

Getting More for Less in Juvenile Justice



Innovative and Cost-Effective Approaches to Reduce Crime, Restore Victims, and Preserve Families

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Executive Summary

Over the last several years, Texas' juvenile incarceration and crime rates have substantially declined. In 2006, there were 4,800 juveniles at Texas Youth Commission (TYC) facilities, nearly all of whom were housed in large institutions.ⁱ Following an abuse scandal and subsequent reforms that redirected more youths into community-based juvenile probation programs, the TYC population declined to 2,259 in 2009.ⁱⁱ

In fiscal year 2006, there were 24,965 Texas youths adjudicated for delinquent conduct, which dropped to 20,943 in fiscal year 2009, a 16.1 percent decrease.ⁱⁱⁱ At the same time, the state's juvenile population has been increasing 0.9 percent annually.^{iv}

Since 2006, the state has provided juvenile probation departments with about \$100 million in additional biennial funding to strengthen community-based programs for youths as they deal with thousands of juveniles who previously would have been sent to TYC. However, even factoring in this additional expense, taxpayers have netted more than \$200 million in biennial savings from fewer youths at TYC.^v

Juvenile crime remains a serious problem. More than 60,000 Texas youths enter local residential facilities such as detention and secure post-adjudication centers every year and an unknown but likely significant percentage of Texas' nearly 235,000 adult prison and county jail inmates were previously in the juvenile justice system.^{vi}

Juvenile probation departments receive two-thirds of their funding from counties and one-third from the state, and both the state and counties are facing budget shortfalls. Texas must continue its progress in cost-effectively using resources to achieve further reductions in juvenile crime by allocating funds to the community-based programs that research indicates produce the best outcomes for every dollar invested while reserving incarceration for only the most severe cases where it is necessary to protect public safety.

Many proven community-based approaches profiled herein have demonstrated success both in Texas and nationally in holding youth offenders accountable and putting them on a law-abiding, productive path. Such programs often emphasize:

- Therapeutic interventions to change youth's thought patterns, preserve the family, and strengthen its capacity to provide discipline;
- Victim restitution and empathy;
- Assessments to match each youth with the type of program

that has proven effective for similar youths, avoid unnecessary placement in institutional settings such as detention, and ensure the limited capacity of intensive residential and non-residential programs is not utilized for the lowest-risk and lowest-need youths who can succeed on basic probation;

- Collaborative approaches involving the prosecutor, defense counsel, judge, probation officer, victim, and service providers and coordination with other entities, such as the school system and mental health agency;
- Graduated sanctions and incentives and advancement through phases based on the youth's progress;
- Drug testing and treatment and mental health screening and treatment;
- Mentoring and use of volunteers;
- Educational and vocational enrichment;
- Community service, service learning, and promotion of positive peer groups; and
- Rigorous ongoing programmatic evaluation and adjustment to improve quality and results.

Probation performance measures must be strengthened and programs like boot camps that research has shown are ineffective must be eliminated or revamped. However, the state must continue to strengthen its fiscal partnership with local probation departments to support cost-effective community-based programs that reduce juvenile crime and ensure that the population of TYC institutions does not swell again due to a lack of viable local alternatives.

In setting budget priorities, public safety is perhaps the most critical function of government. Juvenile criminal activity must never simply be ignored, particularly given that youngsters who become chronic offenders impose about \$2 million in lifetime costs on taxpayers and victims.^{vii} Yet the evidence is also clear that, for nearly all youths, incarceration in remotely located state-run institutions is not only the most expensive option, but more importantly it is less effective than community-based approaches in reducing re-offending. Local programs based on established research can far more cost-effectively hold troubled youths accountable, prevent further criminal activity, and result in positive educational and vocational outcomes so that these youths contribute to a safer and more prosperous future for Texas.

ⁱ TYC Population Trends, http://www.tyc.state.tx.us/research/growth_charts.html.

ⁱⁱ *Ibid.*

ⁱⁱⁱ Total Reported Juvenile Activity, Office of Court Administration, Fiscal Year 2006 (24 Feb. 2010) <http://www.courts.state.tx.us/pubs/AR2006/juvenile/1-statewide-juvenile-activity-fy06.pdf>. Total Reported Juvenile Activity, Office of Court Administration, Fiscal Year 2009 (21 Dec. 2009) <http://www.courts.state.tx.us/pubs/AR2009/juvenile/2-juvenile-activity-by-co-fy09.pdf>.

^{iv} Legislative Budget Board, "Adult and Juvenile Correctional Population Projections Fiscal Years 2009-2014" (Jan. 2009) http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Projections_Reports_2009.pdf.

^v Legislative Budget Board, "Criminal Justice Uniform Cost Report," Jan. 2009, 23 Dec. 2009, http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Uniform_Cost_Report_0109.pdf.

^{vi} "Texas Juvenile Probation Today and Tomorrow," Texas Juvenile Probation Commission (July 2008) <http://www.tjpc.state.tx.us/publications/reports/TJPCMISC0308.pdf>. Texas Sunset Advisory Commission Report on the Texas Youth Commission and Texas Juvenile Probation Commission to the 81st Legislature (July 2009) Appendix A, <http://www.sunset.state.tx.us/81streports/tyc/appena.pdf>.

^{vii} Mark A. Cohen, "The Monetary Value of Saving a High Risk Youth," *The Journal of Qualitative Criminology*, 14, no. 1 (1998) 5-33, <http://www.byep.org/cost%20of%20not%20saving%20youth.pdf>.

Introduction

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.¹ Consequently, all Texans have a large stake in cost-effective approaches to juvenile justice that result in more youths turning away from crime and towards a future as a productive citizen in which they are an asset, rather than a liability, to their fellow citizens.

Even as the population of Texas Youth Commission (TYC) institutions continues to decline pursuant to policy initiatives launched in 2007 to shift youths and funds from state institutions to probation, fewer youths are being charged with criminal acts. This indicates that tens of millions in taxpayer savings are going hand in hand with increased public safety, but Texas can do even more. State and local policymakers must continue to drive reforms in policies and practices that enhance community-based solutions, which will keep more youths from becoming deeply involved in the juvenile justice system and result in a greater number of youths living in stronger families and attending school.

A budget provision enacted in 2009 creates a historic opportunity to implement alternatives to secured institutions for an increasing number of youths that enhance public safety, restore victims, and reduce costs. Research suggests that non-residential programs and initiatives that divert appropriate youths from adjudication* and probation, many of which are profiled in this paper, are particularly effective.

Despite a growing population, the number of youths adjudicated for delinquency or conduct in need of supervision[†] declined from 23,956 in fiscal year 2008 to 21,488 in fiscal year 2009, suggesting that Texas policymakers' reinvestment in community based-alternatives is yielding positive results for public safety, youths, victims, and taxpayers.² New cases filed correspondingly declined, indicating that the decrease in adjudications is not a result of slower case processing.³ Moreover, filings to revoke probation for a new offense or rule violation dropped 6.3 percent from fiscal year 2008 to 2009.⁴

However, since the nation's first juvenile court was established in 1899, the juvenile system has largely been on a trajectory of continued growth both in Texas and the nation, and the state's juvenile probation population is projected to grow 20.1 percent by 2020.⁵ Approximately 100,000 Texas juveniles are referred to probation each year, with more than 70,000 under supervision at some point during the year.⁶

A growing body of research demonstrates that positive outcomes for youths, victims, and taxpayers result from well-designed community-based programs emphasizing offender accountability, victim empathy and restitution, therapeutic interventions, family discipline, community service and service learning,[‡] mentoring, and educational and vocational development.

The TYC abuse scandal in 2007 precipitated an overhaul of the system, including the 2007 reforms in Senate Bill 103 to redirect misdemeanants from TYC, implement monitoring and oversight in TYC facilities to prevent abuses, and increase support for juvenile probation to handle misdemeanants in the community. Rather than impose an unfunded mandate, lawmakers provided probation departments with an additional \$57.8 million over the 2008-09 biennium for dealing with misdemeanants previously sent to TYC—funding which was continued for the 2010-11 biennium. This is half the current two-year cost of \$119 million that would be associated with housing the 600 misdemeanants who would otherwise be at TYC.⁷ Furthermore, the new funding was effective with the start of the 2008 fiscal year on September 1, 2007, and juvenile adjudications and revocations substantially declined from the 2008 to 2009 fiscal years.

In 2009, the Legislature cut funding for TYC from \$314 million in 2008 to \$210 million in 2010 and \$205 million in 2011. These savings were achieved primarily through a decline in population.⁸ The 2010-11 budget calls for the closure of two TYC facilities, including a remotely located institution in West Texas where many abuses occurred. At the same time, \$45.7 million in new funding was provided for local juvenile probation programs designed to divert youths from TYC.

* The Commitment Reduction Program does not place a legal cap on the number of youths committed to TYC. Judges may still commit youths for any felony offense or violations of felony probation. The county Juvenile Board, which includes the judges in the county who hear juvenile cases, decides whether to participate in the Program.

[†] There are many ways to measure recidivism. Typically, the re-incarceration rate for a program will be the lowest rate, followed, respectively, by the re-adjudication rate and the re-arrest rate, as not all arrests lead to adjudications and not all adjudications lead to incarceration.

[‡] Service learning differs from community service, primarily in that projects are designed and implemented by youths.

This funding realignment, which will save taxpayers more than \$160 million over the current biennium, is supported by research indicating that all but the highest-risk youth are less likely to return to crime if kept in the community rather than incarcerated.⁹ In 2004, Florida launched a similar funding realignment initiative called Redirection. Remarkably, youths released from a non-residential diversion program were 46 percent less likely to be arrested for a violent felony or convicted of any felony than comparable youths placed in a residential program over the 3.9 year follow-up period.¹⁰ The May 2009 state review found the initiative has saved \$36.4 million and avoided another \$5.2 million in recommitment and prison costs.¹¹ As early as 1995, former Governor Jeb Bush, who presided over the implementation of Redirection, called for shifting resources towards the front-end of the juvenile justice system to prevent crime.¹²

In Texas, the state funds 34 percent of juvenile probation, with 65 percent paid for by county taxpayers and 1 percent in federal funds. As part of Rider 21 to the General Appropriations Act, the Legislature required that the Texas Juvenile Probation Commission (TJPC) pay TYC \$51,100 for each youth committed to TYC in excess of 1,783 youths per year.¹³

Accordingly, TJPC has initiated the Commitment Reduction Program (CRP) that allocates the new funds to community-based, family, residential, transition, and aftercare programs. Departments submit funding plans to TJPC that are linked to the number of youths they pledge to divert from TYC. For example, if a department's three-year average of commitments to TYC is 25, they can obtain their full share of new funding by pledging to divert five youths from TYC, a figure that is based on the statewide goal of 1,783 or fewer commitments. The department can also obtain partial funding by pledging to divert fewer than five youths.*

Plans for new or expanded programs must include supporting evidence or documentation that the new program or service has had positive outcomes in other jurisdictions. Similarly, plans for enhanced supervision or specialized caseloads must include evidence of success. Evidence of positive out-

comes must also be provided for proposed residential services as well as a description of how the family of a supervised youth will be incorporated into the rehabilitative efforts.

Departments will be evaluated according to the following performance measures:¹⁴

- Number of juveniles served;
- Percent of juveniles completing the program(s);
- Percent of juveniles with improved outcomes (e.g., reduction in substance use or increase in school attendance);
- Number of juveniles committed to TYC;
- Number of juveniles certified to stand trial as adults;
- Re-offending (recidivism) as measured by one-, two-, and three-year re-referral/re-arrest and incarceration rates for all juveniles participating in the program;[†] and
- Cost per youth diverted.

The guidelines specify that maximum diversion funding shall not exceed the rate of \$140 per juvenile diverted per day or \$51,100 annually. The majority of the funds will support non-residential programs that cost much less than this maximum amount, though this figure still compares favorably to the \$99,000 annual cost of TYC commitment in 2009.¹⁵ Under the guidelines, departments that exceed the targets for TYC commitments for 2010 to which they agreed will have their share of this new funding reduced or eliminated in 2011.

This funding shift better enables probation departments to implement programs that effectively reform youths. This paper highlights examples of innovative programs, focusing on those programs for which there is some evidence of success in Texas, and which, with the new funding, might be replicated in other parts of the state. Additionally, many of these programs share common elements that can be incorporated

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into newly developed programs. While many of these programs involve a significant government role in supervising and treating youths, at substantial taxpayer expense (though even while far less than TYC once spent), the criminal activities they address often impose a substantial fiscal and human cost.

The importance of protecting the public by reducing recidivism is self-evident. The stakes are even higher than in the adult system, as young people will typically have either become habitual offenders or law-abiding citizens. In addition to avoiding the human and fiscal costs associated with re-offending, many innovative juvenile probation and diversionary programs that divert appropriate youths from probation are designed to minimize government intrusion by preserving the family unit, often through empowering parents with the tools needed to manage their troubled child. Government control, which at its most extensive and expensive level is incarceration, should only preempt traditional family roles when absolutely necessary. Thus, successful programs that divert youths from TYC and other forms of confinement, can not only reduce overall costs, but also the number of victims, while keeping families together.

To sustain and build upon the dramatic recent progress in reducing juvenile crime and costs to taxpayers, Texas policymakers must continue emphasizing community-based solutions, including diversion of appropriate youths from the juvenile justice system. At the same, policymakers and agency leaders must strengthen accountability for results by improving data analysis to identify and replicate effective programs and accelerate progress towards outcome-based performance measures.

Challenges

A key challenge in identifying and replicating effective programs is the need for better data on outcomes of existing programs as well as sufficiently detailed descriptions of such programs so that they can be replicated with fidelity to the original design. With limited resources and just 66 employees, TJPC has not traditionally maintained outcome data or detailed descriptions for individual programs within proba-

tion departments. Consequently, most of the information in this publication was gathered from probation departments and non-profits that contract with departments to provide programs.* However, in late 2010, probation departments participating in the CRP will submit data for the performance measures noted above.

Many of the more than two dozen probation departments contacted lack outcome data other than program completion, particularly relating to recidivism. Similarly, only a handful of the 31 private vendors that operate programs for juvenile probation departments were able to provide data on their outcomes.

However, empirical national research and many examples of innovative Texas programs (some of which are highlighted below), provide guidance as to the most cost-effective strategies to reduce recidivism and achieve positive outcomes. Among these benchmarks are educational progress, victim satisfaction and restitution, cessation of substance use, and employment.

Moreover, a critical challenge is identifying the types of youths for which a juvenile probation program is cost-effective. For example, a program could focus on the lowest-risk youths who would be unlikely to recidivate even if they received only basic juvenile probation supervision—primarily visits with an officer—and achieve a low recidivism rate. However, in this case, the program may not be cost-effective whereas a program for higher-risk youth that substantially reduces their recidivism rate beyond what it would have been on basic juvenile probation could be highly cost-effective even if its participants still have a higher recidivism rate than low-risk youths on basic probation. The severity of the offense, offense history, and family situation are among the relevant factors that quantitative risk and needs assessments take into account in determining a youth's risk level. Such instruments are widely available and TJPC is rolling out a statewide instrument for probation departments that do not currently use one, which will help departments better target limited program space to those youths for whom it is most beneficial. Also, program cost-effectiveness could be better evaluated through more studies that include well-defined control groups, allowing for recidivism to be compared between youths of the same profile and similar risk and needs

* The author acknowledges the extensive support received from TJPC Executive Director Vicki Spriggs, TJPC staff, TYC staff and probation department leaders in gathering information for this paper.

factors who participate in the specialized program and those who do not.

