

Keeping Our Kids at Home: *Expanding Community-Based Facilities for Adjudicated Youth in Texas*

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RECOMMENDATIONS

Practical

- Community engagement is essential.
- Stress benefits to the community and seek opportunities to gain local support.
- Ensure that each proposed facility is primarily an opportunity to deliver programs and services to juveniles and that residential services are secondary to that mission.

Policy

- Develop appropriate zoning classifications for community-based juvenile facilities.
- Require cities and counties to designate locations where residential facilities for juveniles can be placed.
- Provide a streamlined approval process in those instances in which a facility is designed to house youth who come from within a 5-10 mile radius of the facility.
- Provide a streamlined approval process in instances where the developer proposes converting an abandoned or rundown property into a residential facility for youth.

Introduction

In the wake of high-profile scandals that rocked the Texas Youth Commission (TYC) in 2007, the Texas Legislature enacted Senate Bill 103, which initiated a host of reforms. Among these measures were efforts to divert greater numbers of juveniles from the state's juvenile correctional system. Specifically, no longer would judges be allowed to send misdemeanants to TYC.

Local officials went well beyond this legislative mandate in their efforts to keep youthful offenders close to home. Commitments to TYC dropped dramatically, especially from counties such as Travis and Dallas.* County commissioners in these and other jurisdictions supplemented existing probation resources in order to expand services and programs for delinquent youth.

These efforts to reduce the TYC population and to serve youth at the local level had strong support from both advocates and experts on juvenile justice. For example, the Blue Ribbon Task Force on the Texas Youth Commission urged Texas to rely more heavily on county-level probation, with an emphasis on use of evidence-based interventions, and to reserve TYC for the most serious juvenile offenders.¹ The Task Force's report cited research from

around the country showing the greater success of community-based services and interventions.² Moreover, the report recommended creation of a "regionalized system of care that supports the use of small facilities."³

The Sunset Advisory Commission's review of TYC and TJPC (the Texas Juvenile Probation Commission) led to similar conclusions. The sunset commission recognized the need to continue reducing commitments to TYC and to promote community corrections for juveniles. One of sunset's key recommendations was to "[e]stablish a community corrections pilot program that encourages counties to keep lower-risk offenders eligible for commitment to TYC in their home communities and out of state confinement."⁴ This recommendation is currently a major provision in the sunset legislation (HB 3689 and SB 1020), and is under intensive review by various legislative committees.[†]

While details about the pilot project are still being negotiated, some individual counties and groups of counties have put forward proposals that would truly shift the paradigm of juvenile justice in these jurisdictions. These counties propose to manage virtually all but a very small handful of adjudicated youth in local probation programs, in exchange for

* Travis County's TYC commitment rate has been reduced by 88% since FY 05, while Dallas's commitment rate declined by 26% between FY 06 and FY 08. "A Vision for Reform: Bringing Community & Family Back to the Center of Juvenile Justice in Texas," A Comprehensive Overview of Juvenile Justice Community Corrections Program Proposals, Travis County Juvenile Probation Department Presentation to the Joint Legislative Committee on Oversight of Criminal Justice, April 22, 2009.

† A hearing on this topic was held by the Joint Legislative Committee on Oversight of Criminal Justice on April 22, 2009.

state funding.⁵ A cap would be set on the number of youth eligible for placement in TYC from each of these jurisdictions; any placements in excess of this number would be at county expense.⁶ There appears to be strong legislative support for this concept, even as details about funding continue to be debated.

At the same time that legislative efforts to shift responsibility for delinquent youth to the counties gain steam, the appropriations process reveals that legislators continue to expect TYC to downsize. The Senate has recommended substantial cuts to TYC's budget and proposed the closure of certain large state facilities in remote areas. At this point in the reform process, it appears that the era of using large juvenile corrections facilities as the state's main response to delinquency is heading toward its end. Exactly what would replace these large correctional facilities in the short- or long-term is still under discussion. However, TYC continues its efforts to develop a more regionalized system of care, using smaller facilities located closer to urban centers in lieu of large institutions.

While there is no doubt that Texas can take further steps to save money and reduce recidivism by implementing more non-residential services for juvenile offenders, it is also clear that some residential options are still required—whether they are run by counties or the state. At least some of the youth diverted from TYC to the counties will need residential options, including treatment beds. The need for both secure and non-secure beds is especially obvious for those counties that will need to serve increasingly serious offenders under the proposed pilot programs. So too may TYC be directed to replace some of its large institutions with smaller group homes, as happened in Missouri. Presumably TYC will also need to locate community-based transitional bed space or “step-down facilities” for juveniles released from TYC.

Even if state money is available to develop these new residential options, prior experience in both the juvenile justice and adult criminal justice systems reveals that it will not be easy for these new facilities to be sited. Cumbersome statutes requiring time-consuming and expensive notice and hearings, zoning restrictions, and lack of community support all combine to create difficulties in moving forward with small, community-based facilities for adjudicated youth. If these facilities are unable to be

placed, however, it could limit the ability to expand the pilot projects beyond a few counties in future legislative sessions, limit TYC's regionalization options, and hinder TYC's ability to help juveniles re-integrate into their communities post-release from TYC.

The policy challenge is how to expand availability of community-based facilities for adjudicated youth in Texas, to support the direction of juvenile justice reform in this state. In other words, how can we shift from the age-old NIMBY (“not in my backyard”) way of thinking that led to large-scale correctional facilities in the far corners of the state to the YIMBY (“yes in my backyard”) perspective essential for successful community corrections?

This paper examines some of the issues presented by the desire to move towards community-based residential housing for adjudicated youth, and recommends strategies for meeting those challenges. Whether the legislature moves towards a juvenile justice model run by county-level probation departments (as appears to be the case), or whether TYC needs to plan for smaller state-run facilities scattered around the state (or whether—as most experts prefer—these reforms proceed on a dual track), it behooves all stakeholders to understand and plan for these challenges.

The first part of this paper takes a closer look at the range of residential settings for adjudicated youth, and examines the factors that make some of them successful. Secondly, it examines the challenges in developing community-based residential placement options, and details the statutory requirements and other restrictions that apply when trying to site such facilities. Finally, it draws lessons from those experiences and identifies some practical and policy recommendations for addressing the challenges in siting community-based facilities for youth.

Comparing Residential Settings for Youth Where are Adjudicated Youth Housed in Texas?

By far, the vast majority of adjudicated youth in Texas are placed on probation, not sent to TYC. According to data presented in the Sunset Commission Staff Report, in FY 2007, 51,623 juveniles were placed on probation, compared to the 2,276 juveniles committed to TYC.⁷ Of the youth placed on probation, 10,917 were placed in out-of-

home residential placements in secure and non-secure facilities.⁸ Secure facilities have locked cells or dormitories, whereas non-secure facilities afford the youth more freedom of movement. Figure 1 displays this breakdown in post-adjudication residential placements.

Figure 1: Residential Placements of Adjudicated Juveniles, FY 2007

Type of Placement	Number of Placements
TYC	2,276
Non-TYC Residential Placements ⁹	10,917
TOTAL RESIDENTIAL PLACEMENTS	13,193

Source: Sunset Commission Report, January 2009, p. 91

While the total number of residential placements (13,193) pales in comparison to the number of non-residential responses to juvenile delinquency (38,430), these post-adjudication placements nevertheless represent a sizeable and expensive segment of the state's juvenile justice system. These residential facilities for juveniles include a wide mixture of settings, which will be discussed below.

