



Key Points and Recommendations re TJJD and Opportunities with Sunset

June 22, 2022

Key Takeaway: The recommendations in the Sunset Staff Report are thoughtful and headed in the right direction. However, we believe they are not strong enough to address TJJD's issues. TJJD has serious problems, and serious problems require serious and systemic reform. Raising salaries is a short term patch and alone will not allow for TJJD to shift its focus from crisis management to the worthy tasks of bolstering regionalization and diversion amongst the counties. Also, lowering job qualifications for positions working with youth is ill-advised given the rising needs of youth in the facilities as well as the experience of other child-serving agencies who have tried similar strategies. While we agree with most all of the Sunset Commission's recommendations on their face, they will serve to promote the status quo, instead of spurring the systemic reform needed to ensure youth are being rehabilitated, not warehoused. We believe the following recommendations, primarily a plan for the staggered closure of the five state secure facilities with an accompanying planning process to build county level capacity, is the correct path forward to address the persistent problems plaguing Texas' juvenile system. This sort of wholesale change requires an entity like Sunset, an impartial body, to help foster and spur it.

Recommendation: Implement Planning for the Staggered Closure of the Five State Secure Facilities and Halfway Houses

- Ensure planning process has diverse stakeholders, including representatives from relevant child-serving agencies, advocacy organizations, as well as representatives from across the juvenile justice system
- Use funds from the closure of one facility to fund planning process, where counties who send the most youth to TJJD can work together with regional partners to find alternative placements
 - As the process continues, smaller and rural counties can participate in planning
- Given the number of beds available at secure county facilities, there is not a need to build new facilities

Recommendation: Maintain Current JCO Job Qualifications

- Youth in TJJD's care have experienced trauma and have increasing needs

- Youth in TJJD require highly trained staff to deliver the services they need to rehabilitate and reintegrate into the community.
- Lowering qualifications for caseworkers in the Department of Family and Protective Services did not lead to long term staffing relief

Recommendation: Invest in regionalization and diversion of youth from the justice system altogether as well as commitment diversion

- Focus on expanding funding and opportunities for county juvenile probation departments and local partners to build capacity of intensive community- based programs and services to keep more youth with their families and maximize the use of available existing juvenile justice beds
- Past investments in these strategies have contributed to the current low number of youth in TJJD's

Recommendation: Develop flexible funding grants for organizations who are currently or who are willing and able to begin serving children involved with the juvenile justice system.

- Grant funding can be used to recruit and retain quality direct care staff; provide specialized training to serve children with high needs; and increase access to services available to children involved with the juvenile justice system.

Recommendation: Use the Family First Prevention Services Act (FFPSA) to fund evidence-based mental health, substance use, and/or parent skill-building services for justice-involved youth

- Texas should use available federal funds to better support critical youth serving systems and improve the delivery and quality of services.

Recommendation: Promote efficiency and better coordination in serving youth in Foster Care and other multi-system involved youth

- Texas should develop a data sharing system that allows youth serving systems to coordinate with each other and streamline the delivery of services to youth.

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COMMENT FOR SUNSET REVIEW COMMISSION HEARING

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Introduction

First, we want to express our gratitude to the Sunset Advisory Commission for their thorough and thoughtful examination of the Texas Juvenile Justice Department (TJJD) in their report released in May. Thank you also for the opportunity to provide feedback on the Commission's report. This comment is submitted by a group of juvenile justice advocates deeply concerned with the problems within TJJD outlined both in the agency's self-evaluation as well as Sunset's report, problems that are not new to TJJD. We see this year's Sunset review as an opportunity to reimagine this child-serving system and ensure it is truly working to rehabilitate our most vulnerable youth.

Overview of Comment

The problems afflicting the Texas Juvenile Justice Department (TJJD) are not new; rather, they have persisted over many years through the tenure of many directors and many strategies to try to remedy them. We believe these issues are systemic and inherent to TJJD and that without a restructuring of the juvenile system, they will continue.

