Denied Existence:
The Untold Stories of 90,000 Cases in Ohio's Juvenile Courts

INTRODUCTION

Each year, thousands of Ohio's children and families go through juvenile courts – a multi-million dollar system sustained by taxpayer dollars from federal, state, and local levels of government. Decisions made by juvenile courts can have deep, lasting impacts on youth, families, and communities and can affect the trajectory of a youth's life and his or her role in our communities – for better or for worse.

Despite these high stakes, Ohio has no comprehensive data collection system on juvenile courts. Even basic demographic information – such as gender and race/ethnicity – is not available on the vast majority of youth in the juvenile justice system. This lack of information is particularly disturbing given clear research in the juvenile justice field showing how critical it is to identify specific needs of individual youth and to tailor rehabilitation plans, ensuring that the right youth is placed in the right program for the right amount of time. In addition, the need for transparency in juvenile courts was highlighted in the "Kids for Cash" scandal in Pennsylvania, where two juvenile court judges were sent to prison for sentencing youth to certain programs and facilities in exchange for monetary kickbacks.[i] The youths' records were expunged, but the negative impacts remained.

Data collection is critical to inform a court's individualized decisions and ensure that youth and families are treated fairly and matched with effective programs that meet their needs. Data also should drive court budget decisions to make smart investments in youth, families, and identify interventions most needed in local communities. Increasingly, funding sources, such as grants and government funds, require data collection to show that programs actually work and improve outcomes for youth and families.

This report will examine current data collection efforts in Ohio (including data compiled for the first time by the Juvenile Justice Coalition (JJC)), make recommendations to improve data collection, and put forward a template report that could be used as a starting point to collect data. It is past time to collect quality data on youth and families in Ohio's juvenile courts.

MAKING THE CASE: THE IMPORTANCE OF DATA IN JUVENILE JUSTICE

In recent years, research has shown what works for youth involved in courts. This research can better inform stakeholders' decisions as they balance juvenile justice system goals: public safety, holding youth accountable, and helping youth get back on the right track with targeted rehabilitation and treatment services. **Certain types of programs – such as diversion and home-based programs that work with families – are significantly less expensive and more effective in reducing recidivism and getting youth on the right track.**

Putting these research-based practices into place takes a concerted effort by juvenile justice stakeholders. Both nationally and in Ohio, the most successful best practices rely heavily on data collection, analysis, and analysis-based action:

- *W. Haywood Burns Institute*:[ii] The Burns Institute has had tremendous success across the country in reducing racial and ethnic disparities for court-involved youth. The Institute uses Intensive Site Engagement, a multi-year consultation with local jurisdictions to reduce disproportionate representation of non-White youth in courts. The Institute states "systems [must] use data to understand and improve the decisions they are making *and* share these data with the public…to ensure that they are not creating or exacerbating racial and ethnic disparities."
- *Juvenile Detention Alternative Initiative (JDAI)*:[iii] JDAI is a national program funded by the Annie E. Casey Foundation that aims to keep youth out of detention. Detention has been shown to create negative outcomes

and increase recidivism. JDAI counties collect intensive data on youth being placed in detention and work with stakeholders to change court policies and practices, including creating alternatives to detention (such as day or evening reporting centers), that meet youths' needs while maintaining public safety. Ohio has 8 JDAI counties and in 2015 alone these counties reduced detention admissions an average of 38%.

- *Behavioral Health and Juvenile Justice (BHJJ) programs*:[iv] BHJJ is one of several Ohio-based programs that relies on evidence- and outcome-based data. BHJJ programs serve juvenile court-involved youth with high levels of need, including severe mental health challenges, in their homes. Compared to youth in youth prisons, youth in BHJJ programs have decreased recidivism, trauma symptoms, substance use, and problem severity along with improved overall functioning and educational outcomes. These positive outcomes come at a significant savings - $162,000 less than a similar stay in a youth prison.

- *Mahoning County Early Warning System (EWS)*:[v] The EWS program uses data to identify youth struggling in school and connect them with community-based programs before the youth becomes court-involved. A team of school and court personnel connect each student with tailored supports, including community programs, school-based interventions, or groups in the school. The program has improved collaboration and addressed systemic issues, including creating partnerships with community providers and prompted changes to policies to improve school connectedness.

