

State Leaders, Legislators, Parents, Employees, and Communities are

MAKING A DIFFERENCE

AT THE TEXAS YOUTH COMMISSION



A Report on the Progress & Impact of Senate Bill 103

December 1, 2007

This report is submitted in compliance
with and pursuant to Section 61.0332,
Senate Bill 103, 80th Texas Legislature.

Dimitria D. Pope
Acting Executive Director





TEXAS YOUTH COMMISSION

ED OWENS
Conservator

DIMITRIA D. POPE
Acting Executive Director

December 1, 2007

The Honorable Governor Rick Perry
The Honorable Lt. Governor David Dewhurst
The Honorable Speaker of the House Tom Craddick
Honorable Members of the Joint Select Committee on the Operation &
Management of the Texas Youth Commission
Honorable Members of the Senate Criminal Justice Committee
Honorable Members of the House Corrections Committee
Honorable Members of the Juvenile Justice and Family Issues Committee

To the Aforementioned Distinguished Elected Officials:

Pursuant to Section 61.0332, Senate Bill 103, I am honored to submit this report on the progress of the Texas Youth Commission (TYC) in complying with the requirements stipulated in the bill. I would also like to take this opportunity to personally thank each of you for creating the 'blueprint' for agency reform, funding to implement initiatives/programs/services and for support of this administration.

Over the past six (6) months, staff have worked deliberatively to redesign the agency's infrastructure in order to effectively implement the reforms, enhanced partnerships with internal and external stakeholders, obtained technical assistance and advice from juvenile justice and correctional professionals, enhanced accountability and finally, identified key strategies to change the organizational culture.

This document is a compilation of previously submitted progress reports that addressed the agency's compliance with SB 103 and also contain new sections that address the impact of SB 103 on the management and operations of the TYC and provide an early glimpse of trend data.

Please feel free to contact me directly at (512) 424-6004 or dimitria.pope@tyc.state.tx.us should you have questions or require additional information on any information provided in this document.

Respectfully Submitted,

Dimitria D. Pope
Acting Executive Director

Mission Statement¹

The Texas Youth Commission, the state's juvenile corrections agency, promotes public safety by partnering with youth, families, and communities to provide a safe environment where youth in the agency's care and custody will receive individualized education, treatment, life skills and employment training, and positive role models to facilitate successful community reintegration.



Value Statements

Texas Youth Commission staff value:

1. The creation of a transparent system of operations that embraces integrity and accountability to ensure safe and secure environments for youth entrusted to the agency's care;
2. The basic and fundamental rights for youth to have fair and equal treatment, education, and the ability to achieve their full potential;
3. That dignity, fairness, and respect must be afforded to all people including youth, their families, victims, staff, and volunteers; and,
4. The power of positive transformation, which requires individual and collective accountability, personal and public integrity, and leading through example.



¹ SB 103, Section 61.0345

Executive Summary

Senate Bill 103 established the framework for reforming the Texas Youth Commission (TYC). Numerous reports have been issued by the agency since the bill became law on June 8, 2007. This report provides an update on reform efforts called for in SB 103 that have taken place at the agency through December 1, 2007.

Improving the safety and security of youth assigned to TYC, along with that of TYC staff, is a primary concern. Strategies identified in SB 103 have been addressed, including:

- Reducing the youth population in TYC facilities
- Increasing video surveillance in all TYC facilities
- Discharging youth upon reaching age 19
- Increased staff training
- Converting open bay dorms into individual cells

The agency also developed objective standards to measure safety and security of both youth and staff. Initial data show the agency has made significant gains in this area.

SB 103 mandates that the TYC achieve a staff-to-youth juvenile corrections officer (JCO) ratio of 1:12 in all facilities. Shortages have caused the agency to close dorms in several facilities in recent weeks. While these shortages have been and continue to be acute, the agency has embarked on an aggressive recruiting drive and has seen significant gains in JCO hires in the past two months.

SB 103 created the Office of the Inspector General (OIG) to investigate crimes committed at TYC facilities or by TYC employees. OIG data shows that the number of complaints received since the implementation of SB 103 has reduced dramatically. The OIG works closely with the Special Prosecutor's Office to prosecute serious crimes.

SB 103 required the agency to increase JCO training from 80 hours to 300 hours. TYC training staff designed and implemented new curriculum for pre-service, in-service and on-the-job- training. This new training began September 1, 2007 and the agency is working vigorously to ensure all staff are trained in accordance with SB 103 parameters at the earliest possible date.

TYC has developed a new evidence-based treatment program called CoNEXTions to develop a cohesive basis for treating youth in TYC. The program has been piloted at the Al Price Juvenile Facility and is in the process of implementing it system wide. Specialized treatment programs are also available for youth with mental health issues, sexual behavior offenses, or chemical dependency needs.

TYC has been actively working with youth, parents, and advocates to ensure family participation in the rehabilitative process. In addition to moving youth to facilities closer to their homes, the agency is developing a "Parents of Incarcerated Children Bill of Rights" that clearly delineates the rights of families. This "Bill of Rights" will be finalized early in 2008. TYC has also revamped and strengthened the youth grievance system to ensure every youth is able to voice their concern with respect to their rights.

Since SB 103 was signed into law, there have been issues that have generated a great deal of media interests. These include the disposition of sentenced offenders age 19 and above on the date SB 103 was signed by Governor Perry, the agency's Use of Force policy, and overtime payments to JCOs. TYC has addressed each of these issues and continues to move forward in a positive, pro-active manner to ensure the process of reform continues as quickly and efficiently as possible.



SECTION 1:

Senate Bill 103 Reform Strategies

Section I Senate Bill 103 Reform Strategies

Senate Bill 103 mandates reform initiatives for the Texas Youth Commission (TYC). This section of the report highlights areas identified in the bill that the agency has addressed. In the October 2007 report to the legislature entitled "Implementing SB 103" TYC provided the legislative leadership with a detailed status update on each applicable section of the bill related to TYC. As noted in that document, every applicable provision was addressed and staff continues to fulfill mandated statutory requirements. (See report summary in Attachment A)

SB 103 required TYC to:

- Discharge youth from confinement/supervision at 19th birthday
- Accept no misdemeanor youth
- Provide credit for time spent in a detention facility for a child with a determinate sentence
- Assist in the creation of an Office of Independent Ombudsman and share confidential information as allowed by law
- Create an Office of the Inspector General and a Special Prosecutor's Unit
- Provide equal access to facilities services and treatment for youth confined to the care and custody of the TYC
- Develop a plan of accreditation by the American Correctional Association
- Enhance treatment programs for youth
- Expand role of Internal Audit to conduct audits of secure residential facilities
- Create an agency mission statement
- Hold public hearings on any issue under the jurisdiction of the commission
- Conduct an initial assessment and reassessments of each child committed
- Assign a caseworker to every child committed to the commission
- Evaluate youth who are 18 years old to determine whether they are in need of additional services prior to reaching their 19th birthdays
- Provide at least 300 hours of training, including on-the-job training, before juvenile correctional officers begin independent oversight of youth
- Maintain a ratio of not less than one juvenile correctional officer for every 12 youth committed to the facility
- Rotate the assignment of each JCO at an interval determined by TYC
- Allow certain advocacy and support groups on campus to provide on-site information, support and other services to youth
- Establish a minimum length of stay (MLOS) for each child committed to the commission without a determinate sentence
- Establish a panel whose function is to review and determine whether the youth who has completed his/her MLOS should be discharged, released under supervision or remain in TYC custody
- Adopt a zero-tolerance policy concerning the detection, prevention and punishment of the sexual abuse, including consensual sexual contact, of children in custody of the commission
- Develop an extensive reentry and reintegration plan for each child
- Provide medical care and behavioral health care in an integrated, comprehensive delivery system
- Develop a parent's bill of rights for distribution to the parents or guardians of all youth who are committed to TYC
- Operate as an at-will employer



SECTION 2:

Impact of SB 103 on TYC's Operations

Section 2 Impact of SB 103 on TYC's Operations

This section provides more detailed explanations to key reform efforts identified in SB 103. Reform initiatives detailed in the bill are categorized into five primary areas: Governance and Operations, Safety and Security, Youth and Parental Rights, Transparency and Public Trust, and Performance Accountability and Monitoring. An August 13, 2007, document prepared for the legislative leadership highlighted implementation progress and provided examples of work products. (Summary report located in Attachment B.)

Governance and Operations

As of November 29, 2007, the Texas Youth Commission (TYC) is governed by a Conservator and an Acting Executive Director. Under provisions of SB 103, the governance will undergo two additional transformations. The second structure calls for an Executive Commissioner, appointed by the Governor with consent of the Senate. An advisory board comprised of nine members for the commission will be established to advise the Executive Commissioner on matters concerning the commission and to assist the Executive Commissioner in the performance of duties. The Governor, Lt. Governor and Speaker of the House of Representatives each appoint three members of the Board.

After September 1, 2009, the commission will be governed by a seven member board appointed by the governor with advice and consent of the Senate. The board will be responsible for hiring an Executive Director to serve at the will of the board.

In sum, SB 103 requires the governance of TYC to undergo at least three major organizational changes in two years and a major overhaul of management and operational systems. Such frequent changes in the governance of this organization may have an adverse impact on operational effectiveness, especially if major philosophical differences emerge between the different governing bodies with respect to TYC's management of youth.

Finally, executive management is committed to supporting a change in institutional culture, as well as cultural attitudes toward families of TYC youth and overall community support. Wide cross-sections of local change agents have met three times to forge the agency's new mission statement and value statements, and have received a model for understanding organizational culture. The agency's new emphasis on accountability and monitoring will reinforce productive use of data, to not only identify informational trends, but to also expand TYC's knowledge base in ways that explore cultural assumptions and support a required shift in the agency's mindset so the new mission can be achieved.

Safety and Security

To address safety and security within TYC, it is important to understand the population served, develop a common understanding of the terms, "*safety & security*" and identify key measures that are consistent within the correctional environment. SB 103 identified several strategies to address safety and security issues, namely:

- Narrowed age requirements and restricted the offense level of youth eligible for placement in TYC facilities
- Created the Office of Inspector General to investigate criminal activity and serious staff misconduct at TYC
- Created an independent Office of Ombudsman to investigate, evaluate and secure the rights of children committed to TYC
- Established the Special Prosecutor's Unit, whose function is to cooperate with and support prosecuting attorneys in prosecuting offenses and delinquent conduct
- Mandated staffing to youth ratios within institutions at 1:12
- Increased training requirements for correctional staff from 80 hours to 300 hours

- Required changes to the physical plant of facilities to allow for more single-bed cells as opposed to open bay dorms
- Significantly enhanced surveillance of institutions

Population Served On November 30, 2007, TYC's population profile included a grand total of 5,710 youth. These youth were in TYC institutions (47.5%), halfway houses (3.6%), contract care (4.5%), and parole (44.4%). Two categories of youth are under the agency's care and custody, determinate (sentenced) and indeterminate. 'Sentenced' offenders are given a specific sentence to TYC by the juvenile court under determinate sentencing statutes. Under this sentencing option, youth sentences are limited to a prescribed number of years for specific types of offenses committed. For example, a youth age 10-16 may be sentenced to not more than 40 years for a capital, first-degree, or aggravated controlled-substance felony. Historically, about 7% of TYC's annual intakes have been committed for determinate sentences; however, these youth make up 17% of the agency's current population because they stay considerably longer than indeterminate sentenced youth.

Indeterminate sentenced youth are committed to TYC by the juvenile court at a time subsequent to adjudication. The length of stay is determined by minimum length of stay policies adopted by the agency. Historically, 93% of TYC's annual intakes have been committed under the indeterminate sentence statute. These youth currently represent 83% of the agency's total residential population.

Information provided below is intended to provide additional information on the type of youth served in the agency.

- More than 55% of the youth confined at TYC are classified as a general offender² and have been convicted of at least one (1) felony offense. The most frequent classifying offenses are burglary and aggravated sexual assault.
- On average, about 58% of annual intakes have prior court-ordered residential placements.
- On average, 49% of youth committed to TYC came as a result of a probation revocation, the remainder as a direct commitment from the courts.

Intake and Current Population Profiles by Fiscal Year

	Intakes			Current Population Profile
	FY 2006	FY 2007	FY 2008	
TOTAL INTAKES	2,738	2,327	373	2,858
Sentence Type				
Direct Sentence	51%	53%	48%	68%
Probation Revocation	49%	47%	52%	32%
TYC Classification Type				
General	61%	55%	47%	39%
Type B Violent	23%	27%	33%	28%
Type A Violent	4%	5%	8%	10%
Sentenced	6%	7%	7%	17%
Firearm, Chronic, and Controlled Substance	6%	5%	5%	5%
Prior Placements				
Zero	44%	40%	43%	43%
One	37%	40%	36%	36%
Two or More	20%	21%	21%	21%

² General Offender, as defined in policy is a youth who is not eligible for any other classification.

Age at Commitment				
10 to 14	18%	17%	16%	28%
15	26%	26%	22%	27%
16	37%	37%	42%	30%
17	19%	19%	19%	14%
18 +	1%	1%	2%	0.5%
Gender				
Male	89%	90%	93%	91%
Female	11%	10%	7%	9%

Statutory changes are beginning to impact the profile of new intakes. Most notable is an increase in the percent of intakes classified as “Violent Offenders” and the corresponding decrease in the proportion of youth classified as “General Offenders”. The distribution of age is also changing as intakes between ages 10 and 15 appear to be decreasing while the percent of 16 year olds is making up a larger portion (42% so far in FY 2008) of the new population. The percent of intakes that were committed to TYC as a result of probation revocation increased slightly, from 49% in FY 2006 to 52% in FY 2008 to date.

As specified in SB 103, youth who are 19 years of age and committed a misdemeanor subsequent to the effective date of the law change are no longer eligible for placement in the TYC. Additionally, youth who are 19 years of age or older who committed their offense prior to the effective date of the law change and who have also completed their minimum length of stay may be eligible for release consideration from the TYC.

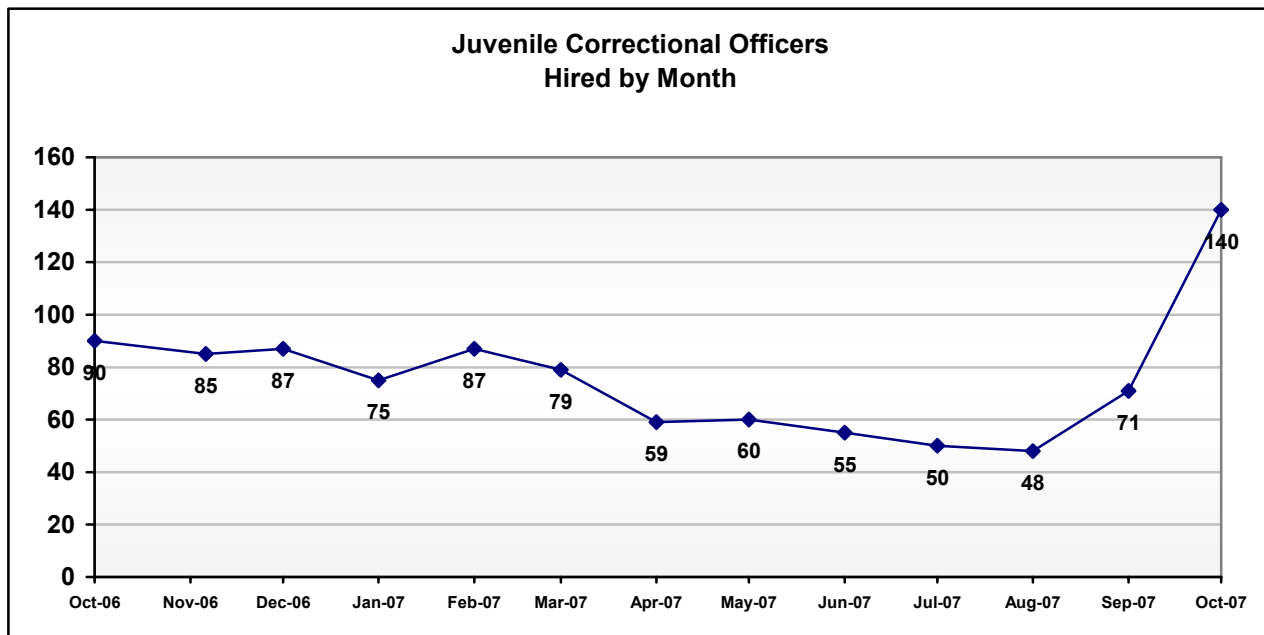
During the months following the passage of SB 103, a sample of 59 new sentenced offenders who were committed to TYC shows their demographic profile is similar to previous years: 16 year old Hispanic male who reports completion of 8th grade. Of the youth committed during this time period:

- Approximately 73% were on probation
- 41 youth had a sentence length between 5 and 15 years, with the majority of youth sentenced to five (5) years
- The primary offenses committed by these youth were aggravated robbery (22); aggravated assault (12) and aggravated sexual assault (5). Other offense types include: capital murder, murder, manslaughter, indecency with a child and manufacture/delivery of controlled substance. Nine (9) youth were committed to TYC as a result of a probation violation.

Key Measures of Safety and Security In November 2007, the TYC Research Department completed its first research brief entitled *Measures of Safety and Security in Texas Youth Commission (TYC) Facilities*. This document presents a preliminary review of key measures of program safety and security consistent with standard correctional measures that include: alleged mistreatment (non-sexual), alleged mistreatment (sexual), assaults on staff with bodily injury, assaults on youth with bodily injury, injury to staff by youth, injury to self, chemical restraint, manual restraint, escape, possession of a weapon, possession of unauthorized intoxicant and possession of other contraband. The measures were calculated using 13 months of data from September 1, 2006-August 31, 2007. Although the researchers acknowledge that it is premature to state conclusive findings, the data analyzed indicate progress. Specifically, analyzed data show decreases in 9 of the 12 measures; increases were noted in the report rate for alleged mistreatment (non-sexual), chemical restraints, and possession of a weapon. (See full report in Attachment C).

Staffing/Staffing Ratios The Human Resources Division is responsible for the recruitment, selection and hiring of juvenile correctional officers. To date, the division has hired four (4) recruiters whose primary job is to recruit and hire juvenile correctional officers (JCOs) statewide. Recruiters have been trained to select professional staff who support the agency’s mission. The chart below reflects the hiring patterns of JCO staff by month, over the past year. Of particular note is the sharp increase in the number of JCOs hired during the months of September and October 2007. This increase can be

directly attributed to the work of the recruiters and the aggressive recruitment campaign endorsed by agency executive administrative staff.



The Juvenile Corrections and Community-Based Residential Services Division monitor staffing ratios at each TYC institution on a weekly basis. Recently, management internal control systems were enhanced to minimize the over reliance on overtime payments and to implement consistent methods of accurately calculating staffing ratios. Consistent with the methodology used at other states' juvenile correctional institutions, TYC has adopted a uniform method for calculating staffing ratios and is currently providing technical assistance to facility staff to ensure consistent application and reporting. Additionally, a scheduling protocol was implemented to ensure the accuracy of staffing needs.

Other provisions in SB 103 that have been implemented require the agency to develop a system for staff rotations and when practicable, considering the age of correctional staff or other employees providing direct supervisory care to ensure three-year age span between staff and the youth being supervised.

As of November 26, 2007, the staffing ratios at secure institutions are noted in the chart on the chart below.

