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U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING

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FRIDAY, SEPTEMBER 22, 2023

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The Commission convened at 1331

Pennsylvania Avenue, NW, Suite 1150, at 10:00 a.m.

EDT, Rochelle Garza, Chair, presiding.

PRESENT:

ROCHELLE GARZA, Chair

VICTORIA NOURSE, Vice Chair

J. CHRISTIAN ADAMS, Commissioner

STEPHEN GILCHRIST, Commissioner

GAIL HERIOT, Commissioner

MONDAIRE JONES, Commissioner

PETER N. KIRSANOW, Commissioner

GLENN MAGPANTAY, Commissioner

MAURO MORALES, Staff Director

DAVID GANZ, General Counsel, Parliamentarian

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STAFF PRESENT:

PAMELA DUNSTON, Chief, ACSD

TINALOUISE MARTIN, Director, OM

DAVID MUSSAT, Director, RPCU

JULIAN NELSON

ESSENCE PERRY

MICHELLE YORKMAN-RAMEY

COMMISSIONER ASSISTANTS PRESENT:

JOHN K. MASHBURN

CARISSA MULDER

THOMAS SIMUEL

IRENA VIDULOVIC

ALEXIS FRAGOSA

NATHALIE DEMIRDJAIN-RIVEST

YVESNER ZAMAR

STEPHANIE WONG

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(10:24 a.m.)

MR. PARSONS: Good day and welcome to the September Commission business meeting. Today's conference is being recorded.

At this time, I'd like to turn the conference over to Chair Rochelle Garza. Please go ahead.

CHAIR GARZA: Good morning, everyone. This meeting will come to order. The meeting of the U.S. Commission on Civil Rights comes to order at 10:24 a.m. Eastern on September 22nd, 2023.

This meeting is taking place at the Commission's headquarters located 1331 Pennsylvania Avenue, N.W., Washington, D.C. Thanks to all of the folks that are present in person, as well as those individuals that are watching us online.

I'm Chair Rochelle Garza. I'd like to do a roll call vote. So please confirm your presence when I say your name.

Vice Chair Nourse.

VICE CHAIR NOURSE: Present.

CHAIR GARZA: Commissioner Adams.

COMMISSIONER ADAMS: Present.

CHAIR GARZA: Commissioner Gilchrist.

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1 COMMISSIONER GILCHRIST: I'm present.

2 CHAIR GARZA: Commissioner Heriot.

3 COMMISSIONER HERIOT: I'm here.

4 CHAIR GARZA: Commissioner Jones.

5 COMMISSIONER JONES: Present.

6 CHAIR GARZA: Commissioner Kirsanow.

7 COMMISSIONER KIRSANOW: Here.

8 CHAIR GARZA: Commissioner Magpantay.

9 COMMISSIONER MAGPANTAY: Here, good  
10 morning.

11 CHAIR GARZA: Good morning. Thank you.

12 Based on that roll call, a quorum of the commissioners  
13 is present.

14 Is the court reporter present?

15 COURT REPORTER: Yes.

16 CHAIR GARZA: Wonderful. Is the Staff  
17 Director present?

18 MR. MORALES: I am present.

19 CHAIR GARZA: Quorum has been established.

20 So now we're going to proceed with today's  
21 agenda as posted on the Federal Register. Today, we  
22 are going to consider the following items: one, a  
23 discussion and vote on the 2024 USCCR Business Meeting  
24 Calendar; two, a presentation by the Texas Advisory  
25 Committee Chair on Mental Healthcare in the Teas

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1 Juvenile Justice System; and three, the Staff  
2 Director's report.

3 Are there any motions to amend the current  
4 agenda?

5 Okay, hearing none, then we move to  
6 consider the first agenda item, the discussion and  
7 vote on the 2024 USCCR Business Meeting Calendar.

8 I. DISCUSSION AND VOTE ON 2024 USCCR BUSINESS  
9 MEETING CALENDAR

10 CHAIR GARZA: This is a discussion and  
11 vote on our fiscal year calendar for 2024. The dates  
12 for the year were circulated in advance to  
13 commissioners and to staff and these are the proposed  
14 dates for our 2024, Commission business meetings and  
15 I'll read them into the record: Friday, January 19th;  
16 Friday, February 23rd; Friday, March 22nd; Friday,  
17 April 19th; Friday, May 17th; Friday, June 21st;  
18 Friday, July 19th; Friday, August 16th; Friday,  
19 September 20th; Friday, October 18th; Friday November  
20 15th; and Friday, December 13th.

