BRING YOUTH HOME

BUILDING ON OHIO'S DEINCARCERATION LEADERSHIP

Report Issued by the Juvenile Justice Coalition, Columbus, OH 2015

I. INTRODUCTION

In recent years, research has overwhelmingly shown the harmful effects of incarcerating children. In the short term, incarcerated children are subject to dangerous and abusive conditions, including physical abuse, sexual assault, and practices such as isolation, which can cause permanent psychological damage. These harmful conditions have been proven conclusively in 39 states. Long term, children who are locked up in juvenile correctional facilities are less likely to succeed in school or to find employment, and they are more likely to reoffend compared to similar children who are placed on probation or in alternative programs.

These negative outcomes come at an extremely high cost. In Fiscal Year 2014, incarcerating one youth in an Ohio juvenile correctional facility cost $205,000 per year. As a report by the Annie E. Casey Foundation points out, "Most states are spending vast sums of taxpayer money and devoting the bulk of their juvenile justice budgets to correctional institutions and other facility placements when non-residential programming options deliver equal or better results for a fraction of the cost." (*No Place for Kids*, pg. 19)

Prompted by these findings, many states and localities are working to develop new strategies to reduce youth incarceration, including incentivizing the use of community-based alternatives. In 1994, Ohio became one of the first states to embrace youth deincarceration strategies on a statewide level through the Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors program (RECLAIM). RECLAIM creates financial incentives to encourage local jurisdictions to retain youth close to home instead of sending them to state correctional facilities. RECLAIM has garnered significant national praise and has been the impetus for discussion in many states seeking similar cost-effective, community-based alternatives to incarceration.

But Ohio's deincarceration story does not end with RECLAIM. Ohio has continued to embrace new strategies that reflect current research and best practices and have further reduced the correctional population and recidivism while increasing positive outcomes for youth. These strategies include Behavioral Health and Juvenile Justice programs focusing on youth with felony offenses and mental health challenges; the Targeted RECLAIM program for counties with high numbers of youth committed to juvenile correctional facilities; and Competitive RECLAIM, which focuses on youths' risk level and is designed to keep youth from penetrating deeper into the system.

With current research on deincarceration and successes in Ohio and other jurisdictions, the question is not whether states should engage in deincarceration strategies, but how to best implement strategies that have been shown to reduce youth incarceration while maintaining public safety. This report will explore Ohio's evolution of deincarceration programs and, based on Ohio's experiences, discuss decision points and options that other states and localities should consider when implementing new or modifying existing deincarceration programs to create the most positive outcomes for youth and communities.

II.
CREATING A CLIMATE FOR CHANGE:
THE START OF OHIO'S DEINCARCERATION EFFORTS

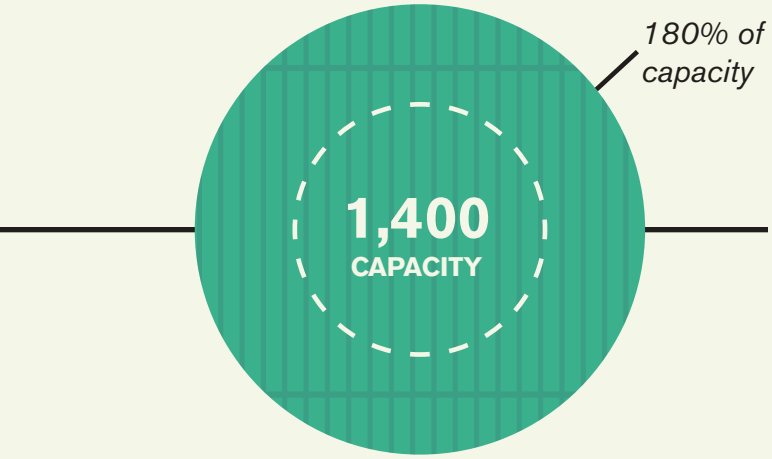
In May 1992, Ohio's juvenile correctional facilities, which are run by the state's Department of Youth Services (DYS), had reached a breaking point. The facilities' population topped 2,500 youth—180% of the 16 facilities' capacity of 1,400 youth—and projections indicated the population could increase up to 4,000 youth in the next several years. At the time, any time a youth spent in Ohio's correctional facilities was paid for solely by the state from a line item within DYS's budget, which created a financial incentive for cash-strapped local courts to send youth, including first-time, non-violent offenders, to correctional facilities. At the same time, local courts were frustrated that they were not receiving more funding to spend at the local level as DYS was being forced to use more and more of its finite budget to incarcerate youth at the state level.

The overcrowding at correctional facilities led to increased violence at the facilities, with injuries to both youth and staff. The violence and overcrowding drew the attention of the media, which began highlighting the facilities' unsafe conditions. With negative media attention and projections showing the facilities' population could almost double, then-Governor Voinovich created a task force led by then-Lieutenant Governor DeWine to help not only stem the tide but also reduce the juvenile corrections population. The task force, which included high-level DYS officials, examined the facilities' youth population and learned that the majority of youth were adjudicated delinquent of relatively minor offenses and could be held safely in their communities. With this knowledge, the task force established the RECLAIM formula, which presented local juvenile courts with a decision: they could either 1) serve the youth locally with community-based alternatives to incarceration and receive a financial incentive, or 2) send the youth to a juvenile correctional facility paid for by the state, but have their overall financial incentive lowered.

DYS worked with key constituencies to build support for the RECLAIM program. Many juvenile court judges supported RECLAIM as they had been pressing for more local control and increased funding for local programs. Additionally, correctional facilities' labor unions were supportive because the changes would reduce the number of youth in the facilities but not decrease staffing levels, leading to higher staff-to-youth ratios and safer conditions. Some judicial opposition remained to RECLAIM because the funding still had to pass through a state agency and that was thought to diminish local control.

The state legislature responded positively to the RECLAIM formula, making few adjustments before the program was officially adopted as part of Ohio's budget in 1993 through passage of Ohio House Bill 152. Overall, legislators responded positively to RECLAIM's goals of promoting juvenile system accountability, rehabilitating youth, using a funding formula (described in more detail in the next section) that relied on data controlled by the counties, and maintaining local control.

May 1992



2,500

YOUTH IN OHIO'S JUVENILE CORRECTIONAL FACILITIES

RECLAIM officially began in January of 1994 in nine counties in Ohio, only one of which was a major urban center. After the pilot program's first year, 85% of court stakeholders reported being very satisfied and juvenile incarceration in the pilot counties fell almost 43%. RECLAIM expanded statewide in January 1995 with initial disbursements to courts totaling $25.8 million over 18 months spanning Fiscal Years 1995 and 1996 (FY95-96). Twenty years later, RECLAIM continues to operate as the keystone of Ohio's deincarceration efforts, and the ongoing success of the program has led to increasing investments in Ohio's deincarceration efforts, including the development of three post-RECLAIM programs.