Data & Confidentiality:
Confidentiality is a key feature of juvenile courts, which were designed to recognize the fundamental differences between youth and adults, including youths' unique abilities to change. Releasing individualized information negatively impacts a child, including educational attainment, family relationships, employment, and stigma of court involvement. Juvenile court data must be released in an aggregate way that does not personally identify and stigmatize youth.

As shown in the summaries above, data can help courts:

- Identify *special populations* that may face unique barriers in the juvenile court, including language access or cultural differences for recent immigrant families or LGBTQI youth who are coming to the attention of juvenile court due to issues with their status either at home (e.g. running away) or schools (e.g. truancy).
- Identify *pathways into – and around – the court system* that could direct resources towards more holistic, effective solutions that get to the root cause of larger issues. For example, data could lead to implementing a program in a certain neighborhood or school with high court referrals or identifying community-based mental health or substance abuse treatment for youth struggling with these issues.
- *Tailor programming* to match youth and family needs, such as identifying certain offenses that are prevalent in a county and ensure that the court's programs address those issues. For example, a court with high levels of theft offenses may wish to invest in an effective anti-theft program that could prevent future offenses.
- Effectively *direct court funding* in a way that saves individual courts and the state money. Targeting court funding toward early, effective interventions can decrease a youth's long-term involvement with both the courts and other social programs.

Without data, juvenile justice stakeholders are merely guessing what works and are relying on gut level decision-making, which is subject to influence from a variety of external, non-research-based factors such as media coverage or implicit bias. Successful programs illuminate time and again the importance of quality, publically shared data to improve local, tailored, positive outcomes for youth, families, and communities.

OHIO JUVENILE JUSTICE DATA: CURRENT COLLECTION EFFORTS

Ohio's juvenile courts handle over 324,000 cases annually, including over 80,000 delinquency cases, 15,000 status offense cases, 43,000 traffic cases, 21,000 abuse, neglect, and dependency cases, as well as custody and child support cases.[vi] This report focuses on delinquency and status offense cases; status offenses are offenses that only apply to youth, like running away, truancy, and curfew violations.

Each year Ohio spends millions of dollars on status offense and delinquency cases alone. At the state level, the Ohio Department of Youth Services' budget totals about $230 million/year.[vii] As in other states, cost increases the deeper a youth becomes involved in the juvenile justice system. In the 2015 fiscal year (FY15), Ohio spent $58.4 million on community-based programs for 80,000 youth with status or delinquency offenses and $91.6 million on incarcerating less than 500 youth in youth prisons - an annual cost of nearly $200,000 per year, per youth (the equivalent of nine years of undergraduate education at The Ohio State University).[viii] At the local level, costs vary significantly, and data is not collected statewide. Some courts' annual reports state that court budgets range from a low of $116,000 to a high of $45 million.[ix] (*Note:* These numbers may include state funding to the local court). **Without consistent data from local courts on court budgets, it is unclear exactly how much is spent in Ohio on youth in the juvenile justice system.**

For the 95,000 delinquency and unruly cases, some state and local data is available:

State level: The Ohio Supreme Court collects data on juvenile court caseloads described above. Unfortunately, the only other statewide full data sets available are from DYS on three types of youth:

- Youth adjudicated delinquent for felonies (~4,600)
- Youth held in Ohio's youth prisons (~500),[x] 47% of whom recidivate in 3 years.[xi]
- Youth transferred to adult courts (~200 youth).[xii]

Several other data sets are available, but provide an incomplete and inadequate picture of youth in the juvenile courts:

- Youth served by Ohio's five deincarceration programs funded by DYS (~80,000 cases).[xiii] *Limitations:* The data collected by these five programs differ greatly. Four of the five programs collect outcome data, but the outcome measures are not the same between programs. Some of the data is collected by the number of cases (meaning one youth in programs for multiple cases would be counted twice), while other data is collected by the number of youth served. Without knowing the total number of cases or youth in the juvenile courts, it is impossible to make comparisons between the programs or determine what percentage of court-involved youth are served in DYS programs. Finally, data from each of the five programs are not combined and cannot "talk" between programs.
- Disproportionate Minority Contact (DMC) data required by federal law that includes data on race and ethnicity at several points of juvenile justice system involvement: arrest, court referrals, diversion, detention, charges filed, delinquency adjudication, probation, youth prison, adult court. *Limitation:* This information is only collected in 14 counties and does not include gender data.
- Youth placed in Ohio's 38 juvenile detention facilities (an average daily population of over 1100 youth) and 12 Community Correctional Facilities (CCFs) (425 admissions in FY15). *Limitation:* The detention data includes the number of youth and gender data, but no race and ethnicity data. For CCFs, demographic information is not publicly available, but outcome data shows that 33% of youth placed in CCFs recidivate within three years.[xiv]
- Youth served in Ohio's eight Juvenile Detention Alternatives counties. *Limitation:* This data is not publicly available and is not compatible with other data sets.

