

# Fighting for Our Youth

The Attorney General's Plan  
for Juvenile Justice

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U.S. Department of Justice  
National Institute of Justice

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Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

NCJRS

NOV 2 1994

June 23, 1994

ACQUISITIONS

My fellow Texan:

The rising tide of juvenile violence in recent years has been followed by a flood of proposals suggesting ways to stem that tide. Many focus on increased punishment for juvenile offenders. Other plans focus primarily on increased prevention efforts.

This proposal, *Fighting for Our Youth*, is a balanced, comprehensive approach that deals with both prevention and punishment. *Fighting for Our Youth* offers specific ways to address the need for community safety, neighborhood revitalization, and school violence prevention. We also offer specific proposals on juvenile offender assessment, restitution, incarceration, probation, boot camps and parole.

The juvenile justice system in Texas is woefully under-sized and our laws dealing with juvenile crime are inadequate. Up to a point, juvenile justice in Texas has had one primary goal: to do what was best for the child. We think that is important, but there are other things the juvenile justice system should do and should be. This plan aims to inject into the system the elements of public safety, accountability, community involvement, and innovative use of existing resources.

For three and a half years, we have been exploring juvenile justice issues. We've conducted gang studies, issued gang reports, held conferences involving law enforcement and leaders from our minority communities, evaluated community and law enforcement prevention programs in cities and towns across the state, and issued awards to some of the more outstanding programs.

From all this we've learned first-hand what works and what doesn't. We've become convinced that we must strike a balance between strict accountability on the one hand, and greater support, safety and opportunity for our children on the other.

In other words, we can't "just say no" to our kids. We have to say yes. Ultimately, the problem of juvenile violence is not going to be solved by what the government does to our children. Rather, it is going to be solved by what all of us do for our children. For their sake, let us resolve to move forward decisively.

Sincerely,

A handwritten signature in cursive script that reads "Dan Morales".

Dan Morales  
Attorney General

DCM/hpb

# Fighting for our Youth

## The Attorney General's Juvenile Justice Plan

**DAN MORALES**  
Texas Attorney General

June 23, 1994

The Attorney General's Juvenile Justice Plan is a broad-based strategy, providing for prevention and punishment. Our state needs *both* of these elements: a coherent statewide youth violence prevention program *and* a more effective system for holding juvenile offenders accountable for their actions.

Efforts to hold young offenders accountable for their actions are routinely stymied by the provisions of an out-dated Family Code and the limitations of an undersized, overtaxed youth corrections system. We must reform the juvenile justice system, rewriting the Family Code to the extent required, so that youthful offenders will be confronted with meaningful consequences when they choose to ignore the laws and rules of society.

At the same time, efforts to prevent youth violence are occurring across the state at the local level. Many local programs are both effective and successful. Over the past four years, my office has sought out the most innovative and promising of these programs, profiling them in our publications and communicating their success to those who might wish to replicate them. It is time to pull together the best elements of these local efforts in a statewide plan for youth violence prevention.

## The Attorney General's Juvenile Justice Plan

### I. Juvenile Justice Reform

- Youth Entering the System
- The Texas Youth Commission
- Youth Reentering Society

### II. Youth Violence Prevention

- Building Safe Communities
- Making Schools Safe
- Caring for Children

# I. JUVENILE JUSTICE REFORM

Our current juvenile justice system is based on the Texas Family Code, which was essentially written in 1973 for a different kind of juvenile offender. The system is not equipped to deal with the number or the extreme violence of today's young criminals. We must deal more effectively with the sheer volume of juvenile crime. We must deal more effectively with first offenses and property crimes. And we must untie the hands of those who deal with truly violent youth.

Our goal is to reform the juvenile justice system in Texas. We want to restore public confidence that justice is being served. We want to instill respect in young offenders by guaranteeing that they incur swift, certain, and appropriate consequences when they break the law. And whenever possible, we want to intervene early, to reclaim our youth and set them on the path to peaceful and productive citizenship.

## Youth Entering the System

*We will address issues of confidentiality and assessment. We will make probation a real agent of change in the lives of young offenders. And we must establish meaningful sanctions for first-time and small-time offenders.*

First-time offenders must be accountable for their actions. When we fail to hold criminals accountable we violate the rights of victims and undermine the community's confidence in the justice system. We cannot expect to have an impact on the behavior of delinquent youth if we do not show them that their actions will have swift and certain consequences.

*We want to instill respect in young offenders by guaranteeing that they incur swift, certain, and appropriate consequences when they break the law.*

When the greatest part of juvenile justice funding is focused on serious violent felons, other young criminals often have several contacts with the system for misdemeanor and property felonies. Today, a young criminal may commit an entire string of offenses and face no real sanctions. Letting small-time crime go unpunished undermines the credibility of the juvenile justice system, removes any deterrent effect from the system, and seems to promote an escalation of criminal conduct. We see it so often — shoplifters become burglars and burglars become killers.

