



Fact Sheet: Texas

Key Facts:

- The Southwest Key Program has its home base in Texas. This program is dedicated to placing at-risk youths in community-based alternatives to incarceration with the services they need in a culturally-relevant atmosphere.¹
- The majority of youths arrested for an offense are between 15 and 17 years old.²
- In the 2005 fiscal year, 76% of youthful offenders committed to the TYC were youth of color.³
- Last year, staff at the Texas Youth Commission (the state's juvenile correctional agency) forcibly restrained students an astounding 12,800 times, or 35 times per day.⁴
- The Texas Youth Commission's facilities average 350 youths per facility.⁵
- The majority of youths in the Texas Youth Commission's facilities are not violent offenders.⁶
- Two of Texas Youth Commission's facilities will close in August 2007.⁷
- The most successful of the Texas Youth Commission treatment programs is the Capital and Serious Violent Offender Treatment Program at the Giddings School, which has been nationally recognized. The program involves highly structured days and specialized treatment.⁸

- A 2004 study showed that only 10% of young people completing the Capital and Serious Violent Offender Treatment Program recidivated after 3 years on parole.⁹
- The number of youths held in state facilities has decreased by over 20% since March 2007.¹⁰
- As of June 2006, there were 162 youths being held in adult prisons in Texas, the fifth highest number in the country.¹¹

Major Developments:

- In March 2007, the Department of Justice determined that the Texas Youth Commission (TYC) was violating youths' constitutional rights, and that if conditions were not ameliorated within 49 days, the Civil Rights Division of the Department of Justice may sue the state.¹²
- One of the actions taken as a result of this investigation was the convening of an independent panel that reviewed a sampling of cases in which youth were detained beyond their sentences and made reform recommendations for youth facilities and sentencing procedures.¹³
- The Dallas County juvenile justice program is a site for the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative (JDAI), dedicated to increasing the use of community-based alternatives to incarceration.¹⁴

What Texas Law Says:

- Available diversionary programs include supervisory caution, wherein the probation department counsels offenders and helps them get services, and deferred prosecution, wherein the youthful offender chooses to participate in 6 months of voluntary probation;¹⁵
- There are 58 secure detention centers and 10 state training schools in the state;¹⁶
- The extended age of delinquency jurisdiction is 19;
- Pre-trial detention of youths of any age in adult jails is permitted.¹⁷ A youth detained in a building that contains a jail or lockup must be separated by sight and sound from adult inmates in the same building, and may not have any contact with part-time or full-time staff, including management or direct-care staff, who have contact with adults detained in the same building;¹⁸
- For certain felonies, capital crimes, and drug offenses, the youngest age at which a youth can be transferred to the adult system is 14;¹⁹
- Texas does have blended sentencing provisions, which allow a serious offender to receive a sentence up to 40 years, a portion of which is spent in confinement at the Texas Youth Commission, followed by a transfer to adult parole or prison;²⁰ and
- Youths may receive a sentence of life without parole as of 2005.²¹

“He told her he’d been doing sexual favors for a guard in the youth center. ‘And the guard was promising him, “This is your way of getting out and going home”... The 17-year-old was originally sentenced to nine months in jail. That was four years ago.”

--News Channel 5, *Woman: Son Forced to Do Sexual Favors for Prison Guard*, 06/26/2007

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Prepared by the Campaign for Youth Justice

¹ Southwest Key Programs, Inc. (2006). *Our philosophy*. About Southwest Key Programs. Retrieved July 26, 2007, from http://www.swkey.org/About_Us.html

² Center for Public Policy Priorities. (2006). Death and violence. In *The state of Texas children 2006: Texas Kids Count annual data book*. Available from http://www.cppp.org/factbook06/data_book.php

³ Texas Coalition Advocating Justice for Juveniles (TCAJJ). (n.d.). Rebuilding the Texas Youth Commission. *Texas Coalition Advocating Justice for Juveniles (TCAJJ)*. Retrieved June 27, 2007 from http://www.tcjj.org/Rebuilding_TYC.html

⁴ Dexheimer, E. (2007, March 18). TYC facilities are dangerous for guards and residents alike. *Austin American-Statesman*. Retrieved June 2007 from <http://www.statesman.com/news/content/region/legislature/stories/03/18/18tyc.html>

⁵ See Texas Coalition Advocating Justice for Juveniles (TCAJJ), 6.

⁶ Ibid.

⁷ Associated Press. (2007, June 22). TYC hastens closure of two youth lockups. *MyFox Dallas*. Retrieved July 2, 2007 from <http://www.myfoxdfw.com/myfox/pages/Home/Detail;jsessionid=C72B47CFC126B980FD89832A9EE2AA0E?contentId=3570467&version=1&locale=EN-US&layoutCode=TSTY&pageId=1.1.1&sflg=1>

⁸ National Center for Juvenile Justice. (2006, April 28). *NCJJ State Profiles: Texas*. Retrieved June 27, 2007 from <http://www.ncjj.org/stateprofiles/profiles/TX06.asp?state=%2Fstateprofiles%2Fprofiles%2FTX06.asp&topic=Profile;Texas>Youth>Commission>. (2007, May 1). *Giddings State School*. TYC facilities. Retrieved July 23, 2007, from

<http://www.tyc.state.tx.us/programs/giddings/>

⁹ See National Center for Juvenile Justice, 11.

¹⁰ See Associated Press, 10.

¹¹ Sabol, W.J., & Minton, T.D. (2007, June). *Prison and jail inmates at midyear 2006*. Washington DC: US Department of Justice, Bureau of Justice Statistics. Available from <http://www.ojp.usdoj.gov/bjs/abstract/pjim06.htm>

¹² Editorial Board. (2007, March 18). Too little, too late: Governor's proposal for new administrator inadequate to deal with spreading Texas Youth Commission scandal. *Houston Chronicle*. Retrieved July 2, 2007 from <http://shapleigh.org/news/1185-too-little-too-late>

¹³ Texas Youth Commission. (2007, May 3). *Status report from the conservator: Recommendations*. Texas Youth Commission. Retrieved June 27, 2007, from http://www.tyc.state.tx.us/about/conservator_report3.html

¹⁴ The Annie E. Casey Foundation. (2007). *JDAI sites and contacts*. The Annie E. Casey Foundation: Helping vulnerable kids and families succeed. Retrieved July 25, 2007, from <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/SitesAndContacts.aspx>

¹⁵ See National Center for Juvenile Justice, 11.

¹⁶ Ibid.

¹⁷ Goemann, M. (2007). *Children Being Tried as Adults: Pre-trial Detention Laws in the U.S.*. Washington, DC: Campaign for Youth Justice.

¹⁸ Texas Family Code, Sec. 51.12(f) and Sec. 51.12(g). Retrieved on August 22, 2007 from <http://tlo2.tlc.state.tx.us/statutes/docs/FA/content/pdf/fa.003.00.000051.00.pdf>

¹⁹ National Center for Juvenile Justice. (2006, April 28). *Texas Transfer Provisions*. Retrieved June 27,

2007 from

<http://www.ncjj.org/stateprofiles/asp/transfer.asp?topic=Transfer&state=%2Fstateprofiles%2Fprofiles%2FTX06.asp>

²⁰ See National Center for Juvenile Justice, 11.

²¹ Amnesty International USA. (2005). *The Rest of Their Lives: Life Without Parole for Child Offenders in the United States*. Available from <http://www.amnestyusa.org/document.php?lang=e&id=ENGUSA2005101205002>