



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Virtual Board Meeting

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

Friday, May 15, 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.

Discussion, consideration, and possible approval regarding the January 24, 2020 Board meeting minutes (Action)

Judge Jarrett moved to approve the minutes. Chief Hencerling seconded. A roll call vote was taken and the motion passed.

Report from the chairman

Chairman Ritchey said these were unprecedented times and he thanked Ms. Cain for the regular updates to the board. He thanked her and the executive team for what's being done to keep this organization running and keeping youth and staff safe. He thanked the probation officers out in the field to keep in contact with the youth in the communities. He said he could not be prouder of the things being done as an organization.

Public comments

There were no public comments.

Report from the executive director

Ms. Camille Cain first made staffing announcements. Sean Grove is now our Chief of Staff. Dr. Lori Robinson has left TJJD to join another agency. Dr. Warren will be our new Director of Integrated Treatment. Cynthia Brown has accepted the role of Director of Human Resources. Anthony Kibble is our new South Regional Parole director.

Ms. Cain sent her first message out related to the corona virus on March 10, 2020. She described to the board all that is being done to keep this organization running while keeping youth and staff safe, including work at home efforts.

These are unprecedented times with unrepresented measures. She thanked the staff for showing up and keeping our mission moving forward. She also thanked the leadership of TJJD.

Ms. Cain provided the board with operational updates including secure population numbers, staffing improvements, the hiring of Texas Model mentors, and the opening of a new halfway house.

Report from the chief inspector general

Forrest Mitchell, Chief Inspector General, went over OIG statistics for the last quarter. The OIG reporting begins on page 12 of your board materials. On Page 12 you will see the number of calls received in the Incident Report Center of OIG, along with the various call types. During the 2nd quarter, the IRC handled nearly 5,000 calls. 3,205 were classified as complaints within the TJJJD system. 672 of those calls were classified and processed as County Abuse, Neglect, and Exploitation. 139 were classified as After-hour ombudsmen's office calls, and the remaining 926 dealt with other state business. It also covers the types of open and closed criminal investigations from the various facilities. You can also see the Prosecution Data for OIG in the lower left corner. Just a few numbers that I would like to draw the board's attention to include the number of cases submitted to prosecution: 117, 101 Arrests, 51 Indictments, 90 Convictions, 31 Declinations And 92 Cases taken into consideration with other cases.

Moving on to Page 17 of your board materials, you can see the number of OIG state administrative investigations involving abuse, neglect, and exploitation. The overall reduction in the number of cases is based in the blending of the two investigative teams, and the cross training of staff. This has also reduced the average days to closure on these state administrative investigations as well.

Moving on to page 19 of your board materials, you can see the number of OIG county abuse, neglect, and exploitation investigations conducted by the OIG. The numbers remain relatively consistent between the calendar years, though there are a few numbers on page 20 that I would like to bring to your attention. There were more serious physical abuse cases in the 2nd Quarter between years, 9 as compared to 0. This is also much higher than the 1st Quarter of this fiscal year, which was 3.

On a positive note, the number of county-reported attempted suicides declined significantly. This is also following a decline from the previous quarter as well.

One number that concerns for us, is the number of county serious incident reports filed involving youth on youth sexual contact. This number has nearly doubled between years, though it is consistent with the first quarter of this fiscal year.

The last number I would like to point out is the average days to close county cases. This again rose to 114 between quarters, and it is something we pay close attention to at OIG. I am pleased to report however that the average number of days to close for April is now down to 68 for county investigations.

Moving on to the area of operations, there are just a few things that I would like to highlight.

Working in partnership with TJJJD, the OIG is assisting in in the COVID19 response.

First, the 24-hr, Incident Reporting Center is intaking reports of callers reporting symptoms, quarantine orders of family members, high risk contacts, and test results through the IRC process. This information is then forwarded to relevant divisions for action.

Second, the IRC telecommunications operators have been assisting with the notifications of placement or intake holds through secure messaging with county detention facilities throughout the state.

Lastly, the OIG uniformed security detail has been conducting daily screenings of all persons entering the secure facilities, as well as distributing TJJJD masks to staff. To supplement this team, OIG investigators have filled the gaps whenever needed.

