



TEXAS PUBLIC POLICY FOUNDATION
LEGISLATORS' GUIDE TO THE ISSUES

Juvenile Justice

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THE ISSUE

In the last several years, juvenile crime in Texas has declined while taxpayers have saved more than \$200 million in net costs. The reduced spending has resulted from downsizing Texas Youth Commission (TYC) state lockups and reinvesting a share of the savings in juvenile probation to supervise some youths such as misdemeanants in the community who previously would have been sent to TYC. Juvenile delinquency, however, remains a significant problem.

Approximately 140,000 Texas juveniles are arrested every year, of which 80,000 are referred to probation. The rest, including status offenders (picked up for conduct that is criminal only because of their age, e.g., running away from home) are informally processed. This may include a warning, referral to appropriate social services, and/or a police first offender program (police diversion).

In Tarrant County, youths arrested for a first-time misdemeanor such as shoplifting are often referred by police to the Lena Pope Home, a non-profit organization that requires offender and parents to attend evening classes for 90 days while maintaining good attendance at school to graduate from the program and thereby avoid formal charges. Only eight out of 809 graduates of the program have recidivated, i.e., committed another offense.

Approximately 52,000 Texas youths enter local detention facilities every year for an average of 12.7 days. Also, 11,000 youths enter post-adjudication facilities, some of which are local secure lockups typically operated by probation departments while others are non-secure, less institutional contract facilities often run by non-profits.

Approximately 2,100 youths are incarcerated at TYC institutions with another 150 at TYC halfway houses. Burglary is by far the most common commitment offense, followed by aggravated robbery, drug offenses, aggra-

vated assault, stolen car, and sexual assault. About half of youths at TYC were committed for a nonviolent offense, although many of these youths have more than one offense and/or have spent time at a post-adjudication facility.

Finally, nearly 250 youths age 16 or under are tried and convicted as adults each year, resulting in incarceration at adult prisons. Texas is among the minority of states where a 17-year-old offender is automatically considered an adult. Thousands of youngsters who committed their offense at age 17 enter county jails and adult prisons every year, with some 13,000 referred to adult probation.

In 2007, policymakers addressed the crisis at TYC by enacting SB 103. Among other reforms, SB 103 created the positions of inspector general and ombudsman to root out abuses, required the installation of cameras at TYC facilities, barred sex offenders from working at TYC, ended the placement of misdemeanants at TYC, created a parental bill of rights, and lower the age at which youth at TYC must be paroled or transferred to adult prison from 21 to 19.

Since then, the number of youths at TYC has been cut in half, and allegations of abuse have significantly declined. In 2009, TYC refocused more resources on education and treatment, which included lengthening the school day to address the fact that most new entrants to TYC are already several grades behind. Additionally, TYC recently reworked its substance abuse treatment program. Results from the prior program had indicated it did not reduce recidivism.

The most important development in juvenile probation in 2009 was a budget provision that created an optional fiscal incentive program whereby localities could obtain additional funds for community-based programs if they agreed to a target of fewer TYC commitments.

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Cost of Sanctions

Sanction	Cost Per Day
TYC Institution	\$270.49
Secure and Non-Secure Residential Programs	\$68.75-\$169
Missouri Group Homes	\$117.95
Dallas Juvenile Detention	\$150
Intensive In-Home Programs	\$48-\$73
Intensive Supervision Probation	\$32
Basic Juvenile Probation	\$13.98
Tarrant County Police Diversion with Non-Profit Organization	\$7.47

The Texas Juvenile Probation Commission (TJPC) has implemented the measure as the Commitment Reduction Program (CRP), and most major counties are participating. Each county must submit information to TJPC demonstrating that the new or expanded program is evidence-based. After the first year, data indicating the program's effectiveness at reducing recidivism is reviewed before new funding is granted in 2011. In FY 2010, TYC commitments have declined approximately 40 percent, which juvenile probation departments attribute to the CRP.

THE FACTS

- ★ If a youth becomes a career criminal, the estimated cost to taxpayers and victims over that offender's lifetime is approximately \$2 million.
- ★ The number of youths incarcerated at TYC residential facilities, including institutions, halfway houses, and contract facilities, declined from 5,646 in 2000 to 4,709 in February 2007, and following enactment of SB 103, to 2,259 in 2009.

