

Senate Interim
Committee

on

Gangs and Juvenile Justice

"Thinking outside the Box"

October 1, 1998

Acknowledgments

During the course of its study, the Senate Interim Committee on Gangs and Juvenile Justice received the invaluable assistance of a great many individuals, state agencies, and organizations throughout the state. The committee wishes to express its deepest appreciation collectively to all of those who gave so generously of their time, resources, information and judgement in preparation of this report.

The members of the committee are particularly grateful to those individuals who truly went “above and beyond the call of duty” in providing assistance. The following state agencies and/or departments deserve a special thanks for their tireless efforts on the committee’s behalf:

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Texas Criminal Justice Policy Council
Texas Department of Criminal Justice
Texas Department of Mental Health and Mental Retardation
Texas Parks and Wildlife Department
Texas Department of Protective and Regulatory Services
Texas Department of Public Safety
Texas Education Agency
Texas Health and Human Services Commission
Texas Juvenile Probation Commission
Texas Youth Commission

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Susie Ramirez, Committee Clerk
Kwame Walker, Committee General Counsel

A special debt of gratitude goes to the law enforcement officers of Texas for their dedication and commitment to protecting the lives of all Texans.

**CHARGES OF THE
SENATE INTERIM COMMITTEE ON
GANGS AND JUVENILE JUSTICE**

INTERIM COMMITTEE CHARGES

The Senate Interim Committee on Gangs and Juvenile Justice shall:

1. Study and make recommendations to address the increasing gang problem in Texas, including consideration of: collaboration between law enforcement, education officials, and state and local juvenile justice agencies; prevention and intervention efforts; needs of prosecutors and law enforcement agencies; and, criminal information systems.
2. Study the need, if any, for additional juvenile court masters to assist courts with juvenile jurisdiction in providing speedy and effective justice for juvenile offenders and their victims. Identify jurisdictions most significantly impacted by juvenile justice caseloads. If necessary, make recommendations for the number of any such masters and the fiscal implications with potential funding sources.
3. Monitor the implementation of HB 1550, passed by the legislature during the 1997 session, regarding progressive sanctions. Study the impact of progressive sanctions on juvenile facilities and upon program needs to make recommendations, if any, for statutory or funding changes.
4. Monitor the STARS (Services to Runaways At-Risk Youth) program and community youth development grants to evaluate their effectiveness and continued implementation.

REPORT

1. The Committee should submit copies of its final report as soon as possible, but no later than October 1, 1998. Copies of the final report should be sent to the Lieutenant Governor, Secretary of the Senate, Legislative Council and the Legislative Reference Library.
2. The final report of the Committee should be approved by a majority of the voting members of the Committee and include any recommended statutory changes. A draft bill prepared by the legal staff of the Texas Legislative Council containing any recommended statutory changes should be attached to the report. Recommended agency rule changes should also be attached to the report.

BUDGET AND STAFF

The Committee may submit a proposed budget for staff and resources to the Senate Administration Committee for approval. The Committee may receive assistance from the Senate Jurisprudence Committee with the approval of Senator Rodney Ellis, Chair.

Where appropriate, the Committee should obtain assistance from the Senate Research Center and legislative agencies, including the Legislative Budget Board, the Legislative Council and the State Auditor. The Committee should also seek the assistance of the Executive Branch agencies with responsibilities in the areas of the Committee's interim charge.

ADVISORY MEMBERS

On agreement of the Committee, any Senator may serve as a non-voting, advisory member.

OPEN MEETINGS

The Committee should follow the provisions of HCR 212, 75th Legislature, regarding open meetings, including providing advanced public notice of all scheduled meetings to the Secretary of State, the Lieutenant Governor and the media, so the public may participate.

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EXECUTIVE SUMMARY OF RECOMMENDATIONS

Charge I *Study and make recommendations to address the increasing gang problem in Texas, including consideration of:*

- A. collaboration between law enforcement, education officials, and state and local juvenile justice agencies;*
- B. prevention and intervention efforts;*
- C. needs of prosecutors and law enforcement agencies; and*
- D. criminal information systems.*

I. A. Address the increasing gang problem in Texas, including consideration of collaboration between law enforcement, education officials, and state and local juvenile justice agencies.

- 1. Establish a statewide multi-jurisdictional Violent Gang Task Force Unit to facilitate better collaboration and communication among local and state law enforcement, corrections, parole and probation, and prosecutors. The Task Force would be required to meet on a regular basis for the purpose of exchanging information on violent gangs from various regions of the state, to identify and disseminate information on migration trends and offense trends of violent gangs, and to identify areas of the state where additional law enforcement and prosecutorial assistance is needed to immediately respond to significant increases in violent gang activity.**
- 2. Require TDCJ, through administrative policy, to develop a formal process to make information on known prison gang members released from prison available to the Parole Division and local and state law enforcement agencies. Policies should include additional steps to ensure effective collaboration among criminal justice agencies in the supervision of gang members.**
- 3. In order to enhance officer safety and provide for more accurate estimates of gang-related crime in Texas, require DPS to add an additional field on an individual's criminal history record notating that the offense was gang-related, or that the individual is a confirmed member of a prison gang.**

4. **Require TEA or the regional education service centers, in conjunction with Prairie View A&M Juvenile Crime Prevention Institute, to work with law enforcement agencies, Office of Attorney General, and/or gang prevention professionals to develop standardized training to enable school personnel to identify and report gang membership and gang behavior. In addition, developing a curriculum and offering training to parents and school personnel on gang awareness and prevention is recommended.**
5. **Provide state matching funds to local communities for gang suppression/intervention programs which include local, state, and federal law enforcement, juvenile and adult probation, local service providers, and community involvement. The programs should be modeled after the “Boston Strategy To Prevent Youth Violence.”**
6. **Juvenile Justice Alternative Education Programs, local law enforcement and service providers should collaborate in order to coordinate special programs within the JJAEP setting. In addition, the legislature should allow for minimum lengths of stay for JJAEP students when appropriate and provide for year round educational opportunities to be offered by JJAEP’s; and, consider revising state procedures to allow JJAEP’s to be entitled to Compensatory Education funding.**
7. **Clarify the composition, function, and responsibility of interagency task forces to address gang issues. Provide school districts guidance regarding participation in such task forces.**

I.B. Address the increasing gang problem in Texas, including consideration of prevention and intervention efforts.

1. **Develop a statewide, coordinated approach to gang and juvenile justice prevention and intervention programming through:**
 - a. **the creation of a cohesive funding strategy;**
 - b. **establishment of a state level interagency task force consisting of representatives from each agency receiving state funds for juvenile delinquency prevention and intervention;**
 - c. **identifying and eliminating duplicative interagency prevention and intervention collaborative efforts, and**
 - d. **encouraging communities through incentive funding to develop a LOCAL coordinated youth master plan which demonstrates significant community mobilization and encourages cross-agency care coordination and integrated funding to maximize and improve services to at-risk youth.**

- 2. Support funding for a single 3-digit telephone number system through which local community resource information is easily accessible and available on a statewide basis.**
- 3. Ensure the efficiency and effectiveness of state-funded prevention and intervention programs by requiring that all state-managed contracts and Requests for Proposals/Applications for juvenile delinquency prevention and/or intervention programs have:**
 - a. program elements which are empirically determined to reduce juvenile delinquency and/or promote youth competencies and are targeted to youths who are at increased risk;**
 - b. outcome accountability mechanisms;**
 - c. cost-benefit projections; and**
 - d. demonstrated collaboration among formal and informal community supports and services.**
- 4. Develop strategies which encourage local school districts to intervene with children who are involved or who are at risk of involvement in gangs or the juvenile justice system.**
 - a. Encourage school districts to adopt policies related to gang activity. Policies must include parental involvement.**
 - b. Provide funding to local school districts to keep schools open for the provision of after-school activities.**
 - c. Encourage school districts to host elementary school-based early intervention services which have program components determined by scientific research to be successful at preventing or reducing delinquency.**
- 5. Increase funding for prevention and intervention programs for youth at risk of involvement in gangs or the juvenile justice system.**
 - a. Provide grant funding to counties which provide early intervention services to at-risk youth through assessment, referral, and case management services through the Justice of the Peace or Municipal Courts.**
 - b. Provide funding and develop strategies for effective interventions for juvenile offenders with special needs.**
 - c. Increase funding to the Community Grant Support Initiative at the Texas A&M University Engineering Experimental Station Public Policy Research Institute.**
 - d. Offer incentives to encourage public/private partnerships to increase the availability of intervention/prevention programs and community-based social services.**

- e. Consider expanding funding to the following successful existing programs:
 - Communities in Schools of Texas
 - Parents As Teachers
 - Graduation Incentive programs
 - Community Youth Development
 - f. Increase the availability of child protective and independent case management services through Texas Department of Protective and Regulatory Services (TDPRS).
 - ★ Increase the number of Child Protective caseworkers allocated to TDPRS.
 - ★ Support funding for the development of additional independent case management projects like those offered through Project Unity.
6. Implement and fund an aggressive statewide anti-gang campaign using all available media.

I. C. Address the increasing gang problem in Texas, including consideration of needs of prosecutors and law enforcement agencies.

- 1. Develop and fund adult and youth corrections, parole, and probation programs & policies aimed at reducing gang activity.
 - a. Support increased funding to the Texas Department of Criminal Justice-Institutional Division (TDCJ-ID) Security Threat Group Management Office (STGMO).
 - b. Support increased funding to TYC facilities and programs to address gang-related behavior, and severely and /or assaultive youth.
 - c. TYC should adopt policies, in accordance with the *Morales v. Turman* Settlement Agreement of 1984, to allow reasonable restrictions on mail correspondence, when the restrictions are rationally related to ensuring the safety and security of juvenile facilities.
 - d. Amend Section 38.06, Subsections (a) and (c), Penal Code, to increase the offense of escape by high-risk juvenile inmates from a Class A misdemeanor to a 3rd degree felony.
 - e. The Texas Department of Criminal Justice should develop and implement parole polices aimed at identifying, monitoring, and requiring parolees who are confirmed gang members to be placed on Intensive Supervision Caseloads, as well as request the Board of Pardons and Parole to impose special conditions to restrict participation in any gang activity.
 - f. Require specialized training for parole officers and probation officers who have gang supervision caseloads.
 - g. Support an increase in the availability of probation and parole gang intervention programs.

- h. **Encourage judges to place restrictions on gang involvement/association as a condition of probation and specifically to allow for reasonable home searches by probation officers when accompanied by law enforcement.**
2. **Closely monitor the appeal of the gang injunction order issued in Travis County to determine if any clarification or expansion is needed to Chapter 125, Texas Civil Practice and Remedies Code.**
3. **The Office of Attorney General should designate specialized prosecutors to assist local prosecutors and law enforcement in the prosecution of organized crime under Chapter 71, Penal Code, particularly in small, rural counties.**

I. D. Address the increasing gang problem in Texas, including consideration of Criminal Information Systems.

1. **The Legislature should consider adopting uniform policies, procedures, and definitions which would regulate a contemplated statewide gang intelligence database as well as existing local criminal intelligence systems related to criminal street gangs.**

Charge II *Study the need, if any, for additional juvenile court masters to assist courts with juvenile jurisdiction in providing speedy and effective justice for juvenile offenders and their victims. Identify jurisdictions most significantly impacted by juvenile justice caseloads. If necessary, make recommendations for the number of any such masters and the fiscal implications with potential funding sources.*

1. **Availability of outside (federal) funding sources- As an intermediary step, the state should explore the use of federal funding as a source for providing additional juvenile law masters and referees.**
2. **The Legislature should charge the Texas Judicial Council with the responsibility of developing objective criteria for determining the need for additional juvenile court masters. These criteria should be developed with substantial input from judges, legislators, the Governor's Office, and juvenile justice system personnel.**
3. **Encourage increased use of informal dispositions when appropriate and (require) Juvenile Boards to adopt formal policies on the use of informal dispositions.**

Charge III *Monitor the implementation of HB 1550, passed by the Legislature during the 1997 session, regarding progressive sanctions. Study the impact of progressive sanctions on juvenile facilities and upon program needs to make recommendations, if any, for statutory or funding changes.*

- 1. Increase funding for Progressive Sanctions Guidelines for juvenile programs.**

Charge IV *Monitor the STARS (Services to Runaway At-Risk Youth) program and community youth development grants to evaluate their effectiveness and continued implementation.*

- 1. Committee recommends continued funding for STAR's (Services to Runaway At-Risk Youth) and Community Youth Development (CYD) programs.**

OVERVIEW

Gangs in Texas

Types of Gangs In Texas

Gangs in Texas are generally divided in four basic categories. Delinquent Youth Gang, Traditional Turf-Based Gang, Gain-Oriented Gang, and Violent/Hate Gang (Excerpts from Attorney General's Gang Reports, 1997). The different types of gangs are generally distinguished primarily on the basis of their activities, rather than the characteristics of the gang members. Gangs in Texas tend to be less structured and their members tend to be younger than the more organized structure of criminal gangs which operate on the west coast and in Chicago. Prison gangs are generally considered gain-oriented gangs.

Delinquent Youth Gang is a loosely structured group of young people (usually juveniles) who “hang out” together. The group has a name and members typically have developed identifying signs such as similar clothing style, colors, and/or hand signs. Members engage in delinquent or undesirable behavior often enough to attract negative attention from law enforcement and/or neighborhood residents and/or school officials. A key defining point is that no member has ever been arrested for a serious offense.

Traditional Turf-Based Gang is a loosely structured, named group committed to defending its reputation and status as a gang. It is usually associated with a geographic territory but may simply defend its perceived interests against rival gangs. Members are young people (juveniles and/or adults) who typically use identifying signs such as clothing style, colors, tattoo or hand signs. The members usually mark the gang's turf with graffiti. At least one shooting (assault, homicide or drive-by) has occurred in the last year as a result of rivalry between this gang and another gang.

Gain-Oriented Gang is a loosely structured, named local group of young people (juveniles and/or adults) who repeatedly engage in criminal activities for economic gain. On at least one occasion in the last year, two or more gang members have worked together in a gain-oriented criminal offense such as robbery, burglary, or the sale of a controlled substance. The group may share many characteristics of turf-based gangs and may defend a territory, but when the group acts together as a gang for economic gain, it should be classified as a gain-oriented gang.

Violent/Hate Gang is a named group (juveniles and/or adults) that does not qualify as either a gain-oriented or a traditional turf-based gang, according to the definitions above. Typically, the group has developed identifying signs such as style of dress, haircut, or insignia. Two or more of its members have, at least once in the last year, collectively committed an assault, a homicide, or an offense that could be reported under the federal Hate Crimes Act. This type of gang includes groups whose violence has an ideological or religious rationale, such as racism or satanism. Type also includes groups whose members are randomly or senselessly violent.

Levels of Gang Involvement

There are different levels of involvement in gangs. These include “regulars”, “hard-core”, “leaders”, “peripherals”, and “juniors”.

Regulars are those gang members who “hang out” with the group on a daily basis. They are familiar with most gang activities and are usually present during gang offenses and are frequent participants.

Hard-core gang members are deeply committed regular gang members who are responsible for instigating and actually committing the most serious offenses attributable to their gang.

Leaders are often times the “shooter” in drive-by shootings, or a hard-core member with a special expertise in a criminal activity such as car theft. The role of “leader” is sometimes passed from one hard-core gang member to another depending on the occasion.

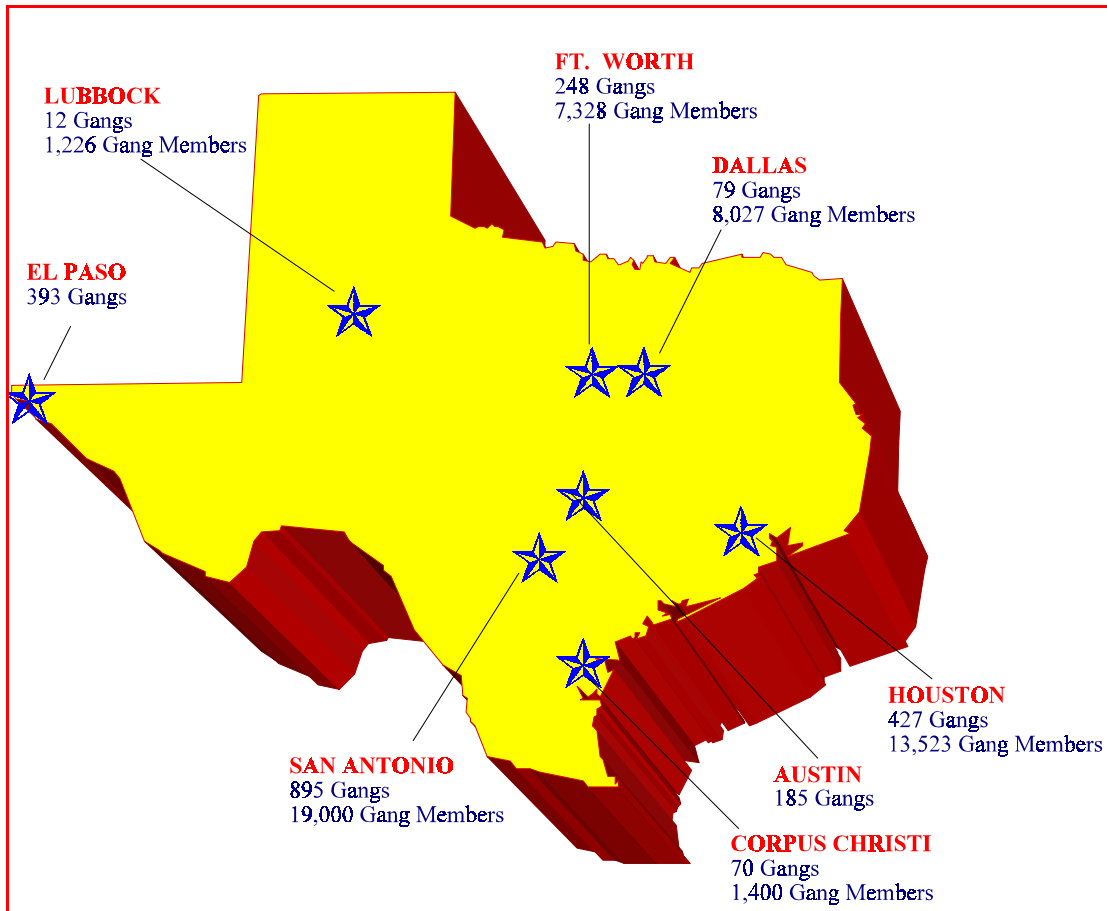
Peripherals are friends, acquaintances and relatives of gang members who are somewhat knowledgeable about gang activities but are not fully trusted or accepted by the hard-core gang members.

Juniors are very young individuals who are awaiting to be fully accepted as gang members. Often times, siblings and other young relatives of gang members are particularly at-risk of developing more serious levels of gang involvement.

Numbers of Gangs/Gang Members in Texas

According to the Office of Attorney General’s (OAG) 1997 Gang Survey of Texas law enforcement and prosecutors, 420 respondents reported a total of 145,000 gang members, of which 90,000 are from 14 jurisdictions with populations over 500,000. Seventy five percent were reported as juveniles. The most commonly reported type of gang was delinquent youth gang. Although specific information on prison gangs was not included in the OAG survey, law enforcement officials report that as the prison population in Texas continues to increase, membership in prison gangs is expected to increase as well. Currently, an estimated 5,000 Texas inmates are classified as a member of a known prison gang or security threat group, compared to 2,724 identified as a member of prison gang in 1993. However, law enforcement officials estimate that there are approximately ten gang “peripherals” or “juniors” associated with every prison gang member.

CRIMINAL STREET GANGS IN TEXAS



SOURCE: National Drug Intelligence Center and The Texas Department of Public Safety

Midland

- * Gangs are responsible for 25-30% of crime.
- * Police report body armor is being worn by some gangs.

El Paso

- * 50% of crime is gang and/or juvenile related.
- * A particular Hispanic prison gang is prominent in El Paso.

San Antonio

- * Gangs are responsible for much of the violent crime in San Antonio
- * On-going migration of gang members between San Antonio and the Midwest and California. Hispanic gangs are running drugs and doing hits for prison gangs.

Austin

- * Gangs are spreading to outlying, smaller cities and crime accompanies them.
- * Prison Gangs are becoming a major influence.

Houston

- * Gang crime is accompanied by a greater use of firearms. Gang members from El Salvador seem to be more violent and use firearms more frequently.

Bryan

- * Youths who were relocated to Bryan from out of state to "get away" from gang influence have combined their gang savvy to form a new gang in the city.

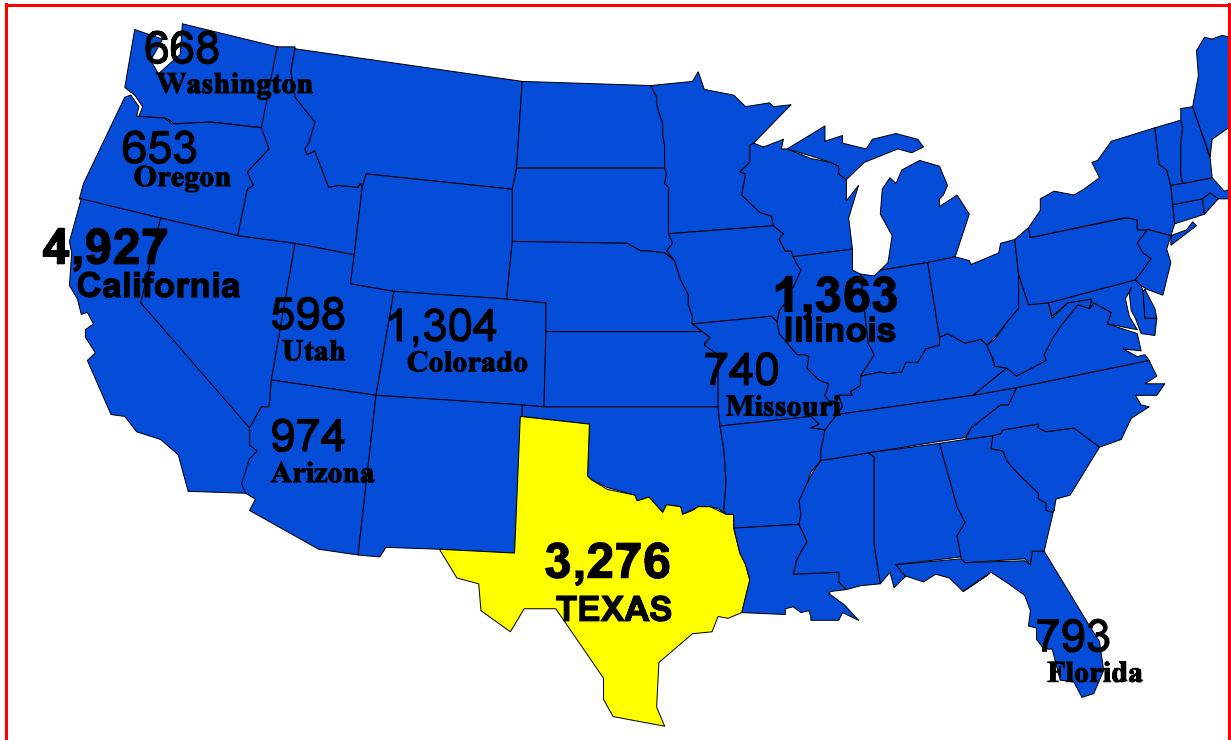
Tyler

- * Tyler's gangs are multi-racial and not necessarily territorially oriented.
- * Most widely abused controlled substance is paint, either inhaled or huffed, which is inexpensive and easily obtained.

Mt. Pleasant

- * About 60% of criminal mischief reports are gang related.
- * Most violent crimes are committed between rival gangs.

TOP TEN STATES BY NUMBER OF YOUTH GANGS REPORTED
Texas Ranks Second Behind California



SOURCE: 1995 Youth Gang Survey, OJJDP

Types of Offenses Committed by Texas Gangs

Criminal gang activity includes offenses ranging from low-level status offenses of juveniles to homicide, aggravated assault and drug trafficking. The 1997 OAG Gang Survey included the question, “*What kinds of offenses are committed by gangs in your jurisdiction?*” Of the 420 departments responding, 294 departments reported theft/burglary, 276 departments reported assaults, 224 reported drug trafficking, 164 reported car theft, 152 reported drive-by shootings, 104 reported robbery, 71 reported home invasions, 68 reported homicides, 67 reported sexual assaults, 38 reported car jacking, 21 reported extortion, and 15 departments reported prostitution offenses committed by gangs in their jurisdictions. The top three profitable gang activities reported included drug trafficking, burglary/theft, and auto theft.

Gang-Related Crime Statistics in Major Texas Cities

Crime statistics reveal that gang-related crime in Texas has declined in several major metropolitan cities in Texas. According to the Fort Worth, Dallas and Austin Police Departments, gang-related crime (as defined by each jurisdiction) has decreased in recent years in these cities. The Corpus Christi Police Department reports the number of juvenile gang members arrested (felony and misdemeanor) by their gang unit has steadily decreased from 136 juvenile gang member arrests in 1995, to 80 in 1996, 58 in 1997, to a low of 21 juvenile gang-member arrests (as of September 18th) in 1998. Corpus Christi Police Department adult gang member arrests have remained about the same ranging from a low of 151 arrests in 1995 to a high of 184 arrests in 1997. Law enforcement and gang experts speculate that the reasons for this reported decline include increased gang enforcement efforts resulting in arrest and convictions of key gang members in certain jurisdictions.

Gang-Related Crime Statistics as Reported by Each City Police Department

	1996	1997	Percent Change
	Total Number of Gang-Related Crimes		
Austin P.D.	1032	742	-28 %
*Dallas P.D.	1185	785	-34 %
Fort Worth P.D.	2018	1877	-.07 %
Houston P.D.	3600	2791	-22%

*Dallas Police Department statistics represent Jan.- Sept. 1996 compared to Jan.- Sept. 1997 gang-related crime.

Reasons for Joining a Gang

Youth join gangs for many reasons. These reasons may include a need for recognition, status, protection, and power. Other reasons may constitute part of an expected socialization process where the gang culture is generationally entrenched in the family structure. A weak family structure has shown to contribute to youth gang involvement, particularly when coupled with other factors such as poverty and community disintegration (Office of Juvenile Justice and Delinquency Prevention, 1997).

Gang experts report reasons for joining a prison gang usually include protection from assault, rape and extortion, along with a need for family.

Profile of Gang Members in Texas

A youth gang member is more likely to be a youth who has done poorly academically, is frequently truant from school, low participation rate in school activities, and has siblings or other relatives in a gang. (OJJDP, 1996). Gangs are territorial in the sense that they are usually associated with particular neighborhoods. The gang environment is most often urban and characterized by a high poverty rate. Suburban gangs do exist, but tend to be newer and smaller gangs. Experts note that some gangs have recently had a migration trend toward rural areas. Regardless of the location, gangs are primarily associated with the chronically poor and disadvantaged, where youth perceive middle class aspirations as impractical and unattainable. Chronic unemployment, underemployment, under-education, and poverty are the common denominators in the socioeconomic climate of the gang culture. Gang members are very likely to come from single parent families where there is a lack of adequate adult supervision for the children. Children who come from the most neglectful and needy environments are most likely to seek protection and strong bonding in a gang.

Prison gang membership is predominantly along racial lines. Texas prison officials have identified five Hispanic prison gangs, two predominantly anglo prison gangs and three security threat groups. According to state officials, some prison gangs form along ideological lines, while others organize for the purpose of trafficking in drugs, tobacco products, sex and other illegal activities. Members of prison gangs are considered members for life and typically require the taking of a “blood oath”. Experts report according to some prison gang rules, this “blood in-blood out” oath means death to a member who does not follow orders or tries to leave the gang.

Gangs in Texas Schools

In November of 1997, the Senate Interim Committee on Gangs and Juvenile Justice, in conjunction with the Senate Interim Committee on Education, sent a four page survey to all Texas school districts asking questions related to school safety, drug and alcohol prevention and treatment, and gang issues. The Texas Center for Education Research provided an analysis of the more than 600 responses to the survey. Survey analysis revealed that of the survey respondents, an estimated 17,438 students belonged to gangs; a total of 119 school districts reported the presence of gangs on school campuses; a total of 138 school districts reported the presence of gang members on school campuses. (Appendix A)

Strategies for Addressing the Gang Problem

According to a 1996 Office of Juvenile Justice and Delinquency Prevention Report entitled “*Gang Suppression and Intervention: Problem and Response*”, a comprehensive approach should be adopted in cities with a chronic gang problem. Leadership efforts should be assigned to a specific agency and participants should include all criminal justice agencies such as police, probation and parole, judiciary, prosecutors and corrections, as well as schools, social service providers and volunteer groups such as business and community groups. Multiple strategies including social intervention and suppression, with an emphasis on social opportunities and community mobilization, should guide the development of program activities and roles of various personnel. School settings should have special early intervention programs in cities with a chronic gang program. Schools should collaborate closely with local law enforcement, family and juvenile court, as well as social agencies and community groups to target youth at-risk of involvement or in the early stages of gang involvement. Efforts should be made to improve the academic performance and social adjustment of such youth and to provide them and their parents with counseling and referral services. Employment training programs for juveniles and adolescent gang members should also be targeted as part of the approach. (OJJDP,1996)

Emerging Gang Trends

Throughout the United States, as well as other countries such as Europe and Asia, there has been an emergence of criminal street gangs who have begun to resemble legitimate businesses. Gang experts report these gangs operate legitimate businesses as fronts for drug trafficking operations and in some cases, are also engaging in the purchase of prime commercial real estate property in large metropolitan areas. One criminal street gang even started a voter registration drive in New York and nearly had one of their most notorious gang members elected as an Alderman to the local city council. Unlike prison gangs, which operate in extreme secrecy, criminal street gangs have started taking advantage of the information and technology age by advertising on the internet.

Conclusion

Due to the lack of uniform gang-related definitions, it is impossible to empirically measure the number of gangs, gang members, or gang related crime in Texas. This report attempts to coordinate gang-related information from a variety of different Texas sources, including law enforcement, juvenile justice agencies, committee surveys, Office of Attorney General surveys, interviews and testimony from gang experts, and research from state and national gang experts.

PREVENTION AND INTERVENTION

Due to poverty, prenatal maternal substance abuse, teen parents, and child abuse and neglect, more than 1.3 million Texas young people are at increased risk of delinquency. Protective factors such as positive and responsive support from individuals within and outside their families, commitment to school, a sense of spirituality, and a sense of safety and of being valued by the community may ameliorate the risk to some degree, however all 1.3 million children remain at increased risk of delinquent activity due to factors largely outside their control.

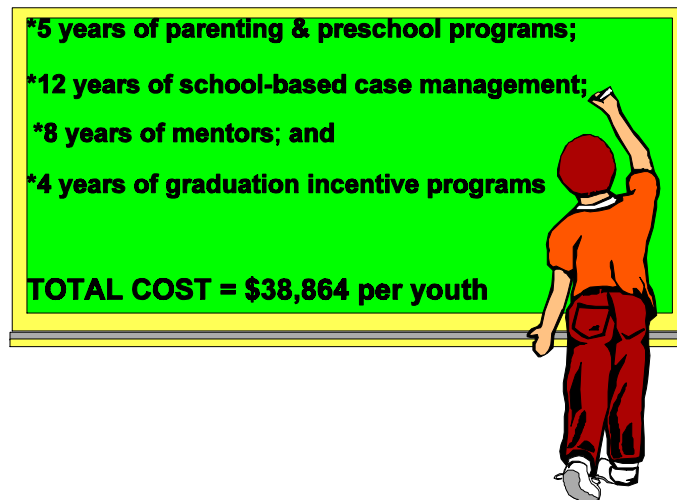
The State currently funds a variety of prevention programs. (Appendix B) There are programs designed to increase appreciation of the arts, increase literacy, improve student school achievement and attendance, and to develop vocational skills, leadership skills, and social skills. There are programs designed to prevent child abuse and neglect, youth substance abuse, violence, first-time delinquency, repeat delinquency and school drop-out. There are also specialized programs for youths with special needs: teen mothers, abused and neglected youths, youths with severe emotional or behavioral disturbances, youths with mental retardation, and substance-abusing youths. Analyses indicate that most of these programs seem to function in virtual isolation -- without the benefits of cross-programming coordination or strategic planning.