The Texas Youth Commission's residential facilities

TYC has several types of facilities, including large institutions, contract facilities, and halfway houses. Currently, TYC has 12 secure institutional facilities, plus a separate orientation and assessment unit for girls. These institutions, located in 10 relatively remote locations around the state, have capacities ranging from a low of 96 to a high of 320.¹⁰ The total average daily population of these facilities has been dropping significantly in the last two years, and on February 6, 2009, was at 2,082, with capacity budgeted at 2,342.¹¹

In addition to these large correctional facilities, TYC also has community-based facilities for less serious juveniles, including those with substance abuse and mental health issues, and for youth who are transitioning back into the community after an institutional placement. Some of these are contract care facilities, operated primarily by private providers. There are 12 contract care residential programs, all but one of which is non-secure. Each program has a different emphasis from vocational training to treatment to placements for youth who cannot return to their homes.¹²

There is even a special facility for teen mothers and their babies. In a snapshot of TYC placements on February 6, 2009, 202 juveniles were in these contract care facilities.¹³ There are 270 beds available in contract facilities, so they are currently operating under-capacity.¹⁴ No contract care facility has more than 40 spaces budgeted for TYC juveniles.¹⁵ It is worth noting that many juvenile probation departments contract with these same residential facilities, so they usually contain a mix of TYC youth and probation placements.

Halfway houses are the other type of community-based facility. TYC operates nine halfway houses around the state, and on February 6, 2009, they also held 202 juveniles.¹⁶ (TYC budgets for 218 slots in halfway houses.) Halfway houses are designed to provide a transitional living environment for youth exiting TYC, offering education, treatment, aftercare services, and community service and work opportunities for participants.¹⁷ There is only one halfway house in the entire state that serves girls. They are non-secure facilities but are staffed 24 hours a day. While residents are not allowed to come and go as they please, youth are able to check out of the facility to attend school or work in the community.

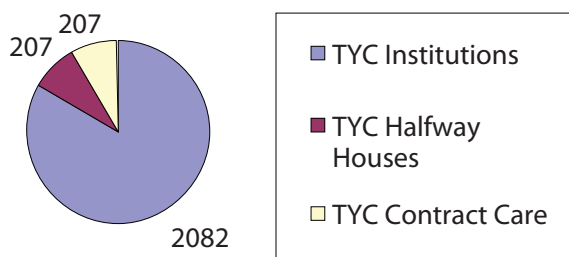
Both contract care facilities and halfway houses tend to be relatively small facilities, compared to TYC institutions. Some of them are more akin to group homes than correctional facilities. Because both draw heavily from resources available in the community—including use of teachers from the local school district and providers of health care—they are often located in more urban areas.

Figure 2 depicts how many youth are in each type of TYC residential placement.

Local juvenile probation residential facilities

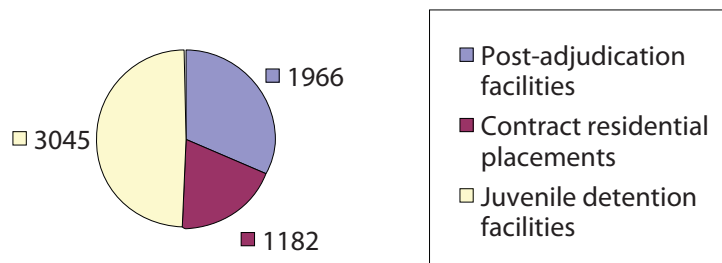
Judges have the option of sending delinquent youth to either secure or non-secure residential placements, if probation supervision is insufficient to meet the needs of the youth. Around the state, there are 32 secure post-adjudication facilities operated or contracted by juvenile probation departments. These facilities vary widely in terms of capacity and design. The smallest by far is the Van Zandt County Youth Multi-Service Center with eight beds available; the largest is Harris County's Delta Boot Camp, with 156 beds.¹⁸ The vast majority of the post-adjudication fa-

Figure 2: Breakdown of TYC Residential Placements on February 6, 2009



Source: Population Summary Report, Office of the Independent Ombudsman, February 6, 2009

Figure 3: Beds Available in Local Juvenile Residential Facilities, FY 2007



Source: Sunset Commission Report, January 2009

cilities each have well under 100 beds, but most are sizeable enough to exceed any conception of a “group home.” There are a total of 1,966 beds available in these secure facilities.¹⁹ The average length of stay in these facilities in FY 2007 was 87 days.²⁰

Additionally, probation departments contract with various residential programs for non-secure beds. Some of these contracts are with the same entities that contract with TYC. Judges will utilize these contract beds when they need a specialized service, such as a program for emotionally disturbed youth or a residential drug treatment program. Roughly 1,182 contract beds are available for use by juvenile probation departments.

Finally, there are a total of 51 secure juvenile detention facilities around the state, with a total of 3,045 beds.²¹ These beds are designed for youth who are pre-adjudication, and a typical stay is just for a few days following arrest. Except under rare circumstances, adjudicated youth will not be placed in these facilities, so detention facilities are not included as a focus of this report.

Figure 3 shows a breakdown of the number of beds available in each type of facility for use by local juvenile authorities.

Other residential placements

Other out-of-home placements for juveniles include mental hospitals, state schools for the mentally disabled, and foster homes. No data is easily obtainable about the numbers of youth in these placements.

Effectiveness of Community-Based Facilities

The research is unequivocal about the advantages of community-based programming for juveniles, including the use of small, secure facilities as part of a local continuum of services and sanctions. Krisberg and Howell (1998) reviewed the results of a number of studies, and determined that most studies found better recidivism rates and attitudinal adjustments on the part of youth treated in community-based programs versus secure institutions. They concluded that “the establishment of small, community-based facilities to provide intensive services in a secure environment offers the best hope for successful treatment of those juveniles who require a structured setting.”²²

Similarly, Loeber and Farrington (1998) determined that “[d]ownsizing large, centralized facilities—i.e., replacing them with a system of smaller, community-based or regional facilities that are part of a full continuum of sanctions and services—is likely to produce substantial immediate and long-term savings in the form of lower operating costs and reduced recidivism.”²³

It is important to emphasize that these residential facilities must have effective treatment components and cannot just be lock-up centers. The secure facility must be a vehicle for delivering those programs and services to the youth. Moreover, the residential facility must be part of the continuum of services for juveniles in that community and not a stand-alone option.²⁴

Zavlek (2005) points to the advantages that come from offering programs in this small, community-based setting as opposed to in large institutions. Those advantages include the opportunity to mobilize a wide range of community partners, help the youth develop strong bonds with mentors in the community, engage the family, and provide resources for the community.²⁵

Data from Texas confirms that there are improved outcomes associated with small, community-based residential facilities. There are a number of studies from around the country finding recidivism rates of more than 50 percent among juveniles released from institutional settings.²⁶ TYC's own data shows three-year re-arrest rates hovering around 50 percent for several years.²⁷ Outcomes for juveniles who participate in specialized programs vary. In the case of those who participate in a substance abuse treatment program, the recidivism rates are about 81 percent.²⁸ This is high under any interpretation, but the figure is even more disturbing when we realize that it is higher than the rate for those addicts who did not participate in the program.²⁹

