



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Friday, February 25, 2022 – 9:00 a.m.

1100 Congress Ave.

Capitol Extension - Room E1.030

Austin, TX 78701

1. Call to order

Chairman Ritchey called the meeting to order at 9:00 a.m.

2. Prayer

Melissa Martin led the board in prayer.

3. Pledge

Chairman Ritchey led the Pledge of Allegiance and the pledge to the Texas Flag.

4. Discussion, consideration, and possible approval regarding excused absences (Action)

Chief Scott Matthew and Judge Pat Henry were absent. Judge Jarrett move to excuse their absences. Ann Lattimore seconded. The motion passed.

5. Discussion, consideration, and possible approval regarding the November 5, 2021 Board meeting minutes (Action)

Chief Pama Hencerling moved to approve the minutes. James Castro seconded. The motion passed.

6. Report from the chairman

Chairman Ritchey called upon Forrest Mitchell, Inspector General, to approach the dais. He thanked him for his service to the staff and youth of TJJD and wished him well on his retirement. He presented him with gifts from the Board.

Chairman Ritchey announced the following Committee and Board meeting dates for the remainder of 2022: May 12-13 in Austin, August 25-26 in Amarillo, and November 3-4 in Austin.

7. Public comments

There were no public comments.

8. Report from the executive director

Camille Cain, Executive Director, provided the following report to the Board.

As always, I will first share our status related to COVID-19. Since our last Board meeting, we, along with the rest of the country had a great number of cases. During the first 20 months of COVID, TJJD had 966 cases among staff and youth in our halfway houses and secure facilities. In the last 3 months, during Omicron, we have had 683. Currently, TJJD has only 2 cases at the Evins facility. One youth and one staff member. During that time, we lost coach Marcus Smith from Mart. He was 48 years old and had dedicated his career to TJJD, serving for 26 years and 5 months. As Lou Serrano mentioned yesterday, our county probation departments

saw a similar increase over the month of January, but are now reporting much lower numbers of positive youth and staff.

I'd also like to announce that our Director of Facility Safety, Jim Elliott is moving on to another challenge at the Texas Department of Transportation. During his time at the Department, he has paved the way for better practices, more clarity, and made many wonderful changes to enhance the safety and security of both secure facilities and halfway houses. We will miss him terribly but are happy for him as he moves on to the next chapter of an already amazing career.

And I'd like to take a moment to thank Chief Mitchell for his service to the state and to TJJD. Congratulations on your retirement.

At the beginning of 2020, TJJD had laid out important plans to move forward with the reform. The Texas Model was designed to take the good work of so many people and take it to the next level. To provide new tools, interventions, and ways to work with youth. We were set on changes that worked together to make it easier for everyone and better for the youth. We knew those changes would take time. Time for people to feel comfortable with the new approach, time for full adoption, time to get it right.

Since then, as you well know, our world has changed. Obstacles were thrown at us that I never could have imagined. As a result, it feels darker than before. And I think there are days when holding on to optimism and hope is really a struggle. When I consider what we believed were very high stress levels from "before" and what they are now, they simply don't compare.

This crisis is throughout our system; it's most definitely not only secure state facilities but also detention centers and probation departments as well as the contract care we use to augment our resources. As we talk about the issues, one key discussion point is the need to change the way the funding to probation works so that they are better able to provide salary adjustments for their own staff based on their locally determined needs and we will continue to do so.

The fact that we share our crisis with many others, from TDCJ to county jails to schools and hospitals and countless other groups and industries, doesn't make what our people are going through any less painful or real. But it does make the solutions harder. It is an incredibly trying, stressful, and tiring time for everyone who works at TJJD and throughout the juvenile justice system. Some of our people carry heavier loads than others—but most are carrying more than they should have to.

That doesn't change our commitment to reform. As a system, we are literally in charge of human lives—the lives of vulnerable youth. But when resources are scarce, options are limited, and the world keeps throwing new obstacles in the way, choices are hard.