Many of the issues within TJJD are exacerbated by a lack of staff. This lack of staff and the continual turnover of staff are unparalleled, as noted by Sunset itself; no other state agency faces such high rates of staffing shortages. Recently, due to staffing shortages made worse by the COVID pandemic, TJJD contracted with the Texas National Guard to provide additional staff within the state secure facilities.¹ In the past, leadership at TJJD has argued that staffing issues would be reduced with fewer young people in care; however, this has not been the case. TJJD's lack of high-quality or experienced staff creates an unsafe environment with excessive use of force, overuse of restraints, sexual victimization, including by staff, inadequate mental health care, and an over-reliance on administrative segregation. There has been a steady stream of arrests of staff, scandals, and mistreatment of young people. In 2017, complaints of sexual abuse within the five state secure facilities prompted Governor Abbott to launch an

¹ Paul Flahive, *National Guard called in to staff Texas Juvenile Justice facilities due to rising COVID-19 infection rates*, Texas Public Radio (Dec. 29, 2021).

investigation by Texas Rangers,² something he repeated in the summer of 2021.³ Consistent reports of mistreatment and subpar conditions led Texas Appleseed and Disability Rights Texas to file a complaint with the U.S. Department of Justice (DOJ) in 2020 asking them to investigate TJJD and its five secure state facilities for violating the constitutional rights of youth in their care.⁴ A year later, in the fall of 2021, the DOJ announced a formal investigation into TJJD's five state secure facilities; that investigation is ongoing.⁵

TJJD is responsible for providing year-round educational services to youth in their care. Youth in the juvenile justice system, particularly those with disabilities which make up 65-85% of the population, face challenges in successfully accessing education services in TJJD facilities. There are few counselors or diagnosticians available creating a failure to perform the initial evaluation to identify youth that have disabilities and are eligible for special education services. What's more, TJJD residents are often on lockdown, unable to leave their PODS due to staffing shortages. There is insufficient staff to maintain routine supervision, much less provide for the educational services to which they are entitled. When youth are able to leave their POD and attend classes, there is an over reliance on computer learning, with staff available to supervise, not to engage or teach. TJJD's inability to deliver adequate educational services is just one of the many ways in which it is failing youth in their care.

The recommendations in the Sunset Staff Report are thoughtful and headed in the right direction.⁶ However, we believe they are not strong enough to address TJJD's issues. TJJD has serious problems, and serious problems require serious and systemic reform. This sort of wholesale change requires an entity like Sunset, an impartial body, to help foster and spur it. Without input from Sunset as an impartial body, we fear TJJD will not change and that the current problems within the facilities will only continue and, potentially, worsen. Specifically, TJJD needs to develop a staggered closure plan for the remaining five secure state facilities and shift resources to ensure counties can work together to serve youth closer to their home communities. The recommendations in this comment are intended to provide long-term solutions to the persistent problems plaguing Texas' juvenile system.

We hope this year's Sunset Review is the beginning of a reform effort that upends the status

² Paul J. Weber, Texas youth prison guards allegedly choked teen unconscious, Associated Press (Feb. 3, 2018), available at <https://apnews.com/ab84381bbf074c788477c6b882a2a67b>.

³ Meave Ashbrook, *Gov. Greg Abbott asks Texas Rangers to investigate Texas Juvenile Justice Department*, KVUE News (July 12, 2021), available at <https://www.kvue.com/article/news/local/texas-juvenile-justice-department-texas-rangers-investigation-greg-abbott/269-18e5a427-87ad-4994-a17a-e824c6d700ff>

⁴ Dan Rosenzweig-Ziff, "They are hurting them": Advocacy groups ask feds to investigate Sexual assaults, gang violence in Texas youth lockups, Texas Tribune (October 21, 2020), available at <https://www.texastribune.org/2020/10/21/texas-juvenile-justice-department-abuse/>

⁵ Jolie McCullough, *U.S. Department of Justice investigating abuse, mistreatment at Texas' juvenile lockups*, Texas Tribune (October 13, 2021), available at <https://www.texastribune.org/2021/10/13/federal-investigation-texas-lockups/>

⁶ This comment focuses on the recommendations we believe need modifications. We are comfortable with the recommendations related to Board Governance and the Office of the Independent Ombudsman. While having a more involved Board is a positive, we do not think this oversight will fundamentally change the issues facing TJJD.

quo and ensures that young people in the state's custody receive the rehabilitation they deserve and that the state is mandated to provide. Youth in our state's care should not have to suffer through a system that has consistently proven to be broken for another six years.

