



TEXAS CRIMINAL
JUSTICE COALITION

WRITTEN TESTIMONY

REGARDING HOUSE BILL 1, ARTICLE V – PUBLIC SAFETY AND CRIMINAL JUSTICE

SPECIFICALLY RELATING TO THE TEXAS JUVENILE JUSTICE DEPARTMENT

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TO

**THE HOUSE COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON ARTICLES I, IV, & V**

FEBRUARY 14, 2013

Dear Members of the Committee,

My name is Jennifer Carreon. I am a Policy Researcher for the Texas Criminal Justice Coalition (TCJC). Thank you for allowing me this opportunity to present testimony on House Bill 1, Article V, specifically as it relates to the Texas Juvenile Justice Department (TJJD).

TCJC has been closely monitoring the juvenile justice system in Texas for several years, and we strongly support community-based best practices that safely reduce the number of youth in lockup while tackling the root causes of crime, increasing public safety, and saving taxpayers money.

TCJC DOES NOT SUPPORT AN 11 PERCENT BUDGET REDUCTION AND INSTEAD URGES RESTORATION OF FUNDS

Under H.B. 1, appropriations for TJJD are reduced 11 percent from the current biennium. Yet the Texas juvenile justice system has a high need for more, not less, state funding. In a recent survey of county juvenile probation departments, 75 percent reported insufficient or very insufficient funding, and very few departments reported receiving funding support beyond state and county government appropriations.¹ **Underfunding programs is inefficient because it impedes youth rehabilitation, increases recidivism (thus harming public safety), and leads to overreliance on expensive incarceration.** Counties are left struggling to address the needs of our troubled youth, and costly state facilities become an ending point for those who failed to succeed in the community.

TCJC urges policy-makers to restore all funds in order to sustain TJJD's current progression to a front-end agency. This is especially critical considering the ongoing and wide-ranging transitions within TJJD and the large budget cuts to the agency over the past biennium. These both contribute to serious disruptions for youth in the custody of the department, whether at the county or state level.

TCJC SUPPORTS THE EXCEPTIONAL ITEMS INITIALLY REQUESTED BY TJJD²

Despite TJJD's request to support a number of exceptional items, H.B. 1 does not incorporate these requests. Policy-makers should fund these strategies, further relieving the financial burden on counties striving to help youth become responsible, law-abiding members of the community.³

- ***TCJC Supports Exceptional Item Request Number Five: County Mental Health Services (\$15.2M Biennial Total)***

The prevalence of mental health problems among system-involved youth in Texas is one of the most daunting challenges facing the state's juvenile justice system. A third of youth under the supervision of county probation departments in Texas have a confirmed mental illness,⁴ and many of these youth face very serious mental health problems. Unfortunately, less than one quarter of youth on probation with a confirmed mental illness receive mental health treatment.⁵ These youth must navigate adolescence and the juvenile justice system without professional help for their mental health problems.

These challenges are made tougher by razor-thin budget allocations for mental health treatment and services. Texas spends less on mental health services per person than any other state,⁶ and **county juvenile probation chiefs rank mental health services as the highest need for increased funding at their departments.**⁷

- ***TCJC Supports Exceptional Item Request Number Six: Commitment Diversion Initiatives (\$11.9M Biennial Total)***

Since 2007, Texas has provided state funding to county juvenile probation departments to support community-based programs as alternatives to secure custody.⁸ In Fiscal Year 2012, 153 of Texas' 165 county probation departments accepted a total of \$19.8 million to implement programs that diverted over 3,000 youth from state secure custody that year.⁹ Counties have used the state funds to implement a variety of best practices, large and small, including: Multi-Systemic Therapy (Harris and Nueces counties), home-based substance abuse treatment (Bexar County), mentoring programs (Goliad, Johnson, Somervell, and other counties), and Parenting with Love and Limits (Harris County). The experience in those counties shows that **state grants have been successful in protecting public safety through community-based programs – and at a lower cost than secure facilities.**

However, more state funding is urgently needed: **A recent survey of county juvenile probation departments in Texas found community-based programming to be the second-highest need for increased funding.**¹⁰ Texas should expand its investment in community programs, shifting money away from secure facilities as necessary to fully fund successful community programs.

