



BRINGING YOUTH HOME:

A National Movement to Increase Public Safety,
Rehabilitate Youth and Save Money



“BRINGING YOUTH HOME” was developed by the National Juvenile Justice Network in consultation with its members and partners. NJJN offers special thanks to: Abby Anderson, Connecticut Juvenile Justice Alliance; Betsy Clarke, Illinois Juvenile Justice Initiative; Barry Holman, D.C. Department of Youth Rehabilitative Services; Yvonne Hunnicutt, Voices for Ohio’s Children; Robin Jenkins, North Carolina Department of Juvenile Justice and Delinquency Prevention; Danielle Lipow, Consultant, Annie E. Casey Foundation; Linda Modry, Juvenile Justice Coalition (Ohio); Jim Moeser, Wisconsin Council on Children and Families; Julia Neighbors, JUSTGeorgia; Amanda Petteruti, Justice Policy Institute; Gabrielle Prisco, The Correctional Association of New York; R. Daniel Okonkwo, DC Lawyers for Youth; Beth Rosenberg, Children’s Action Alliance (Arizona); Liane Rozzell, Families & Allies of Virginia’s Youth; Liz Ryan, Campaign for Youth Justice; Dana Shoenberg, Center for Children’s Law and Policy; Jodie Smith, Texans Care for Children; Molly Totman, Texas Criminal Justice Coalition; Sharon Weitzenhof, Juvenile Justice Coalition (Ohio); and Ana Yáñez-Correa, Texas Criminal Justice Coalition. Thanks to Lynn Koble, of Parasee Design, for her patient help with the design of this document. Annie Balck, NJJN’s Deputy Director for Policy and Programs, was the author.

THE NATIONAL JUVENILE JUSTICE NETWORK leads and supports a national movement of state and local juvenile justice coalitions and organizations to secure state and federal laws, policies and practices that are fair, equitable and developmentally appropriate for all children, youth and families involved in, or at risk of becoming involved in, the justice system. By collaborating with state, local and national change agents for children and by creating a network that is itself effective and respected, NJJN works to ensure that every state’s juvenile justice system develops model laws, policies and programs. NJJN currently has 41 members from 33 states, and 16 partner organizations that support its work.

For more information about NJJN, visit www.njjn.org or e-mail info@njjn.org.

The National Juvenile Justice Network is supported by generous grants from the John D. and Catherine T. MacArthur Foundation, Open Society Foundations, Public Welfare Foundation, and Tow Foundation, and from membership dues and individual donations.

“Bringing Youth Home: A National Movement to Increase Public Safety, Rehabilitate Youth and Save Money,” National Juvenile Justice Network (July 2011).

Copyright 2011, National Juvenile Justice Network.

BRINGING YOUTH HOME: A National Movement to Increase Public Safety, Rehabilitate Youth and Save Money

Over the past several years, many states across the country have dramatically reduced the number of youth held in secure facilities. Some states have achieved these reductions by downsizing existing populations in secure facilities; others have shuttered entire institutions.¹ While the population reduction is noteworthy in and of itself, it has been accompanied by powerful data. Most states that have downsized or closed facilities have been able to save or reallocate money² while protecting public safety, due to the high expense of incarceration, and the greater effectiveness of less costly community-based alternatives. Additionally, evidence shows that these population reductions have not, as some may have predicted, led to an increase in youth crime; in fact, crime rates have either remained steady or even declined, demonstrating an increase in public safety. The simultaneous increase in public safety and reduction of secure facility populations is supported by research indicating that community-based supervision is as effective as incarceration for youth who have committed serious offenses.³

This paper includes examples of states that have reduced their juvenile facility populations and are now not only reaping the rewards of new found funds that can be redirected into more effective community-based services for youth, but also seeing a better return on their investment in terms of juvenile rehabilitation and public safety. These positive changes are the result of many factors. Some closures have been mandated by legislatures, while others are the result of reform-minded administrators who acknowledge more appropriate and effective ways to respond to court-involved youth. Other closures have resulted from lawsuits that have exposed horrific conditions in facilities and regular abuse. In almost all cases, however, these changes represent years of dedicated work from local advocacy organizations, often in partnership with private foundations and government stakeholders. The paper closes with specific tips on how to downsize wisely, and ways to maximize the benefits of facility closures.

This paper provides a profile of just a small sampling of the many states that are decreasing the number of youth in secure facilities or closing facilities outright. It is not a comprehensive picture, but rather just the tip of the iceberg of the momentous change traveling across the country. NJJN has identified changes across most of the U.S., including: Arizona, Arkansas, Colorado, Connecticut, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Mississippi, Missouri, New Mexico, Rhode Island, Virginia, and Wisconsin. And even as this document is being written, new legislation is being passed and new practices and policies are being implemented that will bring more youth home. Please stay tuned for more updates as NJJN follows this growing trend.

