



National Juvenile  
Justice Network

**The Real Costs and Benefits of Change:**  
*Finding Opportunities for Reform During  
Difficult Fiscal Times*



**“The Real Costs and Benefits of Change”** was developed by a dedicated committee of NJJN members and partners, including Susan Harbert, Center for Juvenile Law and Policy, Loyola Law School (committee co-chair); Shannon Wight, Partnership for Safety and Justice (committee co-chair); Abby Anderson, Connecticut Juvenile Justice Alliance; Sheila Bedi, Southern Poverty Law Center; Elaine Budish, Rhode Island KIDS COUNT; Beth Colgan, Columbia Legal Services; Bill Glick, Indiana Juvenile Justice Task Force, Inc.; DeAvery Irons, New York Juvenile Justice Coalition; Jim Moeser, Wisconsin Council on Children and Families; Curt Peterson, Juvenile Justice Coalition of Minnesota; Bob Schwartz, Juvenile Law Center; and Sharon Weitzenhof, Ohio Juvenile Justice Coalition. Annie Balck, NJJN’s Deputy Director for Policy and Programs, was the author.

**The National Juvenile Justice Network (NJJN)** enhances the capacity of state-based juvenile justice coalitions and organizations to press for 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 40 members from 33 states, and 15 partner organizations that support its work.

For more information about NJJN, visit [www.njjn.org](http://www.njjn.org) or e-mail [info@njjn.org](mailto:info@njjn.org)

*This publication is made possible by a generous grant from the  
John D. and Catherine T. MacArthur Foundation.*

“The Real Costs and Benefits of Change: Finding Opportunities for Reform During Difficult Fiscal Times,”  
National Juvenile Justice Network (June 2010).

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## I. The Problem: Moving Toward Reform in a Time of Fiscal Crisis

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The financial collapse of 2008 and 2009 means that almost all states are facing alarming budget shortfalls. Because of these fiscal crises, advocates can expect increasingly significant pushback from policymakers on issues of juvenile justice reform. Additionally, resources for successful programs for youth that are already in place may be threatened. Yet, far from being a time to hold back, now is the time to search for new opportunities to advocate for cost-effective juvenile justice reform. This paper is a guide for advocates to help reinforce the value, both in terms of dollars and substance, of progressive programming for juveniles that leads to positive youth outcomes and healthy communities.

The National Juvenile Justice Network (NJJN) offers two related core recommendations to encourage wise and effective juvenile justice spending:

- **Realign/reduce spending without sacrificing effective programs.** The first section of this paper offers substantive strategies to realign and/or reduce spending through examples from several successful states. The section also offers advocates tactical strategies to achieve reform in a tight fiscal climate.
- **Use the current budget crisis as a means to leverage deinstitutionalization.** Reducing reliance on institutional placements and promoting facility closures can both save states money as well as encourage the use of more effective community-based programming for youth. The second section of this paper highlights the key research that supports deinstitutionalization and community-based alternatives.

While the financial issues facing states are significant, the issue of funding for juvenile justice reform efforts is not a new one. Juvenile justice programming is rarely a priority, thus programs are constantly in danger of budget cuts, and policymakers are continually searching for ways to cut spending. Hence, the issues and arguments presented in this paper will continue to surface long into the future. The cost-related advocacy strategies NJJN presents are designed to help advocates during this time of crisis and well beyond.

## II. Strategies to Realign and Reduce Spending While Maintaining Progressive Programming

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Legislators across the country are currently searching state budgets for areas to cut, and many have already made reductions to juvenile justice programming. Advocates have worked for years to achieve reform, only to see the fruit of their efforts disappear due to short-sighted funding concerns. This section offers advocates strategies to use limited money more wisely in order to save money in the present and the future. These strategies preserve and encourage programs that are proven to successfully rehabilitate youth, strengthen communities, and increase public safety. Substantive strategies offer cost-effective administrative and legislative solutions, while tactical strategies provide advocates with specific tools for their work.

## Substantive Strategies

### Substantive Strategy One: Employ a Fiscal Realignment Model

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Several states have found success through fiscal realignment models, which provide local jurisdictions with financial incentives to keep youth out of state facilities. These models encourage localities to treat young offenders through community- and evidence-based programs rather than simply to lock them up in state-funded institutions.

Each example cited has helped the state save money, spend its resources more wisely, and treat youth more humanely and effectively.

*The Ohio Department of Youth Services estimates that the state saves between \$11 and \$45 in commitment and processing costs for every dollar it spends on RECLAIM Ohio.*

**Wisconsin's Youth Aids Program** began in the early 1980s and holds counties fiscally responsible for state institutions.

