

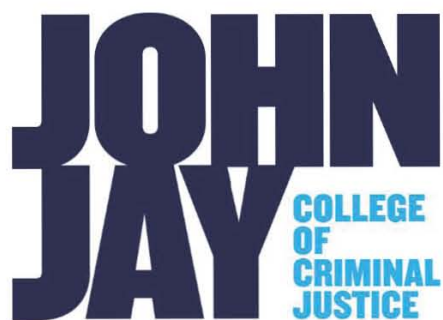
# Pioneers of Youth Justice Reform:

Achieving System Change Using Resolution,  
Reinvestment, and Realignment Strategies

Douglas N. Evans

Research and Evaluation Center

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## THE AUTHOR

Douglas N. Evans is a research analyst with the Research and Evaluation Center at John Jay College of Criminal Justice, City University of New York. He oversees research on youth justice initiatives, including the effects of policies and programs that divert resources from state institutions to community-based providers. He will earn the Ph.D. in criminal justice from Indiana University-Bloomington in 2012 and in September 2012, he will join the faculty at Mercy College of New York.

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In the past three decades, state and local governments implemented a variety of reform strategies to reduce the youth justice system's reliance on confinement facilities and to serve as many youth as possible in their own homes or at least in their own communities when removal from the home is warranted. The various reform strategies may be conceptualized as relying on three distinct but interrelated mechanisms: resolution, reinvestment, and realignment (Butts and Evans 2011). Resolution refers to the use of managerial authority and administrative directives to influence system change; reinvestment entails the use of financial incentives to encourage system change; and realignment employs organizational and structural modifications to create new systems. This report describes the history and implementation of the most well-known reform initiatives that draw upon one or more of these mechanisms to achieve system change and it considers their impact on juvenile confinement at the state and local level.

In recent years, advocates for juvenile justice reform have welcomed a growing trend. State and local jurisdictions have begun to shift policies and practices toward treating and supervising young offenders in their own communities, instead of incarcerating them in distant correctional institutions operated by state government. The timing of these reforms is probably not coincidental. Rates of serious and violent youth crime have plummeted for more than 15 years (Butts 2012), and governmental budgets are strained due to lingering effects of the deep recession that began in 2008.

Because juvenile crime rates have fallen nationwide even as fewer youth have been incarcerated and the youth population has grown, many policymakers searching for smart ways to keep the public safe while reducing costs have implemented reforms that limit the use of secure confinement for young offenders. What will happen if juvenile crime rates rise and the economy recovers? In such an environment, would policymakers reverse the recent reforms in spite of their effectiveness in saving money and protecting the public safety? The question facing the youth justice field today is, “will the reforms last?”

In 2011, the John Jay College of Criminal Justice Research and Evaluation Center reviewed the history and impact of the leading reform efforts to limit the use of secure confinement for young offenders (Butts and Evans 2011). We found that reform initiatives rely, generally speaking, on three strategies for achieving system change:

- resolution (direct managerial influence over system behavior);
- reinvestment (financial incentives to change system behavior); and
- realignment (organizational and structural modifications to alter system behavior).

Of course, the strategies are not mutually exclusive. A number of reform initiatives that rely largely on realignment began with financial reinvestment efforts, and all reforms could be described as beginning with the resolution of managers and administrators.

The various initiatives borrow extensively from one another and later approaches are undoubtedly inspired by previous efforts. California's Probation Subsidy, for example, clearly provided the foundation for Pennsylvania's Act 148, and both initiatives influenced the design of Wisconsin Youth Aids. Redeploy Illinois drew heavily from the lessons learned by policymakers implementing RECLAIM Ohio. Most of the initiatives continue to change and develop, but they are presented here in chronological order according to the time of their earliest appearance to illustrate the evolution of each reform strategy.

State and local governments continue to implement youth justice reform initiatives that use one or more of the three strategies we described in our 2011 report. This report provides more detailed information about these reform efforts. The goal of the report, much like our previous report, is to clarify the distinctions between the three models, and to show why, in our view, realignment is more likely than either resolution or reinvestment to result in system changes that are sustainable.

Resolution, the most straightforward and common method for reforming juvenile justice systems, is the use of managerial power to implement change. The prime example of this is the work of Jerome Miller, who revolutionized juvenile justice management when he shut down juvenile facilities across Massachusetts in the early 1970s. By removing out-of-home placement options, he made it impossible for judges to incarcerate young offenders. When evaluations indicated that Miller's reforms did not compromise public safety, other states began to follow his lead.

### MASSACHUSETTS

Jerome Miller became Commissioner of the Massachusetts Department of Youth Services (DYS) in 1969. He found that the longer a juvenile stayed in a DYS facility, the worse he or she performed following release (Miller 1991), regardless of risk-level. Miller attributed this to the department's institutional culture, and he attempted to reform the department by establishing institutional therapeutic communities to encourage rehabilitation of youth. To support the shift, Miller implemented a number of changes, including staff training in humane treatment of youth, educational programs, clinical evaluations, and counseling. Staff members, unable to modify their perception of their role to adhere to Miller's vision of humane juvenile treatment, resisted his reforms. Miller subsequently concluded that it was impossible to restructure the institutional culture, and in 1972 he shut down the department and closed every state juvenile facility.

Although other state officials were concerned about handling violent juvenile offenders, Miller believed that institutions existed to be occupied, and he recognized that the number of available beds was a key determinant in the size of an institutional population. After closing the DYS facilities, Miller limited the number of beds in smaller,



## EVEN AFTER FACILITIES HAD BEEN SHUT DOWN, THE STATE CONTINUED TO PAY STAFF TO FILL EMPTY INSTITUTIONS, WHICH MADE IT DIFFICULT FOR MILLER TO OBTAIN THE FUNDING REQUIRED TO RELOCATE JUVENILES INTO COMMUNITY-BASED PLACEMENTS.

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localized treatment-based youth facilities to 35, and in doing so, reduced the number of juvenile offenders labeled as “dangerous” (Miller 1991). By limiting commitments to only the highest-risk youth, Miller’s reforms enabled low-level offenders, the majority of adjudicated youth, to remain in their communities.

Miller had little support for closing DYS facilities from other policymakers. Even after facilities had been shut down, the state continued to pay staff to fill empty institutions, which made it difficult for Miller to obtain the funding required to relocate juveniles into community-based placements. Although Miller secured federal grant money and found loopholes that enabled him to reallocate some money earmarked for institutions, the state was slow to contribute its share to community-based programs, because they were not a budget priority. This deprived smaller programs of funds needed to care for the juveniles who had already been accepted (Miller 1991).

In the long run, however, the Massachusetts reforms were effective, though radical. Juvenile crime in Massachusetts declined in subsequent years and fewer juveniles released from DYS programs ended up in adult court (Schwartz 1989). For this reason, the reforms became a model for other states seeking to save on the high costs of juvenile incarceration, provide effective youth rehabilitation, and improve their juvenile justice systems.

### UTAH

In the mid 1970s, the state of Utah nearly lost control of its Youth Development Center (YDC), a large (350 bed) residential facility for juvenile delinquents, when it was sued for inhumane treatment of its juvenile wards.

Rather than hand the YDC over to a federal court, incoming Governor Scott Matheson appointed a task force to review the state juvenile justice system and offer recommendations for change. Influenced by the Massachusetts reforms, the task force proposed shutting down the Youth Development Center.

Governor Matheson closed the YDC and transformed the Utah juvenile justice system. Youth rehabilitation became the primary objective, and reforms acknowledged that the conditions inside state facilities conflicted with successful rehabilitation. In place of the YDC, Utah funded community-based programs and built three small, high-security facilities with space limited to 60 beds (Krisberg 2005). Money that had been previously allocated to the YDC was reallocated to community-based programs. The reforms saved Utah millions of dollars in a short amount of time and improved the outcomes of juvenile offenders (Schwartz 1989). Between 1979 and 1982, the number of juveniles in Utah residential facilities decreased 57 percent. By 1982, Utah had one of the lowest youth residential facility admission rates in the country (Krisberg et al. 1986).

## MISSOURI

Forty years ago, juvenile facilities in Missouri were notorious for overcrowding and deplorable conditions. In response to recurring criticism, Missouri officials launched an ambitious reform of the state's juvenile justice system. By 1983, state officials had shut down both the boys' and girls' youth training schools (Missouri Division of Youth Services 2010b). Youth housed in these large state institutions were often confined hundreds of miles from their homes and families; once the training schools were shut down, youth were shifted to smaller, local facilities dispersed across the state. This transition proved to be cost-effective (Balck 2010). There are currently 25 community care facilities, group homes, and moderate security facilities for juveniles throughout Missouri, each containing between 10 and 50 beds. Seven secure-care facilities remain to house more serious offenders, but these facilities are smaller and more rehabilitative than the former training schools -- each houses no more than 36 juveniles at a time. There are no longer any prison-like facilities for juveniles in Missouri.



## THE MISSOURI APPROACH TO REHABILITATION IN RESIDENTIAL FACILITIES HAS SHOWN PROMISE. FOR EVERY YOUTH STEERED AWAY FROM A LIFE OF CRIME, MISSOURI SAVES AT LEAST \$3 MILLION IN VICTIM COSTS AND CRIMINAL JUSTICE EXPENSES, IN ADDITION TO ANY TAXES THE YOUTH MIGHT PAY DURING HIS OR HER LIFETIME.

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Contemporary residential facilities are designed to be nothing like the prisons the old training schools resembled. Juveniles are never locked up, and there are no cell bars. Youth have freedom to move about their dorm rooms, wear any clothing they choose, and hang up artwork on their room walls. During their stay, juveniles spend a majority of their time in treatment groups that offer a structured and therapeutic environment, as opposed to isolation in a cell. They receive educational services, job training, and communication and problem-solving skills to help them succeed after their release. Their families are encouraged to visit and participate in the rehabilitation process. Aftercare planning to help youth prepare to reenter their communities begins prior to their release and youth are closely monitored during the first few weeks following release (Mendel 2010).

The Missouri approach to rehabilitation in residential facilities has shown promise. For every youth steered away from a life of crime, Missouri saves at least \$3 million in victim costs and criminal justice expenses, in addition to any taxes the youth might pay during his or her lifetime (Mendel 2010). Of the youth released from custody in 2010, 84 percent remained law-abiding one year after their release (Missouri Division of Youth Services 2010a). Fewer than eight percent of juveniles released from the Missouri system return, which is approximately the same percentage that end up in adult prison (Edelman 2010). These results have gained national recognition; the approach is now known as the "Missouri Model." Several states have begun to replicate or are considering replicating the Missouri Model.

## ARKANSAS

Arkansas was in need of less costly and more effective methods for handling juvenile delinquents. By fiscal year 2008, the price of juvenile incarceration had exhausted the state budget: it cost the state \$150 per day to confine one juvenile in a state correctional facility and over \$500 per day to send a youth to a mental health facility (Arthur and Roche 2008). When judges placed juvenile delinquents in a community-based program, however, it cost only \$86 each day (Public Welfare Foundation 2010). But judges often confined youth because many local jurisdictions had limited community-based alternatives (Arthur and Roche 2008).

Because juvenile crime had dropped 41 percent between 1998 and 2007 (Kelly 2008), policymakers had a window of opportunity in which to make change. When crime is high, the public tends to demand punishment, but when crime is low, governments can focus on evidence-based reform.

The Arkansas General Assembly passed Senate Resolution 31 in 2007. Resolution 31 provided the initial impetus for reform by requesting an analysis of the current juvenile justice system and an exploration of methods for improvement (State of Arkansas 86th General Assembly 2007). Research consultants teamed with the National Center for Youth Law to offer a comprehensive overview of the juvenile justice system and several recommendations for reforms (Arthur and Roche 2008).

As a result, in 2009 the Arkansas Department of Youth Services (DYS) introduced a five-year plan to reform the state's juvenile justice system. The reforms seek to alter multiple facets of the juvenile justice system and shift the emphasis from incarceration to community-based treatment. Plan goals include reductions in youth confinement, investment in the expansion of community-based options, and maximizing current funding while seeking new sources of funds for juvenile services (Arkansas Department of Human Services 2009).

Arkansas is now more than halfway through implementation of its five-year plan for juvenile justice reform and shows early indicators of change. The state has launched pilot programs and continues to add to its community-based programming options. One of its goals was to reduce the population of juveniles in state custody by 50 percent as of 2014 (Arkansas

Department of Human Services 2009), and the juvenile incarceration rate has decreased each year over the last three years, in part because fewer youth are being arrested. In 2009, there were 636 juveniles in Department of Youth Services (DYS) facilities. The DYS population declined to 531 juveniles in 2010 and 481 juveniles in 2011. Thirteen counties did not place any juveniles in a secure facility in 2007 (Arthur and Roche 2008). In addition, the number of re-incarcerated juveniles decreased 20 percentage points between the fiscal year 2010 and 2011 (Arkansas Department of Human Services 2011).

