning. Consequently, unlike

many other "state institutions", within the parameters of a secure care model, the Center has a friendly and relaxed atmosphere. Most of the recommendations which conclude this report are related to a formalization and continuation of the Center's current practices, the positive effects of which are readily apparent.

#### BRIEF DESCRIPTION

The West Central Regional Juvenile Detention Center is a secure facility operated directly by the Department of Human Services. As reported by the Director, the Center is equipped to handle the most violent and disturbing of those youth who have been accused of committing criminal type offenses. The Center does not detain status offenders.<sup>1/</sup>

Number of Youth Served: The Center's maximum capacity is ten youth. Approximately, 210 youth were served by the Center during calendar year 1986.<sup>2/</sup>

Seven children were being detained on the day of the Committee's initial inspection in December 1986. Five children were being detained on the day of the Committee's follow-up inspection in January 1987. The average duration of confinement was reported by the Center's Director to be twenty days.

Type of Youth Served: Last year, approximately thirty-five percent of the children detained by the Center were from Wood County. Harrison County children comprised approximately 15% of

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<sup>1/</sup> W. Va. Code, 49-5B-3(3) defines a status offense as conduct which would not be a crime if committed by an adult, such as incorrigibility or truancy.

<sup>2/</sup> An Annual Report had not been completed by the Center's administration at the time of inspection. Monthly population reports are submitted to the Department of Human Services administration. A duplicated count of youth served in 1986 was 256. However, the Center's Director reported that the 210 figure was an accurate unduplicated approximation. By referring to various in-house documents, the Center's Director was able to provide what appears to be reasonably accurate approximations of program descriptive data as contained within this report.

the Center's total youth served; and, Jackson County children comprised approximately 10%.

As reported by the Director, of the total youth served, probation violation was the most common charge. The second most common charge against these children was assault. The Director reported that approximately half of the children are charged with property offenses and half are charged with personal offenses.

The Director reported that seventy percent of the children detained by the Center go to a nonsecure setting after release. The role of the Center in reviewing the cases of children to verify the need for secure care is discussed in the "Statutory and Constitutional Rights" section of this report. The Director also reported that one hundred percent of the children detained by the Center have family related problems.

As tentative conclusions regarding the type of youth served by the Center, a significant percentage of children are from the surrounding area, have "been in trouble" before, and have family-related problems.<sup>3/</sup> The responsibility of the Department of Human Services to help children and families preserve the family unit is discussed in the "Statutory and Constitutional Rights" section of this report.

Age: As reported by the Director, the average age of residents in 1986 was 15 1/2 years. On the day of the Committee initial inspection, the Center was detaining three fourteen year

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<sup>3/</sup> The Juvenile Justice Committee released a report on Southern Regional Juvenile Detention Center (Princeton) in early November 1986. The Southern Regional and West Central Centers are both operated directly by the Department of Human Services. Based upon information provided independently by the Directors, a significantly greater proportion of children detained by the West Central facility were charged with assault or related personal offenses, than were children detained by Southern Regional. However, on the day of the Committee's initial inspection of the West Central Center, none of the seven residents were considered to be "dangerous to society" by a Detention Worker Supervisor who had fifteen years experience at the Center. The Directors of both Centers reported that the majority of youth detained had family-related problems.

old; two fifteen year old; and two sixteen year old children.<sup>4/</sup> The Center's Deputy Director reported that the Center accepts no children eighteen years old or older, even if children are under the continuing jurisdiction of juvenile court.

Physical Plant: As reported by the Director, the Center was constructed in 1971 as a joint effort between the Department of Human Services and the Wood County Commission. The facility is owned by the County and maintenance costs are divided between the County and State. All areas were clean and in good repair during the Committee's inspection, except the shower areas. The most current Fire Marshal and Health Department inspection reports are attached as Appendices A and B. The facility was constructed with the intention of housing ten youth.

The Center's main entrance opens into an office area, with the Director's small private office on the left and a "hall-like" area used as a business office on the right. Admission occurs in a combination Reception Area, Observation Room, and direct staff office. A very small kitchen is on the right of the "Reception Area". Beyond this area is the secure portion of the facility. Although no complaints were made by staff, the facility appears to contain far less than ideal space in which to conduct business/administrative functions and in which to prepare meals.

Two bedroom wings contain two double and one individual cell each. A shower is located at the end of each bedroom wing. Doors that lead into the bedroom wings are kept locked. Youth are locked into their bedrooms during sleeping hours and if "out-of-control". As reported by a Department of Human Services'

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<sup>4/</sup> State ex rel. M.C.H. and S.A.H. v. Kinder, 317 S.E.2d 150 (w.Va. 1984), establishes a minimum age for secure detention of ten years for males and twelve years for females and restates a presumption against criminal culpability if a child is under fourteen years old.

Licensing Specialist, there has been an on-going controversy for a number of years related to the Center's maximum capacity and the square footage of the double bedrooms. Essentially, the double bedrooms do not quite meet the licensing standard of 60 square feet per bed,<sup>5/</sup> which should reduce the Center's maximum capacity to six children. In February 1983, a licensing report was issued which indicated that guidance would be sought from the Commissioner of Human Services on this issue and that, when overall bedroom space is "averaged", the Center's maximum capacity should be eight children. Most recently, as reported by the Licensing Specialist, a request for a waiver of the licensing requirements regarding square footage of bedrooms was submitted by the Director of the Center. The Center has maintained an out-of-compliance maximum capacity of ten children since its inception.<sup>6/</sup>

Bedrooms have a painted cinderblock wall surface, a toilet with no seat, a non-breakable window, and a sink with hot and cold water. One female bedroom was decorated with family pictures and other decorative items. Otherwise, the bedrooms have a rather stark appearance. One bedroom did not have toilet paper. As reported by a Detention Worker Supervisor, reasonable bedroom decorations are not prohibited.

The central portion of the facility is a "dayroom" which serves as a dining hall, indoor recreation room, and is also used for family visitation. A library/conference room adjoins the dayroom. Access to a fenced outside recreation yard is through

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<sup>5/</sup> State of West Virginia Licensing Requirements of Group Residential Facilities [Department of Human Services Administrative Reg., Chapter 9-3, Series 2, 1981, p. 146... R.2.11]

<sup>6/</sup> During the last full Committee inspection of the facility in 1980, overcrowding was cited as a major problem. At that time, the Committee's report indicated that at least half of the children detained by the Center should not have been committed into secure care.



the dayroom. In the Committee's opinion, considering its multiple uses, the dayroom should have been designed to be larger.

Approximately two years ago, a new electronic audio monitoring system was installed. The system is capable of monitoring sounds in all parts of the building.

#### ADMISSION

As reported by the Director, all youth admitted into the Center have been court ordered into custody as a result of a detention hearing. Children from Wood County are ordered into custody by the Circuit Court. Children from other parts of the State may also be ordered into custody by a magistrate or a juvenile referee. The Center's policy that a court order be signed prior to detention, as required by law,<sup>8/</sup> is a significant improvement over the illegal practices discovered during the

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<sup>8/</sup> If there is a belief that a child may be in need of secure detention W. Va. Code, 49-5-8(d) provides that "a child in custody must immediately be taken before a referee or judge of the circuit court," and, if a judge or referee is not available to hold a detention hearing, "any magistrate" in the county may preside over the hearing. W. Va. Code, 49-5A-2 additionally states that a child in custody "...shall be forthwith afforded a hearing to ascertain if such child shall be further detained." When these statutes are read together, it appears clear that West Virginia law demands that once a juvenile is arrested he or she must be provided a hearing prior to being detained in a secure facility.

