

On the Right Path:

Moving Toward a Safe, Sound and Cost Effective Juvenile Justice System in Ohio

As states and local jurisdictions continue to face a fiscal crisis with little sign of abatement, policymakers must make smart choices about legislation and budgets. Ohio has been undergoing significant institutional juvenile justice reform. Now is the time to not only continue on that path, but ensure sustainability of these reforms for the future well-being of Ohio's youth and economy. This fact sheet highlights the growing research about what are sound and practical methods of preventing and reducing juvenile crime; ultimately making communities safer.

WHAT WE KNOW

Incarceration is the Most Expensive and Least Effective Response

There is nonpartisan consensus that the state budget-busting "tough on crime" approach to juvenile justice has failed. Numerous states are working to undo their costly, ineffective juvenile justice systems that mirror their adult systems.

The most expensive way to deal with delinquency is secure confinement, which means incarceration in a locked facility. States spend about \$5.7 billion

effects on their long-term economic productivity and on the economic health of communities. Youth who have been incarcerated achieve less academically and are employed more sporadically than their similarly-situated non-confined peers. Moreover, confinement facilities regularly come under scrutiny for abusive and unsuitable living conditions, and for lacking proper education or treatment, *leading to expensive litigation and corrective measures.*

In contrast, research demonstrates that less costly community alternatives to incarceration like evidence-based programs meet public safety needs while saving money. Further, education, recreational and employment/vocational programming all reduce the likelihood of juvenile delinquency.

The Ohio Department of Youth Services (ODYS) is responsible for confining and rehabilitating youth that have been committed to one of its secure facilities. In FY2010, ODYS spent more than \$275 million dollars with almost 50% of its budget going to operate these secure institutions and private facilities. **At \$338.00 per day, this practice is costing Ohio taxpayers \$250,796 a day** (based on the ODYS population in January 2011) **or \$123,370 a year per youth.**

Every youth in this country is entitled to a juvenile justice system that is fair and equitable, and as a nation, we are entitled to a juvenile justice system that is effective at its mission.

— The Federal Advisory Commission
on Juvenile Justice

each year imprisoning youth, although the majority are held for nonviolent offenses and could be maintained safely in the community. Yet despite the staggering cost, repeated studies have shown that incarcerated youth have higher recidivism rates than youth who receive community-based treatment. Perhaps even more disturbing is the fact that low and moderate youth who are incarcerated can become "criminalized" and more dangerous, compromising public safety.

Locking up youth can have severe detrimental

Because Youth Are Not Mini-Adults, They Should be Treated Differently

A successful juvenile justice system – one that meets dual interests of public safety and rehabilitation – takes into account that children are different than adults.

During adolescence, the part of a youth's brain affecting judgment, problem-solving and decision-making continues to develop. An adolescent brain is more impulsive and lacks the capacity of an adult

SNAPSHOT

ODYS COMMITTED YOUTH*In 2010:***54%***received special educational services;***66.1%***were youth of color, with 58.6% being African American;***32.7%***were admitted for property offenses;***21%***of admissions were age 15 or younger;***80%***were assessed to have substance abuse issues;***42%***were placed on the mental health caseload; and**the average reading and math level was 6th grade.*

brain to predict consequences. Our legal system now accepts research showing that a person's brain does not become "fully adult" until a person is in his mid-twenties, as indicated when the United States Supreme Court cited this research in recent landmark decisions about juvenile justice.

Juvenile Delinquency may Mask Primary, Critical Needs that Should be Treated in a Non-Institutionalized Setting

The most vulnerable and at-risk youth often wind up in the juvenile justice system.

Repeatedly system-involved youth are found to have experienced trauma, to suffer from mental health and/or substance abuse problems, and have educational disabilities. Approximately 65 to 70% of court-involved youth have a diagnosable mental health disorder, 25% have disorders serious enough to require hospitalization, and between 75 and 93 percent of youth are estimated to have experienced some degree of traumatic victimization. In the past four years, the number of ODYS committed youth needing mental health services and

being placed on the mental health caseload has increased by 14.5%. On average, youth on the mental health case load remain incarcerated twice as long as the total population in ODYS facilities, costing the state money. Arguably, we are incarcerating youth with severe underlying issues who would be better treated in alternative settings. Increasing access to mental health and substance abuse treatment in the community, not only is less expensive than incarceration, but also in due course reduces the need for it.

