

Madden Faces Dangerous Situations in Adult and Youth Correctional Facilities

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The 1972 federal lawsuit Ruiz v. Estelle became the most massive prisoner rights suit in the history of American jurisprudence. Closed in 2002, the Ruiz case brought the Texas prison system under federal court supervision for more than 20 years. Could Texas be facing another potential landmark civil rights case concerning abused and neglected youth in the care of the Texas Youth Commission?

Almost one full year has gone by since Governor Rick Perry vetoed Representative Jerry Madden's probation reform bill, and yet it appears that public concern over prison overcrowding and probation reform is as prevalent as ever. Will Texas taxpayers be forced to shoulder a \$250 million dollar prison building spree?

These are questions have become very serious matters that State Representative Jerry Madden (R-Plano) is working tirelessly to resolve. In a hearing last month, Madden, Chair of the House Corrections Committee, listened to twelve hours of public testimony on the recent problems ailing the Texas Youth Commission (TYC) and how the probation system contributes to prison overcrowding.

Many groups, including the Texas Criminal Justice Coalition, ACLU, and Texas Public Policy Foundation told committee members that the probation system is in dire need of major reform. "Today, Texans are bearing a huge, unnecessary cost due to a failed probation system; a system in immediate need of improvement," said Ana Yanez-Correa, Executive Director of the Texas Criminal Justice Coalition.

"Unfortunately, the cost is an increasing crime rate. Many Texans would be shocked to know that bad probation policies in our state are only serving to waste tax dollars while actually diminishing public safety." Many of these bad probation policies come down to a matter of funding, including understaffed departments with high caseloads, a lack of resources needed to track down absconders, and difficulty in attracting new probation officers. Some probation officers in Texas are responsible for overseeing as many as 150 cases. Clearly, resources are being stretched to the limit.

These concerns are not new to Madden, who last session led a probation reform bill through both houses but failed to get one of the most important votes- the Governor's. Governor Perry vetoed House Bill 2193, and now as Texas prisons become increasingly over crowded, Madden must continue to search for new solutions. If no solution is agreed upon by next session, Texas will need to get used to the idea of building new prisons. It is estimated that a new unit built to house 2,250 minimum though maximum security inmates will cost taxpayers roughly \$250 million dollars.

Madden is continuing to tweak and mold HB 2193 and is confident that his much needed probation reform bill will pass through with the Governor's signature next session. In the meantime, the committee has it's eye on another developing issue- the Texas Youth Commission (TYC). TYC houses the state's most serious and chronically delinquent offenders. Public outcry about the allegedly abusive staff and inadequate policies of TYC has been loud enough and pervasive enough to capture the attention of many legislators including Representative Harvey Hilderbran who testified before the committee last month.

"We need to better fund this agency." he said. "I'll be voting for that...But I don't think this is just about money. There are serious policy and procedural problems, urgent problems that I'm asking you as a committee to address".

So many years following Ruiz, could Texas be facing another potential landmark civil rights case? The ACLU thinks think so. Lisa Graybill, legal director for the American Civil Liberties Union (ACLU) of Texas, cautioned the House Committee on Juvenile Justice and Family Issues that the state could be looking at another landmark case concerning the civil rights of abused and neglected youth in the care of TYC.

Interestingly, the concern is not just for the youth as one may expect. In fact, the Corrections Committee has heard from TYC staff members with multiple injuries and multiple surgeries, life time disabilities, and depleted medical benefits. TYC staff explain that "man down" calls go unanswered for long periods of time due to extensive staff shortages, that radios fail to transmit calls for aid, and that aggressive TYC youth lure staff out of the range of cameras for confrontations and assaults.

Over the last two weeks Madden has been working with Representatives Goodman and Hilderbran to address these issues. The Legislative Budget Board is currently analyzing a recent "potential emergency appropriation" submitted by TYC last week, but Madden doesn't believe in just throwing money at a problem to fix it.

Madden has been meeting regularly with Dwight Harris, Executive Director of TYC, to analyze other ways of addressing these issues such as additional staff training and adopting successful policies that are used by the Texas Department of Criminal Justice (TDCJ) for increasing staff recruitment and decreasing turnover. Madden also sent a letter to the DOJ Office of Juvenile Justice and Delinquency Prevention (OJJDP) to support TYC's request that the OJJDP offer technical assistance to TYC by coming to Texas to look at TYC facilities and policies.

Can state lawmakers alleviate prison overcapacity and assuage unruly TYC facilities? Only time will tell. But Chairman Jerry Madden is very much aware of the fact that Texans do not want another expensive and drawn-out federal lawsuit and they do not want to spend millions of tax dollars to build more prisons.

http://www.texasinsider.org/election_watch/Opinion_Jerry_Madden_04_13_06_Faces_Danger_in_Correctional_Facilities.htm