

**Regionalization Task Force
Handouts from
September 3, 2015**



TEXAS
JUVENILE  JUSTICE
DEPARTMENT

REGIONALIZATION TASK FORCE

September 3, 2015 10:00 a.m.

Lone Star Conference Room

Welcome & Introduction	James
• Selection Process for the Task Force	
• Purpose & Goals of the Task Force	
Regionalization – 7 Regions	James
Target Population/Divisions	Pernilla
Risk Needs Assessment	Lisa
Performance Measures	Pernilla
Next Steps	
Closing Remarks	
Next Meeting	

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AN ACT

relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 54.04(d), Family Code, is amended to read as follows:

(d) If the court or jury makes the finding specified in Subsection (c) allowing the court to make a disposition in the case:

(1) the court or jury may, in addition to any order required or authorized under Section 54.041 or 54.042, place the child on probation on such reasonable and lawful terms as the court may determine:

(A) in the child's own home or in the custody of a relative or other fit person; or

(B) subject to the finding under Subsection (c) on the placement of the child outside the child's home, in:

(i) a suitable foster home;

(ii) a suitable public or private residential treatment facility licensed by a state governmental entity or exempted from licensure by state law, except a facility operated by the Texas Juvenile Justice Department; or

(iii) a suitable public or private post-adjudication secure correctional facility that meets the

1 requirements of Section 51.125, except a facility operated by the
2 Texas Juvenile Justice Department;

3 (2) if the court or jury found at the conclusion of the
4 adjudication hearing that the child engaged in delinquent conduct
5 that violates a penal law of this state or the United States of the
6 grade of felony, the court or jury made a special commitment finding
7 under Section 54.04013, and [~~if~~] the petition was not approved by
8 the grand jury under Section 53.045, the court may commit the child
9 to the Texas Juvenile Justice Department under Section 54.04013, or
10 a post-adjudication secure correctional facility under Section
11 54.04011(c)(1), as applicable, without a determinate sentence;

12 (3) if the court or jury found at the conclusion of the
13 adjudication hearing that the child engaged in delinquent conduct
14 that included a violation of a penal law listed in Section 53.045(a)
15 and if the petition was approved by the grand jury under Section
16 53.045, the court or jury may sentence the child to commitment in
17 the Texas Juvenile Justice Department or a post-adjudication secure
18 correctional facility under Section 54.04011(c)(2) with a possible
19 transfer to the Texas Department of Criminal Justice for a term of:

20 (A) not more than 40 years if the conduct
21 constitutes:

- 22 (i) a capital felony;
- 23 (ii) a felony of the first degree; or
- 24 (iii) an aggravated controlled substance
25 felony;

26 (B) not more than 20 years if the conduct
27 constitutes a felony of the second degree; or

1 (C) not more than 10 years if the conduct
2 constitutes a felony of the third degree;

3 (4) the court may assign the child an appropriate
4 sanction level and sanctions as provided by the assignment
5 guidelines in Section 59.003;

6 (5) the court may place the child in a suitable
7 nonsecure correctional facility that is registered and meets the
8 applicable standards for the facility as provided by Section
9 51.126; or

10 (6) if applicable, the court or jury may make a
11 disposition under Subsection (m) or Section 54.04011(c)(2)(A).

12 SECTION 2. Chapter 54, Family Code, is amended by adding
13 Section 54.04013 to read as follows:

14 Sec. 54.04013. SPECIAL COMMITMENT TO TEXAS JUVENILE JUSTICE
15 DEPARTMENT. Notwithstanding any other provision of this code,
16 after a disposition hearing held in accordance with Section 54.04,
17 the juvenile court may commit a child who is found to have engaged
18 in delinquent conduct that constitutes a felony offense to the
19 Texas Juvenile Justice Department without a determinate sentence if
20 the court makes a special commitment finding that the child has
21 behavioral health or other special needs that cannot be met with the
22 resources available in the community. The court should consider
23 the findings of a validated risk and needs assessment and the
24 findings of any other appropriate professional assessment
25 available to the court.

26 SECTION 3. Section 202.010, Human Resources Code, is
27 amended to read as follows:

1 Sec. 202.010. SUNSET PROVISION. The Texas Juvenile
2 Justice Board and the Texas Juvenile Justice Department are subject
3 to Chapter 325, Government Code (Texas Sunset Act). Unless
4 continued in existence as provided by that chapter, the board and
5 the department are abolished September 1, 2021 [~~2017~~].

6 SECTION 4. Chapter 203, Human Resources Code, is amended by
7 adding Sections 203.017 and 203.018 to read as follows:

8 Sec. 203.017. REGIONALIZATION PLAN. (a) The department
9 shall develop and the board shall adopt a regionalization plan for
10 keeping children closer to home in lieu of commitment to the secure
11 facilities operated by the department under Subtitle C.

12 (b) The department shall consult with juvenile probation
13 departments in developing a regionalization plan, including the
14 identification of:

15 (1) post-adjudication facility capacity that may be
16 dedicated to support the plan; and

17 (2) resources needed to implement the plan.

18 (c) The regionalization plan must define regions of the
19 state to be served by facilities operated by juvenile probation
20 departments, counties, halfway houses, or private operators, based
21 on the post-adjudication facilities identified as being available
22 for the purpose of the plan.

23 (d) The department shall ensure that each region has
24 defined, appropriate, research-based programs for the target
25 populations under the regionalization plan.

26 (e) The regionalization plan must:

27 (1) include a budget review, redirection of staff, and

1 funding mechanisms necessary to support the plan;

2 (2) create a new division of the department
3 responsible for administering the regionalization plan and
4 monitoring program quality and accountability;

5 (3) include sufficient mechanisms to divert at least:

6 (A) 30 juveniles from commitment to secure
7 facilities operated by the department for the state fiscal year
8 beginning September 1, 2015; and

9 (B) 150 juveniles from commitment to secure
10 facilities operated by the department for the state fiscal year
11 beginning September 1, 2016; and

12 (4) for the state fiscal year beginning September 1,
13 2017, and each subsequent state fiscal year, include any savings
14 that are generated by the decreases in the population of the secure
15 facilities operated by the department under Subtitle C that exceed
16 the cost of implementing the plan.

