



Independent Ombudsman

for the Texas Juvenile Justice System

Giddings State School Site Visit Report OIO-SV-22-0181 May 18, 2022

Observers: Nicole Prather and Agatha Toribio

Purpose: Routine Secure Facility Site Visit

Report: This report is designed to identify problems and seek remedies that help secure the rights and ensure the safety of youth housed at the facility. The issues identified in this report are based entirely on the Ombudsman's observations, interviews with staff and youth, and collected data. Unless otherwise noted, the issues identified in this report do not constitute formal legal findings.

Last Review Date: April 19, 2022

Current Population: General: 78; **Mental Health:** 28

Population April 19, 2021: General: 100; **Mental Health:** 25

Number of Youth Interviews: 36

EXECUTIVE SUMMARY:

Facility, Programs, Processes or Administrative Functions:

This on-site visit included a review of the educational services, general treatment programs, and facility security. Upon arrival at the facility gatehouse, the ombudsmen underwent temperature checks, signed in, walked through a metal detector, and entered the campus through a secure gate. According to TJJD's data, the population on the first day of the site visit was 100 (76 in the general population and 24 in the mental health treatment program (MHTP)) compared to 120 (97 in the general program and 23 in the MHTP) on the same day in 2021. Of the 24 youth in the MHTP, three were in jail, and one was assigned to a state hospital on furlough status. The second youth assigned to a state hospital during the previous visit returned to the Giddings MHTP on April 25.

According to the TJJD Coach Strength Report dated May 9, 2022, the percentage of filled staff positions was 74%. When those in preservice training or on continuous FMLA and full-time vacant positions were removed from the total, the percentage of staff members available for coverage was 56%, the lowest percentage of the five secure facilities. Due to the continued low staffing strength, the campus was on a hybrid schedule from 8:00 a.m. – 4:30 p.m. on most weekdays, meaning youth were secured in their cells at 4:30 because once teachers and education youth development coaches (YDCs) were not in the count, there was not a sufficient number of staff members to meet the required ratio in dorms. After 4:30, the campus operated on a mobile or lockdown schedule until the following morning at 8:00 a.m. when youth exited their cells to complete hygiene routine and move to school. The mobile schedule required youth to be secured in their cells until a mobile or rover staff member rotated to the dorm and remained in the dorm as the second staff member. This brought the dorm into ratio until the rover staff member moved to the next dorm approximately

two hours later. The lockdown schedule required youth to be secured in their cells and not allowed out to use the bathroom or phone until a rover staff member arrived to assist with these routines. Administrators stated four rover staff members not assigned to specific dorms were typically available to assist with restroom routine, respond to incidents, and rotate through dorms on lockdown. Additionally, a floater staff member, typically the dorm team leader, was assigned to float between two dorms to serve as the second staff member and assist the YDCs as needed.

Processes still in place due to low staffing and being unable to safely move youth across campus included all meals being delivered to dorms rather than having youth walk to the cafeteria, and youth medications being delivered to dorms rather than youth walking to a medication window near the infirmary. In addition to individuals already hired and being trained, administrators stated they were interviewing 18 applicants the following week and reviewing numerous applicants seeking part-time positions.

One process unrelated to staffing but implemented since the previous visit included the new stage promotion and repair process, which included removing the previous highest TJJD level (stage YES), no longer allowing a level II hearing to result in a youth's stage demotion, and facilitating youth therapeutic repairs to address behaviors. According to details received during the April site visit and information presented by TJJD's Director of Treatment Programs, the repair process is a therapeutic response to a youth's mistake or relapse and an alternative to stage demotions or loss of privileges. The repair process may be up to 21 days in length, and once the youth participates in three repairs, he will be will be discussed in leadership meetings where additional interventions will be developed.

During this site visit, dorms were observed operating under the hybrid and mobile schedules, as youth were out of their cells, and school was in session. Team leaders, rover staff members, and on-the-job trainees were observed in dorms bringing all dorms into ratio. Two recreation staff members were observed rotating through dorms and remaining there for approximately one hour to play cards with youth, speak to them individually and in small groups, and encourage them to participate in a physically active icebreaker. Youth in all dorms, except two in the MHTP dorm, appeared regulated as they participated in recreation, listened to music, walked around, used the telephone, showered, and in one dorm had their beards trimmed by a youth using the electric razor. In one MHTP dorm, two youth threatened one of their peers causing the peer to become dysregulated and scream at the two youth. The ombudsman notified the YDC who intervened and deescalated the situation. The youth who was threatened called the Incident Reporting Center (IRC), and the incident was discussed during the exit conference. Administrators stated a safety plan would be put into place for the instigators if needed.

