



UNFINISHED BUSINESS

**DEEPENING THE GAINS IN
TEXAS JUVENILE JUSTICE REFORM**



TEXAS CRIMINAL
JUSTICE COALITION





Texas Criminal Justice Coalition ***Solutions for Youth Justice Project***

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ACKNOWLEDGEMENTS

We would like to thank the Council of State Governments Justice Center for their contributions to Texas juvenile justice reform through their research and analysis in their recent report, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*. We also extend our appreciation to Jason Ziedenberg, Amanda Petteruti, and Laura Jones from the Justice Policy Institute for their assistance in the production of this policy paper. Lastly, we acknowledge Kim Wilks for the paper design.

This policy paper was funded by the Annie E. Casey Foundation. We thank them for their support but acknowledge that the recommendations presented in this paper are those of the authors alone, and do not necessarily reflect the opinions of the Foundation.

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MAY 2015

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UNFINISHED BUSINESS

DEEPENING THE GAINS IN TEXAS JUVENILE JUSTICE REFORM

TABLE OF CONTENTS

Introduction: Despite benefits from reforms keeping youth closer to home, challenges persist in Texas’ juvenile justice system. 1

- 1. State funding is directed at facilities where kids are committed outside their homes rather than community-based options. 2
- 2. The proportion of youth placed by counties in local facilities has increased. 3
- 3. Although recidivism rates are lower for youth served in the community than those for youth leaving state-run facilities, the reforms have not improved overall rates of recidivism. 4
- 4. Failure to deliver the right types and levels of supervision and support can contribute to reoffending. 4

What are the areas of “unfinished business” in Texas juvenile justice reform? 7

- 1. Too little focus on prevention through coordination between systems that serve youth and families, such as child protective services, mental health services, and the education system. 7
- 2. Too many youth in the adult criminal justice system. 8
- 3. Too many youth in local juvenile corrections facilities. 9
- 4. Too little oversight of local juvenile corrections facilities. 10
- 5. Too much focus on recidivism as a measure of the juvenile justice system’s “success.” 11
- 6. Too little *effective* use of risk and needs assessments. 12
- 7. Too little capacity and support provided by the state to local juvenile probation departments to succeed. 12
- 8. Too little focus on reducing racial and ethnic disparities. 13

Recommendations for Texas Legislators: Strategies to deepen gains in Texas juvenile justice reform 15

- 1. Texas should focus on prevention to address the needs of youth by increasing coordination between systems that serve youth and families, such as child protective services, mental health services, and the education system. 15
- 2. Texas should reduce the number of youth going to the adult system. 17
- 3. Texas should expand independent oversight and provide more protection for youth in local juvenile corrections facilities. 18
- 4. Texas should develop a robust performance management system that prioritizes positive outcomes for youth. 18
- 5. Texas should move towards using risk and needs assessments effectively so these tools inform decision-making throughout the juvenile justice system. 19
- 6. TJJD needs the resources and capacity to help local juvenile probation departments succeed in their mission. 20
- 7. Texas needs a strong statewide strategy to reduce ethnic and racial disparities. 21

Appendix A: Department of Youth Rehabilitation Services, DC YouthLink Performance Payment Rubric 23



UNFINISHED BUSINESS

DEEPENING THE GAINS IN TEXAS JUVENILE JUSTICE REFORM

INTRODUCTION: DESPITE BENEFITS FROM REFORMS KEEPING YOUTH CLOSER TO HOME, CHALLENGES PERSIST IN TEXAS' JUVENILE JUSTICE SYSTEM.

In January 2015, the Council of State Governments (CSG) Justice Center produced a report that evaluated the success of a series of reform efforts to change the Texas juvenile justice system. *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*¹ is a first-of-its-kind study: the researchers drew upon a dataset of 1.3 million juvenile case records spanning eight years to show outcomes since 2007, when policy-makers first began reshaping the juvenile justice system. The takeaway from *Closer to Home* is clear: *keeping young people closer to home and in their communities rather than in facilities produces better outcomes for young people and keeps the public safe.*

Since the 2007 reforms began the process of keeping youth closer to their homes, youth crime in Texas has steadily declined. Young people who have been kept in their home communities are less likely to be rearrested. As a result, Texas taxpayers have saved money while the state has improved the prospects for Texas youth.

Key findings from *Closer to Home* include the following:

1. **Youth crime continued to fall as fewer youth were incarcerated. Between 2007 and 2012, the number of youth in Texas state-secure facilities declined dramatically—a 65 percent reduction.** As was the case around the country, juvenile crime also declined. This trend began prior to the reforms but accelerated during the reform period. While it is important to caution that this trend is not an indication of simple “causation”—that is, crime did not go down in Texas because the state locked up fewer youth—as CSG notes, *“this study shows that a decline in arrests and incarceration can happen simultaneously.”*
2. **Young people did better when they were kept in their home communities.** During the periods prior to and after the 2007 reforms, young people in the community did better, and were less likely to reoffend, than young people in state-run secure facilities. When compared to young people in the community, **those sent to a state-run juvenile corrections facility were:**
 - **More likely to be rearrested one year after release.** Youth committed to a state-run secure facility both before and after the reforms were 21 percent more likely than youth adjudicated to probation supervision to be rearrested within one year;
 - **More likely to be reincarcerated five years after release.** Young people released from a state-run facility were more than two times more likely to be reincarcerated after five years than youth on probation supervision in the community;
 - **More likely to be rearrested for a more serious crime.** Youth who were committed to state-run secure facilities were three times more likely to commit a felony as their first reoffense than youth adjudicated to county probation supervision.
3. **Texas taxpayers saved money by keeping young people closer to home.** Texas taxpayers spend \$159,545 to incarcerate a young person in a Texas state-run juvenile facility, but it can cost much less (as low as \$5,299 per year) to serve a young person on probation. Even the most expensive county option—a local juvenile correctional facility—costs taxpayers \$62,649 a year, half the cost of sending a youth to a state-run facility.²

- 4. Fewer youth incarcerated means that fewer youth of color are incarcerated in state-run facilities.** *Closer to Home* found that “there were reductions in commitments to state-run secure facilities for all youth, regardless of race.” Yet disparities continue. While youth of color comprise 66 percent of the total youth population in Texas, they make up about 80 percent of the youth committed to state facilities.³

Challenges to Texas’ juvenile justice system remain.

Closer to Home found that Texas’ juvenile justice system is moving in the right direction but more must be done to make the system fair, safe, and effective.

Texas still needs to address key challenges. Reforms are needed to move the Texas Juvenile Justice Department (TJJD) and its 166 local juvenile probation departments in the right direction to keep more young people closer to their home (or in their home), where the data show they will have better outcomes.

Key information collected by CSG on Texas’ juvenile justice system shows the nature of the challenges that remain:

- 1. State funding is directed at facilities where kids are committed outside their homes rather than community-based options.**

In an effort to build local community alternatives to state secure confinement, the state has shifted resources from the state system to the counties. In 2007, the Legislature appropriated \$57 million over the biennium to local juvenile probation departments to serve misdemeanants that omnibus legislation (Senate Bill 103) no longer permitted to be confined to state-secure facilities; then in 2009, counties were given an additional \$50 million over the biennium.⁴ These appropriations, however, did not specifically tie the state funding to community alternatives to incarceration. Instead, the appropriations allocated money to communities based upon reductions in the number of youth commitments to *state-run* facilities.⁵

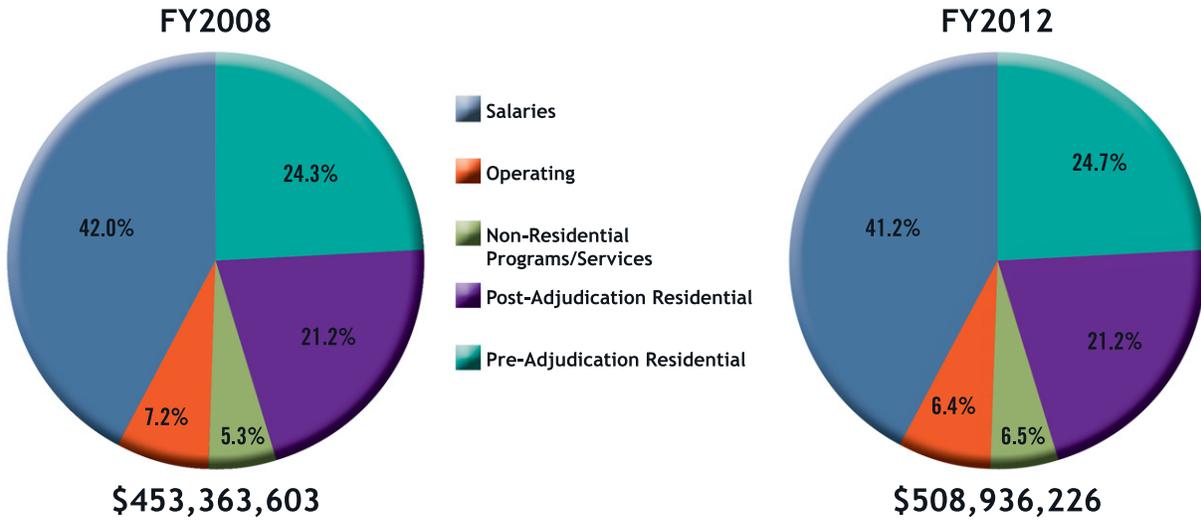
As a result, Texans continue to spend their money on incarcerating youth when other options could work. Even though county expenditures on juvenile justice increased 12 percent between 2008 and 2012, the funds were more often invested in facilities—both secure and non-secure— than in true community-based alternatives that would keep youth in their homes.