Of course, COVID19 continues to increase overtime costs for OIG staff, though we hope to get some federal assistance with those costs. COVID19 has impacted the investigations and prosecutions of criminal and delinquent conduct occurring at TJJJ facilities. Whether it is jails restricting intakes, bonding non-violent offenses, delay in grand jury presentations, or the closure of courts, OIG investigations have been impacted. These delays could have impacts in other areas of OIG and TJJJ operations, but it is too early to tell how significant or long term those will be.

In regards to the requested OIG revisions to the TJJJ Strategic Plan, the revisions that envisioned by OIG remove components from two different current strategies (A and E), and to combine them into one new strategy (G) which is consistent with the changes to the OIG enabling statute in the 86th legislative session, as well as the accompanying budget rider.

Discussion, consideration and possible approval regarding the acknowledgement of gifts (Action)

Emily Anderson, Chief Financial and Operating Officer, presented a gift for \$500 for the Gainesville State School Clothes Closet. Chief Matthew moved to approve this gift. Judge Jarrett seconded. A roll call vote was taken and the motion passed.

A second gift of \$600 was given to the Ayres Halfway House. Anne Lattimore moved to approve the gift. Jimmy Smith seconded. A roll call vote was taken and the motion passed.

Discussion, consideration and possible approval regarding the Human Resources Audit (Action)

Eleazar Garcia, Chief Internal Auditor, presented this audit as part of the 2020 audit plan. The objective was to determine if operations over employee leave benefits are functioning as intended. The scope included review of the Family Medical Leave Act (FMLA), management of the sick leave pool, administration of employee-to-employee sick leave donations, and leave reporting. The period for the audit covered July 1st, 2018 through February 1st, 2020.

As we progressed and completed the audit, it became evident, there was a need to improve policies and/or controls over operations related to the Family Medical Leave Act and Code of Federal Regulations, Texas Government Code Chapter 661, management of the Sick Leave pool Hours, Agency's External Reporting on Investigation leave taken, and IT Access to CAPPS HR.

The following were noted:

- The review and approval process for leave pertaining to the Family Medical Leave Act, should be formalized to ensure adherence to the Code of Federal Regulations.
- The employee to employee sick leave donation process should be formalized to ensure adherence to the Texas Government Code Chapter 661.
- The Sick Leave Pool should be managed to ensure availability of pool hours.
- External reporting on Investigation Leave should be completed as required.
- Access to CAPPS HR should be reviewed to ensure protection of employee records.

Management concurs, with our findings, and responses, to the recommendations, can be found, on page 47 of the Board Packet. Judge Jarrett moved to approve the audit. Anne Lattimore seconded. A roll call vote was taken and the motion passed.

Discussion regarding the Internal Audit Follow-Up Report

Eleazar Garcia stated the Audit standards require we review the disposition of audit findings and ensure management actions are effectively implemented. We previously reported on Follow-up in January, so this a semi-annual report. The report includes review of 18 recommendations Reported by Management as implemented. It includes 7 internal audits, and 1 external audit from the State Auditor’s Office (SAO).

The two charts on page 54, reflect the results of the verification work for the 18 recommendations. 50% of the 16 Internal Audit recommendations were “Closed-Verified” as a result of the verification tests. You will also note 7 were returned to “Underway” as results of the testing did not support implementation.

And 50% of the 2 external audit recommendations (SAO) were closed as a result of the verification work completed.

Looking at the top of page 55, the Chart identifies the 8 audits reviewed for the 18 recommendations. The bottom chart illustrates the overall status of 308 recommendations currently captured in our tracking database. If you will notice, 81% of the recommendations are closed-verified, very indicative of the work done by the agency and audit staff.

Starting on page 56, we detail the 10 recommendations closed during this report.

Discussion regarding the Internal Audit Status Update

Eleazar Garcia stated section I identified the completed projects to date. Section II reports the projects started and their expected completion dates. We are currently working on 3 internal audits. While not Included here, he added there are currently, two State Auditor Audits ongoing for the agency, one on Complaint handling at TJJJ and the other is a classification audit for IT positions at TJJJ. Section III reports the 2 facility audits not yet started but are part of the 2020 audit plan. We are currently evaluating the proper approach for our facility audits. Moving on to Page 60, we are reporting the current status of the 4 performance measures

Discussion, consideration, and possible approval regarding contract renewal for Willoughby Management, LLC, requiring board approval pursuant to GAP.385.1101 (Action)

Christian von Wupperfeld, General Counsel, presented this contract renewal. This is a 2-year lease extension. Chief Hencerling moved to approve the contract renewal. Judge Jarrett seconded. A roll call vote was taken and the motion passed.

