



Independent Ombudsman
for the Texas Juvenile Justice System

Giddings State School
Site Visit Report OIO-SV-22-0228
June 28, 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: May 18, 2022

Current Population: General: 78; Mental Health: 28

Population June 28, 2021: General: 100; Mental Health: 29

Number of Youth Interviews: 26

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. According to TJJD's data, the population on the day of the visit was 106 (78 in the general population and 28 in the Mental Health Treatment Program (MHTP)) compared to 129 (100 in the general program and 29 in the MHTP) on the same day in 2021. According to the TJJD Coach Strength Report dated June 30, the estimated number of "coaches needed for current population" was 140. Of the 140 coaches needed, 60, or 43%, were available for coverage compared to 53% as noted in the May site visit report. The May percentage was the lowest of the five secure facilities, and the June percentage was the lowest of any TJJD facility.

Due to the continued low staffing strength, and as noted in the previous site visit report, 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 p.m. because there was not a sufficient number of staff members to meet the required dorm ratios. After 4:30 p.m., 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 Superintendent explained changes since the previous site visit, which included scheduling five crisis responders during lockdown schedules. One responder was assigned to the three MHTP dorms for restroom breaks, two were assigned to the general population dorms for restroom breaks, and two were responsible for responding to calls for assistance campus-wide. A second change was the transfer of 12 general population youth to Evins RJC on June 30. The Superintendent said the transfers were based on variables including treatment needs and behaviors, and stated the reduction in population resulted in the closure of one dorm.

Because of the dorm closure, all general population youth were housed in one building comprised of four dorms and a central control room. The Superintendent stated a team leader was assigned to each dorm, and a schedule was being developed to include two staff members working in each dorm from 8:00 a.m. – 8:00 p.m. thus meeting the required ratio and allowing the dorms to operate under a regular programming schedule during this 12-hour block.

During this visit, youth were observed playing basketball outside, entering and exiting the gymnasium, working with staff members maintaining the campus grounds and trimming shrubs, working in the kitchen, and assisting staff members with delivering meal trays. In school, youth appeared regulated, and in vocational classes, they were working with teachers on hands-on projects. Posted in the main school building were photos of the winners of a poetry contest, photos of graduates in their caps and gowns, and a list of A/B honor roll students. While on site, youth on the honor roll were invited to a classroom to participate in a pizza party.

In most dorms, youth were programming according to the hybrid and mobile schedules and were out of their cells watching television, completing shower routines, eating meals, speaking to a psychologist, and attending youth service team meetings. All youth appeared regulated, and all dorms were clean with the exception of one where meal trays, milk cartons, food, and trash were scattered on the floor. Youth and staff from the dorm explained a youth had just become dysregulated, threw the items on the floor, and was referred to the regulation and safety unit. While in the dorm, one of his peers began cleaning the mess with the help of a youth development coach (YDC). The Superintendent was aware of this incident, and stated the youth's behavior would be addressed.

Regarding the MHTP dorms, youth in the crisis stabilization unit (CSU) were in the day area walking around or watching television. The other two MHTP dorms were in lockdown, one because the ratio could not be met, and the second due to recent dorm disruptions. In the dorm exceeding the required ratio, all youth were secured in their cells as the YDC handed youth their dinner trays by opening their cell doors. In the second MHTP dorm, four youth were in their cells, and their remaining peers were in the day area participating in a behavior group facilitated by three staff members. The group was productive, and most youth contributed meaningfully. The Team Leader provided additional details of the lockdown/slow down dorm schedule, and the plan for transitioning youth back into regular programming. During the exit conference, the Superintendent stated the Team Leader submitted and received approval for the altered schedule.

