

# **TEXAS JUVENILE PROBATION**

*Today and Tomorrow*



A Report by the  
**TEXAS JUVENILE PROBATION COMMISSION  
AND JUVENILE JUSTICE PRACTITIONERS**

July 2008

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## Executive Director's Letter

This document was designed to provide direction to the state's leadership, the Sunset Commission staff, juvenile probation professionals and all those interested in the state's juvenile probation system by identifying key issues confronting the system.

My thanks to the panel of experts who attended the meetings representing each region of the state and every size juvenile probation department. The willingness of panel members to roll up their sleeves and critically examine the system was impressive and the quality of the discussions was insightful, energetic, and overall, remarkable.

My thanks also to the members of the Texas Juvenile Probation Commission (TJPC) staff who participated in the meetings as resources. Special thanks go to Vonzo Tolbert and Linda Brooke for the time they spent reviewing and synthesizing the information into an easy to digest document.

My most important thanks goes to the thousands of hardworking, dedicated juvenile probation department personnel and those in related fields who work tirelessly to make a positive difference in the lives of Texas youth. This work has many disappointments and difficulties. Yet, these individuals hold true to their commitment to make a positive difference in the lives of the young people who come before them everyday.

This document is not the end of the discussion nor could it encompass all of the issues. The goal was to highlight and make recommendations on key issues that will impact the direction of juvenile probation over the next few years.

**Vicki Spriggs**  
Executive Director  
Texas Juvenile Probation Commission





## Executive Summary

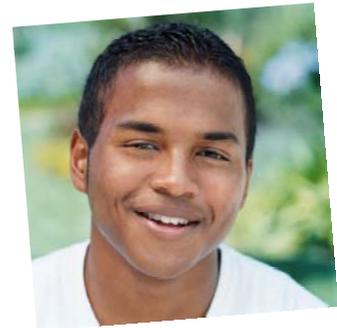
In the early spring of 2008, a panel of 25 subject matter experts consisting of Chief Juvenile Probation Officers representing each region of the state and small, medium and large departments as well as Texas Juvenile Probation Commission (TJPC) executive staff acting as facilitators, came together to discuss the future of the Texas juvenile probation system in response to the on-going changes at the Texas Youth Commission (TYC) and the Sunset review process both TJPC and TYC scheduled to begin in late May 2008.

Prior to this discussion, the last in-depth examination of the juvenile probation system occurred between 1993 – 1995 when the Joint Interim Committee on the Texas Family Code, a joint House/Senate committee, held a series of hearings across the state soliciting input towards their goal of reforming the state’s juvenile justice system. Their efforts resulted in a series of reforms passed by the 75th Legislative Session in 1995 via HB 327.

The reforms passed during that session were numerous and the positive results on the juvenile probation system were evidenced by the decrease in commitments to the TYC and the increased programming provided.

The 13 years since the passage of HB 327 have seen an increase in the challenges faced by juvenile probation departments and the TJPC. Some of these challenges include the increasing number of youth with severe behavioral needs, the increased number of referrals of youth with mental illness, the changing nature of the role of TJPC and the changing responsibilities of the juvenile probation system.

The spring meetings encouraged attendees to identify key policy issues facing the juvenile probation system in Texas and to generate recommendations accordingly. Additionally, a survey was mailed to each of the 168 county operated juvenile probation departments soliciting their input on the structure of the system. The survey results are also included in this document.



The four guiding principles resulting from these meetings address increasing prevention services for at-risk youth and families, evaluating and improving programs and services provided by juvenile probation departments, enhancing the use of data in system planning and development, and, revisiting the role of juvenile probation departments.

One of the challenges the juvenile probation system has to prepare for is the 15.7% predicted increase in the juvenile age population between 2008 – 2020. Since the majority of these youth are projected to be Hispanic, the on-going challenge of recruiting and retaining linguistically appropriate and culturally responsive staff will be significant.



# The Texas Juvenile Probation Commission

## HISTORY, ROLE AND FUNCTION

- ★ The Texas Juvenile Probation Commission (TJPC) was created in 1981.
- ★ The Commission's primary mission is to ensure access to juvenile probation services throughout the state.
- ★ TJPC assists local juvenile boards, juvenile probation departments and juvenile justice practitioners across the state by acting as a conduit for legislative appropriations and providing the following services:
  - Contract and grant management
  - Legal assistance
  - Technical assistance and training
  - Promulgate, monitor and enforce statewide standards
  - Certification of probation and detention officers
  - Strategic planning and policy development
  - Research and statistics
- ★ TJPC works in partnership with local juvenile boards and juvenile probation departments to support and enhance juvenile probation services statewide.
  - The focus of TJPC funding is on community-based, family-oriented programs and services that are the least restrictive possible but which ensure public safety. The funding also provides for:
    - Services to at-risk juveniles and their families
    - Early intervention services for first-time offenders
    - Community supervision
    - Rehabilitative programs and services for juveniles under supervision
    - Residential placements for high-need and high-risk juveniles

## THEN AND NOW: 26 YEARS OF ACCOMPLISHMENTS

1981	2007
★ No juvenile probation services in 32 counties	★ Juvenile probation services available in all counties in the state
★ No state standards for juvenile probation, detention facilities or secure post-adjudication facilities	★ Comprehensive state standards for juvenile probation services, detention facilities, secure post-adjudication facilities, Title IV-E programs and JJAEPs with on-going monitoring
★ No professional certification of juvenile probation and detention officers	★ Professional certification requirements for all probation and detention officers
★ No systematic training of juvenile probation practitioners	★ Extensive statewide training of juvenile probation practitioners
★ No system of fiscal accountability for local use of state funds	★ System of fiscal accountability for local use of state funds established with on-going monitoring
★ No intensive supervision programs for serious juvenile offenders	★ Intensive supervision programs for serious juvenile offenders offered in 109 departments
★ No automated information system	★ Statewide automated juvenile probation information system which provides detailed monthly data from the departments to TJPC
★ 29 juvenile detention centers; 12,353 juveniles held in adult jails	★ 55 juvenile detention centers; state compliant with federal rules requiring the removal of juveniles from adult jails
★ 2 secure post-adjudication facilities	★ 33 secure post-adjudication facilities
★ No juvenile justice alternative education programs available for expelled youth	★ 34 juvenile justice alternative education programs available for expelled youth
★ No mental health screening for juveniles	★ Mental health screening required for all juveniles
★ No federal funding received	★ Millions federal funding received for residential placements and juvenile services through Title IV-E reimbursements

