



**TEXAS CRIMINAL
JUSTICE COALITION**

WRITTEN TESTIMONY

**SUBMITTED BY AMANDA GNAEDINGER
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ON

**TEXAS JUVENILE JUSTICE DEPARTMENT
LEGISLATIVE APPROPRIATIONS REQUEST, FY 2018 AND 2019**

TO

**THE GOVERNOR'S OFFICE OF BUDGET, PLANNING AND POLICY
AND THE LEGISLATIVE BUDGET BOARD**

SEPTEMBER 12, 2016

Dear Members of the Committee,

Thank you for allowing me this opportunity to present public comments on the Legislative Appropriations Request of the Texas Juvenile Justice Department (TJJD, the Department).

The Texas Criminal Justice Coalition (TCJC) has been closely monitoring the juvenile justice system in Texas for years, and as an organization we support a community-based system that safely reduces the number of youth in secure confinement while addressing the root causes of crime, increasing public safety, and saving taxpayers money.

SUPPORTING TJJD'S BASE REQUEST: AN INVESTMENT IN THE FUTURE OF TEXAS' YOUTH

TCJC supports the Department's base General Revenue request of \$579,013,917 for the 2018-2019 biennium. Though this reduction (2.8%)¹ does not meet the prescribed 4 percent decrease asked of agencies by state leaders,² we encourage the Legislature to recognize the myriad of critical services provided by the Department that fall under the umbrella of behavioral and mental health, which have been exempted from the reduction request.³ Failing to approve these funds as exemptions would not only result in poor youth outcomes, it would compromise the safety of Texas communities.

A line-item review of the goals and strategies in the Department's 2018-2019 appropriations request indicates a movement towards improving community-based services, both in the divisions of probation and parole, as well as in the treatment, operations, and oversight of youth currently under the supervision of the state. Below is a table illustrating those line items that have been financially prioritized by the Department.

Goal & Strategy	2016-2017 ⁴	2018-2019 ⁵	Percent Change (+)
Goal A: Community Juvenile Justice			
A.1.9. Probation System Support	\$4,953,909.00	\$5,553,424.00	12.10%
Goal B: State Services & Facilities			
B.1.1. Assessment, Orientation, Placement	\$4,043,848.00	\$4,203,546.00	3.95%
B.1.2. Institutional Operations & Overhead	\$27,275,796.00	\$29,266,072.00	7.30%
B.1.4. Education	\$30,950,715.00	\$33,190,949.00	7.24%
B.1.8. Integrated Rehabilitation Treatment	\$24,345,556.00	\$24,752,016.00	1.67%
B.2.1. Office of the Inspector General (OIG)	\$4,369,922.00	\$4,587,122.00	4.97%
B.3.1. Construct & Renovate Facilities	\$605,592.00	\$607,966.00	0.39%
Goal C: Parole Services			
C.1.2. Parole Programs & Services	\$2,862,536.00	\$2,884,870.00	0.78%
Goal E: Juvenile Justice System			
E.1.1. Training & Certification	\$3,341,908.00	\$3,744,334.00	12.04%
E.1.2. Monitoring & Inspections	\$4,586,455.00	\$5,610,460.00	22.33%

By approving the funding requested in strategies A.1.9, E.1.1, and E.1.2 – probation system support, training and certification, and monitoring and inspections – the Legislature can assist the Department in becoming a successful front-end agency, in which best practices and programs are implemented and positive outcomes for youth can be seen. Similarly, by approving the funding requested in strategies B.1.1., B.1.4, B.1.8, B.2.1., and C.1.2. – assessment, orientation, and placement; education; integrated rehabilitation treatment; the Office of the Inspector General; and parole programs and services – policy-makers can aid the Department in helping youth safely and successfully reintegrate back into our communities.

CONSIDERING ADDITIONAL FUNDING TO SUSTAIN YOUTH TREATMENT & PUBLIC SAFETY

While the Department is prepared to operate with a 2.8% reduction in General Revenue, the reduction in funds compared to 2016-17 levels would negatively impact many agency strategies, making it difficult to provide effective services and treatment for youth, their families, and our communities. The table below illustrates the operations that would face significant challenges if additional funding, as requested through exceptional items, is not considered.

