

SAFETY & SECURITY



Human Trafficking

INDICATOR: The number of certified victims of human trafficking that are under the age of 18 in Harris County

Year	2005	2006	2007	2008	2009
Indicator	6	17	11	8	45

Source: Human Trafficking Rescue Alliance

- More than half of human trafficking victims are children and women.
- Houston is a major hub for human trafficking because of its proximity to a major interstate highway, the large number of homeless youth, and the underground nature of trafficking.
- Vulnerable youth – homeless and runaway children – are specifically targeted by pimps and are at risk of being lured into sex trafficking.
- The number of child victims involved in forced labor and forced organ transplant are often underestimated because they are less visible than victims of sexual exploitation.

Most people assume that slavery in the modern world ended with Lincoln and the 13th Amendment. This could not be further from the truth. Nearly a century and a half after abolition, slavery persists inside and outside of our country’s borders in the form of human trafficking. Trafficking of persons is one of the largest criminal industries existing today, tied with arms dealing and superseded only by drug dealing.¹ It is the fastest growing criminal industry in the world, and generates billions of dollars in profits for its perpetrators every year.

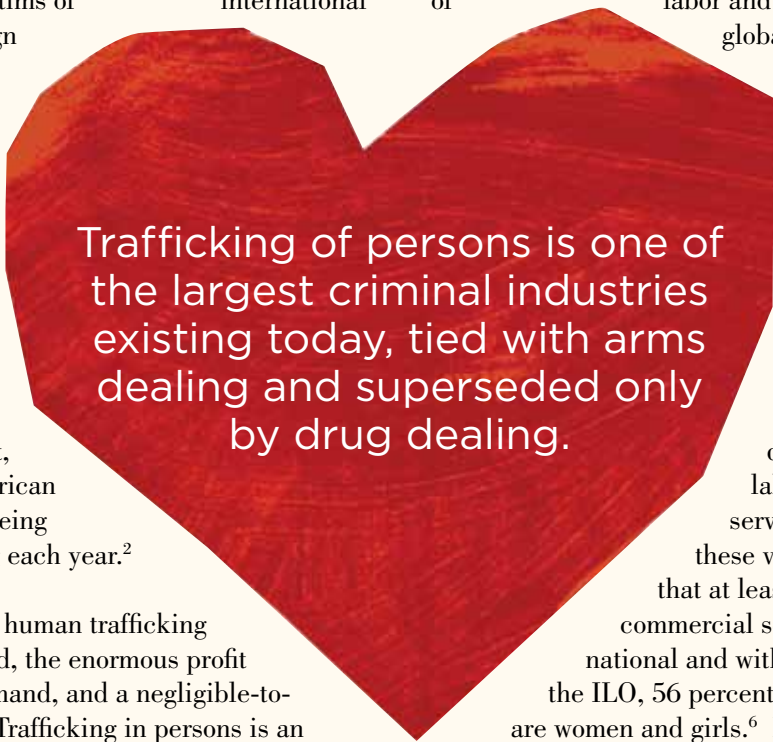
There are two types of human trafficking: domestic and international. Victims of domestic human trafficking include both U.S. citizens and legal residents who are trafficked within the United States’ borders without ever leaving the country. Victims of international trafficking include foreign nationals who are trafficked into the country from abroad. Despite the general belief that victims of trafficking are mainly foreign citizens, the internal or “domestic” component of human trafficking is much larger than the international one. According to the Polaris Project, more than 200,000 American children are at risk for being lured into sex trafficking each year.²

The criminal industry of human trafficking is driven by high demand, the enormous profit available due to that demand, and a negligible-to-low risk of prosecution. Trafficking in persons is an

underground crime, for several reasons. Many, if not most, victims will not seek help. Victims often fear imprisonment or deportation by law enforcement. They may also fear retaliation by the trafficker if they report the crimes they suffer. Moreover, victims may experience difficulty communicating in the language of the country in which they are enslaved. Lack of awareness among the general public, law enforcement and other professionals who may unknowingly serve trafficked persons also contribute to the persistence of human trafficking.

Trafficked persons often suffer torture tactics including sexual abuse, imprisonment, and starvation. Trafficking often involves elements of other crimes, including forcible rape, kidnapping, false imprisonment, and violations of labor and immigration codes.³ The global demand for sex and labor services provides a lucrative business for individuals as well as organized crime units. Women and children remain the most vulnerable victims.⁴

The International Labor Organization (ILO) estimates that there are at least 12.3 million adults and children in forced labor, bonded labor, and commercial sexual servitude at any given time.⁵ Of these victims, the ILO estimates that at least 1.39 million are victims of commercial sexual servitude, both transnational and within countries. According to the ILO, 56 percent of all forced labor victims are women and girls.⁶ However, because sexual



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exploitation is often more visible than other forms of forced labor, it is likely that the number of victims of forced labor, debt servitude, and forced organ transplantation are underestimated.

In January 2009, the Bureau of Justice Statistics issued a report that was the first in a series that will describe the number and characteristics of suspected human trafficking investigations and their outcomes. This report represents a snapshot of the investigations opened by 38 federally funded human trafficking task forces.⁷ However, because “these task forces were not selected to be statistically representative, the data do not represent all incidents of human trafficking nationwide.”⁸ Nevertheless, from the data collected, the first report found that sex trafficking accounted for 83% of the 1,229 alleged incidents of human trafficking reported by task forces.⁹ It also found that forced prostitution and child sex trafficking totaled 76% of all confirmed human trafficking incidents. Moreover, the report noted that 23% of human trafficking victims were either age 17 or younger and 34% were age 18 to 24.¹⁰

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One of the most common ways that young American girls become victims of human trafficking is by being lured into the sex trade while staying on the street. Vulnerable youth, particularly runaway and homeless children who are often as young as twelve years old, are particularly at risk for being targeted by pimps.¹¹ According to the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children, an estimated one out of every three children that run away is lured into sex trafficking within 48 hours of leaving home.¹² Children who run away from home can often be found at bus stations, which have become a major recruiting ground for prostitution.

Unfortunately, Houston, as well as other large Texas cities, possesses all of the factors that make a community susceptible to human trafficking. Not only is Houston the closest major city to the border with an I-10 corridor passing right through it, it is also home to a large number of sexually oriented businesses including strip clubs, massage parlors, and modeling studios, most of which can be found along inter- and intra-state highways. In addition, Houston, Dal-



las, Austin, and San Antonio, are homes to universities and professional sporting events that attract many visitors. Each of these cities also hosts major conventions that create even greater demand for the commercial sex industry.

Because of the underground nature of human trafficking, the number of reported victims does not reflect the true scope of the problem. The FBI tracks domestic minor sex trafficking victims in Harris County through the FBI Innocence Lost Task Force. Since 2006, the FBI has rescued 81 juvenile victims of domestic human trafficking in Houston.¹³ Further, since the inception of Houston's local law enforcement task force, the Human Trafficking Rescue Alliance (HTRA), the Harris County Sheriff's Office has rescued 11 international undocumented minor victims since 2005.¹⁴ As a whole, the HTRA in Houston has investigated 63 incidences of human trafficking, 28 of which were confirmed human trafficking cases.¹⁵ They have arrested 31 suspects and rescued 161 victims.¹⁶

An important tool for law enforcement to combat trafficking is the National Human Trafficking Hotline, supported by the Polaris Project. By calling 1-888-3737-888 any time of day or night, people can seek help or report suspicious activity. Information from the Hotline data report indicates that in 2009, 12% of calls to the National Hotline came from Texas and 33% of the calls from Texas were from Houston.¹⁷ Of the calls received from Texas, most were from community members, with the second most calls from

Human Trafficking (cont.)

potential victims of labor exploitation.¹⁸ In addition, of the calls received from Texas, 12% learned about the Hotline number from a poster and 7% learned about it from a billboard.¹⁹

In 2003, Texas was one of the first states to pass legislation criminalizing human trafficking.²⁰ In Texas, a person commits the offense of human trafficking if the person “knowingly traffics another person with the intent or knowledge that the trafficked person will engage in forced labor or services.”²¹ Under the Texas human trafficking law, a minor is defined as a person under 18, and the term “traffic” is not dependent on the element of “transport.” In addition, Texas law imposes greater penalties on the offender when the victim is less than 18 years old. Trafficking of a minor is a first-degree felony, but trafficking of an adult is a second-degree felony.²²

The Texas Legislature has continued its leading role in enacting laws to fight this crime. In 2009, Texas’ 81st Legislature increased the body of anti-trafficking legislation in the state by establishing a statewide task force, mandating training for police officers, and expanding victims’ rights, the state’s ability to prosecute traffickers, and the ability of counties to regulate illegitimate massage parlors.

The statewide task force, established in the Office of Attorney General, will increase awareness and communication among the multiple state agencies charged with dealing with the complex issues surrounding human trafficking.²³ The legislation requires training of police officers and mandates that they receive a four-hour training course on human trafficking. The training course specifically impacts newly-licensed officers or officers who want

to attain a higher level of licensing, on or after January 1, 2011.²⁴ An advanced four-hour training course will also be included in officers’ continuing education curriculum, on a voluntary basis.

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The Legislature also introduced several changes for the courtroom. Defendants may now raise, as a defense to a charge of prostitution, that they were a victim of human trafficking.²⁵ Further, prosecutors are no longer required to prove that the trafficker knew his victim was a minor; if a defendant is convicted of trafficking and the victim is a minor, the harsher penalty automatically attaches.²⁶ Victims also can now pursue monetary damages in civil court against their trafficker for the physical and emotional harm they suffered at the trafficker’s hands.²⁷

Texas’ 81st Legislature gave individual counties more authority to fight human trafficking locally. Counties may now regulate massage parlors located in the unincorporated area of the county. The purpose behind this bill was to provide an avenue to regulate the illegitimate businesses attempting to escape city ordinances by moving to unincorporated parts of the county.²⁸ Once the commissioners’ court passes the regulation, liability for operating an ille-



gitimate massage parlor will exist, and a district or county attorney may then bring suit to shut down such a business and the owner may be fined up to \$1,000 per violation per day.

As a further result of new legislation passed in 2009, sexually oriented businesses will have to maintain identification records on their employees or independent contractors for up to two years past the last date of employment. This law will allow for easier discovery and prosecution of business owners who exploit child sex workers.²⁹

The 81st Legislature also passed a law that will allow municipalities to access the National Crime Identification Center when a sexually oriented business applies for a license.³⁰ According to the FBI, authority to access this national database must come from the state. Without such authority, municipalities can check only an applicant's

Texas needs to amend its laws and policies to treat children as victims and provide them with a safe place where they can recover from their exploitation.

criminal background within the state when they apply for a sexually oriented business license. Now, as a result of this legislation, if an applicant is convicted of a crime in another state that would prohibit the applicant from obtaining a license for a sexually oriented business in Texas, the municipality will have access to that information.

Also during the 81st Session, the Legislature recognized for the first time the particular plight of domestic human trafficking victims in the United States. It required the Texas Juvenile Probation Commission to conduct a study on alternatives to the juvenile justice system for minors who are accused of engaging in prostitution. As previously mentioned, it is estimated that nearly 200,000 American children are at risk for being lured into sex trafficking each year.³¹

It is particularly important to give trafficking victims strong support and tools to rebuild their lives once they have been rescued. The TRIAD Prevention Program currently serves at-risk youth in Houston, including runaway children. In 2008, TRIAD provided services to 1,600 children each month. However, while Houston is a known hub for human trafficking, it does not currently have a safe house for rescued victims. CHILDREN AT RISK is working with officials in Harris County to find locations in which young victims can be protected from their abusers, and successfully recover and grow.

Policy Implication

Although important progress has been made in regards to human trafficking legislation, there is much more that needs to be accomplished. Survivors of human trafficking have had years of their lives taken away from them. While their rescue from traffickers has ensured their liberty, they are lacking in resources. One policy solution includes increasing revenue for victim services such as requiring that assets forfeited in trafficking cases be paid to trafficking victims.

During the 81st Texas Legislative Session, House Bill 533 made progress in ensuring that victims are able to recover financially by allowing trafficking victims to bring civil claims against their traffickers. This is important legislation since civil litigation can be brought in addition to a criminal case or when a criminal case will not be possible. In addition to increasing revenue for victim services, there needs to be an increase in revenue for police officers who are investigating the cases and rescuing victims, as human trafficking cases can be resource intensive.

While increasing revenue helps to ensure that survivors of trafficking have financial resources to move on with their lives, the current law in Texas still continues to criminalize large segments of trafficking victims. Texas continues to criminalize children who are found to be prostituting. Children who are arrested for prostitution are usually runaway or throwaway youth who have been lured or coerced into prostitution and are victims who are being sexually exploited. Many of these children have a pimp who is exploiting them, but all of these children are being exploited by purchasers of sex. Texas needs to amend its laws and policies to treat children as victims and provide them with a safe place where they can recover from their exploitation.

Accidental Deaths of Children

INDICATORS

MOTOR VEHICLE: The rate per 100,000 children ages 15 through 17* killed in motor vehicle collisions in Harris County

Year	1990	1992	1994	1996	1997	1998	1999	2000
Indicator	30.5	27.6	16.1	11.6	14.3	11.4	15.0	15.4

Year	2001	2002	2003	2004	2005	2006	2007
Indicator	12.8	17.1	13.1	11.0	15.0	9.1	14.7

Source: Houston/Harris County Child Fatality Review Team

* Data collected from the Texas Department of State from 1990-94 included children up to 19 years of age.

FIREARM: The number of children 19 years and younger that died from an accident caused by a firearm in Harris County

Year	1990	1992	1994	1996	1998	2000	2002	2004	2005	2006
Indicator	11	3	3	3	2	3	1	0	2	1

Source: Center for Health Statistics, Texas Department of State Health Services

- Over half of unintentional child deaths in Houston and Harris County are the result of motor vehicle accidents, and these crashes are the leading cause of death for teens nationwide.
- Lack of adequate supervision is the main cause of both bathtub and swimming pool drowning deaths in Harris County.
- Accidental child deaths from firearm discharge have dramatically decreased over the past decades because of heightened awareness and better safety precautions.

Motor vehicle crashes were responsible for 53% of all unintentional child deaths in the Houston/Harris County area in 2006-07.

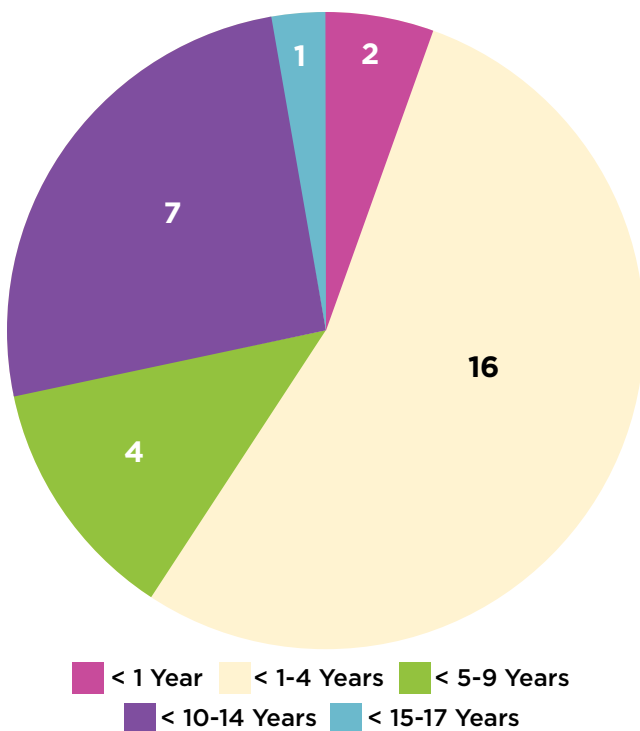
Nearly every parent or caregiver intends to do everything possible to keep his or her child safe. This involves preventative measures and close supervision to ensure that accidents do not end a child's life prematurely. Some of these unfortunate accidents include death by motor vehicle accident, drowning and accidental firearm discharge. Although public awareness campaigns and child safety requirements such as safety seats have led to progress in protecting children from deadly accidents, a sizeable number of children under the age of 18 continue to die accidentally every year.

