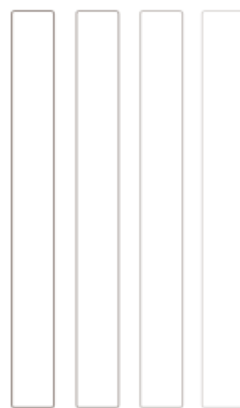


# THE FUTURE OF YOUTH JUSTICE IN INDIANA

a collective vision statement



INDIANA  
COALITION  
FOR  
YOUTH  
JUSTICE

A COLLABORATION FOR CHANGE

# STATEMENT OF NEED

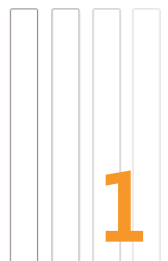
*The Indiana Coalition for Youth Justice envisions a youth justice system that is applied fairly and equitably, and results in the best possible outcomes for Indiana's children, and public safety. **The current system falls short.***

This is because, in part, the justice system for young people in Indiana as currently designed does not adequately recognize the different developmental stages of young people and the opportunities that these stages offer for their life trajectories. It also does not clearly delineate nor reflect these stages as a responsive system to the needs of children who become involved in it. Further, the current system arranges individuals into two categories, that of juveniles and adults; it does not recognize a third group, the emerging adults, who are individuals 18-25 years old and have distinct needs and potential for rehabilitation. Moreover, there is considerable ambiguity around the appropriateness and involvement of younger children as there is no age limit for entry into our delinquency system.

Brain and developmental research have definitively shown that the period of adolescence is a unique period of time where the brain is still growing and malleable; and that extends until age 25. Until they are through adolescence, youth are more impulsive, responsive to peer pressure and thrill-seeking, and less able to calculate risk. This research is closely aligned with the desistence curve in criminal behavior that happens after the age of 25, when criminal activity desists for many young adults.

Further, there is a growing understanding of how trauma can materially impact brain growth and behavior, and how punitive responses to behavior often do not result in desired behavior or the well-being of children. Accordingly, harsh punishments for children and young adults do not necessarily reduce crime, promote public safety, nor rehabilitate the offender; in fact, the science shows the opposite. Rehabilitation should turn on systems that are responsive to the needs and circumstances of individuals, and, while holding them accountable for their actions, offer opportunities for restoration and fresh starts.

Further, our current system of justice and related educational concerns do not impact all groups equally or equitably. Racial disproportionality and disparities, as well as those of other marginalized groups, begin with community-based referrals, such as from schools and interactions with law enforcement. Disparities become more acute the deeper the involvement in the justice system and are also compounded when differences in socio-economic status are considered.



The vision, mission, guiding principles, goals & objectives below **reimagine the justice system** into a system that utilizes a culturally-responsive, trauma-informed developmental approach that is based on the science of brain development. Research has shown such an approach lowers recidivism rates, promotes public safety and leads to improved outcomes for children. **We are at the forefront of a massive shift in thinking** about our collective responses to children, and the Indiana justice system should reflect that understanding. By fundamentally re-designing our justice system to align with a developmental framework, we will necessarily decriminalize large numbers of children, and begin employing prevention/early intervention approaches across systems.

## VISION

*The Indiana Coalition for Youth Justice works to achieve more fair, equitable and effective outcomes for children by embracing a **developmental approach to the treatment of all children** and emerging adults in the justice system.*

We will accomplish this by:

- I Mobilizing communities affected by current policies
- II Educating lawmakers, the judiciary, key stakeholders, and the general public regarding adolescent development and best practices
- III Building a framework to implement individualized, developmentally-appropriate, culturally-responsive and trauma-informed services for youth and emerging adults in education and justice systems
- IV Adopting laws, policies and practices that reflect the vision and goals of a developmental approach to school disciplinary practices and youth justice that are equitable, improve outcomes and do no harm



# VISION

These actions will allow us to:

- I Create a more humane and effective justice system for both children and emerging adults
- II Positively impact public safety by reducing youth and emerging adult contact with the justice system
- III Reduce disparities and disproportionality of all marginalized groups of children, and achieve racial equity in education and justice systems
- IV Acknowledge the potential of youth and help them develop the educational and life skills that are necessary to become successful, law-abiding citizens in their communities
- V Ensure that through all developmental stages of young people, including emerging adult, our education and justice systems provide age- and developmentally-appropriate services and supports, life skills development, rigorous education, and fresh starts, so young people have the best opportunity to successfully transition into productive adulthood
- VI Promote practices in education that support continuous learning and reduced suspensions through student engagement, trauma-informed practices, culturally-responsive practices, strong literacy skills, grade appropriate assignments, high teacher expectations and strong instructional practices.

# MISSION

*The Indiana Coalition for Youth Justice seeks to build a statewide community of concerned organizations and individuals to advocate for an ensure a developmental approach to the treatment of children and emerging adults between the ages of 12-25 who interact with the justice system.*

We advocate for a system of justice that recognizes the developmental stages of young people and the prospects for positively impacting their life trajectories, and the opportunities to keep our communities safe. Laws, policies and practices should ultimately help all young people to become self-supporting adults that are able to nurture their own family and make positive contributions to their community.

Therefore, we work to:

Achieve equitable, effective and humane treatment of children and emerging adults and enhance public safety by using individualized assessments, programs and interventions based on a developmentally-appropriate approach and neuroscience, while employing culturally-responsive, trauma-informed and restorative practices.

Reform the current justice system design by addressing institutional racism and marginalization based on the status of young people, such as race, ethnicity, sex, sexual orientation, disability (physical, behavioral and developmental), socio-economic, and national origin, that perpetuates disparities and disproportionality in treatment and outcomes.

Mobilize the community, with impacted voices involved, through advocacy, education and action, to positively impact change that achieves these goals and reforms the current justice system.

# GUIDING PRINCIPLES: THE DEVELOPMENTAL APPROACH

redesigning to reflect a developmental approach

- a) Build capacity and infrastructure to support a diverse array of culturally-responsive activities, supports and opportunities for normative growth (emotional, physical and intellectual) in trauma-informed environments that are appropriate to the age and developmental stage of youth involved, while engaging family, neighborhood and community.
- b) Establish an age limit of 12 years of age for entry into the juvenile system; younger children should be diverted to community-based options with services and supports for families and children.
- c) Eliminate delinquency jurisdiction over status offenses--running away, truancy, underage drinking, curfew, incorrigibility--and develop alternative options that employ family and community-based prevention and early interventions that minimize the intrusiveness of justice interventions in the lives of families and children.
- d) Ensure that through all developmental stages of young people, our justice system provides age and developmentally-appropriate services and supports, life skills development, rigorous education that promotes strong literacy skills, and fresh starts, so young people have the best opportunity to successfully transition into law abiding and productive adulthood. This effort should include removing laws which impose collateral consequences, expanding the use of expungement, sealing records, protecting confidentiality, and providing for regular reviews/modifications of dispositions and sentences at pivotal points in young people's progress and rehabilitation.
- e) Ensure that no children under the age of 18 are waived to adult court without judicial discretion, or held in adult facilities pre-trial or post-conviction if waived to adult court. The direct file statute, which establishes adult court jurisdiction over those children 16 or 17 years of age who are charged with its listed offenses, should be rescinded.
- f) Work toward the elimination of the use of waiver/transfer of children under the age of 18, starting with prohibiting the practice for younger children who are under age 16, while developing alternative sentencing options that continue rehabilitative services and supports for young people through the emerging adult stage and offer opportunities for review and sentence modification.