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Juvenile Incarceration and Residential Placement

The challenging budget environment affords state and county leaders an ideal opportunity to examine the extent to which juvenile incarceration is necessary, and viable alternatives. Despite the significant decline in the TYC population, 7,004 Texas youths remain in adult prisons, TYC facilities, medium-term secure and unsecure facilities, and short-term detention and holdover facilities. This figure does not include the number of inmates under age 17 housed in county jails, as such state-wide data is not maintained. There are 22 inmates under age 17, and 198 inmates who are 17 years old in the Harris County Jail, the state's largest local lockup.¹⁶

A review of data from 20 states during the period beginning in 1997 and ending in 2006 found no correlation between changes in juvenile incarceration rates and violent and property crime rates.¹⁷ In fact, a 2006 study of 1,500 youths that controlled for offender risk levels found that incarceration *increases* recidivism.¹⁸ A longitudinal study following 1,354 youths seven years after conviction found that incarceration and residential placement was no more effective than probation or community service in reducing future offenses, though the majority of all youths followed reported few or no illegal activities after court involvement.¹⁹

Similarly, an August 2009 study that tracked adolescent males for 20 years found that, for youths who engaged in similar self-reported property, drug, and violent misconduct, incarceration and residential placement increased recidivism, including the

likelihood of entering the adult prison system, while non-supervisory approaches involving victim and community restitution with no judicial filing were most effective.²⁰ The study attributed the negative impact of residential settings to peer contagion, where more deviant youths negatively influence their less deviant counterparts.²¹ Individual and family counseling were recommended as alternatives. While not dismissing possible benefits of group therapeutic sessions, they are susceptible—albeit to a much lesser degree than incarceration—to negative peer influences in the same way as residential settings. This is particularly true if youths are not properly sorted into different programs based on deviancy level.

Some of the most serious youth offenders age 14 and above at the time of their offense are certified to stand trial as adults, which means that they are incarcerated in county jails awaiting trial and in adult prisons upon conviction. Currently, 156 inmates under 17 are in adult prisons, a figure lower than the number of youths certified to stand trial as adults, because some reach age 17 by their trial date.²² These youths are primarily violent and sex offenders, though 35 were certified to stand trial as adults for property, drug, or unspecified offenses in 2008.²³

In fiscal year 2009, 254 youths who committed their offense while under the age of 17 were certified to stand trial as adults, an increase of 44 since 2007.²⁴ This may be attributable to a provision in Senate Bill 103 enacted in 2007 that requires youths sentenced for a determinate period to TYC to be transferred to adult prison or released to adult parole upon turning 19, whereas the previous age limit was 21. Thus, for a youth who commits a very serious crime and may have previous adjudications, prosecutors and judges may feel it is necessary to certify the youth as an adult to obtain a longer length of stay.

Of the 2,204 youths at TYC facilities as of September 2009, 1,857 were in large state-operated institutions,* 171 in residential facilities that contract with TYC, and 176 in halfway houses.²⁵ The one year re-arrest rate for offenders released from TYC is 55.57 percent, and the three year re-incarceration rate is 43.26 percent.²⁶ However, the three-year violent offense re-arrest rate for youths in TYC's nationally acclaimed Capital and Serious Violent Offender Treatment Program in Giddings is 5 percent.²⁷

* These institutions vary widely. Typically, those constructed in the 1950s and 1960s such as the Giddings State School are cottage-style with separate rooms while those built in the 1990s are more likely to be institutional, open bay-style facilities. Some of these newer open bay facilities are currently being subdivided so that there are separate rooms.

TYC has compiled an inventory of recidivism studies relating to institutions in other states, but the agency properly notes that the many different methods of measurement and variations in types of offenders seriously limit the validity of such comparisons.²⁸ This reality has led the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention to undertake a national initiative to create a uniform approach to measuring recidivism.²⁹ Currently, 20 states measure recidivism only for juveniles leaving secure facilities and of these only four states report measuring recidivism based on the program or facility a juvenile attended.³⁰ No states attempt to calculate recidivism rates grouped by specific charges, such as how many burglars re-offended.³¹ Also, most available recidivism data does not account for the type of re-offense, but clearly a violent re-offense is much more damaging than a minor in possession of alcohol re-offense.

In 2008, there were 1,582 new commitments to TYC³² versus 2,738 in 2006 and 2,327 in 2007.³³ While 57 percent of youths committed in 2008 had more than one felony referral, youths are classified by their most serious offense.³⁴ The most common classifications for juveniles sent to TYC are as shown in **Figure 1** below.

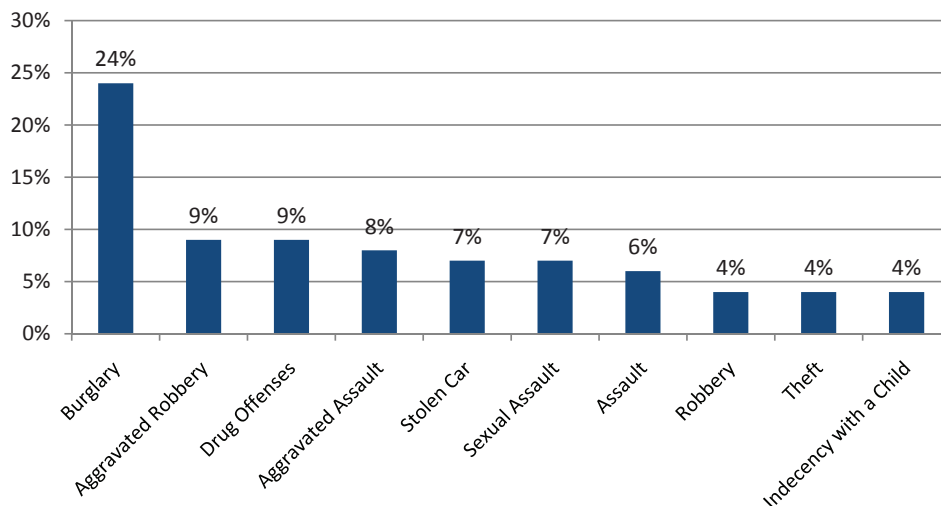
Of these commitments, 582 were for technical violations of probation. This means the youth did not commit a new offense but, rather, failed to follow probation terms. Programs funded by the CRP may focus on diverting technical violators.

Table 1. Juvenile Probation Revocations for Technical Violations

County	Youths Revoked for Technical Violations in 2008 ³⁶
Dallas	94
Harris	91
Bexar	54
Tarrant	30
Cameron	21
Lubbock	13
Ector	10
McLennan	9
Potter	9
Denton	9

Not surprisingly, the most populous counties sent the most youths to TYC for technical violations, but the numbers are not entirely proportional. For example, Travis County, the state’s fifth most populous county with 998,543 people, committed only three youths in 2008 for technical violations. Travis County has a wide array of community-based juvenile probation programs that may give judges confidence that the probation department can safely supervise these youths in the community. Similarly, El Paso County, with three times the population of McLennan County, had fewer such commitments to

Figure 1. Percent of 2008 TYC Commitments by Most Common Classification Offenses



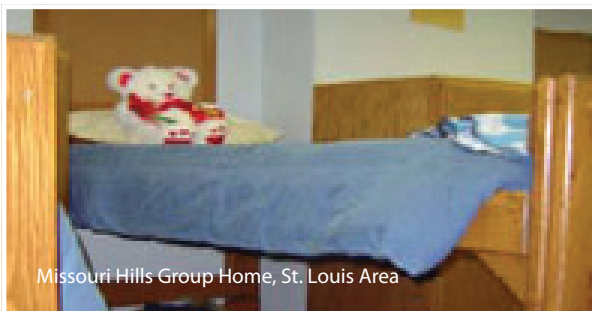
Source: "Commitment Profile for New Commitments: Fiscal Years 2004-2008," Texas Youth Commission³⁵

TYC. Though TYC commitments have declined by 58 percent since 2006, effective programs targeting technical violators through the new diversion funding could further reduce the still-large category.

In addition to TYC institutions, 32 secure post-adjudication residential facilities house 1,298 youths at any given time.³⁷ Most of these institutions are operated by probation departments, but a few are run by non-profit organizations. Given that the average stay at secure post-adjudication facilities is only 87 days, the theoretical direct public safety benefit is relatively short-term unless recidivism is lower than it would have been with a non-residential program, or the residential referral is proven to increase compliance with non-residential programming.³⁸ According to TJPC, the average one-year re-incarceration rate for secure post-adjudication facilities is 20 percent—slightly higher than TYC’s 19.18 percent one year re-incarceration rate.³⁹ By comparison, the 2008 re-incarceration rate for youths discharged from group homes in Missouri during 2007 or 2008 was 9.6 percent.^{40*}

Many juvenile probation departments also contract to place youths in non-secure residential facilities that are typically operated by private entities. Some are more similar to Missouri’s acclaimed group homes that have achieved a much lower recidivism rate than other states which rely on institutional facilities more akin to adult prisons.⁴² The Missouri group homes facilities are generally less institutional than secure facilities, and rely little, if at all, on restraints and segregation cells. However, many non-secure facilities differ importantly from the Missouri group homes because, in most cases, they accept youths from around the state and provide instruction on-site. This contrasts with the Missouri homes, which are located in the youth’s home city, where he or she attends school. Currently, 1,598 Texas youths are in non-secure facilities, for an average stay of 121 days. No statewide data is available on the recidivism rate for these facilities. In 2007, the District of Columbia created at its Oak Hill facility model units similar to those in Missouri. It found that youths leaving the model units had a 16 percent one year re-conviction rate compared with a 33 percent rate for those who had previously left the secure units.⁴³ Also, disruptive incidents were reduced 25 percent.⁴⁴

Taken together, 10,917 Texas youths were referred to a secure or non-secure residential program in 2007.⁴⁵



Source: Texas Juvenile Probation Commission Secured Facility Registry and Office of the Illinois Governor⁴¹

Table 2. Cost of Sanctions

Sanction	Cost Per Day [†]
TYC Institution	\$270.49 ⁴⁶
Secure & Non-Secure Residential Programs [‡]	\$68.75-\$169 ⁴⁷
Missouri Group Homes	\$117.95 ⁴⁸
Dallas County Juvenile Detention	\$150 ⁴⁹
Intensive In-Home Programs	\$48-\$73 ⁵⁰
Intensive Supervision Probation ^{**}	\$32 ⁵¹
Basic Juvenile Probation	\$13.98 ⁵²
Tarrant County Police Diversion with Non-Profit Provider	\$7.47 ⁵³

Sources: Legislative Budget Board, Texas Juvenile Probation Commission, Dallas County, Missouri Department of Social Services, and the Lena Pope Home.

* A May 2009 Texas Public Policy Foundation paper entitled “Keeping Our Kids at Home: Expanding Community-Based Facilities for Adjudicated Youth in Texas” (<http://www.texaspolicy.com/pdf/2009-05-PP15-community-based-jj-facilities-md.pdf>) describes how these group homes differ from large institutions and offers suggestions for implementation in Texas based on the Missouri experience in transitioning the state’s residential capacity from large institutions to group homes.

† These figures typically do not fully account for capital costs such as construction, expansion, and refurbishing of facilities.

‡ Most county-operated secure post-adjudication facilities cost between \$85 and \$120/day. The Lubbock County Juvenile Justice Center is by far the least expensive at \$68.75/day, while the Harris County Burnett Bayland Reception Center is \$142.25/day. The Phoenix House, a non-profit residential program, contracts with two Texas counties, one for \$150/day and one at \$169/day.

** This includes the cost of basic probation.

Also, at any given time there are 1,748 youths in local pre-adjudication detention facilities, with 52,255 juveniles entering at some point in the year for an average of 12.7 days.⁵⁴ These facilities operated by juvenile probation departments, which receive youths immediately upon arrest, are typically highly institutional. Nationally, the number of detained youth has tripled in last two decades.⁵⁵ Finally, a small number of youths are kept in three rural holdover facilities for periods that are typically shorter than detention facilities.

Juvenile Probation and Diversion Program Types

Of all juveniles on probation, 40 percent were re-arrested or re-referred in one year and 53 percent in two years, but these figures are from several years ago, prior to the strengthening of juvenile probation in the 2007 and 2009 legislative sessions and the recent decline in adjudications.⁵⁶ These figures also include numerous probation violations and truancy, so they are not indicative of serious or violent crimes. However, they do indicate a need to identify and replicate more effective community-based programs.

TJPC categorizes local juvenile probation programs by type, although programs often differ substantially in design and implementation. The program categories are as follows:

Anger Management/Conflict Resolution: These programs teach skills in recognizing the early onset of negative emotions and signs that lead to anger and help youths develop alternatives to anger. Learning to substitute accurate interpretations for biased ones and to consider non-hostile explanations of others' behavior are key parts of most anger management programs.

Anger management instruction is a central component of the proprietary Aggression Replacement Training (ART) program. According to a Washington State Institute for Public Policy (WSIPP) analysis of four studies, ART reduces the recidivism of juvenile offenders by 7.3 percent.⁵⁷ ART trains youths in skills such as making a complaint, understanding others' feelings, dealing with someone else's anger, keeping out of fights, dealing with group pressure, helping others, and responding to failure. Training in moral reasoning aims to instill a sense of justice and fairness in consideration of the needs of others. ART is a 10-week, 30-hour program administered to groups of eight to 12 juveniles three times a week.

Border Children Justice Projects: These programs operated by some Texas juvenile probation departments in counties that border Mexico address issues that are unique to the area, such as Mexican youths that commit offenses in Texas.

Cognitive Behavioral Therapy (CBT): Cognitive-behavior therapy is based on the assumption that the cognitive deficits and distortions characteristic of offenders are learned. These programs, therefore, emphasize individual accountability and attempt to teach offenders to understand the thinking processes and choices that immediately preceded their criminal behavior. Learning to self-monitor thinking is typically the first step, after which the therapeutic techniques seek to help offenders identify and correct biased, risky, or deficient thinking patterns. All cognitive behavioral interventions employ a set of structured techniques aimed at building cognitive skills in areas where offenders show deficits and changing thought patterns in areas where offenders' thinking is biased or distorted. These techniques typically involve cognitive skills training, anger management, moral development, social skills training, and relapse prevention.

CBT programs often focus on anger control and conflict resolution skills and emphasize personal responsibility for crimes, including challenging offenders' tendency to justify their behavior by blaming the victim. They develop victim empathy by correcting an offender's minimization of the harm their offense caused. This type of therapeutic intervention, as well as the other modern therapeutic approaches discussed herein, is distinguished from older models that tended to emphasize self-esteem. While a positive self-esteem is important for youths, the newer models recognize that it should be connected with reality, as the youth critically examines their own misbehavior, changes their ways, and, as a result, achieves higher self-esteem through the resulting positive feedback from the therapist, family, and positive peer groups.

A meta-analysis of 58 studies on CBT found that on average the programs achieve a one-year recidivism reduction of 25 percent.⁵⁸ The programs that were ideally configured achieved a reduction of 40 percent.⁵⁹

Cognitive Skills Training: Cognitive skills training aims to teach such skills as interpersonal problem-solving (with information-gathering, developing alternative solutions, and evaluating outcomes as crucial steps), abstract thinking, critical reasoning, causal thinking, goal-setting, and long-term planning. Role-playing exercises are used to help inculcate new ways of coping with situations that tend to prompt maladaptive habits and aggressive or criminal behavior. Cognitive skills training has been found to be one of the most effective approaches to reducing juvenile recidivism.⁶⁰

Early Intervention/First Referral: These programs divert status offenders,* non-serious criminal offenders, and first-time offenders from the formal court system, providing them with services intended to prevent their re-entry into the juvenile justice system. The program is available for juveniles on temporary supervision, conditional release, or deferred prosecution. In fiscal year 2009, a total of 5,144 youths began early intervention programs in 29 counties.⁶¹ The two counties with the most youths in this program were Dallas, with 1,321, and Bexar, with 1,632. In 2006, the most recent year for which statewide data is available, 70 percent of participating youths successfully completed early intervention programs.⁶²

Educational/Mentor: These programs provide tutoring and academic assistance through educational services that supplement the normal school day. Mentoring is designed to create a bond that provides emotional support and a model of appropriate behavior. Texas law obligates school districts to educate enrollees at local post-adjudication or detention centers, although the Houston and Dallas juvenile probation departments have become their own charter schools. Effective August 2009, Texas Education Agency rules codified in Chapter 89 of the Administrative Code require a full seven-hour school day at post-adjudication facilities. Previously, only four hours of instruction were required.