In contrast to the recidivism rates for incarcerated youth, the outcomes for juveniles housed in community-based residential facilities are more promising. While it is impossible to make an apples-to-apples comparison of county-level residential programs and TYC institutions due to the fact that the two populations of juveniles are not generally comparable, one county offers a reasonable basis for comparison. Since 2007, Travis County has been retaining almost all its juvenile offenders, most of whom would have been sent to TYC in the past. Thus, the population of youth in the local residential programs is fairly similar to the makeup of juveniles in TYC. For Travis County's most intensive residential program, the Leadership Academy for Boys, recidivism rates have historically been about 40 percent.³⁰ As the population hardened in 2007, recidivism appeared to be increasing somewhat. In the first half of 2007, the recidivism rate was about 48 percent.³¹ For the residential substance abuse treatment program, the recidivism rate in recent years has varied between 39 percent and 50 percent, significantly better than TYC's rate. However, that success has also diminished somewhat in the last fiscal

year and was recently around 64 percent.³² Travis County's residential mental health program has experienced a fairly stable recidivism rate of about 31 percent.³³

The cost savings associated with community-based residential programs are also significant. TJPC reports that the average daily cost of county-level residential placement is approximately \$94.61.³⁴ Of course, that figure reflects many facilities that do not house comparable juveniles to those housed within TYC. A more appropriate comparison can be drawn between the state and county rates that have been highlighted in recent legislative hearings. Counties promoting the pilot project have in most cases requested per diems of \$175 per day.³⁵ This cost compares very favorably with TYC's daily costs, which in 2008 were approximately \$270 for institutions.³⁶ The costs associated with TYC's contract care are significantly lower than this, however, at \$147, and halfway houses have a per diem of \$184.³⁷

The bottom line is that community-based residential facilities are more cost-effective and more successful than large-scale state institutions. Thus, the legislative move in this direction appears to be both appropriate and foresighted.

Missouri's Group Homes Model

Missouri's juvenile justice system has rightly drawn acclaim for its success in working with juvenile offenders.* The Missouri Department of Social Services, Division of Youth Services (DYS) shifted many years ago from the traditional large institutional approach to housing juveniles to a regionalized system of group homes and other community-based facilities. Over the course of several years, juvenile officials found ways to renovate buildings ranging from old middle schools to vacant convents, in order to create these small residential facilities in urban areas.³⁸ The old institutions were eventually transferred to the adult prison system. Today, throughout the state in both urban and rural areas, DHS operates a full continuum of programs and services, including 32 residential programs with a total of 710 beds. These residential programs serve 72 groups of 10-12 youths.³⁹ The programs vary signifi-

* The Missouri Division of Youth Services has won numerous awards for its work from juvenile justice professionals, academic organizations, and the media. It was recently featured as a model government program by Harvard University's Kennedy School of Government.

cantly in terms of their level of security, and placement in a particular program is based on the individual’s needs and risk that they present. There are also 10 day-treatment centers scattered throughout the state.⁴⁰

Each of the residential facilities is small, set up like a cottage or dormitory. They are designed to feel very unlike a correctional facility. There are no fences or razor-wire surrounding the building, and the main living areas are like living rooms, with couches and chairs. This set-up is used for all facilities, including those used to house juvenile murderers.⁴¹ Officials report that they have not had problems with escapes or other security concerns, despite the relaxed setting.⁴²

Group homes are the least restrictive (and most common) type of residential environment, typically housing about 10 juveniles in a home-like setting under 24-hour supervision.⁴³ Youth housed in these group homes usually attend school on-site, though some residents continue to attend public schools. Even those residents who attend school on-site get to participate in other activities in the community.⁴⁴

The youth in the group homes have individualized treatment plans and continuously participate in treatment and educational services. Each facility offers the residents intensive counseling, life skills training, and a fully accredited education program. Among the issues addressed in treatment, depending upon a particular youth’s needs, are victim empathy, social skills, anger/emotions management, healthy thinking patterns and coping skills, peer influences, substance abuse, and self-esteem, as well as educational and vocational programming. Services tend to be delivered primarily in a group setting in which group processes and dynamics are examined, but individual and family counseling services are also available.⁴⁵

In addition to group homes, DYS operates 12 facilities that provide a moderate structure for youth who require such a level of supervision. These facilities do not differ from group homes in size or programmatic offerings, but are more secure. Three of these facilities are located in state parks, where the residents participate in a “Junior Ranger” program, helping to keep the parks clean.⁴⁶ The agency also has seven highly structured secure care programs

(locked facilities) that target more serious offenders who have longer offense histories or who have committed violent crimes against people.⁴⁷ These facilities too are small and community-based, despite the population they serve. The state no longer has any equivalent of Texas’s large, remote TYC institutions.

Each residential group of 10 to 12 youth is assigned a youth group leader as well as one full-time and one part-time teacher.⁴⁸ In addition, each facility is staffed with up to 10 youth specialists (depending on the level of security of the facility), who cover shifts 24 hours a day, 7 days a week.⁴⁹

Missouri’s success with this model has been nothing short of remarkable. In 2007, Missouri boasted a three-year juvenile recidivism rate of 7.2 percent, a figure that has remained very steady over a five-year period of evaluation.⁵⁰ On other outcome measures, Missouri’s record is also enviable: youth in these programs demonstrate significant educational gains, compared to same age peers. When it comes to reading, writing, and math achievement, more than 70 percent of the juveniles progress at rates equal to or greater than their peers in the community.⁵¹ Also, by the time of discharge from DYS facilities, 23 percent of the youth 16 or older either had graduated from high school or obtained a GED.⁵²

Missouri’s programs have proven to be highly cost-effective, compared to the costs of operating large institutions in Texas. Figure 4 below highlights the operational expenses associated with the three levels of Missouri’s residential programs.

Figure 4: Cost of Missouri’s Residential Programs for Juveniles, FY 2007

Program Level	Per Diem	Annual Cost per Bed
Group Homes	\$115.13	\$42,022
Moderate Care	\$122.29	\$44,636
Secure Care	\$161.83	\$59,069

Source: Missouri Division of Youth Services, FY 2007 Annual Report, p. 16

It is important to emphasize that Missouri’s system cannot be directly compared to TYC on either costs or outcome

measures due to significant differences between the populations served by both state agencies. Arguably, DYS serves a less “hardcore” population of juveniles than does TYC, since only about 50 percent of DYS commitments are for felony offenses.⁵³ The laws in Missouri are such that many of the older, more serious juvenile offenders are sent to adult prison instead of to juvenile facilities. Thus, we should be cautious in making any conclusions from the data provided here. Nevertheless, Missouri’s experiences are instructive in demonstrating that community-based residential facilities for juveniles are not only good in theory, but a proven effective practice in responding to juvenile delinquency.

What Makes a Community-Based Residential Facility Successful?

As the discussion above illustrated, community-based residential facilities provide better results when it comes to both cost-savings and reduced recidivism. But what factors contribute to this success? Similar factors seem to be present, regardless of whether a facility is secure or non-secure.

Of greatest importance is the programming that takes place in these facilities. The most successful placements, such as those in Missouri and in Travis County,⁵⁴ provide intensive treatment and educational opportunities for the youth. Programming is individualized, based on the juvenile’s particular needs, and includes both group and individual counseling. There are programs that directly target the needs of youth with substance abuse issues and mental health problems. Education is a priority. Depending upon the level of security of a particular facility, classes can be provided on-site with teachers provided by the local school district, or students can leave the facility to enroll in the local school. Programming is provided by professional staff, including social workers and other trained specialists.

Second, the programs are designed to leverage resources available in the community. Providers of treatment services to the local citizenry can be tapped to provide treatment for facility residents. Mentors can be found locally. The school district can provide teachers. Staff can form partnerships with local employers and persuade them to hire youth as employees or apprentices, and to provide vocational training for the residents.

