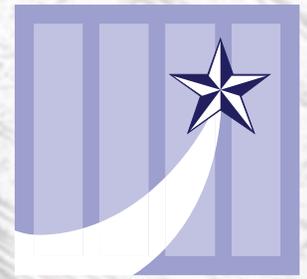


Cost-Saving Strategies For Texas' Criminal and Juvenile Justice Systems

**A Policy Guide, 2011
Part 4 of 4**



**TEXAS CRIMINAL
JUSTICE COALITION**

**Protect Youth and Communities
By Implementing Responsible Juvenile Justice
Strategies Throughout Texas**



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Finally, we would like to acknowledge Kim Wilks for her cover design and interior layout and design.

FEBRUARY 2011

The Texas Criminal Justice Coalition advances criminal and juvenile justice solutions that promote effective management, accountability, and best practices in efforts to increase public safety and preserve human and civil rights.

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Letter from the Executive Director



Dear Reader,

As the Executive Director of the Texas Criminal Justice Coalition (TCJC), I am thrilled to present our third policy guide, *Cost-Saving Strategies for Texas' Criminal and Juvenile Justice Systems*. For your convenience, we have created four independent booklets that address each of TCJC's major areas of policy interest.

In this upcoming 82nd legislative session, the state will face an historic budget deficit that our leadership must reconcile with the ongoing need for public safety, social services, education, workforce development, and various infrastructure improvements. The difficulty lies in making cuts now to address the state's immediate needs, while also keeping in mind long-term ramifications so that policy-makers do not simply shift the costs to Texans down the line. Especially in the area of juvenile and criminal justice, this challenge is clear. Budget reductions in key line items today could lead to increased recidivism and threats to public safety in the future.

PART 4 of this guide offers recommendations that policy-makers must consider in light of a possible restructuring of the state's **juvenile justice system**. Our leadership must cautiously ensure that youth will be provided effective and cost-efficient programming and services, with a rehabilitative emphasis that addresses their unique needs by targeting the root causes of their criminal behavior. The probation and re-entry systems are especially in need of support to ensure youth have the tools for personal responsibility while in the community.

Included throughout this guide are comprehensive, cost-saving strategies that the state and counties can employ to address the immediate financial deficit, as well as preserve public safety throughout our communities in the future. Already, policy-makers have laid the foundation for the continuous success of risk-reduction strategies with their bipartisan support during the past two legislative sessions. These additional smart-on-crime recommendations are essential for policy-makers seeking to implement a rational, responsible, fiscally sound budgetary approach, as they can and will deliver taxpayers a return on their investment. But in consideration of Texas' current economic climate, this policy guide not only provides legislative recommendations that will save the state money now, it also outlines strategies that policy-makers can take back to their respective communities for consideration and implementation during the legislative interim.

Please note that if you are interested in various areas of criminal justice reform, you should have a look at the additional parts in our four-part policy guide.

PART 1 examines **alternatives to incarceration** in the adult criminal justice system and the need for continued funding for probation, parole, treatment, and programming – diversions that have saved the state nearly \$2 billion since 2007 and increase public safety.

PART 2 addresses the need to bolster the state's adult **re-entry infrastructure**, including through in-house and community-based strategies that will enable returning individuals to find and maintain both housing and employment, in turn living as law abiding, contributing members of our communities.

PART 3 recommends **front-end strategies** that can save the state money in incarceration costs, including public defender systems, a strengthened Task Force on Indigent Defense, and improved attorney appointment and representation procedures.

Sincerely,

A handwritten signature in black ink that reads "Ana Yáñez-Correa". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Ana Yáñez-Correa
Executive Director, Texas Criminal Justice Coalition

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Introduction

Protect Youth and Communities By Implementing Responsible Juvenile Justice Strategies Throughout Texas

Like the adult system, the juvenile justice system in Texas is facing deep and devastating budget cuts. Despite the budget shortfall, policy-makers must strive for safe communities and successful juvenile justice interventions. Otherwise, deficiencies in the juvenile justice system will set youth up to fail, with long-term public safety ramifications and an increase in young people being ushered into the adult system.

Policy-makers in this 82nd legislative session must continue their commitment to the smart, cost-effective juvenile justice policies put in place in 2007 and reaffirmed in 2009. These policies have redirected state spending from reflexively punitive incarceration to community-based interventions, including non-residential and restorative justice programs. Indeed, state leadership must emphasize the importance of effective rehabilitation, rather than destructive, irresponsible policies that designate punishment and incarceration as the means of dealing with troubled youth. Likewise, agency heads and practitioners must continue their willingness to implement the programs that will yield positive outcomes at both the state and local levels.

However, a commitment to community-based, rehabilitative strategies requires the state's **full financial backing**. A piecemeal approach that allocates only limited dollars to key services will roll back established progress and create a fractured system of broken program implementation throughout Texas. Both funding and rights *must* follow the youth.

Additionally, policy-makers must ensure that, regardless of how many lock-ups remain in place by session's conclusion, only high-risk, chronic violators who pose a danger to themselves or others should be incarcerated. To most effectively address the needs of our most troubled youth, those for whom there is no programming at the county level, the state should consider smaller, regional facilities with specialized programs and services.

Ultimately, policy-makers must make every effort to ensure the success of our youth – the future of Texas – so as to strengthen communities and create the foundation for long-term economic and public safety gains.

Ensure System-Wide Reforms Effectively and Responsibly Address the Unique Needs of Youth

Background

In January 2011, the state's Sunset Advisory Commission members voted in favor of a motion to abolish both the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC), instead transferring their discrete functions to a newly created umbrella agency. Preliminarily designated as the Texas Juvenile Justice Department, this new state agency would be created by September 1, 2012. The Department's mission would prioritize the use of local probation over incarceration at the state level.

Independently of this restructuring, the newly released Senate and House budgets reduce TYC's funding by nearly \$96 million for Fiscal Years 2012-2013, while a new TYC rider may result in the closure of up to three facilities. This reduction in institutional capacity will likely redirect currently incarcerated youth to the juvenile probation system or to remaining lock-ups.

As proven by recent investments in juvenile probation, community-based supervision is an appropriate fit for many youth. Yet, it is only effective with *strong, well-resourced programming* (e.g., behavioral, educational, or vocational courses), *qualified probation officers* to ensure tailored supervision settings, and the *funding to contract with specialized treatment providers* (e.g., mental health or special education practitioners) to meet the needs of various populations and in various regions.

“Changes in the governance structures of various components of the juvenile justice system should not be confused with reform. While governance and organizational structure may have a significant impact on the delivery of services to youth, they do not in and of themselves constitute meaningful reform.”

Guiding Principle, Texas Juvenile Justice Advocates

Absent a full funding structure for juvenile probation, the youth who will be supervised in our communities are at high risk of re-offending, leading to more victims, more local costs spent on law enforcement, and more reasons to incarcerate youth who do not need it. Texas policy-makers must adopt a responsible approach to downsizing TYC that bears in mind the concerns of local probation departments, our communities' calls for public safety, and the needs of juveniles currently incarcerated. Certainly, stranding youth in current lock-ups with poor conditions of confinement is not the answer, but neither is shifting all of the costs to our communities and transferring the responsibility for juvenile care to already over-burdened, under-funded counties struggling to provide basic services. Youth will fall through the cracks, and Texans will pay the price for years to come.

Ultimately, funding must follow the youth. Any possible cost savings that may result from facility closures must be reinvested in appropriate and effective community-based, non-institutional services at the county level. Additionally, the state should create a fund to be strictly utilized for the full implementation of this strategy in the long term.

Policy-makers must also give counties the time to identify or, where necessary, work with private vendors to expand therapeutic, residential placements to manage returning youth. Likewise, the state must develop an effective grant or reimbursement program for counties to request funding for placement¹ or treatment, as well as allow time to establish a responsible oversight mechanism to ensure rule enforcement and adequate placement decisions by each of the disparate local entities, or risk state-level liability.

In the meantime, policy-makers must continue to address current conditions of confinement, as well as bolster critical re-entry and parole services that provide returning youth with the tools to safely and efficiently transition into the community.

Key Findings

Demographics:

- Currently, TYC has 10 secure lockdown facilities for youth who have committed felony offenses. In FY 2010, these facilities held 1,695 youth.²
- The state has 9 halfway houses that held 149 youth in FY 2010.³

- Texas also contracts with nine private providers and Garza County to operate contract care residential programs, which held 133 youth in FY 2010.⁴
- Together, these totaled 1,977 youth in FY 2010.⁵ This represents a 58% drop in the number of youth incarcerated in TYC facilities since FY 2006.⁶
- In 2009, youth who committed burglary, stolen vehicle, and drug offenses accounted for 37% of commitments to TYC and 69% of committed youth adjudicated for only one felony offense.⁷
- In regard to locally operated facilities, Texas has 50 pre-adjudication detention facilities, 34 post-adjudication facilities, 3 holdover facilities, and 11 non-secure facilities.⁸
- A large majority of youth under supervision in TYC require specialized assistance. According to that agency, “Of the 1,481 commitments in FY 2009, 54% were categorized as high-risk offenders, 47% were chemically dependent, 37% had serious mental health problems, and 36% were identified as eligible for special education services.”⁹ Emphasizing treatment and aftercare through various service delivery regions would better ensure that youth have access to localized, qualified medical and mental health care professionals in age-appropriate settings.

Incarceration vs. Community-Based Strategies:

- Because probation costs the state \$3.88 per day¹⁰ and TYC costs \$347.94 per day,¹¹ the state’s emphasis must remain on safe, effective community-based strategies.
- Rehabilitative treatment and programming are most important. According to the Texas Public Policy Foundation (TPPF), “Saving a youth from becoming a chronic offender results in \$1.7 million to \$2.3 million in avoided lifetime costs to taxpayers and victims.”¹²
- In 2009, policy-makers allocated \$46 million to TJPC to re-distribute to juvenile probation departments in efforts to place youth in proven programming. In the first three quarters of FY 2010, more than 2,200 youth were served through the diversion pilots.¹³
- Neurological research demonstrates that the adolescent brain is still developing its capacity for rational judgment

and impulse control until age 25.¹⁴ As such, juvenile justice interventions that prioritize rehabilitation over punishment and incarceration represent the last, best chance to redirect troubled youth toward a law-abiding future.

- Evidence shows that youth who undergo a period of confinement are negatively affected: “Confinement in a secure facility frequently interferes with healthy psychological and social development. The experience interrupts participation in school, work, and other prosocial community activities. It puts youth in contact with anti-social peers, and it may negatively affect the self-perceptions of young people and reinforce beliefs that they are unlikely to achieve success in mainstream, law-abiding society.”¹⁵
- From September 2009 through February 2010, youth reported 419 serious incidents that took place in secure placement, detention, non-secure placement, juvenile justice alternative education programs, day reporting centers, and probation.¹⁶ Youth also reported 290 incidents of abuse, neglect, and exploitation during the same six months.¹⁷
- Studies have also shown that incarceration can increase the likelihood of recidivism among youth: “A 2006 study of 1,500 youths by University of Cincinnati researchers that controlled for offender risk levels found that incarceration *increases* re-offending. An August 2009 study that tracked boys for 20 years found that, for youths who engaged in similar self-reported offenses, incarceration and residential placement increased reoffending, including the likelihood of entering the adult prison system. Less restrictive approaches involving victim and community restitution were most effective.”¹⁸
- Pre-trial detention lengths for youths are not only costly, but they increase the likelihood of ultimate incarceration.¹⁹ Policy-makers should encourage judges to impose the least restrictive pre-sentence lengths upon youth while protecting public safety. *Note:* According to TPPF’s Center for Effective Justice, “Dallas has reduced its detention population by 48 beds [since 2007], resulting in annual savings of \$1 million.”²⁰ Furthermore, Harris County is saving more than \$700,000 per month after modifying detention policies to reduce the number of youth entering the juvenile justice system.²¹

- Large facilities that house 100+ youth have been proven to be the least effective and most costly way of rehabilitating troubled youth.²² These facilities are expensive to run, extremely difficult to staff, and are located far from the communities that these young people come from and the services that they need.
- As of March 2010, the Texas Department of Criminal Justice (TDCJ) housed 136 youth under the age of 18, all but 5 of which were male. The majority of youth were in TDCJ's Correctional Institutions Division (110 youth), with the remainder in state jail (22 youth) and Substance Abuse Felony Punishment facilities (4 youth).²³
- Youth serving sentences in adult prisons, as compared to youth in the juvenile justice system, are five times more likely to be sexually victimized, eight times more likely to commit suicide, and twice as likely to be attacked with a weapon or beaten by corrections officers.²⁴
- According to the Office of Juvenile Justice and Delinquency Prevention, "A promising strategy for responding to juvenile crime is one in which secure confinement is an integral part of a continuum of options that also includes **prevention, comprehensive services, graduated sanctions**, and, for confined youth, **aftercare programming** to ensure successful reentry into the community."²⁵

Cost-Saving Strategies

- (1) **Ensure that all critical components of previous reform legislation (S.B. 103 [2007] and H.B. 3689 [2009]) are incorporated into any legislation governing the new juvenile justice entity.**

In 2007, following the exposure of abuse, neglect, and violence in TYC facilities, state leaders passed omnibus reform legislation (S.B. 103) with unanimous support. Legislative reforms included increased funding for community-based programs at the local level as an alternative to incarceration, a change in sentencing guidelines to ensure that misdemeanants are handled locally,²⁶ rules for the placement and classification of incarcerated youth intended to improve safety, and improved procedures governing both the termination of a child's placement in TYC and the re-integration into his or her home community.

In 2008 and 2009, Texas' juvenile justice agencies – TYC, TJPC, and the Office of the Independent Ombudsman²⁷ – underwent Sunset review. The final Sunset bill, H.B. 3689, put into place a variety of elements to improve the function of the juvenile justice system at state and local levels. Most significantly, H.B. 3689 created a pilot project to promote community-based alternatives to TYC, called the Community Corrections Diversion Program. Specifically, policy-makers allocated \$46 million to TJPC to re-distribute to juvenile probation departments in efforts to place youth in proven programming.²⁸ In the first three quarters of FY 2010, more than 2,200 youth were served through the diversion pilots.²⁹

“Recognizing that proven, non-institutional, community-based programs are less expensive and more effective than secure facilities, Texas should move away from prioritizing state spending on institutional care and towards an emphasis on using taxpayer dollars to fund proven and effective community-based services for youth and families.”

Guiding Principle, Texas Juvenile Justice Advocates

The Sunset legislation also mandated a 5-year juvenile justice strategic planning process to determine where service gaps exist and to develop collaborative solutions to address unmet needs. Furthermore, to ensure the bill's reforms are appropriate and undergoing successful implementation, H.B. 3689 also called for an additional Sunset review of TYC and TJPC in 2010 and 2011.

We can now see that the policy reforms initiated in 2007 have led to tangible gains. The number of youth incarcerated in TYC facilities has decreased significantly, from 4,705 youth in FY 2006 to 1,977 youth in FY 2010,³⁰ a drop of 58%. Furthermore, according to the Texas Public Policy Foundation (TPPF), after passage of S.B. 103, “filings to revoke probation for a new offense or rule violation dropped 6.3 percent [2008 to 2009]. In Bexar County (San Antonio), juvenile referrals declined 5.8 percent from 2007 to 2008 and then another 10.0 percent in 2009. In Dallas County, the juvenile felony referral rate has declined 7.8 percent from 2005 to 2008.

Also in Dallas County, offenses filed in court fell 16.5 percent from 2007 to 2008 and have been projected to decline another 20.0 percent in 2009 based on data for the first three quarters of the year.³¹

Given the positive outcomes of the juvenile reform efforts to date, policy-makers should continue their commitment to reducing the state's over-reliance on incarceration of nonviolent youth, while increasing the continuum of evidence-based, family-focused interventions and sentencing options available to youth and families at the local level.

Leadership must ensure that all critical components of previous reform legislation are incorporated into any legislation that may govern a new juvenile justice entity. *(Please see Appendix A for a comprehensive list of the key components of previous reform legislation.)*

(2) Increase oversight of county-level probation programs.

It is imperative that the new juvenile justice entity monitors the implementation and efficacy of diversion programming at the county level, including policies, standards, and procedures in regards to treatment, family interaction, and other needs-based components. The entity must also monitor compliance by each county with grant terms.