Local data: Ohio law requires each county juvenile court to file an annual report with the County Board of Commissioners every June. The report must include "the number and kinds of cases that have come before [the court], the disposition of the cases, and any other data pertaining to the work of the court."[xv] However, the data from these reports is inconsistent from county to county and is not compiled in any centralized way, restricting the ability to compare data or to provide a statewide assessment of trends, experiences, and programming.

Who's in Charge?: Juvenile court data in Ohio is complicated by separation of powers and decentralization issues. At the state level, the Department of Youth Services (DYS) oversees juvenile correctional facilities and provides state-based grants to local courts. There are no local juvenile justice agencies; instead, this role falls to Ohio's 88 juvenile courts. Although these courts are connected to the Ohio Supreme Court, Ohio does not have a centralized court system. This lack of clarity raises questions on who should collect data on and oversee the juvenile justice system – the Ohio Supreme Court, DYS, or another entity.

JJC's analysis of the courts' annual reports is the first time that data has been compiled from local courts.[xvi] In our analysis, JJC found:

- *Half of Ohio counties did not have an annual report:* JJC was able to access reports from only 42 counties – less than half of Ohio's 88 counties. Several counties contacted by JJC stated that they do not compile information on youth who come through the court or would not share this information.
- *Only a third of all counties made reports publically accessible:* Only 30 reports – just over a third of all Ohio counties – were available online; 12 additional reports were obtained through requests to court staff.
- *County reports differed significantly across the state:* Reports differed in terms of:
  - *Time:* JJC began asking for reports in Fall 2015, which should have included data on youth involved in the court in the previous year, 2014. However, the reports JJC obtained contained various years of data ranging from 2012 (4 reports), 2013 (14 reports), and 2014 (24 reports).
  - *Data collected:* Courts varied significantly on what data they collected, with every court collecting different data with very little overlap. These inconsistencies make it extremely difficult and sometimes impossible to compare specific data between and across counties. However, JJC was able to identify several select categories across counties, which will be discussed in the next section.
  - *Robustness of data:* Reports varied in length from half a page to up to 40+ pages of data.

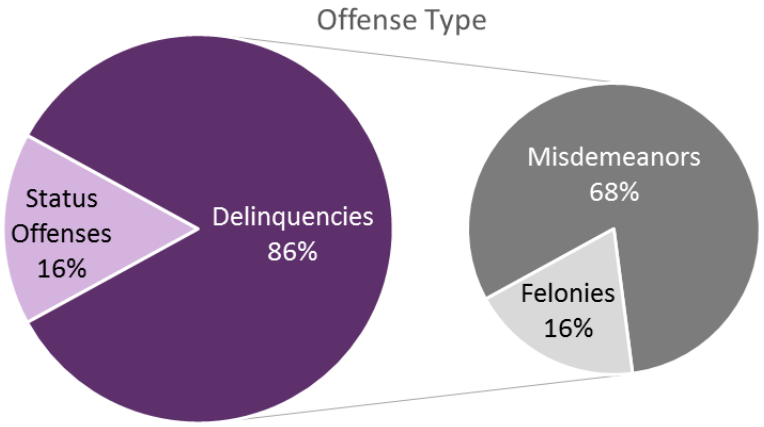
PIECING IT ALL TOGETHER: AN INITIAL ANALYSIS

This section will attempt to piece together the disparate data points outlined in the chart above to create an overall picture of Ohio youth charged with status or delinquency offenses.

