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TESTIMONY 2013
H.B. 1318

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of H.B. 1318, an effective policy that will ensure timely access to counsel for detained kids.

APPOINTING COUNSEL BEFORE A YOUTH'S FIRST DETENTION HEARING WILL IMPROVE INTERVENTIONS AND SAVE MONEY

Community-based programs are the highest priority for Texas' juvenile justice system because growing evidence shows that, for most youth, the time spent in a secure detention facility impedes, rather than helps, rehabilitation. Youth do not have access to bail, and too many youth entitled to appointed counsel are not represented by prepared counsel at their first detention hearing. As a result, **Texas is needlessly keeping thousands of low-risk youth in pre-adjudication secure detention, at a cost of \$216 per day per youth.**¹

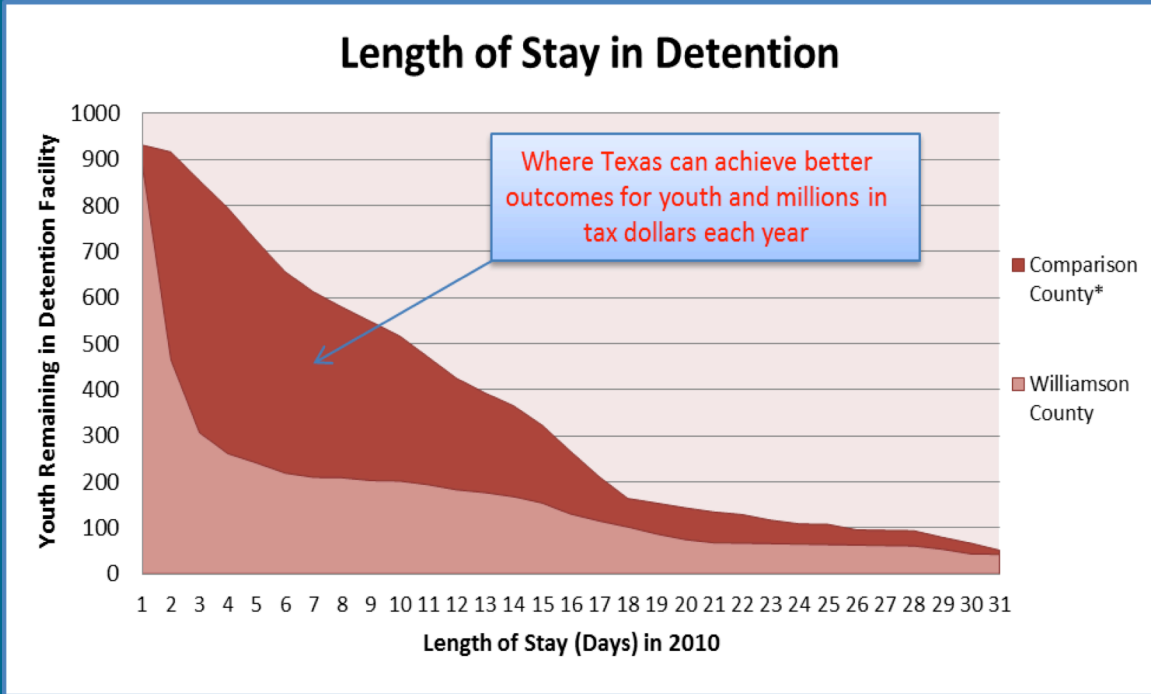
KEY FINDINGS

- **Inefficient pre-adjudication detention processes are keeping thousands of low-risk youth in lockup.**
 - » In 2011, 11,083 youth spent more than 10 days in pre-adjudication secure detention for non-felony offenses; 3,406 youth spent more than 30 days for non-felony offenses; and 283 Texas youth spent more than 100 days for non-felony offenses.²
 - » In 2011, 10,542 youth were placed in secure pre-adjudication detention facilities but were never deemed a high enough risk to be placed on probation;³ appointing counsel before the first detention hearing will help ensure these low-risk youth are identified earlier.
 - » The length of stay in pre-adjudication secure detention varies significantly among counties with similar populations, suggesting that many detention decisions are not correlated to a youth's risk.⁴
- **Secure detention of low-risk youth in Texas wastes millions of dollars each year.**
 - » Pre-adjudication detention costs **\$216 per day per child.**⁵ Reducing the average length of stay in pre-adjudication detention by just one day across the state would save millions in direct costs each year. Broader reductions in the use of secure detention – easily within reach – would save millions more.⁶
 - » Placement in a secure facility creates no reduction in antisocial activity.⁷

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 1318 BY REPRESENTATIVE TURNER

- **H.B. 1318 will protect public safety by improving interventions for youth.** Time spent in a secure detention facility does not reduce recidivism for the vast majority of youth, and it may actually worsen recidivism for low-risk youth.⁸ In contrast, proven community-based programs reduce recidivism, keep kids and staff safer, and cost less than secure facilities.⁹ Texas law instructs county juvenile probation departments to serve youth, families, and their communities by “prioritizing the use of community-based or family-based programs and services for youth over the placement or commitment of youth to a secure facility.”¹⁰
- **H.B. 1318 will likely save millions of dollars through more efficient youth detention processes.** H.B. 1318 requires counsel to be appointed for qualifying youth before the first detention hearing; because these attorneys must inevitably be appointed, this bill will not create any additional costs. In fact, by improving the efficiency of detention decisions, H.B. 1318 will likely create millions of dollars in savings statewide: Williamson County, for example, appoints counsel for youth before the first detention hearing and has realized hundreds of thousands of dollars in savings (*see chart on reverse*).

Ensure Timely Access to Counsel for Detained Youth



“Comparison County” and Williamson County had roughly equal-sized juvenile populations in 2010; the two counties’ juvenile felony and misdemeanor offense rates were also roughly identical. Williamson County efficiently lowers the length of stay in its juvenile detention facility by resetting detention orders every five days and by ensuring defense attorneys are present and prepared at a youth’s first detention hearing.

Source: TCJC “Community Solutions for Youth in Trouble” (2012).

References

- ¹ Legislative Budget Board “Uniform Cost Report” (January 2013).
- ² TCJC review of calendar year 2011 data provided by TJJD (April 2012).
- ³ *Ibid.*
- ⁴ *Ibid.*
- ⁵ Legislative Budget Board “Uniform Cost Report” (January 2013).
- ⁶ TPPF “Texas Counties Can Unlock Kids and Savings” (2009).
- ⁷ E.P. Mulvey “Highlights From Pathways to Desistance” (2011).
- ⁸ See, e.g., Annie E Casey Foundation “No Place for Kids” (2011).
- ⁹ *Ibid.*
- ¹⁰ Texas Human Resources Code section 201.002.