The Real Costs of Confinement and “What Works” to Improve Youth Outcomes

Hosted by
the Coalition for Juvenile Justice
Monday, March 30
Presenters

- Marc Schindler, Executive Director, Justice Policy Institute

- Josh Weber, Program Director, Council of State Governments Justice Center
CALCULATING THE FULL PRICE TAG FOR YOUTH INCARCERATION

COALITION FOR JUVENILE JUSTICE WEBINAR
MARCH 30, 2015
Most states spend more than $100,000 per year:

- In 33 states and jurisdictions taxpayers can spend $100,000 a year or more on a single young person’s confinement.
- The most expensive confinement option for a young person, on average, can cost $400 a day or nearly $150,000 a year – figures that are subject to change over time.
- Annual costs per youth among 46 states ranged from $46,662 in Louisiana to $352,663 in New York.
- Community-based programming can cost much less – as little as $75 per day.

What goes into these costs?

- Treatment options
- Unionized facilities
- Privatized facilities
- Full facilities
The U.S. incurs an estimated $8-$21 billion in long-term costs each year for the confinement of young people, which includes:

- Costs to victims and taxpayers for new offenses
- Lost future earnings
- Lost tax revenue
- Spending on Medicare and Medicaid due to greater reliance on public assistance
- Medical expenses and pain and suffering from sexual assaults

Each year, the U.S. incurs an estimated $8-$21 billion in long-term costs for the confinement of young people.

<table>
<thead>
<tr>
<th></th>
<th>Low end of range</th>
<th>High end of range</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Cost of recidivism</strong></td>
<td>$0</td>
<td>$7.03</td>
</tr>
<tr>
<td><strong>Lost future earnings of confined youth</strong></td>
<td>$4.07</td>
<td>$7.60</td>
</tr>
<tr>
<td><strong>Lost future government tax revenue</strong></td>
<td>$2.07</td>
<td>$3.87</td>
</tr>
<tr>
<td><strong>Additional Medicare and Medicaid spending</strong></td>
<td>$0.86</td>
<td>$1.50</td>
</tr>
<tr>
<td><strong>Cost of sexual assault on confined youth</strong></td>
<td>$0.90</td>
<td>$1.37</td>
</tr>
<tr>
<td><strong>Total, all costs</strong></td>
<td><strong>$7.90</strong></td>
<td><strong>$21.47</strong></td>
</tr>
</tbody>
</table>
How many youth does this include?

- The *Census of Juveniles in Residential Placement* and *Juvenile Court Statistics* are one-day counts.
- An estimated 147,000 youth were confined sometime during 2011, the last year of available data.

It could’ve been worse

- A 46 percent decline in the number of confined between 2001 and 2011 youth likely meant we avoided even a higher price tag.
- An additional 120,000 more youth would’ve pushed the range to $14 - $39 billion.
Conclusions

- Needlessly confining youth fails to protect public safety, harms young people, and wastes taxpayers’ money.
- The hundreds of thousands of dollars that taxpayers spend on the direct cost of incarcerating youth each year is just the tip of the iceberg.
- The full cost must measure incarceration’s impact on young people’s ability to succeed in school, work productively, and steer clear of delinquency.
- Over 60 percent of youth are confined for nonviolent offenses.
- Youth incarceration does not affect all young people equally.
- Given the availability of effective community-based options, continued reliance on incarceration is indefensible.
The direct costs of locking up youth are just the tip of the iceberg.

When you consider the rest of the estimated $8-21 billion we pay each year to confine young people, it’s clear we all lose.

Direct costs of locking up youth

- Fewer High School Graduates
- Pay Less $ in Taxes
- More Likely to Commit Future Crimes
- Earn Less $
- More Reliance on Public Assistance
- More Costs to Future Crime Victims
Recommendations

- Reduce spending on confinement and move funding to community-based options.
- Invest appropriately, particularly in the right parts of the youth-serving system.
- Identify and address all the local and state barriers to reducing reliance on confinement.
- Improve system capacity to both measure recidivism and track positive outcomes.
- Develop consistent, national standards for measuring confinement costs.
- Enhance nationwide capacity to conduct juvenile justice cost-benefit analysis.