OHIO CONTEXT:

Ohio is a "home rule" state, meaning that each of Ohio's 88 juvenile courts–one per county–operates independently without centralization. Therefore, courts receive their main operating funds from local county commissioners plus state money from DYS under five programs, described in the next section.

Currently, DYS collects and annually releases relatively comprehensive data on youth who are adjudicated delinquent of felony offenses, committed to juvenile correctional facilities, and bound over, or transferred to, adult court. However, no state agency oversees youths' earlier court involvement–including prevention, diversion, status offenses, and misdemeanor offenses–and no comprehensive data exist on this population, leaving a significant data gap on juvenile court-involved youth. In addition, annual data are either not collected or not made publicly available on other out-of-home placements, such as detention and other residential treatment centers. The *Columbus Dispatch* recently issued an editorial calling for more robust juvenile justice data collection in the state.

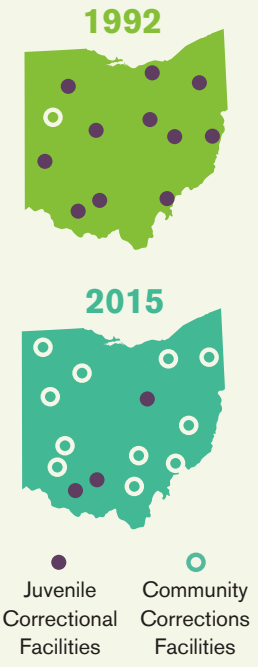
Legislators responded positively to RECLAIM's goals of promoting juvenile system accountability, rehabilitating youth, using a funding formula that relied on data controlled by the counties, and maintaining local control.

III.
SUPPORT FOR LOCAL EFFORTS:
OHIO'S ARRAY OF DEINCARCERATION PROGRAMS

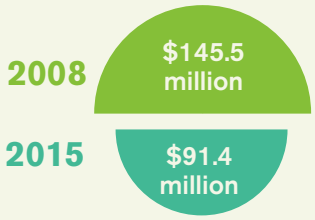
Over the past 20 years, Ohio's deincarceration programs have made significant headway in reducing youth admissions to secure, locked facilities post-adjudication. Ohio has three juvenile correctional facilities for boys, paid for and run by DYS; for girls, DYS contracts with several smaller facilities to provide bed spaces. Ohio also has 12 Community Corrections Facilities (CCFs) that are paid for by DYS but run by local courts. These facilities are smaller and more localized, and, though the ideal is to keep youth closer to home, youth can be sent to any CCF throughout the state, especially as each facility has different programming options available to youth.

Since 1992, the number of Ohio juvenile correctional facilities has decreased from 11 to 3 and the number of CCFs has increased from 1 to 12. In terms of bed space, CCF bed spaces have increased from around 50 in 1992 to more than 350 today; unfortunately, similar bed space numbers are not available for juvenile correctional facilities. Even with this increase in CCF facilities, overall admissions to both DYS and CCF facilities have decreased from more than 3,000 youth in 1992 to just over 1,000 youth in 2013. Youth admissions to DYS facilities have dropped 80% - from over 2,500 youth to under 500 youth.Corrections spending also has gone down: from FY08 to FY15, DYS correctional facilities' spending went from $145.5 million to $91.4 million–a 37% decrease. Corrections also has become a smaller portion of DYS's budget, decreasing from 50% in FY08 to 38% in FY15; at the same time, community program funding increased from 17% to 25% and CCF funding increased only from 7% to 9%.

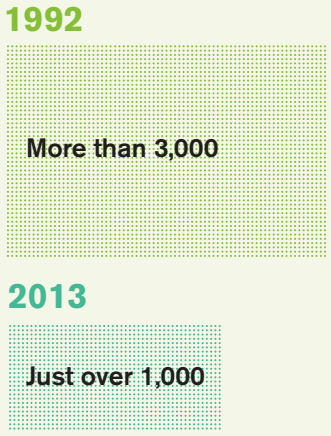
NUMBER OF CCF AND JCF FACILITIES



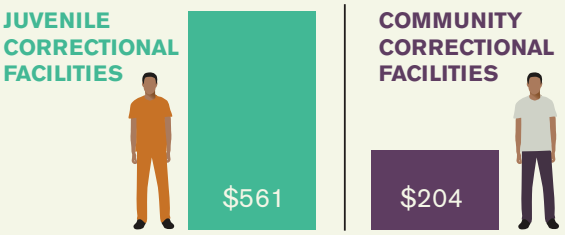
CORRECTIONS SPENDING



NUMBER OF YOUTH IN DYS AND CCF FACILITIES

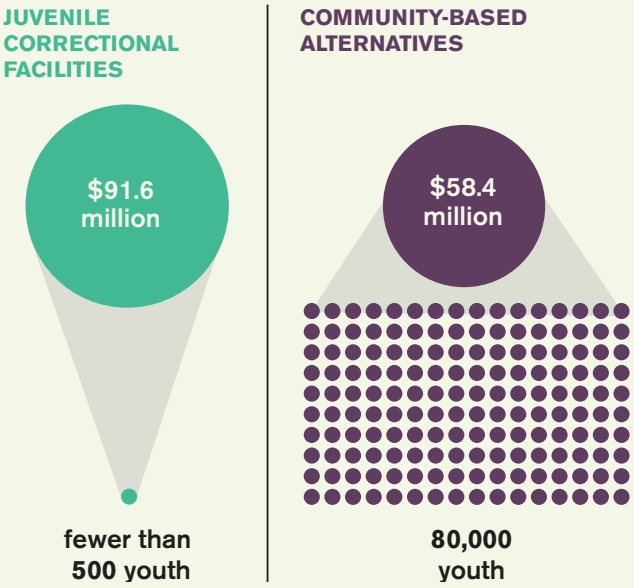


2015 DAILY COST PER YOUTH



It is important to note that correctional facilities remain expensive in Ohio. In FY15, Ohio spent $91.6 million incarcerating fewer than 500 youth in correctional facilities, but it spent $58.4 million on more than 600 community-based alternative programs serving 80,000 youth (based on program admissions) across the state. In fact, as Ohio's facility numbers have decreased, the per diem rate for incarcerating youth has increased from $157/youth in 2002 to $561/youth in 2014. CCFs are less expensive with an average per diem cost of $204/youth.

2015 ANNUAL BUDGETS



These decreases in correctional and CCF admissions and spending have been facilitated by DYS funding Ohio's local courts through five major programs, which fall into two categories: subsidy programs and competitive programs. Understanding each of these funding streams is critical to seeing how Ohio's deincarceration efforts not only have evolved over time, but also work together to support localities in reducing Ohio's juvenile corrections population. In addition, understanding these funding streams can help other jurisdictions to evaluate existing or develop new deincarceration efforts.