21 Do I have a motion?

22 VICE CHAIR NOURSE: Yes, I move to adopt

23 --

24 CHAIR GARZA: Your mic.

25 VICE CHAIR NOURSE: I move to adopt the

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1 business meeting calendar for 2024.

2 CHAIR GARZA: Do I have a second?

3 COMMISSIONER HERIOT: Second.

4 CHAIR GARZA: Discussion?

5 COMMISSIONER MAGPANTAY: Madam Chair, can  
6 I make a friendly amendment? I have a conflict, a  
7 sudden conflict on March 22nd, so may I propose to  
8 moving it to Friday, March 8th?

9 COMMISSIONER HERIOT: I view that as  
10 friendly to my second.

11 CHAIR GARZA: Are commissioners in  
12 agreement with moving it to March 8th?

13 COMMISSIONER MAGPANTAY: It's Victoria's  
14 --

15 COMMISSIONER MAGPANTAY: Oh, Victoria, you  
16 have to accept it, too.

17 VICE CHAIR NOURSE: I have no objection to  
18 the addition.

19 CHAIR GARZA: Do I have a motion to amend  
20 by unanimous consent to changing the date from Friday,  
21 March 22nd, to Friday, March the 8th?

22 COMMISSIONER HERIOT: I think because it's  
23 a friendly amendment, it's okay.

24 CHAIR GARZA: It's okay?

25 COMMISSIONER HERIOT: You can just move

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1 it. We just have to vote on it now.

2 CHAIR GARZA: Okay, fine.

3 COMMISSIONER HERIOT: As amended.

4 CHAIR GARZA: Okay, we'll amend it to  
5 Friday, March 8th as part of the original motion to  
6 adopt. I'm going to go ahead and call a roll vote.

7 Vice Chair Nourse, how do you vote?

8 VICE CHAIR NOURSE: Aye.

9 CHAIR GARZA: Commissioner Adams?

10 COMMISSIONER ADAMS: Aye.

11 CHAIR GARZA: Commissioner Gilchrist?

12 COMMISSIONER GILCHRIST: Aye.

13 CHAIR GARZA: Commissioner Heriot?

14 COMMISSIONER HERIOT: I vote yes.

15 CHAIR GARZA: Commissioner Jones?

16 COMMISSIONER JONES: Yes.

17 CHAIR GARZA: Commissioner Kirsanow?

18 COMMISSIONER KIRSANOW: Yes.

19 CHAIR GARZA: Commissioner Magpantay?

20 COMMISSIONER MAGPANTAY: Yea. Aye.

21 CHAIR GARZA: And I vote yes. So that is  
22 unanimous. The motion passes. Thank you all very  
23 much.

24 Next, item that we have on the agenda is  
25 the presentation by the Texas Advisory Committee



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1 Chair, Merrill Matthews.

2 II. PRESENTATION BY THE TEXAS ADVISORY COMMITTEE  
3 CHAIR ON INTERIM REPORT, MENTAL HEALTHCARE IN THE  
4 TEXAS JUVENILE JUSTICE SYSTEM

5 CHAIR GARZA: Welcome, Mr. Matthews to the  
6 Commission. We're excited to hear about your interim  
7 report, Mental Healthcare in the Texas Juvenile  
8 Justice System. We really appreciate the work that  
9 you are doing to address the inadequate mental  
10 healthcare and regional disparities that exist in the  
11 juvenile justice system as a result of untreated  
12 mental health issues. And the Commission looks  
13 forward to hearing from you on how we can further  
14 investigate potential civil rights violations in  
15 juvenile justice.

16 Chair Matthews, the floor is yours.

17 MR. MATTHEWS: Thank you very much. You  
18 can hear me okay?

19 CHAIR GARZA: Yes, we can hear you.

20 MR. MATTHEWS: I wanted to check that.  
21 And I want to thank you, Commissioner Chair Rochelle  
22 Garza and the members of the Commission for this  
23 opportunity to discuss the Texas Advisory Committee's  
24 report.

25 In Texas, we frequently see news reports

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1 citing numerous problems in the Texas juvenile justice  
2 system, problems of overcrowding, staff shortages,  
3 suicide attempts, children arming themselves, drug  
4 abuse, and parents and family members complaining that  
5 the children were being sent to the TJJD facilities  
6 that were too far for the family to get to easily and  
7 often. Texas is a big state and having only five  
8 juvenile justice facilities means that a family may  
9 have to travel hundreds of miles to see a family  
10 member.

