



**TEXAS CRIMINAL
JUSTICE COALITION**

WRITTEN TESTIMONY

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ON

**TEXAS JUVENILE JUSTICE DEPARTMENT
LEGISLATIVE APPROPRIATIONS REQUEST, FY 2020 AND 2021**

To

THE SENATE FINANCE COMMITTEE

JANUARY 28, 2019

Dear Members of the Committee,

Thank you for allowing me the opportunity to testify on much-needed items in the Legislative Appropriations Request (LAR) for the Texas Juvenile Justice Department (TJJD, the Department).

The Texas Criminal Justice Coalition (TCJC) has been closely monitoring the juvenile justice system in Texas for years, and as an organization we support a community-based system that safely reduces the number of kids in secure confinement while addressing the root causes of crime, increasing public safety, and saving taxpayers money.

SUPPORTING TJJD'S BASE REQUEST: AN INVESTMENT IN THE FUTURE OF TEXAS KIDS

TCJC supports the Department's base General Revenue request of \$647.7 million for the 2020-2021 biennium. As stated by Department Director Camille Cain, TJJD's intention is "to keep youth as shallow in the system as possible, providing greater access to family and support systems, and to leverage trauma-informed care to meet the real needs of youth, enable them to better regulate their own behavior, and increase their chances of success when they return to their communities."¹ **We encourage the Legislature to recognize the myriad of critical services provided by the Department and provide the funding requested by Director Cain. Failing to approve these funds will result in poor outcomes for kids and could compromise the safety of Texas communities.**

A line-item review of the goals and strategies in the Department's 2020-2021 appropriations request indicates a movement towards improving community-based service and trauma-informed care. By approving the funding requested in strategies 1:1:1, 1:1:3, 1:1:5 and 1:1:8 – prevention and intervention, community programs, commitment diversion initiatives, and regional diversion alternatives – **the Legislature can help the Department become a successful front-end agency, in which best practices and programs are implemented to keep kids in the shallowest end of the system possible and better ensure their positive outcomes.** Similarly, by approving the funding requested in strategies 2.1.1., 2.1.4, 1.1.8, 2.2.1., and 3.1.2. – assessment, orientation, and placement; education; integrated rehabilitation treatment; the Office of the Inspector General; and parole programs and services – **the Legislature can strengthen the Department's efforts to help kids safely and successfully reintegrate back into our communities.**

EXCEPTIONAL ITEMS REQUESTED BY TJJD

The Department is requesting an additional \$53.8 million in exceptional items, many of which TCJC supports, including an expansion of regionalization, validated risk/needs assessment for probation departments, emergency mental health stabilization, PREA compliance, body cameras, and trauma-informed care training.

Recent assaults within youth facilities – and the consequent reforms to the state's juvenile justice system that have come at the urging of Director Cain – have emphasized the importance of serving kids in their communities and keeping them "closer to home."² As research has indicated, kids who are served in their communities and near their positive supports experience better outcomes and are less likely to recidivate.³ The funds requested for probation enhancements and an expansion of regionalization aim to achieve sustainable funding levels for local departments as they continue their collective progression towards creating a strong front-end agency.

DETERMINING EFFICACY: THE NEED TO SHIFT FROM DEFICITS TO POSITIVE OUTCOMES FOR KIDS

Despite comprehensive reforms to Texas' juvenile justice system over time, the Department continues to struggle in meeting the goals that have been laid before it by legislators. The goal of "creating a system that produces positive outcomes for youth, families, and communities,"⁴ for instance, is one that will never be reached unless the agency begins to measure its efforts in a manner that is more reflective of what is being done to meet this goal (e.g., improvements for kids in work readiness, school performance, community involvement, and behavioral health). Although recidivism is an important and historical measure in juvenile justice, it alone cannot be used as the sole measure of the system's success.

For years, researchers have cautioned legislators against measuring system performance chiefly by recidivism because it "miss[es] important measures of the system's day-to-day performance, obscuring the role that citizens can and should play in promoting secure communities."⁵ Based on this research, **TCJC strongly recommends that the Legislature restructure the current performance measures being used to determine system effectiveness to more appropriately reflect the goals that the Department has been asked to meet.**

BUILDING CAPACITY FOR RAISING THE AGE

Texas is now one of only four states that automatically sends 17-year-olds accused of a crime to the adult criminal justice system, regardless of the fact that 95% of them are arrested for nonviolent and misdemeanor offenses.⁶ "Raising the age" would start 17-year-olds off in the juvenile system but give judges the discretion to transfer kids with the most serious offenses to the adult system on a case-by-case basis. This expansion of juvenile jurisdiction promotes a juvenile justice system focused on public safety, rehabilitation, fairness, and fiscal responsibility.

As legislators and advocates continue to work toward raising the age of automatic criminal responsibility in Texas, it is important for the Department and local probation departments to continue diverting low-risk kids from the juvenile justice system to help ensure capacity for any additional 17-year-olds.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTIONS

- **Invest in the success of Texas kids by supporting TJJ's base request for the 2018-2019 biennium.** As TJJ progresses towards becoming a strong front-end agency, it is imperative to provide support to counties with the intent of achieving specific outcomes (e.g., more successful kids, intact families, and safer, healthier communities).
- **Strongly consider additional funding to assist the Department in supporting local probation departments, expanding regionalization, and enhancing trauma-informed care.** In June 2018, the Department announced long-term plans to reform Texas' juvenile justice system, envisioning a model that can keep kids closer to home and be built on a foundation of trauma-informed care.⁷ Legislators should strongly consider the approval of the exceptional items discussed above that will support the Department's long-term goals.
- **Consider the costs of raising the age of automatic adult criminal responsibility in long-term budget projections.** In addition to funding the Department's exceptional items relating to increased local

resources to build capacity, the Legislature should include the cost of raising the age in long-term budget planning.

- **Ensure system efficacy by reconstructing TJJD’s overall performance measures.** Recidivism cannot be a system’s sole measure of success. Intermediate outcomes (e.g., parental involvement, school engagement, therapeutic progress) are absolutely necessary to determine whether the state’s juvenile justice system is achieving what it was created to achieve, the rehabilitation of kids.

References

¹ Texas Juvenile Justice Department, Legislative Appropriations Request for Fiscal Years 2020 and 2021, p. 2.

² Council of State Governments, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*, <https://csgjusticecenter.org/wp-content/uploads/2015/01/texas-JJ-reform-closer-to-home.pdf>.

³ Council of State Governments, *Closer to Home*.

⁴ SB 653, 82nd Texas Legislative Session

⁵ John Dilulio (1991), *No Escape: The Future of American Corrections*, New York, NY Basic Books, Inc.; J. Petersilia (1993) *Measuring the Performance of Community Corrections in Performance Measures for the Criminal Justice System*, Washington, DC: Bureau of Justice Statistics.

⁶ Texas Department of Public Safety, Texas Crime Report for 2016, Chapter 9, p. 77, 79, <http://www.dps.texas.gov/crimereports/16/citCh9.pdf>.

⁷ Camille Cain, Short-Term Solutions and Long-Term Goals: A Plan for TJJD, <http://www.tjjd.texas.gov/Docs/TJJDPlan.pdf>.