



**Texas Juvenile Justice Department**

**Board Meeting**

Friday, November 16, 2012 – 9:00 a.m.  
Grand Hyatt San Antonio  
600 E. Market Street  
San Antonio, TX, 78205

**BOARD MEMBERS PRESENT:**

Scott W. Fisher, Board Chairman  
The Honorable John Brieden III  
Jane Anderson King  
Calvin Stephens  
Dr. Rene Olvera  
The Honorable Jimmy Smith  
The Honorable Laura Parker  
MaryLou Mendoza  
Melissa Weiss

**BOARD MEMBERS ABSENT:**

Rob Kyker, Vice-Chairman  
The Honorable Carol Bush  
Michael Meade

**EXECUTIVE STAFF PRESENT:**

Mike Griffiths, Executive Director  
Bill Monroe, Senior Director of Finance & Technology  
Dr. Rajendra Parikh, Director of Medical Services  
Brett Bray, General Counsel  
Teresa Stroud, Senior Director of State Facilities & Programs  
James Williams, Senior Director of Probation & Community Services

Karin Hill, Director of Internal Audit  
Oscar Ruiz, Interim Inspector General  
Debbie Unruh, Chief Ombudsman  
Jeannette Cantu, Executive Assistant

**OTHER GUESTS PRESENT:**

Kenneth I. Ming, TJJD  
Kevin DuBose, TJJD  
Chelsea Buchholtz, TJJD  
John Isle, TJJD  
Melanie Cleveland, TJJD  
Lynne Wilkerson, Bexar County  
Estela P. Medina, Travis County  
Ron Quiros, Guadalupe County  
Shelly Williams, Hays County  
Royce Myers, TJJD  
Tony Martinez, Bexar County  
Jeannette Lepe, TJJD  
Edward Maldonado, TJJD

Stephanie Melot, TJJD  
Eleazar Garcia, TJJD  
Mari Ashley, TJJD  
Camilla Cannon, TJJD  
Karen McCarther, TJJD  
Gerald Garrett, Citizen  
Judy Garrett, Citizen  
Edeska Barnes, Jasper County  
Aris Johnson, Gregg County  
Rebecca Thomas, TJJD  
Shakira Pumphrey, Speaker Strauss  
Michael Martinez, Bexar County  
Jim Hurley, TJJD

**Call to Order**

Chairman Scott W. Fisher called the meeting to order at 9:00 a.m. A quorum was present.

### **Prayer**

Chairman Fisher led the opening prayer.

### **Pledge**

All present recited the Pledge of Allegiance.

### **Excused Absences**

Three Board members were not present: Michael Meade, Carol Bush, and Rob Kyker. Ms. Jane King moved to excuse the absence of these members. Mr. Joe Brown seconded. The motion passed unanimously.

### **Public Comment**

Chairman Fisher addressed the request made that public comment be included with each agenda item. He determined not to proceed this way. Public comment will be at the beginning of the meeting. The focus of the meeting is to conduct business. Public comment is allowed and not inhibited but is not the focus of the meeting.

### **September 28, 2012 Meeting Minutes**

Dr. Rene Olvera moved to approve the September 28, 2012 meeting minutes noting one grammatical correction on page 8. Mr. Calvin Stephens seconded. The motion passed unanimously.

### **Report from the Chairman**

Chairman Fisher stated the Board has enjoyed being in San Antonio and touring the Bexar County facility and Ayres Halfway House; he stated the agency has undergone an unprecedented amount of change over the last five years, and a significant amount of change in the last 12 months. Change is inevitable, and the Board is excited about the leadership that Mike Griffiths brings to the position of Executive Director. He is in the process of assembling his team, and there is more change in that process. Chairman Fisher acknowledged with sadness the resignation of Chief Internal Auditor Karin Hill. Ms. Hill has been with TJJJ and previously with the former Texas Youth Commission (TYC) since 1996. She is one of the most highly acclaimed internal auditors not only in the state of Texas but nationally as well. It is a great loss to TJJJ but a positive change for her. Ms. Hill's entire staff was present, and the Board recognized Ms. Hill's work and presented her with a plaque of appreciation for her service. Mr. Stephens stated it has been a great pleasure to work with Ms. Hill on the Finance and Audit committee. She has shown me that she is one of the most professional of the professionals I've encountered over the years with many agency's I've worked with. She will be missed.

