



**Sunset Review Commission Public Hearing  
Texas Youth Commission  
Texas Juvenile Probation Commission  
and Office of the Ombudsman  
December 16, 2010**

Good morning, members. I am Lauren Rose, Mental Health and Juvenile Justice Policy Fellow at Texans Care for Children, and I appreciate the opportunity to offer comments today on the Sunset Commission's review of the Texas Youth Commission (TYC), Texas Juvenile Probation Commission (TJPC), and the Office of the Independent Ombudsman (OIO.) Texans Care is a statewide nonpartisan, nonprofit organization dedicated exclusively to the children of Texas. We look to our broad base of community-based experts – our partners and 220 members throughout the state who together represent thousands of Texas children—to inform our work and help us in developing our legislative agenda. We co-convene various stakeholder groups that bring together a wide range of organizations, families, and advocates around our areas of focus—family economic security; infant, child and maternal health; children's mental health; child welfare; and juvenile justice and at-risk youth—including the Juvenile Justice Roundtable, a coordinated effort by a diverse group of advocates and stakeholders to improve the Texas juvenile justice system.

*Texans Care for Children agrees with the Sunset Advisory Commission Staff Report: "Texas has a continuing need for TYC and TJPC, but more work is needed to ensure better outcomes for youth." SB 103 in 2007 and HB 3689 in 2009 began making much needed improvements to the system. Some reforms, like greater investment in community corrections, are showing good results. As the Sunset staff report finds, the fiscal realignment the Legislature guided in 2009 to redirect money from TYC into community corrections through TJPC and county juvenile probation departments has been very successful. Commitments to TYC are down 30% from the previous year, and all counties that accepted the diversion money successfully met their diversion targets. Only .02% of the youth served by these diversion programs ended up being committed to TYC last year.*

However, the state's juvenile justice system falls far short of achieving systematic, good outcomes for youth and public safety. Recidivism rates for youth released from TYC increased slightly in the most current period for which data is publicly available; currently, 52% of youth released from TYC are rearrested and 40% are reincarcerated within 3 years. Educational outcome measures are poor, as well; the rate at which TYC Youth earn a diploma or GED dropped nearly 4% from FY2009 to FY2010. Workers compensation claims for TYC employees are among the highest of any state agency, with high levels of staff-on-youth, youth-on-staff, and youth-on-youth violence a continuing problem in secure facilities.

Though legislative and agency leaders have made significant commitments of resources, policy reforms, and practice improvements, they are working with a physical plant of large, correctional facilities in geographic areas far removed from the population centers most TYC youth come from. This capital

infrastructure is not conducive to rehabilitation even under the best conditions, much less under the condition of having very limited pools of professionals qualified to meet youths' rehabilitation needs in these rural areas. The juvenile justice physical plant, along with a statutory framework that relies heavily upon incarceration in a secure facility as a punitive measure for juvenile offenders, limits the ability of even the best juvenile justice administrators to run an effective system. When our juvenile justice system comes up for review by the Sunset Commission again in 2017, as recommended, it needs to look very different than it does today, or we will be failing our youth and the public trust.

Texas' is not the first juvenile justice system to face similar challenges. The evidence base is now sufficiently established from the experiences of jurisdictions around the country that have shown what works and what does not. Multi-state initiatives such as the Juvenile Detention Alternatives Initiative and Models for Change—both of which have sites in Texas—as well as reforms in states like Missouri, Ohio, and Louisiana have significantly added to the body of knowledge about effective juvenile justice practice. The field of adolescent brain development and the assessment of return on investment have also contributed much that informs juvenile justice professionals. All the leading research and documented evidence within and outside of our state show that successful rehabilitation and community safety goals are best met when children and youth in the juvenile justice system are kept in small, home-like settings close to their homes while continuing to receive education and mental health supports. It is time for the Texas policymakers to take what is known about effective juvenile justice practice, thoughtfully adapt it to the unique needs of Texas, and commit to building a 21<sup>st</sup> century juvenile justice system for this state.

The leadership teams of TYC and TJPC have made clear they are committed to dealing constructively with the challenges the system faces. Through their work on the coordinated strategic plan and numerous joint initiatives, Texas' two juvenile justice agencies have shown that they can work together to improve the status quo. The leadership of TYC and TJPC know what an efficient, effective, just juvenile justice system looks like, and are respected nationally as leaders in their field. Given the authority, the leadership of the two agencies stands to work productively with other system stakeholders to move Texas towards the goal of an effective, efficient, just juvenile justice system that utilizes proven practices in the service of youth, justice, and public safety.