Several programs address risk factors closely related to criminality: socially disruptive behavior at schools, poor school performance, and poor parenting. However, programs specific to the prevention of delinquency are few. Funds dedicated solely to preventing delinquency among youths without prior delinquent involvement total only \$2,248,411 -- less than \$2 per youth estimated to have an increased risk of delinquency. (Appendix C)

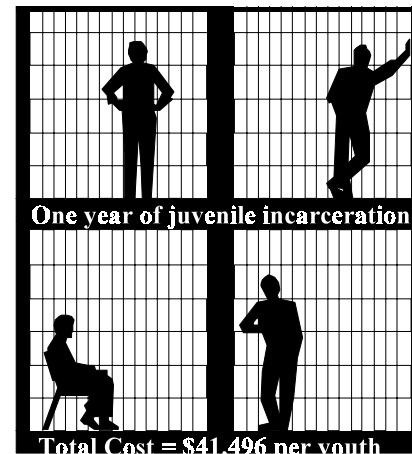
Clearly, if Texas is to realize the impact of prevention programming, especially on delinquency, coordination and collaboration among all of the providers is a necessity. Echoing the recommendations of the recent Criminal Justice Policy Council report, a “more efficient and effective program delivery” is necessary, beginning with a cohesive funding strategy for all programs identified as having the main goal of reducing youth risk factors related to criminality.

A second necessity is the ability of lawmakers to have confidence in the programs they choose to fund. There are currently no state-level requirements that funds must be spent on programming components with research demonstrating their success at preventing delinquency or promoting youth competencies. Furthermore, in an analysis of Requests for Proposals and contracting mechanisms, the Senate Research Center noted that few RFPs specified the broad outcomes expected of state-funded programs. Without basic outcome information, policymakers and program administrators are unable to determine the true effectiveness of the program, and are therefore, unable to justify the expenditure of resources. Similarly, without cost-benefit analyses, it is difficult to make sound business decisions regarding whether the programs are producing the expected results at reasonable costs. Finally, although most of the state agencies' RFPs were deemed adequate, some were clearly inadequate in meeting the standards of good business practice.

More and more research studies indicate that juvenile crime and delinquency prevention programs not only have a positive impact on troubled youth, but are practical and cost-effective investments when compared with the costs associated with the behavior of serious, violent, and chronic juvenile offenders. As early as 1984, research conducted by Vanderbilt University demonstrated that early intervention and delinquency prevention was worth the investment. The University's analysis of various delinquency prevention programs indicated that prevention saved \$1.40 for every \$1 invested.



OR



More recently, the Rand Corporation found that \$1.00 spent on effective intervention/prevention efforts will deter more crime than \$4.25 spent on prison beds. Effective intervention/prevention efforts often pay for themselves with the associated criminal justice system savings. Prevention and intervention programs will never be cost-free, but they can be cost-effective.

In public hearings around the state, the Committee heard common themes related to delinquency prevention and intervention:

- the need to require accountability in state-funded programs,
- the need for more prevention and earlier intervention programs specific to delinquency,
- the need for easier access to services,
- the need to eliminate barriers which complicate creative partnering and collaboration,
- the need for specialized services for juvenile offenders with mental impairments,
- the need to use the expertise and resources of local schools,
- the need for activities available after school hours, and
- the need for increased funding for those programs that have demonstrated outcome-driven success.

While addressing these issues and compiling the following recommendations, the Committee recognized the need to maintain a thoughtful balance between public safety, the needs of children and families, the realities of budget constraints, and research findings on risk factors, protective factors, and effectiveness and efficiency of services.

CHARGE 1

Study and make recommendations to address the increasing gang problem in Texas, including consideration of:

- A. collaboration between law enforcement, education officials, and state and local juvenile justice agencies;*
- B. prevention and intervention efforts;*
- C. needs of prosecutors and law enforcement agencies; and*
- D. criminal information systems.*

I. A. Address the increasing gang problem in Texas including consideration of collaboration between law enforcement, education officials, and state and local juvenile justice agencies.

Introduction

Comprehensive state and local planning among all agencies that provide services to children and families is key to maximizing the effectiveness of programs. Collaboration among education officials, law enforcement and criminal justice agencies is essential to ensure at-risk youth are not falling through the cracks and receiving appropriate assistance, as well as ensuring a safe school learning environment for all Texas school children. Coordination of services also maximizes scarce resources by eliminating duplication of services and helps target areas where services are needed most. In recent past sessions, the Texas Legislature has allowed for increased sharing of student information between schools, law enforcement, and juvenile justice agencies in order to remove barriers and enhance cross-agency communication, keeping in mind that protecting the confidentiality of certain youth information is a critical issue and should always be approached with caution.

According to a 1996 report by the Office of Juvenile Justice and Delinquency Prevention entitled “Gang Suppression and Intervention”, cities with an emerging or chronic gang problem should concentrate special gang intervention programs in schools, and these programs should include the collaborative efforts of law enforcement, families, courts, service providers and community groups. Another OJJDP report (Feb. 1996) stated that police departments should adopt an approach that combines suppression of youth criminal acts through aggressive enforcement of laws, with community mobilization involving a broad cross-section of the community in combating the gang problem. Development of social intervention activities, while secondary, should be pursued. Useful interventions might include referring juveniles prone to gangs to youth service agencies, counseling such youth in collaboration with school guidance programs, and assisting community-based agencies in targeting youth gang members for job development.

Facilitating better coordination among law enforcement and criminal justice agencies is another crucial element in addressing gang related crime. Local law enforcement report an increase in prison-gang related violence in many of Texas' major cities, and thus the need for better collaboration between the TDCJ Institutional Division, Parole Division, and local and state law enforcement has become crucial in order to more effectively monitor the activities of prison gang members once released from prison to our communities.

Enhanced coordination within the ranks of law enforcement would provide a broader public safety net when addressing the gang problem from a statewide perspective. Establishing and funding a statewide inter-agency gang task force, and providing additional technology to law enforcement in the field, would enhance the ability of law enforcement to combat gang-related crime across police jurisdictions.

Schools

According to a 1996 OJJDP report entitled "Gang Suppression and Response", a youth gang member is likely to be a youth who has done poorly in school and has little identification with school staff. He does not like school and uses school more for gang-related than academic or social learning purposes. According to a recent school survey conducted by the Texas Center for Educational Research in which 58 percent of all Texas school districts responded, an estimated 17,438 Texas school students belonged to gangs. The preponderance of gang members were in large or extra-large school districts with large school districts reporting an average of 172 gang members and extra-large school districts reporting an average of 2,070 gang members. Some Texas schools have taken an aggressive approach to addressing the gang problem by implementing gang prevention and intervention programs. However, many parents and school personnel are not familiar with even basic indicators of student gang involvement. Public schools are potentially the best arena for the prevention of youth gang involvement. Many schools often ignore or deny a gang problem exists unless there is obvious and repeated gang-related crime taking place on school grounds. However, gang violence does not usually erupt in schools; gang recruitment (the peak recruitment period for gang members is typically between the 5th and 8th grade), and especially planning of gang activities are more likely to occur on school grounds and then carried out after school is dismissed. Addressing key gang indicators and gang behavior on school campuses can help prevent recruitment activities as well as gang violence outside of the school environment. With enhanced awareness training, gang involvement can be addressed at earlier stages, preventing the likelihood that problem will increase. Collaboration between school officials, local law enforcement and other gang experts to provide standardized instruction on gang activities to school personnel, community residents, parents, agency staff and administration can help counter gang influence through education and awareness.

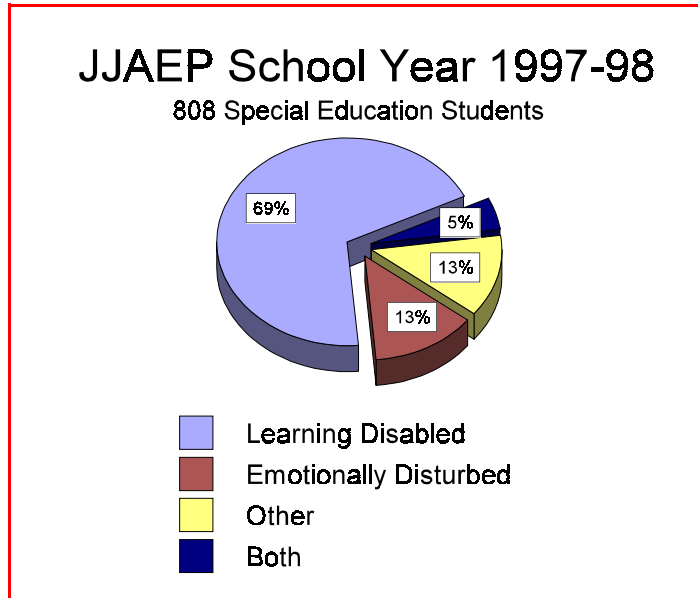
Juvenile Justice Alternative Education Programs

Services to at-risk youth should be targeted in areas where there is a high concentration of youth in need of special services. Juvenile Justice Alternate Education Programs (JJAEPs) teach children who are already involved with the juvenile justice system and potentially at-risk of greater involvement. Often times, these youth need special assistance not only in academics, but in numerous other areas as well. These areas may include substance abuse, gang involvement, mental health or abuse in the home. Collaboration among local juvenile justice agencies, schools and service providers to provide coordinated special programs addressing the multiple special needs of these students would be greatly beneficial if concentrated in the JJAEP setting.

There are 22 legislatively mandated Juvenile Justice Alternative Education Programs which are operated by local Juvenile Probation Boards across

Texas. As the programs continue to grow and develop, certain revisions to the statute have been suggested in order to ensure students are receiving the best possible educational opportunities in this structured environment. One issue which has been raised involves the length of the expulsion period to a JJAEP. Often times, students are placed in a JJAEP near the end of a semester period. Consequently, since the student is only required to attend the alternative school until the end of the semester, this period is sometimes as short as ten days.

Compensatory Education funding is approximately a \$2 billion state appropriation made to local school districts throughout Texas. The Compensatory Education Program is designed to improve and enhance the regular program of students in at-risk situations. The purpose of Compensatory Education Funding is to increase the achievement and reduce the dropout rate of identified students in at-risk situations. This funding formula is based on the number of “economically disadvantaged” students in the district who qualify for the federal free and reduced-priced lunch program. Districts are entitled to receive an annual allotment equal to the adjusted basic allotment multiplied by 0.2 (i.e. 20 percent in additional funding for qualified students). Currently, JJAEP’s are not entitled to State Compensatory Education funding because according to state criteria, JJAEP students are not considered to be in at-risk situations.



The Boston Strategy

“The foundation of Boston’s approach has been the building of coalitions and partnerships among police, prosecutors, probation officers, correction officials, youth and social service personnel, judges, health professionals, parents and the young people of Boston....I am impressed by their efforts.”

- Attorney General Janet Reno

Overview

Because of the enormous success of the Boston Project in reducing gang-related youth violence, the committee traveled to Boston on a fact finding trip to learn first-hand about the details of the program. The committee spent three days meeting with local, state and federal law enforcement, prosecutors, probation officers, community leaders, religious leaders, and service providers. In addition, the committee accompanied law enforcement on neighborhood patrols and visited community centers where hundreds of local youth attended after-school programs. The following is a summary of the program.

In 1990, Boston homicides reached an all time high of 152. Eighteen of the victims were age 17 or younger. Gangs had turned sections of the city into combat zones. Drug dealers became so bold they even carried out drive-by shootings on bicycles, as well as cars. One gang hunted down a young woman and stabbed her over 130 times. Gang behavior had become so brazen, they were disrupting courtrooms at will and intimidating witnesses. Eventually, a District Court Judge was forced to assign the National Guard to secure order in the courthouse. Boston Police Commissioner Paul Evans recalled during this time, *“We were just answering 911 calls and then going to pick up the bodies.”* Admittedly, the city was not effectively addressing the gang-related violence that continued to plague their neighborhoods.

In 1995, the Boston Police Department, along with other agencies, implemented a package of innovative programs designed to reduce youth gang violence which has now gained national attention. Neighborhood policing, which integrates tactics of prevention, intervention and enforcement were the foundation. However, Boston’s success is a function of a comprehensive strategy that involved not just the police, but the whole community, including prosecutors, probation officers, clergy, social workers, school officials, and, most importantly, the parents and kids themselves, including gang members. The theory behind addressing Boston’s rise in gang-related violence was to build community partnerships which transcended traditional collaborations. The city’s unconventional approach involved police officers talking about jobs and economic parity, clergy working with law enforcement to rebuild community trust, probation and parole officers involved in neighborhood crime prevention, and social workers who worked in the police department. This carefully built coalition has worked together to decrease youth firearm homicides in Boston by 64 percent since 1996, overall homicides were reduced by 39 percent in 1996 and another 27 percent in 1997, and violent crime in public schools decreased 20 percent (Boston Police Department, 1996 Annual Report).

KEY PROGRAM INITIATIVES

The Youth Violent Strike Force is one of the primary components of Boston's strategy. It is a multi-agency, coordinated task force comprised of 50 full time Boston Police Officers and 15 officers from outside agencies. The membership of the Task Force includes the Massachusetts State Police, the Department of Treasury's Alcohol, Tobacco and Firearms, local police departments, adult and youth corrections, and, parole and probation agencies. The task force works closely with the District Attorney's Office and the State Attorney General's Office, and also participates in the Department of Justice's Anti-Violent Crime Initiative.

Operation Cease Fire is a multi-jurisdictional effort to quickly suppress flare-ups of firearm violence in "hot spots," to prioritize prosecutions and to disrupt the trafficking of firearms to youth gangs. In addition to the Youth Violent Strike Force, Operation Cease Fire includes the U.S. Attorney's Office, U.S. Drug Enforcement Administration, the Ten Point (religious) Coalition, Kennedy School of Government, and Boston Public Schools. The collaborative uses order maintenance tactics to quickly "cool" any area of the city in which gang firearm violence flares up. The police and others respond quickly, based on incidents and shared information. They meet with community leaders to review the tactics to be deployed, but most significantly, they meet with gang members to lay out in concrete terms the intensive police attention they are about to experience until the violence stops. Secondly, the most dangerous offenders are targeted for priority prosecutions, with the U.S. Attorney's Office and the District Attorney's Office jointly deciding on which offenders to prosecute in the federal system. Finally, publicizing the convictions and lengthy sentences of high-profile gangs and their leaders is a critical component.

Operation Night Light is a joint venture between the Youth Violence Task Force and the Probation Department to enforce the terms of probation on high-risk probationers. Certain restrictions are placed on probationers by the court, and probation officers then ride with police for regular home, school, and work visits to ensure compliance of court-designated restrictions.

Youth Services Provider Network (YSPN) is a partnership between the Boston Police Department and the Boys and Girls Club of Boston. This network provides police officers with a referral mechanism for at-risk youth and their families. Through this mechanism, police officers can refer at-risk youth they encounter during their work to community social service providers. The network, comprised of some of the most successful youth-serving agencies in Boston, provides at-risk youth and their families with intensive case management services, and includes programs such as daytime and evening recreation, tutoring, job training and placement, emergency housing, drop-out prevention, mental health services and substance abuse counseling.

I.A. Recommendations

- 1. Establish a statewide multi-jurisdictional Violent Gang Task Force Unit to facilitate better collaboration and communication among local and state law enforcement, corrections, parole and probation, and prosecutors. The Task Force would be required to meet on a regular basis for the purpose of exchanging information on violent gangs from various regions of the state, to identify and disseminate information on migration trends and offense trends of violent gangs, and to identify areas of the state where additional law enforcement and prosecutorial assistance is needed to immediately respond to significant increases in violent gang activity.**

Currently, the Texas Department of Criminal Justice Security Threat Division, the Department of Public Safety, (DPS) and representatives from other local law enforcement agencies participate in an informal task force created to share information primarily on prison gang members released from prison. Through the task force, prison gang intelligence information is coordinated with local law enforcement and the Special Crimes Unit of DPS. The DPS sends selected information to other local law enforcement agencies through a crime bulletin. The task force has begun to fill a void in the need to address gang activity from a statewide, coordinated perspective, however, the task force typically meets on an average of four times per year, and have no statutory authority, mandates, directives or funding. According to statistics, Texas ranks second, with over three thousand gangs, to California, which has close to five thousand gangs. Further, local law enforcement report an increase in prison gang-related violence in our communities, and this rise may be expected to continue contingent on the number of prison gang members released from prison. Most prison gangs are a well-structured organization with strict rules relating to recruitment of new members, giving and taking of orders, and adherence to a code of silence. For this reason, a mutual awareness of gang trends among law enforcement is not only necessary, but essential in order for law enforcement to stay current with gang information. Through the Office of Attorney General or the DPS, the task force could provide pertinent information through a secure website, which could only be accessed by law enforcement with identifiable passwords. In addition, this website could aid in the dissemination of information to local law enforcement on prison gang members who are recently released from prison. Florida has a similar system which has proven to be quite effective.

Predicting where and when to concentrate gang suppression, prevention and intervention efforts in targeted areas of the state would also be enhanced. Difficulty in collaborating across multiple law enforcement jurisdictions is exacerbated when organized crime efforts by gangs span vast regions of Texas. A statewide coordinated approach would aid local and state law enforcement, as well as criminal justice agencies, in combating and preventing violent gang-related crime.

2. Require TDCJ, through administrative policy, to develop a formal process to make information on known prison gang members released from prison available to the Parole Division and local and state law enforcement agencies. Policies should include additional steps to ensure effective collaboration among criminal justice agencies in the supervision of gang members.

The Institutional staff identifies inmates who are members of a gang or other security threat group according to TDCJ policy. Once an inmate is suspected or confirmed as a gang member, the information is placed in the Violent Offender Program (VOP) database, which is a database exclusively created for and used by TDCJ - ID. The VOP is confidential and was designed to document specific characteristics and potential violent behavior of suspected or confirmed prison gang members. Recently proposed TDCJ policies takes a more comprehensive, calculated approach to providing information on prison gang members to parole division personnel and other law enforcement agencies. This proposal includes requiring the Institutional Parole Officer (IPO) to document in the inmate's case summary information regarding whether the potential releasee should be treated as a confirmed or suspected gang member, a former gang member, or the target of a gang. The IPO is also required to indicate evidence and method of validation used. The identifying information is then placed in the VOP. The Central Office Review and Release Processing staff is required to specifically alert the applicable parole office that the investigation should be handled by a special "gang-trained officer". Prior to release, the gang-trained officer is required to meet with parole supervisors to share pertinent information regarding the releasee. Within 24 hours of release of a confirmed or suspected gang member, the parole officer is required to immediately contact local law enforcement authorities, including any gang intelligence officers, to provide general information on the releasee. In addition, Review and Release Processing staff are required to include gang members on the monthly list of newly-released VOP offenders that is provided to the DPS and the Parole Division's liaison to the DPS. (DPS Special Crime Unit also provides information to local law enforcement on prison gang members in a crime bulletin.) The new policies also require all transfer requests, whether within the state or to another state, to provide information regarding the parolee's gang affiliation to the receiving parole officer. Finally, when a pre-revocation warrant is issued for a suspected or confirmed gang member, staff is required to alert the DPS Fugitive Apprehension Unit via teletype. On a broader scale, the new TDCJ policies require designated gang-trained parole officers to meet on a regular basis with other local law enforcement entities/networks to share information on gang trends and Parole Division policies.

- 3. In order to enhance officer safety and provide for more accurate estimates of gang-related crime in Texas, require DPS to add an additional field on an individual's criminal history record notating that the offense was gang-related, or that the individual is a confirmed member of a prison gang.**

DPS maintains information on an individual's criminal history in the Texas Crime Information Center (TCIC) file. This arrest and conviction information can be accessed by local law enforcement when requested through the Texas Law Enforcement Telecommunication System (TLETS). Frequently, this immediately-available information is a useful and necessary officer safety tool for officers in the field who may need to know pertinent criminal background information on a suspect while making a routine stop. Currently, the TCIC does not collect or maintain gang-specific criminal information on individuals. The criminal history contains information specific to the offense, but does not include reference as to whether or not the offense was gang-motivated. Modification to include indicators of a gang-related arrest or conviction on reporting mechanisms would require a uniform definition of a "gang-related crime" and appropriate training by DPS. This definition should not be based on whether or not the individual is a *suspected* gang member, but rather whether there is sufficient evidence that the offense, or alleged offense, was committed in furtherance of gang motives, turf, or ties. Currently, this definition varies according to each local law enforcement agency and thus, further complicates the accuracy of estimating the level of gang-related crime in each city. Uniform definitions and reporting would not only enhance officer safety when information is queried from the field, but would also provide for more accurate crime reporting of gang-related activity in Texas.

- 4. Require TEA or the regional education service centers, in conjunction with Prairie View A&M Juvenile Crime Prevention Institute, to work with law enforcement agencies, Office of Attorney General, and/or gang prevention professionals to develop standardized training to enable school personnel to identify and report gang membership and gang behavior. In addition, developing a curriculum and offering training to parents and school personnel on gang awareness and prevention is recommended.**

When a public agency such as a school district identifies and records that a student has a gang affiliation, that student's school record will reflect this identification. The serious nature of gang identification by a public agency requires specific and standardized training of personnel so that identification is as accurate as possible. School personnel training should be in accordance with training offered to law enforcement personnel on the appropriate documentation procedures and specific criteria used when making a gang-affiliated identification. Once a school has identified a student as being a gang member, the school should then notify the parents of the student of this identification so the parents may become more involved in addressing the situation.

According to the Texas Center for Educational Research survey, 24% of the responding school districts have a person or department within the district responsible for the identification of gangs. Larger school districts are more likely to have a specific individual or department assigned to this task. School districts most frequently have assigned this task to the school principal (32 districts) or the police (19 districts). The criteria used for identifying gang members varies greatly, however, 50% of the responding school districts reported using clothing and appearance as part of the criteria used. Only 22% reported using student actions and behavior as an element in identifying students as gang members. Respondents were also asked whether faculty, parents or students received training on gang identification or awareness. Faculty members (68 %) were more likely to receive training than parents and students, although 41 % of parents and 42 % of students also reported receiving training. In small districts, all three groups were less likely to receive training than the same three groups in medium, large and extra-large school districts.

The Office of Attorney General Juvenile Crime Intervention (JCI) Division has developed a model gang awareness training program entitled "GANGS 101". The division's goal is to facilitate and, where possible, augment prevention and intervention efforts in Texas. Toward that end, JCI staff have worked with gang unit officers across Texas to develop a comprehensive gang awareness training program for parents and other adults who work with kids. The curriculum covers a wide variety of gang-related issues including the psychology of gang recruitment, the structure of the gang culture, common gang identifiers that parents need to know, and graffiti awareness. The training also debunks common myths regarding gangs and gives parents, schools and communities some strategies and resources for fighting gangs.

Gangs 101 is based on a database of approximately 200 photos loaned to JCI from various gang units across the state. Photos are the only way to show, for example, the difference between tagging, tagbanger and gang graffiti. This database of intelligence information is continually updated with new information from gang units in order to keep pace with the rapidly changing gang culture.

5. Provide state matching funds to local communities for gang suppression/intervention programs which include local, state, and federal law enforcement, juvenile and adult probation, local service providers, and community involvement. The programs should be modeled after the "Boston Strategy To Prevent Youth Violence."

The committee recommends providing matching funds to community collaborations modeled after the Boston Project which incorporate key elements including components similar to the Youth Violence Strike Force, Operation Cease Fire, Operation Night Light and Youth Services Provider Network.

- 6. Juvenile Justice Alternative Education Programs, local law enforcement and service providers should collaborate in order to coordinate special programs within the JJAEP setting. In addition, the legislature should allow for minimum lengths of stay for JJAEP students when appropriate and provide for year round educational opportunities to be offered by JJAEP's; and, consider revising state procedures to allow JJAEP's to be entitled to Compensatory Education funding.**

The academic mission of a JJAEP is to enable students to perform at grade level. In Harris County, JJAEP students are three or more years behind their age-appropriate grade level in reading, and studies show this statistic is typical for most JJAEP's in Texas . Given the academic deficiencies of most JJAEP students, guaranteeing a minimum length of stay of at least 90 days would allow the JJAEP a better opportunity to provide the student with an intensive program of instruction, thus having a greater affect on the student's academic achievement as well as the student's behavior. Also, JJAEP's should be given every opportunity to remain open year round in order to provide educational opportunities to those students who are not on the appropriate grade level for their age and require an accelerated, uninterrupted learning program. The state Compensatory Education System imposes standards for evaluation which effectively preclude JJAEP's from being eligible for this funding. Since a vast majority of students attending JJAEP's are in at-risk situations, funding special programs in these educational settings are of particular importance. Therefore, consideration should be given to revamping funding requirements in order to allow Compensatory Education funds to be allocated to JJAEP's.

- 7. Clarify the composition, function, and responsibility of interagency task forces to address gang issues. Provide school districts guidance regarding participation in such task forces.**

According to a monograph prepared by the Police Executive Research Forum (PERF) for the US Department of Justice, Office of Justice Programs, developing a consensus around a set of priorities is vital to the long-term success of gang prevention and reduction efforts. Solutions typically take continuous and concerted effort over a long period, and a stable vision backed by widespread agreement is critical to success. PERF also notes that gangs are local problems which require local solutions. Communities must be empowered to solve problems associated with gangs through collaboration with law enforcement, parents, schools, youth businesses, religious and social service organizations, local government officials and other community groups in a comprehensive, systematic approach. It is important, however, that the parameters surrounding composition, function, and responsibility of community interagency task forces are clearly understood from the very beginning.

I.B. Address the increasing gang problem in Texas, including consideration of prevention and intervention efforts.

Introduction

Most young Texans are healthy and living with two competent and caring parents who have enough financial, social, and emotional resources to enable them to grow up prepared for a productive adulthood. For them, childhood is a time of friendships and fun, bike rides and basketball, a time of exploration and excitement. They will graduate from high school and eventually become our work force of tomorrow. They will be our leaders and our policymakers, our mechanics and our ministers, our police officers, child care workers, and teachers.

But many of our more than 5.4 million Texas children are in peril. Almost 15% live in extreme poverty; 30% live in households which are below the poverty level (National Center for Children in Poverty, 1998). Approximately 5% are born to teenage girls who are ill prepared for the responsibilities of parenting (Annie E. Casey Foundation, 1997). Nineteen percent of children are estimated to have been prenatally exposed to alcohol and/or illicit drugs (Madry, Fredlund, Wallisch, and Spence, 1991), and at least 1% are abused and neglected (Center for Public Policy Priorities, 1997). Their childhoods are a time of hunger and hopelessness, tears and loneliness, a time of fists, fears, and frustration. These children have an increased risk of becoming our prisoners, our mental health patients, our unemployed, and our homeless.

Not every child who is born poor, born of a teen mother, was prenatally affected by substance abuse, or has suffered abuse or neglect will commit crimes. What research indicates is that these are the leading risk factors (Howell, 1995). Approximately 15.8% of children who are physically abused are later arrested for violent crimes, compared to 7.9% of children who were not abused. More than 12% of those who suffered maltreatment through neglect are later arrested for violent crimes. We also know that children who were abused and neglected tend to be younger at the age of their first arrest, commit twice as many offenses, and are arrested more frequently. Research also indicates that the younger a child is when his or her first crime is committed, the greater the likelihood of further criminal behavior. Each successive arrest places them at a higher level of risk. After five arrests, they have a greater than 90% chance of being arrested again. For females, abuse and neglect increases the likelihood of arrest by 77% (Spatz-Widom, 1992). Having multiple risk factors exponentially increases the likelihood of committing offenses. If current trends continue, arrests for juvenile crime will double by 2010 (Senate Research Center, 1996).

Protective Factors

What about those children who have the risk factors but do not eventually commit crimes? What saves them from the same fate? Researchers at the Search Institute (1997) link a variety of protective factors or developmental assets to the youth's avoidance of negative outcomes. They note that youths with more developmental assets were less involved in drugs, violence, and school failure. Specific developmental assets include receiving positive and responsive support from a variety of caring persons within and outside their families, doing well in school and being committed to education, taking pleasure in interests and hobbies, having a sense of spirituality, giving back to the community, having social competencies and a positive sense of the future, having a positive identity and a sense of safety and purpose as well as a sense of being valued by their community. Huizinga, Loeber, and Thornberry (1994) found that 82% of high-risk youth who had nine or more protective factors were able to resist the pressure to become involved in delinquency.

Future Trends

In an examination of the differences in poverty rates for children under the age of six years over the course of almost two decades, the National Center for Children in Poverty (1998) found that Texas is one of three states whose young child poverty rates experienced disproportionately steep increases over the past twenty years and now has a significantly higher rate of young child poverty than the nation as a whole. Also, according to the Texas Department of Health, the number of live births in Texas has increased almost 10% over the past ten years. The rate of births to teenage girls (ages 15-17) has increased substantially over the past ten years as well (Annie E. Casey Foundation, 1997). By 2005, the child and adolescent population is expected to increase by another 10% (Annie E. Casey Foundation, 1997).

Implications

What do we do to help ensure the healthy development and productive adulthood of the estimated 25% (approximately 1,350,000) of Texans under the age of 18 who are at increased risk for delinquency? When addressing these issues, legislators must strike a thoughtful balance between public safety, the needs of children and families, the realities of budget constraints, and research findings on risk factors, protective factors, and effectiveness of services. We must simultaneously address the causes of delinquency through prevention and early intervention, provide immediate responses when delinquency first occurs, and implement progressively punitive and restrictive sanctions for more serious juvenile offenders. During the 74th Legislative Session, Texas lawmakers moved forward with plans to improve immediate responses, provide progressively punitive sanctions, and took the first steps towards prevention and early intervention. We now face the challenge to continue our efforts to prevent and reduce youths' involvement in gangs and the juvenile justice system. A growing body of research supports the idea of delinquency prevention as both a practical and cost-effective means of reducing youth misbehavior. It is time for Texas to focus more resources on addressing the needs of children and adolescents who are at increased risk for committing crimes. It is time to make a strong and unwavering commitment to the future of our children.

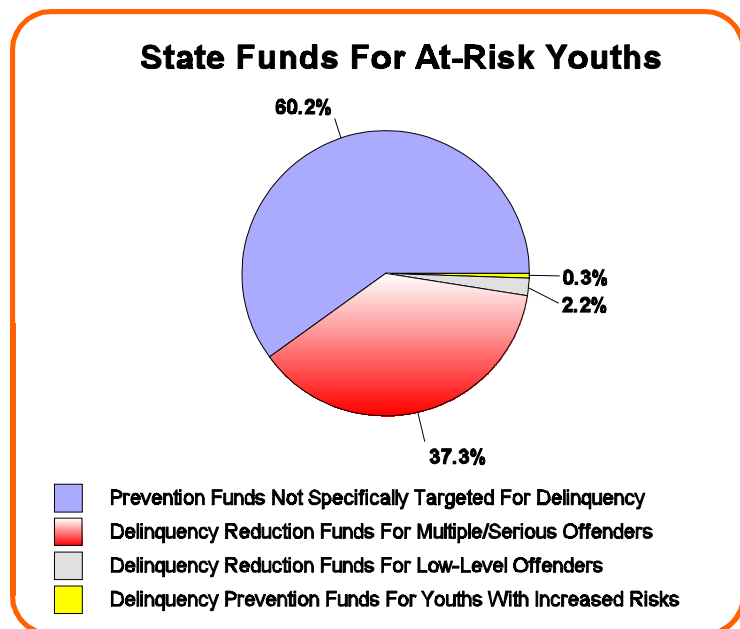
I.B. Recommendations

1. Develop a statewide, coordinated approach to gang and juvenile justice prevention and intervention programming through:

a. the creation of a cohesive funding strategy

Over 1.3 million Texas youths are estimated to be at increased risk of delinquent activities due to the effects of poverty, prenatal substance abuse, child abuse and neglect, or parents ill-equipped for the responsibilities of raising a child. Current prevention and intervention efforts are often narrowly focused on specific risk factors and fragmented among several different agencies.