ALABAMA

Thanks in large part to strong executive and judicial leadership, as well as advocacy by the Southern Poverty Law Center, Alabama has dramatically reduced the number of youth committed to secure facilities. Prior to decreasing the number of commitments to secure facilities, Alabama's Department of Youth Services (DYS) was spending nearly 75 percent of its budget on incarcerating youth, over a third of whom were locked up primarily for status offenses and technical violations.⁴ Counties participating in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) drove the initial reductions in commitments in 2007. Deeper reductions statewide were inspired by the passage of juvenile justice reform legislation in 2008 and the creation of a new grant process for community-based alternatives in 2009-2010.⁵

THE FACTS:

- The average daily DYS population shrank from 1,084 in May 2007 to 582 in March 2011, a 46 percent reduction.⁶
- Despite drastic cuts to the DYS budget—peaking at \$3.3 million in cuts in FY 2009—the department was able to increase its funding of non-residential community-based services by \$2.4 million between FY 2007 and FY 2010, thanks to the money saved on incarceration.⁷
- As commitments to DYS decreased between 2006 and 2010, total juvenile arrests declined, including a 40 percent decline in Part II offenses.⁸

CALIFORNIA

California is notorious for the number of people incarcerated by the state, and in the past, youth were certainly no exception. However, recent years have brought litigation around dangerous conditions in the facilities, which has resulted in media attention, stakeholder education about the problematic conditions, advocacy by a broad spectrum of organizations (including the Youth Justice Coalition and the National Center for Youth Law), and increased costs to the state for the confinement of youth. These developments have led to higher numbers of youth being treated by community-based programs in some counties, legislation restricting the types of offenses that can lead to state imprisonment,⁹ and budget realignment that redirects funds from state juvenile justice to the counties. These practice and policy changes, along with an unfortunate increase in direct files to adult court, have contributed to a dramatic drop in the population sent to California's state youth facilities over the past fifteen years.¹⁰

THE FACTS:

- The population of California's youth prisons has declined from a staggering 10,122 in 1996 to 1,254 at the end of 2010, a nearly 88 percent decrease.¹¹

- At a rate of \$218,000 per year per youth in 2007, California avoided spending over \$525 million on incarceration between 2007 and 2010 by decreasing the numbers of incarcerated youth and making corresponding facility closures.¹²
- From 1996 to 2009, both felony and misdemeanor arrest rates for juveniles steadily declined to their 25 year lows.¹³
- Juvenile felony arrests have declined from 2,902 in 1991 to 1,290 in 2009, a 50-year low.¹⁴

DISTRICT OF COLUMBIA

Washington, D.C.'s former institution for adjudicated youth, Oak Hill, had a reputation for horrid conditions, lack of services and overcrowding. The Omnibus Juvenile Justice Act of 2004 required closure of Oak Hill and the development of a smaller, rehabilitative facility, as well as other system reforms related to competency, confidentiality, evaluations, individual treatment plans, family involvement, and best practices.¹⁵ New leadership at the Department of Youth Rehabilitative Services (DYRS) in 2005 continued this commitment to reducing the number of low-risk youth in confinement without jeopardizing public safety, and reserving incarceration only for youth who are genuine threats to the community. A strong coalition of advocates, including Justice for DC Youth and DC Lawyers for Youth, helped push for and usher in changes to the treatment of system-involved youth. In 2009, DYRS closed Oak Hill and opened the much smaller New Beginnings Youth Development Center, modeled after Missouri's smaller, rehabilitative facilities.

THE FACTS:

- The committed population at Oak Hill declined from 130 in 2005 to 70 in 2009. The current capacity at New Beginnings is 60.¹⁶
- In 2004, 45 percent of the youth committed to DYRS were confined in Oak Hill, 26 percent were in Residential Treatment Centers (RTCs), and only 29 percent were in the community. By 2008, only 13 percent of DYRS committed youth were confined in Oak Hill, 11 percent were in RTCs, and 63 percent were in the community.¹⁷
- At a rate of \$311,345 per youth per year in 2009, D.C. avoided spending over \$18.5 million on incarceration between 2005 and 2009 by decreasing the population at Oak Hill.¹⁸
- Recidivism within 12 months of returning to the community for youth newly committed to DYRS declined from 31 percent in FY 2004 to 25 percent in FY 2007.¹⁹
- Juvenile arrests for Part I serious offenses in D.C. declined by nearly 21 percent from 2007 to 2010.²⁰

FLORIDA

A combination of budget crises, new programs, and innovative practice reforms has enabled Florida to close a number of public and private facilities over the past five years.

In 2004, Florida launched its Redirection project, which aims to divert troubled youth from residential placements to more effective, family-focused, evidence-based treatment options.²¹ Redirection focuses on two evidence-based programs: Multisystemic Therapy and Functional Family Therapy. The Florida Department of Juvenile Justice has further reduced commitments through practice innovations such as probation reform (encouraging the adoption of progressive response policies to limit the commitment of technical violators) and the implementation of the Juvenile Detention Alternatives Initiative (JDAI). Despite substantial progress in the last six years, Florida continues to incarcerate hundreds of low-risk youth²²—a phenomenon that drove the enactment of reform legislation in 2011 that is intended to limit the institutionalization of youth adjudicated of misdemeanor offenses. Advocates in the state, including the Children’s Campaign, Inc. and Southern Poverty Law Center, continue to work in collaboration with state officials to improve and downsize Florida’s juvenile justice system.

