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The Costs of Confinement: Why Good Juvenile Justice Policies Make Good Fiscal Sense

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Introduction

Approximately 93,000 young people are held in juvenile justice facilities across the United States.¹ Seventy percent of these youth are held in state-funded, post-adjudication, residential facilities, at an average cost of \$240.99 per day per youth.² With states facing serious budgetary constraints, it is an opportune time for policymakers to consider ways to reduce juvenile justice spending that won't compromise public safety.

This policy brief details how states can see a net reduction in costs by moving expenditures away from large, congruent care facilities (often called "training schools") for youth and investing in community-based alternatives. Such a resource realignment can reap better results for communities, taxpayers, and children. Evidence is growing that there are cost-effective policies and programs for intervening in the lives of delinquent youth which actually improve community safety and outcomes for children. While there is no silver bullet that will guarantee reductions in crime, policies that include prevention and intervention for youth in the community have been shown to have a positive public safety benefit. Major findings and recommendations for reform include:

- **States needlessly spend billions of dollars a year incarcerating nonviolent youth.** States spend about \$5.7 billion each year imprisoning youth, even though the majority are held for nonviolent offenses and could be managed safely in the community.
- **The biggest states are realigning fiscal resources away from ineffective and expensive state institutions, and towards more effective community-based services.** California, Illinois, Ohio, New York, Pennsylvania, and other large states are redirecting funds once spent on large residential facilities, and spending those dollars on less expensive, more effective programs to curb reoffending and reduce youth crime.
- **Holding more youth in secure juvenile facilities can lead to costly litigation for states.** Unacceptable conditions not only have serious negative consequences on the youth who experience them, but can also lead to court-ordered reforms which in some cases have cost millions of dollars.
- **Imprisoning youth can have severe detrimental effects on youth, their long-term economic productivity and economic health of communities.** Youth who are imprisoned have higher recidivism rates than youth who remain in communities, both due to suspended opportunities for education and a disruption in the process that normally allows many youth to "age-out" of crime. See Appendix A for more information on the negative effects of incarceration on youth.

- **Policies that lock up more youth do not necessarily improve public safety.** Ten years of data on incarceration and crime trends show that states that increased the number of youth in juvenile facilities did not necessarily experience a decrease in crime during the same time period.
- **Community-based programs increase public safety.** The most effective programs at reducing recidivism rates and promoting positive life outcomes for youth are administered in the community, outside of the criminal or juvenile justice systems. Some of these programs have been shown to reduce recidivism by up to 22 percent.
- **Community-based programs for youth are more cost-effective than incarceration.** Some programs like multi-systemic therapy and functional family therapy have been shown to yield up to \$13 in benefits to public safety for every dollar spent. These programs are more cost effective and produce more public safety benefits than detaining and incarcerating youth. See Appendix B for more information on cost-effective programs that work with youth.

Juvenile Justice Definitions

Adjudication: The hearing at which the judgment of whether the youth is or is not responsible for the offense he or she is charged with is made. It is the equivalent of the trial in the criminal court process where the guilt or innocence of an adult is determined.

Detention: The holding of youth, upon arrest, in a juvenile detention facility for two main purposes: to ensure the youth appears for all court hearings and to protect the community from future offending. Youth may also be detained while awaiting disposition of an adjudicated case.

Disposition: Similar to the sentencing hearing the adult criminal justice system. The judge decides what action or treatment plan to impose upon the adjudicated youth.

Residential Placement: After a youth is adjudicated delinquent, the court can order placement in a residential facility. Such facilities can be secure and prison-like or have a more open setting, like group homes or foster care.

Secure Residential Facilities: Sometimes also referred to as training schools, residential confinement facilities, or youth prisons, secure residential facilities are for youth who have been adjudicated delinquent to the custody of correctional facilities. These facilities are state-funded are often very large and would be comparable to a prison in the adult criminal justice system.

Status Offense: An offense that would not be considered a crime for adults. Status offenses are offenses that are only illegal for people 18 years old or younger such as curfew violations, running away, truancy, and underage drinking.

For details on how to cut costs in the criminal justice system, please see the Justice Policy Institute's companion brief, *Pruning Prisons: How Cutting Corrections Can Save Money and Protect Public Safety*, available at www.justicepolicy.org.

Current trend: More youth are being caught up in the juvenile justice system

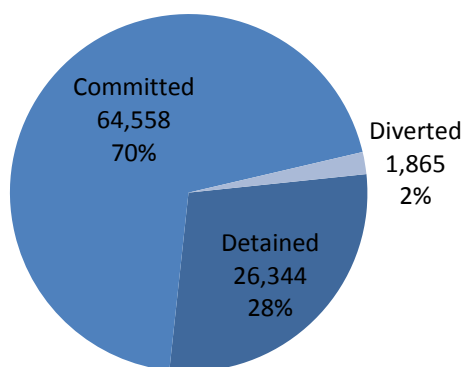
The types and number of offenses being formally handled by the juvenile court has changed in the last 10 years. In 2005, 28 percent of all delinquent cases handled by the juvenile court were public order offenses (e.g. disorderly conduct, obstruction of justice, and liquor law violations).³ This is an increase of 8 percentage points from 10 years ago.⁴ And two out of every three (67 percent) cases involved non-person offenses. Despite recent improvements in some jurisdictions, the caseload of the juvenile justice system has increased by over half a million cases in the last 20 years.⁵ This increase is not only a burden on an already over-crowded juvenile justice system, it is also a detriment to youth who may be better served in the community and without the intervention of the courts.