17 (f) The division created under Subsection (e)(2) shall:

18 (1) approve plans and related protocols to administer
19 the developed regional model;

20 (2) provide training on best practices for all local
21 probation departments affected by the regionalization plan;

22 (3) assist in research-based program development;

23 (4) monitor contract and program measures for the
24 regionalization plan;

25 (5) analyze department data to provide clear guidance
26 to local probation departments on outcome measures; and

27 (6) report on performance of specific programs and

1 placements to assist in implementing best practices and maximize
2 the impact of state funds.

3 (g) A region is eligible for funding to support
4 evidence-based, intensive in-home services only if the region meets
5 the performance standards established by the department and adopted
6 in contracts for placement and services.

7 (h) The department shall adopt rules to allow the local
8 probation departments implementing the regionalization plan to
9 access the data submitted by those departments in the state
10 juvenile case management system for planning and research purposes.

11 (i) The regionalization plan developed under this section
12 must be finalized not later than August 31, 2016.

13 (j) For the state fiscal years beginning September 1, 2015,
14 and September 1, 2016, the legislature shall appropriate funds
15 necessary to develop and initiate the implementation of the
16 regionalization plan. Funds appropriated for this purpose may not
17 be offset by projected savings generated by the decreases in the
18 population of the secure facilities operated by the department
19 under Subtitle C. This subsection and Subsection (i) expire
20 September 1, 2017.

21 Sec. 203.018. SPECIALIZED PROGRAMS AND SPECIAL PROJECTS.

22 (a) The department shall develop specialized programs for
23 children with a determinate sentence and children committed under
24 Section 54.04013, Family Code. The programs must ensure safety and
25 security for committed children and provide developmentally
26 appropriate program strategies.

27 (b) The department shall establish performance-based goals

1 related to improved outcomes that:

2 (1) must include measures to reduce recidivism; and

3 (2) shall include other well-being outcome measures.

4 (c) The department shall use case review strategies to
5 identify children in department facilities who can safely and
6 appropriately be transferred to alternative local placements or
7 halfway houses, placed on parole, or discharged from the
8 department.

9 (d) The department shall study and report to the board on
10 the potential for repurposing existing secure facilities for the
11 confinement of children with a determinate sentence or children
12 committed under Section 54.04013, Family Code, or for other
13 purposes.

14 (e) The department or any local probation department may not
15 use or contract with a facility that was constructed or previously
16 used for the confinement of adult offenders.

17 SECTION 5. Section 221.003, Human Resources Code, is
18 amended by adding Subsection (b-1) to read as follows:

19 (b-1) Any risk and needs assessment instrument or process
20 that is provided or approved by the department for a juvenile
21 probation department to use under Subsection (b) must be a
22 validated instrument or process.

23 SECTION 6. Section 223.001, Human Resources Code, is
24 amended to read as follows:

25 Sec. 223.001. DETERMINATION OF AMOUNT OF STATE AID.

26 (a) The department shall annually allocate funds for financial
27 assistance to juvenile boards to provide juvenile services

1 according to current estimates of the number of juveniles in each
2 county, a basic probation funding formula for departments that
3 clearly defines what basic probation entails and which services are
4 provided, and other factors the department determines are
5 appropriate.

6 (b) The legislature may appropriate the amount of state aid
7 necessary to supplement local funds to maintain and improve
8 statewide juvenile services that comply with department standards
9 and to initiate and support the regionalization plan under Section
10 203.017 so that savings are generated by decreases in the
11 population of department facilities operated under Subtitle C.

12 (c) The department shall [~~may~~] set aside a portion of the
13 funds appropriated to the department for discretionary state aid to
14 fund programs designed to address special needs or projects of
15 local juvenile boards, including projects dedicated to specific
16 target populations based on risk and needs, and with established
17 recidivism reduction goals. The department shall develop
18 discretionary grant funding protocols based on documented,
19 data-driven, and research-based practices.

20 (d) The department shall reimburse counties for the
21 placement of children in the regional specialized program at a rate
22 that offers a savings to the state in relation to the average cost
23 per day for confining a child in a department facility operated
24 under Subtitle C.

25 (e) The department may not adversely impact the state aid
26 for a juvenile board or a juvenile probation department that does
27 not enter into a contract to serve youth from other counties, or

1 does not act as a regional facility.

2 (f) A juvenile board or juvenile probation department may
3 not be required to accept a child for placement in a
4 post-adjudication correctional facility, unless the child is
5 subject to an order issued by a juvenile court served by that board
6 or department.

7 SECTION 7. Sections 261.101(a) and (e), Human Resources
8 Code, are amended to read as follows:

9 (a) The independent ombudsman shall:

10 (1) review the procedures established by the board and
11 evaluate the delivery of services to children to ensure that the
12 rights of children are fully observed;

13 (2) review complaints filed with the independent
14 ombudsman concerning the actions of the department and investigate
15 each complaint in which it appears that a child may be in need of
16 assistance from the independent ombudsman;

17 (3) conduct investigations of complaints, other than
18 complaints alleging criminal behavior, if the office determines
19 that:

20 (A) a child committed to the department or the
21 child's family may be in need of assistance from the office; or

22 (B) a systemic issue in the department's
23 provision of services is raised by a complaint;

24 (4) review or inspect periodically the facilities and
25 procedures of any institution or residence in which a child has been
26 placed by the department, whether public or private, to ensure that
27 the rights of children are fully observed;

1 (5) provide assistance to a child or family who the
2 independent ombudsman determines is in need of assistance,
3 including advocating with an agency, provider, or other person in
4 the best interests of the child;

5 (6) review court orders as necessary to fulfill its
6 duties;

7 (7) recommend changes in any procedure relating to the
8 treatment of children committed to the department;

9 (8) make appropriate referrals under any of the duties
10 and powers listed in this subsection;

11 (9) supervise assistants who are serving as advocates
12 in their representation of children committed to the department in
13 internal administrative and disciplinary hearings;

14 (10) review reports received by the department
15 relating to complaints regarding juvenile probation programs,
16 services, or facilities and analyze the data contained in the
17 reports to identify trends in complaints; ~~and~~

18 (11) report a possible standards violation by a local
19 juvenile probation department to the appropriate division of the
20 department; and

21 (12) immediately report the findings of any
22 investigation related to the operation of a post-adjudication
23 correctional facility in a county to the chief juvenile probation
24 officer and the juvenile board of the county.

