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RECLAIM Ohio: An Innovative Policy Initiative in Juvenile Corrections

A dissertation submitted to the
Division of Research and Advanced Studies of the University of Cincinnati
in partial fulfillment of the requirements for the degree of

DOCTORATE OF PHILOSOPHY

in the Division of Criminal Justice of the College of Education

1996

by

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August 16, 1996

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Doctorate of Philosophy

in

Criminal Justice

It is entitled RECLAIM Ohio: An Innovative Policy
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[Signatures]
ABSTRACT

In recent years, there has been a growing movement to get tough on youth crime that has influenced juvenile justice policy across the nation. States increasingly are implementing laws mandating that juvenile offenders be tried in adult court and be given stiffer penalties. These policies have resulted in a steady rise in the number of incarcerated youths. The hegemony of this get tough movement, however, is not complete.

In 1994, the state of Ohio implemented a new policy initiative in nine counties in the midst of this get tough movement. The program is called RECLAIM Ohio: Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors. This program seeks to treat less serious juvenile offenders in the community while reserving space in institutions for more serious offenders. RECLAIM Ohio provides counties with fiscal incentives to meet the program’s goals. Counties have the option of using their allocation to send juveniles to state-run institutions and/or to use the monies to treat juveniles in their community.

This dissertation evaluated the pilot phase of RECLAIM Ohio. The nine pilot counties were matched to nine nonpilot counties to determine whether the program was successful in reducing commitments to state facilities. The data revealed that although the pilot counties reduced their commitment rates when compared to the nonpilot counties, the differences were not statistically significant. However, the pilot counties significantly increased the number of offenders incarcerated for serious offenses, and significantly decreased the number of offenders incarcerated for less serious offenses.

In addition, this dissertation explored how RECLAIM could become corrupted in practice. Transferring juveniles to adult court and releasing juveniles early from institutions
were explored as potential ways in which the goals of the program could become undermined. Finally, the level of support generated for RECLAIM is explored. The dissertation concludes with a discussion about whether this program contains the elements of a panacea or whether the program is a viable alternative to treating delinquent youths.
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Melissa M. Moon
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I also need to thank Dr. Cullen. Graduate school was an exciting, but challenging experience, yet during difficult times you were always there to give me words of encouragement. As I begin my career in academia, I am reminded of two important phrases that you insisted students take to heart: “why is this important?” and, of course, “social context.” Until writing a dissertation, I did not understand the importance of these words. It is impossible to express my appreciation and gratitude for all that you have done for me.

Words of gratitude must also be extended to my other committee members. Thanks to Paula Dubeck for her editing skills and methodological expertise. Also, thanks to John Wooldredge for his statistical advice and willingness to join my committee after the dissertation process had begun.

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CHAPTER 1

STATEMENT OF THE PROBLEM

In 1994, Ohio's Department of Youth Services embarked on a potentially important policy initiative: RECLAIM Ohio or the Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors. The program's main goal was to reverse the state's growth in juvenile institutional populations while also furnishing resources to establish community-based programs for the treatment of juvenile offenders.

There are two main programmatic features of RECLAIM Ohio. First, it seeks to restrict space in state institutions for serious offenders. The Department of Youth Services contends that they will be able to provide more effective and intensive services if institutional space is reserved for the most serious offenders. Second, for less serious offenders, RECLAIM Ohio provides subsidies to local jurisdictions to keep these offenders in the local community. These subsidies are intended to furnish counties with the resources to develop new programs, expand existing programs, and contract with private providers to treat less serious offenders in their communities.

RECLAIM Ohio was implemented on an experimental basis in nine pilot counties during 1994. This dissertation evaluates several key aspects of the RECLAIM Ohio program during the pilot year. First, this dissertation will determine if counties were able to reduce their commitments to the Department of Youth Services. Second, the extent to which counties were able to expand existing programs or create new ones will be assessed. Third, this dissertation will determine the level of support on the county level for this new state
initiative.

It is noteworthy that RECLAIM Ohio represents a marked departure from general policy trends that have increasingly shaped juvenile justice over the past two decades. Specifically, since the mid-1970s a "get tough" movement has sought to incarcerate a greater number of juvenile offenders. RECLAIM Ohio is based on the view that institutionalization is not a panacea for juvenile crime. Reflecting more conservative views, it embraces the idea that serious offenders need to be incapacitated. However, it is also based on the belief that many less serious offenders should be treated in community-based settings. Toward this end, RECLAIM provides financial incentives to induce counties to reduce institutional commitments and to design local programs for wayward youths.

If successful, RECLAIM Ohio could potentially function as a model for juvenile justice reform in other states. It reflects the duality of public thinking on juvenile corrections, which wants both to be protected from delinquents and to rehabilitate them. Further, financial incentives may allow these goals to be achieved.

As a prelude to discussing the details of RECLAIM Ohio in Chapter 4, the first two chapters of this dissertation focus on the central role that institutions have played in the social control of wayward youth. Chapter 2 discusses the creation of separate institutions to house juveniles. This chapter will discuss how these institutions rose as a panacea for juvenile crime. Indeed, these early institutions were not only designed to separate juveniles from adults, but to also handle all "problem" children, reform delinquents, and prevent future crime. At their inception these institutions were viewed as places of reform and thus, were seen as a place where all "problem" youth could be saved.
This chapter will also address the criticisms that emerged regarding these institutions by confronting such issues as crowding, harsh discipline, severe punishments, and the inability of these institutions to rehabilitate youthful offenders. These criticisms would eventually lead to the creation of a separate juvenile court that would be based on individualized justice for each offender. Even though institutions were severely criticized, the reliance and unwavering confidence on institutions as benevolent places of reform did not waiver. Institutions would be subject to a number of reforms, each of which attempted to correct the abuses of the past. It would not be until over a decade-and-a-half after the creation of these institutions that this proposed panacea for juvenile crime would be critically challenged.

The first half of Chapter 3 discusses how institutions came under attack by those embracing a liberal ideology beginning in the 1960s. Severe doubts about institutions as a panacea for juvenile crime had begun to surface. Liberals began to lose faith in the institutions to "do good" for juveniles. They believed that these institutions were abusive and failed to rehabilitate offenders. Liberals advocated for policies and programs that would reduce the number of juveniles incarcerated. Due process rights accorded to juveniles, the Juvenile Justice and Delinquency Prevention Act, deinstitutionalization, and diversion programs all sought to remove juveniles from institutions. These programs and policies will all be discussed in this chapter.

The remainder of Chapter 3 discusses the emergence of a conservative agenda in the mid-seventies that would seek to reinstitutionalize juvenile offenders. The thrust of the

1Chapter three provides a detailed definition of a liberal and a conservative.
conservative agenda would be to incarcerate more juvenile offenders so as to protect the public from these serious, often violent offenders. Conservatives believed that incarcerating more offenders would result in substantial reductions in juvenile crime. The conservative agenda would support determinate and mandatory sentences and binding serious juvenile offenders over to adult court. Once again, by incarcerating more youth, public safety is increased and reductions in crime can be achieved.

Chapter 4 will discuss in detail how the RECLAIM Ohio program operates. In addition, this chapter will discuss how various programmatic aspects of RECLAIM Ohio will appeal to both the conservative and liberal agendas. Chapter 5 will discuss the research questions to be addressed and the methods by which they will be analyzed. Chapter 6 will present the research findings of the analysis. Finally, Chapter 7 will provide a discussion of the findings and future recommendations for RECLAIM Ohio as it becomes state-wide in 1995. In addition, this chapter will also question whether RECLAIM is another panacea in the search to reduce juvenile crime in America.
CHAPTER 2
THE LEGACY OF THE JUVENILE INSTITUTION

INTRODUCTION

This chapter will begin by discussing the creation of separate institutions to house juveniles. It will be argued that these institutions were established as a panacea for juvenile crime. From the houses of refuge to the reformatory, these institutions were established to rehabilitate all types of "problem" children. This chapter will then discuss how each of these institutions came under attack for sacrificing their benevolent goal of treatment, in favor of control and punishment. Each institution was eventually criticized for employing brutal punishments, evoking harsh discipline and being severely overcrowded.

The remainder of this chapter will discuss the implementation of a separate system of justice for juveniles. Under the direction of the Progressives, this new juvenile court would act in the best interests of each child by providing individualized justice for all. During this time period training schools replaced the reformatory as the new and improved juvenile institution. As with the former institutions, the training schools would also be corrupted in practice by relying on punishment rather than the treatment of juveniles. However, the progressives would continue to place unwavering confidence in institutions as beneficial places of reform. Thus, the panacea continued to be reaffirmed.
EARLY INSTITUTIONS FOR JUVENILES

Confinement: A New Penal Option

Before discussing the first juvenile institution, the house of refuge, it is important first to lay the foundation upon which the idea to treat crime and delinquency through confinement was based. During the colonial period, society was characterized by small homogeneous groups of people who were deeply religious. Therefore, it is not surprising that explanation for crime and delinquency were linked to sinfuless and the power of the devil (Empey, 1982). The sinful acts of criminals required punishment because they had committed an offense against the Gods that must be rectified. During this time, a variety of severe and arbitrary punishments were inflicted upon the body of the offender (Cullen and Gilbert, 1982). Offenders were whipped, branded, placed in stocks, had their ears nailed to pillories, and were even sentenced to die in a number of creative ways, such as drawing and quartering or having their head plowed off for a trespassing conviction.

By the eighteenth century a new explanation for crime and deviance emerged (Cullen and Gilbert, 1982). Criminals were no longer seen as being influenced by the devil, but were believed to be guided by free will. As a result, an individual who committed a crime was not under the all-powerful control of the devil but rather willfully chose to commit the act. The individual was to be blamed for the criminal activity in which he or she engaged in.

Since individuals chose to commit crime, it was suggested that the punishment be commensurate with the crime committed (Cullen and Gilbert, 1982). Deterrence would be the guiding philosophy of punishment. Cesare Beccaria (1819) contended that for deterrence to be successful, the punishment must contain the following three principles: certainty,
severity, and celerity. Certainty would assure that an offender would definitely be punished for his or her act. The punishments for certain acts would be codified into law, so as to prevent the arbitrary and capricious punishments of the past. Severity would ensure that the punishment would only be severe enough to prevent the offender from recommitting that crime. In others words, offenders should be punished in proportion to the crime they committed. Offenders should receive a punishment just severe enough to prevent them from committing further criminal acts or deter others. Deterrence could only be achieved if the costs (e.g., fines) outweighed the benefits (e.g., acquiring money) of committing the crime. This is contrary to Colonial America where punishments were often excessive and more severe that the crime committed. The final element, celerity, ensured that punishment would follow shortly after the crime was committed.

In addition to classical views on crime, the social disorder during the Jacksonian era provided yet another explanation or crime and delinquency. First, during the Jacksonian period, cities were growing at a remarkable rate (Empey, 1982). In the year 1750, the population was 1.25 million. This number had increased to a remarkable 23 million by 1850. Communities were therefore in a state of disorder due to this dramatic increase in population. Second, it was argued that poor family discipline contributed to lawlessness in society. Children who were orphaned or had alcoholic parents did not receive the discipline necessary to prevent them from engaging in criminal activity.

Given the new explanation for deviant behavior and the social disorder in society was enduring, punishments employed by those in Colonial America no longer seemed appropriate. Those in the classical era had to come up with a new punishment (Dean-Myrda and Cullen,
1985). For classical theorists, confinement would be a more humane alternative to the brutal punishments of the past. They believed that an institution could punish offender for the acts they committed, while simultaneously provide treatment. For the Jacksonians, criminals needed to be removed from their corrupt environments (Rothman, 1971). An institution would insulate offenders from the criminogenic influences in the environment and create an orderly environment.

"The paradigm of the Classical School set the stage for the first true crime panacea in America" (Dean-Myrda and Cullen 1985:11). In his book, Scared Straight and the Panacea Phenomenon, James Finckenauer (1982) explains that frustrations with increases in juvenile crime has motivated law-makers, juvenile justice officials, and the public to find a solution. He explains that this overwhelming desire to solve juvenile crime has often resulted in searching for a panacea or "cure-all" for the problem of delinquency.

Finckenauer (1982) discusses the cyclical nature of the panacea phenomenon with regard to juvenile crime. First, the panacea or "cure-all is proposed. The program usually asserts that it can treat or save all types of youths. The program may also be enthusiastically supported as the solution to all juvenile delinquency. These unrealistic expectations are presented before the panacea is actually operational. After the proposed panacea is implemented, the program usually fails to live up to the expectations previously set. In other words, the panacea fails. This results in a great deal of frustration, which in turn fuels the search for a new panacea. Thus, the cycle begins once again. Finkenaur notes that this frustration may lead to the assumption that juveniles cannot be treated or are to dangerous resulting in the recommendation of harsher solutions or more severe punishments.
Dean-Myrda and Cullen (1985) have discussed how adult prisons became a panacea for criminality. The remainder of this chapter will discuss the rise of juvenile institutions, the continual reforms of these institutions, and how these institutions came to be viewed as a panacea for juvenile crime. The first institutions created for children became known as the "house of refuge.

In the Beginning: The House of Refuge

In 1825, the first juvenile institution opened its doors in the city of New York. The institution became known as The New York House of Refuge. The "child savers" were largely responsible for the creation of this institution (Platt, 1977). The child savers were a group of reformers who advocated government control of the problems of youth, which included but was not limited to idleness, vagrancy, and delinquency. The child savers pointed to a number of salient factors that they believed were the causes of childhood deviance: poverty, urbanization, and absence of discipline in the cities were contributing factors that were corrupting society's youth. In other words, cities had become a breeding ground for criminal activity.

The overwhelming majority of the youths these reformers targeted were from the lower class. The child savers believed that these children, who were living within these rapidly developing and corruptive cities, posed a threat to the moral fabric of society. Their goal was to transform these children into middle-class citizens. Once the youth subscribed to the values of the middle-class, he or she could lead a pro social, crime-free adult life. The child savers influenced state legislatures to pass laws to institutionalize vagrant, runaway, and
delinquent youths. The child savers were optimistic that the institution could save all youth, so their faith in this new method of treatment and reform was unshakable.

There were a number of functions of the houses of refuge (Simonsen, 1991). First, this institution was to provide a separate facility for juveniles. Reformers contended that juveniles could be corrupted by the older, wiser, more experienced adult criminal. By separating them from adults, these children could be saved. It is important to note that juveniles could still be sent to adult institutions. It would not be until over a century later that laws would be passed preventing juveniles from being housed with adults in correctional facilities. Second, the house of refuge was to remove children from the streets. These poor, vagrant children needed to be insulated from the pervasive disorder of the cities (Rothman, 1971). Once removed from the streets the juveniles could be saved within the walls of the refuges through a regimen of strict discipline, education, hard work, and training (Empey, 1982; Simonson, 1991). Third, the house of refuge was designed to handle all types of "problem" children. Runaways, vagrants, orphans, neglected children, and those who had committed delinquent acts were all housed together in the houses of refuge (Bartolas and Miller, 1994). Once the children were placed in the house of refuge their reformation began. Reformers argued that children lacked the morals or values conducive to living as a productive citizen. Therefore, children would be taught a new set of morals; after all, they were seen as young and impressionable and therefore could be saved (Rothman, 1971). Once this moral training was complete, these youth could grow up and become productive middle-class citizens.

Strict discipline was the key to the child's reformation (Bartolas and Miller, 1994;
Rothman, 1971; Schlossman, 1977). Reformers advocated that the institution would follow a family model—a new home for the child. The family model, however, began to resemble a military-type regime (Rothman, 1971). Each morning, the youths woke to a series of bells; they were marched to the bathrooms where they washed and dressed. Next, they were inspected for cleanliness before marching to chapel for a morning prayer. After breakfast, the children would work until lunch. Boys would be taught a trade or skill so that they could become an apprentice one day, while girls were taught domestic chores, so that they would have the skills to become servants or maids (Mennel, 1973). These juveniles would wash for lunch and continue work for the remainder of the afternoon (Rothman, 1971). The youths would wash for dinner and proceed to evening school lessons. The day concluded with an evening prayer. Finally, the youths were marched to their separate cells and locked down for the night.

On average, the youths worked approximately six to eight hours, attended school for three to four hours, and exercised between one-and-a-half and three hours per day (Rothman, 1971). A code of strict silence was enforced throughout the day. Juveniles were also subject to strict and severe discipline. In the house of refuge, punishment was certain, severe, and swift. Punishments included: whippings for bed wetting, solitary confinement, loss of recreation time, increased work load, bread and water diet; and those who had no respect for the house rules received the ball and chain for 52 days.

The average length of stay usually ranged from one to two years (Rothman, 1971). It was during this time that most youths were deemed reformed. Ninety percent of all children that were released were apprenticed (e.g., sent to work on farms) (Mennel, 1973).
The remaining ten percent died, escaped, or were released to whaling expeditions. The whaling expeditions were reserved for those youths who did not demonstrate any reformation while in the house of refuge (Rothman, 1971).

By the mid-nineteenth century a number of criticisms emerged surrounding the houses of refuge (Empey, 1982; Rothman, 1971). These refuges were failing to meet the original goals on which they were founded. First, the institution was to be based on a family model. They wanted to give the houses of refuge a feeling of home for these juveniles. What occurred in reality, however, was a military type regime, rather than a family-based model. Youths wore uniforms, they ate, slept and worked in silence, marched to their activities during the day, followed a strict daily regime, and were subject to strict, harsh discipline. In rhetoric, these institutions were to resemble a family model, which would be conducive to rehabilitation. In reality, however, these juveniles were subjected to a strict, unwavering military type-regime.

The second criticism launched was toward the punishments inflicted upon the youths in the houses of refuge (Rothman, 1971). Opponents contended that punishments were too severe. The focus on punishment was attributed to the problem of overcrowding and the increase in serious offenders in the facilities, which leads to the third criticism. Reformatory managers were forced to employ a custodial rather than a rehabilitative orientation because these institutions were operating far above capacity. Managers were forced to concentrate on preventing escapes, monitoring serious offenders, and maintaining order rather than treating and reforming youth. The original goals of the reformers to treat and reform youth had been replaced by one that focused upon punishment and control.
The idea that a separate juvenile institution could reform and prevent delinquency was under attack not even three decades after its inception. Crowding, brutal punishments and a concern of maintaining order in the institution had compelled reformatory managers to lose sight of the original goals of the institution: to treat and reform juveniles. The houses of refuge had unknowingly followed the cycle of Finkenauer's panacea phenomenon. First, the child savers believed the houses of refuge were would be able to save all types of "problem" children: from vagrants to runaways to delinquent youths. In others words the institution was proposed as a cure-all for all types of wayward youths. It was believed that all children could be saved by these houses of refuge: at last a solution had been found. After the houses of refuge had been implemented the panacea eventually began to fail. The original goals to treat and thus save all children had been replaced by severe punishments, strict and harsh discipline, and a strict military-type regimen. Even though the panacea was failing, support remained for the institution as a solution to treat problem youth. The creation of a new type of institution, the reformatory, would address the concerns regarding the houses of refuge. A group of reformers advocated a "New Penology" for the treatment of both adult and juvenile offenders.

**The Reformatory Era**

The demand for change in juvenile institutions began in the mid-1800s. It was argued that the houses of refuge were overcrowded, abusive in terms of punishments, and were not releasing a "reformed" child back into society (Empey, 1982). Disillusioned with the failures of the house of refuge, but still supportive of using institutions to treat juveniles, a group of
reformers set forth a new agenda. Compared to the house of refuge, these institutions, called "reformatories", would be organized to resemble a home environment, they would be located in rural areas, and they would place more emphasis on school.

Before discussing these new reformatories, it is important to discuss the many changes that were occurring during the last half of the nineteenth century. These changes in society could offer some explanation for why reformers still placed a perpetual faith in the institution's capacity to "do good" and rehabilitate wayward youth.

In the late 1800s society began to witness another population expansion. Cities were experiencing a dramatic increase in size (Empey, 1982). A large percentage of this increase was due to the sizable number of immigrants moving to America's cities (Schlossman, 1977). These immigrants spoke a different language, had different customs, and often had large families, unlike native Americans who only had one or two children (Empey, 1982). Immigrants often arrived penniless, and it was feared that their children were contributing to the decay of the moral fabric of society. Many child savers believed that these immigrants could be socialized to adhere to the values of the middle class.

New explanations for human behavior and crime were also emerging during the mid to late 1800s (Lilly et al., 1989). Social Darwinism claimed that some people were born biologically inferior to others and, therefore, were predestined for extinction. Enrico Ferri, Charles Goring, Ernest Sheldon, Raffaele Garofalo and others had all proposed, at various times, a variety of theories for human behavior and crime based on biology. One of the most noted biological positivists was an Italian army doctor, Cesare Lombroso. Lombroso embarked on a new way of studying crime—one based on scientific evidence. He noted that
criminals could be distinguished from law-abiding citizens by their prominent physical stigmata. Sloping foreheads, broad noses, excessive tattooing, and long arms could be found among the criminal population.

Although Lombroso's work was severely scrutinized in later years, his research did make a valuable and lasting contribution to the field of criminology (Lilly et al., 1989; Ryerson 1978). First, Lombroso was among the first theorists to scientifically study the causes of crime. Although his methods were crude, he laid a foundation upon which later theorists would study crime causation. Second, Lombroso criticized classical ways of thinking. He argued that not all individuals exercise free will; some were affected by forces beyond their control. Punishment, therefore, would not be an effective means of controlling the offender. Third, he and other biological theorists also alerted the scientific community that there was not one universal explanation for why people engage in criminal activity. These first generation positivists announced to the United States that environmental conditions, as well as individual differences, should all be examined when studying crime and criminals. These theorists laid the foundation for a new group of reformers, calling themselves the Progressives, and a new generation of positivists, focusing on environmental causes of crime, that would dominate the world of juvenile justice just decades later.

Urban growth, an influx of immigrants, and new theories about humans all contributed to a new way of thinking about crime and the reformation of criminals. These ideas culminated in a "new penology." The principles of this "new penology" were discussed publicly at the National Prison Congress in 1870 in Cincinnati (Cullen and Gilbert, 1982). Alexander Maconochie and Sir Walter Crofton were among the leaders of this new reform
that emphasized an individual treatment plan, in which the reformation of the criminal would be placed in the offender's own hands. Rewards, not punishments, would motivate criminals to work toward their reformation.

Maconochie's approach entailed a "mark system." Prisoners could earn a number of points or "marks" for hard work and good behavior (Allen et al., 1985). After accumulating a number of points, the prisoner could conditionally be released from the institution. This served as a foundation for the parole system in America. Sir Walter Crofton's system consisted of three stages. Each one further removed the offender from the institution. The first stage allowed no freedom: offenders were confined and supervised during their work. During stage two, the offender was permitted to work on public projects with little supervision. In the final stage, the offender would earn a "ticket of leave" and would be returned to the community. In both of these systems, the offender served an indeterminate sentence. The systems were also based on rewards: the offenders were given ways to earn their freedom. The indeterminant sentence and making offenders responsible for their reformation were also characteristic in juvenile reformatories.

The main principles of the reform plan for juveniles are perhaps best explained by Platt (1977). First, juveniles should be separated from adults. Children were seen as malleable and could be corrupted by the more experienced adult criminal. Second, for successful reformation to occur, juveniles must be removed from their corruptive environment. This meant placing juveniles in rural areas, away from their urban homes where poverty and crime were widespread. Third, juveniles did not require the due process rights that were accorded to adults. Juveniles were not being punished for their acts, but rather were being molded and
reformed into responsible, productive, middle-class citizens. Fourth, juveniles should be confined to reformatories for an indeterminant amount of time. This was to ensure that juveniles took responsibility for their reformation and to prevent youths from being released until they were deemed reformed.

As noted, the reformatory plan called for locating reformatories in the rural country-side (Platt, 1977; Ryerson, 1978). The country ostensibly offered a simpler way of life for the juvenile; no longer would the youth be tempted by evils of the cities. The reformatories would also be constructed based on a “cottage system.” Unlike the houses of refuge that employed a congregate system, the reformatory would have smaller separate units. Each unit would have its own living quarters, dining facility, recreation areas, and school room. Each cottage would be supervised by a good Christian man or woman, house a smaller number of children, and resemble a home-like environment.

The activities in the reformatory would focus on education, religion, and labor (Platt, 1977). Unlike the house of refuge, the reformatory would place a greater emphasis on each child attaining more than an elementary education. In the area of labor, children were to be trained in agriculture and industry. Quite often, children in reformatories were placed on rural farms where they participated in agriculture apprenticeships. Youths would also receive the proper religious and moral training.

The final aspect of the reformatory plan was that military-type discipline was essential to reform (Platt, 1977). This strict discipline and supervision would help the youths build character and instill self-control. Reformers contended that even the poorest, delinquent child could become a hard-working, successful adult.
The renewed faith in institutions to reform youths was once again under fire during the latter part of the nineteenth century (Simonson, 1991). During the Civil War, reform schools remained filled to capacity. After the Civil War, however, many institutions had sadly become warehouses for juveniles, not centers of reform. Many institutions were severely overcrowded and did not have the financial resources to operate under the guidelines set forth by reformers. Asylums, mental hospitals, and orphanages were all competing during this time for a small pot of money to treat and house "troublesome" youths. As a result a large number of youths were released back to the streets of America, while the remainder continued to be housed in crowded reformatories.

Critics of the reformatories also indicated that by the end of the century reform schools looked remarkably similar to the houses of refuge that they had condemned less than a few decades ago (Mennel, 1973). The panacea had once again come full circle. The institutions still enforced a code of silence and inflicted severe discipline, and many states had not moved from a congregate system to a cottage plan. Due to industrialism, there were not as many farmers with whom children could be placed for an apprenticeship. Once again, the institution that set forth a grandiose plan of rehabilitating America's "problem youth" was considered a failure. However, feelings of frustration with the current state of institutions did not discourage searching for a new solution to deal with wayward youth.

Empey (1982) has argued that institutions attempted to find a solution for the greater social ills confronting society at that time. The answers to urban growth, immigrants, and a variety of other environmental concerns was not an institution. As a result, the search was on for a new solution. The solution that resulted was one that was concerned not so much
with the methods of controlling juveniles but with creating a separate system of justice that
would solely address the needs of children.

THE PROGRESSIVE MOVEMENT AND THE JUVENILE COURT

The Progressive Movement

By the last decade of the nineteenth century, a new reform movement began spreading
across America. A new group of reformers, known as the Progressives, shed fresh light on
the ways in which criminals should be rehabilitated. Although the rehabilitative idea was not
an innovative concept, the Progressives' methods by which criminals were to be reformed
were unique when compared to earlier reformers. At the heart of the progressive design was
the idea of "individualized justice." Because all "problem" children were viewed as coming
from different backgrounds, it was held that they should be treated based on their individual
needs. Even though these juveniles had all committed a crime, each offender had a unique
environment in which they had grown up. The progressives asserted that each offender must
be treated based on their needs rather than on the crime committed.

Early biological and later environmental positivists were most influential on the ideas
set forth by Progressives. Early biological positivists challenged the notion that individuals
exercised free-will. They argued that an individual's actions were often constrained by forces
beyond his or her control (i.e., their biological make-up). Although these early theories of
delinquency were eventually rejected by a new group of positivists, their ideas caused a major
theoretical shift in explanations of crime and delinquency, and therefore in responses to these
problems.
A second generation of positivists were perhaps the most influential to the Progressives. These positivists provided explanations for the causes of crime based upon environmental conditions rather than on heredity (Ryerson, 1978). Reformers would point to the characteristics of the cities as major contributors of crime and disorder in society. Urbanization, industrialization, and other economic conditions of cities placed excessive strain on families and children. Progressives were particularly concerned with the poverty and social decay that permeated slum areas. Because slum parents were fighting a daily existence to have basic needs met, they often did not have time to give their children the proper discipline, moral training, and level of self-control necessary to become productive adults in society. Slum children who grew up in these areas would be most vulnerable to the temptations of crime. These children were being corrupted by their environment and would be destined to lead a life plagued by lawlessness.

The progressives were encouraged by the new environmental explanations for crime, because the environmental explanations offered a fresh source of optimism in the treatment of offenders (Ryerson, 1978). First, if the social environment was the casual variable in its relationship to crime, then a person could be changed by manipulating his or her environment. Second, there was a renewed sense of hope that offenders could be changed. Early biological explanations had offered little hope that offenders could change because their biological make-up had already been predetermined. Sterilization or death of these offenders would have been seen as a viable solution to crime. These environmental explanations, in contrast to biological ones, suggested to Progressives that an offender's behavior is amenable to change; the offender can be rehabilitated.
The heart of the Progressives' reform was based on individualized justice for each offender (Cullen and Gilbert, 1982; Rothman, 1971; Ryerson, 1978). Since each person grew up exposed to varying environmental circumstances, each person must be treated and studied individually. The rationale for sentencing changed from an offense-based to an offender-based model. In other words, an offender would not be sentenced solely on the offense he or she committed as in classical times. In the Progressive design, each offender's background would be fully investigated before the judge handed down a sentence. Probation officers would be responsible for investigating the offender's past and present in order to accurately and fully capture a picture of his or her needs. This information would be relayed to the judge, who would then impose a sentence.

In addition, the Progressives argued that in order for reformation to be successful, the sentence imposed by the judge must be based on the offender's unique situation (Cullen and Gilbert, 1982; Rothman, 1971). Since no two offenders were alike and the length of time for successful rehabilitation would vary, the Progressives stipulated that sentences must also be indeterminant in nature. The indeterminant nature of the sentence would ensure that an offender would not be released until he or she was deemed rehabilitated.

The second element of the Progressive design entailed developing community-based alternatives for some offenders (Cullen and Gilbert, 1982; Rothman, 1971). Prison sentences for all offenders were deemed unnecessary and perhaps even detrimental to their reformation. Institutions would still be utilized. However, Progressives believed that a wide array of offenders could be served within a community setting.

Probation was the leading community-based alternative proposed by the Progressives
(Schlossman, 1977). Probation allowed the offender to remain in the community under the care of a probation officer. The probation officer would be responsible for supervising offenders in the community—ensuring that all their needs were being met so offenders would be successfully rehabilitated.

For those offenders who were incarcerated, a system of parole was instituted (Rothman, 1971). Those offenders who were deemed to be rehabilitated after a certain amount of incarceration would be released conditionally back to their communities by a parole board. In other words, parole allowed offenders to be released from incarceration before the expiration of their sentence. After being released, offenders are often required to meet a variety of conditions while on parole. These can include: finding employment, meeting regularly with a parole officer, no association with other criminals, or paying restitution if necessary (Travis and Latessa, 1984). If these conditions are not met, offenders can be reincarcerated for the remainder of their original sentence.

Another unique element of the Progressive design was the unwavering confidence that the Progressives placed in the state to execute their plan. "They were convinced that the state and its agents could be trusted to bring about the human and scientific cure of the criminally deviant" (Cullen and Gilbert, 1982:78). A number of criminal justice officials, particularly judges, were allocated a wide degree of discretion by the state to treat criminals. This discretion was extended most fully in the realm of juvenile justice.

**The Juvenile Court**

"The Progressives' therapeutic model received its most complete expression in the
measures formulated to control delinquent behavior" (Cullen and Gilbert, 1982:80). The first juvenile court was established in 1899 in Cook County, Illinois. By 1945, all states had juvenile court laws (Mennel, 1973). Whereas the adult courts focused on punishment, the central purpose of the juvenile court was to treat children based on their individual needs. Since juveniles were viewed as being punished, the juvenile justice system would not be adversarial as the adult system. Thus, juveniles were not given due process rights because allocation of these rights would have been illogical and contrary to the tenets of the juvenile court. Juveniles were assumed to be guilty and would be administered some form of treatment by the court. The state would act as a "kind parent" to ensure that the treatment provided would be in the best interest of every child.

When creating this separate system of justice, reformers pondered how to best organize the court. They had to address: the types of youths that would come under the care of the court; the location, structure, and atmosphere of the court; and what sanctioning options would be most appropriate.

The reformers decided that youths who would come under the jurisdiction of the juvenile court could be divided into three main categories: delinquent, dependent and neglected, and status offenders (Simonson, 1991). The first type of youth the court would have authority over were delinquent children. Delinquent youths had committed some act that would be deemed a crime had they been adults. Second, a collective group of children known as "status" offenders would be subject to court authority. Status offenders have committed acts that would not be considered criminal if committed by an adult. Running away from home and truancy are two common type of status offenses. Dependent and

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neglected children were a third type of youth that would be subject to the supervision of the court. Neglected children are those whose parents were failing to meet the child's basic needs or those who were orphaned. Dependent children were somehow abused or mistreated by their parents. Dependent and neglected youths and status offenders had not committed any crime, however, the state believed that these types of children could be lured into crime due to their current social situation.