Despite the drop in overall commitments to state facilities, the rate of non-violent juvenile commitments has increased, while the rate of violent and serious juvenile commitments has decreased. In Fiscal Year 1997, 30 percent of commitments were misdemeanor offenders, but in FY 2008, 90 percent of juveniles in DYS facilities were non-violent offenders. During this time, the rate of serious offending youth commitments decreased from 26 percent to 15 percent (Arthur and Roche 2008). The result is that the DYS population now consists disproportionately of low-level juvenile offenders. Nevertheless, Arkansas continues to apply tactics used by other states to shift reliance from secure placement to community-based treatment.

## REINVESTMENT MODELS |

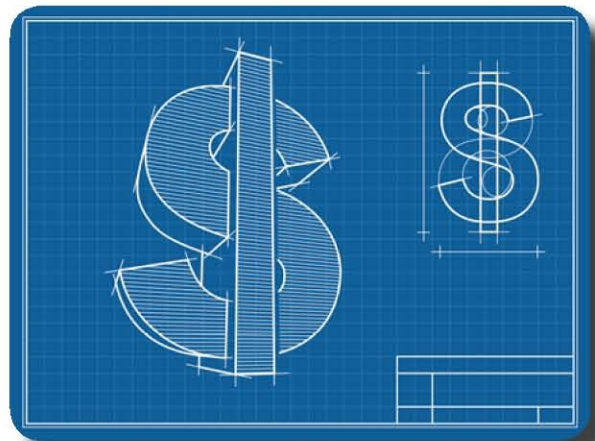
The most significant issues facing juvenile justice systems are cost and recidivism. While the cost of community-based supervision and treatment is significant, incarceration is far more expensive and offers less in the way of rehabilitation. It costs state governments approximately \$100,000 per year to incarcerate one juvenile, and in California, the annual cost has reached \$225,000 (Ferriss 2010). Given that more than 80,000 juveniles served time in state institutions in the U.S. in 2008, it's no surprise that juvenile incarceration creates significant expenditures nationwide (Sickmund 2010). According to a recent estimate, the U.S. spends about \$5.7 billion a year on juvenile incarceration (Petteruti, Walsh and Velazquez 2009).

While incarceration may be necessary for a small number of high-risk juveniles, it appears to be harmful for most youth. Incarcerated juveniles, especially those low in risk, tend to recidivate at higher rates than youth treated in their homes or communities. In spite of this, many youth courts place juveniles in state facilities for committing non-violent, low-level offenses or violating probation. Furthermore, community-based alternatives are not available in many states, leaving courts with no dispositional option besides incarceration.

Since state governments are typically responsible for a majority of the costs of juvenile incarceration, county courts are often able to send juveniles to state institutions without financial penalty. To reduce juvenile incarceration and conserve financial resources, therefore, a number of jurisdictions have adopted reinvestment strategies. Reinvestment is the creation of financial incentives that encourage state and county governments to reduce spending on incarceration and instead fund community-based programming.

The objective is to conserve financial resources and improve the rehabilitative impact of the juvenile justice system.

States that adopt reinvestment strategies offer financial incentives to counties for reducing their



## THE COUNCIL OF STATE GOVERNMENTS JUSTICE CENTER WORKS WITH JURISDICTIONS ACROSS THE U.S. TO IMPLEMENT REINVESTMENT APPROACHES, AND HAS CREATED A STRATEGY FOR EFFECTIVELY PUTTING REINVESTMENT INTO OPERATION.

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use of incarceration. The incentives enable counties to fund and develop community-based treatment programs for juveniles and keep them out of state facilities (Balck 2010). Under a reinvestment model, the state also holds counties accountable for at least a portion of the costs of juvenile confinement. At least three states (California, Ohio, and Pennsylvania) charge counties for institutional placement on a sliding scale, meaning that the cost of incarceration increases as the severity of the juvenile's offense decreases. State governments that minimize correctional costs can invest the savings in community-based treatment programs, victim services, housing services, education, employment, and risk prevention strategies.

The Council of State Governments Justice Center works with jurisdictions across the U.S. to implement reinvestment approaches, and has created a strategy for effectively putting reinvestment into operation. Stakeholders begin by collecting data on community variables: crime hot spots, factors that affect crime, arrest, conviction, and recidivism rates, information on the institutional and community supervision populations, and the neighborhoods most in need of resources (Council of State Governments Justice Center 2010). After compiling this data, the next step is to establish cost-reducing policies in each phase of the system; for example, prioritizing arrests, reducing bail restrictions, efficient case processing, and community sentencing when the offender's risk level is appropriate. It is important for stakeholders to conduct ongoing evaluations, document cost-benefit analyses, measure the savings associated with the modifications, and ensure that key players are accountable (Council of State Governments Justice Center 2010; La Vigne et al. 2010). Adopting a reinvestment approach, then, is a lengthy and system-wide process, but it has helped many states to reduce unnecessary expenditures, conserve resources, and reallocate savings toward programs that improve rehabilitation and promote public safety.

## IT IS DIFFICULT TO ISOLATE THE IMPACT OF REINVESTMENT STRATEGIES ON YOUTH CONFINEMENT RATES. EVERY COMMUNITY BENEFITS FROM THE NATIONWIDE REDUCTION IN CRIME RATES, AND WHEN CRIME RATES ARE LOW, IT IS EASIER FOR POLICYMAKERS TO PROMOTE STRATEGIES THAT REDUCE THE USE OF CONFINEMENT. WHEN CRIME RATES RISE OR POLITICS SHIFT, WILL THESE REINVESTMENT STRATEGIES BE SCALED BACK OR ABANDONED?

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It is difficult to isolate the impact of reinvestment strategies on youth confinement rates. Every community benefits from the nationwide reduction in crime rates, and when crime rates are low, it is easier for policymakers to promote strategies that reduce the use of confinement. When crime rates rise or politics shift, will these reinvestment strategies be scaled back or abandoned? Deschutes County, Oregon, for example, discontinued its reinvestment program when its six-year pilot expired. It remains to be seen how the jurisdictions described below will respond if and when juvenile crime increases. Will policymakers continue their reinvestment strategies or will they implement policies that support expansions in youth confinement?

### CALIFORNIA (SUBSIDY)

Modern juvenile justice reinvestment can be traced back to the California Youth Authority's enactment of the Probation Subsidy Act in 1965. The goal of the legislation was to keep adjudicated juveniles out of state institutions and close to home on probation.

The stage was set for the Subsidy Act when California offered payments to counties to subsidize the costs of probation in 1945, to encourage statewide use of probation and keep low-level offenders out of state institutions. Probation became a standard sentence for first time and non-serious offenders once counties had the resources and personnel to fund and supervise caseloads.

Over time, however, probationers became difficult to manage as caseloads increased and staff sizes remained constant. Probation officers were forced to handle caseloads as high as three times the recommended standard of the day, raising concerns that probation services were becoming ineffective. Meaningful supervision became unrealistic because a majority of probation officer work was spent on routine check-ins and paperwork. To cope with the burden, probation departments referred more offenders to state institutions. The belief was that inmates could receive better treatment while incarcerated. The result was a large growth in the California correctional population, where recidivism was close to 50 percent (Smith 1972). From 1952 to 1968, the number of juvenile beds in state institutions increased from 2,500 to 6,421 (Breed 1974). The growth of the correctional system created a need for new facilities. As more offenders were institutionalized, taxpayer spending on state corrections was among the highest in the nation.

To improve the supervision of probationers and reduce the reliance on costly institutional placements, the California legislature passed the Probation Subsidy Act of 1965. The Act offered financial incentives to counties willing to use probation instead of state corrections. State officials believed that probation was the most effective and cost-efficient way to manage at least one-fourth of the offenders being sent to state institutions. If probation departments were rewarded for achieving certain objectives, the hope was that probation would improve.

Under the Probation Subsidy Act, county probation departments received between \$2,080 and \$4,000 for each offender not committed to a state institution. The \$4,000 maximum was set because it represented the minimum cost for placing one juvenile in a state institution (Smith 1972). Probation subsidy established a cost-effective system that required county accountability for handling offenders. The financial incentives discouraged incarceration, which enabled the state to save on the high cost of out-of-home placements. Probation departments used the savings to hire more officers, supervisors, support staff, and aid positions.

Between 1965 and 1969, the percentage of convicted offenders placed in state prisons and juvenile institutions decreased from 23 percent to almost 10 percent (Smith 1972). From 1970 to 1971, 44 participating counties were able to reduce their combined institutional commitments by 4,495, and as

a result were rewarded with more than \$18 million from the state (Breed 1974). The program ultimately resulted in the diversion of more than 45,000 offenders (Smith 1972). The reduction in the correctional population allowed California to close at least one correctional facility and halt the construction of future facilities, which saved millions.

Several policies and reforms emerged following the success of probation subsidy. Treatment professionals began categorizing juveniles based on their needs. Probation departments adopted therapeutic community models and work release for eligible juveniles. The Increased Parole Effectiveness Program (IPEP) was launched in 1971 to improve state parole. The IPEP established empirical measures to assess parole officer performance, increased the number of parole officers by 100 to ameliorate caseloads, and connected parolees to treatment resources in the community. Within one year, the IPEP reduced the number of parole revocations (Breed 1974).

Although the California Probation Subsidy Act was financially successful, probation eventually became more and more expensive as a result of high numbers of offenders entering the system, many of whom were arrested for drug offenses. Because the state never raised its subsidy, however — it remained capped at \$4,000 — county enthusiasm for the program waned. Moreover, the treatment programs that were to accompany probation never materialized at the county level, so probation amounted to little more than a system of supervision.

The California reforms eventually caught on in other states. In 1969, Washington State passed the Juvenile Probation Subsidy Act, modeled after California's. Prior to its passage, Washington had been unable to provide juvenile delinquents with proper treatment, so county courts frequently committed juveniles to state facilities. The new act halted this trend and offered counties financial incentives to develop youth treatment programs. This drastically reduced the juvenile institutional population (Department of Social and Health Services 1975). The success of Washington's probation subsidy confirmed that financial rearrangements between states and counties could reduce state expenditures and generate funds for counties to create community-based options for adjudicated juveniles.



**IN 1976, THE PENNSYLVANIA LEGISLATURE PASSED ACT 148 TO ADDRESS TWO GOALS: REDUCE THE NUMBER OF INCARCERATED JUVENILES AND DEVELOP PROGRAMS TO SUPERVISE AND TREAT JUVENILES IN THEIR COMMUNITIES. ACT 148 WAS INSPIRED BY THE 1950s DEINSTITUTIONALIZATION MOVEMENT, IN WHICH OFFICIALS MOVED PERSONS WITH MENTAL ILLNESS OUT OF STATE FACILITIES AND OPENED COMMUNITY TREATMENT FACILITIES.**

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California discontinued the Probation Subsidy Act in 1978. In its 13-year existence, Probation Subsidy led to reductions in incarceration and financial savings for counties. Most importantly for other states, it provided the blueprint for a financial structure that discouraged incarceration.

#### PENNSYLVANIA

In the 1960s, Pennsylvania juvenile justice was disorganized and had no central method for handling juvenile offenders. Because the state paid for incarceration, it was less costly for counties to place juvenile offenders in a state facility than to supervise them locally (Tyler, Ziedenberg and Lotke 2006). There was no incentive for counties to provide in-home supervision or treatment for adjudicated juveniles, and county judges had discretion to send juvenile delinquents to adult prison. As a result, many juveniles were sentenced to the State Correctional Institution, an adult facility in Camp Hill, Pennsylvania, where they could be held until age 21. A 1975 court ruling ultimately outlawed the incarceration of juveniles at Camp Hill (Youth Advocate Programs 2011). The ruling was a spark for juvenile justice reform.

In 1976, the Pennsylvania legislature passed Act 148 to address two goals: reduce the number of incarcerated juveniles and develop programs to supervise and treat juveniles in their communities. Act 148 was inspired by the 1950s deinstitutionalization movement, in which officials moved persons

with mental illness out of state facilities and opened community treatment facilities. In its turn, Act 148 made it a priority to keep juveniles in-home and offer treatments such as after-school programs, outpatient counseling, and case management services through private providers. If a judge decided that a juvenile could not remain at home, the next preferred placement was a group home or a non-secure treatment facility in the community. This allowed juveniles to attend school and hold a job in a work release program (Aryna et al. 2005). The last resort was to send juvenile offenders to a secure facility.