Lesson Learned: RECLAIM Formula

Since its inception, RECLAIM has operated under two formulas. The original formula, in effect from 1995 to 2003, did not cap the amount that could be distributed to counties beyond the overall juvenile correctional facility budget. Payments were made on a month-by-month basis to courts based on the number of youth retained in the community versus sent to correctional or CCF beds. In the first two and half years of RECLAIM, the courts drew down a total of $45.3 million.

The original formula created financial uncertainties at the state and local levels by not capping the overall payments made to courts and by large variances in monthly payments to courts, making planning difficult. In 2004, the formula was changed to address these issues.

In FY15, Ohio spent $91.6 million incarcerating fewer than 500 youth in correctional facilities, but it spent $58.4 million on more than 600 community-based alternative programs serving 80,000 youth.

SUBSIDY PROGRAMS:

Ohio has two statewide subsidy programs supporting local courts.

YOUTH SERVICES GRANT:

Under Ohio's Youth Services grants, local courts receive funding based on the county's total population of both youth and adults. In FY15, these grants ranged from $50,000–the minimum Youth Services Grant payment–in eight small counties throughout the state to $1.7 million in Cuyahoga County. All of Ohio's 88 counties receive Youth Services grant funding and this funding can be used without limitation to support courts' basic needs.

RECLAIM:

All 88 counties are eligible to receive RECLAIM funds, which are distributed under a formula. Under RECLAIM, a set amount of funding is reserved annually in the state budget, and is then distributed under the formula. In FY15, 17 counties received no RECLAIM funding, and for those counties that received funding, RECLAIM grants ranged from just over $10,000 in Fayette County to more than $4 million in Summit County.

FORMULA:

Under RECLAIM, each county receives a certain amount of credits based on their average number of felony adjudications over the prior four years (this average is extending to 10 years by adding an additional year of felony adjudication data each year until the 10-year average is reached; this policy was adopted relatively recently to reflect longer averages for courts). These credits are then reduced by one credit for *every day* a youth spends in a correctional facility and by two-thirds of a credit for *every day* a youth spends in a community correctional facility. Other placements, such as detention facilities, are not included in the credit calculation. It is important to note that each day that a youth stays in the facility counts against the courts' credits; therefore courts must remain attuned to how long each youth is spending in a facility. Because RECLAIM funding is capped, funding is distributed to courts comparatively rather than on a one-to-one basis. Thus, allocations are given out based on a court's relative standing to other counties across the state.

The formula has several exceptions. First, certain youth can be admitted to DYS "for free" under a public safety bed exception. Under this exception, certain youth adjudicated delinquent of high-level felony offenses, youth with three-year gun specifications (or mandatory sentencing enhancements), or youth with parole violations can be held in DYS at no cost to counties, regardless of the youth's risk level. Second, the formula does not account for youth transferred to adult court, meaning these youth are also "free." One small county hypothetically noted that transferring 15 youth to the adult system instead of retaining them in the juvenile justice system and committing them to a juvenile correctional facility could allow them to fund services for an entire county of youth.

In addition, because RECLAIM funding is tied to other counties' numbers, a county's RECLAIM funding can fluctuate from year to year based on changes in other jurisdictions. DYS tries to mitigate this variance by distributing data on statewide bed days used and credits accumulated to juvenile courts on a monthly basis. Each county also receives information about its use of bed days, including the names of youth in facilities, the youths' anticipated release date, and whether a youth qualifies under a public safety bed exception. In addition, if a court is likely to lose significant funding, DYS can use carryover funds to help the court transition and retain programming. Despite these efforts, courts have expressed difficulty in replicating the formula and concern over the variability of RECLAIM funding. The number of bed days used by courts and credit accumulation information are not readily available to the public.

FUNDING LIMITATIONS:

RECLAIM funding cannot be used 1) in ways that violate federal Juvenile Justice and Delinquency Protection Act (JJDPA) protections, 2) for programs shown to be detrimental for youth (e.g., scared straight or boot camp programs), 3) for capital construction projects, or 4) to supplement or supplant local funding. In its RECLAIM application, each court must agree to collect data and submit what programs they will be utilizing under RECLAIM, the expected outcomes for these programs, and how the programs match with the outcomes.

YOUTH SERVED:

In FY13, there were just under 80,000 youth admissions to Youth Services Grant and RECLAIM programs; 29% of these admissions were girls. Youth served under these programs were much more likely to be white; non-white youth comprised only 33% of the admissions to Youth Services Grant and RECLAIM programs, but made up 45% of admissions to CCF facilities and 66% of admissions to juvenile correctional facilities. Youth served by the subsidy grants most frequently had misdemeanor offenses (40%), followed by non-offending youth at risk of system involvement (32%), then by youth adjudicated delinquent of felony offenses (18%), unruly offenses (9%), and traffic offenses (1%). Finally, youth served by subsidy programs had lower risk levels than youth admitted to CCF or juvenile correctional facilities. Subsidy program youth are 26% low risk, 55% moderate, and 19% high, which are lower overall rates than for youth admitted to CCFs (29% low, 36% moderate, 35% high) and correctional facilities (11% low, 29% moderate, and 60% high).

Funding for the subsidy programs was used for 39 different program categories, which are tracked by both highest number of admissions and most funding. Of the 39 programs, the five programs with the *highest number of youth admissions* were drug testing (26% of admissions), monitoring and surveillance (14%), truancy (11%), work detail (9%), and probation (5%). The five direct services programs that received the *most funding* were probation (21%), residential treatment (18%), mental health counseling, substance abuse, and monitoring/surveillance (5% each). Of the 39 programs, at least three programs were residential placements, including residential programming (3.4% of admissions), secure detention (0.2%), and shelter care (less than 0.1%). It is important to note that these residential options are expensive; for example, although residential programming made up only 3.4% of admissions, costs for these programs were 18% of the direct services funding.

OUTCOMES*:*

Ohio's RECLAIM program has been evaluated several times; the most recent evaluation was released in 2014 and examined youth who completed RECLAIM programs in FY11. Overall, youth in RECLAIM programs recidivated less than youth placed in CCFs or correctional facilities, although it should be noted that youth in RECLAIM programs start with overall lower risk levels than youth in facilities. However, different programs funded by RECLAIM had varying results, with positive results for youth depending on the following elements:

Type of program: While some RECLAIM funded programs have been shown to successfully reduce recidivism, other programs show no positive results for youth and, in some cases, may actually increase recidivism. For low-risk youth, 9 out of 20 RECLAIM programs decreased a youth's likelihood of recidivism, but 11 programs actually increased the likelihood that youth would reoffend. Two of these 11 programs increased recidivism by more than 20%. For example, placing low-risk youth in residential, substance abuse treatment programs, and day treatment programs actually increased the likelihood that they would reoffend compared with receiving no treatment at all.

