

**JOINT SELECT COMMITTEE ON THE OPERATION AND
MANAGEMENT OF THE TEXAS YOUTH COMMISSION**



**PRELIMINARY REPORT OF INITIAL FINDINGS AND
RECOMMENDATIONS**

**A REPORT TO THE
LT. GOVERNOR AND THE SPEAKER OF THE HOUSE
80TH TEXAS LEGISLATURE**

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**Joint Select Committee on the Operation and
Management of the Texas Youth Commission**

**Preliminary Report of Initial Findings
and Recommendations**

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EXECUTIVE SUMMARY

Background

The Texas Youth Commission (TYC) is the state agency responsible for the care, custody and rehabilitation of the juvenile offenders who have been committed by the court. The ages of youth committed to TYC ranges from 10 to 17. The TYC can maintain custody of the youth until the age of twenty-one (21).

Allegations of mistreatment, disturbances and abuse began to surface and the TYC came under federal scrutiny due to the riot at the Evins Regional Juvenile Center in Edinburg, Texas. The U.S. Department of Justice, Civil Rights Division, began an investigation at the Evins facility in September 2006 and issued their report on March 15, 2007, stating "certain conditions at Evins violate the constitutional rights of the youth".

The Senate Criminal Justice Committee, the House Corrections Committee and the Juvenile Justice and Family Issues Committee conducted separate public hearings allowing staff, youth, family members, child advocacy groups, the ACLU and other concerned citizens to be heard. The resounding theme was the rampant abuse in the TYC of both youth and staff. All parties were concerned for safety and security. As a result of the hearings, legislation was filed by various members of the House and Senate to address the concerns identified,

Subsequent to the Evins riot, allegations of sexual misconduct at the West Texas State School in Pyote, Texas were brought to the attention of a Texas Ranger in February 2005. The investigation by the Ranger revealed that the Assistant Superintendent and the Principal had engaged in sexual activity with the youth. The Ward County District Attorney failed to prosecute the case, after repeated attempts by the Texas Ranger. A staff member of a Legislator received the information in October 2006 and began moving forward. As a result, the Joint Select Committee on the Operation and Management of the Texas Youth Commission was created by Proclamation on March 2, 2007.

Initial Findings, Action Taken and Future Plans

The Joint Select Committee on the Operation and Management of the Texas Youth Commission believes the system is ineffective and dysfunctional, from the ground roots level to the top management levels. Findings have been identified and this continues to be an on-going process. While the findings are too numerous to list in this summary, they are detailed in the body of the attached report.

The allegations of misconduct and criminal activity have received the utmost priority and commissioned peace officers are currently gathering information and opening investigations. Ineffective administrative processes, such as grievance, classification and disciplinary have been identified, short term immediate action has been taken and long term goals are being established. Staffing shortages and staff to youth ratios are being addressed. The case files of those youth who have received an extension to their minimum length of stay (MLOS) as well as misdemeanor youths will be reviewed for possible release. Immediate steps are being taken to bring the agency into compliance with the Prison Rape Elimination Act (PREA). Personnel policies that allow persons with a felony conviction to be employed are being reviewed for revision. Criminal background reviews are being conducted on all current employees, contract employees and volunteers, and are almost complete.

The attached document includes reports submitted by the Texas Department of Criminal Justice - Office of the Inspector General, a synopsis of legislation filed regarding TYC issues, the State Auditor's Report issued March 16, 2007, the Joint Select Committee Recommended Action Plan and the findings of a Case File Review conducted at the McLennan County State Juvenile Correctional Facility by staff of the Joint Select Committee.

Preliminary Report of the Joint Select Committee on the Operation and Management of the Texas Youth Commission

Proclamation issued March 2, 2007 created the Joint Select Committee on the Operation and Management of the Texas Youth Commission (TYC), composed of seven (7) Senate and seven (7) House members. The Proclamation requires the Joint Select Committee to report "its initial finding and recommendations, including drafts of legislation necessary to implement the recommendations to the lieutenant governor and the speaker of the house of representatives not later than March 31, 2007." This is the initial report required by the Proclamation.

The Joint Select Committee has jurisdiction over the following issues:

1. Investigating and recommending changes to the current fiscal management practices at the Texas Youth Commission, the current practice regarding the investigation of and resolution of sexual misconduct complaints or complaints made regarding the conduct of employees or former employees, and failure of the agency to properly investigate or resolve either of these issues.

