

Rightsizing Juvenile Justice in Ohio: FY 2012-2013 Budget

WHY Ohio Needs to “Get Smart” on Juvenile Justice Reform

Taxpayers are currently bearing the burden of a series of practices and policies that could benefit from strategic, substantive reforms with both immediate and long-term cost-benefits. The current juvenile justice system (focusing on the Ohio Department of Youth Services – DYS) cost drivers include:

1. *S.H. v. Stickrath* litigation regarding unconstitutional conditions of confinement at all five of the state juvenile correctional facilities¹ and the necessary efforts to comply with the 2008 stipulation agreement cost the state millions of dollars. Continuing problems (i.e. inadequate treatment, violence, etc.) with the conditions and treatment of youth in these correctional facilities increase litigation-related expenses. **DYS spends at least \$117.3 million in GRF on institutional operations.**²
2. **The per diem is \$338 for each youth housed in a DYS correctional facility – about \$123,370 per year.** The average daily facility population in FY 2010 was 1,125 and the average length of stay was 11.9 months.³ As of January, 2011, there were 759 youth housed in DYS facilities.
3. The **DYS \$338 per diem does not include other additional costs**, such as education (approximately \$11 million for education reimbursements and \$2.8 million for vocational education annually, which adds about \$47/day to the \$338 per diem). 54% of youth in DYS receive special education services.⁴
4. While the overall population of youth in DYS facilities has decreased (from 1,895 in 2007 and 3,639 in 1993) reflecting the downward trend in juvenile violent crime,⁵ the number of youth requiring intensive mental health services have increased.⁶
5. Ineffective correctional programming, and lack of community programs, **increases both immediate short-term costs with longer lengths of stay, and long term future costs to public systems and new victims due to higher rates of recidivism.** 27.2% of youth either return to DYS or are admitted to DRC within 1 year of their release from DYS; 40.7% within 2 years; and, 50.9% within 3 years.⁷
6. Mandatory juvenile sentencing laws added in the last decade have contributed to the overuse of costly correctional placements and restricted juvenile courts’ traditional discretionary role.⁸
7. Inconsistent application and/or lack of a common risk assessment tool can lead to overuse of costly correctional placements for youth appropriate for more cost-effective, less restrictive placements.⁹
8. Reliance on secure correctional placements limit the state’s ability to maximize use of appropriate federal dollars through Medicaid match and potential IV-E participation.¹⁰
9. RECLAIM’s (state-local revenue sharing model) ability to divert a portion of youth from deeper end, more costly government intervention is limited where funding not tied to specific outcome goals.
10. Without effective diversion and treatment for juveniles, recidivism leads to higher and longer term costs that show up in the adult DRC system, as well as in expenses to taxpayers and intangible losses to crime victims.¹¹ Alternatively, **the return on investment in terms of improved public safety that evidence-based programs¹² for youth have been shown to produce are significant.**¹³ For example, **it is estimated that every \$1 spent on Multi-systemic Therapy (MST), a proven-effective program for serious and violent juvenile offenders, provides \$9.51 to \$23.59 in savings to taxpayers and crime victims.**¹⁴ In Ohio, the average MST intervention costs \$7,500-\$9,000 per youth (per year).¹⁵

A Proposal of Juvenile Justice Public Policy Priorities for the FY 2012-2012 Budget

Three (3) major budget reform opportunities exist that done in combination would result in immediate and substantial cost savings while improving public safety.¹⁶

1. Realign fiscal resources away from ineffective, costly secure placements¹⁷ to more effective programs that provide greater public safety return for each dollar spent.