On the day of the visit, one youth on furlough status was transferred from his previous placement in a state hospital back to the Giddings MHTP, and a second youth in the MHTP was discharged from TJJD on the same date his four-year determinate sentence expired, June 28. This youth was age 16 and 11 months, and during his confinement, he completed treatment, and earned stage three (the second highest TJJD stage). According to Correctional Care System (CCS) entries documenting contact with the Department of Family and Protective Services (DFPS), the youth was informed on May 10, 2022, that he would enter into DFPS care upon his discharge. An entry from May 18, 2022, documented a DFPS investigator's inquiry about where the youth would live after his discharge. A TJJD staff member informed the investigator the youth's case manager and family liaison at Giddings should be working together to locate a placement because the youth "would be a discharge so could not go to a TJJD halfway house." Entries from June 2022 indicated: 1) the youth could not be transferred to a contract-care placement because "that was not an option at this time," and 2) the

youth could not reside with his biological father or mother because his father informed TJJD staff, "living with him is not an option," and the youth's mother "is too unstable and has her own mental issues." In the month prior to the youth's discharge, he received 10 incident reports, which included vandalism, suicidal behavior, possession of an unauthorized item (ink inside a toothpaste lid to use for tattooing), fleeing apprehension, and two assaults/unauthorized physical contacts with a youth, both of which were proven true in disciplinary hearings. He was placed in therapeutic repair on June 2, and was in the repair until the date of his discharge. According to a CCS entry dated June 22, the youth had a detainer in Hidalgo County and two open Office of the Inspector General cases, one for harassment by persons in a secure correctional facility and another for assault on a public servant. Notes entered several days later indicated the pending criminal cases were resolved, found true, and adjudicated without disposition. As a result, the detainer was released and the youth's minimum length of stay remained unchanged. On the afternoon of the visit, a DFPS worker arrived at Giddings, and the worker and youth departed the campus.

Three youth were assigned to the regulation and safety unit (RSU) including one placed on protective custody for self-injurious behaviors, one released from the unit awaiting transport back to school, and one temporary assignment awaiting a level I parole revocation hearing. The unit was quiet and clean, and youths' records contained documentation of services such as contact with facility staff members, time outside of their cells, and mental health professional visits. The youth awaiting his hearing was released to parole from a TJJD halfway house on May 5. He absconded on May 13, and his whereabouts were unknown until he reported to his parole officer 10 days later. On June 7, he absconded a second time, and on June 10, he was arrested and charged with two counts of aggravated assault and two counts of deadly conduct for an incident that occurred on May 13. He arrived at the Giddings RSU on June 16. His RSU notebook included documentation of the level I hearing request and the youth being informed of his rights. In order to detain youth in the RSU pending a level I hearing, a level IV hearing must be conducted to determine whether a youth will be held in a secure facility awaiting a level I hearing. The youth's notebook did not contain the level IV hearing report and the youth stated he did not participate in the hearing nor waive his right to the hearing because he "never waived" anything. The hearing manager stated the hearing was held, provided the date, and stated the form was placed in the youth's notebook. Although the form was not located while on site, CCS contained the hearing report, which showed the proceeding was conducted at 1:30 p.m. on June 20, and listed the participants as the youth, the youth's attorney, a Giddings staff member serving as the hearing manager, and a parole supervisor serving as the staff representative.

The previous site visit report included details of a youth who was assaulted by five of his peers on May 2. The five aggressors participated in a level II hearing on May 5, and the hearing manager proved assault causing bodily injury true for all youth. On May 10, two of these youth were transferred to Evins RJC and placed in the Redirect Program. Both youth transferred back to Giddings after completing the program, one on June 10 and the other on June 24. The previous site visit report noted the other three youth were still at Giddings; however, as of this site visit, all three had been transferred to the Evins campus, one on June 10, one on June 22, and one on June 24.

Interviews:

During interviews, all youth said they met with their case managers, had access to their dorm team leaders, understood how to submit a grievance, and participated in recreation on most days. Regarding family contact, all youth said they could earn FaceTime calls and use the youth phone to

call home; however, many reported that as of the day of the visit, the phones did not work. YDCs and team leaders were aware of the issue, attributed the problem to the storm from the night before, and stated they had submitted work orders. During the exit conference, the Superintendent stated the phone service had been restored. Several youth mentioned enjoying the recent campus family day. Staff members described the event as more than 100 family members and youth gathering in the chapel to play Bingo, receiving prizes for winning, and eating hotdogs, popcorn, chips, and cookies. Youth whose families could not attend remained in their dorm day areas, played Bingo, received prizes for winning, and enjoyed snacks.