11 As we began to look into the problems and  
12 look for ways to focus the report, it became very  
13 clear that mental healthcare needs were one of the  
14 biggest challenges and perhaps the one receiving the  
15 least attention from state officials. We mention in  
16 this report that 69 percent in 2021 of those entering  
17 the TJJ system had modest to severe mental healthcare  
18 needs. So we decided to make that a special focus.

19 We set up a number of hearings, two in  
20 person, and I believe there were three more online.  
21 And this is where our chosen topic became real. We  
22 had a number of individuals testifying about their own  
23 experiences with the TJJ system. One of them, in the  
24 second of our in-person hearings, was Amnesty  
25 Friedland who testified about her son, Joshua Beasley.

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1 He had been placed in a TJJD facility in 2018 at the  
2 age of 11 for kicking a school safety officer. He  
3 clearly struggled with mental health issues. He said  
4 he wanted to kill himself and reportedly tried 50  
5 times. He had run-ins with the TJJ staff and as a  
6 result, a judge ruled he should serve an additional  
7 five years and be transferred to an adult prison.

8           When Amnesty testified, she conceded that  
9 her son had mental health issues, that he was far from  
10 perfect and that these things affected his behavior.  
11 The problem was she couldn't get the system to address  
12 those mental health needs. As we related in the  
13 report, kids were stuck in their cells sometimes up to  
14 23 hours a day by themselves. They had minimum  
15 contact with others, received little or no mental  
16 healthcare, and were limited in their ability to be  
17 able to reach out for help. Amnesty was in tears when  
18 she told the committee how she had tried to get  
19 someone to do something, but kept hitting a wall.

20           Her story greatly moved the committee and  
21 reinforced the notion that were looking into a real  
22 problem. The committee heard testimony similar from  
23 others and those -- both others that had been in the  
24 TJJD facilities and those who were working on juvenile  
25 justice problems, nonprofit groups, NGOs, and so

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1       forth.

2                       One group we never heard from was a  
3       representative of the TJJ system itself. Ruth Perry,  
4       staff analyst, tried several times to get someone to  
5       appear before the committee or submit written  
6       testimony without success. We did hear from one state  
7       representative on the issue. That was Representative  
8       Gene Wu.

9                       As we entered April, the committee felt  
10       that given the fact that the Texas biannual  
11       legislative session was scheduled to close around the  
12       end of May, we wanted to ramp up our efforts to get an  
13       interim report out before the legislative session  
14       ended. And that's what you have before you, our  
15       interim report. And I have to say it got a fair  
16       amount of news coverage in Texas, thanks in part, I  
17       believe, to one of the Commission's media people  
18       promoting it.

19                      The committee subsequently decided to go  
20       ahead and add some additional material so that it is  
21       a final report and not just an interim report. The  
22       good news is that I believe Brook told me that she has  
23       someone from the TJJD finally willing to submit  
24       written comments for us and we wanted to add, make  
25       sure we got that into the report. And so we're

1 waiting on that statement in order to be able to  
2 finish the report. The bad news is that Joshua didn't  
3 make it. We saw reports last March that Joshua had  
4 died in a facility at the age of 16 in an adult  
5 facility. Cause of death was apparently suicide. In  
6 the report, the committee made several  
7 recommendations, but we want to build on this in our  
8 final report.

9 A few things are very clear. The state  
10 needs a large and sustained investment in the TJJ  
11 system. Texas often pulls resources away from the  
12 Texas juvenile justice system budget and uses it in  
13 other places. Other states are dealing with an  
14 explosion of juvenile mental health issues. Texas  
15 isn't alone in that. The state has ignored the system  
16 for decades. TJJD is supposed to provide  
17 rehabilitative services to these children. We found  
18 very little evidence that rehabilitative services were  
19 going on.

20 Several of the NGOs pointed to Missouri as  
21 a state that has done a better job of dealing with  
22 juvenile offenders. And we heard from a person in the  
23 state, Harris County, and the Harris County people  
24 seemed to be doing a better job of dealing with those  
25 they have control over. One of the best practices is

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1 to place offenders in smaller facilities, closer to  
2 home. That way family members can visit more often  
3 and provide some of the support that they need. And  
4 yet, Texas puts most of its facilities in rural areas.

5 There needs to be a better way to submit  
6 grievances. We heard a lot of testimony that Texas  
7 makes that very hard for both the family, the inmates,  
8 and the facility -- family and inmates to be able to  
9 report their grievances and problems. They just hit  
10 walls time after time in being able to do this.

