



**Senate Finance Committee**  
**Senate Bill 1**  
**Budgets for the Texas Youth Commission and the Texas Juvenile Probation Commission**  
**March 2, 2011**

Members, I am Jodie Smith with Texans Care for Children, a statewide nonprofit organization dedicated exclusively to improving the lives of Texas children through policy change. We look to our broad base of community-based experts—our partners and 220 members throughout the state who together represent thousands of Texas children—to inform our work and help us in developing our legislative agenda. We also co-convene various stakeholder groups, including the *Texas Juvenile Justice Roundtable*, that bring together a wide range of organizations, families, and advocates around our areas of focus, which are: family economic security; infant, child and maternal health; children’s mental health; child welfare; and juvenile justice.

**Juvenile Justice Funding and the Sunset Process**

All too often, youth involved in the juvenile justice system get caught in a costly cycle of repeat offense and supervision or graduate into the adult criminal justice system because of a lack of resources and effective rehabilitation programs. We are concerned about the deep cuts recommended in SB1, especially at a time when the Sunset Commission has recommended a major restructure of the juvenile justice system by merging the Texas Youth Commission and the Texas Juvenile Probation Commission. We agree that evidence supports the prioritization of community-based corrections over commitment to correctional institutions—treating youth in community-based programs is more effective and less expensive than treating youth in large facilities. However, Texas is far from achieving consistently good outcomes for youth involved in the juvenile justice system, and the deep cuts you are considering to public schools, the public mental health system, delinquency prevention, drop-out prevention, teen parenting supports, and other youth programs are likely to translate into juvenile justice system involvement for more young people. Until you reinforce these programs and interventions that help put young people on a positive path in life, and until we see better outcomes for the youth who are already involved in the justice system, cutting juvenile justice resources should be off the table for consideration.

Regardless of the changes that come out of the Sunset recommendation, juvenile justice reform cannot be successful and produce positive outcomes for youth and public safety if the budget structure this committee creates does not support an effective, efficient, and just juvenile justice system. We offer these comments to guide you in realigning funding to do just that.

**Realign Funding towards Greater Use of Community-Based Interventions**

Recognizing that proven, non-institutional, community-based programs are less expensive and more effective than secure facilities, Texas should move away from institutional care towards using taxpayer dollars to fund proven and effective community-based services for youth and families. Significantly fewer youth should be incarcerated, more should be treated under community supervision with appropriate strength-based and family-focused interventions and supports, and funding should follow the youth. If more youth are being served at the county level, the state should redirect funding to counties for the provision of appropriate and effective community-based, non-institutional services in those locations.

Community-based corrections is one of the most cost effective tools within the juvenile justice system in both the short and long term. As the 2010 Sunset Advisory Commission staff report on TYC and TJPC finds, the fiscal realignment the Legislature guided in 2009 to redirect money from TYC into community corrections through TJPC and county juvenile probation departments has been very successful. Commitments to TYC are down 30% from the previous year, and all counties that accepted the diversion money successfully met their diversion targets. Only .02% of the youth served by these diversion programs ended up being committed to TYC last year.<sup>i</sup> SB1 would cut community corrections diversion funds by \$24.1 million on top of an \$11.1 million cut to basic probation. This is a clear example of a penny-wise, pound-foolish decision.

The Special Needs Diversionary Program (SNDP) is another example. SNDP pairs a local mental health professional with a specialized probation officer to coordinate a range of community-based services for youth with mental illness and their family, including skills training, anger management, and medication maintenance.<sup>ii</sup> According to the Texas Juvenile Probation Commission, “Juveniles completing the [SNDP] program had significantly lower TYC commitment rates than other juveniles.” SB1 would also cut SNDP.

When the Legislature fails to fully fund services that are delivered at the local level, it also creates financial burdens on local governments. For example, the proposed cut in SB1 to reimbursement rates for Juvenile Justice Alternative Education Programs (JJAEP) from \$79 per day per student to \$59 per day per student does not decrease the cost of the programs; it only increases the cost to the counties and local school districts.