## **Report from the Executive Director**

Mr. Griffiths recognized Lynn Wilkerson and Tony Martinez from the Bexar County Juvenile Probation Department for hosting yesterday's committee meetings. Mr. Griffiths also acknowledged Jeannette Cartu and Melanie Cleveland, Executive Assistants, who organized this whole offsite venture.

Mr. Griffiths reported he is in the final stages of creating an executive team. Two new members are present today. Teresa Stroud is Senior Director for State Programs and Facilities. Ms. Stroud is a legacy TYC employee, and Mr. Griffiths said it was important to him to find someone who knows TYC operations and who was respected by everyone, and Ms. Stroud was that person. James Williams is Senior Director of Probation and Community Services. He also comes with similar acclaim from the community side. He is a former Chief at Brown County Juvenile Probation Department, and has many accolades to his name. Mr. Griffiths reported the staff's loss of Laura Cazabon Braly, Superintendent of Corsicana, who is going to be the administrator of an El Paso program. Mr. Griffiths expressed his appreciation for Ms. Braly's work.

The agency plans to release a request for a proposal for specialized services for both residential and non-residential services. Mr. Griffiths will bring any suitable contracts for services back to the Board to request approval as early as the January meeting. He hopes to give counties the opportunity to piggyback on these contracts. There is a great need for mental health services, and Mr. Griffiths hopes to find additional providers that can provide the service we need.

Texas Department of Criminal Justice (TDCJ) has been conducting safety and security site visits in the state secure programs. The visits are almost completed and they will be providing us with a report. TDCJ has been very complimentary about many of the processes and procedures that they've seen thus far.

Mr. Griffiths is working closely with the Texas Correctional Office of Offenders with Medical and Mental Impairments (TCOOMMI) on an enhanced reentry for youth with serious emotional disturbances to help them become reestablished in their communities.

The agency and Prairie View A&M cohosted the 8<sup>th</sup> annual Strengthening Youth and Families in which resource organizations, volunteers, agencies, and community juvenile probations officers met to talk about the best way to provide services to families of at-risk youth. The agency is preparing for the Prison Rape Elimination Act (PREA) implementation in August of this fiscal year. Jerome Williams, the agency's PREA Coordinator, Kevin Dubose, Director of Administrative Investigations, Scott Freidman, Manager of Monitoring and Inspections, and Lisa Capers, Senior Director of Administration and Training, are the leads for the agency in that regard. They will be conducting a two-and-a-half- day symposium in January to brief personnel on these standards.

Mr. Griffiths announced that the eighth edition of the Texas Juvenile Law book will be published at the end of the month. This is the bench book often referred to by attorneys and prosecutors for juvenile cases.

Mr. Griffiths recognized Holly Fenton, who was nominated for Outstanding Women in Texas Government. Her development, with Cris Burton, Lead Program Specialist, of the Pairing Achievement with Services (PAWS) program has been recognized nationally.

The agency recently participated in a Joint Senate Education Criminal Justice hearing. TJJD presented to the Senators the Juvenile Justice Alternative Education Programs (JJAEP) that exists throughout the state. They were very complimentary of the report and the programs. The agency also received acclaim from the Denton County Sheriff's Office Juvenile Impact program. This program was conducted with a four-hour class with families of at-risk youth with parents present. This program includes youth from the TJJD facilities Willoughby Halfway House and McFadden Ranch.

The agency is collaborating with national Interstate Compact officials about the Juvenile Interstate Data System (JIDS). We are implementing a data-sharing system that will eventually be a process down to the county level. Paperwork for that system is extensive and this new system will save a lot of paper.

