



TEXAS
JUVENILE JUSTICE
DEPARTMENT

April 1, 2019

The Honorable Greg Abbott
Governor of Texas
State Capitol
P.O. Box 12428
Austin, TX 78711

Dear Governor Abbott:

I would like to thank you for your continued support for the reforms that have been taking place at the Texas Juvenile Justice Department. In the fifteen months that I have been the executive director of the agency, I have spoken with lawmakers, advocates, criminal justice experts, mental health professionals, law enforcement officers, and youth and their families to develop a comprehensive strategic plan to improve and modernize our juvenile justice system.

Last summer I wrote to you to share the outline of that plan, which has become known as the Texas Model. The key tenets of the Model are:

1. A greater focus on a single juvenile justice system as a partnership between county juvenile probation departments and TJJD.
2. A commitment to the shortest appropriate length of stay and youth staying closer to their communities in every possible case.
3. A foundation in trauma-informed care that allows a treatment-rich environment, new tools for de-escalation, and direct-care staff who reinforce treatment goals.
4. A strategy that provides for scalability and flexibility to meet changing or emerging needs.

Though the past year has been full of challenges, I am pleased with the progress the system has made with reforms we have been able to initiate without additional investment in the agency. TJJD has focused on lowering our population through alternative placements and better case management, improving supervision ratios, increasing safety, and treating the youth with dignity and respect. This would not have been possible without local probation departments' dedication to committing fewer youth to the state.

I wanted to share an update regarding our progress and our needs to fully realize the potential of the Texas Model. I believe that with the right strategy, the appropriate funding, and the unwavering commitment to the youth of our state, we can build a juvenile justice system that Texans can be proud of—and can be a model for the rest of the country.

Sincerely,

A handwritten signature in black ink, appearing to read "Camille Cain".

Camille Cain
Executive Director



TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

The Texas Model: A Strategy for the Juvenile Justice System

April 1, 2019

Contents

- Background 1
- Challenges & Our Youth 1
 - Probation Care 1
 - State Care 2
 - Placement Resources 3
 - Staffing and Supervision Ratios..... 4
 - Approach to Working with Youth 4
 - Infrastructure 4
- Summary of Challenges 4
- Our Plan: The Texas Model 5
 - Principles 5
 - System Principles..... 5
 - Intervention Principles 6
 - Goals..... 6
 - Strategies..... 7
 - Ensure that probation departments have the breadth and depth of services and resources needed to keep youth as shallow in the system as possible..... 7
 - Move state services toward a smaller facility model and ensure proper supervision ratios. 7
 - Intervene with youth in better ways that place more emphasis on understanding brain development and the effects of complex developmental trauma. 8
 - Continue to improve safety and security at our facilities. 9
- Conclusion..... 10

Strategy for the Texas Juvenile Justice System

Background

The goal of any juvenile justice system is to give young people a second chance for a life free of the criminal justice system. To do this, our task must be to correct behavior. We should never house youth only to punish them, which generally does not serve to support future growth. Their time in a confined environment should be as short as possible to allow them to learn to regulate their own behavior, respond to stress and fear, and engage in needed treatment and therapy.

Over the past several years, the Texas juvenile justice system has experienced great change. The Texas Legislature set out a long-term vision that would allow youth to remain in their own communities when that placement is safe for the youth and their communities. The success is undeniable. In 2004, there were almost 5,000 youth in state secure facilities.¹ Today there are 804. The Legislature's plan also included placing youth in smaller facilities where working with them can be safer and more productive. The Texas Model, our comprehensive strategy to move the system forward, seeks to further those goals.

Before it is possible to understand our strategy, it is important to understand our challenges and the profile of the youth in our care.

Challenges & Our Youth

Probation Care

In Fiscal Year 2018, the probation field received 53,434 new referrals to juvenile courts. This resulted in 13,208 new juveniles placed on probation for a minimum of 6 months. Juvenile courts and probation departments placed 14,187 youth on deferred supervision in hopes of keeping youth as shallow in the juvenile justice system as possible.

In FY 2018, the local probation field saw:

- An 87% increase in homicide referrals, compared to FY 2017;
- A 10% increase in assaultive felonies, compared to FY 2017;
- A 12% increase in weapons offenses, compared to FY 2017;
- Over 11% of all referrals were for violent felonies;
- Approximately 45% of youth reported having experienced trauma prior to being referred to the juvenile court; and

¹ <https://csgjusticecenter.org/wp-content/uploads/2015/01/texas-JJ-reform-closer-to-home.pdf>

- Approximately 10% of youth reported having suicidal ideations prior to being referred to the juvenile court.

