

Smarter Choices for Virginia's Youth and Future

By Laura Goren and Michael Cassidy

Reforming Virginia's juvenile justice system could make communities safer, improve the educational and employment prospects of troubled young Virginians, and reduce burdens on low-income families, all while also saving the state money.

Around the country, a number of states have reformed their state youth incarceration systems to keep kids closer to their homes, and in doing so have both saved money and improved public safety. In Virginia, policymakers and organizations from across the political spectrum have begun considering how Virginia could learn from the experience of other states and improve its system.

Some changes have already begun being made in Virginia, such as better aligning the length of time youth spend in state custody to what the research shows best reduces the risk of re-offense.

But Virginia has not yet adopted other changes – most critically, closing

ineffective, outdated state youth prisons – that could further improve outcomes for these young Virginians and, therefore, make communities safer.

Holding youth accountable for their actions is important, and so is setting the groundwork so those youth can become productive adults.

This paper examines Virginia's current system, opportunities to improve it based on lessons from other states, and how reform could impact Virginia's state budget and local communities.

Virginia's state youth prison system isn't working for anyone

Virginia's current youth prisons – the Department of Juvenile Justice's juvenile correctional centers (JCCs) – are ineffective at putting kids on a better pathway, and youth who are released from the prisons are very likely to continue to break the law.

Young Virginians who are committed to the custody of the state will someday be released, and most will return to the local communities where they previously lived. But Virginia's current state system for youth offenders does a poor job of preparing them to be successful young adults who stay out of further trouble. By failing to help young Virginians become productive adults, Virginia's youth prison system is also failing to keep communities safe.

Almost three-quarters of youth who have been held in the state's juvenile prisons are convicted of another crime within three years of release. And the department's own research shows that, after controlling for offense, risk, and protective factors (using a validated tool that considers



THE
COMMONWEALTH
INSTITUTE

IN BRIEF

The Problem

Virginia's current state juvenile correctional centers are not effective and do not make communities safer in the long run. Almost three-quarters of youth who have been held in the state's youth prisons are convicted of another crime within three years of release. Every month that youth stay in them increases the chance they will get into trouble with the law again, even after adjusting for the youth's offense, risk, and protective factors. And youth from high poverty localities are most likely to be sent to these prisons, magnifying the impact of the current broken system on already struggling communities.

The Cause

Both of Virginia's youth prisons are large, high security, outdated facilities in the Richmond metro area. As a result, many youth in the facilities are very far from their home communities, making it hard for families to be involved in their children's treatment, something research shows is important to reducing recidivism. And keeping youth in high security facilities far from their homes makes engagement with community organizations, local schools, and job training opportunities very difficult.

The Solution

There are community-based accountability and treatment programs that have better outcomes for youth and, by reducing recidivism, for communities. By closing Virginia's youth prisons, the state can save enough money to build a system of community-based programs that would effectively help our state's troubled youth become productive, law-abiding adults. Recently unveiled plans by the Department of Juvenile Justice and outside stakeholders are a strong step in this direction.

Sources

This paper is based on data from the Virginia Department of Juvenile Justice's FY2014 Data Resource Guide; the Oct 19, 2015 presentation by the Director of the Dept of Juvenile Justice to the House Appropriations Committee; Virginia budget documents; the U.S. Dept of Justice's Office of Juvenile Justice and Delinquency Prevention; and research on the effectiveness of various juvenile justice interventions. For specific citations, please contact The Commonwealth Institute.

past offenses, family support, school conduct, peer networks, substance use, mental health, aggression, attitudes, skills, employment, and other activities), youth who are held in the state's youth prisons for longer periods of time actually have higher rates of re-arrest within a year of release than youth who are held for shorter periods of time.

Other states have also found serious negative impacts on youth and communities from using state facilities. A study of Texas youth offenders found that, after controlling for offense, risk, and protective factors, youth who were confined in state facilities were 21 percent more likely to be rearrested within one year than similar youth who were kept at home or in local facilities, and were three times more likely to commit a felony as their next offense. And in Ohio, youth who were treated in non-residential programs had substantially lower recidivism rates than youth who were placed in either state youth prisons or local detention centers.

One of the major reasons that incarcerating youth in state prisons results in high recidivism rates is that these facilities are often far from the youth's home. This means the youth are separated from their families, community support, and job training opportunities that are important for future success.

Research shows that family involvement in treatment reduces recidivism, and this involvement is very hard to maintain when youth are held in facilities an hour or more away from their family. A national survey of parents of justice-involved youth found three-quarters faced significant barriers to visiting their children in secure confinement, including distance and transportation access.

