

LONE STAR
JUSTICE
ALLIANCE

KIDS IN CAGES

TEXAS' OVERRELIANCE UPON INCARCERATION

The mission of Lone Star Justice Alliance is to redirect youth and young adults out of the Texas justice system and in to community-based treatment programs, thus increasing public safety and saving tax payer dollars.



The Problem

The Punitive Model

157,000

More than **157,000** people are currently incarcerated in Texas prisons.

50,000

Almost **50,000 juveniles (10-16)** are arrested each year in Texas and processed through the juvenile justice system.

220,000

Over **220,000 young adults (17 to 24)** are arrested in Texas each year. Young adults make up only 11% of Texans, yet they account for over 29% of arrests.

A Punitive Model Of Justice Is Unsuitable For Youth And Young Adults

Young adults develop an accelerator long before they can steer and brake.

Ronald Dahl, MD pediatrician and developmental psychologist

Distinguishing Between Adults and Juveniles

“First, children have a lack of maturity and an underdeveloped sense of responsibility, leading to recklessness, impulsivity, and heedless risk-taking.”



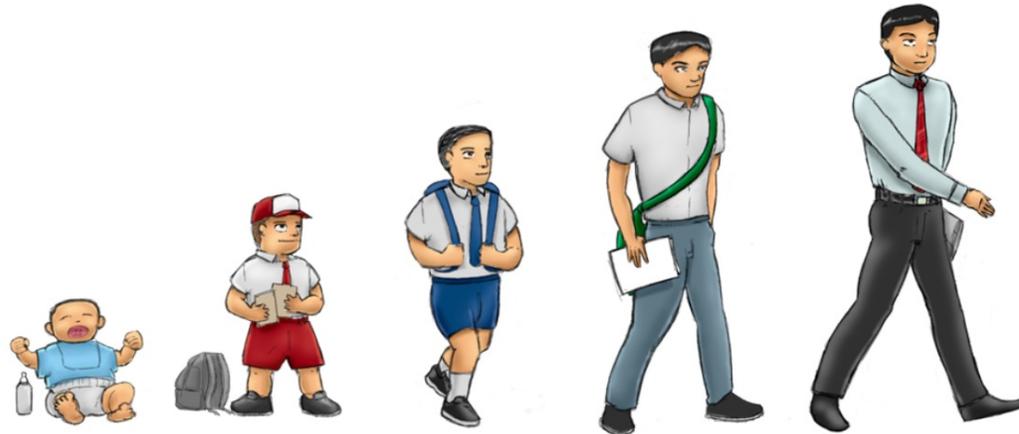
Distinguishing Between Adults and Juveniles

Second, the Supreme Court recognized that youth are **distinct from adults in constitutionally relevant** ways because of their susceptibility to **outside pressures**.



Distinguishing Between Adults and Juveniles: Increased Capacity for Rehabilitation

Finally, the Supreme Court has recognized that children are different from adults because adolescence is a **transitional phase**. “[A] child’s character is not as ‘well formed’ as an adult’s; his traits are ‘less fixed’ and his actions less likely to be ‘evidence of irretrievabl[e] deprav[ity].”



Justice-involved Youth And Young Adults Have Unique Needs

Education

- Most justice-involved youth have completed only 9th through 11th grade
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Trauma

- **33%** of youth committed to the Texas Juvenile Justice Department in 2016 had been part of a child welfare investigation that ended with confirmation or a finding of “reason to believe” abuse or neglect
 - Close to **75%** of these youth have been exposed to violence, crime, and abuse and have also experienced traumatic victimization themselves
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Behavioral Health

- Researchers estimate that ~ **70%** of justice-involved youth have mental illness, while 60% of justice-involved youth have a co-occurring mental illness and substance use disorder; 30% have disorders severe enough to require immediate and significant treatment
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LSJA's Solution

Transformative Justice

TRANSFORMATIVE JUSTICE:
A Developmental Approach
to System-Involved Emerging Adults

