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Dear Chairman Isett,

Texas Appleseed appreciates the opportunity to respond to the Sunset Advisory Commission Staff Report on the Texas Youth Commission (TYC), Texas Juvenile Probation Commission (TJPC), and Office of Independent Ombudsman (OIO). Texas Appleseed, a non-partisan, non-profit, 501(c)(3) organization, is part of a national network of 16 public interest law centers. Our mission is to promote justice for all Texans by leveraging the volunteered skills and resources of lawyers and other professionals to identify practical solutions that create systemic change in broad-based issues of social equity.

Advocacy on behalf of youth in the juvenile justice system has been central to Texas Appleseed's work for more than a decade. Most recently we, along with Advocacy, Inc., were involved in litigation against TYC regarding the expansion of the use of pepper spray in TYC facilities. In addition, Texas Appleseed has worked with Advocacy, Inc. and the Office of the Independent Ombudsman to encourage TYC to change its policy around long-term use of security as a method of managing youth's behavior in its secure facilities. Texas Appleseed continues to monitor conditions in TYC facilities in an effort to ensure that reform efforts move forward in the spirit intended by SB 103. The key to this work has been dialogue and collaboration with policy makers, stakeholders, the larger advocacy community, TYC, and TJPC.

Texas Appleseed's work also focuses on school discipline policies that operate to funnel children into the juvenile system. In our report "Texas' School to Prison Pipeline: Dropout to Incarceration," Texas Appleseed identified education policy that puts our children on a direct path to juvenile justice involvement and, eventually, criminal justice involvement. We have worked closely with TJPC in

an attempt to ensure that policy changes are made to divert children from this pipeline before they become involved in the juvenile system.

The Sunset Commission report represents another important opportunity to engage policy makers and stakeholders in a dialogue regarding much-needed reforms to Texas' juvenile justice system. Systemic reform is slow and cumbersome, and is rarely accomplished on a short timeframe. Our long-range vision for reform must take into account both the immediate needs of the children in TYC and TJPC's care today, as well as a broader focus on creating a model program for Texas' youth.

We share the Sunset Commission's desire for a more efficient, community-based juvenile system that keeps youth close to home. While we agree with the Sunset Commission that collaboration between TYC and TJPC is central to the reform effort and that TYC has a long way to go to enact the reforms envisioned by SB 103, Texas Appleseed believes that the agencies are making progress toward these goals. TYC continues the process of stabilizing after multiple leadership changes within the agency. The new leadership is engaging the community in a transparent process that allows collaboration – a process that the agency resisted until early this year. A new willingness to engage partners – including TJPC – in the reform process is more evident now than it was just a few months ago.

Any vision for reform must be rooted in evidence-based best practices; providing incentives for local communities to use programs proven to work is imperative. However, it is not clear that merging TYC and TJPC will achieve this; rather, a merger could delay this goal. The Report does not sufficiently detail a plan that eases these fears. Similarly, the savings represented by a merger and recommendations for reallocating funds do not address the massive shortfall that exists for funding community-based programs. Deinstitutionalization is a vitally important goal and is key in moving toward evidence-based programs – however, if we are to be successful in reaching this goal, we must be willing to adequately fund programs in the community. While the suggestions included in the Commission's report represent a step in the right direction, it is not clear that they will address this gap in funding.

Many of the children that Texas Appleseed has had the privilege of speaking to in TYC facilities continue to wait for the long-promised reform. These children need to see change sooner rather than later. Engaging in another effort toward restructuring and change in leadership could put reform out of sight for these children, and result in the loss of the tremendous opportunity presented by the unrealized promise of this generation of TYC youth. We hope that the voices and promise represented by these children will be considered in the process of determining how best to effect reform.

We appreciate the vision shared by the Sunset Commission, and look forward to working together to discern a clear path toward reform.

Sincerely,



Deborah Fowler
Legal Director, Texas Appleseed

cc: Senator Glenn Hegar, Jr., Vice Chair
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