# GUIDING PRINCIPLES: THE DEVELOPMENTAL APPROACH

promoting accountability & employing restorative practices

- a) Embrace accountability without criminalization whenever possible to preserve and promote youth opportunities to become productive adults.
- b) Focus on taking responsibility and repairing social harm through the use of restorative practices.

preventing re-offending

- a) Adopt policies and practices that divert justice involvement for referrals that do not raise serious public safety issues.
- b) Offer individualized response based on assessment of needs and risks, placing less emphasis on categories of offending and more emphasis on the underlying factors that may contribute to troubling or antisocial behavior in each case.
- c) Prefer community-based services and interventions that are least restrictive and developmentally-appropriate for children and emerging adults.
- d) Provide services to prevent re-offending with minimal engagement with the formal justice system.
- e) Limit residential and secured confinement to offenses raising serious concerns for public safety; similarly limit placements to the time needed to provide intensive services.
- f) Adopt a probation model in juvenile court to reflect a purpose of promoting personal growth, positive behavior change and long-term success rather than compliance.

promoting fairness

- a) Ensure access to properly trained counsel.
- b) Ensure right to be competent to stand trial so that all youth understand the proceedings and can participate meaningfully.
- c) Ensure all youth and emerging adults, and their families, have the resources and advocates to understand how to navigate the justice system and be successful.



# The question is not whether we can afford to invest in every child; it is whether we can afford not to.

Marian Wright Edelman

ensuring racial justice

- a) Reduce unnecessary system involvement and confinement
- b) Promote sensitivity to disparate treatment and equitable fairness by working consistently to address the effects of discrimination and racism.
- c) Institute trainings to combat implicit bias and promote culturally-responsive and trauma-informed practices, both in justice systems and cross-systems related to justice, including education.
- d) Consistently seek to engage and work with all families and communities to address faulty assumptions and implicit bias.
- e) Provide resources and advocacy for families and youth to successfully navigate the justice system and understand their legal rights and responsibilities, and reduce all inequalities in system treatment.
- f) Employ culturally responsive policies and practices through routine analysis and evaluation of disaggregated data, including in cross systems related to the justice system, to determine and address disproportionate impact on youth of color, or other marginalized youth.



# GOALS

**1** Use developmental knowledge to assure opportunity for success for all youth and young adults, by developing and providing interventions and implementing preventative practices and services for youth and emerging adults that eliminate contact and interaction with the justice system, and in the event of contact, **prevent deeper involvement with the system.**

**2** Promote the use of developmentally- and age-appropriate comprehensive assessments that lead to appropriate interventions, treatment, services, and supports. Assessments and/or interventions may determine that placement is not needed (e.g., family intervention), or that entry into the justice system should be diverted. Where there is a need for intervention for community safety, and to prevent recurrence, a system of effective interventions should be implemented. Interventions should be:

- o Age- and developmentally-appropriate
- o Culturally- and ethnically-informed
- o Sensitive to the needs of the LGBTQ community
- o Responsive to physical and mental health, and safety needs of the individual
- o Inclusive of victims and affected communities in appropriate cases so that they may be incorporated into a restorative justice process

**3** Adopt developmentally-appropriate policies and practices through a re-designed justice system for youth with:

- A preference for diversion and community-based services for most offenses, except for those raising serious public safety issues; this preference should become stronger the younger the child is when he or she enters the justice system.
- A continuum of culturally-responsive, trauma-informed supports and services for justice-involved youth at all ages and stages of development.
- A deliberate use of ongoing professional development to eliminate racial disproportionality and disparities through implicit bias training, and skill-building on culturally-responsive and trauma-informed practices.
- An elimination of trying young people (under 18 years old) in the adult system, or adjudicating young children (under 12 years old) in the juvenile justice system; rather age- and developmentally-appropriate approaches should be employed.

# Injustice anywhere is a threat to justice everywhere.

Martin Luther King, Jr.

## OBJECTIVES

*Reduce disparities based on race, ethnicity, gender, ability status, and sexual orientation or gender identity and expression among children and emerging adults in the justice system.*

- *Require schools to implement evidence-based programs to improve social and structural conditions, along with other educational practices, that lead to racial disparities and student referrals to the justice system.*
- *Require prevention programming for law enforcement officials and justice system decisionmakers that is designed to reduce justice system involvement.*
- *Use disaggregated data to measure, analyze and evaluate reductions in disparities and disproportionality, and identify areas that need change.*

*Ensure youth and emerging adults in the justice system maintain supportive relationships and have appropriate guidance and counsel from legal professionals and caregivers.*

