

Juvenile Detention Reform in Ohio

Fact Sheet



OCTOBER | 2010

Ohio, like many other states, is examining its approach to juvenile justice, including the use of detention and its effects on the community, families, and confined youth. Research has repeatedly established that detention is an expensive option that does little to help juveniles or keep the community safe. Moreover, the racial disparities raise troubling questions about the fairness of detention.

Youth placed in detention are frequently awaiting their court dates or an out-of-home placement. Ohio has approximately 40 juvenile detention centers, which are locally controlled and vary widely in size, operational cost, and use. Detention reform saves scarce public dollars and redirects resources toward more cost-effective community-based alternatives to confinement. Thus, across the country juvenile justice advocates are questioning how detention is being used. *Do all the youth being detained need to be detained? When does detention increase or reduce public safety? Are there effective alternatives to detention?* It is time for Ohio to answer these same questions and take action.

What is Detention?

For the purposes of this fact sheet, detention is the **secure confinement** of children or adolescents **while juvenile court cases are pending** (pre-adjudication or pre-trial). That means youth are placed in a detention facility before any determination is made on their unruly, delinquent, or youthful offender case. Detention can be used after adjudication when placement options are being considered, but that is not the focus of this fact sheet. Detention is not to be used for punishment nor is placement in detention considered an arrest. In Ohio, children can only be legally placed in pre-trial detention when either:

- The youth is deemed a serious flight; or
- The judge determines that no other less restrictive option would reasonably assure public safety.

Who is in Detention?

Despite a decline in juvenile offending, the population of youth confined in pre-trial secure detention has steadily grown. An alarmingly high number of youth who are young, from communities of color, and who pose no risk to community safety are behind



locked doors awaiting court hearings. A one-day snapshot of juvenile offenders in detention in this country in 2006 found that:

- Many detention centers were overcapacity leading to increased levels of violence and suicides among youth;
- More than 85% of detained youth had pending complaints for non-violent offenses;
- Approximately, five percent were status offenders, meaning they had complaints filed based on charges only a child could face, such as truancy from school or missing curfew;
- African-American youth are 1.4 times more likely to be detained than their Caucasian peers; and
- While African-Americans comprise 15.4% of the general juvenile population, they make up 29% of juvenile cases formally processed through the juvenile court system and 38% of youth detained prior to trial.

There is no comprehensive Ohio-specific data available about juvenile detention. However, that same 2006 study found that Ohio was placing youth in detention at a rate higher than two-thirds of the other states.

What Are the Problems With Detention?

When a child is placed in detention:

- School attendance is interrupted, with possible long-lasting effects, especially for this population of youth who are likely to already be behind academically and/or struggling with learning disabilities;
- Stress and trauma can occur from separation from family and community, even more so given the high population of youth afflicted with mental health issues;



- Younger, non-serious offenders are exposed to older, more-serious offenders; and
- It can lead to detrimental labeling by the system.

Detention is costly and a contributor of disproportionate minority contact (DMC). The average cost per detention bed in this country is estimated at \$48,000 per year or in other terms, it costs \$1.5 million to build, finance and operate a single bed during its first 20 years. DMC, as already referenced, is a problem in the juvenile justice system. Detention and juvenile court are too frequently used as a way to provide needed services to youths; often because access to these same services is unaffordable or unavailable without formal system involvement.

Research has revealed a lot about the effects of detention, including that youth placed there are more likely to: fail to complete high school, use drugs and alcohol, commit future crimes, be unemployed, be unable to form stable relationships, and wind up in the juvenile facilities. Accordingly, alternatives that divert youth from formal court involvement and deter the use of detention can substantially lower the rates of recidivism and increase public safety.

The data that has been collected in Ohio indicates that Ohio has not escaped these statistics. However, a more concerted way to collect up-to-date and comprehensive data is needed. An assessment conducted in Ohio in 2003, showed that many youth who are

ultimately placed in detention are unrepresented by counsel at the detention hearing stage, or if represented, the representation lacked zealous advocacy and proper preparation, potentially leading to negative consequences for youth.

A single detention bed costs the public as much as \$1.5 million over a 20-year period.

— Earl Dunlap, CEO
National Juvenile Detention Association

Juvenile Detention Alternatives Initiative

The Juvenile Detention Alternatives Initiative (JDAI) is one strategy that many communities are using successfully to address the overuse of detention and DMC. The cornerstone of JDAI is that detention is an inherently negative experience and should be reserved for those youth who truly need to be detained because they present a threat to public safety. The JDAI model, started in 1992, has been replicated at a tremendous rate and is being used in more than 100 jurisdictions across the country.

JDAI has directly impacted detention by reducing the number of youth admitted to facilities and by decreasing the length of time that youth are in detention while waiting for their adjudication hearing. JDAI jurisdictions have also found adopting this model has led to a reduction of: crime, the number of youth in long-term incarceration, costs associated with the juvenile justice system, and DMC.

Five counties in Ohio—Cuyahoga, Franklin, Lucas, Montgomery, and Summit—recognizing the success of this model have agreed to participate in JDAI. This means adopting JDAI's eight core strategies to accomplish the four objectives referenced in the sidebar on the following page:

- Collaboration among the juvenile justice system and community.
- Collection and utilization of data to diagnose the system's problems, assess the impact of various reforms, and ensure that decisions are grounded in facts.
- Use of objective and research-based instruments to identify the best suited placement for youth.
- Development of new or enhanced non-secure alternatives to detention.