While there was not a large change in percent⁶ of the total budget expenditures for post-adjudication residential placements, the total dollars grew: *the total increase in funding for residential placements is three times the increase for community-based programming.*

At the local level, the funds are weighted toward facilities. In the 2014-2015 biennium budget, TJJD allocated \$58 million to pre- and post-adjudication facilities at the county level, representing a third of the total budget (36 percent) designated to local juvenile probation departments. Comparatively, community programs receive 9 percent of the budget and commitment diversion receives 12 percent.

UNFINISHED BUSINESS
**DEEPENING THE GAINS IN
 TEXAS JUVENILE JUSTICE REFORM**

**Total State and County Juvenile Justice Expenditures by Type
 FY2008 and FY2012**



Source: Tony Fabelo and others, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York, NY: The Council of State Governments, January 2015), page 49.

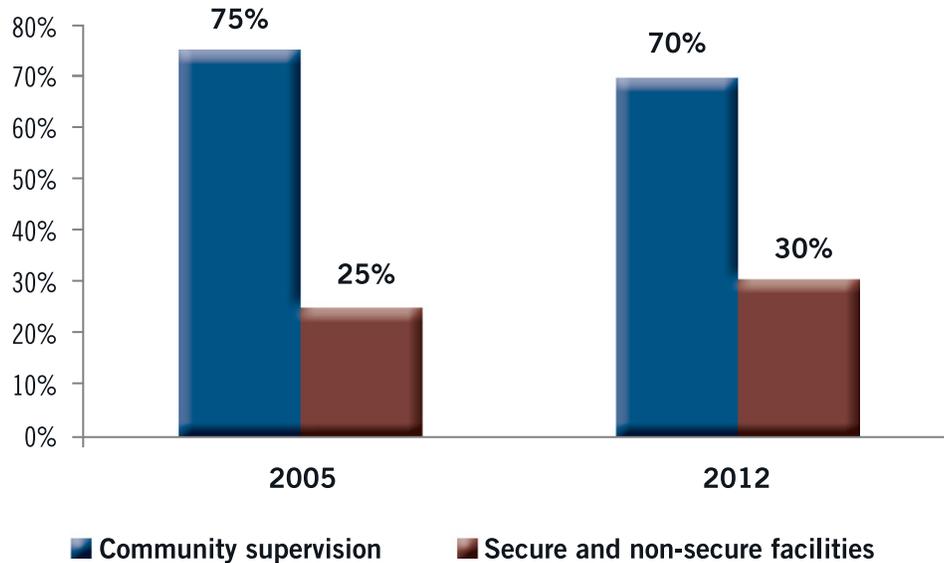
2. The proportion of youth placed by counties in local facilities has increased.

The drop in the juvenile crime rate, and the drop in the number of young people being seen by the system, masks some worrisome trends: *comparing the pre-reform period with what is happening today, more of the youth who end up arrested, in court, and adjudicated are ending up placed out-of-the-home, or confined.*

Between FY2005 and FY2012, the total percentage of youth placed out of home increased 1 percentage point and the proportion of youth placed in county-run secure or non-secure facilities increased 5 percentage points. By contrast, the proportion of young people under community supervision decreased 5 percentage points.

The proportion of youth placed in county-run secure or non-secure facilities increased 5 percentage points. In other words, youth are now closer to their homes, but they may not actually be in their homes.

The proportion of youth in secure and non-secure placements at the community level increased 5 percentage points between 2005 and 2012.



Source: Tony Fabelo and others, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York, NY: The Council of State Governments, January 2015), page 49.

3. Although recidivism rates are lower for youth served in the community than those for youth leaving state-run facilities, the reforms have not improved overall rates of recidivism.

Closer to Home showed that among the youth studied pre-reform (2007) and post-reform, recidivism rates did not improve much for youth leaving state-run facilities and local juvenile probation programs. After the reforms, both sets of youth had about the same rates of recidivism one year after leaving their facilities or probation programs. The report also showed that while youth leaving state facilities are arrested at a higher rate than youth leaving probation over a five-year timeline, both groups had high levels of rearrests five years after their disposition ended.

While fewer youth are coming into the system, more work can be done to promote better outcomes for these youth.

4. Failure to deliver the right types and levels of supervision and support can contribute to reoffending.

The challenge the juvenile justice system has in making even bigger gains in juvenile recidivism reduction may relate to a misidentification of youths' risk and needs, and how services, supervision, and resources are subsequently misapplied.

Youth who are at low-risk of reoffending and who are placed in more intense programs than they need are not likely to benefit from the programming and may actually be at greater risk of reoffending. While some young people assessed to be low-risk may require some programming or services, generally, a low-risk youth is more likely to need minimal supervision or services, if any. In other words, most low-risk youth should have the least intensive probation supervision and no other services beyond typical school enrollment or employment delivered outside the justice system. Applying services that are too intensive can increase the likelihood that a young person will have negative outcomes down the line.⁷

UNFINISHED BUSINESS

DEEPENING THE GAINS IN TEXAS JUVENILE JUSTICE REFORM

Closer to Home reveals that the appropriate and consistent application of risk and needs assessments is a challenge in Texas, as evident by the three ongoing issues related to the identification of risk and needs and delivery of services:

- **Large differences between counties suggest that the assessments are not being used consistently or appropriately:** CSG determined that in the eight counties included in their research, the percentage of youth under juvenile probation department supervision who were assessed to be low-risk and placed in one or more programs ranged broadly, from 40 percent in Cameron County to 91 percent in Victoria County.⁸ A similarly broad range of the low-risk youth who were also high-needs were receiving services, ranging from 4 percent in El Paso County to 35 percent in Victoria County. It is unlikely that differences in youth populations in these counties account for vast differences in service delivery decisions, begging the question of whether the risk and needs tools are applied accurately or consistently.
- **Low-risk youth who are not identified as high-needs may be receiving too many services:** There is a significant gap between the percentage of low-risk youth (who have not been identified as high needs) **who are receiving services** and the low-risk, high-needs youth **who are not receiving services**. In Harris County, for example, 80 percent of low-risk youth were on supervision with services, but only 4 percent of low-risk youth with a high need for services received them. The high proportion of low-risk youth who are not identified as high-needs and yet receive services suggests a misidentification of risk and needs, or a misapplication of services.
- **High-risk and high-needs youth may not be receiving services they really need:** While low-risk youth are receiving supervision and services, high-risk or high-needs youth in the community are less likely to receive services. For example, in Dallas County, 14 percent of high-risk youth and 17 percent of high-needs youth received services, while 55 percent of low-risk, low-needs youth received services. Such differences suggest that high-risk and high-needs youth are also being misidentified or inappropriately served.

Low-risk youth were more likely to receive services than low-risk youth with high needs, high-risk youth, or high-needs youth.

County	% Low-risk on Supervision With Services	% Low-risk and High Need on Supervision	% High-risk on Supervision with Services	% High Need on Supervision with Services
Cameron	40%	20%	18%	17%
Dallas	55%	18%	14%	17%
El Paso	77%	4%	43%	28%
Harris	80%	4%	14%	13%
Lubbock	43%	19%	29%	34%
Tarrant	44%	11%	34%	36%
Travis	71%	11%	30%	11%
Victoria	91%	35%	60%	16%

Source: Tony Fabelo and others, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York, NY: The Council of State Governments, January 2015), page 74 and 75.

