



BIG THOUGHT
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BTI White Paper

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A Case for More Youth Justice Programming



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Big Thought is an impact education nonprofit focused on closing the opportunity gap through programs that equip students to imagine and create their best lives and world. Nationally recognized for its innovations in creative learning, collective impact collaborations, after school and summer learning, and social and emotional skill-building, Big Thought delivers direct-to-youth programming, learning system facilitation and consultation services supporting best practices in education.



Big Thought Institute is your partner in learning. We are an innovative team that partners with organizations to foster creativity, develop future-forward skills and deliver unique learning experiences. We provide professional learning, consulting, design and evaluation services to empower clients to effectively teach, engage and support youth in reaching their full potential. We leverage evidence-based best practices in creativity, instruction, learning systems and continual improvement that have been established over 30+ years.

***Note:** Big Thought is dedicated to lifting up all youth and empowering them to see the light of their own potential. As such, we do not believe in labeling youth in attachment to any negative actions or results of actions. However, juvenile justice is a critical issue and the terminology used in this work is specific to existing systems and research. Throughout this report we utilize the existing language of the system in order to be clear about the potential for these youth if we apply the insights that the research yields. This is a tough issue with tough subject matter that requires dialogue and action. Without being clear about the challenges youth face after experiencing the juvenile justice system we cannot have a meaningful dialogue, real action and shift to a more asset-based language and framing.*



Executive Summary

According to the Code of Corrections, the goal of the juvenile justice system is to rehabilitate youth offenders, and if possible, restore them to a state of useful citizenship.¹ However, in the past decade, Texas and County juvenile systems have seen an increasing trend in incarceration of these juvenile offenders, and more importantly overcrowding of detention facilities and programs meant to help these youth change their behavior rather than punish them.²

This paper analyzes publicly available data from Dallas County Juvenile Department (DCJD) for 2020 and from Tarrant County Juvenile Services (TCJS) for 2019, as well as other published literature, to examine the hypothesis that there are untapped opportunities for more youth to avoid prolonged detention and benefit from the community-based programming provided in connection with diversion and probation dispositions.

With only 5% of Dallas County Juvenile referrals resulting in diversion,³ there is a large remaining population of youth who would benefit from more programming. Though probationary programs do not remove youth from the system and in some instances do not dismiss or expunge records, community programming has a tangible benefit towards juvenile rehabilitation, community reintegration, and reducing recidivism rates. More restorative justice community programs for youth on probation, in addition to more diversion programming, would help free up staff and alleviate overcrowding to benefit youth more directly in facilities, in addition to the significant benefits afforded to the adjudicated youth and their futures.

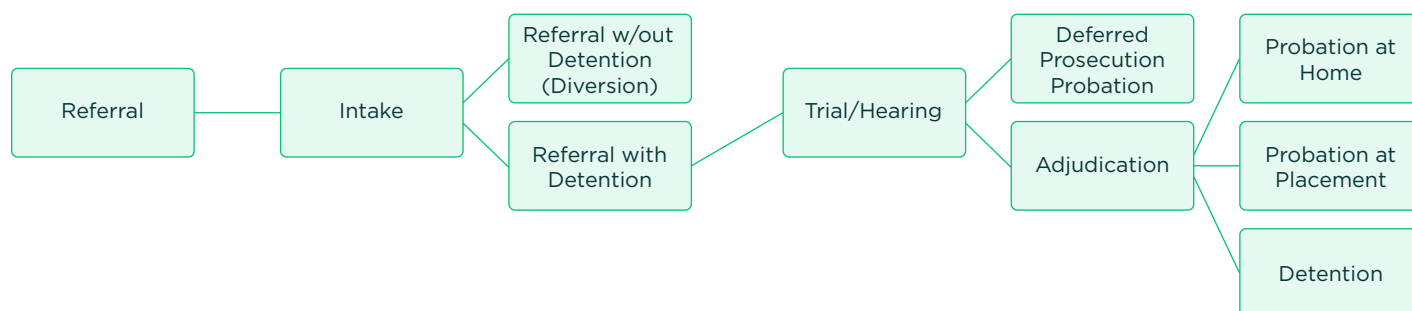
When youth are referred to the justice system, there are multiple paths through the system with different outcomes. For some youth, during the intake process, their referral may be diverted without detention. When a youth's case is diverted from the juvenile justice system, they are counseled by the department and their case is

closed, meaning the youth is no longer involved in the system. Diversion usually indicates that the offender is not convicted of the crime and gives youth a way to avoid facing court-imposed consequences, while addressing the problems that led to the youth being referred.

For the majority of youth, referral leads to pre-adjudicated detention, where they will either be transferred to the adult system or proceed to a trial or hearing in the juvenile system. If the youth is adjudicated, meaning they are found guilty of the offense, there are a series of dispositional outcomes, including probation at home, probation at placement (residential facilities), or detention. Diversion and probation referrals may include opportunities for youth to engage in community-based programming designed to support youth with targeted services that may address some of the underlying needs or circumstances that contributed to a youth's referral.

Collectively, for 2020 (DCJD) and 2019 (TCJS), a total of 5,883 total referrals were made representing 4,424 unduplicated youth.⁴ DCJD and TCJS both have diversion programming, but this programming only impacts a quarter of youth referrals overall, and that rate varies greatly by county. DCJD in particular has six diversion programs. **While these programs address a good variety of issues that youth face and most have above an 80% successful completion rate, only 5%, or 111 (of 2,208) DCJD referrals in 2020 were served by these diversion programs. Of these 111 youth, only one was assessed as a high needs youth based on the Positive Achievement Change Tool (PACT) which is used in both counties to assess risk and needs for each youth referred.**⁵ TCJS diverted a total of 1,330 youth (36% of overall referrals) in 2019, significantly more than Dallas County, with a majority of TCJS youth diversions resulting from case disposition as supervisory caution rather than diverted through programs.⁶ When low-risk youth are diverted, research shows they are 45% less likely to reoffend than comparable youth experiencing court processing.⁷