- Creation of case processing reforms that expedite the flow of cases and ensure timely and appropriate interventions.
- Utilization of flexible policies and practices to deal with “special” detention cases.
- Persistent and determined attention to combating racial disparities.
- Intensive monitoring of conditions of confinement so that detention facilities are safe and that appropriate care is provided.

Next Steps for Ohio

Ohio is in the midst of significant reforms which are modeled after promising practices. The goal is to have youth receive rehabilitative services in their local communities and keep them, whenever possible, from moving deeper into the juvenile justice system. Rethinking juvenile detention practices is vital to Ohio’s current reform efforts. The environment is right to advance detention practices at the county and state levels that can 1) promote cost saving measures; 2) achieve better outcomes for youth without jeopardizing public safety; 3) reduce racial disparities; and 4) promote greater system accountability.

Overall, detention should be fair and reserved for the youth who pose the greatest risk to public safety and cannot be safely diverted to an alternative. To do this, Ohio must:

- Expand county-based detention reform efforts. While Cuyahoga, Summit, Lucas, Franklin, and Montgomery counties will be at the forefront of implementing this model in Ohio, other counties should look to the extraordinary array of successes experienced across this country by JDAI jurisdictions and consider implementing their own initiatives.
- Create a system of oversight, assistance and accountability for juvenile detention. Local communities should be required to report data to a statewide body in order to assess more accurately its impact on youth and communities, as well as track progress in reducing DMC and reliance on detention.
- Acquire and dedicate resources to juvenile justice. The state should continue to bring national resources and funding into the state as well as allocate state funding to this issue. Stronger support from the state for funding, technical assistance, data collection and training could help local facilities to improve upon conditions of confinement, create better alternatives to detention, and establish a stronger system of accountability.
- Ensure that all youth risking detention have effective legal representation. Attorneys representing youth should be properly trained and appointed by judges at the earliest stage possible, continuing their representation throughout the life of the youth’s case.



JDAI’s four basic objectives are to:

- Eliminate the inappropriate or 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.



The following resources were relied upon greatly to create this fact sheet:

ACT 4 Juvenile Justice, *Juvenile Detention Reform Fact Sheet: Who Ends Up in Detention?*, JJDPA Fact Book, Coalition for Juvenile Justice at http://www.act4jj.org/media/factsheets/factsheet_16.pdf.

Children's Defense Fund-Ohio, *Issue Brief: Rethinking Juvenile Detention in Ohio* (2010).

Citizens for Juvenile Justice, *Detention Fact Sheet* (November 2006) at http://www.cfjj.org/Pdf/detention%20fact%20sheet%2011_29_06%20v.2.pdf.

Hanna, Alison & McGowan, Maria, *Reinvesting in New Jersey Youth: Building on Successful Juvenile Detention Reform*, New Jersey Office of the Child Advocate (March 2009) at <http://www.state.nj.us/childadvocate/publications/PDFs/Reinvesting%20in%20NJ%20Youth.pdf>.

Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report* (2006) at <http://www.ojjdp.ncjrs.gov/ojstatbb/nr2006/>.

Ohio Revised Code §2151.31(A)(6) .

National Center for Juvenile Justice, *Census of Juvenile Residential Placement Databook*, Office of Juvenile Justice and Delinquency Prevention (updated April 14, 2008) at <http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/>.

Nellis, Ashley & Richardson, Brad, *Getting Beyond Failure: Promising Approaches for Reducing DMC, Youth, Violence and Juvenile Justice* 8(3), 266 (2010).

The Annie E. Casey Foundation, *Fact Sheet: Two Decades of JDAI: From Demonstration Project to National Standard* (2009) at http://meetings.abanet.org/webupload/commupload/CR200000/sitesofinterest_files/factsheetJDAI.doc.

The Annie E. Casey Foundation, *A Road Map for Juvenile Justice Reform* (2008) at http://www.aecf.org/~media/PublicationFiles/AEC180essay_booklet_MECH.pdf.

The Annie E. Casey Foundation, *Detention Reform Brief 1: Detention Reform: A Cost-Saving Approach Juvenile Detention Alternatives Initiative* (2007) at http://www.aecf.org/~media/Pubs/Other/D/DetentionReformACostSavingApproach/JDAI_facts_1.pdf.

The Annie E. Casey Foundation, *Juvenile Detention Alternatives Initiative: A Successful Approach to Comprehensive Reform* (2007) at http://www.aecf.org/~media/Pubs/Topics/Juvenile%20Justice/Detention%20Reform/JuvenileDetentionAlternativesInitiativeASucce/JDAI_splash.pdf.

The Annie E. Casey Foundation and the Cincinnati Bar Foundation have provided funding for this publication.



Columbus 395 E. Broad St., Suite 330, Columbus OH 43215
Cleveland 1422 Euclid Ave., Suite 972, Cleveland OH 44115
National Office 25 E Street, NW, Washington DC 20001

p (614) 221-2244 f (614) 221-2247
 p (216) 298-4480 f (216) 298-4481
 p (202) 628-8787 f (202) 662-3510

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