



# PolicyPerspective

## Reclaiming Texas Youth: Applying the Lessons from RECLAIM Ohio to Texas

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### RECOMMENDATIONS

These recommendations are made to assist Texas, or any other state, in developing and implementing a RECLAIM initiative:

1. Pilot the Initiative
2. Provide Technical Support
3. Base the Funding on Commitment Reduction
4. Provide an Incentive
5. Provide Baseline Funding for Small Counties
6. Provide Monitoring and Quality Assurance
7. Evaluate Efforts

### Introduction

In a January 2009 report by the Sunset Advisory Commission<sup>1</sup> it was recommended that the State of Texas consolidate the Texas Youth Commission and the Texas Juvenile Probation Commission and implement a pilot program similar to the RECLAIM Ohio (or Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors) program in use in Ohio. The pilot program recommended by the Commission would, like RECLAIM, allow counties to keep some of the funds now used to incarcerate youth at the Texas Youth Commission and use them to operate their own programs.

The Ohio experience demonstrates that adopting this policy would help Texas improve its juvenile justice system by reducing commitments to state facilities, while at the same time improving the programs and services offered to youth in the community. The RECLAIM program is a unique juvenile justice policy that has significant implications for the juvenile justice system in Texas. The purpose of this monograph is to describe RECLAIM and the effects it has had in Ohio, and to provide a working road map that will assist the State of Texas as it considers implementing a similar initiative.

There are several important reasons to consider RECLAIM to address issues related to the confinement of youth, such as improving the conditions of confinement, and more effective delivery of programs and services. First, studies show that the incarceration of youth can often lead to detrimental effects, especially for lower risk youth.<sup>2</sup> For example,

New York recently found that 80 percent of youth released from their custody were re-arrested within three years.<sup>3</sup> RECLAIM encourages keeping youth in local communities and thereby avoids the detrimental effects of unnecessary incarceration. Second, by providing local communities with resources, more effective interventions and programs can be developed and delivered to youth and their families thereby reducing delinquency and enhancing public safety.

Third, studies show that it is more cost effective to utilize community-based interventions that avoid sending youth to state facilities. While exact numbers cannot be calculated, if existing youth incarceration trends prior to RECLAIM had continued, the State of Ohio would be spending considerably more money on the incarceration of youth. Finally, policies such as RECLAIM can work to develop better relationships between local juvenile justice courts, officials, and the state youth system. For example, in Ohio RECLAIM has fostered better community-state partnerships, collaboration on joint projects (such as improving the assessment of youth and developing better information systems), and cooperation in legislative initiatives.

This monograph will be divided into five sections. The first section describes RECLAIM Ohio, its goals, history, and implementation. The second section reviews data related to the effectiveness of RECLAIM including the impact on juvenile commitments, costs, and county programs. The third section examines results from another state that has adopted an initiative based on RECLAIM. The fourth

section discusses the application of RECLAIM to Texas, including the possible impacts on budgets, commitments, and counties. A final section summarizes the findings and provides recommendations.

## SECTION 1: RECLAIM OHIO

### *Why RECLAIM?*

In the early 1990s, Ohio was faced with budget cuts and a growing juvenile incarceration rate. Like many states, Ohio was experiencing a trend towards longer sentences, with the number of transfers to adult court growing from 196 cases in 1988 to 402 cases in 1992.<sup>4</sup> Single day counts of juveniles in correctional facilities increased 40 percent over 13 years, from 3,770 in 1979 to 5,280 in 1992.<sup>5,6,7</sup> In 1991, Ohio's juvenile institutions operated at 150 percent capacity.<sup>8</sup> Within a single year, this had increased to 180 percent, with one in every 90 African-American youth in Ohio being committed to a DYS facility in 1992.

In terms of disposition options, once a youth has been adjudicated of a felony in Ohio, the judge has the option of committing them to the Ohio Department of Youth Services (ODYS), placing them on probation, or referring them to some other program. Youth committed for a more serious offenses (Felony one or two) serve a minimum sentence of one year. For less serious offenses, a six month minimum is imposed. Up to the halfway point of the minimum sentence, judges may grant early release. If a youth is not released by the judge before the halfway point of the minimum sentence, then the youth is brought before a release authority for parole consideration.

The increasing correctional population and severe institutional crowding forced policymakers in the state of Ohio to reexamine juvenile correctional procedure. Policymakers realized that Ohio needed to devise a way of motivating counties to keep juveniles in the community rather than sending them to state facilities. Prior to RECLAIM, counties were able to send an unlimited number of juveniles to institutions without any fiscal repercussions; the state, not the counties paid all incarceration costs.\* The challenge was to reverse this trend and get the counties to send fewer youth to the state for incarceration. An early notion

was to attach financial incentives to the use of community-based programs as well as sanctions to the use of state run institutions. However, a policy had to be developed that allowed counties to continue to incarcerate serious offenders, but at the same time allowed less serious offenders to be placed in the community. After all, how could the state require local counties to pay for the incarceration of serious or violent offenders?

Policymakers reasoned that if counties were given more resources (e.g., financial incentives), they might decide to keep youth in their local communities (e.g., by increasing local services) rather than pay to send juveniles to state operated institutions. The end result of these discussions and development was RECLAIM Ohio, a policy that allocates funds to each county and allows that county to choose whether youths should be treated locally or sent to a state institution. However, unlike the past, if the county chooses to incarcerate, they are required to pay for that incarceration from the allocation it receives from the state.<sup>9</sup>

### *Goals of RECLAIM*

There were two primary goals of RECLAIM. The first goal was to enable DYS to provide better care for incarcerated juveniles. Because of crowding in the state's institutions, RECLAIM sought to achieve this goal by decreasing unnecessary commitments to DYS facilities. The second goal was to help counties increase the number of community-based options available in their areas. These options could be created by developing new programs, expanding existing programs, or purchasing services from private providers.

The RECLAIM Ohio initiative allocates funds to local counties so that their courts may provide services best suited to the needs of each juvenile offender. Although a number of sentencing options are typically available to judges, the main decision in each case centers around whether a juvenile requires secure custody (incarceration) or can be treated on the local level (in a community-based program that might include residential and non-residential programs). Prior to RECLAIM, many counties did not have the funding available to treat juveniles locally. To change this situation, RECLAIM provided counties with a yearly allocation (distributed monthly) to treat youth under their care and custody.

\* Prior to RECLAIM the state had a small subsidy called Community Corrections Subsidy. Those counties that were receiving funds were committing fewer youth to DYS.

### **Funding of RECLAIM**

In order to determine the original funding formula, DYS pooled the funds normally allocated for operating institutions and programs, community corrections facilities,<sup>\*</sup> existing community corrections subsidies, and private facilities.<sup>†</sup> In determining the allotment for each county, DYS averaged the number of felony adjudications<sup>‡</sup> over a two-year period for each county and the state as a whole.<sup>§</sup> Each county's proportion of the average was calculated. This proportion was multiplied by the amount of money pooled for RECLAIM. The result was the yearly allocation for each county. For example, if a county had an average of 1,200 adjudications (or 8% of the state average of 15,000), then that county could potentially receive \$4 million (or 8%) of the total \$50 million budget.