Redirecting our precious public resources toward services that will actually help youth to move away from whatever it was that brought them to the attention of the court system is good for youth and good for our communities.

—Sue Burrell, staff attorney at the Youth Law Center in California

While recognizing the tremendous strides that the state has made towards reducing juvenile incarceration, challenges still exist to achieving the kind of juvenile justice system Illinois taxpayers and young people deserve. We need this state to invest more money up front in community-based organizations that deliver quality preventative services so that young people never end up in the system.

—Julie L. Biehl, Director, Children and Family Justice Center at Northwestern Law School
Additional Resources:

JusticePolicy.org/StickerShock
Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System

Josh Weber, Juvenile Justice Program Director, Council of State Governments Justice Center

March 30, 2015
The Council of State Governments Justice Center

National nonprofit, nonpartisan membership association of state government officials

Represents all three branches of state government

Provides practical advice informed by the best available evidence
Significant Progress in Reducing State Juvenile Confinement Rates

PERCENT CHANGE IN STATE JUVENILE CONFINEMENT RATES (1997-2011)

*Office of Juvenile Justice and Delinquency Prevention, Easy Access to the Census of Juveniles in Residential Placement. Available at ojjdp.gov/ojstatbb/ezacjrp
Policymakers Want to Know the Outcomes for Youth in Contact With the Juvenile Justice System

When youth are under local or state supervision, what are their rearrest, reconviction, and reincarceration rates?

How do youth under system supervision fare in terms of academic, employment, and other important outcomes?

Do youth transition successfully off of system supervision to a crime-free and productive adulthood?

What if any supervision and service programs and practices are making a positive difference?
Identified “What Works” to Improve Youth Outcomes

July 2014
WHITEPAPER PUBLISHED
Identifies core principles demonstrated by research to reduce recidivism and improve other youth outcomes

August 2014
PILOTS LAUNCHED IN FIVE STATES
Piloting checklists to help government officials assess whether policies and practices align with the core principles
## Core Principles for Improving Youth Outcomes

<table>
<thead>
<tr>
<th>Principle 1</th>
<th>Principle 2</th>
<th>Principle 3</th>
<th>Principle 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Base supervision, service, and resource allocation decisions on the results of validated risk and needs assessments</td>
<td>Adopt and effectively implement <strong>programs and services demonstrated to reduce recidivism</strong> and improve other youth outcomes, and use data to <strong>evaluate the results</strong> and direct system improvements</td>
<td>Employ a <strong>coordinated approach</strong> across service systems to address youth’s needs</td>
<td>Tailor system policies, programs, and supervision to reflect the <strong>distinct developmental needs of adolescents</strong></td>
</tr>
</tbody>
</table>

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Commitments to State-Run Secure Facilities and Population Plummeted After 2007 Reforms in Texas

% Change
FY04-06 FY07-14

TOTAL ADMISSIONS
0% -69%

AVERAGE ADP
-2% -70%
### Per Capita Funding for Juvenile Probation Increased Significantly After Reform

<table>
<thead>
<tr>
<th></th>
<th>FY2005</th>
<th>FY2012</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per capita expenditures for local juvenile probation departments</td>
<td>$3,555</td>
<td>$7,023</td>
<td>98%</td>
</tr>
<tr>
<td>Expenditures adjusted for inflation — to 2014 dollars</td>
<td>$4,337</td>
<td>$7,304</td>
<td>68%</td>
</tr>
<tr>
<td>Percent of local juvenile probation department expenditures contributed by county</td>
<td>77%</td>
<td>71%</td>
<td>-8%</td>
</tr>
</tbody>
</table>
Youth on Probation Less Likely to be Rearrested than Similar Youth Released from State Secure Facilities

**One Year Probability of Rearrest**

- YOUTH RELEASED FROM STATE-RUN SECURE FACILITIES: 41%
- YOUTH SUPERVISED IN THE COMMUNITY: 34%

**First Recidivism Offense a Felony**

- YOUTH RELEASED FROM STATE-RUN SECURE FACILITIES: 49%
- YOUTH SUPERVISED IN THE COMMUNITY: 17%

Youth released from state-run secure facilities were 21% more likely to rearrested.