- Legislative reforms redirected funding from the state Department of Health and Human Services to the counties to diminish the reliance on state commitments.<sup>1</sup>
- The Youth Aids Program has been associated with falling youth crime rates and a drop in the population of committed youth.<sup>2</sup> Between 1997 and 2006, Wisconsin saw a 46 percent drop in property offenses, a 52 percent drop in drug offenses, and a 31 percent drop in the population of committed youth.<sup>3</sup>

**RECLAIM Ohio** (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors) was created by the Ohio legislature in 1993 as a way to address overcrowding in Ohio Department of Youth Services (DYS) institutions.

- The RECLAIM model gives counties a fixed allocation from the state based upon a four-year average of felony adjudications. Counties with higher crime rates receive more funds, but the dollars are tied to a reduction in proportion to the amount of DYS bed space that each county used in the previous year.<sup>4</sup>
- The realignment basis for RECLAIM is that the fewer youth the county sends to DYS, the more money it will receive in the next year.<sup>5</sup>
- RECLAIM's funding structure encourages counties to develop or purchase a range of community-based options to meet the needs of adjudicated and at-risk juveniles.<sup>6</sup>
- Since RECLAIM's enactment, the number of youth committed to secure state facilities has fallen 42 percent,<sup>7</sup> the DYS institutional average daily population has decreased from 2,121 in 1993 to 1,077 in January 2010,<sup>8</sup> and DYS estimates that the state saves between \$11 and \$45 in commitment and processing costs for every dollar it spends on RECLAIM.<sup>9</sup>

**Redeploy Illinois** began in 2004 after the state legislature acted to reduce the institutionalization of youth and increase the use of community-based programs.

- Illinois Public Act 93-0641, which established Redeploy, states that its purpose is to encourage the deinstitutionalization of juvenile offenders by establishing pilot projects that reallocate state funds from juvenile correctional confinement to local jurisdictions, where youth receive a continuum of local, community-based sanctions and treatment alternatives.<sup>10</sup>
- Counties participating in Redeploy agree to cut the number of juveniles they send to state

juvenile prisons by at least 25 percent below the average of the previous three years. In return, the state reimburses the counties for funds they spend managing the adjudicated youth locally.<sup>11</sup>

- Over the first three years, Redeploy sites diverted 382 youth from commitment, lowered the number of commitments by an average of 51 percent, and saved \$18.7 million.<sup>12</sup>
- In April of 2009, Public Act 95-1050 established Redeploy as a permanent state program and expanded its reach throughout the state.<sup>13</sup>

In 2007, **California's** legislature passed a juvenile justice realignment bill, S.B. 81. The bill includes the following key changes to California's system:

- Prohibits commitments of non-violent juvenile offenders to the state Department of Juvenile Justice (DJJ); such youth must instead remain in county run programs and facilities.<sup>14</sup>
- Establishes the Youthful Offender Block Grant Program, through which the state provides funds to the counties for "appropriate rehabilitative and supervision services" for youth who are not committed to DJJ. The program grants counties \$117,000 per youth in county custody and \$15,000 per paroled youth under county supervision.<sup>15</sup> While county facilities are not necessarily better than state facilities, placing youth in county facilities makes it easier for family members to visit and allows for greater oversight of facilities by families and community members.
- Reduces the DJJ population by 40 percent within two years, from 2,500 youth to 1,500 youth.<sup>16</sup>

In New York State, a bill to redirect juvenile justice spending, **Re-Direct New York**, is currently pending in both the Senate and Assembly.<sup>17</sup>

- The legislation "finds that New York State could simultaneously realize significant fiscal savings and positively impact the lives of court-involved children by encouraging counties to expand access to alternative-to-detention programs and alternative-to-incarceration programs." The legislation states that current expenditures on incarceration of youth have yielded "dismal" results as evidenced by strikingly high recidivism rates.<sup>18</sup>
- If passed, Re-Direct New York will provide localities with a 65 percent reimbursement rate for youth diverted into community-based alternative-to-detention and alternative-to-incarceration programs.<sup>19</sup>
- In order to qualify for the reimbursements, localities must demonstrate a 25 percent reduction in detention usage.<sup>20</sup>

Fiscal realignment strategies have proven over the years their ability to save states a significant amount money, and are excellent models upon which other states can build.