Data collection and analysis of the outcomes of youth participation in the programming can improve program delivery by identifying gaps in services, informing future funding allocations, and determining long-term program success.

Note: To enable the new juvenile justice entity to undertake critical monitoring duties, it must be allocated at least five monitoring staff.

(3) Expand and strengthen the jurisdiction of the Office of the Independent Ombudsman (OIO).

(a) Increase the reach of the Ombudsman's Office.

In 2007, the Texas Legislature created the OIO to act as an advocate for youth incarcerated in TYC. However, in *any* location that youth are placed, be it in state-run institutional facilities or in county-level pre- and post-adjudication facilities, the OIO should have the authority to monitor facility conditions.

This is especially imperative given youth conditions of confinement. From September 2009 through February 2010, youth reported 419 serious incidents that took place in secure placement (198 incidents), detention (166 incidents), non-secure placement (44 incidents), juvenile justice alternative education programs (9 incidents), day reporting centers (1 incident), and probation (1 incident).³²

More specifically, during this six-month time period, there were:

- 172 incidents of youth attempting suicide.
- 100 incidents of a "serious injury."
- 57 incidents of youth on youth physical assault.
- 46 incidents of youth sexual contact.³³

Youth also reported 290 incidents of abuse, neglect, and exploitation during this period, which involved physical abuse (including via physical or mechanical restraints); sexual, verbal, and emotional abuse; supervisory neglect; medical neglect; and exploitation.³⁴ The OIO's presence throughout every type of facility in which youth are held can reduce injurious incidents and improve youths' feeling of safety and security.

The OIO should also have the authority to report on any patterns pertaining to ineffective or deficient program/service delivery. This will best protect youth by ensuring they receive appropriate treatment and services, while also assisting policy-makers in making valuable funding decisions.

Note: The OIO'S effectiveness would be enhanced through the operation of regional offices that could respond to the needs of youth in a more timely and cost-effective manner.

(b) Require the Ombudsman's Office to implement more user-friendly strategies to assist confined youth.

To assist youth in relaying complaints or concerns about safety and self-harm, the OIO should be required to make language on its resource materials more youth-friendly (even in regards to the word "ombudsman," which might be better explained through the phrase "outside help").

As part of a more long-term strategy, policy-makers should encourage the OIO to be as well-versed as possible in components of youth-friendly facilities, diversion programs, and treatment strategies, as well as be able to educate and train personnel and service providers about them. Ideally, the OIO could also work to create stronger links between judicial and social sectors to ensure more youth-friendly programming placement.

Protecting youth through specialized strategies can help to allay family members' concerns. The OIO must help the new juvenile justice entity be responsive to parents' and caretakers' needs in regards to their children.

(4) Separately, assist confined youth through the provision of legal aid to address problems with conditions of confinement and other issues.

Legal aid is an additional means of protecting youth in confinement. The state should consider contracting with entities that can provide legal advocates to youth, assisting them with confinement concerns and other post-adjudication issues for which counsel is not provided.

(5) Ensure that youth continue to be kept separate from the state's adult criminal population.

Under current practices, certain youth may be sent to an adult prison if they fail to progress in treatment while in TYC. According to TYC on the issue of determinate commitments:

Some courts send youth to TYC with specific sentences, which can be for up to 40 years. State law requires a *minimum period of confinement* in a residential placement. The minimum period of confinement is based upon the severity of the offense committed by the youth. A youth with a determinate commitment is given a chance to participate in treatment in TYC, but **if the youth fails to progress in treatment, he or she may be transferred to adult prison on or before his or her 19th birthday** [emphasis added]. If a determinate commitment youth is successful in TYC

treatment and has completed his or her minimum period of confinement, he or she may be allowed to transfer from TYC to adult parole rather than to prison.³⁵

This practice is both ineffective and dangerous. The adult prison system and the adult model of criminal justice are inappropriate responses to juveniles' unique need for age-appropriate services, specifically in regard to treatment and rehabilitation: "When they are locked up with adults, young people learn criminal behaviors. They are also deprived of the counseling and family support that they would likely get in the juvenile system, which is more focused on rehabilitation."³⁶

Furthermore, studies have proven that confinement in adult facilities exposes youth to physical and sexual victimization, and increases the risk of suicide.³⁷ The state must identify alternative methods that will keep youth in juvenile settings.

(a) For youth who are transferred to adult facilities, study the appropriateness of their sentence lengths.

Studies have proven that many youth deemed delinquent in adolescence often do not become antisocial adults,³⁸ especially with effective interventions and the implementation of structure and routine, including marriage and employment.³⁹ This finding contradicts public safety-driven arguments in favor of incarcerating individuals for years or even decades based on a crime committed as a youth. In fact, "in all likelihood, such a policy would simply delay or even hinder the maturation process offenders must go through before they cease their antisocial tendencies."⁴⁰

"Society must never respond to children who have committed crimes as though they are somehow equal to adults – fully formed in conscience and fully aware of their actions. Placing children in adult jails is a sign of failure, not a solution."

United States Conference of Catholic Bishops

Policy-makers should study this key issue during the next legislative interim to assist juvenile courts, prosecutors, and juvenile justice system practitioners in considering the most effective risk-reduction approaches to youth offenses.

(6) As an alternative to incarceration for high-risk youth, create a regionalized system of state-operated juvenile correctional and transition facilities that are smaller (<100 beds), more therapeutic, and closer to the communities that youth come from.

Again, if policy-makers decide to close various TYC facilities but must continue to place violent youth in confinement, they should consider smaller, state-run regional facilities to best meet youths' needs.

A large majority of youth under supervision in TYC require specialized assistance. According to that agency, "Of the 1,481 commitments in FY 2009, 54% were categorized as high-risk offenders, 47% were chemically dependent, 37% had serious mental health problems, and 36% were identified as eligible for special education services."⁴¹ Emphasizing treatment and least-restrictive care through the establishment of various service delivery regions would better ensure that youth have access to localized, qualified medical and mental health care professionals in age-appropriate settings. Such a system would also bring youth closer to their parents or caretakers, facilitating inclusion of families and communities in the rehabilitation process, and paving the way for lower recidivism rates upon independent reintegration to the community.

To best create a seamless continuum of care, a regionalized plan should include wrap-around services, halfway houses, and targeted aftercare. Halfway houses, which cost \$100 less than confinement in current TYC facilities per day,⁴² should be especially prioritized for youth who have succeeded in confinement and could be safely supervised in the community.

Note: Throughout any regionalization effort, Texas should adopt aspects of juvenile justice models that work, specifically those that replace the historical punitive philosophy with one centered on treatment. This will be integral to the success of the entire system.

For example, the "Missouri model" is widely acclaimed by juvenile justice advocates and has garnered bipartisan praise from across Missouri's political spectrum.⁴³ Throughout the 1960s and into the early 1970s, Missouri's large juvenile institutions were struggling with very high numbers of assaults and escapes. By 1971, this violent atmosphere had left about a quarter of staff positions vacant.⁴⁴ In 1975, Missouri adopted a five-year plan that laid the groundwork for today's accomplishments. It called for the closing of the large facilities, the expansion of community-based services, and the establishment of five service delivery regions. The end goal for the change was the creation of a quality continuum of care, which would provide a range of services to youth in each of the five regions within 30 to 50 miles of their homes, bringing them closer to medical and mental health care professionals, as well as their families.

In the three decades since its adoption, the Missouri model has been heralded as a "guiding light" for reform in juvenile justice.⁴⁵ Its unconventional approach, emphasizing treatment and least-restrictive care, is considered to be far more successful than the incarceration-oriented systems used in most other states.⁴⁶ Furthermore, according to TPPF, "the one-year re-incarceration rate in Missouri where group homes replaced institutions is 11 percent compared with 22 percent for TYC."⁴⁷

(7) Support alternatives to pre-adjudication detention of youth who do not pose a risk to public safety.

In 2008, nearly 50,000 youth were held in secure detention facilities prior to an adjudication hearing on their offense. Approximately 80% of detainees were held for one day or more, and nearly 40% were held for more than 10 days.⁴⁸

The Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) partners with local jurisdictions to seek pre-adjudication detention alternatives for youth. For instance, both Dallas and Harris Counties are JDAI sites, established in 2007.⁴⁹ Evidence from other JDAI sites throughout the country demonstrate that successful detention reform at the local level can ultimately lead to fewer youth committed to secure detention⁵⁰ and state care,⁵¹ while alternative interventions can result in recidivism reductions.⁵²

According to the Texas Public Policy Foundation's Center for Effective Justice (CEJ):

Since [2007], Dallas has reduced its detention population by 48 beds, resulting in annual savings of \$1 million. Similarly, Harris County closed a detention center and reduced detention costs 25 percent. Some 95 percent of Houston youths diverted from detention show up for their court date.

“Harris County (Houston), Texas, is saving more than \$700,000 a month after changing detention policies to reduce the number of children who end up in the juvenile justice system.”

JDAI News, October 2010

A key element of JDAI is use of a risk assessment instrument – an inventory of factors proven to more accurately predict whether youths will miss their court hearing or re-offend than a purely subjective determination. Factors may include the most serious alleged offense, number of charges, prior adjudications, and any prior instances of failing to appear. **The Texas Juvenile Probation Commission should provide a statewide detention screening instrument for the vast majority of probation departments that don't have one.**

Another component of JDAI is alternatives to detention. Among those used in Dallas is a day reporting center, in-home probation officer visits, GPS monitoring, and home detention. Only 4.5 percent of Dallas youths in an alternative program have re-offended prior to adjudication, compared to 10 percent of youths not in a program.⁵³

In addition to the detention screening instrument recommended by CEJ, policy-makers must also encourage judges to impose that the least restrictive presentence lengths upon youth while protecting public safety. **Where possible, low-risk, nonviolent youths should be handled outside of overburdened pre-trial detention systems, rather than forcing taxpayers to foot the bill for their confinement.**

(8) Ensure the juvenile justice system has qualified staff that can properly implement rehabilitative programming, as well as maintain control and safety in juvenile facilities.

To best ensure that system-involved youth are provided effective programming and supervision that reduces the risk of re-offending, Texas must retain quality professionals. Unfortunately, high levels of debt as a result of student loans, as well as low salary pay and limited opportunity both for recognition and financial rewards for exceptional performance, ultimately discourage individuals from entering or remaining in the juvenile justice field.

To realize Texas' public safety needs, state leadership must maintain juvenile probation and parole personnel, both in-house and community-based program staff, and re-entry professionals. Policy-makers must prioritize critical personnel before perks.

Furthermore, policy-makers must ensure that staff are trained to meet the needs of youth who require treatment for mental health, substance abuse, sex offenses, and past trauma. Early identification and prompt placement into appropriate programming will best help youths with addiction, mental health, or behavioral problems.

(a) The new juvenile justice entity should develop a long-term workforce development plan.

Because front-line staff are critical to ensuring that programming and other services are effectively implemented, policy-makers should develop strategies to recruit and retain qualified personnel.

In the short term, policy-makers should ensure that all juvenile justice agency employees are informed about the various benefits available to them, such

as Homes for Heroes' Home Loan Program, the Educational Assistance Program, and the Employee Assistance Program.⁵⁴

In the long term, policy-makers should strive to gradually increase qualifications for direct care staff with the goal of eventually hiring college-educated employees. Currently, juvenile corrections officers are only required to have a high school diploma or GED,⁵⁵ but direct care staff with higher education levels are needed to best address the complex needs of youth committed to confinement. The new juvenile justice entity should actively work with policy-makers and higher education institutions to develop incentive programs that will encourage graduates to consider a career in Texas' juvenile facilities. In doing so, leadership must look beyond the traditional corrections field to other highly relevant disciplines, such as social work and psychology.

TYC has begun taking initial steps in this direction by providing college credit for pre-service and on-the-job training through a partnership with Navarro Community College.⁵⁶ This practice should be continued and expanded.

(9) Stop over-criminalizing petty juvenile misbehavior.

One of the most cost-effective ways of handling youth misbehavior is to reclassify various nonviolent, non-sex related offenses, especially as many are more juvenile than willfully criminal. These offenses could include graffiti, minor drug offenses, minor theft, unauthorized use of a vehicle, and criminal mischief. Other offenses to consider for further re-classification are disorderly conduct and curfew violations.

Valuable juvenile justice resources must be focused on addressing the root causes of criminal behavior. Law enforcement should target those who have committed higher-level offenses and truly pose a threat to public safety.

Note: Texas has established various offenses as Conduct Indicating a Need for Supervision (CINS) offenses. According to TJPC, these are "non-criminal offenses which include public intoxication, truancy, running away from home, fineable only offenses that have been

transferred to a juvenile court from a municipal or justice court, inhalant abuse, and expulsion for violating a school disciplinary code."⁵⁷ Prostitution should be designated as a CINS offense.

(10) Study the impact of brain trauma on youth criminal activity.

The state should commission a reputable research institution to conduct a study of youth who have been certified as adults and sent to the adult criminal justice system. For instance, the Center for Brain Health at the University of Texas in Dallas could be a strong candidate, as researchers there have been examining the relationship between brain development/damage and criminal activity.

Strengthen the Efficacy of Juvenile Probation and Other Diversion Strategies to Ensure Youth are Being Safely and Successfully Supervised in the Community

Background

Ensuring that sufficient alternatives to incarceration are available in the community is critical to sustaining positive, long-term change in Texas' juvenile justice system, and improving the chances of success for at-risk youth.

The Texas Juvenile Probation Commission (TJPC) and local juvenile probation departments are the most imperative components of the juvenile diversion strategy. Indeed, local departments are the “workhorses” of the juvenile justice system, handling 98% of juvenile justice-involved youth.⁵⁸ The state also derives great savings from a strong probation system: TJPC's objective to reduce commitments to TYC through the use of various preventative “risk-reduction” (rehabilitation and early intervention) strategies⁵⁹ saves Texas money in juvenile incarceration costs.⁶⁰ Family-focused programming especially results in better outcomes for youth and their families, which in turn boosts public safety, another long-term cost saver.⁶¹ Policy-makers must continue to support community-based non-residential and residential services for ongoing economic gains, including through the new Community Corrections Diversion pilot grants that are helping divert youth from placement in TYC.⁶²

“Texas can continue saving money and protecting public safety by renewing support for probation departments' TYC diversion initiatives that more than pay for themselves as they enable TYC to continue downsizing.”

Marc Levin, Center for Effective Justice

Likewise, policy-makers must maximize opportunities for youth to become productive, law-abiding adults through increased resources for family-based and restorative justice

programming, victim-offender mediation programs, first-offense programs, community policing strategies, and strategies to minimize the school-to-prison pipeline. These strength-based interventions and supports are key to positive outcomes in both the short and long term.

Yet in the face of statewide budget cuts, TJPC and its probation departments could be forced to sacrifice their ability to provide needed programs and services to effectively supervise at-risk youth in the community. But programs that safely divert juveniles from confinement while fostering positive youth development and community involvement are not an option. They are a necessity. Continued investments in the fidelity and success of diversions today will help meet public safety demands and create safer communities tomorrow.

Key Findings

- Given the difference between local and state costs-per-day of basic supervision, counties fund nearly 75% of juvenile probation.⁶³ As such, according to the Texas Public Policy Foundation (TPPF), “a strong fiscal partnership between the state and counties is vital to ensure that youths are not sent to TYC simply because less costly and often more effective community-based options are unavailable.”⁶⁴
- Policy-makers must preserve available community corrections funding for effective programs. According to TJPC, “Thirty-five percent of juveniles disposed have been assessed as high risk and/or as having high levels of need. The factors contributing to these high levels of risk and need include family criminal history, substance abuse, traumatic experiences, mental health needs and school truancy and disciplinary problems.”⁶⁵
- In fact, over 40% of youth in Texas' juvenile probation system are mentally ill.⁶⁶ According to TJPC, “These juveniles recidivate at a rate over fifty percent higher than juveniles that are not mentally ill.”⁶⁷
- Furthermore, according to the results of TJPC's Risk and Needs Assessment Instrument, 25% of all juveniles assessed from June 1, 2009 – May 31, 2010 were “frequent drug users.”⁶⁸

- Community-based supports, including comprehensive treatment assessments⁶⁹ and components to build healthy family relationships,⁷⁰ not only save costs in incarceration, but they are more effective at addressing treatable addiction through effective tackling of the root cause.
- Studies show that victim-offender mediation programs have been proven to lower recidivism,⁷¹ as well as result in greater levels of victim restitution.⁷²
- According to TJPC, 74% of youth successfully completed court-ordered probation in fiscal year 2009.⁷³
- Many schools have hired untrained police officers and security personnel and, as a result, they have seen a hike in school arrests for nonviolent violations of the school's code of conduct.⁷⁴ In Texas, 163 school districts have their own police departments.⁷⁵ The vast majority of students arrested on campus commit nonviolent and vague offenses labeled "disruption of class" or "disorderly conduct."⁷⁶ Policy-makers must support policies that will limit ticketing at school to the greatest extent possible.

