Investing in Juvenile Justice Community Alternatives
By Barbara Riley, Public Policy Consultant
September 24, 2012

Please note that Barbara Riley’s opinions are not necessarily those of The Center for Community Solutions.

Highlights
- Juvenile Justice public policy and funding in Ohio reflects the decision made in the early 1990s to financially incentivize the diversion of youth from state-run facilities to community-based alternative treatment.
- The Ohio Department of Youth Services (ODYS) operationalized that policy with RECLAIM, an acronym for “Reasoned and Equitable Community and Local Alternatives to Incarceration of Minors.” The initiative was designed to curb institutional overcrowding; control costs; reduce recidivism; and achieve improved outcomes for youth, their families, and communities.
- Evaluations over time of both RECLAIM and similar efforts elsewhere in the nation revealed that community alternatives are effective in reducing recidivism for youth who are at low or moderate risk of future delinquent behavior.
- With state financial stresses, funding for RECLAIM was capped in 2005 which negatively affected the ability of some counties—in particular, Cuyahoga County—to sustain their share of RECLAIM funding.
- In order to maximize the impact and continue to provide incentives for those counties, ODYS created Targeted RECLAIM and the Behavioral Health Juvenile Justice programs, both of which significantly contributed to marked improvements in the urban counties’ diversion of youth from secure confinement.
- RECLAIM and its related programs have been highly effective, resulting in the shrinking of the population of youth in ODYS facilities from 2,600 in May, 1992, to 650 in December, 2011.
- RECLAIM has been a significant contributor to controlling costs in Ohio’s juvenile corrections system and offers significant evidence of the effectiveness of prevention and diversion in the funding equation.

History
RECLAIM was created in 1993 in H.B. 152 by the Ohio Department of Youth Services (ODYS) as a funding initiative with the purpose of diverting youth from ODYS institutions. The
underlying philosophy was that certain youth would benefit from community-based treatment and the escalating costs of operating the institutions could be controlled. The concept was based on building collaborative efforts between ODYS and the local juvenile courts by making funding available to the courts for developing or purchasing local services to meet the needs of youth offenders, or those at risk of offending.

The program began in nine non-urban pilot counties selected by ODYS from proposals submitted by the county courts. In the first year, commitments to ODYS institutions in those nine counties were reduced by 42.7 percent—clear evidence of the probable soundness of the concept—and RECLAIM went statewide in January of 1995. Allowable uses of the state funding provided to the local courts were for treatment, intervention, and prevention, including such services as:

- **Day Treatment**, which is a non-residential, intensive supervision program requiring the youth’s regular attendance. Treatment may include individual or group counseling, education, substance abuse services, vocational training, life skills, etc.
- **Alternative Schools**, which provide a separate classroom setting with instruction designed to address the behavioral problems associated with delinquent behavior.
- **Intensive Probation**, which uses community-based programs characterized by high levels of contact and intervention by the probation officer or caseworker, small caseloads, and strict conditions of compliance.
- **Electronic Monitoring**, which uses GPS ankle bracelets to track and monitor the movements of delinquent youth.
- **Residential Treatment**, which places the youth in a non-secure, usually small residential setting that offers treatment programs tailored to the needs of the youth in placement.

RECLAIM may not be used by the counties for construction or renovation of physical facilities.

**Rationale for RECLAIM**

As early as the 1970s, there were a few initial studies indicating that incarceration of youth did not reduce crime, and by 1992 the body of evidence was growing. An article in the Fordham *Urban Law Journal* of 1992 entitled, “The High Cost of Juvenile Justice,” cited the issues of a disproportionate number of youth of color in institutional care; increased evidence that incarceration, or the threat of incarceration, is not a deterrent to crime; that alternative treatment options were more effective and less costly; and that billions of dollars were being spent nationally on “warehousing” young people. In fact, after the preceding decade when incarceration became the preference, total criminal justice costs in the states (adult and youth) were second only to Medicaid in the states. Clearly the path taken was not a route that could be sustained. At the federal level, the result was the passage of the Juvenile Justice and Delinquency Prevention Act of 1974.

