



TEXAS
JUVENILE JUSTICE
DEPARTMENT

**Response to the Independent Ombudsman
Fourth Quarter Report, FY 2013**

October 9, 2013

The Texas Human Resources Code, Section 261.060, provides that the Office of the Independent Ombudsman (OIO) shall accept comments from the Texas Juvenile Justice Department (TJJD) for the OIO quarterly reports. The Code also provides that TJJD may not submit comments after the 30th day after the date of the report. TJJD received the Third Quarter Report on September 30, 2013.

The Fourth Quarter report identified OIO activities for June through August, 2013 with the main focus on summarizing OIO activities. The report noted:

- The Office of the Independent Ombudsman closed 65 cases during this reporting period and of those, 25 cases were founded.

The report also included the following comments:

- "Pending budget cuts and closures have created an unsettling climate on TJJD campuses. Difficult decisions are being made by all divisions of TJJD to reduce the budget, which in turn opens the door for the loss of services for the youth in the care of TJJD."
- The OIO concurs with the selection to close CRTC given the mandate to operate only 5 secure facilities. "The OI has encouraged TJJD to look at all options for these youth....IO staff are collaborating with other TJJD professionals in an individual assessment exercise to determine the best placement for each youth currently housed at CRTC."
- "The IO continues to see sustained momentum by TJJD in implementing innovative evidence-based practices. Overall there have been improvements in the operations at TJJD facilities as it moves toward smaller, more treatment orientated and skill-based facilities."

Scott W. Fisher, Chairman | Mike Griffiths, Executive Director

4900 North Lamar Boulevard, Austin, Texas 78751 | Post Office Box 12757, Austin, Texas 78711
(Tel) 512.424.6130 or 512.424.6700 | (Fax) 512.424.6010 or 512.424.6717

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General Updates

We concur with the IO that difficult decisions are being made in response to budget cuts. TJJJ developed a budget for the State Programs and Facilities based on FY14 appropriations and that new budget did indeed result in significant reductions.

Despite those reductions, the State Programs & Facilities Division has made significant progress on multiple issues in order to preserve and improve quality services for youth in the care of TJJJ. Specific areas of focus include:

Halfway Houses – As a result of budget reductions, new budgeted populations were set for all facilities and new staffing models were developed. The agency closed the Turman Halfway House in Austin and the Beto Halfway House in McAllen effective 9/30/13, reducing the bed capacity by 41 beds in Halfway Houses across the agency. In order to maximize the use of halfway house bed space, the agency opened a Halfway House for female youth with a total bed capacity of eight in Brownwood, Texas, adjacent to the existing Ron Jackson State Juvenile Correctional Complex. The new program for girls will operate in existing state property, saving the cost of a lease. The Willoughby House, which has housed female youth in the past, has been designated to house males and will serve as a step down from the Mental Health Treatment Program (MHTP) in the agency. In planning for this move several youth were identified at the Corsicana MHTP program to move to Willoughby during the first part of October. Once identified, those youth were housed together in a dorm at Corsicana to prepare for the move and begin transition planning together and to developing a positive culture prior to moving these youth to the redesigned Willoughby House program. York Halfway House in Corpus Christi is now serving a unique youth population – youth who have had their parole revoked and youth who are being transitioned out of secure facilities following multiple extensions by the release review panel. Both of these groups of youth require increased structure and supervision in the community while focusing on aftercare for treatment issues, job readiness and social skill development. Prior to these changes, TJJJ Halfway Houses were operating at approximately 70% bed capacity. Today they are operating at 85% bed capacity with an expected operational capacity in the coming year between 90 – 100%. Ultimately the agency may have waiting lists for Halfway Houses depending on population trends.

Institutions/Contract Care - In an effort to bring TJJJ facilities' budgeted population in line with the agency FY 14 Operating Budget, population reduction measures at the largest facilities have begun. This resulted in an increase in the number of youth going into contract care facilities. While impacted by budget, these population changes are also driven by a desire to improve the overall culture at facilities, along with treatment and education services. As part of the agency's plan moving forward, managing populations at our larger facilities is expected to help improve overall operations, treatment and have a positive impact on student culture.

