



Testimony

House Corrections and House Appropriations Criminal Justice Subcommittee Hearing

Interim Charge Relating to Juvenile Justice Pilot Programs

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In 2009, the Legislature cut funding for TYC from \$314 million in 2008 to \$210 million in 2010 and \$205 million in 2011, primarily due to a decline in population.¹ The 2010-11 budget calls for the closure of two TYC facilities, including a remotely located institution in West Texas where many abuses occurred. At the same time, \$45.7 million in new funding was provided for local juvenile probation programs designed to divert youths from TYC.

This funding realignment, which will save taxpayers more than \$160 million over the current biennium, is supported by research indicating that all but the highest-risk youth are less likely to return to crime if kept in the community rather than incarcerated far from their community.²

In 2004, Florida launched a similar funding realignment initiative called Redirection. Remarkably, youths released from a non-residential diversion program were 46 percent less likely to be arrested for a violent felony or convicted of any felony than comparable youths placed in a residential program over the 3.9 year follow-up period.³ The May 2009 state review found the initiative has saved \$36.4 million and avoided another \$5.2 million in recommitment and prison costs.⁴ As early as 1995, former Governor Jeb Bush, who presided over the implementation of Redirection, called for shifting resources towards the front-end of the juvenile justice system to prevent crime.⁵

In Texas, the state funds 34 percent of juvenile probation, with 65 percent paid for by county taxpayers and 1 percent in federal funds. As part of Rider 21 to the General Appropria-

tions Act, the Legislature required that the Texas Juvenile Probation Commission (TJPC) pay TYC \$51,100 for each youth committed to TYC in excess of 1,783 youths per year.⁶

Accordingly, TJPC has initiated the Commitment Reduction Program (CRP) that allocates the new funds to community-based, family, residential, transition, and aftercare programs. Departments submit funding plans to TJPC that are linked to the number of youths they pledge to divert from TYC. For example, if a department's three-year average of commitments to TYC is 25, they can obtain their full share of new funding by pledging to divert five youths from TYC, a figure that is based on the statewide goal of 1,783 or fewer commitments. The department can also obtain partial funding by pledging to divert less than five youths.*

Plans for new or expanded programs must include supporting evidence or documentation that the new program or service has had positive outcomes in other jurisdictions. Similarly, plans for enhanced supervision or specialized caseloads must include evidence of success. Evidence of positive outcomes must also be provided for proposed residential services as well as a description of how the family of a supervised youth will be incorporated into the rehabilitative efforts.

Departments will be evaluated according to the following performance measures:⁷

- Number of juveniles served
- Percent of juveniles completing the program(s).

*The Commitment Reduction Program does not place a legal cap on the number of youths committed to TYC. Judges may still commit youths for any felony offense or violations of probation. The county Juvenile Board, which includes the judges in the county who hear juvenile cases, decides whether to participate in the Program.

- Percent of juveniles with improved outcomes (e.g., reduction in substance use or increase in school attendance).
- Number of juveniles committed to TYC.
- Number of juveniles certified to stand trial as adults.
- Re-offending (recidivism) as measured by one-, two-, and three- year re-referral/re-arrest and incarceration rates for all juveniles participating in the program.*
- Cost per youth diverted.

The guidelines specify that maximum diversion funding shall not exceed the rate of \$140 per juvenile diverted per day or \$51,100 annually. The majority of the funds will support non-residential programs that cost much less than this maximum amount, though this figure still compares favorably to the \$99,000 annual cost of TYC commitment in 2009.⁸ Under the guidelines, departments that exceed the targets for TYC commitments for 2010 to which they agreed will have their share of this new funding reduced or eliminated in 2011.

This funding shift better enables probation departments to implement programs that effectively reform youths. This paper highlights examples of innovative programs, focusing on those programs for which there is some evidence of success in Texas, and which, with the new funding, might be replicated in other parts of the state. Additionally, many of these programs share common elements that can be incorporated into newly developed programs. While many of these programs involve a significant government role in supervising and treating youths, at substantial taxpayer expense (though even while far

less than TYC once spent), the criminal activities they address often impose a substantial fiscal and human cost.

An example of a promising program created through this new funding stream is the Grayson County T.E.A.M. (Transition, Education, Alter and Mentor) Court, which was launched in September 2009. The court combines the proven elements of drug courts, mental health courts, and other problem-solving courts. The new court’s target population is high-risk felony offenders and youths with multiple violations of court orders, a family history of criminal activity, and a history of substance abuse. The court was created using the new diversion funding from TJPC and is designed to help the county meet its target of five TYC commitments in 2010 as compared with its three-year average of nine commitments.

