

- Trim GRF budget prompts institutional closure
- County facilities face potential delays ahead
- Rehabilitation and treatment center subsidy eliminated

Department of Youth Services

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ROLE

The department's role is to enhance public safety through the confinement of delinquent juveniles who committed acts that would be felonies if committed by adults and the provision or support of various institutional and community-based programs to aid in the rehabilitation of youth. The Governor appoints a director to manage the Department of Youth Services (DYS), a cabinet level agency.

| Agency In Brief | | | | | |
|---------------------|--------------------------------|-----------------|--------------------|-----------------|-----------------------|
| Number of Employees | Total Appropriations-All Funds | | GRF Appropriations | | Appropriation Bill(s) |
| | 2002 | 2003 | 2002 | 2003 | |
| 2,075* | \$269.9 million | \$281.1 million | \$232.4 million | \$241.8 million | Am. Sub. H.B. 94 |

*Maximum number of FTEs, with further labor force reductions possible.

OVERVIEW

As of the start of FY 2002, the department was: (1) operating nine state institutions, two residential centers, and seven regional parole offices, (2) taking control of the state's \$10-plus million federal juvenile justice and delinquency prevention program, (3) contracting with two privately-run residential facilities for the provision of specialized treatment services, and (4) preparing to distribute \$60-plus million in annual GRF funding to juvenile courts for the sanctioning and treatment of youth, which included the operation of county-run detention centers and CCFs.

In the course of protecting Ohio's public safety from youthful offenders, judges commit male and female juveniles between the ages of 12 and 18 to the department for various lengths of time, but no later than their 21st birthday. Judges impose a minimum stay as prescribed by law. For delinquent acts that would be felonies of the third, fourth, and fifth degree if committed by adults, that stay is a minimum of six months. For the more serious delinquent acts that would be felonies of the first and second degree if committed by adults, the minimum stay is one year. The department no longer receives 16 and 17 year old homicide offenders, as they are tried as adults. Under Am. Sub. H.B. 1 of the 121st General Assembly, which took effect January 1, 1996, longer minimum commitments were established for certain violent crimes; the minimum commitment for these offenses is one year to three years. In addition, a minimum one-, two-, or three-year commitment is imposed on any youth who also is found to have committed the delinquent act under certain firearm, gang, or body armor related circumstances.

On January 1, 2002, Am. Sub. S.B. 179 of the 123rd General Assembly will go into effect, and as a result, a number of changes to the state's juvenile law that will take place at that time. The first of those changes is that a 10 or 11 year old may be committed to the department for murder, a violent delinquent act that is a felony of the first or second degree, and arson. The department does not expect this sentencing provision will affect a large number of youth. Youth will also be eligible for blended sentences. A blended sentence will be one in which a juvenile court is able to impose an adult sentence, but suspend the sentence until the juvenile disposition is served. If a youth successfully completes their juvenile disposition, the adult portion of the sentence is never invoked. If a youth, however, commits a new felony, a violent first-degree misdemeanor, or engages in conduct that creates a substantial risk to the safety or security of the institution, community, or victim, the adult sentence can be invoked. Another change will require that a commitment for a mandatory gun specification be served consecutively with the commitment for the underlying delinquent act.

Another major area of change for the department is tied to the FY 2002-2003 biennial budget which contains language and funding that gives it control of the state's federal juvenile justice and delinquency prevention program. This will involve transferring the administration of around \$14 million in annual federal funding and six associated full-time staff positions from the Office of Criminal Justice Services, which previously had administrative responsibility for these federal grant moneys.

The FY 2002-2003 biennial budget provides a level of annual GRF funding that is below what the department has calculated as the future cost of delivering its FY 2001 programs and services. In FY 2002, the department's total GRF appropriation is just \$2.6 million, or 1.1 percent, over its total actual FY 2001 GRF expenditures. This is followed by a \$9.4 million, or 4.0 percent, bump in the total GRF appropriation for FY 2003. Because the vast majority of the department's funding comes from the state's GRF, these relatively small increases mean that it will not be able to maintain its FY 2001 level of programs and services. As a result, the department will have to make many changes in its internal operations, specifically in relation to institutional expenses, and modify plans for providing state financial assistance to various county-based facilities and programs. Cuts will have to be made. Costs will have to be reallocated. Some planned activities will be cancelled, delayed, or phased-in.