Of course, W. Va. Code, 49-5-8(d) also states that "...in no event shall a delay (in holding the detention hearing) exceed the next judicial day...." But can the reason for the delay in holding a detention hearing be the absence of an on-duty juvenile referee or circuit court judge? In State v. Mason, 249 S.E.2d 793 (1978), the West Virginia Supreme Court of Appeals held that "the judicial system must function at all hours of the day and night..." and that the provision of W. Va. Code, 62-1-5 stating that "an officer making an arrest upon a warrant issued upon a complaint, or any person making an arrest without a warrant for an offense committed in his presence, shall take the arrested person without unnecessary delay" before a magistrate. Applying the Court's ruling in Mason to juveniles, and, reading it together with the juvenile statutes which contain wording similar, though not exact to that in 62-1-5, it would appear that juveniles must be afforded a hearing prior to detention absent, perhaps, unusual circumstances which would prevent such a hearing.

As it does for adults, the juvenile judicial system should function at all hours of the day and night. The mere fact that an arrest occurs in the late night hours or on a weekend does not in and of itself justify prehearing detention. A child should not have to be detained because it is inconvenient for the judicial system to afford him a hearing. This is especially true when the statute permits "any magistrate" to act in the absence of the judge or referee. Detention prior to a hearing, it seems, should be the exception, and not, the rule (emphasis added).

Committee's 1980 review of the Center. The Director should be commended for his role in working with law enforcement and court officials to correct a problem which undoubtedly harmed hundreds of children since the Center's establishment.

As reported by the Director, approximately ten percent of the children admitted to the Center are not represented by an attorney at their detention hearings. Children have a right to be effectively represented by counsel during the detention hearing<sup>9/</sup> and the Center's administration has established admission practices to protect this right. (Please see the "Statutory and Constitutional Rights" section of this report for a more complete discussion of children's liberty interests and due process rights.) During the admission procedures, each child is asked if he/she was represented by a lawyer at the detention hearing. If not, the child's lawyer (if appointed) or court officials are contacted to request an immediate review of the detention order.<sup>10/</sup>

During admission an "Intake Card" and "Admission Card" are used to gather information about the child. (Appendix C) The Director emphasized that the first goal of the admission process is to help the child become "at ease". Each child is given a copy of "Legal Rights of Children in Detention" (Appendix D) and

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<sup>9/</sup> W. Va. Code, 49-5-1(c); State ex rel. M.C.H. v. Kinder, 317 S.E.2d 150 (W.Va. 1984).

<sup>10/</sup> Although children have a right to counsel at the detention hearing [State ex rel. M.C.H. v. Kinder, 317 S.E.2d 150 (W.Va. 1984)] and the right to a detention hearing prior to commitment to a detention center, in practice it may be difficult to arrange on short notice for the child to be represented by counsel when the hearing occurs during early morning hours or on weekends. As reported by the Director of Magistrate Training, West Virginia Supreme Court of Appeals, this topic is an on-going magistrate training issue. As a practical matter, any child admitted into detention based upon an order written without the benefit of the child being represented by counsel has been denied a basic right and should have his/her case reviewed as soon as counsel can be arranged.

a "Youth Responsibility" handout (Appendix E).<sup>11/</sup> A basic medical screening is conducted by the intake staff member. A "Personal Property Sheet" is completed (Appendix F). And, each child is assigned a Primary Worker who is responsible for casemanagement during the period that the child is detained.

### SERVICES

The Center is currently in the process of revising its Service Manual. Therefore, the Committee was unable to evaluate whether the services promised in policy are actually being delivered. Nevertheless, it is apparent from staff interviews and interviews with children that the Center is not a simple "holding tank". Services are specific, short-term and meaningful. The Center has transcended the "simplistic custodial care" concept of detention; appropriately limited use of the "structured daytime activity" concept; and, has begun to build a base from which to actually help children face their real-life problems.

Parental Involvement: As reported by the Director, 90% of the children's families visit during the detention experience. The Center's practice is to "get to know every one of them".

Diagnostic Evaluations: As reported by the Director, approximately 20% of the youth detained by the Center are committed into the Diagnostic Unit of the West Virginia Industrial Home for Youth. The purpose of diagnostic evaluation

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<sup>11/</sup> The documents entitled "Legal Rights of Children in Detention" and "Youth Responsibility", are basically consistent with state law. The need for minor revision in the language used in these documents is outlined in the "Statutory Rights and Conditions of Confinement" section of this report. In response to the draft report, the "Youth Responsibility" Handout was revised by the Center's Director in March 1987 (Appendix G). A loss of privileges for inappropriate behavior was incorporated and the use of room confinement was further limited to situations in which a child is out of control.

is to aid in exploring dispositional alternatives for the child. The diagnostic evaluation should recommend the type of settings which meet the child's needs.<sup>12/</sup> Children return to the detention center after completion of the diagnostic evaluation at the Industrial Home. Families are not involved in the evaluation process and the results of a diagnostic evaluation conducted from an institutional setting may be questionable. The Director opined that all of these children could have received diagnostic evaluation services without being committed to the Industrial Home.

The Director also reported that ten percent of the children detained by the Center receive a community-based diagnostic evaluation through a local private provider. Western District mental health center does not conduct diagnostic evaluations for youth detained by the Center, with an occasional exception. There is no formal working agreement between the detention center and the mental health center.

Individual Counselling: Upon admission, each child is assigned a Primary Worker. Children receive reality-based individual counselling on a daily basis. The Director said that the counselling "session" lasts an average of thirty minutes. Youth also receive crisis intervention counselling on an as needed basis.

Staff employed by the Center are not certified counselors. Since the Center's "Service Manual" is under revision, the Committee is not aware of how appropriate and inappropriate

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<sup>12/</sup> During inspection, Committee staff interviewed a fourteen year old boy who had returned that day from the Diagnostic Unit at Salem. This boy was especially small for his age. He described being hit by the bigger boys and the inability of the Industrial Home staff to fully protect him. The Director of the Center commented that to put a fourteen year old in the Diagnostic Unit at Salem is a disservice to the child and asked "what are we teaching the child to be?"

counselling topics are defined. Within acceptable limits, the use of paraprofessionals to provide daily individual attention for detained children is commendable.

Group Counselling: Group counselling occurs two to three times a week under the supervision of the Director or one of three Detention Worker Supervisors. The focus of Group is generally upon peer relationships, future planning, adjustment to detention, etc. The Center uses a Reality Therapy and/or Adlerian counselling model due to the short-term nature of the setting.

Group Meetings: In addition to Group Counselling, the Center has incorporated a Speaker's Bureau into the detention model. Every Monday, an outside speaker attends the Group Meeting in the Center. This Group offers residents an educational or informational opportunity.13/

Education: A Teacher and a Teacher's Aide are provided by the Wood County Board of Education. Children attend class from 8:15 a.m. to 2:30 p.m. daily. The Director reported that the Center was able to offer summer educational programming year before last, but not last year. He said that he plans to request an educational program from the Board of Education for the Summer of 1987.