Coordination provided by the court enhances the enforcement, treatment, family preservation, and educational strategies each youth and family receives. Members of the court’s review committee represent law enforcement, educators, the district attorney’s office, the defense attorney, the Department of Juvenile Services, chemical dependency counselors, licensed professional counselors, and the community. Guidelines for progressive sanctions and treatment modalities are being developed. The phases of the program, which each last 8 to 12 weeks are listed below.

Three treatment modalities being incorporated into the T.E.A.M. Court are the Strengthening Families Program

New Attitude/Phase 1	New Attitude/Phase 2	New Attitude/Phase 3	Your Aptitude/Phase 4
Orientation/Overview	Emphasis on Family	Emphasis on Education	Community Support Network
Treatment Plan	Review & Update Treatment Plan	Treatment & Transition Planning	Victim Support Service
Education	Continue Introspective Reporting	Treatment Plan Update	Educational Support
Pro-social Activity	Community Service	School Reporting	Goal Setting
Healthy Lifestyles	Bi-Monthly Drug Testing	Victim Empathy	Monthly Court Review
Family Intervention	Bi-Monthly Court Review	Monthly Court Review	Parent Support Group
Individual Counseling	Parent Support Group	Parent Support Group	
Family Therapy			
Weekly Drug Testing			
Introspective Reporting**			
Mandatory Curfew			
Bi-monthly Court Review			
Parent Support Group			
Victim Empathy			

Source: Grayson County Department of Juvenile Services⁹

* There are many ways to measure recidivism. Typically, the re-incarceration rate for a program will be the lowest rate, followed, respectively, by the re-adjudication rate and the re-arrest rate, as not all arrests lead to adjudications and not all adjudications lead to incarceration.

** This consists of youths describing their own thought processes, particularly what leads them to make decisions on how they will behave.

(SFP), Aggression Replacement Therapy (ART), and Functional Family Therapy (FFT), each of which is an evidence-based practice.

The Strengthening Families Program (SFP) is a 14-session program featuring evidence-based parenting skills, children's life skills, and family skills training. Parents and children participate both separately and together. Youths are trained in communication skills to improve parental, peer, and teacher relationships, problem solving, anger management, resistance to negative peer influences, and coping skills. Parenting sessions emphasize skills such as effective and consistent discipline. This includes imposing consequences and time-outs, rewarding positive behaviors with praise, and holding family meetings to establish order and organization. Peer-reviewed research has found the SFP to be effective in other jurisdictions in reducing substance use and mitigating emotional, academic, and social problems.¹⁰ It has been recognized and approved as an evidence-based practice by seven federal agencies, including the Office of Juvenile Justice and Delinquency Prevention.

Anger management instruction is a central component of the ART program. According to a Washington State Institute for Public Policy (WSIPP) analysis of four studies, ART reduces the recidivism of juvenile offenders by 7.3 percent.¹¹ ART also trains youths in skills such as making a complaint, understanding others' feelings, dealing with someone else's anger, keeping out of fights, dealing with group pressure, helping others, and responding to failure. Training in moral reasoning aims to instill a sense of justice and fairness in consideration of the needs of others. ART is a 10-week, 30-hour program administered to groups of eight to 12 juveniles three times a week.

FFT consists of eight to 12 one-hour sessions, up to 30 sessions, and may be conducted either in an office or at home. It involves three phases. The first phase is motivation and engagement. The goals of the initial phase are to develop mutual trust, reduce negativity, minimize hopelessness, engender a strong commitment by the youth to ensure attendance at future sessions, and increase motivation for change. The second phase is behavior change in which the goals are to develop and implement individualized change plans, alter delinquent behavior, and build relational skills. Clinicians work with parents to enhance their skills in supervising the youth and develop their understanding of the behaviors associated with delinquency. The final phase is entitled generalization, in which the goals are to broaden behavior changes from the home to the youth's conduct in the school and community, prevent relapse, and identify community resources that can assist the family after the program has concluded. Studies have found that FFT reduces recidivism by 25 to 60 percent.¹² FFT is one of eight interventions named by the U.S. Surgeon General as a model program for seriously delinquent youths.

Some of these proven treatment modalities are also incorporated in other community-based programs funded through the CRP.

While it is encouraging that the CRP has more than exceeded expectations by contributing to a 40 percent reduction in TYC commitments below already historically low levels so far this fiscal year, it is too early to assess the recidivism outcomes of specific community-based programs funded through the CRP, since these programs just began and it takes time to determine the percent of youths who successfully complete them and how many recidivate.