Appendices B and C detail information compiled by Committee staff in conjunction with the Legislative Budget Board. Although this list is not exhaustive, these data indicate that the State currently funds at least 34 programs in 17 agencies which target “at-risk youths.” The types of risk and the types of programming vary dramatically. Most programs appear to have an indirect influence on delinquency, however only three programs (in two agencies) focus specifically on the prevention of delinquency for high-risk youths. The annual budgets for these three programs total \$2,248,411 -- less than \$2 per youth estimated to have an increased risk of delinquency, and less than one-half of one percent of “at-risk” funds identified. If Texas is to truly realize the impact of prevention programming on delinquency, coordination and collaboration among all providers of services to “at-risk” youths is a necessity. Echoing the recommendations of the recent Criminal Justice Policy Council Report (Criminal Justice Policy Council, 1998), a “more efficient and effective program delivery” is called for, beginning with a cohesive funding strategy for all programs which have as a main goal reducing any youth risk factors related to criminality.



In the short term, these funds could be maximized by developing a coordinated funding strategy with agencies and programs sharing a vision with common goals, objectives and outcomes. Through the development of a cohesive and coordinated funding strategy, agencies would no longer be providing narrowly defined services in isolation, instead, they would be working together to achieve desired goals through comprehensive and systemic approaches.

Additionally, in concert with the recommendation of the Criminal Justice Policy Council (August 1998), it is the recommendation of this Committee that, as a short-term strategy, the Legislature strongly consider integrating all delinquency prevention programs into one division in one agency. As a longer-term strategy, the Committee recommends that a feasibility study be undertaken to perform a comprehensive analysis of all existing state-funded prevention programs and examine the need for a small state agency dedicated solely to prevention.

No fiscal impact.

b. establishment of a state level interagency task force consisting of representatives from each agency receiving state funds for juvenile delinquency prevention and intervention

There are numerous interagency efforts diligently working to collaborate and coordinate services for different populations and different reasons. However, no single existing state-level collaborative is examining the roles of member agencies in the provision of prevention and early intervention services for youths at risk of gang or juvenile justice involvement. At this time, the Children's Policy Team seems to be the most comprehensive in terms of membership and ability to formulate policy recommendations. As such, a sub-committee of the Children's Policy Team made up of representatives of each state agency receiving state funds for juvenile delinquency prevention and intervention may be the vehicle needed to develop this common strategic plan and shared vision. The Prairie View A&M Juvenile Crime Prevention Center should also be an integral member of this sub-committee.

- CHILDREN'S POLICY TEAM**
- Casey Family Program
 - Children's Trust Fund
 - Disability Policy Consortium
 - Early Childhood Intervention
 - Health and Human Services Commission
 - Mental Health Association of Texas
 - Texans Care For Children
 - Texas Commission on Alcohol and Drug Abuse
 - Texas Department of Health
 - Texas Department of Human Services
 - Texas Department of Mental Health and Mental Retardation
 - Texas Department of Protective and Regulatory Services
 - Texas Education Agency
 - Texas Juvenile Probation Commission
 - Texas Rehabilitation Commission
 - Texas Workforce Commission
 - Texas Youth Commission

No fiscal impact.

c. identifying and eliminating duplicative interagency prevention and intervention collaborative efforts

It has been suggested by representatives from several agencies that a Children’s Coordinating Council be established in legislation for the purpose of coordinating all policies which may affect children and youths. This Council would become the primary conduit of child or youth-related recommendations, policies, and information. Other interagency collaboratives, when necessary, would become committees or work groups reporting to the Council. An important consideration in legislation would be the level of staff who would represent each agency. It would be imperative that representatives have substantial decision-making authority, detailed knowledge of their specific agency programs and policies, and the support from their agencies to conduct business in the best interest of the children and youth of Texas.

As mentioned previously, there are numerous interagency groups which tend to meet on specific topics. Agency staff often meet with each other several times a week in different meetings, but each meeting is limited in scope and narrow in purpose. (Appendix D lists several formal state-level interagency collaboratives). It is incumbent upon agencies to focus their efforts, eliminate duplication, and combine purposes to achieve efficient and effective use of interagency groups.

No fiscal impact.

d. encouraging communities through incentive funding to develop a LOCAL coordinated youth master plan which demonstrates significant community mobilization and encourages cross-agency care coordination and integrated funding to maximize and improve services to at-risk youth

Similarly, on local levels, there are several different interagency groups which meet, but none specifically designated for the purpose of examining services, programs, and outcomes for children and youth at risk of gang or juvenile justice system involvement (Appendix D lists several formal local-level interagency collaboratives). There are few communities in Texas which have coordinated local efforts at preventing and intervening in youth who are at increased risk of gang or juvenile justice system involvement. Corpus Christi and Georgetown, Texas are two notable exceptions.

The Corpus Christi City Council formally established the Commission on Children and Youths as one of its advisory committees in 1994 as fulfillment of one of the recommendations of their Texas Cities Action Plan for Crime Prevention process. Members of the Commission include representatives from local universities, hospitals, law enforcement agencies, social services, youth services, the faith-based communities, legal services, local businesses, schools, health services, and youths. Their mission is concise -- "to support a comprehensive system of services and advance policies to meet the needs of the City's children, youths, and their families" (Corpus Christi Commission on Children and Youths, 1997). In the spring of 1996, a major planning workshop was held at which the Commission prioritized the most significant problems faced by children and youths in their community, then developed a long-term plan to move the city forward toward meeting that mission. The Corpus Christi Commission on Children and Youths continues to implement their recommendations to give their children and youths the skills, services, and supports they need for a healthy, happy, and productive adulthood.

In Georgetown, Texas, eighteen months of planning by a steering committee made up of representatives from city and county government, local school districts, hospitals, universities, faith-based community, private health providers, and local businesses resulted in the formation of a non-profit organization, The Georgetown Project. The Georgetown Project is devoted to building a healthier community for all children and youths by mobilizing the community to action in a comprehensive and coordinated way. The Project is funded equally by City and community donations and is governed by an eighteen member Board of Directors of community leaders, a high school student, and a university student. A forty-member Advisory Board representing health and social service agencies provides input and guidance on developing priority issues and initiating collaborative projects. The four priority issues identified are child care, mental health services, character development activities, and the development of a faith environment. Activities of The Georgetown Project to date have included a "Safe Place" logo design contest in middle and elementary schools and designation of all city utility trucks and Parks and Wildlife vehicles as "Safe Places." Children are told to look for a vehicle with the "Safe Place" logo if they ever feel as if they are in harm's way. Additionally, The Georgetown Project is sponsoring a Children and Youth Summit and Town Meeting in the fall of 1998. Action teams of youths and adults will be formed to continue ongoing implementation of projects.

Establishing effective working relationships that are inherent in a coalition means dealing with the practical realities of who does what, how decisions are made, how compromises are established -- basic ground rules for any team. A monograph by the Police Executive Research Forum (1998) lists the following characteristics as essential principles of successful coalitions: a common sense of purpose and common goals, joint decision making made up of representatives from all participating organizations, shared power and responsibility, trust, personal integrity and flexibility, sticking to goals, open communication, teamwork, sound administration, recruitment, orientation for newcomers, and strong leadership. Communities which come together to strategically plan and coordinate all services for the benefit of children and families can alter their community for the better.

2. Support funding for a single 3-digit telephone number system through which local community resource information is easily accessible and available on a statewide basis.

When parents, police officers, judges, or teachers are trying to help children and families access services, they often encounter a bureaucratic maze. Who provides what services to whom is a basic question in every community. Parents, frequently at wits' end trying to find services for their son or daughter, often must call several different agencies before they find the one that best meets their unique needs. The Texas Information and Referral Network (I&R) has worked with local communities to identify a "first point of contact" where people can call to find information on a variety of health and human services. The goal of the Texas I&R Network is to develop a statewide network of Information and Referral providers to facilitate easier access to health and human services.

The Texas I&R Network has joined the "211 Collaborative" in petitioning the Federal Communications Commission (FCC) to assign the 211 dialing code for generic information and referral. Other members of the collaborative include the Alliance of Information and Referral Systems, the United Way of America, United Way 211 (Atlanta, Georgia), the United Way of Connecticut, and the Florida Alliance of Information and Referral Services. A single call to the statewide three digit number (like 411 for directory assistance or 911 for emergency) will enable a parent, teacher, law enforcement officer, neighbor or judge to immediately find the services available in the community that would best meet the needs of the child and family.

United Way of Atlanta operates Atlanta 211, a free 24-hour telephone information and referral service for 13 counties in Georgia. Trained information and referral specialists use a database of more than 2000 resources to match callers to social services, volunteer opportunities, and donation opportunities. Information collected from calls is available to local and regional planners to identify service gaps and community assets. The service is also a focal point for collaborations that address community needs such as homelessness, food, clothing, and improved service delivery. The service is coordinated with and supported by the 911 center staff in Atlanta.

Before the June 1997 implementation of 211-Atlanta, the 911 emergency services center there received more than 1.5 million telephone calls a year; over half were non-emergency calls. Most of those callers were requesting information and referral services related to health and human services. Atlanta 211 is currently the only functioning 211 number in the country. Since opening in the summer of 1997, they have been deluged with requests from other communities on how to develop and manage a 211 call center. The State of Connecticut has also recently reserved the use of 211 as the telephone access number for their statewide information and referral network.

The Committee recommends that the State support and fund Texas I&R Network in their endeavors to make social services easily accessible through implementation of the 211 dialing code for information and referral. Thus far, the Texas Information and Referral Network has received approximately \$2 million in grant funding from the Texas Planning Council for Developmental Disabilities as seed money for developing the statewide information and referral program. This funding ends in August 1999. Funding will be required to continue the work of the Texas I&R Network. Continued funding will support implementation of the statewide database and statewide access to this information through computer and telecommunications technologies. Without this funding, agencies will continue to have to dedicate resources to provide duplicative, fragmented and uncoordinated access to community based health and human services information.

The following appropriations has been requested by the Health and Human Services Commission in their FY 2000-2001 Legislative Appropriations Request for an automated statewide database on health and human services information:

FY 2000 - \$574,588

FY 2001 - \$574,588

Fiscal Impact: The committee defers to the Senate Finance Committee in determining the appropriate level of funding for the above referenced appropriations request.

* Note - Additional funding will be required to fully implement the 211 initiative on a statewide basis.

- 3. Ensure the efficiency and effectiveness of state-funded prevention and intervention programs by requiring that all state-managed contracts and Requests for Proposals/Applications for juvenile delinquency prevention and/or intervention programs have:**
 - a. program elements which:**
 - ★ are empirically determined to reduce juvenile delinquency and/or promote youth competencies, and
 - ★ are targeted to youths who are at increased risk.
 - b. outcome accountability mechanisms;**
 - c. cost-benefit projections; and**
 - d. demonstrated collaboration among formal and informal community supports and services.**

In order to make an impact on the rate of delinquency in Texas, we need to focus our efforts on what works. As stewards of the public dollar, it is imperative that we have confidence in the programs which receive state funding. To attain a level of confidence, delinquency prevention programs which receive state funding should be targeted to those youths who are at increased risk and should be based on elements which are empirically determined to be successful at preventing or reducing delinquency and gang involvement. By building upon research-based programming elements, we can predict a level of success, and ultimately a level of cost savings.

The Washington State Legislature passed a bill in 1997 which included a provision for the state juvenile courts to implement research-proven interventions for juvenile offenders and directed the Washington State Institute for Public Policy to evaluate the costs and the benefits of the programs (Washington State Institute for Public Policy, 1998). Similarly, in compliance with federal mandates, Texas Education Agency (TEA) has recently begun requiring all local education agencies to apply principles of effectiveness, including needs assessments, measurable goals and objectives, research-based programs, and program evaluation to all funds received under Title IV, Safe and Drug-Free Schools and Communities Act.

In an analysis of state agency processes for awarding funds, the Senate Research Center (1998) noted that most agencies used some form of standardized application or a Request For Proposals (RFP) process and that most agencies have clearly stated goals regarding the expectations of services and the population to receive those services. Of those agencies using RFPs, most had good processes in place for the evaluation of the RFPs and the awarding of funds. However, the majority of agencies did not specify the outcomes the potential contractors would be expected to meet; rather, most RFPs required applicants to define their own outcomes. Although this process may encourage local innovations, there are no assurances that the outcomes would meet the needs nor the expectations held by the state. Without basic outcome information, policymakers and program administrators are unable to determine the true effectiveness of the program, and are therefore unable to justify the expenditure of resources. Outcome-based accountability mechanisms also provide a mechanism for continuous quality feedback, enabling program staff to analyze data and use those data to improve the quality of services.

Decisions about appropriate measures for specific outcomes depend on the project objectives and activities as well as the type of change sought by the intervention. Whatever combination of data is chosen, it must be collected systematically and uniformly, analyzed, then used to improve the services. Agencies can define broad outcomes while encouraging local contractors to design innovative ways of structuring empirically sound programming to meet those outcomes. Furthermore, the Committee finds the recommendations of the *Joint General Investigating Committee on State Contracting* (October 1996) related to “Contract Provisions” are extremely relevant and should be explored again for potential legislation and implementation.

A program's effectiveness in meeting its goals can be monitored by outcome-based accountability mechanisms, but how is efficiency of services monitored? How do we know if it's "worth it" to spend tax dollars on a particular delinquency prevention program? It's worth it if future savings to taxpayers and potential victims of crime are greater than the cost of the program. Cost-benefit projections consisting of analyses of program costs and projected cost-savings are useful tools to establish whether the programs are producing expected results with reasonable costs. Granted, cost-savings, especially for delinquency prevention programs, are difficult to predict, however the knowledge of program implementation costs and the estimate of future costs involved with not implementing a program will arm decision-makers with adequate information for sound, logical business decisions.

The importance of collaboration among formal and informal community supports and service providers cannot be overstated. It is only when communities come together to establish a shared mission and common goals that parochial perspectives are overcome and that true change can occur. Specific participants will vary depending upon the projects and the community. At a minimum, participants should typically include law enforcement, teachers, parents, youths, service providers, and community leadership. Representatives from local colleges or universities, the faith communities, and local businesses will contribute valuable suggestions and insights. Without collaboration, services are provided in a vacuum, maximizing costs and minimizing effectiveness. Community ills arise from a variety of causes; they will only be solved with a variety of perspectives.

4. Develop strategies which encourage local school districts to intervene with children who are involved in or who are at risk of involvement in gangs or the juvenile justice system.

Background

According to Denise Gottfredson in *Preventing Crime: What Works, What Doesn't, What's Promising* (1997), a research report by the University of Maryland, Department of Criminology and Criminal Justice, schools have great potential as a locus of crime prevention. She notes that schools provide the most regular access to the most crime-prone students throughout their most developmental years. Other experts note that schools are traditionally stigma-free, are a natural part of the community, and are a place where all children gather regularly. Added to that, discerning teachers know the children and know when "Something's wrong with Johnny."

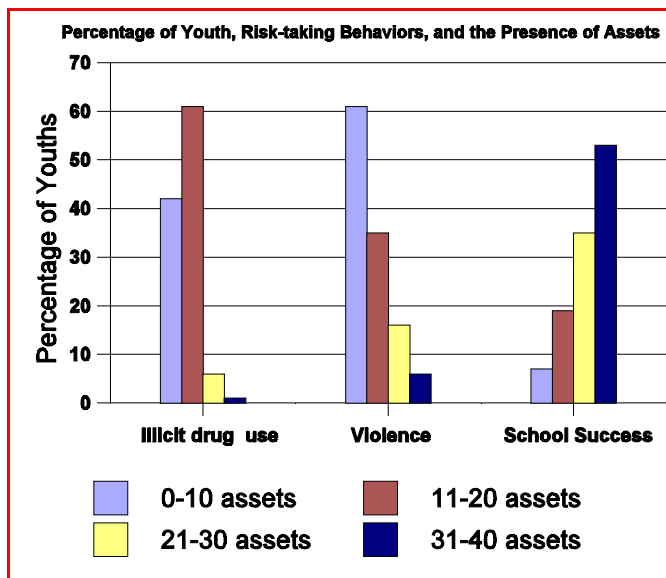
Many of the risk factors and protective factors related to the possibility of later juvenile delinquency are school-related and are therefore more amenable to identification and change in school settings. School-related factors related to delinquency include the characteristics of the school and classroom environments, individual school-related experiences and attitudes, peer group experiences, and personal values, attitudes and beliefs.

School-environment factors related to an elevated risk of delinquency include availability of drugs, alcohol, and weapons; characteristics of the classroom and school, the strength of the academic mission and administrative leadership; and the perceived availability of emotional support. Poor school attendance and performance, low attachment to school, and low commitment to schooling are school-related experiences and attitudes which often precede delinquency. Indeed, the National Council on Crime and Delinquency (1993) reports that dropouts are three and half times as likely as high school graduates to be arrested (see also Thornberry, Moore, and Christenson, 1985).

Substance abuse compounds all school-related risk factors. In 1997, the Texas Commission on Alcohol and Drug Abuse reported that more than 9% of all secondary students went to class while drunk during the 1996-1997 school year. Of those students, about one-half went to class while drunk more than once and one-fifth did so four or more times. Illicit drug use (marijuana, cocaine, and hallucinogens) has shown steady increases across students in eighth, tenth, and twelfth grades since 1992 (Liu, 1997).

Peer-related experiences which are often school-based may include rejection by peers or association with delinquent peers. Early problem behaviors, impulsiveness, rebelliousness,

moral immaturity, and low levels of social competency skills such as problem-solving skills, social skills, and empathy are individual factors related to delinquency which affect schools.



Protective factors related to schools include positive relationships with friends, teachers, and mentors, educational commitment, participation in extracurricular activities, and attachment to the school, having clear rules and consequences at school, and having a caring, encouraging environment at school (Search Institute, 1997). The Search Institute found that these protective factors (developmental assets) are powerful influences on behavior. In a

study of almost 100,000 youth in 312 towns and cities across the United States, the Search Institute found that the more assets or protective factors young people experience, the less likely they are to engage in a wide range of risky behaviors, and the more likely they are to engage in positive behaviors.

According to Gottfredson (1997), national priorities for children focus on schools as the hub for the prevention of diverse social problems, including crime. Several national goals and legislation involve school-based strategies directed towards prevention. In Texas, the Texas Education Agency directs \$669,762,232 of federal funds to local school districts for students and families deemed to be disadvantaged, at-risk of failure, and to prevent violent behavior and the illegal use of alcohol, tobacco, and other drugs by students.

Because of the relationship between school-related risk factors and juvenile delinquency, it is clear that Texas must continue to encourage and assist schools in their efforts to address crime prevention among students. Therefore, the Committee puts forth the following sub-recommendations:

a. Encourage school districts to adopt policies related to gang activity. Policies must include parental involvement.

Research has demonstrated that adolescents who join street gangs are more involved in delinquent acts than are adolescents who do not join such gangs. Indeed, one study demonstrated that gang members accounted for twice as many acts of delinquency as one would expect given their share in the population. While making up only 33% of the study group, gang members accounted for 86% of all serious delinquent acts; 67% of all moderate delinquent acts, and 57% of all minor delinquent acts (Thornberry and Birch, 1997).

John Moore (1997) notes that all states and most large cities have youth gangs. Gangs are appearing in new localities, especially smaller cities and rural counties. Texas reported the second highest number of gangs and the third highest total of gang members. Few schools remain unaffected by youth involved in or at risk of involvement in gangs and/or juvenile delinquency.

In November 1997, the Texas Senate surveyed school districts on issues related to school safety, drug and alcohol prevention and treatment, and gang issues. More than 600 school districts responded to the survey. Respondents were fairly balanced among small, medium, large and extra-large school districts and represented 68% of the total Texas student enrollment. Of those respondents, 138 districts reported the presence of gang members on campus, with the preponderance of gang activity occurring in large and extra-large districts. Small independent school districts (less than 1,600 students) were not immune and also reported some presence of gang activity. Except for the extra-large school districts, most reported that they did not have a specific person or department responsible for identifying gangs/gang members on campus and most districts lacked standard criteria for identifying and documenting gang membership. The majority of responding school districts reported having discipline policies for students engaging in gang activity and policies regarding certain types of clothing, but lacked policies related to graffiti. Consistent responses to inappropriate behaviors across campuses are imperative in the prevention and reduction of gang and delinquent activities.

The Office of Juvenile Justice Delinquency Prevention (OJJDP), through an extensive review of available research, found two primary factors related to school policies which impact delinquency. The first factor, building the school's capacity to manage itself, calls for structured organizational development methods developed to help schools plan, initiate, and sustain needed changes. The second factor relates to the clarification and communication of norms about behavior through a constellation of discipline management techniques. District-level policies need to be formulated and formalized in order to promote consistent, clear, expectations and consequences across schools (Howell, 1995).

b. Provide funding to local school districts to keep schools open for the provision of after-school activities.

Recent reports compiled by the FBI indicate that the peak hours for violent juvenile crime are from 2:30pm until 8:30pm. In fact, juvenile crime triples in those hours (Snyder & Sickmund, 1995). Other analyses clarify that 22% of violent juvenile crime occurs between 2:00pm and 6:00pm on school days (Snyder, Sickmund, & Poe-Yamagata, 1996). These statistics underscore the need for increased availability of prosocial activities after the school day is over.

Posner and Vandell (1994) found that children in after-school programs had better peer relations, emotional adjustment, grades and conduct in school than their peers in other care (or unsupervised) arrangements. Outcomes from a study of after-school programs provided in a public housing project (Jones and Offord, 1989) demonstrate compelling evidence of the effect of after-school programs on arrest rates. Over 32 months, low income children ages 5 to 15 years were provided an intensive after-school program in sports, music, dancing, and scouting. A comparison public housing project had only minimal city services. Compared to a baseline of two years prior to the program, arrests of juveniles in the program site declined 75%. In the same time period, arrests of juveniles in the comparison site rose 67%. Sixteen months after the program ended the effect was eroded, providing further evidence of a direct link between the after-school programs provided and arrest rates in the community.

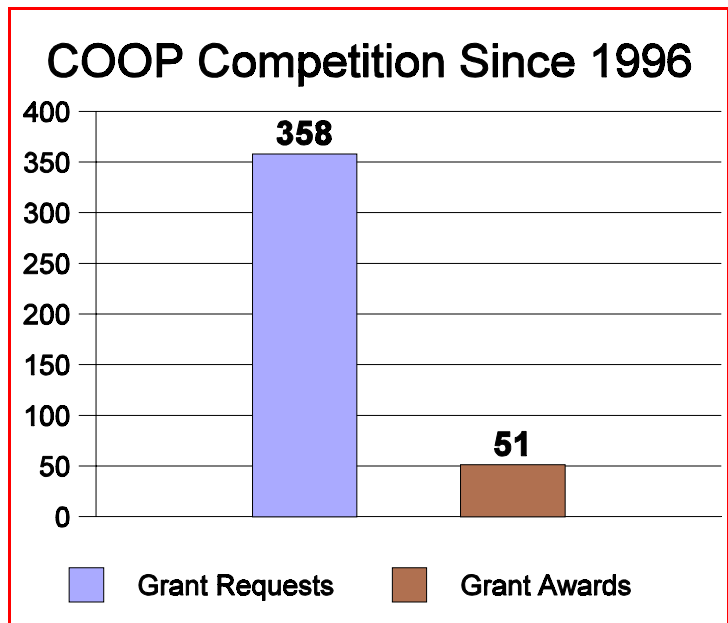
Care must be taken in the design of activities of after-school programs as the impact on delinquency varies with the components included. What we do know is that after-school programs which include after-school recreation (Jones and Offord, 1995), social competency building activities such as impulse control, stress management, thinking skills, problem solving techniques, and goal building (Caplan et al., 1992), law-related education (Johnson, 1984), mentoring (Grossman and Garry, 1997), and direct supervision (Gottfredson, 1997) are successful at preventing and reducing delinquency. We also know that mentoring (Grossman and Garry, 1997) improves school attendance and that participation in prosocial extracurricular activities increases a child's protective factors.

One example of creative approaches to the provision of after-school activities is the Dallas Area Interfaith, formed by members from 60 churches in racially and economically diverse neighborhoods. This citizens' action group set up after-school programs in six public schools and drew commitments from businesses to create more than 200 jobs in low-income neighborhoods (Kids Campaigns, 1998).

Another exciting example of creative approaches for after-school activities involves the growing collaborations between local school districts or governments and programs of the Texas Parks and Wildlife Department (TPWD). TPWD provides a wealth of diverse educational and outreach programs targeting youths' in-school and out-of-school activities and is an excellent addition to after-school programs. The "Hooked on Fishing -- Not on Drugs" program introduces drug prevention while teaching youths how to fish. Activities are designed to be integrated into any school curriculum or can serve as a component of after-school activities in local schools or recreation centers.

TPWD also offers summer camps for underprivileged youths at their Parrie Haynes Youth Conservation Ranch. At these camps, youths experience fishing, boating, hiking, and camping, among other activities. Other programs offered by TPWD provide youths with information about the diversity of Texas' cultural heritage -- including the Texas Buffalo Soldiers, the history of the vaqueros, Native Americans, frontier women, and other cultures and extended recreational and educational programming through camp-outs, hikes and trail rides, lasting from two days to two weeks. Finally, the Community Outdoor Outreach Program (COOP) provides grants of up to \$20,000 each to local non-profit groups and governments for the purpose of developing programs related to outdoor education, recreation, youth-at-risk, and other initiatives related to the mission of TPWD. Several communities have received grants specific to the provision of recreation activities for youths at increased risk of delinquency. These grants are very flexible and very popular; consequently, the requests for these grants far exceed the availability.

After-school recreation programs have been noted to be a promising intervention towards reducing juvenile delinquency (Sherman et al., 1998) as well as promoting protective factors associated with avoidance of delinquent activities (Howell, 1995). Providing youth with prosocial alternatives to delinquent activity and gang membership is a common thread in most after-school programs.



As the Committee traveled across the state listening to public testimony at the hearings, a plea for “something for kids to do when they’re not in school” was heard repeatedly. Parents, service providers, law enforcement officers, and youths voiced the same sentiments. Therefore, based on input from concerned citizens and findings from scientific research, the Committee echoes a resolution recently adopted by the National Sheriff’s Association (Appleby, 1998) in calling for increased availability of after-school programs. Further, the Committee recommends that the State provide matching funds for local schools to remain open for after-school programs containing activities deemed promising towards the reduction and/or prevention of delinquency or gang involvement.

During the 75th Legislative Session, Senator Robert Duncan sponsored a bill (SB717) which clarified school districts’ ability to keep school campuses, including school libraries, open for recreational activities and tutoring after school hours. The bill passed unanimously in the Senate, but due to time constraints was never voted on in the House Public Education Committee. No opposition was raised during debate over this bill. The Committee supports clarifying this issue through future legislation.

c. Encourage school districts to host elementary school-based early intervention services which have program components determined by scientific research to be successful at preventing or reducing delinquency.

As previously discussed, schools have enormous potential as locations for selected preventive and interventive strategies. Early behavioral problems (Wright and Wright, 1995) and poor school performances (Dishion et al., 1984) have been linked to later delinquency.

But why intervene early? Why not wait until the more serious behaviors manifest themselves, then target efforts at those children? Intervening early may be more cost-effective in the long run. Greenwood and colleagues (1996) suggest that criminal justice system savings from some early interventions can pay for a substantial portion (sometimes all) of the program costs. They found that parent training could prevent almost 160 serious crimes (and accompanying criminal justice system and victim costs) per million dollars invested (Greenwood, Model, Rydell, and Chiesa, 1996). The savings in human costs are more difficult to predict but are even more important to consider.

Gottfredson (1997) writes that school-based programs include interventions designed to reduce or prevent a variety of “problem behaviors,” including bullying, violence, theft, alcohol or drug use, and other forms of antisocial behaviors. These different forms of delinquent behavior are highly correlated and share common causes. Many researchers note a link between these less serious problem behaviors and later more serious crime.

School-based parent training and social competence promotion are two of the most researched interventions demonstrated to be successful at decreasing problem behaviors. A comprehensive review of approximately 300 studies found that parenting factors were the most powerful predictors of subsequent delinquency (Loeber and Stouthamer-Loeber, 1986). Parent training activities usually include elements such as education regarding developmental stages of children, teaching, playing with, and disciplining their children, coping strategies, and nurturing skills. Tremblay and colleagues (1994) analyzed data from parent training programs in school settings and found that after the youths' parents received two years of parent and social skills training, youths demonstrated lower self-reported and official delinquency and better school adjustment six years later. Other research has found better impulse control, less hyperactivity, and fewer conduct problems eight months after participating (Pepler and Byrd, 1991), increased child attachment to family and school, and improved parenting skills (Hawkins et al., 1992).

Social competence promotion (SCP) is another highly researched successful school-based delinquency prevention program. SCP includes teaching students impulse control, conflict resolution skills, stress management skills, problem-solving skills, goal-setting, and cognitive skills for identifying problem situations and associated feelings (Weissberg and Caplan, 1994; Caplan et al., 1992). Greenberg (1996) reported that two years after the intervention, teachers noted significant decreases in antisocial behaviors, a measure highly related to later delinquent behavior. Using standardized social competence curricula, Shure and Spivak (1988) reported that for children trained in kindergarten, 70% of those previously rated as impulsive were rated as adjusted, compared with only 6% of the impulsive students who did not receive training.

A third extremely promising intervention for elementary students is the PeaceBuilders program (PeaceBuilders, 1998). PeaceBuilders is a school-wide, systemic approach for promoting children's competencies and resiliency. It reduces the risk of both violence and substance abuse while increasing the competencies that improve academic outcomes. PeaceBuilders is based on all people in the school adhering to five basic principles: Praise People, Give Up Put-Downs, Seek Wise People as Advisors and Friends, Notice Hurts You Cause, and Right Wrongs. Scientific studies demonstrated a 60% reduction in fighting injuries on campus, 50% or greater reduction in vandalism, 20% to 30% reduction in tardies and absences, 40% to 60% reduction in serious discipline problems on campus. Moreover, there has been as much as an 80% decrease in arrests of children for crimes committed. Seventy percent of students in PeaceBuilders schools report that they feel safer in school (PeaceBuilders, 1998).

Perhaps the best known of early interventions, the Perry Preschool Program in Ypsilanti, Michigan, used the High/Scope cognitively oriented curriculum to foster social and educational development in preschoolers. The program targeted pre-school children with below average IQs from low income African American families in a poor neighborhood. When they reached primary school, the Perry Preschool children demonstrated lower rates of aggression, disobedience, disruptive behaviors, lying, stealing, and profanity than their peers who did not attend that preschool. At the age of 15, the Perry Preschool children exhibited fewer acts of misconduct, and at age 19 they reported fewer violent acts and less police contact (an average of 1.2 arrests per person, compared with 2.3 arrests per person for the no preschool group). Only 31% of the preschool group had been arrested at least once by age 19, compared to 51% of the no preschool group. By the age of 27, those individuals who had been students of Perry Preschool had accumulated only half the arrests of a matched comparison group (Schweinhart, Barnes, and Weikart, 1993; Schweinhart, 1987; Berrueta-Clement et al., 1984).

