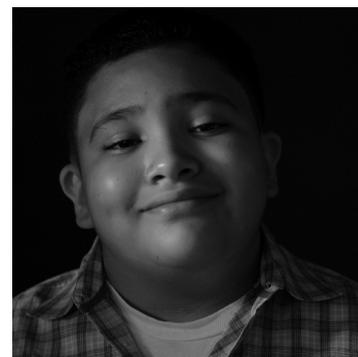


# ISSUE BRIEF



DECEMBER | 2012

## Juvenile Detention Reform in Ohio Update



### Ohio's Progress

Amidst the changing environment in Ohio, many local practitioners and communities are taking a careful look at the youth in their detention centers pending their court cases or out of home placements. There is growing recognition among juvenile justice practitioners that detention of youth is expensive, ineffective, and too often based on inconsistent and subjective criteria.

In 2010, the Children's Defense Fund-Ohio, Children's Law Center, and the Juvenile Justice Coalition published a policy brief and fact sheet considering needed reforms in juvenile detention in Ohio. These documents examined the purpose of detention, the demographics of Ohio's detained youth, and the challenges presented by current detention practices. The publications concluded with four overall recommendations for Ohio:

- to continue and expand county-based detention reform,
- to continue state leadership on reducing incarceration rates,
- to create a system of state oversight, assistance, and accountability for juvenile detention, and
- to ensure that all youth risking detention have effective legal representation.

The publications also highlighted the launch of the Juvenile Detention Alternatives Initiatives (JDAI) in Ohio.

### JDAI Overview

The Juvenile Detention Alternatives Initiative is a comprehensive strategy developed by the Annie E. Casey Foundation to address the overuse of secure detention. The JDAI model started in 1992 and has been replicated in more than 125 jurisdictions across the country.



Two decades of implementation of JDAI have demonstrated that detention admissions can be reduced without compromising public safety.

The objectives of JDAI are to:

- eliminate the inappropriate and unnecessary use of secure detention,
- minimize re-arrest and failure to appear rates pending adjudication,
- ensure appropriate conditions of confinement in secure facilities, and
- redirect public finances to sustain successful reforms.

### JDAI in Ohio

Ohio was selected as a JDAI state site in 2010. The state received a three year grant and technical assistance from the Annie E. Casey Foundation. Five counties (Cuyahoga, Franklin, Lucas, Montgomery, Summit) agreed to participate in the first cohort of JDAI sites. Under the direction of Ohio's JDAI team leader, Judy Cox, each of the counties participated in intensive technical trainings, identified a local site coordinator, and created a local executive steering committee to guide the JDAI reform work in their jurisdiction. The efforts from the five counties have proved successful. From 2009 to 2011, data collected from the five participating counties indicated that detention admissions have been reduced by 18% for all youth and 15% for youth of color.

#### Training Opportunities Through JDAI

JDAI sites are expected to attend model site visits that provide valuable learning opportunities for new jurisdictions by 1) offering peer-to-peer exchanges, 2) discussing implementation of JDAI core strategies, and 3) experiencing and observing practical examples and strategies for broader reform efforts. Each of the Ohio sites have attended at least one model site visit to either Santa Cruz County, California, Bernalillo County, New Mexico, Multnomah County, Oregon, or Cook County, Illinois.

Detention reform, through JDAI, is achieved by adherence to eight interconnected strategies. The extent that all core strategies are intentionally and effectively applied can achieve maximum results in reduction of detention populations and other system reforms. Each of the Ohio JDAI counties has embraced the core strategies. Examples of how the strategies have been implemented are listed below.

**Collaboration**

From the beginning of Ohio’s JDAI reform process, Summit County embraced this strategy by quickly forming subcommittees with community involvement. In Cuyahoga County, the Court ensured that the entire judicial staff and probation staff learn and embrace JDAI principles. In Franklin County, the JDAI team conducted research and published a report highlighting the school to prison pipeline for youth in the city of Columbus. Working closely with the systems involved, a Memorandum of Understanding was crafted clarifying the roles of the School Resource Officers and the Juvenile Detention Center and extensive training was provided to school officials and law enforcement. Lucas County and Montgomery County similarly worked hard to focus on community engagement in JDAI reforms and have partnered with a wide range of local organizations and departments outside of the court.

