



**Texas Center for
Justice & Equity**
SOLUTIONS FOR SAFE, HEALTHY,
JUST COMMUNITIES

WRITTEN TESTIMONY

**SUBMITTED BY ALCIA CASTILLO
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TEXAS CENTER FOR JUSTICE AND EQUITY**

ON

**ARTICLE V
TEXAS JUVENILE JUSTICE DEPARTMENT**

To

THE SENATE COMMITTEE ON FINANCE

FEBRUARY 9, 2023

Dear Chair Huffman and Members of the Committee:

My name is Alycia Castillo; I am Director of Policy and Advocacy at the Texas Center for Justice and Equity (TCJE), formerly the Texas Criminal Justice Coalition. Thank you for this opportunity to provide testimony with respect to the Texas Juvenile Justice Department (TJJD), including recommendations for funding over the next biennium.

TCJE has been closely monitoring the juvenile justice system in Texas for nearly two decades, and, as an organization, we analyze systems that intersect with juvenile justice and promote strategies that safely reduce system involvement while addressing the root causes of crime, and increasing long-term public safety and health.

Amid the convergence of multiple crises in TJJD, which have led to dangerous and inhumane conditions for approximately 600 children in its care since summer 2022, the Texas Legislature is tasked with developing a solution that meets the size of the problem.

Many other states and counties – ***and even Texas in the not-so-distant past*** – have successfully reduced reliance on incarceration and closed state secure facilities.¹ This session, Texas can and must take the transformational step to close TJJD’s five state secure facilities and do it right: **commit to no new builds or transfers to the adult system.** With smart investments and a thoughtful plan, counties can provide children with the resources they need to thrive outside of prison walls.

What Drives Kids into TJJD?

Trauma:

95% of girls and 87% of boys in TJJD have four or more Adverse Childhood Experiences.

Mental Health Needs:

65% of children in TJJD have been diagnosed with a significant mental health issue, with approximately 5% having very significant mental health needs.

Disability:

Approximately 23% of kids in TJJD have reported intellectual and developmental disabilities, and the average child is 5 -6 grades behind at intake.

Commercial Sexual Exploitation:

91% of girls in TJJD have clear or possible concern for sex trafficking based on the Commercial Sexual Exploitation Identification Tool.

Texas’ most vulnerable children need age-appropriate care and support, not prison cells.

Adding Fuel to the Flame: Building More Child Prisons Won’t Fix a Collapsing System

With the leadership and support of TJJD’s Board and administration in recent years, the agency has made tremendous strides toward shrinking its footprint and ensuring that children who have made mistakes get what they need to better thrive at home. In 2022, TJJD’s average daily population (secure detention) totaled 657 children, down from 1,129 children in 2016. Referrals have similarly declined since 2017, with 33,987 referrals processed in 2021, compared to 53,522 in 2017.² However, the abusive conditions and worsening trauma in TJJD’s state secure facilities persist for the few children that remain.³

TJJD has recognized the complex and highly-individualized factors that can interfere with children’s success, and we encourage continued acknowledgment of the driving factors that lead to incarceration but that may be out of a child’s control, including: trauma, intellectual and developmental disabilities, lack of community support, racial discrimination, poverty, and victimization.⁴ But ultimately, confinement is not the answer. Evidence shows that children, especially those with trauma, cannot benefit from even the best trauma-informed modalities for healing and restoration if they feel unsafe. A prison – no matter what color the brick walls are – will never be a safe environment for a traumatized child.⁵ **To ensure the long-**

term health and safety of children AND communities, we must move away from our reliance on the outdated, failed, and inhumane practice of incarcerating children.

In light of this, TCJE is supportive of several of the Department’s requests, particularly as they relate to expanded funding for Community Programs, reorganization of probation funds to allow for more flexibility to serve children at the local level, and updates to the basic probation strategy to incentivize prevention and diversionary programs that keep children in the shallow end or out of the system altogether.