The research clearly demonstrates significant, often long-term positive effects of early interventions (with multiple strategies) in elementary, middle, and pre-school settings. Encouraging schools to host comprehensive early intervention services could result in short- and long-term benefits for the state, and for the children and families who receive those services.

No fiscal impact.

- 5. Increase funding for prevention and early intervention programs for youth at risk of involvement in gangs or the juvenile justice system.**
 - a. Provide grant funding to counties which provide early intervention services to at-risk youth through assessment, referral, and case management services through the Justice of the Peace or Municipal Courts.**

The Office of Juvenile Justice Delinquency Prevention (Wright and Wright, 1995) reports that age of onset is the single best predictor of continued delinquency. The National Conference of State Legislators reports that (National Conference of State Legislators, 1996) youths commit the most serious delinquent acts during their teen years and early adulthood; however, much less serious infractions such as shoplifting, running away, staying out late, sexual promiscuity and vandalism occur earlier in a child's life and are predictive of future patterns of delinquent behavior. The National Council of Juvenile and Family Court Judges (1990) went so far as to recommend that courts, communities, and schools focus their attention on status offenders so that the problems of runaway, truancy, substance-abuse, and beyond control children would be addressed at their earliest manifestations. The Council also maintained that the courts must have clear authority to determine the need for outside services, that judges should assert leadership in the development of assessments and necessary services, that the courts' approach to dealing with status offenders must be different than traditionally used with other offenders, and that the court should offer its full authority for resolving child and family issues at various community sites.

Some Texas counties have begun such programs. The Dallas County Juvenile Board has established the Dallas Challenge Truancy and Class C Enforcement Center, a deferred prosecution program. The vast majority of the referrals to date have originated in Justice of the Peace courts for chronic truancy. Each of the 879 youths served since September 1996 received a full youth and family assessment, a case plan, a court review, and case management services. Outcomes indicated that through June of 1998, 65% of youth completed the program successfully by complying with the case plan for three to six months. Within one year of discharge, only 8.9% of those children had reoffended.

The Committee heard testimony related to the need for earlier intervention for truant youths from troubled citizens, law enforcement officers, parents, and judges across the state. The Honorable Judge Thomas Jones of the Justice of the Peace Court, Precinct 7 in Dallas, was direct in his concern when he testified, "Truancy is not the problem but it is an indicator of some underlying problems that the young people are dealing with . . ." Furthermore, stakeholder input for the TJPC/TYC Coordinated Strategic Plan (1997) overwhelmingly endorsed prevention and earlier intervention as urgent needs upon which the juvenile justice system and juvenile justice policy should focus.

Harris County Precinct 3, Court 2 has integrated social services, schools, and the legal system in a unique blend of education, programming, and accountability. A licensed Master's degreed social worker acts as a combination court liaison and triage technician, channeling information from various informants and reports to the judge, recommending a variety of social services and community resources to meet the needs of the children, and facilitating linkages to schools and referral agencies. The judge wields the power of the court to encourage child and family participation in intervention programs, converting fines to community service hours payable in anger management sessions, counseling, psychological testing, or alcohol and drug programs, among other services.

The community service database tracks the child's and family's compliance with court-ordered services and community service hours. Service providers from the community agencies to which children are referred share information regarding the child's and family's progress with the court, enabling ongoing court monitoring and supervision. After recognizing that some needs of youths were going unmet, program administrators developed other activities, including teen parenting, family wellness, and an educational program for parents related to the parents' legal responsibilities and obligations related to their children.

Data regarding outcomes for all participants are currently being analyzed and are unavailable for this report. However, in a telephone survey of 227 high-risk youth who received services through this project, 76% reported that they graduated from high school, completed a GED, or were still in school.

The TRIAD Prevention Program, also of Harris County, is a coordinated effort of the juvenile probation department, child protective services, and the community mental health and mental retardation center and focuses its attentions on the needs of status offenders. Coordination of services, case management, conflict resolution programs, family preservation programs, and other therapeutic services are available to children and youth who enter the juvenile justice system on a status offense.

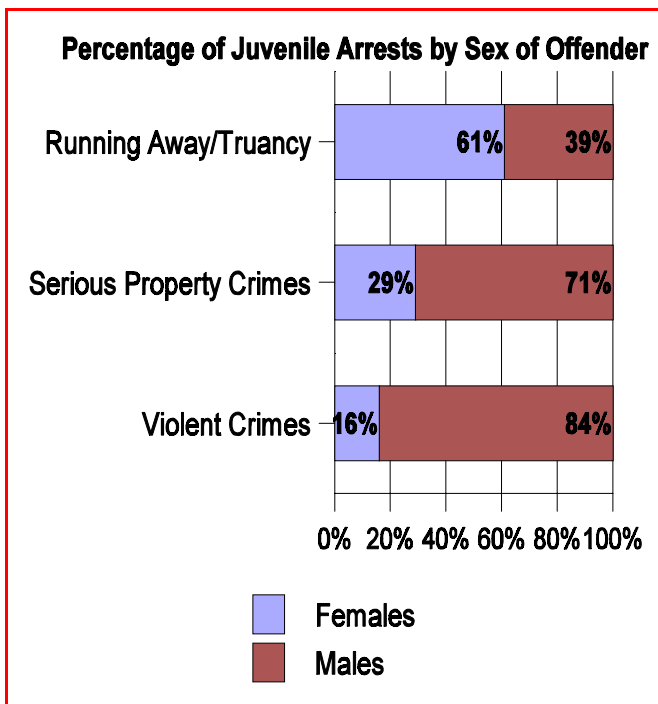
What elements make early intervention program of these types successful? Lipsey (1992) conducted a meta-analysis of data from 400 evaluations and found that community-based, skills-oriented, multi-component programming produced the largest effects. The Office of Juvenile Justice Delinquency Prevention in the *Guide for Implementing the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders* (Howell, 1995), observed “The most effective programs are those that address key areas of risk in the youth’s life, those that seek to strengthen the personal and institutional factors that contribute to healthy adolescent development, those that provide adequate support and supervision, and those that offer youth a long term stake in the community.” In a state statute related to juvenile delinquency prevention (Florida State Statute 30.025(5)(c)), Florida legislators stated that to be truly effective, programs not only must prevent children from entering the juvenile justice system, but also must meet local community needs and have substantial community involvement and support (Broward County Juvenile Justice Board, 1993).

Common themes which emerge across the research related to successful early intervention programs include: the need to be comprehensive and provide services across the domains of the youth’s life; the need to be intensive and provide services as often as needed; the need to be expansive and operate outside the formal juvenile justice system; and the need to be positive and focus on the strengths of the youth and family. Family services and supports must be included because many problems of youths are caused or exacerbated by problems within the family. The juvenile justice system as a whole must be prepared to address the full range of juvenile problem behaviors. The presenting offense often represents only a small portion of the youth’s problems, and a comprehensive needs assessment and case management services may help identify and address individual service needs to reduce the probability that the youth will commit other offenses.

Fiscal Impact: The estimated cost to implement this recommendation ranges from \$40,000 to \$48,000 per site, based upon a budget which includes salary, benefits, and basic office supplies for one case manager.

b. Provide funding and develop strategies for effective interventions for juvenile offenders with special needs.

With more and more juveniles coming into the justice system, it is crucial that we deal not only with the specific law-breaking behaviors that brought them to the attention of the authorities, but also with any special needs which would affect the outcomes expected and the type of rehabilitative programming provided. An effective juvenile justice system must be responsive to the special needs of the population, including the need for specialized programming for female offenders, for young offenders, and for offenders with mental or physical disabilities. The Texas Youth Commission - Texas Juvenile Probation Commission Coordinated Strategic Plan (1997) also identified these three populations for specialized treatment interventions.



Female Offenders

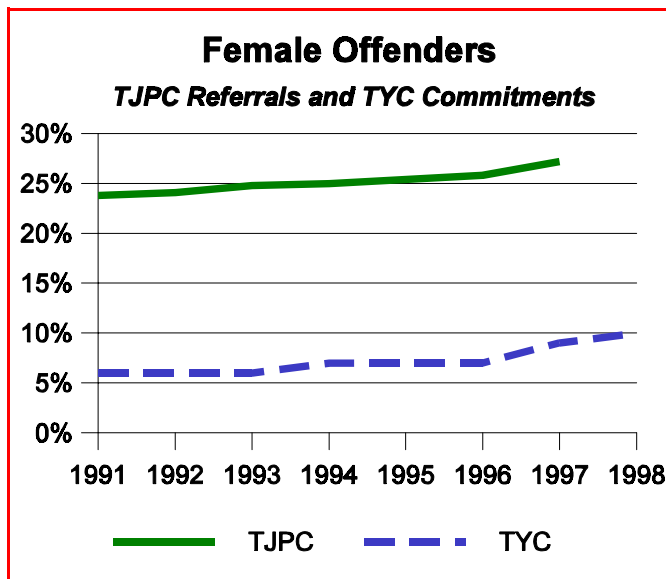
Female delinquency has traditionally been fairly easy to overlook -- girls' offenses have tended to be less destructive and less violent than those offenses committed by boys. In Texas, the male-to-female ratio for juvenile arrests for violent index crimes (homicide, manslaughter by negligence, forcible rape, robbery, and aggravated assault) in 1997 was approximately 5:1 (Texas Department of Public Safety, 1997). For serious index property crimes (burglary, motor vehicle theft, larceny theft, and arson) in the same year, the ratio was a little more than 2:1. Female offenders are much more likely than males to have been referred to juvenile court for status offenses (specifically, running away and truancy).

Texas Department of Public Safety arrest data indicate a 9% increase in total female juvenile arrests since 1987. Arrests of juvenile females for violent crimes have increased slightly, from 12% to 16% of all violent crime juvenile arrests. Arrests of juvenile females for serious property crimes have increased 10% -- from 19% of all juvenile arrests for serious property crimes in 1987 to 29% in 1997. A comparison of all arrests indicates that the age distribution for females is very similar to the age distribution for males, with the greatest percentage of juvenile arrests representing 13- and 14 year-olds.

Although data are not currently available from TJPC, national data indicate that many female delinquents first encounter the juvenile justice system because they have run away, often to escape situations involving physical and sexual abuse occurring in the home. The National Council on Crime and Delinquency (1996) studied the backgrounds of women in prison and found that almost 63% had run away from home when they were children; Dembo, Williams, and Schmeidler (1993) found that 61% of female offenders were sexually victimized. Spatz-Widom (1992) reported that a history of abuse (sexual or physical) or neglect increased the likelihood of delinquency for females by 77%. It is important to recognize that “good” and well-intentioned parents can have delinquent daughters as well. “Good” parenting reduces the risk of child offending, but it is no guarantee. Upheavals in a child’s life, such as changing schools, moving, the death of a family member or friend, and parents’ divorce can all increase the risk of delinquent behavior.

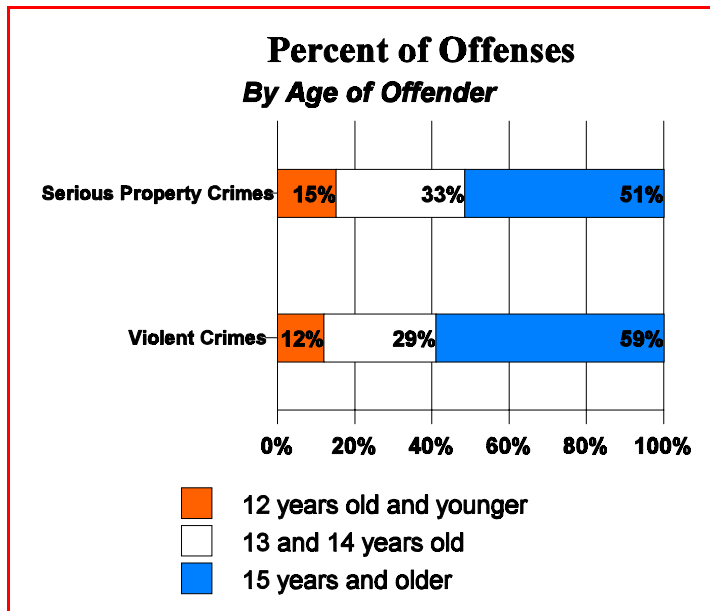
The typical female juvenile offender is 15 or 16 years old and is from a poor, inner city neighborhood. She has dropped out of school and has been a victim of physical or sexual abuse, neglect, or exploitation. She comes from a single parent family with few resources, and has experienced foster care placement. She lacks adequate work and social skills and she abuses a variety of illegal substances (Office of Juvenile Justice Delinquency Prevention, 1996). She came to the attention of the authorities because she was a runaway, truant, and was involved in prostitution and substance abuse. She is incarcerated, receiving only the basic rehabilitative services.

By placing female offenders in settings without specialized services (mental health services, vocational, educational, health, parenting), the State is increasing the risk of delinquency for a new generation. Female offenders often are, or become teen mothers. Their children are usually placed in foster homes or relinquished for adoption, or are moved about from one resource-lacking home to another, often separated from siblings, parents, or other relatives. These children become at increased risk for becoming delinquents themselves (Belknap, 1997).



Many States have begun to recognize the need to develop community-based services as well as secure residential programs which incorporate gender specific treatment practices. Minnesota and Oregon passed legislation guaranteeing gender equity in resource allocation (Office of Juvenile Justice Delinquency Prevention, 1994). Maryland's Department of Juvenile Justice established a task force designed to focus attention on the needs of young female offenders. After profiling the population and assessing its needs, the Female Intervention Team (FIT) was developed. The FIT is a specialized unit, serving approximately 400 girls each year, and is made up of probation officers who serve only girls. Officers receive specialized training on issues critical to the girls, including sexual abuse, teen parenting, drug and alcohol abuse, and issues related to self-esteem (Office of Juvenile Justice Delinquency Prevention, 1994).

Texas has seen a slight but steady increase in the overall rate of female juveniles as a proportion of all referrals and commitments over the past several years. As a result, we need to focus additional attention on the specialized needs of females in the juvenile justice system. Texas Youth Commission (TYC) has already begun to address this issue. For the FY 2000-2001 biennium, TYC has submitted a request for additional funding which would benefit female offenders. They are requesting funds to convert education buildings to dormitories for females, as well as add 48 beds for female offenders with severe emotional-behavioral disturbance or mental illness. TYC is hoping to increase their special educational services, career and technical training, counseling, capital offender, and chemical dependency services for female offenders. The Committee supports TYC's request for additional funding for these services. The Committee also recommends that Texas Juvenile Probation Commission develop focused strategies to address the special needs of young girls who enter their system.



Young Offenders

The earlier youths begin to engage in delinquent behavior, the more likely they are to become chronic offenders (Stone, 1998). Because offenders under the age of 15 years have a high risk of continued involvement and yet are more amenable to services and sanctions, juvenile crime policy should focus on early and effective interventions with these youngest delinquents.

Despite what is depicted in the popular media, it is inaccurate to depict the typical juvenile offender of today as significantly younger than the offenders of 10 years ago. Data from Texas Department of Public Safety (1997) demonstrate that juvenile arrests steadily increased from 10% of all violent crime arrests in 1987 to 18% of all violent crime arrests in 1994. However, since 1994, the percentage of juvenile arrests for violent crimes has steadily decreased to 15% for 1997. The age distribution for juvenile arrests for both violent crimes and serious property crimes has not changed substantially in the last 10 years. Data do not support a theory of a younger, more violent offender.

Youth under the age of 15 years account for 41% of the juvenile arrests for violent crime index offenses and 48% of juvenile arrests for property crime index offenses. These data suggest that providing effective services early in a youth's criminal career could reduce recidivism rates and could ultimately result in cost savings to the State. It is the consensus of the Committee that the states's juvenile courts and juvenile justice agencies should focus efforts on developing effective interventions for offenders under the age of 15 years.

No fiscal impact.

Offenders with Mental Impairments

No child adjudicated delinquent should ever walk away from a juvenile court without experiencing consequences for his or her behaviors. Juveniles must receive swift, certain, appropriate, fair and consistent sanctions every time they are adjudicated. The presence of a mental impairment does not excuse a youth from responsibility or from the consequences of delinquent or illegal behavior, however it should affect the type of rehabilitative services provided to the youth, whether those services are provided in an institution or in the community. For offenders with mental impairments, receiving therapeutic, skills-building services has a dramatic impact on the types of outcomes experienced.

Prevalence of Mental Impairments in the Juvenile Justice Population

Exact prevalence rates are unknown, however experts in the field of mental health and juvenile justice estimate that the rate of mental impairments (including mental illness, mental retardation and substance abuse disorders) among youth in the juvenile justice system is much higher than among the general population, possibly as high as 60% compared to 22% of the youth in the general population (Rottenberg, 1997; Edens and Otto, 1997). It is estimated that 13% of juvenile offenders have a diagnosis of mental retardation. Edens and Otto (1997) conducted a comprehensive review of studies related to the prevalence of mental disorders by diagnosis in the juvenile justice population and found that a substantial number of juvenile offenders have at least one mental health diagnosis.

Texas Statistics

Texas Youth Commission reports that, during the first six months of FY 1998, 18% of youth committed were diagnosed with a major mental impairment; 55% of those youth also evidenced a high level of substance abuse treatment needs. Youth with mental impairments stayed an average of 5.7 months longer than those offenders without mental impairments. Outcomes indicate the effectiveness of specialized treatment services offered in secure facilities. Mentally ill youths who received specialized treatment services demonstrated a 16.8% reduction in reincarceration within one year and a 14.8% reduction in rearrest rates. They also maintained an almost 16% reduction in reincarceration within a three-year period after discharge.

TYC contracts with the Brown School of San Marcos for the incarceration and provision of rehabilitative services to court-committed juvenile offenders who have mental retardation. Services include structured programming, skill-building activities, therapeutic groups, and educational activities. The program has a static capacity of 32 youths and an average daily population of 20. The cost for these services is approximately \$180 per day per youth. On the average, youths stay approximately 16 months.

For FY 1997, Texas Juvenile Probation Commission and its probation departments report a total of \$1,555,807 budgeted for psychological services for those offenders who indicate a need. In a recent survey, Chief Juvenile Probation Officers identified a variety of psychological services as unmet needs that they expected to face in FY2000-2001. Applying accepted rates (30%-50%) of juvenile offenders with mental health needs to the 126,132 youth who received services through TJPC in FY1997 yields an estimated 37,840 to 63,066 offenders who may need mental health services. Costs in Texas for mental health care typically range from \$1,300 to almost \$3,200 per episode of care (Khalsa, 1998).

The Texas Department of Mental Health and Mental Retardation receives more than \$8.5 million for the provision of mental health services for youth involved in the juvenile justice system or who are at increased risk for involvement in the juvenile justice system. Through its Local Mental Health Authorities, 11,043 children who had a history of involvement in the juvenile justice system received mental health services in FY 1997. Outcomes indicate that of those youth who had a history of arrest before receiving treatment, 90% avoided rearrest while in treatment.

Specialized services for juvenile offenders with mental retardation are lacking. With few exceptions, the primary course of treatment for juvenile offenders with mental retardation is obtained through a court commitment (Texas Family Code, Title 3, Chapter 55.03) to a state school. Forty-one juveniles with mental retardation were committed to state schools during FY 1997, at an approximate cost of \$212 per child per day. Mexia State School operates the Developmentally Delayed Delinquents (DDD) program for approximately 20-25 juvenile offenders with mental retardation each year, at a cost of \$256 per youth per day, and an average length of stay of 10.1 months. DDD is a residential program with a static capacity of 38 youths and has an annual budget of \$2,325,936. It is designed to meet the special needs of juvenile offenders with mental retardation by provided structured programming, progressive responsibilities, vocational services, academic activities, and skills training. All youths are committed to the DDD under Family Code, Title 3, Chapter 55.03 and are also deemed not competent to stand trial and not criminally responsible for their actions. After demonstrated progress on a behavioral level system, active participation in their treatment plan activities, and attaining clinically-determined skills and insights, the youths are discharged. After discharge from Mexia State School, youths typically transition to group homes, the homes of family members, other state schools or to the Mexia State School adult offender program. Of the 40 juveniles discharged over the past four years, only three have been rearrested, for a recidivism rate of 7.5%.

Other than the DDD program, Texas Department of Mental Health and Mental Retardation neither operates nor purchases community-based services targeted to youth with mental retardation who are involved with the juvenile justice system. However, TDMHMR has requested additional funding for the FY2000-2001 biennium to provide first time offender services for children with mental retardation or autism and who are involved in the juvenile justice system for the first time.

Effective Services

Effective services begin with a quality assessment upon the youth's entry into the juvenile justice system. Comprehensive and culturally competent assessments can assist in determining whether young offenders represent a risk to the community and can form the basis for effective treatment plans which reduce the likelihood of reoffending by addressing the issues which contributed towards the youth's delinquency.

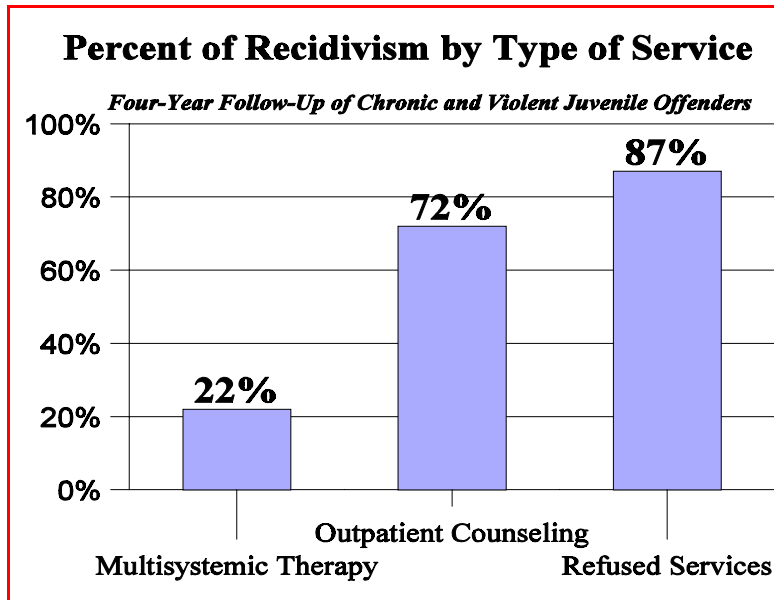
The second step is ensuring that the youth receives adequate and appropriate mental health or mental retardation services and supports. Bilchik (1997) noted that the availability of mental health and mental retardation services and supports for youth in the juvenile justice system is often inadequate. In public hearings across the state, the Committee heard probation officers, parents, and judges note the need for additional funding for psychological services and supports for these youths.

Experience has demonstrated time and time again that youths who do not receive appropriate services are more likely to return to the juvenile justice system. But what are appropriate services? Highly promising approaches for working with youths engaging in delinquent behaviors include a variety of therapeutic interventions and skills-training directed at the youths and their families. Effective strategies include: problem-solving skills training which focuses on the cognitive processes that underlie social behavior (Shure and Spivack, 1988), parent management training which is directed at altering parent-child

interactions in the home (Kazdin, 1993), functional family therapy which teaches communication, problem-solving and behavior modification within the family (Alexander, Holtzworth-Munroe, & Jameson, 1994), and multisystemic therapy (MST), an intensive family and community-based service which addresses the multiple determinants of serious antisocial behavior in juvenile offenders. Repeatedly, in well-controlled, methodologically sound studies, MST has been demonstrated as one of the most effective and efficient strategies for intervening with chronic and violent offenders (Henggeler, 1997).

Multisystemic Therapy

MST is a family-based service provided to chronic and violent offenders who are at high-risk of placement and is offered in the offenders' homes, schools, and communities. The typical duration of MST services is approximately four months, with multiple family-therapist contacts occurring each week. MST is focused on enhancing the strengths of the youths and their families. To that end, MST therapists assist the family and offender in ending deviant peer relationships, improving school or vocational performance, and developing an informal network of supports. Outcomes consistently indicate reduced recidivism rates when compared to traditional services. In South Carolina, 68% of the youth who received "usual services" were incarcerated, compared to only 20% of the youths who received MST services. In what is perhaps the most impressive long-term study of treatments for juvenile offenders, four-year follow-up recidivism rates for youth who received MST services were much lower (22%) than for youth who received traditional outpatient psychotherapy (72%) or who refused services (87%) (Borduin et al., 1995).



Cost Savings Associated with Multisystemic Therapy

Because these youth were at imminent risk of out-of-home placements, substantial cost savings can be identified. Costs average between \$3,000 and \$4,500 per family for MST, compared to at least \$16,000 per youth for the usual course of institutionalization (Bilchik, 1997; Aos, Barnoski, & Lieb, 1998). Additionally, Aos and colleagues estimate that, at a cost of about \$4,500 per participant, the subsequent level of felony offending for this group is reduced by 44%. Their analyses demonstrated that a reduction in crime of that proportion would save taxpayers \$12,381 per participant in future criminal justice costs, plus \$13,982 savings per participant in future out-of-pocket costs paid by crime victims. Thus, the taxpayer and crime victim benefits of providing MST to offenders combine to produce a **net gain of \$21,863 per participant.**

Integrated Funding

Although not directly related to interventions for juvenile offenders with mental impairments, the Texas Integrated Funding Initiative represents a unique approach to dealing with youth with multiagency needs, including chronic and violent offenders with mental impairments. It is an effort to develop local organized family-based service delivery systems for children with multiple needs which are accountable for outcomes and which maximize all funding sources, including state, local, and federal dollars.

In Travis County, Brown County, the Riceland region south of Houston, and the Dallas area, communities have come together to create or designate an entity to serve as an Administrative Service Organization, to receive and manage state and local pooled funds. A Community Board designates funds to the fund pool, determines rate setting, develops structure for purchasing and/or arranging services, establishes shared outcomes, and designates the target population. Each of the communities have evolved to meet the needs and demands of a changing and diverse human service environment.

In Travis County, the major child-serving agencies spend approximately \$11.8 million on residential care for children with emotional disturbance. Approximately one-third of the children are placed through juvenile justice. The number of children placed in residential care has steadily increased for the past seven years. Due to this increase, Juvenile Probation has repeatedly faced funding shortfalls and has been forced to make additional mid-year funding requests to the County Commissioners.

The Integrated Funding Initiative is seen as a means to reverse the trend of increasing reliance on residential care, and as an opportunity to create community responsibility for children and families whose needs cross agency and service boundaries by ensuring the provision of intensive community-based services (including individual cognitive-behavioral therapy, family therapy, in-home services, acute/crisis care, a school behavioral specialist, parent education, recreation, and mentor services) at a cost less than that of residential treatment for a year. When services are provided in the community, family members (including other siblings in the home) receive the direct benefit of services, thus increasing the likelihood of treatment effectiveness. Furthermore, few scientific studies are available which support the effectiveness of residential treatment. In fact, Sondheimer, Schoenwald, and Rowland (1994) noted that no experimental evidence supports the clinical efficacy of institutional care. The Travis County pilot has recently received five-year funding approval for up to \$7,000,000 from the federal Substance Abuse Mental Health Services Administration for the purpose of expanding this pilot project. The Integrated Funding Initiative pilots do not yet have associated outcome measures, but are involved in an extensive evaluation of treatment effectiveness and cost analyses.

Moving Forward

The components are in place to build an effective system of care for juvenile offenders with mental impairments. Probation departments see more at-risk juveniles (ages 10-17) than any other social service entity, with the possible exception of the schools. There is a preponderance of evidence that the working relationship between probation and the mental health system must be reliable, trusting, and rational if effective interventions are to take place. We must strive to improve the ability of juvenile justice and mental health providers to relate to each other and to the offenders in need of their services.

The following vehicles should be considered for Texas to use to begin to move towards this goal:

- A) Encourage cross-agency training between mental health, mental retardation, and juvenile justice service providers,
- B) Encourage communities to coordinate and integrate funding for multiagency youths in need of community-based wraparound services,
- C) Encourage communities to co-locate mental health and child protective service staff in juvenile detention centers,
- D) Require specialized training related to this population for mental health, mental retardation and juvenile justice service providers, law enforcement officers, and juvenile court judges,
- E) Provide additional funding to TJPC and/or TDMHMR to ensure the provision of mental health and/or mental retardation services and supports to all juvenile offenders who indicate a need, and
- F) Examine the agencies' abilities to share information related to youths receiving multiagency services.

The TDMHMR requested the following in their FY2000 - 2001 Legislative Appropriations Request:

-\$450,000 per year for the provision of intensive therapeutic services for youth released from Texas Youth Commission; and

-\$1,540,500 for the biennium for the provision of services and mentoring activities to first time offenders who have autism or mental retardation.

The TJPC requested the following in their FY2000 - 2001 Legislative Appropriations Request:

-\$1,911,883 for in-home family preservation programs;

-\$2,491,330 for substance abuse services; and

-\$2,129,890 for psychological services.

The TYC requested the following in their FY 2000 - 2001 Legislative Appropriations Request:

-\$862,939 in FY 2000 & \$1,048,268 in FY 2001 for the provision of treatment for youths with capital offense history, sex offense history, chemical dependence, emotional disturbance or mental retardation.

Fiscal Impact: The Committee defers to the Senate Finance Committee in determining the appropriate level of funding for the above referenced appropriations request.

c. Increase funding to the Community Grant Support Initiative at the Texas A&M University Engineering Experimental Station Public Policy Research Institute.

Recognizing the need to support communities in their efforts to improve their citizens' quality of life, the Texas Legislature linked communities with the resources of Texas A&M University Engineering Experimental Station (TEES) by creating the Community Grant Support Initiative (CGSI) in 1991. CGSI is an innovative community-university partnership which provides no cost grant-writing assistance to Texas communities.

The 72nd Legislature knew that many communities in Texas were struggling to deal with crime, unemployment, poor health, and a variety of problems impacting their citizens' quality of life. While aware of the pivotal role played by nonprofit organizations as they work to find solutions to these problems, legislators also realized that funding was the number one barrier facing programs with new and innovative ideas. Universities, like Texas A&M, are a key resource for the grant-writing and research skills needed by communities looking for help in securing start-up and expansion funding. To increase the availability of grant-writing in local communities, the 72nd Legislature appropriated \$200,000 for the CGSI for the FY 1992-1993 biennium. The appropriation has remained at that level ever since.

Most grant-writing assistance organizations provide either technical assistance through workshops or referrals to funding opportunities. In contrast, CGSI provides hands-on assistance

“Smaller agencies like us don’t have grant writers, but this community resource at TEES [Texas Engineering Experiment Station, Community Grant Support Initiative] assisted us in becoming competitive for these grants.”

Don Sneed, Director of Renaissance II, an African American AIDs prevention agency

at no cost to Texas community-based organizations including school districts, police departments, and health and human service agencies, among others. CGSI works directly with each community-based organization to help assess its ability to pursue funding and in the actual pursuit of funding. Working in direct partnership with a local community-based

organization, CGSI assists in the search for appropriate funding sources, provides research-based literature reviews, identifies and interprets data to support the community’s needs assessment, develops surveys to gather new data, assists in developing a sound program and evaluation, and writes the proposal.

Each dollar of state funding spent on CGSI grant assistance has brought in more than 12 federal dollars to Texas. Without the help of CGSI, these funds would, in most cases, have gone to other states. In FY 1997, with a state investment of \$100,000, CGSI helped communities write grants which were funded in excess of \$2,000,000. Grant-writing services have been provided in more than 75 cities and 62 counties. The success of this program is unparalleled. The Committee recommends increasing the funding appropriated to CGSI and encouraging extensive collaboration with the Prairie View A&M Juvenile Crime Prevention Center to ensure maximum coordination and visibility for communities wishing to write grants related to the prevention of delinquency.

The TEES requested an increase of \$250,000 per year in their FY2000-2001 Legislative Appropriations Request.

Fiscal Impact: The committee defers to the Senate Finance Committee in determining the appropriate level of funding for the above referenced appropriations request.

d. Offer incentives to encourage public/private partnerships to increase the availability of intervention/prevention programs and community-based social services.

