



Closer to Home

An Analysis of the
State and Local Impact
of the Texas Juvenile
Justice Reforms

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Introduction

Since 1997, arrest rates among juveniles in the United States have sunk to an all-time low, and the number of youth incarcerated in state or county correctional facilities has plummeted. After peaking in 1996, arrests of juveniles fell by approximately 50 percent between 1997 and 2011, to their lowest level in 30 years.¹ During the same period, youth confinement rates declined almost 50 percent.

Why are so fewer youth locked up today compared to nearly 20 years ago? It's not simply because arrests are down; trends in the 1990s demonstrate that the number of youth incarcerated can actually increase even while arrest rates decline.² A key reason that confinement rates for youth have shrunk so considerably is the deliberate efforts made by state and county governments to address youth incarceration—efforts driven by a combination of research, advocacy, litigation, and fiscal considerations.³

Policymakers are seeking to learn more about what happens *after* a youth comes into contact with the juvenile justice system. Many states that track recidivism data report rearrest rates for youth returning from confinement to be as high as 75 percent within three years of release. Despite a convincing body of research demonstrating what works to reduce recidivism among youth in contact with the juvenile justice system, most state and local governments have had little success achieving significant and sustained progress in reducing these recidivism rates. Translating this research into policy and practice and holding agencies and service providers accountable for results has been challenging.

After a series of scandals involving the abuse of youth incarcerated in state-run juvenile correctional facilities came to light in Texas, state leaders there instituted the first of a number of reforms intended to shrink the number of youth held in state-run facilities. In 2007, for example, the state prohibited youth who committed misdemeanors from being confined in state-run secure juvenile facilities. The same bill also lowered the age of the state's jurisdiction over youth from 21 to 19, dramatically reducing the number of youth in state-run secure facilities. Two years later, the legislature established a grant program providing counties with financial incentives to decrease the rate at which they committed youth to state-run correctional facilities.

Besides lowering the number of youth in state-run secure facilities, Texas state leaders anticipated that these and other measures would generate hundreds of millions of dollars in savings to the state over several years, while shifting to county governments the

responsibility of overseeing youth who previously would have been committed to state-run secure facilities. Lawmakers thus took steps to assist these local governments, directing significant funding to county-run juvenile probation departments.

After these reforms had been given ample time to take root, Texas state leaders posed important questions that resonate with policymakers in any jurisdiction who are working to reduce the number of youth incarcerated at the state level: To what extent were changes to state policy responsible for driving down the number of incarcerated youth? What types of services and supervision are youth who previously would have been committed to a state-run secure facility now receiving locally? Are youth adjudicated to the supervision of a local juvenile probation department less likely to have subsequent contact with the justice system than youth committed to a state-run correctional facility? Do these outcomes vary depending on the county where the youth is adjudicated? If so, why?

This report sheds unprecedented light on the answers to these and other questions, providing Texas state leaders with an assessment of the impact of the reforms to date and an important resource to inform strategies that build and improve upon these reforms. At the same time, this report offers insights that policymakers and practitioners outside of Texas who are interested in improving their state's juvenile justice system will find invaluable.

ABOUT THIS STUDY

In 2012, Texas State Senator John Whitmire, chair of the Senate Criminal Justice Committee and one of the key architects of the juvenile justice reform legislation enacted between 2007 and 2011, asked the CSG Justice Center to present to state leaders a proposal for measuring the impact those reforms had on youth involved in the juvenile justice system.⁴ The project proposal was endorsed by the director of the Texas Juvenile Justice Department (TJJD). The CSG Justice Center partnered with Texas A&M University Public Policy Research Institute (TAMU-PPRI) to form a research team to conduct the study, working closely with TJJD.

The size and comprehensiveness of the dataset used for this study are unlike anything of its kind either on a statewide or national level. More than 1.3 million records, spanning an 8-year period and drawn from databases managed by three different state agencies, were assembled. TJJD compiled a dataset of more than 13,000 youth released from state-run secure facilities between 2006 and 2011. These records provided detailed information about each youth including their treatment needs; offense and criminal

history; admission to a correctional facility and any subsequent transfers; participation in programs while incarcerated; and information about their release to parole and services received while under post-release supervision. TJJD also compiled similarly comprehensive files for the more than 450,000 youth disposed to county juvenile probation departments between 2005 and 2012. These two datasets were merged and matched with computerized criminal history information (arrest data) managed by the Texas Department of Public Safety (TDPS) and prison admission records managed by the Texas Department of Criminal Justice (TDCJ). The research team received these matched data sets after identifying information was removed from the records by TJJD.

CHAMPIONS OF REFORM

Two important initiatives proved critical in moving state-based reforms forward by focusing resources on alternatives to confinement and promoting evidence-based practices.

Juvenile Detention Alternatives Initiative

The Annie E. Casey Foundation established the Juvenile Detention Alternatives Initiative (JDAI) in 1992 with the goal of demonstrating that juvenile detention and corrections populations could be substantially and safely reduced. This initiative is now being replicated in 300 jurisdictions in 40 states. Sites that have utilized JDAI core strategies have significantly reduced detention populations and lowered racial disparities. Sites have also been able to redirect funds previously needed for detention beds into more effective programs, and have been able to sustain reductions in juvenile crime rates.

Models for Change

The John D. And Catherine T. MacArthur Foundation launched the Models for Change initiative in 2004, seeking to provide research-based tools and techniques to make juvenile justice more fair, effective, rational, and developmentally appropriate. Models for Change supports a network of government and court officials, legal advocates, educators, community leaders, and families in 35 states to support reforms related to aftercare, community-based alternatives, dual-status youth, evidence-based practices, juvenile indigent defense, mental health, racial and ethnic fairness/disproportionate minority contact, and status offense reform.

GAPS IN RESEARCH THAT THIS STUDY ADDRESSES

Between 1997 and 2011, the number of youth incarcerated in state and local juvenile facilities dropped in all but three states. Not all of these states made policy changes explicitly designed to achieve such reductions, however.⁵ Further, in states where the number of youth in state-run correctional facilities has declined, little quantitative research exists to establish what combination of factors reduced the number of youth admitted to correctional facilities and/or decreased the average length of stay for juveniles once incarcerated.

Although the juvenile justice field has placed significant emphasis on the number of youth confined, comparatively little emphasis has been placed on whether youth diverted (or released) from secure confinement are subsequently arrested, referred to the juvenile justice system, or incarcerated again. A recent report published by the CSG Justice Center found that eleven states do not measure recidivism at all for youth released from state juvenile correctional facilities. Of the 39 states that do track recidivism, 18 use just one metric, such as rearrest or reincarceration.

Furthermore, in many systems, recidivism data are tracked for a youth only until he or she reaches legal age of adulthood. As such, the window for tracking whether a juvenile released from a state-run secure correctional facility is rearrested might be just a few months. If a youth who had previously been involved in the juvenile justice system is subsequently arrested and/or incarcerated in an adult state prison, that information is most often captured in a separate database, and is not tapped when a state juvenile correctional agency calculates its recidivism rate.

Even when a state is able to generate youth recidivism data, such data are usually associated only with youth under the supervision of the state juvenile correctional agency, not youth under local supervision. Whether a county keeps data for youth under the supervision of local juvenile justice supervision usually depends on whether the data are required to be reported. When data are kept, it is often limited to only that required data. Outcomes for youth supervised at the local level are often not tracked and rarely can be tied to youth under state supervision.

Finding a state with the information systems and research capacity necessary to conduct comprehensive recidivism reports on a routine basis is challenging; locating such a *county* is nearly impossible. If any recidivism data exist for a particular county, it is usually the result of a one-time study, and the analysis is typically focused on a subset of youth who have completed a particular program. And to the extent a county does track recidivism, it is likely that one county's approach within a state is different from another county's approach, making accurate statewide analysis almost impossible to conduct.

Yet measuring recidivism for youth at the county level is critically important, as it provides the greatest opportunity to understand what efforts are being made on the ground and how well they are working to improve outcomes for youth involved with the juvenile justice system. Counties are the front line of the juvenile justice system, serving as much as 95 percent of youth under supervision, and there is a growing emphasis on understanding what's happening at the county level and providing counties with the support and resources they need for this work.

Comparing youth recidivism data across counties, over different time periods, and in state custody with those under community supervision is tricky. How does one know when a true apples-to-apples comparison is being made? Perhaps one county diverts most youth from involvement with the juvenile justice system, supervising only especially high-risk youth, while a neighboring county places all low-risk youth under supervision. In this case, a lower recidivism rate might simply be a reflection of one county's tendency to place low-risk youth under juvenile system supervision. Similarly, if a youth released from a state correctional facility has a higher recidivism rate than a youth under community supervision, perhaps that's because he or she was at higher risk of reoffending.

Because every state is unique, research drawing on data from just one state cannot definitively close the gaps in research described above. That said, Texas provides a uniquely useful laboratory for addressing the challenges that have historically impeded research in this area.

First, as a state with one of the largest juvenile justice systems in the nation, where approximately 70,000 youth are referred to the juvenile justice system annually, a statewide study in Texas contemplates an especially large universe of youth. Five of

the twenty most populous cities in the United States are in Texas. The rapidly growing youth population in the state is diverse and increasingly nonwhite and is projected to be majority Hispanic by the year 2015, when Hispanic youth will account for 50 percent of the total juvenile population and white youth will account for only 32 percent of the total juvenile population.

Second, the quality and comprehensiveness of data in Texas—where policymakers codified and have consistently used the same definition of recidivism since 1991—are exceptionally good. Because the statewide infrastructure to collect these data has been in place for more than ten years, researchers can effectively compare youth pre- and post-reform.

Third, Texas comprises 254 counties, collectively representing a cross section of rural, suburban, and urban areas. With 165 independent local juvenile probation departments in Texas, there exists within the state a broad range of approaches to supervising youth adjudicated to probation. Consequently, a statewide study in Texas provides an incredibly diverse set of factors to analyze.

Fourth, the combination of the factors described above produced a uniquely rich dataset that made it possible to conduct multivariate analyses. Such an approach enabled the research team to ensure apples-to-apples comparisons among youth returning to different counties, youth in state-run secure facilities, and youth under supervision in the community. Furthermore, with multivariate analyses, the research team could isolate the influence of a broad array of factors on the likelihood a youth in contact with the juvenile justice system would be rearrested or reincarcerated.

HOW THE REPORT IS ORGANIZED

This report starts with an overview of Texas's juvenile justice system. Next, it explains the research methodology used to answer the questions that prompted this study. What follows are fourteen findings, organized into four sections of two to five findings apiece. For each finding, an overview of the issue that the researchers sought to explore is provided, as is a concise description of the approach used to analyze the relevant data. Facts, figures, and tables that provide the basis for the findings are also included.

THE REPORT'S SCOPE

The four sections of findings of this report break down as follows:

- State and local trends in the number of youth in state-run secure correctional facilities and under county juvenile probation supervision, both pre- and post-reform
- Pre- and post-reform funding for juvenile justice, focusing in particular on how the state's allocation of additional resources to county probation departments affected those agencies' expenditures
- Pre- and post-reform recidivism rates for youth involved in the juvenile justice system, drawing on multivariate analysis and considering whether youth committed to state-run secure facilities had better or worse outcomes than youth supervised in the community and whether a focus on community-based interventions resulted in better outcomes for youth during the post-reform period
- Comparison of recidivism rates for youth under county probation supervision, drawing on a multivariate analysis of data from 30 counties and additional in-depth analyses conducted in 8 select counties

Readers of this report should keep in mind the following:

Rearrest, reincarceration, and other measures of recidivism are just one way of tracking outcomes for youth in contact with the juvenile justice system. To measure the long-term success of youth who are released from secure custody or who are under community supervision, other measures are also important, such as educational attainment, behavioral health, skill development, or employment. Those outcome measures, however, are beyond the scope of this report and therefore are not considered.

This report provides an exhaustive review of pre- and post-reform recidivism rates among youth released from state-run secure correctional facilities and youth under local probation department supervision. It also looks at recidivism rates among individual local juvenile probation departments. No recidivism data presented here, however, correspond to a particular program model or the services and supervision delivered by a specific provider. As such, there is nothing in this report that amounts to an evaluation of any particular program.

Advocates pushing to reform Texas's juvenile justice system have pressed lawmakers on a number of issues not addressed in this report, such as the appropriateness and effectiveness of certifying youth charged as adults. Although studying this issue is an important and worthwhile undertaking, that subset of youth represents just a tiny fraction of the total number of youth referred to the juvenile justice system (166 of more than 70,000 referrals in 2012) and is not explored in this report. In addition, although research conducted for this report analyzed why the number of youth incarcerated dropped so significantly between 2007 and 2012, it does not ask the next question, which is whether the state system could or should be downsized further. Finally, the conditions for youth in state-run secure facilities was a driver of the reforms in Texas. Assessing how those conditions have changed since the reforms, if at all, was also outside the scope of this report.

Finally, while readers outside of Texas should keep in mind that the data in this report pertain to Texas only, they will see themes emerge that apply to their jurisdictions as well. Wherever they are from, readers will recognize this report as the most comprehensive study to date examining the impact of a multi-year effort to overhaul a state's juvenile justice system, with obvious implications for the juvenile justice field nationally.

PART ONE: ABOUT THIS REPORT

Overview of the Texas Juvenile Justice System and the 2007–2011 Legislative Reforms

The Texas Juvenile Justice Department (TJJD) was established in 2011 to oversee youth under state supervision, including those in state-run secure correctional facilities and on parole. TJJD also provides funding, oversight, and technical assistance to 165 local juvenile probation departments. Prior to 2011, these functions had been the purview of two distinct state agencies—the Texas Youth Commission and the Texas Juvenile Probation Commission—which were consolidated to form the TJJD.

Under Texas state law, a youth is defined as at least 10 years old but not yet 17 at the time he or she committed an act defined as “delinquent conduct” or “conduct in need of supervision.” (See Box: Key Terminology, page 10) A youth under the supervision of a county juvenile probation department may remain under the supervision of that agency until he or she turns 18, at which time he or she must be discharged.⁶ A youth committed to a state-run secure correctional facility may remain in that facility (or under juvenile parole supervision following release) until he or she turns 19, at which time he or she must also be discharged.

Between 2000 and 2012, approximately 3 percent of juvenile dispositions in Texas resulted in incarceration in a state-run secure correctional facility. In Texas, the vast majority of youth in Texas under juvenile justice supervision have always been under the jurisdiction of county juvenile probation departments. There are more counties in Texas than there are juvenile probation departments, even though all 254 counties provide juvenile probation services. Of the 165 juvenile probation departments in the state, 121 of them serve single, “stand-alone” counties. Others are multi-jurisdictional departments shared by two to six neighboring counties. In still other cases, several counties (typically rural counties with low populations) make up one judicial district, and one juvenile probation department serves that entire judicial district. A county’s juvenile probation department is overseen by a board comprising the chief executive of that county (who is independently elected to chair the board of county commissioners and is commonly known as the county judge) and a number of district and statutory court judges, each of whom is also independently elected. The executive director or chief probation officer of the county juvenile probation department serves at the pleasure of the juvenile board.

KEY TERMINOLOGY

Adjudication: A formal disposition of a youth's case by the juvenile court, which is similar to a conviction in an adult court.⁷

Average daily population: The average number of juveniles active on supervision or in a facility per day during a specified time period.

Caseload: Caseload refers to those juveniles for whom a certified juvenile probation officer is authorized to provide probation supervision, programming, and services.

Certification as an adult: The formal process by which the juvenile court waives its exclusive jurisdiction over a youth who is deemed inappropriate for adjudication and transfers their case to the adult criminal court system. In Texas, a hearing is required, and a youth may only be certified if he or she meets age requirements and has committed a felony offense.⁸

Commitment: A court disposition requiring an adjudicated youth to complete rehabilitation in a state-run juvenile facility.

Conduct in need of supervision (CINS): A non-criminal offense, including status offenses, like truancy or running away, that would not be a crime if committed by an adult, and misdemeanor C offenses, that if committed by an adult would result in a fine only.⁹

Deferred prosecution: A voluntary supervision where the youth, parent/guardian(s), prosecutor, and the juvenile probation department agree upon conditions of supervision. This process allows a youth to be placed under the supervision of the juvenile probation department prior to formal adjudication of the youth's case. If the youth violates any of the deferred conditions, the department may elect to proceed with formal court adjudication and place the youth on probation or have them committed to a state-run secure facility.¹⁰

Delinquent conduct: A violation of any law punishable by incarceration or jail (except traffic laws), contempt of magistrate orders, and third offense driving under the influence of alcohol by a minor. "Delinquent conduct" in Texas is the term used to describe a juvenile's offense (other than a traffic offense or a CINS).¹¹

Detention: Any secure public or private secure residential facility that is used to house youth prior to adjudication.¹²

Determinate sentence commitment: Also referred to as "blended sentencing," the Texas Family Code allows a juvenile court to enter a disposition requiring a youth to complete a specific "sentence" or period of time in a state-run secure correctional facility, as distinguished from an "indeterminate" sentence which allows TJJD to release the youth once he or she is deemed "rehabilitated."¹³ A juvenile may receive a determinate sentence of up to 40 years and may serve the adult portion of their sentence in prison or on adult parole.

Disposition: A disposition is an action by the juvenile probation department, prosecutor, or juvenile court that determines the outcome of the case. Different types of dispositions include dismissed; supervisory caution; deferred prosecution; adjudication to probation supervision; adjudication to commitment; and certification as an adult.

Diversion: A youth referred to a juvenile probation department may have their case diverted from the juvenile justice system through a supervisory caution disposition for which the youth is counseled by the department and his or her case is closed.

Dismissed: The juvenile probation department, prosecuting attorney, and/or juvenile court reviews the circumstances and allegations of a referral and determines that there is a lack of evidence or desirability for prosecution, thereby terminating proceedings on the case.

Non-residential programs: Community-based programs to which local juvenile probation departments may refer youth that do not require the youth to spend the night away from home.

Pre-disposition supervision: Supervision that may be required by the court or juvenile probation department that takes place between the time of the youth's referral to the juvenile probation department and the disposition of his or her case.

Probation supervision: A youth placed under juvenile probation department supervision as the result of a formal juvenile court adjudication disposition.

Program: A planned or coordinated activity or group of activities designed to address a specific purpose or goal. These goals include, but are not limited to, altering a juvenile's behavior to reduce delinquency, and/or providing new skills to avoid situations that may lead to delinquent conduct.

Referral: A youth's first point of contact with the juvenile justice system. A referral may be made by law enforcement, schools, or other social service agencies. Each county's juvenile board appoints an official (which may include the local juvenile probation department) to conduct an intake process on each referral.¹⁴ A referral occurs when all of the three following conditions are met: (1) the youth allegedly commits delinquent conduct; conduct indicating a need for supervision; or violation of probation; (2) the juvenile probation department has jurisdiction and venue; and (3) face-to-face contact occurs with the office or official designated by the juvenile board.

Residential placement: The placement of a juvenile in a secure or non-secure residential facility after disposition as a condition of their supervision.

Secure and non-secure facilities: Secure facilities are county or privately run residential facilities where a youth is housed post-adjudication while he or she completes required rehabilitation or treatment. Non-secure facilities include those run by local juvenile probation departments, treatment facilities licensed by the Department of Family and Protective Services (DFPS), and licensed out-of-state facilities.

State-run secure facility: A secure correctional facility owned/contracted by the state of Texas and operated by the Texas Juvenile Justice Department where juveniles committed to the state are supervised and provided rehabilitative programming.

Supervisory caution: A disposition where the youth receives verbal counsel, is released, and the case is closed, with no further contact with the court or juvenile probation required. Appropriate community-based programs or services may be suggested for the youth, however, he or she is not required to attend.

A YOUTH'S MOVEMENT THROUGH THE JUVENILE JUSTICE SYSTEM

Youth come into contact with the juvenile justice system in Texas when they are arrested or referred to the system by another government agency, such as a school or child welfare agency.¹⁵ The youth is taken to the county juvenile probation department, where an intake and assessment process is conducted. (See Figure 1, page 14) Most youth are released to a parent or guardian after intake and assessment, pending the disposition of their case. A youth who is not released after intake and assessment is required to appear before a judge for a detention hearing within 48 hours of intake. At this hearing, the youth may be released or ordered held in the county detention facility pending the disposition of his or her case, with subsequent detention hearings taking place every 10 days after the initial hearing.¹⁶ If the youth is not ordered to detention pending the disposition of his or her case, pre-disposition supervision may be required. The county juvenile probation department is responsible for providing this supervision.

Prior to adjudication, a youth's case may be dismissed, or the youth's case may be disposed of by the juvenile probation department with a supervisory caution.¹⁷ In such cases, the youth is released without supervision or programming requirements and there is no further involvement with the juvenile justice system for that offense.

YOUTH CHARGED AS ADULTS

Texas law allows judges to certify as adults youth between the ages of 14 and 17 who are charged with committing certain serious felonies.¹⁸ Once certified as an adult, if approved by the juvenile board and still under the age of 18, such youth may await trial in a juvenile detention facility administered by the local juvenile probation department. If 18 or older or not approved by the juvenile board to be held in a juvenile detention facility, the youth will await trial in an adult jail. If convicted, the youth is placed under the custody of the Texas Department of Criminal Justice to complete an adult probation sentence or a sentence to incarceration in an adult jail or prison facility. In FY2012, 166 youth were certified to stand trial as adults.¹⁹ Judges also have the option to commit a youth who has been adjudicated delinquent to a state-run juvenile correctional facility for a determinate sentence, which requires the youth to serve a specified sentence that may continue into the adult system in an adult prison or on adult parole. In FY2012, 116 of the 872 youths committed to state-run secure correctional facilities had received a determinate sentence.

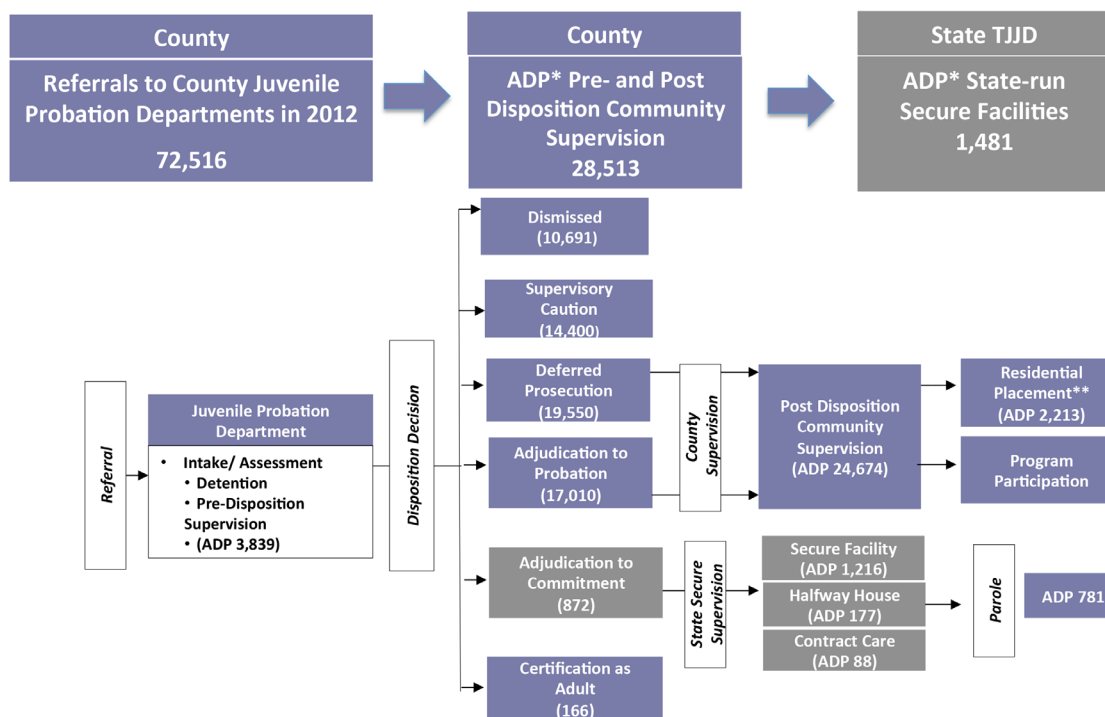
If charges against the youth are not dismissed or disposed with a supervisory caution, the probation department, prosecutor, or court may offer the youth deferred prosecution.²⁰ In such cases the parent/guardian and youth sign an agreement that the youth will be placed under supervision with the department, typically for three to six months. Youth on deferred prosecution may be required to participate in skill-based, treatment, or surveillance programs as part of their supervision agreement. If the youth completes the supervision successfully, the case is dismissed and the youth is not adjudicated. Youth that do not succeed on deferred prosecution supervision return to court, where their cases are usually adjudicated to probation or commitment.