Having determined what youths would come under the control of the juvenile court, the next concern was how the court would operate. The juvenile court would operate under the concept of "parens patriae" (Rothman, 1980; Ryerson, 1978). The state would act as a surrogate and kindly parent and ensure that the best interests of the child were met. Under a system of individualized justice set forth by Progressives, state officials would examine each child on a case-by-case basis and render a decision as to the best method for treating that child.

When the reformers discussed implementing a juvenile court, they were also concerned about its location. Reformers wanted the juvenile court to be housed in a separate building from the adult court (Rothman, 1980; Ryerson, 1978). They argued that juveniles needed to be kept away from the more experienced, hardened adult criminals. A separate building would ensure that juveniles would not be negatively influenced by adult criminals.

The internal process of the juvenile court would also be markedly different from the adult court. Unlike their adult counterparts, juveniles would not be accorded due process rights (Rothman, 1980; Ryerson, 1978). Reformers argued that judges would require a great deal of flexibility when deciding how best to treat the juvenile. Due process rights would

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provide an unnecessary obstacle to serving the best interest of the child. Advocates also argued that the juvenile court would not follow an adversarial process of justice. Juvenile courts were not to be criminal courts, and thus it was not critical to accord juveniles due process rights. In an adult adversarial court of law, the offender could be found guilty or innocent of the crime in which he or she was charged. Juveniles, however, could not be found guilty or innocent because it was argued that they could not form criminal intent. In juvenile court, children would merely "admit" or "deny" the offense brought before them. A series of other changes in "terminology" were immediately apparent in the juvenile court (Simonson, 1991).

A new terminology was created specifically for the juvenile court (Simonson, 1991; Mennel, 1973). The reformers wanted to prevent children from experiencing the stigmatizing effects of official contact with the court system. After all, this court was not based on punishment but rather on treating the juvenile. It is important to note that although the words may have changed, their meaning remained the same. Juveniles were now "brought into custody" rather than being "arrested." "Social history" information would be collected rather than having a "Pre-sentence investigation." Juveniles would be "adjudicated" and given a "disposition" rather than being found "guilty" and "sentenced."

The courtroom atmosphere was also strikingly different from the adult court (Mennel, 1973). First, the judge retained absolute power to dispense the disposition he or she deemed appropriate for a particular child. Although sometimes present in court, attorneys exercised little influence in the outcome of the case (Rothman, 1980). Judges would also not sit on high benches as in a formal adult court atmosphere (Mennel, 1973). In juvenile court, the judge
would often sit next to the child, so as to talk with and reassure the juvenile.

When the court was first established, Progressives campaigned to offer alternatives to incarceration (Rothman, 1980). As such, the hallmark of the juvenile court was probation. Probation officers were assigned two tasks in the juvenile court. First, they were to gather a variety of demographic, school, criminal, and social history data on the juvenile. They were to interview parents, teachers, police officials and were to elicit assistance from child psychology experts if necessary so as to present an accurate picture of the child and his or her environment. They would include in their social history investigation, a recommendation to the judge. The second task of the probation officer was to supervise the juvenile. This entailed frequently meeting with the child and his or her family and even visiting the child's home.

Although probation was strongly recommended, especially as a first disposition, incarceration remained a viable option for judges (Rothman, 1980). Juveniles who were not successful while on probation or came from a "bad" home environment were prime candidates for incarceration (Rothman, 1980). Thus, the use of institutions as solutions to juvenile delinquency persisted. Even though institutions had received a great deal of scrutiny, the Progressives advocated expanding and making them better. According to Sutton (1990), the capacity of juvenile institutions increased from 70,000 in 1880 to 170,000 in 1930. Judges were indeed continuing to support the incarceration of juveniles.

The faith that the institution could do "good" was alive and well after many years of criticism leveled against them. A new group of reformers, influenced by the progressive ideology and who had leveled criticisms against the houses of refuge and the reformatories,
called for a reformation of the juvenile institution. This time, however, "the juvenile institution had to deliver on the promise of rehabilitation more promptly and consistently than any of the other institutions" (Rothman, 1980:262).

Influenced by Progressive ideology, the first transformation to occur was the change in the name of the juvenile institution. They would now be called training schools instead of houses of refuge or reformatories (Rothman, 1980). This term would signify the up-to-date changes in the institution. These training schools would abandon uniforms, harsh rules, marching, and other characteristics of a military type institution. Training offenders would be crucial to successful rehabilitation of the juvenile. Since agriculture training was less expensive, many institutions trained juveniles in this trade (Mennel, 1973). Youths were also instructed in others trades such as printing, carpentry, and wood carving.

Once again, these institutions would be modeled using a cottage plan, rather than a large dormitory, and would resemble a home-like atmosphere (Rothman, 1980). These ideas were not new; however, Progressives would take steps to ensure that these changes would occur in reality rather than be just rhetoric. These cottages would be run by persons with the highest educational background, who were the best trained in their field, and who had deep-seated religious convictions. School, family, and religion would be designed to be as close to a home-like environment as possible.

Progressives were also interested in using the clinical model to diagnose, classify, and treat these juveniles (Rothman, 1980). To gain an accurate picture of the child's behavior, psychologists would be employed to work closely with each juvenile. The child would then be classified into a cottage based on this assessment. Although the Progressives believed that
they had reformed the juvenile institution, their plans were never fully realized in practice (Rothman, 1980). In the area of education, institutions had difficulty implementing a curriculum. Because teachers were underpaid, it was difficult to recruit qualified instructors. Institutions had also failed to provide vocational training. Their "training" consisted of menial jobs such as routine maintenance and domestic chores to help maintain the smooth operation of the institution. The cottages did not resemble a home-like environment. They were overcrowded, and to make supervision easier, youths were often placed in a single room rather than in small cottages. The staff who supervised these cottages endured less than pleasant working conditions, were underpaid, and did not have the proper training to supervise the youth.

The psychological assessments that were conducted by psychologists had little relevance in the institution (Rothman, 1980). Severe crowding prevented inmates from being classified into appropriate cottages. Abuse in the institutions was also rampant; boys were often victims of homosexual rape. Punishments handed out by correctional administrators were also quite severe. Common punishments included: withholding food, demanding exercises, and use of various corporal punishments. Punishments for girls ranged from having their eyebrows shaved, being forced to drink large quantities of castor oil, and whippings to having their hair cut off.

The new training schools, designed to rectify the brutal conditions and practices of the past houses or refuge and reformatories, had once again been corrupted (Rothman, 1980). History had a way of repeating itself in the arena of juvenile institutions. Even so, the juvenile institution continued to receive support as an appropriate correctional sanction for juveniles.
Advocates argued that "however inadequate the juvenile court, the prisons were worse" (Rothman, 1980:288). Reformers were anxious over the idea of returning to the barbaric practices in the past. They argued that their original concepts were never fully implemented. The ideas were not flawed; however, the means by which they had been implemented were. If only there had been more money allocated, reformers claimed, they could have hired more qualified staff, built more cottages, and provide better training for these children in desperate need of rehabilitation services.

CONCLUSIONS

This chapter focused on the confinement of juveniles from the house of refuge in 1825 to the training school at the turn of the century. At separate points in time, every "new" juvenile institution came under attack by a new group of reformers, each of whom vowed to correct their predecessors' failures. All institutions shared one commonality in the nineteenth century: treatment and rehabilitation had been sacrificed for punishment and control.

In 1899, under the direction of the Progressives, a monumental change occurred in the system of justice for juveniles: the first juvenile court was established. The court intervened into the lives of neglected, dependent, and delinquent children. Judges would act as a kindly parent and focus on the unique needs of all children brought under the court's jurisdiction. Probation was used as an alternative to incarceration, but judges still retained the option of incarcerating juveniles.

The training schools replaced the reformatory as the new and improved juvenile institution. These schools tried to remedy the brutal conditions of the past institutions and
their limited success in rehabilitating juveniles. Unfortunately, this institution was also corrupted in practice by a plethora of factors, including crowding, strict and severe discipline, and lack of funding.

The juvenile institution would not receive another wave of criticism until the 1960s. The events during this decade would cause liberals to lose faith in the state to carry out the agenda set forth by the progressives. The liberals would call for due process rights for juveniles, arguing that state intervention does not always ensure that the best interests of the child are being met. Liberals generated a movement to remove juveniles from institutions based upon the documentation of the horrifying conditions of juvenile institutions. They had become disillusioned with the idea that juvenile institutions were the solution to the juvenile crime problem.

The remainder of Chapter 3 will focus on the counterattack by conservatives in the mid-seventies against the newly implemented policies and procedures in the juvenile justice system influenced by the liberal agenda. The conservatives would call for a "get tough" approach on crime and criminals. They would argue that since the move to deinstitutionalize juveniles, more serious, violent, juvenile offenders are threatening the safety of society. Their agenda would call for mandatory and determinant sentences as well as for the binding over of juveniles to adult court for serious offenses. All of these policies promoted putting more juveniles into institutions, thus reaffirming that institutions can be seen as a solution to juvenile crime. The conservatives would reaffirm the need for institutions to address the juvenile crime problem, but not for the same reasons as the original framers of the juvenile court. They wanted to protect the public from these offenders and employ deterrence and
incapacitation crime control strategies so as to send a message to offenders that crime does not pay.

After these divergent agendas are discussed, the RECLAIM Ohio initiative in Ohio will be introduced. This program is unique in that it offers a resolution to the distinct policies brought about by liberal and conservative agendas. The program is neither purely liberal nor conservative, yet will contain elements that will appeal to both political ideologies. It will also, therefore, contain elements that are anathema to both ideologies.
CHAPTER 3

TRANSFORMING JUVENILE JUSTICE: THE DECLINE AND RESURGENT POPULARITY OF DEINSTITUTIONALIZATION

INTRODUCTION

In Chapter 2, the development of the separate institutions to house juveniles were discussed. The house of refuge and later reformatories surfaced in the 1800s and housed delinquent as well as neglected and dependent children under one roof. Both institutions received a wave of criticism surrounding their harsh punishment tactics and their inability to rehabilitate youths. Although the institutions were designed in theory to be rehabilitative, they were corrupted in practice. Even so, there remained a great deal of optimism that the solution to the crime problem could be found within the walls of institutions.

As theories of crime began to change from a classical to a positivist school of crime causation, a new reform movement took hold: The Progressive Era. The Progressives advocated for individualized justice for each offender. Sentences would be based on the offender's unique social and environmental situation, not the offense committed. Judges were encouraged to use alternatives to incarceration, although incarceration was still considered a viable option. In other words, even though the Progressives advocated for community-based alternatives, they still placed a great deal of confidence in the juvenile institution to reform. To achieve their plan of individualized justice, the Progressives placed their faith in the state to carry out their agenda. Judges were given a wide degree of discretion in sentencing offenders, particularly in the realm of juvenile justice.
The Progressives' plan was perhaps most fully realized in the development of a separate juvenile justice system in 1899. The juvenile court would be responsible for all types of youths: dependent, neglected, status offenders, and delinquents. The court's philosophy was to ensure that the best interests of the child were met. Reformers placed a great deal of trust in the state to achieve this benevolent goal. To this end, judges were given virtually unfettered discretion, and since the court was not an adversarial process (i.e., juveniles were not found "guilty" of a crime), juveniles were not given any of the due process rights accorded to adults. Although judges were encouraged to use probation, especially for first-time offenders, they continued to utilize incarceration as a dispositional option.

This chapter will discuss how those on the political left (liberals) launched an attack on the use of institutions for all types of problems youths and then how those on the political right (conservatives) later chose to reaffirm the use of institutions for juveniles. Before discussing these divergent agenda's it is first necessary to define a "liberal" and a "conservative." These two political groups proclaim different explanations for crime causation, ways in which to stop crime, and what the purpose of punishment should be. Their differing ideologies provide an explanation for the polices and/or procedures they advocated or sought to change.

**Defining Liberal and Conservative Ideology**

Liberals believe that explanations for crime and deviance are located within society. Various social conditions such as poverty, inequality, racism, deviant peer groups, and socially disadvantaged neighborhoods influence a person to commit crime (Walker, 1989;
Cullen and Gilbert, 1982). This is contrary to conservative ideology that asserts that individuals are responsible for their actions, and thus choose to commit crime. The focus for liberals is on the offender. Up until the 1970s, liberals believed that offenders could and should be rehabilitated. The liberals split into two camps during this time period: Justice Model liberals and Traditional liberals (Cullen and Gilbert, 1982). The Justice Model liberals had lost their faith that the state would "Do Good" for offenders. They contended that forced rehabilitation was unjust, coercive, and was ineffective. Thus, Justice Model liberals sought "justice" for all offenders. Since the state was unsuccessful at rehabilitating, then it must be ensured that all offenders be treated fairly and equally.

Traditional liberals still support enforced rehabilitation (Cullen and Gilbert, 1982). They believe that individualized treatment is necessary to rehabilitate offenders. They contended that programs must use techniques that have been demonstrated to be effective. In addition, the state must be willing to ensure that funds are adequate to operate the program.

Both camps of liberals focus on the offenders, whether it is making sure that offenders are treated justly throughout the system or by rehabilitating them (Cullen and Gilbert, 1982). Both camps also support community-based treatment programs and policies that support the deinstitutionalization of offenders.

Contrary to liberals, conservatives believe crime is a result of the growing permissiveness in society, lack of discipline, and the decline of moral values (Walker, 1989). In addition, they believe that the criminal justice system has become too lenient with offenders: allowing innocent members of society to be victimized by law-breakers. Conservatives argue
that the criminal justice system is lenient thus allowing crime to endure by sending a message to offenders that crime pays.

Accordingly, in order to achieve reductions in crime, society must re-establish law and order in society as well as discipline (Cullen and Gilbert, 1982). The primary purpose of punishment for law-breakers is to reduce crime. It is the responsibility of the criminal justice system must ensure that the costs of committing the crime will outweigh the benefits. According to conservatives, deterrence will ensure that crime does not pay. The three elements of effective deterrence are: certainty, severity, and celerity. Certainty requires that the offender will be apprehended after commission of a crime. Severity requires that the punishment be just severe enough to outweigh the costs of committing the crime. Swiftness requires that the punishment follow soon after the act is committed. Conservatives believe that crime can be reduced by apprehending more criminals, convicting them, and giving more severe punishments (Walker, 1989).

Conservatives also support incapacitation as a strategy for reducing crime (Walker, 1989). The most common type of incapacitation is incarceration. By incapacitating an offender, that person is unable to victimize law-abiding citizens. Both deterrence and incapacitation serve to protect the victims or potential victims of society from criminal offenders and serve to reduce crime.

This reminder of this chapter will first discuss the policies that liberals advocated beginning in the 1960s. During this time, liberals began to question the long standing belief that institutions were beneficial for juvenile reformation. Indeed, they believed these institutions were abusive, overcrowded, and did little to reform juveniles. Liberals would call
for the removal of all status offenders from institutions. Even for delinquent youths, liberals would call for their removal from institutions. Knowing that incarceration was still a possibility, liberals called for due process rights to be extended to juveniles.

This chapter will explore how the core element of the progressive design—the trust in the state to "do good"—was challenged by those on the political left beginning in the 1960s. The events of the 1960s fueled a mistrust in government by its citizens. The Civil Rights Movement, Watergate, Vietnam, Kent State, and a variety of other events all questioned the benevolent power of the state. Labeling theory also began to gain legitimacy in the 1960s. This theory explains how state intervention—that is, entering the criminal justice system—could have a detrimental and stigmatizing effect. The long-standing belief that the solution to the juvenile crime problem lies within juvenile institutions would also be challenged.

The social context surrounding the 1960s led to a number of changes posed by liberals in the realm of juvenile justice (Cullen and Gilbert, 1982). The inhumane and brutal conditions of juvenile confinement would lead to policies and programs that would remove juveniles from institutions. During the late 1960s and 1970s, juveniles would be accorded a number of due process rights (Feld, 1990, 1991, 1990). The Juvenile Justice and Delinquency Prevention Act of 1974 would call for (1) the removal of status offenders from secure facilities, (2) sight and sound separation of juveniles and adults, and (3) developing community based alternatives to incarceration (Office of Juvenile Justice and delinquency Prevention, 1993). Because they minimized state intervention, diversion and deinstitutionalization programs would also gain widespread popularity.

The remainder of the chapter will focus on the counterattack launched by
conservatives against the "liberal" policies of the 1960s and early 1970s (Cullen and Gilbert, 1982; Cullen et al., 1983). The conservatives' interpretation of the events of the 1960s was markedly different from their political opponents. For the conservatives, the events of the 1960s signified a fundamental challenge to the existing social order. According to conservatives, divorce, abortion, and women desiring a career rather than staying home signified a threat to the moral fabric of society. In the area of criminal justice, they claimed that the system was too lenient and, therefore, sent a message to criminals that "crime pays." Since rehabilitation was deemed a failure and was seen to result in the coddling of criminals, the political right argued that the guiding philosophy should be punishment in order guarantee public safety and send a message that crime does not pay.

In the realm of juvenile justice, their agenda was no different. Conservatives advocated changes that would focus on punishing rather than rehabilitating juvenile delinquents. Thus, their agenda focused on incarcerating youthful offenders. Conservatives were concerned about juveniles who were committing serious, violent crimes. They argued that such liberal policies as diversion and deinstitutionalization of these offenders resulted in threats to public safety. The political right's agenda called for mandatory, determinant sentences for juveniles, and policies to transfer serious offenders to adult court. The policies would result in locking-up more offenders which was central to the conservatives' agenda. By incarcerating more offenders, public safety could be secured, juveniles could be punished for the crimes they had committed, and reduction in crime could be achieved.
THE LIBERAL AGENDA

The Social Context of the 1960s: A Liberal Interpretation

Since the establishment of the Juvenile Court in 1899, the system of juvenile justice remained relatively unchallenged—that is, until the 1960s (Cullen et al., 1983). The Progressives' plan, which allowed the state to exercise a wide degree of discretion in order to ensure individualized justice for all, came under fierce attack by those on the political left. According to Cullen and Gilbert (1982), the events from the mid 1960s and onward caused liberals to begin to question the benevolence of the state. Liberals began to lose faith that the state could be trusted to do good for its citizens. In the realm of juvenile justice, this meant that the very goals and purposes upon which the juvenile court was founded and operated would seriously be called into question.

The 1960s were a turbulent and often violent time in American society, especially in the area of human rights (Allen and Simonsen, 1986). The battle for racial equality permeated the early 1960s (Brinkley et al., 1991). Demonstrations, "sit-ins," and "freedom rides" were held throughout many cities in the United States to protest for racial equality. These demonstrations were often met with resistance. For example, the first three freedom workers to arrive in the South to demonstrate for an end to segregation disappeared and were later found murdered. Local police were later implicated in the murders. In Selma, Alabama, during a peaceful march to demand voting rights for Blacks, the country witnessed the brutal attack on demonstrators by local law enforcement that left two dead.

A series of urban riots in major cities also occurred in the 1960s (Brinkley et al., 1991). In Los Angeles, a riot began in the city's Watts section after a police officer clubbed
a bystander who was protesting his routine traffic stop. After a week of unleashed violence, which included looting, burning buildings, and attacking white motorists, 34 people were dead, 28 of whom were Black. Cleveland, Chicago, and Detroit were other sites for racially induced riots during the summers of 1967 and 1968.

In addition to the social and cultural unrest, political uprisings were widespread during the 1960s (Brinkley et al., 1991). College campuses were often the sites of early demonstrations against the war in Vietnam. One of the most notorious demonstrations of the government's willingness to use force occurred during a protest rally at Kent State University. After burning a ROTC building on campus, protesters were blasted with tear gas. In the end, four college students were killed and nine injured when the National Guard opened fire into the crowd. Less than two weeks later, two students were killed by police during a demonstration at Jackson State University.

The capacity of the government to exercise its unlimited power was evident in the area of corrections (Brinkley et al., 1991). The inmates at New York State Penitentiary at Attica incited a riot in September of 1971. In yet another example of the state's willingness to employ power, the National Guard was ordered to regain control of the institution. At final count, eleven guards and twenty nine prisoners were dead.

It is not surprising that Americans who witnessed or participated in these events would begin to question the benevolence of state power. They observed the violent reactions of state officials to the often nonviolent political, social, and cultural demonstrations of the 1960s. The lack of trust and confidence in the state extended to the into the realm of criminology. Labeling theory began to point to the state as the primary agent responsible for
the crime problem.

**Labeling Theory**

The lack of mistrust in the government in the 1960s was also evident in the field of criminology (Lilly et al., 1989). For most of the nineteenth century, social structural theories of crime (e.g., social disorganization, strain) dominated explanations for law-breaking and deviance. Although labeling theory's principles were set forth many years earlier, the events of the 1960s provided further credibility to this theory of crime. The loss of trust in the government led many to question if the state was actually responsible for the crime problem it was so desperately trying to eradicate.

Frank Tannenbaum was one of the earliest scholars "to set forth some principles of labeling theory" (Empey, 1982:402). He explains that a community must first define behaviors as either good or bad. Lilly et al. (1989) attest that crime is a socially constructed phenomenon. No act is inherently good or evil—it is society that determines acceptable and unacceptable behaviors. For example, child abuse and wife-beating were not considered criminal acts until the 1960s and 1970s. According to Tannenbaum, once behavior is defined, if a person commits an act that is considered "bad" or "evil," then the community labels that person in the same light (Empey, 1982). Once labeled, the person begins to see himself or herself as a bad or evil. The "self-fulfilling prophecy" is the term used to describe this process of transformation. The self-fulfilled prophecy in turn may increase a person's involvement in criminal activity. Thus, the process of state intervention, which labels and propels a person to generate a negative self-image, can eventually cause a person to commit more unlawful
Edwin Lemert extended labeling theory by distinguishing between two types of deviance: primary and secondary (Empey, 1982). Primary deviance are those acts that do not come to the attention of law enforcement, the courts, or any other persons in a position of authority. Thus, even though a person may engage in unlawful acts, they will not see themself as a delinquent or criminal because they have not been labeled by the state at this point. Lemert argues that until primary deviance is discovered, society has no delinquents or criminals. Accordingly, once a person’s acts are detected and labeled by those in authority, his or her self-conformist image is negatively affected. Society will label this person a criminal or delinquent, and through a self-fulfilling prophecy, the person will conform to the label society has conferred upon him or her. Once the person has been processed by the state and stigmatized for his or her actions, any further criminal activity in which he or she engages is called secondary deviance. Thus, the person’s primary acts were recognized by the state and labeled accordingly, which in turn was responsible for the person’s engagement in subsequent criminal activity (i.e., secondary deviance).

The labeling theorists joined those on the left in society in their interpretation of the events of the 1960s. Similar to the liberals, labeling theorists had developed a great mistrust of the state. They contended that state intervention had a negative effect on criminals and delinquents. Rather than reducing or treating criminality, they maintained, official state processing was actually contributing to the crime problem.

The turbulent events of the 1960s left both liberals and labeling theorists with little confidence in the state to "do good." Since the government could no longer be trusted, a
broad-based liberal agenda was set forth. "Labeling theory helped legitimize four alternatives and euphonious reforms: deinstitutionalization, decriminalization, due process, and diversion" (Empey, 1982:411). All of these strategies sought to reduce the unlimited discretionary power of the state. All of these strategies will be examined. In the 1960s, these policies would begin to attack the very foundation of the juvenile court, which had been operating with little fundamental opposition since its inception in 1899.

Liberals had witnessed many occasions at which the state had the ability to abuse its power. Riots, demonstrating its ability to abuse its power. Riots, labeling demonstrated to liberals that the state could no longer be trusted. Given that the confidence in the state to use its power in a benevolent manner had been terribly shaken, it is evident that liberals found refuge in the Due Process Model when advocating their first reform.

**Due Process Rights**

The liberals were instrumental in helping to influence the Supreme Court to extend due process rights to juveniles. Adults had already been accorded a number of due process rights, but these rights were not yet extended to juveniles. The main rationale for not providing juveniles with due process rights can be traced back to the inception of the juvenile court. The juvenile court, designed by Progressives, was to be an informal, non-adversarial process that would ensure that the best interests of the child was met (Platt, 1977; Ryerson, 1978). Juveniles would be diagnosed and handled under a system of individualized justice based upon their own unique situation. The juvenile court would be based on treatment through rehabilitation, unlike the adult court, which assumed individual responsibility and
embraced more of a punishment rationale. Hence, juveniles did not need attorneys, juries, or due process. To ensure that the best interests of the child are met, the system must operate informally and allow great flexibility and discretion in decision-making (Feld, 1990). A number of cases brought before the U.S. Supreme Court began to question the purpose and processes of the juvenile court set forth by the Progressives at the turn of the century. The following section discusses these Supreme Court Cases that accorded a number of due process rights to juveniles.

The first major due process case in which the Supreme Court accorded protections to juveniles was Kent v. United States, 383 U.S. 541 (1966). Kent was a 16-year-old probationer who was taken into custody for raping a woman and stealing her purse (Albanese, 1993). The judge decided to waive the case to adult court. He did not consult with Kent's attorney or mother and did not provide a reason for his decision to transfer to adult court. Kent was found guilty in adult court for burglary and robbery and was sentenced to 30 to 90 years in prison. Kent appealed his case based on a number of due process violations; however, the Supreme Court focused on the decision to waive to adult court. The Court ruled that before a juvenile is waived to adult court the juvenile must be provided with: 1) a hearing; 2) assistance to counsel; and 3) a statement by the judge with his or her reasons for binding over to adult court.

Kent v. United States initiated the trend of granting due process rights to juveniles (Albanese, 1993). The case also challenged the procedures of the juvenile court process. The Court stated that juvenile courts were failing in their efforts to rehabilitate and, therefore, that juveniles should be provided some rights under the Fourteenth Amendment to ensure that
they are treated fairly.

Perhaps the most important juvenile justice case heard by the Supreme Court was *In re Gault*, 387 U.S. 1 (1967). Gerald Gault was taken into custody by police for allegedly making lewd phone calls to a woman (Albanese, 1993). The police failed to notify his parents when he was taken into custody. Gerald Gault was already on probation for stealing a wallet. At a hearing the next day, the judge declined to render a decision and sent Gault back to detention. He was released a few days later and another hearing was set. Gault was adjudicated a delinquent and sentenced to a state industrial school until age 21. Thus, Gerald Gault, who was 15 years old at the time of his disposition, received a six-year term, when an adult would have received a maximum of two months in jail or a fine.

After being denied an appeal by the Arizona State Supreme Court, Gault appealed his case to the U.S. Supreme Court (Siegel and Senna, 1994). Gault maintained that he was denied many of the due process protections provided under the Fourteenth Amendment. The U.S. Supreme Court agreed and ruled that when a juvenile faces the possibility of incarceration, he or she must be accorded the following due process rights during the adjudicatory process of delinquency proceedings: 1) the right to be notified of the charges; 2) the right to counsel; 3) the privilege against self-incrimination; and 4) the right to confront and cross-examine witnesses (Albanese, 1993).

According to Barry Feld (1992:59), "Gault has modified juvenile court's jurisdiction, purpose and process." Feld contends that *Gault*, however unintentional, fundamentally changed the mission of the juvenile court. Due process rights were now accorded in a system of justice that supposedly focused on individualized justice, informality, and rehabilitation.
The extension of these due process rights has transformed the court into a more formal, adversarial process that focuses on punishment rather than exclusively on treatment of juveniles. Justice Stewart, dissenting in the *Gault* case, echoed this argument. Stewart contended that the juvenile court proceedings were not adversarial in nature. Proceedings are designed to be informal since the ultimate goal is rehabilitation. He feared that juvenile courts would begin to resemble adult courts by granting these due process protections. In fact, Feld (1990, 1991, 1992) argues that after the Supreme Court cases of *In re Winship* (1970) and *McKeiver vs. Pennsylvania* (1971), the juvenile courts operated almost identical to the adult courts.

The next case to be heard by the U.S. Supreme Court regarding juvenile justice was *In re Winship* 397 U.S. 358 (1970). In this case, Winship, a 12-year-old boy, was adjudicated for stealing $112 from a purse in a locker (Albanese, 1993). He was sent to a training school for a minimum of 18 months and a maximum of six years (the age of majority in New York). At the time of his adjudication, the standard of proof in juvenile courts was determined based upon the preponderance of the evidence. Thus Winship was adjudicated a delinquent based on a standard of evidence required in civil cases when an adult would be convicted based on proof beyond a reasonable doubt. "The issue in the case was whether proof beyond a reasonable doubt was essential to due process and fair treatment for juveniles charged with an act that would constitute a crime if committed by an adult (Siegel and Senna, 1994:564). The U.S. Supreme Court ruled that the standard of proof during delinquency adjudication proceedings must be beyond a reasonable doubt (Albanese, 1993). The possible loss of liberty through incarceration and the stigma incurred by a conviction based on preponderance
of evidence greatly influenced the Supreme Court's decision (Ryerson, 1978). Because the standard of proof operating in juvenile courts (i.e., preponderance of evidence) may unfairly incarcerate an innocent child, the standard of proof must be "beyond a reasonable doubt," to ensure fairness in juvenile adjudicatory proceedings.

The extension of full due process rights to juveniles was halted by the U.S. Supreme Court decision regarding the case of McKeiver v. Pennsylvania 403 U.S. 528 (1971). In this case, McKeiver, was charged with three felonies: robbery, larceny, and receiving stolen goods (Siegel and Senna, 1994). McKeiver requested, but was denied, a jury trial. He was subsequently adjudicated and given a term of probation (Albanese, 1993). The case was appealed to the Supreme Court. The Supreme Court ruled that a jury trial was not required by the juvenile courts to ensure a fair trial. The Supreme Court did permit the states, however, to develop a jury system, but reiterated that juveniles do not have a constitutional right to a jury trial.

According to Feld (1990), if the U.S. Supreme Court had guaranteed a right to jury trials to juveniles, then the adult and juvenile court would be indistinguishable in terms of their procedures. The Supreme Court justices who ruled against jury trials reaffirmed the original goals and purposes of the juvenile court (Feld, 1992). They contended that juvenile courts are more treatment oriented and informal versus the adult system that focuses on procedural formality and punishment. The justices were concerned that allowing juveniles the right to a jury trial would call into question the need for a separate system of justice, since the procedures used would be analogous.

Feld (1990, 1991, 1992) has called into question the need for a separate system of
justice for juveniles. He argues that there are few procedural differences between the two court systems, since juveniles have been guaranteed all due process rights with the exception of a jury trial. He also contends that juvenile courts are sentencing based on the offense rather than the offender, which was the original design of the court. This change in sentencing is evident in the changes in purpose clauses, the introduction of mandatory and determinent sentences, and the increase in number of juveniles waived to adult court. These changes in the juvenile court system will be discussed in the second half of this chapter.

The allocation of due process rights for juveniles signified a significant victory for liberals who aspired to curtail the abusive powers of the state and reduce the number of juveniles being incarcerated. Since the state often victimized some of the youngest members of society, due process rights ensured that offenders would be treated fairly by the juvenile justice system. Juveniles now had the right to counsel, to confront and cross-examine witnesses, and to be notified of the charges against them if they faced the possibility of incarceration. The standard of proof was changed from the "preponderance of evidence" to "proof beyond a reasonable doubt." Armed with these due process rights, the liberals believed that the number of juveniles being sent to state institutions would be reduced. Finally, before juveniles could be waived to adult court, they were given a hearing, access to counsel, and a statement of the reasons why the judge decided to bind over. The right to a jury trial was the only due process protection not granted to juveniles.

These rights have undoubtedly altered the processes and original goals of the juvenile court. Although Barry Feld (19991, 1992) has argued that the extension of due process rights have rendered the two courts almost indistinguishable, the liberals were probably not
concerned about this possibility. The issue of potential procedural convergence of the adult and juvenile court was not the central issue to liberals in the 1960s and early 1970s. Their primary concerns were to protect juveniles from the abusive powers of the state and to keep juveniles out of institutions (Cullen and Gilbert, 1982). Liberals wanted to protect juveniles to ensure they were treated fairly and justly during the court process. The U.S. Supreme Court apparently agreed with the political left, granting a number of due process rights to juveniles. In addition to protecting juveniles during court proceedings, liberals also wanted to reduce the number of juveniles being incarcerated. Having accorded many due process rights to juveniles, liberals believed that the number of juveniles being sent to institutions would certainly decrease.

In addition to changes in the court process, liberals pushed for alterations in the realm of juvenile corrections. The Juvenile Justice and Delinquency Prevention Act of 1974 would call for the deinstitutionalization of status offenders and separation of juveniles from adults when they are housed in the same correctional facility. The inhumane conditions of juvenile correctional facilities and the number of juveniles who were sentenced to these facilities after committing no crime, provided the impetus for the passage of this landmark piece of federal legislation. Liberals were key players in the passage of this policy that would run central with their agenda: to reduce the number of juveniles being sent to institutions.