25 (e) Notwithstanding any other provision of this chapter,
26 the powers of the office include:

27 (1) ~~[are limited to]~~ facilities operated and services

- 1 provided by the department under Subtitle C;
- 2 (2) post-adjudication correctional facilities under
3 Section 51.125, Family Code;
- 4 (3) any other residential facility in which a child
5 adjudicated as having engaged in conduct indicating a need for
6 supervision or delinquent conduct is placed by court order; and
- 7 (4) the investigation of complaints alleging a
8 violation of the rights of the children placed in a facility
9 described by Subdivision (2) or (3).

10 SECTION 8. The changes in law made by Section 54.04(d),
11 Family Code, as amended by this Act, and Section 54.04013, Family
12 Code, as added by this Act, apply only to conduct that occurs on or
13 after September 1, 2017. Conduct that occurs before September 1,
14 2017, is governed by the law in effect when the conduct occurred,
15 and the former law is continued in effect for that purpose. For
16 purposes of this section, conduct occurs before September 1, 2017,
17 if any element of the conduct occurs before that date.

18 SECTION 9. This Act takes effect September 1, 2015.

S.B. No. 1630

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1630 passed the Senate on April 14, 2015, by the following vote: Yeas 31, Nays 0; May 28, 2015, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 29, 2015, House granted request of the Senate; May 31, 2015, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1630 passed the House, with amendments, on May 26, 2015, by the following vote: Yeas 134, Nays 11, two present not voting; May 29, 2015, House granted request of the Senate for appointment of Conference Committee; May 31, 2015, House adopted Conference Committee Report by the following vote: Yeas 137, Nays 7, two present not voting.

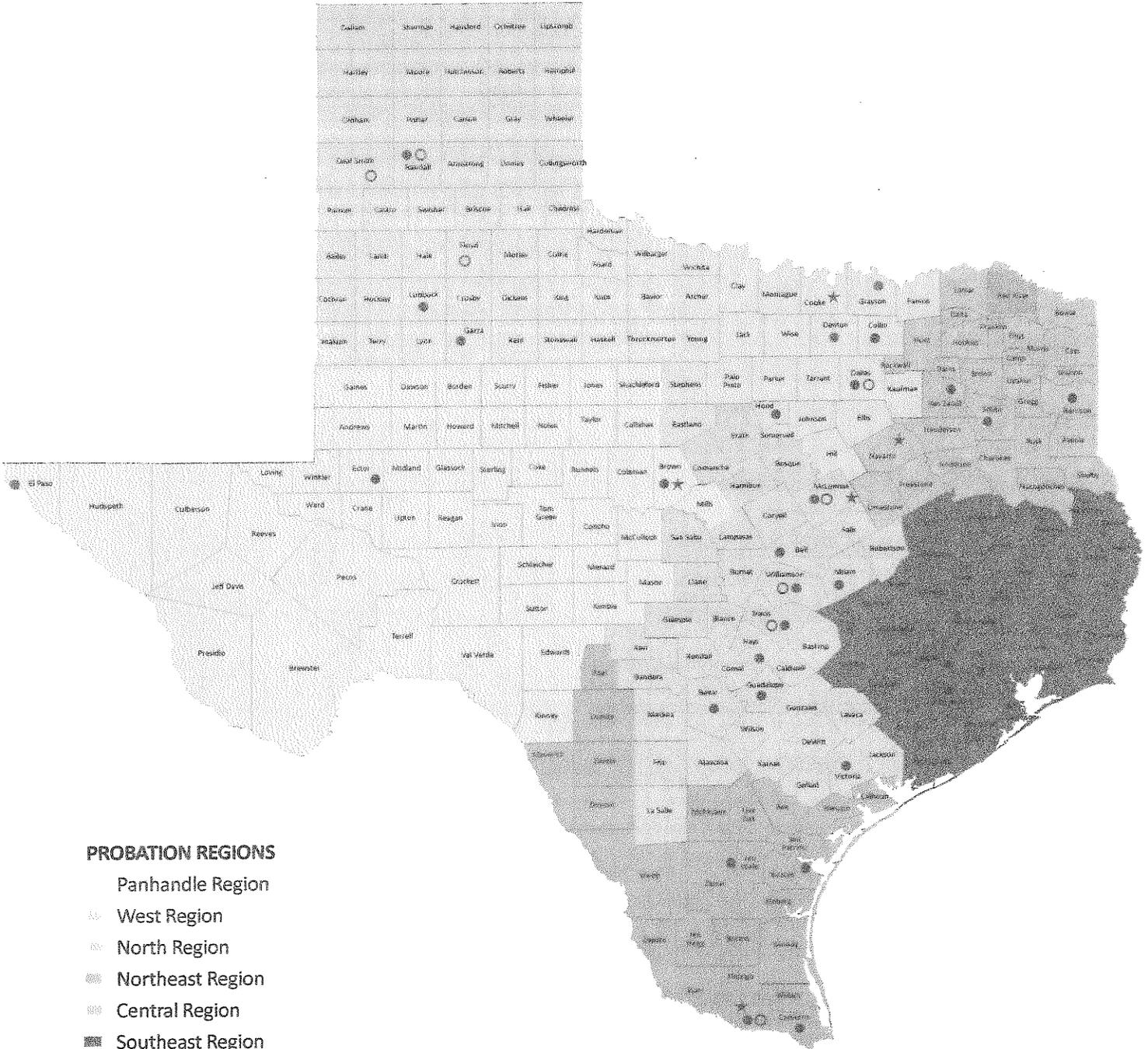
Chief Clerk of the House

Approved:

Date

Governor

Probation and State Operated Facilities Reference Map



PROBATION REGIONS

- Panhandle Region
- West Region
- North Region
- Northeast Region
- Central Region
- Southeast Region
- South Region

PROBATION FACILITIES (non-committed youth)

- Secure Post-Adjudication Facility
- Non-Secure Post-Adjudication Facility

STATE OPERATED FACILITIES (committed youth)