Advances in child safety seats and other programs have led to better protection for the youngest children from deaths in motor vehicles; however a large number of children still die each year in collisions. In fact, motor vehicle crashes were responsible for 53% of all unintentional child deaths in the Houston/Harris County area in 2006-07.³² During that

time period, 99 children died from motor vehicle collisions, with the majority of those deaths occurring in the 15 to 17 year-old age group.³³ Indeed, the motor vehicle death rate generally rises in children as they age, peaking in the teen years.³⁴ Motor vehicle crashes are the leading cause of death for U.S. teens, and they account for more than one in three deaths in this age group.³⁵ In 2008, nine teens aged 16 to 19 died every day in the United States as the result of motor vehicle injuries.³⁶

Since 1996, Harris County data shows that the motor vehicle death rate among 15 to 17 year olds has fluctuated between 9.1 and 15.4 deaths per 100,000, except that in 2002, the rate was 17.1 deaths per 100,000.³⁷ Major factors contributing to child deaths in motor vehicle collisions included: poor weather conditions, traffic law disobedience, driver's inexperience, inattentiveness, and substance abuse.³⁸ However, the most frequent contributing factor was excessive speed.³⁹ Some of the factors that contributed to the 15 to 17 year-old age group being the highest at risk for death from a motor vehicle collision are the facts that they are more likely to be distracted, inexperienced, and receive peer pressure to remain unrestrained.⁴⁰ More than half of the motor vehicle deaths among teens occurred during the weekend.⁴¹

NUMBER OF ACCIDENTAL DROWNING DEATHS BY AGE, 2006-2007



Source: Houston/Harris County Child Fatality Review Team

It is important to continue building awareness about the dangers of passive supervision of children.

A dip in the pool, lake, or a trip to the beach may be a welcome escape from the Houston heat, but these can be fatal places for unsupervised children. Despite public awareness campaigns, heightened during the summer months, a number of children continue to fatally drown each year. According to data from 2006-07, thirty children under age 18 died by accidental drowning and submersion in the Houston/Harris County area.⁴² Of these deaths, males were more likely to drown than females, and the age group with the highest mortality rate was 1 to 4 year olds.⁴³ The majority of these drowning deaths occurred in swim-

ming pools, with 61% of swimming pool deaths being in a private residential pool.⁴⁴ Interestingly, while drowning deaths at apartment and community pools were concentrated between May and August, those at residential pools were dispersed throughout the year.⁴⁵ Such data underscores the importance of four-sided fencing around backyard pools.⁴⁶ However, nothing can substitute for careful supervision.

Lack of adequate supervision was the cause of most of the drowning cases in 2006-07.⁴⁷ Lack of supervision is also cited as the main reason for child deaths from bathtub drowning.⁴⁸ In some cases, caregivers mistakenly believed a bath seat or ring would keep the child safe.⁴⁹ Nationwide, about 100 children under the age of five drown each year in bathtubs.⁵⁰ In 2006-07, five Harris County children died in bathtub drownings.⁵¹

In 2006, data for Harris County showed one death of a child under age 19 in which the underlying cause was an accidental firearm discharge.⁵² Nationwide, accidental youth deaths by firearm have decreased 90% since 1975.⁵³ Possible reasons for this decline include: a better economy, safer gun storage methods, and increased safety awareness.⁵⁴

Policy Implication

It is important to continue building awareness about the dangers of passive supervision of children, especially near a body of water and during the summer months when children are more likely to be near a pool, lake, or beach. Similarly, a child must never be unattended within the vicinity of a firearm or neglectfully secured in a motor vehicle. Research suggests that Graduated Driver Licensing (GDL) programs reduce the likelihood of a teen being involved in a fatal accident by nearly 40%.⁵⁵ This program addresses the high risks faced by new drivers by first granting learners permits, followed by a provisional license that, for example, temporarily restricts unsupervised driving during the night and limits the number of passengers.⁵⁶ GDL programs should be implemented by all states in order to increase the safe driving of young drivers.

Runaways, Truancy, and Minor Offenses

INDICATOR: The number of children in Harris County referred to CPS for services who left home without consent and intent to return, were truant from school, or committed other minor offenses (Class C misdemeanors such as alcohol violations, theft, and disorderly conduct)

Year	1990	1992	1994	1996	1998	2000	2002	2004	2006	2007	2008
Indicator	5,218	3,879	3,446	3,204	9,764	3,854	3,373	2,769	2,696	2,214	1,968

Source: *Success: One Puzzle Piece at a Time*, Harris County Juvenile Probation Department, 2008 Annual Report

- Harris County's Youth Services Center has helped address many needs of at-risk youth before they develop any further delinquent behavior, through Community Youth Services (CYS) and the TRIAD Prevention Program.
- CYS works to prevent youths from running away or dropping out of school, and additionally assists runaway/homeless youth.
- TRIAD intervenes early on with juveniles who have committed minor offenses and are in need of supervision.

In addition to servicing 6,213 referred youth cases in 2008, Harris County CYS staff provided an additional 48,736 Student Support Services to students at school and in the community that were unrelated to open cases.

In recent years, Harris County has successfully implemented the Youth Services Center (YSC) to deal with minors who skip school, are consistently truant, run away from home, and commit minor offenses. YSC is a "hub" of support services for children and youth who need help. Community Youth Services (CYS) and The TRIAD Prevention Program are two of the YSC's "spokes" and are programs that help address the needs of at-risk youth before the problems become very serious.

CYS is a crisis intervention and case management program with 92 staff members that offers free, voluntary assistance to at-risk youth and their families. The goal of this program, which is the result of a collaboration between Harris County Protective Services (HCPS), 16 contracting school districts, the Pasadena Police Department, the Educational Services Division of the Harris County Juvenile Probation Department, and the Community Education Partners Charter School, is to prevent youth from running away, dropping out of school, entering into delinquent behavior, or

suffering from child abuse.⁵⁷ Additionally, CYS provides support services to runaway/homeless youth through the Safety Net program, and conflict resolution/mediation to youth and their parents through the Parent/Teen Survival program.

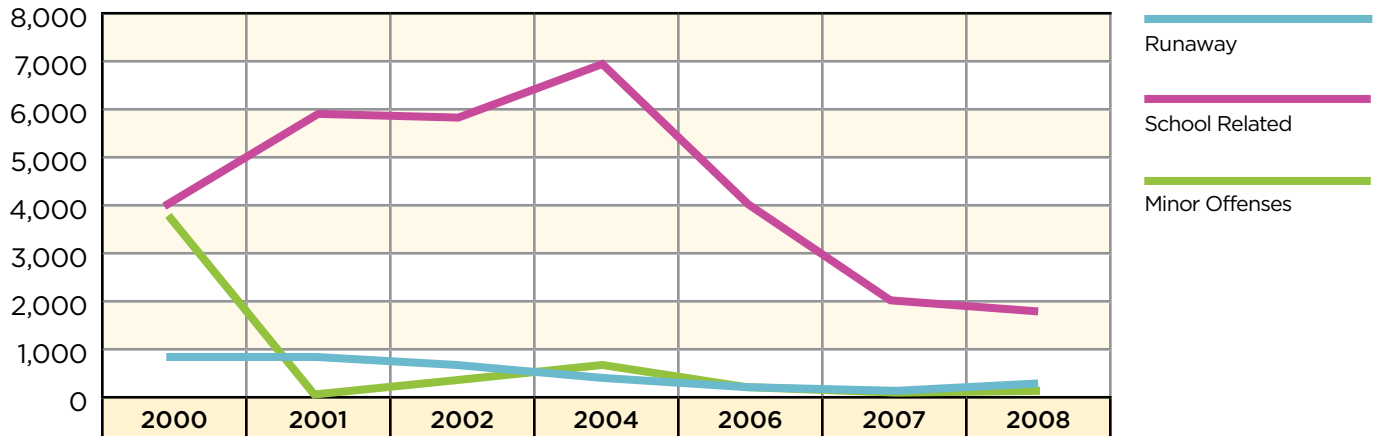
During 2008, 454 parents and teens completed the program. In addition to servicing 6,213 referred youth cases in 2008, CYS staff provided an additional 48,736 Student Support Services to students at school and in the community that were unrelated to open cases. In 2008, CYS received 27% of new youth referrals as a result of school-related issues such as truancy, classroom behavior, and skipping class.⁵⁸

The TRIAD Prevention Program is a three-pronged alliance between HCPS, Juvenile Probation, and the Mental Health and Mental Retardation Authority to deliver countywide prevention and early intervention services to divert youth and families from involvement with CPS, as well as the mental health and/or juvenile justice systems. The TRIAD program serves at-risk-youth (ages 10-17) who are apprehended by law enforcement and are in need of supervision; have committed status offenses such as running away, truancy, or curfew violations; or have committed Class C misdemeanors such as theft, assault, disorderly conduct, or public intoxication.⁵⁹ TRIAD operates as a 24-hour intake center and in 2008, 1,968 juveniles received services at the YSC.⁶⁰ The probation staff also assisted another 1,250 juveniles and received 847 non-custody status offense and Class C misdemeanor referrals and provided services to these youth. Many parents consult the TRIAD staff to find ways to prevent their children from breaking the law.

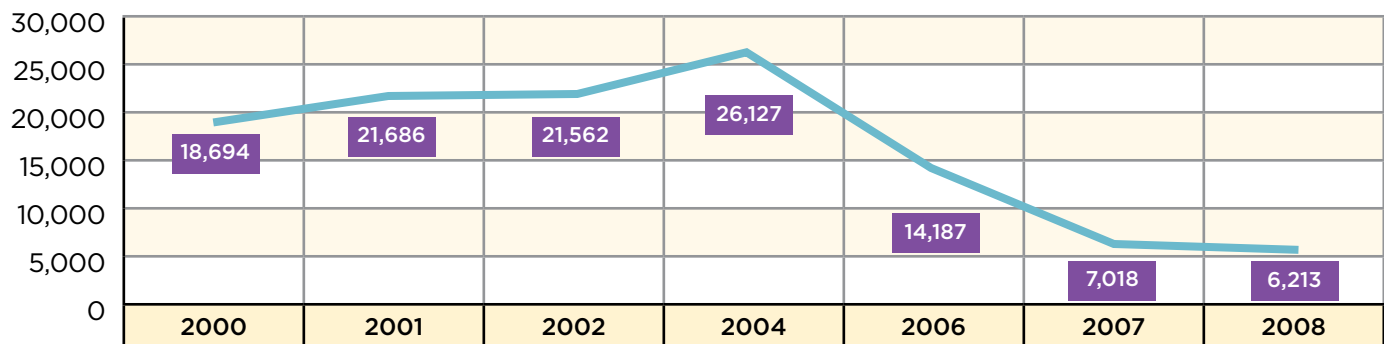
In addition to these services, Harris County operates a Juvenile Detention Center, also a 24-hour intake unit. If a youth is thought to present a threat to him or herself or the community, or is likely to run away and not return for a court appearance, he or she will be detained for a probable

cause detention hearing conducted by an associate judge. In 2008, there were 6,405 youth received at the Juvenile Detention Center.⁶¹

REASONS FOR REFERRALS TO CYS



TOTAL REFERRALS TO CYS



Accurate attendance monitoring, well-known consequences of excessive absences, and rewarding class attendance and participation are ways to begin addressing issues of schools engagement.

Policy Implication

With respect to truancy and school misbehavior, the responsibility of families, communities, and students in keeping children engaged and attending school regularly is crucial. Accurate attendance monitoring, well-known consequences of excessive absences, and rewarding class attendance and participation are ways to begin addressing issues of schools engagement. School personnel should also consider what motivates students to attend classes and school functions. Many schools suspend or expel students for excessive unexcused absences. This, however, does little to re-engage youth in school, or prevent further trancies. Other responses to excessive truancy can include meaningful community service and catch-up classes to re-engage students in learning.⁶²

Child Abuse and Neglect

INDICATORS

PROJECTED ABUSE/NEGLECT: The number per 1,000 children in Harris County projected to be abused or neglected

Year	1992	1994	1996	1998	2000	2002	2004	2006	2008	2010 Goal
Indicator	68.2	85.3	87.4	86.3	84.5	81.8	137.1	150.6	143.3	25.0

Source: Administration for Children and Families, U.S. Department of Health and Human Services; 2006 American Community Survey, U.S. Census Bureau

Goal Source: Healthy People 2010, U.S. Department of Health and Human Services

CASES REPORTED: The number of child abuse and neglect cases reported in Harris County

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009
Indicator	23,452	23,925	23,827	26,545	30,235	30,621	30,972	32,038	30,794

Source: Data Book 2007; 2008; 2009, Texas Department of Family and Protective Services

INVESTIGATIONS: The percentage of investigations carried out by Child Protective Services of reports alleging child abuse and/or neglect in Harris County where there was reason to believe abuse or neglect had occurred

Year	1996	1998	2000	2002	2004	2006	2007	2008	2009
Indicator	33%	29.4%	27.9%	27.8%	22.8%	21.6%	20.3%	19.3%	20.4%

Source: Data Book 2007; 2008; 2009, Texas Department of Family and Protective Services

AVERAGE CASELOAD: The average caseload per caseworker by fiscal year for the Houston Region (Region 6)

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010 Goal
Indicator	31.3	32.3	26.8	28.7	25.7	29.4	32.9	29.8	30.8	32.0	14.4

Source: 2008-2009 Annual Report, Harris County Child Protective Services

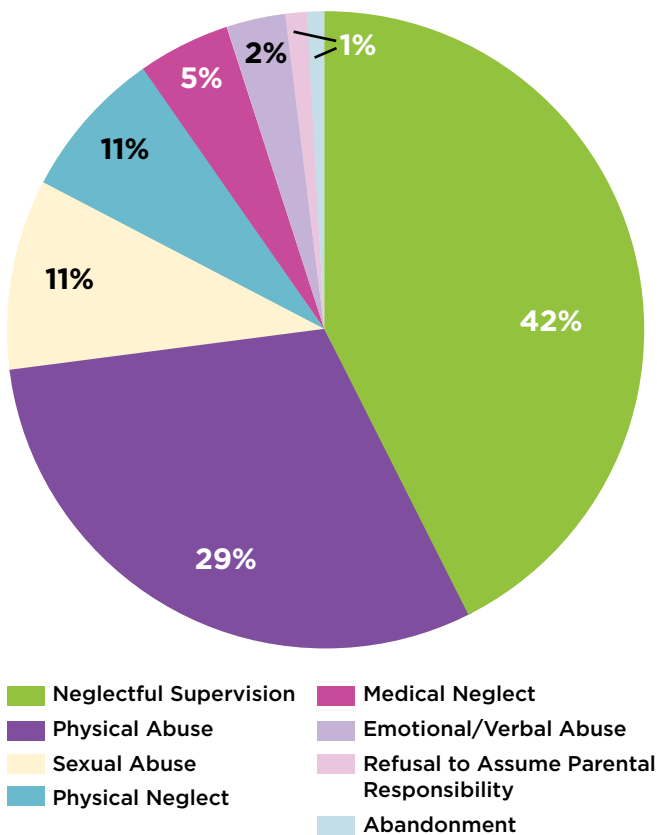
- Children who are victims of neglect make up a little less than half of the total children in Harris County who are investigated by CPS.
- Despite in-depth investigations into allegations of abuse, only a small fraction of children were removed from their homes in Texas and Harris County due to concerns over the child's safety.
- While the number of confirmed abuse accusations in Harris County dropped between 2008 to 2009, the number of abuse-related child deaths has risen drastically, indicating a need for a reduction in caseworker daily caseloads to enable caseworkers to spot abuse more efficiently.