Electronic Monitoring: In these programs, the probationer wears a radio frequency monitor that allows the probation officer to confirm the youth is at home when required. There is limited research on whether electronic monitoring programs reduce juvenile recidivism, but one study in Utah found a positive effect.⁶³

Experiential Education: These programs involve the use of outdoor activities designed to foster cooperation, communication, and trust. Although the WSIPP meta-analysis of nine studies did not find a statistically significant decline in recidivism for participants in wilderness programs, there was a marked decline in recidivism below the significance level.⁶⁴ Steve Aos, associate director of the WSIPP, notes that their research to be published in 2010 will quantify the cost-benefit impact of programs even if they fall below statistical significance. The updated research design may indicate that, based on an estimated cost of \$3,000 per youth, wilderness programs could produce a positive net result.⁶⁵

Other studies not included in the meta-analysis found these programs reduce recidivism.⁶⁶ A 2000 meta-analysis of 28 studies found youths participating in an outdoors program had a 29 percent delinquency rate compared to 37 percent among the control group. The meta-analysis identified a therapeutic component as an element distinguishing the most effective programs.⁶⁷ University of Cincinnati Professor Ed Latessa notes that it is difficult to isolate the effect of such programs, as they often include other elements and that they are more likely to succeed when they develop skills and include cognitive interventions, rather than simply offering loosely structured recreational activities.⁶⁸

Extended Day Programs/Day Boot Camps: These programs provide a highly regimented schedule of physical training and work in a non-residential setting. Some of these programs are military-style boot camps while others are not. The WSIPP, in a review of 10 studies on juvenile boot camps, found they actually increased recidivism by 10 percent.⁶⁹ An explanation for this finding is that, while boot camps enforce discipline during the time the youth is there, any positive effects tend to wear off once the youth is no longer in a highly structured environment. In July 2009, Harris County converted its Delta Boot Camp, which is receiving \$2 million in earmarked state funding in the current biennium, into a more therapeutic program called The Leadership Academy. While exercise is still included, the military titles, uniforms, and philosophy have been eliminated. The Academy is based on evidence-based programs, including the Real Colors cognitive-based behavior change curricula that were found to re-

* Status offenses refer to conduct that is a crime only because it involves a minor, such as possession of alcohol.

duce recidivism in Maricopa County, Arizona (Phoenix).⁷⁰ The Academy includes drug and mental health treatment, as well as the non-profit Bridges to Life program added in late 2009 in which volunteers who have been victims of crime meet with youths to convey the impact of crime on their lives and discuss reconciliation and restitution. Bridges to Life has resulted in low recidivism rates among participating inmates in Texas adult prisons, with just 10.7 percent being convicted of another crime within three years of release. Only 1.1 percent of these convictions involved a violent crime.⁷¹

Family Preservation: These programs, which have been found to reduce criminal activity and incarceration among serious juvenile offenders,⁷² build on juvenile and family strengths and seek to remedy misbehavior and a lack of family cohesion in an effort to preserve and/or reunite the juvenile with their family. In the Rockwall County family preservation program, a full time master-level social worker with a caseload of eight families visits the home four days a week. The youths in this program are usually at risk of out-of-home placement, and the probation department has determined that family issues are contributing to the delinquent behavior of these youths. An advantage of these and other in-home programs is that many participating families lack transportation to a site where treatment is provided.

Female Offender: These programs address needs specific to females. In 2008, Bexar County received a grant to establish a mental health court for female juvenile offenders designed to promote treatment and divert participating girls from further involvement in the criminal justice system. Recidivism data is not yet available, but national studies have found mental health courts are associated with a reduction in criminal behavior.⁷³

Gang Prevention/Intervention: These programs seek to remove juveniles from organized gang activity and reintegrate them into acceptable social functioning.

Intensive Supervision Programs (ISP): These programs provide a higher level of control than standard probation. Youths must report more frequently to a probation officer who carries a limited caseload. For example, in Wichita County's ISP program, probation officers conduct home visits after hours, perform curfew checks, and visit youths at school. The Potter County ISP is a three-stage program with group counseling and home and school visits at each phase; regular check-ins with officers (three a week at first, tapering off

to one); and initial house arrest followed by graduated curfews in the second two phases. Potter County uses ISP for any felony classified as second degree or above, for gang-involved youths, and for juveniles who fail regular probation.

In some departments, such as Brazoria County, the ISP includes electronic monitoring. The WSIPP meta-analysis of three juvenile studies found that ISP programs do not reduce recidivism. The same organization's analysis of 23 adult studies drew the same conclusion regarding surveillance-oriented ISP programs; however, the analysis found that treatment-oriented ISP programs do significantly reduce recidivism.⁷⁴ A 2002 survey of Texas juvenile ISP programs found that more than 90 percent have control mechanisms, such as more reporting and curfews, but that only a quarter have treatment components, with just a few using victim impact panels or mentoring.⁷⁵

Life Skills: These programs seek to provide juveniles with the skills and resources needed to function as healthy, productive, responsible and independent adults. In Kerr County, youths attend weekly two hour meetings that emphasize character education and personal improvement through non-traditional classroom techniques such as open dialogs, group games, and role playing.

Mental Health/Mental Retardation: These programs involve treatment services such as counseling and medication management for youths diagnosed as mentally retarded or mentally ill.

Runaway/Truancy: These programs aim to prevent runaways or truanies by identifying youths who are absent from school and at risk of running away from home, and also by intervening to address the factors that may contribute to these behaviors.

In 2007, there were 6,529 runaways referred to juvenile probation, of which 64 percent were girls, out of a total of more than 100,000 Texas youths ages 7 to 17 who run away annually.⁷⁶

Truancy, defined as 10 or more unexcused absences from class in a semester, is a Class C misdemeanor punishable by up to a \$500 fine, with each additional absence a separate offense.

Truancy incidents in the Dallas Independent School District (DISD) increased from 5,491 in the 2007 school year to 7,920

in 2008.⁷⁷ In 2008, 750 cases filed by DISD involved parents being fined for “contributing to truancy,” an increase from 79 in 2005.⁷⁸ Districts receive a portion of truancy fines collected by courts, which is designed to compensate districts for some of the lost state funds tied to attendance, but this may also encourage an emphasis on fines as opposed to other strategies. One Dallas judge recently scolded a truant student, telling him that if he didn’t straighten up, he wouldn’t have to worry about being disciplined by his mother but rather by his “boy-friend in county jail.”⁷⁹

Fort Bend County has implemented a truancy abatement program called Saved by the Bell. A truancy officer is based at each of the three schools with the highest rates of truancy. The officers check to see the student is present. They go to the home if there is an unexcused absence. They also address special circumstances that are contributing to truancy. They have, for instance, purchased clothes for a student who did not come to school because he had none. The average age of students in the program is 16. Youths typically participate for six months. Saved by the Bell has reduced the number of disciplinary referrals by 89 percent compared to the prior year when participating youths were not in the program.⁸⁰ From a school budgeting perspective, cost-effective initiatives that result in more students staying in school can more than pay for themselves, since state school funding is primarily based on student attendance.

Sex Offender: These programs assist juveniles in overcoming sexually inappropriate behavior by identifying and correcting problematic patterns of thinking, feeling, and acting. Program services are provided by licensed professional counselors who are registered providers of sex-offender treatment. In general, less serious sex offenders are treated on a non-residential basis; more serious offenders are often sent to residential facilities or TYC. Juvenile sex offenders are particularly amenable to treatment, more so than their adult counterparts. One study found that juveniles who received treatment specific to their sex offense recidivated at a rate of 7.37 percent, compared with a rate of 18.93 percent for non-recipients of the treatment.⁸¹ The majority of juvenile sex offenders were either physically or sexually abused, or both, though it does not minimize the gravity and lasting consequences that often accompany these offenses.⁸²

Substance Abuse Prevention/Intervention: These programs, which often consist of group sessions, are designed to provide services that deter or eliminate the use of alcohol,

inhalants, tobacco, or other drugs. In Ellis County, a psychologist meets every week with 10 to 15 youths and their families to discuss how to avoid the use of controlled substances. However, programs that are simply lectures like Drug Abuse Resistance Education (DARE) have proven to be ineffective in deterring drug use.⁸³

Substance Abuse Treatment: These programs provide intensive therapeutic services by a licensed chemical dependency counselor designed to end self-destructive behavior and change thinking patterns of chemically dependent juveniles. Results from National Evaluation Data Services demonstrate that among adolescents ages 13 to 17, substance abuse treatment reduces subsequent illegal drug use and criminal activity.⁸⁴

Victim Mediation: These programs provide an opportunity for juveniles who have acknowledged committing a property offense or minor assault to come before a trained mediator to reach an agreement to provide monetary and/or direct restitution to the victim. Some agreements also call for community service. Examples of direct service restitution include graffiti cleanup and a case in San Antonio in which a youth who stole a television mowed the lawn of the victim on weekends. This form of restitution can be particularly meaningful since the parent often pays the monetary restitution.

Nine Texas probation departments operate mediation programs with 867 youth participants. Additionally, a handful of the state’s 18 dispute resolution centers (DRC’s) mediate juvenile cases referred by either law enforcement agencies or juvenile probation departments. In late 2009, Harris County Juvenile Probation revived a concerted effort to refer cases to the Harris County DRC involving criminal mischief. Thousands of such referrals were made in the 1990s when juvenile mediations were frequently conducted by the Harris County DRC, with a restitution agreement reached in 88.9 percent of cases.⁸⁵

For a case to be referred to mediation, both the victim and offender must consent. A national study of mediation programs found that 89 percent of agreements were successfully completed, resulting in much higher restitution collection rates than the traditional court process.⁸⁶ A study of four U.S. juvenile victim-offender mediation programs by found that 18.1 percent of offenders who took part in mediation committed a

new offense, compared to 26.9 percent of non-participants.⁸⁷ Of these re-offenders, 41 percent in the mediation group subsequently committed less serious offenses, compared with only 12 percent in the control group.⁸⁸ Recidivism reductions may be explained by the offender coming to fully realize the harm he has caused to an individual—a consideration that may do more to awaken a youth’s moral consciousness than the sense of merely violating a law and experiencing consequences intended to punish.

Some mediations occur prior to adjudication, in which case the youth may be diverted from juvenile probation and avoid a juvenile record, while other mediations occur post-adjudication as an addition to basic probation.

Vocational: These programs provide career-oriented education and training. While vocational programs seek to build many of the same skills as school, youths may find them more relevant because they are more directly tied to a career. In Brazoria County, the juvenile probation department contracts with Alvin Community College to provide vocational programming through its instructors. Research has found vocational training for youths on probation to be among the most effective approaches to reducing recidivism, especially insofar as employed youths are less likely than their idle counterparts to commit property crimes.⁸⁹

Diversions from Formal Probation

In addition to the various categories of probation programs, deferred prosecution by the probation department, prosecutor, or court is authorized by Section 53.03 of the Family Code for nearly all offenses. Probation departments may defer misdemeanors, whereas the prosecutor must approve felony deferrals. In 2007, the latest year for which data is available, 84 percent of the 23,924 Texas youths exiting deferred prosecution successfully completed their deferred sentence.⁹⁰ All 165 juvenile probation departments in the state use this option. For lower level misdemeanors, probation departments typically decide on the disposition of the case. An agreement is reached, usually for six months, between the probation department, parent, and youth. Deferred youths are on a probation officer’s caseload, but contacts typically occur once or twice a month, a longer interval

than with regular probation. If the youth successfully completes the deferred probationary period by not re-offending and complying with the conditions of the agreement, the offense doesn’t appear on his or her record. Youths who fail may be placed on regular probation or, if the failure involves a new offense rather than simply a rule violation, referred to the court for adjudication.

Police can divert a case even before it reaches juvenile court, either through a simple warning or by “disposition without referral to court,” as described in Section 52.03 of the Family Code or a “first offender program,” as described in Section 52.031.⁹¹ Section 52.032 states: “The juvenile board of each county, in cooperation with each law enforcement agency in the county, shall adopt guidelines for the disposition of a child under Section 52.03 or 52.031.”⁹² In September 2009, the Harris County Juvenile Board adopted guidelines stating that police may not give the warning notices referred to in Section 52.03 and that the County does not have a first offender program.^{93*} In jurisdictions where guidelines are in effect, a police officer may determine that the case falls within them. If so, police department staff or juvenile probation staff (even though the youth is not on probation) follow up to ensure compliance.

A disposition with referral to court may involve referral of the child to an agency other than the juvenile court, a brief conference with the child and his parent, or referral of child and parent to services such as crisis family intervention, family counseling, parenting skills training, youth coping skills training, and mentoring. A first offender program may involve voluntary monetary restitution; voluntary community service restitution; educational, vocational training, counseling, or other rehabilitative services; and periodic reporting by the child to the law enforcement agency.

The Tarrant County First Offender Program is a police diversion program that is jointly funded by the probation department and the Fort Worth and Arlington police departments. It is operated by the non-profit Lena Pope Home at a cost of \$7.47 per day.⁹⁴ After a youth is referred by the police department for a Class A or B misdemeanor or state jail felony, the parent—92 percent are single mothers—must consent to participation, and has seven working days to schedule an appointment. For offenses with a victim, the police department arranges a

*The County apparently takes the legal position that this statutory provision is satisfied by adopting guidelines stating that such a disposition may not be made, an approach that may not be consistent with legislative intent.

restitution agreement before referral. The Lena Pope Home program features separate classes for both the youth and parent. These last for seven weeks, with 90 days of follow-up requiring the youth to engage in pro-social activities.

The classes teach skills to modify the adolescent’s inappropriate behavior, strengthen family relationships, develop victim empathy, and improve communication and decision-making skills. The program also incorporates substance abuse and educational components, including referrals to tutoring and credit recovery for youths needing academic remediation. The completion rate is 95 percent.⁹⁵ Youths who are removed from the program, typically for failure to attend the program or school, are re-referred to law enforcement, which results in adjudication and formal probation. An audit by the Tarrant County juvenile probation department found that, of 809 graduates from 2005 to 2008, only eight were adjudicated for another offense within a year.⁹⁶ In a 2009 Legislative Budget Board focus group involving stakeholders such as probation leaders, prosecutors, law enforcement, and defense attorneys, the stakeholders recommended broad expanded use of first offender programs.⁹⁷

Similarly, an Urban Institute study of a youth police diversion program in Maryland found that the six month re-arrest rate

was only 4 percent.⁹⁸ The program targeted first-time minor property offenders, requiring them to make restitution, perform community service, write essays, and send an apology letter to the victim.

The Administrative Code requires the immediate destruction of information regarding a juvenile, including photographs and fingerprints, when the youth successfully completes disposition without referral to court, and expungement within 90 days for youths successfully completing a first offender program.⁹⁹ Expungement assists these youths in obtaining employment, admission to college, and housing for years to come.

National Research on Effective Juvenile Probation Programs

The WSIPP has published a meta-study compiling the findings of previous empirical research examining the crime reduction benefits and costs to taxpayers of various juvenile probation programs.¹⁰⁰ The benefits from reduced crime are divided into avoided taxpayer costs, including all aspects of the justice system from courts to incarceration, as well as costs to victims. The avoided cost of crime to victims reflects both the esti-

Table 3. Crime Reduction Benefits and Costs to Taxpayers of Various Juvenile Probation Programs

Program	Effect on Recidivism ¹⁰¹ (# of Studies)	Benefits to Victims ¹⁰²	Benefits to Taxpayers ¹⁰³	Marginal Cost ¹⁰⁴ (beyond basic probation)
Functional Family Therapy (FFT)	-18.1% (7)	\$35,470	\$16,686	\$2,380
Adolescent Diversion Project	-17.6% (6)	\$34,318	\$16,145	\$1,975
Sex Offender Treatment	-9.7% (5)	\$49,443	\$8,061	\$33,842
Aggression Replacement Training	-8.3% (4)	\$16,276	\$7,657	\$918
Multisystemic Therapy (MST)	-7.7% (10)	\$15,001	\$7,057	\$4,364
Boot Camp to Offset Institution Time	0% (14)	\$0	\$0	-\$8,325
Cognitive-behavioral Treatment	-2.6% (8)	\$5,007	\$2,356	No estimate
Counseling/Psychotherapy	-16.6% (6)	\$32,528	\$15,303	No estimate
Wilderness Challenge	0% (9)*	\$0	\$0	\$3,185
Intensive Probation Supervision Programs	0% (3)	\$0	\$0	\$1,650
Education Programs	-19.4% (3)	\$75,722	\$28,713	No estimate
Life Skills Education Programs	-2.5% (3)	\$9,585	\$3,635	No estimate
Other Family-based Therapy Programs	-13.3% (12)	\$26,047	\$12,254	No estimate

Source: Washington State Institute for Public Policy

* As noted above, the WSIPP meta-analysis found that outdoors programs did reduce recidivism, but not at a statistically significant level.

mated monetary and pain and suffering costs associated with various types of crime. The most relevant results are summarized in **Table 3** on the previous page.