In order to live within the constraints created by this GRF budget and maintain their existing level of institutional services, the department is planning to close one of its older and less efficient state institutions by the end of FY 2002. By closing a state institution, the department gains greater flexibility in trying to maintain institutional services in the second year of the biennium - FY 2003. In addition, the department will have to realign its plans for various subsidy programs that assist counties and their juvenile courts. The subsidy program for county rehabilitation and treatment centers will be eliminated and the operationalization of several county detention centers and CCFs currently under construction will most likely be delayed and their openings phased-in.

BUDGET ISSUES

RECLAIM OHIO

The RECLAIM Ohio (Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors) program, launched as a pilot in January 1994 and implemented statewide in 1995, provides juvenile courts with funding to develop community-based programs for low-level juvenile offenders. In doing so, the program is intended to reduce the number of youth who are sentenced to the custody of the department.

Funding is allocated to counties through a formula based upon each county's proportion of statewide felony delinquent adjudications. Each month, counties are debited 75 percent against a per diem allocation for youth placed in departmental institutions and 50 percent for youth placed in CCFs. Any funds remaining after the county's commitments to the department are then remitted to counties and used by juvenile courts to support the development and operation of rehabilitation programs at the local level. Courts may use the funds to purchase or develop a broad based spectrum of community-based programs for adjudicated felony delinquent youths who would otherwise have been committed to the custody of the department. Such programs include day treatment, intensive probation, electronic monitoring, home-based services, residential treatment reintegration, and transitional programs. In FY 2001, counties retained \$26.6 million in RECLAIM Ohio funding for local programs.

A "contingency" fund in the program, which represents up to five percent of the total RECLAIM Ohio allocation, allows courts to commit youth to the custody of the department or CCFs, even if a county has exhausted its allocation. The law also provides for a category of commitments called "public safety beds" for which the counties are not debited. Public safety beds are provided for youth that are committed for very serious offenses like murder, manslaughter, rape, arson, and gun specifications.

The RECLAIM Ohio program, which includes funds needed for the operation of institutions, institutional programs, private facilities, and CCFs received less than the department calculated its future cost of doing business would be by \$5.0 million in FY 2002 and \$13.2 million in FY 2003. The department believes that this lower level of funding will require one of its existing state institutions to be closed before the start of FY 2003.

The department has announced that the state institution it intends to close is the Maumee Juvenile Correctional Facility, located in Henry County. According to the department, this state institution has not been operating efficiently for some time. It is a minimum-security facility, and because it is situated within the Maumee State Forest, an environmentally protected area, increasing the institution's perimeter security has not been possible. As a result, the department has sent fewer juveniles to the institution as the type of youth who would be appropriate for this lower level of security are currently more likely to be diverted into locally run facilities and programs and not sent to the department. Because of its declining juvenile population and high operating costs (in excess of \$9.0 million per fiscal year), the department felt that Maumee is the most appropriate state institution to close. Closure of the institution will occur before the end of FY 2002 and will eliminate the equivalent of 171 full-time staff. Employees will be offered early retirement buyouts, transfers to other understaffed institutions (such as the Marion Juvenile Correctional Facility), or perhaps placement in local programs that serve juveniles. The department is hopeful that it can minimize the number of staff that might have to be laid off. Upon its closure, the plan is to transfer the facility and its associated land over to the Department of Natural Resources.

One potential consequence of such a closure is that the level of crowding at other state institutions may rise. The transfer of staff to the Marion Juvenile Correctional Facility, which has been operating at less than capacity, will help with the safety and security issues that institutional crowding create. Also easing the institutional crowding situation will be the addition of 120 new beds to the Ohio River Valley Correctional Facility, which is more than the likely number of beds that will be lost when this older institution is closed. Ohio River Valley provides a more cost-effective method in the care and custody of institutionalized juveniles than does trying to keep open an older and less efficient state institution.

The department reports that an issue likely to concern counties is that the annual funding level for RECLAIM Ohio will make it difficult for the department to fund the annual operating costs of the CCFs that are being built, but not yet opened. Two CCFs currently under construction will be most affected. At some point during the biennium, construction will be completed but the department believes there will not be enough funding to open or fully open these CCFs, which are located in Stark and Perry counties.

Despite its rather constrained fiscal environment, the department still believes it can continue to deliver its FY 2001 level of institutional programs uninterrupted, including the provision of education, mental health, substance abuse, and food services.

