Cambridge Matters 2021-10

December 5, 2021

JUVENILE JUSTICE: LET’S REALLOCATE RESOURCES

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In January 2008, I wrote a white paper on how to reallocate resources for court involved youth from detention facilities to programming and treatment that would be proactive and preventive rather than reactive. I provided it to the community through Cambridge Matters in June of 2020.

Given what has been happening in our community and schools this year, I offer it again with a new twist for your consideration about possible funding in light of the recent killings that have taken place here in Cambridge, and the need to look at new ways to help the youth in our community reach their full potential.

While there have been cries around the country in recent months to “Defund” the police, that is not the answer or the way to save money. More training and changing the culture of some police and sheriff departments, however, can be part of the answer, but I think the Dorchester Sheriff’s Department and the Cambridge Police are doing the best job that they can under difficult circumstances.

I mention in the paper below RECLAIM OHIO. A link to that program can be located at <https://www.dys.ohio.gov/Community-Programs/RECLAIM/RECLAIM-Ohio>. Since I wrote this paper but not because of it, Virginia has made substantial improvements and changes in its juvenile justice system that have dramatically reduced youth incarceration and increased effective programming.

As I mentioned last June, a few years ago I did an evaluation of the Dorchester County data provided by Maryland Department of Juvenile Justice. That evaluation was similar to what I did for the Alexandria data in the paper below by using the ideas found in **Reclaim Ohio**, and I calculated that close to $1 million a year that is not currently available here could be saved at the state level and brought here to undertake different ways to address the many challenges that our youth face today through a reduction in their incarceration and providing more and effective programming here.

Now with Dorchester County and Cambridge having fewer resources due to the Covid-19 crisis and the resulting reduced tax income, possibly another idea is right in front of us. With the state sending millions of Federal dollars to Dorchester County and the City of Cambridge under the America Cares Act, possibly those local governments could set aside restricted funds of say $1 Million each from which some monies could be provided each year to local nonprofits and the school system to address the many challenges that we see now taking place in our community and schools almost on a daily basis.

For those new to Cambridge, below is that paper from 2008.

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A headline in the October 17, 2004, New York Times tells part of the story: “‘Get Tough’ Youth Programs Are Ineffective, Panel Says”. The article reports that “Boot camps and other get-tough programs for adolescents do not prevent criminal behavior, as intended, and may make the problem even worse, a new study has found”.

A headline in the October 13, 2007, Washington Post reads “8 Staffers Acquitted in Death at Boot Camp”. The story was about the death of a 14-year-old youth in a Boot Camp and was filled with information about how these type programs are being used less and less. While “Get Tough” programs do not work, other programs exist that have been tested and proven effective in combating juvenile delinquency and keeping communities safe that do not require incarceration.

It is not easy for states and communities to find new resources to fund programs that are known to work, can positively impact the lives of children and families while protecting the community, and are cost effective. This paper offers some ideas on how to find that funding from current resources while continuing to keep a community safe.

Some years ago, a probation officer for the Alexandria, Virginia, Juvenile Court Service Unit told me that she would rarely recommend that a delinquent be committed to the state for incarceration. She knew that having her as a probation officer was much more difficult for the youth on her caseload than was their spending time locked up, and it was also more beneficial. While state juvenile justice systems must hold children accountable for their delinquent behavior, incarceration is not normally the best way to do that, unless the safety of the community is at risk.

During my tenure as Chief Judge of the Alexandria Juvenile and Domestic Relations District Court (1989-2004), our community, our Court Service Unit, and our court were able, through a variety of initiatives, to help ensure improved safety of the community while providing programs and resources to youth and families that reduced delinquent behavior as well as the court’s caseload. In some instances, this occurred by happenstance, of which we took advantage, and in others it came as the result of intentional collaborative efforts.

Community policing was introduced into Alexandria a number of years ago and has proved very successful. Shortly after it became a reality, the Alexandria Juvenile Court Service Unit, which provides juvenile intake, probation, and program services for the court, began having community juvenile probation officers spend much of their time working with youth and their families in the community using non-traditional working hours that often went into the evening. The probation officers were able to connect with court-involved youth out in the community as well as the brothers, sisters, and parents of those children. They also helped prevent delinquent behavior and anticipated program needs for other youth in the community. That coupled with effective programming through Court Services made the difference in Alexandria.

While our community has considerable resources, that is not the case for every community in this country. So how can others undertake successful programming, when new resources do not seem to be available, especially when state and local budgets are tight?

To begin to answer this question, one must look at how Alexandria

Addressed issues concerning use of our juvenile detention facility. For

years, the City has been a member of a Regional Detention

Commission which has authority over the detention home and a

separate Shelter Care facility along with Arlington County and the

City of Falls Church. These jurisdictions share the cost for both

the detention home and the shelter care facility based on usage by each

jurisdiction which is averaged over the prior three years. In the early

1990’s Alexandria was the primary user of the detention home. I am

told that, despite delinquency caseloads similar to Arlington during

those years, Alexandria was using the facility about 2/3 of the time

while Arlington and Falls Church were using it the other 1/3.