Figure 1: Generalized Juvenile Justice System Process



Beyond diversion, roughly 73% of DCJD and TCJS referrals result in a detention admission, whether pre-adjudicated or post-adjudicated. Of the 5,883 referrals, 36% result in adjudication and only 2% result in a disposition placement with the Texas Juvenile Justice System. Twenty-three percent of referrals result in court ordered probation, with another 13% resulting in deferred prosecution probation. Excluding preventive community programs and surveillance/electronic monitoring programs, approximately 20% of overall referrals and 27% of youth receive services connected to a community-based program in these two counties.⁸

It is clear from this data that **the current diversion and community-based probation programs are neither sufficient nor efficient enough to support the current number of justice system youth who could benefit from such programming.** Research has shown that keeping youth incarcerated for longer periods of time has extremely detrimental effects on their rates of re-offense and also increases risk of self-harm,⁹ which is reason alone to provide effective alternatives to detention.

In addition to the understated impact these programs have on these youth's lives, the juvenile justice system must also consider the cost to the state and county taxpayers who pay (on average in the United States) more than \$500 per day to house these incarcerated youth.¹⁰ One proposed solution to this problem is to remand these youth into community supervision, which is a fraction of the cost of incarceration (approximately \$100 per day) and continue to develop programs and community partnerships to support youth through the rehabilitation process. As of 2020, the average Texas state cost for confinement of a young person is more than \$480 per day, or \$175,039 per year.¹¹ Comparatively, the average state cost for probationary supervision is just \$100 per day. With these figures in mind, based on the average length of stay for youth detentions (approx. 27 days), the potential cost savings for each youth probated instead of detention, could be upwards of \$10,260.

If only 50 additional youth per year, out of the 4,424 youth referred to DCJD (2020) and TCJS (2019), were placed on probation instead of in detention then the potential cost savings is \$513,000.

This represents only the near-term cost savings. Assuming only the average three-year recidivism rate for adjudicated probationary programs (26%), for each year that even 50 youth successfully complete a deferred prosecution or court ordered probation community program, taxpayers potentially save up to approximately

\$380,000 per year in future detention costs based on the current average length of stay.

Creative Solutions is a program run by Big Thought that operates in partnership with Dallas and Tarrant County juvenile systems. Recognizing that **many other programs and organizations provide adjudicated youth programming,** for the purposes of this report Creative Solutions is only used as an example. Creative Solutions is an "arts as work-force" program that works on promoting positive self-image, social and emotional development, and personal expression through theatre and visual arts for adjudicated youth aged 10-17. Creative Solutions falls into multiple categories of programs and strategies with proven impact on reducing crime:¹² education, focus on high risk youth, recreation, community involvement.¹³

Creative Solutions is one of the only programs in the county who will accept high risk youth, and **over half the youth in Creative Solutions are high risk youth.**

For the period from 2017 through 2020, Creative Solutions' program in Dallas County had a successful program completion rate of 84% (79 of 94 students with successful program completions from 2017-2020), of which only 5% of youth reoffended.

As mentioned earlier, only one of 111 youth involved in DCJD's six diversion programs was considered high risk. Whereas, 21% of overall DCJD and 29% of overall TCJS referrals are considered to be high risk, with 7% and 14% overall classifying as high need, respectively.¹⁴ A 2009 study estimated the value of saving a high risk juvenile from a life of crime to be up to \$5.3 million.¹⁵

If referral rates continue at their current level or trend upwards, then the combination of tough-on-crime stances and lack of improvement of detention facilities will create a situation in which the number of youth being sent to these facilities is untenable. In this report, we detail the demographic breakdown of the youth population most impacted by the current juvenile justice landscape, the current referral pattern, and the small number of programs that serve the juvenile justice system, as well as their success rates.



Demographics

Youth cases are referred by a law enforcement agency, school or probation department to the juvenile court for:

- Delinquent conduct (including felony and misdemeanor referrals)
- Conduct indicating a need for supervision (CINS)
- Violation of probation

Referrals become formal after a youth has face-to-face contact with the juvenile probation department. From there, the juvenile service processes the youth through typically either diversion or standard cases disposed of through juvenile court, with a fewer number of youths facing sentencing and certification. Certification means the youth will be tried in the adult court system. The juvenile justice system process, barring diversion, involves four stages: intake, adjudication, disposition and post adjudication review.

Data representing demographics and programming are taken and recontextualized/reprinted from the latest official annual reports by Dallas County Juvenile Department (DCJD) and Tarrant County Juvenile Services (TCJS), from 2020 and 2019 respectively. It is important to note that in 2020 referral numbers dropped drastically by ~40%, attributed by DCJD as due to the effects of COVID-19, which included less community interaction due to social distancing and subsequent shut-downs of businesses and schools.¹⁶ Referral numbers in years preceding COVID-19 were stable. Unsurprisingly, the general demographics of youth offenders skews towards underserved and disadvantaged communities, and are overwhelmingly Hispanic and Black males. Though Dallas County referral rates were fairly stable in the years preceding the COVID-19 pandemic, the trend for Tarrant County antedating the pandemic has been trending slightly upward. What is even more concerning is that the average stay time has been increasing in both systems. The logistical impossibility of incarcerating as many youth as previously due to pandemic safety protocol has led to more diversion into already strained satellite programs, which report high rates of unsuccessful completions (some as high as 40%). In 2020, 5% (111 of 2208) of DCJD referrals were placed in diversion programming, while 36% (1330 of 3675) of TJCS referrals were stated to be diverted under Tarrant County's definition.¹⁷

Referrals by Sex and Ethnicity

As outlined in Tables 1 and 2 below, referrals by ethnicity show that both Dallas/Tarrant County have a large proportion of referrals of Black (48%/44%) and Hispanic (43%/35%) ethnicities. Of note, Tarrant County has a more sizeable percentage of White referrals (20% compared to 8% in Dallas County).

Comparing genders, Dallas County has roughly a population of two-thirds (68%) male and one-third (32%) female referrals while Tarrant County skews more towards males with roughly three-fourths (74%) male and one-fourth (26%) female.