Goal & Strategy	2016-2017 ⁶	2018-2019 ⁷	Percent Change (-)
Goal A: Community Juvenile Justice			
A.1.1. Prevention and Intervention	\$6,275,369.00	\$6,024,354.00	-4.00%
A.1.2. Basic Supervision	\$82,035,936.00	\$78,754,498.00	-4.00%
A.1.3. Pre & Post Adjudication Facilities	\$51,629,494.00	\$49,564,314.00	-4.00%
A.1.8. Regional Diversion Alternatives	\$9,574,895.00	\$9,191,900.00	-4.00%
Goal B: State Services & Facilities			
B.1.3. Institutional Supervision & Food Services	\$113,380,748.00	\$111,031,817.00	-2.07%
B.1.5. Halfway House Operations	\$18,721,023.00	\$18,159,798.00	-3.00%
B.1.6. Health Care	\$17,596,983.00	\$16,893,103.00	-4.00%
B.1.9. Contract Residential Placements	\$15,434,650.00	\$12,751,932.00	-17.38%
B.1.10. Residential System Support	\$5,604,428.00	\$4,778,574.00	-14.74%
B.2.2. Health Care Oversight	\$1,990,466.00	\$1,879,560.00	-5.57%
Goal C: Parole Services			
C.1.1. Parole Direct Supervision	\$5,311,771.00	\$4,814,390.00	-9.36%
Goal D: Office of the Independent Ombudsman			
D.1.1. Office of the Independent Ombudsman	\$1,949,422.00	\$1,887,312.00	-3.19%
Goal F: Indirect Administration			
F.1.1. Central Administration	\$17,576,580.00	\$17,023,514.00	-3.15%
F.1.2. Information Resources	\$11,401,540.00	\$10,265,706.00	-9.96%

EXCEPTIONAL ITEMS REQUESTED BY TJJD

In light of the proposed 2.8% budget reduction, the Department is requesting an additional \$168.8 million in exceptional items, many of which TCJC supports.

Exceptional Item	TCJC'S Position
1: Basic Services for Projection Populations	Support
2: Critical End of Life Technologies	Neutral
3: Probation Funding	Support
4: Safety/Security in State Facilities	Support
5: Positive Youth Development Program	Support
6: Fleet Vehicle Replacement	Neutral
7: Employee Compensation/Turnover	Neutral
8: Enhanced Residential & Parole Services	Support
9: Increased Cost of Contract/Medical Care	Neutral
10: Modernize Legacy Business Systems	Neutral
11: Probation Data Management/Support	Support
12: Modernize Tech/Equipment/Practices	Neutral
13: Capital Repairs/Rehabilitation	Neutral
14: ED Salary Authority	Neutral
15: OIO Building Lease	Support

COMMENTS ON CERTAIN EXCEPTIONAL ITEMS

ITEMS 1 AND 3: BASIC SERVICES FOR PROJECTION POPULATIONS & PROBATION FUNDING

Recent reforms to the state's juvenile justice system have emphasized the importance of serving youth in their communities and keeping them "closer to home."⁸ As research has indicated, youth who are served in their communities and near their positive supports experience better outcomes and are less likely to recidivate.⁹ The funds requested under exceptional items 1 and 3 aim to achieve sustainable funding levels for local departments as they continue their progression towards a strong front-end agency.

ITEM 5: EXPANDED POSITIVE YOUTH DEVELOPMENT PROGRAM

TCJC avidly supports the incorporation and expansion of positive youth development programs for ALL youth who enter the system. Operating in this framework allows the Department to capitalize on a youth's assets and competencies as opposed to his or her deficits – a method that has proven to be effective in curbing recidivism and fostering pro-social behavior.¹⁰ Though the funds requested in this exceptional item seem to be solely for youth who have been committed to a state secure facility, we believe that the prioritization of such programming provides a unique opportunity for the Department to capture and measure positive youth outcomes, a task which has thus far proven to be a challenge for the agency.

ITEM 8: ENHANCED CORE RESIDENTIAL AND PAROLE SERVICES

Sufficient evidence calls into question the effectiveness of removing youth from their homes and placing them in a large, faraway correctional environment. In fact, recent research has found that commitment to these types of facilities has an adverse effect on the youth being sent there¹¹ – making a youth’s reintegration from this type of environment all the more important. For this reason, TCJC supports the funds requested under this item, which aim to improve the transition for youth exiting state secure facilities and returning to our communities.

ITEM 11: ENHANCED PROBATION DATA MANAGEMENT, SYSTEM MONITORING, AND TECHNICAL SUPPORT

Achieving efficiency at the front-end of the agency – which is comprised of 166 local juvenile probation departments – is unattainable if appropriate systems are not in place. Inadequate and outdated technology, for example, presents significant challenges to improving communications among counties, tracking effective measures for improvement, and providing quality assistance to help local departments (and the Department as a whole) achieve positive outcomes for families and youth. Policy-makers should recognize that the goals they have laid before the Department can only be reached if TJJD is provided with adequate funding for implementation. Like exceptional items 1 and 3, these funds are necessary to ensure the progression into a strong front-end agency. Monies from this exceptional item will greatly assist local departments in utilizing evidence- (or research-) based programs and practices.

