

**Independent Ombudsman  
for the  
Texas Juvenile Justice Department**



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**Third Quarter Report FY 12**

March 1, 2012-May 31, 2012

## **Introduction:**

This report is the third Quarterly Report of FY 2012 to be submitted by this office under statute and is intended for the Executive Director of the Texas Juvenile Justice Department (TJJD), the Governor, Lt. Governor, Speaker of the House, members of the Texas Legislature, and the Auditor for the State of Texas. This report will serve to provide a description of the activities of the office during the third quarter of FY 12 spanning March 2012 through May 2012.

## **Overview of the Work of the Independent Ombudsman**

The Independent Ombudsman (IO) was established for the purpose of investigating, evaluating, and securing the rights of the children committed to the Juvenile Justice Department, including a child released under supervision before final discharge. To fulfill the duties of the office, IO staff regularly visit all TJJD secure facilities, halfway houses, and parole offices, as well as all contract care programs. Currently, TJJD operates 6 secure facilities, 9 halfway houses, and 7 district offices. Additionally, TJJD contracts with several additional facilities to provide services to TJJD youth. While the IO seeks to address systemic problems with TJJD service delivery, the office has resolved numerous individual complaints, as well.

During the second quarter of this year, the IO facilitated monthly briefings with the TJJD Executive Management Team (EMT). The purpose of these meetings was to establish open communication between the IO and the EMT regarding issues that have been identified in the individual site visits. The meetings have been productive and solutions resulted or are in the works.

The office successfully visited and inspected secure TJJD facilities, as well as halfway houses, contract care facilities and parole offices to monitor for compliance with best practices for the safety and security of the youth.

In our continued effort to educate youth and their families about the office's services, we mail IO brochures to the families of each new youth committed to TJJD. Additionally, we attended monthly Family Days and other activities held at the facilities.

## **Special Request**

In March of this year the Independent Ombudsman received a formal request asking the office to study the cause for the number of assaults on each of the facilities as well as the impact these assaults have on workers comp and to conduct a study of the increased number of absconds from halfway houses

This study is on-going as we continue to gather information and prepare interviews.

All findings will be published in a completed report with recommended solutions or action steps.

## **Administrative Response Requests**

In situations where the IO determines that an immediate administrative action is necessary to protect a child, alleviate a situation, or expedite change, the IO will issue a request for an administrative response to the Executive Director.

During the third quarter, of the year, the IO issued such a request to the Executive Director for concerns observed or reported at the Giddings State School.

Following is a summary of the IO request and the response by TJJD:

### **IO Summary:**

As early as May 2011, concerns were raised by the Ombudsman's office (IO) regarding the number of youth who reported feeling unsafe due to bullying or extortion by other youth who were controlling dorms. These issues were brought to the attention of the Superintendent on more than one occasion.

Over the past several months these concerns have continued, as more youth appeared to be self-referring to security for fear of being bullied, extorted or harmed.

During the regular March site visit, by this office, it was noted that a youth had self-referred to security and was refusing to leave for fear of being jumped and extorted. The youth had been jumped while on the track prior to self-referring. Another youth reported he had attempted suicide because he was tired of not getting to eat. Still another youth reported he had been on a safety plan but that didn't do any good because these youth could get around it.

On Wednesday, March 21, 2012 the office received another call voicing concerns about the safety of the youth in Giddings. In light of previous reports about the number of youth self-referring, the IO traveled to Giddings on Friday, March 23, 2012. The IO found 5 youth who had self-referred to security and were refusing to leave for safety concerns. These youth had been in security for periods ranging from 3 to 6 weeks. There were 7 youth the day before the IO's arrival, but two, who had also been there for several weeks, had returned to a dorm.

Interviews with 4 of the youth indicated there was a gang of well-established youth that regularly exploited others for their food. If youth refused to give up their food they were jumped and assaulted. The number of youth involved in this aggressive group is quite large and is spread over several dorms. One youth was identified as the leader. The youth in security reported making numerous reports to administration, case managers, and JCOs about the aggressive youth and had specifically identified several of them. However, they reported that each time they returned to their dorm or a newly assigned dorm, they are victimized again and ultimately they self-refer again.

Several of the youth believed that if they return to a dorm they will be assaulted if they refuse to give up their food and will be penalized if they defend themselves. Youth did report that some JCO staff have attempted to keep a close eye on them, but due to the number of youth on the dorms and the organization of the aggressor group, the staff are often distracted. This is when the youth were victimized. The youth in security reported that there were many youth still on the dorms that are victimized by this group on a daily basis.