Public funds are limited. It is only through creative partnering, not only among agencies in the public sector, but also with private entities that public funds will be maximized. Although these programs are still in their developmental stages, the Integrated Funding Initiatives are good examples of partnerships which result in an increased availability of community-based intensive intervention services while maximizing the public dollar.

Both The Georgetown Project and the Corpus Christi Commission on Children and Youths provide excellent examples of communities coming together to formulate a comprehensive and systemic community plan to benefit children and youths. Involving community leaders, service providers, parents, youths, law enforcement, schools, and the business and faith communities in the design of a strategic plan to benefit children will help to ensure a community-wide consensus of commitment to the children.

The Tattoo Removal Program conceptualized by the Bandera Police Department is an outstanding example of creative partnering to increase availability of intervention services. Law enforcement, probation/parole, and private plastic surgeons have come together to provide tattoo removal services for ex-gang members who want a new start. This program began in the small town of Bandera, Texas, was adopted by Bexar County Probation Department, and has since been made available for youths around the state. Youths provided Committee members with personal stories of triumph when describing their lives since having their gang tattoos removed. In exchange for a commitment to leave their gang lives behind them, evidence of prosocial activities (work, school, etc.), and the willingness to undergo the sometimes painful process of laser removal of the tattoos, youths have their gang-related tattoos removed for a nominal charge. In response to Committee testimony provided by the Bandera Police Department, a multi-agency, state level work group was formed to explore opportunities to increase the availability of tattoo removal programs.

Another excellent example of public-private partnering is the pilot program, "One Community -- One Child," coordinated through the Region X Education Service Center with the Dallas Independent School District and the Wilmer Hutchins Independent School District. The program began in 1994 when Senator Royce West (Senatorial District 23) asked a group of Dallas educators to design a program aimed at increasing parental involvement in schools. The results of their efforts were manifest immediately. Parents of children attending Julius C. Frazier Elementary School were asked to commit to volunteering at the school at least twice each semester. Support was solicited from local businesses for paid, work-release time, and stipends to compensate lost wages. If parents could not arrange time off without a loss of pay, the Greater Dallas Chamber contacted their employers to request special consideration. The number of parent volunteers increased from two at the beginning of 1994-1995 school year to 52 at the end of the 1995-1996 school year. The program, buoyed by total commitment from school administration and business partners, helped increase the test scores, attendance rates and performance ratings at the school. As a result, Frazier was selected as the #1 K-3 school in the Dallas Independent School District in 1995. The success of this unfunded program prompted Senator West to request and receive \$100,000 of TEA discretionary funds on behalf of One Community - One Child for the 1998-1999 school year.

The scope of the program has expanded to include other goals besides improving the academic performance of students through increasing parent participation. One Community - One Child has also begun addressing community issues, the development of fathering initiatives, increasing parenting skills, improving students' home environment, and creating and maintaining an element of leadership representing parents, businesses, community leaders, teachers and administrators.

Other creative partnering strategies could piggy-back off of existing programs which are not directly related to prevention or early intervention. The Ready Texan program allows state employees to be granted up to 10 days of paid leave each year to volunteer for American Red Cross Disaster Services (Texas House Bill 1, Article IX, § 9.4, 75th Legislative Session). It is possible that the State could authorize a similar allowance for employees who act as mentors for youth. The National Governor's Association adopted policy in 1997 which called for federal, state, and local government officials to provide leadership through example by serving as mentors, by promoting personnel policies that allow flexible time for mentoring activities, and by encouraging mentoring among their employees and within their communities. Expanding the Ready Texan program to include mentoring activities would fit well within those policies.

The State could also choose to create tax incentives for businesses and corporations which establish "mentor-friendly" policies, including paid time off or flexible time for mentoring activities, sponsorship of schools in neighborhoods identified as being at high-risk, or creation of paid internships available for youth at increased risk of delinquency. The First Break Program sponsored by legislation in Oregon gives tax incentives to employers that hire juveniles at risk for delinquent behavior (Office of Juvenile Justice Delinquency Prevention, 1997). The State of Missouri enacted the Youth Opportunities and Violence Prevention Act, which provides a tax credit for individuals and corporations that make monetary or physical contributions to public or private initiatives that establish, implement, or expand various education and employment programs for youth (Office of Juvenile Justice Delinquency Prevention, 1997). Creativity and courage to think outside the usual parameters of state government are the hallmarks of these programs. As part of the State's commitment to children, we need to be willing to commit matching funds, innovative legislation, and our policies to exemplify creative partnering with the private sector.

- e. **Consider expanding funding to the following successful existing programs:**
- ★ **Communities In Schools of Texas**
 - ★ **Parents As Teachers**
 - ★ **Graduation Incentive Programs**
 - ★ **Community Youth Development**

Communities In Schools of Texas

The Texas Legislature established the statewide Communities In Schools (CIS) program, part of a national stay-in-school network serving more than 30 states. The mission of CIS-Texas is to help young people stay in school and to successfully learn and prepare for life by the coordination of needed community resources in the school setting. The six components of the CIS model were identified by research and program evaluation as the most critical factors in removing barriers to students remaining in school. The identified six components are: supportive guidance and counseling, health and human services, parental and family involvement, pre-employment and employment, enrichment activities, and educational enhancement. CIS is a year-round program which facilitates the coordinated delivery of community and after-school services onto school campuses for youths and their families. During the summer months, programs may be operated on a single campus or at a central location. Programs may involve activities such as community service, academic assistance, mentoring, job shadowing, part/full time employment, and other suitable work experience.

Through the implementation of the six components, CIS is able to provide students with a personal, one-on-one relationship with a caring adult; a safe place to learn and grow, a marketable skill to use upon graduation, and a chance to give back to peers and community. CIS involves partnerships with private sector agencies, local, state, and federal agencies, community-based organizations, and Texas public schools.

Parents, teachers, courts, counselors, principals, mental health staff, nurses, and other social service staff may refer students to CIS. Staff include a CIS funded project manager, and may include repositioned staff from local social service agencies, loaned corporate/private sector persons, staff assigned by the school district, and trained volunteers or college level interns from related fields of study. Students receive a variety of services under the six service areas. Examples of services provided to the youths include case management, probation monitoring, conflict resolution, individual or group counseling, leadership training, mentoring, support groups, social skills training, alcohol/drug use intervention, crisis intervention, health services, parenting classes, employment skills training, job shadowing, life skills training, and career development. Parents and family members may receive home visits, parenting classes, information and referral services.

Currently, CIS programs provide services in 78 of the 1081 school districts in Texas and cover 372 school campuses. CIS provided case management services for 36,649 students during FY1997 and an additional 176,668 participants in school-wide activities, parenting classes, employment assistance, and GED services.

Outcomes indicate that 98% of the CIS at-risk participants stayed in school throughout the school year. Eighty-one percent of the students with presenting problems in academics, attendance, or behavior showed improvement over the course of the school year. Seventy-five percent of the seniors who received CIS case management services graduated from high school. Costs average approximately \$372 per youth, \$37,000 per campus, or \$175,000 per district.

CIS is a program administered through the Texas Workforce Commission. Since the mission of CIS is to keep children in school and provide assistance to at-risk youth, some experts have suggested the goals of this program would be furthered in an agency whose **primary** mission is centered around at-risk youth.

Parents As Teachers

Parents As Teachers (PAT) is a primary prevention program designed to maximize children's overall development during the first years of life, thus laying the foundation for school success and minimizing developmental problems which might interfere with learning. PAT is a home-school partnership designed to give children the best possible start in life and to support parents in their role as their child's first teachers. PAT programs provide parents with training and support services that enable them to enhance their children's physical, social, intellectual, and language development. The Mental Health Association in Texas, a non-profit agency that is an affiliate of the National Center for Parents As Teachers, provides training and monitoring for the program in the state.

Basic services of PAT programs include home visits, group meetings, developmental screenings, resource rooms, and information and referral to appropriate social services. There are currently 124 PAT sites in schools, churches, child care centers and organizations. The majority of sites also provide partial services to families not enrolled in the full PAT program. Almost all sites provide additional services to families, including child care, vocational education/job training, academic education, transportation, tutoring, mentoring, literacy training, counseling, drug abuse counseling, gang intervention, English tutoring, and GED classes.

In Texas, 7,500 families receive services at 120 sites at a cost of approximately \$800 per family per year. Forty-one percent of families enrolled in PAT are families headed by teen mothers; 8% of them are age 14 or younger. Forty percent of PAT families are Anglo, 37% are Hispanic, and 21% are African American. Eighty-two percent of teen mothers in PAT stayed in school last year. Nine out of ten PAT programs report 100% immunization rates of enrolled children. All of the sites serve low-income families and 70% target high-risk, low-income families. One school district reported that five of seven developmentally delayed children were brought up to grade level through Parents As Teachers services by the age of four years. The school district estimates that by eliminating the need for special education for these students the district will save at least \$39,440 per school year.

Although not specific to Texas PAT programs, longer-term outcomes indicate that PAT children scored significantly higher on standardized measures of reading and math at end of first grade than children who did not receive PAT services. One study found the high level of achievement (when compared to children who did not receive PAT services, was maintained in the first (and in many cases, second) grade. This held true despite diversity in children's experiences with preschool, child care, kindergarten, and primary grades (Pfannenstiel, 1995).

PAT is an effective and efficient primary prevention program with demonstrated positive outcomes related to teen mothers, parenting education, and school readiness. Walker (1998) noted "the program pays for itself after 20 years in direct special education and grade retention savings to Texas school districts alone; and over the lifetime of the program participants, generates \$25 dollar return for every dollar invested."

Graduation Incentive Programs

Graduation incentive programs offer assistance to at-risk students to complete high school and enroll in a community college, trade school, or university. Even though the incentives include modest cash stipends and scholarships, they are relatively inexpensive. The cost of current programs is slightly more than \$3,000 per student for each of the four high school years (Greenwood, Model, Rydell, and Chiesa, 1998). Because this program takes place during the adolescent years, it can be successfully targeted to those most at risk of becoming delinquent. The result is that treatment dollars are spent most efficiently. Because the juveniles are older and the program is associated with a completed education and increased job skills, its overall effects, including crime deterrence, are more lasting (Greenwood, Model, Rydell, and Chiesa, 1998).

For several years, the Ford Foundation has sponsored the Quantum Opportunity Program (QOP) aimed at helping disadvantaged youths graduate from high school and go on to college. The program offers educational supports, development (life skills training, personal development activities, and cultural enrichment), and service opportunities to at-risk youths during their four years of high school. As an incentive for participating in QOP activities, students are offered \$100 stipends for every 100 hours they work in a particular area; \$50 of which must be deposited in an account to be used towards higher education. Graduation incentives were found to significantly increase high school graduation and college-enrollment rates among participants. In a controlled experiment, the program reduced the arrest rate among the group of high-risk teens by more than 66%. Students participating in this program were also more likely to do well in school, complete some form of higher education, and find a permanent job (Greenwood, Model, Rydell, and Chiesa, 1998; Quantum Opportunity Program, 1998).

The Neighborhood Longhorns Program (NLP) in Austin is an excellent example of a graduation incentive program in Texas. Using less than \$82,000 in state funds, NLP provides academic tutoring, mentors, incentives, and activities for at-risk youths in third through eighth grades to improve reading skills, academic performance, and school attendance. Students who meet or surpass requirements during a grading period receive prizes at award sessions; students who meet or surpass all the requirements for the entire school year have a savings account opened in their names. Students who want to use their money towards a college education at the University of Texas at Austin have it matched by the University. Research conducted by Austin Independent School District demonstrated that youth who participated in NLP had a higher average percentage of mastery of mathematics, reading, and writing on the TAAS test in third through sixth grades.

The Jesse H. Jones Academic Institute, a graduation incentive program of the University of Houston -- Downtown, offers at-risk students intense academic training in a technologically enriched environment, mentors, job training, and matching scholarships. An independent evaluation found that the number of high school students pursuing higher education and the percentage of students passing all three sections of the Texas Assessment of Academic Skills (TAAS) has increased substantially since the implementation of the Institute.

Angelo State University (ASU) and the San Angelo Independent School District (SAISD) joined together to develop the Up and Coming Scholars Program. This program provides economically-disadvantaged eighth grade students with the opportunity, future financial support, and encouragement to be exemplary students while in public schools and to plan, prepare for, and pursue a college degree at Angelo State University upon graduation from high school. Students selected for the program are provided a special identification card designating them as an ASU/SAISD "Up and Coming" Scholar which entitles them to library privileges at the university library, the use of computer labs on campus, and free admission to ASU home intercollegiate events, including football, basketball, and volleyball games and track and field meets.

Students who complete this program in good standing are admitted to ASU without any other conditions except for the timely submission of the ASU standard application packet. An academic scholarship is provided by ASU to cover the full cost of tuition and required fees for four years of undergraduate study at ASU, provided the student remains in good academic and personal standing, abides by University policies, and remains enrolled as a full-time student on a continuous basis at ASU following graduation from high school. Outcomes specific to this program are not yet available; however 26 of the original 60 eighth-graders recently graduated from their high schools as Up and Coming Scholars. While all 26 students are continuing their higher education, 23 began their undergraduate careers at ASU in the fall semester of 1998.

In a national survey of prevention programs, the Rand Corporation judged traditional graduation incentive programs to be the most cost-effective program. Using very conservative estimates, Rand determined that \$1.00 spent on graduation incentives will prevent more crime than \$4.25 spent on prison beds. Furthermore, Rand estimates that graduation incentives will save enough money through preventing crime costs to pay most, if not all, of the program's costs. Analyses indicate that graduation incentive programs prevent 250 serious crimes per million dollars spent in program costs; compared to 72 serious crimes prevented per million dollars spent on delinquent supervision, and 61 serious crimes prevented per million dollars spent on incarceration. Of the early interventions examined, graduation incentive programs (as structured in the Quantum Opportunity Program) for high-risk youths appear to hold the most promise of prevention of delinquency, promotion of education, and hope for a productive adulthood.

Community Youth Development

The 74th Legislature created the Community Youth Development Program (CYD) to be administered by Texas Department of Protective and Regulatory Services. \$10.5 million was appropriated for the biennium to be used for grants to develop juvenile delinquency prevention approaches in 11 communities with high incidence of juvenile crime. Local universities facilitated meetings at which community members designed comprehensive approaches to support families and enhance the positive development of youth. CYD activities are customized for each community and include activities such as mentoring, recreation, tutoring, after-school and summer activities, and career exploration. The 75th Legislature increased funding, enabling two additional communities to receive funding for CYD activities, bringing the total number of sites to 13.

A full report on the implementation and evaluation of the CYD sites will be published in January 1999. Preliminary outcomes indicate positive effects for communities which received CYD funding. An analysis of juvenile court referrals by zip codes over a three-year time period indicates that the majority of communities (determined by zip code) which implemented CYD activities had fewer referrals to juvenile courts than did comparable communities which had no CYD activities. Often the impact of change on a system takes several years to become evident -- what were the effects of CYD activities on the youths who participated?

76% of CYD youth go to no other after-school or neighborhood activities.

The Criminal Justice Policy Council surveyed almost 1000 youths who participated in CYD activities. Results indicate that youths feel safer at CYD activities (95%) than they feel at school (82%) or hanging out in the neighborhood (45%). The vast majority

of the youths (95%) think activities like CYD programs help kids stay out of trouble. CYD youths report that the activities help them do better in school, feel better about themselves, and make new friends. These results indicate that the youths who were involved in CYD experienced benefits from their participation and that the activities had a major impact on their lives.

RESPONSES TO SURVEY OF CYD YOUTH

76 % go to no other after-school or neighborhood activity.

72% would be at home or hanging out if they were not at CYD activities.

95% feel safe at CYD activities.

95 % feel safe at home.

82 % feel safe at school.

45% feel safe hanging out in their neighborhood.

95% think CYD activities help kids stay out of trouble.

79% think CYD activities make the neighborhood safer.

76% think activities like CYD reduce gang activity.

85% think activities like CYD help neighbors get to know each other.

86% think CYD activities have helped them do better in school.

91% think CYD activities have helped them to feel better about themselves.

91% think CYD activities have helped them stay out of trouble.

92% think CYD activities have helped them to make new friends.

95% think CYD activities have helped them to learn new things.

95% think CYD activities will help them get along better with people.

89% think CYD activities will help them get a good job when they grow up.

94% think CYD activities helped them set goals for themselves.

94% think CYD activities helped them to be a better person.

92% think CYD activities will help them finish high school.

89% felt that CYD activities helped them get to know an adult they could talk to.

f. Increase the availability of child protective and independent case management services through Texas Department of Protective and Regulatory Services (TDPRS).

★ Increase the number of Child Protective caseworkers allocated to TDPRS.

The relationship between a history of abuse and neglect and delinquency is indisputable. Studies after studies have demonstrated the very real link (e.g., Spatz-Widom, 1992; Child Welfare League of America, 1997) between the two social problems. One San Diego study, for example, found that children who had been abused and neglected were 67 times more likely to be arrested between the ages of 9 and 12 than were non-abused/neglected children.

Child protective caseworkers in Texas provide a variety of services, including assessments, investigations, family preservation activities, case management and casework activities, substitute care, family reunification, adoption, and foster care to children and families who are affected by abuse and neglect. TDPRS estimates that the minimum caseload size (number of children for whom one caseworker is responsible) is 24 children. The Child Welfare League of America has issued standards recommending a maximum of 17 children per caseworker.

The recommended size of the caseload is influenced by many factors, chief among them the intensity of the service being provided, the age of the children, the emotional and mental state of the children, the stage of the child's placement, the number of different placements represented, the availability of support staff, and the extent of the geographic area covered. When caseloads are unmanageably large, the quality of the services suffer, and ultimately, the child and family suffers.

In order to ensure that the size of the CPS caseloads advances the quality of child protective services provided in Texas, the Committee is recommending amending and reinstating Rider 21 of the 75th Legislature's General Appropriations Act related to Texas Department of Protective and Regulatory Services. This rider authorizes TDPRS to use additional resources provided above the fiscal year operating level for Child Protective Services to be targeted to increasing the number of available caseworkers and allocated to "the regions of the Department of Protective and Regulatory Services using historical workload data on investigations, conservatorship, and caseload per worker in such a manner that ensures the provision of resources to those regions experiencing the highest caseload per worker."

Despite the efforts made during the last legislative session, CPS caseloads are still significantly higher than the recommended levels. Continuing the authorization for resource allocation towards caseworkers remains a necessity.

★ Support funding for the development of additional independent case management projects like those offered through Project Unity.

Most community services are geared towards families and children who are experiencing problems in specific areas of their lives. There are agencies dedicated to providing substance abuse treatment, mental health treatment, child protective services, etc. Because resources are so very limited, public social service agencies often establish certain stringent criteria to determine whether a child and family are eligible for services. As a result, sometimes the child is not old enough, not hurt badly enough, or not emotionally disturbed enough to receive state-funded services. But what happens to those children? Do they receive services somewhere else? Or do they fall through the cracks of service provision until they are old enough, until they're hurt more severely, until their mental illness is overwhelming every aspect of their lives?

If a family is not eligible for services, they are usually referred to another service provider in the area, but rarely is assistance in accessing other service providers available. As a result, families may bounce from service provider to service provider before they find the appropriate services for their unique needs. TDPRS, in a presentation to legislative staff, noted that families looking for community resources could expect to present their situation to multiple agencies before receiving the most appropriate services; to become frustrated

“Often services were duplicated while other needed services went unnoticed. Families in crisis were faced with daunting stacks of paperwork at many different agencies. Hours of service were inconvenient. People were afraid of losing their jobs if they took time off to attempt to get help. Transportation was a problem. If they did make it to a particular agency, often they would discover that they were lacking a necessary document and would have to return another day. Many families were so overwhelmed by the process and the fear of losing their jobs was so great that they simply gave up.”

Staff, describing service provision before Project Unity

and give up before finding the right services; to experience a time delay in receiving services; and to fail if they do not have some level of problem-solving skills.

Project Unity is a stellar example of excellence in access. Project Unity began in Bryan/College Station in 1993 when a small group of concerned and committed people came together to examine the barriers faced by families seeking assistance to improve the quality of life for their children. The group sought to develop a holistic process that would eliminate duplication of services, mountains of paperwork, and a lack of communication. Their mission was to increase the abilities of families to successfully nurture their children by helping them to access resources across education and health and human service agencies. Their top priority remains to focus on the needs of families, not the needs of agencies. Funding was sought and received through Texas Department of Protective and Regulatory Services, city governments, and other donors. Project Unity Family Center was established adjacent to a pre-school in a Bryan neighborhood where poverty, violence, poor health, and low educational attainment were prevalent. The resounding belief which drives every aspect of the project is that solutions to community problems must come from the individuals most affected.

A key component of the project, therefore, is community input and participation in planning and policy. To that end, town meetings are held to focus on the needs of the community. Leadership training (Community Voices) is provided to community members who then help to take charge of the neighborhoods and assist families in resolving difficulties. When needs are identified, possible solutions are designed and implemented. When transportation to services was identified as a problem, more services were co-located at the Family Center, door-to-door outreach was implemented, and funding for a mobile outreach center (complete with computer, fax, printer, and modem capabilities) was sought and received. Neighbors identified the need for youth activities and project and community leaders successfully petitioned the local elementary school to open for week-end evening activities. On a typical Friday or Saturday evening, 225 young people, age 6-18, gather at Kemp Gym for age-appropriate activities, snacks, and fellowship.

“...as a whole, the community is cleaner, safer, more in the know of what’s going on. Those are the things that make people happier and people getting along better. The crime rate is down.....”

-- Community Voices participant

When a family comes into the Family Center (or the mobile center), staff assist them in identifying the formal and informal types of services and supports -- government, educational, health, housing, employment, social services, civic, and faith-based -- that will best meet their needs. Project Unity staff then assist the family in obtaining the identified services, through telephone or written referrals, transporting the family to the services, attending appointments with the family to advocate on their behalf, or arranging for agencies to meet with the family at the Center or in their home. If current services do not exist to meet the identified needs in the family or the community, project staff attempt to form new partnerships or access other resources to fill the gap.

Services currently available at and through the Family Center are diverse -- school supplies, holiday care, dental screenings and sealants, immunizations, Garden Club meetings, play groups, workforce testing, food pantry, early childhood intervention screenings, and pre-kindergarten picture days, to name a few. The Family Center has become an integral member of the community.

A vital component of Project Unity is the importance of collaboration among local agencies. The Community Partnership Board (CPB) involves 80 agencies, including law enforcement, adult and juvenile probation, adult and child social services, workforce, faith groups, private citizens, advocacy groups, city/county government, businesses and corporations. The group comes together with the belief that many people are isolated from the systems in which we live and that they need increased access to services if they are to bring themselves up to economic self-sufficiency. In short, they need help to get help so that they can be helpful. The Community Partnership Board meets regularly to provide cross-agency training and information to enhance the collaborative process and to provide the help that families need.

Process evaluations on several different aspects of Project Unity have been conducted. The Community Partnership Board (CPB), the Kemp Gym program (youth activities), and the community engagement process have all been formally evaluated by independent agencies with overwhelmingly positive results. Outcome data related to juvenile delinquency are not currently available but are expected during the next funding cycle. The key to this successful program may be its consistent mission combined with flexible programming based on participants' needs.

“To expect a single community worker to master the whole array of available resources that relate to potential youth needs may seem overwhelming. However, to expect a youth in crisis or his or her often stressed parents to negotiate unassisted, the maze of agencies, programs, and eligibility rules in order to get the help they need, is truly, to ask the impossible.”

Center for the Study of Social Policy, 1997

Project Unity exemplifies a better way of ensuring access to needed services for children and families than traditional single agency intake systems. Families receive quicker access to more appropriate and diverse services with less hassle. Additionally, families enhance their own problem-solving skills, act as mentors to newer families, and become leaders in their neighborhoods and communities.

The Committee supports making funding available to communities through Texas Department of Protective and Regulatory Services for the development of independent case management projects as modeled in Project Unity.

Fiscal Impact: The cost to implement a fairly large independent case management pilot program is estimated to be approximately \$300,000.

6. Implement and fund an aggressive statewide anti-gang campaign using all available media.

The State Of Texas, Office of the Attorney General Juvenile Crime Intervention reports that gangs are increasing in Texas suburbs and rural areas and that gangs are getting younger. One law enforcement agent reported that there were two gangs of fourth graders on opposite sides of his rural county.

What can we do about gangs? Throughout this report, we have explored successful prevention and intervention efforts, changes in laws, coordinating resources, creative partnering to achieve reduction and prevention of delinquency, criminal information systems, and the need for people on the frontline -- educators, law enforcement, judges, and social service providers to participate in specialized training regarding gangs. Additionally, we must educate communities as rising numbers of suburban and rural areas are confronted with gang activity. Adults community-wide must be able to recognize signs of gang involvement in their communities. More importantly, parents must be able to recognize the signs of gang activities in their child's life. An aggressive, statewide media campaign is needed to increase awareness of gangs, the factors that contribute to youths becoming gang members, what the future holds for gang members, and possible gang prevention strategies.

Texas Department of Transportation's (TxDOT) "Don't Mess With Texas" anti-litter campaign has outcomes to support the positive effects of an aggressive media campaign. Between 1979 and 1985, the cost of picking up highway trash in Texas increased at a rate of 15 to 20% annually. Independent research shows that litter on Texas roadsides has decreased by 72% since the campaign began in 1986. The Don't Mess With Texas campaign has received more than \$16 million in free television and radio public service air time. TxDOT's litter prevention programs saved taxpayers \$4.13 million in litter pickup expenditures for FY 1997.

Similarly, Texas Department of Health implemented "Shots Across Texas," a multi-faceted media campaign aimed at increasing the percentage of children who were fully immunized at age 2. It used state and local coalitions of volunteers, numerous targeted marketing strategies, an aggressive public relations campaign, and an advertising component in its efforts. Independent evaluators confirmed that Texans had received the message of "Shots Across Texas" and knew that it was about the importance of childhood immunizations. The overall goal of Shots Across Texas was to increase the percentage of children who were fully immunized on time at age 2. Before the campaign began, approximately 40% of 2-year-olds were fully immunized. Currently, approximately 75% of 2-year-olds are fully immunized. It is impossible to state definitively that current immunization rates are a direct result of the "Shots Across Texas" campaign, however, in light of the results of independent evaluations, it is safe to say that Shots Across Texas campaign had a dramatic impact on the immunization rates of 2-year-olds in the state of Texas.

A good start at public education has been made through the "Gangs 101" training coordinated by the Office of the Attorney General, Juvenile Crime Intervention Division and in collaboration with Communities in Schools, Texas Education Agency, Texas Department of Mental Health and Mental Retardation, Texas Department of Protective and Regulatory Services, Texas Juvenile Probation Commission, and Texas Youth Commission. Regional trainings are being offered to communities in Dallas, Fort Worth, Abilene, Edinburg, Houston, San Antonio, Kilgore, and Lubbock, Texas for the purpose of educating law enforcement, social service providers, teachers, and parents about the history and structure of gangs, the psychology of gang recruitment, common identifiers, myths, and prevention strategies.

We must reach parents and children with the realities of gang life. Experts tell us that youths are attracted to gangs as a result of the promise of protection, comradery, acceptance, mutual respect, fellowship and easy money. Shortened lifespan, high likelihood of spending time in a prison cell, being locked into a lifestyle from which escape can be deadly -- these are the realities of the gang life. It is imperative that children and parents know the facts.

Conclusion

Sherman (1997) observed that ‘prevention’ and ‘punishment’ are not polar opposites on a continuum of “soft” versus “tough” responses to crime, in fact, they are both tools for achieving the same result -- the reduction of crime. Greenwood and his colleagues (1998) note that most of the money and effort addressing the problems of criminal and delinquent activity are restricted to a narrow range of solutions, chief among them the incarceration of people who have already committed crimes. They go on to point out that this skewed allocation of resources is due, in part, to a rational response to the fear of lawlessness. While that particular person is incarcerated, that person’s criminal activity has ceased. Supporting funding for programs that are not guaranteed to produce a definitive result is sometimes difficult for policymakers. Unlike incarceration, programs aimed to prevent children from entering the criminal justice system are not as definitive. Difficulties involve the ability to target prevention efforts to those youths who would definitely commit crimes; the fact that participation in delinquency prevention programs cannot guarantee a life absent of criminal activity; and the challenge that prevention activities often act as booster shots rather than as a life-long vaccination against future criminal activity.

Even so, more and more research indicates that juvenile crime and delinquency prevention programs not only have a positive impact on troubled youth, but are a good and practical investment when compared with the costs associated with the behavior of serious, violent, and chronic juvenile offenders. Research as early as 1984 conducted by Vanderbilt University indicates that early intervention and delinquency prevention is worth the investment. The University’s analysis of various delinquency prevention programs indicated that prevention saved \$1.40 for every \$1 invested. Furthermore, the Rand Corporation (Greenwood, Model, Rydell, & Chiesa, 1998) found that \$1.00 spent on effective intervention/prevention efforts will deter more crime than \$4.25 spent on prison beds. Effective intervention/prevention efforts often pay for themselves with the associated criminal justice system savings.

In short, prevention and intervention programs will never be cost-free, but they can be cost-effective.

I. C. Address the increasing gang problem in Texas including consideration of the needs of prosecutors and law enforcement agencies.

Introduction

Pursuant to the 1993 overhaul of the Texas Penal Code, prosecutors now have many valuable prosecutorial tools in their arsenal. Along with a streamlined penal code came increased sentences for violent crimes and ample prison space. Prosecutors have stated no additional offenses or lengthening of sentences are now needed in order to more effectively prosecute gang-related crime in Texas.

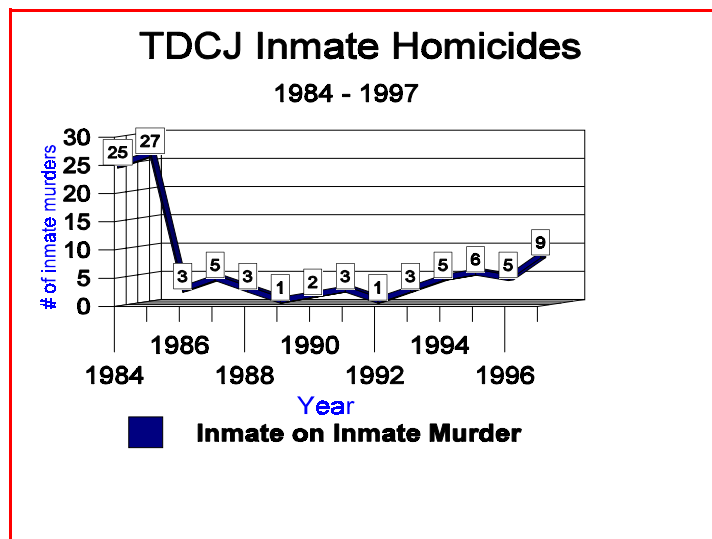
To date, the organized crime statute (Chapter 71, Penal Code) has been rarely used by Texas prosecutors. According to prosecutors, better coordination between local law enforcement and prosecutors when investigating organized crime cases, as well as modifying certain evidentiary rules, would encourage greater use of the statute. Coordination between law enforcement and prosecutors is referred to as “vertical prosecution”. In the federal system, the Federal Bureau of Investigation is required to incorporate the United States Attorney’s Office when building an organized crime case in order to ensure the case is investigated properly. This close coordination ultimately provides for a stronger case for prosecutors.

Law enforcement and prosecutors have testified that the implementation of a statewide gang intelligence database would provide a helpful tool in investigating gang-related crime in Texas. Currently, the Code of Criminal Procedure prohibits submission of gang intelligence to a statewide centralized database, but allows compilation of this type of information on a local or regional level. (This issue is discussed at length in a subsequent section of the report.)

