



Second Chance Community Improvement Program

Dallas County, TX

The mission of Lone Star Justice Alliance is to redirect youth and young adults out of the Texas justice system and into community-based treatment programs, thus increasing public safety and saving tax payer dollars.

The Problem

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Texas adheres to a punitive model of criminal justice which is unsuited to emerging adults.

The Punitive Model

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141,000

More than 141,000 people are currently incarcerated in Texas correctional institutions (TDCJ, 2018).

240,000

Over 240,000 young adults (17 to 24) are arrested in Texas each year (TX DPS UCR, 2015).

29%

Young adults make up only 11% of Texans, yet they account for over 29% of arrests (U.S. DOJ UCR, 2012).

A Punitive Model Of Justice Is Unsuitable For Emerging Adults

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Research has shown that youth and young adults are developmentally different from adults in four important ways:

- ❖ Limited self-regulation;
- ❖ Susceptible to peer pressure;
- ❖ Failure to appreciate consequences in pursuit of immediate gratification; and
- ❖ Increased capacity for rehabilitation

Young adults develop an accelerator long before they can steer and brake.

Ronald Dahl, MD pediatrician and developmental psychologist

Justice-involved Youth And Young Adults Have Unique Needs

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Education • Most justice-involved youth have completed only 9th through 11th grade

Trauma • **33%** of youth committed to the Texas Juvenile Justice Department in 2016 had been part of a child welfare investigation that ended with confirmation or a finding of “reason to believe” abuse or neglect

• Close to **75%** of these youth have been exposed to violence, crime, and abuse and have also experienced traumatic victimization themselves

Behavioral Health • Researchers estimate that ~ **70%** of justice-involved youth have mental illness, while 60% of justice-involved youth have a co-occurring mental illness and substance use disorder; 30% have disorders severe enough to require immediate and significant treatment

LSJA's Solution

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Transformative Justice

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- ***Provides a developmentally appropriate intervention*** to justice-involved emerging adults based on their unique developmental stage, as evidenced by neuroscience and behavior research.
- ***Prioritizes emerging adults who have committed serious felony offenses*** compared to the majority of other young adult diversion programs across the country that limits eligibility to participants charged with misdemeanors.
- ***Addresses multiple needs*** rather than focus on one unmet need (e.g. mental health, substance use, etc.) and integrates traditionally siloed social systems to address those needs, reducing the risk of recidivism;
- ***Employs an evidence-based needs assessment*** to identify the root causes of participants' criminogenic behavior; many specialty court programs use a risk assessment but do not simultaneously design a program plan for participants according to their unique unmet needs;
- ***Creates a new framework for decision-making in the justice system*** by relying upon experts in the fields of neurology, behavior, medicine, mental health, and social work to inform criminal justice responses to crime.

Transformative Justice: Alternative to Incarceration

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Screening for Eligibility

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District Attorney's Office Reviews Eligibility Criteria

- **Residence Eligibility:** Participants will have their primary residence within the 75210, 75215, 75216, 75223 zip codes. The Parties recognize that these zip codes were chosen because of the challenging socioeconomic demographics and the critical need for community-based services to support justice-involved emerging adults from these historically marginalized communities in an effort to provide equitable access to justice.
- **Age Suitability Requirement:** Participant must be 17-30 years of age.
- **Offense Eligibility:** Unadjudicated (pre-plea), non-violent misdemeanors and felony charges. Participants with the following criteria will be accepted on a case-by-case basis: Aggravated felony charges pending or in criminal history, sex offender status, family violence/child abuse charges pending or in criminal history, burglary of a habitation charge pending or in criminal history, arson charges pending or in criminal history, pending unrelated felony, currently on probation, pending felony charge in another jurisdiction, DWI, prostitution cases.

Decision Point One: DA Review

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- Timing of Review
 - Research prefers within 24 hours
- Expand zip codes?
- Age: Reduce to 24?
- Prior Offenses? Wilco has decided to admit anyone with a prior offense so long as it would not be disqualifying today
- No admission of guilt

Determine Study Participation

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Counseling by LSJA Director of Dallas Programs and Public Defender

- Location?