THE FACTS:

- DJJ commitments dropped from 8,897 in FY 2004-05 to 6,402 in FY 2008-09, a 28 percent reduction.²³
- DJJ has eliminated more than 2,300 beds over the past six years, reducing its overall capacity of 6,012 in FY 2006-07²⁴ to a capacity of 3,639 as of June 2011.²⁵
- This reduction in commitments and overall capacity saved the state more than \$130 million—decreasing DJJ’s budget for residential institutions from \$331 million²⁶ to \$199 million.²⁷
- Serious juvenile crime, i.e., felony referrals, dropped 25 percent between FY 2005-06 and FY 2009-10.²⁸ Total juvenile arrests declined by 21 percent between 2005 and 2010.²⁹

KANSAS

Kansas is an example of a state with a smaller juvenile justice population that was able to shut down two secure facilities for youth and free up a significant amount of money without compromising public safety. In 2008, Kansas closed the 121-bed Atchison Juvenile Correctional Facility for boys and in 2009 the state closed the Beloit Juvenile Correctional Facility for girls, a 66-bed facility.

THE FACTS:

- The population of Kansas’ juvenile correctional facilities declined from a monthly average of 410 in FY 2007 to a monthly average of 332 in FY 2010, a 19 percent decrease.³⁰
- In 2008, the Kansas Juvenile Justice Authority estimated it would save \$1.9 million in FY 2009 and \$3.7 million in FY 2010 due to the closure of the Atchison Juvenile Correctional Facility.³¹ The state projected a savings of \$1.4 million in FY 2009 from the Beloit facility closure.³²
- Juvenile arrests in Kansas decreased by nearly 13 percent between FY 2006 and FY 2009, from 17,871 to 15,579.³³

NEW YORK

Thanks in part to visionary leadership by the State Commissioner and persistent pressure by the advocacy community, including the New York Juvenile Justice Coalition and its allies, the New York State Office of Children and Family Services (OCFS) has downsized or closed 18 facilities since 2007, with eight additional facilities slated for closure or downsizing in 2011. These closures occurred in tandem with a federal Department of Justice investigation, which found that staff in a number of New York State facilities routinely used excessive physical force against residents and that the facilities failed to provide constitutionally adequate mental health care. Additionally, a class-action lawsuit was filed alleging unconstitutional conditions of confinement in state-operated facilities.

New York also passed a fiscal realignment program through the 2011-12 Executive Budget, which will open up the state's dedicated detention funding stream to community-based alternative programs.³⁴ The budget additionally maintains a separate stream of \$8.3 million for community-based programs and treatment and requires the local detention administering agency to use a detention risk assessment instrument to inform decision making.³⁵

THE FACTS:

- Over the past ten years, the number of youth referred for facility placement with OCFS declined from 2,313 in 2000-2001 to a population of 627 youth in January 2011, a 73 percent decrease.³⁶
- State officials report that facility closures and downsizing have saved New York State \$58 million.³⁷
- Outside of New York City, juvenile arrests decreased by 49 percent—from 28,042 to 14,293—between 2000 and 2009.³⁸
- In New York City, juvenile arrests for major felonies decreased by 22 percent between 1999 and 2007.³⁹

OHIO

In 1994, Ohio launched the RECLAIM Ohio program, which aims to divert youth from the state-run Ohio Department of Youth Services (ODYS) to community-based alternatives to incarceration by offering counties fiscal incentives.⁴⁰ In 2008, ODYS settled a class action lawsuit that alleged abusive, inhumane and illegal conditions, policies and practices in ODYS facilities.⁴¹ The settlement compelled Ohio to make sweeping reforms to its juvenile justice system, and led to facility closures and downsizing. In FY 2010, the six counties that contributed the highest number of admissions to ODYS facilities received “Targeted RECLAIM” and Behavioral Health and Juvenile Justice (BHJJ) funds in order to reduce their admissions beyond the standard RECLAIM Ohio requirements. All along, Ohio advocacy organizations, including the Children’s Law Center, Juvenile Justice Coalition, and Voices for Ohio’s Children,

have been working with state officials to push for the necessary changes to ODYS policies and practices, as well as state reimbursement structures.

THE FACTS:

- The average daily population in ODYS facilities dropped 40 percent between FY 2002 and FY 2010.⁴²
- Felony commitments to ODYS facilities decreased from 2,215 in FY 2000 to 836 in FY 2010, a 62 percent reduction.⁴³
- The six counties participating in Targeted RECLAIM and BHJJ reduced their admissions by over 39 percent from FY 2009 to FY 2010.⁴⁴
- By closing four juvenile facilities, Ohio will free up over \$57 million in operational expenses that have previously been spent on incarceration.⁴⁵
- The number of youth arrested in Ohio decreased by 25 percent between 2001 and 2009.⁴⁶

TEXAS

Thanks to ongoing advocacy efforts by state groups including Texas Appleseed, Texans Care for Children, and the Texas Criminal Justice Coalition, Texas has been moving to downsize and reform its juvenile justice system over the past several years. In 2007, the Texas Legislature passed a reform bill (S.B. 103) in response to a high profile abuse scandal in some of its youth facilities.⁴⁷ The law led to a drastic reduction in the population of youth committed to the Texas Youth Commission (TYC) by barring commitment of a juvenile to the state agency for anything less than a felony and reducing the age of incarcerated young adults from 21 to 19. Five facilities were ultimately closed. Since 2007, the Legislature has implemented fiscal realignment strategies that shift resources to county juvenile probation departments to supervise youth no longer eligible for TYC commitment, and to divert those youth who are still eligible but who can be more safely and more effectively served near home. In 2011, the Legislature cut \$117 million from the TYC budget as a budget reduction measure. In response, TYC is closing three secure facilities and consolidating two more. The Legislature also passed a juvenile justice restructuring bill in 2011 that merges TYC with the oversight agency for county juvenile probation departments and establishes a framework that prioritizes community programs over incarceration.⁴⁸