As we develop a better system of progressive sanctions for juveniles, it is increasingly important for complete information to be available about youth. Currently, the complete psychological evaluation of a youthful offender is often conducted during the process to certify him to stand trial as an adult for a very serious crime. Information should be

## **Recommendations to improve access to information about juvenile offenders:**

- **Assessment begins at first court contact**
- **Revised confidentiality provisions**
- **Central repository for offenders with more than one felony**

gathered much sooner in the process. An assessment should be obtained at the first contact with juvenile court.

The collection and availability of information about juveniles is currently limited by the confidentiality provisions of the Texas Family Code, which were designed to protect delinquents from the "taint of criminality." The changing and more violent nature of today's young criminal demands a better system of record keeping.

The OAG makes three recommendations to improve access to information about juvenile offenders:

- **Revise the confidentiality provisions of the Texas Family Code.** The seal/destroy option for juvenile records should not be available to juveniles who have been adjudicated of two or more felonies. Currently, once an offender is 23 years old, his record may be sealed even if he has committed multiple felonies as a juvenile, provided only that his record has not been used in an adult trial and he has not been convicted of a felony since age 17.
- **Conduct a comprehensive assessment of a juvenile offender at the point of first contact with the juvenile court.** The offender's needs and history must be taken into account to ensure his appropriate placement along the continuum of sanctions within the juvenile justice system. The assessment should determine whether he needs social services in addition to the sanctions imposed for his criminal activity.
- **Create a central repository of juvenile records.** The record would include fingerprints and photographs of all offenders with more than one adjudicated felony. Access to this system would be available to schools, law enforcement and juvenile and adult corrections agencies.

These changes would not only benefit the juvenile justice system. They would also facilitate efforts by schools and police to anticipate dangerous situations in communities and in schools, and improve the coordination of social service delivery.

## Restoring Probation as a Real Agent of Change

*Victims want to know who the offenders are and want to be paid back for the damages that offenders have inflicted. They want to see that the perpetrator is adequately punished and rehabilitated in order to prevent future criminal conduct.*

A West Texas probation officer who had been working in juvenile probation for 20 years said that the most fundamental change in probation over that time is that, twenty years ago, officers had time to be "real agents of change" in the lives of young offenders. Caseloads were low enough to ensure that a youth was in school, adhering to his curfew and maintaining his conditions of probation.

Now young offenders are in some cases lucky to communicate with their probation officers by phone once a month. Caseloads must be brought down to a reasonable level so that probation becomes a real factor in a young offender's life.

Communities and victims demand justice. We receive countless calls from angry citizens whose cars have been stolen or whose property has been vandalized. Victims want to know who the offenders are and want to be paid back for the damages that offenders have inflicted. They want to see that the perpetrator is adequately punished and rehabilitated in order to prevent future criminal conduct.

Through the use of victim/offender mediation, many small-time property offenders could be removed from the traditional juvenile court system, which could then focus on chronic property offenders and violent offenders. At the same time, small-time offenders would be subjected to meaningful punishment.

These issues — excessive caseloads, the need for justice, and the large number of small-time property offenders — may be addressed by the following measures, recommended for probation:

1. **Decrease probation caseloads to 1:25**

*The OAG supports a recommendation, made by the executive director of the Texas Juvenile Probation Commission, to decrease probation caseloads by adding 1000 additional probation officers.*

2. **Make restitution mandatory in property crimes**

*Restitution, whether paid in money or in community service, is a sanction that can provide the community a sense of justice. There are a number of successful restitution/community service programs in the state. A Model Program Report to be released by the OAG later this year will highlight some successful programs which could be replicated statewide.*

### Reforms for Probation:

- Decrease probation caseloads to 1:25
- Make restitution mandatory
- Expand the use of Victim/Offender Mediation

### Boot camps for three purposes:

- As a sanction for direct commitment
- As a penalty for violating the conditions of probation or parole
- As a mandatory "first stop" before an offender enters TYC

### 3. Expand the use of victim/offender mediation

*To further promote community involvement in the juvenile justice system and offender accountability, we advocate the increased use of victim/offender mediation, especially for property crimes, to make an offender face his victim and agree, with a mediator, to a restitution or community service agreement.*

The Texas Juvenile Probation Commission and the Texas Youth Commission are currently working to establish an effective progressive sanctions model. We recommend that restitution and victim/offender mediation be important components of this continuum. We also recommend a more systematic use of boot camps as options for detention of youthful offenders.

The research on boot camps shows that merely mimicking the atmosphere of a military facility does not in itself have lasting rehabilitative power, especially during short stays. However, research does tend to show that the highly structured environment of a boot camp can be helpful when coupled with some basic services such as drug abuse treatment, counseling, and vocational training. The "shock" effect on a youth who has never known regular hours, hard work, and a clear set of rules can be productive.