But still, this will not be enough. Below are our recommendations.

Recommendation 1: Close the Five Remaining State-Operated TJJD Facilities by 2030

A growing body of research proves what we know in our hearts to be true: age-appropriate, community-based interventions work for crime prevention, intervention, and restoration for youth. Programs and program pilots across the country demonstrate the effectiveness of various modes of treatment and care, but what all of them have in common is that they occur in a child’s own community.⁶ Certainly, by and large, children in wealthy communities in Texas and beyond have benefited from a childhood free of incarceration, simply because of their access to resources. *Every* child in Texas should have this same opportunity. In order to create capacity to serve children outside of dangerous prisons, Texas must free up investments in punishment. A staggered closure of TJJD’s five youth prisons will be one meaningful step in ensuring this is possible.

Texas had previously been hailed as a national model for youth justice reform; but in over a decade since the reforms of 2007 – and following the closure of eight state-operated institutions by 2011 – additional facility closures and youth justice reforms have largely stalled. It is time to pick up where we left off.

Recommendation 2: Create an Office of Youth and Community Restoration & Pursue Community Reinvestment

A **Community Reinvestment Fund** is a capacity-building model, enabling a backbone agency or organization to act as an intermediary that: (1) facilitates grants from the Fund to local grassroots organizations and direct service providers, then (2) actively partners with such entities to strengthen their capacity, improve their services, and monitor whether their services are producing long-term, positive outcomes for the populations they serve.

Upon the closure of each of Texas’ remaining five youth prisons, millions of dollars will be freed up to reinvest in strategies that meet the needs of children in their own communities. Savings should be redeployed through Community Reinvestment Funds. These Funds are already being utilized successfully in Harris County and throughout the country⁷ to facilitate the enhancement and expansion of services that ensure public safety, without necessitating incarceration.

A Case Study on Community Reinvestment Funds

Harris County’s Youth Justice Community Reinvestment Fund was approved in 2021. Leaders diverted \$2 million from the local probation department (matched with \$2 million in county funds) to non-carceral, community-based service providers to help 80 kids who were released from detention during COVID-19. These children were provided case management, connections to credible messengers, and other supports — like hot meals, homework and tutoring assistance, and counseling services. A study by Columbia Justice Lab shows that only 8 children were rearrested within the first six months of the program.

And there is strong support for such services: A Lake Research poll showed that 90 percent of respondents support treatment for mental health and drug addiction, job and skills training, and mentoring and counseling programs that address the root causes of crime.⁸ Community Reinvestment Funds are typically granted by the state or county and entrusted to the above-mentioned intermediary agency with the capability of tracking and reporting outcomes.

To this end, the Legislature should create an **Office of Youth and Community Restoration** that, among other duties, will act as a procurement entity for agencies and community-based programs that serve to prevent and address the root causes of criminalized behavior. Under this model:

- Community Reinvestment Funds should be deployed to counties to partner with, develop, and expand school- and community-based service providers, to build the infrastructure desperately needed for judges and probation departments to divert children toward non-institutional, non-punitive services. The Office would work with local leaders to determine where funds would be best utilized and help monitor funding and track outcomes.
- The Office of Youth and Community Restoration will serve in a statewide capacity, overseeing the various Funds, to ensure that children, their families, and their schools are provided the appropriate, public health-focused resources to aid in violence prevention and mitigation.

Similar allocation strategies have been implemented in many states through the **Justice Reinvestment Initiative (JRI)**.⁹ So far, **the savings have been substantial**. In Kansas, in the three years following JRI reforms, the state reported \$2.5 million in savings. Some states with similar reforms report even greater savings – like South Carolina, reporting \$490 million in total criminal justice savings from 2015-2017. Furthermore, 15 states that have some form of JRI strategy in place have seen their incarcerated populations decrease by more than projected levels, totaling \$1.1 billion in savings from 2015-2017 across all states.¹⁰

Community Reinvestment Funds can be used to build the infrastructure that counties need to safely and effectively serve children in their own communities, instead of sending them away.

