

**“Ending the School to Prison Pipeline”  
Testimony for the Record  
U.S. Senate Judiciary Committee  
Subcommittee on Constitution, Civil Rights, and Human Rights  
Ohio Attorney General Mike DeWine  
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Chairman Durbin, Ranking Member Graham, and members of the Subcommittee, I am pleased to appear before you to talk about how Ohio is managing our youth in today’s justice system. I also applaud the focus on issues relating to school discipline and strategies that can end the school to prison pipeline. We know that positive school discipline methods can prevent juveniles from entering our correctional system in the first place. And we know that keeping children in school is vital, as research shows us the indisputable link between illiteracy and delinquency.

When I was Ohio’s Lieutenant Governor (1991-1995) under Governor George Voinovich, one of my jobs was to oversee the juvenile justice system. At that time, the system was in disarray:

- State facilities were bursting at the seams, sometimes crammed to as much as 175 percent capacity;
- There was often a lack of appropriate programming;
- The use of state funds for youth incarceration was inefficient or ineffective;
- Many young people caught up in the juvenile justice system were simply learning how to sharpen their criminal skills; and
- The relationship between the Ohio Department of Youth Services and the local juvenile courts at the time was described most charitably as “combative.”

My first goal was to enhance public safety by:

- Reducing violence in our facilities;
- Placing youth in the most appropriate setting to address their needs; and
- Keeping children as close as possible to their families, schools, and other community support systems.

By focusing on these strategies, I felt we could ultimately reduce recidivism and improve the lives of and the outcomes for these young people. Local jurisdictions had few options and even fewer financial resources. And frankly, they didn’t have much incentive to do things differently. Ohio’s 88 counties could send an unlimited number of juveniles to state institutions with no financial consequences. The state, rather than the counties, bore all the costs of incarceration.

And so, when I took office, we set out to make Ohio’s juvenile justice system better. I traveled around the state, talked with juvenile judges, and heard first-hand their pleas for reform. Geno Natalucci-Persichetti, then the director of the Ohio Department of Youth Services (DYS), and I convened a meeting of juvenile judges with the Governor in the Statehouse.

We wanted to improve the Department of Youth Service's ability to treat juvenile offenders; empower juvenile court judges with more community based options; and whenever possible, keep the kids close to home, in school, and out of incarceration. We understood that judges know the kids and their communities better than anyone else in the state. We wanted a commonsense approach that also kept our concern for public safety front-and-center.

Our preliminary reform efforts led to the creation of RECLAIM Ohio (*"Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors"*). This program reduced the number of commitments to DYS state institutions and expanded the community-based options available by providing a financial incentive where essentially, the money started to follow the juvenile. If he or she stayed in the community, so did the funding.

After a nine-county pilot project delivered positive results, RECLAIM Ohio was implemented statewide. Its early successes earned it a 1996 Harvard Kennedy School of Government designation as a leading, innovative governmental program. A subsequent Ford Foundation grant helped establish a RECLAIM Academy in Ohio, where juvenile correctional leaders from around the country could come to learn about the program's principles and possible applications to their states.

In 2005, long after I had left state government, DYS leadership further built upon the RECLAIM Ohio foundation and developed the Ohio Youth Assessment System (OYAS). This system provides a research-based tool to assess the needs of youth from arrest all the way through discharge from parole. By evaluating each juvenile's level of risk, Ohio has been better able to match young people with effective programs and services that target their needs, oftentimes outside of a locked-down facility. Having an effective assessment process in place has enabled DYS to exceed its goals in reducing DYS admissions and to reinvest those dollars into the "Targeted RECLAIM" initiative, aimed at youth with serious behavioral health issues.

Juvenile justice reform is an arduous, painstaking process complicated by difficult and often conflicting factors:

- Professionals in the field deal with dysfunctional and sometimes dangerous youth;
- Opinions about how best to manage juvenile systems are frequently polarized;
- Everyone's interests must be balanced in an environment where budget shortfalls are all too common.

The juvenile justice system is increasingly litigious, as well. Ohio's system faced several major lawsuits in recent years, but ultimately the manner in which the suits were settled supported the overarching goals of our reform efforts.

Despite the challenges and obstacles, RECLAIM Ohio is a reform that works. According to Judge James Kirsch, a long-time juvenile court judge in Ohio's Scioto County:

“RECLAIM Ohio has allowed the courts to develop some good programming with accountability. And, as RECLAIM Ohio has evolved, it has enabled communities to take care of juveniles locally rather than send them off to DYS.”

Judge Kirsch’s “Saturday School” -- an alternative to detention -- is one such example of good programming. “Saturday School” is a 10-week program conducted three times a year by the court’s probation department. Three teachers provide remedial instruction in math, spelling, reading, and writing, and have often been able to bring the young people back to their academic grade level. And, according to Judge Kirsch, the kids who attend “Saturday School” don’t come back! They’re entering the school system again and avoiding the pipeline to prison.

Judge Kirsch also noted that before RECLAIM Ohio, he typically placed between 22 and 25 youths per year in DYS. Today, his DYS placements average about two per year.

By any measure, RECLAIM Ohio has delivered results:

- The DYS population has declined from a high of more than 2,600 in May 1992 to 551 in October 2012;
- Felony commitments to DYS facilities decreased from 2,215 in fiscal year 2000 to 836 in fiscal year 2010. That’s a 62 percent reduction;
- Research shows that, for all but the highest risk youth, RECLAIM programs are cost-effective alternatives to DYS and community corrections facilities, and they produce lower recidivism rates;
- Ohio saved over \$57 million in operating costs previously spent on incarceration by closing four juvenile facilities; and
- In the long-run, every dollar spent on keeping youth in the community through the RECLAIM program saves between \$11.00 and \$45.00, as opposed to locking them down in a DYS or community corrections facility.

RECLAIM Ohio has functioned as it was designed. It works because it avoids institutionalizing low risk youth, instead keeping them with their families and peers, in their school and community. In a supportive setting, families and educators are best able to work together to use discipline to correct behavior rather than reporting to prison, which is best suited to punish behavior. RECLAIM Ohio has realized its goals of better serving the juveniles involved with Ohio’s Department of Youth Services and of enabling local courts to develop or purchase less restrictive, more appropriate community-based resources for juveniles in their systems. Just as significantly, RECLAIM Ohio established a flexible framework that can easily accept future adjustments and improvements to the juvenile justice system in Ohio.

We also believe the core features of RECLAIM Ohio and the successes it has produced can be replicated in other states. In fact, Judge Teske will no doubt elaborate on this, but I was pleased to learn that Georgia is the latest state to consider implementing juvenile justice reform based on RECLAIM Ohio.

Again, I am pleased to be back here in the Senate Judiciary Committee hearing room, and thank you for the opportunity to present testimony on this very timely issue. The importance of continuing to bring together our justice system, our schools, and our communities cannot be overstated.