

# JUVENILE JUSTICE APPROACHES TO OUD

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# WHY IS THE JUVENILE JUSTICE SYSTEMS APPROACH TO SO IMPORTANT TO CONSIDER?

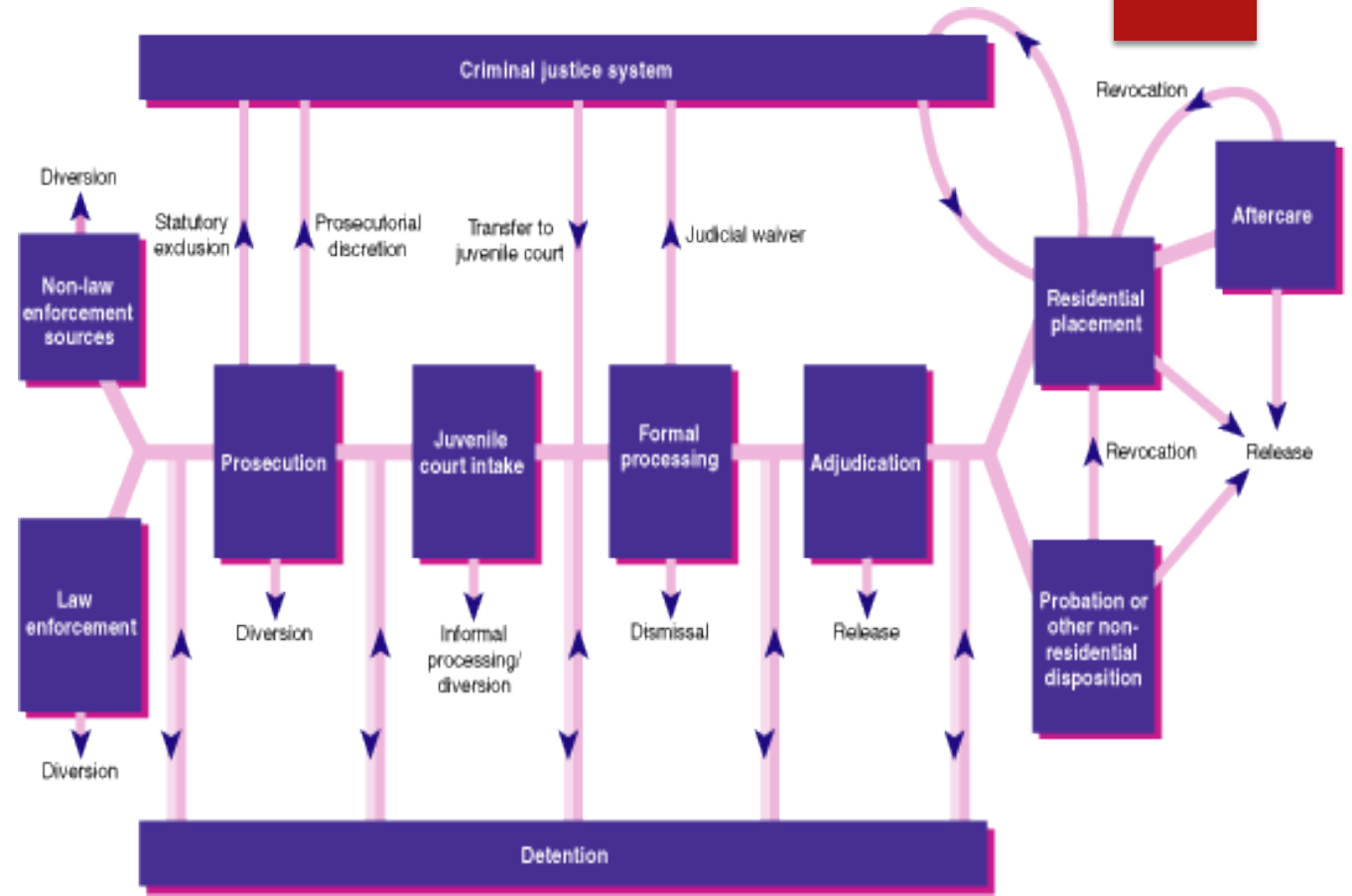
Engagement at the juvenile and young adult levels are crucial to preventing chronic criminal system involvement.

The effects of a criminal record on the life of a young adult are pervasive. A criminal record creates barriers to housing, employment, and civic engagement – each critical for a justice-involved young adult's sustained recovery.

The American Bar Association has cataloged >45 000 civil restrictions imposed by federal and state statutes and regulations as a result of adult convictions.

An adult criminal record diminishes an individual's prospects of steady employment and higher education, restricts civic engagement, and limits access to adequate housing and public assistance.