Closer to Home also showed that low-risk youth who were placed in the community with no services were less likely, on average, to commit a new offense than low-risk youth receiving programs such as skills-based programming, treatment services, or surveillance (such as electronic monitoring). Rearrest rates for low-risk youth not in programs averaged 13 percent, while the average rearrest rates for low-risk youth who received programs averaged 16 percent.⁹

Over-programming low-risk youth in Texas leads to no better public safety outcomes, may actually contribute to recidivism, and potentially wastes resources that could be used to benefit high-risk or high-needs youth.



WHAT ARE THE AREAS OF “UNFINISHED BUSINESS” IN TEXAS JUVENILE JUSTICE REFORM?

Closer to Home contains good news for Texas policy-makers: the reforms are working in targeted areas. Fewer youth are being incarcerated (at the state level), public safety has been maintained, taxpayers are saving money, and young people are having better outcomes.

While the Council of State Governments’ report provides policy-makers with a useful tool for reviewing the progress made in juvenile justice since the 2007 reforms, *Closer to Home* was not designed to evaluate—nor did it focus on—a significant number of important areas in juvenile justice reform.

Safe in the knowledge that keeping more young people “closer to home” rather than in facilities will produce better outcomes, Texans have an opportunity to build on this track record and address the “unfinished business” in juvenile justice reform.

“Unfinished business” in Texas juvenile justice reform includes the following:

- Too little focus on prevention through coordination between systems that serve youth and families, such as child protective services, mental health services, and the education system;
- Too many youth in the adult criminal justice system;
- Too many youth in local juvenile corrections facilities;
- Too little oversight of local juvenile corrections facilities;
- Too much focus on recidivism as a measure of the juvenile justice system’s “success”;
- Too little *effective* use of risk and needs assessments;
- Too little capacity and support provided by the state to local juvenile probation departments to succeed; and
- Too little focus on reducing racial and ethnic disparities.

1. Too little focus on prevention through coordination between systems that serve youth and families, such as child protective services, mental health services, and the education system.

When youth-serving systems are not properly resourced and coordinated to meet young people’s needs, juvenile justice systems end up becoming the “default provider” of treatment, schooling, and other services.

Juvenile justice system contact may be prevented if another youth-serving system addresses a young person’s need first. For example, less than one-third of Texas children and youth receive the mental health services they need,¹⁰ while nationally, 64 percent of juvenile justice system-involved youth may have a mental health concern.¹¹ And, national data show that up to 29 percent of youth involved in the juvenile justice system are also involved in the child welfare system.¹²



If a youth does become justice system-involved, deeper involvement in the system could be avoided by coordinating services across youth-serving agencies. Other youth-serving systems can provide specialized services more cost effectively. Most behavioral health services that work with young people and their families in the home cost a fraction of what would be spent to have a young person confined in a state facility.¹³ In addition, TJJ and local juvenile probation department staff are not as well equipped as other agencies, such as child protective services, to holistically address the underlying needs of families. Leveraging the services of youth-serving agencies outside the juvenile justice system means that the services can continue after justice system-involvement is over or prevent involvement in the system altogether.

Upwards of three dozen juvenile probation departments in Texas are part of initiatives that seek to coordinate educational, mental health, and family support services to youth across county departments. TJJ acknowledges in its report to legislators¹⁴ that while some positive steps have been taken since 2007, there is plenty of “unfinished business” around efforts to address young people’s needs that are common to the child welfare, mental health, and education systems.

2. Too many youth in the adult criminal justice system.

Significant numbers of young people end up in Texas’ adult system, even though research says that young people are safer and do better when they are served in the juvenile justice system.¹⁵

Youth enter Texas’ adult justice system primarily for the following two reasons:

- Any youth arrested at the age of 17 is automatically excluded from the juvenile justice system;
- Certification and determinate sentencing laws transfer too many youth to the adult court.

Any youth in Texas arrested at the age of 17 is automatically excluded from the juvenile justice system.

Texas is one of nine states where any 17-year-old who is arrested enters the adult system.¹⁶ In 41 other states and the District of Columbia, a young person is under the jurisdiction of the juvenile justice system until the age of 18.

The vast majority of youth enter Texas’ adult system due to their age rather than the seriousness of their offense. In Texas, 96 percent of 17-year-olds are arrested for nonviolent and misdemeanor offenses.¹⁷ Yet these youth are automatically placed in the adult criminal justice system.

While they are there for the least serious behavior, 17-year-olds face serious consequences when they touch the adult criminal justice system. Youth who are exposed to adult jails and prisons, research shows, are more likely to be harmed and reoffend. An estimated 2,868 to 3,119 17-year-olds were in local jail custody in 2014.¹⁸

Furthermore, the adult criminal justice system struggles to comply with federal law requiring adult corrections facilities to keep young people safe through the “sight and sound” separation of incarcerated youth and adults. One Texas sheriff estimated that it cost her county nearly \$80,000 per week to keep 17-year-olds safe in adult jail.¹⁹ To meet safety requirements in an adult facility, Harris County has had to evacuate entire floors to move one or two 17-year-olds to the shower. Already, smaller counties are

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UNFINISHED BUSINESS

**DEEPENING THE GAINS IN
TEXAS JUVENILE JUSTICE REFORM**

logistically unable to provide sight and sound separation, or avoid placing youth in isolation, without retrofitting facilities at tremendous expense.²⁰

Responding to research that shows young people are safer and less likely to recidivate when they are served by the juvenile justice system, five states have “*raised the age*” of juvenile court jurisdiction since 1977.²¹ In 2015, legislators in New York, North Carolina, and Wisconsin have considered proposals to create pathways for 16- and 17-year-olds to be under juvenile court jurisdiction.

Certification and determinate sentencing laws transfer too many Texas youth to the adult court.

Under Texas’ certification process, someone as young as 14 may be transferred by a juvenile court judge to an adult criminal court for committing a felony offense. When a youth goes through the certification process, he or she goes directly to the adult system, bypassing the juvenile justice system entirely.

Young people who end up in the adult criminal justice system due to the certification statute may not have had the opportunity to benefit from developmentally-appropriate services and programming in the juvenile justice system. In a seminal analysis of the pathways young people take into the adult system, the Lyndon B. Johnson School of Public Affairs at the University of Texas found that 72 percent of certified juveniles did not have a prior violent criminal history, 89 percent had never been committed to a state-run juvenile facility, and 29 percent of certified juveniles are first-time offenders. This research suggests that few of these youth have a serious history of delinquency of any kind.²²

It should be noted that Texas law does permit young people convicted of certain behaviors to stay in juvenile court; these youth are given a “determinate” sentence that extends the jurisdiction of the juvenile justice system until they reach the age of 19. At that age, a judge may reevaluate whether or not they should be transferred to the adult system to complete their sentence.

More youth end up in adult courts and prisons through the certification process than through the determinate sentencing process.

3. Too many youth in local juvenile corrections facilities.

Since 2007, the percentage of dispositions to Texas facilities has increased. *Closer to Home* showed that the percent of youth placed in secure or non-secure residential facilities as a condition of supervision increased by 5 percent. The average stay in local secure and non-secure residential facilities also increased. By 2008, the average daily population in a local facility was greater than the average daily population in state-run facilities.