THE FACTS:

- TYC's residential population has decreased from 4,800 in FY 2006 to 1,798 in FY 2010, a 63 percent decline.⁴⁹
- S.B. 103 resulted in the provision of an additional \$57.8 million to Texas counties to handle the youth who previously would have been sent to TYC facilities, about half the cost of sending these youth to TYC.⁵⁰

- The closure of two facilities in 2009 saved TYC \$115 million, \$45.7 million of which was reinvested in diversion funding for juvenile probation departments.⁵¹
- Delinquency adjudications declined by nearly 19 percent between FY 2008 and FY 2010,⁵² while juvenile arrests in Texas declined by 8.6 percent from 2006 to 2009.⁵³

Downsizing Done Right

The trend toward facility closures and the reduction in the number of youth in secure confinement is promising. States can achieve the best results for budgets, public safety, and youth by considering the factors below as they downsize juvenile facility populations.

TREAT YOUTH APPROPRIATELY

Downsizing is an opportunity to utilize and develop programming that is the most effective for youth and public safety and financially sensible for states and communities. The adult criminal system is not designed for youth in conflict with the law, and it is not adequately equipped to serve such youth successfully.⁵⁵ Many states are recognizing that youth must be treated as youth, and should be retained in a juvenile system that is designed specifically for their needs.⁵⁶ Likewise, while youth may well benefit from mental health services, not all youth who come into conflict with the law need the in-depth treatment provided by residential mental health programs.⁵⁷ States should be careful not to “squeeze the balloon” and simply shuffle youth from juvenile facilities into adult prisons, mental health facilities, or other institutions. Additionally, as the population of youth incarcerated in juvenile facilities declines, states should consider opportunities to more effectively serve juvenile offenders who are confined in adult facilities by transferring them back to the safer and more developmentally appropriate juvenile system.

REEVALUATE WHICH YOUTH ARE BEING INCARCERATED

Many states default to incarcerating youth who have committed crimes. Secure facility population reductions give states the opportunity to be thoughtful and deliberate in their decisions to lock up youth. States should use a validated risk assessment tool to evaluate whether or not a youth is truly a threat to public safety and should be incarcerated.⁵⁸ Likewise, states should assess the needs of each youth and thereby determine an appropriate disposition that involves programming specifically tailored to each youth. Lastly, states should consider whether the infraction committed by a youth truly warrants incarceration; many states incarcerate large numbers of youth who have committed relatively minor offenses and whose chances for rehabilitation are much greater in a community-based program. The removal of a youth from his or her family and placement in a secure facility should always be the disposition of last resort, and for the shortest time possible.⁵⁹

STAY FOCUSED ON DISPROPORTIONATE MINORITY CONTACT

Nationally, African American and Latino youth are overrepresented at every point in the juvenile justice system and are transferred to the adult system at rates disproportionate to those of white youth.⁶⁰ This disproportionate minority contact (DMC) with the juvenile and criminal justice systems increases as youth move deeper into the system; the highest rates of disproportionality are seen in commitments to juvenile residential placements and incarceration in adult prisons.⁶¹ Downsizing secure facility populations presents a unique opportunity to look at DMC from a different angle: rather than only focusing on youth who enter the system, states can carefully evaluate which youth are released from facilities, and ensure equitable treatment of all youth. The policies and practices that lead to facility closures or downsizing should be, at a minimum, neutral with regard to race and ethnicity, and ideally targeted at reducing disproportionality in confinement. Additionally, as with all aspects of the juvenile justice system, states should ensure careful data collection on downsizing and facility closures as a means to evaluate DMC and planned reforms, and to develop further solutions as needed.

ENSURE ACCOUNTABILITY

Some states that have closed state-run facilities have instead contracted with private companies to run institutions or residential treatment centers for youth.⁶² Some private companies run excellent programs for youth. However, accountability is an issue with all privately run programs and facilities, and private companies may prioritize profits over the safe care and well-being of youth.⁶³ When a state enters into a contract with a private company, there must be a clear plan for both internal and external oversight in order to ensure proper protections for youth and their families. States must also scrutinize any claims by private companies that they offer a less expensive option for youth, to ensure that claimed expenses account for contract oversight costs, transportation costs, general overhead costs, and other expenses that are spread across agencies (such as education and health care costs).⁶⁴

KEEP YOUTH IN HOMELIKE SETTINGS

Facility shutdowns should lead to expanded use of local, community-based programs, which are usually much less expensive, and more effective, than traditional secure confinement.⁶⁵ If youth must be removed from their communities, they should be placed in small facilities with homelike characteristics, in close proximity to their home communities.⁶⁶ The closure of secure facilities presents an opportunity to get youth out of larger, prison-like institutions and to avoid the numerous, proven ill effects of institutionalization.⁶⁷ When deciding which facilities to close, states should ensure that youth are not transferred to a more secure environment due to the closure of a lower security facility, but rather are moved into the least restrictive, most homelike environment possible.