As the number of juveniles and adults incarcerated in Texas continues to increase, the need to control gang activity within our correctional institutions has increased as well. Also, the need to address gang activity among the probation and parole population has increasingly become more critical. Prison Gangs have proven to be particularly violent, both inside and outside the correctional setting. Prison gangs have also been responsible for trafficking in drugs, tobacco products, sex and other illegal activities from behind prison walls.

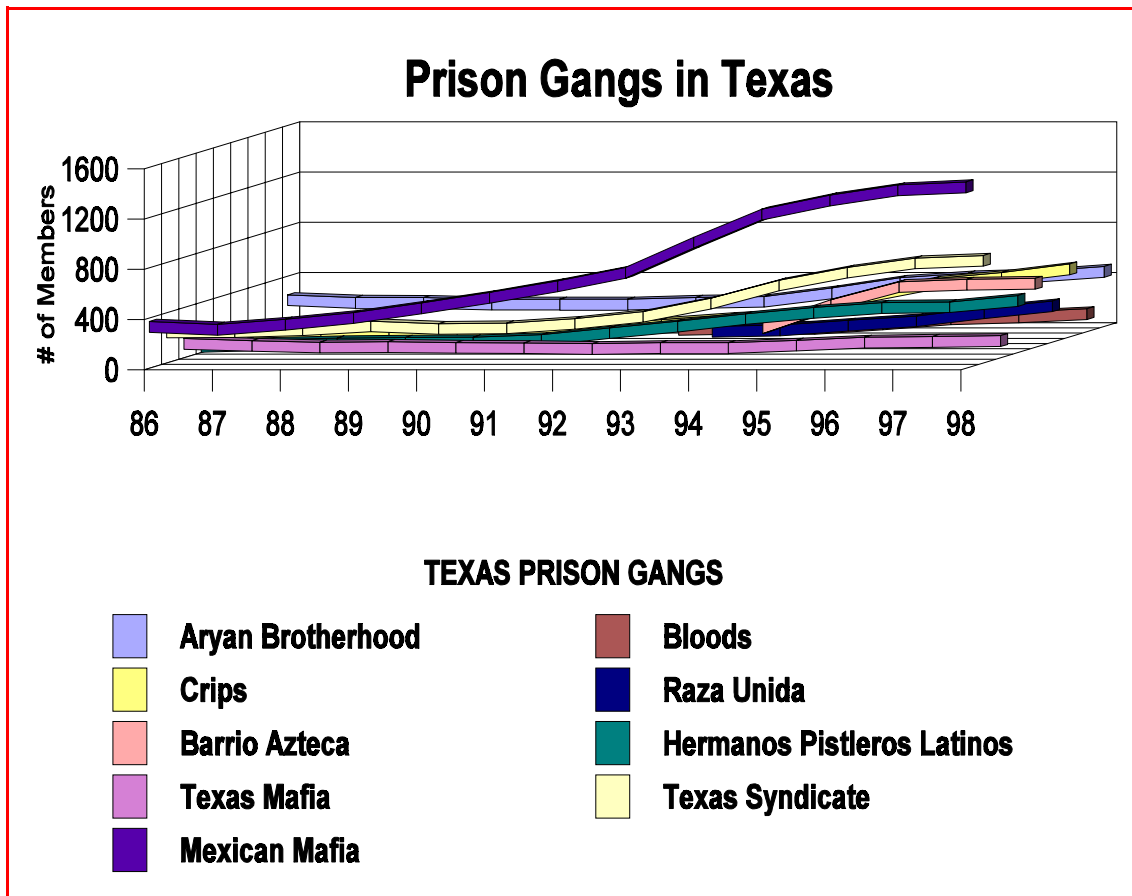
TDCJ-ID

Through policy, the Department of Criminal Justice Institutional Division (TDCJ-ID) identifies offenders who are members of a prison gang or security threat group and once confirmed, offenders of designated gangs are recommended for confinement in administration segregation cells. As a result of this policy, which originated in September of 1985 when prison violence was at a peak, gang-related murders and assaults have decreased dramatically.



Prison design and construction for administrative segregation beds is a costly, but necessary expenditure. In response to the increasing demand for administrative segregation beds, this past year, the state leadership authorized construction of two additional high security prison facilities at a cost ranging from \$32 - \$34 million per facility. These construction costs will be borne from bonds approved for prison construction in 1993, but not yet expended.

TDCJ officials have identified ten major prison gangs or security threat groups operating inside Texas prisons, with an estimated 5,000 active members. A security threat group is defined by TDCJ-ID as “any group of offenders which TDCH reasonably believes poses a threat to the physical safety of other offenders or staff due to the nature of said security threat group.” The need to increase funding to the Security Threat Management Office (STGMO) was recognized by the Board of Criminal Justice in June of 1998, after attention was focused on prison gangs when three TDCJ parolees, allegedly members of a white-supremacist group, brutally killed an African-American, James Byrd, Jr. in Jasper, Texas. The Board increased the STGMO budget by \$350,000 for the remaining 98-99 biennium, providing for additional investigators, as well as providing for the purchase of additional computer equipment.



TYC

According to the Texas Youth Commission (TYC), 36 % of the youths entering the juvenile system are known gang members, however, it is estimated that this figure is considerably low. Since January, TYC has experienced numerous disturbances in various facilities, including one riot in April at the Evins Regional Juvenile Justice Center in Hidalgo County. During this incident, half of the 96 bed open bay facility was involved, and 16 Hidalgo County Sheriff's Deputies and 25 additional TYC staff had to be called in to control the riot. An estimated \$80,000 in state property was damaged and the facility was temporarily closed to incoming students until the facility was considered stabilized. In FY 97, TYC experienced a 54% increase in aggressive assaults with a total of 340 assaults. In the first six months of FY 98, 233 assaults had already occurred, giving rise to speculation of another 37% increase in assaults by the end of FY 98. Currently, all security units are full to capacity with gang members and other aggressive youth who pose a continuous threat of danger, thus precluding use of these cells on an intermittent basis for disciplinary action with other students.

TYC statistics reveal that assaults are four times as high in institutions with open bay dorms. TYC reports in FY 1998, there were over 400 assaults per 100 average daily population in institutions with open bay dorms compared to 100 assaults per 100 average daily population in institutions with single occupancy dorms.

Additionally, a 1:12 staffing ratio is essential in open bay dorms for adequate control over living areas, communications, and student movement between buildings.

TDCJ-Parole Division

As prison gang membership increases, the number of parolees in prison gangs will continue to increase. Many prison gangs require a "blood in-blood out" oath, so consequently, it is very difficult, if not impossible, to simply cancel your membership in a prison gang. Often times, prison gang members, once released from prison, are required to carry out "hits" or contract murder, or engage in drug trafficking and other organized criminal activities and send the profits to those gang members still incarcerated. The committee held a special hearing on June 25th to focus on the problem of prison gangs in Texas. The committee learned that the Parole Division currently has no statewide policies in place specifically designed to address parole caseloads with prison gang members. However, since the hearing, the Parole Division has outlined new procedures to assist in identifying and responding to releasees who are suspected or confirmed members of gangs, hate groups, or other security threat groups.

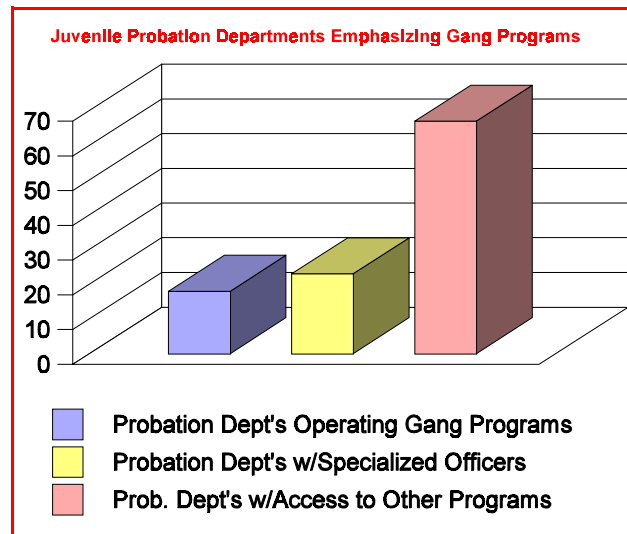
Juvenile Probation

The Texas Juvenile Probation Commission testified on the scope of juvenile probation gang-related activities at the June 25th hearing of the committee. Commission testimony revealed that in the last decade, felony referrals have increased 18 percent, while violent offense referrals increased a staggering 134 %. However, since 1995, referrals have started to decline. Felony referrals have decreased 20 % and violent offense referrals have decreased 15 % in the last three years.

The 1997 Texas Juvenile Probation Commission statewide resource survey resulted in 66 % of the local juvenile probation departments clearly identifying a total of 2,683 juvenile gangs in their combined jurisdictions (up 20 % from 1996). Eighty-five percent of the departments reported evidence of juvenile gangs in their jurisdictions (i.e., groups wearing the same colors, claiming allegiance, flashing signs, etc.), and 80 % had evidence of illegal gang activity (i.e., graffiti, unusual number of assaults, drive-by shootings, etc.).

The impact of these gangs is evident. According to the resource survey referenced above, gang activity represents 11 % of all referrals and 11 % of all probationers. In addition, it represents 34% of all commitments to TYC. These figures are significantly lower than 1996 percentages. Gang members are not a large part of total activity, but their involvement continues to be in the more serious felony crimes resulting in both formal probation and commitment to TYC.

While 139 probation departments showed evidence of gang activity, only 23 departments had a specialized officer to supervise or work with gang members. Only 18 departments operated a gang program in their area and 67 departments had access to a program operated by another agency in their region.



Juvenile Court Judges often times may impose certain gang-related restrictions on a juvenile as conditions of their probation. These conditions may include the following:

Sample Probation Conditions for Gang Offenders*

- Do not associate with specific gangs and specific gang members.
- Do not associate with co-actors.
- Prohibit child from going to specific locations where the gang is known to hang out.
- Do not wear, display, use or posses any insignia, emblem, button, badge, cap, hat, scarf, bandanna, or any article of clothing which is evidence of affiliation with or membership in any known street gang & including the specific gang the juvenile is affiliated with.
- Prohibit gang activities such as hand signs, drawings, and tagging.
- Do not own, use, or possess an electronic paging device.

*** These sample conditions of probation have been taken from juvenile court orders used in various Texas counties.**

Local Juvenile Probation Departments vary in their approach to addressing the gang issue in their communities. Specialized juvenile probation programs dealing with gang-identified youth may include the following:

- * Juvenile probation officers that specialize in supervising gang members
- * Cooperation with law enforcement to identify probationers who are seen with gang members
- * Intensive supervision of gang affiliated youth
- * School and community gang awareness programs
- * Group counseling and education to discourage gang involvement

Civil Remedies

Texas' civil nuisance laws can be a valuable tool in curbing illegal gang activity in our communities. Chapter 125 of the Civil Practice and Remedies Code provides for *common* and *public* nuisance abatement.

The two provisions, *Common Nuisance*, Sec. 125.001, and *Public Nuisance*, Sec.125.021, differ in that a *Common Nuisance* suit can be brought against **only** the person who maintains the property; a *Public Nuisance* suit can be brought against the person who controls the property, but also against a “*combination*” or “*criminal street gang*” (as defined in Ch. 71. Penal Code). In addition, a *Public Nuisance Suit* includes additional remedies such as requiring the person who maintained the property to post a bond of \$5,000 to \$10,000, allows for the discontinuation of utility services, and *any other legal remedy available*. A *Common Nuisance Suit* requires the court to close the property for one year if an injunction is granted, unless the person posts a \$10,000 bond.

Under Section 125.065, if the court finds that a “combination” or “criminal street gang” constitutes a public nuisance, the court may: (a) enter an order to enjoin gang members from engaging in organized criminal activities, and, (b) to include in its order “reasonable requirements to prevent *the use of the place* for organized criminal activity”. In addition to civil penalties, last session, the legislature added a Class A misdemeanor offense category for gang members who violate the injunction.

Texas Nuisance Abatement Laws have been used primarily against individuals for property closures. Until recently, no nuisance abatement cases in Texas had been brought against a “combination” or “criminal street gang”. In July of 1998, the Travis County District Attorney's Office brought the first *Public Nuisance* suit in Texas against members of a criminal street gang, alleging the gang members were continuously dealing drugs and committing acts of violence on several city street corners. The injunction was granted, and included restrictions such as gathering in the targeted area, and use of public phones, cellular phones and pagers in the area. Two of the defendants are appealing the order, which under current law, must be determined within 90 days of the injunction.

Chapter 125 of the Texas Civil Practices and Remedies Code



Chapter 125 of the Texas Civil Practices and Remedies Code

sets out the procedures for the abatement of common and public nuisances. The definition of a common nuisance, as set out in **Section 125.001** of this chapter, was amended by SB 642, enacted this past session. Under this section, a person maintains a common nuisance if that person knowingly maintains a place to which persons habitually go for certain enumerated purposes, including for the purpose of engaging in organized criminal activity as a member of a combination or as a member of a criminal street gang as described by Section 71.02 .

Section 125.002 sets out who may bring an action to abate a common nuisance and where suit may be brought. If the petitioner is successful, the trial court must grant an injunction ordering the defendant to abate the nuisance and enjoining the defendant from maintaining or participating in the nuisance. The court must also close the premises for one year, unless the defendant or property owner posts a bond in the amount of \$10,000. The following section, **Section 125.003**, sets out the procedure for bringing an action if a condition of the injunctive order or bond is violated.

Section 125.004 was also amended by SB 642. It provides that proof that an activity described under Section 125.001 frequently occurs on the property is prima facie evidence that the property's proprietor knowingly permitted the activity. Also, evidence that persons have been convicted of such offenses occurring on that property is admissible to show such knowledge. Evidence of the place's general reputation may be admitted as well.

Section 125.021 provides that the habitual use or threatened or contemplated habitual use of any place for certain enumerated activities, including engaging in organized criminal activity as a member of a combination as described by Section 71.02 , is a public nuisance. (This section was amended twice in 1995. There is some conflict, as while the earlier enactment included among the barred activities engaging in organized criminal activity as a member of a combination or as a member of a criminal street gang as described by Section 71.02, the later amendment struck the reference to a criminal street gang. However, Subchapter D of this same chapter, discussed below, deals specifically with nuisances and street gangs.)

Subchapter C addresses additional nuisance remedies.



Section 125.041 was amended several times during the 74th Legislative Session, resulting in two such sections being encoded. Section 124.041, as enacted and amended by the earlier enactments, defines a public nuisance as a place where one or more of enumerated acts occur on a regular basis, including engaging in organized criminal activity as a member of a combination as described by Section 71.02. Another version of this same section, as set out in a later enactment, defines a common nuisance as a nuisance described in Section 125.001 and a public nuisance as one described in Section 125.021.

Under **Section 125.042**, a set percentage of voters of an election district containing or adjacent to a public nuisance can request that certain public officials hold a meeting concerning complaints about that nuisance. **Section 124.043** sets out the notice requirements for such a meeting and **Section 125.044** provides how the findings from such meeting may be used to initiate a proceeding against the place in question. **Sections 125.045** and **125.046** contain various remedies that may be imposed following judicial proceedings, including the setting of a bond, allowing the political subdivision to discontinue utility services to the property, and, in the case of multi-unit residential property, appointing a receiver to manage the property.

Subchapter D of Chapter 125 (originally enacted by the legislature in 1993 and reenacted, without apparent change, in 1995), is entitled "Membership in Criminal Street Gang." **Section 125.061** provides that in this subchapter, "combination" and "criminal street gang" have the meanings assigned by Section 71.01. Under **Section 125.062**, a combination or criminal street gang that continuously or regularly associates in organized criminal activities as described by Section 71.02 of Penal Code is a public nuisance, while **Section**

125.063 declares that the habitual use of a place for engaging in an organized criminal activity as described in Section 71.02 is a public nuisance.



Section 125.064 permits a Texas resident, the attorney general, or a district, county, or city attorney to sue to enjoin a public nuisance under this subchapter. Any person habitually engaging in organized criminal **activity as a member of a combination or criminal street gang may be made a defendant, as may the person owning or maintaining the property. If the suit is brought by a resident, the resident is not required to show personal injury.**

Under **Section 125.065**, if a court finds that:

- a combination or criminal street gang constitutes a public nuisance, the court may enter an order enjoining a defendant in the suit from engaging in the organized criminal activities of the combination or gang; or
- a place is habitually used in a manner that constitutes a public nuisance, the court may include in its order reasonable requirements to prevent the use of the place for organized criminal activity.

The following section, **Section 125.066**, provides that violation of a court injunction under this subchapter may be punished by a fine of not less than \$100 or more than \$1 0,000, confinement in jail for term of not less than 10 or more than 30 days, or both. Under **Section 125.067**, a person is barred from engaging in the enjoined activity pending trial or appeal. This section also sets out the period within which a trial must be held on the merits of a temporary injunction or an appellate court must rule on an appeal. **Section 125.068** allows a court to award the prevailing party reasonable attorney's fees and costs.

Section 125.069 provides that in an action brought under this subchapter, proof that organized criminal activity by a member of a combination or a criminal street gang as described by Section 71.02, is frequently committed at a place or proof that a place is frequently used for engaging in organized criminal activity by a member of a combination or a criminal street gang as described by Section 71.02 is prima facie evidence that the proprietor knowingly permitted the act, unless the act constitutes conspiring to commit an offense as described by Section 71.02.

I. C. Recommendations

- 1. Develop and fund adult and youth corrections, parole, and probation programs and policies aimed at reducing gang activity.**
 - a. Support increased funding to the Texas Department of Criminal Justice-Institutional Division (TDCJ-ID) Security Threat Group Management Office (STGMO).**

The following appropriations has been requested by TDCJ in their FY 2000-2001 Legislative Appropriations Request:

The TDCJ has requested \$1 million for the STGMO in their Legislative Appropriations Request for the next biennium. This amount will support the existing numbers of FTE's in the STGMO, as well as provide for ten additional employees.

Fiscal Impact: The committee defers to the Senate Finance Committee in determining the appropriate level of funding for the above referenced appropriations request.

In order to better track the increasing number of prison gang members and gang-related activity, and to more effectively relay information to outside criminal justice agencies, TDCJ will require additional resources.

- b. Support increased funding to TYC facilities and programs to address gang-related behavior, and severely aggressive and/or assaultive youth.**

TYC must maintain control over its facilities in order to ensure the safety of youth and staff at all times. Appropriate resources are required to reduce assaults by more aggressive youth against TYC staff and other students, reduce the opportunity for escapes, reduce destruction of state property and enhance public protection. With the increased aggressive and gang-related behavior of many youth, TYC must have the ability to separate certain youth from the general population. Additionally, TYC should provide a program to safely manage and treat the behavior of severely aggressive/assaultive youth in a self-contained unit.

The following is represented in the FY 2000-2001 TYC Legislative Appropriation Request :

- an increase in the number of Juvenile Correctional Officers by 362; (estimated increase \$14 million)
- expansion of the McLennan County State Juvenile Correctional Facility by 320, or possibly 352 single cell beds (estimated cost is \$24.8 million for 352 beds); and,
- Aggressive Behavior Management Program at McLennan County State School (estimated cost \$2.4 million)

Fiscal Impact: The Committee defers to the Senate Finance Committee in determining the appropriate level of funding for the above referenced appropriations request.

- c. **TYC should adopt policies, in accordance with the *Morales v. Turman* Settlement Agreement of 1984, to allow reasonable restrictions on mail correspondence, when the restrictions are rationally related to ensuring the safety and security of juvenile facilities.**

TYC has recently imposed a moratorium on all mail correspondence between youth in residential facilities, and between these youth and adult inmates incarcerated in jails and prisons (other than family members). This moratorium was imposed over concern that unrest in two TYC facilities was coordinated through mail correspondence between prison and institutional gang members. The *Morales v. Turman* Settlement Agreement of 1984 generally provides for unrestricted and uncensored mail correspondence for youth, with allowances for reasonable regulations regarding contraband, but not at the risk of institutional security and order.

No fiscal impact.

- d. **Amend Section 38.06, Subsections (a) and (c), Penal Code, to increase the offense of escape by high-risk juvenile inmates from a Class A misdemeanor to a 3rd degree felony.**

Currently, Sec. 38.06, Penal Code, makes it a 3rd degree felony for an adult felon who escapes from custody. However, for juvenile escapees who are alleged or adjudicated to have committed a felony offense, the offense is a Class A misdemeanor (unless to effect escape the youth causes bodily injury or serious bodily injury or uses or threatens to use a deadly weapon). This amendment would place the offense of escape by high-risk juvenile inmates at the same level of severity as the escape of high-risk adult inmates.

No fiscal impact.

- e. **The Texas Department of Criminal Justice should develop and implement parole policies aimed at identifying, monitoring, and requiring parolees who are confirmed gang members to be placed on Intensive Supervision Caseloads, as well as request the Board of Pardons and Parole to impose special conditions to restrict participation in any gang activity.**

Recently, the TDCJ Parole Division has developed a draft proposal aimed at addressing gang-affiliated parolees. The Department and the Board of Criminal Justice should adopt and implement a statewide coordinated plan to more closely monitor the activities of these releasees. The plan should include networking with law enforcement entities to facilitate communication and mutual awareness of gang trends, sharing of information between the Institutional Division, DPS, local law enforcement and parole officials. In addition, the Board of Pardons and Parole should develop specific policy relating to special conditions to be placed on parolees who are confirmed gang members.

No fiscal impact.

f. Require specialized training for parole officers and probation officers who have gang supervision caseloads.

All parole and probation officers who have direct contact with releasees identified as being affiliated with a criminal gang, should obtain annual specialized gang awareness training in order to better monitor the releasee.

g. Support an increase in the availability of probation and parole gang intervention programs.

Although some County Community Corrections Departments and Parole Day Resource Centers offer specific gang intervention programs, there are areas of the state with chronic gang problems which offer no support programs to probationers and parolees. Harris County and the City of Houston have developed a Gang Offender Probation Program designed to protect the community, reduce recidivism among gang offenders and improve their ability to rehabilitate. The program requires no additional commitment of resources, and is an example of improved coordination and cooperation between criminal justice agencies. Also, the Parole Division should assess current and future Day Resource Center programs and other intervention programs to include a greater focus on gang-related problems and report the status of these programs to the legislature by January 1, 1999.

h. Encourage judges to place restrictions on gang involvement/association as a condition of probation and specifically to allow for reasonable home searches by probation officers when accompanied by law enforcement.

Juvenile court judges have the authority to impose restrictions on juveniles who have been placed on probation. Prohibiting gang involvement is a lawful condition of probation and also allows juvenile probation officers the authority to search a probationers home for signs of gang involvement. The Boston Strategy to Reduce Youth Violence credits these type of probation conditions with helping to reduce the number of gang-related youth homicides in Boston in recent years. Once a delinquent youth has been identified as being involved in a criminal street gang, juvenile court judges should be encouraged to order these youth to abstain from any gang involvement or association as a condition of probation.

2. Closely monitor the appeal of the gang injunction order issued in Travis County to determine if any clarification or expansion is needed to Chapter 125, Texas Civil Practice and Remedies Code.

The appellate court is expected to rule on this appeal in November of 1998 and will constitute the only case law on this statute in Texas. However, if the court upholds the lower court order, the defendants may appeal the case to the Supreme Court of Texas, thus delaying any court guidance in drafting legislation. However, since an appellate court ruling is eminent, specific statutory amendments are not recommended at this time.

In the absence of case law, several clarifying amendments have been discussed. Those include: a clearer definition of “place” in Chapter 125.065 (b); allowing the court to enter “reasonable requirements” on members of a street gang from engaging in organized criminal activities in Chapter 125.065 (a); and, amending the time requirements mandated for appeals and how that coincides with the jury trial process in Chapter 125.022 (f).

3. The Office of Attorney General should designate specialized prosecutors to assist local prosecutors and law enforcement in the prosecution of organized crime under Chapter 71, Penal Code, particularly in small, rural counties.

Chapter 71 of the Texas Penal Code provides for the prosecution of organized crime against a “Combination” or “Criminal Street Gang”. To date, this offense has not been widely used by prosecutors in Texas. The Financial Crimes and Specialized Prosecution Division of the Office of Attorney General (OAG) has not specifically focused on assisting local prosecutors in organized crime cases, but rather has focused its efforts on assisting local jurisdictions in nuisance abatement civil prosecution cases. According to Texas law, the Office of Attorney General must be requested to assist in the prosecution of cases by a local jurisdiction. The 1997 OAG gang report, “An Overview”, found that criminal street gangs are becoming more of a problem in smaller, suburban and rural communities. Because gangs have not been a phenomenon in these areas in the past, and typically smaller counties do not have large, specially trained staff, prosecutors may not have the necessary tools available to them to address the gang problem in their area.

I. D. Address the increasing gang problem in Texas including consideration of Criminal Information Systems.

- 1. Legislature should consider adopting uniform policies, procedures, and definitions which would regulate a contemplated statewide gang intelligence database as well as existing local criminal intelligence systems related to criminal street gangs.**

Introduction

Fundamentally, our society is based on the notion that an individual has a right to privacy. Thus, collecting and maintaining intelligence information on individuals requires special treatment. Specifically, in developing a database where intelligence information is collected and maintained, whether at the local or state level, information should never be collected about the political, religious or social views, associations or activities of any individual or any group, association, corporation, business, partnership, or other organization unless such information directly relates to criminal conduct or activity. No organization should be monitored or entered as part of a criminal intelligence database without this crime predicate determination. Moreover, individuals must demonstrate a potential for criminal conduct and display specific conduct and characteristics which tend to connect them to the criminal organization before entry into any database.

The need to protect an individual's right to privacy must, however, be balanced with law enforcement's need for tools to investigate, as well as prevent criminal activity. Although a majority of street gangs in Texas is reported to be juvenile delinquent gangs who tend to participate in criminal mischief more often than felony crimes, some street gangs are becoming very sophisticated criminal enterprises. Law enforcement report a growing influence in Texas of the more organized and well-established West Coast and Mid-West gangs (primarily from Los Angeles and Chicago). Many of these criminal gangs are utilizing high-tech tools to expand their criminal enterprises as evidenced by the growing number of gang Web pages on the Internet. These Web pages are used to recruit, display semi-automatic weapons used by gangs, and disseminate information about gang activity and beliefs. Law enforcement also report the need to track the migratory patterns of known criminal gangs in order to better predict and therefore prevent crime.

The committee believes a fair balance between protecting the rights of private citizens and ensuring the public safety can best be achieved by requiring uniform objective policies, guidelines, procedures and definitions for the use of criminal intelligence systems.

Although most Texas law enforcement agencies have internal policies and guidelines which regulate the manner in which gang intelligence is developed, maintained, and destroyed, these policies, as well as definitions of what constitutes a "gang", "gang member", and "gang-relate crime", vary among individual police agencies. Standardizing policies, guidelines and definitions related to gang intelligence systems would ensure proper safeguards are in place to assure that all information retained in a local database, and in turn a statewide collaboration, has relevancy and importance, as well as provide for greater accuracy in estimating the extent of the gang problem in Texas.

Ensuring appropriate and uniform collection, reporting and maintenance of gang intelligence is a law enforcement issue nationwide. A National Institute of Justice (NIJ) Report entitled Gang Crime and Law Enforcement Record Keeping suggests that accurate record keeping on gangs are difficult to obtain because jurisdictions vary in:

- 1.) definitions of what constitutes a gang;
- 2.) practices in recording gang information; and,
- 3.) capabilities in reporting

Specifically, the report concluded that:

...there was a need to work toward standardizing the meaning of “gangs” around the Nation to improve collection and reporting of national data on gang-related crime and on the basis of accurate data, the effectiveness of multiple intervention strategies could then be better assessed.

The 1994 National Drug Intelligence Center Street Gang Symposium also recommended uniform street gang-related definitions should be adopted by the federal government and recommended for use throughout the United States. Currently, no uniform definition exists on the national level.

A survey of the top ten largest Texas police agencies revealed that the criteria for identifying gang members varied throughout Texas. The criteria ranged from requiring only one element in the criteria to requiring three elements in order to be designated a gang member. For example, El Paso’s Police Department’s definition may designate an individual as a gang member, but the same person may not necessarily be considered a gang member according to the definition used by the Corpus Christi Police Department or the Dallas Police Department.

Uniform policies related to criminal street gang intelligence should include consideration of the following:

1. Criteria for identification and collection of gang intelligence;
2. Language specifying that the database only be used for investigative purposes by those investigating historical crimes or prevention of future criminal activity;
3. Training and certification required in order for law enforcement officials to use the database;
4. Retention and “renewal” of files after specified periods of time;
5. Treatment of existing gang files
6. Provisions addressing in camera review of gang intelligence files for purposes of disproving gang affiliation;
7. Parental notification of a juvenile identified as a gang member;
8. Creation of a two year monitoring committee; and
9. Technical clarifications to exempt “prison gangs” and make distinctions between “criminal street gangs” and “criminal combinations”.

Criteria for Input Into Database

Statement of Purpose and Intent:

As stated above, although the collection and maintenance of criminal intelligence information is a useful tool to law enforcement in the investigation and prevention of violent and/or gang-related crime, an individual's right to privacy must be protected. This balance can best be achieved by requiring objective criteria be met before admission into the database. The following options represent two potential models for gang intelligence systems:

Option 1 requires a set number of factors be met before an individual could be entered into the database. This option represents a compilation of the elements most commonly used throughout Texas and the nation. This option anticipates DPS creating an entirely new statewide database. The State would have complete control over the administration and use of the database. Practically speaking, the creation of the database would delay its use as DPS will need to build the database as well as train its users. A fiscal note of approximately \$658,000 is attached to this option.

Option 2 is a direct adaptation of the federal standard used in the gang intelligence file of the National Crime Information Center (NCIC). Established compliance monitoring, tested definitions, training strategies, security measures, purging requirements, retention policies and other safeguard provisions are in place. The NCIC database comports to the "reasonable suspicion" or "criminal predicate" standard as required in 28.CFR 23. Upon training, law enforcement would have immediate access to this database. As the NCIC database already exists, there would be no fiscal impact to the State. This option would also alleviate concerns of adding a new database file to the DPS computer system until after the Y2K issue is sufficiently resolved.

OPTION 1

1. Must be a member of a criminal street gang or combination which meets the definition as set forth in Chapter 71 of Texas Code of Criminal Procedure, and
- 2a. Has admitted membership in a criminal street gang or combination which meets the definition as set forth in Chapter 71 of the Texas Code of Criminal Procedure; or,
- 2b. Meets at least two/three/four of the following:
 1. Has been identified by a proven reliable informant, including but not limited to a parent or guardian;
 2. Has been identified by an individual of unknown reliability and that information has been corroborated by independent information;
 3. Has been arrested on two or more occasions for offenses which are consistent with known criminal gang activity;
 4. Has been observed by members of the entering agency to frequent a known gang's area, associate with known gang members, and affects a specific gang's style of dress, tattoos, hand signals, or symbols; or
 5. Has been identified in photographs or other physical evidence as associating with known gang members and affecting that specific gang's style of dress, tattoos, hand signals, or symbols.

Fiscal Note: The Texas Department of Public Safety estimates a statewide gang file developed and maintained by the DPS (with a tailored gang member definition) would cost \$392,964 for the first year of the biennium and \$264,964 for the second year of the biennium. DPS also notes additional fiscal impact could be incurred depending on the level of auditing and training procedures ultimately required by the Legislature.