In school, all youth appeared calm and relaxed, and those in vocational classrooms appeared on task and engaged in projects. Class change and dismissal was organized and without incident. In Mustang Alley, youth from several dorms were playing ping-pong, pool, arcade basketball, and video games with recreation and dorm staff during an incentive they earned for positive behavior. All appeared to be having fun, and the climate was positive.

In the regulation and safety unit (RSU), seven youth were admitted including two refusing to leave the unit, two temporary assignments, and three pending level II hearings after being admitted for assaulting their peer. The unit was quiet and clean, and youths' individual record forms posted on or near their cell doors contained documentation of services such as contact with facility staff members and mental health professionals. Both youth who were refusing to leave were interviewed

in a private area in the RSU; additional details are below in the interview section. Regarding the two temporarily assigned youth, one was previously released from a TJJD halfway house on a conditional placement to his grandparents' home. The youth was released with electronic monitoring on March 30. On April 4, the grandmother reported the youth was not complying with his conditional placement agreement. The noncompliance continued, and an incident report dated May 6, 2022, documented the youth's abscond status. The youth was apprehended on May 11, transported to the Giddings RSU, and transferred to McLennan II facility as a permanent placement on May 19. The second temporarily assigned youth absconded from a TJJD halfway house with two of his peers during a basketball game on January 8, 2022. He was apprehended four days later, detained in an adult county jail for approximately five months, and charged with unauthorized use of a vehicle. On May 6, he was temporarily placed at Giddings where he reported he was apprehended after stealing a car and trying to run over the driver of the car. According to the Release Review Panel report dated May 20, the panel extended the youth for two months. On May 25, the youth transferred back to the halfway house.

The records of the three youth who assaulted their peer showed they were pending level II hearings and participated in level III extension hearings for each 24 hours they remained in the RSU. The peer who they assaulted transferred from Evins RJC to Giddings on May 10, 2022, and was assigned to dorm 10A. According to his records, five days after his arrival, he requested a self-referral to the RSU and informed a staff member he felt safe in the dorm but also felt uncomfortable. He returned to his dorm the next day, and on the morning of May 16, he confronted one of his peers in the dorm bathroom area. A YDC intervened to separate the two youth, and the new youth became dysregulated, ran toward the day area, and kicked and broke the television sitting on the floor. A YDC restrained the new youth against the wall, and other youth assigned to the dorm became angry, ran towards the new youth, threw items at him, and hit him in the face. Later on the same day, the new youth requested a second self-referral to the RSU. The next day, he urinated in and flooded his RSU cell after being informed he would remain assigned to dorm 10A despite requesting to be moved to another dorm. Correctional Care System (CCS) entries indicated the youth reported to his case manager the reason his peers assaulted him was because they were "trying to put him in a gang" since the day he arrived in the dorm. He said he informed his peers he was already in a gang and would not change gangs for them. On May 20, the youth transferred to Gainesville State School to swap campuses with the Gainesville youth for the Gainesville youth's safety.

One of three youth who assaulted the new peer noted above, also assaulted a different new peer on May 10, on the peer's first day at Giddings in dorm 10A. According the incident report, the new peer put his belongings in his room, and the aggressor walked up to him, punched him, and hit him in the face several times causing bodily injury. On May 19, the aggressor participated in a level II hearing for both assaults. The hearing manager proved one allegation of assault causing injury true, one allegation of assault causing injury not true, and one allegation of fighting causing injury true. The youth's record did not accurately reflect these findings, as both violations coded as assault causing bodily injury remained unchanged in his records, and fighting was not listed.