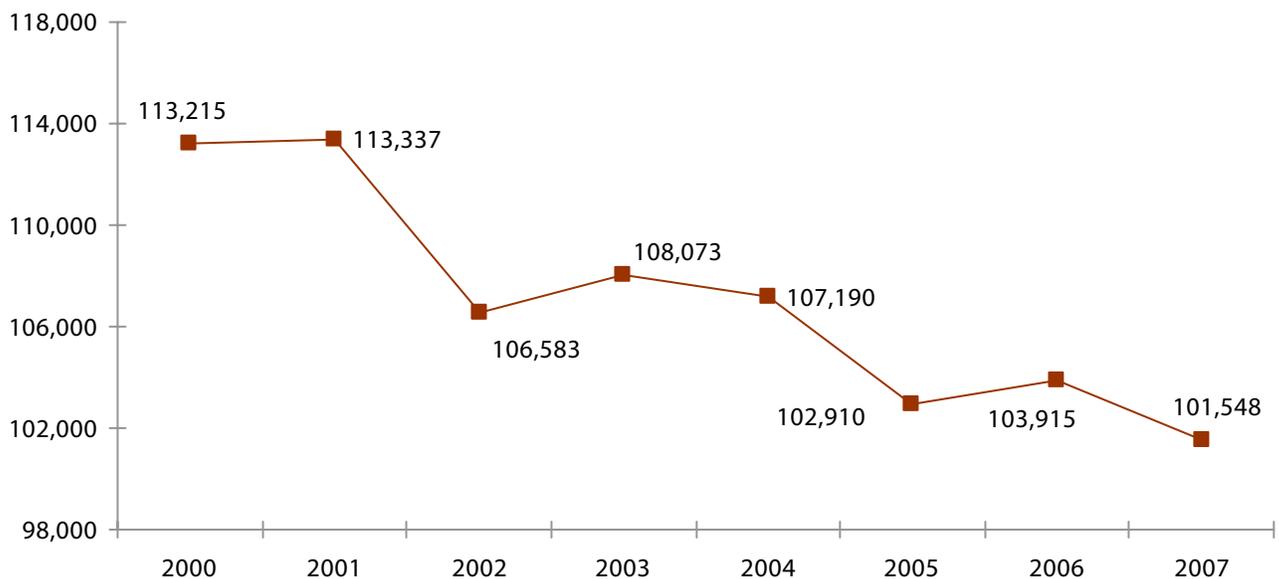
## Juvenile Justice Trends

### JUVENILE ARRESTS 2000 TO 2007

Between 2000 and 2007, total arrests for juveniles age 10 to 16 declined 6%. Between 2000 and 2007, juvenile arrests for violent and drug offenses increased while arrests for property offenses decreased.

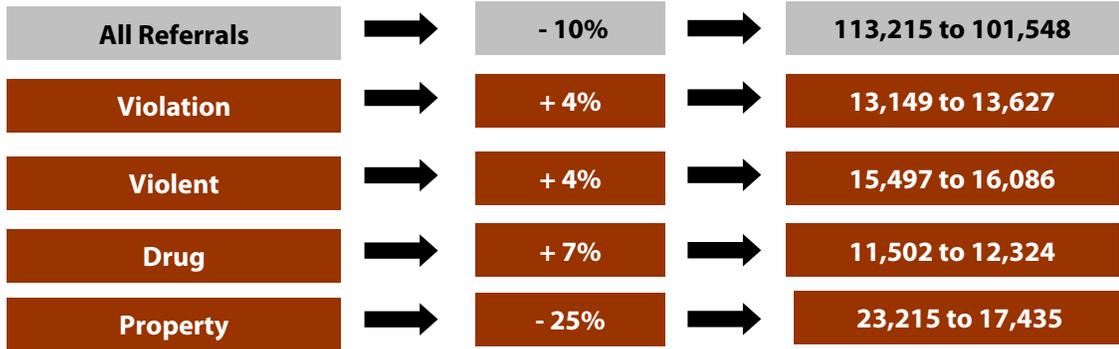
- ★ Juvenile arrests for violent offenses increased 9%, from 21,100 in 2000 to 22,921 in 2007.
- ★ Drug arrests increased 12%, from 8,996 in 2000 to 10,087 in 2007.
- ★ Violent offenses, as a proportion of total offenses increased between 2000 and 2007. In 2000, violent offenses accounted for 15% of total juvenile arrests compared to 17% in 2007.
- ★ Drug offenses as a proportion of total offenses also increased accounting for 6% of total arrests in 2000 compared to 7% in 2007.

### JUVENILE REFERRALS CALENDAR YEAR 2000 – 2007



- ★ Juvenile referrals have declined overall by 10% since 2000.

**Percent Change in Juvenile Referrals by Type of Offense  
Calendar Year 2000 – 2007\***



\* Violent, drug and property offense categories include both felony and misdemeanor offenses.

★ Total juvenile referrals have decreased between 2000 and 2007; referrals for drug, violent and violation of court order offenses have increased.

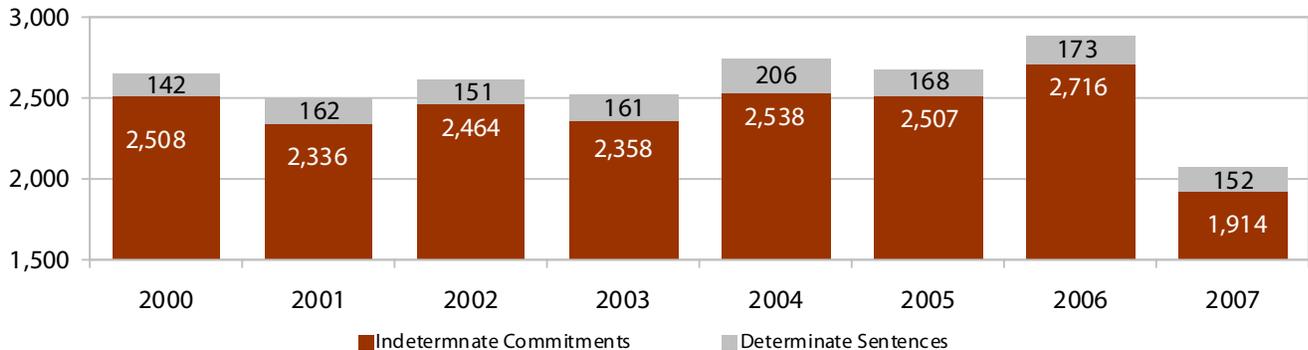
- Referrals for misdemeanor and felony drug offenses increased 7% while referrals for violent misdemeanor and felony offenses increased 4%.
- Referrals to juvenile probation department for violations of a court order also increased 4% .
- Property offenses decreased 25% between 2000 and 2007.

**Percent Increase in Juvenile Referrals by Violent Felony Offenses  
2000 – 2007**

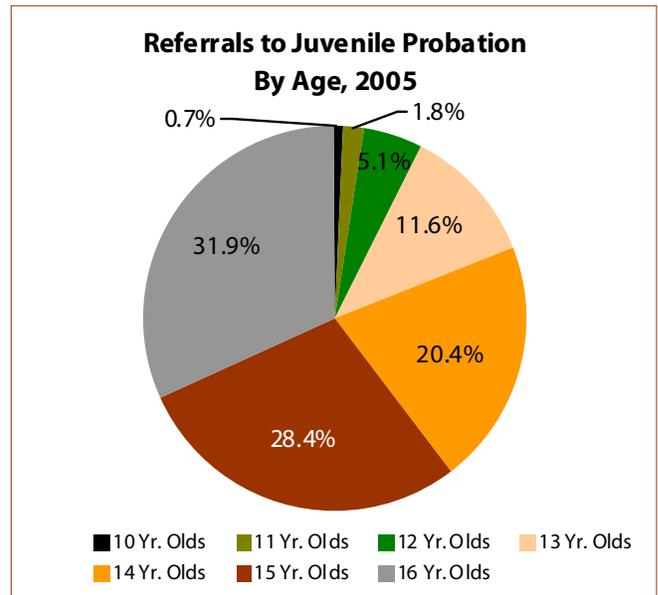
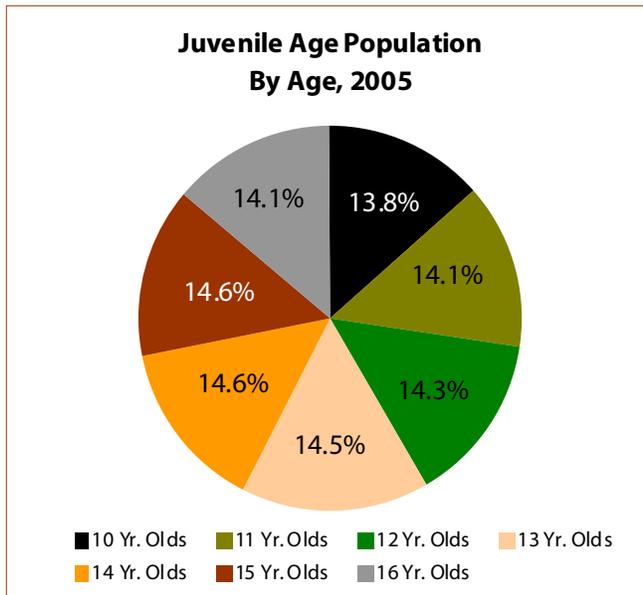


★ Referrals for violent felony offenses increased and accounted for 5.6% of total referrals in 2000 compared to 6.4% of total referrals in 2007.