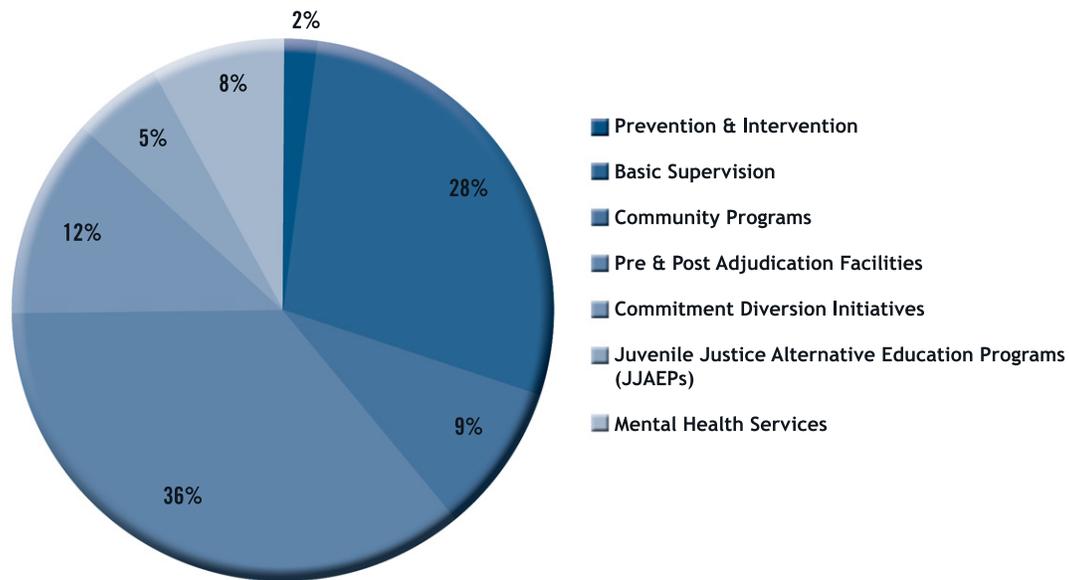
For the few youth who may need to be confined for some period of time, research supports limiting confinement to the shortest amount of time necessary. According to a comprehensive review of the best practices in juvenile justice by the National Research Council of the National Academies, “no convincing evidence exists that confinement of juvenile offenders beyond the time needed to deliver intensive services reduces the likelihood of reoffending.”²³ Young people can face a series of negative outcomes when they are needlessly confined, including higher rates of recidivism, and lost future earnings due to less success in school and work throughout their lives.²⁴

When young people remain in their homes and receive the right match of services or programming that they need, they are more likely to have better outcomes, such as less recidivism, higher rates of school completion and attachment, and increased likelihood that they will connect to work.²⁵

In short, **while it is good news that the population of youth in state-run facilities has fallen and many young people are “closer to home,” the state must now address the issue of too many youth being confined in local juvenile corrections facilities.**

Overreliance on local juvenile correctional facilities means that local juvenile probation departments have fewer resources to invest in programs and services for young people. Pre-and post-adjudication facilities represent the largest portion (36 percent) of the TJJJ budget spent by local juvenile probation departments.

The largest portion of the TJJJ budget going to localities is still being spent to place young people out of the home.



Source: Analysis of the Texas Juvenile Justice Department 2014-2015 Biennium Budget. Legislative Budget Board, "General Appropriations Act 2014-2015 Biennium." April 2015, Accessed April 17, 2015. www.lbb.state.tx.us/Documents/GAA/General_Appropriations_Act_2014-15.pdf

4. Too little oversight of local juvenile corrections facilities.

Policy-makers were compelled to adopt the reforms of 2007 due to a series of well-publicized stories about the abuses of young people in state-run juvenile facilities. As part of these reforms, an Office of the Independent Ombudsman (OIO) was established and empowered to investigate, evaluate, and secure the rights of youth committed to state-run facilities. The OIO can visit state-run facilities, and monitor conditions in facilities through data reviews and through interviews with young people and staff on issues that relate to safety. This information is then made available to the public.

The OIO and its mandate to investigate and publicly report cases of abuse represent a significant step towards ensuring the safety of youth confined in state-run facilities.

But as more of youth in the system are served and supervised by local juvenile probation departments, the parts of the system that need oversight have changed. As *Closer to Home* noted, “across the state of Texas, there are 51 secure county-based detention facilities, and 34 secure and 12 non-secure county-run post-adjudication facilities.”

UNFINISHED BUSINESS

**DEEPENING THE GAINS IN
TEXAS JUVENILE JUSTICE REFORM**

However, the OIO is neither mandated nor fully funded to carry out its oversight role in local juvenile corrections facilities.

More young people have moved “closer to home” and out of state-run facilities. The same independent oversight that is provided to youth in state-run facilities needs to catch up to where most youth are currently confined—in local facilities.

Independent oversight is particularly relevant as the juvenile justice system struggles to come into compliance with the Prison Rape Elimination Act (PREA), which mandates that auditing be conducted by an independent entity. Given its role in state-run facilities, the OIO is a good candidate for overseeing Texas’ local juvenile facilities.

5. Too much focus on recidivism as a measure of the juvenile justice system’s “success.”

Closer to Home showed that Texas can both serve more young people in their home communities and see better outcomes. That said, CSG also noted that its work was limited by the kinds of outcomes that are measured in Texas.

*Rearrest, reincarceration, and other measures of recidivism are just one way of tracking outcomes for youth in contact with the juvenile justice system. To measure the long-term success of youth who are released from secure custody or who are under community supervision, other measures are also important, such as educational attainment, behavioral health, skill development, or employment. Those outcome measures, however, are beyond the scope of this report and therefore are not considered.*²⁶

In another report, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System*, CSG called on juvenile departments to expand beyond simply using recidivism as the measure of a system’s performance: “youth development outcomes such as educational attainment, skill development, behavioral health improvements, and better family functioning, amongst others, are just as important, if not more so, to ensuring youth’s long-term success.”²⁷



Similarly, the Council of Juvenile Corrections Administrators—the association representing the youth correctional CEOs in the 50 states, Puerto Rico, and major metropolitan counties—wrote in their white paper on finding consistency in juvenile recidivism that the organization, “fully supports the application of positive outcome [measures].”²⁸

TJJD has indicated an intention to use more outcome measures for system performance: “Current performance metrics in county grant contracts are tied primarily to contract compliance. There is growing momentum to also tie some amount of state funding to youth outcomes, and TJJD is committed to doing so.”²⁹

6. Too little effective use of risk and needs assessments.

Juvenile justice systems must consistently and appropriately use risk and needs assessment tools to ensure that young people receive the right amount of supervision and programming for the right amount of time in the right place. Matching young people to the supports and services they need is critical to maximizing taxpayer dollars and ensuring that young people are in the best position to succeed.

In another report, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System*, CSG called on juvenile departments to “base supervision, service and resource-allocation decisions on the results of valid risk and needs assessments.”³⁰

Local juvenile justice departments have made some progress in their use of risk and needs assessments to help tailor their approach to individual youth.³¹ CSG showed in *Closer to Home*, however, that some local juvenile probation departments are still struggling to use these assessments appropriately or consistently to inform placement and programming decisions.

The researchers in *Closer to Home* found that: “a high percentage (and frequently the majority) of low-risk youth under supervision were placed in one or more program. Furthermore, very few of these low-risk youth had acute service or treatment needs, and yet they were placed in a program regardless.” The researchers also found that “youth with acute needs did not receive programs that might have benefited them.”

In other words, some young people in Texas are probably receiving the wrong “dosage” of supervision, services, and programming, which the literature says makes recidivism more likely.

Risk and needs assessments are a critical piece of reducing the number of youth placed out of their home, and going beyond recidivism as the sole measure of success.

7. Too little capacity and support provided by the state to local juvenile probation departments to succeed.

Texas is not the only state that has experienced a significant reduction in the number of young people incarcerated by the state system, and is in the process of navigating the new challenges of building a system where most young people are “closer to home.”

As part of a national study that looked at how to further reduce the use of incarceration in states, the National Council on Crime and Delinquency—one of the nation’s oldest criminal justice think tanks—noted that budget cuts and the merging of juvenile departments into other agencies have limited the technical assistance and coordination roles that need to happen in a “local control” system.³² The inability of the state to help lead local juvenile probation departments limits the ability to develop statewide strategies and goals to ensure consistency in how young people are treated from place to place.

As part of a submission from TJJD to a House Appropriations Subcommittee Hearing, the department’s leadership reported a list of “Challenges in the Existing System” that included expectations of youth outcomes, local control and autonomy.³³

Matching young people to the supports and services they need is critical to maximizing taxpayer dollars and ensuring that young people are in the best position to succeed.

UNFINISHED BUSINESS

**DEEPENING THE GAINS IN
TEXAS JUVENILE JUSTICE REFORM**

As part of their response to *Closer to Home* and CSG’s four core principles that inform and guide juvenile justice systems in achieving greater positive youth outcomes, TJJJ and its local juvenile probation departments identified a **dozen technical assistance roles** and **training roles** in various statewide initiatives, including the areas that would help local probation departments make more effective use of risk and needs assessments, address the needs of youth common to other systems, and reduce racial and ethnic disparities.³⁴ TJJJ and its local juvenile probation departments also identified a cross-county **research role** to help all parts of the system work better together, and improve their practices.