A youth who is adjudicated to probation supervision with the local juvenile probation department may be required to complete a combination of skill-based, treatment, or surveillance programs as a condition of his or her supervision.²¹ A youth who is placed on probation may also be required to spend up to a year in a secure or non-secure residential placement facility as part of his or her probation sentence.²² In counties with large urban centers, these facilities are located within the county, however, juvenile probation departments that do not have their own facility contract with other juvenile probation departments or with private entities to serve their youth.

Across the state of Texas, there are 51 secure county-based detention facilities, and 34 secure and 12 non-secure county-run post-adjudication facilities.²³ Most of these facilities are operated by the county, however, 4 of the 51 secure detention facilities and 5 of the 35 secure post-adjudication facilities are operated by private (not-for-profit and for-profit) organizations. In these instances, the juvenile probation department monitors conditions in the facility and certifies the organization's compliance with TJJD secure facility standards and the terms of the contract with the county. Youth may also be placed in non-secure, privately run community-based facilities licensed through the state's Department of Family and Protective Services (DFPS), the agency that oversees foster care and IV-E placement facilities.

Youth are committed to a TJJD facility for either an indeterminate sentence, or a determinate sentence that is set by the court. Youth receiving an indeterminate sentence are assigned a minimum length of stay of between 9 and 24 months by TJJD that is based on their current offense, criminal history, and risk of reoffending. How long beyond that minimum length of stay the youth spends in the TJJD facility is a decision made by the facility's review release panel.²⁴ Typically, release at the minimum length of stay requires that the youth has completed required treatment programs and has had no major disciplinary infractions while in the facility. Most youth exiting a state-run juvenile correctional facility are released to a period of parole supervision (usually about 9 months) that is administered by TJJD. Some youth, however, may be released to a halfway house or another transitional facility before returning home.

FIGURE 1. TEXAS JUVENILE JUSTICE IN A NUTSHELL

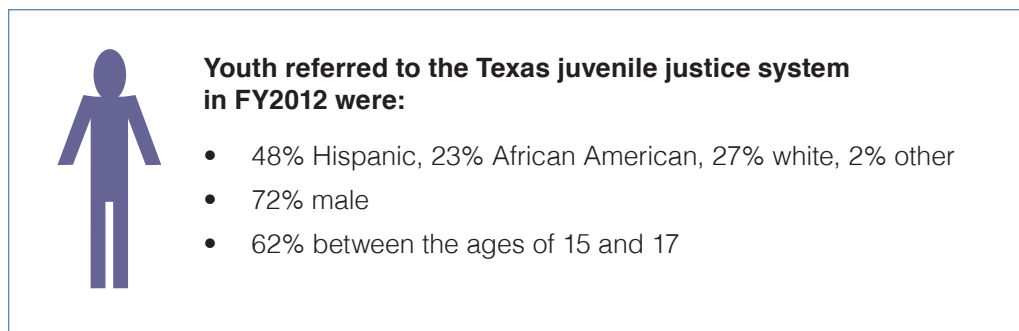


*ADP = Average Daily Population

** Residential Placements include secure and non-secure facility placements

In the years leading up to the reform movement in Texas, youth arrest and confinement rates mirrored national trends. From 1995 through 2006, there was a sharp rise in the population of state-run secure correctional facilities that was the result of substantive statutory changes, an increase in the average length of stay in these facilities, and increased funding for these facilities.²⁵ Commitments to state-run secure correctional facilities peaked at 3,188 commitments in 1998, then declined, and remained stable until the beginning of the state's reform movement.²⁶

FIGURE 2. YOUTH REFERRED TO THE JUVENILE JUSTICE SYSTEM IN FY2012



TEXAS REFORMS

Just as the 2007 legislative session was beginning, a scandal involving Texas's state-run juvenile correctional facilities erupted. Front-page media stories reported system-wide physical and sexual abuse of youth in state-run secure correctional facilities.²⁷ The abuse allegations had an almost immediate effect on commitments to state-run juvenile correctional facilities, with local judges opting not to commit many eligible youth due to their grave concerns regarding the safety of youth in these facilities.²⁸ The ensuing investigation also brought to light numerous other problems in the agency. Local and state officials expressed general outrage with the conditions inside these facilities, where the state spent, on average, \$69,455 per incarcerated youth per year.²⁹ In addition, policymakers questioned why so many youth were being sent to state-run secure facilities in remote locations in the state, so far away from home.

Over the course of that and subsequent legislative sessions, state lawmakers enacted a number of reforms designed to improve conditions inside state-run secure facilities and to reduce the number of youth incarcerated in these institutions.

Much of the legislative discussions focused on research supporting a movement away from reliance on confinement and toward the use of community-based alternatives to commitment and evidence-based interventions and practices.³⁰ Between 2007 and 2012, the average daily population in state-run juvenile correctional facilities dropped by more than 2,800 youth. Over that time period, Texas closed 8 juvenile correctional facilities and, in the process, reduced funding for the operation of state-run secure facilities by more than \$150 million. At the same time, the state increased funding for local juvenile probation by approximately 38 percent.³¹

TEXAS REFORM BILLS AND BUDGET INITIATIVES DESIGNED TO REDUCE THE NUMBER OF YOUTH IN STATE-RUN JUVENILE CORRECTIONAL FACILITIES

SB 103 (2007): Two provisions of this bill set the state on a path for additional reforms over the next three legislative sessions. First, the law prohibited youth who are adjudicated delinquent for misdemeanor offenses from being committed to state-run secure correctional facilities. The legislature provided \$57 million to local juvenile probation departments for the supervision of these youth, who were no longer eligible for commitment to state-run secure facilities.³²

Second, the law lowered from 21 to 19 the age of youth over which the state had jurisdiction. As a result, any youth in a TJJD facility or on parole in the community would be discharged on his or her 19th birthday. Youth serving determinate sentences had to be transferred to an adult prison or placed under adult parole supervision in the community on or before their 19th birthday.³³

Community Corrections Diversion Program (2009): Policymakers decided to begin allocating money to local juvenile probation departments for programs providing alternatives to commitment could reduce further the number of youth in state-run secure correctional facilities. Using a rider to the juvenile probation budget, lawmakers appropriated \$50 million for the biennium and established the Community Corrections Diversion Program (the Grant C program), modeled after successful initiatives in other states that provided county governments with financial incentives to use alternative to confinement in state-run secure correctional facilities.

Under the Grant C Program, the state established a statewide target to reduce the number of youth committed to state-run secure correctional facilities. The legislature further mandated that the Texas Juvenile Probation Commission (TJPC) transfer funding to the Texas Youth Commission (TYC)—which at the time was responsible for administering the state-run secure facilities—for each youth committed to state-run secure correctional facilities that exceeded the state target.

TJPC in turn established commitment targets for counties choosing to accept diversion funding (143 of 165 counties participated). Participating counties received funding that could be spent on secure and non-secure placements in community-based residential facilities, community-based programs, and/or intensive/specialized supervision caseloads. Counties that fell short of their targets could be required to reimburse grant funds received or forfeit receipt of additional funding.

The legislature made its first substantial cut to funding for state-run secure facilities during the 2009 legislative session, eliminating approximately \$100 million in funding based on the decreased population in facilities and the expectation of increased use of county-based alternatives to confinement in state-run facilities.

SB 653 (2011): This bill merged the TJPC and the TYC to create the Texas Juvenile Justice Department. In doing so, the bill’s “purpose” language for the new agency explicitly prioritized the single, consolidated agency’s focus on community-based alternatives. During the same legislative session, the budget for state-run secure facilities was again cut.

Methodology

Determining the change in both the number of youth in state-run correctional facilities and juvenile crime between 2007 and 2012 can be accomplished by reviewing state-level aggregate data. Examinations of statewide aggregate data, broken down by county, reveal how the number of youth under county probation supervision changed before and after the reforms. Reviewing budget information provided by TJJD provides insight as to how state funding for state-run secure facilities, as well as state and local funding for county juvenile probation departments, evolved over this same period.

Analyzing statewide aggregate data alone, however, does not answer most of the questions posed by this study. Accordingly, to understand how recidivism rates changed following the reforms, how recidivism rates differed for youth committed to state-run secure facilities compared to youth adjudicated to county probation supervision, and how recidivism rates differed from one county to the next, the research team conducted analyses that drew on hundreds of thousands of individual records.

Because the research team was charged with comparing pre- and post-reform outcomes for youth and outcomes from one county to the next, this report goes well beyond a typical recidivism study. Ensuring apples-to-apples comparisons between youth committed to state-run correctional facilities before and after the reforms and between youth under the supervision of different county probation departments required complex and rigorous methodological approaches.

This section explains the multiple sources of data that were tapped for this study, how records maintained in separate databases were merged, and how the study group was created to support analyses needed for this study. A number of distinct analyses were conducted using the study group. Rather than explain each of those analyses here, detailed descriptions of the analyses used to answer particular questions are provided in the sections of the report where they are relevant.

ABOUT THE DATA SOURCES

Research for this study depended on data maintained by three agencies: TJJD, the Texas Department of Criminal Justice (TDCJ), and the Texas Department of Public Safety (TDPS). TDCJ maintains adult prison and probation data and TDPS maintains criminal history records for adults and juveniles.

When a youth is referred to the county juvenile probation department—whether for a felony, misdemeanor, or status offense—a case number is created for that youth. Demographic information, as well as the results of a risk and needs assessment, are entered into the youth’s file, which is maintained in an electronic case management system that the local juvenile probation department operates. Data are collected at every point of a youth’s involvement with the probation department, including referral/offense history, disposition of cases, supervision status, and activity in community-based programs and/or residential facilities. This information is also reported to TJJD, which manages a statewide information system that draws on files maintained by all local juvenile probation departments. (See Figure 3)

FIGURE 3. DATA REPORTED TO TJJD BY JUVENILE PROBATION DEPARTMENTS

| Juvenile Characteristics | Detention | Mental Health |
|--------------------------|---------------------------------|---|
| Date of Birth | Detention Facility | MAYSI Screening Date |
| Gender | Detention Entrance Date | MAYSI Scores by Domain |
| Race/Ethnicity | Detention Release Date | Mental Health Screen/Assessment Referral Date |
| Child Lives With | | Mental Health Screen/Assessment Outcome |
| Abuse/Neglect History | Residential Placements | Mental Health Needs Flag |
| Gang Affiliation | Facility | Mental Health Diagnosis |
| Education | Placement Type | Mental Health Treatment Referral Outcome |
| Special Education | Service Type | |
| School Status | Cost per Day | |
| Last Grade Completed | Level of Care | Substance Use |
| Referral | Start Date | Substance Use Flag |
| Referral Type | End Date | Substance Use Screen/Assessment Referral Date |
| Referral Date | Discharge Reason | Substance Use Screen/Assessment Outcome |
| Referral Source | Funding Source | Drug Testing Date and Outcome |
| Offense | Non-Residential Programs | Substance Use Treatment Referral Date |
| Offense Description | Program Name | Substance Use Program Start and End Dates |
| Offense Date | Provider | |
| Number of Counts | Program Type | Supervision |
| Weapon Used | Start Date | Supervision Type |
| Diverted to Where | End Date | Begin Date |
| Disposition Date | Outcome | End Date |
| Disposition | Funding Source | Supervision Outcome |
| Risk and Needs Scores | Location | |

The case management systems used by county juvenile probation departments do not include data about what happens to youth committed to state-run secure correctional facilities. Information collected when a youth is admitted to a state-run secure correctional facility, while he or she is incarcerated, and when he or she is released and discharged from state custody is entered into the Correctional Care System (CCS), a data system maintained by TJJD.³⁴

MAINTAINING CONFIDENTIALITY OF RECORDS AND ENSURING COMPLIANCE WITH THE INSTITUTIONAL REVIEW BOARD

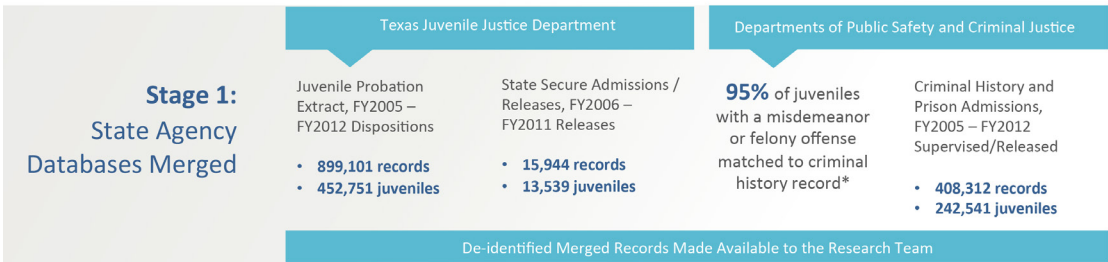
Federal and state confidentiality laws protect juvenile justice records from dissemination to the public. In order to comply with these laws, all of the data used in the study was de-identified by TJJD after the data match with TDCJ and TDPS described below.³⁵

Texas A&M's Public Policy Research Institute (PPRI) and the CSG Justice Center sought and received Institutional Review Board approval for the study protocol through Texas A&M.

EXTRACTING AND MERGING THE DATASETS AND ASSEMBLING THE STUDY GROUP

For this study, TJJD compiled 900,000 records corresponding to 450,000 youth who were disposed between 2005 and 2012.³⁶ TJJD also assembled 16,000 records corresponding to 13,000 youth who were released from state-run secure facilities between 2006 and 2011. (See Figure 4) TJJD research staff then matched the records of youth disposed to supervision and released from state-run facilities to databases maintained by the Texas Department of Public Safety (TDPS) and Texas Department of Criminal Justice (TDCJ) to retrieve criminal history (arrest, conviction, and incarceration) and prison admission records that corresponded to these youth. In all, TDCJ and TDPS were able to match to 408,000 records for 242,000 youth who had been in contact with the juvenile justice system for felony and misdemeanor offenses. TDCJ and TDS do not maintain criminal history records for status, conduct in need of supervision, and violation of court order offenses. Impressively, TDCJ and TDPS were able to retrieve criminal histories for all but 5 percent of the youth who had a record with TJJD because they had been referred to the juvenile justice system for a felony or a misdemeanor offense.

FIGURE 4. DATA SOURCES AND DATA-MATCHING PROTOCOLS—STAGE 1

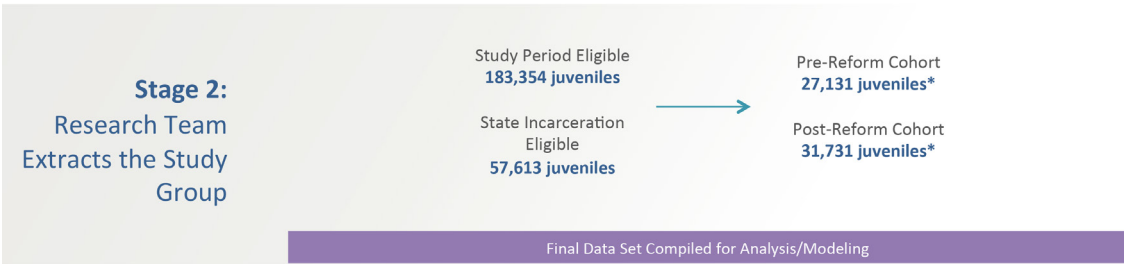


* Criminal history records are not maintained for status, CINS, violation of a court or violation of a magistrate order offenses

After removing the identifying information from the matched files, TJJD shared two datasets with the research team: one dataset corresponded to youth disposed by local probation departments, along with any corresponding criminal history; a second dataset corresponded to youth released from state-run juvenile correctional facilities, along with any corresponding criminal history.

The research team then winnowed these datasets further. (See Figure 5) First, they selected youth disposed to supervision within the study pre- and post- reform time periods (2005 to 2006 and 2009 to 2011) Next the research team selected those adjudicated youth whose offenses made them eligible to be incarcerated in a state correctional facility. That group of incarceration-eligible youth totaled approximately 57,000. The research team then subdivided this cohort of 57,000 youth into two subsets, incarceration-eligible youth adjudicated prior to the reforms (FY2005–FY2006) and incarceration-eligible youth adjudicated after the reforms (FY2009–FY2011). These two groups were used to support multivariate modeling conducted at the state and county level.

FIGURE 5. DATA SOURCES AND DATA-MATCHING PROTOCOLS—STAGE 2



*1,249 juveniles have offenses in both periods

MEASURING RECIDIVISM

Texas adopted a definition of recidivism in 1991 to be used by all of the state's criminal and juvenile justice agencies.³⁷ According to this definition, a youth is considered to have recidivated if he or she is rearrested or reincarcerated in a state-run juvenile correctional facility for a misdemeanor or felony offense—or in a state-run adult prison or jail if he or she has aged out of the juvenile system—after one, two, or three years. State juvenile and criminal justice agencies usually report recidivism for arrest within one and three years and for reincarceration within one and three years.

The research team used the state's definition of recidivism to calculate recidivism rates. The most recent data used for this study extended through August 2012. To ensure that this study considered youth who were involved in the juvenile justice system following the 2007–2011 reforms, the research team could not always measure recidivism using a three-year follow-up period. Accordingly, a number of findings in this study examine recidivism rates using a one-year rearrest period. Each section, and each finding within each section, makes clear whether recidivism data provided refers to one-year rearrest rates or rearrest and/or reincarceration within a three-year period.

For each offense, a start date for a youth's "recidivism clock" is assigned to determine the point in time from which recidivism is measured. (See Figure 6) For most youth, the recidivism clock starts as soon as they receive a disposition of community supervision for their offense. The exceptions are youth who are committed to a state-run secure facility, disposed to a county-run secure facility, or participate in one or more programs. For youth committed to a state-run secure facility or placed in a county-run secure facility, the clock begins upon their release from these facilities. The recidivism clock for youth who participate in a program begins on the day they commence their program.

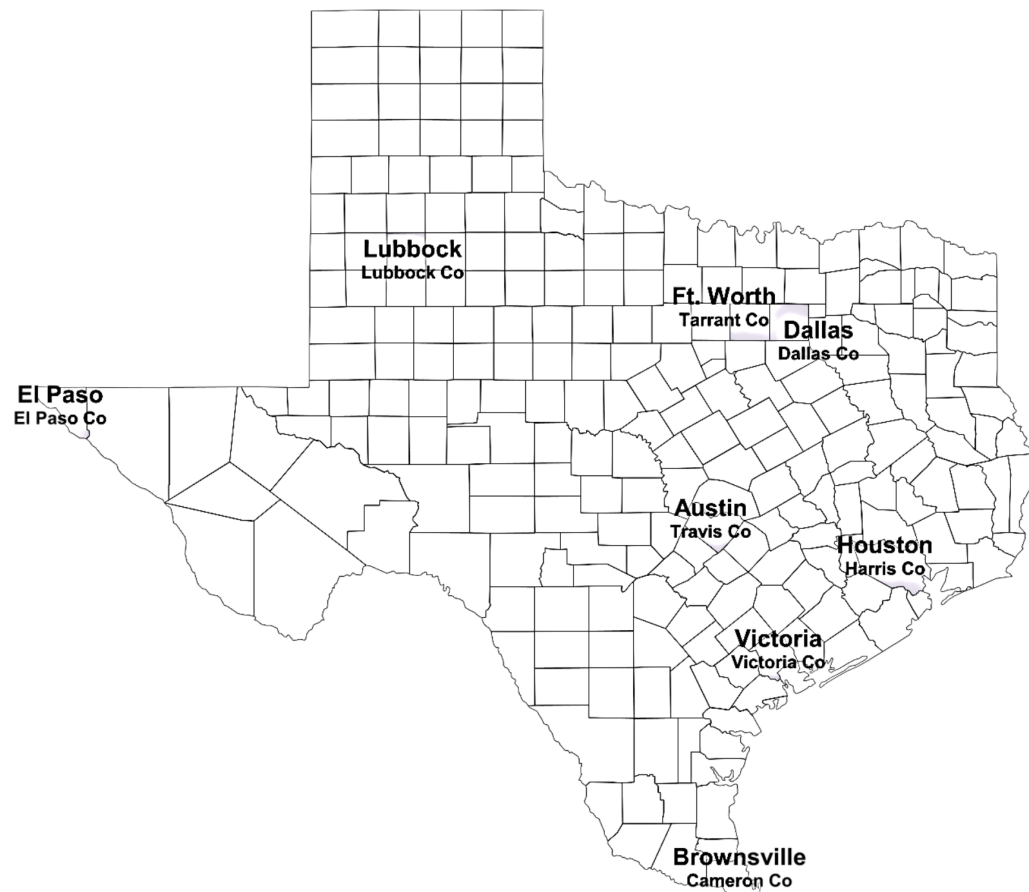
FIGURE 6. RECIDIVISM TRACKING FOR STUDY GROUP YOUTH



QUALITATIVE ANALYSES

Research in this report is not limited to the quantitative analyses described above. The research team selected eight jurisdictions, which collectively represented a cross-section of Texas's local juvenile probation departments, where they reviewed county practices and processes and community-based programs. (See Figure 7) In addition, they conducted more than dozen in-person meetings with people involved with each county's juvenile justice system. The research team also designed questionnaires, which it administered to various juvenile justice system stakeholders. Administrators and line staff in local juvenile probation departments, probation officers, and service providers were among the hundreds of people interviewed. These efforts informed various aspects of the report, and in particular provided important context as the research team sought to understand why recidivism rates among juveniles under the supervision of local probation departments varied from one county to the next.

FIGURE 7. COUNTIES SELECTED FOR IN-DEPTH QUANTITATIVE AND QUALITATIVE ANALYSIS



CONSULTATION WITH TEXAS STAKEHOLDERS AND NATIONAL EXPERTS

The research team consulted extensively with a broad group of local and state officials in Texas throughout this study. There were several day-long meetings between the research team and TJJD officials during which the research design was conceptualized, the data was reviewed, the findings were formulated, and the report was drafted. In addition, the research team asked top elected officials in the legislature and judiciary for their input. State Senator Whitmire and his staff reviewed presentations describing the research design before the study began, while the study was underway, and after it was completed. Texas Supreme Court Chief Justice Hecht and Presiding Judge Keller of the Criminal Court of Appeals also received briefings regarding the draft findings. The leadership of each of the county juvenile probation departments selected for inclusion in the study participated in lengthy meetings to discuss the quantitative analysis and preliminary findings. Juvenile justice advocates were also consulted during the course of this study.

The research team also previewed a draft of the research design for two national experts—Dr. Mark Lipsey and Dr. Ed Mulvey—who helped the research team modify and improve the study design. Drs. Lipsey and Mulvey participated in day-long meetings in August 2013 and in July 2014 along with representatives from national private foundations, the U.S. Department of Justice, TJJD, and Senator Whitmire's staff.³⁸ Mike Griffiths, former chief probation officer for Dallas County and former executive director of the TJJD, also participated in these meetings.

PART TWO: STUDY FINDINGS

Statewide and Local Trends Pre-and Post-Reform: The Number of Youth in Confinement, the Number of Youth under Community Supervision, and Juvenile Arrests

Proponents of Texas’s juvenile justice reforms were clear about their intent: to reduce the number of youth in state-run secure correctional facilities. They argued that many youth were incarcerated unnecessarily, and that supervising and providing treatment to youth close to home, instead of uprooting them from their communities and sending them to far-off correctional facilities, would produce better outcomes for the youth, cost less for taxpayers, and not have a negative impact on public safety.

