

Texas Model Plan for Reform

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TEXAS
JUVENILE  JUSTICE
DEPARTMENT

Texas Model Plan for Reform

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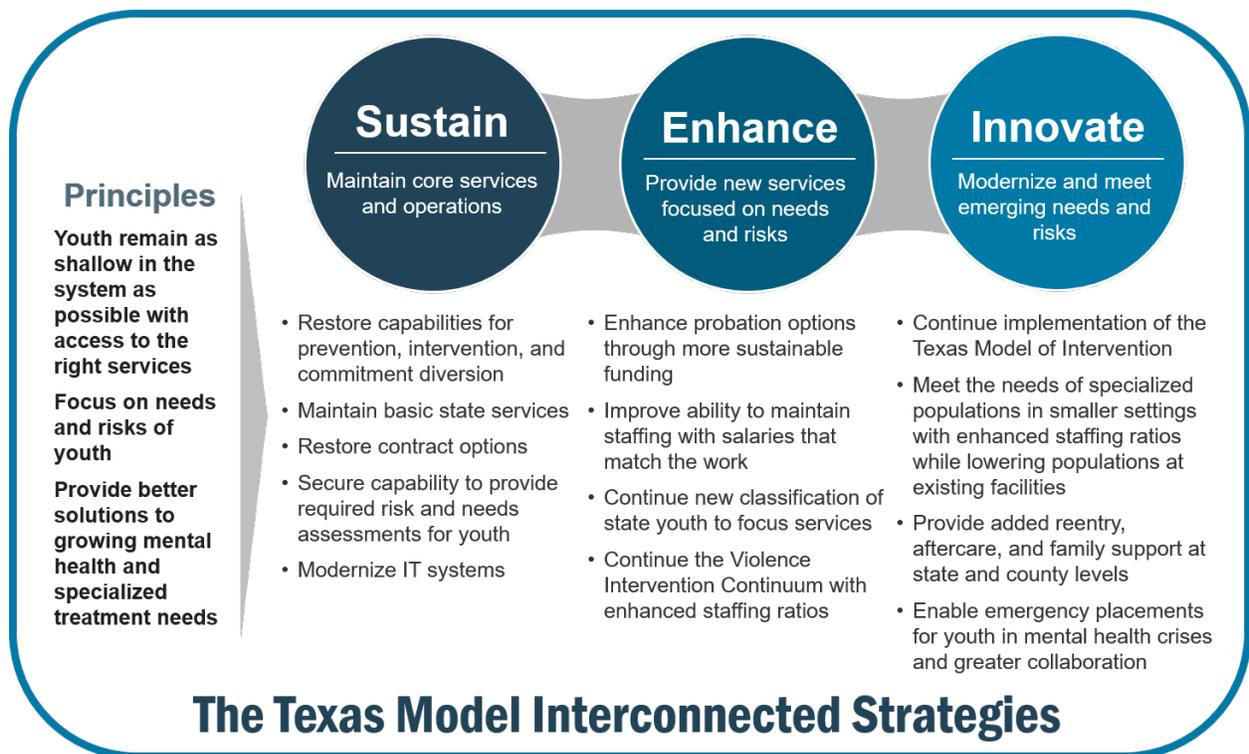
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The Texas Model Plan for Reform

Introduction

Over the past 15 years, much has been accomplished to reform the Texas juvenile justice system. State leaders recognized that youth are best served as shallow in the system as possible, in ways that best meet their needs. Since 2005, referrals to the system have dropped 49% and the number of youth in state secure facilities has dropped 81%. However, the system continues to face challenges that compromise further reform.

The Texas Model Plan for Reform sets out a stepped plan toward accomplishing much needed reform. This plan includes both reform items for which we are requesting financial support in the FY 2022-23 biennium as well as planned future requests. The plans are strategic, intertwined, and designed to be scalable over time with a goal of ongoing long-term progress.



Ultimately, we envision a future where:

Youth remain as shallow in the system as possible. This means county probation departments have the right resources to meet the needs and address the risks of each youth, including the effects of childhood trauma. Doing so requires that county probation departments can sustain their current operations and have appropriate resources to enhance the services at the local and regional levels required to meet the needs of youth with preventative to high needs while being able to innovate. There are significant obstacles to moving toward this goal:

- Counties need predictable, sustainable funding to build local and regional resources. The state funds 64% of adult probation costs but only 25% of juvenile probation costs. Improved access to funds and resources for youth with mental health or other significant issues will allow smaller departments to meet needs through emergency funds and regional approaches.
- Greater flexibility in how state funds can be used will allow each of the 165 departments to better tailor their approaches toward local needs.

Committed youth are in lower population settings, designed to provide more individualized and specialized care.

Optimally, youth at the high-end of the system would be best served in lower population facilities of no more than 48 youth with an appropriate and sustainable level of direct-care staff who are well equipped to meet the unique needs of these high-need to intense-need populations, including specialized needs and the effects of childhood trauma through trauma-informed and responsive practices. Currently, there are significant obstacles to meaningful movement toward this goal:

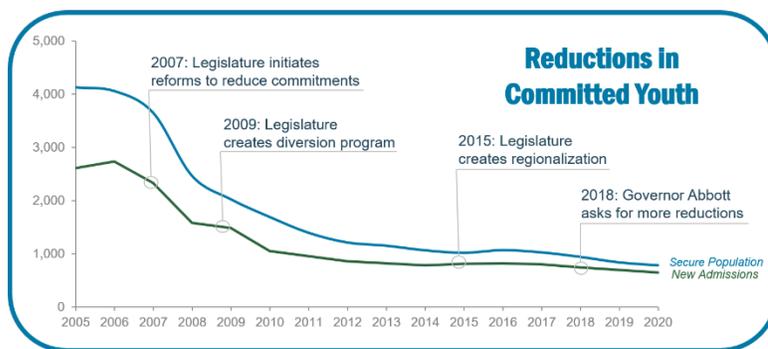
- Funding is needed to enhance the ability to meet actual needs and risks, move to the next level of innovation, and make a step toward youth being served in optimal settings. This includes building or acquiring smaller facilities that will enable youth with intense needs to be served in environments that better meet their individualized needs for treatment and supervision while enabling the 5 existing facilities to lower their populations.
- The 5 existing secure facilities face extraordinary difficulties in maintaining adequate, sustained staffing levels for current populations. New facilities, higher salaries for direct-care staff, and more-appropriate staffing ratios for specialized populations will help to minimize this obstacle.

This Texas Model Plan for Reform and its accompanying Legislative Appropriations Request (LAR) are designed to take initial, meaningful steps toward that envisioned system through more sustainable funding for probation and prioritization of specialized populations at the state level for lower population facilities to include those with severe mental health needs, girls, youth 14 and under, and youth with intellectual disabilities.

Past Juvenile Justice Reform Efforts

The Texas juvenile justice system has changed significantly in the past 15 years with substantial reductions in the use of state secure facilities. In FY 2005, Texas had 4,127 youth in state secure facilities. Thanks to reform efforts over the next several years, both commitments and the secure population continued to drop. In the first six months of FY 2020, the average daily population of youth in state secure facilities was 786, an overall drop of 81% from FY 2005. Referrals to juvenile probation departments dropped from 106,358 in FY 2005 to 53,783 in FY 2019, a 49% decrease. The following timeline marks key moments in the reform effort:

2007. The Texas Legislature set a course for reform with SB 103 (Hinojosa), which ended the practice of committing youth to state care for misdemeanor offenses, changed the age of state jurisdiction to 19 years old from 21 years old, allowed determinate sentence credit for youth while in detention, and established the Release Review Panel to



review parole decisions for youth at the end of their minimum length of stay. In FY 2007, there were 3,651 youth in state secure facilities. In FY 2009, that number dropped to 2,027, a 44% decrease.

2009. The 81st Legislature appropriated probation funding for Community Corrections Diversion Programs to include programs, treatment, and services to divert more juveniles from state care. In FY 2011, youth in state secure facilities dropped to 1,399, a further 31% decrease.

2011. SB 653 (Whitmire, Hegar, Hinojosa) merged the Texas Youth Commission and the Texas Juvenile Probation Commission and transferred the powers and duties of those agencies to the newly created Texas Juvenile Justice Department (TJJJ).

2015. SB 1630 (Whitmire) created the Regionalization Program to further reduce commitments to state care by reimbursing counties for the costs of keeping youth shallow in the system. It also required courts to enter a special commitment finding for any youth who did not have a determinate sentence that states that the youth has behavioral health or other special needs that cannot be met with the resources available in the community and that the court should consider the findings of a validated risk and needs assessment and those of any other appropriate professional assessment available to the court. Since the beginning of the Regionalization Program, nearly 1,000 youth have been diverted from state care.

2018. The daily population in state secure facilities continued to decline. Governor Abbott asked TJJJ to continue to explore ways to reduce the number of youth in state secure facilities. The agency began a concerted effort to actively review youth on an ongoing, rather than periodic, basis and to streamline processes to ensure that youth would be able to leave secure care as soon as they met the appropriate criteria. As a result of that effort and continuing drops in commitments, the average population in state secure facilities has declined from 1,030, in FY 2017, to 787, in FY 2020¹. Overall, from FY 2007 to FY 2020, the number of youth in state secure facilities dropped 78%.

