

MAY 22, 2007

---

# **A Blueprint for Meeting the Needs of Girls in TYC Custody**

REPORT AND RECOMMENDATIONS TO THE TEXAS YOUTH COMMISSION

---



## INTRODUCTION AND SUMMARY

Currently, there are nearly 800 girls under the supervision of the Texas Youth Commission (TYC), half of whom are held in TYC residential facilities.<sup>1</sup> The four TYC secure facilities holding girls, all of which also hold boys, are: Marlin Orientation and Assessment Unit; Ron Jackson State Juvenile Correctional Complex, Units I and II; Giddings State School; and the Corsicana Residential Treatment Center, which holds children who “evidence mental illness or serious emotional disturbance.”<sup>2</sup> In addition, girls are held in two contract facilities, Victoria County Juvenile Justice Center and W.I.N.G.S. for Life, and in the Willoughby Halfway House.

At this writing, children are being moved among the facilities such that Ron Jackson will become an all female facility and Giddings will become all male. The Marlin facility is scheduled for closure; thereafter, assessment of girls is to take place at Ron Jackson and assessment of boys at the McLennan County State Juvenile Correctional Facility.

The ACLU Women’s Rights Project and the ACLU of Texas conducted intensive field research in the facilities during May 2007. We spent a total of 10 full days observing daily life, conducting in-depth interviews with dozens of girls,<sup>3</sup> and meeting with administrators and staff.<sup>4</sup> We here present our findings within three sections embodying our overarching findings. They are as follows:

- I. Girls in TYC custody need, but are not receiving, the individualized counseling necessary to cope with childhood disadvantage, familial abuse, and psychological damage.
- II. Major aspects of TYC, including its range of available placements for girls, its institutional culture, and its rehabilitative programming, fall short of meeting the needs of girls.
- III. The ongoing disadvantage experienced by girls in TYC custody calls for the immediate appointment of a girls’ advocate within the agency.

Each section is followed by detailed recommendations. Although the suggested actions require some degree of investment, whether in time, effort, or resources, they would, if implemented, likely prove to be more efficient and cost-effective than current policy by contributing to more effective rehabilitation of girls in TYC custody.

This report does is not an exhaustive account of our research findings. In fact, the omissions include whole categories of information—such as special education, appropriate rule structure, physical health concerns, and societal reintegration—as to which further research is needed before even tentative conclusions are reached. Rather, we present here an overall analysis and a set of general and detailed recommendations which, if successfully implemented, would address many observed inadequacies.

We hope that as to all areas affecting the interests of girls, TYC will conduct ongoing fact-finding, self-evaluation, and improvement. It is crucial to note that the benefits of reforming juvenile justice practices to address girls' concerns are never limited to girls alone, but benefit boys as well, and often extend even to facility employees who find themselves in a more humane, less conflict-ridden work environment.

Finally, we wish to extend our heartfelt thanks to the facility administrators and staff who work tirelessly every day with some of the most troubled girls and boys in the State of Texas, and who extended to us their hospitality, cooperation, and kindness.

## I. Girls in TYC Custody Need Individualized Attention from Caring Adults

---

Almost invariably, girls enter TYC custody with backgrounds of severe sexual and/or physical abuse inflicted by family members, neighbors, and romantic partners. Interviewed girls also displayed an intense need to reveal their abuse histories to a caring adult and to express their pain. Many girls, moreover, are acutely aware of the link between their unresolved psychological trauma and their delinquent behavior. Yet within the crowded daily schedule currently followed in TYC facilities, no time is allotted for girls to speak privately with a caring adult who is qualified to appropriately interact with, nurture, and support girls.

The absence of means to address the central dilemma in the lives of TYC's girls represents an ongoing crisis. As teenagers, many girls are still open to receiving help, giving TYC a unique opportunity to disrupt what will otherwise continue as an intergenerational cycle of familial turmoil, abuse, and delinquency.

