



TEXAS CRIMINAL  
JUSTICE COALITION

**WRITTEN TESTIMONY**

**SUBMITTED BY ISELA GUTIÉRREZ,  
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**REGARDING APPROPRIATIONS FOR THE TEXAS YOUTH COMMISSION AND  
THE TEXAS JUVENILE PROBATION COMMISSION**

**HOUSE APPROPRIATIONS COMMITTEE  
SUB-COMMITTEE ON CRIMINAL JUSTICE**

**FEBRUARY 24, 2009**

Dear Members of the Committee,

My name is Isela Gutiérrez. I am the Juvenile Justice Initiative Director of the Texas Criminal Justice Coalition. Thank you for allowing me to present testimony regarding appropriations for the Texas Youth Commission and the Texas Juvenile Probation Commission.

### **TEXAS YOUTH COMMISSION: SUSTAIN THE INVESTMENT IN 2007 REFORMS**

Significant work from numerous stakeholders went into the development of S.B. 103, the omnibus juvenile justice reform legislation intended to stop abuses in the Texas Youth Commission (TYC), in 2007. However, since the problems facing TYC were structural and historical – at least a decade in the making – it is not altogether surprising that the 2007 reforms have not yet led to the new and improved TYC sought by stakeholders. A succession of three conservators in the two years following the omnibus bill’s passage has also thwarted successful implementation of the legislation’s mandates. But at last, TYC has the permanent leadership it needs to move forward with S.B. 103’s proper implementation, critical to restoring the trust of Texans in the state’s capacity to protect the incarcerated youth in its custody. If successful, an improved TYC will increase public safety and economic prosperity for Texas in the long term. As such, policy-makers in this 81<sup>st</sup> legislative session must sustain the vision necessary to create a model juvenile corrections system. Specifically, lawmakers must ensure that the agency stays the course toward deliberate, transparent implementation of the intent and the letter of the law through sustained investment in the reform effort.

### **WE SUPPORT THE FOLLOWING EXCEPTIONAL ITEM REQUESTS BY THE AGENCY:**

#### ➤ **Item #1: Regional specialized treatment facilities**

Funding this exceptional item is an important first step in moving TYC toward **a regionalized system of state-operated juvenile correctional and transition facilities that are smaller (<100 beds), more therapeutic, and closer to the communities that youth come from – similar to those operated in Missouri.** In spring 2007, TYC in conjunction with the University of Texas-Austin School of Social Work convened a Blue Ribbon Task Force to explore best practices for juvenile justice in Texas. In its final report, the Task Force put forth numerous recommendations,<sup>1</sup> some of which focused on Texas adopting aspects of the widely-acclaimed Missouri model. Although no model from another state will be a perfect fit “as is,” there are many lessons that Texas can learn from Missouri: for example, the replacement of a punitive philosophy with one centered on treatment has been essential to the success of the entire Missouri juvenile system. Moreover, the regionalization of Missouri’s system has allowed for the development of a continuum of services, ensured access to qualified treatment professionals, and facilitated inclusion of families and communities in the rehabilitation process – all of which paved the way for Missouri’s lower recidivism rates.

*Note: For more information on the Missouri model, please see the enclosed report by the Annie E. Casey Foundation.*

#### ➤ **Item #5: Increase managed health care contract services and costs**

TYC must have adequate numbers of clinical staff – including medical and psychiatric staff – in order to administer quality rehabilitative programming. A serious commitment to public safety requires investment in the quality of services delivered to youth incarcerated in state-run facilities. Thus, budget appropriations must reflect the real costs of having a workforce that can provide safety and true rehabilitation to the state’s most troubled youth.

