

# 2016 RECLAIM Ohio Final Report

## Observations and Recommendations

Shay Bilchik, Research Professor/Center Director, Georgetown University

Submitted, November 27, 2016

### Introduction

RECLAIM Ohio (Reasoned and Equitable Community and Local Alternatives to Incarceration of Minors) has established itself as one of the most significant juvenile justice reform efforts of the last three decades. Its impact compares with other major initiatives across both the public and private sectors, from the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) Comprehensive Strategy for Serious, Violent and Chronic Offenders and the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI), to the Robert Wood Johnson Foundation's Reclaiming Futures and the MacArthur Foundation's Models for Change. In line with research supporting a more developmental approach to addressing the needs of youth involved in the delinquency system, one that serves youth closer to home, RECLAIM Ohio has promoted those fundamental policies and practices in accordance with public safety considerations.

In its third decade of operation, RECLAIM Ohio has served as a model for other reinvestment strategies across the country. This is understandable, as the impact of RECLAIM Ohio has been to reduce the population of youth in the facilities operated by the Ohio Department of Youth Services (ODYS), serving these youth in either local residential or non-residential programs; while at the same time, juvenile crime and adjudication rates are decreasing. The current population in ODYS facilities is approximately 500, a reduction of more than 75% since the creation of RECLAIM in the mid 1990's (the ODYS average daily population in FY 1995 was 2,072). This reduction exceeds the reduction in felony adjudications in the state during the same period of time and demonstrates a true shift to policies that emphasize working with youth in their home communities and in non-custodial settings.

This writer has been asked to revisit the current operation of RECLAIM through stakeholder outreach, a literature review, and the examination of the fundamentals of what has made RECLAIM successful – and to make recommendations, as appropriate, to improve its effectiveness. The report that follows is a result of the above referenced literature review and discussions with ODYS staff (Ryan Gies, Anthony Panzino, and James Hearn), individual calls with key stakeholders, and a stakeholder meeting conducted by this writer on August 26<sup>th</sup> in Columbus, Ohio. The list of stakeholders that participated in that meeting is attached as Addendum A.

### History of RECLAIM

Faced with an increasing number of youth being committed to ODYS, the department piloted a financially-driven set of incentives in nine counties in the early 1990's. This

resulted in the reductions of commitments to ODYS from those counties by nearly 43%, leading ODYS to implement RECLAIM statewide in January 1995. From that time through June 2003, juvenile courts received a yearly allocation from ODYS for the local treatment of youthful offenders and at-risk youth. From these allocations, deductions were made based on per diem costs for youth. The deduction for an ODYS institutional bed was 75% of the daily rate and the deduction for a Community Corrections Facility (CCF) bed was 50% of the daily rate. Each month, after the court's total incarceration costs were subtracted from the monthly allocation, any remaining funds were paid to the court for use in community-based programming.

For the state fiscal year 2004-2005 biennium budget, fiscal considerations required ODYS to restructure RECLAIM. Beginning with state fiscal year 2005, each juvenile court was given a number of credits based on the court's four-year average of youth adjudicated for felony offenses. Those credits were reduced by one credit for each chargeable DYS bed day used during the previous year and 2/3 credit for each chargeable community corrections facility bed day used during the previous year. Each court's percentage of the remaining credits statewide translated into that court's percentage of the total RECLAIM funds allocated to the courts.

During both periods of time, commitments of youth falling into certain serious offense categories were considered free bed days and not included in the formula.

Since that time there has been only one change to the RECLAIM formula, extending the adjudication average from 4 years to 10 years. This change was designed to create an increased level of consistency to the funding levels and more equitable distributions.

The seemingly complicated RECLAIM formula, in all of its permutations, has been designed to reduce commitments to ODYS, taking into consideration the felony adjudications in each county, the types of offenses committed by youth sent to the care of ODYS and number of bed days they spent in its custody. The impact of this approach has been to provide an incentive to keep youth in or close to their home community, whether on probation or placed in a county operated residential program, i.e. not in an ODYS placement that would be both expensive and potentially an inappropriate setting to receive services and reduce recidivism.

