



# Texas' Regionalization of the Juvenile Justice System

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## Key Points

- Research has shown that youth in the juvenile justice system have improved later outcomes when supervised near their communities and families than comparable youth who were placed in state-run facilities.
- SB 1630 orders the creation of a plan by TJJD to divert all juveniles who can be effectively monitored in their communities away from expensive state-run facilities.
- The created plan shows a desire to protect public safety and improve the rehabilitation of juvenile offenders.

Senate Bill 1630 went into effect on September 1, 2015. The bill called for the Texas Juvenile Justice Department (TJJD) to adopt a “Regionalization Plan” ([SB 1630 Bill Analysis](#)), which was released in August 2016 ([Texas Juvenile Justice Department 2016](#)). This plan will allow juveniles in the criminal justice system to serve their punishment in their local communities when possible ([SB 1630](#)). The idea behind this initiative originated in research that showed juveniles have better outcomes in local settings ([Fabelo, 56](#)). We will consider the reasoning behind the changes, and the extent to which the plan as released incorporates important principles such as public safety and efficiency.

## Keeping Juveniles in Their Communities

After examining the Texas juvenile justice system and 1.3 million of its records, the Council of State Governments released a report in January 2015 entitled “Closer to Home.” Using multivariate analysis, the report found that juveniles with comparable risk factors and backgrounds had significantly different recidivism rates, depending on whether they were sentenced to a state-run facility or to community supervision ([Fabelo, 55-57](#)).

There are several potential reasons for this difference. The youth in their communities are closer to their families, who can exert positive influences over them. Additionally, because these youths stay in the communities, they do not have to go through what can be an arduous reentry process that those coming home from state facilities experience. However, these are only possible explanations as to the cause; what is known is that community supervision frequently has lower subsequent recidivism rates. These results are causing the interest in diverting juveniles toward that method of supervision more frequently when safe and appropriate.

It should be remembered, however, that Senate Bill 1630 was not intended to keep all juveniles in community settings, regardless of their risk level for reoffending, or their need for intense programming or rehabilitation ([SB 1630](#)). The bill is intended to redirect juveniles who can safely and effectively be served in their communities away from the five state facilities that may be far away from their homes and families, and create expanded capacity among communities to enlarge that number ([SB 1630 Bill Analysis](#)). If the community does not have the resources necessary to safely and effectively serve the juvenile in that locality even after the plan has been implemented—such as the juvenile who has a violent history or serious mental health issues—then the juvenile can still be placed in the state facility ([SB 1630](#)).

## What Did SB 1630 Require?

The focus of SB 1630 was to require the creation of a plan for regionalizing the juvenile justice system by setting up small goals in the subsequent two years to ensure implementation. There were several specific requirements listed in the bill, as well as to how and when the plan would be formed and what needed to be contained in the proposal ([SB 1630](#)). These requirements ensure all stakeholders are involved in the process and that critical considerations such as funding and public safety are addressed by the plan.

It is also important to consider to which juveniles this bill applies. Ostensibly, the bill is applicable to all juveniles. This does not mean, however, that all juveniles who commit crimes will be punished and serve in their communities, but that TJJD is to make an effort to redirect the juvenile population toward community punishment. The bill specifically states that all juveniles who have received “indeterminate” sentences need to be assessed prior to being

sent to a state facility, and the conclusion must be reached that the community could not handle the juvenile effectively before the juvenile is sent to a state-run facility ([SB 1630](#)).

*Indeterminate sentencing is the general sentence structure for juvenile offenders. The youth are given a minimum amount of time that they will serve in TJJD. They must serve this length of time and prove that they have made progress in their programming. Simply serving the minimum time is not sufficient, and if the youth do not prove that they are making progress, they can be held in TJJD until they reach the age of nineteen. Determinate sentencing is the alternative, reserved for juveniles committing serious crimes. Then, the court may determine a set sentence for the youth, up to 40 years. If the youth do well in TJJD and show real change, they may be given a chance at 19 to serve the rest of their sentence on adult parole. If they do not show results, they will be transferred to the adult system to serve the rest of their sentence.*

Determining the funding sources and mechanisms for the regionalization plan is vital because the plan involves shifting costs from one funding source to another. The plan will establish a target youth population and allow for its diversion away from secure facilities to community supervision through a change in the sentencing requirements. This will increase the community populations, which are generally monitored by local counties. Not diverting a portion of funding traditionally used for secure confinement at the state level to counties would create an unfunded mandate, in which the counties are required to take on large new responsibilities without receiving the funding to manage them.