#### **For Confined Youth, Use Small Facilities**

For youth who do need to be incarcerated to protect public safety, you should structure the budget so that Texas can move towards the use of small juvenile justice facilities that prioritize youths’ treatment needs, provide meaningful rehabilitation in a therapeutic environment, and locate youth in or near their home communities. From Annie E. Casey’s report on Missouri’s model juvenile justice system,

According to the both Missouri insiders and national justice experts, Missouri’s switch to smaller facilities was crucial to improving its juvenile corrections system. Paul DeMuro, a veteran juvenile justice consultant, suggests, ‘The most important thing in dealing with youthful offenders is the relationships, the one-on-one relationships formed between young people and staff. And not just the line staff. It’s critical that the director of the facility know every kid by name.’

Ned Loughran, executive director of the Council of Juvenile Correctional Administrators, warns, ‘The kids coming into juvenile facilities need a lot of specialized attention, and they need to develop a relationship with staff.’ Loughran adds, ‘A small facility allows the staff to get to know the kids on a very individual basis. The kids interact better with peers and staff. Large facilities routinely suffer with high rates of staff turnover and absenteeism, ‘so the kids spend a lot of time sitting in their rooms...With large [facilities] it’s like going to a large urban high school. Kids get lost, and these kids can’t afford to get lost.’<sup>iii</sup>

SB1 projects a TYC incarcerated population of 1489 youth in the next biennium, with Rider 22 capping TYC’s incarcerated population at 1600 and directing the agency to close up to three facilities. TYC

currently has 10 facilities, which means it would likely have 7 after SB1 cuts take effect. At best, that means each facility would have an average of 212 youth, *six times* the size of Missouri's largest secure facility.<sup>iv</sup> SB1 is not a realistic proposal to support youth facilities that successfully rehabilitate youth and are free from abuse.

### **Use Specialized Treatment**

Funding must be made available to ensure that facilities are staffed with qualified personnel trained to meet the needs of youth who require mental health, substance abuse, and sex offender treatment. SB1 would cut specialized treatment programs that have proven to increase public safety as well as a long-term cost savings to the state. Specialized treatment programs are geared toward offenders with the greatest needs and offenders at high risk of violent reoffending, and have been proven to reduce recidivism. For example, TYC's Capital Offenders program is guided by research and based largely on cognitive, psycho-social techniques that promote self-regulation and empathy, and it has received national recognition and has been proven to be successful at reducing overall recidivism by 55%.<sup>v</sup> TYC's specialized treatment for sex offenders has also proven to effectively reduce the likelihood of participants to be reincarcerated for violent felony or felony sex offenses – likelihood of reincarceration for a felony offense reduced by 50%, rearrested for a violent felony offense by 46 percent and re-arrested for a felony sex offense by 37%.<sup>vi</sup>

Mental health services are another critical area of specialized treatment. Thirty seven percent of youth in the Texas Youth Commission have been characterized as having "serious mental health problems,"<sup>vii</sup> and 48% had some need for mental health treatment in 2009. While SB 1 proposed cuts to the Mental Health and Psychiatric services are not at the same level as many other services at TYC, 7% cuts will be problematic with so many youth needing services. A Texas Youth Commission (TYC) study found that youth who received mental health treatment while incarcerated were significantly less likely to be rearrested or reincarcerated within a year of release.<sup>viii</sup> Providing mental health treatment upfront is more cost effective than sending youth to TYC again for \$180,000 for the average length of stay.<sup>ix</sup>

### **Protect Public Safety by Reducing Recidivism**

The state should continually foster and protect resources and programming that help youth succeed after juvenile justice system involvement. Educational services, including reading and behavior improvement programs, that support workforce and vocational development are especially critical for easing the re-integration of youth into their home communities. The proposed 38% cuts to parole services will have harmful impacts on the reintegration of youth into their communities and recidivism rates of youth. In 2011, parole services are estimated to be \$23.13 per day per youth for parole versus \$359.58.94 per day per youth housed in a TYC secure facility.<sup>x</sup> Given the success rates of parole in Texas, it would be wise for the state to increase funding for parole and increase access to parole rather than make cuts to the services.

While the Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI) is housed within the Texas Department of Criminal Justice, currently much of the mental health programming for youth in the juvenile justice systems is funded through the office. The current proposal to cut 15% of the services funded through TCOOMMI will have a negative effect on community corrections and diversion programs. Funding for all mental health care through SNDP is from TCOOMMI.<sup>xi</sup> Cutting mental health care for probation and parole will drive up the number of youth moved into institutional settings, with a cost to the state much higher than community settings.