**The Juvenile Justice and Delinquency Prevention Act of 1974**

The events occurring during the 1960s were also responsible for stimulating reforms in juvenile justice at the federal level. The emergence of labeling theory, the extension of
many due process rights, revelations of brutal and inhumane conditions in juvenile institutions, and the general movement to deinstitutionalize and divert offenders from the juvenile justice system prompted the passage of an important piece of federal legislation: The Juvenile Justice and Delinquency Prevention Act of 1974, hereinafter referred to as the JJDP Act (Sweet, 1991).

One of the original mandates of this Act called for the removal of status offenders from secure detention and correctional facilities (Sweet, 1990; Thompson and Blocher, 1994; Crank, 1995). Status offenders are juveniles who have committed an act that would not be considered a crime if committed by an adult. Bartolas and Miller (1994) cite the harmful effects of institutions and the fact that status offenders have committed no crime as the primary justifications for deinstitutionalizing status offenders. The authors explain that status offenders have a difficult time in institutions because they are not street smart, have little in common with delinquent offenders, and are unable to protect themselves. According to Kobrin and Klein (1979), a status offender's self-image may be negatively altered after having been formally processed. The system may actually turn a status offender into a delinquent. Other studies found that status offenders receive more severe treatment, are detained for longer periods of time, and are more likely to be victimized (Bartolas and Miller, 1994).

Another mandate of the original 1974 JJDP Act was the "sight and sound" separation of juveniles when they are housed in the same correctional facilities as adults (Crank, 1995). The Act was amended in 1980 to mandate the removal of all juveniles from adult jails and lockups. Congress cited the increased risk of suicide, physical and sexual assault, and exposure to criminogenic influence of older, more experienced offenders as reasons for
encouraging the complete removal of juveniles from adult jails and lock-ups.

This JJDP Act provided federal funds to states that comply with the mandates set forth in the Act (Annual Juvenile Justice Report, 1993). The funds can help local communities develop alternative community-based placements for offenders. States are encouraged to take part in meeting the mandates, but, participation is not required. In the original act, states were required to submit a plan describing their efforts to meet the mandates within two years (Sweet, 1991). The time-line was later amended in 1977, allowing states five years to be in full compliance with the Act. The Office of Juvenile and Delinquency Prevention (1993) monitors compliance with all mandates of the JJDP Act. As of 1991, nine states were in full compliance (no violations) with the mandate to deinstitutionalize status offenders. Forty-two states were in full compliance with "de minimus" exceptions (i.e., less than 29.4 violations per 100,000 in the population under age 18). Ohio is in this category. Six states are either recent participants or have not submitted data. Only the state of Wyoming is out of compliance with the JJDP Act mandate to deinstitutionalize status offenders.

Thirty-four states, including Ohio, are in full compliance with the JJDP Act's mandate to separate adults and juveniles. Nine states are in compliance, but have some violations. Seven states are not in compliance but are showing annual progress. In five states either additional data is required or the states are recent participants. Only two states, Wyoming and Alaska, are out of compliance with this mandate.

As of 1991, eleven states, including Ohio, are in full compliance of the mandate to remove juveniles from adult jails and lock-ups. Thirty-nine states are in compliance with "de
"minimus" exceptions. Additional data are needed for Illinois, Kentucky, Massachusetts and New Mexico to determine if they are in compliance. South Dakota is a recent participant and Wyoming and Alaska are out of compliance with the mandate.

The JJDP Act of 1974 was part of a larger reform movement that questioned the philosophy of the juvenile court (Sweet, 1991). For the first six decades of the twentieth century, the philosophy of the juvenile court remained relatively unchallenged. The court operated informally, allowing judges to utilize wide discretion to ensure the "best interests" of the child were being met. In addition, delinquent and nondelinquent (status offenders, dependent and neglected) juveniles were treated and housed together in juvenile facilities. The liberals sought to remove status offenders from the jurisdiction of the court and from institutions. The passage of the JJDPA indicates that those at the federal level supported their plight.

This paper has already discussed the evolution of due process rights for juveniles, which were implemented to ensure a more fair and just process in juvenile courts. In addition to having a fair judicial process, liberals supported other policies or programs that would reduce the number of juveniles being sent to state institutions. This movement by liberals to remove juveniles from institutions was unprecedented; their agenda ran counter to the views of the reformers who had established the first juvenile court. Indeed, the Progressives had placed great faith in the institution to reform and rehabilitate offenders. Even though the benevolent intentions of the institutions were often corrupted in practice, the Progressives still remained confident that institutions were beneficial and that the state had the ability to improve the institutional conditions (Rothman, 1980).
During the 1960's, the liberals were the first to challenge critically the state's use of incarceration to treat juveniles. Those on the left saw institutions as abusive and ineffective in their efforts to rehabilitate (Cullen and Gilbert, 1982). The conditions in juvenile institutions were perhaps the most important factor that led liberals to lobby for due process rights, the JJDP Act, and other programs that minimized incarceration whenever possible. Various forms of victimization including physical beatings, mental abuse, rapes, and solitary confinement were common occurrences in many juvenile institutions (Bartolas, Miller, and Dinitz, 1976; Miller, 1991; Wooden, 1976). It is ironic that history was once again repeating itself in the arena of juvenile institutions. Since their inception in 1825, juvenile institutions have been criticized for their brutal punishments and inhumane conditions (Rothman, 1971; Mennel, 1973). Each new group of reformers in the 1800s vowed to change the existing conditions in institutions. In each reform movement, however, the benevolent rhetoric of rehabilitation and humane treatment in institutions ultimately transpired into a punitive reality.

Since institutions victimized offenders and were unsuccessful in rehabilitating offenders, liberals focused their efforts on directing juvenile offenders away from institutions. In addition to due process, which sought to reduce the number of juveniles being sent to institutions, those on the political left called for decriminalization, diversion, and deinstitutionalization for juveniles. For the purposes of this paper, diversion and deinstitutionalization, for criminal offenders and status offenders, will be discussed, as they are most relevant to the evolution of the RECLAIM Ohio program. Although the JJDPA was implemented at the federal level, the states had already been implementing policies that would minimize state intervention (Empey, 1982).
**Diversion**

Even before the JJDP Act (Public Law 93-415, 1993:2) suggested placing "emphasis on preventing youth from entering the juvenile justice system in the first place," a number of diversion programs had already been implemented (Empey, 1982). When juvenile crime was increasing in the 1960s, there was a call to find alternatives to incarceration for less serious offenders (Ezell, 1992). The rationale for diversion was influenced by labeling theory. As noted, labeling theory suggested that preventing the formal processing of youths in the juvenile justice system reduces the juveniles' likelihood of becoming stigmatized.

The definition of diversion in criminal justice conjures a number of different meanings (Ezell, 1992). "True" diversion entails diverting the juvenile away from the system with no formal follow-up or intervention. The juvenile is released from the jurisdiction of the court. A second definition of diversion places the child in a designated "diversion" program in lieu of being processed by the court. If the juvenile completes the program, then no formal processing of the original charges will ensue (i.e., the charges are dropped). If the juvenile refuses to participate in the diversion program, his or her case will begin being processed through the juvenile court. In this type of diversion, the juvenile justice system maintains some control over the offender, unlike in true diversion in which the system has no further jurisdiction over the juvenile. A third type of diversion involves preventing further immersion into the juvenile justice system. A juvenile can be sentenced to a day-reporting program or to probation instead of being placed on intensive supervision or sentenced to incarceration. In this type of diversion the juvenile has already been processed by the court, however, the goal is to prevent any further immersion into the system. Although the first two types of
diversion focus on preventing further immersion into the court system, the last form of diversion seeks to divert offenders from institutions. Once again, diversion programs for juveniles would receive support from liberals because they provided an alternative to incarceration.

According to Ezell (1992), diversion is intended to have system-level and individual-level impacts. At the system level, diversion should reduce the number of arrests and therefore reduce the caseloads of the court. At the individual level, diversion can reduce stigma and labeling, thereby preventing subsequent delinquent acts. Diversion also prevents the association with other delinquents that can influence a child's own behavior.

A number of scholars have discussed the many unintended consequences of diversion (Klein, 1979; Ezell, 1992; Empey, 1982; Shichor, 1983). The most common criticism leveled against diversion is "net widening." Net widening occurs when juveniles are brought under the control of the system when they otherwise would not have been either processed by juvenile court or sent to an institution (depending upon the type of diversion). Many diversion programs are intended to remove juveniles from institutions. Unfortunately, some states or counties place juveniles in diversion programs when they would not have been sentenced to an institution; hence net-widening has occurred.

Empey (1982) has criticized diversion programs for not being implemented according to their original design. Juveniles were supposed to be diverted from the system. In this case, social service agencies, schools, and parents were to provide some of the services. In reality, however, these welfare and social services agencies, as well as parents and teachers were responsible for referring most of the children to diversion programs. Thus, people working...
in the justice system ended up managing the programs. In its purest sense then, diversion from the system never became a reality since people in the system operated the programs. Empey also argued that diversion was intended to be a voluntary process. In reality however, juveniles are involuntarily forced to participate in exchange for no formal court processing of their case.

Another criticism of diversion is the issue of due process rights. Since diversion can occur at the pre-adjudicatory stage, the youth has not yet been adjudicated for a crime. By placing a child in a diversion program, the court is alleging that the child has committed the act with which he or she is charged. Consequently, the youth has been "adjudicated" without the benefit of due process rights.

Ezell (1992) has suggested that diversion program carefully target youths so that net widening does not occur. He recommends that youths be matched with a diversion program that is appropriate to their needs, so, a sex offender is not placed into a diversion program designated for property offenders. Blomberg (1983) suggests that research should examine what types of diversion programs work best with what types of youth (Ezell, 1992). For example, diversion programs that target changing behaviors may be more appropriate for sex offenders than for property offenders. Ezell (1992) further contends that diversion programs should be driven by theory and that staff should be qualified to implement the program.

Although a complete evaluation of diversion programs is beyond the scope of this dissertation, a study by Klein (1979) has pointed out some concerns with evaluating diversion programs. Klein contends that diversion programs have not been implemented properly and therefore cannot be adequately evaluated. He points out the term diversion has suffered from

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varying interpretations ranging from true diversion from the system to preventing further immersion into the system. These definitional ambiguities have prevented diversion programs from being adequately evaluated. He also argues that the purpose and goals of diversion programs are not clearly set forth at the outset of the program. If the goals are not set forth, then the program will have difficulty selecting the appropriate target groups and, in the end, evaluating the program itself.

The concept of diversion will be important when examining the RECLAIM Ohio program. One of the original goals of RECLAIM was to decrease the number of offender being sentenced to the Department of Youth Services. In other words, RECLAIM was, in part, created to take incapacitative-bound juveniles and divert them into community-based programs. This dissertation will evaluate if institutionally-bound juvenile offenders are actually being diverted from the Department of Youth Services due to RECLAIM Ohio, or if less serious offenders are being pulled into the system because programs have been created specifically for them under RECLAIM.

Deinstitutionalization

In addition to diversion programs, the conditions of juvenile institutions served as a catalyst for liberals to generate the movement to deinstitutionalize young delinquents. By the late 1960s and early 1970s a movement had begun to deinstitutionalize juvenile offenders (Krisberg et al., 1986). This dissertation chapter has already discussed the deinstitutionalization of status offenders and the removal of juveniles from adult jails. These reforms were stimulated in part by the passage of the Juvenile Justice and Delinquency
Prevention Act of 1974 (Empey, 1982). The deinstitutionalization movement, however, was not limited to status offenders. In Massachusetts, Jerome Miller extended decarceration to delinquent offenders (Miller, 1991; Empey, 1982).

Jerome Miller had been a professor at Ohio State University before becoming commissioner of the Massachusetts Department of Youth Services (Miller, 1991). Shortly after his arrival in Massachusetts, Miller began to tour the juvenile institutions throughout the state. He began his journey with a tour of the Judge Connelly Reception and Diagnostic Center in Roslindale. He noticed that the farther he walked from the administrative offices, the halls became darker and dirtier, and the smell of urine became more pungent. He noticed that the cells had no bathrooms and that the floors and mattresses were saturated with urine.

Miller (1991) continued to find similar conditions in the remaining institutions. It was his visit to the Shirley Industrial School, however, that "set [me] on the path that eventually led to my closing the reform schools" (Miller, 1991:62). In Cottage Number Nine (the cottage for discipline problems) Miller viewed the horrible conditions of solitary confinement. Boys were locked in cement cubicles that resembled tombs for trying to escape, for "causing a scene," or simply for yelling. Even though Miller is noted for closing down the juvenile institutions in Massachusetts, when he began his tenure as commissioner this was not his original intention.

Miller initially sought to reform the institutions in Massachusetts, not to close them down. He provided staff training, increased programming, and opened therapeutic cottages. Although the thought had crossed his mind before, he finally decided to close the institutions after receiving a phone call from a staff member at The Lyman School for Boys. The staff
member told Miller that a correctional staff person had locked two boys in the cellar of a cottage and took the keys home. At this point, Miller realized that his efforts at reforming institutions would never be fully realized. There was always the risk that a new superintendent could take over and the conditions would deteriorate to their previous state. Staff members at institutions would simply wait for Miller's tenure as commissioner to be over and return to earlier practices.

Jerome Miller (1991) closed down all training schools during the second half of 1972. Miller allocated only 35 beds for securely detaining serious, violent offenders. Each region of the state was allocated a few beds. If a region had fully used their own beds, they could negotiate with other counties for their beds. In Massachusetts today, there are 171 secure treatment beds (Schwartz, 1989). These beds are located in twelve small secure facilities throughout the state that house less than 20 youths per facility. There are also eight secure detention programs housing a total of 128 youths. The remainder of the youths are placed in community-based programs throughout the state. Today, half of the juvenile correctional budget is allocated to private agencies to operate community programs for juveniles (Schwartz, 1989).

The Harvard Center for Criminal Justice began research on the changes being made in Massachusetts before the training schools were closed. They originally studied inmate and staff perceptions and attitudes and "the quality of care in the treatment cottages (Miller, 1991:220). However, the focus of the study changed when Miller closed down the institutions. The researchers focused on recidivism as the measure of success for this celebrated movement to deinstitutionalize. Miller left before the results were known.
Ohlin et al. (1977) found that overall there was no reduction in recidivism. There was actually a slight increase in recidivism for girls. At a nationwide level, however, crime rates were increasing, which would correspond to an increase in recidivism rates. The researchers also found that certain regions of the state had demonstrated marked decreases in recidivism. Regions II and VII, for example, offered a diverse number of community programs and provided a high quality of care within them. The recidivism rates had decreased in these two regions. Miller made the following remarks regarding these findings:

The conclusion hardly seemed to justify the extensive research effort. A diversity of good program lowers recidivism. A narrow choice of poor programs does not. Though we hadn't done as well as we should have, the fault was in the implementation rather than the concept. Recidivism dropped where we did things right. If all the regions of the state could create enough quality options, most of our delinquent youth would make it in the community (1991:222).

The researchers also found that arraignments in juvenile court decreased by 34 percent from 1978 to 1988 (Miller, 1991). They reported a decrease in arrests, more so than the already decreasing number of youth in the U.S. In addition, the number of cases bound over to adult court decreased from 129 in 1978 to only 12 in 1985. One would expect that a possible unintended consequence of closing institutions would be an increase in bind overs to adult court, since secure beds were limited; however, this did not happen in Massachusetts.

Other states have followed Massachusetts in closing some of their institutions (Schwartz, 1991). Utah closed many of its juvenile institutions. Two 30-bed units and one 10-bed unit remain for treating violent offenders. The remainder of youths in Utah are treated by private vendors. The state has reported no increase in the threat to public safety and
reported decreases in reoffending by juveniles. The study also reported the potential for a reduction in operating costs associated with institutional care.

As with diversion programs, deinstitutionalization programs can have unintended consequences (Bartolas and Miller, 1991; Klein, 1979; Miller, 1991). The most obvious unintended consequence would be the re-institutionalization of offenders elsewhere. The California Subsidy Program provides an excellent example. Each county was allocated funds to treat offenders locally rather than sending them to state institutions (Miller, 1991). Although the counties reduced their commitment rates initially, they ended up using the money to house juveniles in local detention facilities. "By the mid-1970's, California was harboring the largest per capita youth population of any state in the Union in its county-run detention facilities" (Miller, 1991:13). Thus, they had re-institutionalized their juveniles from state-run to county-run institutions.

Ira Schwartz (1989) has argued that juveniles are being reinstitutionalized into privately-operated institutions. Juveniles are now being treated in psychiatric units in hospitals and in privately run substance abuse programs. In the Minneapolis/St. Paul Metropolitan Area, juvenile admissions and patient days have increased in inpatient psychiatric units substantially between 1977 and 1985. Juvenile admissions increased from 1,062 to 2,203. The number of patient days rose from 53,730 to 78,892. National data also indicate a similar trend in the number of juveniles being admitted into private correctional facilities (Bureau of Justice Statistics, 1989; DeComo et al., 1995; Krisberg et al., 1992). Juvenile admissions to private facilities have steadily increased 147 percent (from 56,708 in 1975 to 139,813 in 1990), while admissions to public facilities have increased by only seven
percent (from 641,189 to 683,636).

**Summary**

This chapter has thus far discussed the liberals' efforts to institute change in the realm of juvenile justice. The liberals were successful in stimulating many reforms, most of which were occurring simultaneously in time, that would reduce the number of juveniles confined in institutions. In the juvenile court, liberals lobbied for due process rights to be extended to juveniles. Their motivation for extending these rights lay in the left's interpretation of the events of the 1960s. The Civil Rights movement, Kent State, and Attica were only a few examples of how the government was capable of abusing those in society. The events of the 1960s conveyed a strong message to liberals that the state could not be trusted to "do good" any longer. The wide discretion of juvenile court judges and the inability of the court to successfully rehabilitate juveniles motivated liberals to push for due process rights for juveniles during all adjudicatory stages of the juvenile court process. The U.S. Supreme Court did allocate many due process rights to juveniles with the exception of the right to a jury trial. According to liberals, the extension of these due process rights would aid in reducing the number of juveniles in state institutions.

Liberals were extremely concerned with the conditions juveniles would face when institutionalized. The Progressives had originally placed great faith in institutions to rehabilitate juveniles. This confidence had transformed into downright pessimism by the mid 1970s. Wooden (1976) and Miller (1991) have graphically documented the inhumane treatment and brutal punishments practiced in many states' juvenile institutions. The realization by liberals that institutions were no longer benevolent places of reformation
motivated them to support policies and programs that would remove juveniles from institutions. The Juvenile Justice and Delinquency Prevention Act of 1974 provided fiscal incentives to deinstitutionalize status offenders, to provide sight and sound separation when adults and juveniles are housed together, and in 1980, to remove all juveniles from adult jails. During the same time a number of diversion and deinstitutionalization programs emerged. The most noted and controversial deinstitutionalization movement occurred in Massachusetts. Jerome Miller closed down all the state's juvenile institutions, with the exception of one for serious, violent offenders. Massachusetts's training schools remain closed, although smaller facilities were created for serious offenders. Other states, such as Utah and California followed Massachusetts in their reform efforts. The movement to deinstitutionalize juvenile offenders continues to occur into the 1990's. In 1994, the state of Ohio implemented RECLAIM Ohio. This program seeks to divert non-violent juvenile offenders from institutions by providing local counties the funds to implement community-based alternatives rather than committing them to institutions.

The liberal agenda began to lose steam beginning in the 1970s when an opposing conservative agenda started to gain momentum as the decade progressed. The conservative agenda would entail "getting tough" by incarcerating not only adults but with juvenile offenders as well. Serious, violent juveniles, claimed conservatives, were roaming the streets victimizing the innocent in society. Conservatives would call for determinate, mandatory sentences and make the transfer process to adult court less stringent. Thus, the conservatives countered the liberal's attempt to deinstitutionalize with an agenda that focused on reinstitutionalizing juveniles.
THE CONSERVATIVE AGENDA

The Social Context of the 1960's:
A Conservative Interpretation

This paper has thus far discussed the liberals' interpretation of the turbulent decade of the 1960s. The conservatives, however, reached a far different conclusion from the events of this period in history than their political opponents (Cullen and Gilbert, 1982). The conservatives perceived the occurrences of this decade as a threat to the social order. For example, in the political arena, the demonstrations against the Vietnam War and draft evasions were seen as challenges to authority. In the social arena, a "counterculture" of young adults became ever-present in society (Brinkley, 1991). These individuals turned in their poodle skirts and loafers for such flamboyant clothing as tie-dyes, bell-bottom jeans, and platform shoes. Recreational drug use, particularly marijuana and LSD, was commonplace among these young people. In addition to the new counterculture, people were having pre-marital sex, couples were living together, women were desiring careers outside the home, and abortions were more common (Cullen and Gilbert, 1982). Conservatives viewed these events as contributing to the moral decay of society.

The conservative agenda, therefore, was to "restore law and order" to society (Cullen and Gilbert, 1982; Cullen et al., 1983). Conservatives advocated stricter discipline, the teaching of morals, Christian values, and the inculcation of respect for those in authority. No longer would society be as permissive in the handling of its younger members.

The conservative agenda also called for a "war on crime." The right argued that current criminal justice practices had been unsuccessful in curtailing crime. Under the liberal
agenda, they claimed, criminals were being treated too leniently by a system that exercised wide discretion and operated under the guise of rehabilitation (Cullen et al., 1983). Serious offenders were being coddled and given due process rights, while the innocent in society were continuing to be victimized (Cullen and Gilbert, 1983). Conservatives argued that rehabilitation had been ineffective, and therefore suggested an alternative method—punishment. Martinson's (1974) now famous article was published as the conservative movement was forming. The study's main conclusion was that few rehabilitative programs were successful in reducing recidivism. The general interpretation that "nothing works" in rehabilitation provided the leverage conservatives needed to legitimize their agenda.

Before discussing the right's support for a new punishing scheme, it is important to note that explanations for crime and deviance were returning to those postulated during the classical time period (Cullen and Gilbert, 1982). The conservatives believed that people committed crimes because the benefits outweighed the costs. Offenders exercised their free-will and chose to commit crime because our lenient system of justice sent a message to offenders that "crime pays." The solution for the conservatives was to incarcerate more offenders. Under the philosophies of deterrence and incapacitation, offenders would be punished for the crimes they committed (Cullen and Gilbert, 1982; Cullen et al., 1983).

Under the philosophy of deterrence, offenders would be punished swiftly, certainly, and severely. General deterrence would punish an offender in order to send a message to others in society that crime does not pay (Paternoster, 1987). Specific deterrence would punish the individual so that person would no longer engage in criminal activity. Under the conservative's agenda the punishment used to deter offenders from committing future crimes
would be incarceration.

Incapacitation, as a punishment philosophy, seeks to prevent offenders from committing any future crime usually by imprisoning them (Visher, 1987). An incapacitative philosophy would assist conservatives in their effort to incarcerate more offenders. There are two type of incapacitation: collective and selective. Collective incapacitation incarcerates a group of offenders to prevent further increases in crime. Selective incapacitation identifies offenders who would be most likely to reoffend and incarcerates those particular offenders. A study of a male cohort conducted by Wolfgang et al. (1987) concluded that over half of the crimes were committed by small percentage of male delinquents. James Q. Wilson (1975) argued that if these delinquents could be identified and selectively incapacitated, substantial reductions in the crime rate could be achieved. The incapacitation strategy, like deterrence, would provide support for the conservative's agenda to lock-up more offenders.

To be successful in implementing their reform, conservatives would have to dramatically change the current sentencing system of juvenile justice. First, indeterminate sentences would have to be converted to ones determinate in nature (Cullen and Gilbert, 1982). Determinate sentences would require that offenders serve some prison or jail time for the crime committed. Conservatives believed that by incarcerating offenders substantial reductions in crime could be. A determinate sentencing structure would ensure that offenders serve a certain period of incarceration for the crime for which they were convicted.

Under a determinate sentencing scheme, sentence length would be based on the crime committed, not when an offender was believed to be "rehabilitated." No longer would judges be permitted to use their discretion and impose lenient sentences. Parole boards would be
abolished since their members unfairly released offenders before their time was served under
the guise of having been rehabilitated. As mentioned previously, the conservative agenda
sought to punish offenders. Releasing people early under an indeterminant sentencing scheme
undermined the core feature of the conservative agenda: to send a message to offenders that
crime does not pay. Thus, the conservatives' goal was to keep offenders in prison until their
sentence expired.

The juvenile justice system was not immune to the conservative's agenda (Platt, 1977).
According to the right, the juvenile court's practices had been ineffective in controlling
juvenile crime. Once again, the primary goal for the conservative agenda was the repression
of crime. The conservatives supported deterrence and incapacitation as the guiding
philosophy for crime control. Through the use of incarceration crime would be prevented and
society would not fall prey to the juvenile offender. Deterrence would ensure that the
punishment was severe enough to send a message to the offender that crime does not pay.
The conservatives' agenda would also support binding over serious delinquents to the adult
system; once again wanted to reduce crime and protect the public from these offenders.
Conservatives would also have an impact on changing the mission of the Juvenile Justice and
Delinquency Prevention Act to focus on ways with which to deal with serious, violent,
chronic juvenile delinquents (Krisberg et al., 1986). Once again, the changes in the JJDP Act
were an attempt by conservatives to put more kids into institutions for crime control and
societal protection. The remainder of this chapter describes each proposed change (e.g.,
from indeterminate to determinate sentences, easier bind-over policies) and how these policy
changes would allow conservatives to attain their goal of reducing crime by placing more
youthful offenders in institutions.

**Changes in Purpose Clauses/Changes in JJDPA Act**

According to Feld (1988, 1991, 1992) in the past decade a number of states have modified the purpose clauses within their juvenile court statutes. When states were originally defining their purpose clauses (i.e., a statement of the mission of the juvenile court), many states incorporated the preambles set forth in the Illinois Juvenile Court Act in 1899. The Cook County Juvenile Court’s purpose was to:

secure for each minor subject hereto such care and guidance, preferably in his own home, as will serve the moral, emotional, mental, and physical welfare of the minor and the best interests of the community; to preserve and strengthen the minor’s family ties whenever possible, removing him from the custody of his parents only when his welfare or safety or the protection of the public cannot be adequately safeguarded without removal; and, when the minor is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should be given by his parents (Feld, 1988:841).

Recently, ten of the forty-two states that have purpose clauses have revised them from focusing on the best interest of the child to issues regarding public safety, individual accountability, and punishment. This represents a significant departure from the original preambles that focused on treatment and care of the juvenile. Changes in purpose clauses have influenced juvenile sentencing practices in many states. Indeterminate offender-based sentences have been replaced by determinate offense-based sentences. This change in sentencing reflects the conservatives’ endeavor to reduce juvenile crime. As in the adult system, deterrence and incapacitation strategies are replacing rehabilitation as the main goals.
of punishment; thus allowing for the incarceration of more juveniles.

**A Shift in Sentencing Philosophy: From Indeterminacy to Determinacy**

Historically, juvenile court dispositions were to be based on the "best interests" of the child (Platt, 1977; Ryerson, 1978). Judges based their dispositions on the individual child, not the offense the child committed. Thus, sentences were indeterminate in nature since the length of rehabilitation would be different for each child. According to Forst, et al. (1985) indeterminate sentences often have a number of characteristics. First, this type of sentence involves a minimum and maximum term of confinement. A child can spend anywhere from one month to the end of his or her minority incarcerated. Second, the release date is not known until the child is incarcerated for a period of time. The release date is based on behavior rather than the offense committed. Accordingly, while one child might be convicted of aggravated assault and another of grand theft, the two children might spend the same amount of time incarcerated under an indeterminate sentencing scheme. Finally, there are no written criteria that determine when a child is to be released. It is possible that a child may not be released until he or she is deemed "rehabilitated" by a parole board or correctional staff. Although most juvenile court statutes have indeterminate sentencing schemes, many states have begun to adopt determinate/mandatory sentences or develop sentencing guidelines (Feld, 1988).

Determinate sentences are quite different from indeterminate ones (Forst et al., 1985). First, the sentencing range is fixed or narrow. Thus a child may receive a one-year sentence
under a determinate scheme. Once the year is served, the child is released. This leads to the second characteristic: the child's release date is known early in his or her period of incarceration. Finally, determinate sentences are often based on the juvenile's prior record and the offense committed rather than on the needs of the individual offender.

Presently, one-third of all juvenile court sentencing statutes include determinate or mandatory sentences or sentencing guidelines (Feld, 1988). Feld labels these types of sentences as offense-based, contrary to indeterminate sentences which he terms offender-based. According to Feld, all of these emerging types of offender-based sentences represent a significant departure from the original sentencing practices of the juvenile court. Nearly all of the states that have adopted these offense-based sentencing statutes did so in the late 1970s through 1980s: during the rise of the conservatives' agenda.

The states of Washington, New Jersey, and Texas have all adopted determinate sentencing statutes. In Texas, the state's statute allows for determinate sentences for designated felonies. A designated felony in this state includes: "murder, capital murder, aggravated kidnapping, aggravated sexual assault, deadly assault on a law enforcement officer, corrections officer, or court participant, or criminal attempt of capital murder" (Feld, insert 1988). If a juvenile is convicted of any of these offenses, he or she faces a possible determinate sentence of up to thirty years. If a lengthy sentence is imposed, the juvenile will begin serving his or her sentence at the Texas Youth Commission and then transferred to the Texas Department of Corrections at the age of majority. The state of Washington also

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2 Washington adopted determinate sentencing statues in 1977, whereas the statues were not adopted until 1982 in New Jersey and 1987 in Texas.
utilizes determinate sentences (Feld, 1988). The judge decides if a juvenile is a serious, middle, or minor offender. The sentencing guidelines, based on age, current offense, and prior record, provide a range in which the judge can sentence the offender. For example, minor offenders' sentences can range from 125 weeks to three years.

Between 1976 and 1985, Colorado, Connecticut, Delaware, Illinois, Kentucky, New York, Virginia, and Ohio adopted mandatory minimum sentencing practices (Feld, 1988). These sentences are based primarily on the offense committed and require a minimum period of incarceration. Conservatives would support this type of sentencing statute because offenders must serve time in an institution for the crime they committed in order to protect society and punish them for the crime they committed. In some states, though, the judge still retains the authority to decide whether or not to incarcerate the youth for the offense committed. Thus a judge may decide to treat the offender in the community rather than commit him or her to an institution. However, once the judge decides to commit to an institution, a statutory minimum is required; the offender will serve a minimum period of time in an institution as required by the state's statute. Additionally, in some states, for certain offenses, judges must sentence a youth for a minimum period of incarceration. Thus, in some states a judge is required to sentence offenders if they have committed certain offenses. Regardless if the judge still retains some discretion, once an offender is committed to an institution, he or she must serve a mandatory minimum sentence.

In the state of Ohio, the judge retains the decision on whether to commit an offender to the Department of Youth Services, but once the judge decides to incarcerate he or she must commit the juvenile for a minimum of six months to age 21 depending upon the
seriousness of the offense. If the juvenile is adjudicated for a third or fourth degree felony he
or she will serve a minimum of six months, whereas if he or she is adjudicated for murder, a
commitment until age 21 is required.3

The last type of offense-based sentencing scheme is administrative guidelines (Feld, 1988). In this type of sentencing, a state-sponsored agency, such as a corrections board,
determines when a juvenile will be released from an institution. Minnesota, Arizona, Georgia,
and California have all incorporated administrative guidelines into their juvenile sentencing
practices. In California, the Youth Offender Parole Board had developed categories of
offenders based on the seriousness of the crime. The most serious group of offenders will be
eligible for parole in seven years, while the least serious classification of offenders will be
eligible in less than one year.

Determinate and mandatory minimum sentence statutes and administrative guidelines
have been adopted by one third of all states (Feld, 1988). These changes in sentencing
statutes were undoubtedly influenced by a conservative agenda that began to emerge in the
mid-seventies. Conservatives supported the types of policies that would result in the
incarceration of more juveniles. By incarcerating more juveniles reductions in crime could
be achieved, along with increased levels of public safety.

Federal Changes

In addition to changes in sentencing statutes, the conservative agenda also resulted
in modifications of the Juvenile Justice and Delinquency Prevention Act of 1974. This was

3Judges are not permitted to commit misdemeanants and status offenders to DYS.
an attempt, once again, to ensure that more juveniles would be locked-up in institutions. In 1980, the Ashbrook Amendment was added to the JJDP Act. This amendment allows for the institutionalization of status offenders that have violated a court order (Sweet, 1991). Bartola and Miller (1994) have argued that this amendment has resulted in classifying status offenders as delinquent when they have committed no crime, except violating a court order. Something as minor as skipping school can result in institutionalization if the court has ordered the child to attend classes.

The National Advisory Committee for Juvenile Justice and Delinquency Prevention (NAC) has also suggested reforms in juvenile justice. This committee (NAC, 1984:9) recommended that the "federal effort in the area of juvenile delinquency should focus primarily on the serious, violent, or chronic offender" (Krisberg et al., 1986). The committee acknowledged the need to deinstitutionalize status offenders and to remove juveniles from adult jails, but, they asserted that the states and local bureaus should regulate these activities, not a federal agency.