### ***Almost Every Girl in Custody Has Suffered Severe Childhood Sexual and/or Physical Abuse.***

The most striking feature of girls in custody is their shared background of often horrific abuse and neglect. The abuse typically starts young and in girls' own homes and occurs multiple times. The abusers are often fathers, brothers, a mother's romantic partners, or neighbors. Several girls reported abuse to adult family members at the time it occurred but were not believed, leaving their abusers unpunished and undeterred.

Interviewed girls described feeling betrayal, pain, and anger. Their trauma lies at the heart of their delinquency, which typically takes a different form from that of TYC's boys. If one looks behind the labels applied to girls' offenses, one finds that "assault" is often a fight with a mother, sister, or grandmother; larceny or drug offenses are committed to survive after running away or under the influence of an adult male; and "escape" is fleeing from a placement where there was no adult in whom to confide.

### ***Girls in Custody Have Virtually No Access to Counseling.***

Interviewed girls reported that no adult in TYC had inquired into the girls' abuse histories or offered support in over-

coming them. Instead, overburdened caseworkers meet with girls irregularly or for short periods of time and must divide their time between arranging phone calls home, monitoring girls' progress through TYC's "resocialization" program, and other administrative tasks. Daily group sessions focus on girls' crimes and their misbehavior during confinement, and in any event are not an appropriate forum for girls to air intensely personal and painful aspects of their life histories. Girls taking psychiatric medication may see a psychiatrist briefly every month or two. High child-to-staff ratios, a rigid rule structure, and the hectic pace of the daily "sixteen hour schedule" cut off most opportunities for informal guidance by direct care staff. Even potential peer support is blocked by the isolation of girls in their cells between activities as well as harsh rules preventing girls from speaking to or even looking at one another for much of the day. In short, one-to-one counseling is simply not a feature of TYC facility schedules.

While relationships with certain family members have damaged TYC's girls, other family relationships may not be unhealthy, and in any event may constitute girls' only source of emotional support. Many girls in TYC, moreover, have children of their own with whom they are struggling to maintain a bond. Yet even as TYC fails to offer girls the opportunity to develop healthy relationships, it effectively severs family relationships in a number of ways. TYC holds girls in centralized facilities far from the metropolitan areas most call home, and fails to provide bus service, transportation reimbursements, or any other aid to families wishing to see their children or kinship foster relatives wishing to bring incarcerated girls' children to visit them. Family visits are limited to two hours per weekend day. Only one free call home is allowed per month. Weekly calls home are allowed if parents purchase a telephone card that some cannot afford. Weekly calls, moreover, are denied to girls for sometimes minor misbehavior. Girls are therefore left isolated while struggling with their past trauma, their delinquent behavior, and the fact of their incarceration.

Although mental health services in TYC facilities must be improved, it is also crucial to note that even non-clinical intervention could help the majority of TYC's girls. As is often pointed out by the administrators and staff of Missouri's much-publicized youth facilities, any caring, emotionally healthy adult, when properly trained, can help children. Indeed, in Missouri's facilities, it is not clinical spe-

cialists but direct care staff who provide much of the nurturance needed to heal incarcerated children.

### ***Providing One-to-One Counseling Would Serve Rehabilitation and Prevent Abuse.***

In various ways, girls' untreated trauma lies at the root of their conflict with family and authority figures, their delinquent offenses, their misbehavior while in TYC custody, and their suicide attempts and self-mutilation. Several interviewed girls specifically identified the link between intense, pent-up emotions and destructive behavior. Providing an outlet for girls' pain and frustration is therefore the key both to genuine rehabilitation and improved behavior while in TYC custody.

Allowing trusting relationships to grow between girls and adults is also an essential tactic to combat child abuse within TYC facilities. Without such relationships, girls will continue to underreport abuse and perpetrators will continue acting with impunity. Moreover, because isolation and feelings of worthlessness make girls vulnerable to predators, healthy relationships constitute emotional self-defense for girls.