As Ohio and other states contemplated how to adhere to the provisions of the 1974 Act and balance the goals of public safety, accountability, and rehabilitation, the data supporting treatment alternatives were growing. We also were learning more about the risk factors for delinquency. A National Institute of Justice study identified the following as contributors to delinquent behavior:
• Early exposure to a chaotic and abusive atmosphere which can lead to a lack of self-control and the “fight or flight” syndrome (victims of abuse and neglect had a 59 percent increase in the likelihood of juvenile arrest);
• Exposure in the pre-teen years to a delinquent peer group;
• Family member involvement in crime;
• Academic failure and/or disinterest;
• Family violence;
• Drug use; and
• Gang influence.

That study further found that, as well as evaluating the individual’s risk level, evidence-based treatment programs were crucial, but needed to be tailored to the individual’s needs. This formed the basis for the philosophical sea-change from punishment to rehabilitation balanced with personal accountability.

However, another factor was putting extreme pressure on the juvenile justice system – the cost. In 1993, ODYS was watching its institutional population grow with an accompanying increase in costs and diminished state and federal resources. ODYS had very few tools in its toolbox to address the issue. Along with the “lock ‘em up” public policy attitude that was then prevalent, the state had very little control over the flow of youth from the counties. At that point, ODYS looked for ways to incentivize county and county juvenile court behavior to redirect the growing tide of youth from state institutions to appropriate use of local community treatment programs and sanctions.

**Juvenile Justice Funding**
Since a prime motivator for change was the scarcity of fiscal resources, it is helpful to look at the juvenile justice funding environment.

**Federal**
As noted above, funds for Juvenile Justice are largely provided by state and local governments. However, there is a limited federal government role, primarily as a result of the Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA), reauthorized most recently in 2005. The JJDPA was enacted to support the deinstitutionalization of youth who entered the juvenile justice system, and was designed to be a partnership between the federal government and the states. Under the JJDPA, states were required to:

• Prevent the institutionalization of status offenders found by the courts to be runaways, truants, or curfew offenders – offenses that would not be crimes in the adult system;
• Separate juveniles and adults by “sight and sound” if co-located in correctional facilities;
• Remove juveniles from adult jails; and
• Address the issue of disproportional commitment of youth of color.

Titles II and V of the JJDPA provide funding to the states. In Title II, formula grants are made directly to the states to support innovative state programs designed to reduce the risk of harm to court-involved youth and meet the four required goals. Title V, also known as the Community Prevention Grants Program, provides incentive grants for local governments to fund delinquency prevention programs for high-risk youth. Title V also prioritized the use of evidence-based approaches, required a state juvenile justice plan, and required a 50 percent
state/local match to receive the grants. The JJDPA has been due for reauthorization since 2008, but has failed to pass Congress to date. The current Administration has gone on record as supporting reauthorization, but there appears to be no particular interest on the part of Congress to do so. However, funding continues as under the prior authority.

Another federal funding effort was initiated in 2002, the Delinquency Prevention Block Grant. It was to be used to prevent and reduce juvenile crime, with a focus on training, but was funded for only one year.

The last significant source of federal funding is the Juvenile Accountability Block Grant which provides funds to state and local governments to promote accountability. Those funds can be used for:

- Building and expanding juvenile justice facilities;
- Training of corrections personnel;
- Hiring judges, prosecutors, probation officers, and court-appointed defenders; and
- Pre-trial services.

In 2002, the following additional uses were approved:

- Graduated sanctions including counseling, restitution, community service, and supervised probation;
- Substance abuse programs;
- Mental health screening and treatment;
- Restorative justice programs;
- Gang prevention;
- Anti-bullying initiatives; and
- Re-entry programs.

Table 1 depicts national funding in millions for these four federal funding sources.

<table>
<thead>
<tr>
<th></th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
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<td><strong>Title II</strong></td>
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<td>$79.2</td>
<td>$79.2</td>
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<td><strong>Title V</strong></td>
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<td>$46.1</td>
<td>$79.2</td>
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<td>$64.4</td>
<td>$64.4</td>
<td>$61.1</td>
<td>$62.0</td>
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<tr>
<td><strong>DPBG</strong></td>
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<td>$126.4</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
<td>-0-</td>
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<tr>
<td><strong>JABG</strong></td>
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<td>$188.8</td>
<td>$59.4</td>
<td>$54.6</td>
<td>$49.5</td>
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<td><strong>Total</strong></td>
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<td>$444.6</td>
<td>$221.8</td>
<td>$217.3</td>
<td>$193.1</td>
<td>$193.1</td>
<td>$187.1</td>
<td>$192.0</td>
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</table>