## **Substantive Strategy Two: Use Downsizing as a Means to Create a New Revenue Stream**

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Some states have found ways to save money through the closure of youth facilities or the reduction of detention populations. While downsizing can lead to significant cost savings, it is crucial to ensure that a closure or downsizing does not simply result in the transfer of youth

from one facility to another, or from juvenile facilities to adult jails or prisons. Smart downsizing removes youth from institutions altogether, and instead provides them with more effective and less expensive community-based alternatives.

**Multnomah County, Oregon** has ceased to need some of its detention beds for its own juvenile detention population; the county has reduced its daily detention population from 80 youth to 20 over the past decade through the use of juvenile detention alternatives.<sup>21</sup>

- The county reallocated a portion of the savings from its reduced use of detention to its general fund for juvenile programs and supervision in the community.<sup>22</sup>
- As a means of generating additional revenue, Multnomah County's Department of Community Justice (DCJ) currently rents a number of beds from its detention facility to neighboring counties.<sup>23</sup> Such arrangements can help neighboring jurisdictions, particularly in rural areas, pool resources and use them most effectively to benefit youth. However, jurisdictions must also consider the potential drawbacks of housing youth further from their families and communities.
- DCJ also uses a block of beds at its detention center for residential substance abuse programming for youth. The program allows both youth and parents to come and go from the non-secure wing.<sup>24</sup>

*Detention reform efforts in Pierce County, Washington allowed for a closure of a 50-bed unit in its detention facility. The county realized a savings of \$800,000, which was then reinvested in community-based alternatives to detention.*

**Rhode Island** successfully achieved reform and cut costs in 2008 by implementing a cap on the population of the Rhode Island Training School, the state's residential facility for adjudicated youth and youth awaiting trial.

- The legislative cap limits the population of the Training School to a maximum of 160 youth (148 boys and 12 girls), and was passed by the Rhode Island General Assembly as part of the State Fiscal Year 2008 supplemental budget.<sup>25</sup>
- Prior to the cap being reached, the Superintendent of the Training School refers adjudicated youth nearing the end of their sentences to the reclassification board for a determination of whether each youth is able to safely return to his or her community prior to sentence completion.
- The cap has led to significant reductions in the number of youth who are detained and adjudicated to the Training School: the calendar year counts fell from 1,122 in 2007 to 1,084 in 2008 to 937 in 2009.<sup>26</sup>
- Half of the savings from reducing the number of youth at the Training School was to be invested in community-based alternatives to detention and incarceration and the other half was to be returned to the Rhode Island general fund to help close the state's budget gap. Information on the exact financial savings is not currently available.

Other states have garnered significant savings from the closure of facilities, which then supplies the revenue needed to fund community-based alternatives.

- After engaging in detention reform efforts through the Juvenile Detention Alternatives Initiative (JDAI), **Pierce County (Tacoma), Washington** experienced a reduction in its detention census that allowed for a closure of a 50-bed unit in its detention facility. The

county realized a savings of \$800,000, which was then reinvested in community-based alternatives to detention.<sup>27</sup>

- Similarly, **Bernalillo County (Albuquerque), New Mexico** realized a savings of \$200,000 after a reduced detention population led to the closure of a wing of beds.<sup>28</sup> Bernalillo County used the savings to establish the pre-adjudication Youth Reporting Center that provides case management, skill-based instruction, homework support, recreation, and other pro-social skills activities for youth.<sup>29</sup>

### Substantive Strategy Three: Seek Administrative or Legislative Evaluations of Existing Institutions and Programs

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While evaluations of existing programs may require an up-front expenditure, they can lead to significant savings by enabling states to shut down ineffective institutions and programs and redirect spending to cost-effective programs.

**Cuyahoga County (Cleveland), Ohio** owned and operated its own juvenile institution, the Youth Development Center (YDC), for youth committed for low level offenses. The county contracted with the University of Cincinnati for two evaluations of the facility in 1999 and 2007. The evaluations were to determine if the county was receiving good value from the institution, which occupied valuable land.

- The evaluations each gave YDC an overall program rating of “unsatisfactory,” indicating that the facility was actually a poor investment of the county’s money.<sup>30</sup> Consequently, the facility was closed.
- In 2008, the county then implemented the Youth and Family Community Partnership (YFCP), a residential treatment/community-based alternative to YDC. YFCP uses only evidence-based practices and aims to engage families in its programming.