Currently, there is little uniformity to boot camp programs in Texas. We recommend piloting the use of boot camps within the juvenile system for three purposes:

- As a sanction for direct commitment by the court (12 months). The first use of boot camp is similar to the current use of these facilities. For these longer-term commitments, the programmatic content is as important as the rigorous discipline of the program.

- As a penalty for violating the conditions of probation or parole (2 months). The second use of boot camp, as a sanction for violating the terms of probation, could be useful as a means of enforcing restitution requirements or agreements reached during victim/offender mediation.
- As a mandatory "first stop" before an offender enters TYC (8 weeks). The third use of boot camp, as an introduction to the youth corrections system, would make it similar to the use of basic training in the military. It is designed to "break the bad habits" of an individual and prepare him for the programs and content he will be exposed to at TYC.

## The Texas Youth Commission (TYC)

*We will seek reforms in law to assure that violent offenders can be put away for as long as need be for public safety. All juvenile offenders should have to take responsibility for their actions and "earn their way out" of TYC by their conduct and accomplishments. We support increased juvenile corrections capacity and increased vocational training for offenders while they are in TYC.*

The capacity of the Texas juvenile corrections system has remained relatively constant for more than a decade, while juvenile arrests and juvenile crime rates have steadily increased. Too often, lack of system capacity is a major factor in determining when an offender is released. We propose a fundamental shift. The offender's conduct and accomplishments alone should determine when he is released.

There are currently two types of sentences that youth may receive when going into TYC: determinate or indeterminate. If his sentence is determinate, a youth is sentenced to a specific length of stay, the first part of which is in a TYC facility. Based on an evaluation of the youth at age 18, he may be released, retained on an indeterminate sentence at TYC until age 21, or sent to adult prison to serve out the remainder of his term.

A youth who receives an indeterminate sentence is sent to TYC for an unspecified length of time. TYC has a minimum length-of-stay requirement, which it has recently extended, and is requesting funds in the next biennium to double the minimum length of stay. In recent years, limitations in system capacity have tended to shorten the actual time served by youth, particularly those with indeterminate sentences.

To restore accountability to the juvenile justice system, the OAG sees the need for fundamental reforms. These reforms affect all offenders: those with determinate and indeterminate sentences. The following changes are recommended:

- For the most violent youth offenders, tougher sanctions must be made available to judges and prosecutors, and prosecutors should be members of local juvenile boards.

*The modified DSA would enable us to put the most violent juveniles away for a long time — while still preserving a central tenet of the juvenile justice system, that many youth offenders are salvageable.*



## **Recommended changes for TYC:**

- Use of existing closed hospitals for increasing capacity
- "Troops to Cops" for increased staffing needs
- A Point System for TYC: "earn your way out"
- Project Re-enterprise
- TYC Industries and Public Works

- The Rules of Criminal Evidence and the Rules of Criminal Procedure should be used in delinquent conduct cases.
- For all offenders, length of stay must be driven by the offender's conduct, not by system capacity.
- Offenders should be involved in meaningful work through a TYC Industries program and public works projects.

The Determinate Sentencing Act is currently available as a means of addressing crimes committed by offenders as young as ten years old. To ensure its applicability in all cases involving very violent young offender, we will work for the following revisions in the DSA:

- Expand the Determinate Sentencing Act to include all aggravated felonies;
- Reduce the age of transfer hearing from 18 to 17; and
- Require a two-year minimum stay in TYC.

As younger offenders grow more violent, the courts need tools to ensure longer stays and the potential for the maximum 40 year sentence. The modified DSA would enable us to put the most violent juveniles away for a long time — while still preserving a central tenet of the juvenile justice system, that many youth offenders are salvageable.

## A Point System for TYC

We recommend a point system governing the length of indeterminate sentences. An offender would be sentenced to a number of points, and certain numbers of points would be given for certain achievements. Points could also be taken away for disciplinary infractions. A juvenile offender would literally "earn his way out" of TYC.

In the new system, each judge would sentence an offender going to TYC to a number of points, depending on what he wanted him to accomplish. For example — for robbery, an offender might get a sentence of 300 points. For every grade passed by a standardized test, he would receive 30 points. For every month of good time, he would get 5 points. For each weekly 12-step meeting for substance abuse, he would get a point. So essentially, the more he accomplishes, the sooner he is released. Other activities could be assigned points within the youth commission curriculum.

The idea is to put some accountability into the system and make young offenders understand that they make choices and *they* are in control of how quickly they get out. The amount of time they serve is directly related to the way they choose to spend their time. A similar approach is being used at the Youth Center of the High Plains outside of Lubbock with success.

## Facilities and Staff

Current TYC capacity is about 2200. Estimates of additional need range from 2000 to 4000 additional beds. Across the state of Texas, approximately 3500 beds in closed hospitals are unused at this time. Facilities are scattered across the state, sitting empty.