➤ **Item #6: Revise and extend capital budget rider authority for new facilities**

In 2007, Texas voters approved \$25 million in bond funding to construct a new TYC facility of 150 beds near an urban center.<sup>2</sup> In 2008, TYC requested permission from state leadership to use that bond funding to construct three 48-bed facilities located near urban areas. This request more closely reflects the goal of moving toward a regionalized system of care similar to Missouri's. Generally speaking, bigger is not better when it comes to secure juvenile facilities. Large training schools that house 100+ youth, like TYC facilities, have been proven to be the least effective and most costly way of rehabilitating troubled youth.<sup>3</sup> These facilities are expensive to run, extremely difficult to staff, and are located far from the communities that these young people come from and the services that they need.

➤ **Item #2: Regional pilot program for community re-entry and specialized aftercare**

A stronger TYC parole system will protect public safety and give troubled youth, families, and communities a chance at success, without placing additional burdens on counties. The real measure of TYC's effectiveness is in a youth's behavior post-release. In order to provide meaningful oversight and support to youth exiting its institutions, TYC's parole program requires an increased investment and focus from the Legislature. Through this pilot program, TYC will have the opportunity to:

- Provide youth with more structured re-integration into their home environments, including day treatment programs, re-entry support groups, and family counseling.
- Increase family and community involvement in parole by implementing elements of proven, non-residential programming such as Functional Family Therapy, Multisystemic Therapy, and Multidimensional Treatment Foster Care.<sup>4</sup> Currently, TYC is moving in this direction through the development of Functional Family Parole, a program that utilizes the evidence-based Functional Family Therapy program as its foundation.
- Ensure that parole offices have funds to send a youth to specialized aftercare services (e.g., chemical dependency, sex offender, etc.), or to family counseling. Currently, youth are directed to county-provided services. If counties do not have adequate medical, behavioral health, educational, or vocational resources, a youth is simply on his or her own.

➤ **Item #11: Additional resources for Office of the Independent Ombudsman (OIO)**

Over the last 18 months of an often turbulent reform process, the OIO has served as a critical, independent voice for youth incarcerated in TYC institutions and on parole. Despite its tiny size and limited resources, the OIO has been able to successfully identify a number of systemic problems with the delivery of services (such as special education, medical care, and mental health treatment) to youth in TYC, drawn attention to severely inadequate conditions of confinement at contract care facilities, and provided assistance to hundreds of individual youth and families. In order to guarantee that this office continues to serve the important role of protecting the state's most troubled youth, greater resources are necessary.

➤ **Item #13: Increase transfer authority between funding strategies**

As TYC works to restructure itself into a juvenile corrections system that Texans can be proud of, its leadership must have the flexibility to transfer funding between funding strategies, as necessary.

**TEXAS JUVENILE PROBATION COMMISSION: STRENGTHEN JUVENILE PROBATION DEPARTMENTS**

Texas relies on county juvenile probation programs to serve the vast majority of youth who enter the system. Local juvenile probation departments are the “workhorses” of the juvenile justice system, handling 95% of juvenile justice-involved youth. Local coffers also bear the brunt of the responsibility for juvenile probation programs, with counties contributing 44% of the cost for community-based services and treatment.<sup>5</sup> In order to reduce the number of non-violent youth in state custody and ensure that resources in TYC facilities are targeted toward rehabilitating high-risk youth, juvenile probation must be strengthened.

In the 2008-09 biennium, the Texas Juvenile Probation Commission (TJPC) received approximately \$57.9 million in new funding to divert youth from TYC (including misdemeanor offenders who are no longer eligible for commitment).<sup>6</sup> This increased investment in juvenile probation has already demonstrated significant reductions in TYC commitments from the major urban counties, which are the largest contributors to the TYC population. From FY 2006 to 2008, Bexar County commitments decreased by 44%; Dallas County commitments decreased by 39%; Harris County commitments decreased by 50%; Tarrant County commitments decreased by 39%; and in Travis County, commitments decreased by a whopping 83%.<sup>7</sup> In order to build upon these results and ensure that as many youth as possible are served in proven, community-based programs, Texas must continue to invest in juvenile probation. This additional investment will also continue to produce substantial cost-savings to the state.