Even with these challenges, the statistics show that probation departments are more committed than ever to keeping youth as shallow in the system as possible. Between FY 2017 and FY 2018, commitments of youth to the state’s care decreased 14%. In the first six months of FY 2019, commitments have dropped an additional 10% when compared with the same time period in FY 2018.

State Care

As probation departments decreased the number of youth committed to state care, the intensity of the committed youths’ risks and needs increased. We have, at any given time, between 800 and 875 youth with the highest risks and needs in Texas. With this reality comes challenges. It is important to understand that no solution would create a perfect, violence- and incident-free environment. But, we can work to minimize the issues in more productive ways with our youth. It is our role to help youth decrease their risks, increase their protective factors, and build a foundation that allows them to regulate their behavior and responses.

Below are some of the facts of our current population:

- About 80% of our youth came to us by committing violent crimes or crimes against persons.
- In 2014, 21% of the youth were identified at intake as having moderate or severe mental health needs; today that number has nearly doubled to 44%.
- About 5% of our population have intense mental health needs marked by very high levels of aggression, violence, suicidal behaviors, self-harm, and other significant issues.
- We see well over 2,000 suicidal ideations and behaviors every year.
- About 70% of our youth have at least one member of their household in prison.
- At least 70% have backgrounds of physical, emotional, and sexual abuse; physical and emotional neglect; or family violence.
- Conservative assessments show about 50% of our youth have four or more adverse childhood experiences. At four ACEs, the likelihood for a person to attempt suicide increases by up to

TJJD Prevalence by Factor		
ACEs Factor	%	#
Incarcerated household member	70%	1065
Parents separated	67%	1016
Family violence	54%	818
Household substance abuse	46%	698
Emotional abuse	32%	489
Physical abuse	29%	445
Physical neglect	23%	348
Emotional neglect	18%	281
Sexual abuse	14%	221
Household mental illness	13%	204

Includes all youth currently in TJJD care as of 2.28.19

1,200%. People with high ACE scores are more likely to be violent, engage in more drug use, and experience higher rates of depression.²

- Around 45% of our girls screen as a clear concern for sex trafficking, with 88% of girls and 64% of boys screening as either clear or possible concern.
- We have assaults on staff, some of which result in bodily injury. In a six-month snapshot, the vast majority of our youth do not assault staff, but we have 35 youth currently in our five secure facilities who have injured a staff member more than once. Of those, 31 are indeterminate commitments and 4 are determinate sentenced youth. Additionally, there are roughly 95 youth who cause about 45% of the major issues and disturbances in our secure facilities.
- On average youth are four grades behind in reading when they come to us.

Placement Resources

The local probation departments do the yeoman's work in the juvenile justice system. They handle over 98% of all youth referred to juvenile courts. They need help to compete with increasing rates for residential placements and new options that additional private sector investment could bring. Currently, it is less expensive to place a youth in a secure residential placement than it is a non-secure one. This incentivizes placements in secure settings when a non-secure setting is the best for the youth. Probation must have the resources necessary to keep youth as shallow in the system as possible and to meet their needs and deal with their associated risks.

At the state level, we work with six placement facilities. In the past, these providers created models of care based on the youth they can serve given the available daily rates. TJJJ has struggled to increase contract care that meets the needs of our youth. We face two main issues as we work to place more youth in contract care who could benefit from these environments. The first is a simple lack of beds. The second is that our youth are often too acute for these current contract models, and when our youth exhibit certain behaviors, they ask us to take these youth back. This creates a one-step forward, one-step back situation where we are not able to achieve traction in further expanding contract care given current placements and resources. We had 80 placements a year ago; now, there are between 110 and 117 youth in contract care at any given point in time, with little ability for any further expansion at this time.

We need more private sector investment in the Texas juvenile justice system. We have spoken with the CEOs of residential placement vendors, and we are ready to continue working with

² *Relationship of Childhood Abuse and Household Dysfunction to Many of the Leading Causes of Death in Adults* Felitti, Vincent J et al. American Journal of Preventive Medicine, Volume 14, Issue 4, 245 – 258.

them to build additional placement capacity in Texas, but both probation and the state have to be able to pay competitive rates to incentivize investment in Texas.