The focus of the educational program appeared to be excellent. The Center is approved as an alternative school and

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13/ Since October 1986, the following speakers and topics have been included: Probation Officer - "Expectations of Probation"; Minister - "Adolescent Identity"; Magistrate - "Magistrate Court Proceedings"; Circuit Judge - "Juvenile Court Proceedings"; Prosecutor - "Juvenile Court Proceedings"; Disc Jockey - "Disc Jockey as a Career"; Career Pathways staff - "Career Choices"; Florist - "Florist as a Career"; Chief Jailer - "County Jails"; AA representative - "Alcoholism"; a Paramedic - "Medical Careers"; Domestic Violence Shelter worker - "Domestic Violence"; Attorney - "Juvenile Rights"; Parkersburg Community College representative - "College"; Planned Parenthood representative - "Birth Control"; Fire Department representative - "Fire Prevention"; "Vocational Training"; and "Adult Education" from knowledgeable speakers.



thereby can award credits for the educational accomplishments of its residents. The home school is contacted by the teacher so that an appropriate individualized educational program can be developed.<sup>14/</sup> A pre G.E.D. mode is available for older children who are so far behind in public school that they choose to pursue a G.E.D. as a more realistic goal.

Recreation: The Center has both large muscle and passive recreational supplies and equipment. Large muscle equipment includes weights, wrestling mats, and a punching bag. The opportunity to participate in outdoor recreation in a fenced yard is offered daily. As reported by the Director, one child in residence during inspection was not being allowed outdoor recreation because he said that he would attempt to escape.

Recreation services appear to take a "back seat" to educational, informational, and casemanagement services within the Center's detention model. There is no Recreation Specialist employed by the Center and the Director reported no Group Activities' topics related to "having fun". Generally, the program's focus upon personal growth appears to be a significant improvement over detention models that "just keep the kids busy" (work off some energy), while ignoring the crisis at hand. However, helping children plan constructive fun activities to become involved in after their release may blend well with the

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<sup>14/</sup> Committee staff interviewed one child about her educational program. The child verified that her home school had been contacted by the Teacher and that, in her opinion the Center had made an appropriate placement. She was knowledgeable regarding the credits she needed to graduate, expected to receive credit for the work she completed at the Center, and (perhaps most significantly) she has maintained her motivation to graduate from a public high school. In addition, this child had received assistance in career planning. (She wants to attend two years of college, join the Armed Services to receive M.P. training, and complete college after discharge.) She had just completed two reports: "Cuban Missile Crisis" and the "Vietnam War"; is studying Consumer Math, 2nd Semester Science, World History, Sociology, and English; and, appeared to be excited about receiving extra credit for World History and Psychology projects.

Center's overall philosophy of care. In response to the draft report, the Director reported that this suggestion is being considered.

Medical: The medical screening services provided by the Center were weak during inspection. Obvious, reported, or emergency medical needs were met by taking children to physicians or hospitals. However, in response to the draft report, the Center's Director reported in March 1987 that negotiation of a contract whereby Mid-Ohio Valley Health Department provides medical services has been completed. Such a service could easily meet both ACA standards<sup>15/</sup> and the Health Standards for Juvenile Detention Centers promulgated by the Juvenile Justice Committee.

Medical screening clinics are held on Monday, Wednesday, and Friday at the Center. Each child receives a physical examination and overall medical screening. Any identified problems are treated by the nurse or referred for treatment by the Center's physician. Dental screening is provided.

#### STATUTORY AND CONSTITUTIONAL RIGHTS

Liberty Interests and Due Process: Perhaps, the most fundamental right of the children detained by West Central Regional Detention Center is the right not to be ordered into secure care unless "...the child's welfare or the safety and

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<sup>15/</sup> ACA standards, as contained in the Standards for Juvenile Detention Facilities (p. 67-79), cover medical, dental, mental health, nursing, personal hygiene, family planning, dietary services and attending to environmental conditions. In addition to having formal agreements with providers of these services, written policies and procedures, and separate confidential health records, ACA standards require a complete health appraisal on each juvenile within seven days of admission (2-8264). The appraisal should include investigation into substance abuse and related problems and a routine appraisal by mental health staff within thirty days of admission. A daily monitoring of medical complaints is required (2-8268). ACA standards also require that admission to appropriate health care facilities should be sought for all suspected mentally ill or retarded juveniles by returning children to court. (2-8276)

protection of the public cannot be adequately safeguarded...."16/  
In 1984, the West Virginia Supreme Court promulgated detention  
criteria which listed relevant factors to consider in the  
preadjudication detention of juveniles.17/ Essentially, if a  
child is likely to appear for further court proceedings and can  
be safely placed in a nonsecure setting, such as home, foster  
care, or non-secure emergency group shelter, he/she should not be  
detained by the Center. One children's shelter operates in the  
West Central Region.18/

A child who is taken into custody under a warrant must be  
given a detention hearing and has the right to have counsel at  
that hearing; and, there is a substantial legislative preference  
for release, rather than custody, at the detention hearing.19/  
The Director of the Center opined that there would be fewer cases  
of inappropriate secure detention of children if the detention  
criteria were applied in each case during detention hearings.  
However, in practice it may be difficult to fully apply the  
criteria and to arrange on short notice for the child to be  
represented by counsel when the hearing occurs during early  
morning hours or on weekends. The Director of the Center agreed  
that the role of a detention center in the larger system includes

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16/ W. Va. Code, 49-1-1.

17/ State ex rel. M.C.H. and S.A.H. v. Kinder, 217 S.E.2d 150 (W.Va. 1984) requires the court to consider: seriousness of offense charged; likelihood of flight or, conversely stated, probability of his appearance; his prior juvenile record and regularity of appearances; whether under all circumstances he poses a substantial danger to himself or the community; his age, maturity, and general health; his family background and family's willingness to supervise his behavior; and availability of alternative sources of placement, short of a secure detention facility, if the family is unavailable, unfit, or unwilling to exercise control over the child.

18/ The Shelter Care Facility is located in Parkersburg. It has a maximum capacity of eight children. As reported by the Director of the Shelter, approximately one fourth of the children served are involved in the juvenile justice system on a predisposition level. The Director of the Shelter verified that some children are removed from secure detention and placed in the shelter as a less restrictive alternative. However, the shelter Director said that placement referrals are occasionally turned down when the shelter is at its maximum capacity.

19/ M.C.H. v. Kinder, supra.

an immediate review of each case. This position is supported by state licensing requirements<sup>20/</sup> and statute.<sup>21/</sup> The Center appears to be making a good faith effort to help protect the liberty interests and due process rights of the children in care.

Case Reviews: In addition to reviewing the cases of children immediately,<sup>22/</sup> the Center reviews the cases of all children on a weekly basis. This practice exceeds the licensing requirement that the cases of children who are committed into secure care for more than fifteen days receive case reviews.<sup>23/</sup> Since the detention criteria includes consideration of the family's willingness to supervise the child and the availability of alternative placements<sup>24/</sup> (which could change overnight), the more frequently cases are reviewed, the more likely that children who are inappropriately detained will be released.

The Center assigns each child a Primary Worker who reports on the child to a Review Committee. The Review Committee is

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<sup>20/</sup> Licensing Requirements require that the Center review the cases of children and strive to place them in less secure environments, p. 146.

<sup>21/</sup> W. Va. Code, 49-2B-2 defines basic "child care" as including consideration of children's rights and entitlements.

<sup>22/</sup> An immediate review verifies that the child was represented by an attorney at the detention hearing and that the child appears generally appropriate for secure detention.

<sup>23/</sup> Licensing Requirements, R.6.13.

<sup>24/</sup> The availability of alternate placements short of secure detention is directly related to bed space in children's shelters, the availability and appropriateness of private foster care, and whether an in-home detention program is operational in the region. For example, a discharge from the Shelter Care Facility in Parkersburg may create an opportunity for a child in the detention center to be released. There is no in-home detention program operational in the Region.

