

**WRITTEN TESTIMONY**

**REGARDING ARTICLE V – TEXAS JUVENILE PROBATION COMMISSION  
AND TEXAS YOUTH COMMISSION**

**SUBMITTED BY ANA YÁÑEZ-CORREA, EXECUTIVE DIRECTOR  
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**To**

**THE SENATE COMMITTEE ON FINANCE**

**MARCH 2, 2011**

## TEXAS CRIMINAL JUSTICE COALITION

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The Texas Criminal Justice Coalition (TCJC) is committed to identifying and advancing real solutions to the problems facing Texas' juvenile and criminal justice systems. We provide policy research and analysis, form effective partnerships, and educate key stakeholders to promote effective management, accountability, and best practices that increase public safety and preserve human and civil rights.

### TCJC's PROJECTS

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**The Juvenile Justice Initiative:** *Creating Avenues to Success for Troubled Youth and Their Families.*

**The Public Safety Project:** *Advocating for Fair, Effective Police Practices that Improve the Safety of Our Communities.*

**The Fair Defense Project:** *Ensuring a Just and Accountable Judicial System by Protecting the Right to Counsel.*

**The Solutions for Sentencing & Incarceration Project:** *Providing Proven and Cost-Effective Answers that Address Texas' Over-Reliance on Incarceration.*

**Tools for Re-Entry:** *Advocating for Policies that Enable the Previously Incarcerated to Live Responsibly.*

**Tools for Practitioners:** *Featuring Effective Criminal and Juvenile Justice Programs and Practices.*

**Public Policy Center:** *Providing Nonpartisan Criminal and Juvenile Justice Policy Recommendations.*

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Dear Members of the Committee,

My name is Ana Yáñez-Correa. I am the Executive Director of the Texas Criminal Justice Coalition (TCJC). Thank you for allowing me this opportunity to present testimony on Article V.

Below we have explained the impact of budget cuts on the juvenile justice system (specifically the Texas Juvenile Probation Commission (TJPC) and the Texas Youth Commission (TYC)), under the filed version of Senate Bill 1. We have also provided relevant policy recommendations for both justice systems that the state can employ to address its immediate financial deficit, as well as preserve public safety throughout our communities in the future. Already, state leadership has laid the foundation for the continuous success of risk-reduction strategies with their bipartisan support during recent legislative sessions. The additional smart-on-crime strategies outlined here must serve as a critical consideration-point for policy-makers seeking to implement a rational, responsible, fiscally sound budgetary approach, as they can and will deliver taxpayers a return on their investment.

## **JUVENILE JUSTICE SYSTEM**

In January 2011, the state's Sunset Advisory Commission members voted in favor of a motion to abolish both the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC), instead transferring their discrete functions to a newly created umbrella agency. Preliminarily designated as the Texas Juvenile Justice Department, this new state agency would be created by September 1, 2012. The Department's mission would prioritize the use of local probation over incarceration at the state level. In other words, the number of inmates in youth prisons would fall, and community-based alternatives for handling youth with more serious offenses would expand.<sup>i</sup>

However, S.B. 1 assumes that TYC and TJPC will continue to exist as they do today, as separate entities, while a new TYC rider could potentially result in the closure of up to three facilities to reduce institutional capacity. S.B. 1 also proposes cuts to Community Corrections that seem antithetical to the cost-saving approaches recommended by the Commission.

**At the end of the day, funding must follow the youth. Any possible cost savings that may result from facility closures must be reinvested in appropriate and effective community-based, non-institutional services at the county level. Additionally, the state should create a fund to be strictly utilized for the full implementation of this strategy in the long term.**

## **TEXAS JUVENILE PROBATION COMMISSION**

### **Introduction**

Ensuring that sufficient alternatives to incarceration are available in the community is critical to sustaining positive, long-term change in Texas' juvenile justice system, and improving the chances of success for at-risk youth.

