



WRITTEN TESTIMONY

**SUBMITTED BY BENET MAGNUSON, J.D.
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ON

**THE TEXAS JUVENILE JUSTICE DEPARTMENT
LEGISLATIVE APPROPRIATIONS REQUEST, FY 2014 AND 2015**

To

**THE GOVERNOR'S OFFICE OF BUDGET, PLANNING AND POLICY
AND THE LEGISLATIVE BUDGET BOARD**

SEPTEMBER 26, 2012

Dear Members of the Committee,

My name is Benet Magnuson. I am a policy attorney for the Texas Criminal Justice Coalition (TCJC). Thank you for allowing me this opportunity to present public comments on the Legislative Appropriations Request of the Texas Juvenile Justice Department (TJJD) for Fiscal Years 2014 and 2015.

TCJC has been closely monitoring the juvenile justice system in Texas for years, and as an organization we support community-based best practices that safely reduce the number of youth in lockup while tackling the root causes of crime, increasing public safety, and saving taxpayers money.

TCJC DOES NOT SUPPORT A TEN PERCENT BUDGET REDUCTION FOR TJJD

Each Texas state agency was required to identify options for a ten percent reduction of its biennial general revenue budget. A ten percent reduction to TJJD's budget during this time of wide-ranging transitions at the department – following very large budget cuts to the agency over the past biennium – will cause serious disruptions for the youth in the custody of the department. Because of this negative impact on public safety and youth rehabilitation, TCJC does not support the potential budget reduction.

Indeed, the Texas juvenile justice system has a high need for more, not less, state funding. In a recent survey of county juvenile probation departments, 75 percent reported insufficient or very insufficient funding, and very few departments reported receiving funding support beyond state and county government appropriations.¹ **Underfunding programs is inefficient because it increases recidivism and overreliance on expensive incarceration.** Texas should increase funding for the juvenile justice system to ensure these programs are funded at an adequate level.

TCJC SUPPORTS EXCEPTIONAL ITEMS THAT WILL FUND COMMUNITY SOLUTIONS

- ***TCJC Supports Exceptional Item Five: County Mental Health Services***

The prevalence of mental health problems among system-involved youth in Texas is one of the most daunting challenges facing the state's juvenile justice system. A third of youth under the supervision of county probation departments in Texas have a confirmed mental illness,² and many of these youth face very serious mental health problems. Unfortunately, less than one quarter of youth on probation with a confirmed mental illness receive mental health treatment.³ These youth must navigate adolescence and the juvenile justice system without professional help for their mental health problems.

These challenges are made tougher by razor-thin budget allocations for mental health treatment and services. Texas spends less on mental health services per person than any other state,⁴ and **county juvenile probation chiefs rank mental health services as the highest need for increased funding at their departments.**⁵

- ***TCJC Supports Exceptional Item Six: Commitment Diversion Initiatives***

Since 2007, Texas has provided state funding to county juvenile probation departments to support community-based programs as alternatives to secure custody.⁶ In Fiscal Year 2012, 153 of Texas' 165 county probation departments accepted a total of \$19.8 million to implement programs that diverted over 3,000 kids from state secure custody that year.⁷ Counties have used the state funds to implement a variety of best practices, large and small, including: Multi-Systemic Therapy (Harris and Nueces counties), home-based substance abuse treatment (Bexar County), mentoring programs (Goliad, Johnson, Somervell, and other counties), and Parenting with Love and Limits (Harris County). The experience in those counties shows that state grants have been successful in protecting public safety through community-based programs – and at a lower cost than secure facilities.

However, more state funding is urgently needed: **A recent survey of county juvenile probation departments in Texas found community-based programming to be the second-highest need for increased funding.**⁸ Texas should expand its investment in community programs, shifting money away from secure facilities as necessary to fully fund successful community programs.

- ***TCJC Supports Exceptional Item Seven: Prevention and Intervention***

An effective juvenile justice system places its highest priority on prevention. Reaching at-risk youth before they enter the system improves public safety, saves money, and puts kids back on the path to reaching their full potential. Addressing risk factors associated with delinquency prior to a youth's interaction with the juvenile justice system can reduce trauma, help youth internalize selflessness, and lower the chance that a youth will commit crimes as an adult.

For every dollar the state invests in proven prevention programs, it can expect to see two to ten dollars in future savings.⁹ The most effective prevention programs reduce recidivism among youth by an average of 20 percentage points.¹⁰

- ***TCJC Supports Exceptional Item Eight: Effective Reentry Through Positive Behavior Interventions and Supports (PBIS), Aggression Replacement Training (ART), and GitRedy***

Release from placement is a vulnerable time for youth, when they suddenly find themselves facing the same education, family, and peer challenges that contributed to their original offense. Because youth in placements become anxious about returning home long before release, policies that initiate aftercare planning as soon as a youth enters placement improve outcomes not only after release, but also while the youth is in placement. Youth surveyed in a state secure facility reported that reentry is a very a very important issue for them, and treatment programs such as ART and PBIS are second only to education in their impact on rehabilitation and reentry.¹¹

Effective aftercare services can reduce the amount of time that youth must spend in confinement for rehabilitation, which promises overall cost savings for the juvenile justice system. Additionally, sufficient reentry planning is critical to protect the millions of dollars invested by the state in juvenile justice and the progress of youth in programming.

