

# Fiscal Note & Local Impact Statement

122<sup>nd</sup> General Assembly of Ohio

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BILL: Sub. H.B. 1 DATE: July 1, 1997

STATUS: As Reported by Senate Judiciary SPONSOR: Rep. Williams

LOCAL IMPACT STATEMENT REQUIRED: Yes Local cost was in the introduced version, but has been minimized in the substitute bill

CONTENTS: Creates a Release Authority in the Department of Youth Services, and defines procedures for the release of youth from institutionalization.

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## State Fiscal Highlights

STATE FUND	FY 1998	FY 1999	FUTURE YEARS
<b>General Revenue Fund</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	\$142,000 increase	\$146,000 increase

- Staff costs of \$142,000 for the creation of the Release Authority within the Department of Youth Services, which then assumes control of release procedures of youth offenders.
- Expansion of Public Safety Bed definition shifts financial responsibility of revoked youth from counties to Department of Youth Services, with no real cost increase due to existing Reclaim formula.

## Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1998	FY 1999	FUTURE YEARS
<b>Counties</b>			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	- 0 -	Potential negligible increase	Potential negligible increase

- County costs for incarcerating youths will likely increase as a result of a more reactive arrest mechanism, which will deliver youths to detention centers and county jails faster, however, these costs will be negligible due to the 72 hour revocation motion rule set in the bill.
- Juvenile courts could free up detention center beds by taking advantage of judicial release provisions.



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## ***Detailed Fiscal Analysis***

The bill creates a Release Authority within the Department of Youth Services (DYS), and grants the Authority powers to make decisions regarding the release of youth who are eligible for release from institutionalization, and creates procedures by which the authority must carry out its duties. The bill also provides for the judicial release of youth, and makes changes to early release and supervised release procedures. In addition, the bill authorizes the creation of an Office of Victims' Services within the authority, permits victims to participate in proceedings before the authority, and permits the Director of DYS to designate certain parole officers to carry firearms in the course of duty.

### **Statistics on Juvenile Incarceration and Parole**

A juvenile court may commit any felony level offender who is between the ages of 12 and 15 to DYS custody. During FY 1996, 3,435 juveniles were committed to DYS custody. Of the total number of youths committed to DYS in FY 1996, 612 were youth whose parole was revoked. The average daily institutional population is 2,100. Approximately 3,300 youth were released to parole in FY 1996, and the average daily parole population was 2,673. Of the total number of youths released to parole, approximately 22 percent received an early release by the committing courts, 73 percent were released based on recommendations by case workers and parole officers, and 5 percent (representing the most serious and endangering offenders), were reviewed by central office and granted release by the Director. In FY 1996, the satisfactory discharge rate for parolees was 48.1 percent, the revocation rate was 18 percent; and the recommitment rate was 13.2 percent. The average length of stay for revoked youth was 5.8 months. All estimates in this analysis assume an effective date of July 1, 1998.

### **Release Authority and Office of Victims Services**

The bill creates the Release Authority of DYS as an independent administrative division, charges the Authority with making decisions regarding the release of youth who have served their minimum sentence, and with revoking parole after release. The Release Authority will consist of five staff members appointed by the Director of DYS. Currently, release decisions are based primarily on recommendations from case workers and parole officers, and central office/Director in the cases of the most serious and endangering offenders. The bill also creates the Office of Victims Services within the Authority and requires the Office to provide assistance to victims of acts for which a child has been adjudicated a delinquent youth and committed to DYS custody.

According to DYS, the department will implement the provisions of the bill by requesting 2 additional positions: (1) a Release Authority Chairperson; and (2) a Release Authority member, for a salary plus fringes of \$74,416 and \$67,608 respectively for an annual total of \$142,025. This system will be modeled after similar position classifications used by the Department of Rehabilitation and Correction. In addition, DYS proposes that the three other Release Authority members, the Victim Services' Coordinator, Hearing Representatives, and any necessary administrative support staff will be reassigned from within the department to the Authority from existing DYS staff. The department also expects to absorb these latter staff costs, plus all other administrative costs including equipment, within its budget.

## **Arrest Powers, Firearms and Training**

The bill provides a member of the Release Authority, a regional administrator, and certain qualified employees designated by a regional administrator the ability to issue, or cause to be issued, an order of apprehension, and make arrests, and requires arrested youth to be taken to a place of secure detention. Youths under 18 years of age are to be confined in the nearest juvenile detention facility, and those 18 years and above are to be confined in a county jail. Currently, DYS must request that the court issue an order of apprehension for youth. The court then forwards the warrant to the sheriff's office for execution. The process takes anywhere from 2 days to 2 weeks, and in a few extreme but rare cases, has taken up to 2 months. During this lag in action the youth is at home in the community. This ability for DYS to issue orders of apprehension will significantly improve the timeliness and efficiency of processing warrants and making arrests, thus increasing the rate at which youths are delivered to secure facilities, hence increasing the cost to counties. The bill also permits DYS, as an alternative to issuing orders of apprehension, to continue to seek the arrest warrants from the juvenile courts.