An estimated 794,000 children were victims of maltreatment during FY 2007 based on the child populations of the 50 states, District of Columbia and the Commonwealth of Puerto Rico.⁶³ Maltreatment has immense effects on a child's life including physical, psychological, and behavioral consequences.⁶⁴ The Texas Family Code defines abuse as an act or omission that endangers or impairs a child's physical, mental or emotional health and development. Neglect, the most prevalent form of maltreatment

to children, is defined as deliberately failing to provide a child with the necessary resources for survival, such as food, clothing, and medical care. Neglect is further defined as placing a child in or failing to remove a child from a situation that is inappropriate for the child's maturity level and results in bodily injury or substantial risk of immediate harm to a child.⁶⁵

As required by Texas state law, the Department of Family

TYPES OF ABUSE/NEGLECT OF ALLEGED VICTIMS IN COMPLETED INVESTIGATIONS



Source: CPS in Harris County Annual Report, 2008

and Protective Services (DFPS) or law enforcement is to receive a report immediately from any person who has cause to believe that child abuse and/or neglect has occurred or has cause to be concerned about the welfare of a child. Professionals who have this same knowledge are required by law to report their concerns within 48 hours of their first suspicion.⁶⁶

In 2008, 51% of the 193,254 reports made in Texas were made by teachers or other school personnel, medical personnel, or law enforcement.⁶⁷ Child Protective Services

(CPS), the entity within DFPS that investigates reports of child abuse and neglect, must classify each received report as Priority I or Priority II depending on the seriousness of the allegations. Priority I reports include all those where there appears to be an immediate risk of abuse and/or neglect that could result in death or serious harm. Priority I investigations must be initiated with face-to-face contact within 24 hours of the report. All other reports of abuse and neglect receive a Priority II classification.⁶⁸ The 79th Texas Legislature, through Senate Bill 6 in 2005, changed the timeframe that Priority II investigations must be initiated to 72 hours from the previously allotted 10 days.⁶⁹

In Harris County, there were 30,794 reports of child abuse and neglect made in FY 2009 and 32,038 reports in FY 2008.⁷⁰ However, only about 82% of intakes were assigned for investigation: 25,428 in 2009 and 26,225 in 2008.⁷¹ In 2008, 41.6% of the 35,388 children involved in completed investigations were alleged victims of neglectful supervision.⁷² Another 28.6%, or 10,121 children, were involved in cases that implicated physical abuse.

A report may contain multiple allegations of different types of abuse/neglect. Once a report is assigned for investigation a CPS caseworker is required to interview all persons residing in the home where the abuse occurred and may interview other family members, as well as other collateral sources to determine whether abuse or neglect has occurred. At the end of the investigation, a disposition is assigned to each allegation. Dispositions include: “reason to believe” child abuse has occurred; “ruled-out” or reason to conclude that no abuse or neglect has occurred; “unable to complete” due to inability to locate the family; “unable to determine” or not enough information exists to determine whether abuse/neglect did or did not occur; and “administrative closing.”⁷³

Of the 21,547 total investigations completed in FY 2008 in Harris County,⁷⁴ 62.9% were “ruled out” because the investigator found it unreasonable to conclude that abuse

TOTAL NUMBER OF CASES REPORTED-HARRIS COUNTY



Child Abuse and Neglect (cont.)

or neglect occurred.⁷⁵ While 19.3% of cases were confirmed to have “reason to believe” abuse or neglect has occurred, another 11.4%, or approximately 2,521, investigations were classified as “unable to determine.” Another 6.3% were classified as “unable to complete.”⁷⁶ Risk assessments completed during investigation concluded that 14.5% of the families were at risk of further abuse or neglect. Over 60% of the families’ risk assessments showed that the risk factors for further abuse or neglect were controlled.⁷⁷ In FY 2009, a total of 20,671 investigations were completed in Harris County with 20.4% of the cases confirmed as “reason to believe” abuse or neglect has occurred.⁷⁸

Of the 35,388 alleged victims of child abuse or neglect in FY 2008,⁷⁹ 6,365 children were confirmed to be victims of maltreatment.⁸⁰ This is approximately 6 per 1,000 children in Harris County who are confirmed victims of child abuse/neglect, compared to 11 per 1,000 children across Texas.⁸¹ In 2008, a total of 11,597 children were removed from their homes in Texas⁸² and 1,980 children were removed in Harris County because of concerns over the child’s safety in the home after an investigation was completed.⁸³ Across Texas, the most common confirmed perpetrators of child abuse or neglect were married women between the ages of 26-35, and the parent of the victim.

The data clearly shows that there are gaps between cases reported, investigated, and completed. As with any resource, the number of available caseworkers to complete investigations accurately and in a timely manner is limited. In FY 2009, the daily caseload per CPS caseworker in the Houston region was 32.⁸⁴ This is a slight increase from FY 2008 and FY 2007 where the average caseload was 30.8 and 29.8, respectively.⁸⁵ However, these levels are well above the recommended monthly caseload of 12 active cases per worker for investigators.⁸⁶

The National Incidence Study of Abuse and Neglect (NIS), a Congressionally-mandated comprehensive study of child abuse and neglect, is completed every ten years. The fourth completed study, NIS-4, was completed in January 2010. This latest study found that only 32% of child abuse and neglect is being investigated by CPS. When applied to Harris County, with 48,683 children in completed CPS investigations in 2008,⁸⁷ this percentage would indicate that there were 152,134 children who were abused and neglected in Harris County but not brought to the attention of CPS.

The number of confirmed abuse allegations has dropped significantly in Texas and in Harris County over the last two decades, from approximately 40% of all abuse allegations in Harris County confirmed in the early 1990’s to approximately 20.4% in 2008.⁸⁸ In FY 2009, 280 Texas children died in abuse and neglect-related deaths and 67 died in Harris County.⁸⁹ This is a significant increase over the 35 children who died in Harris County due to abuse and neglect in FY 2008. The state’s total in the same year was 213 child abuse and neglect related deaths.⁹⁰

DFPS continues to struggle to maintain workable caseloads, and efforts must be taken to address this problem.

Policy Implication

Despite its plans to reduce caseworker daily caseloads, DFPS continues to struggle to maintain workable caseloads, and efforts must be taken to address this problem. DFPS continues its reform efforts by employing tools to aid caseworkers in providing increased productivity in case management, especially while in the field. The agency began rolling out its Mobile Technology Project on August 7, 2006. Caseworkers were given Tablet PCs to essentially become their mobile office.⁹¹ The units provide remote wireless Internet access, case documentation, checks into client history, and even a route mapping for caseworkers on the go.⁹² Despite these efforts, caseworkers continue to carry caseloads above the recommended limits. This continues to inhibit the ability of caseworkers to spend the amount of time needed to provide in-depth case management.

Children Under Supervision

INDICATORS

CPS AT HOME: The number of children confirmed to have been abused who are determined to be safe and living at home while the child and family receive counseling and direct services to enhance the safety of the child

Year	1994	1996	1998	2000	2002	2004	2006	2007	2008
Indicator	3,865	4,001	3,183	3,092	3,962	3,654	5,180	5,219	5,108

Source: Data Book 2007; 2008; 2009, Texas Department of Family and Protective Services

TEMPORARY CUSTODY: The number of children taken into protective custody by Child Protective Services until decisions are made about the safety of returning the child to his/her home or placing the child in a permanent out-of-home facility

Year	1996	1998	1999	2000	2002	2004	2006	2007	2008	2009
Indicator	1,139	1,085	1,213	1,343	1,951	1,732	2,456	2,135	1,980	1,866

Source: 2008-2009 Annual Report, Harris County Child Protective Services

KINDER SHELTER: The number of children in Harris County placed in the Kinder Emergency Shelter for temporary placement because of threatening home situations

Year	1994	1996	1998	2000	2002	2004	2005	2006	2007	2008	2009
Indicator	403	315	465	501	300	355	395	313	270	985*	774

Source: 2008-2009 Annual Report, Harris County Child Protective Services

*Prior to 2008, the number of children served included unduplicated data. This data is included in CPS in Harris County Annual Reports. In 2008 and 2009, the data is duplicated and includes CPS children sheltered on a temporary basis to avoid overnight stays in hotels and CPS offices.

FOSTER CARE: The number of Harris County children placed in foster care

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Indicator	3,460	3,761	4,151	4,217	4,040	4,356	4,799	4,714	4,368	4,122

Source: Data Book 2007; 2008; 2009, Texas Department of Family and Protective Services

CONSERVATORSHIP: The number of children in Harris County in the custody of Child Protective Services by a civil court under the Texas Family Code

Year	1994	1996	1998	2000	2002	2004	2006	2007	2008
Indicator	3,865	4,001	3,183	3,092	3,962	3,654	5,180	5,219	5,108

Source: 2008-2009 Annual Report, Harris County Child Protective Services

ADOPTION: The number of children adopted from Child Protective Services in Harris County after termination of parental rights

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Indicator	310	315	361	414	493	515	542	623	687	702

Source: Data Book 2007; 2008; 2009, Texas Department of Family and Protective Services

Child Under Supervision (cont.)

- When a child cannot safely return home, CPS must petition the court to remove the child from the home and place he or she in protective custody, either in a foster home or with relatives.
- The Nancy and Rich Kinder Emergency Shelter in Harris County operates on a 24-hour basis to give children temporary residence while caseworkers work to reunify the family and resolve any harmful situations.
- In the Texas CPS system, a higher percentage of minority children are removed from their homes, a lower percentage are successfully reunited with their families, and a higher percentage age out of foster care.

FAMILY UNIFICATION SERVICES

	Returned to Family	Relatives	Adoptive Homes	Long-Term Sub-Care	Other	Total
2000	35.20%	21.10%	24.50%	11.10%	8.10%	3,160
2001	33.10%	25.80%	22.50%	11.10%	7.60%	3,497
2002	33.90%	20.80%	26.10%	11.30%	7.90%	3,962
2004	35.60%	23.00%	24.80%	9.50%	7.10%	3,654
2006	27.70%	21.80%	31.40%	13.40%	5.70%	1,726
2007	29.50%	26.10%	29.40%	10.60%	4.40%	2,100
2008	28.00%	25.80%	31.80%	10.70%	3.70%	2,118

Source: CPS in Harris County, 2008 Annual Report (2007 Statistics) & 2009 Annual Report (2008 Statistics)

At the end of FY 2008, a total of 5,108 children from Harris County were in protective custody.

When a Child Protective Services (CPS) investigative worker determines the disposition of each case, an assessment of the reasonable likelihood that abuse or neglect may occur again is mandatory. Based on this assessment, several determinations can be made.

When the child's safety can be reasonably assured, CPS provides Family Based Safety Services (FBSS) to help stabilize the family and reduce the risk of future abuse and neglect.⁹³ In these cases, CPS through its contract agencies offers the family a variety of services including family counseling, crisis intervention, mental health services, parenting classes, childcare and substance abuse treatment.⁹⁴ Based on the degree of risk to the child, the family may receive regular, moderate or more intensive FBSS services.⁹⁵ In FY 2008, 11,807 Harris County children received FBSS services. Most FBSS services are provided to

children who continue to live at home, while in some cases, children receive services while living temporarily with relatives or friends until the home becomes safe enough for them to return.⁹⁶ In 2008, CPS implemented a substance abuse protocol for use by FBSS staff working with families dealing with this issue.⁹⁷

When children cannot safely return home and there are no known relatives or kinship caregivers to care for the child, CPS must petition the courts to remove the child and any sibling from their home.⁹⁸ Following court approval, arrangements are made and the children may be placed temporarily with relatives, a foster family or in an emergency shelter. Children with special needs who require more specialized attention may be placed in specialized group homes, residential treatment centers or other facilities.⁹⁹ In FY 2009, CPS and the courts in Harris County determined that 1,866 children could not remain with their families.¹⁰⁰ This is a 6% decrease from the number of children in the Temporary Managing Conservatorship of the state in FY 2008.

At the end of FY 2008, a total of 5,108 children from Harris County were in protective custody.¹⁰¹ This is a 2%



decrease from the 5,219 children in custody at the end of 2007. Of the 5,108 children in the state's custody, the vast majority of children, 51.6%, were living in foster care.¹⁰² Of these children, 24.5% had been in foster care for more than 2 years. Children placed in foster care live in foster homes, group homes, residential treatment facilities or a facility under the authority of another state agency.¹⁰³

Minority children make up over 79% of the children waiting for adoption in Harris County and 75% are between the ages of zero to ten.

Before placing children in foster care, CPS certifies foster homes and foster parents for child safety. Some foster parents are reimbursed for their expenses on behalf of their foster child. Harris County spent over \$53 million in foster and institutional care payments in FY 2009.¹⁰⁴ Depending on the service level, foster parents are paid between \$22.15 and \$88.62 daily.¹⁰⁵

Of children in protective custody in 2008, another 36.9% of children were living with relatives.¹⁰⁶ Referred to as kinship care or relative care in CPS, these caregivers provide

children the benefit of more stability when they cannot live with their birth parents.¹⁰⁷ The CPS kinship program supports relative caregivers by assisting with initial costs of accepting a child and also with ongoing case management. In 2008, over 1,800 children were in a kinship placement in Harris County each month.¹⁰⁸

The Nancy and Rich Kinder Emergency Shelter, located at the Harris County Youth Services Center, admits youth ages 12 to 17 that need to be separated from harmful home situations. They are given temporary residence in the 24-bed facility, while a caseworker helps them to resolve their immediate crisis and counsels the family so that the youth may return home.¹⁰⁹ Ninety-seven percent of children referred to the Kinder Emergency Shelter in calendar year 2008 were in the custody of the Department of Family and Protective Services (DFPS). The remaining 3% of children had placements requested by parents/legal guardians with sponsorship from the Community Youth Services and TRIAD Prevention Programs and Systems of Hope.¹¹⁰ These youth were experiencing severe family conflict, were on the verge of homelessness, and/or were actively engaging in runaway behavior.¹¹¹ On average, slightly more girls (57%) are admitted than boys (43%) each year. In 2008 and 2009, 985 girls and 774 boys were admitted to the Kinder Emergency Shelter.¹¹² In 2007 only 270 youth were sheltered at Kinder Emergency Shelter,¹¹³ marking a sharp increase in years 2008 and 2009.

During temporary custody, CPS works with the child and the family toward a goal of family reunification. This goal is secondary to the safety and well-being of the child, but is considered crucial to the child's future.¹¹⁴ Within 12 months, the court must approve a permanent placement for the child by either dismissing the case; appointing a parent, relative or CPS as permanent managing conservator; or returning the child to his or her home of origin. If the

final decision of the court removes all of the rights of the parent(s), the child may then be considered for adoption.¹¹⁵

Once parental rights are severed and a child is eligible for adoption, CPS begins searching for a permanent adoptive home for that child. In the state of Texas, 4,859 children were adopted in FY 2009 through the Texas Department of Family and Protective Services.¹¹⁶ This is a general increase of 7% above the 4,517 children adopted in the state during FY 2008.¹¹⁷

Child Under Supervision (cont.)