Staffing ratios ³

Al Price SJCF	1:13.4	Mart O&A	1:4.9	West Texas SS	1:12.6
Corsicana RTC	1:5.7	Mart II	1:11.8		
Crockett SS	1:10.2	Ron Jackson I	1:5.2		
Evins RJC	1:9.3	Ron Jackson II	1:7.1		
Gainesville SS	1:11.6	Sheffield BC	1:8.9		
Giddings SS	1:15.8	Victory Field CA	1:13.1		

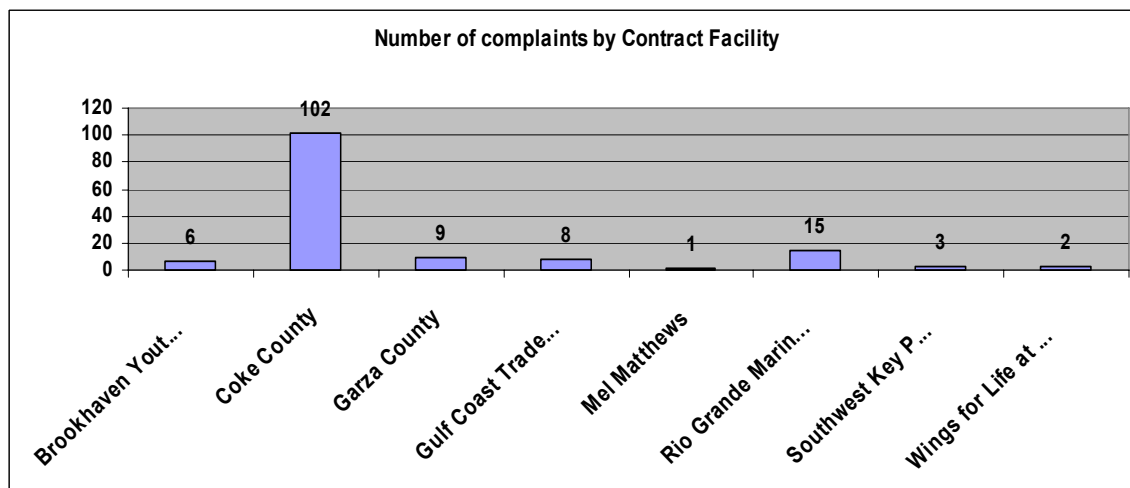
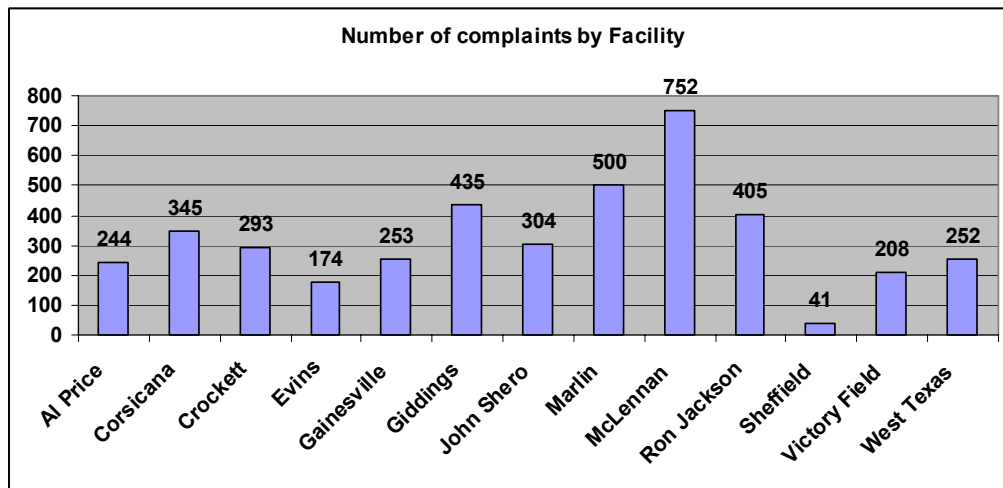
³ Staffing ratios by facility, as of November 26, 2007 It should be noted that staff are currently participating in training to ensure that the methods for calculating staff to youth ratios are consistent with national standards.

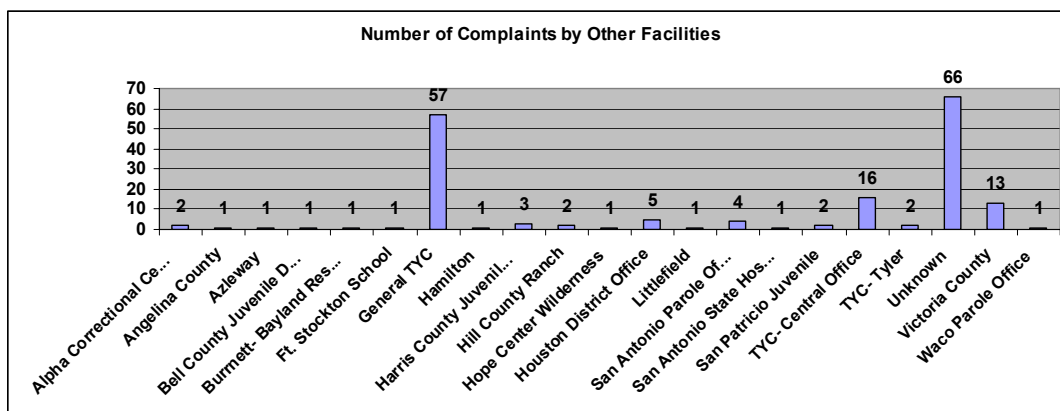
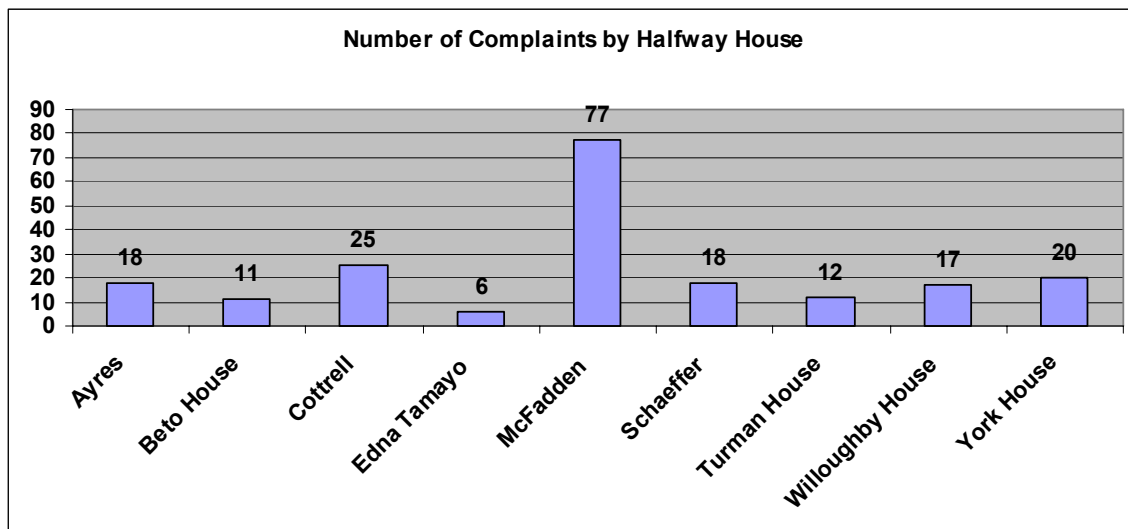
Digital Video Surveillance The Digital Surveillance System installation at secure facilities is scheduled for completion by March 2008. Work at the Evins facility in Edinburg, Texas, is 95% complete and scheduled to be completed on January 4th as is the installation of equipment at the Ron Jackson facility in Brownwood, Texas, which is 75% complete. Cabling and camera installations are underway at the Mart, Texas, facility – the McLennan County State School I and II - with an estimated completion date of January 8, 2008. Work at the Al Price facility in Beaumont commenced in November and is on schedule. Work at the Giddings facility is set to being December 5, 2007.

The total amount expended to date on the project is \$8,585,129.65. The remaining balance will be used to install equipment at TYC's nine halfway houses and it's district offices.

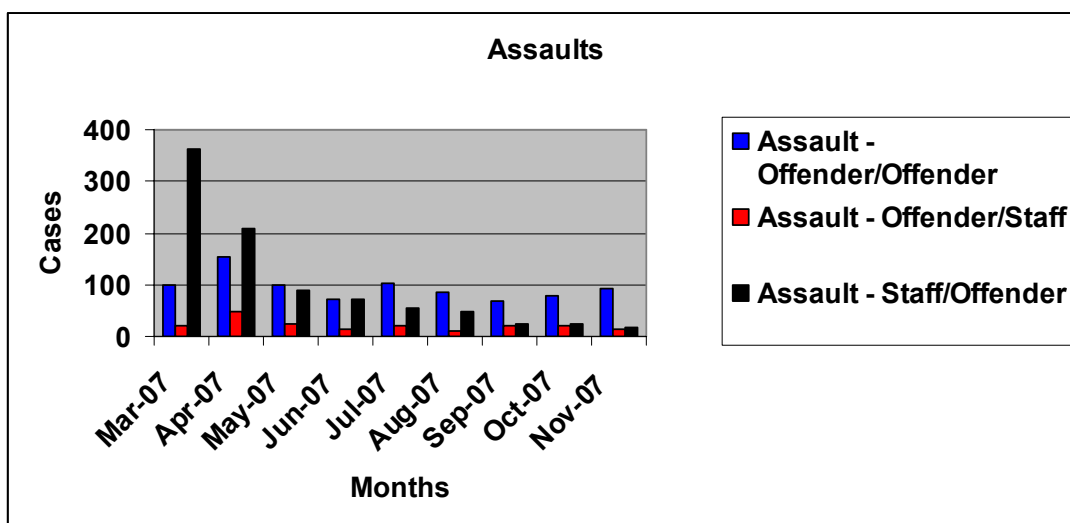
Office of the Inspector General This office was created to investigate crimes committed by commission employees and crimes committed at a facility operated by or contracted with TYC. The Office of Inspector General (OIG) assumed responsibility for the command post operations previously manned by the Texas Department of Criminal Justice-OIG and Office of Attorney General staff. The 24-hour hotline remains operational and a temporary database was created to manually log and track complaints. From March 6, 2007 through August 3, 2007, the OIG received a total of 4, 777 complaints. As reflected on the chart below, the most frequent calls were for informational purposes followed by reports of assault (staff-on-youth and youth-on-youth) and sexual misconduct (staff-on-youth).

The charts that follow provide a compilation of complaints received by facilities during the same time period (March 6, 2007-August 3, 2007).





Since the implementation of SB 103, the number of complaints received through the hotline and/or other communication avenues show a drastic reduction in the number of complaints received. As noted, during the first quarter of the current fiscal year, the number of calls received: September-423, October-770, and November-787. From those calls, OIG opened criminal cases as follows: September-104, October-114, and as of November 20, 2007. Seventy-seven cases have been opened.



The previous chart reflects the sharp decline in the number of assaults at TYC facilities. Of particular note is the sharp decline in the number of sexual assaults on youth from a high during the previous fiscal year of 451, to a low at the beginning of the current fiscal year to 19, and to an even lower reporting during the last month of the quarter to 11. Another variable of interest is the number of assaults (youth-on-youth and staff-on-youth). Although the data shows a decline in the most recent month, the numbers remain unstable. To this end, executive administrative staff will continue to focus its efforts on further reducing assaults. With respect to the elimination of sexual assaults, the agency will enhance its efforts to with Prison Rape Elimination Act 2000 (PREA) experts to provide technical assistance and/or program initiatives.

Special Prosecutor's Unit This unit collaborates with the Office of Inspector General and prosecuting attorneys in prosecuting offenses on crimes and serious staff misconduct. Since its inception on September 1, 2007, the unit has received 47 cases; 33 cases were accepted and 14 cases were declined. Of the accepted cases, the breakdown of the charges and dispositions follow:

- 25 cases are pending a Grand Jury ruling:

<u>Offense</u>	<u># Cases</u>
Assault on a public servant	4
Sexual assault	8
Aggravated assault	3
Injury to a child	1
Tampering with government documents	2
Official oppression	5
Indecency with a child	2

- 8 cases are pending trial (all indicted prior to September 1, 2007):

<u>Offense</u>	<u>#Cases</u>
Indecency with a child	2
Indecent exposure	1
Sexual assault	1
Aggravated assault	1
Tampering with a witness	1
Tampering with a government document	1
Prohibited substance in a correctional facility	1

Training SB 103 requires TYC to provide each juvenile correctional officer employed by the commission with at least 300 hours of training, which must include on-the-job training, before the officer independently assume duties at the facility. The curriculum for pre-service, in-service and on-the-job training was developed and the first class of officer cadets began receiving the training in August 2007. To adjust for minimal disruption of facility operations, two-week 'Block Training' is offered twice monthly at all local facilities. In addition to Block Training, pre-service is also offered twice monthly at the Corsicana Academy. Since the passage of SB 103 the agency has trained 401 new employees and 518 existing staff. In addition to training provided to direct care correctional staff, the agency partnered with the Correctional Management Institute of Texas at Sam Houston State University and the National Institute of Corrections to provide the first ever, one-week training for superintendents.

As the agency has worked to fulfill this SB 103 requirement, the department has struggled with fulfilling its self-imposed targeted goal related to the number of officers receiving training. A contributing factor to the number of officers trained and the strategy used to provide the training in a timely manner is staff shortage at the units. The requirement to have the officers fully trained prior to independently supervising youth may result in a higher staff to youth ratio during certain shifts. This is particularly problematic with regards to the implementation of on-the-job training (OJT). To address the issue, executive administrative staff are seeking to contract with law enforcement associations to provide the

required OJT. The law enforcement personnel will be trained on TYC's curriculum and deliver the required OJT to designated staff. This will allow for uniform application of information an increased number of juvenile correctional staff available for inclusion in the facility count.

In sum, the increased training requirements may be a contributor to the reduced number of complaints against staff. It also enhances the level of professionalism of staff providing direct supervision and care to the youth.

Programs

Education:

Certified professional teachers, support staff and administrators will provide youth served by the Texas Youth Commission high quality instruction, vocational training, employability skills and post-secondary educational opportunities. Courses and materials will be Texas state-adopted. Traditional and non-traditional research based, proven and effective teaching strategies will be employed. Innovational technology, excellent teaching craft and a positive learning environment will combine to ensure that students achieve to their highest potential while in our care.

TYC has created one standard curriculum for all subjects taught in TYC Schools so that youth that move from one facility to another will not be adversely affected. This curriculum includes the standardization of textbooks, syllabi, course tracking documentation, benchmarks and assessments. TYC has developed a strategy to improve the instructional delivery to ensure that every TYC student receives direct teacher to youth instruction as part of every class period. Principals will help to guide teachers in this new direction of teaching, including Differentiated Instruction and Integration of Technology as skills motivate the youth. Teachers will be required to motivate youth to learn using proven traditional and non-traditional instructional techniques, innovational technology and outstanding teaching craft as part of this new educational delivery style.

TYC will establish post-secondary opportunities on every TYC facility. Where this is not feasible, TYC will make distance learning available electronically or via correspondence.

Every TYC facility will host a "Job Fair" as part of the vocational training at least semi-annually. Participants should include representatives of local industries, trades and businesses. These can be arranged through the local Chamber of Commerce. During the "Job Fair" the youth will engage in simulated job interviews with these local employers. These interviews will provide students a realistic look at employment opportunities, wages, and entry level skill requirements.

SB103 requires equal access to educational services for all youth. Career and Technical Education (CATE) course offerings are now available to all TYC youth who meet age and academic eligibility. CATE courses are offered to female youth, including traditional and non-traditional courses (e.g. Cabinet & Mill construction; C-Tech Computer cabling; Preparation for Parenting; etc.)

Treatment:

The new general treatment program of the Texas Youth Commission is called **CoNEXTions®**. Other programs from across the country that were "evidence-based," (reducing recidivism in their particular states) were reviewed in order to develop this cohesive basis of treatment for youth in TYC. Components were drawn from those programs and then combined to form the six (6) guiding principles of TYC treatment:

- Youth-centered
- Statistically shown to reduce recidivism
- "Flexible" (modified to meet changing needs)
- Implemented by staff who are appropriately licensed, trained, and experienced
- Accountable to oversight for program effectiveness
- Fully integrated with other TYC services.

CoNEXTions® is designed to be completed in nine (9) months. The program identifies static and dynamic risks associated with increased chance of committing criminal offenses in the future and protective factors that reduce the likelihood of such criminal activity. While youth are in Texas Youth Commission (TYC) facilities these identified factors are implemented through a skills-based model including cognitive-behavioral interventions. Release planning is incorporated from the earliest stages of treatment, and the model actively involves families throughout the treatment process. Unresolved or on-going risk factors determined for each individual direct the development of an individualized parole plan that continue to address these issues in the community.

Treatment offered within **CoNEXTions**® is integrated with other programs, including education, workforce development, and Rio-Y, to name a few, providing a comprehensive plan of habilitation for each youth that addresses specific needs of that individual. Clinical oversight, intensive training and support assist staff in the proper implementation of the treatment program and assure program integrity. Program accountability and monitoring occurs regularly by facility staff, regional staff, and staff from the Department of Education, Treatment and Workforce Development.

Upon admission to the TYC Assessment units (McLennan County State Juvenile Correctional Facility for males and Ron Jackson State Juvenile Correctional Complex for females), youth are assessed over multiple areas: mental health; education; vocation; and medical needs, as well as being identified for specialized treatment needs. Objectives focus on the youth's risk and protective factors as determined by the Youth Assessment Screening Instrument (YASI) and through the psychological evaluation. Youth are classified according to offense and needs and are assigned to a permanent placement dependent upon their security risk. As stated, planning for transition/re-entry into the community begins during assessment and initial treatment and continues throughout time in TYC. Active treatment also begins at the assessment unit and continues at the youth's assigned facility. SB103 directs that a psychiatric assessment be completed on every youth committed with a minimum length of stay of 12 months or longer TYC now provides that assessment.

During the assessment process, youth are introduced to two (2) skills programs – Thinking for a Change (T4C) and Cognitive Life Skills® (CLS). These programs are the foundation of general **CoNEXTions**® treatment at TYC. Youth create a “Futures Map” to help them stay focused on goals for their future life outside of the TYC by working through programming stages while inside the TYC. This “Futures Map” and assessment documentation follows the youth throughout his or her stay in TYC and into the community when the individual is placed on parole. Each youth compiles a release portfolio of accomplishments in the program, with the Futures Map being the first.

In addition, youth attend Required Supplemental Groups and Optional Supplemental Groups (overview below) which assist them in areas of deficit or special needs. Individual Counseling and Family Involvement are also emphasized. Youth attend structured groups in T4C and CLS, four (4) times per week, each designed to improve/address skills needed to be effective in a number of areas in order to remain crime-free. These skills include assisting youth in living successfully in their communities, communicating effectively with others, and becoming productive citizens. The Skills Applications Group, held once per week, allows youth to process and practice how the skills they have learned over the course of the week will apply to release and success once back in their community.

Required groups are held four (4) times per week and target specific risk factors, focusing on areas such as anger management, chemical dependency education, mental health support, and psycho-sexual development. They are required only for youth identified with significant risks in these areas.

All youth receive two (2) hours of individual counseling a month provided by their Case Manager, the focus of which is personal issues and concerns, plus release and individualized risk and protective factors of each youth. Psychological services are also offered as needed.

Optional groups are conducted on the weekends and are offered by staff, volunteers or professionals with an interest and training in the topic chosen: money management, guitar lessons, painting,

sculpting, etc. These groups provide the youth additional opportunities that are not solely focused on habilitation. The youth's family is encouraged to become involved with the youth as much as possible.

Specialized treatment is provided for youth identified with significant specific treatment needs. The specialized treatment programs will include youth with sexual behavior offenses (Sexual Behavior Treatment Program); violent offenses (Capital Offender & Serious Violent Offender Treatment Program), for female youth (gender sensitive focus), for 10-14 year-old youth, for those identified with significant mental health issues (Mental Health Treatment Program) or chemical dependency needs (Chemical Dependency Treatment Program). These youth receive treatment services from specially trained and/or licensed staff and participate in programming that is more intense and more focused on their treatment need than the general treatment program. Staff in these programs receive ongoing support and specialized training to maintain the advanced skills and knowledge needed to work with special-needs populations.

Family investment in each youth and family interaction are encouraged and fostered. Visits and letters are encouraged and welcomed. Multi-family conferences are held quarterly, assisting parents and guardians to understand and support youth in TYC facilities.

Youth are evaluated monthly by their treatment team, which consists of their case manager, an assigned educator, and juvenile correctional officers who work with the youth on a regular basis. Staff re-assess a youth's treatment progress every ninety (90) days, changing treatment objectives as needed to meet the individual youth's needs.

