

Youth Justice in the COVID-19 Pandemic Harris County, Texas

February 2023









Acknowledgements

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Harris County, Texas

When the COVID-19 pandemic hit the United States in March 2020, Harris County, Texas was several years into a significant youth justice reform effort, and the county leveraged the public health crisis to strengthen and deepen reforms. Prior to COVID-19, strong advocacy efforts by local groups had already built momentum for change, and the new executive director of the Harris County Juvenile Probation Department (HCJPD) implemented several policy and practice changes to reduce out-of-home placements, state commitments, and certifications to adult court. During the pandemic, HCJPD, the Harris County District Attorney's office, local advocates, and others advanced a wide range of strategies to further expedite release of youths from detention and placements and to bolster support for them in their home communities. These strategies included expanding diversion opportunities, launching weekly meetings to examine individual detention cases and develop plans to expedite release, and shifting resources to community-based organizations to support youth returning home.

Even after significant declines between 2018 and 2020, the number of youths incarcerated locally in Harris County dropped by more than half between February and June 2020, and – though it has crept back up – has stayed well below pre-pandemic levels through the third quarter of 2022. Though this represents great progress, significant racial and ethnic disparities in youth incarceration persist, and the safety and wellbeing of incarcerated youth must continue to be a priority. This report summarizes changes in youth incarceration

METHODOLOGY

This project is a collaborative effort of the Center for Children's Law and Policy, Justice for Families, the Justice Policy Institute, and the National Juvenile Justice Network. The project team collected information for this report using the following methods:

- Analysis of aggregate data on youth justice trends in each site;
- A roundtable with approximately 20 family members directly impacted by the youth justice system in jurisdictions across the country;
- Individual interviews with family members directly impacted by the youth justice system;
- A survey of National Juvenile Justice Network members to explore policy and practice changes during the pandemic;
- Focus groups with advocates in each site; and.
- Semi-structured interviews with system stakeholders in each project site.

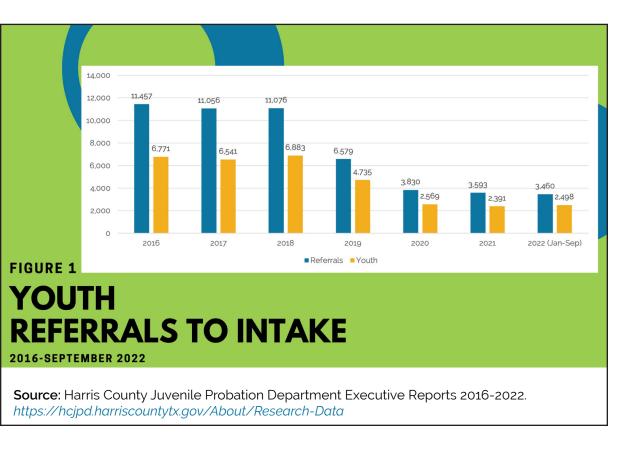
Findings not cited to a specific written source were drawn from insights collected through qualitative data collection activities. following the onset of COVID-19, the key factors that drove and supported Harris County's shift away from incarceration, and work that the jurisdiction still must do to sustain and build on these early successes.

YOUTH INCARCERATION DECLINED FOLLOWING THE ONSET OF COVID-19

Following the onset of the COVID-19 pandemic, Harris County saw a significant decline in the number of youths referred to the justice system, detained, and committed to state custody. Though numbers crept back up in 2021, youth referrals, detentions, and commitments remained below 2019 numbers.

FEWER YOUTHS ENTERED THE HARRIS COUNTY COURT SYSTEM

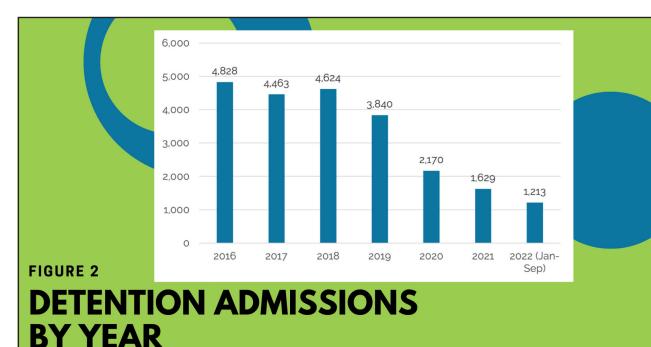
Between 2018 and 2020, Harris County saw a significant decline in the number of youths referred to the court system, and that decrease was maintained through 2021 (Figure 1). Between 2019 and 2020, misdemeanor referrals to the court dropped by 52 percent, felony referrals fell 21 percent, and violations of probation declined 42 percent. Similar trends continued into 2021, and referrals in 2021 remained significantly lower than 2019. Over that period, between 89 and 92 percent of



Harris County Juvenile Probation Department, "2020: An Unprecedented Year," https://hcjpd.harriscountytx.gov/About/Research-Data.