In 2009, Harris County CPS found adoptive homes, placed, and consummated the adoption of 702 children.¹¹⁸ In Region 6, which includes Harris and 12 surrounding counties, there were 932 completed adoptions.¹¹⁹ The county and region represented 15% and 19%, respectively, of the total finalized adoptions in the state of Texas for 2009. The increase in adoptions in Harris County is in contrast with the decrease in the number of children taken into protective custody within the county. Despite the rise in the number of children being adopted, there continue to be hundreds of children who are eligible for adoption but do not have adoptive families. In 2008, 1,772 children were awaiting adoption.¹²⁰ Minority children make up over 79% of the children waiting for adoption in Harris County and 75% are between the ages of zero to ten.¹²¹

In order to help facilitate more adoptions, CPS contracts with licensed child placing agencies to increase the number of homes available to adopt foster children. In April 2007, CPS launched the “Why Not Me” public awareness campaign to increase the likelihood older children awaiting adoption would find permanent homes. The campaign sought to increase awareness among and the number of prospective adoptive parents. The campaign was funded by a federal grant which was awarded to the state of Texas due to increasing adoptions more than any other state in 2005.¹²²

During FY 2008, 2,118 Harris County children in CPS custody were placed in a permanent living arrangement.¹²³ The average length of time children were in temporary custody prior to placement in a permanent living situation was 20.8 months.¹²⁴ Of the 1,726 children permanently placed, 31.8% of these children were in adoptive homes, 28% were returned to his/her family, 25.8% were living with relatives, another 10.7% were living in long-term substitute care and 3.7% were living in other arrangements.¹²⁵

In 2008, the Intensive Permanency Placement Initiative (IPPI) pilot program began in Harris County. The program is designed to support CPS youth ages 14 and older who have had multiple placements and have been in the custody of CPS more than two years.¹²⁶ Experienced caseworkers are assigned to only seven cases so they can provide intensive case management services by having more frequent contacts with the youth and developing closer relationships.¹²⁷

Disproportionality is the over-representation of a particular race or cultural group in a particular program or system.¹²⁸ In the Texas CPS system, a higher percentage of minority children are removed from their homes, a lower percentage



are successfully reunited with their families, and a higher percentage age out of foster care.¹²⁹ This past year, some of the efforts in addressing the disproportionality issue in the Houston area have included a partnership between CPS, Casey Family Services, and the Houston Area Urban League to provide wrap-around services for identified youth.¹³⁰ CPS also collaborated with the City of Houston and Systems of Hope in the development of the Kids Village Model.¹³¹ The Disproportionality Advisory Group developed an outreach and networking team and the group is providing education to various housing complexes within the disproportionality zip codes on how the CPS system works.¹³²

On October 7, 2008, the Fostering Connections to Success and Increasing Adoptions Act of 2008 became law. This federal act provides a significant overhaul of the child welfare structure. The Act seeks to create a fundamental shift in child welfare that recognizes that:

“Foster care is not a viable long-term solution;
Adoption is not an option for everyone;
There should be an increased focus on relatives; and
Older children in foster care need help.”¹³³

Texas must meet several requirements under the Act that include providing written notification to maternal and paternal grandparents, as well as other adult relatives, of a child’s removal and placement in the state’s custody and options on how they can provide support for the child.¹³⁴ The Act will be beneficial to kinship caregivers and CPS youth who turn age 18 while in the state’s custody.¹³⁵

Intervention and Treatment Services for Children and Parents

INDICATORS

CASES OPENED: The number of family cases opened in Harris County for services as a result of a completed investigation

Year	1996	1998	2000	2002	2004	2005	2006	2007	2008	2009
Indicator	NA	988	2,079	3,267	3,470	4,947	4,755	4,265	4,725	5,450

Source: 2008-2009 Annual Report, Harris County Child Protective Services

TRIAD: The number of children and families served through the Harris County TRIAD Program

Year	2002	2003	2004	2005	2006	2007	2008
Indicator	20,900	21,564	42,573	49,133	45,400	20,479	19,944

Source: TRIAD Prevention Program, Harris County Child Protective Services

CYS: The number of youth served through Harris County's Community Youth Services (CYS) Program

Year	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Indicator	18,694	21,686	21,562	28,543	28,784	26,140	19,741	21,588	22,137	23,039

Source: TRIAD Prevention Program, Harris County Child Protective Services

STAR: The number of children and families served through Harris County's TRIAD Services to At-Risk Youth (STAR) Program

Year	2002	2003	2004	2005	2006	2007	2008
Indicator	952	777	245	559	357	293	348

Source: TRIAD Prevention Program, Harris County Child Protective Services

- After abuse has been documented in a home, CPS develops a service plan for the child and family involved in the abuse, in order to ensure a safe environment for the child.
- CYS serves to prevent instances of abuse in Harris County and also successfully intervenes with at-risk youth to prevent youth homelessness.
- The TRIAD county programs provide resources for at-risk youth through various counseling and mentoring programs.

When a completed investigation of child abuse and neglect determines that there is abuse in the home, a Child Protective Services (CPS) case is opened in Family Based Safety Services (FBSS) or a child is legally removed and placed in conservatorship. A service plan is developed for the child and the family within 21 days. The service plan provides information and actions that are necessary for the parents to take in order to achieve the plan's goals. If the child has been removed from the home, the plan also contains information about legal deadlines, permanency goals, and steps that are necessary to return the child to the family

home. If the child has been removed from the home and the goal is to return the child to the parents, the plan must ensure that reasonable efforts are made to enable a child's parent(s) to provide a safe environment for the child.

CPS enables parents to receive services, which may include referrals to crisis intervention, parenting classes, substance abuse treatment, and counseling. CPS may also provide these services in a preventive manner to parents whose children have not been removed from the home, to reduce the risk of future abuse or neglect.

Intervention and Treatment Services for Children and Parents (cont.)

FAMILY CASES OPENED FOR SERVICES AS A RESULT OF A COMPLETED INVESTIGATION - FISCAL YEAR 2009

Region	In Home Direct Delivery	In Home Purchased	Family Substitute Care	Total
Lubbock	3143	0	782	3,925
Abilene	2555	2	436	2,993
Arlington	12,305	1076	2,774	16,155
Tyler	2406	11	902	3,319
Beaumont	1056	1	370	1,427
Houston	11,611	9	3,108	14,728
Austin	3,873	2	1,908	5,783
San Antonio	9,236	356	1923	11,515
Midland	2282	4	611	2,897
El Paso	2355	3	154	2,512
Edinburg	11,866	6	1223	13,095
Other	10	0	1	11
State Total	62,698	1,470	14,192	78,360

Source: Texas Department of Family & Protective Services, Data Book 2009

Note: Family Substitute Care includes all children in the case regardless of victimization.

Reasons For New Referrals To CPS¹³⁶

- School Related - 1,677 (27%)
- Adolescent Development Issues - 1,302 (21%)
- Financial Problems - 1,228 (20%)
- Family Problems/Violence - 600 (10%)
- Mental Health Problems - 442 (7%)
- Grief Counseling - 278 (4%)
- Health Problems - 262 (4%)
- Child Abuse/Neglect - 182 (3%)
- Substance Abuse - 117 (2%)
- Gang, Crime Victim, Police, Misc. Offense, Assault - 79 (1%)
- Running Away - 46 (1%)

Community Youth Services (CYS)

CYS is the largest county-funded program of Harris County Protective Services for Children and Adults, with ninety-four staff members who provide prevention and early intervention services to children, youth and their families. There are three components of the CYS program. The first component is the unique shared funding partnership with 16 school districts, as well as the Community Education Partners Charter School, the Educational Services Division of the Harris County Juvenile Probation Department and the Pasadena Police Department. Under these contracts, seventy-six CYS staff provide free, voluntary, crisis intervention, counseling, and generic case management

services to families with school age youth who are at risk of running away, dropping out of school, or have family problems that are affecting their behavior or school success.

By networking and coordinating with existing non-profit, church-sponsored and public agencies, clients are assisted in resolving their problems without the loss of parental authority and the more costly intervention of the court system. The mobility of the staff permits them to take services directly to families in their own homes. Sometimes these families are so overwhelmed by their crisis or economic condition that they are unable to arrange transportation, make and keep appointments, and seek beneficial services or activities for themselves. The goal of CYS is to prevent at-risk youth from becoming victims of child abuse, running away, dropping out of school or entering into delinquent behavior.¹³⁷

During 2008 CYS staff served 22,137 youth and, of the total youth served, 6,213 were new youth referrals. CYS staff provided Student Support Services to an additional 48,736 students at school or in the community not related to open cases. Students may participate in multiple outreach event services.

The second component, the Safety Net Program, is designed to prevent runaway episodes in adolescents and to successfully intervene in the lives of adolescents who do

run in an effort to prevent youth homelessness. This is accomplished through flexible support and intervention services, to include the coordination of services available through agency, school and community collaborations; assistance with shelter placements or other safe housing alternatives; and the provision of contract services for family therapy and psychological screenings. The Safety Net program is grounded in Positive Youth Development that promotes youth leadership and service through its Youth Advisory Council which engages in various community projects and outreach activities geared toward youth ages 12 to 21. During 2008, the Safety Net program served 300 youth and their families.¹³⁸

The third component, the Parent/Teen Survival Program, is an early intervention program offered to at-risk youth and their families. The program is a five-week, ten-hour curriculum-based program that demonstrates and teaches conflict resolution, anger management and mediation skills to youth ages 10 to 17 and their parent(s) simultaneously, thereby improving behavior at home and in school. The goal is for parents and youth to work out their differences in a respectful and productive way. The training empowers all family members to communicate and understand others, and helps reduce tensions in the home, school and community that could lead to violence. During 2008, 454 parents and teens completed the course.



TRIAD

Harris County Protective Services offers and provides support programs for children. The most comprehensive of these services, the TRIAD Prevention Program, comprises a group of three county agencies that work together to provide resources for at-risk youth. The three public agencies that compose TRIAD include Child Protective Services, the Juvenile Probation Department, and the Mental Health/Mental Retardation Authority.¹³⁹ The TRIAD Program consists of eight different countywide prevention and early intervention services. Descriptions of each of these programs follows.

Justice of the Peace Court Liaison

The liaisons in the Justice of the Peace Court Liaison program work with families appearing in JP Court for Class C misdemeanor offenses such as truancy, disorderly conduct, and disruption of school classes.¹⁴⁰ During the court's dockets, the liaisons provide crisis intervention services and sentence recommendations. To assist them in their duties, the liaisons collaborate with community and faith-based organizations, local school districts, and other branches of the judicial system.

Justice of the Peace Court Case Management

The Justice of the Peace Court Case Management program employs case managers who provide intensive follow-up services for families for which the JP Court has recommended or ordered certain conditions or programs.¹⁴¹ Among the services that the case managers provide are home and school visits, development of case plans, and referrals that meet clients' needs.

Truancy Learning Camp (TLC)

The TLC is a truancy-prevention and early-intervention program, and serves students and their guardians who are referred by the Justice of the Peace Court.¹⁴² The program focuses on issues that may contribute to excessive absences in school. It is structured into two eight-hour sessions, which occur on consecutive Saturdays. The training includes components covering life skills, anger management, substance-abuse prevention, parenting skills, communication skills, and truancy laws.

Intake/Diversion Program

TRIAD's Intake/Diversion program results from collaborations between CPS and the Juvenile Probation Department. The staff works side-by-side, 24 hours a day, seven days a week to provide screenings/assessments, crisis intervention, short-term counseling, information/referral, and follow-up services. Youth and families access services through law enforcement or on a walk-in basis. As of December 1999, intake staff

Intervention and Treatment Services for Children and Parents (cont.)

began a program in which they responded to calls on a special hotline that was set up to address the issue of infant abandonment in the Houston community (The Baby Abandonment Prevention Hotline).¹⁴³ In 2008 and 2009, The Baby Abandonment Prevention Hotline received 225 calls.¹⁴⁴

Services to At-Risk Youth (STAR)

The STAR program serves those at-risk youth who do not meet the criteria to receive CPS services or the services of county juvenile probation programs. Since its beginning in 1983, the STAR program has grown to provide services in all 254 Texas counties. In Harris County, services are provided by TRIAD as well as the DePelchin Children's Center.

Harris County STAR provides crisis intervention, emergency shelter placement, curriculum-based groups and family therapy services at the Youth Services Center, schools and in the community or in-home. The STAR program focuses on families presenting with issues of runaway, truancy, or family conflict. STAR serves families with children/youth from ages zero to 17. Therapeutic intervention services are short-term and solution-focused. The STAR program also works in conjunction with area child abuse prevention agencies to provide universal prevention services in the Harris County community.¹⁴⁵ All services are free. The Texas Department of Family and Protective Services provides funding for the program.

Community Youth Development (CYD)

The CYD attempts to decrease juvenile crime in the communities of Gullfton and Pasadena. These areas were chosen because of their specific needs for juvenile delinquency prevention. To achieve this goal, the services provided include after-school programs, mentoring, self-esteem and leadership courses, sports, counseling, and support groups.¹⁴⁶

Parenting With Love and Limits (PLL)

The PLL is a parenting education program that integrates principles of a structural family therapy approach into a comprehensive six-week program. The program is designed to provide parents with specific tools and techniques (e.g., contracting, troubleshooting, anti-button pushing tactics, using creative consequences) to reestablish the parents' abilities to determine rules and restore nurturance to the parent-child relationship. Parenting skills are taught in a group setting and individual coaching is provided to show each family how to use the skills in day-to-day interactions.¹⁴⁷

TRIAD Mental Health

Mental Health/Mental Retardation Authority counselors provide free in-home, family-based counseling and therapy to youth and families identified with serious mental health issues. The TRIAD Mental Health program utilizes a family-centered approach based on the needs of the family. The goal of the program is to maintain children and youth who are at risk for out-of-home placement in a family setting by providing a broad range of individual and family services.¹⁴⁸

The parents' issues must first be accurately identified and then matched with providers that can provide the quality care and treatment in order for these services to be successful and for reunification to occur.

Policy Implication

Once CPS removes a child from their home due to abuse or neglect, it is important that the parent receive services to alleviate the problems and issues that originally brought the child into care. The parents' issues must first be accurately identified and then matched with providers that can provide the quality care and treatment in order for these services to be successful and for reunification to occur. It is essential that the parents receive these services and learn skills and acquire knowledge to ensure that their home is safe. If this does not occur, children may not be able to return home and will remain in foster care, or they may return home only to be re-abused.

Juvenile Gang Members

INDICATOR: The number of youths who fit the gang member criteria in Houston

Year	1990	1992	1994	1996	1998	2000	2001
Indicator	1,098	2,645	2,640	2,125	1,556	NA	306
Year	2002	2004	2005	2006	2007	2008	2009
Indicator	NA	300	230	222	363	566	607

Source: Houston Police Department

- Street gang membership was on the decline from 1998 to 2001, but has maintained steady growth in Harris County over the past five years.
- One third of jurisdictions in the National Youth Gang Survey experienced gang problems in 2007.
- Houston has taken steps toward decreasing gang membership through the collaboration of different groups to share information about gang members, as well as help reverse the appearance of gang members and gang activity.

Section 71.01 of the Texas Penal Code defines a criminal street gang as three or more people who have a common identifying sign or symbol, or an identifiable leadership regime, who regularly commit criminal activities. While gang membership saw a sharp decrease from 1,556 in 1998 to 306 in 2001, gangs maintained steady growth for the past five years in Harris County.¹⁴⁹

The Houston Police Department's Gang Division documents annual gang statistics, and reports that as of December 2009, there were approximately 607 juvenile gang members – a forty percent increase since 2007. Of known gang members in Harris County, 589 are male, 18 are female; 443 are Latino, 147 are African American, 16 are Anglo, and 1 is Indian.

Harris County is not the only place with increased gang membership; more than one third of the jurisdictions in the National Youth Gang Survey study population experienced gang problems in 2007, the highest annual estimate since before 2000.¹⁵⁰

The Harris County Juvenile Probation Department offers the Gang Supervision Caseload program, focusing on the sharing of information about gang members. In a collab-

orative effort with the Mayor's Anti-Gang Office and the Association for the Advancement of Mexican Americans, 323 youth were monitored in 2008. In an effort to reverse the appearance of gang activity, tattoo removal is available through a partnership with the City of Houston and graffiti abatement projects are conducted on a regular basis.¹⁵¹



Policy Implication

Harris County has been viewed as a model for fighting gang membership in the past. With the recent increase in gang membership, it may be time for Harris County to renew and increase its anti-gang efforts.

Juvenile Probation

INDICATORS

INTAKE REFERRALS: The number of referrals of Harris County children to intake units for assessment

Year	1990	1992	1994	1996	1998	1999	2000
Indicator	20,296	29,221	34,027	30,422	27,046	24,641	24,335

Year	2002	2003	2004	2005	2006	2007	2008
Indicator	20,812	22,738	26,072	23,488	24,877	23,164	20,885

Source: Harris County Juvenile Probation Department

AVERAGE CASELOAD: The average number of caseloads per juvenile probation officer in Harris County

Year	1990	1992	1994	1996	1998	1999	2000
Indicator	NA	3,089	3,298	NA	3,503	3,760	3,650

Year	2002	2004	2005	2006	2007	2008
Indicator	NA	4,756	5,140	5,235	5,429	5,208

Source: Harris County Juvenile Probation Department

FIELD SERVICES: The number of children on probation receiving field services in Harris County

Year	1990	1992	1994	1996	1998	1999	2000
Indicator	NA	3,089	3,298	NA	3,503	3,760	3,650

Year	2002	2004	2005	2006	2007	2008
Indicator	NA	4,756	5,140	5,235	5,429	5,208

Source: Harris County Juvenile Probation Department

- While the number of juveniles referred to the Harris County Juvenile Probation Department decreased by ten percent in 2008, the number of severe crimes nearly doubled.
- HCJPD implemented Operation Redirect to direct mentally ill youth away from the juvenile justice system in order to get them the treatment they need.
- The average caseload per juvenile probation officer decreased dramatically over the course of the past four years.