Staff Shortage and Turnover Won't be Solved by a Salary Increase

The severity of the issues TJJD is dealing with should not be understated, especially with the five secure state facilities. These facilities have had numerous accounts of physical and sexual abuse of youth in their care, incidents of excessive force, unnecessary use of chemical agents, and more. These problems are documented in our 2020 complaint to the Department of Justice (DOJ) as well as in the news,⁷ Ombudsman reports,⁸ and even in TJJD's self-evaluation that it submitted for Sunset review.⁹ Often, these problems are caused or exacerbated by an inability to staff the facilities adequately, a problem that predates the COVID-19 pandemic. Juvenile justice advocates have raised these concerns with state leaders and each of the directors of TJJD, even when the agency was still known as the Texas Youth Commission (TYC). While each new director has outlined new plans to reform the state secure facilities, none of these strategies have achieved meaningful, long-lasting change. We believe this lack of progress is due to the systemic issues endemic to the facilities and until the facilities are replaced with a better model, problems will continue.

As previously mentioned, TJJD itself recognizes that staffing shortages are a major problem, something the Ombudsman has also documented. In its Self-Evaluation for Sunset, TJJD lists staffing levels as one of the key obstacles the agency faces and even describes it as an "ongoing crisis" that impairs its ability to achieve its objectives.¹⁰ These shortages create safety issues at the facility but they also lead to other problems, such as delays in receiving the services and therapies needed so youth can complete treatment and leave TJJD,¹¹ reduced educational opportunities, and due process delays. This is all coupled with youth's "growing need for more intensive treatment."¹²

As TJJD acknowledges, the jobs are not easy and compared to other available opportunities, they are more difficult. These facts, combined with the remote location of most facilities, limit who applies to these jobs. And as with every other system, these ongoing staffing issues have only worsened with the COVID- 19 pandemic. Even with the fewest number of young people in state facilities in recent history, staffing shortages and mistreatment of youth persist.

Sunset's recommendation to increase salaries will not remedy the problem of high turnover and a lack of staff. In fact, the Legislature has already appropriated additional funds for this

⁷ Jolie McCullough, *U.S. Department of Justice investigating abuse, mistreatment at Texas' juvenile lockups*, Texas Tribune (Oct. 31, 2021), available at <https://www.texastribune.org/2021/10/13/federal-investigation-texas-lockups/>

⁸ Independent Ombudsman for the Texas Juvenile Justice Department, Fourth Quarter Report FY 21, available at <https://www.tjjd.texas.gov/index.php/doc-library/send/645-fiscal-year-2021/3070-fy21q4>

⁹ TJJD Self-Evaluation to the Sunset Commission 24 (2021).

¹⁰ TJJD Self-Evaluation to the Sunset Commission 24 (2021).

¹¹ *Id.*

¹² *Id.* at 23.

purpose, and Sunset noted in its report that “these efforts have not provided a long-term solution.”¹³ They cite the salary increases for JCO’s in 2014 and 2015, which “contributed to a brief reduction in turnover,” as well as increases for JCOs and case managers in 2020 and 2021 to align salaries with pay for adult correctional officers. While one of the issues is keeping up with other agencies’ salaries, Sunset notes these remedies, which include attendance bonuses, do “not address the root problem of understaffing.”¹⁴ They note that one of these problems is the location of the facilities, which do have “robust applicant pools.” To be clear, we do not oppose raising salaries for staff at TJJD. Rather, we do not think that raising salaries will provide the staffing relief needed to restore safety, deliver appropriate services, and allow TJJD to shift its focus away from crisis management.