The Department of Justice concurred with the NAC recommendation focus efforts on serious juvenile offenders and has suggested other reforms (Krisberg et al., 1986). The Department has initiated a new research agenda that includes:

1) more effective prosecution of serious and violent juvenile offenders, 2) prevention of the victimization of children, 3) reduction of school violence, 4) promoting concern for the victims of juvenile crime, and 5) restoring the concept of 'accountability' or just deserts to the juvenile justice system" (Krisberg et al., 1986:8).

These examples of change at the federal level signify a transformation in ideology—from the
liberal left to the conservative right. These changes provide examples of how the conservatives sought to reduce crime. This new research agenda wants serious violent offenders to be locked-up and for offenders to be accountable for their actions, to ensure public safety and repression of criminal activity. The shift in ideology to more conservatively-based policies was also evident in the U.S. Supreme Court Decisions of the 1980s.

**Supreme Court Decisions: A Crime Control Strategy**

The U.S. Supreme Court decisions in the 1980s also reflected the change from a liberal to a more conservative policy regarding juvenile law-breakers. Just a decade earlier, the court was concerned with the juvenile's individual rights of fairness and equity and provided due process protections to juveniles during the adjudicatory process. The Court as well as the general public were less concerned with the rights of juveniles and were now focusing their efforts on controlling juvenile crime, protecting the public, and punishing rather than treating juvenile delinquents. Thus, crime control rather than due process was the critical factor in the Supreme Court's decisions in the 1980's.

In 1984, the Supreme Court heard the case of *Schall v. Martin* 467 U.S. 260 (1984). Martin was charged with hitting another juvenile with a gun and stealing his jacket and shoes. After lying about where he lived, Martin was detained overnight before his initial appearance the next day (Albanese, 1993). After the initial appearance, he was held for an additional five days in detention before his probable cause hearing. Martin was eventually adjudicated for robbery and weapons possession, and sentenced to two years probation. Martin claimed that his Fifth and Fourteenth Amendment rights were violated by placing him in detention.
Proponents of detention argue that detention protects the juvenile and the community, especially if the juvenile is suspected to be dangerous. Opponents argued, however, that since the juvenile had not yet been adjudicated of a crime, preventive detention served as a punishment for what a juvenile might do. The Court ruled that holding a juvenile before adjudication does not violate a juvenile's due process rights and that preventive detention is not a punishment. Hence, states are permitted to hold youths in detention to protect the community and the juvenile.

In the case of *New Jersey v. T.L.O.* 105 S.Ct. 733 (1985), the Supreme Court ruled that school officials are permitted to search students on school ground without probable cause or a warrant. The case began when two girls were sent to the vice principal's office after being caught smoking in the bathroom. When the girl (T.L.O.) denied she smoked, the vice principal searched her purse. He found cigarettes and rolling papers that were used in smoking marijuana cigarettes. This prompted him to search further. He then found a pipe, money, marijuana, a list of people who owed her money, and letters that indicated she was involved in dealing marijuana. T.L.O. was subsequently adjudicated and given a year of probation. T.L.O. appealed her adjudication, claiming the evidence was obtained through an unreasonable search and seizure—a violation of the Fourteenth Amendment. The Supreme Court ruled that school officials can search students on school property if they have "reasonable grounds" to do so. Thus, probable cause was not required of school officials when searching students. "The Court recognized the needs of school officials to preserve an environment conducive to education and to secure the safety of their students" (Senna and Siegel, 1994:485).
The U.S. Supreme Court decided cases in the late 1980's that are perhaps the most radical policies of crime control—the death penalty for juveniles (Albanese, 1993). In the case of Thompson v. Oklahoma, 108 S.Ct. 2687 (1988), the Court ruled that imposing a capital punishment on a fifteen year-old was unconstitutional. However, in the cases of Stanford v. Kentucky and Wilkins v. Missouri, 109 S.Ct. 2974 (1989), the Court ruled that 16 and 17 year-olds can be executed. Hence, states can impose the death penalty for juveniles over age 15. Of the states that have death penalty statutes (N=37), twenty-two allow persons under 18 to be executed.

The cases described above illustrate the changing views on the best method to deal with juvenile crime. In Schall v. Martin, the court acknowledged that protecting the community was as important as the rights of the child (Albanese, 1993). In New Jersey v. T.L.O., the court endorsed the protection of the school over the juvenile's rights and individual needs. The two death penalty cases most clearly illustrate the conservatives' agenda to punish juveniles and hold them accountable for their actions. These cases demonstrate the conservatives', and U.S. Supreme Court's desire to extend control over juveniles. These crime control cases endorse a punishment philosophy in juvenile court in lieu of a rehabilitative one.

The rulings by the Supreme Court during the 1980s signified a fundamental change in philosophy from protecting delinquents by allocating due process rights to punishing juveniles and extending state control in order to protect the community. Remember, conservative theology is not concerned with protecting the rights of offenders, as liberals were. Rather, they wanted to protect the victims of the offender. These changes in the
juvenile court would not stop at the Supreme Court: some states would change their waiver statutes that bind juveniles over to adult court. The changes resulted in statutes that made it easier to bind over youths to adult court and to seek to eliminate judicial discretion in the process.

**Transfers to Adult Court**

All states in the union have some process by which a juvenile can be tried as an adult (Sickmund, 1994; Snyder and Sickmund, 1995). Even before the 1920s, juvenile courts in many states allowed juveniles to be transferred to adult court (Snyder and Sickmund, 1995). These cases were usually based on the juvenile's circumstances. However, since the 1970s, courts have begun to transfer youths based on their age and the offense committed. This new criteria to transfer to adult court based on age and seriousness of offense is not surprising, for it was during the 1970s that the conservatives began to launch their "get tough" approach to crime and criminals. Conservatives argued that binding over more juveniles to adult court would result in locking up more juveniles and for longer periods of time. This would ensure that the public is protected from these serious offenders.

A juvenile can be transferred to adult court in one of three ways: 1) judicial waiver; 2) concurrent jurisdiction/prosecutorial discretion; and 3) statutory exclusion. When a juvenile is bound over to adult court via a judicial waiver, the judge is the central decision-maker (Feld, 1991); however, the prosecutor or the child's parents have the ability to initiate the proceedings (Sickmund, 1994). The judge makes a decision based on the characteristics of the individual offender. The judge can bind a minor over if he or she believes the juvenile
is no longer amenable to the treatment provided by the juvenile court or if the juvenile poses a threat to the community. In many states the waiver decision is constrained by age, present offense, and prior criminal history, even though amenability to treatment must be considered. For example, Ohio allows a waiver to adult court when a juvenile has committed certain felony offenses and is at least age 15. In Montana, a 12 year-old can be waived for murder. Only Nebraska and New York do not have judicial waiver procedures.

In 1988, 7,000 delinquency cases were judicially waived to adult court. By 1992 this number had increased 68 percent to 11,700. When examining offense categories, waivers for personal offenses doubled, while drug and public order offenses nearly doubled (Sickmund, 1994). In both years, juveniles were more likely to be waived for property or personal offenses. Of the 743,600 petitioned delinquency offenses in 1992, only 1.6 percent (N=11,700) were transferred to adult court (Butts, et al., 1995). This is only a slight increase from the 1.2 percent of petitioned delinquency cases transferred to adult court in 1988 (Sickmund, 1994). Accordingly, even though the actual number of juveniles waived to adult court are increasing, they represent a very small percentage of the total number of petitioned delinquency offenses.

The second type of transfer to adult court is concurrent jurisdiction or prosecutorial discretion. Currently, 13 states have concurrent jurisdiction. In this type of transfer, "the original jurisdiction [of the juvenile case] is shared by both criminal and juvenile courts" (Sickmund, 1994:1). Thus, the prosecutor decides whether to file in juvenile or adult court. The age of the juvenile and the offense often constrain the prosecutor decision. For example, in the District of Columbia, the prosecutor can file in adult court when a 16 year-old is
charged with murder, personal offenses, or property offenses. In Wyoming, any criminal offense committed by a juvenile age 13 or older can be filed in adult court. There is some indication that concurrent jurisdiction transfers occur more frequently than judicial waivers, although national data have not been collected. For example, in 1981, one state, which has both concurrent jurisdiction and judicial waivers, filed two concurrent jurisdiction provisions for every one judicial waiver. By 1992, this ratio had increased to 6:1.

The last way a juvenile can be transferred to adult court is through statutory exclusion (Sickmund, 1994). States can exclude the juvenile court from jurisdiction based on age or offense. In eleven states, the upper age limit for being processed as a juvenile is either 15 or 16. It is estimated that 176,000 juveniles under age 18 are tried in adult court because of age exclusions from their states’ juvenile court (Sickmund, 1994). Courts can also be excluded from processing juveniles taken into custody for certain offenses. Murder and personal offenses are the most common offenses excluded from juvenile court jurisdiction; however, in Ohio juveniles can be transferred for felony offenses when they have a prior conviction for a felony. As with concurrent jurisdiction, there are no national data on the number of juveniles transferred to adult court by statutory exclusion.

The National Center for Juvenile Justice has estimated that approximately 200,000 juveniles under age 18 were transferred to adult court in 1990 (Wilson, et al., 1993). The majority (176,000) lived in states where the age limit is 15 or 16. Although these are not official transfers to adult court, they represent juveniles under 18 who are being processed in

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1 Connecticut, New York and North Carolina set the maximum age for juvenile court jurisdiction at 15, whereas Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, South Carolina, and Texas set the age limit at 16 (Sickmund, 1994).
the adult system simply because of statutory age limits of juvenile courts. In Ohio, juvenile transfers have increased from 196 cases in 1988 to 402 cases in 1992 (Office of Criminal Justice Services, 1995).

The increase in the number of transfers to adult court has been influenced by the conservative agenda. Juveniles are now being bound over to adult court based on the offense they have committed and their age, rather than on their individual circumstances. Conservatives believed that binding juveniles over to adult court would result in greater reductions in crime and higher levels of public safety. Like determinate and mandatory sentences, binding juveniles over to adult court coincided nicely with the conservative agenda: to incarcerate more juvenile offenders to ensure public safety and send a message to the offender that crime does not pay.

Incarceration Trends

The effects of the "get tough" policies set forth by conservatives are reflected in the number of juveniles incarcerated in public and private facilities (Bureau of Justice Statistics, 1989; DeComo et al., 1995; Krisberg et al., 1992). Juvenile admissions to public correctional facilities were decreasing steadily (17%) from 1975 to 1984, at which time they began increasing. Between 1984 and 1990, admissions to public juvenile facilities had increased by 30 percent (from 527,759 to 683,636). In contrast to public admissions, private admissions to correctional facilities have continually increased since 1975\(^5\). In 1975, there were 56,708

\(^5\)Between 1975 and 1990 there was only one time period (1988-1990) where a one percent decrease was documented.
admissions to private correctional facilities and by 1990 there were 139,813—representing a 147 percent increase. Changes in state sentencing statutes, from indeterminant to determinant, have undoubtedly played a role in this increasing trend to incarcerate juveniles in both private and public facilities. It was during the early 1980s that a number of states revised their statutes to include determinate or mandatory sentences or adopted sentencing guidelines (Feld, 1988).

Admissions to public detention centers also reflect the trend to incarcerate more juveniles (Bureau of Justice Statistics, 1989; DeComo et al., 1995; Krisberg et al., 1992). Admissions to public detention centers decreased 23 percent from 1975 to 1984. The OJJDP Act, which required states to remove status offenders from secure correctional facilities in order to obtain federal funding, probably contributed to this decrease. From 1982 to 1984, admissions leveled off and then increased 38 percent between 1984 and 1990 (from 404,178 to 558,563). Some of this increase can probably be attributed to the modification in the JJDP Act which now allows the secure confinement of status offenders if they violate a court order.

Admissions to private detention centers have increased dramatically between 1977 and 1990. In 1975 there were 1,996 admissions to private detention centers. By 1990 this number had increased 460 percent to 11,177. As with public detention centers, the steady increase in admissions to private detention centers may also be the result of the JJDP Act. Some have argued that states might have transferred juveniles to private facilities so they would not risk losing federal money by placing offenders in public detention centers.

By examining trends of incarceration, it seems evident that the conservative agenda had an impact on the rising number of juveniles being incarcerated. Admissions to public and
private correctional facilities have increased since 1984. Modifications in the OJJDP Act and changes in sentencing statutes undoubtedly played a role in locking-up more juveniles.

**Summary**

A "get tough" movement was launched by conservatives in reaction to the liberal policies of the 1960s and early 1970s. Their agenda was introduced in the early 1970s and progressively had an increasing impact on juvenile justice policies that followed into the 1980s. Conservatives declared that society had become too permissive with its youths and criminals. Their objective was to send a message to criminals that crime no longer pays. Since rehabilitation was deemed a failure according to conservatives, they opted for deterrence and incapacitation as new philosophies of punishments.

In the arena of juvenile justice, conservatives supported policies that would increase the number of juveniles being incarcerated. Conservatives were instrumental in many states implementing determinate and mandatory sentencing options. One-third of all states have determinate or mandatory sentencing schemes or administrative guidelines. With the addition of offense exclusion as a method for transferring to adult court, judicial discretion has been curtailed. Based on individual state statutes, youths must be transferred if they commit certain offenses or have prior felony records. These policies certainly contributed to the increase in the number of juveniles incarcerated. The success of the conservatives effort to get tough and punish juveniles is perhaps most evident in the increasing number of juveniles incarcerated in private and public facilities. Since 1984, juveniles incarcerated in public and private correctional facilities have continually increased.
CONCLUSIONS

This chapter has discussed how liberals and conservatives advanced separate strategies to reform the juvenile justice system. The main goal for liberals was to prevent juveniles from being abused by their "kindly" state parent. More specifically, liberals wanted to minimize the use of incarceration for juvenile offenders as these institutions were found to be coercive, abusive, and non-rehabilitative. The Civil Rights Movement, the political protests of the Vietnam War, and other events in which state officials demonstrated their willingness to suppress citizens through the use of violence had caused liberals to lose faith and trust in the state. The liberals sought to protect juveniles from the abusive powers of the state, thus advocating changes in policy that would reduce the number of juveniles in institutions. Liberals fought for due process right for juveniles. The U.S. Supreme Court obviously concurred with the liberals, and allocated a number of due process rights to juveniles, changed the standard of proof in juveniles courts, and required additional processes before transferring to adult court.

The liberals sought to remove juveniles from institutions. The conditions of these institutions were appalling. Inmates were routinely sexually, physically, and mentally abused. Status offenders were routinely housed with delinquent offenders. The liberals would call for the deinstitutionalization of status offenders. Landmark federal legislation (JJDP Act) passed in 1974 gave states federal funding for removing status offenders from secure detention and correctional facilities and the sight and sound separation when juveniles were housed in adult facilities. Influenced by labeling theory, as well as the events of the 1960s, liberals believed that state intervention should be minimized. Thus, diversion programs were created and in
many states a deinstitutionalization movement for delinquent juveniles took hold. Massachusetts and Utah were two of the states that participated in the movement to remove juveniles from institutions. Delinquent juveniles were decarcerated and placed into community-based treatment programs. The liberal's agenda, however, was interrupted by conservatives, who were proposing a strategy markedly different from their own.

The conservatives' agenda was also influenced by events of the 1960s which they interpreted vastly differently from their political adversaries. For those on the right, the occurrences of the 1960s signified a threat to the social order. In the realm of criminal justice, the right argued that criminals were treated too leniently. They argued that this sent a message that "crime pays." Conservatives called for reform that would hold offenders accountable for their actions and that would punish, rather than rehabilitate them. The essence of the right's strategy was to "get tough" on crime and criminals by advocating policies that would increase the number of offenders being incarcerated. Society had spent too much time protecting criminals from the system—it was time to protect victims and society from the offenders. Incarcerating offenders would also serve the conservative agenda; to achieve reductions in juvenile crime.

The "get tough" movement would extend into the area of juvenile justice. Conservatives called for the creation of determinate and mandatory sentences, and many states revised their statutes accordingly. Conservatives would also be instrumental in modifying the mission of the JJDP Act of 1974 to refocus their efforts on serious, violent offenders. Finally, conservatives supported the transfer of serious, chronic, juvenile offenders to adult courts. Methods by which juveniles were transferred to adult court would become
easier. All of these policy changes would allow conservatives to achieve their primary goal of crime reduction.

THE OHIO EXPERIENCE

This dissertation has thus far examined how liberal and conservative ideologies have impacted juvenile justice policy at a national level. The juvenile justice system in Ohio will now be discussed to determine whether Ohio has followed the national trend. The first stage of the Ohio Juvenile Justice System is when the youth actually enters the system. The judge will either rule the juvenile a delinquent or free the youth if it is determined that no crime was committed. If the youth is adjudicated for a felony, the judge has the option of committing the youth to the Department of Youth Services (i.e., incarcerating the youth) or placing the youth in a community-based program. If the judge decides to commit, the law prescribes that the youth be committed for a minimum length of time. For felony three and felony four offenses a sentence of six months is required by law. Youths convicted of felony one and felony two offenses are required to be sentenced to one year, while those youths convicted of murder are committed until age 21.

Once a youth has been committed to DYS, he or she is assigned to a particular institution though a classification scheme. Ohio current operates eight public and two private juvenile correctional institutions. A youth becomes eligible for early release after every 30 days served while in the institution. The judge determines whether the juvenile should continue their sentence or be released back to the community. If the youth is released, either through early release or expiration of sentence, he or she enters an aftercare program. An
aftercare worker assists the juvenile in reentering the community. If the conditions of aftercare are met then the juvenile is released from the Department of Youth Services.

When examining Ohio's mandatory sentencing statutes, the number of bind overs and incarceration trends, the state appears to be in sync with the national trends. As mentioned above, the state of Ohio requires mandatory minimum sentences for youth sentenced to DYS. Juvenile transfers to adult court have increased from 196 cases in 1988 to 402 cases in 1992 (Office of Criminal Justice Services, 1995). This once again suggests that a conservative ideology has emerged in Ohio. Finally, one-day counts of juveniles in public and private facilities have increased 40 percent from 3,770 in 1979 to 5,280 in 1991 (Bureau of Justice Statistics, 1989; DeComo et al., 1995; Krisberg et al., 1992). The number of public and private juvenile facilities\(^6\) have also increased from 77 in 1975 to 195 in 1985 (Bureau of Justice Statistics, 1989).

The legislature was aware of the overcrowded facilities and mandated that Ohio reduce the number of institutional beds. However, the legislature provided no guidance on how this objective should be accomplished. The administrators at DYS, who shared the concerns of the legislature, began to examine possible alternatives that would decrease Ohio's juvenile institutional populations. The process by which they discovered a possible solution is presented in detail in the following chapter. Put simply, the administrators created a program called RECLAIM Ohio.

RECLAIM Ohio would provide fiscal incentives to communities to treat juvenile

\(^{6}\)Types of facilities include: detention centers, shelters, reception or diagnostic centers, training schools, ranch/forestry camp/farms, and halfway house/group homes.

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delinquents locally. Each county would be allocated a certain amount of money based upon its prior number of felony adjudications. The counties could either develop community based programs or send juveniles to institutions. The counties, however, would be charged for every day a child is committed to a secure correctional facility. Remaining funds could be used to create new programs or to contract with private providers to render services. Thus, counties would be provided with a fiscal incentive to treat juveniles on the local level.

This program was unique in that it reflected a combination of liberal and conservative thinking. The deinstitutionalization aspect of RECLAIM would appeal to liberals. Communities would be provided funds to treat less serious offenders in the community rather than sentencing them to DYS. For conservatives, RECLAIM provided funds to continue to incarcerate serious, violent offenders. This topic will be discussed in detail in Chapter 4.

The RECLAIM initiative demonstrates how one state has stressed the importance of removing juveniles from institutions while nationally the trend appears to be toward greater use of incarceration. The following chapter will discuss the RECLAIM program in its entirety and why it has the potential to be a successful program and even serve as a model for other states who desire to reduce their juvenile institutional populations.
CHAPTER 4
THE RECLAIM OHIO PROGRAM

INTRODUCTION

Chapter 3 outlined the various attacks and subsequent reforms of the juvenile justice system. Both liberals and conservatives proposed divergent reforms to the current system of juvenile justice. Deinstitutionalization, diversion, and due process were the reforms advocated by liberals beginning in the 1960s. The thrust of the liberals' argument lay in their general mistrust of state power. Liberals contended that these policies would reduce the number of juveniles being committed to state institutions. By the mid-1970s conservatives were advocating a new agenda that would run counter to the liberals' agenda. Conservatives supported determinent, mandatory sentences, and easier policies to bind juveniles over to adult court. These policies would seek to ensure that more juveniles were institutionalized. They argued that society, particularly the criminal justice system, had become too lenient with its young people and offenders. Conservatives stressed the importance of protecting society versus protecting the rights of offenders. Serious, violent offenders must be incarcerated, they argued, so these juveniles cannot victimize innocent citizens.

The efforts of both liberals and conservatives can be deemed successful. Under the liberal reform, juveniles were allocated many due process rights, a vast number diversion programs were created, and some states, namely Massachusetts, were successful in deinstitutionalizing juvenile offenders. The conservatives' agenda can also be deemed a success. First, one-third of all states have adopted mandatory and/or determinant sentences
or sentencing guidelines. Second, the Supreme Court has rendered decisions in-line with the crime control policies of conservatives. Third, more juveniles are being bound over to adult courts. The agenda initiated by conservatives has been called the "get tough" movement. This movement remains dominant in the realm of juvenile corrections in 1995. This agenda has led to an increasing number of juveniles being incarcerated. Since the mid 1980s increases in admissions and one-day counts in public and private juvenile institutions indicate the backing of this "get tough" trend in juvenile corrections.

Although the trend to institutionalize is apparent at a national level, there are some states that are still attempting to remove juveniles from institutions during this "get tough" era; thus the hegemony of the "get tough" movement is not complete. Ohio is one state that has developed a new program, RECLAIM Ohio, that seeks to reduce institutional commitments by providing local courts with fiscal incentives to treat juveniles at the local level.

This chapter will first discuss the goals of RECLAIM Ohio and how counties are assisted in reaching these goals. Second, a discussion will ensue surrounding how and why RECLAIM Ohio was created in Ohio. How the RECLAIM program operates is then discussed. This will include how counties are allocated funds, what types of commitments they are charged for and the amount per day of commitment. The next section will discuss how RECLAIM provides a unique hybrid of existing political ideologies; how the program appeals to both liberals and conservatives. Finally, the six research questions to be addressed by this dissertation are presented.

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WHAT IS RECLAIM OHIO

In 1994, a bold new initiative was implemented in the area of juvenile corrections in Ohio. This program had the potential to alter the sentencing options available to adjudicated felony offenders. Sponsored by the Ohio Department of Youth Services, the program was called RECLAIM Ohio: Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors. The RECLAIM Ohio program allocates funds to local counties so that their courts may provide services to best meet the needs of the juvenile offenders. This means that counties have a choice. They can either commit a juvenile to DYS or treat him or her in the community. Although judges usually have a number of sentencing options available, the main decision centers around whether a juvenile requires secure custody (incarceration) or can be treated on the local level (community-based program). In the past, many counties did not have the funding available to treat juveniles on a local level. RECLAIM Ohio sought to change this reality.

One of the goals of RECLAIM Ohio is to assist counties in increasing the number of community-based options available in their area. This can include developing new programs, expanding existing programs, or purchasing services from private providers within the community. The judge can choose the options that will best meet the needs of the youths in their area. For example, a judge in County A may have a growing population of juveniles adjudicated for sex offenses. With the funds provided by RECLAIM, this judge can create a sex offender program or utilize an existing program in the community, in lieu of

7Although felony offenders are the primary target group for RECLAIM Ohio, counties are permitted to create programs for two secondary target groups: misdemeanants and unruly populations.
incarcerating these offenders. It is important to note again, however, that the judge can still decide to incarcerate the youth. The cost for this placement option will be discussed in the following section.

The second goal of RECLAIM Ohio is for the Department of Youth Services (DYS) to provide better quality care of those incarcerated. Due to the severe crowding in juvenile institutions in Ohio, this goal can only be achieved if commitments to DYS are decreased or more institutions are built. When RECLAIM was in the planning stages, the Assistant Director of DYS, Carol Rapp Zimmerman, indicated that Ohio's institutions were operating at 180 percent capacity. According to the Director of DYS, Geno Natalucci-Persichetti, institutions would be more manageable if they were reduced to design capacity. Thus this goal is intended to reduce commitments so DYS institutions are able to provide more adequate treatment to those offenders under its care.

Before discussing how the program is being implemented, it is important to discuss the impetus for RECLAIM Ohio. How did a program that seeks to reduce commitments gain legitimacy in the midst of a "get tough" era? How could such a program be marketed to the counties? Why would they want to participate? The following section first presents why RECLAIM Ohio was created. The primary architect for this program was Carol Rapp Zimmerman, the assistant Director of DYS. Her responses from an in-person interview will be discussed in detail. Second, a discussion will ensue regarding how RECLAIM Ohio incorporates both liberal and conservative elements. This unique combination of political ideologies may explain why RECLAIM has been accepted as a viable new policy for juvenile corrections.
WHY RECLAIM OHIO

The Assistant Director of the Department of Youth Services was asked in an in-person interview how she developed the idea for RECLAIM Ohio and why it was implemented. Ms. Rapp Zimmerman explained that juvenile institutions in Ohio were currently operating at 180 percent capacity. She claims that this degree of overcrowding had proven to be volatile for both staff and juveniles. While operating at this level of capacity, security and safety of staff and juveniles were compromised. The ability to provide treatment services to juveniles had also been sacrificed. She claims that no matter how qualified the staff or how good the programming, institutions that operate over 120 percent cannot run effectively.

While preparing the budget for the following year, Zimmerman realized that there was no indication that the number of juveniles incarcerated would decrease. As a result, one of two solutions was apparent. First, if the populations continued to increase, as predicted, DYS would be forced to construct more facilities. According to Zimmerman, these facilities cost 25 million to build and 8 million to operate annually. The second option was to develop an alternative. This meant having to do something different than "business as usual."

She and her staff began to examine what other states were doing. They found that a number of states were using negative incentives to reduce commitments to institutions. Courts in other states were charging counties for commitments out of their local county funds rather than providing fiscal assistance, while others were forced to share the fiscal responsibilities. She decided that a fiscally-based program was needed for this program to be supported by the counties. However, she did not want to use a negative incentive (i.e.,
making counties pay for commitments out of local budgets) to reduce commitments to DYS. She explained her idea to the interviewer by using the analogy of recycling.

Zimmerman explained that when trash recycling was introduced in her area, she supported the idea and began to participate. Unfortunately, she was not always a faithful recycler. There were weeks when she forgot or did not have time to recycle her trash. Her involvement in recycling, however, changed when the neighborhood began to charge for trash removal while recycling was free. She has since become an avid recycler.

Zimmerman began to wonder if the concept of recycling could work with juveniles as it had with trash. She first recognized the small, but not negligible success when DYS implemented the "414 Subsidy Program." This program allocated block grants to counties to provide services to adjudicated felons. She noted that 25 percent of all adjudicated felons had been sent to institutions prior to implementing 414. After the program was implemented, this number was reduced to 20 percent. She was pleased by this reduction since all 88 counties had to share in the five million dollars allocated to 414 ("chump change" according to Zimmerman). She rationalized that if counties could be given more resources, they may decide to recycle in their local community. Thus, if counties were required to pay to send juveniles to "central recycling" (i.e., to a DYS institution), they may be more inclined to "recycle locally" (i.e., with community-based alternatives).

It is important to recognize that although Zimmerman acknowledged that institutions were operating too far above capacity and that a change was needed, the state of Ohio had been told by the legislature to reduce the number of secure beds to 1,200. The legislature failed to provide, however, any suggestions as to how to decrease the number of beds
currently in use, which numbered over 2,500.

In response, Zimmerman decided to conceive the juvenile correctional system as a market. The customer would be the Ohio taxpayer (through the juvenile judge) and the product would be public safety. This radical new idea would have several steps. First, all funds currently allocated for operating institutions, programs within institutions, community corrections facilities, and money allocated to private facilities would be pooled. Second, the money would be dispersed throughout all 88 counties in Ohio. Third, the counties could use the money to buy the secure placements for offenders that previously had been provided by DYS free of charge. Fourth, the market would decide how many beds were needed, rather than the arbitrary number set by the legislature. Judges might decide that, with the funds allocated to their county, the best investment for some of their offenders was not secure confinement. In other words, they could ensure public safety (the product) by treating some kids in the community.

Zimmerman indicated that if this program were implemented and the number of juveniles incarcerated continued to increase, then DYS must seriously consider building more facilities. However, if the numbers of juveniles committed to DYS decreased then this would indicate that there are non-institutional methods by which judges believe they can ensure public safety. Thus, there would be no need to build more institutions. This program would allow DYS to determine if counties that were provided funds would continue to incarcerate or if they would find other alternatives in their local communities. Some counties may have been sentencing to DYS, because they could not afford or did not have alternatives for adjudicated felons, and, alternatively, because a commitment to DYS, at the time, was free.
RECLAIM Ohio provides fiscal incentives to local courts/counties to supervise/treat juvenile offenders in community-based programs. Judges are given the discretion of either continuing to commit juvenile offenders to DYS or utilizing the money to provide services locally.

The next section will describe exactly how the program operates. This will include a discussion of how the money is divided up among the counties, offenses for which DYS does not charge to commit, and exactly how much a commitment costs the county. The following section will describe how RECLAIM Ohio represents a compromise for both ends of the political spectrum and how this compromise may ultimately hold the key to its success.

HOW DOES RECLAIM OHIO WORK

As mentioned previously, the Department of Youth Services has pooled the funds normally allocated for operating institutions and programs, community corrections facilities, and money allocated to private facilities. In order to determine the allotment for each county, the number of felony adjudications for a two-year period (Fiscal Years 1990 and 1991) were averaged together for each county and the state as a whole. Each individual county average was then divided into the state average. This proportion was then multiplied by the amount of money pooled for RECLAIM Ohio. The result was the yearly allocation for that county. Thus, if a county had an average of 250 adjudications, while the total number in the state was 10,000, that county would receive $100,000 (5.0%) of the total budget of two million. The

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As of calendar year, 1996, four years will be used to obtain an average number of adjudications.
mathematics have been shown below.

<table>
<thead>
<tr>
<th>FY Felony Adjudications</th>
<th>County A</th>
<th>Statewide Adjudications</th>
</tr>
</thead>
<tbody>
<tr>
<td>1991</td>
<td>600</td>
<td>9,000</td>
</tr>
<tr>
<td>1992</td>
<td>400</td>
<td>11,000</td>
</tr>
<tr>
<td>500</td>
<td></td>
<td>10,000</td>
</tr>
</tbody>
</table>

\[
\frac{500}{10,000} = 0.05
\]

Funds available: $2,000,000  
County A: \(0.05\%\)  
Yearly Allocation: $100,000

This yearly allocation is divided over a twelve-month period. The county will receive a check each month after commitments to DYS and to community correctional facilities have been subtracted. Counties are charged 75 percent of the per diem (e.g., the fiscal charge per day of) for committing a child to the Department of Youth Services. That is, each day a youth is kept in the secure care of DYS, that county is charged 75 percent ($73.98) of the total per diem cost ($98.64).

Counties are debited 50 percent for each day a youth is committed to a community corrections facility.\(^9\) There are eleven community corrections facilities located throughout the state. These facilities are designed as a "last chance" intermediate sanction before a youth is sent to DYS. These facilities are located closer to a youth's home so families can visit more easily and the youth can stay in closer contact with the court.

\(^9\)During the pilot phase of RECLAIM Ohio, counties were charged 75\% of the per diem. As of Fiscal Year 1996 (beginning July 1, 1995) counties are now only debited 50\%. This reduction is designed to serve as an incentive for counties to send a youth to a community corrections facility rather than committing to a DYS facility.
There are certain instances when counties are not charged for commitments to DYS. First, counties are not charged for commitments to DYS or community corrections facilities when a juvenile is adjudicated for murder, aggravated murder, or rape. Juveniles who commit these offenses are viewed as a threat to public safety and can be committed free of charge. Second, counties are not charged for youths already sentenced to a DYS facility that receive administrative time added on to their sentence for committing an offense that would be a felony (e.g., escape).\textsuperscript{10} Third, counties that account for less than one-tenth of one percent of all felony adjudications are not charged for either type of commitment.\textsuperscript{11} The reasoning was that these counties receive such a small allotment that one commitment could deplete their entire allocation so that no community-based alternatives could be utilized.

