

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

July 9, 2012

The Texas Human Resources Code, Section 261.060, 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 Second Quarter Report on June 18, 2012.

The Third Quarter Report identifies OIO activities for March through May 2012, with the main focus on summarizing OIO activities at the Giddings facility and the agency's responses:

- OIO Special Report on March 23
- OIO Site Visit Report on March 29
- OIO Site Visit Report on April 12
- OIO Special Report Follow Up Report on April 30
- OIO Site Visit Report on May 24

In response to the Third Quarter Report, updated information is provided on the Giddings facility's progress in addressing previously identified issues. Additional information is provided on related efforts system-wide to enhance safety and security.

During May, Jay Kimbrough joined the agency to analyze and implement improvements for safety and security at all facilities. Many improvements are now in place and have proven useful in regaining control of aggressive youth. We expect continued improvement with the new measures that are now being implemented, including the Phoenix Program for the most aggressive youth. The agency has also increased the percentage of youth who are subject to drug testing and has increased the number of contraband searches at every facility.

TJJD appreciates the strong efforts of the OIO to ensure safety and security are maintained for TJJD staff and youth. We look forward to continuing our partnership with your office as we make systematic improvements that will enable our youth to be successful in their rehabilitation.

GIDDINGS UPDATE

Staff Injuries: Improved March through May; aggression injuries reduced from 12 to 4; assaults on staff reduced from 22 to 15.

Youth Injuries: Improved from the previous quarter, but are still too high. Giddings UTMB Correctional Managed Care Unit reported 492 total injury assessments requiring medical services evaluation of which 87 were documented to have no injuries. Eighteen of these injuries were moderate severity requiring a physician evaluation and two were categorized as serious requiring off site medical care. Among all the assessments performed, restraints contributed to 183 injuries; 98 injuries were attributed to youth-on-youth assaults; 58 due to self-harm; 124 due to recreational accidents; and the remaining for programming and other causes. Decreased injuries were noted in the areas of recreation, restraints, and youth-on-youth assaults. There

were a total of 98 assaults on youth during the third quarter compared to a total of 158 in the second quarter. *Facility efforts to reduce youth assaults:*

- Increased Security presence at the school.
- Security staff posted at the cafeteria during meal times.
- Focus on youth refusing to leave the unit and develop plans.
- Continued focus on basic routines (café, shower, snacks, and cleanliness)
- Identified list of top 10 aggressive youth and develop intervention plans.
- Strict compliance with 1:12 ratio requirement at all times.
- Increased security monitoring during evening outside recreation.
- Monitoring of dorm cameras during 4:00 - 9:00 p.m.
- Security Case Manager conducting mediation with youth.
- Redirect Program for youth who fight not resulting in bodily injury.

Population Management: 278 youth were at Giddings on March 1, decreasing to 266 youth on May 31. Twenty-two youth were placed in halfway houses, 10 youth were administratively transferred, including several due to aggressive behavior, and 7 were released on parole status. In March, three youth were processed in Lee County Court for assault on a public servant. In April, two youth were also processed there for indecency with a child by exposure and two counts of assault against a public servant.

Gangs: The Director of the Mayor's Anti-Gang Office gave a presentation on gangs to various parole and Giddings State School staff on May 15; 14 youth began the Gang Intervention Curriculum groups on April 27. Additionally, individual counseling was provided to youth who were identified as gang members not currently in the group but needing immediate intervention.

Contraband: Contraband items were found during routine and random pat down searches, visual searches, and dorm searches. March reports identified items of psychotropic and unidentified pills, cigarettes, cigarette lighters, money, tattoo paraphernalia, tobacco residue, unknown white powder substances. April identified contraband consisting of marijuana (tested positive), tattoo equipment, unknown powder substances, unknown leafy green substances, unknown pills. May substance reports identified leafy green substances, home pipe, powdery green substances, unknown whole and crushed pills, tobacco, and leafy cigarettes, possession of a weapon.

