

REFORM JUVENILE JUSTICE TO PROMOTE YOUTH REHABILITATION AND SUCCESS

Background: The Texas Juvenile Justice Department (TJJD) has been under Sunset review* for the past two years, offering a critical opportunity for the legislature to enact vital juvenile justice reforms. These reforms can:

- keep youth who become juvenile justice-involved or are at risk of involvement safe and healthy within their communities,
- work toward eliminating the need and use of ineffective state-secure facilities,
- improve outcomes for justice-involved youth involved in multiple systems by ensuring all service providers coordinate and collaborate, and
- address workforce shortages which inhibit quality service provision to Texas youth.

Snapshot: Youth in the Juvenile Justice System

- 26,155 juveniles were referred to juvenile probation in 2021.
- 85.6% of referrals were for misdemeanors, non-violent felonies and status offenses.¹
- 60% of youth committed to state-secure facilities have significant mental health needs.²
- State-secure facilities are operating at 150% of staff capacity.

Provide Rehabilitative Services in the Least Restrictive Setting and Close to Youths' Homes

Community-based services and residential treatment are most effective when provided close to a youth's home so that families can be involved in their ongoing treatment.³ In 2015, the Texas Legislature tasked TJJD with developing a "Regionalization Plan" to keep youth in the juvenile justice system closer to their homes and out of state-secure facilities. The plan as developed focuses on the state paying for residential placements for youth on probation in order to keep them out of state-secure facilities. However, the placements paid for through "Regionalization" do not necessarily keep youth closer to their homes.

There is inadequate capacity of intensive community-based services to keep youth at home instead of in costly secure and non-secure facilities. In fact, in some communities this capacity is nonexistent. While many communities are too small or too remote to create specialized treatment programs for the community, innovative models that allow staff to travel around a region could permit youth to receive treatment while at home. These community-based programs and supports have demonstrated significant efficacy in preventing young people from becoming involved in the juvenile justice system. Capacity building efforts should also focus on youth who may be at-risk of justice involvement.

TNOYS Recommends requiring TJJD to update the agency's Regionalization Plan with specific emphasis on capacity-building of community-based services to keep more youth in their homes. In addition to developing the plan in conjunction with juvenile probation departments and other juvenile justice stakeholders, the legislature should require TJJD to develop the plan with stakeholders in other youth-serving systems including foster care, local mental health authorities, and housing and homelessness services providers.

* Sunset review is an evaluation of state agencies that happens approximately every 7 to 10 years, where Sunset staff evaluate the effectiveness of the agency by getting feedback from stakeholders and make recommendations to legislators to improve the agency.

1. <https://www.tjtd.texas.gov/index.php/doc-library/send/334-state-of-juvenile-probation-activity/3201-the-state-of-juvenile-probation-activity-in-texas-2021> 2. https://www.sunset.texas.gov/public/uploads/files/reports/TJJD-SER_09-01-21.pdf 3. The Council of State Governments Justice Center, Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms, available at <https://csgjusticecenter.org/publications/closer-to-home/>

Develop a Plan to Eliminate the Need for Ineffective, Dangerous State-Secure Facilities

The pandemic highlighted alarming conditions in state-secure facilities, where youth were forced to lock down for weeks without basic hygiene needs due to staffing shortages.⁴ Large facilities located in rural areas of the state and far from youth's homes have high staff turnover and are not equipped to meet the needs of the youth in them. Even after increasing staff pay recently, TJJJD reports that they are operating the facilities at 150% of their staffed capacity. But conditions and safety in TJJJD's state-secure facilities have been concerning for more than a decade.

In July 2021, Governor Abbott directed the Texas Rangers to investigate "multiple allegations that certain TJJJD staff members have recently engaged in potentially illegal behavior."⁵ This was followed by the U.S. Department of Justice launching an investigation into conditions and youth safety in TJJJD facilities in October 2021. The department expressed concern over the agency's failure to protect youth "from physical and sexual abuse and excessive use of chemical restraints and excessive use of isolation." Widespread sexual abuse in these facilities in 2007 led to the legislature reducing populations and closing facilities. However, concerns persist, including reports of gang violence, staff failing to intervene in youth misbehavior, and staff choking youth in 2019.

TNOYS Recommends to task TJJJD with developing a plan and timeline to reduce the need for state-run juvenile justice facilities that includes a staggered closure of all state-secure facilities.

Enhance Cross-System Collaboration through Improved Data-Sharing

Recognizing that when a youth is involved in one youth-serving system, they are often involved in more than one, it is imperative that youth-serving systems work together to promote the best outcomes by sharing data. The lack of data collected on youth involved in multiple youth-serving systems in Texas and across the country makes it challenging to determine the exact number of youth who are involved in multiple systems. However, it is estimated that somewhere between 45 and 75% of youth referred to juvenile probation are currently or

TNOYS Recommends the development of a statewide interoperable data system that connects current youth-services data systems, allowing youth-serving providers to identify in real time when a youth is currently involved in another system and receiving services while ensuring confidentiality where appropriate.

have previously been involved in the child-welfare system. Juvenile probation service providers often acknowledge the difficulty of identifying if a youth is receiving or recently received services in the child welfare or foster care system. Without proper identification, providers may duplicate costly assessments and services. While there is some coordination and collaboration among systems, timely identification of multi-system-involved youth is not happening, which hinders the ability to coordinate services and supports effectively.

Address Staffing Shortages by Investing in All Youth Services

In recognition of staffing shortages in county-run juvenile probation departments, pay increases for probation staff are included in the House and Senate budgets. Stabilizing probation staffing will better equip probation departments to keep more youth closer to home and out of state-secure facilities.

The youth services field is currently facing staffing shortages statewide, with many service providers unable to pay competitive wages to attract and retain high-quality staff. It is critical that the Texas Legislature increase funding and pay across all youth-serving systems and provider types. Since staff in these fields possess the transferable skills of supporting youth with behavioral challenges and past trauma, if the budget that funds one group of service providers is increased but not another, there is significant risk of an exodus of quality, tenured staff to the better-funded providers or systems.

TNOYS Recommends addressing workforce shortages with increased funding across all youth-serving systems and provider types, recognizing that providers or systems risk losing high-quality, tenured staff.

4. McCullough, Jolie. "In Texas youth prisons, children trapped in their cells use water bottles and lunch trays for toilets". Texas Tribune. Sept. 12, 2022. 5. Gov. Abbott letter to Colonel Steven McCraw at DPS date July 12, 2021. Available at <https://gov.texas.gov/uploads/files/press/O-McCrawSteven202107121088.pdf>. 6. McCullough, Jolie. "U.S. Department of Justice investigating abuse, mistreatment at Texas' juvenile lockups." Texas Tribune. Oct. 13, 2021. 7. Blakinger, Keri. "The place is a jungle: Texas youth prisons still beset by gangs, violence, abuse." Houston Chronicle. Jan. 1, 2020. 8. <http://texaschildrenscommission.gov/media/84912/dual-status-task-force-final-report.pdf>