Unfortunately, there are other disparities that continue to plague the juvenile justice system, calling its fairness into question. Youth of color and children coming from impoverished areas are overrepresented. Two-thirds of youth confined in this country in detention and state correctional facilities are from communities of color *when they only constitute about one-third of the total youth population*. There are now reform efforts designed to address this disproportionate minority contact and unpack institutional racism.

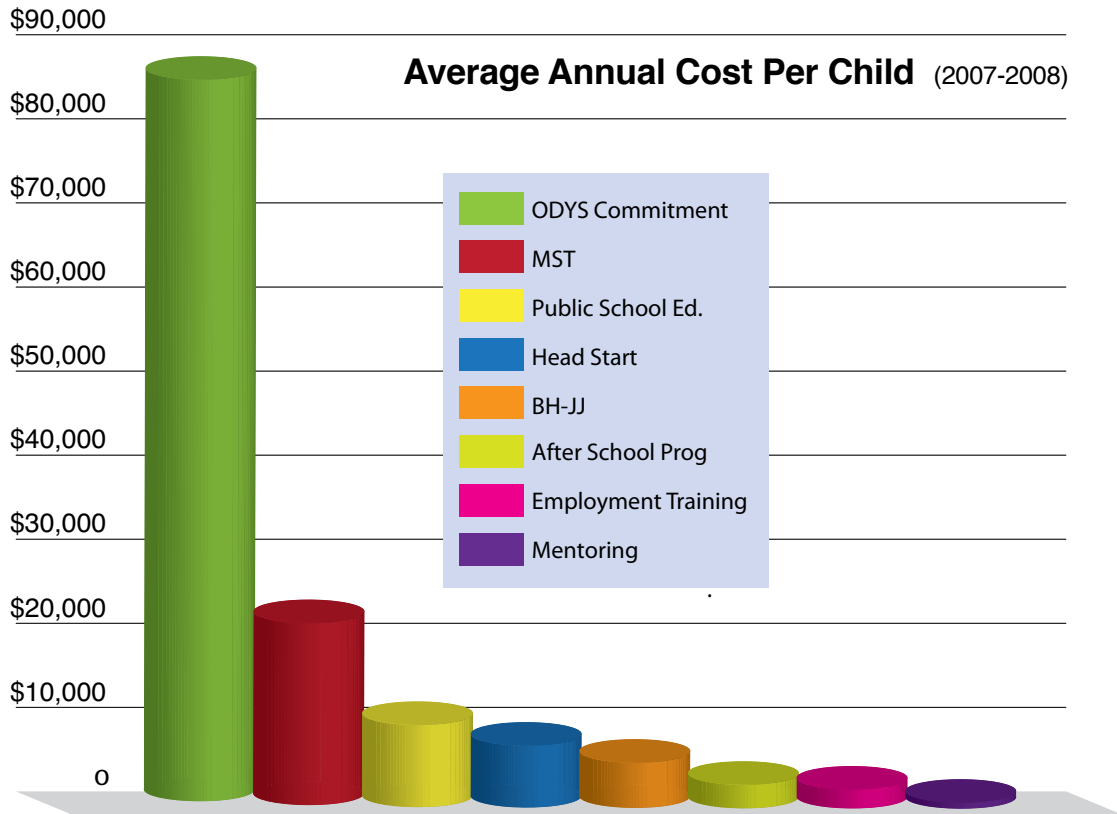
THE ECONOMICS

There has been an outcry from the public, juvenile justice stakeholders, and even business leaders for states to use more effective and prudent methods of responding to delinquency.

Youth can be better served in less expensive, community-based programs that hold youth accountable, protect public safety, produce better outcomes for children and families, and make it more likely that children go on to become productive and employable members of society.

Communities that have used their funds to support education, including special education services, after school programming and recreational activities, *have lessened their crime rates at a fraction of the cost of punitive approaches*. For example, after Baltimore started its Police Athletic League, in which 4,000 youths were involved, youth crime dropped by 33% in just one year; in Phoenix, when recreation centers decided to stay open later in the summer months, youth crime dropped 55%; and research shows that youth who have a mentor through the Big Brothers/Big Sisters program are 46% less likely to begin using drugs and 52% less likely to skip school. One Ohio study showed that for each taxpayer dollar invested in high quality preschool program yields the Ohio public a return of \$1.62.