Table 1: Referrals by Sex, Ethnicity: Dallas County (2020)¹⁸

Gender	Black	Hispanic	White	Other	Total
Male	728	649	117	18	1512 (68%)
Female	332	299	63	2	696 (32%)
Total	1060 (48%)	948 (43%)	180 (8%)	20 (1%)	2208

Table 2: Referrals by Sex, Ethnicity: Tarrant County (2019)¹⁹

Gender	Black	Hispanic	White	Other	Total
Male	1190	940	557	33	2720 (74%)
Female	439	339	169	8	955 (26%)
Total	1629 (44%)	1279 (35%)	726 (20%)	41 (1%)	3675

Referrals by Unique Youth

Dallas and Tarrant Counties track total number of referrals and the unique (unduplicated) number of youth referred. In 2020, Dallas County had 2,208 referrals to 1,808 youth.²⁰ This 1.22 referral-to-youth ratio is the lowest number in 5 years. In contrast, Tarrant County has had a relatively steady ratio of around 1.40.²¹ Though neither county's report states the circumstances of youth and referral numbers, youths with multiple referrals were found to be more likely to have histories of missing from care, substance misuse and greater agency involvement.²²

Referrals by Offense Type

Referral offense trends are split into four categories: felony, misdemeanor, violation of probation and CINS (Children in Need of Supervision). Felony and misdemeanor are considered delinquent conduct; felony being the most severe, followed by misdemeanor. Violation of probation ranges from a minor to major punishment. CINS violations cover non-criminal or status offenses and less serious law violations. Neither county's report included disposition (sentencing) by referral type figures.



Table 3: Formalized Referral Trends 2016-2020: Dallas County & Tarrant County²³

County	2016	2017	2018	2019	2020*	1 year % Change (18-19)	1 year % Change (19-20)*
Referrals							
Dallas	4079	4046	3811	3823	2208	0.03%	42% (-)
Tarrant	3297	3472	3500	3675		5%	
Youth/Juveniles (unduplicated referrals)							
Dallas	3128	3050	2881	3001	1808	4.2%	40% (-)
Tarrant	2400	2468	2527	2616		3.5%	
Referral-to-Youth Ratio							
Dallas	1.30	1.33	1.32	1.27	1.22		
Tarrant	1.37	1.41	1.39	1.40			

Table 4: Formalized Referral Trends by Offense Type 2016-2020: Dallas County & Tarrant County²⁴

County	2016	2017	2018	2019	2020*	1 year % Change (18-19)	1 year % Change (19-20)*
Felony (<i>Assaultive, Burglary, Drug Offences, Sexual Assault, Homicide, Weapons Offences, etc.</i>)							
Dallas	1183	1193	1094	1245	821	13.8%	34% (-)
Tarrant	1037	1095	1069	1268		18.6%	
Misdemeanor (<i>Assaultive, Drug Offences, Theft, Other Misdemeanor and Property, etc.</i>)							
Dallas	1683	1649	1474	1428	779	3.2% (-)	45% (-)
Tarrant	1724	1800	1850	1758		5% (-)	
Violation of Probation							
Dallas	469	435	520	471	189	10.4% (-)	60% (-)
Tarrant	454	491	524	577		5%	
CINS (Children in Need of Supervision) (<i>Runaway, Alternative Education Expulsion, Disorderly Conduct, Liquor Laws, etc.</i>)							
Dallas	744	769	723	679	419	6.4% (-)	38% (-)
Tarrant	82	86	57	72		26.3%	
Total Referrals							
Dallas	4079	4046	3811	3823	2208	0.03%	42% (-)
Tarrant	3297	3472	3500	3675		5%	
Total Youth							
Dallas	3128	3050	2881	3001	1808	4.1%	40% (-)
Tarrant	2400	2468	2527	2616		3.5%	

TCJS has a significantly smaller number of referrals due to CINS violations, and a larger proportion of misdemeanors. DCJD saw a larger proportion of felonies in 2020. Overall, DCJD numbers have been trending downward while TCJS referral numbers have been increasing year over year for both number of referrals and unique number of youths referred.

Referrals by Age

As detailed in Figure 3, both Dallas and Tarrant County referrals show similar proportions of age, with the majority of referrals being aged 16 (-32%), 15 (27%), and 14 (-19%). Very few referrals were 17 or older, congruent with Texas' policy of automatically trying these 17-year-old teenagers as adults. Of note, keeping youth in the juvenile system, as opposed to adult processing, has been shown to reduce their likelihood of reoffending by 34%,²⁵ and prevent them from receiving an adult criminal record.



Figure 2: Formalized Referral Trends by Category: Dallas County (2019, 2020) & Tarrant County (2019)²⁶