During March, the facility documented 9 youth urine/drug tests; all tests were negative. In April, 150 youth urine/drug tests were documented, all negative. In May, 71 youth urine/drug tests were conducted, all negative. Drug testing training was conducted for Case Managers, JCO V and VI, and Program Specialists. *Facility efforts to reduce contraband:*

- Increased drug/urine tests administered
- Random visual and pat searches of youth entering/exiting café, school, recreation
- Increased dorm searches
- 24-hour graffiti abatement
- Increased staff and visitor pat searches at gate house

Staffing: The Giddings facility hired 32 JCOs during the quarter, and had 27 separations, of which 15 had less than twelve months of employment with the facility. Since January, 63 JCO's were hired and 47 staff separated, which is a net gain of 16 staff. Fifteen JCOs are in On the Job Training (OJT); 11 should be completed with 300 hours by mid-July and the other 4 by mid-August. Staff retention issues following completion of 300 hours of mandated training included lack of OJT scheduling and training, and lack of support from veteran staff. In March, the facility increased to five new Field Training Officers. Staff is now completing facility OJT within projected timelines. New hires also report support from veteran staff and quality training by field officers.

The facility implemented scheduling changes in an effort to reduce overtime and to have a mix of newly hired and tenured staff on all three shifts. Reassignments also ensured an appropriate number of staff to meet youth ratios.

The facility recently revamped the Redirect Program for new Administrative Directive to ensure that integrated rehabilitation services are provided in an effort to change aggressive and violent behavior. Staff resources were designated for the program which included a Case Manager, JCO VI, JCO V, and eight JCO I-IV positions. Eighteen beds of the West Wing of the Security Unit were dedicated to the Redirect Program. The cap was set at 12 youth to maintain a 1:4 ratio. The program was implemented on July 1 with a 16-hour schedule. The program provides daily therapy groups for Aggression Replacement Training skills, behavior, and social skills. The schedule adheres to 5.5 hours of education, large muscle exercise with recreation staff, free time, and major clean-up. Skills groups and behavior groups are scheduled during weekends and holidays. Youth receive one hour of visitation on weekends and holidays in the security classroom. The Redirect Program and staff are under the direct supervision of the Assistant Superintendent.

Self-Referrals: In April, six youth were refusing to leave the security unit due to feeling unsafe on the campus. As a result, Giddings implemented several measures to increase safety and security for all youth at the campus. As the agency reviews the effectiveness of these measures, each of these youth were asked about their current perceptions of safety and their progress in TJJD:

- Youth #1 transferred from Giddings to Corsicana Residential Treatment Center, where he is currently enrolled in the Corsicana Stabilization Unit program. He was referred to security the day after his arrival at Corsicana and remained for three days. Since that time, he has not been in the security program. He expressed that he feels safer at Corsicana and that he has not had problems with other youth attempting to engage him in gang activity or threatening him. He feels there are more staff at Corsicana to talk with when he has problems.
- Youth #2 transitioned to Turman Halfway house in Austin shortly after he expressed concerns for his safety at Giddings. He indicated he is doing well at Turman, stating that he's had no problems with other youth or staff. He is currently enrolled in Aggression Replacement Training, and his staff indicate that he has been practicing skills learned in the group. He has goals to complete stage 4 in the CoNEXTions program soon and obtain stage YES before his extended length of stay is completed on August 2. He's currently working on completing his GED in preparation to move home with his mother and enroll in college.
- Youth #3 remains at Giddings, but has moved to a different dorm. He indicated that since his dorm change, he has stayed out of security and hasn't had problems with other youth attempting to engage him in gang activity or take food from him. He expressed that he feels safe at his dorm, has some staff there who he feels confident speaking with if he has problems, and that the youth from his previous dorm have left him alone since he moved. He is currently a Stage 4 in CoNEXTions and would like to pursue transition to medium restriction in the next couple of months.
- Youth #4 remains at Giddings, but has moved to a different dorm. He feels safer in his current dorm and doesn't have problems with the other youth there attempting to intimidate him. He indicated he has no current problems with the youth from his previous dorm. He is a Stage 1 in CoNEXTions and says he plans to earn stage 2 in the near future. He said he needs to improve in education to accomplish this goal, and his record

reflects that he needs to improve in following the basic program rules as well. He started Aggression Replacement Training at the end of May, which should help him develop skills to improve his daily behavior. He has not self-referred to security since May 16.