On May 2, another incident occurred in dorm 10A when five youth assaulted one of their peers after the peer threw a food tray at one of them. According to the incident reports, the altercation was an attempted gang assault and involved one youth chasing the peer down the hallway and punching him. Four others joined in and began hitting, kicking, and holding down the peer while assaulting him. The YDC attempted to get in between the youth and protect the victim but did not have OC spray because the canister assigned to him was being weighed after he sprayed a youth in an earlier

incident. All five aggressors participated in a level II hearing on May 5, and the hearing manager proved assault causing bodily injury true for all youth. The findings for each youth included placement in Phoenix or Redirect pending placement in Phoenix as directed by TJJD's Director of State Facility Operations. On May 10, two of these youth were transferred to Evins RJC. As of May 27, the other three were still assigned to Giddings and placed in repair.

One of these three youth's records indicated he was removed from repair after completing the process on May 23. The second youth's most recent chronological entry dated May 11, 2022, noted he was in repair and could complete it with good behavior and completed assignments. The third youth's records showed he would be released to parole on or before July 22.

Regarding the victim, five days after the assault, he swallowed a piece of fabric that became lodged in his throat causing him to struggle to breathe. Two YDCs performed the Heimlich maneuver to dislodge the fabric, without success. A code blue medical emergency was called, and infirmary staff arrived in the dorm to take over until emergency medical services arrived. The youth was handcuffed and shackled, walked to the ambulance, and transported to a hospital where the object was removed. Upon his return to Giddings, a mental health professional placed him on protective custody suicide watch and maintained the youth on this status until May 12. Staff members notified the IRC (22-011166), but the serious incident report documenting the off-campus trip was not received as of May 27.

On May 20, a youth in the MHTP was transported off-campus to a hospital after he claimed he inserted a piece of glass into his urethra. Upon his return to Giddings, he informed a mental health professional the hospital "was wrong" because he did have glass in his urethra and gave it to Giddings staff after "peeing it out." The youth was on constant observation suicide watch with five-minute checks at the time of the incident and was maintained on that status upon his return from the hospital. Staff members notified the IRC (22-011704), and the serious incident report received on June 6, 2022, indicated the hospital reported nothing was in the youth's urethra.

On May 7, a different youth in the MHTP was transported off campus for self-injurious behavior. As of the day of the incident, he was on close observation suicide watch with 10-minute checks. On the day of the incident, he denied suicidal ideation, intent, or plan during his suicide alert assessment; however, on the evening of May 7, he cut his arm on razor wire due to being upset after getting into a fight with his peers. Due to the severity of his injury, he was transported to a hospital for treatment, placed on protective custody upon his return to Giddings, and remained on that status until May 16. Staff members notified the IRC (22-011170) and the serious incident report documenting the off-campus trip was received on May 9.

07/13/22: TJJD Response: Dangerously low staffing continues to affect all TJJD secure facilities, with Evins and Ron Jackson showing the strongest, albeit inadequate, staffing numbers. As of 6/7/2022, TJJD estimates the Giddings campus has only 43 percent of needed direct-care staff available to safely provide regular programming to youth and would need an additional 79 direct-care staff available for dorm coverage to fully meet this need. Through working with stakeholders, TJJD has offered a permanent 15 percent raise to direct-care staff. TJJD is hopeful this will alleviate the critical staffing shortages in the coming months.

The youth discussed above involved in the incident on May 16, 2022 have since been reassigned the Evins facility for participation in the Violence Intervention Continuum.

Regarding the Level II hearing held on May 19, staff have been instructed to document true findings in a Level II due process hearing on the form CCF-170, Level II Hearing Report, and not to change an initial incident report after the Level II hearing. The 225 is a report of an alleged incident and may include alleged rule violations. That the alleged rule violations on the incident report was later found untrue at a Level II hearing does not change the fact that the incident was initially reported a certain way. Additionally, hearing managers may find that other rule violations occurred in lieu of the rule violations alleged on the incident report.

Regarding the incident on May 2, the staff member reported in his incident report that he did not have OC spray due to his canister being weighed. The staff member should not have been directly supervising youth without a canister. Under proper procedure, the OC canister should have stayed in the possession of the staff member until replaced with another canister to complete the weighing process. This incident was relayed to facility leadership for additional direction and follow-through with staff, as appropriate. The five aggressors had Level II due process hearings and were evaluated for placement in the Violence Intervention Continuum. All were ultimately placed in the program.