*Implementation of a “moderate-to-aggressive portfolio” of evidence-based options for both adults and youth... could result in avoidance of a significant level of future prison construction, \$2 billion in taxpayer savings, and reduced crime rates.*

In 2005, the **Washington State** legislature directed the Washington State Institute for Public Policy (WSIPP) to “project whether there are ‘evidence-based’ options that can: reduce the future need for prison beds, save money for state and local taxpayers, [and] contribute to lower crime rates.”<sup>31</sup>

- The WSIPP evaluation concluded that implementation of a “moderate-to-aggressive portfolio” of evidence-based options for both adults and youth in the state could result in avoidance of a significant level of future prison construction, \$2 billion in taxpayer savings, and reduced crime rates.<sup>32</sup>
- Notably, the WSIPP study used data from all over the country, not just Washington State, as the basis for its evaluation.

States can also seek evaluations to examine the practices of comparable counties that engage in different approaches, such as locking up youth versus serving youth through community-based programs. These evaluations can help to demonstrate the effectiveness of community-based programs through local data, which may resonate better with decision makers than out-of-state data.



## Substantive Strategy Four: Redirect Funding from Adult Corrections to Progressive Youth Programming

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Much current research condemns the bloated adult corrections system and calls for significant reform.<sup>33</sup> Juvenile justice advocates may succeed in working to redirect spending from the adult system to progressive youth programming.

**Justice Reinvestment** is a project of the Council of State Governments Justice Center that works with state policymakers to analyze the adult prison population and spending; develop options to generate savings while increasing public safety; quantify savings; reinvest in communities; and measure impact.<sup>34</sup>

- Subsequent to the state's work with Justice Reinvestment, the Texas legislature passed a package of criminal justice policies that reinvested \$241 million that would have been spent on new prisons into additional treatment and diversion programs.<sup>35</sup>
- The legislature appropriated \$4.3 million of the total savings to the Nurse-Family Partnerships program, a nationally recognized program that pairs nurses with first-time, low income mothers during the child's first two years. The program seeks to prevent violence, improve the health and well being of low income families, and increase self-sufficiency.<sup>36</sup>

Texas' reinvestment in prevention, diversion and treatment is an example of how savings from the adult system can be applied broadly to prevention programs that benefit youth.

## Tactical Strategies

### Tactical Strategy One: Reframe the Issue from Cost to Investment in Public Safety and Crime Reduction

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Policymakers are often primarily concerned with the costs of reform. However, it is key to help these individuals shift their framework away from a narrow focus on cost, and toward one of investment. Focusing on cost alone drastically oversimplifies the issues faced when trying to rehabilitate a youth. The goal is not simply to treat the youth in the least expensive way possible, but rather to invest enough resources in a youth so that he or she may become a successful, productive member of society, thereby contributing to society's overall financial and social well-being. The benefits of truly rehabilitating a youth must not be underestimated, and more importantly, must not be left out of any cost-determining calculation. Policymakers must understand that choices they make now will have long lasting effects on public safety and crime rates. While cutting a community-based program for juveniles may save a marginal amount of money now, it will cost taxpayers far more in the long run because of the increased rates of recidivism and lack of true rehabilitation.

Some states are moving toward this shift from a focus on cost to investment, despite their budget struggles.

- In **Ohio**, the governor's proposed FY 2010 and FY 2011 budget reflected the state's recognition of the importance of long-term investment in effective community-based programming over minimal short-term cost savings.
  - Ohio has reduced its juvenile institutional population due to reforms initiated in the past several years, many due to a lawsuit settlement.<sup>37</sup> Therefore, when the state budget crisis grew more severe, Ohio closed two facilities, which will reduce its institutional operating budget by \$12.7 million in FY 2011.<sup>38</sup> The Department of Youth Services (DYS) plans to close a third facility in FY 2011 to achieve additional cost savings.
  - At the same time, the governor proposed to increase funding for the retention and expansion of community-based programs for young offenders. The governor's original budget fully funded RECLAIM Ohio,<sup>39</sup> opened Community-Based Treatment Centers,<sup>40</sup> increased diversionary residential and non-residential options to incarceration, and increased community-based services for youth reentering their home communities.<sup>41</sup>
  - While the legislature did not pass the governor's budget intact, the state will continue to fund RECLAIM Ohio and the legislature appropriated \$3.3 million in new funding for community-based services for youth in FY 2010. DYS plans to use the funding to reduce commitments by 20 percent in six counties and to open a Cognitive Behavioral Treatment Center.<sup>42</sup>

## Tactical Strategy Two: Disseminate Cost-Benefit Research that Supports Reform

Much research has proven that it is far more cost-effective to intervene early with at-risk youth and to offer both preventative and rehabilitative programming rather than to maintain the status quo, which waits for youth to enter the juvenile justice system and then applies a one-size-fits-all incarceration-focused approach. Researchers estimate that the present value of preventing a high-risk youth at age 14 from entering the justice system is \$3.2 million to \$5.8 million.<sup>43</sup> This includes both costs associated with delinquent and criminal behavior, as well as the value of lost productivity within the community. While actual juvenile offending behavior accounts for only a small fraction of the total costs, if those juveniles can be prevented from becoming career criminals, the long-term savings will be enormous.<sup>44</sup>

Advocates should seek out and utilize cost-benefit data specific to their states, if available, but also be aware of research from other states that can be applied broadly.

