



**DisabilityRights**  
TEXAS

CENTER FOR PUBLIC REPRESENTATION  
A PUBLIC INTEREST LAW FIRM DEDICATED TO SERVING INDIVIDUALS  
WITH DISABILITIES NATIONWIDE FOR MORE THAN 30 YEARS

February 15, 2012

Debbie Unruh, Chief Ombudsman  
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Dear Ms. Unruh:

For several years, our organizations have worked together to address concerns related to conditions and adequacy of programming in Texas' secure juvenile facilities. In August of 2010, we sent a letter to the U.S. Department of Justice urging them to investigate conditions in several facilities where our interviews with youth showed a clear pattern of both unsafe conditions related to youth-on-youth assaults and improper restraints, and of youths' own expressions of fear for their safety. The information gleaned from these interviews was underscored by data obtained from the Texas Youth Commission, all documented in our letter to the DOJ.

In November of 2010, the Moss Group published a report discussing improved sexual safety of youth in facilities. The Moss Group, Systemic Assessment of the Texas Youth Commission's Sexual Safety Reform Strategies Final Report (2010). However, that same report noted many of the problems we raised after our visits to facilities in the summer of 2010. The Moss Group's report included concerns regarding youth-on-youth assault and gang-related activity. The report recommended "further review and intervention" if the review indicated problems existed. As recently as March of 2011, the Safety and Security Committee of the Texas Youth Commission reported during the agency's board meeting that "as the youth census has decreased...incidents of youth aggression have increased."

It is thus with an increasing sense of alarm that we read the problems raised in your agency's report for the first quarter of the 2012 fiscal year, and – close on the heels of the release of that report – the article published by the Texas Tribune, *Despite Reform, Violence Rises Among Youths at Juvenile Lockups*, showing a clear increase in the rate of confirmed reports of youth-on-youth and youth-on-staff assaults in the remaining state secure facilities.

The Tribune shared with us the documents the Texas Juvenile Justice Department provided in response to the reporter's open records request. In addition to the troubling assault

data, the documents raise several other areas of concern, including the increased rate of confirmed cases involving bodily injury, the number of times youth made a self-referral to a security unit in a facility in 2011 out of fears related to their safety, and the number of youth who abscond from halfway houses. Unfortunately, your first quarter report and the data provided to the Tribune are consistent with reports we have received from parents who call our organizations seeking help, as well as the reports we hear from the attorneys and advocates who have a regular presence in facilities.

Therefore, we submit this formal complaint raising concerns related to systemic problems in the Texas Juvenile Justice Department secure facilities and halfway houses, and ask you to investigate these concerns pursuant to your authority under Sec. 261.101(3)(B) of the Texas Human Resources Code. Specifically, we ask the Office of the Independent Ombudsman to investigate:

- The number of youth-on-youth and youth-on-staff assaults, including assaults involving bodily injury, the impact these assaults have on the safety and welfare of youth and staff in the facilities, and the impact assaults have on the ability of youth to progress in the programming and treatment needed to obtain release.
- Whether youth with disabilities are victimized in youth-on-youth assaults at a disparate rate.
- The injuries youth and staff suffer as a result of youth-on-youth assaults, both in terms of the severity of injury, the impact on medical costs, and the impact on workers compensation claims made by staff as a result of injuries they suffer.
- The number of self-referrals by youth to a security unit within a facility due to fear for their own safety, and the impact these referrals have on a youth's ability to progress through the programming and treatment needed to obtain release.
- Whether youth with disabilities are disproportionately represented in these self referrals.
- The increase in pepper spray use, particularly in the Giddings State School.
- The number of absconds from halfway houses, the reasons for the seemingly high number of absconds, and the impact this is having on a youth's ability to progress through the programming and treatment needed to obtain release.
- If the investigation reveals a problem related to any of the above, the underlying causes to the extent that they can be determined, including problems related to staffing ratios, staff being required to work overtime to meet mandated ratios, and any problems that may be related to staff absenteeism.

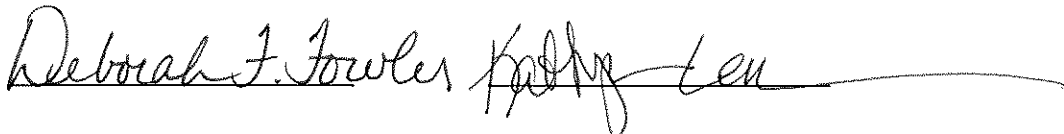
If your investigation reveals problems, we ask that you recommend solutions or action steps to the agency, pursuant to your authority under Sec. 261.101(7).

While we recognize that the state's secure facilities have seen an increase in the percentage of youth committed for a violent offense, this is the natural consequence of the shift in funding to county juvenile probation departments for community-based alternatives to commitment. It would seem only natural that the agency would be able to anticipate and make adjustments to its programming accordingly. Though we recognize that adjustments

in programming require resources, we also note that the agency turned back close to \$10 million in lapsed funds at the end of FY 2011.

Ultimately, it is very difficult for us to imagine that the children in the care of the state secure facilities could make much progress toward rehabilitation if they are not in an environment in which they are safe. Similarly, an agency that does not prioritize staff safety will lose committed professionals who will be drawn to other environments. These concerns – repeatedly raised by several different sources over the course of the last 18 months – merit an investigation. We are happy to assist you and your staff in any way that we can as you consider these issues.

Sincerely,

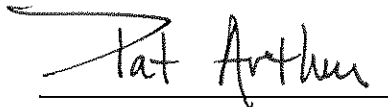


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CC: Senator John Whitmire, Chair of the Senate Committee on Criminal Justice  
Representative Jerry Madden, Chair of the House Committee on Corrections