TJPC and local juvenile probation departments are the most imperative components of the juvenile diversion strategy. Indeed, local departments are the "workhorses" of the juvenile justice system, handling 98% of juvenile justice-involved youth.<sup>ii</sup> **The state also derives great savings from a**

**strong probation system:** TJPC's objective to reduce commitments to TYC through the use of various preventative "risk-reduction" (rehabilitation and early intervention) strategies<sup>iii</sup> saves Texas money in juvenile incarceration costs.<sup>iv</sup> Family-focused programming especially results in better outcomes for youth and their families, which in turn boosts public safety, another long-term cost saver.<sup>v</sup>

Policy-makers must continue to support community-based non-residential and residential services for ongoing economic gains, including through the new Community Corrections Diversion pilot grants that are helping divert youth from placement in TYC.<sup>vi</sup>

### **Budget Cuts to TJPC**

Total General Revenue expended on TJPC under S.B. 1 would decline by 13.5%, or \$39,255,982 for the biennium. Basic probation would slightly increase, while funding for progressive sanctions (levels 1-3) would decline by 10%. These reductions, however, are offset by declining juvenile probation referrals.<sup>vii</sup> Indeed, over the last year, according to the LBB's Uniform Cost Report, "The average cost per day per offender for basic community supervision (juvenile probation) was \$14.58 in fiscal year 2009 and \$17.25 in fiscal year 2010."<sup>viii</sup> These trends take some of the sting from TJPC budget reductions.

Community Corrections funding, however, would take the biggest and most concern-causing hit: 17%, or \$32,448,128. Community Corrections grants pay for various community-based probation services under the auspices of local juvenile boards.<sup>ix</sup>

TJPC is mostly a pass-through agency, the bulk of whose budget goes to counties to pay for probation services. Overall, funding to counties through TJPC would decline 14.1% under S.B. 1 from the last biennium to the next. The line item for salary and wages at TJPC will decline 14.4%, possibly presaging staff cuts at the agency's central office in Austin.

Another critical cut: Training funds for juvenile probation officers would decline under S.B. 1 by a staggering 95%, from more than \$8 million per year to around \$411,000 (C.1.1). This is especially problematic because juvenile probation officers have been asked over the last several years to make shifts toward evidence-based practices that require different strategies and tactics than traditional "trail 'em, nail 'em, and jail 'em" approaches. Funds for programming could be wasted if front-line probation officers are not adequately trained to use them effectively.

Finally, on a somewhat positive note, S.B. 1 eliminates \$1 million in annual funding for the Harris County Community Corrections Facility. Boot camps were a fad that evidence-based practices fail to support,<sup>x</sup> and Harris County ran an "adventure based treatment program," which is similar in type to programs criticized by the U.S. Government Accountability Office.<sup>xi</sup>

### **Policy Recommendations**

As proven by recent investments in juvenile probation,<sup>xii</sup> community-based supervision is an appropriate fit for many youth. Yet, it is only effective with *strong, well-resourced programming* (e.g., behavioral, educational, or vocational courses), *qualified probation officers* to ensure tailored supervision settings, and the *funding to contract with specialized treatment providers* (e.g., mental

health or special education practitioners) to meet the needs of various populations and in various regions.

Absent a full funding structure for juvenile probation, the youth who will be supervised in our communities are at high risk of re-offending, leading to more victims, more local costs spent on law enforcement, and more reasons to incarcerate youth who do not need it. Texas policy-makers must adopt a responsible approach to downsizing TYC that bears in mind the concerns of local probation departments, our communities' calls for public safety, and the needs of juveniles currently incarcerated. Certainly, stranding youth in current lock-ups with poor conditions of confinement is not the answer, but neither is shifting all of the costs to our communities and transferring the responsibility for juvenile care to already over-burdened, under-funded counties struggling to provide basic services. Youth will fall through the cracks, and Texans will pay the price for years to come.

A piecemeal approach that allocates only limited dollars to key services will roll back established progress and create a fractured system of broken program implementation throughout Texas.