CoNEXTions® is being piloted at the Al Price Juvenile Facility. Training is complete and agency officials are monitoring the implementation to ensure that the program is operating as designed. TYC is also monitoring it for problems so that it can improve on the training process as the agency expands its use throughout TYC. SB 103 requires equal access to treatment services for all youth. The agency is currently developing a Sexual Behavior Treatment Program and a Capital & Serious Violent Offender Treatment Program for female youth. Re-entry and reintegration of youth has been improved with a continuity of care plan that tracks the youth from admission to discharge.

Parents' & Youth Rights

The Administrative Support and Community Relations Division staff members have facilitated meetings with TYC staff, parents, advocates, and youth to create the Parents Bill of Rights. Detailed below is a draft of the document. Please note that the working group anticipates finalizing the document after the first of the year. The plan is to provide parents with this document within 48 hours of their child's arrival to an institution and have staff available to respond to any questions that may arise after reading its contents. Additionally, staff will be trained and copies posted throughout TYC operated and/or contracted facilities. (see Attachment D for the display version of the draft Parent's Bill of Rights).

TYC is also committed to having the parents intimately involved in the development and implementation of their child's treatment and discharge plans to increase the likelihood for successful reintegration into the community.

Parents of Incarcerated Children - Bill of Rights

Parents will be partners with correctional staff, educators, and treatment providers in their child's rehabilitation and shall be encouraged and assisted to actively participate in the design and implementation of their child's treatment, from intake through discharge.

Parents of children⁴ who have been committed to the care, custody, or control of the Texas Youth Commission have the following rights:

- 1. As a parent, you have the right to know that you and your child will be treated fairly regardless of race, religion, national origin, language, economic status, disability, gender, sexual orientation, or age and that each child will be treated as an individual.**
- 2. As a parent, you have the right to expect the agency to provide a safe, secure, and sanitary environment for your child.**
 - The right to attend a monthly, facility-specific orientation and tour.
 - The right to see your child's environment (including any part of the facility used by the youth) at scheduled opportunities at least every 60 days.
 - The right to view health and building inspection reports.
- 3. As a parent, you have the right not to be judged, blamed or labeled because of your child's incarceration.**
- 4. As a parent, you have the right to be a vocal and active advocate on behalf of your child.**
 - The right to attend any open meetings hosted by TYC.
 - The right to prohibit identifiable pictures or videos of your child from being disseminated for public use.
 - The right to ensure your child's religious freedoms are being accommodated.
 - The right to file a complaint with the expectation that it will be tracked, investigated, and resolved in a timely manner in accordance with law, policies, or administrative directives.
 - The right to appeal decisions concerning grievances or allegations of mistreatment on behalf of your child.
 - The right to receive timely notification of current policies and procedures and any subsequent changes that affect you or your child.
 - The right to access any policy or directive upon request.
 - The right to express your concern and have it taken seriously without the threat or fear of retaliation against you or your child.
- 5. As a parent, you have the right to be an active participant when decisions are made about your child.**
 - The right to participate in the way you prefer – in writing, in person, or over the telephone.
 - The right, as allowed by law, policy, or directive, to attend meetings related to your child, and to be accompanied by your advocate, attorney, or interpreter.
 - The right to provide input or feedback on any TYC policies, procedures, and directives.
 - The right to expect a timely fulfillment of your request or an explanation if your request cannot be filled.

⁴ Children who are under the age of 18 years *or* who are over 18 years and have signed a release of confidentiality authorizing TYC to share confidential information with their parents, guardians ad litem and Child Protective Service conservators.

- 6. As a parent, you have the right to be informed about matters related to your child's welfare.**
- The right to monthly notification of your child's behavior, including any consequences for rule violations.
 - The right to be informed before a criminal investigator speaks to your minor child.
 - The right to timely notifications of special events and/or changes in policies or procedures at the facility.
 - The right to be provided contact information for the Office of the Inspector General and the Office of the Independent Ombudsman.
 - The right to timely notification if your child is assaulted, injured, hospitalized, admitted to the security unit, placed under investigation, transferred to another facility, escapes or is discharged.
 - The right to be informed when your child has filed a grievance related to medical or psychological care.
 - The right to comprehensive, easy to understand information about your child's stay at TYC, provided in your preferred language.
 - The right to be informed of serious or persistent medical conditions related to your child.
 - The right to know the process, timelines, and decisions which affect your child's stay, including the dates related to minimum length of stay, special services committee meetings, and meetings of the review release panel.
- 7. As a parent, you have the right to access your child's records.**
- The right to access, upon request, any records concerning your child, including test scores, grades, disciplinary records, psychological evaluations, health, dental, and immunization records, and grievances and allegations filed on your child's behalf, unless otherwise prohibited by law.
 - The right to receive (upon request) financial reports related to your child's student trust funds.
 - The right to receive copies of any TYC document to facilitate your child's successful reintegration back into the community.
- 8. As a parent, you have the right to meaningful participation in your child's treatment, including medical treatment, behavioral health treatment, and education.**
- The right to be informed of your child's progress and treatment, including medical, psychological, psychiatric, and educational progress, unless otherwise prohibited by law.
 - The right to contribute to the individual case plan.
 - The right, upon request, to parent/teacher communication and meetings/
 - The right to attend a family orientation.
 - The right to attend a bi-annual open house to see your child's school and meet his or her teachers.
 - The right to receive quarterly academic progress reports.
 - The right to discuss your child's medications with the doctor, to be informed if medications are added, changed, or discontinued.
 - The right to be present if your child has to be hospitalized.
 - The right to be present and participate in your child's monthly review of treatment progress.
 - The right to have your child placed in a facility as close to your home as possible when treatment, programming, and safety permit.
 - The right to meet in person or by telephone with staff involved in your child's care or programming needs.
 - The right to know that your child is receiving adequate treatment, programming and recreational activities.
 - The right, upon request, to review all teaching materials, textbooks, and other teaching aids used in the classroom.
 - The right to know the names and contact information for the facility's superintendent, assistant superintendent, youth rights specialist, family liaison, principal, and your child's caseworker and psychologist.

- The right to request and pay for independent psychiatric or other medical consultation for your child and to have that opinion be given equal weight to that of a TYC-funded psychiatrist.
9. **As a parent, you have the right to communicate with your child, including visitation, telephone, and mail.**
 - The right to a timely visit with your child after properly checking in.
 - The right to have your child's mail and telephone calls, both in-and outbound be handled in a respectful fashion within one business day of receipt.
 - The right to communicate privately with your child, including visitation, telephone, and mail.
 - The right to twice-weekly, face-to-face contact visits with your child.
 - The right to have reasonable accommodations during visitation including access for individuals with disabilities, access to medically necessary medications, access to restrooms, and accommodations for visitation which ensure comfort, privacy, and protection from the elements.
 - The right to participate in a decision-making process which disapproves visitors for your child.
 - The right to be informed of current policies and procedures that affect visiting with your child.
 - The right to private, in-person communication with your child for reasonable periods of time.
 - The right to have special visitation requests accommodated, including but not limited to special family holidays or meetings, long-distance travel requirements, parent work schedules that preclude visiting during normal hours, or bereavement.
 - The right to furnish your child with appropriate reading material that will supplement his education.
 - The right to schedule family meetings of all immediate family members during visitation with your child.
 - The right to have accurate information about current visitation rules.
 10. **As a parent, you have the right to be assured that all TYC staff are professional, courteous, and respectful.**
 - The right to accurate record-keeping, from intake through discharge.
 - The right to be treated with respect, courtesy, and dignity by TYC staff.
 - The right to know that staff members are properly trained and credentialed for their job responsibilities.
 11. **As a parent, you have the right to be know that TYC will take immediate corrective action to protect the rights of parents and youth.**
 12. **As a parent, you have the right to meaningful participation in your child's transition-planning – from intake through release, parole, and eventual discharge.**
 - The right to know that effective transition planning for your child begins at intake.
 - The right to be informed of the services, supports, and resources available to you and your child.
 - The right to be informed of your rights and responsibilities while your child is on parole.
 - The right to participate in the development of your child's conditions of parole.

Youth Rights TYC staff respects and supports the rights of youth and has accordingly, enhanced and expanded its services for youth in this area. The principal method for youth to voice their concerns with respect to violation of their rights is through the Grievance process. An examination of the past three years data on youth grievances indicate that youth do utilize the system as noted in the chart below. Given the overall purpose of the TYC, it may not be surprising that, over time, the most often filed youth grievances are associated with discipline, local authority and staff conduct.

Reform Impact on Youth Grievances Recent data collected on youth grievances show no definitive trends. Most grievances reflect concern about staff conduct, discipline, and local authority, i.e., rules and policies. TYC administrators are also closely monitoring staff conduct and access to medical care since these potentially present high-risk situations for youth.

Two factors appeared to prompt a spike in youth grievances during initial months of TYC's reorganization. Closure of facilities at Marlin, San Saba and Coke County were accompanied by grievances of lost personal property and confusion regarding protocols among staff recently transferred to new facilities. Second, increased public attention regarding youth grievances had a predictable effect of increasing both true and fabricated complaints. This, along with the availability and promotion of the TYC Hot Line, caused the agency to be inundated with reports of child rights violations, policy violations, as well as more serious allegations of abuse, neglect and exploitation of TYC youth.

TYC has undertaken the following initiatives to respond to potential inequities in treatment of youth:

- Created new grievance pamphlet for youth: A new pamphlet has been produced for TYC youth in all TYC facilities, contract care and parole. The pamphlet explains in simple terms what the grievance system is and how it operates. A video description of the grievance system that features TYC youth is in production.
- Streamlined Hotline Process: Phase I of a plan to automate the grievance notification process is complete. Youth grievances can now be responded to three to five days faster than before.
- Youth Rights Specialists: Twelve Youth Rights Specialists (YRS) staff will be stationed at TYC facilities statewide. Currently, three (3) are hired, and nine (9) are in the process of interviewing.

Transparencies & Public Trust A goal of the TYC is to create a transparent organization that is characterized by collaboration with internal and external stakeholders, other state agencies and the citizens of Texas. The agency has initiated and expanded partnerships with individuals and organizations to address the needs of the youth through the enhancements of programs and services. The outcome of this effort is a seamless system of delivery of programs and services. A list of the collaborative partnerships is listed in Attachment E).



SECTION 3:

Reform Related Issues

Section 3: Reform Related Issues

This section provides additional data/information on areas that have garnered high media attention: Sentenced Offenders, Use of Force and Overtime payments.

Sentenced Offenders One of the provisions of SB 103 reduces the age of youth who are eligible for confinement at TYC from 21 to 19. With the passage of the bill on June 8, 2007, an unintended consequence was that there were 159 sentenced youth confined in TYC that appeared to be eligible for immediate release. However, in reviewing the case files of these youth, many had not reached their minimum period of confinement. After consultation with the Attorney General's office, it was determined that TYC had alternative options to manage the youth other than to summarily discharge them. The AG's determination that youth could remain in TYC's custody beyond their 19th birthday had the greatest impact on this group.

After careful review of each youth's file by both TYC General Counsel and Parole staff and the Attorney General's staff, the following dispositions were imposed:

Status of Youth	Number Impacted
Discharged:	
TDCJ-Parole Division	39
End of sentence	7
TDCJ-Institutional Division	3
TYC:	
TYC Parole	36
Retained (release criteria not met)	22
Retained (minimum period of confinement not met)	47
TDCJ-Institutional Division Referrals:	
Awaiting court dates	3
Awaiting hearing	2
TDCJ-Parole Division:	
None eligible at this time	0

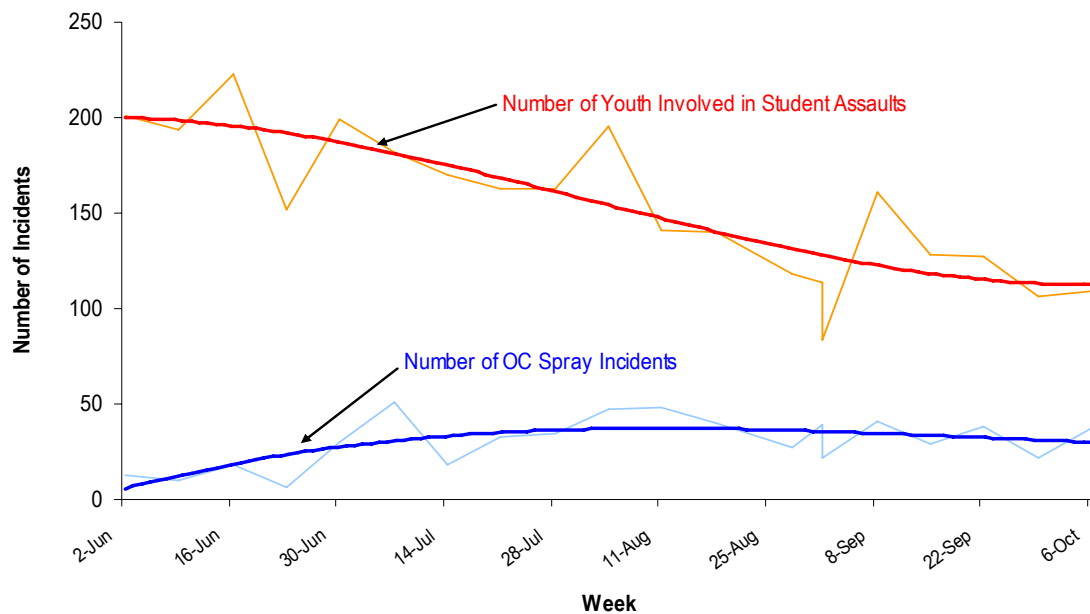
TYC staff continue to monitor the progress of these youth and are working to assist in their timely release from confinement.

Use of Force To increase the accuracy of its monitoring and reporting of incidents related to the Use of Force and more specifically the deployment of OC spray, the agency has collaborated with external and internal stakeholders to assist with the identification of policy revisions and changes to operational procedures. (See proposed Use of Force policy in Appendix F). One of the last processes in changing the policy is a public hearing scheduled for December 3, 2007. Subsequent to the hearing, comments received at the hearing will be assessed and either incorporated in the policy or staff will provide an explanation as to why suggested changes were not included.

Executive administrative staff have implemented an aggressive plan to advise all field staff on the Use of Force policy and more specifically, the use of OC Spray. Additionally, staff have revised data collection forms to enhance the quality of data and that will also provide more specific details surrounding the incidents. Once the forms are received from the field, an independent review will be conducted by an OIG staff who has extensive training on the implementation of Use of Force plans and policies. Immediate and appropriate action will be taken, if staff is found to have violated the policy.

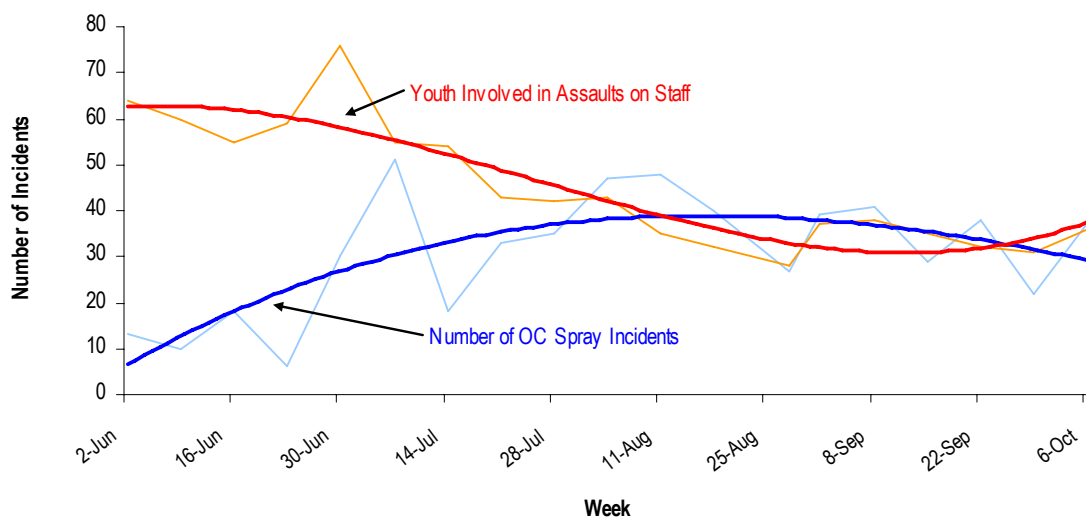
Using one of the agency's data sources, the charts that follow provide graphics on the impact of policy changes. The first result relates to the number of youth involved in assaults in comparison to the use of OC spray. The analysis show that increases in the use of OC Spray correspond with decreases in the number of youth involved in student-on-student assaults, the number of assaults on staff, and the number of workers' compensation claims filed.

**Number of Youth Involved in Student-on-Student Assault
and OC Spray Incidents by Week**



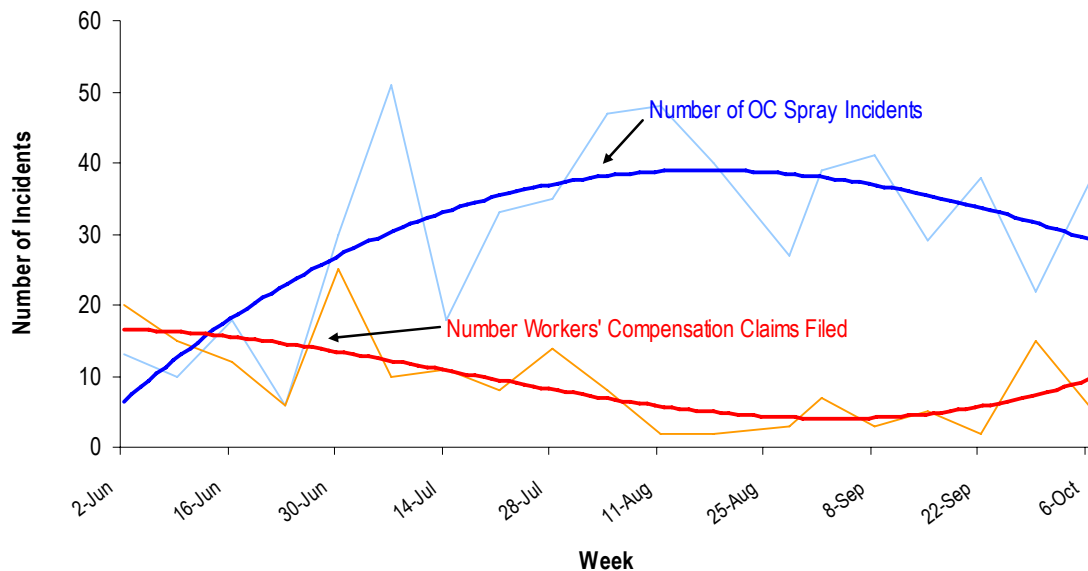
- The number of use for OC spray increased from 8 incidents the first week in June to a peak of 50 the second week of July.
- The number of youth involved in student-on-student assaults decreased by nearly half (from 200 youth in early June to about 110 by early October).

**Youth Involved in Assaults on Staff
and the Number of OC Spray Incidents by Week**



- The number of youth assaults on staff decreased by half from 63 in mid-June to 31 in late August.
- Youth assaults on staff began to trend upward as the use of OC spray declined in late August.