Finally, if counties commit more youths than their allotment allows (e.g., receive negative dollars), they will not be charged for the excess at the end of the year. A contingency fund has been established to cover expenses by counties that utilize funds beyond their allocation. Thus, if a county is "in the hole" $50,000, the contingency fund, not the local community, will pay the cost for these additional commitments at the end of the year. On the other hand, counties that have funds left over at the end of the year are not required to return the remaining money back to DYS.

\textsuperscript{10}This is a new policy that began Fiscal Year 1996. During the pilot year the counties were charged for all administrative time added on to original sentences.

\textsuperscript{11}None of these counties were involved during the pilot year of RECLAIM Ohio.
THE RECLAIM PROGRAM:
A UNIQUE HYBRID OF EXISTING IDEOLOGIES

Although the impetus for creating RECLAIM Ohio and how the program operates are important issues to discuss, the time period in which this program is being proposed is also of crucial importance. Chapter 2 has already presented in detail the liberal and conservative agendas set forth to reform juvenile corrections. This chapter concluded by recognizing that society is still in the midst of a "get tough" movement generated by conservatives over a decade ago. Even though this movement to incarcerate more juveniles has been apparent at a national level, the state of Ohio has proposed a radical new program that seeks to remove juveniles from institutions and treat them locally. How can such a program that runs contrary to current trends be marketable? The answer lies in the unique compromise RECLAIM Ohio promises to both political ideologies. RECLAIM Ohio is a unique hybrid program that contains elements from both liberal and conservative agendas from the 1960s and onward.

For the liberals, RECLAIM Ohio supports community-based treatment programs for non-violent offenders in lieu of committing them to institutions. Liberals have been advocating for the removal of juveniles from institutions since the 1960s, having documented the brutal, inhumane conditions in these facilities. RECLAIM Ohio, however, is not a movement to deinstitutionalize all youths, as Jerome Miller did in Massachusetts. Indeed, Geno Natalucci-Persichetti, Director of DYS, has remarked in an in-person interview that the ultimate goal is not to close down facilities, but rather to have them operating at design capacity. Thus, the movement seeks to deinstitutionalize those that can be treated locally and
to incarcerate those who are likely to be a serious risk to the community.

Having determined whether incarceration or local alternatives are appropriate, RECLAIM Ohio supports rehabilitating both types of offenders. Indeed, one of the goals of RECLAIM is to improve the ability to treat offenders committed to DYS. The Department of Youth Services wants to provide quality care to the juveniles admitted to their custody. Rehabilitation is also supported at the community level by providing funds to counties to treat juveniles locally.

RECLAIM Ohio also reaffirms one of the original goals of the juvenile court. Namely, the judges are permitted a great deal of discretion to determine what type of service best meets the need of the individual offender. Carol Rapp Zimmerman indicated that when RECLAIM was in the planning stages, she wanted to find a program that did not take away the judges' discretion. She wanted judges to have the power to determine what types of juveniles were most appropriate for incarceration in their area. For example in some counties, incarceration may be most appropriate for robbers; in other counties incarceration may be more appropriate for arsonists. In any case, RECLAIM Ohio gives the judge a variety of sentencing options to meet the individual needs of each juvenile offender.

RECLAIM Ohio also reflects some conservative philosophies. Perhaps most important to conservatives is that RECLAIM Ohio allows judges to incarcerate serious, violent offenders. Since their movement began in the mid-1970s, conservatives have been concerned with punishing offenders and protecting the public. This program empowers judges to remain tough on crime and to secure public safety. RECLAIM provides commitments free of charge for three very serious offenses: murder, aggravated murder, and
rape. Additionally, RECLAIM allows judges to exceed their monthly allotment and commit as many kids they believe necessary with no fiscal penalty. As mentioned previously, a contingency fund has been established to address this issue.

RECLAIM is also an attractive program to conservatives because it allows for a decentralization of power. The counties are given an allotment, and then judges decide how many juveniles need to be committed and how many should stay in the community. There is no centralized bureaucracy dictating the juveniles that can be committed and those who cannot. Counties decide locally how to best spend their RECLAIM dollars.

RECLAIM Ohio is not a pure "get tough" approach, nor a movement to deinstitutionalize all offenders. This program is a unique program that incorporates elements from both political ideologies. Non-violent offenders can be treated in the community, while violent offenders are incapacitated. Thus, the program allows for rehabilitation and incapacitation. Rehabilitation is supported for juveniles in both community-based programs and while committed to DYS institutions; incapacitation ensures that serious, violent offenders are not a present threat to public safety.

RESEARCH QUESTIONS

RECLAIM Ohio was implemented on a pilot basis beginning in January, 1994. Nine pilot counties were selected to participate. The purpose of this dissertation is to evaluate the pilot year of RECLAIM Ohio. A total of six research questions will be addressed. The most important to be addressed is whether RECLAIM Ohio was successful in meeting its two main goals: reducing commitments and increasing community-based options to treat offenders
locally. Thus, the first research question addressed will be: Was RECLAIM Ohio successful in reducing commitments to The Department of Youth Services? Although the actual goal seeks to improve the quality of care provided by DYS facilities, both the Director and Assistant Director of DYS have further clarified that the issue involves reducing commitments so that institutions are able to operate at design capacity. The reduction in commitments, they argue, will allow DYS to provide higher quality treatment to those juveniles under its care.

In further examination of commitments, the felony level of offenders that were committed in 1994 will be examined. The importance of examining felony level lies in the issue of public safety. As mentioned previously, conservatives want serious offenders to be incapacitated while liberals want to deinstitutionalize less serious offenders. The data will indicate whether counties are committing juveniles adjudicated for serious felony offenses (Felony 1 and 2) or for less serious offenses (Felony 3 and 4). Therefore, research question two is: What level of felony offenders are being committed to DYS since RECLAIM Ohio was implemented?

If the data indicate that commitments have decreased, then possible extraneous factors that could have influenced this decrease in commitments will be examined. Specifically, the number of juveniles bound over to adult court will be examined both prior to and after the implementation of RECLAIM Ohio. Research question three states: Since RECLAIM Ohio was implemented, are counties more likely to bind juveniles over to adult court? If transfers to adult court have increased, then reasons for this increase must be probed further. For example, are courts more likely to bind over to avoid paying for a commitment or are they encountering more serious juvenile offenders?
In a related issue, the Director of DYS had voiced concern that commitments may remain unchanged, but that, the length of stay may decrease. In other words, counties may continue to commit offenders, but release them back into the community before their minimum sentence has expired. Mr. Natalucci-Persichetti contends that any institutional commitments can have detrimental consequences. He would rather a child never be committed because even a short commitment can have negative effects on the juvenile. Thus, the fourth research question is: Were judges more likely to early release offenders during the pilot phase of RECLAIM Ohio? For the counties, the issue may once again be cost. The judges may want to commit the juvenile for reasons of either necessity or to teach the child a lesson and then release them to avoid paying the per diem or replace that child with a more serious offender.

The second main area of evaluation includes determining whether the second goal of RECLAIM Ohio was achieved. The fifth research question asks: What were the range of community-based programs to treat juveniles in their local communities? Answering this question includes first determining how the pilot counties used their RECLAIM dollars (i.e., did the counties create new programs, expand existing ones, and/or purchase services from local private vendors?). The data will also ascertain to what extent RECLAIM Ohio programs are serving the primary (felons) and secondary (misdemeanants and unruly populations) target groups. The number and types of youths served through RECLAIM programs from each county will also be examined.

A final issue in need of examination is whether this new reform—RECLAIM Ohio—has received widespread support. According to Rothman (1980) the original juvenile court was
a successful reform because it received support from a variety of officials in the criminal justice system. Judges, district attorneys, and various philanthropic organizations all supported the creation of the juvenile court. Rothman notes, however, that they endorsed the court not just for its theoretical principles—"conscience"—but for "convenience": the court allowed these criminal justice officials and interest groups to meet their needs or make their work easier. For example, district attorneys were able to reduce their workload. In the past, they had to bring many cases to the grand jury, only to have them turned down for trial because the members feared the punishments they might receive as adults. In the same vein, support for RECLAIM may be contingent on whether the program achieves both conscience and convenience.

The legislature and the Department of Youth Services have already demonstrated their support for the RECLAIM program. However, the support from local counties, who are ultimately responsible for its implementation, has yet to be determined. Thus, research question six becomes: Is there support for RECLAIM Ohio at the county level?

CONCLUSIONS

This chapter has described RECLAIM Ohio, an innovative reform in juvenile corrections that seeks to reduce commitments to state facilities in the midst of a "get tough" era. Counties are provided fiscal incentives to treat offenders within their community. The need to reduce institutional populations from their current overcrowded state to design capacity provided the impetus for this innovative program. What is perhaps the most unique component of RECLAIM Ohio, is the blend of conservative and liberal ideology. RECLAIM
allows serious offenders to be institutionalized, while permitting less serious offenders to be treated in a community setting.

Six research questions have been set forth in this chapter. The evaluation of RECLAIM Ohio will be centered on the pilot year of the program in which nine counties were selected to participate. Both qualitative and quantitative data have been collected to address the seven research questions. Chapter 5 will describe the data set and the methods by which the research question will be answered.
CHAPTER 5
METHODS

INTRODUCTION

The purpose of this chapter is to describe the data sources and methods by which the evaluation of the pilot phase of the RECLAIM Ohio program was conducted. This chapter begins by describing the sample used to evaluate the pilot phase of RECLAIM Ohio. Second, the two sources of data—qualitative and quantitative—are described. Third, the six research questions are restated along with the methods by which each will be answered. Finally, some important limitations of the data are presented prior to the presentation of the results in Chapter 6.

SAMPLE

In 1993, the Department of Youth Services sent out a Request For Proposals to counties in Ohio to elicit participation in the pilot phase of a new program—RECLAIM OHIO. The pilot phase would allow selected counties to begin the RECLAIM program one year before it became state-wide in January, 1995. DYS received proposals from approximately half of the 88 Ohio counties. The legislature required that DYS select at least one rural, one small, one medium, and one large county to participate in the pilot year. After this requirement was met, DYS could choose any remaining counties for participation.

DYS was able to create the distinctions on county size (i.e., what determined a small versus a rural county). Those counties that had a population below 35,000 were considered
rural. Counties with populations greater than 35,000, but less than 54,930 were considered small. Medium counties had populations greater than 54,930 and had less than 500 persons per square mile. Urban counties had one or more urban centers and greater than 500 persons per square mile.

A total of nine counties were selected for the pilot phase of the RECLAIM Ohio program. A committee, formed by the Subsidy Unit of DYS, was responsible for reviewing the proposals and selecting the counties. The committee made the decisions based on a number of criteria.

First, their decisions were confined to the amount of money available. The committee decided to select as many counties as possible within the constraints of the budget. This resulted in more smaller, rural counties being chosen to participate. Second, counties that designed programs for females or minorities were given special consideration. Third, counties were selected based upon their projected decrease in commitments. Those counties that could project decreases in commitments rates were given careful consideration. Based on these criteria, the committee chose nine counties to participate. The rural counties chosen by DYS were: Gallia, Hocking, and Van Wert. Delaware, Erie, and Mercer were the small counties chosen. Clermont and Licking were selected as medium-size counties, while Summit remained the only urban county chosen.\(^{12}\)

\(^{12}\)Summit County includes the city of Akron.
DATA COLLECTION

Before discussing how each research question will be addressed, the types of data used will be described. Both quantitative and qualitative data sources will be used in this evaluation of the pilot phase of RECLAIM Ohio. It is important to note that the University of Cincinnati was awarded a grant to evaluate the RECLAIM Ohio program during the pilot year. The University was asked to address ten specific research questions for the initial evaluation of the pilot program. This dissertation focuses on similar questions, but not as many questions as specified in the original proposal. This dissertation also used the quantitative and qualitative data collected during the evaluation. Additional information was also provided by DYS during the dissertation process.

Quantitative Data

The quantitative data were collected primarily from the Department of Youth Services. DYS required each pilot county to submit three types of reporting forms. The first was the Monthly Statistical Report of Youth Adjudicated for Felony Offenses. As the title implies, each county must submit this form to DYS on a monthly basis. For each juvenile convicted of a felony offense, the form contains basic demographic information, current offense data, disposition, and, if applicable, the date of admission to DYS. This form also asks the counties to report the number of youths transferred to adult court during the month.

The second form the counties are required to submit to DYS is the Youth Tracking Form. This form is divided into three sections. The first section asks counties for basic
demographics, criminal history, current offense data, and the type of program(s) assigned to each juvenile treated with RECLAIM Ohio funds. In part two, counties report the date on which each youth was terminated from his or her assigned RECLAIM program(s) and a statement of the reason for termination (i.e., successful, unsuccessful). The final section requires counties to provide a three-month follow-up information (e.g., new arrest or conviction, committed to DYS) after a youth is terminated from the RECLAIM program(s).

The final reporting form is the Monthly Summary Report. In this form, counties report the number of new youths and those carried over from the previous month being served by RECLAIM programs. The form also asks counties to provide the number of youths terminated from each program and the reason for the termination. This form examines the number of youths being served by each RECLAIM program in each county; it does not provide information on specific youths.

The pilot counties were required to submit these three forms by the tenth of each month to the Department of Youth Services Subsidy Unit. The monthly allocations were released only when all forms were received by the Subsidy Unit. Thus, if a county did not submit the forms, their check was held until they completed them. The three reporting forms were entered into a computerized database by the Subsidy Unit staff. The forms are presented in the Appendix A.

A number of other quantitative data were provided to the study by DYS. The Subsidy Unit provided felony adjudications and commitments from other Ohio counties for past years.

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13Programs vary depending on the county. Some common programs are: day treatment, wrap-around services, family preservation, and out-of-home placement.
The felony level of the commitments and revocation data were also made available. The monthly allocation disbursements for each county were furnished by the Department's Management Information System. All these data were provided during the evaluation phase of the project.

During the dissertation phase additional quantitative information was collected by DYS. Admission and release dates from DYS institutions for the pilot and nonpilot counties for 1993 and 1994 were provided. In addition, the number of monthly commitments to DYS facilities and commitments by felony level for the matched nonpilot counties for 1993 and 1994 were also provided by DYS.

A number of counties supplied additional information for the evaluation study that was used in this dissertation. They reported the number of youths bound over to adult court from 1989 to 1993. The majority of counties reported the information. Only one county could provide no information, while two counties had only 1991-1994 data available. For the dissertation only data from 1991-1994 was used since eight out of the nine counties had this bind over information for these years.

Qualitative Data

A structured questionnaire was used to gather the qualitative data to address some of this dissertation's research questions. The questionnaire was developed by the University of Cincinnati staff. The instrument was divided into six main areas: case processing, programming, funding, satisfaction with RECLAIM. The structured questionnaire is located in Appendix B.
The case processing section asked respondents about early release mechanisms in their court and bind overs. The programming area inquired about the programs offered to RECLAIM youths. In the funding section, respondents were asked about the funding formula, how much they have been able to expand their services, and whether the amount of money they received was what they expected. In the final area, satisfaction with RECLAIM, respondents were asked what they liked most and least about RECLAIM, what they would like to change, their level of satisfaction with being a pilot county, whether they believe the goals of RECLAIM are achievable, and steps they have taken to explain RECLAIM to the public.

After a draft of the questionnaire was completed by the research team, it was reviewed by DYS and revisions were made. Revisions included asking additional questions or re-ordering questions so that they would be clearly understood. The instrument was pre-tested in Clermont County due to its proximity to the University of Cincinnati. The pre-test was conducted to ensure that all questions were clear and understandable. Following the pre-test, minor changes were made, and interviews were scheduled.

A judgement sample was the method used to determine who should be interviewed in each county. This type of sample involves selecting those persons who seem likely to be most knowledgeable about the subject of interest—in this case, RECLAIM Ohio. Each county had a RECLAIM contact, who was responsible for the implementation of RECLAIM in his or her county. In each county, the evaluation team interviewed the judges, chief probation officer, and the RECLAIM contact. The evaluators then asked the RECLAIM contact if there were any other court employees who were involved with RECLAIM that should be
interviewed. The various other positions interviewed throughout the pilot counties were: referees, probation officers (regular and intensive), intake officers/specialists, a Superintendent of Detention, and a Deputy Director of Juvenile Court. The RECLAIM contacts scheduled the interviews in their own counties. A total of 34 persons were interviewed over the nine counties.

Interviews began on March 23, 1995 and were completed on April 5, 1995. A total of three persons were involved in the interviewing process, although two interviewers conducted nearly all of the interviews. Interviews were often tape recorded, especially during the first week, to ensure accurate recording of responses. Follow-up interviews were conducted by telephone on April 12th and 13th for those who were sick or otherwise unable to be interviewed on the day the interviewers visited that county. RECLAIM Ohio contacts were also contacted by phone throughout the original evaluation to obtain additional information (e.g., bind over information) and to clarify various issues (e.g., program changes). All responses were typed into a database.

RESEARCH QUESTIONS

This section of Chapter Five will restate each research question and provide the methods and data to be used to assess each question.

Research Question #1: Was RECLAIM Ohio successful in reducing commitments to The Department of Youth Services?

In order to address this question, each of the nine pilot counties were first matched

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to nine nonpilot counties. The counties were matched on population density, proportion African-American, crime rate\textsuperscript{14}, and geographical proximity to one another. The process of matching allowed a better comparison of commitments than by comparing all pilot counties to the remaining statewide counties. By matching, the effect of RECLAIM can be more clearly isolated since the counties are already similar on a number of key factors which could influence the number of commitments to DYS facilities. Each of the matching factors that the counties were matched on have been found to influence criminal activity. These counties served as a comparison group to the pilot counties\textsuperscript{15}. The matches are listed below.

<table>
<thead>
<tr>
<th>Pilot County</th>
<th>Nonpilot County Match</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hocking</td>
<td>Wyandot</td>
</tr>
<tr>
<td>Gallia</td>
<td>Jackson</td>
</tr>
<tr>
<td>VanWert</td>
<td>Champaign</td>
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<tr>
<td>Mercer</td>
<td>Williams</td>
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<tr>
<td>Delaware</td>
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<td>Licking</td>
<td>Wayne</td>
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<td>Erie</td>
<td>Richland</td>
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<tr>
<td>Clermont</td>
<td>Greene</td>
</tr>
<tr>
<td>Summit</td>
<td>Montgomery</td>
</tr>
</tbody>
</table>

\textsuperscript{14} 1990 UCR data was used as the measure for the crime rate.

\textsuperscript{15} The counties were not matched when the University of Cincinnati conducted the evaluation.
Data provided by the Department of Youth Services Subsidy Unit was used to answer Question 1. The number of felony commitments to DYS for the years 1993 and 1994 for all pilot and matched non-pilot counties in Ohio was provided by the Subsidy Unit. It is important to note that commitments to DYS are continent upon the number of juveniles adjudicated for felony offenses. A county may have experienced an increase or decrease in commitments because they adjudicated more or less juveniles of felony offenses during that year. Adjudication data was only available from 1993 and 1994. These data cover the year prior to the implementation of RECLAIM and the pilot year.

The proportion of felony offenders committed to a DYS institution were calculated for 1993 and 1994 for the pilot and matched nonpilot counties. These proportions were then used to conduct a difference of differences of proportions test. This test would compare the differences in the proportion of commitments for the pilot and nonpilot counties in 1993 and compare the same proportions for 1994. The test will determine if there were greater differences in the proportion of commitments between the pilots and nonpilots in 1994 (when RECLAIM was implemented) than in 1993 (when RECLAIM was not in effect). The difference of differences of proportions test will control for these changes over time.

**Research Question #2: What level of felony offenders are now being committed to DYS since RECLAIM Ohio was implemented?**

This question was answered in a way similar to the previous research question. Data furnished by the Subsidy Unit was once again used to address this question. Commitments to DYS institutions by felony level were examined for all pilot and nonpilot counties for 1993
and 1994.

First, the proportion of commitments to DYS for each felony level were calculated. A difference of differences of proportion test was then conducted to determine if the proportion of juveniles committed for all felony levels were significantly different between the pilot and nonpilot matched counties between 1993 and 1994. The difference of differences of proportions test was chosen because it controls for changes over time.

**Research Question #3: Since RECLAIM Ohio was implemented, are counties more likely to bind juveniles over to adult court?**

Given that RECLAIM Ohio is a fiscally based program, possible ways that counties can avoid paying for certain juveniles were explored. One such way to avoid the cost of sentencing juveniles to DYS is for a county to transfer certain juveniles to adult court.

The number of transfers to adult courts was collected from the individual pilot counties when the interviews were conducted.\(^{16}\) Data were available from 1991-1994. A difference of proportions test was then conducted for the pilot counties between 1993 and 1994 to determine if there was a significant change in the number of bind overs since RECLAIM was implemented in 1994.

In addition to examining the raw numbers, respondents were asked in the structured interview if they foresaw any increase in cases bound over to adult court in the future. If the court representative responded affirmatively, then the interviewer asked them to explain why they would expect a change.

\(^{16}\) Bind over data was not available from the nonpilot counties.
**Research Question #4: Were judges likely to early release offenders during the pilot phase of RECLAIM Ohio?**

This question was addressed by using responses from the structured interview and data provided by the DYS Subsidy Unit. Interviewees were asked if they perceived any changes in the number of early releases since RECLAIM was implemented and if they expected any future changes. Early release is another fiscal issue with RECLAIM. Counties may want to send a message to a juvenile by sentencing him or her to a DYS institution. However, the judge may be more inclined to release the juvenile early to save money.

The data provided by DYS was used to examine the reason juveniles were released from a DYS institution. Nearly all juveniles who were released from a DYS institution fell into two main categories—they were either released before their minimum time was served or after their minimum sentence had expired. A chi square analysis was conducted using method of release (i.e., early related or served minimum time) and year (1993 and 1994) for each felony level and then by type of offense. These analyses will indicate whether judges are more likely to early release certain felony offenders or certain offense categories since RECLAIM was implemented in 1994.

Admission and release dates for all juveniles incarcerated in DYS institutions were then examined for 1993 and 1994. The DYS Subsidy Unit provided these data. The length of time served was calculated in number of months for each juvenile who was in a DYS facility during this time period. T-tests were conducted for each felony level and type of offense to determine if amount of time spent in an institution had significantly changed since RECLAIM Ohio was implemented.
**Research Question #5: To what extent were the pilot counties able to provide community-based alternatives to treat juveniles in their local communities?**

This question addresses the second main goal of RECLAIM—to increase community-based alternatives for juveniles. This question was answered by using qualitative data. First, the structured interview asked respondents the following questions: 1) How do you think RECLAIM has effected the sentencing options available in your court? 2) Did you use RECLAIM dollars to expand the court or expand private providers? 3) Has the amount of money received from RECLAIM Ohio been less than/more than/or about the same as what you expected? And 4) Given the funding you have received, how much have you been able to expand your services?

Within this discussion, each county’s RECLAIM program(s) are discussed. New programs created with RECLAIM dollars, expansion of existing programs, and contracts with private service providers is presented for each county. These data were supplied by both DYS and obtained through interviews. The amount of money each county was allocated and the percentage they retained for local programming is presented.

**Research Question #6: Is there support for RECLAIM Ohio at the county level?**

Responses from the structured interview were used to answer this question. Respondents were asked why they volunteered to be a pilot site for RECLAIM, what they liked most about being a pilot site, what they liked most about the RECLAIM program, and if they believed that the goals of RECLAIM—to reduce commitments and increase community-based alternatives—were actually achievable.
In addition to what respondents liked most about RECLAIM, they were asked about which aspects of RECLAIM were considered unsatisfactory, what they would like to change, and what types of technical assistance would help them. Issues of dissatisfaction are important because the level of support may decline if these issues are not addressed.

LIMITATIONS

This evaluation considers only nine counties in Ohio: only one of which is considered urban. The remaining counties are either medium, small, or rural counties. Analyzing only nine counties makes it difficult to assess the full impact of the program on being able to reduce commitments and create programs across the state of Ohio. The generalizability of the results is most limited by the fact that the three largest counties in Ohio--Cuyahoga, Hamilton, and Franklin--were not included as part of the pilot study.

Even though the evaluation is restricted to nine counties, the results will be able to indicate whether, in this era of "get tough" corrections, it is even possible to reduce commitments to state institutions. The evaluation will also examine the extent to which different-sized counties were able to provide community-based services based on the funds received. Thus, the evaluation will indicate if small to large-sized counties are all able to create programs with their range of funds.

Another limitation of this study is that the program was only in effect for one year. Data collection instruments and the intricacies of the program are still being modified. For example, DYS no longer requires the county who commits a youth to pay for the youth, regardless if he or she lives in that judge's county. In the past, a neighboring county could
commit a youth to DYS and the county in which the youth lived would be required to pay for the commitment. These and other policy changes may affect the number of commitments to DYS in the future. Similarly, having only one year of data prevents the researcher from establishing any trends in commitments over time. Once again, however, evidence from the pilot year can indicate if it is possible for counties to reduce their commitments to DYS and treat juveniles locally.

CONCLUSIONS

This chapter has discussed the research methods for this dissertation. First, the selection of the nine pilot counties was discussed. Second, the qualitative and quantitative data sets were reviewed. The six research questions were then presented along with the specific data that will be used to analyze each one. Chapter 6 will present the findings for the research questions presented in this chapter.
CHAPTER 6
RESULTS

INTRODUCTION

This chapter will present the results of the six research questions. Each question will be restated and the findings will be presented. Following this presentation of results will be a summary of the main findings.

RESEARCH QUESTION #1: Was RECLAIM Ohio successful in reducing commitments to the Department of Youth Services?

Figures 1 and 2 present commitments to DYS for the pilot counties from 1990 to 1994. Figure 1 shows the trends in the number of admissions to DYS for eight of the pilot counties from 1990 to 1994. Figure 2 shows the trends in the number of admissions to DYS for Summit and the overall pilot county total. Gallia, Van Wert, and Delaware counties were all experiencing an increase in commitments to DYS since 1991 and Licking and Summit since 1992. Commitments to DYS in Clermont, Erie, and Mercer, Counties had already been declining since 1992.

Figure 3 presents the number of commitments to DYS for the pilot and matched nonpilot counties from 1990 to 1994. The pilots and non-pilots follow a similar trend between 1990 and 1993. Both groups increased commitments in 1992, decreased in 1992, and then slightly increased in 1993. However, in 1994, when RECLAIM Ohio was implemented, the number of commitments increased in the nonpilot counties by 23 percent. For the pilot
Figure 1.
Admissions to DYS for 8 Pilot Counties

[Graph showing admissions over years for different counties with markers and years on the x-axis.]
Figure 2.
Admissions to DYS for Summit County and Pilot County Totals

Admissions

Year


0 100 200 300 400

Summit
Total
Figure 3.
Pilot and Matched Nonpilot Admissions to DYS

Admissions

Year


Pilot
Nonpilot
counties commitments decreased by 42 percent during that same year.

The proportion of commitments to DYS were compared between the pilot and matched nonpilot counties for 1993 and 1994. These proportions were calculated by dividing the number of felony adjudications by the number of commitments to DYS for each year. For the pilot counties the proportion of commitments to DYS decreased from .2344 in 1993 to .134 in 1994. The nonpilot counties remained relatively unchanged from .2612 in 1993 to .2766 in 1994.

A difference of differences of proportion test was calculated to determine if the differences in the proportion of commitments to DYS between the pilot and nonpilot counties were greater in 1994 than in 1993. The test yielded a z value of .4189. Although the pilot counties were able to reduce their commitments to DYS in 1994, these differences were not statistically significant. An explanation for this insignificant finding will be discussed in Chapter 7 after an examination of these same data by felony level.

**RESEARCH QUESTION #2: What level of felony offenders are now being committed to DYS since RECLAIM Ohio was implemented?**

Figure 4 presents DYS commitments to DYS by felony level from 1990 to 1994 for the pilot counties. Commitments for first and second degree felonies have remained relatively stable from 1990-1994. Commitments for third and fourth degree felonies have changed between 1990 and 1993. However, in 1994 the change was dramatic. Juveniles sentenced to DYS for third degree felonies decreased by 48 percent between 1993 and 1994, while commitments for fourth degree felonies decreased by 59 percent. These data would suggest
Figure 4.
Pilot County Admissions to DYS by Felony Level
that the pilot counties are diverting less serious felony offenders from juvenile institutions.

Figure 5 presents the number of admissions to DYS by felony level for the nonpilot counties. Like the pilot counties, the number of admissions for Felony 1 offenses have remained relatively stable from 1990 to 1994. Admissions for Felony 2 offenses were relatively stable from 1990 to 1993 and then markedly increased in 1994. Admissions for Felony 3 offenses increased between 1990-1992, leveled off in 1993 and then slightly decreased in 1994. Admission for Felony 4 offenses decreased in 1992 and have continually increased since that time.

In order to determine if the changes in felony offenders sentenced to DYS between the pilot and matched nonpilot counties were significant, a difference of differences of proportions test was conducted. From 1993 to 1994, the pilot counties significantly increased the proportion of commitments for Felony 1 offenses when compared to the nonpilot counties. The z-score yielded a value of 3.008, which was significant at the .05 probability level.

Although the proportion of Felony 1 offenders from the pilot counties were increasing in DYS institutions, the pilot counties also were able to significantly decrease the number of commitments for Felony 4 offenses when compared to the nonpilot counties. The z-score value obtained from the difference of differences of proportions test was -2.26 and was significant at the .05 probability level. Finally, there were no significant differences in the proportion of Felony 2 and Felony 3 offenders sentenced to DYS between the pilot and nonpilot counties between 1993 and 1994.
Figure 5.
Nonpilot County Admissions to DYS by Felony Level

![Graph](image_url)

- Felony 1
- Felony 2
- Felony 3
- Felony 4
RESEARCH QUESTION #3: Since RECLAIM Ohio was implemented, are counties more likely to bind juveniles over to adult court?

Transferring a juvenile to adult court would relieve a county from having to bear the cost of incarcerating the juvenile. Figure 6 presents the number of juveniles transferred to adult court between 1991 and 1994 for the pilot counties.\(^{17}\) Bind overs to adult court had increased in 1992, leveled off in 1993, and then dramatically increased in 1994. The number of transfers to adult court increased by 89 percent. Although this percentage is markedly higher, the actual change was from 18 in 1993 to 34 in 1994. Summit County was responsible for the majority of the juveniles bound over to adult court. However, Summit County has been steadily binding over more juveniles to adult court since 1992. The increase did not begin with the implementation of RECLAIM.

A difference of proportions test was conducted to determine if the change in the number of bind overs was significant between 1993 and 1994. The test yielded a z value of .28. Although there was an increased in the number of juveniles transferred to adult court, these differences were not statistically significant.

In order to gain more insight on bind overs, respondents were asked during the interviews to indicate whether they had seen a change in the number of bind overs in their county between 1993 and 1994. For those counties who reported a change, only one county attributed the change in bind overs to RECLAIM Ohio. When asked if they could foresee any future increases in the number of cases transferred to adult court, six counties expected no future increase. Three persons from three different counties, however, responded "Yes" or

\(^{17}\) The number of transfers to adult court was not available for the nonpilot counties.
Figure 6.
Annual Number of Pilot County Youths Bound Over to Adult Court

bind overs

Year

15 20 25 30 35 40

1994

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"Possibly." All three made reference to cost as the incentive to bind over in the future.

**RESEARCH QUESTION #4: Were the judges more likely to early release juveniles during the pilot phase of RECLAIM Ohio?**

The data used to answer this question was provided by the DYS Subsidy Unit. The Subsidy Unit provided admission and release dates, current offense, felony level of current offense, and reason for release for all offenders sent to a DYS facility in 1993 and 1994. These data were used to determine if certain felony offenders and youths adjudicated for specific types of offenses were more likely to be early released since RECLAIM Ohio was implemented.

Youths can be released from a DYS institution for the following four reasons: early release, minimum time served, discharged, or to be placed in CBOP (Community Based Option Program). If youths are given an early release, they are removed from an institution before their minimum time has been served. Thus, if a juvenile is given a six month sentence and are released at four months to aftercare, he or she has been early released. Parents, the youth, or the court can request an early release. Youths can also be released after their minimum time has been served. These youths serve their entire minimum sentence and are then released. Youths can be discharged if a court rescinds or vacates an order or if they are transferred to adult jurisdiction. Lastly, youths can be sent to CBOP approximately 90 days before they are scheduled to be released from an institution. This program prepares youths for reintegration into society.

Reason for release from a DYS institution was first examined by felony level to
determine if youths were more likely to be early released since RECLAIM Ohio began in 1994. Felony level served as a proxy for the seriousness of the crime committed. Although there are better ways to examine seriousness of the crime, such as harm to the victim and whether a weapon was used, individual case records were not available for these analyses. Thus, felony level served as a crude measure for seriousness of the crime.