OPTION 2

1. Must be a member of a criminal street gang which meets the criteria for and is entered in a gang database; and
- 2a. Has admitted membership in that criminal street gang at the time of his/her arrest or incarceration; or
- 2b. Meets any two of the following:
 1. Has been identified by an individual of proven reliability as a criminal street gang member;
 2. Has been identified by an individual of unknown reliability as a criminal street gang member and that information has been corroborated in significant respects;
 3. Has been observed by members of the entering agency to frequent a known criminal street gang's area, associate with known criminal street gang members, and /or affect that criminal street gang's style of dress, tattoos, hand signals, or symbols;
 4. Has been arrested on more than one occasion with known criminal street gang members for offenses consistent with gang activity;
 5. Has admitted membership in the identified criminal street gang at any time other than arrest or incarceration.

No fiscal impact.

Purpose and Use of Database

Pursuant to the Texas Code of Criminal Procedure Art. 61.02, a criminal justice agency may compile criminal information for the purpose of investigating or prosecuting the criminal activities of criminal combinations. Often, these files include information from rumors, suggestions, and beliefs. Moreover, this information has not been tested by a court. While intelligence gathering is an important tool for law enforcement, the potential threats to the privacy of individuals is of grave concern. Thus, well-trained law enforcement intelligence officers limit the dissemination of information from these files. Dissemination is limited not only to law enforcement, but is also regulated amongst their own on "need to know" basis. Experts note that strict guidelines should always be set by law enforcement agencies prior to maintaining intelligence on gang members. Further, intelligence files as it relates to criminal activity is a useful tool in furthering investigations, but should not be commonly used for cause and should never be used to compile statistics or disseminated to agencies outside of the law enforcement arena. (Cuestas, National Violence Prevention Resource Center, 1998)

The very nature of these files requires a higher level of security than that of other law enforcement files. Establishing a security plan which protects an individual's privacy while still being useful to law enforcement is critical. First, intelligence files should not be cross-referenced with other databases or integrated in any other non-intelligence police files. Second, access should be limited on a "need-to-know" basis emphasizing that access is by need and not by position or rank within an organization. With the appropriate training, law enforcement officials should be able to use the information in solving historical crimes as well as prevention of criminal activity which falls within the parameters of a gang's criminal activity. For example, law enforcement should use the database to help investigate and prosecute a gang-motivated auto theft ring as well as developing information to conduct a "bust" of that ring. Officers should not be permitted to use the database during routine traffic stops or curfew checks.

Officer Safety

During the discussion surrounding the database issue, some have advocated that certain gang-related police information could be used to enhance officer safety while on routine patrol or while making a routine traffic stop. Some local police agencies use in-house incident based reporting systems (IBR) to note on internal police department driver license files when a person is a suspected or confirmed gang member. Incident based reports are different from raw intelligence files and are generally separate from an agencies' local gang database, although they may contain some of the same data. Intelligence files should never be used for this purpose. Officers are trained to approach all cars under the theory that the occupant could be dangerous; this practice is taught during basic police officer training. However, in an attempt to enhance officer safety during routine stops, DPS could be required to add an additional field on an individual's criminal history record indicating that an individual had convicted of a gang-related (gang-motivated) offense. Moreover, the field could indicate if the individual was a confirmed member of a prison gang or security threat group. An added benefit would be that such statistics could provide for more accurate estimates of gang-related (gang-motivated) crime.

DPS maintains information on an individual's criminal history in the Texas Crime Information Center (TCIC) file. This arrest and conviction information can be accessed by local law enforcement (in the police car) when requested through the Texas Law Enforcement Telecommunication System (TLETS). Currently, IBR system information cannot be cross-referenced with TLETS system. Frequently, this immediately-available information is a useful and necessary officer safety tool for officers in the field who may need to know pertinent criminal background information on a suspect while making a routine stop.

Currently, the TCIC does not collect or maintain gang-specific criminal information on individuals. The criminal history contains information specific to the offense, but does not include reference as to whether or not the offense was gang-motivated. Modification to include indicators of a gang-related conviction on reporting mechanisms would require a uniform definition of a “gang-related crime” or “gang-motivated crime” and appropriate training by DPS. This definition should not be based on whether or not the individual is a *suspected* gang member from intelligence files, but rather whether there is sufficient evidence that the offense, or alleged offense, was committed in furtherance of gang motives, turf, or ties. Presently, this definition varies among local law enforcement agencies which further complicates the accuracy of estimating the level of gang-related crime in each city. Uniform definitions and reporting would not only enhance officer safety when information is queried from the field, but would also provide for more accurate crime reporting of gang-related activity in Texas.

Training of Law Enforcement

With any intelligence system, compliance monitoring is essential to protect the integrity of the intelligence database and the information stored in the database. DPS already hires compliance monitors who audit and train local police departments in the use of TCIC. According to David Gavin, Asst. Chief of the Crime Records Division, if Texas were to implement a statewide database administered by DPS, these compliance monitors would be trained in the use of the database (DPS or federal) and would then train the appropriate local police department personnel in the use of a new file. Training would include: how to appropriately enter the various fields, level of documentation required to enter intelligence, approval by a supervisor before entering information, etc... Notably, from a training and auditing perspective, choosing the existing NCIC would pose minimal problems or complications for DPS as its monitors are already familiar with the workings of the NCIC.

Purging and Retention Requirements

Another important measure to ensure the integrity of intelligence information is the need for purging instructions. Treating juvenile files differently from adult files would be a philosophy consistent with the manner in which juveniles are treated differently from adults in criminal justice system. A two-year retention period for juvenile intelligence files in cases where the juvenile has had no subsequent police contact would be commensurate with the time period allowed for retention of juvenile arrest records. NCIC currently allows a five-year retention period for adults. NCIC provides for that information retained in the system must be reviewed and validated for continuing compliance with system submission criteria within the retention period. Any information not validated within that period must be purged from the system. Longer retention periods for confirmed members of prison gangs or prison security threat groups would be consistent with accepted standards; an exception exists in the NCIC system for individuals serving time in a corrections system.

Treatment of Existing Gang Files

As discussed above, good public policy dictates the creation of a uniform criteria for submission into a statewide database or the continuation of local databases. This same criteria should be applied to currently existing gang intelligence files or gang books. Consideration should be given to specifying a time period in which the existing files must meet the newly established criteria. In any case, all information retained in the files should be reviewed periodically for reclassification or purge in order to ensure that the file is current, accurate, and relevant to the needs and objectives of law enforcement.

In Camera Review

The establishment of an in camera review available for those wishing to challenge information placed in the database should be considered in policy deliberations. Protecting the identity of confidential informants is essential and therefore raw intelligence information should never be disclosed under any circumstances. However, establishing a secure, in camera review process can be developed in order to allow a citizen who has been incorrectly designated as a gang member the right to challenge this designation without disclosing other confidential information in the file. This review should be the responsibility of the local agency. The following language is suggested:

Art. 61.061 Right to Review of Records

(a) Upon the request of any adult person or any person with legal authority to act on behalf of a child, the director or the top administrative authority of an agency maintaining information under this Chapter shall review the information maintained on that adult person or child to determine if there is reasonable cause to believe that the information maintained on the adult person or child is accurate. The reviewing authority shall take the following action upon conclusion of his or her review:

(1) If it determines there is not reasonable cause to believe the information is accurate, it shall order the information destroyed and shall notify the person requesting the destruction of that action;

(2) If it determines there is reasonable cause to believe the information is accurate, it shall notify the requesting party of that determination and their right to judicial review of that determination as provided herein;

(3) If the reviewing authority determines that there is reasonable cause to believe the information is accurate, the requesting party may petition the district court for an in camera review of that determination. The district court has the discretion to reveal to the requesting party the nature of the information to the extent necessary to allow the party to rebut the information. The decision of the district court shall be reviewable on appeal as are other final decisions by the court.

Parental Notification

Chapter 58 of the Texas Family Code addresses issues relative to the collection of records involving juveniles. Adding a provision which would allow for parental notification when a local law enforcement agency or school has designated a juvenile as a gang member would communicate observations by law enforcement or school officials about the child's possible gang affiliation. Specifically, a letter would indicate that the child was exhibiting certain warning signs which associate the child to a street gang and places the child at-risk of possible involvement in criminal activity. Parents who wished to challenge the information could appeal for a review under the in camera provisions.

Creation of Monitoring Committee

If a statewide database is established (either newly created by DPS or an adoption of NCIC), the Legislature should consider creating a statewide oversight committee to monitor, report and make recommendations as to the effectiveness and use of the database. Reports from the committee would provide the Legislature with the appropriate information to make future substantive changes or fiscal appropriations. This special-purpose committee would be appointed for a two-year period.

Technical Clarifications

With respect to regulating collection and submission of information, a distinction needs to be made between a "criminal street gang" and a "criminal combination." According to DPS, lack of this distinction could place unintended constraints on their monitoring of terrorist and organized crime activity. Also, it is not the committee's intent to apply uniform regulations to the collection and maintenance of criminal intelligence information in the TDCJ-ID Violent Offender Program (VOP) database.

Chapter 61. Code of Criminal Procedure



Chapter 61 concerns the compilation of information pertaining to a criminal combination. **Article 61.01** provides that "combination" has the meaning assigned by Section 71.01, Penal Code. Under this article, "criminal information" means facts, material, photographs, or data reasonably related to the investigation or prosecution of criminal activity, and "criminal activity" means conduct that is subject to prosecution. "Child," "criminal justice agency," and the "administration of criminal justice" are also defined.

Under **Article 61.02**, a criminal justice agency may compile in any useful manner criminal information into a system for the purpose of investigating or prosecuting the criminal activities of criminal combinations. **Article 61.03** allows such information to be released on request to another criminal justice agency, a court, or a defendant in a criminal proceeding who is entitled to the discovery of the information. However, a local criminal justice agency may not send the information to a statewide database (HB 2874, passed this last session, allows transmittal to a regional data base). A criminal justice agency or court may use the information received only for the administration of criminal justice. A defendant may use information only for a defense in a criminal proceeding.

If the criminal information relates to a child associated with a combination, under **Article 61.04**, the information may be compiled and released regardless of the child's age. A criminal justice agency may release the information to an attorney representing a child in a proceeding under Title 3 of Family Code, if the juvenile court determines the information is material to the proceeding and not privileged under law. The attorney may use the information only for the child's defense.

Article 61.05 makes it a Class A misdemeanor to use information compiled under this chapter for unauthorized purposes or to release it to a person not entitled to the information. **Article 61.06** requires the information be destroyed after two years if the individual is not charged with criminal activity (HB 2874 suspends these requirements until September 1, 1999).

NATIONAL CRIME INFORMATION CENTER GANG FILE

Overview

The Violent Gang and Terrorist Organizations File (VGTOF) was designed to provide identifying information about violent criminal gangs and terrorist organizations and their members to law enforcement personnel. The VGTOF was implemented in October of 1995 as a component of the National Information Center (NCIC). The file acts as a pointer system, facilitating the exchange of information on known criminal gangs and terrorist groups in order to facilitate criminal investigations and warn law enforcement officers of potential danger posed by violent individuals.

The VGTOF consists of two major classifications: the Group Reference Capability (GRC) and Group Member Capability (GMC). Both components are intended to accomplish two major goals of the file: 1.) Promoting the identification of groups and group members, and, 2.) facilitating the exchange of information about these groups and members.

The GRC provides information on terrorists groups and gangs, while the GMC identifies individual members. To be included in the VGTOF, terrorist groups and gangs must meet the definitions ascribed to them by NCIC (National Crime Information Center). Similarly, individuals must meet certain criteria, which positively identify them as members of a terrorist group or gang. After verifying and documenting that these conditions have been met, law enforcement agencies can enter the appropriate data into the VGTOF.

Procedures for entering information into NCIC vary. In some states, a control terminal agency, such as the DPS, maintains the system for the entire state. In others, individual agencies enter their own data. Whatever their state's policy, law enforcement agencies that encounter individuals belonging to an organization meeting the NCIC definition of either a violent gang or terrorist group first must establish a group record.

Agencies entering data into the VGTOF must update the records they establish and delete any information that is no longer valid. Furthermore, agencies must maintain documentation to support every entry, which is important for a number of reasons. An agency that incorrectly identifies an individual by mere association with a gang or terrorist group without concrete proof opens itself up to litigation. NCIC policy requires biannual audits by the FBI's Criminal Justice Information Services Division. During these reviews, auditors check agency records for accuracy and backup documentation.

The VGTOF currently contains entries for hundreds of groups and individuals. As agencies become more familiar with the system, these numbers are expected to grow.

GROUP REFERENCE CAPABILITY (GRC)

Criteria for GRC Entry

Records for two different kinds of organizations, street gangs and terrorist organizations, both of a violent criminal nature, can be entered in the GRC. Classification as a gang or terrorist organization is determined prior to code assignment. In both cases, strict adherence to the entry criteria and documentation of the information establishing the existence of the entry criteria are necessary.

GRC Definition of Gang

For purposes of entry in the GRC, a gang must meet the following criteria:

1. Must be an ongoing organization association, or group of three or more persons, and
2. The group must have a common interest and/or activity characterized by the commission of or involvement in a pattern of criminal activity or delinquent conduct.

Criminal or Delinquent Conduct includes narcotics distribution, firearms or explosives violations, murder, extortion, obstruction of justice (including witness intimidation and/or tampering), and any other violent offenses such as assault, threats, burglary, and/or carjacking.

Delinquent Conduct, as with the Wanted Person File, is conduct of a juvenile which would be a crime if committed by an adult.

Criminal Conduct includes acts committed during incarceration often labeled disruptive which could be punished as crimes.

GRC Definition of Terrorist Organization

Effectively, those criminal activities which affirm entry as a "gang," such as murder, extortion, firearms or explosive offenses, assault, burglary, and similar offenses, also affirm entry of a "terrorist organization." For purposes of entry in the GRC, a **terrorist organization** must meet the following definition:

1. The group must be an ongoing organization, association, or group of three or more persons, and
2. The group must be engaged in conduct or a pattern of conduct which involves the use of force or violence, and
3. The purpose of the group in using violence must be to intimidate or coerce a government, civilian population, or segment thereof, in furtherance of political or social objectives.

GRC Restriction on Terrorist Organization Entry

Entry of a terrorist organization or subgroup is restricted to the smallest identifiable segment, cell, or division, which has been documented to be engaged or **preparing** to engage in qualifying terrorist activity. This restriction is intended to prevent entry of persons who may maintain similar political views to those of a terrorist organization but do not actively support the violent part of that organization.

Retention Period for GRC Record

Single-Interest records are retained indefinitely or until removed by the originating agency.

Multiple-Interest records are retained indefinitely or until **all** agencies remove their interest in the record.

GROUP MEMBER CAPABILITY GMC

Group Member Capability (GMC)

Entry of a gang or terrorist organization **member** in the Group Member Capability is predicated on the entry or preexistence of a GRC record for the group to which that member belongs.

Like all NCIC records, probable cause to search or seize is not established by the GMC record standing alone. In any case, arrest of a GMC record subject would not be appropriate based on only his/her group affiliation. **A caveat appears with every GMC record warning against search or seizure established solely on the record.** This does not mean that a GMC record has no relevance to either reasonable suspicion to investigatively detain a record subject (and perform an accompanying frisk pursuant to such a detention), or to arrest a record subject based on probable cause, or to search premises or vehicles based on probable cause.

Group Member Capability (GMC) - Criteria for Entry

The criteria identified to support entry should be documented for purposes of validation and audit. Additionally, each GMC record **MUST** include a notation as to the entry criteria in the Criteria for Entry (ECR) Field. The following criteria must exist with respect to any individual to be entered in the GMC, whether a gang or terrorist organization member:

1. Must be a member of a gang or terrorist organization and subgroup thereof which meets the criteria for and is entered in the GRC; and
- 2a. Has admitted membership in that gang or terrorist organization (and subgroup) at the time of his/her arrest or incarceration; or
- 2b. Meets any two of the following:
 1. Has been identified by an individual of proven reliability as a group member;
 2. Has been identified by an individual of unknown reliability as a group member and that information has been corroborated in significant respects;
 3. Has been observed by members of the entering agency to frequent a known group's area, associate with known group members, and/or affect that group's style of dress, tattoos, hand signals, or symbols;
 4. Has been arrested on more than one occasion with known group members for offenses consistent with group activity;
 - ii Has admitted membership in the identified group at any time other than arrest - or incarceration.

GMC Validation

GMC records are validated according to the same schedule and in the same manner as Wanted Person File records except that the 60-90 day validation is not required. Essentially, all records are validated yearly for accuracy and completeness as to the descriptive information contained therein, and most importantly, as to the validity of continuing the designation of the record subject as a gang or terrorist organization member. If the originating agency determines that the designation was inaccurate **or** that the record subject is no longer an active member of the gang/subgroup, the record should not be validated and should be canceled.

All GMC Records begin with Caution

It is expected that record recipients will treat every VGTOF record subject with appropriate caution. As to both members of criminal gangs and terrorist organizations, entry is based on violent conduct by that identified group. To assist law enforcement officers in being adequately prepared, the term **CAUTION**, the functional equivalent of **Armed and Dangerous**, is printed at the beginning of all GMC records. Any other cautionary information not related to the potential for violence should be placed in the MIS.

Retention Period for GMC Records

GMC records are **retained** 5 years unless removed **by the** originating agency. Only records entered by corrections agencies remain past 5 years.

Automatic GMC Purge

Most GMC records are subject to a purge date which is 5 years from the date of entry. Records may be purged earlier than 5 years by use of a non-system generated date entered with the record in the Date of Purge (DOP) Field. The only records which may exist past the 5 year requirement are records entered by corrections agencies on incarceration of the record subject. In such case, the 5 year maximum runs from the date that the DOP Field is altered to show release of the record subject from incarceration.

CHARGE II

Study the need, if any, for additional juvenile court masters to assist courts with juvenile jurisdiction in providing speedy and effective justice for juvenile offenders and their victims. Identify jurisdictions most significantly impacted by juvenile justice caseloads. If necessary, make recommendations for the number of any such masters and the fiscal implications with potential funding sources.

A Study on Juvenile Case Processing

In October of 1997, the committee requested the Office of Court Administration to conduct a survey of Texas courts with juvenile jurisdiction. The survey included a wide range of questions designed to identify factors to be considered in determining the need for additional juvenile court masters "to assist courts with juvenile jurisdiction in providing speedy and effective justice for juvenile offenders and their victims." The following analysis was prepared by the Office of Court Administration and is based on the results of the *Office of Court Administration's Study on Juvenile Case Processing* (Appendix E).

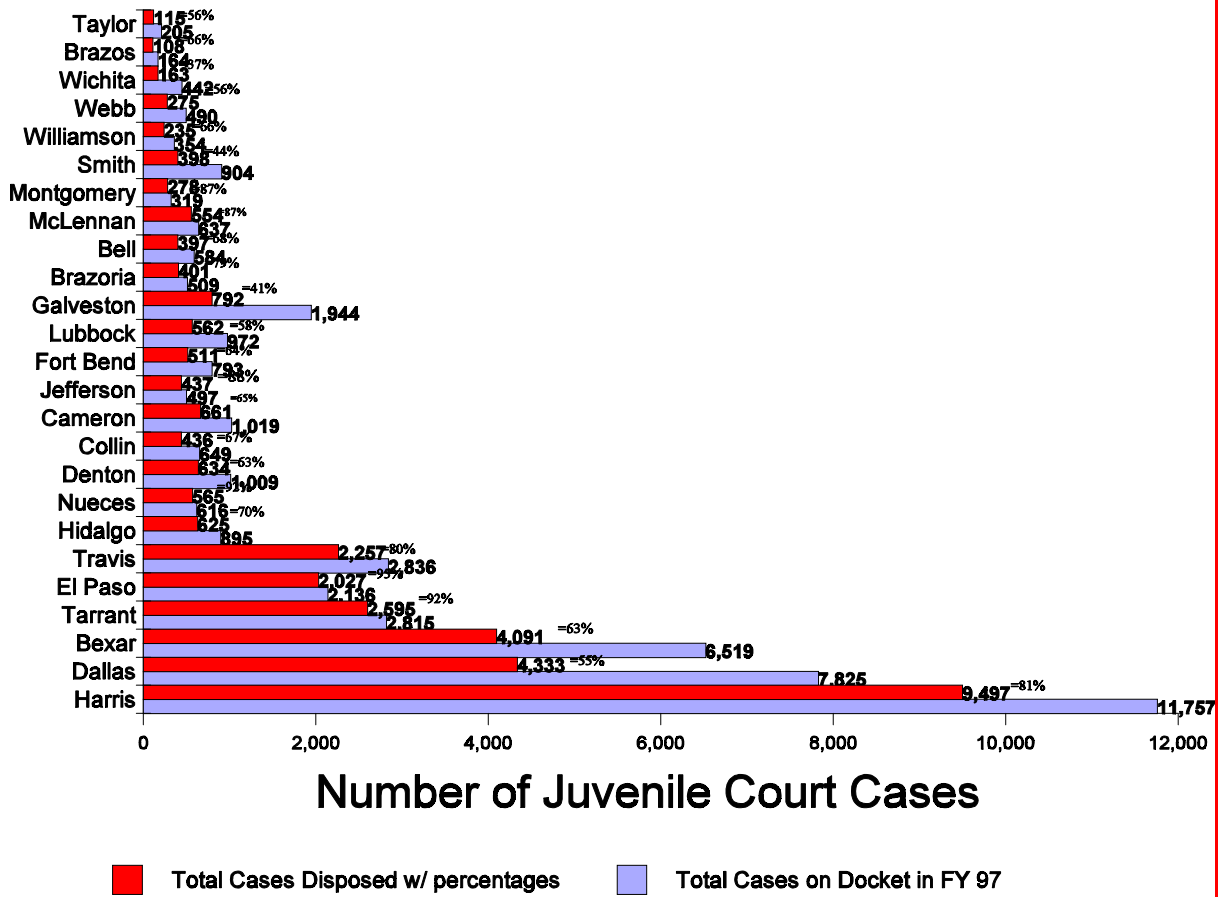
Eight integrally-related factors have been identified and should be considered in the aggregate when determining a particular county's need for an additional master.

1. Quantitative Factors (5)

1. *Low juvenile case disposition rate-* As a general rule, a 100% disposition rate indicates that the particular county is disposing of as many cases as those that were on the docket during the fiscal year. A low disposition rate would show that, for a variety of reasons, the particular county is not getting cases off the docket.
2. *Low juvenile case clearance rate-* A 100% clearance rate indicates the particular county is disposing of as many cases as those that were added to the docket during the fiscal year. A low case clearance rate would show that the particular county is not disposing of as many cases as those that are added to the docket.

Though the OCA study found significant variation in juvenile case disposition and clearance rates among the 25 most populous counties, it was not apparent that the variation was attributable to the size (i.e., population) or the county.

Juvenile Case Processing Data for FY 1997



Source: *Texas Judicial System, Annual Report: Fiscal Year 1997*, Office of Court Administration, 1998

3. *High pending case rate*- The pending case rate is used to measure the backlog problem in a particular county. This rate is important because backlog directly impacts the disposition rate of cases. A high pending case rate would indicate that the particular county has a severe backlog of cases.

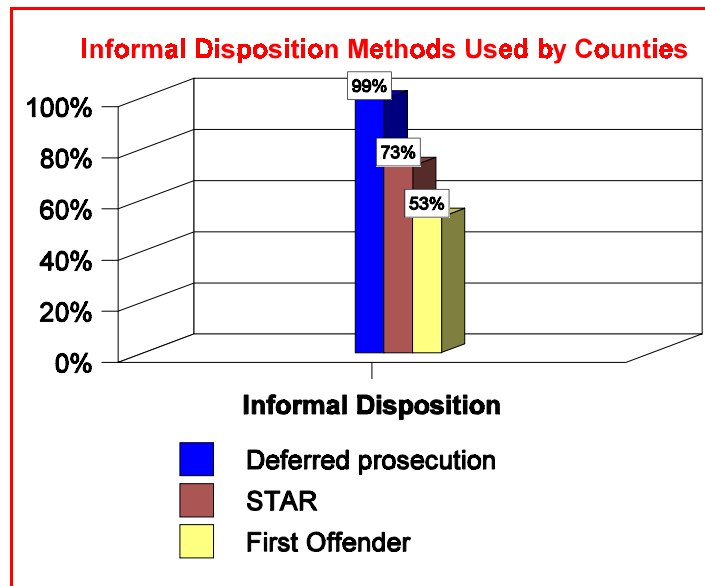
4. *Cases heard by juvenile court masters*- In counties that currently have masters but have low clearance rates and disposition rates, and high pending case rates, one must ask whether the master or referee is being assigned to hear cases where the most concentration is necessary. This can be done by examining the percentage of cases adjudicated and/or disposed by the masters.

5. *The length of time elapsed between detention and adjudication*- Though it was not a part of the Office of Court Administration's (OCA's) study, another key measure of case processing efficiency is the average number of days elapsed between the time a juvenile is held in detention to the time of adjudication. This factor provides a good indicator of how quickly cases are being processed in the various counties and can probably be used to determine whether a county needs additional judicial resources to assist with juvenile cases.

11. Qualitative Factors (3)

In addition to quantitative considerations, there are also some factors which cannot be analyzed numerically but which are equally as important for a valid assessment of the need for additional juvenile law masters. These factors are significant because they raise the issue of how the various entities in a county (i.e., prosecutors, judges, juvenile probation officers, etc.) are utilizing the resources they already have to operate effectively. Though not exhaustive, below are three major qualitative factors that should be considered:

1. *Cooperation in the processing, adjudication, and disposition of cases-* OCA's study found that counties with low pending case rates indicated that there was a high degree of communication between the juvenile court, prosecutors, juvenile probation officers, and court coordinators. This is consistent with the views of the chief juvenile probation officers of the 50 most populous counties in Texas who cited cooperation and effective communications among the various entities involved in the juvenile justice system as the most relevant factor impacting the efficient processing of juvenile cases.



2. *Use of informal disposition-* Informal disposition is the resolution of a juvenile case without the use of formal adjudications and dispositions by the juvenile court. It is designed to save money and other resources by allowing courts and prosecutors to dedicate more time to resolving cases involving children who engage in more serious conduct and to allow the juvenile justice system to intervene and redirect a child's behavior before the child engages in more serious criminal conduct. According to the OCA study, the three most frequently used methods of informal disposition were: (1) deferred prosecution; (2) STAR Program; and (3) the First Offender Program.

A reasonably persuasive argument can be made that when appropriate, counties should increase their use of informal dispositions. Appropriately using informal dispositions has shown in many cases to prevent more serious delinquent behavior in the future which, invariably, would decrease the demand on judicial and prosecutorial resources. Only 47% of the responding counties indicated that they placed some emphasis on the informal disposition of juvenile cases in their county. Furthermore, only about 10% of the responding counties indicated that the county juvenile board has approved guidelines that allow law enforcement officers to dispose of cases without formal adjudications and dispositions by the juvenile court.

3. *Court use of automated case-management systems-* OCA's study indicated that there was a need for increased use of technology (i.e., case management software) to assist courts with juvenile case processing. Only about 26% of the counties that responded to the study use an automated case management system to facilitate the processing of juvenile cases. There is every indication that increased use of automated systems for case management would allow courts to better manage their juvenile caseloads.

Recommendations - Charge II

1. **Availability of outside (federal) funding sources- As an intermediary step, the state should explore the use of federal funding as a source for providing additional juvenile law masters and referees.**

OCA (in conjunction with the Criminal Justice Division of the Governor's Office) has already identified the Juvenile Justice and Delinquency Prevention Fund as a source for financing additional juvenile court masters in Texas. A grant-funded juvenile justice improvement project, which includes masters and necessary support staff, is a relatively low-cost way for the state to evaluate the impact of additional judicial resources on juvenile case processing efficiency. Additional information about this potential funding source is attached (Note: the statewide project application due date is March 1999).

2. **The Legislature should charge the Texas Judicial Council with the responsibility of developing objective criteria for determining the need for additional juvenile court masters. These criteria should be developed with substantial input from judges, legislators, the Governor's Office, and juvenile justice system personnel.**

Beyond the qualitative and quantitative factors that can be used to assess the need for additional juvenile court masters, developing an objective criteria can significantly aid the Legislature in assessing and meeting future needs for additional juvenile court masters. This criteria can only be successfully developed with the input of all of the stakeholders in this very important issue.

3. Encourage increased use of informal dispositions when appropriate and require Juvenile Boards to adopt formal policies on the use of informal dispositions.

Fifty-three percent of responding counties to the OCA survey indicated that no emphasis whatsoever was placed on informal dispositions. The legislature authorized the use of informal dispositions as a valuable tool when used appropriately in certain juvenile cases. Only 47% of responding counties indicated an emphasis was placed on the informal disposition process. Approximately ten percent of the responding counties indicated that the county juvenile board had approved guidelines that allow law enforcement officers to informally dispose of cases without having the case formally adjudicated and disposed of by the juvenile court. According the Office of Court Administration survey, these guidelines, which are prepared in accordance with Sections 52.01 and 52.03, Texas Family Code, are more commonly approved by the juvenile boards operating in the larger counties in Texas. It is not the committee's intent to persuade the juvenile boards to approve a particular set of guidelines, but rather to formally adopt a set of guidelines which meet the needs of the county in order to better provide guidance in this area.

**POTENTIAL FEDERAL FUNDING SOURCE
FOR JUVENILE LAW MASTERS AND REFEREES**

The Juvenile Justice and Delinquency Prevention (JJDP) Act provides Texas with an annual formula grant. The federal funding agency is the Office of Juvenile Justice and Delinquency Prevention (OJJDP) in the U.S. Department of Justice. The Criminal Justice Division (CJD) of the Governor's Office awards grants under the JJDP Fund to state and local entities.

In order for a project to be eligible for funding under the JJDP Fund, it must fit into one or more of the I I priority needs statements created and prioritized by the Governor's Juvenile Justice Advisory Board. A project that would fund additional masters to provide for the fair and expeditious resolution of juvenile law cases meets the following priority needs statement:

We must hold juveniles accountable and responsible for their actions.

Improving the juvenile justice system by hiring additional juvenile law masters, and administrative support staff, directly addresses the priority need to hold Juveniles accountable for their actions. By hiring more juvenile law masters, the juvenile justice system will be better prepared to respond to delinquent conduct via speedier adjudication of juvenile cases. improvements in the efficiency of case processing will increase disposition rates, reduce the amount of time from detention to adjudication, and thus, will make juvenile offenders more accountable for their actions.

This project may be eligible for funding under the JJDP Fund; statewide project application due date is March 1999.

The Juvenile Justice and Delinquency Prevention Program has an award minimum of \$1,000 and no maximum. No initial, first year, cash match from participating counties is required; however, there is a five year decreasing funding ratio policy. That is, the decreasing funding ratio provides for CJD funding 100% of the costs in the first year; 80% of the costs in the second year; 60 percent of the costs in the third year; 40 percent of the costs in the fourth year; and 20 percent of the costs in the fifth year. After the fifth year, if the counties still want to continue the program (or judicial positions), they will be responsible for all costs.

Under the proposed funding mechanism, OCA would serve as the pass-through agency for the federal funds funneled to the counties participating in the project. OCA would also serve as the evaluator of the program's outcome measures (e.g., increased juvenile case disposition and clearance rates, reduction in the number of days from detention hearing to adjudication hearing, etc.) and would be responsible for providing CJD with quarterly and annual progress reports.

Having OCA serve as the grantee and the counties as the sub-grantees also makes sense from a logistical point of view. Under this scenario, there would be one statewide application covering a number of counties, as opposed to many individual applications from the various counties.

OCA recently had a rural court delay reduction project funded through **CJD** which impacts 18 rural counties in Texas. The structure of the proposed juvenile justice improvement project would be similar to the rural court delay reduction grant with OCA serving as a pass-through agency for the counties participating in the project.

CHARGE III

Monitor the implementation of HB 1550, passed by the Legislature during the 1997 session, regarding progressive sanctions. Study the impact of progressive sanctions on juvenile facilities and upon program needs to make recommendations, if any, for statutory or funding changes.

