

**Texas Youth Commission**  
**Response to the Independent Ombudsman**  
**Fourth Quarter Report, FY 2011**

October 5, 2011

The Texas Human Resources Code, Section 64.060, provides that the Office of Independent Ombudsman (OIO) shall accept comments from the Texas Youth Commission (TYC) for OIO quarterly reports. The Code also provides that TYC may not submit comments after the 30<sup>th</sup> day after the date of the report. TYC received the OIO Fourth Quarter Report on September 21, 2011 with revisions on September 29, 2011.

The Fourth Quarter Report summarizes OIO activities for June through August 2011 and for the fiscal year as a whole, September 1, 2010 through August 31, 2011. The Report contains no recommendations for TYC action, while providing statistical analyses of complaints made to OIO staff. In response to the Report's statistical analyses, several general comments might be helpful for interpreting significance, especially for complaints regarding medical issues and minimum length of stay.

During the fourth quarter, the agency implemented the closure and restructuring of certain facilities in response to significant agency budget reductions related to population decreases. These activities may have affected youth perceptions of the significant transitions related to closures of the Crockett, Al Price, and Ron Jackson Unit 2 facilities by August 31, 2011 and the consolidation of the Mart Units 1 and 2 into a single facility. Also, 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 TYC Youth Grievance System, and to a TYC 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.

The Report reflects that the OIO received 20 medical-related complaints during the fourth quarter and 105 medical complaints for the year. In response to TYC's concern about the comparatively high number of these complaints, the OIO provided a detailed table for the 105 medical complaints. Following a more detailed review, TYC staff expressed several concerns to the OIO. The OIO category for medical complaints pertains to a range of services that includes alleged lack of medical follow-up and/or treatment, non-medical mental health services, hygiene, and food allergy and/or diets. Of the total 105 complaints, TYC Medical Services staff received referrals for only 11 complaints. The OIO table contained incomplete information due to data limitations, and a number of duplicative items may significantly inflate the total. Many of the concerns expressed by youth to the OIO could not be substantiated or were reviewed and handled by local facility staff without the involvement of medical staff. TYC appreciates OIO responsiveness for exploring solutions to these issues.

Complaints relating to minimum length of stay (MLOS) were also comparatively high for the quarter and for the year. Thirty-nine percent of fourth quarter complaints occurred at halfway

houses, and 31 percent of the total annual complaints originated from the facilities closed at Beaumont and Crockett. It would be helpful to know whether these complaints are related to Review Panel decisions or other issues related to length of stay so that appropriate follow up can occur. It is our understanding that many of the calls and complaints received by the OIO are related to an expectation by youth and their families that they will be released on their MLOS date. Agency staff is working to resolve any conflicts that may arise due to policy or implementation of policy as well as communications with youth and families on this issue. The agency will seek additional input from the OIO.

Complaints to the OIO relating to staff conduct jumped during the fourth quarter, probably as a result of the closures and staffing realignments at remaining facilities. The OIO provided information that complaints about staff conduct originate mostly through observations by OIO staff during site visits, but also may occur when a youth or parent expresses concern or a TYC employee contacts the OIO. It would be helpful to have more information about how the OIO resolves these concerns because without specific information the agency is unable to address the issues.

Overall, there were relatively few complaints for CoNEXTions, which reflects agency progress in implementing this major program reform; however, 36 percent of those complaints came in the last quarter, which warrants agency review. Thirty-eight percent of the fourth quarter complaints came from youth at halfway houses, which is a high percentage based on the proportion of halfway house population to the total population. Initial review of these complaints revealed that youth complaints occurred when halfway house staff started a quality assurance effort to ensure consistent staff expectations of youth. Furthermore, 38 percent came from girls, also a high number relative to total population, and their complaints appeared to increase in the fourth quarter, which might reflect some change in processes regarding CoNEXTions. A low overall number of complaints was related to specialized treatment with only two during the last quarter compared to 43 complaints for the year. Gainesville and Giddings, which had 32 percent of the yearly complaints, had none in the fourth quarter.

Monthly discussions between the OIO and TYC executive staff continue to be helpful to TYC 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. TYC values the complaint process and redundant systems as critical resources for ensuring youth safety and rehabilitation.

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