Mr. Griffiths gave a brief update on the Phoenix Program. Since its opening, 18 youth have been referred to the program; currently there are 10 in the program. TJJD is pleased with the results so far. Costs analyses done by the Human Resources (HR) department show that prior to their referral to the Phoenix Program, the youth were responsible for over \$50,000 in worker's compensation claims and since their entering the program those youth have not had any more incidents that resulted in worker's compensation claims. The expedited process to get youth from the hearing system to the actual transportation to the program is being focused on. This generally takes three to five days after the hearing to have the youth transported. The lack of regular, required mental health assessments discovered in the Phoenix Program audit has also been addressed and has already been corrected. In terms of staffing, HR just reported that there are 27 positions for psychology associates and seven of them are open at this time. Eight psychology positions exist and only one of them is open at this time. Mr. Griffiths commended the HR department for their work in this area.

Mr. Griffiths addressed possible dates for Board meetings in the next year. Ms. Cleveland has identified dates the Brown Heatly Building hearing rooms are available. They are not suggested dates for meetings but are open to the Board's discussion.

Chairman Fisher stated that he and Ms. Cantu will resolve their schedule for next year and get it to Mr. Griffiths by the end of November. These meetings will most likely take place the third week of the month. Next year, six meetings are being anticipated unless there is a need for more meetings.

### **Independent Ombudsman comments**

Ms. Debbie Unruh, Independent Ombudsman, reported that the Office of the Ombudsman continues to conduct site visits of secure facilities, halfway houses, and contract care facilities. They have made 37 visits; received 34 inquiries for information that have either been answered or referred elsewhere; 25 individual cases have been opened. On the county side, the office has received 49 incident reports of alleged abuse, neglect and exploitation. The majority of these fall into the category of physical abuse, most of which are incidents involving physical restraint. The second highest category is under abuse as well and involves emotional and sexual abuse reports.

Youth-on-staff assaults have decreased from an average of 13 to 8. Youth-on-youth assaults have decreased from an average of 34 to 30. These are large numbers, but there has been improvement. The Ombudsman office is encouraged by the direction and the work that's being done by TJJD.

### **Report from the Interim Inspector General**

Chairman Fisher stated that Inspector General Cris Love resigned and took a position with TDCJ. In the interim period, Oscar Ruiz will function as Interim Inspector General.

Mr. Ruiz then presented a report referencing a list of summary indicators for the FY 2012 and 2013. In the future, when the new Inspector General is appointed, this report can be further enhanced. A question was asked about the number for active directives to apprehend. The concern was expressed that the numbers were much larger than all of the previous year. Mr. Ruiz stated this number reflected an average per month and was not a running number.

Mr. Ruiz referenced materials given to the Board. Regarding the number of criminal investigations pending prosecution analysis, Mr. Ruiz stated that rather than 32 cases as the report indicated, the actual number is nine cases. Mr. Ruiz reviewed this section and discovered there were cases dating back to 2008 and 2009.

At that time it was a general practice of the OIG to send all sexual allegation and assault on public servant cases to the Special Prosecutions Unit (SPU) whether the elements were there or not. In January 2011 it was agreed between the OIG and the SPU that the OIG would no longer send cases to the SPU if they didn't meet the required elements. Therefore, Mr. Ruiz was able to close a number of cases either because the elements were not met or the statute of limitations had expired. In the next few days, Mr. Ruiz anticipates bringing the number down even further.

At the request of Chairman Fisher, Mr. Ruiz outlined his history with the OIG for the Board. Mr. Ruiz started in the OIG in June 2007, and was appointed Deputy Director. Last year he decided to retire to teach at a university, but he returned as a Lieutenant and has since been promoted to Commander with the OIG. Mr. Ruiz reported that he has a Master's degree in Criminal Justice Leadership and Management, is a Certified Inspector General and a Certified Fraud Examiner.

### **Report from the Advisory Council**

Ms. Estela Medina, Chief Juvenile Probation Officer in Travis County, reported that the standards subcommittee met in Austin on November 8 and 9. The work of this subcommittee is to provide an overview of the standards that apply to post-adjudication programs or secure residential programs in local

communities overseen by Juvenile Probation Departments, as well as pre-adjudication. The committee continues to review data and provide recommendations. The Council expects to receive a continued review by September 2013.