Recommendation 3: No New Builds; Instead, Invest in Communities

In its current iteration, SB 1 accurately identifies that a significant financial investment is needed for children who make mistakes, but the target for investment is not aligned with research or best practices for children. **It is a devastating prospect that over \$200 million has been proposed for the construction of new child prisons – particularly when TJJ is struggling to manage existing child prisons.** The Legislature should use those same dollars to develop Community Reinvestment Funds, to be facilitated by an Office of Youth and Community Restoration.

For over a century, Texas has fallen into a pattern of posing woefully insufficient proposals to address ongoing crises in our child prisons. Salary increases, staff recruitment strategies, and prettier prisons will not solve the problems inherent in the inhumane practice of imprisoning the most vulnerable children in Texas. It's time to break the cycle. That begins with a commitment to view and treat all children as human beings deserving of care, protection, and – at the very least – humane treatment.

By enacting a budget that allows for a staggered closure of Texas' five remaining youth prisons, the Legislature can truly focus on creating alternatives between now and 2030 that will provide children with the resources they need to thrive in their own homes, schools, and communities.

Citations

¹ Deborah Fowler, "A True Texas Miracle: Achieving Juvenile Justice Reform in a Tough Economic Climate," *First Focus on Children*, September 27, 2012, <https://firstfocus.org/resources/report/a-true-texas-miracle>.

² Texas Juvenile Justice Department, *The State of Juvenile Probation Activity in Texas: Statistical and Other Data on the Juvenile Justice System in Texas*, 2016 and 2021, <https://www.tjjd.texas.gov/index.php/doc-library/send/334-state-of-juvenile-probation-activity/3201-the-state-of-juvenile-probation-activity-in-texas-2021> and https://www.tjjd.texas.gov/index.php/component/jdownloads/send/594-state-of-juvenile-probation-activity-archive/314-the-state-of-juvenile-probation-activity-in-texas-2016?option=com_jdownloads.

³ Jolie McCollough, "In Texas youth prisons, children trapped in their cells use water bottles and lunch trays for toilets," *Texas Tribune*, 2022, <https://www.texastribune.org/2022/09/12/texas-juvenile-prisons-crisis/>.

⁴ Legislative Budget Board, *Texas Juvenile Justice Department Legislative Appropriations Request for Fiscal Years 2022-2013*, https://www.lbb.state.tx.us/Agency_Docs.aspx.

⁵ Center for Health Care Strategies, *Key Ingredients for Successful Trauma-Informed Care Implementation*, 2016, https://www.samhsa.gov/sites/default/files/programs_campaigns/childrens_mental_health/atc-whitepaper-040616.pdf.

⁶ Richard A. Mendel, *No Place for Kids: The Case for Reducing Juvenile Incarceration*, The Annie E. Casey Foundation, 2011, https://folio.iupui.edu/bitstream/handle/10244/1035/JJ_NoPlaceForKids_Full.pdf.

⁷ Urban Institute, *Investing Justice Resources to Address Community Needs*, 2018, https://www.urban.org/sites/default/files/publication/96341/investing_justice_resources_to_address_community_needs.pdf.

⁸ Urban Institute, *Public Investment in Community-Driven Safety Initiatives*, 2018, https://www.urban.org/sites/default/files/publication/99262/public_investment_in_community-driven_safety_initiatives_1.pdf.

⁹ U.S. Department of Justice, Office of Justice Programs, *Justice Reinvestment Fund*, <https://bja.ojp.gov/taxonomy/term/77291?page=0>.

¹⁰ Urban Institute, *Reforming Sentencing and Corrections Policy*, 2016, https://www.urban.org/research/publication/reforming-sentencing-and-corrections-policy/view/full_report.