Cost-Saving Strategies

(1) Support the juvenile probation system.

Historically, substantive issues have posed problems for the juvenile probation system, including gaps in services, access to treatment, and workforce challenges. The 2009 Sunset legislation [H.B. 3689] tackled many of these issues, including critical new requirements in areas of screenings and assessments.⁷⁷ However, ongoing improvements to address the particular concerns and constraints of local juvenile probation systems are necessary.

Policy-makers must ensure that resources are targeted towards rehabilitating youth in proven, community-based diversion programs. The end goal must be increasing the number of youth successfully rehabilitated in their home communities, at substantial cost-savings to the state in both the short and long term. Such an emphasis on what truly decreases crime – programming, treatment, community supervision – is not only clear but crucial given the limited dollars Texas can devote to juvenile justice.

Note: Probation departments should have access to and contract with a broad spectrum of community-based providers and local services. Doing so will better facilitate efforts to mitigate probationers' criminal tendencies by addressing specific, possibly multi-diagnosis needs. It will also keep youth united with their families and larger support network, thereby reducing their likelihood of re-entering the system.

Additionally, a greater and much-needed array of options for dealing with probationers can improve judges' confidence that youth can be safely supervised in the community.

(a) Strengthen funding for the Texas Juvenile Probation Commission (TJPC) and ensure the use of evidence-based practices.

According to TJPC, "Thirty-five percent of juveniles disposed have been assessed as high risk and/or as having high levels of need. The factors contributing to these high levels of risk and need include family criminal history, substance abuse, traumatic experiences, mental health needs and school truancy and disciplinary problems."⁷⁸ Yet budget cuts threaten various programs and services necessary to ensure the safe, successful supervision of these youth in the community, including via the new Community Corrections Diversion pilot grants.

Policy-makers must maintain community corrections funding and, where possible, increase the impact of the investment by requiring that communities use strategies proven to be effective. For instance, the state could create a budget rider mandating that grant funding for counties must go towards research-based programming, as identified by TJPC. *Note:* This will also prevent counties from having to expend their own limited funds on research.

The use of smart-on-crime strategies to effect *true and positive changes* in probationer behavior can reduce future criminal behavior, with both fiscal and public safety benefits.

(b) Invest in professional development strategies for juvenile probation officers.

Juvenile probation officers are required to take 80 hours of continuing education every two years.⁷⁹ As part of that requirement, probation officers should be required to take courses in motivational interviewing,⁸⁰ trauma-informed care,⁸¹ and other specialized, research-informed programming strategies so they can provide more meaningful supervision and risk-reduction tools to probationers.

Such “Specialized Officer” trainings should be permitted during the normal workweek and should be offered regionally to prevent high travel expenses or time waste. Probation officers should not be punished (e.g., through forced use of vacation days for the trainings, etc.) if they are seeking out opportunities that will make them more effective.

As an incentive for officers to obtain specialized training, the new juvenile justice entity should reward probation departments that encourage participation. It should create a non-monetary reward package that it can draw from to motivate departments.

(c) Increase accountability and transparency throughout juvenile probation departments.

To ensure accountability and consistency in rehabilitative programming for youth, the new juvenile justice entity must prioritize monitoring and oversight of county-run programs. For instance, the agency should have the authority and resources to conduct routine on-site inspections of secure and non-secure facilities to identify gaps in program delivery.

Furthermore, the agency should determine each facility’s compliance with set standards (e.g., programming delivery, medical attention, conditions of confinement, staffing ratios, etc.), as well as have the authority to implement a graduated sanctioning system for compliance failure. These sanctions could include increased reporting requirements, an investigator paid for by the county, technical support paid for by the county and provided by the state (or outside experts chosen by the state), withholding of

state funds, placement of the facility into receivership, or facility closure.

Lastly, the new juvenile justice entity should be required to provide an annual report to the Legislature identifying the facilities that have violated standards, the nature of the violations, any sanctions imposed, and the steps that facility staff are taking, if any, to address identified problems.

(d) Increase community-based mental health programming for youth in need.

A significant number of youth under community supervision suffer from various mental health issues. Indeed, over 40% of youth in Texas’ juvenile probation system are mentally ill.⁸² According to TJPC, “These juveniles recidivate at a rate over fifty percent higher than juveniles that are not mentally ill.”⁸³

This alarming statistic highlights the need for community-based treatment with specialized supervision.

□ Expand the state’s successful Special Needs Diversionary Program (SNDP) to ensure youth receive needed mental health services.

The SNDP, created in 2001 as a pilot in eight urban counties, is “designed to prevent further involvement with the juvenile probation system and possible removal of youth with mental health needs from their homes.”⁸⁴ In 2002, SNDP was expanded to another eleven small and medium-sized counties,⁸⁵ and funding has been continually renewed to maintain the 19 existing programs.⁸⁶

The SNDP program pairs a licensed mental health practitioner with a specialized probation officer to provide a range of services to mentally ill youths and their families, including “parent mentoring, wrap around case management services, crisis stabilization, medication management, intensive in-home therapy (multi-systemic therapy, cognitive behavioral therapy, etc.), skills training, substance abuse counseling, benefit assistance and case coordination between service providers.”⁸⁷ Youth and their families receive three to five

contacts per week by the specialized team. In order to qualify for the program, a youth must be between the ages of 10 and 17 and possess a documented mental health diagnosis; the family must also be willing to participate.⁸⁸

In FY 2010, SNDP served 1,400 youth, and **73% of youth discharged from SNDP in FY 2010 successfully completed the program.** Of those starting in FY 2009, 76% successfully completed the program.⁸⁹

Policy-makers must recommit to this program in the upcoming biennium to continue to ensure that youth remain in the community, rather than enter confinement at greater taxpayer expense.⁹⁰

□ **Boost funding for other community-based mental health programs.**

Various counties have taken advantage of Community Corrections Diversion pilot grant funding to implement localized mental health programming, including intensive home-based treatment and counseling.

For instance, Montgomery County created a program where 15 youth can receive six months of services in their home and attend a Juvenile Justice Alternative Education Program. According to the county's Juvenile Probation Director, "The goal is to get them out of detention and into services immediately."⁹¹ The youths and their families receive at least four contacts per week to ensure the juvenile is getting treatment and parents are complying.⁹² As of 2009, only two program participants had gone back into detention for noncompliance.⁹³

Both Harris and Fort Bend counties have also accepted diversion grant money for mental health programming. Harris County is providing at-home services with parent partners and mental health providers to assist families with mentally ill youth, as well as create a transitional care program with psychiatric services for returning youth. Fort Bend is funding a resident placement program.⁹⁴

Policy-makers should make efforts to ensure that such programs can be expanded to other areas, and outcomes monitored, where possible at this stage. With greater options to allow for linkage to an array of community-based services, treatment providers will have the greatest opportunity to address the criminal behavior of suffering youth and reduce the risk of recidivism and re-incarceration in the future.

□ **Evaluate initial outcomes of the new Bexar County diversion pilot program, legislatively established in 2009, that focuses on early treatment of youth with behavioral problems.**

H.B. 1232 established a local behavioral health pilot project in Bexar County to offer a system of care for youth at risk of expulsion, restricted settings, detention, or incarceration. Bexar County's local mental health authority (The Center for Health Care Services (Center)) is required to coordinate behavioral health services for youth through collaboration with various state agencies serving children and adolescents. This strategy can reduce the duplication of assessments, treatment modalities, and case management that had been occurring under the previous system of disparate treatment providers, while streamlining continuity of care and treatment interventions. The program can also produce cost savings for the community and improves the lives of affected youth and their families.⁹⁵

Again, policy-makers should monitor this program's outcomes and expand it to other areas where needed.

(e) **Increase community-based substance abuse programming for youth in need.**

Alcohol is the widely abused among youth in Texas. A 2008 study found that 63% of Texas secondary school students (grades 7-12) had previously consumed alcohol, while 30% had consumed alcohol in the past month.⁹⁶ Furthermore, according to the results of TJPC's Risk and Needs Assessment Instrument, 25% of all juveniles assessed from June 1, 2009 – May 31, 2010 were "frequent drug users."⁹⁷

Youth suffering from alcohol or drug dependency issues need real opportunities for treatment and education to break the cycle of offending as early as possible and turn their lives around. Community-based supports, including comprehensive treatment assessments⁹⁸ and components to build healthy family relationships,⁹⁹ not only save costs in incarceration, but they are more effective at addressing treatable addiction through effective tackling of the root cause.

Policy-makers must work in tandem with district attorneys, judges, treatment providers, and probation leadership to support tailored, evidence-based rehabilitation and treatment diversion programs that encourage personal responsibility and accountability, and thereby decrease associated crime. The juvenile justice system should be a place of last resort, not the first option for those suffering from the disease of addiction.

(f) Encourage accountability for youths being supervised in the community.

In efforts to reduce rates of re-offending, policy-makers should support community-based accountability programs for youth on probation, with components including routine school and home visits, school attendance and curfew checks, educational support where necessary, and ongoing contact with an assigned caseworker.

(2) Limit the amount of time a youth may be sentenced to probation.

The state should set a cap on the amount of time a youth will serve on probation at 2 years or until the youth turns 18, whichever time period is shorter.

Strengthening and shortening probation terms will increase probation officers' effectiveness in promoting success by freeing up resources that can be reinvested in supervision of high-risk youth during the critical period of their probation terms. Effective tactics like substance abuse treatment programming can help these youth change their behavior for the better. Furthermore, reducing caseloads through shorter terms will give probation officers more time to devote to helping probationers secure jobs, receive treatment, and improve family relationships, thus better ensuring that probation conditions are achievable.

(3) Provide probation departments with training and technical assistance on various issues of stated concern.

According to a survey of Chief Juvenile Probation Officers conducted by TJPC, respondents noted that their probation departments need assistance with the following problems, which impact organizational capacity: (a) heavy accountability-oriented paperwork; (b) great mental health needs of youth; (c) the health and safety issues facing youth in detention and post-adjudication facilities; (d) low salaries for juvenile probation personnel; (e) the need for increased child protective services for youth and their families; (f) overcrowding in detention facilities; and (g) the need for additional community-based treatment services for youths and their families.¹⁰⁰

The state should enable TJPC to provide trainings to probation departments and staff seeking assistance.

(4) Improve data collection on progressive sanctions guidelines, which will more effectively inform state funding allocations.

Progressive sanctions are graduated penalties that ideally focus on risk-reduction in addition to accountability. They can provide direct and responsive feedback to probationers, making future violations less likely.

Without data on how disposition decisions are being made, Texas lawmakers are unable to determine the efficacy of progressive sanctions in ensuring that adjudicated youth receive appropriate services. By understanding which probation departments follow the progressive sanctions model and why they have chosen to do so, the state can better ensure that, regardless of what county probation department supervises them, all Texas youth are given equivalent sanctions for equivalent offenses.

(5) Encourage judges to learn more about the use of evidence-based practices in probation.

Judges can be agents of positive change by ensuring that youth are placed in appropriate programming, as well as by encouraging their voluntary compliance with all conditions of probation. As such, judges should educate themselves about the efficacy of community-based corrections programs within their jurisdictions and, when appropriate, utilize those programs shown

to be effective at reducing recidivism. For instance, in Harris County, the Executive Director of the county's Juvenile Probation Department testified that county commitments to TYC continue to decrease, with much of the credit attributed to juvenile district court judges who are willing to divert juveniles into available community-based programs.¹⁰¹

Like juvenile probation officers, judges should also consider the use of motivational interviewing techniques. Furthermore, to achieve multiple sentencing objectives (e.g., risk-reduction/rehabilitation, punishment, and behavior modification), treatment provisions must be successfully integrated with intermediate sanctions and behavioral controls.

(6) Strengthen community-based, holistic, family-driven programming where appropriate.

In-home programming for youth that improves family interactions can help youth develop pro-social behavior and avoid negative decision-making. According to the Texas Public Policy Foundation, "effective in-home programs address the lack of discipline and other underlying family issues typically at the root of delinquency."¹⁰² As such, "intensive in-home programs with both a probation officer and family therapist making frequent home visits significantly reduce recidivism and cost a fraction of TYC."¹⁰³

One model program is the Juvenile Justice Initiative, adopted in New York to offer intensive in-home therapy services for offending youth in lieu of incarceration. Youths and their families are assigned a counselor to help parents or caretakers "learn how to supervise and manage their adolescents so that they act responsibly instead of engaging in dangerous behaviors."¹⁰⁴ Including the family in behavior treatment reduces rates of recidivism: within the first year, less than 35% of the 275 participating youth were re-arrested or had violated the terms of their probation. The costs are also much lower than incarcerating youth. The New York program is approximately \$17,000 per child,¹⁰⁵ while Texas spends \$126,998 to confine youth for one year in TYC.¹⁰⁶

A successful in-home program in Texas is Kids Averted from Placement Services (KAPS), operated in Bexar

County. It provides intensive family-based services for youth and their families in efforts to address the underlying issues that have led to youth misbehavior. Offered services include individual, group, and family counseling, parenting skills, anger management and drug-prevention classes, and education and team-building activities.¹⁰⁷ According to the Director of Mental Health Services for Bexar County Juvenile Probation, "KAPS goes into the family's home, breaking through initial apprehension and practical barriers such as transportation, to get to the heart of the matter."¹⁰⁸ KAPS also assists families with food and housing needs.¹⁰⁹

According to the Texas Public Policy Foundation, the program's success rates are significant: the majority of KAPS participants have not been adjudicated for later offenses, and the one-year re-referral rate is 15% lower than the state average for juvenile probation.¹¹⁰ The cost-savings are also significant: program costs are \$58.33 per day, compared to \$138.25 per day for the Bexar County post-adjudication facility or a county-contracted residential program.¹¹¹

(7) Implement victim-offender mediation programs.

Policy-makers should permit judges to use a mediation alternative to incarceration in efforts to save the state costs in confinement and improve monetary and emotional outcomes for victims.

The more indirect the connection between the crime and the actual victim, the easier it is for the violator to rationalize his or her conduct and re-offend. Mediation forces those who have committed offenses to realize how their actions have hurt others and potentially develop a sense of empathy. As a result, mediation programs have been proven to lower recidivism: a national study of juvenile pretrial victim-offender mediation found a 32% recidivism reduction.¹¹²

Mediation programs are also successful from a monetary perspective. A study of mediation programs serving adults and juveniles found that 89% of agreements were successfully completed, which means that restitution was fully paid in these cases, compared with a national average of 20 to 30%.¹¹³

In addition, mediation strategies empower victims by allowing them to discuss the impact of the crime on their lives. They have the opportunity to specify what is needed to make them whole and obtain closure on unanswered questions (why the youth committed the offense, and why the victim was chosen), all of which helps victims relinquish their fears of re-victimization.

Upon successful completion of the mediated agreement, participants should have their convictions expunged, which will make them more employable in the future.

Note: This measure should only apply to first-time, nonviolent property offenders, such as those who commit graffiti, shoplifting, or criminal mischief offenses. If no agreement is reached or if a defendant does not complete the terms of the agreement, his or her case should proceed as usual. This will encourage personal accountability and successful completion of the program.

(8) Implement diversion programs for first-time offenses using research-informed practices.