I often talk about two kinds of decisions. The first is the "best decision". This happens when we have everything we need to move forward with a solution to a problem. It is fair. It is based on research and science. It is the right thing to do, and we can do it with the right approach, the right commitment, and the right amount of patience. The second is the "most strategic decision". This happens when our resources are limited, our problems are large, but our options, resources, and budget are scarce. Because of the world we are living in, we have to make more and more of these types of decisions every day. And so today, I want to talk about what these decisions mean to our agency.

Let's start with strategic decisions. As you well know, the number one issue at TJJD is staffing for our secure facilities. We are operating at just a tad over half of the staff we need. And our population numbers continue to rise. I do want to make sure I'm clear that our numbers are rising after the initial COVID pauses in the system. Our probation departments are truly committed to the core concept that youth should be placed within the system in the right place, that being the least restrictive setting possible. While commitments are

up now—all in all they are at historic lows. Yesterday, I talked about some changes that would make our system more transparent and set trajectories for our youth that use research and data as its base. In doing so I mentioned some anecdotal cases—those of a small percentage of youth who can control their behavior and meet treatment with good intentions and open minds and also some youth that, in retrospect, potentially could have stayed in a less restrictive settings. I want to be very clear that these were anecdotes. They are not indicative of the entire system. All in all, the system works—from commitments to detention—as it is designed and our probation departments carry a heavy load and have to make very hard decisions.

We were asked yesterday about what we are doing within the state system to try to make our staffing situation better and so I'd like to focus on the state's side of this issue. We have wonderful people who work so incredibly hard every day to take care of our youth, despite long hours, scheduling changes, and working with youth who have high levels of trauma, behavior issues, high risks, and high needs.

Our staff are tired, frustrated, and angry. And they have a right to be. The last time I checked, our coaches who work overtime are averaging 60 hours a month—or five additional 12-hour shifts. Our case managers just want to help youth with their progress and get their needs met. Our teachers just want to teach. And that's what they should be doing. But we very often ask them to work in the dorms as direct-care staff—because we have no choice right now. We have a statutory and professional obligation to provide adequate supervision ratios for the youth in our care. Without those ratios, the outcomes could be dire. Our mental health staff want to be able to focus on getting treatment needs met and helping youth. But they are responding to a continuing rise in suicidal behavior and ideations caused by a lack of staff to supervise our youth enough hours of every day. In December, they conducted a total of 1,031 suicide assessments. That's a 35% rise since August. We are also operating at slightly over half of the mental health professionals we need—there just aren't enough staff members to do everything that needs to be done for youth with incredibly high needs. I do want to be clear that recruiting has never worked harder to bring in new people. But the national labor shortage is real, and it is affecting us in very negative ways. Operations has made some incredibly hard decisions to try to do the best we can given the staffing levels we have. We work every day to try to make decisions that help—if only a little.

So I'd like to announce about some strategic decisions we have made to improve the situation: First, many of our staff who work directly with youth and must be in count in our secure facilities will be receiving a 15% increase on top of their regular salary. For our coaches, team leaders, cooks, case managers, teachers' aides, and a few others, this will last for as long as these extreme circumstances continue to create an ongoing crisis that affects your specific job. And I remain committed to requesting permanent pay raises from the Legislature in 2023.

We also understand that if we want to keep and recruit capable mental health professionals in our secure settings that we have to be more competitive in a highly competitive market. Increases are coming for these staff members as well.

For our teachers, we will continue to pay disaster comp balances when they must wear two hats and work more hours. Legislatively, we are held to salaries that are commensurate with those of local districts. In addition to my own position, our teachers are the only staff roles that the legislature deems "unclassified", meaning that the salary is legislatively dictated. I know that using federal disaster dollars, some districts were able to provide bonuses for their teachers; TJJ did not receive those funds. We continue to explore legal options for our teachers and will be requesting changes to the rider in the Appropriations Act and any other rule or statute next session that allows us more flexibility, especially during difficult times.

Now I know that some will not like this decision regarding extra pay for some and not others. It may feel unfair. I want to be very clear that I deeply appreciate every person who is working so hard. If it were up to

me, all of our staff would make more money, and I'll continue to request funds from the Legislature in our upcoming Legislative Appropriations Request—for the entire juvenile justice system. But I want everyone to understand how dire the situation is in our secure facilities and that because of the limitations of our budget, we had to make strategic decisions designed to focus on the biggest problems we have. And now, I'd like to talk about some of those "best decisions"—or at least our thinking toward those decisions. The Texas Model is really all about doing the best we can using data and research-driven solutions. But there is still work to do. For a while now, we have been examining our internal methods, systems, and policies in the time we have to focus on it as well as reviewing the related data and science, and there are natural next steps that we now need to take.