Third is the emphasis on aftercare. Program operators understand that the transition out of any residential setting will be difficult and that relapse is to be expected. Thus, the program is designed in a step-down fashion that continues to provide the juvenile with support systems and treatment even after the juvenile leaves the facility and is subject to less supervision.

The fourth critical factor has to do with the small size of these facilities. While we see a wide range in the size and types of facilities that would qualify as “community-based,” it is fair to say that the most successful programs are those held in facilities that cannot rival the size of TYC’s institutions. Admittedly, there are tremendous differences between the 10-bed group home in Missouri and the 118 beds in Travis County’s post-adjudication facility, but neither resembles in any way the prison-like structures used to hold TYC’s juveniles. According to OJJDP, jurisdictions “should take caution to control the total bed capacity of a multiservice facility, keeping each residential component (detention, secure treatment, group homes, etc.) relatively small—not larger than about 50 beds.”⁵⁵

The location of these residential facilities certainly qualifies as a factor impacting their success. While they need not be located in residential neighborhoods, they have to be sufficiently close to areas where services are readily available, where schools and after-school work opportunities exist, where public transportation is available, and located sufficiently close to the families of the residents. The facilities should not be relegated to the countryside or to industrial areas, where they will not have access to these supports and where they will be “out of sight and out of mind.” Also, it is best when residents of the facility come from the immediate area and not from neighboring or distant towns.

Finally, the most successful programs are those that have true buy-in from the local community. The community needs to understand the goals of the program and recognize the value of supporting it in various ways. Similarly, the best programs are those that find ways to serve the community too, for example through community service projects. This point about community engagement will be explored on the following pages.

Challenges in Developing Community-Based Residential Facilities for Adjudicated Youth

Summary of Challenges Presented by Keeping Youth in the Community

As the research presented above shows, there are numerous benefits to keeping adjudicated youth close to home, in small, community-based facilities. But the challenges in creating these facilities—whether we call them group homes, halfway houses, residential facilities, or even post-adjudication facilities, and whether they are operated by the counties or the state—are also considerable. The foremost challenge, of course, is financial: how can local communities afford to develop and operate such facilities? This issue is addressed in the Texas Public Policy’s Foundation’s recently published report on Ohio’s RECLAIM Program and its potential applicability to Texas,⁵⁶ and will not be discussed in this monograph.

Beyond the financial challenge, any entity that wishes to develop a community-based facility must overcome a number of procedural hurdles. First, local zoning ordinances end up blocking efforts to site these residential facilities. If that high hurdle is jumped, then state statutes have cumbersome notice and hearing requirements that are time-consuming and expensive to comply with and that often serve as a virtual block to further development. Even if these barriers can be overcome, proponents of the facilities have to cope with a lack of local support that stymies efforts to obtain local approval.

These challenges tend to encourage development of larger-scale facilities rather than the “group home” model favored by Missouri. Larger facilities offer both economies of scale and the promise of only having to go through the siting process once rather than multiple times. Exemptions to the requirements for expansions of TYC facilities also create an incentive to build additional beds on existing properties in remote locations rather than in the communities from which the youth came.

Local Zoning Laws

Most cities have zoning ordinances tightly restricting where facilities housing groups of youth can be located. While specific restrictions vary from city to city, most jurisdictions do not allow “correctional or residential facilities”—whether designed for youth or for adults—to be placed in residential areas. (Such facilities would have different designations in each city, and the actual designation could vary in a given city depending upon the specific nature and size of the planned facility.) Moreover, many cities restrict the placement of such facilities within a given distance of a school, day care facility, park, or house of worship.* Houston is the notable exception to such rules, as that city has virtually no zoning restrictions. It is far easier to meet zoning restrictions if the residential facility is planned for an industrial or commercial area of the city. In some cities, a “special use permit” (SUP) would allow for construction or operation of a residential facility for youths in a more desirable area, but it is extremely difficult to obtain that SUP. Figure 5 summarizes the hurdles presented by zoning restrictions in 10 Texas cities, including the six largest.

It is possible to obtain a variance to these zoning restrictions, but the process of obtaining a variance is extremely cumbersome and difficult, and requires an affirmative decision by city officials to move forward with the proposed residential facility. Usually, any proposal will have substantial opposition from local residents who take a “NIMBY” approach to the project.

Statutory Requirements

Assuming the local zoning hurdle can be overcome, statutory requirements still apply. Of particular relevance in this context is Local Government Code Chapter 244 (“Location of Certain Facilities and Shelters”).[†] This section applies to any correctional or rehabilitation facility, which is defined to include facilities for delinquent youth who receive out-of-home placements.⁶⁶ The facilities may be operated or managed by either the county or the state. It also applies to adult facilities, such as community corrections

* The constitutionality of such zoning restrictions have been upheld despite challenges on religious grounds. See, e.g., *Pastor Rick Barr and Philemon Homes, Inc. v. City of Sinton*, Court of Appeals, 13th District of TX (Corpus Christi, Edinburg), #13-03-727-CV (Nov. 23, 2005)

† Other state statutes—Texas Government Code Chapters 508.119 and 509.010—create even more onerous notice and hearing requirements prior to placing community residential facilities, but these requirements only apply to facilities for adults. Among other requirements, the statute obligates those proposing a facility to place expensive advertisements in local newspapers for three days, and to obtain affirmative local consent to the project in the form of a resolution by the commissioners court stating that the facility is in the best interests of the county.

Figure 5: Sample Local Zoning Restrictions Affecting Placement of Residential Facilities for Adjudicated Youth

City	Likely Classification*	Difficulty Siting Overall	Difficulty Siting Residential	Difficulty Siting Industrial	Special Restrictions and Other Considerations
Austin ⁵⁷	Group Home (II) Transitional Housing Detention Facility	Moderate High Very High	Conditional Permission Almost Impossible Almost Impossible	Permitted by Right Permitted by SUP Almost Impossible	
Arlington ⁵⁸	Halfway House	High	Almost Impossible	Permitted by SUP	
Corpus Christi ⁵⁹	Boarding House Dwelling Unit Child Care Center	Low-Moderate	Permitted by Right Permitted by Right Limited Permitted	Permitted by Right Almost Impossible Permitted by Right	
Dallas ⁶⁰	Halfway House Foster Home Group Residential Facility	High Moderate Very Low	Almost Impossible Limited Permitted Permitted by Right	Permitted by SUP Limited Permitted Permitted by Right	If classified as a Halfway House, then must be 1,000' from residential areas, parks, schools, or child care; SUP must show evidence of prior community meetings
El Paso ⁶¹	Child Care Institution	Moderate-High	Permitted by SUP	Permitted by SUP	
Fort Worth ⁶²	Halfway House Boarding House	Very High Low	Not Permitted Permitted by Right	Not Permitted Permitted by Right	
Garland ⁶³	Detention Center	High	Permitted by SUP	Almost Impossible	
Houston [†]	No Zoning	Very Low	Permitted by Right	Permitted by Right	Powerful Planning Commission can block a proposed project
Plano ⁶⁴	Rehab Facility	Moderate-High	Permitted by SUP	Permitted by SUP	
San Antonio ⁶⁵	Transitional Home	Very Low	Permitted by Right	Permitted by Right	But not within 1,000' of a school, day care, or park; no sex offenders or murderers

Source: Compiled from research conducted by Texas Public Policy Foundation staff, 2009

facilities and halfway houses. Day treatment facilities for either youth or adults do not fall within the ambit of this provision as they are non-residential. Importantly, there is an exception for facilities operated or contracted by the Texas Department of Mental Health and Mental Retardation (MHMR).⁶⁷

The statute requires any agency or contractor who wants to construct or operate a residential facility of this type to comply with various notice requirements and to obtain local consent if the facility would be located within 1,000 feet of a residential area, primary or secondary school, public park, recreation area, or place of worship.⁶⁸

* For each city, the most likely classifications were selected for this analysis. In some of these cities, no classification appeared to be a good fit (e.g., “Halfway Houses” are typically defined in a way that suggests they are only applicable to adults) and it is not clear from conversations with local planning officials in these cities how juvenile facilities would be classified under the code. Thus, these classifications should be taken as illustrative of zoning restrictions and not as definitive determinations of how facilities for adjudicated juveniles would be handled in that city.

