



# TEXAS JUVENILE JUSTICE DEPARTMENT

## Virtual Board Meeting

<https://www.tjjd.texas.gov/index.php/board#upcoming-meetings>

Friday, July 10, 2020 – 9:00 a.m.

### **Call to order**

Chairman Ritchey called the meeting to order at 9:00 a.m.

### **Prayer**

Chairman Ritchey provided the board prayer.

### **Pledge**

Chairman Ritchey recited the Pledge of Allegiance to the American Flag and the Pledge to the Texas Flag.

### **Discussion, consideration, and possible approval regarding excused absences (Action)**

A roll call was taken and all members were present.

### **Report from the chairman**

Chairman Ritchey thanked the board members and staff for being available for this emergency meeting. He reminded the board that all comments and questions must only be regarding the items on the agenda.

### **Public comments**

There were no public comments.

### **Report from the executive director**

Camille Cain, Executive Director, stated we have had a difficult few weeks at TJJD. Around the middle of June, we began seeing a significant increase in cases of COVID-19 on our campuses and on June 22, our first youth tested positive. Since then, we have lost a member of the TJJD family. Coach Sean Wilson, from our Giddings campus, passed away on June 28. Also, I know several staff continue to work through their recovery and would ask that we keep all of them in our thoughts and prayers. I am pleased to say that all of our youth remained on campus for treatment and have responded well.

Since the beginning of the pandemic, we have had 215 cases of COVID among staff and youth in our secure facilities and halfway houses. As of this morning, 118 of those cases are still active, meaning that the staff member has been on one of our campuses in the past 14 days or the youth has not yet been deemed as recovered using CDC standards.

Evins and Gainesville, two of the three campuses with the most significant numbers of youth positives, currently have no active youth cases. And Gainesville has gone from a campus of significant concern to one of the best in terms of numbers of active cases. As of this morning, there is only one active case at Gainesville and that staff member has been off campus for 13 days. That means that as of tomorrow, if all goes well, Gainesville will be free of COVID cases. Giddings, our largest campus, remains a concern with 77 active cases. At Giddings, after mass testing, we were able to identify some dorms with zero cases of COVID-19 and 32 of those youth were moved to Ron Jackson and Mart to allow for greater focus and concentration of available staffing at Giddings.

While some of that is all good news, we are conducting mass testing of all staff and youth in our secure and nonsecure facilities and it is extremely likely that more asymptomatic positive cases will be discovered as that continues. However, for the remaining secure facilities, it means that we can better handle those cases because we will be beginning from a medical infrastructure that is not already seriously taxed.

As COVID-19 has shown signs of growth, we have grown our response as well. Facilities are using KN95 masks, medical dorm staff will be using fit-tested N95s, and all youth are issued masks. Facilities also have all other PPE needed to protect themselves and others including face shields, gloves, gowns, and other needed supplies.

TJJD's staffing numbers had steadily improved prior to this pandemic. But as you can imagine, as COVID grows, staffing shrinks. As cases began to appear on campuses, other staff were quarantined. In some cases, this was one or two other staff, in other cases, the impact was very high. Additionally, for a short period, need began to outpace available Quarantine Response Team resources. We needed help and we sought it out. An emergency response non-profit BCFS, which is used widely by the State of Texas to respond to disasters, mass shootings, and during this critical time to provide much needed medical support where it is lacking throughout Texas, was able to provide us with two sets of resources. First, is supplemental staffing. These staff will fill spots on our campuses that do not require direct interaction with youth, freeing our staff to fill the most critical roles. Second is medical support, the Department of State Health Services has approved our use of medical support for two purposes. They will man our medical dorms, working directly with COVID-positive youth alongside our Quarantine Response Team members. They will also provide direct medical support to assist UTMB in providing medical care on our campuses. This critical need is the reason for today's meeting and the question before you today.

On June 23rd we had to temporarily stop all intake from counties. We do not take this decision lightly but we cannot risk more youth becoming ill. We are monitoring the situation with an eye toward being able to begin some level of intake. After we complete the mass testing of all secure facilities, we will be in a much better situation to judge the safety of our campuses.

We know that our county colleagues are also going through a rough time. Through July 8, there have reports of 207 staff and 49 youth who have tested positive. There are 21 juvenile facilities and 46 adult jails with active COVID cases.

I would be remiss in not mentioning that our situation would be better and our ability to continue intake would be more secure if we did have more facilities with smaller populations. Our ability to manage and contain would be improved for the overall population. This is yet another example of why smaller facilities make more sense for our population.

And finally, I'd like to leave you with an announcement. Our superintendent at Evins, Kathryn Ellerman, has just had a baby boy. Carter Lee Sparks was born on July 5.

My thanks to the TJJD team for their dedication to meeting these challenges and their tireless work. I'm blessed to work with this team. Thank you, Mr. Chairman, that completes my report.

### **Report from the chief inspector general**

Forrest Mitchell, Chief Inspector General, reported that the OIG continues to work all types of criminal investigations and administrative investigations involving abuse, neglect, and exploitation at all types of facilities throughout the state despite COVID19. COVID19 has impacted our law enforcement operations greatly however.

When we had infections at Evins and Giddings, I suspended the booking of TJJD committed offenders for new OIG charges at the Lee and Hidalgo County jails. Last week, with infections at all five facilities, I suspended

booking TJJJ committed offenders for all five counties without supervisor approval. This was done to reduce the potential of COVID19 infection during transport, booking, and temporary detention from other facilities.