In 1979, the W. Va. Supreme Court ruled in a status offender case that the absence of an appropriate facility "does not justify the violation of a juvenile's constitutional rights" [State ex rel. C.A.H. v. Strickler, 251 S.E.2d 222 (1979)].

W. Va. State Code, 49-5B-2 requires the Department of Human Services to provide for the creation of all reasonable means of serving delinquent children. Therefore, children who could otherwise be released by the Center if bed space were available in nonsecure settings should not be detained.

As a practical matter, the Center's Director cannot ask the court directly or through the defense attorney to vacate a detention order if a child has no place to go, even if the child should not be in lock-up. And, child placing is not best accomplished using a detention center as a base. Therefore, a formal working agreement between the Center and each Area Office of the Department of Human Services in the Region is important to the Case Review process. (Please see the "Early Intervention" section of this report.)

composed of two Detention workers, two Detention Supervisors, and the Center's Teacher. In addition to reviewing each child's appropriateness for secure care, the Review Committee considers the child's medical, psychological, emotional, and familial needs. The case review process is further described in the "Early Intervention" section of this report.

Early Intervention: Regardless of whether a case review results in a determination that the child requires secure care or not, framed within the rehabilitative intent of West Virginia's juvenile law, the detention experience must offer more than custodial care. West Virginia Code directs the Department of Human Services to establish programs and services designed to prevent future delinquency.<sup>25/</sup> State Code requires that the policies which regulate services provided to juveniles by the Department of Human Services attempt to strengthen and preserve the family unit.<sup>26/</sup> A holistic evaluation of the child's situation in the family and community is required<sup>27/</sup> and the Department is required to intervene with children at the first sign of trouble if they are in need of help.<sup>28/</sup>

The responsibility of protecting children's rights is shared between the State and the Center.<sup>29/</sup> All officers and employees of the State are required to act in the best interests of the child and the public by establishing individual plans of treatment.<sup>30/</sup> As described in the next section of this report,

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<sup>25/</sup> W. Va. Code, 49-5B-4.

<sup>26/</sup> W. Va. Code, 49-2B-1.

<sup>27/</sup> "A holistic appraisal of the child and his environment is consistent with the broad rehabilitative purposes of juvenile law, and reflects a legislative recognition that unlawful behavior is not simply a product of the evils of human nature; that criminal, anti-social behavior may have its genesis in a broken or violent home, in educational difficulties or in poverty. The causes of a child's behavior, therefore, must be analyzed if the rehabilitative, child-saving purpose of our child welfare law is to be fulfilled." [State v. D.D., 310 S.E.2d 858 (W.Va. 1983)].

<sup>28/</sup> State ex rel. D.D.H. v. Dostert, 269 S.E.2d (W.Va. 1980).

<sup>29/</sup> Licensing Requirements, p. 140.

<sup>30/</sup> State ex rel. R.S. v. Trent, 289 S.2d, 166.



the Center's case review process and information/referral services fulfills its responsibilities to develop individual plans for children. It is incumbent upon long-term service providers to participate in the planning process and to provide a realistic level of early intervention services.

A significant percentage of the children detained by the Center were charged with probation violation. No information is available to determine the level of early intervention services provided to these children or their families; there is no overall indication of why these children were not rehabilitated when they first became involved in the juvenile justice system. However, multiprofessional evaluations of children adjudged delinquent should be conducted in every case that the Court is investigating a child's mental capacity and is practical in most others.<sup>31/ 32/</sup>

Information/Referral Services: Children who have been alleged to be delinquent have a statutory right to participate in a referral to community agencies for counselling services at any time during the delinquency proceedings.<sup>33/</sup> In juvenile

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<sup>31/</sup> R.S. v. Trent, supra.

<sup>32/</sup> The Juvenile Justice Committee has recently initiated an investigation a suicide attempt by an eighteen year old inmate of Wood County Jail. (A 1985 report on the Wood County Jail is available from the Juvenile Justice Committee.) This child is under the continuing jurisdiction of juvenile court. During the Committee's inspection of the juvenile portion of the jail, another juvenile inmate described waist high blood splatter's on the walls and blood was still visible in some areas. As reported by the child's attorney, the child became involved in the juvenile justice system when he was twelve years old. An assault charge was filed based upon a school-yard fight with another child. The jail's records indicate that the child had also cut his arm at the detention center and at the Industrial Home. This case illustrates the significance of early intervention services coordinated through detention and shelter settings.

Based upon a 1986 evaluation of intensive home-based services by the Hubert H. Humphrey Institute of Public Affairs, University of Minnesota, this child would have been better off if he had been provided services while living at home. To the child's misery and at the State's expense, the child was removed from home and has remained in "the system" for the past six years. Early intervention planning could have proposed more realistic options for this child to the Court, had the service been available when the child was twelve years old. There is no way of estimating how much longer this person will remain dependent upon the Departments of Health or Corrections.

<sup>33/</sup> W. Va. Code, 49-5-3 also allows for court ordered noncustodial counselling (not to exceed a six month duration), following a hearing, in the event that a child refuses to participate voluntarily.

proceedings, the ability of the parents to supervise the child (in addition to the child's level of delinquency) has a significant bearing upon the final disposition.<sup>34/</sup> Therefore, family related problems, such as an alcoholic or unemployed parent can influence whether or not the child is committed into the custody of the state, if found to be delinquent.

The Center's Director reported that he has made referrals to domestic violence shelters/services, mental health centers, and other agencies. The Center has no formal policies regarding family focused services and has no written cooperative agreements with service providers. The Center's Director reported that he contacts each child's defense attorney to discuss the case.<sup>35/</sup> Although formalization of information/referral services provided by the Center appears to be needed, the Director appears to be knowledgeable and creative. The Center does not have records that indicate the overall success rate of their information/referral service. It should be noted, however, that each child/family that receive's predisposition information/referral services on a level sufficient to prevent the child's removal from home represents an immediate and significant savings to the State.

As reported by the Director, the type of reports submitted to the Court has been recently changed. An "observation report" has been replaced with a brief social summary. After considering

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<sup>34/</sup> W. Va. Code, 49-5-13(4)

<sup>35/</sup> An information/referral service by a detention center should not involve a discussion of the child's upcoming pleadings without the presence of his/her attorney. Because information obtained by the state department may be admissible during future dispositional proceedings (but not during adjudicatory proceedings) [W. Va. Code, 49-5-13(a)], children's attorney's should be apprised of all discussions and participate in a process in which the child, parents, and defense attorney become knowledgeable of all possible resources available [State ex rel. C.A.H. v. Strickler, 162 W. Va. 535, 251 S.E.2d 222 (1979)].

the child's needs the case review committee submits a recommendation to the Court regarding the most appropriate future placement for the child. Long-term service providers are not members of the case review committee. Considering the short-term nature of detention, the para-professional level of most of the detention staff, and the complexities of the child's legal status, caution must be exercised that this service is clearly described by the Center as a simple information/referral service. The child's/family's participation in the service must be clearly voluntary without a presumption of guilt or innocence or promises that predict outcome of the legal proceedings. In summary, with these cautions in mind the Center's staff should be commended for not simply watching these children "slip through the cracks."

#### STATUTORY RIGHTS AND CONDITIONS OF CONFINEMENT

In addition to those rights which protect the liberty interests of children and those rights related to family-focused assessment and rehabilitation at the first sign of trouble, minimum standards were established by the West Virginia Legislature in 1977 covering children in custody.<sup>36/</sup>

Written Notice of Rights: Each resident receives and signs an "Acknowledgement of Rights". Each resident receives a copy of the "Youth Responsibility" handout, covering the Center's rules.<sup>37/</sup>

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<sup>36/</sup> W. Va. Code, 49-5-16a.