Following these reforms, counties had to decide how they wanted to provide supervision and services locally to youths who previously would have been committed to state-run secure correctional facilities. To assist counties in taking on these additional responsibilities, state lawmakers shifted funds from the state-run secure facilities budget to the budget for county juvenile probation departments.

With the reforms in mind, the research team analyzed state trends seeking to answer these questions:

- What impact did the reforms have on the number of youth incarcerated in state-run juvenile correctional facilities?
- What happened to juvenile arrests following the enactment of these laws?
- How did the number of youth under the supervision of county juvenile probation departments change after the reforms?
- As use of state-run secure facilities waned, did counties increase the use of secure and non-secure residential placement facilities?

FINDING 1: Between 2007—when the first set of juvenile justice reforms was enacted—and 2012, the average daily population of state-run secure facilities declined 66 percent.

The research team reviewed TJJD admission data for the number of youth committed to state-run secure facilities for a new offense and youth recommitted after their parole was revoked. The team also analyzed trends in the average daily population and the average length of stay for youth in these facilities. (See Table 1)

SUPPORTING DATA

TABLE 1. TRENDS IN ADMISSIONS, AVERAGE DAILY POPULATION, AND AVERAGE LENGTH OF STAY IN STATE-RUN SECURE FACILITIES, 2004–2012

| Year | Commitments* | Parole Revocations** | Total Admissions | Average Daily Population | Average LOS (months) |
|-----------|--------------|----------------------|------------------|--------------------------|----------------------|
| 2004 | 2,619 | 853 | 3,472 | 4,753 | 21.0 |
| 2005 | 2,708 | 784 | 3,492 | 4,910 | 20.9 |
| 2006 | 2,851 | 611 | 3,462 | 4,705 | 20.5 |
| 2007 | 2,457 | 537 | 2,994 | 4,305 | 19.5 |
| 2008 | 1,681 | 488 | 2,169 | 2,922 | 16.9 |
| 2009 | 1,592 | 497 | 2,089 | 2,425 | 16.7 |
| 2010 | 1,111 | 307 | 1,418 | 1,976 | 17.1 |
| 2011 | 988 | 274 | 1,262 | 1,673 | 18.0 |
| 2012 | 879 | 194 | 1,073 | 1,481 | 18.2 |
| 2004–2006 | 8.86% | -28.37% | -0.29% | -1.01% | -2.4% |
| 2007–2012 | -64.22% | -63.87% | -64.16% | -65.60% | -6.7% |

* Commitments are dispositions to incarceration in a state-run correctional facility. Commitments include dispositions to incarceration for youth who have had no previous sentences to incarceration (new commitments) as well as youth who have had a previous incarceration sentence and are sentenced to incarceration for a new offense (recommitment).

**Parole revocations include revocations for a new offense or for a technical violation of the conditions of supervision, as well as the movement of a youth under TJJD supervision in a non-secure setting (such as a halfway house, a contract facility, or in the community) to a secure facility (negative movement).

- Between 2004 and 2006, there was an almost 9-percent increase in commitments to TJJD facilities.
- Despite the increase in commitments, the average daily population in TJJD facilities decreased slightly between 2004 and 2006. There were two reasons for this decline: first, the average length of stay for youth admitted to TJJD facilities declined to 20.5 months in 2006. Second, between 2004 and 2006, there was a 28-percent decline in the number of youth admitted as a result of parole revocations.
- The average daily population in state-run secure facilities at the beginning of FY2007 was 4,815. As the abuse scandal and other problems in these facilities became known, and as the reform legislation moved forward, commitments to state-run secure facilities declined and releases increased, resulting in an average daily population of 3,439 in the last months of that fiscal year and a 14-percent decline in commitments between 2006 and 2007. (See Appendices)
- In the five-year period following the 2007 reforms, there was a 64-percent decrease in the number of commitments to state-run secure facilities. During the same period, parole revocations continued to drop, also declining nearly 64 percent. In all, the average daily population in TJJD facilities dropped 66 percent between 2007 and 2012.
- There was also a slight decrease in the length of stay between 2007 and 2012, from an average of 19.5 months in 2007 to 18.2 months in 2012, but this decrease is not likely to have played a significant role in the large decline in population.

CONCLUSION

The average daily population in state-run secure juvenile correctional facilities plummeted between 2007 and 2012. The average length of stay was lower in 2012 than it was in 2007, however, that decline was not especially significant, since during this period there were some years when the average length of stay actually increased from one year to the next.

Clearly, the primary reason that the average daily population declined so dramatically during this five-year period is the stunning two-thirds decline in the number of admissions to state-run juvenile correctional facilities. There are two categories of admissions, commitment admissions and revocation admissions, which dropped at comparable rates. Revocation admissions—youth whose admission was the result of a revocation of parole supervision—made up just one out of every five admissions. Accordingly, the decline in commitment admissions—youth whose admission was the result of a court disposition—was primarily responsible for the reduced number of youth admitted to state-run secure facilities.

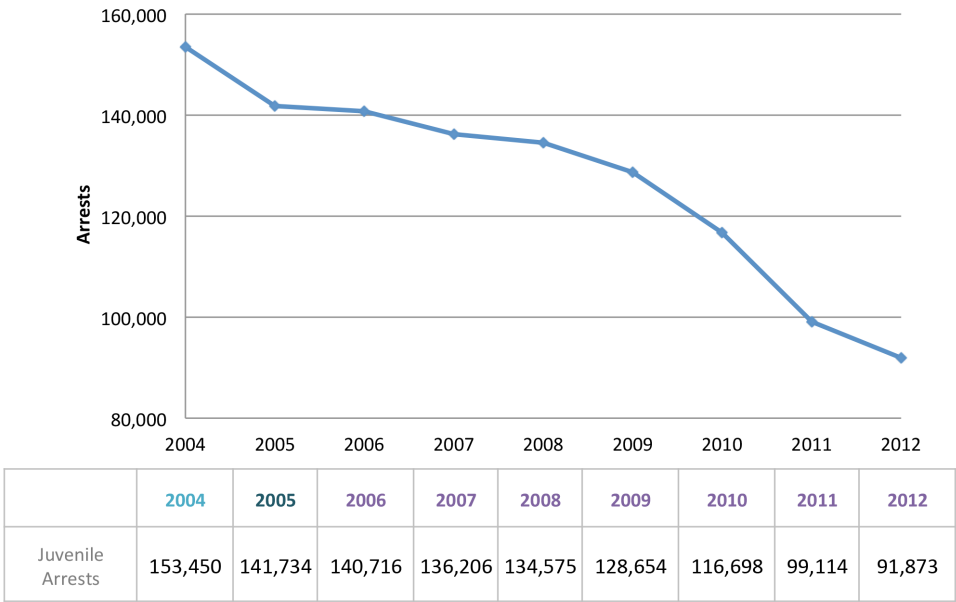
FINDING 2: Between 2007 and 2012, while admissions to state-run secure correctional facilities were declining, juvenile arrests also declined. This trend began prior to the reforms, but accelerated during the reform period.

To measure crime, researchers typically use Uniform Crime Report data (in Texas, these data are maintained by the Department of Public Safety), which includes only those crimes reported to the police. To capture unreported crime, criminologists conduct victimization surveys. As has been widely reported, by all measures, crime in Texas and across the nation has been declining over the last 20 years.³⁹

The best and only approach to measure youth crime, though still imprecise, is to track arrests among juveniles, which is exactly what the research team did for this study.

SUPPORTING DATA

FIGURE 8. JUVENILE ARRESTS, CY2004–CY2012⁴⁰



- Between CY2004 and CY2006, there was an 8-percent decrease in juvenile arrests, from 153,450 in CY2004 to 140,716 in CY2006. (See Figure 8)
- Between CY2007 and CY2012, the total number of juvenile arrests declined 32.5 percent, from 136,206 arrests in 2007 to 91,873 in 2012. Reported crime declined throughout the state during the same period, with declines ranging from 4.6 percent for cities with populations between 25,000 and 50,000, 11.6 percent for cities with populations over 100,000, and 32.4 percent for cities with populations between 50,000 and 100,000.⁴¹

CONCLUSION

While juvenile arrests were declining before the reforms were instituted, these declines accelerated after the reform period began.

There were nearly 2,000 fewer commitment admissions to juvenile correctional facilities in 2012 than in 2007, while there were more than 40,000 fewer arrests in 2012 than in 2007. Taken together, these numbers demonstrate that the diversion of as many as 2,000 youth from commitment to state-run secure facilities to community-based alternatives did not have a big impact on crime and public safety in the state, regardless of recidivism rates for these youth, because they represented such a small proportion of the tens of thousands of youth arrested annually.

Why juvenile arrests have declined since 2004, and why that decline has accelerated more recently, is a question being asked not just in Texas but in many other states across the nation.⁴² In fact, states such as California and Florida have experienced drops in juvenile arrests even steeper than the declines in Texas over the same time period.⁴³ Researchers, policymakers, advocates, and law enforcement professionals have discussed many possible factors that may be contributing to declining juvenile arrests, including but not limited to community policing strategies, improved technology that makes theft and the resale of stolen goods more difficult, effective social programs targeting youth, and fewer open-air drug markets.⁴⁴ As yet, no research—in this study or elsewhere—has provided a definitive explanation for the decline in juvenile arrests. That said, this study shows that a decline in arrests and incarceration can happen simultaneously.

FINDING 3: The legislative reforms in 2007 and 2009 contributed to the declines in all commitments to and the population in state-run secure facilities.

At the beginning of each legislative session the Legislative Budget Board (LBB) publishes population projections for adult and juvenile justice populations. When the legislature convened in 2007, TJJD reported that its population had declined by almost 3 percent over the preceding three years. In January 2007, the LBB projected that a number of emerging trends would reverse those declines, and the number of youth in state-run secure correctional facilities would in fact increase over the next five years, growing just over 7 percent between 2007 and 2012.⁴⁵ During that legislative session, the first of a series of reforms was enacted, and over the next five years, the number of youth incarcerated in state facilities did not grow as projected but instead plunged.

Finding 1 shows how the decline in admissions to TJJD facilities drove the decline in the overall TJJD population. Did the reforms cause the flow of the admission stream to slow? Or did factors unrelated to the reforms and unforeseen by the LBB actually cause the number of youth entering TJJD facilities to drop?

For example, changes in demographics (namely a decline in the number of youth residing in Texas) could have influenced the number of admissions to TJJD facilities. Another explanation could have been the drop in arrests, which was highlighted in Finding 2. But that drop in arrests would have to have been accompanied by a similar decline in the number of youth referred to the juvenile justice system and the number of youth adjudicated to juvenile justice supervision to have such a significant impact on the population in TJJD facilities. Yet another possibility might be that trends already underway before changes to state law were enacted simply continued, suggesting that the reforms rode a wave of momentum that would have persisted regardless of the changes to state law.

The research team examined the above issues, along with particular changes to state law that were enacted and subsequent changes in the state-run secure juvenile population.

SUPPORTING DATA

After 2007, referrals to county juvenile probation departments decreased despite an overall increase in the juvenile age population of youth who were in the age range (ages 10 to 16 years old). Between 2005 and 2012, the number of youth in this age group residing in Texas increased 13 percent. Even as this demographic grew, the average number of youth under juvenile probation department supervision dropped 17 percent, from 29,633 in 2005 to 24,674 in 2012. Taken together, these two trends mean that the percentage of youth in the general population under juvenile supervision declined by more than 30 percent between 2005 and 2012. (See Table 2)

In the years immediately preceding the reforms, there was an increase in the total number of referrals to the juvenile justice system, the number of cases disposed to probation, and the number of cases disposed to commitment (See Figure 9):

- Between 2004 and 2006, there was a 1-percent increase in total referrals to the juvenile system, from 103,763 to 104,822 referrals.
- During the same period, there was an 11-percent increase in dispositions to probation, and a 20-percent increase in dispositions to commitment.⁴⁶

TABLE 2. GENERAL JUVENILE-AGED POPULATION IN TEXAS COMPARED TO AVERAGE DAILY POPULATION OF JUVENILES UNDER PROBATION DEPARTMENT SUPERVISION

| | FY2005 | FY2012 | % CHANGE |
|--|------------------|------------------|-------------|
| State Juvenile Population Ages 10-16 | 2,430,484 | 2,742,558 | 13% |
| Juveniles Under Community Supervision* (ADP) | 29,633 | 24,674 | -17% |
| Community Supervision (ADP) | 27,206 | 22,461 | -17% |
| Residential Placement** (ADP) | 2,427 | 2,213 | -9% |
| Percentage of Juvenile Population Under Supervision | 1.20% | 0.80% | -33% |

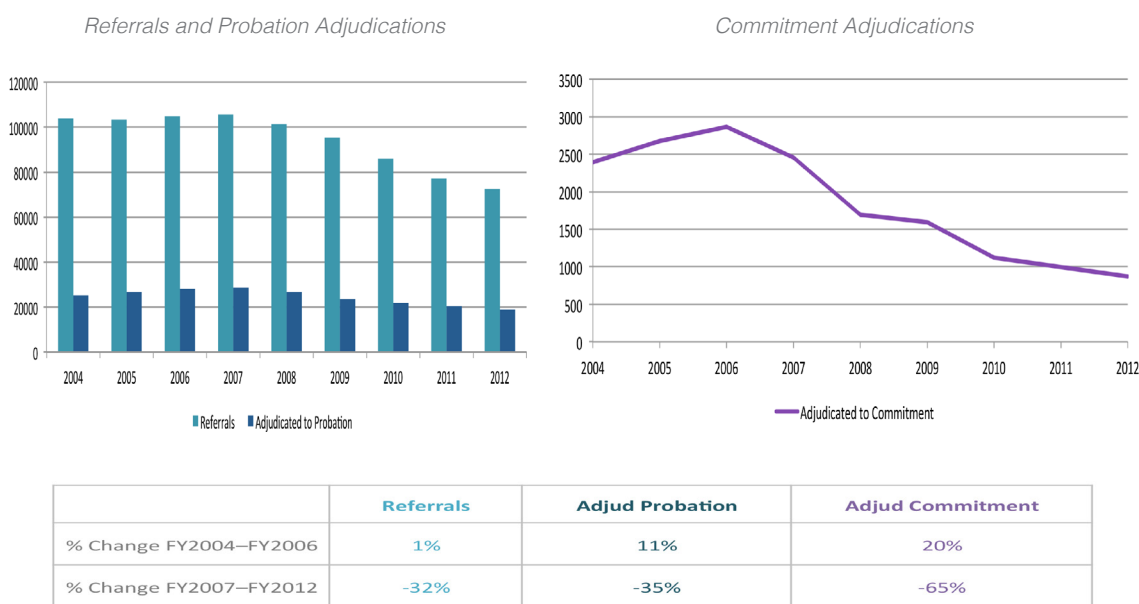
* Includes juveniles on deferred prosecution and probation

** Includes placements in secure and non-secure county facilities

From 2006 to 2007, referrals to the juvenile justice system and adjudications to probation continued to increase; however, commitment dispositions decreased. This decrease in commitments was the result of changes in probation department practice in the wake of reported abuse in state-run secure facilities, as well as the implementation of reforms prior to the end of the fiscal year.

In the years following the reforms, the number of juveniles referred to the juvenile justice system declined at a steeper rate than declines prior to the reforms, and the number of cases disposed to probation and commitment also declined. The dramatic decline in commitments and the average daily population of youth in state-run secure correctional facilities described in Finding 1 far outpaced the reductions in referrals and dispositions. Commitments to state-run secure facilities dropped at twice the rate of the decline in total referrals and dispositions to probation.

FIGURE 9. JUVENILE PROBATION DEPARTMENT REFERRALS AND ADJUDICATIONS TO PROBATION AND COMMITMENT, FY2004–FY2012



- Between 2007 and 2012, referrals to the juvenile justice system declined 32 percent, from 105,640 to 72,392 referrals.
- There was a 35-percent decrease in dispositions to probation and a 65-percent decrease in dispositions to commitment in a state-run secure facility.

WHAT IMPACT HAVE THE REFORMS HAD ON DISPROPORTIONATE MINORITY CONTACT WITH THE JUVENILE JUSTICE SYSTEM?

In Texas, as is true nationwide, African American and Hispanic youth come into contact with the juvenile justice system at rates that are far higher than their representation within the overall youth population.⁴⁷ Because this has been a critical concern for policymakers in Texas and nationally, the research team was interested in determining what impact the reforms had on the number of African American and Hispanic youth who became involved in the juvenile justice system. In other words, did the reforms benefit youth across all races and ethnicities equally?

Trends, disaggregated by race and ethnicity, were analyzed using the data provided for the study. These trends showed reductions in commitments to state-run secure facilities for all youth, regardless of race. Disproportionate minority contact persists; however, African American youth continue to make up a disproportionate share of commitments. While the reforms do not appear to have exacerbated disproportionate minority contact, they also did not alleviate disparities.

FIGURE 10. PERCENT OF DISPOSITIONS RESULTING IN COMMITMENT, TOTAL AND BY RACE

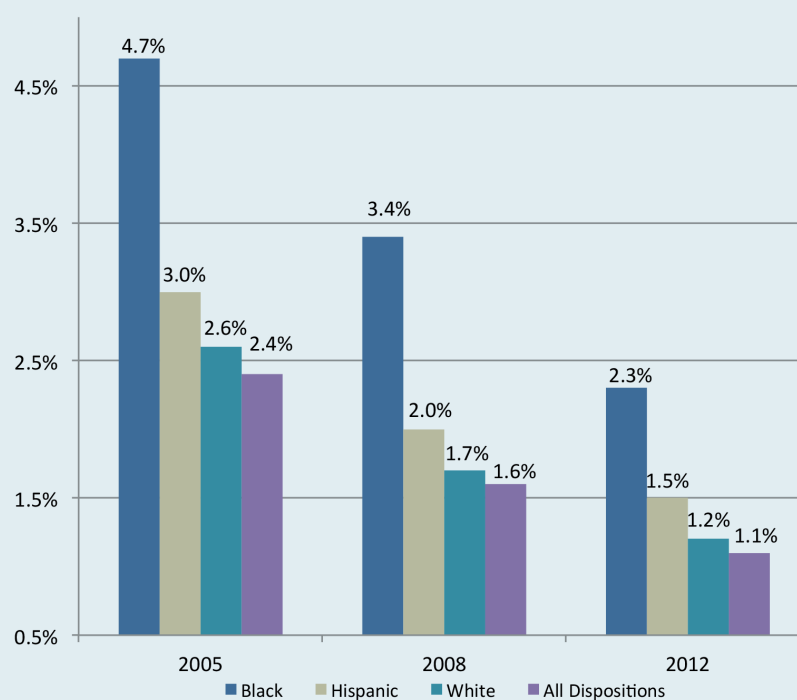
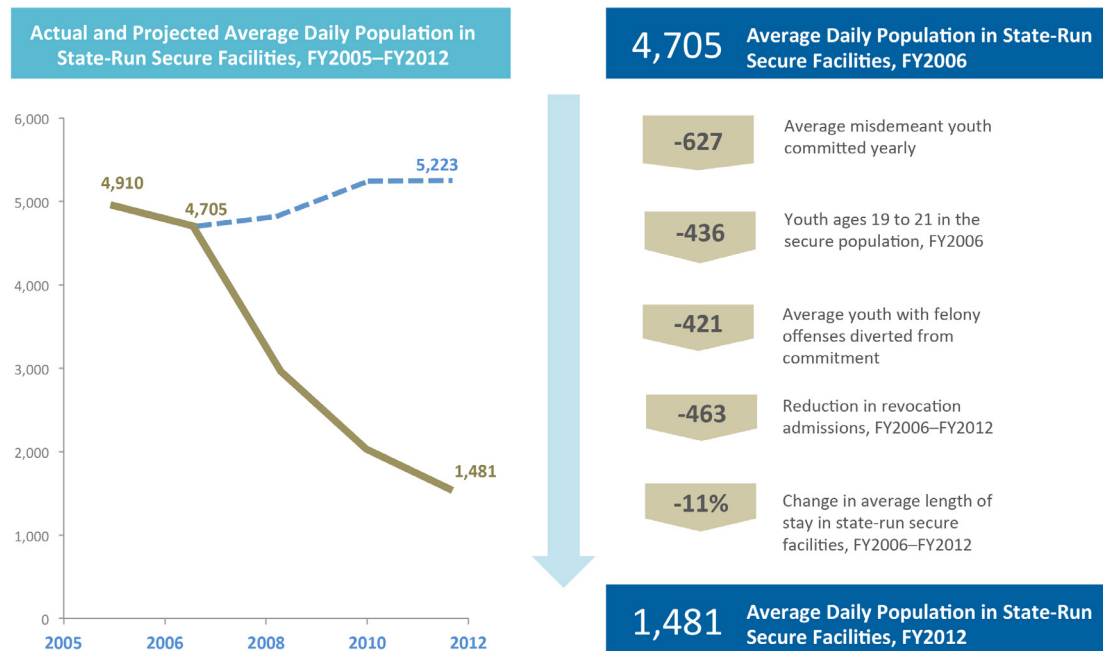


FIGURE 11. IMPACT OF REFORMS ON POPULATION IN STATE-RUN SECURE FACILITIES



The 2007 reform legislation prohibited the commitment of youth adjudicated delinquent for a misdemeanor to a state-run secure correctional facility. Between 2006 and 2008, the average number of misdemeanants committed annually to TJJD facilities went from 627 to zero.⁴⁸ These misdemeanor youth had been committed for, on average, a minimum stay of 9 months, meaning that this reform reduced the average daily population by approximately 329 on any given day. (See Figure 11)

The 2007 legislation also mandated that the maximum age of TJJD jurisdiction for youth in both secure facilities and on parole be reduced from the age of 21 to 19. Between 2006 and 2012, the number of youth in TJJD facilities who were between the ages of 19 and 21 went from 436 to 2.⁴⁹ (See Figure 11)

The number of annual admissions to TJJD facilities for youth committing various low-level felony offenses—such as theft, criminal mischief, or possession of a small amount of marijuana—went from 709 in 2006 to 147 in 2012. On average, these commitments had a minimum length of stay of 9 months, meaning that the reforms of 2007, 2009, and 2011 reduced the average daily population by approximately 262 on any given day.

CONCLUSION

Factors unrelated to reforms that could potentially explain the reduction in the number of youth incarcerated in state-run secure correctional facilities are limitless, making it nearly impossible to prove unequivocally what caused the decline. It is also difficult to account for the impact that the abuses in state-run secure correctional facilities that came to light in 2007 had on local juvenile justice officials, including judges and probation officers, some of whom may have made a concerted effort to reduce commitments to state-run juvenile correctional facilities because they were concerned about the well being of the youth.

That said, the data described above rule out a number of factors that would be the most obvious explanations unrelated to the reforms. First, demographic trends reflecting growth in the overall number of young people in Texas suggest, if anything, that the number of youth involved in the juvenile justice system should have increased, not decreased. Second, although juvenile arrests declined slightly in the period immediately preceding the reforms (2004 to 2006), referrals to the juvenile justice system and commitments to state-run secure correctional facilities increased during the same time period, suggesting that post-reform trends were not simply a continuation of trends underway before the reforms. Third, the rate at which commitments to state-run secure facilities decreased between 2007 and 2012 was more than twice the rate at which referrals to the juvenile justice system declined, demonstrating that the significant reduction in referrals alone did not translate into fewer commitments to state-run secure facilities.

Finally, data described above demonstrate a compelling correlation between the drop in particular categories of youth in the population and the reforms enacted.

For all these reasons, the research team is confident in its assessment that the combined impact of the legislative reforms contributed to significant declines in the number of youth in state-run secure facilities between 2007 and 2012.

FINDING 4: The percentage of dispositions that resulted in commitment to a state-run secure facility declined by two-thirds between 2007 and 2012, but because those percentages were already small and because the total number of youth adjudicated to probation declined so steeply between 2007 and 2012, county juvenile probation departments were supervising far fewer youth in 2012 than they were in 2007.