Length of program: Low- and moderate-risk youth involved in programs from 0-3 months had the lowest recidivism, while high-risk youth were more successful with longer programming stints (less than 13 months). This finding is consistent with national desistance research that indicates that shorter, less-involved interventions produce better long-term outcomes for youth at all risk levels, but particularly for low-risk youth.

Overall number of programs: Youth had better results if they were put into fewer programs.

Last year, DYS provided individualized data to courts regarding the RECLAIM programs used in that county and the outcomes of these programs. These evaluations are not publicly available and at this point are not tied to any funding limitations.

COMPETITIVE PROGRAMS

In 2005, Ohio began implementing a series of three additional programs to further the state's deincarceration efforts (funding amounts are for the FY15 budget).

BEHAVIORAL HEALTH JUVENILE JUSTICE INITIATIVE (BHJJ):
Began 2005; now funded at $2.6 million, averaging 250 youth per year (since 2005)[1]

BHJJ targets youth ages 10-18 who are adjudicated of a felony and who meet several of the following criteria: DSM IV Axis I diagnosis, substantial mental status impairment, a co-occurring substance use/abuse problem, a pattern of violent or criminal behavior, and a history of multi-system involvement. BHJJ's goal is to "transform the local systems' ability to identify, assess, evaluate, and treat multi-need, multi-system youth and their families and to identify effective programs, practices, and policies." (*An Evaluation of the Behavioral Health Juvenile Justice Initiative 2006-2013*, pg. 15) 71% of youth in BHJJ programs score as being moderate- or high-risk of reoffending, and the majority of these youth have multiple mental health diagnoses, poor educational outcomes, and a higher likelihood of co-occurring substance abuse disorders. Under BHJJ programs, counties receive funding to divert youth out of the juvenile justice system and into a specified menu of evidence-based treatment programs, such as Multi-Systemic Therapy and Functional Family Therapy. Counties receive individualized feedback and assistance from DYS as well as support and evaluations from academic institutions.

OUTCOMES:

A 2014 evaluation showed that since 2005, more than 2,500 youth have participated in BHJJ programs and 65% of these youth successfully completed a program. Of the youth who successfully completed, only 2.2% were incarcerated in a correctional facility one year later, compared to 19% of similar youth of the same race and gender who had committed a felony and been incarcerated instead of in a BHJJ program. Youth showed a decrease in trauma symptoms, substance use, and problem severity, with improved overall functioning and educational outcomes. The average length of BHJJ program treatment was seven months with an average cost of $4,954 per youth; a comparative stay in a correctional facility would cost $167,000. BHJJ programs serve slightly more white youth (52%) than non-white youth, but in the past two years 57% of youth enrolled in BHJJ programs have been non-white.

TARGETED RECLAIM:
Began 2009; now funded at $6.4 million, served 747 youth from 13 counties in 2012 with 15 counties participating by 2014 [2]

Targeted RECLAIM's goal is to reduce admissions to juvenile correctional facilities by focusing on youth adjudicated delinquent of felonies in counties with high admissions to facilities. Under this program, counties agree to reduce their admissions by a certain percentage, then choose from a menu of evidence-based programs and receive quality assistance, technical support, and evaluation from DYS and academic institutions to meet this goal.

OUTCOMES:

Since 2009, Targeted RECLAIM counties have decreased their correctional facility admissions by 68%, resulting in each county sending an average of 109 fewer youth to facilities each year. Counties more recently added to Targeted RECLAIM have seen an average of a 28% reduction in admissions over the first year of implementation with an average of seven fewer youth being incarcerated per county. A 2014 evaluation of youth served by Targeted RECLAIM programs in 2011 showed that youth who completed Targeted RECLAIM programs were less likely to be incarcerated than youth who had served time in correctional facilities. On average, youth in Targeted RECLAIM programs were two times less likely to be incarcerated, and low-risk youth in Targeted RECLAIM programs were three times less likely to be incarcerated, making these programs particularly effective for low-risk youth. These findings mirror research indicating that youth of all risk levels can be served safely in their communities and that incarcerating these youth—particularly low-risk youth—can lead to long-term increased recidivism.

COMPETITIVE RECLAIM:
Began 2015 at $2.2 million[3]

Competitive RECLAIM supports courts in implementing effective community-based alternatives to incarceration and keeping youth from penetrating deeper into the juvenile justice system. Competitive RECLAIM has three focus areas: 1) diversion programs for low-risk youth, 2) intervention programs for moderate- and high-risk youth, and 3) multi-county collaborations to increase in-home treatment options. For each of the grants, the counties must agree to partner with a university or community partner to identify and measure quality assurance activities. Additionally, the county must collect data, including the number of youth and their OYAS risk scores, gender/race/age, length of stay, successful/unsuccessful program completion rates, and 12-month recidivism rates. For the moderate-/high-risk and multi-county grants, the counties also must collect data on out-of-home placements diverted and reduced DYS and CCF admissions.

OUTCOMES:

In FY15, DYS distributed $2.2 million to fund 29 programs in 24 counties. Outcomes are not yet available, but each county engages in ongoing quality assurance/evaluation with its technical assistance partner.

With more than 20 years of experience building deincarceration initiatives, examining Ohio's programs can be informative for states considering developing deincarceration programs for the first time or states considering modifying or adding to existing programs.

While this section necessarily examines programs individually to compare different deincarceration approaches, a big picture framework is critical to see how Ohio's programs fit together. Youth Services and RECLAIM grants are typically viewed as subsidy programs that help provide courts with essential services and programming. Once these essential components are in place, BHJJ and Targeted and Competitive RECLAIM then help the court move past basic services to include more outcome- and evidence-based practices that lead to more positive outcomes for youth. For example, in a small court, Youth Services and RECLAIM dollars may be used to fund probation staff, while Targeted RECLAIM dollars fund training for staff in the evidence-based EPICS program. Each program also focuses on different populations of youth, as discussed in Finding #6 below, which allows for a more comprehensive response to youth in counties with multiple programs.