- The **Washington State Institute for Public Policy (WSIPP)** conducted excellent cost-benefit research on the savings that can be achieved through the use of community-based alternatives for youth rather than incarceration (see Section II of this paper for more detail).<sup>45</sup>
- The data used in this study was not exclusive to Washington State; rather, only a few of the over 500 studies reviewed by WSIPP were evaluations of policies or programs within the state.<sup>46</sup> Hence, the conclusions drawn from the data can be applied to states across the country.

## Tactical Strategy Three: Focus on Long-Term Outcomes

The utility of focusing on long-term outcomes (5-10 years) versus short-term outcomes (1-2 years) is demonstrated through a case study of juvenile justice reforms made nearly 20 years ago in **Broward**

**County (Fort Lauderdale), Florida.**<sup>47</sup> Broward County reduced its use of secure detention for youth while increasing non-secure detention options (e.g., home detention, shelters, day programs).

- The change resulted in a decreased percentage of youth being returned to secure detention and/or charged with new violations.<sup>48</sup>
- In addition to incurring these substantive benefits for youth and communities, the movement away from secure detention saved money: the county saved \$1.43 million (in 1992 dollars) over the first five years, even taking into account the slight increase in expenditures during the first few years.<sup>49</sup>
- The projected cost of the shift over time remained lower than the previous detention-based model, thereby continuing to save the county money into the future.<sup>50</sup>

*Advocates should encourage fiscal offices to analyze data beyond just one or two years; often the most significant savings stemming from juvenile justice reform are realized several years in the future.*

The authors of the Broward County case study conducted another piece of noteworthy analysis in the same paper, contrasting three possible directions for the juvenile justice system and the fiscal outcomes of each option.

- The authors compared 1) continuing with the current system, adding new beds as facilities become more crowded; 2) waiting for a lawsuit to force change to the current system; and 3) engaging in proactive change by providing additional non-secure alternatives for lower-risk youth.
- The authors found that the least expensive option over the course of 10 years is proactive change.<sup>51</sup>

Advocates can utilize similar analyses to encourage policymakers to shift the focus of expenditures away from institutional care and towards community-based care. These analyses not only demonstrate the cost-effectiveness of progressive reform over the long term, but also reveal the fiscal imprudence of maintaining the status quo or only engaging in change when there is no other way out.

## **Tactical Strategy Four: Establish a Relationship with the State Fiscal Office to Ensure the Reliability of Cost-Benefit Data**

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Advocates should make an effort to work with their state fiscal offices to ensure a complete, long-term economic analysis of any proposed legislative change.

- State fiscal offices may not fully understand how the juvenile justice system operates (and may very well be overburdened), and thus may only look to the head of the department that operates juvenile facilities for data on the fiscal impact of any proposed legislation. Advocates can step in to help ensure that officials are reaching out to all relevant agencies affected by the legislation.
- Advocates should encourage fiscal offices to analyze data beyond just one or two years; often the most significant savings stemming from juvenile justice reform are realized several years in the future.
- Advocates can help to ensure that fiscal offices look broadly at data and include all

unintended consequences of current practices (such as the cost of increased recidivism when youth are transferred to the adult system). Such consequences must be included in any analysis in order to get a truly accurate picture of current and long-term costs.

- Advocates may be able to provide fiscal offices with data that can be incorporated into the office's original analysis. Or, advocates may offer alternative fiscal analyses after fiscal impact notes have been drafted.

Once the state fiscal office has the appropriate data, analyses of this data can demonstrate the high cost/low rate of return of traditional incarceration-focused juvenile justice systems, while also providing evidence of the long-term cost savings of alternative programming. Thorough, long-term economic analyses arising directly from the state fiscal office can serve to arm advocates with figures that will stand up to budgetary scrutiny by the legislature and the public.

### **Tactical Strategy Five: Establish New Partnerships to Strengthen Advocacy Efforts**

In order to most effectively present their arguments to policymakers, advocates must establish partnerships with new or unlikely allies. Social services of all kinds are in jeopardy, and advocates in the field of juvenile justice can leverage their efforts by working with advocates in other disciplines. Creating partnerships with new allies can provide advocates with access to new voices and research bases that can lead to a powerful and unified voice for change. Unlikely partnerships can also catch the attention of legislators who may otherwise be hard to reach.

