

PUBLIC COMMENTS

HB 967

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY ISSUES

Hearing Date: March 22, 2021 10:00 AM

William Carter, Chief Juvenile Probation Officer

Lubbock County Juvenile Justice Center

Lubbock, TX

Fundamentally the concept of treating 17 year olds in the juvenile system is one that the majority of Texas can support. However, without appropriate funding, the juvenile justice system will be unable to effectively provide adequate supervision and treatment for this new population. County Commissioner Courts provide 75% of the funding into the Juvenile Probation System through juvenile probation departments, whereas the state's financial support represents 25% of the juvenile probation system funding. Without appropriate funding Raise The Age is an unfunded mandate on counties. Moving 17 year olds from the adult system into the juvenile system is not a monetary wash.

- The Legislature is currently considering reducing funding to County operated juvenile probation departments by over 5%, a total of \$13,851,961.00 proposed reduction in State Aid.
- The cost of treating an individual in the juvenile system is much greater than treating them in the adult system*.
- Current initiatives to reduce commitments to TJJD will be diluted and compromised resulting ultimately in a higher cost to the state.
- The projected number of 17 year olds in the adult system would overload the currently available pre-adjudication bed for juveniles across the state, which is already critically short in multiple regions. Leaving many counties with NO access to pre-adjudication beds.

Recommendation: To provide a full overview of the impact on both the adult and juvenile systems, fiscally as well as programmatic changes, we recommend Texas follow the lead of the El Paso Juvenile Probation Department and commission a completely independent study on the impact of raising the age to the state of Texas.

Link to the El Paso Report

https://www.jjat.com/wp-content/uploads/2021/03/El-Paso-County-TTA-Provided-by-ACRR-TTA-Center-_11.15.20-002.pdf

Amanda Britton

self - Deputy Chief Juvenile Probation Officer and LPC

MIDLAND, TX

As a parent, juvenile justice professional and licensed mental health practitioner, I wholeheartedly support raising the age of criminal responsibility to include 17 year olds in the juvenile justice system. However, to accomplish this, county juvenile justice departments will need additional funding to support hiring more staff to provide community supervision of and to offer contract services (counseling, psychiatric services, rehabilitative programming, etc) to the added 17 year olds. A number of pre-adjudication juvenile detention centers in the state are at capacity and will struggle with holding an added age group.

As long as funding is addressed, I believe most juvenile justice professionals in the state would support "raise the age."

Nick Reininger, Chief Juvenile Probation Officer

Comal County Juvenile Probation

New Braunfels, TX

Comal County does not operate a Juvenile Detention Center and we have relied on contracts with surrounding counties to provide detention services. Securing juvenile detention on out of county youth through contracts has become increasingly difficult over the years, but has only gotten worse since the COVID – 19 pandemic. Counties that have historically accepted contract detention

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youth, are no longer accepting out of county youth. The few facilities that are still accepting contract youth have been overwhelmed by referrals and cannot keep up with demand. The result is that high risk youth that could pose a danger to themselves or others cannot be detained because there is absolutely nowhere to house them for counties that don't operate their own facilities. The vast majority of Texas Counties do not operate their own detention centers because of the enormous cost. Adding anymore juvenile referrals to an already strained detention circumstance could prove difficult.

Kate Murphy, Senior Child Welfare Policy Associate

Texans Care for Children

Austin, TX

We support HB 967 because it raises the age of criminal responsibility and assures that 17-year-olds will be under the jurisdiction of the juvenile justice system. Children under 13 should not be referred to the juvenile justice system and 17 year-olds should not be referred to the adult criminal justice system.

Tina Lincoln, Chief Juvenile Probation Officer

Hill County Juvenile Probation Department

Hillsboro, TX

First, I would like to address the bills in regard to raising the age from ten to twelve. While this may appear to be an ideal situation, I believe this is not the time for the legislation to be passed. In a past legislative session, HB 1204, allowed for some substantive changes in how those younger than twelve are processed in the juvenile justice system. Departments were required to develop policies to ensure there is not a rush to prosecution, through the mechanism of referral to CRCG. As a field, we have followed those directives and intent of the legislative change since such time successfully. The same essence of the bill was to reduce detaining a ten or eleven year old in detention, and again, policies were developed to ensure a mechanism is put into place to reduce the detention of ten and eleven year old's. Again, the field has successfully followed through with the spirit of the legislation.

If there was an appropriate catchment area to serve this population of adolescents, this change may be appropriate. The field continues to do a remarkable job in ensuring we look at each adolescent's case and determine how far, if at all, the juvenile should go in to our system. If these bills are to be passed, the juvenile justice system loses the ability to provide intervention, rehabilitation, and those services we have established within our communities to this age group. And unfortunately, there are times when intervention, even into the juvenile justice system, has the ability to change the life course, in a positive direction, for the youth.

Second, I would like to address the raise the age legislation to the age of 18. I, again, do not disagree this would be an ideal situation if the juvenile justice system had the capacity to serve this population of youth. However, there are some fiscal responsibilities which will need to be considered prior to adopting this legislation. El Paso County has completed a comprehensive study on the "raise the age" legislation which provides some insight into the fiscal burdens which this legislation would create. I would encourage the bills filed for this substantive change to focus on a statewide study, which would provide the fiscal impact of the legislation and ensure the funding is made available to juvenile probation departments before enacting such legislation.

Shanna Floyd, Chief Juvenile Probation Officer

100th Judicial District Juvenile Probation Department

Panhandle, TX

I am against this bill. Raising the Age in Texas at this time would be detrimental to the Juvenile Justice System in Texas. The Juvenile Justice System in Texas has consistently been defunded by the State Legislation. The adult system is currently funded 75% by the State of Texas while the Juvenile Justice System is funded 24% by the State of Texas. The LBB is currently looking at cutting the Juvenile Justice budget yet again this year. The constant cutting of the budget provided to local juvenile probation departments is causing rural areas to cut services to juveniles. This cut has caused the rural or smaller counties to pick up the costs to provide services to juveniles and numerous small counties are unable to fund these services at all. Thus, current juvenile

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populations in small, rural areas are suffering to provide services for our current population much less another age of juveniles. Another problem that we face as small departments is that we contract all detention and post-adjudication services. In 2019 and early 2020, small and rural counties were unable to find available detention or post-adjudication beds for juveniles who desperately needed to be placed or detained. If another age of population is added to the juvenile system, it will further hinder the availability to find beds for juveniles who need them for treatment and for community safety. The infrastructure is not currently in place to add 17 year old's to the juvenile population. I do not believe any number of referrals or supervisions should be counted for FY 2020 due to COVID. All courts were closed for some sort of time thus, hindering the ability for court hearings for juveniles and referrals were down due to everything being closed. I am against this bill and feel that there should be a true study of the impact this will cause on the system (each county individually) and how the State plans to fund this bill. There needs to be an independent study of this impact. It is my belief that if this bill passes, the number of commitments to the Texas Juvenile Justice Department will increase due to the lack of availability of local resources for another age of population that is unfunded.