We support Sunset’s recommended reforms of regionalization and incentivizing diversion from TJJD, which together could even further reduce the population in the facilities; however, these reforms are premised on TJJD maintaining more staff so it can shift its focus from crisis management of issues within the facilities to regionalization and diversion. Under Sunset’s current recommendations for remedying staff shortages, we don’t believe this shift in focus will be possible. We strongly support further regionalization efforts as well as increased commitment diversion; however, we believe that these should be prioritized and coupled with a plan for the staggered closure of the five state secure facilities. Our closure plan is detailed later in this comment.

TJJD Should Not Lower JCO Qualifications

Working in the state secure facilities is not an easy job; it requires well-trained and empathetic staff who are invested in helping young people. We strongly caution against decreasing the qualifications needed for these positions in an attempt to reduce vacancies. Youth in these facilities have experienced traumatic events and have high needs that require highly trained staff to deliver quality services.

Further, the needs of youth who are in the care of TJJD are only increasing. TJJD notes that youth in their care are increasingly experiencing moderate to severe mental health needs. In 2014, at the point of intake, TJJD identified 21% of youth as having moderate to severe mental health needs; in 2019, that percentage had grown to 53%.¹⁵ In 2020, at least 65% of youth had a psychotropic prescription across all five facilities, ranging from 58% of youth in Mart to 72% of youth in Evins. From January 1, 2021 to October 8, 2021, at least 69% of youth had a psychotropic prescription across all five facilities, ranging from 59% of youth in Mart to 81% of youth in Evins. This trend of increasing mental health needs is critical to consider because it underscores the need for TJJD to have highly qualified staff working with youth in their care.

¹³ Sunset Advisory Commission Staff Report, *Texas Juvenile Justice Department Office of the Independent Ombudsman 2022-23*, 21 (May 2022), available at https://www.sunset.texas.gov/public/uploads/2022-05/~Texas%20Juvenile%20Justice%20Department%20and%20Office%20of%20the%20Independent%20Ombudsman%20Staff%20Report_5-26-22.pdf.

¹⁴ *Id.*

¹⁵ TJJD January 2020 Board Minutes, available at <https://www.tjtd.texas.gov/index.php/doc-library/send/590-january-2020/2351-meeting-minutes-jan24-2020>.

It is also important to learn from what has happened with other agencies that have reduced job qualifications in an attempt to address staffing issues. In 2016, the Department of Family and Protective Services (DFPS) reduced the degree requirements for caseworkers from a four year degree to either a Bachelor's or an Associates with two years of "relevant work experience"¹⁶ in an attempt to fill open positions and curb high staff turnover. Although their staffing levels did stabilize for a brief time, the department today is plagued with operating issues and continues to struggle to keep youth in their care safe. Reducing qualifications for staff working directly with youth does not address the root causes of a broken system and won't meaningfully remedy staffing issues.

Texas Should Increase Regional and Local Capacity to Keep Youth Closer to Home

We support Sunset staff recommendations to enhance regionalization through requiring updating the state regionalization plan and increasing staff support to implement regionalization. However, before considering the most costly way of creating capacity – building new facilities and new beds – stakeholders and legislative leaders should first look to implement best practices and right size the front end of the system to better utilize taxpayer dollars and promote the best outcomes for youth.

There must also be stronger statutory emphasis on capacity building and regionalizing intensive community-based services and supports across regions of Texas. These strategies will keep more youth in their homes rather than being placed in local juvenile justice beds and other non-secure settings and will open up bed-space for youth being diverted from state commitment.

When regionalization was first put into statute, it is our understanding that one of the main goals of the Legislature was to keep more young people out of residential settings altogether and build out community based services - such as behavioral health, substance use and support for trafficking survivors. However, emphasis has always been put on using regionalization funds to pay for additional placements to divert youth from commitment.

Invest in diversion efforts to keep more youth out of the juvenile justice system

We support Sunset's recommendation to "[a]uthorize TJJD to incentivize diversion within and collaboration between Texas counties through its grantmaking processes." If fewer youth enter the juvenile justice system, more resources can be made available to justice involved youth. The Legislature and system stakeholders should come together to identify how youth who do not belong in the system become justice involved and develop recommendations to keep youth out of the system altogether.