- ★ State Secure Institution

West Texas Region

23 Departments

3 Secure Facilities

DEPARTMENTS	SIZE	Association	Post
ANDREWS	S	W	
BREWSTER	S	W	
Jeff davis	*	W	
Presidio	*	W	
BROWN	S	W	The Oaks
Mills	*	W	
CRANE	S	W	
CULBERSON	S	W	
Hudspeth	*	W	
DAWSON	S	W	
ECTOR	M	W	YES
EL PASO	L	W	YES
GAINES	S	W	
HOWARD	S	W	
Glasscock	*	W	
Martin	*	W	
JONES	S	W	
Shackelford	*	W	
MCCULLOCH	S	W	
Edwards	*	W	
Kimble	*	W	
Mason	*	W	
Menard	*	W	
MIDLAND	M	W	
NOLAN	S	W	
Fisher	*	W	
Mitchell	*	W	
PECOS	S	W	
Reagan	*	W	
Upton	*	W	
REEVES	S	W	
Loving	*	W	
SCURRY	S	W	
Borden	*	W	
SUTTON	S	W	
Crockett	*	W	
TAYLOR	M	W	
Callahan	*	W	
Coleman	*	W	
TOM GREEN	M	W	
Coke	*	W	
Concho	*	W	
Irion	*	W	
Runnels	*	W	
Schleicher	*	W	
Sterling	M	W	
VAL VERDE	S	W	
Kinney	*	W	
Terrell	*	W	
WARD	S	W	
WINKLER	S	W	

Central Texas Region

28 Departments

11 Secure Facilities

ATASCOSA	S	C	
BANDERA	S	C	
BASTROP	M	C	
Burleson	*	C	
Lee	*	C	
Washington	*	C	
BELL	L	C	YES
BEXAR	L	C	YES
BURNET	M	C	
Blanco	*	C	
Gillespie	*	C	
Llano	*	C	
San Saba	*	C	
CALDWELL	S	C	
COMANCHE	S	C	
Bosque	*	C	
Hamilton	*	C	
CORYELL	M	C	
DEWITT	S	C	
ERATH	S	C	
FAYETTE	S	C	
FRIO	S	C	
La Salle	*	C	
GOLIAD	S	C	
GUADALUPE	M	C	YES
HAYS	M	C	Yes
JACKSON	S	C	
KARNES	S	C	
Wilson	*	C	
KENDALL	S	C	
KERR	S	C	
LAMPASAS	S	C	
LAVACA	S	C	
Colorado	*	C	
Gonzales	*	C	
MCLENNAN	L	C	YES/NON

MEDINA	S	C	
MILAM	S	C	4M
Falls	*	C	
Robertson	*	C	
TRAVIS	L	C	YES
VICTORIA	M	C	YES
WILLIAMSON	L	C	YES/NON

Panhandle Texas Region

26 Departments

3 Secure Facilities

DEPARTMENTS	SIZE	Association	Post
BAILEY	S	PH	
Palmer	*	PH	
BAYLOR	S	PH	
Cottle	*	PH	
King	*	PH	
Knox	*	PH	
CHILDRESS	S	PH	
Carson	*	PH	
Collinsworth	*	PH	
Donley	*	PH	
Hall	*	PH	
COCHRAN	S	PH	
CROSBY	S	PH	
DALLAM	S	PH	
Hartley	*	PH	
Sherman	*	PH	
DEAF SMITH	S	PH	NON
Oldham	*	PH	
FLOYD	S	PH	NON
Brisco	*	PH	
Dickens	*	PH	
Motley	*	PH	
GARZA	S	PH	CORNERSTONE
GRAY	S	PH	
HALE	S	PH	
HASKELL	S	PH	
Kent	*	PH	
Stonewall	*	PH	
Throckmorton	*	PH	
HOCKLEY	S	PH	
HUTCHINSON	S	PH	
LAMB	S	PH	
LUBBOCK	L	PH	YES
LYNN	S	PH	
MOORE	S	PH	
OCHILTREE	S	PH	
Hansford	*	PH	
POTTER	M	PH	
Armstrong	*	PH	
RANDALL	M	PH	YES/NON
SWISHER	S	PH	
Castro	*	PH	
TERRY	S	PH	
WHEELER	S	PH	
Hemphill	*	PH	
Lipscomb	*	PH	
Roberts	*	PH	
WILBARGER	S	PH	
Foard	*	PH	
Hardeman	*	PH	
YOAKUM	S	PH	

South Texas Region

16 Departments

4 Secure Facilities

DEPARTMENTS	SIZE	Association	Post
BROOKS	S	S	
CALHOUN	S	S	
CAMERON	L	S	YES/NON
DUVAL	S	S	YES
Jim Hogg	*	S	
HIDALGO	L	S	YES
JIM WELLS	S	S	
KLEBERG	S	S	
Kenedy	*	S	
MAVERICK	M	S	
Dimmit	*	S	
Zavala	*	S	
NUECES	S	S	YES
REFUGIO	S	S	
SAN PATRICIO	M	S	
Aransas	*	S	
Bee	*	S	
Live Oak	*	S	
McMullin	*	S	
STARR	M	S	
UVALDE	S	S	
Real	*	S	
WEBB	L	S	
WILLACY	S	S	
ZAPATA	S	S	

Southeast Texas Region

24 Departments

5 Secure Facilities

DEPARTMENTS	SIZE	Association	Post
ANGELINA	M	SE	
AUSTIN	S	SE	
BRAZORIA	L	SE	YES
BRAZOS	M	SE	
CHAMBERS	S	SE	
FORT BEND	L	SE	YES
GALVESTON	L	SE	YES
GRIMES	S	SE	
HARDIN	S	SE	
HARRIS	L	SE	YES/NON
HOUSTON	S	SE	
JASPER	S	SE	
Newton	*	SE	
Sabine	*	SE	
San Augustin	*	SE	
JEFFERSON	L	SE	
LEON	S	SE	
LIBERTY	M	SE	
MADISON	S	SE	
MATAGORDA	S	SE	
MONTGOMERY	L	SE	YES
ORANGE	M	SE	
POLK	S	SE	
Trinity	*	SE	
San Jacinto	*	SE	
TYLER	S	SE	
WALKER	S	SE	
WALLER	S	SE	
WHARTON	S	SE	

Northeast Texas Region

23 Departments

3 Secure Facilities

DEPARTMENTS	SIZE	Association	Post
ANDERSON	S	NE	
BOWIE	M	NE	
CASS	S	NE	
CHEROKEE	S	NE	
GREGG	M	NE	
HARRISON	S	NE	YES
HENDERSON	M	NE	
HOPKINS	S	NE	
Delta	*	NE	
Franklin	*	NE	
Rains	*	NE	
HUNT	M	NE	
LAMAR	S	NE	
LIMESTONE	S	NE	
Freestone	*	NE	
NACOGDOCHES	S	NE	
NAVARRO	S	NE	
PANOLA	S	NE	
RED RIVER	S	NE	
ROCKWALL	S	NE	
RUSK	S	NE	
SHELBY	S	NE	
SMITH	M	NE	YES
TITUS	S	NE	
Camp	*	NE	
Marion	*	NE	
Morris	*	NE	
UPSHUR	S	NE	
VAN ZANDT	S	NE	YES
WOOD	S	NE	