One consequence of girls' emotional isolation while in TYC facilities is particularly troubling: The majority of girls in custody, a much greater proportion than the boys, are being administered powerful psychotropic medications. This disparity likely stems in part from girls' higher mental health profile upon entering TYC facilities and their greater willingness to disclose to psychiatric staff feelings indicating psychiatric disorders. But at least in part, medication appears to be over- and mis-prescribed, used in lieu of counseling, and/or administered for its sedative effect. All of these uses are illegitimate. They are also dangerous: Many of TYC's girls are being given drugs in a class known as atypical antipsychotics, none of which is approved for use by children, and all of which can cause serious injury and even death.<sup>5</sup> Interviewed girls reported consulting with a psychiatrist for as little as twenty minutes before a diagnosis and prescription were made. Several girls were too sedated to think or speak clearly or to participate in group activities. Treating girls' emotional problems first with some form of "talk therapy" before resorting to powerful, unproven medication is a necessary first step in addressing this profoundly problematic state of affairs.

## **RECOMMENDATIONS:**

- **As a stopgap measure, require caseworkers to provide a minimum of thirty minutes per week of one-to-one counseling to each girl.** To alleviate overburdening of caseworkers, make senior JCOs responsible for overseeing girls' weekly telephone calls.
- **Solicit creative ideas from TYC employees at all levels as to how individualized attention can be provided given limited agency resources.** For example, other states have leveraged the resources of mental health agencies to provide improved mental health care. Likewise in Texas, staff of the Department of Mental Health and Mental Retardation could be posted permanently in TYC facilities. Lay assistance could come from the universities located minutes from the Ron Jackson and Corsicana facilities. With limited screening and training, the faculty, staff, and students of those institutions could become involved in counseling girls while a long term solution is being negotiated.
- **Empower JCOs to nurture girls.** Many JCOs perceive their responsibility to be maintaining discipline and adhering to a strict sixteen hour schedule. TYC should revise its performance measurements to require some minimum quantum of nurturing interaction, and make this new expectation known to JCOs. JCOs will be aided in their new task by the provision of training in girls' needs and counseling techniques, a decreased child-to-staff ratio, and skillful supervision.
- **Decrease child-to-staff ratios by decreasing the child population, not by expanding TYC.** Legislative action to exclude misdemeanants from TYC custody should help accomplish this. Minimizing children's lengths of stay by addressing their underlying emotional problems will also help. To the extent that any new TYC workers are hired, they should be social workers and mental health staff.
- **Ultimately, provide regular one-to-one counseling at least 3 times a week, 30 minutes per session, with a trained social worker, and additional counseling during crises.** Hiring psychiatric social workers to augment the psychiatry staff and providing in-house train-

ing to all staff are cost-effective ways of providing needed care.

- **Offer biweekly family counseling, via telephone if necessary, to each girl.** Family problems lie at the root of girls' delinquency, and most girls will return to their families upon release. Family counseling therefore cannot be left to halfway house staff or parole officers, but must constitute an integral part of TYC programming from the first day of confinement.
- **At least until adult support is available within TYC facilities, allow girls to call home twice a week and allow four rather than two hours of visitation on weekends.** A convenient time to schedule a second call may be during the optional evening bible study. Because most families cannot make visits to far flung facilities, ample space for visitation is available.
- **Appoint a panel of not fewer than two highly competent psychiatrists with expertise in female adolescent mental health to conduct an immediate, full review of the mental health history and needs of each and every girl in TYC custody.** In the future, prescribe psychiatric medication only when determined to be necessary by a psychiatrist with in-depth knowledge of the child and her mental health history.

## II. For Girls to Thrive, They Need an Array of Humane Local Placements

---

As is true across the country, girls in TYC facilities are an afterthought in a system designed in response to boys' delinquency. Consequently, TYC facilities and programs are ill-suited to girls' needs, resulting in a variety of serious, concrete harms.