It is critical to note that the conclusions throughout this section are based on a very limited data from few counties and are not a comprehensive overview. **Collectively, 95% of status offense or delinquency cases in Ohio's courts – 90,000 cases – are not tracked comprehensively by any entity.**

Offense Type: Status Offenses and Delinquencies:

State data: The only available comprehensive statewide data on status offense and delinquency offenses is case information collected by the Ohio Supreme Court, which shows that the majority of cases are delinquency cases (80,000 or 84%) with a minority of unruly cases (15,000 or 16%).



Local data: Of the 42 local reports collected by JJC, **32 counties included an overall number for unruly and delinquent cases filed.** Overall, JJC was able to identify over 47,500 individual cases; 8,600 (19%) were unruly cases and over 37,000 (81%) were delinquency cases, similar to the data reported to the Ohio Supreme Court. *Note:* Counties counted cases differently, including cases, charges filed, new charges, and court actions; one county also did not differentiate between adult and youth cases filed.

Offense Type: Delinquency – Misdemeanors and Felonies:

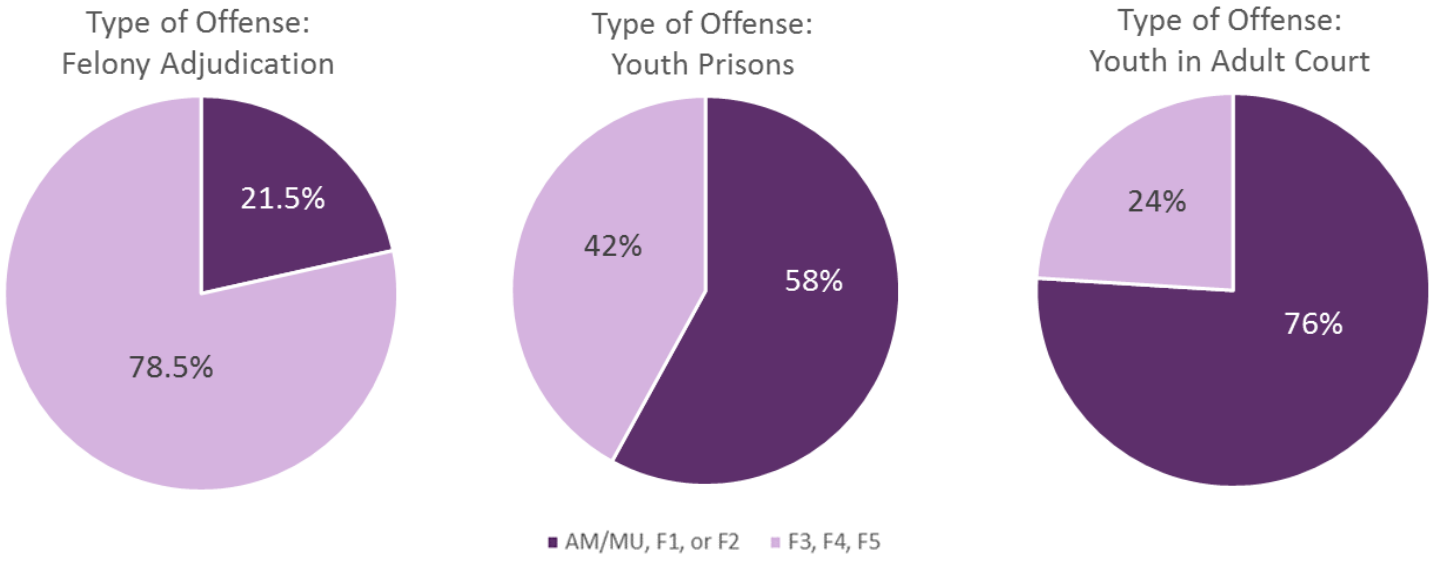
State data: No comprehensive statewide data breaks delinquency offenses down into misdemeanor and felony level offenses.

Local data: Of the 42 local reports, **only 11 (13% of counties)** counties included overall numbers for misdemeanor and felony cases. Data from these 11 counties indicate that the vast majority of cases in juvenile courts are likely misdemeanors (about 8,300 youth or 81%) versus felonies (just under 2,000 youth or 19%).