All youth said they could send and receive mail, could submit a sick call and visit the infirmary, and had sufficient hygiene items other than receiving haircuts. The Superintendent said a contract with a barber was being sought and a bid was recently accepted. He also said a food service staff member with a barber's license received one-time permission to provide haircuts to youth for their graduation pictures.

All youth reported satisfaction with education services with the exception of one who said he struggled in school. During the previous site visit, he reported his having dyslexia prevented him from taking vocational classes and caused him difficulty in academic classes and treatment due to the amount of reading required. A school administrator said the youth's prior educational records did not indicate he had dyslexia, and his current special education services were for math. The youth was interviewed again during this visit and said he was recently screened for dyslexia and expected to receive the results of the screening that week. His special education records indicated he had an emotional disturbance and received special education inclusion services and accommodations in all core subjects including math, English language arts, social studies, science, and physical education.

No concerns related to safety were received during interviews; however, one youth said he felt safer at the Mart campus because he "worried less" about being isolated in his cell for extended periods. During the previous visit, four youth reported feeling unsafe. During this visit, one of these four youth was interviewed again, and the other three were not. The one youth who was interviewed said he felt safe in his dorm and had no concerns. His records showed he had earned the highest TJJD stage and transition planning for his return to the community was underway. The three youth who were not interviewed included the one previously mentioned who was discharged from TJJD on the day of this visit. The second youth was transferred to the behavioral stabilization unit at the Mart campus on June 21. During the previous visit, this youth reported being bullied, feeling unsafe due to the staff shortage, and fearing being assaulted due to the youth's gender identity. The youth's records showed the youth was informed of the reason for the transfer, which included learning new skills and making progress in TJJD programming. The youth's reports were forwarded to the Ombudsman who conducts site visits at the Mart campus. The third youth was on protective custody and assigned to the Giddings RSU. During the previous visit, he was refusing to leave the RSU because he preferred the unit's quiet environment. During this visit, he was admitted as a protective measure after self-harm incidents. According to his records, he tied multiple ligatures around his neck on June 24, and on two occasions anchored the ligatures to a vent in his cell and was briefly suspended before a staff member cut off the ligatures. At the time of the incidents, he was on constant observation suicide watch with five-minute checks and had been on that status for 12 days. Beginning at approximately midnight on June 25, and continuing until June 26, the youth began tying ligatures again and reported to a staff member he inserted a spring into his urethra. On June 26, the clinician increased the youth's suicide watch status to protective

custody with one-to-one monitoring and three-minute checks, which was the youth's status as of the day of the site visit.

During this and the previous visit, the Ombudsmen received multiple complaints related to restroom routines, and numerous youth submitted grievances related to the same concern. Additional details are below in the Issues Identified section.

7/22/22: TJJD Response: Regarding the youth who had several incidents involving tying ligatures, the clinician who oversees the MHTP/CSU program reports that while self-injurious behaviors continued into July, the youth has made progress in using regulation skills, exhibiting pro-social behavior, and communicating. The youth has been responsive to dialectical behavior therapy (DBT) and enjoys utilizing the DBT skills that he finds most effective. As of 7/18/2022, the youth's suicide alert status was lowered to constant observation based on progress demonstrated toward safe behavior.