11 In conclusion, the state needs to find a  
12 way to provide for both the mental healthcare needs  
13 and the spiritual needs of these children. Ignoring  
14 both of these issues creates real problems and  
15 exacerbates the problems that these children already  
16 have.

17 And with that, I'll stop and take any  
18 questions.

19 CHAIR GARZA: Well, first all -- this is  
20 Chair Garza. First of all, thank you so much for  
21 doing this very important work. As a Texan, this is  
22 something that's very near and dear to my heart.

23 MR. MATTHEWS: Yes.

24 CHAIR GARZA: So I appreciate the work  
25 that the SAC has done. I do have a couple of

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1 questions and then I'll ask my question and then I'll  
2 open it up to others to ask questions. But I was  
3 curious about contact with family. If you found that  
4 there was denial of contact with family as use of  
5 punishment for any of these children?

6 MR. MATTHEWS: I don't think we would say  
7 denial as use of punishment. One of the problems that  
8 we found was the staffing issues there. In the  
9 report, we highlight how low the staff is and how low  
10 the pay is. Part of that was due to the pandemic that  
11 may have adjusted a little bit, but it's still way  
12 below what they should have. And as a result, many of  
13 the people who were -- kids can't get to the  
14 telephones, to other places to be able to talk to  
15 families. If they are, they're often in open settings  
16 where they can't talk privately. And they can't reach  
17 out to staff or others because the staff was -- it was  
18 so minimally staffed. So they couldn't get out and  
19 either engage with others or family, but I think that  
20 was mostly a problem of staffing shortages, not an  
21 attempt to try to punish the children or the families.

22 CHAIR GARZA: Thank you. Thank you for  
23 that.

24 I'm going to go ahead and open it up to  
25 others for any questions.

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1 COMMISSIONER MAGPANTAY: Madam Chair?

2 CHAIR GARZA: Commissioner Magpantay.

3 COMMISSIONER MAGPANTAY: Chair Matthews,  
4 thank you very much for your service and I actually  
5 read the report and I was troubled, but also really  
6 excited to see the work that you all had done and also  
7 the recommendations that you came up with.

8 A comment and a question. You know, I and  
9 my colleague, Commissioner Heriot, have talked about  
10 we need to address violent crime in America. And it  
11 is clear that when young people are incarcerated and  
12 do not have the services that they have, there is a  
13 correlation towards the increase in crime as an adult  
14 and in violent crime. So I appreciate your efforts in  
15 working in the juvenile justice system as an effort to  
16 prevent future violent crime in America and the  
17 recidivism and concerns that we have.

18 In talking about mental health and I hear  
19 -- I saw the recommendations on funding and costs. I  
20 think that's always a challenge, but very positive.  
21 There is a spectrum of mental health needs that can be  
22 provided which have a variety of costs. I'll just  
23 list them. Simple things like peer support groups,  
24 counseling, like guidance counselors in high schools  
25 versus therapy, psychotherapy, psychiatry by a doctor,



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1 and then obviously medications, and  
2 institutionalization. And obviously, some of these  
3 are cheaper, like a peer support group. And some are  
4 much more expensive like admission into institutional  
5 care.

6 As you develop recommendations and since  
7 this is an interim report, if I can encourage or ask  
8 to just think through ways of providing mental health  
9 services that recognize the breadth of services that  
10 people need. You don't need to put someone on  
11 medication, drugs, if all they need is counseling  
12 services. And certainly you don't want to put someone  
13 just in a peer support group who really needs more  
14 advanced therapy or psychiatry. We want to make sure  
15 that the services that we provide are congruent and  
16 proportional to the harm or challenges that the  
17 individual faces.

18 And so to the extent that you could  
19 consider that or to the extent that you can respond  
20 and know a little bit about that, that would be -- I  
21 would welcome that.

22 MR. MATTHEWS: Thank you, Commissioner.  
23 I think we agree with you completely, especially from  
24 the committee's standpoint. Of course, the Texas  
25 juvenile justice system, the children who are in there

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1 are typically considered the most difficult problems,  
2 the worst offenders, however you want to describe it.  
3 There's only about 500, 550, I think, in the system  
4 itself right now.

5           Having said that, those are the ones that  
6 need the care the most, so I think in local areas  
7 you'll find that in some cases the courts will be able  
8 to get someone to help, especially with mental health  
9 counseling and other things for children. It's the  
10 juvenile justice system though because when you put  
11 the people in these secure facilities oftentimes miles  
12 away. And we heard testimony that they just could not  
13 get anyone to provide counseling for them.

