

JUVENILE JUSTICE IN OHIO

Erin Davies, Executive Director

Juvenile Justice Coalition

edavies@jjohio.org

Juvenile Court 101: Purpose of The Juvenile Court

To provide rehabilitation and treatment to youth to hold them accountable and maintain public safety, while recognizing fundamental differences between youth and adults.

Juvenile Court 101: Ohio's Juvenile Justice System

Unique things:

- “Home rule” state – 88 counties do things 88 ways
- For offenses committed before the age of 18, juvenile court has jurisdiction over youth up to age 21
- Data challenges

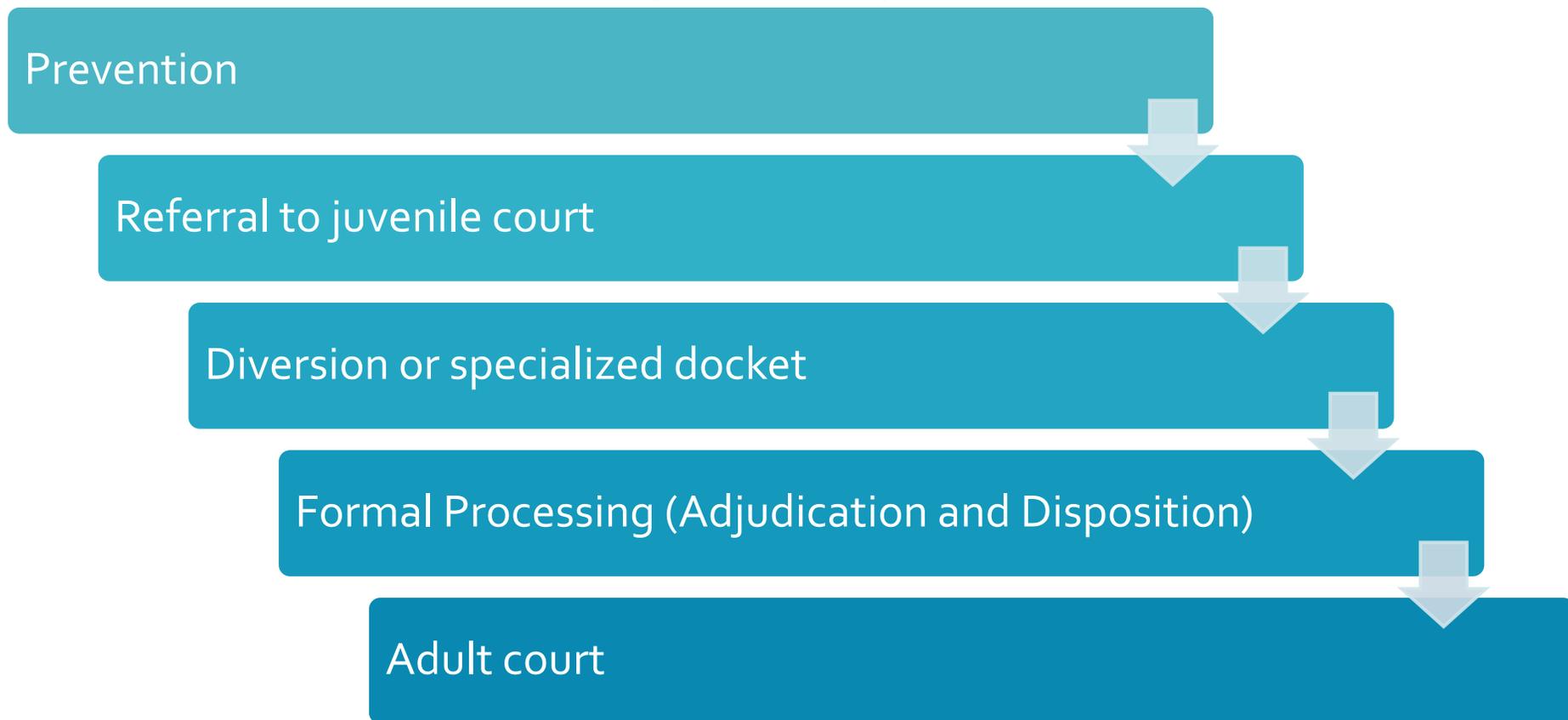
Juvenile Justice Involvement: Type of Youth

What type of youth come before juvenile courts?