According to an experienced correctional construction professional, with some modifications those facilities can actually double design capacity by using office space, day rooms and other non-patient space for additional beds. Hospitals are relatively easy to convert because they are basically well built and already have adequate sewage, kitchen and laundry facilities to accommodate large populations.

There is an estimated 20% to 30% cost savings associated with conversion as compared to new construction. However, the real benefit to the state is realized in the compressed construction schedule. These facilities, especially when contracted out to private companies can be brought on-line in a matter of a few months on an expedited construction schedule, as compared to what is often years for standard new construction of state facilities.

Roughly 60% of the hospitals are found in urban areas, where the large majority of TYC commitments live. Using these facilities would allow families and communities to be more involved in the treatment, rehabilitation and reentry of the juveniles.

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While a compressed construction schedule expedites bringing beds on-line quickly, it presents a new and important challenge: staffing. There will be an enormous need for qualified guards, teachers, counselors, food service workers, groundskeepers, medical personnel and probation and parole officers.

The OAG has been working with the Department of Defense on an extension of their successful Troops to Teachers programs. The new initiative, called CAPS (Careers for Army Personnel in Public Service), matches qualified outgoing military personnel with jobs in public safety, corrections and law enforcement. The DOD estimates that 480,000 former military personnel across the US next year will be looking for civilian work.

CAPS, as a screening and recruiting tool, can make the process of finding quality staff somewhat easier — and has the added benefit of potential subsidy and corresponding cost savings in state funds. The DOD has had funds authorized (but not yet appropriated) to help subsidize training of those personnel in their new fields. An additional benefit of partnering with the military is that the military is culturally and racially representative of the country; it may increase the availability of qualified minority candidates for these positions in youth corrections.

### **"TROOPS TO COPS"**

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## **TYC Industries and Public Works Programs**

Current vocational opportunities at TYC are limited. We will work to provide offenders with more and better opportunities for training and employment.

We will work both to empower TYC to contract with state agencies, counties and cities to assist in public works projects and to promote private sector participation in offender training and employment. An example of a successful public sector cooperative is **Rails to Trails**, a contract program with Texas Parks and Wildlife in which offenders turn abandoned rail right-of-ways into hike and bike trails, park areas and wilderness camps.

We will also work to pass legislation providing tax incentives for industries to locate at TYC facilities. For private sector involvement, the state should provide incentives to businesses to locate, "inside the walls," then hire young offenders at prevailing wages to staff these new industries. Much of their wages would be garnished to reimburse the state for the costs of their incarceration. Other portions of those wages would be used to pay restitution agreements, make payments to the Crime Victims Compensation Fund and support to families and dependents.

These projects would give offenders marketable skills, provide necessary service to communities around the state and promote a sense of community involvement with the offenders. It also allows communities to see positive input from young offenders.

# Youth Reentering Society

*Youth must be prepared for successful reentry into their old neighborhoods. It is not enough to tell them to avoid their old friends and habits. We must help them find positive new directions.*

Many youth respond well to the structured environment of a juvenile corrections facility, and are able to benefit from the educational and counseling opportunities provided there. When we return a youth to his home and neighborhood, we cannot simply leave him standing on the street corner where we arrested him or eventually, we will probably have to arrest him again.

A successful reentry process must be gradual, beginning well before release, and extending for some time after release. Key elements to effective aftercare are:

- **Jobs and job assistance.** We must do a better job of helping youth find real opportunities to be self-supporting and law abiding.
- **Independent Living and Transition program.** Many released offenders, particularly those who might be homeless, need short-term shelter and support in order to reach law-abiding self-sufficiency.
- **Enhanced parole supervision.** The number of parole officers must be increased to reduce caseloads to where supervision can be more stringent and more effective.
- **Effective sanctions for parole violations.** Currently, the only sanction available is return to a TYC facility. We recommend boot camp as a "refresher" course for youth who begin to backslide.

## **Key elements in preparing a youth for release include:**

- **Jobs and job assistance**
- **Independent Living and Transition program**
- **Enhanced parole supervision**
- **Effective sanctions for parole violations.**

**Project Re-enterprise** is a new private, non-profit program which targets adult offenders coming out of the Texas Department of Criminal Justice - Institutional Division. The program brings local business owners into the prison unit for a career day. They meet inmates and advise them on grooming, interviewing and filling out applications. In some cases, they actually set up interviews to be conducted upon an offender's release.

The program has been in place less than a year, but has already shown some early signs of success. We will work to pilot this in the juvenile system. **Project RIO** (reintegration of offenders) is a program that places parolees in jobs and also offers a salary supplement to employers for the first year of the offenders' employment. We will work to extend this program to the juvenile system as well.