† Houston has no zoning laws. However, the city has a powerful Planning Commission that is authorized to propose zoning ordinances: <http://www.municode.com/resources/gateway.asp?pid=10123&sid=43>.

Few places on a local map do not fall within this provision. Even in Houston with its relaxed zoning laws, most proponents of a residential facility would find that they cannot avoid compliance with this regulation.

Written notice must be provided to both the city and county where the facility would be located at least 60 days before construction or operation would begin. Additionally, a large outdoor sign providing notice about the intended usage must be posted at the proposed location.⁶⁹

The statute does not present an absolute prohibition to siting a facility in proximity to one of these designated places, but the commissioners court must hold a hearing about the proposed project. Commissioners have up to 60 days after they receive notice to decide whether they will oppose the project. If they do nothing, then local consent is presumed. If they wish to oppose the proposal, then commissioners must adopt a resolution after the hearing saying that operation of the facility is not in the best interests of the county.⁷⁰ Obviously, this hearing provides an opportunity for citizens in the community to express any concerns they have about the proposed project.

There are a few exceptions to this notice and hearing requirement. The rules grandfather any facility constructed before September 1, 1997, and the rules do not apply if the facility is temporary (to be operated for less than one year), if the facility was under construction or being operated before a residential area was developed, or if a special use permit from the municipality is required.⁷¹ Of more immediate relevance is that the requirements do not apply to detention facilities or post-adjudication facilities operated by a county or a county juvenile board, or to expansions of TDCJ or TYC-operated facilities.⁷² While the statute is silent on this issue, presumably the notice and hearing requirements would apply in if the county probation department or juvenile board wanted to contract with a vendor to operate a community-based facility. Similarly, the statute does not address whether a group of counties wishing to develop a regional community-based facility would be exempt from the requirements. Since both scenarios are likely in a newly restructured juvenile justice system, this statutory requirement could create an unexpected stumbling block to local juvenile justice officials.

There is another exemption to the rules in this statute that could prove helpful to local officials trying to develop community-based programs for local youth. There is no need for notice and a hearing, or for local consent, if the facility “(A) is not operated *primarily* [emphasis added] as a correctional or rehabilitation facility; and (B) only houses persons or children ... for a purpose related to treatment or education.”⁷³ The provision gives no guidance as to how to interpret the word “primarily,” but the statute appears to contemplate that residential placements could go hand-in-hand with other programmatic objectives. Most local juvenile officials are likely to design residential placements with treatment and education very much in mind, so it is feasible that this provision provides them with a way around the statutory obligations. Of course, the zoning restrictions discussed above still constitute a formidable hurdle.

Bottom Line: Community-Based Facilities for Adjudicated Youth are Extremely Difficult to Site

The reality for most program administrators and vendors is that zoning and statutory requirements combine to create a significant stumbling block in their efforts to develop community-based residential programs.

Resistance is likely to be intensified if those who are promoting the proposals are state rather than local officials. State stakeholders—such as TYC and TJPC administrators—are not part of the local establishment and are more likely to be viewed as shoving a state problem into the laps of local citizens.

Most suitable locations are off-limits for these facilities. At best, the provisions typically allow these residential facilities for juveniles to be placed in industrial or commercial locations, or outside city limits. Such locations tend to be far from the neighborhoods these youth come from, as well as from their schools. Often, there are limited public transportation routes in these areas, making it difficult for youth placed in non-secure facilities to get to school, work, and treatment programs. To the extent the residential programs are intended to involve families in the regime, the inconvenient locations may hinder their participation.

These difficulties in siting community-based facilities are not just theoretical concerns. There is plenty of anecdotal evidence that communities simply do not want transi-

tional correctional facilities located in neighborhoods. Of course, residents in these areas are concerned about having “criminals” nearby, but their objections go beyond this safety concern. Neighbors fear increased traffic in the area, an enhanced police presence, and the constant comings and goings of staff and social service providers. They worry that a residential facility for this offender population will create an eyesore in their community, lower property values, and disrupt their daily lives.

While few group homes for juveniles have been proposed in recent years, facilities for adult offenders—especially halfway houses for adult offenders being released from prison—have been notoriously difficult to place, and the experience of the adult system is instructive for juvenile officials. Certain cities do not have any halfway houses, despite their size and need for such facilities, and despite the fact that large numbers of parolees come from these communities.

For example, TDCJ has repeatedly and unsuccessfully tried to find a site in San Antonio for a halfway house. Half a dozen hearings have been held during the past five years; each time, tremendous opposition from the community has scuttled the project. Even the property adjacent to San Antonio’s state jail facility was considered unacceptable to local citizens.

A proposed halfway house in Amarillo was turned down in 2008 amid intense local opposition. According to a local news report, “Residents and business owners ... successfully convinced the City Commission ... to vote against a special use permit that would allow [the vendor] to operate a residential center for substance abusers through the Texas Department of Criminal Justice.”⁷⁴

In yet another example, an existing halfway house in Collin County was forced to close its doors after neighbors, including a Texas legislator, discovered its presence in the neighborhood.⁷⁵

And to no one’s surprise, virtually every effort to site a community-based facility that would house sex offenders has been rejected, according to TDCJ officials and service providers. Those who have been through the process caution that similar difficulties could be faced if a facility was

intended to hold violent offenders or juvenile offenders with mental illness.

The extent of the difficulties faced by those who want to expand community-based residential facilities is illustrated by a large-scale rebuff of state efforts. In 2007, the Legislature appropriated funding for TDCJ to contract for 1,250 Transitional Treatment Center beds (aftercare beds for offenders who have completed the in-prison portion of the intensive substance abuse treatment program). TDCJ issued an RFP later that year, but no bidders responded. Earlier this year, TDCJ reissued the RFP for these beds with a deadline of August 2009. As of April, there have been few inquiries on the part of interested vendors, and TDCJ officials doubt that bidders will materialize. Officials at TDCJ attribute the lack of responsiveness to the vendors’ concern that their proposals will be scuttled by the NIMBY attitude on the part of citizen groups.

Despite these disappointing outcomes, Texas laws are fairly typical of restrictions imposed in other states. Indeed, some states have more onerous obligations. In California, proponents must complete a 500-page application, according to one vendor who has been through that process numerous times. Moreover, problems with NIMBY-type thinking present a hurdle to advocates for community-based programs everywhere. Thus, it is hard to argue that Texas is out of sync with the rest of the country and therefore in need of looser restrictions.

The question to be asked, then, is how can these barriers to expansion of community-based residential programs be managed in a way that neither ignores very real juvenile justice needs in Texas nor overlooks citizen input?

The following section examines the successes in this arena and identifies the factors that helped these stakeholders get their community-based facilities approved. The examples provided include facilities promoted by a range of relevant juvenile justice system stakeholders, including state, city, and county officials, as well as private vendors.

