

# Juvenile Justice and WIA Youth Services

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2008

The Workforce Investment Act (WIA) includes offenders among eligible youth. WIA youth program staff need a basic understanding of Ohio's juvenile justice system and processes to meet the needs of offenders as WIA youth participants. In particular, WIA youth staff need to know about programming youth may have received or be receiving and take that programming into account in planning and providing WIA youth services.

## What Is an Offender?

Under WIA, an offender is any adult or juvenile

- Who is or has been subject to any stage of the criminal justice process, for whom services under this Act may be beneficial; or
- Who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction. (WIA §101(29))

## Ohio's Juvenile Justice System

In Ohio, a child is a person under 18 years of age. Each Ohio county has a juvenile court with jurisdiction in delinquency matters – that is, criminal matters – over children, or juveniles. The juvenile court retains jurisdiction over an adjudicated child until the child attains 21 years of age (ORC §2151.011(B)(5)).

Hamilton and Cuyahoga counties have separate, independent juvenile courts. In Ohio's other 86 counties, the juvenile court is a separate juvenile division of the county court of common pleas, a juvenile division combined with other divisions, or the probate division if no other division is designated (ORC §2151.011(A)(1)).

The Ohio Department of Youth Services (DYS) confines juvenile felony offenders and provides programming during confinement and parole services. DYS also sponsors local prevention and early intervention programs. Counties provide all other juvenile justice services.

## Ohio's Juvenile Justice Processes

The juvenile justice process includes a series of phases similar to those in the criminal justice process for adults.

**Diversion.** When a youth is arrested, charges may be filed in juvenile court. Or, youth at risk of expulsion from school or first-time misdemeanor offenders may be offered the alternative of participating in a diversion program. Diversion programs

- Offer alternatives to traditional adjudication and sanctions in juvenile court
- Are intended to preclude further involvement in the juvenile justice system or avoid expulsion
- Provide activities and resources used to improve situations brought to the court's attention
- May include community service, alternative education, parent education, electronic monitoring, mediation, and unofficial probation
- Impose conditions on the youth such as
  - Required participation in diversion activities
  - Continued good behavior, no further arrests or offenses

If a youth is not offered diversion after arrest, the youth is placed in a county juvenile detention facility pending adjudication and disposition.

**Adjudication.** If criminal charges are filed, the matter is adjudicated in a juvenile court hearing; the accused youth is found either *delinquent* or *not delinquent*.

**Disposition.** Delinquent youth are subject to different sanctions, depending on the age of the youth and the severity of the offense.

- **Commitment.** The juvenile court may commit felony youth offenders at least 10 years of age at the time of the delinquent act to DYS custody until the youth is age 21. DYS confines youth age 12 and over in 1 of 8 DYS juvenile correctional facilities. Youth under age 12 are confined in a private correctional facility and move to a DYS juvenile correctional facility at age 12.
- **Direct placement.** For a lower-level felony or a misdemeanor, the juvenile court may directly place the delinquent youth in
  - 1 of 12 community correctional facilities operated by a county and almost wholly funded by DYS
  - A juvenile detention center operated by the county or, under agreement between counties, by another county
  - A community rehabilitation center (which may also serve non-offenders)
  - Community-based programs and sanctions, including probation
- **Probation.** Lower-level felony or misdemeanor offenders may be returned to the community on probation supervised by a probation officer under conditions set by the court, which can include
  - Basic or intense supervision
  - Day reporting
  - Community service
  - A requirement that the youth obtain a high school diploma, General Educational Development (GED) certificate, vocational training, or employment
  - Drug and alcohol use monitoring
  - Substance abuse assessment, counseling, or treatment
  - Curfew
  - House arrest
  - Electronic monitoring

**Programming.** Commitment and detention typically involve more than just incarceration. DYS facilities programming addresses youths' criminological and behavioral needs to help them re-enter their home communities as productive citizens.