To achieve its goals, Act 148 altered the financial arrangement between the state and counties, and offered counties fiscal incentives to develop alternatives to incarceration for at-risk youth. There were no requirements for specific programs, which allowed counties freedom to create alternatives, as long as they adhered to the missions of public safety and youth rehabilitation outside of confinement (Aryna et al. 2005).

To cover the costs of services, Act 148 integrated four funding sources in a formula still used today. Funding sources are tapped in a specified order to cover the costs of home-based, community-based, or institutional services. Private funds from juvenile clients, their families, and government benefits (e.g., Social Security) must be used first. Federal funds are used next, such as Title IV-E Placement Maintenance, which covers the costs of out-of-home placements resulting from delinquency or dependency, or TANF (Temporary Assistance for Needy Families), which subsidizes support services for families in need. When federal funds are drained, state funds are available to reimburse counties for juvenile justice and child welfare expenditures. The state reimburses counties for 80 percent of the cost of community-based services, but only 40 percent for the costs of confinement in a state facility or juvenile detention center (Petteruti, Walsh and Velasquez 2009). The last resort for any county that exhausts private, federal, and state funds is to utilize its own financial resources (Griffin 2003).

Act 148 showed success within a few years of its enactment. Between 1981 and 1984, there was a 20 percent increase in juveniles entering community-based programs and a 52 percent increase in juveniles entering day treatment (Aryna et al. 2005). During the same three-year span, state subsidies for county programming increased from \$65 million to \$114 million.

State reimbursements gave counties the flexibility to develop risk-focused programming, counseling assistance, and monitoring services. The funds also enabled juvenile court judges to retain low-level juvenile offenders in their communities so that they could receive treatment while attending school and work. Until the mid-1970s, most counties did not have the resources available to develop community-based services, but the incentives in Act 148 established the necessary funding.

Most significantly, juvenile commitments to state facilities dropped 24 percent between 1981 and 1984, a trend that continued into the 21st century. By 2003, only five percent of adjudicated juveniles taken out of their homes were confined in a secure facility (Arnya et al. 2005).

The financial arrangement of Act 148 concerned both state and county governments. The state worried that counties had unrestricted use of funds, while counties did not want to be locked into a fixed budget and risk depleting state funds prior to the end of the fiscal year. In the 1990s, the state legislature amended Act 148 to create a system of needs-based planning and budgeting, to allow for a more flexible use of state funds (Arnya et al. 2005).

Under the needs-based system, counties submit a budget proposal for planned services to the Department of Public Welfare (DPW). The DPW then submits an aggregate proposal to the legislature, which allocates funds as needed. Needs-based planning and budgeting gives counties flexibility to request funding for programs as needed, and it provides the state with budgetary oversight.



Act 148 transformed juvenile justice in Pennsylvania. Secure institutions are rarely used, and counties have more financial resources to strengthen probation departments and develop treatment programs, supervision services, and in-home counseling. Private service providers manage many of the community-based services. The youth programs in Allegheny County are so effective that neighboring states utilize them from time to time, although Pennsylvania does not bear these costs (Arnya et al. 2005). Act 148 provided a framework for other states seeking to reduce costs and rehabilitate juveniles.

## WISCONSIN

Prior to the passage of the Community Youth and Family Aids Program (Youth Aids) in 1979, the state of Wisconsin was accountable for the costs of youth incarceration, while counties were responsible for funding local supervision and rehabilitation programs. Because most counties lacked the financial resources to create and sustain juvenile rehabilitation programs, incarceration became a primary option. Recognizing that funding arrangements created financial incentives for counties to place juveniles in secure institutions, Wisconsin emulated Pennsylvania and passed the Youth Aids legislation to address the problem.

The Department of Juvenile Corrections launched Youth Aids on January 1, 1981. Youth Aids held counties financially accountable for juvenile incarceration and dispersed funding from the Department of Health and Human Services to counties for the development of community-based alternatives to incarceration (Balck 2010). Ten counties participated in the Youth Aids pilot program; one year later, 72 counties shared \$25.5 million in state Youth Aids funds (Carmichael 2011). The revised funding arrangement shifted Wisconsin toward a treatment-focused juvenile justice system.

Youth Aids had several initial objectives. The primary goal was to decentralize the financial management of juvenile justice from the state and enable counties to manage autonomous juvenile justice systems. Another objective was to divert young people from out-of-home placements by enabling local jurisdictions to supervise and treat juveniles through in-home or community-based programs. For juveniles who could not be treated in their homes, Youth Aids sought to reduce the length of time they spend in out-of-home placements (Stuiber et al. 1999).

Still in operation today, Youth Aids uses a formula to disburse state funds to counties. The formula is based on three statistics: the county's juvenile population, number of juvenile arrests, and number of juveniles from each county placed in a state facility (Tyler, Ziedenberg and Lotke 2006). Initially, \$78 million was set as the total base allocation for Youth Aids (Carmichael 2007); extra funds were allocated for specific purposes: alcohol and drug abuse treatment (\$1.3 million), corrective sanctions (\$2.1 million), arrest supplement (\$200,000) and emergency funds for small counties (\$250,000). To ensure that smaller counties received adequate funding, a 1982 provision mandated that counties receive no less than \$19,000 in Youth Aids funds. Between 1999 and 2007, the legislature added \$17.6 million in additional funds, bringing the total amount of state Youth Aids funds to more than \$100 million by 2008 (Carmichael 2011). The funds — a mix of federal and state money — have enabled Wisconsin to continue its Youth Aids program and offer an array of community-based services to adjudicated juveniles. In addition, the Wisconsin Division of Juvenile Corrections oversees three juvenile institutions, two of which are male-only, and one female-only.

Counties must follow guidelines when spending Youth Aids funds. According to state statute, the cost of out-of-home placements must be paid first, and any remaining funds can then be used to finance community-based programs (Stuiber et al. 1999). Since juvenile court judges have the discretion to use in-home or out-of-home placements based on a youth's offense and background, the guidelines are meant to encourage them to consider community-based options before institutional placement.

There are crucial differences in supervision and available treatment options associated with in-home and out-of-home dispositions. In-home supervision ranges from minimal (weekly check-ins) to strict (intensive supervision, electronic monitoring). There may be additional requirements to participate in any of the following: individual or family counseling, after-school activities, work supervision, vocational training, restitution payments to victims, community service, or victim-offender mediation. Counties provide community-based juvenile services themselves, or contract with private organizations to provide such services (Carmichael 2011). Out-of-home dispositions are reserved for serious or repeat juvenile offenders or delinquents who cannot live at home. These placements range from foster or group homes to secure facilities (Stuiber et al. 1999).

Youth Aids established financial accountability to ensure that counties took responsibility for adjudicated juveniles. The state bills counties for the entire cost of confining a juvenile in a state institution, though there are certain exceptions. If a court determines that a juvenile is a serious offender or if a juvenile is waived to adult court and subsequently serves time in a juvenile correctional facility, the state pays the costs of placement (Carmichael 2007).

It appears that Youth Aids may have had a positive effect on juvenile crime and arrests. State statistics indicate that between 1997 and 2006, juvenile drug offenses declined 52 percent, juvenile property crime declined 46 percent, and person crimes involving juvenile perpetrators decreased 22 percent. From 1996 to 2005, the number of juvenile arrests dropped by 25 percent, even though the juvenile population increased slightly during the same period (Carmichael 2007).

Although crime and incarceration rates have little effect on one another, Wisconsin's juvenile institutional population decreased as well. From 1997 to 2006, the number of incarcerated juveniles in Wisconsin decreased 33 percent (Sickmund, Sladky and Kang 2008). In Milwaukee County, by far the most populated county in the state, juvenile commitments declined nearly 75 percent between 1995 and 2005 (Tyler, Ziedenberg and Lotke 2006).

Youth Aids has experienced some problems during its 30-year existence, particularly in terms of funding. For example, in its second year of operation, counties spent \$4.7 million more than what was available through Youth Aids. This accounted for more than eight percent of the total cost of community-based youth services, for which counties were responsible. Between 1992 and 1997, expenditures for in-home services increased 54 percent, from \$34 million to \$52 million, although the number of juveniles receiving in-home services increased only 1 percent (Stuiber et al. 1999). During that five-year span, county expenditures increased while state expenditures decreased each year, suggesting an overall decline in Youth Aids support. In 1992, Youth Aids funds covered almost 65 percent of the cost of community-based services. By 1997, Youth Aids covered only 45 percent of the \$181 million cost to counties. As a result, only 18 counties had enough funds to pay for out-of-home placements, whereas 42 had been able to pay these costs in

1992. For their share, counties used property tax revenue and grant money to supplement Youth Aids funds (Stuiber et al. 1999). Despite freezes in county allocations and rising costs of services, Youth Aids continues to provide financial aid for counties to supervise and treat juveniles in their homes and communities.

## OHIO

In the 1970s and 80s, political shifts led to the adoption of punitive policies in the American criminal and juvenile justice systems. While some states continued to use indeterminate sentences for youth offenders to account for the variable length of time each juvenile needed to rehabilitate, Ohio implemented a determinate sentencing model for juveniles in 1987 (Feld 1990). Each year thereafter, the population of incarcerated juveniles increased.

Under the sentencing guidelines, juvenile court judges had few options when rendering dispositions for adjudicated youth. Their discretion was limited to sending a juvenile delinquent home or incarcerating him or her in a secure facility; intermediate options were not available, as Ohio counties did not have community-based supervision or treatment options for juveniles. And while judges could send violent juvenile offenders to a Department of Youth Services (DYS) facility, they had little authority over the length of time that juveniles remained in DYS custody. The law required felony-convicted youth sent to a DYS facility to stay for at least one year (Moon, Applegate and Latessa 1997). There was also a financial incentive for county juvenile judges to render out-of-home placements, because the state paid the cost of DYS confinement, and counties had no financial responsibility for incarcerating juveniles (Tyler, Ziedenberg and Lotke 2006).

As a result, by 1991, four of the 20 most overcrowded juvenile facilities in the nation were in Ohio (Austin et al. 1995), and a DYS administrator has said that by 1992, the number of juveniles in DYS facilities was nearly double its intended capacity of 1,400 (National Criminal Justice Association). To address the overcrowding and reports of violence involving DYS staff and residents, the state launched Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors (RECLAIM Ohio) in 1994.



The objectives of RECLAIM were to expand judicial dispositions for juvenile offenders, reduce the DYS population, alter the financial arrangement between the state and the counties, and provide counties with resources to develop community-based programs for at-risk and adjudicated juveniles (National Criminal Justice Association; Lowenkamp and Latessa 2005a).

RECLAIM allocates state funds to counties to cover the costs of DYS placement and community-based services. The exact allocation is based on the county's average number of juvenile felony adjudications over a four-year span (Tyler, Ziedenberg and Lotke 2006). If counties reduce juvenile DYS placements in a given year, they stand to earn more money the following year. Furthermore, counties must pay 75 percent of the cost of DYS confinement but only have to pay 50 percent of the cost of placing youth in a community corrections facility (Tyler, Ziedenberg and Lotke 2006). Community corrections facilities (CCFs) are distinct from DYS facilities in that they are locally operated rather than state-controlled. They are usually more cost-effective and offer more treatment options than DYS facilities (Lowenkamp et al. 2010).

There are some exceptions to county responsibility for DYS placement. For juveniles who commit murder or rape, counties are not responsible for the cost of DYS placement, due to the exceptional level of threat that these juveniles may pose to the community. Counties also are not responsible for the cost of placement if a youth commits a serious or violent offense inside a DYS facility (Moon, Applegate and Latessa 1997).

RECLAIM was piloted in nine counties in 1994. The pilot counties demonstrated success by developing community-based programs that enabled them to reduce DYS commitments. An assessment showed that the pilot counties reduced DYS commitments by 42 percent, while DYS commitments from non-pilot counties increased 23 percent during the same time (Moon, Applegate and Latessa 1997). A closer inspection of the data revealed no changes in the number of serious felony offenders diverted from DYS facilities before and after implementation of pilot RECLAIM. There was, however, a significant drop in low-level felony commitments from pilot counties (Lowenkamp and Latessa 2005a).



In 1995, RECLAIM Ohio was launched statewide to include the remaining 79 counties, and served 6,945 juveniles in 1995 (Latessa et al. 1998), with \$71 million in allocations to counties. By August of 2011, state allocations to counties had increased to \$252 million (Ohio Department of Youth Services 2011). RECLAIM funds helped counties develop community-based programs such as intensive probation, substance abuse treatment, monitoring, restitution and community service, educational services, and family preservation programs (Latessa et al. 1998). A majority of county courts supported these programs, which helped to extend and promote their use.