The Successes

Perhaps the greatest success story when it comes to the development of neighborhood-based group homes for juveniles is Missouri; it is instructive to look at that state’s

experience. As discussed earlier in this report, in the 1970s, Missouri shifted from large-scale juvenile correctional institutions to small, community-based residential facilities operated by the statewide juvenile justice agency, the Missouri Division of Youth Services (MDYS). Not only did the agency have to “reinvent” itself and its mission, it also had to persuade communities all around the state to accept roughly 72 facilities with about 10-30 beds apiece.

Mark Steward, former director of MDYS and now a consultant to states seeking to adopt the Missouri model, described this as a process of “selling” the plan to Missouri residents.⁷⁶ State officials stressed all the positive benefits that would come from having these group homes in the neighborhood. Far from cramming the proposals down the throats of local residents, officials made the group homes appealing enough that communities actually competed for the facilities. Economic development was the critical factor: state officials sent notices to all the chambers of commerce around the state inviting them to participate in a “competition for millions of dollars and numerous jobs.” Communities were told that each group home would bring jobs to that area in the form of staff for the facility, professional services, support services, and increased use of local businesses.

Moreover, state officials made sure that communities understood that these facilities were being used to house children from these neighborhoods. The message was clear: “these are *your* kids.” The agency also went to great lengths to present a positive image of the youth who would be held in the facilities. Long before a particular facility was proposed, juveniles in the custody of MDYS were put on work crews that took on projects to improve the neighborhoods, such as mowing lawns, cleaning up garbage, and working as “Junior Rangers” in local parks. Local residents came to see the youth as non-threatening and to recognize the ways that their presence could actually benefit the area.

Finally, when it came time to propose the siting of group homes, agency officials selected their sites carefully. Some facilities were placed in state parks, others near industrial parks; only a few were actually placed in residential neighborhoods, and these took particular effort. They also looked for places where there appeared to be a “community spirit,” which sometimes meant going to the next county outside of a major city.

District of Columbia juvenile justice officials echo much of this advice.⁷⁷ The District’s Department of Youth Rehabilitation Services (DYRS) is in the process of shifting to a Missouri-type model, and has drawn on lessons learned from Missouri’s experience. Even when DYRS can site a facility as a matter of right without jumping through zoning hoops, officials focus on their public relations obligations. They have meetings with various community groups to educate them about the youth and the juvenile justice system; they have the youth cut lawns and show that they can be “good neighbors;” and they appointed local Advisory Boards for each facility so that the neighborhood can have a stake in its success.

Travis County juvenile justice officials similarly emphasize the importance of obtaining community buy-in. Judge Jeanne Meurer, former chair of the local Juvenile Board, described countless meetings with community groups to educate them about plans to create the residential facility and the types of programs that would be available to youth.⁷⁸

Southwest Key is a non-profit provider of juvenile justice services. Among other services, it operates numerous community-based juvenile residential facilities around the country, including several in Texas. Director Juan Sanchez noted that certain cities in Texas are more difficult than others when it comes to placing juvenile facilities in the community. He singled out Dallas and Austin as more difficult; Houston, San Antonio, and cities in South Texas are somewhat easier. Typically, smaller communities are better prospects for these residential programs because they appreciate the jobs that come with the facilities. He opined that renovating an existing building for purposes of housing adjudicated youth would be easier than seeking approval for new construction.

Like the other stakeholders interviewed for this report, Southwest Key engages in public relations efforts in each community where they hope to site a facility. The process was described as “knocking on doors, and talking to neighbors, churches, and homeowners’ associations.”⁷⁹ Getting the community’s buy-in is critical, even in those communities with loose zoning laws. Other tactics include seeking locations for facilities that are zoned for commercial use, given the difficulties in obtaining a variance, and working closely with the city council, planning commission,

and other local officials to ensure their understanding of the need for the project. All this requires an upfront investment of time and money, and an in-depth understanding of zoning laws and licensing requirements. As a result, it is difficult for new players to break in to this process; it all becomes easier once the vendor has a track record showing successes with the programs and a background in how to garner community support.

Recommendations

As Texas moves forward with its juvenile justice reform efforts and the likely expansion of community-based residential programming for adjudicated youth, the lessons learned from the experiences examined in this report provide some guidance. This section sets forth several practical and policy recommendations for juvenile justice officials and policymakers.

Practical Recommendations

Community engagement is essential

The common theme in all the successful efforts to develop or expand community-based facilities is “community engagement.” Juvenile justice officials—whether they are based at TYC or at the county juvenile probation department level—need to gain community buy-in to the concept of community corrections long before a site for a residential facility is chosen and construction plans are underway. This is true regardless of whether a planned facility would be operated by a governmental body or by a private vendor. Moreover, this should be the norm even when an agency has the ability to develop a facility as of right.

As the OJJDP monograph, “Planning Community-Based Facilities for Violent Juvenile Offenders as Part of a System of Graduated Sanctions,” tells us:

The key to building and operating a successful small, community-based facility (or network of facilities) is a concerned, informed, and engaged owner and community. The facility planning process should be active and participatory. This approach creates a sense of shared ownership by all participants in the process, promotes an informed consensus, and helps to ensure that the needs of all interested parties and their departments and units are addressed.⁸⁰

Citizen groups need to understand that “these are our kids,” the same children who attend local schools and whose families live in these neighborhoods. They are not adult criminals, and their lives can be turned around. They need to be told that “we can do a better job with them if we keep them here than if we send them to a large institution halfway across the state.” These messages need to become mantras in meetings that officials hold with community organizations, neighborhood clubs, churches, and school groups. Those same refrains have to be repeated at meetings with local elected officials, including city councils, commissioners courts, planning commissions, and other public entities.

Advisory councils such as those developed by the District of Columbia seem an appropriate way to gather community input on a continuing basis and to help make local residents feel as if they have an opportunity to see their concerns addressed directly.

The community as a whole has to share a vision for effective juvenile justice programming, and that takes time-consuming public education efforts before facilities are developed and after they are operational. As frustrating as the notice and hearing process might be, officials should not seek to circumvent that process in an effort to move forward with their proposals. Community engagement is essential for the ultimate success of the project.

Highlight benefits to the community and seek opportunities to gain local support

Especially in these uncertain economic times, any proposal that is likely to bring jobs and money to a community will have appeal. Officials need to attempt to quantify the economic impact that each community-based residential facility can have on the area. Project promoters should specify the jobs that will be needed to serve youth in these facilities (e.g., counselors, service providers, supervisors, support staff, professional services). They should also tout the various types of local businesses that will be needed to provide services to the facility.

Officials also need to emphasize the public safety benefits that come from serving youth locally: more effective local programming means less recidivism and less crime. As taxpayers, residents also should be pleased to know that not only are local programs more effective, they save money.

Officials should plan for youth housed in the local facilities to conduct community service work to benefit the immediate area. This should be highlighted in meetings community officials hold with residents. If feasible, youth should be tasked with visible community service activities, even before the facility is formally proposed. Neighbors should be solicited for ideas about projects that the youth can work on in the area.

A promising strategy would be for officials and vendors to identify abandoned buildings or rundown properties and target these for conversion into residential facilities, in order to provide a tangible neighborhood benefit to allowing the facility. Such efforts to clean up eyesores in the community would likely generate goodwill from local residents.

