



The Texas Model: Juvenile Justice

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Key Points

- There have been major changes in the size and scope of the juvenile justice system in Texas.
- The state has changed which crimes result in juvenile incarceration.
- Texas has promoted community alternatives for juveniles to lower recidivism.
- The state has seen great improvement in its juvenile justice system, including significantly lower offenses and incarceration rates.
- Legislators should continue to improve the options to promote safety for juveniles in the juvenile justice system, as well as fiscal responsibility.

The past decade has seen tumultuous scandal followed by improvements in the juvenile justice system in Texas. Although the abuses in the system were discovered in 2007, they had been occurring for several years. The news that some staff were sexually assaulting children in the system while others ignored the reports broke shortly before the 80th Legislature met (Levin and Moll, 1). The Legislature took immediate corrective action to prevent this sort of tragedy from ever reoccurring. However, the reforms did not end there. Instead, the government continued to remedy systemic problems, making Texas a benchmark for juvenile justice across the country.

2007: The Road to Reform

Investigations by the Texas Rangers and the FBI discovered that two senior staff members of the Texas Youth Commission (TYC), then Texas' juvenile justice system, had sexually molested youth in the system many times. Investigations also revealed that supervisors in TYC had failed to respond to warning signs and even outright reports of sexual misconduct. Later, similar incidents were reported, pointing to a systemic problem (Bustillo).

The voice of reform demanded better oversight but also acknowledged that the juvenile system had grown greatly in the previous several decades and was becoming difficult to manage. Legislation was introduced and passed in 2007 that intended to provide better oversight of the correctional system overall and to reduce the population of juveniles in secure facilities.

SB 103 was significant among the initial reforms and focused on juveniles in particular. SB 103 started with several safety and security measures. Video cameras were installed to monitor the treatment of juveniles. The bill

created the Office of the Inspector General to investigate cases of TYC employee misconduct, as well as the Special Prosecutions Unit to work with the local district attorney and the inspector general to ensure independent oversight and prosecution (Levin and Moll).

SB 103 did not merely react to the scandal, however. It responded to the fact that the incarcerated juvenile population was growing. Too many juveniles were being unnecessarily removed from their families and communities. The bill barred further incarceration of juveniles for misdemeanors. This recognized that minor property damage or other low-level offenses did not justify the enormous expense of incarceration or its disruption to communities (Pew).

2009: Expanded Reform

At the next opportunity for reform, the General Appropriations Act provided additional funding to the juvenile probation system, allowing the Community Corrections Diversion Program to begin, which set a maximum target for incarcerated juveniles (Texas House Committee on Corrections). Modeled after successful initiatives in other states, this program provided funding for counties that lowered the number of committed juveniles below that target by using diversionary programs. Counties participating in the program were provided with additional funding to support diversionary options such as community-based residential placements or community supervision. Counties that went beyond the target, and incarcerated additional juveniles were required to return some of that funding. Most counties—143 out of 165—agreed to participate. The program cut the number of juveniles being sent to state-run facilities and allowed the Legislature to decrease funding

for state facilities in 2009 by \$100 million (Fabelo et al., 17) and even more in the long term. Today’s Texas Juvenile Justice Department (TJJD) costs taxpayers less than the combined total of yesteryear’s TYC and Texas Juvenile Probation Commission (TJPC).

2010–2011: Restructuring the System

In mid-2010, the TYC advanced a strategic plan to span 2011–2015 to concentrate more on rehabilitation measures. In 2011, the Texas Legislature took these suggestions but went a step further by restructuring the entire system. Before 2011, juveniles in state custody were either under the TYC or the TJPC. However, SB 653 joined these two agencies as the TJJD, streamlining communication between local systems and state-run facilities and thereby increasing community involvement in corrections. The bill also required that the state use results-oriented performance metrics that focus on recidivism, educational and vocational progress, and victim restitution (Fabelo et al.).

The Legislature then examined school discipline mechanisms that were introducing juveniles to the criminal justice system for minor misbehavior. HB 359 prohibited Class C misdemeanor citations from being issued to students before sixth grade. Further, these citations would no longer immediately result in a criminal conviction, though if the accompanying fines were not paid delinquents could face a criminal record and even jail time (Giddings). SB 1489 addressed other school-related offenses—for example, removing truancy sanctions for 19- to 21-year-olds who had gone back to get their

degree (Reddy).

Next, SB 1209 provided an option for counties to place juveniles in juvenile detention centers while they awaited hearings. This avoided having juveniles spend lengthy periods in adult lockups, as juveniles in adult facilities have been shown to have higher rates of assault, suicide, and recidivism after release (Deitch, Galbraith, and Pollock 2-3).