### **(1) Support the juvenile probation system.**

If the Legislature follows through on Sunset Commission recommendations to reduce TYC admissions by having counties manage higher-risk youth in community-based programs, funding cuts for Community Corrections not only must be rescinded but, as noted above, **savings from any TYC unit closures should be partially spent to increase this line item.**

According to TJPC, "Thirty-five percent of juveniles disposed have been assessed as high risk and/or as having high levels of need. The factors contributing to these high levels of risk and need include family criminal history, substance abuse, traumatic experiences, mental health needs and school truancy and disciplinary problems."<sup>xiii</sup> In fact, over 40% of youth in Texas' juvenile probation system are mentally ill.<sup>xiv</sup> According to TJPC, "These juveniles recidivate at a rate over fifty percent higher than juveniles that are not mentally ill."<sup>xv</sup> Furthermore, according to the results of TJPC's Risk and Needs Assessment Instrument, 25% of all juveniles assessed from June 1, 2009 – May 31, 2010 were "frequent drug users."<sup>xvi</sup>

Policy-makers must ensure that resources are targeted towards rehabilitating youth in proven, community-based diversion programs. Such interventions, which including comprehensive treatment assessments<sup>xvii</sup> and components to build healthy family relationships,<sup>xviii</sup> not only save costs in incarceration, but they are more effective at addressing treatable addiction through effective tackling of the root cause. The Legislature should create a budget rider mandating that grant funding for counties must go towards research-based programming, as identified by TJPC. (*Note:* This will also prevent counties from having to expend their own limited funds on research.) Already, Texas has seen success with holistic, family-driven programming,<sup>xix</sup> as well as first-offense programs.<sup>xx</sup>

The end goal must be increasing the number of youth successfully rehabilitated in their communities, at substantial cost-savings to the state in both the short and long term. Such an emphasis on what truly decreases crime – programming, treatment, community supervision – is not only clear but crucial given the limited dollars Texas can devote to juvenile justice.

## **(2) Maintain current funding levels for juvenile probation officer trainings.**

Juvenile probation officers are required to take 80 hours of continuing education every two years.<sup>xxi</sup> As noted above, qualified staff are key in implementing effective programming and supervision that reduce the risk of re-offending. To realize Texas' public safety needs, state leadership must maintain training funding for juvenile probation officers. Specifically, staff must be trained to meet the needs of youth who require treatment for mental health, substance abuse, sex offenses, and past trauma. Early identification and prompt placement into appropriate programming will best help youths with addiction, mental health, or behavioral problems.

The effective implementation of rehabilitative treatment and programming is key. According to the Texas Public Policy Foundation, "Saving a youth from becoming a chronic offender results in \$1.7 million to \$2.3 million in avoided lifetime costs to taxpayers and victims."<sup>xxii</sup>

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## **TEXAS YOUTH COMMISSION**

### **Introduction**

Policy-makers must ensure that, regardless of how many lock-ups remain in place by session's conclusion, only high-risk, chronic violators who pose a danger to themselves or others should be incarcerated, and they must be provided proven treatment programming and services to reduce their likelihood of re-offending after release.

### **Budget Cuts to TYC**

S.B. 1 would lower TYC's budget from \$397 million in general revenue for the current biennium to just over \$334 million for FY 2012-2013, a reduction of \$62.8 million, or 18.8%. Considering all funds, TYC's budget would be reduced from \$455.9 million in the current biennium to \$360.3 million in the upcoming two-year cycle, a reduction of \$95.6 million, or 20.9%.

