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TYC will get scrutiny from Legislature in coming months

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AUSTIN – The head of a key House committee said he wants to investigate why about one in seven employees at the beleaguered Texas Youth Commission file workers' compensation claims – more than any other state agency.

State Rep. Jerry Madden, R-Plano, said he could not say for sure whether some of the claims are fraudulent, but said the \$6 million or so the state paid in one year to TYC employees warrants closer inspection than the agency gives it.

"When you have \$6 million going to pay workers' comp claims, that's \$6 million that's not going to treatment, that's \$6 million that's not going to a new facility," said Madden, who was chairman of the House Corrections Committee in 2005 and 2006.

Workers' compensation problems will be at least partly solved if bills by Sen. Juan "Chuy" Hinojosa, D-McAllen, pass, Hinojosa said.

"The workers' compensation issue would take care of itself if we make the other changes I'm proposing, if we make the changes to training and the guard-to-student ratios," Hinojosa said.

Hinojosa's Senate Bill 103 would decrease the staff-to-youth ratio to no more than 1:12 (agency officials say it operates at about 1:24 now); require at least 300 hours of training for officers (they now get 80 hours); and allow juvenile correctional officers to be certified by the state as peace officers.

Madden said he is willing to sponsor the House version of Hinojosa's bill.

But Madden said he's not convinced the bill alone will solve the worker's compensation problems. The TYC board – not the legislature -- must direct its inspectors to investigate possible workers' compensation fraud, he said.

Madden and Hinojosa are two of several lawmakers who have worked with the TYC toward reform in the past two years as the agency has struggled with guards abusing youth, high rates of injured employees and an ongoing investigation by the U.S. Department of Justice for conditions of confinement.

Some of the most egregious abuses were confirmed at the Evins Regional Juvenile Center in Edinburg in late 2004, where the DOJ investigation is centered.

The lawmakers spoke at a forum sponsored by the Texas Public Policy Foundation and the Texas Coalition Advocating Justice for Juveniles.

They were on a panel with two juvenile correction experts from Missouri, which reformed its system after high-profile cases of youth abuse. The state now enjoys some of the highest success rates in reforming youth in the country.

TYC Executive Director Dwight Harris has said abuses in most cases can be attributed to not enough training, high turnover and frustrated employees who are overwhelmed with too many youth.

If the Legislature grants its requests for more funding for training and smaller dormitories, injuries of youth and adults will decrease, Harris said.

As for making Texas more like Missouri, Hinojosa said he'd like to move in that direction. It will take more than one legislative session to move the TYC from a model that houses youth in large, prison-like facilities to one that houses them in smaller units with greater emphasis on individual treatment, Hinojosa said.

Already therapy programs in Texas are very similar to those in Missouri, Harris said. But a straight comparison may not be possible since Texas has about 5,000 youth in residential care, compared with Missouri's 1,000 or so, and Texas houses them in larger, more prison-like facilities than does Missouri.

Texas leaders grew the current system in the 1990s in part to keep costs under control, but Harris said the agency is glad to see leaders talk about alternatives.

"We are encouraged, though, that we're seeing some openness to some different ways of doing things," Harris said.

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