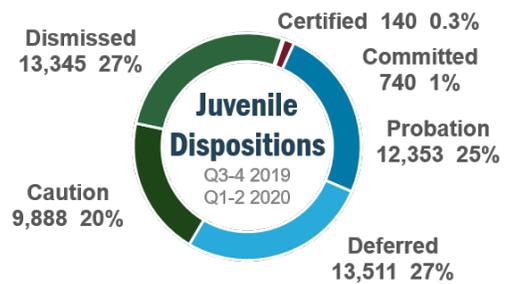
2019: TJJJ implemented the Texas Model for Intervention, a key part of the overall Texas Model, to provide more treatment and intervention-focused care, including better responses to the effects of childhood trauma.

¹ The average daily population for FY 2020 is calculated using data only from the first two quarters. The population was artificially low during the height of the COVID-19 pandemic because of court suspensions and temporary TJJJ intake suspensions.

Youth in the Juvenile Justice System

Overall, referrals to the juvenile justice system have held relatively steady for the past five years at an approximate average of 54,500, with a slight uptick in the past two years.²

However, the seriousness of the offenses and the needs of the youth continue to grow and become more challenging. Probation departments remain committed to keeping youth as shallow in the system as possible. Between FY 2016 and FY 2019, new admissions of youth to the state’s care decreased 15% with an estimated additional 7% drop for FY 2020.³



The following information provides additional insight about youth in the juvenile justice system:

Offense Seriousness

Unlike the overall trend for referrals, the percentage of youth with more serious offenses and concerns has increased at higher rates. Felony referrals increased 11% from FY 2018 to 2019 and another 10% from FY 2019 to 2020. Notably, robbery referrals increased 22% from FY 2018 to 2019 and an additional 12% from FY 2019 to 2020.⁴ In FY 2020, 12% of referrals were for a violent felony offense.

At the state level, during FY 2019, 67% of youth were committed for offenses against persons. The chart to the right⁵ shows the top 10 most common offenses for youth in state care. These offenses represent 82% of these youth. The most serious offenses of capital murder, murder, and manslaughter represent an additional 2% of the population collectively.⁵

Ten Most Common Offenses for Committed Youth

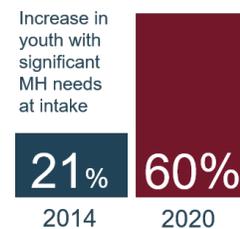
Offense	%
Aggravated Robbery	25%
Assault	11%
Aggravated Assault	11%
Burglary	9%
Aggravated Sexual Assault	7%
Theft	5%
Robbery	5%
Unauthorized Use of a Vehicle	4%
Indecency with a Child	3%
Evading Arrest	2%

Mental Health

Mental health concerns regarding youth in the juvenile justice system continue to grow. Of formal referrals to juvenile probation departments, approximately 45% have mental health needs.⁶ Approximately 9% of youth reported having suicidal ideations prior to being referred to the juvenile court.

At the state level, in FY 2014, 21% of youth, at the point of intake, were found to have moderate to severe mental health issues. By FY 2020, the percentage jumped to 60%. Additionally, the percentage of youth with highly significant mental health issues is approximately 5%. These include diagnoses such as depression, anxiety, ADHD,

Growing mental health needs



² Based on FY 19 and estimated number of referrals for FY 20 based on the first 6 months to control for changes due to the effects of COVID-19.

³ Estimated drop based on extrapolating from first six months of FY 2020. Actual drop is higher but is based on artificially low numbers during the COVID-19 pandemic.

⁴ Felony and robbery referrals use FY 19 to 20 comparison including only data from the first six months of each year.

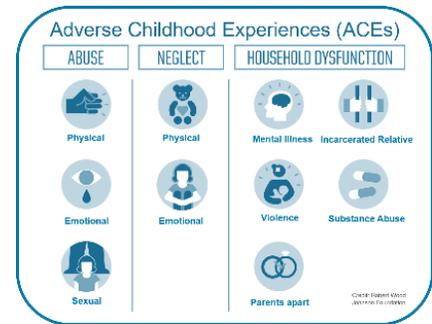
⁵ Snapshot of all youth in TJJD care in April 2020.

⁶ From information in the juvenile case management extract submitted by juvenile probation departments.

bipolar disorder, disruptive mood dysregulation disorder, autism, and early onset psychosis. These youth require an intense level of care, including specialized staff at enhanced staffing ratios.

Childhood Trauma

Adverse childhood experiences (ACEs) are complex early stressors that can disrupt the normal developmental processes. Specifically, ACEs disrupt how youth perceive the environment around them and the actions of others. Youth with a high number of ACEs often misinterpret reasonably normal stressors as threats and have heightened fight, flight, or freeze responses. Their trauma and environment did not enable them to learn how to regulate their emotional and physical responses to stress and perceived threats, and they respond in maladaptive ways. Many of these youth have developed unhealthy behavioral patterns and heightened physiological reactions to survive their own childhoods. As a result, ACEs are associated with increased risk for a wide range of mood, anxiety, psychotic, and personality disorders.⁷ Additionally, youth who have experienced at least one substantiated report of abuse or neglect are 47% more likely to participate in delinquent acts.⁸



TJJJD and many local probation departments use measurement of prior trauma, including ACEs, as one of the tools to help determine risk and need. Youth in the juvenile justice system generally share a collective story. The backgrounds of these youth include alarming levels of childhood trauma, especially as they move deeper into the system. Using the standard 10 ACEs, studies estimate that 64% of the general public have at least one ACE and 12.5% have experienced 4 or more.⁹ By comparison:

- Approximately 88% of youth on juvenile probation have at least one ACE and 35% have four or more.
- Among probationers, ACEs trend up based on the severity of the offense. Of the youth on probation for misdemeanors or non-violent felonies, between 33% have 4 or more ACEs and 39% of youth on probation for violent felonies have 4 or more.
- Probation girls have higher rates of ACEs overall, with 43% having 4 or more ACEs and increasing to 54% among girls on probation for violent felonies.¹⁰
- Of the youth committed to state care, 53% of boys and 86% of girls have 4 or more ACEs.¹¹

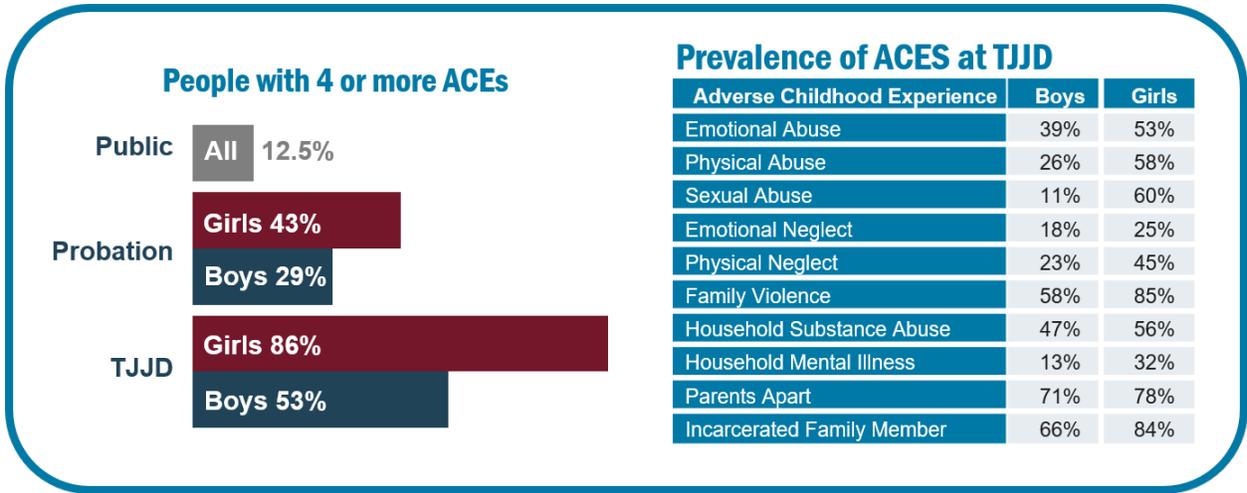
⁷ G. Asmundson, T. Afifi, Adverse Childhood Experiences: Using Evidence to Advance Research, Practice, Policy, and Prevention, 2020

⁸ C. Freeze, Adverse Childhood Experiences and Crime, Federal Bureau of Investigation, April 2019

⁹ <https://www.cdc.gov/violenceprevention/acestudy/about.html>

¹⁰ Estimated from county PACT data using similar questions to the ACE questionnaire.

¹¹ From a snapshot of youth in TJJJD care in April 2020.