OVERVIEW OF OHIO'S FIVE DEINCARCERATION PROGRAMS

	PROGRAM	YEAR STARTED	ANNUAL YOUTH SERVED	ANNUAL FUNDING (FY15)	OUTCOME OR EVIDENCE BASED?	OUTCOME/GOAL	COUNTIES REACHED (OUT OF 88)	DISTRIBUTION
SUBSIDY PROGRAMS	Youth Services	1980-81	80,000 YOUTH	$16.7 million	NO	Provide basic court needs	88	Population
	RECLAIM	1995		$30.6 million	NO	Reduce admissions to correctional facilities	Up to 88	Formula
COMPETITIVE PROGRAMS	BHJJ	2005	250 YOUTH (average)	$2.6 million	YES	Improve treatment for youth with high levels of need	12	Competitive
	Targeted RECLAIM	2009	748 YOUTH (2012)	$6.4 million	YES	Reduce admissions to correctional facilities	15	Counties with the highest number of youth adjudicated delinquent of felonies
	Competitive RECLAIM	2015		$2.2 million	YES	Create 1) diversion programs for low-risk youth, 2) intervention programs for moderate- and high-risk youth, and 3) multi-county collaborations.	24	Competitive

IV.
PUTTING IT ALL TOGETHER:
COORDINATING AND ANALYZING OHIO'S EFFORTS

Over the past 20 years, Ohio's deincarceration programs have made significant headway in reducing youth admissions to secure, locked facilities post-adjudication. Ohio has three juvenile correctional facilities for boys, paid for and run by DYS; for girls, DYS contracts with several smaller facilities to provide bed spaces. Ohio also has 12 Community Corrections Facilities (CCFs) that are paid for by DYS but run by local courts. These facilities are smaller and more localized, and, though the ideal is to keep youth closer to home, youth can be sent to any CCF throughout the state, especially as each facility has different programming options available to youth.

FINDING #1

BALANCE FLEXIBILITY WITH PARAMETERS

Each of Ohio's deincarceration programs balances flexibility with parameters for courts on a continuum. For any deincarceration program, some flexibility is critical as each jurisdiction will have different financial and programmatic resources available to work with youth as well as different profiles of youth and families who come to the attention of the juvenile courts.

Ohio's early deincarceration programs—the Youth Services Grant and RECLAIM—purposefully were kept very flexible to encourage buy-in from local courts. This high level of control by the courts allowed local decisionmakers to use this funding in the ways they viewed as most helpful. In addition, these early programs were created decades before robust research existed on juvenile justice issues. The post-RECLAIM programs offer more parameters to courts to align with more research-based practices. Under BHJJ and Targeted RECLAIM, courts can only choose from a fixed array of evidence-based programs. Competitive RECLAIM allows more program flexibility but with higher levels of technical assistance and feedback loops through partnerships.

At the state level, flexibility and parameters are also key. The RECLAIM formula is established in legislative language, while the post-RECLAIM programs are established through administrative policy. Having the RECLAIM formula in legislative language is helpful as it ensures some transparency, encourages legislative buy-in on program parameters (which is especially critical for funding), and is a more permanent and consistent approach as administrations and local stakeholders change. However, having program parameters written into legislative language also makes change more difficult, reducing flexibility and the ability to adapt programs to changes in research or changing statewide conditions, such as significant population reductions. In addition, opening up the language for change can lead to legislative input on a variety of issues beyond the formula at hand, which can make a complex system even more difficult to maneuver.

FINDING #2

FOCUS ON EVIDENCE- AND OUTCOME-BASED PROGRAMS

Ohio's RECLAIM program was ahead of its time, leading to the broad implementation of shifting youth from correctional facilities to community-based programs decades before research supported this trend. Although RECLAIM has relatively minimal parameters on how funding is used, Ohio's post-RECLAIM programs have taken advantage of this knowledge and focus on the use of evidence- and outcome-based practices.

Both Targeted RECLAIM and BHJJ require counties to choose from an approved menu of evidence-based services, such as Cognitive Behavioral Therapy (residential and non-residential), the Effective Practices in Community Supervision (EPICS) program and Family EPICS, Multi-Systemic Therapy (MST), Problem Sexual Behavior MST, high fidelity wraparound services, and Functional Family Therapy (FFT). Competitive RECLAIM has moved beyond a strict menu of services, particularly as the population of youth served has expanded. Under Competitive RECLAIM, DYS requires all programs to have measurable outcomes and be guided by research. For example, low-risk diversion programs are required to be "consistent with risk research principles," while programs for moderate- or high-risk youth must be evidence-based or -informed.

Given the advances in juvenile justice research, any deincarceration program should examine outcomes of its programs, at a minimum, and invest in outcome-based and, to the extent possible, research- and evidence-based programming. In addition, programs should incorporate principles of risk research, as discussed in more detail in Finding #6.

FINDING #3

SET CLEAR GOALS TO MEASURE SUCCESS

Each of Ohio's deincarceration programs have the same overarching goal, but with differing approaches. For RECLAIM and Targeted RECLAIM, the focus is strictly on reducing admissions to correctional facilities. BHJJ concentrates on a certain pathway to incarceration–youth with mental health challenges–and builds a continuum of care to improve outcomes for this population of youth. Finally, Competitive RECLAIM addresses and measures earlier interventions that prevent deeper system involvement, including diverting youth from the juvenile system altogether.

One complicating factor in Ohio's programs is the use of RECLAIM as more than a subsidy program. Many courts rely on RECLAIM funding for a relatively large portion of their budget and to provide basic services. However, this funding is also tied to a formula that incentivizes courts to have high levels of youth adjudicated delinquent of felony offenses and low bed day use in DYS or CCF placements, either from having fewer youth placed in facilities or from having more youth qualify as "free" public safety beds. Several stakeholders expressed that this arrangement can result in counties taking actions to maximize their RECLAIM funding by:

> **Over adjudicating youth:** A concern expressed by several jurisdictions was that the RECLAIM formula can create incentivizes to over-adjudicate youth for felonies, including practices that discourage youth from pleading down from a felony to a misdemeanor, or over adjudicating youth to have them qualified as a public safety bed. Some stakeholders stated that counties that follow best practices receive less funding by allowing youth to plead to lesser offenses (reducing their number of felony-level youth) while sending only their most high-risk youth, who will likely have longer stays, to correctional facilities (increasing their number of bed days).

Given the advances in juvenile justice research, any deincarceration program should examine outcomes of its programs, at a minimum, and invest in outcome-based and, to the extent possible, research- and evidence-based programming.

Adjudicating youth across county lines: Several courts noted that some counties would adjudicate a youth as a felony delinquent in one county, then send the youth to their home county for disposition if the youth was likely to go to DYS, resulting in the first county getting "credit" for the felony adjudication and the second county getting charged with a bed day.

Maximizing bed day use: Stakeholders in one county discussed how the court would predict how many youth they could send to DYS under the formula and maintain their allocation, then send that number of youth to DYS regardless of whether those youth scored as high-risk or needed to be placed in DYS.

While focusing on reducing admissions to correctional facilities is crucial, there are many decision points in the juvenile justice system that can lead to incarceration. For example, research indicates that serving time in detention, facing mental health or substance abuse challenges, and overall juvenile justice system involvement increase the likelihood that youth will be incarcerated. Ideally, deincarceration programs should take a holistic approach with an overarching philosophy of making decisions that will be less likely to move a youth deeper into the system. By measuring interventions at these critical decision points, states can focus throughout the system to ensure that youth can be diverted from the juvenile justice system altogether or prevented from penetrating deeper into the system.

