



**For the**  
**Texas Juvenile Justice Department**

First Quarter Report FY22

September 1, 2021 to November 30, 2021

## **INTRODUCTION**

This is the first quarterly report for Fiscal Year (FY) 2022 to be submitted by the Office of the Inspector General (OIG) for the Texas Juvenile Justice Department (TJJD). This report is prepared in accordance with the requirements of Section 242.102 (2) (b) & (c) of the Texas Human Resources Code. According to that statute, this report shall be delivered to the Board, the Executive Director, Advisory Board, the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the standing committees of the Senate and House of Representatives with Primary Jurisdiction (Senate Criminal Justice, House Juvenile Justice & Family Issues), the State Auditor, and the Comptroller. Per statute, this report contains public information and shall be posted on the Texas Juvenile Justice Department's website. This report does not include all dispositions of criminal and administrative investigations, but rather only those resolved in this quarter.

## **STRATEGIC INTENT**

The Office of the Inspector General (OIG) was established by the Texas Legislature for the purposes of investigating criminal and delinquent conduct in state operated facilities and programs. This includes contract care facilities that provide residential and therapeutic care for the juvenile offenders under court ordered supervision of the TJJD. This also includes parole services once the juvenile offenders are discharged from secure custody. The OIG also operates a 24-hour hotline, known as the Incident Reporting Center (IRC) for calls, complaints, and inquires for the TJJD. The mission and scope of the OIG has grown over the years to include fugitive apprehension, canine narcotics detection teams, and a gang & security intelligence group. In April 2018, the OIG began to operationalize a request of the TJJD Executive Director and other state leadership, by creating a uniformed team of security professionals dedicated to conducting entry searches and exterior perimeter patrols at the five-state operated secure facilities. Then in May of 2018, the Executive Director of TJJD also returned the administrative investigations team to the OIG. That team, which is responsible for investigating abuse, neglect, and exploitation at juvenile facilities and programs in Texas, was moved from under the direction of the Office of General Counsel. In order to achieve these missions, the OIG has commissioned peace officers, investigators, and other staff geographically dispersed throughout the state.

## EXECUTIVE SUMMARY

During this reporting period, the Office of the Inspector General opened a total of 352 criminal investigations and closed 429 cases. The number of investigations opened, increased by approximately 10% from a Q1 FY21 total of 320 cases. Furthermore 37 more investigations were closed in the Q1 FY22 reporting period, which represents a 9% increase.

During the first quarter reporting period, there have been some changes in the prosecution data involving OIG investigations. In Q1 FY22, OIG submitted a total of 40 cases for review compared to 113 in Q1 FY21; a 65% decrease. All but two of the 40 cases were submitted to the Special Prosecutions Unit for consideration of criminal charges. Some other significant differences between the two fiscal years, are the increase in the number of indictments and the decrease in the number of convictions. In Q1 FY22, OIG learned of 41 indictments compared to 32 in Q1 FY21. OIG also received notice of 19 convictions in Q1 FY22 versus 28 in Q1 FY21. As it relates to dismissals, the number increased from three in Q1 FY21 to six in Q1 FY22. Finally, the number of case declinations increased; five in Q1 FY21 and 15 Q1 FY22.

There have also been some significant differences in arrest information as well as the directives to apprehend issued by the TJJJ, and the number of juvenile offenders apprehended. In this reporting period, the OIG made 33 criminal charge arrests against 24 persons as compared to 94 criminal charge arrests against 41 persons in Q1 FY21. OIG apprehended one juvenile offender on a TJJJ issued directive in Q1 FY22, which is the same as Q1 FY21. The number apprehended by other law enforcement agencies decreased from 52 in Q1 FY21 to 37 in this reporting period.

During the reporting period, the county investigative team opened 59 abuse, neglect, and exploitation investigations. These included 20 restraint related abuse investigations; eight non-restraint related investigations; one Serious Physical Abuse investigation; 10 Sexual Contact & Non-contact Abuse investigations; one Emotional Abuse investigation, and 19 Supervisory Neglect investigations. The team completed 71 investigations within the first quarter. The average number of days from opening to disposition was 47. During that same time period, they also received a total of 543 grievances regarding local and contract care juvenile facilities or programs. The team also received 147 Serious Incident reports including two Escapes; one Escape-Furlough; 39 Attempted Suicides; 22 Reportable Injuries; 75 incidents of Youth-on-Youth Sexual Conduct, and eight reported incidents of Youth-on-Youth Physical Assaults at county or county – contracted facilities.