Best practice says that lengths of stay in secure facilities should be between 3 and 15 months. Ours range from 9 months to 24 months for indeterminate youth. It is crystal clear that staying in secure care for a long time after treatment is complete has no positive effect on recidivism. "Marking time" does not help youth and it does not make them safer when they leave.

Additionally, it is clear that our stage system is not working for all of our youth—we have been revising that to make the expectations clearer. Many years ago, TYC did not have clear expectations for youth to meet to earn their release. Based on a court case, TYC created steps for program completion. Over the years, it has changed some. But it has not changed enough to meet the needs of the current youth in our care. We no longer have misdemeanants and as the population has dropped, the acuity level of our youth has increased incredibly. It may surprise you to know that only about 5% of our youth in secure actually check all of those boxes prior to release. It surprised me. And yet, there is an obvious expectation that many of our youth should move on before the Release Review Panel must get involved. The RRP's primary purpose is to keep youth from languishing in secure care. They should not be a de facto parole board.

With this also comes confusion about policies that may not be as clear as we would like for them to be about trajectories out of secure care and we do want to be clear and transparent about those decisions. So over the next few months, we will be bringing before the board policy changes that smooth out those steps, bring more clarity, and align our policies with what science and research tell us. Our focus needs to be on getting youth the treatment programs they need and giving them time to demonstrate their new skills and show they can improve in their abilities to control their responses to triggers, their tempers, and their behavior overall. We are talking about behavior and treatment-driven decisions and making the steps needed clear and fair—not easy. And we know that the effects of the offense that brought a youth to TJJD matters. While offense is not a predictor of recidivism, it is incumbent on the system to be sure that youth who commit higher level offenses demonstrate better behavior and application of learned skills for longer than youth who may have committed offenses of less serious levels. Youth at higher risk levels, which includes a strong look at past offenses and behavior among many other factors will naturally stay longer—just to get through one high-risk treatment program at TJJD takes six months.

I want the board to know that despite the challenges we have faced, we remain committed to the reform efforts—and to providing the best treatment and care for our youth and the best work environment for our staff. Our staff has stepped up in ways that we will never be able to repay. But in this time of intense, ongoing pressure, we know that we will need support and resources to make true reform happen and build the kind of agency we have envisioned. In future meetings we will explore those needs—from updates on the Sunset Commission recommendations when we have them to our upcoming Legislative Appropriations Request, which will include higher salaries throughout the system and greater resources for probation departments.

Forrest Mitchell, Inspector General, thanked the Board for allowing him the opportunity to serve as Inspector General for TJJD.

10. Report from The Advisory Council on Juvenile Services

Chief Ed Cockrell was not available to attend the Board meeting. Louis Serrano, Deputy Director of Probation Services, updated the Board on what the council has been working on since the last Board meeting.

11. Report from the Trust Committee

Jimmy Smith provided a summary of the items discussed at the Trust Committee meeting.

12. Report from the Finance and Audit Committee

Chairman Ritchey announced there was no quorum for this meeting.

13. Discussion, consideration, and possible acknowledgement of gifts (Action)

- a. Earl and Donna Dague
- b. Knob Springs Baptist Church
- c. Mr. and Mrs. Le-Land E.A. Chase-Meadows
- d. Gainesville Student Support Council
- e. 2nd and Charles
- f. St. Michael's Lutheran Church
- g. Houston Threads

Emily Anderson, Chief Financial and Operating Officer, provided details about each of the above noted gifts to TJJD. Judge Jarrett moved to acknowledge the gifts. Melissa Martin seconded. The motion passed.

14. Discussion, consideration, and possible approval regarding a contract with Canon Financial Services requiring board approval pursuant to GAP.385.1101 (Action)

Christian von Wupperfeld, General Counsel, provided details about the Canon Financial Services contract with a not-to-exceed increase by \$621,069. James Castro moved to approve the contract. Jimmy Smith seconded. The motion passed.