Low-risk youth who would benefit more from behavioral programming than confinement should not be held in costly detention facilities where they are exposed to more hardened youth. Instead, policy-makers should encourage counties to develop “first offender” programs that target the root causes of criminal misbehavior. For instance, the Dallas Police Department created a voluntary, education-based program in 1974 to divert first-time offenders, aged 10-16, from the justice system for Class A and B misdemeanor offenses, as well as for nonviolent state jail felonies.¹¹⁴ Over time, the program:

has diverted 6,154 youth first-time offenders from probation, and in many instances, detention. The most common offenses are shoplifting and marijuana possession. Skills training evening classes over six weeks for the youth and parent emphasize personal responsibility and prevention of further lawbreaking, focusing on behavior contracting, discipline, drug education, goal setting, and decision making. School attendance is required and verified. **The program costs 13 times less per day than detention and 25 percent less than probation.**¹¹⁵

Other counties that implement such programs could experience similar cost-savings and reductions in recidivism.

(9) Consider widespread implementation of community policing programs that divert juveniles from the court and justice system.

Specialized interventions through community policing can successfully target and reduce criminal behavior among various populations. For instance, policy-makers should require counties with moderate to high arrest rates for prostitution among youth to examine the feasibility of diversion programs for youth prostitutes. These young men and women should be re-directed into treatment or risk being victimized further by their pimps. Ideally, *pre-arrest* options that offer each youth medical care, mental health care, substance abuse treatment, and/or social services would prevent a conviction and its harmful, long-term collateral consequences.

Policy-makers should also encourage counties to consider tailoring programs to meet the needs of other specialized populations, such as those suffering specifically from substance abuse and/or mental illness. Furthermore, policy-makers must encourage local law enforcement agencies to implement model risk-reduction programs and problem-solving strategies that seek to improve the trust between community members and law enforcement. Doing so better enables officers to identify and address individuals’ criminal behavior, thus more effectively implementing public safety-focused, value-driven police services.

(10) Minimize the “school-to-prison pipeline” caused by strict school discipline policies.

The rationale behind the implementation of strict discipline policies – to deter violent misbehavior and make schools safe learning environments – is well intentioned, but the policies often lead to unfair and harsh consequences for youth already considered at-risk. For instance, the policies’ heavy-handed and often inequitable use, including for minor in-class disruptions, increase school truancy and dropout rates, further threatening stability in vulnerable communities and potentially resulting in more youth entering the juvenile justice or adult prison system at tremendous cost to the state.¹¹⁶

Since the Texas Legislature specifically enacted strict school discipline laws in 1999, the state has seen an increase in the implementation of punitive disciplinary sanctions. For instance, from the 2002-03 school year to the 2007-08 school year, the number of expulsions increased by 23%, and the number of out-of-school suspensions increased by 43%. Just within the 2007-08 academic year in Texas, there were 9,899 expulsions and 644,853 out-of-school suspensions.¹¹⁷ Again, this high number of school suspensions presents an especially precarious situation because “students whose education is disrupted for a period of time may have difficulty catching up and may eventually drop out of school rather than fall further behind.”¹¹⁸

“Suspension and expulsion may exacerbate academic deterioration, and when students are provided with no immediate educational alternative, student alienation, delinquency, crime, and substance abuse may ensue.”

American Academy of Pediatrics

Data trends not only point to increasing rates of discipline in our schools, but to certain categories of students most likely to be targeted. Indeed, evidence indicates that bias plays a significant role in the discipline process, undermining the legitimacy and effectiveness of schools’ policies. Statistics obtained by the Texas Education Agency (TEA) from school districts across the state illustrate that male students, minority students, and students of low socioeconomic status are disproportionately impacted by school discipline policies.

The passage of H.B. 171 in 2009 was a strong first step for the state in resolving one of the fundamental problems with strict school discipline laws. H.B. 171 requires that school districts consider *extenuating circumstances* before deciding punishment.

Policy-makers must take additional steps to ensure that youth are receiving the greatest help to meet their needs, address the root causes of their misbehavior, and put them on a successful path towards graduation.

(a) Require school districts to implement school-wide Positive Behavioral Supports.

According to the National Association of School Psychologists (NASP), Positive Behavioral Support is a recommended method for addressing and preventing problem behavior by students in the classroom:

Positive Behavioral Support [PBS] is an empirically validated, function-based approach to eliminate challenging behaviors and replace them with prosocial skills. Use of PBS decreases the need for more intrusive or aversive interventions (i.e., punishment or suspension) and can lead to both systemic as well as individualized change.

PBS can target an individual student or an entire school, as it does not focus exclusively on the student, but also includes changing environmental variables such as the physical setting, task demands, curriculum, instructional pace and individualized reinforcement. [...]

The most crucial part of devising PBS plans is the Functional Behavioral Assessment (FBA), which reveals information about the antecedents, consequences, and frequency of challenging behavior. FBAs also help to identify any co-occurring variables. Conducting FBAs doubles the success rate of an intervention.

PBS plans are individualized and data-based and include procedures for monitoring, evaluating and reassessing the process. PBS should be a collaborative effort among parents, school psychologists, teachers, counselors and administrators; all partners should be committed to the plan and its implementation. PBS is more effective when it includes the target individual as well as other significant individuals (i.e., peers, teachers, and parents). [...]

School psychologists are ideally qualified to conduct FBAs, implement PBS plans and train other educators and parents in behavioral intervention techniques.¹¹⁹

Implementation of a PBS system at the first sign of problem behavior is an effective means of improving school safety, thus allowing schools and school districts to expend resources more wisely while creating more successful learning environments. According to NASP, “a review of research on PBS effectiveness showed that there was over a 90% reduction in problem behavior in over half of the studies; the problem behavior stopped completely in over 26% of the studies.”¹²⁰ Furthermore, the positive, long-term effects on a student’s “lifestyle, functional communication skills, and problem behavior” will better ensure that students remain productive, law-abiding members of our communities in the future.¹²¹

- (b) Require training and guidance for teachers and principals in school districts that exceed the statewide average for disciplinary referrals or that discipline a disproportionate amount of minority, low-income, and special education students.**

Teachers should receive training on evidence-based classroom management techniques designed to reduce the amount of disciplinary referrals.

Furthermore, schools that disproportionately discipline minority, special education, and low-income students should be required to formulate a remediation plan to reduce the levels of inequitable discipline.

- (c) Require school officials to amend certain triggers for on-campus disciplinary action or higher-level ticketing.**

Policy-makers should eliminate “serious or persistent misbehavior” as grounds for a youth’s discretionary expulsion from a Disciplinary Alternative Education Program (DAEP¹²²) and his or her subsequent referral to juvenile court for a Conduct Indicating a Need for Supervision (CINS¹²³) offense. Instead, policy-makers should amend the language to “serious and persistent misbehavior” to target students whose behavior is truly posing a threat to the learning environment.

Furthermore, policy-makers should amend Chapter 37 of the Education Code to eliminate “Disruption of Class” and “Disruption of Transportation” as penal code offenses. As noted by Texas Appleseed, “These low-level offenses are channeling students into the criminal court system where they may face fines and possible jail time. This is not an effective method of encouraging students to behave, and places students on a path toward academic failure and further juvenile or adult criminal justice involvement.”¹²⁴

- (d) Require school administrators at the district level to review all discretionary out-of-school suspensions and expulsions.**

To protect students’ due process rights during such a review process, districts should implement written policies that ensure students have the right to receive notice of any formal disciplinary action being considered against him or her, the right to be represented by counsel, the opportunity to present his or her case before a committee, the right to cross-examine witnesses, and the right to appeal a school’s decision to suspend or expel that student from school.

- (e) Develop stronger standards for on-campus police and limit their involvement to legitimate public safety issues.**

Many schools have hired untrained police officers and security personnel, sometimes referred to as School Resource Officers (SROs), and, as a result, they have seen a hike in school arrests for nonviolent violations of the school’s code of conduct.¹²⁵ In Texas, 163 school districts have their own police departments.¹²⁶ The vast majority of students arrested on campus commit nonviolent and vague offenses labeled “disruption of class” or “disorderly conduct.”¹²⁷ Our leadership must support policies that will limit ticketing at school to the greatest extent possible.

□ Training in Use of Tickets and Arrests

School districts must ensure that their SROs and other security personnel are trained in appropriate and resource-effective use of arrests.

Not only do increased arrests pose long-term problems for students with records, but they clog court dockets and detention facilities with nonviolent youth who would be better served through alternatives. SROs should attempt to use de-escalation and mediation techniques, where possible.¹²⁸

NOTE: In cases where tickets are in fact warranted, revenue from the tickets should be re-invested in youth programming that works, such as Positive Behavioral Supports.

□ **Training in the Handling of Students with Mental, Physical, or Behavioral Disabilities**

SROs and other security personnel should also be trained to recognize and properly handle cases involving students with mental health, physical disabilities, or trauma, who may exhibit behavior that seems aggressive or confrontational but does not warrant an arrest. Additionally, school police departments should be required to report their use of physical restraints to both the school district and public at large on a semester basis.

□ **Standardized Use of Force**

SROs and other security personnel throughout Texas school districts should follow uniform standards in regard to the use of force. A student's verbal noncompliance with an officer should not warrant the same response as a physical confrontation. The TEA should establish set rules and response levels.

(f) Ensure transparency and accuracy of understanding in the implementation and practice of discipline in schools.

Each school should be required to track school administrators' use of discretionary suspensions, referrals, and expulsions, and report information about each type of disciplinary action (broken down by students' race, ethnicity, gender, disability, etc.) to TEA at the conclusion of every school year.

Similarly, school districts should be required to report to TEA the number of referrals made by school administrators to on-campus and local law enforcement, broken down by demographic categories.

Finally, school districts should provide TEA with the number of Class C misdemeanor tickets and arrests resulting from school disciplinary decisions, especially for nonviolent offenses, per student demographic category.

Note: Only by submitting this information to TEA will it be easily accessible by the public; TEA can provide the information in its electronic databases. Transparency is essential to addressing and preventing the over-criminalization of Texas students who commit low-level, nonviolent violations.

(g) Require school districts to provide parental notification when a child is sent to a Disciplinary Alternative Education Program.

Specifically, a school district should provide a student's parent(s) with written notice of its obligation to provide the student with an opportunity to complete the coursework required for graduation. The notice should include information regarding all methods available for completing the coursework, and it should state that the methods are available at no cost to the student.

(11) Require juvenile attorneys to review alternative options to TYC.

Policy-makers should require juvenile appointed attorneys to provide the judge with a tailored plan for each client that includes alternatives to confinement, such as treatment options, special supervision or after-school programs, having family members work with counselors or social workers, etc.

(12) Improve guidelines and standards for training juvenile case managers, and require them to report to the judiciary rather than the municipal court clerk.

In 2001, the Texas Legislature passed a bill (now Sec. 45.056 of the Code of Criminal Procedure) to enable judges from commissioners courts, as well as municipal

or Justice of the Peace (“JP”) courts, to hire a juvenile case manager. The position was specifically created to address the high volume of juveniles sent to municipal and JP courts for truancy, traffic violations, and other fine-only Class C misdemeanors not covered by the juvenile courts. Indeed, as a result of overburdened court dockets, many youth had been waiting months before their first court appearance. The role of a juvenile case manager is to ensure that each youth processed through the municipal or JP court receives a timely assessment, as well as access to the breadth of programs and services provided by the juvenile court.

Yet still today, there are no requirements or standards for educating and training those who fill juvenile case manager positions. These individuals must be provided with the necessary skills and education to effectively address the needs and problems of youth who are under the jurisdiction of the court systems.

Additionally, many of the juvenile case managers have come to fill more of an administrative rather than problem-solving role, as was originally intended by lawmakers. This is due in part to the management and reporting structure, where juvenile case managers have reported to the clerk rather than the judge of the municipal court. Reforms are needed to better facilitate direct communication between juvenile judges and juvenile case managers, which will cut down on unnecessary administrative burdens that distract juvenile case managers from their important role as a bridge between the municipal or JP courts and the juvenile court.

Provide Tools for Returning Youth to Live Responsibly and Remain Law-Abiding

Background

Just as with the adult system, the majority of those under supervision in the juvenile system are on probation.¹²⁹ However, the population of youth that is currently incarcerated requires risk/needs assessments, tailored programming, and a strong re-entry infrastructure to ensure that they succeed after juvenile justice involvement. Without effective treatment, substance abuse and mental health disorders will follow youth into the community upon release, leaving them without the tools to participate in society in a fulfilling and productive way. Low education levels and a lack of vocational training will only increase the likelihood of re-offending. Limited community- and family-based support networks will further burden youth entering the community.

In recognition of these problems, policy-makers in 2009 put in place various strategies to address preparedness issues. The 2009 Sunset legislation requires the Texas Youth Commission (TYC) to (a) provide the committing court with notification of the youth's release at least 30 days prior to his or her release date; (b) provide the committing court or the county or state to which the youth is being released with the youth's re-entry and reintegration plan, as well as a report on the youth's progress; and (c) develop a comprehensive plan to reduce recidivism and ensure the successful re-entry of juveniles into the community upon release from state facilities.

“The state must protect resources and programming that help youth succeed during and after juvenile justice system involvement. Educational services (including reading and behavior improvement programs, among others) that support workforce and vocational development are especially critical for easing the re-integration of youth into their home communities.”

Guiding Principle, Texas Juvenile Justice Advocates

The 2009 Legislature also addressed a critical problem with continuity of care for juveniles in need of mental health services pre- and post-release.¹³⁰ Previously, youth designated for a mental health discharge (for being unable to progress with TYC's in-house rehabilitative programming) were ineligible to receive further care through TCOOMMI.¹³¹ Legislation now requires that this large population of returning youth is able to access mental health services [H.B. 4451]. Similarly, the Legislature ensured that youth would be assessed for Medicaid and CHIP eligibility prior to their release from a TYC institutional facility [H.B. 1630].¹³² Pre- and post-release treatment and services will better prepare exiting youth to live as rehabilitated, law-abiding members of our communities.

A continued investment in re-entry practitioners and programs – the foundations of successful reintegration – are important in maintaining progress to keep recidivism rates low, to the benefit of public safety and taxpayers' wallets.

Key Findings

- Tailored in-house programming that addresses the root causes of criminal behavior provides youth the tools to become responsible and law-abiding, and thus more able to meet the challenges of re-entry. Post-release follow-up care is a critical component in keeping rates of re-offending down.
- According to the Justice Policy Institute, “Although many states are currently grappling with record budget deficits, cutting prevention and trauma-informed programs may result in more costs down the road. The direct and indirect costs associated with child maltreatment make it among the most costly public health problems in the United States.”¹³³
- Of the nearly 1,500 commitments to TYC in 2009, 47% were chemically dependent.¹³⁴ Sadly, “fewer than half of TYC youth in need of substance abuse treatment receive it,” according to Texans Care for Children.¹³⁵
- TYC is housing a significant number of youth who require mental health treatment. A 2010 letter from juvenile advocates to the Department of Justice states, “Thirty-seven percent of youth in TYC have been characterized as having ‘serious mental health problems.’ However, a much higher percentage of youth – 48

percent – had some need for mental health treatment in 2009.”¹³⁶ Furthermore, just over one-third of youth are receiving needed services.¹³⁷

- Treatment and programming that address mental illness while taking into account predictors of juvenile recidivism, including peer influence, drug and alcohol use, and education levels,¹³⁸ would minimize rates of re-offending and reduce accompanying costs in enforcement and arrests.
- Approximately 40% of youth in confinement also qualify for special education courses.¹³⁹ TYC’s special education services must be comparable to those provided by public schools to better serve youth needs and work toward improving significant learning deficiencies.¹⁴⁰
- Youth in TYC are typically 4-5 grade levels below standard when they enter confinement, and most require accelerated instruction to obtain a diploma or GED.¹⁴¹ The new juvenile justice entity must prioritize educational services (including reading and behavior improvement programs, among others) that support workforce and vocational development, especially critical to easing the re-integration of youth into their home communities.
- Given the surge in females entering the juvenile justice system in Texas, and given girls’ higher incidence of sexual abuse and mental health problems,¹⁴² policy-makers must prioritize in-house and community-based programming and services that meet this population’s unique needs. Treatment should take place in all-female settings and prioritize psychological assessments, trauma-informed care, one-on-one counseling, family management, cognitive thinking, anger management, self-esteem reinforcement, and alcohol and substance abuse treatment, as needed.
- In 2010, TYC released 1,881 youth from its care: 942 youth were released on TYC parole; 536 youth were sent to a TYC halfway house; 223 youth were released on a “non-secure agency discharge,” which includes youth transferred to TDCJ parole, as well as youth who discharge directly to the community; 109 youth went to a non-secure contract care facility; and 71 youth were transferred to TDCJ’s institutional division to continue their incarceration.¹⁴³

- Because parole costs the state \$13.61 per day¹⁴⁴ and TYC costs \$347.94 per day,¹⁴⁵ the state’s emphasis must remain on safe, effective community-based supervision strategies, with lock-up beds reserved for youth who have committed violent offenses and who carry a higher risk of failure on parole.
- The first several months following a youth’s institutional confinement is a critical one where the lessons learned in secure care can easily be undone without proper supports. For instance, in FY 2009, nearly 3,750 youth were on parole,¹⁴⁶ but approximately 420 youth were sent to TYC after a revocation.¹⁴⁷ According to the Center for Effective Justice, “Improving parole programming, which currently is little more than office visits, could reduce the number of youths on juvenile parole who are revoked back to TYC.”¹⁴⁸ Tailored aftercare with family involvement is especially essential to support youth as they reintegrate into their home environments.