<sup>37/</sup> These documents do not reflect the quality or level of services offered to children or their families. There is no mission statement offered to children. There is no instructional pamphlet describing the program and distributed to parents. (During inspection, the helping relationship between staff and children was demonstrated through interactions that could not have been staged.) Therefore, it may be helpful to children/families if the language used in these documents clearly describes the services that are being offered. In any event, the first sentence of the document entitled "Legal Rights of Children in Detention" should be reworked so as to avoid giving the impression that the rights granted under 49-5-16a are the only rights that children have.

Grievance Procedure [W. Va. Code, 49-5-16a(9), (10)]: The right to a grievance procedure is stated on the "Legal Right of Children in Detention" handout (Item 12). Children are instructed to bring grievances to the attention of the Director or his appointed representative. However, the procedure does not specifically name a grievance officer other than the Director and there is no procedure outlined to appeal decisions to the Department of Human Services' administration. Children made no complaints specific to the Center.

Punishment [W. Va. Code, 49-5-16b(1)(3)]: There were no reports that physical force or mechanical restraints were used as punishment. The Director reported that the Center's mechanical restraints were locked in his desk and that it has been at least a couple of years since they were last used. As a general philosophy, the Director reported that the detention experience should not be punitive. Consequences for misbehavior may involve a loss of privileges, such as television, recreation equipment, or additional school assignments. The Director reported that several youth who were difficult to manage in other settings, such as the Industrial Home or other detention centers, responded well to the Center's programming.

State Code specifically prohibits the use of solitary confinement except during sleeping hours and when children are "out-of-control". There was some discrepancy regarding the room confinement policy as reported by a Detention Worker Supervisor and the Director. The "Youth Responsibility" handout was not clear on this topic during inspection, but has been revised. Clarification of the policy is provided for the child via a "Notification to Child of Removal Policy".

Children are locked down during sleeping hours. Sleeping

hours are from 10:00 p.m. to 7:15 a.m. on weekdays; and, 11:00 p.m. to 10:00 a.m. on weekends. Children can get out of bed anytime after 7:00 a.m. on weekends if they prefer not to be locked down. Although children are checked on every fifteen minutes during the night, as reported by a Detention Worker Supervisor, the cell doors are not opened to do so. Some children sleeping next to the wall cannot be seen during routine bed checks.

Medical Care [W. Va. Code, 49-5-16a(7)]: This topic is included in the "Services" section of this report. State Code requires the child to have immediate access to medical care as needed. The Center is currently in the process of improving medical care provided to residents.

Visitation [W. Va. Code, 49-5-16a(1)(6)]: State Code requires that children be allowed to receive visitors daily and on a regular basis and that family visitation may not be denied as a punishment. The Center's visitation schedule (6:00 - 8:00 p.m. on weekdays; 1:00 - 4:00 p.m. on Saturday and Sunday) complies with State Code. As reported by the Director, parents are granted permission to visit at any reasonable time in the event of scheduling conflicts (such as working parents). Visiting occurs in a corner of the Center's recreation area or in the library if privacy is requested. More than one family may visit at a time. Families are allowed to give children gifts or other items during visitation, such as radios, snacks, money, personal hygiene supplies, etc. The Center has an accounting system to supervise children's money.

The Center's policy allows immediate family only to visit. State Code does not authorize facilities to restrict visitation



based upon relationship.<sup>38/</sup> Case law in other jurisdictions requires less restrictive visitation policies in that friends may visit; or, friends and other relatives may receive permission to visit upon request to the director of a facility.<sup>39/</sup>

Mail [W. Va. Code, 49-5-16a(5)]: The Center is in full compliance with State Code in this area. Paper and stamps are furnished by the Center and mail is distributed daily. Outgoing mail is not inspected.

Telephone Privileges [W. Va. Code, 49-5-16a(6)]: State Code requires that children in juvenile facilities may make and receive regular local phone calls without charge. State Code also requires that children be allowed to make a weekly long distance call to their families without charge. The Center allows children to make weekly long distance calls to their families without charge. Telephone usage is restricted to calls to the child's family or legal officials with occasional exceptions. The Center's policy is to allow unlimited but reasonable access to the telephone. Youth are not allowed to telephone friends or extended family members. Privacy for telephone usage appears to be limited.<sup>40/</sup>

Education and Reading Materials [W. Va. Code, 49-5-16a(8)]: Education is addressed in the "Services" section of this report. In summary, the Center appears to offer a viable educational program designed for a short-term setting.

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<sup>38/</sup> The Juvenile Justice Committee also inspects county jails in West Virginia. Most county jails allow friends to visit.

<sup>39/</sup> Thomas v. Mears, 474 F. Supp. 908 (E.D. Arkansas 1979); Inmates of Judge John J. Connelly Youth Center v. Dukakis, No. 75-17866, U.S. District of Massachusetts, Consent Decree, April 1976; Athrens v. Thomas, 434 F.Supp. 873 (W.D. Mo. 1977).

<sup>40/</sup> Case law in other jurisdictions requires that there be no restriction on the identity of the person called except that the person's name shall be entered in a log [Inmates of Judge John J. Connelly Youth Center v. Dukakis, supra.] West Virginia State Code does not authorize restrictive telephone policies.

The Center contains an on-grounds library with an assortment of books supplied by the West Virginia Library Commission. Library usage is liberal. However, the library does not contain legal materials except for one volume of West Virginia State Code, containing Chapter 49 (Child Welfare). Case law in several jurisdictions requires that at a minimum the Library contain: a law dictionary; a simple book on criminal procedure; a simple treatise on evidence; a simple treatise on criminal law; the West Virginia Lawyer Referral Service telephone number; the West Virginia Code (updated); and, requested reporters.41/

As a practical matter, the value of such a library depends in part upon the abilities of residents of the Center to utilize it.42/ An adequate number of trained legal assistants and typists to assist residents maintain access to the justice system was ordered in a 1978 New York case.43/ Satisfying "user needs" for legal reference materials was established as a standard by the American Correctional Association and the American Library

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41/ Pannell v. Waldrop, 511 F. Supp. 764 (W.D. N.D. 1981); Boulies v. Ricketts, 518 F.Supp. 687 (D.Colo. 1981); Ramos v. Lamm, 639 F.2d 559 110th Cir. 1980); Dawson v. Kendrick, 525 F.Supp. 1252, 1298 (S.D. W.Va. 1981).

42/ Bounds v. Smith, 430 U.S. 817, 97 S.Ct. 1491 (1977), was an action brought by state prison inmates alleging that a state, by failing to provide them with legal library facilities, was denying them reasonable access to the courts and equal protection. The Fourth Circuit of the United States Court of Appeals affirmed. The Court held that the fundamental constitutional right of access to the courts requires authorities to assist inmates in preparation and filing of meaningful legal papers by providing adequate law libraries or adequate assistance from person trained in law. The Court set forth a list of law books to which access must be afforded. The list includes: North Carolina General Statutes; North Carolina Reports (1960 - \_\_\_); N.C. Court of Appeals Reports; Strongs N.C. Index; North Carolina Rules of Court (West); U.S. Code Annotated (West); including Title 18, Title 28 2241-2254, Title 28 - Rules of Appellate Procedure, Title 28 - rules of Civil Procedure, Title 42 - Section 1891 - 2010; Supreme court Reporter (West 1960 - \_\_\_). Federal Reporter 2d (West)(1960 - \_\_\_); Federal Supplement (West)(1960 - \_\_\_); Black's Law Dictionary (West); Sokol Federal Habeas Corpus (Michie); LaFave and Scott Criminal Law Handbook (West 2 copies); Cohen Legal Research, Criminal Law Reporter, (Bureau of National Affairs); Palmer Constitutional Rights of Prisoners (Criminal Justice Text Series).

