



Interim Charge 1:

Monitor the implementation of SB 653 (82R), which created the Texas Juvenile Justice Department. Make any recommendations needed to enhance the integration of the Texas Youth Commission and the Texas Juvenile Probation Commission

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The Texas Public Policy Foundation is a 501(c)(3) nonprofit, non-partisan research institute guided by the core principles of individual liberty, personal responsibility, private property rights, free markets and limited government. I greatly appreciate the opportunity to come before the committee to discuss the interim charge related to the merger of the Texas Youth Commission and the Texas Juvenile Probation Commission into the new Texas Juvenile Justice Department, or TJJD.

The Transition Team appointed by the Governor, the new board of TJJD, and agency officials within TJJD have made considerable progress in the merger of the two agencies, and should be commended for their dedication to efficient implementation of SB 653. We believe there are two more important steps that can be taken to further enhance the integration of the former Texas Youth Commission and the Texas Juvenile Probation Commission.

First, one of the public purposes for the new department, as outlined in Senate Bill 653, is to assure accountability, quality, consistency, and transparency through performance measures. Indeed, the Legislature required that the new board track performance measures in its strategic plan.

In order to effectuate this legislative requirement, TJJD should require regular reporting of outcomes from directors of programs within the agency, including from secure incarceration programs, non-secure residential programming, county level programs and juvenile placements, as well as diversion initiatives. This new agency has the first opportunity to collect complete information on juvenile justice placements across every facet of the system, consolidate that information, and increase awareness of program effectiveness. Taxpayers and policymakers alike need to know if the precious taxpayer dollars spent on juvenile justice are being spent wisely and with the highest degree of effectiveness and efficiency.

Some of the performance measures that TJJD should collect include recidivism measures, both as to re-arrest rate and re-incarceration rates, budgetary and expenditures information, the proportion of youth in residential care at the county level and outcomes for those youth, and youth receiving education and vocational services. These measures would be a simple starting point for the performance measures that are necessary to adequately evaluate the new Department.

I would like to direct your attention to the Florida Department of Juvenile Justice's Office of Program Accountability.¹ The Office has several duties, including an annual reporting on the effectiveness and efficiency of programs within the Florida juvenile justice system. The resulting report covers a broad range of points of contact with juveniles, from prevention and intervention up to secure incarceration, and includes budgetary information as well as county level information on juveniles. Their Comprehensive Accountability Report² drills down to the court level, tracking each youth confined and diverted, their histories and offenses, length of stay, and recidivism.

This kind of data and performance measure tracking provides the utmost transparency at a system level, and with such an essential function—the rehabilitation of Texas' youth—TJJD would be well served by this transparency.

Once this information has been collected, agency officials will be able to far more adequately evaluate county level and statewide performances, and further be able to identify additional data points and performance measures that may be needed. As counties begin to expand their use of identical computer information systems, this information gathering will become far more efficient and increase in breadth.

The second step I would like to recommend to the committee to enhance the integration of the two former agencies into TJJD would be to further incorporate probation and parole offices and functions across the state.

The day-to-day functions of a community-based probation and a parole system are largely similar. Under the former Texas Youth Commission, parole consisted of completion of a success plan, regular face-to-face meetings with a parole officer, verification of locations, daily schedules, and required activities, and sometimes curfew checks and random unscheduled visits by the parole officer.³

At the county level, probation differs greatly based on the nature of the offense, the program the youth was placed in, and the rules the court orders to be incorporated into the youth's probation term. For example, Harris County's general requirements can include one or more of the following: community service restitution hours, attending school or holding a job, remaining within county lines unless permission is obtained, curfews, drug tests, restitution, or counseling, in addition to other requirements.⁴

However, incorporation of probation and parole offices is not advisable merely due to the great degree of program similarities. The desirability of consolidation is further enhanced given that TJJD currently contracts with county probation departments and at least one non-profit organization, the Gulf Coast Trades School, to provide parole in 89 percent of Texas counties, covering 30 percent of the parole population.⁵ The agency began this practice to create a more efficient parole program, avoiding the need to place state parole offices in rural counties with small caseloads.

This background reveals that probation and parole, which were once the separate provinces of TJCP and TYC, may now be merged into a cohesive unit to remove unnecessary layers of bureaucracy, administration, overhead, and supervisory staff. In some larger counties, with full caseloads, the absolute number of probation and parole officers may not be able to be reduced, but even in those counties, overlapping supervisory positions, administrative positions, and overhead costs, such as office space, may be combined to produce cost savings and efficient services.

The benefits of such a streamlining of services go well beyond the cost savings, however. Some youth may be better served by a continuation of supervision with the same probation and parole officer. That officer would have more knowledge of each youth's background and unique situation, and would be able to tailor supervision to what is known about that youth and the full gamut of their time in the juvenile justice system. In other instances, it may be decided that there are tensions which would make the youth more likely to be successful with a new officer, who can nevertheless tap the prior officer for guidance on how the youth responded to previous interventions. Second, even without using the same probation and parole officers, by combining offices and overhead, information sharing would be far easier and more comprehensive. One fatal flaw in the handling of a juvenile case is where key information slips through the cracks. A consolidated system that offers continuity in community supervision would reduce these problems.

Approximately 30 states have adopted combined probation and parole offices in some form. While the process will not be identical in every county, there are significant opportunities for cost savings and reductions of overlapping expenditures and efforts through the incorporation of probation and parole services in Texas.

¹ Florida Department of Juvenile Justice, "[Office of Program Accountability](#)."

² Florida Department of Juvenile Justice, "[2009-10 Comprehensive Accountability Report](#)."

³ Texas Youth Commission, "[Parole Program Overview](#)" (April 29, 2008).

⁴ Harris County Juvenile Probation Department, "[Probation Services](#)."

⁵ Texas Youth Commission, "[Parole Program](#)" (April 28, 2008).