14           I think it may open up a little bit as we  
15 move forward to telehealth services and we discussed  
16 the possibilities of being able to reach out to some  
17 of the medical schools where there are interns,  
18 residents, who are working in psychology, psychiatry  
19 and maybe they could -- you could just reach out to  
20 them and get them to provide some of the services.  
21 But it's a real challenge to find anyone within the  
22 system itself.

23           And I agree with you completely, that you  
24 have a spectrum there. There are people who have  
25 small issues. Those can be dealt with locally. One

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1 of our recommendations is to try to get the kids back  
2 to a local area where you may have more support in  
3 urban areas that could address some of these problems.

4 COMMISSIONER MAGPANTAY: Thank you.

5 CHAIR GARZA: Are there any other --

6 COMMISSIONER GILCHRIST: Madam Chair?

7 CHAIR GARZA: Is that Commissioner

8 Gilchrist?

9 COMMISSIONER GILCHRIST: Yes, Commissioner  
10 Gilchrist here.

11 CHAIR GARZA: Okay, go ahead.

12 COMMISSIONER GILCHRIST: Thank you,  
13 Chairman Matthews. Let me also thank you for a very  
14 informative report here.

15 You mentioned just a moment ago in your  
16 comments about the importance of spiritual needs with  
17 these young people.

18 MR. MATTHEWS: Yes.

19 COMMISSIONER GILCHRIST: How engaged is  
20 your faith community as a partner to assist with the  
21 incarcerated youth there in Texas?

22 MR. MATTHEWS: It's a very good question  
23 and I don't -- I think the testimony that we received  
24 was that there was really no spiritual guidance going  
25 on there either. So the systems were lacking both in

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1 mental healthcare and spiritual needs. And as you can  
2 imagine for a lot of these kids, that really is  
3 devastating. They just don't have the ability to be  
4 able to reach out. And they couldn't get to someone,  
5 as I mentioned. Some of the kids were in their cells  
6 for 23 hours a day and there was no -- to the extent  
7 that there was some mental healthcare people around or  
8 those with some ability, they were oftentimes diverted  
9 to doing other things to fill needs because there were  
10 more pressing needs in other areas and so they weren't  
11 even using the mental healthcare advocates that they  
12 had there on staff.

13 So it's been a real challenge in Texas and  
14 coming from Texas, being a native of Texas, this is a  
15 problem for me because we like to be considered the  
16 best in things and we are doing a very, very poor job  
17 on all of these areas.

18 COMMISSIONER GILCHRIST: Well, thank you  
19 very much for those comments and your insight on that  
20 subject. Thank you.

21 Thank you, Madam Chair.

22 CHAIR GARZA: Of course. Thank you. Are  
23 there any other questions from the phone, from those  
24 on the phone?

25 COMMISSIONER KIRSANOW: Madam Chair,

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1 Kirsanow here.

2 CHAIR GARZA: Yes, Commissioner Kirsanow,  
3 go ahead.

4 COMMISSIONER KIRSANOW: Thank you. Chair  
5 Matthews, thanks very much for the report. It was  
6 very interesting. I had a couple of questions.  
7 First, the report indicates that 65 percent of the  
8 inmates had an adverse childhood experience.

9 MR. MATTHEWS: Yes.

10 COMMISSIONER KIRSANOW: What qualifies as  
11 an adverse childhood experience?

12 MR. MATTHEWS: Oh, I think it was a range  
13 of things. It could have been sexual abuse, running  
14 afoul of the criminal justice system, and other things  
15 -- parents being a problem for them. There were  
16 several things, I think, that we heard on that, but we  
17 didn't elaborate on it.

18 COMMISSIONER KIRSANOW: Is there any data  
19 with respect to substance abuse rates?

20 MR. MATTHEWS: There is. I don't recall  
21 if we have it in here, but we can put that in the  
22 final report if we don't.

23 COMMISSIONER KIRSANOW: And also, it  
24 indicates that two thirds of the inmates have a  
25 diagnosable mental disorder. And I don't -- I suspect

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1 you're probably not a psychologist or psychiatrist,  
2 but was there any evidence as to what qualifies as a  
3 diagnosable mental disorder?