Staffing and Supervision Ratios

We have a very high attrition rate among our juvenile correctional officers (JCOs)—40%. The job is hard, demanding, and is not for everyone. It takes a special person to stay focused and dedicated over long hours working directly with the highest risk, highest need youth in Texas. Significantly, our attrition rate is highest among new JCOs. Of the people who quit their job, 59% do not make it a year and, of those, 44% do not make it 6 months. The challenge of maintaining hiring to keep up with attrition in these rural areas, along with our current population levels, results in difficulty in consistently maintaining an optimal staffing ratio.

Approach to Working with Youth

Over the past decade, the methods used to work with youth had not been 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 forbidden.

Infrastructure

The agency's infrastructure is outdated. From IT to business processes, we are not efficient. Onerous paper processes abound. Historically, IT applications were developed without proper attention to business process analysis and system design considerations. This resulted in systems that do not support our needs and data that is maintained in multiple repositories resulting in fragmented reporting and data management processes.

We have made some progress, but the large issues remain. To be successful, we must continue to address the critical elements of our ability to streamline bureaucracy. This includes making sure youth are moved through the system appropriately and our JCOs and case managers have more time with youth and less time with paperwork.

Summary of Challenges

We have discussed a variety of challenges. They may seem overwhelming, but we have a plan and are confident we can overcome these challenges:

- Probation departments handle the vast majority of youth in the juvenile justice system, all while the percentage of youth referred to probation for homicide, assaultive felonies, and weapons offenses have increased.
- At the state level, the population is a dense group of youth with extremely high risks and needs, including mental health issues, suicidal attempts and ideations, complex developmental trauma, among others.
- The system as a whole faces a lack of adequate contract care placements and other resources.

- Because of staffing challenges, most of our rural facilities face issues with maintaining consistently optimal staff to youth ratios.
- Our methods of working with youth have degraded over time to inconsistent approaches that place too much emphasis on compliance and use of force and too little on recognizing the risks and needs of youth and focusing on their progress.
- The system lacks modern infrastructure.

Our Plan: The Texas Model

Our current vision for the Texas Model includes a set of principles for the overall design of the system along with a set of key intervention principles with strategies to address them. At its core, the Texas Model seeks to improve the long-term outcomes of our youth by addressing the underlying social and emotional issues that have contributed to their delinquent conduct. At the same time, the Model focuses on the key principles of forming a close partnership between the state and the county probation departments, and ensuring that youth remain in the state's care for the shortest amount of time necessary and as shallow in the system as possible.

To move the Texas Model forward, the Department is requesting additional funding through exceptional items in our Legislative Appropriations Request (LAR). Our intention in these requests is to make a substantial step forward toward meaningful reform through a variety of options, including those in the private sector, which will allow us to have broader, scalable, and flexible options over time.

The intervention principles and strategies, as discussed below, have already provided positive results. Although the Department has only started implementing the Texas Model principles in two dorms, one for males and one for females, there are promising results. So far, in the Model dorms, we have seen a 57% decrease in violent incidents at our female facility, and a 31% decrease in violent incidents at our male facility.³

Principles

System Principles

- A focus on need and risk levels of youth.
- A graduated set of options to meet youth and system needs, which may change over time.
- A greater focus on a single juvenile justice system as a partnership between county juvenile probation departments and TJJD.

³ The percentage decrease represents violent incidents and uses of force for the youth in the dorms 100 days before the youth entered the dorm compared to 100 days after the youth entered the dorm.

- A commitment to the shortest appropriate length of stay.⁴
- Youth stay closer to their communities in every possible case.
- Youth stay as shallow in the system as possible.
- Provide for scalability to meet changing or emerging needs.

*Intervention Principles*⁵

- A foundation in trauma-informed care and corrections.⁶
- A treatment-rich environment with direct-care staff who reinforce treatment goals.
- Work with youth in the smallest, most stable settings possible.
- An approach grounded in evidence-based practices.
- Transparent plans between agency and youth to understand requirements and the consequences of their actions—both positive and negative—with strong accountability.
- An after-care and reentry plan that begins early to better ensure successful transition back to the community.
- The ability for the youth’s family and support system to see and interact with them as often as possible.

Goals

- Ensure that probation departments have the breadth and depth of services and resources needed to keep youth as shallow in the system as possible.
- Move state services toward a smaller facility model and ensure proper supervision ratios.
- Intervene with youth in better ways that place more emphasis on understanding brain development and the effects of complex developmental trauma.
- Continue to improve safety and security at our facilities.

