TEXAS OBSERVER

Fate of Juvenile Offenders in the Spotlight

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Published on: Friday, December 17, 2010

THE WRANGLING OVER WHAT THE STATE OF TEXAS should do with its juvenile offenders continued Thursday in a packed room at the Capitol. The Sunset Advisory Commission, which typically reviews agencies every 12 years, heard testimony from staff of the Texas Youth Commission and the Texas Juvenile Probation Commission. Last session, the state delayed its scheduled review of the Texas Youth Commission to allow time for the troubled agency to implement expansive reforms mandated after a sex-abuse scandal in 2007.

On Thursday, after hours of dryly debating details about other agencies under review, the mood turned fiery when Sen. John Whitmire, chair of the Senate Criminal Justice Committee, addressed TYC's leadership: director Cherie Townsend and chairman of the board Scott Fisher.

"Why you continue to resist a model that keeps youth in their communities and costs half the amount of money is beyond me," he said in reference to the recent practice of keeping low-level youthful offenders, and some with felony charges, in their local probation departments. "You are still mixing violent and non-violent offenders, sex offenders and non-sex offenders, determinate and non-determinate offenders," Whitmire chided.

In TYC's defense, the agency has made progress on separating youths with different classifications, keeping many vulnerable or aggressive kids in single rooms, as I witnessed during a visit to the Corsicana Residential Treatment Center. Pre-reform, youth guilty of misdemeanors could be locked up with felons, even murderers and rapists. Now kids guilty of misdemeanors are referred to their county probation departments. Some kids found guilty of felonies are also kept local in different types of settings, including county-run juvenile detention facilities and smaller residential treatment centers. They are kept close to their families and have access to services like substance-abuse treatment and mental-health services.

Another change: While TYC used to house offenders as old as 21, the age limit is now 19. Juvenile justice advocates feared this change would cause more teens to be prosecuted as adults, given that they have less time to stay in the juvenile system. But that hasn't happened, executive director of the Texas Juvenile Probation Commission Vicki Spriggs testified.

Nobody questions that TYC has overhauled its system and made significant progress. But many wonder if the TYC structure is itself flawed, and given the state's massive budget shortfall, if the state should restructure its juvenile justice system altogether to save costs and keep more kids close to their communities.

Currently, nearly 1,500 "worst of the worst" juvenile offenders in Texas are placed in institutional-style facilities far from populated centers—and sometimes so far from their families

that family members may never be able to visit them, much less participate in their rehabilitation. Though the majority have mental-health issues, mental-health services are scant at most facilities. A dearth of on-site psychiatrists means consultations are often performed via televised communication. Recidivism rates are at 40 percent, despite the high cost of incarceration in these facilities—roughly $127,000 a year per youth, adding up to $250 million annually. (By contrast, it costs about $30,000 a year to incarcerate an adult.)

Rebecca Lightsey, director of the social-justice advocacy group Texas Appleseed, testified during the hearing that her organization would like to see the TYC and the Texas Juvenile Probation Commission consolidated, and folks at Advocacy Inc. seconded that. Deborah Fowler, legal director of Texas Appleseed, argues that with both TYC and TJPC's budgets set for slaughter, it makes sense to merge the two agencies into one. Consolidation would streamline the juvenile justice system in Texas, she says, by cutting out redundancies in administrative costs. Right now, she says, TYC employs too many people in Austin, making it "a very top-heavy agency."

Plus, many have grown impatient with the pace of reform. Whitmire pointed out that in the past six months, two ombudsman have resigned from TYC. He said both of them told him that serious problems persist in the agency, warning that the Al Price facility in Beaumont, which houses approximately 250 male youth, was out of control.

The agency's current ombudsman, Debbie Unruh, who was just appointed on Nov. 1, also said at the hearing that she has concerns about TYC. She said today that there are not enough psychologists or educators in the facilites and that the halfway houses are not being utilized as transition points. She also said she supports consolidation of the two agencies.

No matter what, TYC is about to downsize. The agency has been asked to cut $40 million from its budget, which will require closing at least two facilities, officials say. If the TYC keeps its current structure with such a cut in funding, the reforms that have been so painstakingly implemented may come toppling down. By cramming all of the youth into fewer facilities, TYC may go back to "warehousing" kids. A higher staff-to-student ratio, and fewer programs, could revive some of the problems TYC has spent so many years trying to overcome. Merging the agencies might be the only way of avoiding the troubles of the past.