## **RECOMMENDATIONS**

Texans Care for Children agrees with the Sunset staff recommendation to continue both TYC and TJPC for an additional 6 years. We also recommend that the Legislature statutorily establish a Restructuring Team to create and begin implementing a Restructuring Plan that incorporates juvenile justice best practices. The Restructuring Team should include leadership from TJPC and TYC, the Independent Ombudsman, county juvenile chiefs, the judiciary, juvenile defense and prosecution, mental health and education experts, researchers with expertise in juvenile justice, and advocates for children and youth. Statute should establish benchmarks by which progress can be assessed at determined dates. As its blueprint, the Restructuring Plan should incorporate the following principles, which were identified from the evidence base of juvenile justice practice and agreed upon by consensus of a team of juvenile justice advocates and experts:

1. Changes in the governance structures of various components of the juvenile justice system should not be confused with reform. While governance and organizational structure may have a

significant impact on the delivery of services to youth, they do not in and of themselves constitute meaningful reform.

2. The adult prison system and the adult model of criminal justice are damaging and ineffective options for youth, ignoring their needs for age-appropriate rehabilitation and treatment services. The state should look for ways to remove those youth who are housed in adult prisons and jails and instead place them in more appropriate juvenile settings.

3. Recognizing that proven, non-institutional, community-based programs are less expensive and more effective than secure facilities, Texas should move away from prioritizing state spending on institutional care and towards an emphasis on using taxpayer dollars to fund proven and effective community-based services for youth and families.

4. The state should keep all but the most serious juvenile offenders (those who present a significant risk to public safety) out of secure facilities. True reform means that significantly fewer youth are incarcerated and more are being treated at home with appropriate strength-based and family-focused interventions and supports. Or, if necessary to protect public safety, youth should be housed in out-of-home programs conducive to rehabilitation. Closing state-run facilities while merely increasing the size of secure county-run facilities does not represent a step towards reform.

5. For confined youth, Texas should move towards a juvenile justice system of small juvenile justice facilities that prioritizes youths' treatment needs, provides meaningful rehabilitation in a therapeutic environment, and locates youth in or near their home communities.

6. Facilities should be staffed with qualified personnel who are trained to meet the needs of youth who require mental health, substance abuse, and sex offender treatment. Facilities should also offer services to address traumas that youth have experienced. Consistent with the goals of providing effective, trauma informed treatment, staff supervising youth should receive continuing training in the safest protocols possible with respect to restraints, verbal de-escalation techniques, suicide risk and prevention, sexual assault, protection of vulnerable youth, and recognition of signs that a youth that may be overmedicated or having adverse reactions to medication.

7. Funding should follow the youth; if more youth are being served at the county level, the state should redirect funding to counties for the provision of appropriate and effective community-based, non-institutional services in those locations.

8. Better monitoring, oversight, and reporting of county programs should be ensured by providing the Texas Juvenile Probation Commission (TJPC) the mandate and resources to regularly conduct on-site inspections of both secure and non-secure facilities, use a graduated sanctioning system for facilities that fail to comply with set standards, and provide an annual report to the Legislature addressing violations of standards.

9. To better protect youth and ensure appropriate treatment and services for them, the Office of the Independent Ombudsman (OIO) should have its jurisdiction expanded so that it can provide oversight over youth anywhere they are being held in correctional settings in Texas, whether at the

county or state level, in adult prisons and jails, or juvenile secure facilities. The OIO's effectiveness could be enhanced with a structure that allows for the operation of regional offices.

10. As another means of better protecting youth, the state should consider contracting with legal aid entities to provide confined youth with legal advocates to help with civil legal issues such as child custody and other family law or child welfare matters, post-adjudication issues for which counsel is not provided, and civil rights actions.

11. The state should continually foster and protect resources and programming that help youth succeed during and after juvenile justice system involvement. Educational services (including reading and behavior improvement programs) that support workforce and vocational development are especially critical for easing the re-integration of youth into their home communities.