### **Reduced Institutional Capacity:**

A new TYC rider would establish a maximum cap of 1,600 institutional beds beginning January 1, 2012, compared to the current average daily population cap of 1,900. TYC's current institutional population is 1,459 youth. The agency may close up to three facilities to reduce institutional capacity under the budget, and TYC would be required to report the plan for reducing capacity to the LBB by October 2011. According to TYC Executive Director Cherie Townsend in a letter to employees, "There is no current plan for closing specific facilities, therefore, the plan would need to be developed once the budget is finalized."<sup>xxiii</sup>

Similar to the adult parole system, S.B. 1 makes assumptions about parole funding that appear to contradict other funding priorities in the budget. TYC would be required to reduce institutional capacity, but S.B. 1 also requires the agency to reduce parole services. Specifically, TYC would serve a population of 1,160 youth in FY 2012 and 1,220 youth in FY 2013, down from 1,516 in the current fiscal year.<sup>xxiv</sup> But if TYC reduces institutional capacity, that will likely *increase* the number of

youth on parole. These cost-saving approaches seem to conflict. To reduce incarceration costs, more people inevitably will end up on community supervision.

### Staffing:

TYC will face significant staff cuts. S.B. 1 reduces FTEs (full-time equivalent employee positions) to 2,986.8 in FY 2012-13, down 553.2 from the FY 2010-11 level. As at TDCJ, S.B. 1 freezes the TYC career ladder. Says TYC, “This rider has the potential to significantly impact both recruitment and retention of employees who have the most direct contact with youth.” The proposed budget also scales back employee retirement contributions from 6.95 percent to 6.0 percent.<sup>xxv</sup>

All staffing estimates, though, and indeed most other legislation regarding TYC and TJPC, must be taken with a grain of salt until the Legislature reconciles its proposed budgets with Sunset Advisory Commission recommendations to merge the agencies. If that happens, the budgets for these agencies will radically change in ways that would be difficult to predict from either the House or Senate budgets.

### Policy Recommendations

- (1) As an alternative to incarceration for high-risk youth, create a regionalized system of state-operated juvenile correctional and transition facilities that are smaller (<100 beds), more therapeutic, and closer to the communities that youth come from.**

To effectively address the needs of our most troubled youth, those for whom there is no programming at the county level, the state should consider smaller, regional facilities with specialized programs and services.

A large majority of youth under supervision in TYC require specialized assistance. According to that agency, “Of the 1,481 commitments in FY 2009, 54% were categorized as high-risk offenders, 47% were chemically dependent, 37% had serious mental health problems, and 36% were identified as eligible for special education services.”<sup>xxvi</sup> Emphasizing treatment and least-restrictive care through the establishment of various service delivery regions would better ensure that youth have access to localized, qualified medical and mental health care professionals in age-appropriate settings. Such a system would also bring youth closer to their parents or caretakers, facilitating inclusion of families and communities in the rehabilitation process, and paving the way for lower recidivism rates upon independent reintegration to the community.

To best create a seamless continuum of care, a regionalized plan should include wrap-around services, halfway houses, and targeted aftercare. Halfway houses, which cost \$100 less than confinement in current TYC facilities per day,<sup>xxvii</sup> should be especially prioritized for youth who have succeeded in confinement and could be safely supervised in the community.

*Note:* Throughout any regionalization effort, Texas should adopt aspects of juvenile justice models that work, specifically those that replace the historical punitive philosophy with one centered on treatment. This will be integral to the success of the entire system.

For example, the “Missouri model” is widely acclaimed by juvenile justice advocates and has garnered bipartisan praise from across Missouri’s political spectrum.<sup>xxviii</sup> Throughout the 1960s

and into the early 1970s, Missouri's large juvenile institutions were struggling with very high numbers of assaults and escapes. By 1971, this violent atmosphere had left about a quarter of staff positions vacant.<sup>xxxix</sup> In 1975, Missouri adopted a five-year plan that laid the groundwork for today's accomplishments. It called for the closing of the large facilities, the expansion of community-based services, and the establishment of five service delivery regions. The end goal for the change was the creation of a quality continuum of care, which would provide a range of services to youth in each of the five regions within 30 to 50 miles of their homes, bringing them closer to medical and mental health care professionals, as well as their families.