Before RECLAIM began, counties were not required to pay for commitments of youth to institutions. Now, because RECLAIM pools all DYS funds, counties are charged for each juvenile they commit to an institution. There are four exceptions to this rule. First, counties do not pay for public safety beds, which include youth committed for murder, aggravated murder, or rape. Second, no charges are incurred for commitments resulting from offenses that occur in a DYS institution. Third, counties that account for less than 1 percent of all felony adjudications are not charged for commitments.<sup>\*\*</sup> Finally, counties do not pay for parole revocations (only if youth were on a supervised release and only after 30 days are served).

It is important to note that participation in RECLAIM is voluntary, and the counties are not charged if they commit more youths than their allocation allows. A contingency fund was established to cover additional commitment costs incurred by the counties. In other words, the state, not the individual counties pay for the extra incarceration costs at the end of the year. Counties with funds left over at

the end of the year, however, are not required to return the remaining money to the state, but must use that money for funding local programming and services for youth.

### **Technical Violations and Revocations**

As mentioned previously, there are essentially two ways that a youth can be released from a DYS institution; judicial early release and parole granted by the Release Authority.<sup>††</sup> If a youth is granted judicial early release prior to the halfway mark of their minimum release date, they are placed on probation in the local jurisdiction. If probation is revoked and a youth is recommitted to DYS for their entire minimum sentence, then the county pays for incarceration out of their RECLAIM allocation.<sup>‡‡</sup> If a youth is granted early judicial release after the halfway point of the minimum sentence, they are placed on parole. If a youth is placed on parole (either through the judicial release process or by the Release Authority) and is subsequently revoked, the county only pays for the first 30 days of incarceration. Figure 1 shows the number of early judicial releases by supervision type between 2003 and 2008. The number of early releases placed on parole averages about three times the number placed on probation. It should be noted that youth initially placed on probation and subsequently revoked (and sent to a DYS facility) are charged against RECLAIM funding unless it is a public safety bed offense.

### **Bindovers**

As with many states, Ohio allows some youth to be bound-over to the adult system. This is an important issue since youth that are boundover to the adult system are not part of the RECLAIM initiative.

\* Ohio funds 12 community corrections facilities (CCFs). The CCFs are funded by the state but run by local community corrections boards. Youth sent to a CCF are sent there for an indeterminate sentence in lieu of placement in a DYS facility.

† Ohio had one private correctional facility: Paint Creek, which is operated by Lighthouse Inc. out of Cincinnati, OH.

‡ Felony adjudications were used in the funding formula because only youths adjudicated for felony-level offenses can be sentenced to institutions.

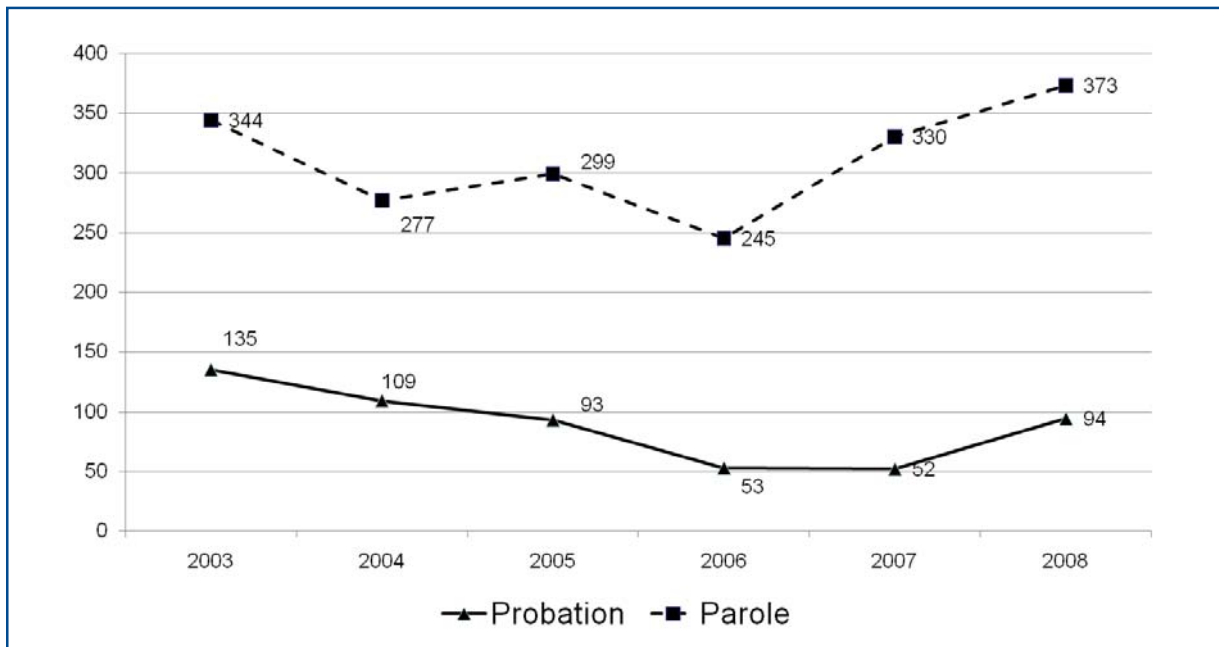
§ In 2004, the formula was changed from a 2 year to a four year average for adjudications.

\*\* Each very small county is allocated a base amount of \$50,000.

†† Youth can "age" out of a DYS, however this is fairly rare.

‡‡ If the remaining minimum sentence is less than 90 days, the revoked youth must serve 90 days before release.

**Figure 1: Early Judicial Release by Supervision Type**



Youth can be boundover under a “mandatory” or a “permissive” bindover procedure.\* Figure 2 shows the number of bindovers for selected years. The number of juveniles boundover to adult courts peaked in 1998 at 460 and have declined to under 300 since 2003. It should be noted that in 1996, the state passed legislation requiring “mandatory” bindover for some violent juvenile offenders. Overall, these data seem to indicate that the numbers of bindovers have not been dramatically affected by RECLAIM.

In sum, the State of Ohio took a radical step in 1994 when it decided to attempt to reverse the trend of incarcerating youth by reconsidering the interests of the people involved in those decisions. By offering fiscal incentives to counties, the state hoped that the counties would develop and chose local options for more youth. Counties can still incarcerate, but now they risk losing some of their allocated RECLAIM funds. Conversely, counties can use the funds locally if they select community-based options.