Several theories have emerged as possible causes of the increase in the number of youth processed by the juvenile justice system. Among them is the idea that jurisdictions, fueled by assertions that the nation is besieged by young gang members, have expanded policies aimed at regulating youth behavior and strengthening penalties for noncompliance. For example, zero tolerance policies and more police in schools -- policies intended to reduce school violence -- have also increased the likelihood that an incident that previously would have been handled informally or by the school now results in arrest.⁶ This is contributing to the clogging of an already overburdened juvenile justice system. Between 2000 and 2004, for instance, Denver experienced a 71 percent increase in school-based referrals to law enforcement.⁷

Confinement Statistics

On any given day, there are more than 90,000 youth in juvenile justice facilities across the country.⁸ About 28 percent of youth in these facilities are being detained pre-adjudication or pre-disposition, and 70 percent were sentenced to facilities post-disposition.⁹ In 2005, 22 percent of all adjudicated delinquency cases -- over 140,000 youth -- were ordered to a juvenile justice placement.

70 percent of youth in residential facilities are committed by the courts



Note: Diversion includes youth sent to a residential facility in lieu of adjudication as part of a diversion agreement.

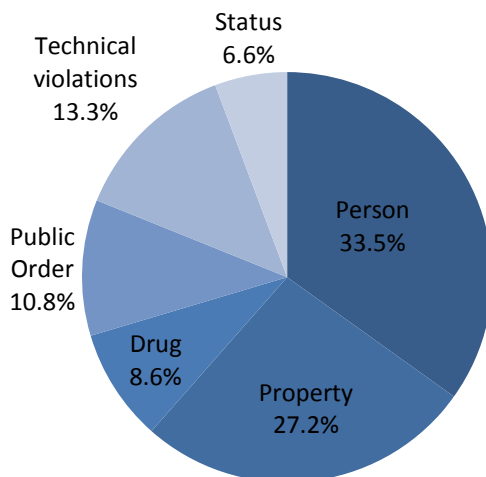
Source: M. Sickmund, T.J. Sladky, W. Kang, and C. Puzzanchera, *Easy Access to the Census of Juveniles in Residential Placement* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2008) <http://ojjdp.ncjrs.gov/ojstatbb/ezacjrp/asp/display.asp>

The majority of youth in residential facilities have been adjudicated for nonviolent offenses, including drugs (8.6 percent), technical violations (13.3 percent)* and status offenses (6.6 percent), which include offenses that would not be a crime if committed by an adult. Sixty-six percent of committed youth were adjudicated for non-person offenses such as these.†

Valid Court Orders

Although federal law under the Juvenile Justice and Delinquency Prevention Act (JJDP) requires the deinstitutionalization of youth charged with status offenses, courts are allowed to make exceptions, called valid court orders, in certain cases. The use of the valid court order mechanism contributes to the approximately 2,000 youth that are held in residential facilities for status offenses. Taking the lead in ending the use of valid court orders to hold youth adjudicated of status offenses are states like Alabama that, in 2008, prohibited the commitment of youth charged with status offenses could further reduce the numbers of youth held in state-funded secure confinement. If youth are held an average of 30 days each, at the rate of \$240.99 per day,¹⁰ states could be spending approximately \$14.5 million locking up youth for status offenses per month.

The majority of youth are adjudicated and committed for nonperson offenses.



Source: M. Sickmund, T.J. Sladky, W. Kang, and C. Puzzanchera, *Easy Access to the Census of Juveniles in Residential Placement* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2008) <http://ojjdp.ncjrs.gov/ojstatbb/ezacjrp/asp/display.asp>

* About 25 percent of youth in detention are in for technical violations, which include breaking the rules of probation or parole, such as not making appointments, not passing drug tests and other conditions of probation.

† Person offenses include: aggravated assault, criminal homicide, robbery, simple assault, violent sexual assault and other person offenses such as kidnapping and harassment.

Locking up youth can be costly for states

States spent about \$5.7 billion in 2007 to imprison 64,558 youth committed to residential facilities.¹¹ The per diem costs of locking up one young person in a juvenile facility ranges from \$24 in Wyoming to \$726 in Connecticut, but the American Correctional Association estimates that, on average, it costs states \$240.99 per day -- around \$88,000 a year -- for every youth in a juvenile facility.¹²

Reporting states spent an average of \$7.1 million per day locking up youth in residential facilities.

State	Youth in Residential Placement	Cost per day per youth	Total cost per day based on total population
Alabama	1,251	\$137.21	\$171,649.71
Alaska	198	\$252	\$49,896
Arizona	1,083	\$314	\$340,062
California	8,955	\$67.51	\$604,552.05
Colorado	1,617	\$161	\$260,337
Connecticut	312	\$726	\$226,512
Georgia	1,398	\$200.68	\$280,550.64
Indiana	1,866	\$153.78	\$286,953.48
Louisiana	807	\$387.12	\$312,405.84
Maine	159	\$412.05	\$65,515.95
Maryland	525	\$229	\$120,298.50
Michigan	2,115	\$391	\$827,451.45
Mississippi	219	\$426.51	\$93,405.69
Missouri	825	\$133	\$109,791
Nebraska	252	\$173	\$43,596
New Jersey	870	\$174	\$151,380
North Carolina	804	\$262	\$210,648
North Dakota	222	\$146.64	\$32,554.08
Ohio	2,898	\$216	\$624,924.72
Oklahoma	624	\$158.96	\$99,191.04
Pennsylvania	3,318	\$362	\$1,201,116
Rhode Island	330	\$58.95	\$19,453.50
South Dakota	474	\$219.79	\$104,180.46
Utah	606	\$195	\$118,170
Virginia	1,455	\$280	\$407,400
West Virginia	417	\$227	\$94,659
Wisconsin	1,092	\$259	\$282,828
Wyoming	288	\$24.44	\$7,038.72
Total for States Reporting	34,980		\$7,146,521

Note: Data not available for Arizona, Arkansas, Delaware, Illinois, Iowa, Kansas, Michigan, Minnesota, Nevada, New Hampshire, New York, Oregon, Tennessee, Vermont, and Washington.