MONTHLY SUMMARY:

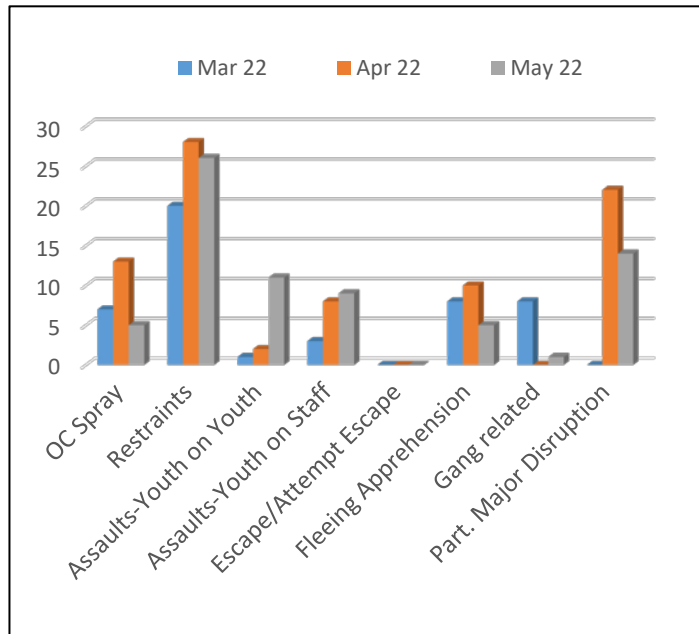
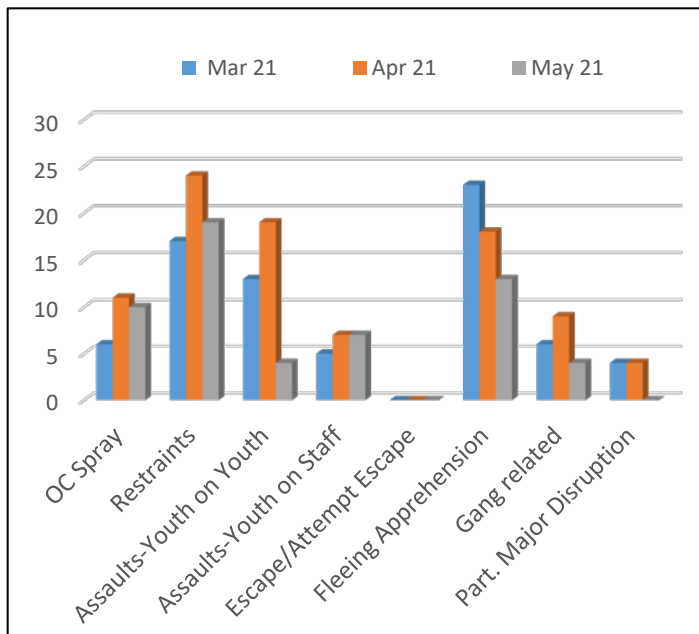
Facility incident data was taken from the TJJD intranet on June 30, 2022, for the incidents that occurred in May 2022. The tables and graphs below detail the number of incidents by category and month in comparison to the same timeframe from one year ago.

General Program

The facility general population on the first day of the May site visit in 2021 was 96 compared to 78 on the first day of the visit in May 2022. When comparing the same months, escapes/attempted escapes remained at zero, three incident types decreased (OC spray, fleeing apprehension, and gang-related activity), and four types increased (restraints, youth-on-youth assaults, youth-on-staff assaults, and participation in major disruptions). One comparison not included in the tables below were the number of suicidal ideation and suicidal behavior incidents, which were reported as 25 in March, 12 in April, and 23 in May.

	Mar 21	Apr 21	May 21
OC Spray	6	11	10
Restraints	17	24	19
Assaults-Youth on Youth	13	19	4
Assaults-Youth on Staff	5	7	7
Escape/Attempt Escape	0	0	0
Fleeing Apprehension	23	18	13
Gang related	6	9	4
Part. Major Disruption	4	4	0