Child Sex Trafficking

Another assessment is the Commercial Sexual Exploitation Identification Tool (CSE-IT). The results are alarming, especially for girls. A score of “clear concern” means that numerous risk factors and vulnerabilities are present, suggesting the youth has been commercially sexually exploited or is at high risk for sexual exploitation. A score of “possible concern” means that the youth may be at risk for or has experienced sexual exploitation but there is either not enough information available or the current behaviors and circumstances do not clearly indicate

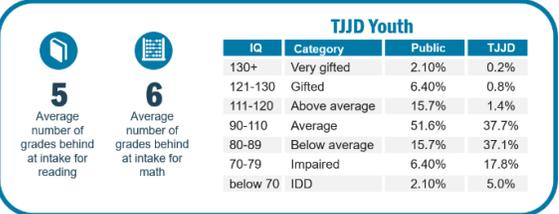
Youth Screened for Commercial Sexual Exploitation

CSE-IT Score	Committed		Probationers	
	Boys	Girls	Boys	Girls
Clear Concern	7%	36%	3%	33%
Possible Concern	56%	55%	23%	26%
No Concern	37%	9%	74%	41%

exploitation. At the county level for probationers, 59% of girls and 26% of boys screened with CSE-IT show possible or clear concern.¹² For committed youth, 63% of TJJD boys and 91% of TJJD girls fall into one of these two categories. And trafficking risk overlaps heavily with childhood trauma: when you cross-reference TJJD youth with a clear concern for child sex trafficking with ACEs, 95% of girls and 87% of boys have 4 or more ACEs.¹³

Learning Issues

Additionally, our youth are typically behind in school and many have intellectual impairment or disabilities. At the point of intake, youth are, on average, 5 grades behind in reading and more than 6 grades behind in math. Our youth also experience intellectual disabilities and impairments at rates much higher than the public. As compared to approximately 8.5% of the public who are



¹² Youth adjudicated delinquent and placed on supervision who were screened with the CSE-It tool.

¹³ From a snapshot of youth in TJJD care in April 2020.

considered either intellectually impaired or disabled, 22.8% of TJJD youth in secure facilities meet these definitions.¹⁴

Future Reform

The Texas Model sets out a path to the future while honoring and continuing the reform already accomplished. The Model involves a risk and needs-based strategy with greater resources for probation to build what is needed to best serve as many youth as possible and a more tailored approach at the state level, especially for vulnerable youth with special needs or concerns. There is no single or simple answer to how to make meaningful change in the juvenile justice system. It is complex; we must begin with straightforward, shared goals:

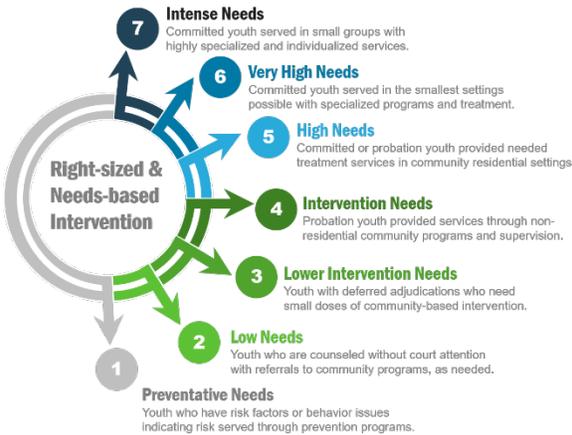
- Youth should remain in their communities whenever it is possible, and county probation departments must be able to access the right services to meet their needs.
- We must focus on the individual needs of each youth, which includes addressing the effects of childhood trauma and holding youth accountable for continued aggressive behavior.
- We must provide better solutions to the growing mental health and specialized treatment needs within the juvenile justice system.

Risk and Needs-Based Intervention

Youth in the system have varied needs, and as the youth move deeper into the system, it generally means that their risks and needs are greater and becoming more specialized. All along the continuum, from early intervention to commitment to TJJD, youth have unmet needs. And as the continuum progresses, those needs grow and become riskier—both to the community and to the youth’s future and welfare. As we consider a right-sized and needs-based system of intervention, it is important at each level that the approach is right for the youth and that the resources needed for that youth are available at the shallowest point in the system possible.

All probation departments work with juveniles across a wide spectrum of risks and needs and are equipped to meet the general needs of the juveniles they see.

Through economies of scale, departments serving urban areas fare better with obtaining the services required for higher risk juveniles with more specialized treatment needs. Smaller, more rural jurisdictions lack sufficient population and community infrastructure to attract quality service providers at a sustainable cost, limiting their ability to meet the more significant needs of higher risk juveniles.



¹⁴ Snapshot of TJJD youth in secure facilities, July 2020

What this means is that many of the 165 probation departments serving varying sizes of populations cannot individually establish all of those services; some must be shared to become both high-quality and cost-efficient. Establishing appropriate services to provide interventions as early in the needs-based continuum as possible limits future interaction with the juvenile justice system and other negative outcomes for youth, which is key to keeping youth as shallow in the system as possible.

Additionally, at the state level, the appropriate level of supervision and specialized care for the highest risk and need youth cannot be optimally provided using only the large, rural facilities currently available. Smaller populations at each facility will better enable the individualized care needed and support sustainable, consistent staffing at the right levels for the specific group served.

Preventative Needs

Early identification of youth with risk factors, such as experiencing childhood trauma, involvement with negative peers, lack of family structure and support, barriers to community and educational supports, lack of involvement with pro-social activities, and an early history of truancy, is critical to a future juvenile justice system that includes as few youth as possible. Prevention and early intervention programs include runaway and truancy prevention and intervention, choices training, character training, mentors, peer choices, vocational counseling, individual and family counseling, case coordination for aid with basic family needs, identifying family supports, access to extra-curricular activities, substance abuse education, family preservation, parent education, parent group support, and life skills training. Participation or enrollment in any of these programs may allow for the early identification and referral of an emerging mental health need. These prevention programs educate youth and their families about risk factors (including the effects of childhood trauma) and community resources available to them. The programs also empower them to advocate for themselves, help develop resilience and protective factors, and place juveniles on a positive path to better lives, with reduced interaction with the juvenile justice system. While TJJD's 5% reduction plan required the elimination of this program to protect basic probation services, this function remains important.

1 Preventative Needs
Youth who have risk factors or behavior issues indicating risk served through prevention programs.

Exceptional Items

Exceptional item 1 requests restoration of base funding to include prevention and intervention services.

Exceptional item 2 requests increased funding for probation to better ensure continued and new sustainable services.

Low Needs

Youth at the lowest end of the system are formally referred but have behaviors or needs at the time of referral that may be met by existing resources in the community without attention from the court and provide an opportunity for early intervention. Examples of community resources to meet these youths' needs are similar to, but more robust than, prevention programs and may include first offender programs run by the local police or probation departments. Participation in these programs may assist with early identification of emerging mental health needs and referral for appropriate treatment.

2 Low Needs
Youth who are counseled without court attention with referrals to community programs, as needed.

Exceptional Items

Exceptional item 1 requests restoration of base funding to include these services.

Exceptional item 2 requests increased funding for probation to better ensure continued and new sustainable services.

Lower Intervention Needs

For many youth, future contact with the juvenile justice system and adjudication may be avoided through the lowest form of community supervision, deferred adjudication. These youth need minimal supervision for protection of the community and programs or resources that, in many cases, already exist within the probation department or established community programming. Examples of lower intervention programs include probation department-run substance abuse treatment programs, a referral to the local behavioral health agency or a community resource coordination group (CRCG), or enrollment in a local community non-profit program.

3 Lower Intervention Needs
Youth with deferred adjudications who need small doses of community intervention and supervision.

Additionally, when youth come in contact with the juvenile justice system, the conditions and trauma that led them there generally began much earlier. This fact lets us know that the systems that served them from early childhood may not have had the resources to identify youths' issues early and intervene before they could move deeper into the system. As a result, early intervention programs that focus on identification of trauma at the earliest point possible within our system and work with families to understand, respond, and advocate for themselves to meet the risks and needs that may impact further involvement with the juvenile justice system are needed.

Exceptional Items

Exceptional item 2 requests increased funding for probation to better ensure continued and new sustainable services.

Exceptional item 3 requests discretionary grant funds for early identification and intervention to childhood trauma.

Intervention Needs

Adjudicated youth need support to address needs identified by a probation department through a validated risk and needs assessment, such as trauma-related experiences, negative peers, criminal thinking, substance abuse issues, lack of pro-social activities, and issues related to school attendance and behavior. Identifying these needs helps the probation department to refer and enroll youth in targeted programming best suited to meet their individual needs and provide the level of supervision needed to help guide them and keep them on track.

4 Intervention Needs
Probation youth provided services through non-residential community programs and supervision.

Many of these programs exist but need further enhancement to meet more complex needs. Existing programs center on cognitive behavioral treatment, gang prevention and intervention, day programs, substance abuse treatment, and experiential education programs. Additional funding is needed to increase support for current programs and expand resources for research-based non-traditional therapies geared toward juveniles who have experienced trauma. Such programs include trauma-recovery therapies, equine therapy, play therapy, and art therapy, and more intensive community-based specialized treatment programs to address youth with sexual behavior, intensive substance abuse, mental health and dual-diagnosis treatment needs, which require a high level of case coordination. Consideration should be given to specialty courts, which provide a high degree of case coordination and have been proven effective when implemented with fidelity and sensitivity to target populations

and their identified treatment needs.¹⁵ There is limited funding and access for these services currently, and expansion is critical to keep juveniles as shallow in the justice system as possible.

