

# Juvenile Justice Funding Should Promote Cost-Effective Practices & Youth Success

## Testimony to the House Appropriations Art. I, IV & V Subcommittee

When youth who make mistakes are kept in their communities or in their homes to receive rehabilitative programming and treatment they have better outcomes and are less likely to reoffend than youth who are committed to the costly, ineffective state-secure facilities. The Texas budget should prioritize programming and treatment in local communities with a focus on increasing and improving programming available locally.

## Keep More Youth Closer to Home Rather than in State-Secure Facilities

### Local Placements and Services are More Effective

Youth committed to state-secure facilities are 21 percent more likely to recidivate when they are released than youth with similar treatment needs and offense histories kept in their community.<sup>1</sup> When youth leaving state-secure facilities do reoffend, they are three times more likely to reoffend with a felony than similar youth on probation.<sup>2</sup> When youth receive treatment close to home or in their home, it allows for their family to be engaged in treatment that leads to better educational and developmental outcomes for youth.<sup>3</sup>

---

<sup>1</sup> Tony Fabelo et al., *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms* (New York: Council of State Governments Justice Center, 2015). Page 57.

<sup>2</sup> Ibid. Page 60.

<sup>3</sup> McCarthy, Patrick, Vincent Schiraldi, and Miriam Shark. *The Future of Youth Justice: A Community-Based Alternative to the Youth Prison Model*. *New Thinking in Community Corrections Bulletin*. Washington, D.C.: U.S. Department of Justice, National Institute of Justice, 2016. NCJ 250142.

## **Local Placements and Services Save Taxpayer Money**

The average cost per day per youth in a state-secure facility is 2.6 times higher than a placement of a youth at the local level.<sup>4</sup> Youth committed to state-secure facilities stay on average four times longer in state facilities than they stay in local placements, driving up costs even further.<sup>5</sup>

## **But A Lack of Local Capacity – Especially in Some Communities – Leads to Unnecessary Commitments**

Local stakeholders often acknowledge youth are committed to state facilities – or sent to placements across the state or country – because they do not have the appropriate treatment options available in their community. Particularly in rural communities, providing appropriate programming and services locally can be difficult because there are not enough youth in need of those services for a probation department to justify the cost of the treatment professionals or for a service provider to expand into the community.

## **The Legislature Should Increase Funding to Create Local Capacity**

RECOMMENDATION 1: Invest more state money in probation, community mental health, and substance use treatment so communities and probation departments can implement best practices and evidence-based programming.

RECOMMENDATION 2: Juvenile justice system stakeholders should be asked to identify gaps in treatment and programming in their communities and regions, working with other system stakeholders such as local mental health authorities to develop and make funding recommendations to the Texas Juvenile Justice Department and the Legislature.

Where appropriate, these identified gaps should be addressed regionally (e.g. shared treatment professionals who travel regionally could be hired to provide community-based services or services in local facilities). After the passage of SB 1630 in 2015, TJJD convened a “regionalization taskforce” that began a similar process and identified some treatment gaps. TJJD provided minimal funding for probation regions to develop programming or to bring in service providers to expand into certain regions. However, much more can be done.

---

<sup>4</sup> Legislative Budget Board, Criminal Justice Uniform Cost Report Fiscal Years 2015–2016, January 2017. State residential facilities cost taxpayers \$441.92/per day while post-adjudication placements cost \$166.81 per day.

<sup>5</sup> Ibid. and Fabelo, et al.

## Strengthen Juvenile Probation Departments' Programs and Practices

### **Probation Departments Overuse Secure Confinement and Provide Programming to Youth Unnecessarily, Taking Up Valuable Resources without Decreasing the Youth's Likelihood of Reoffending**

Research shows that youth identified through a validated risk and needs assessment as being low risk to reoffend and/or in low need of services should not be detained or placed in confinement, on probation, or provided services – as this does not decrease their likelihood to reoffend and may actually increase it.<sup>6</sup>

In most cases, youth identified as at medium-risk to reoffend by a validated risk and needs assessment can be better served on community supervision than in confinement, and, in many instances, intensive community supervision has proven effective for high-risk youth.<sup>7</sup>

Data provided by TJJJD show that, in 2016, 32.5% of youth who participated in programming under community supervision (probation or deferred prosecution) were low risk to reoffend and in low need of services. During the same time period, 11 percent of youth placed in secure facilities were low risk to reoffend.<sup>8</sup>

### **To Address that Challenge and Keep Youth in their Community, State Funding Should Incentivize Use of a Validated Risk and Needs Assessments to Inform Placement and Treatment Decisions**

RECOMMENDATION 3: The state funding structure for juvenile probation should incentivize keeping low risk, low-need youth out of placements and programming and more medium and high-risk youth on community supervision and out of confinement.

### **Many Juvenile Probation Departments Need Training, Technical Assistance, and Evaluation Support**

Many counties in Texas do not have the resources for staff training, high-quality implementation of programming, or evaluation to determine if their implementation is effective at reducing recidivism or improving positive youth outcomes.

---

<sup>6</sup> Elizabeth Seigle, Nastassia Walsh, and Josh Weber, Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System (New York: Council of State Governments Justice Center, 2014).

<sup>7</sup> Ibid. (Core Principals).

<sup>8</sup> TJJJD open records request #31247. Dec. 18, 2017.

## **As Youth Move Out of State Facilities, TJJD’s Responsibilities Should Shift to Providing that Support to Juvenile Probation Departments**

RECOMMENDATION 4: The Legislature should direct TJJD to research and develop standards for local programming and a method for TJJD to provide continued evaluation of the effectiveness of local practices, including treatment and placement decisions and implementation of programming. TJJD should provide recommendations to the Legislature on how TJJD can support local probation departments in implementing programs and practices that are effective in reducing recidivism and promoting positive youth outcomes, including through identification of effective programming, evaluation, training, and technical assistance.

RECOMMENDATION 5: With TJJD’s recommendations and the funding to implement them, the state should move to a model of funding only programming and practices at the local level that have been shown to be effective.

## **Other Policy Opportunities to Achieve Long-term Savings in the Justice System**

RECOMMENDATION 6: Reserve commitments to state-secure facilities for youth who receive a determinate sentence and are at least 15 years old.

RECOMMENDATION 7: Raise the Age of Juvenile Court Jurisdiction so that 17 year olds are considered juveniles.

RECOMMENDATION 8: Identify opportunities to keep more youth out of the juvenile justice system for childish misbehavior, including:

- Limiting referrals to juvenile probation for school related behavior
- Ensuring youth access to community based mental health and substance use treatment in schools and community settings, reducing their entry into the juvenile justice system.