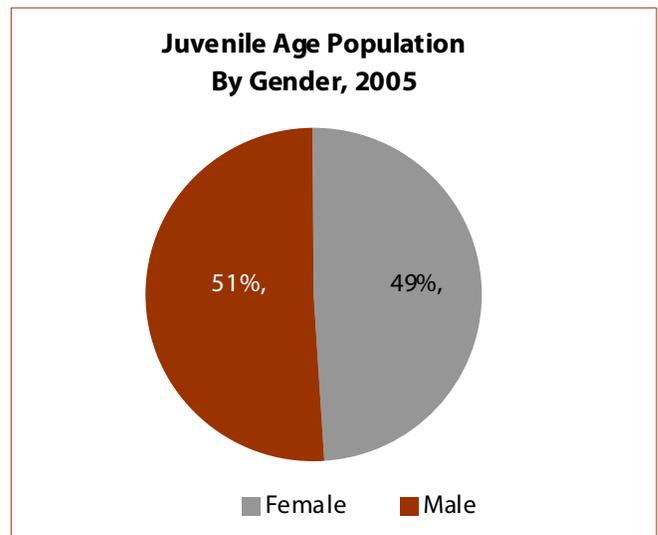
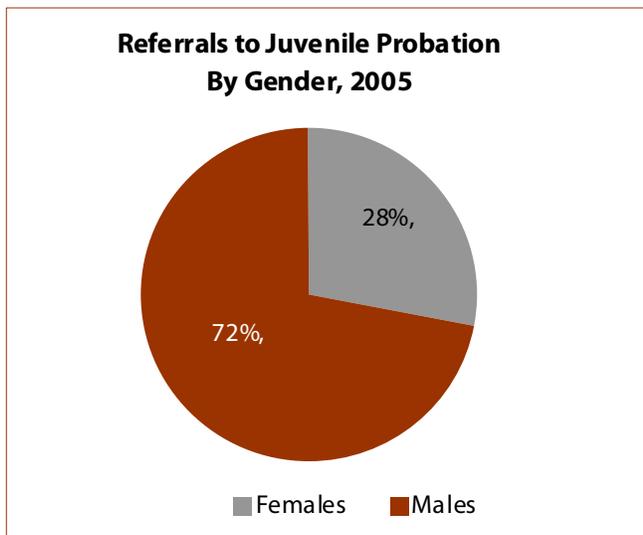
**COMMITMENTS TO TEXAS YOUTH COMMISSION BY CALENDAR YEAR  
INCLUDES DETERMINATE SENTENCES**



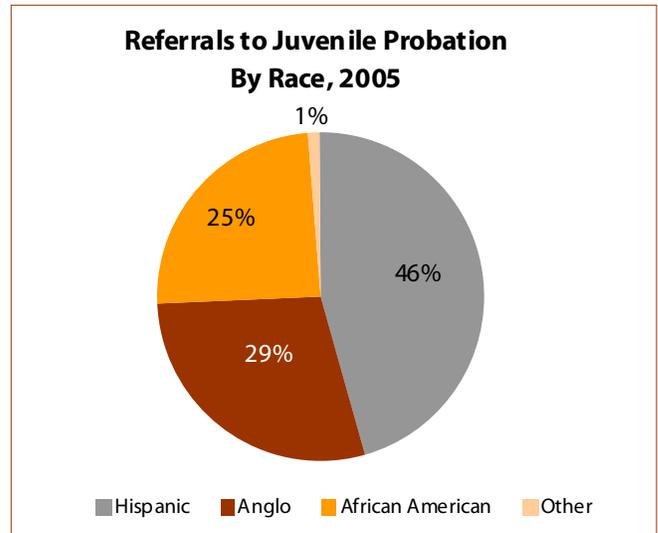
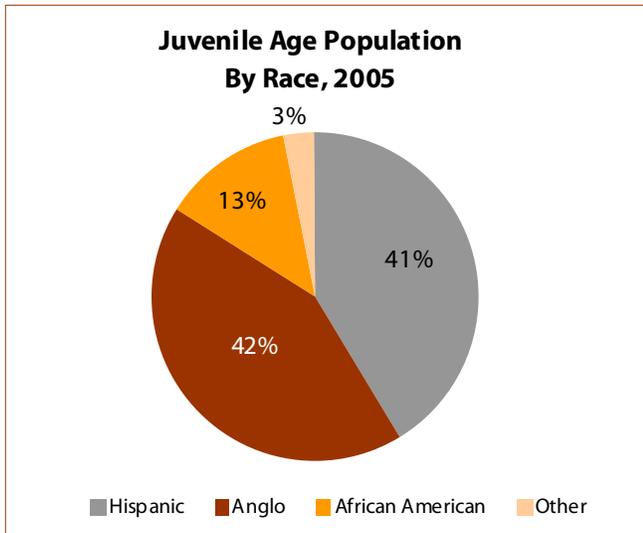
## PROFILE OF JUVENILE OFFENDERS, 2005



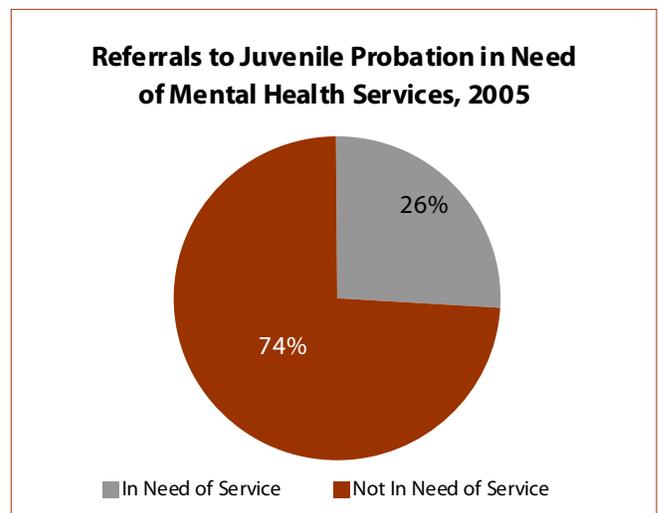
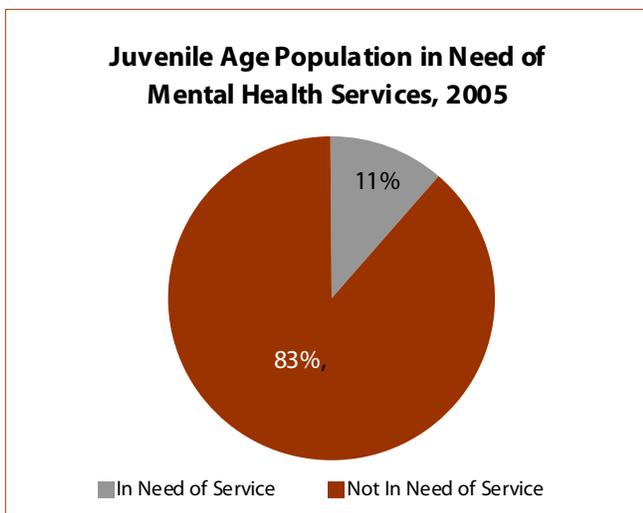
- ☆ The average age of juveniles referred in 2005 was 14½ years of age.
- ☆ 16 year-old youth were referred to juvenile probation more frequently than any other age group.