In the three decades since its adoption, the Missouri model has been heralded as a "guiding light" for reform in juvenile justice.<sup>xxx</sup> Its unconventional approach emphasizing treatment and least-restrictive care is considered to be far more successful than the incarceration-oriented systems used in most other states.<sup>xxxi</sup> Furthermore, according to the Texas Public Policy Foundation, "the one-year re-incarceration rate in Missouri where group homes replaced institutions is 11 percent compared with 22 percent for TYC."<sup>xxxii</sup>

## **(2) Continue investments in re-entry practitioners and programs.**

The population of youth that is currently incarcerated requires risk/needs assessments, tailored programming that addresses the root causes of criminal behavior, and a strong re-entry infrastructure to ensure that they succeed after juvenile justice involvement. Current staff levels are imperative in implementing such strategies.

As noted above, a large percentage of youth in TYC are chemically dependant.<sup>xxxiii</sup> Sadly, "fewer than half of TYC youth in need of substance abuse treatment receive it," according to Texans Care for Children.<sup>xxxiv</sup> Likewise, just over one-third of youth are receiving needed mental health services.<sup>xxxv</sup> Youth in TYC are also typically 4-5 grade levels below standard when they enter confinement, and most require accelerated instruction to obtain a diploma or GED.<sup>xxxvi</sup>

Without effective treatment, substance abuse and mental health disorders will follow youth into the community upon release, leaving them without the tools to participate in society in a fulfilling and productive way. Low education levels and a lack of vocational training will only increase the likelihood of re-offending. Limited community- and family-based support networks would further burden youth entering the community. A continued investment in re-entry practitioners and programs – the foundations of successful reintegration – are important in maintaining progress to keep recidivism rates low, to the benefit of public safety and taxpayers' wallets.

## **(3) Strengthen the juvenile parole system to protect public safety and give troubled youth, families, and communities a chance at success.**

The real measure of a juvenile justice system's effectiveness is a youth's behavior post-release. The first several months following a youth's institutional confinement are critical, where the lessons learned in secure care can be easily undone without proper supports. For instance, in FY 2009, nearly 3,750 youths were on parole,<sup>xxxvii</sup> but approximately 420 youths were sent to TYC after a revocation.<sup>xxxviii</sup>

Because the period of re-entry should be viewed as the last and most important phase of a youth's treatment while in secure care, the role of parole should be to support youth in applying newly acquired tools for personal accountability, to connect them with needs-based resources, and to closely monitor their progress.

To provide the most meaningful oversight and support to youth exiting juvenile institutions, the juvenile parole program requires an increased investment and focus from the Legislature. Current staffing levels must remain in place, and juvenile parole offices must be able to do the following:

- Provide youth more structured reintegration into their home environments, including day treatment programs, re-entry support groups, and family counseling.
- Increase family and community involvement in parole by implementing elements of proven, non-residential programming such as Functional Family Therapy,<sup>xxxix</sup> Multisystemic Therapy,<sup>xl</sup> and Multidimensional Treatment Foster Care.<sup>xli</sup> TYC has already considered implementing Functional Family Parole (FFP), an evidence-based program that provides youths and their families with needed reintegration and intervention services.<sup>xlii</sup> The new juvenile justice entity should fully employ FFP.

Policy-makers must also allocate sufficient resources to the parole division so that offices have funds to send a youth to specialized **aftercare services** (e.g., chemical dependency, sex offender, etc.), or to family counseling. Currently, youth are directed to county-provided services. If counties do not provide adequate medical, behavioral health, educational, or vocational resources, a youth is simply on his or her own.

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Thank you for allowing me the opportunity to provide feedback to this Committee on the devastating impact that budget cuts can have on various areas within the Texas Juvenile Probation Commission and the Texas Youth Commission.

We have seen throughout the past few years that new investments in diversion programming and re-entry services have increased public safety and produced significant, cost-effective outcomes. Our state leadership must continue to invest in smart-on-crime policies that have earned Texas positive national recognition and, most importantly, have strengthened the ability of communities to reduce criminal behavior.

## ENDNOTES

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<sup>i</sup> Mike Ward, “Sunset Panel: Merge TYC and TJPC,” *Austin American-Statesman*, January 12, 2011.