Exceptional Item

Exceptional item 2 requests increased funding for probation to better ensure continued and new sustainable services.

High Needs

At the high-end of the county probation system are youth who require residential placements, either secure or non-secure, to provide for the youth’s treatment needs, while protecting both the juvenile and the community. With probation departments emphasizing fewer commitments to TJJD, rising costs for residential treatment programs, and juveniles being referred for more violent offenses, it is crucial to have an appropriate level of funding to serve these high-need individuals. New funding is needed to further expand and enhance the treatment services already provided by existing residential treatment facilities. Trauma-informed care and treatment approaches are needed to address complex mental health and other specialized treatment needs.



Youth who successfully complete a residential treatment placement are best served by receiving aftercare services in accordance with the discharge plan or recommendation of the treatment provider. Research has shown that effective and responsive aftercare assists juveniles in successfully transitioning back into the community from a highly structured environment.^{16 17 18} Over each of the past three fiscal years, an average of 88 departments have applied for Regional Diversion Alternatives (RDA) funding to place a juvenile in residential treatment, with an average of 144 juveniles successfully discharged who would benefit from quality aftercare programs such as out-patient drug treatment, ongoing individual or group counseling, out-patient sexual behavior treatment, and intensive case management. To support more successful reintegration to the community, we are requesting funding for RDA aftercare to support programming for juveniles placed in residential treatment and diverted from TJJD commitment through the RDA grant to maintain and reinforce the practical application of skills learned as they transition back into their communities.

At the county level, probation departments need the ability to respond quickly to a youth in a mental health crisis. For many departments, the costs of doing so for just one youth would be damaging to their overall budget because the federal intensive plus rate for services is \$400.72 but true costs can actually reach \$500 to \$600 per day. As a result, we are requesting funds for crisis mental health stabilization services at the county level that will allow for immediate support for youth in suicidal or other crises. Because the need for such services cannot be predicted

¹⁵ Development Services Group, Inc. 2010. “Mental Health Courts.” Literature review. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention. https://www.ojjdp.gov/mpg/litreviews/Mental_Health_Courts.pdf.
¹⁶ Kaminer Y, Burleson JA, Burke RH. Efficacy of outpatient aftercare for adolescents with alcohol use disorders: A randomized controlled study. *J Am Acad Child Adolescent Psychiatry*. 2008; 7:140 5–12.
¹⁷ Kaminer Y, Godley M. From assessment reactivity to aftercare for adolescent substance abuse: Are we there yet? *Child Adolesc Psychiatry Clin N Am*. 2010; 19:5 77–90.
¹⁸ Family-centered Residential Treatment: Knowledge, Research, and Values Converge. Walter, Uta M.; Petr, Christopher G. *Residential Treatment for Children*. Vol. 25(1), 2008, 1-16.

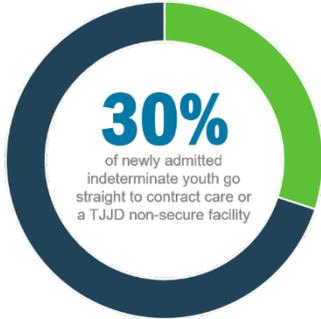
department by department, this program would work similarly to the Regionalization Program, with county probation departments requesting funds for this support from a fund administered by TJJD.

Additionally, responses to mental health issues among youth are improved when a collaborative multi-disciplinary effort is used. As a result, TJJD is requesting discretionary grant funds to increase local and regional interagency collaboration to better meet the needs of youth with mental health issues.

Finally, contract care and probation-run residential programs are options for many probation youth with high needs. The appropriated pre- and post-adjudication strategy for probation has not been adjusted since Child Protective Services raised their residential rates to a range from \$197.69 to \$277.37 for similar youth. Increased funding for probation departments will allow them to pay competitive rates, enhancing options for youth.

In FY 2020, 31% of youth admitted to TJJD were committed for their first felony adjudication, with 29% of those committed for a non-violent offense. These youth are almost exclusively given indeterminate commitments, and the vast majority are placed in less restrictive contract care and TJJD non-secure facilities upon admission. While this group of youth represents the lowest risk levels and rehabilitation needs in TJJD, 83% had received referrals or interventions at the probation level before commitment. This group provides an excellent focus for increased financial resources to expand and enhance contract and probation-run post adjudication residential services at the local and regional levels and continue to decrease commitments to TJJD.

At the low-end of the state system, TJJD employs a network of non-secure, home-like facilities as well as contract care options. These options are used to both step down youth who do well in an institutional setting and as an alternative to such settings after initial assessment. In FY 2019 and the first six months of FY 2020, of the 834 new admissions for indeterminate commitments, 30% were placed in these settings directly from intake. The total number of youth served for some period in these settings was 548 in FY 2019 and 262 during the first six months of FY 2020. TJJD operates six such non-secure facilities and is in the process of providing a deeper level of specialization at selected houses. Each of these houses provides treatment services, including strategies for anger management, high and moderate alcohol and drug abuse treatment and aftercare, and sex offender aftercare services.



Girls. Karyn’s House, in Willis, provides gender-responsive services for up to 20 girls. The staff includes a Trauma-informed Care Specialist who directly supports the implementation of the Texas Model of Intervention and a full-time mental health professional who has experience with trauma-exposed youth as well as experience with girls who are sex-trafficking survivors.

Homeless Youth. Some youth in TJJD’s care have no home to return to and are not in DFPS care. These youth need a transitional living setting where they can learn the skills needed to become independent. TJJD is in the process of transitioning Schaeffer House, in El Paso, to fill this need for up to 20 youth. The staff have connections in the community that allow the youth to have opportunities for employment, community living options and continued access to community service providers for medical, psychiatric, and therapeutic needs. They are fortunate to have a relationship with active duty military personnel who act as mentors for these young men who

have no family support upon their release into the community. They also provide experiential independent living for the residents to further prepare them for and increase their chances of a successful reintegration.

Mental Health Needs and Vulnerable Youth. Willoughby House, in Fort Worth, serves up to 20 vulnerable youth who are ready to step-down to a medium restriction setting. These vulnerabilities can include a youth's age, a high mental health need, an intellectual disability or impairment, or a youth who is prone to bullying or a lack of ability to protect himself from peers. A full-time mental health professional works with these youth and a Licensed Chemical Dependency Counselor (LCDC) provides alcohol and drug treatment. Local businesses give these youth an opportunity to work and build independent living skills.

Step-Down and Alternatives to Secure Care. Ayres House in San Antonio, Tamayo House in Harlingen, and McFadden Ranch in Roanoke serve a total of up to 67 youth ready for community alternatives prior to going home. They are equipped to meet the treatment needs of youth, including an independent living curriculum, facilitated family visits, overnight furloughs towards successful reintegration and job opportunities in the community. Eligible youth who have graduated from high school or obtained a GED diploma will receive assistance in applying for federal financial aid, scholarships from the Haynes and Wende Trusts, and application and enrollment processes in college or trade school.

Additionally, TJJD uses contract placements for youth with appropriate levels of need. These facilities provide a combination of services such as alcohol and drug treatment, programs for aggression issues, sex offender treatment, individual and group counseling, vocational training, and independent living preparation. Youth who are referred to contract care are indeterminate sentence offenders primarily between the ages of 15 to 18 with no or limited previous placement history. Youth identified for contract care typically can benefit from the smaller youth population that contract care provides. Contract care is also an option for many youth with high needs. The appropriated per-day contract care costs are \$162.02, which is significantly lower than those approved for Child Protective Services, which range from \$197.69 to \$277.37 for similar youth. As a result, a portion of this increase is requested in the LAR.

Exceptional Items & Interdependencies

Exceptional item 1 requests restoration of base funding to include basic facility costs needed to continue operations of non-secure facilities at appropriate levels.

Exceptional item 2 requests increased funding for probation to better ensure continued and new sustainable services including the ability to pay competitive rates for contract care.

Exceptional item 3 requests increased funding for probation departments to support aftercare services under Regional Diversion Alternatives, mental health crisis stabilization funds, and mental health collaboratives

Interdependencies: At the state level, success for non-secure facilities is also contingent on increased salaries for direct-care staff requested in exceptional item 2 to better ensure staffing sustainability and proper staffing ratios.

See More Diverse Locations & Appropriate Staffing section below.

Very High Needs

For youth to receive an optimal level of treatment and support, we must be able to classify them properly and have appropriate locations designed to serve those specific needs. In an ideal system, these youth would all be served in facilities with small populations so that the



services and care provided can be more individualized and specialized. However, as we move toward such a system, it is critical to prioritize those youth with the highest levels of needs within our already high-need, high-risk population. For those youth with very high, but not intense needs, TJJD is currently working to provide better classification of youth and specialization of facilities. This process is ongoing but has been slowed by the COVID-19 pandemic.