Source: U.S. Department of Justice

An interesting overarching observation of federal juvenile justice funding was made by the Coalition for Juvenile Justice which notes that, despite the evidence, since 2002, funding to the states for reducing and preventing delinquency has declined by more than 50 percent while funding for policing, prosecution, and incarceration has increased by 60 percent. Clearly, federal funding has seen a significant decline, and, between the funding facts and the disinterest in reauthorization, it is an unlikely resource for the future.

Additional federal funding sources include the use of Medicaid and Title IV-E child welfare funding for those youth being served in non-secure residential facilities and for those children
remaining in their own homes or in treatment foster care settings. The restrictions around the use of these programs are complex and often result in less availability than might be assumed.

**State Funding**

Nearly 90 percent of ODYS’ budget is state General Revenue Funds, and line item RECLAIM -470401 supports all departmental efforts characterized as RECLAIM. According to the Legislative Service Commission budget documents, that line item contains more than what is commonly thought of as the county subsidy to be used for prevention and alternatives to secure confinement. The following is a breakout of the RECLAIM line item, in millions.

**Table 2: ODYS RECLAIM Line Item Program Funding**

<table>
<thead>
<tr>
<th>Program</th>
<th>SFY 2012</th>
<th>SFY 2013</th>
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</thead>
<tbody>
<tr>
<td>Juvenile Correctional Facilities</td>
<td>$102.0</td>
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<tr>
<td>Private Contracts</td>
<td>$2.6</td>
<td>$2.6</td>
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<tr>
<td>RECLAIM County Subsidy</td>
<td>$30.6</td>
<td>$30.6</td>
</tr>
<tr>
<td>Community Correctional Facilities</td>
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<tr>
<td>Community Programs</td>
<td>$8.3</td>
<td>$8.3</td>
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<tr>
<td>Program Management</td>
<td>$5.4</td>
<td>$5.4</td>
</tr>
<tr>
<td>Total</td>
<td>$168.7</td>
<td>$162.4</td>
</tr>
</tbody>
</table>

Source: Ohio Legislative Service Commission

To put this in context, the following is a brief description of the use of the funds in each of the RECLAIM line item program areas.

**Juvenile Correctional Facilities** funds are used to support a variety of activities within the ODYS-run state institutions, and is the primary funding source, equaling about 88 percent of the total institutional budget. Other funding sources include State General Services, and State and Federal Special Revenue for such things as education, nutrition, and child support. Funding for SFY 2012 is 12.3 percent below SFY 2011 actual spending and declines by another 8.1 percent in SFY 2013.

**Private Contracts** include the current contract with Lighthouse Youth Center, which operates Paint Creek, for 48 beds and provides non-secure services and intensive treatment for males who otherwise would have gone to an ODYS facility. Funding is the same as SFY 2011 expenditures. Currently there is consideration for moving to a contract for females, as well.

**RECLAIM County Subsidy** is the funding set aside for the counties to provide locally based alternatives to commitment to an ODYS facility. The $30.6 million is a capped amount which has been in place since 2006. A description of how the dollars are distributed is included the next section of this report.
Community Correctional Facilities (CCFs) are county-operated secure facilities, located around the state and fully state funded, for youth who otherwise would be confined at an ODYS institution. There are a total of 355 beds in 12 facilities; in 2010, they served 846 youth. They are not available to all Ohio counties, but do tend to decrease the costs of confinement as they are smaller and generally serve youth for a shorter period of time. Funding decreased by 5.3 percent from SFY 2011 expenditures.

Community Programs includes funding provided to selected counties for Targeted RECLAIM and the Behavioral Health and Juvenile Justice Initiative (BHJJ), both of which will be discussed more fully. Also included is the money for Community Based Treatment Centers (CBTC), which are small (12 beds), local facilities which serve youth committed to ODYS. The usual stay in a CBTC is 120 days, versus an average of 270 days in an ODYS institution, saving approximately $11,000 per year, per bed. The Community Programs line item declined by 15.1 percent from SFY 2011 spending levels; closure of the Franklin County CBTC is planned in the current biennium.