In setting clear goals, jurisdictions should also build in an ability to reevaluate and modify program goals. For example, as goals are met—such as facility populations dropping—it may be necessary to tweak a program by shifting goals or building on or rewarding significant successes achieved in local jurisdictions.

Ohio has partnered with local academic institutions to help collect data and evaluate programs, safeguard fidelity, and ensure that Ohio dollars are being invested wisely.

FINDING #4

BUILD IN DATA COLLECTION AND TECHNICAL ASSISTANCE

With each of the deincarceration programs, Ohio has partnered with local academic institutions to help collect data and evaluate programs, safeguard fidelity, and ensure that Ohio dollars are being invested wisely. This technical assistance provides specific, localized support to counties as well as prepares institutions to step up to identify and meet statewide needs, such as the development of the OYAS.

Under RECLAIM, courts collect data on youth who have participated in RECLAIM programs and submit this data to DYS. These data are then used to conduct evaluations and make generalized recommendations for improving how RECLAIM funds are used by the counties, which is then shared on a general basis with the courts. In 2015, DYS began giving courts individualized feedback on outcomes for RECLAIM programs utilized in each county. This individualized data is not publicly available and at this point is not tied to any funding limitations (e.g., a program producing negative outcomes is not defunded).

Many of the post-RECLAIM programs have focused on directed guidance to counties. Under Targeted RECLAIM and BHJJ, counties receive individualized feedback and assistance from DYS as well as support and evaluations from academic institutions. For example, scholars at Case Western University collected a range of data on BHJJ youth and families, including custody arrangements, caregiver educational outcomes and incomes, and the types of DSM diagnoses. BHJJ counties then integrated these findings into their local practice to improve program outcomes for youth. The technical assistance under Competitive RECLAIM is even more intensive: by requiring courts to work with an institution to engage in ongoing evaluation as programming is developed, a partnership is formed that leads to ongoing dialogue on quality assurance and implementing changes that can immediately affect programming decisions.

FINDING #5

ALLOW TIME FOR COUNTIES TO PLAN

Under RECLAIM, counties could only receive funding if they 1) already sent relatively low numbers of youth to correctional facilities or 2) were able to reduce the number of youth they sent to correctional facilities without new funding, either by investing other funding streams in alternative programs or by changing decision-making practices to reevaluate the types of youth sent to these facilities without receiving targeted technical assistance. Without start up/bridge funding or technical assistance tailored to redirect funding within specific localities to plan for retaining youth locally, some counties could not create an array of programs matching the needs of local youth or a clear vision of how to ensure successful programming for youth. This lack of planning has left some counties struggling to reduce their corrections population, leading to the potential for less RECLAIM funding. For example, one county expressed that it was difficult for them to receive consistent RECLAIM funding because they did not have enough extra funding to invest in alternatives. The county was then invited to join Targeted RECLAIM and, with the upfront funding to create community-based alternatives and more directed technical assistance, was able to significantly reduce the number of youth sent to correctional facilities.

Unlike the initial RECLAIM design, the post-RECLAIM programs provide funding up front for a set amount of time as well as more directed technical assistance, which are then tied to goals set individually by counties. For example, under Targeted RECLAIM, counties set correctional population reduction goals and receive funding to implement programs tailored to that county's population. If the goals are not met, DYS does not withdraw funding, but instead works with courts to improve or reevaluate their goals. Both BHJJ and Competitive RECLAIM are competitive grant processes. Competitive grant processes require advanced planning and buy-in from courts, including devoting resources to grant writing, which can in turn lead to more philosophical buy-in. Applications are vetted, which helps ensure quality programming designed to address targeted outcomes. However, competitive grants can be difficult for counties, especially small counties, to invest time and resources to apply. If competitive grants are used, courts should be given technical assistance or funding to plan and apply.

FINDING #6

ENSURE THAT THE YOUTH TARGETED MATCH WITH PROGRAMMATIC OFFERINGS AND GOALS

In implementing deincarceration efforts, Ohio's various programs use different criteria, including youths' needs, level of offense, and risk levels, as follows:

- BHJJ focuses on youth adjudicated of felonies with mental health needs (many of whom are high-risk);
- Targeted RECLAIM focuses on youth adjudicated of felonies who would be committed to a juvenile correctional facility (regardless of risk);
- Youth Services and RECLAIM have focused on youth of all offense and risk levels; and
- Competitive RECLAIM focuses on youths' risk-level and more directly on youth who are adjudicated delinquent of felony offenses, while the Youth Services Grant, RECLAIM, and one of the Competitive RECLAIM projects focus on earlier interventions. One important overarching shift that has happened in Ohio is the movement toward looking beyond offense level and instead looking at risk level to ensure that youth are matched with appropriate programming. This shift has taken place both within RECLAIM and in Competitive RECLAIM, with Competitive RECLAIM's premise being based on risk-based principle.

Each strategy can have its advantages and drawbacks, which can be balanced by implementing multiple approaches. For example, Targeted RECLAIM focuses on counties with high numbers of youth sent to correctional facilities (*note:* Targeted RECLAIM distribution is based solely on the number of youth sent to juvenile correctional facilities, not the rate of youth sent based on the county's population). In FY09, the original six Targeted RECLAIM counties were sending 989 youth to correctional facilities, compared to 590 youth in the remaining 82 counties; by FY13, the original six counties were sending 277 youth to facilities compared to 275 youth from the other 82 counties. Focusing on the bulk of youth who are in facilities can achieve significant reductions and produce relatively significant savings that can be reinvested in other programs. However, only focusing on this population can lead to a focus on urban areas, many of which have resource advantages, and leave youth in rural counties behind, particularly low-risk youth or youth for whom there is not adequate programming in the county.

Two key considerations for states to weigh when determining how to focus deincarceration efforts are: 1) at what point in the system it should concentrate efforts—e.g., diverting youth from formal system involvement versus creating programs for youth who have committed a felony offense, etc.—and 2) the youth's risk level. While these two factors are related, they may not correlate. For example, a youth who commits a felony level offense may be low risk, while a youth who commits a series of low-level offenses at a younger age may be higher risk.

First, states must determine at what point in the system to weigh in. Focusing on youth earlier in the juvenile justice system can be positive because it can address issues earlier in the system without waiting until a youth commits a higher-level offense before receiving research- or outcome-based services. However, focusing on these youth can increase the chance of "net-widening," or including youth with lower risk levels and lower-level offenses who may be best served by not becoming involved in the juvenile court system at all. Focusing on youth later in the system—after court involvement or adjudication—can target efforts more on youth who are likely to have more complex needs and who are more likely to feel the negative impacts and collateral consequences of juvenile justice system involvement over their lifespan as a result of their system contact. However, targeting deep-end youth can focus efforts on a small percentage of youth; in Ohio, there are more than 100,000 status offense and delinquency cases in the juvenile justice system each year and fewer than 5,000 youth adjudicated delinquent of felonies. In addition, focusing solely on youth who commit felony offenses can mean that youth who could have been diverted earlier in the system through evidence- or outcome-based program cannot get services until they commit a felony-level offense It is important to keep in mind that programs can be designed to target multiple system points of contact, like Competitive RECLAIM.