PAROLE OPERATIONS

The department supervises juveniles released from its institutions through its Division of Parole, Courts, and Community Services, which operates seven field offices. Parole operations are divided into two branches: Community Residential Services and Non-Community Residential Services. Private and public vendors provide these services. Over time, the fiscal emphasis on residential services has decreased, while the funding to non-residential services has increased.

As part of a collective bargaining agreement, the department will implement a program to provide all parole officers with cellular phones. This is to address concerns about parole officer safety as they are unarmed and work solo in what are sometimes threatening environments. While this might be construed as an expansion of their parole program, the department was obligated to remain in compliance with the contract with the union although their parole funding overall was cut from maintenance levels. The department will delay filling vacancies and otherwise juggle finances to fulfill this obligation, and does not plan to undertake any other programmatic expansions with regard to its parole operations at this time.

JUVENILE COURT SUBSIDIES

The department also operates subsidy programs that provide GRF funding to juvenile courts for the purpose of: (1) diverting youth from the juvenile justice system (line item 470-510, Youth Services), and (2) assisting in the cost of operating county detention centers (line item 470-502, Detention Subsidy).

As part of the state's biennial budgeting process, GRF funding for one of the department's other preexisting subsidy programs was eliminated (line item 470-501, Rehabilitation Subsidy). This subsidy was used to provide financial assistance to counties that operated their own rehabilitation and treatment centers, specifically to assist counties in offsetting the costs of paying for building upkeep. Counties without a rehabilitation and treatment center were not eligible to receive this funding. The elimination of this subsidy will affect the nineteen counties noted in the table below.

| Counties Affected by Elimination of the Rehabilitation & Treatment Center Subsidy | | | | | |
|--|----------|---------|------------|----------|--------|
| Allen | Athens | Carroll | Columbiana | Cuyahoga | Geauga |
| Greene | Hamilton | Holmes | Lawrence | Lorain | Miami |
| Montgomery | Ross | Stark | Tuscarawas | Warren | Wayne |
| Washington | | | | | |

With regard to the Detention Centers subsidy, the department needed funding to continue assisting 38 existing county facilities and bring four new county facilities on line. The FY 2002-2003 biennial budget does not fully fund that plan. The department believes it can maintain its existing level of financial assistance to currently operating county detention centers, but that the activation of new county detention centers will most likely need to be phased-in. This would affect new facilities being constructed in Clinton, Fairfield, Hancock, and Logan counties.

The Youth Services Block grant program, which subsidizes programs that serve non-felony juveniles, received close to continuation funding under the FY 2002-2003 biennial budget. The department believes that the appropriated subsidy amounts in each of FYs 2002 and 2003 will allow it to more or less maintain

the level of financial assistance that was provided during the prior biennium.

ADMINISTRATION

The department's administration is responsible for overseeing operation of all aspects of its responsibilities (institutions, contract facilities, parole, juvenile court subsidies, and so forth). The FY 2002-2003 biennial budget provides a level of annual GRF funding that is less than the department's calculated cost of continuing its FY 2001 administrative operation by \$2.3 million in FY 2002 and \$2.0 million in FY 2003. The department believes that it can get by with this level of GRF funding, but that it will require delays in filling vacant staff positions and moving staff around to manage ongoing responsibilities. It will not, however, be able to take on any planned new initiatives, such as fully meeting the American Correctional Association's standards or the recommendations of the Governor's Management Improvement Commission.

TRANSITIONAL SERVICES/CBOP

Transitional services started some years ago at a time when the department's institutions were extremely crowded. The intent was to create programming options for problematic offenders that would ease them out of institutional settings and back into their communities. The department contracts with the private sector through its Community Based Options Program, referred to as CBOP. CBOP is intended to provide specialized treatment services, including services to transition youth in need of mental health and sex offender services out of institutions. Both mental health and sex offender populations present significant challenges for treatment.