- Youth #5 remains at Giddings and was assigned to the same dorm until last week, when his dorm was reassigned. He currently feels safe at Giddings and that he was staying in security mostly because he didn't want to engage in aggressive behavior prior to a court appearance scheduled for assault charges against him. He said that he has no problems with staff or peers. He said the seating arrangement in the cafeteria helps because staff determine where kids sit, which reduces the ability of some to intimidate others for food. He is a stage 3 in CoNEXTions and says he plans to earn his stage 4 in the near future. His record reflects that he has difficulty following basic program rules and that he's been referred to security for behavioral issues in the month of June; however, he has not self-referred to security since May 2.
- Youth #6 was discharged from TJJJ on May 9 due to reaching age 19.

TJJJ SYSTEM-WIDE EFFORTS

Agency-wide initiatives are underway to increase safety and security for youth and staff and to increase accountability for youth aggression. Enhancement of perimeter lighting at security facilities is underway, daily and weekly safety reports are now generated, and a major agency initiative is well underway for establishing enhancements to the Redirect Program on every campus and the development of the Phoenix Program at the Mart facility. These initiatives are based on several facts:

- 5% of youth accounted for 50% of assaults on staff during the first three quarters.
- 9.2% of youth accounted for 53.5% of assaults of other youth in the same period.
- 40.2% of all assaults and fights resulting in bodily injury were committed by 3.9% of the total youth population.

This youth behavior has serious direct and indirect negative impacts. Individually, each youth's behavior poses a threat to the safety of staff and youth around them. Collectively, their behavior diminishes the agency's ability to maintain therapeutic environments. Their unresponsiveness to interventions undermines the sense of security that is necessary for all youth to risk participation in the treatment process and pulls agency resources from positive values and skills development initiatives that are critical to success. These youth account for a disproportionate number of admissions to security, require a disproportionate amount of staff time to manage their dangerous behavior, and present a major disruptive effect on the campuses to which they are assigned.

Most youth who engage in aggressive behaviors respond to standard behavioral interventions, but some youth do not. The usual tools to manage aggressive behavior include counseling, loss of privileges, skill development groups, Redirect Programs or other individual behavior management plans implemented in the youth's individual care plan, and hearings that result in loss of stages or extended loss of privileges. These tools have proved ineffective in reducing the frequency and intensity of aggressive behavior for a small group of youth. It is this specific sub-population of youth that is the target population for the Phoenix Program.

The Phoenix Program is now established as a new consequence for serious rule violations, and is designed to protect staff and youth in TJJJ state-operated facilities from highly aggressive youth while providing these youth with a highly structured environment to help them reduce their

aggression and make progress in treatment. The Phoenix Program is a self-contained program located at the Mart facility in one building of that facility. To be eligible for placement in the Phoenix program, a youth must be proven by staff in a hearing that the youth committed one of the following rule violations:

- Assault causing moderate or serious bodily injury to another youth
- Assault causing substantial bodily injury to staff
- Chunking bodily fluids at staff
- Fighting causing moderate or serious bodily injury to another youth
- Any other major rule violation when the totality of circumstances justifies the placement in the program and the placement is directed by the executive director or designee.
- Assault causing bodily injury on three separate occasions within a 90-day period.

Definitions of these rule violations are available in TJJD policy GAP.380.9535. Youth who commit these violations are considered for the program. A review committee decides which youth are placed in the program. Placement in the Phoenix program will result in demotion to the lowest stage in CoNEXTions[®] and could also result in a longer stay in TJJD.

While in the Phoenix program, youth will focus on ways to avoid aggressive behavior and skills that will help them manage their anger better. Once a youth graduates from Phoenix, he will be reassigned to another high restriction facility in TJJD and can resume making progress in CoNEXTions[®] stages.