The serious incident report for the youth who swallowed fabric and required off-site medical treatment has been completed and distributed as of the writing of this response.

Interviews:

During interviews, all youth reported having contact with their case managers and access to the grievance system and TJJD's hotline. All stated they participated in recreation on most days, which they described as recreation staff members visiting their dorms, taking them outside, or taking them to the gym. Youth reported using Mustang Alley once or twice per week and more frequently when they earned campus incentives. One youth who recently returned to the Giddings MHTP after a stay in a state hospital stated he was glad to be back because the campus was "more fun" and enjoyed playing games in Mustang Alley.

All youth except one reported satisfaction with the education services. One youth said school was difficult because he had dyslexia, and having this difficulty prevented him from taking vocational classes because he could not pass the exams. He said he was worried about appearing in court without having earned any vocational certificates and explained he was being tested for dyslexia in June. A school administrator said the youth's prior educational records did not indicate he had dyslexia, and stated the youth's behaviors prevented him from taking vocational classes, not having dyslexia. When asked whether the youth received special education services, the administrator stated the youth received these services for math. According to the youth's initial individual assessment at the Ron Jackson campus, he had a history of truancy, received special education services, and seemed to his grandmother to be embarrassed to have these services. His Test of Adult Basic Education scores indicated his reading and overall math was at the second-grade level, and the Test of Word Reading Efficiency score was in the "very poor" range. The Ron Jackson form noted his cognitive functioning was in the below average range, and his composite IQ score was 77. Upon his arrival at Giddings on July 14, 2021, he was enrolled in the specialized reading program and was still in the program as of the writing of this report. During the same timeframe, records related to his behavior showed he has received 55 incident reports (48 minor rule violations and seven major rule violations), participated in three disciplinary hearings, and earned stage three on January 4, 2022. The most recent of the two level III hearings occurred on December 14, 2021, and

the level II occurred August 16, 2021. The hearing manager found the allegations true during each proceeding.

Regarding safety, one youth in the general population with a determinate sentence stated he did not feel safe because his peers were taunting him, which he believed was intended to jeopardize his upcoming court date. This information was shared during the exit conference. A youth in the MHTP stated he did not feel safe when he first arrived at Giddings but felt safe now. Another youth in the MHTP was refusing to leave the RSU during the visit and reported feeling safe but preferring the quiet environment in the RSU because his "dorm was too loud." A third youth in the MHTP who was refusing to leave the RSU stated he thought his peers would "jump" him because he "took off" on a youth in his dorm "and slapped him in the face." He returned to his dorm on the afternoon of the site visit, and reiterated to the ombudsman he did not feel safe and named the peers who he thought would assault him. The ombudsman informed administrators and notified the IRC (22-011634) of this information. A fourth youth in the MHTP called the OIO (IR-22-0212) and the IRC (22-011610) on May 18, 2022, to report being bullied and feeling unsafe due to the staff shortage and to report "everything that goes on in his dorm is because they have no staff." The ombudsman interviewed the youth during the site visit on the same day. The youth reported still feeling unsafe and provided the names of three peers who verbally threaten and harass the youth. While in the youth's dorm, the ombudsman heard the youth's peers state they were going to stab the youth's eyes out with a pencil. This observation was shared with the YDC in the dorm who intervened and deescalated the situation. During the exit conference, this information, specific examples the youth described of being threatened and bullied, and the names of the peers the youth identified were provided to administrators who stated they would follow up with the youth and place the instigators on safety plans if needed. Prior to these allegations, the youth reported similar information in a grievance on May 1. On May 20, the decision authority provided the resolution and noted the youth was already on the safety plan. As the youth received the resolution, the youth informed the decision authority the youth had not been threatened but wanted to be proactive because the youth feared being assaulted due to the youth's gender identity. On May 22, the youth submitted a second grievance to report being threatened and picked on. The resolution due date was listed as June 7.

One of the two youth assaulted on their first day at the campus said he felt safe and had no questions or concerns other than not having sufficient hygiene items. The other said he felt safe and had no issues except one peer from a different dorm who was "trying to act hard" in school and instructing to him to give up his snacks to pay the "interest" he owed. He said he "already fought," wanted to stay out of trouble, was not afraid, but did not "want to go to the pen." He reported having a trusted staff member in school who he believed would address the issue. During the exit conference, administrators stated they would review the allegation and place the youth who was asking for the snacks on a safety plan if needed.