² Harris County Juvenile Probation Department, "2021 Annual Report," https://hcjpd.harriscountytx.gov/About/Research-Data

those referrals to court intake were young people of color.³ Preliminary data through September 2022 suggests that referrals may increase in 2022, as monthly counts have consistently been above 2021 numbers, but numbers are still well below historical levels.



2016-SEPTEMBER 2022

Source: Harris County Juvenile Probation Department Annual Reports 2016-2021, September 2022 Monthly Executive Report, https://hcjpd.harriscountytx.gov/Pages/Research-Data.aspx.

Note: Detention admissions include young people admitted on a new charge and those who have been detained on a violation of probation pending adjudication. Preliminary data for 2022 includes youths admitted to local facilities pre- and post-adjudication (see p.7 of the September 2022 Monthly Executive Report https://hcjpd.harriscountytx.gov/About/Research-Data

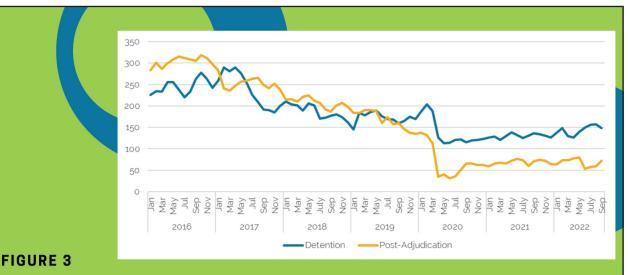
FEWER YOUTHS WERE DETAINED AND INCARCERATED IN HARRIS COUNTY, BUT SIGNIFICANT RACIAL AND ETHNIC DISPARITIES REMAINED

Harris County also saw a significant decline in admissions to detention between 2018 and 2021 (Figure 2). Data through September 2022 show that detention admissions in 2022 may be outpacing those in 2021, but here too, admissions remain well below historical levels. Though data is not yet available, anecdotally, stakeholders suggested this increase may be due at least in part to the fact that the Texas Juvenile Justice Department (TJJD) halted new intakes at the end of June 2022 due to staffing shortages and an inability to safely house young people in TJJD facilities.⁴

³ Harris County Juvenile Probation Department Executive Reports 2016-2022, https://hcjpd.harriscountytx.gov/ About/Research-Data

Shandra Carter, Interim Executive Director, Texas Juvenile Justice Department, e-mail to Juvenile Probation Counties, June 29, 2022, <a href="https://static.texastribune.org/media/files/86747ac4a73f8af26fcbfe3438328496/ShandraCarter-TempHold6-29-22.pdf?_ga=2.35978662.78116879.1669064575-1739020296.1669064575; Jolie McCullough, "Understaffed, and under federal investigation, Texas juvenile detention system halts intake," The Texas Tribune, July 7, 2022, https://www.texastribune.org/2022/07/07/texas-juvenile-justice-staffing/.

By contrast, while the average daily populations of young people in pre-adjudication detention and post-adjudication commitment decreased sharply between March and May of 2020, both populations have slowly increased through the third quarter of 2022 (Figure 3). However, the average daily population of detained and incarcerated young people remained well below historical levels despite those increases (Figure 4).



AVERAGE DAILY POPULATION IN PUBLIC, LOCAL PLACEMENTS

2016-SEPTEMBER 2022

Source: Harris County Juvenile Probation Department Monthly Executive Reports 2016-2022. https://hcjpd.harriscountytx.gov/About/Research-Data

Note: For figures 3 & 4, pre-adjudication detention facilities include the Harris County Detention Center and Harris County Psychiatric Center. This count includes young people detained on a new charge and youths on supervision who have been detained on a violation of probation pending adjudication. Local post-adjudication facilities include the Leadership Academy, Harris County Youth Village, and Harris County Psychiatric Center (post-adjudicated youths only). Data for December of each year were pulled from the Harris County Juvenile Probation Department Annual Executive Report from that year.