It should also be noted that RECLAIM (funded at \$30.6 million) was not the only source of funding from the state of Ohio to local juvenile courts, as the state was providing Youth Services Grants, a population based funding stream that provided a minimum of \$50,000 to each juvenile court in the state (funding currently ranges from \$50,000 - \$1.7 million, totaling \$16.7 million). These funds have been used to support juvenile court programs such as probation supervision, residential treatment, and community-based supports and services. Despite this fairly significant investment in support of local court services, the majority of juvenile justice funding comes primarily from county general revenue dollars. In smaller counties, however, these funds often provide the vast majority of funding for these services.

To complete this funding picture, allocations for ODYS correctional facilities stand at more than \$80 million and Community Corrections Facilities at \$22.1 million. It should be noted that while the state of Ohio funds the CCF's they are operated by local agencies and are less expensive to operate and generally closer to a youth's home community.

### Building and Improving on RECLAIM

While RECLAIM Ohio has been the primary force behind this redirection of rehabilitation efforts in the state, it has become part of a larger plan advanced by ODYS to develop an evidence-based decision-making platform for how Ohio's juvenile justice system operates. For while RECLAIM created a funding formula that rewards local courts for keeping offenders that do not present serious public safety concerns in their home community or in an alternative Community Corrections Facility, ODYS has at the same time partnered with local courts and other partners to build capacity around an effective process for the screening and assessment of youth as to their risk to reoffend and criminogenic needs, as well as the provision of quality services. In this regard, ODYS developed the Behavioral Health Juvenile Justice initiative (BHJJ), Targeted RECLAIM, and Competitive RECLAIM, all designed to complement the core RECLAIM initiative by supporting best practice by the local courts.

BHJJ was initially implemented in 2006, but was re-bid, with DYS taking over primary funding, in FY 2010. From that point forward, BHJJ was operated in a number of the larger counties and was designed to identify youth that were in need of significant behavioral health services and provide resources to those communities that would help create alternatives to ODYS placement. It has been sustained over time. Funding for BHJJ stands at \$2.6 million.

Targeted RECLAIM was developed to complement the broad-based incentives established through RECLAIM by targeting reductions in commitments from specified counties (those that were still committing significant numbers of youth to ODYS, even after reductions were achieved). This was done by providing additional funding support for evidence-based programs and a firm commitment from the designated counties to further reductions in the following fiscal year. This effort has been very successful and expanded to 15 counties statewide. Targeted RECLAIM funding stands at \$6.4 million.

Competitive RECLAIM, introduced in 2015, is the most recent expansion of the original RECLAIM initiative. Funding for Competitive RECLAIM stands at \$2.2 million. This effort focuses counties selected through an RFA process on one of the following enhancements to their local practices: increases in the use of diversion, community-based intervention programs for moderate and high risk youth, and multi-county collaborations designed to provide in home treatment.

The results have been as impressive as the initial impact of the RECLAIM Ohio effort when it was launched in the 1990's, with continuing decreases in commitments to ODYS facilities, along with enhancements to local programs and continuing decreases in juvenile crime and adjudications. The genius behind this strategy began with ODYS Director Geno Natalucci-Persichetti, and was followed by Directors Tom Stickrath and

Harvey Reed and their extraordinary staff. Indeed, one cannot examine the status of RECLAIM Ohio and the possibility of future changes without understanding the cumulative impact of its progeny. Indeed, this cluster of programming, accompanied by the implementation of a validated assessment tool (Ohio Youth Assessment System), is what has made RECLAIM so effective; and what has made this set of reforms even more significant is that it has taken place in a “Home Rule” state in which ODYS does not control the entire juvenile justice system. In this regard, ODYS only controls its correctional facilities, with its local partners managing the Community Corrections Facilities operating across the state, as well as local residential programs and probation. Ohio’s success in implementing its reforms has therefore relied on building on partnerships that existed before RECLAIM began in the 1990’s and that have been strengthened over the past twenty-plus years. This was largely accomplished through the development of the CCFs and creation of RECLAIM. This dimension of the local/state landscape makes the outcomes achieved by RECLAIM Ohio and its related programs all the more impressive. It also, however, requires ODYS and its local partners to periodically examine whether these programs and initiatives are achieving their intended goals and if modifications are in order.