Source: Melissa Sickmund, T. J. Sladky and Wei Kang. (2008) "Census of Juveniles in Residential Placement Databook." http://ojjdp.ncjrs.gov/ojstatbb/cjrp/asp/State_Adj.asp; American Correctional Association, 2008 *Directory: Adult and Juvenile Correctional Departments, Institutions, Agencies, and Probation and Parole Authorities* (Alexandria, VA: American Correctional Association, 2008).

Shifting the fiscal architecture of state juvenile justice systems can save money and improve outcomes

In many states, there is no financial incentive for counties to invest in alternatives to secure residential placement for youth because state governments generally fund residential placement for youth that are adjudicated delinquent. Counties have to pay for alternatives to incarceration, like those mentioned in subsequent sections, but they do not have to pay for state-funded secure residential confinement.

To eliminate or reduce the financial incentive of sending youth to state-funded secure care, several states have altered the fiscal architecture of the juvenile justice system. Some states provide financial reimbursement for costs incurred by counties to manage youth locally, while requiring the county to pay part of the cost of confining a child in a state institution. Other states have simply increased the costs for counties to send youth to state institutions, and programs have grown naturally in localities where there had previously been no incentive to develop them before. These changes have been funded either with dedicated state funding streams, or through the increased ability to pull down federal dollars to fund more local juvenile justice programming.

By rethinking how they fund their juvenile justice systems, states and localities can succeed in keeping more youth at home, reduce the number of youth incarcerated, promote better outcomes for young people moving through these systems, and potentially show significant savings to taxpayers. Below are some notable state examples.

Ohio—“RECLAIM Ohio”

- Ohio created a system that allocates money to counties for juvenile justice based on delinquency levels and population. The county uses the same pool of money whether it utilizes community-based alternatives or state commitment. Community-based alternatives are cheaper, thus encouraging the county to invest in those initiatives.
- Between RECLAIM Ohio’s enactment in 1992 and 2009, the number of young people committed to secure state care in Ohio fell 42 percent.¹³
- According to a fiscal analysis by the Ohio Department of Youth Services, for every dollar spent on the RECLAIM program, the state saves from \$11 to \$45 in commitment and processing costs, depending on the risk level of the youth.¹⁴

Illinois—“Redeploy Illinois”

- Under Redeploy Illinois, participating counties agree to cut the number of youth they send to state secure facilities by at least 25 percent below the average of the previous three years. The reduction can be seen in the overall population or in any specific population. In return, the state reimburses the counties for funds they spend managing the adjudicated youth locally.¹⁵
- Since starting in mid-2004, Redeploy pilot sites included the 2nd Judicial District (containing 12 rural counties) and St. Clair, Peoria, and Macon counties. In its first three years of implementation, the pilot sites diverted 382 youth from commitment, saved an estimated \$18.7 million in costs, and lowered the number of commitments by 51 percent.¹⁶ In April 2009, Illinois made Redeploy a permanent initiative to be expanded in other counties.

New York – “Re-direct New York”

- In February 2009, New York State closed six youth residential facilities, downsized two, and closed three evening reporting centers. The projected savings of closing these facilities is approximately \$16.4 million and the funds will be redirected to counties to strengthen alternatives to incarceration.¹⁷
- Coinciding with state residential facility closures, legislators will introduce Re-direct New York, which would create a fiscal incentive for counties to utilize alternatives to incarceration rather than state-run residential facilities for youth or local detention facilities. The law would reimburse counties for 65 percent of the cost of using alternatives to incarceration, reinvest half of the savings in alternatives to community-based alternatives, and fund only evidence-based alternatives.¹⁸

Pennsylvania—“Act 148”

- Pennsylvania reimburses 80 percent of the county cost of community-based juvenile justice services. The county pays the state 40 percent of the cost of state youth confinement.
- Three years after Act 148 was enacted in the late 1970s, there was a 75 percent increase in state subsidies for county programs; by the early 1980s, secure placements for youth dropped 24 percent. In 2006, only 14 percent of committed youth were placed in state facilities.¹⁹

California—SB 81

- In 2007, as part of a budget “trailer bill,” the governor signed legislation that bans commitments of youth adjudicated of nonviolent offenses to state-run residential facilities.
- Block grants established under the bill will provide an average of \$130,000 per youth eligible to be placed in community-based alternatives.
- The state projected that the number of youth placed in state residential facilities would decrease from about 2,500 to about 1,500 within two years.²⁰

Wisconsin—“Youth Aids”

- Instead of Wisconsin funding the state-run secure residential confinement facilities directly, it allocates a certain amount of money to each county for each bed used in the facility. The county uses some of the money for the state-run facility or it can use it for less expensive, community-based alternatives.²¹
- A year after Youth Aids was enacted in 1980, 25 counties shared \$26 million in funding plus state capacity-building money for community alternative programs. Between 1997 and 2006, the number of state commitments fell by 43 percent.²²

Conditions litigation can be a costly result of mass incarceration of youth

*“In the worst case scenario, crowded facilities can lead to increased institutional violence, higher operational costs, and significant vulnerabilities to litigation to improve the conditions of confinement.”*²³ James Austin, Kelly Dedel Johnson, and Ronald Weitzer

While society often refers to youth as its “most important asset,” the high costs of incarcerating youth can have the result of creating conditions of confinement that are not only non-rehabilitative, but are dangerous and can lead to costly litigation. Below are some cases that illustrate why large, congruent care facilities – which are the most likely to be the subject of conditions lawsuits – can in fact be an even poorer choice from a fiscal standpoint than the “per diem” costs indicate.