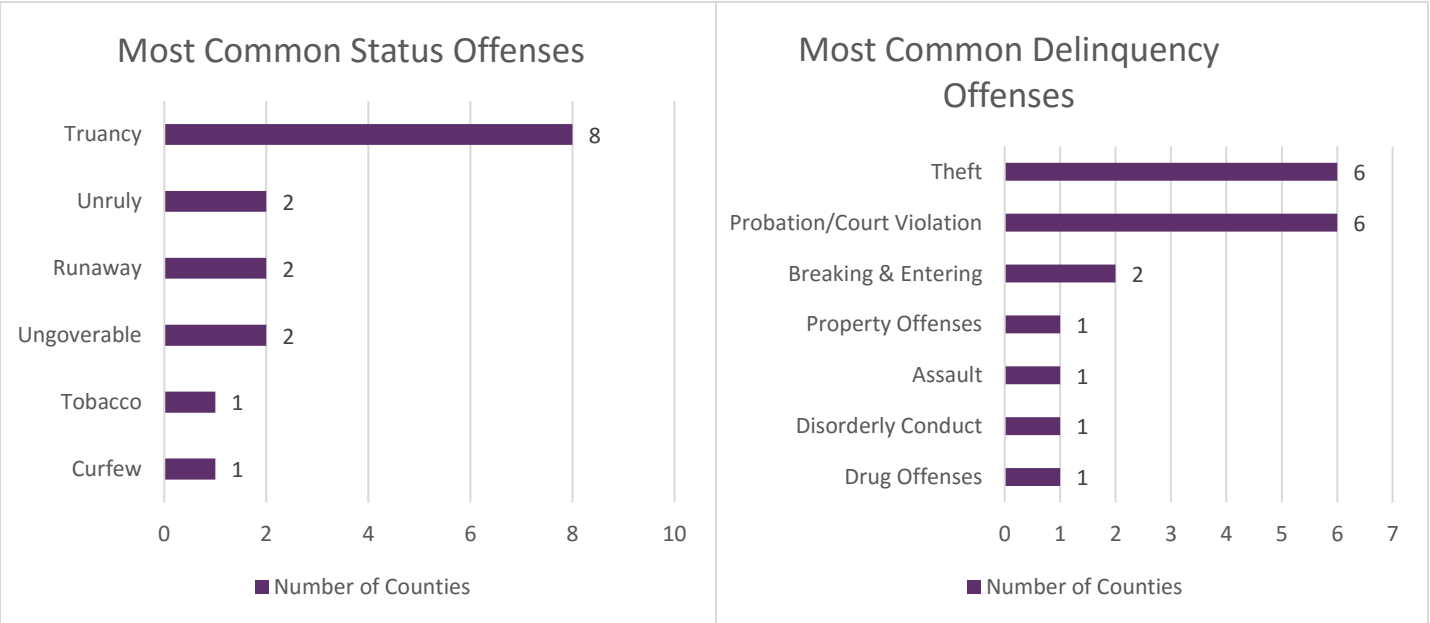
Specific offenses:

State data: No comprehensive statewide data exists on misdemeanor offenses. For felony offenses, no statewide data is publicly available on specific offenses, but information on the felony level of these offenses (e.g. if offenses are a felony level 1-5 [F1-5] or attempted murder/murder [AM/MU]) is available for youth adjudicated of felonies, in DYS youth prisons, and bound over to adult court.

As shown below, the majority of youth adjudicated delinquent for felonies are adjudicated on relatively low felony level charges, with **only 22% of youth being adjudicated for a F1, F2, or AM/MU**. However, youth adjudicated of F1, F2 and AM/MU offenses are more likely to be in youth prisons (58%) and adult court (77%).