This has been done in partnership with the RECLAIM Formula Committee, most recently, in both December of 2009 and April of 2011, although conversations about the creation and efficacy of the RECLAIM formula began in the 1990’s. The RECLAIM Formula Committee is a subcommittee of the Ohio Association of Juvenile Court Judges/DYS Task Force. The settlement agreement in the *S.H. v. Stickrath* case provided for “ongoing review of the RECLAIM formula.” Per DYS Master Plan Objective R-01.11, the committee was required to complete a report of its findings for the Task Force by December 31, 2009. The committee was formed in 2007 to monitor and review the RECLAIM Ohio funding formula and was comprised of judges, court administrators, and a county commissioner. ODYS staff also participated in the work of the committee, serving as subject matter experts and resources to the committee as it explored possible modifications to the RECLAIM formula.

The committee met from late 2007 until late 2009 to discuss the current formula, consider options for alternative formulas and prepare its report to the Task Force. Worthy of note was the fact that the committee identified three main concerns related to the funding formula and modifications that should be considered: counties were experiencing large fluctuations from one fiscal year to the next; funding did not always follow the youth, i.e., the committee wanted to ensure that any formula revision ensured an equitable allocation of RECLAIM funds to the counties with the largest youth populations while ensuring that all counties have the potential to receive RECLAIM funds; and the need to maintain incentives in RECLAIM, i.e., that any revisions made to the RECLAIM allocation formula needed to ensure that counties would still have an incentive to participate in the RECLAIM program and a disincentive to commit youth to DYS. Similar to the current review, the committee analyzed Ohio’s child population, separating the counties into tiers based on population, and reviewed commitments by tier, factoring public safety beds.

The committee considered several formula options as part of their recommendations:

- Increasing the elevating factor of 1.5; the Department was using an elevating factor of 1.5 when determining credits in the formula. The committee looked at the impact of increasing the factor incrementally.
- Substituting population for felony adjudications; noting that the number of felony adjudications may be subject to manipulation.
- Increasing the average felony adjudication to six, eight, and ten years; the Department was using a four-year average of felony adjudications in the formula.
- Creating three population tiers within which the bed day formula would be applied.
- Creating four youth population tiers (under 18 population) within which a bed day/population ratio would be used instead of felony adjudications. There were two versions of this option reviewed. One calculated a bed day/population ratio for each tier and the other used the same ratio for all tiers.
- Creating population tiers with a poverty factor incorporated instead of felony adjudications. There were also two versions of this option reviewed. One calculated a bed day/population ratio for each tier and the other used the same ratio for all tiers.
- Capping the allocations under which total available allocations would be calculated using the RECLAIM line item in the DYS budget (after backing out contingency funds, an operational set aside and projected free beds) and each county's percentage of the four-year average of total felony adjudications. From each allocation, as with the original RECLAIM formula (1994-2003), bed days from the previous fiscal year would be deducted at 75% of the DYS operational per diem for each DYS bed day and 50% for each CCF bed day. The remaining amount would be the allocation each court would receive. However, since RECLAIM had been limited to \$30.6 million, each court could only receive a percentage of the remaining amount.
- The committee also considered using a formula that replicated the original RECLAIM formula, but used data one year in the past like the current formula did at that time. Under this formula, total available allocations would be calculated using the RECLAIM line item in the DYS budget (after backing out contingency funds, an operational set aside and projected free beds) and each county's percentage of the four-year average of total felony adjudications. From each allocation, as with the original RECLAIM formula (1994-2003), bed days from the previous fiscal year would be deducted at 75% of the DYS operational per diem for each DYS bed day and 50% for each CCF bed day. The remaining amount would be the amount each court would receive. However, as above, since RECLAIM had been limited to \$30.6 million and the bed day per diem would be calculated at a significantly higher rate than in 2003 due to facility closures, each court could only receive a percentage of the remaining amount.
- Maintaining the current funding formula.