Program management is the share of central office operations allocated to the foregoing programs. It has decreased by 10 percent from SFY 2011.

Counties also receive their basic Youth Services Block Grant allocation, which is based on the decennial census counts of county population under the age of 18, and is funded at $16.6 million statewide annually. Each county receives at a minimum, $50,000 and the funding level for each county remains the same for 10 years, until the next census. Block grant funds can be mingled with RECLAIM funds at the county level and used for the same purposes.

RECLAIM County Allocation Formula
From the inception of RECLAIM through SFY 2003, the Juvenile Courts received a yearly allocation of funds with deductions from those funds for the county’s use of ODYS institutions and CCFs based on the per diem costs at the facilities. However the use of ODYS institutions was reduced by 75 percent of the daily rate, and the use of CCFs was charged to the county at a rate of 66.7 percent. After the deductions, the state distributed to the county the remaining allocation on a monthly basis. However, fiscal realities required a re-working of the formula, and that was done in collaboration with the juvenile courts judges and staff.

Beginning in SFY 2005 (SFY 2004 was a transition year), the funding for the county subsidy portion of RECLAIM was capped and a formula developed that essentially put the counties in competition with one another for the limited funds. However, there continues to be a strong fiscal incentive for counties to develop or use community-based options to divert youth from ODYS institutions. The following lays out the SFY 2013 formula which was tweaked slightly in HB 487, the Mid-Biennium Budget Review. (Recent legislative action related to RECLAIM is reviewed in a separate section.)

- The statewide total of bed days (total number of days beds were occupied by all the youth placed in ODYS institutions in a year)—called “bed day credits”—is divided by the statewide five-year average of youth felony adjudications, which provides a ratio that will be applied to the county’s experience.
- The county’s five-year average for youth felony convictions is multiplied by the statewide ratio described above.
• That result is multiplied by 1.5 (a factor chosen by ODYS to make the greatest number of counties eligible to participate in the RECLAIM funds). That result is the total number of “credits” the county receives.

• The county’s prior year’s use of bed days in ODYS institutions is calculated at one bed day credit per bed use day, and CCFs are calculated at 66.7 percent of a bed day credit per bed use day. That bed day usage is subtract from the “credits” calculated above.

• On a statewide basis, all of the counties’ “credits” are added together and subtracted from the total statewide bed days used. Then, the percentage of the individual county’s credits share of the unused “credits” is determined. That percentage is then applied to the total amount of available RECLAIM funding to determine how much the individual county will receive of the $30.6 million.

• One exception to the formula calculation is that the county’s share of RECLAIM funding is not reduced when youth are committed to ODYS for offenses that include all Category One offenses, such as the various murder charges, or some Category Two offenses, such as manslaughter, kidnapping, rape, and aggravated arson, robbery, or burglary. These are known as “public safety beds,” and also include other offenses defined in the Ohio Revised Code (ORC) Section 5139.01(A) (13).

An example used by ODYS of a hypothetical county is:

- The County Court’s five-year felony adjudication average is 82.25;
- The Statewide five-year felony adjudication average is 7,237;
- Overall statewide total “bed day credits” (bed days used) is 238,315.69;
- The ratio factor is arrived by dividing 238,315.69 by 7,237.6 = 32.92745
- Ohio county receives total credits of 82.25 x 32.92745 x 1.5 = 4,062.42
- Ohio county’s total “bed day credits” (bed days used) is 2,708.13
- Remaining county credits are 4,062.42 – 2,708.13 = 1,354.29
- Ohio county’s percentage of total remaining statewide credits (238,315 minus the total of all county credits, which in the example equals 135,584.26) is derived by dividing 1,354.29 by 135,584.26 = .0099885
- Ohio county’s SFY 2013 allocation is $30,600,000 x .0099885 = $305,649.59

The underlying premise is that a high adjudication rate is good, and a low use of ODYS bed days is good, together combining to give the county a greater share of RECLAIM county subsidy dollars. However, even if the county’s rates remain stable, its allocation of the available funds can be adversely affected by what happens in other counties – making the allocation formula highly volatile and competitive. A positive county experience can fail to win additional dollars if other counties do proportionately better as well. Counties losing RECLAIM funds often have to limit their contracts for treatment programming or seek alternative funding sources.

