



Juvenile Department

Clackamas County Juvenile Department's Use of Diversion Programs and Specialty Courts to Effectively Address Underage Drinking Offenses in Oregon

Like many communities, underage drinking in Clackamas County, Oregon, had often been viewed as a harmless “rite of passage.” Law enforcement tended to pour out alcohol that was found in possession of underage youths. Those youths who were cited for more egregious alcohol-related offenses, other than “mere” possession and consumption, were processed in a regular circuit court setting. Criminal Justice System (CJS) professionals soon realized that underage drinking behaviors were quickly changing, alcohol-related crimes by youth were on the rise, and a “one-size-fits-all” court approach to address this multifaceted issue was not effective.

In 1995, a new program for Minor in Possession (MIP) of Alcohol was developed by the Clackamas County Juvenile Department to more effectively address first-time MIP violations through diversion and/or specialty court approaches.¹ The philosophy of the program is to ensure that youth are held accountable for their actions, that their treatment needs are assessed, and that their risk to the community is addressed.

The approach is intended to provide a balanced, consistent, and commonsense method for dealing with the youth and his/her referral. This is accomplished by requiring standards of treatment and consequences for all referral levels. These standards are equally applied to all cases that indicate sufficient grounds to proceed in court.

The following is an overview of how various youth alcohol-related offenses are handled by the Clackamas County Juvenile Department to more effectively address the offense and reduce recidivism rates.

- 1) ***First-time MIP offenders*** are referred to a Clackamas County Juvenile Department Diversion Specialist who reviews the case, conducts an alcohol-risk assessment, determines whether the youth may be eligible for diversion, and informs the youth and family of potential consequences for the youth's behavior. The youth is then provided with an opportunity to decide whether he/she wants to participate in a Diversion Panel or wants to contest the MIP charge.
 - a. If eligible for diversion, a Diversion Panel reviews the case (within a month of the referral) and a Formal Accountability Agreement (FAA) is established with the youth and family. Once in the program, conditions of the FAA include, at a

minimum, a drug-and-alcohol evaluation, participation in a Driving Under the Influence of Intoxicants (DUII) Victim's Panel (required by all youth aged 13 years and older); an abstinence clause requiring the youth to remain "clean and sober" while participating in the program; weekly contact with a Diversion Specialist for at least 8 weeks; submission to random urinalysis upon request; community service; and at the discretion of the Diversion Specialist, the youth's attendance at education classes and parent sessions that outline parental rights and responsibilities and possible liabilities for their child's use of chemicals. The diversion program also provides youth and parents/guardians with information about what to expect should another alcohol-related violation occur.

- b. If a Diversion Panel is unavailable, the youth is referred to a Juvenile Department Counselor where a formal accountability agreement is offered and a chemical dependency assessment is administered. If the youth does not accept the offer, then the case could be taken to court.
- 2) ***Second-time MIP offenders*** appear in MIP Court where their case is heard by a MIP judge. Sanctions may range from a suspended /restricted driver's license and right to apply for a license for up to one year, to a chemical dependency assessment, random urinalysis testing (UA), assessment talk classes (education), community service work, formal probation, and frequent check-ins with the Juvenile Department. According to Judge Oster, "the biggest deterrent for youth[s] is the potential of losing their driver's license or ability to get a license for up to a year."
- 3) ***Repeat MIP offenders (i.e., more than two violations)***, are referred to a Juvenile Court where the youth can receive increased sanctions that could include a fine. The MIP Diversion Specialist provides the court with a brief summary about each youth, which may also include recommendations to the court.
- 4) ***Youth Impaired-Driving*** cases are now handled by the Juvenile Court and, in most instances, are referred to a DUII Diversion Program that was launched in 2005. Court conditions of release include supervision by an assigned Juvenile Counselor, urinalysis testing, treatment services specifically designed for adolescents, participation in a DUII Impact Panel (otherwise known as a Victim's Impact Panel), active family involvement, and numerous resources to support successful completion of the program. If a youth is not diversion eligible or the youth has his/her diversion revoked, then he/she is placed on formal probation. If a youth successfully completes the diversion program, the petition is dismissed, but the DUII stays on his/her juvenile record for 10 years from the date the file is closed. This allows the Juvenile Department to track youth recidivism post-diversion. If a youth gets another DUII within 10 years, he/she will not be eligible for diversion again until 10 years later. Early evaluation findings show 3 to 5 percent recidivism rates for new youth DUIIs.
- 5) ***Drug Court Program*** involvement does not necessarily mean that the youth has had a previous substance abuse offense, but it is a program for youth with substance abuse issues and a history of delinquency. The drug court is housed within the Clackamas County Juvenile Department and is a collaborative community effort to reduce criminal

recidivism, reduce or eliminate substance abuse, increase the clients' success in obtaining their personal goals, and increase the ability of the family to be effective problem solvers.

Youth who have entered the drug court program report their primary drug of choice as being marijuana (65%), alcohol (13%), meth (12%), cocaine (3%), opiates (2%), and heroine (1%). The most common drugs of abuse by youth in drug court are alcohol and marijuana, however; the percentage of youth who report having used or abused alcohol, or both, prior to drug court is 95 to 100 percent. In addition, youth in the program often abuse alcohol even though it is not their drug of choice because it is harder to detect in urinalysis testing than marijuana. According to Jay Arzadon, Juvenile Drug Court Coordinator, "a young person does not begin his/her career as a substance abuser by starting with meth use. It starts with alcohol, much more so than marijuana or inhalants."

The unique diversion and specialty court options available in Clackamas County for youthful alcohol offenders is not only tailored to address the various levels of alcohol-related violations from less serious to more serious offenses, but also provides important assessment and treatment services to address potential substance abuse issues *early* in the substance abuse continuum. Ultimately, the diversion and specialty court options contribute to healthier and safer community environments through reduced recidivism rates. In the last year alone, MIP referrals were down 12 percent, and DUII referrals were down 30 percent.

For more information about the Clackamas County Juvenile Department Diversion Programs and Specialty Court approaches to addressing underage drinking-related cases, visit their Web site at www.clackamas.us/juvenile or contact Warren Oster at 503-655-8342 extension 7127, or via email at WarrenOs@co.clackamas.or.us.

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¹ <http://www.clackamas.us/juvenile/drugs.jsp>

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