Further, rather than incentivizing general efforts to divert children from the juvenile justice system, Texas should specifically focus on decreasing populations that are disproportionality or

¹⁶ Texas Department of Family and Protective Services, Progress Report to the Sunset Advisory Commission: Child Protective Services Transformation (October 2016), available at https://www.dfps.state.tx.us/About_DFPS/Reports_and_Presentations/CPS/documents/2016/2016-11-04_CPS_Transformation_Progress_Report_Sunset.pdf

inappropriately involved with the justice system. For example, the Legislature should prioritize reducing the number of youth entering the juvenile justice system for the following reasons or characteristics:

- Black, Indigenous and youth of Color;
- School misbehavior;
- Undiagnosed or untreated behavioral health challenges;
- Substance use;
- Physical, intellectual, or developmental disabilities;
- Trauma responses in foster care;
- Youth under 14; or
- Status offenses adults cannot be charged with such as running away.

Use the Family First Prevention Services Act (FFPSA) to fund evidence-based mental health, substance use, and/or parent skill-building services for justice-involved youth

Many youth in the juvenile justice system enter foster care after their caregivers refuse to accept parental responsibility. And many children who enter foster care for this reason are winding up without placement which further strains the same community-based providers who are trying to serve children across multiple systems. Other states have already taken the steps necessary to use federal funds to support critical youth serving systems. For instance, Utah, Nebraska, Maryland, and Washington have an approved FFPSA plan includes youth in the juvenile justice system in their foster care candidacy definition.¹⁷ Kansas, Virginia, Ohio, and Colorado plan to use FFPSA funding for some services provided to youth and families in their juvenile justice systems.¹⁸ Texas should follow suit and leverage these funds to better serve our youth.

Promote efficiency in serving youth in Foster Care and other youth-serving systems

One topic not addressed in the staff recommendations that should be addressed by the Legislature is the inefficiencies of the juvenile justice system serving dual-status or multi-system youth. That is, youth who have been or are currently being served by more than one public system such as the child welfare system, the juvenile justice system and/or the public behavioral health system. While Texas specific data is not available, national data and data in some localities show the number of justice-involved youth who are also in foster care to be disproportionately and overwhelmingly high. However, the state does not have an effective or efficient way for these youth to be identified and have services coordinated - which is inefficient for the agencies and the youth.

One solution is to develop an interoperable data system that allows for data sharing and automatic identification of multi-system youth so that juvenile justice departments understand what services a youth is already receiving or has recently received. Such a data system should be open to all youth-serving agencies, but developed in a way that still protects confidentiality. It is anticipated that grant funding for this kind of project will be made available by the federal government in the next year.

¹⁷ <https://www.aecf.org/blog/the-family-first-act-what-juvenile-justice-advocates-need-to-know/>

¹⁸ <https://www.aecf.org/blog/the-family-first-act-what-juvenile-justice-advocates-need-to-know/>

Why It is Time to Close the State Facilities

In the past, Texas has made significant juvenile justice reforms. Over the past decade, with the closure of many state facilities, an investment in county level services, regionalization, and commitment diversion, there has been a marked shift to serving youth closer to home. Subsequently, the number of youth in TJJD's care is at an all-time low. These efforts are also coupled with a continued reduction in juvenile crime. With all this progress, the conditions in the facilities today are a reminder that Texas still has work to do. We can continue the meaningful reforms the Legislature started by planning for the staggered closure of the remaining five state secure facilities and halfway houses within the next ten years with a focus on serving young people closer to their home communities. This Sunset Review is the perfect opportunity to initiate the necessary steps to reform a harmful and ineffective juvenile justice system.

The idea of facility closure and shifting to a model where youth are served closer to their home communities is not new. We know that serving youth closer to their home communities is possible. The closure of so many state facilities and the reduction in the number of youth in the care of TJJD are proof. A Council of State Government report from 2015 outlined the case for serving youth outside of the state secure facilities. That report, entitled *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*, found that TJJD facilities fail in their primary role of rehabilitation of youth, leaving youth worse off, not better.¹⁹ In fact, youth with the same profile did better staying in their county facilities.²⁰ In the past, some have maintained that many of the problems with TJJD's facilities could be addressed through lower numbers of youth in them, but that has clearly not been the case. We know this because the same problems persist now even with the lowest number of youth in care yet.