California: In 2003, Margaret Farrell sued the California Youth Authority (CYA) for using tax payers dollars to fund poor and illegal conditions in its facilities. In 2004, a series of expert reports were filed on the problems of access for people with disabilities, mental health and substance abuse treatment, health services, education programs, sex offender treatment and general conditions in the CYA facilities. In 2005, this led to an agreement on a schedule for reforming the juvenile justice system and later, led the Department of Juvenile Justice, which took charge of the CYA, to set forth a set of remedial plans which are reported on quarterly to track any progress they have made.²⁴ The Budget Act for FY 06-07 added approximately \$90 million to the Department of Juvenile Justice budget so that it might comply with the costs of remedial plans that resulted from the Farrell case.²⁵

Ohio: In 2007, a class action lawsuit charged the Ohio Department of Youth Services (ODYS) with excessive use of force and isolation, inadequate health care, mental health care, and educational services for youth, poorly trained staff, an unsafe living environment and an inadequate grievance system. A settlement was reached in April 2008 which requires better mental health services, more educational opportunities, better medical and dental services, increased training for employees as well as hiring up to 115 more juvenile correctional officers, revising the use of force and isolation and supporting evidence-based community programs for low-risk offenders. The cost of carrying out these changes is not yet known, but the Youth Law Center estimates that it will increase the DYS budget by \$20 to \$30 million a year.²⁶

Louisiana: In 2006, an 8-year lawsuit concerning the conditions of juvenile facilities in Louisiana was dismissed. This lawsuit was only a part of the litigation that has been going on for 35 years in that state. *United States v. Louisiana* began in 1998 when the first charge was filed against the state. The lawsuit focused on the conditions of four facilities and accused Louisiana of failing to provide safe conditions as well as adequate educational, medical, mental health and rehabilitative services in these state facilities.²⁷ The case was first filed in 1998 and the first settlement was in 2000, followed by two more in 2003 and 2004 before the case was finally dismissed by consensus of both parties in 2006.²⁸ The American Correctional Association estimates that by 2000, Louisiana had spent over a million dollars in plaintiff and defense fees and expert fees since 1998 and almost \$3 million in attorney, expert and medical service fees for adult and juvenile lawsuits since 1994. In addition, the juvenile settlement agreement in 2000

required the state to spend \$20 million in three years to better the educational and medical care services and to decrease violence in four juvenile facilities.²⁹

While policymakers might believe that the key to reducing overcrowded conditions is to expand facilities, history has shown that adding more beds is likely to result in a “build it and they will come” outcome, only exacerbating the problem. Although estimates are not available for state-run residential facilities, we do know that over a 20-year period the cost to taxpayers of one local detention bed can reach up to \$1.5 million.³⁰

Building new facilities and paying to operate them reduces money that might otherwise support crucial services that provide long-term benefits to youth and the community at-large, like education and community services. A public safety investment that is focused on the most expensive, least effective options, such as building new facilities, removes the system’s ability to fund the kind of less expensive and more effective options that intermediate supervision, treatment and services can offer. Additionally, locking up youth who do not need to be incarcerated takes away resources from youth for whom a secure residential facility is the most appropriate option.

Confinement can have negative consequences for youth and communities

“[C]onfining youth may widen the gulf between the youth and positive influences such as family and school.” James Austin, Kelly Dedel, and Ronald Weitzer³¹

Secure residential facilities for young people were originally intended to be places for rehabilitation and support for youth to learn from their mistakes while being held accountable for their actions. However, the rise in the number of youth held in these facilities has contributed to overcrowding and changed the philosophy of some facilities from one of rehabilitation to one of punishment.

The most current national data show that 1,069 facilities (36 percent of all juvenile facilities) are at or over capacity or relying on some sort of makeshift beds to house additional youth.³² Reports of increased suicidal behavior, stress-related illness and psychiatric problems³³ accompany the harsh and stressful conditions of overcrowded facilities. Large facilities that hold more than 100 youth are the most likely to experience problems with overcrowding.³⁴ Facilities of this size hold nearly half of all youth in facilities. Texas, California, Maryland and a number of other states have been cited for poor conditions of confinement due to overcrowding, resulting in lawsuits and multi-million dollar settlements.

Even in facilities without overcrowding problems, youth in secure confinement often do not develop social skills, such as self-control and conflict resolution as well as those who remain in the community. Youth who spend time in facilities have higher recidivism rates; are less likely to naturally age out of illegal behavior; suffer from more mental illness and are at a higher risk of suicide; they are less likely to succeed at education and employment at the same level as youth who were never incarcerated. More information on each of these areas is included in the appendix to this report.

Missouri’s Department of Youth Services has become a national model for juvenile justice systems. Their emphasis on small facilities (only three of the state’s 32 residential facilities has more than 33 beds)³⁵ and focus on support and rehabilitation have had positive effects on youth and public safety. Youth in these facilities meet educational benchmarks at similar rates to youth who are not imprisoned,³⁶ and recidivism rates are around 8.7 percent.³⁷ Although community-based programs are the most effective way to treat youth in conflict with the law, if a young person must be confined, the Missouri Model is one of the most effective methods of providing secure care for youth.

See Appendix A for more information on the negative effects of incarceration on youth.

Locking up more youth does not improve public safety

Over the last decade the majority of states have witnessed falling crime rates, which can be attributed to a number of different factors, including the economy, changes in spending priorities, changes to policies that affect public safety, and myriad other reasons. Researchers who have critically evaluated the adult criminal justice system have found little if any correlation between increasing prison populations and lower crime rates. Bruce Western at Harvard University recently found that only 10 percent of the crime decline in the 1990s was due to increased use of incarceration.³⁸ Concurrently, data shows that states that increased the number of youth in facilities did not necessarily see a bigger drop in crime than states that lowered juvenile correctional populations.