Moreover, juvenile crime is declining. In fiscal year 2006, there were 24,965 Texas youths adjudicated for delinquent conduct, which dropped to 20,943 in fiscal year 2009, a 16.1 percent decrease.¹³ At the same time, the state's juvenile population has been increasing 0.9 percent annually.¹⁴ Also, new delinquency filings in the Dallas County juvenile courts have declined from 2,884 in fiscal year 2006 to 1,768 in fiscal year 2009.¹⁵ In Bexar County, juvenile referrals declined 5.8 percent from 2007 to 2008 and then another 10.0 percent in 2009.¹⁶ In fact, the crime rate in Texas is now at its lowest point since 1973.¹⁷

It appears that the CRP is being implemented as policymakers intended, with TJPC appropriately requiring that funded programs be based on research and creating a strong system of performance measures. The measures will hold these programs accountable for results during 2010 and TJPC will use them in making funding decisions for 2011. We recommend that, in regard to property and violent offenders, victim restitution and satisfaction be added as a performance measure. Also, intake and outcome psychological and behavioral assessment instruments should be used where appropriate to evaluate program effectiveness, as they can be administered at a much lower cost than a controlled recidivism study and can supplement information on recidivism by indicating the extent to which a youth's behavior and attitude have changed while in the program.

As policymakers face a challenging budget environment, they should consider how to expand the CRP. There are four counties with populations greater than 100,000, including Tarrant and Brazoria, that declined to participate, although Tarrant has very recently decided to join for the upcoming fiscal year. While diversion funds should not be reduced to those counties that are already participating and meeting their target for reducing TYC commitments through effective community-based programs, additional net savings from downsizing TYC may be realized by expanding the CRP to additional counties.

Additionally, policymakers should view TYC's budget in conjunction with the Texas Juvenile Probation Commission

Cost of Sanctions

Sanction	Cost Per Day
TYC Institution	\$270.49
Secure and Non-Secure Residential Programs	\$68.75-\$169
Missouri Group Homes	\$117.95
Dallas Juvenile Detention	\$150
Intensive In-Home Programs	\$48-\$73
Intensive Supervision Probation	\$32
Basic Juvenile Probation	\$13.98
Tarrant County Police Diversion with Non-Profit Organization	\$7.47

(TJPC) budget, as the goal is to achieve overall net savings in juvenile justice expenditures while continuing to reduce crime. If juvenile probation departments fail to adequately supervise and treat youths in the community, they may send more youths to TYC, which would reverse the recent trend that has reduced the size of TYC and the total cost of the juvenile justice system to Texas taxpayers.

The success of the CRP, in reducing TYC commitments while treating and holding accountable troubled youths also depends on as the availability of juvenile probation officers, treatment personnel, and short-term local residential placements in lieu of TYC that are supported through the other state funding streams, such as the community corrections line item. With funding comes accountability, and we are pleased that TJPC will be reviewing the performance of all CRP-funded programs at the end of this fiscal year to determine which ones will continue to receive support.

Our specific recommendations include:

- **Strengthen performance measures.** Performance measures in the budget for TYC and TJPC should be revised to emphasize results and outcomes rather than process and volume. Examples of volume-oriented existing measures include number of youths at TYC and number of referrals to juvenile probation. Among the results-oriented measures for TJPC that the Foundation recommends adopting are the three year re-referral rate for youths discharged from probation, the technical revocation rate (percentage of youths revoked from probation to TYC for rules violations), and victim satisfaction and restitution collections. TJPC should track the performance of each juvenile probation department on key measures, as this would help identify those departments which could ben-

efit from technical assistance to improve their programs and implement best practices. Recommended new measures for TYC include parole recidivism rate, high school degrees, Graduate Equivalency Degrees, and vocational certificates earned while at TYC and on parole, verified allegations of abuse, parental satisfaction and contacts, volunteer hours worked, and recidivism by unit.

- **Expand participation in CRP.** Since the funding that the TJPC receives for the CRP is more than offset by the participating departments' commitment to reduce the number of youths they send to TYC, the state would achieve net savings from additional participation in the CRP while, at the same time, the newly participating departments would be able to expand effective community-based programs. However, state support for departments currently participating in the CRP should not be reduced as a means of expanding participation—instead, any increase in funding for CRP should be offset by a decrease in funding for TYC commensurate with a further reduction in the institutional population.
- **Increase flexibility in state funding.** Research has shown that for all but the highest-risk, most deviant youths in problematic home environments, non-residential programs such as MST, FFT, victim-offender mediation, mentoring, and educational and vocational enrichment programs are the most cost-effective in reducing recidivism. Accordingly, the Legislature should revise the existing line item in TJPC's budget for secure post-adjudication facilities – \$8.29 million in the 2010-11 biennium– to give counties the flexibility to use these funds for less costly non-residential programs, as well as for placement of youths in non-secure facilities.

