



A True Texas Miracle

Achieving Juvenile Justice Reform in a
Tough Economic Climate

by

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FIRST FOCUS

MAKING CHILDREN & FAMILIES THE PRIORITY

When statewide headlines broke in 2007 detailing reports of physical and sexual abuse of youth in Texas Youth Commission (TYC) facilities, the state's juvenile justice system suffered from many of the systemic problems shared by juvenile justice systems nationwide. The "tough on crime" culture of the 1990s fed an overreliance on secure facilities and decreased funding for community-based treatment alternatives. Meanwhile, a growing body of social science research had exposed the significant problems associated with this "tough" approach. These problems included high cost, high recidivism rates, and poor outcomes for youth.

The 2007 TYC crisis, coupled with this new understanding of the poor outcomes associated with treatment in secure settings, informed a bipartisan reform effort that has spanned the last three sessions of the Texas legislature. The result: Texas has dramatically restructured its juvenile justice system in a relatively short period of time by focusing on both substantive statutory changes and budget initiatives.

Since 2005, Texas has reduced population in the state's secure facilities by more than 70 percent, allowing it to close nine secure facilities. In doing so, the state saved over \$90 million in general revenue spending even as it significantly increased funding to local juvenile probation departments for community-based treatment. The underlying lesson of Texas' restructuring: investing in good outcomes for young people does not necessarily mean spending *more* but simply *spending more wisely*.

Texas Tough - the 1990s & Increased Reliance on Secure Residential Facilities

In Texas, a youth who has been adjudicated delinquent may be placed in a county facility (secure or non-secure)ⁱ or committed to a state facility (high or medium restriction).ⁱⁱ Youth on probation or committed to state custody may also be placed in a secure or non-secure therapeutic setting for specialized treatment purposes, or in an emergency shelter if they must be removed from their home on a short-term emergency basis. These facilities are licensed by the Department of Family and Protective Services (DFPS) and are privately run.ⁱⁱⁱ

Until December 2011, two Texas agencies were responsible for oversight of the state's juvenile justice systems: the Texas Juvenile Probation Commission (TJPC) and the Texas Youth Commission (TYC). TJPC oversaw juvenile probation departments statewide, with a focus on creating and enforcing standards, providing technical assistance and training, collecting, analyzing, and distributing information about effective programming, and disbursing state grants to county departments.^{iv} TJPC also distributed state-funded formula and discretionary grants to local probation departments.^v The Texas Youth Commission oversaw youth committed to the state's secure facilities, halfway houses, and youth released to parole.^{vi}

During the 1990s, the same fears surrounding the rise in juvenile crime that ushered in tough penalties for offenders across the nation also affected policy in Texas. In 1995, the Texas legislature passed an omnibus juvenile justice reform bill that included stiffer penalties for youth.^{vii} State and federal funding for state secure facilities also increased, with appropriations to TYC more than doubling between 1995 and 2000.^{viii} Substantive statutory changes, an increase in the average length of stay, and emphasis on increased funding for institutions contributed to a dramatic rise in population in state-run secure facilities.^{ix} Commitments to TYC peaked in 1998, then declined slightly and remained relatively stable until 2007.^x In 2006, the average daily population in the state's secure facilities was 4,800.^{xi}

The number of juveniles in county post-adjudication residential placements increased during the same period.^{xii} Just as the legislature increased funding for state secure facilities, it also appropriated money for county-based secure facilities. In 1995, the legislature appropriated \$37 million in bond proceeds to TJPC for the construction of 1,000 additional secure post-adjudication beds.^{xiii} As a result, 19 counties received funding to increase capacity in their post-adjudication facilities.^{xiv}

The number of youth certified as adults also increased dramatically during this “tough on crime” era. Between 1990 and 1997, the number of youth certified for transfer to the adult system increased 190 percent.^{xv}

Thus, by the beginning of the 2007 legislative session, the “tough” policies that marked the ‘90s and continued into the new millennium had resulted in a high number of youth in secure settings and the adult system. Expenses had increased as a result of increased reliance on institutions – yet Texas was not seeing promising results, with high recidivism rates for youth released from secure settings.^{xvi}