- a. Examine DYS GRF allocation to DYS “institutional operations” and identify opportunities to downsize institutions by redirecting appropriate youth¹⁸ into less restrictive options,¹⁹ with structured oversight system and accountability mechanisms, and shifting at least 45% of the cost-savings²⁰ to research-supported services (i.e. regionalized expansion of Targeted RECLAIM²¹ interventions, BHJJ²² programs, etc.) supported by the DYS Program 3.05 “community programs” budget line.²³
- b. Preserve DYS GRF funds used for community Cognitive Behavioral Treatment, Community Correctional Facilities²⁴ and private facility contracts,²⁵ tied with performance measures, to avoid increased use of costly DYS placements.²⁶
- c. Reduce the use of secure placements in DYS for lower risk youth²⁷ utilizing the Ohio Youth Assessment System (OYAS) to inform evidence-based placement and treatment decision making in the juvenile justice system.²⁸
- d. Create an Interagency task force, with representatives from ODYS, ODMH, ODE and the Office on Health Transformation, among others as appropriate, to investigate and make recommendations within 6 months to the Governor and Ohio Legislature, on how to better respond to delinquent youth who suffer from mental health issues and/or have special educational needs.²⁹

2. Revise statutory sentencing schemes that result in ineffective, overuse of costly secure placement and address court procedural and jurisdictional issues that would result in a more “fair, rational, effective, and developmentally appropriate” juvenile justice system.³⁰

- a. Restore individualized sentencing with judicial discretion³¹ by replacing mandatory sentencing schemes in bindovers, SYO and gun specifications [that automatically result in higher rates of costly, secure placement for longer periods of time, in some cases up to three years minimum time in DYS]³² with individual review where a judge determines the severity of a consequence.³³
- b. Allow Courts to maintain jurisdiction, with DYS, to release a youth throughout their term of commitment. Preserving judicial discretion through continuing judicial jurisdiction ensures the most appropriate use of ongoing secure placement while allowing potential release (and cost-savings) when warranted.³⁴
- c. Raise the age of eligibility for blended sentencing options (under the SYO – serious youthful offender – law) from 10 to 14 years of age.³⁵

- d. Approve the revised Interstate Compact provisions set by the Council of State Governments to ensure Ohio authorities can coordinate effectively with other states regarding out-of-state youth.³⁶
 - e. Adopt proposed juvenile competency provisions to ensure a uniform and consistent set of guidelines by which juvenile competency is defined and addressed.³⁷
- 3. Reinvest in critical community-based services³⁸ for juvenile justice involved youth, particularly those research-supported, outcome-based practices³⁹ that maximize results and public investments and capitalize on effective public-private partnerships.⁴⁰**
- a. Maximize the RECLAIM⁴¹ state-local revenue sharing model by incentivizing county-based interventions that have evidence of measurable performance effectiveness⁴² (i.e. diversion, reducing recidivism, strengthening families, reducing admissions to more costly, secure placements), by adding language to the RECLAIM formula that promotes funding for research-based programs and services.⁴³
 - b. Preserve DYS GRF line items⁴⁴ dedicated to (i) RECLAIM county subsidy, (ii) community programs, and (iii) youth services juvenile court subsidies⁴⁵ and (iv) the ODMH Behavioral Health Service-Children (supporting BHJJ) line item⁴⁶ dedicated to research-based, cost-effective treatment. Reductions of funding in any of these programs will likely increase the more costly juvenile correctional facility population as a result of reduced community program capacity.⁴⁷
 - c. Require filing of the Medicaid State Plan Amendment⁴⁸ by 12/31/11 for Intensive Home Based Treatment (IHBT), a research-supported, outcome-based, cost-effective treatment model for children and youth with severe emotional and behavioral disorders that reduces use of costly out-of-home care.⁴⁹

2nd Phase Policy Track: Other reform policy issues are worthy of attention but currently (a) there are less discernable short-term cost-saving/shifting implications, and/or (b) the issue requires further examination and development to effectively position it and/or ascertain whether sufficient consensus exists to pursue the proposed reform. These items are among those currently identified as priorities for consideration through an on-going policy development process.⁵⁰

4. Additional sentencing reforms that would result in cost savings but require further study:
 - a. Amend aspects of the juvenile sex offender registration scheme (PRQJOR provision), consistent with new federal guidance regarding juveniles issued by the USDOJ,⁵¹ that have resulted in significant implementation costs (both at the local and state level) without greater public safety.
 - b. Examine use of valid court order (VCO) provision [ORC 2152.02] and consider elimination to ensure Ohio will be in compliance with federal law under the proposed Reauthorization of the Juvenile Justice Delinquency Prevention Act (JJDA removes VCO exception); this would also result in fewer costly secure placements and may save potential lost federal dollars.⁵²