A comparison of youth incarceration rates and violent crime rates does not necessarily support such policies. A review of the last 10 years of data on incarceration and crime trends shows no correlation between states that increase the number of youth in juvenile facilities and crime. In other words, there is no evidence that locking up more youth will definitively improve public safety. On the other hand, states that significantly lowered the number of youth incarcerated were more likely to see bigger drops in crime than states that increased their correctional populations.

Top 10 States that lowered the number of youth in juvenile justice facilities from 1997 to 2006. Seven of the 10 states that reduced the number of youth in juvenile justice facilities saw drops in the total number of violent offenses reported to law enforcement.

State	Percent change in number of youth in juvenile facilities	Percent change in total number of violent offenses reported	Percent change in number of property offenses reported
Louisiana	-57%	-20%	-30%
Mississippi	-41%	-32%	-18%
New Mexico	-39%	-15%	-27%
Washington	-34%	-11%	-7%
Maine	-34%	2%	-11%
Wisconsin	-33%	13%	-11%
Tennessee	-33%	8%	-2%
Georgia	-27%	-3%	-6%
Connecticut	-27%	-23%	-25%
Maryland	-26%	-12%	-20%
<i>Average</i>	-35%	-9%	-16%
US Total	-12%	-13%	-14%

Bottom 10 States that increased the number of youth in juvenile justice facilities from 1997 to 2006. Six of the 10 states that increased the number of youth in juvenile justice facilities saw increases in the total number of violent offenses reported to law enforcement.

State	Percent change in number of youth in juvenile facilities	Percent change in total number of violent offenses reported	Percent change in number of property offenses reported
Vermont	13%	21%	-10%
South Dakota	13%	-8%	-44%
Oklahoma	14%	-4%	-21%
Kentucky	15%	-11%	-3%
Texas	20%	4%	1%
Florida	22%	-14%	-21%
Colorado	23%	32%	-2%
Arkansas	35%	17%	5%
West Virginia	45%	28%	17%
Idaho	115%	17%	-20%
<i>Average</i>	31%	8%	-10%
US Total	-12%	-13%	-14%

Note: The number of youth in correctional facilities includes detained, committed and diverted youth. Sources: Correctional Facilities: M. Sickmund, T.J. Sladky, W. Kang, and C. Puzanchera, *Easy Access to the Census of Juveniles in Residential Placement* (Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention, 2008) <http://ojjdp.ncjrs.gov/ojstatbb/ezacjrp/asp/display.asp>; Crime: FBI Uniform Crime Report, *Crime in the United States, 1997 and 2006*, www.fbi.gov/ucr/ucr.htm, Table 5

While this may be counterintuitive, research has shown significant negative impacts of incarceration on youth that can impact public safety. Research on the impact of incarcerating or grouping youth together for treatment in facilities has found that it can reduce their educational and vocational outcomes,³⁹ disrupt their families, introduce them to delinquent peers they may not have met otherwise⁴⁰ and expose them to traumatic experiences. All of these factors can increase the likelihood of engagement in later illegal behavior. Research also shows that most youth “age out” of crime, diminishing even further the public safety impact of incarceration.⁴¹

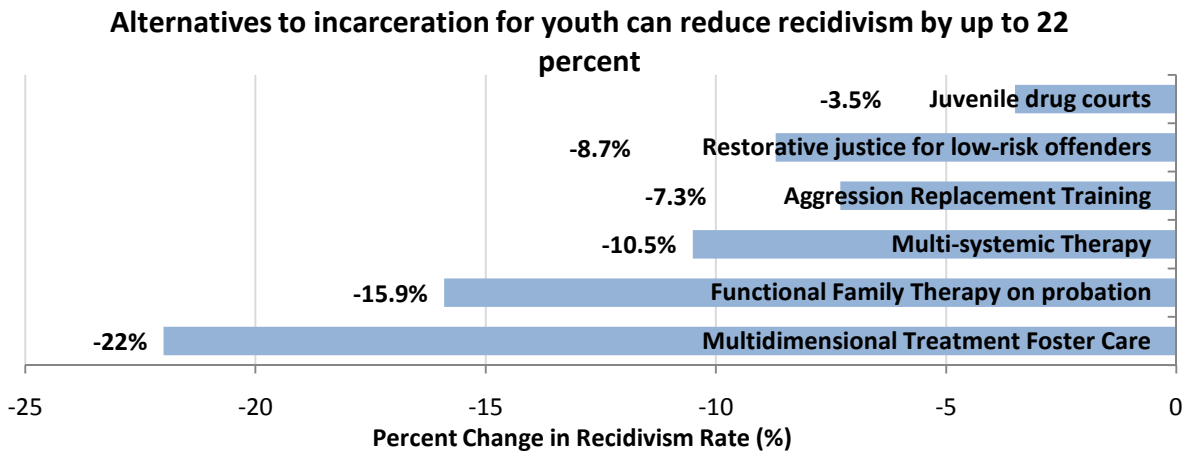
Finally, while the media and some system stakeholders purport that young people drive violent crime trends, this contention is not supported by national crime trends. Youth account for 18 percent of all arrests for violent offenses.⁴²

Community-based programs are proven, cost-effective alternatives to imprisonment

When intervention is recommended for a young person, the most effective programs in terms of reducing recidivism rates and promoting positive life outcomes are those administered in the community, outside of the criminal or juvenile justice systems. Some of these programs have been shown to reduce recidivism by up to 22 percent, at a cost significantly lower than imprisonment.⁴³

Researchers examining the effects of institutional versus community-based interventions have found positive outcomes for youth treated outside secure facilities. In one study, researchers’ meta-analysis found that while “appropriate treatment” works in both institutional and community settings, the rate of success was higher in the community-based treatment models. Comparing community programs with large residential programs, researchers determined that residential facilities “dampen the positive effects of appropriate service while augmenting the negative impact of inappropriate service.”⁴⁴

The Washington State Institute for Public Policy (WSIPP), a non-partisan research entity for the Washington legislature, has done a cost-benefit analysis of juvenile justice programs. It showed that programs like those endorsed by the University of Colorado’s Center for the Study and Prevention of Violence in their *Blueprints for Violence Prevention*⁴⁵ are the best ways to improve public safety and are the most cost-effective ways to work with youth in need of behavioral intervention. More information on each of these programs is provided in the appendix.



