



Memorandum

To: State Government Leadership Offices
From: David Reilly, Executive Director
Subject: Sexual Misconduct at Gainesville State School
Date: November 29, 2017

Over the past year, TJJD has seen several disturbing events, notably a series of sexual misconduct cases at the Gainesville State School.¹ From Gainesville to Austin, TJJD considers this misconduct, recently detailed in the *Dallas Morning News* and the *Houston Chronicle*, unacceptable. The youth in our care should not be victimized as they work to redeem themselves and claim a fresh start on life.

Prevention is TJJD's principal goal, and the bedrock of our zero tolerance policy. As much as we loathe that these events happened at all, I believe the facts of these cases show that oversight mechanisms put in place by legislative reforms of the past decade *are* working. The perpetrators were caught and prosecuted because dedicated staff helped flag this improper activity and document the events. In other cases, youth accessed the Incident Reporting Center (IRC) hotline, allowing our criminal investigators to build a case.

However, I also believe that more can—and should—be done to shore up prevention efforts, decrease opportunities for misconduct, and vigorously enforce TJJD's zero tolerance policy. The purpose of this memo is to provide you with details and updates regarding the recent instances of wrongdoing, agency efforts to avert such actions by employees going forward, and the challenges we face.

¹ See attached list of sexual misconduct cases.



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Importance of Legislative Reforms and TJJJ's Zero Tolerance Policy

Legislative reforms of the last decade created numerous oversight mechanisms that functioned well in the present cases. First, our internal oversight tools brought these cases to light and enabled the TJJJ Office of the Inspector General (OIG) and the Administrative Investigations Division (AID) to vigorously pursue them. In one case, a Juvenile Correctional Officer (JCO) was caught, disciplined and investigated before engaging in any physical contact with a youth because supervisory staff intervened. She is charged with "*attempted* improper sexual activity" for soliciting a youth.

Second, aggressive enforcement—particularly the 10-year prison sentence secured against Samuel Wright in July, who was convicted of sexual contact with a person in custody—will put potential offenders on warning and act as a deterrent against future misconduct. In September, OIG and Gainesville supervisory staff used Wright's case in town hall meetings with facility staff to re-emphasize the serious consequences of sexual misconduct.

The importance of legislative reforms and a vigorously enforced zero tolerance policy cannot be overstated. TJJJ pairs these tools with preventative efforts and is taking steps to shore up these efforts in light of recent events.

Hiring and Training Strategies

Using effective screening practices for potential employees. TJJJ looks for any criminal background by checking all available databases, including the Sexual Offender and Child Abuse registries. Starting in November 2016, all external applicants selected for employment are reviewed either by the Central Office Director of Employment or the Employment Supervisor to ensure the processes outlined in the HR-024 (Background Reference Checklist) are completed. The checklist identifies requirements to obtain and review references from TDCJ, other juvenile and criminal justice or law enforcement employment, Prison Rape Elimination Act (PREA) certification, and agency databases. The review also verifies that the criminal history, sex offender registry, TCIC/NCIC warrants, and a check with DFPS has been conducted.



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Ensuring prospective selected employees are a good fit for their jobs. All prospective selected staff with direct care responsibility must take an assessment to ascertain their suitability for working at TJJD. This assessment was developed and validated specifically for TJJD staff and encompasses unique assessments for JCOs, case managers, parole officers and teachers.

Ensuring JCO training reinforces the critical importance of maintaining healthy interpersonal boundaries. At a minimum, staff receive more than 45 hours of job training during which these topics are discussed, representing a significant piece of the 300 hours of training received in the first year of employment.

Increasing training on the Prison Rape Elimination Act (PREA). TJJD intends to have all direct care staff take a refresher round of PREA training. We will start this at Gainesville. We also intend to provide a new leadership support training experience for first-line supervisors, many of whom are new to their roles. Currently, extensive leadership training curriculum is being developed, but in the short term, we can provide targeted leadership training to those on the front line. Additionally, staff receive annual training to ensure their continued knowledge of PREA, and are expected to follow all PREA and prevention protocols, such as announcing their presence when entering an opposite gender dorm, maintaining a direct line of sight when supervising youth at all times and ensuring youths have privacy when showering, changing clothes, and during restroom routines.