With regard to risk level, it is critical for systems to ensure that they are not over-responding to or over-programming youth, which can lead to negative outcomes. Research has shown that achieving positive outcomes for youth and communities must come from a tailored, appropriate response to each youth. Overall, this research indicates that to reduce recidivism, youth with a low risk for reoffending should be diverted or kept out of the juvenile justice system altogether, while youth at moderate or high risk for reoffending should be given appropriate, effective therapeutic services under the minimal levels of supervision and control to maintain public safety. For all youth, it is critical to recognize that subjecting youth to "punishment beyond that which is inherent in the level of control necessary for public safety is likely to be counter-productive to reducing recidivism." (Lipsey et. al., pg. 12) Therefore, any programming should be framed within this context.

FINDING #7

ENCOURAGE SUSTAINED FUNDING FOR YOUTH

Adequate funding for youth and families who are at risk of involvement or involved in the juvenile court system is a consistent challenge for many communities. Ohio's deincarceration programs have invested state dollars locally through a variety of ways. The Youth Services Grant provides population-based funding, making it a relatively consistent pot of funding.

Because RECLAIM funding is based on the formula and other counties' relative use of bed days, it can fluctuate from year to year. Several courts report losing thousands of dollars from one year to the next, which has affected budgets, impacted programming, and created instability for staff. DYS does provide courts with data updates throughout the year and works with courts they believe will face significant reductions, which gives courts some lead time. In certain circumstances, DYS has used carryover funds to help the court transition and retain programming in a county with significant losses in a year cycle.

For the post-RECLAIM programs, courts are given a specific amount for funding over a set time period, making it easier for courts to plan how to use that funding. However, these funds are not guaranteed from one grant cycle to the next. Competitive RECLAIM goes a step further by requiring counties to match funds received through DYS in later grant years, thereby building the overall funding streams for juvenile justice in the county.

FINDING #8

PRIORITIZE COLLABORATION

Closely tied to the issue of building sustained funding for youth is having local jurisdictions engage in collaboration. Under RECLAIM, dollars are provided directly to juvenile courts through a grant agreement with the county commissioners. BHJJ and Competitive RECLAIM require further partnerships in their jurisdictions. Under BHJJ, funding is sent directly to local Alcohol, Drug, and Mental Health Services (ADAMHS) Boards in conjunction with the juvenile court. The ADAMHS Board is the fiscal agent and develops a continuum of care for youth that includes Medicaid reimbursement dollars. BHJJ grants must be submitted collaboratively with the court, the ADAMHS Board, and an additional partner at one other community-based group, such as school districts, Family and Children First Councils, and regional state agency offices. For Competitive RECLAIM, courts are required to submit lists of partner organizations in their community.

In some of Ohio's most successful counties, courts have taken the initiative to work closely with local service providers and have formed interdisciplinary teams to ensure that youth receive services; some of these teams provide funding to providers to participate through Ohio's deincarceration dollars and others do not. Looking to other states, another option not utilized in Ohio is giving the funding to local stakeholder groups. Under REDIRECT New York, funding is given to a local consortium of stakeholders that includes the juvenile court judge, local agency heads, prosecution and defense attorneys, law enforcement, and at least one community-based organization working with court-involved youth. Under REDEPLOY Illinois, funding is given to a local governing agency.

Giving a local court complete control over funding can be beneficial by allowing courts flexibility to address their highest local needs and increasing support and buy-in from the court. Providing funding to a broader consortium can lessen this control and may be perceived as simply creating an additional hoop to jump through before funding can be utilized. However, consortium-based groups can help identify and problem-solve around service gaps and other issues that may be affecting youth in the county and leading to court involvement. Broader groups also can mitigate or eliminate duplication of efforts and programs between courts and other community-based providers. Finally, local groups typically are the entities providing services to youth, whether through the court or through the community, making buy-in critically important.

In some of Ohio's most successful counties, courts have taken the initiative to work closely with local service providers and have formed interdisciplinary teams to ensure that youth receive services.

V. RECOMMENDATIONS

Ohio's experiences with deincarceration efforts can inform conversations in other jurisdictions. Below are five key recommendations to examine when reviewing or implementing a deincarceration program.

RECOMMENDATION 1:

TARGET FUNDING FOR OUTCOME-BASED PROGRAMS AND RESEARCH-BASED APPROACHES WITH A CLEAR EXPECTATION AND DEFINITION OF "SUCCESS"

When RECLAIM first began in the early 1990s, research in the juvenile justice field was still in the development stage. Now, more than 20 years later, a robust field of research illustrates the importance of having the right youth in the right program at the right time and the negative impacts that can come with over-responding to youth. Incorporating the lessons of this research is critical to guide jurisdictions with using taxpayer dollars efficiently to put youth on the right track and to improve overall community safety. In addition, programs should be flexible enough to shift with changing circumstances—such as facility population rates dropping—and to incorporate best practices learned through implementation.

It is vital to remember that innovation should be an ongoing goal in addition to effectiveness. While two of Ohio's post-RECLAIM programs are based solely on current evidence-based practices, Competitive RECLAIM allows counties to experiment with new approaches based on youths' risk levels in an outcome-based environment and with technical assistance to ensure programs are achieving positive outcomes. This innovative approach is expected to lead to cutting-edge strategies that could be expanded to other counties and nationally.

RECOMMENDATION 2:

PROVIDE AND ENCOURAGE CONSISTENT, CREATIVE FUNDING THAT PROMOTES COLLABORATION

Juvenile justice issues often are not a funding priority at any level of government—federal, state or local—and many juvenile courts struggle to maintain consistent funding, which can affect programming for youth and staff retention. In addition, no single funding source can cover all youths' needs at the local level. Finally, many youth who come to the attention of the juvenile justice system face many challenges and may be involved in multiple systems, making it imperative to build as much capacity and expertise as possible to help put youth on the right track.

In this environment, it is important that funding for juvenile justice be as consistent, flexible, and collaborative as possible. For example, funding provided by state agencies, to the extent possible, should be consistent over longer periods of time to allow jurisdictions to responsibly design, implement, evaluate, modify, and sustain effective programs and practices. If a county falls short of its goals, instead of pulling away funding, this funding could be retained by the

court but be subject to additional restrictions or oversight to ensure that goals are being met.