⁴ See “Research on Pathways to Desistance”, Models for Change, MacArthur Foundation, December 2009.
https://www.macfound.org/media/article_pdfs/PATHWAYSREPORT.PDF

See also “Ten Strategies to Reduce Juvenile Length of Stay”, Juvenile Law Center, March 2015.
<https://csgjusticecenter.org/youth/publications/ten-strategies-to-reduce-juvenile-length-of-stay/>

⁵ For references on intervention principles see “Close to Home: Strategies to Place Young People in Their Communities”, National Council on Crime & Delinquency, May 2014.
http://nccglobal.org/sites/default/files/publication_pdf/close-to-home.pdf

⁶ See Trust-Based Relational Intervention, Karyn Purvis Institute of Child Development, Texas Christian University.
<https://child.tcu.edu/about-us/research/#sthash.YvvOHmOf.dpbs>

Strategies

Ensure that probation departments have the breadth and depth of services and resources needed to keep youth as shallow in the system as possible.

Probation needs relief. To keep as many youth as shallow in the system as possible, they need support:

- First, they need money to compete with higher rates. Without this funding, it will continue to cost less to place youth in secure settings than non-secure settings. (Request for \$5.6m in LAR, exceptional item 2h.)
- Second, they need maximum resources for regionalization, which means keeping youth in their care when the youth *could* be committed to state institutions. This includes flexibility in paying higher rates where those placements are in the best interest of the youth and the system. This funding is necessary to keep youth closer to home and help lower populations at secure facilities, leading to better staffing ratios. (Request for \$4.4m in LAR, exceptional item 2g.)
- Third, they need brand new resources. In almost all areas of the state, probation has reached the end of its tether on finding detention and residential placements. They need the ability to work with the private sector to expand options as well as to find and secure other types of resources, such as therapists, mental health care providers, and community services. (Request for \$5m in LAR, half of exceptional item 2m—\$2.5m funded in House Bill 1.)
- Fourth, probation needs creative flexibility with regionalization. If a county strives to commit fewer youth to TJJ, the state should be able to provide them with the support they need to create such programs. (Request for \$3m in LAR, exceptional item 2c—fully funded in House Bill 1.)
- Fifth, youth at the county level have mental health issues and sometimes those youth are in crisis, including being actively suicidal. Probation should have immediate access to mental health stabilization. (Request for \$1m in LAR, exceptional item 2f—fully funded in House Bill 1.)
- Sixth, last year, TJJ, invested in funding to bring a validated risk and needs assessment to probation departments across the state. This assessment allows all of us to determine what youth need and what their risks are, and it allows those interested to see more apples-to-apples comparison of what the youth in the system look like and need. There are now 165 departments using that tool. We have asked for funds to continue to maintain this system. (Request for \$3m in LAR, exceptional item 2e.)

Move state services toward a smaller facility model and ensure proper supervision ratios.

We must find the most appropriate ways to increase supervision levels at each of our five facilities. Since January 2018, our population is down from 1,026 to 804. This stems from good

management in identifying youth who are ready for less restrictive settings and a reduction in commitments. Improving supervision levels is accomplished through a balance of decreased population and increased staffing.

For example, an additional reduction of 100 youth in the five secure facilities, with no additional staff, would lead to consistently optimal staffing ratios. In contrast, a 5% increase in stable staffing along with a decrease of 50 youth would accomplish the same.

To continue the movement towards smaller facilities, we need:

- Additional funding for probation to continue the trend of lower commitments to keep the appropriate number of youth as shallow in the system as possible. (Requested \$12.4m in our LAR, exceptional items 2c, 2g, 2m—\$5.5m funded in House Bill 1.)
- Funding to provide 48 to 55 new secure private sector contract beds designed specifically for our youth. This includes new general contract care beds (requested \$5.9M in our LAR, exceptional item 1c—fully funded in House Bill 1) and intensive mental health beds (requested \$2.9m in our LAR, exceptional item 2k).
- To attract and retain staff to achieve optimal staffing ratios we need flexibility to hire additional staff and provide better salaries for the difficult and demanding positions of our direct care staff. (Requested \$2.4m in our LAR, exceptional item 2a—fully funded in House Bill 1; a supplemental request for pay parity with TDCJ of \$2.8m—fully funded in House Bill 1; \$5.3m funded as a rider in Senate Bill 1.)

Intervene with youth in better ways that place more emphasis on understanding brain development and the effects of complex developmental trauma.

One major aspect of reform is our method of intervention with youth. TJJJ is committed to pragmatic solutions based on science and evidence. A central component of that is trauma-informed corrections, which recognizes that youth in the juvenile justice system have extremely high instances of complex childhood trauma that can affect their brain development and their ability to make rational choices and regulate their own behavior. It focuses on meeting the basic needs of youth and helping them to feel safe, which is required for learning to engage in appropriate, trusting relationships with proper boundaries; identify and express their moods and emotions; learn to regulate their own responses to stress, fear, and triggers; and improve their decision making capabilities.