- ***TCJC Supports Exceptional Item Request Number Eight: Effective Reentry through Positive Behavior Interventions and Supports (PBIS), Aggression Replacement Training (ART), and GitRedy. (\$1.2M Biennial Total)***

Release from placement is a vulnerable time for youth, when they suddenly find themselves facing the same education, family, and peer challenges that contributed to their original offense. Because youth in placements become anxious about returning home long before release, policies that initiate aftercare planning as soon as a youth enters placement improve outcomes not only after release, but also while the youth is in placement. Youth surveyed in a state secure facility reported that reentry is a very important issue for them, and treatment programs such as ART and PBIS are second only to education in their impact on rehabilitation and reentry.¹¹

Effective aftercare services can reduce the amount of time that youth must spend in confinement for rehabilitation, which promises overall cost savings for the juvenile justice system. Additionally, sufficient reentry planning is critical to protect the millions of dollars invested by the state in juvenile justice and the progress of youth in programming.

- ***TCJC Supports Exceptional Item Number Nine: Increased Funding for the Office of the Independent Ombudsman (OIO) (\$296.5K)***

The Legislature established the OIO in 2007 following the revelations of widespread abuse at Texas state secure facilities. Today, safety continues to be a significant concern at state and county juvenile facilities. In 2011, Texas expanded the responsibilities of the OIO to include the review of county data on abuse, neglect, and exploitation.¹² **It is critically important that the Legislature continue its commitment to protecting the rights and well-being of Texas youth by providing the OIO sufficient funding to ensure robust monitoring of all youth in custody.**

TJJC PROPOSES REVISIONS TO VARIOUS BUDGET RIDERS

In addition to restoring TJJD's budget and prioritizing funding for local juvenile probation departments, policy-makers should consider the proposed revisions to the following budget riders:

- ***Rider 1 – Performance Measures***

The current measures used to evaluate TJJD's overall performance focus primarily on the workload of the agency rather than the effectiveness of its services.¹³ This prevents agency, state, and local leadership from determining whether investments in particular strategies (e.g., programs, services, staff levels) are seeing real returns. Legislators should consider expanding current measures under this rider to include outcome measures that would evaluate front-end progress, such as:

- » Percentage of youth enrolled in a community-based alternative program
- » Rate of youths' successful completion of each community-based alternative program
- » Rate of recidivism among youth who were enrolled in a community-based alternative program

- ***Rider 28 – Reporting Requirements to the Legislative Budget Board***

Section (a) of rider 28 currently requires TJJD to report "information on the impact of any new initiatives and all programs tracked by TJJD." Legislators should also require the department to report programs receiving funds from Strategy A.1.2 – Basic Supervision, A.1.3 – Community Programs, and A.1.4. – Pre & Post Adjudication Facilities. This will best help TJJD meet the requirements set forth in Human Resources Code 201.002 (2)(A) to assure "accountability, quality, consistency, and transparency through effective monitoring and the use of [juvenile justice] system wide performance measures," and section 201.002 (2)(B) to promote "the use of program and service designs and interventions ***proven to be most effective*** in rehabilitating youth."

- ***Rider 31 – Commitment Diversion Initiatives***

The requested funding for exceptional item number six, commitment diversion initiatives, is intended to provide TJJD with a contingency fund in the event that county commitments exceed or fall below the mandated commitment cap of 945 youth. As rider 31 is currently written, Community Juvenile Justice (Strategy A) incurs a \$51,100 per commitment loss if the cap is exceeded. These funds are then to be re-appropriated to State Services and Facilities (Strategy B). However, should counties fall below the designated cap, as they have in the current biennium, money does not currently flow in the reverse direction. Incorporating TJJD's recommendation for a two-way stream not only incentivizes counties to keep youth in cost-efficient community-based programs, it will provide increased funding to bolster programming and better serve youth.