# THE JUVENILE JUSTICE SYSTEM



# Reasons a Juvenile with OUD may encounter the Juvenile Justice System

Ind. Code § 31-37-2-1

A child is a delinquent child if, before becoming eighteen (18) years of age, the child:

**(1)** commits a delinquent act described in this chapter; and **(2)** needs care, treatment, or rehabilitation that: **(A)** the child is not receiving; **(B)** the child is unlikely to accept voluntarily; and **(C)** is unlikely to be provided or accepted without the coercive intervention of the court.

(this is the same language as the child welfare statutes use. The goal is rehabilitation)

IC 31-37-1 Juveniles Commit Crimes that would be Crimes if Committed by An Adult (examples, DUI, possession, dealing, manufacturing, robbery)

IC 31-27-2-3 Compulsory school attendance

IC 31-27-2-5 curfew violations

IC 7.1-5-7 concerning minors and alcoholic beverages

# WHAT APPROACHES WILL WE DISCUSS TODAY?

- I. Diversion
- II. Expungement
- III. Reduce collateral consequences
- IV. Re-entry assistance
- VI. Organizations Leading the Way



# DIVERSION

The Office of Justice Programs defines Diversion as

“Intervention approaches that redirect youth away from formal processing in the juvenile justice system, while still holding them accountable for their actions”

# Does Diversion Work?

Yes!

Diversion is more effective in reducing recidivism than conventional judicial interventions.

When youth assessed as low risk are diverted, they are 45% less likely to reoffend than comparable youth facing formal court processing. This finding is consistent with research that most young people age out of delinquent behavior with no intervention, but simply by growing up.

Estimate 60% of Juvenile cases could be safely diverted. Some jurisdictions already meet this diversion level.

For youth with Opioid Use Disorder or other addictions, diversion can look like a referral to mental health or substance abuse treatment

Annie E. Casey Foundation. <https://www.aecf.org/blog/what-is-juvenile-diversion>

# YOUTH DIVERSION

## WHAT IS YOUTH DIVERSION?

Diversion directs youth away from formal processing in the juvenile justice system, while still holding them accountable for their actions.

*Terminology, definitions, and terms differ across jurisdictions.*

## WHY SHOULD WE DIVERT YOUNG PEOPLE?

Diversion offers young people a chance to be defined by more than their mistakes. Research shows diversion reduces recidivism, thereby improving public safety, and it reduces costs by keeping children in their communities and out of the juvenile justice system.

## WHO CAN DIVERT YOUNG PEOPLE?



## A young person with less involvement in the juvenile justice system:

has increased educational and employment opportunities

interacts with fewer peers who have antisocial behaviors



is less likely to commit another offense

is more likely to maintain positive community supports

## DIVERTING YOUNG PEOPLE DEMONSTRATES BELIEF IN THEIR POTENTIAL.



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# EXPUNGEMENTS

*Youth with juvenile records frequently experience collateral consequences of their arrest or adjudication, which may include difficulty accessing educational services, obtaining employment, serving in the military, and finding and maintaining housing*

## DINA'S STORY

“At 15, I stole my neighbor’s car and found out I was pregnant. A judge sentenced me to six months in a residential facility for pregnant juvenile delinquents. I didn’t understand that my fingerprints were being transmitted to the FBI database because I had committed a felony. After returning home, I got back on track. I got my GED and then completed an associate’s of science degree. But after getting accepted into a nursing program, I discovered that my juvenile record could stop me from going to school after all... At that point it finally hit me just how much of an impact my juvenile record would have on my life. Anytime I apply for a job that requires a background check with fingerprinting, such as nursing, police, government, or in schools, they can find my juvenile arrest, no matter my age.”

Source: Pettinelli, 2015

Information from the US Department of Justice

<https://ojjdp.ojp.gov/publications/expunging-juvenile-records.pdf>

A close-up photograph of a person's hand and forearm, secured in a heavy-duty metal restraint. The restraint consists of several thick, cylindrical metal bands with visible rivets, wrapped around the limb. The background is blurred, showing what appears to be a wooden surface.

# EXPUNGEMENTS

## JUVENILE RECORDS

Youth are not convicted of crimes in Juvenile Delinquency cases. They are adjudicated delinquent.

\*\*\*\* Delinquency cases include both actions that would be a crime if committed by an adult (example: possession) and status offenses, which are against the law based on the child's age (example: truancy and runaway situations).

A person can file to have their juvenile record expunged at any time.

## ADULT RECORDS

There are also situations where youth under age 18 can be charged as adults or waived into criminal court. (example: a 16 year old charged with murder).