<sup>ii</sup> During FY 2010, there were 88,344 referrals to juvenile probation departments. From House Committee on Corrections, Interim Report to the 82<sup>nd</sup> Texas Legislature, December 2010, pg. 4. On the other hand, 1,977 youth were held in institutions, contract care facilities, or halfway houses in FY 2010. From Sunset Advisory Commission, “Commission Decisions: Texas Youth Commission, Texas Juvenile Probation Commission, Office of Independent Ombudsman,” January 2011, pg. 4.

<sup>iii</sup> Texas Juvenile Probation Commission; *About Us: Our Mission*;  
<http://www.tjpc.state.tx.us/aboutus/default.aspx#Our%20Mission>.

<sup>iv</sup> Marc Levin, *New Day for Texas Juvenile Justice*, Texas Public Policy Foundation, December 30, 2008;  
[http://www.texaspolicy.com/commentaries\\_single.php?report\\_id=2341](http://www.texaspolicy.com/commentaries_single.php?report_id=2341).

<sup>v</sup> “For example, intensive in-home programs with both a probation officer and family therapist making frequent home visits significantly reduce re-offenses and cost a fraction of TYC. As such local programs take root, juvenile crime continues to drop and TYC commitments have fallen 38 percent this year. Every youth redirected from TYC saves taxpayers about \$80,000 a year.” From Marc Levin, *In Juvenile Justice, Less Is Often More*, Texas Public Policy Foundation, May 7, 2010; [http://www.texaspolicy.com/commentaries\\_single.php?report\\_id=3081](http://www.texaspolicy.com/commentaries_single.php?report_id=3081).

<sup>vi</sup> In 2009, policy-makers allocated \$46 million to TJPC to re-distribute to juvenile probation departments in efforts to place youth in proven programming. 143 departments accepted this funding. From “Senate Committee on Criminal Justice Interim Report to the 82<sup>nd</sup> Legislature,” December 15, 2010, pg. 74. These funds must be used for programs that are proven to reduce re-offending. Most programs are nonresidential and focus on treatment, community service, and strengthening the family. From Marc Levin, “Texas Criminal Justice Reform: Lower Crime, Lower Cost,” Center for Effective Justice – Texas Public Policy Foundation, January 2010, pg. 2. Note additionally: Juvenile probation departments that receive the new diversion funding are required to report a variety of information to TJPC about their use of the monies, including details about the kinds of programs that will be developed or expanded, and outcomes for all youth placed in the diversion programs as an alternative to TYC commitment.

<sup>vii</sup> Office of Court Administration, Annual Report for the Texas Judiciary: 2010, pg. 48. In FY 2010, “The number of cases added to the juvenile dockets of district and county-level courts in 2010—39,822 cases—was 10.0 percent lower than the number added during the previous year and was the lowest number added since 1996 (39,214 cases).”

<sup>viii</sup> Legislative Budget Board (LBB), “Criminal Justice Uniform Cost Report, Fiscal Years 2008-2010,” January 2011, pg. 3.

<sup>ix</sup> For more detail on Community Corrections grants at TJPC, see  
<http://www.tjpc.state.tx.us/publications/standards/Grants10/TJPCGRANTSY.pdf>.

<sup>x</sup> Lawrence W. Sherman et al, “Preventing Crime: What Works, What Doesn’t, What’s Promising,” National Institute of Justice, July 1998, pg. 9.

<sup>xi</sup> Gregory D. Kutz, Managing Director Forensic Audits and Special Investigations, and Andy O’Connell, Assistant Director Forensic Audits and Special Investigations, United States Government Accountability Office, “RESIDENTIAL TREATMENT PROGRAMS: Concerns Regarding Abuse and Death in Certain Programs for Troubled Youth,” Testimony Before the Committee on Education and Labor, House of Representatives, October 10, 2007.