The most pressing and urgent matter is the alleged sexual misconduct complaints and the ineffective reporting and investigation of such. Alleged criminal activity was not investigated or properly referred for prosecution. Additionally, there was no effective method to report allegations of abuse, neglect or exploitation of youth. To address these issues, immediate action was taken as noted below.

- The Joint Select Committee implemented protocols for immediately reporting misconduct to law enforcement for investigation and action needed as appropriate.
- The TYC - Youth Care Investigators, formerly known as the Inspector General's Office, were not commissioned peace officers and, therefore, not authorized to conduct criminal investigations. As a result, commissioned peace officers from the Texas Department of Criminal Justice-Office of the Inspector General, Attorney General's Office and the Texas Rangers were brought in to conduct the investigations. The TYC has re-established the Office of the Inspector General and has posted the Inspector General position. The Inspector General and investigators will be commissioned peace officers. The Inspector General position should be filled the first week of April 2007.
- March 6, 2007 - Investigators from the Texas Department of Criminal Justice - Office of the Inspector General, the Attorney General's Office and the Texas Rangers were dispatched to 22 units and halfway houses of the TYC. Investigators have made subsequent visits since this initial date. The proper investigation regarding sexual misconduct by agency employees or former employees is ongoing as well as other allegations of criminal activity. Referrals will be made or have been made to local prosecutors for cases where a crime has been committed.
- March 6, 2007 - A toll free hotline for the public, youth or TYC employees to report allegations of wrongdoing at the Texas Youth Commission was established. This number was made public and sent to all facilities, the media and the TYC website. This number is manned 24 hours per day, 7 days per week by commissioned peace officers.
- As of March 30, 2007 - 1557 investigations have been opened, which included 242 allegations of staff sexual misconduct and 568 cases have been closed (See Attachment Two for statistical breakdown).

- As of March 30, 2007 - five (5) TYC staff members have been arrested, one (1) terminated for being a registered sex offender, five (5) suspended during investigations, three (3) top executives have resigned, one (1) top executive retired and the TYC Board resigned. There have been 102 employees identified with felony arrests/charges and 437 with misdemeanor charges.
- Proposed legislation regarding the Texas Youth Commission has been filed, which includes: expansion of the Special Prison Prosecution Unit jurisdiction, law enforcement authority of the Office of the Inspector General, Attorney General investigations, an independent ombudsman office, a TYC ombudsman office, monetary incentives for information leading to convictions, Texas Ranger unannounced visits, diversification of the TYC oversight, reduction in number of TYC Board members, regular internal audits, centralized complaint process, increase of training hours for correctional staff, staffing ratios, parent bill of rights, access to incarcerated youth by advocacy groups, establish a maximum youth capacity, dorm housing restrictions, felony offenses only and termination of state custody at age 19 on indeterminate sentences. (See Attachment Three for a breakdown of the bills).

2. Investigating and recommending changes to the current operation and management practices of the Texas Youth Commission, specifically, developing policies on sexual abuse/assault, reporting and investigating employee misconduct, implementing vulnerability assessments, proper employee training and retention of staff.

The State Auditor's Office (SAO) conducted fieldwork from March 2-15, 2007. (See Attachment Four for the SAO report.) The report identifies weaknesses and the following recommendations for action:

- TYC's physical security and grievance processes should be strengthened to adequately safeguard youth.
- TYC should identify the functions necessary to accomplish its mission and assign resources to the areas of highest priority.
- TYC needs to evaluate resources at youth facilities.
- TYC employees who responded to the SAO survey have serious concerns about the TYC work environment and their ability to express concerns to management.

3. Investigating successful operation and management practices of other similar entities in other jurisdictions.

- The acting Executive Director, with the assistance of the TDCJ Research and Evaluation Division (RED) identified issues and a "call to action" plan.
- March 13, 2007 - Thomas Stickrath, Director of Ohio Youth Services Department, began providing consultation to the TYC, based on similar issues experienced in 2004 at the Ohio Department.
- March 16, 2007 - The TYC Board approved the Rehabilitation Plan submitted by acting Executive Director, Ed Owens. The plan identifies five (5) domains with twenty-four (24) recommendations.