RECOMMENDATIONS

- ★ **Strengthen performance measures.** Performance measures in the budget for TYC and TJPC should be revised to emphasize results and outcomes rather than process and volume. Examples of volume-oriented existing measures include number of youths at TYC and number of referrals to juvenile probation. Among the results-oriented measures for TJPC that the Foundation recommends adopting are: the

three-year re-referral rate for youths discharged from probation, the technical revocation rate (percentage of youths committed from probation to TYC for rules violations), and victim satisfaction and restitution collections. TJPC should track the performance of each juvenile probation department on key measures, as this would help identify those departments which could benefit from technical assistance to improve their programs and implement best practices. Recommended new measures for TYC include: parole recidivism rate; high school degrees, Graduated Equivalency Degrees, vocational certificates earned while at TYC and on parole; verified allegations of abuse; parental satisfaction and contacts; volunteer hours worked; and recidivism by unit.

- ★ **Expand participation in the Commitment Reduction Program (CRP).** 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 departments participating in the CRP while, at the same time, the newly participating departments would be able to expand effective community-based programs.
- ★ **Streamline TYC facilities.** TYC institutions that are not being fully utilized should be consolidated to control costs. Unnecessary TYC lockups should be prioritized for closure based on their recidivism rate, the available local workforce, the number of current and recent staff vacancies, and the remaining lifespan, maintenance costs, and overall suitability.

ity of the physical plant. Additionally, some capacity should be shifted from large remotely located institutions to smaller community-based group homes in the urban centers from which most youths originate. Such homes in Missouri have a much lower recidivism rate than TYC lockups. These facilities would be less costly to operate than institutions, given that TYC's own halfway houses, which are similar in some ways to the Missouri group homes, cost substantially less than TYC institutions that account for 90 percent of current capacity. Unlike TYC's halfway houses which primarily receive youths transitioning from an institution, group homes like those in Missouri would serve as the initial form of placement for appropriate youths.

- ★ Emphasize vocational training at TYC facilities. Given that the average youth committed to TYC has an IQ of 88 and functions at a fifth to sixth grade level despite being 16 years old, TYC programming should emphasize earning a GED and obtaining vocational training in fields such as welding, automotive repair, and construction.
- ★ **Increase flexibility in state funding.** Research has shown that for all but the highest-risk, most deviant youths in problematic home environments, non-residential programs such as multisystemic therapy, functional family therapy, victim-offender mediation, mentoring, and educational and vocational enrichment programs are the most cost-effective in reducing recidivism. Accordingly, the Legislature should revise the existing line item in TJPC's budget for secure post-adjudication facilities—\$8.29 million in the 2010-11 biennium—to give counties the flexibility to use these funds for less costly non-residential programs, as well as for placement of youths in non-secure facilities.
- ★ **Redirect education funding for youths in detention centers from school districts to juvenile probation departments.** This would promote accountability for results and enable juvenile probation depart-

ments to form their own charters, as Dallas has done successfully, or select the district or another provider of educational services without having to obtain the funds and permission from the district.

RESOURCES

Getting More for Less in Juvenile Justice: Innovative and Cost-Effective Approaches to Reduce Crime, Restore Victims, and Preserve Families by Marc Levin, Texas Public Policy Foundation (Mar. 2010) <http://www.texaspolicy.com/pdf/2010-03-RR01-JuvenileJustice-ml.pdf>.

The Right Prescription for Juvenile Drug Offenders by Marc Levin, Texas Public Policy Foundation (Feb. 2009) <http://www.texaspolicy.com/pdf/2009-02-PP01-juveniledrugoffenders-ml.pdf>.

Keeping Our Kids at Home: Expanding Community-Based Facilities for Adjudicated Youth in Texas by Michele Deitch, Texas Public Policy Foundation (May 2009) <http://www.texaspolicy.com/pdf/2009-05-PP15-community-based-jj-facilities-md.pdf>.

The ABC's Before TYC: Enhancing Front-End Alternatives in the Juvenile Justice System by Marc Levin, Texas Public Policy Foundation (Feb. 2008) <http://www.texaspolicy.com/pdf/2008-02-PP04-ABCofTYC-ml.pdf>.

Measuring Performance in the Juvenile Justice System by Marc Levin, Texas Public Policy Foundation (Oct. 2008) <http://www.texaspolicy.com/pdf/2008-10-PP17-juvenilejustice-ml-post.pdf>.

Transforming Juvenile Justice in Texas: A Framework for Action—TYC Blue Ribbon Task Force Report by David Springer (Sept. 2007) <http://www.dallasnews.com/s/dws/img/09-07/0913tycreport.pdf>. ★