Several of these program types are explained previously or are self-explanatory.

Functional Family Therapy (FFT) consists of 8 to 12 one-hour sessions, up to 30 sessions, and may be conducted either in an office or at home. It involves three phases. The first phase is motivation and engagement. The goals of the initial phase are to develop mutual trust, reduce negativity, minimize hopelessness, engender a strong commitment by the youth to ensure attendance at future sessions, and increase motivation for change. The second phase is behavior change in which the goals are to develop and implement individualized change plans, alter delinquent behavior, and build relational skills. Clinicians work with parents to enhance their skills in supervising the youth and develop their understanding of the behaviors associated with delinquency. The final phase is entitled generalization, in which the goals are to broaden behavior changes from the home to the youth's conduct in the school and community, prevent relapse, and identify community resources that can assist the family after the program has concluded. Studies have found that FFT reduces recidivism by 25 to 60 percent.¹⁰⁵ FFT is one of eight interventions named by the U.S. Surgeon General as a model program for seriously delinquent youths. In 2009, the Nueces County Juvenile Probation Department launched a functional family therapy program, though no results are yet available.

The Adolescent Diversion Project is a program administered by the Michigan State University Department of Psychology in collaboration with the National Institute of Mental Health and the Ingham County Juvenile Court in Lansing through which psychology students trained in behavioral therapy mentor youths one-on-one for six to eight hours per week over 18 weeks. The program is estimated to have saved \$20 million since its inception in 1976.¹⁰⁶ Although there is no Texas program exactly like this one, programs in Texas that include mentoring, including two that utilize student mentors, are discussed in the next section.

Multisystemic Therapy (MST) is an intensive family-based program involving in-home treatment that addresses the causes of serious antisocial behavior in adolescents and their families. In MST programs, trained therapists are available 24

hours a day, seven days a week and deliver family and cognitive behavior therapy. Therapists have small caseloads of four to six families and work as a team. The average treatment involves about 60 hours of contact during a four-month period. MST therapists work to empower parents and improve their effectiveness by identifying strengths and developing natural support systems, such as extended family, neighbors, friends, and faith community members. They also seek to remove barriers to the youth's success such as parental substance abuse, high stress, and poor family relationships. Parents collaborate with the therapist on strategies to set and enforce curfews and rules, reduce the youth's involvement with deviant peers, and improve his or her academic or vocational performance. MST has been found to reduce long-term re-arrest rates by 25 to 70 percent and long-term out-of-home placement by 47 to 64 percent.¹⁰⁷

The Florida Redirection initiative is centered around MST and FFT. Sites participating in the Florida Redirection program divert youths who commit rule violations on probation, as well as youths who commit a misdemeanor or a third degree-felony while on probation but have no prior adjudications for violent offenses. Diverted youths are placed in non-residential FFT and MST programs. According to the Florida Department of Juvenile Justice, the juvenile residential population has declined from 8,895 in 2004-05 to 6,402 in 2008-09, a 28 percent reduction in 5 years.

Profiles of Specialized Texas Juvenile Probation Programs with Positive Results

There is a wide range of juvenile probation programs in Texas within each of the categories listed above. Some programs do not neatly fall within one of these categories. The following programs found among various Texas juvenile probation departments are noteworthy in that they offer examples of strategies other than TYC commitment for dealing with youths who need more supervision and treatment than basic juvenile probation, and there is at least limited evidence to suggest that they are effective, based on measures such as recidivism, diversion of youths from TYC, substance use, and educational outcomes. In most instances, however, comparisons with control groups of similar youth offenders are not available, pointing to the need for further research. Nonetheless, many of these programs are based on elements of programs highlighted above that have proven effective in controlled studies. Accordingly, they offer

examples of approaches that other juvenile probation departments may seek to emulate through CRP funding and reallocation of local resources.

Juvenile Drug Courts

Some 78.4 percent of youths in the justice system are connected to substance abuse, either because of testing positive for drugs, admitting to use, being under the influence at the time of the offense, or committing an offense involving alcohol or drugs.¹⁰⁸ Upon arrest, 54 percent of youths test positive for drugs.¹⁰⁹ Fortunately, addiction can often be treated successfully, as studies have found a 50 percent reduction in drug use after one year of treatment and a 64 percent reduction in arrests.¹¹⁰

Drug courts have proven to be one of the most effective ways of diverting drug offenders into treatment. First developed in Miami in 1989, a drug court is a special court assigned to dispose of cases involving substance-abusing offenders through comprehensive supervision, drug testing, treatment services, and immediate sanctions and incentives. Drug courts feature extensive interaction between the judge and the offender and often involve the offender's family and community.

Unlike the typical judge who issues a sentence and moves on to the next case, drug court judges regularly hold hearings to follow up with the offender and monitor compliance. Successful completion of the drug court results in dismissal of the charges (pretrial diversion) or satisfaction or reduction of the sentence (reentry or intensive probation). Drug courts vary in structure, as they may target different populations at different stages in the juvenile justice process and consist of different phases.

There are 14 juvenile drug courts in Texas. One of them, the Travis County Drug Court, was founded in May 2001 to serve post-adjudicated substance-abusing youths between 13 and 17 years old. Eligible youths include not only drug offenders, but also other types of offenders whose drug use significantly contributed to their delinquent conduct. Since 2001, there have been 362 participants. The most common drug used upon entry into the juvenile system is marijuana, with 51.3 percent of youths reporting use, followed by alcohol at 11.3 percent, benzodiazepines at 3.2 percent, cocaine/crack at 1.6 percent, and other drugs at 1.6 percent.*

Participating youths must be in intensive outpatient treatment or day treatment. Youths adjudicated for a violent or sex offense are not eligible. A screening team reviews cases on a weekly basis for possible participation. The screeners are the drug court coordinator, an assistant district attorney, the social services program coordinator, and a juvenile public defender.

The Travis County Drug Court encourages juveniles to develop a drug-free lifestyle, positive social values, and strong family ties. Offenders are held accountable through weekly intensive supervision services provided by probation officers and weekly court reviews. Case management services link the youth and family to services that they may need in the community. Youths pass through three phases in six months:

Level I (30 days)

- Take three drug tests a week
- Attend court on a weekly basis
- Attend treatment as instructed
- Attend school as instructed
- Participate in family counseling if assigned
- Participate with case management services as instructed
- Experience 30 consecutive drug-free days and comply with conditions of probation in order to move to level II of the program

Level II (60 days)

- Take two drug tests a week
- Attend court twice a month
- Attend treatment as instructed
- Attend school if assigned
- Participate in family counseling as instructed
- Participate with case management services as instructed
- Experience 60 consecutive drug-free days and comply with conditions of probation to move to level III of the program

Level III (90 days)

- Take one drug test per week
- Attend court once a month
- Attend treatment as instructed
- Attend school as instructed
- Participate in family counseling if assigned
- Participate with case management services as instructed
- Experience 90 consecutive drug-free days and comply with conditions of probation to graduate

* While some participants who committed a marijuana misdemeanor may represent diversions from the local post-adjudication facility, they would not otherwise be eligible for commitment to TYC unless they had a prior felony. Problem-solving courts that focus on high-risk youths who need a greater level of structure than basic juvenile probation are likely to result in the greatest cost savings. Nonetheless, to the extent such programs prevent escalation to more serious types of reoffending, they could result in a long-term reduction in TYC commitments and costs.

Youths who relapse in Level II or III and did not attend residential treatment must start Level II over again.

The Travis County Juvenile Drug Court also services youths who are transitioning back to the community after being released from residential treatment. The minimum length of this program is four months and includes similar phases.

The Travis County Drug Court team consists of the judge, an assistant district attorney, a juvenile public defender, the drug court coordinator, a probation officer, and a treatment provider representative. The team participates in regular meetings and the weekly court sessions and assesses the juvenile's progress through the levels of supervision based on drug test results, progression in phases of treatment, and compliance with the rules of probation. The team jointly makes decisions regarding the use of sanctions or incentives.

Graduation is based on completing all phases of the program and the recommendation of the team. A graduation ceremony is held to recognize the accomplishments of successful participants. Conversely, youths may be expelled for non-compliance with treatment requirements, continued drug or alcohol use, or violations of probation terms.

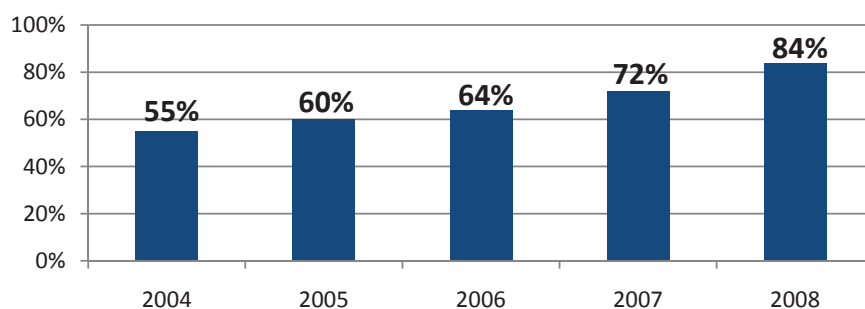
The evidence indicates that the Travis County Drug Court has been highly effective. An increasing number of participants have not re-offended within a year, with 84 percent not recidivating in 2008.¹¹¹ Additionally, 78.7 percent of participants have refrained from alcohol or drug use within six months of completing the program.¹¹² These outcomes are particularly impressive given the challenging composition of the population. Discharged juveniles averaged 6.8 referrals, and 43 percent had mental health problems.¹¹³

The Tarrant County Juvenile Drug Court is similarly structured and also has a strong record of success. As in Travis County, the youth is placed on deferred disposition and, upon completion of all phases, the judge dismisses the case and seals the court record. Along with substance abuse treatment, the Court provides opportunities for youth to improve school performance, decision-making, self-esteem, job skills, physical health, social behaviors and relationships, and community participation. The program typically lasts six months, but can be as long as a year in the most intensive cases. Since its inception in 1999, more than 1,300 juveniles have successfully completed the program.¹¹⁵ Over 80 percent of the youths have completed it successfully, including more than 92 percent in 2008.¹¹⁶ Recidivism rates have been collected on graduates since 2000.¹¹⁷ At three months after graduation, 95 percent of participants had not been re-referred for any juvenile offense.¹¹⁸ At six months, 94 percent had not been re-referred.¹¹⁹ Since 2006, recidivism rates upon two years following graduation are less than 10 percent.¹²⁰

In Bexar County, the 386th Juvenile Drug Court includes both pre-adjudication and post-adjudication components. Pre-adjudication youths avoid the consequences of having an offense on their record by successfully completing the program. Youths are eligible for the pre-adjudication program only if they are charged with a first-time misdemeanor drug offense. In Texas, marijuana possession in small quantities and alcohol possession are misdemeanors, while possession of other illegal drugs is a felony. Seven probation officers supervise these youths, although they are formally on deferred prosecution, not probation, as they have not been adjudicated.

Low-risk youths charged with drug misdemeanors are placed on deferred prosecution without the intervention of the drug

Figure 2. Travis County Juvenile Drug Court: Percent of Youths Who Did Not Re-Offend Within One Year



Source: Travis County Juvenile Probation Department¹¹⁴

Table 4. Bexar County Juvenile Drug Court Outcomes

Program Type	# of Participants	# of Youths Not Re-Offending in 1 Year	% of Youths Not Re-Offending in 1 Year
Pre-Adjudication Drug Court	1,173	1,025	87%
Post-Adjudication Drug Court	19	19	100%

Source: Bexar County Juvenile Probation Department

court. High-risk youths are placed in the pre-adjudication drug court, appear before the court on a monthly basis, and are subject to closer supervision by probation officers than are low-risk youths.

High-risk youths must progress through three phases to successfully complete the drug court program. The six-month contract can be extended for another six months if necessary. The three phases and advancement criteria are similar to those in Travis County, but also incorporate compliance with curfews, school attendance, and participation in recreational fellowship.

The Bexar County Post-Adjudication Juvenile Drug Court program targets youths between ages 13 and 16 and, unlike the pre-adjudication program, includes youths at the felony drug possession level. The parent and youth must be willing to participate, and the youth must be enrolled in school, be on probation, and have a history of illegal substance abuse. Sex offenders and violent youths who have a history of dealing or manufacturing drugs are generally not allowed in the program. The Drug Court Team includes: Judge Laura Parker; the defense attorney; the district attorney; a unit supervisor; a probation officer; Mid-Coast Family Services, a non-profit treatment provider; and a vocational services supervisor. Together, the team assesses the needs of each youth and their family, the positive and negative behaviors of the youth, and the extent and pattern of the youth’s drug use.

The youth and family sign a contract providing that if they follow the phases of the post-adjudication drug court, the program lasts approximately six months. However, if sanctions are needed, they are informed that the youth could remain in the program for up to 18 months. Additionally, each youth must attend intensive substance abuse counseling and appear be-

fore the judge every other week to provide an accounting of their progress. The probation officer conducts visits in the office, at school, and at home to monitor compliance. The final component of the drug court is recreation and community service, which has included community clean-up projects and work at a food bank.

The Bexar County Juvenile Drug Court has been highly successful in both pre-adjudication and post-adjudication cases (see Table 4).

VOICES Wraparound Program

Wraparound programs include an intensive, individualized care management process for youths with serious or complex needs. The wraparound approach was first developed in the 1980s as a means for maintaining youth with the most serious emotional and behavioral problems in their home and community. During the wraparound process, a team of individuals connected with the youth (e.g., family members, other natural supports, service providers, and agency representatives) collaboratively develop an individualized plan of care, implement this plan, and evaluate success over time.

The wraparound plan typically includes formal services and interventions, together with community services and interpersonal support and assistance provided by friends, kin, and other people drawn from the family’s social networks. The team convenes frequently to measure the plan’s components against relevant indicators of success.

Wraparound programs address the fragmentation of services by coordinating the services available to the youth through the probation department, mental health agency, the school system, and social service agencies. As part of this holistic approach, such programs seek to avoid duplication of efforts.

In 2005, Van Zandt County created the VOICES (Vocational Occupational Initiatives Creating Employment) program, a wraparound program that identifies personal risk factors and gives each at-risk youth resources and support to overcome individual challenges. Youth who enter the VOICES program are 10 to 17 years old, the average being 15. The program is designed to serve 120 youths.

Upon completion of a mental health assessment, youth are referred to appropriate services. Services include vocational education training, GED assistance, mental health services,

community service learning, and substance abuse treatment. Licensed substance abuse and mental health counselors meet with youths who have needs in these areas on a weekly basis. This reduces the time in which the youth is idle and matches individualized services and support networks to the youth.

Vocational trainers with experience in a wide variety of occupational trades are contracted to provide direct services on a weekly basis. Employers in the community have been engaged to provide job sites. Service learning is also a key feature of the program, as participating youths have completed more than 7,800 community service learning hours.¹²¹

From September 2005 to August 2009, only 27 of the 272 participating youths (10.1 percent) re-offended by committing a Class B misdemeanor or above before turning 18.¹²² Only three were discharged unsuccessfully.¹²³ Only 14 youths in VOICES have been placed in a residential program.¹²⁴ Some 237 have successfully completed probation.¹²⁵ A national study of a wraparound program found similar results, with youths not in the program being three times more likely to commit a felony than those enrolled.¹²⁶

Southwest Key Wraparound Program

Southwest Key, a non-profit provider of non-residential juvenile services, operates the Connections Program, also known as Alternatives to Out of Home Placement, in Travis and Dallas counties. The program targets probation youths with significant treatment needs who might otherwise be placed in residential programs with intensive services over a three to six month period. It includes daily supervision contacts combined with case management, therapeutic intervention, basic skills development, and activities to encourage positive interactions between family members or identified social supports. Some group counseling sessions include family members and are based on a curriculum designed to strengthen the family.