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The OAG will participate in the successful reentry of youth released from TYC through job training within the Child Support Program. Selected individuals will be hired to work as child support enforcement officers and investigators in the local offices of the OAG's Child Support Division.

There are currently 1541 youth on parole in Texas right now and only 55 TYC parole officers statewide. With increased capacity, longer stays and other reforms of the system, it is all the more crucial that meaningful supervision be available once a youth is released. The OAG advocates increasing the number of TYC parole officers to ensure a caseload of 1:18 or lower, where true supervision is possible.

We also propose short term incarceration in boot camp as an intermediate sanction to ensure compliance with parole conditions. In addition to making parole supervision more stringent, we recommend expanding the Independent Living Program. In its limited use so far it has shown promising increases in the rate of employment and reductions in recidivism.

Through the **Independent Living Program**, youth on their way out of TYC are provided with a place to stay, training and some financial assistance for a short time after they are released. Those targeted are youth who would be homeless or who have particularly onerous home environments.

The average length of stay in the preparation phase is 6 months and the subsidy in the independent living mode is an additional 6 months. The average cost per day in the early phase is \$75 and the subsidy during the second phase is \$15 per youth per day. Youth in the program are re-arrested at a much lower rate than other TYC youth (16% vs. 34%) and have an employment rate of 82% vs. 38% for other youth on parole.

The cost of any six- to twelve-month reentry program must be weighed against the long term benefits of helping juvenile offenders to earn their way out of the viciously repetitive pattern of failure, unemployment, substance abuse, and criminal behavior. We will hold them accountable for their actions. But we will also offer them positive direction and the hope that they can choose to be productive citizens in the future.

## II. PREVENTION

Violence is not just — or even primarily — a criminal justice or juvenile justice problem. It is a community problem. And in the same way that the African Proverb proclaims that "it takes an entire village to raise a child," it will take entire communities to rid this younger generation of the violence that is tearing it apart.

An effective juvenile justice plan must address the need to strengthen our communities, secure our schools; and care for our youth. The prevention aspect of the Attorney General's Juvenile Justice Plan represents our belief that ultimately the juvenile crime problem will be solved not by what the government does to children, but what each of us does for them and with them.

### **Building Safe Communities**

*We must make a statewide effort to build safer environments, restore control to residents, and forge strong partnerships between police, social service agencies, grassroots neighborhood associations and the business community.*

The Attorney General's Juvenile Justice Plan calls for statewide implementation of a Safe Communities Initiative. Modeled after the federal "Weed and Seed Program," the Safe Communities Initiative is an important step toward letting Texans know that state government is serious about attacking the criminal ills of our society.

The blueprint for the statewide Safe Communities Initiative is based on two sites in Texas, San Antonio and Ft. Worth, where successful community reclamation projects are already under way. As a result of their crime prevention efforts, the Ft. Worth Weed and Seed area has experienced a 35% drop in crime since the program was implemented.

The Safe Communities Initiative would provide block grants to cities to simultaneously flush out criminal activity and stimulate positive community growth and safeguards. The program balances efficient and targeted community policing with increased social services, economic development, and infrastructural improvements.

What truly sets this approach apart from others is the element of resident involvement. Recent critics of modern social programs attribute their failure to lack of ownership and buy-in by the people affected by the programs. Under the proposed statewide Safe Communities Initiative, local residents must be officially and meaningfully involved.

## Key Components in a Statewide Initiative for Building Safe Communities:

- A coordinated concentration of resources
- Community involvement
- Community policing
- Partnership with the business community

There are four critical components to the Initiative:

1. **A coordinated concentration of resources in a specific geographical area — targeting specific neighborhoods for both law enforcement and community building**

*It is important to ensure that the fundamental balance of the plan is maintained in the targeted area; increased police presence and crime stopping activities must be accompanied by positive growth and neighborhood revitalization.*

2. **Community involvement — encouraging residents to take responsibility and ownership for their neighborhoods**

*Key individuals and organizations in a community, including businesses, housing authorities, law enforcement officials, city agencies, school districts, and churches, must collaborate in drafting the specific plan they will implement to take back their own neighborhoods.*

3. **Community policing — local officers working with residents to begin solving community problems**

*Police and residents collaborate to design the "weeding" component of the plan. Residents, local businesses and grassroots organizations must have a voice in determining the priorities that drive police action. Police work closely with community leaders to identify problems and choose appropriate responses.*

4. **Partnership with the business community — to drive economic recovery of the affected area**

*The ultimate long term success of the state initiative depends on neighborhood revitalization and increased economic opportunities for residents. The role of the local business community is therefore crucial. The commitment of the local business community hinges on their inclusion in the planning process from the earliest stages.*

*The prevention aspect of the Attorney General's Juvenile Justice Plan represents our belief that ultimately the juvenile crime problem will be solved not by what the government does to children, but what each of us does for them and with them.*

Interagency cooperation and information sharing are essential for maximum effectiveness and efficiency. All relevant local agencies should be included in both planning and implementation of the Safe Communities Initiative. In addition, state agencies must be prepared to coordinate with each other and with local agencies. The Office of the Attorney General will be available to assist through its Juvenile Crime Intervention Division and the interagency State Team on Gangs.