“Tough on Crime” gives way to “Smart on Crime” Substantive Reforms and Budget Initiatives Prioritize Community- Based Alternatives to Incarceration

High costs and poor results associated with institutionalization led Texas conservatives to begin to re-evaluate their approach to criminal and juvenile justice.^{xvii} While advocacy for change preceded the 2007 scandals at TYC, the scandals themselves provided a unique opportunity to capitalize on the legislative focus on reform. Advocates seized the opportunity to discuss methods of addressing not just the poor conditions in TYC facilities, but the need to decrease reliance on institutions in general.^{xviii} The success of the measures initiated in 2007 led to additional initiatives during the 2009 and 2011 legislative sessions aimed at reducing the number of youth committed to TYC.

1. 2007 & Senate Bill 103

As the Texas legislative session began in 2007,^{xix} media headlines broke news of tragic abuses of youth in TYC facilities.^{xx} Outrage among policy makers and the public grew as details of ongoing problems surfaced. The concern sparked by these revelations led to bi-partisan support for Senate Bill 103 (SB 103), the first of three reform initiatives that have changed the landscape of Texas’ juvenile justice system.

Though most of the substantive changes included in SB 103 focused on improving conditions in TYC’s secure facilities, it also included a provision that eliminated the ability to commit a youth to TYC for a misdemeanor offense.^{xxi} SB 103 also reduced the age of the youth over which TYC had jurisdiction from 21 to 19.^{xxii}

In anticipation of the increased responsibilities that counties would bear for treating misdemeanor youth, the legislature increased TJPC’s budget by \$57 million.^{xxiii} This money was used for two new grants: the “Intensive Community Based Program” which allocated funds to counties based on their 2008 misdemeanor referrals, and the “Intensive Community-Based Pilot Program,” which gave the largest three counties access to funding simply by submitting a program proposal and allowed remaining large counties to submit a proposal in a competitive process.^{xxiv} Several counties used these funds to create intensive in-home

counseling and therapeutic treatment to youth and their families.^{xxv} Other counties used funding for intensive case management and wraparound services for youth and families.^{xxvi}

The combination of substantive statutory changes and additional funding for probation had an immediate impact. Commitments to TYC began to decline almost immediately. Population was also drastically decreased, as TYC began to move misdemeanor youth out of secure facilities. By 2008, TYC commitments had dropped from 2,738 in 2006 to 1,582 in 2008 and average daily population fell by half, from 4,800 to 2,425.^{xxvii}

2. 2009 Budget Initiatives

Based largely on the success of the county initiatives resulting from the new 2007 funding, the 2009 legislature funded a second new grant for county probation departments with the express purpose of diverting additional youth away from TYC.^{xxviii} This grant – the “Community Corrections Diversion Program,” also referred to as “Grant C,” was patterned after successful initiatives in other states that incentivized diversion from state secure facilities. All counties were eligible for funding through this grant, but participation was voluntary. During the first year of the grant program, 143 departments accepted funding and 25 declined to participate.^{xxix}

While funding for “Grant C” was based on each juvenile probation department’s proportion of the statewide weighted average of felony commitments to TYC from fiscal year 2006 through 2008, rider language also imposed a cap on the total number of commitments. The language required that if the commitment cap was exceeded TJPC would pay TYC a proportionate portion of the state funds provided through this diversion program.^{xxx} However, in response to judges concerns that a “cap” on commitments might be unethical, in their contracts with counties TJPC instead referred to the cap as a “state target.”^{xxxi} To date, TYC commitments have not come even close to exceeding the cap. In fact, commitments decreased so drastically as a result of the success of the programs that the legislature reduced the cap in the rider adopted in the state’s budget for the 2012-13 biennium.^{xxxii}

Requirements for state grants from TJPC include performance measures. For the “Grant C” program, these performance measures consist of:^{xxxiii}

- Number of youth served;
- Percent of youth who completed the program, service, or placement;
- Number of youth committed to TYC during the grant period;
- Number of youth certified as adults during the grant period;
- One, two, and three year recidivism rates for youth served in the program, service, or placement;
- Cost per youth.