Violent Youth. The Evins Juvenile Center, in Edinburg, has the most robust job pool and best staffing as well as a smaller footprint and has opportunities for additional physical security measures. As a result, Evins is well-suited to move toward the location for boys who display actively violent behavior while in state custody. These youth must be held accountable; they lower the safety for non-violent youth, can encourage violence in others, and need very specific and intensive types of care that help them to work on the reasons behind their behavior and find more socially appropriate ways to respond. Evins would have at least 3 levels of care with a step up for youth who may need short-term intensive intervention that is unlikely to be met at another facility, a set of dorms for longer-term intensive intervention, and a step down for youth becoming ready to return to a different facility.

Approximately 11% of youth in secure facilities have been found to have engaged in an assault resulting in some level of injury within the past 3 months; these youth are eligible for movement to Evins. Other youth who engage in assaultive behavior without causing injury are also eligible for this facility or related interventions. This facility would have an overall 1:4 staffing ratio. The initial goal is 96 youth, with a population cap of 128.

This use of Evins is part of a Violence Intervention Continuum, which seeks to both hold youth accountable for their behavior and to identify and address the causes. Youth who exhibit aggressive behavior are assessed to determine where they will be best served within this continuum. Youth whose behavior did not cause injury or for whom the behavior is new or not habitual can be served within their assigned campus through the Intensive Intervention Program. This program allows youth to remain assigned to their home dorm while, during waking hours, participating in this program that provides more intensive intervention with a focus on identifying the reasons behind the behavior and addressing the reasons and triggers. As youth progress through this program, they are given opportunities to spend time with the other youth at their home dorm, in safe and limited ways, until they are ready to return full time. If youth continue to exhibit aggression or the behaviors being addressed are more serious, they will move up the continuum, which includes a dorm-based step up program, the Phoenix program for our most violent youth, and a dorm-based step-down program, to allow the youth to practice newly learned skills in a more typical dorm environment before moving to another campus.

Sex Offenders. The Gainesville State School will become a dedicated facility for youth who have a need for sexual behavior treatment programming. Licensed Sex Offender Treatment Providers (LSOTP) oversee programming designed to address inappropriate sexual behaviors at residential and moderate intensities based on the youth's criminogenic risk factors. Youth complete intensive group and individual therapy sessions based on assessment of treatment needs prior to consideration for release. This facility would have an overall 1:8 staffing ratio. The goal for this facility is an estimated cap of 96 youth.

Determinate Sentenced Youth. The Giddings State School will be transformed into a location serving determinate sentenced boys who are not appropriate for Evins or Gainesville and do not have high mental health needs. This facility would have an overall 1:8 staffing ratio. The initial goal is to cap this facility at 160 youth.

Indeterminate Commitments. The McLennan County State Juvenile Correctional Facility, in Mart, will become the primary location for boys with indeterminate commitments who are not appropriate for Evins or Gainesville and do not have high mental health needs. The Giddings State School will also include an indeterminate population focused on older youth. Both Evins and Giddings would have overall 1:8 staffing ratios. The initial goal is to cap this facility at 160.

Assessment. The Ron Jackson State Juvenile Correctional Complex, in Brownwood, will remain the location for orientation and assessment and could continue to serve a small number of girls. The initial goal is to cap this facility at 80 youth.

As listed above, for some populations, larger numbers of 96 to 160 youth remain an option for now. These facilities should be reserved for youth who are low aggression and without intense levels of specialized needs. TJJD continues to take steps to improve the physical environment of these facilities. In the future, TJJD will conduct routine assessments to determine if staffing levels for these populations can remain stable and that the environment is as conducive as possible to the treatment needs of these youth. Future planning and assessment would determine if these facilities need continued lowering of populations to include additional small facilities or physical replacement.

Exceptional Items & Interdependencies

Exceptional item 3 requests enhanced staffing ratios needed to work with youth with significant needs and risks including a 1:6 ratio for girls and a 1:4 ratio for highly violent youth.

Interdependencies: At the state level, success for secure facilities is also contingent on:

- increased salaries for direct-care staff requested in exceptional item 2 to better ensure staffing sustainability and proper staffing ratios,
- exceptional item 2, which provides greater resources to probation to support diversion from state care, and
- exceptional item 3, which provides increased mental health services for counties to decrease the chance that youth are committed because their mental health needs cannot be met locally.

See More Diverse Locations & Appropriate Staffing section below.

Intense Needs

TJJD needs additional options to be able to more fully serve youth with intense needs. These settings need to have low populations to ensure the ability to serve these needs and provide individualized attention and care.

7 Intense Needs
Committed youth served in small groups with highly specialized and individualized services.

To move closer toward an optimal model, in our LAR we are requesting funding for new facilities that would serve these smaller, specialized populations that are not included above, allowing for the existing facilities to focus on a specific type of youth and in smaller numbers. These new facilities include the following, in the order they are most needed.

Priority 1: Intense Mental Health Needs. At the state level, while we strive to meet the mental health needs of all youth, about 5% of our youth have intense needs. We currently serve these youth in a set of dedicated dorms at the Giddings State School. Because of the ongoing staffing issues at the largest of our facilities, we must share resources between these dorms and the others on the campus. These youth need a very high level of supervision as they have higher risks of suicidal behavior, violent incidents, need for outside medical care, and other negative outcomes. These youth represent approximately 15% of the youth at Giddings but are responsible for 30% of behavior categorized as assaultive.¹⁹

Percentage of Youth Placed on Suicide Alert Secure Facilities

All youth
32%

**Intense Mental Health Needs
98%**

Additionally, 98% of these youth have been placed on suicide alert and during their time at TJJD, they average 7.5 suicidal ideation events as compared to 1.9 among youth overall and 13.8 suicidal behavior events as compared to 1.7 overall.

These youth also require more intensive psychiatric care with providers trained in trauma-informed care to maintain the least amount of medication while maintaining therapeutic measures. More intense psychiatric care also helps to ensure the necessary structure, stability, and supervision needed to minimize the risk of youth harming themselves or others and improve dysregulatory patterns. The direct-care staff also require additional training to use psychological brain-mapping tools necessary for therapeutic measures.

As a result, we are requesting a new, dedicated small facility for committed boys with the most severe mental health issues to be located in an area with greater access to mental health talent. Because of the growing number of youth with such needs, this facility could serve 48 youth with the potential to grow to 64, if needed. This facility would have an overall staffing ratio of 1:4 with a 1:2 ratio in a small crisis stabilization center within it.

Priority 2: Girls. Our girls have very high levels of trauma, with 86% having 4 or more ACEs, and when we screen them for potential sexual exploitation, 36% are of clear concern and 55% are of possible concern. Girls represent less than 10% of the overall youth in TJJD secure facilities. This fact alone indicates that the girls who come into state care have intense needs. The small number of girls in state care quite often have an intense level of trauma that causes them to respond

Percentage of Youth Placed on Suicide Alert Secure Facilities

All youth
32%

**Girls
63%**

automatically and aggressively to perceived threats—threats that may not be real. To be safe, these girls with extensive trauma histories must *feel* safe. A high level of environmental safety, opportunities to connect with safe adults, therapeutic care, and heavy reinforcement of regulation skills are all necessary to maintain safety. Until the girl can feel safe and then learn to lower her responses, these fight responses increase the likelihood of being charged for committing an assault on public servant during an intervention and moving deeper into the criminal justice system. Girls in secure facilities consistently engage in minor rule violations at a rate 65% higher than the average and are twice as likely to assault staff. Additionally, girls are much more likely to engage in suicidal behavior and ideation and to require placement

¹⁹ FY 2020, March through July

on suicide alert. Of girls in secure facilities 63% have been placed on suicide alert at least once—about twice the percentage of TJJD secure youth overall and girls average nearly 7 suicidal behaviors—about three times the percentage of TJJD secure youth overall.

A new 48-bed facility for girls would allow TJJD to serve exclusively the specific needs of girls, including the risk of or outcomes from sex trafficking. It would also allow us to hold girls accountable for their behavior while providing an individualized treatment environment that can focus on specialized needs, including those of younger girls, those with significant mental health needs, and girls with intellectual disabilities. This would allow us to locate this facility in an area with a more robust recruitment pool than in Brownwood and design it exclusively to serve their gender-specific needs of girls, including the risk of or outcomes from sex trafficking. This facility would have an overall staffing ratio of 1:6.

Priority 3: Young Offenders. About 5% of boys in state secure facilities are 14 years old or younger. While all youth in our care struggle with decision making, the brain development of youth 14 and under leads them to have more difficulty controlling impulses, assessing risk, and resisting peer pressure. These youthful offenders require more frequent redirection, intervention, and accountability measures. These youth are about twice as likely to assault youth or staff, commit major rule violations, and engage in consistent, minor rule violations. Additionally, they are much more likely to engage in suicidal behavior and ideation and to require placement on suicide alert. Of these youth 56% have been placed on suicide alert at least once—slightly less than twice the percentage of TJJD secure youth overall and average 4.4 suicidal behaviors—about 1.5 times the percentage of TJJD secure youth overall.

Percentage of Youth Placed on Suicide Alert Secure Facilities



As a result, we are requesting a small 48-bed secure facility designed to meet the needs of younger boys who need additional levels of attention. This facility would have an overall staffing ratio of 1:4.