Youth Safety and Supervision Strategies

Apprising TJJD youth of their rights. Youth are encouraged to report any sexual abuse, harassment or misconduct by calling the IRC hotline or lodging a complaint with staff, volunteers, parents or a third party. They can make a confidential complaint to the hotline by utilizing special blue phones installed in their dorms. TJJD youths view a video, "Safeguarding Your Sexual Safety," upon entrance to TJJD custody, again when they reach their housing assignment and again at any subsequent facility move, including when they move to a step-down facility or halfway house or are placed on parole. "Break the Silence" and "Zero Tolerance" posters are displayed in dorms and throughout TJJD facilities to remind youths to report any information or suspected allegation of sexual abuse and sexual harassment.



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Removing employees pending investigation results. In September 2016, TJJD issued a new directive in which employees accused of sexual contact or causing serious bodily injury to a youth are immediately removed from all direct-care duties pending the outcome of the investigation. This was a direct response to the Samuel Wright case. The previous practice had allowed for some discretion in re-assignments during an investigation.

Identifying staff who have been named in multiple unsubstantiated cases of a similar nature. This new initiative is based on the premise that “where there is smoke, there is fire.”

Strengthening TJJD’s “Never Alone” policy. A directive issued in October and to be fully enacted at all secure facilities by December 1, 2017, asserts new rules for transporting youths by vehicle or on foot, on or off campus. The policy, part of the “Never Alone” initiative, requires teams of staff to transport youths or that groups of youth be present for transports. If neither is feasible, it requires staff to wear body cameras when transporting youth. Our purpose in doing this is to ensure that no staff and youth are ever alone, outside the line of vision of others. Although the Gainesville campus presents unique challenges in on-campus transports, we are instituting this practice as best we are able system-wide, not just at Gainesville.

Decreasing blind spots in video surveillance system. TJJD has more than 8,000 surveillance cameras in operation across its facilities. There is not adequate staffing to assign anyone the sole duty of watching cameras or to review every minute of video recorded. However, these cameras are monitored in real time by staff who have additional duties, such as answering internal phone calls and requests for assistance and recording movement into and within the facility. These staff report any unusual happenings. In this way, the video surveillance works as both a deterrent and a law enforcement tool. Video evidence in which Samuel Wright was seen to move off-camera into a bathroom helped confirm the allegations against him. Recently, leadership added six cameras to an area at Gainesville where they determined the view was limited.

Other Strategies

Increasing management oversight. For several months after Samuel Wright case, the Senior Director of State Programs and Facilities and the Director of Secure Facilities held weekly calls



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with the superintendent and assistant superintendent at the Gainesville campus to discuss personnel and discipline decisions. In addition, these two leaders made 12 visits collectively to the campus since September 2016 to meet with staff, evaluate the culture and discuss issues. We intend to increase their presence at Gainesville. We will also be increasing random video monitoring and local on-site supervision on challenging dorms to ensure those dorms are operating in accordance with the daily schedule and are maintaining an orderly environment.

Restarting overtime payments. TJJD discontinued monthly overtime payouts last spring due to a fiscal year 2017 budgetary shortfall. Regular payments are resuming December 1. We believe this will improve staff morale and help to reduce turnover.

Evaluating capacity for a JCO recruitment/retention bonus program. As a consequence of high JCO turnover, TJJD is seeing some savings from vacant positions, even after additional overtime expenses are accounted for. Although it is still early in the fiscal year, we believe this will allow the agency to create small retention and/or recruitment bonuses beginning early in calendar year 2018. The intent of these bonuses will be to improve morale, hire for hard-to-fill positions, and encourage continued employment.

Requesting technical assistance through TJJD's Youth In Custody Practice Model initiative. TJJD will be bringing in an outside expert to examine our practices and find improvement mechanisms, especially addressing best practices for mixed gender supervision.

All of these measures help create a safer culture on our campuses but challenges remain.

Operational Challenges

The *Dallas Morning News* stories pointed to stresses in our system. While we have some disagreements with the exact details and descriptions of certain events reported, the report that our campus at Gainesville faces operational challenges, is accurate. What's more, our other secure facilities face many of the same stresses.

The Gainesville State School and Ron Jackson State Juvenile Correctional Facility both charted untenable high turnover among Juvenile Correctional Officers (JCOs) of 51 percent in fiscal year



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(FY) 2017. Overall, turnover for JCOs at all secure facilities was 41 percent in FY 2017, though our halfway houses fared better, with an average turnover rate of 24 percent.²

This degree of turnover is difficult to manage in an environment where youths require constant supervision. The staffing churn compounds stress on remaining employees who are asked to work overtime and cover open positions, fueling additional discontent and turnover. *The Dallas Morning News* reported on this ripple effect.