North Texas Region

19 Departments

5 Secure Facilities

DEPARTMENTS	SIZE	Association	Post
COLLIN	L	N	YES
COOKE	S	N	
DALLAS	L	N	YES/NON
DENTON	L	N	YES
EASTLAND	S	N	
ELLIS	M	N	
GRAYSON	M	N	YES
HILL	S	N	
HOOD	S	N	ROP
JOHNSON	M	N	
KAUFMAN	M	N	
MONTAGUE	S	N	
Archer	*	N	
Clay	*	N	
PALO PINTO	S	N	
PARKER	M	N	
SOMERVELL	S	N	
TARRANT	L	N	
WICHITA	M	N	
WISE	S	N	
Jack	*	N	
YOUNG	S	N	
Stephens	*	N	

Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders

Over the last several years, the importance of the risk principle has been well established in many correctional settings. Simply stated, the risk principle indicates that offenders should be provided with supervision and treatment levels that are commensurate with their risk levels. However, there continues to be some confusion regarding the implications of the risk principle and why the trends predicted by the risk principle are observed. The purpose of this article is to discuss what the risk principle is, what it means for corrections, and why we see intensive treatments and supervision leading to no effect or increased recidivism for low-risk offenders.

Perhaps it is important that we begin by defining the concept of “risk” as it pertains to offender recidivism. For some, “risk” is a concept associated with the seriousness of the crime—for example, in the sense that a felon poses a higher risk than a misdemeanor. In actuality, however, though a felon has been convicted of a more serious offense than a misdemeanor, his or her relative risk of reoffending may have nothing to do with the seriousness of the crime.

For our purposes, “risk” refers to the probability of reoffending. A low-risk offender is one with a relatively low probability of reoffending (few risk factors), while a high-risk offender has a high probability (many risk factors). The application of the concept in corrections is similar to that in most actuarial sciences. For example, life insurance is cheaper for a nonsmoker in his 40s than for a smoker of the same age. The reason insurance costs more for the smoker is that smokers have a risk factor that is significantly correlated with health problems. Similarly, an offender who uses drugs has a higher chance of reoffending than someone who does not use drugs.

In 1990, Andrews, Bonta, and Hoge discussed the importance of the risk principle as it relates to the assessment of offenders. Their article makes clear that the risk principle calls for the administration and delivery of more intense services and supervision to higher-risk offenders. In contrast, lower-risk offenders should receive lower levels of supervision and treatment. Since 1990, considerable research has investigated how adhering to the risk principle can impact a correctional program’s effectiveness.

Meta-Analyses Involving the Risk Principle

Meta-analysis after meta-analysis has revealed a similar trend when the risk principle is empirically investigated. Table 1, page 4, shows the results of seven meta-

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analyses conducted on juvenile and adult offenders in correctional programs or school-aged youth in school-based intervention programs.

The first row of the table lists the results from a study conducted by Andrews, Zinger, Hoge, et al. (1990). This study investigated the effects of correctional interventions from 85 studies. Overall, they found that the correctional programs were much more effective when the correctional program took in mostly higher-risk offenders. Reductions in recidivism of 11% were noted in programs that had mostly higher-risk offenders versus 2% reductions for programs that took in both low- and high-risk offenders (re-analysis by Andrews and Bonta, 1998).

The second, third, and fourth rows summarize the findings of studies conducted by Dowden and Andrews. These three meta-analyses all indicate that programs serving a greater percentage of higher-risk offenders were more effective than those that did not. This finding was observed when looking at juvenile offenders, female offenders, and violence as an outcome measure.

The fifth row reports on the results of a meta-analysis that reviewed the effectiveness of drug courts. Again, drug courts where over half the offenders served had a prior record were twice as effective (10% versus 5% reduction) as drug courts where more than half the offenders served were first-time offenders. Finally, two meta-analyses report on the effectiveness of school-based interventions in reducing delinquent and analogous behaviors (Wilson, Gottfredson, and Najaka, 2002) and aggressive behavior (Wilson, Lipsey, and Derzon, 2003). Both studies indicate better effects when targeting youths who are at risk for the particular behaviors that are to be prevented.

Table 1. Summary of Meta-Analyses Investigating the Risk Principle

Study	No. of Studies Reviewed	Type of Studies Reviewed	Findings
Andrews et al. (1990)	85	Juvenile, mixed	Effect size 5 times as great when focusing on high-risk
Dowden and Andrews (1999a)	26	Juvenile and adult female, or mainly female	Effect size 6 times as great when following risk principle
Dowden and Andrews (1999b)	229	Young offenders	Effect size 4 times as great when when following risk principle
Dowden and Andrews (2000)	35	Juvenile and adult violent outcomes only	Effect size 2 times as great when when following risk principle
Lowenkamp et al. (2002)	33	Juvenile and adult drug courts	Effect size 2 times as great when when following risk principle
Wilson et al. (2002)	165	School-based interventions	Effect size 3 times as great when when targeting high-risk youth
Wilson et al. (2003)	221	School-based interventions targeting aggression	Effect size 4 times as great when when targeting high-risk youth

Differing Treatment Effects for High- and Low-Risk Offenders

While Table 1 provides plenty of support for the risk principle, a recent study that Lowenkamp and Latessa (2002) conducted in Ohio offers even more evidence. This study is the largest ever conducted of community-based correctional treatment facilities. The authors tracked a total of 13,221 offenders who were placed in one of 38 halfway houses and 15 community-based correctional facilities throughout the state. A 2-year follow-up was conducted on all offenders, and recidivism measures included new arrests and incarceration in state penal institutions. Treatments effects were calculated, which represent the difference in recidivism rates for the treatment group (those offenders with a residential placement) and the comparison group (those offenders that received just supervision with no residential placement).

Figure 1 shows the effect for low-risk offenders, using incarceration as the outcome measure. The negative numbers show the programs that were associated with increases in recidivism rates for low-risk offenders. The positive numbers show the few programs that were actually associated with reductions in recidivism for low-risk offenders. As you can see from this figure, the majority of programs in this study were associated with increases in the failure rates for low-risk offenders. Only a handful of programs reduced recidivism for this group, and the largest reduction was 9%.