**Legislative Actions**

Since its inception, the RECLAIM program has operated without significant legislative change. The county allocation formula is in ORC section 5,139.43 and was changed in 2004 to reflect the changes in the formula as outlined above. In HB 153—the FY 2012/2013 Budget Bill—language was added that would allow ODYS to use up to 45 percent of the unencumbered, unexpended balance of the portion of the RECLAIM line item that is allocated to juvenile correctional facilities in each fiscal year. The funds are to be used to expand Targeted RECLAIM, the
Behavioral Juvenile Justice Initiative, and other evidence-based community programs. Therefore, if the costs of institutional confinement fall below estimated levels in each year of the biennium, those monies may be used to support increased alternative programming in counties participating in the listed programs.

Effective July 1, 2012, HB 487 (the Mid Biennium Budget Review) made an additional change to the formula that is designed to reduce the volatility in the individual county allocations by moving from the prior four-year average calculations to a 10-year moving average. It is being phased in over five years, using a five-year average from 2013 through 2017, when the 10-year average will be deployed. Along with adding a level of predictability, the allocation a county receives will become more dependent on its use of bed days.

Non-budget bill action has included the passage of HB 86 of the 129th Ohio General Assembly, often referred to as the Criminal Sentencing Bill. That legislation made the following changes:

- Added language stating that the use of “research supported, outcome based programs and services to the extent possible shall be encouraged” in the use of RECLAIM funding;
- Created an Interagency Mental Health and Juvenile Justice Task Force to address the challenges of delinquent youth who “suffer from serious mental illness or emotional and behavioral disorders” (The task force originally had a March, 2012, deadline which has been extended to fall of 2012. Preliminary recommendations include expanding funding and funding strategies for RECLAIM, Targeted RECLAIM, and the BHJJ initiative.);
- Clarified “reverse bind-over” provisions for youth moving to and from the adult system;
- Established long sought after criteria for determining juvenile competency in delinquency cases; and
- Dealt with the issues of judicial release and gun complicity in juvenile cases.

**RECLAIM Results and Evaluation**

It may be tempting to sum up all of the RECLAIM efforts in one statement – The population of youth in ODYS facilities moved from 2,600 in May, 1992, to 650 in December, 2011. During that time, the juvenile crime rate varied, with a general trend downward, but the decline in incarceration far exceeds the decline in crime. However, it is important to look at the steps ODYS and the counties have taken to achieve such significant success—a path that has sometimes been rocky for the larger, urban counties, but one that has resulted in many lessons learned and many youth and communities better served.

RECLAIM Ohio has become a nationally recognized effort to re-invent the country’s juvenile justice system in spite of barriers shared by all the states. Moving from a purely corrections philosophy to one of prevention and rehabilitation often runs up against those who feel that it is imperative to “get the offenders off the streets” or that offenders must be held accountable for their actions by “serving their time.” In spite of that, Ohio and a number of other states have been successful in moving the numbers and the philosophy forward.

One 2011 study out of the John Jay College of Criminal Justice at City University of New York outlines the three approaches most effective in changing how we approach juvenile justice, and Authors Jeffrey Butts and Douglas Evans posit that the best mechanisms for change include:
• Resolution: A focus on persuading policy makers of the wisdom of moving from a punitive to a rehabilitation and prevention strategy.
• Reinvestment: Creating fiscal incentives for changing how the system operates.
• Realignment: Reconfiguring systems permanently making it difficult to go back to the old ways, including the elimination of facilities and agencies, and/or creating new ways of doing business in legislation.

**RECLAIM Related Research and Evaluation**
From its inception, RECLAIM resulted in making significant inroads into the ODYS institutional population, but other aims of RECLAIM included increasing local programming, achieving better outcomes, and reducing costs. General juvenile justice research over the life of the RECLAIM program has revealed a number of programmatic outcomes.

In 2009, the Justice Policy Institute in their report, “The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense,” found that the national average per diem in secure facilities was $240.99, (in 2011 the Legislative Service Commission budget Redbook states the ODYS per diem was $338), and that states were spending over $5.7 billion a year on incarcerating youth, many of whom were not violent. From 1988–2008, the national caseload of juvenile courts had increased by over 500,000 youth, perhaps tied to the “zero-tolerance” stance of schools for non-conforming behavior and the public policy trend toward the requirement for personal accountability.