Cost-Saving Strategies

- (1) **Ensure the new juvenile justice entity has adequate numbers of clinical staff to administer needed rehabilitative services.**

A serious commitment to public safety requires investment in the quality of services delivered to youth in state-run facilities. All efforts must be made to identify and address the root causes of youths’ delinquent behavior, and budget appropriations must reflect the real costs of having a workforce that can provide rehabilitative services to the state’s most troubled youth.

“Although many states are currently grappling with record budget deficits, cutting prevention and trauma-informed programs may result in more costs down the road. The direct and indirect costs associated with child maltreatment make it among the most costly public health problems in the United States.”

Justice Policy Institute, July 2010

In addition to ensuring an adequate number of staff for effective program and service delivery, juvenile corrections officers (JCOs) should have more specialized training. Currently, JCOs are required to take 300 hours of pre-service training.¹⁴⁹ Their courses should emphasize trauma-informed care, so personnel can help to address, through screenings and early interventions, the unique needs of those suffering from physical or sexual abuse, neglect, maltreatment, etc.¹⁵⁰ JCO courses should also prioritize positive youth development, which encourages healthy development through positive social relationships and group experiences, life skills, and self-competence.¹⁵¹

(2) Ensure that youth have access to high quality pre- and post-release rehabilitative programming, which fosters a more successful transition to the community.

Policy-makers must reinforce their commitment to public safety-driven re-entry strategies that keep youth on the right path. Tailored in-house programming that addresses the root causes of criminal behavior provides youth the tools to become responsible and law-abiding, and thus better meet the challenges of re-entry. Furthermore, post-release follow-up care is critical to keeping rates of re-offending down, as youth suffering from substance abuse and/or mental illness are more likely to recidivate without appropriate treatment. Policy-makers must couple in-house programs with coordinated and effective community-based aftercare services to best ensure program and personal success.

Note: It is also important that intermittent quality control checks be made to evaluate in-house programs and services. This will prevent obvious problems with program administration from being overlooked and ultimately undermining the goals of the programs seeking to assist youth in addressing re-entry challenges. In addition to performance-tracking technology, the state could develop a client and staff feedback survey. Feedback is the simplest method of evaluating programmatic progress, and it can improve participants' investment in the process when they know their feedback is valued.

(a) Strengthen the diagnosis and improve the treatment of drug- and alcohol-based substance abuse.

Of the nearly 1,500 commitments to TYC in 2009, 47% were chemically dependent.¹⁵² Sadly, “fewer than

half of TYC youth in need of substance abuse treatment receive it,” according to Texans Care for Children.¹⁵³

Youth entering the juvenile justice system who are suffering from drug or alcohol abuse should be provided full access to effective, professionally supervised in-house treatment and rehabilitation programs. Cognitive behavioral therapy and family therapy programs should especially be made available to all individuals in need; according to the Government Accountability Office, they are “effective and cost beneficial when addressing reentry and substance abuse issues.”¹⁵⁴

For the greatest chances of recovery and changed behavior, these youth should also have access to community-based aftercare. Progress made during the detoxification and subsequent treatment process must be reinforced with post-release in- or outpatient treatment, medication-assisted treatment, or chemical dependency counseling, where necessary.

Note: In 2010, TYC implemented a pilot program called Functional Family Therapy (FFT), an evidence-based initiative which targets the needs of youth with substance abuse issues, among other needs.¹⁵⁵ The outcomes of this program must continue to be monitored for the possibility of wider expansion throughout the new juvenile justice entity. Specifically, the state must ensure that services are truly needs-based. According to TYC, “Current research indicates that inappropriate placement of youth in a level [of treatment] not matched by their needs can be ineffective and lead to worse outcomes.”¹⁵⁶

(b) Improve the coordination, quality, and efficiency of services for youth with mental illness and/or intellectual and developmental disabilities.

□ Mental Health Issues:

According to the Director of Mental Health Services for the University of Texas Medical Branch Correctional Managed Care, “Jails and juvenile justice facilities are the new asylums.”¹⁵⁷ Youth suffering from mental illness issues are in dire need of pre- and post-release mental health services to best address the associated crime that accompanies mental disorders.

Although TYC is housing a significant number of youth who require mental health treatment, it lacks the level of providers to meet their needs. According to a 2010 letter from various state and national juvenile advocates to the U.S. Department of Justice:

- Thirty-seven percent of youth in TYC have been characterized as having “serious mental health problems.” However, a much higher percentage of youth – 48 percent – had some need for mental health treatment in 2009.¹⁵⁸
- As of March 2010, there were only 24 full-time associate psychologists, seven full-time psychologists, and four full-time social workers employed system-wide in TYC facilities – in either a secure facility or a halfway house. Both the “social services” staff and “medical and health” staff had a high turnover rate, of 27 percent and 25 percent, respectively.¹⁵⁹

Treatment and programming that address mental illness while taking into account predictors of juvenile recidivism, including peer influence, drug and alcohol use, and education levels,¹⁶⁰ would better minimize rates of re-offending and reduce accompanying costs in enforcement and arrests. More mental health residential treatment beds are especially essential. Just over one-third of youth are receiving needed services.¹⁶¹

Continuity of care is also imperative, with follow-up care a necessity to ensure treatment regimens are followed. System stakeholders must support the full realization of the recent extension of mental health services for youth discharged from TYC for severe mental health issues.

Note: Diversion from confinement in correctional facilities to community-based mental health programming and services would truly be of greatest benefit to youth suffering from mental illness. But in their absence, strong in-house programming with an aftercare component is critical.

□ Special Education Needs:

Youth at TYC are also in dire need of special education services. In fact, approximately 40% of those in confinement qualify for special education courses.¹⁶² The 2009 Sunset Bill [H.B. 3689] requires TYC to create a “reading and behavior plan” for special education students, and requires 60 minutes per day of individualized reading instruction for youth identified with reading deficits. But for the greatest efficacy, TYC’s special education services must be comparable to those provided by public schools to better serve their needs and to work towards improving significant learning deficiencies. For example, TYC lacks a sufficient number of teachers and dedicated aides to support both regular instruction and specialized services.¹⁶³ According to the agency:

The extent to which TYC educational services do not effectively address the specialized learning needs of TYC youth increases the probability of failure by these youth in any public school regular instructional program during their parole phase and following discharge. In turn, failure in a public school following TYC treatment increases the youth’s risk of reoffending and remaining in a cycle ultimately resulting in higher costs from public funds than the cost of success. Therefore, providing services comparable to public schools is a core TYC objective for building a more effective comprehensive reentry program.¹⁶⁴

Policy-makers must heed TYC’s request for critical special education programming.

(c) Ensure proper staffing to address the specialized needs of abuse victims with post-traumatic stress disorder (PTSD).

Victims of severe abuse – whether physical, sexual, or emotional – can develop symptoms of PTSD that require specialized counseling and treatment services.

According to the American Academy of Child & Adolescent Psychiatry:

Following the trauma, children may initially show agitated or confused behavior. They also may show intense fear, helplessness, anger, sadness, horror or denial. [...] They may also become less responsive emotionally, depressed, withdrawn, and more detached from their feelings.

The symptoms of PTSD may last from several months to many years. [...] Once the trauma has occurred, however, early intervention is essential. [...] Emphasis needs to be placed upon establishing a feeling of safety. **Psychotherapy** (individual, group, or family) which allows the child to speak, draw, play, or write about the event is helpful. **Behavior modification techniques** and **cognitive therapy** may help reduce fears and worries. **Medication** may also be useful to deal with agitation, anxiety, or depression.¹⁶⁵

As noted here, a holistic approach to trauma will best ensure that youth can become rehabilitated and productive individuals in the long-term.

(3) Boost in-house educational, workforce, and vocational programs.

Educational and employment barriers to re-entry plague juveniles and adults alike, which makes in-house programming an imperative preparatory measure for incarcerated youth. Youth in TYC are especially in need of assistance, being typically 4-5 grade levels below standard when they enter confinement, and most requiring accelerated instruction to obtain a diploma or GED.¹⁶⁶

According to a report by the Office of the Independent Ombudsman for TYC:

Education and the associated attainment of diplomas, equivalency degrees, and certifications provide the most powerful and evidence-based approach to improve outcomes for incarcerated

youth and to reduce recidivism. [...] Children with low levels of academic proficiency were more likely to offend frequently and commit more serious offenses.

Education continues to be the best option for reducing recidivism by providing youth with post-release opportunities to find meaningful employment, to pursue a post-secondary education, or to pursue post-secondary training in a trade or skill.¹⁶⁷

The new juvenile justice entity must prioritize educational services (including reading and behavior improvement programs, among others) that support workforce and vocational development, especially critical to easing the reintegration of youth into their home communities.

Job preparedness programs can be particularly important for those who know they will need employment assistance once released. In addition to talent assessments, units should offer courses that emphasize résumé and interview skills, problem solving on the job, effective interpersonal communication and negotiation with supervisors and fellow employees, and anger management skills, as well as training in computer literacy to help youth meet current workforce demands.

Such programs can be beneficial to youth and corrections staff alike by providing a positive outlet for youth to engage in pro-social activities that can be helpful after release. In addition, youth can develop skills for personal development, which may contribute to positive behavior inside the institution.

(4) Strengthen investments in gender-specific programming for girls under supervision.

Although S.B. 103 (2007's omnibus juvenile reform legislation) established gender parity in programs, treatment, and facilities, there continues to be very little "evidence-based" gender-specific programming for females. But given the surge in females entering the court and juvenile justice systems in Texas, and given girls' higher incidence of sexual abuse and mental health problems,¹⁶⁸ policy-makers must prioritize in-house and community-based programming and services that meet this population's unique needs.

Note: Growth in referrals of girls to the juvenile justice system may be partly traced to increased use of the criminal justice system to replace traditional school discipline. In 2007, 27% of female high school students told surveyors they had been in a fight in the previous year, and 9% said they had been in a fight on school property.¹⁶⁹ In years past, many of these incidents would have been handled on campus as internal school discipline problems. Today, schools are more likely to have a police officer on site and more quickly look to arrest and criminal prosecution as their preferred solution to youth behavior problems.

Current TYC programming for girls includes the successful Capital and Serious Violent Offender Treatment Program, which is “designed to impact emotional, social, and cognitive developmental processes commonly associated with violent youth” by facilitating “empathic development, emotional regulation, and appropriate expression of thoughts/feelings.”¹⁷⁰ It has consistently generated positive results among boys,¹⁷¹ and it was recently expanded to 158 girls.¹⁷² Furthermore, in January 2010, TYC’s girls at the Ron Jackson unit in Brownwood began using the “Girls Circle” program, “a structured support group that focuses discussion on gender-specific topics designed to promote resiliency and self-esteem.”¹⁷³ This nationally recognized curriculum¹⁷⁴ is one of the few gender-specific programs of its type for adolescent girls.

The girls unit in Brownwood (which houses “some of the state’s most serious and chronic young female offenders”) also began participating in Texas’ inaugural PAWS Program, a pro-social activity that “uses the natural relationship that comes from the bond between humans and animals living together and being responsible for each other.”¹⁷⁵ This program pairs eligible girls (those who apply and participate in a psychological screening) with K9 partners for 12 weeks. The girls, who are responsible for and live with their dogs at all times, must groom, feed, and train them. To reduce the chances of a pair becoming too attached, girls rotate K9 assignments. Ultimately, PAWS teaches girls “empathy, compassion, responsibility, patience, accountability, and dependability. The relationships the youth form with their K9 companions help them develop skills that can be transferred to their relationships with others, thereby increasing their chances for success in the community.”¹⁷⁶

Policy-makers must maintain funding for these programs and expand them where possible to address girls’ needs.

(a) Strengthen the parent-child bond.

Not only should system-involved girls have the opportunity to spend time with their mothers (even if their mothers are themselves incarcerated), but those in confinement who have young children of their own should be provided time to bond with them.

The state has two overriding interests that should encourage it to maximize parent-child interaction (except, of course, in cases where the child has been victim of an abusive relationship): (1) Stronger family ties can ease the transition process into the community and reduce recidivism rates for individuals upon re-entry from confinement, and (2) Reducing collateral damage to children of incarcerated parents can reduce crime in the future, particularly if the state focuses scarce criminal justice resources toward diverting youth in this risk group from crime.¹⁷⁷

(b) Improve standards among in-house, female-focused treatment programs.

For incarcerated young women, correctional facilities should implement treatment and programming that, in part, addresses previous victimization while increasing the overall likelihood of girls’ success upon re-entry. This programming should include the following strategies:

- ❑ Psychological assessments.
- ❑ Trauma recovery and trauma-informed treatment plans.
- ❑ Individual one-on-one therapy and counseling.
- ❑ Family management classes, cognitive thinking classes, anger management classes, and self-esteem reinforcement training.
- ❑ Alcohol and substance abuse treatment, as needed.

Treatment should also occur in all-female settings, where the environment is more nurturing, supporting, and comfortable for speaking about such issues as domestic violence, sexual abuse and incest, shame, and self-esteem.

(5) Target pre-release populations.

Youth transitioning out of confinement should undergo programming that includes the following components:

- Economic planning.
- Parenting training, where necessary.
- Communication skills training.
- Cognitive thinking training.
- Assistance in building self-esteem.
- Assistance in strengthening self-care skills.
- Provision of basic information on legal rights in regards to reuniting with children (where necessary).
- Provision of basic information on dealing with or addressing domestic violence.
- Referrals to other agencies for assistance with housing.
- Support services and emergency assistance for basic necessities (food stamps, Medicaid, etc.).

(6) Strengthen the juvenile parole system to protect public safety and give troubled youth, families, and communities a chance at success.

The real measure of a juvenile justice system's effectiveness is a youth's behavior post-release. The first several months following a youth's institutional confinement are critical, where the lessons learned in secure care can be easily undone without proper supports. For instance, in FY 2009, nearly 3,750 youths were on parole,¹⁷⁸ but approximately 420 youths were sent to TYC after a revocation.¹⁷⁹

Because the period of re-entry should be viewed as the last and most important phase of a youth's treatment while in secure care, the role of parole should be to support youth in applying newly acquired tools for personal accountability, to connect them with needs-based resources, and to closely monitor their progress.

To provide the most meaningful oversight and support to youth exiting juvenile institutions, the juvenile parole program requires an increased investment and focus from the Legislature. Ultimately, juvenile parole must be able to do the following:

- Provide youth more structured re-integration into their home environments, including day treatment programs, re-entry support groups, and family counseling.
- Increase family and community involvement in parole by implementing elements of proven, non-residential programming such as Functional Family Therapy,¹⁸⁰ Multisystemic Therapy,¹⁸¹ and Multidimensional Treatment Foster Care.¹⁸² TYC has already considered implementing Functional Family Parole (FFP), an evidence-based program that provides youths and their families with needed reintegration and intervention services.¹⁸³ The new juvenile justice entity should fully employ FFP.

Policy-makers must also allocate sufficient resources to the parole division so that offices have funds to send a youth to specialized **aftercare services** (e.g., chemical dependency, sex offender, etc.) or family counseling. Currently, youth are directed to county-provided services. If counties do not provide adequate medical, behavioral health, educational, or vocational resources, a youth is simply on his or her own.

Note: The new juvenile justice entity also has an obligation to protect public safety in making its parole decisions. A parole **risk-needs assessment instrument** would assist the agency in making better choices about when youth are ready to be paroled. A well-designed parole assessment instrument would also assess treatment needs.