<sup>xii</sup> In the first three quarters of FY 2010, more than 2,200 youth were served through the diversion pilots. From House Committee on Corrections, *Interim Report to the 82<sup>nd</sup> Texas Legislature*, pg. 8. Representatives from Cameron, Dallas, Jefferson, Randall, and Travis Counties have specifically testified before the Senate Committee on Criminal Justice about reductions in commitments to TYC through the use of Community Corrections Diversion Program funding. From Senate Committee on Criminal Justice, *Interim Report to the 82<sup>nd</sup> Legislature*, pgs. 78, 79.

<sup>xiii</sup> Texas Juvenile Probation Commission (TJPC), “Legislative Appropriations Request for Fiscal Years 2012 and 2013,” August 9, 2010, pg. 3 of 6 (Administrator’s Statement).

<sup>xiv</sup> Texans Care for Children, Press Release: “Juvenile Corrections System Acts as Mental Health Provider of Last Resort for Many Texas Families,” January 27, 2010; <http://texanscareforchildren.org/For-the-Press/Juvenile-Corrections-System-Acts-as-Mental-Health-Provider-of-Last-Resort-for-Many-Texas-Families?&Sort=>

<sup>xv</sup> TJPC, *Legislative Appropriations Request for Fiscal Years 2012 and 2013*, pg. 3 of 6 (Administrator’s Statement).

<sup>xvi</sup> Texas Juvenile Probation Commission (TJPC), “Strategic Plan: Fiscal Years 2011-15,” June 2010, pg. 23.

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<sup>xvii</sup> National Institute on Drug Abuse (NIDA), “Frequently Asked Questions (FAQs),” #15: *What are the unique treatment needs of juveniles in the criminal justice system?*: “Assessment is particularly important, because not all adolescents who have used drugs need treatment”; [http://www.nida.nih.gov/podat\\_cj/faqs/faqs2.html](http://www.nida.nih.gov/podat_cj/faqs/faqs2.html).

<sup>xviii</sup> *Ibid.*: “The effective treatment of juvenile substance abusers often requires a family-based treatment model that targets family functioning and the increased involvement of family members.”

<sup>xix</sup> Bexar County operates the Kids Averted from Placement Services (KAPS), which provides intensive family-based services for youths and their families in efforts to address the underlying issues that have led to youth misbehavior. According to the Texas Public Policy Foundation, the program’s success rates are significant: the majority of KAPS participants have not been adjudicated for later offenses, and the one-year re-referral rate is 15% lower than the state average for juvenile probation. The cost-savings are also significant: the program costs \$58.33 per day, compared to \$138.25 per day for the Bexar County post-adjudication facility or a county-contracted residential program. From Marc Levin, “Getting More for Less in Juvenile Justice: Innovative and Cost-Effective Approaches to Reduce Crime, Restore Victims, and Preserve Families,” Texas Public Policy Foundation, March 2010, pg. 30.

<sup>xx</sup> The Dallas Police Department created a voluntary, education-based program to divert first-time offenders, aged 10-16, from the justice system for Class A and B misdemeanor offenses, as well as for nonviolent state jail felonies. Over time, the program has diverted 6,154 youth first-time offenders from probation and, frequently, detention. The program costs 13 times less per day than detention and 25% less than probation. From Marc Levin, “Texas Counties Can Unlock Kids and Savings,” Center for Effective Justice – Texas Public Policy Foundation, December 2009, pgs. 1-2.

<sup>xxi</sup> Texas Administrative Code, Sec. 344.640 (a): A juvenile probation officer or juvenile supervision officer shall complete a minimum of 80 hours training every 24 months in topics related to the officer’s job duties and responsibilities in order to maintain an active certification: (1) For juvenile supervision officers, this training shall include the facility’s suicide prevention plan and requirements necessary to maintain certification in CPR, First Aid and personal restraint technique approved by the [Texas Juvenile Probation] Commission.

<sup>xxii</sup> Marc Levin, *Getting More for Less in Juvenile Justice*, pg. 4.