POLICY RECOMMENDATION: AMEND HOUSE BILL 1 BY REPRESENTATIVE PITTS

- **H.B. 1 reduces TJJD's budget by 11 percent in the upcoming biennium, which would require the department to operate on minimal funding during a time of transition.** TJJD has been a unified, functioning agency for slightly over one year. During this transitional phase, the agency has come under the direction of two separate executive directors and has experienced significant administrative staff turnover. By drastically reducing the budget during the agency's infancy, policy-makers are hindering its attempts to fulfill its legislative obligations to become a front-end agency and better serve Texas youth.

- **H.B. 1 ignores important exceptional item requests that would alleviate the financial burden on local probation departments charged with treating youth with high needs.** As discussed, the prevalence of mental health problems among system-involved youth in Texas is one of the most daunting challenges facing the state’s juvenile justice system. **The Legislative Budget Board has also recognized mental health to be a growing problem among Texas youth.**¹⁴ Without providing probation departments with the necessary funding to address this issue, hundreds of youth in Texas will go untreated, ultimately impacting public safety.
- **H.B. 1 fails to incorporate necessary components to carry out prior legislation.** While the data collected under TJJD’s current strategies may be able to provide legislators with baseline recidivism and re-referral rates, the department should be required to collect and report a multitude of data in preparation for a system-wide performance evaluation, as mandated in S.B. 653, 82(R), the agency’s enabling legislation.

* * *

Thank you for allowing me the opportunity to provide feedback to this Committee. As an organization that prioritizes effective community-based services over costly punitive approaches that fail to meet youths’ needs, we feel that the Texas Department of Juvenile Justice will not fulfill its important duties without the financial support and commitment of our state’s leaders.

ENDNOTES

¹ Texas Criminal Justice Coalition (TCJC), *Survey of Texas County Juvenile Probation Departments* (August 2012).

² Texas Juvenile Justice Department, *Legislative Appropriations Request for Fiscal Years 2014 and 2015*, <http://www.tjjd.texas.gov/about/LAR2014-2015.pdf>.

³ County funding currently accounts for over 70% of juvenile probation funding in Texas. As TJJD continues to progress towards becoming a “front-end” agency, policy-makers should make every effort to prioritize increased funds for local probation departments to provide adequate services and programs to youth in trouble.

⁴ TCJC review of calendar year 2011 data provided by TJJD (April 2012).

⁵ Ibid.

⁶ National Alliance on Mental Illness, *State Mental Health Cuts: The Continuing Crisis* (November 2011).

⁷ TCJC, *Survey of Texas County*.

⁸ The 2007 Texas Legislature appropriated \$57 million in new funding for the Intensive Community-Based Pilot Program (“Grant U”) for large counties and the Intensive Community Based Program (“Grant X”) for all counties. The 2009 Legislature created an additional Community Corrections Diversion Program (“Grant C”) to divert more youth from state secure facilities.

⁹ Texas Juvenile Probation Commission, *Annual Report to the Governor and Legislative Budget Board* (December 2011).

¹⁰ TCJC, *Survey of Texas County*.

¹¹ TCJC, *Youth Experiences at Giddings State School* (March 2012).

¹² Texas Human Resources Code, Section 261.101.

¹³ The Legislative Budget Board’s 2012-2013 General Appropriations Act, Texas Juvenile Justice Department, Performance Measures Targets, p. v-32 (September 7, 2011).

¹⁴ Legislative Budget Board, *Adult and Juvenile Correctional Population Projections Fiscal Year 2013 to 2018*, Qualitative Review Summary, 26, http://www.lbb.state.tx.us/Public_Safety_Criminal_Justice/Pop_Projections/Adult%20and%20Juvenile%20Correctional%20Population%20Projections%20Fiscal%20Years%202013%20to%202018.pdf.