In addition, meaningful job training and employment opportunities for the types of jobs that are common in their communities are more likely to be available when youth are living in those communities, rather than isolated in state facilities in a different region, as is currently the case in Virginia, where both youth prisons are in metro-Richmond.

Most of the youth who are committed to the custody of the state are already well behind where they should be academically, and youth who are in the state youth prisons have very low pass rates – under 30 percent – on the state's standards of learning (SOL) tests. Only about a quarter of youth who are held in the state facilities achieve a high school diploma or pass the GED while they are being held there, and fewer than 3 in 10 successfully complete even one career and technical education (CTE) course while at the prisons.

To make matters worse, the current system of youth incarceration in Virginia most frequently impacts youth and families

who are from cities and counties with high levels of poverty. While not all high poverty localities in Virginia have high rates of kids in custody, the localities that do have the highest commitment rates tend to be high poverty.

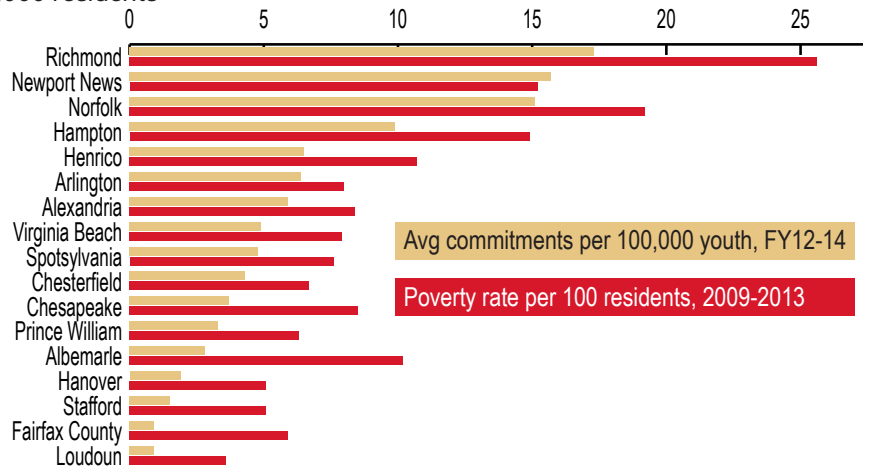
Of the 10 Virginia localities with the highest rates of youth commitment, all but one have poverty rates higher than the statewide poverty rate. Looking just at the 17 largest Virginia localities – those with more than 100,000 residents – the five highest poverty localities are also the five localities where youth are most likely to be committed to state custody.

The concentration of youth incarceration from Virginia's highest-poverty localities means that the negative consequences of youth incarceration in large state facilities – higher recidivism rates than among similar youth placed in high-quality community-based programs, disconnection from family, and reduced access to employment – are also concentrated in Virginia's high-poverty communities.

High Poverty, High Commitment Rates

The Virginia localities that have the highest rates of committing youth to state custody all have high poverty rates

Local commitment and poverty rates, among Virginia localities with more than 100,000 residents



Source: TCI analysis of Virginia DJJ commitment data by locality, FY2012-2014, and ACS poverty rates by locality, 2009-2013



And the high rate of incarceration from some of Virginia's poorest communities also means that the requirement that families of incarcerated youth pay child support to the Department of Juvenile Justice (via the Department of Social Services) has an outsized impact on families who are often already struggling to make ends meet.

The Department of Juvenile Justice has made key changes in the past two years to try to improve the effectiveness of treatment and reduce recidivism within their current structure. These changes include increasing the purchase of local detention space so that some youth can be closer to their families, adopting a new treatment model, increasing the availability of certificate programs and college classes, and reforming its reentry programs.

However, the Department is operating within the constraint of having just two facilities, both of which are large, inefficient, and located in the Richmond area. In addition, the Department lacks funding to establish a robust system of community-based accountability and treatment programs.

And in critical ways, Virginia has moved in the wrong direction. Funding cuts made during the 2007-2009 recession dramatically reduced the range of available facilities, cut funding for vocational training, and pared back state support for local treatment and accountability programs. In addition, the current physical system of locking almost all of Virginia's state-responsible youth in large, high security facilities far from their families is increasingly out of line with national best practices.

There are options that work better

National research shows there are other models that could work better, and we have an opportunity in Virginia to implement some of those proven models by closing the state's youth prisons and using the savings to establish a system of more effective options. There are a number of community-based accountability and treatment programs that have been found to provide better outcomes for youth and communities by lowering recidivism rates.

