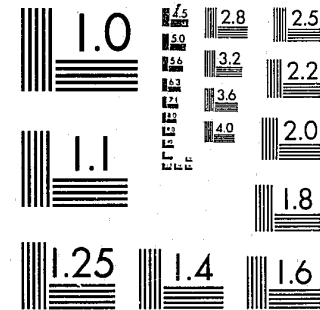


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X
SURVEY OF JUVENILE INCARCERATIONS IN

X
WEST VIRGINIA'S COUNTY JAILS

January 1 to June 30, 1980

NCJRS

AP. 23 1981

ACQUISITIONS

Juvenile Justice Committee
Supreme Court of Appeals
E-400 State Capitol
Charleston, WV 25305
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The Juvenile Justice Committee has compiled the results of its semi-annual survey concerning the incarceration of juveniles in West Virginia's county jails. The survey, covering the period January 1 to June 30, 1980, was undertaken with the assistance of the counties' sheriff departments, all fifty-five of which completed the survey form and promptly returned it to the Committee. The findings of the survey, which are based solely on information supplied by the counties, are as follows:^{1/}

1. TWENTY-SIX COUNTIES DID NOT INCARCERATE JUVENILES IN THE COUNTY JAIL. Though state law permits the incarceration of juveniles in a county jail under very limited circumstances, 26 out of W. Va.'s fifty-three counties which have jail facilities^{2/} claim that they did not house any juveniles whatsoever in their respective jails during the six-month survey period. The counties

^{1/}The Committee does not believe that each survey form returned to it accurately lists each instance in which a juvenile was placed in the county jail. The Committee has reason to believe that in several counties which claim not to have jailed juveniles, children are, in fact, being incarcerated, albeit not in great numbers. Among the counties which admit to jailing juveniles, the Committee is aware of at least one county, and there are perhaps more, which places children in jail in greater numbers than stated in the survey. For the most part, however, the survey appears to have been honestly completed and the results thereof show a significant, if not totally accurate, trend in West Virginia away from the incarceration of juveniles in adult facilities.

^{2/}Lincoln and Ritchie Counties do not have a jail.

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stating that they did not jail juveniles are: Barbour, Berkeley, Calhoun, Clay, Doddridge, Gilmer, Hampshire, Hancock, Hardy, Jackson, Jefferson, Mason, Monongalia, Monroe, Nicholas, Pendleton, Pleasants, Pocahontas, Putnam, Raleigh, Roane, Tucker, Wetzell, Wirt, Wood and Wyoming.

Of the twenty-seven counties which admitted to placing juveniles in the jail during the survey period, the number of incarcerations ranged from one (Boone, Grant, Kanawha, Marshall and Morgan Counties), to one hundred (Ohio County). Besides Ohio, counties which jailed ten or more juveniles include: Brooke (15), Cabell (12), Harrison (44), Marion (21), Mineral (22), Mingo (24), Randolph (23), Summers (21), Taylor (17), Upshur (12) and Webster (10). The total number of incarcerations for all 27 counties was 377.

2. THE VAST MAJORITY OF INCARCERATIONS APPEAR TO HAVE BEEN DONE ILLEGALLY. State law places great strictures on the incarceration of juveniles in county jails. Children may be legally placed in jail, including the juvenile department thereof, only if they are over the age of 14 years and are charged with the commission of a violent felony or are males sixteen years of age and older who are awaiting transfer to a correctional institution.^{3/} Juveniles awaiting transfer may not be held in excess of 96 hours.

^{3/} See W. Va. Code §§49-5-16(a), 28-1-4 and 28-3-6.

Of the 377 incarcerations occurring during the survey period, only forty-three or 11.4% appear to have been clearly done in conformity to law. The vast majority of the incarcerations (334, or 88.9%) involved the illegal jailing of criminal offenders charged with non-violent felonies (97) or misdemeanors (160), and status offenders (51).

CHARGE	NUMBER	PERCENTAGE
Violent Felony	30	8.0%
Non-Violent Felony	97	25.7%
Misdemeanor	160	42.4%
Awaiting Transfer	17	4.5%
Violation of Probation	7	1.9%
Status Offense	51	13.5%
Other	15	4.0%

CONCLUSIONS

There is a trend in West Virginia's counties against the incarceration of juveniles in the county jail regardless that the incarceration may be allowed under state law. Though the Committee did not inquire into the reasons that the counties doing so refrained from incarcerating juveniles in the jail, informal conversations with many county officials indicated that there is a general awareness that few, if any, of the county jails are fit to house children and that the incarceration of juveniles in adult facilities poses a serious threat to the child's health, welfare and safety.

Of those counties which continue to house juveniles in the jail, a clear majority are doing so without regard to the statutory law, let alone the fact that in all probability their facilities do not meet the stringent constitutional standards mandated by the juvenile law.

INCARCERATION OF JUVENILES IN COUNTY JAILS, JANUARY 1 TO JUNE 30, 1980

County	Violent Felony	Non-Violent Felony	Misdemeanor	Awaiting Transfer	Violation of Probation	Status Offense	Other	Total
Boone	0	0	0	1	-	-	0	1
Brooke	3	1	3	2	-	6	-	15
Braxton	-	2	3	-	-	1	-	6
Cabell	4	6	1	-	1	-	-	12
Fayette	-	5	1	-	-	-	-	6
Greenbrier	1	-	-	3	-	-	-	4
Grant	-	-	-	-	-	1	-	1
Harrison	1	12	18	-	2	11	-	44
Lewis	-	-	1	1	-	1	-	3
Logan	-	-	1	1	-	-	2	4
Kanawha	1	-	-	-	-	-	-	1
McDowell	-	-	-	3 ^{1/}	1	-	-	4
Marion	1	11	9	-	-	-	-	21
Marshall	-	-	-	-	-	-	1	1
Mercer	4	-	-	-	-	-	-	4
Mineral	1	-	10	-	1	7	3	22
Mingo	1	8	12	-	-	2	1	24
Morgan	-	-	-	-	-	-	1	1
Ohio	3	25	55	-	1	15	1	100
Preston	-	3	2	-	-	-	1	6
Randolph	2	6	10	-	-	-	5	23
Summers	1	3	15	1	-	1	-	21
Taylor	3	7	7	-	-	-	-	17
Tyler	2	-	3	-	-	2	-	7
Upshur	1	5	3	2 ^{2/}	-	1	-	12
Wayne	-	1	2	3 ^{2/}	1	-	-	7
Webster	1	2	4	-	-	3	-	10
TOTALS	30	97	160	17	7	51	15	377

^{1/}One incarceration exceeded the 96 hour limit.

^{2/}All incarcerations exceeded the 96 hour limit.

END