The committee observed that while the RECLAIM funding formula presented issues as noted above, it was a viable formula that overall had been meeting the goals of providing courts with support to serve youth locally and limiting commitments to ODYS. The committee further noted, however, that some action needed to be taken to increase the

potential benefit to courts of diverting youth and address some of the equity issues with the capped allocation formula. The committee also noted the need to control fluctuation to stabilize programming, particularly with limited carryover allowed. It was noted that while the largest six counties accounted for more than 60% of DYS admissions in 2009 and 80% of the high risk youth committed to the department, they received less than a third of the funds.

In light of these observations the committee suggested:

- Revisiting the 1.5 factor in the formula.
- Considering incorporating a longer felony adjudication average period, such as 8-10 years, into the current formula to increase stability in the allocations.
- Looking at replacing felony adjudications with youth population in order to increase stability in the allocations, with the understanding that this factor would only change every ten years with each new census.
- Taking steps that would control fluctuations and thereby stabilize programming, especially with limited carryover allowed.
- Considering establishing a base amount within RECLAIM to provide some stability in funding programs.
- Looking at using dollars from courts that exceed the carryover limit to meet the specific needs of individual courts, particularly smaller courts.
- Assessing the plausibility of returning to a formula, similar to the original formula, that would remove the cap on court RECLAIM dollars.
- Having an outside entity, such as a university, work on a mathematical funding formula to address the factors and issues identified by the committee.

A follow-up report of the committee in April of 2011 included the following recommendations:

- Increase the four (4) year adjudication average to an average of ten (10) years, with the increase implemented incrementally and being progressively phased in over a six (6) year period. Committee members agreed that a ten (10) year felony adjudication average would increase the stability to yearly RECLAIM allocations, allowing courts to prepare their annual program budgets with greater certainty from year to year.
- Make Targeted RECLAIM permanent. This targeted funding to the urban courts had helped to address the need for funding in areas with the largest youth populations, something the existing RECLAM formula could not guarantee.
- Increase the 25% statutory carryover limit when fiscally feasible. The existing statutory limit restricted the court's ability to continue programs from year to year when allocations fluctuate.

These meetings built on work that preceded them (going back to 2005) that included judges, court administrators and ODYS administrators, but also at various times nationally prominent consultants that provided input to the Task Force on a range of issues that had been raised in committee meetings. These consultants included Edward (aka Ned) Loughran from the Council of Juvenile Correctional Administrators, Edward Latessa from the University of Cincinnati, and Howard Snyder from the National Center

for Juvenile Justice.

Also pertinent to this report was a discussion led by Dr. Ed Latessa during the same period of time on his evaluation of the RECLAIM effort in Ohio, resulting in the recommendation that Ohio introduce a common statewide risk/needs assessment instrument referenced above. Dr. Latessa pointed out that the State was using dozens of instruments designed to assess a wide range of behaviors, risks, strengths, and needs. He argued that a common statewide instrument would enable information on youth and program effectiveness to be shared more easily across the State. He proposed the development and validation of a new set of assessment instruments targeted at Ohio youth. Individual instruments in the set would be used at the various decision points throughout the processing of a case (from intake/diversion through detention, probation orders, residential placement, and aftercare). He discussed the benefits of using such assessment tools, such as targeting limited resources and reducing decision making disparity. He further emphasized that a primary goal of this work would be to give court and corrections staff information they would be able to use in making more informed decisions from case inception to closure, and most importantly for RECLAIM purposes at the time of disposition.