For example, Family-Centered Treatment has been shown to work better than restrictive residential placements at

reducing future incarceration. And a study in Ohio found that youth who were kept at home and received Multisystemic Therapy had sharply lower recidivism rates than comparable youth who were placed in state youth prisons.

The Youth Advocates Program (YAP), which has a location in the Roanoke area, works successfully in other states with justice-involved youth. Unlike Virginia's youth prisons, YAP programs have lower recidivism rates among youth who have been in the program for longer periods of time.

There are also a number of other treatment programs, such as Functional Family Therapy, that have been shown to be effective at reducing recidivism, including among serious offenders and high-risk youth.

Other states have shifted away from holding youth in large state prisons, while at the same time seeing drops in their crime rates, rather than seeing the spike in crime that some might fear as a consequence. Since 1995, California has reduced its rate of youth confinement by 94 percent. At the same time, the juvenile crime rate fell 67 percent and the felony crime rate fell 71 percent. Ohio and Texas both slashed their rate of confinement in state facilities by 75 percent between 1997 and 2013 while also seeing decreases in their crime rate.

Serving youth in their homes or in community-based placements has another possible benefit, as well. Unlike youth incarcerated in large facilities, youth who are in non-residential and community-

Virginia's current system is increasingly out of line with national best practices.

based placements with 16 or fewer beds can be enrolled in Medicaid or FAMIS, assuming they would otherwise be eligible.

Because many of the youth who are committed to state custody are from low-income families, non-residential and community-based placements that would allow the youth to remain eligible for Medicaid or FAMIS could reduce the number of interruptions and changes in their mental and physical health care. Given the high rates of diagnosed mental health disorders and other health needs among youth committed to the state's custody, improving the continuity of health care for these youth would be an important change.

The state could either directly enroll the youth in Medicaid or FAMIS, or could go through the state's existing Children's Services Act (CSA) partnership system for troubled youth. However, should the state decide to use the CSA model, it would be appropriate for the state to completely waive any required local match for this group of youth in order to avoid placing new costs on localities.

With the appropriate setup (including waiving any required local match for CSA funds), enrolling state-responsible justice-involved youth in Medicaid and FAMIS should not bring new costs to

localities and should save the state money, since the federal government would pay part of their medical costs, compared to the present situation where the state is responsible for all medical costs for committed youth.

Virginia is trailing other states in building a better system

Despite falling crime rates and recent shifts in policy that have resulted in declining numbers of youth being held in Virginia's youth prisons, the state still incarcerates more youth in state-operated facilities than many other states.

As of 2013, the most recently available federal data for cross-state comparisons, Virginia incarcerated 79 youth in state facilities for every 100,000 youth age 10 or older living in Virginia. That's 75 percent higher than the national rate of 45 state-incarcerated youth per 100,000 youth in the country.

Updating the Virginia incarceration rate for the latest counts of number of youth in state facilities shows some improvement, but even recent incarceration rates in Virginia remain above the 2013 national rate. Using the fiscal year 2015 average daily population of youth in state facilities and assuming no change in Virginia's overall youth population, there were about 60 incarcerated youth per 100,000 Virginia youth in fiscal year 2015.

Looking more broadly, Virginia has a high rate of youth committed to residential placements even when looking at all types of facilities, rather than just state-operated facilities. In 2013, Virginia had a post-disposition incarceration rate of 122 youth per 100,000 in the state, higher than the national average rate of 114 per 100,000 youth in the country.

And while nationally the trend has been toward holding youth in smaller facilities, with just 14 percent of all youth who are in residential placements being held in facilities with over 200 beds in 2013, in Virginia the closure in recent years of all state-run halfway houses, wilderness programs, and mid-security facilities means 85 percent of Virginia's youth who are in state custody are now being held in large facilities with over 200 beds.

Dollars and sense

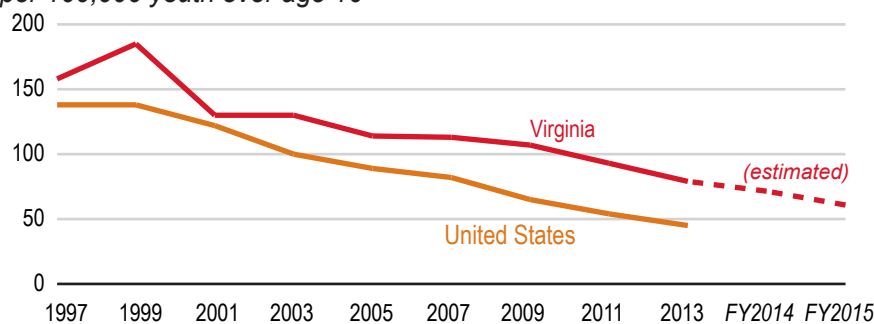
Not only is Virginia's current system not working to rehabilitate youth and keep communities safe, it's also very expensive. The per capita cost of incarcerating youth in Virginia's juvenile correctional centers (JCCs) was \$148,214 in FY2015.