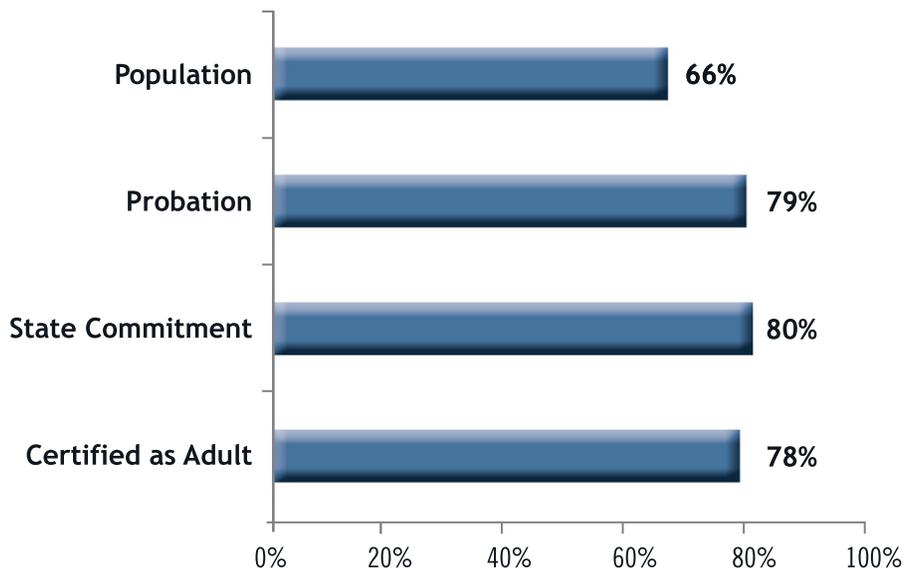
8. Too little focus on reducing racial and ethnic disparities.

Even though there are fewer young people of color overall in Texas’ state-run facilities, racial and ethnic disparities persist throughout the system.

Closer to Home noted that youth of color continue to be overrepresented in the juvenile justice system: while 2.3 percent of dispositions of Black youth and 1.5 percent of Latino youth result in commitment, only 1.2 percent of dispositions of white youth result in commitment.³⁵

Youth of color are disproportionately affected at other phases of the juvenile justice system as well. In 2012, youth of color made up 66 percent of the youth in the state of Texas, but were 79 percent of the youth on probation and 80 percent of the youth committed to the state. Youth of color were also disproportionately impacted by the state’s transfer laws—78 percent of the youth certified as an adult were youth of color.

**Youth of color represent 66 percent of the total population
of youth, but 80 percent of youth committed to the state.**



Sources: Texas Juvenile Justice Department, “State of Juvenile Probation Activity in Texas. 2012,” Accessed April 17th, 2015. www.tjjd.texas.gov/publications/reports/RPTSTAT2012.pdf

Population: C. Puzzanchera, A. Sladky, and W. Kang, “Easy Access to Juvenile Populations: 1990-2013,” 2014. Accessed April 6, 2015. www.ojjdp.gov/ojstatbb/ezapop/. 2012 data.

In other words, youth of color were two out of three youth in Texas, but about eight out of 10 youth on probation, incarcerated in a state facility, or sent to adult court. According to the W. Haywood Burns Institute for Juvenile Justice Fairness and Equity, for every white youth incarcerated Texas' juvenile justice system, there were five Black youth and two Latino youth.³⁶

For every white youth incarcerated in Texas' juvenile justice system, there were five Black youth and two Latino youth.

Knowing where the juvenile justice system works for or fails young people of color is critical if the state is going to deepen reforms and keep more young people "closer to home" where they will have better outcomes.

A strategy to improve the juvenile justice system will not succeed unless it addresses the specific needs of its primary "clients." When deficiencies in the justice system negatively impact youth, young people of color and their communities bare the brunt of poor outcomes.



RECOMMENDATIONS FOR TEXAS LEGISLATORS: STRATEGIES TO DEEPEN GAINS IN TEXAS JUVENILE JUSTICE REFORM

Closer to Home demonstrates that Texans can have fewer young people incarcerated, have safer communities, save money, and build a more fair and effective juvenile justice system.

The 2007 reforms that have led to these changes were *the starting point, not the end point* for the kind of changes needed.

If Texas policy-makers want to build juvenile justice and youth-serving systems that can deepen the impact of the reforms, other policy changes must be adopted. Accordingly, the Texas Criminal Justice Coalition (TCJC) makes the following recommendations:

- 1. Texas should focus on prevention to address the needs of youth by increasing coordination between systems that serve youth and families, such as child protective services, mental health services, and the education system.**

TJJD acknowledges that while some positive steps have been taken since 2007,³⁷ there is plenty of unfinished business in terms of addressing the needs of young people that are common to multiple youth-serving systems. Coordination of care would involve more cross-agency data sharing, and more training and technical assistance to local juvenile probation departments on implementing best-practice models.

Along with these areas of focus, Texas needs to expand its Texas System of Care models at the state and local level.

A “system of care” is used to help youth and families access a range of supports and services coordinated through a single agency, usually a behavioral health agency. While they are typically focused on behavioral health services, they can be accessed through any child-serving agency. The coordinated services are increasingly expanded to other types of child-serving agencies, including education and workforce development.³⁸

Systems of care have been shown to help youth and families avoid residential placement, decrease young people’s involvement in the juvenile justice system, increase better school performance, improve family stability, and generate other positive outcomes.³⁹ Efforts to redirect funds away from deep end services, like residential or out-of-home placement, and target the money instead at community-based services coordinated through a system of care model have been found to save money and improve outcomes for youth in the long run.⁴⁰

The kind of multi-system collaboration that occurs in a system of care not only helps prevent youth from becoming justice system-involved; it can also support diversion and interventions for youth



who are already justice system-involved. Cross-system coordination helps leverage taxpayer dollars already being spent on various youth-serving systems by applying those services to address the shared needs of justice system-involved youth. Coordinated systems of care also ensure that when young people are diverted and kept at home, they are able to receive the kind of educational, vocational, treatment, and recreational services any young person needs to thrive.

Juvenile justice systems should not be the sole (or even the primary) provider of these services. Other systems specialize in areas like mental health, treatment, and education, and are likely to be able to provide these services more cost-effectively. Wraparound Milwaukee, for instance, which focuses on behavioral health, has had significant success supporting youth involved in the juvenile justice system.⁴¹

A few Texas counties already have systems of care in place, and a statewide initiative is underway. Both should be expanded to include more young people and more types of services as appropriate, and they should coordinate youth-serving systems.

For a systems of care model to be most effective, its implementation needs to be linked to other policy changes.

Texas should invest more funds in other youth-serving agencies, such as education and behavioral health. These funds may be used for specific agency approaches to young people touched by multiple systems, such as:

- **Support for schools to keep young people in their classrooms:** An educational system that provides personnel with training in positive behavioral supports and conflict resolution will help keep young people in their own schools when they have behavioral challenges that put them at-risk for suspensions or expulsions—and contact with the juvenile justice system.
- **Addressing young people’s behavioral health challenges in their homes:** A behavioral health system that provides evidence-based programs that are effective at keeping youth in their home when they have a behavioral health challenge and are delinquent can reduce out-of-home placements. If investments in community-based treatment can be ramped up, they can address young people’s needs “upstream”—before they present with more challenging behavioral health issues or are delinquent—and reduce the chances of deteriorating health issues or worsening behavior problems.⁴²
- **Helping families to keep young people at home:** When the child protection system has appropriate resources to support families so young people can remain at home, it reduces the chances that youth will be placed out-of-the-home. It also reduces the likelihood of contact with the juvenile justice system.⁴³



Bolstering agencies outside the juvenile justice system reduces the need for and expense of the juvenile justice system in the long term. In short, **the significant decrease in the number of youth involved in Texas’ juvenile justice system is an opportunity to consider redistributing funding within the larger network of systems that serve young people and their families.**

UNFINISHED BUSINESS

**DEEPENING THE GAINS IN
TEXAS JUVENILE JUSTICE REFORM**

Investments in other youth- and child-serving systems will meet young persons needs outside the justice system wherever possible, reserving the deeper end of the juvenile justice system for only those young people whose needs cannot be met at home (or in their home community).

2. Texas should reduce the number of youth going to the adult system.

Texas youth will be safer, and less likely to reoffend, if more are served by the juvenile justice system and kept out of the adult system. The whole criminal justice system will make better use of tax dollars and give young people more opportunities for long-term, positive change if more flexibility can be afforded to all juveniles, regardless of offense.