Fig. 1 Changes in the Probability of Recidivism by Program for Low-Risk Offenders

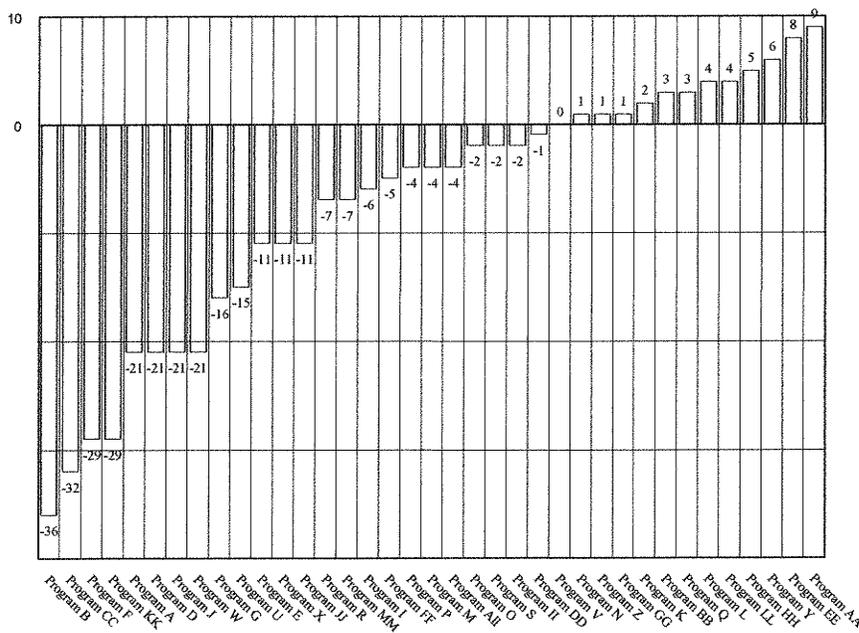
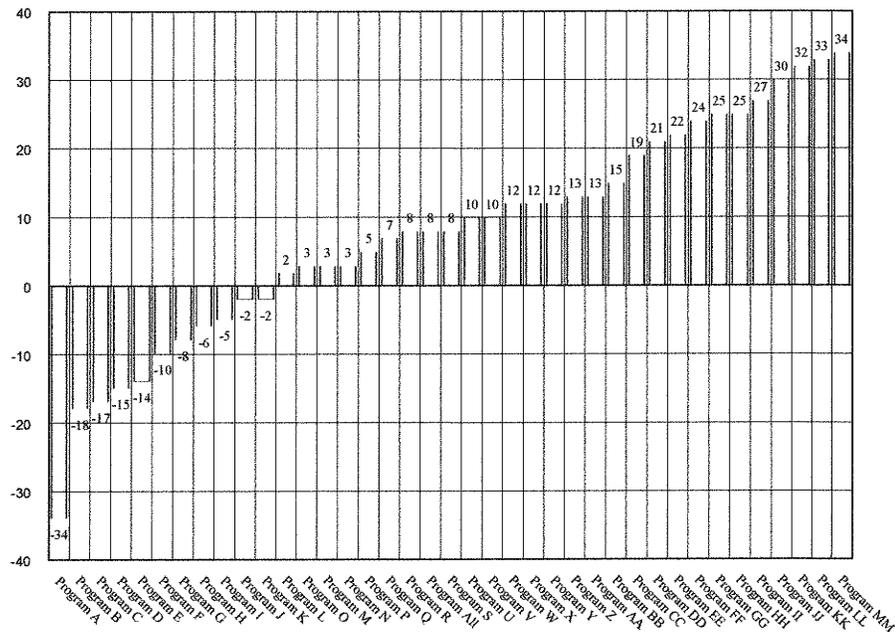


Figure 2 shows the results for high-risk offenders. Not only were most programs associated with reductions in recidivism for this group, but there were also eight programs that reduced recidivism over 20% and three programs that reduced recidivism over 30%. (Note that there were some programs in Ohio that did not reduce recidivism at any level of risk. This is likely related to program integrity. See Lowenkamp and Latessa, 2004.)

Fig. 2. Change in the Probability of Recidivism by Program for High-Risk Offenders



The best illustration of the risk principle can be seen by looking at the programs that had the greatest effect on high-risk offenders. Programs KK and MM each reduced recidivism for high-risk offenders by over 30%, yet looking at their effect for low-risk offenders, we see that Program MM increased recidivism for this group by 7% and Program KK by 29%. Thus, the same programs that reduced recidivism for higher-risk offenders actually increased it for low-risk offenders. The risk principle held across geographic location (rural, metro, urban) and with sex offenders (Lowenkamp and Latessa, 2002).

When taken together, these meta-analyses and individual studies provide strong evidence that more intense correctional interventions are more effective when delivered to higher-risk offenders, and that they can increase the failure rates of low-risk offenders. Recall the meta-analyses and the Ohio study, as well as Hanley (2003) and Bonta, Wallace-Capretta, and Rooney (2000), which both found that intensive supervision reduces recidivism for higher-risk offenders but increases the recidivism rates of lower-risk offenders.

Why Interventions Are More Successful with High-Risk Offenders

A question that continues to arise is why an intervention can have the intended consequences for a high-risk offender but have undesired and unintended consequences for a low-risk offender. To answer this question, one only need look at the risk factors for offending behavior. A review of the meta-analyses on the risk predictors consistently reveals antisocial attitudes, associates, personality, and a history of antisocial behavior as the strongest predictors (Andrews and Bonta, 1998). Other risk factors include substance abuse and alcohol problems, family characteristics, education, and employment (Gendreau, Little, and Goggin, 1996).

Given these risk factors, consider what a high-risk and a low-risk offender would look like. High-risk offenders would have antisocial attitudes, associates, and personalities, or a long criminal history, or substance abuse problems, or poor family relations, and would likely be unemployed. Low-risk offenders, on the other hand, would be fairly prosocial and have good jobs with some, if not many, prosocial contacts. That is, low-risk offenders likely have good jobs, good relationships with their families, good relationships with prosocial acquaintances, fairly prosocial attitudes, a limited criminal history, and few if any substance abuse problems. What happens to that low-risk offender when he/she is placed in a residential facility with high-risk offenders? You have likely come to an explanation for why we see low-risk offenders being harmed by intense correctional interventions.