Advocates in **Illinois** have had much success through partnerships with unlikely allies.<sup>52</sup>

- The Illinois Juvenile Justice Initiative (JJI) partnered with the Illinois state PTA (Parent Teacher Association) on various juvenile justice issues. JJI educated members of the PTA on current issues and laws in the field of juvenile justice, while the PTA activated their network to garner support for bills supported by JJI.
- JJI has also partnered with physicians' groups, especially those that focus on adolescents and pediatrics. Such groups were particularly helpful in JJI's effort to raise the age of adult court jurisdiction to 18 for misdemeanor offenses.

Other organizations and groups that can become effective partners on specific juvenile justice reform issues include law enforcement groups, correctional officer unions, prosecutors, faith-based organizations, victims' groups, community charitable organizations, employee unions, and law schools. While such groups may not support an entire reform agenda, they may be interested in partnering on a specific campaign.

Juvenile justice advocates should consider also partnering with organizations that are looking to cut adult corrections costs by reducing incarceration and redirecting cost savings into alternative programming.<sup>53</sup> Several programs are working successfully in the adult corrections arena.

- The **Council of State Governments Justice Center's Justice Reinvestment** program has succeeded in **Kansas**, among other states. As part of a legislative package enacted in 2007, Kansas will reinvest \$6.9 million of a total of \$80.2 million savings from averted adult

- prison construction; \$4.5 million will be reinvested in a community corrections grant program, and \$2.4 million will be reinvested in substance abuse and vocational programs.<sup>54</sup>
- The **Public Safety Performance Project of the Pew Center on the States** helps states to collect and analyze data on adult prisoners; compares existing sentencing, release, and community supervision policies, practices, and outcomes with other states; and encourages states to use the best research available to advance reforms.<sup>55</sup>

The success of initiatives such as Justice Reinvestment and the Public Safety Performance Project can boost the parallel agendas of juvenile justice advocates looking to redirect spending. Creative partnering with such organizations can increase the net projected cost savings and present a unified front to legislators.

Lastly, advocates should not overlook the potential for partnership with business leaders. Business leaders have the ability to speak effectively on fiscal and economic issues in a way that many other organizations cannot. A report from the Pew Center on the States highlights the efforts of business leaders in five states who are at the forefront of corrections reform.<sup>56</sup> These individuals emphasize that they approach the issue from a financial perspective and point out the folly of spending vast amounts of money on corrections without seeing a good return on the investment. Such allies can be powerful partners as juvenile justice advocates present fiscal arguments to legislators and administrators.

## **Tactical Strategy Six: Utilize Polling Data to Show that Public Opinion Supports Effective Rehabilitation of Youth**

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Legislators are responsive to the will of their constituents, and polling data consistently show that the public supports rehabilitative programming for youth as an effective means of increasing public safety.

- Eighty-nine percent of respondents in a 2007 poll agreed that almost all youth who commit crimes have the potential to change and less than 15 percent thought that incarcerating youth was a very effective way to rehabilitate them.<sup>57</sup>
- Numerous additional polls show that the public believes that rehabilitation and treatment can indeed reduce crime and is willing to pay additional taxes to pay for such services.<sup>58</sup>

*Eighty-nine percent of respondents in a 2007 poll agreed that almost all youth who commit crimes have the potential to change.*

Increased public safety is important to voters, and advocates can use public opinion polls as the crux of their arguments for change at a time when legislators are likely to be especially responsive to the demands of their constituents.

### III. Using the Fiscal Crisis as an Opportunity to Deinstitutionalize — The Key Research

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While a time of significant funding cuts and budget shortfalls can mean a pullback on reform efforts, it can also present an opportunity for the closure of facilities. Institutions are extremely expensive to operate, especially as compared to alternative, community-based programming. The move to close facilities is supported by a solid body of research indicating the harmful effects of institutionalization on youth (see details below), and there is growing evidence of the effectiveness of community-based programming.

The next section of this paper discusses the research that supports advocates' efforts to downsize and close institutions for youth, both in terms of youth well being, public safety, and cost. This research should be one component of the advocate's tool box, and can be particularly compelling in a time when the focus has narrowed to scrutinize every dollar spent.