However, the Court would maintain jurisdiction over the revocation process, (current law), but the bill now requires the Release Authority to file a motion to revoke a youths parole prior to or simultaneously with the youth appearing in the detention hearing. In emergency situations, the bill allows a regional administrator to issue an order of apprehension, which would permit a youth to be placed in secure detention, and allows the Release Authority up to 72 hours to file a motion to revoke. The effect of this provision is to limit the length of time a youth can be held in a detention facility without court action. These provisions thus minimize the additional burden that could be placed on counties operating detention facilities.

The bill further permits certain DYS employees to carry firearms in the discharge of their duties. According to DYS, between 12 and 15 parole officers will be allowed to carry firearms, this amounts to 3-armed parole officers per regional parole office. After discussions with a spokesperson for the Peace Officer Training Academy, LBO has based the cost estimate of the firearms training on 160 hours or 20 days. This training includes courses in firearms use, arrest tactics, defensive tactics, weapons retention, and weapon-less defenses. The academy has traditionally charged \$35 per day for its training classes for Peace Officers. The real cost for its training is estimated at \$95 - \$105 per day. Thus, we estimate firearms training to cost \$28,500 (15 \* (\$95 \* 20 days)). The department expects to absorb training costs within its budget.

## **Revocation of Supervised Release**

Under the bill, Courts would maintain jurisdiction over the revocation process. However, if a youth's parole is revoked, the youth shall be returned to DYS custody for a mandatory 30-day term. The Release Authority then assumes jurisdiction of the youth and can set the length of any additional time the youth will stay in the institution beyond the mandatory 30-day term. During the initial 30-day term, the court will pay for the youth's commitment. All stay beyond this period will be paid by DYS. In addition, the bill expands the definition of public safety beds to include the DYS placement of all such youth revoked by courts in excess of the initial 30-day period. If under this bill the court early released or judicially released a youth, the court will continue to be responsible for the revocation costs, as done under current revocation procedures. In FY 1996, the courts accounted for 22 percent of the youth released to parole, which in turn would equate to approximately 135 of the 612 youths revoked. The department accounted for 477 youths revoked. This bill will shift the costs of care for youth who have had their parole

revoked from the counties to DYS institutions. However, the actual cost shift is neutral to the state and counties due to the operation of the Reclaim Ohio formula.

Under that formula, the money would have come to the county to pay for community based placement; under this provision, the money will simply stay with DYS to fund the DYS institutional (public safety bed) placement. In the Reclaim Ohio program, funding is allocated to counties through a formula based upon the proportion of statewide felony delinquent adjudications coming from each county. Each month, counties' allocations are debited 75 percent of the cost of a youth committed to a DYS institution, and 50 percent of the cost of a youth committed to a community correctional facility (CCF); CCFs are DYS funded, county operated correctional facilities. For the state, there would be no net change in expenditures as these funds are already provided, and total population has not been increased.

### **Judicial, Early and Supervised Release**

The bill modifies provisions for early release and establishes a mechanism denoted as judicial release. Under judicial release a court may (1) release a child within one half of the prescribed minimum term for the most serious act for which the child is committed, and place the youth on county probation; or (2) after serving one half of the prescribed period of commitment, if the child is committed to DYS until the child attains 21 years of age, and place the youth on DYS parole; or (3) place the child under supervised release. Supervised release means not releasing the youth before their minimum sentence date and leaving the determination of release to the Release Authority, in which case the youth would eventually be placed on DYS parole.

Currently, judges have the option of early release of youth prior to their minimum sentence. However, that youth is then released to DYS parole. According to DYS, the new judicial release provision provides judges with the ability to expose juvenile offenders to DYS custody for a brief period without relinquishing the juvenile courts' ability to provide supervision after the youth is released. This would have the potential of freeing up space in detention facilities. Juvenile detention centers have a capacity of 1,199 beds, an average daily population of 1,121 and an average length of stay of 10 days. The per diem cost of a detention center bed is currently \$75. If the juvenile courts choose to take advantage of this permissive provision, the cost per youth committed to DYS custody would increase by \$17 to \$92 per day. Again, this is not a real cost increase to the counties, due to the Reclaim formula.

□ *LBO staff: Ogbe Aideyman, Budget Analyst/Economist*

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