May 2018



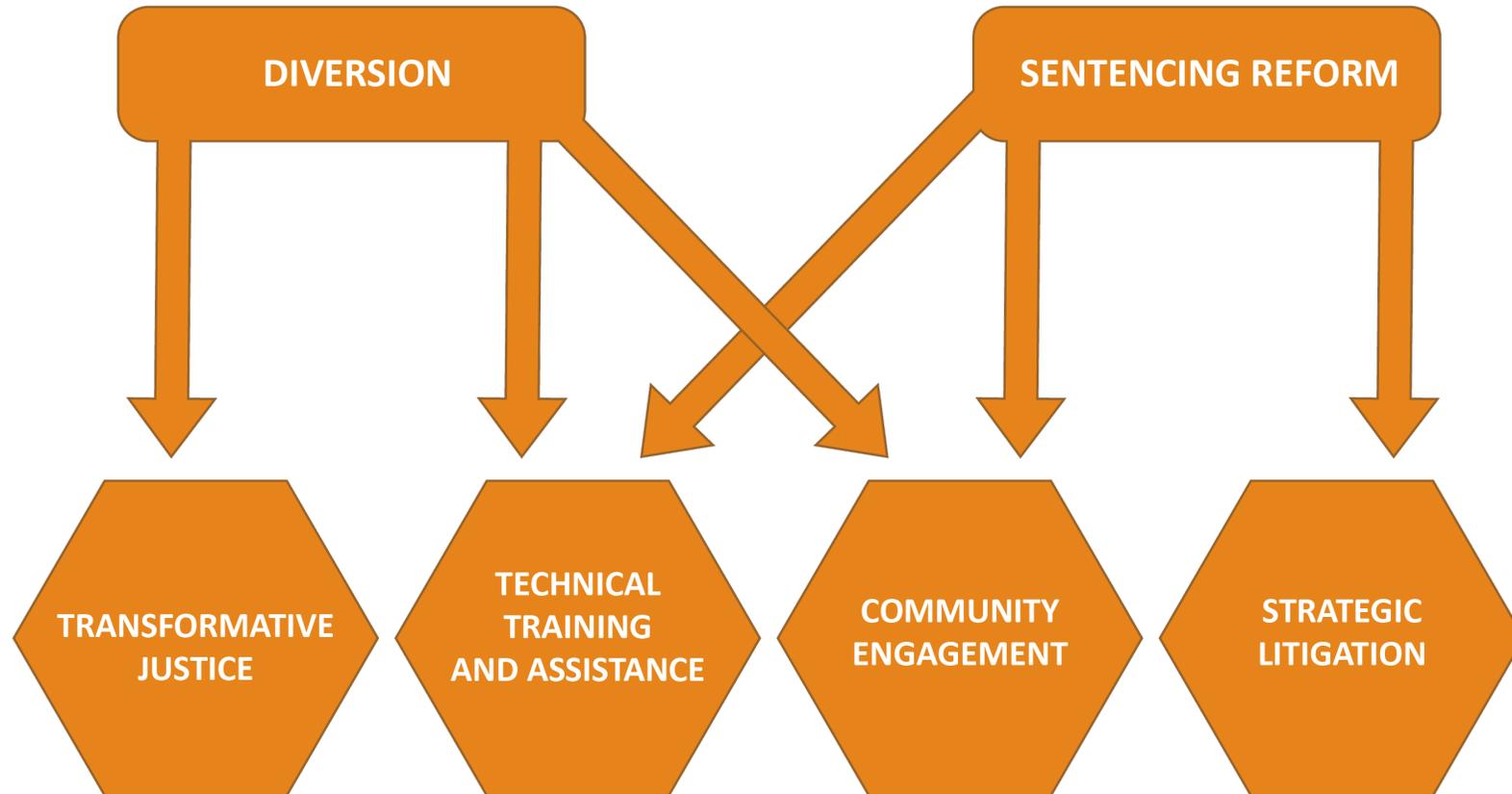
COMMUNITY HEALTH ALTERNATIVE TO INCARCERATION FOR EMERGING ADULTS

LSJA's ATI program is unique because

- ❖ it targets high-risk, high-need emerging adults (ages 17-24) charged with a felony offense
- ❖ utilizes intensive case management to address multiple needs
- ❖ employs an evidence-based needs assessment
- ❖ integrates experts into the justice system decision-making process.

In Dallas, LSJA will assume program management of the Second Chance Community Improvement Program.