During the visit, the ombudsmen received 15 complaints related to restroom routines and a "new rule" youth said was put into place several days before the visit. Youth stated prior to this change, when they were secured in their cells during the lockdown schedule, dorm staff allowed them out one at a time to use the bathroom and make brief phone calls. They said the new procedure did not allow any youth to be out of their cells during the lockdown schedule unless two staff members were present in their dorm. Specific details youth reported included urinating in water bottles, urinating out of their food ports, waiting for extended times for a second staff member to arrive, refusing to return to their cells once they exited, and in one dorm, four youth stated one of their

peer's had to defecate in his lunch tray. The four youth did not name their peer, and said their peer would not admit to doing this because he felt embarrassed. As noted above in the summary section, administrators stated the lockdown schedule required youth to be secured in their cells and not allowed out until a second/rover staff member arrived to assist.

Numerous youth also submitted grievances related to restroom routine and the "new rule." Resolutions entered thus far contained the same language, which indicated despite TJJD's commitment to providing appropriate programming that "fosters social, education, and personal development," the "ongoing staffing crisis has not allowed us to maintain our full schedule for safety reasons." As a result, youth were secured in their rooms for extended periods, which has had "significant negative consequences on their well-being and does not fall in line with our intended reforms." All grievances addressed thus far were closed as resolved.

07/13/22: TJJD Response: The youth discussed in connection with IRC #22-011634 completed his determinant sentence and was discharged by the agency. The youth in connection with IRC #22-011610 had several incidents while at the Mental Health Treatment Program, some involving self-harm and assaultive behaviors, and has since transition to the Mart campus for placement in the Behavioral Stabilization Unit to better address the youth's risks and needs.

Regarding bathroom access, TJJD began receiving youth grievances locally regarding long wait times for staff to allow youth out of their rooms in order to use the restroom and meet other basic needs. Due to chronic understaffing, TJJD has been unable to maintain regular programming for youth on a consistent basis, and this often results in youth being secured in their rooms in order to ensure the safety of the dorm and facility, as is discussed in the executive summary section of this report. "The new rule" discussed above and in youth grievances was not new, but inability to provide relief staff to satisfy youth supervision ratio and allow youth outside of their rooms was a new shortfall in facility operation, and resulted in a serious issue for the Giddings campus during the months of May and June. This resulted in instances in which direct-care staff had to choose between letting the youth out of their room in conflict with guidance to have two staff members present to safely do so, letting youth defecate or urinate on the floor, or, in desperation, providing the youth a receptacle in which to relieve themselves to limit the concerns to health and cleanliness.

The Director of Secure Facilities addressed the issue with Giddings administration on being made aware of the very serious allegations in the youth grievances. He determined there was sufficient evidence to support restroom breaks were not facilitated in a timely manner; youth were using water bottles and trash bags to relieve themselves, and this was isolated to two dorms. As of 6/23/22, an action plan was adopted and the Giddings campus will have five roving staff assigned to assist with restroom breaks and other concerns on campus at all times when regular programming cannot be safely offered to youth. If the campus is unable to meet that expectation, the on-call director will be notified to discuss further plans of action to meet the needs of the youth on campus. As of 7/7/2022, TJJD's Youth Rights Division reports they have not had any more grievances of this nature come in. As a result of the investigation and findings, two staff members in supervisory roles received formal discipline for what occurred.

These unacceptable and horrible instances are the result of the dangerously low staffing numbers directly affecting the lives and well-being of youth, and run counter to the structured and rehabilitative environment TJJD strives to provide. It is the goal of TJJD to provide regular schedules, and youth spending prolonged times, sometimes as much as 22 hours in extreme

instances, secured in their rooms is cause for significant concern. TJJD is exhausting efforts to alleviate the staffing crisis and reduce the direct impact to the youth, including the aforementioned permanent 15 percent increase in compensation for direct-care positions.