However, the high levels of secure confinement resulted in poor outcomes, including disruptions in education and long-term economic productivity for both the individual and the community, and the likelihood that the youth emerged to a life of crime. In addition, confinement did not have a significant correlation with an increase in public safety. Some of the positive outcomes included a 22 percent drop in recidivism when community-based programming was used and high levels of cost effectiveness were determined for evidence-based treatment modalities such as Multi-Systemic Treatment (MST,) with a $13 return for every $1 spent. Ohio is cited in the study as an example of how effective community-based initiatives can be. In the early 2000s, many other states followed suit, including Illinois with Redeploy Illinois; New York with Redirect New York; and California with their SB 81 which banned commitments to state-run facilities for non-violent offenders.

Similar observations were evident in an OJJDP report that found that, overall, confinement and court involvement reinforced delinquent behavior; each contact significantly increasing the chances of a return. Not surprisingly, they also found that:
• Incarceration reduces the likelihood of staying in school (in a study of ninth graders who were placed in secure institutions, only 15 percent graduated within four years);
• Incarceration and the accompanying lack of educational advancement resulted in increased barriers to employment; and
• Incarceration rarely meets the mental health needs of a youth.

Perhaps more importantly, their work revealed that the most promising programs can reduce recidivism by 25-80 percent by focusing on behavioral change, social skills, and sound decision making, and by using family-centered interventions.
There also have been RECLAIM specific studies, only a few of which are cited here. In 2005, the University of Cincinnati conducted an evaluation and released a report entitled “An Evaluation of Ohio’s RECLAIM funded programs, Community Correctional Facilities and Department of Youth Services Facilities” addressing the varied goals and focused on recidivism rates. The primary questions to be answered were:

- Does the youth’s risk level (based on onset of delinquency, severity of offense, and frequency of delinquent behavior) affect recidivism?
- Are there characteristics of the treatment programs that are related to recidivism?

The data was from 2002 and drew the conclusion that RECLAIM programs are less costly to operate and result in lower recidivism for low- and moderate-risk youth while higher-risk youth require more costly interventions. Of note are the following:

- 80 percent of the youth in RECLAIM and at CCFs were White, while 50 percent of the youth in ODYS facilities were White;
- Using a ODYS risk assessment of five factors –
  - Low- and moderate-risk youth placed in ODYS facilities had a higher recidivism rate;
  - Low- and moderate-risk youth placed in the RECLAIM program had a significantly lower recidivism rate;
  - High-risk youth experienced the same recidivism rate regardless of whether they were placed in RECLAIM or ODYS facilities; and
  - Highest-risk youth had a higher recidivism rate when placed in RECLAIM programs and were more successful when placed in ODYS facilities;
- Depending on the intervention, RECLAIM saved between $11 and $44 for every $1 spent as compared to CCFs and ODYS;

Findings included:

- Racial disparities in disposition were evident regardless of severity of offense;
- Placement decisions should be based on individual risk and need;
- For high-risk youth, community programs and interventions must be intense to be successful;
- A statewide comprehensive risk assessment should be developed; and
- Further research should be conducted on the effectiveness of program characteristics.

In 2010, the Children’s Law Center published a report, “On the Right Path: Moving Toward a Safe, Sound and Cost Effective Juvenile Justice System in Ohio.” Their evaluation emphasized the positive outcomes of the use of evidence based treatment in RECLAIM including MST, Functional Family Therapy (FFT), Multi-dimensional Treatment Foster Care (MTFC), and Intersystem Home Based Therapy (IHBT). As a result of each of these treatment modalities, they cited reductions in recidivism of between 10 and 22 percent, cost savings in the tens of thousands, and a return on the dollar of between $5 and $15.

Although the results vary somewhat among studies, it is obvious that cost, individual, and community outcomes are enhanced by the use of RECLAIM and similar community-based efforts. Even anecdotal evaluations from community and advocacy groups echo this praise.
Evolution of RECLAIM
RECLAIM does not look exactly as it did when it began, as ODYS and the courts have learned from their experiences and made changes to improve outcomes. There also has been an intervening factor in the 2008 settlement of a federal class action suit, *SH vs. Stickrath* that has added fuel to the fire to reduce commitments to ODYS. That settlement has resulted in substantial program and staffing improvements within ODYS facilities, and to a required reduction in overcrowding. Among the means to reduce the population and provide more evidence-based programming were the additions of two facets to RECLAIM—Targeted RECLAIM and the Behavioral Health Juvenile Justice (BHJJ) initiatives.

