

**Testimony before the Senate Finance Committee on Sub. H.B. 153
Presented by Harvey J. Reed, Director,
Ohio Department of Youth Services
May 6, 2011**

Introduction

Chairman Widener, Ranking Member Skindell and members of the Senate Finance Committee, my name is Harvey Reed, and I am the Director for the Ohio Department of Youth Services (DYS). I appreciate the opportunity to speak to you today in support of Governor Kasich's Biennial Operating Budget request for fiscal years 2012 – 2013. The proposed DYS budget is an efficient use of taxpayer dollars, consistent with public safety, and will allow DYS to support an innovative continuum of services for youth involved in the Ohio juvenile justice system.

DYS is the juvenile corrections system for the State of Ohio. DYS operates five juvenile correctional facilities and five regional parole offices for felony-level juvenile offenders committed to our custody by any of Ohio's eighty-eight county juvenile courts. DYS employs about 1,743 employees, which is down 13.5% from just two years ago.

Although the number is fluid, the current population of the youth in DYS facilities today is 709 compared to an average of nearly 1800 in 2007. The department also contracts with Lighthouse to house nearly 50 youth at the Paint Creek Youth Center in Ross County. The current parole population is 832, compared to an average of 1450 in 2007. Across the state, fewer youth are being adjudicated delinquent for a felony level offense. In 2000, 10,454 youth were adjudicated in Ohio. In 2010, adjudications fell to 6,511.

Youth committed to DYS facilities have multiple, challenging needs. About 80-90% of youth have experienced physical abuse, 70% have serious substance abuse issues and 64% have had a family member incarcerated. Around 52% of students are in special education with identified disabilities, and 55% of all DYS youth are on the mental health caseload.

Beyond youth in DYS facilities and those on parole, DYS funds and supports over 680 direct service programs throughout the state offering more than 130,000 youth (based on annual program admissions) opportunities and services to affect positive change. These services range from prevention and diversion programs to residential treatment and community treatment in areas such as mental health, sex offending and substance abuse. The department also awards prevention grants, provides subsidies to counties and fully funds twelve Community Corrections Facilities (CCFs), one private facility and a Community Based Treatment Center in Franklin County.

Based on research from the University of Cincinnati, we have worked with the juvenile courts to divert youth who are better served in the community, and as a result, have reserved institutional placement for those youth who pose a significant risk to public safety. The research indicates that moderate risk youth placed in DYS facilities returned back to the correctional system at a much higher rate than similar risk youth placed in the community. From supporting community alternatives for appropriate youth, the state is beginning to realize improved outcomes for youth, lower recidivism, cost efficiencies and safer communities.

Stipulated Agreement

DYS is currently in our third year of a five-year Stipulation Agreement as a result of the *S.H. vs. Stickrath* lawsuit. The Stipulation Agreement addresses conditions of confinement in areas such as mental health, medical, dental, education, unit programming, the procedure for managing resistant youth and the use of seclusion. Furthermore, a previous lawsuit, *J.P. vs. Taft*, found our youth access to legal counsel was ineffective. However, on January 25, 2011, court supervision was terminated in the *J.P. vs. Taft* case, and our legal assistance program was acknowledged by our federal court monitor as a national model. The U.S. District Court also terminated the court's supervision of *J.J. vs. Ohio Department of Youth Services* case which reformed practices within our Release Authority.

The Stipulation Agreement involves every facet of DYS operations and directly impacts Ohio's juvenile justice system as it relates to decision points for responding to a delinquent youth. Our actions are currently being monitored by a federal monitoring team of 13 individuals working under the direction of the federal court-appointed monitor.

Reforms

Since 2009, DYS has closed three facilities, one regional parole office and reduced our workforce by 300 staff, or 13.5%. Despite the past biennium's operational and fiscal reductions, DYS was able to move forward to accomplish remarkable reform.