MONTHLY SUMMARY:

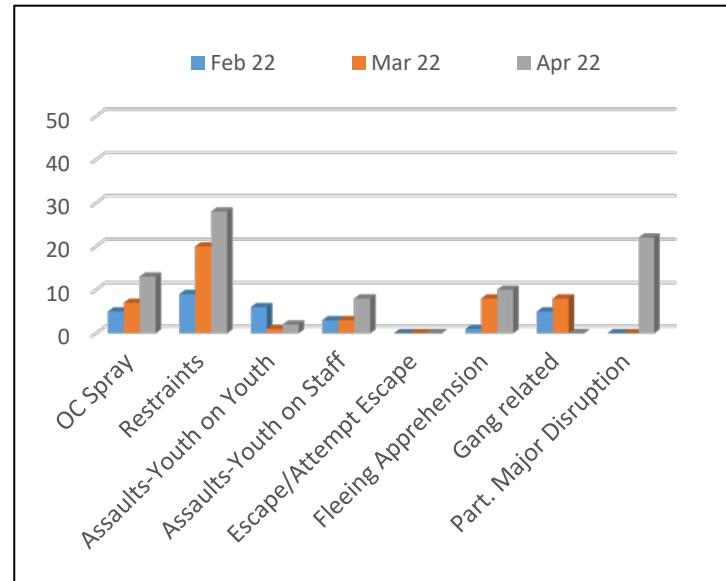
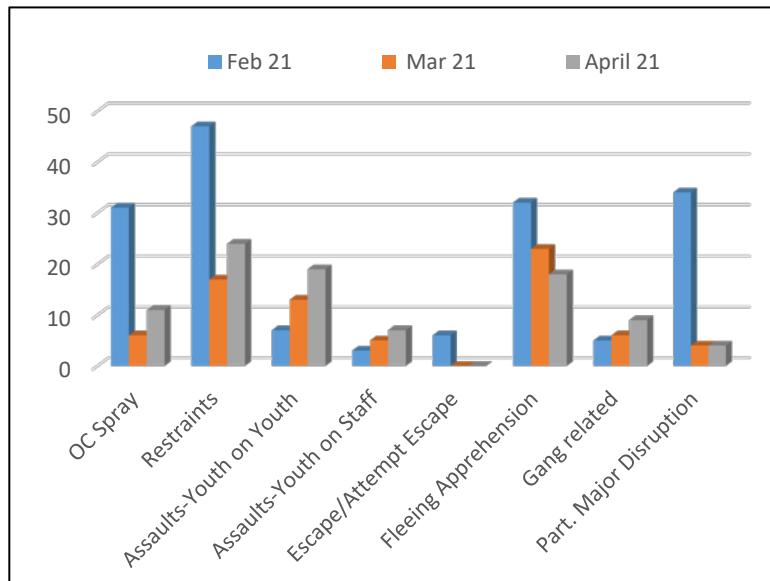
Facility incident data was taken from the TJJD intranet on May 17, 2022, for the incidents that occurred in April 2022. The tables and graphs below detail the number of incidents by category and month in comparison to the same timeframe from one year ago.

General Program

The facility general population on the first day of the April site visit in 2021 was 97 compared to 76 on the first day of the visit in April 2022. When comparing the same months, escapes/attempted escapes remained at zero, three incident types decreased, and four types increased. The most significant decrease was the number of youth-on-youth assaults and gang-related incidents. The most significant increase was the number of participation in major disruptions, more than half of which occurred on April 18, and April 19. One comparison not included in the tables below were the number of suicidal ideation and suicidal behavior incidents, which were reported as two in February, 25 in March, and 12 in April.

	Feb 21	Mar 21	Apr 21
OC Spray	31	6	11
Restraints	47	17	24
Assaults-Youth on Youth	7	13	19
Assaults-Youth on Staff	3	5	7
Escape/Attempt Escape	6	0	0
Fleeing Apprehension	32	23	18
Gang related	5	6	9
Part. Major Disruption	34	4	4

	Feb 22	Mar 22	Apr 22
OC Spray	5	7	13
Restraints	9	20	28
Assaults-Youth on Youth	6	1	2
Assaults-Youth on Staff	3	3	8
Escape/Attempt Escape	0	0	0
Fleeing Apprehension	1	8	10
Gang related	5	8	0
Part. Major Disruption	0	0	22