LSJA Advances a Developmentally-Appropriate Model of Justice



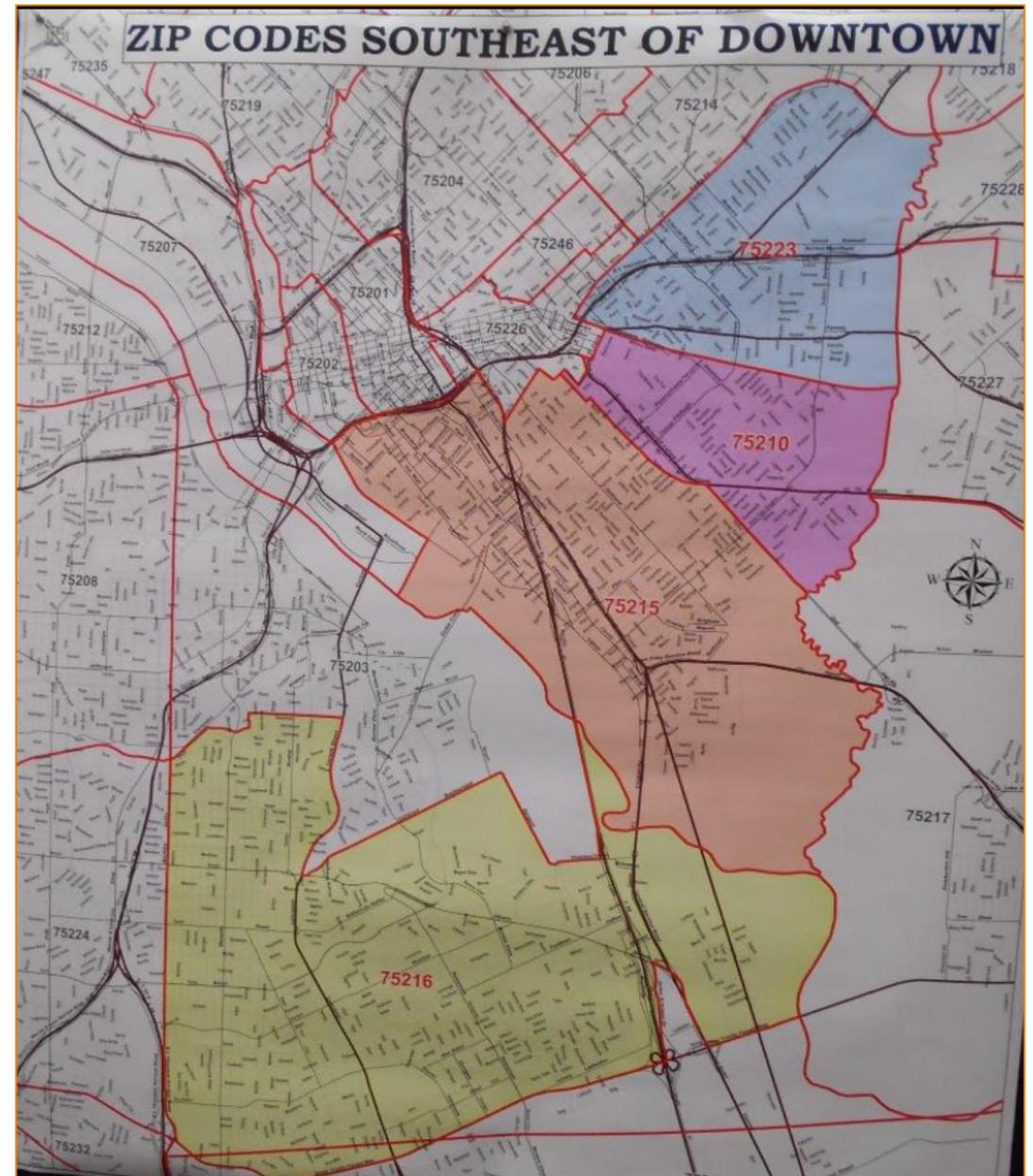
Treatment Interventions Which Address Needs Have Proved More Successful Than Punishment For Justice-Involved Youth And Young Adults