The following elements are included in the program:

- 24-hour Crisis Intervention and Safety Planning
- Comprehensive Assessments
- Coordination and Facilitation of Youth & Family Support Teams
- Educational Support
- Clinical Support Services
- Group Counseling
- Case Management

- Linkage to Community Resources
- Vocational Readiness Support
- Discharge Planning
- Aftercare

The program is typically staffed with a program director, an administrative assistant, a full-time therapist, case managers, and part-time case aides. The case manager-to-youth ratio is 1 to 12, with a maximum caseload of 15 youths per case manager and one clinician for every 30 youths. At least one contact is made with the youth every day, including holidays and weekends.

Results have been impressive. Some 94 percent of participating youths avoided an out-of-home placement, and 84 percent did not commit a new offense.¹²⁷ The program costs \$62 to \$73 a day,¹²⁸ about half of the \$120 per day cost of residential placement.

Travis County Collaborative Opportunities for Positive Experiences & Harris County Juvenile Mental Health Court

A mental health court is a specialized court docket that employs a problem-solving approach to court processing in lieu of more traditional court procedures for certain defendants with mental illnesses. The Travis County Collaborative Opportunities for Positive Experiences (COPE) program is part of the Travis County Juvenile Mental Health Court and is designed to divert youths who have committed an offense with a mental health disorder from a residential setting and further involvement in the justice system. It is the first pre-adjudication juvenile mental health court program in the state. Participating youths are on deferred adjudication. To complete the deferred adjudication successfully, the youth must fulfill all phases of the program, as well as any conditions of basic deferred adjudication, such as restitution to the victim.

The key elements of the COPE mental health court program are:

- A judicially supervised, community-based treatment plan is developed for each youth participating in the court, which a team of court staff and mental health professionals design and implement.
- Participants receive needed mental health services, such as psychiatric evaluation, medication management, and

individual and family therapy conducted both in and out of the home.

- The team assigned to the youth consists of the mental health court judge, the assistant district attorney, the juvenile public defender, the mental health court project coordinator, two deferred prosecution officers dedicated to COPE cases, the director of assessments, and a psychologist from the Travis County Juvenile Probation Department who participates as needed.
- Juveniles progress through the program based on a level system with decreasing levels of supervision.
- Participants are held accountable through a contract and regular reviews before the judge. Sanctions may be imposed by the court for non-compliance. Examples of sanctions are requiring the juvenile to write a paper related to an incident, community service hours, and being retained longer on a level of supervision. Positive incentives such as gift cards are also offered for exemplary compliance.
- Based on compliance, the program lasts a minimum of six months and a maximum of one year.
- A team member engages with the school district to ensure the youth receives appropriate educational services.

Of the participants, 58 percent are 10 to 14 years old, 21 percent are 15, 19 percent are 16, and 2 percent are 17. The majority—58.2 percent—have committed a misdemeanor. Most of these misdemeanants—41.8 percent—committed a violent offense; the others committed a drug, property, or other offense. Approximately half of the felony participants committed a violent offense. Bipolar disorder afflicts 29.1 percent of participants, depressive disorder 23.6 percent, and major depression 10.9 percent. The remaining participants have been diagnosed with Attention Deficit Hyperactivity Disorder (ADHD), anxiety disorder, autism, or another mental illness.

Of the participants in the program during 2008, 69.1 percent have completed the program and 65 percent of those discharged in 2008 have not committed another offense.¹²⁹ This recidivism rate is significantly lower than the baseline one year re-offense rate of 66 percent for the state Special Needs Diversionary Program that targets mentally ill youth offenders, a group that is generally more likely to recidivate than non-mentally ill offenders.¹³⁰

In February 2009, Harris County began a juvenile mental health court, with procedures similar to those in Travis County. All types of youth offenders whose conduct is a result of a serious emotional disturbance are eligible. Some 50 percent of detained youths in Harris County have symptoms of mental illness.¹³¹ One of the conditions for entering the program is parental consent.

Upon entry, systems of care coordinators, who are part of the mental health court team, refer the families for the services and treatment that are needed. Services are provided through either the local Mental Health and Mental Retardation Agency (MHMRA) or private providers. Therapists may meet with the youth and family up to four times a week. Medications are financed primarily through Medicaid, so there is no additional medication cost attributable to the mental health court. The parent and child must meet with the judge every two weeks to discuss their progress. The program lasts a minimum of six months, and this period may be extended if the youth and family demonstrate a need for further intervention. Of the 20 initial juveniles in the program:

- Fifteen have successfully graduated or are slated to graduate¹³²
- Three have been placed in therapeutic residential facilities for more intensive services¹³³
- One has been removed from the program due to failure to comply with court conditions¹³⁴
- One has moved out of state¹³⁵

In other states, juvenile mental health courts have produced positive results. For example, the Santa Clara Juvenile Mental Health Court in California reports a reduction in recidivism from 25 percent for probation youths to 7 percent for program participants.¹³⁶

Juvenile Detention Alternatives Initiative

The Juvenile Detention Alternatives Initiative (JDAI) is a project of the Annie E. Casey Foundation designed to assist local jurisdictions in developing policies and alternative options for appropriate youths that enable them to prioritize their use of detention facilities and ensure that, for those youths who require detention, the facility is accountable for its performance. JDAI is being implemented in 110 jurisdictions in 27 states and the District of Columbia.¹³⁷ Some 61 percent of U.S. youths reside in a jurisdiction where JDAI is in place.¹³⁸ One of the original sites was Cook County (Chicago) where, prior to JDAI, 34 per-

cent of detained youths were held for technical violations of probation or status offenses.¹³⁹ Nationally, 71 percent of youth in detention are charged with nonviolent offenses or technical probation violations.¹⁴⁰

Prioritizing the use of detention offers significant benefits. A Florida study found that the odds of a previously detained youth being committed to a long-term residential facility or state institution are 3.22 times greater than that of a youth offender who has never been detained, even after controlling for age, race, gender, residence location, offense seriousness, number of offenses charged, and referral status.¹⁴¹ The average cost to operate a detention bed is \$54,995 in Dallas County, and, nationally, the cost of building, financing and operating a single bed over 20 years is approximately \$1.5 million.¹⁴²

Among the elements of JDAI are:

1. **Collaboration.** Typically, a panel is established that includes probation leaders, a representative from the prosecutor's office, a police department representative, a school system leader, representatives of social service agencies, and key community leaders such as victim advocates, and non-profit service providers. They work together to develop policies and practices, explore alternatives to the use of detention, promote reforms, and monitor progress. Some sites establish work groups on particular topics such as case processing, conditions of confinement, and risk assessment. Examples are available of interagency working agreements that have been reached throughout the country.¹⁴³
2. **Data-Driven Decisions.** Each JDAI site gathers data on the detention population and number of referrals to detention. The data also includes background information on each of the youths who are detained, such as type of offense and the rationale for detention. Performance measures are established and tracked. For instance, the probation department in Santa Cruz, California regularly reports the number of fights and staff injuries in detention.
3. **Objective Admissions Criteria and Instruments.** The use of a risk assessment instrument to determine whether a juvenile should be placed in detention is central to JDAI. While House Bill 3689, the sunset legislation for TYC and

TJPC enacted in 2009, requires juvenile probation departments to administer such an inventory at the time of court disposition,* this occurs well after a youth may have been detained. Only a small percentage of Texas probation departments use a detention screening instrument that differentiates youths likely to flee or commit new crimes prior to their hearing from other youths unlikely to do so.¹⁴⁴

While the decision on whether to detain a youth has traditionally been based on individuals' subjective judgments, actuarial instruments have been developed that assign points to different factors that have been proven to be predictive of whether a youth will flee or commit an offense prior to their court hearing.¹⁴⁵ Objective criteria and instruments are particularly valuable, because in various jurisdictions numerous entities such as police, probation, parole, and courts may refer youths to detention, and they may base their recommendation for incarceration on factors that are not correlated to the level of risk that the youth would pose in the community.

The detention screening instrument that is part of the Ohio Youth Assessment System (OYAS) developed by University of Cincinnati Professor Ed Latessa and his colleagues includes six factors that take 10 minutes or less to determine. They are: a prior offense, felony or misdemeanor, age of first contact with the juvenile justice system, arrest of a family member, difficulty controlling anger, and negative attitude towards the juvenile justice system.¹⁴⁶ The instrument has been validated, meaning that it has been tested to demonstrate that the higher the risk level of the youth, the more likely he is to be re-arrested and/or not appear in court, and that each of the included elements is correlative with such failures.¹⁴⁷

4. **Non-Secure Alternatives to Detention.** Many JDAI sites use detention alternatives, such as home confinement, day or evening reporting centers for youth who need structured activities and lack proper supervision during that time, and shelter care.

Home confinement program staff monitor youths through frequent, random, and unannounced contacts both in person and by telephone. Youths must observe a tight curfew and out-of-home trips are limited to pre-approved activities

*Pursuant to this legislation, TJPC has developed a validated risk and needs assessment to be administered prior to disposition that is being adopted statewide in early 2010.

such as school and church. Home confinement programs have achieved 90 to 95 percent success rates, as measured by the number of youths who show up for their hearings and do not re-offend during that time.¹⁴⁸ The Dallas probation department uses seven programs as alternatives to detention: a day reporting center; in-home intervention three times a week, provided by Eckerd Youth Alternatives; GPS monitoring; specialized supervision caseloads; home detention; intensive supervision; and in-home supervision twice a week, provided by Southwest Key. Of 2,296 youths in these programs, only 104, or 4.5 percent, re-offended prior to adjudication, compared to 10 percent of youths not in a program.¹⁴⁹ Harris County is exploring the use of an electronic monitoring and an evening reporting program.

Shelters may be used for youth who need 24-hour supervision or who are homeless. As part of JDAI, Harris County began using the Kinder Shelter instead of detention for youth referred for certain delinquent conduct offenses, usually assaulting a family member. The shelter includes a full education program and counseling for the youth and family to resolve their immediate crisis so the youth can return home.

Ongoing evaluations of youths and their family situations should be used to assess whether there is sufficient progress to allow the detained youth to be moved to a less restrictive environment.

In Santa Cruz, Calif., detention of Hispanics was reduced by assigning Spanish-speaking probation officers to youths whose families do not speak English.¹⁵⁰ Better communications with the parent enabled the department to confirm in additional cases that the parent provided a suitable home environment and would ensure the youth appeared for their court date.

5. **Case Processing Reforms.** In the nation's largest cities, half of all juveniles charged with an offense waited more than 90 days for a final court disposition according to a 1986 study prior to many of these jurisdictions adopting JDAI, increasing the chance of extended detention.¹⁵¹ An initial source of delay is the filing of the petition by the prosecutor.

Although not a JDAI site, the Tarrant County Juvenile Board has addressed this challenge by adopting a new

policy specifying that if a child is detained, the district attorney must file a petition within three days. In 2008, Harris County District Attorney Pat Lykos changed the prior practice of filing petitions on Class B misdemeanors, which had resulted in backlogged dockets and was contrary to the most Texas jurisdictions' practice of resolving these cases within the probation department. Under the new policy, these youths receive deferred prosecution, which was projected to result in 4,000 fewer filings in 2009.¹⁵² The decline in filings is achieving considerable savings through the placement of fewer youths in detention and the reduced use of taxpayer-funded appointed counsel and prosecutorial and judicial resources.¹⁵³ Given that these youths would have received probation in any event, the absence of a formal filing does not reduce accountability or supervision.

Another JDAI case processing practice adopted in Broward County, FL (Fort Lauderdale) is weekly reviews of youths in detention. Staff and supervisors review each case to determine if a change in status is warranted due to a reduction in charges by the prosecutor. If the youth is waiting for residential placement, staff members check to see whether a slot has opened. Court dates are verified to make sure the youth does not stay longer due to a missed court appearance. These reviews have been effective in reducing the number of youths detained.¹⁵⁴

6. **Special Detention Cases.** This element of JDAI involves the use of tailored approaches for limiting the use of detention for youths in certain categories. These include juveniles detained on warrants, those detained for probation violations, and those detained pending possible residential placement.

Research has found that juveniles detained on warrants often bypassed risk screening and that their failure to appear was sometimes because of poor recordkeeping and notification, such as delivery of hearing notices to the wrong address.¹⁵⁵ Mike Griffiths, chief juvenile probation officer for Dallas County, notes that the department mails notices to a verified address to remind the family and youth of the hearing.

Cook County lessened the use of detention for warrant cases by creating two categories of warrants. One for more serious wrongdoing carries a 36-hour detention

hold until a hearing while other no-shows, such as those scheduled to appear for a less serious first-time offense, receive a type of warrant that allows an intake worker to screen the youth over the phone and authorize detention, evening reporting, or release.

Discrete guidelines can be created to establish criteria for the admission into detention of those probation violators who did not commit a new offense. Cook County reduced detention use for violations of probation by implementing a grid of intermediate sanctions that includes sanctions such as admonishment, required counseling, curfews, increased officer contacts, school detention, and house arrest.

In addition to day and evening reporting centers, another strategy used by some JDAI sites for probation violators is weekend work crews where youths perform work service under direction of probation or law enforcement officers.

7. Conditions of Confinement. JDAI seeks to ensure detention facilities are not plagued by poor conditions and crowding that undermine the management of youths and may expose the entity operating the facility to litigation. JDAI sites monitor conditions by creating self-inspection teams of local volunteers who interview youth, staff, and administrators in addition to reviewing documents on policies and procedures. These teams are trained in rigorous standards and how to measure whether they are being met. After inspecting the facility, teams prepare a report on their findings and monitor the extent to which their recommendations for corrective action are implemented.

Harris County was funded by the Casey Foundation to implement the JDAI in September 2006. The probation department first developed a risk assessment instrument to determine whether the youth should be detained or released with or without programming, based on validated assessments used by other JDAI sites. Harris County is validating its own instrument by applying it retrospectively to 300 prior cases to see how well the instrument predicted whether the youth would fail to appear or commit a delinquent act before their hearing dates and testing its consistency across a field of multiple users. The instrument was implemented in February 2009 and has been administered in more than 1,000 cases.

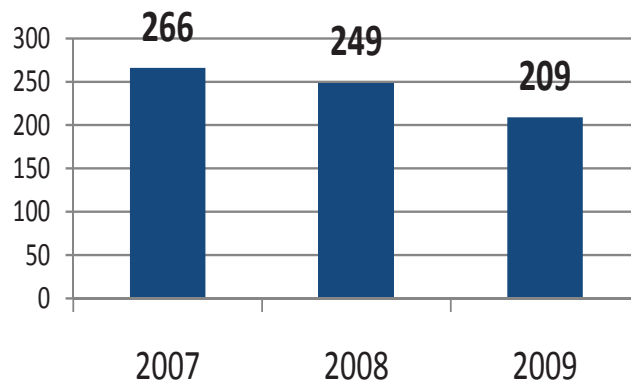
Like the Dallas risk assessment instrument, the Harris County instrument utilizes a point system. The categories are: most

serious alleged offense; number of additional charges in the current referral; prior adjudications of delinquency; pending petitions; number of prior warrants for which the youth did not appear; and failure to comply with conditions of release. Detention is mandatory for offenses involving a firearm and runaways. Even if the score indicates detention, the decision can be overridden if:

- The parent, guardian or custodian presents a viable and realistic plan of supervision between release from detention and the scheduled court appearance.
- There is no significant injury to a victim, no evidence of intent to injure, and a parent, guardian or custodian is available to monitor youth with an acceptable supervision plan.
- The juvenile has medical or psychiatric needs that would be better served with community or parental supervision.

In conjunction with JDAI, Harris County is utilizing MST for youths diverted from detention. Harris County has also sought to minimize detention periods by instituting weekly meetings of the health/mental health services representative, probation officer, placement coordinator, and others involved in the case to determine whether an alternative to detention has become feasible.