Within A few years after I went on the bench, Alexandria began its detention

diversion reform efforts, which reduced the City’s use of the detention home pre-

adjudication as well as post-adjudication through programs that offered effective

alternatives to detention, consequences to the child, and protection to the

community. As a result, the financial consequences to the communities using the

detention home became immediately apparent. Between October 1, 1999, and

September 30, 2004, the average number of detention home childcare days for

Alexandria was 34.04% of the total while Arlington County was a 61.68% user of

the facility. Falls Church used it 3.12% of the time while other Northern Virginia

jurisdictions purchased space for the remainder.

According to the report to the Joint Meeting of the Virginia Public Safety Subcommittees of the House Appropriations and Senate Finance Committees of September 12, 2002, the average cost per child per day for secure detention in Virginia was $122.00. Today’s cost for the Northern Virginia Regional Detention home is $300 per child per day and the average length of stay is 22.23 days. That is an average local cost of $6,669 per child for less than a month’s stay in our regional detention facility.

With the Regional Detention Home having 70 beds for 365.25 days a year that translates into 25,567.5 childcare days assuming it is used at capacity, which is the case over the five years mentioned (1999-2004). Using the $122.00 per child day figure as an average for the five years mentioned above translates into a difference in cost between what the City of Alexandria and Arlington County paid over the above 5 year period of more than $860,000 per year or a total of over $4,300,000.

Using $300 per day with those same percentages results in a difference in cost between what the City of Alexandria and Arlington County would have paid over a similar 5 year period of over $2,120,000 per year or a total of over $10,600,000 over 5 years. Unfortunately for our community, the most recent data indicates that Alexandria has increased its detention home usage rate to 43% vs. 44.5% for Arlington County. Yet with only a 1.5% difference between the two communities in usage of the detention home, the cost savings to Alexandria is still slightly over $115,000 per year.

During my time on the bench, effective research-tested programming made the difference and saved Alexandria significant sums of money while continuing to help protect the community. I believe that similar initiatives can have similar results in almost any community.

A more impressive phenomenon is a program begun in Ohio in the mid 1990’s called **Reclaim Ohio**, which stands for **Reasonable and Equitable Community and Local Alternatives to the Incarceration of Minors**. It was an initiative of the Ohio Department of Youth Services (DYS) that began in January 1994.

Its intent was to respond to the overcrowding problems that DYS was facing at the time in its state detention facilities and the growing need for juvenile court judges in that state to have more alternatives to incarceration. It began as a pilot project and resulted in a significant decrease in the number of children committed to DYS in 1994 compared to 1993.

The program went statewide in January 1995 and based on the report from DYS and from anecdotal reports of some Ohio judges, the collaboration has worked well. The number of incarcerated youth in the custody of DYS went from more than 2600 in May 1992 to less than 1800 in July 2006.

The underlying idea of **Reclaim Ohio** is to give credits to the courts that do not send youth to the state DYS for incarceration which results in a portion of the monies saved by the state flowing back to the localities to be used in programs that will help children and reduce the need for bed space at DYS. The **Reclaim Ohio** funding allocations were modified in 2005 based on state funding issues … but localities remain able to determine how to fund the most appropriate programming for their youth such as day treatment, alternative schools, intensive probation, electronic monitoring, and residential treatment.

According to the **Reclaim Ohio** report, many youth in Ohio are served by programs funded by this program. As a result the local communities benefit by having additional resources to prevent youth from becoming involved in law violations that might result in their being sent to DYS while DYS is able to focus its treatment efforts on the more serious and repeat offenders who must be sent to them.

Virginia saw a reduction in its commitments to its Department of Juvenile Justice (DJJ) from 1,735 in 1996 to 1,178 in 2003. In 2006 in Virginia, the average daily population in the state-run detention facilities was 973 at an average per diem rate of $275.91. As of December 2007, the number of youth incarcerated by the state has risen to 995. In the September 12, 2002 report mentioned earlier, several interesting facts were presented.

The daily cost in 2002 for correctional commitment was $131.51 based on an annual confinement cost per youth of $48,000 (variable inmate cost). While the number of commitments to DJJ had gone down from 1996-2002, the local detention home capacity had increased 52% while its utilization rate had decreased 66%.

The report goes on to state that the unintended consequences of the cuts in staff, programs, and program capacity include increased admissions to secure detention, increased commitments to state facilities, increased foster care placement and increases in Comprehensive Services Act (CSA) costs.

With the daily cost for a detained child in state custody being $275.91 and the average length of stay in Virginia DJJ during FY 2006 being 13.5 months, or 411 days, that translates in to the cost for correctional commitment of an average youth being $113,400 per year. In round numbers a 20% reduction in the number of youth in the custody of DJJ (approximately 200 youth) could mean a savings of approximately $ 22,500,000 to the Commonwealth, much of which could be passed on to Virginia’s localities for use in programming that is known to work, and the remainder could be used by DJJ to focus on dealing with the serious issues facing those youth who would remain in their custody.

While both Ohio and Virginia have had successes and challenges in their approaches to reducing the number of delinquent children in the care of their states, the glaring difference between the two states is the active involvement of the Ohio judiciary in reaching an accord with DYS so that significant state funding could come back to their localities where it could be used in effective programs. Virginia’s failure to include its judiciary other than for the minimal funding coming thorough the VCCCJA and its failure to consider seriously the concepts put into practice by Ohio continues to place Virginia juvenile court judges in the position of having fewer available alternatives that could be used to reduce the need to send youth to Virginia’s DJJ.

Thanks for Reading

Steve