### ***Girls Suffer from a Lack of Appropriate Placements within TYC.***

At the point when a girl is remanded to TYC custody, she has far fewer options than her male counterpart as to placements of all kinds, including contract care facilities, secure placements, halfway houses, and independent living programs. As a consequence, a girl entering TYC for a given crime is, on average, likely to spend longer in the assessment facility awaiting placement and is more likely to be sent to a secure placement than a boy with the same crime. Once there, she may be held longer than necessary while waiting for an opening in a halfway house, and may stay longer at the halfway house before being offered a space in an independent living program.

The shortage of halfway house space for girls is a particularly acute problem and serves as an illustration of girls' dilemma. TYC offers boys eight halfway houses with space for 201 children. In contrast, Willoughby House is the only halfway house for girls and accommodates only eighteen. As a consequence, girls' placements in secure facilities are effectively extended for *no reason other* than the scarcity of halfway house space.

Although the proportion of girls' halfway house beds is roughly equivalent to the proportion of girls among the overall TYC population (about 10%), girls are disadvantaged as compared to boys in several ways. First, when a child's home is disapproved by a parole officer, whether because of parental drug abuse, a pending child abuse investigation, or another reason, placement in a halfway house becomes that child's only alternative upon release from a secure facility. Girls' homes are more often disapproved than boys' homes because of the familial chaos and abuse underlying girls' delinquency in the first place, making girls more dependent on the availability of halfway house space. The shortage of halfway house space for girls is compounded by the lack of independent living programs for them. Because girls in Willoughby House stay longer while waiting for an independent living opportunity, the backlog of

girls in secure facilities waiting to enter Willoughby is further exacerbated.

Like boys, girls in TYC hail from communities throughout the state. Unlike boys, girls have only one halfway house available to them, in Fort Worth. Halfway houses are intended as a step toward reentry into the community, yet the many girls from Houston, San Antonio, and other areas of the state, most of whom will ultimately return to their home towns, are denied this graduated reintegration. In sum, failing to provide an appropriate array of placements subjects girls to concrete harms compromising their prospects for successful social reintegration.

### ***Modeling TYC after Adult Corrections Harms Girls.***

Adult prisons exist to punish, but juvenile facilities exist to rehabilitate delinquent children.<sup>6</sup> To an alarming extent, the attitudes, procedures, and physical environment within TYC facilities ignore this fundamental distinction. Consequently, children held in TYC facilities receive less preparation for productive life in free society than they do for a future as adult prisoners.

TYC's girls, who typically have been abused by domineering males all their lives, are harmed in particular ways by institutions characterized by punishment and absolute control. For example, girls are routinely sanctioned for self-injurious behavior including self cutting and suicide attempts. Although such behavior is not violent toward others but is instead indicative of untreated emotional disturbance, girls are administered punishments, typically "category one" disciplinary citations and isolated confinement, exacerbating their condition and potentially delaying their release.

TYC facilities are governed by a maze of minute rules dictating exactly when and how children must sit, stand, walk, speak, dress, and every other aspect of their lives. This hurts girls by generating needless conflicts with staff, facilitating the arbitrary or even vindictive imposition of discipline, and subjecting girls whose self-esteem is already compromised to gratuitous humiliation. For example, girls are punished for possessing "contraband," but the vast majority of the "contraband" consists not of weapons or drugs but of letters, pens, adhesive tape, and the like. When girls are admitted to the Corsicana facility, their hair is cut

to shoulder length. Several girls mourned the loss of their hair, and one girl was subjected to isolated confinement for an altercation arising when she refused to allow her hair to be cut. Yet another interviewed girl was punished for plucking her eyebrows because this act was categorized as “self-injury.”