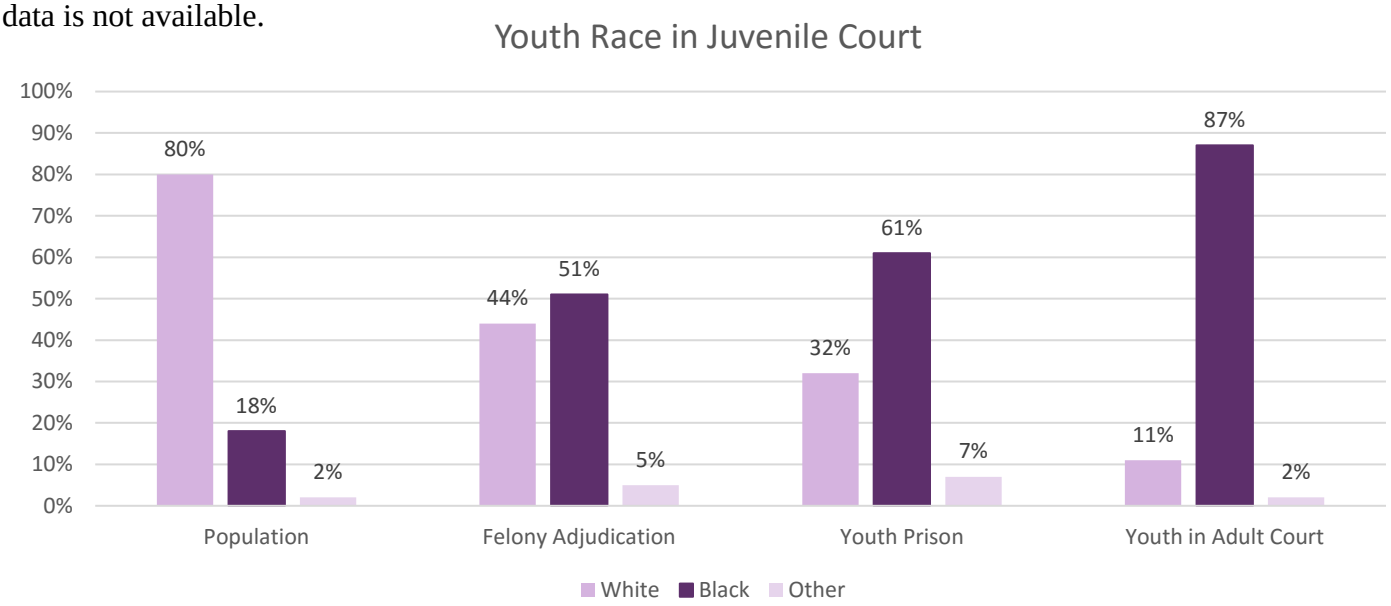


Local data: **Very few counties broke case numbers down by specific offense**. Several counties broke down either unruly or delinquency offenses, but not both. Williams County was notable for including a breakdown of offenses for both unruly and delinquent cases, as well as breaking the individual offenses down by gender. While the number of counties who report this information is too small to make concrete conclusions, the preliminary data indicates that many of the common offenses are relatively minor and that counties may share similar profiles, making information or best practice sharing helpful.



Demographic information:

State data: **The few comprehensive statewide data points on race and ethnicity of youth in juvenile courts indicates significant racial disparities in Ohio's juvenile courts.** As the chart below shows, Black youth make up only 18% of Ohio's youth population, but are 51% of youth adjudicated delinquent for felonies, 61% of youth held in youth prisons, and 87% of youth transferred to the adult court system. This data is extremely disturbing, particularly when self-reporting data indicates that White and non-White youth commit offenses at similar rates. With regard to gender, girls make up about half of Ohio's youth population, but are only 14% of youth adjudicated delinquent of felonies, 6% of youth in DYS youth prisons, and 4% of youth transferred to adult court. Unfortunately, girls are more likely to be represented in lower level cases, such as status offenses, where statewide data is not available.



Local data: **24 counties included gender in their reports to some degree**, but only 13 counties reported gender by type of case, which can be particularly helpful in determining how to direct court resources. Lorain County had a very comprehensive report when it came to gender, including gender by age, location, type of offense and case outcome (i.e. probation, fines, detention center, etc.).

Far fewer counties - only 10 (11% of counties) - included race in their reports. Each county used different terms when referencing the different races. Some terms were outdated (i.e. "Oriental") and others incomplete (i.e. White vs. Minority). Cuyahoga County had the most complete racial/ethnic categories with Black, White, Asian, Hispanic and Other.

Special populations: The only data available on youth who have unique needs is data on youth in DYS youth prisons who face mental health challenges, which shows that 43% of boys and 96% of girls in Ohio youth prisons are on the mental health caseload. **No data at either the state or local level exists on other populations of youth who may have unique needs, such as LGBTQI youth, youth with disabilities, youth involved in the child welfare system, and youth from immigrant families.**

Case results: 29 counties included at least one case result in their report, such as if the youth was placed on probation, in a detention center, and various community service programs; only 14 counties reported several different result categories. **Additionally, only three counties reported on case outcomes (for example, whether a youth reoffended or a program was successful).** Washington County has a more complete report with rehabilitation programs, shelter care programs, detention programs, community service, and placement of youth outside the home.