The increased failure rates of low-risk offenders can largely be understood when considering the following three explanations:

- ◆ When we place low-risk offenders in the more intense correctional interventions, we are probably exposing them to higher-risk offenders, and we know that who your associates are is an important risk factor. Practically speaking, placing high- and low-risk offenders together is never a good idea. If you had a son or daughter who got into some trouble, would you want him or her placed in a group with high-risk kids?
- ◆ When we take lower-risk offenders, who by definition are fairly prosocial (if they weren't, they wouldn't be low-risk), and place them in a highly structured, restrictive program, we actually disrupt the factors that make them low-risk. For example, if I were to be placed in a correctional treatment program for 6 months, I would lose my job, I would experience family disruption, and my prosocial attitudes and prosocial contacts would be cut off and replaced with antisocial thoughts and antisocial peers. I don't think my neighbors would have a "welcome home from the correctional program" party for me when I was released. In other words, my risk would be increased, not reduced.
- ◆ Other factors such as IQ, intellectual functioning, and maturity might be at work. We rarely find programs that assess these important responsibility factors when they place offenders into groups. It could be the case that there

are some low-functioning, low-risk offenders who are manipulated by more sophisticated, higher-risk, predatory offenders.

What all this means for corrections is that low-risk offenders should be identified and excluded, as a general rule, from higher-end correctional interventions. We are pragmatists and therefore say "general rule," as we realize that programs are often at the mercy of the court or parole board in terms of who is referred to the program. Even so, programs that end up receiving low-risk offenders should make sure that those offenders are returned back to the environments that made them "low-risk." This can be achieved by developing programming (both treatment and supervision) that is based on the risk level of the offender.

In addition, the research reviewed here and the risk principle also dictate that we should direct the majority of services and supervision to higher-risk offenders because it is with this group of offenders that such interventions are most effective. The first step in meeting the risk principle is identifying the appropriate targets (higher-risk offenders). To achieve this, agencies must assess offenders with standardized and objective risk assessment instruments. Risk assessment is now considered the cornerstone of effective correctional intervention. ■

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Research-Based Practices in Juvenile Justice

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Evidence-Based

1. Practices and programs that are informed by the results of scientific research and therefore found to be effective.
2. a decision-making approach where decisions are made based on the best available evidence rather than conviction, philosophy or conventional wisdom.

Reference: Przybylski, Roger, 2008: What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs. RKC Group.

Origins of Evidence-Based Movement

- Originated in Medicine.
- Archibald Leman Cochrane, medical scientist and epidemiologist.
- *Effectiveness and Efficacy*-1972 paper: Most medical treatments used by practitioners are not based on any valid evidence of effectiveness.

Reference: Przybylski, Roger, 2008: What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs. PKC Group.

Origins of Evidence-Based Movement

U.S Office of Technology and Assessment, 1976: "Only 10-20 percent of all procedures used in present medical practices have been proven by clinical trial; many of these procedures may not be efficacious".

Cited in Przybylski, 2008 p. 11.

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Origins of Evidence-Based Movement

- In the late 1970's the medical community started to collect and compile evidence of effective interventions based on rigorous research and sharing it with practitioners.
- In the 1980's and 1990's this also became more common in other disciplines, like criminology.

Reference: Przybylski, Roger. 2008. What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs. RKC Group.

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Juvenile justice field evolving

- Pre-70's - Offenders can be rehabilitated.
- 70's - "Nothing Works".
- 80's - "Super Predator":
 - Tough on crime
- 90's - Effective and Promising programs:
 - Blueprint programs

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Strong Foundation of "Evidence"

- In 2015 there is a strong foundation for "what works".
- Evidence-based principles throughout the juvenile justice system.
- Expectation that evidence be incorporated into department processes.

Texas: Mandates to implement research-based practices

- 2009 - Mandate to collect comprehensive data concerning the outcomes of programs.
- 2011 – Mandate to develop performance measures of the effectiveness of programs and services on the outcomes of youth.
- 2013 – Mandate to provide in-depth training and technical assistance on program design, implementation, and evaluation.

Program development: Training and Technical Assistance

- Provide technical assistance on program design, implementation, and evaluation for programs operated by juvenile probation departments.
- Develop logic models.
- Develop recommended performance measures.
- Follow current research on program development and evaluation in juvenile justice.
- Disseminate best practices to juvenile probation departments.

SB 1630 and research-based practices

- Special Commitment to Texas Juvenile Justice Department:
*Notwithstanding any other provisions of this code, after a disposition hearing held in accordance with Section 54.04, the juvenile court may commit a child who is found to have engaged in delinquent conduct that constitutes a felony offense to the Texas Juvenile Justice Department without a determinate sentence if the court makes a special commitment finding that the child has behavioral health or other special needs that cannot be met with the resources available in the community. **The court should consider the findings of a validated risk and needs assessment and the findings of any other appropriate professional assessment available to the court.***

SB 1630 and Research-Based Practices

- "The department shall ensure that each region has **defined appropriate research-based programs** for the target populations under the regionalization plan".
- "Provide **training on best practices** for all local probation departments affected by the regionalization plan".
- "Analyze department **data to provide clear guidance** to local probation departments **on outcome measures**".
- "Report on **performance of specific programs and placements to assist in implementing best practices and maximize the impact of state funds**".

Using Risk and Needs Assessments

Vincent et al. 2012. Risk Assessment in Juvenile Justice: A Guidebook for Implementation. Models for change, p. 36
<http://www.modelsforchange.net/publications/346>

What Risk Assessments Can Accomplish

- Estimate the risk of reoffending for youth, if nothing is done.
- Guide intervention planning.
- Provide important data for program development.
- Reduce bias in assessment of youth's risk.
- Reduce cost by decreasing use of more intensive services.
- Improve the targeting of services/interventions
- Reduce re-offense rates.

What Risk Assessments Cannot Accomplish

- They are not prescriptive– that is, they cannot provide an exact course of action for the youth. A tool and guide for probation staff, but can't be used instead of professional judgment.
- **NOT** a mental health assessment.
- Determine risk for reoffending outside of the area or time-period for which it is developed.

Key Points:

- Risk and Needs instruments are central to juvenile justice evidence-based practices– but proper implementation is the key.
- Risk Assessment measures risk of reoffending.
- Needs Assessment measures and identifies the areas in which a youth need services.