<sup>xxiii</sup> Cherie Townsend, Executive Director of TYC, in a letter to TYC staff, January 19, 2011; [http://www.tyc.state.tx.us/news/ctownsend\\_01-19-2011.html](http://www.tyc.state.tx.us/news/ctownsend_01-19-2011.html). Ms. Townsend is writing about the House budget, but the House and Senate budgets are identical in regard to TYC.

<sup>xxiv</sup> LBB, *Legislative Budget Estimates for the 2012-2013 Biennium: Articles I-X, Senate Version*, pg. V-40.

<sup>xxv</sup> Cherie Townsend, *Letter to TYC staff*.

<sup>xxvi</sup> Texas Youth Commission (TYC), “Legislative Appropriations Request For Fiscal Years 2012 and 2013,” August 30, 2010, pg. 29.

<sup>xxvii</sup> LBB, *Criminal Justice Uniform Cost Report: Fiscal Years 2006-2008*, pg. 17; comparing FY 2008 costs-per-day for halfway houses (\$184.26) and state-operated facilities (\$270.49).

<sup>xxviii</sup> Dick Mendel, “Small is Beautiful: The Missouri Division of Youth Services,” *Advocacy: Juvenile Justice at a Crossroads*, Vol. 5, No. 1, Spring 2003, pgs. 30-31.

<sup>xxix</sup> Douglas Abrams, “A Very Special Place in Life: The History of Juvenile Justice in Missouri,” Missouri Juvenile Justice Association, 2003, pg. 198.

<sup>xxx</sup> Dick Mendel, *Small is Beautiful*, pg. 34.

<sup>xxxi</sup> Douglas Abrams, *A Very Special Place in Life*, pg. 206.

<sup>xxxii</sup> Marc Levin, *Texas Criminal Justice Reform: Lower Crime, Lower Cost*, pg. 5.

<sup>xxxiii</sup> TYC, *Legislative Appropriations Request For Fiscal Years 2012 and 2013*, pg. 29.

<sup>xxxiv</sup> Texans Care for Children, *Press Release: Juvenile Corrections System Acts as Mental Health Provider*.

<sup>xxxv</sup> TJPC, *Strategic Plan: Fiscal Years 2011-15*, pgs. 22, 24.

<sup>xxxvi</sup> *Ibid.*, pg. 53.

<sup>xxxvii</sup> Sunset Advisory Commission, *Commission Decisions*, pg. 5.

<sup>xxxviii</sup> *Ibid.*, pg. 4.

<sup>xxxix</sup> Functional Family Therapy is “an empirically grounded, well-documented and highly successful family intervention for at-risk youth ages 10 to 18 whose problems range from acting out to conduct disorders to alcohol and/or substance abuse.” From *Functional Family Therapy*; <http://www.ffaunc.com>.

<sup>xl</sup> Multisystemic Therapy is “an intensive family-and community-based treatment program that focuses on the entire world of chronic and violent juvenile offenders – their homes and families, schools and teachers, neighborhoods and friends.” From MST, *What is Multisystemic Therapy*; <http://www.mstservices.com>.

<sup>xli</sup> Multidimensional Treatment Foster Care is “a cost-effective alternative to regular foster care, group or residential treatment, and incarceration for youth who have problems with chronic disruptive behavior. The evidence of positive outcomes from this unique multi-modal treatment approach is compelling.” From TFC Consultants, Inc.; [http://www.mtfc.com/TFC\\_Consultants.html](http://www.mtfc.com/TFC_Consultants.html). Note additionally: Each of these three programs has been proven to

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save money and reduce crime. From “Washington State Institute for Public Policy, “Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost,” June 2007, pg. 7.

<sup>xlii</sup> Texas Youth Commission, *Regionalization Plan: Evolving Regionalization & Population Management (continued)*; [http://www.tyc.state.tx.us/reform/regionalization/2\\_bonds\\_highlights.html](http://www.tyc.state.tx.us/reform/regionalization/2_bonds_highlights.html).