The subcommittee has also been asked to work with Mr. Griffiths and TJJD staff to develop standards for non-secure residential programs. Twelve counties operate non-secure programs. The intent is to invite those counties that operate these programs to give their input. Also at the request of Mr. Griffiths, the committee will be working with TJJD staff to review some of the standards as they apply to state-operated facilities and programs. TJJD staff has been actively involved in participating and attending all of these meetings. Ms. Medina stated the subcommittee will also be working with TJJD staff and the local jurisdictions as the implementation of PREA standards unfold.

Another priority of the Council is continued interest in the development of mental health services. At the Legislative Budget Board (LBB) hearing in September, many questions came up that were specific to the area of mental health services and mental health programs. In an effort to better address some of these questions, the Council has worked with Bill Monroe and Mr. Griffiths, and a survey was developed and distributed to all Chief Juvenile Probation Officers statewide. The Council has received over 50% of the surveys and will be able to compile a comprehensive response from the field. This report will be presented to the Board. The Council is also working to compile an inventory of what is available statewide in relation to mental health services. Mental health professionals have been invited from the Tarrant County area and from Austin to attend the next Advisory Council Meeting.

In September the Council had the opportunity to meet and dialogue with Mr. Griffiths at the Chiefs' Meeting. Mr. Griffiths shared his goals and visions for the Agency, and the regional associations had the opportunity to share with him. Texas is moving towards a unified juvenile justice system. The goal is to move towards a model system. Some of the discussion included sharing training with state staff and vice versa. The work of the subcommittee is another opportunity to work together in dialogue and work on mutual recommendations.

The next Advisory Council meeting will be Wednesday, December 5 in Tarrant County at the Tarrant County Community College. The Council extended the invitation to all present to attend their next meeting.

In response to a question regarding the Council's work on the standardized rules for the disciplinary process for certified officers, Ms. Medina stated the Council has continued to work via another subcommittee with TJJD staff on recommendations from the field on this issue. This subject is on the agenda of the next Council meeting in December.

### **Finance and Audit Committee Report**

Mr. Calvin Stephens reported the Finance and Audit Committee met on November 15 and discussed several items also on the Board agenda to be presented next.

## **Phoenix Program Audit**

Ms. Karin Hill, Chief Auditor, presented the Phoenix Program Audit, which started this past summer to address the needs of the agency's most aggressive youth. The audit was conducted in August and September covered activities for the period of July through September. The objective of the audit was to determine whether the program was operating in accordance with policies. It included evaluating referral and admission processes, as well as components of orientation, assessment, and case management. Because this was done at the beginning of the implementation of the program, the audit did not assess the effectiveness of the program.

John Isle, Senior Auditor, and Jeannette Lepe, Auditor, conducted the audit, utilizing a combination of tools they developed, along with monitoring tools developed by the Monitoring and Inspections Department. This allowed them to evaluate these tools for use in future reviews of the program.

Written policy provides guidelines for the program's operations. Review of policy and procedures found them to be thorough and clear. Management made adjustments to the referral and admissions process. With the program being so new, all of the youth who were in the unit at the time of the audit were reviewed. There were 14 youth reviewed. After reviewing both the documentation of the hearing packets that referred youth to the program, as well as documentation of the admission decision, auditors noted that the quality of documentation improved in the short time period since the commencement of the program. However, review of the timelines of mental health assessment and multidisciplinary teams (MDT) when youth were being referred to the program identified that they were not always met. This is the beginning of the process before youth are sent to the Phoenix Program. While quality reviews were being completed, this part of the information was not being reviewed. Management reported that they have added this review to their tools, and additional emphasis is being placed on timeliness through reporting trends. Management provided a copy of their checklist to the audit team.

Improvement is needed to support delivery of program components. Some examples include the fact that orientation was not always provided as outlined in policy, and the fact that individual counseling and skills development were not always documented as having occurred. The auditors observed that these activities occurred but were not always documented. Documentation is a common concern in case management. Youth were not receiving their weekly mental health assessments, and it was discovered that this was the result of staff shortages. These shortages have been addressed. Vacancies are being filled and workflow has been shifted. Individual Case Plans (ICPs) were not always being updated as required for the program.

