

UNFINISHED BUSINESS: DEEPENING THE GAINS IN TEXAS JUVENILE JUSTICE REFORM



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* 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.

While this is good news, the Texas Criminal Justice Coalition (TCJC) believes that the state must do more to capitalize on the progress it has made in juvenile justice reform. In ***Unfinished Business: Deepening the Gains in Texas Juvenile Justice Reform***, TCJC relies on state and national research to push for continued systemic changes that will best serve justice-involved youth, advance safety and fairness, and maximize expenditures.

To deepen the gains in Texas juvenile justice reform made since 2007, and to see even more young people served “closer to home,” TCJC recommends that Texas should:

- (1) Focus on and expand prevention efforts 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.** When youth-serving systems do not coordinate in their approach to meet young people’s needs, juvenile justice systems end up becoming the “default provider” of treatment, schooling, and other services. The state should shift its resources from back-end services for children in the juvenile justice system to front-end preventative services that address the underlying core challenges facing Texas youth. More specifically, the Texas System of Care models at the state and local levels should be expanded. And the state must bolster other prevention efforts to keep young people in their classrooms, address young people’s behavioral health challenges in their homes, and strengthen non-juvenile justice youth-serving systems that can help families keep young people out of facilities and in the appropriate non-justice system.
- (2) Remove youth from the adult criminal justice system.** Any youth in Texas arrested at age 17 is automatically excluded from the rehabilitative juvenile justice system, and overly broad certification and determinate sentencing can send children as young as 14 to the adult system. Too many young people are ending up in adult jails and adult prison, where research conclusively shows they are more likely to come into harm’s way or reoffend upon reentry. Texas should “raise the age” to bring 17-year-olds into the juvenile justice system and narrow the certification and determinate sentencing statutes to keep more young people in the juvenile system.
- (3) Limit the number of youth in local juvenile corrections facilities.** Texas has reduced the number of youth confined in state-run facilities, as well as the overall number of youth adjudicated and incarcerated. Since 2007, however, a larger proportion of Texas youth who are adjudicated have received a disposition to a locally-run juvenile correctional facility than in the past. The length-of-time young people spent in a local



juvenile correctional facility also grew: by 2008, the average daily population of young people in a local facility was greater than the average daily population of youth in state-run facilities. Research shows that young people face a series of negative outcomes when they are needlessly confined—and they are more likely to leave delinquency behind them and succeed when they are at home and receiving an appropriate level of supervision and services.

- (4) **Increase oversight of local juvenile corrections facilities to provide more protection for youth.** The independent oversight that is available to investigate, evaluate, and secure the rights of young people committed to state-run facilities through the Office of the Independent Ombudsman (OIO) is not available to youth confined in 51 secure county-based detention facilities, nor to youth in 34 secure and 12 non-secure county-run post-adjudication facilities. Texas should expand the jurisdiction of the OIO to assure that local facilities keep young people and staff safe. This expanded role would involve conducting unannounced facility visits, performing audits required under the Prison Rape Elimination Act, and investigating reports of abuse and neglect from youth, their families, and staff. Expanded independent oversight can provide lawmakers and the public with confidence that the state funds directed to local juvenile correctional facilities are used to protect youth.
- (5) **Measure success based upon a broader set of positive outcomes for youth.** The current system is too focused on recidivism as a measure of the juvenile justice system's "success." Juvenile departments nationwide are working to track positive outcomes for youth, such as employment, skills training, educational achievements, and the completion of community restitution. Texas is not yet tracking those outcomes in a way to effectively inform its overall approach to juvenile justice, or to determine resource allocation for particular youth. Yet with data systems improving (as evidenced by the county and state data available for analysis in *Closer to Home*), Texas is poised to become a national leader in expanding the juvenile system's use of broad outcomes.
- (6) **Increase the use of (and reliance upon) effective risk and needs assessments to inform decision-making throughout the juvenile justice system.** Evidence suggests that some youth with higher needs in Texas do not receive the necessary levels of supervision, services, and programming to succeed. On the other hand, some low-risk, low-needs youth are overly supervised with inappropriate levels of intensive services and programming, and needlessly placed outside of their home. When risk and needs assessments are not used effectively to inform decisions related to youth placement, services, or support for them and their families, young people are more likely to reoffend and taxpayer dollars are wasted on programs with poor outcomes. Texas must make more effective use of risk and needs assessments, and, importantly, juvenile justice practitioners must ensure that these tools are not the sole factor used to determine the approach to a young person and their family, that these tools are used in the context of effective case management, and that the system guards against perpetuating racial, socioeconomic, and ethnic disparities when these tools are used.
- (7) **Increase the capacity and support provided to local juvenile probation departments so they can succeed in their mission.** The Texas Juvenile Justice Department (TJJD) faces challenges providing sufficient levels of technical assistance, training, research, and coordination to its 166 local juvenile probation departments. Lacking adequate capacity and support, probation departments are unable to accomplish statewide goals. TJJD should provide technical assistance to counties, and play a system-wide research and evaluation role to bolster local juvenile probation departments' capacity to do their job.
- (8) **Implement a strong statewide strategy to reduce racial and ethnic disparities.** As overall incarceration rates fell in Texas, fewer young people of color were incarcerated. Despite this improvement, CSG notes that "*disproportionate minority contact persists.*" Two out of three youth in Texas are youth of color, yet these youth make up a disproportionate portion of the juvenile justice system: eight out of 10 youth on probation, incarcerated in a state facility, or sent to adult court are youth of color. To reduce racial and ethnic disparities in the juvenile justice system, TJJD and its 166 partners in local juvenile probation departments should incentivize the development of culturally competent services and approaches for young people of color; change laws, policies, and practices that are known to have a disproportionate minority impact; and prioritize the reduction of the ethnic and racial disparities for the whole system.

