

JUVENILE JUSTICE

Support for an improved juvenile justice system

The League of Women Voters of Oklahoma (LWVOK) believes that the Oklahoma juvenile system should:

- protect the basic constitutional rights of all parties,
- reduce recidivism among offenders,
- provide not only separation but also different treatment for delinquents, for dependent and neglected children, and for children in need of supervision;
- provide an adequate number of secure, local detention beds and regional treatment centers in order to ensure both appropriate treatment and protection of the public;
- provide strict and clearly defined consequences for serious criminal acts while preserving a system that has as its goal the teaching of responsible behavior rather than punishment, and
- emphasize positive motivation, self-respect, and respect for the rules of society.

The LWVOK believes that the juvenile justice system should serve the needs of the individual child by providing a wide range of placement options such as home placement, foster home care, and group homes. Institutions should serve as a last resort for those who need secure placement.

The LWVOK believes that early intervention, prevention, diagnostic, and remedial measures are crucial. Such services should be provided as early as possible to children and families with a demonstrated need for them. The school system should provide qualified personnel to identify emotional and physical problems and to provide remedial treatment as appropriate. Additional preventive measures might include family and youth counseling, recreational programs, and after school programs.

The LWVOK asks that coordination and cooperation between different parts of the system become priorities. Emphasis should be placed on solving or eliminating jurisdictional conflicts. Resources are limited, and children must be helped quickly if help is to be effective. If territorial attitudes or legal barriers cause fragmentation of services, it damages both the children who come into the system and the public safety. The juvenile justice system should regularly evaluate programs based on results.

Individual cases should be followed longitudinally and regular evaluations made of each child's progress. The LWVOK believes that these services should be adequately financed utilizing all public and private, national, state, and local resources. The LWVOK believes the Oklahoma code for children can be improved by:

- greater insistence on the privacy of records and on the publication of opportunities and procedures for having records expunged,

- training in juvenile and family law for judges,
- a family court in each judicial district,
- special training for other personnel dealing with juveniles,
- strict and certain consequences for repeat and violent offenders,
- support for a reverse certification system for 16- and 17-year-olds who commit serious or violent offenses,
- individual certification process for younger offenders,
- consequences that are appropriate to the age of the child and the offense committed, and
- requirements for professional assessment in every case including an analysis of the circumstances and nature of the crime, the age of the child, previous record, current circumstances, knowledge, maturity, and capacity for rehabilitation.

The LWVOK believes that the system of juvenile justice should be improved by:

- physically separating children by age group and classification (i.e. delinquent children, those in need of supervision, and dependent and neglected children),
- providing community-based temporary facilities such as shelters, foster homes, and group homes,
- providing community-based or regional-based facilities, both temporary and permanent, separate from adult jails and institutions for serious offenders;
- involving the parents in community-based programs with provisions for family guidance clinics, family courts, and parenting education;
- providing early diagnosis and counseling,
- providing long-term treatment in secure settings when needed,
- providing more and better-trained personnel,
- encouraging the use of volunteers as well as professionals in the juvenile justice system,
- providing adequate funding, and
- emphasizing positive youth development, positive role models and encouraging communities to protect young children and to provide guidance for adolescents.

Consensus approved 1994

BACKGROUND

The preface from the booklet ***Juvenile Justice Part I*** published by the LWVOK in 1976 stated "After the League of Women Voters of Oklahoma completed a two-year study of the Oklahoma Penal System in 1974, its attention was drawn to the rapid increase of

crime among juveniles and the fact that so many juvenile offenders eventually come into the adult correctional processes and institutions. "Therefore, a second study of the juvenile justice system in Oklahoma began in 1975. Due to the vast amount of information and study material required, it was felt that a two-year study would be necessary in order to gain proper insight into the process and its problems. At the same time, the legislature mandated formation of a Juvenile Law Task Force to study the total juvenile justice system in Oklahoma.

The first year of the LWVOK study covered historical background and various juvenile codes, model acts, and procedures of juvenile justice systems with special emphasis on Oklahoma. Various recommendations were also considered. The second year of study emphasized juvenile institutions and agencies in Oklahoma and the effect of educational processes and procedures on juveniles.