A snapshot of the numbers at Gainesville in late October revealed that high turnover had created a vacancy rate of 24 percent among JCOs. (Ron Jackson's was 23 percent.) This puts terrific strain on operations. Current and former staff have told us they feel unsafe being alone with groups of up to 12 youths and frustrated by frequently being called in to cover gaps caused by vacancies or absences.

There are other, baseline reasons retention is difficult. A robust economy across Texas has challenged TJJD's ability to fill and retain staff for jobs that are high-risk and require a high level of responsibility, but offer salaries that become less competitive in tight local job markets.

A JCO III with one year of experience earns \$2,942 a month, or about \$35,000 a year. According to Texas wage statistics for mid-2016, first-line food preparation and serving workers make more money (a mean average of about \$37,480 annually) in the North Texas rural region where the Gainesville State School is located.

Meanwhile, the youths we serve in state facilities are those whom juvenile courts decided to commit. This population has significant treatment needs. The latest figures indicate that about 80 percent of youths in secure state facilities are eligible for the Capital and Serious Violent Offender Treatment program and nearly the same percentage need alcohol and drug treatment.³

² See attached JCO turnover statistics.

³ See attached treatment needs information.



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High turnover takes a cascading toll: Just as it pushes staff to its limits, it has tested our agency's financial resources, pushing our training and overtime expenses ever higher. It also impedes the agency's ability to build positive culture.⁴

Let me be clear: low pay, high turnover, job stress and staffing shortages do not cause employees to become more sexually deviant. However, low staffing levels create opportunities for misconduct that could otherwise be prevented. We continue to make improvements and adjustments where resources allow. In addition, we look ahead to the next legislature to assist us. Together, we can recommit Texas to helping its troubled youth while ensuring the safety of the wider community.

Gainesville State School – Recent Successes

Despite the challenges, TJJD continues to see our youth making educational, social, and personal strides at the Gainesville State School.

For example:

- In November, 88 young men attended graduation, receiving high school diplomas, equivalency degrees or vocational certifications in welding, electrician services, occupational safety skills and other fields.
- Several youths have won recognition for good behavior and progress toward goals, becoming Young Men of Distinction, a program recognizing leadership and discipline, or being rewarded with advancement to the PAWS program, in which youths care for and help train adoptable dogs.
- A few young men at Gainesville have won the privilege to work off campus in apprentice programs operating equipment in a warehouse or training for electricians jobs.

⁴ See attached overtime expenses information.

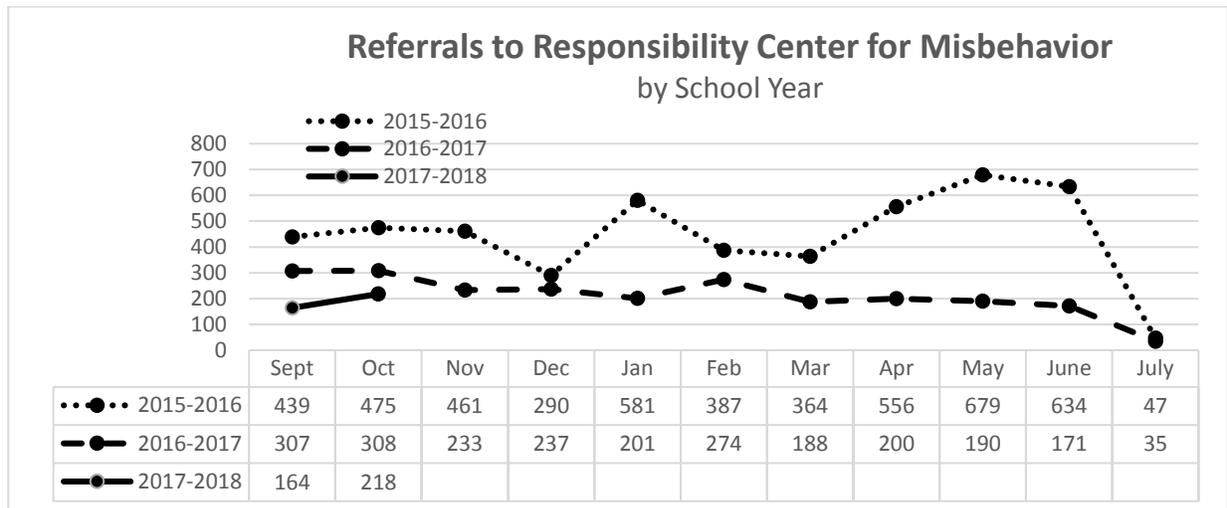


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- Nearly 20 youths played this past fall on the Gainesville school’s Tornadoes football team, which participates in the Texas Association of Private and Parochial Schools (TAPPS) League.