The implementation of JDAI has resulted in substantial declines in the number of youths in detention in both Dallas and Harris counties. This is consistent with the 35 percent reduction in detention at JDAI sites nationally.¹⁵⁶ In 2006, Dallas County had approximately 300 youths in detention, with an average stay of 23 days.¹⁵⁷ Following the implementation of the JDAI, the average detention population has declined to 240.¹⁵⁸ This has enabled Dallas County to budget at least four fewer 12-bed dorms, producing savings of more than \$1 million dollars for the 2010 fiscal year. While many factors affect the prevalence of juvenile crime, the rate at which juveniles are referred to probation for felonies in Dallas County has declined since the implementation of JDAI. The rate dropped from 88 per 100,000 youths in 2006 to 83 per 100,000 youths in 2008.¹⁵⁹ Moreover, new delinquency filings in the Dallas County juvenile courts have declined from 2,884 in fiscal year 2006 to fiscal year 2009 to 1,768 in fiscal year 2009.¹⁶⁰

Figure 3. Harris County Average Daily Detention Population

Source: Harris County Juvenile Probation Department¹⁶¹

Harris County has saved 25 percent on detention costs and has closed the 50-bed Westside Detention Center.¹⁶² Some 95 percent of Harris County youths who are diverted from detention show up for their court hearings.¹⁶³

Given that Harris and Dallas counties have achieved cost savings while still holding youths accountable, other Texas counties should consider the elements of the JDAI that they can implement without grant funding. As many Texas counties ask all county departments to tighten their belts to cope with declining revenues, county leaders and juvenile departments must always ensure that public safety—one of the core functions of government—is not jeopardized simply to save money. Implementing policies and practices that ensure appropriate alternatives to detention are available for youths who do not pose a danger and can otherwise be brought to court can produce savings without undermining public safety. Moreover, it can help juvenile probation departments respond to budget pressures without sacrificing the level of supervision that probation officers provide and evidence-based specialized non-residential programs that deliver the greatest return on taxpayers' investment in reducing crime and producing positive outcomes.

Dallas County Youth Villages Program

Youth Villages programs operate in more than two dozen localities in 10 states, with Dallas County as the sole Texas location. Since 1994, the Dallas County Juvenile Probation Department has contracted with Youth Villages, a non-profit organization, to provide intensive home services to youths who would otherwise be placed in residential facilities. The program includes youths who have committed offenses such as theft, family violence, assault, and drug possession.

Upon entry to the program, some 98 percent of participants have behavioral disorders and 66 percent have a substance abuse problem. The majority—57 percent—are 15 or 16 years old. Another 33 percent are 14 years old or younger, and 10 percent are 17 or older.

The program is based on MST and emphasizes strengthening the family's capacity to provide proper supervision for the youth. Family counselors have small caseloads, enabling them to meet with the family at least three times a week during the three-to-five month treatment period.

The counselors begin by conducting a thorough family, school, peer, and community assessment to pinpoint both positive and negative influences on the youth. To build on the strengths and address the weaknesses in the youth's life, the counselors identify specific goals and assign measurable tasks to the youth and his family. Counselors assist parents with implementing consistent disciplinary and communications strategies for managing the youth's behavior at home and in school. Counselors also aid parents in building relationships with the teachers and help the youth develop positive peer relations. Furthermore, counselors engage extended family members who can be sources of support. Counselors are available 24 hours a day, seven days a week to address crises. The family and youth are held accountable with progress monitored on a daily and weekly basis.

The Dallas program has produced impressive results. Through June 2009, 72 percent of youths who completed the Villages MST program reported no trouble with the law within the 24 months following the program.¹⁶⁴ This result is consistent with

the findings of randomized national studies on the impact of MST on juvenile recidivism. A study of South Carolina youths found that, at a 59-week follow-up, youths receiving MST were 43 percent less likely to be re-arrested than their counterparts.¹⁶⁵ Another study found a 37 percent decline in recidivism among juvenile probationers in an MST program.¹⁶⁶

The Dallas Villages MST program has also been successful on other benchmarks. Six months after completing the program, 87 percent of youths were either in school, had graduated from high school, or were in GED classes.¹⁶⁷ After 24 months, only 16 percent of participating youths had been placed in a residential facility, with 10 percent entering a correctional facility, 5 percent entering a residential treatment center, and 1 percent entering a psychiatric hospital.¹⁶⁸

Front-End Diversionary Initiative

The Front-End Diversionary Initiative (FEDI) is a diversion program designed for youth offenders with mental illness. The program is currently operating in Dallas, Lubbock, Bexar, and Travis counties with financial support from the John and Catherine T. McArthur Foundation and the *Models for Change* Mental Health and Juvenile Justice Action Network (MHJJAN). The four sites began implementing FEDI in February 2009. More than 95 youths and families are engaged. The centerpiece of the program is the use of Specialized Juvenile Probation Officers (SJPOs) who are uniquely trained to manage this challenging population. As a pre-adjudication program, FEDI offers successful participants the opportunity to avoid an adjudication on their records that would be detrimental to their future.

Youth arrested for offenses that make them eligible for deferred prosecution are screened to identify those with a significant mental illness, such as major depression or schizophrenia. In Lubbock County, the SJPO assigned to FEDI checks all youth referred with the Mental Health and Mental Retardation Center (MHMR) to identify entering youths who have had previous contact with the mental health system. Additionally, other youths who are eligible for deferred prosecution are considered for the program if the results of a screening instrument—the Massachusetts Youth Screening Instrument (MAYSI)—indicate a mental health problem. The MAYSI is a 52-question exam that covers seven domains: alcohol/drug use, anger and irritability, depression and anxiety, somatic complaints, suicidal

ideation, thought disturbance, and traumatic experience. Also, the intake officer or behavioral health coordinator who meets with youths in the detention center may recommend that they be included in FEDI based on their observations, even though there is no prior contact with the mental health system and no indication of mental illness on the MAYSI.

After a youth is identified for possible participation in FEDI, an SJPO meets with the youth and family. The family's willingness to participate is determined, as it is a precondition for participation. The officer obtains background information on the youth and family and administers the Ohio Youth Problem, Functioning, and Satisfaction Scales, an assessment that consists of norm-referenced self-reporting measures and behavioral rating scales.*

The parent and officer also fill out a version of the Scales. Among the items on the Scales: whether the youth has had behavioral problems within the last 30 days, such as getting into fights, using drugs or alcohol, skipping school, and hurting himself. Other items concern positive behaviors such as getting along with friends and family, caring for health needs, being motivated, completing household chores, and accepting responsibility for actions. Another part of the inventory assesses the level of satisfaction with any mental health services received so far.

In the first of week of FEDI participation, the officer completes an individualized case plan that is discussed with the youth and parent. After any changes are agreed upon, the youth and parents sign the plan and are given a copy. The SJPO coordinates with the local MHMR agency, treatment providers, and school officials to ensure that the youth is receiving appropriate care, complying with medications, and maintaining good attendance and behavior at school. The program consists of three phases:

- **Phase I (two months):** Contact with the juvenile at least three times a week. Contact with the parent/guardian at least twice a week. Contact with the mental health provider at least once a week.
- **Phase II (two months):** Contact with the juvenile at least twice a week. Contact with the parent/guardian at least once a week. Contact with the mental health provider at least once a week.

*An example of the Scales is available online at: http://www.ct.gov/dcf/lib/dcf/programs_and_services_data_collection_and_reporting_system/psdcrs_forms/ohio/osyouth.pdf.

- **Phase III (two months):** Contact with the juvenile at least once a week. Contact with the parent/guardian at least once a week. Contact with the mental health provider at least once a week.

Throughout the phases of the program, SJPOs hold weekly meetings with the youth and family and utilize motivational interviewing, a method of therapy that identifies and mobilizes the client's intrinsic values and goals to stimulate behavior change. Motivation to change is elicited from the client, and not imposed from without. It is assumed that ambivalence or lack of resolve is the principal obstacle to be overcome in triggering change. In an example of motivational interviewing, an officer may ask a youth questions designed to elicit self-motivational statements such as, "What are you afraid might happen if things continue as they are?" and "What might be some advantages of changing your behavior?"¹⁶⁹ Motivational interviewing has been designated by the National Institute of Corrections as one of eight evidence-based practices that contribute to reduced recidivism.¹⁷⁰

The SJPO also develops a plan to be used in the event of a crisis. SJPOs maintain small caseloads of 15 youths or fewer in order to provide close supervision. The officers receive intensive, specialized training in supervision of mentally ill offenders. All Texas SJPOs underwent extensive training in motivational interviewing, family engagement, crisis intervention, and quality case management from October 2008 through February 2009.*

After six months of deferred prosecution, youths who comply with the individualized case plan are released from supervision, unless the judge orders additional time in the program. The Ohio Scales are completed once again by the youth, parent, and SJPO to document behavioral progress. Aftercare planning is used to prepare the youth and family for transition out of the program.

Youths who engage in delinquent behavior are removed from the FEDI program and referred to formal probation. In Dallas County, 34 youths have gone through the program beginning in February 2009 of whom 17 remain engaged in it. Five of the 17 have violated the conditions of their deferred prosecution agreement.¹⁷¹ Mr. Griffiths finds the success rate

encouraging, given the high recidivism typically associated with mentally ill offenders.¹⁷²

Inspire, Encourage, and Achieve/Ben's Kids

The privately-funded Inspire Encourage and Achieve/Ben's Kids (IEA) program in Jefferson County is distinguished by its three prongs: 1) services provided in detention, 2) outreach services in transitioning from detention, and 3) summer camp. The two follow-up aspects of the program seek to ensure youths do not return to the same pattern of behavior that landed them in detention. Participating youths are ages 10 to 17. Serious sex offenders and offenders with extreme mental health problems are excluded.

In detention, the program provides individual and group counseling, including anger management and substance abuse intervention and education. Counselor interns are provided by nearby Lamar University. The program also includes literacy instruction through instructors certified in the Read 180 curriculum. This curriculum has been validated in national studies, including one study of Florida students finding that those taught in the Read 180 curriculum performed nearly three times as well as the control group on a standardized test.¹⁷³ An art program is provided through the Art League of Beaumont, and youths have painted murals on the bare walls of the detention center. There is also one-on-one mentoring, led by paid mentors. Services are jointly coordinated through the court, attorneys, probation officers, parents, and schools. A speaker series entitled "You Can Change Your Life" features leading professionals who emphasize how they worked their way up from humble environments to launch successful careers in fields such as business and law.

Once the youth is discharged from detention, outreach services are provided with the goal of reducing recidivism and avoiding residential placement and detention.

Some of the services mirror those provided in detention, such as individual and group counseling, including anger management and substance abuse intervention and education, and one-on-one mentoring, though the outreach mentors are volunteers. The outreach component of the program also includes case management and academic remediation, which involves tutoring and literacy instruction. Other elements in-

*In December 2009, TJPC began offering training for the Specialized Officer Certificate initiative in conjunction with the Mental Health and Juvenile Justice Action Network (MHJJAN) through the support of the John D. Catherine T. McArthur Foundation.

clude parent counseling, a therapeutic arts curriculum called Sidewalks, and the “Do the Write Thing” challenge, a violence prevention program in which youths write poems and essays about violence and the potential for inner change. There are twice monthly meetings with mentors and other volunteers and access to personal development opportunities, including career counseling sessions.

Some youths participate in the final element of the program, a seven-week summer camp called Camp Brightstar. Youths take part in activities that focus on personal growth and development as well as character-building. Guest speakers discuss issues such as health, hygiene, etiquette, career planning, financial empowerment, citizenship, and life skills. In 2008, the camp added the Freedom Schools Program, a literacy-focused educational program that addresses academic, social, and emotional challenges.

Reading is central to the Freedom Schools Program, as a 30-minute reading aloud activity opens every day. Children, parents, and staff are read books that focus on the theme “I Can Make a Difference.” Parental involvement is emphasized, as parents assist in the educational program and community service projects. Nationally, the Freedom Schools Program serves 9,000 children in 61 cities and 24 states. Since 1995, over 70,000 children have participated in Freedom Schools, and more than 7,000 college students and 1,500 adult site coordinators and project directors have been trained to deliver the program. Research found that students who participated in the Freedom Schools Program increased their reading performance at twice the rate of non-participants.¹⁷⁴

The IEA program has achieved positive results. Only 11 percent of participants have been detained for new offenses; just 9 percent have been arrested for a probation violation.¹⁷⁵ The remaining 80 percent successfully completed their probation term.¹⁷⁶ Sam Houston State University is currently conducting a study to further assess the effectiveness of the program. The IEA program receives no taxpayer dollars, as it is supported by a charitable donation of a Beaumont family. The additional cost of detention services beyond the basic cost of detention is \$300 per youth.¹⁷⁷ The cost of the outreach component is \$9 a day or \$2,000 annually.¹⁷⁸ When added to the basic cost of juvenile probation, the daily cost is \$23 a day.¹⁷⁹ The cost of the camp component is not available.

Parent Empowerment Project

The Lubbock County Juvenile Probation Department has implemented a program called the Parent Empowerment Project (PEP), which is based on the principles of MST. As such, it addresses both the internal and external factors that contribute to delinquency. The program is targeted to serve chronic juvenile offenders who would have previously been referred to TYC, namely: 1) juveniles who have more than two detentions in a calendar year, 2) juveniles adjudicated for assault of a family member, 3) all 10 to 12 year-olds on probation, and 4) juvenile probationers with children of their own.

PEP primarily consists of in-home interventions, with treatment provided by a team of professionals. The treatment incorporates individual and family therapy, parent education, and access to community resources, as well as increased probation officer supervision.

The treatment team consists of a family therapist, a parent educator, and the probation officer. Weekly supervision meetings are attended by all treatment teams and are typically used to discuss the most problematic cases and to develop treatment plans and intervention strategies. Family therapists for this program are contracted for 10 hours per week, with a caseload of five to seven families. They are recruited primarily through the various training programs at Texas Tech University and are supervised by an experienced clinician.

The most unique aspect of the program is the parent educators. They are individuals identified within the community who exhibit a desire to work with the targeted population. They are trained in a curriculum developed for this type of community-based intervention. Parent educators are contracted for 10 hours per week to teach parenting skills, handling five to seven families.

Together, the treatment team works to build on the family's strengths and address areas of weakness, such as a lack of discipline and negative peer influences. The team serves as a resource as the parent works to establish an appropriate family hierarchy with clear boundaries for the youth while creating a nurturing environment.

One juvenile probation officer is assigned to the PEP program. The officer provides supervision to ensure compliance with the conditions of probation and enforces compliance with treatment. The officer attends in-home sessions when needed for safety purposes or to assist in intervention strategies.

Of the 75 youths participating in the PEP program, only two have been sent to TYC.¹⁸⁰ Sixty-four percent either have successfully completed the program or are still participating. The remaining youths: 1) moved out of Lubbock County, 2) were placed in a post-adjudication facility, 3) failed to comply with the program, or 4) were referred to the juvenile drug court. The cost of the program is \$100,000 annually for all 75 participants, about the same as incarcerating one youth for a year at TYC.¹⁸¹

Youth Advocate Program

The Youth Advocate Program (YAP) is a mentoring program operated by a non-profit organization by the same name, which is in Tom Green, Travis, Williamson, Dallas, Harris, Nueces, and Tarrant counties, along with locations in 14 other states and the District of Columbia. Tom Green County Chief Juvenile Probation Officer Mark Williams says that half of the youths who would otherwise have been sent to residential placement are successfully diverted by the program.¹⁸² YAP is different from many other mentoring programs, because the mentors, referred to as youth advocates, are unskilled. Often they are juniors and seniors in college or recent college graduates. An experienced coordinator trains the mentors before they are assigned to youths.

The mentorship is initially very intensive, with the number of hours gradually declining as the youth progresses. Youth and their families involved in YAP receive an average of 15 hours of face-to-face mentor contact per week with an average of three to four contacts per week. The program usually lasts six months.

YAP has achieved successful outcomes in several Texas counties, according to information compiled by various juvenile probation departments. For example, of youths served by YAP in Tarrant County, only two to three percent were sent to TYC while in the program.¹⁸³ In Harris County, 80 percent of participating youths were discharged successfully; just 9 percent were arrested during their participation.¹⁸⁴ For 73 closed cases, the recidivism rate within 180 days was 14 percent.¹⁸⁵ At the time of discharge, 86 percent of youths were either enrolled in school, a GED program, or had completed a GED program.¹⁸⁶ In Travis County, 24 percent of participating youths re-offended in one year, despite half of participants having seven or more referrals upon entering the program.¹⁸⁷ Qualitative outcomes are reported for youths in the program at locations throughout the nation. Of those surveyed, 75 percent say the

advocate helps them stay out of trouble and 64 percent report doing better in school or work because of the advocate.¹⁸⁸

At \$1,500 a month per youth, the program cannot be called inexpensive. Yet a professional mentor assigned for the same number of contact hours would cost substantially more. Also, cost of the six month program is less than a quarter of placement for the same period in a post-adjudication facility.