- Abuse, neglect, and dependency cases (A/N/D)
- Custody cases
- Youth accused of status offenses (i.e. underage drinking, truancy, running away from home)
- Youth accused of delinquency offenses

Juvenile Justice Involvement: Courts' Responses

What are the courts' levels of responses to youth?



Juvenile Court 101: Youth Development

- Adolescent brain development
- U.S. Supreme Court case law
 - *Roper v. Simmons*, 543 U.S. 551 (2005)
 - *Graham v. Florida*, 130 S.Ct. 2011 (2010)
 - *J.D.B. v. North Carolina*, 131 S.Ct. 2394 (2011)
 - *Miller v. Alabama*, Slip Opinion No. 10-9646 (2012)

Brain Development - Interrogation

- Supreme Court case - *J.D.B. v. North Carolina*, 131 S.Ct. 2394 (2011)
 - As long as the child's age was known or should have been known at time of questioning, police must take a child's age into account when determining if a youth can knowingly waive *Miranda* rights.
 - A youth's age affects how a reasonable person would view his or her freedom to leave, makes them more susceptible to outside pressure, "lack the experience, perspective and judgment to recognize and avoid" detrimental choices.
 - Can't put "reasonable adult" eyes in a youth's head

Brain Development – Interrogation

- IACP and OJJDP released a report (Reducing Risks: An Executive’s Guide to Effective Juvenile Interview and Interrogation) and launched an online training on youth interrogation
- Research has indicated that youth are more likely to falsely confess (42% of youth versus 13% of adults)
- Highlighted the negative impact of interrogating juveniles, including:
 - False confessions, which can lead to wrongful convictions and the real perpetrator remaining at large
 - Negative emotional and psychological impacts on youth, including a possible negative association with law enforcement or traumatization
 - Reputational harm
 - Costs to both police and taxpayers (settlements both against the city and individual officers)

IACP – Adolescent Development and Policing

- Approach youth calmly
- Establish rapport
- Be patient
- Model respect
- Age-appropriate language
- Repeat/paraphrase statements
- Nonverbal communication
- Model/praise calm confidence
- Empower through choices
- Serve as positive role model

Juvenile Justice Reforms: Goal

Moving toward a “right sized” system that ensures an individually tailored, evidence-based appropriate response for each youth designed put youth on the right path.

Negative Impacts of Juvenile Justice System Involvement

Overly punitive responses are:

- Expensive
- Ineffective and may actually reduce public safety
- Reduce youth's ability to develop skills needed for positive adulthood
- Create collateral consequences for youth, including for employment