The legislature requires TJPC to track youth served by this program “to determine the long-term success for diverting youth from TYC and the adult criminal justice system.”^{xxxiv} County juvenile probation departments report monthly data to TJPC using a system that complies with TJPCs “Electronic Data Interchange Specifications.”^{xxxv} This process allows the state to track the success of the Grant C program, along with all other state-funded grants, and to step in with technical assistance and information where counties struggle with successful models.^{xxxvi}

While official re-offense rates for youth served through a “Grant C” program have not been released, the number of youth committed to TYC after having been served in a program through this initiative has been

low. Of the 3,911 juveniles served by “Grant C” in 2010, only 58 were subsequently committed to TYC.^{xxxvii} In 2011, of the 6,664 youth served by a “Grant C” funded program, only 139 were subsequently committed.^{xxxviii} The success of these programs has encouraged counties that initially opted out to begin participating – by 2012, the number of counties opting out of “Grant C” had dropped to 12.^{xxxix}

At the same time that the TJPC budget was increased to provide for additional grant funding for county-based programming through local probation departments, legislative appropriations to TYC began to shrink. In 2009, the legislature made its first substantial cut to the TYC budget, eliminating approximately \$100 million in funding based on the decreased population in the state’s secure facilities.^{xl}

These funding initiatives led to another significant reduction in TYC population, with commitments dropping from 1,582 in 2008 to 1,056 in 2010, and average daily population dropping from 2,425 in 2008 to 1,798 in 2010.^{xli} Thus, going into the 2011 legislative session, the 2007 and 2009 initiatives had decreased population in the state secure facilities by close to 60 percent. This reduction in reliance on state secure facilities led the legislature to consider an even more dramatic restructuring of Texas’ system during the 2011 session.

3. 2011 & Senate Bill 653

The 2011 legislative session saw the passage of Senate Bill 653, a bill focused on a complete restructuring of Texas’ juvenile justice system and prioritizing use of community-based alternatives over placement in a secure facility. As part of SB 653, TJPC and TYC were merged to form a new agency, the Texas Juvenile Justice Department (TJJD).^{xlii} The bill includes language describing the purposes for the new juvenile justice agency:

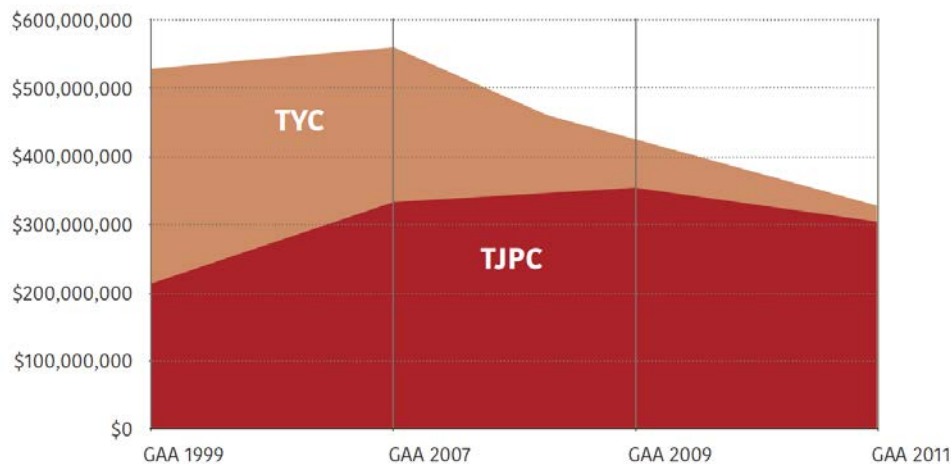
- Creating a unified state juvenile justice agency that works in partnership with local county governments, the courts, and communities to promote public safety by providing a full continuum of effective supports and services to youth from initial contact through termination of supervision;
- Creating a juvenile justice system that produces positive outcomes for youth, families, and communities by:
 - assuring accountability, quality, consistency, and transparency through effective monitoring and the use of systemwide performance measures;
 - promoting the use of program and service designs and interventions proven to be most effective in rehabilitating youth;
 - prioritizing the use of community-based or family-based programs and services for youth over the placement or commitment of youth to a secure facility;
 - operating the state facilities to effectively house and rehabilitate the youthful offenders that cannot be safely served in another setting; and
 - protecting and enhancing the cooperative agreements between state and local county governments.^{xliii}