AVERAGE DAILY POPULATION IN PUBLIC, LOCAL PLACEMENTS BY ADJUDICATION STATUS

2016-SEPTEMBER 2022

Source: Harris County Juvenile Probation Department Monthly Executive Reports 2016-2022. https://hcjpd.harriscountytx.gov/About/Research-Data

Note: See Note on Figure 3.

RACIAL DISPARITIES PERSISTED DURING THE COVID-19 PANDEMIC

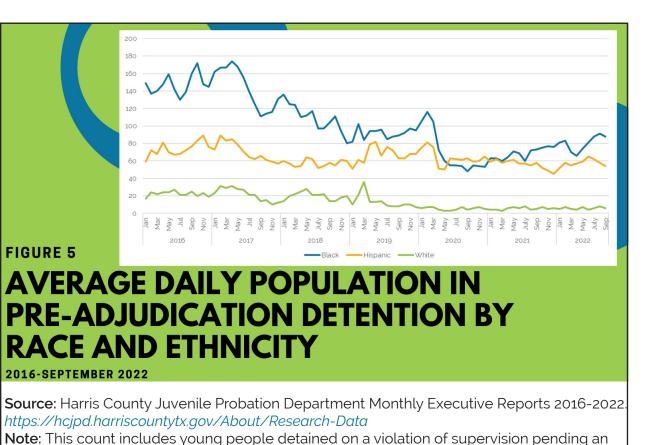
It is important to underscore that the disproportionate impact of COVID-19 generally, and the youth justice system's response to it more specifically, on young people and families of color, particularly those residing in historically under-resourced communities, persisted unabated. The latest data suggest young people who are Black, Latino, and American Indian continue to be at greater risk of hospitalization and death from COVID-19 compared to white people. Young people of color – particularly Black youths – are also disproportionately impacted by the youth justice system, in that they are more likely than white youths to be arrested, referred to court, petitioned in court, and placed out of their homes.

This held true in Harris County where, overall, more than 9 out of 10 young people referred to court, detained, and committed were young people of color between 2016 and 2022. Examining trends in youth pre-adjudication detention by race in Harris County specifically revealed different trajectories for youths of color relative to white youth but persistent and significant disparity across the full period (Figure 5). In the first two months of the pandemic (March-May 2020), detention

⁵ "Risk for COVID-19 Infection, Hospitalization, and Death By Race/Ethnicity," Centers for Disease Control and Prevention, accessed August 3, 2022, https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html.

⁶ "Racial and Ethnic Disparity in Juvenile Justice Processing," U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention, accessed August 3, 2022, https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/racial-and-ethnic-disparity.

declined for youths of all races, and drops were particularly steep for Black and Hispanic youths relative to white youths. In fact, the number of Black youths detained in Harris County continued to decrease through September 2020, shrinking the detention disparity between Black and white youths for a short time before beginning an upward trend that largely held through the third quarter of 2022. By contrast, detention numbers for Hispanic youths increased somewhat sharply between May and June of 2020, and more Hispanic youths were detained in Harris County than Black or white youths for the remainder of 2020. Detention of Hispanic youths were then generally flat through 2021 and 2022.



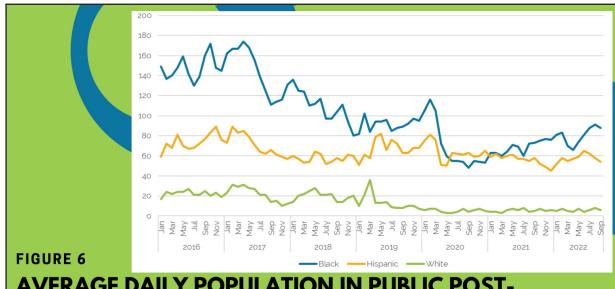
adjudication hearing. Data for December of each year were pulled from the Harris County

Juvenile Probation Department Annual Executive Report from that year.

Trends looked slightly different for youths in local, public, post-adjudication placements in Harris County (Figure 6). In contrast with the detention population, the decline in incarceration for post-adjudicated youth occurred rapidly between March and April 2020, immediately following the onset of COVID-19. The post-adjudication population in local placements then began to creep back up as early as July 2020. As with the detention population, the number of Hispanic youths

⁷ The Harris County Juvenile Probation Department reports only average daily population in detention for Black, Hispanic, and white youth. Note, we use Hispanic throughout this brief because that is the label in Harris County data.

in post-adjudication placement surpassed Black youths in November 2020 and remained the largest group of detained youths for several months. However, there were more Black youths than Hispanic or white youths incarcerated each month during the second half of 2021 and all of 2022. Notably, there were no white youths in post-adjudication placements in 12 of the 36 months between 2020 and 2022.



