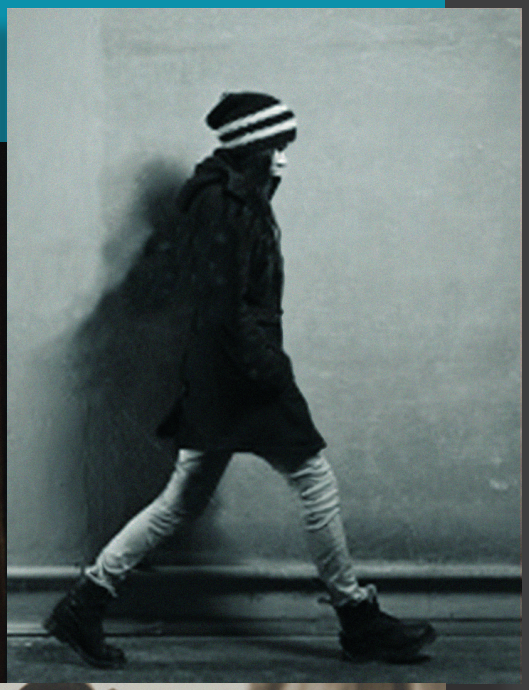
EXECUTIVE SUMMARY



Closer to Home

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

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EXECUTIVE SUMMARY

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

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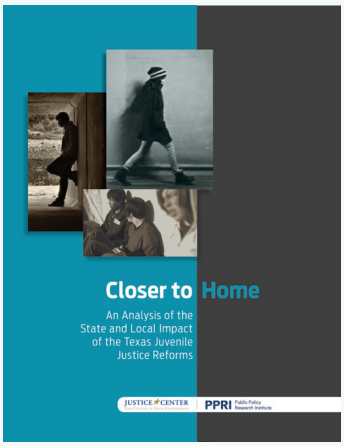
BACKGROUND

Prepared at the request of Texas state leaders, this report examines the impact of extensive steps that policymakers took between 2007 and 2011 to reform the state's juvenile justice system.[1] The dataset used to conduct this study draws on more than 1.3 million individual case records assembled across databases maintained by three state agencies.

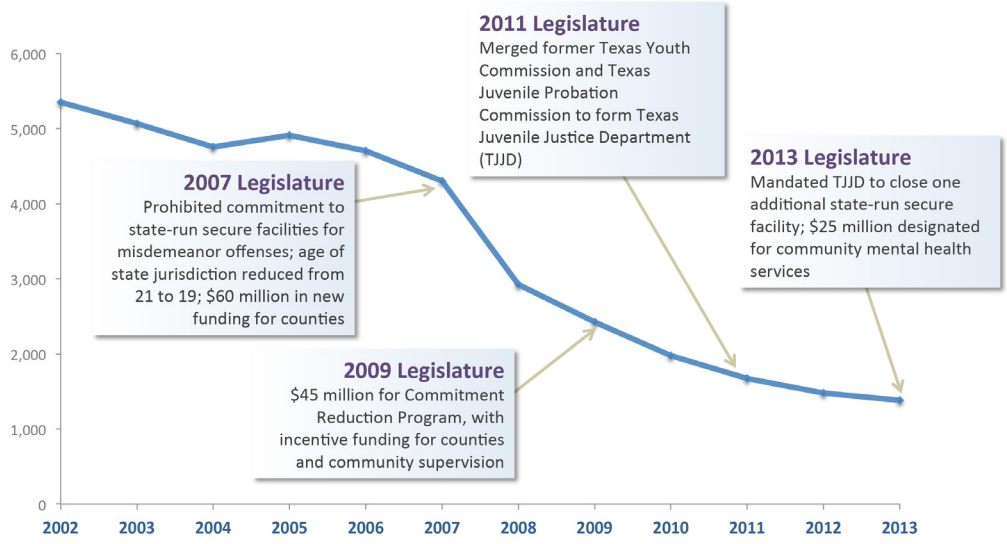
After it came to light in 2007 that youth in state-run juvenile facilities had suffered a number of abuses, Texas state leaders made a concerted effort to reduce the number of youth in state-run secure correctional institutions and, over the course of seven years, invested hundreds of millions of dollars in local juvenile probation departments. (See Figure 1) Other states can point to similar efforts to address youth incarceration, driven by a combination of research, advocacy, litigation and fiscal considerations.