**Number of Workers' Compensation Claims Filed
and OC Spray Incidents by Week**

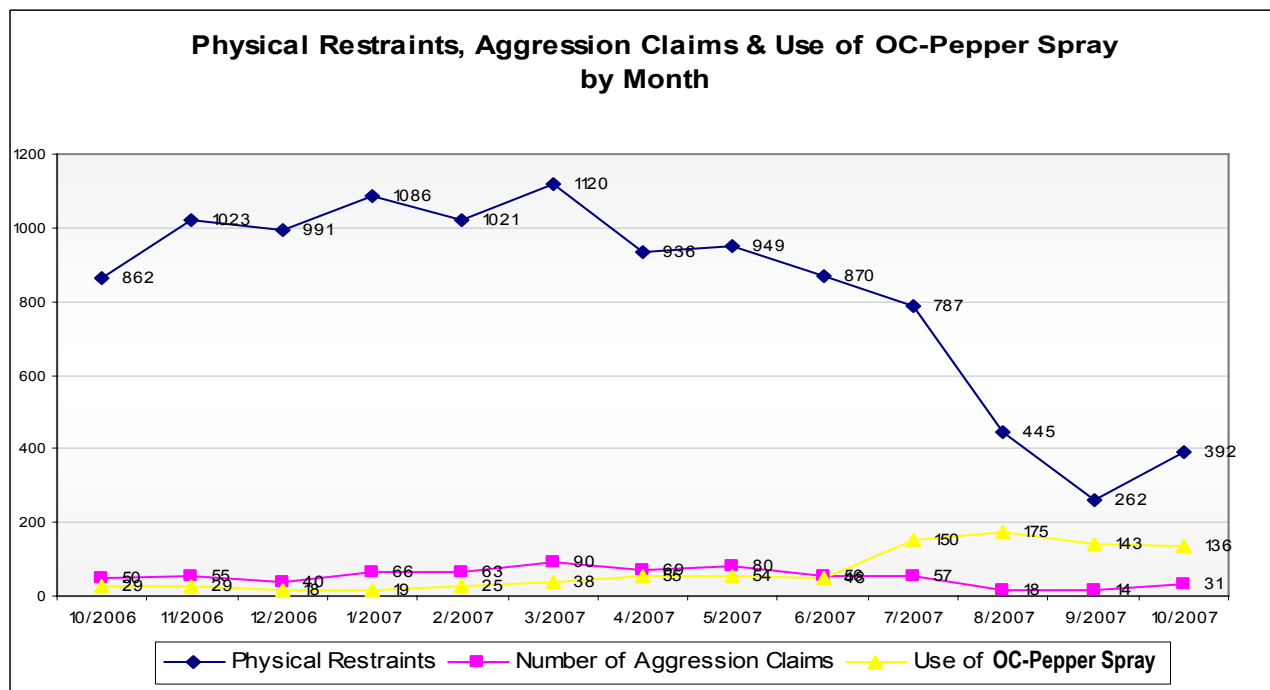


- About sixteen new workers compensation claims were filed each week in June. By late August, weekly compensation filings decreased to about five per week, or by about 30%.
- Weekly compensation filings began to trend upward in September after the use of OC spray declined.

Further analysis found that about 120 incidents occurred each month and multiple interventions were routinely attempted prior to the deployment of OC spray. Nearly every incident (91%) attempted staff counseling, while verbal warnings (51% of incidents) and calling additional staff (46% of incidents) were also routine. The majority of incidents (over 60%) occurred during transport to “Security” or within the “Security” portion of the facility. Nearly 75% of youth behaviors consisted of substantial disruption, imminent harm to staff, assault on another youth, property damage, or flight/escape.

Staff anticipates reporting more details once the new policy is adopted and the data collection form required to detail specifics of the Use of Force are fully implemented.

Incidents of physical restraint, aggression, and OC-pepper spray use are other data sources to measure safety and security. The chart below reflects the number of such incidents. Of particular note is the sharp decline in physical restraints beginning May 2007, and the marked increase in these incidents from September 2007, forward.



Conclusion

This report accounts for the first of two updates required by Senate Bill 103. The agency looks forward to providing the legislative leadership with ongoing reports as progress accumulates.



ATTACHMENT A

**TEXAS YOUTH COMMISSION
SENATE BILL 103 IMPLEMENTATION STRATEGIES**

SECTION 10: Credit for time spent in detention facility for child with determinate sentence. ⁵ Status: Implementation On-Going	
Responsible Party/Division	Completed Action Steps
Office of General Counsel Juvenile Corrections & Community-based Residential Services Education, Treatment & Workforce Development	<ul style="list-style-type: none"> • Identified policies affected by statutory requirements and are revising in accordance with law. • Collaborate with Office of General Counsel to assist with policy revisions and its application. • Training being developed to ensure new hires understand need for consistent application of law. • Performance indicators will measure the degree to which this section is implemented. • Working with the Texas Juvenile Probation Department on getting written documentation on the exact days the youth spent in detention in connection with the committing offense • Running tests in the system subtracting the detention days from the youth's Minimum Period of Confinement and End of Sentence • An updated report will be generated that will have Determinate Sentenced Offenders committed after 06/08/07 and will track when the 18.0 and 18.6 reviews are to be completed. • This report will be sent out to the institutions at the beginning of each month. • Once the review is completed in Special Services Committee, the institution will forward a copy to the Department of Sentenced Offender Disposition
SECTION 11: Allows the TYC to share confidential information contained in the juvenile justice information system to the Office of Independent Ombudsman. ⁶ Status: Completed	
Responsible Party/Division	Completed Action Steps
Information Resource Division Independent Office of the Ombudsman	<p>In June 2007, the Information Resources Division of TYC gave the Ombudsman access to the same data systems as TYC employees.</p>

⁵ Reference: Chapter 54, Family Code, adds Section 54.052 that directs TYC to grant credit in computing the child's eligibility for parole and discharge.

⁶ Reference Section 58.106(a) Family Code

SECTION 12: Relates to the sharing of reports of abuse or neglect involving a child committed to the TYC. ⁷ Status: Complete	
Responsible Party/Division	Completed Action Steps
Youth Rights Division Office of the General Counsel	<ul style="list-style-type: none"> Weekly status reports of Youth Grievances and Alleged Abuse, Mistreatment and Exploitation (AMI) investigations which confirm wrong-doing on the part of agency employees to the Acting Executive Director. Ad hoc reports to the Office of Inspector General, to the General Counsel, Internal Audit, Human Resources and Administrative Services & Community Relations Departments of the Texas Youth Commission as needed or requested.
SECTION 14. Subchapter E: Creation, Governance and Operation of the Special Prosecution Unit. ⁸ Status: Complete	
Responsible Party/Division	Completed Action Steps
Special Prosecution Unit	<ul style="list-style-type: none"> Special Prosecutor's Unit established. Collaboration with OIG to develop systems to share information in a timely manner.
SECTION 15: Study on transition toward regionalized juvenile corrections. ⁹ Status: No action required by TYC.	
Responsible Party/Division	Completed Action Steps
Sunset Commission	<p><u>Section 325.0121</u></p> <p>Section requires the Sunset Commission to study the merits of moving the Texas Youth Commission toward a regionalized structure of smaller facilities and more diversified treatment and placement options. Approved assistance of nationally recognized experts in the field of juvenile justice.</p>
SECTION 15: Study on governance of Texas Youth Commission. ¹⁰ Status: No action required by TYC.	
Responsible Party/Division	Completed Action Steps
Sunset Commission	<p><u>Section 325.0122</u></p> <p>The commission shall study the merits of an executive commissioner governing the Texas Youth Commission as compared to a citizen board.</p>

⁷ Reference Section 261.201, Subsections (i) and (j), Family Code

⁸ Reference Chapter 41, Government Code (Add Subchapter E)

⁹ Reference Chapter 325, Government Code

¹⁰ Reference Chapter 325, Government Code

SECTION 17. Inspector General report on criminal offenses.¹¹	
Status: Complete	
Responsible Party/Division	Completed Action Steps
Office of Inspector General	Section 493.026 Inspector General submits reports on criminal offenses as specified in law.
SECTION 20: Equal Access to Facilities, Services and Treatment.¹²	
Status: Complete	
Responsible Party/Division	Completed Action Steps
Education, Treatment and Workforce Development Division Research Department	<ul style="list-style-type: none"> • Female population now being served at dedicated facility for female offenders. • All educational programs available to males throughout TYC are also available to female youth at designated facility, including access to certified teachers, special education, and ESL programs. • Specialized treatment program for females with chemical dependency and mental health treatment needs are being offered. • Other specialized treatment programming to be established includes sexual behavior and violent or aggressive behavior treatments. • Career and Technical Education (CATE) course offerings are available to all TYC students who meet age and academic eligibility. • CATE Courses offered to females include traditional and non-traditional courses (e.g., Cabinet & Mill, C-Tech Computer Cabling; Food Production; Intro to Business; BCIS I & II; Keyboarding; Preparation for Parenting; Services for Older Adults; Career Studies; Horticulture. <p>TYC Director of Research, Christine McCormick, participated in a joint meeting with representatives from the Department of State Health Services (DSHS) and Texas Juvenile Probation Commission (TJPC) staff to produce the report that is due each biennium. As per SB 103, DSHS is coordinating the review, documentation and comparative study. The first draft report is slated for March 8, 2008 with the final target date set for July 1, 2008.</p>

SECTION 28: Governance of Texas Youth Commission – Executive Commissioner¹³
Status: No action required by TYC.

¹¹ Reference Chapter 493, Government Code, Section 493.026 requires the Inspector General to prepare and deliver reports to the board of directors of the Special Prosecutors Unit (SPU).

¹² Reference Subchapter A, Chapter 531, Government Code, Section 531.016 requires TYV to periodically review, document and compare the accessibility and funding of facilities, services, and treatment provided to females under 18 years of age to the accessibility and funding of facilities, services, and treatment provided to males in the same age group.

¹³ Reference Sections 61.012 and 61.0121, Human Resources Code defines the governance of the Texas Youth Commission.

Responsible Party/Division	Completed Action Steps
Governor/Senate	Section 61.012 The Texas Youth Commission is to be governed by an executive commissioner, appointed by the governor with the consent of the senate.
SECTION 30: Advisory Board for the Texas Youth Commission¹⁴ Status: No action required by TYC.	
Responsible Party/Division	Completed Action Steps
Governor Lt. Governor Speaker of the House of Representatives	Section 61.013 The nine member board is appointed by the governing authorities noted in the left column. Each official is authorized the appointment of 3 individuals.
SECTION 31: Authority of the State Auditor¹⁵ Status: No action required by TYC	
Responsible Party/Division	Completed Action Steps
State Auditor	Gives broad authority to assist inspector general with investigations; accessing all information maintained by the OIG or the commission for audits, investigation or review.
SECTION 33: Development of plan for accreditation by American Correctional Association (ACA).¹⁶ Status: Complete	
Responsible Party/Division	Completed Action Steps
Administrative Support and Policy Review Division Health Services Division Juvenile Corrections and Community-based Residential Services Division.	TYC staff have received training on performance based standards from American Correctional Associations (ACA) consultants. Additionally ACA consultants have provided technical assistance on process to obtain accreditation. Subsequent to this, staff have prepared a plan to begin accreditation process. The first two facilities are set for accreditation by January 2009.
SECTION 33: Governance of TYC, effective September 1, 2009¹⁷ Status: No action required by TYC.	
Responsible Party/Division	Completed Action Steps
Governor/Senate	TYC will be governed by a seven member board appointed by the Governor with consent of the senate.
SECTION 35: Treatment Programs¹⁸ Status: Complete	
Responsible Party/Division	Completed Action Steps
Juvenile Corrections and Community-based Residential Programs	<ul style="list-style-type: none"> No action is required unless the commission is unable to offer or make available programs.

¹⁴ Reference Section 61.013, Human Resources Code describes the roles and functions of the TYC Advisory Board.

¹⁵ Reference Sections 61.019 and 61.0191, Human Resources Code

¹⁶ Reference Subchapter B, Chapter 61, Human Resources Code, Section 61.023.

¹⁷ Reference Subchapter B, Chapter 61, Human Resources Code, Section 61.024

¹⁸ Reference **Subchapter C**, Chapter 61, Human Resources Code, Section 61.0331 that requires internal audits of commission.

<p>Administrative Support and Community Relations</p> <p>Education, Treatment and Workforce Development</p>	<ul style="list-style-type: none"> • TYC has completed the redesign of its treatment program, 'CoNEXTions.' • On or before December 31st of each year TYC must make a report available on the effectiveness of its new treatment program (CoNEXTions) and all specialized treatment services. • Work groups have met to develop and redesign where indicated specialized treatment programs based on evidenced-based practices including sexual behavior, chemically dependency, violent, mental health, and programming for female youth. • The Capital Offenders Treatment Program has been upgraded and additional training has been provided to the therapists involved in this program. • The Sexual Behavior Treatment Program has been given financial enrichment for the case manager positions to help with recruitment and retention of appropriately licensed staff. • The Female Treatment Program has been given a full time position in central office dedicated to developing and maintaining an effective, evidenced based treatment program that is gender sensitive. • TYC will notify the legislature in a report not later than January 10th of each odd numbered year documenting which programs were not offered or were unavailable and the reason the programs were not available. • As part of the reorganization of TYC, a Program Accountability section of ETWD was created. This section will ensure accountability measures are in place to evaluate both youth treatment and education progress and program effectiveness.
SECTION 35: Internal Audit Reports¹⁹ Status: Complete	
Responsible Party/Division	Completed Action Steps
Internal Audit Division	<ul style="list-style-type: none"> • Staff have been hired; • Internal Audit Plan completed and approved by Conservator; • Compliance with reporting requirements and Auditing Standards.
SECTION 35: Compliance Reports²⁰ Status: Not due	
Responsible Party/Division	Completed Action Steps
Executive Administration	Executive Administration is required to submit reports to various legislative bodies at defined times.
SECTION 35: Mission Statement²¹	

¹⁹ Reference [Subchapter C](#), Chapter 61, Human Resources Code, Section 61.0331 that requires internal audits of commission.

²⁰ Reference [Subchapter C](#), Chapter 61, Human Resources Code, Section 61.0332 that requires submission of reports on progress in complying with the requirements of SB 103.

²¹ Reference Section 61.0345 that requires the agency to develop a mission statement.

Responsible Party/Division	Completed Action Steps
Texas Youth Commission	<ul style="list-style-type: none"> • Cross functional and level staff participated in sessions thus far to create an agency mission statement. Draft statement prepared. • Field staff, in concert with administrative staff met to develop statement. • Merged representatives from both groups will be the final meeting date to create a mission statement. Release scheduled for November 15, 2007.
SECTION 37: At-will Employment²² Status: Complete	
Responsible Party/Division	Completed Action Steps
Office of General Counsel Human Resources Division	<ul style="list-style-type: none"> • The Office of the General Counsel, working closely with Human Resources, developed personnel policies to implement at-will employment, and related changes to the employee discipline and grievance policies. The resulting at-will policy statement was adopted by management and put into effect on June 20, 2007. • Assisted in the development of policy and procedures through the employee disciplinary process to ensure fair and equitable treatment.
SECTION 40: Juvenile Correctional Officers; Staffing (Hiring, Ratios, Rotation, youth segregation)²³ Status: Complete	
Responsible Party/Division	Completed Action Steps
Juvenile Corrections and Community-based Residential Programs Human Resources Division	<ul style="list-style-type: none"> • As of October 15, 2007, four recruiters were hired to focus on the hiring of JCO officers. • The local human resources offices have been aggressively recruiting under a structured plan with oversight by the regional HR Managers
SECTION 40: Advocacy and Support Groups²⁴	
Responsible Party/Division	Completed Action Steps
Administrative Support and Community Relations	An administrative directive has been drafted in partnership with representatives from advocacy groups, TYC staff, and the ombudsman to allow advocacy and support groups to provide on-site information, support, and other services for TYC youth. This directive will be released in tandem with the administrative directive related to required background and criminal history checks. After this directive is signed by the Acting Executive Director, it will be posted in the Texas Register and go through the public rulemaking process.

²² Reference Section 61.035, Human Resources Code, Subsection (b) that establish 'at-will' employment for TYC staff.

²³ Reference Subchapter C, Chapter 61, Human Resources Code, Section 61.0356.

²⁴ Reference Subchapter C, Chapter 61, Human Resources Code, Section 61.0386.

SECTION 41: Public Hearings²⁵**Status: On-Going**

Responsible Party/Division	Completed Action Steps
Office of the General Counsel Administrative Support and Community Relations Division Executive Administration	<p>The State of Texas would qualify as “public hearings” as members of the public were invited to meet with the executive director and other TYC staff. The location of these hearings was “rotated between municipalities in which a commission facility is located or that are in proximity to a commission facility” as required by Section 41.</p> <ul style="list-style-type: none"> • A public hearing has been scheduled for October 25, 2007 in Austin to hear public opinion on changes to the youth grievance policy. • Six public forums were held across Texas and offered TYC employees and members of the public the opportunity to learn of changes in the agency and to appear before the acting executive director and her designees to speak on any issues under the jurisdiction of the agency. • A Family Forum was held at the AI Price facility in Beaumont to provide an update for families and provide them with the opportunity to speak to the acting executive director on any issue under the jurisdiction of the agency.

SECTION 42: Establishment of the Office of the Inspector General²⁶**Status: Complete**

Responsible Party/Division	Completed Action Steps
Office of the Inspector General Administrative Support and Community Relations Division Juvenile Corrections and Community-based Residential Programs Office of the General Counsel	<ul style="list-style-type: none"> • Chief Inspector General hired May 1, 2007. • Filled 11 of 16 budgeted positions and placed Inspector Generals at TYC facilities; • Staff designated as inspectors general have been certified by the Commission on Law Enforcement Officer Standards and Education (TCLOSE) are now commissioned peace officers; • Submitted equipment requirements for staff to Business & Finance Division; • Prepared routine and ad hoc reports to legislative bodies as per SB 103; • Conducted research on implementing 24 hour incident reporting center; • Participated in non routine investigations at TYC;

²⁵ Reference Section 61.0423, Human Resources Code is amended to provide direction to the location of public hearings.

²⁶ Reference subchapter C, Chapter 61, Human Resources Code, is amended by adding several sections related to the establishment and operations of the Office of Inspector General.

	<ul style="list-style-type: none"> • Third party reviewer for OC pepper spray use; • Completed and distributed reports as specified in Section 61.0451 (b); Section 61.0452 • A toll-free number was established at each facility to allow individuals to report cases of abuse, neglect or exploitation; • OIG staff have reviewed several communication systems to establish an incident reporting center that will replace existing system. OIG is awaiting receipt of last proposal. Section 61.0461 • All TYC institutions have an employed chaplain (5) or a designated and trained chaplain (6). • 5 chaplains are currently employed at TYC institutions (Ron Jackson, McClennan County, Evins, Gainesville, and West Texas). Chaplains have been formally designated and trained at 6 TYC institutions. • 1 chaplain position was posted on August 1, 2007 (Giddings) and 4 chaplain positions were posted on October 1, 2007 (Al Price, Corsicana, Crockett, and Victory Field). Interviews were held last week at Giddings. Several highly qualified candidates were identified, with most willing to relocate to any of the facilities in need of a chaplain. •
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SECTION 42 (con't): Establishment of the Office of the Inspector General ²⁷ Status: Complete	
Responsible Party/Division	Completed Action Steps
	<p>Section 61.061²⁸</p> <ul style="list-style-type: none"> • The directive to ensure the placement of youth under the age of 15 on dorms separate from youth that are 17 years of age or older was sent to facility administrators on January 24, 2007. • The Special Services Committee at each facility is responsible for all dormitory assignments and makes those assignments based upon the specialized treatment needs of each youth, and the ages of the youth and their psycho-social stages of development. • Exceptions must be approved by the Director of Juvenile Corrections and Community-based Residential Programs. <p>Section 61.062</p> <ul style="list-style-type: none"> • The Office of General Counsel is responsible for the implementation, operation and

²⁷ Reference subchapter C, Chapter 61, Human Resources Code, is amended by adding several sections related to the establishment and operations of the Office of Inspector General.