The Court also encouraged local experimentation to examine the best alternative means of providing meaningful access to courts, but any plan must be evaluated as a whole to ascertain its compliance with constitutional standards.

43/ Maldonado v. Ciuros, 76 Civ. 2854 (LWP)(S.D. N.Y.), Partial Final Judgment by Consent - August 29, 1978.

Association.<sup>44/</sup>

Since the Center's practice is to contact all defense attorneys, the need for law books may be further reduced. In general, the most common complaints received by the Committee in this area are that the defense lawyer did not meet with the child to prepare a proper defense and/or that the defense lawyer was not knowledgeable of lessor restrictive dispositional alternatives. The Center's Director may be able to design additional safeguards to protect children's access to the court on a level that meets constitutional standards without investing in law books. For example, Center staff could document that children have received help in formulating any questions which they might ask of their attorneys and that they have received help understanding the answers; the Center could document that any complaints that the children have regarding the quality of representation provided by their lawyers are addressed; and, the Center's staff could document that they have assisted the attorney explore community-based and residential alternatives so as to avoid potential complaints.

Clothing and Showers [W. Va. Code, 49-5-16a(4)]: Children may wear their own clothing. Clothing is provided by the Center if needed. The Center is in compliance with State Code in this area. Hard boots are not permitted.

Children have daily access to showers. Daily showers are required, with an evening or morning option. Showers are located at the end of each bedroom wing and one child at a time is locked into the wing to shower in privacy. Shower stalls need to be refurbished.

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<sup>44/</sup> American Correctional Association and American Library Association, Library Standards for Juvenile Correctional Institutions, (Standard 2.3.3.3.) p.4, 1975.

Exercise and Recreation [W. Va. Code, 49-5-16a(2)]: The Center has both outdoor and indoor recreation, as required by state law. The Center has weights, a body bag, wrestling mats, and ping pong to use during inclement weather.

#### FACILITY REQUIREMENTS

Space: The Center contains minimal program space and does not meet the minimum Licensing Requirements of 60 square feet per occupant in bedrooms.<sup>45/</sup> As discussed in the Physical Plant section of this report, the Director has applied for a waiver regarding bedroom space. In summary, however, the Director has been successful in establishing a positive/safe atmosphere for the children despite the poor design of the facility. Under less able leadership this facility could not safely serve ten youth.

Lighting: Lighting appeared questionable in bedrooms. Bedroom lights are controlled by staff. American Correctional Association Standards call for lighting of at least 20 footcandles at desk level for reading.<sup>46/</sup> After-dusk readings should be taken and lighting levels corrected, if needed.

Ventilation: The Center is air conditioned. No problems were reported in this area.

Fire Prevention: The Center is in compliance with the Fire Marshal's recommendations. An emergency evacuation plan is posted and fire drills are conducted once a month.

Personal Hygiene: Personal hygiene items may be supplied by parents and are supplied by the Center as needed. There is hot and cold water in bedroom sinks. Commodes do not have seats.

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<sup>45/</sup> Licensing Regulations R.2.11, p. 31; American Correctional Association, Standards for Juvenile Detention Facilities, require a minimum of 70 square feet per occupant in bedrooms (2-8138).

<sup>46/</sup> American Correctional Association Standards for Adult Local Detention Facilities, 1981, p.37 (2-5139).

There was no toilet paper in one room during the Committee's inspection.

Food: Food was considered to be "OK" by residents. No problems were noted in this area. A snack is served every evening (8:00 p.m.) to all residents.

Bedding: No problems were noted in this area. The mattresses are polyurethane covered and flame retardant. Each bed has a pillow with a case. Linens are washed weekly.

Sanitation: The Center was clean during inspection. Shower areas need repair.

#### STAFF

Staff of the Center are covered by civil service. The Center's staffing model contains a total of twenty full-time "slots", plus two positions supplied by the Wood County Board of Education. Most of the positions are classified as Detention Worker I, which requires a high school diploma or equivalency. The Center's staffing model contains three Detention Worker Supervisors (Detention Worker II) one Deputy Director and one Director position. The Supervisors were promoted into their positions based upon five years of educational/experiential qualifications. All staff are certified in Crisis Intervention techniques and receive additional training through workshops and provided by the Director. The Director reported that staff turnover is not a problem.



## CONCLUSION

West Central Regional Juvenile Detention Center has built a solid foundation upon which to deliver juvenile detention services. Much progress had been made under the Center's current Director since the last Juvenile Justice Committee report in 1980. Rather than blaming other components of the juvenile justice system for deficiencies within the system, the Center has established itself as a responsible/contributing partner. The Center's administration has taken steps to ensure a continuing reduction in the number of children who are inappropriately committed into secure care; and, for those children who truly need secure care, the Center designs a meaningful experience.

The Center's accomplishments have not compromised its security interests. The Center accepts the most disturbed and disturbing of those youth identified as accused juvenile offenders. In serving these youth, the Center maintains a low rate of physical restraint and has not had an escape during the past year. The Center's accomplishments seem to be a result of respecting the rights of children, obeying the law, and designing program components that are realistic.

Despite the Center's accomplishments, some children still appear to be inappropriately committed into secure care. One child in residence during inspection appeared to have been needlessly committed to the Industrial Home for diagnostic evaluation. There is a serious deficiency in the availability of community-based alternatives to divert troubled children and families within the Center's region.<sup>47/</sup> The Center's staff,

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<sup>47/</sup> There is currently no in-home detention program; no in-home therapy through Western District Guidance Center; no intensive probation services; no intensive family-focused casework through the Department of Human Services.

however, do not appear to "throw in the towel" when facing these problems. Neither does the Center's philosophy blame children for not being "rehabilitated" by being sent away from their problems to group homes or correctional facilities. The Center's philosophy of care recognizes the importance of involving a child's family in facing the situation and in making the best plan for resolution.

Secure juvenile detention is an expensive proposition. The Center currently spends approximately \$90 per day to detain each child. Considering that the Center's staff appear to be underpaid and that the physical plant is less than ideal, it is not likely that the Center could reduce its budget and remain in compliance with the law. However, when considering the per diem rates of other juvenile detention centers, the West Central Center appears to provide a much better service for about the same amount of money per child.<sup>48/</sup> Considering overall state expenditures by various Departments, the Center's model may be a wise investment. Each child/family that is provided predisposition services on a level sufficient to maintain family supervision of the child represents an immediate and significant savings to the State.

The following recommendations are submitted to the Center for the purpose of promoting further refinement of its existing program. The recommendations are offered in a spirit of support and commendation and may be helpful as objective perspectives.

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<sup>48/</sup> The per diem rate for Southern Regional Juvenile Detention Center was reported to be approximately \$87 (Please see, Interim Report, Southern Regional Juvenile Detention Center, Juvenile Justice Committee, 1986).

## RECOMMENDATIONS

The following recommendations were submitted in draft form to the Center's Director. The Director responded that each of the recommendations will be closely reviewed and he thanked the Juvenile Justice Committee for its interest in upgrading programs for children.