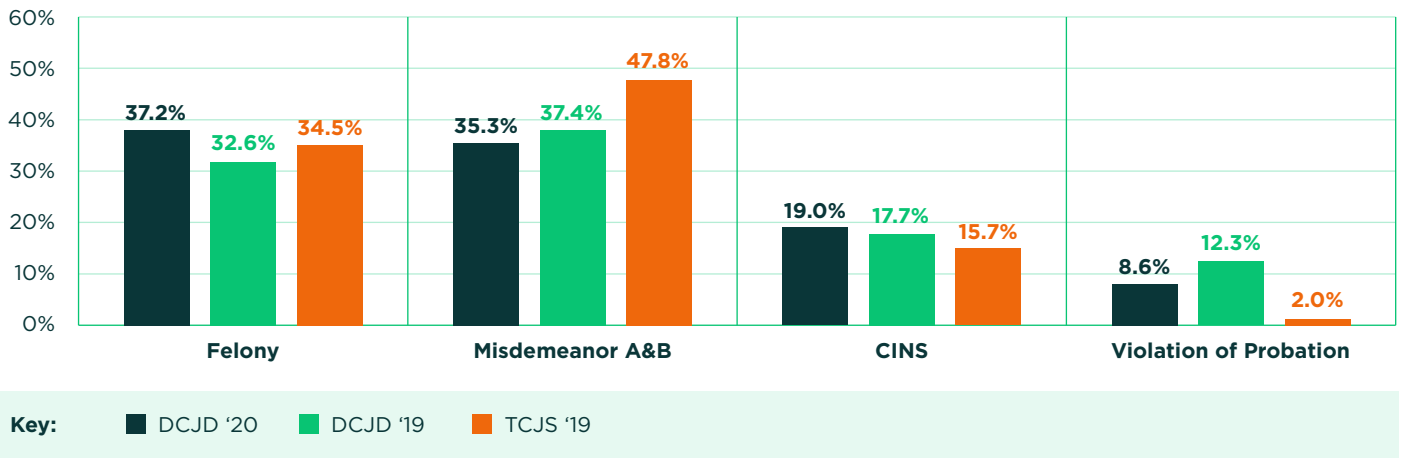
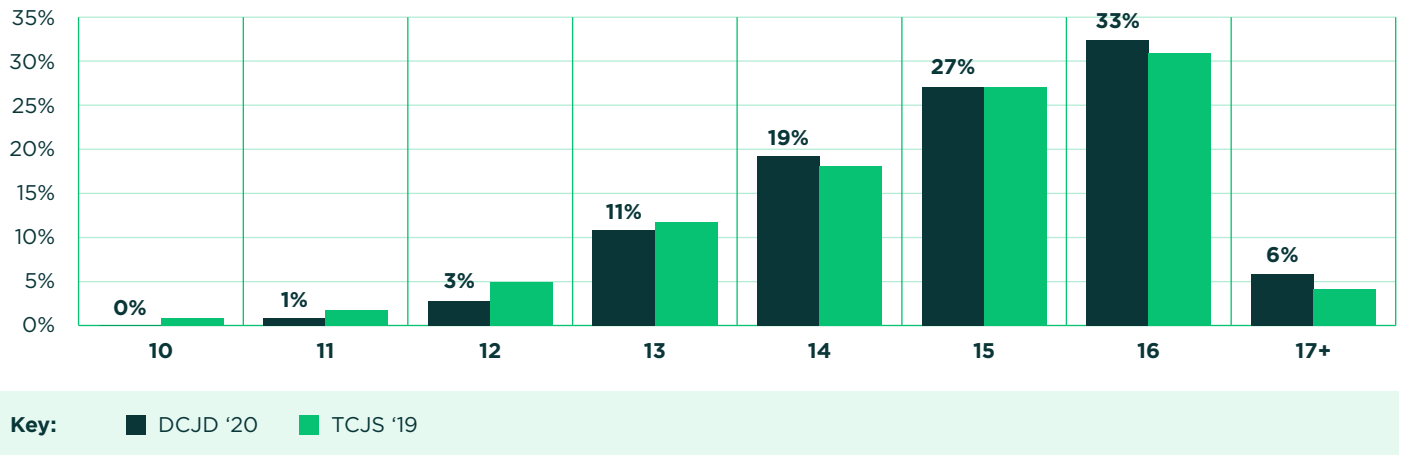


Figure 3: Referrals by Age: Dallas County (2020) & Tarrant County (2019)²⁷



Risk & Needs Assessment

Dallas County Juvenile Department (DCJD) and Tarrant County Juvenile Services (TCJS) have both implemented the Positive Achievement Change Tool (PACT) for risk and needs assessment. First developed by Assessments.com and the Florida Department of Juvenile Justice, the Positive Achievement Change Tool is used to assist staff in identifying criminogenic needs to be targeted through case planning, while classifying the youth into an appropriate risk category for supervision.

Two versions of the PACT multiple choice assessment instrument are used by both DCJD and TCJS:

1. The PACT Pre-Screen consists of 46 items and measures a juvenile's risk to recidivate (reoffend) with an "Overall Level of Risk to Reoffend"
2. The PACT Full-Screen is 126 items and produces a risk to recidivate with an "Overall Level of Risk to Reoffend" while also providing ancillary information necessary for supervision case planning

The overall level of risk to reoffend is measured by examining record of referrals (delinquency history) and social history; each are scored identically for both the pre-screen and full assessment.²⁸ The domains measured in the PACT assessment relate to criminogenic needs, all of which can be categorized as either individual or social level risk factors. The PACT also measures a third domain, attitude and behaviors, which is not included in the level of risk to reoffend.



Record of referral is measured by a number of unique indicators of a youth's criminal history and includes age at first offense, non-traffic misdemeanor and felony referrals, against-person misdemeanor and felony referrals, detentions lasting 48 hours or more, commitment orders, escapes and warrants issued for failing to appear in court.

Social history is measured by six criminogenic needs including: education, pro-criminal/anti-social peers, dysfunctional family features, alcohol/drug use, mental health problems and history of abuse/neglect. Criminogenic needs are dynamic risk factors that are statistically associated with future delinquency.