Youth in security complained that the youth in the aggressor group continue to progress in their stages and program and will eventually earn their way to release, while the youth in security are stuck with no opportunity to progress in stage or program.

The IO visited with a youth who left security the day before the IO's visit to be housed in the orientation dorm with younger youth. He reported feeling safe in the new dorm, but feared that when he was in movement, the café, or school he would still be jumped. Another youth has also returned to a dorm to sleep, but is attending school in security for his safety.

The IO visited with the interim Superintendent, about the concerns. He acknowledged the issues raised in this report and stated that they were working on a plan to address the aggressive youth. He agreed to send a copy of the draft plan by email. The IO confirmed that it appears they are making an effort to address these issues, but also requested that the concerns of the youth in security be dealt with immediately. The youth feel that they are being penalized, even though they are the victims. While in security for their safety, they are stuck at their current stage, unable to participate in specialized treatments or programs. Additionally, they are unable to socialize with other youth. If they return to the dorms to progress in their program and treatment, they are fearful of being hurt by aggressive youth or disciplined if they try to defend themselves.

The IO notified the Executive Director, Cherie Townsend, of the findings and is requesting immediate action.

### **TJJD Response:**

The Texas Juvenile Justice Department's (TJJD) secure facility at Giddings, Texas absorbed significant transitional stress resulting from the closure of three facilities and the consolidation of a fourth secure facility during the summer 2011. The Giddings State School had exemplary performance a year ago sufficiently to remove it from any consideration for closure. In July, the facility received some of the most challenging offenders in the system from the closures at Crockett and Beaumont. After several months assimilating the received youth, weaknesses began to emerge in the Giddings facility's capabilities for adapting and stabilizing the campus culture. A major incident at the facility in November, and again in December, accelerated the momentum of campus problems just as the larger agency merger was underway with significant uncertainty and a

transition in agency leadership. Although the Giddings facility had enjoyed the benefits of a very experienced management staff for many years, it was necessary to put key staff on probation with corrective action plans in January 2012, and a range of other detailed activities have followed in an effort to restore the facility's historical record of excellence.

The OIO Special Report focuses on bullying, and TJJD staff acknowledges this as one of several specific areas being addressed systematically. Bullying and extortion do not exist in a vacuum; they are often artifacts of management issues, adequacy of staffing resources, youth perceptions of safety and treatment progress, and incidence of contraband. Several safety measures have been implemented at Giddings to ensure that youth are not bullied or extorted. Strategic seating arrangements in the dining hall have been implemented with increased staff presence during meal times, including security staff and supervisors. Case management staff is now involved in helping to identify aggressors as well as offering new dorm assignments as needed based on identified aggressors.

In February, a campus-wide Facility Improvement Plan was implemented. In March, a detailed action plan was implemented as attached addressing group bullying and to minimize the ability of the youth to trade or take food during mealtime as well as to identify youth who are aggressors and who regularly assault other youth. Not only will victims of bullying continue to receive an individual safety plan, aggressors are now also receiving safety plans that are regularly reviewed for progress. Youth caught participating in bullying for food may receive a loss of privileges that requires them to take their meals in their dorm. The staff is more assertively addressing aggressor misbehavior without singling out the victims. The Associate Deputy Director of the Continuum of Youth Services held a meeting on March 21, 2012 with the facility's case managers and management team to clarify that youth who bully or attempt to intimidate other youth and are identified as the aggressors will be sent to Security until an initial investigation is completed. Recently a youth who was attempting to bully youth MN was held in security while the allegation was investigated.

Case Managers continue to develop safety plans in collaboration with the youth. These plans incorporate interventions by the facility's Special Services Committee for safety plans with staff escort status, which includes auditory and visual proximity controls, mediation, systematic desensitization, automatic self-referral, psychiatric referrals, and dorm movements.

Several youth identified in the OIO Special Report refused to leave security for reasons related to their own previous bullying activities, which made them fearful to be placed on new dorms. As mentioned in the report, some of these youth have returned to campus from the Security Unit under their current safety plans and flexible programming based on their comfort levels. When they recently returned to Security without an incident of assault or attempted assault, they stated they feared for their safety. As a result, the staff considered appropriate transfers for these youth to other

facilities while mindful to avoid setting up an unintended consequence of a youth-driven transfer practice based on self-referrals to the Security unit.