1. The Center's administration should be commended for its practices which have decreased the number of inappropriately committed children. The practices should be enhanced.

a. Formalize case review practices into Policy; (The Director responded that case review practices are formalized into Policy.)

b. Document success in this area so as to serve as a model for other detention centers;

c. Upgrade children's access to the court system in the event that a child appears to be receiving ineffective assistance of counsel and requests a formal avenue of filing a complaint;

d. Request supplemental funding from the Department of Human Services to establish an in-home detention program.

2. The Center should refine its delivery of information/referral services to children, their families, and defense counselors.

a. Establish formal working agreements with each Area Office of the Department of Human Services and behavioral health center in the Region. The working agreements should clearly describe what community-based services are or are not available to assist children/families and the referral procedures;

b. Describe the information/referral service in documents distributed to children, families, and defense attorneys.

3. The Center should upgrade services received by children during their period of confinement.

a. Complete the contract being negotiated with Mid-Ohio Health for the delivery of medical/dental services; (The Director responded that the contract is now in effect.)

b. Establish a multi-disciplinary case review process for youth involved in the juvenile justice or child welfare systems prior to admission;

c. Include in the case review process and in the Center's reports to the Court, consideration of in-home/community-based services which could reasonably be created on a individual basis for particular children, even when the service is not generally available. (The Director responded that in-home/community-based recommendations are reported to the Court.)

4. The Center should improve its general conditions of confinement.

a. Refurbish shower stalls;

b. Relax telephone policy so that friends may be telephoned when expense is not incurred by the Center and/or install a pay telephone in an area of the Center that affords the most privacy;

c. Reword the first paragraph of the document, "Legal Rights of Children in Detention" so as not to give the impression that the document is a comprehensive statement of children's rights;

d. Clarify Item 5 of the "Youth Responsibility" document regarding room confinement policy. (Completed)

e. Develop a more specific grievance procedure.

5. The Center should establish a model of community-based diagnostic evaluation using Western District behavioral health center to supplement its current usage of private practitioners. The availability of this service should be outlined to all courts in the Region and presented as an alternative to institutional-based diagnostic evaluation services.

6. The administration should reconsider its position on serving children under the continuing jurisdiction of juvenile court on a regular basis; and, in light of its progress in reducing the number of younger children and children charged with minor offenses who are committed to the Center. (Please see Interim Report, Wood County Jail, Juvenile Justice Committee, 1985.)

2000 Quarrier St.  
Charleston, WV 25305  
Phone 304-348-2191

WEST VIRGINIA  
STATE FIRE MARSHAL'S OFFICE

FIRE SAFETY INSPECTION REPORT

November 13, 1986

Date of this Inspection

West Central Regional Juvenile Detention Center  
Name of Facility (Complex)

485-7489

Telephone Number

Mr. Michael Shea, Director  
Executive Officer - Title

Building Approx. 3,703.5 sq. ft.

Type III - (211) 1 story  
Building Construction Height

Address

Parkersburg, WV 26101  
City, State, Zip Code

P. O. Box 3362  
Street

Wood  
County

Approx. 10 juveniles max  
Number of Occupants

Use Condition V Sprinklered Y  N   
Penal Type Occupancy

Fire Alarm System Y  N

J. A. Rose/Jo Ann Guthrie, PFPB  
Inspector/accompanied by

Fire Drills: OK 5/14/86

REQUIREMENTS

1. Fire alarm system shall automatically notify Parkersburg's Fire Department upon activation.  
NFPA-101-15-3.4.4 (12/84)

RECOMMEND REGULAR LICENSE - N. D. Woods

Orig: Director  
cc: Parkersburg Fire Prevention Bureau  
Wood County Commission  
Social Services  
Inspector (2)  
File

RECEIVED

8 1986

12/2/86  
pe

WORKS OFFICE

REQUIREMENTS LISTED ARE NOTIFICATION OF FIRE CODE VIOLATIONS.

SFC - State Fire Code

NFPA - National Fire Protection Association

APPENDIX A



INSPECTION REPORT FOR FOOD SERVICE ESTABLISHMENTS



NAME OF ESTABLISHMENT West Central Reg. Juvenile Center		ADDRESS OF ESTABLISHMENT 907 Mission Dr.	
NAME (OWNER, OPERATOR OR REGISTERED AGENT) Michael Shea, Director	CITY, COUNTY OR DISTRICT Parkersburg	PERMIT NUMBER	DATE 1-27-81

Sir: Based on an inspection this day, the items marked below identify the violation in operation or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified in writing by the health authority. Failure to comply with this notice may result in immediate suspension of your permits. An opportunity for an appeal will be provided if a written request for a hearing is filed with the health authority within the period of time established in this notice for the correction of violations.

ITEM NO.	REMARKS (Please specify area.)
15	Some shelving poor surfaces - not easily cleanable - need refinished
22	Flour scoop not clean
24	Utensils not properly aligned in drawer. <span style="float: right;">corrected</span>
34	Garbage containers <del>not</del> stored on ground - no concrete pad.

received by, Cyndie R. Harwood

The unsatisfactory conditions recorded were discussed with the owner or operator or his representative.

VIOLATIONS MUST BE CORRECTED  
ON OR BEFORE: next routine inspection

Gary J. Spring, R.S.  
Sanitarian

(Please see reverse side.)

Note: Score = 100 less weight of items violated

## Intake Card

Name: \_\_\_\_\_  
 Charge: \_\_\_\_\_  
 Admission Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  
 \_\_\_\_\_ PM

### Notification of Legal Rights

Date Notified: \_\_\_\_\_ Time: \_\_\_\_\_  
 Copy on File:  Yes  No  
 Notice Provided By: \_\_\_\_\_  
 (Staff Signature)

### Medical Attention

Medically Fit:  Yes  No  
 Condition/Symptom: \_\_\_\_\_  
 Certification Required:  Yes  No  
 Obtained:  Yes  No  
 Accepted: \_\_\_\_\_ Denied: \_\_\_\_\_

### Check Basis for Detention:

Petition  
 Warrant  
 Detention Order  
 Modification Order  
 Authorization by Court  
 Awaiting Transportation  
 Other (Specify: \_\_\_\_\_)

### Medical Payment Information

Insurance Company \_\_\_\_\_  
 Information \_\_\_\_\_  
 Policy Number: \_\_\_\_\_  
 Welfare Medical Card No. \_\_\_\_\_  
 SSIS No. \_\_\_\_\_  
 Other: \_\_\_\_\_

### Intake Review

Acceptable Criteria  
 Medically Fit  
 Notified of Rights  
 Accepted  Denied  
 Staff Signature: \_\_\_\_\_  
 Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  
 \_\_\_\_\_ PM

### To Be Completed By Director

Hearing Prior to Admission:  Yes  No  
 Court Notified of Admission:  Yes  No  
 Date of Hearing: \_\_\_\_\_ Time: \_\_\_\_\_ AM  
 \_\_\_\_\_ PM  
 Detention Order on File:  Yes  No  
 Date of Release: \_\_\_\_\_ Time: \_\_\_\_\_ AM  
 \_\_\_\_\_ PM  
 Reason: \_\_\_\_\_ Signature: \_\_\_\_\_

## Background Information

Mother's Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_  
 Occupation: \_\_\_\_\_  
 Subject Resides With:  Both Parents  
 Mother  
 Father  
 Relative  
 Other

Father's Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_  
 Occupation: \_\_\_\_\_  

Sibling's Names	Ages:	Resides With:

If other, please explain \_\_\_\_\_  
 Name of School: \_\_\_\_\_  
 Name of Teacher: \_\_\_\_\_  
 County: \_\_\_\_\_ Grade: \_\_\_\_\_  
 Mental Health History:  Yes  No  
 Hospital: \_\_\_\_\_  
 When: \_\_\_\_\_ Worker's Name: \_\_\_\_\_  
 Child Known to Other Agency:  Yes  No  
 Organization: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Last Contact: \_\_\_\_\_