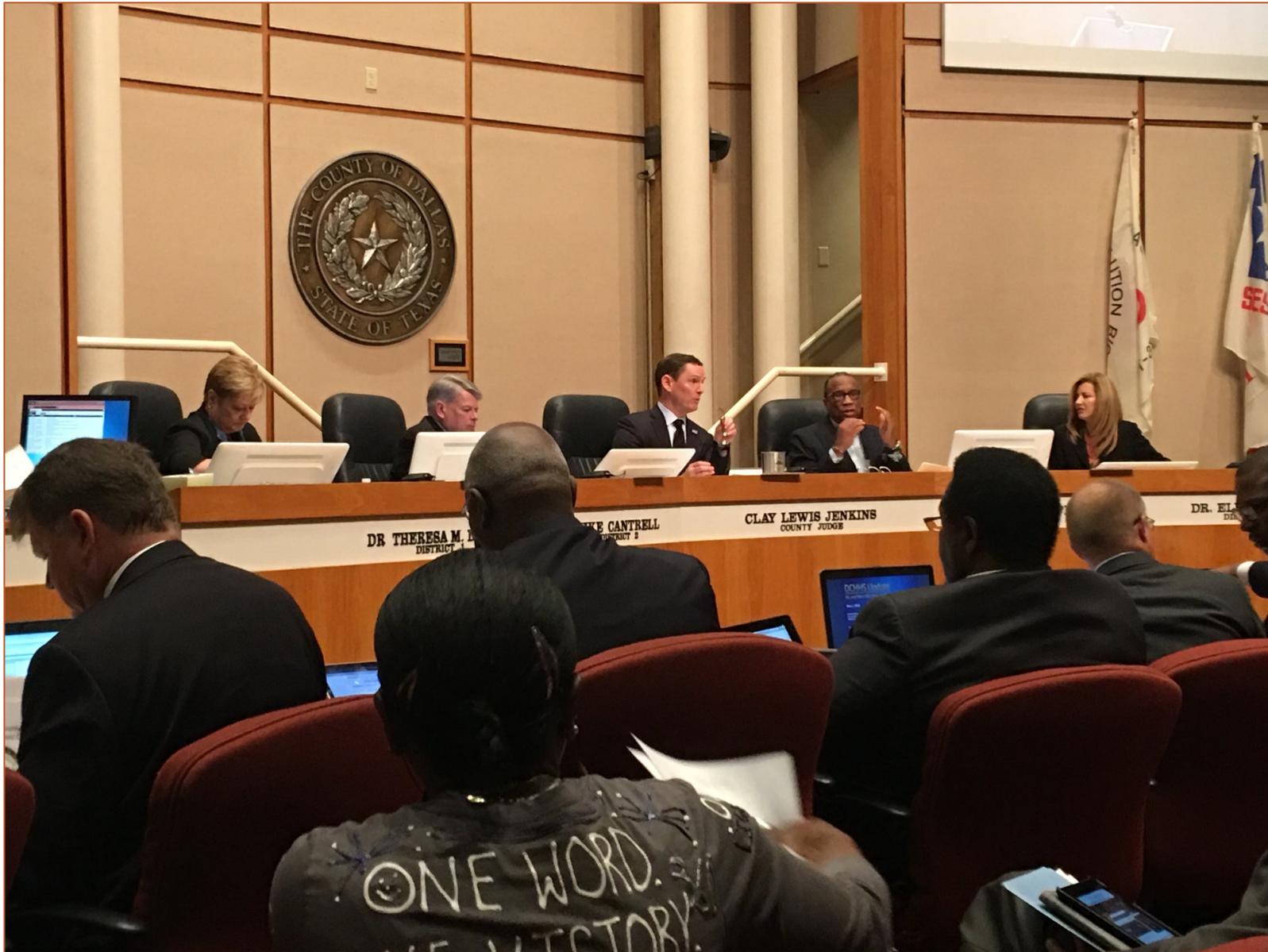


Second Chance Community Improvement Court in Dallas

Partnership between Dallas District Judge Stephanie Mitchell, District Attorney Faith Johnson, Public Defender Lynn Richardson, Assistant City Attorney Yulise Waters, and City Square

Zip Codes: 75223, 75210, 75215, 75216





LSJA Will Assume Program Management Over SCIPP Court

LSJA's Transformative Program contains two evidence-based innovations.

First, LSJA will convene **experts from a variety of disciplines who will recommend alternatives to incarceration whenever appropriate, relying upon a research-based needs evaluation.**

Second, each participant will receive **individualized clinical case management services** by LSJA's multi-disciplinary team.

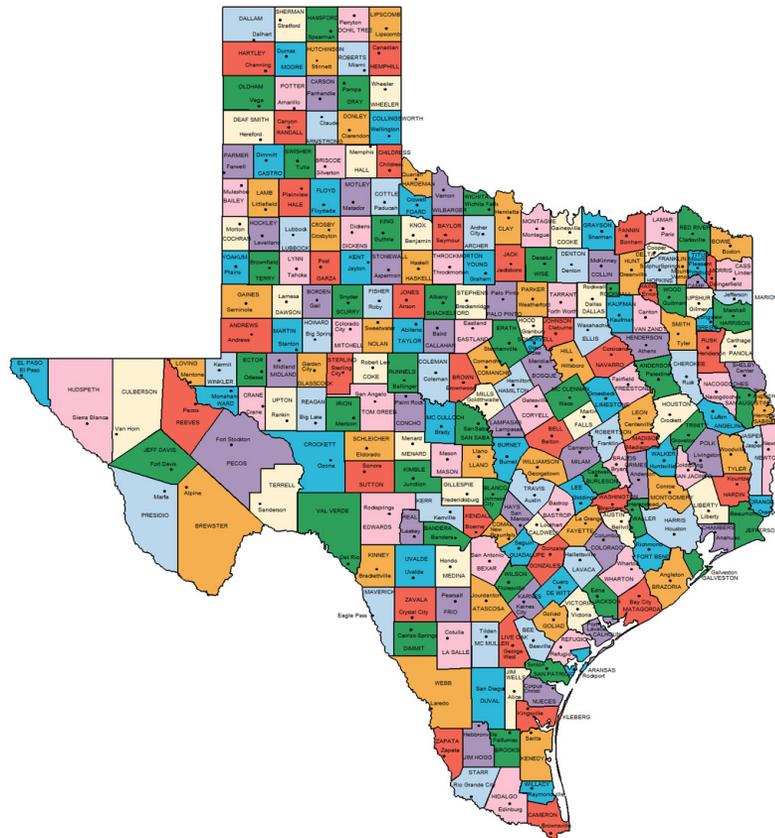
Goal is to increase program population from 9 youths to 100 youths in first year