The methods used to punish children for rule violations also harm girls in particular ways. Girls are regularly subjected to physical restraints by staff, in which staff seize a girl from behind and force her against a wall or face down on the floor. This sometimes occurs out of necessity, and sometimes in response to mere disobedience and before all other means of seeking compliance have been exhausted.<sup>7</sup> Because a high proportion of incarcerated girls have experienced past physical and sexual abuse, they are especially susceptible to additional trauma when subjected to aggressive handling by an adult. By replicating past trauma, restraints may also provoke exaggerated resistance by girls, escalating the conflict further and exposing girls to greater physical harm.

Each secure TYC facility has an administrative segregation unit known as “security.” In security units, children are held in isolation in bare cells. Cells are typically cold, sometimes dirty, and in the Corsicana facility extremely brightly lit. Meals are delivered to each child’s cell, and schooling takes place in a separate area of the security unit. TYC uses these units as a catchall, not just for emergency crisis management but variously as a form of punishment, for suicidal children, for children in transit from one facility to another, and to house children who feel emotionally overwhelmed among their unit staff and peers and who “self-refer” to security. Girls on “suicide alert” were observed curled on the floors of extremely cold cells wearing only the “drape” issued to them. If placed there for repeated misbehavior, children may spend as much as ninety days at a stretch in security. Such conditions are a recipe for mental deterioration, especially for those children, including the majority of girls, with existing mental illness. Moreover, girls held in security are particularly vulnerable to abuse by staff members because of their isolation from other staff and girls.

Finally, strip searches, used routinely in TYC facilities, expose girls with a history of sexual abuse to the likelihood of retraumatization. Children are strip searched at a variety of points in time, including when returning from an off-site

medical visit, when finishing a work shift, and after family visitation, yet neither girls nor staff recounted instances in which weapons or illegal drugs were discovered. Because of the psychological toll they take on girls whose sense of bodily integrity is already compromised, strip searches should be used only to the extent that they are absolutely necessary.<sup>8</sup>

Rather than being necessary to the mission of TYC, overly harsh rules, harshly enforced, actually interfere with girls’ rehabilitation. For example, girls are allowed limited time for journal writing and other forms of expression, are rarely exposed to art or music, and are not allowed to sing, activities that for many represent important strategies for coping with pain and anger. Severe limits on girls’ social interaction, such as being prohibited from speaking to or even looking at one another during the fifteen minutes they are allotted for meals, blocks the development of necessary social skills. Girls’ ability to care for their hygiene, a basic ingredient of improved self-esteem, is frustrated by the three-minute time limit on showers imposed at some facilities. The right to shower is sometimes even denied altogether as a form of punishment.

### ***TYC’s Educational Programs Fail to Equip Girls for Survival in Society.***

Some scholarly work suggests that educational failure is a greater predictor of delinquency in girls than boys, and that conversely, success in school can help girls overcome the emotional effects of abuse and trauma. No doubt because of the Herculean efforts of TYC’s teachers and educational administrators, many interviewed girls named school as the best part of their TYC experience. Nevertheless, TYC’s educational system is deficient in some ways that particularly disadvantage girls.

First, children in TYC custody are not receiving sufficient individualized educational attention or classroom instruction. Schools within juvenile facilities everywhere must serve a small, transient student population, a high proportion of whom are learning disabled, mentally ill, or exhibit behavioral problems disruptive to learning. This means that to be effective, such schools must achieve a much lower student-to-teacher ratio than ordinary schools. To the contrary, TYC schools have suffered from a ballooning population over the last decade, coinciding with statewide



educational budget cuts. As a result classroom and vocational teaching staff levels are low, and the quality of education suffers. Another measure to improve educational effectiveness is grouping children in classrooms by age and academic ability. Because of their small numbers, however, as well as the practice of grouping children by housing unit in some facilities and the sex segregation of classes even in co-gender facilities, TYC's girls are assigned to classes with students of widely varying educational levels and are asked to navigate "self-paced" programs with insufficient adult guidance.