## OPERATIONAL ACTIVITIES

In the area of criminal and county investigations, the OIG’s investigative resources are focused on a small number of key areas. Some of the main case types include sexual abuse, narcotics & contraband, abuse of office (excessive use of force), felonious assaults, gang intelligence, and administrative abuse, neglect, or exploitation. In the area of sexual abuse investigations involving staff members, historic OIG case data supports that most of the allegations made by juvenile offenders are false. Despite this fact, a recent trend shows a number of OIG investigations have resulted in affirmative findings of more staff involved in inappropriate relationships with juveniles in TJD custody or under supervision, resulting in criminal and administrative consequences. Juvenile offenders certainly do routinely fabricate allegations of sexual abuse perpetrated by staff; however, the recent frequency of OIG arrests and/or adverse employment actions stemming from OIG investigations cannot be understated. Body worn cameras have greatly assisted investigators in reviewing these cases and finding evidence to either substantiate the allegations or exonerate the wrongfully accused.

Sexual Abuse Investigations Q1 FY21						Sexual Abuse Investigations Q1 FY22					
Count y	Evin s	Gaines .	Gidding s	Mar t	Ron Jackso n	Count y	Evin s	Gaines .	Gidding s	Mar t	Ron Jackso n
11	10	7	10	2	12	10	48	8	12	5	11

County numbers include Sexual Abuse – Contact and Sexual Abuse – Non-contact investigations in pre-and post-adjudication facilities.

State numbers include staff and juvenile offender sexual misconduct including contact and non-contact.

Q1FY22 Disposition by Case Type; Sexual Abuse (PREA)				
STATE				
Confirmed	Exonerated	Unable to Determine	Unfounded	Total
0	0	2	61	63
COUNTY				
Sexual Abuse-Contact				
Confirmed	Exonerated	Unable to Determine	Unfounded	Total
0	0	2	1	3
Sexual Abuse-Non-Contact				
Confirmed	Exonerated	Unable to Determine	Unfounded	Total
2	0	1	2	5

In the area of abuse of office and excessive use of force investigations, OIG continues to see a reduction in the number of complaints throughout juvenile facilities in Texas.

Abuse of Office Investigations Q1 FY21						Abuse of Office Investigations Q1 FY22					
County	Evin s	Gaines .	Gidding s	Mar t	Ron Jackso n	County	Evin s	Gaines .	Gidding s	Mar t	Ron Jackso n
48	1	0	2	1	2	29	0	2	1	0	3

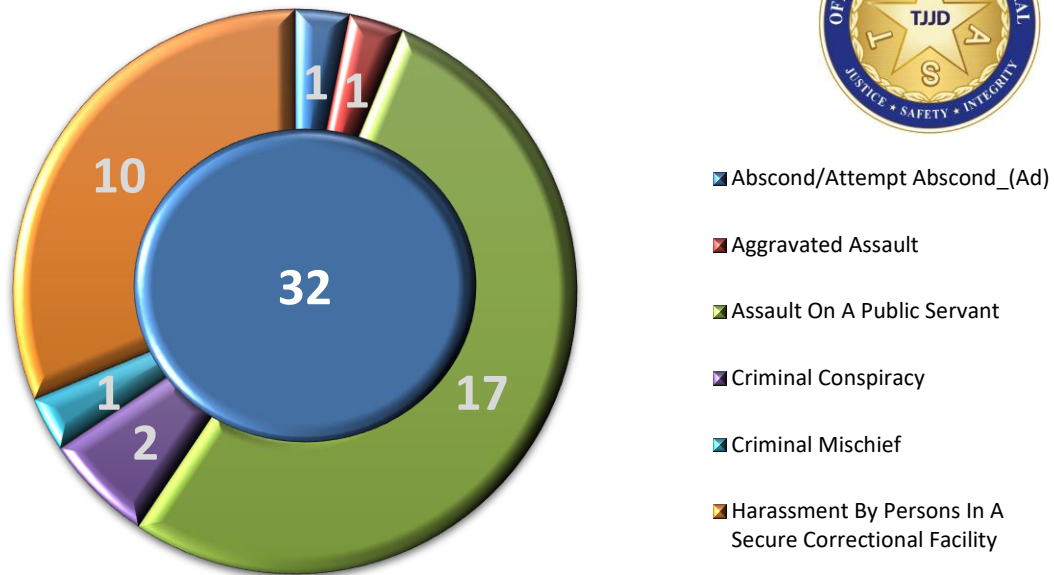
County numbers include the following reporting categories of information: Physical Abuse – Mechanical Restraint, Physical Abuse – Non-restraint, Physical Abuse – Physical Restraint, and Serious Physical Abuse in pre- and post-adjudication facilities.