4. Investigating and recommending any changes to the operation and management of the Texas Youth Commission.

Based on the investigations of the various entities currently participating in the review of the TYC, the committee believes the following issues are a priority: (See Attachment One for Recommended Action Plan and Attachment Five for results of Committee staff case file review at McLennan County.)

- Reduce the TYC population by reviewing all youth who are past their MLOS/MPOC (Minimum Length of Stay/Minimum Period of Confinement), as well as all misdemeanants to determine possible release. This review should be conducted by a diverse panel of entities and completed by April 15, 2007.
- Place PREA posters in all facilities and halfway houses. Develop a PREA plan no later than May 1, 2007 for dissemination to the facilities and halfway houses, with training for staff to be completed by April 30, 2007.
- Suspend phase level extensions to MLOS (minimum length of stay) until reviews recommended above are completed. Implement interim system based on Individual Case Plans (ICP) and Admission, Review and Dismissal (ARD) special education meetings conducted for each youth identified as having a disability. Require all extensions to MLOS to be reviewed and approved by designated staff at Central office.
- Implement an interim training program for staff regarding use of force, youth restraints, grievance and disciplinary training procedures.
- Purchase and install security cameras and monitoring systems by June 1, 2007.

**ATTACHMENT ONE:
RECOMMENDED ACTION PLAN
BY COMMITTEE**

ATTACHMENT ONE: RECOMMENDED ACTION PLAN BY COMMITTEE

I. Immediate Action

- A plan will be implemented for intake and classification of youth. Order and install any needed classification software.
- All staff will be advised to submit information to the Central Office with a copy to the Joint Select Committee on any problem areas with camera coverage.
- Establish a plan to responsibly reduce the TYC youth population.
- Identify appropriate staff to youth ratios.
- Appoint an acting Ombudsman.
- Ensure appropriate transitional planning for the release of youth to aid in reentry to the community.
- Begin procuring security and surveillance equipment for the TYC unit.
- Review policy/practice of paying correctional officers overtime.

II. Recommended Action due by April 2, 2007

- PREA posters up on facilities, halfway houses and contract care facilities.

III. Recommended Action due by April 6, 2007

- TYC staff shall provide files of all misdemeanants and youth past their MLOS assigned to TYC.

IV. Recommended Action due by April 17, 2007

- Procedures will be implemented to routinely rotate JCO's around duty stations within the facility to alleviate allegations of favoritism and retaliation.
- A duty shall be added to the job description of an identified position designated to act as a disciplinary hearing manager for the unit to ensure consistency in processes and sanctions. All disciplinary hearing managers will be approved by the central office. Training needed to perform these duties will be provided by April 17, 2007.
- A Grievance Coordinator will be designated and trained for each unit.
- Criminal history checks will be conducted for all contract employees. TYC will not transfer youth to contract care facilities without completion of the contract care staff's criminal background check.
- Verifications will be made on licensed staff to ensure licenses are up to date, valid and without restriction.

- A review of personnel files for each unit position shall be reviewed to ensure staff meet qualifications for current position held.
- Teams will be formed to review files of misdemeanor youth and youth past their initial MLOS (minimum length of stay) assigned to facilities, with a target completion of review of April 30, 2007. A check list will be provided for the items to be reviewed. Teams will review files and make recommendations for releases. Staff will be assigned to verify home plans or make placement in TJPC facilities (depending on recommendations) and set up release dates.

V. Recommended Action due by April 30, 2007

- Youth approved for release above will be released by April 30, 2007.
- A review board will review all cases disapproved for release and ensure consistency of denials.
- Interim grievance and disciplinary policies and procedures will be written and implemented. A decision will be made prior to this time whether, in the interim, all level 2 write-ups will be expedited to Central office to determine if a hearing will be held or all Level 2's will be required to hearing with review by Central office before action imposed until policy is revised.
- An intermediate action plan will be implemented for intake and classification of youth.

VI. Recommended Action due by May 1, 2007

- Training sessions will be conducted with all employees of TYC to cover disciplinary, grievance, PREA, youth restraints, use of force, surveillance, and other urgent youth issues. This rotation will continue until all staff on the units have been trained.
- Central Office Ombudsman position will be created and filled.