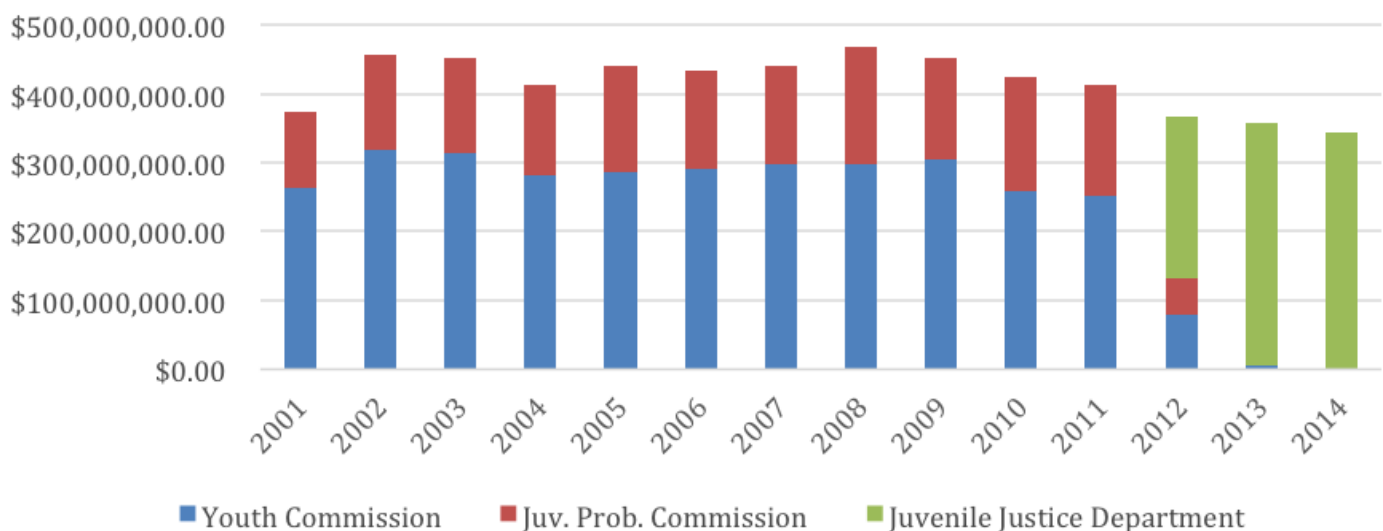
2013: Focusing on School Discipline

By the 2012–13 biennium, state spending on juvenile corrections had shifted from state-run facilities to probation and community-based services (Levin and Reddy, 1). As state-run facilities have much higher costs associated with each participating juvenile, this shift saved a few million dollars, but it was also emblematic of a shift in priorities.

The reforms begun in 2011 continued with SB 393, which created a tiered discipline system in schools. This blocked immediate court involvement in school misbehavior and allowed other disciplinary methods before the youth were to be introduced to the court system (Fabelo et al.). SB 1114 then prohibited citations to students under the age of 12 and halted the issuance of arrest warrants for students in violation of the Education Code. Officers referring students were to be required to provide offense reports, witness statements, and a victim statement (HB 1114 Bill Analysis).

The age of juvenile jurisdiction came under the state’s radar in 2013. Hearings were conducted in the 2014 interim session to assess the possibility of raising the age of juvenile jurisdiction from 16 to 17 (Henneke). This was particularly pertinent, as

Figure 1: Fiscal-year State Expenditures on Juvenile Justice



Texas is still in the minority among the states, because it sets the maximum age for juvenile jurisdiction at 16 instead of 17. These states will be greatly affected by the ongoing implementation of the federal Prison Rape Elimination Act, which requires that there be ‘sight and sound’ separation for juveniles that have been placed with adults. Because Texas’ definition of juveniles differs from the federal definition, the state would have to make expensive alternations to its adult facilities that hold 17-year-olds to comply with the regulations. (Deitch, Breedon, and Weingarten, 14).

2015: Truancy and Relocation of Juveniles

Eight years after the revelation of abuses brought attention to juvenile justice, reform is still going strong in Texas. A variety of changes were made in the 84th Texas Legislature, some following the trends of previous years and others taking broad looks at the entire system.

One such reform was SB 1630, which saves tens of millions of dollars by lowering its reliance on state-run facilities and relocating lower-level juvenile offenders to community-based programs. It requires that judges evaluating non-determinate juvenile sentences assess whether the juvenile has a special need that cannot be met in the available community programs. If there is none, the juvenile is to be placed in the community setting. This mandate was accompanied by a regionalized plan that further increases community involvement.

School discipline was again addressed in extensive legislation that decriminalized truancy. HB 2398 switched truancy from a criminal offense to a civil offense (Svitek). Truancy was introducing students—particularly those already at risk of committing offenses—to the criminal justice system unnecessarily. HB 1396 included a provision that gave docket preference to juveniles who are younger than 14 years old. This means that if children that young are caught up in the criminal justice system, their case can be considered more quickly. The bill passed with near unanimous support (Glod).

Conclusion: Brighter Futures and Greater Savings

These changes have had an enormous effect on Texas and its juvenile population and have been widely regarded as resounding successes. In the years since these changes began, Texas has seen decreases in correctional populations, juvenile crime rates, and spending. Other states have begun to look to Texas as a model of reform.



Specifically, from 2007-2012, Texas experienced a one-third drop in juvenile crime rates. In 2007, Texas arrested just under 140,000 juveniles, but that figure fell steadily and by 2012, it was below 100,000. Incarceration rates fell at the same time: in 2012, 2,000 fewer juveniles were committed than in 2007. This belied the theory that increasing incarceration rates were responsible for the drop in crime (Fabelo et al.).

These measures have allowed the state to avoid spending hundreds of millions of dollars. Texas was on a path to build new facilities to house more offenders, adult and juvenile. Thanks to these new policies, the state was able not only to prevent this, but to close existing facilities (Right on Crime).

Texas had reached a very dark place in its criminal justice system. Abuses by state employees were horrifying, but they brought attention to overincarceration and inefficiency. This realization spurred a comprehensive and ongoing examination. The state is now a model for reform in juvenile justice. Texas responded to a terrible situation by positively reforming its juvenile justice system, from top to bottom, and other states would do well to follow suit. ★

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