



HARRIS COUNTY CRIMINAL LAWYERS ASSOCIATION

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June 7, 2023

To: All Juvenile Court Judges in Harris and contiguous counties, all elected District and County Attorneys in those same counties, and all elected Texas State Senators and Representatives

In re: An open letter regarding the interim report by the Texas Advisory Committee to the U.S. Commission on Civil Rights on Texas Juvenile Mental Health Care

The Harris County Criminal Lawyers Association has reviewed the disturbing report released over the Memorial Day weekend that details the frankly shocking treatment of juveniles with the Texas Juvenile Justice department (TJJD). HCCLA is the largest local independent organization of criminal defense lawyers in the state of Texas. Centered in the Houston area, our members handle juvenile cases and represent the very juveniles that the system fails to divert away from the criminal justice systems. Like every parent and every citizen across the state, we have a vested interest in the humane and fair treatment of the young people we entrust to the TJJD. We all especially have an interest in making certain that the troubled or challenged youth we hand over to TJJD receive the best possible care. This report makes it clear that those expectations are not being met.

In fact, the report makes it clear that the rational goal of fair and caring treatment for these young people who suffer the difficulties of trauma, mental illness, intellectual disability, and neglect are actually suffering at the hands of the people we all hoped would help them. The report details, as examples, that the following below have occurred. These facts are based on sworn testimony delivered before the Advisory Committee to the US Civil Rights Commission taken last year and prior.

1. Over half of the youth placed in state facilities have been placed on suicide watch.
2. Due to low pay, low retention, and general understaffing, TJJD is operating facilities where children wait months to see counselors or have appropriate intake and medication.
3. The Texas Office of Inspector General reported increases in sexual misconduct/abuse by staff and other inmates against children at four out of five of the State run facilities, as well as almost three-thousand reported use of restraints *over one six month period*.
4. Staffing rates are so low that mentally-ill individuals are kept in isolation 23 hours a day with no access to bathrooms so they resort to urinating in cells.
5. Understaffing is so rampant that staff feel unsafe and resort to use of force against mentally unstable youths on a repeated basis, including use of pepper spray. These children include those who been severely physically abused or sexually abused in the past.

6. In addition to the sheer physical danger and neglect many of these youth experience, the report cites inadequate access to medication, overreliance upon medication, and frankly a stunning lack of proper care and counseling at every level.

HCCLA calls upon the judges to order mental health screening and testing of all juveniles before any commitment order is considered and all treatment options considered along with the option of commitment.

In addition, HCCLA calls upon the judges and prosecutors handling juvenile cases to impose a moratorium on either placement or transfer into any TJJD program of any child needing mental health care until one of the following has occurred: (1) either a report is issued by the OIG stating that dramatic change has happened and these facilities are now safely run, or (2) a legislative body has conducted an inquiry into this matter and issued a set of recommendations for concrete steps to be taken. State Rep. Gene Wu has been at the forefront of positive reform in this area. We call upon him and other like-minded citizens to come together and enact changes such as founding a juvenile mental health hospital solely for treating children who are in the juvenile system and placing that hospital in a major city such as Houston or Dallas. We ask that the Legislature actually fund the kind of regional programs that would enable young people suffering from these mental health concerns to at last receive true medical help and guidance. In a time of tremendous surplus, we ask that the Texas public officials in charge of our juvenile system fix this for the sake of the children.

Respectfully,



Murray Newman
HCCLA President