²⁸ Youth assignments

	<p>management of this function. Department became operational September 1,</p> <ul style="list-style-type: none"> • The MLOS department has hired staff and has currently has two standing panels to review case files of youth to ensure appropriateness of extensions imposed. • Data reporting requirement established.
SECTION 44: Zero-Tolerance Policy²⁹	
Status: Complete	
Responsible Party/Division	Completed Action Steps
Administrative Support and Community Relations Division	Section requires the development of standards for reporting and collecting data on the sexual abuse of youth confined at TYC. Please provide details by noon on Monday.
Research Department	The research department will monitor data and provide reports to the executive administrative staff regarding sexual assaults.
Executive Administration	Zero-tolerance posters have been created in both English and Spanish and disseminated to all of the facilities with instructions to place in prominent areas.
SECTION 44 (con't): Zero-Tolerance Policy³⁰	
Status: Complete	
Responsible Party/Division	Completed Action Steps
	<p>The zero-tolerance policy (also known as the Prison Rape Elimination Act (PREA) policy) has been drafted, reviewed and approved by the Office of the Inspector General, and is pending approval by Secure Residential Services and Legal Services. After approvals and signatures, this policy will be posted in the Texas Register and will go through the public rulemaking process.</p> <p>675 posters have been developed and distributed to institutions and halfway houses which describe the agency's zero tolerance stance towards any sexual abuse of youth.</p>
SECTION 45: Initial Examination (Assessment/Reassessments)³¹	
Status: Complete	
Responsible Party/Division	Completed Action Steps
Education, Treatment and Workforce Development	<p>Upon completion of the intake process, the following assessments will be conducted. Reassessments will be completed every 30 days.</p> <ul style="list-style-type: none"> • Physical evaluation and medical history • Educational assessment including TABE and formative assessments in reading, writing and math • Vocational assessment

²⁹ Reference Subchapter C, Chapter 61, Human Resources Code adds section 61.055

³⁰ Reference Subchapter C, Chapter 61, Human Resources Code adds section 61.055

³¹ Reference to the assessment, classification and reassessment of youth.

	<ul style="list-style-type: none"> • Psychological assessment • Social summary • Orientation to TYC treatment program • Specialized needs assessment for chemical dependency, anger management and sex offender treatment • The progress of all TYC youth is evaluated every 30 days by members of a multidisciplinary team • Recommendations are made during that team meeting for modifications, revisions, or adaptations to treatment objectives based on the youth's individual needs and abilities. • Monitoring and oversight of the process is maintained by the psychology department to ensure integrity of the process. • The progress of all TYC youth is evaluated every 30 days by member of a multidisciplinary team. • Recommendations are made during that team meeting for modifications,
SECTION 45 (con't): Initial Examination (Assessment/Reassessments)³² Status: Complete	
Responsible Party/Division	Completed Action Steps
	<p>revisions, or adaptations to treatment objections based on the youth's individual needs and abilities.</p> <ul style="list-style-type: none"> • Monitoring and oversight of the process is maintained by the psychology department to ensure integrity of the process. • August 8: Received notice of grant award from the Office of the Governor, Criminal Justice Division, for the "Predictive Analysis project. This system will allow for automated calculations of minimum period of confinement • Collaborated with other divisions to assess needs and to determine contributions to this and other projects. • Information Resource Division (IRD) is working with contractor to include youth data, including medical. • TYC staff continue to collaborate with external contractors to finalize automated system.
SECTION 48: Rights of Parents³³ Status: Complete	
Responsible Party/Division	Completed Action Steps
Administrative Support and Community Relations	<ul style="list-style-type: none"> • Each youth receives an education/work force development (CATE courses) progress report quarterly.

³² Reference to the assessment, classification and reassessment of youth.

³³ Reference Subchapter E, Chapter 61, Human Resources Code, sections 61.0763 and 61.0764 requires TYC to collaborate with advocacy and support groups to develop a parent's bill of rights and Commission Caseworkers, respectively.

Juvenile Corrections and Community-based Residential Programs Education, Treatment and Workforce Development	<ul style="list-style-type: none"> At least quarterly, parents or guardians are also sent reports on youth progress in treatment and behavior programming. These reports need revision for clarity and ease of understanding. The parents' bill of rights document has been drafted by parents of youth committed to TYC. This draft will be reviewed in conjunction with other information required by Section 61.0763 on October 18, 2007 by a multidisciplinary workgroup co-chaired by a parent and a TYC staff member and consisting of parents, TYC staff and advocates.
SECTION 48 : Commission Caseworkers Status: Complete	
Responsible Party/Division	Completed Action Steps
Education, Treatment and Workforce Development	<ul style="list-style-type: none"> Division staff have been assigned TYC GAP and treatment Case Management Standards to revise in accordance with the new CoNEXTions treatment model. Case management staff will be trained prior to full program implementation.
SECTION 50: Evaluation of Certain Children Serving Determinate Sentences³⁴ Status: Complete	
Responsible Party/Division	Completed Action Steps
Education, Treatment and Workforce Development Office of General Counsel Parole Division Information Resources Division	<ul style="list-style-type: none"> Texas Youth Commission (TYC), Department of Health and Human Services (DHHS) and Texas Correctional Office on Offenders with Mental and Medical Impairments (TCOOMMI) have held meetings to discuss and establish procedures for referral of youth 18 and older for TCOOMMI and Community Resource Coordination Group (CRCG) services. General Counsel has confirmed for Parole that there are no outstanding legal questions concerning the implementation of this provision by Parole. An updated report will be generated that will have Determined Sentenced Offenders committed after 6/8/07 and will track when the 18.0 and 18.6 reviews are to be completed. This report will be sent out to the institutions at the beginning of each month. Once the review is completed in SSC, the institution will forward a copy to the Department of Sentenced Offender Disposition.
SECTION 51: Reentry and Reintegration Plan³⁵	

³⁴ Reference Subchapter E, Chapter 61, Human Resources Code by adding section 61.0791

Status: Complete and On-Going	
Responsible Party/Division	Completed Action Steps
Education, Treatment and Workforce Development Juvenile Corrections and Community-based Residential Programs	<ul style="list-style-type: none"> TYC, DSHS and TCOOMMI have held meetings on June 1st, 14th, July 13th, 30th, August 21st, September 6th, October 9th and 12th to discuss and establish procedures for referral of youth 18 and older for TCOOMMI and CRCC services. TYC will utilize the TCOOMMI referral process and procedures to help
SECTION 51 (con't): Reentry and Reintegration Plan³⁶	
Status: Complete and On-Going	
Responsible Party/Division	Completed Action Steps
Parole Division Administrative Support and Community Relations Research Department	<p>provide services for youth. These changes brought forth a need for a full time staff person in the Harris County Juvenile MHMR to assess TYC youth and additional Psychiatrist hours to see TYC youth.</p> <ul style="list-style-type: none"> General Counsel has confirmed for Treatment and Parole that there are no outstanding legal questions concerning the implementation of this provision by those divisions.
SECTION 51: Section 61.0815 Completion of Minimum Length of Stay (MLOS)	
Status: Complete	
Responsible Party/Division	Completed Action Steps
Office of General Counsel Education, Treatment and Workforce Development Research Department	<p>Review panels were established with interim personnel as of August 27, 2007, functioning with full-time panel members since October 1, 2007. The total number of reviews completed by the panel as of October 16, 2007 is 327.</p>
Section 51: Section 61.0816 Request for Reconsideration of Extension Order	
Status: Complete	
Responsible Party/Division	Completed Action Steps
Office of General Counsel	<p>The review panel has incorporated a specific process for reconsideration of a decision by the review panel to extend the stay of a youth.</p>
SECTION 53: Credit For Time Served As Recorded By Commission³⁷	
Status: Complete	
Responsible Party/Division	Completed Action Steps
Office of General Counsel Education, Treatment and Workforce Development Parole Division	<p>General Counsel has reviewed this provision with Parole and confirmed that Parole will calculate the time served in detention for determinate sentenced youth and transfer that information to TDCJ for use in computing eligibility for parole and discharge from tDCJ.</p>
SECTION 55: Certain Crimes Concerning the Commission (Special Prosecution Unit)	

³⁵ Reference to Subchapter F, Chapter 61, Human Resources Code by adding sections 61.0814, 61.0815 and 61.0816.

³⁶ Reference to Subchapter F, Chapter 61, Human Resources Code by adding sections 61.0814, 61.0815 and 61.0816.

³⁷ Reference Section 61.0841, Human Resources Code which adds subsection (c)

Status: Complete	
Responsible Party/Division	Completed Action Steps
Office of Inspector General	Deals with the Executive Commissioner duty to file complaint with Law Enforcement. OIG is set up to receive such complaints at this time.
Section 55: Subsection 61.099 Reporting to Law Enforcement	
Status: Complete	
Responsible Party/Division	Completed Action Steps
Executive Administration	General Counsel has met with the Special Prosecution Unit to establish lines of communication concerning criminal matters under this provision.
SECTION 56: Office of Independent Ombudsman of the Texas Youth Commission ³⁸	
Status: Unknown	
Responsible Party/Division	Completed Action Steps
Independent Office of the Ombudsman	<ul style="list-style-type: none">• TYC staff assisted in the development of job descriptions and postings.• Provided technical assistance on the budget and management thereof.
Texas Youth Commission	
Human Resources Division	
SECTION 59: Strategic Plan ³⁹	
Status: Complete and On-Going	
Responsible Party/Division	Completed Action Steps
Administrative Support and Community Relations Division	Representatives from TYC and Texas Juvenile Probation Commission have begun drafting the 2007 TYC/TJPC Coordinated Strategic Plan for presentation to the governing board of TJPC and to the executive commissioner of TYC by December 1, 2007. A draft document will be completed by the end of October; strategies will be developed and incorporated during November.
SECTION 64: Disallowance of Misdemeanors ⁴⁰	
Status: Complete	
Responsible Party/Division	Completed Action Steps
Office of General Counsel	General Counsel has given TYC intake staff written advice (email dated June 12, 2007) concerning the application of this law to youth committed to TYC after the effective date of SB 103. The Review Panel has incorporated a specific process to review youth committed to TYC based upon a misdemeanor prior to the enactment of SB 103. As of October 16, 2007, reviews have been completed for 35 youth committed to TYC for a misdemeanor, and 28 more have been identified for review by the Review Panels in the next pool of reviews.
Education, Treatment and Workforce Development	
Juvenile Corrections and Community-based Residential Programs	

³⁸ Reference Subtitle A, Title 3, Human Resources Code that establishes the office of the independent ombudsman.

³⁹ Reference Section 141.0471 (c), Human Resources Code, related to the development of a joint strategic plan with the Texas Youth Commission.

⁴⁰ Reference Section 54.04 (d) (2), Family Code which eliminates placement of youth who commit a misdemeanor from placement in the TYC.



ATTACHMENT B

Governance & Operations

Governance:

- TYC remains under conservatorship under the leadership of Ed Owens, Conservator, and Dimitria D. Pope, Acting Executive Director.
- All agency operations are guided by provisions of SB 103, the Rehabilitation Plan, the Conservator's Report (May 2, 2007), the Joint Legislative Oversight Committee on TYC and all other pre-existing laws.

Operations:

Executive Administration

- Acting Executive Director named June 1, 2007.
- The revised organizational structure for executive management was finalized on August 1, 2007. The structure is designed to heighten accountability throughout the organization and to support the efficient implementation of recently enacted laws, legislative requests and consultant reports. Additionally, all operations are youth-centered and are developed with the advice and consult of internal and external stakeholders. Accountability for each division will be monitored through their Performance/Accountability Department. (See attached Organizational Charts.)
- The position for the Office of the Independent Ombudsman was filled on May 25, 2007. This office was budgeted for five positions; the four remaining positions are scheduled for posting and hiring in FY '08. TYC staff worked to assist with the development of the Ombudsman's budget and have provided office space and operating equipment/supplies.
- The Office of the Inspector General is partially operational with 11 staff now hired, the remaining staff will be hired after September 1, 2007. Of the existing staff, six are located at facilities across the state (Al Price, Crockett, Gainesville, Ron Jackson and Corsicana). It should be noted that all OIG investigators have obtained the status as commissioned peace officer with the authority to conduct criminal investigations.
- Three temporary regions were established to coordinate workload assignments and distribution, to promote accountability and to ensure the efficient and effective operations of programs and delivery of service. (See attached map).
- Executive administrative staff will ensure the timely submission of reports, mandated by law, to the appropriately designated entity.
- The agency is instituting a series of Internal Management Training Sessions for newly selected executive management staff. The kickoff session will begin mid-September with a session to be conducted by TYC's attorney for personnel matters. Topics will include, management responsibilities under the grievance policy, including the new independent dismissal mediation program and the new termination grievance policy. This session will also address legal and practical guidance on a variety of personnel policy administration issues, to include: hiring practices, performance evaluations, and discipline - with emphasis on fairness, consistency and treating employees with dignity.

Chief of Staff

- TYC has developed a training curriculum to include on-the-job training for newly hired Juvenile Corrections Officers. The curriculum was developed in coordination with

divisions/department staff that possess expertise in the respective subject area. (See Training Curriculum Outline).

The training director, working in collaboration with corrections staff, has developed a schedule to ensure that both new hires and tenured staff will receive mandated training credits. To minimize travel expenses and disruption of facility operations, a process has been developed to allow for a two-week *Block Training* offered on a rotational basis, twice monthly at the local facilities. A database to monitor staff participation and compliance with the law is in the final stages of development. A pre-service, in-service training component will compliment the *Block Training*.

TYC, in partnership with the Correctional Management Institute of Texas at Sam Houston State University and the National Institute of Corrections, provided a one-week training for Superintendents (August 5-10).

- Beginning September 1, 2007, TYC Research Division will initiate a study to assess the differences in the youth population with respect to the allocation and expenditures for gender specific services and programs and coordinate efforts with other state agencies that provide services to TYC youth population.

A partnership with the Health and Human Services Commission (HHSC) and the Texas Juvenile Probation Commission (TJPC) has been established to review, document and compare the accessibility and funding of facilities, services, and treatment provided to males and females under 18 years of age. Per Senate Bill 103, HHSC is the lead agency on this initiative. The first report will be delivered no later than July 1, 2008.

Office of General Counsel & Human Resources Division

- The agency's personnel policies have been reviewed to ensure compliance with changes in state law. All personnel policy changes mandated by SB 103 have been completed, as follows:
 - Notice of the change to "at will" employment was provided in a June 20, 2007 revision to existing policy, PRS 1.00, now re-titled "At-Will Employment".
 - An independent dismissal mediation program has been put in effect through a June 20, 2007 revision to the agency's mediation policy, PRS 35.06.
 - The agency's comprehensive grievance policies have been reviewed for compliance with changes in state law and consistency with agency goals of fairness, accountability and transparency. The termination grievance policy, PRS 35.15, has been revised to reflect the change to "at-will" employment while providing an effective process for a discharged employee to obtain a review of the termination decision.
- Personnel policy revisions made since March 1, 2007, are summarized in the list of agency policy revisions. Employees were informed of all changes to personnel policy through administrative memos, as described above. A comprehensive review and revision of all personnel policies is currently being conducted to ensure consistency with the goals of the agency and provide employees with clear guidance of what is expected of them.
- The Employee Grievance Policy has been revised. TYC staff have reviewed existing policy and prepared a report on recommendations for improvement. (See attached draft report.)

- A directive from the Conservator led to a policy change in TYC's criteria for employment, specifically in regard to criminal background investigations and eligibility to work at TYC. The criminal records check historically utilized by TYC was limited in scope and accuracy because it was based on a *name search* only. In order to obtain better data, TYC opted for *fingerprinting*. A additional quality control component was instituted to ensure that any subsequent employee arrests or convictions would be brought to TYC's attention, once the initial agency wide fingerprint screening had been completed. (See attached Criminal Background Checks Summary.)
- In order to efficiently disseminate information to the judiciary, TYC will arrange an interagency plan for routine, planned presentation at judicial conferences. Contact with the judiciary has been established through written communication and telephone discussions regarding implementation of SB 103. Additionally, TYC will work with the Office of Court Administrators to disseminate TYC information to the judiciary.

Juvenile Corrections (Security)

- The Juvenile Corrections Division has adopted a zero tolerance for violence, inclusive of youth-on-staff, youth-on-youth and staff-on-youth. Various modules in the training curriculum are designed to ensure staff receives the skills necessary to carryout this directive.
- The General Appropriations Act reduced funding for youth populations from an average total of 5,001 youth to an annual average of 3,151 youth. The John Shero Unit located in San Saba is now closed, and the Marlin Orientation and Assessment Unit located in Marlin will close the week of August 20, 2007. Notification of the closings and transfer of intake to the Mart I and Ron Jackson facilities were sent to all juvenile courts. Because of the need to transfer youth and equipment to the new facility locations, the courts were also advised of the agency's inability to intake youth during this time. (See Reductions In Force for Marlin Orientation and Assessment Unit and John Shero Juvenile Corrections Facility report.)
- Vulnerability assessments are planned for all facilities to determine future housing needs for the new average annual population of 3,151 youth. Staff anticipate completion of the unit assessments by December 2007. (See Residential Populations and Commitments report and Returns and Total Intakes report.)
- A plan has been developed for all facilities to go through the process of accreditation by the American Corrections Association (ACA). An initial assessment of the medical components of the facilities was conducted by ACA auditors in May 2007, and a report of their findings was presented to the Joint Legislative Oversight Committee for TYC. The next phase will include technical assistance by ACA consultants to assist the agency in policy development/assessment and development of performance based objectives consistent with national juvenile corrections standards. Included in the policies will be those associated with the agency's zero tolerance for sex abuse of youth in the custody of TYC. The next meeting with ACA representatives is scheduled for August 24-26, 2007.
- TYC intake has implemented procedures to ensure determinate sentenced youth receive credit for time served in detention facilities prior to their commitment to TYC. Staff have been instructed to grant any credit when computing parole or discharge. If the court does not specifically state the credit accorded to the youth, staff have devised procedures to contact the court to ensure the accuracy of the credit for time served.
- Intake and orientation staff have been advised of the new statutory requirements of information that should be submitted by the adjudicating court. Staff have also been

advised of the restriction on the placement of misdemeanants in the TYC. TYC has initiated procedures to ensure compliance with the new directive.

- The agency received funding through House Bill 15 for overtime costs earned from March through August 2007, estimated at \$1.2 million. A directive was issued March 20, 2007, by the Acting Executive Director to establish regular monthly payments for overtime accrued beginning in March 2007. As of June 30, 2007, \$2 million was paid under the new directive, with another \$1.2 million projected as overtime costs for the remaining two months in the fiscal year.

The Payroll Department processed approximately 6,250 overtime payments in response to the March 20th directive. The number of payments has increased almost 40% in overall payroll transactions processed through July compared to a year ago. An evaluation will be conducted to assess the need to continue payments once additional staff are hired. (See attached TYC Overtime Cost Analysis: FY 2007 report.)

- TYC's current youth mail policies are consistent with state law. As required by SB-103, youth mail to or from the Office of the Ombudsman may not be reviewed. Current agency policy prohibits the reading or censoring of all youth mail, and this would include mail to and from the Ombudsman. To ensure that this requirement is complied with, the Youth Mail policy has been revised to specifically prohibit the reading or censoring of youth mail to and from the Ombudsman.
- The Public Affairs Office has prepared posters to reflect the agency's and legislators' zero tolerance policy regarding sexual abuse of youth who are in the custody of TYC. (See attachment.)

Education, Treatment and Workforce Development

- TYC is phasing out the use of the "Resocialization" treatment concept for youth confined in its facilities. Effective September 1, 2007, TYC will institute a treatment schedule that provides structure for core education and rehabilitative treatment programming based on youths' documented risk/needs, as well as specialized treatment for chemical dependency, mental health, sexual behavior therapy, capital and violent offender issues, and gender specific programs. TYC will provide the standing committee of the Senate and House of Representatives with a report that details the availability of programs in each facility. The agency has adopted foundational assumptions that all programming will be guided by the following tenets:

- TYC youth services and programs will be youth-centered, not administratively expedient. All academic/workforce development and treatment interventions will be flexible to take into account a youth's strengths, areas of developmental and psycho-social difficulties, individual defining risk factors and mandated educational and treatment programs.

Educational and treatment programming will be assessed based upon the extent to which services and programs increase TYC youth skills and abilities (i.e., protective factors).

- All Division of Youth Services (DYS) programs and interventions will, prior to selection and implementation, be determined to be evidenced based and validated; otherwise a promising program will be piloted in a manner that its validity, effectiveness and appropriateness for TYC youth are ensured and measured.