After RECLAIM went statewide, researchers from the University of Cincinnati conducted an assessment of the program. They found that 73 percent of juveniles successfully completed the RECLAIM program, while 21 percent were deemed unsuccessful, meaning that they were arrested or adjudicated for a new offense, cited for negative behavior, violated parole, or did not attend the program. Compared to the pilot study, in the first year of statewide implementation, successful RECLAIM completions increased 10 percent and unsuccessful terminations decreased seven percent (Latessa et al. 1998). A later evaluation comparing DYS and community-based RECLAIM placements indicated that DYS placement could detrimentally affect low-risk youth, and that RECLAIM placement had negligible effects on high-risk youth, who might be more effectively served in DYS custody (Lowenkamp and Latessa 2005a).

Although the nationwide crime drop certainly had an impact, RECLAIM Ohio has helped reduce the DYS population and improve DYS functioning. Between 2000 and 2009, the number of juveniles adjudicated for a felony offense declined 32 percent. With one exception, the DYS population decreased every year during that span. In 2009, there were 130,000 juvenile admissions to more than 650 RECLAIM programs. DYS facilities held 1,228 juveniles in 2009 (compared to 2,453 in 2001), and community corrections facilities held 541 juveniles (Ohio Department of Youth Services). As of March 2011, the population in DYS facilities had dropped to 736. Four DYS facilities had been shut down and 300 DYS staff positions had been cut since 2009 (Johnson 2011). The decline in the DYS population indicates that RECLAIM Ohio has achieved its central objective.

It also appears to have achieved its other objectives, as well. Not only do judges have alternative sentencing options to incarceration because counties

## RECLAIM OHIO HAS BECOME A MODEL FOR INCENTIVE-BASED, JUVENILE JUSTICE REINVESTMENT REFORMS, BUT ONLY TIME WILL TELL IF IT CAN WITHSTAND FUTURE INCREASES IN JUVENILE CRIME.

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have received resources to develop community-based programming, but Ohio has realized significant savings from RECLAIM. It costs the state \$123,370 to keep one juvenile in a DYS facility for a year. Placing a juvenile in a community-based RECLAIM program costs \$8,539 annually (Lowenkamp and Latessa 2005b). For every dollar spent on RECLAIM, the state saves between \$11 and \$45 on the cost of juvenile confinement, depending on the juvenile's risk level (Lowenkamp and Latessa 2005b).

In addition to the impact of RECLAIM on the DYS population and the state budget, the program has renewed the rehabilitative philosophy of juvenile justice in Ohio. County judges now have various options, so that many low-risk juveniles are supervised and treated in their communities. This allows families to participate in the treatment process and enables their access to educational and vocational resources in the community.

RECLAIM contains elements that appease policymakers of various political perspectives. Judges can connect juvenile delinquents with rehabilitative resources but still have discretion to place violent and repeat offenders in DYS facilities at no cost to counties (Moon, Applegate and Latessa 1997). RECLAIM Ohio has become a model for incentive-based, juvenile justice reinvestment reforms, but only time will tell if it can withstand future increases in juvenile crime.

### CALIFORNIA (SLIDING SCALE)

California's Probation Subsidy Act of 1965 provided the blueprint for financial reform in the state's juvenile justice system. Discontinued in 1978, it was replaced by the County Justice System Subvention Program, which gave counties grant money to fund community-based programs. Because the costs of programming continued to increase while grant allocations remained unchanged, however, counties gradually abandoned community-based

programs (Nieto 1996). It had become more cost-effective for counties to place juvenile offenders in facilities run by the Department of Juvenile Facilities (DJF) than in community programs, because it cost only \$25 each month per juvenile for DJF placement. The state was accountable for the remaining costs (Krisberg et al. 2010). [**Note:** *The California Youth Authority (CYA) became the Department of Juvenile Facilities (DJF) in 2005. The newer acronym is sometimes used in this report even when referring to events prior to 2005.*]

As a result, the DJF institutional population increased drastically through the late 1980s and early 1990s, until it peaked at 10,122 in 1996; overcrowding became a significant issue (Lerner 1986). Meanwhile, the costs to the state for youth incarceration had continued to rise. Reports of institutional abuse appeared in the media. Advocates urged reform. In response to mounting criticism, California passed Senate Bill 681 in 1996.

Senate Bill 681 created a “sliding scale” fee that required counties to pay for DJF placements based on the severity of each juvenile’s offense (Dawood 2009). Juveniles sent to the DJF were assigned a number from one to seven. “One” represented the most serious offender, and “seven” represented the least serious offender. Counties were responsible for 100 percent (\$2,600 per month) of the cost of placing a category seven juvenile in a DJF facility, 75 percent (\$1,950 per month) of the costs for incarcerating a category six juvenile, and 50 percent (\$1,300) of the cost for incarcerating a category five juvenile. For juveniles in categories one through four, counties paid a flat fee of \$150 per month (Legislative Analyst’s Office 1997; Legislative Analyst’s Office 2000).

After the sliding scale was introduced, DJF population decreased each year after 1996 (Dawood 2009). In 2010, the juvenile institutional population in California had decreased to 1,118 (Juvenile Research Branch 2010), an 89 percent drop from the 1996 level.

The reforms have not been entirely successful, however. Although DJF population decreased each year after the sliding scale fee was implemented, the cost of incarceration grew steadily from 1996 to 2003. The DJF budget escalated further from 2003 to 2007, because of a consent decree requiring DJF facilities to hire additional medical, mental health, and educational staff

(Krisberg et al. 2010). The high price of staff salaries drove the cost of one DJF placement to \$225,000 per year, and because state rules made it difficult to trim the DJF workforce, the costs are expected to continue rising (Ferriss 2010). In 2008, California spent \$200 million more to incarcerate juvenile offenders than it did in 1996, when the institutional youth population was five times larger (Little Hoover Commission 2008).

Furthermore, the Division of Juvenile Justice, which oversees the Department of Juvenile Facilities, has been criticized for dismal conditions inside its juvenile institutions and a lack of rehabilitative success. There have been allegations of abuse and violence, and evaluations of state facilities indicated that some juveniles were locked in their cells for 23 hours a day (Office of the Inspector General 2000). Juveniles released from DJF confinement in fiscal year 2004-05 had an 81 percent re-arrest rate and more than 56 percent were re-incarcerated within three years of release (California Department of Corrections and Rehabilitation 2010).

California's finances seem likely to force even more reforms. The state currently spends more than \$9 billion annually on corrections and rehabilitation (Brown 2011), of which nearly \$1 billion is allocated to juvenile justice. Approximately half of that \$1 billion is spent on incarcerating a small number of juvenile offenders, while the other half is spent on community-based programs for nearly 100,000 juveniles (Little Hoover Commission 2008). As state officials grapple with a budget deficit of \$16 billion (Smith 2012), the state has begun to explore legislation that would decentralize its juvenile justice system and allow counties to develop and manage community-based supervision and treatment programs that keep juveniles out of state facilities. In addition, the District Attorneys Association has threatened to start filing all juvenile petitions in adult court, to avoid having to shoulder the cost of providing services to youth in the juvenile justice system.

## NORTH CAROLINA

As of the late 1990s, the functions of juvenile justice in North Carolina were divided between two state departments. The Division of Youth Services managed juvenile facilities and community-based programs, while

the Juvenile Services Division handled intake, probation, and aftercare. Separation made it difficult for the departments to share records, collaborate on individual juvenile interventions, and provide continuity of services. The dual system also proved to be inefficient cost-wise. In 1997, the Governor's Commission on Juvenile Justice and Crime conducted an evaluation of the juvenile justice system, and its findings provided the impetus for reform.

In 1998, the General Assembly passed the Juvenile Justice Reform Act, based on recommendations from the Governor's Commission report. The Reform Act established the Department of Juvenile Justice and Delinquency Prevention (DJJDP) to manage the duties of the two former departments. The governor oversees the DJJDP, which is tasked with developing juvenile prevention and rehabilitation services, creating a match-based funding formula for counties that utilize such services, and reporting annually to the General Assembly about the effectiveness and cost-benefit of each program (Mason 1999).

To be eligible for state funding, counties must appoint a Juvenile Crime Prevention Council (JCPC) to manage local juvenile justice operations. JCPCs consist of 25 members that (ideally) reflect the ethnic and economic composition of the community and include government and criminal justice personnel, counselors, health providers, and concerned members of the community. JCPCs are responsible for assessing juvenile needs, providing treatment to meet their needs, evaluating treatment programs, submitting annual proposals, and securing program funding (Mason 1999). JCPCs also encourage community members to participate in monthly meetings to discuss methods for reducing and preventing juvenile crime.

In addition, the Juvenile Justice Reform Act created a mechanism for cost-sharing between the state and participating counties. To receive state funds, JCPCs are required to submit a proposal to the DJJDP that specifies programs the county intends to fund, as well as the risk and protective factors that the programs address. The DJJDP then calculates an amount to be allocated to each approved county in the following fiscal year. Counties are required to match a certain percentage of DJJDP funds, typically between 10 percent and 30 percent (Durham County Juvenile Crime Prevention Council 2011). Currently, all 100 counties in North Carolina participate and receive funding from DJJDP. The DJJDP allocated more than \$23 million annually to subsidize

community-based youth programming throughout the state in 2008-2009 (North Carolina Department of Juvenile Justice and Delinquency Prevention 2009).

The partnership between the DJJDP and JCPCs has stimulated North Carolina counties to create a range of interventions, including mentoring, skill building, restitution, mediation, day services, clinical assessment, community service, and home-based counseling. An intake counselor makes the initial determination regarding diversion. If a court-referred juvenile is a violent or repeat offender, diversion is not an option. If the intake counselor diverts a juvenile, he or she must refer the youth to appropriate programs available in that jurisdiction. The intake officer then monitors the juvenile for six months, and if the juvenile and his or her parents/guardians comply with the diversion plan, the intake officer may close his or her file (Mason 1999). In fiscal year 2009-2010, JCPC community-based programs served 30,393 juveniles (North Carolina Department of Juvenile Justice and Delinquency Prevention 2011).

In addition to funding community-based programs, the DJJDP manages nine youth detention centers, and seven juvenile facilities known as Youth Development Centers (YDC). The purpose of YDC facilities is to prepare juveniles to re-enter the community through treatment, education, and mentoring services. Juvenile offenders between the ages of 10 and 15 are eligible for placement in a YDC, while offenders age 16 and up are legally considered adults in North Carolina. Under the Reform Act, judges can only send juveniles who commit a serious or violent offense or those who are chronic offenders to a YDC facility (North Carolina Department of Juvenile Justice and Delinquency Prevention).

Since passage of the Reform Act, juvenile delinquency rates and youth incarceration have dropped to ten-year lows. In 1998, there were 1,360 juveniles in YDC facilities; five years later, the YDC population had declined 65 percent (North Carolina Department of Juvenile Justice and Delinquency Prevention 2010), and there were only 357 juveniles in YDC facilities as of 2010 (North Carolina Department of Juvenile Justice and Delinquency Prevention 2011).

Shortly after a 2005 state audit revealed unsafe environments and punishment-focused facilities, North Carolina closed several of its rundown

YDC facilities and replaced them with five treatment-based facilities. The new facilities are much smaller (one has 96 beds, the other four have 32 beds), dispersed geographically across the state, and offer therapeutic and community-oriented environments that encourage education and rehabilitation. Compared to juveniles released from standard care facilities, there was a 73 percent decrease in the re-arrest of juveniles released from the new facilities, and a 560 percent increase in juveniles who sought education beyond high school following their release from the treatment-based facilities (National Juvenile Justice Network 2008).

Despite the decline in the YDC population, however, budget savings have not materialized. The DJJDP spent more than \$44 million on YDC facilities in fiscal year 2009-10, which represents the highest-ever DJJDP appropriation and 29 percent of the total DJJDP budget (North Carolina Department of Juvenile Justice and Delinquency Prevention 2011). This is important because the more funds that the DJJDP spends on YDC facilities, the less money there is available for education and treatment services, community programs, and Juvenile Crime Prevention Councils.

The Juvenile Justice Reform Act undoubtedly increased local alternatives to incarceration, but budget deficits threaten future developments. The state recently cut \$28 million from the DJJDP budget. In fiscal year 2010-2011, the DJJDP's approximate budget was \$146 million, which was more than 16 percent less than its 2009 budget (North Carolina Department of Juvenile Justice and Delinquency Prevention 2011). The cuts have made it difficult for the DJJDP to expand juvenile rehabilitation programs, but the department continues to fund evidence-based programming for adjudicated and at-risk juveniles.