Additional emphasis in completion of oversight reviews could improve compliance. The policies for the program include a comprehensive process for ensuring supervisor review and making sure the program is working as intended. Ms. Hill believes that as the program continues to evolve, putting the emphasis on ensuring that these are done will help ensure that requirements are being met. Recommendations were made to improve controls, which management has recorded as implemented. Ms. Hill commended management on the implementation of the program. The development and implementation of the Phoenix Program to include completing an audit early in the existence of the program models recommended

management control processes. Ms. Hill encouraged management to use this as a template in future initiatives and programs.

Mr. Stephens moved to approve the Phoenix Program audit. Ms. King seconded. The motion passed unanimously.

### **Grant Funds Audit**

Ms. Hill reported this was a limited scope audit included in the FY 2013 Audit Plan. The objective was to review the process of allocating and disbursing grant funds to county probation departments. The audit was led by Eleazar Garcia, Senior Auditor, and his audit team, Camilla Canon, Edward Maldonado and Stephanie Melot. Nine grants for the 2012-2013 biennium total over \$150 million. The scope of the audit included Grant A, State Aid; Grant C, Commitment Reduction Programs; and Grant P, the Juvenile Justice Alternative Education Program. Together these grants comprise 94% of the total dollars allocated in FY 2012.

Review of documentation identified different methodologies for Grants A and C. The team identified that the methodologies were documented differently in different resources. Further review determined Senate Bill 653 has had an impact on this, and there appears to be a need for some clean-up of documentation to ensure methodologies are documented consistently and transparently. The team was not able to replicate the allocations using the methodologies as indicated, but it was able to trace some of the more significant elements from the spreadsheet and identify that the funds were allocated consistently across the grants according to this information. It is a very involved formula.

Chairman Fisher asked a clarifying question regarding the formula. Ms. Hill stated that they started with the documented methodologies; they figured out which one was more representative but they were unable to arrive at the same numbers with that methodology. The team looked further into the spreadsheet and noted a lot of smaller elements involved that were causing the team to be unable to replicate the numbers. The team is recommending cleaning up the documentation of the methodology. At that point, the team went into the spreadsheet and traced the numbers and reviewed the calculations built into the spreadsheet, and this enabled the team to identify that the funds were allocated consistently.

Ms. Hill stated there were no concerns regarding any inconsistency, just a recommendation to clean up the process to ensure transparency and support accountability. Ms. Hill recognized this would be a difficult task due to the intricacies of the formula.

Judge Brieden stated for clarification that Ms. Hill was not recommending changes to the formula, but rather formulating a more clear presentation of how the numbers were reached via the formula. Ms. Hill confirmed. Mr. Brown commented that if the formula is too complicated for the auditors to follow, then it needs to be simplified in order to explain it to outside parties. Ms. Hill stated that the issue rests in the documentation and explanation of the process, not in the formula itself.

Ms. Hill reported controls over supporting documentation could be strengthened. Documentation could not be located for some of the transactions for Grant P at the time of the audit, indicating the need for a documented process with periodic supervisory reviews. This was more of an administrative issue with the consolidation and moving of responsibilities. Since the audit was completed, some of these files have been located and management has agreed to make sure this administrative process is nailed down to prevent it from happening again.

The systems used for documenting grant allocations and disbursements are well documented and supported. Comparisons between contracts, the amounts approved by the Board based on the Board minutes, and the different accounting systems agreed as expected. Mr. Stephens moved to approve the grant funds audit. Mr. Smith seconded. The motion passed unanimously.

### **Proposed revision to the FY 2014 – 2015 Legislative Appropriations Request (LAR)**

Mike Griffiths and Bill Monroe, Senior Director for Finance and Technology, reported on the revisions to the LAR. Mr. Griffiths reviewed the LAR with agency personnel and recognized how diligently it had been reviewed by the Board. There were a few items brought to the Board with requests for revisions. The first involved exceptional item number one with regards to safety and security. The original request for the biennium was \$2.4 million to provide additional staff for first responders and to fully implement the Redirect Program on all campuses. The Redirect Program was at a 1:23 staff to youth ratio, and the previously approved recommendation requested that this ratio be changed to 1:4. The original item also requested additional security staff. Mr. Griffiths would like to add extra personnel for relief, especially for those first responders who perform security detail. This change entails a net increase to the General Revenue of \$1.9 million.