As noted earlier in this report, this was one of the most significant complementary developments in conjunction with RECLAIM. The research that Dr. Latessa presented went to the very core of RECLAIM's incentivized formula; i.e., that "low risk" youth did more poorly (as measured by recidivism) in deep-end facilities and that a validated tool needed to be in place in order to best determine the level of supervision and services needed by individual offenders.

Howard Snyder also performed an external review of the RECLAIM formula during this time period. Having been involved in the development of the original equation a decade earlier, but aware of the fact that it had since been modified, he was able to provide a unique set of observations. Snyder reviewed the RECLAIM formula and supporting materials, and reported to ODYS that the current RECLAIM formula:

- Is based on reliable data developed at the local level.
- Is based on data that captures the essential aspects of the decision process.
- Combines these data into a statistic that (1) appropriately assesses the success each court is having in keeping their adjudicated youth in the local community and (2) rewards the communities proportionally for their successes.
- Is transparent (i.e., easy understood and possesses face validity) to the local practitioners.

In summary, Snyder found that the RECLAIM formula was a fair mechanism for distributing the funds in a manner that was based on factors that promoted the stated goals of the RECLAIM Program. □

This history sets the stage for the presentation below of the observations and recommendations resulting from the inquiry this writer conducted over the past several

months, gathering information about possible changes to the RECLAIM formula.

### Stakeholder Outreach and Meeting Feedback

Numerous phone calls were made prior to the stakeholder meeting, including calls to:

- Judge Denise Cubbon, Lucas County
- Deborah Hodges, Court Administrator, Lucas County
- Judge Karen Lawson, Lake County
- Chris Simon, Court Administrator, Lake County
- Tess Neff, Court Administrator, Cuyahoga County
- James Cole, Court Administrator, Montgomery County
- Gabriella Celeste, Director of Child Policy at Case Western Reserve University's Schubert Center for Chile Studies
- Erin Davies, Executive Director, Ohio Juvenile Justice Coalition
- Bob Proud, Clermont County Commissioner and Chair of the RECLAIM Advisory Committee

These calls were used to inform the agenda and discussion topics for the stakeholder meeting. The meeting began with participants briefly identifying the parts of RECLAIM that should be celebrated, viewed as areas of concern, and how they imagine the future of RECLAIM unfolding. The following summarizes the most common themes identified:

- Areas to celebrate:
  - The longstanding partnership between ODYS and local juvenile courts
  - Incentives and support for close to home dispositions and community-based services
  - Support for a creative, locally driven service array
  - Reinvestment opportunities
- Areas of concern:
  - Instability/fluctuations in funding
  - Difficulty in sustaining RECLAIM funded programs from year to year
  - Funds don't follow the youth, i.e., counties serving the largest number of youth don't receive the largest proportion of the RECLAIM funds
- The future of RECLAIM
  - Should include an even greater emphasis on evidence-based practice
  - Should continue to provide opportunities for innovation
  - Should require a greater level of investment by Ohio state government in order to sustain the success of the incentivized approach of RECLAIM
  - Should provide an even greater focus on prevention and quality/best practice
  - Should provide an adjustment in the formula to create a more balanced, equitable set of investments and consistent funding level from year to year

This exercise provided a “sense of the room” about both the value of RECLAIM and how it might be modified to meet the current needs of Ohio counties and the juvenile court, leading to a focused conversation about the key variables that might be addressed in a

modification to the RECLAIM formula. This conversation started with the identification of the fundamental pillars that currently make RECLAIM and related programs such as Targeted RECLAIM, Behavioral Health Juvenile Justice (BHJJ), and Competitive RECLAIM successful. It is important to note that it is very difficult at this point in time to separate out the impact of RECLAIM, as there is much synergy between these interrelated efforts and a cumulative impact of the funding from ODYS in its entirety. That said, there are components of RECLAIM that stand out in the following pillars:

- Collaboration between ODYS and local juvenile courts.
- Fiscal incentives to promote evidence and community-based services and reduce ODYS commitments.
- Flexibility in the use of the RECLAIM funds.
- Youth served locally in the least restrictive setting.
- Focus on prevention and early intervention.
- Technical assistance and collaborative learning opportunities.
- A data driven formula.
- Transparent use of data.