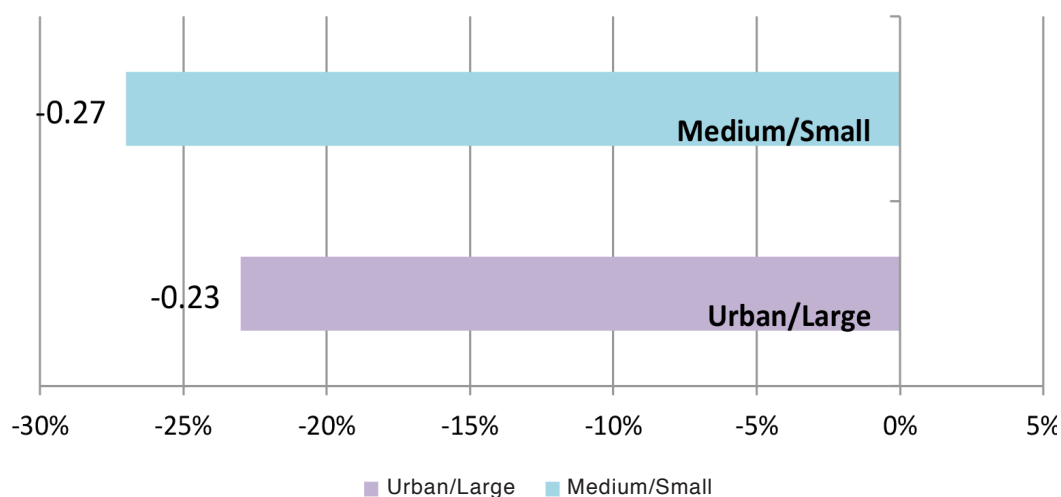
Finding 1 and Finding 3 show that far fewer youth have been coming into contact with the juvenile justice system since 2007. In particular, the state has significantly limited the number of juveniles committed to state-run secure correctional facilities. As a result, did fewer commitments to state-run secure correctional facilities burden counties with responsibility for supervising additional youth referred to the juvenile justice system?

There are no straightforward answers to these important questions. Even before the reforms, only a small percentage of referrals to the juvenile justice system resulted in commitment to a state-run secure facility. Furthermore, simply looking at the change in commitment numbers masks the impact of the decline in arrests and referrals described in Findings 2 and 3. So the research team examined referrals to juvenile probation departments and the *percentage* of dispositions resulting in commitment to state-run secure facilities pre- and post-reform. Recognizing that each county administers its juvenile justice system with considerable autonomy, the research team reviewed the data in individual counties to determine what variation existed from one county to the next.

SUPPORTING DATA

- The total number of cases referred, statewide, to the juvenile justice system declined approximately 30 percent, from 102,102 in 2007 to 71,573 in 2012.
- 87 percent of juvenile probation departments, or 143 of 165 departments, saw a decrease in referrals between 2007 and 2012.
- Of the 143 departments that saw a decrease in referrals, the average decrease for large and urban departments was 23 percent; the average decrease for small and medium-sized departments was greater, at 27 percent. (See Figure 12)

FIGURE 12. AVERAGE DECREASE IN REFERRALS BY JUVENILE PROBATION DEPARTMENT SIZE, FY2007–FY2012



- Most of the departments that saw an increase in referrals were small, rural juvenile probation departments that previously had fewer than 20 referrals a year, on average.

Even before the reforms, just 3 percent of all dispositions (2,458 commitments of 93,108 dispositions) resulted in commitment to a state-run secure facility. (See Table 3)

- Whereas 3 percent of all dispositions resulted in commitment to a state-run secure correctional facility in 2007, by 2012, just one percent of all (872 commitments of 64,977 dispositions) resulted in commitment to a state-run secure correctional facility.
- Small and medium departments, on average, did not see a reduction in the percentage of dispositions resulting in commitment to state-run juvenile correctional facilities. This relates to the small number of youth committed by these departments. Large and urban departments, conversely, saw significant reductions in the percentage of dispositions resulting in commitment.

TABLE 3. COMMITMENT PERCENTAGE OF TOTAL DISPOSITIONS BY JUVENILE PROBATION DEPARTMENT SIZE, FY2007 AND FY2012

| FY2007 and FY2012 | | | | | | |
|--------------------------|---------------|--------------|-----------|---------------|-------------|-----------|
| | FY2007 | | | FY2012 | | |
| Urban Departments | Dispositions | Commitments | Percent | Dispositions | Commitments | Percent |
| BEXAR | 9,363 | 207 | 2% | 5,638 | 71 | 1% |
| COLLIN | 1,623 | 16 | 1% | 1,550 | 8 | 1% |
| DALLAS | 9,599 | 297 | 3% | 5,780 | 88 | 2% |
| DENTON | 1,312 | 31 | 2% | 1,086 | 18 | 2% |
| EL PASO | 2,761 | 61 | 2% | 2,444 | 22 | 1% |
| FORT BEND | 1,636 | 37 | 2% | 1,249 | 17 | 1% |
| HARRIS | 14,697 | 658 | 4% | 7,889 | 107 | 1% |
| HIDALGO | 1,294 | 28 | 2% | 1,939 | 51 | 3% |
| TARRANT | 5,410 | 118 | 2% | 3,850 | 56 | 1% |
| TRAVIS | 4,268 | 57 | 1% | 3,189 | 11 | 0% |
| Subtotal | 51,963 | 1,510 | 3% | 34,614 | 449 | 1% |
| Large Departments | | | | | | |
| BELL | 1,390 | 29 | 2% | 853 | 16 | 2% |
| BRAZORIA | 1,691 | 20 | 1% | 1,152 | 11 | 1% |
| CAMERON | 2,196 | 18 | 1% | 1,682 | 16 | 1% |
| ELLIS | 230 | 3 | 1% | 252 | 5 | 2% |
| GALVESTON | 1,390 | 37 | 3% | 949 | 10 | 1% |
| JEFFERSON | 942 | 26 | 3% | 682 | 14 | 2% |
| LUBBOCK | 1,193 | 44 | 4% | 1,003 | 12 | 1% |
| MC LENNAN | 1,063 | 47 | 4% | 874 | 20 | 2% |
| MONTGOMERY | 1,253 | 28 | 2% | 1,017 | 15 | 1% |
| NUECES | 2,111 | 15 | 1% | 1,444 | 6 | 0% |
| SMITH | 758 | 38 | 5% | 442 | 12 | 3% |
| WEBB | 1,721 | 35 | 2% | 1,864 | 13 | 1% |
| WILLIAMSON | 1,208 | 13 | 1% | 1,071 | 9 | 1% |
| Subtotal | 17,146 | 353 | 2% | 13,285 | 159 | 1% |
| Small/Medium Departments | 23,999 | 595 | 2% | 17,078 | 264 | 2% |
| STATEWIDE | 93,108 | 2,458 | 3% | 64,977 | 872 | 1% |

CONCLUSION

County juvenile probation departments were supervising, on average, 30 percent fewer youth in 2012 than they were in 2007. That decline is the result of fewer arrests, fewer referrals to the juvenile justice system, and fewer cases disposed to juvenile probation. Given trends in the increase of adjudications to probation and commitment leading up to 2007, these developments could not have been realistically predicted.

Fewer youth under the supervision of local probation departments in 2012 than in 2007 does not mean that a shift of responsibilities from the state to the counties didn't happen. The data described above show how the percentage of dispositions resulting in commitment to state-run secure facilities declined by 65 percent, while the number of youth adjudicated to probation in the community decreased 35 percent.

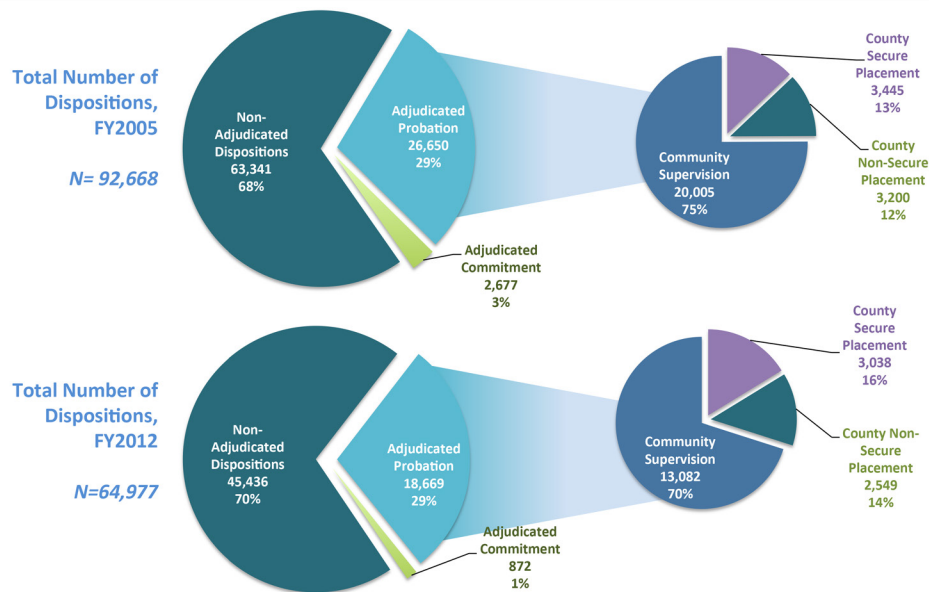
The number of youth committed to state-run correctional facilities, however, is small compared to the number of youth under the supervision of county probation departments. In addition, declines in referrals to county juvenile probation departments have resulted in an overall decline in the number of youth under any kind of supervision, even those eligible for commitment but diverted to county probation supervision.

FINDING 5: As the percentage of dispositions to commitment to state-run secure facilities decreased, the percentage of dispositions to county-based secure and non-secure residential placements increased.

Youth under the supervision of a county juvenile probation department may live at home and receive supervision from a juvenile probation officer in the community. They may also be placed in a secure or non-secure county-based residential facility. Particularly given the preceding finding that the percentage of dispositions resulting in commitment to state-run secure facilities dropped dramatically between 2007 and 2012, the research team sought to determine whether, during the same time period, local juvenile probation departments increased their use of secure and non-secure residential placements.

SUPPORTING DATA

FIGURE 13. PERCENTAGE OF DISPOSITIONS TO PROBATION RESULTING IN PLACEMENT IN COUNTY SECURE/NON-SECURE FACILITIES



As Figure 13 shows, while the percent of dispositions adjudicated to probation remained stable at around 30 percent, the percent of youth placed in a secure or non-secure residential facility as a condition of supervision increased by 5 percent.

The research team next examined the average length of stay in these facilities compared to the stay in state-run secure facilities.

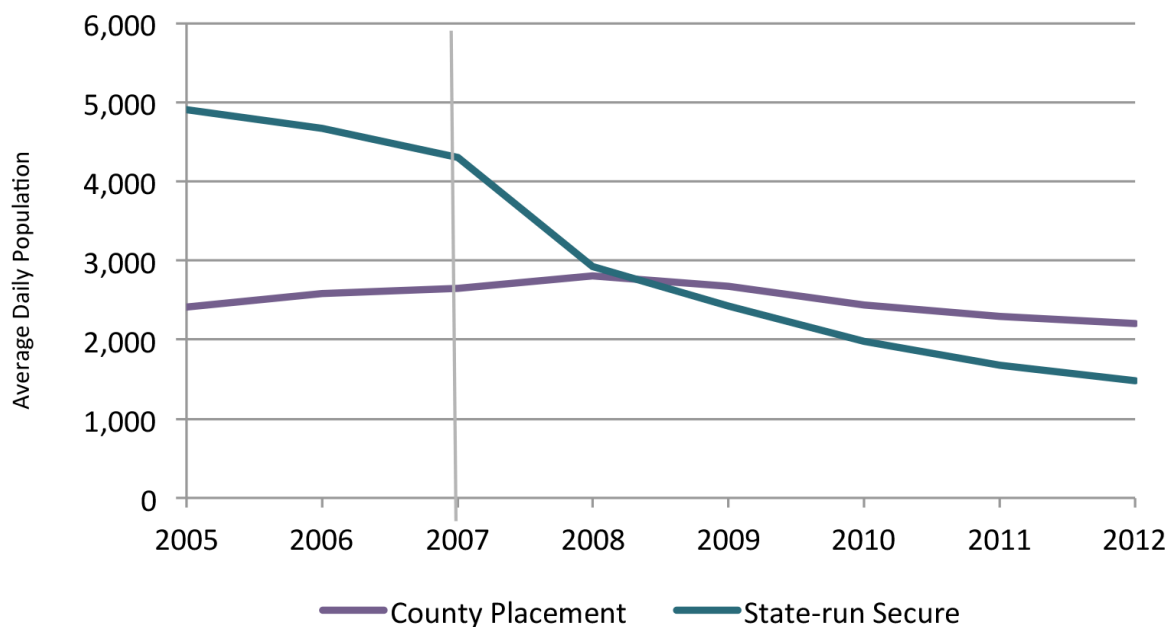
While the average length of stay decreased in state-run secure facilities, the average stay in county-based secure and non-secure residential facilities increased. Even with this increase, however, the average length of stay in state-run secure facilities is more than four times longer than the average length of stay in county-based residential facilities. (See Table 4)

TABLE 4. AVERAGE LENGTH OF STAY (MONTHS) IN STATE-RUN SECURE, COUNTY SECURE, AND COUNTY NON-SECURE FACILITIES—FY2005, FY2007, AND FY2012

| | 2005 | 2007 | 2012 | % change FY2005–FY2012 |
|-------------------|------|------|------|------------------------|
| State-Run Secure | 20.9 | 19.5 | 18.2 | -12.9% |
| County Secure | 3.2 | 2.8 | 3.5 | 10.4% |
| County Non-Secure | 3.7 | 3.6 | 4.1 | 11.6% |

Finally, the research team examined the average daily population of youth in county-based residential facilities compared to the average daily population of youth in state-run secure facilities. (See Figure 14)

FIGURE 14. AVERAGE DAILY POPULATION OF YOUTH IN STATE-RUN SECURE FACILITIES AND COUNTY RESIDENTIAL PLACEMENT FACILITIES, FY2005 TO FY2012



CONCLUSION

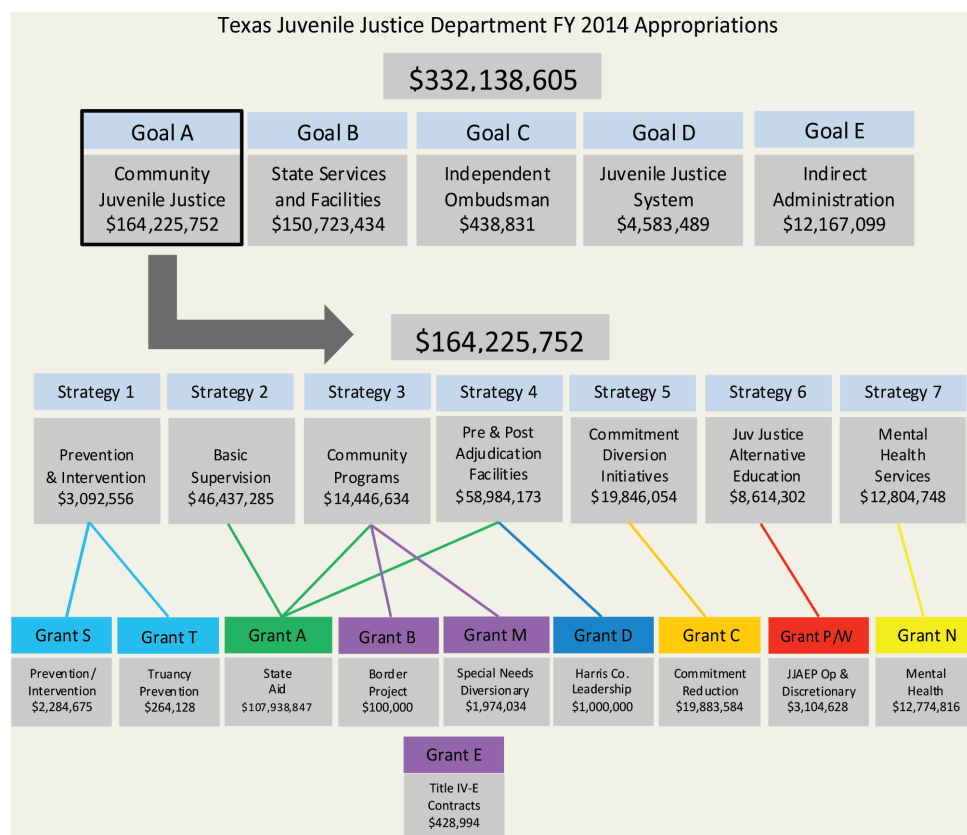
As total referrals to the juvenile justice system decreased—along with commitments to state-run secure facilities—placements in county-based residential facilities increased. Not only did the proportion of these placements as a condition of probation increase, the average length of stay for these placements also increased. Although still much shorter than the average length of stay in state-run secure facilities, this increase, in combination with the increase in placement dispositions, resulted in an average daily population in county residential placement facilities that was greater than the average daily population in state-run secure facilities. Although it is not possible to say definitively that youth who previously would have been committed to state-run secure facilities were instead being placed in county-based residential placement facilities, the data do show that these placements grew as a proportion of probation dispositions while other aspects of the system were declining.

Funding for Juvenile Justice, Pre- and Post-Reform

Prior to the reforms, the majority of state spending on juvenile justice was allocated toward the operation of state-run secure facilities. As state lawmakers made it harder for local juvenile justice officials to send a youth to a state-run secure correctional facility, they pledged additional resources to county governments to serve youth locally. In each of the last three legislative sessions, Texas lawmakers dramatically decreased funding for state-run secure facilities and directed new funding to county juvenile probation departments.⁵⁰

The research team analyzed TJJD appropriations and expenditures, along with spending by local probation departments, between 2005 and 2012 to determine what impact the increased funding for local juvenile probation had on the use of community-based interventions for youth under supervision.

FIGURE 15. TEXAS JUVENILE JUSTICE DEPARTMENT APPROPRIATIONS, FY2014



In reading the findings that follow, there are various aspects of the funding that the state provides to county juvenile probation departments that are important to keep in mind:

- Approximately 50 percent of the funds appropriated to TJJD for the 2014–2015 biennium corresponds to “Goal A,” or Community Juvenile Justice. Within Goal A, there are seven strategies, each of which translates directly to one or more types of grants. (See Figure 15)
- Of the seven strategies, only one—Prevention and Intervention—is tied to discretionary grants that require departments to go through a biennial application and approval process.
- Dollars provided under Grant C—which was established in the 2009 legislative session to encourage local juvenile probation departments to divert youth away from state-run secure facilities—are tied to reductions in commitments. Each participating probation department is provided with a maximum number of commitments it may make to the state. Funding that participating departments receive may be used to pay for residential placements in county-based secure and non-secure residential facilities, as well as for non-residential community-based programs and specialized caseload supervision.⁵¹
- Programmatic requirements, including target population, provision of services, and program descriptions, vary significantly across the grants. Funding made available through these grants, however, is not tied to the use of particular evidence-based practices. Nor must the programs demonstrate any particular outcomes for youth who participate in them.
- TJJD is mandated to measure the effectiveness of programs and services and their impact on outcomes for youth. TJJD is also required to consider the past performance of the juvenile probation department vis-à-vis these performance measures prior to the award of grant funding. These requirements, however, have not yet been implemented by the agency.⁵²

FINDING 6: As the number of youth referred to county juvenile probation departments declined between 2007 and 2012, per capita spending on these youth increased significantly. During the same period, the percentage of youth referred to the juvenile justice system who participated in non-residential community-based programs increased and the average time spent in programs also increased.

By the 2012–2013 biennium, the amount of state funding appropriated for juvenile probation exceeded state funding for state-run secure facilities. For the 2012–2013 biennium, the legislature appropriated a total of \$317,690,626 for county juvenile probation departments and \$315,693,747 for state-run secure facilities. This trend continued in the 2014–2015 budget with a county juvenile probation department appropriation of \$327,258,745, compared to \$289,807,407 for state-run secure facilities.⁵³

The research team sought to discover how the shift in state funding impacted county juvenile probation expenditures. Drawing on budget data provided by TJJD, the team reviewed total expenditures by county juvenile probation departments for 2005, just prior to the reforms; for 2008, just after the initial wave of reforms; and again for 2012, after all the reforms had been implemented.

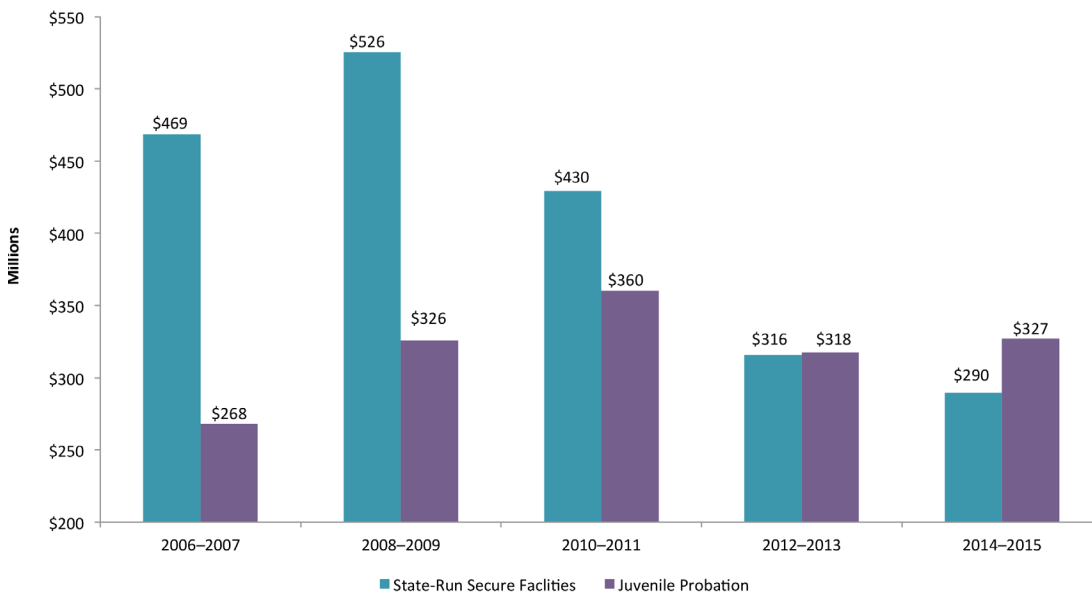
Using this and individual juvenile data, the research team could determine the extent to which the state's shift in funding produced a corresponding increase in per capita funding by the state to county juvenile probation departments. The team also examined what percentage of county juvenile probation departments' budgets came from the state and if county funding to juvenile probation changed as a result of the reform.

Finally, the research team examined the impact that the shift in funding had on the percentage of youth participating in programming through local juvenile probation departments, the length of time they spent in programs, and the number of programs in which they participated.

SUPPORTING DATA

As the number of youth incarcerated dropped between 2007 and 2012, state leaders cut more than \$150 million in state spending on the operation of state-run juvenile correctional facilities and redirected over \$50 million of this funding to county-administered juvenile probation departments. During the same period, county funding for juvenile probation departments increased by approximately \$40 million. (See Figure 16)

FIGURE 16. STATE APPROPRIATIONS FOR STATE-RUN SECURE FACILITIES AND JUVENILE PROBATION, FY2006–FY2007 TO FY2014–FY2015



Combined with the decrease in juvenile arrests and referrals to the juvenile justice system, the increase in state and county funding for juvenile probation resulted in a large increase in per capita spending on youth served by county juvenile probation departments. (See Figure 17)

FIGURE 17. PER CAPITA FUNDING FOR JUVENILE PROBATION DEPARTMENTS, FY2005 AND FY2012

| | FY2005 | FY2012 | % Change |
|--|---------|---------|----------|
| Per capita expenditures for county juvenile probation departments | \$3,555 | \$7,023 | 98% |
| Expenditures adjusted for inflation—to 2014 dollars | \$4,337 | \$7,304 | 68% |
| Percent of county juvenile probation department expenditures contributed by county | 77% | 71% | -8% |

- Although the state has increased funding for juvenile probation, county governments continue to shoulder the majority of the responsibility for funding county juvenile probation departments. In FY2005, prior to the reforms, counties funded, on average, 77 percent of the budget of their juvenile probation departments. By FY2012, that had decreased only slightly, to 71 percent.
- Between FY2005 and FY2012, county expenditures on juvenile probation departments increased 33 percent (more than \$90 million), while state funding increased 58 percent (\$54 million).