AVERAGE DAILY POPULATION IN PUBLIC POST-ADJUDICATION PLACEMENTS BY RACE AND ETHNICITY

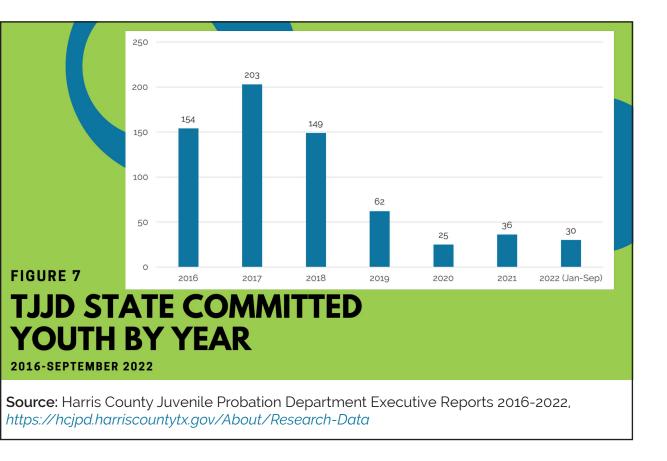
2016-SEPTEMBER 2022

Source: Harris County Juvenile Probation Department Executive Reports 2016 - September 2022. https://hcjpd.harriscountytx.gov/About/Research-Data

Note: The average daily population of young people in private, post-adjudication placements in Harris County was 20 in 2019, 27 in 2020, and 14 in 2021. Those young people are not captured in this chart.

FEWER YOUTHS WERE COMMITTED TO STATE CUSTODY FROM HARRIS COUNTY FOLLOWING COVID-19, BUT NUMBERS ARE ON THE RISE

State commitments to the Texas Juvenile Justice Department (TJJD) dropped precipitously between 2017 and 2020. Though numbers increased slightly in 2021, and preliminary data from 2022 suggest that numbers may be higher in 2022 compared to 2021, the number of young people committed to the state remained well below historical numbers through the third quarter



of 2022 (Figure 7). Here again, though, these figures will be impacted by the TJJD's halting of new admissions in June 2022, and figures in the first three quarters of 2022 may not be indicative of the pace for the full year.⁸

WHAT DROVE CHANGES IN YOUTH INCARCERATION DURING THE PANDEMIC?

Like many jurisdictions, Harris County was in a period of youth justice reform prior to the onset of COVID-19 that informed changes in youth incarceration practices during the pandemic. In 2018, Harris County elected a new head county executive and a new Board of Commissioners. In addition, new judges were appointed, new members were appointed to the Juvenile Board, and a new executive director was appointed to the Harris County Juvenile Probation Department, which is the leading youth justice agency in the county. Collectively, this group was aligned behind a new vision for youth justice in Harris County and committed to overhauling the system. The pandemic provided an opportunity to accelerate reforms, quickly rethink service provision for youths in the justice system, and explore ways to return youths to their homes and support them within their communities.

Shandra Carter, Interim Executive Director, Texas Juvenile Justice Department, e-mail to Juvenile Probation Counties, June 29, 2022, https://static.texastribune.org/media/files/86747ac4a73f8af26fcbfe3438328496/ShandraCarter-TempHold6-29-22.pdf?_ga=2.35978662.78116879.1669064575-1739020296.1669064575; Jolie McCullough, "Understaffed, and under federal investigation, Texas juvenile detention system halts intake," The Texas Tribune, July 7, 2022, www.texastribune.org/2022/07/07/texas-juvenile-justice-staffing/

Conversations with system stakeholders and advocates revealed several key drivers of the decline in youth incarceration prior to and during the COVID-19 pandemic.