5. Reserve the JJ system for only the most appropriate youth and prevent deeper government and public system intrusion through front end strategies, diversionary practices and investments.
 - a. Examine school referrals to juvenile court to ascertain extent of referrals and whether alternative, more cost-effective disciplinary practices could be utilized.
 - b. Review detention sentencing, practices, and funding, including DYS JDAI pilot initiatives, for strengthening effective use of detention and alternatives.
 - c. Reexamine the RECLAIM funding formula for opportunities to maximize research-supported diversion practices.
 - d. Explore the use of specialized juvenile court dockets for youth with mental and behavioral health concerns.⁵³
 - e. Invest in early care and education services as delinquency prevention support.⁵⁴

6. Identify gaps in existing data (juvenile court, DYS, CCFs, detention centers, community programs, school disciplinary/suspension/expulsion/court referral rates and demographic data, disproportionality data throughout the juvenile system⁵⁵, etc.) and develop recommendations for uniform data collection and management, and for data-driven decision making and performance-based outcome measures at critical stages of the juvenile justice system.

7. Continue to promote fair and effective juvenile legal proceedings with the provision of qualified counsel and alignment with best-practices in federal law and court policies and procedures.

8. Pilot a redesigned, regionalized approach to juvenile justice (probation, community programs, secure placements, release authority, re-entry programming and parole) in a voluntary, large urban district and/or in a voluntary, regionalized rural area, with an appointed oversight authority which includes representation of relevant experts and stakeholders.⁵⁶

ENDNOTES

¹ ODYS operates five state juvenile correctional facilities and contracts with Lighthouse Youth Services, a private non-profit agency to operate the Paint Creek facility in Ross County.

² HB 1 FY 2011 appropriations, DYS "Reclaim Ohio" GRF line item 470-401 was \$184,026,374, which according to DYS was allocated as follows: \$117,350,847 for institutional operations; \$2,574,966 for private facility contracts (Lighthouse-Paint Creek); \$18,776,104 for community correctional facilities; \$30,600,000 for RECALIM county subsidy; \$9,690,954 for community programs; and \$5,033,503 for program management. These "Reclaim Ohio" GRF dollars do NOT include additional institutional-related expenses in other GRF (i.e. \$26,043,900 for lease rental payments and \$13,580,057 for administrative operations) and non-GRF line-items (i.e. \$11,000,000 for Education reimbursement, \$2,788,906 for vocational education).

³ Annual Report FY 2010, Ohio Department of Youth Services.

⁴ Annual Report FY 2010, Ohio Department of Youth Services.

⁵ The Juvenile Violent Crime Index arrest rate fell for the second consecutive year and is down 5% since 2006. In 2008, law enforcement agencies in the United States made an estimated 2.11 million arrests of persons younger than age 18. Overall, there were 3% fewer juvenile arrests in 2008 than in 2007, and juvenile violent crime arrests fell 2%, continuing a recent decline. Puzanchera, C. *Juvenile Arrests 2008*, OJJDP Juvenile Justice Bulletin, US DOJ (December 2009).

⁶ Approximately 56% of youth currently placed at DYS were Medicaid eligible. In FY 2010, 79.4 % of the female youth and 83.1 % of the male youth in DYS had previous mental health treatment. On December 14, 2010, 49.5% of DYS youth were on the mental health caseload and 6% were on a mental health unit requiring intensive treatment. *By the Numbers: Developing a Common Understanding for the Future of Behavioral Health Care*, Mental Health Advocacy Coalition and Center for Community Solutions (January 2011) p.20.

⁷ *Recidivism: An examination of the reincarceration rates of youth released from [DYS]*, ODYS Division of Parole and Community Services (September 2010). Recidivism rates based on 1,903 releases from DYS in 2008 (1-year), 1,872 releases in 2007 (2-years), and 1,768 releases in 2006 (3-years).