The second item involved exceptional item number two regarding the infrastructure in facilities that require repair. The Board originally approved approximately \$16 million in that regard. After review, the recommendations from education and facility staff were to improve the infrastructure of vocational services at four campuses; Mart, Evins, Gainesville, and Giddings. This would increase the overall bond request up to \$5.5 million in addition.

The last item refers to exceptional item number 11 involving the cost of relocating the agency staff out of the Brown Heatly building and into another facility. Discussions with both the Texas Facilities Commission personnel and with the Health and Human Services Commission, indicates this item is no longer a necessity. Mr. Griffiths requested to remove \$6.3 million from the LAR. The overall net increase of all funds is \$1.1 million, which includes certified General Revenue as a reduction of \$4.4 million. Mr. Stephens commented that the overall increase is close to \$2.2 million.

Mr. Stephens moved to approve these changes to the LAR. Ms. Weiss seconded. The motion passed unanimously.

### **Proposed consulting contract with David Roush**

Mr. Griffiths asked the Board's approval to contract with Dr. David Roush, who is nationally renowned for his review of programs for the quality of life, conditions of confinement, and programming. He looks at dimensions within a facility by speaking with staff, youth and ancillary personnel. These dimensions include relationship, treatment, system maintenance, and contextual dimensions. Dr. Roush is renowned for his work with the Department of Justice. There have been many reviews of safety and security which are ongoing. Mr. Griffiths would like someone to come in and look at the culture between staff and youth, and between programs and their implementation.

Mr. Griffiths asked the Board's approval to contract with Dr. Roush up to \$15,000, and to have authority to go to the Governor's office to ask for a limit not to exceed \$26,000. Judge Brieden stated this was discussed in detail at the Finance and Audit committee meeting, and the resolution that was in the book was not worded correctly. Under the government code, the Board has the authority to authorize \$15,000, and if it goes beyond that, the Governor's Office has to approve it. An amendment was made to the resolution to include this language. Judge Brieden then consulted with Brett Bray, General Counsel, to refine this language even further. The resolution will read "from the Governor's Office for a contract that exceeds \$15,000."

A comment was made that TYC spent well over \$100,000 for a similar evaluation from The Moss Group. A question was asked regarding whether that much had changed since then to warrant a new review. Mr. Griffiths has looked over the Moss Group report, but not in great detail, and Mr. Griffiths offered to table the discussion in order to review the Moss Group report in more detail and then bring the subject up again at a later time. Discussion ensued.

Chairman Fisher said he is comfortable with the amount and with the proposal. Mr. Stephens commented that he believed the Board should support Mr. Griffiths to develop his plan based on advice from people he trusts in those areas, and the amount is not excessive.

Judge Brieden continued with his amendment to the resolution. In regards to the resolving clause, the new language will add "up to \$15,000 or up to \$26,000 with requisite approval under Government Code 2254.021."

Judge Brieden moved to adopt the amended resolution. Mr. Stephens seconded. The motion passed unanimously.

### **Acknowledgement of gifts**

Mr. Monroe presented this item. The gift is a pool table that will be placed at the Turman Halfway House. It was a used pool table that was donated for the youth. Mr. Monroe asked the Board to accept this gift. Ms. King moved to accept the gift. Ms. Weiss seconded. The motion passed unanimously.

### **Safety and Security Committee Report**

Mr. Brown reported he was the only member present at the committee meeting. Information was presented at the meeting but action items were tabled due to the lack of a quorum.

The committee received a report from the Interim Inspector General as well as from Mr. Kevin DuBose, Director of the Administrative Investigations Division (AID). The committee did not review the status of proposals referred to the Advisory Council on unified rules on certified officer discipline. Mr. Bray will address this later in the agenda. A facilities update was given in the meeting, and included information regarding changes that have been made at Gainesville in response to a serious incident there. An update on the Phoenix Program was also provided. The policy of requiring Level 2 hearings for certain incidents was discussed.