IC § 35-38-9 includes Indiana's laws on Sealing and Expunging Conviction Records

Expunging criminal records is more challenging than expunging juvenile records. Different regulations depending on the severity of the crime. Some crimes can not be expunged and for others, a person must wait at least eight years before asking for expungement.



## Examples of Immediate and Long Term Collateral Consequences (why expungement can be so beneficial)

### Immediate Consequences of Justice System Involvement:

- \*Financial Penalties – fines, fees and restitution. Lost earnings and other costs of attending proceedings.
- \*Public Benefit – if the youth is detained some needs based programs may deny benefits.
- \*Drivers License Suspension as part of a sentence
- \*Firearm Possession Restrictions.

### Long Term Impacts

- \*Economic Mobility - barriers to certain career paths and licensures.
- \*Impacts on college enrollment.
- \*Loss of support network
- \*Housing difficulties

# REDUCING COLLATERAL CONSEQUENCES

Collateral consequences can be especially impactful on youth from racially marginalized or low social economic backgrounds.

States have identified several ways to reduce collateral consequences of system involvement including:

- 1. Raising the age of juvenile court jurisdiction.**
- 2. Re-Entry Programing**
- 3. Reducing Financial Penalties**
- 4. Systematic policy changes**

<https://www.nga.org/publications/state-strategies-to-address-the-needs-of-justice-involved-youth-impacted-by-collateral-consequences/#::~:~:text=Raising%20the%20Age%20%E2%80%93%20Collateral%20consequences,youth%20eligible%20for%20juvenile%20court.>

# Re Entry Assistance

Re Entry services are designed to help with the transition of youth from DOC back into their community

The Office of Juvenile Justice and Delinquency Programs offers federal grant money designed to reduce recidivism and assist with re entry.

Through its Second Chance programs, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) helps to strengthen families and provide youth with educational and vocational opportunities, employment and housing assistance, mental and physical healthcare, family programming, and substance use treatment to help them overcome barriers to successful reentry.

<https://ojjdp.ojp.gov/programs/juvenile-reentry>

# Re Entry Assistance

Indiana DOC has a re entry program called the “Recovery Oriented Community”.

ROC is a form of Addiction Recovery Services offered at Logansport Juvenile Correctional Facility for youth with the highest addiction recovery needs. ROC is designed to provide intensive treatment services to youth who have experienced significant negative life experiences as a result of substance abuse or residing with family members who use substance abuse. The youth receive individual counseling, group counseling, pro-social skills and family counseling provided by Addiction Recovery Specialists. Youth live together in a separate unit to work together to change their thinking and behavior, which results in opportunities to develop and maintain a clean and sober lifestyle. ”

<https://www.in.gov/idoc/dys/juvenile-programs/>

# The Office of Juvenile Justice and Delinquency Prevention (OJJDP)

US Department of Justice Office

OJJDP's three priorities reflect the Office's guiding philosophy: to enhance the welfare of America's youth and broaden their opportunities for a better future

1. Treat Children as Children
2. Serve Children at Home. In their families and communities
3. Create opportunities

<https://ojjdp.ojp.gov/>

# HEAL Prevention Initiative (HPI)

[Youth in the Legal System: A Critical Prevention Population | NIH HEAL Initiative](#)

The US Department of Health and Human Services's Initiative

\*Prevent opioid misuse and use disorder by advancing research in four areas – 1) risk identification, 2) social determinates, health equity and policy, 3) intervention development and 4) disseminate, implement, scale up prevention services

Two webinars discussing this issue:

- [HEAL Preventing Opioid Use Disorder in Older Adolescents and Young Adults \(ages 16-30\) FOA Technical Assistance Webinar - Jan 17, 2019](#)
- [Preventing Opioid Use Disorder in Older Adolescents and Young Adults \(Ages 16-30\): Expert Panel Planning Meeting - Sep 26, 2018](#)



# INDIANA Info

Juvenile Justice Task Force through the child's commission:

<https://fox59.com/indianapolitics/task-force-unveils-recommendations-for-indianas-juvenile-justice-system/>

This task force pushes for legislation and policy changes addressing some of the recommended Juvenile Justice Approaches

# Additional Resource List

[The Justice System and Young Adults With Substance Use Disorders | Pediatrics | American Academy of Pediatrics \(aap.org\)](#)

2021 Article

Guide to setting up a diversion program in 16 steps

[https://www.modelsforchange.net/publications/301/Juvenile\\_Diversion\\_Guidebook.pdf](https://www.modelsforchange.net/publications/301/Juvenile_Diversion_Guidebook.pdf)