- ☆ The proportion of female offenders has gradually increased over time, from 24% in 1992 to 28% in 2005. The offenses committed by females tend to be less severe than those by males.
- ☆ Males account for the majority of offenses in all offense categories; females made up a higher proportion of the less severe offenses. In 2005, females committed 25% of all delinquent offenses and 44% of all CINS offenses.



- ★ Anglo youth made up 42% of the state’s juvenile population and accounted for only 29% of referrals to juvenile probation departments.
- ★ Hispanic juveniles were the most populous group in the state (41%) and accounted for 46% of referrals to probation in 2005.
- ★ African American youth constituted 13% of the population and 25% of referrals.



- ★ The percentage of mental illness increases as juveniles penetrate the system, resulting in over 50% of youth committed to TYC having a diagnosable mental illness.
- ★ Juveniles served by probation departments are often clients of state human service agencies.
  - 17% of juveniles referred and/or supervised by a juvenile probation department in 2005 received a service from child protective services in that same year.
  - 46% of juveniles referred and/or supervised received Medicaid or CHIP services in that same year
  - 7% of juveniles referred and/or supervised in 2005 received a state funded behavioral health service in that same year.

Senate Bill 103 passed into law during the 80<sup>th</sup> Texas Legislature in 2007 and established a new policy prohibiting misdemeanor offenders from being commitment to TYC and requiring these youth to be maintained at the local level. The table below depicts a profile of probation services received by both felony and misdemeanor offender youth prior to commitment to TYC during 2006.

**Profile of Felony and Misdemeanor Offenders Committed to Texas Youth Commission Calendar Year 2006**

<b>Felony Offenders Committed to TYC in 2006</b>		<b>Misdemeanor Offenders Committed to TYC in 2006</b>	
<b>Avg Referrals</b>	<b>5</b>	<b>Avg Referrals</b>	<b>8</b>
<b>Avg Adjudications</b>	<b>3</b>	<b>Avg Adjudications</b>	<b>4</b>
<b>Prior ISP</b>	<b>33%</b>	<b>Prior ISP</b>	<b>49%</b>
<b>Prior Placement</b>	<b>43%</b>	<b>Prior Placement</b>	<b>69%</b>
<b>Mental Health Need</b>	<b>41%</b>	<b>Mental Health Need</b>	<b>42%</b>
<b>Substance Abuse</b>	<b>41%</b>	<b>Substance Abuse</b>	<b>46%</b>
<b>Average Number of Days under Supervision before Commitment</b>		<b>Average Number of Days under Supervision before Commitment</b>	
<b>400</b>		<b>659</b>	

## Guiding Principles

**GUIDING PRINCIPLE I. Increase access to delinquency prevention services for youth most at risk of entering the juvenile probation system and their families.**

### 1. Key Policy Issue. Family and community support must be strengthened and improved.

When functionality of family systems are threatened, effective strategies must be employed to ensure self sufficiency. Community based primary prevention interventions (programs) for youth and families are more cost effective and successful in preventing future delinquent behavior.

#### Policy Recommendations:

- **More prevention services and programs.** Increase access to proven community based primary prevention services. Expand Strengthening Families Model, currently piloted by Department of Family and Protective Services (DFPS).
- **Continue funding programs which protect the community and rehabilitate offenders.** Maintain TJPC Intensive Community Based Service funding.
- **Re-examine the function of Community Resource Coordination Groups (CRCGs).** Assess CRCGs level of functioning and provide increased technical assistance where necessary. Determine if paid CRCG coordinator positions would impact effectiveness.
- **Encourage multisystem service delivery.** Provide incentives for multi-systemic service delivery to children and families to eliminate duplication of services and improve quality of service delivery.

### 2. Key Policy Issue. School district policy and practice significantly impact the juvenile justice system.

Workgroup members cited a need for effective school-based mental health and special education treatment interventions, provision of adequate vocational skills to prepare youth for adult functioning, and effective early identification and intervention services for growing numbers of at-risk students. Juvenile justice officials and policy analysts point to a trend that “criminalizes” adolescent behaviors which could be improved if classroom personnel were sufficiently trained and given resources to manage youth in need of behavioral interventions. Additionally, teachers acknowledge the difficulties in managing disruptive classroom behavior; as a result an increasing number of students are referred to juvenile courts.

#### Policy Recommendations:

- **End Expansion of JJAEPs.** End the expansion of JJAEPs at the 2000 census level. Maintain the ability for counties to choose to operate a JJAEP.
- **Limit JJAEP population.** Do not expand the type of students expelled into a JJAEP.

- **Train teachers and classroom personnel.** Encourage universities to better prepare teachers to identify and/or respond to behavioral health and behavior issues.
- **Community collaboration with schools.** Create “safety nets” to provide services designed to keep youth in school by creating school based partnerships with local mental health authorities and other community child serving agencies.
- **Prepare at-risk students for life.** Study the need to reinstitute school based vocational programming for youth at-risk of dropping out of school.

### 3. **Key Policy Issue. Delinquent youth have often not been identified or served by other youth serving agencies.**

Many juvenile offenders and their families are either clients of or in need of services from agencies responsible for child welfare, public health and healthcare, as well as drug and alcohol intervention/treatment. However, the lack of coordination, accessibility and integration of these service delivery systems has resulted in under serving a population that has a greater need for these types of services.

#### **Policy Recommendations:**

- **Increase access to the health and human service delivery system.** Develop and/or increase access to appropriate services for youth and families including mental health and substance abuse services, family support services, and intensive programs for chronic and high need offenders.
- **Improve ease-of-use innovative programs.** Relax programmatic guidelines for Special Needs Diversionary Programs (SNDP) to be more responsive to the individual needs of the juvenile and family.
- **Improve collaboration between child-serving systems.** Cross-train juvenile probation department and social service and mental health personnel to better enhance knowledge of services and improve coordination.
- **State government must be the catalyst for multisystem change.** Develop state and local memorandum of understandings to address collaboration and coordination of service(s).

**GUIDING PRINCIPLE II. Evaluate and improve programs and services provided by juvenile probation departments to maximize outcomes.**

**1. Key Policy Issue. Utilization of detention, secure and non-secure placement beds availability, specialized placement programming and services must be efficiently maximized.**

Local juvenile probation departments work diligently to protect their communities from offenders who need to be removed from the community and provided with the best possible residential services designed to facilitate their return home. Appropriate residential treatment services are not available for juveniles with special needs or the cost of placement is too expensive. Needed specialized residential services include: treatment for issues related to mental illness, substance abuse, sex offending behavior, female offender issues, and other types of specialized treatment are in short supply and often too expensive. In certain areas of the state, secure pre-adjudication detention beds are limited, causing overcrowding. Local jurisdictions need assistance in developing alternatives to detention, and secure and non-secure residential placements. Local departments are now confronted with the challenge of increased responsibilities to provide treatment services in residential settings with high level of liability.

**Policy Recommendations:**

- **Flexible Funding and Reimbursement Policies.** Consideration should be given to allow for flexibility in the reimbursement rate paid with TJPC funds for specialized levels of care in residential placement facilities as well as increase the length of stay for juveniles when appropriate.
- **More Foster Care.** Encourage the development of foster homes for probation offenders.
- **Training is needed.** Develop specialized training for placement personnel or coordinators to achieve better networking and matching of juveniles to appropriate placements.
- **Expand availability of programs.** Explore the development of regional facility-based specialized programs, including vocational programs.
- **Adjust program criteria.** Increase lengths of stay and access to appropriate programming for youth in residential settings.
- **Alternatives to placement.** Assist local jurisdictions in developing innovative alternatives to out-of-home placement.