⁸ In 2002, the Ohio Revised Code was amended to include section 2152, creating mandatory and discretionary bindover (transfers to adult court) and serious youthful offender (SYO) blended sentencing schemes and in 2006 mandatory gun specifications were strengthened under ORC 2152.17. In 2009, 296 youth were in DYS on a gun spec, 216 of whom were serving 3-year mandatory sentences. Special Analysis of Bill Draft LSC 128 0190-1 (hereinafter "LSC Memo, 5/13/09"). Although there is no data on mandatory versus discretionary bindovers, approximately 315 juveniles were bound over to adult criminal court in FY 2007 and, at any time, there are approximately 200 or more offenders in the adult prison population who were bound over as juveniles. LSC Memo 5/13/09.

⁹ Lowenkamp, C. and Latessa, E., *Evaluation of Ohio's RECLAIM-funded Programs, Community Correctional Facilities, and DYS Facilities: Cost-Benefit Analysis Supplemental Report*, (Nov. 3, 2005). Findings, in part, led to the development and launching of the Ohio Youth Assessment System (OYAS) to provide a standardized process for evaluating the risk and criminogenic needs of youth. Annual Report FY 2010, Ohio Department of Youth Services.

¹⁰ Medicaid rules prohibit use of federal Medicaid dollars for any services provided in a "secure" institution. Similar prohibitive rules apply to drawing down Title IV-E federal participation funds. However, residential programs that are staff-secure and have other measures in place to control population, such as the Lighthouse-Paint Creek facility, several of the community correctional facilities and a number of private, non-profit children's residential treatment centers, can receive Medicaid and may qualify for IV-E as well to serve this juvenile population.

¹¹ Lowenkamp, C. and Latessa, E. "Savings in the long run are substantial and range anywhere from \$11 to \$45 for every dollar spent on RECLAIM programming instead of a placement in CCF or DYS" at p. 21.

¹² "Evidence-based practices" in Ohio include the following programs: Multi-systemic therapy, Functional family therapy, Multi-dimensional treatment foster care, Multi-dimensional family treatment, Trauma-focused Cognitive Behavioral Therapy, and Assertive Community Treatment. "Promising Practices" (research-based) in Ohio include: Intensive home-based treatment, Integrated co-occurring treatment, and (High Fidelity) Wraparound/ Services Coordination. *Center for Innovative Practices* (2010).

¹³ A review of evidence-based programs for youth has shown up to \$13 in benefits produced for every one dollar spent, in terms of improved public safety (several EBP are identified, such as functional family therapy, multi-

systemic therapy, aggression replacement therapy, and restorative justice-victim offender mediation). Drake, E. *Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance and Cost*, Washington State Institute for Public Policy (2007). Retrieved at www.wsipp.wa.gov/rptfiles/07-06-1201.pdf

¹⁴ Klietz, S., Borduin, C. and Schaeffer, C., *Cost-Benefit Analysis of Multi-systemic Therapy with Serious and Violent Juvenile Offenders*, Journal of Family Psychology, (2010). Comparing MST to individual therapy, results indicated that the reductions in criminality in the MST versus IT conditions were associated with substantial reductions in expenses to taxpayers and intangible losses to crime victims, with cumulative benefits ranging from \$75,110 to \$199,374 per MST participant.

¹⁵ Intensive Home-Based Treatment (IHBT) Cost Comparisons, Table 5: Summary Chart of Annualized Costs for Services, Center for Innovative Practices (2010).

¹⁶ “[Criminal] justice reform means less money spent on correctional costs with better results for the public.” *Redesigning Ohio*, Ohio Chamber of Commerce (December 2010). Preliminary “Guiding Principles” used for purposes of developing these proposed policy reforms are based on The MacArthur Foundation *Models for Change* six core principles: fundamental fairness (including for youth, families, victims and communities); developmental differences between juveniles and adults; individual differences of young people; recognition of youth potential; safety; and shared responsibilities.

¹⁷ Nearly two-thirds (approximately 63%) of the DYS GRF funds are used for secure facilities that currently serve less than 800 youth (\$338 per diem) with poor outcomes (high recidivism and costly litigation). These DYS GRF funds do not include additional costs for educational reimbursements (\$11 million in FY 2011), vocational education (\$2.8 million in FY 2011), lease rental payments (\$26 million in FY 2011) or administrative operations (\$13.6 million in FY 2011).