Introduction

In 1995, the 74th Legislature adopted massive reform measures to the Texas juvenile justice system. The core element of these reforms was based on a model of progressive sanctions intended to provide swift and certain consequences for all levels of juvenile offenders (ages 10 to 16). The 75th Legislature passed additional juvenile justice legislation designed to refine the overhaul efforts of the previous session. Prior to the 1995 reform, few sanctions were available to address the actions of low-level youthful offenders. Offenses such as truancy, criminal mischief and assault were generally addressed by a brief counseling session and then contacting the parent for release. Since the new sanction guidelines took effect in 1996, juveniles can now face a range of punishment which increase with each subsequent offense. In addition, local communities and juvenile probation departments offer rehabilitation and support programs designed to prevent the child from further penetration in the criminal justice system. Responding to the increasing violent juvenile crime rate in the early 1990's, reform measures also allowed for stiff punishment for the most violent offenses committed by juveniles, including adult certification at age 14 for violent felony offenses, and early transfer to the adult penal institution for the most incorrigible youthful offenders.

The impact of these reform measures on juvenile crime has been positive. According to the Texas Criminal Justice Policy Council (TCJPC), the number of juvenile crimes reported in Texas declined by 2.2% in 1997, and juvenile arrests declined for the first time in a decade by 2.4%. The number of referrals to juvenile probation departments decreased by 2.3% , from 129,062 in 1996 to 126,132 in 1997. The number of juveniles under probation supervision decreased by 3.4%, from 37,807 in 1996 to 36,515 in 1997. TCJPC projections indicate the growth rate in juvenile probation populations will continue to slow down as juvenile crime stabilizes during the next five years.

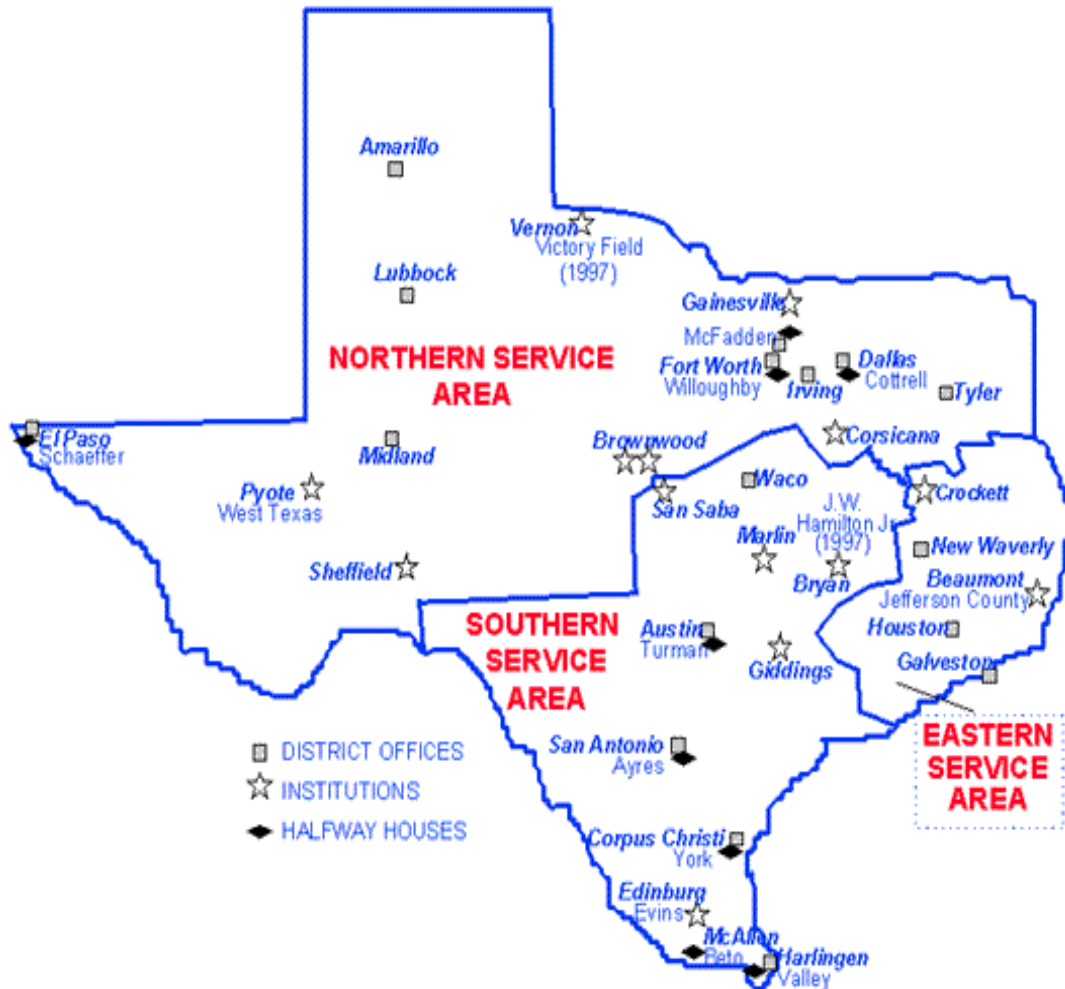
JUVENILE FACILITIES AND CAPACITY ISSUES

Texas Youth Commission

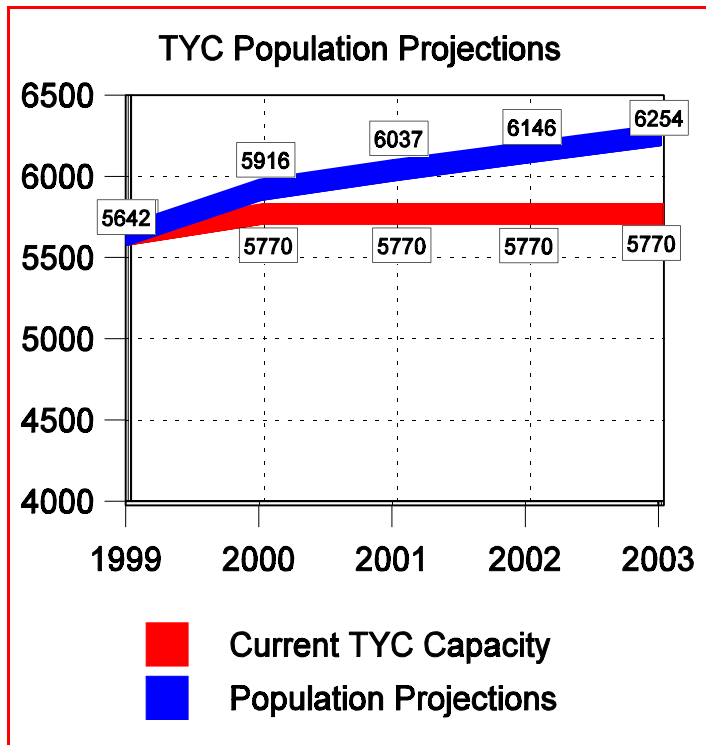
TYC is responsible for the care, custody and control of the state's most seriously delinquent youth. Along with significantly harsher punishments adopted as part of the juvenile justice code overhaul of 1995, the legislature funded additional bed capacity for TYC. In order to hold juvenile offenders more accountable for their actions while providing effective rehabilitation programs, longer lengths of stay were not only necessary, but essential.

The Texas Youth Commission (TYC) currently operates 14 institutions and has nine halfway houses throughout Texas with a total capacity of 5,342.

Texas Youth Commission Facilities, 1998



During the 1997-98 interim, the leadership authorized the Texas Youth Commission to use funds to contract for additional beds to meet capacity demands. This need for additional capacity was primarily due to stricter policies which increased the number of juveniles revoked from probation or parole to TYC. According to population projections made in January 1998, TYC was projected to be over-capacity by 249 in 1998, 334 in 2000, and 742 by the year 2002. The authorization to increase contracted capacity allowed the state to meet the immediate juvenile correctional demands, and, sustain capacity demands through the year 1999. However, demand will start exceeding capacity after 1999 and projections indicate the state will need an additional 484 beds by 2003 assuming current trends continue.



Texas Juvenile Probation Commission

The 74th Legislature authorized \$37.5 million in general revenue bonds for assistance to counties to construct secure, post-adjudication facilities. Nineteen (19) juvenile probation departments were selected for funding the construction of a total of 1,114 post-adjudication detention beds. The status of each project varies by location, with some facilities already open and the final project expected to be completed by August of 1999. According to the TCJPC, these 1,114 beds will have no impact in diverting juveniles from commitment to TYC.

METROPOLITAN AND REGIONAL PROJECTS
Post-Adjudication Facilities

<i>County</i>	<i>Beds</i>	<i>Proposed Completion Date</i>
Bexar	108	Opened Oct. 1997
Cameron	32	March 1999
Colorado	100	Opened April 1998
Dallas	96	Opened July 1998
Denton	48	Opened May 1998
Duval	48	August 1999
El Paso	54	July 1999
Grayson	40	Opened Jan. 1998
Gregg	40	February 1999
Harris	144	Opened June 1998
Harrison	24	Opened August 1998
Hidalgo	40	July 1999
Lubbock	40	September 1999
Nueces	85	July 1999
Randall	16	Opened June 1998
Taylor	36	October 1998
Tom Green	48	February 1999
Travis	107	September 1999
VanZandt	8	Opened August 1998

As of October 1, 1998, nine facilities had opened and ten facilities were still pending.

Progressive Sanctions Program Needs

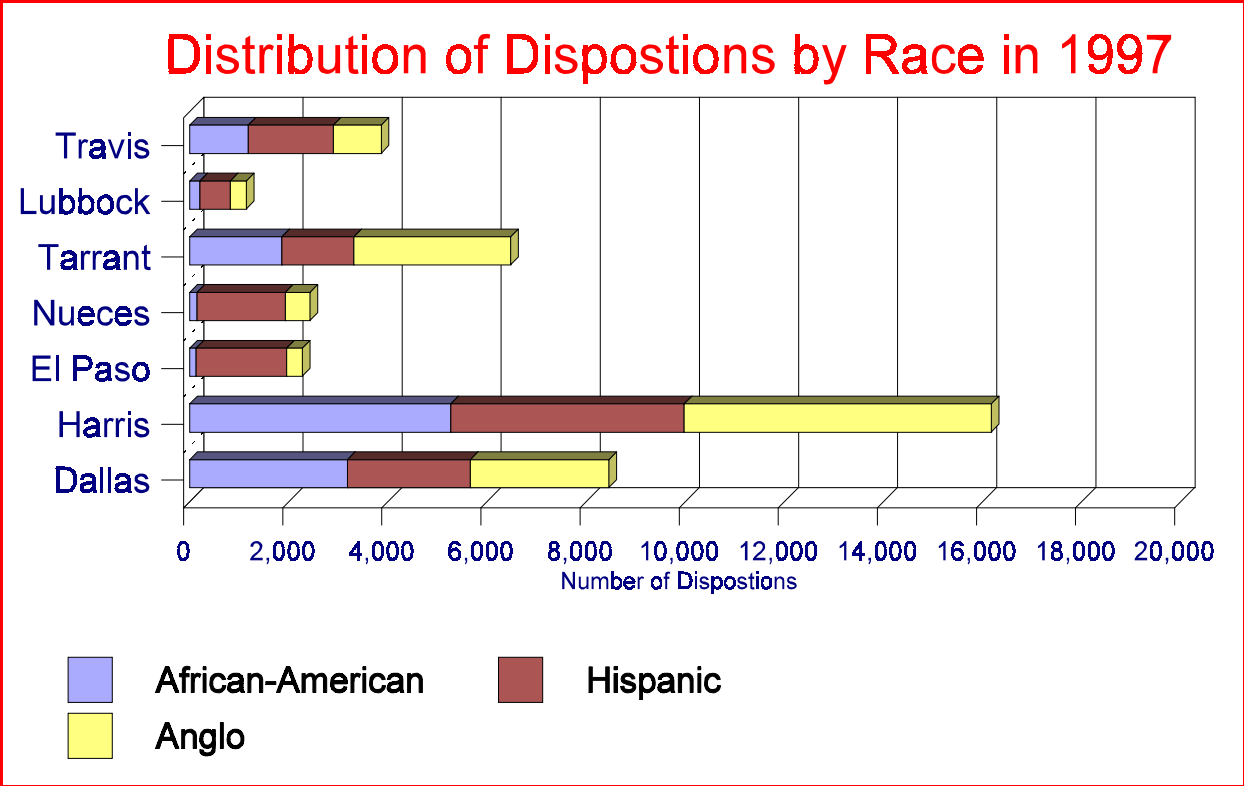
According to a survey sent to every chief probation officer in FY 1998 to determine what needs they anticipate for the next biennium, responses indicated that \$8,370,996 would be necessary each year of the biennium for new programs. That amount includes \$855,337 for primary prevention programs, \$1,911,883 for in-home family preservation programs; \$374,898 for victim services; \$607,678 for parenting classes; \$2,491,330 for substance abuse services; and \$2,129,870 for psychological counseling, sex offender programs and other services.

The survey additionally indicated that 543 additional secure post-adjudication placements would be needed for each year of the biennium.

Progressive Sanctions Guidelines Dispositions

The Progressive Sanctions Model is a guideline of juvenile punishments which range from community based sanctions to incarceration in the Texas Youth Commission. Although the model is not a mandatory sentencing guideline, counties are given additional funds from the state in exchange for the county agreeing to make a “good faith effort” to apply the recommended sanction to the appropriate offense. To date, all 254 counties have signed contracts with the Juvenile Probation Commission agreeing to these terms. Inherent in the creation of Progressive Sanctions Guidelines were provisions to closely monitor the adherence of juvenile courts to the model, including reporting requirements on deviations based on ethnicity, gender and offense.

In February of 1998, TCJPC analyzed court decisions to commit juveniles to TYC in relation to the recommended guidelines. The analysis indicated almost all juveniles (96.4%) recommended for community sanctions under the guidelines were given community sanctions. Community sanctions include supervisory caution, deferred prosecution, and probation with various levels of supervision. On the other hand, 27% of juveniles recommended for TYC sanctions under the guidelines were committed to TYC. The remainder of TYC recommendations were disposed to community sanctions (48%) or were certified as adults (25%). Approximately three percent of juveniles recommended for community sanctions under the guidelines were disposed to TYC. Although these juveniles’ offenses were less severe, their criminal histories were more extensive than those juveniles with TYC recommendations who were committed to TYC. Juvenile court judges clearly stated that the extensive prior history of these juveniles was one of the main factors in their decision to commit the youth to TYC (TCJPC, 1998).



Source: Texas Criminal Justice Policy Council

The Texas Youth Commission reports 35% of all TYC commitments in 1997 had a guideline TYC sanction level 6 or 7, which is a decline from 41% in 1996. TCJPC reports that although a significant portion of TYC commitments do not meet sanction level 6 or 7, the relativity of this figure to statewide totals represents a small portion of all juveniles with a community sanction guideline recommendation (i.e. In 1996, 610 juveniles, or 3.4%, of all 18,263 juveniles with a community sanction guideline were committed to TYC). Conversely, the number of juveniles with TYC recommendations under the guidelines was relatively small, (405) and out of this number, 72.8% were disposed instead to community sanctions (196) or certified as adults (99).

Recommendations- Charge 3

- 1. Increase funding for Progressive Sanctions Guidelines for juvenile programs.**

CHARGE IV

Monitor the STARS (Services to Runaway At-Risk Youth) program and community youth development grants to evaluate their effectiveness and continued implementation.

Introduction

SERVICES TO AT-RISK YOUTH (STAR) PROGRAM

Background

Prior to 1984, youths who were runaways, at-risk of running away, or truant did not have a place to turn for help. These youths and their families often fell in the gap between the Child Protective Services (CPS) program of the Texas Department of Protective and Regulatory Services (TDPRS) and county juvenile probation programs that are generally aimed at youths who have committed more serious delinquent offenses. If runaway and at-risk youths did not fit into either program's category, they did not receive services or were put at the lowest priority.

The Services to Runaways and At-Risk Youth (STAR) program was developed to help fill the gap by providing services to youths who were runaways, truant, at risk of running away, and at risk of abuse. Created by the 68th Texas Legislature, the STAR program helps thousands of youths and their families every year to resolve problems leading to runaway and truant behavior. In Fiscal Year 1994, the program served 7,108 youths.

Services

The 74th Texas Legislature dramatically expanded the Services to Runaways and At Risk Youth (STAR) Program by mandating that services be provided to two new groups of youths and by providing additional funding for STAR services. Increased funding has been used to expand the service capacity of contractors to extend services to 7 - to 9-year-old children who commit delinquent offenses and youths 10 through 16 who commit misdemeanor offenses or state jail felony offenses. The "at risk of abuse" category was replaced with "youths in at-risk situations". The program is now called the Services to At Risk Youth program; the acronym, STAR, remains the same. The Legislature also added "advocacy training" and "mentoring programs" as services that can be funded as part of a STAR program.

Community agencies provide STAR services under contract with TDPRS. The agencies provide services to youths and their families in an attempt to help them resolve problems leading to running away, truancy, or abusive behavior, and to divert youths from the juvenile justice and CPS systems. Each contracting agency must provide family crisis intervention counseling, short-term emergency residential care, and individual and family counseling.

The following services are also provided by STAR contractors:

1. parenting skills training,
2. youth coping skills training,
3. mentoring, and
1. advocacy training.

The program's highest priority is to support youths remaining in their homes. When youths' safety is in question, they may be placed in emergency residential care. Services are short term. Emergency residential care is limited to 30 days, with a possible 30-day extension in some cases. Non-residential services are limited to 90 days, with a possible 90-day extension.

Contracting agencies must serve a "primary" county and may choose to serve other counties in their area. An agency must maintain its main STAR office in the primary county. In order to be a "satellite" county, the agency must designate an office and at least part-time staff person in that county. "Outlying" counties can be served using a circuit rider approach in which staff are available to serve in the county on an as-needed basis.

Referrals come from a variety of sources: families, schools, juvenile probation, CPS, police, other social service agencies and youths may refer themselves. Anyone can make a referral to a STAR program.

The number of youths receiving STAR services has increased from 6,219 in Fiscal Year 1995 to 25,028 in Fiscal Year 1998 (based on data entered as of 8/13/98).

Youths who have committed misdemeanor and state jail felony delinquent offenses may be referred to STAR contractors by law enforcement agencies after the first offense. If the family is uncooperative, or there is a repeat offense, the contractor may request a court to order the youth and/or family to participate in services. The youth and family may be referred back to juvenile probation if a violation of the court order occurs or adult family members may be subject to contempt if they fail to participate in court ordered services.

TDPRS has contracted with the Texas Network of Youth Services to provide training and technical assistance to STAR contractors. TDPRS staff are responsible for monitoring contracts and they work directly with Texas Juvenile Probation Commission staff, child services units, and other community youth service agencies to ensure coordination.

Fifty-four contracts have been established in Fiscal Year 1999 to serve 252 Texas counties (up from 57 counties in Fiscal Year 1995). Service capacity has been increased in all counties that were being served in Fiscal Year 1995. Additionally, TDPRS has added a second provider in Bexar, Dallas, Harris, and Travis counties.

STAR Budget Amounts

Fiscal Year 1995	\$ 3,924,456
Fiscal Year 1996	\$ 8,651,634
Fiscal Year 1997	\$13,116,862
Fiscal Year 1998	\$18,721,450
Fiscal Year 1999	\$22,167,702

Fiscal Accountability

TDPRS has put the following measures in place to insure fiscal accountability, given the dramatic increase in funding for the program.

1. Contract Technicians monitor fiscal records and review and process monthly billings from the contractors. All five of the Contract Technicians have experience and expertise in fiscal monitoring.
2. A standardized fiscal monitoring form is being utilized by all five Contract Technicians.
3. TDPRS has implemented a “risk based” monitoring approach to identify contractors that might warrant closer and more frequent monitoring.

The State Auditors Office performed an audit during the month of April, 1996 on a STAR contractor who also receives Texas Commission on Alcohol and Drug Abuse funding. Nancy McBride, Project Manager, State Auditor’s Office, reports that there was no indication of any duplication among the services nor was there any indication that the agency reviewed had double-billed for any services. Additionally, the State Auditor’s Office audited the procurement process associated with the Request for Proposals (RFP) released in February 1995 and they cited no problem and provided no recommendations for improvement.

Collaboration with Texas Juvenile Probation Commission and the Texas Youth Commission

STAR staff have worked to insure that Texas Juvenile Probation Commission (TJPC) staff and Texas Youth Commission (TYC) staff are involved in the expansion of the STAR program. Executive Director James R. Hine (TDPRS) has met with Vicki Spriggs, Executive Director of TJPC, and Steve Robinson, Executive Director of TYC, to discuss the following opportunities for collaboration.

1. TDPRS, TYC, and TJPC Executive Directors meet annually to discuss delinquency prevention efforts by all agencies and to identify areas in which collaboration can be increased. Tony Fabelo, Executive Director of the Criminal Justice Policy Council, also attended the last meeting in which each agency shared their Legislative Appropriations Requests (LARs) and discussed their programs and services aimed at preventing delinquency.
2. STAR contractors have been provided information on the TYC Delinquency Prevention library. TYC staff will assist STAR contractors in utilizing the resources of the library, including providing on-site technical assistance as requested.
3. STAR contractors have been encouraged to involve local TYC and TJPC staff in appropriate advisory groups and committees.

The Availability of Outcome Data

STAR contractors contact families to determine if the presenting problem has recurred during the time services were provided, or during the 90 days immediately following termination of services. Of the families contacted by STAR contractors 90 days after termination of services, 76% of the families indicated improvement (data for Fiscal Year 1998 - as of 9/16/98).

Federal Title XX Cuts

The Fiscal Year 1998 STAR budget included a substantial amount of federal Title XX funds. TDPRS has been notified to anticipate a substantial cut in Title XX funding in Fiscal Year 1999. Federal Title IV-B Part 2 funds have been identified as an alternative funding source; however, this funding has a 10% cap on administrative funding. TDPRS staff is currently utilizing federal guidelines to determine the amount of administrative costs currently included in STAR contracts; however, staff are concerned that current administrative costs exceed the 10% and that it would be difficult for contractors to fulfill the requirements of the contract if administrative support was decreased.

Local Match

The STAR program has required a match since its inception. This match has hindered expansion of the program into unserved counties. Contractors have been able to secure match in their primary county because most are long standing agencies with multiple sources of local funding. However, as these agencies attempt to expand into adjacent counties, they have found that it is difficult to secure the required match when they were previously unknown in the community. This has definitely limited competition for outlying counties. TDPRS plans to eliminate the match effective September 1, 1999.

COMMUNITY YOUTH DEVELOPMENT PROGRAM

Background

The 74th Texas Legislature created the Community Youth Development (CYD) program to be administered by the Texas Department of Protective & Regulatory Services (TDPRS). \$10.5 million was appropriated for the biennium to be used for grants to develop juvenile delinquency prevention approaches in communities with high incidence of juvenile crime. Communities were assisted in designing comprehensive approaches to support families and enhance the positive development of youth. The 75th Legislature appropriated \$12.4 million to continue services to current CYD program sites and implement two new sites (Lubbock and Waco) for Fiscal Year 1998 and 1999. Current sites are being funded at \$500,000 for Fiscal Year 1999.

The CYD program has been implemented as an interagency effort. The CYD interagency staff work group identified target communities and developed an application and guideline for the program. The CYD work group consists of the Criminal Justice Division of the Governor's Office, Texas Youth Commission, Texas Juvenile Probation Commission, Texas Education Agency, Health and Human Services Commission, Texas Department of Health, Texas Commission on Alcohol and Drug Abuse, Texas Department of Mental Health and Mental Retardation, and the Texas Department of Protective and Regulatory Services. The Texas Criminal Justice Policy Council works with the group regarding evaluation.

Communities targeted for contracts were selected by utilizing juvenile violent arrest rates per 100,000 and to select the top counties. Zip codes with the highest incidence of juvenile probation referral were then identified in each targeted county. TDPRS is responsible for monitoring the programmatic and financial aspects of the CYD program and coordinates training and technical assistance for each of the thirteen sites. Currently the CYD program has programs in the following targeted cities:

City	County	Zip Code
Amarillo	Potter	79107
Austin	Travis	78744
Brownsville	Cameron	78520
Corpus Christi	Nueces	78415
Dallas	Dallas	75216
El Paso	El Paso	79924
Fort Worth	Tarrant	76106
Galveston	Galveston	77550
Houston	Harris	77081
Lubbock	Lubbock	79415
McAllen	Hidalgo	78501
San Antonio	Bexar	78207
Waco	McLennan	76707

Typical services include:

- Mentoring - services designed to provide positive adult relationships, and positive role models to youth.
- Parenting Skills - training to enable parents to learn and explore new ways to communicate and parent their children.
- Tutoring - educational assistance for youth and some parents to enable them to enhance, manage, and obtain some tools to increase their learning capacity.
- Youth Employment and Career Preparation - job readiness training and preparation to prepare youth with knowledge and skills regarding careers, resume preparation, interviewing, job responsibilities, apprenticeships, job-shadowing, and employment.
- Alternative Recreation Activities - positive recreational activities for youth and families.

The CYD program is in its fourth year of existence. During these four years, staff have developed a stronger command of the intricacies of administering a program that includes 13 fiscal agents and over 200 subcontractors. Balancing the needs of the community and simultaneously insuring compliance with state and federal funding requirements has posed many challenges. For example, data collection, program evaluation, lapsing of fiscal year funding, new site implementation and technical assistance, and subcontractor procurement at the local level, retention of Youth Advisory Committee (YAC) members, and defining roles and responsibilities for all parties, Federal Weed and Seed implementation and coordination, Comprehensive Strategic implementation, and mentoring programs, are areas in which TDPRS staff are working to improve efficiency and effectiveness. TDPRS staff, fiscal agents and steering committees have worked hard to maintain positive professional relationships and address the natural tensions inherent in the structure of the CYD program model.

Data Collection and Evaluation

TDPRS contracted with the Texas Criminal Justice Policy Council (TCJPC) to provide data entry of programmatic forms until July 31, 1998. As of August 1, 1998 TDPRS assumed responsibility for all data collection and data entry of programmatic forms. Future plans include technology upgrades and remote data entry at the local level.

TDPRS contracted with the TCJPC to perform program evaluation for customer satisfaction and performance value. As part of the evaluation, an instrument was design and administered to participants in Amarillo, Austin, Dallas, and Galveston. For Fiscal Year 1998, TDPRS staffed incorporated a “self-evaluation” clause for each of the fiscal agents and project coordinators to assess for their zip code. This self-evaluation will be due 90 days after Fiscal Year 1998 concludes. Many sites conduct evaluations on an ongoing basis and share results with TDPRS staff. TDPRS will continue to work with communities to develop outcome evaluations that not only determine whether a program works, but also provide staff with information on ways to improve the program. Community Initiatives for Program Development staff are visiting CYD program sites in Amarillo, Dallas, Galveston, and Houston to complete a community survey by interviewing people in the communities in an attempt to assess how well the community feels the program is working.

10% Administrative Cost Cap

Federal Title IV-B Part 2 funds are utilized to fund the CYD program. This funding source has a 10% cap on the administrative costs. The cap makes it very difficult for fiscal agents to maintain administrative systems adequate to meet all contract requirements while insuring the fiscal accountability of subcontractors. The responsibilities of the fiscal agent are considerable, especially in communities with as many as 10 subcontracts. Most fiscal agents are subsidizing the management of the program with staff and resources that come from different funding sources. Two communities have had fiscal agents quit and they have had a difficult time finding someone to take over, and at least one other fiscal agent is considering quitting.

Waco, one of the new sites, had a very difficult time finding someone to serve as fiscal agent. Quality management of these programs at the community level is critical to the success of the program. It would be helpful if the legislature should consider allocating alternative funding sources sufficient to increase the administrative cap to 15%.

Effectiveness of Programs

In order to increase program effectiveness, staff provide steering committees with examples of innovative and practical ways to utilize the grant money to implement programs that have been proven effective.

New Site Implementation

Lubbock and Waco are the two newest CYD sites. Site selection criteria was the same as the previous eleven sites (the highest incidence of juvenile probation referrals and the rate of juvenile arrests). Discussions are underway to explore other methods for future site selection and implementation.

Technical Assistance

Technical assistance has been provided by contracted universities' schools of social work to help communities develop their proposals. Technical assistance is provided by the fiscal agency and TDPRS after service providers have contracted with fiscal agent. In order to provide more ongoing technical assistance, TDPRS staff provide annual training in Austin for Project Coordinators, Fiscal Agents, and Steering Committee Chairs. The purpose of the statewide meeting is to review and discuss current CYD programmatic and fiscal issues and plan for future work. In Fiscal Year 1999, TDPRS staff will conduct two separate statewide meetings. The first meeting will include Project Coordinators, Fiscal Agents, and Steering Committee Chairs together. The second meeting will be held separately for each group (i.e., Project Coordinators in February, Fiscal Agents in March, and Steering Committee Chairs in April).

Subcontractor Procurement

All organizations selected to provide services under this initiative must be selected through a formal procurement process. Currently, at a minimum, the process must consist of the following:

- A Request For Proposals announced in a local newspaper or publication;
- Potential subcontractors submit proposals, which are evaluated and scored by Steering Committee members. The Steering Committee members reviewing proposals must not have a conflict of interest; and
- Impartial process for selection of subcontractors.

Communities must utilize a procurement process approved by TDPRS that provides assurances (to the degree possible) that grassroots organizations can successfully compete for funding. Subcontractors must meet the procurement requirements of the Fiscal Agent and TDPRS and be selected by the Steering Committee. CYD staff works with CYD fiscal agents and steering committees to design equitable approaches that meet both state and federal funding guidelines and satisfy the intent of the legislative initiative.

In addition, staff is working with Project Coordinators, Fiscal Agents, and Steering Committee Chairs to develop a “Conflict of Interest” policy acceptable to all parties. Resulting policy will be subject to general counsel and executive approval.

Youth Advisory Committee (YAC)

YAC members consist of youth 17 or under who live or go to school in the zip code. Retention of members for the YAC is of growing concern for all of the sites. TDPRS will take a more pro-active approach to the YAC and provide funding options design to keep youth interested in CYD and provide incentives for participation. Hosting a statewide Teen Summit is one example of possible methods to engage youths.

Roles and Responsibilities

Project Coordinators, Fiscal Agents and Steering Committee Chairs are currently in the process of defining their respected roles and responsibilities. Such roles and responsibilities are subject to review and approval of TDPRS staff, agency general counsel, and executive office.

Federal Initiatives

The U. S. Department of Justice launched Operation Weed and Seed in 1991 to demonstrate that a large array of resources can be mobilized in a comprehensive, coordinated effort to control crime and drugs and to improve the quality of life in targeted high-crime neighborhoods. Five CYD sites are involved with Weed and Seed: Houston, Galveston, Corpus Christi, Brownsville, and McAllen.

The U.S. Department of Justice Office of Juvenile Delinquency Prevention administers the Comprehensive Strategies program. It is designed to prevent serious, violent and chronic juvenile crime. This strategy is a process to examine how new and existing programs, initiatives, and planning efforts can work together to deliver effective prevention, intervention, and sanction services. Five CYD sites are involved with Comp Strategies: Houston, Galveston, Corpus Christi, Brownsville, and McAllen.

TDPRS will continue to be a partner in both of these initiatives.

Budget Information

CYD is a “cost-reimbursement” program. TDPRS contracts directly with the fiscal agent for all services. The fiscal agent, in turn, subcontracts with each of the services providers.

CYD Budget

Fiscal Year 1996:	\$4,501,150
Fiscal Year 1997:	\$7,996,883
Fiscal Year 1998:	\$6,997,364
Fiscal Year 1999:	\$7,198,967

Recommendations - Charge 4

- 1. Committee recommends to continue funding for the STAR's and CYD programs.**