As state and county spending on juvenile probation services has increased, youth participation in programs has also increased. The percentage of youth who are under the supervision of a county juvenile probation department and participate in a program has increased, the average length of stay for youth participating in a program has increased, and the percentage of youth participating in multiple programs has increased. (See Table 5)

TABLE 5. YOUTH PARTICIPATION IN NON-RESIDENTIAL COMMUNITY-BASED PROGRAMS, FY2005 AND FY2012

| Community-Based Program Participation | FY2005 | FY2012 |
|---|--------|--------|
| Percent of youth under supervision in the community who participated in a program | 44% | 57% |
| Average number of days youth spent in a non-residential community program | 97 | 105 |
| Average number of community-based programs per youth under supervision | 1.5 | 1.7 |

CONCLUSION

The combination of additional state funding for local juvenile probation departments and fewer referrals to the juvenile justice system translated into a 67-percent increase (after adjusting for inflation) in combined state and local spending per youth under the supervision of local juvenile probation departments. In conjunction with the increased allocation of dollars, more youth have been participating in programs in the community and more youth have been required to complete more programs. Additionally, youth who are enrolled in these programs are participating for longer periods of time.

FINDING 7: As the state increased funding to county juvenile probation departments, spending of state dollars on non-residential community-based programs and services increased, but did not increase at the same rate as spending on the placement of youth in county secure and non-secure residential facilities.

In addition to analyzing budget information to determine how funding shifted and what impact that shift had on youth participation in programming, the research team was also interested in determining whether there was any change post-reform in how local juvenile probation departments spent their funding, looking at total expenditures and then specifically at the expenditure of state dollars. The theory behind the shift in funding by state policymakers was to encourage the use of community-based alternatives to state-run secure facilities.

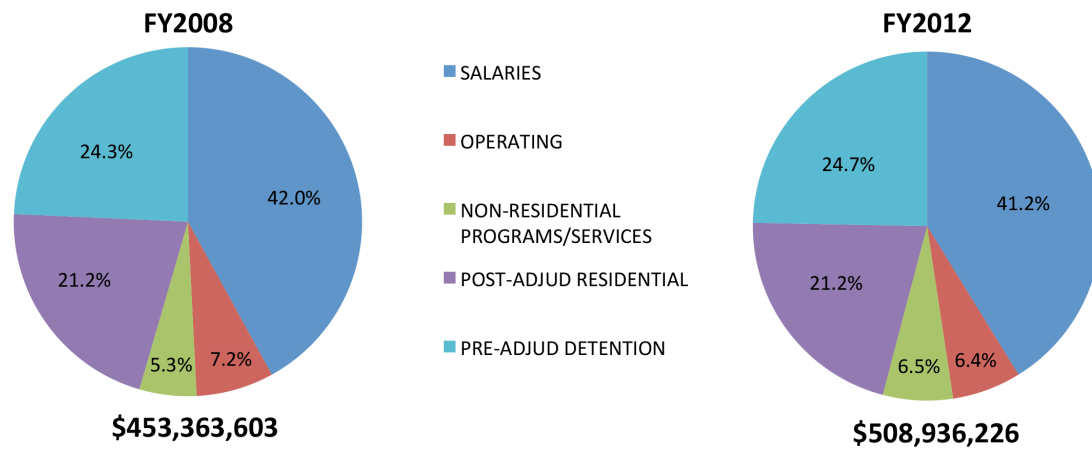
The legislature did not tie the new funding to a particular type of intervention, but opted instead to tie the increased funding primarily to a reduction in the number of commitments to state-run secure facilities. While funding could be used for non-residential programs or services that did not take the youth out of his or her home, it could also be used for residential placements in county-based secure and non-secure juvenile facilities.

To determine the impact of the increased funding on community-based programming, expenditures were reviewed by type (as reported by county juvenile probation departments and TJJD), and by examining salaries and operating expenses, as well as spending on placements in residential facilities and for non-residential community-based programs and services.

SUPPORTING DATA

While total juvenile probation department expenditures (state and local funds) increased 12 percent between 2008 and 2012, how departments spent that funding changed only slightly. Expenditures for non-residential community-based programs and services increased 1.2 percent, from 5.3 percent of total juvenile probation expenditures in 2008 to 6.5 percent in 2012. The percent of total expenditures directed to residential placement stayed constant at 21 percent of total expenditures. (See Figure 18, page 50)

FIGURE 18. TOTAL STATE AND COUNTY JUVENILE JUSTICE EXPENDITURES BY TYPE, FY2008 AND FY2012

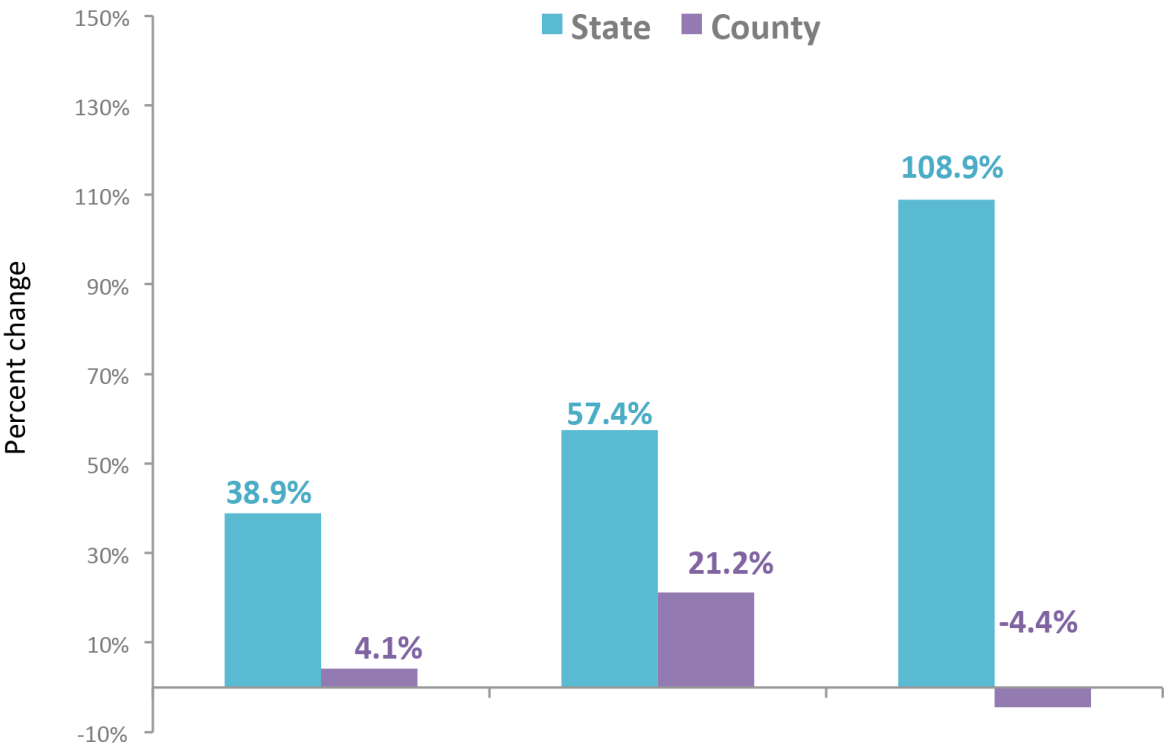


Though stable or only a slight increase in the proportion of expenditures, in actual dollars total expenditures for non-residential programs and services increased from \$24 million to \$30 million and total expenditures for residential placements increased from \$95.7 million to \$107.6 million between 2008 and 2012.

Because state funding accounts for such a small proportion of total juvenile probation expenditures, the impact of increased state funding is identified by an examination of state and local expenditures separately. As Figure 19 shows, the increase in spending on non-residential community-based programs and services was significantly outpaced by the increase in spending on residential placements.

The reasons for this increased use of state funds for residential placements cannot be fully explained, but are likely related to: significant reductions in Federal IV-E funding for juvenile probation departments (in FY2007 juvenile probation departments received \$43.7 million in IV-E funding compared to \$4.6 million in FY2012); increases in the average cost per day to place youth (from \$106 per day in FY2008 to \$122 per day in FY2012); a slight increase in the number of chronic and high-risk youth disposed to community supervision; and increased state funding provided with no restrictions as to how it would be spent on which community interventions.

FIGURE 19. CHANGE IN STATE AND COUNTY EXPENDITURES PER YOUTH ON RESIDENTIAL PLACEMENTS AND COMMUNITY-BASED PROGRAMS, BETWEEN FY2008 AND FY2012*



* Change based on actual FY2008 and FY2012 expenditures, not adjusted for inflation

CONCLUSION

The Texas reforms placed a clear emphasis on community-based alternatives to state-run secure facilities. However, with funding not tied to a particular type of intervention and no clear distinction made by policymakers between the use of county secure and non-secure residential facilities and non-residential community-based programs, the largest increase in the expenditure of state funding was in residential placements, with a corresponding increase in the percentage of youth under probation supervision who were placed in a residential setting. State funding expended for community-based programs also increased after the reforms, but to a much lesser degree. Despite these shifts in the expenditure of state funds, when looking at total expenditures for juvenile probation in FY2008 and FY2012, there was no change in how county juvenile probation departments spent their funding after the reforms. What did change was the amount of funding available to spend.

Recidivism Rates for Youth under Juvenile Justice Supervision, Pre- and Post-Reform

The Texas reforms were driven by the desire to reduce the population in troubled state-run facilities, based on the premise that these youth would fare better under community supervision. This study, therefore, sought to answer questions related to outcomes for youth involved in the Texas juvenile justice system:

- Were youth who were released from a state-run secure facility more or less likely to be rearrested than youth who were placed under community supervision?
- Were youth released from state-run secure facilities after the reforms less likely to recidivate than youth who were released from these facilities before the reforms?
- What types of community interventions had the most success in reducing the probability that youth would recidivate?

Finding 8 reviews statewide recidivism rates for juveniles who were adjudicated to state-run secure facilities and youth adjudicated to probation under the supervision of county juvenile probation departments.

Simply comparing these recidivism rates, however, provides little insight into what impact the reforms have had on recidivism rates and whether probation supervision is more successful in reducing the likelihood of reoffending than incarceration. Thus, Findings 9, 10, and 11 are based on a multivariate analysis, which allows for a more meaningful comparison of outcomes.

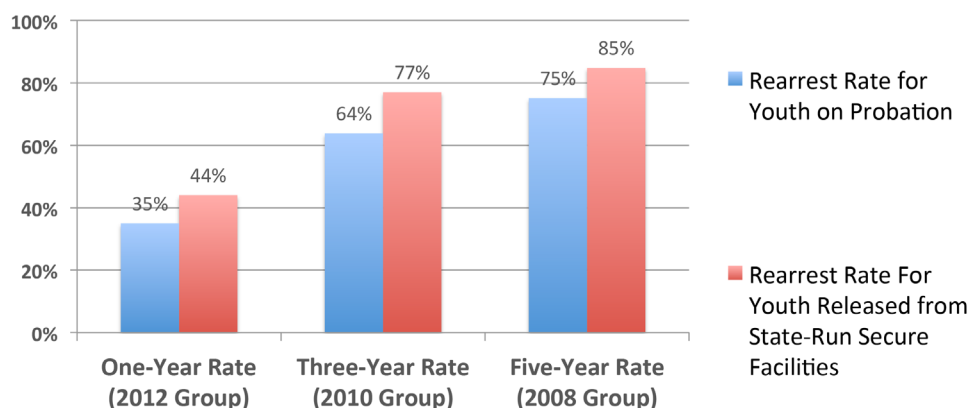
FINDING 8: The vast majority of youth involved in the Texas juvenile justice system—whether disposed to probation or committed to state-run secure facilities—were rearrested within five years. Youth released from a state-run facility were more than two times more likely to be reincarcerated after five years than youth on probation supervision in the community.

The research team calculated one-, two-, three-, and five-year recidivism rates for youth adjudicated to probation supervision and youth released from state-run secure facilities. (See Appendices for detailed recidivism data.) Recidivism was calculated based on the methodology used by Texas criminal justice and juvenile justice agencies, tracking juvenile and adult arrests and incarcerations for a misdemeanor or felony level offense. The analysis revealed that recidivism rates for juvenile offenders are high and did not improve for youth after the reforms.

SUPPORTING DATA

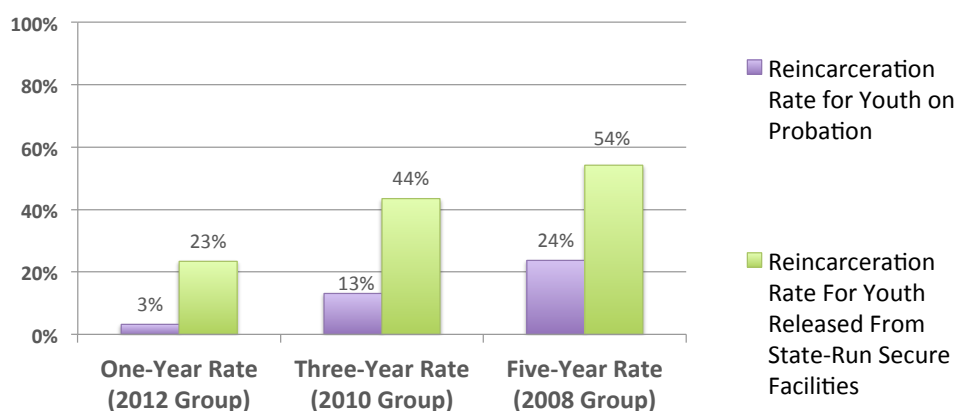
Average recidivism rates do not paint an optimistic picture, since they show high recidivism for youth regardless of whether they were incarcerated in a state-run secure facility or were supervised in the community by a county juvenile probation department. (See Figure 20)

FIGURE 20. REARREST RATES FOR YOUTH UNDER PROBATION SUPERVISION AND YOUTH RELEASED FROM STATE-RUN SECURE FACILITIES



Average reincarceration rates (as distinguished from rearrest rates)⁵⁴ show similar trends for youth at the 1-, 3-, and 5-year mark, with 24 percent of youth adjudicated to probation supervision incarcerated after five years, and 54 percent of youth released from state-run secure facilities reincarcerated during the same period. (See Figure 21)

FIGURE 21. REINCARCERATION RATES FOR YOUTH UNDER PROBATION SUPERVISION AND YOUTH RELEASED FROM STATE-RUN SECURE FACILITIES

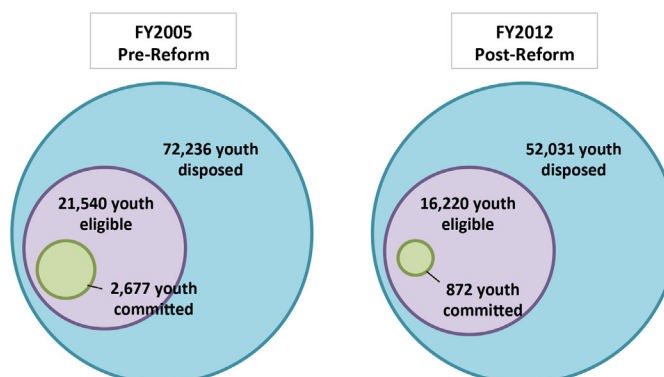


CONCLUSION

Youth under probation supervision in the community or released from state-run secure facilities had high rates of rearrest. Youth released from state-run secure facilities also had high rates of reincarceration, especially when compared to youth under probation supervision. Furthermore, in looking at outcomes for youth released from state custody or placed under supervision in 2008, 2010, and 2012, it appears that recidivism rates haven't improved over the past five years. These particular data do not, however, justify a conclusion that youth placed under community supervision instead of being incarcerated fare better because they do not allow for the possibility that youth in the community may be very different than those committed to state-run secure facilities. This is a variable that is addressed in subsequent findings, using multivariate analysis.

FINDING 9: Youth who were diverted from state-run correctional facilities and instead disposed to county probation supervision were significantly less likely to reoffend than youth committed to state-run correctional facilities.

FIGURE 22. TOTAL PRE- AND POST REFORM DISPOSITIONS ELIGIBLE FOR COMMITMENT AND COMMITMENTS



The first set of findings in this report—which reviewed changes in the number of youth incarcerated statewide—explained that the number of youth admitted to state-run secure facilities declined by 64 percent between 2007 and 2012. Before the enactment of the reforms, which effectively prohibited the incarceration of various categories of youth in state-run facilities, there was a much larger universe of youth eligible for commitment to a state-run secure facility. (See Figure 22) After the reforms, there

remained a significant (albeit smaller) number of youth eligible for commitment. To compare outcomes effectively between youth who were under county probation supervision and youth who were incarcerated—and to compare youth released from state-run secure facilities pre-reform to youth released post-reform—it is important to ensure that the youth who are being compared to each other have similar characteristics. For example, it would be inappropriate to compare recidivism rates for youth released from a state-run secure facility who were at low risk of reoffending to youth under community supervision who had been determined to be at high risk of reoffending. To ensure an apples-to-apples comparison, the research team conducted a multivariate analysis.

A large number of factors can influence the likelihood of a youth being rearrested. For example, an adolescent who dropped out of school, is involved in a gang, is known to have been physically abused, or has had prior misdemeanors may be much more likely to recidivate than a youth without a similar history. Similarly, while incarcerated or under county probation supervision, youth can be ordered to complete a program or placement that may increase or decrease the likelihood recidivism.

Researchers controlled for these and many other variables to ascertain whether youth released from a state-run secure facility were more likely to be rearrested than youth who had been adjudicated to county probation supervision. (See Appendices) In all, the research team controlled for 41 variables, including the following:

- Youth demographics, including race, ethnicity, and gender
- School outcomes, including dropping out, being sent to alternative education program, expulsion, receiving a GED, and graduating
- Gang affiliation
- Living situation, including living in a single-parent home or living with other relatives
- Prior offenses
- Physical abuse
- County characteristics, such as unemployment

This approach made it possible to compare youth whose only significant difference was whether they had been incarcerated or were supervised by county juvenile probation departments.

In order to carry out the multivariate analysis, the research team compiled two data sets of youth: a “pre-reform study group” and a “post-reform study group.” Pre-reform study group

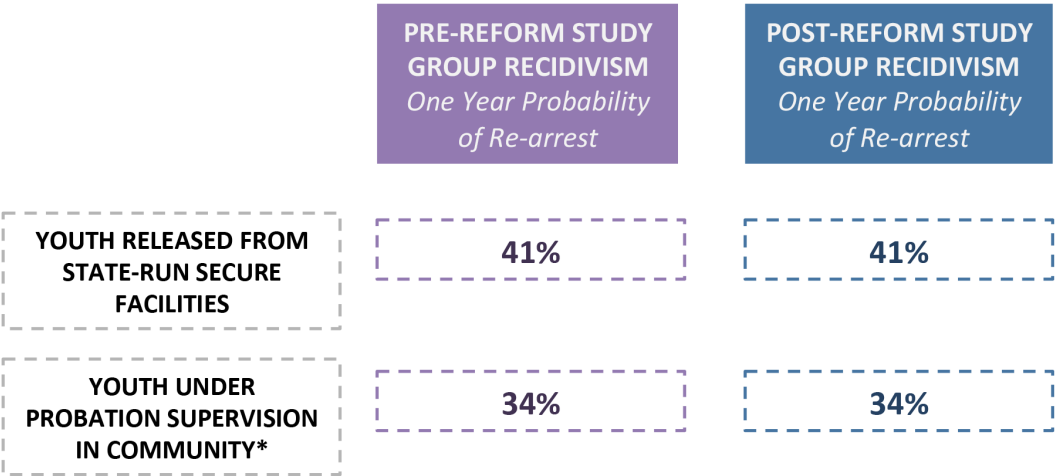
youth committed their offenses in 2005 or 2006; post-reform study group youth committed their offenses in 2009, 2010, or 2011. Youth who committed an offense during the transition years that immediately followed the first wave of reforms—2007 and 2008—were not included. All youth were commitment eligible according to the pre-reform eligibility criteria and had been adjudicated for their offense. There were 57,613 youth in the two study groups combined. The data described below compare youth within the same study group (i.e., post-reform study group youth committed to a state-run secure facility and post-reform study group youth adjudicated to the supervision of a county juvenile probation department). They also compare youth across study groups (i.e., post-reform youth to pre-reform youth). The research team determined that comparisons across study groups were appropriate because they found that the characteristics of these youth, especially characteristics associated with higher risk factors, were comparable.

- The recidivism measure referred to in Findings 9 and 11 is rearrest within one year.⁵⁵ Using a one-year rate allowed more recent post-reform data to be considered. The recidivism measure does not include reincarceration rates, because those numbers were too small to include in the analysis.
- The data take into account juveniles who recidivated as adults, since the TDPS criminal history database includes both juvenile and adult data.
- The multivariate analysis looks at actual aggregate rearrest rates to determine how specific risk factors affect the probability that a specific youth will recidivate. The model is then able to provide the probability of rearrest for the youth in the study group.

SUPPORTING DATA

- There was a significant difference between the rearrest of youth supervised in the community compared to youth released from state-run secure facilities. (See Figure 23)
- Youth committed to a state-run secure facility in both the pre- and post-reform periods were 21 percent more likely than youth adjudicated to probation supervision to be rearrested within one year.
- Youth in the post-reform period had no better outcomes than youth in the pre-reform period. For youth adjudicated to probation, this lack of improvement comes after a considerable infusion of state funding to county juvenile probation departments.

FIGURE 23. ONE-YEAR PROBABILITY OF REARREST FOR YOUTH COMMITTED TO STATE-RUN SECURE FACILITIES AND YOUTH UNDER PROBATION SUPERVISION IN THE COMMUNITY



* Probation Supervision includes youth in county residential facilities as well as youth served while at home in the community

Difference between incarcerated and community supervision was statistically significant for both periods while the difference between the study periods was not statistically significant.

FURTHER REDUCING YOUTH INCARCERATION

As part of this particular analysis, the research team closely studied the characteristics of post-reform youth who were eligible for commitment to state-run secure facilities but were instead placed under the supervision of a county juvenile probation department. The research team found that it was not unusual for such youth to have profiles nearly identical to post-reform youth who were committed to a state-run secure facility. This discovery underscored how subjective decisions can be about who is committed to a state-run secure facility, drawing on factors based at the local level, including which interventions had previously been provided/attempted for the youth, as well as what resources were available in the county.

In 2012, 8 percent of youth committed to a state-run secure facility had no prior referrals to juvenile probation, 16 percent had no prior adjudications, 23 percent had never participated in a community-based program and more than 50 percent had never been placed in a county-based residential facility. These data suggest that, even after the reforms, there continue to be a number of youth committed to state-run secure facilities who could be effectively served under the supervision of a county juvenile probation department.

CONCLUSION

After controlling for dozens of variables to ensure that a reasonable and appropriate comparison was being made between youth placed under the supervision of a local juvenile probation department and youth committed to a state-run correctional facility, the research team found that youth who were previously eligible for commitment to state-run secure facilities but were instead placed under county probation supervision fared substantially better. This finding cannot be used to support the assertion that in each and every case, public safety is best served by supervising a youth at the local level instead of committing him or her to a state-run correctional facility. These data do, however, demonstrate that the state is getting better results (and saving a lot of money) adjudicating certain youth to the supervision of local juvenile probation departments instead of incarcerating them. Furthermore, as the box above suggests, a byproduct of this analysis was the realization that, even since the reforms, there continue to be youth incarcerated who share very similar characteristics to youth under supervision in the community.

A less encouraging aspect of the data provided under this finding are the numbers that reflect that the likelihood of rearrest among a youth under probation supervision is the same in 2012 as it was in 2007. Similarly, the probability of rearrest among youth released from state correctional facilities remained as high in 2012 as it was in 2007. These issues are explored further in the findings that follow.

FINDING 10: Youth who were committed to state-run secure facilities were three times more likely to commit a felony as their first reoffense than youth adjudicated to county probation supervision.