Note Additionally: Juvenile parole officers must be trained in evidence-based, risk-reduction practices that promote the personal success of youth on parole, contribute to public safety, and save the state in re-incarceration costs. Specifically, parole officers and their supervisors should obtain training on motivational interviewing,¹⁸⁴ trauma-informed care,¹⁸⁵ workforce development, substance abuse and mental health, and other issues so they can provide more effective and meaningful supervision to youth. This training should be permitted during the normal workweek and should be offered regionally to prevent high travel expenses or time waste. Officers should not be punished by the Parole Division (e.g., through forced use of vacation days for the training, etc.) if they are seeking out opportunities that will make them more effective.

(7) Ease restrictions on sealing juvenile records.

Policy-makers should consider tightening confidentiality laws to better assist youths with their reintegration to the community. As the law now stands, juveniles with a felony conviction may only petition to have their record sealed when they turn 21. That age should be lowered: individuals with juvenile felony convictions should be permitted to petition the court to have their record sealed when they turn 19, provided they have not been convicted of a felony after the age of 17.

Separately, policy-makers should lower the age for automatic restricted access from 21 to 17. This is a form of sealing records that denies criminal justice agencies access to records for criminal purposes.

Both of these policy changes will help youth more easily secure housing, employment, or higher education, as well as access other services (including military service) that require applicant background checks.

Note: Policy-makers should require the new juvenile justice entity and the parole division to distribute a generalized guide to youth exiting the juvenile justice system in regards to the process of sealing one's juvenile record.

Note Additionally: To assist foster youth who may have trouble keeping track of their records, foster system caseworkers should be trained to recognize when a youth's record is not sealed, which, again, may pose a problem for future housing, employment, or education opportunities. Then, directly prior to a youth aging out of the foster system, his or her caseworker should run a criminal background check to determine if a criminal record exists. If so, the caseworker should make efforts to assist the youth in having his or her record sealed, if s/he is eligible to have it sealed.

(8) Address the needs of previously incarcerated youth seeking employment.

Returning youth who are seeking to enter the workforce face various challenges. In addition to lacking specific skill sets for employment, employers may be hesitant to hire previously incarcerated youth.¹⁸⁶ Community-based

programs that offer vocational training with industry-specific certifications and vocational mentoring would help provide structure, support, and balance during the re-entry transition period. Peer mentoring can also offer returning youth a helpful perspective during the transition and job search stage.¹⁸⁷

Programs that offer services and assistance across multiple areas would be of most help, giving returning youth access to a complete spectrum of support services. For instance, in 2009, the U.S. Department of Labor awarded a \$2.9 million, 18-month grant to TYC to provide assistance to 450 youth returning to Bexar County. The program – a “one-stop shop” for re-entering youth – offers case management, education support, job counseling, life-skills classes (including courses on nonviolent methods of conflict resolution), mentors, and community service opportunities.¹⁸⁸

Policy-makers should evaluate initial results of this program and strive to implement such resources in other, especially high stakes areas.

Appendix A: Key Components of Previous Reform Legislation

Below are some critical components of previous juvenile justice reform legislation, passed by Texas policy-makers, that must be incorporated into any legislation governing a new juvenile justice entity in Texas.

Senate Bill 103 (2007)

Key Components of Omnibus Reform Legislation

- Increased funding for community-based programs at the local level as an alternative to incarceration.
- A system for the inspection and supervision of all locally operated juvenile detention and secure post-adjudication facilities, public or private.
- A change in sentencing guidelines to ensure that misdemeanor offenders are handled locally.
- Increased, specialized training programs for juvenile corrections officers.
- Specialized intake and Texas Juvenile Probation Commission (Commission) guidelines.
- Appointment of a commission caseworker for each child in custody.
- Rules for the placement and classification of incarcerated youth intended to improve safety.
- An independent ombudsman to act as an advocate for incarcerated youth.
- A special prosecution system and an Office of Inspector General for the independent investigation and prosecution of crimes occurring in TYC facilities. *Note:* The future juvenile justice entity must emphasize the protection of youth.
- A zero-tolerance sexual abuse and sexual contact policy, as well as sexual abuse and sexual contact reporting mechanisms.
- Public reporting of cases of abuse occurring in TYC facilities.
- Access to commission facilities for advocacy groups specializing in juvenile justice, mental health, victims of sexual assault, and victims of abuse.
- A Parents' Bill of Rights.
- A duty to file complaints against the Commission with law enforcement.
- Gender parity in programs, treatment, and facilities.
- Time-credit for time served in the juvenile justice system for youth with determinate criminal sentences.
- Improved procedures governing the termination of a child's placement in TYC and improved re-integration back into his or her home community.
- A governing board for TYC to include a majority of people with experience addressing rehabilitation and reestablishment in society of youth offenders.

Note: S.B. 103 also directed the Sunset Commission to investigate the benefits of a transition towards a regionalized juvenile corrections system with smaller facilities closer to children's home communities.

House Bill 3689 (2009)

Key Components of Sunset Legislation Pertaining to the Texas Youth Commission (TYC), Texas Juvenile Probation Commission (TJPC), and Office of the Independent Ombudsman (OIO)

System-Wide Reforms

- Creates the Coordinated Strategic Planning Committee with members appointed by the directors of TYC and TJPC for the purpose of agency collaboration on a variety of initiatives, including implementation of a common data source and data sharing among TYC, TJPC, and various other state agencies that serve youth in the juvenile justice system (Texas Education Agency, Department of State Health Services, Department of Family Protective Services, and the Health and Human Services Commission).
- Requires TYC, TJPC, and various other state agencies to adopt a Memorandum of Understanding (MOU) with the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) for continuity of care for juvenile offenders with mental impairments. Requires TCOOMMI, in coordination with TYC, TJPC, and other participating state and local agencies, to collect data and report on the outcomes of the MOU.

TYC Reforms

- Requires TYC to create a “reading and behavior plan” for special ed students, and requires 60 minutes per day individualized reading instruction for youth identified with reading deficits.
- Requires TYC to provide information regarding a youth’s progress to the committing court upon request.
- Requires TYC to provide the committing court with notice of a youth’s release no later than the 30th day before the release date.
- Requires TYC to provide the committing court or the county or state to which the youth is being released with the youth’s re-entry and reintegration plan and a report on the youth’s progress.
- Requires TYC to develop a comprehensive plan to reduce recidivism and ensure successful re-entry of juveniles into the community upon release from state facilities.

TJPC/County-Operated Juvenile Probation Department Reforms

- Requires TJPC to regulate, and local juvenile boards to inspect and certify, all non-secure correctional facilities that accept only youth on probation.
- Requires TJPC to ensure that its rules related to minimum standards for confined juveniles comport with constitutional standards, federal law, and state law.
- Requires juvenile probation departments to complete a risk and needs assessment prior to disposition, using a validated risk and needs assessment instrument.
- Requires TJPC to adopt rules for the use of both the mental health screening and risk-needs assessment instruments. Requires juvenile probation departments to report data from the use of both instruments to TJPC.
- Allows TJPC to contract with local MHMR authorities for mental health residential treatment services.

OIO Reforms

- Requires the OIO and TYC to enter into a Memorandum of Understanding concerning the development of formal procedures to help ensure timely and informative communication between the two agencies on OIO reports and areas of overlapping responsibility.
- Authorizes the OIO to withhold information concerning matters under active investigation from TYC and to report the information to the Governor.

Appendix B: Guiding Principles of Juvenile Justice Reform

Below are principles supported by Advocacy, Inc., the American Civil Liberties Union of Texas, Texans Care for Children, Texas Appleseed, Texas Criminal Justice Coalition, Texas Network of Youth Services, and other juvenile justice advocates.

These principles should guide the efforts of Texas policy-makers and stakeholders in shaping a more effective, efficient, and compassionate juvenile justice system.

- Changes in the governance structures of various components of the juvenile justice system should not be confused with reform. While governance and organizational structure may have a significant impact on the delivery of services to youth, they do not in and of themselves constitute meaningful reform.
- The adult prison system and the adult model of criminal justice are damaging and ineffective options for youth, ignoring their needs for age-appropriate rehabilitation and treatment services. The state should look for ways to remove those youth who are housed in adult prisons and jails and instead place them in more appropriate juvenile settings.
- Recognizing that proven, non-institutional, community-based programs are less expensive and more effective than secure facilities, Texas should move away from prioritizing state spending on institutional care and towards an emphasis on using taxpayer dollars to fund proven and effective community-based services for youth and families.
- The state should keep all but the most serious juvenile offenders (those who present a significant risk to public safety) out of secure facilities. True reform means that significantly fewer youth are incarcerated and more are being treated at home with appropriate strength-based and family-focused interventions and supports. Or, if necessary to protect public safety, youth should be housed in out-of-home programs conducive to rehabilitation. Closing state-run facilities while merely increasing the size of secure county-run facilities does not represent a step towards reform.
- For confined youth, Texas should move towards a juvenile justice system of small juvenile justice facilities that prioritizes youths' treatment needs, provides meaningful rehabilitation in a therapeutic environment, and locates youth in or near their home communities.
- Facilities should be staffed with qualified personnel who are trained to meet the needs of youth who require mental health, substance abuse, and sex offender treatment. Facilities should also offer services to address traumas that youth have experienced. Consistent with the goals of providing effective, trauma informed treatment, staff supervising youth should receive continuing training in the safest protocols possible with respect to restraints, verbal de-escalation techniques, suicide risk and prevention, sexual assault, protection of vulnerable youth, and recognition of signs that a youth that may be overmedicated or having adverse reactions to medication.
- Funding should follow the youth; if more youth are being served at the county level, the state should redirect funding to counties for the provision of appropriate and effective community-based, non-institutional services in those locations.
- Better monitoring, oversight, and reporting of county programs should be ensured by providing the Texas Juvenile Probation Commission (TJPC) the mandate and resources to regularly conduct on-site inspections of both secure and non-secure facilities, use a graduated sanctioning system for facilities that fail to comply with set standards, and provide an annual report to the Legislature addressing violations of standards.

- To better protect youth and ensure appropriate treatment and services for them, the Office of the Independent Ombudsman (OIO) should have its jurisdiction expanded so that it can provide oversight over youth anywhere they are being held in correctional settings in Texas, whether at the county or state level, in adult prisons and jails, or juvenile secure facilities. The OIO's effectiveness could be enhanced with a structure that allows for the operation of regional offices.
- As another means of better protecting youth, the state should consider contracting with legal aid entities to provide confined youth with legal advocates to help with civil legal issues such as child custody and other family law or child welfare matters, post-adjudication issues for which counsel is not provided, and civil rights actions.
- The state should continually foster and protect resources and programming that help youth succeed during and after juvenile justice system involvement. Educational services (including reading and behavior improvement programs) that support workforce and vocational development are especially critical for easing the re-integration of youth into their home communities.

Appendix C: Legislative Priorities of the Texas Juvenile Justice Roundtable

Adequately Fund Services

- Before cutting services in juvenile justice or other human services, use the entire Rainy Day Fund, maximize the use of available federal funding, and create new sources of revenue.

Create a Positive School Environment

- Require school districts to implement school-wide Positive Behavioral Supports.
- Require the Texas Education Agency to collect data on school ticketing and arrests, and make school disciplinary data publicly available so that districts may assess how they compare to other school districts.
- Require school districts that disproportionately refer certain students for disciplinary action (especially students of color or special education students) to develop and implement a remediation plan.
- Eliminate the “serious or persistent misbehavior” violation in Disciplinary Alternative Education Programs as grounds for discretionary expulsion and referral to juvenile court as a Conduct Indicating Need for Supervision (CINS) offense.
- Require schools to train School Resource Officers and other personnel about mental health and disabilities, and to publicly report physical restraints.
- Limit ticketing at schools to the greatest extent possible, and redirect revenue from remaining tickets away from campus police departments and towards youth programs.
- Require school districts to distribute the Student Code of Conduct handbook to parents.
- Address truancy in a way that promotes school engagement and strengthens families.

Strengthen Homes and Communities

- Expand programs that foster positive youth development and community involvement.
- Maintain community corrections funding and increase the impact of this investment by requiring that communities use strategies proven to be effective.
- Encourage probation departments to use probation-based diversion strategies, such as Front End Diversion with specialized officer certification that includes motivational interviewing.
- Divert first-time and status offenders from further involvement using research-informed practices.
- Invest in practices that help youth succeed after juvenile justice involvement.

Increase the Courts' Effectiveness

- Improve legal representation in municipal, juvenile, and criminal proceedings by providing for the early appointment of counsel for children who require it and by ensuring continuity in their representation during proceedings against them.
- Improve training standards for judges and attorneys in municipal, criminal, and juvenile proceedings regarding mental health and intellectual and developmental disabilities.
- Reduce the long-term, negative impact of criminal justice involvement on a youth's future.

Ensure Safe Youth Facilities

- Amend policies regarding youth certified to stand trial as an adult by housing them in juvenile facilities and by making adult certification offenses and opportunities for judicial review consistent with those of determinate sentenced youth.
- Give judges additional tools to use with offenders aged 19-21.
- Support enhanced training for professionals who work with youth, including in areas of trauma-informed care and positive youth development.
- Continue monitoring and supporting Texas Youth Commission reforms begun in 2007.
- Ensure that all facilities that house youth – county, state, and contract – have adequate conditions of confinement and appropriate services.

Endnotes

¹ Diversion grant conditions should include reduced commitment targets and specific performance measures, and restrictions on the use of grant money.

² Texas Youth Commission, *TYC Facilities*; http://www.tyc.state.tx.us/programs/facility_map.html. Also from Sunset Advisory Commission, “Commission Decisions: Texas Youth Commission, Texas Juvenile Probation Commission, Office of Independent Ombudsman,” January 2011, pg. 4.

³ *Ibid.*

⁴ Sunset Advisory Commission, *Commission Decisions*, pg. 4.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Marc Levin, “Texas Criminal Justice Reform: Lower Crime, Lower Cost,” Center for Effective Justice – Texas Public Policy Foundation, January 2010, pg. 4.

⁸ Texas Juvenile Probation Commission, *Registered Juvenile Facilities in Texas (CY2010)*; <http://www.tjpc.state.tx.us/publications/other/searchfacilityregistry.asp>.

⁹ Texas Youth Commission (TYC), “Legislative Appropriations Request For Fiscal Years 2012 and 2013,” August 30, 2010, pg. 29.

¹⁰ Legislative Budget Board (LBB), “Criminal Justice Uniform Cost Report: Fiscal Years 2006–2008,” The State of Texas, January 2009, pg. 20; using FY 2008 costs-per-day for basic supervision services, which is the most up-to-date data available.

¹¹ Sunset Advisory Commission, *Commission Decisions*, pg. 15.

¹² Marc Levin, “Getting More for Less in Juvenile Justice: Innovative and Cost-Effective Approaches to Reduce Crime, Restore Victims, and Preserve Families,” Texas Public Policy Foundation, March 2010, pg. 4.

¹³ House Committee on Corrections, Interim Report to the 82nd Texas Legislature, December 2010, pg. 8.

¹⁴ Sophia Glezos Voit, “NIMH’s Giedd Lectures on Teen Brain,” *NIH Record*, Vol. LVII, No. 16, August 12, 2005; http://nihrecord.od.nih.gov/newsletters/2005/08_12_2005/story04.htm. Note additionally: The frontal lobe – the last part of a person’s brain to develop – plays a part in “impulse control, judgment, language, memory, motor function, problem solving, sexual behavior, socialization and spontaneity. Frontal lobes assist in planning, coordinating, controlling, and executing behavior.” As such, “adolescents are still in stages of development that do not equip them with the same judgment tools that we have as adults.” From “Teens, Crime, and Brain Development,” *Prevention Works* (a blog by the National Crime Prevention Council), September 6, 2006; http://ncpc.typepad.com/prevention_works_blog/2006/09/adolescence_is_.html.

¹⁵ Richard Mendel, “Beyond Detention: System Transformation Through Juvenile Detention Reform,” *Pathways to Juvenile Detention Reform*, Vol. 14, Annie E. Casey Foundation, 2007, pg. 42.

¹⁶ Texas Juvenile Probation Commission (TJPC), “Board Meeting Resource Manual,” March 26, 2010, pg. 17.

¹⁷ *Ibid.*, pg. 16.