Mar 22	Apr 22	May 22
7	13	5
20	29	26
1	2	11
3	8	9
0	0	0
8	10	5
8	0	1
0	22	14

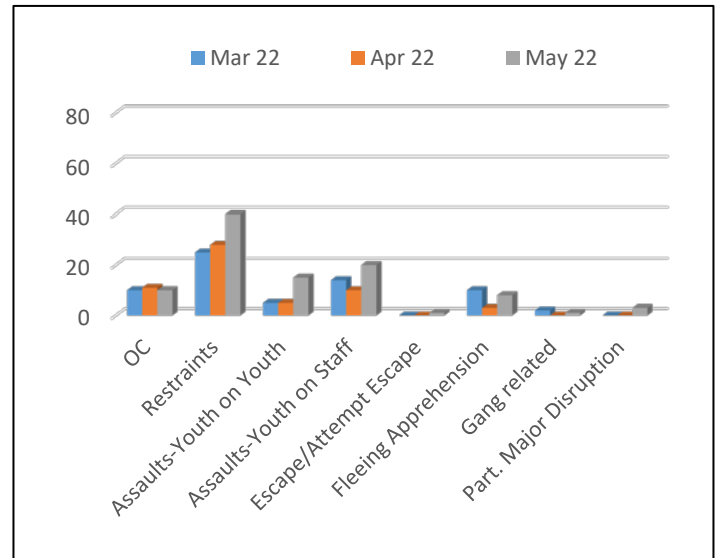
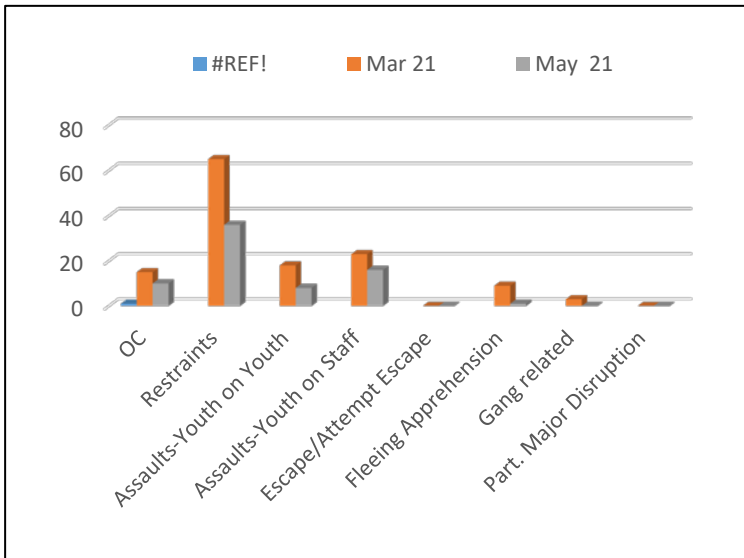


MHTP Program

The MHTP population on the first day of the May site visit in 2021 was 25 compared to 28 on the first day of the visit in 2022. When comparing the same months, the number of OC sprays remained at 10, and all other incident types increased. Not included in the tables are suicidal ideation and suicidal behavior incidents, which were reported as 65 in March, 38 in April, and 63 in May.

	Mar 21	Apr 21	May 21
OC	15	5	10
Restraints	65	59	36
Assaults-Youth on Youth	18	5	8
Assaults-Youth on Staff	23	26	16
Escape/Attempt Escape	0	0	0
Fleeing Apprehension	9	5	1
Gang related	3	1	0
Part. Major Disruption	0	0	0

Mar 22	Apr 22	May 22
10	11	10
25	28	40
5	5	15
14	10	20
0	0	1
10	3	8
2	0	1
0	0	3



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.

1. During the May visit, the Ombudsmen received 15 complaints related to restroom routines such as youth not being allowed out of their cells in a timely manner to use the bathroom, having to urinate in water bottles, and having to defecate in lunch trays or plastic bags. Also during the last review period, numerous youth submitted grievances related to the same concern. Many received resolutions containing the same language, which noted that 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."

During the July visit, the Ombudsman asked youth in all dorms whether this problem had improved. All youth stated the issue was the same or worse. Many said they still urinated in their water bottles or milk cartons, and three said they defecated inside their room, one in a lunch tray, one in a plastic bag, and one on a piece of paper. Multiple youth said they had submitted grievances, called the hotline, and relayed their concerns to YDCs, team leaders, case managers, facility administrators, and ombudsmen, but nothing had changed. One said he would "never forget" having to defecate in his room. Another said, "Even animals are let out" to use the bathroom. A third said, "This is inhumane." They stated weekends were worse because they were in lockdown from Thursday or Friday afternoon through Sunday or Monday morning.