When looking at rearrest data among youth, it is important to identify what type of offense the youth was arrested for: a CINS offense (such as truancy or running away), a misdemeanor (such as shoplifting or simple assault), or a felony.

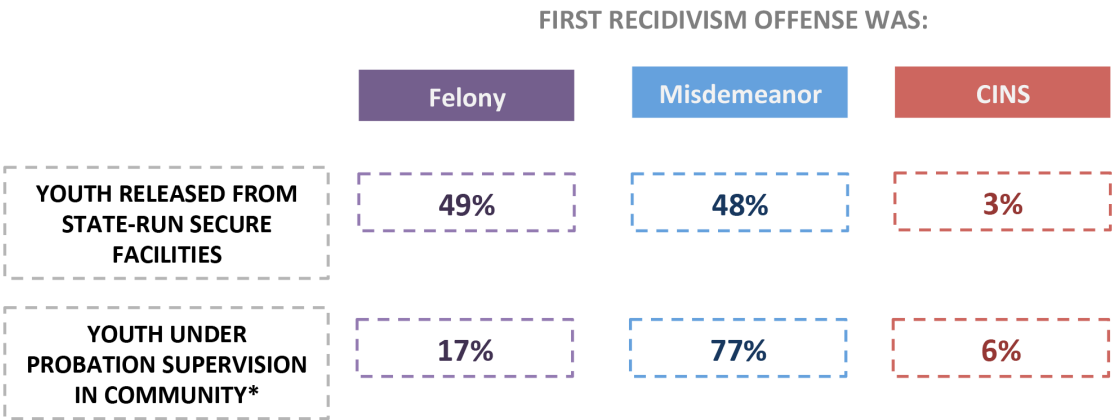
The research team analyzed one-year rearrest data pertaining to the post-reform study group. Looking at those youth in the post-reform study group who were rearrested and who fit a profile for high-risk youth, the research team was able to determine the first offense a youth committed; whether it was a status, misdemeanor, or felony offense; and the type of intervention the youth received.

SUPPORTING DATA

Youth under probation supervision in the community were most likely to commit a misdemeanor as their first recidivism offense, while youth released from state-run secure facilities were most likely to commit a felony. (See Figure 24 and Appendices)

- Youth who had been incarcerated in state-run secure facilities were three times more likely to commit a felony when recidivating than youth supervised in the community.

FIGURE 24. COMPARISON OF FIRST RECIDIVATING OFFENSE FOR YOUTH RELEASED FROM STATE-RUN SECURE FACILITIES AND YOUTH UNDER COUNTY PROBATION SUPERVISION



* Probation Supervision includes youth in county residential facilities as well as youth served while at home in the community

CONCLUSION

Study group youth who were committed to state-run secure facilities were more likely to recidivate than those diverted to community-based alternatives. This did not change significantly between the pre- and post-reform periods. Further, they were more likely to commit more serious offenses as their first recidivating offense, with close to half committing a felony as their first offense after being released.

While the likelihood of recidivism for youth who participated in community-based programs was still high, some interventions showed more promise than others, and all of them showed better results than state-run secure facilities. County secure and non-secure facilities did not show significantly better results than no intervention at all, although they did not increase the likelihood of recidivism, as did the state-run secure facilities.

Recidivism rates for youth who participated in community-based programs did not improve after the reforms were instituted, despite the increased funding for county juvenile probation departments that was discussed earlier in this report. This was true across all intervention types.

FINDING 11: Youth adjudicated to county probation supervision had a similar likelihood of rearrest, regardless of whether they were placed in a county-based secure residential facility, assigned to a non-residential program, or provided no intervention at all.

Data provided under the previous finding highlighted that although youth under the supervision of a county juvenile probation department are less likely to be rearrested than youth released from a state-run secure facility, a youth under community supervision in 2012 was as likely to be rearrested as a youth under community supervision in 2007. The research team sought to understand whether particular approaches to community supervision had better results than others.

TJJD collects and maintains program information, including program type, in the agency's program registry as well as in data submitted to the agency by county juvenile probation departments. The agency has established 34 program types to be used by juvenile probation departments to classify their programs, including family preservation, anger

management, and substance use treatment. Although program type definitions exist, no consistent protocol is used by departments to determine which of the 34 codes is most appropriate for their particular program. For example, a program that appears to offer mentoring services could be coded as a mentoring program. But it might just as easily be coded as a cognitive behavioral program, depending on the staff and department entering the information and the curriculum used.

Working with TJJD, the research team reviewed all program types and definitions used in the state and created the following categories for community-based programs:⁵⁶

- **Skill-Based Program**—Youth learn to identify negative behaviors, spending the majority of their time engaged in skill-building activities. Examples include Animal/Equine Therapy, Life Skills programs, Vocational programs, or Parenting programs.
- **Treatment Program**—Youth are provided with intensive interventions that address their underlying needs, with time spent developing skills or addressing triggers for negative behaviors. Examples include Anger Management, Counseling Services, Substance Use Treatment, Sex Offender Treatment, and Mental Health Treatment.
- **Surveillance Program**—Youth are subjected to ongoing surveillance, either through electronic monitoring or frequent meetings with a probation officer.

In addition to community-based programs, other interventions available to youth under the supervision of county juvenile probation departments include:

- **Secure County Placement**—Youth are placed in a locked residential facility.
- **Non-Secure County Placement**—Youth are placed in a residential facility that does not have locked doors.

Youth who receive supervision only are considered to have had “no intervention”:

- **No Intervention**—Youth who are disposed to probation supervision and are not referred to any program or placed in a secure or non-secure residential facility.

SUPPORTING DATA

Although youth on probation supervision in the community had significantly lower one-year rearrest rates than youth released from state-run secure facilities, the outcomes for youth supervised in the community were similar regardless of which interventions they received.

TABLE 6. PROBABILITY OF REARREST RATES FOR COMMUNITY-BASED PROGRAM CATEGORIES

| | PRE-REFORM STUDY GROUP <i>One-Year Probability of Rearrest</i> | POST-REFORM STUDY GROUP <i>One-Year Probability of Rearrest</i> |
|-----------------------------|---|--|
| State Incarceration | 41% | 41% |
| Skill-Based Program | 29% | 27% |
| Treatment Program | 28% | 30% |
| Surveillance Program | 31% | 29% |
| Secure County Placement | 33% | 34% |
| Non-Secure County Placement | 35% | 35% |
| No Intervention | 33% | 32% |

CONCLUSION

Interventions provided to youth under juvenile probation supervision result in outcomes that are significantly better than outcomes for youth who are incarcerated in state-run facilities. There is some evidence that youth participating in skill-based programs in the post-reform period had a slightly lower likelihood of rearrest than youth placed in residential facilities or youth who received no intervention. These differences in outcomes, however, are marginal, especially considering how programs were grouped for this particular analysis. That observation notwithstanding, the most striking data presented here is that, in general, no program or intervention, including placement in a county-based secure or a non-secure residential facility, generated consistently better results than providing the youth with no intervention at all.

These data do not suggest that youth under the supervision of a county juvenile probation department do not benefit from treatment or community supervision, or that any particular program does not work. As stated previously, nothing here or elsewhere in the report amounts to an evaluation of a particular program or a particular program model. Indeed, rigorous research published elsewhere has shown that there are interventions and models that do work when implemented effectively. Why the state does not seem to see the return on the investment in such programs—and where opportunities for improvement exist—are issues explored in subsequent findings in this report.

Analysis of the Impact of the Reforms in Select Counties

The findings from the preceding section demonstrate that when comparing youth with similar characteristics, those who were adjudicated to county probation supervision were less likely to be rearrested than youth released from state-run secure correctional facilities. At the same time, these findings reflect that statewide recidivism rates (whether measured as rearrest or reincarceration) for youth under county probation supervision have improved little since the reforms, and that, across the state, different intervention strategies are producing outcomes that are little to no better than providing supervision with no programs, treatment, or monitoring of any kind.

But sweeping statements about statewide recidivism rates for youth under county probation supervision ignore the reality that there are 254 counties, and 165 local juvenile probation departments in Texas. Recognizing that no two counties are alike and each local juvenile probation department is distinct, it is important to scrutinize how recidivism rates vary among counties.

To that end, the research team examined how decisions about what type of supervision and program youth received varied from one county to the next. The research team also analyzed the extent to which outcomes for youth under county juvenile probation department supervision varied from one county to the next.

FINDING 12: Rearrest rates for youth with similar characteristics under county probation supervision varied considerably from one county to the other.

Comparing recidivism rates of juveniles under probation supervision in one county with the recidivism rates of juveniles under probation supervision in another county is complicated. For example, one county could have an acute gang problem and a high percentage of the resident population living under the poverty level. In that same county, large numbers of youth referred for runaway or low-level offenses such as public intoxication may be placed under juvenile probation supervision. Each of these traits might distinguish the county from another county in the state, where, for example, unemployment rates are low and youth rarely end up under county juvenile probation supervision for a status offense.

That same county might also invest heavily in treatment programs for youth involved in the juvenile justice system. How does one ensure an apples-to-apples comparison of recidivism rates for youth under the supervision of the juvenile probation department in these two counties?

To address this challenge, researchers again used a multivariate analysis, making it possible to compare youth outcomes across county probation departments more effectively. Constructing this particular model involved several steps. First, the research team identified the 30 counties that had large numbers of commitment-eligible youth under juvenile probation supervision between 2009 and 2011.⁵⁷ Next, in each of these 30 counties, the research team computed the probability of rearrest within a one-year period for each adjudicated youth under supervision. To calculate the probability of rearrest for each youth, the research team considered the characteristics of the youth in that county, as well as county and juvenile probation department characteristics. These characteristics are provided in Figure 25 and described in detail in the Appendices.

FIGURE 25. JUVENILE AND JUVENILE PROBATION DEPARTMENT DATA ATTRIBUTES



| Juvenile Attributes | | | County Attributes | Predicted One-Year Arrest |
|---------------------------------|----------------------------|-------------------------------|----------------------------------|--|
| Gender | Adjudication | Risk attributes | County unemployment | County had Better than Expected Actual Rearrest Rate |
| Race / Ethnicity | Living situation | Cumulative risk | Per capita income | |
| Age | School status | Program participation | Urbanization | |
| Current Offense | Gang affiliation | Type of program participation | Expenditures on juvenile justice | County had As Expected Actual Rearrest Rate |
| Number of current offenses | Dropped out / expelled | Residential placement | Crime rate | |
| Prior Felonies | Substance use | Subsequent arrest | Juvenile age population | County had Lower than Expected Actual Rearrest Rate |
| Prior misdemeanors | Abuse / Neglect history | Subsequent incarceration | | |
| Felonies in current referral | Commitment eligible | Period | | |
| Misdemeanor in current referral | Reason commitment eligible | | | |

The probability of rearrest for individual youth was averaged for all commitment-eligible youth under juvenile probation supervision in each of the 30 counties, making it possible to estimate the percentage of commitment-eligible youth in each department under probation supervision expected to be rearrested within one year.

Once the expected recidivism rates for each of the 30 counties were assembled, the research team derived the actual rearrest rate for each of these juvenile probation departments. The research team then computed the difference between the expected and actual rates of rearrest to identify counties that had significantly higher or lower than expected rates of rearrest.

Within the group of 30 counties that were used for this multivariate modeling analysis, the research team selected 8 for more in-depth analysis. These jurisdictions, which varied in size, geographic location, and juvenile population, collectively represented a cross-section of counties in Texas. The research team visited each of eight counties, where they interviewed juvenile justice officials and front-line staff to develop a thorough understanding of how disposition and program referral decisions are made in that jurisdiction. In addition, the research team presented draft results of population trend and recidivism findings to representatives of these eight departments and invited participants to provide comments in response. In the data supplied below and in subsequent findings, each of the eight counties are identified by name.⁵⁸

SUPPORTING DATA

Of 30 counties whose expected recidivism rates were compared with their actual recidivism rates, some had recidivism rates that were higher than expected, whereas other counties had recidivism rates that were lower than expected:

- 8 counties had higher than expected recidivism rates
- 9 counties had lower than expected recidivism rates
- 13 counties had a neutral result (the actual recidivism rate was not significantly statistically different than the expected rate)

Of the eight counties selected for the in-depth analysis, three had a higher than expected recidivism rate, three had a lower than expected rate, and two performed as expected. (See Table 7)

TABLE 7. EXPECTED AND ACTUAL REARREST RATES FOR YOUTH UNDER THE PROBATION SUPERVISION OF EIGHT COUNTY JUVENILE PROBATION DEPARTMENTS

| | EXPECTED REARREST RATE | ACTUAL REARREST RATE |
|-----------------------------|---------------------------|-------------------------|
| ACTUAL HIGHER THAN EXPECTED | | |
| Tarrant | 36% | 46% |
| Travis | 37% | 44% |
| Victoria | 30% | 40% |
| ACTUAL AS EXPECTED | | |
| Harris | 37% | 39% |
| Lubbock | 33% | 33% |
| ACTUAL LOWER THAN EXPECTED | | |
| Cameron | 34% | 28% |
| Dallas | 31% | 27% |
| El Paso | 32% | 28% |

CONCLUSION

The data described above reflect that rearrest rates for youth under juvenile probation supervision vary significantly from one county to the next, even when controlling for a long list of variables. These data also demonstrate that some juvenile probation departments are managing to get considerably better results than what would be expected given the characteristics of the youth they are supervising and the general characteristics of that county. Clearly, the experiences of these counties underscore that local governments can have a significant impact—for better and for worse—on rearrest rates for youth under juvenile probation supervision. What the data described above do not do is provide insight into what counties are doing to influence rearrest rates.

FINDING 13: None of the following factors, at least independently, appear to explain why some counties generated rearrest rates that were lower than expected: a) how much money the county invested in their juvenile justice system; b) the percentage of youth referred to the juvenile justice system for a felony offense; or c) the types of interventions that the county required youth to complete.

The research team attempted to tease out factors that might explain why some counties were getting better (or worse) results than expected. The research team assessed whether counties that achieved better than expected results shared something in common, collectively distinguishing them from the remaining counties. The analysis explored a range of issues, but in no case did any discernible pattern emerge.

The data provided below describe what the research team found when it tested three hypotheses that might have explained why some counties achieved better rearrest rates than expected:

- a) The research team examined whether counties that spent more on juvenile probation department jurisdiction got better results. To that end, they calculated how much each of the counties spent annually per youth referred to the juvenile probation department.
- b) The research team assessed whether counties whose juvenile probation population appeared to comprise a higher percentage of youth who had committed more serious offenses got better (or worse) results than counties whose juvenile probation population had a higher percentage of youth referred for lower level (misdemeanor or status) offenses. For this issue, the research team measured the percentage of youth in each of the eight counties that were referred to juvenile probation for a felony offense.
- c) The research team asked whether counties that emphasized the disposition of youth to supervision or the placement of youth in county-based secure and non-secure residential facilities got better results. To address this question, the research team looked at the percentage of youth disposed to supervision and the percentage of youth placed in residential facilities in an attempt to determine whether a pattern emerged among the eight counties.

SUPPORTING DATA

Among the eight counties, one (Travis County) spent the most per youth under juvenile probation supervision yet had higher than expected rearrest rates, while another of the counties (Cameron) spent the least per youth yet had lower than expected recidivism rates. (See Table 8)

TABLE 8. PER CAPITA SPENDING PER YOUTH IN EIGHT COUNTIES

| | FY2012 Expenditures | FY2012 Per Capita Expenditures* | % Local |
|----------|------------------------|------------------------------------|---------|
| Cameron | \$9,029,726 | \$5,988 | 59% |
| Dallas | \$57,433,709 | \$9,119 | 78% |
| El Paso | \$14,399,481 | \$6,551 | 73% |
| Harris | \$79,020,906 | \$7,836 | 75% |
| Lubbock | \$6,566,824 | \$5,725 | 69% |
| Tarrant | \$26,083,929 | \$6,052 | 70% |
| Travis | \$37,910,946 | \$10,673 | 82% |
| Victoria | \$2,457,589 | \$6,318 | 62% |

*Per youth referred to the juvenile probation department

In Tarrant County and Lubbock counties, the same percentage of youth referred to the juvenile probation department were referred for a felony offense. But whereas Lubbock County had as expected recidivism rates, Tarrant County had higher than expected recidivism rates. Disposing the majority of youth to supervision was a practice for counties with both lower and higher than expected recidivism rates. (See Table 9)

In Dallas and Victoria counties, approximately 20 percent of the dispositions resulted in placement to county secure and non-secure facilities, but Dallas County had lower than expected recidivism rates, whereas recidivism rates in Victoria County were higher than expected.

TABLE 9. FY2012 REFERRALS AND DISPOSITIONS FOR EIGHT COUNTIES

| | % of Referrals for a Felony Offense | Deferred or Probation Supervision | % Placed in Secure or Non-Secure Facility |
|----------|--|---|---|
| Cameron | 29% | 66% | 13% |
| Dallas | 20% | 69% | 21% |
| El Paso | 22% | 60% | 5% |
| Harris | 27% | 78% | 15% |
| Lubbock | 27% | 53% | 16% |
| Tarrant | 27% | 38% | 11% |
| Travis | 20% | 50% | 15% |
| Victoria | 20% | 31% | 20% |

CONCLUSION

Spending more per youth did not automatically translate into better than expected recidivism rates. Disposing a greater percentage of cases to deferred prosecution or probation supervision did not correlate with worse than expected recidivism rates. Further, just because a county saw a larger percentage of youth placed in county secure or non-secure residential facilities, it did not mean the county would have worse than expected recidivism rates.

Do these data mean that what a county spends, to what extent they dispose youth to supervision, or whether a county makes especially sparing use of residential and secure facilities is irrelevant to its recidivism rate? Not necessarily. It just means that anyone seeking a single, overriding reason why three counties had better than expected recidivism rates while three counties had worse than expected rates won't find such a simple explanation. Clearly, there are multiple factors, playing out differently in each of these counties.

FINDING 14: The potential exists for counties to substantially reduce the rearrest rates of youth under county probation supervision.

Having ruled out several possible simple and straightforward explanations for the variation in outcomes across the eight counties, the research team undertook a detailed examination of some aspects of these counties' efforts to reduce recidivism. Extensive research conducted over the past two decades has shown that the application of various strategies can reduce the likelihood of recidivism, including the use of validated risk assessments to identify youth who are least and most likely to reoffend.

Equipped with information about who is most likely to reoffend, juvenile justice officials must focus the most restrictive and intensive system interventions on those youth. By the same token, juvenile justice officials should minimize their involvement in the lives of youth who are low risk of reoffending. Research shows that when juvenile justice agencies supervise youth who are at low risk of reoffending and place them in intensive programs, the impact on recidivism is limited (because these youth are less likely to reoffend to begin with) and can even lead to increased recidivism.⁵⁹

Texas state law requires county juvenile probation departments to complete a risk and need assessment, using a validated instrument, before the disposition of a youth's case. The statute, implemented in 2010, requires that the results of these assessments be reported to TJJD.⁶⁰ The electronic records provided by TJJD included years prior to the implementation of the risk and needs assessment and, for later years, included fields where this information did not consistently appear.

Concerned that the risk assessment data available was incomplete, the research team created a "risk proxy" that could be applied consistently to all records for youth under juvenile probation supervision in the eight counties. (See Appendices) In developing this risk proxy, the research team used existing TJJD data to measure the extent to which factors such as gender, offense history, substance use and gang affiliation increased the likelihood of a youth under probation supervision would reoffend. The research team applied this risk proxy to all youth whose cases were disposed by juvenile probation departments both pre- and post-reform, then focused on youth disposed in 2012 for the county analysis. Including all youth whose cases were disposed allowed the team to conduct analysis directed at critical system decision points including disposition, program referral, and residential placement. The accuracy of the risk proxy was confirmed by comparing proxy risk levels to risk assessment results reported to TJJD as well as to actual recidivism rates.

The use of this risk proxy made it possible for the research team to track risk levels for all youth whose cases were disposed in the eight counties. Further, because the application of a risk assessment tool is bound to vary somewhat from one county to the next, the research team's use of a risk proxy across all eight counties helped minimize inconsistencies that might have otherwise affected the data had the research team used the risk assessment results available in the TJJD records.

For information regarding the needs of each youth disposed by juvenile probation departments in the eight counties, the research team used the data that local probation departments entered into youths' electronic records. Areas of need included mental health, trauma, exposure to and/or use of substances, sibling criminal justice involvement, and whether the youth was failing in school. As with the risk assessment data, needs information was sometimes missing from records; however, the research team determined that the information was reported reasonably consistently and was sufficiently reliable to be used for analysis in this report.

With risk proxy and need assessment results assembled for all youth whose cases were disposed in 2012, the research team examined the extent to which supervision and programming resources were effectively targeted toward youth who were most likely to reoffend and youth whose needs were most acute. Because risk and needs are reported as separate scores, it is possible that a youth can be at high risk of reoffending but have a low level of need for an intervention such as treatment. Conversely, it is possible that a youth can be at low risk of reoffending but have a high level of need. Although it is essential that the needs of such youths be met, there is general agreement among juvenile justice experts that the juvenile justice system should not be the vehicle for delivering those services when the youth is at low risk of reoffending.

SUPPORTING DATA

Of the 275 programs in the 8 counties serving youth under juvenile probation supervision, all but 2 programs served youth of mixed risk levels.

Depending on the county, anywhere from 40 to 91 percent of youth who were under juvenile probation department supervision and who were determined to be at low risk of reoffending were placed in one or more programs. Just a small fraction (in some cases as low as 4 percent) of these youth, however, were found to have a high need for such programs. (See Table 10)

TABLE 10. PERCENTAGE OF LOW-RISK YOUTH DISPOSED TO SUPERVISION WHO PARTICIPATED IN ONE OR MORE PROGRAMS*

| | % of Low-Risk Youth on Supervision in Programs** | Low-Risk Youth on Supervision in Programs, % High Need** |
|----------|--|--|
| Cameron | 40% | 20% |
| Dallas | 55% | 18% |
| El Paso | 77% | 4% |
| Harris | 80% | 4% |
| Lubbock | 43% | 19% |
| Tarrant | 44% | 11% |
| Travis | 71% | 11% |
| Victoria | 91% | 35% |

*Risk level as calculated by the CSG Justice Center

** Supervision includes youth on deferred prosecution and probation supervision

Rearrest rates for low-risk youth placed in programs were the same (and often considerably worse) than the rearrest rates for youth who were not placed in programs. In only one county was the rearrest rate for low-risk youth in programs lower than for low-risk youth not in programs. (See Table 11)

TABLE 11. ONE-YEAR REARREST RATE FOR LOW-RISK YOUTH PLACED IN PROGRAMS AND LOW-RISK YOUTH NOT PLACED IN PROGRAMS FOR EIGHT COUNTIES

| | Low-Risk Youth in Programs* | Low-Risk Youth Not in Programs* |
|----------|-----------------------------|---------------------------------|
| Cameron | 21% | 13% |
| Dallas | 11% | 11% |
| El Paso | 13% | 11% |
| Harris | 12% | 15% |
| Lubbock | 20% | 16% |
| Tarrant | 18% | 13% |
| Travis | 20% | 15% |
| Victoria | 11% | 11% |

**Risk level as calculated by the CSG Justice Center*

In five of the eight counties, less than one-third of youth at high risk of reoffending participated in a program or were placed in a county-based secure or non-secure residential facility after being placed under supervision, and in all but one of these counties, well over half of high-risk youth received no intervention at all. Youth with high levels of needs were even more likely to receive no intervention. (See Table 12)

TABLE 12. HIGH-RISK AND HIGH-NEED YOUTH RECEIVING PROGRAM OR PLACEMENT INTERVENTION WHILE ON SUPERVISION*

| | % of High-Risk Youth on Supervision Receiving Program or Placement** | % of High-Need Youth on Supervision Receiving Program or Placement** |
|----------|--|--|
| Cameron | 18% | 17% |
| Dallas | 14% | 17% |
| El Paso | 43% | 28% |
| Harris | 14% | 13% |
| Lubbock | 29% | 34% |
| Tarrant | 34% | 36% |
| Travis | 30% | 11% |
| Victoria | 60% | 16% |

**Risk level as calculated by the CSG Justice Center*

*** Supervision includes youth on deferred prosecution and probation supervision*

Between zero and 32 percent of youth with substance use treatment needs were reported to have received substance use treatment or intervention programming. (See Table 13)

TABLE 13. PERCENT OF YOUTH WITH IDENTIFIED SUBSTANCE USE TREATMENT NEEDS WHO RECEIVED TREATMENT

| FY2012 | % of Youth in Treatment Program | % of Youth in Intervention Program |
|----------|---------------------------------|------------------------------------|
| Cameron | 0%* | 25% |
| Dallas | 13% | 10% |
| El Paso | 0%* | 0%* |
| Harris | 11% | 2% |
| Lubbock | 16% | 16%* |
| Tarrant | 0.2% | 2% |
| Travis | 15% | 12% |
| Victoria | 0%** | 0%** |

* Department did not serve any youth in this program type in FY2012.