¹⁸ Marc Levin, *Texas Criminal Justice Reform: Lower Crime, Lower Cost*, pg. 2.

¹⁹ The Annie E. Casey Foundation, *About the Juvenile Detention Alternatives Initiative*: “Youth who are detained are more likely than their counterparts to be formally charged, adjudicated and committed to an institution”; <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/AboutJDAI.aspx>.

²⁰ Marc Levin, “Texas Counties Can Unlock Kids and Savings,” Center for Effective Justice – Texas Public Policy Foundation, December 2009, pg. 1.

²¹ “JDAI Site Updates,” *JDAI News*, October 2010, pg. 6.

²² Shelley Zavlek, “Planning Community-Based Facilities for Violent Juvenile Offenders as Part of a System of Graduated Sanctions,” *Juvenile Justice Bulletin*, Office of Juvenile Justice and Delinquency Prevention – U.S. Department of Justice, August 2005, pgs. 1, 3-4; “Research suggests that simply ‘locking kids up’ in such facilities is an ineffective and unnecessarily expensive approach to helping troubled youth and reducing juvenile crime” [pg. 1].

²³ Senate Committee on Criminal Justice, “Senate Committee on Criminal Justice Interim Report to the 82nd Legislature,” December 15, 2010, pg. 50.

²⁴ Office of the Independent Ombudsman (OIO), “OIO Special Report: SB 103 and Rising Adult Certification Rates in Texas Juvenile Courts,” prepared at the behest of Senator Juan Hinojosa, January 12, 2009, pg. 34.

²⁵ Shelley Zavlek, *Planning Community-Based Facilities for Violent Juvenile Offenders*, pg. 2.

²⁶ Due to S.B. 103’s preclusion of misdemeanants from incarceration in TYC facilities, the state provided counties with an additional \$57.8 million to handle these youths, which was about half the cost that would have been incurred by the state had the youth been sent to TYC. Marc Levin, *Texas Criminal Justice Reform: Lower Crime, Lower Cost*, pg. 2. Note additionally: “juvenile adjudications declined 10.3 percent from fiscal year 2008 to 2009” [pg. 2].

²⁷ This position was created by S.B. 103 to act as an advocate for incarcerated youth.

²⁸ 143 departments accepted this funding. From Senate Committee on Criminal Justice, *Interim Report to the 82nd Legislature*, pg. 74. These funds must be used for programs that are proven to reduce re-offending. Most programs are nonresidential and focus on treatment, community service, and strengthening the family. From Marc Levin, *Texas Criminal Justice Reform: Lower Crime, Lower Cost*, pg. 2. Note additionally: Juvenile probation departments that receive the new diversion funding are required to report a variety of information to TJPC about their use of the monies, including details about the kinds of programs that will be developed or expanded, and outcomes for all youth placed in the diversion programs as an alternative to TYC commitment.

²⁹ House Committee on Corrections, *Interim Report to the 82nd Texas Legislature*, pg. 8.

³⁰ Sunset Advisory Commission, *Commission Decisions*, pg. 4.

³¹ Marc Levin, *Texas Criminal Justice Reform: Lower Crime, Lower Cost*, pg. 2.

³² TJPC, *Board Meeting Resource Manual*, pg. 17.

³³ *Ibid.*

³⁴ *Ibid.*, pg. 16.

³⁵ Texas Youth Commission, *Determining How Long Youth Stay in TYC*; http://www.tyc.state.tx.us/about/how_class.html.

³⁶ “The Case for Juvenile Courts,” *The New York Times* – Editorial, August 13, 2008.

³⁷ OIO, *OIO Special Report: SB 103*, pg. 34.

³⁸ “Individual change is not only possible, but appears to occur quite frequently. Therefore, although studies show that antisocial behavior in children is one of the best predictors of antisocial behavior in adults, most antisocial children do not become antisocial as adults.” From John Laub, “Crime Over the Life Course,” 2000; this criminological study is the only of its kind in the world that contains data from birth and early childhood to age 70 for a large group of serious, persistent juvenile offenders; <http://lethal-injection-florida.blogspot.com/2007/08/should-juvenile-offenders-be-tried-as.html>.

³⁹ “The men who desisted from crime shared a daily routine that provided both structure and meaningful activity. Structure often led the men to disassociate from delinquent peers, a major factor in abandoning crime.” *Ibid.*

⁴⁰ Scott Henson, “Study: Most violent juvie offenders don’t become antisocial adults,” *Grits for Breakfast*, August 7, 2007; <http://gritsforbreakfast.blogspot.com/2007/08/study-most-violent-juvie-offenders-dont.html>.

⁴¹ TYC, *Legislative Appropriations Request For Fiscal Years 2012 and 2013*, pg. 29.

⁴² LBB, *Criminal Justice Uniform Cost Report: Fiscal Years 2006-2008*, pg. 17; comparing FY 2008 costs-per-day for halfway houses (\$184.26) and state-operated facilities (\$270.49).

⁴³ Dick Mendel, “Small is Beautiful: The Missouri Division of Youth Services,” *Advocasey: Juvenile Justice at a Crossroads*, Vol. 5, No. 1, Spring 2003, pgs. 30-31.

⁴⁴ Douglas Abrams, “A Very Special Place in Life: The History of Juvenile Justice in Missouri,” Missouri Juvenile Justice Association, 2003, pg. 198.

⁴⁵ Dick Mendel, *Small is Beautiful*, pg. 34.

- ⁴⁶ Douglas Abrams, *A Very Special Place in Life*, pg. 206.
- ⁴⁷ Marc Levin, *Texas Criminal Justice Reform: Lower Crime, Lower Cost*, pg. 5.
- ⁴⁸ Texas Juvenile Probation Commission (TJPC), “The State of Juvenile Probation Activity in Texas: Statistical and Other Data on the Juvenile Justice System in Texas for Calendar Year 2008,” July 2010, pgs. 1, 21.
- ⁴⁹ “JDAI Site Updates,” *JDAI News*, October 2010, pgs. 6, 8.
- ⁵⁰ Richard Mendel, *Beyond Detention: System Transformation Through Juvenile Detention Reform*, pgs. 11-12.
- ⁵¹ *Ibid.*, pg. 13 (Figure L).
- ⁵² *Ibid.*, pgs. 21, 54.
- ⁵³ Marc Levin, *Texas Counties Can Unlock Kids and Savings*, pg. 1.
- ⁵⁴ **Homes for Heroes** is a loan program that offers affordable mortgages and down payment through first-come, first-served grants to certain public employees in acknowledgement of their contribution to the safety and welfare of Texans. The **Educational Assistance Program** provides financial assistance to eligible employees seeking to obtain an undergraduate or graduate degree in a field related to the mission and needs of the agency. The **Employee Assistance Program** provides confidential, professional assistance at no cost to help employees with personal, financial, and legal matters. From Texas Youth Commission (TYC), *TYC Benefits Overview for Full-Time Employees*; http://austin.tyc.state.tx.us/CfInternet/jobopening/benefits_overview.html.
- ⁵⁵ Texas Youth Commission, *Juvenile Correctional Officer Job Description*; http://austin.tyc.state.tx.us/CfInternet/jobopening/jco_I-IV.html#elig.
- ⁵⁶ TYC, *TYC Benefits Overview for Full-Time Employees*.
- ⁵⁷ TJPC, *The State of Juvenile Probation Activity in Texas*, pg. 23.
- ⁵⁸ During FY 2010, there were 88,344 referrals to juvenile probation departments. From House Committee on Corrections, *Interim Report to the 82nd Texas Legislature*, pg. 4. On the other hand, 1,977 youth were held in institutions, contract care facilities, or halfway houses in FY 2010. From Sunset Advisory Commission, *Commission Decisions*, pg. 4.
- ⁵⁹ Texas Juvenile Probation Commission; *About Us: Our Mission*; <http://www.tjpc.state.tx.us/aboutus/default.aspx#Our%20Mission>.
- ⁶⁰ Marc Levin, *New Day for Texas Juvenile Justice*, Texas Public Policy Foundation, December 30, 2008; http://www.texaspolicy.com/commentaries_single.php?report_id=2341.
- ⁶¹ “For example, intensive in-home programs with both a probation officer and family therapist making frequent home visits significantly reduce re-offenses and cost a fraction of TYC. As such local programs take root, juvenile crime continues to drop and TYC commitments have fallen 38 percent this year. Every youth redirected from TYC saves taxpayers about \$80,000 a year.” From Marc Levin, *In Juvenile Justice, Less Is Often More*, Texas Public Policy Foundation, May 7, 2010; http://www.texaspolicy.com/commentaries_single.php?report_id=3081.
- ⁶² Representatives from Cameron, Dallas, Jefferson, Randall, and Travis Counties specifically testified before the Senate Committee on Criminal Justice about reductions in commitments to TYC through the use of Community Corrections Diversion Program funding. From Senate Committee on Criminal Justice, *Interim Report to the 82nd Legislature*, pgs. 78, 79.
- ⁶³ LBB, *Criminal Justice Uniform Cost Report: Fiscal Years 2006-2008*, pg. 20; using FY 2008 local (\$10.01) and state (\$3.88) costs-per-day for basic supervision.
- ⁶⁴ Marc Levin, *In Juvenile Justice, Less Is Often More*.
- ⁶⁵ Texas Juvenile Probation Commission (TJPC), “Legislative Appropriations Request for Fiscal Years 2012 and 2013,” August 9, 2010, pg. 3 of 6 (Administrator’s Statement).
- ⁶⁶ Texans Care for Children, Press Release: “Juvenile Corrections System Acts as Mental Health Provider of Last Resort for Many Texas Families,” January 27, 2010; <http://texanscareforchildren.org/For-the-Press/Juvenile-CorrectionsSystem-Acts-as-Mental-Health-Provider-of-Last-Resort-for-Many-Texas-Families?&Sort=>.
- ⁶⁷ TJPC, *Legislative Appropriations Request for Fiscal Years 2012 and 2013*, pg. 3 of 6 (Administrator’s Statement).
- ⁶⁸ Texas Juvenile Probation Commission (TJPC), “Strategic Plan: Fiscal Years 2011-15,” June 2010, pg. 23.

- ⁶⁹ National Institute on Drug Abuse (NIDA), “Frequently Asked Questions (FAQs),” #15: *What are the unique treatment needs of juveniles in the criminal justice system?*: “Assessment is particularly important, because not all adolescents who have used drugs need treatment”; http://www.nida.nih.gov/podat_cj/faqs/faqs2.html.
- ⁷⁰ *Ibid.*: “The effective treatment of juvenile substance abusers often requires a family-based treatment model that targets family functioning and the increased involvement of family members.”
- ⁷¹ William R. Nugent, Ph.D., et al, “Participation in Victim-Offender Mediation Reduces Recidivism,” *VOMA Connections*, Vol. 3, Summer 1999, pg. 1. A national study of juvenile pretrial victim-offender mediation found a 32% recidivism reduction. Furthermore, “In a related study by the authors it was also found that even those offenders who recidivated committed a less severe offense” [pg. 1].
- ⁷² Marc Levin, “Testimony for HB 2139,” presented before the House Corrections Committee, Center for Effective Justice – Texas Public Policy Foundation, March 19, 2009, pg. 2: A study of mediation programs serving adults and juveniles found that 89% of agreements were successfully completed, which means that restitution was fully paid in these cases, compared with a national average of 20-30%.
- ⁷³ Sunset Advisory Commission, *Commission Decisions*, pg. 7.
- ⁷⁴ Texas Appleseed, “Texas’ School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in Schools,” December 2010, pgs. 4, 5.
- ⁷⁵ Advancement Project, “Test, Punish, and Push Out: How ‘Zero Tolerance’ and High-Stakes Testing Funnel Youth Into the School-To-Prison Pipeline,” January 2010, pg. 15.
- ⁷⁶ Texas Appleseed, *Texas’ School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in Schools*, pg. 68.
- ⁷⁷ H.B. 3689 requires TJPC to adopt rules for the use of both a risk-needs assessment and a mental health screening instrument. It also requires juvenile probation departments to report data from the use of both instruments to TJPC. Furthermore, the legislation directs juvenile probation departments to complete the risk and needs assessment prior to disposition, using a validated tool.
- ⁷⁸ TJPC, *Legislative Appropriations Request for Fiscal Years 2012 and 2013*, pg. 3 of 6 (Administrator’s Statement).
- ⁷⁹ Texas Administrative Code, Sec. 344.640 (a): A juvenile probation officer or juvenile supervision officer shall complete a minimum of 80 hours training every 24 months in topics related to the officer’s job duties and responsibilities in order to maintain an active certification: (1) For juvenile supervision officers, this training shall include the facility’s suicide prevention plan and requirements necessary to maintain certification in CPR, First Aid and personal restraint technique approved by the [Texas Juvenile Probation] Commission.
- ⁸⁰ Motivational interviewing focuses on a strong, collaborative, probation officer/probationer approach to fulfilling the terms of supervision, and specifically involves reflective listening, using open-ended questions, and identifying inconsistencies in compliance together. This critical strategy can assist probationers in recognizing how best to meet their goals. From Scott Walters, Ph.D. et al, “A Guide for Probation and Parole: Motivating Offenders to Change,” National Institute of Corrections – U.S. Department of Justice, June 2007, pgs. xvii, 29, 36.
- ⁸¹ This allows personnel to help to address – through screenings and early interventions – the specialized needs of those suffering from physical or sexual abuse, neglect, maltreatment, etc. From Justice Policy Institute (JPI), Press Release: “Most Justice-Involved Youth Affected by Traumatic Childhood Experiences,” July 7, 2010; <http://www.justicepolicy.org/content-hmID=1811&smID=1581&ssmID=102.htm>.
- ⁸² Texans Care for Children, *Press Release: Juvenile Corrections System Acts as Mental Health Provider of Last Resort for Many Texas Families*.
- ⁸³ TJPC, *Legislative Appropriations Request for Fiscal Years 2012 and 2013*, pg. 3 of 6 (Administrator’s Statement).
- ⁸⁴ Texas Juvenile Probation Commission (TJPC), “Self-Evaluation Report: A Report for the Sunset Advisory Commission,” August 2007, pgs. 111, 114.
- ⁸⁵ TJPC, *Self-Evaluation Report*, pg. 114.
- ⁸⁶ TJPC, *Legislative Appropriations Request for Fiscal Years 2012 and 2013*, pg. 12 of 24 (3.A).
- ⁸⁷ TJPC, *Self-Evaluation Report*, pg. 111.
- ⁸⁸ *Ibid.*, pgs. 111, 112, 115.
- ⁸⁹ Texas Juvenile Probation Commission, “Overview of the Special Needs Diversionary Program for Mentally Ill Juvenile Offenders: Fiscal Year 2010,” December 2010, pg. i.

⁹⁰ For instance, in El Paso, average treatment costs associated with SNDP participation is \$9,517 (with \$49 per-day costs and an average 193-day length-of-stay), while average residential facility costs with specialized treatment come to \$24,885 (with \$138 per-day costs and an average 180-day length-of-stay). From Judge Terry Ligon and Rosie Medina, “Project Hope (Juvenile Mental Health Court),” PowerPoint presentation, slide 22. from September 1, 2009, to August 31, 2010, were

⁹¹ Nancy Flake, “New mental health program aimed at helping juveniles,” *Conroe Courier*, November 2, 2009.

⁹² *Ibid.*

⁹³ Renée C. Lee, “Breaking the cycle of youth crime: Area counties will focus on mental health disorders,” *Houston Chronicle*, November 28, 2009.

⁹⁴ *Ibid.*

⁹⁵ Texas House of Representatives – House Committee Report, *Bill Analysis for H.B. 1232 (2009)*; <http://www.capitol.state.tx.us/tlodocs/81R/analysis/html/HB01232H.htm>.

⁹⁶ Jane C. Maxwell, Ph.D., “Substance Abuse Trends in Texas: June 2010,” Gulf Coast Addiction Technology Transfer Center, pg. 5.

⁹⁷ TJPC, *Strategic Plan: Fiscal Years 2011-15*, pg. 23.

⁹⁸ NIDA, FAQs, #15: *What are the unique treatment needs of juveniles in the criminal justice system?*: “Assessment is particularly important, because not all adolescents who have used drugs need treatment.”

⁹⁹ *Ibid.*: “The effective treatment of juvenile substance abusers often requires a family-based treatment model that targets family functioning and the increased involvement of family members.”