REDIRECT FUNDS TO ALTERNATIVES TO CONFINEMENT

States can save significant funds by shuttering juvenile institutions. The American Correctional Association estimates that it costs nearly \$88,000 per year (\$240.99 per day) on average for each youth in a residential juvenile facility, and some states report costs as high as \$726 per day (nearly \$265,000 per year) for a juvenile residential bed.⁶⁸ Additionally, states may find that as youth are moved out of secure facilities and into less restrictive programs that target their underlying needs, additional federal funding through Medicaid and Title IV-E might become available.⁶⁹ In light of the high costs of incarceration and the current fiscal climate, many governors, legislators, and administrators are planning or considering facility closures. As states move toward downsizing and facility closures, they should consider the best ways to reinvest at least a portion of the cost savings into community-based programs for youth in conflict with the law. Such investments will ensure that youth are adequately supported by proven programming, which in turn will help truly rehabilitate youth and reduce recidivism, thereby increasing public safety and saving money in the long term.⁷⁰

States can also consider legislatively enacting a fiscal realignment plan to reduce incarceration costs for the state, while incentivizing counties to develop effective community-based alternatives to incarceration. In such models, states offer financial incentives to counties that keep youth out of state institutions and instead treat youth locally. Wisconsin, California, Illinois, and Ohio have had much success with fiscal realignment models, and several other states are currently considering such legislation.⁷¹

CONCLUSION

Due to the squeeze of shrunken budgets, there is more reason than ever to reduce the number of incarcerated youth. Ample evidence from many states shows that such population reductions do not have negative consequences, but instead serve as a means to reduce spending while treating youth in a more appropriate and effective way. As states search for ways to plug fiscal holes, they should consider the economic and social benefits of using incarceration only as a last resort and for the shortest time possible.⁷² States should first look to serve youth in conflict with the law through proven, cost-effective, community-based programming.

ENDNOTES

1 Sadly, the driver for many facility closures and population reductions has been abusive and neglectful conditions in youth facilities across the country, which have forced states to confront the dangers of incarceration and the need for reform. For more information on the problems of institutional conditions, see “Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities,” *Justice Policy Institute*

(November 28, 2006), available at <<http://www.justicepolicy.org/research/1978>> and Barry Krisberg, “Breaking the Cycle of Abuse in Juvenile Facilities,” *National Council on Crime and Delinquency* (February 2009), available at <<http://bit.ly/q9hrln>>. To learn about NJJN’s recommendations on conditions of confinement, see “Conditions of Confinement,” *National Juvenile Justice Network Policy Platform* (August 2009), available at www.njjn.org.

² Note that throughout this paper, the terms “savings” is used to connote cost avoidance, i.e., avoiding certain expenditures that had previously gone towards the incarceration of youth.

³ The “Pathways to Desistance” study offers compelling research on the negative effects of incarceration as well as the effectiveness of community-based alternatives. Learn more about the study at <<http://www.pathwaysstudy.pitt.edu/index.html>>. Also see NJJN’s summary of some of the study’s findings: “New Research Shows Community-Based Alternatives as Effective as Institutional Placements for Curbing Re-Arrest in Youth with Serious Offenses,” *National Juvenile Justice Network* (January 2010), available at www.njjn.org.

⁴ Allen Peaton, “Shrinking Smart: Increasing Fiscal Responsibility in Grants for Community-Based Services,” *JDAI National Inter-Site Conference* (October 6, 2010):1, available at <<http://bit.ly/IV5agu>>.

⁵ “Smaller, Smarter, More Strategic,” *Annie E. Casey Foundation’s Juvenile Justice Strategy Group*, (May 2011), available at <<http://bit.ly/prAOy8>>.

⁶ *Ibid.* at 3.

⁷ Allen Peaton, “Shrinking Smart: Increasing Fiscal Responsibility in Grants for Community-Based Services,” *JDAI National Inter-Site Conference* (October 6, 2010):7, available at <<http://bit.ly/IV5agu>>.

⁸ “Crime in Alabama 2006,” *Alabama Criminal Justice Information Center* (2006):11 & 31, available at <<http://bit.ly/nS2rPO>> and “Crime in Alabama 2010,” *Alabama Criminal Justice Information Center* (2010):13 & 39, available at <<http://bit.ly/quKtks>>.

⁹ California S.B. 81 (2007), available at <<http://1.usa.gov/kGH6u8>>.

¹⁰ For a more in-depth examination of the downsizing of California’s youth prisons, see Christopher Hartney, et al., “A New Era in California Juvenile Justice,” *National Council on Crime and Delinquency* (October, 2010), available at <<http://bit.ly/qPpPhr>>.

¹¹ “A Comparison of the Youth Authority’s Institution and Parole Populations: June 30 Each Year, 1993-2002,” *California Department of the Youth Authority, Ward Information and Parole Research Bureau*, p.4, available at <<http://1.usa.gov/prwraw>> and “Department of Corrections and Rehabilitation Division of Juvenile Justice Population Overview as of December 31, 2010,” *Juvenile Research Branch – Information Systems Unit – OBITS/DDH* (December 2010), available at <<http://1.usa.gov/oiTt9x>>.