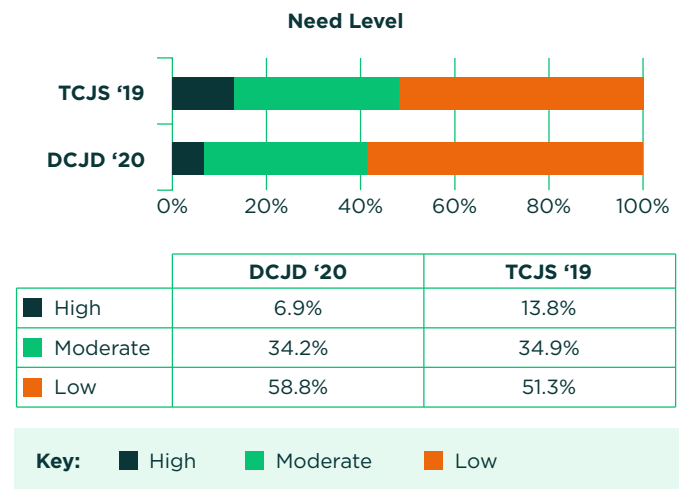
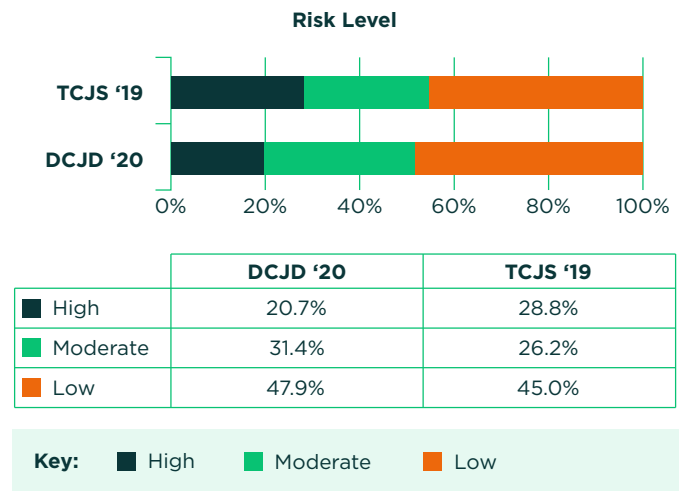
Multiple studies found that males assessed at Moderate and High risk with PACT were found to be two to three times more likely to recidivate than low risk youth.²⁹ Low risk youth made up 63.3% of the study population and had a 17% recidivism rate, while high risk youth accounted for 36.6% of the population and had a 56.8% chance to recidivate.³⁰ During calendar year 2020, a total of 1,632 PACT pre-screens and 4,052 full assessments were completed by the DCJD. In 2019, TCJS recorded 3,370 PACT assessments and did not differentiate between pre-screens and full assessments in their report.³¹

Risk Level - The risk principle states that level of supervision and related services an offender receives should directly relate to their risk to reoffend and is primarily concerned with prediction and matching.³² Risks are based on static(unchangeable) factors, individual and social characteristics, that increase the probability of recidivism (e.g., prior offenses, age, etc.). High risk offenders are meant to receive more intensive interventions, while low risk offenders should receive minimal or no intervention. Compared to multiple studies, both DCJD and TCJS youth had similar low risk PACT results to observed populations.³³ **Forty-eight percent** of Dallas and **45%** of Tarrant youth were assessed as low risk. **Fifty-two percent** of Dallas and **55%** of Tarrant youth assessed as Moderate to High risk.³⁴

Need Level - The needs principal suggests that interventions where direct treatment and case management prioritize the core criminogenic needs can positively impact youth through services, supervision and support.³⁵ Criminogenic needs are dynamic risk factors and seen as amenable to treatment, unlike the static factors related to risk levels. Offenders with multiple criminogenic needs should be categorized as a higher risk, and when paired with appropriate services often experience a greater reduction in recidivism.³⁶ **Fifty-nine percent** of Dallas and **51%** of Tarrant youth need levels measured as Low. **Forty-one percent** of Dallas and **49%** of Tarrant youth need levels were assessed as Moderate to High.³⁷

Programs targeting three to eight criminogenic needs were found to produce larger effects than those targeting zero to two criminogenic needs.³⁸ DCJD looks at eight specific criminogenic needs in their 2020 PACT results. These are used to further inform disposition decisions and program offerings for youth referred. The criminogenic needs noted by DCJD in order of the frequency with which they occur are: Criminal Associates, Leisure/Recreation, Employment/School, Antisocial Personality, Family, Antisocial Behavior, Criminal Thinking, and Substance Abuse.³⁹

Figures 4 and 5: Total PACT assessments, Risk & Need Level: Dallas County (2020) and Tarrant County (2019)⁴⁰



Intervention

Diverted Youth and Restorative Justice Programs

While the specific referral process varies by county, in general, when youth are referred to the justice system, there are multiple paths through the system with different outcomes. For some youth, during the intake process their referral may be diverted without detention. When a youth's case is diverted from the juvenile justice system, they are counseled by the department and their case is closed, meaning the youth is no longer involved in the system. Diversion usually indicates that the offender is not convicted of the crime and gives youth a way to avoid facing court-imposed consequences while addressing the problems that led to the youth being referred.

DCJD and TCJS differ in how they approach diversion. In the case of Tarrant County Juvenile Services, a judge may decide to dispose of the youth's case as supervisory caution without any other pending referrals or supervision, or assign youth to the Tarrant County Juvenile Drug Court, which essentially functions as TCJS' only diversion program. Juvenile diversion programs work with kids and their families to hold youth accountable for their behavior without resorting to marks from the justice system and are designed to address specific purposes or goals. If the juvenile diversion program is successfully completed, the youth's case is diverted and removed from the system, restoring their status to where it was prior to the referral. Dallas County Juvenile Department, in contrast to Tarrant County Juvenile, does not dispose of youths' cases with supervisory caution through the judge. The only route through diversion is one of six diversion programs offered by DCJD, which target first-time, low-level referrals. **While these programs address a good variety of issues that youth face and most have above an 80% successful completion rate, only 5%, or 111 (of 2,208) DCJD referrals in 2020 were served by these diversion programs. Of these 111 youth, only one was assessed as a high needs youth based on the PACT.**⁴¹ TCJS diverted a total of 1,330 youth in 2019.⁴²

When low-risk youth are diverted, research shows they are 45% less likely to reoffend than comparable court processing.⁴³

If youth are not able to have their cases diverted, their case is processed and they can be found to have committed a violation of criminal law, a delinquent act. At this point they are considered adjudicated youth. Tarrant County had 16.3% of dispositions resulting in adjudication in 2019, while in 2020, Dallas County Juvenile had 47.4%.⁴⁴

Table 5: Risk Levels of Diverted Youth: Dallas County (2020)⁴⁵

		Referral-to-Youth Ratio			Total
		Low	Moderate	High	
Need Level	Low	76 (68%)	1 (1%)	0 (0%)	77 (69%)
	Moderate	8 (7%)	22 (20%)	3 (3%)	33 (30%)
	High	0 (0%)	1 (1%)	0 (0%)	1 (1%)
Total		84 (76%)	24 (22%)	3 (3%)	111 (100%)

