

savings could be as high as \$350,000. Since most local jail and corrections facilities are county operated, savings to municipalities should be minimal. Any general fund savings would be offset by a corresponding increase in commissary fund expenditures.

Detailed Fiscal Analysis

Provisions of the bill

The bill permits the detention of a “child” 18 years of age or older, and who is either alleged or is adjudicated a delinquent child or a juvenile traffic offender, in any facility where an adult convicted of a crime, under arrest, or charged with a crime is held. Although detention is defined in Section 2151.011 of the Ohio Revised Code as temporary care that physically restricts movement and activities, it is the opinion of the Department of Youth Services that the provisions of the bill could be applicable as both a pre and post-disposition sanctioning alternative. Although the bill permits pre-disposition detention in an adult facility for “children” over the age of eighteen and awaiting adjudication, it mandates it for those awaiting a hearing regarding revocation of parole.

Provisions of the bill also permit the commissary funds of multi-county corrections centers, county and city jails and workhouses, and community based corrections facilities (CBCF) to be used to pay the salary and benefits for employees of the center who are employed solely to provide service to the commissary. Furthermore, the above provision prohibits the use of fees deposited in the commissary fund for reimbursement of medical services to pay the salary or benefits of any person who is working in or is employed solely to provide service to the commissary.

Impact of the bill

Adult Detention of Certain Juvenile Offenders

Despite differing legal opinions as to the applicability of the bill as a post-disposition sentencing option, its potential impact should be primarily confined to savings to the counties, and related to pre-disposition detention. The reasoning for the above conclusion is the result of discussions with a cross section of juvenile court judges conducted by the Ohio Judicial Conference. Specifically, as a group the judges questioned took the position that while language contained in the bill might permit the use of post-disposition detention in an adult facility, they believed that such an option would conflict with the Ohio Constitution and as a result would not be applied. While the group questioned by the Judicial Conference did not include every juvenile judge statewide, it appears to indicate that it is unlikely that the post-disposition detention option would be employed. As a result, estimates contained in this analysis are based on the potential fiscal impact of expanding pre-disposition detention alternatives.

Assuming that the provisions contained in the bill will be applied almost exclusively as a pre-disposition detention alternative, the fiscal impact should be confined to county governments. Specifically, since the bill would permit (or require in the case of parole violators) counties to confine those awaiting adjudication in an adult county facility, it could produce significant annual savings in detention costs. A possibility that is easily discernible when

comparing the average per diem rate of a county juvenile detention center (\$86) to that of a county jail (\$52). The primary question is the extent to which such an option may be employed.

Based on a statewide delinquency caseload of 92,000 and assuming that the age makeup of DYS intake reflects that of the juvenile justice system (5 percent of the intake eighteen years of age or older), up to 4,600 cases could be affected. Applying the potential number of cases to the United States Department of Justice estimate that 20.4 percent of delinquency defendants are held pending disposition, yields the numbers detailed in the table below. Since existing law requires that delinquency defendants held in detention be provided a detention hearing within 72 hours to determine if detention should continue pending disposition, the breakdown contained in the table is necessary in order to reflect a more accurate estimate.

Table 1 – Comparison of Detention Alternatives				
Status	Eligible	Detention Center	County Jail	Potential Savings
Released	3,662	\$944,796	\$571,272	\$373,524
Held for Trial	938	\$806,680	\$487,760	\$318,920
Total	4,600	\$1,751,476	\$1,059,032	\$692,444

Specifically, by applying the detention rate of 20.4 percent to the number of delinquency cases statewide and assuming that the approximately 5 percent involve defendants that are eighteen years of age or older, 4,600 detainees would have been impacted in 1997 (938 of which would have been detained awaiting disposition). Assuming the estimated 3,662 detainees are released within seventy-two hours, the bill could generate a potential savings of approximately \$374,000 for those held in adult facilities for that limited period of time. However, considering the fact that those released may not stay the full seventy-two hours and that the option of holding those eighteen years of age or older in adult facilities is already employed on a limited basis in some counties, actual savings should be less. In addition to savings produced from those defendants released within seventy-two hours, further savings could occur as those both awaiting disposition and eligible for transfer are shifted to the county jail. Applying a daily savings of \$31,892 to the 10 days within which the court is required to adjudicate juvenile cases and the bill could generate up to \$318,920* in additional savings to the counties. Again however, considering that such practices are already in place in a number of counties and that some courts may still choose not to employ the options contained in the bill, actual savings should be less.

Expanded Use of Commissary Funds

By expanding local discretion in the use of commissary fund profits, the bill could produce additional potential savings. Although the level of any savings to local general funds is unknown and depends in large part on localities making full use of the expanded discretion, savings could be in the range of \$350,000. Since most local jail and corrections facilities are county operations, counties should experience most of the savings.

The potential \$350,000 savings discussed above is a best-case estimate and based on anecdotal responses as to the level of commissary profits according to representatives of local jails and correctional facilities, and if accurate, amount to an annual per bed profit of \$24. Therefore, assuming that localities would fully exercise increased discretion in applying the annual per bed savings to the approximately 15,000 local jail and correction center beds statewide, LBO estimates the potential annual savings of up to \$350,000. However, since approximately 1,100 of these beds are in what could be described as holding facilities (not full

service jails) and many of these facilities do not maintain a commissary, actual savings would likely be less. It must also be noted that any savings to county and municipal general funds would be offset by increased expenditures in the respective commissary funds.

* The estimate is based on existing law requiring delinquency cases to be adjudicated within 10 days and does not take into account extensions which may be granted for good cause. Following adjudication, final disposition must occur within 90 days. If the court were to take the full 100 days to adjudicate and dispose of the case, the counties could save up to \$3.2 million instead of the \$318,920.

□ *LBO staff: Jeff Newman, Budget/Policy Analyst*

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Synopsis of Changes from Preceding Version

This synopsis compares the fiscal effects of the changes in this bill to the previous version (with LSC amendment H0663.122-5017/jf). By expanding the discretion of localities in the use of commissary funds, this version could generate additional county and municipal general fund savings of up to \$350,000. Any savings in the general fund however, would be offset by increased expenditures in the commissary funds.