## SECTION 2: FINDINGS ABOUT RECLAIM

### *Pilot Phase*

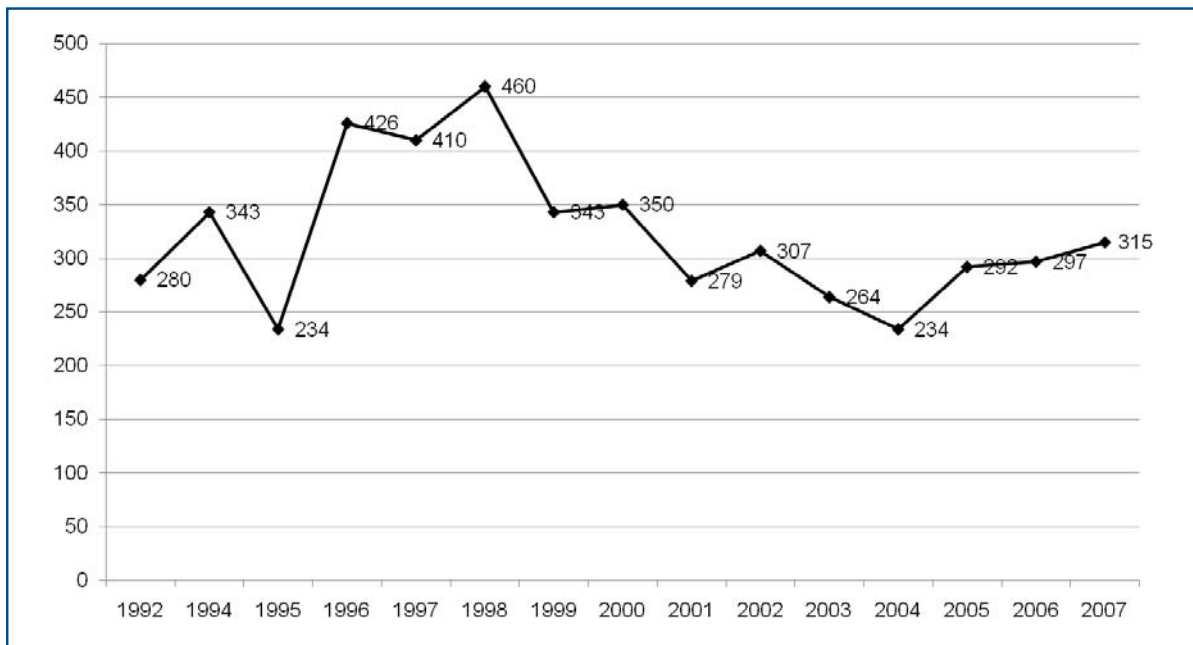
Prior to the full implementation of RECLAIM, DYS took two important steps to help ensure its success. First, they piloted the RECLAIM program in several counties. Second, the state funded an outside evaluation in order to examine the pilot program’s effectiveness in impacting commitments to DYS.

Prior to beginning the pilot phase, DYS requested that interested counties submit a written proposal for competitive review.† This is an important point, since the initial pilot counties were essentially “volunteers” and helped pave the way for statewide support. RECLAIM Ohio was implemented as a pilot program in nine Ohio counties in 1994. These included three rural counties (population less than 35,000), three small counties (population greater than 35,000 but less than 54,900), two medium-sized counties (population greater than 54,900 and fewer than 500 persons per square mile), and one urban county (consisting of one of more urban centers and more than 500 persons per square mile).

\* Legislation creating the mandatory bindover provision for violent youth was passed in 1996.

† About half of the counties applied to be a pilot county.

**Figure 2. Juveniles Transferred to Adult Court\***



Results from the pilot study were generally favorable.<sup>10</sup> Although the pilot counties did show reductions in their overall number of commitments to DYS in comparison to the non-pilot counties, the differences were not large enough to reach statistical significance. Stated differently, the pilot counties did show small reductions in commitments (albeit the difference was not statistically significant), whereas the non-pilot counties showed little change. More encouraging was the fact that the pilot counties significantly increased the number of more serious offenders committed (Felony 1) while significantly reducing the number of commitments for less serious offenders (Felony 4).

Based on these findings and strong support from local counties, in 1995 RECLAIM was extended to all 88 counties. The decision to offer RECLAIM statewide instead of limiting it to the largest urban counties (which commit the vast majority of youth to DYS), was a political one, and helped garner legislative support.

**Statewide Implementation**

In 1995, the state implemented RECLAIM statewide. In addition to the funding allocation, DYS made available

technical assistance grants to help counties that were struggling to obtain RECLAIM funds. The state also sponsored its first RECLAIM conference, which helped explain and sell the RECLAIM concept.

In 1998, a second study of RECLAIM was completed.<sup>11</sup> This study examined the state-wide implementation and included both qualitative and quantitative data. A summary of some selected findings from this study are as follows:

- Overall, the counties served a variety of youth including males, females, whites, non-whites, serious, and non-serious offenders.
- Despite this variety, the youths showed little diversity on several characteristics. Most of the youth who participated in RECLAIM programs were male, white, unemployed, attending school, and approximately 15½ years old.
- Compared to the other counties, the urban counties tended to serve larger percentages of minority youth, youths not enrolled in school, juveniles adjudicated for

\* In 1996, the state added “mandatory” bindovers. Data were not available for 1993. The year 1995 was a pilot year for data collection and not all counties reported. In 2006, the state went from a calendar year to fiscal year.

felony offenses, and youths who had previously been adjudicated for a felony.

- Of the state's RECLAIM county allocations, 73 percent were given to the urban counties.
- Respondents from urban and medium sized counties reported the greatest amount of court support for community-based alternatives, followed by rural and small counties.
- The percentage of felony RECLAIM clients who were minorities, largely reflected the representation of minorities among all youth adjudicated for felonies. This finding held regardless of county size.
- Over 75 percent of all size counties' respondents were either moderately or very satisfied with RECLAIM.
- The four most favorable aspects about RECLAIM were: having more options available in the court, the flexibility to tailor programs to youth in their community, having more money available, and that RECLAIM is community-based.
- The less favorable aspects of RECLAIM were the funding formula, which some counties felt were too complicated, and the workload. The least favorable aspect was funding uncertainty.

### ***Felony Adjudications and DYS Admissions***

In order to address the first goal of RECLAIM, which was to provide better care for incarcerated youth by reducing the commitment rate, it is important to examine the data pertaining to felony adjudications and DYS admissions. Although RECLAIM has no real impact on felony adjudications, these youth are eligible for a state commitment in Ohio, and thus serve as the population from which RECLAIM funds are drawn. Information regarding

felony adjudications and state commitments are presented in Figure 3. As can be seen, the number of felony adjudications peaked in 1996 at 15,857 and declined every year since, to just 8,856 in FY 2007. More importantly, the percentage of youth committed for a felony went from a high of 21 percent in 1992 to a low of 16.5 percent in 2006.\* This reduction translates into several hundred youth per year.

Perhaps the most important data are the DYS admissions to institutions. Figure 4 presents the number of admissions to DYS institutions between FY 1992 and FY 2007. The number peaked in FY 1994 (the same year RECLAIM was piloted), with over 3,600 youth admitted to a facility. From that point on there has been a steady and somewhat dramatic decline in admissions, with just over 1,800 youth committed in each of the years from 2005-07. For the past three years the average number has been just over 1,800, half of what it was in 1994. While causal evidence does not exist, it is hypothesized that the implementation and use of RECLAIM has had an impact on sentencing trends and youthful institutional populations in Ohio.