Ensure that each proposed facility is primarily an opportunity to deliver programs and services to juveniles and that residential services are secondary to that mission

As discussed previously in this report, the Local Government Code provides an exception to the onerous local consent process if the facility is designed primarily to deliver treatment and education services, rather than correctional services.⁸¹ While the statute is somewhat ambiguous, it appears that officials and vendors will have a much easier time bypassing the requirement to obtain local approval to site a facility if the facility's mission is to serve juveniles with intense programmatic opportunities such as counseling, education, treatment, and vocational training. Clearly, most of the group homes and other small facilities contemplated by this report would qualify. It is important for juvenile justice officials and private providers to stress this mission in all communications about the project.

Policy Recommendations

Develop appropriate zoning classifications for community-based juvenile facilities

As Figure 5 illustrated, much of the difficulty in meeting zoning restrictions turns on how a particular project is classified. Some jurisdictions have zoning ordinances with definitions that clearly encompass the kinds of community-based residential facilities for adjudicated juveniles that are likely to be developed. In other jurisdictions, however, the definitions are, at best, highly ambiguous, and in some cases there is no classification that accurately fits these types of facilities. For example, they may be forced under

the designation of “halfway house,” which by its language appears to apply to adults only and only applies to those on parole, not probation. Many jurisdictions appear never to have contemplated the notion of juvenile facilities like these. As a result, planning commissions may erroneously classify a proposed juvenile facility and make it unnecessarily difficult to site.

Every jurisdiction should develop and adopt appropriate zoning classifications for residential facilities for adjudicated juveniles. These classifications should clearly distinguish these facilities from facilities that house adult offenders, and should provide significantly greater flexibility with regard to the siting of juvenile facilities. Moreover, the definitions should be broad enough to include juveniles' placement in these facilities as a condition of probation, as a sentence, or as a placement on parole, or as a transitional housing option post-discharge from TYC, since all of these are possible ways a juvenile can end up living in such a unit.

Lawmakers should consider the possibility of developing a uniform definition of these facilities—one that nevertheless allows localities substantial discretion in how to design or use these facilities—and encouraging cities to adopt this classification.

Require cities and counties to designate locations where residential facilities for juveniles can be placed

Given the time-consuming efforts required to obtain approval to site residential facilities and the lack of confidence officials and vendors have in their ability to overcome the hurdles involved, cities and counties could be required to designate in their zoning codes locations where such facilities can be placed as of right. This means that no variance would be necessary—a huge benefit to those who would develop the facilities. Such a designation should not circumvent the notice and hearing process or the need to engage the community, but should eliminate the need to obtain a vote of the city council, commissioners court, or local zoning officials. This would enhance the willingness of service providers to pursue RFPs and to develop local program options in conjunction with juvenile officials. It would also short-circuit the lengthy process before such projects can get underway, a factor that is particularly important as the state shifts increasing numbers of juveniles into these settings.

State policymakers should consider requiring such pre-designation of acceptable locations for juvenile facilities as a condition of a jurisdiction's receiving state funding for juvenile justice.

A related option would be for TJPC to make such "pre-designation" a factor given weight in a jurisdiction's application for competitive grant funding from TJPC. Any county or group of counties seeking funding for proposals that involve construction or expansion of residential facilities should also include in their applications copies of resolutions passed by relevant local bodies indicating support for the construction or renovation project and their willingness to approve placement of any new facility in a particular location.

Provide a streamlined approval process in those instances in which a facility is designed to house youth who come from within a 5-10 mile radius of the facility

Much of the NIMBY attitude can be traced to a perception that the affected population comes from somewhere other than the area in question. It is much easier to justify local placement of a residential center if the intended residents are themselves from that community. Indeed, many of these juveniles could be wandering the streets of that neighborhood if a judge did not send them to a more structured residential program. In order to reinforce the philosophy that children should be served locally to the extent possible, lawmakers should make it easier for juvenile probation departments to construct and operate facilities to serve local adjudicated youth. The Legislature should consider amending the Local Government Code to create a local consent exemption for facilities designed to house youth whose residence at the time of their offense is within a 5 to 10 mile radius of the proposed facility. Alternatively, there could be an exception to the "distance" requirement that triggers application of the statute if residents come from that immediate area.

Provide a streamlined approval process in instances where the developer proposes converting an abandoned or rundown property into a residential facility for youth

Because conversion of abandoned or rundown properties presents such a benefit to local communities, vendors or officials who seek to provide this advantage should receive special consideration. While notice to the community and

a public hearing should still be required in order to engage the community, the Local Government Code could be changed to eliminate the local consent requirement in these cases. Another option is to create an exemption from statutory and zoning ordinances with regard to provisions requiring residential facilities be set a specified distance from certain types of properties.

The challenge would lie in determining what property would actually "count" as abandoned or rundown for these purposes, since the lay concepts and the legal concepts of "abandonment" and "nuisance" differ. In this case, the lay concept is more relevant, since the public cares more about eliminating eyesores in their neighborhoods than about who holds title to the property. Such eyesores might include: properties that the public deems undesirable—perhaps identified through complaints made to the police or city officials; properties that have received official designation as a "public nuisance" due to gang or criminal activity taking place there; private properties that the sheriff sells to cover delinquent tax bills; and government properties such as schools or office space that have sat unused for extensive periods of time. All should qualify for this "conversion exemption." Any developer who purchases or otherwise gets permission to use one of these properties should be eligible for a streamlined approval process if they wish to clean-up and convert the property for use as a residential facility for juveniles.

Conclusion

As plans proceed to shift the Texas juvenile justice system to a more community-based model, policymakers, juvenile justice officials, and service providers would be wise to consider ways to overcome the barriers to expansion of local residential options for juveniles. Most juveniles will not need to be handled in residential settings, but if we expect counties to divert more serious youthful offenders from TYC, then local judges will need to have post-adjudication residential options. Similarly, TYC's plans to shift to a regionalized system of care will likely require the development of additional community-based transition facilities for sentenced youth.

It is important that planning begin now with regard to how these facilities will be designed and where they will

be sited, regardless of whether they are operated by the state or by counties. It would be short-sighted to wait until state resources are shifted to counties only to have local officials discover they cannot place such facilities or otherwise serve the juveniles they intend to divert from TYC. Groups of counties hoping to develop regional facilities will also need to begin the process of identifying appropriate locations and obtaining the necessary approvals.

As this report demonstrated, the greatest barrier to expansion of community-based residential programs for juveniles is NIMBY-style thinking. While the statutory requirements and local zoning ordinances clearly place some significant obstacles in the path of those who would develop these facilities, those hurdles are typically not impossible to overcome in cases where there is community support for the project.

Getting to “Yes in My Backyard” requires a shift in community thinking even more so than changes in laws.

While some statutory changes and legislative action can be helpful, the greatest benefit will come from engaging the community in dialogue about the need to handle juvenile offenders locally. Citizens need to understand that these types of programs serve public safety needs by better addressing a youth’s criminal behavior. So too do they need to learn that these facilities will not result in harm to the neighborhoods or their property values. Juveniles must be presented as members of the community, who can serve the needs of that community while working on their own issues. Local residents must come to see themselves as partners in this venture to develop successful programs for delinquent youth.