Not only are these alternatives better for youth and increase the chances of successful rehabilitation, but they would likely cost taxpayers less. TJJD noted in its self-evaluation that the average cost per day for secure confinement in its facilities ranges from \$523 to \$616 per day.²¹ However, as the population in the state secure facilities has dropped significantly, the cost per day has risen. While the number of youth in care is lower, their needs remain high. "This is the highest concentration of acute needs and risk in the history of the agency."²² TJJD itself notes that continuing to keep the youth as they are "in large groups" and in rural areas where staffing issues are persistent "is a model that cannot lead to sustained reform."²³ For such a change to be successful, it will be important to have a plan that allows time for adequate planning at the state and county levels and coordination between counties to ensure all youth can be served appropriately closer to home.

¹⁹ The Council of State Governments Justice Center, *Closer to Home: An Analysis of the State and Local Impact of the Texas Juvenile Justice Reforms*, Table 6 & Appendix D (2015) (showing statistically identical youth who received no intervention were significantly less likely to be arrested and less likely to recidivate by committing a felony than youth committed to state secure facilities).

²⁰ *Id.* at 59.

²¹ TJJD, *Self-Evaluation to the Sunset Commission* 28 (2021).

²² TJJD, *Self-Evaluation to the Sunset Commission* 30 (2021).

²³ *Id.*

Closer to Home: A Plan for the Staggered Closure of the Five State Secure Facilities

We want to emphasize that we are proposing the staggered closure of the facilities over time to allow for the needed planning and coordination to ensure youth can be served closer to their home communities, including those youth who require a secure setting for rehabilitation. The benefit of a staggered closure of the remaining five facilities is not simply a question of eliminating an expensive, ineffective feature of Texas' juvenile system. Closure of these facilities will also allow TJJD to better focus on its critical role of serving as a source of funding, technical assistance, and support to the State's juvenile probation departments. Once it can extricate itself from crisis management of the facilities, the agency will be able to dedicate itself to providing critical assistance to counties that will improve outcomes, reduce recidivism, and improve public safety for Texas' families and communities.

This process will likely take time, at most ten years, but it could take fewer. Closing the remaining facilities within six to ten years would allow enough time for the necessary planning for county level services to absorb the population at TJJD and for the Legislature to reimagine TJJD's new role when it is no longer operating facilities. It will be important to consider the agency's new role. For example, the Legislature could make it so that TJJD gives technical assistance to counties, conducts routine inspections and check-ins of the county facilities, provides quality assurance training, and ensures counties are practicing trauma informed care. TJJD will likely also be in a grant making role to ensure counties are not shouldering the financial burden of additional youth in their care. Rather, the money currently allocated to youth in the care of the state can follow youth who otherwise would be committed to the state, but who instead are in county facilities.

TJJD should begin the process of winding down operations at one of its facilities as soon as possible and should assemble a team to develop a plan and timeline for staggered closure of the remaining facilities as well as support counties in the regionalization planning. There must be requirements that regionalization planning not be done in a silo as other entities are also working to build capacity to serve Texas' highest-needs youth. TJJD's planning team should be robust and include: representatives appointed by the Governor, Lt. Governor, Speaker of the House & LBB; chairs of the appropriate legislative committees in the House and Senate, or their appointees; three juvenile court judges from a large, medium, and small county; two prosecutors from different regions of the state; two defense attorneys from different regions of the state; three probation chiefs from a large, medium, and small county; an advocate for children or juvenile justice reform; a representative for a membership organization representing service providers; appropriate TJJD staff; and representatives from the following agencies: Statewide Behavioral Health Coordinating Council; HHSC's Texas All Access initiative; the Texas System of Care team; the Texas Child Mental Health Care Consortium; Local Mental Health Authorities; and the Department of Family Protective Services.