Youth released from state-run secure facilities were 3x more likely to commit a felony when recidivating.
Rearrest Rates were Comparable Regardless of the Intervention and Did Not Improve After Reform

<table>
<thead>
<tr>
<th>Intervention</th>
<th>PRE-REFORM STUDY GROUP</th>
<th>POST-REFORM STUDY GROUP</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>One Year Probability of Rearrest</td>
<td>One Year Probability of Rearrest</td>
</tr>
<tr>
<td>State Incarceration</td>
<td>41%</td>
<td>41%</td>
</tr>
<tr>
<td>Skill-Based Program</td>
<td>29%</td>
<td>27%</td>
</tr>
<tr>
<td>Treatment Program</td>
<td>28%</td>
<td>30%</td>
</tr>
<tr>
<td>Surveillance Program</td>
<td>31%</td>
<td>29%</td>
</tr>
<tr>
<td>Secure County Placement</td>
<td>33%</td>
<td>34%</td>
</tr>
<tr>
<td>Non-Secure County Placement</td>
<td>35%</td>
<td>35%</td>
</tr>
<tr>
<td>No Intervention</td>
<td>33%</td>
<td>32%</td>
</tr>
</tbody>
</table>
CORE PRINCIPLE 1

Base Supervision, Service, and Resource-Allocation Decisions on the Results of Validated Risk and Needs Assessments
The Principles of Risk, Need, and Responsivity Can Help Systems Improve Outcomes and Use Resources More Efficiently

<table>
<thead>
<tr>
<th>Principle</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Risk Principle</td>
<td>Identify and focus supervision and services on those youth most likely to reoffend</td>
</tr>
<tr>
<td>Need Principle</td>
<td>Identify and address the key needs that drive youth’s delinquent behaviors</td>
</tr>
<tr>
<td>Responsivity Principle</td>
<td>Match youth to services based on their strengths and how they respond to treatment</td>
</tr>
</tbody>
</table>

**Validated Risk Assessment**

A risk assessment is an evaluation of both dynamic and static factors that predict risk of recidivism. A risk assessment is considered **validated** if it has statically proven through multiple research studies to demonstrate a high probability of predicting whether youth will reoffend.
Use Validated Assessments to Match Youth With the Appropriate Level Of Supervision and Identify and Address Youth’s Key Needs

**Dynamic Risk Factors**

Dynamic risk factors are those that can be changed through development or system interventions. The most prevalent factors for young people include: family/parenting problems; negative beliefs and attitudes; negative peers; poor school performance; substance use; and a lack of social attachments.

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**STEP 1:** Assess risk to reoffend using validated tool

- **Low Risk**
  - Diversion OR Probation
- **Medium Risk**
  - Probation
- **High Risk**
  - Probation OR Residential Placement

**STEP 2:** Make supervision decision

**STEP 3:** Assess needs, develop case plans, and match youth to services

- Referrals to behavioral health system if needed
- Identify dynamic risk factors that drive offending behavior
- Develop case plans to address these risk factors
Implement and Standardize the Use of Assessment Results through Structured Decision Making Tools

## Florida Department of Juvenile Justice Disposition Recommendation Matrix

(Staff must always begin with the least restrictive setting within a particular disposition category. See Structured Decision-Making guidelines.)