¹⁰⁰ TJPC, *Strategic Plan: Fiscal Years 2011-15*, pgs. 22-23.

¹⁰¹ Senate Committee on Criminal Justice, *Interim Report to the 82nd Legislature*, pg. 77; citing testimony by Tom Brooks before the Senate Criminal Justice Committee on April 29, 2010.

¹⁰² Marc Levin, *In Juvenile Justice, Less Is Often More*.

¹⁰³ *Ibid.*

¹⁰⁴ Leslie Kaufman, “A Home Remedy for Juvenile Offenders,” *The New York Times*, February 20, 2008; http://www.nyc.gov/html/acs/html/about/news_nytimes_20feb08.shtml.

¹⁰⁵ *Ibid.*

¹⁰⁶ Sunset Advisory Commission, *Commission Decisions*, pg. 15; using FY 2010 TYC costs-per-day of \$347.94.

¹⁰⁷ Marc Levin, *Getting More for Less in Juvenile Justice*, pgs. 29-30.

¹⁰⁸ Haley Smith, “Bexar County youthful offenders find a second chance with KAPS,” *Baptist Standard*, October 26, 2007.

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¹¹⁰ Marc Levin, *Getting More for Less in Juvenile Justice*, pg. 30.

¹¹¹ *Ibid.*

¹¹² William R. Nugent, Ph.D., et al, *Participation in Victim-Offender Mediation Reduces Recidivism*, pg. 1: “In a related study by the authors it was also found that even those offenders who recidivated committed a less severe offense.”

¹¹³ Marc Levin, *Testimony for HB 2139*, pg. 2.

¹¹⁴ Dallas Police Department, *First Offender Program*; http://www.dallaspolice.net/index.cfm?page_ID=3113&subnav=55&openid=1.

¹¹⁵ Marc Levin, *Texas Counties Can Unlock Kids and Savings*, pgs. 1-2.

¹¹⁶ Texans spend approximately \$11,000 per child per year on public education, based on 2008-2009 school year data. From MQ Sullivan, “Texas School Spending Tops \$11k Per Pupil,” *Empower Texans*, May 19, 2010. On the other hand, the cost of incarcerating a child in TYC in FY 2008 was nearly \$99,000, based on \$270.49 costs-per-day. From Sunset Advisory Commission, *Commission Decisions*, pg. 15.

¹¹⁷ Advancement Project, *Test, Punish, and Push Out*, pg. 22.

¹¹⁸ Kim Potts and Bintou Njie, “Zero Tolerance in Tennessee Schools: An Update,” Comptroller of the Treasury – State of Tennessee, August 2003, pg. 10.

¹¹⁹ Andrea M. Cohn, *Positive Behavioral Supports: Information for Educators*, NASP (National Association of School Psychologists) Resources, 2001; http://www.nasponline.org/resources/factsheets/pbs_fs.aspx.

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² According to Texas Education Code, Section 37.008, DAEPs are on- or off-campus programs with the academic mission of enabling students to perform at grade level. DAEPs must meet both the educational and behavioral needs of students assigned to them via referrals. Specifically, DAEPs must teach English language arts, mathematics, science, history, and self-discipline. DAEPs must provide a minimum amount of instructional time per day, as well as supervision and counseling. Additionally, DAEPs must employ only teachers who meet all certification requirements. §37.008 allows a school district to provide a DAEP jointly with one or more districts. The performance of each district's DAEP is evaluated annually and includes an evaluation of student performance.

¹²³ CINS offense are "non-criminal offenses which include public intoxication, truancy, running away from home, fineable only offenses that have been transferred to a juvenile court from a municipal or justice court, inhalant abuse, and expulsion for violating a school disciplinary code." From TJPC, *The State of Juvenile Probation Activity in Texas*, pg. 23.

¹²⁴ Texas Appleseed, *Texas' School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in Schools*, pg. 10.

¹²⁵ *Ibid.*, pgs. 4, 5.

¹²⁶ Advancement Project, *Test, Punish, and Push Out*, pg. 15.

¹²⁷ Texas Appleseed, *Texas' School-to-Prison Pipeline: Ticketing, Arrest & Use of Force in Schools*, pg. 68.

¹²⁸ *Ibid.*, pg. 9

¹²⁹ During FY 2010, there were 88,344 referrals to juvenile probation departments. From House Committee on Corrections, *Interim Report to the 82nd Texas Legislature*, pg. 4. On the other hand, 1,977 youth were held in institutions, contract care facilities, or halfway houses in FY 2010. From Sunset Advisory Commission, *Commission Decisions*, pg. 4.

¹³⁰ To view a short film created in 2009 on treatment services in and outside of TYC (featuring interviews with special needs youth in TYC, a TYC Treatment Center Superintendent, an Advocacy Incorporated attorney, and youth ombudsmen), please visit http://blogs.chron.com/texaspolitics/archives/2009/04/some_youthful_o.html#more.

¹³¹ TCOOMMI is the Texas Correctional Office on Offenders with Medical or Mental Impairments. This agency is given targeted funds by the Legislature to ensure that individuals with special needs are provided immediate access to services. Specifically, TCOOMMI identifies psychiatric, psychological, and rehabilitative services for these individuals; develops a plan for meeting their needs; and coordinates the procedures among various agencies to ensure orderly service provision.

¹³² This mandate also applies upon a youth's release from a secure juvenile probation facility.

¹³³ JPI, *Press Release: Most Justice-Involved Youth Affected by Traumatic Childhood Experiences*, <http://www.justicepolicy.org/content-hmID=1811&smID=1581&ssmID=102.htm>.

¹³⁴ TYC, *Legislative Appropriations Request For Fiscal Years 2012 and 2013*, pg. 29.

¹³⁵ Texans Care for Children, *Press Release: Juvenile Corrections System Acts as Mental Health Provider*.

¹³⁶ Debra Fowler, Texas Appleseed, et al., Letter to Judy Preston, Special Litigation Section, U.S. Department of Justice, August 24, 2010, pg. 7;

http://static.texastribune.org/media/documents/Letter_to_U.S._Department_of_Justice_re_TYC_August_2010.pdf.

¹³⁷ TJPC, *Strategic Plan: Fiscal Years 2011-15*, pgs. 22, 24.

¹³⁸ Jospeter M. Mbuba, "Juvenile Recidivism: An Analysis of Race and Other Sociodemographic Predictors Within Three Intervention Modalities In The State Of Louisiana," Louisiana State University, December 2004, pg. 85 (Table 12).

¹³⁹ TYC, *Legislative Appropriations Request For Fiscal Years 2012 and 2013*, pg. 53.

¹⁴⁰ *Ibid.*, pgs. 91, 92.

¹⁴¹ *Ibid.*, pg. 53.

¹⁴² House Committee on Corrections, *Interim Report to the 82nd Texas Legislature*, pg. 96.

¹⁴³ *Ibid.*, pgs. 41-42.

¹⁴⁴ LBB, *Criminal Justice Uniform Cost Report: Fiscal Years 2006-2008*, pg. 17; using FY 2008 costs for parole supervision, which is the most up-to-date data available.

¹⁴⁵ Sunset Advisory Commission, *Commission Decisions*, pg. 15.

¹⁴⁶ *Ibid.*, pg. 5.

- ¹⁴⁷ *Ibid.*, pg. 4.
- ¹⁴⁸ Marc Levin, *Texas Criminal Justice Reform: Lower Crime, Lower Cost*, pg. 5.
- ¹⁴⁹ Texas Youth Commission, *300 Hour JCO Training Report*; http://www.tyc.state.tx.us/reform/300_jco_hrs.html.
- ¹⁵⁰ JPI, *Press Release: Most Justice-Involved Youth Affected by Traumatic Childhood Experiences*.
- ¹⁵¹ Carl S. Taylor, Ph.D., “Growing Up Behind Bars: Confinement, Youth Development, and Crime,” pgs. 1, 14-15.
- ¹⁵² TYC, *Legislative Appropriations Request For Fiscal Years 2012 and 2013*, pg. 29.
- ¹⁵³ Texans Care for Children, *Press Release: Juvenile Corrections System Acts as Mental Health Provider*.
- ¹⁵⁴ United States Government Accountability Office, “Juvenile Justice: DOJ Is Enhancing Information on Effective Programs, but Could Better Assess the Utility of This Information,” Report to the Chairman, Subcommittee on Crime, Terrorism, and Homeland Security, Committee on the Judiciary, House of Representatives, December 2009, pg. 12.
- ¹⁵⁵ Texas Youth Commission, “2009 Annual Review of Agency Treatment Effectiveness,” December 31, 2009, pg. 3; other needs addressed by FFT include conduct disorders and violent behavior.
- ¹⁵⁶ *Ibid.*, pg. 19.
- ¹⁵⁷ Solomon Moore citing Dr. Joseph Penn, “Mentally Ill Offenders Strain Juvenile System,” *The New York Times*, August 9, 2009; http://www.nytimes.com/2009/08/10/us/10juvenile.html?_r=1&hp.
- ¹⁵⁸ Debra Fowler, Texas Appleseed, et al., *Letter to Judy Preston*, pg. 7; http://static.texastribune.org/media/documents/Letter_to_U.S._Department_of_Justice_re_TYC_August_2010.pdf.
- ¹⁵⁹ *Ibid.*, pgs. 8-9.
- ¹⁶⁰ Jospeter M. Mbuba, *Juvenile Recidivism: An Analysis of Race and Other Sociodemographic Predictors*, pg. 85 (Table 12).
- ¹⁶¹ TJPC, *Strategic Plan: Fiscal Years 2011-15*, pgs. 22, 24.
- ¹⁶² TYC, *Legislative Appropriations Request For Fiscal Years 2012 and 2013*, pg. 53.
- ¹⁶³ *Ibid.*, pg. 91.
- ¹⁶⁴ *Ibid.*, pg. 92.
- ¹⁶⁵ American Academy of Child & Adolescent Psychiatry, *Posttraumatic Stress Disorder (PTSD)*, No. 70, updated October 1999; <http://aacap.org/page.wv?name=Posttraumatic+Stress+Disorder+%28PTSD%29§ion=Facts+for+Families>. Emphasis added.
- ¹⁶⁶ TYC, *Legislative Appropriations Request For Fiscal Years 2012 and 2013*, pg. 53.
- ¹⁶⁷ Michael P. Krezmien, Ph.D., “A Review of Education Programs for Students in the Texas Youth Commission State Schools: A Special Report of the Office of the Independent Ombudsman,” July 2008, pg. 74.
- ¹⁶⁸ House Committee on Corrections, *Interim Report to the 82nd Texas Legislature*, pg. 96.
- ¹⁶⁹ Rachel Dinkes et. al, “Indicators of School Crime and Safety: 2009,” Bureau of Justice Statistics and National Center for Education Statistics, December 2009, p. vii.
- ¹⁷⁰ Texas Youth Commission (TYC), “2010 Annual Review of Agency Treatment Effectiveness,” December 31, 2010, pg. 14.
- ¹⁷¹ The Capital and Serious Violent Offender Program “has gained worldwide attention [...]. It is one of TYC’s most promising specialized treatment programs. Research shows that participation in this program reduced the likelihood of being re-incarcerated for any offense by 55 percent, and for a felony offense, by 43 percent.” From Texas Youth Commission, *Specialized Correctional Treatment*; http://www.tyc.state.tx.us/programs/special_treat.html. Note additionally: “Youth who completed the Capital and Serious Violent Offender Treatment Program (C&SVOTP) were 74% less likely to be re-arrested. Differences between re-arrest for a violent offense and reincarceration were not statistically different, though both were in the direction of lowered recidivism rates.” From TYC, *2010 Annual Review of Agency Treatment Effectiveness*, pg. 2.
- ¹⁷² Senate Committee on Criminal Justice, *Interim Report to the 82nd Legislature*, pg. 49.
- ¹⁷³ TYC, *2010 Annual Review of Agency Treatment Effectiveness*, pg. 15.
- ¹⁷⁴ Office of Juvenile Justice and Delinquency Prevention, News at a Glance: *Understanding and Responding to the Needs of At-Risk and Delinquent Girls*; http://www.ncjrs.gov/html/ojjdp/news_at_glance/232214/topstory.html.
- ¹⁷⁵ Texas Youth Commission, *PAWS - Pairing Achievement With Service*; <http://www.tyc.state.tx.us/programs/paws.html>.
- ¹⁷⁶ *Ibid.*

¹⁷⁷ Steve Christian, “Children of Incarcerated Parents,” National Conference of State Legislatures, March 2009, pg. 1: “Research suggests that intervening in the lives of incarcerated parents and their children to preserve and strengthen positive family connections can yield positive societal benefits in the form of reduced recidivism, less intergenerational criminal justice system involvement, and promotion of healthy child development.”

¹⁷⁸ Sunset Advisory Commission, *Commission Decisions*, pg. 5.

¹⁷⁹ *Ibid.*, pg. 4.

¹⁸⁰ Functional Family Therapy is “an empirically grounded, well-documented and highly successful family intervention for at-risk youth ages 10 to 18 whose problems range from acting out to conduct disorders to alcohol and/or substance abuse.” From *Functional Family Therapy*; <http://www.fftinc.com>.

¹⁸¹ Multisystemic Therapy is “an intensive family-and community-based treatment program that focuses on the entire world of chronic and violent juvenile offenders – their homes and families, schools and teachers, neighborhoods and friends.” From MST, *What is Multisystemic Therapy?*; <http://www.mstservices.com>.

¹⁸² Multidimensional Treatment Foster Care is “a cost-effective alternative to regular foster care, group or residential treatment, and incarceration for youth who have problems with chronic disruptive behavior. The evidence of positive outcomes from this unique multi-modal treatment approach is compelling.” From TFC Consultants, Inc.; http://www.mtfc.com/TFC_Consultants.html. Note additionally: Each of these three programs has been proven to save money and reduce crime. From “Washington State Institute for Public Policy, “Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost,” June 2007, pg. 7.

¹⁸³ Texas Youth Commission, *Regionalization Plan: Evolving Regionalization & Population Management (continued)*; http://www.tyc.state.tx.us/reform/regionalization/2_bonds_highlights.html.

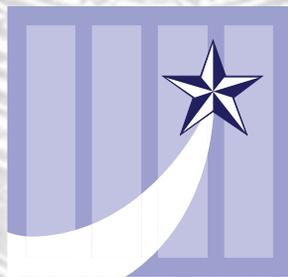
¹⁸⁴ Motivational interviewing focuses on a strong, collaborative, parole officer/parolee approach to fulfilling the terms of supervision, and specifically involves reflective listening, using open-ended questions, and identifying inconsistencies in compliance together. This critical this strategy can assist parolees in recognizing how best to meet their goals. From Scott Walters, Ph.D. et al, *A Guide for Probation and Parole: Motivating Offenders to Change*, pgs. xvii, 29, 36.

¹⁸⁵ This allows personnel to help to address – through screenings and early interventions – the specialized needs of those suffering from physical or sexual abuse, neglect, maltreatment, etc. From JPI, *Press Release: Most Justice-Involved Youth Affected by Traumatic Childhood Experiences*.

¹⁸⁶ TYC does make efforts to encourage workforce placement, including by encouraging its Workforce Development Reentry Specialists to promote the Work Opportunity Tax Credit and Fidelity Bonding programs. These programs offer incentives to qualified employers for hiring and retaining previously incarcerated youths. From House Committee on Corrections, *Interim Report to the 82nd Texas Legislature*, pg. 52.

¹⁸⁷ In 2009, the Office of Juvenile Justice and Delinquency Prevention awarded Big Brothers Big Sisters (BBBS) of South Texas a \$625,000, three-year grant to provide mentoring services to youth being released from TYC facilities through BBBS’ “Second Chance Mentoring Project.” The program’s peer-mentoring strategy involves frequent contact between the mentor, BBBS staff, the youth, and TYC staff. Similar programs throughout Texas are encouraged. From “Big Brothers Big Sisters wins grant to mentor ex-youth offenders,” *San Antonio Business Journal*, September 25, 2009.

¹⁸⁸ Krista Piferer, *BCFS partners with TYC and Bexar County for “One-Stop Shop” for Juveniles returning home*; <http://www.bcfs.net/NetCommunity/Page.aspx?pid=1013>.



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