☆☆ **The Attorney General's Role:**

The blueprint for the Safe Communities Initiative is applicable to cities and communities of all sizes. The Office of the Attorney General will be available at the state level to provide technical assistance at every stage of the planning and implementation process.

- **Community Action Planning.** Through its *Juvenile Crime Intervention Division*, the Office of the Attorney General (OAG) will help with the early phases of organization. The OAG staff is experienced and available to assist in setting up town meetings, determining goals, and coordinating with city, county, state and local agencies.
- **Nuisance Abatement.** Through its *Financial Crimes Division*, OAG staff works with local officials to use state and local fire, health, and safety codes to close down crack houses and other focal points of criminal activity. Police and nuisance abatement teams work cooperatively with responsive property owners. They use civil enforcements, which should include forfeiture, to compel negligent and absentee property owners to evict tenants engaging in criminal activities.
- **Prosecution of Drug Dealers.** The OAG *Financial Crimes Division* staff provides expert prosecutorial support in cases involving money laundering. Where neighborhoods are terrorized and subverted by drug dealers, local law enforcement can work with state and federal authorities to remove the controlling influences.

The solution to widespread violence lies in building strong communities. Increased police presence alone cannot stop the violence. It must be balanced by positive forces of change: economic development and improved service delivery.



# Making Schools Safe

*As countless newscasts graphically show, the violence that pervades our streets has spilled over into our schools. As we restore safety to our communities, we must restore peace to our schools as well.*

In an effort to protect students and teachers, some administrators choose to remove disruptive students, temporarily or even permanently, from the mainstream school population. Often, expulsion is seen as the simplest and most effective all-purpose solution to the complex and frightening problems posed by students who repeatedly violate district policies, get involved in fights or, worse yet, bring weapons into the school environment.

While it is entirely understandable that parents, administrators, teachers and students should wish to be rid of individuals whose conduct is dangerous or disruptive, it is important not to lose sight of the long-term policy implications of discipline by expulsion. A student who is expelled for bringing a gun to school becomes a youth roaming freely on the streets with a gun. The danger and the problem have simply been shifted to another scene.

Recognizing this, a number of school districts around the state have instituted alternative education programs for disruptive youth. By offering a specialized and separate curriculum to students who cannot function harmoniously in the mainstream, these districts preserve the safety and focus of the general school population while addressing the issues of disruptive youth in a more structured setting.

The OAG supports additional funding for both alternative education and vocational programs. Efforts in this area should be fully coordinated with the Safe Communities Initiative. School districts can work effectively by joining into coalitions formed through the Safe Communities Initiative.

## **Critical components in a comprehensive anti-violence program for schools are:**

- **Peer Mediation**
- **Interagency cooperation**
- **Alternative education**

The OAG supports the Texas Education Agency's efforts to promote school safety and violence prevention statewide. In particular, we consider the following to be critical components in a comprehensive anti-violence program for schools:

1. **Peer Mediation** — training students to help other students resolve conflicts through non-violent means.

*A student who is expelled for bringing a gun to school becomes a youth roaming freely on the streets with a gun.*

*Research has shown that campuses with peer mediation programs have experienced 60% - 80% reductions in school disciplinary referrals.*

2. **Interagency cooperation** — increased information-sharing and coordination between school officials and law enforcement.

*Specific changes are needed in the law to allow teachers, not just administrators and superintendents, access to information about juvenile offenders.*

3. **Alternative education** — providing non-traditional curricula for disruptive youth in secure settings.

*Many students who are disruptive and fail in mainstream settings can be successfully reclaimed in more structured remedial settings. The most successful alternative education programs address not only academic needs, but life skills and personal issues as well.*

Other elements in a comprehensive anti-violence program for schools may include the DARE (Drug Abuse Resistance Education) program, placing of school resource officers on campus and the use of an anti-violence curriculum like the National Crime Prevention Council's "Teens, Crime and the Community." Efforts to reduce violence in schools should be coordinated with the overall plan for community reclamation.

We also will introduce legislation creating a Community Service Requirement for High School Graduation. The spirit of voluntarism is already strong among our young people. National figures show that nearly 50% of people under age 25 volunteer in their communities. Through a community service requirement, we can expose even more young people to the benefits and rewards of volunteer work, while tapping a substantial resource in human capital to help address community problems.