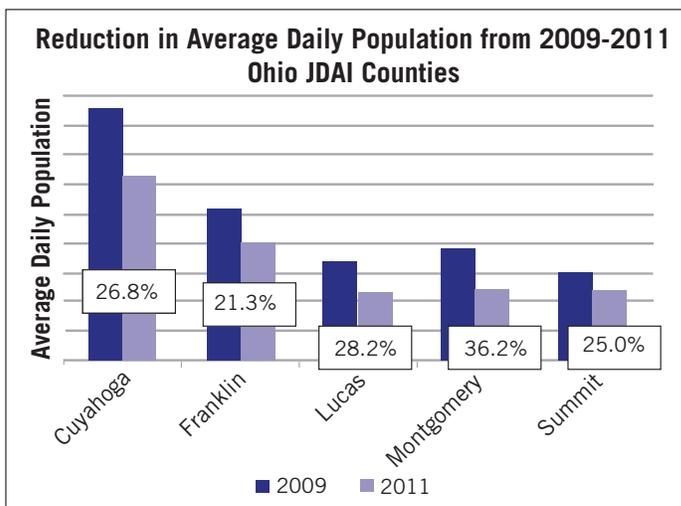
**Use of Accurate Data**

As a pilot site for the Quarterly Reporting System (QRS) tool provided by the Annie E. Casey Foundation, JDAI counties have been able to generate accurate data regarding detention admissions, average length of stay, and average daily population. To further describe Ohio’s detained population, the QRS disaggregates data by race, ethnicity, and gender. JDAI counties hope to continue using data from the QRS to generate discussions and guide additional policy reform.



**Objective Admissions Criteria**

All JDAI counties participated in training on objective risk assessment instruments conducted by David Steinhart, which led many counties to decide to create or revise their risk assessment instrument (RAI). Notably, Montgomery County, which already had a very successful intervention center to evaluate youth for admission to detention, created a new RAI. The implementation of the RAI contributed to detention admissions decreasing by 31%. Franklin, Lucas, and Summit Counties also piloted and implemented new risk assessments.



**Preserving Public Safety**

Total felonies filed throughout the five participating JDAI counties have decreased by 29% since 2009, indicating that public safety has not been compromised. Lucas County employs a continuum of non-secure alternatives to detention. During calendar year 2011, 587 youth were transferred out of secure detention into the Community Detention Continuum. 81% of all Community Detention referrals appeared at trial while being served successfully in Community Detention. Montgomery County developed a special summons program that allowed some youth who normally would be held in secure detention to go home and return to court the next day. 95% of youth released on special summons reappear in court when scheduled.

**Alternatives to Detention**

Using data collected through the JDAI process, Summit County identified that a large number of the youth held in detention were charged with domestic violence. This data led to the juvenile court partnering with a non-secure residential facility for youth charged with domestic violence. Montgomery County and Cuyahoga County also expanded their contracts with local service agencies to increase non-secure placement opportunities. Lucas and Franklin Counties are implementing new non-secure reporting centers to enhance their alternatives to detention.

## Case Processing Reforms

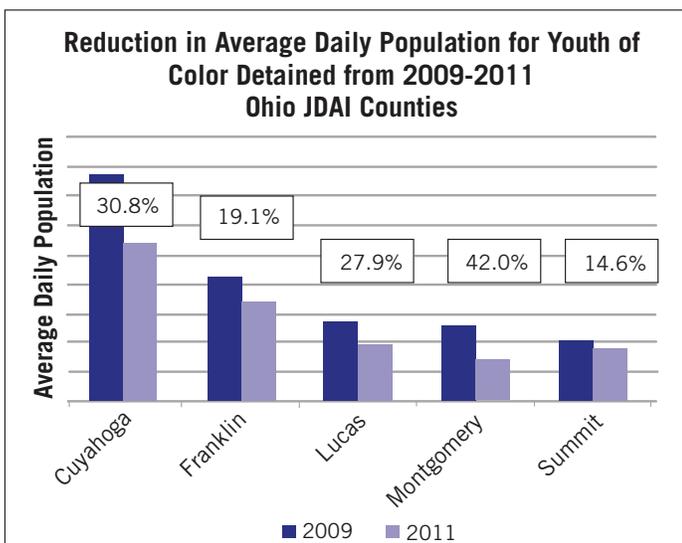
The collaboration between Ohio JDAI counties and the JDAI Ohio Indigent Defense Pilot project led to significant case processing reforms. During the first two years of JDAI participation, the Cuyahoga County Juvenile Court provided a private area in their new facility for attorney consultation prior to detention hearings, allowing for more effective representation and increased confidentiality for youth before detention decisions are made. In recognition of the need for effective representation at detention hearings, Summit County worked with the Summit County Legal Defender's Office and local law school to provide an attorney for youth appearing for their hearings. Law students provide support services to the attorney prior to the detention hearing, including interviewing youth and parents. Montgomery County enhanced current case processing practices also, increasing the frequency of the population control meeting and holding detention hearings 365 days a year.

