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## Scandal and reform: A familiar cycle in agencies that deal with juvenile delinquents

### Texas isn't the only state with a youth agency in trouble.



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By Eric Dexheimer  
AMERICAN-STATESMAN STAFF  
Sunday, April 29, 2007

The state youth agency was hammered by daily reports of scandal and abuse. Guards had assaulted kids. Grievances filed by young offenders against their alleged abusers often didn't make their way to supervisors; in one instance, investigators discovered a box stuffed with unexamined complaints. "There were questions about them being investigated aggressively enough," the agency's director said.

The troubled agency isn't the Texas Youth Commission, though, and the director isn't Jay Kimbrough, the man hired to fix the commission after reports of sexual abuse at the West Texas State School surfaced in February. It was Ohio's Department of Youth Services, in 2004; the director is Thomas Stickrath, who was hired to set things straight.

But it could have been any number of agencies across the country that rehabilitate child criminals. One of the most remarkable aspects of the Texas Youth Commission scandal is how unremarkable it is.

"There has been a national collapse of residential care, a real breakdown across the board," said Barry Krisberg, president of the National Council on Crime and Delinquency.

Florida and South Dakota have been forced to defend themselves after the deaths of incarcerated youths in boot camps — military-style correction facilities. The California Youth Authority was dismantled in 2005 after it was revealed that, among other abuses, guards placed students in steel cages while they attended classes to prevent constant fights.

In the past four years, the U.S. Department of Justice has filed lawsuits against six states — Oklahoma, Indiana, Maryland, Hawaii, Arizona and Mississippi — demanding reforms after investigations uncovered poor and abusive treatment of incarcerated youths. All found excessive violence and inadequate rehabilitation efforts.

That such scandals are so widespread reveals a field that even today is still searching for solutions to how to handle children who repeatedly break the law. "The juvenile justice system is 100 years old," said Kim Godfrey, deputy director of the Massachusetts-based Council of Juvenile Correctional Administrators, "and we're still trying to figure it out."

#### How Texas stacks up

The most basic goal of juvenile justice agencies is to prevent kids from committing more crimes. By the time they have been out for three years, however, more than half of Texas Youth Commission graduates have broken the law again.

Yet "Texas is probably not much worse than most states," said Marc Levin, director of the Texas Public Policy Foundation's Center for Effective Justice. But, he added, "most states probably do not do a very effective job in juvenile justice."

Recidivism rates vary widely. But states with the most comprehensive measurements report that half of the youths released from their most restrictive facilities will get arrested within a year and about a third will be reincarcerated.

Many kids sent to Youth Commission-type facilities already have a lengthy rap sheet. Even Ohio reports a 50 percent recidivism rate. "I still think we can do better," Stickrath said.

Despite years of federal intervention and numerous reform programs, most juvenile correctional systems also wrestle with racial inequity. Nationally, minorities are one-third of the population but almost two-thirds of those in juvenile jails.

About 78 percent of the Texas Youth Commission's population is black or Hispanic, versus 50 percent in the overall population. Young black Texans are incarcerated at a rate nearly four times that of white kids.

Violence is another problem. In 2004, national juvenile correction facilities reported about one sexual assault per 50 beds. At least a third were confirmed, according to a report last year by the federal Office of Juvenile Justice and Delinquency Prevention.

Physical confrontations between youths and between guards and youths occurred more than 20,000 times last year in Youth Commission facilities — a high number, according to those who study conditions of juvenile incarceration. Guards employed by the agency file more workers' compensation claims for on-the-job injuries than any other state agency.

### 'Incredible déjà vu'

To those who've studied Texas' juvenile justice system, none of this is news. "The entire episode from start to finish has been incredible déjà vu," said William Bush, who wrote his doctoral dissertation on the Youth Council's reform efforts of a quarter-century ago and is writing a book on Texas' juvenile justice system.

Documents related to the Morales v. Turman case, a long-running federal lawsuit that upended the state's juvenile detention system, span 37 linear feet of storage space at the State Archives. In the 1970s, the litigation spurred legislators to take steps that would overhaul the then-Texas Youth Council from top to bottom and change the focus of the agency from a place of punishment to one of rehabilitation.

"Diversion services need to be offered to youth . . . arrested for minor felonies (and) misdemeanors," read one recommendation. "Community-based . . . facilities such as individual homes, group homes and contracted residential centers (need to) be developed as viable alternatives to large-group" facilities. Other recommendations included more training for guards and parole departments that do a better job of re-integrating kids into society.

Bush, now a history professor at the University of Nevada-Las Vegas, said the Youth Commission's problems demonstrate that, though the basic principals of how to best treat juvenile delinquents are simple, putting them into practice is not.