*A potential merger of the two juvenile justice agencies should not be looked at as a way to reduce the state's budget shortfall. The savings found by treating youth in community-based programs must be re-*

*invested into the system to ensure that rehabilitation and treatment programs are effective at reducing recidivism and keeping youth out of the costly cycle of repeating offenses and returning to the juvenile and criminal justice systems.*

### **Take a Balanced Approach to Balancing the State Budget**

Like you, we want to see a prosperous future for this state. That is why we are asking you to refrain from making unnecessary cuts that hinder the future of this state and to, instead, bring state revenues in line with the true needs of our young and growing population. We recommend that you:

- **Use the Rainy Day Fund.** An estimated \$9.4 billion in savings will be available for the next budget from a fund whose constitutional mandate is shoring up state services during economic downturns.
- **Take advantage of available federal funding.** Texas taxpayers need our state leaders to prioritize bringing our share of federal dollars back to Texas.
- **Close wasteful tax loopholes, and develop new revenue sources.** The House Ways & Means Committee has been reviewing tax exemptions and is already hearing proposals that would help the Legislature identify those that are outdated and that can be eliminated without hurting the average taxpayer. We also support proposals for new revenue, especially those that have a positive public health benefit.

Thank you for your time and commitment. If you have any questions, please feel free to contact me or the staff of Texans Care for Children.

Thank you,  
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<sup>i</sup> Sunset Advisory Commission. Staff Report. TYC and TJCP (2010)  
[http://www.sunset.state.tx.us/82ndreports/tyc/tyc\\_dec.pdf](http://www.sunset.state.tx.us/82ndreports/tyc/tyc_dec.pdf)

<sup>ii</sup> Texas Juvenile Probation Commission. (2008) Overview of the Special Needs Diversionary Program for Mentally Ill Juvenile Offenders, FY 2007.  
[http://www.criminaljusticecoalition.org/files/userfiles/juvenilejustice/Best\\_Practices/Overview\\_of\\_the\\_Special\\_Needs\\_Diversionary\\_Program\\_for\\_Mentally\\_Ill\\_Juvenile\\_Offenders,\\_FY\\_2007.pdf](http://www.criminaljusticecoalition.org/files/userfiles/juvenilejustice/Best_Practices/Overview_of_the_Special_Needs_Diversionary_Program_for_Mentally_Ill_Juvenile_Offenders,_FY_2007.pdf)

<sup>iii</sup> [http://www.aecf.org/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/MOModel/MO\\_Fullreport\\_webfinal.pdf](http://www.aecf.org/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/MOModel/MO_Fullreport_webfinal.pdf), p. 15

<sup>iv</sup> Ibid.

<sup>v</sup> "Specialized Correctional Treatment," Texas Youth Commission,  
[http://www.tyc.state.tx.us/programs/special\\_treat.html](http://www.tyc.state.tx.us/programs/special_treat.html).

<sup>vi</sup> Ibid.

<sup>vii</sup> Texas Youth Commission Strategic Plan 2011-2015 (2010).  
[http://www.tyc.state.tx.us/about/TYC\\_Strategic\\_Plan\\_2011\\_to\\_2015.pdf](http://www.tyc.state.tx.us/about/TYC_Strategic_Plan_2011_to_2015.pdf)

<sup>viii</sup> Texas Youth Commission. (2008) *Fiscal Year 2008 Review of Agency Treatment Effectiveness*.  
[http://www.tyc.state.tx.us/archive/Research/2008\\_Treatment\\_Effectiveness.pdf](http://www.tyc.state.tx.us/archive/Research/2008_Treatment_Effectiveness.pdf)

<sup>ix</sup> Legislative Budget Board. Criminal Justice Uniform Cost Report. FY 2008-2001.  
[http://www.lbb.state.tx.us/PubSafety\\_CrimJustice/3\\_Reports/Uniform\\_Cost\\_Report\\_0111.pdf](http://www.lbb.state.tx.us/PubSafety_CrimJustice/3_Reports/Uniform_Cost_Report_0111.pdf)

<sup>x</sup> Ibid.

<sup>xi</sup> Ibid.