**2. Key Policy Issue. Limited services to families of youth in placement, limited placement aftercare services and re-entry programs.**

Research literature has demonstrated that youth in out-of-home placement close their home fair much better and have better outcomes, when their families are involved and provided treatment services. However, services to families are in short supply for youth in placement. This is especially the case for aftercare services where many youth who have made treatment gains return to the same households without any on-going aftercare to ensure that those gains are improved or sustained. A set of statewide common definitions, policies and practices for all functional aspects of the child placement process does not exist.

### Policy Recommendations:

- **Develop a service model.** Develop a service model for re-entry, aftercare and delivery of family services.
- **Training model.** Develop and implement a training model that provides definitions and practice related to placement utilization, family services and aftercare.
- **Flexible funding.** Consider flexibility of TJPC funding to allow for utilization of placement funds for family services while youth is in placement.

### 3. Key Policy Issue. Reinterpretation of federal rules regarding Title IV-E will lead to a substantial reduction in funding received by juvenile probation departments.

New federal interpretations on claims eligible for Title IV-E reimbursement have resulted in a limitation on “administrative claiming” by local departments who had been able to utilize these funds to support juvenile justice initiatives. This is expected to reduce federal funding to local departments by over \$50 million this biennium. Additionally, changes to eligibility requirements for Medicaid are also expected to impact the ability of local departments to access funding to serve juveniles and their families.

### Policy Recommendations:

- **Respond to IV-E rule changes.** Develop new processes to meet change in federal interpretation of rules. Acquire federal and DFPS approval of new processes, train departments and monitor the loss of funds to juvenile probation departments.
- **Alternative funding sources.** Seek alternative sources of funding to off-set the loss to juvenile probation departments.
- **Flexibility of funding.** Allow flexibility in state funding to meet needs of youth and their families.

## GUIDING PRINCIPLE III. Enhance the use of statistical data and research for system planning and program development.

### 1. Key Policy Issue. Changing demographics of Texas should be accounted for in policy, planning and program services at the local level.

According to the Data Center at Texas A&M University, Texas' juvenile age population is projected to increase 15% between 2000 and 2020, with Hispanic youth representing 34% of this growth. During this same time period, referrals to juvenile probation departments are projected to increase by 21%, with Hispanic youth representing 54% of this increase.

#### Policy Recommendations:

- **Disproportionate representation of minority youth.** Include efforts to clearly define and address disproportionate minority contact; utilize measurements to clearly define the issue at all decisions points in the system.
- **Cultural competence.** Identify appropriate services and resources for youth of different cultural backgrounds and meet language barriers for the youth and family. Increase cultural diversity training for juvenile probation personnel.

### 2. Key Policy Issue. Improvement is needed in the management information systems of child serving agencies as well as better service integration.

One of the key policy concerns of local juvenile justice officials pertains to the difficulty in sharing case-specific information and coordination of service delivery to juvenile offenders and their families. The use of data and information in public administration as well as the planning, development and analysis of public policy has consistently assumed a larger role in decision making. Better information sharing is critical in order to eliminate duplication of services, streamline service delivery, and improve outcomes across systems. An additional concern relates to the ability for vendors and non-juvenile justice parties to access juvenile arrest data maintained by the Department of Public Safety (DPS) thus adversely affecting juvenile offenders.

#### Policy Recommendations:

- **Legislation on information sharing.** Consideration should be given to legislation for improving information sharing (electronically) at the local level among child serving agencies.
- **Maintain confidentiality of juvenile arrest records.** All juvenile arrest information maintained in the Juvenile Justice Information System maintained by DPS should remain confidential in accordance with the intent of state statute. Consideration should be given to the development of sanctions for improper release of this data.
- **Finger printing requirements.** Consideration should be given to eliminating the requirement of finger printing misdemeanor youth.
- **Training on the Adam Walsh Act.** The Adam Walsh Act, adopted by Congress, expands the national federal sex offender registry. If adopted by the State of Texas, TJPC should develop and conduct training for key stakeholders on the Act.

- **Juvenile Case Management System (JCMS).** TJPC should support the further development and implementation of the JCMS project for implementation statewide to facilitate data sharing across all juvenile probation departments.

### 3. **Key Policy Issue. Data must be better utilized to refine the juvenile service delivery system.**

The use of data and information in public administration as well as the planning, development and analysis of public policy has consistently assumed a larger role in decision-making. Good information is the key to maximizing effectiveness and efficiency. Data must be better utilized to assess and respond to the needs of juvenile offenders.

#### **Policy Recommendations:**

- **Program assessment and evaluation.** TJPC should develop program assessments and evaluations in order to validate program and service efficiencies and appropriateness, and discontinue programs when they are not effective.
- **Research driven training.** TJPC should continue to provide training on research-based, recognized risks and “criminogenic” factors that impact juvenile delinquency.
- **Development of juvenile risk assessment instrument.** TJPC is currently in the process of developing the 1<sup>st</sup> of 3 statewide risk assessment instruments for identifying a juvenile’s risk of re-offense based both on criminal history and needs. The instrument will collect information on a juvenile’s strengths and weaknesses and can be used for case management purposes at various stages in the system.
- **Data trends.** TJPC should incorporate and review regional and local data trends in relation to statewide data trends in order to respond to small, medium and urban areas.
- **Expanded research and technical assistance.** Expand TJPC’s ability to conduct research and provide technical assistance on all aspects of data collection and reporting to local juvenile probation departments.

## GUIDING PRINCIPLE IV. Revising the scope and function of the juvenile justice system with Chief Juvenile Probation Officers.

### 1. Key Policy Issue. Examine the role of juvenile probation departments.

In the spring of 2008 a survey was sent to each of the 168 Chief Juvenile Probation Officers (CJPOs) in the state, asking for their feedback on key issues, 105 CJPOs responded. The response to the questions regarding what the juvenile probation system should look like in the future included:

- 93% favoring TJPC remaining as a stand alone agency;
- 88% favoring the function of juvenile parole services remaining with the Texas Youth Commission;
- 65% of responded favored revisiting the issue of habitual misdemeanor commitments.

### 2. Key Policy Issue. More resources are needed to facilitate juvenile court proceedings and improved outcomes.

#### Policy Recommendations:

- **Specialized courts.** Consider expansion of specialized courts (e.g., drug, mental health, etc.) and the services needed to support the courts.
- **Employee development.** Develop strategies to improve on the recruitment, retention and training of employees to achieve better outcomes.

### 3. Key Policy Issue. Varied funding streams fragment, limit and restrict the local juvenile probation departments' ability to respond to the needs of youth.

Since 1995 the legislative appropriations to TJPC have targeted specific areas for funding probation services, as a result, TJPC currently administers up to 19 different contracts with each of the 168 juvenile probation departments.

#### Policy Recommendations:

- **Consolidated funding streams.** Consideration should be given to streamline TJPC's budget. Outcome based performance measures can be used to insure that goals are met.