## Reducing the Use of Confinements for "Special Cases"

Detention data analyzed in Montgomery County revealed that a significant majority of the youth in detention were detained on warrants for failures to appear, violation of court orders, and domestic violence charges. Montgomery County created a special summons alternative and a two-tier warrant process, decreasing youth detained for violation of court orders by 32% and failures to appear by 35%.

## Deliberate Commitment to Reducing Racial Disparities

Reducing racial and ethnic disparities in detention is of paramount concern in the JDAI process. All data collected by JDAI counties is disaggregated by race, ethnicity and gender. Thus far, all JDAI counties have reduced their youth of color admissions.



## Improving Conditions of Confinement

Cuyahoga County Juvenile Court hosted a JDAI Facility Self-Assessment training for JDAI counties. The training focused on ways to continually improve the conditions in which detained youth are held. Counties invited community members and concerned citizens into their detention facilities, who after attending the training, made recommendations for improvements.

Lucas County examined improvements to food services, acoustics, and facility temperature. One of the most improved areas in the Lucas County Detention Center was the educational system. Now, all youth detained receive 6 hours of educational services per day. Educational Specialists assist teachers in getting work from home schools, securing IEPs, transitioning youth back to home schools, and insuring all youth get credit for work completed in detention.

In Summit County, the results of the facility self-assessment have been a testament to the power of community collaboration. Based on recommendations from the assessment, the court increased staffing, programming, and counseling. The addition of a full time recreation specialist and mental health social worker have increased needed services and programming for youth. Youth have enjoyed more frequent visitation with family, additional phone calls home, and an expanded and enhanced food menu.

Through Franklin County's ongoing implementation of recommendations on the conditions of their detention facility, attention has been given to bettering the conditions of the Juvenile Detention Center, programming and systems change, and creation of a community garden.

## Other Indicators of Ohio's Progress

Launching JDAI in Ohio moved the state forward in addressing some of the needed reforms identified in the 2010 fact sheet. Through the leadership of Ryan Gies and Beth Oprisch of the Ohio Department of Youth Services, JDAI Ohio has encompassed detention reform at both the county and state level. In addition to these reform efforts, other progress has been made in detention since 2010, including:

- Revision of Ohio Juvenile Rule 3 to limit the circumstances in which a child can waive counsel.
- The release of the Ohio Interagency Task Force on Mental Health and Juvenile Justice's report and recommendations on Ohio's next steps in improving state response to delinquent youth.
- Detention data collected by the Ohio Department of Youth Services from counties involved in the statewide Disproportionate Minority Contact Initiative.
- The Ohio Juvenile Detention Directors Association's incorporation of mental health screening training during their fall conference.

## Next Steps

As a state site, Ohio is charged with replicating JDAI in other counties. A State JDAI Steering Committee was convened to create a framework for expansion. With the goal of replication of JDAI to a second cohort of counties in 2014, the committee set its meeting schedule for 2013, developed a charter to guide its work, and attended a model site visit in New Jersey to learn about state expansion.

Prospective expansion of JDAI in Ohio will help move the state forward in creating a system of oversight, assistance, and accountability for juvenile detention, as well as enhance the data available to help inform detention decisions. Additionally, JDAI reform can help reallocate juvenile justice resources that have traditionally gone towards detention costs and redirect them towards improving conditions of confinement, and creating better alternatives to detention. However, formal expansion will take time. Communities that currently are not engaged in JDAI reforms can achieve similar results by focusing on the following:

- Enhance detention data collection capabilities to better understand local detention practices.
- Consider reallocating detention dollars to alternatives to detention, which are lower in cost and produce better results for youth.
- Ensure that all youth risking detention have effective legal representation at the earliest stage possible, and consider setting standards or guidelines of training for attorneys representing juveniles in delinquency cases.

All the successes and future reforms through JDAI could not be accomplished without the able leadership of the judges in each county: Thomas O'Malley, Kimberly Browne, Elizabeth Gill, Denise Navarre Cubbon, Connie F. Zimmelman, Anthony Capizzi, Nicholas Kuntz, and Linda Teodosio. For resources and to learn more about JDAI, go to <http://www.jdaihelpdesk.org>.

## CDF Mission Statement

The Children's Defense Fund Leave No Child Behind<sup>®</sup> mission is to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start* and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities.

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