



Isela Gutiérrez  
Juvenile Justice Initiative Director  
Tel: 512.441.8123 ext. 111  
Cell: 206.992.9221  
Email: [igutierrez@criminaljusticecoalition.org](mailto:igutierrez@criminaljusticecoalition.org)  
[www.criminaljusticecoalition.org](http://www.criminaljusticecoalition.org)

**FACT SHEET, 2009**

## **EFFECTIVELY IMPLEMENT S.B. 103 THROUGH SUSTAINED INVESTMENT IN REFORM**

### **PROBLEM:**

Significant work from numerous stakeholders went into the development of S.B. 103, the omnibus juvenile justice reform legislation intended to stop abuses in the Texas Youth Commission (TYC), in 2007. However, since the problems facing TYC were structural and historical – at least a decade in the making – it is not altogether surprising that the 2007 reforms have not yet led to the new and improved TYC sought by stakeholders. A succession of three conservators in the two years following the omnibus bill’s passage has also thwarted successful implementation of the legislation’s mandates. But at last, TYC has the permanent leadership it needs to move forward with S.B. 103’s proper implementation, critical to restoring the trust of Texans in the state’s capacity to protect the incarcerated youth in its custody. If successful, an improved TYC will increase public safety and economic prosperity for Texas in the long term. As such, policy-makers in this 81<sup>st</sup> legislative session must sustain the vision necessary to create a model juvenile corrections system. Specifically, lawmakers must ensure that the agency stays the course toward deliberate, transparent implementation of the intent and the letter of the law through sustained investment in the reform effort.

### **FACTS:**

- Without adequate numbers of qualified staff and improved programming for incarcerated youth, TYC institutions will continue to suffer from violent conditions and poor outcomes. Both under-staffing and lack of programming were cited by the U.S. Department of Justice as reasons for the unconstitutionally high levels of violence in TYC’s Evins Regional Juvenile Justice Center in Edinburg.<sup>1</sup>
- The Office of the Independent Ombudsman (OIO), created by S.B. 103, plays a vital role in continued reform of the system: the federal Office of Juvenile Justice and Delinquency Prevention has identified the existence of ombudsman offices as an important element in protecting the rights of youth in custody, as well as protecting the state against liability.<sup>2</sup>
- In the three decades since its adoption, the “Missouri model” has been heralded as a “guiding light for reform”<sup>3</sup> in juvenile justice. Its unconventional approach – emphasizing treatment and least-restrictive care – is considered to be far more successful than the incarceration-oriented systems used in most other states.<sup>4</sup>
- The first several months following a youth’s institutional confinement is a critical one where the lessons learned in secure care can easily be undone without proper supports. The period of re-entry should be viewed as the last and most important phase of a youth’s treatment while in TYC custody.<sup>5</sup>

### **SOLUTION:**

- (1) Hire qualified staff and improve rehabilitative programming to increase control and safety in TYC institutions.** TYC should develop a long-term workforce development plan with the goal of recruiting and retaining qualified staff. In the short term, TYC should ensure that all employees are informed about the various benefits available to them, such as Homes for Heroes and the Employee Assistance Program.<sup>6</sup> In the long term, TYC should strive to gradually increase the pay and qualifications for direct care staff with the goal

of eventually hiring college-educated employees. The agency should also actively work with policy-makers and higher education institutions to develop incentive programs that will encourage graduates to consider a career in TYC. In doing so, TYC must look beyond the traditional corrections field to other highly relevant disciplines, such as social work and psychology. Lastly, TYC must have adequate numbers of clinical staff in order to administer quality rehabilitative programming. A serious commitment to public safety requires investment in the quality of services delivered to youth incarcerated in state-run facilities. Thus, budget appropriations must reflect the real costs of having a workforce that can provide safety and true rehabilitation to the state's most troubled youth.

- (2) Enhance independent oversight of TYC services and youth rights.** Over the last 18 months of an often turbulent reform process, the OIO has served as a critical, independent voice for youth incarcerated in TYC institutions and on parole. Despite its tiny size and limited resources, the OIO has successfully identified a number of systemic problems with delivery of services to youth in TYC (such as medical care and special education), drawn attention to severely inadequate conditions of confinement at contract care facilities, and provided assistance to hundreds of individual youth and families. In order to guarantee that this office continues to serve the important role of protecting the state's most troubled youth, greater resources are necessary.
- (3) Move TYC over the next decade toward a regionalized system of state-operated juvenile correctional and transition facilities that are smaller (<100 beds), more therapeutic, and closer to the communities that youth come from – similar to those operated in Missouri.** In spring 2007, TYC in conjunction with the University of Texas-Austin School of Social Work convened a Blue Ribbon Task Force to explore best practices for juvenile justice in Texas. In its final report, the Task Force put forth numerous recommendations,<sup>7</sup> some of which focused on Texas adopting aspects of the widely-acclaimed Missouri model. Although no model from another state will be a perfect fit “as is,” there are many lessons that Texas can learn from Missouri: for example, the replacement of a punitive philosophy with one centered on treatment has been essential to the success of the entire Missouri juvenile system. Moreover, the regionalization of Missouri's system has allowed for the development of a continuum of services, ensured access to qualified treatment professionals, and facilitated inclusion of families and communities in the rehabilitation process – all of which paved the way for Missouri's lower recidivism rates. In order to facilitate TYC's transformation toward a “Missouri model,” lawmakers should do the following:
- Use the Juvenile Justice Improvement Plan recommended by Sunset staff as a vehicle toward transformation of the Texas system, using the lessons of Missouri's system change as a guide.
  - Allow TYC flexibility in using 2007 bond funding. In 2007, Texas voters approved \$25 million in bond funding to construct a new TYC facility of 150 beds near an urban center.<sup>8</sup> In 2008, TYC requested permission from state leadership to use that bond funding to construct three 48-bed facilities located near urban areas. This request more closely reflects the goal of moving toward a regionalized system of care similar to Missouri's. Generally speaking, bigger is not better when it comes to secure juvenile facilities. Large training schools that house 100+ youth, like TYC facilities, have been proven to be the least effective and most costly way of rehabilitating troubled youth.<sup>9</sup> These facilities are expensive to run, extremely difficult to staff, and are located far from the communities that these young people come from and the services that they need.