ITEM 15: SEPARATE OIO LEASED OFFICE SPACE

Studies have found that one of the most important aspects of independent monitoring agencies is their ability to be “adequately resourced, with sufficient staffing, office space, and funding to carry out their monitoring responsibilities...the budget must [also] be controlled by the monitoring entity.”¹² To the extent that the Office of the Independent Ombudsman (OIO) operates within the same space as TJJD, the OIO’s independence is compromised. For this reason, TCJC strongly supports item 15, which seeks to help secure the independence of the OIO through funding for a separate operating space from the agency it monitors.

DETERMINING EFFICACY: THE NEED TO SHIFT FROM DEFICITS TO POSITIVE YOUTH OUTCOMES

Despite comprehensive reforms to Texas’ juvenile justice system over time, the Department continues to struggle in meeting the goals that have been laid before it by policy-makers. The goal of “creating a system that produces positive outcomes for youth, families, and communities,”¹³ for instance, is one that will never be reached unless the agency begins to measure its efforts in a manner that is more reflective of what is being done to meet this goal (e.g., youth improvements in work readiness, school performance, community involvement, behavioral health). Although recidivism is an important and historical measure in juvenile justice, it alone cannot be used as the sole measure of the system’s success.

For years, researchers have cautioned policy-makers against measuring system performance chiefly by recidivism because it “miss[es] important measures of the system’s day-to-day performance, obscuring the role that citizens can and should play in promoting secure communities.”¹⁴ Based on this research, **TCJC strongly recommends that the Legislature restructure the current performance measures being used to determine system effectiveness to more appropriately reflect the goals that the Department has been asked to meet.**

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTIONS

- **Invest in the success of Texas youth by supporting TJJJ's base request for the 2018-2019 biennium.** As TJJJ progresses towards becoming a strong front-end agency, it is imperative to provide support to counties with the intent of achieving specific outcomes (e.g., stronger youth, families, and communities).
- **Strongly consider additional funding to assist the Department in providing adequate and effective treatment to youth.** Because the current budget reduction request jeopardizes Department operations across various strategies, policy-makers should strongly consider the approval of the exceptional items discussed above.
- **Ensure system efficacy by reconstructing TJJJ's overall performance measures.** Recidivism cannot be a system's sole measure of success. Intermediate outcomes (e.g., parental involvement, school engagement, therapeutic progress) are absolutely necessary to determine whether the state's juvenile justice system is achieving what it was created to achieve, the rehabilitation of youth.

References

¹ Texas Juvenile Justice Department (TJJJ), Legislative Appropriations Request (LAR) for Fiscal Years 2018 and 2019, 4, http://www.tjjd.texas.gov/Docs/TJJJ_2018-2019_LAR.pdf.

² Patrick Svitek, "State Leaders Ask Agencies to Cut Budgets by 4 Percent," *The Texas Tribune*, <https://www.texastribune.org/2016/07/01/state-leaders-ask-agencies-cut-budgets-4-percent/>.

³ Ibid.

⁴ 84th Texas Legislature, Regular Session 2015, General Appropriations Act, Juvenile Justice Department, V-25 to V-28, http://www.lbb.state.tx.us/Documents/GAA/General_Appropriations_Act_2016-2017.pdf.

⁵ TJJJ, LAR for Fiscal Years 2018 and 2019, 15-18.

⁶ 84th Texas Legislature, Regular Session 2015, General Appropriations Act, Juvenile Justice Department, V-25 to V-28.

⁷ TJJJ, LAR for Fiscal Years 2018 and 2019, 15-18.

⁸ Council of State Governments, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*, <https://csgjusticecenter.org/wp-content/uploads/2015/01/texas-JJ-reform-closer-to-home.pdf>.

⁹ Ibid.

¹⁰ Jeffrey Butts, Gordon Bazemore, and Aundra Saa Meroe, *Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development* (Coalition for Juvenile Justice, 2010).

¹¹ Council of State Governments, *Closer to Home*.

¹² Michelle Deitch, "Special Populations and the Importance of Prison Oversight," *AM. J. CRIM. L.*, Vol. 37:3, 112.

¹³ SB 653, 82nd Texas Legislative Session

¹⁴ John Dilulio (1991), *No Escape: The Future of American Corrections*, New York, NY Basic Books, Inc.; J. Petersilia (1993) *Measuring the Performance of Community Corrections in Performance Measures for the Criminal Justice System*, Washington, DC: Bureau of Justice Statistics.