Q1FY22 Disposition by Case Type; Abuse of Office (UoF)				
STATE				
Confirmed	Exonerated	Unable to Determine	Unfounded	Total
8	0	0	23	31
COUNTY				
Serious Physical Abuse				
Confirmed	Exonerated	Unable to Determine	Unfounded	Total
1	0	1	1	3
Physical Abuse - Non-Restraint				
Confirmed	Exonerated	Unable to Determine	Unfounded	Total
3	0	1	2	6
Physical Abuse - Mechanical Restraint				
Confirmed	Exonerated	Unable to Determine	Unfounded	Total
0	0	0	0	0
Physical Abuse - Physical Restraint				
Confirmed	Exonerated	Unable to Determine	Unfounded	Total
3	0	0	17	20

The majority of investigations of alleged abuse, neglect, and exploitation (ANE) in county operated departments, programs and facilities are conducted by investigators operating out of the Austin area; therefore, they must travel to the various locations across the state to conduct in-person interviews. There were seven on-site investigations conducted in Q1 FY22, and also seven conducted in Q1 FY21.

In the area of arrests and charges filed by OIG investigators on juvenile offenders at the state facilities during the reporting period, the majority of the charges filed were for felonious Assault on a Public Servant. That offense category accounted for about 53% (17 of 32) of the arrests made, or charges filed. The next most frequent offense charge was for Harassment by Persons in a Secure Correctional Facility, with 10 of the 32 arrests being for that offense.

Total Arrests of Youth Offenders by OIG by OffenseType  
Q1 FY 22 (9/1/2021 - 11/30/2021): 32



### OFFICER DISCIPLINE

The OIG conducts abuse, neglect, and exploitation investigations on behalf of the TJJD as required in Texas statutes. The majority of these investigations involve alleged perpetrators employed, licensed, contracted with, or volunteering with local juvenile justice departments or alternative education programs in Texas. As of the publishing of this report, there are 6,088 officer certifications on file with the TJJD, which includes 2,470 Juvenile Probation Officers; 3,502 Juvenile Supervision Officers and 116 Community Activities Officers.

During this reporting period, three certified officer disciplines were finalized. These investigations were completed by OIG and referred to the Office of General Counsel (OGC) for action, or the TJJD Board took formal action on the disposition of previously referred investigations. Of those disciplinary actions, three involved investigations of abuse, neglect, or exploitation at pre-adjudication facilities. The three disciplinary actions involved three investigations of Physical

Abuse Mechanical Restraint. Three investigations were reviewed for officer discipline. Of the three finalized disciplinary actions, three resulted in one officer receiving a 2-year suspension and two received one-year suspensions by the TJJD board.

Regarding state regulated secure facilities, seven investigations were completed by OIG and referred to the Human Resources Department within TJJD. Of those dispositions, four involved Abuse and three Neglect. Disciplinary action was taken in all seven investigations. One resulted in a termination, three received 3-month probation terms, one received a 12-month probation terms, and three were re-trained.

### **FRAUD, WASTE, and ABUSE**

During this reporting period, OIG opened three fraud, waste, and abuse program (FWAP) investigations arising from alleged misconduct. Pursuant to the requirements of the Texas Government Code, OIG forwarded the allegations to the State Auditor's Office (SAO) and the TJJD Office of the Internal Auditor for review. Two investigations involved an allegation of tampering with a government record; these allegations are currently under investigation. The other investigation involved an allegation of misuse of time. This allegation has been closed as "Not Sustained".

### **TRENDS**

Since the implementation of the TJJD Executive Director's "Texas Model" in early 2019, there has been a decline in the number of TJJD workers' compensation claims reported to the State Office of Risk Management (SORM) categorized as resulting from "Youth Aggression". The number decreased from 55 in the first quarter of FY2020 to only 32 in FY2022. However, this downward trend was emerging preceding the implementation of the "Texas Model", with the first quarter of FY2016 seeing 116 claims as opposed to only 66 claims in FY 2019 (Sept.-Nov. 2018). Alarming however, there have been significant increases in the use of OC Spray by TJJD staff (categorized as a Critical Incident in G.A.P. 07.03), which is required to be reported to the Incident Reporting Center. In fact, the use of OC spray has more than doubled from the first quarter of FY 2016 from only 147 to more than 304 OC sprays in same time frame in 2022.

Remarkably, these numbers are three times higher than what was reported at the end of September 2008 (2008 - 99 OC sprays vs. 2022 - 304 OC sprays) when the population of the state's secure facilities was at 2,413. These trends are very concerning considering the significant reduction, 36.2%, in the state secure confinement populations of TJJD juveniles in Trends Table 1.0 (Sept. 2015-1,052 vs Sept. 2021-671) based on reduced commitments, increased diversions, contract care placements, and release practices implemented by department leadership.