The bill also includes a list of goals for the new department that are consistent with, and expand on, the purpose statement.^{xliv}

While a \$27 billion budget shortfall meant that the 2011 session did not result in another increase in funding for county-based programming, the Texas legislature – convinced by the success of the programs put into place to divert youth from TYC – left TJPC’s funding virtually intact.^{xlv} Another substantial cut was made to the TYC budget based on the continued decline in the TYC population. The legislature cut approximately \$116 million from funding for state secure facilities.^{xlvi}

Thus, by the end of the 2011 legislative session, the state funding provided for local probation departments was almost equal to the funding provided for state secure facilities. This is the first time that state funding for local probation departments has approached parity with state institutions.^{xlvii}

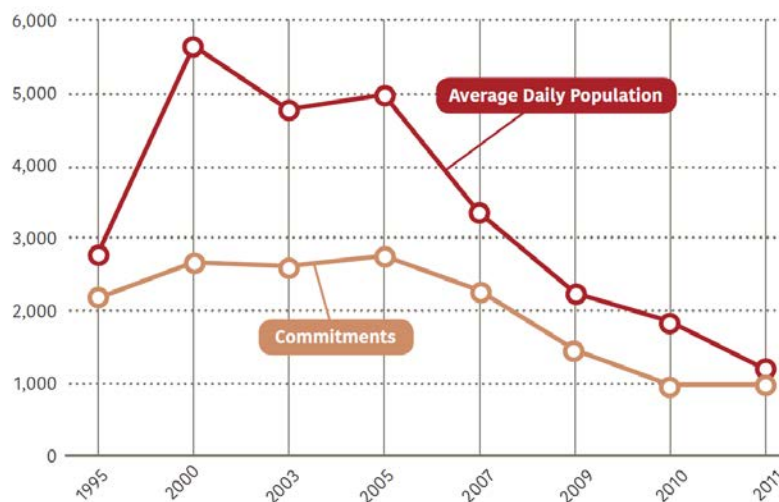
Change in Appropriations for TYC & TJPC



Results: Texas' Restructured Juvenile Justice System

The substantive changes enacted in 2007, coupled with the funding initiatives, had an immediate – and profound – impact on the number of youth being committed to state secure facilities. As discussed above, between 2006 and 2011, commitments dropped from 2,738 to 991, and average daily population was reduced from 4,800 to 1,399.

Trend in TYC Commitments & Population



As a result of the dramatic decline in population, nine of Texas' state secure (TYC) facilities have been closed, significantly reducing available bed space in facilities. In 2007, TYC capacity was 4,244.^{xlvi} In 2011, the Texas legislature funded TYC for an average daily population of 1,372 youth.^{xlvi}

TYC Facility Closures 2007-2011

Facility	Year Closed	Capacity
Marlin	2007	436
San Saba	2007	356
Coke County (GEO operated)	2007	200
Sheffield Boot Camp	2008	128
West Texas (Pyote)	2010	240
Victory Field	2010	336
Al Price	2011	216
Crockett	2011	208
Ron Jackson II	2011	112