VII. Recommended Action by May 30, 2007

- A procedure will be implemented to ensure all information regarding educational, mental and emotional testing and evaluations conducted by the sending county are included in master youth file. Case Managers will contact the counties for all current caseload youth.
- Conduct Admission, Review, and Dismissal meetings and implement Individual Education Plans (IEP) as well as any transitional planning required by Federal Law.

VIII. Recommended Action by June 30, 2007

- Security and surveillance equipment will be purchased and installed.

IX. On-Going Management Requirements

In order to increase public confidence in the TYC, the following general topics should be implemented.

- Transparency: Meet with juvenile court judges in order to restore credibility and confidence with judges; engage Community and Child Advocacy Groups and to promote volunteer activity on the units.

- Research Funding: Seek funding regarding grant availability for PREA, Reentry Projects, Risk/Needs Assessments, Sex Offender Management, programs in lieu of revocation, education, programs and treatment needs.

- Change the Odds: Implement policies, procedures and programs to change the odds for the successful rehabilitation of youth, safe juvenile facilities and reintegration of youth into the community.

- Develop recruiting initiatives and programs to retain staff.

**ATTACHMENT TWO:
STATISTICAL BREAKDOWN BY
TDCJ-OIG**

ATTACHMENT TWO: STATISTICAL BREAKDOWN

Arrested Persons and TYC Personnel Actions Taken

On March 6, 2007, Investigators from the Texas Department of Criminal Justice – Office of Inspector General (TDCJ-OIG), Office of Attorney General (OAG), and Department of Public Safety (DPS) Ranger Service conducted an emergency evaluation of all TYC facilities. A TYC hotline that is answered 24 hours a day was established and phone access made available to the youth offenders at this facility. Additionally, this number was broadcast on the TYC web page and distributed to the media for publication. Additionally, the TDCJ-OIG set up a Command Post at the TYC headquarters in Austin.

As of March 30, 2007, the Command Post has received 1557 complaints.

The following is a breakdown by type:

The following is a breakdown of case counts by facility:

Attachment Two- Page 1

• Beto House	4
• Brookhaven Youth Ranch – Contract Facility	1
• Coke County	12
• Corsicana	110
• Cottrell	11
• Crockett	129
• Edna Tamayo	3
• Evins	81
• Ft. Stockton School	1
• Gainesville	77
• Garza County Regional Juvenile Center – Contract	3
• General TYC	98
• Giddings	145
• Gulf Coast Trades Center	4
• Harris County Juvenile Detention Center	2
• Hill County Ranch	2
• Hope Center Wilderness	1
• Houston District Office	1
• John Shero	128
• Littlefield	1
• Marlin	108
• McFadden	33
• McLennan	175
• Mel Matthews	1
• Rio Grande Marine Institute – Contract	2
• Ron Jackson	85
• San Antonio Parole Office	1
• San Antonio State Hospital	1
• San Patricio Juvenile	1
• Schaeffer	4
• Sheffield	17
• Southwest Key Programs	3
• Turman House	5
• TYC – Central Office	9
• TYC – Tyler	2
• Unknown	30
• Victoria County	6
• Victory Field	52
• Waco Parole Office	1
• West Texas	91
• Wings for Life at Marion, Tx	1
• York House	16

As of March 30, 2007, 568 cases have been closed.

The following is a breakdown of actions taken to date as a result of this operation.

Persons arrested:

- Superintendent (halfway house)
 - o Alleged Tampering with Evidence
 - o Arrested 03/09/07

- Former TYC employee
 - o Alleged Sexual assault (occurred at TDCJ)
 - o Arrested 03/14/07

- Juvenile Correctional Officer IV
 - o Alleged Official Oppression
 - o Arrested 03/14/07

- Juvenile Correctional Officer Ron Jackson II employee
 - o Alleged Tampering with Government Record
 - o Alleged Official Oppression
 - o Alleged Aggravated Assault with Serious Bodily Injury
 - o Arrested 03/15/07

- Facility Superintendent
 - o Alleged False Report to Peace Officer
 - o Arrested 03/23/07

Persons terminated from employment:

- Coke County
 - o Registered sex offender

Persons suspended:

- Superintendent (Halfway House)
 - o Alleged Tampering with Evidence

- Psychologist – Al Price
 - o History of sexual offenses against youth
 - o Falsified employment application