To see the full report, visit csgjusticecenter.org/youth/publications/closer-to-home.

To some extent, what distinguishes the reforms implemented in Texas from other states where there has been a decline in youth incarceration is that Texas elected officials were explicit in their goals of moving youth closer to home and shrinking one of the largest state juvenile correctional systems in the United States.

FIGURE 1. REFORM HIGHLIGHTS WITH AVERAGE DAILY POPULATION IN STATE-RUN SECURE FACILITIES



But what truly sets Texas apart from most states is its history of investing in and maintaining a robust information system that makes it possible to track youth referred to the juvenile justice system, regardless of whether they are incarcerated in a state-run correctional facility or are under the supervision of a local juvenile probation department. Furthermore, state policymakers have repeatedly leveraged this capacity to measure the extent to which state agencies are reducing reincarceration and rearrest rates among youth coming into contact with the juvenile justice system.

THE SIGNIFICANCE OF THIS STUDY

The findings in this report are essential reading for any state policymaker, local official, or advocate in Texas who seeks to determine the impact of the reforms and to build on the efforts to date. But this report is not written for a Texas audience only; findings presented here have national significance.

First, the questions Texas state officials posed are highly relevant everywhere, but are unanswered in most states. In all but three states in the nation, the number of youth incarcerated in secure juvenile facilities declined dramatically between 1997 and 2011.[2] This trend gives rise to numerous questions: Why has the population declined? If youth coming into contact with the juvenile justice system are now less likely to be committed to a secure facility, what is happening to them instead? Are youth who would previously have been committed to state incarceration but are now adjudicated to community supervision less likely to be rearrested, referred again to the juvenile justice system, or reincarcerated soon after they reach adult age? In no other state to date have legislative, judicial, and executive branch officials come together seeking data-driven answers to these questions.

Second, analyses conducted for this study draw on a statewide dataset unlike any ever compiled before. State officials extracted 1.3 million records corresponding to approximately 466,000 youth who were in contact with the juvenile probation system, who were committed to and released from a state-run juvenile correctional facility, and/or who were arrested over an eight-year period. By drawing on three distinct databases, the research team had extensive information about each youth's history of contact with the juvenile justice system. Furthermore, the research team had data that tracked whether the youth had contact with police, probation, or corrections after his or her adjudication and after the youth reached adult age.

Third, the number of records involved in the dataset, and information available in each of these records (such as demographic information, risk factors, offense, disposition, and programming and placement), made it possible to conduct multivariate analyses. Using this approach, researchers could control for dozens of variables not only pertaining to the characteristics of the youth, but also the characteristics of the county (crime rates, unemployment rates, per capita income, etc.) where the youth resided. Consequently, when comparing rearrest rates for juveniles under community supervision from one county to the next or when gauging differences in rearrest rates between youth released from a state-run secure facility and youth under community

supervision, researchers could be confident they were making apples-to-apples comparisons. Furthermore, this methodology enabled researchers to measure the relationship between particular factors, such as differences in spending or type of program, and recidivism rates for youth under juvenile justice supervision.

KEY QUESTIONS ANSWERED BY THIS REPORT

1. How have state reforms affected the number of youth incarcerated in state-run secure correctional facilities? And what happened to juvenile crime in the meantime?