Kids Averted from Placement Services

Kids Averted from Placement Services (KAPS) is an intensive in-home family preservation program that works with families of adjudicated youth in Bexar County. The program is operated by Baptist Child & Family Services (BCFS) under a contract with the Bexar County Juvenile Probation Department. There is not a formal religious component to the program, though personnel are free to discuss their faith with families and youths who are interested.

Most participants have been adjudicated for a felony or misdemeanor—60 percent for assault, 30 percent for drugs—and compelled by the court to receive in-home services. In the past year, KAPS has served 165 youths and their families. Youths ages 10 to 17 are eligible. The program lasts three to five months, although some youths may remain as long as 150 days. The average enrollment period is approximately 90 days, with 70 percent of those completing the program receiving an average of 72 face-to-face contacts.

An additional group of KAPS participants was added in March 2009. Referred to as Crossroads clients, these are females, ages 11 to 15, who are participating in the mental health court through deferred adjudication. They voluntarily contract with the court for in-home services and are assigned by the probation department to complete six months of in-home services through KAPS, which may be supplemented by additional time if warranted.

The in-home services are delivered by teams of professionals comprising a master's level therapist, a degreed case manager, and a family assistance coordinator. Each team works with up to seven families at a time. The team develops an action plan designed to fulfill court requirements and build on the family's strengths. Services are provided in the family's home and at school, eliminating the need for transportation. Components of the program include parenting skills; individual, group, and family counseling; anger management and drug

prevention classes; and education and team building activities during the summer. In many cases, family assistance coordinators transport youths to school, work, court appointments, structured activities, and probation office visits. Team members are on call 24 hours a day, 7 days a week to provide crisis intervention services.

The majority of participants in the KAPS program have not been adjudicated for subsequent offenses, meeting the 65 percent success rate required by the contract between BCFS and Bexar County. The one year re-referral rate is 15 percent lower than the state average for juvenile probation.¹⁸⁹ This is notable since KAPS does not include status offenders, the least serious offenders, and 60 percent of referrals are for assault.¹⁹⁰ Only a small percentage of youths have been referred to residential placement or TYC.

Also, more than 90 percent of participating youths are enrolled in school; another 5 percent attend GED classes.¹⁹¹

The cost of the KAPS program is \$7,000 for 120 days, or \$58.33 per day.¹⁹² That compares with \$24,885 for an average stay of six months at \$138.25 per day in the Bexar County post-adjudication facility or one of the residential programs with which the department contracts.¹⁹³

Gulf Coast Trades Center

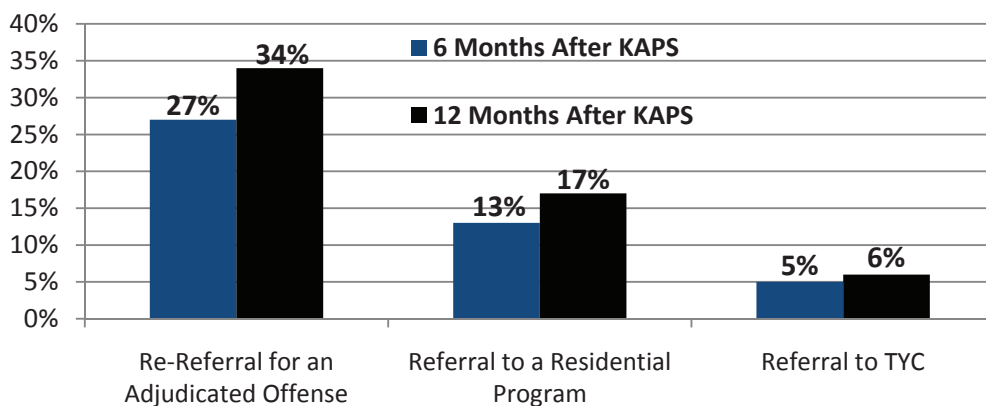
The Gulf Coast Trades Center is a non-secure residential facility in the Sam Houston National Forest in New Waverly that accepts youths from more than 40 probation departments

who are between 14 and 18 years old. Youths wear regular clothes and are not housed in cells or put in restraints. The non-institutional buildings have many windows; numerous recreational facilities are on-site. Individual and group counseling is provided, including anger management and substance abuse treatment. The program for which the length of stay averages 180 days emphasizes self-discipline, with youths earning privileges through compliance and taking full responsibility for their actions. Families visit every Sunday. The Center is recognized as a charter school by the Texas Education Agency and a proprietary (career training) school by the Texas Workforce Commission.

The educational component includes GED preparation and vocational and drivers' education training. Youths first complete the common curriculum that incorporates basic reading and math skills, 11 core competencies for the entering the workplace, and shop safety. The program's centerpiece is 915 hours of classes in career training tracks in the fields of horticulture, automotive repair, culinary arts, building trades (includes courses on topics such as carpentry, blueprint and layout, and dry-wall construction), building maintenance, bricklaying-masonry, mill-cabinetmaking, business computing information systems, and painting and decorating. Courses in tool identification and measurement are part of each career track.

Some 80 to 90 percent of youths earn a vocational certificate and then move on to the work experience phase in which they hold a wage-earning job within the campus or at local government agencies or non-profits in the area.¹⁹⁴ Funds are deducted from many youths' paychecks for restitution, with

Figure 4. Results of Bexar County KAPS Program: 1/1/2006 - 7/31/2008



Source: Bexar County Juvenile Probation Department¹⁹⁵

the remaining wages placed in account to be used for expenses in finding employment upon release.

The Center emphasizes follow-up after a youth leaves the residential program, including identifying appropriate housing for those who would otherwise be homeless. A job developer assists the youths with securing employment in their trades, helps them identify public transportation routes to and from worksites, and coaches them prior to interviews. Although employment is the primary goal, job developers also help youths to finish their GED or high school degree if it has not already been completed during the residential program. Additionally, job developers help interested youth enter the military.

The Center's one-year re-incarceration rate was 4.5 percent for 2005, 4 percent for 2006, and 3 percent for 2007.^{*196} Additionally, in 2006-07, 89.4 percent of youths completed their career training program; 77 percent of them obtained jobs in their field upon release.¹⁹⁷ Some other youths may have found employment in other areas, returned to school, or entered the military.¹⁹⁸ The Center's daily cost for the residential component for 2009 is \$97.17 for the moderate care that most receive and \$138.25 for youths receiving specialized care.¹⁹⁹

Collin County Residential Sex Offender Treatment Facility

Non-residential treatment is used for many less serious sex offenders, but more serious and repeat sex offenders are often referred to a residential program or TYC. In some cases, this determination is made partly due to an abusive home environment that contributed to the offense. In contrast with some other Texas counties that regularly send serious sex offenders to TYC, Collin County does not make direct commitments of such offenders to TYC and has instead created its own post-adjudication secure facility for these offenders. This program costs \$120 per day, less than half the cost of TYC.

The facility is somewhat institutional, but includes modern classrooms with windows and computers. It has treated 364 youths over the last nine years. Only two have committed another sex offense while on probation.²⁰⁰ The program lasts for up to one year and includes intense therapy, weekly meetings with the parent, and an aftercare program with group thera-

py sessions. Parents are required to attend treatment to learn better ways to supervise their children, and there are regular family therapy sessions. It is notable that such extensive family involvement would be more difficult if these offenders were incarcerated in remotely located TYC facilities that some parents cannot afford to visit.

Youths are taught new coping skills, relapse prevention, healthy social skills, and healthy sexual relationships. Coping skills are important because research suggests that juvenile sex offenders may act out sexually because they are unable to manage their feelings and challenges.²⁰¹ Youths in the program learn to take full responsibility for their offense, develop empathy for the victim and victim's family, and identify high-risk physical and emotional situations. Youths can work their way out of the program early depending on their behavior within the facility and their therapeutic progress. There is a unique approach if the victim happens to live in the home of the youth who committed the offense, which typically involves a sibling. In such cases, the victim participates in some treatment sessions with the offending youth. If there is a chance of reunification, all parties must be in therapy, and the victim must feel safe to live with the perpetrator again. Upon release, the youth is initially placed on intensive supervision probation.

Profile of a Promising Program

Grayson County TEAM Court

In September 2009, Grayson County launched the TEAM (Transition, Education, Alter, and Mentor) Court—a program so new that no outcome data is available. The court combines the proven elements of drug courts, mental health courts, and other problem-solving courts. The new court's target population is high-risk felony offenders and youths with multiple violations of court orders, a family history of criminal activity, and a history of substance abuse. The court was created using the new diversion funding from TJPC and is designed to help the county meet its target of five TYC commitments in 2010 as compared with its three-year average of nine commitments.

Coordination provided by the court enhances the enforcement, treatment, family preservation, and educational strategies each youth and family receives. Members of the court's

*Although these rates include non-offenders referred by the Department of Family and Protective Services (DFPS), currently there are only 3 youths from DFPS, along with 17 in TYC contract care and 100 referred by probation departments. The Center's admissions department confirms these numbers are typical of their population in recent years.

review committee represent law enforcement, educators, the district attorney's office, the defense attorney, the juvenile probation department, chemical dependency counselors, licensed professional counselors, and the community. Guidelines for progressive sanctions and treatment modalities are being developed. The phases of the program, which each last 8 to 12 weeks, are shown in **Table 5**.

The three treatment modalities being incorporated into the TEAM Court are: the Strengthening Families Program (SFP), Aggression Replacement Therapy, and Functional Family Therapy. The latter two are described earlier in this report. The SFP is a 14-session program featuring evidence-based parenting skills, children's life skills, and family skills training. Parents and children participate both separately and together. Youths are trained in communication skills to improve parental, peer, and teacher relationships, problem solving, anger management, resistance to negative peer influences, and coping skills. Parenting sessions emphasize skills such as effective and consistent discipline. This

includes imposing consequences and time-outs, rewarding positive behaviors with praise, and holding family meetings. Peer-reviewed research has found the SFP to be effective in other jurisdictions in reducing substance use and mitigating emotional, academic, and social problems.²⁰³ It has been recognized and approved as an evidence-based practice by seven federal agencies, including the Office of Juvenile Justice and Delinquency Prevention at the U.S. Department of Justice.

Findings

Many Texas juvenile probation departments are pioneering evidence-based programs to redirect youths from TYC and, in many cases, residential placement. There is evidence that the programs profiled in this report, many of which incorporate elements of interventions that have been found effective in national research, are reducing recidivism and resulting in lower costs to taxpayers by diminishing the need for

Table 5. Grayson County's TEAM Court Program

New Attitude/Phase 1	New Attitude/Phase 2	New Attitude/Phase 3	Your Aptitude/Phase 4
Orientation/Overview	Emphasis on Family	Emphasis on Education	Community Support Network
Treatment Plan	Review & Update Treatment Plan	Treatment & Transition Planning	Victim Support Service
Education	Continue Introspective Reporting	Treatment Plan Update	Educational Support
Pro-social Activity	Community Service	School Reporting	Goal Setting
Healthy Lifestyles	Bi-Monthly Drug Testing	Victim Empathy	Monthly Court Review
Family Intervention	Bi-Monthly Court Review	Monthly Court Review	Parent Support Group
Individual Counseling	Parent Support Group	Parent Support Group	
Family Therapy			
Weekly Drug Testing			
Introspective Reporting*			
Mandatory Curfew			
Bi-monthly Court Review			
Parent Support Group			
Victim Empathy			

Source: Grayson County Department of Juvenile Services²⁰²

*This consists of youths describing their own thought processes, particularly what leads them to make decisions on how they will behave.

incarceration, both by initially diverting appropriate youths from TYC and local facilities and by preventing youths from re-offending.

Nonetheless, more evidence of the effectiveness of these programs would be instructive, particularly rigorous academic studies of recidivism that track similar types of youths who participate in programs compared with comparable control groups over a long period of time. In addition, some programs are relatively new or involve small numbers of youths, making it difficult to draw definitive conclusions. Many probation departments and non-profit providers do not track how youths perform beyond program completion. Few, if any, juvenile probation departments track the percent of youths, including youths in specific programs, who re-offend as adults, a matter particularly relevant for programs that primarily serve older youths. Dallas County is seeking to gather this data from the Department of Public Safety in order to better evaluate their programs.

In particular, more information is needed on treatment approaches and outcomes at residential programs, particularly the state's 32 secure post-adjudication facilities. TJPC is now working to collect recidivism information for post-adjudication facilities. To be meaningful, outcome results need to be adjusted based on offense type and risk level of youths entering these facilities, which ensures that jurisdictions that use facilities for higher-risk youths, as they are intended, are not artificially assumed be performing at a lower level than jurisdictions that cast a wider net in placement utilization. Results must also assess and account for the level of follow-up after discharge, as a deficiency in this area could lead to poor results even if the facility is implementing best practices. While the TJPC progressive sanctions guidelines²⁰⁴ specify that these facilities should be used for cases involving first degree felonies or repeated infractions, the guidelines are not mandatory and counties may vary widely in the types of offenders for whom these facilities are utilized.* This data should be used to strengthen accountability for these facilities that are funded in part with state tax dollars.

In Florida, where all such facilities are privately operated, each facility is rated on quality and effectiveness and low-performing facilities may be shuttered. TJPC's inspections to ensure

compliance with detailed state standards, such as requirements that each mattress be six inches off the ground and there be at least 60 square feet of space in each cell, are not a substitute for evaluating results. Judges, prosecutors, and probation leaders must have evidence on the effectiveness of various facilities in order to make informed decisions regarding whether a youth should be placed out of the home and, if so, which facility has a track record of producing positive outcomes for that type of youth. Though TJPC typically works collaboratively with counties to address deficiencies in meeting standards for secure post-adjudication facilities, they have on rare occasion exercised their authority to force a county that refuses to make changes to close the facility.

The outcome measure for all programs that is of the greatest public interest is the reduction in recidivism for every dollar spent, and particularly using limited resources to maximize the reduction in re-offending that involves the most serious types of crimes. While many programs use, at most, one measure of recidivism, multi-faceted approaches to program evaluation may be most instructive. Methods of measurement include:

- Re-arrest rate,
- Re-conviction rate,
- Self-reporting, as this may also capture some criminal activity for which the youth was not caught,
- Seriousness of new offense(s),
- Residential placement rate (for non-residential programs),
- TYC commitment rate,
- TYC commitment rate for technical violations, and
- Long-term evaluation of the number of youths who enter the adult criminal justice system.

A weakness of current data is that recidivism for programs is largely unavailable by offender type, which is information that would assist in determining which programs are most effective for each youth. While recidivism is critical, other important benchmarks should be taken into account as well, some of which may vary as to whether the program is residential or non-residential, the category of the offense, and whether the youth is in school full-time or seeking employment. Such benchmarks could include:

*TYC commitment or certification to stand trial as an adult are recommended by the guidelines for cases involving a first degree felony with a deadly weapon or causing serious bodily injury, an aggravated controlled substance felony, or capital felony, but a few dozen youths are certified annually for non-violent offenses.