### ***Cost Savings***

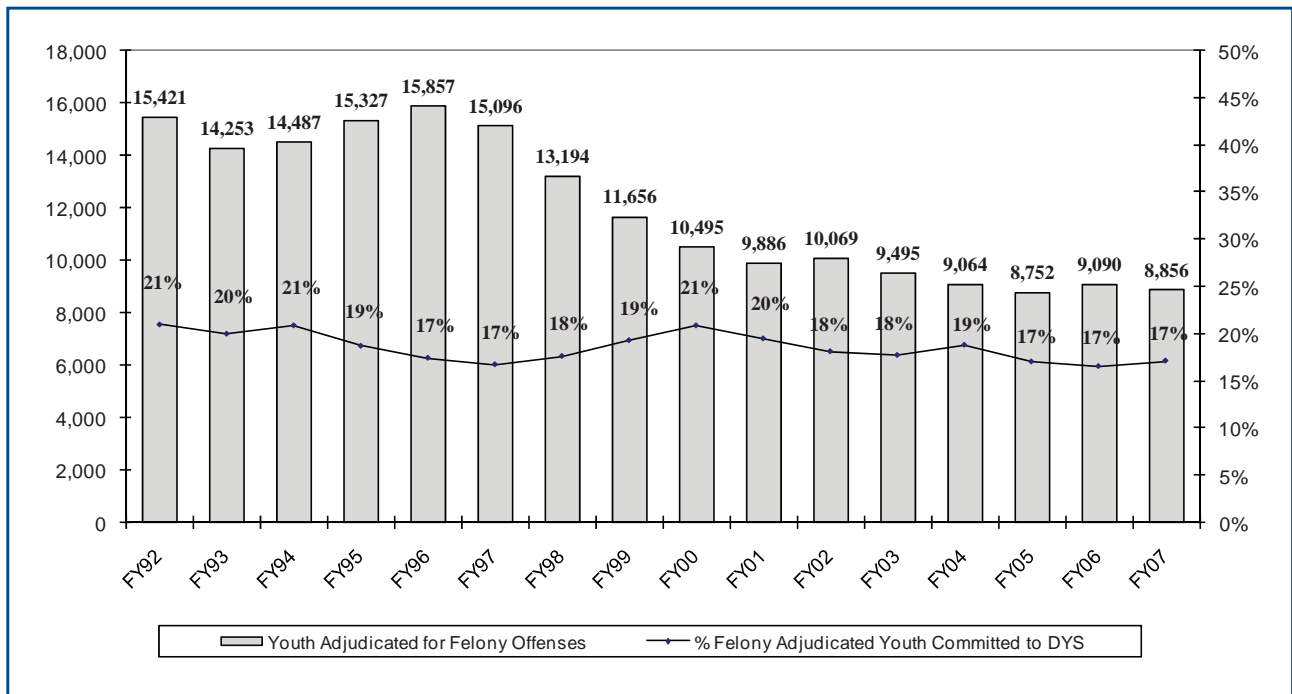
In the years that RECLAIM has been in existence it has provided over \$330 million to the local counties. These funds have been used to serve over 27,000 youth per year in over 700 programs.† It is estimated that it costs approximately \$80,000 per year to house a youth in DYS, compared with an average of under \$2,000 per year for a youth served in the community through RECLAIM. In the long-term, cost savings range from \$11 to \$45 for every dollar spent on a RECLAIM program when compared to placement in DYS or a residential facility.

However, it should also be noted that while DYS "reallocated" its budget to fund RECLAIM, the fixed costs of operating facilities are such that new dollars were required to fund the initiative. Since RECLAIM began, DYS has closed four institutions, but opened three new ones.

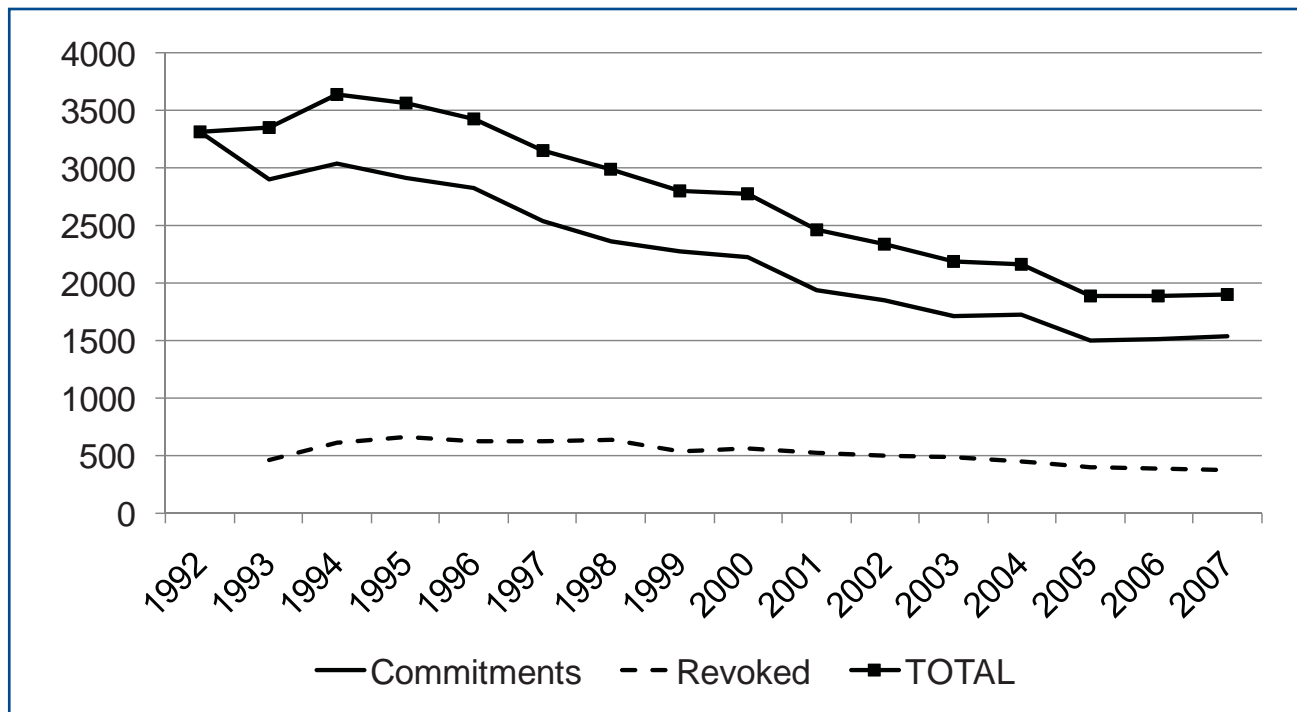
\* Although not shown in the table, in FY 1990, 26 percent of youth adjudicated on a felony were committed to a DYS institution.