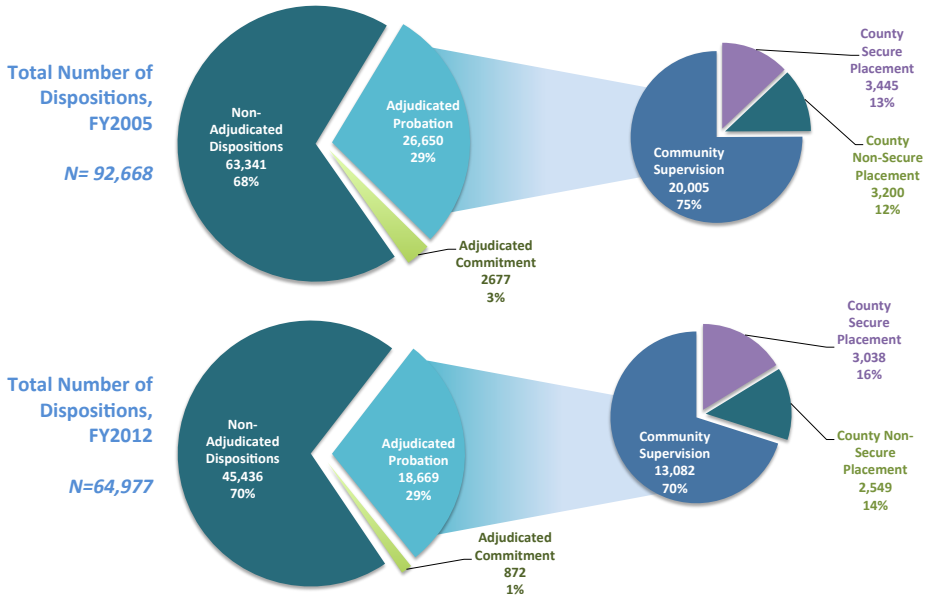
Between 2007—when state lawmakers enacted the first set of laws aimed at reducing the state's use of state-run secure correctional facilities for delinquent youth—and 2012, the number of youth incarcerated in these facilities has plummeted 66 percent, from 4,305 to 1,481. Close inspection of pre- and post-reform trends regarding the admissions of youth to state-run correctional facilities and their length of stay once incarcerated demonstrates that the changes in state law were at least a key factor and likely the principal driver of this change. During the same time period, juvenile crime (as measured by arrests) declined close to 33 percent, from 136,206 arrests in 2007 to 91,873 arrests in 2012. Although it is impossible to attribute that development to the reforms or any other particular policy change, the sharp reduction in juvenile crime that occurred demonstrates that in making it harder for local governments to commit a youth to a state-run correctional facility, the state did not compromise public safety, and possibly became safer.[3]

2. What impact did state policy restricting the commitment of youth to state custody have on local juvenile probation departments?

Between 2007 and 2012, the average number of youth under supervision by a local juvenile probation department declined 30 percent, from 35,353 to 24,674. Of the 165 juvenile probation departments, all but a few, which were among the smallest in the state, experienced a dramatic reduction in the number of youth referred to juvenile probation supervision. Some of the largest departments experienced a decline exceeding 50 percent. The research conducted for this study did not explore what, if any, relationship there was between the reforms and the decline in the number of youth under community supervision, which appears to be driven largely by the decline in arrests and fewer referrals to the juvenile justice system.

Because only 3 percent (in 2005, 2,677 out of 92,668) of all dispositions resulted in a youth being committed to a state-run correctional facility prior to the reforms, it was nearly impossible for the reforms to have significantly increased the volume of youth adjudicated to the supervision of local probation departments. Closer examination of these numbers did reveal, however, that since the reforms, a larger percentage of dispositions to probation have resulted in placement in county-based secure and non-secure residential facilities.[4] (See Figure 2)

FIGURE 2. PERCENTAGE OF DISPOSITIONS TO PROBATION RESULTING IN PLACEMENT IN COUNTY SECURE/NON-SECURE FACILITIES



3. To what extent did the state allocate additional resources to county juvenile probation departments, and what did counties do with that money?

Between 2007 and 2012, the state shuttered 8 state-run juvenile correctional facilities, reducing appropriations for state-run secure facilities from $469 million during the 2006–2007 biennium to $290 million during the 2014–2015 biennium. The state has reinvested heavily in local juvenile probation departments, which are responsible for coordinating the supervision, treatment, and delivery of services to youth adjudicated to probation. In doing so, the Texas Juvenile Justice Department went from being an agency whose dollars were dedicated primarily to the operation of state-run correctional facilities to an agency whose dollars are dedicated primarily to the funding of local juvenile probation departments to provide community supervision, services, and treatment.