"Reforms are hard to maintain," Krisberg said. Still, he added, there are success stories. Missouri and Massachusetts have longstanding juvenile justice systems that are still considered exemplary. Last year, Louisiana's Office of Youth Development emerged from a 1998 federal lawsuit and declared that it was ready to begin a new era of compassionate reform.

All share features that stem from the idea that juveniles generally don't get better behind bars, said Richard Mendel, a writer and researcher who has studied juvenile corrections extensively. "The one thing we know doesn't work is locking kids up for long periods of time," he said.

That failure is all the more stark in light of the fact that incarceration is the costliest part of justice systems.

Texas taxpayers spend about \$163 a day for each juvenile kept in the Youth Commission and \$245 million a year to run the agency. A kid kept locally on probation, by comparison, costs \$14 to \$120 a day, depending on the extent of treatment.

Advocates for reform say that moving kids out of lockups might be expensive in the short term — building youth-friendly facilities, retraining guards and installing better treatment programs cost money — but that over the long run it should save money. Mendel says that, per child, Missouri spends half as much as many states on its juvenile justice system.

More recent studies also suggest adolescent brains aren't wired to respond to punishment the same as adults'. Many experts recommend against programs that focus on sanctions — such as the Youth Commission's "resocialization" program, which critics argue places too much stress on penalties for bad behavior rather than rewards for behaving well.

"Most juvenile training schools are based on a completely wrong model in how to work with young people in trouble with the law," said Sue Burrell, an attorney for the Youth Law Center in San Francisco.

About two-thirds of juveniles sent to the Youth Commission have not committed violent crimes. Yet reformers contend that being locked up should be reserved for those who are a threat to public safety or themselves. Those incarcerated should be placed in manageable groups, where they can be supervised more easily and treated more intensively. Missouri's lockups look like college dorm rooms; kids keep stuffed animals on their beds. "Smaller is better," Godfrey said.

As part of its overhaul, Louisiana cut the number of kids in its most secure facilities from about 840 in 1998 to about 400 today. Juveniles once crammed into dorms that held up to 40 now live in pods with fewer than a dozen other kids. The state claims a recidivism rate of 21 percent — less than half what it was seven years ago.

Texas lawmakers have also signaled their intention to trim the Youth Commission's population by a third. But those in and out of the juvenile justice system acknowledge reform will be more challenging than in most other states. Texas has twice the number of young offenders as Ohio and is four times the size of Missouri. The Youth Commission's charges are housed in scattered facilities that each hold up to 400 kids.

Many Texas counties end up sending juveniles to the Youth Commission because it is free and they can't afford to treat the kids. However, other states have found ways to persuade communities to keep their less violent kids rather than send them to far-flung state schools. Cash seems to work best.

California charges counties if they refer youths to state facilities and gives them money when they keep them in the community. Ohio gives communities money to use as best they can to keep lesser offenders out of the Department of Youth Services.

Finally, juvenile justice systems committed to reform also encourage openness and community participation. Two years ago, when it began rebuilding itself, the Louisiana Office of Youth Development held public meetings around the state to solicit ideas. The District of Columbia is installing citizen oversight committees to keep an eye on its youth lockups.

The Youth Commission, by contrast, has resisted outside opinions and oversight. Thirty states participate in the Council of Juvenile Correctional Administrators' Performance-based Standards program, which regularly monitors and evaluates how an agency is doing. Texas isn't one of them.

Nor are its facilities accredited by the American Correctional Association, said Stic krath, who has flown to Texas twice this spring to help legislators evaluate the Youth Commission. He said the regular inspections conducted by such organizations might have prevented abuses such as those at the West Texas school.

The effectiveness of other changes tried by various states is less clear.

Everyone agrees Texas needs more guards — the officer-to-youth ratio can be as high as 18-to-1, compared with 8-to-1 in Missouri — and critics have also decried the Texas Youth Commission guards' low pay and education. New hires earn \$22,000 a year and need only a high school diploma and two weeks of training. Legislators have promised to improve both.

Yet, while their counterparts in Missouri usually have college experience, they make only a few thousand dollars a year more than Texas youth officers. California juvenile guards can earn more than \$70,000 — and the Youth Authority there imploded anyway, Burrell noted.

More crucial to making the system work, experts say, is something harder to measure: Creating a climate in which adults in charge of the kids act more like counselors than jailers.

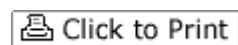
In 2005, when Louisiana's Office of Youth Development created an ombudsman position to handle juvenile complaints and let family members call him toll free, it didn't hire a guard or a public relations specialist. It hired a middle school principal.

"We wanted someone who knows kids," a spokesman explained.

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