Evidence-Based Practice

- "... The term "evidence-based" can be employed to describe desirable practices for three activities: (a) the risk-assessment process, (b) the risk assessment instrument used in that process, and (c) **the development of risk-related policies and procedures.**"

Vincent et al. 2012. *Risk Assessment in Juvenile Justice: A Guidebook for Implementation. Models for change.* p. 36
<http://www.modelsforchange.net/publications/346>

Meaning Of Risk

- Risk of reoffending or re-referral to juvenile justice department –if no intervention/service is provided.
- Risk → likelihood of new referral/offending.
- Risk Assessment instruments measure the likelihood of reoffending/re-referral.

- Degree of harm/ Public Safety- delinquent offenses?
- Violation of Probation re-referral- what's the risk....?

Meaning Of Risk

- Low Risk → means the youth is unlikely to commit a new offense (even if no intervention/ service is provided).
- High Risk → means the youth have a greater likelihood of committing a new offense.
- Moderate Risk- not low/ not high. The re-offense rate for this group is about average.

Common Risk Factors

Static Factors:

- Age at first offense (<13)
- History of offending
- Violent offending or serious offending
- Prior supervision failures/probation violations

Dynamic/Criminogenic Need Factors:

- Substance abuse problems
- Delinquent peers
- Untreated mental health problems (e.g. attention deficit)
- Poor parental supervision

Risk-Need-Responsivity Approach

- Has shown to promote better outcomes for youth and to decrease reoffending.
- Focuses on-targeting specific factors playing a key role in the youth's reoffending.

Risk Principle

- Highest risk offenders should receive the most intensive monitoring and services to reduce the risk of continued offending.
- Conversely, low risk cases have lower chance of reoffending and should be able to function well with minimal attention.

Need Principle

- Targeting interventions for factors that are linked to reduction in reoffending.
- Dynamic factors/criminogenic factors. These are the factors that can be changed such as reducing involvement with delinquent peers, or improving parental practices.

Responsivity Principle

- Interventions should address the offenders' specific characteristics that may affect how they respond to treatment.
- For example, learning style, motivation, mental health, intellectual functioning → may impact how well an intervention or program will work for a child.

Professional Discretion Principle

- Having reviewed risk, need and responsivity considerations for a youth, the decision about case planning should be based on good professional judgment – not just scores.

Reducing Recidivism

- Research has shown that matching services to juveniles criminogenic needs as identified by a risk assessment tool can reduce the re-offending rate to 25 % compared to 75 % for youth who received services that did not match their needs.

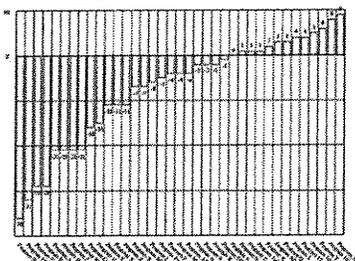
(Vieira et al 2009 cited in Vincent et al., 2012 p. 23)

Practicing the RNR Approach

- Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders (Lowenkamp and Latessa, 2004).
- Higher-risk offenders should receive more intense services and supervision.
- Low risk offenders should receive lower levels of supervision and services.

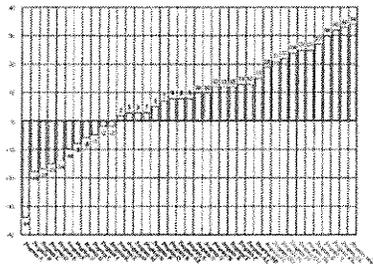
Many Programs Make Low-Risk Offenders Recidivate More

Fig. 1 Changes in the Probability of Recidivism by Program for Low-Risk Offenders



Many Programs Make High-Risk Offenders Recidivate Less

Fig. 2. Change in the Probability of Recidivism by Program for High-Risk Offenders



Why Worse Outcomes For Low-Risk Offenders?

- Placing low-risk offenders in more intense correctional interventions, we're exposing them to higher risk offenders → Delinquent peers are one of the most important risk factors for offending.
 - By placing low-risk offenders in highly structured, restrictive programs, we disrupt the factors that make them low risk:
 - Strong connections with family members
 - Involvement with pro-social peers
 - School attendance
- Instead:**
- Family disruption
 - Anti-social peers
 - Anti-social thoughts and attitudes
 - Labeling/stigmatization → Becomes "juvie kid"

Practicing RNR Conclusion

- "What this all means for corrections is that low-risk offenders should be identified and excluded, as a general rule, from higher-end correctional interventions" (p. 7).
- Practicing the RNR approach and the risk principle means "direct majority of services and supervision to appropriate targets (higher-risk offenders). To achieve this, agencies must assess offenders with standardized and objective risk assessments instruments (p.7)."

Sec. 201.002. PURPOSES AND INTERPRETATION. This title shall be construed to have the following public purposes:

(1) creating a unified state juvenile justice agency that works in partnership with local county governments, the courts, and communities to promote public safety by providing a full continuum of effective supports and services to youth from initial contact through termination of supervision; and

(2) creating a juvenile justice system that produces positive outcomes for youth, families, and communities by:

(A) assuring accountability, quality, consistency, and transparency through effective monitoring and the use of systemwide performance measures;

(B) promoting the use of program and service designs and interventions proven to be most effective in rehabilitating youth;

(C) prioritizing the use of community-based or family-based programs and services for youth over the placement or commitment of youth to a secure facility;

(D) operating the state facilities to effectively house and rehabilitate the youthful offenders that cannot be safely served in another setting; and

(E) protecting and enhancing the cooperative agreements between state and local county governments.

Added by Acts 2011, 82nd Leg., R.S., Ch. 85 (S.B. 653), Sec. 1.002, eff. September 1, 2011.

Sec. 201.003. GOALS. The goals of the department and all programs, facilities, and services that are operated, regulated, or funded by the department are to:

(1) support the development of a consistent county-based continuum of effective interventions, supports, and services for youth and families that reduce the need for out-of-home placement;

(2) increase reliance on alternatives to placement and commitment to secure state facilities, consistent with adequately addressing a youthful offender's treatment needs and protection of the public;

(3) locate the facilities as geographically close as possible to necessary workforce and other services while supporting the youths' connection to their families;

(4) encourage regional cooperation that enhances county collaboration;

(5) enhance the continuity of care throughout the juvenile justice system; and

(6) use secure facilities of a size that supports effective youth rehabilitation and public safety.

Added by Acts 2011, 82nd Leg., R.S., Ch. 85 (S.B. 653), Sec. 1.002, eff. September 1, 2011.