Looking forward, the number of youth who need to be incarcerated in secure state facilities at any one time is expected to continue declining due to the Board of Juvenile Justice's new length of stay guidelines. But because many of the costs of operating JCCs cannot be scaled down without closing the entire facility, continuing to operate the remaining two JCCs with declining numbers of incarcerated youth will result in increasing costs for each youth who remains in the facilities.

For example, assuming a total average daily population of 383 youth in secure state institutions and the continued operation of the Bon Air and Beaumont JCCs at the same fixed cost as in FY2015, it would cost over \$180,000 to incarcerate a youth for one year in Virginia.

Virginia Has A High Rate of Youth in State Custody

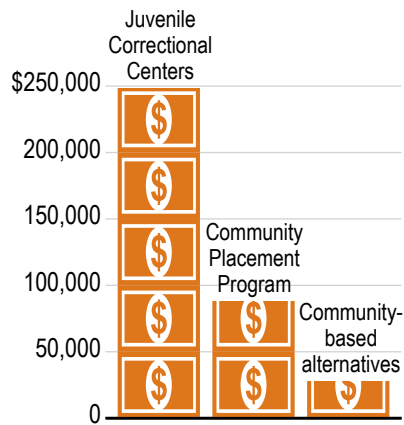
Number of youth in state-operated juvenile justice facilities, per 100,000 youth over age 10



Source: TCI analysis based on data from the U.S. Dept of Justice's OJJDP "Census of Juveniles in Residential Placements, 1997-2013," and Virginia DJJ statistics on state custody ADP, FY2014 and FY2015

Current System is Expensive

Annual per youth cost of accountability and treatment programs, FY2015



Source: TCI analysis based on data from the Oct 19, 2015 presentation to HAC by the Dir of Juvenile Justice and estimates of the cost of non-residential programming.

Many of the community-based alternatives to incarcerating youth in large state facilities are lower cost as well as more effective at reducing recidivism. For example, Functional Family Therapy, which has been identified as an effective treatment for moderate-risk youth, reduces re-arrest rates from at least 45 percent to about 25 percent and costs about \$3,300 per youth. That's a drop in the bucket compared to the cost to incarcerate a youth in one of Virginia's youth prisons. Multidimensional Treatment Foster Care, which has been identified as appropriate for high-risk youth with chronic antisocial behavior, emotional disturbance, and delinquency, costs about \$5,800 per youth, per month, which is still far cheaper than incarceration in state facilities.

Reducing the amount of money the state spends running large youth prisons could cover the cost of providing a continuum of accountability and treatment options tailored to the needs of each community and youth, while providing some leftover money to reinvest in prevention programs or other state priorities.

Virginia currently budgets \$65 million a year to run its remaining youth correctional facilities. While down sharply compared to before the recession when the state ran far more facilities, the cost per youth is still extremely high compared to almost any other option.

Both the Department of Juvenile Justice and outside stakeholders have recently proposed transformations that would make Virginia's system work better while also saving the state money. The central focus of these plans is closing Virginia's current youth prisons and using the savings from no longer running those facilities to fund an array of residential and non-residential community-based accountability and treatment programs that would be more effective at reducing recidivism and making communities safer.

Under these plans, some youth would continue to be in locked residential facilities, but only when it is necessary due to their type of sentence or for public safety. By reducing the use of youth prisons and increasing the availability of more effective accountability and treatment programming, these plans would help Virginia reduce recidivism and save money.

For example, paying local detention centers to hold state-responsible youth in their facilities – an option the state currently uses for some youth with shorter lengths of stay or as a re-entry program – costs an average of \$87,650 per youth, per year in fiscal year 2015, compared to \$148,214 per youth, per year for the state correctional facilities.

Looking at the number of youth currently in state custody in Virginia, switching to a mix of purchased beds in local facilities and community-based alternatives would be significantly cheaper than continuing to run Virginia's existing youth prisons. Assuming the number of youth in state custody as of July 1, 2015 – 383 –

continues, switching to a mix of purchased beds in local facilities and community-based alternatives could save tens of millions of dollars per year.