Even with the increased investment from the state, funding for most juvenile probation departments continues to come from local county governments. For example, in 2012, large urban counties in Texas funded as much as 82 percent of the budget of their local juvenile probation departments.[5]

The combination of fewer youth referred to and under the supervision of juvenile probation departments, and additional funding made available from the state and to a lesser degree by counties to juvenile probation departments, resulted in a significant increase in spending, per capita, on youth served by these departments. Adjusting for inflation, annual spending on a youth under the jurisdiction of juvenile probation departments increased 68 percent (from $4,337 to $7,304) between 2005 and 2012. (See Figure 3)

In making additional funding available to juvenile probation departments, the state placed few parameters on how those dollars could be used. Counties applied a large percentage of the new state dollars toward the costs associated with placing youth in local secure and non-secure residential settings. Between 2008 and 2012, counties increased the allocation of state dollars toward community-based programs for youth under juvenile probation department supervision from $10.6 million to $16.8 million, an increase of 57 percent. But counties' allocation of state dollars toward county-based secure and non-secure facilities grew nearly twice as much during the same period, from $14.2 million to $29.7 million, or 109 percent.[6]

FIGURE 3. PER CAPITA FUNDING FOR JUVENILE PROBATION DEPARTMENTS, FY2005 AND FY2012[7]

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

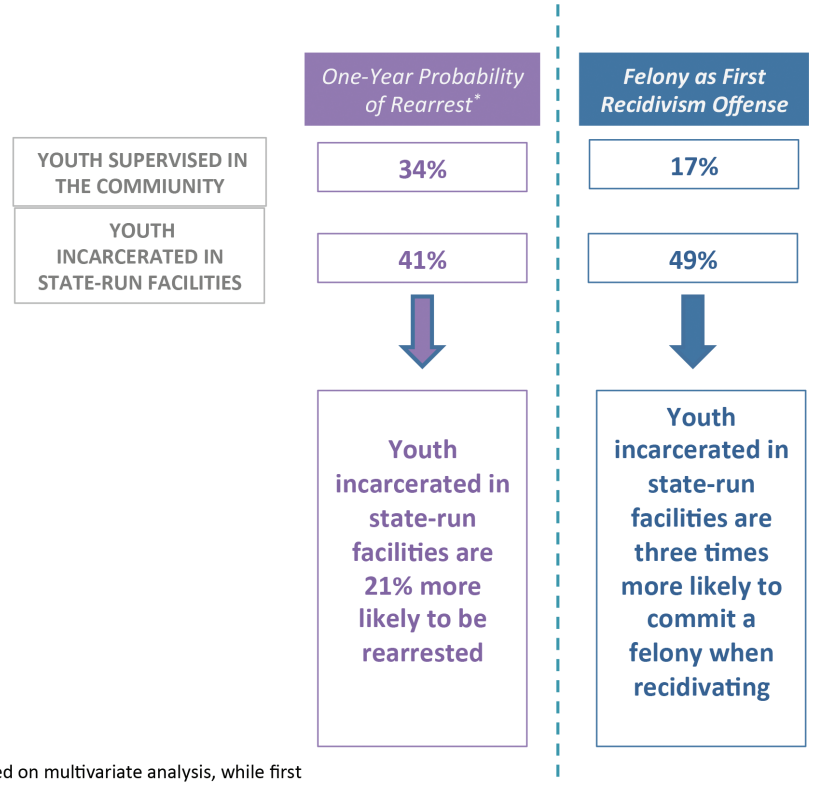
4. Were youth who were adjudicated to community supervision less likely to be rearrested than youth committed to a state-run juvenile correctional facility?

As is the case across the U.S., rearrest and reincarceration rates for Texas youth in contact with the juvenile justice system are high. Sixty-four percent of youth under juvenile probation supervision in 2010 were rearrested within three years, while 77 percent of youth released from a state-run juvenile correctional facility in 2010 were rearrested during the same period. The 3-year reincarceration rate for these youth was 13 percent for juveniles beginning probation supervision and 44 percent for juveniles released from a state-run juvenile correctional facility.

These particular statistics do not make the case that the nearly 25,000 youth under local juvenile probation department supervision in Texas in 2012 will do better than the nearly 1,000 youth released from state-run secure facilities in 2012, as the statistics don't account for the possibility that youth under community supervision may have characteristics that make them less likely to reoffend than youth committed to state-run secure facilities.