Source: Elizabeth Drake, *Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost* (Olympia: Washington State Institute for Public Policy, 2007) www.wsipp.wa.gov

WSIPP was also commissioned by the Washington state legislature to determine how many adult beds and how much money could be saved by the year 2030 by investing in alternatives to incarceration for youth such as those in the graph above. WSIPP used three scenarios of investments in alternatives to incarceration to show how the prison population could be reduced from the projected 2030 levels.⁴⁶

An aggressive approach to investing in alternatives to incarceration would yield the biggest savings for taxpayers in Washington.				
	Definition	Incarceration Rate	Return on investment for taxpayers	Felonies per 1,000
Current	Funded at current level and provided to the same percent of eligible participants	7.3	24	46
Moderate	Expanded to include 20 percent of remaining eligible participants	6.6	27	47
Aggressive	Expanded to include 40 percent of remaining participants	5.8	28	48

Source: Steve Aos, Marna Miller, and Elizabeth Drake, *Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs, and Crime Rates* (Olympia, WA: Washington State Institute for Public Policy, 2006).

As the chart shows, investing in alternatives to incarceration for youth today will reap significant savings in the potential costs of tomorrow.

California: The costs of locking up youth with mental illness

In 2007, a study prepared for the Chief Probation Officers of California and the California Mental Health Directors Association surveyed 18 counties regarding youth with mental illness in their juvenile detention facilities.⁴⁷ This study found that a young person with mental illness can cost at least \$18,800 more than other youth, taking into account reported estimates of the average differences in length of stay. This estimate assumes the average reported facility rate, and provisions of basic mental health services reported in the survey. In addition, for each stay the total cost of psychotropic medications averages \$4,387 per youth. About 12.5 percent of youth in detention in these counties were on psychotropic medication. An analysis published in the *Journal of Juvenile Justice and Detention Services* suggests that poor mental health and the conditions of detention conspire together to generate higher rates of depression and suicide idealization.⁴⁸

See Appendix B for more information on cost-effective programs that work with youth.

Recommendations

The best available research suggests that community alternatives to incarceration like the evidence-based programs mentioned in this report, and investments in front-end services like education and employment, are the best ways to improve public safety while saving money. States like Ohio, Illinois, and California show that shifting the financial architecture away from state-funded secure residential confinement forces counties to invest in evidence-based programs. Below are some recommendations for policymakers seeking to improve outcomes and best utilize scarce public resources.

“Investing in programs and practices that reduce future criminal behavior ceases to be a good idea and becomes a very good idea when reductions in justice system costs exceed the cost of the program.”⁴⁹ California State Commission on Juvenile Justice

Incentivize counties to send fewer youth to secure residential facilities by shifting the fiscal architecture of the state juvenile justice system. The six states profiled in this brief have encouraged counties to invest in alternatives to incarcerating youth in secure residential facilities by making it financially undesirable for counties to rely on the states to confine youth who could be better served in the community by evidence-based practices.

Invest in intermediate interventions, not buildings. While maintaining conditions of confinement that meet the needs of young people are important, during lean budget times, the most expensive parts of the juvenile justice continuum—detention centers, residential facilities and other forms of secure congregate care—tend to win out in local budget battles. As the federal government and states plan new ways to invest in cost effective forms of delinquency prevention, they should focus funding streams on intermediate forms of community-based supervision. Some of the cost savings from downsizing detention centers and secure residential facilities can be invested in improving conditions, with the remaining funds invested in community-based services that are more effective and less expensive than juvenile prisons.

Invest in proven approaches to reduce crime and recidivism among young people. Evidence-based practices, which have undergone rigorous experimental inquiry, have been shown to work with violent and seriously delinquent youth. Such practices are more cost-effective and produce more benefits than traditional punitive measures. States should expand upon existing evidence-based alternatives to incarceration for youth.

Develop, support and evaluate new and different approaches to reduce crime and recidivism among young people. Localities across the country have developed smaller, tailored initiatives that have a great deal of community buy-in. Many of these initiatives are based on the basic principles of the more science-based approaches, but have not been evaluated. A search for new initiatives would add to the toolbox of available interventions and alternatives.

Re-examine policies and practices that have the consequence of sending more youth to the juvenile justice system. The increase of school-based referrals over the last two decades has increased the likelihood that a student is sent to residential placement for infractions that had

been previously handled by the school. The result is an overburdened juvenile justice system and overcrowded secure residential facilities.

Create and fund research organizations to evaluate effective programs and policies in juvenile justice. In some states, non-partisan, legislatively-mandated organizations can provide policymakers with information on what truly works in juvenile justice. States and localities should support research groups that work to evaluate programs across the country for cost-effectiveness and recommend effective programs as a valuable way to lower costs and ensure that policymakers are funding the best possible programs and policies. These research groups can be state-based, or the federal government can increase their capacity to do this research work nationally.

Policymakers should take care to not rely on the “tough-on-crime” rhetoric of the past, but instead on the research that shows that locking up more youth does not keep our communities safe. Incarceration of youth has been linked to a number of negative outcomes, including increased recidivism and criminal behavior, lack of educational and employment opportunities, and association with more delinquent peers. Implementing community-based programs is the smart way to improve public safety while saving money.

Invest in policies that increase employment, educational attainment and treatment for those who need it.