The Harris County Juvenile Probation Department (HCJPD) handles referrals made by individuals, schools or police officers alleging illegal acts committed by juveniles. Cases resolve through counseling, social service agencies, or by charging the juvenile with a crime. After completing the court process, the juvenile receives either mandatory probation or can voluntarily comply with a period of informal probation.

The number of juveniles referred to HCJPD decreased by almost ten percent in 2008, from 23,164 to 20,885.¹⁵² Major decreases occurred in administrative action and probation violations. However, the most severe crimes, homicide and arson, both nearly doubled.

In 2007, Harris County referred approximately 23% of all juveniles referred to probation in Texas.

Juveniles referred to HCJPD often require intensive psychiatric evaluation and treatment. To address this, in 2008, the department integrated Operation Redirect in an effort to direct mentally ill youth from the juvenile justice system. Operation Redirect clinicians assessed 1,514 youths with court cases pending. HCJPD data indicates

that 50% of the youths screened had symptoms of a mental disorder, with 20% evidencing symptoms of a severe emotional disturbance.¹⁵³

When intake screening determines a youth needs psychiatric services, he or she is sent to the Ben Taub Neuro-Psychiatric Center. Youth with severe psychiatric needs receive treatment at the Harris County Psychiatric Center Sub Care Unit. Between January and October 2009, 139 youths were admitted to the Harris County Psychiatric Center, a decrease from 160 in 2008, and 164 in 2007.¹⁵⁴ Juvenile probation officers serve in a variety of capacities. Probation officers intake cases referred to juvenile and family courts, oversee predisposition or pre-sentence investigation of juveniles, and oversee court-ordered supervision of juvenile offenders.

The total number of juveniles on probation may be divided by type of services received: field supervision, deferred adjudication, intensive supervision, intensive after-care, and special programs. In 2008, an average of 5,208 juveniles were under supervision by the Field Services Division while they remained at their homes each month; an average of 1,531 juveniles participated in deferred adjudication each month; an average of 683 juveniles received services in Intensive Supervision each month; and an average of 357 juveniles received services in the aftercare program each month.

Services include:

- **Baby Think It Over** - Computerized infants are used to educate and deter teen pregnancy in a realistic, hands-on experience about motherhood and responsible parenting.
- **Drug Free Youth Program** - Certified alcohol and drug abuse counselors are available to all community unit probation services offices by the Houston Council on Alcohol and Drugs to intervene with those who have substance abuse problems.
- **Educational Workshops** - Workshops for youth and families on various topics.
- **Early Termination** - A voluntary program that may shorten probationary periods.
- **Equine Therapy** - A program combining traditional therapeutic intervention with a more innovative component involving relationships and activities with horses.
- **Juvenile Consequences** - Monthly meetings with representatives of court, law enforcement and juvenile probation to explain the system.
- **MADD Victim Impact Panel** - Workshops for probationers and families intended to show the tragic consequences of drinking and driving, presented by the Bureau of Alcohol, Tobacco and Firearms and Mothers Against Drunk Driving.
- **Peer Pressure Workshops** - Workshops presented by the Houston Police Department on positive and negative effects of peer pressure.
- **Prohibited Weapons Workshops** - Houston Police Department workshops which teach consequences of possession of illegal weapons.
- **ROPES** - (Reality Orientation through Physical Experience) A two-day program with low and high element challenges to build confidence and promote teamwork.
- **WINGS** - Educational specialists advocate for juveniles to keep them in school, to reinstate them if expelled, or to arrange completion of GED requirements and career planning.



Average caseload per officer in the community supervision program decreased dramatically – from 67 cases per officer in 2006 to only 40 in 2009. Furthermore, in intensive supervision each officer had only 16 cases.¹⁵⁵

While on probation, youth often participate in HCJPD field services voluntarily, or by court mandate. HCJPD offers field services programs, addressing the broad range of problems children on probation experience.

Juvenile Offenses

INDICATORS

HOMICIDE: The number of homicides referred to the Harris County Juvenile Probation Department

Year	1990	1992	1994	1996	1998	1999	2000
Indicator	32	62	71	30	16	15	17

Year	2002	2004	2005	2006	2007	2008
Indicator	16	14	13	16	14	27

Source: Harris County Juvenile Probation Department

ASSAULT: The number of felony assaults referred to the Harris County Juvenile Probation Department

Year	1990	1992	1994	1996	1998	1999	2000
Indicator	336	560	666	363	286	282	273

Year	2002	2004	2005	2006	2007	2008
Indicator	298	360	382	383	315	309

Source: Harris County Juvenile Probation Department

SEXUAL ASSAULT: The number of sexual assault offenses referred to the Harris County Juvenile Probation Department

Year	1990	1992	1994	1996	1998	1999	2000
Indicator	152	211	181	147	95	109	94

Year	2002	2004	2005	2006	2007	2008
Indicator	124	146	189	186	121	119

Source: Harris County Juvenile Probation Department

- The rate of the juvenile crimes of forcible rape, theft, drug offenses, assault, and several property crimes are decreasing in Harris County although juvenile homicide and arson rates are rising.
- Harris County juvenile crime rates for homicide and arson are significantly higher than national crime rates.
- In 2007, the Juvenile Consequences Partnership was established to teach first-time offenders about the consequences of their behavior.

Crimes committed by juveniles in Harris County saw major changes in 2008, both positive and negative. While drug offenses were at an approximately 18 year low, with an almost 50% decrease, homicide referrals hit a ten year high, with an almost 50% increase. Furthermore, while assaults, sexual assaults, and thefts slightly decreased, arson cases almost doubled.

The FBI assesses trends in violent crime by monitoring four offenses that law enforcement agencies nationwide consistently report. These four crimes—murder, forcible

While the nation saw its lowest juvenile arrest rate for arson in 2008, Harris County saw a 49% increase.

rape, robbery, and aggravated assault—form the Violent Crime Index. The United States Juvenile Violent Crime Index in 2008 was lower than in any year in the 1990s. In

THEFT: The number of felony theft offenses referred to the Harris County Juvenile Probation Department

Year	1990	1992	1994	1996	1998	1999	2000
Indicator	159	213	215	124	90	63	64

Year	2002	2004	2005	2006	2007	2008
Indicator	77	91	67	110	106	84

Source: Harris County Juvenile Probation Department

DRUGS: The number of felony drug offenses referred to the Harris County Juvenile Probation Department

Year	1990	1992	1994	1996	1998	1999	2000
Indicator	584	647	675	566	679	599	550

Year	2001	2002	2004	2005	2006	2007	2008
Indicator	644	630	758	689	762	762	409

Source: Harris County Juvenile Probation Department

In Harris County, drug offenses were at an 18 year low, with an almost 50% decrease in 2008, while homicide referrals hit a ten year high, with an almost 50% increase in 2008.

2008, in Texas, 181 out of every 100,000 juveniles were arrested for a crime monitored by the Violent Crime Index.

Nationwide, the juvenile murder arrest rate in 2008 was 3.8 arrests per 100,000 juveniles ages 10 through 17. This was 17% more than the 2004 low of 3.3, but 74% less than the 1993 peak of 14.4.¹⁵⁶ In Harris County, juvenile homicide referrals increased from 14 in 2007 to 27 in 2008.¹⁵⁷

Nationwide, forcible rape reached its lowest level since 1990; aggravated assault decreased by 8%; and burglary increased – up 44% since its 2004 low. In Harris County, felony assaults and sexual assaults both decreased by 2%, and robberies decreased by 6%.

As with violent crime, the FBI assesses trends in the volume of property crimes by monitoring four offenses that law enforcement agencies nationwide consistently report. These four crimes, which form the Property Crime Index, are burglary, larceny-theft, motor vehicle theft, and arson.



Juvenile Offenses (cont.)

Nationwide, between 1994 and 2006, the number of juvenile Property Crime Index arrests fell by half to their lowest level since the 1970s. However, the number of juvenile arrests for property crimes increased in each of the past two years for the first time since 1993–1994. In 2008 in Texas, 1,182 out of every 100,000 juveniles committed a crime monitored by the Property Crime Index.

In Harris County, three of the four crimes in the Property Crime Index have also been on a decline. Burglary saw a 7% decline from 2007 to 2008; auto theft saw a 15% decline; and felony theft saw a 20% decline, a 60% decline since its peak in 1994.¹⁵⁸ While the nation saw its lowest juvenile arrest rate for arson in 2008, Harris county saw a 49% increase.

180,100 juveniles were arrested in the U.S. for drug abuse offenses in 2008. That same year, 566 out of every 100,000 juveniles in Texas were arrested for drug offenses,



and Harris County saw a 46% decrease in drug referrals from 2007 to 2008.

Local outreach centers should work with the District Attorney's office to determine the best strategies for educating teens about the consequences of violent crimes and how to prevent them.

Policy Implication

Violent crimes committed by juveniles in Harris County, especially murder, have increased at an alarming rate. To help alleviate this trend, local outreach centers should work with the District Attorney's office to determine the best strategies for educating teens about the consequences of violent crimes and how to prevent them.

Fortunately, in September 2007, the Harris County District Attorney's Office established this kind of a program, the Juvenile Consequences Partnership, in collaboration with the Houston Bar Association, the Juvenile Probation Department, and the Houston Police Department. The Juvenile Consequences Partnership is aimed at informing young offenders and their families about the consequences of their involvement in the juvenile justice system and keeping them from returning to it. Most of the children attending the new program are first-time misdemeanor offenders charged with possession of marijuana or small quantities of drugs, theft offenses such as stealing a bicycle or shoplifting, evading arrest, assault, criminal mischief, or burglary of a motor vehicle. The group also includes some first-time, non-violent felony offenders. All of these juveniles have one thing in common: they are all on Deferred Prosecution, a diversion program offered through the Harris County juvenile courts. Juveniles and their parents voluntarily enter this rehabilitative program for not more than six months, and they are supervised by a probation officer. No guilty plea is required, and successful completion allows the juvenile to avoid being adjudicated delinquent in the juvenile court.

Children Referred to Court Supervision

INDICATOR: The number of referrals of children in Harris County determined by the court to be in need of supervision because of status offenses

Year	1990	1992	1994	1996	1998	1999	2000	2002	2004	2005	2006	2007	2008
Indicator	4,288	6,700	7,292	5,338	5,319	4,824	4,520	2,451	3,566	2,115	2,801	1,755	1,620

Source: Harris County Juvenile Probation Department

- The number of status offenders and status offender referrals are declining in Harris County.
- Status offenders are referred to TRIAD programs in order to address the issues that led to these offenses.
- Status offenders rely heavily on programs throughout Harris County that intervene early on in an effort to reduce the number of repeat juvenile offenders.

Children in Need of Supervision (CHINS) refers to “status offenders,” juveniles whose crimes are illegal only because of their age. Truant students, juveniles breaking curfew, and runaway teenagers are all status offenders.

Status offenders are reported to various programs such as TRIAD, Services to At-Risk Youth (STAR), Truancy Learning Camp (TLC), or Parenting with Love & Limits (PLL). The TRIAD Prevention Program is a consortium of three county agencies (Protective Services for Children and Adults, Juvenile Probation, and the Mental Health/Mental Retardation Authority) working together to coordinate their resources to serve at-risk youth. TRIAD provides county-wide prevention and early intervention services to divert youth and families through involvement with child protective services and the mental health and juvenile justice systems. TLC is a truancy prevention and early intervention program specifically designed to address the issues that may contribute to excessive absences in school. STAR offers 24 hour crisis intervention on a walk-in basis, at no cost. Finally, PLL is a six week program designed to help a parent reestablish the ability to determine rules and nurture the parent-child relationship.

CHINS referrals continue to decline, with 1,620 referrals in 2008, down from 1,755 referrals in 2007.¹⁵⁹ CHINS offenses also continued to decline statewide, down by 888 between 2006 and 2007.¹⁶⁰

In 2008, Harris County had the lowest number of CHINS referrals in 18 years.



Juveniles Detained and Cost of Detention

INDICATORS

CHILDREN DETAINED: The number of children placed in detention by the courts in Harris County

Year	1990	1992	1994	1996	1998	2000
Indicator	6,598	7,052	6,144	8,113	6,605	6,411

Year	2002	2004	2005	2006	2007	2008
Indicator	6,215	6,616	6,098	6,935	7,021	6,405

Source: Harris County Juvenile Probation Department

MENTAL HEALTH COURT: The number of children placed in detention by the courts in Harris County

Year	2009	2010
Indicator	35	24

Source: Health Services Division, Harris County Juvenile Probation Department

Note: The Mental Health Court began serving youths in 2009

AVERAGE COST: The average cost of a child per day in Harris County Juvenile Detention facilities

Year	1990	1992	1994	1996	1998	2000	2002	2004	2005	2006	2007	2008
Ind	\$88.00	\$99.66	\$96.25	\$98.36	\$88.09	\$127.02	\$117.34	\$132.18	\$125.69	\$133.40	\$126.44	\$160.00

Source: Harris County Juvenile Probation Department

- At intake, some youths are diverted to the Harris County Juvenile Mental Health Court, which focuses on community-based treatment rather than incarceration.
- While Burnett-Bayland Reception Center and Burnett-Bayland Home continue to serve boys adjudicated to residential facilities, girls are now housed at the Harris County Youth Village. Both communities offer education, therapy, and substance abuse programs.
- The cost of detaining a juvenile in a Harris County facility ranges from \$139.72 per day to \$359.59 per day, depending on the level of services provided.

The Juvenile Detention Center received 6,405 youths in 2008. When a youth arrives an intake screening is completed, diverting approximately ten percent of all youth received at the detention center each year. Intake screening prevents youths that are not a flight risk, or that need special mental or physical treatment, from inappropriate detainment. When a youth is thought to present a threat to themselves or to the community, he or she will be detained for a probable cause detention hearing conducted by an associate judge.

Post-adjudication facilities include the Burnett-Bayland Reception Center, the Burnett-Bayland Home, the Harris County Leadership Academy (formerly Delta Boot Camp), and the Harris County Youth Village. The division continues to use the DART system of structured supervision

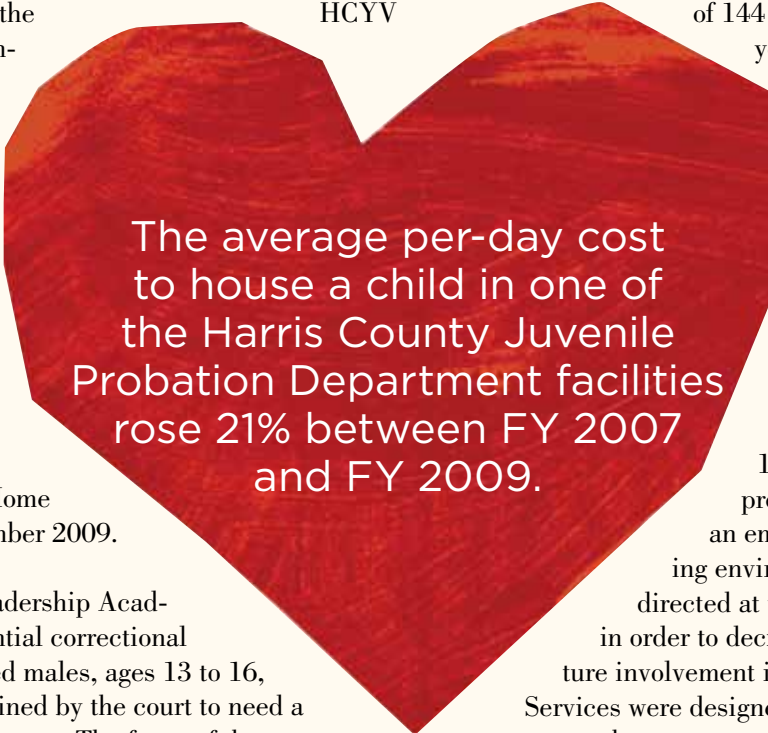
and programming from campus to campus. DART stresses personal accountability through Discipline, Accountability, Redirection, and Transition.

