

GENERAL DISTRIBUTION

**WEST VIRGINIA
DIVISION OF CORRECTIONS
& REHABILITATION**

NUMBER: 401.00

DATE: 02 August 2023

**SUBJECT: PROHIBITION ON
COMMITTING JUVENILES TO
ADULT FACILITIES**

POLICY DIRECTIVE

PURPOSE:

To provide guidance on the statutory prohibition of committing juveniles to adult facilities and certain core components of the Juvenile Justice and Delinquency Prevention Act.

REFERENCE:

Juvenile Justice and Delinquency Prevention Act (34 U.S.C. § 11133); and WV Code §49-4-720.

RESPONSIBILITY:

No additional written instructions on this subject are required.

CANCELLATION:

Any previous written instruction on the subject including DOC Policy Directive 505.01-1, dated 01 July 2014; and DCR Commissioner's Instruction #DCR21-05, dated 08 July 2021.

APPLICABILITY:

All facilities and work units within the Division of Corrections and Rehabilitation (DCR). This Policy is available for general distribution.

DEFINITIONS:

Juvenile: For the purposes of this Policy Directive, as defined in WV Code §49-1-202, any person under eighteen (18) years of age.

POLICY:

- I. Pursuant to WV Code §49-4-720, a juvenile (including one convicted or awaiting trial on an offense under the adult jurisdiction of the court while under the age of 18 years) may

not be detained or confined in any institution in which he or she has contact with or comes within sight or sound of any adult person incarcerated upon conviction of a crime or awaiting trial on criminal charges.

- II. The federal Juvenile Justice and Delinquency Prevention Act (34 U.S.C. § 11133) established in 1974 and amended in 2018 has four (4) core components. Two (2) of the core components are **adult jail and lock-up removal** (removing juveniles from adult jails and detention facilities); and **sight and sound separation** (juveniles are not detained or confined in any institution where they may have contact with adult inmates.)
- A. The Division of Administrative Services (DAS), Justice and Community Services Section, is responsible for monitoring compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP A).
- B. Programs in which juveniles are brought into contact with adult inmates as a means of educating juveniles about life in prison and/or deterring them from delinquent or criminal behavior (such as “scared straight” or shock incarceration programs) may result in noncompliance with the separation requirement. Instances of noncompliance only occur if the juvenile’s participation is pursuant to law enforcement or juvenile court authority and the juvenile is not free to leave or withdraw from participation.
- III. Questions as to whether a particular situation violates the separation requirement should be directed by the Superintendent through his/her chain of command to the applicable Assistant Commissioner/designee.

ATTACHMENT(S):

None.

APPROVED SIGNATURE: _____

William K. Marshall III

08/02/2023

William K. Marshall III, Commissioner

Date