A cost-benefit analysis of a broad range of prevention and early intervention programs found that investments in evidence-based programming



for juvenile offenders, especially outside of a residential or institutional setting, have the best outcomes and highest net benefit. Evidence-based refers to the use of research and scientific studies as a means for identifying promising or best practice. In the past decade, many practices have undergone this rigorous inquiry, with proven results even for high-risk juvenile offenders. *Some of these programs have been shown to reduce recidivism by almost 22%, yielding up to \$13 in benefit to public safety for every dollar spent.*

The implications for lasting advantages to both youth and society are enormous. Studies indicate that the average career criminal through his lifetimes costs the public an aggregate of nearly \$5.7 million with the **estimated cost of saving a risk-youth from a life of crime to be anywhere from \$2.6 to \$5.3 million.**

OHIO'S JOURNEY

Successes to Date

Ohio has garnered national attention for its juvenile justice reform efforts as one of the first states to use financial incentives to curtail over-incarceration of youth and by the implementation of reforms fueled by a federal class action settlement based on the conditions of confinement of youth at ODYS. The settlement

agreement entered into in May 2008, has led to significant reductions of youth in confinement by forcing facility closures and requiring wide sweeping changes in the way youth enter and leave ODYS' care.

In 1993, RECLAIM Ohio (Reasoned and Equitable Community and Local Alternative to Incarceration of Minors) was developed to address the continuing problems of an overburdened juvenile justice system. RECLAIM Ohio provides counties with fixed financial support for use of alternatives rather than state commitment of the youth. Between RECLAIM Ohio's enactment in 1992 and 2009, the number of young people committed to secure state care in Ohio fell 42 percent. Research conducted initially on RECLAIM showed low and moderate risk youthful offenders have better outcomes by being served in their communities by RECLAIM programs versus being housed in community correctional or state facilities. And according to a fiscal analysis undertaken by ODYS for every \$1 spent on the RECLAIM program, the state saved from \$11 to \$45 in commitment and processing costs, depending on the risk level of the youth.

These proactive state actions have led to a few of the following successes:

- Closing three ODYS facilities estimating an annual cost savings of \$40 million.

- Establishing a new targeted RECLAIM program in six metropolitan counties that has partly been responsible for reducing commitments by 20.5% in the first half of FY2011, as compared to the same time period in FY2010.
- Securing support from the Annie E. Casey Foundation to assist five counties in implementing the Juvenile Detention Alternatives Initiative and the Vera Institute of Justice through a project called Family as Partners is providing training and technical assistance to ODYS emphasizing a family-focused approach to juvenile corrections and reentry.
- Creating an agreement between ODYS and the Ohio Department of Job & Family Services to suspend, rather than terminate Medicaid benefits of eligible ODYS committed youth, allowing benefits to be restored quickly upon release back to the community.
- Acquiring grants to provide treatment to youth with co-occurring mental health and substance abuse disorders.

Research-Based Practices in Ohio

Ohio has started implementing a number of front-end outcome driven practices, focusing on working with families and youth while children are living in their own communities.

Some of the interventions used in Ohio are: Functional Family Therapy (FFT), a clinical family-based intervention for at-risk youth ages 10 to 18, that has lowered recidivism an average of 16% and has \$10.69 in benefits for each dollar of cost when administered by trained therapists; Multisystemic Therapy (MST), an intensive family-focused treatment addressing the underlying causes of illegal and delinquent behavior, that has lowered recidivism an average of 10.5% and has yielded \$13.36 in benefits for every dollar spent; Multidimensional Treatment Foster Care (MTFC), which works with the biological family when child is in foster care, has lowered recidivism average by 22% and produced \$10.88 in benefits for every dollar spent; and Intensive Home-Based Treatment (IHBT), a mental health service designed to meet the needs of youth with serious emotional disturbances who are at risk of out-of-home, with a total cost savings per youth of \$34,154. The early MST data in Ohio demonstrated out of the 86% of the youth that completed treatment, 89% were living at home, 87% were attending school, and 71% had no additional arrests. **In Ohio, for every dollar**

spent on IHBT/MST there was a return of \$5.55 or 555% in placement costs avoided.