Programming: Many of the local reports included information about court programming. This information was mostly provided in a narrative style describing the program and often did not include numbers on how many youth were served and the outcomes of the programs over time. This narrative-based style made it impossible to compare counties for this report, or to know what county programs could be replicated in other locations.

RECOMMENDATIONS

Nationally and in Ohio, the most successful juvenile justice programs rely on data to ensure that courts are spending taxpayer dollars efficiently and meeting their goals of increasing public safety and connecting youth and families with meaningful, effective rehabilitation services. However, Ohio's juvenile justice data collection:

- ***Is extremely piecemeal*** making it impossible to know and compare even the most basic information on 90,000 youth with delinquency or status offenses. This piecemeal approach is also likely frustrating for stakeholders, who have to report different types of data at different times to different entities – all on the same children.
- ***May skew policy decisions in a way that does not reflect the majority of youth in juvenile courts.*** The comprehensive statewide data available focuses on youth in the deep end of the system and leaves out youth with relatively low level offenses, such as status offenses or misdemeanors. Deep end data is critical, but data on lower level offenders – who may be easier to get on the right path with less expensive, more effective prevention or diversion efforts – is necessary to reduce the pipeline of youth into further court involvement.
- ***Is detrimental to certain vulnerable groups of youth***, such as Black youth (who are disproportionately represented in the deep end of the system) and special populations of youth (who haven't even been counted, let alone had their unique needs identified and addressed).

To ensure transparency and accountability and keep Ohio competitive for funding from government or grant-based sources, we must improve our juvenile court data collection.

Recommendation #1: Assign one centralized entity the task of data assembly on all juvenile courts in the state.

Currently, too few data points are being collected by too many entities, including county commissioners, the Ohio Supreme Court, and the Department of Youth Services. In addition, existing data from other systems, such as the Ohio Department of Mental Health and Addiction Services or the Ohio Department of Education, could help to inform decisions made by or identify solutions for juvenile courts, but are currently not assembled.

Ohio must designate one entity – likely either the Ohio Supreme Court or the Department of Youth Services – to coordinate juvenile court data collection in the state. This entity must then use the quality, collected data to work with stakeholders, including other statewide departments, local stakeholders, advocacy organizations, and youth, families, and communities involved in juvenile courts, to create a holistic view of Ohio's juvenile justice system.

Recommendation #2: Create a uniform data collection form for all juvenile courts to use.

Half of Ohio courts are collecting and reporting some data, but the information collected varies greatly by county. In addition, various data points are collected for different programs, but then are never put together to form a comprehensive picture of what is happening either in individual courts or at the state level.

Ohio must create a common data collection platform for all courts to use to report basic data on youth involved in the state's juvenile courts. This platform should include common definitions, basic numerical data that can give a comprehensive picture of youth involved in the courts both local and statewide, and a consistent way to note programming available in the courts. JJC has created a template data collection form based on various reports and data collection requirements at the federal, state, and local level; the template accompanies this report.

Recommendation #3: Provide courts the tools they need to accurately collect data.

Ohio must invest in local courts to give them the tools they need to accurately collect data. This investment should include hardware and software at the local level to collect data, training for court personnel on how to accurately report data based on common definitions, and technical assistance to analyze and make positive changes based on the data collected. Any upfront costs would likely be paid off in the short- and long-term with improved outcomes for youth and communities, as discussed in the *Making the Case* section above.

Recommendation #4: Ensure that juvenile justice data is publicly available.

As a system run almost entirely on taxpayer dollars and led by elected judges, it is critical that juvenile justice data is available to the public. While data should not identify individual youth to protect confidentiality, aggregate

data should be available to ensure transparency and accountability, increase public faith and trust in the juvenile justice system, and to showcase positive progress and programs in the courts.

Transparency is absolutely critical to ensure that juvenile courts are operating effectively, taxpayer dollars are not being misallocated, the public has faith in the juvenile justice system, and children are not subject to abuse.

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[i] CNN, *Pennsylvania Rocked by "Jailing Kids for Cash" Scandal* (February 24, 2009), http://www.cnn.com/2009/CRIME/02/23/pennsylvania.corrupt.judges/ (accessed June 15, 2016). In response to the Kids for Cash scandal, Pennsylvania created a very comprehensive data system to collect information on juvenile court cases. The database can be accessed here: http://dev.ncjj.org/OAJCJCEZAPA/.