4 MR. MATTHEWS: No. As one of the other  
5 commissioners mentioned, it's a spectrum, so there's  
6 some with autism and other smaller -- minor problems  
7 and some with major problems. But, you know, it's  
8 interesting because I've been looking at some of these  
9 systems around the other states and this is a growing  
10 problem around the country. Also, in the adult  
11 system, so we're focusing on one aspect of it, but I  
12 think we've got a much bigger problem facing us both  
13 in other states and in the adult system.

14 MR. MATTHEWS: Thank you.

15 CHAIR GARZA: Well, thank you for your  
16 questions. Are there any further questions?

17 Okay, Commissioner --

18 COMMISSIONER KIRSANOW: Madam Chair?

19 CHAIR GARZA: I'm sorry?

20 COMMISSIONER KIRSANOW: Go ahead.

21 CHAIR GARZA: No, ahead. Who was that on  
22 the phone?

23 COMMISSIONER KIRSANOW: It was Kirsanow,  
24 but I defer to Commission Magpantay if he has one.

25 CHAIR GARZA: Okay. Thank you.

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1 COMMISSIONER MAGPANTAY: I'll defer to him  
2 first.

3 CHAIR GARZA: Okay, Commissioner Kirsanow,  
4 please go ahead.

5 COMMISSIONER KIRSANOW: Thank you. In the  
6 report, Mr. Chairman, it indicates that Black youth  
7 are five times more likely to be incarcerated than  
8 White youth in Texas. Do you have a ratio for  
9 Hispanic youth?

10 MR. MATTHEWS: I don't know that we saw  
11 that. I will look that up and see if we can add that  
12 into the final report, but I don't recall having that  
13 figure.

14 COMMISSIONER KIRSANOW: And is there any  
15 data that indicates offense rates or criminal  
16 involvement or involvement in the criminal system  
17 between Black youth, Hispanic youth, and White youth?

18 MR. MATTHEWS: I believe there is that,  
19 but we don't have that in the system. That is  
20 something that was different, so we didn't put it in  
21 the paper, I believe.

22 COMMISSIONER KIRSANOW: Okay, and one  
23 other one. There was a line with respect, and I think  
24 you just testified that it's difficult to necessarily  
25 retain guards or personnel in the system. Is there

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1 any data or did you see any data regarding the  
2 comparative pay for detention center employees versus  
3 similarly situated employees?

4 MR. MATTHEWS: Yes, and I believe we  
5 mentioned that in there. If I remember correctly, and  
6 I'm just thinking off the top of my head, it was  
7 something like 35 percent lower than what the people  
8 in the adult facilities, the guards and other staff in  
9 the adult facilities made. The state legislature  
10 bumped that up I believe 15 percent, if I recall  
11 correctly, but it was still lower than the other --  
12 than the adult prison staff and significantly lower  
13 than what people would make outside of the system. So  
14 they were called on in the Texas juvenile justice  
15 system sometimes to work 12 hours a day and other work  
16 challenges, but they weren't really being compensated  
17 enough for that. And of course, if you're in a rural  
18 area, you oftentimes have fewer people to be able to  
19 attract to the jobs.

20 CHAIR GARZA: Okay, thank you for your  
21 questions. I think we have a few more.

22 Commissioner Magpantay?

23 COMMISSIONER MAGPANTAY: Sure. Great, you  
24 know, I had the occasion to just learn a little bit  
25 more about religious freedom in prisons and I heard



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1 your comment of giving our young people in juvenile  
2 justice systems both the mental health needs and the  
3 spiritual needs and I think that there is evidence  
4 that to the extent that religion and some of that can  
5 also play a rehabilitative role for some individuals.

6           Could you just comment or take that out a  
7 little bit or explore that a little bit more? Did you  
8 look at both alternative -- not just mental health and  
9 medication and therapy, but also spiritual  
10 opportunities, religious opportunities that will allow  
11 young people to find the opportunities to heal that  
12 are provided?

13           And again, I am not endorsing any  
14 religion. I am not endorsing church and state -- you  
15 know, the combination, but I do want to recognize that  
16 there are strategies that are helpful. And the law  
17 does hold that there should be religious freedoms and  
18 opportunities to work with people to the extent that  
19 they want it in the prison system. I'm wondering if  
20 that applies to juvenile justice systems as well.

21           MR. MATTHEWS: It's a very good point and  
22 what we've heard in the testimony was that there was  
23 not guards and staff to be able to take them, even if  
24 you had people showing up, religious advisors, and  
25 others to work with the kids. There wasn't the staff

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1 to be able to take them and have them have those  
2 interviews.