With each facility closure, funds could be reallocated to support counties and other community-based programs better as they build capacity to serve these youth. For instance, if the Gainesville facility was the first facility to be closed, the state could use savings to fund Closer to Home planning in the first couple of years and begin implementing the plans the

following year. To reduce the population at Gainesville and begin winding down operations, TJJD should stop placing newly admitted youth at Gainesville. The agency should also work with the other facilities to conduct a review of youth to determine how the population can be reduced to make room for Gainesville youth who cannot be relocated outside the system. The table below demonstrates that the costs of the planning and implementation in both years of the biennium will be entirely off-set by the closure of Gainesville.

Savings from Winding Down Gainesville		
	Year 1	Year 2
Current Estimated Cost for Gainesville	Approx. 21 million	Approx. 21 million
Alternative Placements for approx. 100 youth at 200/day	- 7.3 million	
Savings	13.7 million	21 million

The Texas Legislature should fund planning in a way that allows TJJD and the counties who currently send numerous youth to TJJD to devote the needed time and resources to fully engage in the planning process. In the next biennium, TJJD could continue with another facility closure, and for the planning process, choose the next 10-15 counties who send the most youth to TJJD. Following that, TJJD could prioritize rural counties. Over time, each region will have plans to serve youth and ensure that youth with specialized needs can get the care and rehabilitation they need closer to home and without being in a large prison-like setting. Effective planning is critical to good implementation and buy-in. Fortunately, the costs of the planning and implementation in both years of the biennium will be entirely off-set by the closure of Gainesville, even if funding is included for youth currently housed in Gainesville to be moved to other placements.

It is essential to consider that given the current population at TJJD and capacity in the counties, there is no need for additional beds. Below is a chart of the average daily population of youth in various placements at the county level. The average daily population for secure placements for the past two years, ranging from 769 to 618, is far under the capacity of secure placements at the county level. On TJJD's registry for secure post-adjudication placements, it shows 32 facilities that together have the capacity for 2,116 placements.

Youth in a Residential Placement

Fiscal Year 2020 and Fiscal Year 2021

	2020	2021	Change
Average Daily Population in Secure Placement	769	618	-20%
Average Daily Population in a Non-secure Placement	485	357	-26%
Average Daily Population in an Emergency Placement	38	17	-56%
Average Daily Population in Residential Placement	1,292	993	-23%
Secure Placements Beginning in Fiscal Year*	1,596	1,224	-23%
Non-secure Placements Beginning in Fiscal Year*	1,134	874	-23%
Emergency Placements Beginning in Fiscal Year*	806	516	-36%

*A youth may begin an emergency, non-secure, or secure placement more than once during the fiscal year.

It is worth noting that counties too struggle with staffing so an increase in salaries, perhaps provided via grants from TJJD and funded through facility closure savings, would help counties hire and retain qualified staff. However, the workforce shortage is less severe in county run facilities than TJJD facilities. When facilities are closer to the community, employees' commute is less impacted by travel distances and fuel issues, making it easier to comply with staffing ratios. Further, with the closure of facilities, those staff who are dedicated to helping young people and qualified could be offered positions at the county level.

The planning process for facility closure will require talented, committed thinkers who can plan and realize a Texas without large prison-like lock-ups. This Texas is possible, and we hope Sunset will consider tackling this important task so that the juvenile justice system can truly serve to rehabilitate youth, not just warehouse them. Counties have shown that they can serve youth well and while there is work to be done to move all youth from TJJD to the counties, we are confident that with the appropriate funding and planning, they are capable of serving additional youth.

Conclusion:

On their face, we agree with the Sunset Commission's recommendations; however, while they may help in the short term, they will not make the long-lasting change TJJD desperately needs nor allow TJJD to shift its focus from the facilities to support regionalization and diversion. This year's Sunset review provides a well-timed and unique opportunity to reimagine the agency and ensure it is truly serving to rehabilitate youth in its care. Texas has tried allocating more money to these facilities in the past, and still the issues persist because the problems go deeper than funding.

We firmly believe that the systemic issues plaguing TJJD will persist if we do not continue the brave steps we have made in the past and continue closing state facilities and reforming our juvenile justice system by investing in serving youth at the county level. Developing a plan to have a staggered closure of the five state facilities within the next ten years would be the best way forward to build a rehabilitative system for these vulnerable youth.