- **Educational outcomes, such as school attendance and academic progress.** For example, post-adjudication facilities and other residential programs should implement an intake and outtake exam such as the Iowa Test of Basic Skills to evaluate the educational progress of youths in their custody. This is done at Juvenile Justice Alternative Education Programs (JJAEPs) which are day programs funded by a combination of state and county funds that primarily serve students expelled from school. According to TJPC, Harris County is one of the very few counties, to have implemented this intake and outtake testing policy at their post-adjudication facilities. Also, the limited information that is available through TJPC's registry of post-adjudication facilities indicates that many facilities do not provide year-around education and do not offer GED or vocational programs.²⁰⁵ This is a key area for improvement given that the WSIPP study found that education and vocational programs are significantly correlated with reduced recidivism, youths in post-adjudication facilities are typically academically behind, and some would be in summer school if they were not housed in a facility.
- **Cost/benefit analysis indicating the cost per youth relative to change in recidivism.** While the Collin County secure post-adjudication facility has been highly effective in treating sex offenders, the statewide re-incarceration rate for secure post-adjudication facilities, and national evidence on the impact of incarceration, suggests that CRP funds, to the extent they are used for residential programs, should be targeted to those demonstrating recidivism reductions and positive outcomes on other benchmarks.
- **Victim restitution and satisfaction.** Victim satisfaction can be measured with an evaluation form.
- **Vocational outcomes such as employment and occupational certificates earned.**
- **Percent of youths on runaway/abscond status.**
- **Change in substance use rates.**
- **Change in score on an instrument such as the Ohio Scales to evaluate mental health treatment programs.** Research has found that the Ohio Scales consists of reliable, valid, and sensitive-to-change measures that indicate the effectiveness of youth mental health interventions.²⁰⁶

The performance measures required for programs funded by the CRP will provide much additional evidence on program effectiveness. In each annual funding cycle, TJPC should re-allocate CRP funds to departments and programs showing the best results. While more research is needed, it is notable that many of the profiled programs share common elements, such as:

- Use of validated risk assessment instruments to identify the strengths and weaknesses of the youth and family, and the level and type of supervision and treatment that is needed. Risk assessment promotes efficient allocation of resources and helps avoid over-supervising low-risk youths;
- Availability of in-home programming as an intermediate alternative to preserve the family unit and avoid more costly placement in a post-adjudication facility or commitment to TYC;
- Coordination among a treatment and supervision team;
- Collaborative approaches such as victim mediation, police diversion, problem-solving courts, and treatment teams in which the defense counsel often works together with the prosecutor;
- Monitoring of the youth's progress on key benchmarks;
- Structured phases that taper off commensurate with the youth's progress and frequent measurements of youth and family progress;
- Use of graduated sanctions and positive incentives;
- Coordination with the school district or, in the case of a residential program, a strong educational and GED component;
- Promotion of positive peer groups/influences;
- Coordination with the mental health agency;
- Drug testing to promote accountability;
- Mentoring;

- Vocational training;
- Victim empathy;
- Community service and service learning;
- Properly screened community volunteers, such as members of faith communities and college students;
- Ongoing performance measurement to ensure program quality and identify adjustments that are needed; and
- Involvement with, and empowerment of, the family. When youths complete probation, it will be solely up to the family, not probation officers, to keep the youth out of trouble.

For juveniles, incarceration alone, despite the high cost, is often not a lasting public safety solution. Upon release from incarceration, the youth may return to the same family environment with inadequate discipline and support, particularly in the absence of a strong reentry component. This is likely one reason that more than 55 percent of youths released from TYC are re-arrested within a year, which TYC is seeking to improve through enhanced institutional and reentry programming.²⁰⁷

Finally, it is notable that many effective juvenile probation programs incorporate an educational component, one of the strategies that the WSIPP meta-analysis found to be highly beneficial in reducing recidivism, as well as character development. However, crime prevention and greater efficiency can be achieved if school districts were more effective in improve academic performance and developing character for a greater number of youths rather than taxpayers paying once for the school and then again for juvenile probation. Additionally, schools are also a major source of referrals to juvenile probation. Mr. Griffiths notes that many simple schoolyard scuffles that were once resolved in school through disciplinary action now result in referrals to probation.*

Also, the thousands of students who receiving tickets for Class C misdemeanors in school for offenses such as disrupting class are referred by municipal and justice of the peace courts to probation on contempt of a court order if they do not pay their fine and perform community service. David Reilly, the chief juvenile probation officer for Bexar County, says that, after investigating these cases, they often found that the youth fulfilled his obligations and had no subsequent trouble.²⁰⁸ In the fall of 2008, this probation department notified the justice of the peace courts that they would “work” only those cases in which truancy was the underlying offense. The department said in remaining cases it would send a written notice to the family advising them of a referral and direct them to other agencies, but would take no further action unless the child was referred again.²⁰⁹ This approach allows the Bexar County Juvenile Probation Department to focus its limited resources on youths on probation for offenses that have the greatest impact on public safety.

Conclusion and Recommendations

Policymakers can build on Texas’ recent success in reducing juvenile crime and costs to taxpayers by continuing to emphasize community-based approaches, strengthening performance measures and accountability for both residential and non-residential programs, and fostering partnerships with law enforcement agencies and school districts to provide effective early interventions that prevent juvenile crime.

Increase Probation Funding Flexibility

Given the effectiveness of many non-residential programs, particularly programs with home and school components for youths who require more than basic supervision, the Legislature should revise the existing line item in TJPC’s budget for secure post-adjudication facilities—\$8.29 million in the 2010-11 biennium²¹⁰—to give counties the flexibility to use these funds for less costly non-residential programs, as well as non-secure facilities, that evidence indicates are more effective in reducing recidivism in many instances.

*In 2007, the Texas Public Policy Foundation assisted lawmakers in developing House Bill 278, which eliminated a provision in the Education Code authorizing school districts to create criminal offenses not in state law for violations of school policies. However, there are offenses in the Education Code, such as “disruption of classes,” which includes “emitting noise of an intensity that prevents or hinders classroom instruction.”

Replicate Effective Programs and Replace Ineffective Programs

With an infusion of \$101 million in new diversion funding from the 2007-08 biennium to the current 2010-11 biennium, probation departments benefit from a unique opportunity to replicate programs that have been successful in other departments and are supported by research. While many initiatives are underway in Texas to implement community-based solutions for more juveniles that enhance public safety, restore victims, and reduce costs, there are many significant opportunities for further innovations to strengthen probation so that more troubled youths are transformed into productive citizens, rather than further involvement in the juvenile and, ultimately, adult justice systems.

State and local leaders must work to replicate the most cost-effective programs based on empirical research, some of which is highlighted in this paper. At the same time, decision-makers in jurisdictions that operate programs such as boot camps and surveillance-only intensive supervision probation programs (ISP) that are not well supported by research should consider replacing these programs with proven programs unless there is specific evidence in that jurisdiction that these approaches are producing positive outcomes.

Ten of the state's secure post-adjudication facilities are boot camps, eight of which are operated by counties. The use of these boot camps should be reevaluated for two reasons. First, the national evidence indicates boot camps do not reduce recidivism. Also, several of these facilities accept youths from numerous other counties, which, as with TYC institutions, limits the ability of staff to interact with families and facilitate successful reentry.

Similarly, county leaders and probation departments should review their intensive supervision probation (ISP) programs, as the research suggests that, to the extent they focus solely on surveillance, they do not reduce recidivism. While many ISP programs emphasize the number of contacts between the youth and probation officer, the research supporting the effectiveness of motivational interviewing suggests that the quality of contacts may be at least as important as the quantity.

Enhance Use of Assessments and Screenings

Juvenile probation departments should enhance their use of

risk and needs assessments to prioritize limited program capacity for the types of youths for whom a program is likely to make the greatest difference in reducing recidivism, rather than youths who can succeed on basic probation. Also, to assist counties in prioritizing the use of detention, TJPC should develop a detention-screening instrument for implementation by departments that don't have their own instruments, a project that they are considering undertaking with existing resources in 2010.

Transition Some TYC Capacity From Institutions to Group Homes

Policymakers can continue to identify opportunities to downsize TYC institutions by redirecting appropriate youths into less restrictive programs that provide a greater public safety return for every dollar spent. For example, additional youths could be diverted from institutions to less costly non-secure residential programs, such as the Gulf Coast Trades Center which has several dozen openings and accepts youths from TYC. To combat the negative effect of intermingling youths with varying levels of deviancy, additional suitable youths should initially be placed in less restrictive community-based TYC facilities similar to TYC's existing halfway houses that cost \$184.26 a day per youth to operate compared to \$270.49 for institutions and are similar to the group homes that have been successful in reducing recidivism in Missouri.²¹¹ While creating more such homes that could be used in lieu of TYC institutions would involve initial capital costs, long-term operational savings would be realized given the \$86.23 per day lower operational cost.

Consider Utilizing a Portion of the Empty TYC Beds for Some of the Youths Now Sent to Adult Prisons

At the same time, given the number of empty beds at TYC and the success of TYC's serious violent and capital offender program, policymakers should also review the existing statute allowing certification of youths 15 or above to stand trial as an adult and sent to adult prison for any felony. Further research should compare the effectiveness of the Texas Department of Criminal Justice's Youthful Offender Program (YOP) through which some youths in adult prison receive sheltered housing with TYC's program for similarly serious offenders.* Some 30.4 percent of violent youths entering Texas adult prisons in 2005 were reincarcerated within three years compared with the 5 percent three year re-arrest rate for youths completing TYC's

*If TYC was permitted to hold some of these youths beyond their 19th birthday when necessary for rehabilitation, judges and prosecutors might be more inclined to send them to TYC instead of adult prisons.

Capital and Serious Violent Offender Treatment Program in Giddings.²¹² As of May 2008, only 38 percent of youths in the YOP at the Clemens Unit were enrolled in school while incarcerated while all youths at TYC attend school for a full day.²¹³

Expand CRP Participation

Also, additional juvenile boards should be encouraged to participate in the CRP. Four counties with 100,000 or more people have opted out.²¹⁴ Since the funding that the TJPC receives for the CRP is more than offset by the participating departments' commitment to reduce the number of youths they send to TYC, the state would achieve net savings from additional participation in the CRP while, at the same time, the newly participating departments would be able to expand effective community-based programs. However, state support for departments currently participating in the CRP should not be reduced as a means of expanding participation, as this would jeopardize the programs they have implemented for diverting youths from TYC, undermine public safety, and could lead to juvenile departments withdrawing from CRP and reverting to sending more youths to TYC. Such an eventuality would place at risk the \$160 million in net savings that have been achieved by redirecting some of the savings from downsizing TYC to the CRP.

Ensure that a Smaller TYC Effectively Rehabilitates Youths

Even as all state agencies are asked to identify budget cuts, TYC must identify efficiencies without sacrificing its core functions relating to protecting public safety and reducing recidivism, such as the educational programming, victim impact panels, and intensive therapeutic interventions that have made the Capital and Serious Violent Offender Treatment Program so successful, as well as ongoing regionalization and re-entry initiatives. With the ongoing conversion of many open bay dorms to individual rooms, the agency can also reexamine whether the same security staffing levels remain necessary while taking advantage of the 700 empty beds to close unneeded institutions as soon as possible. Youths can be consolidated into those institutions that have the best track records and are closest to population centers where most families live and capable treatment staff are available.

Focus Performance Measures on Results, Not Processes and Volume

During the interim, TJPC and TYC, the Legislative Budget Board, and the Governor's Office of Budget, Planning, and Policy should consider how they can strengthen these juve-

nile agencies' budgetary performance measures to emphasize results rather than process and volume measures, such as the total number of referrals and residential placements which are among the current TJPC measures. A 2008 Foundation publication makes recommendations for such changes, suggesting that volume measures be replaced with results-oriented measures such as three year re-referral rate for juvenile probation, probation technical revocation rate, and victim satisfaction and restitution.²¹⁵ Additionally, the publication recommends that TJPC begin tracking the performance of each juvenile probation department which would supplement aggregate data for all departments. Similarly, TJPC must aggressively use the performance data submitted by departments to evaluate the effectiveness of the programs funded through the CRP and then work with those departments whose programs are not fully achieving their goals to redesign the programs based on more effective programs in other jurisdictions and national research.

Revise Probation Funding Formulas to Incentivize Diversions of Appropriate Youths from Probation

Policymakers should study revising the funding formulas for basic juvenile probation and community corrections so that they are based less on the number of referrals, and more on the number of youths who committed a Class B misdemeanor offense or greater. This would provide a fiscal incentive for juvenile boards to implement proven cost-effective initiatives, such as first offender programs and pre-adjudication victim-offender mediation that divert appropriate youths from probation.

Implement School Policies that Prevent Crime and Reduce Utilization of the Juvenile Justice System

Strengthening the juvenile justice system to maximize results for every dollar spent must go hand in hand with initiatives to prevent delinquency, and the education system is uniquely positioned to help youths avoid getting off track. Schools should use existing resources to implement evidence-based disciplinary, prevention, and conflict resolution strategies that reduce delinquency and keep more kids in school.

An example of prevention is character education, an approach that emphasizes the distinction between right and wrong and development of positive values. As it is often incorporated within existing curricula, the cost and instructional time involved may be relatively minimal. Although 83 percent of the districts and charters that responded to the annual Texas Education Agency (TEA) character education survey said they have a program, only 35 percent of districts and

charters responded to the survey.²¹⁶ Though TEA does not have specific data, the agency suspects that the vast majority of the remaining districts and charters do not use character education.²¹⁷ Some 62.4 percent of responding districts with a program said that they believe it reduces disciplinary referrals, which are often precursors to out-of-school suspensions and juvenile justice referrals.²¹⁸ The Character Counts! program has been found to significantly reduce violent crime, property crimes, drug offenses, and truancy.²¹⁹

Additionally, conflict resolution programs such as peer mediation²²⁰ and school-based teen courts²²¹ may offer viable alternatives to some of the more than 600,000 annual out-of-school suspensions²²² and thousands of school referrals to the juvenile justice system while still holding students accountable and promoting school safety. Research also supports the effectiveness of behavior contracts signed by the student, parent, and a school official.²²³ Evidence-based bullying prevention programs are another school-based solution. They have been found to reduce bullying by up to 50 percent, which in turn reduces crime.²²⁴ Nearly 60 percent of boys who researchers classified as bullies in grades six through nine were convicted of at least one crime by the age of 24, and 40 percent were convicted of three or more crimes by this age.²²⁵ Also, bullied students are more likely to be absent from school and suffer from depression.²²⁶

School disciplinary action is often a precursor to involvement in the juvenile justice system. Some 67 percent of youths referred to the juvenile justice system in Texas had at least one school disciplinary contact in the prior year.²²⁷ A Texas A&M University study found that, holding all other risk factors constant, Texas students involved in one or more disciplinary incidents were 23.4 percent more likely to be referred to the juvenile justice system than those with no school disciplinary contact.²²⁸ A student who has been suspended is three times more likely to drop out and 80 percent of adult prison inmates dropped out of school.²²⁹

Research has indicated that out-of-school suspension actually accelerates delinquency, as these students often lack proper parental supervision, particularly when there is only one parent who is working, and frequently wind up getting into trouble on the street.²³⁰ Also, studies have found that suspended students' behavior and academic performance do not improve upon returning to school.²³¹ Suspension can be particularly ineffective in addressing behavior problems associated with a learning disability. While 11 percent of Texas students are classified

“Our character is what we do when we think no one is looking.”

~ H. Jackson Brown, Jr.

as special education, these students account for 23 percent of those in out-of-school suspension.²³² Though school safety must always remain paramount, out-of-school suspensions are typically based on non-criminal misbehavior, and schools have a range of other options such as in-school suspension, after-school detention, and school service projects. Additionally, lawmakers should examine the impact of the 1995 repeal of a statute that prohibited out-of-school suspension for truancy or tardiness. Schools must do more than simply pass the buck to parents, law enforcement, the juvenile justice system, and ultimately future victims and taxpayers.

Build on Success of Community-Based Approaches and Enhance Accountability for Cost-Effective Results

The continued success of Texas' initiatives to redirect more youths into community-based and non-residential alternatives in reducing crime and costs, restoring victims, and strengthening families, must be demonstrated to policymakers, as they face difficult budget choices. Counties also face budget challenges, which present an opportunity for county leaders to develop policies and practices to avoid the unnecessary utilization of detention facilities and post-adjudication that account for a large share of the two-thirds of juvenile probation costs that counties bear. However, the fiscal partnership between the state and counties on juvenile justice must be maintained and enhanced. If the state attempted to simply shift a greater share of juvenile justice costs to counties, it could prove unsustainable, resulting in a lack of supervision and treatment that jeopardizes the state's progress in reducing juvenile crime and the total burden on taxpayers. Starved of diversion resources, county juvenile boards could pull out of the CRP and return to committing more youths to TYC, resulting in higher costs without a commensurate benefit to public safety. Instead, state policymakers and agency leaders must continue efforts to develop and replicate cost-effective community-based programs with proven results and strong accountability measures, particularly non-residential, diversionary, and school-based interventions. This approach is vital to reform youths, protect public safety, preserve families, and reduce long-term costs to victims and taxpayers. ★

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