## Research Supporting The Guiding Principles

### 1. Key Policy Issue. Family and Community Support must be Strengthened and Improved.

**Impact of Mental Health Policies.** In 2002, the Center for the Promotion of Mental Health in Juvenile Justice (CPMHJJ) at Columbia University and TJPC collaborated on a study to determine the prevalence of mental health disorders among youth referred to juvenile probation departments in Texas. For the study, a sample of youth referred to juvenile probation in the eight largest Texas counties were administered the State Voice Format of the Diagnostic Interview Schedule for Children (DISC-IV). These counties accounted for over half of the juvenile aged population in the state. The DISC-IV instrument is a compilation of highly structured psychiatric interviews that provides diagnoses of most common child/adolescent mental disorders, and was used to examine prevalence of mental health needs among the juvenile justice population. Twenty-one disorders, grouped into diagnostic clusters (*Anxiety, Affective, Disruptive and Substance Use*), as well as suicide ideation/attempt, were assessed using the DISC-IV (Schwank, Espinosa, & Tolbert, 2003). The results of the study showed that thirty-nine percent (39%) of the sample reported at least one mental health disorder using the DISC-IV. The most frequently reported disorder was Separation Anxiety followed by Conduct Disorder. If substance related disorders are included in the analysis, 48% of the sample reported at least one disorder. Fourteen percent (14%) of the sample reported having made a suicide attempt in their lifetime. In every disorder cluster, juveniles with a prior referral were more likely to report a disorder than juveniles without a prior referral. Juveniles with a prior referral reported suicide ideation and suicide attempts at higher rates than juveniles without a prior referral. Thirty-four percent (34%) of those reporting a mental illness had contact with a mental health practitioner in the year prior to taking the DISC-IV. "The juvenile justice system has become a warehouse for youth with mental health issues" (Coalition For Juvenile Justice, 2000; title of the report is "Handle With Care: Serving the Mental Health Needs of Young Offenders", Washington, D.C., the sixteenth annual report to the President, the Congress, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention).

**Substance Abuse Impact.** In the *Journal of Correctional Education*, Watson (September, 2004) notes that substance abuse is one of the most common problems in the juvenile justice system, with prevalence estimates as high as 67 percent (Dembo et al., 1993) and that surveys of juvenile probation departments identified substance abuse intervention services as among the most critical expansion needs (National Council of juvenile justice, 1999). In the TJPC Annual Resource Survey juvenile probation departments reported that they provided for substance abuse services to 18,998 probationers in calendar year 2007 (Arrigona, 2008). Although total referrals to local juvenile probation departments have decreased since 2000, referrals for drug, violent and violation of court order offenses have increased. Referrals for misdemeanor and felony drug offenses increased 7% between calendar years 2000 and 2007.

### 2. Key Policy Issue. School district policy and practice significantly impacts the juvenile justice system.

**Impact of Public Education Policies.** In the journal *Adolescence* (Winters, 1997) notes that research consistently shows poor academic achievement is a major factor in delinquency. As negative school status increases, the probability of a juvenile moving further into the correctional system also increases. Relationship between school suspension/disciplinary problems and juvenile justice involvement was cited in an October 2005 report by Texas A&M Public Policy Institute titled "Study of Minority Over-Representation in the Texas Juvenile Justice System". The study reported that "Holding all other risk

factors statistically constant, students involved in one or more disciplinary incidents were 23.4% more likely to encounter a referral than those with no school disciplinary contact.”

### **3. Key Policy Issue . Delinquent youth have often not been identified or served by other youth serving agencies.**

**Needs of Offending Populations.** A study titled “Juvenile Referrals in Texas: An Assessment of Criminogenic needs and the Gap Between Needs and Services” published in the December 2005 edition of The Prison Journal documented prevalence of the needs of juvenile offenders referred to probation departments in Texas. The subsequent gap resulting from unmet needs, based on case specific data from juvenile referred to departments in calendar year 2000, the study results identified the most prevalent needs of juvenile offenders. Their findings of the most prevalent needs of juvenile justice youth have been grouped into three social domains below: school, family, and individual.

#### **Within the school domain**

- school attendance (43%)
- education status (attending alternative school or drop out; 33%)
- academic difficulties (low achievement, below appropriate grade level, academic skills deficiencies; 22%)
- school behavior (21%)

#### **Within the family domain**

- parental supervision (47%)
- family relationships (32%)
- parental/family problems (24%)

#### **Within the individual domain**

- disposition/self-image (22%)
- substance abuse (31%)

Their research findings also indicated a substantial gap between needs and services received, where roughly **40%** of juveniles with high mental health needs did not receive any treatment services and **67%** of referrals with high substance abuse need did not receive any treatment from juvenile probation.

### **4. Key Policy Issue. Utilization of detention, secure and non-secure placement beds availability, specialized placement programming and services must be efficiently maximized.**

Perhaps one of the most difficult aspects of juvenile justice planning and management pertains to planning, developing, and operating facilities which are designed in structure, location and staffing, to serve juvenile offender populations with a variety of special needs and comply with modern standards related to PREA and individuals with disabilities.

There were 52,225 placements made in the 58 pre-adjudication secure residential (detention) and six short-term detention (i.e., holdover) facilities during 2006. On average, 1,748 youth were securely detained each day of the year. Youth were detained for an average of 12.2 days. Twenty-two percent of all juveniles securely detained were released in less than one day while 40% were detained for more than ten days. A total of 10,945 out-of-home residential placements were made during calendar year 2006. The placements were made in both secure and non-secure residential facilities ( this does not include secure pre-adjudication (detention) or holdover facility placements). The average daily population of juveniles in residential placement was 3,106, with the average cost of placement

approximately \$94.61. In the most recent study of juvenile detention overcrowding by the Research and Statistics Division of Texas Juvenile Probation Commission, the findings from calendar year 2005 revealed facilities were overcrowded on average 38 days for all facilities (including those never overcrowded within the reporting period). In addition, the average increased to 67 days of overcrowding for those facilities that had experienced at least one day of overcrowding during the same reporting period.

**5. Key Policy Issue. Limited services to families of youth in placement, limited placement aftercare services and re-entry programs.**

Perhaps one of the most difficult aspects of juvenile justice planning and management pertains to planning, developing, and operating facilities designed (in structure and staffing) to serve juvenile offender populations with special needs. Placements for juvenile offenders with special needs, especially in the areas of sex offender treatment, substance abuse/chemical dependency treatment, mental health and psychiatric treatment, and residential treatment for mentally retarded/brain injured offenders are in short supply. In lieu of the lack of bed space for juvenile offenders with these extraordinary disabilities, local counties have attempted to fill that void by developing residential programs for youth who would otherwise be committed to Texas Youth Commission. The lack of community-based services for these special populations places an added burden on departments who must also develop re-entry and aftercare programs for transition of juveniles back into the home environment. Aftercare services help youth achieve social adjustment, employment, and educational success once they leave the juvenile justice system. The ultimate goal of these services is to promote successful re-integration of juveniles into the community. In order to provide appropriate educational and vocational services to adjudicate youth, it is imperative that assistance be available for service providers and youth during these transition periods. The lack of family involvement is one of the greatest challenges to the success of transition. Professionals involved in providing transition services are generally cognizant of the importance of including families in the transition process. Research on best transition practices indicates a strong need for family involvement and working with parents of juvenile offenders.

**Child Welfare Services.** The impact of child welfare policy issues (i.e. child abuse, child neglect, etc.) on juvenile delinquency has been well documented in research literature. In many cases, juvenile probation departments in Texas provide, out of necessity, child welfare related services when they are not available in the community. In calendar year 2007, 29% of juvenile probation departments reported offering services for juvenile victims of physical and sexual abuse; 72% of those services were provided through non-residential programs. In terms of runaway and homeless youth, 29% of juvenile probation department offered services to address child welfare issues, with 67% of those services being provided through non-residential programs. In addition, juvenile justice populations are overrepresented, as compared with the general public, as recipients of child welfare and family support services. For example, in 2005, 46 % of juveniles referred and/or supervised in the Texas juvenile system received Medicaid or CHIP.