Table 6: Risk Levels of Diverted Youth: Tarrant County (2019)⁴⁶

		Risk Level			Total
		Low	Moderate	High	
Need Level	Low	981 (74%)	25 (2%)	0 (0%)	1006 (76%)
	Moderate	101 (8%)	160 (12%)	14 (1%)	275 (21%)
	High	0 (0%)	26 (2%)	23 (2%)	49 (4%)
Total		1082 (81%)	211 (16%)	37 (3%)	1330 (100%)



Table 7: DCJD Administered Diversion Programs (2020)⁴⁷

Diversion Program	Description	Number Served	Number of Completions	Other Completions	Successful Completions	Unsuccessful Completions
Diversion Male Court	Focuses on minority males with first time and minor referrals on issues that lead to delinquency	83	59	0	51 (86%)	8 (14%)
Drug Court	Targets youth with a history of substance abuse, aims to help youth recover from drug use lifestyle	26	21	0	18 (86%)	3 (14%)
E.S.T.E.E.M. Court	Girls-only diversion program, combatting sexual exploitation	10	9	0	7 (78%)	2 (22%)
Family Violence Intervention Program	Youth with a first offense that is a misdemeanor assault or family violence work with a counselor to lessen violent behavior and strengthen family bonds	42	39	1 (3%)	32 (82%)	6 (15%)
Mental Health Court	Diverts youth with mental health disorders from justice system involvement, addressing problems, giving therapy, and helping with coping strategies	16	11	1 (9%)	7 (64%)	3 (27%)
Youthful Offenders Court	Targets first-time offenders between 10 and 13 to establish understanding of responsibility, impact, and consequences of their choices	38	26	1 (4%)	22 (85%)	3 (12%)
Total		215	165	3 (2%)	137 (83%)	25 (15%)

Table 8: Profile of Diverted Youth in Diversion Programs: Dallas County (2020)⁴⁸

	Male				Female		
	Black	Hispanic	White	Avg. Age	Black	Hispanic	Avg. Age
Diversion Male Court	21	15	0	15.47	-	-	-
Drug Court	3	7	1	14.82	0	1	14
E.S.T.E.E.M. Court	-	-	-	-	1	3	15.50
Youthful Offenders Court	4	6	2	12.42	5	4	12.67
Mental Health Court	4	4	0	14.17	4	2	13.50
Family Violence Intervention Program	3	8	0	14	10	5	15.20

Probation and Community Programs

If a youth's case is not able to be diverted, the court may assign the youth to probation. In 2019, 14.5% of TCJS dispositions resulted in court-ordered probation, while 72.1% of dispositions were placed on deferred prosecution probation.⁴⁹ In 2020, 21.2% of DCJD dispositions resulted in court-ordered probation and 11.5% of dispositions resulted in deferred prosecution probation.⁵⁰ Probation prevents the youth from going to a detention center but is normally offered after adjudication decisions. Deferred prosecution probation, if successfully completed, results in the charges being dismissed. DCJD and TCJS both offer probation and community programs. Probation differs from diversion in that diversion stipulates that youth not be assigned to probation or supervised by a probation officer, nor should there be any punishment for failure in diversion except in instances of risk to public safety. There are no court standards to guide how often diversion program providers meet or speak with youth and their families.

Community programs are presented as a way of probation or alternative to detention where the youth remain in the community. Unlike diversion programming and deferred prosecution probation, court-ordered probation programs do not dispose of a youth's case upon successful completion of programming. Excluding preventive community programs and surveillance/electronic monitoring programs, approximately 20% of overall referrals and 27% of youth in both DCJD and TCJS received services connected to community-based programs.⁵¹ As shown in Tables 10-12 on the following page, many programs in Dallas and Tarrant County have over 25% unsuccessful exits. The programs serve needed demographics but given the number of unsuccessful exits and youth not enrolled in programs, more varied programming would be beneficial.



In contrast to risk levels of diverted youth, the risk levels of youth placed on probation skew more towards moderate and high risk. Though not as effective as diversion in regard to cost-savings and rehabilitation, youth placed under juvenile probation supervision still represent a significantly cheaper outcome than detention. In 2015, Texas Legislature found that juvenile probation cost \$22.42 per day as opposed to \$366.88 per day to house a youth in a juvenile facility.⁵² A Washington State Institute study showed that aggression replacement training alone caused juvenile recidivism rates to drop 16%.⁵³

Table 9: Risk Levels of Youth Placed on Court-Ordered Probation: Tarrant County (2019)⁵⁴

		Risk Level			Total
		Low	Moderate	High	
Need Level	Low	131 (26%)	72 (14%)	0 (0%)	203 (40%)
	Moderate	6 (1%)	100 (20%)	123 (24%)	229 (45%)
	High	0 (0%)	1 (0.2%)	76 (15%)	77 (15%)
Total		137 (27%)	173 (34%)	199 (39%)	509 (100%)

Table 10: DCJD Administered Community Programs (2020)⁵⁵

Program	Number Served	Number of Completions	Other Completions	Successful Exits	Unsuccessful Exits
Alternative to Detention					
Electronic Monitoring Pre-Adjudication	227	208	1 (0.5%)	128 (61.5%)	79 (38%)
Electronic Monitoring Post-Adjudication	228	215	0	95 (44%)	120 (56%)
Mental/Behavioral Health					
Functional Family Therapy	203	167	15 (9%)	96 (57%)	56 (34%)
Anger Management Group	13	12	8 (67%)	3 (25%)	1 (8%)
Anger Management Group (Spanish)	5	5	0	4 (80%)	1 (20%)
Positive Development Group	7	7	0	7 (100%)	0
Sex Offenders Group STARS	130	68	4 (6%)	55 (81%)	9 (13%)
Special Needs Unit/Program	161	107	4 (4%)	72 (67%)	31 (29%)
Other					
Cognitive Response Group	17	17	0	17 (100%)	0
Girls Circle Group	5	5	0	5 (100%)	0
Total	996	811	32 (4%)	482 (59%)	297 (37%)