The exercise also helped further identify the key challenges in the ongoing application of RECLAIM:

- Fluctuations in funding, limiting the ability to create and sustain a platform of community-based programming.
- The belief that the distributions are inequitable, with smaller counties being “over rewarded” from year to year.
- The concern (by the larger counties) that population appears to have too little, if any weight in the current formula.

The need to create a greater focus in the formula on felony diversion practices was also raised in advance of and during the meeting by one of the participants, suggesting that courts are being punished under the formula for suspending a felony adjudication on the condition that the youth comply with certain court ordered conditions. If the youth is compliant, the felony adjudication is removed from the youth’s record. While this is consistent with best practice and should be rewarded, there are limitations around taking this practice into consideration in a revised formula. First and foremost, data does not exist that captures this practice and second, a diverted felony adjudication is not eligible for DYS commitment; felony adjudications are used because they are the only youth eligible legally for commitment.

I would add an overarching factor that is both a strength and concern in how RECLAIM funding is determined: the fact as noted earlier that Ohio is a “Home Rule” state in which the responsibility of ODYS is primarily to care for youth committed to its care and custody, with the development of Youth Services Grants, Community Correctional Facilities, RECLAIM, Targeted RECLAIM, BHJJ, and Competitive RECLAIM designed to complement that role. While this growing package of support has helped to safely reduce commitments and strengthen the partnership between the state and local counties/juvenile courts, it has also blurred the line of responsibility for local juvenile court services. For while in a traditional “Home Rule” state, these responsibilities would

sit with the local county and its tax payers, ODYS and the Ohio state government has stepped in and assumed a more significant role in how juvenile justice operates and is supported in the state.

This is demonstrated from the funding support provided through the efforts described above, as well as through the development and implementation of the Ohio Youth Assessment System (OYAS) in almost every county in the state (85 of 88 have had someone trained and certified); as well as the training and technical assistance provided in implementing the evidence-based programs funded by BHJJ, Targeted RECLAIM and Competitive RECLAIM, and the line staff level training around Effective Practices in Community Supervision (EPICS) and Motivational Interviewing by the University of Cincinnati. While commendable, and likely a huge contributing factor to the success of juvenile justice reform in Ohio more broadly, it also leads to a tension in how to utilize the incentives of RECLAIM from year to year, when annual support becomes the expectation.

It is this tension that presents the greatest challenge in developing a set of recommended changes to RECLAIM and potentially to its related programs. This is particularly difficult when limited by the fact that whatever changes are made will likely not be accompanied by any increases in funding, and in fact may result in reductions in funding to counties that have received a share of RECLAIM funding disproportionate to their youth population. As one informant stated, whatever change in the formula is made, some communities will see their RECLAIM funding increase while others will decrease. Further complicating this situation is that these changes would come at the same time Ohio counties have been experiencing reductions in funding from the state of Ohio in other areas of their operations.

### Recommendations

ODYS's challenge in modifying the RECLAIM formula is in sustaining the comprehensive, holistic approach to juvenile justice policy and practice in Ohio, while also maintaining the key operational pillars of what has made RECLAIM and its related programs successful: collaboration between ODYS and local juvenile courts, fiscal incentives to promote evidence and community-based services and reduce ODYS commitments, and flexibility in the use of the RECLAIM funds.