Targeted RECLAIM
Targeted RECLAIM began in 2010 by providing additional funding to the six counties that traditionally sent 63 percent of the youth to ODYS facilities but drew only 26 percent of the traditional RECLAIM funds. Those counties were Cuyahoga, Hamilton, Franklin, Lucas, Montgomery and Summit. Initial funding was for $2.8 million in 2010, and $4 million in 2011, and the counties agreed to target an aggregate reduction of 19 percent in ODYS commitments. In order to receive their Targeted RECLAIM award (this is an award of funds, not earned as in the traditional RECLAIM program), the counties were required to:

- Maintain or further reduce the juvenile court ODYS admissions from 2011 to 2012;
- Use only model or evidence-based programs;
- Serve only youth with these dollars who otherwise would have been committed to ODYS;
- Use the Ohio Youth Assessment System (OYAS) to assess the individual youth’s risk and need; and
- Participate in quarterly work group meetings and submit youth data.

To assure fidelity and evaluate success the University of Cincinnati and Kent State University’s Center for Innovative Practice (now a center of Case Western Reserve University), have provided training; reviewed program funding applications; and provided on-site coaching and quality assurance, data collection and analysis, and evaluation. The results have exceeded expectations, and these six counties on average reduced commitments by 39 percent in 2010 and an estimated 23 percent in 2012, based on experience to date. That success has led to the addition of eight more counties, including Allen, Ashtabula, Licking, Lorain, Mahoning, Medina, Stark and Trumbull, which are responsible for the next highest levels of ODYS commitment.

Behavioral Health Juvenile Justice
The BHJJ is an added stipend that was awarded to the same six counties that received Targeted RECLAIM and is directed to at-risk youth, rather than only those who would otherwise have been committed to ODYS. These are youth with behavioral health needs, and the treatment is to be evidence-based, include an assessment and treatment plan, and be family-focused and community-based. In each county, this initiative is a collaborative effort between the Juvenile Court and the local Alcohol, Drug Addiction and Mental Health Services Board. Counties are required to seek Medicaid and/or third party reimbursement, use the OYAS, participate in an evaluation by Case Western Reserve University, and commit to maintaining or reducing ODYS commitment rates.
Preliminary estimates of commitment rate reductions indicate that the counties participating in these two initiatives have reduced commitments from 2011 to 2012 by approximately 27 percent while the remaining counties appear to be on pace to reduce commitments by approximately 15 percent.

**Ohio Youth Assessment System (OYAS)**

As a result of the 2005 University of Cincinnati study, ODYS commissioned the University of Cincinnati to develop an assessment tool. After three years of work with ODYS, the juvenile courts, CCFs, and community programs, the Ohio Youth Assessment System tools were developed and available for use in 2009. There are five tools tailored to each of the disposition areas and designed to assist counties in developing case plans appropriate to the individual youth’s needs and risk. Tools are available for assessing risk and needs in relation to Diversion, Detention, Disposition, Residential, and Reentry.

According to ODYS the advantages of the OYAS include:

- Providing information to the courts and ODYS in making the best placement decision;
- Creating a common language across courts and systems;
- Integrating scoring across the system;
- Automating the system with report generation capability;
- Assessing risk, based on recidivism;
- Identifying risk factors associated with criminal conduct;
- Facilitating case planning;
- Identifying barriers to service; and
- Allowing for reassessment.

The OYAS tools, along with the Targeted RECLAIM and BHJJ initiatives are excellent examples of responding to the needs of all concerned parties with positive outcomes for all.