Table 11: : TCJS Administered Probation Programs (2019)⁵⁶

Program	Number Served	Number of Completions	Other Completions	Successful Completions	Unsuccessful Completions
Placement Unit	60	33	0	32 (97%)	1 (3%)
Family Partnership Program: Special Needs Diversionary Program	118	69	6	45 (71.4%)	18 (28.6%)
Family Partnership Program: Specialized	62	37	4	21 (63.6%)	12 (36.4%)
Sex Offending Caseload	128	48	7	27 (65.9%)	14 (34.1%)
Project SAFeR	2	1	0	1 (100%)	0 (0%)
Juvenile Drug Court	87	45	2	32 (74.4%)	11 (25.6%)
Total	457	233	19 (8%)	158 (68%)	56 (24%)



Table 12: : TCJS Community Programs (2019)⁵⁷

Program	Number Served	Number of Completions	Other Completions	Successful Completions	Unsuccessful Completions
Prevention Programs					
Arlington ISD Truancy Reduction	354	190	13	169 (95.5%)	8 (4.5%)
Mentoring & Advocacy for Siblings	32	25	0	23 (92%)	2 (8%)
Surveillance Programs					
Community Based – Detention (CBD)	37	37	3	25 (73.5%)	9 (26.5%)
Electronic Monitoring (EM)	21	21	0	20 (95.2%)	1 (4.8%)
Electronic Monitoring Field Services	117	117	0	96 (82.1%)	21 (17.9%)
Electronic Monitoring Home Detention	520	518	0	370 (71.4%)	148 (28.6%)
Community Programs					
Spanish Language Mental Health Services	14	14	1	11 (84.6%)	2 (15.4%)
Cassata (Educational)	8	8	0	6 (75%)	2 (25%)
DSA	46	27	2	16 (64%)	9 (36%)
Families in Transition (Family Preservation)	120	116	15	69 (68.3%)	32 (31.7%)
Functional Family Therapy (Family Preservation)	111	104	19	63 (74.1%)	22 (25.9%)
Ground Zero	29	26	5	13 (61.9%)	8 (38.1%)
REACH (Mental Health)	60	59	4	39 (70.9%)	16 (29.1%)
TCAP – Court Transition (Mentorship)	153	153	16	107 (78.1%)	30 (21.9%)
TCAP – Traditional (Mentorship)	91	89	5	69 (82.1%)	15 (17.9%)
Total	1713	1504	83	1096	325

Detention and Residential Dispositions

Detention and/or residential placement can occur in pre-adjudicated settings where supervision is determined to be necessary and can also occur as a disposition once a youth is adjudicated. In 2020 in Dallas County Juvenile Department and in 2019 in Tarrant County Juvenile Services, approximately 73% of referrals included some form of admission to detention, reflecting 55% of unique youth.⁵⁸ Detention and residential facilities are either designed to serve youth in a secure environment when necessitated or in a non-secure environment. Detention and residential facilities may also cater to specific targeted needs of youth, such as drug treatment, sexual assault related offenses, victims of trafficking, runaways, and some facilities may embed community program opportunities.

For the years noted, the PACT risk and needs distribution for youth admitted to DCJD detention or residential facilities indicates that 33% of referrals were classified as low risk and low need, and an additional 15% of referrals were classified as either low risk and moderate need or moderate need and low risk.⁵⁹ TCJS data does not reflect the PACT distributions for detention center referrals. While the unique

circumstances of each youth referral should be taken into account, these data suggests that roughly 48% of DCJD referrals that result in detention or residential placement, may have the opportunity for probationary alternatives and community programs, contingent on those programs having both the capacity to serve additional youth as well as expertise that meets the relative needs of the youth.⁶⁰

In addition to county facilities, of overall referrals 2% result in adjudication with a disposition placement with the Texas Juvenile Justice System.⁶¹



Expenditures and Investment Benefits

As of 2020, the cost to incarcerate one youth for a year in Texas is \$175,039, roughly \$480 per day. This is more than a 30% increase in incarceration costs since the last report in 2014.⁶² Juvenile detention beds are costly. Comparatively, community supervision of youth costs less than \$100 per day.⁶³

Beyond the cost of housing the juvenile, youth who are rehabilitated become taxpayers rather than burdens on taxpayers.

A 2015 legislative report stated that each youth who is rehabilitated can save taxpayers between \$1.7 million and \$2.3 million in future criminal costs.⁶⁴

Long-term savings from reduced recidivism include fewer arrests, less re-incarceration, reduced prison population pressures, fewer victims, and more youth in school, higher education and jobs instead of being locked up.

In 2020, DCJD's Dr. Jerome McNeil Jr. Detention Center had a total of 1,584 admissions, representing 1,332 unique youth. The average length of stay was 35 days, and the average number of youth in the detention center was almost 166. TJCS' Lynn W. Ross Juvenile Detention Center had 1,654 admissions, representing 1,113 unique youth, with an average length of stay of 18 days. The average daily population of the detention center was 79.⁶⁵

The estimated per day, per youth savings for supervision versus detention is approximately \$380. If there was only a 5% reduction in the number of youth assigned probation, as opposed to detention, this would represent a potential savings of over \$1.5 million annually.

Table 13: Cost Comparison⁶⁶

	Supervision (Probation)	Detention
Per day/youth	\$100	\$480
Per year/youth	\$36,500	\$175,200

Overcrowding and Staffing Concerns

Overcrowding at Tarrant County's Juvenile Detention Center has been an issue in 2022. The average length of stay per juvenile has increased every year since at least 2017, and though detention admissions have been down, overcrowding is still a problem. A report by the Fort Worth Star-Telegram found that the average daily population is 118 in the center, which has a stated

capacity of 120.⁶⁷ At its highest peak in 2022, the center held 138 juveniles. The detention center is staffed for a capacity of 108. The Prison Rape Elimination Act (PREA) requires that during waking hours, at least one direct-care staff member must be present in the room per eight youth. Texas allows for one staff per twelve youth.⁶⁸ The staff-to-juvenile ratio is not at state standards. At the time of the Star Telegram's report, there were 12 vacant positions in the facility, with staff working overtime to fill in gaps where they could. Judge Alex Kim says his solution is more beds for the facility; Dallas County has 22 beds per 100,000 residents. Tarrant has fewer than 6.⁶⁹

While Texas allows for one staff per twelve youth, there are many situations where a higher staff-to-youth ratio is required.