An effective juvenile justice system is vital for victims, taxpayers, and youths. If a youth becomes a career criminal, the estimated cost to taxpayers and victims over that offender's

lifetime is approximately \$2 million. Texas must continue its progress in creating a juvenile justice system that better protects public safety, restores victims, and reforms offenders. ★

¹ 81st Legislature, "Text of Conference Committee Report Senate Bill No. 1, Regular Session (General Appropriations Act)" (Austin: 26 May 2009) 22 Oct. 2009, http://www.lbb.state.tx.us/Bill_81/6_FSU/Bill-81-6_FSU_0909.pdf.

² Christopher Lowenkamp and Edward Latessa, "Evaluation of Ohio's RECLAIM Funded Programs, Community Correctional Facilities, and DYS Facilities, August 2006" (2 Nov. 2008) <http://www.dys.ohio.gov/dysweb/Reclaim/DYSRECLAIMreportAugust17.pdf>.

³ "Redirection Saves \$36.4 Million and Avoids \$5.2 Million in Recommitment and Prison Costs," Florida Policy Office of Program Policy Analysis and Accountability (May 2009) 20 Dec. 2009, http://www.evidencebasedassociates.com/resources/reports/0927_OPPAGA_rpt.pdf.

⁴ Ibid.

⁵ Hon. Jeb Bush, "Deinventing Government," Foundation for Florida's Future, *Imprimis* (June 1995) 18 Dec. 2009, <https://www.hillsdale.edu/news/imprimis/archive/issue.asp?year=1995&month=06>.

⁶ 81st Legislature, "Text of Conference Committee Report Senate Bill No. 1, Regular Session (General Appropriations Act)" (Austin: 26 May 2009) 22 Oct. 2009, http://www.lbb.state.tx.us/Bill_81/6_FSU/Bill-81-6_FSU_0909.pdf.

⁷ Commitment Reduction Program Guidelines provided by the Texas Juvenile Probation Commission, 16 July 2009.

⁸ Mike Ward, "Texas spends \$99K a year to lock up troubled youth, figures show," *Austin American-Statesman* (4 Mar. 2009) 21 Oct. 2009, <http://www.statesman.com/news/content/region/legislature/stories/03/04/0304tyc.html>.

⁹ Bill Bristow, Director, Grayson County Department of Juvenile Services, email, 20 Aug. 2009.

¹⁰ "Publications about Strengthening Families Program" (22 Oct. 2009) http://www.strengtheningfamiliesprogram.org/docs/pub_type.html#E.

¹¹ Elizabeth Drake, "Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost" (June 2007) 21 Oct. 2009, <http://www.static.kern.org/gems/project180/CostBenefit.pdf>.

¹² J.F. Alexander, et. al., "Functional Family Therapy," Blueprints for Violence Prevention (Book 3), 2d ed., edited by D.S. Elliott. (Boulder, CO: Center for the Study and Prevention of Violence, Institute of Behavioral Science, University of Colorado, 2000).

¹³ Total Reported Juvenile Activity, Office of Court Administration, Fiscal Year 2006 (24 Feb. 2010) <http://www.courts.state.tx.us/pubs/AR2006/juvenile/1-statewide-juvenile-activity-fy06.pdf>. Total Reported Juvenile Activity, Office of Court Administration, Fiscal Year 2009 (21 Dec. 2009) <http://www.courts.state.tx.us/pubs/AR2009/juvenile/2-juvenile-activity-by-co-fy09.pdf>.

¹⁴ Legislative Budget Board, "Adult and Juvenile Correctional Population Projections Fiscal Years 2009-2014" (Jan. 2009) http://www.lbb.state.tx.us/Pub-Safety_CrimJustice/3_Reports/Projections_Reports_2009.pdf.

¹⁵ Dallas County 4th Quarter FY 2008 Performance Measures (5 Feb. 2009) 10 Jan. 2010, http://www.dallascounty.org/department/budget/documents/VOL2_4thQtr08Final_003.pdf. Dallas County 4th Quarter FY 2009 Performance Measures (25 Jan. 2010) 12 Feb. 2010, <http://www.dallascounty.org/department/budget/documents/4QFY2009.pdf>.

¹⁶ Bexar County Juvenile Probation Monthly Trend Report (15 July 2009) http://www.co.bexar.tx.us/bcjpgd/JVD_uploads/Monthly_Trend_Report_2009_06.pdf.

¹⁷ Texas Crime Rates (FBI Reports), <http://www.disastercenter.com/crime/txcrime.htm>.

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