In December of 2010, Governor Perdue proposed merging the Department of Correction, the Department of Crime Control and Public Safety, and the Department of Juvenile Justice and Delinquency Prevention (DJJDP) into a new "Department of Public Safety" (Christensen 2011). Critics were concerned that this change could shift the focus of juvenile justice away from rehabilitation to sanctions and warehousing youth.



## DESCHUTES COUNTY, OREGON

In the 1970s, Oregon's correctional population and the costs of incarceration were steadily rising. To address these problems, Oregon enacted the Community Corrections Act (CCA) in 1977. The CCA allocated state funds to counties to fund existing county programs and develop additional community-based alternatives to incarceration. The CCA gave counties the option to manage the programs and services for offenders under parole and probation supervision (Criminal Justice Commission 2010).

The transformation from state to local justice systems instigated further reform initiatives in Oregon, including Deschutes County's decision to organize its juvenile justice system around "community justice." Community justice is based on citizen and government collaboration, offender accountability, restoration of the harm resulting from crime, and strengthening community wellbeing (Martin 2002). Instead of spending money on prison beds and new prisons, community justice officials fund education and local rehabilitation services, so that juveniles can remain close to their families and connected with their communities.

In 1997, the Oregon state legislature passed House Bill 3737 to further the goals of community youth justice. Known as the Community Youth Investment Project (CYIP), the legislation applied only to Deschutes County for a six-year pilot period. [**Note:** *The CYIP expired in 2003, and Deschutes County did not continue the program.*]

The CYIP gave the county financial responsibility for handling adjudicated juveniles, and created incentives to reduce the use of juvenile incarceration. The county was obligated to cover the entire cost of out-of-home placements, but for each juvenile diverted from the system, the state paid the county up to 100 percent of the annual costs of placement, or approximately \$48,000 per juvenile (Maloney and Holcomb 2001).

Deschutes County allocated about 70 percent of state reimbursements to juvenile treatment programs and reinvested the remaining funds in prevention programs, including early intervention, parent training, home visits, academic tutoring, and after-school activities (Maloney and Holcomb 2001). To participate, a juvenile had to be referred to the legal system; after this, the juvenile, his or her family, and state and county service



providers met to decide on an intervention plan. The committee was to forward a recommendation to the district attorney, who could accept the recommendation or offer the juvenile court judge a revised referral. The judge had the final determination on the course of diversion.

Juveniles admitted to the diversion program spent four months in a secure residential facility, where staff continually assessed them and provided them with academic and interpersonal support. Following their release, juveniles were placed in intensive aftercare, which included work services, competency development, tutoring, home visits, or after-school programs (Maloney and Holcomb 2001). The diversion process ensured that adjudicated juveniles were evaluated and given appropriate services to promote rehabilitation.

From 1997 to 2001, Deschutes County received \$1.7 million in state money to fund the CYIP. A portion was used to house juveniles in local detention facilities, and the remaining funds were reinvested in community-based intervention and prevention services. The reinvestments allowed for a rapid expansion of community-based services, and within two years of the enactment of the CYIP, Deschutes County had reduced its institutional youth population by 72 percent (Martin 2002). The amount of state funding Deschutes County received decreased from 2001 until 2003, when the CYIP expired.

The CYIP also appeared to improve the success rate of juveniles who participated in diversion programs. Although the number of juveniles served through CYIP from 1998 to early 2001 was small, 82 percent successfully completed the program. Of those, 49 percent were on pace to graduate high school and another 20 percent completed their GED while enrolled in the program (Maloney and Holcomb 2001). One year after completing the program, nearly two-thirds of juveniles had no new criminal referrals.

External evaluations showed less promising results. One assessment of the CYIP found that although the programs were more cost-effective than placement in a state institution, the recidivism rate for juveniles who successfully completed the program was higher (67 percent) than for juveniles released from state commitment (58 percent). However, due to the small sample and because the comparison groups were not matched in any way, the findings lacked reliability and generalizability (Hannay 2004).

Recent evaluations show that over the past decade, delinquent referrals decreased 13 percent, and the county's juvenile recidivism rate decreased nine percent (Deschutes County 2010), even as the county population grew significantly. Since juvenile crime has also dropped nationwide, however, it is unclear if the CYIP is responsible for these results. Furthermore, because the CYIP's treatment programs only resemble evidence-based models and are not based on them (Hannay 2004), it is difficult for evaluators to compare the effectiveness of Deschutes County programs with proven prevention programs.

Deschutes County's growing population strained county resources and halted the expansion of CYIP in Deschutes County (Martin 2002); funding problems also hindered its expansion into other Oregon counties. Despite these obstacles, Deschutes County's CYIP reduced the county's juvenile justice expenditures and the time that juveniles spent in state facilities, allowing the county to reinvest savings on state incarceration in community-based intervention and prevention programs.

## ILLINOIS

Before its experiment in reform, the Illinois juvenile justice system faced circumstances similar to those in Ohio prior to the initiation of RECLAIM Ohio. There were financial incentives for counties to incarcerate juveniles because the state, not counties, was responsible for the costs. Illinois counties had few community-based alternatives available and lacked the necessary resources to develop such programming, so judges repeatedly placed adjudicated juveniles in secure facilities maintained by the Illinois Department of Juvenile Justice (IDJJ).

Each year from 2000 to 2004, nearly 1,800 juveniles were incarcerated at an annual cost of more than \$70,000 per juvenile, for a total of over \$100 million (Illinois Department of Human Services 2008a).

Young people were regularly incarcerated in IDJJ facilities regardless of their offense throughout the 1990s and early 2000s. In 2004, for example, one-third of youth committed to the IDJJ were sent for a court-ordered mental health evaluation, and nearly half were sent for a property offense

## THE PRIMARY OBJECTIVE OF REDEPLOY ILLINOIS WAS TO DIMINISH STATE COSTS BY REDUCING IDJJ COMMITMENTS AND TO REINVEST THE MONEY SAVED IN COMMUNITY-BASED ALTERNATIVES.

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(Tyler, Ziedenberg and Lotke 2006), while fewer than 20 percent were incarcerated for a serious or violent offense. As a result, the three-year juvenile recidivism rate remained around 50 percent from the early 1990s through 2005 (Illinois Department of Human Services 2008b; Illinois Department of Human Services 2010). The negative effects and high costs of incarceration led state policymakers to pursue a more responsible and cost-effective way of handling juvenile delinquents.

In 2004, the Illinois General Assembly passed Redeploy Illinois, modeled on RECLAIM Ohio, to serve youth offenders ages 13 to 18. The primary objective of Redeploy Illinois was to diminish state costs by reducing IDJJ commitments and to reinvest the money saved in community-based alternatives. Redeploy also aimed to ensure community safety, offender accountability, treatment in the least restrictive environment, and juvenile skills training that facilitated responsible development. Local communities were encouraged to contribute to the legislative decision-making and the transition from state placement to community-based treatment (Tyler, Ziedenberg and Lotke 2006).

To participate in Redeploy, counties had to submit a budget and proposed plan of services to the State Department of Human Services, which could accept or reject the county's proposal. Within the first year of participation, counties had to agree to reduce their IDJJ commitments by 25 percent of the average of the previous three years, excluding the small number of offenders who commit violent felonies (Tyler, Ziedenberg and Lotke 2006). Redeploy required the state to reimburse participating counties that successfully managed juvenile offenders in their communities in lieu of incarceration. Counties were given the autonomy to develop their own unique programs to promote rehabilitation; in the event that a county exceeded the number of allowable commitments to IDJJ facilities, it would be required to compensate the IDJJ \$4,000 per commitment, and \$2,000 per court evaluation (Illinois Department of Human Services 2008a).

In January 2005, four sites participated in the pilot phase of Redeploy: Macon County, Peoria County, St. Clair County, and the 2nd Judicial Circuit. During the first year of operation, Illinois budgeted \$2 million for Redeploy pilot sites (Tyler, Ziedenberg and Lotke 2006), which the sites used to develop a variety of community-based programs, including -- but not limited to -- assessment screening, Aggression Replacement Training, Functional Family Therapy, cognitive education and treatment, life skills training, substance abuse and mental health treatment, home detention, psychological evaluations, and community service programs (Illinois Department of Human Services 2007).

The funding for Redeploy has fluctuated since its founding. The initial \$2 million investment dropped to \$1.5 million in 2006, then rose to \$2.3 million in fiscal year 2007 (New York State Juvenile Justice Advisory Group 2010). In 2008, the Redeploy Illinois Oversight Board (RIOB) recruited five more jurisdictions to participate in the program -- Kankakee County, Lee County, McLean County, Madison County, and the 4th Judicial Circuit (Illinois Department of Human Services 2010) -- but the Board was only able to offer sites a total of \$3.2 million in 2009 (New York State Juvenile Justice Advisory Group 2010).

The cost of serving one juvenile through Redeploy programs initially ranged from \$4,000 and \$6,000 per year (Juvenile Justice Initiative 2006), and currently ranges from \$3,000 to \$10,000 per juvenile (Illinois Department of Human Services 2010) -- far less than the \$70,000 it costs to place a youth in an IDJJ facility. After three years of operation, Redeploy diverted 382 youth from IDJJ placement, and the state saved an estimated \$18.7 million (Illinois Department of Human Services 2008b).

The RIOB conducted a three-year assessment of Redeploy sites in 2008. The assessment analyzed county data, self-assessments, case studies, and program accomplishments. RIOB staff met with stakeholders, including legal professionals, probation personnel, service providers, participating juveniles and parents of juveniles involved in the program (Illinois Department of Human Services 2008b). The RIOB subsequently recommended that the state expand the use of psychological evaluations, develop methods for assessing program outcomes, and recruit additional stakeholders (e.g., school officials, members of the faith community) to participate in Redeploy.

Not all counties have been successful. Although a majority of the participating counties have reduced their IDJJ commitments by at least 25 percent, not all did. Cook County, the most populous county in the state, began receiving Redeploy funding in December 2007, and adopted a Multidimensional Treatment Foster Care Program as its primary intervention, because it had been shown to be effective in Oregon. But Cook County had to suspend its participation in Redeploy due to out-of-state staff training requirements, a low number of referrals, and an inability to reduce IDJJ commitments (Illinois Department of Human Services 2008b). In part because of the difficulties faced by Cook County, the RIOB established planning grants of up to \$10,000 to offer counties the opportunity to explore Redeploy before committing to it (Illinois Department of Human Services 2008b).

Illinois counties depend on consistent state funding to develop and maintain community-based alternatives. For example, Kankakee County was awarded a \$208,000 Redeploy Illinois grant in 2009, but ultimately received only \$87,000, which was not enough to cover the cost of its juvenile services (Kankakee County Board 2010). In 2010, therefore, Kankakee County terminated its participation in Redeploy.

Redeploy continues to expand, reduce juvenile incarceration, and reallocate savings toward community-based youth programming. In 2009, the Governor signed Public Act 95-1050, authorizing every county in the state to participate in Redeploy Illinois at their discretion (Redeploy Illinois 2010). As of 2011, Redeploy has served 27 of 102 Illinois counties and diverted almost 800 juveniles from IDJJ placement (Illinois Government News Network 2011). The State is even considering expanding Redeploy beyond juvenile justice. In 2009, the state passed the Crime Reduction Act, which offers financial incentives to counties that shift their non-violent adult offenders from prisons to diversionary and community-based programs (Adult Redeploy Illinois Oversight Board 2010).

## FLORIDA

Florida has consistently had one of the highest populations of incarcerated juveniles in the nation. In 2006, Florida had the third-highest number

of juveniles in state custody, with more than 6,000 total commitments (Sickmund, Sladky and Kang 2008) – most of them for misdemeanor or non-criminal offenses, like curfew violation and truancy. Because of the high cost and rates of recidivism associated with residential commitment, the Florida Legislature and the Department of Juvenile Justice (DJJ) launched the Redirection program in 2004.

Redirection's goals are to divert low-level juvenile offenders from residential placement and reduce juvenile justice expenditures by offering juvenile courts community-based treatment options for teens who commit minor offenses. Primary funding for the program comes from state and taxpayer funds, but some private organizations (Annie E. Casey Foundation) and federal agencies (federal stimulus grant, Perkins grant) contribute supplemental funds, and state businesses like Workforce Florida offer grants to help with job placement (Florida Department of Juvenile Justice 2010).

Florida Redirection consists of two evidence-based treatment options: Multi-systemic Therapy (MST) and Functional Family Therapy (FFT). The Florida Legislature and Department of Juvenile Justice selected these programs because the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) identified both as effective in reducing recidivism for violent offenders (Office of Program Policy Analysis & Government Accountability 2010). MST and FFT are intensive treatments provided in the homes of juveniles and are geared toward families who are reluctant to participate.