In one of the first steps toward smaller facilities, the agency made a significant reduction in the population at the Giddings State School, bringing their population down in September by approximately 35 youth and enabling closure of an entire dorm. This resulted in improved staffing ratios campus wide and an ability to focus on youth with specialized treatment needs,

enhance staff training and improve behavioral interventions and staff/youth interactions. The senior management team at Giddings was replaced and the Superintendent and Assistant Superintendent positions are currently posted for hire.

Other changes to the structure of management at secure facilities will have a positive impact on culture. Beginning in October, the State Programs and Facilities Division is working to cross train all institutional Dorm Supervisors and Program Supervisors on duties related to Operations and Case Management. Under the current organizational structure, Dorm Supervisors handle operational and correctional officer management. Program Supervisors are responsible for various treatment programs at the institutions. All these employees work in the same job class and pay grade. A new job description is being developed to move all employees in these categories into the same job description. Areas of responsibility will be assigned by dormitory or assigned living areas. Formal training is being provided to all staff in both operations and case management to prepare them for their new duties. This will enable a Dorm Supervisor to manage both the corrections staff and case management staff who provide the services to youth on their dorms, and will help build better teamwork and collaboration between the staff in building common behavioral and treatment goals for the youth.

Workers' Compensation - Overall in FY 2013, the agency averaged 37 workers' compensation claims per month, lower than the FY 2012 average of 50 per month. There has been a significant reduction in the average number of claims due to aggression. In FY 2013 there were 25 per month compared to the FY 2012 average of 36 per month, a 30.5% decrease. In FY 2013, injuries occurring due to restraint account for 75.98% of the aggression claims; injuries due to youth assault account for the remaining 24.02%. The agency's FY2013 annual Injury Frequency Rate (IFR) was 15.92 a decrease from the FY2012 IFR of 21.69. The aggression IFR was 11.02, while the industrial IFR was 4.90. The most significant decrease in FY2013 was at Corsicana which had the highest IFR (34.23) in FY2012 but had the lowest (11.88) in FY2013. The workers' compensation cost for FY2013 was \$3,769,044.83, a 16% decrease compared to last year (\$4,524,444.15). The average number of employees increased slightly (FY13 - 2736, FY12 - 2726) and the average cost per FTE is \$1,377.57 which is a decrease of 17% from the FY12 FTE of \$1660.00. Previous year claims account for 68% of the cost.

However, as the IO noted, there has been an increase in workers' compensation claims during the last month of the quarter. In August, there were 52 workers' compensation claims filed, an increase from the 31 in July. Of the 52 claims filed in August, 40 were due to aggression and 12 due to industrial injuries. August had the highest number of claims for FY 2013 and more than half of those were at Giddings (prior to the population decrease noted above) and McLennan, where there was a significant increase in aggression claims.

Corsicana (CRTC): In the Third Quarter report, the IO stated that CRTC had by far the highest levels of youth violence and disruptive behavior in TJJD, calling into question the effectiveness of this setting for a treatment purpose. TJJD responded that although concerns about level of violence and disruptive behavior at CRTC are shared by TJJD, there have been significant

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improvements at that facility in the area of self-harm and other types of injury and provided data regarding overtime, staff injury frequency rates and youth self-injury rates. Despite these improvements, and in compliance with Rider 35 from the 83rd Legislative Session, the agency submitted a recommendation to the LBB close the Corsicana Residential Treatment Center. At the time of this writing TJJJ awaits a response.

As the IO noted, TJJJ did undertake individual assessments or “staffings” of the youth assigned to CRTCC in order to determine if alternative suitable placements could be located for those youth. These staffings occurred in two phases and included members of the OIO, representatives from Youth for Tomorrow and Texas Appleseed, as well as internal TJJJ experts in the areas of mental health, placement, transition and release policy and members of the release review panel. As a result of these staffings:

- youth were identified for step-down to a new mental health halfway house (described above);
- areas for increased collaboration with other state agencies were identified; and
- alternative placements are being explored for individual youth.

The next meeting of this group will occur on October 11, 2013 to follow up on the alternative placement options. The culture and climate of CRTCC has remained stable in the face of difficult circumstances.

TJJJ continues to appreciate the efforts of the OIO to ensure safety and security is maintained for TJJJ youth and staff. We will continue to make systemic improvements that will enable youth to be successful in rehabilitation efforts and provide a safe and rewarding working environment for staff. We welcome the input of the OIO in the development and roll out of the PBIS model over the next fiscal year.