With the use of multivariate modeling, however, researchers were able to make comparisons of youth eligible for state commitment, controlling for offense history, age, demographics, and treatment needs, and also controlling for characteristics of the county to which the youth returned. In doing so, the research team could determine whether the youth adjudicated to community supervision or the youth committed to state custody was more likely to be rearrested. Youth released from a state-run juvenile correctional facility were 21 percent more likely to be rearrested than youth adjudicated to the supervision of a local juvenile probation department. Furthermore, a youth released from a state-run juvenile correctional facility who reoffended was nearly three times as likely to be rearrested for a felony-level offense as a youth who reoffended while under community probation supervision. (See Figure 4)

FIGURE 4. YOUTH INCARCERATED IN STATE-RUN FACILITIES VS. YOUTH SUPERVISED IN THE COMMUNITY



* Probability of rearrest is based on multivariate analysis, while first recidivism offense reflects the actual youth recidivism offense.

Although youth committed to state-run secure facilities may have had the same characteristics of youth adjudicated to probation supervision in the community, these data do not suggest that public safety is always better served by placing a youth under supervision instead of in a secure facility; indeed, there are undoubtedly cases where incarcerating a youth may be in the best interest of public safety. But these data do show that the state is getting better results (and certainly saving a lot of money) adjudicating certain types of youth who previously would have been committed to state custody to the supervision of local juvenile probation departments.

5. When looking at youth under community supervision across the state, how do rearrest rates compare among youth placed in different types of programs?

The research team compared the probability of rearrest among youth who were previously eligible for state commitment who were placed in residential facilities as well as in non-residential treatment, skill-based, and surveillance programs.[8] When controlling for a broad spectrum of variables, the team found that the likelihood of rearrest among these youth—regardless of the program in which they were placed—was comparable. (See Figure 5) Furthermore, youth who were not placed in any program were no more likely to be rearrested than youth who were placed in a treatment or surveillance program. In other words, the majority of approaches employed at the local level, ranging from the highly restrictive nature of placement in a secure or non-secure facility to a non-residential treatment program, are not having any more impact on rearrest rates than no intervention.

FIGURE 5. REARREST RATES FOR PRE- AND POST-REFORM STUDY GROUPS BY TYPE OF INTERVENTION

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

This does not suggest that youth under the supervision of a local juvenile probation department do not benefit from treatment or community supervision, or that any particular program does not work. In fact, there is some evidence that youth who participated in skill-based programs in the post-reform period had better outcomes than youth who were placed in county-based residential facilities or received no intervention. Moreover, other rigorous research has shown that there are interventions and models that do work when implemented effectively.[9] Along with the additional data described below, these data underscore the opportunity that exists to improve the return on investment being made in community-based programs and services for youth who are under the supervision of local probation departments.

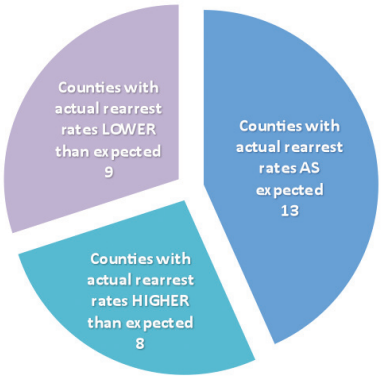
6. How do rearrest rates for youth adjudicated to the supervision of juvenile probation departments differ across counties? What explains the differences in rearrest rates?

Although the likelihood of rearrest for youth under community supervision, when controlling for all variables, are considerably better than the likelihood of rearrest for youth released from state custody, youth under community supervision in 2012 were as likely to be rearrested as youth under community supervision in 2007. What this statistic masks, however, is how much variation there is one from county to the next.

Comparing recidivism rates of youth who were previously eligible for state commitment who were under probation supervision from one county to the next was problematic, because both county characteristics and the characteristics of the youth under probation supervision vary by county. Using multivariate modeling, researchers were able to predict the rearrest rates of youth under probation supervision in 30 of the largest counties in Texas. They found that approximately one third of these counties had higher than expected rearrest rates and approximately one third of the counties had lower than expected rearrest rates. (See Figure 6)

Although these and further analyses could not pinpoint explanations for these variations, the research team was able to rule out some possible reasons, including how much counties spent per youth (higher spending did not necessarily show better results) and what programs they required a youth to complete.