† It should be noted that RECLAIM programs are not restricted to youth diverted from a state commitment. Any youth that the court deems appropriate can be served in a RECLAIM funded program. This includes prevention as well as intervention programs.

**Figure 3. Felony Adjudications and Percentage of Adjudications Committed to DYS Facilities**



**Figure 4. DYS Commitments by Year**



## Public Safety

A recent study of the larger juvenile system in Ohio used data on 14,496 youth and examined youth who attended a RECLAIM program. All youth in the sample were either terminated from a RECLAIM program (10,866), a Community Corrections Facility (CCF<sup>\*)</sup> 348, released from a DYS facility (to DYS aftercare) 2,110, or discharged from DYS (aftercare terminations) 1,172, during fiscal year 2002. There were a total of 349 RECLAIM programs and 10 CCFs included in this study.

Data on youth were collected from databases maintained by DYS and through reviews of youth files maintained by the courts. Information collected from these files included age, race, criminal history, current offense data, and recidivism. Recidivism data were gathered using two sets of databases. The first measure captured new criminal behavior and included any new felony adjudications as a juvenile or entry into the CCISWEB database as an adult.<sup>†</sup> The second recidivism measure developed captured commitments to a DYS facility or a DRC (adult) facility. A final measure was developed which was a combination of the two measures described above.

Data were also collected on the programs serving youth. To collect these data a survey was completed by program staff that asked a number of questions about the programs operations and content. This information was used to determine if there were any factors that related to a program's recidivism rate. The following findings can be summarized from this study:

- The analyses of the data indicated that approximately 80 percent of the RECLAIM and CCF terminations were white and approximately 50 percent of the DYS discharges and releases were white. The sample was 75 percent male with higher percentages of males for the residential/institutionalized populations. The average age of youth served by the RECLAIM programs

was 16 years-old. The average age of the CCF and DYS releases was 17 years-old and the average age of DYS discharges was 19.

- Based on the measure of risk developed for this research, predominantly lower-risk youth were served by the RECLAIM programs (75% were low or moderate risk), 76 percent of the CCF youth were higher risk (high or very high), and approximately 50 percent of the DYS releases and discharges were higher-risk youth.
- The analysis of recidivism data using the conviction measure of recidivism indicates an important and expected trend. Lower-risk offenders performed worse when placed in residential programs and/or DYS when compared to lower-risk offenders placed in RECLAIM programs. The analyses for high-risk youth indicated that none of the placement types substantially outperformed the others when measuring success with the conviction measure of recidivism. However, when reviewing the success rates using the measure based on commitments it becomes apparent that high-risk youth sent to a CCF or DYS facility have lower success rates. The very-high risk offenders perform better when placed in a CCF or DYS facility.
- There was a great deal of variation in the recidivism rates of the RECLAIM programs. In general, those programs that offered more services and structure were more effective with higher-risk youth, while programs that tend to be of shorter duration and were less intensive were more effective with lower-risk youth.

Overall, this research indicated that lower-risk youth have higher recidivism rates when placed in a CCF or DYS facility compared to lower-risk youth that were placed in a RECLAIM program. Higher-risk youth appeared to have similar recidivism rates regardless of placement, while it

\* In 1992, DYS decided to create state funded residential programming for youth. Rather than state operated facilities, the decision was made to provide funding to local communities. There are now 12 community correctional facilities (CCFs) throughout the state and all but two accept youth from any county. While the delivery of services differs somewhat between the facilities, in general, the CCFs are designed to provide a structured residential treatment environment as an alternative to a DYS facility. Each CCF is funded by DYS, while responsibility for operations and policy resides with local judicial corrections boards. The size of the CCFs ranges from 55 beds to 10 beds, with an overall capacity of 369 youth at any one time. Nine of the facilities are for males only and three are coed. The average length of stay in a CCF is six months.

† The CCISWEB database was developed by the Ohio Department of Rehabilitation and Correction to track offenders placed under community supervision. Not all placements on community supervision are captured in this database.



became apparent that the very-high risk youth have lower recidivism rates when placed in a CCF or DYS facility compared to very-high risk youth placed in RECLAIM programs. Analyses also indicated that the quality of the program is related to recidivism rates. The conclusions based on the program quality data are tentative, but are supported by prior research, and indicated that higher quality programs have lower recidivism rates.

### **Changes in DYS Due to RECLAIM**

RECLAIM has led to a number of important changes to juvenile justice in Ohio that go beyond the reduction in state commitments of youth. While more difficult to quantify; these include:

- Better relationships with courts. Prior to RECLAIM, courts were often in an adversarial role with DYS. RECLAIM has transformed that relationship to one that is more a partnership.
- Since there are fewer youth being sent to DYS there are also smaller case loads on parole.
- Institutions have fewer youth and are less crowded. Two institutions have been closed since RECLAIM began.
- RECLAIM has provided an opportunity to educate and inform judges about what works with youth. As a result, many judges have embraced evidence-based practices and have become strong advocates for more effective programming for youth.
- In order to determine who should be placed in community-based RECLAIM programs, risk assessment has become a very important component of the juvenile justice system in Ohio. A new assessment process is in the final stages of development and has the full endorsement of juvenile judges from across the state. Prior to RECLAIM, risk assessment was not considered important.
- RECLAIM has allowed DYS to fund training for courts and DYS staff on a number of important topics. A few examples are: youth assessment, effective interventions, program assessment, quality assurance, and case management.

## **SECTION 3: REDEPLOY ILLINOIS**

To-date, one other state is known to have attempted to implement an initiative similar to RECLAIM. In December, 2003 the Illinois General Assembly passed legislation creating REDEPLOY Illinois. The purpose of the program is to:

“encourage the deinstitutionalization of juvenile offenders by establishing pilot projects in counties or groups of counties that reallocate State funds from juvenile correctional confinement to local jurisdictions, which will establish a continuum of local community-based sanctions and treatment alternatives for juvenile offenders who would be incarcerated if those local services and sanctions did not exist.<sup>12</sup>”

Based on RECLAIM, the REDEPLOY Illinois program’s primary goal is to reduce the number of commitments to state institutions by providing incentives to counties to create local programs<sup>13</sup>. Similar to RECLAIM, a decision was made to pilot REDEPLOY in four sites. A summary of findings from an evaluation in the first two years of implementation found the following:

- REDEPLOY Illinois pilot sites, on average, reduced commitments to the Illinois Department of Juvenile Justice (IDJJ) by 44 percent, or 226 fewer youth were sent to a state facility.
- For every \$1 million spent by REDEPLOY Illinois pilot sites, IDJJ has seen a decrease of \$3.55 million in costs to incarcerate juveniles. This equates to an \$11 million 2-year cost savings to IDJJ. Although this cost savings to IDJJ does not represent an actual dollar for dollar decrease in IDJJ direct costs, it is believed that if these reductions are maintained over time, IDJJ will be able to begin restructuring and downsizing.
- In 2005, IDJJ saw a 7 percent (118 youth) statewide decrease in new admissions. A drop of this size has not been seen in recent years.<sup>14</sup>

While these results are preliminary and are based on just two years of data in four pilot sites, the findings are very encouraging and indicate that REDEPLOY Illinois has been successful in meeting its initial goals.