- *Promote family engagement while children and young people are in the education and justice systems.*
- *Connect caregivers to resources and services that help their children succeed and avoid future interactions with the justice system.*
- *Ensure that justice-involved youth and emerging adults are provided with competent counsel throughout the legal process.*

# OBJECTIVES

*Implement policies and practices to reduce harm and improve outcomes for justice-involved youth in accordance with knowledge from developmental science.*

- *Ensure use of disposition-sentencing options that are researched-based, employing best practice models.*
- *Restore judicial discretion in decision-making about transferring juveniles to or from criminal courts.*
- *Ensure competency to stand trial for younger children in the juvenile justice system or for older children who are under consideration for waiver/transfer process.*
- *Ensure that all decision-making by gate-keepers are guided by the principles of proportionality and individualization, with consideration given to the maturity, needs, and circumstances of the offender when transfer decisions are made.*
- *Ensure that juveniles who are under the age of 18 and have been waived are not held in adult facilities during pretrial or sentencing/conviction stages. They should receive all the services that they would have been entitled to receive if they had received a juvenile disposition. Emerging adults should continue to receive rehabilitative services and opportunities to have sentences modified through demonstrated rehabilitation. Courts should conduct regular formal reviews of youth people's criminal records in order to determine if their sentences should be adjusted in light of mitigated culpability and prospects for successful entry into the community.*
- *Make a systemic commitment to empower youth and young adults to achieve a successful and productive adulthood through fresh starts. Employ regular opportunities to assess and evaluate progress and rehabilitation of youth and emerging adults in the justice system, and adjust disposition/sentences to reflect progress. Develop opportunities for sealing or expunging records at pivotal points to assist successful transitions to adulthood. Eliminate laws that impose collateral consequences on youth and emerging adults who have exited the justice system.*

I think it's important for us a society to remember that the youth within juvenile justice systems are, most of the time, youths who simply haven't had the right mentors & supporters around them - because of circumstances beyond their control.

Q'orianka Kilcher

*For those youth and young adults in the justice system, ensure that policies and practices prioritize the health and educational needs, and avoid causing harm.*

- *Employ comprehensive assessment processes to determine age- and developmentally-appropriate disposition/sentencing options.*
- *Eliminate practices which undermine the dignity and respect for young people, and cause harm, such as the use of solitary confinement or the indiscriminate use of shackles or restraints.*
- *Provide rigorous and relevant curricula, especially literacy skills, that align with career and technical education standards to meet the needs of all youth, including emerging adults and those with disabilities or English learners.*

# OBJECTIVES

*Effective re-design of the justice system from a developmental approach will depend on strong collaboration among impacted communities, governmental agencies and the non-profit sector, along with partnerships with diverse community stakeholders who will provide technical assistance, support and engagement with decision-making.*

- *Fund and develop holistic, culturally-responsive, trauma-informed research-based services in both correctional and community residential services. Increase provider capacity to offer research-based services, both in correctional and community settings.*
- *Correctional programming should promote accountability and reduce re-offending through routine offering of developmentally-appropriate services, including mental health, substance abuse, education and social services—in all settings—correctional, residential and community settings.*
- *Create and present trainings on topics related to education and juvenile justice reform, adolescent development, neuroscience, implicit bias, culturally-responsive practices, trauma-informed practices, restorative practices, and other needed topics for reform.*
- *Empower invested communities and key stakeholders to advocate for and invest resources in efforts to bring about legislative and systemic reforms supporting this vision.*
- *Ensure that the voices of parents and youth are involved in decision-making processes and procedures.*
- *Engage family and community members to advocate for change and help promote reform in the juvenile justice and related educational systems so that youth and emerging adults will have positive outcomes in life.*

# JOIN US.

If your organization is interested in joining our coalition, please contact Sarah Williams at [info@INyouthjustice.org](mailto:info@INyouthjustice.org)

For more information about the Indiana Coalition for Youth Justice, please visit us at [INyouthjustice.org](http://INyouthjustice.org)



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