#### Incarceration Is Damaging to Youth

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According to reports from the Office of Juvenile Justice and Delinquency Prevention (OJJDP):

- **In 2008, 263 juvenile offenders were in custody for every 100,000 juveniles in the U.S. population.**<sup>59</sup>
- **Eight in 10 juvenile offenders in custody in 2006 were held in locked, rather than staff-secure, facilities, and in 2002, most youth offenders were in large facilities (more than 100 residents).**<sup>60</sup>
- **In 2006, the majority of incarcerated youth committed only nonviolent offenses, such as drug and property offenses, or noncriminal acts such as public order and status offenses as well as technical violations.**<sup>61</sup>
- **Facility crowding affects a substantial proportion of youth in custody; in 2004, 32 percent of facilities were at or over their standard bed capacity or relied on some makeshift beds.**<sup>62</sup>

*In 2006, the majority of incarcerated youth committed only nonviolent offenses, such as drug and property offenses, or noncriminal acts such as public order and status offenses as well as technical violations.*

These facts provide a snapshot of the striking number of youth subjected to incarceration and its ill effects.

The ill effects of institutions on youth are many:

- **Institutions have a criminogenic effect on youth.** Several studies find that incarceration of youth actively increases the chance of future delinquent behavior and adult criminal activity.<sup>63</sup>
- **Incarceration can lead to “peer deviancy training,”** through which youth grouped together for treatment experience higher levels of recidivism, substance abuse, school difficulties, delinquency, violence, and adjustment difficulties in adulthood.<sup>64</sup>
- **Incarceration of youth disrupts development.** In fact, incarcerating juveniles may actually interrupt and delay the normal pattern of “aging out” of delinquent behavior because

- detention disrupts youths' natural engagement with families, school, and work.<sup>65</sup>
- **Incarcerated youth are at risk for sexual victimization** by staff and other youth. A recent study from the U.S. Bureau of Justice Statistics revealed that an estimated 12% of youth (over 3,000 individuals) in state juvenile facilities and large non-state facilities reported experiencing one or more incidents of sexual victimization by another youth or facility staff in the past 12 months or since admission, if less than 12 months.<sup>66</sup>
  - **Incarcerated youth are at risk for suicide**, especially nonviolent offenders. According to an OJJDP study, 70 percent of youth who committed suicide while confined were confined for nonviolent offenses (12 percent of those youth were confined for status offenses).<sup>67</sup>
  - **Incarceration disrupts education**, which is a protective factor against juvenile delinquency and recidivism.<sup>68</sup>
  - **Incarceration negatively impacts short- and long-term employment and economic outcomes** for youth. A Princeton study found that youth who spent some time incarcerated in a youth facility worked for three weeks less per year (five weeks less for African American youth) than youth who were never incarcerated.<sup>69</sup> The incarceration of large numbers of youth can also negatively affect the well being of their communities.<sup>70</sup>

## Incarceration Is Ineffective and Can Damage Communities and Society

Incarceration is not an effective means of rehabilitating youth or increasing public safety.

- Virtually every study of youth sent to large juvenile correctional institutions in the past 30 years finds a 50-70 percent recidivism rate within one to two years of release.<sup>71</sup> In contrast, some programs that provide alternatives to traditional confinement for youth who would have been prison-bound for the commission of serious, felony drug and/or violent offenses report a reconviction rate for violent crimes of only four percent,<sup>72</sup> while other alternatives can have recidivism rates as low as 7.3 percent.<sup>73</sup>
- **Youth who have been incarcerated are more likely to recidivate than youth who are supervised in a community-based setting.**<sup>74</sup>
- Between 1997 and 2006, seven of the 10 states that reduced the number of youth in confinement actually had drops in the total number of violent offenses reported to law enforcement.<sup>75</sup>
- **Transfer to the adult system further increases the chance that a youth will recidivate** when released. Transferred juveniles are 33.7 percent more likely to be re-arrested for a violent or other crime than juveniles who commit the same level of offense, but are retained in the juvenile justice system.<sup>76</sup>

*Youth who have been incarcerated are more likely to recidivate than youth who are supervised in a community-based setting.*

Incarceration also disrupts education, which in turn negatively affects public safety.

- **States with higher levels of educational attainment have lower crime rates than the national average.**<sup>77</sup>

## Institutions Are Expensive

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In addition to the obvious harmful effects of institutions on the current well-being and future success of youth, they are expensive to operate, especially in relation to their effectiveness.