[ii] *See* W. Haywood Burns Institute website, "Intensive Site Engagement," http://www.burnsinstitute.org/services/intensive-site-engagement/ (last accessed June 15, 2016) and *Decriminalizing Childhood for Youth of Color* (March 2016) available at http://www.bit.ly/UAF policy

[iii] *See* Annie E. Casey Foundation, *2014 Juvenile Detention Alternatives Initiative Progress Report* (2014), available at http://www.aecf.org/resources/2014-juvenile-detention-alternatives-initiative-progress-report/.

[iv] Butcher, Fred; Krysel Tossone; and Jeff M. Kretschmar, *An Evaluation of the Behavioral Health/Juvenile Justice (BHJJ) Initiative: 2006-2015* (April 2016), available at http://begun.case.edu/wp-content/uploads/2016/04/BHJJ-Evaluation-2016-Statewide-and-County-Results.pdf.

[v] NCJFCJ School-Justice Partnership National Resource Center, *January 2016 Newsletter - Site Feature: Mahoning County, Ohio,* available at https://t.e2ma.net/webview/sgbki/52fa98714d86b7b45bc50c1c6beb0075.

[vi] The Supreme Court of Ohio, *2014 Ohio Courts Statistical Report*, pg. 125, available at https://www.supremecourt.ohio.gov/Publications/annrep/14OCSR/2014OCSR.pdf (2014).

[vii] Juvenile Justice Coalition, *Ohio Juvenile Justice Budget Analysis: FY16-17* (2015), available at http://jjohio.org/wp-content/uploads/2016/01/JJC-Summary-FY16-17-Budget-2.5.15.docx.

[viii] Juvenile Justice Coalition, *Bring Youth Home: Building on Ohio's Deincarceration Leadership* (2015), available at http://jjohio.org/wp-content/uploads/2015/10/Bring-Youth-Home-Report-1.19.16.pdf.

[ix] Portage County Common Pleas Court – Probate/Juvenile Division, *2014 Annual Report* (2015), available at http://www.co.portage.oh.us/juvprobpdfs/AnnualReport2014.pdf and Cuyahoga County Court of Common Pleas – Juvenile Division, *2013 Annual Report* (2014), available at http://juvenile.cuyahogacounty.us/pdf_juvenile/en-US/AnnualReports/2013AnnualReport.pdf.

[x] Ohio Department of Youth Services, Profile of Youth Adjudicated or Committed for Felony Offenses: Fiscal Year 2015 (March 2016), available at http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=LRjWax5QyWg%3d&tabid=117&mid=873.

[xi] Department of Youth Services, *2015 Recidivism Report* (2016) http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=JlN6etvjb98%3d&tabid=117&mid=879

[xiixii] Ohio Department of Youth Services, *Profile of Youth Transferred to Adult Court: Fiscal Year 2015* (March 2016), available at http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=qNA1DFL92UE%3d&tabid=117&mid=890.

[xiii] Juvenile Justice Coalition, *Bring Youth Home: Building on Ohio's Deincarceration Leadership* (2015), available at http://jjohio.org/wp-content/uploads/2015/10/Bring-Youth-Home-Report-1.19.16.pdf.

[xiv] Department of Youth Services, *Community Corrections Facility (CCF) Recidivism Factsheet* (June 2015), available at http://www.dys.ohio.gov/DNN/LinkClick.aspx?fileticket=nuPIY1a%2bg1I%3d&tabid=117&mid=879

[xv] Ohio Revised Code § 2151.18(B)

[xvi] *Methodology:* To compile information for this report, JJC conducted outreach to each of Ohio's juvenile courts by: 1) searching juvenile court websites and 2) making telephone calls to the remaining courts whose reports were not accessible online (*note:* these calls were made by JJC interns to determine how accessible reports would be to the general public). After this initial round of contacts, the Ohio Supreme Court assisted by reaching out to the remaining courts to request the most recent version of their reports. In this process, we attempted to mirror steps the general public would take in requesting information about the juvenile courts. For this reason, we did not contact county commissioners, even though the law states that is where the courts must submit the reports, because the general public would be more likely to contact the court for this data. In addition, no court referred JJC to their county commissioners to obtain the report.