Male juvenile offenders adjudicated to a county residential facility first visit the Burnett Bayland Reception Center (BBRC). BBRC is a secure placement with a capacity of 144 boys. 1,547 youth completed assessments at BBRC in 2008. After assessment, the Harris County Juvenile Probation Department (HCJPD) places youth in another county campus, private placement, the Texas Youth Commission (TYC), at home on regular probation, or at BBRC. In addition to the general population programming, BBRC offers specialized treatment components: Sex Offender Program, Psychiatric Stabilization Unit, and a drug dependent treatment program.

Eighteen youths have completed the Mental Health Court program and were placed in a Deferred Prosecution status, and an additional eighteen youths successfully completed the Deferred Prosecution term and had the original charge dismissed.

A male offender sent to the Harris County Youth Village (HCYV) receives educational, medical, and therapeutic services, as well as drug education therapy. HCYV serves males ages 10 to 17, and can accommodate 170. Six hundred forty-four young men resided there in 2008. The behavioral program of the HCYV targets personal responsibility, appropriate expression of anger, positive decision-making, leadership and, ultimately, self-management of one's own behavior. In January 2010, the Girls Program at HCYV was started after accepting the girls that were previously housed at the Burnett-Bayland Home which closed in December 2009.

and personal accountability. This is accomplished in a safe, secure environment with zero tolerance for abuse of any kind while maximizing opportunities for development of body, mind and spirit. The boot camp facility in west Harris County opened in 1999 and has a capacity of 144 residents. During 2008, 592 young men participated in the program.

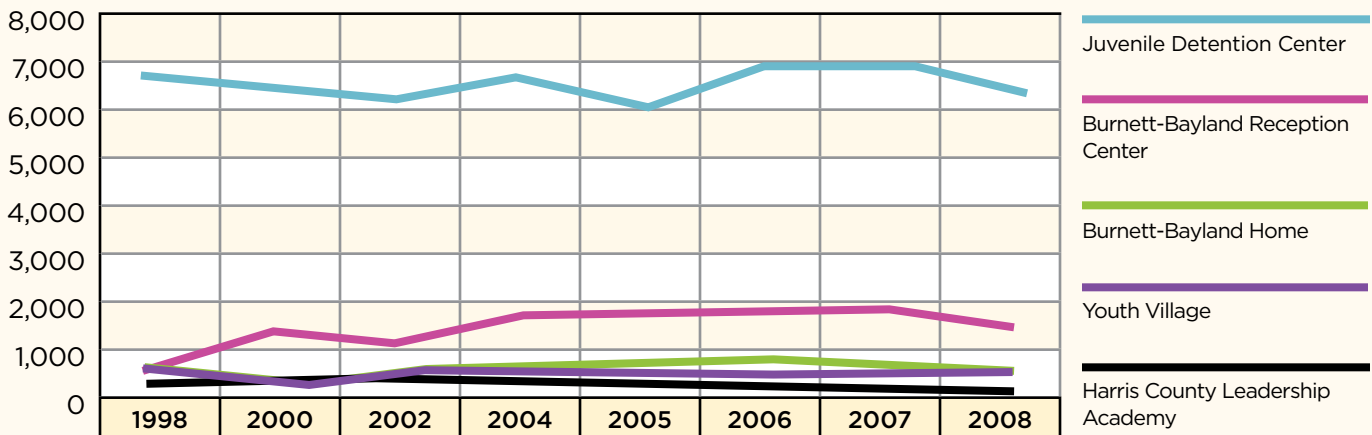


The average per-day cost to house a child in one of the Harris County Juvenile Probation Department facilities rose 21% between FY 2007 and FY 2009.

Females were formerly sent to the Burnett-Bayland Home Girls Program (BBH), a non-secure residential placement for delinquent females ages 10 to 17. BBH had a capacity of 60 residents and required a four to six month stay. During 2008, 119 females participated in the program where they were ensured an emotionally safe and secure living environment. Many services were directed at the unique needs of females in order to decrease or eliminate their future involvement in the criminal justice system. Services were designed to provide gender specific programs that promote positive self-esteem, personal accountability, self-discipline, and improve family relationships. As noted above, BBH closed in December 2009 and the Girls Program was transferred to HCYV.

The Harris County Leadership Academy provides a residential correctional program for adjudicated males, ages 13 to 16, who have been determined by the court to need a discipline-oriented program. The focus of the program is to redirect the thinking and behavior patterns of juveniles by instilling in them a sound foundation embracing a healthy self-concept, respect for others, authority

JUVENILES DETAINED PER RESIDENTIAL FACILITY



Juveniles Detained and Cost of Detention (cont.)

The Harris County Advocate Program (H-CAP) offers a community-based alternative to placement. The program serves adjudicated offenders whose behavior and social circumstances put them at risk of placement in residential treatment facilities. It offers a range of individualized, non-traditional, wrap-around and advocacy services for the youth and the entire family. Referrals are received from Field Services and institutions, saving placement funds and allowing youths to remain in their own homes. In 2008, 491 youths received services from the H-CAP program.¹⁶¹

Some of the youths diverted from detention upon completion of the intake screening at the Juvenile Detention Center are eligible to participate in the Harris County Juvenile Mental Health Court. Started on February 3, 2009, the Mental Health Court is a voluntary, specialized, diversionary court program for families of youths with mental health problems who are involved in the juvenile justice system.¹⁶² According to a study conducted by the National Center for Mental Health and Juvenile Justice, approximately 70% of youth in the juvenile justice system nationwide have at least one mental health disorder, and over 20% of these youths have a mental disorder severe enough to require significant and immediate treatment.¹⁶³ Despite these statistics, many of these youth do not receive the mental health treatment they need, and some families rely on the juvenile justice system to provide treatment for their children, which may result in the criminalization of these youth for offenses committed due to mental illness.

The Mental Health Court serves youth 10 to 17 years of age who have a mental health diagnosis and have been referred to the Juvenile Detention Center for misdemeanor or felony offenses.¹⁶⁴ In addition, family willingness to participate in an intensive in-home program is required, and the youth and family must participate in the Mental Health Court for a minimum of six months. Once an appropriate case is identified, a comprehensive psychological assessment is conducted by the Mental Health Court Psychologist to create an individualized treatment plan.¹⁶⁵ The case is then reviewed by the Mental Health Court team, consisting of the Judge, Court Case Manager, Psychologist, District Attorney, and Defense Attorney.¹⁶⁶ Upon acceptance by the team, the case is transferred from the originating court into the Mental Health Court.

During the initial court hearing, the youth and family discuss the treatment plan with the Mental Health Court team and a pre-determined treatment provider.¹⁶⁷ The treat-



ment providers include Systems of Hope, TRIAD Prevention Program, the Mental Health and Mental Retardation Authority, the Texas Juvenile Probation Commission, and the Texas Correctional Office on Offenders with Medical and Mental Impairments. At least once each month, a review hearing is held to monitor the progress made by the youth. Youth who successfully complete the Mental Health Court program are placed in a Deferred Prosecution status. Upon completion of the Deferred Prosecution term without engaging in delinquent conduct the original charge is dismissed.

As of March 30, 2010 a total of fifty youths had been served since the Mental Health Court began operating in 2009, serving thirty-five youths in 2009, of which nine youths continue to be served in 2010.¹⁶⁸ The majority of youth served are male, with thirty-five males and fifteen females served.¹⁶⁹ Fifteen of these youth were 15 years old, the largest age group, followed by ten youths age 16 and

Approximately 70% of youth in the juvenile justice system nationwide have at least one mental health disorder, and over 20% of these youths have a mental disorder severe enough to require significant and immediate treatment.

seven youths age 14.¹⁷⁰ Six youths age 12 and six youths age 13 were served, and there were two youths each ages 10, 11 and 17.¹⁷¹ The racial majority of the youths served are African American, with twenty-three youths served.¹⁷² There were fourteen Anglo and thirteen Latino youths served.¹⁷³

Most of the youth served have more than one mental health diagnosis. The most prevalent diagnosis is Attention Deficit/Hyperactivity Disorder Not Otherwise Specified (NOS), with thirty of the fifty youths served diagnosed.¹⁷⁴ Twenty youths were diagnosed with Adjustment Disorder – Mixed Emotions and Conduct, and thirteen youths were diagnosed with Mood Disorder NOS.¹⁷⁵ Other prevalent diagnoses include: Oppositional Defiant Disorder, Disruptive Behavior Disorder, Depressive Disorder NOS, and Bipolar Disorder NOS.¹⁷⁶

Eighteen youths have completed the Mental Health Court program and were placed in a Deferred Prosecution status, and an additional eighteen youths successfully completed the Deferred Prosecution term and had the original charge dismissed.¹⁷⁷ Five youths did not complete the program due to noncompliance, moving out of state, or residential placement by parents.¹⁷⁸

The average cost to detain children in HCJPD facilities continues to rise. The average per-day cost to house a child in one of the HCJPD facilities rose 21% between FY 2007 and FY 2009, where daily costs are based on the total number of youths that each facility can accommodate and the length of time they remain.¹⁷⁹

For FY 2009, HCJPD reported the following per-day costs for each detention center: Burnett-Bayland Home: \$188.90, a 5.4% increase from FY 2008; Burnett-Bayland Reception Center: \$158.86, an 11.6% increase from FY 2008; Harris County Youth Village: \$148.38, an 11.6% increase from FY 2008; Harris County Leadership Academy (Delta Boot Camp): \$139.72, a 4.6% increase from FY 2008; Juvenile Detention Center: \$270.31, a 27% increase from FY 2008; and Harris County Psychiatric Center: \$359.59.¹⁸⁰ The addition of the Harris County Psychiatric Center introduced a facility that costs, on average, \$89 more per day than any other detention center. However, this diversion may enable Harris County to save long-term by rehabilitating youths and preventing repeat offenses and detentions.

There is a need for increased awareness about juvenile mental health issues as well as a great need for more community-based prevention efforts so that youths with mental health issues receive the treatment and care they need.

Policy Implication

The intake screening at the Juvenile Detention Center is an important step in diverting youths who do not need to be detained, resulting in cost efficiency as well benefiting youths through the prevention of unnecessary detainment. In addition, by identifying youths who require special treatment for issues such as mental health and substance abuse, youths are given the opportunity to rehabilitate through detention or community-based services. Without this process, youths may not otherwise receive the treatment they need.

The Harris County Juvenile Mental Health Court is instrumental in ensuring that the mental health needs of youthful offenders are met. As its successes in rehabilitating and diverting youths continue, the involvement of additional community service providers is needed to expand the Court's services to allow more youths to participate in the program. The prevalence of mental illness among youth is alarming, and for many youths, the juvenile justice system is unfortunately their first opportunity to receive treatment. There is a need for increased awareness about juvenile mental health issues as well as a great need for more community-based prevention efforts so that youths with mental health issues receive the treatment and care they need without having to resort to the juvenile justice system for treatment.

Recidivism

INDICATOR: The percentage of children on probation in Harris County who relapsed into criminal and antisocial behavior within one year of the original referral

Year	1994	1996	1998	2000	2002	2004	2005	2006	2007	2008
Indicator	19%	19%	NA	13.3%	16.1%	14.4%	13.4%	13.9%	14.7%	15.6%

Source: Harris County Juvenile Probation Department

- One-year recidivism rates for juveniles on probation in Harris County have risen since 2007.
- In 2008, 22.3% of Harris County's adjudicated first-time juvenile offenders were re-referred to the Harris County Juvenile Probation Department for committing an equal or greater offense.
- Rising recidivism rates in Harris County indicate a need to expand rehabilitative programs.

Once youth are referred to the Harris County Juvenile Probation Department (HCJPD), one of two things can happen: adjudication, meaning the case goes to court, or no adjudication, meaning the case is dismissed. HCJPD defines recidivism as adjudication of a second offense that is greater than or equal to the severity of the first adjudication. In 2008, one-year recidivism rates for juveniles on probation increased to 15.6% from 14.7% in 2007.¹⁸¹

In 2008, 7,603 first-time juvenile offenders received referrals to HCJPD.¹⁸² Of total first-time offenders, 1,875 (24.7%) were adjudicated on the referral.¹⁸³ Of those adjudicated, 1,120 (59.7%) were referred again for committing another offense within one year of the original referral:

In 2008, 15.6% of youth relapsed into criminal and antisocial behavior within one year.

318 (17.0%) were re-referred for a less severe offense; 419 (22.3%) for an equal or greater offense; and 383 (20.4%) for a technical violation.¹⁸⁴ Of first-time offenders who were not adjudicated, 820 youths (14.3%) were re-referred within one year of the original referral: 209 (3.6%) were re-referred for a less severe offense, and 611 (10.7%) were re-referred for an offense of equal or greater severity.

Recidivism rates have increased since 2005, indicating the continued need for prevention and support programs to keep adjudicated youths from re-committing additional offenses.

Policy Implication

Recidivism rates have increased since 2005, indicating the continued need for prevention and support programs to keep adjudicated youths from re-committing additional offenses. In addition to the significant impact on the juvenile, juvenile offenders who become chronic offenders impose substantial lifetime costs on taxpayers and victims. Thus, it is of great importance to ensure that juvenile offenders receive the rehabilitative treatment they need to prevent them from further involvement with the justice system.

In March of 2009, the Office of the Harris County District Attorney implemented a Juvenile Non-Petition Deferred Prosecution Program, with the goal to ensure that first-time juvenile offenders who commit non-violent misdemeanor offenses are not charged with a crime, but are instead diverted to community supervision.¹⁸⁵ This program is designed to deter youth from participation in criminal or antisocial behavior in the future through parent training and workshops on AIDS education, anger management, and peer pressure programs designed to teach kids to act responsibly. In 2009, approximately 1,466 juveniles participated in program.¹⁸⁶

Texas Youth Commission (TYC)

INDICATOR: The number of new youths from Harris County who were ruled judicially to be delinquent for violation of a penal law punishable by imprisonment or confinement in jail and subsequently committed to the Texas Youth Commission

Year	1990	1992	1994	1996	1998	1999	2000	2002	2004	2005	2006	2007	2008
Indicator	572	428	405	469	591	619	404	401	527	580	630	533	300

Source: Texas Youth Commission

INDICATOR: The average cost per day to house a juvenile committed to the Texas Youth Commission

Year	1990	1992	1994	1996	1998	2000
Indicator	\$76.03	\$81.33	\$86.00	\$85.39	\$110.11	\$129.36

Year	2002	2004	2005	2006	2007	2008
Indicator	\$151.28	\$155.02	\$153.20	\$162.88	\$190.07	\$270.49

Source: Texas Youth Commission

- Texas Senate Bill 103 in 2007 has sparked significant reforms in the Texas Youth Commission's facilities, conditions, treatment programs, and policies.
- SB 103, the Juvenile Detention Alternatives Initiative, and the Juvenile Non-Petition Deferred Prosecution Program have dramatically decreased the population of TYC's detention facilities.
- While aftercare is available to youths being released from TYC custody, there is room for improvement.

The Texas Youth Commission (TYC) is the state's juvenile corrections agency. TYC provides for the care, custody, rehabilitation, and reestablishment into society of Texas' most chronically delinquent and serious juvenile offenders. Commitments to TYC are made for felony-level offenses committed when children are between the ages of 10 and 17; however, TYC can maintain jurisdiction over these offenders until age 19.

