

# **[2015 Session] Improve Oversight of Youth in All Facilities in Which They are Held, and Decentralize Facilities for Better Youth Outcomes**

## **Policy Background:**

The Texas Legislature created the Office of the Independent Ombudsman (OIO) for the juvenile justice system in 2007, following the revelations of widespread sexual and physical abuse at Texas state secure juvenile facilities. The OIO was tasked with protecting the safety and rights of incarcerated youth at these facilities. In 2011, Texas expanded the responsibilities of the OIO to include the review of county data on abuse, neglect, and exploitation.<sup>[1]</sup> However, OIO staff does not currently have the legislative authority to speak with youth in Texas' 97 county facilities,<sup>[2]</sup> leaving a vulnerable gap in the state's protection of confined youth.

Texas policy-makers should allow OIO staff to visit with youth in county juvenile facilities, and to provide Prison Rape Elimination Act (PREA) audits to counties at no additional charge. That will bridge the current gap in protections for youth in secure custody and help counties achieve full PREA compliance.

Policy-makers should also move the Texas Juvenile Justice Department to a regional model that will keep youth closer to home in lieu of commitment to distant state facilities. Doing so will produce better outcomes for young people and keep the public safe.

## **Key Facts:**

- The OIO made 216 facility site visits in Fiscal Year 2014, interviewing 1,354 youth.<sup>[3]</sup>

In addition to conducting investigations, the OIO publishes quarterly oversight summaries and frequent facility-specific reports that provide invaluable information to Texas legislators and the public. For instance, in Fiscal Year 2014, the OIO tracked 1 report of attempted suicide, 255 reports of physical abuse, 38 reports of sexual abuse, 34 reports of neglect, 15 reports of exploitation, 15 reports of verbal abuse, and 6 reports of emotional abuse. It also responded to 810 inquiries.<sup>[4]</sup> These reports have alerted policy-makers to dangerous

situations in juvenile facilities, allowing legislators to intervene early and ensure that the tragic events of 2007 do not recur.

- In September 2003, the U.S. Congress unanimously passed PREA,[\[5\]](#) aimed at preventing sexual assault and victimization in juvenile facilities, adult prisons, jails, lockups, and other detention facilities. Over the course of 10 years, experts around the country developed what have become the PREA standards in an effort to substantially reduce the occurrences of prison rape in adult and juvenile facilities. PREA standards are mandatory, and state and local facilities that do not comply with federal standards stand to lose 5% of particular federal funds. Additionally, states and localities that are not in compliance with the standards may be vulnerable to litigation.
- A [2015 report by the Council of State Governments Justice Center](#) provides a compelling case that system-involved youth treated within their communities have better outcomes than youth sent to distant, state-run juvenile justice facilities: (1) Youth committed to a state-run secure facility both before and after Texas' 2007 reforms were 21% more likely than youth adjudicated to probation supervision to be rearrested within one year. (2) Young people released from a state-run facility were more than two times more likely to be re-incarcerated after five years than youth on probation supervision in the community. (3) Youth who were committed to state-run secure facilities were three times more likely to commit a felony as their first re-offense than youth adjudicated to county probation supervision.

## Relevant Bills:

- **Bill Number:** [HB 3277](#) (Dutton)  
**Bill Caption:** Relating to the authority of the office of independent ombudsman with the Texas Juvenile Justice Department in regard to juveniles in custody in certain facilities.  
**TCJE Materials:** [Fact Sheet](#)  
**Hearing Notice:** House Juvenile Justice & Family Issues Committee, [Notice of Public Hearing on April 15, 2015](#)  
**Archived Hearing Video:** House Juvenile Justice & Family Issues Committee, [04/15/15 Video](#) [TCJE testimony begins at 08:22:23]
- **Bill Number:** [SB 1630](#) (author: Whitmire | sponsors: Sylvester Turner, Rose, Larson, Wu, Dutton)  
**Bill Caption:** Relating to the commitment of juveniles in post-adjudication secure correctional facilities operated by the Texas Juvenile Justice Department and by local probation departments.  
**Hearing Notice:** Senate Criminal Justice Committee, [Notice of Public Hearing on](#)

March 31, 2015

**TCJE Action:** Card in support

**Outcome:** Effective 9/1/15

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[1] Texas Human Resources Code section 261.101.

[2] Texas Juvenile Justice Department, *TJJD Overview*, p. 1; Texas has 51 pre-adjudication secure detention facilities, 34 post-adjudication secure correctional facilities, and 12 post-adjudication non-secure correctional facilities.

[3] Independent Ombudsman for the Texas Juvenile Justice Department, *Fourth Quarter Report FY 14*, August 31, 2014, p. 3;  
[http://www.tjjd.texas.gov/ombudsman/reports/IO\\_Fourth\\_Quarter\\_2014.pdf](http://www.tjjd.texas.gov/ombudsman/reports/IO_Fourth_Quarter_2014.pdf)

[4] *Ibid.*, pp. 8, 9.

[5] Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §§ 15601-15609 (2003).