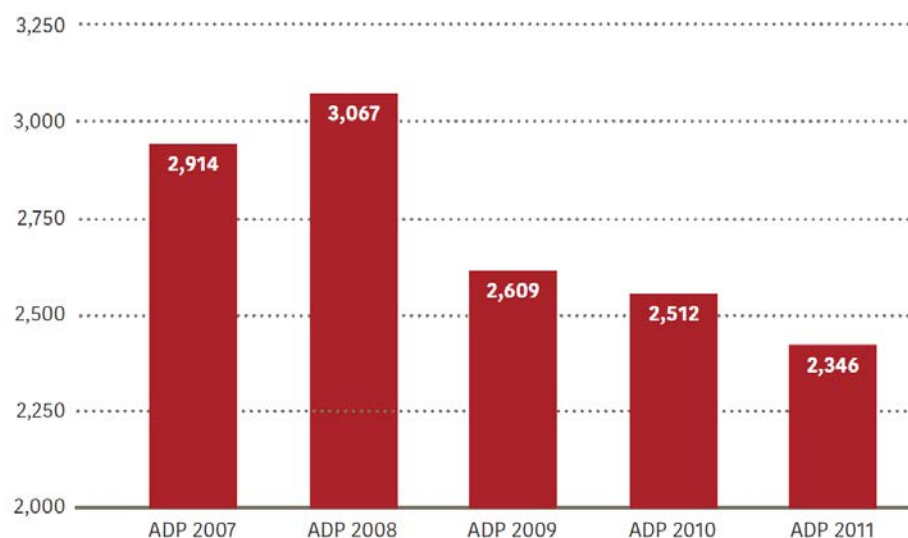
TOTAL REDUCTION IN BEDSPACE: 2,232¹

The average annual savings represented by a TYC facility closure is approximately \$9.6 million.^{li}

As available bed space in TYC institutions dropped, stakeholders became concerned that the policy shift could simply lead to an increase in placements in county facilities, or an increase in the number of youth certified to the adult system. This does not appear to have occurred, however.

Instead, state-level reforms also appear to be having an impact on the number of youth placed in county secure facilities. In 2010, 6,314 youth were placed in a county facility after being adjudicated; in 2011, this number dropped to 5,864.^{lii} Similarly, the average daily population for residential placements has decreased over the last three years, after spiking in 2008.^{liii} The 2008 spike may have been due, in part, to reluctance on the part of juvenile judges to commit youth to TYC as a result of the 2007 scandals and ongoing problems with conditions in facilities.^{liiv} It may also have been due to the new restriction on eligibility of misdemeanants for placement in state secure facilities. Whatever the reason, numbers are now well below the pre-reform average daily population.

Average Daily Population in County Residential Placements, 2007-2011



Consistent with the decline in the number of residential placements at the county level, the number of post-adjudication detention facilities also has declined. This resulted in fewer beds in post-adjudication facilities. The biggest decrease has been in the number of privately operated post-adjudication facilities. As a result of the dramatic decline in population, nine of Texas' state secure (TYC) facilities have been closed, significantly reducing available bed space in facilities. In 2007, TYC capacity was 4,244. In 2011, the Texas legislature funded TYC for an average daily population of 1,372 youth.

Number of County Owned & Private Post-Adjudication Facilities, 2000 & 2010

	2000	2010
County Owned	28	32
Private	13	3
Total Facilities	41	35
Total Capacity	2,281	1,961

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Despite fears that the reforms could result in a spike in certifications to the adult system, certifications remained stable in the immediate aftermath of the 2007 reforms, and dropped in 2011.

In addition to the positive impact on the availability of community-based alternatives for rehabilitation, the reduction in reliance on state institutions has also resulted in savings for the state.

The Good News for the State's Budget

As reflected above, the legislature's decision to place additional restrictions around the youth who were eligible for placement in TYC, along with increasing funding for community-based treatment led to a significant decrease in commitments to TYC. The decrease in population, in turn, led to facility closures and budget cuts to TYC. A total of approximately \$216 million was cut from the state institutions' budget, with about \$102 million re-invested in funds allocated to county probation departments for diversion initiatives.^{vi}

When the new appropriations for TJPC along with the cuts to the TYC budget are considered together, you see a significant savings to the state of Texas as a result of the restructuring of the system. Consider the difference between the combined appropriations from the state's general revenue (GR) fund for TJPC & TYC by the 2007 legislature compared to the appropriations for the two agencies for the 2012-13 biennium:

	2007 Appropriations from GR	2011 Appropriations from GR
TJPC	\$246,732,347	\$290,670,727
TYC	\$450,738,320	\$313,086,316
TOTAL	\$697,470,667	\$603,757,043

SAVINGS = \$697,470,667 - \$603,757,043 = \$93,713,624

Conclusion

Texas' restructured system makes clear the win-win that shifting reliance away from secure facilities and toward community-based alternatives represents. Not only has Texas seen a dramatic reduction in the number of youth served in both state and county facilities, the state has also seen significant savings associated with this shift. At a time when state budgets across the nation are strained, the lesson to be learned from Texas' experience is simple: focusing on better outcomes for youth does not have to come with a bigger price tag. Community-based alternatives to secure placements offer states an opportunity to better serve youth and families, increase community safety, and save state resources. This gives policy makers an opportunity to move some of the savings that can be realized from a "front end" approach to juvenile justice to other child-serving agencies.