Vocational training calculated to give girls economic self-sufficiency is an essential component of a rehabilitative program. The vocational options provided by TYC, however, are few and are tailored to boys. For example, Unit I of the Ron Jackson facility currently offers keyboarding, commercial food preparation, and woodworking classes. This appears to be the extent of available options. While girls should be offered a diverse vocational curriculum, including skills relevant to traditionally male occupations, such offerings are absent. Moreover, it appears that as Ron Jackson is converted to an all-girl facility, traditionally male classes, such as welding, are in danger of being eliminated.

Girls in TYC custody are at high risk of contracting sexually transmitted infections and having pregnancies before reaching a level of stability necessary for successful motherhood.<sup>9</sup> The vast majority have never witnessed nurturing or skilled parenting, and have never occupied a competently managed household. They lack basic skills such as shopping and cooking for themselves, budgeting for expenses, handling a bank account, and finding and renting an apartment. Many of the same girls are the mothers of young children and will resume care of their children in one form or another when they are released.

Given this reality, girls should be offered, as a matter of course, extensive sexual and reproductive health education, parenting courses, and independent living courses including training in how to navigate the government bureaucracy through which they will later seek Medicaid coverage and other benefits for themselves and their families. In fact, TYC offers this information late, haphazardly, or not at all. For example, interviewed girls reported that TYC does not routinely provide sexual health education, except in certain curricula such as the specialized chemical dependency program. Aside from the few girls who are

placed in Willoughby House upon release from a secure facility, girls in TYC custody receive no pregnancy or parenting education, and no life-skills training whatever. The life-skills curriculum employed at Willoughby, moreover, consists largely of photocopied handouts of outdated information collected from scattered sources. This state of affairs makes it unlikely that the children of TYC's girls will grow up in an environment much better than their own.

## RECOMMENDATIONS:

- **Open halfway houses for girls in Houston and San Antonio, and in other locations as necessary.** The halfway houses should look and feel like homes in every way possible.
- **Ensure that sufficient independent living opportunities are available to accommodate all girls requiring such assistance.**
- **Design and begin implementation of a plan to move all girls from large institutional placements to small, localized environments conforming to the “Missouri Model.”** Because of their smaller numbers and particular needs, girls should be offered a variety of very small, dispersed placements if they are to receive appropriate and individualized care on par with that given to boys. An incremental path toward this goal could consist of first opening a number of halfway houses, then converting some of these to locked facilities while maintaining their small size and homelike environment.
- **Teach independent living skills in all facilities.** Ensure that the curriculum is complete, practical, and up to date.
- **Take all necessary measures to achieve a culture shift from punishment to rehabilitation.** This will require a major, ongoing campaign and could consist of measures such as: public expressions by TYC leadership of commitment to rehabilitative principles; active recruiting of staff from the social work, educational, and child care fields rather than from adult corrections; retraining of staff and administrators in such subjects as adolescent psychology and the domestic and international norms differentiating juvenile systems from adult penal systems; staff evaluation based on their nurturance of children; elimination of all restrictive rules not strictly necessary for the orderly operation of TYC facilities; abandonment of correctional nomenclature such as the title “Juvenile Correctional Officers;” and allowing staff and children to wear ordinary clothing.
- **Cease punishing self-injury.** Provide intensive counseling instead.
- **Use confinement only when strictly necessary, and never as a punishment or a response to self-harm.**
- **Maintain and examine records of whether strip searches result in the discovery of dangerous contraband.** If, as is likely, weapons and illegal drugs are rarely found, policies governing the use of strip searches should be reexamined.
- **Assign all children to classes based on their age and academic abilities and educational needs.**
- **Provide girls with a wide variety of both traditionally male and female vocational opportunities.**
- **Routinely provide sexual health, pregnancy, parenting, and life skills education to all children.**

### III. Girls in TYC Urgently Need an Advocate

---

Because girls in TYC custody constitute an often overlooked minority, they need a consistent, influential advocate. To effectively counteract an entrenched institutional disposition to neglect girls' interests, the advocate should be a high ranking administrator solely concerned with the protection of girls' rights and welfare. TYC should therefore create the position of Assistant Deputy Executive Director for Girls' Issues to serve as girls' voice within the institution, to provide a focal point for research and decision-making about girls, and to bear ultimate responsibility for girls' wellbeing.