- *TCJC Supports Exceptional Item Nine: Increased Funding for Office of the Independent Ombudsman (OIO)*

The Office of the Independent Ombudsman was established as part of the 2007 juvenile justice reforms following the revelations of widespread abuse at Texas state secure facilities. Today, safety continues to be a significant concern at state and county juvenile facilities. In 2011, Texas expanded the responsibilities of the OIO to include the review of county data on abuse, neglect, and exploitation.¹² **It is critically important that Texas provide the OIO sufficient funding to ensure robust monitoring to protect the safety of all youth in state custody.**

- *TCJC Supports Additional Exceptional Items, Not Included in the TJJD LAR, to Fund Community Solutions for Youth in Trouble*

TCJC recommends additional funding beyond the exceptional items identified in the TJJD LAR to support cost-saving county juvenile programs. Specifically, **Texas can save money by funding efficient programs that reduce the use of secure pre-adjudication detention and the use of seclusions and restraints in secure facilities.**

Secure detention of low-risk youth wastes millions of dollars each year in Texas and creates negative effects on the behavior of detained youth. In fact, **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.**¹³ In addition, reductions in length of stay would save further money by decreasing the resources required to maintain safety in crowded facilities.¹⁴ Funding for broader reductions in the use of secure detention – easily within reach – would save millions more.¹⁵

Texas is similarly wasting money on the use of day-long seclusions (sometimes referred to as solitary confinements) and overreliance on restraints (sometimes referred to as use of force). **This overuse of seclusions and restraints increases safety risks for both youth and staff, harms youth rehabilitation, and raises costs from staff turnover and injury.** In 2011, one Texas county spent \$65,000 as a result of nine injuries to staff or youth in its juvenile facility; another county spent \$39,300 as a result of two injuries; and a third county spent \$43,000 as a result of three injuries.¹⁶

Texas can protect youth and save tax dollars by funding county programs, such as Bexar County's Seclusions and Restraints Reduction Initiative, to reduce seclusions and restraints. While injuries in juvenile county facilities have increased by over a third statewide since 2008, injuries in Bexar County's juvenile facilities have fallen by a third during that time, and the county's reductions in restraints, seclusions, and attempted suicides have similarly outperformed statewide averages.¹⁷

CONCLUSION

Thank you for the opportunity to provide feedback on the crucial role of the Texas Juvenile Justice Department in providing rehabilitative assistance to troubled youth in Texas, and in protecting the rights and wellbeing of youth in confinement. The department cannot fulfill its important duty to care for Texas youth without the financial support and commitment of our state's leaders.

ENDNOTES

¹TCJC “Survey of Texas County Juvenile Probation Departments” (August 2012).

²TCJC review of calendar year 2011 data provided by TJJD (April 2012).

³TCJC review of calendar year 2011 data provided by TJJD (April 2012).

⁴National Alliance on Mental Illness “State Mental Health Cuts: The Continuing Crisis” (November 2011).

⁵TCJC “Survey of Texas County Juvenile Probation Departments” (August 2012).

⁶The 2007 Texas Legislature appropriated \$57 million in new funding for the Intensive Community-Based Pilot Program (“Grant U”) for large counties and the Intensive Community Based Program (“Grant X”) for all counties. The 2009 Legislature created an additional Community Corrections Diversion Program (“Grant C”) to divert more youth away from state secure facilities.

⁷Texas Juvenile Probation Commission “Annual Report to the Governor and Legislative Budget Board” (December 2011).

⁸TCJC “Survey of Texas County Juvenile Probation Departments” (August 2012).

⁹*See, e.g.*, J.M. Poirier “Juvenile Crime and the Economic and Social Benefits of Implementing Effective Delinquency Prevention Programs: A Case Study of the District of Columbia” (2007); *and* Washington State Institute for Public Policy “Benefits and Costs of Prevention and Early Intervention Programs for Youth” (2004).

¹⁰Colorado Department of Public Safety “What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs: A Compendium of Evidence-Based Options for Preventing New and Persistent Criminal Behavior” (February 2008).

¹¹TCJC “Youth Experiences at Giddings State School” (March 2012).

¹²Texas Human Resources Code section 261.101.

¹³There were a total of 27,143 detentions in 2011 (TCJC review of calendar year 2011 data provided by TJJD (April 2012)), and the daily cost per youth ranges from \$75 to \$209 according to TJJD’s facility registry.

¹⁴The average daily population statewide in pre-adjudication facilities in calendar year 2011 was 1,720 (TCJC review of calendar year 2011 data provided by TJJD (April 2012)).

¹⁵*See, e.g.*, Texas Public Policy Foundation “Texas Counties Can Unlock Kids and Savings” (2009).

¹⁶TCJC “Survey of Texas County Juvenile Probation Departments” (August 2012).

¹⁷Facility registry data provided by TJJD (January 2012).