The following are a few brief examples:

- Through cooperation and partnership with juvenile courts, community providers and universities, DYS has reduced the facility population by approximately 50% over the past three years and expanded community capacity.
- DYS has established a variety of community initiatives to reach youth, support families and build communities. DYS, juvenile courts and other community partners developed and implemented components of a community-based service delivery system that is designed to provide appropriate services by utilizing the

Ohio Youth Assessment System (OYAS) which matches the youth's risk level with the least restrictive program setting.

- Within our facilities we have expanded structured programming to keep youth continually engaged in pro-social activities and programs.
- Full-service living units now provide youth with stability and the opportunity to develop pro-social, therapeutic relationships with staff.
- Cognitive Behavioral Therapy (CBT) is being incorporated into every living unit. CBT focuses on targeting certain criminogenic factors youth might have and helps them to restructure, or change, the way they think and respond in various situations.
- Governor Kasich set a goal for DYS to achieve 6,250 hours worth of volunteer time by May 1st. I am happy to say that DYS exceeded that goal by capturing 7,567 volunteer hours, a rate of 9.63 hours per youth.
- During the 2009-2010 academic year, 1,875 enrolled students received educational services within the DYS Buckeye United School District. During this time period, 161 youth earned a GED and 53 youth earned a high school diploma.

Impact of FY 2012-13 Proposed Executive Budget

The proposed budget reduces DYS General Revenue Funds (GRF) by 9% (excluding Debt Service), or \$41 million, over the next biennium as compared to FY 2011 funding levels. The allocation of funds in the proposed FY 2012 / 2013 budget reflects the dramatic decrease in the DYS population, as well as the agency's conscious effort to support community programming for the low to moderate risk population of youth who are better served in less restrictive and less costly community settings.

The impact on DYS operations will be the closure of Ohio River Valley Juvenile Correctional Facility (ORVJCF), as well as a reduction of positions within Central Office and Parole. While this decision will be difficult on the impacted employees and the surrounding community, it is necessary in order to continue to implement reforms at our remaining facilities and not jeopardize community alternatives that have reduced DYS commitments. DYS will work with DAS and other state partners to facilitate any potential purchasers of the site. The House drafted an amendment giving our agencies the authority to sell the facility and for the potential buyer to give preferential hiring for the displaced workforce. While we support the concept of the amendment, there are some minor language changes that need addressed. Additionally, the House added the Interstate Compact on Juveniles legislation (SB 122), a bill that we have worked diligently with Sen. Oelslager to pass here in the Senate.

Within the Executive Budget there is a small reduction to the Community Corrections Facilities' (CCF) funding. In addition the Franklin County Community Based Treatment Center (CBTC) program will end effective June 30, 2011. However, this budget does preserve critical community funding streams including RECLAIM Ohio, Youth Services Block Grant, Targeted RECLAIM and the Behavioral Health / Juvenile Justice (BH/JJ) programs. These programs have been catalysts for the reduction in our facility youth population.

I must stress that this balance of investing in both facilities and community alternatives is critical. The decreased facility population has been possible because of investment in community alternatives.

This budget is in line with the *S.H. v. Stickrath* Stipulation Agreement, which requires DYS to enhance the programming and treatment offered within DYS facilities while downsizing large facilities and expanding community options for appropriate youth. With over a 50% drop in DYS population over the past three years, closing a facility would still allow for continued treatment enhancement in the four remaining DYS facilities, while maintaining community-based options for appropriate youth.

Conclusion

In conclusion, DYS has made significant progress in reforming every aspect of our operation. By no means have we reached our fullest potential, but the reforms that Ohio is implementing are receiving national attention from other state juvenile systems. Obviously, I would be remiss if I didn't acknowledge the staff who have put in countless hours to implement these critical reform efforts. Without them this transformation would not be possible.

Chairman Widener and members of the Senate Finance Committee, I would like to thank you for the opportunity to testify today. My staff and I will be pleased to answer any questions you have at this time.