



TEXAS
JUVENILE JUSTICE
DEPARTMENT

**Statement to the Texas House Committee on Juvenile Justice and Family Issues (JJFI)
by Executive Director Shandra Carter
August 26, 2024**

Today Deputy Executive Director Sean Grove and I intend to give you a report on TJJD topics related to the interim charges of this committee. Those include:

- The DOJ investigation
- Current facility population and waitlist
- New facility builds

Before I begin, I want to acknowledge my staff in this room, those watching and those who cannot watch because they are caring for the youth in our custody. I know it is difficult to be depicted negatively and have the bad actions of a few generalized to us all. Please know that I see you and know how hard y'all are working to improve the system. I am proud of our team and the changes we have been able to accomplish. Keep your heads up and stay focused on our mission. We can do this.

Deputy Executive Director Sean Grove will go into the details of the DOJ report, but first I would like share some relevant context.

Unfortunately, TJJD is forever bound to its problematic history. It is a history that I did not create but did inherit. Most reports or stories about the agency describe us as an "agency plagued by scandal" and reference the terrible events from 2007 and events from 2017.

I joined TJJD as deputy executive director in June 2018. I was aware of the history and knew that I was agreeing to a significant challenge. From 2018-2020, my focus was solely on major reform efforts, and we made notable progress. I quickly established a clear expectation of transparency from all staff. They are all aware that lying or attempting to cover up issues is a certain path to termination. I share this to make clear that there is no scandal today. We do not have a culture of covering up. It would be easy to just chalk up the DOJ report as another indicator that the agency is incapable of change but that would be a short-sighted and inaccurate assessment.

Context matters and is necessary to accurately assess and respond to the agency needs today. The specific incidents referenced in the DOJ report are disturbing and unacceptable. We in no way minimize concerns that the report has caused. As I recently shared with Representative Lujan, we

wholeheartedly agree that every child in any setting deserves to be free from abuse and exploitation.

We know there is inherent risk in this environment and implement every tool available to prevent individual incidents from occurring, as well as swiftly respond to individual incidents when they occur. Today we intend to provide information that assures this committee and observing stakeholders that there are not systemic issues violating youth rights and that the report is not reflective of current TJJD secure facility culture.

(Ms. Carter references Slide 8, which was in a handout to the members, which outlines the timeline around the DOJ investigation, and reads highlights from that slide.)

Slide 8 shows that:

- In the Spring of 2020, the agency was necessarily focused on pandemic response
- Approximately six months into the pandemic, in October 2020, the complaint by advocates was sent to TJJD.
- In 2020-2022 the agency deals with the pandemic, then recovery and the subsequent “Great Resignation” period, in which many employers suffered losses nationally.
- October 2021 President Biden proclaimed October National Youth Justice Action month and the Biden DOJ announced it would investigate TJJD
- April 29, 2022, “I accepted interim ED position.”
- May 2022 DOJ started site visits at the secure facilities
- May 2022 – Jan 2023 the team was initially focused on protection from harm, mental health

TJJD staffing is unquestionably relevant to observations made by DOJ investigators. Site visits began at the absolute worst staffing crisis in TJJD/TYC history. *(Ms. Carter notes additional facts from Slide 8.)*

- When investigation was announced TJJD was averaging 50% staffing in secure facilities
- In May 2022, when site visits began Giddings was at 39% staffing
- In Summer 2022, Carter told stakeholders about the staffing crisis
- In June 2022, the agency paused intake which triggered a media news about lockdowns and waitlists
- In July 2022, the Legislature approved a 15% increase for TJJD direct-care staff
- August 2022, Ms. Carter speaks to her first JJFI hearing

This timeline is relevant because as DOJ was investigating, as the interim ED, I was transparent and forthcoming with the JJFI committee and all our other stakeholders about the dire circumstances the agency was facing due to the critically low staffing levels. I made no attempt to minimize our crisis or the consequences our staff and youth experienced. I was open and honest and asked for help, which was given by the legislature. Even in these toughest times, we stayed true to our mission, provided services to our youth, and we did not have a scandal of abuse and cover up. The DOJ report even acknowledges that I made requests for help from the legislature. What the

report fails to cite is the help that the legislature did in fact provide and the progress that was made as a result.

The DOJ made their observations at a time when every correctional and residential setting in the US was struggling with staffing. DOJ investigated their protection from harm and mental health concerns when the agency was literally struggling to ensure enough staffing to provide bathroom breaks for youth and staff. The handout captures how last session I described the agency's status using a Maslow Hierarchy of Needs. We all wanted robust rehabilitative programming but as I shared with this committee last interim session, at that time we were struggling to ensure basic physiological needs were able to be met.

As you can see on the heatmap on Slide 11, and the staffing graph on Slide 8, the 15% investment from the legislature prior to session even starting, initiated our recovery. With the unprecedented \$1 billion investment from the legislature last session, we have made tremendous progress since the complaint was submitted almost four years ago and the investigation launched almost three years ago.

DOJ has reported that they intend to negotiate in good faith. We are confident that the agency exhibits absolutely zero deliberate indifference and have, of our own accord, largely addressed the concerns in the report. If the DOJ does negotiate in good faith, we will be able to move forward and avoid litigation.

It is important to note that the agency received absolutely no feedback from the DOJ about their concerns until the public publishing of their report this month. We made multiple requests over the last two years for feedback about any constitutional violations they uncovered so we could address them immediately but received none.

All the progress we have made is a direct result of this team's commitment to partner with our counties to promote public safety, provide a full continuum of services for justice-involved youth and produce positive outcomes for youth, their families and our communities. We have and will continue to achieve this through our commitment to public safety, accountability and transparency.

In an effort to address concerns in the report and maintain transparency, we have invited our county partners to tour our facilities and meet directly with the youth they committed (to TJJD), as well as the members of this committee. We have had numerous visits occur over the past few weeks, including some chiefs here in the room today, and all reports back to us have indicated that youth feel safe and are getting their needs met in the care and custody of TJJD.

I understand that there may be concern about our ability to objectively assess ourselves and our response to the investigation. Fortunately, the legislature has developed two separate and independent entities who can provide y'all with objective assessments. The OIG and OIO, who the

legislature developed in direct response to the incidents in TJJD's past.

Issue 1: Staffing Strength