Another effort saving Ohioans money is the Behavioral Health-Juvenile Justice Projects (BH-JJ), which diverts youth with co-occurring behavioral health needs from detention centers into more comprehensive, community-based mental and behavioral health treatment. In FY 2009, the average cost per youth enrolled in BH-JJ was \$4,135 only and only 1.4% of enrolled youth were subsequently sent to an ODYS institution.

The length of time that youth are in these programs is also far less than the average length of ODYS commitment of 11.9 months with IHBT being 5-6 months and BH-JJ 8 months. This further contributes to the reduced cost of these options. However, these options are not widely available across the state.

The irony is that we actually know what works, but sufficient funding has not followed.

— Patrick J. Canary, Director, Center for Innovative Practices at the Institute for the Study and Prevention of Violence, Testimony to Ohio Legislature, Transportation and Justice Subcommittee

Ongoing Needs

While Ohio provides financial incentives to counties to keep youth in their communities where public safety warrants such actions, the money is insufficient to provide the array of services across the state that provide holistic, research-based and individualized treatment and rehabilitation.

More than 500 Ohio juvenile justice stakeholders participated in an information gathering effort in 2010 to identify the greatest needs in Ohio to better assist youth and enhance public safety. Stakeholders reported that the lack of: substance abuse, mental health counseling, specialized programming, prevention services, a spectrum of graduated responses, and general funding were among the largest needs.

Gains in juvenile justice reform may be threatened in an era of budget cutting. In the long-run, this would create a dire circumstance for children, be detrimental for public safety and ultimately negative for taxpayers. The system is improving but is far from ideal. Crucial challenges in Ohio remain:

- Children of color are overrepresented and treated more harshly for the same offense.

- Arrests are frequently taking place in our schools.
- Many children still enter the system unnecessarily.
- There are insufficient services and resources available to families to help youth in need, without formal system contact.
- Statutes with mandatory minimums prevent judicial representatives from sentencing in a way that accounts for individual needs and risks.
- Those committed to ODYS are often still deprived of conditions of confinement that support rehabilitation and successful reentry.

IMPLICATIONS FOR OHIO POLICYMAKERS

Cost-benefit information can assist decision-makers in more efficiently allocating scarce public resources among competing demands.

While there is no silver bullet that will guarantee reductions in crime, policies that include prevention and intervention for youth in the community have been shown to have a positive public safety benefit. **By divesting from expensive state correctional facilities and reinvesting the money into a spectrum of outcome driven programming, Ohio can save taxpayers' dollars, improve results for youth, promote public safety and create a self-sustaining cycle in which reform not only pays for itself, but also generates additional cost-savings.** Thus, Ohio policymakers should:

- Continue to seek ways to reduce the detention and incarceration of youth, including building upon current incentives through RECLAIM.
- Seek ways to build and support the capacity of local communities to provide a range of services that meet individual treatment needs of youth and provide an array of graduated responses when system intervention is required.
- Increase developmentally-appropriate services that address the unique physical and mental health needs of youth including creating a supportive family or community environment.
- Preserve current funding streams that support research-based programming such as the Behavioral Health-Juvenile Justice Project and Targeted RECLAIM Ohio.
- Invest in proven approaches to reduce crime and increase public safety.
- Examine policies and practices that have the consequences of sending more youth to the juvenile justice system, such as zero tolerance policies in schools.
- Continue to decrease incarceration for nonviolent youth through legislative reform that supports judicial discretion to sentence youth based on public safety and individualized treatment needs.
- Consider bolstering education, after-school and recreational programs as preventative and long-term investments in Ohio's youth.

CONCLUSION

Ohio has received attention from national foundations and other states because of its movement toward reestablishing a juvenile justice based on the principle that the youth can be rehabilitated and must be treated in a way that affords every opportunity to achieve that goal.

There will always be some youth who have exhausted the resources of the community and juvenile justice system and whose risk level warrants long-term placement in the custody of ODYS. However, these represent only a very small percentage of delinquent youth.