¹⁸ “Appropriate youth” determined using OYAS risk assessment instrument and future dispositional changes due to reduced use of automatic secure confinement with sentencing revisions identified in the proposal at #2a-c.

¹⁹ “Less restrictive options” refers to a range of secure and non-secure institutional (CCFs, cognitive behavioral therapy programs, residential programs, etc.) and community-based services.

²⁰ A recent report proposed a reallocation of 30% of savings from closure(s) of DRC adult correctional facilities to community based options. *Redesigning Ohio*, Ohio Chamber of Commerce (December 2010). However, an increased allocation is more appropriate in DYS system where [unlike the adult system] proven-effective, community alternatives have an already established record of success, i.e. Targeted RECLAIM and BHJJ initiatives, and successful interventions at the juvenile level will also result in decreased admissions and costs to the DRC system. Indeed, one might argue that a certain percentage of cost savings from closures of adult DRC prisons might best be invested in prevention efforts through proven-effective community based services in the juvenile system.

²¹ Currently Targeted RECLAIM (TR) is implemented in the six (6) urban counties to reduce DYS commitments from juvenile courts with the highest DYS commitments (Cuyahoga, Franklin, Hamilton, Lucas, Montgomery and Summit). TR funding tied to a 10-40% targeted reduction goal in DYS admissions. Through first 11 months, DYS admissions from the six courts are down 40% compared to last year. Annual Report FY 2010, Ohio Department of Youth Services. A regionalized TR expansion, for example, would allow rural and suburban jurisdictions to join this effort targeting reduction in DYS admissions, thus promoting effective practices and decreasing institutional costs.

²² The purpose of BHJJ is to enhance and expand the local child-serving systems’ ability to identify, assess, evaluate and treat serious juvenile offenders having behavioral health needs through the provision of evidence based effective services (i.e. Multi-Systemic Therapy, Functional Family Therapy, Integrated Co-Occurring Treatment). It also includes a juvenile court commitment to maintain or reduce DYS admissions. As of 6/30/09, 1035 youth were enrolled in BHJJ with an average length of stay of 8 months and a recidivism rate 1 ½ years post-release of only 1.4%. The average annualized cost per IHBT treatment was \$7500 (and using only the direct state contribution, the average cost to the state was \$4135 per youth). *An Evaluation of the BHJJ Initiative: 2007-2009 Executive Summary*, Kent State University (2010); *Cost Benefit Analysis: Fiscal Impact for System Stakeholders*, Center for Innovative Practices (Jan. 24, 2011).

²³ In its FY 2011 Executive Budget Request, DYS sought \$14,718,420 for “community programs” under Program 3.05 and \$4,000,000 for community-based treatment centers (CBTCs) under Program 3.04; however, HB 1 FY 2011 appropriations only allowed roughly half the request totaling a combined \$9,690,954 funding for both Programs. Cost-savings incurred through facility closure(s) should be reallocated to expand this community program line with

specific language prioritizing Targeted RECLAIM, BHJJ and other research-supported and outcome-based programs. Efforts to maximize appropriate sources of federal funding that would support these programs should be explored.

²⁴ Currently there are 12 CCFs providing 355 beds for youth on suspended commitment to DYS (felony level youth). According to DYS, in FY 2010, there were 535 CCF admissions and 846 total youth served. The average CCF per diem in FY 2010 was \$148 with an average length of stay of 11.9 months.

²⁵ Lighthouse Youth Center-Paint Creek is a non-profit provider licensed by ODJFS and certified by ODADAS that provides an alternative institutional placement to DYS for 50 male Felony 1 and Felony 2 level youth offenders through a "private facility contract" with DYS.