Policymakers and practitioners alike will want to focus on solutions that support efforts to make these projects a win-win effort for everyone in the community. ★

Endnotes

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- ² Ibid.
- ³ Ibid., 26-30.
- ⁴ Sunset Advisory Commission, "Commission Decisions on Texas Youth Commission, Texas Juvenile Probation Commission, and Office of the Independent Ombudsman" (Jan. 2009) 23, http://www.sunset.state.tx.us/81streports/tyc/tyc_dec.pdf.
- ⁵ See "A Vision for Reform: Bringing Community & Family Back to the Center of Juvenile Justice in Texas," *supra* note 1.
- ⁶ Ibid.
- ⁷ Sunset Commission Report, *supra* note 5: 6.
- ⁸ Ibid., Appendix A: 91.
- ⁹ Note that this figure does not include pre-adjudication placements in juvenile detention facilities.
- ¹⁰ Data obtained from the Office of the Independent Ombudsman (OIO) for TYC (6 Feb. 2009).
- ¹¹ Ibid.
- ¹² Sunset Commission Report, *supra* note 5: 67.
- ¹³ OIO Data, *supra* note 12.
- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Ibid.
- ¹⁷ Sunset Commission Report, *supra* note 5: 67.
- ¹⁸ Ibid., Appendix H: 117-118.
- ¹⁹ Ibid.
- ²⁰ Ibid., 91.
- ²¹ Ibid., 115-116.
- ²² B. Krisberg and J.C. Howell., The impact of the juvenile justice system and prospects for graduated sanctions in a comprehensive strategy. In *Serious and Violent Juvenile Offenders: Risk Factors and Successful Interventions*, edited by R. Loeber and D.P. Farrington. Thousand Oaks, CA: Sage Publications (1998) 362.
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- ²⁵ Ibid.
- ²⁶ See, e.g., B.C. Feld., "Juvenile and criminal justice systems' responses to youth violence," in *Youth Violence: Crime and Justice: A Review of Research*, Vol. 24, edited by M. Tonry and M.H. Moore. Chicago, IL: University of Chicago Press (1998); Howell, J.C. *Juvenile Justice and Youth Violence*. Thousand Oaks, CA: Sage Publications (1997).
- ²⁷ Emily Ramshaw, "Texas Youth Commission aims to abandon large, remote prisons," *Dallas Morning News* (16 Apr. 2008) <http://www.dallasnews.com/sharedcontent/dws/news/texasouthwest/stories/041708dntextyc.6d689368.html>.
- ²⁸ Texas Youth Commission, Review of Agency Treatment Effectiveness, Fiscal Year 2008 (31 Dec. 2008) 12, http://www.tyc.state.tx.us/research/Txmt-Effect/2008_Treatment_Effectiveness.pdf.
- ²⁹ Ibid.
- ³⁰ Travis County Juvenile Probation Department, "Annual Program Evaluation Fiscal Year 2007" (June 2008) 71. Note that these are one-year recidivism rates, and thus are not directly comparable to TYC's three-year rates. Recidivism rates for girls in this program have historically been even stronger (better than 28%), but the sample size is very small and thus the figures are subject to significant fluctuation each year.
- ³¹ Ibid.
- ³² Ibid., 167.
- ³³ Ibid., 115.
- ³⁴ Texas Juvenile Probation Commission, The State of Juvenile Probation Activity in Texas, Calendar Year 2006 (Jan. 2007) 21, <http://www.tjpc.state.tx.us/publications/reports/RPTSTAT2006.pdf>.

- ³⁵ See "A Vision for Reform: Bringing Community & Family Back to the Center of Juvenile Justice in Texas," *supra* note 1. Note that Dallas County's plan calls for a \$222 per diem.
- ³⁶ Texas Youth Commission, Annual Report 2008 (electronic version) http://www.tyc.state.tx.us/research/cost_per_day.html. Note that TYC's institutional costs include costs for education, unlike the costs for local residential facilities and TYC contract care programs, in which educational costs are absorbed by local school districts.
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- ³⁸ Emily Ramshaw, "Missouri's focus on therapeutic rehab amounts to 'unprisonment,'" *Dallas Morning News* (16 Dec. 2007) <http://www.dallasnews.com/sharedcontent/dws/news/longterm/stories/121607dnprotycmisouri.2b735c0.html>.
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- ⁴² Interview with Mark Steward, Director, Missouri Youth Services International, by Michele Deitch (9 Feb. 2009).
- ⁴³ National Center for Juvenile Justice (NCJJ), "State Juvenile Justice Profiles: Missouri" (7 Nov. 2007) <http://www.ncjj.org/stateprofiles/profiles/MO06.asp>.
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- ⁶³ Zoning ordinances for Garland, <http://www.ci.garland.tx.us/NR/rdonlyres/E8A0E716-1B08-403E-8F0D-26F3CB2A2B0D/0/zoningordinance.pdf> (accessed 17 Apr. 2009).
- ⁶⁴ Zoning ordinances for Plano, <http://pdf.plano.gov/planning/DEVREV/ZO123107.pdf> (accessed 9 Apr. 2009).
- ⁶⁵ Zoning ordinances for San Antonio, <http://www.municode.com/Resources/gateway.asp?pid=14228&sid=43> (accessed 9 Apr. 2009).
- ⁶⁶ Local Government Code §244.001.
- ⁶⁷ Local Government Code §244.006 (9).
- ⁶⁸ Local Government Code §244.002. Note that a place of worship can waive this proximity requirement.
- ⁶⁹ *Ibid.*
- ⁷⁰ Local Government Code §244.004.

⁷¹ Local Government Code §244.006 (1), (2) (3), and (4).

⁷² Local Government Code §244.006 (5) and (6).

⁷³ Local Government Code §244.006 (11).

⁷⁴ Sean Thomas, "Rehab center shot down," *Amarillo Globe-News* (2 Apr. 2008) http://www.amarillo.com/stories/040209/new_10009429.shtml (accessed 13 Apr. 2009).

⁷⁵ "Halfway house closed following neighbor's opposition," WFAA-TV (8 Aug. 2007) http://www.wfaa.com/sharedcontent/dws/wfaa/localnews/news8/stories/wfaa070818_lj_stoler.4876b77f.html (accessed 13 Apr. 2009).

⁷⁶ Interview with Mark Steward, *supra* note 45.

⁷⁷ Interview with Marc Schindler, Chief of Staff, District of Columbia Department of Youth Services, by Michele Deitch (6 Feb. 2009).

⁷⁸ Interview with Travis County Senior District Judge Jeanne Meurer, by Michele Deitch (24 Mar. 2009).

⁷⁹ Interview with Juan Sanchez, President, Southwest Key, Inc., by Michele Deitch (6 Feb. 2009).

⁸⁰ Zavlek, "Planning Community-Based Facilities for Violent Juvenile Offenders as Part of a System of Graduated Sanctions," *supra* note 26: 15.

⁸¹ Local Government Code §244.006 (11).

About the Author

Michele Deitch teaches juvenile justice and criminal justice policy at the University of Texas at Austin-Lyndon B. Johnson School of Public Affairs. An attorney, she has over 23 years of experience working on a wide variety of criminal justice policy issues and juvenile justice matters with state and local policy-makers, corrections officials, practitioners, and advocates. She was a recipient of a prestigious Soros Senior Justice Fellowship in 2006-07 for her work on prison oversight. She recently served as a member of the Blue Ribbon Task Force on the Texas Youth Commission, a panel appointed to recommend changes to the juvenile justice system in Texas in the wake of high-profile scandals that engulfed the agency in 2007.

Ms. Deitch recently served for three years as the drafter of the American Bar Association's standards on prisoners' rights. Previously, she served as a full-time court-appointed monitor of conditions in the Texas prison system in the landmark civil rights case of *Ruiz v. Estelle*. In the early 1990s, she served as General Counsel to the Texas Senate Criminal Justice Committee and as the Policy Director of the Texas Punishment Standards Commission.

Michele holds a J.D. *cum laude* from Harvard Law School, an M.Sc. in psychology (with a specialization in criminology) from Oxford University, and a B.A. *magna cum laude* from Amherst College.

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