Prior Arrests:  Yes  No  
 Prior Detentions:  Yes  No  
 Prior Commitments:  Yes  No  
 Is child taking medication:  Yes  No  
 Type of Medication: \_\_\_\_\_  
 Doctor's Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_

## Admission Card

Name: \_\_\_\_\_ Admission Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM  
PM  
Address: \_\_\_\_\_ Charge: \_\_\_\_\_ Detaining County: \_\_\_\_\_  
\_\_\_\_\_ Admitting Official's Signature: \_\_\_\_\_  
Agency and Title: \_\_\_\_\_  
County: \_\_\_\_\_ Admitting Staff: \_\_\_\_\_ Prior Detention: \_\_\_\_\_ Yes  
Alias/Nickname: \_\_\_\_\_ Child's Home Phone: \_\_\_\_\_ No

Weight: \_\_\_\_\_ DOB: \_\_\_\_\_ Color Eyes: \_\_\_\_\_  
Height: \_\_\_\_\_ Age: \_\_\_\_\_ Color Hair: \_\_\_\_\_  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Religious Preference: \_\_\_\_\_

Identifying Marks, Scars: \_\_\_\_\_

---

Parent, Guardian	Emergency Contact	Social Worker/Probation Officer
Name: _____	Name: _____	Name: _____
Address: _____ _____	Address: _____ _____	Address: _____ _____
Home Phone: _____	Phone: _____	Phone: _____
Business Phone: _____	Relationship: _____ (Should be someone other than Parent)	Title: _____



## LEGAL RIGHTS OF CHILDREN IN DETENTION

West Virginia law requires that you be given a written copy of your legal rights. We believe that these rights are very important to you and urge you to read them carefully. While our staff are not lawyers and cannot give you legal advice, they can explain these rights to you to help you understand them. Please ask them any questions you may have.

1. You have the right to remain silent about the charges being made against you.
  2. You will not be punished by physical force, withholding of meals or solitary confinement.
  3. You have the right to have visits from your immediate family daily and on a regular basis.
  4. You have the right to participate in physical exercise daily.
  5. You will not be locked in your room, except during sleeping hours or if you are out of control.
  6. You will receive clean clothing and a shower daily.
  7. You have the right to send and receive mail without limitation. There will be no censorship of mail except that mail may be opened in your presence to inspect for contraband.
  8. You may make and receive local phone calls without charge and long distance calls to your family without charge at least once a week.
  9. you have the right to have access to medical care.
  10. You have the right to reading and educational materials.
  11. You have the right to have access to an attorney.
  12. You have the right to a grievance procedure and an appeal mechanism. If you feel you have a grievance, you may bring it to the attention of the Director or his appointed representative.
-

ACKNOWLEDGEMENT OF RIGHTS

I have received a written copy of my legal rights. I understand what my rights are. I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

SIGNED: \_\_\_\_\_  
(Child's Signature)

DATE & TIME: \_\_\_\_\_

STAFF SIGNATURES: \_\_\_\_\_

\_\_\_\_\_

WEST CENTRAL REGIONAL JUVENILE DETENTION CENTER, Parkersburg, West Virginia

Admission File Copy.

Copy to Child.

1980

## YOUTH RESPONSIBILITY

1. Each child shall, after eating, be responsible for giving back to the Detention Staff, through the window, their own silverware - one at a time.
2. Each child will be expected to participate in the Educational Program of the Center. On the basis of your participation in and the completion of school work you can earn computer time.
3. Each child will be held responsible for the cleaning of their individual rooms prior to coming out for breakfast each morning. Supplies to do this can be had upon request. Beds need to be made neatly.
4. There will be no body contact between male and female youth (hugging, kissing, petting, etc.)
5. In case of fighting, and other breakage of rules, youth will be placed in their rooms in accordance with Staff policy.
6. Socks and tennis shoes will be worn and are not to be left all over the building.
7. You will be expected to take small amounts of food and if more is wanted you can get more at any time as long as you eat it. Do not waste food.
8. Nothing will be allowed in the rooms but two soft back articles of reading materials. (No hard back books). Toothbrush & small comb may be permitted.
9. Youth will be responsible for all the damages they do in the building. A charge of destruction of property will be filed against you.
10. All games, cards, ect. are to be used and returned in good repair to Staff when finished or when requested.
11. No exchange of personal items and belongings from child to child will be allowed.
12. All youth are expected to sit at the table during meals until all are finished eating or until told to go by Staff.
13. Visitation time will be between the hours of 6:00 - 8:00 and 1:00 PM to 7:00 PM on weekends. Only immediate family may visit.
14. Ministers can visit you only on your request.
15. Smoking will be permitted outside only. Each child will be expected to stand in a designated area while smoking. When you finish your cigarette, please place it in the can provided.

WEST CENTRAL REGIONAL JUVENILE DETENTION CENTER

Personal Property Sheet

The following articles were received from \_\_\_\_\_ upon his/her admission to the West Central Regional Juvenile Det. Center on \_\_\_\_\_ at \_\_\_\_\_ A.M. \_\_\_\_\_ P.M.

LIST OF CLOTHING:

\_\_\_\_ HAT  
\_\_\_\_ SOCKS  
\_\_\_\_ SHOES  
\_\_\_\_ PANTS  
\_\_\_\_ SHIRT

\_\_\_\_ COAT  
\_\_\_\_ GLOVES  
\_\_\_\_ DRESS  
\_\_\_\_ UNDERCLOTHING

\_\_\_\_ OTHER

VALUABLES:

\_\_\_\_ RING  
\_\_\_\_ WATCH  
\_\_\_\_ KEYS  
\_\_\_\_ WALLET  
\_\_\_\_ GLASSES

\_\_\_\_ BELT  
\_\_\_\_ EARRINGS  
\_\_\_\_ NECKLACE  
\_\_\_\_ OTHER

MONEY \$ \_\_\_\_\_

I, \_\_\_\_\_ hereby state that the above checked items were taken from me upon admittance to the West Central Regional Juvenile Detention Center.

Signature: \_\_\_\_\_  
DATE: \_\_\_\_\_

I, \_\_\_\_\_ hereby state that the above items were received upon my release from the West Central Regional Juvenile Detention Center.

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Time: A.M. \_\_\_\_\_ P.M. \_\_\_\_\_

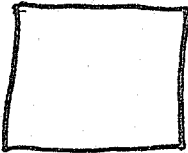
Staff Signature \_\_\_\_\_  
Witness \_\_\_\_\_

RELEASE OF RESPONSIBILITY

I understand and agree that I will not hold the West Central Regional Juvenile Detention Center responsible for any of my clothing that I choose to wear while I'm in detention.

I further understand that I can choose to not sign this waiver.

If I do not sign, my clothing will be locked up until I leave and I will be issued clothing from the Center's stock.



REFUSED

\_\_\_\_\_  
Child's signature

\_\_\_\_\_  
Staff signature

\_\_\_\_\_  
Date notified

2/83

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4. There will be no body contact between male and female youth (hugging, kissing, petting, etc.).
5. Assaultive or inappropriate behavior will result in loss of privileges. You may be confined to your room if you are out of control.
6. Socks and tennis shoes will be worn and are not to be left all over the building.
7. You will be expected to take small amounts of food and if more is wanted you can get more at any time as long as you eat it. Do not waste food.
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Revised - 3/05/87