ⁱ See Tex. Fam. Code §51.02(8-a) & (13).

ⁱⁱ A high restriction facility is defined as a program which is secured by a perimeter fence; a medium restriction facility is any residential program which provides routine unsupervised access to the community, and includes TYC halfway houses. 37 Tex. Admin. Code §85.27(d)(1-2).

ⁱⁱⁱ See TJPC, THE STATE OF JUVENILE PROBATION ACTIVITY IN TEXAS, CALENDAR YEAR 2008 (2010).

^{iv} See TJPC, Overview of Agency Key Functions, in TEXAS JUVENILE PROBATION COMMISSION AGENCY OVERVIEW (2010).

^v Texas distributes a wide range of funding through the grant process, from financial assistance for basic probation services to financial assistance or funding of post-adjudication facilities operated at the county level. TJPC, ANNUAL REPORT TO THE GOVERNOR AND LEGISLATIVE BUDGET BOARD: JUVENILE PROBATION APPROPRIATIONS, RIDERS AND SPECIAL DIVERSION PROGRAMS 1 (2010).

^{vi} See TYC, STRATEGIC PLAN 2011-2015 (2010).

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- vii See TEXAS SUNSET ADVISORY COMM'N, SUNSET STAFF REPORT 5, 68 (1996).
- viii TYC, AGENCY STRATEGIC PLAN FOR THE FISCAL YEARS 2001-2005 23-24, 34 (2000).
- ix *Id.* at 15 (“As overall juvenile crime has declined since its peak in 1995, commitments to TYC has [sic] actually substantially increased from 2,123 in FY 1995 to 3,188 in 1998, a 50 percent increase.”); TEXAS SUNSET ADVISORY COMM'N, *supra* note vii, at 28-35. While commitments increased steadily between 1995 & 2000, this increase is not solely responsible for the population trends. As a result of changes made by the legislature in 1995, the minimum length of stay for youth committed to TYC increased significantly. TYC, *supra* note viii, at 20; TEXAS SUNSET ADVISORY COMM'N, *supra* note vii, at 68-69. This resulted in an increased length of stay for youth in TYC facilities, driving up population as commitments increased. TYC, *supra* note 8, at 91.
- x *Id.* (commitments dropped from 3,188 in FY 1998 to 2,979 in 1999); TYC, TYC Population Trends, http://www.tyc.state.tx.us/research/growth_charts.html (last visited Aug. 23, 2011) (TYC commitments in 2000 were 2,558 and remained relatively stable until 2008, when they dropped to 1,582. They have continued their downward trend since 2008.).
- xi TYC Population Trends, *supra* note x.
- xii See TJPC, TEXAS JUV. PROBATION STATISTICAL REP. CALENDAR YEAR 1997 (1998); TJPC, THE STATE OF JUV. PROBATION ACTIVITY, CALENDAR YEAR 2000 (2001); TJPC, THE STATE OF JUV. PROBATION ACTIVITY IN TEXAS, CALENDAR YEAR 2005 (2006); TJPC, THE STATE OF JUV. PROBATION ACTIVITY IN TEXAS, CALENDAR YEAR 2008 (2010).
- xiii TEXAS SUNSET ADVISORY COMMISSION, *supra* note vii, at 76.
- xiv *Ibid.*
- xv TJPC, TEXAS JUV. PROBATION STATISTICAL REP. CALENDAR YEAR 1997 23 (1998).