In 2007, sweeping changes were made to the TYC system following the resignation of the TYC Board and the passing of Texas Senate Bill 103. Senate Bill 103 arose as a result of state investigations into allegations of sexual abuse against TYC youth at the West Texas State School in Pyote. The changes to TYC included creating an independent ombudsman office to monitor the agency; lowering the age of youths responsible to TYC from 21 to 19; no longer committing youths with only misdemeanors to TYC; increasing training of TYC guards to 300 hours; and maintaining a ratio of at least one guard for every 12 youth in TYC.¹⁸⁷ As a result of the changes, the number of new commitments to TYC dropped 36.4% from 2007 to 2009. Additionally, the average length of stay has declined from 20.5 months in 2006 to 16.7 months in 2009.¹⁸⁸

There are two types of commitments to TYC: determinate and indeterminate. With a determinate sentence, youths receive a minimum period of confinement at a TYC facility as well as a total sentence for a number of years. If these youth fail to participate in treatment programs or have not sufficiently rehabilitated while at TYC, they may be transferred to adult prison on or before their 19th birthday, with a total sentence of up to 40 years. However, if a determinate sentenced youth successfully completes his or her minimum period of confinement and satisfactorily completes treatment programs while in TYC, she or he may be permitted to transfer to adult parole rather than to prison.¹⁸⁹

Youth with an indeterminate sentence are given a minimum length of stay upon entering into TYC custody that ranges from nine months for the least serious offenses to twenty-four for the most serious.¹⁹⁰ However, a youth is not automatically eligible for release upon completion of the minimum length of stay and can only be held until his or her 19th birthday. A TYC review panel examines each child's progress in treatment and educational programs to determine whether or not that child should remain under TYC custody for further rehabilitation.¹⁹¹

Texas Youth Commission (TYC) (cont.)

HARRIS COUNTY RECIDIVISM RATES TYC

Fiscal Year	On-Year Re-arrest Rate		One-Year Re-incarceration Rate		Two-Year Re-incarceration Rate		Three-Year Re-incarceration Rate	
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
2001	718	48.7%	718	29.8%	759	44.9%	669	51.7%
2002	575	47.7%	575	32.0%	722	48.6%	748	52.5%
2003	534	51.5%	534	28.3%	583	46.0%	718	57.7%
2004	530	51.5%	530	31.5%	534	44.0%	575	54.8%
2005	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
2006	549	53.2%	549	29.1%	522	46.9%	527	56.4%
2007	672	55.5%	672	24.7%	549	42.6%	522	52.7%
2008	977	51.0%	977	20.1%	672	35.3%	549	47.5%
2009	720	54.7%	720	20.8%	977	32.9%	672	43.2%

In 2009, Harris County accounted for 13.6% of all new TYC commitments in Texas.

TYC calculates the minimum length of stay for indeterminate commitment youth by conducting an offense severity rating in conjunction with an assessment rating of the individual youth. The offense severity is determined by the felony level of the offense and whether the youth used a weapon, committed a felony sex offense, or committed a felony against a person. If the assessment rating and the offense severity rating are both "high," the youth will be sentenced to 24 months. Lower ratings can get a sentence ranging from 9 to 18 months.¹⁹²

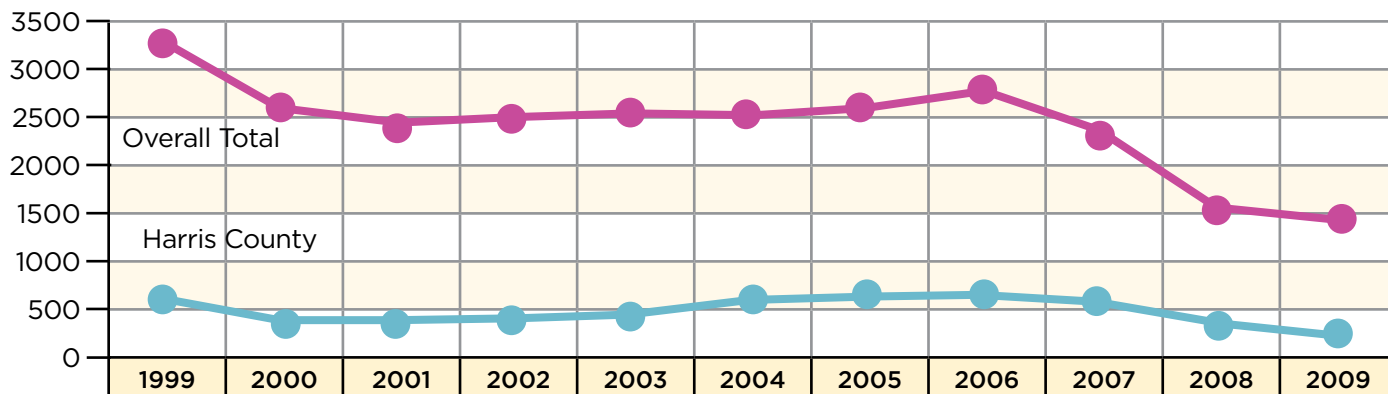
Commitments from Harris County

The percentage of commitments to TYC from Harris County has dropped from 25.5% in 2007 to 13.6% in 2009, an

approximate decrease of 50%.¹⁹³ This dramatic change is due in part to the reforms brought about by SB 103, as well as to the implementation in 2007 of the Harris County Juvenile Detention Alternatives Initiative (JDAI), a program funded by the Annie E. Casey Foundation that implements reform strategies to reduce reliance on secure detention facilities while also reducing juvenile crime. Since the JDAI was instituted in Harris County in 2007, 42% fewer youth were placed in residential juvenile justice facilities, 31% fewer youth were certified as adults, and 24% fewer petitions were filed by the District Attorney's office.¹⁹⁴

Also contributing to the decline in Harris County commitments is the piloting of a new initiative by the Harris County District Attorney called the Juvenile Non-Petition Deferred Prosecution Program. Youths who have committed class A or B misdemeanors not involving a weapon, violence against a person, intoxication, or the burglary of a motor vehicle are eligible for the program, which allows youth to avoid serving time in a TYC or juvenile detention facility if they successfully complete a period of proba-

OVERALL NEW COMMITMENTS TO TYC VS. NEW COMMITMENTS FROM HARRIS COUNTY



MENTAL ILLNESS AND RESIDENTIAL TREATMENT OF NEW COMMITMENTS PRIOR TO DISCHARGE

	ALL TEXAS COMMITTED YOUTHS				YOUTHS COMMITTED FROM HARRIS COUNTY			
	FY 2006	FY 2007	FY 2008	FY 2009	FY 2006	FY 2007	FY 2008	FY 2009
TOTAL NEW COMMITMENTS	2738	2327	1582	1481	630	593	300	201
% OF NEW COMMITMENTS WITH MENTAL ILLNESS DIAGNOSES	33.4%	33.4%	32.2%	37.9%	29.8%	28.2%	27.3%	29.9%
NEW COMMITMENTS DISCHARGED FROM TYC AS OF 30 JUNE 2010	2433	1667	316	18	562	424	63	2
% OF DISCHARGED YOUTH WITH MENTAL ILLNESS DIAGNOSES	32.3%	31.7%	32.6%	44.4%	29.7%	28.8%	28.6%	50.0%

Notes: TYC reports numbers of youths receiving mental health treatment as the number who received residential treatment, either in TYC treatment facilities or in psychiatric hospitals. Many youths found to have mental disorders are treated with medications or psychotherapy while in the general population, without ever being transferred to residential treatment facilities. All youth with diagnoses of mental disorders receive psychiatric care, whether or not they need to be placed in residential treatment centers.

In 2009, TYC expanded specialized treatment programs to accommodate youth with varying needs, made outpatient aftercare treatment available for at-risk youth after their release, and instituted several facility improvements.

tion.¹⁹⁵ This new program aligns with the juvenile justice protocol set by the Annie E. Casey Foundation.¹⁹⁶

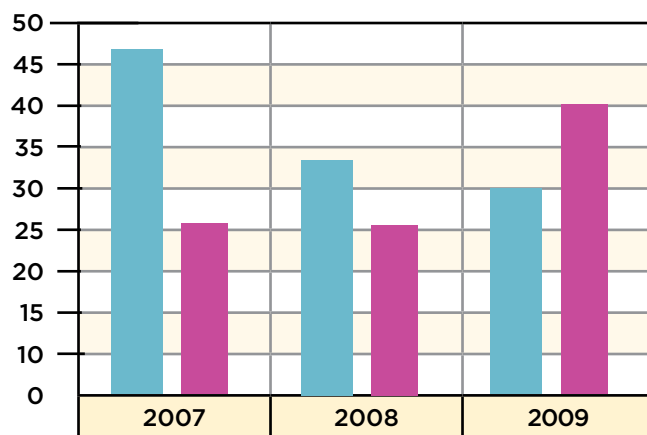
TYC reports the number of youth receiving mental health treatment on the basis of those who have been treated either in TYC treatment facilities or in psychiatric hospitals. Of the 201 youth committed to TYC from Harris County, 60 were diagnosed with mental-health illnesses. Many youths found to have mental disorders are treated with medications or psychotherapy while in the general population, without ever being transferred to residential treatment facilities. All youth with diagnoses of mental disorders receive psychiatric care, whether or not they need to be placed in residential treatment centers.¹⁹⁷

The average cost per day for a child varies depending on the type of facility or service to which the child is assigned. In 2008, the cost per day at a TYC institutional facility was \$270.49, a 66% increase from 2006. The costs in 2008 for residential contract facilities and half way houses increased as well, to \$147.41 and \$184.26 up from \$128.66 and \$147.13 respectively.¹⁹⁸

Facility Changes and Improvements

TYC facilities have undergone dramatic changes since 2007. Dorms are being reconfigured to provide additional

HARRIS COUNTY NEW COMMITMENTS NEEDING TREATMENT FOR CHEMICAL DEPENDENCY



■ Females Needing Treatment ■ Males Needing Treatment

Texas Youth Commission (TYC) (cont.)

security and privacy for youth and staff in order to enhance treatment and rehabilitation efforts. Three facilities were closed in FY 2008 – San Saba, Marlin, and Sheffield, and two additional facilities, the West Texas State School in Pyote and the Victory Field Correctional Academy in Vernon will be closed by August 31, 2010 in accordance with Rider 23, General Appropriations Act, 81st Legislative Session.¹⁹⁹ The agency also ended its contract with the GEO Group to operate the Coke County Juvenile Detention Center. The more than 50% decline in TYC's youth population eliminated the need for those facilities as the agency moves toward a regionalized, community-based approach to providing services.

In an effort to encourage communication with youth and involvement in their treatment programs, TYC provides free phone calls to families through resources made available during reform. Currently, youth receive 75 minutes each per month to call their families, with additional minutes (100 each per month) provided in November and again in December because of the Thanksgiving and Christmas holidays.²⁰⁰

New Programs

CoNEXTions is the agency's new core treatment program, recently piloted at the Al Price facility and currently being implemented statewide. CoNEXTions is an integrated system-wide rehabilitative program that uses a variety of evidence-based therapeutic tools and techniques allowing individualized treatment for TYC youth. The program

includes specialized educational plans for youth as well as an increased focus on completion of a high school diploma or GED. In addition, TYC has put an enhanced emphasis on trade certification for youth. Industry-recognized certifications are earned in skill areas such as computer cabling, construction trades, food preparation, management, and Microsoft office systems. In FY 2008, TYC youth earned 648 certifications, an increase of approximately 140% from FY 2007.²⁰¹

The Pairing Achievement with Service (PAWS) program is another new initiative within the TYC system aimed at providing therapeutic relationship building skills with leadership training by pairing select youth with rescued dogs for twelve weeks. During the course of the program, the youth learn about the mutual respect and responsibilities that come with caring for another living being.²⁰²

TYC should be able to extend custody for those youth for the period of time after their 19th birthdays required to complete necessary counseling and programming.

Policy Implication

Since 2007, significant strides have been made to ensure that the youth incarcerated in TYC have adequate treatment resources and that those youth from Harris County who might benefit more from non-residential services are kept out of institutions. However, much work remains to be done. One primary concern is that youth in need of critical counseling services who age out of the system currently do not have the ability to complete those programs before release to the public or to an adult facility. TYC should be able to extend custody for those youth for the period of time after their 19th birthdays required to complete necessary counseling and programming.

Stakeholders, community partners and policy makers also need to continue pushing for a reduction in the number of youth certified as adults. Children need specially tailored counseling and educational services to treat their specific needs, and time in adult prison makes a child more likely to recidivate. While the Texas Department of Criminal Justice Youthful Offender Program is working to address these needs, youth are ultimately better served in a grouping of their peers in juvenile facilities that specialize in serving their unique needs.

In addition, TYC needs to further expand aftercare and community based services for youth pre- and post-trial. Pre-trial and aftercare services can make a significant difference for children who have been institutionalized and need assistance reintegrating into their communities. These non-residential programs can also reduce recidivism and improve family reunification.

Adult Certifications

INDICATOR: The number of juveniles certified as adults in Harris County

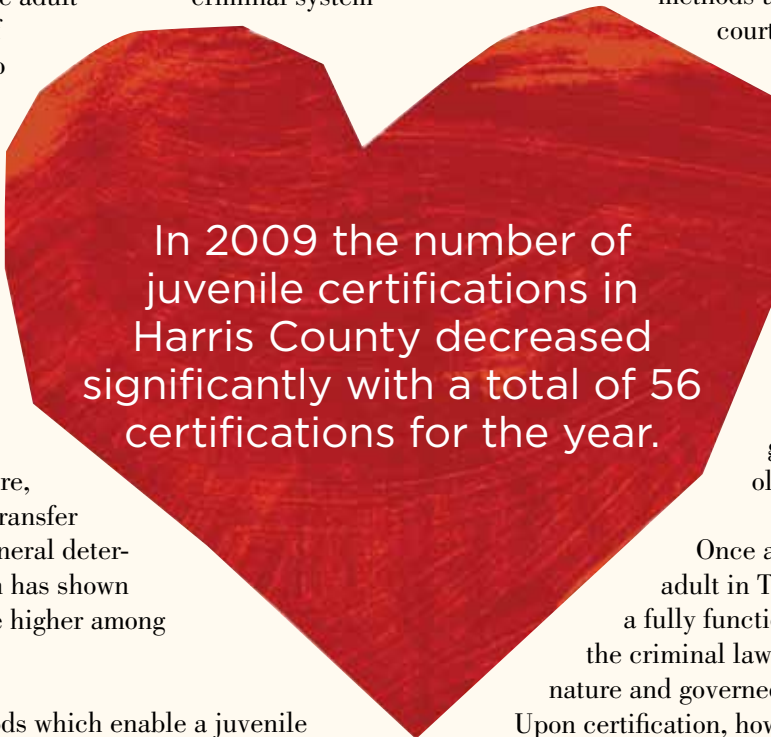
Year	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Indicator	170	155	105	64	73	38	84	49	55	56	90	81	83	56

Source: Harris County Juvenile Probation Department

- In Texas, juveniles as young as 14 can be certified as adults in the criminal justice system.
- Certified youths are tried as adults, receive adult sentences, and are housed in adult facilities, significantly increasing the length of their sentences and their risk of committing suicide or being physically or sexually assaulted in prison.
- While the Texas Department of Criminal Justice’s Youthful Offenders Program offers age-appropriate treatment and houses certified youths separately from adults, programming is not the same as in TYC facilities and capacity limitations prevent some youths from participating.

All 50 states and the District of Columbia have legal mechanisms to try juveniles in adult court. Although the number of juveniles tried as adults represents a small percentage of all juvenile referrals, the severe consequences of being processed in the adult criminal system warrant an evaluation of the practice. Transfer to the adult system often deprives juveniles of much-needed therapy and rehabilitative services that are offered in the juvenile system. Juveniles placed among adult jail and prison populations are at greater risk of physical and sexual assault and suicide. Furthermore, evidence suggests that transfer laws have little or no general deterrent effect, and research has shown that recidivism rates are higher among transferred youth.²⁰⁴

adult, always an adult” provisions which require criminal prosecution of all qualifying offenses subsequently committed by the juvenile.²⁰⁶ In Texas, certification and the “once an adult, always an adult” provision are the two methods used to try juveniles in adult court.