²⁶ In its FY 2011 Executive Budget Request, DYS sought \$18,773,604 for CCFs, \$4,000,000 for CBTCs and \$2,574,966 for private facility contracts (i.e. Lighthouse Youth Center- Paint Creek facility); however, HB 1 FY 2011 appropriations for DYS line item 470401 was \$184,026,374, which according to DYS allowed \$18,776,104 for community correctional facilities (CCFs) and a smaller portion for CBT conversion under its "Community Programs" allocation (in addition to \$2,574,966 for "Private facility contracts"). DYS is currently converting CCFs to incorporate CBT model; continued CCF funding should be contingent on continued implementation of CBT model and adoption of DYS standards for CCF operation and management. [ORC 5139.36]

²⁷ In FY 2010, of the 1037 DYS admissions, 19.4% (201) of youth were admitted for parole revocations; 11.9% (123) were admitted for F5 offenses; 14.4% (149) were admitted for F4 offenses and 15.7% (163) were admitted for F3 offenses (the remaining were the high level F1 and F2 felonies). According to "Measuring the Impact of Change" DYS Annual Statistics, October 2010, 23.5% of youth incarcerated in DYS as of 7/1/10 scored a low OYAS risk level.

²⁸ Recidivism rates are higher for low and moderate risk level youth placed in DYS compared to low and moderate risk level youth placed in community programs. Lowenkamp, C. and Latessa, E. *Evaluation of Ohio's RECLAIM-funded Programs, Community Correctional Facilities, and DYS Facilities* (2005).

²⁹ These populations are lingering in the deep end of the system without effective intervention, often aging out without accessible community services or treatment, or are being bound over to the adult system. All of these consequences can contribute to higher recidivism rates, costing Ohio taxpayers more in the long-run. See e.g. *By the Numbers: Developing a Common Understanding for the Future of Behavioral Health Care*, Mental Health Advocacy Coalition and Center for Community Solutions (January 2011); *Special Education and Juvenile Justice: An Overview and Analysis of Prevention and Intervention Policy and Program Developments*, A Report of The Ohio Coalition for the Education of Children with Disabilities (December 2006).

³⁰ Explore how this policy agenda might address the 2011 DYS-DRC "shared services" directive in a way that maintains the integrity of the juvenile justice system, such as accounting for the developmental differences between youth and adults, and still maximizes cost savings on an administrative level. This means examining potential shared services with state agencies closely aligned with providing services to youth in need such as ODJFS, ODMH, MRDD, ODADAS, DODD and DOE.

³¹ "The Juvenile Law & Procedure Committee appreciates the effort to increase judicial discretion in bindover and SYO designations, which is a change that a majority of juvenile judges have supported and requested." Retired Judge Mark R. Schweikert, Ohio Judicial Conference, Letter to Hon. Tyrone K. Yates (June 25, 2009). [This letter was written with regard to HB 235 and also notes concern regarding limiting bindovers and SYOs to felony offenses of violence – a provision that has been removed in this proposal]. See also: The National Council of Juvenile and Family Court Judges maintains that: "Juvenile delinquency jurisdiction should be to age 18 in every State. In most cases, juvenile offenders can be effectively maintained in the juvenile justice system. In rare instances, the most violent offenders cannot be rehabilitated within the juvenile system and should be transferred for adult prosecution. *However, the decision to transfer should only be made by the juvenile or family court judge.*" Retrieved at http://www.ojjdp.gov/pubs/reform/ch2_j.html. Fagan, J. *Juvenile Crime and Criminal Justice: Resolving Border Disputes*, and Scott, E. and Steinberg, L., *Adolescent Development and the Regulation of Youth Crime*, The Future of Children: Juvenile Justice "Highlight", Volume 18, No. 2 (Fall 2008). "While some violent, older repeat offenders should be transferred to the adult system, in general, transfer and exclusion laws are not successful in reducing crime or cost-effective. Given that incarcerating youth with adults is expensive and fails to deter first-time crime or lower recidivism rates, policies that have increased the numbers of youth in adult criminal jails should be reconsidered." Retrieved at http://futureofchildren.org/futureofchildren/publications/highlights/18_02_Highlights_09.pdf

³² According to data provided to the Legislative Service Commission in 2009, there were currently 296 youth confined in DYS on gun specifications, 216 of whom were serving 3-year sentences, LSC Memo, 5-13-2009.