Sentencing Reform

Strategic Litigation, Training and Technical Assistance, and Community Engagement

The State of Juvenile Defense in Texas



Texas, unlike many other states, has **no uniform system for the appointment of counsel** for children in the justice system. The state, which consists of 254 counties, leaves to each county the burden of funding indigent juvenile defense systems.

Although the state mandates the appointment of attorneys for children at certain stages of delinquency proceedings, the state does not provide regulation, oversight, or funding for indigent juvenile defense systems.

[INSERT NUMBER OF PUBLIC DEFENDER OFFICES]

The Punitive Model Run Amuck

In 2012, the United States Supreme Court ruled in *Miller v. Alabama* that mandatory life sentences without the possibility of parole (LWOP) are unconstitutional for juveniles. At least 12 Texas youth continue to be confined by an LWOP sentence. In Texas, less than 5% of juveniles convicted of capital murder have ever been paroled, a life sentence is the factual equivalent of LWOP. The semantic difference between “life” and “life without parole” does not change that ninety-five percent of the youth sentenced under the mandatory sentencing regime will die in prison. Over 400 youth are currently serving life sentences.

“CHILDREN WHO COMMIT
EVEN HEINOUS CRIMES
ARE CAPABLE OF
CHANGE.”

-Justice Anthony m. Kennedy, *Montgomery v. Louisiana* (2016)

Juvenile Lifers

The Sentencing Project:

- ❖ 79% witnessed violence in their homes
- ❖ 47% were physically abused
- ❖ Fewer than half were attending school at the time of their offense

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The Supreme Court's Take on Juveniles

Roper v. Simmons, 543 U.S. 551, (2005)

- Banned the death penalty for juveniles (under 18)

Graham v. Florida, 560 U.S. 825 (2010)

- Banned life without parole for nonhomicides for juveniles (under 18)

J.D.B. v. North Carolina, 664 U.S. ___, 131 S.Ct. 2394 (2011)

- Holding that a child's apparent age properly informs the Miranda custody analysis

Miller v. Alabama, 132 S.Ct. 2455 (2012)

- Banned mandatory life without parole for juveniles (under 18)

Montgomery v. Louisiana, 136 S. Ct. 718, 734 (2016)

- Holds *Miller v. Alabama* is retroactive

Strategic Litigation On Behalf of Youth In the Adult Justice System

Sliding Scale Cases

- Five cases representing juveniles sentenced to die in prison
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Pro Bono Cases

- One case in partnership with Bracewell LLP
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Court Appointed Cases

- Five cases pending appointment in Harris County
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Training & Technical Assistance

- Provide technical assistance to defense counsel.
- Draft form motions for youth tried as adults, in partnership with DLA Piper LLP
- Member of Juvenile Council, Judicial Council, Joint Hearing on Mental Health

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Training : Stakeholders and Directly-Impacted Individuals and Families

Community Awareness Campaigns

The **SECOND LOOK BOOK**

*A Collection of Stories From People Who Were Sentenced
as Kids to Adult Prison in Texas*



Presented by:
The Texas Criminal Justice Coalition, Epicenter, and the Lone Star Justice Alliance

Through targeted outreach, public awareness campaigns, and other organizing activities, LSJA will engage stakeholders, youth, young adults, and their families to promote the development of positive outcomes among Texas youth and young adults.

- ❖ Published the Second Look Book
- ❖ Sent Letters to 1500 juveniles in Texas Department of Criminal Justice
- ❖ Monthly calls with families
- ❖ Second Look Summit
- ❖ Testimonial videos

For additional
information
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