¹² Savings is based on an annual cost of \$218,000 per youth housed with the California Youth Authority in 2007, an average length of stay of 33.6 months in 2007, and a population reduction of 861 youth between 2007 and 2010. Christopher Hartney, et al., “A New Era in California Juvenile Justice,” *National Council on Crime and Delinquency* (October, 2010):11, available at <<http://bit.ly/qPpPhr>>; “Population Overview as of December 31, 2007,” *Department of Corrections and Rehabilitation, Division of Juvenile Justice*, available at <<http://1.usa.gov/ow1mtZ>>; and “Population Overview as of December 31, 2010,” *Department of Corrections and Rehabilitation, Division of Juvenile Justice*, available at <<http://1.usa.gov/oiTt9x>>.

¹³ “California Arrest Rates, 1960-2009: Total Felony Violations” and “California Arrest Rates, 1960-2009: Total Misdemeanor Violations,” *Criminal Justice Statistics Center, State of California Department of Justice, Office of the Attorney General*, both available at <<http://ag.ca.gov/cjsc/keyfacts.php>>.

¹⁴ “California Arrest Rates, 1960-2009: Total Felony Violations,” *Criminal Justice Statistics Center, State of California Department of Justice, Office of the Attorney General*, available at <<http://ag.ca.gov/cjsc/keyfacts.php>>.

¹⁵ “Omnibus Juvenile Justice Act of 2004,” D.C. Law L15-261, available at <<http://bit.ly/nbnWJm>>.

¹⁶ “DYRS Accomplishments, 2005-2009,” *Department of Youth Rehabilitative Services, 3rd Annual DYRS Summit 2009*.

¹⁷ *Ibid.*

¹⁸ Cost avoidance is based on a per diem of \$853 in 2009 for Oak Hill Direct Care plus administrative costs; correspondence from DYRS Chief Financial Officer, June 29, 2011.

¹⁹ “Public Safety Outcomes Among DYRS Youth,” *DYRS Research and Quality Assurance Division* (October 2008):5-6, available at <<http://dcra.dc.gov/dyrs/release/16431/Recidivism.pdf>>. The report defines recidivism in the following way: “A committed youth has recidivated if he or she is convicted in Washington, D.C. of a new juvenile or adult offense which occurred within one year of being placed in or returned to the community.”

- 20 “Juvenile Arrest Trends in the District of Columbia (2007-2010),” *DC Lawyers for Youth* (January 2011):3, available at <<http://bit.ly/mvpRHu>>.
- 21 For more information on Redirection, visit <<http://www.djj.state.fl.us/probation/redirection.html>>.
- 22 “Projected Impact of Legislation Barring Residential Confinement for Youth with No Felony Adjudications: Presentation of Quantitative Analysis Conducted by Justice Research Center on FY2009-10 Admissions to DJJ Residential Facilities,” *Southern Poverty Law Center* (March 2011).
- 23 “Opportunities to Strengthen Florida’s Juvenile Justice System,” *Southern Poverty Law Center* (September 17, 2010):2.
- 24 *Ibid.* at 3.
- 25 “Resource Utilization Report,” *Florida Department of Juvenile Justice* (June 29, 2011), available at <<http://bit.ly/qn7BuH>>.
- 26 “2006 Florida Laws, Chapter 25” (2006):177-181, available at <<http://laws.flrules.org/2006/25>>.
- 27 “S.B. 2000, Conference Report, Section 4” (2011):168-171, available at <<http://bit.ly/p54FO3>>.
- 28 “Florida Department of Juvenile Justice, Five Year Juvenile Delinquency Trends and Conditions,” *Florida Department of Juvenile Justice* (April 11, 2011), available at <<http://www.djj.state.fl.us/Research/Trends.html>>.
- 29 “Part I and II Arrests for Florida by Age, Sex, and Race, 1998-2009,” *Florida Department of Law Enforcement* (2010), available at <<http://bit.ly/q9tlJ3>>.
- 30 “Juvenile Correctional Facility Population Activity: Fiscal Year 2007,” *Kansas Juvenile Justice Authority* (July 9, 2007):1, available at <<http://bit.ly/ph43xH>> and “Juvenile Correctional Facility Population Activity: Fiscal Year 2010,” *Kansas Juvenile Justice Authority* (July 22, 2010):1, available at <<http://bit.ly/qKQOgC>>.
- 31 “Joint Legislative Budget Committee, Atchison Juvenile Correctional Facility,” *Juvenile Justice Authority, State of Kansas* (September 18, 2008):8, available at <<http://bit.ly/lahpJA>>.
- 32 The Associated Press, “Beloit Inmates Move to Topeka,” *The Topeka Capital-Journal, cjonline.com* (July 3, 2009), available at <<http://bit.ly/pTotlv>>.
- 33 “2006 Juvenile Arrests by Agency,” *Kansas Bureau of Investigation* (2007):1, available at <<http://bit.ly/n0JPYD>> and “2009 Juvenile Arrests by Agency,” *Kansas Bureau of Investigation* (2010):40, available at <<http://bit.ly/nMRSs3>>.
- 34 \$76.3 million is allocated in the 2011-12 state budget to localities for detention services. Localities can now choose to access this money for detention services and/or community-based supervision and treatment programs (including both alternative to detention programs and alternative to placement programs) for young people charged as Juvenile Delinquents, Juvenile Offenders or Persons in Need of Supervision (PINS). In addition, the state is offering a higher reimbursement rate for alternatives (62%) than for detention (49%).
- 35 For more information about detention reform in New York and the 2011-12 governor’s state budget, visit <http://www.ocfs.state.ny.us/main/detention_reform/>.
- 36 “OCFS Fact Sheet: Rightsizing Juvenile Justice,” Office of Children and Family Services (June 2011).
- 37 Rick Karlin, “Last Days of Tryon End in Silence,” *TimesUnion.com* (October 21, 2010), available at <<http://bit.ly/mRYw2H>>. While facility closures and downsizing in New York have the potential to save millions of dollars, state law currently requires a 12-month notice before a facility may be closed. (Executive Law 501(15)(c)). As a result, staff continue to report to empty and emptying facilities. Both the state and the county then end up sharing rising per diem costs as youth populations decline, but the supporting infrastructure does not. For more information, see “Tough on Crime: Promoting Public Safety by Doing What Works,” *New York State Juvenile Justice Advisory Group* (December 2010):21, available at <<http://bit.ly/pjuRzN>>.
- 38 “New York State Juvenile Arrests/Criminal Activity by Region, Offense and Year,” *New York State Division of Criminal Justice Services* (2010), available at <<http://bit.ly/qfFWfj>>.
- 39 “The Rising Cost of the City’s Juvenile Justice System,” *New York City Independent Budget Office Fiscal Brief* (January 2008/Revised):2-3, available at <<http://www.ibo.nyc.ny.us/iboreports/JJpath.pdf>>. Note that aggregate data collected by New York State is substantially incomplete, as New York City has failed to report Uniform Crime Report arrest data since 2001. For more information on arrest data deficiencies in New York, see “Tough on Crime: Promoting Public Safety by Doing What Works,” *New York State Juvenile Justice Advisory Group* (December 2010):16, available at <<http://bit.ly/pjuRzN>>.
- 40 To learn more about RECLAIM Ohio, visit <<http://1.usa.gov/ogrlyy>>. “Targeted RECLAIM” gives an additional