In its budget request, the department was looking for \$1.6 million in GRF funding for each fiscal year, primarily in order to contract for 22 short-term residential beds for sex offenders (line item 470-402, Community Program Services). The FY 2002-2003 biennial budget provides roughly half the amount that was requested in each fiscal year. In response, the department will eliminate a contract under which certain transitioning youth receive specialized mental health services, and cut the number of contract beds for transitioning sex offenders from 22 to 10. This reduced level of funding has placed the department in a situation where it has had to reevaluate the approach to transitional services. As part of this reevaluation, the department is examining existing institutional and parole programs to see if either could provide viable alternatives for funding the delivery of services to transitioning youth who require specialized treatments. ■■■

FY 2002 - 2003 Final Appropriation Amounts

All Fund Groups

Line Item Detail by Agency

FY 1999: FY 2000: FY 2001: FY 2002 % Change FY 2003 % Change
Appropriations: 2001 to 2002: Appropriations: 2002 to 2003:

Report For: Main Operating Appropriations Bill

Version: Enacted

DYS Youth Services, Department of

| | | | | | | | | | |
|--|---------|--|-----------------------|-----------------------|-----------------------|-----------------------|----------------|-----------------------|--------------|
| GRF | 470-401 | RECLAIM Ohio | \$ 137,993,236 | \$ 147,960,057 | \$153,776,923 | \$ 158,396,592 | 3.00% | \$ 161,949,705 | 2.24% |
| GRF | 470-402 | Community Program Services | \$ 2,924,576 | \$ 2,334,926 | \$2,149,757 | \$ 729,793 | -66.05% | \$ 826,898 | 13.31% |
| GRF | 470-404 | Vocational Rehabilitation | \$ 256,250 | \$ 0 | \$268,435 | \$ 0 | -100.00% | \$ 0 | N/A |
| GRF | 470-405 | County Program Development | \$ 600,000 | \$ 0 | | \$ 0 | N/A | \$ 0 | N/A |
| GRF | 470-412 | Lease Rental Payments | \$ 9,659,134 | \$ 13,251,131 | \$13,250,822 | \$ 17,376,700 | 31.14% | \$ 18,739,900 | 7.84% |
| GRF | 470-413 | Preventive Maintenance | \$ 0 | \$ 0 | | \$ 0 | N/A | \$ 0 | N/A |
| GRF | 470-501 | Rehabilitation Subsidy | --- | \$ 2,014,946 | \$2,068,645 | \$ 0 | -100.00% | \$ 0 | N/A |
| GRF | 470-502 | Detention Subsidies | \$ 8,104,443 | \$ 6,211,139 | \$5,820,691 | \$ 6,070,765 | 4.30% | \$ 6,336,539 | 4.38% |
| GRF | 470-510 | Youth Services | \$ 21,274,368 | \$ 21,243,779 | \$21,772,243 | \$ 18,558,587 | -14.76% | \$ 20,988,056 | 13.09% |
| GRF | 472-321 | Parole Operations | \$ 16,274,217 | \$ 16,873,690 | \$16,140,171 | \$ 16,429,841 | 1.79% | \$ 16,987,328 | 3.39% |
| GRF | 474-321 | Facilities Activation | \$ 0 | \$ 2,489,486 | \$469,326 | \$ 0 | -100.00% | \$ 0 | N/A |
| GRF | 476-321 | AmeriCorps Operations | \$ 0 | --- | | --- | N/A | --- | N/A |
| GRF | 477-321 | Administrative Operations | \$ 13,845,951 | \$ 13,739,593 | \$13,870,253 | \$ 14,592,729 | 5.21% | \$ 15,695,426 | 7.56% |
| GRF | 477-406 | Interagency Collaborations | \$ 250,000 | \$ 250,000 | \$250,000 | \$ 248,663 | -0.53% | \$ 257,380 | 3.51% |
| General Revenue Fund Total | | | \$ 211,182,175 | \$ 226,368,747 | \$ 229,837,266 | \$ 232,403,671 | 1.12% | \$ 241,781,232 | 4.04% |
| 4A2 | 470-602 | Child Support | \$ 298,621 | \$ 599,262 | \$437,872 | \$ 450,000 | 2.77% | \$ 400,000 | -11.11% |
| 4G6 | 470-605 | General Operational Funds | \$ 4,145 | \$ 0 | | \$ 10,000 | N/A | \$ 10,000 | 0.00% |
| 479 | 470-609 | Employee Food Service | \$ 66,179 | \$ 125,800 | \$151,547 | \$ 143,349 | -5.41% | \$ 146,933 | 2.50% |
| 175 | 470-613 | Education Reimbursement | \$ 6,581,600 | \$ 6,740,152 | \$10,423,639 | \$ 8,461,407 | -18.82% | \$ 8,817,598 | 4.21% |
| 6A5 | 470-616 | Building Demolition | \$ 0 | --- | | --- | N/A | --- | N/A |
| 4J7 | 470-619 | Mental Health & Substance Abuse Tre | \$ 1,324,144 | \$ 309,078 | | \$ 0 | N/A | \$ 0 | N/A |
| 216 | 470-620 | Juvenile Conferences | \$ 72,894 | \$ 0 | | \$ 0 | N/A | \$ 0 | N/A |
| 523 | 470-621 | Wellness Program | \$ 25,027 | \$ 114,386 | \$154,883 | \$ 192,954 | 24.58% | \$ 197,778 | 2.50% |
| General Services Fund Group Total | | | \$ 8,372,610 | \$ 7,888,678 | \$ 11,167,941 | \$ 9,257,710 | -17.10% | \$ 9,572,309 | 3.40% |
| 321 | 470-601 | Education | \$ 1,213,600 | \$ 1,233,741 | \$1,387,183 | \$ 1,298,156 | -6.42% | \$ 1,334,122 | 2.77% |
| 321 | 470-603 | Juvenile Justice Prevention | \$ 1,029,011 | \$ 1,290,226 | \$2,101,246 | \$ 2,973,733 | 41.52% | \$ 2,973,733 | 0.00% |
| 3V5 | 470-604 | Juvenile Justice/Delinquency Preventio | --- | --- | | \$ 5,159,202 | N/A | \$ 5,998,092 | 16.26% |
| 321 | 470-606 | Nutrition | \$ 2,108,730 | \$ 2,404,752 | \$2,569,256 | \$ 2,800,000 | 8.98% | \$ 2,800,000 | 0.00% |
| 3V9 | 470-608 | Federal Juvenile Programs FFY 01 | --- | --- | | \$ 7,828,899 | N/A | \$ 0 | -100.00% |