** No youth were identified as having a substance use treatment need at referral.

How many days a youth under the supervision of a juvenile probation department spent in a program varied little between youth determined to be at low risk of reoffending and youth determined to be at high risk of reoffending and, in the majority of countries, low-risk youth stayed in programs longer than youth at high risk of reoffending. (See Table 14)

TABLE 14. MEDIAN LENGTH OF STAY (DAYS) IN A PROGRAM BY RISK LEVEL*

| FY2012 | Low-Risk Youth | High-Risk Youth |
|----------|----------------|-----------------|
| Cameron | 193 | 135 |
| Dallas | 124 | 94 |
| El Paso | 136 | 133 |
| Harris | 75 | 104 |
| Lubbock | 118 | 167 |
| Tarrant | 105 | 77 |
| Travis | 115 | 112 |
| Victoria | 125 | 69 |

*Risk level as calculated by CSG Justice Center

Youth adjudicated to local probation supervision typically had to comply with anywhere between 10 and 40 conditions of supervision.

TABLE 15. AVERAGE NUMBER OF COURT-ORDERED CONDITIONS FOR YOUTH ADJUDICATED TO PROBATION BY COUNTY

| | |
|----------|----|
| Cameron | 20 |
| Dallas | 10 |
| El Paso | 26 |
| Harris | 12 |
| Lubbock | 34 |
| Tarrant | 12 |
| Travis | 13 |
| Victoria | 40 |

CONCLUSION

Data provided above do not link the extent to which a county embraced “the risk principle” and the extent to which a county achieved better than expected recidivism results.⁶¹ Rather, recognizing that there is considerable room for improvement in the rearrest rates of youth in each of the eight counties, data provided here demonstrate the potential for each of the eight counties to reduce their recidivism rates, regardless of whether they were already achieving better than expected results.

In none of the eight counties where researchers analyzed the risk levels of youth under juvenile probation supervision did the juvenile probation department consistently and effectively target limited supervision resources and services on those youth most likely to reoffend.

The data described above reflect that a high percentage (and frequently the majority) of low-risk youth under supervision were placed in one or more program. Furthermore, very few of these low-risk youth had acute service or treatment needs, and yet they were placed in a program regardless.

The data also reflect that it is common for youth with different likelihoods of reoffending to be placed in the same program. This is cause for concern, as the research demonstrates that youth who are at medium to high risk of reoffending have a negative influence on youth who are low risk of reoffending. Accordingly, the mixing of youth with different risk levels in the same program can have the unintended consequence of increasing recidivism rates among youth who would have otherwise been unlikely to reoffend.

Further evidence of the limited extent to which risk and need assessments inform the allocation of supervision and services is the average length of stay in programs: youth spend a similar number of days in programs, regardless of their risk level. In addition, the average number of conditions for youth under supervision is high, which is a cause for concern because extensive research shows that setting a long list of conditions of supervision on a youth fails to recognize his or her developmental capacity, and accomplishes little other than to set them up for failure.

For the above reasons, and given the extensive literature on this subject, the research team was unsurprised to find that the youth in these eight counties who were at low risk of reoffending and who were placed in programs did no better—and often did worse—than youth who received no programs, treatment, or monitoring of any kind.

The research team found not only that youth who were at low risk of reoffending were placed in programs, but also that youth with acute needs did not receive programs that might have benefited them.

In summary, each of the eight counties can improve youth outcomes by being more consistent in matching supervision and programmatic decisions with the results of risk and need assessments. Even realizing this challenging goal, however, is no panacea. The extensive efforts that go into connecting a youth to the right program and appropriate level of supervision that will most benefit him or her will be undermined if these services and supervision do not adhere to what the research demonstrates is a quality program and effective supervision.

THE VIEW FROM THE GROUND LEVEL

The research team did not rely solely on quantitative analyses to inform their understanding of the impact state reforms had on local juvenile probation departments. In each of the eight counties where in-depth quantitative analyses were conducted, the research team used the Council of State Governments (CSG) Justice Center's white paper, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System*, to assess local policies and practices according to what research shows works to reduce recidivism. The research team participated in more than a dozen in-person meetings with administrators and line staff in each county's juvenile justice system and administered detailed written questionnaires to stakeholders in each county's juvenile justice system.

Consistent with the results of the quantitative analyses, the research team found some gaps between what the research shows works to reduce recidivism and existing policies and practices:

- Local juvenile probation departments conduct risk and need assessments, but typically information about the youth's offense and prior history is used to make disposition and programming decisions.
- Programs funded by counties often cite the use of interventions that have extensive research demonstrating their effectiveness, but these interventions are not necessarily implemented with fidelity to the model. For example, staff may not be trained appropriately or the intensity or dosage of services is less than what the model prescribes.
- Standardized processes and policies do not exist in most jurisdictions to govern how and when assessments are conducted and how the results of those assessments should be used to drive program referral and development.
- Most programs lack a written framework that describes the program's goals, target population, and measurable outcomes for youth the program serves.
- Youth participating in programs often do not meet the criteria established for that program's target population.
- Data describing the number of youth served by programs, the number of youth who complete programs, and whether program participants have subsequent contact with the justice system is collected, but rarely used to assess the overall performance of the program, to improve the program, or to hold the program accountable for particular results. Nor is information about youth characteristics, including their risk and need factors, used to ensure that the department is providing appropriate programs and services to the youth under their supervision.

To its credit, Texas has used the results of this qualitative assessment to develop a system-wide improvement plan, an approach that can be replicated by juvenile justice systems everywhere. In addition, each county has taken steps to implement promising practices. (See Appendices)

Conclusion

With this study, Texans who shape juvenile justice policy at the state and local level, who supervise and serve youth in contact with the juvenile justice system, and who have championed reforms of this system have conducted an extraordinary and unflinching review of the results of their efforts to date. In doing so, they have provided a remarkable service to the juvenile justice field nationally, providing a model of transparency and accountability for juvenile justice systems everywhere. The results of this unprecedented examination reflect undeniable success, highlight ways Texas can build on its progress to date, and point to lessons learned that are applicable to states everywhere.

The findings presented in this report provide a rich, textured review of the impact of the juvenile justice reforms in Texas. At the same time, this level of detail can be somewhat overwhelming to anyone not immersed in the Texas juvenile justice system. Anyone seeking a bottom line should come away with these three points:

- **First, state efforts to reduce the number of youth in state juvenile correctional facilities have delivered on the promise made when they were enacted.** Thousands more youth are living at home now (or are being supervised closer to home) than before the reforms, where they are less likely to come into contact with the justice system than youth released from state-run secure facilities. In the process, the state has saved hundreds of millions of dollars, and public safety has not been compromised.

Achieving these results is a terrific accomplishment of which state and local officials, along with their community-based partners, deserve to be proud. As of January 2015, there are approximately 1,000 youth remaining in state confinement, at an annual cost of more than \$130,000 per youth. Data analyzed for this report indicate that many of these incarcerated youth have profiles that are nearly identical to youth who were instead adjudicated to the supervision of a local juvenile probation department. Accordingly, policymakers should explore whether it is possible to reduce further the number of youth incarcerated in state-run correctional facilities, and to focus on strategies to reduce the stubbornly high rates of rearrest and reincarceration for youth released from these facilities.

- **Second, at the state and local level, Texas is not realizing the full potential of its investment in community-based programs for youth adjudicated to the supervision of juvenile probation departments.**

The likelihood of being rearrested for youth adjudicated to probation did not decline between 2007 and 2012, which is disappointing in light of the increased appropriations the state has made to county probation departments to serve and supervise these youth. Recognizing that the state has historically given wide latitude to local governments on how those dollars can be used, state policymakers should explore a combination of strategies that include increased guidance, training, and technical assistance—along with an improved approach to performance measurement—to help counties close the gap between their existing practices and what the research shows improves outcomes for youth involved in the justice system.

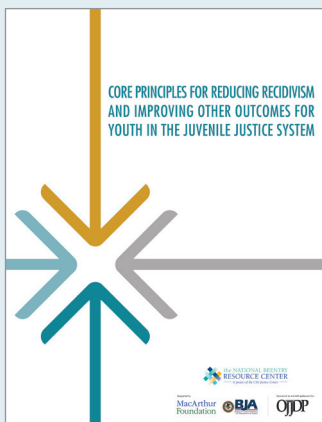
- **Third, state and local officials outside of Texas should be addressing the questions posed and answered in this report in their own jurisdictions.**

People who work on juvenile justice issues in most other states, however, will be rightly skeptical of the capacity of their state's information systems. Replicating the analyses conducted in Texas will be challenging, if not impossible, in many other jurisdictions. That limitation, however, is no justification for doing nothing. If anything, the recognition that their systems cannot generate the data needed to answer these questions—or that youth recidivism data are not generated consistently and shared with policymakers in a user-friendly format—should galvanize state policymakers to address these deficiencies. Furthermore, state and local juvenile justice systems can take steps to self-assess how they assign youth to particular programs and types of supervision, the duration of such programs and supervision, and the extent to which such programs and supervision are delivered in a way that demonstrates fidelity to a program model.

CRITICAL RESOURCES FOR STATE AND LOCAL JUVENILE JUSTICE SYSTEM ASSESSMENT AND IMPROVEMENT

This report, *Closer to Home*, follows on the heels of two publications recently issued by the CSG Justice Center to help policymakers and professionals who work on the front lines of the juvenile justice system to reduce recidivism and improve other outcomes for youth.⁶²

Measuring and Using Juvenile Recidivism Data to Inform Policy, Practice, and Resource Allocation reviews the results of a 50-state survey of states' current approaches to measuring recidivism rates among youth involved with the state juvenile justice system.⁶³ It also provides state and local policymakers with recommended approaches to improve the measurement, analysis, collection, reporting, and use of recidivism data for youth involved with the juvenile justice system.



Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System distills and synthesizes the research on what works to reduce recidivism and improve outcomes for youth involved with the juvenile justice system into four core principles.⁶⁴ This white paper also provides information about lessons learned from research and practice on how to implement the principles with fidelity.



This report builds on an extensive body of knowledge that has emerged in recent years pointing to what works to improve outcomes for youth who are involved with the juvenile justice system. The juvenile justice field has used that research, in part, to make a case for investments in community-based programming for youth released from secure facilities and youth adjudicated to the supervision of local juvenile probation departments.

As this study underscores, policymakers and practitioners are increasingly appreciating that realizing the potential of these evidence-based programs hinges on, among other things, targeting the right youth, matching the appropriate services and supervision to the risks and needs that the young person presents, and delivering services and supervision with the intensity and characteristics that the program model prescribes. Meeting any, let alone all, of these criteria is challenging for state and local juvenile justice systems that are overburdened and under-resourced. Accordingly, to achieve what the research says is possible in counties and states everywhere, a concerted national effort is necessary to close the gap between what the research demonstrates works and actual policy and practice. Further, to hold the field accountable, policymakers will need to track results, much as Texas has modeled with this analysis.

During the course of this study, the authors of this report met with countless advocates for youth involved with the juvenile justice system. Whether they work in a courtroom, in a residential facility, in secure lock-up, in the community delivering services and support, or in the state capitol, these people share a deep and tireless commitment to helping youth. This report equips these champions of change—and their counterparts across the country—with hard data unlike anything assembled to date. It is for them that this report was written and it is upon them that the value of this information ultimately depends.

Endnotes

¹ Office of Juvenile Justice and Delinquency Prevention, Statistical Briefing Book, Juvenile Arrest Rate Trends, available at http://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05201.

² National Juvenile Justice Network and Texas Public Policy Foundation, *The Comeback States* (Washington, DC: National Juvenile Justice Network, 2013).

³ National Research Council, *Reforming Juvenile Justice: A Developmental Approach* (Washington, DC: National Academies Press, 2013); Sarah Alice Brown, *Trends in Juvenile Justice State Legislation, 2001–2011* (Denver: National Conference of State Legislatures, 2012); Peter W. Greenwood, Brandon C. Welsh, and Michael Rocque, *Implementing Proven Programs for Juvenile Offenders: Assessing State Progress* (Association for the Advancement of Evidence-Based Practice, 2012).

⁴ Correspondence, Senator John Whitmire to Michael Thompson, Counsel of State Governments Justice Center, August 14, 2012

⁵ Office of Juvenile Justice and Delinquency Prevention, *Easy Access to the Census of Juveniles in Residential Placement*, available at <http://www.ojjdp.gov/ojstatbb/ezacjrp>.

⁶ A juvenile may be adjudicated with a determinate probation sentence, which allows for a youth to remain under the supervision of a juvenile probation department until the age of 19.

⁷ Texas Juvenile Justice Department, *Overview of the Juvenile Justice System in Texas*, available at <http://www.tjjd.texas.gov/about/overview.aspx>.

⁸ Texas Family Code §54.02; see also Robert Dawson, *Texas Juvenile Law*, 7th edition (Austin: Texas Juvenile Probation Commission, 2008).

⁹ Texas Juvenile Justice Department, *Overview of the Juvenile Justice System in Texas*, available at <http://www.tjjd.texas.gov/about/overview.aspx>.

¹⁰ Texas Family Code §53.03.

¹¹ Texas Family Code §51.03(a).

¹² Texas Family Code §53.02.

¹³ Texas Family Code §54.04(d)(3).

¹⁴ Texas Family Code 51.02(12); Texas Juvenile Justice Department, *Overview of the Juvenile Justice System in Texas*, available at <http://www.tjjd.texas.gov/about/overview.aspx>.

¹⁵ Texas Family Code §51.02(12).

¹⁶ Texas Family Code §53.02.

¹⁷ Texas Juvenile Justice Department, *The State of Juvenile Probation Activity in Texas Calendar Year 2011*, November 2013.

¹⁸ Texas Family Code §54.02.

¹⁹ Texas Juvenile Justice Department, *Annual Report to the Governor and Legislative Budget Board Community Juvenile Justice Appropriations, Riders and Special Diversion Programs* (2013), available at <http://www.tjjd.texas.gov/publications/reports/AnnualReportFundingandRiders2013-13.pdf>.

²⁰ Texas Family Code §53.03; see also Southwest Juvenile Defender Center and Texas Appleseed, *Juvenile Practice is Not Child's Play*, 3rd edition (Houston: Texas Appleseed, 2005), 32.

²¹ Youth under both voluntary deferred prosecution supervision and adjudicated probation supervision may be required to participate in one or more community-based non-residential programs ordered by the court or juvenile probation departments as a condition of supervision. Failure to attend and/or complete an ordered program may result in a violation and additional supervision or sanctions.

²² Texas Family Code §§54.04011 & 59.008.

²³ Texas Juvenile Justice Department, Registered Juvenile Facilities in Texas, available at <http://www.tjjd.texas.gov/publications/other/searchfacilityregistry.aspx>; The vast majority of non-secure facilities are managed by private, not for profit organizations that are licensed by the Department of Family and Protective Services, the state agency that oversees foster care and child protective services.

²⁴ The review release panel is comprised TJJD staff appointed by the agency's executive director for terms of at least two years. The review release panel reviews a youth's progress while in a secure state-run facility and makes a determination on whether the youth can be incarcerated past their minimum length of stay.

²⁵ Texas Youth Commission, Agency Strategic Plan for the Fiscal Years 2001–2005 Period, (Austin, Texas: Texas Youth Commission, 2000); Texas Sunset Advisory Commission, Texas Juvenile Probation Commission Texas Youth Commission Staff Report (Austin, Texas: Texas Sunset Advisory Commission, 1996).

²⁶ Texas Youth Commission, TYC Population Trends, available at <http://www.tjjd.texas.gov/archive/Research/growthcharts.html>. The initial decline in commitments following the 1998 peak was attributed to a bill passed in 1999 that limited eligibility for commitment in non-felony cases so that non-felony commitments could be made only on revocation of felony probation or where the youth had at least two prior misdemeanor adjudications.

²⁷ R.G. Ratcliffe and Lisa Sandburg, "TYC board ousted; abuse scandal grows," *Houston Chronicle*, March 15, 2007; Mike Ward, Governor's office received detailed reports alleging sex scandal, *Austin American Statesman*, March 23, 2007; *Dallas Morning News*, Scandal at TYC, available at <http://www.dallasnews.com/investigativereports/tyc/>.

²⁸ Judge W. Jeanne Meurer, "Meurer: State Scandal's Fallout Straining Local Resources," *Austin American Statesman*, March 27, 2007. The abuse scandal came to light in February 2007 and was followed by additional allegations of agency wrongdoing throughout the legislative session. SB103 passed the Senate and House on May 25, 2007 and went into effect immediately, nearly three months before the end of the fiscal year.

²⁹ Legislative Budget Board, Criminal Justice Uniform Cost Report Fiscal Years 2006–2008, January 2009; As part of the reforms described in this section, the legislature allocated additional funding to improve conditions in state-run secure facilities. That investment, combined with the reduction in the number of incarcerated youth, resulted in a substantial increase in what the state spends per incarcerated youth. In 2012, the Texas Juvenile Justice Department (TJJD) estimated that it spent \$134,065 per incarcerated youth.

³⁰ For example, SB 653 included several references in the purpose and goals language for the Texas Juvenile Justice Department to “effective” supports and interventions. See Tex. Human Resources Code §§201.002 & 201.003. Similarly, SB 653 prioritized community and family-based alternatives over placement in secure facilities.

³¹ Expenditure data provided by TJJD.

³² Senate Bill 103, 83rd Reg. Sess. (Texas 2007).

³³ *Ibid.*

³⁴ In 2011 the Texas legislature passed SB 653, which abolished the Texas Juvenile Probation Commission and the Texas Youth Commission and consolidated the duties of these agencies in the new department, TJJD. Data from both agencies are now maintained by TJJD.

³⁵ When the data was de-identified, a juvenile identification number was created to allow case information to be linked across data tables and between probation and commitment data.

³⁶ FY2005 juvenile probation data included in order to have complete history data on youth committed to TJJD and released in 2006 or later.

³⁷ Texas Criminal Justice Policy Council, “Uniform Recidivism and Revocation Rate Calculation: Recommended Methodologies for State Criminal Justice Agencies” (Austin: Texas Criminal Justice Policy Council, 1991).

³⁸ Representatives of The Pew Charitable Trusts attended both meetings. Representatives of the Annie E. Casey Foundation, the Public Welfare Foundation, and the Office of Juvenile Justice and Delinquency Prevention participated in one of the two meetings. In addition, CSG Justice Center staff received extensive comments on a draft version of the findings in a meeting with several officials from the Annie E. Casey Foundation.

³⁹ Daniel B. Wood, “U.S. Crime Rate at Lowest Point in Decades. Why America is Safer Now,” *Christian Science Monitor*, January 9, 2012; James Q. Wilson, “Hard Time, Fewer Crimes,” *The Wall Street Journal*, May 28, 2011.

⁴⁰ Arrest data are maintained by the Texas Department of Public Safety and reported annually in *Crime in Texas* reports. Arrest data are maintained and reported by calendar year. All other data in this report are reported by fiscal year (September 1 to August 31).

⁴¹ Reported crime is not broken out by crime committed by juveniles versus those committed by adults. Overall, index crimes declined by 11.3 percent, statewide, between 2007 and 2012. See Texas Department of Public Safety, *The Texas Crime Report* (2012), available at <http://www.txdps.state.tx.us/>

[administration/crime_records/pages/crimestatistics.htm](http://www.txdps.state.tx.us/administration/crime_records/pages/crimestatistics.htm); Texas Department of Public Safety, *The Texas Crime Report* (2007), available at http://www.txdps.state.tx.us/administration/crime_records/pages/crimestatistics.htm.

⁴² *The Economist*, “The curious case of the fall in crime,” July 20, 2013.

⁴³ Florida Department of Law Enforcement, “Adult vs. Juvenile UCR Arrest Trends in Florida 1998-2013,” available at [http://www.fdle.state.fl.us/Content/FSAC/Menu/Data_Statistics\(1\)/UCR_Arrest_Data.aspx](http://www.fdle.state.fl.us/Content/FSAC/Menu/Data_Statistics(1)/UCR_Arrest_Data.aspx); California Department of Justice, Office of the Attorney General, “2012 Juvenile Justice in California,” available at <http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/misc/ij12/preface.pdf>; California Department of Justice, Office of the Attorney General, “2007 Juvenile Justice in California,” available at <http://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/misc/ij07/preface.pdf>.

⁴⁴ *Christian Science Monitor*, “U.S. crime rate at lowest point in decades—why America is safer now,” January 9, 2013, available at <http://www.csmonitor.com/USA/Justice/2012/0109/US-crime-rate-at-lowest-point-in-decades-Why-America-is-safer-now>; Diane Dimond, “Crime Rates are Down but Why?,” *Huffington Post*, May 14, 2013, available at http://www.huffingtonpost.com/diane-dimond/crime-reduction_b_2878003.html; James Q. Wilson, “Hard Times, Fewer Crimes,” *The Wall Street Journal*, May 28, 2011, available at <http://www.wsj.com/articles/SB10001424052702304066504576345553135009870>; *The Economist*, “The curious case of the fall in crime,” *The Economist*, July 20, 2013, available at <http://www.economist.com/news/leaders/21582004-crime-plunging-rich-world-keep-it-down-governments-should-focus-prevention-not>.

⁴⁵ Texas Legislative Budget Board, “Adult and Juvenile Correctional Population Projections, Fiscal Years 2007-2012” (Austin: Texas Legislative Budget Board, 2007).

⁴⁶ Commitment numbers here reflect dispositions to commitment and are slightly different than commitment numbers discussed under Finding 1, which are commitment admissions to TJJD. Some youth disposed to commitment do not actually end up in a state secure facility, so there is a slight difference between the two numbers. The numbers for Finding 1 come from the TJJD dataset, while these numbers were taken from the juvenile probation dataset, since referral and disposition numbers are part of the juvenile probation data.

⁴⁷ Dottie Carmichael, Eric Booth, and Ashweeta Patnaik, *Addressing Disproportionate Minority Contact in the Juvenile Justice System: Causes and Solutions from the Community Perspective* (College Station, TX: Public Policy Research Institute, Texas A&M University, 2010).

⁴⁸ In 2006 and most of 2007, youth who had committed misdemeanors were eligible for commitment to state run secure facilities. After the passage of the reforms in June 2007, misdemeanor offenders were no longer eligible for commitment and as a result, in 2008 there were no youth who committed misdemeanors committed to a state run secure facility.

⁴⁹ With the passage of the reforms in June 2007, youth under the TJJD jurisdiction had to be discharged at age 19. The exception to this rule was youth committed with a determinate sentence prior to the implementation of the reform. These youth were required to complete their minimum sentence prior to release/discharge and so could remain under TJJD jurisdiction until age 21.

⁵⁰ Tex. Leg. 81th Sess., General Appropriations Act for the 2010-2011 Biennium; Tex. Leg. 82nd Sess., General Appropriations Act for the 2012-2013 Biennium; Tex. Leg. 83th Sess., General Appropriations Act for the 2014-2015 Biennium; available at [http://www.lbb.state.tx.us/Documents/GAA/General Appropriations Act.48](http://www.lbb.state.tx.us/Documents/GAA/GeneralAppropriationsAct.48) Tex. Leg. 83rd Sess., General Appropriations Act for the 2014-15 Biennium, available at [http://www.lbb.state.tx.us/Documents/GAA/General Appropriations Act 2014-15.pdf](http://www.lbb.state.tx.us/Documents/GAA/GeneralAppropriationsAct2014-15.pdf).