- TYC Inspector General
 - o Submitted an untruthful and inaccurate report

- Deputy General Counsel
 - o Submitted an untruthful statement to investigation

- TYC Juvenile Correctional Officer
 - o Falsified employment application

TYC Employees with Criminal Histories

All TYC employees' criminal history has been run by DPS. As a result the following information was found:

- 102 employees showed 135 felony charges or arrest at some point in their history (Dispositions are being confirmed at this time by DPS).
- 437 misdemeanor charges or arrest were identified (Dispositions will be confirmed by DPS when felony offense dispositions are finished)

**ATTACHMENT THREE:
FILED LEGISLATION**

ATTACHMENT THREE: FILED LEGISLATION

All Texas Youth Commission-Related Bills by Subject

I. Governance & Safety

Special Prosecution Unit

Madden's HB 427, Madden's HB 2807, Hinojosa's SB 103:

- *Expansion of the Special Prison Prosecution's Unit jurisdiction* to include prosecution of crimes committed in TYC facilities.

Office of Inspector General

Madden's HB 914, Hinojosa's SB 103, Turner's HB 3639, Castro's HB 2335, Bolton's HB 3521:

- *Office of Inspector General with law enforcement authority* to investigate criminal offenses in TYC.

Attorney General

Bolton's HB 3521, Dutton's HB 777:

- *Require the Attorney General to investigate* allegations of abuse and neglect within TYC facilities.

Hinojosa's SB 103:

- Attorney General shall have concurrent jurisdiction over civil rights violations of persons in custody within TYC.

Office of the Ombudsman

Miles' HB 3701:

- *Independent Office of the Ombudsman*, as a completely *independent* state agency, to investigate complaints about youth mistreatment or problems with delivery or services.

Castro's HB 2335, Hinojosa's SB 103:

- *Ombudsman in TYC*- The head of this division would be appointed by the TYC Board, with the approval of the Senate, and should report to the TYC Board and Legislative committees with primary jurisdiction. Any employee reporting information to this division in good faith should be protected from retaliation.

Conservatorship

Haggerty's HB 2686:

- Includes \$5000 reward for information leading to a conviction

Dunnam's HB 2340

Sex Offenses Within TYC

Hinojosa's SB 103:

- The crime of Improper Sexual Activity With a Person in Custody is enhanced from a state jail felony to a second degree felony if the person in custody is within TYC.
- TYC residential facilities shall be considered schools under the sexual offense of Improper Relationship Between Educator and Student.
- For the crime of Sexual Performance by a Child, the victim's age is raised from 18 to 19 if they are within TYC. The affirmative defense of being within two years of the age of the victim is eliminated.

Youth Protection

Hinojosa's SB 103:

- Commission, by rule, shall adopt housing, scheduling, and placement procedures for protecting vulnerable children in TYC. Must consider age, physical condition, treatment needs, and other relevant factors.

Mental Health Evaluations and Rehabilitation

Hinojosa's SB 103:

- As soon as possible after admittance to TYC, youth assigned a minimum length of stay of at least one year shall be given a comprehensive psychiatric assessment.
- TYC shall periodically review youths' rehabilitation plans at least every 6 months to decide if their plans shall be modified or continued. A report concerning the review shall be sent to the committing court, youths' guardians, or youths' designated advocates.

Youth Discharges from TYC

Hinojosa's SB 103:

- TYC shall either discharge from TYC or transfer to TDCJ youth at 19 years old instead of at 21 years old.
- Youth without determinate sentences shall transfer either to TDCJ parole for no longer than 2 years or to TDCJ confinement for no longer than 1 year.
- If a youth is transferred out of TYC for committing a state jail felony, they may go only to a state jail or other facility that confines those convicted of state jail felonies.
- A transfer to TDCJ can occur only upon recommendation by the juvenile court that sent the youth to TYC, and only if the youth's conduct while in TYC indicates a serious danger to the community.

District Attorney for the 201st Judicial District

Dunnam's HB 3384

- Creates the office for the district attorney in the 201st Judicial District

Texas Ranger Visits

Castro's HB 2335:

- *Unannounced ranger visits* at least once per month to TYC facilities and written results to be included in Sunset review

Diversification of TYC Oversight

Bolton's HB 3521:

- *Prohibit any one individual from exclusive oversight of any TYC facility*, and require TYC to establish rules and procedures to implement this requirement.

TYC Board

Work Session Recommendation

- Board to be comprised of at least one physician, experienced child advocate, mental health professional, and a prosecutor or judge (current or retired).