<table>
<thead>
<tr>
<th>Most Serious Presenting Offense</th>
<th>PACT Risk Level to Reoffend</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Low-Risk to Reoffend</td>
</tr>
<tr>
<td>1st TIME MISDEMEANOR¹</td>
<td>Level 1</td>
</tr>
<tr>
<td>Minor²</td>
<td>Level 2 or 3a</td>
</tr>
<tr>
<td>Serious³</td>
<td>Level 2 or 3a</td>
</tr>
<tr>
<td>Violent⁴</td>
<td>Level 2 or 3a–b</td>
</tr>
</tbody>
</table>

¹ - First time misdemeanor offenders with no history of participation in alternatives to arrest. Under § 985.12.F.S., all first-time misdemeanants are eligible for civil citation. Youth deemed ineligible for civil citation (based on community standards) should be reviewed under the "Misdemeanor" category, based upon the PACT Risk Level to Reoffend.

² - All misdemeanor offenses.

³ - Felony offenses that do not include violence.

⁴ - Violent felony offenses (do not include misdemeanor assault and battery, which is captured under "minor").

**Level 1 - Alternatives to Arrest**
- (3a) - Probation supervision
- (3b) - Probation enhancement services (ART, Lifeskills, etc.)
- (3c) - Day Treatment, MST, FFT, Minimum Risk Commitment

**Level 2 - Diversion & Non-DJJ Probation**

**Level 3 - Community Supervision**

**Level 4 - Non Secure Residential Commitment (Low- & Moderate-Risk Programs)**

**Level 5 - Secure Residential Commitment (High- & Maximum-Risk Programs)**
Assess Youth’s Mental Health and Substance Use Treatment Needs and Use the Results to Inform Disposition, Placement, and Service Decisions
CORE PRINCIPLE 2

Adopt and Effectively Implement Programs and Services Demonstrated to Reduce Recidivism and Improve Other Youth Outcomes, and Use Data to Evaluate the Results and Direct System Improvements
### Commonly Used, but Generally Ineffective Programs and Practices

<table>
<thead>
<tr>
<th>Program</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large, overcrowded, custodial juvenile correctional facilities</td>
</tr>
<tr>
<td>Restrictive out-of-home placements for mental health treatment</td>
</tr>
<tr>
<td>Boot camps, curfew laws, and other disciplinary and surveillance focused programs</td>
</tr>
<tr>
<td>Scared Straight and other “shock therapy” programs</td>
</tr>
<tr>
<td>Self-help or self-esteem building programs</td>
</tr>
<tr>
<td>Services that youth don’t need or that don’t address the primary causes of their delinquent behavior</td>
</tr>
</tbody>
</table>
Promote Service Approaches Shown to Reduce Recidivism and Improve Other Youth Outcomes

Traditional forms of supervision, by themselves, do not generally produce long term positive impacts, and confinement in particular can even have negative effects.

Services that promote youth’s positive development can reduce recidivism by 40%.

Cognitive Behavioral Therapy

Family-Community-Centric Approaches
Invest in Evidence Based Programs that Can Improve Outcomes for Youth Cost Effectively

35 states implement the “big 3” EBPs (MST, FFT, MTFC) at some scale statewide

Juvenile Justice Benefit Costs Ratio: http://www.wsipp.wa.gov/BenefitCost/ProgramsByTopicPdf/1/Wsipp_BenefitCost_ProgramDetails_Juvenile-Justice
Establish Formal Policies and Processes for Ensuring Evidence-Based Programs are Implemented with Fidelity

Data Collection/Evaluation
Implementation Assistance
Quality Assessment
Quality Assurance
Dosage Optimization
Service Matching
Most States Are Not Sufficiently Tracking Recidivism Data for Youth Under State Juvenile Correctional Agency Custody

Does your state track recidivism for youth in state custody?
- Yes
- No

Of the 39 states, how many track recidivism in more than one form of contact with the justice system?
- 31 Into adult criminal justice system
- 29 Technical violations of parole
- 24 Re-arrests

Of the 39 states, how many analyze recidivism according to?
- 23 Offense
- 23 Locale
- 21 Risk level
- 12 Needs
- 12 Length of stay
- 11 Program
Key Recommendations for Measuring Recidivism and Other Youth Outcomes

Objective 1: **Measure** recidivism and other outcomes for youth involved with the juvenile justice system, considering the multiple ways they may have subsequent contact with the justice system.