- After completing an extensive cost-benefit analysis of a range of interventions for youth in the juvenile justice system, the Washington State Institute for Public Policy found that **confinement is an expensive way to lower crime rates, providing only two dollars of benefits per dollar of cost.**<sup>78</sup>
- Additionally in Washington State, a 40 percent increase in the use of secure confinement in the late 1990s was the main factor driving a 43 percent increase in juvenile justice spending over the same time period.<sup>79</sup>
- 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.<sup>80</sup>
- Some states report costs as high as \$726 per day (nearly \$265,000 per year) for a juvenile residential bed.<sup>81</sup>

*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.*

These costs are astronomical in light of the questionable benefits to public safety of confinement, as well as the damaging effects to youth.

States have already found ways to make smart cuts to their juvenile justice budgets that reflect an understanding of the extremely high expense of facilities as compared to more effective and more fiscally prudent community-based programs. Each of the following states has discovered the significant cost savings that can accrue from facility closures and/or stays on facility construction.

- In March of 2009, the **New York** legislature closed six residential facilities for youth, downsized two facilities, and closed three evening reporting centers. The closures are expected to save the state \$16.4 million. Advocates successfully pressed for community reinvestment to go hand-in-hand with facility closures; the funds saved by the state will be reinvested in community-based programs, especially alternatives to detention.<sup>82</sup>
- **Nevada** plans to close two vacant cottages for youth at state reformatories.<sup>83</sup>
- **Oregon** has chosen to delay plans to add hundreds of beds at some youth facilities.<sup>84</sup>
- **Ohio** closed two juvenile facilities in June of 2009, and will be closing another during fiscal year 2011.<sup>85</sup>

## Evidence- and Community-Based Programs Are Cost-Effective

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In sharp contrast to the costliness and questionable benefits of confinement are community- and evidence-based programs for youth. The expense saved by closing an institution can be redirected to much more cost-effective programming for youth that has a higher success rate and does not have the same damaging effects of incarceration. Additionally, because such programs cost less to operate, states will see significant savings after programs are implemented.



The research supporting alternative programming proves its effectiveness as well as its fiscal prudence. For example, evidence-based programs lead to reduced recidivism, which leads to less spending on the criminal justice system as well as less crime, which means fewer crime victims.<sup>86</sup> Specific examples of the cost savings that can be and have been achieved by states through the implementation of evidence- and community-based programs in the juvenile justice system follow:

- **Multidimensional Treatment Foster Care** provides a \$88,953 net benefit to crime victims and taxpayers per participant.<sup>87</sup>
- **Functional Family Therapy** provides a \$49,776<sup>88</sup> net benefit to crime victims and taxpayers per participant and reduces a juvenile's recidivism rate by 18.1 percent.<sup>89</sup>
- **Multi-Systemic Therapy** provides a benefit of \$13.36 for every dollar spent<sup>90</sup> as well as an \$17,694 net benefit to crime victims and taxpayers per participant.<sup>91</sup>
- **Cognitive Behavioral Therapy** reduced criminal recidivism by about 25 percent in a study of adult and juvenile offenders.<sup>92</sup>
- **Florida's Redirection Program**, which redirects youth from residential placements to evidence-based treatment options, has saved the state \$36.4 million over four years and avoids \$5.2 million in recommitment and prison costs. The program has also lowered recidivism rates for youth.<sup>93</sup>
- In 2001 in **New York City** it cost 15 times more to send a youth to one day in detention (\$385) versus one day in a detention alternative (\$25).<sup>94</sup>
- While not an evidence- or community-based program, **Missouri's** shift away from the traditional confinement model to smaller, less institutional facilities has also proven to be cost-effective. Thanks to the use of smaller facilities, Missouri's DYS budget per youth between the ages of 10 and 17 has been 33 percent lower than the average in surrounding states.<sup>95</sup>

These examples provide a sampling of the research that supports the use of alternatives to confinement for both fiscal (actual cost savings) and public safety (reduced crime/recidivism rates) reasons. And while some alternatives may incur costs during the first year or two of implementation, such costs can be covered by the savings achieved through the closure of an institution, or even an unused wing of an institution. Once fully implemented, the programs will lead to consistently reduced yearly operating budgets.

## IV. Conclusion

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The research and arguments detailed in this paper can help to arm advocates as they enter the fiscal battlegrounds in their state legislatures and administrative offices. Policymakers must be educated on the reality of the expense and disastrous effects of juvenile institutions and provided with sensible alternatives that will both achieve cost-cutting goals as well as increase public safety. These rational, fiscally-based arguments can hopefully help states steer away from ill-conceived and unwise cuts to their juvenile justice budgets, as well as garner support for alternatives to the confinement of youth.

## Endnotes

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<sup>49</sup> *Ibid.*, 17.

<sup>50</sup> *Ibid.*, 16.

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