Van Arsdale's HB 3952, Merritt's HB 3983, Harris' SB 1921:

- *Repeal existing board.*

Madden's HB 2807:

- *Reduce board* from 7 to 5 members.
- Require that at least one member be a member of a child advocacy organization and at least one member of the board must be a member of a victim's advocacy organization.

Hinojosa's SB 103:

- 1 member must be a child advocate and 1 member must be a victim's advocate.
- Majority of members must be qualified in administration and development of programs for rehabilitation and reestablishment of children in juvenile justice systems.

Internal TYC Audits

Madden's HB 2807, Hinojosa's SB 103:

- *Regular internal audits* of facilities, with results reported quarterly to the primary legislative committees.

Hinojosa's SB 103:

- Inspector General may request that State Auditor provide assistance. Auditor may access all information maintained by Inspector General. The information is confidential.

Centralized Complaint Process

Bolton's HB 3521:

- *Establish centralized complaint procedures* for investigating complaints about abuse and neglect and systemic deficiencies in the delivery of services. The Office of Inspector General should receive a copy of all complaints submitted. Any employee reporting information to this division in good faith should be protected from retaliation.
- TYC should adopt standardized rules regarding timeline and time limits for investigation, and standardized record-keeping procedures for correspondence and other documents related to complaints.

Bolton's HB 3521, Hinojosa's SB 103 :

- Family notification of complaint process

Turner's HB 1111:

- The Texas Youth Commission may not allow a child committed to it to participate in a medical, psychiatric, or other type of research program.

Bolton's HB 3521:

- On-site posting of youth rights and complaint procedures

II. Operations

Hinojosa's SB 103, Castro's HB 2335:

- *Increase training for facility guards* to 300 hours
- *Reduced staffing ratio of 1 facility guard* to every 12 youth

Bolton's HB 3521:

- Prohibits TYC from hiring or retaining any person who has committed a sex offense.

Turner's HB 3206, Hinojosa's SB 103:

- Sunset Commission study to develop a *practicable plan to move TYC toward a regionalized juvenile corrections structure*, to be used in the Sunset review of TYC

Castro's HB 2553, Hinojosa's SB 103:

- *A Parent's Bill of Rights* provided by TYC to parents within 48 hours of a youth's incarceration. This should include information on visitation and phone policies, parental notification procedures, description of the grievance policy, and a description of the role of the youth's caseworker.
- *Clear caseworker responsibilities* in regards to parental contact, notification, and family inclusion in a youth's treatment.

Hinojosa's SB 103

- TYC shall make best effort to make sure youth supervisors are at least 3 years older than the youth they are supervising.

Bolton's HB 3309, Hinojosa's SB 103:

- *Advocacy and support group access to incarcerated youth* to provide on-site information, support, and other services.

Macias' HB 1814:

- Creates a comprehensive *character education and training pilot program* to be implemented in certain Texas Youth Commission facilities to include staff and youths by January 1, 2008. The bill requires TYC to study the effects of the pilot program.

III. Facilities

Castro's HB 2335, Hinojosa's SB 103:

- *Dorm restrictions* prohibiting persons younger than 15 from being housed with persons aged 17+.

Dutton's HB 2512:

- Establishes total maximum capacity of 3000 youth in TYC (halfway houses included) and facility cap at 100.
- Ensures children will be confined in or near the county in which they reside by transferring facilities of 100+ to TDCJ and requiring community based facility in each county greater than 600,000.

IV. Financial

Special Master, Jay Kimbrough Request:

- \$3 million for security cameras and surveillance
- \$253,500 for additional software (immediately). The request is for advanced analytic technology to review historical data, create baselines for evaluation of future operations, and develop a classification system based upon objective, risk-based indexing technology.

SAO Report Recommendations:

- Increasing the number and placement of electronic monitoring devices (surveillance cameras and audio recording devices).
- Replacing some solid doors with glass doors to allow staff to monitor youth more easily.

V. Sentencing Guidelines

Madden's HB 1756, Hinojosa's SB 103, Hinojosa's SB 845, Madden's 2807:

- Limits TYC's jurisdiction to youth adjudicated for felony-level offenses only (takes out misdemeanants)
- Termination of state custody at age 19 on indeterminate sentences

West's SB 1295:

- Diverts TYC-eligible, juvenile misdemeanor offenders from commitment to TYC through the *creation of community-based programs*. The bill is bracketed to create a pilot program in Texas's largest counties, including Harris, Dallas, Bexar, and Tarrant, which have had historically high rates of TYC commitments.