15. Discussion, consideration, and possible approval regarding the Regionalization Audit Report (Action)

Eleazar Garcia, Chief Internal Auditor, provided details of the Regionalization Audit Report including positives identified and opportunities to improve operations. Ann Lattimore moved to approve the audit report. Judge Jarrett seconded. The motion passed.

16. Report from the Programs Committee

Chief Edeska Barnes provided a summary of the items discussed at the Programs Committee meeting.

17. Discussion, consideration, and possible approval regarding the appointment of members to the Juvenile Services Advisory Council (Action)

Louis Serrano presented the nominations to the Juvenile Services Advisory Council. The following nominations were recommended to the Board: Juvenile Court Judge – Natalia Oaks, Southeast Texas

Juvenile Chiefs Association – Chief Ed Cockrell, West Texas Chiefs Association – Karina Browning, Commissioner Court – Judge Mark Allen, and Central Texas Juvenile Chiefs Association – Chief Mark Bittner. Chief Pama Hencerling moved to approve the nominations. Jimmy Smith seconded. The motion passed.

18. Report from the Safety and Security Committee

Judge Lisa Jarrett provided a summary of the items discussed at the Safety and Security Committee meeting.

19. Discussion, conseration, and possible approval regarding the discipline of certified officers – Agreed Orders (Action)

- a. Marquous Barnes, Certification No. 34875; Docket No. 20-34875-200185

Ashley DeWeese presented the agreed order. Judge Jarrett move to approve the agreed order. Ann Lattimore seconded. The motion passed.

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

- a. Amaechi Egbo, Certification No. 10358; Docket No. 22-10358-210203
- b. Christian Batiste, Certification Number: 36515; Docket No. 22-36515-210232
- c. Larry Draper, Jr., Certification Number: 35825; Docket No. 22-35825-210193
- d. Mario Foster, Certification Number: 33310; Docket No. 22-33310-210204
- e. Jamie Williams, Certification No. 28454; Docket No. 21-28454-190185, 190227
- f. Rene Rivera, Certification No. 35292; Docket No. 22-35292-220002
- g. David Bartholomew Jr., Certification No. 33254; Docket No. 22-33254-210233
- h. Allen Davis, Certification No. 31365; Docket No. 22-31365-220010
- i. Mackenzie Elledge, Certification No. 35709; Docket No. 22-35709-210156
- j. Christopher Gray, Certification No. 31897; Docket No. 22-31897

Ashely DeWeese presented the default orders.

a-d: Judge Jarrett moved to approve. Allison Palmer seconded. Chief Barnes and Mona Lisa Chambers abstained. The motion passed.

e-j: Allison Palmer moved to approve. Ann Lattimore seconded. The motion passed.

21. Discussion, consideration, and possible approval regarding the discipline of certified officers – cases conducted by the State Office of Administrative Hearings (Action)

- a. Jermon Washington, Certification No. 11040; Docket No. 20-11040-200008

Ashley DeWeese presented the case conducted by the State Office of Administrative Hearings. Allison Palmer moved to approve the discipline. Judge Jarrett seconded. The motion passed.

22. Closed Session – Executive Session at 10:16 a.m.

Chairman Ritchey

- a. Government Code §551.071 Consultation with attorney regarding litigation (see footnote)

- b. Government Code §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)
- c. Government Code §551.074 Discussion regarding personnel matters

23. Reconvene in Open Session at 10:40 a.m.
Chairman Ritchey

24. Adjourn
Chairman Ritchey adjourned the meeting at 10:40 a.m.

- The Texas Juvenile Justice Board reserves the right to limit the time and scope of public comments as deemed appropriate by the Board.
- The Texas Juvenile Justice Board reserves the right to take formal Board action on any posted agenda item if necessary.
- Items may not necessarily be considered in the order in which they appear on the agenda.
- The Texas Juvenile Justice Board may go into closed session with respect to any item as authorized by the Texas Open Meetings Act, as codified in Texas Government Code Section 551.071.
- If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or Jeannette.Cantu@tjjd.texas.gov
- The Texas Juvenile Justice Board reserves the right to broadcast its meeting live.