Negative Impacts - Detention

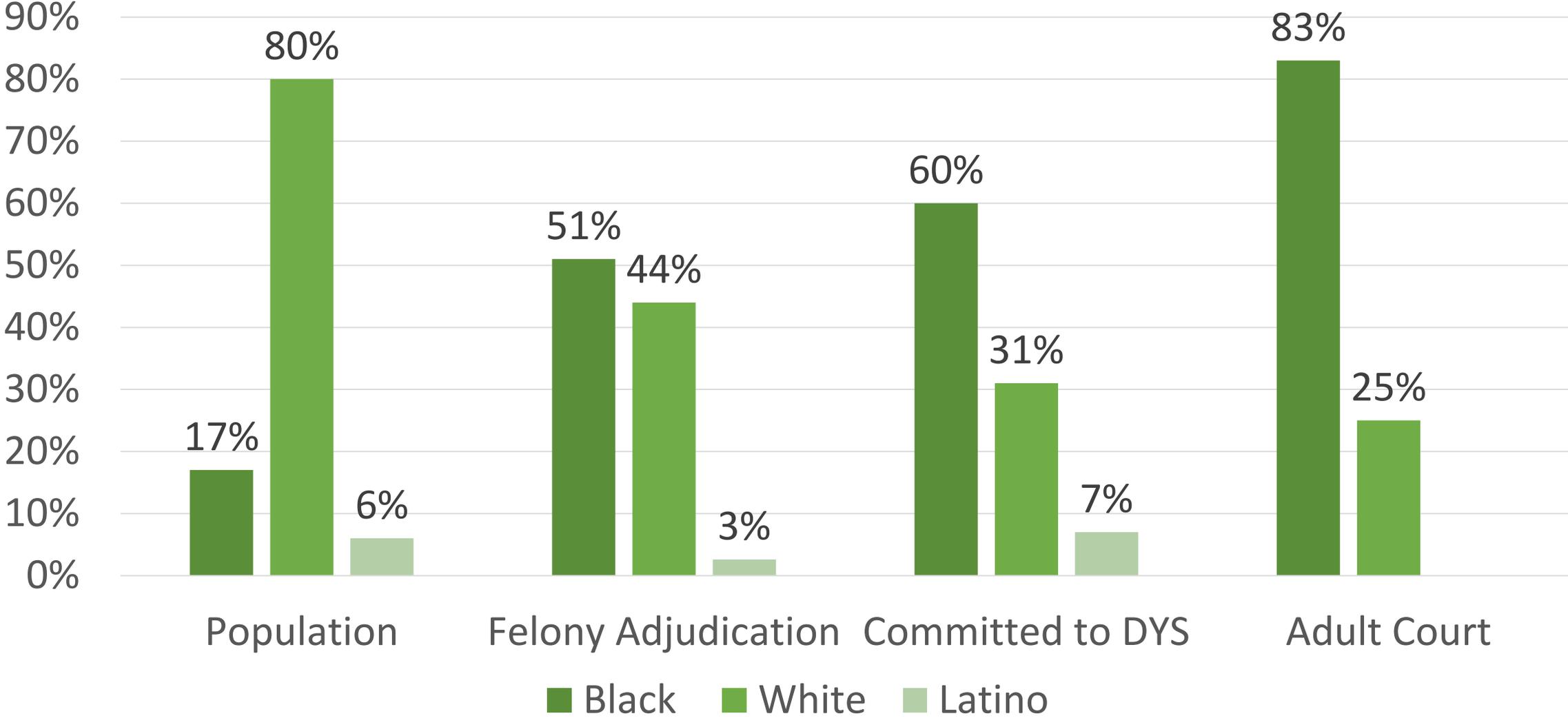
- Research shows that :
 - Detention is one best predictors of **recidivism**.
 - Youth who spend any amount of time in detention are **more likely to abuse substances, less likely to complete high school, less likely to find employment, and less likely to form stable families**.
 - Detention (\$60-\$136/day) is more **expensive** than community-based alternatives, like electronic monitoring and day reporting programs (\$3.75-\$50/day).

Negative Impacts - Arrest

“Arrest in adolescence hinders the transition to adulthood by undermining pathways to educational attainment”

- 73% of youth arrested dropped out compared to 51% non-arrested
- 18% of youth arrested enrolled in 4-year colleges compared to 34% non-arrested

Race/Ethnicity in Ohio's JJ System



Relative Rate Index (RRI) Numbers

	White	Black	Hispanic
Arrest	1.0	3.12	0.31
Refer to Juvenile Court	1.0	1.11	1.97
Diversion	1.0	0.60	0.82
Detention	1.0	1.51	1.54
Petitioned	1.0	1.02	0.89
Delinquency	1.0	.97	0.97
Probation	1.0	.89	1.28
DYS	1.0	1.66	1.27
Adult Court	1.0	8.95	7.96

Juvenile Court Reforms: How Do We Get There

Goal: Reducing recidivism

- Low reoffending risk – Diverted from the juvenile justice system altogether
- Moderate or high reoffending risk – Subject to the minimal level of supervision and control consistent with public safety and be provided with appropriate, effective therapeutic services
- Recognize that “punishment beyond that which is inherent in the level of control necessary for public safety is likely to be counter-productive to reducing recidivism.”

Juvenile Justice Reform: National Trends

Moving Away From:	Moving Towards:
Placing youth in locked facilities	Community-based programming alternatives
Prosecuting youth in adult court	Keeping youth in juvenile court
One-size-fits-all approach	Assessing youth's individualized needs and appropriate responses
"Gut feelings" about what works or what youth need	Utilizing evidence- and research-based assessments and programs
Long-term collateral consequences	Minimizing collateral consequences

Racial and Ethnic Disparities (RED)

National Efforts:

- Federal law requires states to “address” disproportionate minority contact with the juvenile justice system
- No “silver bullet”– successes have been **locally driven and purposeful** with:
 - Carefully selected leadership teams
 - Quality-driven data collection and analysis
 - Using objective screening and assessment instruments, and
 - Creating and monitoring plans to reduce RED.

Racial and Ethnic Disparities (RED)

Ohio Efforts:

- Since 2007, Ohio has devoted most of its federal funding to reducing RED
 - Focus on 14 counties that have 86% of the minority youth in the state
 - Each county has done an assessment led by DYS
 - Efforts have been targeted at African-American youth in prevention and early intervention programs
- Programs: Mentoring, life skills, diversion, truancy and school-based interventions