- The Alliance for Excellent Education reported in 2006 that a 5 percent increase in male high school graduation rates would produce an annual savings of almost \$5 billion in crime-related expenses. Coupled with annual earnings of those who graduated, the U.S. would receive \$7.7 billion in benefits.⁵⁰
- A study published in the *Journal of Quantitative Criminology* found that youth involvement in crime seems to be especially affected by employment. This study has indicated that employed youth are less likely to be engaged in property crimes.⁵¹
- Making treatment available in communities to address mental illness, substance abuse, and emotional distress resulting from trauma is the best way to ensure that youth are getting what they need to live healthy, productive lives. For youth already in the juvenile justice system, jurisdictions should better implement processes for a continuation of care for youth transitioning back to the community. This includes making arrangements for housing and other supports for youth and their families upon release.

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Appendix A: Negative impacts of confinement

Incarceration can increase recidivism

Youth recidivism rates within states are often reported at 50 percent or higher for individuals who remain in secure facilities.⁵² Further, court records show that youth experience a greater likelihood of returning to court after each criminal referral they receive.⁵³ As many as 50 to 70 percent of youth who were previously in residential placement facilities were rearrested within two years of their release.⁵⁴

Several studies have shown that youth who are incarcerated are more likely to recidivate than youth who are supervised in a community-based setting, or not detained at all.

- A study of youth incarcerated in Arkansas found not only a high recidivism rate, but that the experience of incarceration is the most significant factor in increasing the odds of recidivism.⁵⁵ Sixty percent of the youth studied were returned to the Department of Youth Services (DYS) within three years. The odds of returning to DHS increased 13.5 times for youth with a prior commitment, which was more than carrying a weapon (3.3 times), gang membership (2 times) or poor parental relationship (0.6 times).
- In Texas, researchers found that young people in community-based placement are 14 percent less likely to participate in illegal behavior than youth that have been incarcerated.⁵⁶
- Researchers found that in 63.4 percent of 443 studies about the juvenile justice system, young people who received interventions emphasizing community-based treatment and other alternatives to incarceration were less likely to recidivate than those who did not receive an intervention. For example, 32 to 37 percent of young people given employment and behavioral programs were estimated to recidivate, as compared to a 50 percent recidivism rate for the group of youth not given this intervention.⁵⁷

Studies of recidivism from large residential correctional facilities, including training schools, show that the percentage is uniformly high.

- A follow-up study on youth released from Minnesota's two training schools in 1991 found that 91 percent were re-arrested within five years of release.
- In Maryland, a study of 947 youths released from correctional facilities in 1994 found that 82 percent were referred to juvenile or criminal courts within two and one-half years after release.⁵⁸
- In Washington, 59 percent of incarcerated youth re-offended within one year and 68 percent within two years.⁵⁹

These studies from a number of different states and juvenile justice systems show a recurring pattern. Alternatives to incarceration for youth can be more effective and have more public safety benefits than locking up youth.

Residential placement can slow the natural “aging out” process of delinquency

Research and data show that most youth will naturally “age out” of delinquent and illegal behavior on their own, without the intervention of the juvenile or criminal justice systems. However, involvement of one or both of these systems can impede development and may reduce the chance that a youth will successfully transition to adulthood since confinement disrupts natural engagement with families, school, and work.⁶⁰ New research has shown that confinement is not only more likely to reinforce delinquent behavior in those already at-risk, but may also add to more delinquent skills than if they are treated individually in the community. Furthermore, secure confinement can reinforce a young person’s sense that they are not part of mainstream society, further ostracizing them, and leading them to associate with other delinquent peers who also feel that they have been socially isolated.⁶¹

According to a study by the Office of Juvenile Justice and Delinquency Prevention, the more contact youth have with juvenile courts, the more likely they are to return.⁶² Among youth with no prior referrals to juvenile court, 41 percent will return to juvenile court after their first referral. In other words, 59 percent of youth who are referred to juvenile court for the first time will not return. But this number jumps significantly after their first contact and subsequently with each additional referral.

The natural developmental process behind completing an education and gaining meaningful employment can be hindered by incarceration because it cuts a youth off from the conventional norms and opportunities for growth that youth who remain in the community receive. The inability to develop these attachments is associated with reduced recidivism. A 1993 study showed that even after controlling for adolescent crime and delinquency, job stability for youth from ages 17 to 25 significantly reduced crime during those years.⁶³ Due to the disruptions in education, employment opportunities, and natural life processes that allow young people to “age-out” of crime, researchers argued, “the process of incarceration could actually change an individual into a less stable employee.”⁶⁴

Incarceration does not meet the mental and developmental needs of youth

Often youth are more at risk of contact with the juvenile justice system as a result of unmet mental health needs. Some behaviors that cause youth to be arrested are manifestations of a disorder in need of treatment.⁶⁵ While researchers estimate that upwards of two-thirds of young people in detention centers could meet the criteria for having a mental disorder, a little more than a third need ongoing clinical care—a figure twice the rate of the general adolescent population.⁶⁶ Youth with mental health disorders are more likely to serve time in a facility and spend longer time behind bars than youth without mental health disorders.⁶⁷ A combination of factors, including inadequate “front door” screening, lack of staff training, an over-reliance on isolation to control youth behavior, inadequacies of specialized mental health services, poor communication between probation and providers, and gaps in community services and placement alternatives can affect length of stay for these youth.⁶⁸

“Given the disproportionate use of juvenile detention facilities for youth of color one explanation [for the high incidence of youth with mental health disorders in facilities] may be that the juvenile justice system has become a de facto mental health system for poor and minority youth who are unable to access care through the formal mental health system.”⁶⁹

Because of the large number of overcrowded facilities, which often breed an environment of violence and chaos for young people, far from receiving effective treatment, young people with behavioral health problems may get worse in detention, not better.⁷⁰ Most juvenile justice systems do not have the facilities to properly screen or treat a young person with a mental health disorder, and if these young people are incarcerated the risks of victimization, self-injury, and suicide are high.⁷¹ One academic study found that for one-third of incarcerated youth diagnosed with depression, the onset of the depression occurred after they began their incarceration.⁷² An article published in the medical journal, *Pediatrics*, concluded that, “The transition into incarceration itself may be responsible for some of the observed [increased mental illness in detention] effect.”⁷³ When youth do not receive the mental health treatment that they need within facilities, their conditions only worsen.