³³ Make relevant language changes to ORC 2152 to preserve discretionary bindovers (transfers to adult court), SYO (serious youthful offender) dispositions and gun specification time, replacing the mandatory aspects of these laws with discretionary provisions (ORC sections 2152.02, 2152.10-2152.13, 2152.17).

³⁴ Cite specific language changes to ORC 2152.22 to extend juvenile court jurisdiction throughout the time a youth is in DYS custody.

³⁵ Cite specific language changes to ORC 2152.11 to make only children 14, 15, 16 and 17 eligible for SYO.

³⁶ See separate summary of Interstate Compact language. Ohio was part of the old interstate compact until it was revised; the new compact became effective two years ago and the last extension is set to expire in June, 2011. Ohio is only 1 of 5 remaining states that hasn't passed this law. According to DYS, there is no opposition to this proposal, it is a matter of updating the compact by adopting the new provision and likely to result in cost savings.

³⁷ Specific language for juvenile competency in the ORC has been drafted by the Ohio Supreme Court Juvenile Judicial Conference. See also, "Ohio's Juvenile Competency Legislation Proposal: Fiscal Considerations" memo prepared by Doug Althaus, Feb. 2011.

³⁸ "Community-based services" defined as a range of non-institutional, intensive services offered in the community, in the school, in the home or in some combination (i.e. care coordination, multi-systemic therapy, functional family therapy, integrated co-occurring treatment, in-home based treatment, day reporting, etc.).

³⁹ Consider including language to document and "manualize" process and practice lessons (from TR and BHJJ) to share with smaller counties in order to maximize the value of the services they are providing.

⁴⁰ Various studies have looked at the cost-benefit of utilizing various evidenced-based or research-supported interventions. For example, an evaluation conducted by the Center for Innovative Practices found over \$13.4 million dollars in placement costs saved for the 394 youth served by an IHBT program; for every \$1 invested in IHBT there is \$5.50 saved in potential placement costs. *Cost Benefit Analysis: Fiscal Impact for System Stakeholders*, Center for Innovative Practices (Jan. 24, 2011). A cost-benefit analysis of RECLAIM funded programs found that cost savings "range anywhere from \$11 to \$45 for every dollar spent on RECLAIM programming instead of a placement in CCF or DYS." Lowenkamp, C. and Latessa, E., *Evaluation of Ohio's RECLAIM-funded Programs, Community Correctional Facilities, and DYS Facilities: Cost-Benefit Analysis Supplemental Report*, (Nov. 3, 2005). See also a 2010 cost-benefit analysis of MST finding a \$9.51 to \$23.59 cost savings to taxpayers and crime victims for every dollar spent on MST. Klietz, S., Borduin, C. and Schaeffer, C., *Cost-Benefit Analysis of Multisystemic Therapy with Serious and Violent Juvenile Offenders*, *Journal of Family Psychology*, (2010).

⁴¹ "Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors" is a nationally-recognized funding mechanism that encourages county juvenile courts to develop or purchase a range of community-based options to meet the needs of their youth, in lieu of commitment to DYS facilities. There were 130,210 admissions to RECLAIM and Youth Services Grant programming during FY 2009 with an 84%-92% successful completion rate. Approximately 50% of these were delinquent youth (13% felony and 36% misdemeanor) and the remainder at-risk (42%), unruly (8%) or traffic (1%) youth. *ODYS RECLAIM Ohio Statistics*, Retrieved at www.dys.ohio.gov/dnn/Community/ReclaimOhio.

⁴² Only 20% of RECLAIM youth recidivated over a 2-3 year period compared to more than 50% recidivism for youth leaving DYS over the same period. Lowenkamp, C. and Latessa, E. *Evaluation of Ohio's RECLAIM-funded Programs, Community Correctional Facilities, and DYS Facilities* (2005). Additional cost-savings reported above.

⁴³ ORC 5139.43(B)(2)(a)(iii) RECLAIM funds shall not be used to support programs that do not comply with JJDPA core principles or "that research has shown to be ineffective." Specific language should be added to use RECLAIM county subsidies to "support funding of research-supported, outcome-based programs."