To narrow the pathways to the adult criminal justice system for young people, Texas should:

- ***“Raise the age” to bring 17-year-olds into the juvenile justice system.*** Raising the age to include 17-year-olds in the jurisdiction of the juvenile justice system will save Texas taxpayers significant money in the long term, particularly if the change occurs as the juvenile justice system moves towards a model where young people’s risk and needs are accurately assessed, and resources are appropriately applied.⁴⁴ The vast majority of 17-year-olds who come into contact with the criminal justice system are there for nonviolent offenses, and therefore do not require intensive supervision. Those few youth who need more from the system should receive the kinds of developmentally-appropriate interventions more likely to help them transition to adulthood. An analysis of the operational and fiscal impact on Texas if the age of juvenile jurisdiction were to be raised from 17 to 18 also found shorter-term cost savings: the change would result in a net benefit of \$88.9 million for every cohort of 17-year-olds moved into the juvenile system in Texas.⁴⁵ Additionally, raising the age of juvenile court jurisdiction will help county jails comply with the sight and sound requirements of PREA in a cost-effective way.
- ***Narrow certification and determinate sentencing statutes to keep more young people in the juvenile justice system.*** The certification process and determinate sentencing laws can be narrowed so that fewer youth end up in the adult system. In their seminal analysis of the pathways young people to take into the adult system, the Lyndon B. Johnson School of Public Affairs at The University of Texas recommended that the following changes be made to Texas’ certification process and determinate sentencing practices: (1) Limit eligibility for certification of a juvenile to the most serious offenses; (2) Change the eligibility of transfer to the adult court for young people who have not previously been committed to a state-secure facility operated by the TJJD; (3) Require all certified juveniles age 14 – 17 convicted in adult court to be confined in state-secure facilities operated by TJJD until age 19, alongside determinate sentence juveniles, when they could be transferred to the Texas Department of Criminal Justice (TDCJ, Texas’ adult corrections system) to complete their sentence; (4) Confine youth awaiting trial in adult court in local juvenile detention facilities rather than in adult jails; (5) Require TDCJ to adopt policies mandating streamlined transfer of certified youth to the Youthful Offender Program⁴⁶ upon conviction, thereby bypassing transfer facilities where they are housed with adult offenders; (6) Allow juvenile court judges to order a 19-year-old determinate sentence youth to complete rehabilitative programming in TJJD, in order to better protect public safety and to avoid unnecessary transfers to TDCJ.

3. Texas should expand independent oversight and provide more protection for youth in local juvenile corrections facilities.

It is time for Texas to build on the success of the OIO. TCJC recommends that legislators take the following steps to ensure that young people are safe in all facilities in the juvenile justice system:

- **Expand the jurisdiction of the OIO so that it can investigate local juvenile corrections facilities.** The OIO has been critically important in protecting youth in state-run juvenile facilities. Legislators should explicitly expand the mandate of the OIO to include local juvenile corrections facilities.
- **Make the OIO responsible for PREA audits.** The OIO is an independent external monitoring body that assures that young people's civil rights are protected when they are in a state-run facility. The OIO already monitors state-run facilities by interviewing young people and staff about safety issues, making it well positioned to conduct PREA audits as part of an expanded mandate.
- **Remove the OIO's funding from the province of TJJD.** The Texas Human Resources Code Section 261.003(b) says that, "[funding] for the independent ombudsman is appropriated separately from funding for the department." The OIO needs to be fiscally independent: it needs to be exempted from provisions that allow monies from the Office to be transferred to other goals under the umbrella of TJJD. The OIO also needs to be allowed to request funds independently from TJJD.
- **Increase the OIO's funding so that it can succeed in a broader mission.** An Office that sees its mandate expanded from five state secure facilities to over 90 local facilities will need more resources to succeed in its mission. While it will initially cost money to increase the OIO's capacity to monitor young people in local facilities, Texas will avoid costly lawsuits if it can prevent young people from coming into harm's way.

4. Texas should develop a robust performance management system that prioritizes positive outcomes for youth.

Texas should collect information on positive youth outcomes—such as a young person's connection to or improvements in school, work, or completion of community service—and use that information to help decide whether the resources designated to a particular approach to youth development should be enhanced.

TJJD and its local juvenile probation departments have indicated an interest in expanding the measures of system success by tracking positive outcomes.⁴⁷

Some of the models being used outside of Texas which prioritize accounting for positive outcomes for youth as a measure of system success include:

- **Positive Youth Justice.** Juvenile justice systems are increasingly committed to using a positive youth development approach, in which the entirety of juvenile justice services are designed to generate a broad set of outcomes.⁴⁸ Positive Youth Justice (PYJ)⁴⁹ provides a framework for applying positive youth development principles within the context of the juvenile justice system. Young people are viewed as assets, whose strengths can be leveraged to address challenges. PYJ also includes six domains that serve as the ingredients for youth success: *education, work, relationships, creativity, community, and health*. The Washington, D.C., Department of Youth Rehabilitation Services (DYRS), and California's Alameda, San Joaquin, San Diego, and Solano County probation departments are all working to integrate Positive Youth Justice into their approach to outcome measures.

UNFINISHED BUSINESS

**DEEPENING THE GAINS IN
TEXAS JUVENILE JUSTICE REFORM**

- **Performance-based incentives to reward approaches that generate positive outcomes.** In 2012, D.C.'s DYRS adopted a performance-based funding structure to encourage community-based service providers as part of its initiative, DC YouthLink.⁵⁰ The structure focuses providers to gear their services towards generating positive youth outcomes, such as educational attainment, better relationships with family members, and community service, among many others. The outcomes include intermediate as well as long-term outcomes for youth. The idea was not only to encourage service providers to focus first on positive outcomes, but also to collect and report them so that approaches that help youth achieve positive outcomes are resourced in an appropriate way. *(See the Appendix for an example of the funding structure.)*

- **Approaches that are outcome-oriented.** Approaches to meeting the needs of young people outside of a custodial setting and in their homes could be adopted at scale in Texas. Evidence-based programs (EBPs), such as Multi-Systemic Therapy, have been shown to be effective for reducing recidivism and improving family outcomes. But since EBPs have some limitations, juvenile justice systems should consider other approaches.⁵¹ Other interventions, such as mentoring, have been found to help youth succeed in the community, especially when the intervention follows evidence-based principles.⁵² Most interventions that are rooted in positive youth development find that new experiences and frequent contacts with a single person build positive relationships. Approaches that seek to connect young people to school and work can be critical to a young person leaving delinquency behind and generating his or her own positive schooling and job-connection outcomes.⁵³

The path to connecting all young people to appropriate services, measuring their outcomes, and attaching funding to positive youth outcomes will take time and resources, and will require that the system focus on this goal. **But if Texas really wants to ensure that taxpayer dollars are being used appropriately, and to build a juvenile justice system where young people receive the kind of positive support that any young person (juvenile justice system-involved or not) should be able to access, the state should develop a robust performance management system that includes regular data collection and reporting, monitoring and audits, and assessments to ensure that all efforts and approaches are helping youth succeed.**

5. Texas should move towards using risk and needs assessments effectively so these tools inform decision-making throughout the juvenile justice system.

TJJD and its 166 local juvenile probation departments need to use risk and needs assessments more effectively. TJJD and local probation departments agree that more must be done to make effective use of risk and needs assessments,⁵⁴ and that information collected can play an important role in informing decision-making related to placements, services, and supports. More effective use of risk and needs assessments will ensure that low-risk, low-needs youth are not over-programmed or needlessly placed outside of their home, and that high-risk, high-needs youth are receiving the level of services that they require to succeed. Proper, mindful use of risk and needs assessments will further reduce the number of youth involved in the justice system, better utilize community-based services, promote public safety, and save taxpayer dollars.