**Early Release and Felony Level**

Chi square analyses were conducted for each felony level and type of offense committed to determine if youths were likely to be early released since RECLAIM began in 1994. For the chi-square analysis, those youths who went to CBOP were included in the minimum time served category, since nearly all youths who went to CBOP served their minimum sentence. Among all felony levels only a small number of youths were discharged (N=12). These youths were not included in the analysis because the greater than 20 percent of expected cell sizes were less than five. Thus, the chi-square table compared those youths who were early released and those who served their minimum time for 1993 and 1994 (i.e., before and after RECLAIM was started).

The data in Table 6.1 show that after RECLAIM was implemented, youths institutionalized for a Felony 1 offense were not more likely to be early released. Twenty-two percent were early released in 1993, whereas 19 percent were early released in 1994. Over three-fourths of all youths institutionalized for Felony 1 offenses were still released after serving their minimum sentence.

Those youths who were sentenced to a DYS institution in 1994 for committing a
Table 6.1 Percentage of Offenders Released Early and After Minimum Time Served by Felony Level.

<table>
<thead>
<tr>
<th>Felony Level</th>
<th>1993 ER</th>
<th>1993 Min</th>
<th>1994 ER</th>
<th>1994 Min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony 1</td>
<td>22.2%</td>
<td>77.8%</td>
<td>18.9%</td>
<td>81.1%</td>
</tr>
<tr>
<td>Felony 2</td>
<td>42.3</td>
<td>57.7</td>
<td>12.5</td>
<td>87.5</td>
</tr>
<tr>
<td>Felony 3</td>
<td>29.0</td>
<td>71.0</td>
<td>13.6</td>
<td>86.4</td>
</tr>
<tr>
<td>Felony 4</td>
<td>35.6</td>
<td>64.4</td>
<td>7.5</td>
<td>92.5</td>
</tr>
</tbody>
</table>

1 Offender early released
2 Offender released after serving minimum sentence

<table>
<thead>
<tr>
<th>Felony Level</th>
<th>Pearson</th>
<th>DF</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>One</td>
<td>.135</td>
<td>1</td>
<td>.7135</td>
</tr>
<tr>
<td>Two</td>
<td>5.500</td>
<td>1</td>
<td>.0190*</td>
</tr>
<tr>
<td>Three</td>
<td>5.241</td>
<td>1</td>
<td>.0221*</td>
</tr>
<tr>
<td>Four</td>
<td>18.867</td>
<td>1</td>
<td>.0000*</td>
</tr>
</tbody>
</table>

* Significant at the .05 level
Felony 2, Felony 3, or Felony 4 offense were significantly less likely to be early released in 1994 than in 1993. The Chi square values and their corresponding significance level are reported in Table 6.1. For Felony 2 offenders, 42 percent were early released in 1993, whereas only 12.5 percent were released early in 1994. For Felony 3 offenders, the percentage fell from 29 percent to 14 percent. Lastly, for Felony 4 offenders, the number of youths early released decreased from 36 percent in 1993 to 7.5 percent in 1994. The chi-square analyses show that youths in these felony categories (i.e., Felony 2, 3 and 4) were now significantly more likely to serve their minimum sentence since RECLAIM was implemented in 1994. Only offenders sentenced for Felony 1 offenses was there no significant change in the method of release since RECLAIM was implemented.

Since three categories of felony offenders (i.e., Felony 1, 2 and 3) are now significantly more likely to serve their minimum sentence, the average length of time served was examined before and RECLAIM was implemented. The average length of time served in months was calculated by subtracting the admission and release date of each juvenile sentenced to a DYS facility. T-tests were then calculated for 1993 and 1994 each felony level.

The data in Table 6.2 show that the number of days served for juveniles sentenced to DYS for committing a Felony 2, Felony 3, or Felony 4 offense did not significantly change. This data would suggest that offenders sentenced to DYS in 1993 were being early released close to the date of the expiration of their minimum sentence.

The data in Table 6.2 also show that in 1994, Felony 1 offenders served significantly less time in an institution than offenders in 1993. Specifically, in 1994, youths sentenced to
<table>
<thead>
<tr>
<th>Felony Level</th>
<th>N</th>
<th>Mean</th>
<th>St. Dev</th>
<th>t-value</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>46</td>
<td>338.289</td>
<td>142.573</td>
<td>3.57</td>
<td>.001*</td>
</tr>
<tr>
<td>1994</td>
<td>37</td>
<td>225.649</td>
<td>142.064</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Felony 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>29</td>
<td>280.690</td>
<td>142.298</td>
<td>.53</td>
<td>.597</td>
</tr>
<tr>
<td>1994</td>
<td>25</td>
<td>259.560</td>
<td>148.980</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Felony 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>125</td>
<td>174.072</td>
<td>99.785</td>
<td>1.67</td>
<td>.119</td>
</tr>
<tr>
<td>1994</td>
<td>60</td>
<td>151.417</td>
<td>73.582</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Felony 4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>164</td>
<td>149.537</td>
<td>59.544</td>
<td>-.68</td>
<td>.499</td>
</tr>
<tr>
<td>1994</td>
<td>67</td>
<td>158.328</td>
<td>98.955</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Significant at the .05 level
an institution in 1994 served an average of 112 days less than those sentenced in 1993. The t-value for this analysis was 3.57 which was significant at the .05 probability level. These findings are somewhat contradictory to the Chi Square analysis above. That analysis showed that offenders sentenced to DYS for a Felony 1 offense are still being released after serving their minimum sentence. However, the t-test shows that these offenders are in fact being released an average of 112 days sooner since RECLAIM was implemented. These findings change when youths sentenced on a revocation are examined. The following is a discussion of how revocations have influenced these findings.

When a youth has been released from an institution on aftercare and violates the conditions of his or her parole or commits a new offense, the youth can be sent back to the institution. Those youths who are relocated are sent back to the institution to serve a minimum of 90 days. The youth may serve longer if the time remaining on his or her original sentence is greater than 90 days. For 1993 and 1994 the approximate number of days served for a youth sentenced on a revocation was 100 days. The percentage of youths sentenced on a revocation also increased from 17 percent in 1993 to 34 percent in 1994. Youths who are revoked serve about half the time as those who have been sentenced on a regular commitment. Thus, due to the increase in the percentage of revocations and the amount of time they serve, the average amount of time served is affected when revocations are included in the t-test analysis.

Table 6.3 presents the average length of time served by felony level with revocations excluded. The data show that when revokers are excluded from the t-test Felony 1 offenders serve only 63 days less in 1994 than in 1993. The t-value for this analysis was 1.93
Table 6.3 Average Length of Time Served in a DYS Facility By Felony Level: Revocations Excluded.

<table>
<thead>
<tr>
<th>Felony Level</th>
<th>N</th>
<th>Mean</th>
<th>St. Dev</th>
<th>t-value</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>42</td>
<td>357.095</td>
<td>127.856</td>
<td>1.93</td>
<td>.058</td>
</tr>
<tr>
<td>1994</td>
<td>23</td>
<td>293.348</td>
<td>125.488</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Felony 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>24</td>
<td>316.917</td>
<td>128.556</td>
<td>.31</td>
<td>.762</td>
</tr>
<tr>
<td>1994</td>
<td>20</td>
<td>305.00</td>
<td>129.317</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Felony 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>108</td>
<td>187.046</td>
<td>101.387</td>
<td>.94</td>
<td>350</td>
</tr>
<tr>
<td>1994</td>
<td>45</td>
<td>171.489</td>
<td>70.770</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Felony 4</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>128</td>
<td>160.836</td>
<td>57.880</td>
<td>-2.10</td>
<td>.042*</td>
</tr>
<tr>
<td>1994</td>
<td>36</td>
<td>199.917</td>
<td>107.289</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Significant at the .05 level
which was not significant at the .05 level. Although the amount of time served became insignificant for Felony 1 offenders when revokers were excluded, the actual significance level obtained was .058 and the sample size was 65 (i.e., N=42 in 1993 and N=23 in 1994). Since this findings approached significance with such a small sample size the amount of time served needs to be examined again when RECLAIM is evaluated state-wide.

As Table 6.3 also indicates the amount of time served by Felony 4 becomes significant when compared before and after RECLAIM was implemented. When youths sentenced on a revocation are excluded, the average time served becomes significantly different between 1993 and 1994. The t-value was 2.10 and was significant at the .05 level (see Table 6.3). The result was an increase of 39 days served for those felony four offenders sentenced in 1994.

**Early Release and Type of Offense**

The question of early release was also examined by type of offense. The offenses were collapsed into five categories: personal, property, drug, escape, and other. Personal offenses included: any sexual offense, aggravated and felonious assault, and aggravated vehicular assault, aggravated vehicular homicide, domestic violence, robbery, abduction, kidnaping, and child endangering. The property category included: burglary, theft, breaking and entering, vandalism, forgery, possessing criminal tools, arson, receiving stolen property, and unauthorized use of a motor vehicle. Drug offenses included: trafficking drugs and drug abuse. The "other" category included: carrying a concealed weapon, complicity, possessing a dangerous ordinance, resisting arrest, promoting prostitution, attempt, and tampering with
Type of offense was examined by type of release for 1993 and 1994 using a chi-square analysis. The data in Table 6.4 show that only youths sentenced for property and escape offenses were significantly less likely to be early released since RECLAIM was implemented. Thirty-three percent of the property offenders and 45.5 percent of the escape offenders were early released in 1993, whereas only 11 percent of the property offenders and zero percent of the escape offenders were early released in 1994. The results for youths incarcerated for escape should be interpreted with caution. The sample size for 1993 was 11 and in 1994 was only 6. When revokers are removed from the analysis, results for escape become nonsignificant. All remaining offense categories displayed no significant changes in early releases from 1993 to 1994 (see Table 6.4 for chi-square values and significance levels).

The amount of time served for each offense level was also examined. Table 6.5 shows the t-tests of length of time served for 1993 and 1994 for each type of offense. The t-values indicate an insignificant change in the amount of time served between 1993 and 1994.\(^\text{18}\) These findings suggest that offenders sentenced for property and escape offenses in 1993 were being early released close to the expiration of their minimum sentence.

**RESEARCH QUESTION #5:** To what extent were the pilot counties able to provide community-based alternatives to treat juveniles in their local communities?

The results from this question will be presented in the following manner: 1) the amount of money each county was allocated and the proportion kept for local programming;

\(^{18}\)Time served was examined with and without revokers. The results did not differ.
Table 6.4 Percentage of Offenders Released Early and After Minimum Time Served by Type of Offense.

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>ER¹</th>
<th>Min²</th>
<th>ER</th>
<th>Min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal</td>
<td>17.9%</td>
<td>82.1%</td>
<td>10.3%</td>
<td>89.7%</td>
</tr>
<tr>
<td>Property</td>
<td>33.7</td>
<td>66.3</td>
<td>11.1</td>
<td>88.9</td>
</tr>
<tr>
<td>Drug</td>
<td>33.3</td>
<td>67.7</td>
<td>26.7</td>
<td>73.3</td>
</tr>
<tr>
<td>Escape</td>
<td>45.5</td>
<td>54.5</td>
<td>0.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Other</td>
<td>50.0</td>
<td>50.0</td>
<td>20.0</td>
<td>80.0</td>
</tr>
</tbody>
</table>

¹ Offender early released
² Offender served minimum sentence

<table>
<thead>
<tr>
<th>Type of Offense</th>
<th>Pearson</th>
<th>DF</th>
<th>Significance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal</td>
<td>1.057</td>
<td>1</td>
<td>.3039</td>
</tr>
<tr>
<td>Property</td>
<td>20.959</td>
<td>1</td>
<td>.0000*</td>
</tr>
<tr>
<td>Drug</td>
<td>.193</td>
<td>1</td>
<td>.6608</td>
</tr>
<tr>
<td>Escape</td>
<td>3.864</td>
<td>1</td>
<td>.0493*</td>
</tr>
<tr>
<td>Other</td>
<td>2.121</td>
<td>1</td>
<td>.1452</td>
</tr>
</tbody>
</table>

* Significance at the .05 level
Table 6.5 Average Length of Time Served in a DYS Facility
By Type of Offense.

<table>
<thead>
<tr>
<th>Offense</th>
<th>N</th>
<th>Mean</th>
<th>St. Dev</th>
<th>t-value</th>
<th>Sig.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>58</td>
<td>297.914</td>
<td>160.946</td>
<td>1.47</td>
<td>.144</td>
</tr>
<tr>
<td>1994</td>
<td>40</td>
<td>251.125</td>
<td>144.869</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>258</td>
<td>174.287</td>
<td>94.691</td>
<td>.75</td>
<td>.454</td>
</tr>
<tr>
<td>1994</td>
<td>118</td>
<td>166.161</td>
<td>103.871</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drug</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>24</td>
<td>153.542</td>
<td>66.751</td>
<td>.80</td>
<td>.427</td>
</tr>
<tr>
<td>1994</td>
<td>15</td>
<td>136.533</td>
<td>75.168</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Escape</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>12</td>
<td>159.417</td>
<td>76.895</td>
<td>-.33</td>
<td>.742</td>
</tr>
<tr>
<td>1994</td>
<td>10</td>
<td>172.000</td>
<td>99.667</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993</td>
<td>11</td>
<td>163.909</td>
<td>96.167</td>
<td>-.45</td>
<td>.659</td>
</tr>
<tr>
<td>1994</td>
<td>6</td>
<td>185.167</td>
<td>86.463</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
and 2) each county's RECLAIM Ohio programs for 1994 are discussed. Within these questions, responses to three interview questions are presented. These include: 1) How do you think RECLAIM Ohio affected the sentencing options available in your court? 2) Has the amount of money received from RECLAIM Ohio been less than, more than, or about the same as you expected? And 3) given the funding you have received, how much have you been able to expand your services?

Allocations

Table 6.6 displays the amount of RECLAIM funds allocated to and received by the pilot counties. The percentage of the original allocation kept by the counties for local programming ranged from a low of 7 percent in Mercer County to a high of 86.8 percent in Delaware County. The counties were able to keep an average of 46.2 percent of their original allotment.

When asked if the amount of money they received from RECLAIM had been less than, more than, or about the same as expected, the majority of respondents in four counties (Erie, Licking, Delaware, Summit) responded that the money they received was about the same as they expected. Most respondents from two counties (Van Wert and Clermont) indicated they had received more than they expected, while one county (Mercer) received less than they had expected. There was no consensus among the respondents in the remaining two counties (Gallia and Hocking).
Table 6.6 RECLAIM Ohio County Allocations and Amount Received.

<table>
<thead>
<tr>
<th>County</th>
<th>Amount Allocated</th>
<th>Amount Received</th>
<th>% Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hocking</td>
<td>$104,971</td>
<td>$ 54,109</td>
<td>51.5%</td>
</tr>
<tr>
<td>Gallia</td>
<td>87,476</td>
<td>39,040</td>
<td>44.6</td>
</tr>
<tr>
<td>Van Wert</td>
<td>181,513</td>
<td>122,198</td>
<td>67.3</td>
</tr>
<tr>
<td>Mercer</td>
<td>181,513</td>
<td>12,757</td>
<td>7.0</td>
</tr>
<tr>
<td>Delaware</td>
<td>225,251</td>
<td>195,410</td>
<td>86.8</td>
</tr>
<tr>
<td>Licking</td>
<td>513,923</td>
<td>219,850</td>
<td>42.8</td>
</tr>
<tr>
<td>Erie</td>
<td>459,250</td>
<td>340,474</td>
<td>74.1</td>
</tr>
<tr>
<td>Clermont</td>
<td>903,192</td>
<td>502,102</td>
<td>55.6</td>
</tr>
<tr>
<td>Summit</td>
<td>3,750,542</td>
<td>1,477,702</td>
<td>39.4</td>
</tr>
<tr>
<td>Total</td>
<td>6,407,631</td>
<td>2,963,642</td>
<td>46.2</td>
</tr>
</tbody>
</table>
Programming

Table 6.7 displays the types of programs offered to youths in the nine pilot counties and the number of youths served by these programs. The number of felony adjudications and commitments, and the commitment rate are presented.

Respondents were asked how they thought RECLAIM Ohio had affected the sentencing options available in their court. Seven counties reported that RECLAIM Ohio had increased their sentencing options, while two counties reported that their options had remained the same. No counties reported that RECLAIM Ohio had decreased their sentencing options.

Those interviewed were asked how much they have been able to expand their services, given the funding they had received. The majority of the respondents in Erie, Delaware, Summit, and Hocking Counties indicated that they were able to greatly expand their community-based services. Licking, Mercer, and Van Wert Counties indicated they were able to expand their services somewhat, while respondents in Gallia provided mixed responses.

A description of each pilot county will now be presented. This will include: a brief description of the court, the number of youths adjudicated, a description of the community-based programs offered by the court, and the number of youths served by each program during the pilot year.

Hocking. Hocking, a rural county located in Southeast Ohio, has a total population of 25,500. The Hocking County Juvenile Court personnel include one Judge, three Probation Officers, a Program Coordinator, a Court Administrator, and a Deputy Clerk. In 1994, 30 youths were adjudicated as felons and 3 were committed to the Department of Youth
Table 6.7. Description of Programs Offered Under RECLAIM, Number of Youths Who Participated, Adjudications, and Commitments.

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Clermont</th>
<th>Delaware</th>
<th>Erie</th>
<th>Gallia</th>
<th>Hocking</th>
<th>Licking</th>
<th>Mercer</th>
<th>Summit</th>
<th>Van Wert</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Medium</td>
<td>Small</td>
<td>Small</td>
<td>Rural</td>
<td>Rural</td>
<td>Medium</td>
<td>Small</td>
<td>Urban</td>
<td>Rural</td>
</tr>
<tr>
<td>1994 Adjudications</td>
<td>270</td>
<td>63</td>
<td>88</td>
<td>16</td>
<td>30</td>
<td>123</td>
<td>50</td>
<td>886</td>
<td>93</td>
</tr>
<tr>
<td>1994 Commitments</td>
<td>17</td>
<td>3</td>
<td>9</td>
<td>1</td>
<td>3</td>
<td>27</td>
<td>2</td>
<td>149</td>
<td>5</td>
</tr>
<tr>
<td>1994 Commitment Rate</td>
<td>6%</td>
<td>5%</td>
<td>10%</td>
<td>6%</td>
<td>10%</td>
<td>22%</td>
<td>4%</td>
<td>17%</td>
<td>5%</td>
</tr>
<tr>
<td>Programs and Activities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intensive Probation</td>
<td>67</td>
<td>19</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>27</td>
<td>--</td>
<td>43</td>
<td>57</td>
</tr>
<tr>
<td>Wrap Around Services</td>
<td>117</td>
<td>39</td>
<td>45</td>
<td>9</td>
<td>--</td>
<td>--</td>
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<tr>
<td>Family Preservation</td>
<td>--</td>
<td>11</td>
<td>--</td>
<td>--</td>
<td>12</td>
<td>16</td>
<td>--</td>
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<tr>
<td>Out Home Placement</td>
<td>--</td>
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<td>--</td>
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<td>2</td>
</tr>
<tr>
<td>Day Treatment</td>
<td>--</td>
<td>34</td>
<td>31</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>98</td>
<td>--</td>
</tr>
<tr>
<td>Clinical Assessment</td>
<td>--</td>
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<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>102</td>
<td>--</td>
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<tr>
<td>Youth Intervention Grp</td>
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<td>--</td>
<td>--</td>
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<tr>
<td>Int. Alternatives Unruly</td>
<td>--</td>
<td>--</td>
<td>62</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
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</tr>
<tr>
<td>Monitoring/ Surveillance</td>
<td>--</td>
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<td>--</td>
<td>1</td>
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<tr>
<td>Secure Detention</td>
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<tr>
<td>Advocacy</td>
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<td>106</td>
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<td>Sex Offender--</td>
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<td>Probation</td>
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<td>--</td>
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<td>--</td>
<td>--</td>
<td>18</td>
</tr>
<tr>
<td>Recreation</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Total # Participating in programs*</td>
<td>172</td>
<td>94</td>
<td>128</td>
<td>9</td>
<td>12</td>
<td>217</td>
<td>4</td>
<td>285</td>
<td>119</td>
</tr>
</tbody>
</table>

* Since youths may be placed in more than one program, the number of clients in the programs may exceed the total number participating.
Services.

During the pilot year, Hocking County provided a Family Preservation Program for RECLAIM Ohio youths. This program employed a team approach to ensure that youths are provided with appropriate and comprehensive services. The treatment team consisted of court employees and outside providers. This program includes an Appalachian Cultural Awareness Workshop, and allows for contracts with outside service agencies to purchase services to tailor meet the youths individual needs (e.g., drug screening, domestic violence prevention program, or teenage pregnancy). During the pilot year, 12 youths were served by this program.

Gallia. Gallia County is located in southeastern Ohio on the West Virginia border. This rural county has a population of 30,954. The Juvenile Court staff in Gallia County consists of one Judge, a Court Administrator, and two Probation Officers. The juvenile court adjudicated 16 youths for felonies and committed 1 to DYS in 1994.

In 1994, Gallia County used RECLAIM Ohio money to create a Wrap-Around Services program for their felony youths. This program was provided in conjunction with the court and various service providers. By working closely with the youth, their family, and the service providers, the Wrap-Around Manager targets each youth's individual needs. The program could have included drug and alcohol treatment, tutoring, counseling, parenting skills, and/or public services. During the pilot year, 9 youths were served by this program.

Van Wert. Van Wert County is located in northwestern Ohio near the Indiana border. This rural county has a population of 30,464. The Juvenile Division of the Court of Common Pleas operates with the following staff: one Judge, a Chief Probation
Officer/Subsidy Grants Coordinator, two Probation Officers, a Social Service Worker, a Social Worker/Intake Officer and an Assistant Social Worker. In 1994, 93 youths in Van Wert County were adjudicated as felons. Five juveniles were committed to DYS.

Van Wert County offered a number of new programs using RECLAIM Ohio funds. Out-of-Home Placement, Home-Based Family Services, and Educational Services were available for RECLAIM Ohio youths during the pilot year. The court contracts with outside agencies to provide these programs. Recreation was also offered to RECLAIM youths in 1994. While the court is the primary provider, outside providers are also utilized. Intensive Probation was merged into RECLAIM Ohio from the Community Corrections Grant (414) in October, 1994. Probation was also offered to youths during the evening hours. The probation officer would respond to electronic monitoring alerts, emergencies after hours, and act as a liaison with local law enforcement. Van Wert served 119 youths during the pilot year. The majority of youths were served in the Probation (N=107) and Intensive Probation (N=57) programs.

Mercer. Mercer County is located in northwest Ohio near the Indiana border. The population of Mercer County is approximately 39,500. The Juvenile Court staff includes one Judge, one Probation Officer, a Court Administrator, a Juvenile Officer, and a Court Bailiff. Fifty juveniles were adjudicated as felons in 1994 and two were committed to DYS.

During the pilot year, Mercer County planned to implement three programs under RECLAIM Ohio. Electronic monitoring and Detention for Felons were created with RECLAIM dollars. The county planned to implement a program called Citizens United for families. However, this program did not serve any youths in 1994 due to lack of program
funds. Mercer County also used their allocation for program administration so that the grant administrator could better implement RECLAIM Ohio. All youths in the pilot year (N=4) received Secure Detention Facilities and one of these youths received Monitoring/Surveillance.

**Delaware.** Delaware County is located just north of Columbus. The county population is just under 67,000. The juvenile court staff in Delaware consists of one Judge, a Referee, a Program Director, a Court Administrator, a Treatment Coordinator, a Chief Probation Counselor, three Probation Counselors, three Intensive Probation Counselors, a Resource Coordinator, a Diversion Counselor, two Intake Counselors, and several part-time staff. In 1994, 63 youths were adjudicated as felons and three were committed to DYS.

Four programs were funded under RECLAIM Ohio in 1994. Family Preservation was a new program operated by the Juvenile Court. Intensive Probation, a court operated program, was also offered to RECLAIM Ohio youths in 1994. Since the Intensive Probation program targets a new population of youths, the program is considered a new one funded with RECLAIM Ohio money. Day Treatment was available to RECLAIM Ohio youths in 1994. Wrap Around Services were also provided by contracting with outside agencies. A total of 94 youths were involved in these programs. The majority participated in Wrap Around Services (N=39) and Day Treatment (N=34).

**Licking.** Licking County is located northeast of Columbus and has a population of 128,300. The staff in Licking County includes one Judge, one Referee, a Director of Administrative Services, a Deputy Director of Juvenile Court/Chief Probation Officer, twelve Probation Officers (including regular and intensive), a Foster Care Coordinator, and three
counselors. In 1994, 123 youths were adjudicated for felonies, 27 of whom were committed to the Department of Youth Services.

Licking County provided three programs in 1994 for RECLAIM Ohio youths. The first was a court operated Intensive Probation program. This program, known as J.A.W.S. (Juvenile Alternative Work & School), had been in operation prior to RECLAIM and is viewed as a "last chance" before commitment to DYS. Home-Based Services was a new program available to youth with RECLAIM funds. This court operates in conjunction with the court and outside providers. A Youth Intervention Groups program, which focused on cognitive skill development for delinquent and unruly youth, was also available to youths in 1994. Licking County also used funds for Clinical Assessments. A resource manager has been hired to assess needs and develop a case plan for each youth. A total of 215 youths were served in this county under RECLAIM Ohio. The majority of youth received a Clinical Assessment (N=102) followed by Youth Intervention Groups Program (N=93).

Erie. Located in northern Ohio between Toledo and Cleveland, Erie County has a population of 76,779. The Juvenile Division staff of the Erie County Common Pleas Court consists of one Judge, two Referees, a Court Administrator, a Director of Court Services, six Probation Officers, one Probation Monitor, a Program Coordinator, a Restitution/Community Service Coordinator, a Chief Probation Officer/Intake Coordinator, a Placement Specialist, two Home-based Counselors, and a Tutor. In 1994, the Erie County Juvenile Division adjudicated 88 youths for felony offenses. Nine youths were committed to the Department of Youth Services.

Wrap Around Services, Intervention-Alternatives for Unruly Youth, and Day
Treatment were the programs offered to RECLAIM Ohio youths. The court contracts with outside providers for Day Treatment. This new program is specifically called the African-American Alternative Center. The court has increased the contract with the outside provider to accommodate more youths and staff, and has a larger facility to operate the program. An Intervention/Alternatives for Unruly Youth program was created for unruly females in 1994. This program was operated by both the court and private providers. Wrap Around Services, which were provided by the court and outside providers, were also used in 1994. The court also began contracting with local agencies for Out-of-Home Placements Services. Intensive Probation, a court operated program, which was originally funded by 414 (Community Corrections Grant) money, has now been rolled into the 401 (RECLAIM Ohio) program. Another Day Treatment program that was also funded under the 414 Grant has rolled over to the RECLAIM Ohio program. This Day Treatment program is different from the other, in that a van driver was hired to ensure that youths have transportation from school to the program site. Sixty-two youths participated in the Intervention-Alternatives for Unruly Youth, 45 in Wrap-Around Services, and 31 in Day Treatment.

Clermont. With a population just over 150,000, Clermont County is located just east of Cincinnati. The Clermont County Juvenile Court consists of one Judge, three Referees, a Court Administrator, a Chief Probation Officer, seven regular Probation Officers, two Intensive Officers, a Surveillance Officer, two Diversion Officers, a Mediator, a Community Service Coordinator, a Placement Supervisor, and three Placement Officers. Clermont County also operates a fifteen bed detention facility that serves four surrounding counties. In 1994, 270 juveniles were adjudicated for felonies, and 17 were committed to DYS.
Two programs and one administrative area was funded in Clermont County under RECLAIM Ohio in 1994. The Intensive Probation program, operated by the court, was expanded with RECLAIM funds. A Wrap Around Services program was developed so that the county could contract with local private providers to address the specific individual needs of the juvenile. Program Administration (called Community Oriented Resource Development) was also added in 1994. Under CORD three community resource officers were hired to go into local schools with the goal of empowering communities to address the needs of their individual community. Wrap Around Services were provided for 117 youths and Intensive Probation was provided for 67 youths.

Summit. The largest county involved in the pilot study was Summit. Located in northeastern Ohio, this urban county has a population of 514,990. The Juvenile Court staff consists of one Judge, one Chief Referee, one Intake Supervisor, eight Intake Officers, a Chief Probation Officer, a Probation Supervisor, eighteen Probation Officers, a Psychologist, and various clerical and custodial positions. Summit County also operates its own Detention Center which houses 54 juveniles—40 males and 14 females. The detention center also employs a number of staff members. In 1994, 886 juveniles were adjudicated as felons in Summit County. One hundred forty-nine were committed to the Department of Youth Services.

As the largest county in the pilot study, Summit County was able to provide a number of program options for youths in their county. An advocacy program, currently provided by the court, was expanded with RECLAIM money. The court contracted with Oriana House and the Multi-County Treatment Center to provide out-of-home placements. The court also
expanded its sex offender program with RECLAIM dollars. A Day Treatment program was also created in 1994. The County's Intensive Probation program was merged from the Community Corrections Grant (414) into RECLAIM Ohio (410) in the Fall of 1994. A program administration position was also created with RECLAIM dollars. A Felony Disposition Coordinator was responsible for monitoring the progress of all youths in the RECLAIM programs while providing technical assistance and administrative assistance to the projects. A total of 285 youths were served in these programs. The majority of youth were served in the Advocacy (N=106) and Day Treatment (N=98) programs.

**RESEARCH QUESTION #6: Is there support for RECLAIM Ohio at the county level?**

To address this research question, a number of the responses from the questions included in the interview instrument were used. These questions are divided into three major areas: 1) satisfaction with being a pilot county; 2) explaining RECLAIM Ohio to the public; 3) satisfaction with RECLAIM Ohio; and 4) support for the goals of RECLAIM Ohio. Although several of the questions do not directly ask about support, they serve as surrogate measures for support for RECLAIM Ohio. One question will specifically ask what percent of the court personnel support RECLAIM Ohio. Although the responses to some questions yielded common responses from counties as a whole many others produced more diversified responses with the counties. Therefore, the majority of responses to the questions will be presented as a whole group rather then by specific counties.
Satisfaction with Being a Pilot County

Seven questions were asked to determine the level of satisfaction with being a pilot county for RECLAIM Ohio. They included:

1) How satisfied have you been being a pilot county for RECLAIM Ohio?

2) How satisfied have you been with the support from DYS?

3) Would you be receptive to being a pilot county for any new programs in the future? If so, why?

4) What percent of your court personnel understands RECLAIM Ohio?

5) What percent of your court personnel supports RECLAIM Ohio?

6) What have you liked most about being a pilot county for RECLAIM Ohio?

7) What have you liked least about being a pilot county for RECLAIM Ohio?

The majority of the respondents in eight counties reported being very satisfied having been a pilot county for RECLAIM Ohio. Mercer County reported being somewhat satisfied being a pilot county. Overall, 85 percent of the respondents were very satisfied having been a pilot county, whereas 15 percent were somewhat satisfied. Seventy-two percent of those interviewed indicated that they were very satisfied with the support they had received from The Department of Youth Services during the pilot year. Twenty-two percent reported being somewhat satisfied, while 6 percent reported being somewhat dissatisfied.

Ninety-four percent of those interviewed indicated that they would be receptive to being a pilot county for any new programs in the future. When asked why, two answers appeared more frequently. The most common response to volunteering again was because the counties viewed themselves as progressive and as always looking for ways to improve and

150
create new programs. The second most common response was that the counties indicated they had a good relationship with DYS, and that DYS had provided support and technical assistance during the pilot phase. All responses are listed in Table 6.8.

Respondents were also asked to gauge what percent of their counties' court personnel they believed understood and supported RECLAIM Ohio. The results indicate that an average of 78 percent of the respondents believed their court personnel understand RECLAIM Ohio, and 80 percent of them support the program.

What the respondents liked most about being a pilot county was the ability to create or expand programs or buy more services (see Table 6.9). They wanted to develop alternative ways of dealing with youths. Being a pilot county also gave counties an opportunity to begin a year early. They had the time to refine programs and have them fully operational by the end of the pilot year. According to the respondents, another positive aspect of being a pilot county was the opportunity to work directly with the Department of Youth Services. Counties were able to receive individualized attention before all 88 counties were involved in RECLAIM. Those interviewed also enjoyed having the opportunity to work with other counties.

When asked about what they liked least about being a pilot county, the most frequent response was the amount of paperwork, followed by the amount of time/work involved. A few went on to explain that they were late starting due to the lack of funds. We documented a variety of other aspects that counties liked least about being a pilot county. All of the responses are listed in Table 6.10. We also wanted to gauge what percent of the counties' court personnel they believed understood and supported RECLAIM Ohio. When respondents
Table 6.8 Why Respondents Would Be Receptive to Being a Pilot County for Any New Programs in the Future.