For example, if the state purchased 200 slots from local detention centers at the average 2015 cost of \$87,650 per slot, while serving the remaining 183 youth in community-based non-residential treatment plus a specialized educational program – a combination that could cost the state about \$40,000 per youth, per year – might have a total cost of about \$25 million a year. The total cost to the state would likely be somewhat higher, given the need to provide sufficient support to encourage non-profit and other partners to maintain capacity to provide a range of services across the state, but the cost should still be far lower than maintaining Virginia's expensive, outdated youth prisons, which have an annual operating cost of about \$69 million.

Another approach that would use a mix of purchased beds in local facilities and community-based residential and non-residential alternatives, but also include two smaller state-run facilities, would cost more than eliminating the use of state prisons for youth. But even that scenario would save money in the long run after accounting for the cost of building the new facilities, according to estimates by Virginia's Department of Juvenile Justice.

This is partly due to design improvements that would increase energy efficiency and reduce the number of staff needed

The high recidivism rates for youth released from Virginia's current youth prison system shows youth prisons aren't working.

per youth compared to the current large, aging state prisons. One challenge of this approach is that it would likely mean more youth would be far from their families, which would be detrimental, since family involvement in treatment reduces recidivism.

Transforming Virginia's state youth justice system and eliminating the use of the state's current large state prisons provides another possible benefit, as well. Virginia's current state juvenile correctional centers are both located on large tracts of land in suburban Richmond. The 672 acre Beaumont campus is estimated to be worth \$38.4 million, while the 406 acre Bon Air campus is estimated to be worth \$11.3 million. Unlike some of Virginia's other shuttered juvenile facilities, there are no known obstacles to this land being used for other purposes. Should Virginia close these facilities, the land would be available for use by a different state agency or, if no other state agency needed the space, the land could be sold to the local governments or private developers.

Unlike some past system transformations and de-institutionalization efforts in Virginia, the current proposals to transform Virginia's state juvenile justice system – both the proposals from the Department of Juvenile Justice and those of outside stakeholders – would not force local governments to take on any responsibility for the youth who would otherwise remain in the state-run facilities.

Instead, the proposals envision that the Department would contract with willing parties – whether local governments or private providers – to provide supervision of and services to the youth. The state would remain fully fiscally responsible for committed youth, and would need to offer competitive rates to attract local and nonprofit partners to serve the youth.

Building a system of community-based alternatives will not be a simple task, since potential service providers will need to identify and train staff to provide new types of services, and the state will need to ensure that the accountability and treatment programs are carried out in an effective manner. But Virginia's current youth prison system is not working, there are proven models from other states that show how to build a continuum of community-based options, and investing the time and resources to build a more effective system will pay dividends over the long run.

There would, of course, be costs in both human and fiscal terms to closing the existing state facilities. These costs should be built into any estimates of the savings from closing the existing facilities. However, should the Department's transformation plan be implemented, many existing staff would likely continue employment with the Department of Juvenile Justice in its new facilities, or would find employment in the adult correctional system, local detention centers, or other state jobs. In addition, all state employees – including the current staff at the juvenile correctional centers – are entitled to continuing health insurance, partial salary payments, and priority hiring for other state jobs for a period of time after being laid off.

Looking more broadly, a transformed system for youth committed to the state's custody would provide fewer employment opportunities in the Richmond area, but would likely provide more employment in other areas of the state, including more jobs with private service providers.

Looking forward

The state's top priorities when it comes to dealing with young Virginians who have been committed to the state's custody must be holding youth accountable and helping the youth become productive

adults so that both the youth and our communities will be safe when the youth return home.

The high recidivism rates for youth released from Virginia's current youth prison system shows the youth prisons aren't working to help youth become productive adults. While some progress has been made recently in reducing the use of state incarceration for youth, Virginia is still behind national trends and is failing to implement the major overhaul that other states have used to improve outcomes—getting youth out of the large failed prisons and into settings and programs that work better. Recent proposals by the Department of Juvenile Justice and outside stakeholders to make changes along these lines would allow Virginia to align its practices with what research shows works.

There's an opportunity now to turn that corner, work together, and build a better system. We must not let this moment pass.

Photo: Michael Coghlan, CC-BY-SA 2.0 <https://creativecommons.org/licenses/by-sa/2.0/>

The Commonwealth Institute

The Commonwealth Institute for Fiscal Analysis provides credible, independent and accessible information and analyses of state public policies with particular attention to the impacts on low- and moderate-income persons. Our products inform state economic, fiscal, and budget policy debates and contribute to sound decisions that improve the well-being of individuals, communities and Virginia as a whole. Contact 804-396-2051 or go to www.thecommonwealthinstitute.org.