Today, April 10th, there is only one youth in the Security Unit who is refusing to leave, but he will be transferred to another facility in two days. The other six youth identified in the Special Report have been moved to a safe environment where they can progress in their treatment programs. During March, each of these youth was offered a range of interventions including:

- Weekly psychology consultation including counseling with family members
- Special Services Committee interviews for problem solving, review of placement options
- Placement on a different dorm
- Safety plan development to prevent victimization
- Psychiatric evaluation
- Case manager counseling
- Suicide assessments every other day
- Enrollment in Alcohol and Other Drug treatment program to make up missed sessions for completion
- Flexibility to come and go from the dorm to Security as is comfortable

Also, following the November and December incidents, a number of other specific actions were completed or are underway that will also help directly or indirectly to reduce the incidence of bullying:

- Additional JCO staff was hired at Giddings, which helped to increase staff supervision of youth on the dormitories because there is more staff on the floor.
- Changes in the facility superintendent and assistant superintendent occurred, and the selection of new staff for those positions is underway. These changes are critical for establishing a new facility leadership management team.
- The facility is receiving intensive support from a special team of seasoned staff temporarily assigned from other facilities during March and April; staff from the Central Office is also providing increased support.
- Increased monitoring of the trends in staff call-outs was established to support any warranted personnel action in response to identified leave abuse patterns.
- Improved communication with staff is occurring through town hall meetings and as a result of the assignment of specific locations to

individual management staff to support and monitor for improvements.

- Improved communication with youth is resulting from the frequent accessibility of senior staff on the dorms as well as enhanced contact with a broader range of staff than previously.
- Programming adjustments have occurred to increase outside youth recreation activities. After the incidents in November and December, outdoor activities were curtailed for an extended period due to security concerns but without appropriate consideration of the need for youth to expend energy daily in positive ways as an important element of a treatment plan.
- Contraband control has increased with more random searches on the dorms and pat searches at the gatehouse. The Star Team has also increased the frequency of dorm searches from once to twice monthly and the dorm leadership conducts weekly searches.
- Case Manager schedules were adjusted to extend until 9:00 p.m., allowing case managers to address details, including individual counseling sessions.

TJJD management staff perceives improvement at the Giddings facility while remaining realistic about the cycles of major change and the time needed for sustaining significant reforms. The perception of facility improvement is based on increased communication with youth and the youth are saying “things are better.” There are fewer grievances, staff call-outs are decreasing and more staff are on the job, fewer incidents are occurring in the dining hall and education areas, injuries are decreasing, and there are no significant increases in self-referrals to the Security Unit, and the number of youth refusing to leave Security is down.

As the staff looks ahead toward effective end-point results from current efforts, steady improvement is anticipated with stabilization of the staff and youth culture during the summer 2012. At that point, the facility will have clearly demonstrated to the youth that the staff—and not the youth—is in control of the campus, youth safety is ensured, and their treatment plans are on track. Three general areas will be monitored for continued progress: management staff effectiveness; maintaining facility staffing objectives; and augmentation of the rules and practices relating to the youth behavior management.

- Management staff effectiveness will be monitored through a range of activities. Selecting the new superintendent and assistant superintendent and establishing the new leadership team as quickly as possible are priorities. Maintaining coverage of physical locations and scheduled activities with heightened risks of bullying such as showers and meal times is also a priority for the facility.
- Facility staffing objectives will be monitored through regular review of staffing strength to balance experienced and novice staff appropriately throughout the schedule. This will require moving

more experienced staff to the evening shift. Consistent active deployment of staff for prevention of incidents rather than reaction to incidents will indicate the achievement of significant staffing objectives. Maintaining filled positions at 95% or higher and coverages with reduced call-outs and staff on medical leave will be monitored.

- Management of youth behavior is being monitored across a range of activities, including the nature and frequency of referrals to the Security Unit, grievances, critical incidents, results of searches for contraband, and the number and quality of treatment groups held on the dorm. Additionally, the staff is refreshing and tightening disciplinary accountability and incentives for youth privileges to promote desired behaviors.

**For Further Study**

In addition to the issues that have developed in the Giddings State School the Ombudsman’s office has observed similar issues rising at one other facility. The IO has reported the concerns to the Texas Juvenile Justice Department and will do a complete review in the next quarter.