While some researchers have found that the rate of suicide in juvenile facilities is about the same as the community at large,⁷⁴ others have found that incarcerated youth experience from double to four times the suicide rate of youth in community.⁷⁵ The Office of Juvenile Justice and Delinquency Prevention (OJJDP) reports that 11,000 youth engage in more than 17,000 acts of suicidal behavior in the juvenile justice system annually.⁷⁶ Another monograph published by OJJDP found that juvenile correctional facilities often incorporate responses to suicidal threats and behavior in ways that endanger the youth further, such as placing the youth in isolation.⁷⁷

The U.S. Department of Justice’s investigation of juvenile and correctional facilities has acknowledged the failure of residential facilities to respond to the mental health needs of the youth in custody.⁷⁸ Generally, youth suffering with serious mental health problems should participate in family and community-based treatments, because research has found them to be the most effective at treating mental illness and reducing recidivism.⁷⁹

The most promising mental health programs reduce recidivism anywhere from 25 to 80 percent.⁸⁰ These programs place an emphasis on behavior change, decision-making, and the development of social skills among different groups.⁸¹ The best programs tend to be those that focus on family-centered interventions that allow families to help develop treatment options and receive progress reports. Since research shows that a lack of family involvement may be associated with delinquency, it is essential that families participate in the treatment process.⁸²

Incarceration may impact education and employment opportunities for youth upon release

Research continually links education and the likelihood of participating in illegal behavior or ending up in prison. Forty-one percent of adults in prisons and jails do not have a high school diploma⁸³ and the U.S. Department of Education reports that dropouts are 3.5 times more likely than high school graduates to be arrested.⁸⁴ Locking up youth can interrupt the learning process, even when educational opportunities are available behind bars. Rarely is there a contiguous transition from a juvenile facility to education in the community, and when there is, there is a high likelihood that youth will not complete their education.⁸⁵

- One researcher found that most incarcerated 9th graders return to school after incarceration, but within a year of re-enrolling two-thirds to three-fourths withdraw or drop out of school. After four years, less than 15 percent of these incarcerated 9th graders had completed their secondary education.⁸⁶
- A Department of Education study showed that 43 percent of youth receiving remedial education services in a juvenile detention facility did not return to school after release, and another 16 percent enrolled in school but dropped out after only five months.⁸⁷

Incarceration can also negatively impact future employment.

- A study by the National Bureau of Economic Research found that jailing youth (age 16-25) reduced work time over the next decade by 25-30 percent.⁸⁸
- Looking at youth age 14 to 24, Princeton University researchers found that youth who spent some time incarcerated in a youth facility experienced three weeks less work a year (for African American youth, five weeks less work a year) as compared to youth who had no history of incarceration.⁸⁹

Secure confinement contributes to barriers to education and employment that limit a person's ability to positively contribute to society, which may negatively impact public safety in the long term.

Appendix B: Community-based programs that work

Functional Family Therapy (FFT): This family-based program works as both prevention and intervention. It is a multi-level eight to 12 week program that seeks to address family dysfunction, acknowledging that in the long run, removing the youth from his or her family and community may not fix the root problem behind the behavior. The FFT program can lower recidivism by up to 38 percent, averaging around 16 percent, and has \$10.69 in benefits for each dollar of cost when administered by trained therapists.⁹⁰

- Lowered recidivism: 15.9 percent
- Cost benefits: \$10.69 in benefits for every dollar spent

Aggression Replacement Training (ART): This program is designed for youth who exhibit aggressive tendencies and anti-social behavior and are therefore considered to be at a high risk of reoffending. ART is a 10-week, 30-hour intervention administered to groups of eight to 12 youth who have committed an offense.⁹¹ ART has been found to reduce recidivism after 18 months by up to 24 percent, averaging around 7 percent, and has \$11.66 benefits per \$1 costs.⁹²

- Lowered recidivism: 7.3 percent
- Cost benefits: \$11.66 in benefits for every dollar spent

Multi-Systemic Therapy (MST): MST works with the family to address the underlying causes of illegal and delinquent behavior and the role that families play in a young person's behavior. Families are taught how to build healthy relationships and use appropriate methods of discipline.⁹³ MST works to achieve behavioral change at home, rather than in a correctional facility. MST has shown to reduce long-term rates of re-arrest by 25-70 percent,⁹⁴ and has an average reduction of re-arrest of around 10.5 percent.⁹⁵ States that use MST can see \$13.36 in benefits to public safety for every dollar spent on the program.⁹⁶

- Lowered recidivism: 10.5 percent
- Cost benefits: \$13.36 in benefits for every dollar spent

Multidimensional Treatment Foster Care (MTFC): MTFC is an alternative to group homes or detention facilities for youth. Rather than place youth into a group, each foster family has one youth at a time which allows them to tailor programming to that specific individual's needs. The individual treatment also allows the child to be closely monitored. At first, the youth is with the foster parent at all times but as the youth shows good behavior, the restrictions are loosened and he or she is given more freedom. Aside from close monitoring by the foster parents, the youth also receives job and social skills training from a professional therapist and the birth parents and child receive family therapy where the parents learn how to properly discipline their child.⁹⁷ MTFC has been shown to reduce recidivism rates for youth by 22 percent on average, and has a cost-benefit ratio of \$10.88 in benefits for every dollar spent.⁹⁸

- Lowered recidivism: 22 percent
- Cost benefits: \$10.88 in benefits for every dollar spent

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