Texas should strive for safe communities and successful juvenile justice interventions, with only those youth who pose a danger to themselves or others incarcerated in secure facilities. There are a number of evidence-based, non-residential interventions that have been proven to successfully rehabilitate high-risk offenders and provide long-term public safety benefits as a result of reduced recidivism.

*Note: For more information on proven juvenile justice interventions that save money and reduce crime, please see the enclosed report by the Washington State Institute for Public Policy.*

**WE SUPPORT THE FOLLOWING EXCEPTIONAL ITEM REQUESTS BY THE AGENCY:**

➤ **Item #1: Replacement of lost federal IV-E funding to probation departments**

In the past, juvenile probation departments were able to receive reimbursement from the Texas Title IV-E Foster Care Program for administrative costs. However, due to a change in the federal interpretation of administrative rules governing the use of IV-E funding, juvenile probation departments face a reduction in funding of \$34 million over the 2010-2011 biennium. In order to ensure that juvenile probation departments are able to continue successfully diverting youth from TYC, it is critical that Texas lawmakers replace this major loss in funding.

➤ **Item #3: Increase in FTEs resulting from SB 103 mandates**

SB 103 requires TJPC to annually inspect locally-operated secure pre-adjudication detention facilities and post-adjudication correctional facilities. These secure facilities are prone to many of the same problems with conditions of confinement as TYC facilities.

➤ **Item #6: Juvenile Case Management System (JCMS)**

Currently, the state lacks access to the data necessary to determine which juvenile probation programs serve youth most effectively. Funding this exceptional item would allow TJPC to participate in the development of the JCMS, a web-based juvenile justice information and case management system, that will allow comprehensive data sharing between the state and locally-operated juvenile probation departments. This is an important first step in ensuring that state funding can be targeted toward proven programs that have demonstrated results for Texas youth.

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I appreciate the chance to testify before the committee, and hope that you will seize the opportunity before you in the 81<sup>st</sup> session to fund the juvenile justice system in a way that will work for youth, families, and communities. Investment in successful juvenile justice policies today will strengthen communities and result in long-term economic and public safety benefits for future Texans.

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<sup>1</sup> Texas, Blue Ribbon Task Force. *Transforming Juvenile Justice in Texas: A Framework for Action* (September 2007).

<sup>2</sup> Texas Sunset Advisory Commission. *Sunset Advisory Commission Staff Report: Texas Youth Commission, Texas Juvenile Probation Commission, Office of the Independent Ombudsman*. (2008), 64.

<sup>3</sup> "[R]esearch suggests that simply "locking kids up" in such facilities is an ineffective and unnecessarily expensive approach to helping troubled youth and reducing juvenile crime." Zavlek, Shelley. "Planning Community-Based Facilities for Violent Juvenile Offenders as Part of a System of Graduated Sanctions." *OJJDP Juvenile Justice Bulletin*. Juvenile Justice Practices Series. August 2005.

<sup>4</sup> Functional Family Therapy is an empirically grounded and highly successful family intervention for at-risk and juvenile justice involved youth. For more information, go to <http://www.fftinc.com>. Multi-Systemic Therapy is a research-proven and cost-effective treatment for youth with serious behavioral problems. For more information, go to <http://www.mstservices.com>. Multidimensional Treatment Foster Care is a cost-effective alternative to regular foster care, group or residential treatment, and incarceration for youth who have problems with chronic disruptive behavior. For more information, go to <http://www.mtfc.com>. In 2006, the Washington State Institute for Public Policy found that all three of these programs saved money and reduced crime. To read their report, visit <http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf>.

<sup>5</sup> Texas Sunset Advisory Commission.,13.

<sup>6</sup> Texas Sunset Advisory Commission., 78.

<sup>7</sup> Texas Youth Commission. *TYC Commitments FY2006 – 2007*.