At the local level, some of the most successful courts in Ohio have been able to reach beyond the court or county commissioners to partner with local agencies, such as children's welfare or behavioral health, to support their programs. This outreach is encouraged in Competitive RECLAIM, where courts must find matching dollars for some programs in their local communities. This collaborative approach could be further encouraged by engaging more community partners in the grant application process and getting their buy-in early in the process, whether through collaborations directly with the court or through an established collaborative outside the court system. This collaborative effort also could lead to grant applications outside the juvenile justice field through agencies such as education, law enforcement, and workforce development.

These collaborative efforts can create a space for dialogue about programs. Collaborations should include a variety of stakeholders, including local courts, academic institutions, state agencies, advocacy organizations, and direct service providers, to garner comprehensive feedback on programs in place throughout the state. Discussions should include how programs are working, whether they are meeting the goals established or addressing issues identified, and any potential changes that should be made to address concerns or reexamine the goals of the program, particularly if substantial progress has been made toward reaching the original program goals. This overview process can also help shed light on the big picture of juvenile justice reforms in the state, including promising local approaches, results from other national efforts in the states, such as Reclaiming Futures or the Juvenile Detention Alternatives Initiative, and where opportunities may still exist.

RECOMMENDATION 3:

PRIORITIZE FUNDING FOR TECHNICAL ASSISTANCE AND PROGRAM EVALUATION

One of the biggest strengths in Ohio's more recent programs has been building in funding for technical assistance and evaluation. As mentioned throughout this report, all of Ohio's programs are continuously evaluated by academic institutions within the state and provide direct feedback to individual counties by either DYS or an academic institution. Competitive RECLAIM takes this concept further by having programs evaluated on an ongoing basis directly at the county level, which allows counties to modify programs quickly if they are not producing the desired results. This technical assistance is critical to build into any programming to ensure that state dollars are being spent efficiently and effectively and should be included in any funding stream.

RECOMMENDATION 4:

PROMOTE PROGRAM FLEXIBILITY TO CUSTOMIZE AND MAXIMIZE LOCAL IMPACT

Each local jurisdiction has unique strengths and challenges that must be addressed to ensure that youth are getting the proper programming they need. Different counties have varying levels of community resources and support from local community stakeholders in addition to differing needs of their youth populations. Individualized support can be extremely helpful to counties to help evaluate the courts' capacity to respond to youth, identify the courts' strengths and greatest needs, and create a localized plan to meet these needs with targeted goals, which may shift as resources are put into place. On a broader scale, efforts could be coordinated between localities facing similar issues.

For jurisdictions with limited funding, starting with a pilot program in several geographically diverse localities can be a way to build support and show program efficacy before moving to statewide implementation. However, pilot programs should be implemented with the caveat that, if shown to be successful, they will be expanded as quickly as possible. The simplicity of a population-based block grant program seems to be a beneficial place to start distribution discussions, particularly if funding is being tied to particular goals under a "block grant plus" approach. Under this approach, courts could be given funding based on their youth population, but be held accountable to basic outcomes based on those courts' individualized goals and needs. If a court's funding does not show positive outcomes towards these goals, instead of taking away funding, at least a portion of the funding–if not all–could be restricted or put under certain parameters until the outcomes show that the court is on its way to meeting its goals.

Resources:

Information for this report was gathered from interviews with various juvenile justice stakeholders in Ohio, New York, and Illinois, as well as the following publications:

I. INTRODUCTION

The Annie E. Casey Foundation, *No Place for Kids: The Case for Reducing Juvenile Incarceration* (2011), available at http://www.aecf.org/resources/no-place-for-kids-full-report/; The Annie E. Casey Foundation, *Maltreatment of Youth in U.S. Juvenile Corrections Facilities: An Update* (2015), available at http://www.aecf.org/resources/maltreatment-of-youth-in-us-juvenile-corrections-facilities/; Ohio Department of Youth Services, *Monthly Fact Sheet: June 2015* (2015) (citing per diem costs of juvenile correctional facilities for FY14 at $561.28 for an annual cost of $204.867.20 per youth), available at http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=P4a5N0u-VdD4%3d&tabid=117&mid=885.

II. CREATING A CLIMATE FOR CHANGE: THE START OF OHIO'S DEINCARCERATION EFFORTS

Ohio: Sharing Responsibility for Administration of Juvenile Justice, http://www.ojjdp.gov/pubs/reform/ch3_d.html.

III. SUPPORT FOR LOCAL EFFORTS: OHIO'S ARRAY OF DEINCARCERATION PROGRAMS

Ohio Juvenile Justice Alliance, *Juvenile Justice Fact Sheet Series: Community Corrections Facilities* and *Juvenile Correctional Facilities* (2015), available at http://www.cdfohio.org/programs-campaigns/ohio-juvenile-justice.html; Case Western Reserve University Schubert Center for Child Studies, *Getting It Right: Realigning Juvenile Corrections in Ohio to Reinvest in What Works* (2015), available at http://begun.case.edu/wp-content/uploads/2015/01/Getting_it_Right.Ohio_Juvenile_Corrections.Final_.pdf.

RECLAIM: Department of Youth Service, *RECLAIM Ohio:* http://www.dys.ohio.gov/dnn/Community/RECLAIMOhio/tabid/131/Default.aspx (last accessed June 29, 2015); University of Cincinnati School of Criminal Justice, *Evaluation of Ohio's RECLAIM Programs* (2014), available at http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=JtVZ-6JcbUc4%3d&tabid=131&mid=764; Department of Youth Services, RECLAIM Ohio and Subsidy Grant Statistics (2013), available at http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=s871NaAX-4lA%3d&tabid=131&mid=764.

Behavioral Health Juvenile Justice Initiative (BHJJ): Case Western University, Jack, Joseph, and Morton Mandel School of Applied Social Sciences, Begun Center for Violence Prevention, Research, and Education, *An Evaluation of the Behavioral Health Juvenile Justice Initiative 2006-2013* (2014), available at http://mha.ohio.gov/Portals/0/assets/Initiatives/BHJuvinileJustice/2014-BHJJ-evaluation-report-2006-2013.pdf.

Targeted RECLAIM: University of Cincinnati School of Criminal Justice, Targeted RECLAIM: *2012 University of Cincinnati Outcome Study* (2014), available at http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=Dzd-JuObSiu4%3d&tabid=131&mid=764.

Competitive RECLAIM: *Ohio Department of Youth Services, Competitive RECLAIM: Request for Proposals* (2014), available at https://obc.memberclicks.net/assets/OCHeadlines/8-29-14_competitive.reclaim.rfp.pdf.

IV. PUTTING IT ALL TOGETHER: COORDINATING AND ANALYZING OHIO'S EFFORTS

Mark W. Lipsey, et.al., *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice*, Center for Juvenile Justice Reform (2010), p. 12.