subsidy to the six counties that commit the highest number of youth to DYS, with the provision that they use the money for programs identified as “best practice” and reduce commitments significantly.

41 *S.H. v. Stickrath*, Case No. 2:04-CF-1206, available at <<http://bit.ly/qTRs2T>>.

42 “Annual Report, Fiscal Year 2002,” *Ohio Department of Youth Services* (November 2002):10, available at <<http://1.usa.gov/pSyAZ0>> and “Annual Report, Fiscal Year 2010,” *Ohio Department of Youth Services*, p.6, available at <<http://1.usa.gov/qLjxDy>>.

43 “Demographic Statistics, FY 2000-2010,” *Ohio Department of Youth Services*, available at <<http://1.usa.gov/nkxyjt>>.

44 “Targeted RECLAIM and Behavioral Health Juvenile Justice (BHJJ), State Fiscal Year 2010,” Ohio Department of Youth Services.

45 Bureau of Budgets internal document from Ohio Administrative Knowledge System (OAKS) Financial Expenses, *Ohio Department of Youth Services, Division of Finance & Planning*. Expenses freed up by facility closures have helped facilitate the creation and expansion of Targeted RECLAIM and the Behavioral Health/Juvenile Justice Initiative, and have facilitated the increase in staffing required by the *S.H. v. Stickrath* settlement agreement.

46 “Crime in the United States 2001,” *Federal Bureau of Investigation* (October 28, 2002):296, available at <<http://1.usa.gov/o7GzJA>> and “Crime in the United States 2009,” *Federal Bureau of Investigation* (September 2010), available at <<http://bit.ly/niK6t0>>.

47 Texas S.B. 103 (2007), available at <<http://bit.ly/pwMKS0>>.

48 Texas S.B. 653 (2011), available at <<http://bit.ly/okg99u>>.

49 “TYC Population Trends,” *Texas Youth Commission*, available at <http://www.tyc.state.tx.us/research/growth_charts.html>.

50 Marc Levin, “Texas Criminal Justice Reform: Lower Crime, Lower Cost,” *Texas Public Policy Foundation Center for Effective Justice* (January 2010):2, available at <<http://bit.ly/nSqHAL>>.

51 *Ibid.*

52 “Annual Statistical Report for the Texas Judiciary: Fiscal Year 2008,” *Office of Court Administration* (December 2008):46, available at <<http://bit.ly/nwATrE>> and “Annual Report for the Texas Judiciary: Fiscal Year 2010,” *Office of Court Administration* (December 2010):50, available at <<http://www.courts.state.tx.us/pubs/AR2010/AR10.pdf>>.

53 “Crime in Texas 2006,” *Texas Department of Public Safety* (2007):83, available at <<http://bit.ly/qkB8aa>> and “Crime in Texas 2009,” *Texas Department of Public Safety* (2010):66, available at <<http://bit.ly/oXGwZt>>.

54 Data gathered from survey of National Juvenile Justice Network members (February 2011).

55 The perils of sending youth to the adult criminal system are well documented, and any short-term savings are far outweighed by the long-term costs of turning youth offenders into adult repeat offenders. See, e.g., “The Impact of Prosecuting Youth in the Adult Criminal Justice System: A Review of the Literature,” *UCLA School of Law Juvenile Justice Project* (July 2010), available at <<http://bit.ly/p2MaGq>>. For more information on efforts to prevent the practice of trying youth as adults, visit the Campaign for Youth Justice at www.campaignforyouthjustice.org.