FY 2002 - 2003 Final Appropriation Amounts

All Fund Groups

| Line Item Detail by Agency | | | FY 1999: | FY 2000: | FY 2001: | FY 2002 Appropriations: | % Change 2001 to 2002: | FY 2003 Appropriations: | % Change 2002 to 2003: |
|---|---------|----------------------------------|-----------------------|-----------------------|-----------------------|------------------------------------|-----------------------------------|------------------------------------|-----------------------------------|
| DYS Youth Services, Department of | | | | | | | | | |
| 321 | 470-610 | Rehabilitation Programs | \$ 74,309 | \$ 217,775 | \$423,011 | \$ 83,500 | -80.26% | \$ 83,500 | 0.00% |
| 3W0 | 470-611 | Federal Juvenile Programs FFY 02 | ---- | ---- | | \$ 0 | N/A | \$ 7,828,899 | N/A |
| 321 | 470-614 | Title IV-E Reimbursements | \$ 6,405,315 | \$ 5,827,094 | \$5,690,294 | \$ 5,700,000 | 0.17% | \$ 5,700,000 | 0.00% |
| 321 | 470-617 | AmeriCorps Programs | \$ 234,614 | \$ 209,164 | \$235,087 | \$ 407,860 | 73.49% | \$ 418,444 | 2.60% |
| Federal Special Revenue Fund Group Total | | | \$ 11,065,579 | \$ 11,182,752 | \$ 12,406,076 | \$ 26,251,350 | 111.60% | \$ 27,136,790 | 3.37% |
| 147 | 470-612 | Vocational Education | \$ 1,455,879 | \$ 1,883,836 | \$1,806,355 | \$ 2,012,665 | 11.42% | \$ 2,090,392 | 3.86% |
| 4W3 | 470-618 | Help Me Grow | \$ 1,056 | \$ 0 | \$1,000 | \$ 10,900 | 990.02% | \$ 11,587 | 6.30% |
| 5J7 | 470-623 | Residential Treatment Services | ---- | \$ 1,462,391 | \$421,462 | \$ 0 | -100.00% | \$ 500,000 | N/A |
| State Special Revenue Fund Group Total | | | \$ 1,456,935 | \$ 3,346,227 | \$ 2,228,816 | \$ 2,023,565 | -9.21% | \$ 2,601,979 | 28.58% |
| Youth Services, Department of Total | | | \$ 232,077,299 | \$ 248,786,404 | \$ 255,640,099 | \$ 269,936,296 | 5.59% | \$ 281,092,310 | 4.13% |