Florida initially piloted Redirection in three counties and limited participation to minor probation violators. By 2006, the program accepted all non-violent juvenile offenders, and more counties have adopted Redirection every year since its inception. As of 2008, Redirection operated in 41 of 67 Florida counties (Office of Program Policy Analysis & Government Accountability 2010).

The drop in crime rates had some influence, but Redirection appears to have been successful: it reduced the number of youth incarcerated, saved the state money, and improved juvenile rehabilitation. In fiscal year 2008-2009, the DJJ admitted 6,587 juveniles to residential programs, 28 percent fewer juveniles than it admitted in 2003-2004 (Florida Department of Juvenile Justice 2011). Florida has since reduced its residential bed space to 4,146

juvenile beds as of 2011 to further condense the youth residential population. The state currently utilizes approximately 90 percent of its operational bed space (Florida Department of Juvenile Justice 2011).

Redirection is also cost-effective. From its inception through the end of 2009, Redirection programs cost just under \$30 million. If the state had placed all the juveniles served through Redirection in residential facilities instead, the cost to the state -- based on the average length of stay -- would have been \$81 million. By 2010, therefore, Redirection had generated more than \$51 million in savings (Office of Program Policy Analysis & Government Accountability 2010).

Furthermore, evaluations indicate that many juveniles are better served through Redirection than residential placement. By the end of 2009, Redirection served 3,956 juveniles, and 2,821 (71 percent) successfully completed it; those who completed it were less likely to be arrested, especially for a violent felony. Program data indicate that those who complete Redirection are nine percent less likely to be arrested for a criminal offense than juveniles released from a residential facility. What's more, high-risk youth who complete Redirection programs are 31 percent less likely to be rearrested than high-risk juveniles released from a residential facility (Office of Program Policy Analysis & Government Accountability 2010).

Though the results show promise, Redirection will need to be evaluated more thoroughly. In addition to recidivism, future evaluations should consider success rates such as school attendance and performance, length of time in employment, and involvement in pro-social activities.

Nevertheless, Redirection has provided rehabilitation options for juveniles and saved the state millions. Due to its success, the Florida DJJ is considering expanding the program to include more serious offenders. It also plans to expand Redirection statewide, but recent budget cuts could make this difficult. In 2010, the state cut \$16 million from the DJJ budget. Florida spends \$11.5 million on Redirection programs and \$242 million to operate juvenile facilities, but it is unknown how the budget cuts will impact Redirection, though the DJJ secretary hopes to expand the program (Connor 2010).



## RATHER THAN EXPEND ADDITIONAL RESOURCES TO CONSTRUCT NEW PRISONS AND NEW PRISON BEDS, THE TEXAS LEGISLATURE OPTED TO REINVEST A PORTION OF THE FUNDS PROPOSED FOR CONSTRUCTION IN ALTERNATIVE STRATEGIES.

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### TEXAS

As violent youth crime escalated in Texas in the 1980s, more and more youth were committed to state juvenile facilities run by the Texas Youth Commission (TYC). From 1988 to 1992, there was a 161 percent increase in violent juvenile referrals, and a 285 percent increase in juveniles committed for a violent offense (Texas Youth Commission 2010a); meanwhile, the population of juveniles in TYC custody continued to grow, before peaking at 5,646 in 2000 (Levin 2010a). Between 2000 and 2007, more than 2,000 youth were sent to TYC facilities every year (Texas Youth Commission 2010b), of whom half were non-violent offenders (Levin 2010b).

The cost of placing juveniles in TYC facilities has continued to grow. In 2008, at a daily rate of \$270.49 per juvenile, it cost nearly \$100,000 annually to incarcerate one juvenile (Legislative Budget Board 2009). Two years later, the daily cost to incarcerate one youth increased to \$359.58, equating to an annual cost of \$131,246 per commitment (Legislative Budget Board 2011a).

In spite of their widespread use, the TYC facilities rarely provided juvenile wards with the services they needed to rehabilitate, and youth were often unsuccessful after release. Nearly 57 percent of juveniles released from TYC facilities in 2007 were rearrested within one year, and 49 percent were re-incarcerated within three years (Texas Juvenile Probation Commission and Texas Youth Commission 2007). On top of that, media investigations and parental complaints revealed incidents of youth abuse inside TYC facilities.

Saddled with rising incarceration costs, high recidivism rates, and bad publicity, the legislature was faced with a choice in 2007, when Texas officials estimated that the state would need to spend \$2 billion over the next five years to construct new facilities and beds to meet a projected increase in the youth and adult offender population (Right on Crime 2010). Rather than expend resources to construct new prisons and new prison beds,



the Texas legislature opted to reinvest a portion of the funds proposed for construction in alternative strategies. That year, Texas committed \$241 million to strengthen existing drug and mental health treatment programs for incarcerated youth and adults and persons released from confinement.

The state saw positive results over the next two years. By halting the construction of new prisons, the reinvestment generated budget savings of \$444 million in the following fiscal year (Council of State Governments Justice Center 2007). Crime decreased statewide and the number of parole and probation violations declined. Predictions about the rate at which the state prison population would increase were revised downward significantly; current forecasts now predict it will grow at 10 percent of the rate estimated in 2007 (Council of State Governments Justice Center 2009).

In 2009, the TJPC introduced the Commitment Reduction Program, which seeks to fund community-based alternatives to youth incarceration and encourage counties to reduce their TYC placements. In order to participate in the program, county probation departments propose goals for reducing TYC placements, and objectives for achieving those goals. Each county is expected to meet reduction targets set by the state, which are tied to a statewide cap of 1,783 total commitments (Levin 2010b).

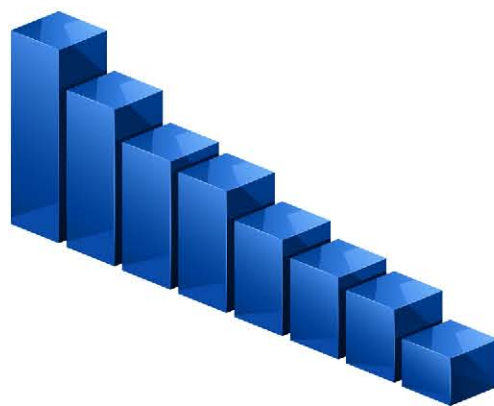
Counties approved for the Commitment Reduction Program receive additional grant money from the Texas Juvenile Probation Commission (TJPC) to fund community-based youth programming. County proposals for supervision and rehabilitation programming must be evidence-based and must have demonstrated prior success in other communities. Participating jurisdictions are subject to periodic state monitoring and must submit continual progress and financial accountability reports to the TJPC. If a county commits more juveniles to TYC than allowed by its cap, it risks losing TJPC funding the following year. For every commitment over the statewide cap, the TJPC is required to pay the TYC \$51,100 per year (Eighty-first Legislature 2009).

Since the Commitment Reduction Program started, the state has saved more than \$200 million in taxpayer costs, and commitments to the TYC have also declined. In 2007, the TYC housed more than 5,000 juveniles and had 4,290 staff positions; there are now 1,620 juveniles in TYC facilities and 3,405 staff positions. Commitments to TYC facilities dropped another 40 percent

in 2010, due in large part to the Commitment Reduction Program (Levin 2010a). Because further reductions are expected in the near future, Texas plans to close three of its ten TYC facilities by 2013 (Mitchell 2011). As a result, the state legislature was able to cut TYC funding by more than \$100 million between 2008 and 2010. A portion of these savings was reinvested in local probation and community-based programs to keep juveniles out of TYC facilities (Levin 2010b).

Even before the creation of the Commitment Reduction Program, the legislature had already begun to invest in alternatives to confinement. From 2006 to 2010, the state gave more than \$100 million to juvenile probation departments to fund new programs and improve existing programming. Because counties are responsible for 65 percent of the cost of juvenile probation and the state funds 34 percent (the federal government covers the remaining one percent), additional financial support has been beneficial (Levin 2010b). Counties across Texas have developed a variety of programming options to address the needs of at-risk and adjudicated youth. Examples of community-based programs include anger management, cognitive behavioral therapy, victim restitution programs, drug and mental health treatment, youth mentoring, life skills training, vocational and educational programs, community service, electronic monitoring, and ongoing evaluations of program impact (Levin 2010b).

To reform its juvenile justice system and reduce budget expenditures, then, Texas reinvested in alternative-to-incarceration programs. In addition to redirecting monies that could have gone to building more prison beds, the state offered counties financial incentives and encouraged the development of community-based programs for at-risk juveniles through its Commitment Reduction Program. Of course, continued state and county budget cuts may make it difficult for local jurisdictions to supervise and treat at-risk juveniles over the long term (Mitchell 2011). To date, however, Texas policymakers have strongly supported financial reform and juvenile rehabilitation despite financial difficulties.

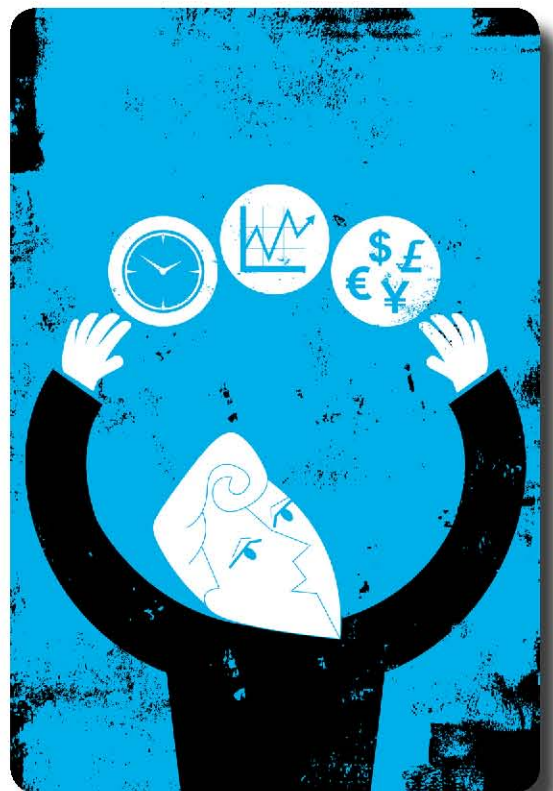


## REALIGNMENT MODELS |

Realignment shifts responsibility for managing young offenders from states to the counties. Realignment strategies are based on the premises that local communities are in the best position to provide extensive and cost-effective supervision and treatment services for juvenile offenders, and that youth are more successful when supervised and treated closer to their homes and families.

Effective realignment depends on cooperation and communication between state and county agencies. Counties that assume responsibility for juvenile justice need financial support and adequate time to develop community-based alternatives to state placement. California counties experienced many problems during Governor Schwarzenegger's 2007 realignment transition because they had minimal time to develop community-based supervision and treatment programs before the state removed institutional placement options (Dawood 2009). Realigned counties also lacked assistance and state oversight, which are necessary to ensure that counties have support and are held financially accountable.

Successful realignment strategies often include components of resolution and reinvestment. As long as state facilities remain open, counties will use them as placements for serious youth offenders. Closing state facilities leaves counties with no other option but to assume responsibility for all youth offenders. Whether counties develop community-based alternatives or build local facilities to house youth placements, resolution inevitably localizes juvenile justice. Reinvestment strategies in the form of financial incentives can also be a tool to achieve realignment. If the state rewards counties for developing community-based supervision and treatment options that enable juveniles



to receive rehabilitation close to home, counties will be more prepared to assume complete responsibility for adjudicated juveniles.

Realignment may be the most effective strategy for juvenile justice reform, because it withstands fluctuations in youth crime. This is partly because it takes more political effort and financial resources to reverse than do resolution or reinvestment strategies. As a result, in a realigned system, any increases in crime are less likely to result in higher incarceration rates, and counties are obligated to continue to handle juveniles using the most rehabilitative and cost-effective means available – i.e., locally.

#### WAYNE COUNTY, MICHIGAN

While significant budget deficits have forced many state governments around the country to seriously consider realigning their juvenile justice systems in recent years, realignment is not new – and not limited to state-level policymaking. Beginning in 1996, Wayne County, Michigan began the process of transforming its juvenile justice system from one that was state-controlled and focused on incarceration, to a local, self-sustained system based on rehabilitation.

Wayne County has the highest juvenile population in Michigan. Although it does not have the highest per capita crime rate, the overall amount of adult and juvenile crime in Wayne County is greater than any other Michigan county, and has been for more than a decade. In 2005, Wayne was home to 22 percent of the state's juvenile population, but accounted for 27 percent of all juvenile arrests (Elam et al. 2008).