⁴⁴ HB 1 FY 2011 appropriations, DYS line item 470-401 was \$184,026,374, of which DYS allocated: (i) \$30,600,000 for RECALIM county subsidy and (ii) \$9,690,954. Under DYS GRF line-item 470-510, \$16,702,728 was appropriated to "Youth Services" and under ODMH GRF 335-404, \$7,460,800 was appropriated to "Behavioral Health Services-Children", \$250,000 of which was allocated to the DYS BHJJ program.

⁴⁵ Combined, these line-items support programs that served more than 130,000 youth in FY 2009. DYS Executive Budget FY 2010-2011.

⁴⁶ HB 1 FY 2011 Appropriations for ODMH GRF 335-404 budget line-item for “Behavioral Health Services-Children” was \$7,460,800, which was the same as requested in the FY 2011 Executive Budget request for FY 2010-2011. \$250,000 of this amount was allocated to the DYS BHJJ program.

⁴⁷ See DYS FY 2012-2013 Biennial Budget Request submitted in October, 2010.

⁴⁸ Note the application for IHBT (in-home based treatment) waiver from Ohio’s State Medicaid plan.

⁴⁹ See Medicaid State Plan Amendment for IHBT Summary, 1/31/11, for specific recommendations and background data. According to a conservative estimate, for every \$1 dollar spent on IHBT, \$5.55 return gained in placement avoidance costs. *Cost Benefit Analysis*, Center for Innovative Practices (Jan. 24, 2011).

⁵⁰ There are numerous important issues raised by various stakeholders in the JJ system that should be included in a longer-term policy development agenda but (a) require more research and discussion, (b) may be too challenging politically to have some consensus without considerable education and discussion, (c) may be entirely cost-prohibitive, or (d) are not sufficiently substantive to merit attention at this point. These will be considered, among others, in a longer-term policy agenda.

⁵¹ The USDOJ SMART office issues guidance under SORNA (the Sex Offender Registration and Notification Act which is Title I of the Adam Walsh Child Protection and Safety Act of 2006, Public Law 109-248). SORNA provides a comprehensive set of minimum standards for sex offender registration and notification in the United States and recently revised its application of the registration requirement to a much narrower class of juveniles.

⁵² Cite specific language changes to ORC 2152.02 to align with proposed amendments to Juvenile Justice & Delinquency Prevention Act Reauthorization (S.678) and National Council of Juvenile & Family Court Judges Resolution, March 14, 2010.

⁵³ There are currently over forty (40) specialized dockets in juvenile court throughout Ohio (27 juvenile drug courts, 11 juvenile mental health courts, 2 juvenile sex offender courts and 2 juvenile reentry courts). Some of the courts combine functions, such as the behavioral health court in Summit County. In 2010, the Advisory Committee to the Ohio Supreme Court on Specialized Dockets developed a Rule of Superintendence specifically for specialized dockets and created standards and recommended practices to create a minimum level of uniform practices for specialized dockets that still allow courts to innovate and tailor their program to respond to local needs and resources (there are some proposed amendments to Ohio Rule 36.02 which is up for public comment until 3/8/11).

⁵⁴ Promote the home visiting Medicaid State Plan waiver. Ohio is seeking to include home visiting as an approved Medicaid benefit under Targeted Case Management and submitted a State Plan Amendment Request to CMS on December 10, 2010 (see ODJFS summary for details).

⁵⁵ Addressing disproportionate minority contact is among the core requirements of the federal law under the Juvenile Justice and Delinquency Prevention Act.

⁵⁶ Such an approach should also maximize opportunities for appropriate federal funding to support eligible services and interventions. Consider establishing a bipartisan juvenile justice policy commission, or some other advisory entity, with DYS, Supreme Court and local court, and community representation, by Executive Order with specific timeframe (i.e. 24 months) and responsibilities for monitoring and reporting back on the progress and outcome of the pilot. Additional duties may be assigned (i.e. see remaining/Phase 2 policy items for potential additional reform opportunities for further study and recommendations).