- xvi See TEXAS PUBLIC POLICY FOUNDATION, GETTING MORE FOR LESS IN JUVENILE JUSTICE (2010).
- xvii See Texas Public Policy Foundation, Center for Effective Justice, www.texaspolicy.com.
- xviii See Marc Levin, Director, Center for Effective Justice, Texas Public Policy Foundation, *Testimony of Marc Levin on SB 103 by Hinojosa on the Texas Youth Commission* (2007); Marc Levin, Director, Center for Effective Justice, Texas Public Policy Foundation, *Testimony of Marc Levin on TYC Reform, Progress Report & Recommendations on Short-Term Goals* (2007). Both available at www.texaspolicy.com.
- xix The Texas legislature meets every two years.
- xx See R.G. Ratcliffe & Lisa Sandburg, *TYC board ousted; abuse scandal grows*, HOU. CHRON., March 15, 2007; Mike Ward, *Governor's office received detailed reports alleging sex scandal*, AUSTIN AM. STATESMAN, March 23, 2007; DALLAS MORNING NEWS, *Scandal at TYC*, available at <http://www.dallasnews.com/investigativereports/tyc/>.
- xxi Senate Bill 103, 80th Leg. (Tex. 2007). This was not the first statutory change in eligibility for commitment to TYC over the last ten years, however. In 1999, the Texas legislature passed a bill limiting eligibility for commitment in non-felony cases so that non-felony commitments could be made only on revocation of felony probation or where the youth had at least two prior misdemeanor adjudications. TYC, AGENCY STRATEGIC PLAN FOR THE FISCAL YEARS 2001-2005 23-24, 34 (2000).
- xxii Senate Bill 103, *supra* note xxi.
- xxiii Senate Bill 1, General Appropriations Act, 79th Leg. (Tex. 2005); Senate Bill 1, General Appropriations Act, 80th Leg. (Tex. 2007); see also TJPC, 81st LEGIS. SESSION INFORMATION PACKET 2-8 (2009) (describing new funding appropriated in 2007). This additional funding did not come from savings represented by facility closures – the legislature appropriated this money before any of the 2007 closures took place.
- xxiv TJPC, *supra* note xxiii.
- xxv Information for Bexar County's “Kids Averted from Placement Services,” Dallas County's “Intensive Community Based Program,” and Travis County's “Enrichment Program” provided by TJJD upon request (on file with author).
- xxvi Information for Denton County's “TARMAC” program, El Paso's “SHOCAP” program, Harris County's “Youth Advocate Programs,” and Tarrant County's “Project ASPECT” provided by TJJD upon request (on file with author).
- xxvii TYC Population Trends, *supra* note x.
- xxviii TJPC, ANNUAL REPORT TO THE GOVERNOR AND LEGISLATIVE BUDGET BOARD: JUVENILE APPROPRIATIONS, RIDERS, AND SPECIAL DIVERSION PROGRAMS 8 (2010)(Community Corrections Diversion Program).
- xxix TJPC, 82ND LEGISLATIVE SESSION AGENCY INFORMATION PACKET 7 (2011).