Priority 4: Intellectual Disabilities. Currently, 5% of our total population are considered intellectually disabled and an additional 17% are considered intellectually impaired. A 48-bed secure location designed to meet the specific needs of boys with the greatest intellectual difficulties would allow for a more dedicated focus on both their educational needs and a more tailored approach that makes our treatment programs more accessible and more individualized. This facility would have an overall staffing ratio of 1:6. We plan to request this new facility in a future LAR.

Priority 5: Additional Girls. A second secure 48-bed facility for girls would allow us to ensure that all girls, regardless of their special needs, would be in locations with greater access to staff and gender-specific programming. We plan to request this new facility in a future LAR.

Exceptional Items & Interdependencies

Exceptional item 3 requests new construction or acquisition of small facilities for youth with intense mental health issues, girls, and young offenders, the three most critical needs.

Interdependencies: At the state level, success for secure facilities is also contingent on:

- increased salaries for direct-care staff requested in exceptional item 2 to better ensure staffing sustainability and proper staffing ratios and
- exceptional item 3, which requests enhanced staffing ratios of 1:6 for girls, 1:4 for youth with intense mental health needs and young offenders, and 1:2 for youth in mental health crises.

See More Diverse Locations & Appropriate Staffing section below.

Foundational and Dependent Resource Needs

To accommodate the next steps in reform of the juvenile justice system as outlined above, there are several significant cross-cutting resources necessary to implementation.

Validated Risk and Needs Assessment

In 2009, HB 3689 (McClendon, Kolkhorst, Isett, Madden) required probation departments to complete a validated risk and needs assessment for every youth under probation department jurisdiction before disposing of the case. The Family Code was further amended by SB1630 (Whitmire) in 2015 to emphasize that juvenile courts should consider the results of a validated risk and needs assessment prior to ordering a TJJD commitment. A good assessment is the critical step to understanding the issues and needs of a youth and is necessary to design a plan for that youth, including treatment. In 2018, we identified funds through state savings to provide access to a statewide validated assessment tool; however, this funding method cannot be predictably sustained and the loss of this assessment would set back the ability of juvenile departments to appropriately intervene and provide services and treatment for youth. As a result, we are requesting sustainable funding for this purpose.

Exceptional Items & Interdependencies

Exceptional item 1 requests ongoing funding for the required validated risk and needs assessment.

Interdependencies: The ability to assess each youth for risk and treatment needs is basic to all requested probation funding.

Probation Support

Probation departments currently manage more than 99% of the youth referred to the juvenile justice system. We envision a system in which our probation partners are able to meet the needs of youth who are not highly violent or recidivists, and whose mental health needs could be met within the community or within regional structures that share resources for the smaller percentage of special needs. But funding to build and establish these programs must come first before we can realistically expect further reductions in state commitments.

The probation system in Texas for juveniles and adults are similar structurally, with state agency oversight and county probation departments. The two systems, however, are very different in purpose and content. Youth commit the same offenses as adults; the damage done by those offenses do not differ. And yet, a separate juvenile justice system exists for good reasons. It is not simply because they are children. It is because they are different than their adult counterparts. They are not developmentally mature; their brains are not yet fully formed. The approach must be different and that approach is more expensive. For example, the costs for basic probation for adults is \$3.75 per day and in the juvenile system it is \$13.55, or 2.6 times the cost.

Overall, the state funds 64% of adult probation costs and local costs are offset through offender fees. In the juvenile system, the state funds 25% of probation costs and the counties bear the remaining costs because fees are not charged to juvenile offenders. These percentages include the high costs of residential placements. As shown in the chart to the right, residential costs are much higher for youth. As a result, employing these placements can be difficult for departments, especially smaller ones where a small number of youth can dominate a large percentage of the overall budget, which causes fiscal restraints in serving other youth.

Local Cost-Per-Day Share
Residential Treatment Services in Probation-2018

Residential Service	Cost Per Day	Local Share
Adult System		
Dually Diagnosed Residential Treatment	\$97.99	1%
Court Residential Treatment Centers	\$82.90	9%
Substance Abuse Treatment Facilities	\$70.16	2%
Treatment Alternatives to Incarceration	\$87.03	7%
Juvenile System		
Commitment Diversion	\$436.44	66%
Mental Health	\$528.05	56%
Regional Diversion Alternatives	\$280.06	26%
Post-adjudication Facilities	\$159.35	79%

Sustainability of services is key, and predictable funding levels are needed to do so. In our LAR, we are requesting an increase for probation that would equate to a 5% increase in the state share as an initial step toward stabilizing funding and giving county probation departments the ability to focus on building new resources with less concern about sustainability.

Exceptional Items & Interdependencies

- Exceptional item 2 requests greater sustainability of support for county probation departments.
- Interdependencies: Increased flexibility in appropriation strategies can also help to provide better funding capabilities. See section below.

Probation Appropriation Structure

State appropriations for juvenile probation funding recognize statewide trends in rehabilitation and treatment needs and corresponding spending patterns that may not hold true for each individual department. There are five appropriation strategies supporting the basic state aid formula funding that compose more than 80% of the annual grant allocations TJJD provides to probation departments. In FY 2018-2019, probation departments refunded 1.35% of all basic state aid formula grant funds to TJJD, but not all strategies were refunded at the same level. The commitment diversion and mental health services strategies had refunds almost double the overall level, 2.41% and 2.69% respectively.

Additionally, commitment diversion and mental health expenditures are not isolated to those appropriation strategies, demonstrating that tracking only these strategies when reporting commitment diversion and mental health interventions by probation departments fails to recognize the complex needs of juveniles, the integrated treatment modalities most effective in addressing those needs, and the full scope of probation activities in Texas. Commitment diversion funds are allowable in every category of grant spending except for court intake, direct supervision and detention, clearly indicating the diversionary nature of almost all probation interventions, and mental health spending categories show significant additional expenditures from other appropriation strategies. Grant reports from FY 2018-2019 reflect that expenditures from the community programs and pre and post-adjudication appropriation strategies that are also allowable as commitment diversion expenditures equaled 3 times the amount appropriated to the commitment diversion strategy. Similarly, expenditures from the other four appropriation strategies in the basic state aid formula accounted for an additional 67% of mental health expenditures above the mental health appropriation.

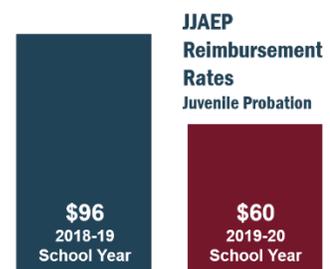
The higher refund rate from commitment diversion and mental health funding strategies coupled with the significant expenditures from other appropriation strategies in their spending categories demonstrate the difficulty probation departments have in budgeting within the current funding structure. Dividing funding across too many strategies, each with its own limitations on how the funds may be used, results in departments being unable to utilize all of their state resources to meet the needs of referred youth. Additionally, the current structure fails to capture all the state resources utilized for mental health and commitment diversion services in juvenile probation departments. Organizing funds into fewer appropriation strategies with more diverse allowable expenditures will give probation departments flexibility to fully utilize resources and serve more juveniles at the local level. To that end, we are requesting the opportunity to restructure our current funding strategies by shifting the commitment diversion and mental health appropriation strategies, A.1.5 and A.1.7, into the community programs and pre- and post-adjudication appropriation strategies, and allowing commitment diversion and mental health expenditures from these sources of funding. TJJD already has grant reporting mechanisms in place to provide continued tracking and reporting of commitment diversion and mental health expenditures within the proposed structure.

Request

We request greater flexibility in probation spending through changes to the appropriations strategies while maintaining the ability to report spending in all categories.

Juvenile Justice Alternative Education Program Support

TJJD is responsible for administering the Juvenile Justice Alternative Education Program (JJAEP) across the state of Texas. Certain probation departments are mandated by Texas Education Code 37.011 to operate JJAEPs, which are alternative education programs that provide services to youth who have been expelled due to violations of the student code of conduct, including Penal Code offenses. These programs are funded by the Texas Education Agency and passed through TJJD. The amount of appropriation is fixed, and riders in TJJD’s section of the General Appropriations Act limit the amount per attendance day reimbursed to probation departments for operational costs. JJAEP attendance days have risen 40% in school year 2018-2019 and an additional 22% in school year 2019-20, due mainly to increases in felony drug offenses, particularly vaping THC oil. As a result, the average attendance day reimbursement provided to JJAEPs decreased from an average of \$96 to \$60 per day in school years 2018-19 and 2019-20, creating a significant reduction in JJAEP operational budgets. Because only certain portions of the budget are scalable, these reductions typically mean that on-site counseling services and behavior support services must be reduced or the county must find funds to make up the difference.