Two youth mentioned the details of their grievances including one who reported his concern on June 9. TJJD's Deputy Director addressed the complaint and determined restroom breaks were not facilitated in a timely manner, and youth were using water bottles and bags to relieve themselves. The Deputy Director wrote that as of June 23, she and the Director of Secure Facilities met with the Giddings administration to discuss the youth's allegation. The resolution noted the campus would have five rover staff assigned to assist with restroom breaks and other concerns on campus, and indicated if that was not possible, the on-call Director would be notified to discuss a plan of action. The grievance was closed as resolved, and the youth accepted the resolution on June 23, five days before the site visit. The second youth reported his concern in a grievance submitted on June 27, four days after the Deputy Director's plan was implemented. During the site visit, he stated he asked to exit his cell to use the bathroom, could not do so because only one YDC was present, and waited one or two hours for another staff member to arrive. He said he could no longer "hold it," defecated on a piece of paper in his cell, and was given a plastic bag in which to place the paper. He explained that approximately 30 minutes later, a second staff member arrived, let him out of his cell, and he "finished pooping" in a toilet. The grievance was assigned to a dorm team leader, and the resolution due date was listed as July 12.

Restroom routines were discussed during the exit conference with the Superintendent who reiterated the plan for scheduling five rover staff members and assigning two of the rovers to provide bathroom breaks, which would allow youth timely access to use the bathroom when needed. Because the same concern was present during the May and June site visits, and the youths' right to be free from psychological harm appeared to have been violated, the Ombudsmen identified the lack of timely access to bathrooms as an issue in the June site visit report. Because TJJD Central Office leadership and the Giddings administrative team were aware of this issue, developed a plan of action to address it, and implemented the plan as of the writing of this report, the Ombudsmen closed the issue in the June report. During the July site visit, the Ombudsmen will monitor the campus plan, ensure it was fully implemented, and reopen the issue if needed.

7/22/22: TJJD Response: As discussed in TJJD's response to the May site visit at Giddings, TJJD began receiving several grievances in May regarding bathroom access. TJJD has not had the staffing strength sufficient to provide regular programming on a consistent basis which results in youth being secured in their rooms for inordinate, troubling amounts of time, as detailed in the executive summary section of this report. Under abridged programming models, staff members rotate among dorms to meet the basic supervision ratio with the dorm's assigned staff member and allow youth out of their rooms for a break and to meet basic needs. This was implemented as a measure of last resort to ensure facility safety.

During May and June, the facility experienced such chronic understaffing that it no longer had an adequate number of roving staff to timely allow youth out of their rooms to use the restroom. This placed the direct-care staff on the dorm in an unacceptable position without good options: they could violate guidance to wait for roving staff and allow youth out of their rooms to use the restroom, which presented serious safety concerns, or they could provide the youth with receptacles so they could relieve themselves in their rooms.

The Director of Secure Facilities addressed these serious issues with facility administration on being made aware of the allegations. He determined there was sufficient evidence to support that timely restroom breaks were not facilitated; it is true some youth used water bottles and plastic bags in which to relieve themselves. As of 6/23/22, an action plan was adopted and the Giddings campus will have five roving staff assigned 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. In addition, two staff members in supervisory roles were formally disciplined as a result of the investigation into these incidents. TJJD will continue to monitor the effectiveness of the action plan to swiftly address issues as they arise.

TJJD appreciates the IO thoroughly addressing these serious instances in its report. These intolerable instances are the direct result of TJJD's staffing shortages and are illustrative of the dire nature of the present crisis; they run counter to TJJD's mission and intent to provide a safe, structured, and rehabilitative environment for youth. TJJD is exhausting efforts to

alleviate the staffing crisis and reduce the direct impact to the youth, including a permanent 15 percent increase in compensation for direct-care positions.

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

Submitted by:



Nicole Prather
Deputy Ombudsman

07/25/2022

Date



Agatha Toribio
Deputy Ombudsman

07/25/2022

Date