**6. Key Policy Issue. Improvement is needed in the management information systems of child serving agencies as well as better service integration.**

One of the most significant challenges for local juvenile probation departments pertain to the lack of information-sharing between child serving agencies (local, state and federal agencies). This issue has been identified through numerous interagency workgroups. As an example of the critical nature of this policy issue, The Comprehensive Mental Health Plan For Texas (as part of the State Mental Health Transformation Incentive Grant) identified this issue within key strategies for leveraging technology in order to improve access to mental health care services and improve multiagency access to important information which affects eligibility, treatment, and case management outcomes. Those strategies included the development of “mechanisms for data coordination and exchange across agencies at the state level” and initiatives for “obtaining behavioral health data across agencies using standardized protocols and instruments”. Agencies which endorsed these strategies include: Texas Health and Human Services Commission, Texas Department of State Health Services, Texas Department of Aging and Disability Services, Texas Education Agency, Texas Department of Family and Protective Services, Texas Juvenile Probation Commission, Texas Youth Commission, Texas Veterans Commission, the Veterans Administration, and Texas Correctional Office on Offenders with Medical and Mental Impairments.

**7. Key Policy Issue. Changing demographics of Texas should be accounted for in policy, planning and program services at the local level.**

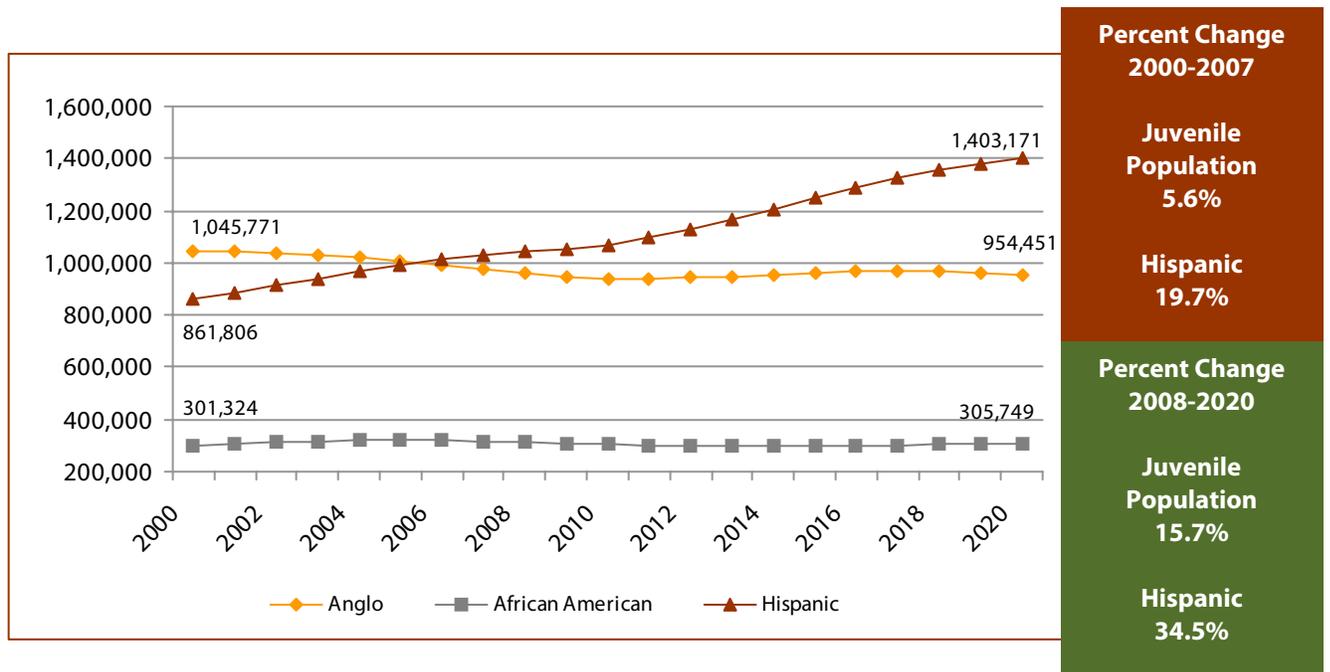
**Socioeconomics and Labor Market.** The Office of Juvenile Justice and Delinquency Prevention conducted a landmark longitudinal study on the causes and correlates of juvenile delinquency. This study demonstrated the strong relationship between poverty and delinquent behavior. Youth who live in impoverished communities show a significantly greater risk of engaging in delinquent behavior regardless of race and the quality of parental supervision (Huizinga, Loeber, and Thornberry, 1994). Research characterizes poverty as a key link or catalyst for numerous behavioral problems which are also highly correlated with delinquent behavior. Children who have already begun to manifest maladaptive problem behaviors, as well as reside in economically impoverished communities, are more likely to develop problems with dropping out of school, substance and alcohol abuse, and teen pregnancy (Hawkins, Catalano, and Miller, 1992).

**Minority Arrests Are Increasing.** Percent Change in Texas Juvenile Arrest and Referrals for Violent Offenses, 2000-2006:

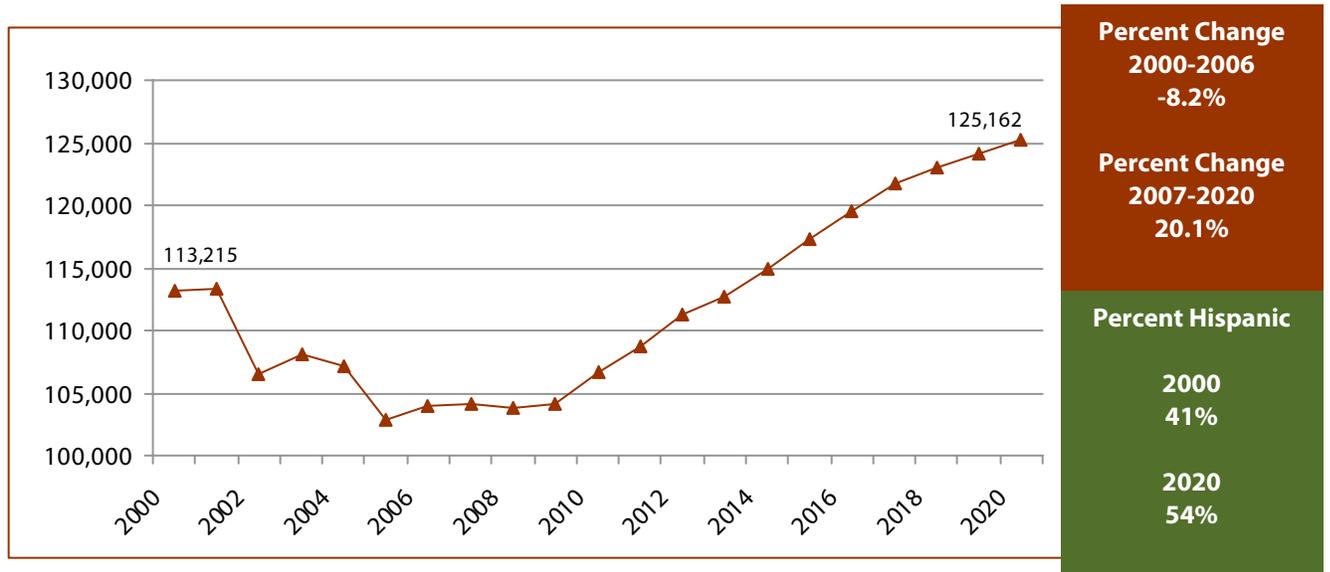
Race	Violent Arrests	Violent Referrals
White	-6%	-13%
African American	51%	31%
Hispanic	16%	12%

- Arrests and referrals for violent offenses are already increasing for minority juveniles.
- The majority of juveniles referred for a violent misdemeanor or felony offense were 15 years old or older regardless of race.

**Hispanic Juvenile Population is Projected to Grow Significantly**



## Hispanic Youth Projected to be Majority of Referrals



### 8. Key Policy Issue. Reinterpretation of federal rules regarding Title IV-E will lead to a substantial reduction in funding received by juvenile probation departments.

