



**Written Testimony of Marc Levin, Director of the Center for Effective Justice,
on Sunset Recommendations on the Texas Youth Commission and Texas
Juvenile Probation Commission**

House Corrections Committee

March 5, 2009

Among the most important Sunset Commission decisions that should be implemented are the community justice pilot program, closing several Texas Youth Commission (TYC) facilities, and streamlining the funding that the Texas Juvenile Probation Commission (TJPC) distributes to local probation departments.

Community Justice Pilot Program

The Sunset Commission wisely recommended the creation of a “new pilot program in which local probation departments would have access to funds that were previously appropriated solely for the commitment of youth to TYC.” The rationale for this was stated in a 2003 report by the Comptroller which noted, “In some cases, for instance, county juvenile probation departments will send youths to TYC simply because available TJPC funding has run out—even if the youths’ offenses do not merit TYC placement, and despite the fact that TYC placement is far more expensive than probation options.”¹

The model for this pilot initiative is Ohio’s RECLAIM (Reasoned and Equitable Community and Local Alternative to Incarceration of Minors), a funding system adopted more than a decade ago in which the state pooled incarceration and probation funding for nonviolent offenders. Under RECLAIM, juvenile judges may use the funds allocated to treat nonviolent juvenile offenders in the local community or pay to commit the youth to the Ohio Department of Youth Services (DYS). A separate fund was established to allow juvenile judges to sentence youth convicted of violent offenses including murder, attempted murder, kidnapping, voluntary manslaughter, involuntary manslaughter, rape, arson, and violent gun offenses without using the RECLAIM funds.

A University of Cincinnati study found that the RECLAIM funding change resulted in 36.2 percent fewer commitments to DHS than projected.²³ Most importantly, RECLAIM has reduced recidivism. The recidivism rate for moderate risk youth placed through RECLAIM was 22 percent,

¹ “Window on State Governments: Improve Youth Offender Services,” 5 Nov. 2008
<http://www.cpa.state.tx.us/etexas2003/gg02.html>.

² E.J. Latessa, et. al., “A Statewide Evaluation of the RECLAIM Ohio Initiative,” 2 Nov. 2008
<http://www.uc.edu/criminaljustice/ProjectReports/Reclaim.pdf>.

³ E.J. Latessa, et. al., “Evaluation of Ohio’s RECLAIM Funded Programs, Community Corrections Facilities, and DHS Facilities: FY 2002 CCF Supplementary Report,” 2 Nov. 2008 http://www.uc.edu/criminaljustice/ProjectReports/CCF_Evaluation_Final_2006.pdf.

compared with a 54 percent rate such offenders in DYS, which is comparable to TYC's 52 percent rate.⁴

Illinois also pooled and remitted funding to counties in a pilot program called REDEPLOY Illinois. The pilot sites sent 44% fewer youths to state lockups, saving the state from incarcerating 226 youths. For every \$1 million dollars spent by REDEPLOY Illinois pilot sites, the state has seen a decrease of \$3.55 million in costs to incarcerate juveniles. This equates to an \$11 million 2-year cost savings to the Illinois Department of Juvenile Justice.

Such a pooled funding program would be well suited to heavily populated Texas counties that account for a significant number of TYC commitments of drug and other nonviolent offenders. By adopting RECLAIM-style funding approach like the pilot program recommended by the Sunset Commission, TYC, postadjudication facilities, and private sector facilities would compete for youth placements on the basis of their outcomes. This would eliminate the incentive to refer youths to TYC simply as a means of shifting the cost to the state.

Dallas County Juvenile Probation Director Mike Griffiths has developed a plan under which his department could serve the 236 youths per year other than Title V youths that the County currently commits to TYC. The youths would be served for a total of 20 months, approximately the average length of TYC commitment, including 12 months of placement or intensive home-based services. The estimated cost would be \$98.50 per day.

This compares favorably to TYC's stated cost per day of \$136.04 per youth, which equates to an annual cost of \$49,665. However, if the 2,200 youths in TYC's institutions are divided by its total budget minus direct parole and contracted capacity costs (\$247 million - \$40.5 million = \$206.5 million), the resulting cost is \$257 per youth per day, equating to an annual cost of \$93,864 per youth. This figure fully allocates administrative costs to the institutional division. While some of TYC's administration is devoted to parole or contract facilities, most is appropriately attributable to institutions, particularly given that parole in some areas is subcontracted to juvenile probation departments and contract beds are down to 228 following the 2007 closure of the Coke County facility.

In sum, the proposed Community Justice Pilot Program proposed by the Commission offers an opportunity for significant savings and, based on the results in Ohio, a possible reduction in recidivism.

Closing TYC Facilities to Save Taxpayers' Money and Fund the Pilot Program

The participation of urban counties in the pilot program would allow TYC to close one or more facilities. The Commission recommended that Victory Field and West Texas, which house 91 and 86 youths respectively, be shuttered. Dallas County's participation in the pilot program would alone account for enough youths being diverted from TYC to close these facilities. Shutting down these two lockups would save more than \$20 million in operating costs. Some of these funds can

⁴ C. Lowenkamp and E. Latessa, "Evaluation of Ohio's RECLAIM Funded Programs, Community Correctional Facilities, and DYS Facilities, August 2006," 2 Nov. 2008 <http://www.dys.ohio.gov/dysweb/Reclaim/DYSRECLAIMreportAugust17.pdf>.

then be used to pay the counties that choose to participate in the pilot program by sending fewer youths to TYC.

Streamlining of TJPC Funding

The Sunset Commission wisely recommends consolidating funding streams in its staff report on TYC and TJPC.⁵ TJPC has also proposed in its legislative appropriations request that some of its various funding streams be consolidated to increase flexibility.⁶ Two streams of TJPC funding are earmarked for youths at postadjudication facilities and cannot be used for other probation strategies. This limits the flexibility of counties to use existing state funds for non-residential sanctions that might yield the same or better results at a lower cost.

If all 18 of TJPC's funding streams were consolidated, counties could receive all probation funds based on their population, the number of adjudicated youth, and risk level of their probation caseload. Such a consolidated approach to juvenile probation funding would allow the state to benefit from efficiencies achieved through the use of sanctions such as day treatment that are less expensive than postadjudication facilities.

⁵ "Sunset Advisory Commission Staff Report: TYC, TJPC," 4 Nov. 2008
http://www.sunset.state.tx.us/81streports/tjpc/tyc_sr.pdf.

⁶ "TJPC 2010-2011 Legislative Appropriations Request," 4 Nov. 2008
<http://www.tjpc.state.tx.us/publications/reports/TJPCMISC0208.pdf>.