### **Update on administrative investigations in state facilities and community based programs and facilities for FY 2013**

Mr. DuBose's report his report includes the state investigations unit as well as the county investigations unit. He directed the Board to a condensed report. Since it was the beginning of the fiscal year, only one month of data was presented. By the next Board meeting, a more comprehensive report will be presented.

State facilities data reflects a comparison to FY 2012 in the month of September. There was a considerable drop in the number of administrative investigations opened in state facilities, with 98 in FY 2012 and 77 so far this year. There were 87 administrative investigations completed in September of this fiscal year. There were 26 confirmed cases for September of this fiscal year.

On the county side, in September of FY 2012 the AID received 214 reports total from all of the various reporting mechanisms including the hotline, phone, fax, and email. The AID received 181 in September of FY 2013. The total number of allegations of abuse, neglect and exploitation that originated from those 181 total reports received has decreased from 39 to 24. Grievances have increased. In addition, serious incidents have reduced from 72 to 40 this fiscal year.

Regarding closure of cases, at the last Board meeting the AID reported 188 pending cases. That number has been reduced to 131 as of November 2, 2012. Significant progress is being made in closing out FY 2012, with the goal of closing all pending cases by January.

In response to a question by Ms. Mendoza regarding details on grievances, Mr. DuBose stated the grievances received from the IRC involve a variety of issues from youth in facilities and not from staff. Grievances related to Human Resources go through HR. The AID is now fully staffed on the county investigations side. Two new positions have been filled and those new investigators are being trained. Uniforms have been issued to all investigators on both the county and state sides. The AID has initiated a new process in which the AID provides monthly updates to local jurisdictions on pending cases that originate from those jurisdictions.

### **Special Committee report: Parrie Haynes Ranch Property Management Plan**

Mr. Smith reported a meeting was held for the Parrie Haynes Ranch trustees on November 15. Mr. Bray informed the Board that C5 had signed a lease for the property. Mr. Smith played a key role in working with Friends of Parrie Haynes and C5 on this. There is a backup group in place, so should something happen and C5 withdraws in the future, there is another group willing to step in almost immediately. Mr. Smith commended the legal staff and General Counsel for their help. Mr. Bray commented that Mr. Smith was wonderful to work with, and commended Monika Arvelo, Staff Attorney, for her work with the project.

### **Certified officer rules of professional responsibilities and guide to the disciplinary process**

Mr. Bray invited Chelsea Buchholtz, Deputy General Counsel to join him in this presentation. The General Counsel office has not had a lot of direct involvement with this item, but it has been monitoring meetings and discussions, and as part of Mr. Griffith's reorganization the certified officer disciplinary program was transferred from HR to General Counsel specifically in terms of resolution. Investigations remain Mr. DuBose's domain, and they are handed off to the General Counsel's office once the investigations are complete.

During the Advisory Council subcommittee meeting in October, Mr. Griffiths briefed the committee on planned improvements. Due to a number of factors including organizational hurdles, the disciplinary process has slowed considerably. In August, General Counsel began to take over files and handle cases, and the mission was to eliminate backlog. General Counsel is determined to dedicate resources to make the process simpler and faster.

All of the files that were pending when they were transferred to General Counsel have been reviewed and analyzed and a course has been set. Some cases have been closed administratively. For example, there were some cases that were one or two years old, and the county had imposed disciplinary action through their own processes in the meantime, so at this point in time there wasn't much point in belaboring the matter. General Counsel elected to close some of those cases.

In other cases General Counsel is pursuing formal discipline. There have been database issues, but Mr. Bray believes there were approximately 67 pending cases back in August, and General Counsel has closed approximately 47 of them. Notices have been sent on 15 of the most serious cases, and two are currently set to go to State Office of Administrative Hearings (SOAH). Five cases are pending and will be addressed in today's Board meeting; approximately five more will be addressed at the January Board meeting. New cases continue to come in; standard process is to review a file the day it is submitted from the AID. General Counsel has also been working on learning the database. Today there are approximately 31 active cases.