## SECTION 4: IMPLEMENTATION IN TEXAS

There are several questions Texas would need to consider prior to developing a well thought out and potentially effective strategy to implement a RECLAIM program in Texas. A series of primary questions follows with initial responses to those issues.

### 1. What specific budgetary and statutory changes would be needed to implement RECLAIM in Texas?

In order to implement RECLAIM in Texas, the state would need to determine several costs associated with incarcerating youth and the commitments by offense type for each of the counties in Texas. From these data an estimate as to costs for sentencing youth to the Texas Youth Commission, as well as funding for RECLAIM programs, can be determined. It is recommended that a calculating formula similar to the one derived in Ohio be used.

The Ohio model was developed with cost in mind and was developed with the goal of flattening or decreasing rising costs associated with DYS. As such, it would be recommended that Texas put in place a process that simply re-allocates existing budgets rather than adding to the total monies spent on juvenile justice. Given that RECLAIM was developed with a focus on decreasing juvenile prison populations, it makes the most sense to re-allocate monies for youth incarceration to community-based (RECLAIM) programs.

The goal and premise of RECLAIM was to get the local counties to take on the responsibility of addressing the needs of delinquent youth, while keeping their communities safe. As such, any attempt to implement RECLAIM would require the counties to have substantial control over community-based treatment programs. The ownership, development, and full potential of the programs will be hampered if the counties do not have control of how the funds are spent and who is served with the programs developed.

In order to ensure the most efficacious use of funds, any legislation proposed and enacted should specify that a certain percentage of funds received by each county be used towards the development and support of evidence-based interventions.\* The term evidence-based is used here to

describe those programs and models which have demonstrated through independent research to be effective in reducing delinquent behavior. A model for such legislation can be found in Oregon Senate Bill 267.<sup>15</sup> SB 267 required agencies to spend increasing percentages of funds on evidence-based interventions. For example, 25 percent of funds allocated in the first biennium were required to be spent on evidence-based interventions, 50 percent the second biennium, and 75 percent by the third biennium.

### 2. What would the impact of RECLAIM be on state budgets?

While initial funding may be required to establish the RECLAIM program in Texas, the goal of the RECLAIM program should be to shift the funds used for incarceration and maintenance of facilities to the funding of local programs. The goal of RECLAIM should be to keep state budgets flat rather than require long-term additional funding.

A recent study of RECLAIM in Ohio estimated the costs of a typical RECLAIM program versus the costs of alternate forms of disposing of juvenile justice cases (incarceration in a state facility or CCF). The results of that study are shown in the table below. The first row shows the costs to take a juvenile case to disposition. The second row shows the costs per case if probation is the outcome. The third row shows the costs associated with disposing of a case plus probation and a RECLAIM program. The fourth row shows the costs associated with taking a case to disposition and then placing the youth in a Department of Youth Services institution. As indicated, RECLAIM programming costs a fraction of incarcerating a youth in a DYS facility.

**Table 1. Costs of processing one case based on year and disposition<sup>16</sup>**

	2002	2003	2004
Cost to Disposition	\$5,977	\$6,114	\$6,280
Probation	\$6,579	\$6,730	\$6,912
RECLAIM	\$8,539	\$8,735	\$8,971
DYS	\$57,194	\$58,509	\$60,089
DYS + Aftercare	\$64,133	\$65,608	\$67,379

\* An example of evidenced-based programs include the Office of Juvenile Justice and Delinquency Prevention's Blue Print programs, which have undergone rigorous evaluation to demonstrate effectiveness in reducing recidivism.

If the cost savings of RECLAIM are offset by the costs of processing subsequent criminal behavior of youth served in RECLAIM, then initial savings are not all that valuable. To determine whether the savings associated with RECLAIM are in fact durable, some consideration needs to be given to the program's impact on recidivism. That is, it might be cheaper to process youth in a RECLAIM program initially; however, if the RECLAIM program leads to greater recidivism rates, then the initial savings associated with RECLAIM is eventually lost. This issue is addressed in item five below.

It must be noted that a reduction in expenditures is one of the *theoretical* outcomes of implementing a RECLAIM program. If the state does not include plans to close youth facilities, any potential savings will be lost and the costs of the RECLAIM program will become increases in the state's juvenile justice budget. It should, however, be noted that Ohio was able to close two state facilities as a result of the decrease in commitments due to the RECLAIM program.

### **3. What types of offenders should be included under the RECLAIM program?**

The RECLAIM program should be designed to address the needs of youth that would have otherwise been sent to the Texas Youth Commission. If such youth are not targeted with services provided by RECLAIM funded programs, the likelihood that reductions in commitments, and thereby a shifting of expenses, will not be realized.

In an effort to provide comprehensive programming, counties should also be able to provide services to youth that are at risk for initial or continued involvement in the justice system and who would ultimately be committed to a state facility. Therefore it is likely that counties will fund prevention programs and programs for at-risk youth that are becoming involved with the system for their first or second time. Ultimately, however, the counties should be able to determine who they serve as long as the number of commitments to state facilities decreases. The importance of this control cannot be overstated. The counties will not likely use programming to reduce commitments unless they are given substantial control over the types of services that are

developed and offered, as well as determining which offenders are selected to receive those services.

### **4. What is the capacity of the counties to address the needs of youth in the community while keeping the community safe?**

Counties will differ in their initial ability to meet the needs of youth while maintaining or enhancing community safety. Some counties will expand existing programs and services, some will contract with private providers, and others will develop new programs for youth. The state can facilitate program development and capacity building by offering technical assistance, hosting workshops and conferences, and forming committees that foster networking and exchange of information. One of the goals of RECLAIM should be to give counties the funds, and thereby the ability to develop programming, to deal with public safety concerns presented by at-risk or delinquent youth.

### **5. What is the potential impact on youth recidivism?**

Research conducted on the RECLAIM program in Ohio indicated that low- and moderate-risk youth had the best outcomes when served in a RECLAIM program. High-risk youth had similar recidivism rates regardless of placement.\* Very high-risk youth had the best outcomes when placed in a residential setting with the recidivism of these clients served by CCFs showing the lowest recommitment rates and DYS releases and discharges from youth after-care showing the lowest new criminal conviction rates.

Once the cost data and recidivism data is combined it is apparent that RECLAIM is always the least expensive option in dealing with youthful offenders.<sup>16</sup> This is important to note as RECLAIM programs produced better or equal outcomes for low, moderate, and high-risk youth.

### **6. How does Texas ensure sound programs are developed with RECLAIM monies?**

A finding of recent research is that the most effective correctional interventions and programs have certain characteristics which can help guide program development and the implementation.<sup>17</sup>

\* When the outcome measure was commitment to DYS or DRC high-risk youth performed best when served by RECLAIM. This finding is likely due to returns to a facility for technical violations.