I believe the answer is three-fold:

#### Recommendation #1:

Maintain the incentives associated with RECLAIM, while modifying the formula to include an additional population based factor that would result in funding "following the youth" to a greater degree. This would be accomplished by introducing youth population as a factor in the RECLAIM formula. It has been recommended in the past by the RECLAIM Formula Committee that consideration be given to county population as part of the RECLAIM formula. This was also a very recent recommendation of the Ohio

Juvenile Justice Coalition, among others. This factor could be introduced by adding the overall county, children (0-17) or youth (10-17) population, as the factor. I believe that this possibility has great merit and speaks directly to the concerns about the ODYS funding not closely enough following the youth. My recommendation is to use the youth population between ages 10-17 as this factor, which is the population at risk of involvement in the juvenile justice system in Ohio.

This approach does, however, come with challenges. Front and center is one of the fundamental pillars that has made RECLAIM successful: incentivizing the reduction of youth being committed to ODYS or placed in a CCF unless public safety and the treatment needs of the youth demand it. Further, is the need to maintain the emphasis and motivation to engage in evidence-based policy and practice. If the funding from ODYS through RECLAIM is stable, even in the face of increased commitments to ODYS or placement in CCFs, then this very successful approach will eventually disintegrate. This new factor, therefore, must not and will not create year-to-year stability in funding levels.

The key to introducing this youth population based factor is to find an application that maintains consideration of the type of offense and number of bed days (continuing to use free bed days for high level offenses), while introducing and weighting this additional factor to a degree that will help the funds “follow the youth” from year to year while not losing the incentive to appropriately keep youth out of ODYS facilities and CCFs. In other words, in the revised formula counties would have to potentially experience a loss of funds significant enough to keep their focus on reducing commitments to ODYS.

This requires the new population factor in the RECLAIM formula, based upon a county’s percentage of the state’s 10-17-year-old population, to be applied after the county’s remaining bed day credits have been calculated using the current RECLAIM formula. The population factor will adjust each county’s remaining bed day credits and percentage of the state’s total remaining credits which is used to allocate RECLAIM funds. This would, therefore, offset the impact of the current formula through consideration of the county’s youth (10-17) population.

The benefit of this change in the formula is that it would maintain the primary purpose of RECLAIM, incentivized local treatment of youth in the juvenile justice system, without letting the introduction of a population factor turn RECLAIM into a block grant (with the adjudications and bed days a secondary consideration). As noted earlier, that block grant approach already exists through the Youth Services Grants, providing significant population based support to all local courts.

I have worked with ODYS staff to examine the ramifications of this modification to the formula. What was learned was that it did impact the allocation by generally increasing the funding for the larger counties and decreasing the funding for smaller counties. One caution, however, is that the size of the re-allocation was based on the current year model only; leaving the possibility of variability (greater or a lesser impact) in future years. What it did not do, however, was alter the funding based on population to the degree that it eliminated the core incentive pillar of RECLAIM.

In short, counties doing well through the application of the current RECLAIM formula would still do well. However, large counties would potentially see additional allocations due to the size of their 10-17-year-old youth population. In hand, smaller counties, even those doing well through the RECLAIM formula, would likely experience some reductions due to the relatively smaller size of their 10-17-year-old youth population. It should be emphasized, however, that while large counties not doing well in the RECLAIM formula may experience some additional funding through the introduction of this population factor, this will not be to the degree that would undermine its incentivized approach. Further, It should be noted that those counties that have .1% or less of the state average total of youth adjudicated for felony offenses will not see any deduction from their bed day credit allocation, as calculated using the current RECLAIM formula. They will, however, be included in the new population factor calculation.

The change being recommended must also be accompanied by a very transparent analysis of the composite funding counties receive from ODYS through RECLAIM, BHJJ, Targeted RECLAIM, Competitive RECLAIM, and the Youth Services Grants. In a home rule state, this level of support is quite remarkable and no one county should be focusing on the funding they receive through RECLAIM without acknowledging the funding they receive through these other related programs. In this regard, the cumulative funding from ODYS should be reported annually by ODYS.

The modification should also be accompanied by consideration of an increase in funding for:

- RECLAIM (capped for the last 10 years at \$30.6 million), so as to deepen its impact and strengthen its connection to evidence-based practice.
- Competitive RECLAIM, so as to broaden its impact and focus on best practice in an increased number of counties.
- Youth Services Grant funding, so as to more explicitly support the growing body of evidence-based programming and practice in the state of Ohio and increase the base level for smaller counties.