Savings from eliminating institutional placements should not be reallocated for general purpose but must be highly targeted in order to create lasting cost savings in Ohio. Being short sighted in fixing economic woes will not achieve a safe, sound, and cost-effective juvenile justice system. The wisest economic decision would be to take money saved from reducing reliance on incarceration, including the closure of warehouse-type institutions, and reinvesting in intensive community-based alternatives for youth. Further, for those youth who should be incarcerated, reducing recidivism rates by improving conditions of confinement and having money follow children after release is necessary to support their successful reentry into the community. In the end, without local options, judges may have little choice but to send youth adjudicated of marginal offenses to distant, locked facilities, recreating the woes and costs of a system Ohioans are working hard to dismantle.

RESOURCES

- Aos, Steve, *et al.*, *The Comparative Costs and Benefits of Programs to Reduce Crime*, v 4.0. Washington State Institute for Public Policy (May 2001). <http://www.wsipp.wa.gov/rptfiles/costbenefit.pdf>
- Aos, Steve, *et al.*, *Benefits and Costs of Prevention and Early Intervention Programs for Youth*, Washington State Institute for Public Policy (Sept. 17, 2004). <http://courses.washington.edu/pbaf513m/prevention%20tech%20appendix.pdf>
- Center Justice Research and Statistics Association, *Juvenile Justice Evaluation, Cost-Benefit Analysis for Juvenile Justice Programs*, Program Evaluation Briefing Series #4, OJJDP (May 2002). <http://www.jrsa.org/pubs/juv-justice/cost-benefit.pdf>
- Center for Study of Social Policy, *Reducing Youth Imprisonment Saves Public Dollars Improves Public Safety and Promotes the Healthy Futures of Young Adults*, Policymakers' Fact Sheet Series (Sept. 2010). <http://policyforresults.org/~media/Policymakers%20briefs/Fact%20Sheets/Juvenile%20Justice%20Fact%20Sheet.ashx>
- Children's Defense Fund Ohio, *Dismantle the Cradle to Prison Pipeline: A Message to the 128th Ohio General Assembly*, Issue Brief (April 2010).
- Children's Defense Fund Ohio, *et al.*, *Juvenile Detention Reform in Ohio Fact Sheet* (Oct. 2010). <http://cdf.childrendefense.org/site/DocServer/JuvFactSheet.pdf?docID=10482>
- Children's Law Center, Inc., *Adolescent Brain Development & Juvenile Justice* (2009).
- Children's Law Center, Inc., *Ohio Juvenile Justice System: Perspectives from the Field, Summary of Stakeholder Priorities* (2010). http://clcky.squarespace.com/storage/documents/Ohio%27s_Juvenile_Justice_Stakeholder_Report.pdf
- Children's Law Center, Inc., *S.H., et al., v Stickrath Fact Sheet* (2009). <http://clcky.squarespace.com/storage/documents/sh-v-stickrath-fact-sheet-2.pdf>
- Cohen, Mark A. & Piquero, Alex R., *New Evidence on the Monetary Value of Saving a High Risk Youth* (Dec. 2007). <http://www.youthbuild.org/atf/cf/%7B22B5F680-2AF9-4ED2-B948-40C4B32E6198%7D/Generic%20Report%20on%20Monetary%20Savings%20-%20Final.pdf>
- Connecticut Juvenile Justice Alliance, *Safe and Sound: A New Approach to Juvenile Justice and Its Effect on Public Safety and Spending in Connecticut* (Dec. 2010). <http://ctjja.org/resources/pdf/CTJJA-SafeAndSound.pdf?odID=5913&odTitle=Connecticut%20Juvenile%20Justice%20Alliance%20Forum%20on%20Building%20Effective%20School%20&%20Police%20Partnerships%20to%20Reduce%20In-School%20Arrests>
- Federal Advisory Committee on Juvenile Justice, *Annual Report 2010* (Nov. 2010). <http://www.facjj.org/annualreports/00-FACJJ%20Annual%20Report-FINAL%20508.pdf>
- Holman, Barry & Ziedenberg, Jason, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Justice Policy Institute Report. http://www.justicepolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf
- Houstoun, Feather O'Connor, *Transforming Juvenile Justice In these times of crisis, juvenile justice reform is politically saleable, cost effective and smart* (Dec. 22, 2010). www.governing.com/columns/mgmy-insights/transforming-juvenile-justice.html
- Justice Policy Institute, *Cost-Effective Youth Corrections: Rationalizing the Fiscal Architecture of Juvenile Justice Systems* (2006). http://www.macfound.org/atf/cf/%7BB0386CE3-8B29-4162-8098-E466FB856794%7D/JPI_REPORT042706.PDF
- Justice Policy Institute, *Evaluation of Ohio's RECLAIM Funded Programs, Community Correctional Facilities, and DYS Facilities Cost-Benefit Analysis Supplemental Report* (Nov. 3, 2005). <http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=0zePpJsXLYM%3d&tabid=143&mid=763>
- Justice Policy Institute, *The Cost of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense* (May 2009). http://www.justicepolicy.org/images/upload/09_05_REP_CostsOfConfinement_JJ_PS.pdf
- Kanary, Patrick J., Multisystemic Therapy Institute 1, Ohio Experience with Implementation of Evidence Based Practices Center for Innovative Practices, Kent State University Nationwide Children's Hospital, PowerPoint Presentation (July 2010). http://gucchtdcenter.georgetown.edu/resources/Training%20Institutes/Institutes/1/July%20Gtown_MST%20Institute%201.pdf
- Lowenkamp, Christopher T. & Latessa, Edward J., *Evaluation of Ohio's RECLAIM Funded Programs, Community Corrections Facilities, and DYS, University of Cincinnati* (Aug. 17, 2005). <http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=1%2fNt%2bMUtWfU%3d&tabid=143&mid=763>
- Lyons, Sarah & Walsh, Nastassia, *Money Well Spent: How Positive Social Investments Will Reduce Incarceration Rates, Improve Public Safety, and Promote the Well-Being of Communities*, Justice Policy Institute Report (Sept. 2010). http://www.justicepolicy.org/images/upload/10-09_REP_MoneyWellSpent_PS-DC-AC-JJ.pdf
- Mental Health Advocacy Coalition & Center for Community Solutions, *By the Numbers: Developing a Common Understanding for the Future of Behavioral Health Care* (Jan. 2011). <http://www.mentalhealthadvocacy.org/reports/ByTheNumbersJan2011.pdf>
- National Center for Mental Health and Juvenile Justice, *Mental Health Screening within Juvenile Justice: The Next Frontier* (Nov. 2007). www.modelsforchange.net/publications/198
- Office of Budget and Management, *State of Ohio Executive Budget Fiscal Years 2010 and 2011*, Submitted to the 128th General Assembly by Governor Ted Strickland, 987 (Feb. 2009). obm.ohio.gov/document.aspx?ID=89532257-2df7-44a6-8ccc-a96aac88c346
- Ohio Department of Youth Services, *Annual Report Fiscal Year 2010*. <http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=UYIq4tksNbU%3D&tabid=102&mid=544>
- Ohio Department of Youth Services, *Community Based Reform Policy Discussion*, PowerPoint Presentation, Governor's Residence (May 5, 2010).
- Ohio Department of Youth Services, *Director's Monthly Brief* (Jan. 2011). <http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=H8jj1HiVHMQ%3d&tabid=80&mid=540>
- The Pew Center on the States, *Right-Sizing Prisons: Business Leaders Make the Case for Corrections Reform* (Jan. 2010). http://www.pewcenteronthestates.org/uploadedFiles/Business%20Leaders_QA_Brief_web.pdf
- Piquero, Alex R., *et al.*, *Never too Late: Public Optimism about Juvenile Rehabilitation, Punishment & Society*, 12(2) 187-207 (2010).
- Richmond, Todd, *Ohio leads way: With fewer youth offenders, states shut juvenile prisons*, Associate Press (June 6, 2010). http://www.cleveland.com/nation/index.ssf/2010/06/ohio_leads_way_with_fewer_yout.html
- Sickmund, Melissa, *et al.*, *Easy Access to the Census of Juveniles in Residential Placement, NCJJ* (2008). <http://ojjdp.ncjrs.gov/ojstatbb/ezacjrp/>
- Southern Poverty Law Center & Florida TaxWatch, *Fiscal Responsibility: The Key to a Safer, Smarter, and Stronger Juvenile Justice System* (Dec. 2010). http://www.evidencebasedassociates.com/resources/reports/SPLC_Report_122010.pdf