More specifically, correctional programs and interventions should focus on higher-risk offenders, provide cognitive-behavioral or behavioral interventions that focus on relevant criminogenic needs, tend to the qualifications, skills, and values of staff, and evaluate what they do.<sup>18/19/20</sup> Practically speaking, this will require some agencies in the juvenile justice system to administer a risk/need assessment to youth and translate the results of that assessment into a community safety plan by assigning youth to the appropriate setting and services by risk level. Supervision and the type of treatment should be driven by the results of a validated risk/need assessment. Programs should be cognitive-behavioral and should target the known predictors of criminal behavior. Finally, programs should be subject to both process and outcome evaluations, and as a

matter of operations, should put quality assurance or continuous quality improvement programming in place. This is critical, as research<sup>21</sup> indicates that poorly implemented evidence-based treatments can *increase* the recidivism rates of youth subjected to them compared to youth that receive supervision only.

In the RECLAIM evaluation and subsequent sub-analyses it was found that programs adhering to the principles of effective intervention were in fact more effective than programs that failed to incorporate these principles into their operations.<sup>22</sup> Given these findings, it is critical that the State of Texas ensure the programs utilizing RECLAIM funds are developed and operated in accordance with the principles of effective intervention.

**Table 2. Recidivism Rates (percentage of failures) by Risk and Placement Type\***

	Adjudication/CCIS Entry				Commitment				Any Indicator			
	Low	Mod	High	VH	Low	Mod	High	VH	Low	Mod	High	VH
RECLAIM	8	18	28	41	4	8	22	44	10	22	37	59
CCF	20	16	27	29	29	40	43	37	34	40	51	44
DYS Releases	-	30	26	30	-	47	39	51	-	54	47	57
DYS Discharges	-	25	29	25	-	46	41	50	-	55	52	56

Note: p < .0001

\* Recidivism data were gathered using two sets of databases. The first measure captured new criminal behavior and included any new felony adjudications as a juvenile or entry into the CCISWEB database as an adult. The felony adjudication database includes all felony adjudications reported by juvenile courts to DYS through fiscal year 2004. Researchers at the University of Cincinnati developed a program to query the database for each youth flagging adjudications that occurred after the termination date from a RECLAIM program, CCF, or DYS. Researchers at the DRC queried the CCISWEB database for entries into the database after the termination date for each youth in the sample. The CCISWEB database is used to track CCA program utilization and payment to CCA programs. CCA programs include probation, intensive supervision, day reporting, community based correctional facilities, halfway houses, electronic monitoring, work release, and other residential and non-residential programs. While this measure is not a comprehensive measure of criminal behavior, it is a measure that allowed us to track older offenders into the adult system. This measure includes entries after the termination date from the youth program up until July 17, 2004. If a youth appeared in either the felony adjudication or CCISWEB database he/she was given a value of 1 on our “conviction” measure. If they did not appear in either database, the youth was given a value of 0 on the “conviction” measure. The second recidivism measure developed captured commitments to a DYS facility or a DRC facility. Both of these databases were queried by researchers at the respective agencies and include entries that occurred after termination from the youth program up until January 1, 2005. If the youth appeared in either of these databases after their termination date, the youth was given value of 1 for this measure. Youth who did not appear in either database were coded as 0. It should be noted that any commitment to DYS, for a new crime or technical violation, was considered as recidivism. A final measure was developed that captured any contact with the juvenile or criminal justice systems. This measure was coded as a 1 for youth who appeared in any of the four databases queried and as a 0 for youth who did not appear in any of the databases. Again, note that this measure includes youthful offenders sentenced to DYS on technical violations as well as new criminal behavior.

There are three ways the State of Texas can work to encourage the use of evidenced-based interventions. One method for ensuring that funds are spent on programs with some promise of effectiveness is to legislatively mandate counties to use a certain percentage of funds on evidence-based treatments and interventions. Oregon's legislative mandate is an example that has been referenced already (see the earlier note regarding SB 267). A second method to ensure sound programming is to develop program standards based on effective interventions. The State of Ohio has done this at the adult level and is in the process of infusing more of the research on effective interventions into requests for proposals, contracts, and program monitoring at the juvenile level. Finally, the State of Texas might develop a relationship with a university to provide ongoing evaluation services.

## SUMMARY & RECOMMENDATIONS

This section provides a summary of the earlier sections in this report and some recommendations Texas might follow in developing and implementing a program similar to RECLAIM.

### Summary

RECLAIM Ohio and REDEPLOY Illinois are two examples of state level policies that have been implemented in order to decrease commitments to juvenile correctional facilities. Both states have conducted evaluations of those programs and have found the following:

1. RECLAIM Ohio has changed the relationship between the state and the local communities; they are now partners rather than adversaries.
2. In both Ohio and Illinois, reductions in the number of youth committed to institutions have been achieved. In Ohio, this reduction has been fairly large (approximately 40%). Reductions reported from the pilot counties in REDEPLOY Illinois are also around 40 percent.
3. Both states have realized some potential cost savings associated with local solutions to juvenile delinquency rather than state funded incarceration as the only option.
4. Data from Ohio indicates that low, moderate, and high risk youth can all be dealt with safely in the community (although residential programming might be necessary for high-risk youth). On the other hand, very-high risk youth should be placed in correctional facilities with opportunities for sound treatment and aftercare.
5. The quality of the RECLAIM programs was associated with recidivism rates. High quality programs had lower recidivism rates than programs of lesser quality.
6. If Texas decides to adopt a program similar to RECLAIM or REDEPLOY, considerable research and development should occur. This process should focus on developing policy and procedure that relates to the identified goals of programming (e.g., closing facilities, reducing overall state costs for juvenile justice, providing sound rehabilitative services in the community, and enhancing public safety).

### Recommendations

The following recommendations are made to assist Texas, or any other state, in developing and implementing a RECLAIM initiative:

1. **Pilot the Initiative:** By piloting to selected counties several important issues can be addressed. First, the state can identify and solve some of the startup problems that invariably come with such a new initiative. Second, it can build support for the initiative across the state. Third, it can collect data that may also assist in selling the program to reluctant counties and the state legislature.
2. **Provide Technical Support:** As with any new initiatives, there will be counties that embrace the change and develop effective alternatives, but there will also be some that struggle. By providing technical support and funds for training, program development, and program assessment, the state can help those counties that do not have the initial capacity to provide quality services to youth.
3. **Base Funding on Commitment Reduction:** This point cannot be stressed enough. Providing counties with subsidies to reduce state commitments is not a new idea; however, most efforts have not led to reductions in commitment rates. The reason is that most of these

efforts have allowed the county to identify “diversions” rather than base the formula on actual commitments. RECLAIM has been successful in reducing commitments because it allows the counties to serve a wide range of youth with RECLAIM funds (at-risk, prevention, intervention), but only provides funds if the actual number of youth committed goes down.