A number of the recommendations in the consensus resulting from that study have been brought about. In 1977, legislation placed status offenders in a shelter or foster care rather than in a detention facility. The law resulting from HB 1468 authorized the Department of Human Services to increase community placement for juveniles. This resulted in the closing of three juvenile institutions in addition to one that had already been closed in 1981. The new law also provided for a wider range of placement options, emphasis on preventive measures, and increased protection of basic constitutional rights of children through required hearings. A new category called "Child in Need of Treatment" was established for children afflicted with emotional disorders to further provide for individualized treatment for all children.

In addition to changes brought about through enabling legislation, schools have continued to increase the number of qualified personnel to identify and provide remedial treatment for children with problems, and parenting classes have increased in number in both schools and agencies.

Throughout the decade of the 80s, agencies emphasized working within the existing family unit. Institutions were closed, but since the community-based treatment centers

were never adequately funded, there was a loss of beds that was never resolved. This also created a loss of secure beds, making it easier for habitual offenders to manipulate the system to their advantage.

Most of the legislation written and passed in this area dealt with prevention and the at-risk child. Another major piece of legislation passed in 1987 provided funding for the Children's Trust Fund creating programs for preventing child abuse and neglect. Oklahoma was one of five states with an established plan for the prevention of child abuse. The plan, developed by community volunteers, has served as a model for other states.

Removing all juveniles from jail was achieved in 1988. In that year, Oklahoma began to

implement a statewide detention system adding five centers with a total of 42 beds. In 1990, plans were finalized for construction of a juvenile detention center in Cleveland County.

In 1989, HB 1021 authorized a comprehensive study of state-supported services to children and families in Oklahoma. One of the recommendations was the establishment of an Office of Planning and Coordination of Services to Children and Youth. The study provided expanded leadership opportunities for the Oklahoma Commission on Children and Youth (OCCY).

In 1990, HB 1729 defined the expanded authority of the OCCY and directed that regional and district planning bodies be established in order to involve local communities in planning and coordinating services. The law resulting from HB 1729 also mandated the development of a statewide plan for serious habitual juvenile offenders.

According to the National Advisory Committee for Juvenile Justice and Delinquency Prevention, serious habitual juvenile offenders comprised two to five percent of all juvenile offenders, but were responsible for more than half of all juvenile offenses. The statewide planning process for identification of and services for these juveniles utilized a comprehensive action plan model. This is a comprehensive and cooperative information and case management model that includes police, prosecutors, schools, probation and correction personnel, and social and community after-care services. Reports of juvenile crime are shared among the involved agencies. This serves two purposes: making a more comprehensive profile of individuals available and reducing the number of cases likely to slip through the cracks.

Responding to the increased public interest on this important issue, the LWVOK adopted a study update on juvenile justice at its 1993 Convention. A new position was adopted in time for the 1994 legislative session.

The 1994 session began with optimism toward passing a juvenile justice reform bill. However, the issue soon became embroiled in a budget controversy between the governor and legislative leadership. Nonetheless, at the end of the session, HB 2640 was passed but implementation was not scheduled until July 1, 1995. The bill resulted in the separation of juvenile justice responsibilities from the Department of Human Services and created a new and separate agency, the Office of Juvenile Affairs. This agency retained the mission of providing delinquency prevention and treatment services to juveniles, but added protection of the public from serious juvenile offenders and an expectation that juvenile offenders would be accountable for their behavior.

Methods to achieve these goals included the construction of additional secure treatment beds, an end to waiting periods for secure detention, and the Youthful Offender Act, which strengthened consequences and enabled the most serious offenders to be transferred into adult institutions after the age of 18 until age 22 if rehabilitation had not been achieved. Previously any 18-year-old offender had to be released upon turning 18

regardless of behavior while in custody.

Implementation of the Youthful Offender portion of the reform legislation was problematic and largely delayed due to overcrowding and classification problems in the adult system and inadequate funding for general corrections. However, there was better differential treatment due to an expanded network of therapeutic homes and a variety of service levels. There was more emphasis on analyzing and addressing racial imbalances in the custody population. Communication between the Department of Education and the Office of Juvenile Affairs improved because some problems are shared problems and require joint solutions.

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