FIGURE 6. COMPARISON OF PREDICTED AND ACTUAL REARREST RATES IN 30 LARGE COUNTIES



7. What opportunities exist to improve recidivism rates for youth under juvenile probation supervision?

With actual rearrest rates in some counties lower than expected, and with numerous examples of innovative programs across the state, there are many reasons to believe recidivism rates can be reduced among youth under juvenile probation supervision. In-depth analysis of eight counties—which represented a cross-section of large and mid-size counties across the state—revealed that there is a significant gap between existing practice and what the research has shown is necessary to reduce recidivism. For example, of 275 programs examined in these jurisdictions, all but 2 served a mix of youth who were assessed as being at a low, medium, and high risk of reoffending. In most of these eight counties, youth who were at low risk of reoffending spent, on average, more days in programs than youth who were at high risk of reoffending. Further, youth who did not demonstrate particularly high needs were placed in programs while the acute needs of other youth often went unmet. For example, less than a third of youth in the 8 counties who were under supervision and had substance use treatment needs received any type of substance use programming. These and other practices minimize the impact that a program can have and miss important opportunities to reduce recidivism. They can also *increase* the likelihood a youth will come into contact with the justice system.[10]

THE VIEW FROM THE GROUND LEVEL

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

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

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

To its credit, Texas has used the results of this qualitative assessment to develop a system-wide improvement plan, an approach that can be replicated by juvenile justice systems everywhere.

KEY TAKEAWAYS

- As a result of state reforms enacted between 2007 and 2011, Texas has made good on its promise to reduce the number of youth incarcerated in its state-run juvenile correctional facilities without compromising public safety.
- The closure of eight juvenile correctional facilities has generated hundreds of millions of dollars in savings. A significant portion of those savings has been reinvested in county juvenile probation departments to support and serve youth under community supervision.
- Thousands of youth who would have been committed to state custody prior to the reforms are now being supervised closer to home. Their rearrest rates are significantly lower than similar youth released from state-run secure facilities.
- Data show that youth who would previously have been committed to state-run secure facilities can be supervised safely and achieve better outcomes in the community. Yet there are still youth who are being committed to state-run secure facilities with profiles that are nearly identical to youth who are adjudicated to county probation supervision. Texas has a significant opportunity to further reduce the number of youth incarcerated in state-run correctional facilities, as well as focus on strategies to reduce stubbornly high rates of rearrest and reincarceration for the youth released from these facilities.
- Texas is not realizing the full potential of its investment in community-based supervision and services. Greater guidance, increased training and technical assistance, and improved approaches to performance measurement are necessary to maximize the impact of the programs and practices that research shows can improve outcomes for youth involved with the juvenile justice system.
- States and local jurisdictions across the country should assess whether they are collecting the data necessary to analyze recidivism and other outcomes for youth, whether youth are being provided with the type of supervision and programs appropriate to their needs and risk of reoffending, and whether such supervision and programs are being delivered as effectively as necessary to improve outcomes for these youth.

PREVIOUS RESEARCH BY THE CSG JUSTICE CENTER THAT INFORMS THIS REPORT

This report, *Closer to Home,* follows on the heels of two publications recently issued by the CSG Justice Center to help policymakers and professionals who work on the front lines of the juvenile justice system to reduce recidivism and improve other outcomes for youth.[11]

Measuring and Using Juvenile Recidivism Data to Inform Policy, Practice, and Resource Allocation reviews the results of a 50-state survey of states' current approaches to measuring recidivism rates among youth involved in the state juvenile justice system.[12] It also provides state and local policymakers with recommended approaches to improve the measurement, analysis, collection, reporting, and use of recidivism data for youth involved with the juvenile justice system.

July 2014

Measuring and Using Juvenile Recidivism Data to Inform Policy, Practice, and Resource Allocation

BACKGROUND

Juvenile arrest rates, including arrests for violent crimes, fell by over 50 percent from 1997 to 2011, to their lowest level in over 30 years.[1] In combination with this sharp drop in arrests, state and local reforms have had an extraordinary impact. From 1997 to 2011, youth confinement rates declined by almost 50 percent.[2] The juvenile justice field deservedly celebrates this success and continues to push for further reductions in confinement rates. Many states are also striving to ensure that youth who have been diverted from confinement, as well as those returning home after time spent in a facility, receive supervision and services that reduce recidivism and improve other youth outcomes. As such, policymakers are eager to know more about what happens to youth after they have been in contact with the juvenile justice system. What are their rearrest and reincarceration rates? How do they fare in terms of education, employment, and other important outcome measures while they are under juvenile justice supervision and afterwards?