Risk and needs assessments are not a magic bullet. As the system makes better and more effective use of risk and needs assessments, juvenile justice practitioners should keep a couple of key issues in mind:

- ***The results of risk and needs assessments should not be the sole factor for determining the approach to a young person and his or her family.*** The positive youth development approach discussed above is based on idea that young people are assets and that leveraging their strengths can help them move past challenges. But when risk and needs assessments focus heavily on a young person’s deficits (substance abuse challenges, for example), or are not used properly, these assessments can be in conflict with leveraging a young person’s strengths or protective factors.⁵⁵ These types of factors can and should be included in risk and needs assessments.
- ***Risk and needs assessments should be used in the context of effective case management.*** Risk and needs assessments merely provide a set of scores related to risk and needs: they do not match youth to services, supports, or placements. Risk and needs assessments are a relatively small part of a total case management strategy that includes other experts and advocates, the input of family and youth, and specialized mental health, substance abuse, and education screenings and assessments. Some jurisdictions, including several pilot sites in Alabama, are using a Youth Family Team Meeting model to incorporate input from a variety of stakeholders to make service and placement decisions.⁵⁶ Employing the principles of risk/needs/responsivity (RNR) may also provide a specific framework that encourages a case management approach to supervision that relies on building supports and services around risk level, specifically addressing the cause of unwanted behavior, and designing supports and services appropriate to an individual’s capacity.⁵⁷ While not fully evaluated for youth, RNR has shown promising results for adults.
- ***When using risk and needs assessments, practitioners must guard against perpetuating racial and ethnic disparities.*** The National Research Council points out the value of risk and needs assessments in helping to keep low-risk youth out of facilities, in particular, but warns of the potential for such assessments to perpetuate racial and ethnic disparities.⁵⁸ For example, an assessment that weights prior arrests and convictions may need to also account for the level of police involvement in a community, particularly concerning behavior common to all young people. While not a reason to avoid risk and needs assessments, the concern that they contribute to persistent inequalities is real and must be guarded against.

6. TJJD needs the resources and capacity to help local juvenile probation departments succeed in their mission.

These cautionary notes underline what TJJD and its local juvenile probation departments recently outlined: in order to appropriately apply risk and needs assessments, systems need resources for **training and staffing**, and **support for statewide research initiatives**.

To enable the TJJD and its 166 local juvenile probation departments to deepen the gains in Texas juvenile justice reform, Texas needs a strong, well-resourced, and sophisticated state agency that plays multiple, key statewide roles, and is focused on bringing out the best out of a locally-driven system.

To enable the juvenile justice system to implement TCJC’s recommendations to lawmakers, TJJD needs to play the following roles:

UNFINISHED BUSINESS

**DEEPENING THE GAINS IN
TEXAS JUVENILE JUSTICE REFORM**

- ***Provide technical assistance to counties to help them keep youth safe, make effective use of risk and needs assessment tools, and adhere to best practices.*** TJJD needs to be resourced to be able to provide effective technical assistance to localities to keep young people in their local systems, use risk and needs assessment tools effectively, and help local departments develop best-practice approaches. TJJD also needs to be resourced to help its local juvenile probation departments comply with PREA, which may be easier for larger, well-resourced counties (and will be easier if the state raises the age of juvenile court jurisdiction). TJJD and its juvenile probation departments have recently identified a dozen technical assistance roles in various statewide initiatives for possible implementation.⁵⁹
- ***Provide a research and evaluation role.*** The state needs to study what is happening across the whole system—from state facilities to local juvenile probation departments—and that entity needs to be resourced appropriately to do the analysis to make the system work. TJJD and its local juvenile probation departments recently identified the need to play a research role in helping localities make better use of risk and needs assessment tools to improve the matching of young people to the appropriate programs, services, and supervision.⁶⁰

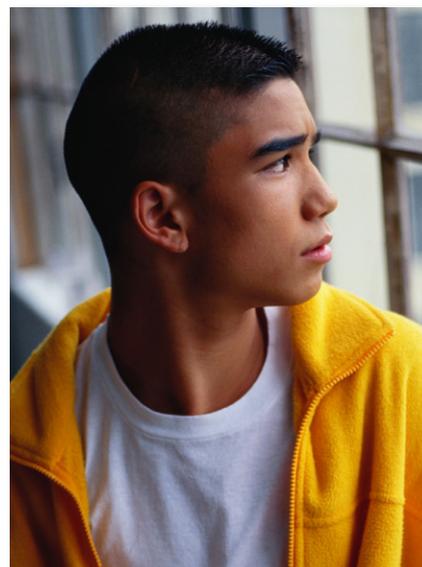
7. Texas needs a strong a statewide strategy to reduce ethnic and racial disparities.

Under the federal Juvenile Justice Delinquency Prevention Act,⁶¹ the state is responsible for developing a statewide plan for addressing racial and ethnic disparities in the juvenile justice system—commonly called Disproportionate Minority Contact (DMC). A strong plan for addressing DMC has to be revamped in the context of the juvenile justice system’s new direction, and incorporated into TJJD and its 166 local juvenile probation departments’ overall vision for the juvenile justice system.

Concrete strategies Texas can use to reduce DMC include the following:

- ***Incentivize the development of culturally competent services and approaches for young people of color.*** Supervision and community-based programs should be delivered in the communities young people are from. They should be evaluated for their ability to effectively serve young people of color based on outcomes.
- ***Change laws, policies, and practices that are known to have a disproportionate minority impact.*** Laws to change should include those where there is known racially and ethnically disparate impact, such as caused by an age of jurisdiction that is set at age 17. Policies and practices should be similarly adjusted when they are known to be unfair to young people of color, such as policing one community differently than another, or allowing for the suspension or expulsion of young people in certain schools for certain behaviors.

As Texas moves forward in reforming its juvenile justice system TCJC strongly encourages policy-makers to consider the “unfinished business” before them. By building further on the CSG’s *Closer to Home* report, we can ensure that Texas youth have a fair shot at a better tomorrow, starting today.



APPENDIX A: DEPARTMENT OF YOUTH REHABILITATION SERVICES, DC YOUTHLINK PERFORMANCE PAYMENT RUBRIC

These performance payments are submitted in addition to monthly invoices that pay service providers for the hours they serve youth. DC YouthLink staff verify all outcomes based on a pre-determined set of verification criteria.

Outcomes	Amount per Youth
25 hours of Community Service Completed	\$300
50 hours of Community Service Completed	\$400
75 hours of Community Service Completed	\$500
Arts Performance or Presentation	\$250
Certified Curriculum Completed (8 hours or less)	\$250
Certified Curriculum Completed (more than 8 hours)	\$300
Clean Drug Screens for 90 days	\$400
College Acceptance	\$100
College Enrollment (attend at least 30 days)	\$250
College Retention (after 1st semester and has registered for 2nd semester)	\$500
Educational Gain	\$400
Employment (0-45 days)	\$400
Employment Retained (46-90 days)	\$750
Employment Retained (91+ days)	\$1,000
Apprenticeship (0-30 days)	\$350
Apprenticeship Retained (31-60 days)	\$600
Enrollment & attendance in non-DC Youthlink Services	\$150
GED or HS Diploma Earned	\$1,000
GED Section Passed	\$400
Industry Recognized Credential (8 hours or less)	\$375
Industry Recognized Credential (more than 8 hours)	\$500
Learning/Doing or Attaching/Belonging Gains	\$250
Life Skills (obtaining a bank account, library card, etc.)	\$50
Military Enrollment	\$500
No new arrests or convictions (reviewed every 3 months)	\$250

ENDNOTES

- ¹ Since this paper draws heavily from this report, it will be referred to as *Closer to Home* throughout the rest of this paper. Tony Fabelo and others, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York, NY: The Council of State Governments, January 2015).
- ² Legislative Budget Board. *Criminal and Juvenile Justice Uniform Cost Report – Fiscal Years 2013 and 2014*. (Austin, Texas: February, 2015). http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1440_Criminal_Juvenile_Justice_Uniform_Cost_Report.pdf
- ³ Texas Juvenile Justice Department, “State of Juvenile Probation Activity in Texas. 2012.” Accessed April 17, 2015. www.tjjd.texas.gov/publications/reports/RPTSTAT2012.pdf; Population: C. Puzanchera, A. Sladky, and W. Kang, “Easy Access to Juvenile Populations: 1990-2013,” 2014. Accessed April 6, 2015. www.ojjdp.gov/ojstatbb/ezapop/. 2012 data.
- ⁴ “State leaders cut more than \$150 million in state spending on the operation of state-run juvenile correctional facilities and redirected over \$50 million of this funding to county- administered juvenile probation departments. During the same period, county funding for juvenile probation departments increased by approximately \$40 million.” Tony Fabelo and others, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York, NY: The Council of State Governments, January 2015).
- ⁵ Tony Fabelo and others, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York, NY: The Council of State Governments, January 2015). pg. 49
- ⁶ See: Tony Fabelo and others, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York, NY: The Council of State Governments, January 2015). pg. 49
- ⁷ Elizabeth Seigle, Nastassia Walsh, and Josh Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014). <http://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>
- ⁸ In order to conduct this analysis, CSG created a “risk proxy” because not every youth had risk/needs scores and to guard against typical variations in scoring.
- ⁹ Tony Fabelo and others, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York, NY: The Council of State Governments, January 2015). pg. 58
- ¹⁰ Texas System of Care, “Texas System of Care: Achieving Well-Being for Children and Youth,” April, 2015, www.txsystemofcare.org
- ¹¹ Gail Wasserman and others, “Psychiatric Disorder, Comorbidity, and Suicidal Behavior in Juvenile Justice Youth,” *Criminal Justice and Behavior*, 37(12), December 2010, pg. 1361-1376. Cited by Jeffery A. Butts, “How Prevalent are Substance Abuse and Mental Health Issues in Juvenile Justice? The Answer May Surprise You,” *Reclaiming Futures Blog*, February 16, 2011. <http://reclaimingfutures.org/adolescent-substance-abuse-treatment-prevalence-of-disorders-grows-deeper-in-system>
- ¹² Georgetown University Center for Juvenile Justice Reform, “Improving Outcomes for Multi-System Involved Youth Who Cross Over Between Child Welfare and Juvenile Justice –Webinar Series: Preventing Youth From Crossing Over Between the Child Welfare and Juvenile Justice Systems,” Webinar, September 2012. www.nttac.org/index.cfm?event=trainingCenter.traininginfo&eventID=27&from=training&dtab=1
- ¹³ Texas System of Care, “Texas System of Care: Achieving Well-Being for Children and Youth,” Accessed April 2015. www.txsystemofcare.org
- ¹⁴ *Improving Youth Outcomes in the Texas Juvenile Justice System: Building on Prior Reforms – An Analysis of Statewide Implementation of Core Principles for Reducing Recidivism and Improving Other Youth Outcomes*, (Austin, TX: Texas Juvenile Justice Department, 2013). www.tjjd.texas.gov/publications/reports/youth_outcomes_15.pdf