<table>
<thead>
<tr>
<th>Reason</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>View themselves as progressive--like to try new things</td>
<td>10</td>
</tr>
<tr>
<td>DYS was good to work with</td>
<td>4</td>
</tr>
<tr>
<td>Benefits the youths</td>
<td>2</td>
</tr>
<tr>
<td>Getting more money</td>
<td>2</td>
</tr>
<tr>
<td>Allows counties to get in on the ground floor</td>
<td>2</td>
</tr>
<tr>
<td>Allows counties to create new programs</td>
<td>2</td>
</tr>
<tr>
<td>Want to provide programs that make a difference</td>
<td>1</td>
</tr>
<tr>
<td>Always looking to improve</td>
<td>1</td>
</tr>
<tr>
<td>Being a pilot county gives you individualized attention and expertise</td>
<td>1</td>
</tr>
<tr>
<td>The county has a lot to offer in terms of programs</td>
<td>1</td>
</tr>
<tr>
<td>They already have the resources and programs in place</td>
<td>1</td>
</tr>
<tr>
<td>Like a challenge</td>
<td>1</td>
</tr>
<tr>
<td>Prevents staff burnout</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>N</td>
</tr>
<tr>
<td>-----------------------------------------------------------------</td>
<td>----</td>
</tr>
<tr>
<td>The ability to expand/develop programs, buy more services,</td>
<td>13</td>
</tr>
<tr>
<td>provides an alternative way of dealing with youth</td>
<td></td>
</tr>
<tr>
<td>Getting started before everyone else</td>
<td>7</td>
</tr>
<tr>
<td>The opportunity to work with DYS</td>
<td>6</td>
</tr>
<tr>
<td>Getting to know other counties/networking/sharing ideas</td>
<td>5</td>
</tr>
<tr>
<td>Getting additional funding</td>
<td>3</td>
</tr>
<tr>
<td>The individualized attention</td>
<td>3</td>
</tr>
<tr>
<td>State recognition for programs currently in operation</td>
<td>2</td>
</tr>
<tr>
<td>They will be able to assist other counties in 1995</td>
<td>2</td>
</tr>
<tr>
<td>Greater staff attention</td>
<td>1</td>
</tr>
<tr>
<td>Being in the forefront</td>
<td>1</td>
</tr>
<tr>
<td>It was a challenge</td>
<td>1</td>
</tr>
</tbody>
</table>
Table 6.10 What Counties Liked Least About Being a Pilot County.

<table>
<thead>
<tr>
<th></th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paperwork</td>
<td>6</td>
</tr>
<tr>
<td>Amount of time/work involved</td>
<td>5</td>
</tr>
<tr>
<td>Could not implement or started late due to lack of money</td>
<td>3</td>
</tr>
<tr>
<td>Funding uncertainty</td>
<td>2</td>
</tr>
<tr>
<td>Having to tell everyone about RECLAIM</td>
<td>2</td>
</tr>
<tr>
<td>Nothing</td>
<td>2</td>
</tr>
<tr>
<td>Extra meetings</td>
<td>2</td>
</tr>
<tr>
<td>The first year was very hectic</td>
<td>2</td>
</tr>
<tr>
<td>In the beginning, didn't have time to figure out what to do</td>
<td>1</td>
</tr>
<tr>
<td>Didn't have a chance to look at something already in place</td>
<td>1</td>
</tr>
<tr>
<td>Competing with DYS for funding</td>
<td>1</td>
</tr>
<tr>
<td>Working out the initial bugs</td>
<td>1</td>
</tr>
<tr>
<td>That the program will become more bureaucratized in future</td>
<td>1</td>
</tr>
<tr>
<td>Traveling in bad weather</td>
<td>1</td>
</tr>
<tr>
<td>Staffing problems that have arisen</td>
<td>1</td>
</tr>
<tr>
<td>Cannot look into the future</td>
<td>1</td>
</tr>
<tr>
<td>Funding by the county has been negatively impacted</td>
<td>1</td>
</tr>
</tbody>
</table>
were asked this question, an average of 78 percent believed that their court personnel understand RECLAIM Ohio, and 80 percent of them supported the program.

**Explaining RECLAIM Ohio to the Public**

Counties were asked what steps they had taken during the pilot year to explain RECLAIM Ohio to the public. According to the respondents, all counties had taken at least some steps, while others had done a great deal of publicity. Two primary steps were taken to explain this program to the public. First, most of the respondents issued press releases about RECLAIM Ohio. This included newspaper articles, radio talks, and TV coverage. The second most common step was speaking to various community groups such as the league of women voters or talking to neighborhood groups.

**Satisfaction with RECLAIM Ohio**

In order to address satisfaction with the RECLAIM Ohio program, three questions were asked to the counties. These included:

1) What do you like most about RECLAIM Ohio?

2) What do you like least about RECLAIM Ohio?

3) What would you change about RECLAIM Ohio?

When asked what the county liked most about RECLAIM Ohio in general, four dominant responses emerged (see Table 6.11). First, RECLAIM Ohio allowed the counties to provide more resources and options for their adjudicated youths. Second, counties liked
Table 6.11 What the Counties Liked Most About RECLAIM Ohio.

<table>
<thead>
<tr>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Having more resources/options available</td>
</tr>
<tr>
<td>The flexibility to tailor programs to youth in community</td>
</tr>
<tr>
<td>Having more money available</td>
</tr>
<tr>
<td>Its a community based program</td>
</tr>
<tr>
<td>We are serving the family and child better</td>
</tr>
<tr>
<td>Nonforfeiture of unexpended funds</td>
</tr>
<tr>
<td>More/closer contact with youth</td>
</tr>
<tr>
<td>Ease of the budget forms</td>
</tr>
<tr>
<td>Local control</td>
</tr>
<tr>
<td>Can serve more youth</td>
</tr>
<tr>
<td>Can work with adjudicated youths not just felons</td>
</tr>
<tr>
<td>Their budget cannot be cut due to receiving money for RECLAIM Ohio</td>
</tr>
<tr>
<td>Less frustration among staff</td>
</tr>
<tr>
<td>Now look at needs of children more</td>
</tr>
<tr>
<td>Adds a challenge</td>
</tr>
<tr>
<td>A program we have been able to offer</td>
</tr>
<tr>
<td>The program is consistent with the existing philosophy of the court</td>
</tr>
<tr>
<td>Its good public policy</td>
</tr>
</tbody>
</table>
the flexibility of the program: being able to choose what options were best suited for their youth. The third most common response was that counties liked having more money. Finally, respondents liked that RECLAIM was a community-based program. Youths were able to be treated in their own community.

Counties were also asked what they liked least about RECLAIM Ohio. This question elicited quite a few different responses—they are tabulated in Table 6.12. The two most common responses were the amount of paperwork and the funding formula. Counties were also asked what they would like to change about RECLAIM Ohio (see Table 6.13). Once again, a number of responses were documented. As they did above, respondents indicated that they would most like to change the funding formula. The second most common response was "nothing"—some would not change anything out RECLAIM Ohio. Other respondents indicated that they should not have to pay for kids that are revoked or recommitted, and a few noted that they should have no cost or a reduced cost for out-of-state or out-of-county kids that are committed. Finally, a few believed the definition of public safety beds needs to be expanded.

Support for the Goals of RECLAIM Ohio

Nearly all of those interviewed believed that the goal of RECLAIM Ohio—to reduce commitments to state facilities—is actually achievable. Many remarked that the money made available by RECLAIM has allowed their counties to expand programs to treat youth locally rather than sentencing them to DYS.

Ninety-four percent of those interviewed believed that a goal of RECLAIM Ohio-to
Table 6.12 What Counties Liked Least About RECLAIM Ohio.

<table>
<thead>
<tr>
<th>Reason</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paperwork</td>
<td>6</td>
</tr>
<tr>
<td>Funding formula</td>
<td>4</td>
</tr>
<tr>
<td>Nothing</td>
<td>3</td>
</tr>
<tr>
<td>Funding uncertainty</td>
<td>2</td>
</tr>
<tr>
<td>Paying for kids that are revoked or recommitted</td>
<td>2</td>
</tr>
<tr>
<td>If a number of youths need to be committed, but they are not public</td>
<td>2</td>
</tr>
<tr>
<td>safety bed cases</td>
<td></td>
</tr>
<tr>
<td>The many meetings</td>
<td>2</td>
</tr>
<tr>
<td>The amount of extra time and administrative work</td>
<td>2</td>
</tr>
<tr>
<td>Not knowing what happens to youth once they are sent to DYS</td>
<td>2</td>
</tr>
<tr>
<td>(e.g., release date)</td>
<td></td>
</tr>
<tr>
<td>Not able to utilize programs because of amount of money received</td>
<td>1</td>
</tr>
<tr>
<td>Couldn't start until late because the money didn't come in</td>
<td>1</td>
</tr>
<tr>
<td>Not guaranteed funding</td>
<td>1</td>
</tr>
<tr>
<td>State money coming back to the county—would rather it never left</td>
<td>1</td>
</tr>
<tr>
<td>Not knowing the amount of money available for a particular program</td>
<td>1</td>
</tr>
<tr>
<td>When RECLAIM started, didn't like paying for kids already in DYS</td>
<td>1</td>
</tr>
<tr>
<td>Have to be more fiscally responsible</td>
<td>1</td>
</tr>
<tr>
<td>When kids need to be revoked there is no way to financially repair</td>
<td>1</td>
</tr>
<tr>
<td>themselves</td>
<td></td>
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<tr>
<td>Counties having control over another counties funds</td>
<td>1</td>
</tr>
<tr>
<td>Paying for the administrative time DYS adds on</td>
<td>1</td>
</tr>
<tr>
<td>That it's not a block grant—must send plans and revisions to state</td>
<td>1</td>
</tr>
<tr>
<td>The strain it puts on detention—kids now in longer until decide what</td>
<td>1</td>
</tr>
<tr>
<td>to do with them</td>
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</tbody>
</table>
Table 6.12 Continued

<table>
<thead>
<tr>
<th>N</th>
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<tbody>
<tr>
<td>The detention problem its created—having to buy bed space whether their kids are there or not</td>
</tr>
<tr>
<td>May end up with more kids in DYS because detention centers are full</td>
</tr>
<tr>
<td>Struggling to create more options in the community</td>
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<tr>
<td>Needs to be marketed better among judges</td>
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<tr>
<td>Keeping better track of kids</td>
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<tr>
<td>Philosophically it has an impact on decision making</td>
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<tr>
<td>Aftercare should be provided for residential centers</td>
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</table>
Table 6.13 What the Counties Would Like to Change About RECLAIM Ohio.

<table>
<thead>
<tr>
<th>Change Request</th>
<th>N</th>
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<tbody>
<tr>
<td>The funding formula</td>
<td>8</td>
</tr>
<tr>
<td>Nothing—they liked everything</td>
<td>5</td>
</tr>
<tr>
<td>Should not have to pay for kids that are revoked or recommitted</td>
<td>4</td>
</tr>
<tr>
<td>No cost or reduced cost for out of state/county kids that are committed</td>
<td>3</td>
</tr>
<tr>
<td>Public safety beds need to be expanded</td>
<td>3</td>
</tr>
<tr>
<td>More money</td>
<td>2</td>
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<tr>
<td>More certainty of funding</td>
<td>2</td>
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<tr>
<td>Make regional rehabilitation centers cost less</td>
<td>2</td>
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<tr>
<td>Uniformity and certainty of payment</td>
<td>1</td>
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<tr>
<td>The paperwork</td>
<td>1</td>
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<tr>
<td>Reduce administrative work</td>
<td>1</td>
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<tr>
<td>A change in aftercare</td>
<td>1</td>
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<tr>
<td>RECLAIM should not be subject to political whims</td>
<td>1</td>
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<tr>
<td>It would be long term and guaranteed</td>
<td>1</td>
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<tr>
<td>Ongoing education needs to be done</td>
<td>1</td>
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<tr>
<td>Work on communication</td>
<td>1</td>
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<tr>
<td>Need an orientation process about RECLAIM</td>
<td>1</td>
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<tr>
<td>Baseline amount of funds</td>
<td>1</td>
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<tr>
<td>Rather the money never left the county</td>
<td>1</td>
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<tr>
<td>Revocations should be free and recommitments half price</td>
<td>1</td>
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<tr>
<td>More money up front to implement programs</td>
<td>1</td>
</tr>
<tr>
<td>Specify the amount of money that is available for certain programs</td>
<td>1</td>
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<tr>
<td>DYS should have better counselors</td>
<td>1</td>
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<tr>
<td>Create more options to use RECLAIM funds</td>
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<tr>
<td></td>
<td>N</td>
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<td>-----------------------------------------------------------------</td>
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</tr>
<tr>
<td>Privatize detention facilities to combat detention problem</td>
<td>1</td>
</tr>
<tr>
<td>Find out when youth are released or when administrative time is added on</td>
<td>1</td>
</tr>
<tr>
<td>Make it a block grant so counties can manage the money themselves with no state oversight</td>
<td>1</td>
</tr>
</tbody>
</table>
increase community-based services—is actually achievable. A number of respondents further explained that this goal is achievable because they have been given money to develop programs. They now had the ability to purchase more options from local agencies or be innovative in creating new programs. Some said the goal is definitely achievable because they had attained this goal within their own county.

SUMMARY

During the pilot phase of RECLAIM Ohio, the nine pilot counties did show a decrease in the number of commitments to DYS when compared to a matched sample of counties. The pilot counties' commitment rates decreased from .2344 in 1993 to .134 in 1994. For the matched nonpilot counties the commitment rates remained relatively unchanged from .2612 in 1993 to .2766 in 1994. However, these differences were not statistically significant.

Pilot counties significantly increased the proportion of the most serious (i.e., felony one) offenders committed to DYS when compared to the nonpilot counties. The pilot counties were also able to decrease the proportion of felony four offenders sentenced to a DYS institution when compared to the nonpilot counties.

Since RECLAIM Ohio was implemented, the number of bind overs to adult court has increased. This finding should be interpreted cautiously, since Summit County was responsible to the majority of the increase and bind overs had been steadily increasing for this county since 1992. Bind overs increased by 89 percent from 1993 to 1994. However, the actual numerical increase was from 18 to 34 youths transferred to adult court.

In regards to early release, youths were significantly less likely to be early released if
they had committed a felony two, felony three, or felony four offense. Although the data indicate that these felony youths are more likely to serve their minimum time since RECLAIM was implemented, their length of stay in a DYS institution has not significantly increased. For felony one offenders, however, the length of stay has decreased by 112 days, even though they are not significantly more likely to be early released.\textsuperscript{19} When revokers are excluded from the analysis, felony four offenders significantly serve an average of 39 days longer.

The question of early release was also examined by type of offense. The results indicated that property and escape offenders were significantly less likely to be early released since RECLAIM was implemented.\textsuperscript{20} Although these types of youths are less likely to be early released, the amount of time served has not significantly changed for any of the offense-type categories.

Counties were able to keep between 7 and 87 percent of their allocation for RECLAIM Ohio. The average amount kept by the counties was 46.2 percent of their original allotment. The majority of the counties reported that RECLAIM Ohio dollars had increased their sentencing options. Indeed, nearly all counties were able to expand and create new programs with their RECLAIM dollars. The most common program utilized with RECLAIM dollars included: intensive probation, wrap-around services, family preservation, and day treatment.

There appears to be a great amount of support for RECLAIM Ohio. Respondents

\textsuperscript{19}When revokers are excluded from the analysis, felony one offenders serve only 63 days less.

\textsuperscript{20}When revokers are not included in the analysis those youths convicted of escape are not more likely to be early released.
indicated that approximately 78 percent of their court personnel understood RECLAIM Ohio and 80 percent supported the program. All counties took the time to explain RECLAIM Ohio to the public. To achieve this goal, the most common methods used were through press releases and speaking engagements.

Eighty-five percent were very satisfied with having been a pilot county. Nearly all reported that they would be receptive to being a pilot county in the future. When asked why, they indicated that their counties were progressive, and that they received a great deal of support and technical assistance from DYS during the pilot phase. What respondents liked most about being a pilot county was the ability to develop and expand programs/buy more services for youths. They also liked starting before the other counties, the opportunity to work with DYS, and networking with other counties. What counties liked least about being a pilot county was the paperwork and the amount of time and work involved.

Counties were also asked what they liked about the RECLAIM Ohio program in general. The respondents indicated that they liked having more options and money available. They also liked the flexibility of RECLAIM and that it is community based. What the counties liked least about RECLAIM Ohio was the paperwork and the funding formula. Those interviewed indicated they would like to change the following about RECLAIM Ohio: the funding formula, not have to pay for youths that are revoked or recommitted, reduced or no cost for out of state/county kids, and change the definition of public safety beds to include more offenses.

Nearly all the respondents interviewed believed that RECLAIM Ohio could reduce the number of commitments to DYS. Those interviewed also indicated that the goals to
increase community-based services is also achievable. With RECLAIM dollars, many youths can now be served in their communities rather than being sent to a DYS institution.

The following chapter will discuss these findings in greater breadth. This chapter will also address the extent to which RECLAIM Ohio was able to achieve its' goals during the pilot phase. Limitations of the program and the potential impact of RECLAIM Ohio as a deinstitutionalization program will be discussed.
CHAPTER 7
DISCUSSION AND CONCLUSIONS

INTRODUCTION

In 1994, the Ohio Department of Youth Services implemented a new policy for dealing with delinquent youths. This new initiative was called RECLAIM Ohio: Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors. RECLAIM Ohio provides each county with a monthly monetary allotment based on their prior number of felony adjudications. The counties have a choice either to use these funds to incarcerate delinquent felony offenders or to provide the youths with treatment services in the community. The program was implemented on a pilot basis in nine Ohio counties during 1994. This dissertation has evaluated this pilot year of RECLAIM Ohio.

One of the main goals of RECLAIM Ohio was to provide better quality care for those youths incarcerated in DYS institutions. Before RECLAIM Ohio, DYS facilities were severely overcrowded. To address this crowding problem, DYS either had to build more facilities or had to reduce the numbers of youths being sentenced to these facilities. The DYS administrative staff had decided that no new facilities would be built. Rather, the counties were given a fiscally based incentive—RECLAIM Ohio—to reduce their annual commitments to DYS institutions.

The second goal of RECLAIM Ohio was to provide funds to counties so that they could treat juvenile delinquents within their local communities. Counties were able to use RECLAIM funds to create new programs, expand existing ones, or contract with outside
private providers for treatment services. Less serious non-violent youths were to be targeted for treatment services in the community under the RECLAIM program.

Prior to the implementation of RECLAIM Ohio the entire juvenile justice system had been seriously scrutinized and subjected to numerous reforms over the past 30 years. The juvenile justice system in Ohio followed suit in these changes that were occurring at a nationwide level. Since the 1960s, both liberals and conservatives have launched divergent political agendas in an attempt to reform the juvenile justice system. Their agendas will be summarized briefly, given that they have already been explained in greater detail in the preceding chapters.

Beginning in the 1960s, liberals began to question the longstanding belief that institutions were beneficial for reforming America's problem youths. The motivation of liberals to remove juveniles from institutions laid in their interpretation of many of the events occurring in the 1960s. Liberals had begun to lose confidence in the state to do good. The state had demonstrated its willingness to abuse its citizens during the Civil Rights movement, Kent State, Attica, urban riots, and demonstrations of the Vietnam War.

Liberals advocated for the implementation of diversion programs, due process, and the deinstitutionalization of youths from the early 1960s to the mid-1970s. The brutal and inhumane conditions of juvenile institutions illuminated a disquieting reality that juveniles could not be rehabilitated in such a hostile and abusive environments. Thus, liberals argued that juvenile offenders should be removed from institutions. Jerome Miller closed down Massachusetts's training schools in 1972 and other states followed. A number of diversion programs were also implemented during the liberal agenda.
Liberals were also instrumental in obtaining a number of due process rights for juveniles. With the exception of a jury trial, juveniles are accorded the same due process rights as adults. These policy changes prompted the passage of the Juvenile Justice and Delinquency Prevention Act of 1974. This act called for the removal of status offenders from secure detention and correctional facilities—the "sight and sound separation" of juveniles and adults when housed in the same facility—and eventually resulting in the removal of juveniles from adult jails.

Beginning in the mid 1970s, an opposing political agenda introduced by conservatives began to gain strength. Conservatives contended that rehabilitation was a failure and therefore chose to support deterrence and incapacitation philosophies as strategies to combat the crime problem. Conservatives supported policies that would increase the number of juveniles being incarcerated. They asserted that juveniles must be incarcerated to ensure public safety and reduce future crime.

The conservatives' motivation for these changes also lay in the events in the 1960s, although their interpretation was markedly different from their liberal adversaries. Conservatives believed that the permissiveness of the 1960s had led to the moral decay of society. Unmarried couples were living together, women were seeking careers outside the home, and recreational drug use was common among America's young people. In the arena of the criminal justice system, criminals were being coddled and given too many rights, while the innocent were continuing to be victimized. Conservatives contended that law and order must be reestablished in society. Conservatives sent a clear message that it was time for society to "get tough" on crime and criminals.
In the arena of juvenile justice, conservatives were successful in assisting states in changing numerous policies. States began implementing mandatory and determinate sentences and administrative guidelines. Conservatives argued that these policies reduced judicial discretion and resulted in juveniles spending more time incarcerated. While juveniles were institutionalized, they could not harm innocent citizens.

Conservatives also supported policies that would make it easier to bind over a juvenile to adult court. Since the 1970s, juveniles have been transferred to adult court based on the seriousness of their offense and on their prior criminal record. Prior to this time youths were bound over based on the juvenile's individual circumstances. These changes, conservatives argued, would result in locking up more juveniles for longer periods of time, thus ensuring that the public is protected from these serious offenders.

Even though the national trend to incarcerate more juveniles is apparent in the 1990s, some states are attempting to reduce their institutional populations during this conservative "get tough" era. As mentioned earlier, Ohio is one of these states that is endeavoring to limit the number of juveniles being sentenced to institutions. The state, however, is not advocating closing institutions. This unique feature is what makes RECLAIM Ohio a potentially viable alternative to removing juveniles from institutions during the midst of a get tough era.

It is noteworthy that RECLAIM Ohio has programmatic features that are attractive to both liberals and conservatives. For liberals, RECLAIM Ohio allows less serious nonviolent offenders to be treated in their local community rather than being sentenced to a DYS facility. The monthly allotments allow the counties to choose what types of programs in the community are best able to treat their problem youths. Not only does RECLAIM Ohio
support rehabilitation in the community, but it also supports rehabilitation inside DYS facilities. Indeed, one of the main goals of RECLAIM is to provide better quality services to youths under the care of a DYS institution. Reducing commitments can enhance rehabilitative efforts for those youths who require treatment in a secure facility.

For conservatives, RECLAIM Ohio still allows counties to incarcerate serious violent offenders. Judges are permitted to use their monthly allotments as they choose. Even if the county exceeds its monthly allotment, a contingency fund covers the additional costs of commitments to DYS at no cost to the county. In addition, the counties are not charged for incarcerating youths who commit three very serious crimes: aggravated murder, murder, and rape. These programmatic features serve as evidence to conservatives that RECLAIM Ohio supports removing serious violent offenders who could pose a threat to society. The program is currently providing more unlimited funds for serious juvenile offenders to be locked-up.

The remainder of this chapter will discuss the findings of the pilot phase of RECLAIM Ohio that were presented in Chapter 6. Were the counties able to meet the goals of RECLAIM Ohio to reduce commitments and provide funds for local alternatives? If so, what are the implications of these findings for liberal and conservative beliefs? The level of support for RECLAIM Ohio will also be discussed as will the changes DYS has made to improve the satisfaction with RECLAIM Ohio. The ways in which the program could be corrupted are explored further in this chapter. These include transfers to adult court and early release from institutions. The chapter also includes a section discussing whether RECLAIM is the latest panacea in the search for a solution to the juvenile crime problem. The chapter
concludes with some suggestions for future directions of RECLAIM Ohio.

**DISCUSSION OF THE FINDINGS OF RECLAIM OHIO**

This section is divided into four main areas. First, the extent to which the goals of RECLAIM Ohio were met are discussed. Second, the extent to which counties were able to develop, expand, or create new programs with their RECLAIM dollars is examined. Third, the level of support generated for RECLAIM and recent changes in the program are reviewed. Finally, the ways in which the program could be corrupted in practice is discussed.

**Goals Of RECLAIM Ohio**

One of the primary goals of RECLAIM Ohio was to provide better quality care to juveniles incarcerated in DYS institutions. The primary method for increasing such care was to reduce the number of commitments to these institutions. When compared to a group of matched nonpilot counties, the pilot counties were able to reduce the overall number of commitments to DYS from 1993 to 1994. The proportion of offenders sentenced to a DYS facility decreased from .2344 in 1993 to .134 in 1994. Simultaneously, the matched nonpilot counties slightly increased the proportion of offenders sentenced to DYS from .2612 in 1993 to .2766 in 1994. These differences, however, were not statistically significant.

Liberals would be very supportive of this finding of the RECLAIM program—reduced commitments to DYS. Fewer juveniles are being sent to secure institutions. Conservatives may also be supportive of this goal of RECLAIM provided that serious violent offenders are not being released to harm innocent members of society. Therefore, commitments by felony
level will now be discussed.

The pilot and matched nonpilot counties commitments were examined by felony level. This examination shed light on why the overall number of commitments to DYS were not statistically significant overall. Although felony commitment rates could not be calculated, the actual number commitments by each felony level was examined for 1993 and 1994.21

When compared to the nonpilot counties, the number of commitments for Felony 1 offenders (i.e., the most serious) for the pilot counties significantly increased between 1993 and 1994. In 1993 12 percent of the commitments to DYS were for Felony 1 offenses and in 1994 this level of commitment increased to 24 percent.

The number of juveniles sentenced to DYS for felony four offenses significantly decreased in the pilot counties alone. The pilot counties were able to decrease their percentage of felony four offenders in institutions from 45 percent to 32 percent. The nonpilot counties remained relatively unchanged from 41 percent of the commitments being for Felony 4 offenses in 1993 to 40 percent in 1994. Commitments for Felony 2 and Felony 3 offenses did not change significantly among the pilot and nonpilot counties.

The simultaneous increase in Felony 1 offenders committed to institutions and the decrease of Felony 4 offenders is an important finding. One goal of RECLAIM was to treat less serious offenders in the local community. The decrease in commitments of less serious offenders would then allow for more intensive treatment of the more serious juveniles who remain incarcerated. Although the overall reduction in the number of commitments was not

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21 Commitment rates by felony level could not be calculated because number of adjudications for each felony level was not available.
statistically significant when compared to the non pilot counties, the program appears to be targeting appropriate youths. Counties significantly increased the number of Felony 1 offenders in institutions while significantly decreasing the least serious offenders. The most serious offenders (i.e., Felony 1) are continuing to be incarcerated, while the least serious (i.e., Felony 4) are being treated in their local communities.

Liberals and conservatives would approve of these findings of felony level for different reasons. For conservatives, the most serious felony offenders are still being committed to DYS institutions. The actual number of commitments for Felony 1 offenses actually increased in the pilot counties when compared to the nonpilot counties. This finding suggests that the counties have not found juveniles convicted of Felony 1 offenses appropriate for release into their communities for treatment. Therefore, conservatives can be reasonably assured that RECLAIM Ohio is not outwardly causing a threat to public safety since the most serious offenders are still being sentenced to institutions.

Liberals would be supportive of the finding that the percentage of Felony 4 offenders in institutions has decreased in the pilot counties since RECLAIM began in 1994. These felony level offenders committed the least serious of all felony level offenses. Liberals would argue that these youths can be more appropriately served in their local communities rather than by a DYS institution. This finding suggests that RECLAIM Ohio is targeting the least serious felony level offender for treatment in the community.

The second goal of RECLAIM Ohio was to increase the number of community-based options available in the counties. During the in-person interviews the majority of the counties (7 out of 9) reported that RECLAIM Ohio had increased their sentencing options. Only two
counties reported that their options had remained the same. The majority of respondents from four counties indicated that they were able to expand greatly their community-based services, while respondents from three counties indicated they were able to increase their services somewhat.

The smaller/medium and larger/medium counties were able to provide a number of new programs to their RECLAIM youth. Delaware, Erie, Licking, Clermont, and Erie all created new programs under RECLAIM Ohio. These counties received anywhere from 56 to 87 percent of their original allotments for RECLAIM. Delaware County received 87 percent of their original allotment ($195,410) and created the following four programs: Intensive Probation, Wrap Around Services, Family Preservation, and Day Treatment. Licking County received $219,850 (43 percent of their original allotment) and created a Family Preservation program and Day Treatment, expanded their Intensive Probation Program (i.e., J.A.W.S.) and hired a resource manager to provide clinical assessments (e.g., assess needs and develop a case plan). Clermont provided Wrap-Around Services and expanded their Intensive Probation program. They received $502,102 for programs—56 percent of their original allotment. Lastly, Erie County kept 74 percent of their allotment, which resulted in $340,474 for local programming. Erie developed a culturally specific program for African Americans, and a program for unruly females called Intervention Alternatives for Unruly Youth. Erie also provided Wrap Around Services in conjunction

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22The Day Treatment program was discontinued after the pilot year due to lack of funds.

23Counties could spend RECLAIM dollars on misdemeanants and unruly as a secondary target population provided that felons were their primary target.

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with outside providers.

Summit, the largest county, was able to provide a wide variety of services for a number of youths. The county expanded its Sex Offender and Advocacy programs. Summit County also created a Day Treatment program and contracted with private providers for Out-of-Home Placements. The counties Intensive Probation program is now funded by RECLAIM Ohio. It could be argued that Summit County was able to provide such a range of services and serve the greatest number of youths because of the size of their court and number of options already available to youths that were simply expanded with RECLAIM Ohio funds. Due to the number of adjudicated felons in Summit County, this county received the largest allotment of all the pilot counties ($3,750,542). Even though Summit County only received 39 percent of this allocation ($1,477,702), this was a considerable amount of money with which the county was able to provide a number of services for youths in the community. In other words, because the original allotment was so large, the percentage remaining was enough to provide a variety of services to youths.

Similar to Summit, Gallia County was able to keep 45 percent of their original allotment. This amount of money, however, was significantly less than Summit County. Gallia County was able to use $39,040 for community-based treatment under RECLAIM Ohio. It is noted that Gallia does adjudicate fewer felons than Summit County and therefore should receive less funds. As a consequence, however, Gallia County does not have the option of providing a variety of community-based alternatives. If this county had a number of youths with divergent needs (e.g., sex offenders, drug/alcohol offenders, violent offenders), then it would be limited in the treatment it could provide at the local level. The county might
not have the funds to provide differential treatment specific to the offenders' divergent needs. Instead, it might have to find an all-encompassing program to try and reach these youths. Indeed, Gallia did provide one program, Wrap-Around Services, for all its RECLAIM Ohio youths.

The other counties seem to follow a similar pattern on size of the county and size of allocation in their ability to provide divergent programs. Hocking, a rural/small county, who received $54,109 RECLAIM dollars, provided one program called Family Preservation. Mercer, also a rural/small county kept only $12,757 (7% of the original allocation) and could only provide Secure Detention and Monitoring Surveillance for its RECLAIM Ohio youth.

Van Wert, a rural/small county, does diverge somewhat from this pattern. This county, like Mercer County, was allocated $181,513, and was able to keep $122,198, and in turn provide more programs. It should be noted that Van Wert expanded their probation and intensive probation programs and created some new programs. Two of these programs, Out-of-Home Placement and Home-Based Family Services, each only served two youths in 1994. Even though Van Wert was able to provide a variety of services like Summit, they served fewer youths. However, Van Wert was able to meet the special needs of a few offenders by contracting with outside private providers.

There are some commonalities in the approaches the counties took to spending their RECLAIM dollars on local programming. All the counties either contracted for outside services or provided programs that operated in conjunction with the court and outside providers. Summit County contracts with outside providers for nearly all of its community-based programs. All counties were able to create at least one new program with RECLAIM
Ohio funds. Four counties were able to expand an existing program.

In general, the smaller-sized pilot counties were only able to create a limited number of programs while the medium to larger-sized counties created more programs and contracted more often with private providers. Although size will be an indicator of how many services a county will be able to provide, all counties should invest their efforts in developing and maintaining programs that have been found to be most effective in the treatment literature.

Paul Gendreau and colleagues (Gendreau and Ross, 1984; Cullen and Gendreau, 1992; Gendreau, 1995; Gendreau and Goggin, 1996; Gendreau and Goggin, (in press)) have conducted extensive research on the principles of effective correctional interventions. Their research has revealed that there are several factors that have been found to be related to successful treatment strategies. These include: utilizing behavioral strategies such as token economies and modeling; treating high risk offenders, targeting criminogenic needs, providing intensive services, using multi-modal strategies, and matching the characteristics of offenders to treatment counselors and types of interventions. Although this is not an exhaustive list, it does highlight some of the key factors related to a program's success.