⁵¹ Texas Juvenile Justice Department, “Grant Reporting and More,” PowerPoint presentation (2012), available at <https://www.tjjd.texas.gov/statistics/2012DataCoordConf/Grant%20C%20and%20More.pdf>.

⁵² Statutes HRC 221.054(a), HRC 221.051(c), HRC 221.009(b), HRC 221.012(a)(2)(A).

⁵³ Tex. Leg. 83rd Sess., General Appropriations Act for the 2014-15 Biennium, available at [http://www.lbb.state.tx.us/Documents/GAA/General Appropriations Act 2014-15.pdf](http://www.lbb.state.tx.us/Documents/GAA/GeneralAppropriationsAct2014-15.pdf).

⁵⁴ “Rearrest” is defined as an arrest as a juvenile or adult for a Class B misdemeanor or greater offenses after being placed on supervision, beginning a program, or leaving a secure facility. “Reincarceration” is incarceration in a state-run secure juvenile facility or an adult state jail or prison after being placed on supervision, beginning a program or leaving a secure facility.

⁵⁵ The analysis looked at rearrest within one year after release from a state-run secure facility versus one year after being adjudicated to probation, or one year after being adjudicated and beginning a program or being released from a county secure or non-secure facility.

⁵⁶ In assigning programs to these categories, the research team did not assess the services, treatment, and supervision that each program delivered. For example, mental health treatment programs in the same county, or from one county to the next, could very well (and typically did) employ different approaches.

⁵⁷ A juvenile probation department may be composed of one or more counties. In the initial analysis, the 30 departments with the largest number of commitment eligible youth included both “stand alone” and multi-jurisdiction departments. The final analysis selected eight stand-alone departments. A stand-alone juvenile probation department is composed of a single county.

⁵⁸ For average aggregate recidivism rates for the eight counties, see Appendices.

⁵⁹ Elizabeth Seigle, Nastassia Walsh, and Joshua Weber, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System* (New York: Council of State Governments Justice Center, 2014).

⁶⁰ Texas Human Resources Code §221.003.

⁶¹ James Bonta and Don A. Andrews, *Risk-Need-Responsivity Model for Offender Assessment and Rehabilitation* (Ottawa, ON: Public Safety Canada, 2007).

⁶² These publications were made possible through funding provided by the John D. and Catherine T. MacArthur Foundation and the U.S. Department of Justice’s Bureau of Justice Assistance, and with the support of the U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention.

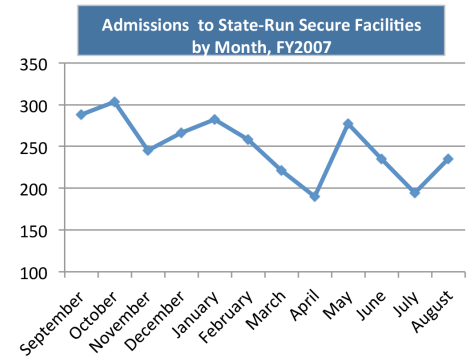
⁶³ Council of State Governments Justice Center, *Measuring and Using Juvenile Recidivism Data to Inform Policy, Practice, and Resource Allocation*, (New York: Council of State Governments Justice Center, 2014).

⁶⁴ Seigle et al, *Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System*.

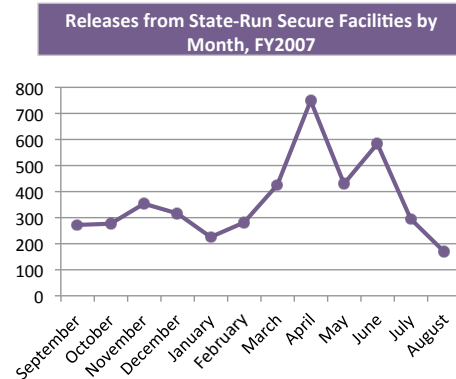
Appendices

APPENDIX A: MONTHLY TRENDS IN STATE-RUN SECURE FACILITY ADMISSIONS, RELEASES AND AVERAGE DAILY POPULATION

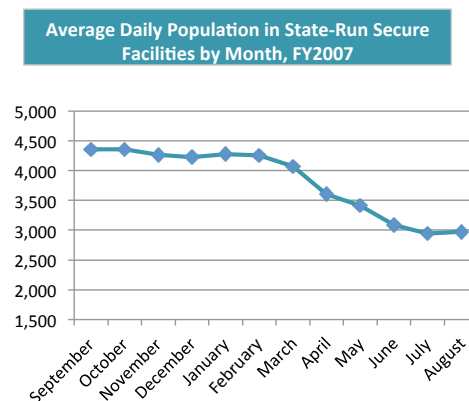
| Fiscal Year 2007 | Commitment Admissions | Revocation Admissions | Total Admissions |
|------------------|-----------------------|-----------------------|------------------|
| September | 232 | 56 | 288 |
| October | 255 | 48 | 303 |
| November | 207 | 38 | 245 |
| December | 230 | 36 | 266 |
| January | 246 | 36 | 282 |
| February | 212 | 46 | 258 |
| March | 170 | 51 | 221 |
| April | 163 | 27 | 190 |
| May | 222 | 55 | 277 |
| June | 200 | 35 | 235 |
| July | 151 | 43 | 194 |
| August | 169 | 66 | 235 |
| Total | 2,457 | 537 | 2,994 |



| Fiscal Year 2007 | Releases from State-Run Secure Facilities |
|------------------|---|
| September | 271 |
| October | 276 |
| November | 353 |
| December | 317 |
| January | 225 |
| February | 282 |
| March | 426 |
| April | 748 |
| May | 429 |
| June | 584 |
| July | 295 |
| August | 169 |
| Total | 4,375 |



| Fiscal Year 2007 | Average Daily Population in State-Run Secure Facilities |
|-------------------------|---|
| September | 4,354 |
| October | 4,359 |
| November | 4,264 |
| December | 4,229 |
| January | 4,274 |
| February | 4,256 |
| March | 4,069 |
| April | 3,599 |
| May | 3,415 |
| June | 3,088 |
| July | 2,939 |
| August | 2,971 |
| Average for Year | 4,305 |



APPENDIX B: ONE-, TWO- AND THREE-YEAR REARREST AND REINCARCERATION RATES FOR YOUTH UNDER COMMUNITY SUPERVISION AND RELEASED FROM STATE-RUN SECURE FACILITIES

One, Two and Three Year Rearrest Rates for Youth Disposed to Deferred Prosecution, Adjudicated to Probation and Released from a State-run Secure Facility

| | Adjudicated to Probation | | | Disposed to Deferred Prosecution | | | Released from State-Run Secure Facility | | |
|-------------|--------------------------|--------|--------|----------------------------------|--------|--------|---|--------|--------|
| Fiscal Year | 1 Year | 2 Year | 3 Year | 1 Year | 2 Year | 3 Year | 1 Year | 2 Year | 3 Year |
| 2006 | 34.3% | 53.1% | 64.1% | 26.3% | 41.2% | 51.6% | 43.9% | 65.3% | 75.9% |
| 2007 | 35.5% | 54.8% | 65.9% | 26.8% | 42.5% | 52.2% | 45.5% | 67.6% | 76.8% |
| 2008 | 35.6% | 55.6% | 66.2% | 27.6% | 42.4% | 52.1% | 48.1% | 69.2% | 78.1% |
| 2009 | 36.9% | 55.9% | 66.3% | 27.0% | 41.6% | 50.9% | 47.0% | 68.8% | 76.8% |
| 2010 | 34.3% | 52.6% | 63.7% | 23.4% | 36.2% | 45.2% | 47.1% | 67.3% | 76.6% |
| 2011 | 34.6% | 53.7% | | 23.0% | 36.6% | | 45.5% | 66.4% | 75.4% |
| 2012 | 35.0% | | | 22.4% | | | 43.6% | 66.8% | |

One-, Two- and Three-Year Reincarceration Rates for Youth Disposed to Deferred Prosecution, Adjudicated to Probation, and Released from a State-Run Secure Facility

| | Adjudicated to Probation | | | Disposed to Deferred Prosecution | | | Released from State-Run Secure Facility | | |
|-------------|--------------------------|--------|--------|----------------------------------|--------|--------|---|--------|--------|
| Fiscal Year | 1 Year | 2 Year | 3 Year | 1 Year | 2 Year | 3 Year | 1 Year | 2 Year | 3 Year |
| 2006 | 7.0% | 12.1% | 16.2% | 0.5% | 1.7% | 3.3% | 13.3% | 26.5% | 36.7% |
| 2007 | 5.1% | 9.8% | 14.2% | 0.3% | 1.3% | 2.8% | 17.0% | 29.5% | 40.1% |
| 2008 | 4.6% | 9.0% | 13.6% | 0.4% | 1.4% | 2.8% | 22.2% | 35.2% | 45.4% |
| 2009 | 4.1% | 8.7% | 13.2% | 0.4% | 1.3% | 2.9% | 24.7% | 36.6% | 45.9% |
| 2010 | 3.7% | 8.2% | 13.1% | 0.3% | 1.0% | 2.4% | 19.7% | 33.1% | 43.5% |
| 2011 | 3.6% | 8.2% | | 0.2% | 1.0% | | 20.3% | 35.3% | 43.6% |
| 2012 | 3.2% | | | 0.2% | | | 23.4% | 37.1% | |

APPENDIX C: VARIABLES USED IN MULTIVARIATE MODEL—PART ONE

All variables used to predict recidivism for TJJD Eligible Youth, statewide multivariate model

| Variable | Explanation |
|--|--|
| Period | Variable that indicates whether the observation is in the pre-reform period (period=0) or the post-reform period (period=1) |
| TJJD Commitment | Variable indicating whether or not a youth was committed to TJJD |
| Secure County Commitment | Variable indicating whether or not a youth was committed to a secure county placement |
| Non-secure County Commitment | Variable indicating whether or not a youth was committed to a non-secure county facility |
| Activity Program | Variable indicating if a youth completed at least one activity program |
| Treatment Program | Variable indicating if a youth completed at least one treatment program |
| Surveillance Program | Variable indicating if a youth completed at least one surveillance program |
| Treatment*Period interactions | Six interaction variables of each of the above treatments with the Period variable. This allows us to see whether a treatment's efficacy changes in the post-reform period. |
| School Status | Four variables indicating a youth's school status. If all variables are 0, the youth's status is regular school. The variables represent the following possibilities: dropped out or expelled, GED or graduated, alternative education or juvenile alternative education, home/charter/private school. |
| African-American | Variable indicating if a youth is African-American |
| Hispanic | Variable indicating if a youth is Hispanic |
| Other ethnicity | Variable indicating if a youth is of another ethnicity. If youth is neither African-American, Hispanic, nor other, then the youth is white. |
| Gender | Variable indicating if youth is male or female |
| Sexual Abuse | Variable indicating if the youth is known to have suffered from sexual abuse |
| Physical abuse | Variable indicating if the youth is known to have suffered from physical abuse |
| Emotional abuse | Variable indicating if the youth is known to have suffered from emotional abuse |
| Gang affiliation | Variable indicating if the youth is known to be affiliated with a gang |
| Lives with one parent | Youth lives with just one parent (either mother or father) |
| Lives with grandparents or other relatives | Youth lives with grandparents or another relative |
| Youth lives with foster family | Youth lives with a foster family |
| Other living situation | Youth has some other living situation |
| Felonies | Number of felonies committed on the current offense |
| Misdemeanors | Number of misdemeanors committed on the current offense |
| Felonies to date | Number of past felonies committed by youth |
| Misdemeanors to date | Number of past misdemeanors committed by youth |
| Per capita income | Per capita income in the county youth was arrested |
| Unemployment | Unemployment rate in the county youth was arrested |
| Eligible because of prior felony | Youth is eligible for TJJD because of a previously committed felony |
| Eligible because of misdemeanor | Youth is eligible for TJJD due to committing at least 3 adjudicated misdemeanors. If both this variable and the previous variable are 0, then youth is eligible because of a current felony. |
| Cumulative risk | Counts the number of high-risk behaviors the youth has engaged in. |

APPENDIX C: VARIABLES USED IN MULTIVARIATE MODEL—PART TWO

Statistically significant predictors of 1 year recidivism for TJJD eligible youth in statewide multivariate model

| Variable | Explanation | Size of Effect, holding covariates at their medians |
|---|--|---|
| Dropped out of school or expelled | Youth has dropped out or been expelled | Increases probability of recidivating by 5.3% compared to being in school |
| GED or graduated | Youth has graduated from school or has a GED | Increases probability of recidivating by about 2.1% compared to being in school. |
| Alternative Education or Juvenile Justice Alternative Education | Youth is receiving alternative education | Increases probability of recidivating by 2% compared to being in school |
| Race: African American | Youth is African American | Increases probability of recidivating by 8% compared to being white. |
| Race: Hispanic | Youth is Hispanic | Increases probability of recidivating by 5.3% compared to being white |
| Gender: Male | Youth is male | Increases probability of recidivating by 8.1% compared to being female |
| Gang Affiliation | Youth is known to be affiliated with a gang | Increases probability of recidivating by 6.9% |
| Single parent home | Youth lives with a single parent | Increases probability of recidivating by 2.6% compared to living in a two parent home |
| Lives with other relative | Youth lives with grandparents or other family | Increases probability of recidivating by 2.2% compared to living in a two parent home |
| Other living situation | Youth does not live with parents, other family, or a foster family | Increases probability of recidivating by 0.8% compared to living in a two parent home |
| Felonies | Number of felonies on current referral | One additional felony increases probability of recidivating by 1.1% |
| Misdemeanors | Number of misdemeanors on current referral | One additional misdemeanor increases probability of recidivating by 1% |
| Felonies to date | Number of prior felonies | One additional prior felony increases probability of recidivating by 0.9% |
| Misdemeanors to date | Number of prior misdemeanors | One additional prior misdemeanor increases probability of recidivating by 3% |
| Unemployment | Unemployment of county | Increasing unemployment by 1.5% (one standard deviation) increases probability of recidivating by 1.3% |
| Eligible for TJJD because of a previous felony | Youth is TJJD eligible because they have committed a previous felony | Increases probability of recidivating by 4.2% compared to being eligible for a first felony |

APPENDIX D: FIRST RECIDIVISM OFFENSE BY TYPE OF INTERVENTION

| | CINS | Misdemeanor | Felony |
|------------------------------------|-------------|--------------------|---------------|
| State-Run Secure | 3% | 48% | 49% |
| County Secure Placement | 3% | 79% | 18% |
| County Non-Secure Placement | 5% | 78% | 17% |
| Skill-Based Program | 7% | 76% | 17% |
| Treatment Program | 5% | 77% | 18% |
| Surveillance Program | 6% | 76% | 18% |
| No Intervention | 6% | 77% | 17% |

APPENDIX E: VARIABLES INCLUDED IN POST-REFORM COUNTY MULTIVARIATE MODEL

Variables used to predict 1 year recidivism for TJJD eligible youth in the post-intervention period, county multivariate model

| Variable | Explanation | Direction of Effect (if significant) |
|--|--|--|
| County spending on juvenile justice | County spending divided by number of dispositions in fiscal year. | Insignificant |
| Crime rate | | Insignificant |
| Urbanization | National Center for Health Statistics county urbanization index | Insignificant |
| Substance Abuse | Is the youth known to abuse substances | Increases probability of recidivism |
| Age | Age of youth | Increases probability of recidivism |
| Secure county placement* | Youth was placed in secure county confinement | Insignificant |
| TJJD commitment* | Youth was placed in TJJD | Increases probability of recidivism |
| Activity or treatment program* | Youth completed an activity or treatment program | Decreases probability of recidivism |
| Surveillance program* | Youth completed a surveillance program | Decreases probability of recidivism |
| Non secure county placement* | Youth completed a non-secure county placement | Insignificant |
| School status | Youth's school status (graduated, attending, expelled, etc.) | Statuses other than being a current student increase recidivism |
| Race | Youth's race | African Americans and Hispanics have increased probabilities of recidivism |
| Gender | Youth's gender | Males have increased probabilities of recidivism |
| Sexual abuse | Is the youth known to have suffered sexual abuse | Insignificant |
| Physical abuse | Is the youth known to have suffered physical abuse | Insignificant |
| Emotional abuse | Is the youth known to have suffered emotional abuse | Insignificant |
| Gang Affiliation | Is the youth known to have a gang affiliation | Increases probability of recidivism |
| Living arrangements | Who does the youth live with (two parents, one parent, other relative, etc.) | Arrangements that do not include two parents increase risk of recidivism |
| Felonies on current referral | How many felonies are there on the current referral | Insignificant |
| Misdemeanors on current referral | How many misdemeanors are there on the current referral | Increases probability of recidivism |
| Felonies to date | Number of prior felonies | Insignificant |
| Misdemeanors to date | Number of prior misdemeanors | Increases probability of recidivism |
| Per capita income | Per capita income of the county | Insignificant |
| Unemployment | Unemployment of the county | Insignificant |
| Eligible because of previous felony | Youth is TJJD eligible because of a previous felony | Increases probability of recidivism |
| Eligible because of previous adjudications | Youth is TJJD eligible because of at least two prior adjudications | Decreases probability of recidivism |

*Variable was not included in the final county model

APPENDIX F: FACTORS INCLUDED IN THE CSG JUSTICE CENTER RISK PROXY

CSG Risk Proxy

Because the state of Texas did not require the completion of a risk assessment until 2010, the research team calculated a risk proxy to analyze dispositions, programming, and placements offered by juvenile probation departments. The following data elements were included in the development of the risk proxy:

| Factor | |
|-----------------------|---|
| Age at First Referral | Was the juvenile's first referral before age 11 or before age 14? |
| Prior Referral Count | Has the juvenile been referred to juvenile probation three or more times? |
| Current Age | Is the juvenile age 14 or 15? |
| Substance Abuse | Is the juvenile known or suspected to have a substance abuse problem? |
| Current Offense | Is the current offense a violation of a court order? |
| Gang Status | Is the juvenile known or suspected to be the member of a gang? |
| School Status | Is the juvenile currently enrolled in an alternative educational placement, dropped out or suspended? |
| Home Status | Is the juvenile currently living in a single-parent household or with a relative? |

Once the risk proxy was developed, the research team ran one-year recidivism rates to check the accuracy of the proxy. (Recidivism is defined as re-arrest or re-referral for a misdemeanor B offense or higher.) The following table shows the one-year recidivism rates based on a juvenile's assignment within the risk proxy:

| Risk Level | One-Year Recidivism Rate |
|------------|--------------------------|
| Low | 14.8% |
| Medium | 29.6% |
| High | 35.6% |

APPENDIX G: PROMISING PRACTICES—PART 1

| Promising Practices In Texas Juvenile Probation Department | |
|--|--|
| Diversion of Low-Risk Youth | |
| Cameron County JPD | Cameron County JPD implemented a Diversion Offender Program (DOP) in 2014 with the goal of diverting low risk youth who previously would have received an adjudicated court disposition. Youth meeting established program criteria are placed on supervision prior to disposition where they and their parents attend programming and informational sessions and may be referred to services in the community. Youth who successfully complete the program are disposed with a supervisory caution and have no further involvement with the juvenile department for their case. |
| Tarrant County JPD | Tarrant County JPD uses risk assessment information to divert low risk youth from juvenile justice involvement. In FY2012, 50% of youth referred to the department were disposed with a supervisory caution, a diversionary disposition. Statewide, 22% of referrals resulted in a disposition of supervisory caution in FY2012. |
| Victoria County JPD | The Victoria County JPD "Bandit" program diverts low risk offenders from adjudication. In FY2012, 64% of youth referred to the department were disposed with a supervisory caution. Statewide, 22% of referrals resulted in a disposition of supervisory caution in FY2012. |
| Program Referral Process | |
| El Paso County JPD | El Paso County JPD has developed a Service Criminogenics Matrix and a Probation Services Criminogenic Screening Form for use by department staff. In each, criminogenic needs/domains are matched to specific department programs and services. The matrix and screening form help ensure that staff are both aware of the target population of department programs and services and that youth are matched to the programs and services that will mostly likely address their criminogenic factors. |
| Harris County JPD | Harris JPD uses a program referral process imbedded into their JIMS2 data system, easing program referrals and allowing for better communication between officers and program vendors. JIMS2 allows the creation and documentation of program referrals and the interaction of vendors and HCJPD officers. Program referrals are initiated by HCJPD officers in one of two ways. (1) For programs with session events, HCJPD officers can place a youth in a session created on the JIMS2 calendar by the vendor to initiate a program referral. The session record provides information including the maximum number of attendees, time of day, length of session, and location. The vendor receives notice of the addition and can "accept" or "reject" the youth. The system allows officers and vendors to print calendars, registered youth sign-in sheets and attendance logs. The vendor can enter attendance and progress notes which can be viewed by HCJPD as well as vendors into the system. (2) If the program does not have event sessions, the program referral itself can be generated and goes through the same vendor acceptance process. There are also comments on the program referral that allow for communication between vendor and HCJPD officers. |
| Travis County JPD | Travis County JPD developed a referral flow chart for programs. The flow charts outline the process necessary for a juvenile to enter a program, encourage the use of screenings and assessments, and provide alternative programming for juveniles who do not meet all criteria for program entry. |

APPENDIX G: PROMISING PRACTICES—PART 2

| | |
|------------------------------------|--|
| Use of Graduated Sanctions | |
| Dallas County JPD | Dallas County JPD developed a response grid for use when youth are not following the conditions of their supervision. The grid allows for a consistent, measured response to violations. |
| Monitoring | |
| Dallas County JPD | Dallas County JPD has performance expectations outlined for all contract vendors. Department personnel provide vendor evaluation, selection, oversight, and ongoing assessment of contract compliance and treatment effectiveness. |
| El Paso County JPD | El Paso County JPD utilized logic models in the development of programs operated by the department. The department then created interactive dashboards to monitor the performance measures established in the logic models. |
| Collaboration | |
| Cameron County JPD | The Cameron County JPD was instrumental in the creation of the Harlingen Outreach Center which provides educational, vocational, job readiness, general and substance use counseling, life skills, family services and recreation to juvenile offenders as well as the entire community of Harlingen. |
| Lubbock County JPD | <p>Lubbock County JPD has implemented a literacy program designed to increase the literacy rates of both youth under supervision and their parents.</p> <p>Youth in detention are evaluated for literacy. Adjudicated youth that are in need may be ordered to attend a literacy lab in place of performing community service. Parents also lacking literacy skills are allowed to attend the program with probation fees and court costs waived at successful completion. The department employs two web-based programs that can be accessed on any computer with wi-fi access allowing both youth and parents to continue their learning away from the lab. Texas Tech Education Department interns assist youth and parents in the lab while PhD candidates will soon be available to help youth with their writing skills.</p> |
| Lubbock County JPD | Lubbock JPD has developed a partnership with Texas Tech University to provide assessments, counseling and mental health services to juvenile offenders and their family. The Texas Tech Family Therapy Clinic provides high quality therapeutic services through a diverse team of faculty supervisors and graduate level students to youth in detention, residential placement and the community. This partnership enhances the department's ability to provide quality services to youth and their family at minimal cost to the department. |
| Travis County JPD | Travis County JPD was the first department in the state to implement the Cross Over Project which focuses on juveniles in both the child protective and juvenile justice systems. The Travis County Model Court for Children and Families is a Multidisciplinary Community Initiative started in September 2008, to help facilitate systemic improvement of the court and child welfare systems. The work of this model court is focused on promoting successful outcomes for children and families in Travis County who are involved in civil suits filed by the Texas Department of Family and Protective Services as a result of findings of child abuse and neglect. |
| Screening and Assessment | |
| Tarrant County JPD | Tarrant County JPD was the first department in Texas to implement the PACT. The risk assessment has since been validated on the department's juvenile offender population. |
| All Juvenile Probation Departments | All juvenile probation departments are required to administer a MAYSI-2 upon referral or entry to detention. The results are used to inform further screening and assessment decisions. |