#### ***Girls in TYC Custody Experience Mistreatment and Unfairness.***

Girls in custody describe a variety of abusive and neglectful conditions of confinement. Some conditions, such as the use of prolonged isolated confinement, are official TYC policies. Others, such as the delay and denial of medical care, arise at least in part from resource shortages. Yet other problems, such as unnecessary and poorly executed physical restraints and staff refusal to intervene in fights between girls, are attributable to deficiencies in training and the bad acts of individual TYC workers. As a result of heightened public and official attention to abuse within TYC and the establishment of an abuse hotline, many of the severest instances of abuse have come to light, but others persist.

Girls also experience discrimination in TYC facilities. For example, conditions in the girls' security unit of the Corsicana Residential Treatment Center (CRTC) are inferior to those in the boys' unit. Boys are allowed periodic outdoor exercise in an attached recreation area, but the girls' unit has no such area. As a result, girls in security are never allowed outdoor recreation, even though they may be confined to security for up to ninety days. Moreover, because the building currently used as the girls' security unit was not intended for this use, its metal, rather than concrete, bed platforms allow self-destructive girls to self-mutilate and to squeeze themselves under the beds. Exposed ceiling sprinkler heads can also be used by girls for cutting or hanging themselves. Rooms in the girls' security unit also lack in-room toilets, subjecting girls to long waits to an external bathroom when, as is often the case, staff are attending to a girl in crisis.

Other instances of discriminatory treatment include the provision of less, and less varied, physical activity than boys. Girls reported being allowed to swim less often than boys and having fewer organized sports tournaments than boys. Boys held in the Marlin facility alternate between outdoor recreation and exercise in a gymnasium. Girls are never provided outdoor recreation.

#### ***Existing Mechanisms Are Insufficient to Protect Girls in Custody.***

In the wake of recent revelations, a number of law enforcement agencies have become involved in the investigation of alleged abuse in TYC facilities, including the Texas Department of Criminal Justice (TDCJ), the Texas Rangers, the State Auditor's Office, the Travis County District Attorney's Office, and the Office of the Attorney General. This intense scrutiny has exposed a number of abuses.

Nevertheless, devoting law enforcement resources to allegations of abuse is insufficient to protect girls for a number of reasons. First, investigation and punishment are reactive measures. They occur after the fact and only to the extent that victims and witnesses report abuse. They can only be said to prevent abuse to the limited extent that the prospect of exposure and punishment deters potential perpetrators. In reality, no matter how many investigative resources are devoted to detecting it, abuse is a near inevitability in closed, authoritarian environments. Moreover, confined girls and boys alike will inevitably underreport abuses because of fear of retaliation, shame at having been victimized, identification with the perpetrator, and myriad other reasons.

In addition, criminal investigators' capacity to protect incarcerated girls is limited by their institutional mandates and their professional training. Criminal investigators are concerned with establishing individual criminal culpability in instances of overt wrongdoing. They also tend to be familiar with the adult criminal justice system but uninformed about the vastly different mandate of juvenile facilities and the special rights of children. Those, such as investigators provided by TDCJ, are accustomed to adult prisons and are likely to be attuned to the most extreme instances of sexual and physical abuse, overlooking abuses that are less shocking but nevertheless illegal.

Criminal investigators are also unsophisticated as to sys-

temic, as opposed to individual, failures. By targeting individual perpetrators only, they may fail to assign responsibility to supervisors and administrators whose failures allowed abuse to persist, and whose continued failures set the stage for future abuse. Investigators also compare individual workers' behavior against existing rules and policies, and tend not to question whether the rules themselves are harmful.