**ATTACHMENT FOUR:
STATE AUDITOR'S REPORT 07-022**

**ATTACHMENT FIVE:
McLENNAN COUNTY STATE
JUVENILE CORRECTIONAL
FACILITY**

CASE FILE REVIEW MARCH 19-20, 2007

ATTACHMENT FIVE: McLennan County State Juvenile Correctional Facility Case File Review March 19-20, 2007

A visit to the McLennan County State Juvenile Correctional Facility (MCSJCF) to review youth case files was conducted on March 19-20, 2007. The purpose of the visit was to determine youth who were past their minimum length of stay and the reasons. The staff at the unit were very accommodating and provided documents and records promptly, provided a spacious working area and were available to answer questions.

Commitments

- Youth committed to TYC can legally stay up until their 21st birthday.
- Youth with determinate sentences can be transferred to the Texas Department of Criminal Justice as they approach their 21st birthday.
- By policy, TYC sets guidelines for minimum length of stay (MLOS)/minimum period of confinement (MPOC) for youth who have been committed until they turn 21: 9, 12 or 24 months. A youth that meets the MLOS does not automatically discharge from TYC.

Resocialization Program

- The TYC utilizes a phase program system that allows the youth to be promoted (highest level is 4) or demoted (lowest level is 0), based on progress in academics, behavior and correctional therapy.
- Youth are eligible, by policy, for release if they have met their MLOS/MPOC and have attained a level 4 in academic, behavior and correctional therapy.

Obstacles

- Issues identified during the review are noted below:
 - No consistency in the disciplinary hearing process.
 - The same or similar violation may or may not go to a hearing based on unit management decision.
 - Sanctions are predetermined prior to the hearing being held, which is then binding at the hearing.
 - Different positions serve as the hearing manager (as an additional duty assigned), which results in different sanctions for similar violations.
 - Halfway House Placements
 - The placement system is decentralized and performed at the unit level.
 - The Placement Coordinators were assigned 4 out of 9 halfway houses to utilize for placements; therefore youth may not be placed near their home county or family.
 - At this facility, this is limiting because many of the placements are sex offenders and only 5 sex offenders are allowed at each halfway house.
 - Additionally, the population at these halfway houses may be full and others may be underutilized.

- Home Plan Evaluation
 - There is little to no coordination relative to home plan evaluations between the parole officer and the unit. An example was one youth had an approved home plan in June 2006. In July 2006, the parole officer advised the unit he wanted to develop a new home plan. As of March 2007, the new plan or approval has not been provided by the parole officer. Family members were referred to the parole officer but were unsuccessful in making contact.
- Phase Assessment Team
 - The objectives required to be met by youth to advance through the phases may not be realistic.
 - Youth diagnosed with ADD or ADHD do not receive medication and are less likely to progress through the academic phases and behavior management. The staff advised that the doctor does not prescribe medication to these youth because upon release, the families are less likely to ensure the medication is filled and provided to the youth. The doctor prefers to manage this population without medication.
 - Youth are given extensions to their MLOS due to the assessments they routinely receive, which in some cases are subjective.

Recommendations

- An in-depth review and restructuring of the youth program, minimum length of stay, standardization and centralization of practices throughout the agency.
- The hearing process should be standardized with one position serving as the Hearing Manager.
- The hearing process should include a recommendation for sanctions by the staff representative, but it should not be binding.
- Violations requiring a hearing should be clearly identified, eliminating the decision making authority at the unit level.
- Halfway House Placements should be centralized allowing youth to be placed closer to their home county or family and allowing for full bed utilization.
- Home plan evaluations should be completed timely by the parole officer and coordinated with the unit staff.
- The phase assessments should include tangible objectives, individualized by youth. Additionally, youth who may never reach a phase 4 due to low level functioning should be routinely reviewed for release.
- Youth diagnosed with learning disorders such as ADD or ADHD, should be evaluated for proper medication and behavior management plans.
- This unit classifies and houses youth together that are age appropriate; however, additional classification standards may need to be implemented. An example would be housing youth together based on criminal history and physical stature.