- Basic academic programs to meet Ohio high school graduation requirements
- Career-tech programs for life skills, employability skills, and occupational skills
- Social services, sex offender services, substance abuse services, and mental health services

A re-entry plan is developed – ideally, early in the youth's commitment – to ease the youth's transition back into the home community and increase the chances of success, reducing the risk of recidivism. The youth, family, victim representatives, community stakeholders, and DYS collaborate to create an individualized plan with goals and expectations for all involved.

Programming for youth detained in a community correctional facility, a county juvenile detention center, or a community rehabilitation center varies. Programs typically include a focus on family involvement and establishing positive ties to the community.

### Youth Can Be Tried and Sentenced as Adults

**Trial as an adult.** In some circumstances, the juvenile court may transfer a felony case for criminal prosecution (i.e., trial as an adult). If certain criteria are met, the juvenile court is required to transfer the case.

**Once an adult, always an adult.** A youth who has been convicted of or pleaded guilty to a felony in criminal court is always deemed to be an adult in future cases, which must be transferred to a criminal court.

**Blended sentencing.** Under certain circumstances, the juvenile court may sentence the youth as a juvenile and as an adult; sometimes, the court must do so. The adult sentence is suspended pending the youth's successful completion of the juvenile sentence but may be invoked if certain conditions are met. If the youth's adult sentence is invoked, the youth is thereafter deemed an adult.

### Youth and Recidivism

Among youth released from DYS custody, 30 percent will be recommitted to DYS or to the adult correctional system within 1 year; within 3 years, 50 percent.

**Release.** A youth is released from a DYS juvenile correctional facility or other facility upon completion of the term of commitment; approval of the original court may be required for release. The youth is placed back into the home community.

DYS youth may be placed on supervised **parole** for a period of time determined by the seriousness of the offense committed and their likelihood of re-offending. Supervision is conducted in a balanced approach that incorporates community protection, youth accountability for the harmful consequences of his or her actions, and competency development to enable youth to participate productively in conventional society.

Some courts assign county **probation** officers to work with DYS parole officers. In addition, courts may assign county probation officers to supervise youth after release from a community correctional facility, a county juvenile detention center, or a community rehabilitation center.

After release, services may be provided beyond supervision to assist youth in participating productively in conventional society. DYS and local post-release services vary widely, but most are relatively short-term and focused on immediate needs like high school completion, GED preparation, or preparation for employment.

**Discharge.** A youth is taken off parole status with DYS and is no longer considered under DYS custody.

**Revocation.** A youth violates a condition of parole and is sent back to a DYS juvenile correctional facility.

### Local Prevention and Early Intervention

Operated by DYS, the RECLAIM (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors) Ohio program allows juvenile courts to provide community-based options to incarceration. Both juvenile offenders and youth at risk of offending may receive sanctions such as

- Residential or day treatment
- Probation and intensive probation
- Restitution
- Community service and work detail
- Alternative schools
- Monitoring and surveillance
- Mental health counseling
- Shelter care
- Diversion

Alongside RECLAIM Ohio, Ohio Families and Children First (OF & CF) programs place an emphasis on prevention and early intervention activities that will minimize the need for more costly efforts later.

### What WIA Youth Program Staff Should Do

WIA youth program staff develop working relationships with local juvenile justice agencies.

- Identify juvenile courts, probation agencies and officers, and post-release service providers.
- Make contact with agencies and staff to share information.
- Learn about local processes, programming, and services.
- Explain how WIA youth services can help meet offenders' employment and training needs.
- Establish communication and coordination procedures for serving youth simultaneously.
- Establish procedures for probation agencies or officers and post-release service providers to refer youth to WIA youth services.

If current youth participants have DYS parole officers, WIA youth staff should also establish working relationships with parole officers to communicate and coordinate activities as appropriate.

WIA youth staff should also coordinate WIA youth services with juvenile justice programming to meet the youth's needs.

- Include juvenile justice programming and outcomes as appropriate in the youth's Individual Service Strategy (ISS).
- Include specific WIA youth activities in the ISS to build on the youth's programming – for example, long-term occupational skill training to supplement short-term vocational training.
- Communicate and coordinate activities with juvenile justice agencies and staff as appropriate.
- Record all youth outcomes in Sharing Career Opportunities and Training Information (SCOTI).

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