- DYS programs must be **flexible**. Program content and delivery methods must allow for modification and adaptation to account for individual differences in learning, treatment, and case management needs.
- Programs will be implemented by appropriately experienced, trained and licensed staff.
- There will be program accountability through formative and summative oversight systems to evaluate program effectiveness.
- Full integration will occur with other disciplines in TYC and communities to include other habilitation support systems (e.g., education, correctional care, medical and health services, and community-based entities in aftercare). Re-entry planning will begin upon a youth's entry at intake.
- Parental involvement with youth and treatment planning is valued and encouraged.
- TYC has established an expectation that key staff will be appropriately experienced, trained and licensed. The agency has established the capability to effectively track and monitor licensure and certification information for jobs that require such expertise. The agency has also established an annual process of verification that personnel in such roles have maintained their necessary qualifications.
- At the point of intake, all youth are given a battery of assessments to determine the most appropriate strategy for treatment. Caseworkers are routinely assigned to youth upon their arrival to their permanent housing assignment at TYC. Job descriptions are under revision to emphasize the importance of establishing an alliance on behalf of the youth with his or her parents and/or guardian where possible, and to serve as a basis for exploring family issues and sharing information about programs and services that may be beneficial to the family.
- A new process has been implemented which requires staff to review each determinate sentenced youth's file to assess if there is a need for additional services. At age 18.6 the youth's records are once again evaluated to determine placement recommendation to the Texas Department of Criminal Justice.
- Staff have identified evidence-based core programs (education, chemical dependency, sex behavior therapy, mental health and gender specific) that are age-specific and developmentally appropriate. All campuses will provide varied levels of programming based on the identified risks/need levels of the youth.

Internal Audit

- The internal audit department has expanded its scope of review to include correctional facilities and medical services. An annual audit plan has been developed and is the final approval process. Findings of these audits will be reported to the Joint Oversight Committee on a quarterly basis.

Administrative Support and Community Relations

- All TYC policies are currently under review, with priority to those that impact youth. All proposed changes to agency rules in the Texas Administrative Code are published for public comment before final adoption. The public has access to agency rules and all personnel policies through the agency web site (with agency rules being contained in the General Administrative Policy manual and personnel policies being in the Personnel Policy and Procedure manual both linked on the agency web site under the Open

Government section of the "About TYC" link on the web site home page). Employees are notified of all changes to policy through administrative memos which are e-mailed to all employees with e-mail access, and reviewed in staff meetings with employees who do not have an agency e-mail account. (See the attached document containing a list of completed Policy and Procedure Changes).

- TYC has identified a chaplain or a chaplain designee for each facility.
- TYC, through a multi-disciplinary workgroup consisting of broad representation of TYC staff, a former TYC youth, and representatives from the Health and Human Services Commission, has initiated work with several other agencies to develop or enhance a number of collaborative efforts to assist youth in their successful transition and reintegration into their home communities, schools, and families.

Examples of these collaborative efforts include:

- establishing informal and formal interagency agreements with other agencies to increase the coordination of services, supports, and resources for youth;
 - increasing TYC participation in Community Resource Coordination Groups, (multi-agency staffing mechanisms for youth and families with multiple needs);
 - enhanced relationship with Texas Correctional Office on Offenders with Medical or Mental Impairments; and,
 - designing a service delivery plan for TYC youth in partnership with Department of State Health Services; and training parole staff on the services provided by other agencies.
- The agency is actively working with the Texas Juvenile Probation Commission (TJPC) on the TJPC/TYC Coordinated Strategic Plan, due December 1, 2007. These efforts will then inform the agency strategic plan process during the spring 2008.
 - A workgroup, consisting of staff from TYC's legal services, policy, and executive administration, met with TYC's ombudsman and a representative of the Texas Criminal Justice Coalition to discuss and develop recommendations for policy and procedures to allow advocacy and support groups to provide on-campus information, support, and other services for TYC youth in facilities. Policies reflecting those recommendations are being drafted.
 - Relationships with child advocacy and support groups are being developed (e.g., Texas Appleseed Project) or enhanced (e.g., Texans Care for Children, Texas Families of Incarcerated Youth, Advocacy, Inc., Texas Criminal Justice Coalition) to encourage on-site provision of information, services, and supports to TYC youth and families. Several meetings have been conducted to reinforce TYC's commitment to work in partnership with these groups. Regular meetings are planned for the future.

Safety & Security

The safety and security of youth confined in TYC are critical elements that define the agency's operations. Many of the elements identified in this section could also be appropriately identified under the sections entitled *Accountability or Governance and Operations*. However, because of the significance of the work being done in this area, staff thought it important to highlight the following elements.

- Eleven of the thirteen items identified in the Conservator's Report dated May 2, 2007 are now complete. The two remaining areas requiring action are 1) To complete the transfer of youth ages 10-13 to contract residential facilities. Currently, the agency has an active solicitation for contract bed space through a Request for Proposal that specifically targets the 10-13 age groups; 2) Conduct vulnerability assessments at all institutions -- contacts have been made with service providers and it is anticipated that these assessments will be completed at every facility by December 2007.
- The design of dorms at facilities that currently have open bays are scheduled for reconfiguration. The agency received appropriations of \$20 million for remodeling youth dormitories from the 24-bed, open-bay design into 16 single-cell units. Although the funding for this activity is effective September 1, 2007, planning for these changes has begun in order to expedite activity at the beginning of the new fiscal year. The latest meeting occurred on August 8, 2007, in Lubbock, Texas, at the architectural offices of Parkhill, Smith and Cooper. According to staff projections, complete design work for individual projects at Brownwood, Giddings, Crockett, Beaumont, Edinburg and Mart are scheduled for August 31, 2007; requests for bids for each dorm project will be issued no later than September 15, 2007; contracts awarded by October 31, 2007; and construction work to begin by November 15, 2007.
- The agency received appropriations of \$9.6 million for repair and rehabilitation of facilities, including \$2.4 million for utility, road, and site work, \$2.8 million for roof repairs and replacement, and \$4.6 million for projects such as repairs to the fire alarm and security systems, foundation repairs, and perimeter fencing. Scope of the work detail will commence on September 15, 2007; negotiations with previously approved architectural firms will begin by October 15, 2007; project design work will commence by June 30, 2008; request for bids based on project designs will be issued on July 31, 2008; and construction will be initiated by September 1, 2008.
- TYC is committed to developing a system of intake and assessment that compiles and utilizes a variety of data on the youth to assist with a determination of placement and treatment. To this end, the agency has contracted with several service providers to use existing TYC data to create an automated system that mines historical data to determine the most effective placement, treatment and custody levels for youth. The technology solution proposed will provide TYC with a model necessary to determine which youth classification responds best to which program type. Projected completion date is December 1, 2007.
- House Bill 15 funded a project to enhance DVR surveillance on all TYC facilities, inclusive of secure facilities, halfway houses and parole offices. Eighteen million dollars has been appropriated for this project. TYC was allotted 14 new staff positions to implement and maintain the system once it is complete. (See the attachment for the projected implementation and completion dates by facility.)
- The agency's Juvenile Correctional Officers (JCOs) Recruitment Plan has been amended to place emphasis on hiring JCOs in an effort to achieve the 1-to-12 staff-to-youth ratio

specified by SB-103 (See attached Recruitment and Retention Plan report and Recruitment Brochure.)

- TYC policy on the use of force is currently under revision. An administrative directive was issued by the Acting Executive Director to all high restriction facilities which amended the policy to allow the use of pepper spray in situations where the use of physical force against a youth was previously required. This action was predicated by the number of injuries that have resulted because of physical restraint of combative and/or aggressive youth. Training on the use of force module is in the final stages. The use of force continuum will include de-escalation techniques, restraints, use of pepper spray, self-defense and take downs.
- In response to the Conservator's Report, TYC purchased lemon yellow vests for JCOs at every facility to distinguish staff from youth and visitors. This was done on an interim basis. A permanent plan was initiated to purchase staff uniform shirts with a bid opportunity issued on an emergency basis on August 3, 2007, for nearly 12,000 shirts. Bids were received August 9, 2007, and steps have been taken to place the order.
- Due to gang activity in areas immediately surrounding the Houston Parole Office as well as the inaccessibility of the office to a majority of the youth served by the office, new office space is being identified. A veteran representative of the Houston Parole Office is active in selecting the new location.
- TYC continues to advance efforts to implement strategies related to the Prison Rape Elimination Act (PREA). In the spring of 2007, TYC participated in a PREA data collection project when representatives from Westat surveyed youth at three TYC facilities on issues related to sexual assault. In March and April of 2007, TYC requested and received PREA-related technical assistance from the National Institute of Corrections. As part of those efforts, new policies have been drafted and are under review. In late April, the agency submitted a grant application for \$750,000 to fund enhanced video surveillance equipment. As of the middle of August, that response is still pending.

As part of TYC's effort to increase reporting of sexual assaults, the agency created *Break the Silence* posters and placed them in all dorms and common areas at TYC institutions, halfway houses, contract care facilities and district offices. These posters highlight a 24-hour hotline youth can use to report sexual abuse. (See attached poster series.)

Youth & Parental Rights

One of the principle functions that define the operations of the Texas Youth Commission (TYC) is identified in Domain I of the *Rehabilitation Plan* which states, "To develop a safe and secure environment for the overall health and well-being of youth confined at the Texas Youth Commission."

The Youth Rights Division Director has established with supervisory staff a personal philosophy that any and all rights are inextricably linked to responsibilities specific to those rights. This principle is not limited to the rights of youth under the supervision of TYC, and as such, will be a guide to which all Youth Rights Division staff will be expected to adhere. Other steps taken to ensure youth rights are detailed below.

- The Youth Rights Division was created to highlight the agency's recognition of the need to put first the constitutional rights of youth supervised by TYC. As noted on the agency's organizational chart, the division reports directly to the Chief of Staff and provides oversight to the management of youth grievances and allegations of abuse, neglect and exploitation.

TYC employees previously assigned as Youth Care Investigators will now serve as either Youth Rights Specialists and/or Youth Care Investigators. In either role, staff will be expected to respond to either a grievance or allegation of abuse. A job task analysis will be conducted over the next year to assess staff workload and to determine whether additional staff is needed. Staff assigned to this division will be required to participate in specialized training on conducting investigations and report writing. Training will be held in conjunction with Office of Inspector General staff in September 2007.

- The agency has created multiple vehicles by which youth, their parents, child advocates and other interested parties can report grievances and abuses (forms, phones, letters and Incident Call Center¹).
- The youth grievance process and policies have been redrafted and submitted to the Texas Register for publication in the August 24, 2007 issue. A 30-day public comment period will follow. (See attached Grievance Resolution Process flow chart.)
- The Youth Grievance Process and Policies have been redrafted and submitted to the Texas Register for public review and comment. A link to the Texas Register is posted on the TYC website. A summary of the methodology, focus group meeting summary reports, revised policy and process flow chart follows. Once the policy is finalized, TYC will create age-appropriate handbooks regarding these policies and provide them to all youth. (See attached draft cover.)
- Per SB 103, TYC will continue to investigate and prepare reports related to alleged abuse or neglect involving a child committed to TYC. These reports are available upon request to the Public Affairs Department of TYC. It should be noted that any reference that might identify the child will be redacted to protect the child. (See attached Allegations of Abuse/Neglect/Exploitation report and Youth Grievances report.)
- A partnership with the Health and Human Services Commission and Texas Juvenile Probation Commission has been established to review, document and compare the accessibility and funding of facilities, services, and treatment provided to males and females under 18 years of age. Per SB 103, HHSC is the lead agency on this initiative.

¹ See Office of Inspector General Section

- To begin reaching out to families of youth who are committed to TYC, the first Family Forum was held on August 4, 2007, at the Al Price State Juvenile Correctional Facility. Families of all youth at the facility were invited to attend this town hall meeting to talk directly with the Acting Executive Director. Staff also met with Texas Families of Incarcerated Youth to solicit input and volunteers to assist in developing the Parent/Family Bill of Rights. The workgroup, co-chaired by a family member and consisting of family members, advocates, and TYC staff is scheduled to begin meeting on August 14, 2007.
- Working parallel to the interagency analysis of services, TYC's research department is also independently developing a program evaluation to assess the design and impact of TYC's gender-specific programs.

Transparency and Public Trust

A goal of the Texas Youth Commission is to create a transparent organization – one that is characterized by collaboration with internal and external stakeholders, other state agencies and the citizens of Texas. To this end, the agency has initiated and expanded partnerships with individuals and organizations to address the needs of the youth through the enhancements of programs and services. The following actions illustrate the level of collaboration to date.

- Assessment and trauma-focused counseling services were provided to youth who may have been traumatized while confined at a TYC facility. These services were initiated by the Office of the Governor and provided by the Texas Department of Health Services. During the one month period of operation, approximately 320 youth received at least one face-to-face contact. (A summary report and a poster advertising the effort is attached.)
- The National Institute of Corrections, in collaboration with the staff from the Prison Rape Elimination Act, provided counseling services specifically to the youth at the West Texas State School.
- Former Texas Education Agency Executive Director, Shirley Neeley, Ed.D., sent notices to all public school administrators, in support of TYC, to advise them of their statutory obligation to accept credits earned by youth while attending TYC schools and to inform administrators of their responsibility to keep youths' criminal history information confidential. Additionally, TYC has a responsibility to provide the maximum amount of information on the youth to the school districts as required by law.

Working in collaboration with education partners, a wallet-sized card, *My Connection Card*, was created and issued to youth discharged from TYC. The card contains helpful numbers for youth to call. (See card sample in attachments.)

- TYC has recommitted its active participation in the *Community Resource Coordination Groups of Texas*. Participation in this group will enhance the delivery of services to youth while confined in a secure setting and upon their return to their communities (reentry).
- Parent, youth and staff forums were conducted to solicit input on the revision of the youths' grievance system.
- Six regional forums were held around the state to advise employees and other participants of legislative initiatives and agency reform efforts. (See State of the Agency flyer.)
- The first *Family Forum* was held at the Al Price Juvenile Correctional Facility on August 4, 2007. Family members/guardians for all youth housed at the facility were sent formal letters of invitation. Approximately two dozen family members attended. A Customer Service Survey was given to the participants in attendance. Information from the forum will be forwarded to the parents not in attendance. Additional forums at other institutions will be held throughout the year. (See attached event materials.)
- Parents of former TYC youth were invited to participate in contract negotiations with UTMB.
- On August 8, 2007, the TYC Parole Division issued a call for participants to assist with the redesign of TYC parole program and operations to be consistent with the requirements and expectations of the agency reform and to establish a new direction. Requested participants included a representative from juvenile probation, a community advocacy group, and a contract parole service provider. A representative from each group has agreed to participate.

- TYC continues to be responsive to daily media requests from news organizations in Texas and around the world. Providing information to news reporters is critical to keeping the general public informed en masse. From February 17, 2007 to August 8, 2007, stories about the Texas Youth Commission and reform efforts have appeared 4,235 times in Texas media as recorded by the agency's news clipping service that monitors Texas newspapers, television stations, and some radio stations. In addition to the stories appearing in Texas media, reporters across the globe have been following the reform efforts. For example, *The Guardian* in the United Kingdom and a newspaper in Tbilisi (the Republic of Georgia) have recently carried wire service stories about TYC. The primary news agencies covering TYC reform have been the Texas Capitol press corps (The Dallas Morning News, the Houston Chronicle, the San Antonio Express News, the Valley Freedom Newspapers, the Austin American Statesman, and the Associated Press) and local media outlets in cities near TYC facility locations. Nationally, the New York Times, the Chicago Tribune, the Washington Post, the Associated Press, the Geraldo Rivera Show, and the CBS Evening News have all covered events and issues surrounding TYC reform.
- Comments have been received from outside sources who state that the TYC website has been a valuable tool in providing documents and information related to reform efforts. In order to make reform information easy to find, the agency created a new section on the home page entitled "Reforming TYC" to act as a repository for all reform-related information. (See attachment.)
- TYC is working with Susan Moynahan, the TYC Review Officer for the Harris County Juvenile Probation Department, coordinating her visits, receiving input from her observations, and acting on relevant suggestions. All TYC staff have been instructed to assist her efforts to track the welfare and safety of Harris County youth and to provide complete access.
- TYC continues to be responsive to legislative requests regarding agency reform. This assists legislators who are monitoring reform progress as well as providing information to their constituents. (See attached legislative inquiries.)

Accountability

The Agency's performance and success will be driven by accountability structures as defined by law or through internal operations.

General:

- The Office of the Governor, Criminal Justice Division awarded grant funding for development of a technology grant for the revised youth classification system.
- All divisions created under the reform are required to create a Performance Accountability Department. This department is responsible for working with agency/divisional staff to establish performance measures and monitor operations. Additionally, each Performance Accountability Department is responsible for reporting performance data to the agency's Research Division that will prepare quarterly performance reports.
- TYC staff applied for a \$1 million grant from the Office of Juvenile Justice and Delinquency Prevention to expand the capacity of TYC sex offender treatment program by implementing an active recruiting program, training all licensed counselors on evidence-based practices, and implementing a treatment program for female youth.
- Agency staff are currently reviewing the system requirements for 1) installing and using an updated automated fingerprinting information system (AFIS) terminal and 2) automating the agency's interface with the computerized criminal history system at Texas Department of Public Safety.
- Performance accountability systems are coordinated with standard measures required by the Legislative Budget Board, Office of the Governor, and the Office of Juvenile Justice and Delinquency Prevention.

Office of the Inspector General (OIG):

- On July 1, 2007, the apprehension specialists, formerly employees of TYC, were transferred and placed under the supervision of the OIG.
- The OIG has assumed responsibility for the command post operations previously manned by the Texas Department of Criminal Justice-OIG and Office of Attorney General staff. The 24-hour hotline remains operational; a temporary database has been created to manually log and track complaints.
- The OIG, working collaboratively with TYC executive administrative staff, have advanced implementation of the Incident Reporting Center. Research regarding efficient system operations that included review of similar operations in other state agencies and an analysis of cost estimates has been conducted. A projected start date is set for December 1, 2007. A permanent toll-free number for the purpose of receiving information will be prominently displayed at all facilities and placed on the agency's web site.
- OIG staff is working with TYC Information Resources Department staff to develop an on-line reporting website that is accessible by the public. A projected implementation date is October 31, 2007.
- OIG continues to work with the Special Prosecutor's Unit (SPU) and its Board of Directors. As of July 12, 2007, the SPU is accepting investigations for prosecutorial consideration. Procedures between OIG and SPU are in place with a mutually agreed upon tracking form that will be utilized for case status updates.

- Pursuant to law, OIG staff submit routine reports to the legislature and to TYC executive administrative staff. (See attached reports).

Education, Treatment and Workforce Development:

- A needs assessment of all facilities by cross disciplinary teams from education, treatment and corrections has been conducted. The purpose of the assessment was to determine the status of institutional operations statewide, including the identification of processes or program operations that need improvements. Critical needs were identified and addressed at each facility.
- All TYC campuses have completed initial data submissions to the Public Education Information Management System (PEIMS).
- In addition to involving local workforce development boards, TYC has begun exploration of ways to enhance coordination with community leaders, universities, faith-based organizations, parents and youth in planning for vocational training programs. A pilot of this working arrangement is scheduled for the Al Price Juvenile Correctional Facility in Beaumont, Texas.
- Education programming is linked to the state-based curriculum and delivered by teachers certified in the areas they teach.
- The agency is making use of external consultants to advise on processes for improving program operations, including the Blue Ribbon Panel. (See attached Blue Ribbon Panel member composition.)

Research:

- Reports to the Legislative Budget Board regarding the agency's population trends are submitted on a routine basis.
- The Agency Integrity Program was created under the leadership of Conservator Jay Kimbrough. As part of this program, a Youth Quality of Life Survey was created to provide a proactive ongoing system for monitoring the quality of life for youth in TYC facilities. The attached survey targets three general groups with knowledge of and interest in the welfare of youth in TYC facilities including TYC staff, volunteers and parents.
- In order to determine which programs and facilities are effective, data is available to compare the results among facilities. (See the attached sample snapshot report.)
- TYC conducted training to assist corrections staff on the use of performance related data to improve system operations. A sample report that synthesizes data is attached for review.