3 As I mentioned, telehealth has sort of  
4 exploded, especially since the pandemic. Some of that  
5 may work both from a religious standpoint and from a  
6 mental healthcare standpoint as you point out. That  
7 was actually one of the questions I had is that  
8 couldn't pastors come in and although not necessarily  
9 mental health professionals, at least provide some  
10 help. They're often used to counseling and can  
11 recognize certain issues and be able to provide some  
12 kind of help with that regard, but I believe the kids  
13 in the facilities couldn't even get to see the  
14 religious leaders.

15 And I think, Joshua, if I remember  
16 correctly, had asked the shift to go over from being  
17 raised in a Christian family -- I think he was looking  
18 at Islam for a little while. That would make it even  
19 harder for him to get a religious advisor there. So  
20 there was just a number of challenges in that area  
21 also. But the committee was very clear that we  
22 thought that was something that needed to be  
23 addressed.

24 COMMISSIONER MAGPANTAY: Very good. No,  
25 I appreciate that. And just a last comment, this

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1 report was -- the work that you are doing is  
2 pioneering. We heard in our briefing that the mental  
3 health needs of Asian Americans who are attacked and  
4 face violent crimes are also coming up, so we are  
5 hearing this in several places. I think America is  
6 dealing with a mental health crisis and how do we  
7 support our community and people who need that. And  
8 so I really do applaud the Texas State Advisory  
9 Commission for doing this pioneering work. And we as  
10 a commission, it comes up here, you know. There will  
11 be a time when we can look at this closer. Thank you  
12 so much, Chairman.

13 MR. MATTHEWS: Thank you.

14 CHAIR GARZA: Are there any other  
15 questions? I do have a data question, but I'll defer  
16 to Vice Chair Nourse.

17 VICE CHAIR NOURSE: I'm just going to --  
18 first of all, I think you're doing God's work and this  
19 is Vice Chair Nourse, I really appreciate the work  
20 that you've done down there. You know, our young  
21 people are in a mental health crisis, particularly  
22 after the pandemic.

23 I've had some occasion to work on the  
24 crime issue for the current President when I was a  
25 very young lawyer and what I know is that it's easier

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1 to build coalitions without just asking for money, but  
2 trying to cost out alternatives. I loved Commissioner  
3 Gilchrist's, you know, turn to spirituality and faith.  
4 That is an alternative if it can work. There are  
5 other kinds of therapy.

6 Commissioner Magpantay said there's all  
7 sorts of things that you can do that really are pretty  
8 cost effective. And young people actually need peer-  
9 to-peer interactions, so I was horrified to learn that  
10 these individuals are in jail for 23 hours. That --  
11 I find that just astonishing.

12 Could you comment on any other kinds of  
13 things like sport and work? I understand some of  
14 these individuals may be dangerous because of their  
15 mental health conditions, but are you looking at any  
16 of those because there's some work in mental health  
17 involving that as being an introduction to allowing  
18 people to address their mental health issues or  
19 substance abuse issues? Thank you.

20 MR. MATTHEWS: Yes, it's a very good  
21 point. The sports, I don't recall us addressing  
22 sports specifically because what we heard in the  
23 testimony was that the kids couldn't get out of the --  
24 were kept in the single cells by themselves for nearly  
25 the whole 24 hours, so there was not enough time to be

1 able to -- ideally, what you have is kids being able  
2 to get out and those who were behaving could play some  
3 baseball or soccer or do some things that just gets  
4 that physical activity going which really can help  
5 people just expend some energy and help them relax and  
6 improve. I don't think we saw much of that at all  
7 from the TJJ system.

8 CHAIR GARZA: This is Chair Garza. I have  
9 one last question about -- and it relates to the  
10 transfers to adult detention. Was there any data that  
11 you all collected or looked at? I know that you  
12 mentioned Joshua's case where he ended up committing  
13 suicide in adult detention. Are there other juveniles  
14 that were moved over? Is there data around that?

15 MR. MATTHEWS: Yes, I believe there is.  
16 I don't recall it right now, but if it's perceived  
17 that the children are acting up and it's being hard --  
18 it's hard for the juvenile system to be able to  
19 control them, they want to transfer them over to adult  
20 system and so Joshua was transferred, I think, at the  
21 age of 16 and within just a few months after that he  
22 took his life. So clearly, it was not the right  
23 decision for him and the punishment seemed to exceed  
24 the crime. Because he was frustrated by the fact that  
25 he was stuck in a cell, couldn't reach out, couldn't

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1 talk to anybody, he ends up taking some of that anger  
2 out on some of the guards there and then the judge  
3 decides to transfer him over to an adult system. It  
4 seems to be a no-win situation for these kids, given  
5 the worst possible situation and then punished when  
6 they respond to it.