**Accounting of Site Visits, Youth Contact and Individual Cases**

	<b>FY 2011</b>	<b>3rd Quarter FY12</b>	<b>FY12 Total</b>
<b>Site Visits</b>	168	59	183
<b>Number of Youth Interviewed</b>	1289	506	1208
<b>Number of Youth Interviews Conducted</b>	1980	579	1834
<b>Closed Cases</b>	641	*25	*197

\*The number of closed cases is down substantially over FY 2011 due to the reclassification of complaints. If an item can be classified as an inquiry for information or is referred to another division, it is no longer logged as a complaint. Refer to the Chart on Inquiries and Referrals.

## **Facilities visited by IO staff during the second quarter**

### **Secure Facilities**

Corsicana Residential Treatment Center (*Corsicana TX*)  
Evins Regional Juvenile Center (*Edinburg TX*)  
GainesvilleStateSchool (*GainesvilleTX*)  
GiddingsStateSchool (*GiddingsTX*)  
McLennanCountyState Juvenile Correctional Facility (*MartTX*)  
RonJacksonState Juvenile Correctional Complex (*BrownwoodTX*)

### **TYC Halfway Houses**

Ayres House-*San AntonioTX*  
Beto House-*McAllen TX*  
Cottrell House-*Dallas TX*  
Edna Tamayo House-*HarlingenTX*  
McFadden Ranch-*Roanoke TX*  
Schaeffer House-*El Paso TX*  
Turman House-*Austin TX*  
Willoughby House-*Fort Worth TX*  
York House-*Corpus Christi TX*

### **TYC District Offices**

AustinDistrict Office  
Dallas District Office  
El Paso District Office  
Fort Worth District Office  
Houston District Office  
San Antonio District Office

### **Parole Areas (Parole officers not working out of a district office)**

Amarillo Area Parole  
Harlingen Area Parole  
Lubbock Area Parole  
Midland Area Parole  
Tyler Area Parole

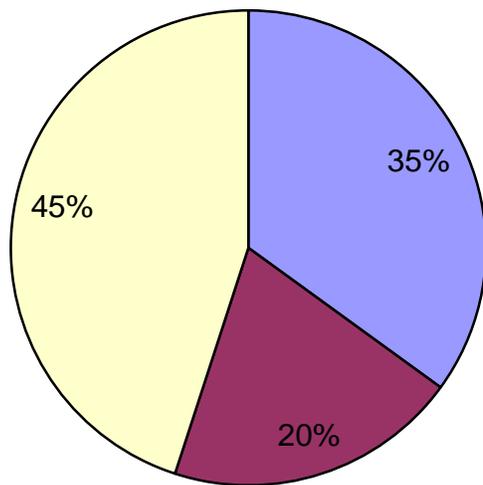
### **Contract Care Facilities**

Abraxas Youth and Family Services-*San Antonio TX*  
Associated Marine Institutes, Inc. (RGMI)-*Los Fresnos TX*  
Byrds Therapeutic Group Home-*Houston TX*  
Garza County Regional Juvenile Center-*Post TX*  
Gulf Coast Trades Center-*New Waverly TX*  
Gulf Winds Residential Treatment-*Bay City TX*  
Harris County Psychiatric Center-*Houston TX*  
National Mentor Healthcare LLC East Intermediate-*Houston TX*  
New Day Achievement Center-*Huntsville TX*  
Specialized Alternatives for Youth (SAFY)- *Arlington TX*  
Therapeutic Family Life-*Austin TX*  
Unity Children's Home-*Houston TX (three locations)*

Anyone may file a complaint with the IO. Complaints can be made via telephone, mail, fax, email, or in person during a facility inspection. The IO received 20 complaints during the third quarter.