In addition, the Gainesville State School is nearly ready to open Tornado Ranch, on TJJD property just across the street from the school, where youths will care for a variety of farm animals, learn agricultural skills, and participate in an equine therapy program.

Also noteworthy: referrals to the Responsibility Center for poor behavior have declined significantly. School officials attribute this improvement to a change to a split class schedule in August 2016 in which youths attend school in either the morning or the afternoon, participating in counseling, life skills and other activities during alternate hours. The change enabled a reduction in class sizes, allowing teachers to spend more individual time with students. (The Responsibility Center is similar to detention in public schools, except coaches work with students to improve behavior and send them back to class.)



During this same period, referrals to the security unit (for more serious behavior violations) also declined, from 199 in the 2015-16 school year to 60 during the 2016-2017 school year.



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Attachment 1: Sexual Misconduct Cases at Gainesville State School

Samuel Wright, a JCO IV, was convicted and sentenced on July 5, 2017, to 10 years in prison for improper sexual activity with a person in custody, a 2nd degree felony. Wright's case came to light when a youth reported him. Surveillance camera footage helped confirm the incident had taken place. OIG investigated and referred the case for prosecution.

In November 2016, Gainesville school authorities suspended a psychologist who was found by TJJD's Administrative Investigations Division (AID) to have violated employment rules by emailing pornography to his work computer and email (a violation of Rule 5.21) with the intent of encouraging a youth to masturbate in front of him (a violation of Rule 3.03) and that the psychologist tried to solicit the youth (a violation of Rule 3.01).

In September, October and November 2017, three female JCOs or former JCOs were arrested for separate and unrelated incidents in which they allegedly engaged in sexual relationships with youths at the Gainesville school. They are charged with sexual activity with a person in custody or attempted sexual activity with a person in custody.

A fourth female JCO was investigated for having an alleged sexual relationship with a youth. OIG forwarded the case to prosecutors, but a grand jury no billed the case.



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Attachment 2: JCO Turnover

	FY 2016	FY 2017
JCO Turnover	37.17%	41.19%
TJJD INSTITUTIONS	39.77%	43.31%
Evins In Edinburg	35.57%	35.73%
Gainesville	60.19%	51.15%
Giddings	31.14%	33.48%
Mclennan County in Mart	42.78%	44.67%
Ron Jackson in Brownwood	28.48%	51.17%
HALFWAY HOUSES	13.47%	23.48%
Ayres House in San Antonio	14.04%	7.69%
Brownwood House	16.67%	25.53%
Cottrell House in Dallas	7.14%	27.59%
Mcfadden Ranch in Roanoke	13.45%	23.73%
Schaeffer House in El Paso	0.00%	0.00%
Tamayo House in Harlingen	7.14%	14.81%
Willoughby House in Fort Worth	13.33%	20.69%
York House in Corpus Christi ²	37.74%	94.12%
CENTRAL TRANSPORTERS	0.00%	0.00%



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Attachment 3: Treatment Needs

Treatment Needs	FY 2015	FY 2016	FY 2017
Capital and Serious Violent Offender Treatment	75%	79%	81%
Sexual Behavior Treatment	15%	14%	15%
Alcohol and Other Drug Treatment	82%	79%	78%
Mental Health Treatment (High/Moderate/Low Need)	50%	55%	61%
Any Specialized Treatment Need	9%	99%	99%
Multiple (2 or more) Specialized Treatment Needs	83%	82%	87%

Note: Specialized treatment needs are for high or moderate intensity treatment, with the exception of mental health treatment.



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Attachment 4: Overtime Expenditures

Expenditures for Overtime Worked	
FY 2015	\$ 4.1 million
FY 2016	\$ 5.5 million
FY 2017 (anticipated)*	\$6.0 million

*Not all FY 2017 overtime expenditures had occurred as of the writing of this memo. TJJD anticipates total expenditures of \$5,987,291 once all expenditures have been processed.