**(4) Strengthen TYC parole to protect public safety and give troubled youth, families, and communities a chance at success, without placing additional burdens on counties.** The real measure of TYC's effectiveness is in a youth's behavior post-release. In order to provide meaningful oversight and support to youth exiting its institutions, TYC's parole program requires an increased investment and focus from the Legislature:

- Provide youth with more structured re-integration into their home environments, including day treatment programs, re-entry support groups, and family counseling.
- Increase family and community involvement in parole by implementing elements of proven, non-residential programming such as Functional Family Therapy, Multisystemic Therapy, and Multidimensional Treatment Foster Care.<sup>10</sup> Currently, TYC is moving in this direction through the development of Functional Family Parole, a program that utilizes the evidence-based Functional Family Therapy program as its foundation.
- Allocate sufficient resources to the parole division so that offices have funds to send a youth to specialized aftercare services (e.g., chemical dependency, sex offender, etc.), or access to family counseling. Currently, youth are directed to county-provided services. If counties do not provide adequate medical, behavioral health, educational, or vocational resources, a youth is simply on his or her own.

TYC also has an obligation to protect public safety in making its parole decisions. A parole risk-needs assessment instrument would assist TYC in making better choices about when youth are ready to be paroled. A well-designed parole assessment instrument would assess not only risk, but also treatment needs.

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<sup>1</sup> Department of Justice Civil Rights Division. Letter to Governor Perry Re: Evins Regional Juvenile Center, Edinburg, Texas. (March 2007) Retrieved from [http://www.usdoj.gov/crt/split/documents/evins\\_findlet\\_3-15-07.pdf](http://www.usdoj.gov/crt/split/documents/evins_findlet_3-15-07.pdf).

<sup>2</sup> U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention. *Beyond the Walls: Improving Conditions of Confinement for Youth in Custody*. Washington, DC: 1998.

<sup>3</sup> Mendel, Richard A. *Less Cost, More Safety: Guiding Lights for Reform in Juvenile Justice*. American Youth Policy Forum, 2001.

<sup>4</sup> Abrams, Douglas. *A Very Special Place in Life: The History of Juvenile Justice in Missouri*. (Missouri Juvenile Justice Association, 2003), 206.

<sup>5</sup> Daniel P. Mears and Jeremy Travis, *The Dimensions, Pathways and Consequences to Youth Reentry* (Urban Institute Justice Policy Center, 2004).

<sup>6</sup> Homes for Heroes, first created in 2003, is a loan program that offers affordable mortgages and down payment/closing cost assistance through grants to certain public employees in acknowledgement of their contribution to the safety and welfare of Texans. The Employee Assistance Program provides confidential, professional assistance to help employees and their families in areas such as depression, marital problems, or legal troubles.

<sup>7</sup> Texas, Blue Ribbon Task Force. *Transforming Juvenile Justice in Texas: A Framework for Action* (September 2007).

<sup>8</sup> Texas Sunset Advisory Commission. *Sunset Advisory Commission Staff Report: Texas Youth Commission, Texas Juvenile Probation Commission, Office of the Independent Ombudsman*. (2008), 64.

<sup>9</sup> "[R]esearch suggests that simply "locking kids up" in such facilities is an ineffective and unnecessarily expensive approach to helping troubled youth and reducing juvenile crime." Zavlek, Shelley. "Planning Community-Based Facilities for Violent Juvenile Offenders as Part of a System of Graduated Sanctions." *OJJDP Juvenile Justice Bulletin*. Juvenile Justice Practices Series. August 2005.

<sup>10</sup> Functional Family Therapy is an empirically grounded and highly successful family intervention for at-risk and juvenile justice involved youth. For more information, go to <http://www.fftinc.com>. Multi-Systemic Therapy is a research-proven and cost-effective treatment for youth with serious behavioral problems. For more information, go to <http://www.mstservices.com>. Multidimensional Treatment Foster Care is a cost-effective alternative to regular foster care, group or residential treatment, and incarceration for youth who have problems with chronic disruptive behavior. For more information, go to <http://www.mtfc.com>. In 2006, the Washington State Institute for Public Policy found that all three of these programs saved money and reduced crime. To read their report, visit <http://www.wsipp.wa.gov/rptfiles/07-06-1201.pdf>.