Decision Point Two: Magistration

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- PR bond for all persons entering services?
- Bond conditions
 - What resources are needed? Possibility includes risk assessment results and monitoring

A COMMUNITY HEALTH APPROACH

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WHY? Providing a community-based, multi-disciplinary response targets the multitude of unmet needs and underlying factors that drive young adults' involvement with the justice system.

Addresses individual and systemic factors: The field of public health focuses on physical health and preventative care and on the social determinants of health (e.g., low educational achievement, unemployment, poverty, impaired familial relationships), which are also criminogenic risk factors.

Locally driven: Community health approaches are necessarily locally driven, drawing on the availability of existing resources to respond to the needs of the community.



Pilot Sites: Williamson and Dallas Counties

2 year pilot

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- **Objective One:** Address the needs of 100 emerging adults, while holding them accountable for their actions in a developmentally-appropriate way.
- **Objective Two:** Integrate a multitude of services within the indigent defense team that is client-centered, affords more dignity to the client by recognize complexity of challenges facing them and provides an opportunity to avoid the collateral consequences of a conviction.
- **Objective Three:** Evaluate the results of the pilot, which if successful would provide for support for a scalable model to fundamentally shift the way Texas addresses emerging adults in the juvenile justice system.

STATE AND COUNTY SUPPORTED: TEXAS INDIGENT DEFENSE COMMISSION

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- This program relies upon a **multidisciplinary indigent defense team** composed of attorneys and social workers who will integrate community-based services to support positive life outcomes, improving clients' health outcomes while simultaneously reducing their criminogenic risk and the likelihood of their continued justice system involvement.
 - ❖ Program manager
 - ❖ 2 Part-time defense counsel
 - ❖ Clinical lead social worker, supported by social work students

National and Local Philanthropy

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- This program expands upon local health and human services, providing developmentally appropriate interventions to participants.
 - ❖ Peer supports
 - ❖ Expanded access to mental and medical health care
 - ❖ Civil legal services
 - ❖ Expanded access to social services



Rigorous Evaluation

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Texas A&M University's Public Policy Research Institute, UT Health Science Center School of Public Health, and Harvard Law School's Access to Justice Lab will launch a randomized control trial (RCT) during pilot phase.

Program framework is designed to accommodate an RCT.

RCT is a condition of grants supporting the program.

WHAT IS AN RCT?

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Interview: Eligibility,
Information, Consent

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graph TD; A[Interview: Eligibility, Information, Consent] --> B[Randomiz  
er]; B --> C[Treatment Program & Diversion]; B --> D[Traditional Criminal Justice System];
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Randomiz

er

Treatment Program
& Diversion

Traditional Criminal
Justice System

WHY A RCT?

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Only way to know if program works! (“Gold Standard”)

- Usually arrestees who opt for treatment (or have it chosen for them) differ from those who don't:
 - criminal history
 - charges
 - willingness to change
- RCT: these & other variables → balanced
- Required *by law* for new drugs (outcomes = death)

WHY A RCT?

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If gold-standard study shows program effective, then results will be used to:

- Expand the program to serve a larger number of participants post-pilot.
- Inform any necessary adjustments to programming and services.
- Seek reinvestment of cost-savings in order to promote long-term sustainability.

IS THIS LEGAL? ETHICAL?

YES

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RCTs legal & ethical when:

- Scarcity
- Uncertainty over effectiveness (“ equipoise ”)

RCT like this:

- USDOJ (NIJ) funded RCT: diversion, treatment versus traditional prosecution
- Several RCTs of drug court versus traditional prosecution

DISCUSSION

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Come Join Us!

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LSJA will be hiring 2 local criminal defense contract attorneys in October. Do you:

- Care about emerging adults?
- Seek to employ best practices in indigent defense?
- Want to learn more about brain development, cognitive behavioral interventions, motivational interviewing?

For additional
information
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