Parole:

- Metropolitan offices are establishing alternative reporting sites to improve accessibility to youth on supervision and the general community.

Office of General Counsel (OGC):

- The OGC has provided advice and consultation to the agency and external stakeholders regarding the implementation of SB 103.
- The OGC provided guidance for the processing of youth impacted by passage of SB 103.
- Minimum Length of Stay (MLOS) Release Review Panel was placed in the OGC. The next meeting of the group is set for August 14, 2007.

- At-Will Employment/Mediation prompted staff to develop a two-tiered system for employees facing termination. Letters were sent to staff to advise them of the change from 'for cause' to 'at will' employment.
- A working relationship has been established with the SPU.
- TYC has established an effective process to properly handle public information requests in a timely manner in accordance to state statute.
- TYC staff are working diligently with the Office of Attorney General to devise an acceptable compromise to the initial settlement order presented by Department of Justice (DOJ) regarding the Evans Regional Juvenile Center.
- OGC staff have taken the lead in reviewing all existing contracts, development of new contracts and Requests for Proposals. (UTMB, Contract Care facilities, etc.)
- Personnel policy revisions are processed through this office and staff participate in the revisions of all other agency revisions.
- OGC staff are currently working to develop standards or policy to create uniformity regarding the accessibility of chaplains for youth in TYC.



ATTACHMENT C



November 2007

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MEASURES OF SAFETY AND SECURITY IN TEXAS YOUTH COMMISSION (TYC) FACILITIES

Introduction: The enactment of Senate Bill 103 included several provisions to improve system operations, programs and strategies to provide rehabilitative programs and services and to protect youth from harm while confined in the Texas Youth Commission. This report is the first in a series of research briefs and presents key measures of program safety and security. Future reports will provide more detailed analyses regarding measuring safety and security at specific institutions.

Methodology: Twelve variables that indicate levels of safety and security in TYC's secured facilities were identified based on standard correctional measures: alleged mistreatment (non-sexual), alleged mistreatment (sexual), assaults on staff with bodily injury, assaults on youth with bodily injury, injury to staff by youth, injury to self, chemical restraint, manual restraint, escape, possession of a weapon, possession of unauthorized intoxicant, and possession of other contraband. The measures were calculated using 13 months of data from September 1, 2006 – August 31, 2007. The rate of occurrence for each indicator was calculated using the total number of occurrences and the average daily population for two time periods: **Time Period 1**=September 2006-April 2007; **Time Period 2**=May 2007-September 2007

Since the enactment of SB 103, the agency's average daily population has decreased. To adjust for decreases, the measures are presented as rates per 100 youth.

Results: The level of safety and security for each variable was calculated using comparisons between Time Period 1 and Time Period 2. The results are color coded blue/orange to indicate variance of negative/positive values. Orange columns represent measures that **increased** overall and blue columns represent measures that **decreased** over the review period. Findings include:

- ✓ A large increase in most indicators occurred in March and April 2007 (grey shaded).
- ✓ The average daily population decreased by nearly 1,100 youth from Period 1 to Period 2.
- ✓ A comparison of Period 1 and Period 2 indicates that, of the 12 measures, nine decreased during the period (blue) and three increased during the period (orange).
- ✓ The largest **decreases** were observed for Other Contraband, Manual Restraint, and Assaults on Youth with Bodily Injury. The largest **increases** were observed for Chemical Restraint and Non-sexual Allegations of Mistreatment.

MEASURES OF SAFETY & SECURITY													
MONTH	Average Daily Population	Alleged Mistreatment Investigations		Assaults		Injuries		Restraints		Security Infractions			
		Non-Sexual Allegations	Sexual Allegations	On Staff w/ Bodily Injury	On Youth w/ Bodily Injury	To Staff	To Self	Chemical	Manual	Escape	Unauthorized Intoxicant	Weapon	Other Contraband
Sep-06	4421.27	2.99	0.23	1.97	11.17	0.20	5.34	0.25	21.26	0.00	2.53	0.61	25.76
Oct-06	4446.25	3.15	0.36	2.25	10.41	0.25	5.62	0.65	19.39	0.00	1.82	0.83	25.64
Nov-06	4395.54	2.43	0.16	2.05	9.56	0.18	5.55	0.64	23.21	0.07	2.07	0.89	27.00
Dec-06	4338.52	2.93	0.25	1.89	11.06	0.30	6.22	0.41	22.80	0.00	1.45	0.85	26.18
Jan-07	4328.75	3.37	0.32	1.94	10.67	0.30	7.92	0.44	24.97	0.02	1.99	0.76	32.06
Feb-07	4343.95	3.20	0.46	1.91	11.95	0.05	6.72	0.58	23.48	0.00	1.68	0.71	26.29
Mar-07	4257.79	7.94	1.69	2.65	11.23	0.52	8.46	0.89	26.30	0.05	1.29	1.24	25.55
Apr-07	3773.00	8.00	1.40	2.15	9.83	0.21	7.37	1.43	24.75	0.00	0.95	0.56	26.37
May-07	3521.55	7.38	0.88	2.67	10.56	0.11	7.47	1.51	26.81	0.00	1.65	0.85	25.36
Jun-07	3303.48	4.30	0.39	2.06	10.72	0.18	7.45	1.39	26.28	0.00	1.51	0.64	20.83
Jul-07	3059.14	4.45	0.52	2.65	12.36	0.26	5.36	4.77	25.79	0.00	1.18	0.82	23.21
Aug-07	3024.99	4.17	0.53	1.19	9.92	0.23	7.01	5.82	14.71	0.00	1.88	1.02	19.74
Sep-07	3050.18	3.25	0.36	1.18	7.87	0.13	5.25	4.75	8.46	0.00	1.64	0.98	18.82
13 Months	3866.49	3.80	0.58	2.06	10.61	0.23	6.60	1.57	22.42	0.02	1.93	0.90	29.79
Period 1	4288.13	3.59	0.59	2.10	10.75	0.25	6.63	0.65	23.22	0.02	1.74	0.81	26.86
Period 2	3191.87	4.24	0.55	1.97	10.30	0.18	6.55	3.55	20.70	0.00	1.57	0.86	21.69
Change	-1096.27	0.64	-0.05	-0.13	-0.45	-0.07	-0.08	2.90	-2.52	-0.02	-0.17	0.05	-5.17

Conclusion: The goal of TYC is to ensure safety and security for children in its custody. Continuous monitoring of these measures allows the agency to identify specific areas where progress is being made and highlight areas that need improvements.

Definitions

Alleged Mistreatment Investigation (AMI) Forms Filed: The number of allegations filed. The allegations may be pending, denied, or approved. TYC policy defines mistreatment in three categories: 1) abuse is an intentional, knowing, or reckless act or omission that causes or may cause emotional harm or physical injury to, or death of, a youth; 2) neglect is a negligent act or omission, including failure to comply with an individual case plan that causes or may cause substantial emotional harm or physical injury to, or death of a youth; 3) exploitation is the illegal or improper use of a youth or the resources of a youth, for monetary or personal benefit, profit, or gain.

Assault on Staff with Bodily Injury: Youth intentionally, knowingly, or recklessly causes bodily injury to staff a staff or volunteer. Staff is defined as a TYC employee, contract program employee, contract program employee, or any person who is providing contract services at a contract program or TYC-operated facility.

Assault on Youth with Bodily Injury: The number of youth injured during the course of assault incidents. Excludes sports-related injuries and "Injury to Self".

Injury to Staff by Youth: Staff injured during duty by youth. Youth behavior in these incidents was not a Category I or Category II violation.

Injury to Self: Youth intentionally or knowingly engages in bodily harm to self.

Use of OC (Pepper) Spray: Any incident in which Oleoresin Capsicum (OC) spray was deployed.

Use of Manual Restraint: One type of physical restraint that uses hands-on techniques as a means of restraint. Other types of physical restraint are mechanical and full-body.

Escape from Secure Confinement: Youth leaves the property of the assigned location without authorization or fails to return from an authorized leave.

Unauthorized Intoxicant: Any substance that provides an intoxicating effect upon consumption or inhalation. Common intoxicants are alcohol, controlled substances, or inhalants.

Weapon: Any items that can be used, made, or adapted to use as weapons against ones' self or others.

Other Contraband: Any other prohibited item (inappropriate pictures, gang-related items, money, prohibited toiletries, etc.)
Rate per 100 Youth: Total number (for any given measure) divided by the average daily population for the given time period (in this case 13 months) times 100.

Average Daily Population: Sum the number of youth present at a secure or non-secure program at midnight for each day in the given time period. For secure programs, exclude youth on escape, furlough, or jail status. For non-secure programs exclude youth on abscond or furlough status. Divide by the number of days in the month or the average number of days in a multi-month period.



ATTACHMENT D

DRAFT *Bill of Rights* for Parents of Incarcerated Youth

Parents will be partners with correctional staff, educators, and treatment providers in their child's rehabilitation and shall be encouraged and assisted to actively participate in the design and implementation of their child's treatment, from intake through discharge.

Parents of children who have been committed to the care, custody, or control of the Texas Youth Commission have the following rights:

As a parent, you have the right to know that you and your child will be treated fairly regardless of race, religion, national origin, language, economic status, disability, gender, sexual orientation, or age and that each child will be treated as an individual.

As a parent, you have the right to expect the agency to provide a safe, secure, and sanitary environment for your child.

As a parent, you have the right not to be judged, blamed or labeled because of your child's incarceration.

As a parent, you have the right to be a vocal and active advocate on behalf of your child.

As a parent, you have the right to be an active participant when decisions are made about your child.

As a parent, you have the right to be informed about matters related to your child's welfare.

As a parent, you have the right to access your child's records.

As a parent, you have the right to meaningful participation in your child's treatment, including medical treatment, behavioral health treatment, and education.

As a parent, you have the right to communicate with your child, including visitation, telephone, and mail.

As a parent, you have the right to be assured that all TYC staff are professional, courteous, and respectful.

As a parent, you have the right to know that TYC will take immediate corrective action to protect the rights of parents and youth.

As a parent, you have the right to meaningful participation in your child's transition-planning – from intake through release, parole, and eventual discharge.



ATTACHMENT E

Attachment E

Transparency & Public Trust

The Texas Youth Commission (TYC) has developed or enhanced collaborative efforts with other agencies to assist youth in their successful transition and reintegration into their home communities, schools, and families.

- ❖ **TYC and the Texas Department of Family and Protective Services, Child Protective Services (CPS)** have identified and implemented mechanisms to help ensure a smooth transition for youth who have open cases with Child Protective Services and are being released from TYC facilities. An interagency agreement is being developed to further identify the specific expectations, roles, and responsibilities of each agency. CPS is sharing with TYC the names of youth with open CPS cases who are placed in a TYC facility. Approximately 60-90 days prior to release, the TYC caseworker will notify the CPS caseworker of the youth's projected release date to enable the CPS caseworker to be involved in the youth's transition from a high-restriction residential facility.
- ❖ **Texas Education Agency (TEA)** has communicated to local school districts that most TYC students without a diploma will be eligible to enroll and attend school, even if they are 18 or older and have a GED. TEA encouraged districts to use, develop and make available summer school services to address the social, emotional and academic skills that students will need. The letter also assured school districts that they will receive the maximum amount of information about our students allowed by law. Districts are authorized to share students' criminal backgrounds only with educators who have responsibility for instructing the student.
- ❖ **TYC has partnered with Communities in Schools programs** (a TEA program) for assistance in providing school-based services, supports, and resources to increase educational success for TYC youth.
- ❖ **TYC continue to build its relationship with the Texas Workforce Commission (TWC)** to enhance employment opportunities for TYC youth. TWC receives data daily on youth ages 16 and older who are being released from secure facilities, together with information about any specialized services they have received to assist with obtaining and retaining employment. Additionally, TYC has worked with TWC to identify those workforce development centers that are effective at serving TYC youth, and which ones need improvement. TWC has also offered to host information meetings at one-stop centers on Saturdays for TYC youth and their parents.

Funds appropriated during the past legislative session will allow the agency to hire seven additional workforce development transition specialists to work at TYC parole offices to serve as liaisons with TWC and other community programs to assist youth in obtaining employment, developing work skills, exploring career options, and accessing trade schools or certification programs.

- ❖ **TYC and the Health and Human Services Commission (HHSC)** are working collaboratively to assist TYC youth transitioning into the local communities. On April 30, 2007, TYC began a Medicaid application pilot at three facilities (Gainesville, Corsicana, and the Ron Jackson facility in Brownwood). This pilot enables youth to be assessed for Medicaid eligibility while in a TYC facility.

- ❖ **Community Resource Coordination Groups (CRCG)** While TYC has been a longstanding member of Community Resource Coordination Groups (CRCG) around the state, in the past few months the agency has focused on enhancing its relationship with the HHSC Community Resource Coordination Groups. General Administrative Policy (GAP) 119.1 has been developed to address the specific requirements and procedures related to CRCG referrals. Case Management Standard (CMS) 12.55 related to parole referrals has been revised to reflect the new expectations. Both proposed policies are pending final approval. An agency goal is to increase the number of referrals to CRCG's.
- ❖ **TYC's relationship with the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI)** has increased in recent months. Youth who require community-based mental health services when they are released or discharged are referred to TCOOMMI prior to their release. TCOOMMI ensures appropriate referrals to the Local Mental Health Authority are completed and appointments are scheduled. TYC has seen a dramatic increase in TCOOMMI referrals. During this fiscal year, there have been over 1300 total referrals to TCOOMMI; almost 1000 of those referrals have occurred since March 2007. In response to the psychiatric needs of youth returning to Harris County, TCOOMMI and the Mental Health and Mental Retardation Authority of Harris County arranged for a psychiatrist to be officed within the Houston Parole Office for up to 20 hours.

Through the combined leadership of a treatment coordination collaborative consisting of staff from TYC staff, the Department of State Health Services, and the Health and Human Services Commission, hundreds of youth have been provided mental health services in unprecedented displays of partnerships. In fact, this multi-agency treatment collaborative was nominated for a *Heroes in the Fight* award from Mental Health America during the fall of 2007 for proven dedication to providing mental health services to this group of young people.

- ❖ **The Texas Department of Assistive and Rehabilitative Services (DARS)** has offered vocational and rehabilitative services to TYC youth ages 16-22 who have special education needs. Regional transition specialists from DARS helped to provide direct training and technical assistance to parole staff to ensure youth who need the services are appropriately referred.
- ❖ **TYC is finalizing an agreement with the Department of State Health Services** to allow certain individuals the ability to verify the birth records of Texas-born TYC youth. It is hoped that this ability will help streamline other applications, including access to state identification cards through the Texas Department of Public Safety and Medicaid, Title IV-E funding.
- ❖ **TYC is partnering with other agencies to develop a Medical Passport.** TYC will participate in discussions to create a system where medical information and treatment services provided to youth are shared.
- ❖ **Representatives form Advocacy, Inc.** have met with TYC staff to offer services related to their Client Assistance program to provide vocational rehabilitation services to certain TYC youth with disabilities. TYC staff members have also begun preliminary discussions with Advocacy, Inc. and other community providers to pilot a project wherein pro bono attorneys will represent youth being released from TYC after successfully completing sex

behavior therapy in deregistration motions and motions to seal records in the juvenile courts of their home counties.

- ❖ **MY Card Connection** was created by TYC staff to assist youth (especially discharged youth who no longer receive any sort of assistance from TYC) in accessing a variety of needed services. The *Card Connection* is a heavy-duty plastic card, about the size of a credit card, which provides statewide telephone numbers for a variety of services, including mental health, suicide prevention, education, housing, substance abuse treatment, etc.
- ❖ **Youth Portfolio** was designed to give discharged youth basic information and copies of official documents that could be used to increase the likelihood of a successful transition to his or her home, school, and community. Documents include a variety of critical paperwork, including the student's conditions of parole, transition plan, birth certificate, social security card, voter registration, military registration, Texas identification, workforce certifications, transcript, diploma/GED, and education, medical/mental health information including treatment needs.
- ❖ **TYC has also partnered with advocacy groups**, including Texans Care for Children, Texas Families of Incarcerated Youth, Texas Health Institute and the Texas Criminal Justice Coalition to assist in the development of the Parents' Bill of Rights. Representatives from Advocacy, Inc. and Minorities for Equality in Employment, Education, Liberty, and Justice have been invited but have been unable to participate at this time. Preliminary work has begun to develop a Youth Advocacy Training curriculum and process. Advocacy groups, including Texas Criminal Justice Coalition and Texans Care for Children have joined TYC staff to identify best practices for teaching youth the skills necessary to become effective advocates. Representatives from Texas Appleseed and Advocacy, Inc. have been invited but are unable to participate at this time.
- ❖ **Community Partners** TYC staff have initiated strategies to identify and recruit community partners, particularly through faith-based entities to serve as mentors for TYC youth returning to their home communities. Preliminary discussions include partnering with Bexar County Detention Ministries, Sports Quest Prison Soccer Ministry, Juvenile Justice Ministries Network of Texas, the Baptist General Convention of Texas, and the Catholic Diocese of Austin.



ATTACHMENT F

Chapter: Security and Control
Subchapter: Security and Control
Rule: Use of Force

Effective Date: 11/1/06, T-82
Page: 67 of 77
Replaces: GAP.97.23 &
Executive Admin. Memo of 3/15/05
Dated: 3/15/05, T-69

ACA Standard(s): 3-JTS-3A-15, 3A-16, 3A-16-1, 3A-28, 3A-31,
4C-27, 4C-35

I. RULE

(a) Purpose.

The Texas Youth Commission (TYC) permits its employees to use the appropriate degree of force when reasonably necessary to protect persons and property, overcome unlawful resistance and maintain safety and order. Crisis de-escalation and behavior management techniques are expected to be used to the greatest extent possible to ensure force is the last resort. When physical restraint becomes necessary, it is the policy of TYC to use restraint techniques that minimize the risk of harm to the youth and staff. Force is to be used as a last resort when other less restrictive interventions have failed or are not practicable under the circumstances existing at the time. The degree of force used is predicated on the totality of the circumstances including the amount of resistance presented by the youth. Under no circumstances shall the force used be greater than necessary to achieve control of the youth and maintain safety and order. It is the policy of the TYC not to use force against a youth except for the limited circumstances described in this rule.

(b) The use of force as punishment or for convenience of staff is strictly prohibited.

(c) Agency staff shall use only the least amount and type of reasonable force necessary to control and overcome unlawful resistance, protect persons, protect property and maintain order and safety.

(d) Any other staff shall intervene, if a reasonable opportunity exists, when they know or should know that another staff is using force that is unjustified and/or excessive. Staff shall report any violations of this policy before the end of their shift.

(e) Any youth suffering an injury following a restraint shall be seen by the medical staff for medical treatment and to determine the extent of any injuries. All injuries shall be documented in the medical record along with an explanation from the youth describing how the injuries occurred. Photographs shall be taken of all injuries.

(f) Applicability.

(1) For riot control procedures, see (GAP) §97.27 of this title.

(2) To allow youth time to regain self-control, see (GAP) §97.35 of this title relating to temporary segregation of youth out of control and (GAP) §97.39 of this title relating to isolation.

(3) For short-term placement of out-of-control youth in a security program, see (GAP) §97.40 of this title.

(4) For criteria and procedures on administering a psychotropic drug in a medication-related emergency when a youth will not give consent for the administration, see (GAP) §91.92 of this title.

(5) For limitation on youth searches, see (GAP) §97.7 of this title.

(g) Explanation of Terms Used.

(1) Disruption of Program – youth's behavior requires intervention to the extent necessary to stop its interruption of the current program.

