



**Texas Legislative Budget Board Hearing
Texas Youth Commission
September 24, 2010**

Texans Care for Children is a statewide nonpartisan, nonprofit advocacy organization dedicated exclusively to the children of Texas. We look to our broad base of community-based experts – our partners and 220 members throughout the state who together represent thousands of Texas children—to inform our work and help us in developing our legislative agenda. We also co-convene various stakeholder groups which bring together a wide range of organizations, families, and advocates around our areas of focus, which are: family economic security; infant, child and maternal health; children’s mental health; child welfare; and juvenile justice and at-risk youth.

All too often, youth involved in the juvenile justice system get caught in a costly cycle of repeat offense and supervision or graduate into the adult criminal justice system because of a lack of resources and effective rehabilitation programs. As you examine the appropriations request for the Texas Youth Commission (TYC), Texans Care for Children urges you to consider the long term costs associated with not investing in the front end of the criminal justice system this session.

I. Budget Cuts only Delay Spending and Increase Recidivism

The mission of the Texas Youth Commission (TYC) includes both promoting public safety and the education, treatment, and rehabilitation of youth in its custody. Reductions in the agency’s resources decrease its ability to successfully accomplish the goals set out in its mission, meaning that the state stands to see an increased recidivism rate after youth leave facilities and increased costs of housing repeat offenders in TYC and the Texas Department of Criminal Justice.

One concern about the TYC Legislative Appropriations Request is that several measurable outcome rates are moving in the wrong direction after the budget cuts last session due to TYC population decreases and the Legislature working to “right size” the agency. While right-sizing on its face was a sound staffing adjustment based on a decrease in population, it failed to take into account that the baseline staffing ratios were insufficient and were in part the cause of poor outcome measures. These budget cuts have resulted in a FY2010 1-year reincarceration rate more than 5% greater than in FY2009. The projected outcomes in TYC’s baseline request for FY2012 and FY2013 for 1-year reincarceration are higher than the rate experienced in FY2009. Texas must do better.

Education outcome measures during this same time period of budget cuts also causes concern; the rate at which TYC Youth earn a diploma or GED dropped nearly 4% from FY2009 to FY2010. Education and workforce training are integral in preparing youth to become productive adults and breaking the cycle of delinquency. That is why Texans Care for Children strongly supports Exceptional Item One to hire Special Education Teacher Aides and Response to Intervention (RTI) Aides in order for TYC to provide

educational opportunities equitable to Texas public schools and Exceptional Item Two to Replace Education Grant Funding for educational workforce and vocational programs.

With reincarceration rates on the rise, diploma and GED rates falling and recent reports of continued violence and lack of adequate mental health services, TYC cannot be subjected to further resource reductions in the FY 2012-13 biennium.

II. Closing Two Facilities Could Be a Good Opportunity

Closing two facilities and moving youth to more community-based, less-restrictive environments and programs will be more cost effective, help reduce recidivism, and is a strategy shown to improve public safety. Such a change in practice is encouraged by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within the Department of Justice.ⁱ TYC already effectively runs some less-restrictive facilities and community based programs, including halfway houses and parole. With further supports, less-restrictive community-based programs can be expanded. However, if the population from those two facilities is merely redistributed among the eight remaining facilities, the state will run the risk of increasing violence in facilities and risking the safety of both the youth and correction officers, undermining the gains made since 2007 in the implementation of SB 103.

Exceptional Item three to enhance parole and reentry services by providing funding for Functional Family Therapy (FFT) and Multisystemic Therapy (MST) will improve community-based services and programs and is a step in the right direction to preparing for a move to larger community-based programs and fewer youth in secure facilities.

III. Texas needs a balanced approach to balancing the budget.

Texans Care recognizes that TYC is proposing a 10% budget reduction schedule because legislative leadership has required it, not because the agency independently seeks to reduce its budget. Before making any cuts to vital services, Texas needs a balanced approach to balancing the state budget. Knowing that the Legislature will face a deficit in the FY 2012-2013 budget, Texans Care for Children is working with other human service organizations to support a budget strategy that balances cuts with revenue measures - revenue measures that are balanced, adequate, and fair. We urge the Legislative Budget Board to identify all reasonable options for bringing state revenue into alignment with Texans' current and future needs. Here are three ways to meet today's needs in Texas and prepare for a better future:

1. Use the Rainy Day Fund. An estimated \$8 billion in savings will be available for the next budget from a fund whose constitutional mandate is shoring up state services during economic downturns.
2. Take advantage of available federal funding. Texas taxpayers need our state leaders to prioritize bringing our share of federal dollars back to Texas.
3. Close wasteful tax loopholes, and develop new revenue sources. The House Ways & Means Committee has been systematically reviewing tax exemptions this interim in order to help the Legislature identify those that are outdated and that can be eliminated without hurting the average taxpayer.

One last note, Texans Care for Children encourages the Governor's office to move with speed to appoint a new Texas Youth Commission Ombudsman who has a proven track record as an effective advocate for youth rights and safety. With violence in the facilities, the Ombudsman position cannot remain vacant.

Thank you for your time and commitment. If you have any questions, please feel free to contact me or the staff of Texans Care for Children at 512.473.2274.

Respectfully,

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ⁱ Austin, J., Dedel, K., and Weitzer, R. 2005. Alternatives to the Secure Detention and Confinement of Juvenile Offenders. Juvenile Justice Bulletin. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.