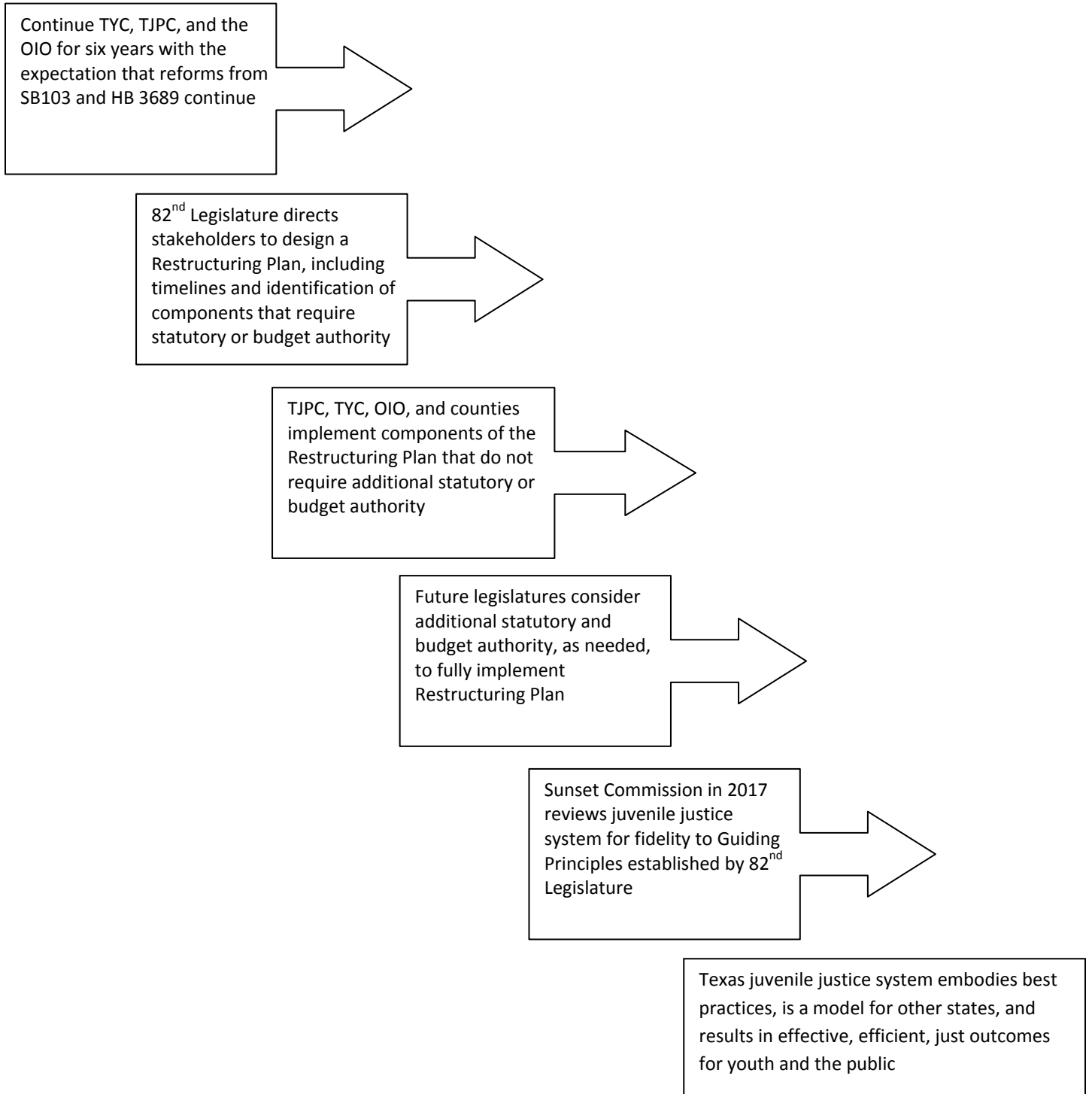
The budget pressures the state currently faces are an additional factor that will influence the crafting of a Restructuring Plan. TJPC is proposing to cut, among other programs, the effective community corrections funds discussed above that keep youth out of TYC. To meet required cuts, TYC is proposing to close two facilities. Given that incarceration of youth in large correctional facilities is shown to be ineffective at preventing future delinquency, potential facility closure could be a positive development. However, TYC's current plan is to move youth from those two facilities to other facilities, despite the fact that best practices call for moving to smaller settings with fewer youth. Legislators and the Restructuring Team should propose to accomplish the fiscal realignment that systems change will require according to a timeframe that fits responsibly with the current cycle in public revenue. The juvenile justice system, today, is strained to provide effective services to system-involved youth, and restructuring must be carefully navigated in order not to adversely impact youth or future public safety.

In closing, I would like to draw your attention to the following page, which summarizes the building blocks of system reform that Texans Care is recommending the Sunset Commission adopt in its final decision.

We welcome the opportunity to continue working with you to achieve the vision we hold for our youth and our state.

Thank you,  
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## Recommended Pathway to Achieve a Model Juvenile Justice System in Texas





## **Guiding Principles of Juvenile Justice Reform for Texas Fall 2010**

The following principles should guide the efforts of Texas policymakers and stakeholders in shaping a more effective, efficient, and just juvenile justice system.

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2. The adult prison system and the adult model of criminal justice are damaging and ineffective options for youth, ignoring their needs for age-appropriate rehabilitation and treatment services. The state should look for ways to remove those youth who are housed in adult prisons and jails and instead place them in more appropriate juvenile settings.
3. Recognizing that proven, non-institutional, community-based programs are less expensive and more effective than secure facilities, Texas should move away from prioritizing state spending on institutional care and towards an emphasis on using taxpayer dollars to fund proven and effective community-based services for youth and families.
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9. To better protect youth and ensure appropriate treatment and services for them, the Office of the Independent Ombudsman (OIO) should have its jurisdiction expanded so that it can provide oversight over youth anywhere they are being held in correctional settings in Texas, whether at the county or state level, in adult prisons and jails, or juvenile secure facilities. The OIO's effectiveness could be enhanced with a structure that allows for the operation of regional offices.
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11. The state should continually foster and protect resources and programming that help youth succeed during and after juvenile justice system involvement. Educational services (including reading and behavior improvement programs) that support workforce and vocational development are especially critical for easing the re-integration of youth into their home communities.

The following organizations support these principles:

Advocacy, Inc.

Texas Appleseed

Texas Criminal Justice Coalition

American Civil Liberties Union of Texas

Texans Care for Children