Criminal investigators can also be expected to have little or no familiarity with gender issues, including those surrounding girls subjected to sexual abuse. Consequently, they may fail to follow procedures that would facilitate reporting and protect victims' rights. They may, for example, fail to interview girls in a closed setting with one investigator per interview; ask bluntly about sexual abuse before establishing rapport with the victim; or require the victim to retell, and thereby relive, her experience multiple times unnecessarily. They may also fail to inform the victim about the progress of the investigation, leaving her in the dark about the whereabouts of her victimizer and without any sense of justice having been done.

Finally, although public attention has recently focused on TYC because it has occupied newspaper headlines, that attention will eventually fade. Girls need an advocate with influence within TYC who will continue to advocate for their interests over the long term.

## RECOMMENDATIONS:

- **Create the post of Assistant Deputy Executive Director for Girls' Issues.** The position should be created and filled immediately to ensure that girls' welfare is considered during the current crucial period of profound change.
- **Position the Assistant Deputy Executive Director for Girls' Issues to report directly to the Deputy Executive Director.** A high-ranking post is necessary because the factors affecting girls' experiences in TYC are numerous and cross-cutting, involving areas as diverse as education, treatment and case management, contract facility management, staff recruitment and training, and the processing of children's grievances.
- **Appoint to this post a qualified individual with a demonstrated commitment to girls' welfare.** A well-qualified candidate should have extensive knowledge of juvenile justice or a related field such as child welfare or adolescent mental health.
- **Empower the Assistant Deputy Executive Director for Girls' Issues to advocate effectively for girls' rights and interests.** Necessary powers include authority to identify girls' needs through unfettered data gathering of various kinds including regular direct contact with girls themselves; participation in all aspects of agency decision-making to ensure that such needs are considered; authority to encourage cooperation among disparate arms of TYC and the broader justice system to better serve girls; and the ability to act as a high-profile spokesperson for confined girls.
- **Send a clear directive to all TYC administrators and staff that the interests of girls are to be taken into account in every instance of decision-making.** To be effective, the Assistant Deputy Executive Director for Girls' Issues must have the support of TYC's leadership and the cooperation of all its branches.

## Notes

<sup>1</sup> As of May 7, 2007, there were 395 girls in TYC residential facilities, 17 in the girls' halfway house, 41 in contract care, and 330 in TYC aftercare programs, giving a total of 783 girls under TYC supervision.

<sup>2</sup> <http://www.tyc.state.tx.us/programs/corsicana/index.html> (accessed 5/19/2007).

<sup>3</sup> Because research is ongoing as of this writing, the exact number of interviewed girls is not yet available.

<sup>4</sup> The Giddings facility was omitted from this research because all girls held there were in the process of being removed from the facility, and because of considerations of time. A visit to the Victoria program is scheduled for May 23, 2007.

<sup>5</sup> The drugs are: Clozaril, Risperdal, Zyprexa, Seroquel, Abilify and Geodon. Atypical antipsychotics also cause weight gain, which can in turn cause other physical problems and low self-esteem, especially in girls.

<sup>6</sup> TYC's statutory mission is "to provide a program of constructive training aimed at rehabilitation and re-establishment in society" for the youths committed to its facilities. Although the purpose clause of the Texas juvenile system incorporates the additional element of public safety, it, too, recognizes the need "to provide for the care, the protection, and the wholesome moral, mental, and physical development of children coming within [the family law's] provisions." Texas Family Code §51.01 (2006).

<sup>7</sup> The use of physical force against children in custody is permissible only when a child poses an imminent threat to herself or others and when all other interventions have been exhausted.

<sup>8</sup> Such a search may be necessary when, for example, an officer has articulable probable cause or reasonable suspicion that the girl is concealing contraband.

<sup>9</sup> In fact, in 2002, Texas had a higher rate of teen births than any other state. Office of Juvenile Justice and Delinquency Prevention, *Juvenile Offenders and Victims: 2006 National Report*, 13.