For comparison, historical JJAEP reimbursement rates have been \$86 to \$96 per attendance day. JJAEPs are expected to provide general education, probation supervision, behavioral support, and mental health resources and interventions to support their students and family members. JJAEPs serve some of the highest risk youth, with 80% of JJAEP students labeled with at least one at-risk indicator prior to entry, and 100% with an at-risk indicator upon entrance. Additionally, in JJAEPs an average 15% of students have special education needs. Chapter 37 of the Texas Education Code requires these programs to remain open and accept expulsions for the mandatory

offenses, leaving a mandate for local probation departments to provide the additional funding to meet the higher staffing and resource needs these highly specialized educational programs require. To ensure adequate funding, TJJD requests a change to the appropriation structure for JJAEPs to add a reimbursement floor of \$86 per attendance day so that the funding level for these programs will be secured at a minimum rate that supports the significant needs of these students and JJAEP safety.

Request

We request changes to the reimbursement for JJAEP funds appropriated to TEA and passed through to counties by TJJD to allow for a more sustainable funding level of no less than \$86 per day, regardless of the number of youth in the program.

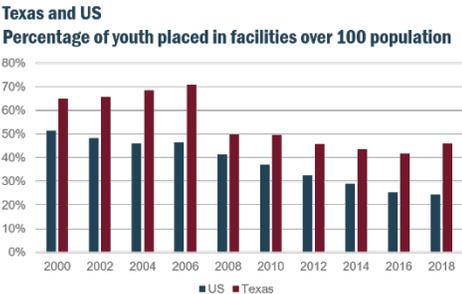
More Diverse Locations & Appropriate Staffing

As discussed above, to provide adequate treatment and supervision for youth with very high and intense needs, TJJD needs additional facilities and lower populations in the existing ones. This need is related to three intertwined issues:

- *Issue 1: Lower population facilities* are becoming the norm in juvenile justice because they allow for greater focus on specific needs and individualized treatment and support.
- *Issue 2: Sustainable staffing* is greatly hindered by the rural locations of TJJD’s current secure facilities, which cannot support the level of supervision and sustained staffing needed at current population levels.
- *Issue 3: Enhanced staffing ratios for special populations* are needed for youth with intense needs and highly violent youth to support individualized care and the safety of youth and staff.

Issue 1: Lower Population Facilities

Smaller facilities are becoming the norm in juvenile justice across the country. Between 2000 and 2018, the use of facilities with populations over 100 dropped 74% in the U.S. compared with a 50% reduction in Texas. In 2000, 51% of juvenile offenders in residential placement across the U.S. were held in these high-population facilities; by 2018 the percentage had fallen to 24%. By contrast, in 2018 Texas placed 46% of residential youth in these facilities.²⁰ In FY 2020, all five of TJJD’s secure facilities housed more than 100 youth with two facilities housing approximately 200 youth each.

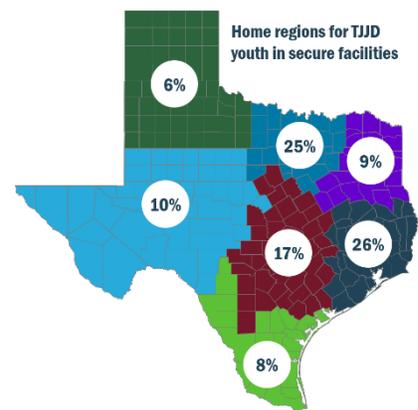


There are good reasons why facilities are becoming smaller:

- Smaller populations mean smaller staffing needs and a greater chance that the facility can be sustainably staffed at the levels needed for the specific population. For example, our non-secure facilities, which have populations ranging from 8 to 24 youth have more sustainable staffing and are located in areas that are much closer to population centers with larger candidate pools.

²⁰ Office of Juvenile Justice and Delinquency Prevention, US Department of Justice, Juvenile Residential Facility Census Databook: 2000-2018

- In addition to more sustainable staffing, more diverse locations also allow for greater and more dedicated involvement by community mentors and volunteer organizations. Studies show that a key factor for healthy development is building trusted relationships with caring adults and bonds with caregivers or other adults.²¹
- Populations with higher levels of need and customized treatment and intervention work better in smaller groups because the youth need more individual attention.
- In any environment with teenagers, group subcultures are universal and can be positive or negative. In an environment with juvenile offenders and those with significant needs, smaller groups mean a better ability to manage negative subcultures, including gangs.
- More options allow us to meet the safe housing needs for the youth who cannot be safely located with specific other youth.
- In teens, and especially in high-risk group environments, contagion of maladaptive and dangerous behaviors is common.²² When one youth acts in a certain way, such as self-harming or aggressive behavior, other youth begin to display that behavior. Smaller facilities allow for more expedient and efficient extinguishing of the contagion.
- More-diverse geographic locations also increase the chances that youth may be closer to their homes. While committed youth come from all over the vast state, some regions have larger percentages of youth because of urban centers within them. In August 2020, 68% of all youth in secure facilities came from Central, North, and Southeast Texas.²³



Issue 2: Sustainable Staffing

Among the issues related to operating high-population facilities is the critical question of maintaining appropriate staffing levels. Mostly located in rural jurisdictions, the pool of potential applicants is small. This fact, combined with the difficulty of the job as compared to other local jobs with similar salaries, leads to the ongoing difficulty in maintaining stable staffing levels. This issue represents a significant obstacle and ongoing crisis for the agency.

These facilities, while large in footprint, cannot adequately serve larger populations in any given place, but can adequately serve lower populations. One of the most significant issues is the ability to recruit and retain new staff. TJJD has made extraordinary efforts to recruit new staff, including streamlining the paperwork and interview process so that start dates can be offered sooner, increased advertising and job fairs, and active identification of

²¹ S. Zavlek, Office of Juvenile Justice and Delinquency Prevention, US Department of Justice, Planning Community-Based Facilities for Violent Juvenile Offenders as Part of a System of Graduated Sanctions

²² J. Dishion, J. Tipsford, Peer Contagion in Child and Adolescent Social and Emotional Development, December 2017

²³ Snapshot of youth in secure facilities, August 26, 2020.

local businesses undergoing layoffs and outreach to those workers. The results of these efforts were significant with TJJD hiring 602 new coaches in 2020—84% more than in the previous fiscal year.

The results, however, vividly demonstrate the struggle with sustainable staffing and the continuing crisis; while TJJD hired 602 new coaches, 612 coaches left employment. Of those who left employment during 2020, 34% left within 3 months, including 21% of all new hires who did not make it through the Academy. Another 18% left between 3 and 6 months and 11% between 6 and 12 months. In total, the vast majority of those who left in FY 2020—63%—did so within their first year. This is caused by a variety of factors:

- According to employee exit surveys, the most commonly-cited reason new hires gave for departure was obtaining a better job with better pay.
- The job pool in the mostly rural areas where TJJD facilities are located is small. Hidalgo County, where the Evins Regional Juvenile Center is located, has the best pool. While McLennan County has the second highest labor force, it has a much lower unemployment rate, a good measure of job competitiveness. Other counties, as shown to the right, have small labor pools and low unemployment and adjacent counties show similar levels.²⁴

Youth Development Coach

Tenure at Employment End	FY of Employment End		
	FY 2018	FY 2019	FY 2020
3 months or less	19%	22%	34%
3 to 6 months	15%	13%	18%
6 months to 1 year	15%	13%	11%
Total under 1 year	48%	47%	63%
1 to 2 years	17%	14%	7%
2 to 5 years	18%	18%	11%
Over 5 years	17%	20%	19%
Total over 1 year	52%	53%	37%

2019 Labor Force and Unemployment Rates: Counties with Facilities

Facility	County	Labor Force	Employed	Unemployed	Rate
Ron Jackson	Brown	15,701	15,117	584	3.7
Gainesville	Cooke	19,820	19,268	552	2.8
Evins	Hidalgo	352,815	330,817	21,998	6.2
Giddings	Lee	10,120	9,852	268	2.6
McLennan	McLennan	119,629	115,668	3,961	3.3

- While some facilities, like Giddings and McLennan County, are fairly near urban centers, an internal TJJD study found that 68% of all facility staff lived within a 30-minute drive of their respective facility and only 8% lived more than an hour away. This confirmed the fact that facilities must rely heavily on surrounding communities for their staffing, and cannot expect to draw much assistance from far-away urban areas.
- The job of a coach is difficult and not everyone is suited to its physical and mental demands. Our direct-care staff are required to be active and engaged with youth throughout the day: leading activities, keeping youth busy, helping youth to work through stressful situations, and managing many transitions. Eight or more hours of consistent interaction with any group of teenagers can be tiring and stressful, but our youth have more significant issues and when a situation escalates it can lead to violence or other negative outcomes. This stress is exacerbated when, because other staff are not available, employees must work unscheduled overtime. The current salary is not commensurate with the work and is insufficient to recruit qualified candidates.

²⁴ Bureau of Labor Statistics, Labor force data by county, 2019 annual averages

It is clear that we need to be able to recruit staff more likely to be suited to the role, through higher salaries more appropriate to the actual work and creating a larger candidate pool through additional smaller facilities that provide geographic diversity. Direct-care roles within our facilities equate more closely with Child Protective Services than with the adult correctional system. As stated above, our direct-care staff are required to be active and to engage in modeling and teaching good decision-making and stress management. They are not simply there as guards or security staff; they are caregivers to youth with high trauma backgrounds and mental health challenges. Last session, we received a good start on our staff salaries by simply making them comparable to those at the Texas Department of Criminal Justice. However, while the requirements of the positions at both agencies are difficult, working with youth on a consistent basis requires a different set of skills—one of our primary goals is to help youth avoid moving into the adult system. As a result, we are requesting salary adjustments that will allow us to move our direct-care staff from an average of \$40,652 per year to an average of \$48,253 per year, which takes us a significant step closer to the salaries at Child Protective Services and will allow us to better recruit and retain these positions.