So far, TJJJ has provided new trauma-informed corrections training to about 800 direct care and educational staff at the secure facilities. This training will allow staff to identify when youth behavior becomes dysregulated, deescalate behavior earlier to avoid uses of force, and provide more targeted levels of response that are specifically directed at the youth's level of disruption. Additional interventions include our parole and reentry services where we have begun implementing a new program, Effective Practices in Community Supervision (EPICS). Instead of supervision being compliance-driven, like previous programs, EPICS provides the necessary dosage of supervision based on the youth's risk to reoffend. EPICS also targets criminogenic

needs and provides graduated incentives and consequences, effective reinforcement, effective modeling, problem solving, and effective authority.

Additionally, we have begun to screen our youth for the likelihood for child sex trafficking and have implemented an advocacy and mentor program that includes group therapy for female survivors with plans to expand to the male survivors. These reform efforts also include a stronger and more comprehensive focus on the needs of youth with serious mental illnesses.

- We have begun training for our staff on the Texas Model and TJJJ has issued an RFP for trauma-informed training to provide a sustained effort. (Requested \$230k in LAR, exceptional item 2i— fully funded in House Bill 1.)
- We need to move towards integrating trauma-informed concepts into reentry services. To do so, we propose implementing a pilot program in a large urban area to provide trauma-informed reentry training and services for families and their youth. (Requested \$468k in LAR, exceptional item 2j.)
- We need a better option for 48 of our youth with intense mental health issues. We have begun discussions with the private sector as well as the health science centers at Texas universities to explore both off-site and on-site options. (Requested funds in LAR, half of item 2m and all of item 2k—\$2.5m of item 2m funded in House Bill 1.)

Continue to improve safety and security at our facilities.

Safety and security will always be paramount when identifying ways to improve the overall operations of our facilities. As mentioned earlier, we have a small percentage of youth—less than 10%—that cause most of the disruptive incidents at our facilities and make them significantly less safe. Our Deputy Executive Director for State Services and our Chief Inspector General are sharing information, intelligence, and data to determine who these youth are at any given time and finding the best ways to manage incidents. Chief Forrest Mitchell is responsible for investigating and referring cases for prosecution, and Deputy Executive Director Shandra Carter works to find alternative placements, including referring youth who cause safety concerns for the rest of our population back to court for possible transfer to TDCJ-ID if they are determinate sentenced offenders.

In FY 2018, TJJJ transferred gate and perimeter security to the Office of the Inspector General (OIG). The OIG procured x-ray scanners to use at our gates to improve the detection of contraband entering our facilities. TJJJ has begun implementing additional protocols that allow for the inspection of youth mail and review of youth phone calls, when needed. At the beginning of FY 2019, TJJJ implemented a JCO body-worn camera program at each secure facility. This program allows for a heightened level of accountability and transparency, allows JCOs who are falsely accused of misconduct to be quickly cleared of wrongdoing, and has helped streamline the facilities' ability to verify misconduct when it occurs and hold staff and youth accountable. Additionally, we are exploring fencing options within our secure facilities that will allow youth to participate in outdoor activities while restricting movement for safety.

- We must continue our successful JCO body-worn camera program. (Requested \$3.2m in LAR, exceptional item 2b—fully funded in House Bill 1.)
- We must replace our outdated fixed camera system. (Requested \$9m in LAR, exceptional item 5—\$7.5m funded in House Bill 1.)
- The OIG law enforcement officers are not included in the Schedule C pay group that other law enforcement agencies enjoy. To ensure the safety of our facilities, the OIG needs better pay to compete for high quality peace officers. (Requested \$1.25m in LAR, exceptional item 4a.)

Conclusion

We believe that the Texas Model can be of enormous benefit to the juvenile justice system by improving outcomes for our youth and making our communities a safer place to live. By putting the focus on scientific and evidenced-based treatment programs for youth with a graduated set of options to meet their needs, the Texas Model can address the underlying issues of behavior while at the same time increase the critical partnership between the state and the county probation departments.

For the Texas Model to reach its full potential, the agency has committed itself to work closely with the Governor and the Legislature to ensure clear communication, support, and the exchange of ideas. The best way to ensure success is to work together toward a common vision that allows for scalable options that can address issues such as population, additional facilities, and private sector options. By embracing that approach, together we can build a juvenile justice system that will make the state proud and become a model for the rest of the country.