Juvenile court jurisdiction in Texas covers youth ages 10 to 16, and also youth age 17 who were under age 17 at the time of the offense. Juveniles can be certified as young as age 14 for capital felonies, aggravated controlled substance felonies, and first degree felonies, and age 15 and older for all other felonies.²⁰⁷

Once a juvenile is certified as an adult in Texas he or she is treated as a fully functioning adult for purposes of the criminal law. Juvenile cases are civil in nature and governed by the Texas Family Code. Upon certification, however, the juvenile’s case will no longer be governed by the Family Code but will be governed by the Code of Criminal Procedure.²⁰⁸ This means that, unlike adjudicated juveniles who are placed in the Texas Youth Commission, upon adjudication, most convicted certified juveniles will be placed in the Texas Department of Criminal Justice (TDCJ) to serve his or her sentence.²⁰⁹ Certified youths who are convicted of state

There are several methods which enable a juvenile to be tried in adult court. Judicial waiver, known as certification, is the most common method of transfer, giving the juvenile court judge the discretion to waive certain juveniles to criminal court.²⁰⁵ Upon prosecutorial recommendation for certification of a juvenile, a transfer hearing is held in which the juvenile court judge may grant or deny the certification. In addition, some states have “once an

Adult Certifications (cont.)



jail felonies are held in state jails to serve their sentences. Also, unlike their counterparts who are held in juvenile detention facilities while awaiting their hearing, certified juveniles are held in county jails while awaiting trial.²¹⁰ Many of these juveniles are placed in isolation in the county jails in order to protect them from the older inmates and from each other.

The majority, roughly two-thirds, of certified juveniles in TDCJ are placed in the Youthful Offender Program, which is a program for 14 to 17 year olds created to provide education, therapeutic programming, and housing that is separate from the general adult inmate population.²¹¹ Due to capacity limitations, not all eligible juveniles are placed in the Youthful Offender Program, and the remaining juveniles are placed among the general adult population. However, if it is believed that a youth may be harmed by older inmates, he or she is placed in isolation for their protection.

In Texas, 245 juveniles were certified to stand trial as adults in 2008 and 227 were certified in 2009.²¹² Harris County has historically certified more juveniles than any other county in Texas. In 2008, Harris County had the largest number of certifications in the state with 83 juveniles certified, more than the next five largest counties combined.²¹³ In 2009 the number of juvenile certifications in Harris County decreased significantly with a total of 56

certifications for the year.²¹⁴ This decrease may be attributed to a variety of factors which include a shift in prosecutorial philosophy away from the justice system towards more community-based rehabilitative services, and also the fact that juvenile crime itself decreased in 2009.

An alternative to certification in Texas is the determinate sentence.²¹⁵ Also known as blended sentencing, when a juvenile between the ages of 10 and 17 commits a qualifying crime, the prosecutor may seek, and the judge may impose, a determinate sentence.²¹⁶ This sentence provides for a minimum period of confinement at a TYC facility. If completion of the minimum period of confinement occurs before the juvenile's 19th birthday, TYC may, in its sole discretion, parole the child.²¹⁷ Since TYC jurisdiction ends when the juvenile turns 19, if the juvenile has not

Juveniles incarcerated in adult prison are eight times more likely to commit suicide, five times more likely to be sexually assaulted, and almost twice as likely to be attacked with a weapon by other inmates, compared to youth detained in juvenile facilities.²⁰³

completed the minimum period of confinement before his or her 19th birthday, a hearing may be held in juvenile court to determine whether the juvenile should be paroled, released, or transferred to TDCJ to complete the sentence. Determinate sentencing offers much-needed flexibility in deciding the most appropriate sentence for an individual juvenile. Juveniles are held in the rehabilitative environment of TYC but still face the possibility of transfer to TDCJ, thus incentivizing the juvenile to reform.

In Texas, certification has historically been used more prevalently than the determinate sentence. While there is significant overlap between qualifying offenses for adult certification and determinate sentencing, there are more qualifying offenses for certification.²¹⁸ With the exception of 2009, the trend in Harris County shows more youth

being certified than receiving a determinate sentence: in 2008, 83 youths were certified and 43 received a determinate sentence; in 2007, 81 youths were certified and 54 received a determinate sentence; and in 2006, 90 youths were certified and 52 received a determinate sentence. In 2009, 56 youths were certified and 83 youths received a determinate sentence.²¹⁹

The 81st Legislature made an important improvement to the certification process. Through Senate Bill 518, the juvenile court is now required to provide both the attorney for the child and the prosecuting attorney with access to all

written material to be considered by the court in making the transfer decision at least five days prior to the transfer hearing. Previously, the court was required only to provide these materials to the attorney for the juvenile at least one day prior to the transfer hearing. Another significant change made by the 81st Legislature with the passage of Senate Bill 839 was the elimination of life without parole as a sentencing option for certified juveniles. These changes are indicative of the seriousness of certifying a juvenile to stand trial as an adult and the importance of making sure the interests of juvenile offenders are not dismissed.

Youths should be placed in juvenile facilities where they can benefit from treatment and the overall rehabilitative nature of the juvenile system.

Policy Implication

The impact of certifying juveniles to stand trial as adults gives us cause to ensure that the practice is limited only to the most warranted circumstances. The U.S. Department of Justice, Bureau of Justice Assistance states that juveniles in adult facilities have a higher recidivism rate and are at greater risk of physical abuse and sexual assault than youth housed in juvenile facilities.²²⁰ Also, the suicide rate for juveniles held in jails is eight times the rate for youths in juvenile detention facilities.²²¹ Thus, there are significant concerns for youth who are certified as adults, and additional measures should be taken to help prevent victimization of these youth.

Policy considerations include limiting the qualifying offenses for certification. Currently, there are more qualifying offenses for a juvenile to be certified as an adult in Texas than there are to receive a determinate sentence. Of the two, certification is the harsher option, as youth who receive a determinate sentence may be paroled or discharged from TYC upon completion of their minimum period of confinement.

Another policy consideration concerns the placement of youth who have been certified as adults and the use of isolation in jails and prisons. Youths should be placed in juvenile facilities where they can benefit from treatment and the overall rehabilitative nature of the juvenile system. With no alternative placement options within adult facilities, youth are placed in isolation to protect them from other certified youths and adult inmates. However, research shows that the placement of youth in solitary confinement may cause severe emotional and psychological trauma and increases the risk of suicide; therefore other placement options must be explored.

Child Homicide

INDICATOR: The number of children ages 0 through 17 who died from injuries purposely inflicted by another person

Year	1990	1992	1994	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Indicator	111	102	98	37	46	43	41	32	49	53	59	39	47	68	46

Source: Houston/Harris County Child Fatality Review Team Report 2006-07

Note: Data collected from the Texas Department of State, from 1990-94, included children up to 19 years of age

- Harris County has seen a significant increase in child homicide deaths since 2004-2005.
- Firearms are the most common means of child homicide.
- Older youths, minorities, and males have an increased risk of falling victim to child homicide.



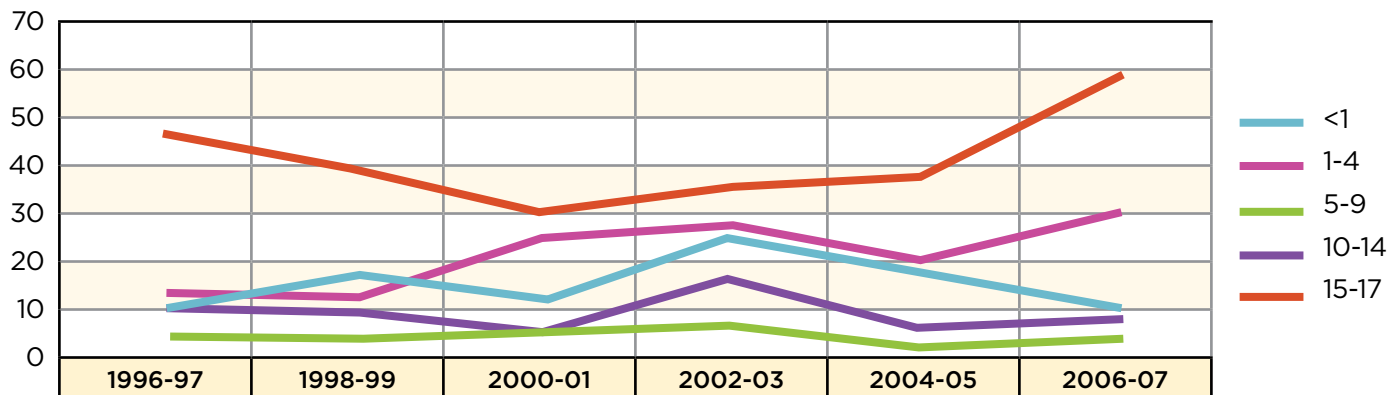
During 2006 and 2007, 114 Harris County children died due to intentional injuries inflicted by another.²²² Unfortunately, this number represents a 33% increase in the number of homicide deaths since 2004-2005.²²³ In 2006 alone, Harris County saw 68 child homicide victims, the highest number recorded since the Houston/Harris County Child Fatality Review team was established and began reporting in 1996.²²⁴

The means by which these homicides were accomplished include: firearms, striking that resulted in blunt force trauma, drowning, strangulation, scalding, being left in a hot car, malnourishment/neglect, and the caregiver's failure to seek necessary medical care.²²⁵ Firearm-related homicides were responsible for the majority of these deaths, and usually involved a handgun.²²⁶

Homicide affected gender, racial, and age groups differently. More than half of the intentional killings affected children ages 15 to 17 years and data shows that homicides in this age group have grown by 32% since 2002-03.²²⁷ In addition, the rate of male homicide victims is 7.5 per 100,000, more than double that of female victims, at 3.0 per 100,000.²²⁸ Finally, African American children in Harris County are three times more likely than Latinos to become the victim of homicide, and six times more likely than their Anglo counterparts.²²⁹

More than half of intentional child killings affected children ages 15 to 17 and data show that homicides in this age group have grown by 32% since 2002-03.

NUMBER OF CHILD HOMICIDES BY AGE GROUP



Source: Office of the Attorney General

In order to prevent these deaths, CPS needs more case officers to oversee these families for longer periods of time to ensure that the child is living in a safe environment.

Policy Implication

Child homicides are a disturbing part of reality, but one of the most concerning factors of such homicides is that an overwhelming majority of child homicides occur in the home and at the hands of a parent. Child Protective Services case officers are on the frontline confronting this problem every day. Their purpose is to protect children from dangerous parents; however, child homicides are still occurring even after CPS investigations are conducted. In order to prevent these deaths, CPS needs more case officers to oversee these families for longer periods of time to ensure that the child is living in a safe environment.



Corporal Punishment

INDICATOR: Number of children subjected to corporal punishment in schools

Year	2004	2006
Indicator	1285	665

Source: Civil Rights Data Collection, U.S. Department of Education

- **Nationally, corporal punishment in schools is steadily declining.**
- **While corporal punishment remains popular in Texas, it is becoming less common in Harris County.**
- **Corporal punishment by schools disproportionately affects minority and low-income students.**

Texas is one of twenty states that have laws allowing corporal punishment, often referred to as “paddling,” in public schools to discipline students.²³⁰ The American Academy of Pediatrics defines corporal punishment as the willful and deliberate infliction of physical pain on the person of another to modify undesirable behavior.²³¹ During the 2006-2007 school year, 223,190 school children in the United States were physically punished in schools.²³² Of these children, 49,197 were paddled in Texas.²³³ This number comprises about 1.1 percent of all Texas school children.²³⁴

Although the total number of children hit in schools has been steadily dropping in the last decade, twenty states still allow corporal punishment. Almost 40% of all cases of corporal punishment occur in two states: Texas and Mississippi. Together with Arkansas, Alabama and Georgia, the five states account for almost three quarters of all the nation’s school punishments. In Texas, school districts may include corporal punishment in their charters. During the 2004-2005 school year, seven Harris County school districts reported that children were subjected to physical punishment in schools. However, in 2006-2007, all of these districts showed either a significant drop in numbers or reported that no children were paddled at all.²³⁵ Overall, in 2006-2007 six out of 26 school districts in Harris County reported that their students were subjected to corporal punishment in schools. The total number of children paddled in Harris County during this period was 665, with one district not submitting the data to the Department of Education.

Children subjected to corporal punishment are often from less-educated and lower-income families in which physical punishment and spanking at home are customary. Often, the students paddled are minority students. Overall, in the United States African American students comprise 17% of all public school students, but comprise 36% of those who have corporal punishment inflicted on them.²³⁶ In Harris County, 280 out of 665 children punished during the 2006-2007 school year were Latino and African American.

During the 2006-2007 school year, of 223,190 school children subjected to physical punishment across the nation, 49,197 were in Texas.



Almost 40% of all cases of corporal punishment occur in two states: Texas and Mississippi. Together with Arkansas, Alabama and Georgia, these five states account for almost three quarters of all school physical punishment in the nation.

NUMBER OF CHILDREN SUBJECTED TO PHYSICAL PUNISHMENT

School District	2004	2006
Aldine	715	0
Alief	0	0
Channelview	15	5
Clear Creek	N/A	0
Crosby	110	10
Cypress-Fairbanks	0	0
Dayton	N/A	445
Deer Park	N/A	0
Fort Bend	N/A	0
Friendswood	N/A	0
Galena Park	55	5
Goose Creek	N/A	60
Houston	0	0
Huffman	N/A	N/A
Humble	N/A	0
Katy	0	0
Klein	50	0
La Porte	N/A	0
North Forest	180	0
Pasadena	160	140
Pearland	N/A	0
Sheldon	N/A	0
Spring	N/A	0
Spring Branch	N/A	0
Tomball	N/A	0
Waller	N/A	0
TOTAL	1285	665

Source: Department of Education Office of Civil Rights



Policy Implication

Although Harris County has made significant progress in numbers in the recent years, Texas still allows school districts to use corporal punishment in schools. Extensive social research is available to show that corporal punishment is both inefficient and can result in serious social harm. Research shows that many of the social problems present in the United States, such as violence, substance abuse, and unsuccessful interpersonal relationships, result from and are aggravated by violence directed at children, including corporal punishment. As a consequence, professional child welfare and health organizations unanimously oppose the use of corporal punishment in schools. Texas, however, has yet to abolish corporal punishment by law.

Agenda for Change

HUMAN TRAFFICKING

- Safe houses must be created to provide domestic human trafficking victims with a place to go to receive services and rehabilitation when they are rescued.
- The Legislature should remove the requirement for prosecutors to prove that a trafficker caused a minor victim to enter into prostitution through the use of force, fraud, or coercion.
- School personnel and community members should be trained to be aware of victim risk factors so they might intervene early to prevent at-risk youth, such as runaways and victims of sexual abuse, from entering into the world of trafficking.

RUNAWAYS, TRUANCY, AND MINOR OFFENSES

- Funding must be appropriated for important preventive programs that can address the root causes of delinquent behavior.
- Educators, families, and communities should provide positive motivation for students to attend school.

CHILD ABUSE AND NEGLECT

- DFPS must reduce caseworkers' workloads to recommended levels so that each child receives the attention he or she deserves.
- DFPS should continue to increase efficiency through the strategic use of technology.

CHILDREN UNDER SUPERVISION

- Houston and Texas must strive to meet the requirements of the Fostering Connections to Success and Increasing Adoptions Act of 2008.
- CPS should continue to increase its focus on kinship caregivers, family reunification, and promoting the adoption of older children.

JUVENILE PROBATION

- HCJPD must maintain recent decreases in probation officer caseloads.
- HCJPD should continue to expand services to youth on probation.

JUVENILE OFFENSES

- The availability of crime prevention programs, such as the Juvenile Consequences Project, should be increased to all Harris County youth.
- Schools, communities, and law enforcement should involve themselves in juvenile crime prevention by educating and reaching out to at-risk youth.

ADULT CERTIFICATIONS

- Laws should be amended to limit adult certification to older juveniles who commit the most serious offenses.
- Alternatives to solitary confinement as a way of protecting certified youth from adult inmates should be explored.