Issue 3: Enhanced Staffing Ratios for Special Populations

TJJD must ensure that wherever our youth are located, they can be supervised at the levels appropriate to their needs. To be compliant with Prison Rape Elimination Act (PREA) requirements, TJJD must meet a minimum 1:8 ratio, but for many of our youth an even better staff ratio is needed. Youth in active mental health crisis (1:2), youth with significant mental health needs (1:4), youth with intellectual disabilities (1:6), highly violent youth (1:4), younger and more vulnerable youth (1:4), and girls (1:6) need augmented staffing ratios. More in-depth discussions of the needs and requirement of these populations are included in the sections above related to Very High Needs and Intense Needs youth. As a result, we are asking for increased staffing levels for these specific populations.

Exceptional Items & Interdependencies

Exceptional item 2 requests salaries for direct-care staff more appropriate to the job duties and responsibilities.

Exceptional item 3 requests enhanced staffing ratios for certain populations including youth in active mental health crisis, youth with significant mental health needs, girls, and highly violent youth. Other enhanced staffing levels can either be met with current resources in the short-term or are contingent on future requests for new facilities.

Interdependencies: Construction or acquisition of new small facilities for youth with intense mental health needs, girls, and young offenders are significant elements in the ability to meet and sustain enhanced staffing ratios in future years.

The Texas Model of Intervention

In addition to the tenets of the overall Texas Model regarding the design of the classification and treatment system to meet the needs of all populations, we have also been actively changing how we work with youth through the Texas Model of Intervention. Properly placed resources, smaller populations, and this trauma-responsive approach work together toward reform.

Over the past decade, the methods used to work with youth were not consistently reviewed. As a result, engagement with youth focused mainly on compliance. Use of force had become the means to achieve compliance, and de-escalation techniques were not a key focus. In fact, positive staff engagement with youth decreased to the point that many people believed it to be forbidden. In 2019, TJJD began an effort to retrain and

educate our staff on the effects of childhood trauma, why youth act out the way they do, and better ways to respond in the moment. That September, we officially launched the Texas Model of Intervention. This model remains in its infancy; it will take time to fully implement a culture change.

As discussed briefly earlier, childhood trauma causes delayed development. As most youth grow, they learn to master their responses to stress. They move from early tantrums to better, more socially appropriate responses over time. For most youth, this transition can seem automatic—but it is not. These youth have a feeling of safety and the appropriate responses are modeled by older youth and adults.

In youth with significant trauma, these more-mature responses do not develop properly. The result is youth who react very quickly to stress, often in ways that seem extreme to others, and lack good decision-making capabilities. As a result, they need repetitive help learning and practicing appropriate responses to stress and triggers. They need to learn to be held accountable for their actions and establish appropriate boundaries. Just like with children who do not experience significant childhood trauma, this practice has to be consistent and over time. It cannot be learned solely in treatment sessions; it has to be practiced day-to-day.

This is where our direct-care staff come in. They are responsible for the youth throughout the day and it is important that their focus is on the most effective activities and engagement strategies. Direct-care staff are the majority of people on our campuses and they spend the most time with youth; decisions about their roles and responsibilities are therefore critical. Once we understand the aspects of trauma, it follows that only responding, and often with a use of force, when “something happens” is not the best approach. The better approach is for our direct-care staff to become the trusted adults in the youths’ day-to-day lives by providing the structure needed to hold them accountable for poor behavior, while guiding and supporting them to learn decision-making skills and how to regulate their behavioral responses to stress and triggers through daily practice. Staff must have training, support, and must remain calm and regulated themselves to empower youth with proactive strategies to handle difficult situations, connect with them to serve as a sounding board and supportive adult, and correct their behavior through strategies that support their learning and growth.

In the section above, we discussed the difficulty of this work and the issues with staff recruitment. We also explained why this approach will benefit from a greater ability to recruit as a result of increased salaries that are more appropriate to the work.

As a result, the Texas Model of Intervention offers activities that provide learning opportunities, expectations regarding responses to all levels of behavior from mild to severe, and an environment of active engagement. This model is tied to all aspects of treatment and programming to provide a more seamless approach across the board.

It is important to understand that because of the high-risk and needs population we serve, no model can bring perfect calm and an incident-free environment. It is also important to understand that full implementation of this Model was partially stalled by the COVID-19 pandemic and the severe staffing issues we experienced during its height. However, during the Model’s limited time, when we compare the last three quarters of FY 2019 with the last three quarters of FY 2020, the results look promising:

- *Rule violations.* Using rates per 100 youth to control for population changes, rule violations overall have decreased 11% and assaults with injury are down 13%. Minor rule violations are down 23% and major rule violations overall held steady.
- *Use of force.* At the same time, the rate of use of force is down 20%, with the most notable reductions being manual restraints, which are down 29% and mechanical restraints used for control down 28%; use of OC has held relatively steady with a monthly average of 16 per 100 in FY 2019 and 19 per 100 in FY 2020.
- *Use of RSU.* Additionally, the use of the Regulation and Safety Unit (RSU), formerly known as “security”, was down 39% and referrals without admission to RSU were down 51%.

Additionally, the evaluation of the Texas Model of Intervention has a completed initial review that compares two surveys of staff and youth taken July 2019 and January 2020. Because of the COVID-19 pandemic, the next survey has been postponed until next year. As a result, the only information available is for the very early days of the Model's implementation. In this evaluation, youth and staff provided responses related to how they view their environment:

- *Youth attitudes.* In the January survey, responses indicate that youth were 15% less likely to fear bullying, 16% less likely to fear assault by another youth, and 7% less likely to generally worry about violence in their environment. Additionally, the responses show a 5.4% improvement in youth's feelings about their overall health as well as improvements in how youth view the quality and quantity of their food (6%) and sleep (7.1%).
- *Staff attitudes.* Based on the evaluation surveys, the January staff responses showed an increase of 5.3% in job satisfaction, 6.9% increase in organizational commitment, 5.4% increase in the belief of organizational fairness, and an 8.3% increase in their belief that they have input in decision-making. The survey also indicated a 3.2% decrease in the belief that they or another staff member could be assaulted by youth.

Interdependencies

While TJJD is not requesting specific funding for the Texas Model of Intervention, better staffing and smaller populations at all facilities work together with this Model in an integrated reform effort. Exceptional item 2 requests improved salaries for direct-care staff more appropriate to the job duties and responsibilities, and exceptional item 3 requests enhanced staffing ratios for certain populations and new small facilities, which lowers the overall number of youth in any one facility.

Community and Family Services

TJJD offers an evidence-based rehabilitation strategy with supplemental specialized treatment programs and services to youth committed to the agency coupled with limited family supports. The agency's rehabilitative strategy includes a reentry system, which aims to connect youth and their families to agency supports and community resources well in advance of the youth's return to the community, and to execute those plans effectively following the youth's return, to maximize potential for a positive outcome. The reentry system includes preparation and assistance to connect youth with services in the following areas: housing, transportation, workforce development and employment, leisure skills activities, faith-based programming, mentoring,

Medicaid, medical care, and specialized aftercare services including mental health treatment, aggression management, sexual behavior treatment, and alcohol and other drug abuse treatment with the limited ability to teach assigned youth and families to navigate systems (medical, behavioral health, educational, workforce, human service agencies, community resources, housing, transportation, recreational/leisure) and to appropriately advocate for themselves within these systems.

There is a need to enhance the services through in-house victim's services and trauma-responsive care training. Many of the youth will be returning to the same families and communities where they experienced trauma and violence. A key to prevent recidivism is to begin to help stabilize the family environment as early as possible.

Additionally, the agency intends to enhance the capacity to assist with family housing issues that could result in the youth's potential homelessness, family reunification services to address familial discord, parenting skills classes, education for the family regarding the youth's intellectual and/or physical disability, and/or the youth's mental health issues.

Exceptional item

Exceptional item 3 requests funding for enhanced family and community services.

Information Technology

TJJJD, including probation, has legacy IT systems used to manage information regarding youth and to report information. These systems, created decades ago require intensive management and are quickly becoming obsolete. At the state level, the Correctional Care System is currently being replaced with "Connect," a new, modern system. Additionally, at the county level, the Juvenile Case Management System (JCMS) has similar issues and work is being done to improve and update this system. Ultimately, there will be a single Connect interface, allowing the connected systems to share information and create workflows as youth transfer from county care to state care and for state information to be shared more freely with the county probation departments. Because of the critical need to update these systems, TJJJD is requesting additional funding to continue these upgrades.

Exceptional item

Exceptional item 1 requests funding for core information technology projects needed to ensure that legacy systems do not become obsolete and unserviceable.