**One County’s Experience—Cuyahoga**

Noteworthy in the evolution of RECLAIM has been the experience in Cuyahoga County. Initially, Cuyahoga County was a prime recipient of RECLAIM funding. It had a high felony adjudication rate and, based on pure volume, was able to bring in around $4 million a year which peaked in 2003. However, when the cap on total funding was put in place and the formula reworked, its share began to drop precipitously. There is no CCF in Cuyahoga County (although they could access those in other counties), limiting Cuyahoga’s ability to access the potential formula adjustment for use of CCFs. Their youth tended to be higher risk; although they were steadily reducing commitments, other counties were doing much better, so Cuyahoga could not be competitive in the county-to-county faceoff. In 2010, Cuyahoga County’s share of RECLAIM had dwindled to $400,000, while some smaller counties received a disproportionate share; Clermont County, a suburb of Cincinnati, received nearly $1 million in RECLAIM funding.

Targeted RECLAIM and BHJJ were in response to this more generalized urban phenomenon, but Cuyahoga also took remedial action on its own. Due to funding from other sources, such as the County Human Services Levy, Cuyahoga was able to retain much of their alternative programming, but that was drawing levy resources from other human services. In spite of the
funding hurdles, the administrative judge saw the need for and benefits of diversion. Perhaps of greatest importance was his creation of the ODYS Commitment Committee. Every youth who is committed by a judge to ODYS is reviewed by a committee that includes the administrative judge, the probation officer, the prosecutor, chief legal counsel, and regional ODYS administrator among others. The committee reviews the case post-disposition and determines whether the youth will be sent to ODYS or if community-based alternatives may be feasible. The result has been to divert some youth who were on their way to ODYS while reminding presiding judges that there are available alternatives that might better suit the youth before them.

In addition, Cuyahoga County has made good use of Targeted RECLAIM dollars, creating two MST teams in addition to the two they already had, establishing a residential full-day program, and contracting with independent providers for evidence-based treatment. As a result of all their efforts, Cuyahoga County had 173 ODYS commitments in SFY 2011, had a target of 155 for SFY 2012, and is on track to end SFY 2012 with only 123. It is likely that Cuyahoga County’s share of the limited pot of traditional RECLAIM dollars will increase in the next application of the formula for the 2013 allocation. Their commitment rate has dropped dramatically while their adjudication rate has been stable. Meanwhile, the non-Targeted and non-BHJJ counties have reduced their commitments at a slower rate and their adjudication rates have fallen (Cuyahoga adjudicated 3,000 children in 1997, and fewer than 1,000 in 2010 while the next highest county is around 300) – and, as noted previously, a high adjudication rate and lower commitment rate result in an increased share of the RECLAIM funds.

**Future Considerations**

It is apparent that RECLAIM Ohio has been successful in achieving reductions in ODYS commitments, reductions in recidivism rates for those participating in RECLAIM, and reductions in costs to the taxpayers. Unfortunately, the necessary imposition of a cap on funding has limited the effectiveness of the program in the larger urban counties, which only can be partially addressed by the Targeted RECLAIM and BHJJ programs. It may be time for policy makers to review the RECLAIM funding formula and address the factors that have worked to penalize the counties with the most adjudications and the greatest potential gain from diversions. The result of funding losses in the major urban counties has meant that they have had to either cut alternative programs or rely on other funding sources. Clearly the shifting of funding in some areas to local dollars has had the unintended consequence of negatively affecting other social service programs, which may ultimately simply exert more stress on a county’s social service and justice infrastructure.

Perhaps consideration of county environmental risk factors would be appropriate. Things such as population density, neighborhood safety, prevalence of gun-related crimes, and poverty level all have a bearing on risk. Counties are not identical and should not be judged solely in relation to one another. There may be merit in establishing three tiers of counties and allowing counties to compete for the funds within their tier. As the next biennial budget is constructed, even with continued budget pressures, the positive impact of prevention and diversion on future employment and earning power is worthy of consideration.

Ohio has a strong foundation on which to build. We have learned that, in order to reduce the risk to reoffend, we do not need to use the biggest hammer.
[http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1586&context=ulj](http://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1586&context=ulj)


[http://www.uc.edu/content/dam/uc/ccjr/docs/reports/project_reports/Final_DYS_Cost_Benefit.pdf](http://www.uc.edu/content/dam/uc/ccjr/docs/reports/project_reports/Final_DYS_Cost_Benefit.pdf)

5 On the Right Path: Moving Toward a Safe, Sound and Cost Effective Juvenile Justice System in Ohio (2011)  

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Please note that Barbara Riley’s opinions are not necessarily those of The Center for Community Solutions.

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