- ¹⁵ Research conducted by a diverse body of entities—from the U.S. Department of Justice to the Centers for Disease Control—have all have found that sending youth to the adult system is not the soundest public safety practice. The data show that when youth end up in the adult criminal justice system, they are more likely to reoffend than young people served by juvenile justice systems, and more likely to come into harm’s way (including being at increased risk of sexual assault, abuse, and committing suicide). The Office of Juvenile Justice and Delinquency Prevention found that laws that make it easier to transfer youth to the adult court system have little or *no general deterrent effect on young people*, meaning they do not prevent youth from engaging in criminal behavior. The report also found that youth transferred to the adult system are more likely to be rearrested and to reoffend than youth who committed similar crimes, but were retained in the juvenile justice system. Richard E. Redding, *Juvenile Transfer Laws: An Effective Deterrent to Delinquency*, (Washington, DC: U.S. Justice Department, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2008). The Center on Disease Control Task Force on Community Preventive Services found in a systematic review on the transfer of young people to the adult system that, 1) Transferring juveniles to the adult justice system is counterproductive as a strategy for deterring subsequent violence, and there was 2) Insufficient evidence that transferring youth to the adult criminal system prevents youth crime. See: Robert Hahn and others, “Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System. A Report on Recommendations of the Task Force on Community Preventive Services,” *Morbidity and Mortality Weekly Report 2007*; 56 (No. RR-9). The U.S. Justice Department’s Bureau of Justice Statistics has shown that, youth who are held in adult facilities are at the greatest risk of sexual victimization: youth under the age of 18 represented 21 percent of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005, and 13 percent in 2006 – surprisingly high since only one percent of jail inmates are juveniles. See Allen J. Beck and others, *Sexual Violence Reported by Correctional Authorities, 2006*. (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2007).
- ¹⁶ Joining Texas is Georgia, Louisiana, Michigan, Missouri, New York, North Carolina, South Carolina, and Wisconsin. <http://jjgps.webitects.com/jurisdictional-boundaries>. New Hampshire, which cannot be seen as having “raised the age” on this map, recently passed HB 1624, which takes effect July 1, 2015. http://www.fosters.com/apps/pbcs.dll/article?AID=/20140716/GJNEWS_01/140719583/0/SEARCH
- ¹⁷ Texas Department of Public Safety, Crime Records: 2013. Texas Department of Public Safety, “Arrest Data 2013,” April, 2015. Accessed April 17, 2015. www.txdps.state.tx.us/crimereports/13/citCh9.pdf www.txdps.state.tx.us/administration/crime_records/pages/crimestatistics.htm
- ¹⁸ Texans Care for Children, *Preparing to Raise the Age: A Stakeholder Convening to Help Texas Get it Right*. (Austin, TX: Texans Care for Children, 2015). <http://txchildren.org/Images/Interior/raisetheagereportjanuary2015.pdf>
- ¹⁹ A. Garcia, C. Kirk, and L. Valdez, “Sending 17-year-olds to adult jails costly to teens and taxpayers,” *Dallas Morning News*, May 2014.
- ²⁰ Michelle Deitch, *Conditions for Certified Juveniles in Texas County Jails*, (Austin, TX: University of Texas, Lyndon Baines Johnson School of Public Affairs, 2012).
- ²¹ Alabama (1977). www.ojjdp.gov/ojstatbb/structure_process/qa04101.asp?qaDate=2013. Connecticut (2012), Illinois (2012), Massachusetts (2013). <http://jjgps.webitects.com/jurisdictional-boundaries>. New Hampshire (2014). http://www.fosters.com/apps/pbcs.dll/article?AID=/20140716/GJNEWS_01/140719583/0/SEARCH
- ²² Michele Deitch, *Juveniles in the Adult Criminal Justice System in Texas*, (Austin, TX: The University of Texas at Austin, LBJ School of Public Affairs, 2011). www.campaignforyouthjustice.org/documents/juvenilestexas--final.pdf
- ²³ Richard J. Bonnie and others, eds., *Reforming Juvenile Justice: A Developmental Approach* (Washington, DC: The National Academies Press, 2013), 1-14, quoted in National Research Council, *Implementing Juvenile Justice Reform: The Federal Role* (Washington, D.C.: The National Academies Press, 2014), 17.
- ²⁴ Marc A. Schindler and others, *Sticker Shock: Calculating the Full Price Tag For Youth Incarceration*. Washington, DC: Justice Policy Institute, 2014).

UNFINISHED BUSINESS

**DEEPENING THE GAINS IN
TEXAS JUVENILE JUSTICE REFORM**

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UNFINISHED BUSINESS

**DEEPENING THE GAINS IN
TEXAS JUVENILE JUSTICE REFORM**

- ⁵¹ “Evidence-based practices (EBPs) can be expensive to implement, require strict fidelity to work, and are not appropriate for all youth. In addition, evidence-based practices and programs are often focused on mental or behavioral health, which when used in isolation may be in conflict with other positive youth development efforts.” Amanda Petteruti, “Evidence-Based Practices Aren’t the Only Tool in the Shed,” *Juvenile Justice Information Exchange*, November 4, 2015. <http://jjie.org/evidence-based-practices-arent-the-only-tool-in-the-shed/>
- ⁵² National Mentoring Resource Center, “Elements of Effective Practice for Mentoring.” Accessed April 2, 2015. www.nationalmentoringresourcecenter.org/index.php/what-works-in-mentoring/elements-of-effective-practice-for-mentoring.html
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- ⁵⁴ “To minimize the over-involvement and overtreatment of youth, TJJD and juvenile probation departments should encourage and enhance the diversion of low-risk offenders through prevention, early intervention, first offender programs, and other service referrals that are designed to address individual risk and needs. TJJD should provide annual data to counties on their diversion statistics to assist them in matching the level of supervision and services provided to youth whose scores indicate a low-risk of reoffending.” *Improving Youth Outcomes in the Texas Juvenile Justice System: Building on Prior Reforms – An Analysis of Statewide Implementation of Core Principles for Reducing Recidivism and Improving Other Youth Outcomes*, (Austin, TX: Texas Juvenile Justice Department, 2013). www.tjjd.texas.gov/publications/reports/youth_outcomes_15.pdf
- ⁵⁵ Protective factors are those factors in a youth’s life that are working in his or her favor and could potentially counterweigh a risk factor. For instance, if a youth is minimally engaged in school, associates with delinquent peers, and has substance abuse issues *but* has strong parental involvement, then it would be in the child’s best interest to bolster the support already present in that youth’s life to counteract the risk factors contributing to delinquency. See: The Annie E. Casey Foundation, *Understanding Risk and Protective Factors for Youth* (February 2015). <http://www.aecf.org/blog/understanding-risk-and-protective-factors-for-youth/>
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