New federal interpretations on claims eligible for Title IV-E reimbursement have resulted in a limitation on “administrative claiming” by local departments who had been able to utilize these funds to support juvenile justice initiatives. This new interpretation is expected to reduce federal funding to local departments by approximately \$50 million this biennium. Additionally, changes to eligibility requirements for Medicaid are also expected to impact the ability of local departments to access funding to serve juveniles and their families.

#### Title IV-E Federal Foster Care Program

Fiscal Year	Title IV-E Federal Funding	Estimated Decrease
2006	\$41,237,659	-
2007	\$42,687,013	-
2008	\$10,671,753	75%
2009	\$19,209,156	55%

- ✦ The Administration for Children and Families (ACF) conducted a pilot Administrative Cost Review of the Texas Title IV-E Foster Care Program. The ACF has changed their interpretation of the rules regarding claiming administrative costs for Title IV-E. Administrative claiming has been a source of significant funding for juvenile probation departments.

- TJPC staff is currently working with ACF and the Department of Family and Protective Services regarding requirement revisions. A significant reduction in the amount funds for administrative costs is anticipated. This will not affect the amount of funding received for Foster Care placement (\$5-\$6 million/year).
- Anticipated loss of federal funding to counties for FY 2008-09 is \$54,000,000.
- Appropriated new General Revenue funding for FY 2008-09 is \$58,000,000.

## 9. Key Policy Issue. Data must be better utilized to refine the juvenile service delivery system.

The use of data and information in public administration as well as the planning, development and analysis of public policy has consistently assumed a larger role in decision-making. Utilization of good information is a key to maximizing effectiveness and efficiency of operations. The public interest dictates that we convert data and evidence-based practices into new configurations of service-mix, program design, funding methodologies, technical assistance strategies, training topics, workforce plans, and accountability systems. This is vital in not only improvement of our present state of affairs but even more critical in preparing for the challenges of tomorrow.

## 10. Key Policy Issue. Expedite juvenile court processes and expansion of specialized courts.

Drugs courts are multisystem efforts involving law enforcement, prosecutors, defense attorneys, the judiciary, mental health, social service, probation, and treatment communities configured to both intervene and break the cycle of substance abuse, addiction, and crime. This approach leverages integrated efforts in a manner that creates an ongoing continuum of therapeutic services to the offender for substance abuse and mental health treatment, case management, drug testing, probation supervision, job training, family counseling, and life-skill enhancement while reporting for regularly scheduled status hearings before a judge with specialized expertise in the drug court model. In a report by the National Bureau of Justice Assistance and the National Drug Court Institute (May, 2004), research findings supported the efficacy of conducting specialized drug courts and noted that “drug use and criminal behavior are substantially reduced while offenders are participating in drug court” and that “...drug courts outperform virtually all other strategies that have been attempted for drug-involved offenders (Marlowe, DeMatteo, and Festinger, 2003)”. The report also cited studies which confirm that “drug courts decrease criminal recidivism”, “drug courts save money”, “drug courts increase retention in treatment”, and “drug courts provide affordable treatment”.

**Legal System Issue, The Adam Walsh Act.** The federal Sex Offender Registration and Notification Act is Title I of the Adam Walsh Child Protection and Public Safety Act of 2006, Public Law No. 248.109, (“the Adam Walsh Act”). The Adam Walsh Act is a comprehensive federal act that expands the national sex offender registry, mandates minimum time lengths for registration and strengthens criminal penalties for crimes against children. The stated purpose of the Act is to protect the public, in particular children, from violent sex offenders. Some of the provisions within the Act apply only to adult offenders; however, Section 111(8) specifically includes certain juvenile sex offenders. The U.S. Attorney General has the authority to apply the law retroactively.

John Walsh, father of murdered child Adam Walsh, host of America’s Most Wanted and founder of the National Center for Missing and Exploited Children, campaigned to get the bill passed into law along with several other families of murdered children. The bill passed the Senate by a unanimous vote and was signed by President George W. Bush in 2006. The law establishes a baseline federal standard with which states must be in substantial compliance by July 2009. The Department of Justice guidelines

pertain to sex offender registration. Under the law, non-compliant state jurisdictions would face a 10% reduction in law enforcement grants. Juvenile sex offender treatment grants are authorized for states in compliance with the Act for FY 2007-2009. It has been reported, however, that justice assistance and law enforcement grants may be drastically cut, eliminated or revamped in the 2009 federal budget cycle. With this punitive funding tool in jeopardy, state legislatures are at an important crossroads. An online copy of the Adam Walsh Act may be downloaded from the Library of Congress' website at <http://thomas.loc.gov/>.

- **General Requirements.** The Adam Walsh Act mandates the length of time offenders must register, as determined by a three tier system: 1) Tier I = 15 years; 2) Tier II = 25 years; and 3) Tier III = life. The Act also creates a national sex offender registry that must be easily accessible to the public and available on the Internet. Each jurisdiction must provide: 1) a physical description of the registrant; 2) the criminal offense; 3) the offender's criminal history including dates of arrests and convictions and correctional or release status; 4) a current photograph, fingerprints and palm prints; 5) a DNA sample; 6) a photocopy of a valid driver's license or identification card; and 7) any other information required by the Attorney General. Offenders must appear in person to update the information at time intervals determined by their tier level. States must set a maximum criminal penalty for failure to register that includes a maximum term of imprisonment for more than one year.
- **Impact of the Act on Juveniles.** Juveniles are not impacted by the entire Act and all juveniles are not included. The act applies only juveniles who are 14 years or older at the time of the offense and who commit a sexual offense comparable to or more severe than an aggravated sexual abuse or an attempt or conspiracy to commit such offense under federal law. See 18 United States Code Section 2241. In Texas, aggravated sexual assault and sexual assault by force, threat or other means is comparable to the federal law of aggravated sexual abuse. Juveniles adjudicated for aggravated sexual assault would be classified as Tier III sex offenders and would be required to publicly register for life. Tier III juveniles may petition the court to no longer be required to register if they maintain a clean record for 25 years, successfully complete probation or parole and successfully complete an appropriate sex offender treatment program. Tier III juveniles would be required to appear in person to update their information every three months.
- **Legislative Efforts in Texas.** Conforming legislation in Texas would require comprehensive amendments to Code of Criminal Procedure Chapter 62. These proposed changes would represent a shift in the current philosophy in Texas regarding registered juvenile sex offenders and would likely eliminate the discretion of the juvenile court to exempt, defer or allow non-public registration for these offenses. During the 2007 legislative session, Senator Florence Shapiro proposed Senate Bill 1740 to meet the requirements under the Adam Walsh Act, however, the bill did not pass.

As the compliance date draws near, the Texas Legislature, during the 81<sup>st</sup> Legislative Session, will examine needed amendments and implementation guidelines in order to come into compliance with the act. Throughout the country, in turn, juvenile justice advocates will monitor the resolution of the constitutional court challenges to the act. For example, in Ohio, more than 1000 court challenges to the Adam Walsh Act have been filed alleging a range of constitutional violations. In Nevada, a district court judge recently held that a state law based on the Adam Walsh Act violated constitutional due process guarantees because it lacks a rational basis for extending to 14-year-olds but not to a child who may be younger yet more dangerous. The Nevada law was to take effect July 1, 2008.

Until conforming legislation has been enacted in Texas, juvenile sex offender registration provisions contained in Chapter 62 of the Code of Criminal Procedure remain in place and still allow juvenile courts the discretion to make the following decisions:

- Exempt all registration;
- Require full registration (including public access on the Internet);
- Require non-public registration accessible only to criminal justice agencies;
- Defer the decision to require registration until the juvenile completes court-ordered sex offender treatment; and
- Grant deregistration and unregistration relief.

Each state will have until July 2009 to come into compliance with the Adam Walsh Act, but at this time it is unknown which laws Texas will impose or how those laws will ultimately impact Texas children.



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