- Prosecutorial-Led Diversion Strategies. The Harris County District Attorney's Juvenile Division office implemented a number of policy and practice changes to divert youths away from justice involvement. Prior to COVID, the DA's office worked with community agency partners to develop targeted diversion strategies for youths in need of mental health services, youths referred on marijuana charges, and dually involved youths also involved in the child welfare system. The DA's office also focused specifically on school-based referrals, which comprised about 40 percent of all referrals to intake prior to COVID. They created a video explaining concerns with the approach and the trauma that can be inflicted through justice system involvement. They also met with school-based law enforcement agencies to educate them about the negative impact of system involvement. School referrals declined during COVID, though it is difficult to determine how much of that was driven by the fact that schools were closed. Justice system stakeholders have expressed optimism that there has been a real culture shift in school law enforcement that will outlive the pandemic. Very early data on school referrals suggests that rates stayed lower than pre-pandemic levels once schools reopened, but only time will tell whether this trend is sustained.
- Probation Agency Strategies. The Harris County Juvenile Probation Department (HCJPD) implemented several youth probation reforms that were underway prior to the onset of the pandemic. The agency had already closed one post-adjudication facility, reduced capacity at the other two post-disposition placement options, and halted planning for a new juvenile detention center that was underway. HCJPD had also committed to repurposing one post-adjudication facility into a day or evening reporting center and created a new program, the RISE program, to offer a community-based alternative to placement for youths convicted of serious offenses pre-COVID-10. But HCJPD also implemented several strategies to reduce youths in congregate care and bolster community support following the onset of COVID-19. These included:
 - Expediting release for youths in post-adjudication placements and securing community support for youths returning home. HCJPD worked with the court to develop furlough options for youths serving sentences for serious charges and expedite return home for youths. To support youths returning home and build support for the plan with the judiciary, HCJPD directed funds to several community-based organizations including Houston reVision, My Brother's Keeper, and the Center for Urban Transformation to provide hot meals, groceries, help with rent, technology to support remote education opportunities, medical services and remote counseling sessions with the facility therapist. These services provided critical supports for the roughly 100 youths who quickly transitioned home in March and April of 2020.

- o Implementing a revised detention screening instrument. Though planning was underway prior to COVID, HCJPD rolled out a revised detention screening instrument in January 2021, designed specifically to reduce the number of youths admitted to detention pre-adjudication and decrease racial and ethnic disparities in detention admissions. Overrides of the tool recommendation are rare and require administration approval. Stakeholders referenced the new tool as a key contributor to declining admissions to detention in 2021.
- Creating a new staff position Facility Population Manager focused solely on expediting release and managing facility populations. HCJPD created a new staff position focused specifically on expediting release for youths. The facility population manager reviews detained youth case files weekly and develops strategies to expedite release with a particular focus on young people who have been in detention for a long period of time. The population manager also helps make sure that youths who are moving to a post-disposition facility get transferred as quickly as possible so they can begin to access treatment and other services in those facilities.
- o Launching a weekly detention review team meeting. Following the onset of COVID-19, key decisionmakers (the facility population manager, the deputy director of HCJPD, intake officers, court representatives, detention staff, and the detention alternatives manager) started meeting every Monday to review individual detention cases to identify youths who could safety return home. Leaders at HCJPD set the tone for the group, encouraging the team to be aggressive in working to safely return youths home whenever possible. When an opportunity arises, the group works quickly, taking an individualized plan to court on a case-by-case basis to move things forward. System stakeholders in Harris County noted a fundamental paradigm shift in how decisionmakers thought about detention once the pandemic hit that continues today. Responsibility shifted away from decisionmakers having to prove why a youth should not be in detention to prosecutors, law enforcement, and/or intake justifying why a youth should be in secure detention.
- Effective Advocacy Strategies. Advocates in Harris County worked tirelessly to protect justice-involved youths, both incarcerated and in the community, and successfully lobbied stakeholders to implement several changes. Groups were particularly successful in leveraging news stories about extended periods of room confinement in youth facilities to improve conditions for incarcerated youths⁹ and lobbying the Harris County administration to increase investments in community-based services. Noting the critical importance of community supports to facilitate youths returning home, HCJPD committed to investing \$2 million in a Community Reinvestment Fund. Advocates successfully lobbied the county commissioner to match those funds, which resulted in \$4 million total investment in the fund. Planning is currently underway for the fund, which is being done in partnership

⁹ Gabrielle Banks, "Reports: Children are in 23-1/2 hour-a-day lockup at Harris County juvenile facility amid COVID-19," Houston Chronicle, April 8, 2020, https://www.houstonchronicle.com/news/houston-texas/houston/article/Reports-Children-are-in-23-hour-a-day-lockup-15187249.php.

with community and centering the experiences of youths and families directly impacted by the justice system. In April 2022, Change Happens – a Black-founded and -led, community-based social service organization with deep roots in neighborhoods in Houston disproportionately impacted by the youth justice system – was awarded a contract to serve as the intermediary for the fund. The organization is building capacity and developing an inclusive selection process for awarding subgrants to a range of local providers.