In terms of simplification, General Counsel is concentrating on a few items. One is the document that conveys the formal notice of complaint to the certified officers. There have been many comments that this

notice is too complicated and difficult to understand. Mr. Bray has asked the staff to rewrite the letter so it can be understood by anyone. Investigations should be expected to be of the highest integrity, and Mr. Bray stated that he believed that is what happens in Mr. DuBose's office. Once the legal department receives these complaints, there should be a high quality legal analysis. If these expectations are met, there is no need for the preliminary review committee. Mr. Bray believes this review committee slows down the process, and therefore the review committee is being eliminated from the process. This will now be a five-step process. Step one will be the AID investigation. Step two will be Mr. DuBose's quality control over investigations. Step three will be a competent attorney assigned to the case to determine if a case can be made and to process it accordingly. Step four is Mr. Bray's responsibility for quality control over the legal department. Step five is the Board, which has final say.

General Counsel has also taken up the disciplinary matrix issue. The draft is near completion and they hope to have something to present to the Board soon. The goal is to make it so that a Juvenile Supervision Officer (JSO) in Dallas can expect that for a given set of circumstances they will receive the same attention and the same penalty that a JSO in San Antonio or El Paso would receive. Of course every case is different, and there is a need for some flexibility. The matrix itself is being designed to accommodate mitigating and aggravating circumstances, but beyond this it is expected that there will be times when circumstances will fall outside the matrix. The matrix is not a binding document, but a uniform set of guidelines designed to establish a measure of consistency. When completed, the matrix will go back to the Advisory Counsel for review. The items listed in the officer's code of ethics is being used to draft this matrix.

A concern was expressed during the Advisory Council subcommittee regarding the need for continuing opportunities for input by licensee's Chiefs. The system as it stands today will continue to copy Chiefs on notices of hearing and disposition, but there will also be a provision to include an investigations closure notice inviting Chiefs to provide input on disciplinary actions. Chiefs are also being contacted personally if there are questions regarding the disposition of a particular case. Of the five cases listed on today's agenda, each county of origin was contacted, and each provided input that was taken into account. This process will continue as long as the caseload remains at a manageable level. Chairman Fisher commended General Counsel on their work.

#### **Discipline of Certified Officers – Default Judgment Orders**

Mr. Brown moved to approve the default judgment orders for Vernon Cooper, Adrian Hill and Jesus Hernandez, Jr. Ms. King seconded. The motion passed unanimously.

- a. **Vernon T. Cooper, 12-22355-11010158, Dallas County**
- b. **Adrian J. Hill, 12-21048-110158, Dallas County**
- c. **Jesus Hernandez Jr., 12-21-099-110127, Hidalgo County**

#### **Discipline of Certified Officers – Agreed Orders**

Mr. Brown moved to approve the agreed orders for Debra Westbrook and Daniel Herring. Judge Parker seconded. The motion passed unanimously.

- a. **Debra Westbrook, 12-16938, Travis County**
- b. **Daniel Herring, 12-24112-120053, Galveston County**

### **Closed Session – Executive Session**

The Board recessed and reconvened in closed session.

### **Reconvene in open session, discussion and possible action regarding matters deliberated in closed Executive Session**

The Board reconvened in open meeting at 12:26 p.m. Chairman Fisher stated there were a few items discussed in closed executive session requiring action by the Board.

Ms. King moved to appoint Eleazar Garcia as the Interim Chief Internal Auditor effective December 10, 2012, at a salary of \$85, 000 per year. Mr. Brown seconded. The motion passed unanimously.

Mr. Smith moved to appoint Oscar Ruiz as the Interim Chief Inspector General effective immediately at a salary of \$95,000 per year. Mr. Brown seconded. The motion passed unanimously.

### **The Board considers a resolution to accept and confirm the Executive Director's signature on the Settlement Agreement with Stan DeGerolami**

Mr. Brown moved to accept and confirm the resolution on the settlement agreement with Stan DeGerolami. Mr. Smith seconded. The motion passed unanimously.

### **Adjourn**

With there being no further business, Chairman Fisher adjourned the meeting at 12:28 p.m.