Funding has already been generally allocated for the implementation and administration of these changes ([Texas Juvenile Justice Department 2015b](#)). Fortunately, the fiscal impact of these changes will be positive, as juveniles in state facilities are notably more expensive to maintain than juveniles under community supervision ([SB 1630 Fiscal Note](#)). This allows some flexible funding to be used for the

counties who will be shouldering a heavier burden. According to proposed funding mechanisms from the Regionalization Task Force, set up by TJJD at the requirement of Senate Bill 1630, there is currently over \$11 million set aside for regionalization in fiscal years 2016 and 2017. Past meeting discussions have considered how rural and broad regions will be able to reach and afford the resources necessary to keep juveniles in their region. Meeting notes have suggested that not all regions will be expected to do everything at once ([Texas Juvenile Justice Department 2015a](#)).

One of the main goals of the task force and the TJJD has been to identify the target population that will be diverted from state-run facilities. There are many factors to be weighed, some of which have been considered in the task force meetings. Public safety concerns should be first and foremost, and it should be certain that high-risk juveniles are not being placed in a situation with less supervision than needed. Various scoring systems have been created by groups in the task force to determine which juveniles should be diverted, although none have been formally accepted ([Texas Juvenile Justice Department 2015a](#)).

### ***How Does the Plan Consider Public Safety and Efficiency?***

The Regionalization Plan answers many of the questions pondered by the task force in the months preceding its release in August 2016. Additionally, it incorporates many important values into the structure it provides for the regionalization process. Public safety is prioritized, efficient mechanisms are crafted, and overall the plan will provide the possibility for a sizeable new group of juveniles to serve their punishments and receive programming that has been proven to lower recidivism in less expensive local areas near their families.



Any changes to the juvenile justice system should preserve and promote public safety, first and foremost. In this context, the diverted population should be able to be appropriately monitored and secured by the communities where they will reside. The released plan states that having a uniform, statewide risk and needs assessment tool is the next step required for long-term regionalization ([Texas Juvenile Justice Department 2016](#), 29). When appropriately proven and tested, these assessments allow youth to be accurately categorized by likelihood of recidivating ([Levin](#), 2). Therefore, appropriate groups of youth will be diverted, and high-risk juveniles will be kept in state-run facilities.

Additionally, an accurate risk and needs assessment tool can determine what programming and resources are appropriate for a youth. These tools are effective in determining whether a juvenile needs substance abuse programming, counseling for sexual or physical abuse, or educational or vocational training. Providing the appropriate programming lowers the risk of recidivism once a juvenile is released, allowing for safer communities in the long term. The plan requires a uniform tool for consistent use across the state, and to provide data for an accurate measurement of program performance.

Once an assessment has determined the needed programming, it is important to assure it will be provided. Regionalization poses difficulties in this area because there are very different capabilities between the regions. The Texas juvenile justice system is already divided into seven distinct regions, and the plan operates within those regions ([Texas Juvenile Justice Department 2016](#), 6). Some of these regions are rural, some are urban, some are large, and some are small. The capabilities of these regions vary broadly. If one region does not have the resources necessary to provide services, then the juveniles moved there would no longer be able to receive those services. It is necessary that efficient methods be developed to allow these regions access to services in order to be able to provide programming fitting the needs of any juvenile that they have in their custody.

The plan addresses this in several ways. It assesses the available resources in each region, and then allows each region to identify how they would use the start-up funds provided. These funds are made available to each region to allow them to develop the resources needed at the beginning of diversion. There are several unconventional and efficient strategies outlined that show how regions without current

programming would be able to access it. Central Texas and other regions stated that they would develop tele-counseling programs, in order to maintain mental health programming with a larger population. Additionally, TJJD will begin training to assist regions in expanding their existing programming ([Texas Juvenile Justice Department 2016](#)).

***The efforts to regionalize the system further should continue in a manner that promotes public safety, evidence-based programs, and the involvement of parents and families in the juveniles' lives.***

### **Conclusion**

The plan released by TJJD addresses many of the concerns of regionalization. It prioritizes public safety by prioritizing a solid risk and needs assessment tool in the program. The plan acknowledges that regions have different capabilities and strategizes ways these strengths and weaknesses can be shared or minimized respectively.

Texas has been improving its juvenile justice system for almost a decade now. Crime among juveniles has dropped continuously, recidivism rates have fallen, and the incarcerated juvenile population has declined ([Fabelo](#), 29). The efforts to regionalize the system further should continue in a manner that promotes public safety, evidence-based programs, and the involvement of parents and families in juveniles' lives. This appears to be the path this plan will follow, allowing regionalization to continue to increase the safety of communities and lower the number of juveniles who return to the criminal justice system, whether as juveniles or adults. Conservative reforms have worked for Texas, emphasizing safety and efficiency, and providing results. This new effort is building on those past successes for Texans across the state. ★

## References

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## About the Author



**Dianna Muldrow** is a former policy analyst for the Foundation's Center for Effective Justice and Right on Crime. She is a graduate of the University of Texas School of Law, where she focused on criminal justice and education policy.

Muldrow has interned in the Governor's office, for the chair of the State Board of Education, and most recently at the Texas Public Policy Foundation's Center for Education Freedom and Center for Effective Justice. She is also a policy analyst for Right on Crime, focusing on juvenile justice.

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