CHALLENGES AND NEXT STEPS

As noted above, Harris County has implemented a wide range of strategies to reduce youth incarceration that has kept populations below pre-pandemic levels. However, the confined populations have begun to increase, despite the ongoing public health concerns of COVID-19, and Harris County – like most jurisdictions – has encountered challenges and has much work to do to ensure that progress is sustained long-term. Interviewees for this project noted five specific areas that demand attention:

- Ensure safe environment for youths in detention and placement. Though we are more than a year and a half into the pandemic, the virus is still a significant threat, particularly for unvaccinated young people in congregate care. At the same time, strategies to mitigate the harm of the virus (e.g. suspending family visits, extended room confinement, etc.) can also be harmful and inflict trauma on young people. Moving forward it will be critical to ensure that Harris County (and all jurisdictions) improve accessibility for parents and family members and find opportunities to promote education, connection, and opportunity within social distancing requirements.
- Address racial disparities. As is often the case, we observed continuing racial and ethnic
 disparity in Harris County that must be addressed. While HCJPD and stakeholders are
 committed to reducing disparities, youths of color remain far more likely to be detained
 and incarcerated post-adjudication than their white counterparts. It will be important to
 analyze why and how strategies that supported release of all youths in the first few months
 following release have not been sustained long-term and develop new ideas for better
 supporting youths of color in their home communities.
- Develop and implement strategies to sustain declines in youth incarceration. Though
 they declined sharply in the months following the onset of COVID-19, both detention and
 placement populations began to creep back up within just a couple of months. Harris
 County should analyze what is driving those increases and develop targeted strategies to
 address them and build momentum for continued reduced reliance on congregate care
 options for youth.
- Ensure sustainable funding for the Community Reinvestment Fund. Support for community-based alternatives and services was a critical piece of the puzzle supporting expedited release of youth from detention and placement. While the initial investment in the Community Reinvestment Fund is an important step, Harris County does not yet have a plan to sustain funding beyond these initial resources. It will be important for the county to explore sustainable funding streams to bolster and support a full continuum of community-based services, supports, and opportunity for all youth.

FAMILY RECOMMENDATIONS TO BETTER SUPPORT JUSTICE-INVOLVED YOUNG PEOPLE AND THEIR FAMILIES

In September 2021, a diverse group of parents came together from across the United States to discuss the impact of the COVID-19 pandemic on their justice-involved children. Their insights and recommendations were captured in a separate brief, *Youth Incarceration During the COVID-19 Pandemic: Insights from Impacted Families*, but an abbreviated list of their specific suggestions in included here for quick reference, given the central importance of their ideas for improved policy and practice:

- Strengthen services, supports, and connection for young people in congregate care
 facilities. Families recommended that facility administrators create a family liaison
 position, prioritize in-person visitation, increase medical personnel, and strengthen
 oversight and accountability to ensure that young people's needs are met and to
 better support connection with caregivers, siblings, and other support people.
- Maximize opportunities for, and expedite release from, facilities. Given the added public health risk to people in congregate settings during this pandemic as well as other less widespread crises, parents unanimously called on agencies to explore all opportunities to promote and expedite release, with individualized and robust support, of young people from facilities, particularly those who have not yet been adjudicated and proven to have committed a crime.
- Expand community-based mental health, trauma, and healing supports for youth and families. Families noted that the COVID-19 pandemic exacerbated existing issues and increased the need for mental health, trauma, and healing supports for justice-involved young people and their families. They recommended multisensory and culturally responsive approaches to trauma healing, resilience and well-being for all family members to ensure that everyone's needs are met, and caregivers are best positioned to support their young people who might be struggling.

In 2020, four national research and advocacy organizations — the Center for Children's Law and Policy, Justice for Families, the Justice Policy Institute, and the National Juvenile Justice Network — came together to study state and local policy and practice changes that effectively reduced reliance on youth incarceration during the COVID-19 pandemic. The collaborative released a series of publications illustrating how agencies across the country can safely reduce reliance on youth incarceration and invest in more effective community-based strategies to support justice-involved youth and families.



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