The RECLAIM Ohio counties have two main options when deciding what type of programs to offer their youths. The counties can either contract for outside services or develop new programs. Given their limited resources, many smaller-sized counties may opt to create one or two programs. If this option is chosen then the counties should incorporate as many of the principles of effective intervention as possible when creating the new program(s). Due to the size of the staff in many smaller counties, the matching principle may not be possible to incorporate. However, these counties can target high risk and need youths
and provide intensive, behavioral strategies.

All counties have the option of contracting for services with outside providers, although larger counties will likely have more funds available to do so and will likely be in closer geographic proximity to more services. If a county chooses to contract then they should ensure that these private providers are utilizing these principles of effective intervention. A correctional tool, The Correctional Program Assessment Inventory (CPAI), has been developed to assess the extent to which treatment programs are meeting these principles. This tool will be discussed in detail later in the chapter.

**Support for RECLAIM Ohio**

In addition to examining if RECLAIM was successful in meeting its goals, it was important to determine the level of support this program has received from those counties involved in the pilot phase. The amount of support for the program may be a key issue in its potential longevity. The interviews revealed that there was a great amount of support for RECLAIM Ohio. Eighty-five percent of the respondents indicated that they were very satisfied having been a pilot county. Seventy two percent were very satisfied with the support the received from DYS during the pilot year. Nearly all would agree to be a pilot county for any new programs.

Respondents were also asked what they liked most about RECLAIM Ohio. The most common responses were: it provided more resources and options for adjudicated youths, the flexibility of the program, having more money, and that the program was community-based. The interviewees provided responses that were similar to liberal and conservatives ideology.
to what they liked best about RECLAIM Ohio. Liberal responses focus on the fact that the program is community-based, whereas conservative responses emphasize the flexibility of the program. Further, conservatives would support the idea that counties are able to choose which options that they believe are best suited for their youths. For some counties, this may be incarceration. There is little doubt that many respondents, whether supporting liberal or conservative elements of the program liked having more money for their local jurisdictions.

Respondents were also asked about what they liked least about RECLAIM Ohio. The two most common responses were: the amount of paperwork and the funding formula. DYS has responded to the concern regarding the funding formula. As of July 1, 1995, the funding formula, which is currently based on the average number of felony adjudications over a two-year period, will be based on an average from four years.

Respondents were also asked what they would like to change about RECLAIM Ohio. Although some of the answers were similar to the above question (i.e., change the funding formula), new changes were mentioned. Some interviewees indicated that they did not want to pay for kids that live in their county, but are adjudicated and committed to an institution by a neighboring county. DYS responded to this concern by now requiring that the county that commits, recommits, or revokes the youth is debited, not the county in which the youth resides.

Respondents also indicated that they did not want to pay for administrative time added on by DYS while the youth was under the care of a DYS institution. DYS changed its policy in July, 1995 so that counties will not be charged for administrative time added on if the youth, while in the institution, commits an offense that would be a felony (e.g., escape,
assault) if the youth were to be adjudicated. The home county must still pay for time added on for behavior problems exhibited by the youth while in the institution.

Finally, those interviewed indicated that they would like to see a reduced per diem charge for community corrections facilities. As of July 1995, counties will be debited 50 percent, rather than 75 percent, of the per diem cost to sentence a youth to a community corrections facility.

These changes suggest that DYS is concerned with complaints that have arisen regarding this new policy initiative. DYS has demonstrated that they are committed to making changes to ensure fairness and continued support from the counties. Further, DYS appears to be committed to addressing any future concerns with this program. As mentioned above, they have modified the program since its inception. This continued support and changes in the program will undoubtedly contribute to the longevity of this program.

During the interviews, nearly all respondents expressed that the goals of RECLAIM are achievable. Ninety-four percent stated that increasing community-based alternatives is achievable. The additional funds have enable the counties either create new programs, to expand existing ones, or to contract with outside providers. Nearly all the respondents believed that commitments to state facilities can be reduced. Once again, the money made available by RECLAIM has enabled counties to find local alternatives to treating youths rather than sentencing them to DYS.

There appears to have been a great amount of support for RECLAIM Ohio during the pilot year. Counties were generally very satisfied having been a pilot county and would volunteer again. They also believe that the goals of RECLAIM can be achieved with the
method being used (e.g., a fiscally-based program). Even though respondents have voiced some concerns, these issues have come to the attention of DYS administrators and in turn these administrators have made some changes in the program. DYS appears to be open to hearing new complaints that arise when all counties are participating in RECLAIM Ohio.

**The Possible Corruption of RECLAIM Ohio**

With any new program comes the possibility that the program may become corrupted in practice. Rothman has explained that if the conscience of a program does not coincide with the interests of those responsible for its operation then the program becomes corrupted in practice. The creation of the indeterminate sentencing scheme is an example of a program that had an admirable conscience that was sacrificed for security and control.

The indeterminate sentence would place an offenders reformation into his or her own hands. Those offenders who chose to change would be released from prison early. This new policy was corrupted in practice because its goals did not coincide with the guards working in the prisons. The guards responsibility was to keep order in the institution. Guards faced losing their jobs if peace and order were not maintained. Thus, rather than rehabilitation being the key to an early release, good behavior on behalf of the inmate became more important. This example illustrates the importance of having a program or policy that carefully blends the elements of conscience and convenience.

Given that RECLAIM Ohio is a fiscally-based program there may be a tendency for counties to find ways to keep more of the money allotted to them on a monthly basis. In other words, the program may become corrupted in practice.
This dissertation has examined two ways that RECLAIM Ohio can potentially be corrupted: transfers to adult court and early releasing juveniles from institutions. For the pilot counties, bind overs to adult court increased 89 percent from 1993 to 1994. The actual change was from 18 youths bound over in 1993 to 34 in 1994. Summit County is responsible for the majority of the cases transferred to adult court. However, this county has been steadily increasing the numbers of youths bound over since 1992.

There are limitations with this finding on bind overs. First the reasons for transferring a juvenile to adult court (e.g., offense, prior record) were unknown. Thus, the increase could have been for youths convicted of murder or rape or for youths with numerous prior felony convictions. Second, the increase in bind overs was attributed primarily to Summit County. However, bind overs in this county were already increasing prior to RECLAIM Ohio. Thus, this increase cannot be solely attributed to the implementation of this program.

Even though this finding warrants closer examination, DYS must be aware that some counties may decide to bind over a youth that they would not have bound over prior to the implementation of RECLAIM Ohio. The reason behind binding over a juvenile would be to save money. For example, if a youth is charged with a serious felony offense and is almost 18, the county may decide to transfer this juvenile to adult court, as they are legally allowed to do, to defray the costs of institutionalizing the youth in a DYS facility or treating the youth in the community. Indeed, when asked in the interview, three respondents from three different counties made reference to cost as an incentive for their county to transfer a juvenile to adult court in the future.

Since the pilot phase of RECLAIM Ohio, tougher new laws regarding transfers to
adult court have been implemented. The new law requires juveniles to be automatically bound over to adult court for certain offenses committed and lowers the age of binding over to 14 years of age for specific offenses. For example, a youth who is 14 years old and who has committed a felony offense and has a prior conviction for a felony offense is required to be transferred to adult jurisdiction. These new mandatory bind over provisions will allow no discretion for judges. They will be required to transfer these juveniles to adult court based solely on the offense committed, even though they may be amenable to treatment in the community.

The state of Ohio has also included discretionary bind over provisions. Juveniles may be transferred to adult court if they are 14 years old, have committed a felony where the victim is over 65 or under five years of age, the victim is disabled or injured, the juvenile possessed a firearm, or the juvenile has failed at prior rehabilitative programs. These discretionary provisions must be examined closely in future evaluations of RECLAIM Ohio. These factors, especially failure in prior treatment, are open to the interpretation of the judges. Thus, if judges wanted to save money, they could bind over a 14 year old to adult jurisdiction based upon one of the discretionary factors listed above.

Even though the bind over law has changed since the pilot phase of RECLAIM Ohio, the Department of Youth services can begin to monitor the number and types of transfers to adult court. DYS should place their efforts in monitoring provisionary bind overs since the new mandatory bind over provisions allow for no judicial discretion. By examining key factors in bind over decisions, such as the age of the youth, current offense, prior record, and prior treatment efforts, DYS can observe the patterns that have arisen since RECLAIM and
the new laws have been enacted.

The counties that emerge with a significantly higher number of provisionary bind overs in relations to other like-sized counties can be financially penalized. The amount of the penalty can be determined by estimating the amount of time the juvenile would have spent in a DYS facility or local treatment program. The county would then be debited this amount from their monthly RECLAIM allotment. Conversely, those counties with significantly fewer bind overs to adult court can be financially rewarded.

A second possible area of corruption examined by this dissertation was early releasing a youth before their time was served. A juvenile court may want to send a message to a juvenile by sentencing him or her to an institution. Once a judge decides to commit a juvenile to DYS, the sentence length is prescribed by law (e.g., 6 months for a felony four offense). The judge does have the power, however, to release the juvenile before his or her time is served. Thus, since court has to pay for each day the juvenile is in a DYS institution, this may provide an incentive to early release a juvenile from the institution. Thus, a judge may want to scare a juvenile by sentencing him and then releasing him or her early to avoid paying for the entire term of incarceration. The Director of DYS has voiced his concerns about this issue. He feels that any term of incarceration can have detrimental consequences and would rather a juvenile not spend time in an institution even for a short period of time. Thus, the issue of early was examined in this dissertation.

The findings on early release raise more questions than provide definitive answers. Early release was examined by felony level and type of offense. Youths sentenced to a DYS institution for felony one offenses were still likely to serve their minimum sentence one year
before and after RECLAIM was implemented. In other words, felony one offenders were no more likely to be early released in 1994 when RECLAIM was implemented. Youths sentenced to an institution for a felony two, felony three, or felony four offense were significantly less likely to be early released. These offenders were more likely to serve their minimum sentence once RECLAIM was implemented.

Even though the above analysis indicated that felony one offenders are not more likely to be early released, they are serving less time in institutions. In 1994, youths spent an average of 226 days (7.5 months) in an institution for committing a felony one offense, whereas in 1993, juveniles spent an average of 338 days (11.3 months). Judges who decide to incarcerate a youth for a felony offense are required by statute to sentence for a minimum of one year. Thus, this decrease in time served is difficult to explain. When revokers are included, felony one offenders serve only two months less in 1994 (9.8 months) than in 1993 (11.9 months).

For the remaining felony levels, there were no significant differences in the amount of time served between 1993 and 1994. When revokers are excluded from the analysis, however, Felony 4 offenders served an average of 39 days longer since RECLAIM was implemented. This finding would coincide with the above finding that offenders convicted of Felony 4 offenses were more likely to serve their minimum time since RECLAIM was implemented.

When examined by type of offense the results produced some different findings. Youths sentenced to DYS for property and escape offenses were more likely to serve their minimum sentence since RECLAIM was implemented. Thus, they were less likely to be early
released. However, when time served is examined there were no significant changes in amount of time served for property and escape offenders between 1993 and 1994. Property offenders served an average of 174 days (5.8 months) in 1993 and 166 days (5.5 months) in 1994. Escape offenders served 163 days (5.4 months) in 1993 and 185 days (6.2 months) in 1994.

The issue of early release can be monitored similarly to the bind overs discussed previously. DYS must first determine the average length of sentences before and after RECLAIM was implemented. They should also attempt to uncover any additional factors that may influence the early release of a youth. This can be accomplished by examining the characteristics of the youth (e.g., prior record, seriousness of the offense), the judge involved, and prior treatment efforts. If it is determined that judges are using institutions as a scarce tactic then the county can be penalized financially for the remainder of the youth's sentence. This in turn may make judges more carefully assess whether the youth actually needs to be in a DYS facility.

A PANACEA IN JUVENILE CORRECTIONS?

James Finkenauer (1982) has explained that when a crisis emerges in our system of justice, criminal justice officials and law-makers are forced to find a solution to the problem. This intense pressure to confront the crisis often results in the proposal of a "panacea." Finkenauer has explained the cyclical nature of these panaceas with regard to juvenile crime. At their onset, the panacea is enthusiastically supported since it proposes to be the solution to the juvenile crime problem. Thus, the panacea purports to be able to cure all types of
youths. Once the panacea begins, however, it fails to meet its original expectations. This failure in turn leads to greater frustration and the search for a new solution.

This dissertation has argued that the juvenile institution was a panacea for the juvenile crime problem. The first juvenile institution, established in 1825, was the House of Refuge. This institution claimed to be able to "save" all types of youths including vagrants, runaways, and delinquents. These houses of refuge were designed to employ strict discipline and moral training and to provide a home-like environment to "save" these troubled youths. Eventually these institutions were severely criticized for employing harsh discipline and severe punishments and for focusing on the custody of rather than the rehabilitation of these troubled youths. This realization that the houses of refuge had not lived up to their original goals led to a search for a new solution.

A new set of reformers continued to place faith in the institution, but, they set forth a new agenda that would purportedly correct the failures of the houses of refuge. A new institution, called a reformatory, would be located in a rural area, would resemble a home environment, and would place more emphasis on schooling. These institutions, like the house of refuge, would also not live up to their original agenda; the panacea failed once again. Thus, reformatories were criticized for using brutal punishments, harsh discipline, and being severely crowded. However, faith in the institutions to solve the juvenile crime problem did not waiver: training schools replaced reformatories as the "new and improved" institution for juveniles. History would repeat itself. These training schools would once again become corrupted in practice.

The purpose of this dissertation was to examine RECLAIM Ohio: a new policy
designed to address the juvenile crime problem. It is important to determine whether RECLAIM Ohio is just another panacea in the search for the solution to the juvenile crowding problem. Does this program have the components of a panacea or is this a program that aids in alleviating crowding in DYS institutions.

Although there was intense pressure to alleviate crowding in juvenile institutions in Ohio, RECLAIM Ohio does not appear to have many characteristics of a panacea. RECLAIM Ohio has not been proposed as a cure-all to juvenile crime in Ohio. There have been no claims that this program is the "magic bullet." The program is designed to reduce the number of juveniles being committed to juvenile institutions, but it does not propose that all youths should be released and treated in the community. Thus, the "magic bullet" is not community treatment or an institution. RECLAIM Ohio does want to treat all types of youths, but all youths are not to be treated the same: less serious offenders are targeted for community treatment, while serious offenders are to be treated in the institution.

The program has not set forth unrealistic expectations. For example, the program does not claim to be able either to save all youths from a life of crime or to close all institutions. The program is designed to reduce institutional populations to their design capacity. Those who implemented RECLAIM understand that achieving this goal will take time. They have projected decreases over the next few years after RECLAIM has been in effect. Thus, they are not expecting drastic reductions overnight. The program also has the flexibility to rehabilitate youths in different ways. Youths diverted to the community are not all treated the same with some "cure-all" treatment program. The counties are given money so that they may provide services to meet the unique needs of their problem youths.
Even though RECLAIM has encountered some initial problems, at this point, the positives have been much greater than the negatives. The staff at DYS have a long-term commitment to this program. The staff is willing to listen to the counties and to modify the program as needed. In other words, DYS understands that this is a new program that will require changes, especially in the early days of the program. As mentioned above, DYS has already made changes in the program after the pilot year of the program. They are also aware of how the program may become corrupted (e.g., bind overs) and are monitoring these issues as they arise.

Unlike the Scared Straight phenomenon, the tenets of the RECLAIM program are inconsistent with a panacea. The program has not set unrealistic expectations: RECLAIM Ohio is not being proposed as the solution to the juvenile crime problem in Ohio. The program seeks to reduce commitments to DYS and to increase community-based services for youths. Unlike other panaceas where all people enthusiastically "jump on the bandwagon," some counties were initially skeptical of RECLAIM. However, the counties in the pilot phase were open to the idea and participated fully, while simultaneously expressing their concerns regarding the program. It appears that DYS understands that juvenile crime is a complex problem in Ohio and that no simple solution exists. DYS has allowed great flexibility in the program to allow the counties to best serve each youth that appears in their court.

**THE VIABILITY OF RECLAIM OHIO: CONSCIENCE MEETS CONVENIENCE**

This chapter has previously discussed how RECLAIM satisfies the interests of both
liberals and conservatives. For conservatives the program provides unlimited funds to lock up serious violent offenders to ensure public safety. For liberals, the program permits less serious juveniles to be treated in their community rather than being committed to a DYS institution. The reduction in less-serious offenders being committed will allow for better treatment efforts for those serious offenders confined to a DYS institution.

Thus, the RECLAIM program has a conscience that is viable to both ends of the political spectrum. More importantly though, RECLAIM Ohio has also carefully addressed the convenience aspect of the program. The financial incentives provided by the program allow it to thrive and meet its' goals. In other words, unlike previous programs and policies of the past, RECLAIM Ohio has been able to align conscience and convenience.

The fiscal incentives allow the counties to address their self-interests. It is advantageous to the counties to treat less serious offenders in their community. The fewer youths that are sent to DYS, the more money counties have to create new jobs in their county such as hiring new probation officers or treatment specialists in their court. Thus, counties have a financial stake in addressing the conscience of RECLAIM. This careful alignment of conscience and convenience has created a "win-win" situation. The financial incentives of RECLAIM have allowed both DYS and the counties to address their individual goals and objectives.

CONCLUSIONS AND FUTURE DIRECTIONS

It appears that the pilot phase of RECLAIM Ohio can reasonably be considered a success. The pilot counties were able to meet the two main goals of the RECLAIM Ohio
program. First, they were able to reduce their commitments to DYS institutions when compared to a group of matched non-pilot counties. As explained previously, these differences were not statistically significant. However, the pilot counties significantly increased the proportion of felony one offenders in and significantly decreased the number of felony four offenders being sent to DYS facilities.

Second, the counties were also able to increase their community-based services available to youths. Although counties varied in the number of youths served and treatment options available, all counties were able to create at least one new program with their RECLAIM Ohio allocations. There also appears to be great deal of support for RECLAIM Ohio by the pilot counties. Nearly all respondents believe that the goals of RECLAIM Ohio are achievable and more than three-fourths reported being very satisfied being a pilot county. The counties did voice some concerns about the program to DYS. DYS, in turn, has responded with a number of policy changes that were implemented in July, 1995.

The potential impact of RECLAIM Ohio is yet to be realized. This dissertation has only evaluated the pilot phase of the program which lasted only one year. During this time, many counties were becoming acclimated with the program (e.g., the paperwork, determining how to best use their money, which treatment programs to use). Thus, to assess the full impact of RECLAIM Ohio these counties require continued evaluation for the next few years.

This evaluation only covers nine of the eighty-eight counties in Ohio. In addition, only one of the pilot counties was an urban area. The major overall findings in this report are parallel to the findings in Summit County. For example, the marked increase in bind overs
for the pilot counties in general was due to Summit County. Some of these findings may suggest how RECLAIM will affect other urban areas. For example, Summit County increased the number of bind overs since RECLAIM began. Other urban areas may also increase their bind overs. On a positive note, Summit County was able to provide a wide range of community alternatives for all types of youthful offenders. Other urban counties should also be able to provide a wide range of services to youths in the community.

In the future, the RECLAIM program also needs to monitor the ways in which the program can be corrupted. This dissertation has examined bind overs and early release strategies as potential corrupting mechanisms of the program. Counties can save themselves money by transferring juveniles to adult court and releasing them early from institutions. Future studies should examine what types of youths (e.g., extensive prior histories, violent offense) are being bound over to adult court now that RECLAIM Ohio has been implemented. The issue of early release needs to be examined in more detail since the findings are equivocal at this time.

Counties also need to be aware of how the counties who are successfully treating juveniles will be affected in the future. The current funding formula is based upon the number of felony adjudications for each county. If a county is successful in reducing crime their RECLAIM Ohio allotment will go down (i.e., they will receive less money since they are adjudicating fewer felons). In other words, counties will end up being punished (i.e., losing funding) for successfully treating offenders in the community. In order to prevent counties from having to discontinue some of their programs or dismiss staff DYS should provide fiscal bonuses for counties that have utilized programs that have been shown to successfully reduce
recidivism rates.

In the future, DYS also needs to monitor what type of programs are being used by the counties to treat offenders. During the pilot year one county only used control/surveillance techniques to "treat" their youths. Other counties also used surveillance type programs, but also had additional treatment options. It is important for counties to use treatment strategies that have been shown to be effective and target the appropriate offenders (Gendreau, 1995).

Evaluative tools, such as the Correctional Program Assessment Inventory, have been developed to determine the effectiveness of various treatment strategies (Gendreau and Goggin, 1996). The CPAI evaluates a program in six main areas. These are: program implementation, client pre-service assessment, program characteristics, staff, evaluation, and an "other" category (Gendreau and Goggin, 1996). The instrument yields one of three overall summary scores—very satisfactory, satisfactory, or unsatisfactory. Thus, counties can hire a professional to conduct the CPAI on each of the programs the county contracts with. The results can become a valuable tool in the rehabilitation efforts of RECLAIM juveniles. Counties will be able to choose the most effective programs provided by community-based contractors.

DYS should consider evaluating some key programs that counties are using to determine their effectiveness. The Correctional Program Assessment Inventory can serve as a correctional tool to aid counties in selecting effective programs. Risk and needs assessments, that are often used in the adult system, can also aid the court in ensuring that youths with varying risk and needs levels are being given the appropriate amount of treatment services.
One very unique quality about the RECLAIM Ohio program is its unique blend of conservative and liberal ideology in developing strategies to respond to juvenile crime. Even though America in general is presently involved in a movement to "get tough" on crime, especially juvenile crime, the hegemony of this movement is not complete. Using RECLAIM Ohio, the State of Ohio is currently in the process removing juveniles from institutions, while the trend for much of the country is to institutionalize more juveniles. However, RECLAIM Ohio supports removing less serious offenders from institutions and treating them in the local community. Serious violent offenders are continuing to be incarcerated in order to ensure that society is protected from these types of juvenile offenders.

A second key element of RECLAIM are the fiscal incentives provided to counties. These monetary allocations allow the program to "work" in its designed form. Counties have a reason to participate in the RECLAIM program. They can use the money to create new programs for less serious juvenile offenders, which in turn boost their communities economy by creating new jobs. The counties also retain the option of sentencing serious juveniles to a DYS institution so they may assure public safety. This unique quality of RECLAIM Ohio—the ability to merge liberal and conservative ideology along with monetary supplements—may be the key to its initial and long-term success.
BIBLIOGRAPHY


APPENDIX A
### YOUTH TRACKING FORM

**Part I - Admission**

- **NAME (Last, First, MI):** [Redacted]
- **DATE OF BIRTH:** [Redacted]
- **SSN:** [Redacted]  **DHS NUMBER (If Appropriate):** [Redacted]  **ZIPCODE:** [Redacted]
- **RACE (Check One):** Black  White  Hispanic  Asian  **GENDER (Check One):** Male  Female  American Indian  Other
- **IS YOUTH (Check One):** In School  Not In School  Graduated
- **IS YOUTH (Check One):** Employed Full-time  Employed Part-time  Not Employed
- **CURRENT OFFENSE:** [Redacted]  **ORC NUMBER:** [Redacted]
- **CURRENT OFFENSE (Check Most Serious):** Felony  Misdemeanor  Unruly  Traffic
  - **VCO** Felony  **VCO** Misdemeanor  **VCO** Unruly
- **IF FELONY, SPECIFY DEGREE:** [Redacted]
- **MOST SERIOUS PRIOR ADJUDICATION (Check One):** Felony  Misdemeanor  Unruly  Traffic
  - None
- **NUMBER OF PRIOR ADJUDICATIONS:** [Redacted]  **AGE AT FIRST ADJUDICATION:** [Redacted]
- **DATE OF ASSIGNMENT TO PROGRAM(S):** [Redacted]
- **INITIAL PROGRAM(S) ASSIGNED (Use Code Number(s) Provided):** [Redacted]

### Part II - Termination

- **Provide the Code Number of All 401 Programs the Youth Was Assigned to Prior to Termination:**
  - **CODE:** [Redacted]  **DATE:** [Redacted]  **CODE:** [Redacted]  **DATE:** [Redacted]
  - **REASON FOR TERMINATION (Check One):**
    - Successful Completion (S)
    - Parole Violation/VCO (U)
    - Youth Turned 18 (N)
    - Parole Violation/VCO (U)
    - Moved out of County (N)
    - Youth Arrested as an Adult (U)
    - Other, Specify

### Part III - 3 Month Follow-Up After Termination from the Program

- **Further Police/Court Contact?** Yes  No
- **If Yes, Check All That Apply:**
  - Arrested for New Offense
  - Probation Violation/VCO
  - DYS Commitment
  - Other, Specify

**NAME/PHONE OF PERSON COMPLETING FORM:** [Redacted]

*Revised 9/94*
### Section: List of Youth Transferred to Adult Court

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<th>(g)</th>
<th>(h)</th>
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<th>(j)</th>
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<th>(l)</th>
<th>(m)</th>
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<td>OFFENSE NAME</td>
<td>DOB</td>
<td>YOUTH NAME</td>
<td>SECURITY NUMBER</td>
<td>SOCIAL SECURITY NUMBER</td>
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### Section: Monthly Statistical Report of Youth Adjudicated for Felony Offenses

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<td>FOR THE MONTH OF</td>
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<tbody>
<tr>
<td>COUNTY NAME</td>
<td>COUNTY NUMBER</td>
<td>COUNTY NAME</td>
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MONTHLY SUMMARY REPORT

YOUTH CARRIED OVER FROM PREVIOUS MONTH

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<thead>
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<th>Program Title/Number</th>
<th>Felony</th>
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<th>Unru</th>
<th>Traffic Offender</th>
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YOUTH ADMITTED DURING THE MONTH

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<th>Traffic Offender</th>
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<td><strong>Total</strong></td>
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YOUTH TERMINATED DURING THE MONTH

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<th>Misdemeanor</th>
<th>Unru</th>
<th>Traffic Offender</th>
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<tr>
<td><strong>Total</strong></td>
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Name/Phone of Person Completing This Form: ________________________________
APPENDIX B
RECLAIM Ohio Structured Interview

Name ____________________________________________

Position_________________________________________ # years

Other Positions held in Juvenile Court

1. _____________________________________________ # years

2. _____________________________________________ # years

3. _____________________________________________ # years

GENERAL RECLAIM

1. Please tell me about why you volunteered to be a pilot site for RECLAIM Ohio?

CASE PROCESSING

2. What criteria are used to decide whether youth who have been convicted of felony offenses are sent to DYS or placed in a RECLAIM Ohio Program?

3. Do you use any standardized assessment forms such as those that identify a client's risks or needs to aid in this decision? Yes No

   a. If yes, what is being used?

   b. If no, is there support in your county for developing a standardized assessment instrument? Yes No

      If yes, what type? Risk Needs Other__________________

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4. Do you provide early release in your county for juveniles? What we mean by early release is any youth being released by the court prior to completing his or her minimum sentence.
   Yes  No

   a. If yes, what types of early release are provided in your county? (shock, vacated orders, early release in general)

5. Have you seen any changes in early releases since RECLAIM Ohio was implemented?
   Yes  No

   a. If yes, do you believe the change in the number of early releases is due to RECLAIM Ohio?  Yes  No

6. Do you anticipate any changes in granting early release due to RECLAIM Ohio in 1995?
   Yes  No

   a. If yes, please explain.

7. When the court provides early release, who provides aftercare?

8. Do you anticipate any change in who provides aftercare for youth on early release?
   Yes  No

   a. If yes, please explain.

   b. If the county does not provide aftercare, are they interested in creating a program?
      Yes  No

9. Are there any problems with revoking cases on aftercare?  Yes  No

   a. If yes, what are they?

10. Have you seen any changes in the seriousness of the charges filed against the youths in your county since RECLAIM Ohio was implemented? (Have more youth been adjudicated as public safety cases?)  Yes  No

    a. If yes, what changes have occurred and why?
11. Do you anticipate any future changes in the seriousness of the charges filed against youths in your county due to RECLAIM Ohio? Yes No
   a. If yes, how would the charges change and why?

12. Would you like to see any offenses added to the definition of public safety beds? Yes No
   a. If yes, which ones?

13. This county bound over ______ offenders in 1994. Is this an increase / decrease / or no change since 1993?
   a. If there has been a change, do you believe this change can be attributed to RECLAIM Ohio? Yes No
   b. If yes, please explain.

14. In the future do you foresee an increase in the number of cases bound over to adult court due to RECLAIM Ohio? Yes No
   a. If yes, please explain.

15. Have you found that you need more staff because of RECLAIM Ohio? Yes No

16. Has RECLAIM Ohio changed the roles of your staff? Yes No
   a. If yes, how?

PROGRAMMING

17. Once RECLAIM Ohio youths are identified, do you use any standardized assessment forms to determine what programming is appropriate? Yes No
   a. If yes, what instrument is being used?
   b. If no, is there support in your county for developing a standardized assessment instrument? Yes No
If yes, what type? Risk Needs Other__________________________

18. In your original proposal the following programs were offered to RECLAIM Ohio youth in your county.

<table>
<thead>
<tr>
<th>1994</th>
<th>1995</th>
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<td>2. _______________</td>
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<td>3. _______________</td>
<td>3. _______________</td>
</tr>
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</table>

19. Have the types of programs offered to RECLAIM youth changed between 1994 and 1995?
   Yes  No

   a. If yes, please explain how and why they occurred.

20. How do you think RECLAIM Ohio has affected (increased/decreased) the sentencing options available in your court?

21. Are there additions to the RECLAIM Ohio program that could help reduce the number of youth who need to be sent to the state on technical violations or for non-violent felony offenses when they are unsuccessful in RECLAIM? Yes  No

   a. If yes, what are they?

22. When a RECLAIM Ohio youth commits a new offense or violates a condition of probation, do you follow any special procedures for revoking or sentencing that youth? Yes  No

   a. If yes, please explain.

23. Have these procedures changed since RECLAIM Ohio was implemented? Yes  No

   a. If yes, how have they changed?
24. Are these procedures any different for youth not involved in RECLAIM Ohio?
   Yes  No

   a. If, yes how are they different?

**FUNDING**

25. Has the amount of money received from RECLAIM Ohio been less than / more than / or about the same as what you expected?

26. On a scale of 1 to 5 (where 1 equals no interference and 5 equals much interference), how much of an interference in your planning is it to not know how much money you will receive each month from RECLAIM Ohio?  1  2  3  4  5

27. Given the funding you have received, how much have you been able to expand your services?
   Greatly expanded  Expanded somewhat  About the same

28. What would you like to change about the funding of RECLAIM?

**SATISFACTION WITH RECLAIM OHIO**

29. How satisfied have you been with the support from DYS?

   _____ Very Satisfied
   _____ Somewhat Satisfied
   _____ Somewhat Dissatisfied
   _____ Very Dissatisfied

30. What additional types of technical assistance do you think would help the county?

31. What do you like most about RECLAIM Ohio?

32. What do you like least about RECLAIM Ohio?
33. What would you change about RECLAIM Ohio?

34. How satisfied have you been being a pilot county for RECLAIM Ohio?
   
   _____ Very Satisfied  
   _____ Somewhat Satisfied  
   _____ Somewhat Dissatisfied  
   _____ Very Dissatisfied

35. Would you be receptive to being a pilot county for any new programs in the future?
   Yes  No
   
   a. Why or why not?

36. What have you liked most about being a pilot county for RECLAIM Ohio?

37. What have you liked least about being a pilot county for RECLAIM Ohio?

38. What percent of your court personnel would you say understand RECLAIM Ohio?
   _____\

39. What percent of your court personnel would you say supports RECLAIM Ohio?
   _____\%
40. What percent of the following groups would you say understand RECLAIM Ohio?
   a. Prosecutor's Office  %
   b. Local Law Enforcement  %
   c. Other Juv. Just. Officials  %
   d. School Officials  %
   e. The Public  %

41. On a scale of one to five (one being least supportive and five being fully supportive), in your opinion, how much do the following groups support the goals of RECLAIM Ohio?

DO NOT ASK FOR ANY GROUP SCORING ZERO PERCENT ON THE PRECEDING QUESTION

   a. Prosecutor's Office  1  2  3  4  5
   b. Local Law Enforcement  1  2  3  4  5
   c. Other Juv. Just. Officials  1  2  3  4  5
   d. School Officials  1  2  3  4  5
   e. The Public  1  2  3  4  5

42. Have you taken any steps to promote or explain RECLAIM Ohio to the public?
   Yes    No

   a. If yes, what steps have you taken?

43. What advice would you give to other counties as they begin their RECLAIM Ohio experience?

44. What advice would you give to DYS as they expand RECLAIM Ohio?
45. Do you believe that the goal of RECLAIM Ohio—to reduce commitments to state facilities—is actually achievable? Yes No

   a. Why or why not?

46. Do you believe that the goal of RECLAIM Ohio—to increase community based services for nonviolent felony offenders is actually achievable? Yes No

   a. Why or why not?

47. Do you foresee any unintended consequences of RECLAIM Ohio? Yes No

   a. If yes, what are they?

48. Beyond what we have already discussed, is there anything you would like to add?