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- xxx See Senate Bill 1, General Appropriations Act, 81st Sess., Rider 21, at V-33 (Tex. 2009).
- xxxi Information provided to Texas Appleseed by TJPC upon request (on file with author).
- xxxii Senate Bill 1, General Appropriations Act, 82nd Leg., Juvenile Probation Commission, Rider 15, at V-33 (Tex. 2011).
- xxxiii These performance measures were named in the rider to the TJPC budget outlining legislative requirements for the Grant C program. Senate Bill 1, *supra* note xxx, at V-29.
- xxxiv *Id.* at Rider 15, V-33.
- xxxv See TJPC's Data Collection Standards, 37 Tex. Admin. Code §341.
- xxxvi The emphasis on data collection and monitoring of local probation activities sets Texas apart from other states that have engaged in de-incarceration efforts. In California and New York, deincarceration has been somewhat hampered by the inability to track youth and programs at the county level. Because TJPC was created in 1981 for the express purpose of encouraging consistency across juvenile probation systems in Texas, the state had been collecting data, creating standards, and monitoring county activities for years. See Sayre Quevado, Lead Juvenile Justice Expert Says State Facilities Should Stay Open, *Huffington Post*, March 29, 2012; TASK FORCE ON TRANSFORMING JUVENILE JUSTICE, CHARTING A NEW COURSE A BLUEPRINT FOR TRANSFORMING JUVENILE JUSTICE IN NEW YORK STATE (2009).
- xxxvii TJPC, *supra* note xxvii. Information for 2011 provided by TJJD upon request (on file with author).
- xxxviii Data updated by TJJD upon request (on file with author).
- xxxix Information provided by TJJD upon request (on file with author).
- xl Senate Bill 1, *supra* note xxx, at V-57.
- xli TYC Population Trends, *supra* note x.
- xl ii Senate Bill 653, 82nd Leg. (Tex. 2011).
- xl iii *Id.*
- xl iv *Id.* Savings from the administrative merger of the two agencies were small – the Legislative Budget Board estimated a savings of approximately three million dollars as a result of the elimination of duplicative positions. Senate Bill 653, Fiscal Note, available at <http://www.legis.state.tx.us/tlodocs/82R/fiscalnotes/pdf/SB00653F.pdf#navpanes=0>. However, if the state prioritizes community-based alternatives to incarceration, the state should be able to realize additional savings as the population in secure facilities continues to decrease. Additional reductions in population should allow for additional facility closures.
- xl v See Senate Bill 1, *supra* note xxx, at V-27-33 (reduction reflects a five percent cut in TJPCs budget, in addition to the five percent cut mandated for 2010 – approximately a 10 percent total reduction from GAA 2009). Because SB 653 had not yet passed when the budget was finalized, the budget included TJPC and TYC but also included a contingency rider that transferred the funding for both to TJJD on passage of SB 653.
- xl vi Senate Bill 1, *supra* note xxx, at V-47.
- xl vii Since \$3 million in funding for prevention & intervention was added to the TJJD budget after the merger, and those funds were distributed to counties based on proposals for prevention programs, the funds set aside in the TJJD budget for probation departments actually slightly exceeds funds included in the budget for state facilities. E-mail from Linda Brooke, Director of External Affairs and Communications, TJJD to Deborah Fowler, Deputy Director, Texas Appleseed (July 24, 2012)(on file with author).
- xl viii TYC, TYC Population Trends, *supra* note x.
- xl ix Senate Bill 1, *supra* note xxx, Texas Youth Commission Performance Measure Targets, at V-49.
- ¹ Information provided by the Texas Youth Commission in August 2011 (on file with author). In addition to the three facilities closed in 2011, two neighboring facilities were consolidated. See Henry Joel Simmons, Right on Crime, *Texas Youth Commission Closes Three Facilities*, June 10, 2011, available at <http://www.rightoncrime.com/2011/06/texas-youth-commission-closes-three-facilities/>.
- ⁱⁱ Based on an economic analysis of restructuring completed by FTI Consulting, Inc., a forensic accounting firm, for Texas Appleseed (on file with author). FTI used figures from the “TYC Decision Matrix” created by TYC, which included facility costs. The FTI estimate includes the necessary closing and carrying costs associated with closure, which may include repairs & maintenance, demolition, realty fees, transportation of materials & equipment, among other things.
- ^{lii} Data provided by Texas Juvenile Justice Department in response to open records request (on file with author).
- ^{liii} TJPC, 82ND LEG. SESSION AGENCY INFO. PACKET 18 (2011).

^{liv} See Judge W. Jeanne Meurer, *Meurer: State Scandal's Fallout Straining Local Resources*, Austin Am. Statesman, Mar. 27, 2007, available at <http://shapleigh.org/news/1263-meurer-state-scandal-s-fallout-straining-local-resources>.

^{lv} TJPC, THE STATE OF JUV. PROBATION ACTIVITY, CALENDAR YEAR 2000, *supra* note xii, at 36; TJPC, Facilities Registry, available at <http://www.tjpd.texas.gov/publications/other/searchfacilityregistry.aspx>

^{lvi} Based on increased funding of \$57 million for probation initiatives in 2007 and \$45 million for Grant C in 2009.