Discussion, consideration, and possible approval regarding contract extension(s) for Consolidated Telecom, Inc., requiring board approval pursuant to GAP.385.1101 (Action)

Christian von Wupperfeld, presented this contract extension. This is a (2) 6-month options to extend the contract. They are the providers of phone services at the facilities. Judge Jarrett moved to approve the contract extension. Chief Barnes seconded. A roll call vote was taken and the motion passed.

Discussion, consideration, and possible approval regarding the FY 2021 probation funding allocations (Action)

Amy Miller, Director of Probation Services, presented the agencies recommendations for FY 2021 probation funding allocations and methodologies for state aid formula funding and targeted and reimbursement grant funding. Chief Matthew moved to approve the budget. Chief Barnes seconded. A roll call vote was taken and the motion passed.

Discussion, consideration, and possible approval regarding the FY 2021-2025 Strategic Plan (Action)

Sean Grove, Chief of Staff, presented the proposed strategic plan for TJJJ. Every two years agencies must develop and adopt a 5-year strategic plan that takes us through the next legislative session. The agency goals

and action plans are almost identical to what was adopted in 2018. The difference is in the steps we've taken to implement the Texas Model. We've taken significant steps to implementing this goal. Expansion of the Phoenix Program and improving supervision ratios will remain a priority for this agency. Chief Hencerling moved to approve. Chief Barnes seconded. A roll call vote was taken and the motion passed.

Discussion, consideration, and possible approval regarding the naming of a Texas Juvenile Justice Department Halfway House (Action)

Sean Grove stated the agency is requesting approval from the board to name a new halfway house after Dr. Karyn Purvis. Jimmy Smith moved to approve the naming. Judge Jarrett seconded. A roll call vote was taken and the motion passed.

Discussion, consideration, and possible approval to publish the following in the Texas Register for a 30-day public comment period and possible conditional approval to adopt the repeals and final rules: Repeal of 37 TAC §§380.9501, 380.9502, 380.9517, and 380.9535 (concerning behavior management); new §380.9502 and §380.9510 (concerning behavior management); and revisions to §§380.9503, 380.9504, 380.9520, 380.9551, 380.9555, and 380.9557 (concerning behavior management and due process hearings) (Action)

Sean Grove and Kaci Singer, Deputy General Counsel for County Matters, presented the rules. Mr. Grove provided a high-level summary of the proposed changes. Chief Matthew moved to approve. James Castro seconded. A roll call vote was taken and the motion passed.

Discussion, consideration, and possible approval to publish revision to 37 TAC §380.9183 (concerning Health Care Services for Youth) and §380.9188 (concerning Suicide Alert for High Restriction Facilities) in the Texas Register for a 30-day public comment period and possible conditional approval to adopt the final rules (Action)

This item was withdrawn from the agenda.

Discussion, consideration, and possible approval regarding the discipline of certified officers - Default Orders (Action)

a. Grisel Ayala, Certification No. 33878, 20-33878-190284

b. Fernando X Moreno, Certification No. 32077, 20-32077-190301

Kaci Singer, Deputy General Counsel for County Matters, presented the default orders. We are asking that you impose the discipline on each officer. Allison Palmer moved to approve. Commissioner Morales seconded. A roll call vote was taken and the motion passed.

The board took a 10-minute break and then convened in closed session.

Closed Session – Executive Session

1) Government Code §551.071 Consultation with attorney (see footnote);

a. Discussion regarding settlement of Hudson Insurance Company a/s/o Sunset Logistics' claim against TJJD; and

b. Discussion regarding settlement of lawsuit PHI Inc. v. TJJD.

2) Government Code §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts); and

3) Government Code §551.074 Discussion regarding personnel.

The board reconvened in Open Session at 11:00 a.m.

Discussion, consideration, and possible action regarding settlement approval of Sunset Logistics' claim against TJJD (Action)

Judge Jarrett moved to approve. Jimmy Smith seconded. A roll call vote was taken and the motion passed.

Discussion, consideration, and possible action regarding settlement approval of a lawsuit with Phi Inc. v. TJJD (Action)

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

The meeting adjourned.