

Texas Juvenile Justice Department
Response to the Independent Ombudsman
First Quarter Report, FY 2012

January 30, 2011

The Texas Human Resources Code, Section 64.060, provides that the Office of Independent Ombudsman (OIO) shall accept comments from the Texas Juvenile Justice Department (TJJD) for 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 OIO First Quarter Report on January 11, 2012.

The First Quarter Report summarizes OIO activities for September through November 2011, and addresses Texas Youth Commission activities prior to the creation of the new agency as TJJD on December 1, 2011. The report includes the results of an OIO request for TJJD administrative action relating to the McLennan County State Juvenile Facility at Mart, Texas following the OIO visit to the facility on November 15, 2011. Updated agency responses to specific OIO concerns about the Mart facility are included in the table provided as part of the OIO report. The agency provided a corrective action plan with its initial response in December 2011, which the OIO is using to monitor agency progress on OIO concerns during subsequent visits. The OIO's most recent follow-up visit to Mart in January 2012 resulted in feedback to TJJD management staff that significant progress had occurred at the facility.

TJJD executive staff is currently focusing special efforts to support the Mart facility following significant transformations during the first quarter. Dramatic agency downsizing, effective in August 2011, resulted in the consolidation of two separate facilities at Mart as well as additional youth received from the closure of the facilities at Beaumont and Crockett. Detailed planning occurred in advance of these changes; however, a couple of unforeseen key management issues evolved, increasing the facility's challenges during the period. First, a very experienced superintendent, deeply respected by facility staff, retired in August. Secondly, his replacement, also very experienced, developed a medical condition requiring an extended absence from the facility during a critical period of change, and he eventually resigned in November for unrelated reasons. Shortly thereafter the agency commenced a five-week interim period as the new TJJD Board prepared to hire an executive director.

While the agency encourages leadership at all staff levels, these changes in critical leadership positions delayed the Mart facility's transformation to a unified culture. As a result, the Assistant Director of Youth Services, who previously managed the facility for four years and is revered for his skills with staff and youth, was assigned to oversee the facility in November on a temporary basis. Additionally, the Director of Youth Services and the Acting Education Superintendent visited the facility weekly in November and December for intensive management support. Also, following her employment in January 2012, the new TJJD Executive Director completed a detailed status review of the Mart facility, made unannounced visits to the facility, and is working with the Director of Youth Services to select a permanent facility superintendent. She also identified the need to strengthen the facility school principal's position and is working with the Acting Education Superintendent to make targeted changes. Executive management staff currently perceives significant improvement in the facility's performance; however, special support will continue until the facility's permanent management staff is established and effective in sustaining a culture of excellence for achieving positive youth treatment outcomes.

Regarding the remainder of the OIO First Quarter Report, statistical data for closed cases across most categories and facilities generally reflect more complaints *unfounded* and *investigated-not able to determine* than complaints *founded* and *valid-not within OIO scope*. Additionally, of a total 134 inquiries and referrals during the three-month period, only 5 had to be referred to the TJJD Inspector General. Also, the analysis of Complaints Received by Facility showed favorable results compared to the previous two quarters in several categories:

- Significantly fewer complaints related to the *CoNEXTions* program (FY 2012 Q1: 6; FY 2011 Q4: 20 and Q3: 9)
- Significantly fewer complaints on *MLOS/Release Date* (FY 2012 Q1: 4; FY 2011 Q4: 38 and Q3: 16)
- Fewer complaints on *Safety Concerns* (FY 2012 Q1: 5; FY 2011 Q4: 8 and Q3: 13)

The agency needs improvement in other categories of Complaints Received by Facility, including *Facility Conditions* for which the OIO received 35 complaints by facility during the first quarter, compared to 32 in the summer quarter and only 7 complaints in the spring quarter. Also, the OIO category for *Staff Conduct* remains an agency concern with 24 complaints in the fall quarter, compared to 30 during the summer and only 10 during the spring quarter.

As described previously, when youth have an issue about which they are dissatisfied, they may submit their complaint to multiple systems, including the Office of Inspector General, the TJJD Youth Grievance System, and to a TJJD Juvenile Correctional Officer, Case Manager, Youth Rights Specialist, facility superintendent or assistant superintendent as well as to OIO staff. All complaints are investigated; without a way to tie OIO complaints to those collected elsewhere, the significance of duplication or quality of responses is difficult to evaluate. Also, youth typically submit complaints on a broad range of issues encompassing minor to very serious concerns. Additionally, they may be dissatisfied with a response that is the correct response, and feel their complaint is unresolved. Finally, the filing of a complaint does not imply that wrongdoing has occurred. Without a corresponding analysis of responses, it is difficult to evaluate the level of seriousness of the complaints included in the Report's statistical analysis.

Monthly discussions between the OIO and TJJD executive staff continue to be helpful to TJJD for monitoring the seriousness of youth complaints made directly to the OIO, and detailed information may be shared as appropriate to address specific youth concerns. TJJD values the complaint process and redundant systems for ensuring youth safety and rehabilitation.

The agency also continues to appreciate the visibility and availability of OIO staff to youth and TJJD staff, and for OIO efforts to gather accurate, detailed, and complete information.