**Third Quarter-FY 12**

**Source of Complaints Received**



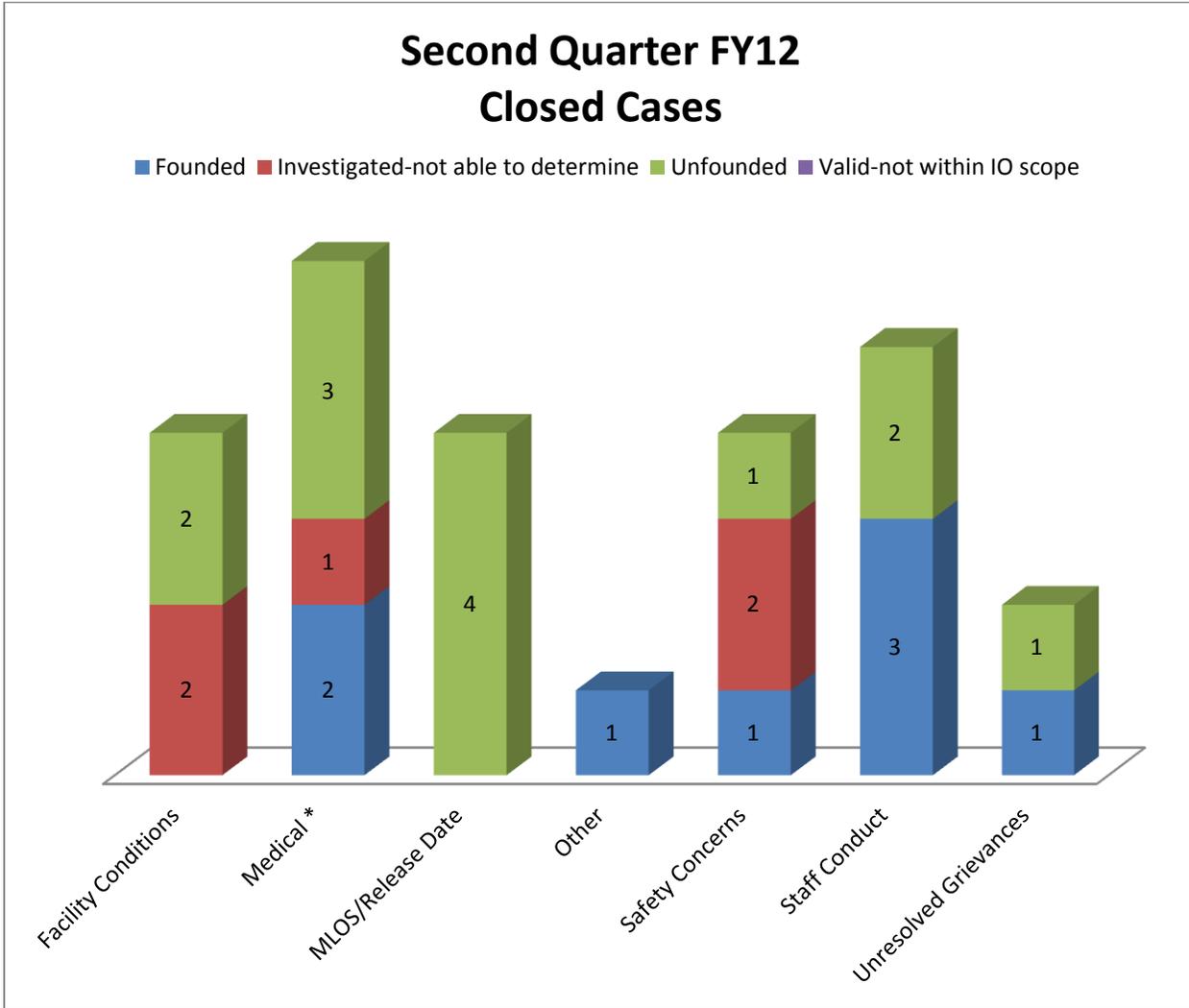
- Youth During Facility Inspection
- Family Member
- Youth Telephone Call/Letter

## Complaints Received by Facility-Third Quarter FY 12\*

<b>Facility</b>	Total Received	Facility Conditions	Medical	MLOS/Release Date	Other	Safety Concerns	Staff Conduct	Unresolved Grievances
Corsicana Residential Treatment Center	2		1	1				
Cottrell House	2		1					1
Gainesville State School	3		1			1	1	
Giddings State School	2					1	1	
Gulf Coast Trades Center	1		1					
McLennan County SJCF	1		1					
Ron Jackson State JCC	5		3			1	1	
Unity Children's Home-Blue Mountain Rd	2	1			1			
Unity Children's Home-River Valley Dr	1				1			
York House	1			1				

\* Facilities without complaints are not listed

During the third quarter, the IO closed 26 cases. Cases are closed in one of four ways: Founded, Unfounded, Investigated-unable to determine, and Valid-not within IO scope.



\* Note: The Independent Ombudsman generally does not make findings regarding the quality or appropriateness of the care delivered. Unless otherwise noted, the medical cases in this report involve only issues of access to health care services.

In addition to the cases that are investigated by IO staff, the office also receives numerous inquiries and complaints that are referred to the appropriate authority. During the first quarter, the IO received 87 inquiries and referrals.

### Third Quarter FY12 Inquiries and Referrals