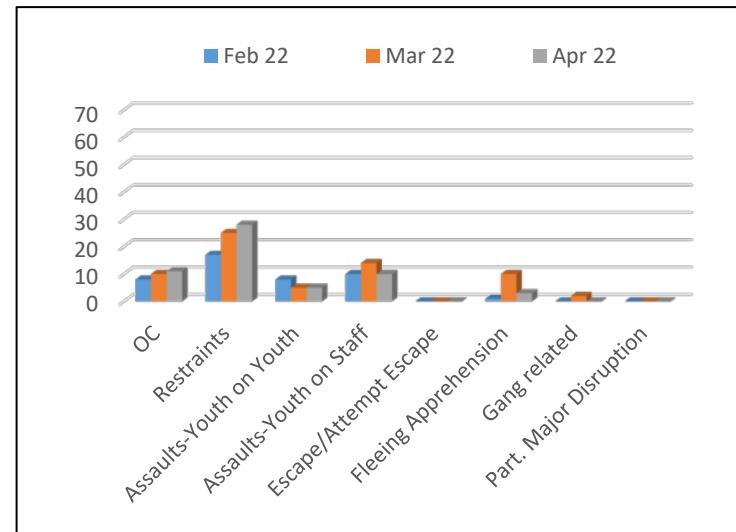
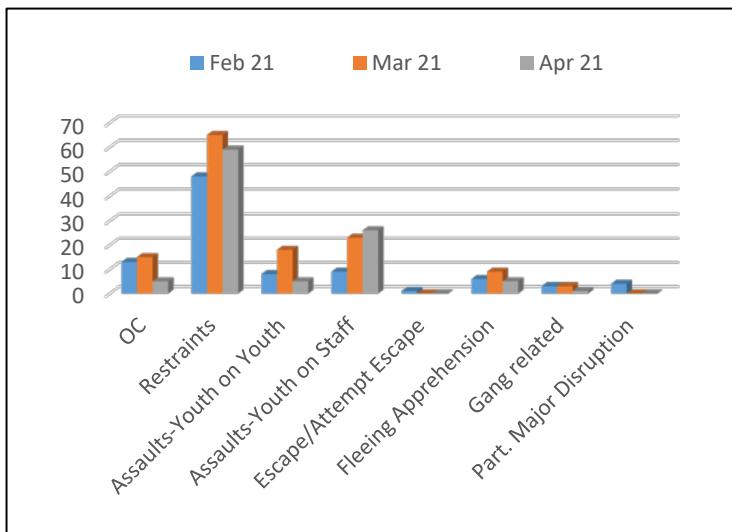


MHTP Program

The MHTP population on the first day of the April site visit in 2021 was 23 compared to 24 on the first day of the visit in 2022. When comparing the same months, escapes/attempted escapes and participation in major disruptions remained at zero, youth-on-youth assaults remained at five, uses of OC spray increased, and all other types decreased. Not included in the tables are suicidal ideation and suicidal behavior incidents, which were reported as 63 in February, 65 in March, and 38 in April.

	Feb 21	Mar 21	Apr 21
OC	13	15	5
Restraints	48	65	59
Assaults-Youth on Youth	8	18	5
Assaults-Youth on Staff	9	23	26
Escape/Attempt Escape	1	0	0
Fleeing Apprehension	6	9	5
Gang related	3	3	1
Part. Major Disruption	4	0	0

	Feb 22	Mar 22	Apr 22
OC	8	10	11
Restraints	17	25	28
Assaults-Youth on Youth	8	5	5
Assaults-Youth on Staff	10	14	10
Escape/Attempt Escape	0	0	0
Fleeing Apprehension	1	10	3
Gang related	0	2	0
Part. Major Disruption	0	0	0



ISSUES IDENTIFIED:

Issues from previous site visits remain on the report until the ombudsman has confirmed that the response presented by TJJD has been completed and implemented.

N/A

I certify that this report represents a true and accurate assessment of all issues identified.

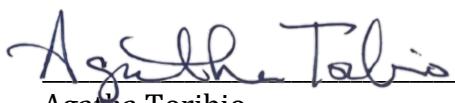
Submitted by:



Nicole Prather
Deputy Ombudsman

07/19/2022

Date



Agatha Toribio
Deputy Ombudsman

07/18/2022

Date