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FACT SHEET 2013
H.B. 1543

The Independent Ombudsman Should be Able to Talk with Any Youth In Government Custody

THE OMBUDSMAN HAS BEEN VERY EFFECTIVE BUT DOES NOT HAVE ACCESS TO COUNTY OR ADULT FACILITIES

The Office of the Independent Ombudsman (OIO) was established as part of Texas' 2007 juvenile justice reforms that arose from revelations of widespread abuse at Texas Youth Commission facilities. The Texas Legislature tasked the OIO with protecting the safety and rights of incarcerated youth at state secure juvenile facilities. Legislation in 2011 expanded the responsibilities of the OIO to include the review of data on abuse, neglect, and exploitation occurring at county facilities. However, the OIO does not have the authority to visit county juvenile facilities, or to speak with the youth in county custody, leaving a vulnerable gap in the state's protection of youth in secure facilities. Similarly, the OIO does not have the authority to visit youth held in adult corrections facilities in Texas.

KEY FINDINGS

- **The OIO plays a crucial role in protecting the safety and rights of youth in Texas state juvenile facilities.**
 - » The OIO made 247 facility site visits in Fiscal Year 2012, interviewing over 1,400 youth. 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. These reports have alerted policy-makers to dangerous situations in juvenile facilities, allowing legislators to intervene early.¹
- **State oversight of county juvenile facilities is currently inadequate.**
 - » A 2012 resolution by the Texas Juvenile Detention Association recommends that the current audit (oversight) process be revised, finding that the "current auditing process is ineffective in determining risks within facilities."²
 - » A boy died in 2011 at a Texas county facility that received little meaningful oversight, despite that facility's "history of failing to comply with routine detainee monitoring requirements."³ There were 442 attempted suicides in Texas county juvenile facilities in 2011.⁴
- **State oversight for youth in adult corrections facilities is also currently inadequate.**
 - » The Internal Audit Division of the Texas Department of Criminal Justice has not conducted an audit of the Youthful Offender Program (the program for underage inmates in adult facilities) since 2009. Due to the program's small size in the large prison system, there will likely not be another audit for five to ten years. However, the 2009 audit recommended greater oversight of youth programming, noting that program practices deviate significantly from policy⁵ – and this has yet to be addressed.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 1543 BY REPRESENTATIVE ALLEN

- **H.B. 1543 allows OIO staff to visit with youth in county and adult secure facilities.** The bill will bridge the current gap in protections for youth in secure government custody. The OIO has been critically important in protecting youth in state juvenile facilities, but many youth are also placed in county and adult facilities, and it is equally important to protect them from the risk of abuse, neglect, or exploitation.

References on reverse

References

- ¹ See, e.g., Office of the Independent Ombudsman “Giddings State School Site Visit Report OIO-SV-12-145” (April 13, 2012).
- ² Texas Juvenile Detention Association, “Resolution concerning TAC 343 and related standards” (March 28, 2012).
- ³ *Fort Worth Star-Telegram*, “Cleburne boy fatally injured at Granbury detention center” (October 18, 2011).
- ⁴ Texas Juvenile Justice Department, “2011 Facility Registry” (2011).
- ⁵ Texas Department of Criminal Justice Internal Audit Division, “A Report on Rehabilitation Programs Division’s COURAGE Program for Youthful Offenders: Audit 0921” (October 26, 2009).