The composite impact of this increase in funding will further help stabilize funding at the individual county level from year to year, while maintaining the incentive to serve youth locally.

#### Recommendation #2

Create an even greater emphasis on evidence-based policies and practices within the RECLAIM related funding streams through policies and practices that must be met to qualify for funding. This is already in place to a certain degree, but should be enhanced, particularly in relation to core RECLAIM funding through legislative or regulatory action.

#### Recommendation #3

In the long term, build a greater state-wide capacity to rely on local arrest and filing data/trends and risk information for the youth served locally, by CCFs, and in ODYS facilities to determine whether the basic tenets of juvenile justice reform in Ohio are being followed with fidelity: serving youth with the correct services at the most appropriate level of supervision (diversion, probation, placement).

These factors could then be incorporated into the RECLAIM formula and related programming. This is not currently possible due to the fact that neither ODYS or any other state entity has the ability to mandate counties to collect and report arrest and filing information. Once again, this is part of the “home rule” dynamic that prevents the state of Ohio from more readily developing, implementing and supporting a “full continuum” juvenile justice system; i.e., counties can opt in or out. ODYS has shown, however, that it can work effectively with local courts to enhance policy and practice in Ohio’s juvenile justice system. It has done this through RECLAIM and the development and adoption of the OYAS. It should continue along this path in relation to the integration of local and state data systems, use of youth risk information, and support for the full continuum of juvenile justice policy and practice in Ohio.

In coming to these three core recommendations, this writer considered a wide range of variables to include in RECLAIM calculations. The following enumerates two of those variables and the issues related to and complicating their use:

- The risk levels of youth committed to ODYS (outside of youth in the “free bed day” category). This is a very appealing factor to consider as it would allow for the calculation of not only offense type, adjudications and bed days, but also risk level when reviewing the population of youth being committed to ODYS or placed in a CCF. In fact, best practice looks at both offense type and risk level to determine which youth are best served in residential care as compared to community supervision (diversion or probation). This was the point Dr. Latessa made when emphasizing the importance of developing and implementing OYAS. While the OYAS has been introduced with good success, using the risk level as a RECLAIM factor in any future changes in the RECLAIM formula will require its use in all 88 counties, with strong quality assurance around fidelity and inter-rater reliability. As noted above in Recommendation #3, I believe that this should be a goal for future changes to the RECLAIM formula, but not one ready to be implemented at this time.
- Poverty and social conditions in local counties. The possibility of using this as a factor was raised at the stakeholder meeting on August 26<sup>th</sup>, in conversations with key stakeholders in advance of the meeting, and literature I reviewed in preparation for that meeting. The downside of using this variable is that it is impacted by a number of other variables and agencies and programs that are beyond the control of the juvenile court, its partners and ODYS. So while in one community impacted by high levels of poverty, partner agencies are stepping forward to offset that factor, other communities may not benefit from that involvement; something over which they have no control.

## Conclusion

It is my hope that these recommendations provide realistic and meaningful alternatives to the current RECLAIM formula and its related programs. RECLAIM remains a very effective tool being used by ODYS and its local court partners, but there are key areas of its operation – and the operation of its related programs -- that could benefit from revisions, without deviating from RECLAIM's core pillars:

- Collaboration between ODYS and local juvenile courts.
- Fiscal incentives to promote evidence and community-based services and reduce ODYS commitments.
- Flexibility in the use of the RECLAIM funds.
- Youth served locally in the least restrictive setting.
- Focus on prevention and early intervention.
- Technical assistance and collaborative learning opportunities.
- A data driven formula.
- Transparent use of data.

The implementation of these revisions, as described above, should be staged over time with the long-term goal being a fully implemented statewide evidence-based decision-making platform for ODYS and its local court partners.