- Severe mental health diagnoses require at least a 1 to 4 ratio
- Youth in a mental health crisis need a 1 to 2 ratio
- If the youth is suicidal, a 1 to 1 ratio is required
- Girls need a ratio of 1 staff member to 6 girls
- Violent youth and mental health needs require a ratio of 1 to 4 or more
- 63% of girls in secure facilities have been placed on suicide alert at least once—about twice the percentage of Texas Juvenile secure youth overall⁷⁰

Texas Juvenile Justice Department (TJJD) recommends several potential options to alleviate the balance of staff to youth, centered around retaining officers and staff. TJJD's self-evaluation report for 2021 states, "Simply put, without proper and consistent balance between the number of youth and the number of direct-care staff, sustainable reform is not possible."⁷¹

A Case for More Youth Justice Programming

Instead of housing youth in understaffed lockup facilities, a proposed solution is more community and diversion programming. The juvenile system is strongly oriented toward rehabilitation, and adjudicated programming aids in reducing rates of recidivism. A study on intervention rather than incarceration found that juveniles are 38% less likely to return to crime if they enter a restorative justice program rather than becoming incarcerated.⁷²

Creative Solutions is a program run by Big Thought that operates in partnership with Dallas and Tarrant County juvenile systems. Recognizing that many programs and organizations provide adjudicated youth programming,



for the purposes of this report Creative Solutions is only used as an example. Creative Solutions is an “arts as work-force” program that focuses on promoting positive self-image, social and emotional development, and personal expression through theatre and visual arts for adjudicated youth aged 10-17. Creative Solutions falls into multiple categories of programs and strategies with proven impact on reducing crime:⁷³ education, focus on high risk youth, recreation and community involvement.⁷⁴

Creative Solutions is one of the only programs in the county who will accept high risk youth, and **over half the youth in Creative Solutions are high risk youth.** A 2009 study estimated the value of saving a high risk juvenile from a life of crime to be up to \$5.3 million.⁷⁵

For the period from 2017 through 2020, Creative Solutions’ program in Dallas County had a successful program completion rate of 84% (79 of 94 students with successful program completions from 2017-2020), of which only 5% of youth reoffended.

In Texas, more than 60% of juvenile offenders end up in trouble again within three years of probation or release. As of 2020, the average Texas state cost for confinement of a young person is over \$480 per day, or \$175,039 per year.⁷⁶ With these figures in mind, based on the average length of stay for youth detentions (approx. 27 days), the potential cost savings for each youth probated instead of receiving detention, could be upwards of \$10,260. If only 50 additional youth per year, out of the 4,424

youth referred to DCJD (2020) and TCJS (2019), were placed on probation instead of being assigned detention, then the potential cost savings is \$513,000. This represents only the near-term cost savings. Assuming only the average 3-year recidivism rate for adjudicated probationary programs (26%), for each year that even 50 youth successfully complete a deferred prosecution or court-ordered probation community program, taxpayers potentially save up to approximately \$380,000 per year in future detention costs based on the current average length of stay.

The success of Creative Solutions and other existing community programming more than justifies additional programming opportunities for adjudicated youth. Though community programs do not remove youth from

With only 5% of Dallas County Juvenile youth involved in diversion programming, there is a large remaining population of youth who would benefit from more programming.

the system or expunge records, community programming has a tangible benefit towards juvenile rehabilitation, community reintegration and reducing recidivism rates. More restorative justice community programs in addition to more diversion programming would help free up staff and alleviate overcrowding to benefit youth more directly in facilities, in addition to the significant benefits afforded to the adjudicated youth and their futures.

Table 14: Example of Other Community Programs Working with Dallas County Juvenile Department⁷⁷

	Youth With Faces	Café Momentum
Start Year	2001	2015
Description	<ul style="list-style-type: none"> Provides materials and meals to the residents of Dallas County Juvenile Department’s Youth Village, Medlock Residential Center and Letot Girls’ Residential Treatment Center It impacts the lives of 200 youth annually who earn social skills, employment readiness, gateway job and future planning skills 	<ul style="list-style-type: none"> It is a nonprofit restaurant that provides a 12-month paid internship program for youth aged 15 – 19 years The internship starts with a 2-week orientation where interns are connected with case managers to address basic urgent needs, establish a baseline of stability in their lives and set personal goals
Programs/ Assistance Provided	<ul style="list-style-type: none"> Microsoft Computer Course Nutrition & Culinary Arts Horticulture & Gardening Prep Dog Training and many more 	<ul style="list-style-type: none"> Work in all areas of restaurant Learning Legal Employment Financial Education Parenting Classes Educational Assistance & Career Exploration
Impact	<ul style="list-style-type: none"> Recidivism rate of Youth with Faces program participants is less than 13% 50+% vocational program participants found employment and earned more than \$2000 quarterly 	<ul style="list-style-type: none"> 0% of youth completing the 12-month internship program adjudicated or reconvicted, compared to Texas state average of 11.8% 88.89% were enrolled in high school, had graduated, or achieved their GED 85.18% completed or were in compliance with any court orders 100% had a bank account enabling future ability to finance or receive credit, compared to the 25% have a bank account upon entering the program 77% are voluntarily receiving counseling (100% of the interns entering our program had at least one Adverse Childhood Experience in their history)



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- ¹⁹Tarrant County Juvenile Services Annual Report 2019.
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- ²¹Tarrant County Juvenile Services Annual Report 2019.
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