56 For more information on efforts across the country to raise the age of juvenile jurisdiction, see Neelum Arya, “State Trends: Legislative Victories from 2005 to 2010 Removing Youth from the Adult Criminal Justice System,” *Campaign for Youth Justice* (2011), available at <<http://bit.ly/oAA9d4>>.

57 For more information on how to best serve youth with mental health needs who come into conflict with the law, see “Blueprint for Change: A Comprehensive Model for the Identification and Treatment of Youth with Mental Health Needs in Contact with the Juvenile Justice System,” *National Center for Mental Health and Juvenile Justice* (2007), available at <<http://www.ncmhjj.com/Blueprint/pdfs/Blueprint.pdf>>.

58 For more information on risk/needs assessments, see Gina M. Vincent, Anna M. Terry, and Shannon M. Maney, “Risk/Needs Tools for Antisocial Behavior and Violence Among Youthful Populations,” (2009), in Joel T. Andrade (Ed.) *Handbook of Violence Risk Assessment and Treatment: New Approaches for Forensic Mental Health Practitioners*, New York: Springer, p.377-423

59 These principles are in line with international human rights standards, as set forth in the Convention on the Rights of the Child. To learn more about the Convention, and efforts to get the United States to ratify the Convention, visit www.childrightscampaign.org.

60 “And Justice for Some: Differential Treatment of Youth of Color in the Justice System,” *National Council on Crime and Delinquency* (January 15, 2007), available at <<http://bit.ly/o8UOUR>>. To read NJJN’s recommendations

regarding DMC, see “Disproportionate Minority Contact (DMC),” *National Juvenile Justice Network Policy Platform* (May 2010), available at www.njjn.org.

61 *Ibid.* at 3.

62 Texas and Florida are examples of states that have a high number of such contracts with private companies. New York State has decreased its juvenile facility population over the past several years, but it has simultaneously increased the numbers of youth sent to private facilities. Kendra Hurley, “Private Institutions, Public Costs: Juvenile Incarceration Has Become Increasingly Privatized, Yet Costs Keep Rising,” *Child Welfare Watch*, Vol. 18 (October 20, 2009), available at <http://bit.ly/qsWnQV>. Also see, “Charting a New Course: A Blueprint for Transforming Juvenile Justice in New York State,” *A Report of Governor David Paterson’s Task Force on Transforming Juvenile Justice* (December 2009):29, available at <http://bit.ly/jwXT3x>, which states that in 1998, 30 percent of all placed youth entered a private institution, while by 2007, the proportion had risen to nearly 50 percent.

63 In November of 2010, civil rights groups sued the for-profit operators of the Walnut Grove Youth Correctional Facility in Mississippi, based on barbaric living conditions and excessive use of force by staff.

64 These recommendations stem from the work of Michele Deitch, Senior Lecturer, Lyndon B. Johnson School of Public Affairs, University of Texas at Austin.

65 See, e.g., “The Real Costs and Benefits of Change: Finding Opportunities for Reform During Difficult Fiscal Times,” *National Juvenile Justice Network* (June 2010), available at www.njjn.org.

66 Missouri has created a model system of smaller facilities that are generally closer to youths’ home communities. To learn more about the Missouri model, visit <http://www.acy.org/printer.php?id=93>.

67 The “Pathways to Desistance” study offers compelling research on the negative effects of incarceration as well as the effectiveness of community-based alternatives. Learn more about the study at <http://www.pathwaysstudy.pitt.edu/index.html>. Also see NJJN’s summary of some of the study’s findings: “New Research Shows Community-Based Alternatives as Effective as Institutional Placements for Curbing Re-Arrest in Youth with Serious Offenses,” *National Juvenile Justice Network* (January 2010), available at www.njjn.org.

68 “2008 Directory of Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities,” *American Correctional Association* (2008):19.

69 Visit www.njjn.org to learn more about Medicaid and Title IV-E as they relate to youth in the juvenile justice system. Also see, Carrie Hanlon, Jennifer May, and Neva Kaye, “A Multi-Agency Approach to Using Medicaid to Meet the Health Needs of Juvenile Justice-Involved Youth,” *National Academy for State Health Policy* (December 2008), available at <http://bit.ly/k8MGcg>.

70 For more information on how community-based programs can be more effective and far less expensive than incarceration, see Steve Aos, Marna Miller, and Elizabeth Drake, “Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates,” *Washington State Institute for Public Policy* (October 2006), available at <http://1.usa.gov/pTmRBZ>. Since its original publication, the WSIPP study has been updated. See Elizabeth K. Drake, Steve Aos, and Marna G. Miller, “Evidence-Based Public Policy Options to Reduce Crime and Criminal Justice Costs: Implications in Washington State,” *Victims and Offenders* (4:170-196, 2009), available at <http://1.usa.gov/oDFcUI>.

71 For more information on fiscal realignment models, see “The Real Costs and Benefits of Change: Finding Opportunities for Reform During Difficult Fiscal Times,” *National Juvenile Justice Network* (June 2010), available at www.njjn.org.

72 The United Nations Convention on the Rights of the Child, ratified by all nations except the United States, asserts in Article 37 that “the arrest, detention or imprisonment of a child...shall be used only as a measure of last resort and for the shortest appropriate period of time.” Available at <http://www2.ohchr.org/english/law/crc.htm>.

NATIONAL —————
JUVENILE JUSTICE
————— NETWORK

WWW.NJJN.ORG