In Wayne County in the 1990s, the average daily juvenile population in public secure facilities was 700; the county placed more than 1,000 juveniles in private facilities and sent approximately 200 juveniles to out-of-state facilities throughout the 1990s (Wayne County Children & Family Services 2010b). Lacking intermediate options for juvenile offenders, county judges placed many of them in state facilities. More than half of all Michigan youth sent to out-of-home placements came from Wayne County, and a majority were sent for minor or non-criminal offenses. A study conducted during this time indicated that two-thirds of Wayne County juveniles sent to a state facility were committed for a technical violation of a court-ordered condition (Wayne County Children & Family Services 2010a). By the late 1990s, incarceration was the conventional outcome for juvenile delinquents.

**IN 1999, THE STATE AUDITOR GENERAL AUDITED WAYNE COUNTY'S JUVENILE DIVISION, AND FOUND THAT IT WAS NOT IN COMPLIANCE WITH FEDERAL REQUIREMENTS. THE PRIMARY JUVENILE FACILITY IN THE COUNTY WAS OVER CAPACITY AND FACILITY CONDITIONS DID NOT MEET FEDERAL STANDARDS.**

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This practice was expensive. On the one hand, although every other county in Michigan was required to pay the state at least half the cost of juvenile confinement, a legislative agreement enabled Wayne County to pay a much smaller percentage of juvenile confinement (Allen-Meares and Garvin 2000). Unsurprisingly, then, through 1999, Wayne County sent more juveniles to state facilities than every other Michigan county. Nevertheless, although Wayne County had less financial accountability for juvenile confinement than other Michigan counties, it spent approximately \$150 million annually over 20 years to incarcerate juvenile offenders – and during this period, the costs of residential care more than doubled (Latona, Smith and Chaney 2006).

Nor were conditions inside state juvenile facilities conducive to rehabilitation. Many juveniles slept on floors while waiting for a bed to open up (Kresnak 2002). One facility showed signs of structural deterioration and ruptured plumbing. Staff were overworked and exhausted, which led to inadequate management of youth wards. Facility managers gauged juvenile progress by their compliance with the rules, rather than by assessing the behavioral and emotional changes that would indicate rehabilitation (Wayne County Children & Family Services 2010b).

The director of what was then known as the Michigan Department of Social Services, set the stage for structural reform. In 1996, he offered grant money to counties willing to take responsibility for juvenile delinquents (Kresnak 2002). Wayne was the only county to sign an agreement and transfer responsibility from the state for managing its adjudicated juveniles.

But the county was apparently unready to handle these youth effectively. In 1999, the State Auditor General audited Wayne County's juvenile division, and found that it was not in compliance with federal requirements.

The primary juvenile facility in the county was over capacity and facility conditions did not meet federal standards. If Wayne County did not address these problems, it faced a federal takeover of its juvenile justice services (Latona, Smith and Chaney 2006). There were additional concerns, because county judges sent some juveniles to out-of-state facilities, and two-thirds of incarcerated juveniles returned to the system within six months of their release. Out-of-home placements were failing to help adjudicated juveniles finish school, secure a job, or maintain responsible lives. These concerns compelled Wayne County to implement reforms.

Wayne County reformed its juvenile justice system through a series of steps. With its juvenile intake and detention centers in jeopardy of being shut down due to overcrowding, the county agreed to a compromise in which a portion of detained juveniles would be kept in home detention by means of electronic monitoring (Latona, Smith and Chaney 2006). To further relieve detention overcrowding, local officials reduced the delays between arrest and pre-trial hearings to a maximum of five days. This alteration promptly decreased the youth detention population by 35 percent and eliminated the threat of federal takeover (Latona, Smith and Chaney 2006).

Second, the county restructured its financial accountability to the state to give it fiscal incentives for using community-based programs instead of secure placement and by making Wayne County accountable for half the cost of any youth confined by the state (Wayne County Children & Family Services 2010b).

The Juvenile Services Division in Wayne County oversaw the realignment. During the realignment – which Wayne County dubbed its “human investment system” – the county privatized its juvenile justice system by establishing the Juvenile Assessment Center/Care Management Organization (JAC/CMO). The county contracted with the JAC/CMO, which is a collaboration of substance abuse and mental health providers and juvenile justice personnel, to provide supervision and services for juvenile offenders (Wayne County Children & Family Services 2010b). Among other benefits, the JAC/CMO system created a new stream of funding. Federal guidelines prohibit the state and counties from using Medicaid funds for juvenile confinement, but Medicaid can be spent toward supervision and treatment through private or non-profit providers. The revised system generated significant savings for taxpayers (Kresnak 2002).



The Juvenile Assessment Center (JAC) became — and remains — the entry point for juvenile diversions. The JAC is an independent, non-profit agency responsible for youth assessments at entry and throughout the duration of a young person's involvement in the program. After the initial assessment, the JAC refers each juvenile to one of five Care Management Organizations (CMOs) dispersed across Wayne County based on zip code. The JAC is in charge of monitoring and reviewing CMOs every six months, communicating information on each juvenile's progress to his or her family, and authorizing changes in service plans when necessary.

CMOs have the responsibility and the autonomy to assign juveniles to a case manager and to plan service interventions for youths and their families. Each CMO supervises between 300 and 500 juveniles (Kresnak 2002). CMOs use community-based treatment options whenever possible, but if youth require more restrictive interventions, CMOs are accountable for the costs of confinement. As an incentive, CMOs are rewarded with bonuses when juveniles graduate from high school or remain drug-free (Kresnak 2002).

Recently, Wayne County developed the Juvenile Agency Information System (JAIS). The Internet-based system enables vested parties to continuously monitor the implementation of daily services, ensure that CMOs and juveniles are in compliance with court orders, and assess juvenile progress (Wayne County Children & Family Services 2010b). The JAIS is designed to ensure that CMOs are accountable to parents of participating juveniles.

The primary funding source for the JAC/CMO is the Child Care Fund, which is an uncapped, 50/50 cost-sharing agreement between the state and Wayne County. To be eligible for the funds, Wayne County must submit an annual plan and budget proposal to the state Department of Human Services. If approved, the county can bill the state for a 50 percent reimbursement of the cost of eligible juvenile services (Wayne County Children & Family Services 2010b). Examples of eligible services include needs assessment, educational support, aggressive drug testing, drug treatment, mental health services, and family intervention (Wayne County Children & Family Services 2010a). Other funding sources include Federal Title IV-E funds, which the county can claim for economically deprived youth, and Medicaid, which covers healthcare and behavioral health services (Wayne County Children & Family Services 2010b).

**THE AVERAGE DAILY POPULATION OF WAYNE COUNTY JUVENILES IN STATE FACILITIES DROPPED FROM 906 IN 1996 TO 40 IN 2003. BY 2010, THERE WERE ONLY TWO JUVENILES IN A SECURE FACILITY. BETWEEN 1998 AND 2009, THE NUMBER OF JUVENILE DELINQUENTS SENT OUT-OF-STATE DROPPED FROM 200 TO 0.**

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The JAC/CMO system has resulted in significant improvements to Wayne County's juvenile justice system. In 1999, the state and the county spent a combined \$113 million on out-of-home placements. Within a decade, the expenditures for residential placements had fallen to \$73 million (New York State Juvenile Justice Advisory Group 2010). Furthermore, during its first five years of operation, the costs for the JAC/CMO system decreased each year, and CMO expenditures continue to decrease (Latona, Smith and Chaney 2006). In 2008, the combined spending of the five CMOs was \$115 million. In 2010, CMOs spent \$87.5 million (Wayne County Children & Family Services 2010b).

The Wayne County reforms also reduced juvenile incarceration. The average daily population of Wayne County juveniles in state facilities dropped from 906 in 1996 to 40 in 2003 (Kresnak 2002). By 2010, there were only two juveniles in a secure facility (Wayne County Children & Family Services 2010a). Between 1998 and 2009, the number of juvenile delinquents sent out-of-state dropped from 200 to 0 (New York State Juvenile Justice Advisory Group 2010).

The recidivism rate indicates that the reforms have been successful. Under the old system, nearly two-thirds of juveniles released from state placement returned within two years, but the new system halted the trend. CMOs served more than 4,000 juveniles in 2010, and of those who participated in CMO programs from 2009 to 2010, more than 70 percent successfully completed their court-ordered conditions (Wayne County Children & Family Services 2010b).



In 2004, external evaluators examined the recidivism rate of 1,900 juveniles released from a CMO and compared this to a group of juveniles released from state facilities before Wayne County realigned. The recidivism rate for juveniles released from CMOs was less than five percent, while the recidivism rate for juveniles released from facilities under the old system was greater than 50 percent (Plante & Moran 2006). All told, Wayne County juvenile justice reforms have reduced state and county expenditures, nearly eliminated the juvenile institutional population, and established privatized programs that successfully rehabilitate most teens.

Wayne County plans to expand its JAC/CMO system. County officials have invested the savings from reduced state facility costs into prevention services, such as after-school programs, truancy enforcement, and in-school social work in areas with the highest juvenile crime. With support from the state, Wayne County has realigned its juvenile justice system to create a functional, privatized, and cost-effective system that is county-controlled.

## CALIFORNIA

In 2007, California governor Arnold Schwarzenegger signed legislation to address the costs and problems associated with the juvenile justice system. Known as “juvenile justice realignment,” Senate Bill 81 differed from the 1996 sliding scale legislation in that it created strict conditions for placing juveniles in state institutions and shifted management and responsibility for a majority of juvenile delinquents from the state to the counties. Realignment mandated that only those juveniles convicted of sexual, violent, or serious offenses -- and those sent to a juvenile facility by an adult court -- would be eligible for state confinement (California Department of Corrections and Rehabilitation 2010). In addition, juveniles who had been confined for any other offense prior to the passage of the bill could be released to the jurisdiction of their origin (Dawood 2009).

Senate Bill 81 requires counties to submit a proposed plan and budget for reducing placements in the Division of Juvenile Facilities (DJF). It also established the Youthful Offender Block Grant (YOBG) to fund each approved county’s development of community-based programs and services for juvenile offenders no longer eligible for confinement (Dawood 2009).

The Corrections Standards Authority (CSA) distributes YOBG funds in the amount of \$117,000 per juvenile to county probation departments, so that they can enhance supervision and offer rehabilitation services (Brown 2011). To determine precise county allocations, the \$117,000 amount is multiplied by the number of youths eligible for realignment in California. The funds are then disbursed among the counties based on their share of the state juvenile population age 10 to 17 and their felony adjudication rate (Ramadas 2008).

In addition to managing the YOBG, the CSA also administers the Youthful Offender Rehabilitative Facilities Construction grant program, which allocates funds for counties to improve and expand local facilities for juvenile offenders (Little Hoover Commission 2008). Local facilities are usually smaller, and thus more cost-effective, than state facilities and offer county court judges restrictive but local options for handling serious juvenile offenders who are ineligible for DJF placement.

The declining number of juveniles in state facilities was a catalyst for implementation of realignment. In the past decade, the DJF population decreased by 80 percent (Krisberg et al. 2010). The reduction in youth confinement, along with lower crime rates and realignment reforms, has enabled California to close seven juvenile facilities in the last ten years. Currently, there are four state-run facilities remaining that house approximately 1,100 youth offenders (Steinhart 2012).

Despite the fact that the DJF population has been dropping over time, county officials have concerns about the availability of local alternatives. Governor Schwarzenegger signed Senate Bill 81 on August 26, 2007, and it was enacted less than one week later. This left little time for county probation departments to design alternatives to DJF placement before the bill took effect. Probation departments were forced to accept juvenile offenders who would have been sent to DJF previously, and probation officers had inadequate time to adapt programs to the influx of new and different caseloads (Krisberg et al. 2010). The time constraints and delays in initial funding forced counties to forage for resources to quickly develop programming options for juvenile offenders.

There were additional drawbacks. Senate Bill 81 did not specify a system of state oversight. Consequently, there were no guidelines for counties to use

**GOVERNOR BROWN RELEASED A PROPOSAL TO SHUT DOWN THE DIVISION OF JUVENILE JUSTICE IN JANUARY OF 2013, BUT BACKED AWAY FROM THE PLAN IN 2012. ... CLOSING THE DJJ COULD HAVE REDUCED EXPENSES AND PROVIDED MORE REHABILITATIVE OPTIONS FOR JUVENILES, AND STATE BUDGET ANALYSTS PROJECTED THAT IT WOULD HAVE SAVED AS MUCH AS \$250 MILLION PER YEAR.**

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when planning and developing local services. Because there was no system for tracking county expenditures, there was no financial accountability (Dawood 2009). Counties were not required to report how they spent grant money, and there was no mandate that they report whether or not proposed outcomes were being met (Little Hoover Commission 2008).

