



November 30, 2017

Lt. Governor Dan Patrick
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Speaker Joe Straus
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Dear Lt. Governor Patrick and Speaker Straus,

We are writing to express our deep concern over the decades of problems related to state secure juvenile facilities, formerly overseen by the Texas Youth Commission and now by the Texas Juvenile Justice Department (TJJD). The news regarding criminal charges and allegations of sexual misconduct involving multiple staff at the Gainesville State School, along with other unsafe conditions, are just the most recent examples of the consequences due to the state's failure to abandon an outmoded and ineffective model of youth rehabilitation.

Problems with conditions in these facilities are all too familiar. Conditions were the subject of litigation that lasted into the 1980's in *Morales v. Turman*. In 2007, less than 20 years after the court monitoring in that case ended, allegations of sexual assaults by staff on youth emerged and led to a series of legislative reforms. Five short years later, despite ongoing attempts to reform conditions inside facilities and a massive reduction in population, safety concerns prompted then-Governor Perry to ask Jay Kimbrough, an early architect of the post-2007 reforms, to return to the newly created Texas Juvenile Justice Department to attempt to restore order.

And now, again just five years later, we see the emergence of another round of problems. While it is tempting to think that problems with conditions raised in the early 1970's in *Morales v. Turman* intermittently occurred - abating then recurring again in 2007, abating for five more years then recurring in 2012, abating once more, and now recurring again - the incidents are all too familiar. It is likely the problems never stopped, but rather only garnered the public's attention when the spotlight was directly on the scandals.

As many of us have noted during numerous legislative committee hearings, in meetings with agency officials, and in the press, the problem is not with the kids, with funding levels, or even with agency or facility leadership (though we believe attempts to cover up problems should be met with strict accountability). **The problem is with the ongoing use of a model proven to be inconsistent with the system's purpose of rehabilitating young people and putting them**

back on the path to productive citizenship. This is not a new theory – and we are not alone in this assessment. Rather, this understanding is one born from years of research shared by juvenile justice experts across the nation.

Locating facilities that house high-needs youth in remote areas is a recipe for precisely the type of repeated scandal that we are witnessing yet again. It would be a challenge to appropriately staff these facilities anywhere in the state, but it is impossible when they are located in rural communities with small populations from which to recruit staff. And facilities that house more than 100 youth have been disproven by research as an appropriate rehabilitation model. Aggregating many high-needs youth in one setting is not only counterproductive from the standpoint of rehabilitation goals, it also facilitates a culture of deficiency for staff and leadership to adequately meet standards of accountability, transparency, and effectiveness and will continue to create the type of ongoing and appalling safety challenges that emerge and re-emerge.

In addition to the trauma caused to youth who are victimized and the massive consumption of state time and resources required to address recurring scandals, we know from solid research that these state facilities do not work. A report released in 2015 by the Council of State Governments Justice Center revealed that **Texas’ state secure facilities not only fail to rehabilitate young people – they actually make them worse.** They produce *the opposite* of what they set out to achieve: Young people released from such facilities are more likely to recidivate than when they were committed. This comes as no surprise – these findings are remarkably consistent with three decades of research conducted all over the nation.

If these state secure facilities somehow bucked the trend, producing results and turning young lives around, we could be content with yet another dialogue focused on “fixing” the problems that have again emerged. They do not, and we do not see a “fix” that includes their ongoing use if the goal of the Texas juvenile justice system is to rehabilitate rather than simply imprison. Even if you abandon the stated purpose of the Texas juvenile system to rehabilitate, the Eighth Amendment (not to mention the Prison Rape Elimination Act) requires prisons to meet certain standards that these facilities are failing to meet.

Texas taxpayers are currently footing the bill for a costly, defective model that does not does not promote public safety and is inhumane. There is only one solution: the remaining state secure facilities must be closed.

We are calling on you to create a Joint Legislative Committee that will:

- Determine how to continue the reforms initiated in 2011, focused on moving away from use of secure facilities and toward community-based alternatives, with an eye toward addressing gaps in services through regionalization;
- Create a timeline for closure of the remaining five state secure facilities;
- Create a timeline for moving youth closer to their home communities, including evaluating whether the existing TJJD halfway houses could be part of a new system of smaller, rehabilitative facilities;
- Identify mechanisms to move youth from state secure facilities to safer settings and create a plan to move young people aged 15 and younger out of facilities immediately;

- Identify alternatives for commitment to state facilities to keep youth from being committed to state facilities in the future;
- Establish evaluation criteria and benchmark standards to ensure the provision of safe, therapeutic and rehabilitative facilities for confined youth;
- Make recommendations for a funding model that recognizes gaps in services and differences in funding at the local level, and incentivizes research-based practices;
- Prevent any youth currently in state secure facilities from being moved into the adult corrections facilities;
- Establish standards of care for youth with mental health diagnoses, including how the needs of these youth will be addressed in smaller specialized facilities; and
- Identify opportunities to keep more youth out of the juvenile justice system.

Sincerely,

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