To understand to what extent states currently track recidivism data for youth involved in the juvenile justice system and use that information to inform policy and funding decisions, the Council of State Governments Justice Center, The Pew Charitable Trusts' Public Safety Performance Project,[3] and the Council of Juvenile Correctional Administrators surveyed juvenile correctional agencies in all 50 states.[4] This issue brief highlights the key findings of the survey and provides state and local policymakers with five recommendations for improving their approach to the measurement, analysis, collection, reporting, and use of recidivism data for youth involved with the juvenile justice system. In addition, examples are provided of how select states have translated these recommendations into policy and practice.

The Importance of Measuring Outcomes beyond Recidivism for Youth Involved with the Juvenile Justice System

Juvenile justice systems can use a number of metrics to track outcomes for youth under system supervision, including educational attainment, behavioral health improvements, or skill development and employment, all of which are critical to ensuring a youth's long-term success. The survey focused primarily on the measurement of recidivism, and the recommendations presented here reflect that focus. The survey results did, however, indicate that only half of state juvenile correctional agencies measure youth outcomes beyond whether youth commit future delinquent acts, and only 20 percent of states track these outcomes for youth after they are no longer on supervision. Policymakers and juvenile justice agency leaders should strongly consider including a priority set of positive youth outcomes in the evaluation of system success to determine not only whether the juvenile justice system is helping to prevent youth's subsequent involvement in the system, but also whether it is helping youth transition to a crime-free and productive adulthood.

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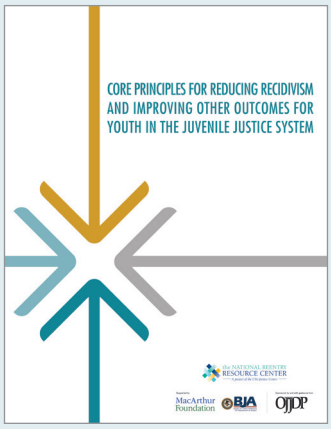

Core Principles for Reducing Recidivism and Improving Other Outcomes for Youth in the Juvenile Justice System distills and synthesizes the research on what works to reduce recidivism and improve outcomes for youth in the juvenile justice system into four core principles.[13] This white paper also provides information about lessons learned from research and practice on how to implement the principles with fidelity.

ENDNOTES

[1] Data used for this study included youth disposed to juvenile probation between 2005 and 2012, and, as such, allowed for the examination of outcomes for youth involved in the juvenile justice system since reforms were adopted in 2007, 2009, and 2011. Because the data used for this study do not extend beyond 2012, the findings in this report do not reflect any impact of additional reforms adopted in 2013, which are occasionally referenced in this study.

[2] Office of Juvenile Justice and Delinquency Prevention, Easy Access to the Census of Juveniles in Residential Placement. Available at ojjdp.gov/ojstatbb/ezacjrp.

[3] In Texas, commitments to state facilities made up an average of only three percent of all juvenile dispositions prior to the reforms. Post-reform, commitments dropped to one percent of all dispositions. Because these numbers were so small, they could not have had a significant impact on statewide arrest or recidivism rates.

[4] By 2012, the total number of youth held on any given day in county-based secure and non-secure facilities (2,204) exceeded the total number of youth incarcerated in state-run correctional facilities (1,481).

[5] Expenditure information provided by the Texas Juvenile Justice Department (TJJD).

[6] Information received by TJJD.

[7] Expenditure information provided by TJJD and adjusted for inflation using the Bureau of Labor Statistics' CPI Inflation Calculator, data.bls.gov/cgi-bin/cpicalc.pl?.

[8] The state currently organizes its programs into 34 categories, and the overlap among these categories is considerable, making the assignment of a program to a particular category somewhat arbitrary. Furthermore, just because a program is assigned to a particular category does not mean it necessarily adheres to the criteria associated with such programs—or that it employs the policies and practices that the research demonstrates are essential to success.

[9] Mark W. Lipsey et al., *Improving the Effectiveness of Juvenile Justice Programs: A New Perspective on Evidence-Based Practice* (Washington, DC: Center for Juvenile Justice Reform, 2010).

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

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

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

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

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The CSG Justice Center is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government. The CSG Justice Center provides practical, nonpartisan advice and evidence-based, consensus driven strategies to increase public safety and strengthen communities. For more information see csgjusticecenter.org.

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