Stakeholders in California were also concerned about the prerequisites for youth to benefit from county programs set up under realignment. A juvenile's eligibility for a community-based program (in lieu of DJF placement) would depend on the most recent offense. Judges do not have to consider prior offenses, so violent, repeat, and serious juvenile offenders with a minor recent offense could become the responsibility of counties (Krisberg et al. 2010). Some judges could ignore the realignment mandate to keep eligible juvenile offenders within their jurisdiction. Those in counties with high juvenile crime rates (e.g., Los Angeles, San Diego, San Joaquin, Santa Clara, Solano, and Tulare) could continue to send juvenile offenders to DJF custody, even though their county facilities had more than enough bed space (Macallair, McCracken and Teji 2011).

Governor Brown released a proposal to shut down the Division of Juvenile Justice in January of 2013, but backed away from the plan in 2012. If his plan had succeeded, juvenile justice in California would have been fully realigned because state facilities for juveniles would no longer exist. Closing the DJJ could have reduced expenses and provided more rehabilitative options for juveniles, and state budget analysts projected that closing the DJJ would have saved as much as \$250 million per year (Brown 2011).

Local governments had concerns about the plan to eliminate the DJJ entirely. Without even an option of state facilities for juvenile offenders, local governments would have had to accept the transfer of all juveniles who were previously being incarcerated. In addition, while the elimination of the DJJ would have generated significant savings, it also would have led to the elimination of more than 4,000 staff positions (Brown 2011), causing political problems for state and local officials.

Without the option of state facilities for juveniles, advocates worried that prosecutors could file more juvenile cases in adult court unless local governments were able to create viable sentencing options at the community level (Steinhart 2012). Some degree of confinement may be necessary for certain offenders, including youth with mental illness and those who commit serious or violent offenses. State officials would have had to fund new regional facilities for juvenile offenders, or work out sharing agreements so that counties without space could send offenders to counties with space (Steinhart 2012).

[**Note:** Furthermore, in response to reports of overcrowding in California prisons, the U.S. Supreme Court ruled in May of 2011 that severe prison overcrowding was unconstitutional. The ruling was expected to force the transfer or release of 33,000 prisoners within two years. California accelerated its realignment strategy to enable counties to supervise these offenders (Biskupic 2011).]

## TEXAS

In addition to undertaking the reinvestment initiatives described above, Texas partially realigned its juvenile justice system in 2007, when lawmakers passed Senate Bill 103 to reduce juvenile incarceration. Senate Bill 103 excludes youth offenders adjudicated for misdemeanors from placement in Texas Youth Commission (TYC) facilities, and requires local jurisdictions to manage their disposition. This structural realignment of responsibility obligates local jurisdictions to supervise and/or treat juvenile misdemeanor offenders. Senate Bill 103 also specifies 150 other reform measures, including a system of oversight and inspection in TYC facilities, increased training requirements for juvenile correctional officers, a mandated juvenile-to-staff ratio of twelve-to-one inside facilities, and the appointment of a caseworker for every juvenile on probation (Yanez-Correa 2011).

Furthermore, the bill reduces the maximum amount of time that juveniles can remain in TYC custody. While the previous age limit was 21, the TYC must now release or transfer juveniles to adult prison or parole by the age of 19 (Levin 2010b).

To encourage the development of community-based youth programming, Senate Bill 103 allocates funds for county probation departments to address the needs of juvenile misdemeanor offenders who would have previously been placed in TYC custody. The initial statewide allocation was nearly \$58 million from 2008 to 2009, which represented half the cost of committing misdemeanor youths who were no longer eligible for TYC placement (Levin 2010b). Currently, the state contributes to county probation departments \$51,100 per juvenile successfully diverted from TYC placement, to cover the costs of supervision and treatment (Texas Juvenile Probation Commission 2010). The Legislature allocates additional county funds. In fiscal year 2008-2009, the State Legislature appropriated \$22.5 million for the enhancement of community-based programs (Legislative Budget Board 2009).

Following the enactment of Senate Bill 103 and in response to reports of abuse and poor conditions inside TYC facilities, the state closed four maximum-security facilities (National Juvenile Justice Network 2008). The TYC population quickly decreased because of the closures and the decarceration of misdemeanor offenders. While the TYC population was 5,646 in 2000, it had dropped to 1,688 one year after the state implemented Senate Bill 103 (Levin 2010a; National Juvenile Justice Network 2008). Allegations of abuse subsided and programs inside TYC facilities improved.

In 2011, the State Legislature passed Senate Bill 653, which called for the abolition of the TYC and the Texas Juvenile Probation Commission (TJPC) by the end of the year. The two agencies were replaced by a single agency, the Texas Juvenile Justice Department (JJJ), and the central objective of the department is to establish a continuum of community and family-based alternatives that keep juveniles out of state facilities. Senate Bill 653 places emphasis on probation and treatment for youth in their community, and allows the state to transfer control of closed facilities to the counties in which they are located. Oversight of the JJJ and the responsibility for handling complaints about its services and facilities will be the responsibility of the Office of Independent Ombudsman.

The merger of the TYC and TJPC will allow the state to eliminate several redundant positions and save more than \$3 million by 2013 (Legislative Budget Board 2011b). State senator John Whitmire, author of Senate Bill 653, believes the bill will also enable the state to safely close at least three juvenile facilities. Whitmire estimates that the state will need only 400 youth beds in secure facilities, which is more than 1,000 fewer than the current number of institutional beds (Old River-Winfree Community News 2011).

## NEW YORK

New York State is currently pursuing a juvenile justice reform approach that in some way includes all three strategies (Schiraldi and Richter 2012). The Office of Child and Family Services, which oversees the state's juvenile facilities, has been closing institutions for several years, largely due to the falling crime rate. The state legislature authorized financial incentives to reduce confinement further, and in 2012 the Governor proposed and the legislature enacted structural and organizational reforms known as "Close to Home," which ensure that most youthful offenders from New York City will receive services and sanctions in their own communities rather than being transported to facilities in upstate New York.

Gladys Carrion, the commissioner of the New York Office of Child and Family Services, moved aggressively to begin closing juvenile facilities across the state as the juvenile crime rate fell and demands for bed-space declined. A legislative proposal known as "Re-direct New York," under consideration until 2011, would have created financial incentives for counties to avoid confining youth (i.e., through reinvestment incentives). In subsequent years, the high cost of secure placements pushed New York to take additional steps to reform its juvenile justice focus from secure placement to alternative rehabilitation.

In 2007, New York incarcerated 3,612 youth (Sickmund 2010), more than half were being held for misdemeanor offenses (Task Force on Transforming Juvenile Justice 2009). This expensive policy proved untenable. The Office of Child and Family Services (OCFS) estimated that it cost up to \$266,000 annually to incarcerate one juvenile in a state institution in New York (New York Juvenile Justice Advisory Group 2010).

New York expected to see its institutional population drop by 62 percent between 2002 and 2011 because of the decline in serious juvenile crime. Due to the fixed costs of operating institutions, however, the state projected that it would spend \$23 million more on juvenile facilities in 2011 than it spent in 2002 (New York Juvenile Justice Advisory Group 2010). Currently, the state and counties contribute equally to the cost of juvenile incarceration (Fight Crime: Invest in Kids 2011). The state does not cover any of the cost of community-based alternatives, so local jurisdictions may actually save money by sending juvenile offenders to state institutions.

Juveniles released from state facilities, however, have a high recidivism rate, raising questions about the cost-effectiveness of the system. State statistics indicate that 63 percent of youth committed to the state are re-arrested within two years of their release (New York Juvenile Justice Advisory Group 2010).

Responding to concerns about cost and recidivism, the state initiated several changes to reduce youth confinement. Since 2007, the OCFS has closed or downsized more than 20 juvenile facilities (National Juvenile Justice Network 2011) because many operated well below capacity. One facility was empty of juvenile wards but remained fully staffed and funded as if it were in operation. Other facilities housed as few as one or two juveniles (Mattingly and Schiraldi 2010).

The closures had an immediate effect on youth confinement. By 2010, there were 681 juveniles in state custody — nearly 3,000 fewer than in 2007 (New York Juvenile Justice Advisory Group 2010) — and evaluators estimated that the changes would save the state more than \$16 million (Balck 2010).

New York state legislators have put forward several proposals to reform the juvenile justice system. In 2009, Re-direct New York was introduced in the House and Senate (A7872/S5378 2009), calling for the creation of financial incentives for counties that diverted juveniles from state facilities. Under the proposal, a portion of the savings from the closure of secure juvenile facilities would be reinvested in community-based youth programming (Fight Crime: Invest in Kids 2011). Re-direct New York included a reimbursement clause that would have required the state to contribute 65 percent of the cost of community-based services to counties that reduced juvenile commitments

by 25 percent. While the bill has yet to pass, it could save the state millions because community-based programs cost less than \$20,000 annually per youth.

A New York State senator introduced a bill similar to Re-direct New York in early 2011 (New York State Senate 2011). The proposal would have offered counties financial incentives to create alternative-to-incarceration programs for juveniles. Similar to Re-direct, the bill would have required OCFS to reimburse counties for up to 65 percent of the costs of community-based programming. Although the proposed bill did not pass the 2011 Assembly, state representatives continue to push for juvenile justice reform.

Governor Cuomo's 2012 budget proposal calls for a transfer of responsibility for all but the most seriously delinquent youth from the state to local governments. The governor's proposal acknowledges the high cost and rehabilitative ineffectiveness of state confinement and seeks to relocate youth offenders from remote facilities into city-run facilities that are closer to their homes (Kaplan 2012). The transition from state to local juvenile justice will enable youth to receive rehabilitation, support, and opportunities while remaining close to their families.



Although one would expect the crime rate to drive incarceration rates, there often is no relationship. Sometimes, the prevalence of incarceration correlates with the crime rate, other times, the two deviate completely. As we have seen in the examples above, incarceration is the result of policy choices. Policymakers allocate a certain amount of funding for juvenile justice services and decide how to distribute these funds among secure facilities and alternatives to incarceration. When suitable alternatives exist, juvenile courts are likely to utilize them for youth who might be responsive to community-based supervision and/or treatment. For jurisdictions that have no dispositional options other than confinement and probation, confinement rates are likely to be inflated.

Many states are exploring policies for reducing youth confinement. Confinement is a simple solution for handling troubled youth, but its consequences are complex. Secure facilities are often hundreds of miles away from the homes and families of delinquent youth, and they may receive minimal rehabilitation, if any, while confined. Community-based dispositions are often more effective (or at least no worse) than confinement, because courts and program coordinators can tailor dispositions to the individual needs of youth. For policymakers facing budget cuts and the need to reduce expenditures, community-based dispositions are often more cost-efficient than confinement.

This report describes reforms being used across the country to reduce state dependence on confinement. Some states have pursued strategies classified as resolution; others have pursued reinvestment or realignment — and some, like California and New York, have tried more than one of these strategies, sometimes by blending them (Butts and Evans 2011). All of the strategies, however, share a common goal: localizing juvenile justice management and eliminating the incentives that often lead to over-incarceration.

The important question for policymakers is: what happens to these reforms when crime rates increase, state budgets grow, or political change occurs? While resolution strategies may force state and county governments to seek

alternative placements in the short-term, a state can simply build or expand facilities over time. Massachusetts shut down its residential youth facilities in 1972, but the Massachusetts Department of Youth Services currently operates 56 facilities, ranging from secure group homes to highly secure locked units (Sylva 2011).

Similarly, states can (and do) scale back on incarceration by relying on reinvestment strategies that alter budget allocations, but these arrangements are reversible. Deschutes County, Oregon launched a reinvestment initiative to reduce its youth confinement and earn state funding for community-based alternatives. After the six-year pilot ended, the county discontinued the initiative.

Realignment, by comparison, may be more durable, because it requires each county or region to build its own localized system. It is difficult to restore a centralized state agency that has been eliminated and replaced with smaller agencies managed at the local level. Realignment decentralizes state functions and enables communities to take control of decision-making and policy implementation. Realignment strategies may be more resistant to policy changes and fluctuations in crime rates. The realignment approach, however, is relatively new. It may be too soon to assess its long-term effectiveness. But, to the extent that realignment results in a basic reorganization of management and responsibility for youth justice, it may be the best way for states to fund and oversee juvenile justice.

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John Jay College of Criminal Justice, City of University of New York

555 West 57th Street , Suite 605 | New York, NY 10019

212-237-8302 | [www.johnjayresearch.org](http://www.johnjayresearch.org) | [rec@jjay.cuny.edu](mailto:rec@jjay.cuny.edu)



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