4. **Provide an Incentive:** RECLAIM does not punish counties that decide to commit youth to DYS; they simply do not get any extra funds for local community services. This is different from programs that make counties pay for commitments. Forcing counties to pay for all commitments may reduce the overall number of commitments (especially for those counties that cannot afford to pay), but it will not generate support, nor will it serve the interest of public safety.
5. **Provide Baseline Funding for Small Counties:** Since one of the goals of RECLAIM is to assist counties in developing cost-effective alternatives to incarceration, it may be necessary to provide some baseline funding for those counties that do not commit a sufficient number of youth to qualify for funding. An example of alternatives that can be funded include: enhanced case management; contracts for services, such as mental health, or substance abuse; and family and school-based programs. This will help generate support for the program and will ensure that youth across the state are afforded an opportunity to receive programs and services.
6. **Provide Monitoring and Quality Assurance:** It is clear from the research that certain types of programs and treatment produce superior outcomes. It is also clear that effective types of treatment, delivered poorly, can *increase* failure rates. Therefore, it is important that programs be monitored through a review committee and quality assurance or continuous quality improvement processes.
7. **Evaluate Efforts:** Finally, if Texas decides to move forward and implement a RECLAIM initiative, it should consider, up front, the task of evaluating the initiative. Similarly, the counties should consider the need to evaluate the programs they develop, and plan accordingly. ★

## Endnotes

- <sup>1</sup> Sunset Commission Staff Report on the Texas Youth Commission and Texas Juvenile Probation Commission, [http://www.sunset.state.tx.us/81streports/tjpc/tyc\\_hm.pdf](http://www.sunset.state.tx.us/81streports/tjpc/tyc_hm.pdf).
- <sup>2</sup> Christopher T. Lowenkamp and Edward J. Latessa, "Evaluation of Ohio's RECLAIM Funded Programs, Community Corrections Facilities and DYS Facilities," (Cincinnati, OH: University of Cincinnati, 2005) <http://www.uc.edu/Criminaljustice>.
- <sup>3</sup> New York Office of Children and Family Services. Correspondence from Gladys Carrión, Commissioner. (2008).
- <sup>4</sup> Office of Criminal Justice Services. "The State of Crime and Justice in Ohio." (Columbus, OH: Governor's Office of Criminal Justice Services, 1995).
- <sup>5</sup> Bureau of Justice Statistics. "Children in Custody 1975-85: Census of Public and Private Juvenile Detention, Correctional, and Shelter Facilities." (Washington: GPO, 1989).
- <sup>6</sup> Robert DeComo, Sandra Tunis, Barry Krisberg, Norma Herrera, Sonya Rudenstine, and Dominic Del Rosario. "Juveniles Taken Into Custody: Fiscal Year 1992." (Washington: Office of Juvenile Justice and Delinquency Prevention, 1995).
- <sup>7</sup> Barry Krisberg, Robert DeComo, and Norma Herrera. "National Juvenile Custody Trends 1978-1989." (Washington: Office of Juvenile Justice and Delinquency Prevention, 1992).
- <sup>8</sup> Donna Hamparian, "RECLAIM Ohio: Delinquent Care and Custody Program Start-Up Needs Support." *Ohio Children*, Fall, 1993: 4-5.
- <sup>9</sup> Melissa M. Moon, Brandon K. Applegate, and Edward J. Latessa. "RECLAIM Ohio: A Politically Viable Alternative to Treating Youthful Felony Offenders." *Crime and Delinquency*, 43, 1997: 438-456.
- <sup>10</sup> Edward J. Latessa, Brandon K. Applegate, and Melissa M. Moon. "Final Evaluation of the Ohio Department of Youth Services RECLAIM Ohio Pilot Project." (Columbus, OH: Ohio Department of Youth Services, 1996).
- <sup>11</sup> Edward J. Latessa, Michael G. Turner, Melissa M. Moon, and Brandon K. Applegate. "A Statewide Evaluation of the RECLAIM Ohio Initiative." (Columbus, OH: Ohio Department of Youth Services, 1998).
- <sup>12</sup> Public Act 093-0641, [www.ilga.gov/legislation/publicacts/fulltext.asp?Name=093-0641](http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=093-0641)
- <sup>13</sup> Ghenno Senbetta and Darryl L. Jinkerson. "Redeploy Illinois Macon County Pilot Site Impact & Implementation Evaluation Report." (Powered Performance, 2005).
- <sup>14</sup> Illinois Department of Human Services "Redeploy Illinois Annual Report." (Chicago, 2007). Available from: <http://www.dhs.state.il.us/page.aspx?item=33334>.
- <sup>15</sup> See <http://www.oregon.gov/DHS/mentalhealth/ebp/sb267summary.pdf>
- <sup>16</sup> For a display of the costs and a description of how these costs were calculated see: Christopher T. Lowenkamp, and Edward J. Latessa. "Evaluation of Ohio's RECLAIM Funded Programs, Community Corrections Facilities and DYS Facilities: Cost Benefit Analysis." (Cincinnati, OH: University of Cincinnati, 2005). Report available at: [www.uc.edu/Criminaljustice](http://www.uc.edu/Criminaljustice).
- <sup>17</sup> These characteristics are often referred to as the "principles of effective intervention. For a thorough explanation and listing of the principles see: Paul Gendreau. "The Principles of Effective Interventions with Offenders." In A. T. Harland, ed. *Choosing Correctional Options That Work: Defining the Demand and Evaluating the Supply*. (Thousand Oaks, CA: Sage, 1996). 117-130.
- <sup>18</sup> Don A. Andrews, James Bonta, and Richard D. Hoge. "Classification for Effective Rehabilitation: Rediscovering Psychology." *Criminal Justice and Behavior*, 17, 1990: 19-52.
- <sup>19</sup> Don A. Andrews, Ivan Zinger, Richard D. Hoge, James Bonta, Paul Gendreau, & Francis T. Cullen. "Does Correctional Treatment Work? A Clinically Relevant and Psychologically Informed Meta-Analysis." *Criminology*, 8, 1990: 369-404.
- <sup>20</sup> Francis T. Cullen. "Rehabilitation and Treatment Programs." In James Q. Wilson & Joan Petersilia, eds. *Crime and Public Policy 2nd Edition*. (San Francisco, CA: ICS Press, 2000). 253-289.
- <sup>21</sup> R. Barnosky. "Outcome Evaluation of Washington State's Research-Based Programs for Juvenile Offenders." (Olympia, WA: Washington State Institute for Public Policy, 2004).
- <sup>22</sup> Christopher T. Lowenkamp, and Edward J. Latessa. "Evaluation of Ohio's RECLAIM Funded Programs, Community Corrections Facilities and DYS Facilities: CCF Supplemental Analysis." (Cincinnati, OH: University of Cincinnati, 2005). Report available at: [www.uc.edu/Criminaljustice](http://www.uc.edu/Criminaljustice).

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