As Director Cain indicated in her report, there are dozens of county jails and juvenile detention facilities all throughout Texas that have confirmed cases of COVID19, and these lists are changing daily. OIG will reassess this situation next week to determine if the practice should be continued. Regardless of the booking process, OIG continues to file criminal cases and reports of delinquent conduct with the Special Prosecutions Unit. The criminal prosecution of those cases by SPU has been impacted by COVID19 by delays in presenting cases to a local grand jury, in person hearings, or proceedings. Since COVID19 has caused delays in judicial proceedings, other impacts include the delay of potential recommitment of indeterminate offenders on determinate sentences, transfer of TJJJ committed offenders to TDCJ on OIG cases, the expiration of the statute of limitations in some cases, and even parole decisions. Additionally, OIG has been called upon to transport TJJJ committed offenders that had been housed in county jails on new charges back into TJJJ custody when they were facing non-violent offenses. We have also transported TJJJ parolees back to secure facilities on directives to apprehend issued by the TJJJ Parole Division. We continue to utilize OIG criminal and administrative investigators to assist the OIG gatehouse security detail by conducting gatehouse screening when contractors are not available, TJJJ staff are not available, or OIG has insufficient uniformed personnel to handle the large volume during shift changes on campus.

I would like to thank Chris Ellison and his great team for helping the Giddings facility with pre-entry COVID19 screening. So far, this additional responsibility has not greatly impacted the length or time of investigations, but that is something we remain cognizant of and watch regularly.

In June alone, the IRC handled a total of 4227 calls. That is nearly the entire total of Q2 in one month. Q2 had a total of 4941 calls for three months combined. With the calls already received during the first week of July, the IRC is on track to handle more calls than either the first or second quarters. In fact, estimates are that the IRC is on track to have its highest call volume since 2008. Many of these calls are for COVID19 infections and exposures, at work and in the community.

As of this morning, the IRC has tracked 670 state facility COVID19 related events and reports. One confirmed infection report can result in more than a dozen additional calls.

As I briefed you in May, these calls are the beginning of TJJJ's efforts in managing staffing and mitigating infection risk and spread. We are concerned about the high call volume and wait times so we are working on strategies to reduce those.

Hopefully, since the OIO has started taking their own calls again during normal business hours, fewer calls will be in the queue, and therefore callers won't have to wait long.

We have also utilized some email reporting to hopefully reduce the number of calls.

Obviously, workplace safety is a concern for the IRC staff, and one infected IRC employee can significantly impact IRC operations.

Thanks to the IT Division, we are working on spreading the team out between additional cubicles, and providing some remote working capabilities.

I would also like to thank the County Probation Team under Lou Serrano for his team's assistance in handling the large volume of calls now coming in from county facilities and programs.

Working together, and with information from the Texas Jail Standards, TJJJ is able to have a complete picture every day which facilities and programs are impacted by staff, juveniles, or both with infection.

When new facilities or programs are identified, the IRC then sends secure messages through the Texas Law Enforcement Telecommunication System (TLETS)

In conclusion, OIG staffing is steady with only eight security vacancies between the five facilities right now, and two additional vacancies in OIG central office. The additional operational responsibilities and new realities are however beginning to stretch and strain our existing personnel resources.

**Discussion, consideration, and possible ratification of current contract with BCFS Health and Human Services for supplemental staffing support necessitated by recent staffing shortages arising from the COVID-19 pandemic, requiring board approval pursuant to GAP.385.1101 (Action)**

Christian von Wupperfeld, General Counsel, presented this contract for consideration.

On March 13, 2020, Texas Governor Gregg Abbott issued a proclamation certifying that COVID-19 poses an imminent threat of disaster in the state and declaring a state of disaster for all counties in Texas. Governor Abbott has continually extended this declaration since that date. The Texas Juvenile Justice Department, TJJD, operates high-restriction juvenile facilities and medium restriction halfway houses. The ongoing spread of COVID-19 has had a deleterious impact on TJJD's ability to staff its facilities. This presents a threat to the health and safety both TJJD staff and the youth in the Department's care. Because of the continuing threat presented by the global COVID-19 pandemic, it is not possible for TJJD to locate, hire and train sufficient personnel to supplement staff who are unable to work due to COVID-19. If not proactively addressed, an ongoing inability to maintain staffing at TJJD secure facilities could result in an imminent threat to public health and safety, thus requiring immediate action to ensure the safety of TJJD staff and youth, and the public. Due to the foregoing, on July 3, 2020, the TJJD Executive Director entered into a contract with BCFS Health and Human Services to address TJJD's essential resource requirements until such time as TJJD's staffing stabilizes, identified as CON0001182.

TJJD General Administrative Policy 385.1101 (GAP.385.1101), paragraph (d)(1), requires TJJD staff to present certain contracts to the Board for approval, among those are any contract exceeding \$500,000. The contract below is for a contract with a total contract values exceeding \$500,000

TJJD staff is therefore requesting Board ratify and approve the TJJD Executive Director's entry into the July 3, 2020, contract with BCFS Health and Human Services for supplemental staffing support necessitated by recent staffing shortages arising from the COVID-19 pandemic, identified as CON0001182, at the listed not-to-exceed (NTE) amount, \$6,000,000.

Chief Matthew moved to approve the ratification. Chief Hencerling seconded. A roll call vote was taken and the motion passed.

The meeting was adjourned.