Juxtaposed to the trends in the mandatory reporting described above, the OIG has simultaneously made more arrests and filed more charges for youth aggression directed against staff that occurred in the first quarter from only two cases in FY2016, to 69 in the first quarter of FY2021 (FY2022 data is incomplete since there are still open investigations which have not resulted in arrests or charges being filed yet).

These violent conditions, and other factors such as COVID-19, could be contributing to the reported attrition rate of juvenile correctional officers, which reached a total of 71.61% by the end of FY2021, and represents 217% of LBB performance target. At the end of FY2016, four years prior to the implementation of the “Texas Model”, the attrition rate of JCOs was only 36.8%. Finally, and perhaps of equal or greater significance, is the three-year re-arrest or re-offend rate of TJJJ committed juveniles following release from secure confinement that has not changed more than .6% from release year 2014 (74%) through 2018 (74.6%). Though there was an 11.8% decline in the one-year re-arrest from the 2020 release year, emergency changes in arrest and detention practices during the COVID-19 pandemic most likely account for much of this decline. Additionally, the increase in OIG arrests for Assaults on Public Servants, SPU prosecution referrals, and TDCJ commitments for those offenses also impact this decline to a lesser extent than COVID-19 emergency conditions. In conclusion, the trends articulated in this report should cause stakeholders great concern as the use OC spray by TJJJ staff to protect other youth and staff from injury since the implementation of the “Texas Model” has increased significantly despite the reductions in the population, thereby signaling an increasingly violent environment in state secure confinement.

Report Years for 1st Quarter	TJJJ Workers' Compensation Injury Claims casued by Youth Aggression reported by TJJJ Hum. Res. to State Office Of Risk Management (SORM)	Use of OC Spray Reported to IRC pursuant to Texass Juvenile Justice Board administrative policy (source: Open Data Portal analysis 1-26-22)	OIG criminal investigations opened for allegations of felonious youth aggression against staff (assault on public servant, harassment of a public, aggravated assault)	OIG Arrests for Assault on a Public Servant (by Incident Date in 1st Quarter)
2022	32	304	79	28*
2021	31	363	128	69
2020	55	273	177	63
2019	66	249	161	44
2018	61	225	172	23
2017	97	203	185	5
2016	116	147	143	2

\* OIG has open criminal investigation of felonious youth aggression against staff that have not yet resulted in criminal charges yet

**Trends Table 1.0**



## SIGNIFICANT INVESTIGATIONS

On October 26, 2021, former Youth Development Coach Daniel Holmes was convicted of Improper Sexual Contact in a TJJJ Facility and Indecency with a Child; Lewd Exposure in the 35<sup>th</sup> District Court. He received a six-year probated sentence and is required to register as a sex offender. The convictions emanated from the investigations conducted by the Office of Inspector General in 2019.

In September 2021, it was alleged a Juvenile Supervision Officer (JSO) and a female offender engaged in flirtatious type behavior and the passing of notes while the offender was detained at the Denton County Juvenile Detention Center (JDC). The offender later disclosed she was involved in sexual relationship with the JSO after her release from the facility, but while the suspect was still employed at the Denton County JDC. During the forensic interview at the Child Advocacy Center, the offender denied she was involved in a sexual relationship with the JSO; however, she later admitted to an OIG ANE Investigator that she was in fact, involved in a sexual relationship with the JSO. Execution of a search warrant by the Denton County Sheriff's Office resulted in the collection of evidence at the suspect's home consistent with items described by the offender. The joint efforts of the OIG investigator and the Denton County Sheriff's Office, resulted in the suspect's arrest. On February 17, 2022, the former JSO was indicted on three counts of Sexual Assault of a Child and two counts of Indecency with a Child by Contact. The case is being prosecuted by a special prosecutor from Tarrant County.

On October 29, 2021, OIG ANE investigators received an allegation of Sexual Abuse-Non-Contact from the Cindy Taylor Krier facility in Bexar County. A former juvenile offender reported being shown digital images of a nude woman by a Juvenile Supervision Officer (JSO) at the facility. The OIG investigation, with assistance from the Bexar County Sheriff's Office, determined the woman in the images was a former nurse at the facility who had been dating the JSO. The JSO had maintained the images on his cell phone and shown them to the juvenile offender. While incarcerated at the Bexar County Jail, the offender recognized a nurse at the adult jail as the woman in the photos. Although criminal charges were not pursued, the OIG investigation resulted in a "Confirmed" finding and the JSO was terminated from his employment with Bexar County. The case has been submitted to the TJJJ Office of General Counsel for disciplinary action.