## ☆ The Attorney General's Role:

The Office of the Attorney General can provide support and assistance in the area of school violence prevention in a number of ways:

- **Law in Schools Handbook.** The OAG has been working with the Texas Education Agency to publish a handbook for teachers, parents, students and administrators outlining current law that applies to schools. The book contains provisions relating to confiscation of weapons, searches and seizures, beepers, and crime reporting. The handbook will be published and distributed at the beginning of the 1994-1995 school year.

- **Mediation Training.** The OAG has successfully integrated mediation and alternative dispute resolution in a number of its most important legal functions — in the Child Support Program, for example, in consumer protection, and in the administration of the state workers compensation program. The OAG proposes also to provide training to school district personnel across the state on how to set up peer mediation programs in schools.
- **Model Program Report and Criminal Justice Awards.** A Model Program Report to be released by the OAG this summer highlights and describes some of the most successful and innovative alternative education programs and crime prevention programs in the state. Earlier OAG publications on gangs and gang prevention programs are also available.
- **Assistance with Crime Prevention Through Environmental Design (CPTED).** The OAG will provide training on CPTED principles through its publications, conferences, and other technical assistance programs.

Crime Prevention Through Environmental Design is a relatively new crime prevention technique. CPTED is a set of principles for designing buildings, parking lots, schools, neighborhoods, and businesses for maximum safety. These principles have been applied to convenience store construction, for example. Seven-Eleven has recently altered the design of their stores in Texas by widening aisles and improving surveillance.

Some cities around the country have even passed CPTED ordinances, which operate similarly to fire codes. Before a building permit can be issued, a CPTED security inspection must be done and a security plan approved. CPTED need not be mandatory, however: tax or insurance incentives could be offered for businesses that employ CPTED concepts. Arlington has a voluntary program in place now.

Other cities have begun to employ CPTED design principles in their city parks and university areas. Police calls for service in those areas have been significantly reduced as a result. Schools are also becoming more aware of the advantages of sound design. CPTED is not only applicable to new school construction; in some cases, it may even be worthwhile to remodel an existing school to achieve a safer environment.

## Caring for Children

*We must hold parents responsible for their children. Today's reality is that some children will never receive the care they need from their own parents. Whenever possible, we must work to center the responsibility for raising children where it belongs: in the child's own family.*

Child and family service programs can — and must — shore up the supports available to families. State, school and community programs cannot take over the job of raising children. Some parents are not capable of caring for their children adequately, but these are only the most extreme cases. Many parents can be helped, encouraged, or compelled to assume more responsibility for their children.

The OAG is responsible for the Texas Child Support Program. Our current caseload of 800,000 translates into about 2 million children needing support from absent parents. Approximately two thirds of the Office of the Attorney General is dedicated to the Child Support Program. We locate absent parents, establish paternity when necessary, file court orders for child support and collect money owed by absent parents to the children of Texas.

In the first three years of the current administration, the OAG collected over a billion dollars in child support and established paternities for over 90,000 children. But this is not enough. We must to continue to increase collections to obtain payment from delinquent parents. We have under way, or in progress, a number of innovative programs to achieve our goals:

- **Wage withholding.** We can have court ordered child support deducted from an absent parent's paycheck.
- **Tax refund intercepts.** We can have money that is owed for child support deducted by the IRS from income tax refunds.
- **New hire program.** We ask for the cooperation of the business community in helping us to locate absent parents who job-hop to avoid paying court-ordered child support.
- **Volunteers in Paternity.** We have formed a partnership with Texas hospitals, to encourage new parents to establish paternity at the time of their child's birth.
- **Computer automation.** We are at present upgrading our computer system, using federal dollars. When the project is completed we will have one of the most advanced systems for automated child support collection in the country.

*We regard our work in the area of child support as an integral part of our large scale juvenile justice plan. By working to collect support owed by absent parents to their children, we help prevent children from growing up in conditions of unnecessary financial disadvantage.*

Like law enforcement, or any other kind of enforcement, child support collection can only truly succeed with broad-based community acceptance and compliance. Fortunately, many parents willingly comply with child support obligations, out of love for their children and a sense of responsibility. But, incredibly, many do not. We often must use skip tracing and other investigative techniques to locate absent parents. We urge all Texans to adopt and support parental responsibility as a fundamental value.

We see our responsibility as going well beyond the need to collect dollars. We see it as a part of our mission to encourage fathers to acknowledge their children. Establishing paternity is not just about the court ordered dollars: children need a sense of identity. They also need the love and support of both parents. We actively encourage absent parents to build and maintain relationships with their children, in addition to sending them financial support.

We are also working to educate young people about the responsibilities parents have toward their children. Through the Child Support Volunteer Program, we offer "PAPA" (Parents and Paternity) classes and publications for young people, explaining child support and other legal issues relating to parenthood. We also offer a brochure for teen parents on the difference between discipline and child abuse.