Objective 2: **Analyze** recidivism and other youth outcomes to account for youth’s risk levels, as well as other key youth characteristics and variables.

Objective 3: Develop and maintain the **data infrastructure** necessary to collect, analyze, and report recidivism and youth outcome data.

Objective 4: Make recidivism and other outcome **data available to key constituents** and the general public.

Objective 5: Use recidivism and youth outcome data to **inform juvenile justice policy, practice, and resource allocation**.
CORE PRINCIPLE 3
Employ a Coordinated Approach Across Service Systems to Address Youth’s Needs
Establish Formal Processes/Policies for Service System Coordination on Assessments, Case Planning, and Services

60 to 70 percent of youth in confinement have a **mental disorder**

25 to 50 percent of youth in confinement have significant **substance use disorders**, often co-occurring with mental disorders at rates of 60 percent or more.

65 percent of the youth in the juvenile justice system may have past or current involvement in the **child welfare system**

Youth in the juvenile justice system are significantly more likely than their non-delinquent peers to **struggle in school**, including receiving suspensions or expulsions, have academic skills well below their grade level, possess a learning disability, and to drop out of school.
CORE PRINCIPLE 4
Tailor System Policies, Programs, and Supervision to Reflect the Distinct Developmental Needs of Adolescents
Tailor Supervision, Programs, and Policies to Reflect the Distinct Developmental Needs of Adolescents

Youth Are Developmentally Different than Adults
- Their families, peers, schools, and communities have a significant influence on their beliefs and actions
- They engage in risky behaviors and fail to account for the long-term consequences of their decisions
- They are relatively insensitive to degrees of punishment
- They struggle to regulate their impulses and emotions.

After reviewing decades of research, the National Academy of Sciences concluded that a developmentally-appropriate approach offers significant promise for improved outcomes for youth in the juvenile justice system.
Engage Families and Other Supportive Adults in Major System Decisions and Processes

Support the identification of appropriate caregivers and members of youth’s support network

Require family involvement in system decisions, case planning processes, and interventions

Support mentoring programs that use evidence-based implementation practices
## Focus Supervision on Promoting Positive Youth Behavior Change Rather than Surveillance

<table>
<thead>
<tr>
<th>Focus on Surveillance</th>
<th>Focus on Positive Behavior Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Laundry list of supervision conditions</td>
<td>Developmentally appropriate conditions</td>
</tr>
<tr>
<td>Fixed and uniform case contact requirements</td>
<td>Contact requirements based on youth’s assessed risk level</td>
</tr>
<tr>
<td>No collateral contact requirements</td>
<td>Required family and school collateral contacts</td>
</tr>
<tr>
<td>Large caseloads, “check-in” visits</td>
<td>Small caseloads with sessions focused on behavior change and skill development</td>
</tr>
<tr>
<td>Minimal training</td>
<td>Training in evidence-based engagement and cognitive behavioral techniques</td>
</tr>
<tr>
<td>Minimal use of incentives/rewards</td>
<td>Frequent use of incentives/rewards</td>
</tr>
</tbody>
</table>
Employ a Graduated Response to Youth’s Violations of the Conditions of Supervision
Growing evidence suggests that restorative justice accountability practices can improve youth behavior, increase youth’s and victim’s satisfaction with the legal system, and reduce victims’ post-traumatic stress symptoms and related costs.

- Community service
- Monetary or preferably other forms of restitution
- Family-conferencing
- Victim conferences and mediation
Give Youth Meaningful Opportunities to Shape Key Decisions and Establish Formal Policies and Supports to Promote System Equity

Advance Procedural Justice and System Equity

- Involve youth in case planning and treatment
- Collect and analyze data on system equity at all decision points and set goals for improvement
- Employ structured decision-making tools, and train staff on cultural competence to support their appropriate use
- Establish culturally-competent services/supports.
Thank You

Additional Resources:


Questions?

If you have a question about webinar content, please contact:

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