7 CHAIR GARZA: Is there a minimum age where  
8 these children would be transferred over to adult  
9 detention?

10 MR. MATTHEWS: I believe it's 16.

11 CHAIR GARZA: Okay. Well, I think we have  
12 exhausted all of our questions, unless there are any  
13 further. Thank you so much for the work you are  
14 doing, that the State Advisory Committee has done on  
15 building such a comprehensive report on a very, very  
16 important issue. And thank you for coming here today,  
17 presenting it to us and answering all of our  
18 questions.

19 I want to thank my fellow commissioners  
20 for engaging in a robust conversation about this  
21 particular issue and I look forward to further  
22 conversations on this. So thank you very much, Chair  
23 Matthews.

24 MR. MATTHEWS: Thank you, Chairman, and  
25 the commissioners. Thank you all for having me.

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1 CHAIR GARZA: Okay, we're going to go  
2 ahead and move on to our final agenda time and that is  
3 a report from Staff Director Morales. So we'll go  
4 ahead and hear from you right now.

5 III. STAFF DIRECTOR'S REPORT

6 MR. MORALES: Thank you, Madam Chair. I  
7 have nothing further to add than what's already  
8 contained in the report, the Staff Director's report  
9 that was in your commissioners' folders. Of course,  
10 if a commissioner has a question, a specific question  
11 about an item in the report or anything that we're  
12 doing, please feel free to reach out to me and I'd be  
13 happy to talk with them.

14 I would like to add one thing for all  
15 staff that are listening and all commissioners and  
16 SAs. To be aware, to be on the look out for any  
17 information, email --

18 MR. GANZ: Staff, I'm unable to hear the  
19 Staff Director.

20 MR. MORALES: Can you hear me now?

21 MR. GANZ: Yes.

22 MR. MORALES: Okay, sorry about that. I  
23 was just talking about the fact that I wanted  
24 everybody to be aware and to be on the lookout for any  
25 information, emails from myself, and/or any other

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1 staff in regards to potential lapse in congressional  
2 funding that could impact everybody by the end of next  
3 week. If, in fact, that does occur, and we'll give  
4 you instructions and information on what to do and how  
5 to be prepared to deal with that. So I apologize for  
6 that, but we're hopeful that Congress will figure that  
7 out before the end of next week, but we also want you  
8 to be on the lookout for information in case it does  
9 not happen.

10 So with that, I have nothing further,  
11 Madam Chair. Thank you.

12 CHAIR GARZA: Thank you, Staff Director  
13 Morales.

14 So I think that concludes the business on  
15 the agenda for today's meeting. If there is nothing  
16 further, I think we can go ahead and adjourn this  
17 meeting.

18 So I'm going to hereby adjourn this  
19 meeting at 10:59 a.m. --

20 COMMISSIONER MAGPANTAY: Um --

21 CHAIR GARZA: Is there a point of order?

22 COMMISSIONER MAGPANTAY: I'll do it as a  
23 point of order, but we have a big announcement coming  
24 up on Wednesday. We have a report to come out. You  
25 all are not going to have this meeting without me



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1 commenting and praising the staff and praising my  
2 colleagues. I really do want to thank my colleagues,  
3 especially Commissioner Adams, for working on approved  
4 upon findings and recommendations and will have a big  
5 impact.

6 I did a rebuttal, I guess, which I did not  
7 like calling it a rebuttal because I think there are  
8 areas of bipartisan agreement, you know, where we can  
9 agree and we have a great report coming out. Thank  
10 you to my colleagues. Thank you to the staff. Thank  
11 you to the SAs. I'm very excited. It will make a  
12 great impact on the committee and those  
13 recommendations I think will help and shed a light on  
14 these issues that have been overlooked for so long.  
15 Thank you.

16 CHAIR GARZA: Thank you, Commissioner.  
17 Okay. Well, with that, I'm going to go ahead and  
18 adjourn this meeting at 11:00 a.m. Eastern Time.

19 V. ADJOURN MEETING

20 CHAIR GARZA: Thank you very much.

21 (Whereupon, the above-entitled matter went  
22 off the record at 11:00 a.m.)  
23  
24  
25

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## C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Business Meeting

Before: US CCR

Date: 09-22-23

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate complete record of the proceedings.

*Neal R Gross*

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Court Reporter

**NEAL R. GROSS**

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