We regard our work in the area of child support as an integral part of our large scale juvenile justice plan. By working to collect support owed by absent parents to their children, we help prevent children from growing up in conditions of unnecessary financial disadvantage. By encouraging parents to stay in touch with their children, we hope that more children will have positive role models. And by teaching young people about parental responsibility, we hope to reduce the number of children who depend on school and community services to fill their basic needs.

# FIGHTING FOR OUR YOUTH

*In Fighting for Our Youth we work for a balanced approach to juvenile justice, taking into account the need for both prevention and punishment. The effort to reclaim communities, protect schools, and care for children must be community-wide and state-wide.*

Specific recommendations outlined in Fighting for Our Youth generally fall into two parts: those aimed at improving the juvenile justice system and those aimed at prevention. Recommendations for the reform of the juvenile justice system are:

- **Conduct comprehensive offender assessment at first court contact.**

*Create a central repository for juvenile court records. The confidentiality provisions in the Family Code should be revised to eliminate confidentiality protection for felons.*

- **Reform probation to hold first-time and small-time property offenders accountable to their communities and their victims.**

*Probation caseloads must be reduced to no more than 1 to 25. Restitution in the form of either community service or money should be mandatory for all property offenders. The use of victim/offender mediation should be expanded for property crimes.*

- **Expand and focus the use of boot camps.**

*Boot camps can be used as a direct sanction, as a penalty for violation of the terms of probation or parole, or as a preparation for commitment to the Texas Youth Commission.*

- **Provide tougher sanction for serious offenders, and create the TYC point system.**

*Sentences of up to 40 years should be available for the most violent juveniles. We recommend expanding the Determinate Sentencing Act, which is currently applicable in cases involving offenders as young as ten, to include all aggravated felonies. The transfer hearing should be conducted at age 17, and TYC should have a mandatory minimum two-year length of stay for DSA offenders. The point system for TYC will make young offenders earn their way out.*

- **Expand the youth corrections system.**

*The Texas Youth Commission's capacity should be increased by 2000-4000. We recommend adapting closed hospital facilities and working with the Department of Defense to channel former armed services employees into corrections careers.*

- **Improve aftercare for youth reentering society from TYC and provide stricter supervision and sanction during parole.**

*We recommend improved vocational training and a private sector industries program within TYC. The number of parole officers should be increased, and short-term incarceration in a boot camp should be used for violation of the terms of parole.*

For juvenile crime prevention, our recommendations are as follows:

- **Implement a statewide *Safe Communities Initiative* targeting hard-hit neighborhoods for community policing and neighborhood revitalization.**

*We stress that local residents must be involved in every aspect of planning and organization. We advocate broad-based interagency coordination as well as state support. The OAG would assist with community mobilization, nuisance abatement, and prosecution of drug dealers.*

- **Introduce comprehensive violence prevention measures in schools.**

*We advocate widespread use of peer mediation and antiviolence curricula in schools, improved interagency cooperation and increased commitment to alternative education for disruptive youth. The OAG will provide a *Law in Schools Handbook* and assistance with training in peer mediation.*

- **Employ the principles of Crime Prevention Through Environmental Design (CPTED).**

*The OAG will provide training to developers, planners, school personnel and law enforcement in the principles of CPTED, to assure that new buildings and public places are built with safety and security in mind.*

Taken together, the recommendations above offer hope that we may reclaim our neighborhoods and streets; that schools may once again be safe havens for children; and that we may invest more in the early development of children in the future. These recommendations also promise to rebuild our confidence in the juvenile justice system and provide much-needed accountability. For the sake of communities, crime victims, and even for the sake of the offenders themselves, we must guarantee that lawless behavior will bring swift and appropriate consequences

*We recommend  
adapting closed  
hospital facilities and  
working with the  
Department of  
Defense to channel  
former armed services  
employees into  
corrections careers.*

## Reforming the Juvenile Justice System

- ☐ **Complete offender assessment at first court contact**
  - Revised confidentiality provisions
  - Central repository for offenders with more than one felony
- ☐ **Reform probation to hold offenders accountable**
  - Probation caseloads reduced to 1:25
  - Mandatory restitution
  - Victim/offender mediation for property crimes
- ☐ **Expand and focus use of boot camps**
  - As a direct sanction
  - For violation of probation or parole
  - Mandatory first stop before TYC
- ☐ **Provide tougher sanctions**
  - Determinate sentencing includes all aggravated felonies
  - Minimum 2-year sentence under DSA
  - Transfer hearings at 17, under DSA
  - Up to 40 years for the most violent juveniles
  - Point System for TYC: "earn your way out"
- ☐ **Expand the youth corrections system**
  - Capacity increased by 2000-4000
  - Adapt closed hospital facilities
  - Hire former military: Troops to Cops
- ☐ **Improve aftercare and provide stricter supervision and sanction during parole**
  - Improved vocational training within TYC
  - More parole officers
  - Boot camp for parole violations