- (2) **Handle With Care** – an agency-trained physical intervention system based on a passive manual restraint method that provides control without inflicting pain or injury.
- (3) **Imminent Harm or Imminent Threat** – a reasonable belief that harm to persons or property is about to occur, and the need for action is immediate.
- (4) **Positional Asphyxia** - the reduction in oxygen in the bloodstream and tissues due to an impairment of a person's respiratory system caused by body positioning or the application of external weight/pressure.
- (5) **Practicable** – means something is capable of being done with the means at hand and presenting circumstances.
- (6) **Reasonable Belief** – for purposes of this policy, means facts and circumstances, known to staff at the time of the incident, that would cause a reasonable, trained staff to conclude that an imminent threat exists.
- (7) **Reasonable Force** – the degree of force which a reasonable, trained juvenile corrections staff, in like circumstances, would judge to be reasonably necessary to control and overcome unlawful resistance, protect self, protect third parties, protect youth from self-harm, protect property, compel movement and maintain order and safety.
- (8) **Threat Assessment** – weighing whether the youth has the opportunity, ability and risk to do harm to self, others, or property or the behavior reflects only emotional venting or verbal aggression with no physical movement toward a target.
- (9) **Totality of the Circumstances** – means there is no single deciding factor. One should consider all the facts, surrounding circumstances, conditions and conclude from the whole picture the type and degree of force required.

(h) **Types of Interventions and Force.**

(1) **Non-Verbal and Verbal Interventions.**

- (A) **Physical presence** – this includes mere presence of staff to include non-verbal gestures made with eyes, hands, head or body utilizing proximity, standing, eye contact and/or facial expressions.
- (B) **Verbal Persuasion** – this includes verbal prompting, directive statements, redirection, coaching using behavior management skills to include verbal judo.
- (C) **Staff Teamwork** – involving staff who may not have been directly involved in the situation initially to intervene with the youth.
- (D) Use of Huddle-ups or problem-solving groups.

(2) **Physical Intervention.**

Use of Force – any physical contact exerted upon a youth to direct, compel or restrain bodily movement; includes physical escort, physical restraint, and the use of chemical agents.

- (A) **Physical Escort** – means touching of the arm, elbow, shoulder or back for the purpose of directing the youth from one location to another.
- (B) **Physical Restraint** – means restricting a youth's freedom of action by using various restraint methods, including manual restraint, mechanical restraint, and full-body restraint. The term does not include the limited physical contact that may take place for the purpose of physically escorting a youth to a different location as defined above.
 - (i) **Manual Restraint** – means use of hands-on techniques as a means of physical restraint.
 - (ii) **Mechanical Restraint** – means use of a mechanical device applied to a youth as a means of physical restraint.

(iii) **Full-Body Restraint** – means use of a padded cloth or leather mechanical restraint device to secure a youth to a specially designed bed as a means of physical restraint.

(C) **OC Spray** – also known as pepper spray, means the chemical agent Oleoresin Capsicum (OC).

(i) **Situations Authorizing Use of Force.**

Use of force is authorized under the following circumstances:

- (1) Protection of youth from imminent self-harm;
- (2) Protection of self from imminent harm;
- (3) Protection of other youth or third parties from imminent harm;
- (4) Protection of property from imminent damage;
- (5) Prevention of escape or fleeing apprehension;
- (6) Movement of a youth referred to the security unit, isolation room or alternative classroom;
- (7) Movement of a resistant youth within the security unit to minimize the disruption when the youth's behavior is substantially disruptive and the youth refuses to follow a reasonable request to stop the behavior;
- (8) Movement of a resistant youth from a dangerous or disruptive situation;
- (9) To conduct a search of a resistant youth reasonably believed to be in possession of a weapon, an item that can be adapted for use as a weapon, a controlled substance, or other item(s) that breach the security of the facility;
- (10) To conduct a search of a resistant youth entering the security unit;
- (11) Administration of medical treatment to a resistant youth when, under the circumstances, failure to administer the treatment could have serious health implications as determined by a health care professional; or
- (12) Collection of DNA samples from a resistant youth, as required by law.

(j) **Factors to Consider in Determining the Intervention or the Degree of Force to be Used.**

- (1) When encountering one of the above situations in subsection (i) of this section, use of force may or may not be necessary. In determining the type of intervention or the degree of force to be used, staff must determine the situation by means of a "threat assessment." Sometimes that assessment must be made in a split second in order to prevent the youth from causing serious harm. A threat assessment involves weighing the youth's opportunity, ability and risk to do harm to self, others or property; as opposed to the youth's behavior reflecting only emotional venting or verbal aggression with no physical movement toward a target. When the threat is imminent and the risk of harm is high, the use of force is appropriate and may be required.

The following factors should be considered in making an assessment:

- (A) **Opportunity** – whether the youth has a reasonable opportunity to carry out the threat; and
 - (B) **Ability** – whether the youth presents a threat to safety and security and has a reasonable ability to carry out the threat; and
 - (C) **Risk** – how serious is the risk of harm to self, others or damage to property if force is or is not used.
- (2) A youth must be released from physical restraint as soon as the purpose for which the youth was restrained under subsection (i) of this section has been achieved.

(k) **Approved Techniques for Use of Force.**

Techniques that may be used for use of force are limited to:

- (1) agency-trained:
 - (A) Handle With Care methods of manual restraint;
 - (B) Mechanical restraints;
 - (C) OC spray, under certain limited circumstances;
 - (D) Physical escort; and
 - (E) Full-body restraints, under certain limited circumstances; and
- (2) other non-prohibited methods of manual restraint that under the totality of circumstances existing at the time:
 - (A) are more practical than the agency-trained Handle With Care methods of restraint, taking into account the youth's and staff's particular vulnerability to harm;
 - (B) involve a use of force that is measured and progressive to a degree no greater than that reasonably necessary to achieve the objective; and
 - (C) do not unduly risk serious harm or needless pain to the youth or staff.

(l) **Prohibited Techniques of Physical Restraint.**

- (1) Prohibited techniques of physical restraint that unduly risk serious harm or needless pain to the youth includes the intentional, knowing, or reckless use of any of the following techniques:
 - (A) restricting respiration in any way, such as applying a chokehold or pressure to a youth's back or chest or placing a youth in a position that is capable of causing positional asphyxia;
 - (B) using any method that is capable of causing loss of consciousness or harm to the neck;
 - (C) pinning down with knees to torso, head and/or neck;
 - (D) slapping, punching, kicking, or hitting;
 - (E) using pressure point, pain compliance and joint manipulation techniques, other than an approved Handle With Care method for release of a chokehold, bite or hair pull;
 - (F) modifying restraint equipment or applying any cuffing technique that connects handcuffs behind the back to ankle restraints;
 - (G) dragging or lifting of the youth by the hair or ear or by any type of mechanical restraints;
 - (H) using other youth or untrained staff to assist with the restraint;
 - (I) securing a youth to another youth or to a fixed object, other than to an agency-approved full-body restraint device; or
 - (J) administering a drug for controlling acute episodic behavior as a means of physical restraint, except when the youth's behavior is attributable to mental illness and the drug is authorized by a licensed physician and administered by a licensed medical professional.
- (2) A physical contact that would otherwise be prohibited, under the above paragraph, does not include one that is only accidental and momentary.

(m) **Requirements for Planned Manual Restraint Situations.**

Planned manual restraint is when a youth is confined alone in a locked room and time is available to plan for manual restraint in the event preventive steps prove unsuccessful. Planned manual restraint is authorized only when the requirements of subsection (i) of this section have been met.

- (1) Prior to approval of planned manual restraint, the facility administrator or administrative duty officer (ADO) must personally observe the situation.
- (2) All planned manual restraints must be videotaped, including a recording of a verbal description of the youth's conduct and all warnings provided the youth.
- (3) Only staff trained in planned manual restraint may participate in the team that is assembled for the room entry.
- (4) The youth must be warned to discontinue the misconduct at least two times after the team is assembled and before the room entry.

(n) **Requirements for Use of Manual Restraint to Remove Clothing from Suicidal Youth.**

- (1) A mental health professional (MHP), as defined in (GAP) §91.88 of this title, shall determine if physical restraint is necessary in order to remove clothing from a youth who displays suicidal ideation or behavior.
- (2) Approval by the facility administrator or designee is required for the restraint. The facility administrator or designee must personally observe the situation.
- (3) Manual restraint may only be used after alternative interventions have been attempted to remove clothing that could potentially be used for imminent self-injury. During manual restraint, staff shall provide continuous verbal encouragement to comply. Should the youth, at any time, comply with staff requests to remove clothing, the manual restraint is terminated.
- (4) Clothing will be removed in the security unit, in a private location.
- (5) Staff must ensure that at least one staff conducting the restraint is the same gender as the youth.
- (6) Once the clothing has been removed, the restraint is terminated and protective clothing is issued.

(o) **Approved Mechanical Restraints and Guidelines for Use.**

(1) **Approved Mechanical Restraint Equipment.**

The following devices, when used only in a manner consistent with their intended purpose and when the requirements of subsection (i) of this section are met, are agency-approved mechanical restraint equipment:

- (A) **Handcuffs (Hard)** – metal (not plastic) devices fastened around the wrist to restrain free movement of the hands and arms.
- (B) **Wristlets (Soft)** – a cloth or leather band fastened around the wrist or arm and which may be secured to a waist belt.
- (C) **Plastic Flex Cuffs** – plastic devices fastened around the wrist to restrain free movement of the hands and arms and used only in riot control.
- (D) **Anklelets (Soft)** – a cloth or leather band fastened around the ankle or leg.
- (E) **Leg Irons (Hard)** – a metal device with a length of chain fastened around the ankle to limit movement of the legs. Handcuffs may not be used to cuff the ankles. Oversized leg irons may be used if the standard leg irons do not go around the cuff of the ankle.
- (F) **Transportation Belt/Chain, Waist Band, and/or Belly Chain** – these devices can be cloth, leather, or metal links that are fastened around the waist. The transportation belt is used to secure the arms to the sides or front of the body.
- (G) **Transport Box** – a small metal box that may be used to secure handcuffs while using a transportation chain.
- (H) **Padlocks or Key Locks** – these locks are used to secure handcuffs, wristlets, anklelets, and ankle cuffs.

- (I) **Mittens** – a cloth, plastic, foam rubber, or leather hand covering fastened around the wrist or lower arm. Acceptable fasteners include elastic, Velcro, ties, paper tape, and pull strings.
- (J) **Helmets** – a plastic, foam rubber, or leather head covering. If appropriate, a face guard may be attached to the helmet. The device must be proper size for the youth, and the chin strap should not be so tight as to interfere with circulation.
- (K) **Spit Mask** – a cloth, paper, or nylon covering that is designed to prevent spitting and discourage biting.
- (L) **Transport Leg Brace** – a metal and nylon device that allows a person to walk, but will impede running or kicking. This device can be worn out of sight under trousers.

(2) **Guidelines for Use.**

- (A) Mechanical restraint equipment must be applied properly. A device must not be secured so tightly as to interfere with circulation or so loosely as to permit chafing of the skin.
- (B) When mechanical restraints are employed, for reasons other than transporting a youth, the youth is placed on his/her side as soon as possible in order to help ensure adequate respiration and circulation.
- (C) A mechanical restraint, for other than transportation or riot control, shall be terminated as soon as the purpose for which the youth was restrained under subsection (i) of this section has been achieved, but in any event within 15 minutes, unless an extension is granted. Extensions may be granted by the facility administrator or designee for additional 30-minute intervals, until termination of restraint.
- (D) When mechanical restraints are employed, staff shall ensure the youth's safety by checking the youth for adequate respiration and circulation every 15 minutes until termination of restraint. Staff will provide continuous visual supervision and appropriate assistance until the mechanical restraint is terminated.
- (E) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain may be used when transporting a youth to a security unit and when transporting youth currently admitted to the security unit to activities outside the unit in order to prevent harm to the youth or others. These restraints may not be attached in a manner that prevents the youth from being able to stand upright. Mechanical restraints may remain on the youth during the duration of the activity, if circumstances warrant such restraints.
- (F) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain may be used when transporting youth currently admitted to the security unit to activities within the security unit in order to prevent harm to the youth or others. These restraints may not be attached in a manner that prevents the youth from being able to stand upright. Mechanical restraints may remain on the youth during the duration of the activity, if circumstances warrant such restraints.

(3) **Mechanical Restraint Use by the Transportation Unit.**

Mechanical ankle and wrist restraints attached to a waist belt by a lead chain shall be used during transportation by the transportation unit. Exceptions may be made for youth being transported following release on parole from a residential program.

(4) **Mechanical Restraint Use by Other Transporters.**

- (A) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain shall be used during transportation when a youth is being transported to a high restriction program.
- (B) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain may be used when transporting a youth off-campus.

(p) **Approved Use of OC Spray and Guidelines for Use.**

(1) **Approved Use of OC Spray.**

- (A) OC Spray is the only agency-approved chemical agent. It is authorized for use only when other less restrictive interventions have failed or are determined to be impracticable, and it is necessary to:
 - (i) quell a riot or major campus disruption;
 - (ii) resolve a hostage situation;
 - (iii) remove youth from behind a barricade;
 - (iv) secure an object that is being used as a weapon and that is capable of causing serious bodily injury;
 - (v) protect oneself from imminent harm when manual restraint would be impracticable;
 - (vi) protect youth, staff or others from imminent harm when manual restraint would be impracticable;
 - (vii) prevention of escape and fleeing apprehension when manual restraint would be impracticable.
- (B) Unless it is necessary to prevent loss of life or serious bodily injury, OC spray is not authorized for use when:
 - (i) the youth has been identified as having respiratory problems or other health conditions which would make use of OC spray dangerous; or
 - (ii) the youth is assigned to a mental health treatment program or identified by a mental health professional as having a psychiatric condition or mental health diagnosis that would contraindicate the use of OC spray until the MHP has been given the opportunity to establish control; or
 - (iii) the youth is confined in a room in a security unit or an isolation room.

(2) **Persons Authorized to Use OC Spray.**

- (A) OC spray is permitted only in TYC high restriction institutions and in high restriction contract care programs approved by the executive director or designee.
- (B) Only staff who have been trained by TYC in the use of OC spray are authorized to use it.
- (C) In TYC high restriction institutions, only the facility administrator, assistant superintendent, ADO, duty supervisor, director of security and security personnel whose regular assignment is outside the security unit are authorized to routinely carry OC spray on their person.

(3) **Guidelines for Use.**

- (A) OC spray canisters must be carefully controlled at all times. Except for canisters in the possession of the facility administrators and assistant superintendents, access to canisters must be controlled at a single central location.
- (B) After administration of OC spray, staff must initiate de-contamination with cool water as soon as the purpose of the restraint has been achieved.
- (C) Immediately following de-contamination from OC spray, medical staff will be contacted to examine and, if necessary, treat youth and staff.

(q) **Approved Use of Full-Body Restraint and Guidelines for Use.**

(1) **Approved Use of Full-Body Restraint.**

A full-body restraint bed equipped with cloth or leather mechanical restraint straps/devices to secure a person on a bed, face upward, is the only agency-approved full-body restraint equipment. It must be used only in a manner consistent with its intended purpose. It is authorized for use only when:

- (A) the requirements of subsection (i) of this section have been met; and
- (B) the restraint is necessary to prevent serious self-injury.

(2) **Persons Authorized to Use Full-Body Restraint.**

- (A) Full-body mechanical restraints are permitted only in TYC institutions and in high restriction contract care programs approved by the executive director or designee.
- (B) Staff who may be expected to participate in application of the restraints or monitoring, managing, or approving of the restraint must receive special training and will not participate in its implementation until the training has been received. The training will include proper use and application of full body restraint devices and applicable TYC policies and guidelines regarding the implementation, documentation, and continuation of full body restraint.
- (C) At least one staff trained specifically in full body restraint techniques must be involved in any takedown procedure. If at least one trained staff is not available to supervise, full-body restraint shall not be employed.

(3) **Guidelines for Use.**

- (A) If the facility resources are not sufficient to support the procedural requirements for full body restraint as specified in this subsection, then full body restraint of the youth must not be employed.
- (B) Authorization by the facility administrator or assistant superintendent to use full body restraint is required and is valid for up to one hour only.
- (C) Prior to the expiration of the first hour, the youth shall be evaluated face-to-face by a MHP who may recommend approval to continue the full body restraint.
- (D) In order to recommend continuation of the restraint, the mental health assessment will verify that the current use of full body restraint is not having a psychologically damaging effect and that the need for full body restraint is not due to an immediate psychiatric crisis which requires alternative interventions.
- (E) Approval from a physician or a licensed doctoral psychologist must be obtained to continue the full body restraint beyond one (1) hour. If a determination is made that the behavior is due to a mental health problem, the youth shall be provided appropriate mental health services including referral to the CSU or state hospital if she or he meets the admission criteria pursuant to (GAP) §87.67 of this title.
- (F) Additional MHP assessment is required to extend the restraint beyond four (4) hours and at least every four (4) hours thereafter if the restraint continues.
- (G) The facility administrator or assistant superintendent may direct additional MHP assessment at any time.
- (H) Restraint shall be terminated as soon as the youth's behavior indicates the threat of imminent self-injury is absent.
- (I) Staff employing a full body restraint shall ensure the youth's personal dignity by providing a protected environment and as much privacy as possible.
- (J) All items or articles (i.e. belts, gloves, and jewelry) with which a youth might injure himself/herself shall be removed prior to application of restraint devices. However, youth shall be permitted to wear as much clothing as is safe.
- (K) Youth placed in full body restraint shall be provided:

- (i) regular checks, performed by a nurse, of the physical condition of the youth and the placement of the restraints within the first 30 minutes and every hour during the restraint;
 - (ii) an assessment of circulation, position, and open airway checks at least every 15 minutes by specifically trained staff;
 - (iii) opportunity for motion and exercise for a period of not less than five (5) minutes at each half hour;
 - (iv) regularly scheduled meals and drinks served on appropriate food ware for safety;
 - (v) regularly prescribed medications, unless otherwise ordered by a physician;
 - (vi) opportunities for elimination of bodily waste are offered at least every two (2) hours;
 - (vii) a room of adequate size, free of safety hazards, adequately ventilated during warm weather, adequately heated during cold weather, and appropriately lighted; and
 - (viii) continuous visual supervision by staff.
- (L) No order or approval for full body restraint may be in force for longer than 12 hours. If such restraint is still required for the youth's safety, a physician must directly observe the youth and provide written orders.
- (M) Use of medications to assist in calming an agitated youth at the time of restraint or as a substitute for restraint may be appropriate and/or the preferred method of treatment.

(TAC effective date(s): 11/1/06)

II. MANAGEMENT REQUIREMENTS

- (a) All programs will develop and implement a process to review physical restraints in accordance with RMT.07.07 (Accident/Physical Restraint Review Board).
- (b) For routine transportation, documentation is not required for the use of mechanical restraints. If during transportation, an event occurs which meets criteria for use of force as specified in section (I)(i) of this policy, staff must document the restraint as outlined below.
- (c) If, as a result of use of force, the youth indicates he/she is injured, or if staff suspects an injury to the youth, the youth must be assessed by nursing staff immediately, to be documented in the electronic medical record and on the Security Unit: Nurses' Log, INS-217 if the youth is seen in security. The staff completing the Incident Report form, CCF-225, shall document any injuries observed or suspected and whether youth was referred for medical treatment.
- (d) **OC Documentation Requirements.**
 - (1) The facility nurse manager will maintain a list of youth who have been identified as having a health condition which contraindicates the use of OC spray. This list is updated at least monthly (even if no changes occurred) and distributed to the security unit.
 - (2) The director of clinical services or designee will maintain a list of youth who are identified as having a mental health condition which contraindicates the use of OC spray. This list is updated at least monthly (even if no changes occurred) and distributed to the security unit.
 - (3) Decontamination will be documented on the Physical Restraint Report form, CCF-260.
 - (4) When OC spray is employed staff shall document the incident on the CCF-225 and CCF-260.
- (e) **Use of Force Documentation Requirements.**

- (1) When any type of use of force is employed, with the exception of physical escorting, staff shall document the restraint on the CCF-225 and CCF-260.
- (2) The director of security (DOS) or designee reviews each CCF-225 and CCF-260 related to a use of force for completeness, accuracy, and policy compliance, and signs the forms.

(f) **Requirements for Use of Planned Manual Restraint in the Security Unit.**

(1) **Approval.**

- (A) When manual restraint is required, pursuant to section (I)(m) of this policy, security staff begin videotaping the behavior.
- (B) The security supervisor shall obtain approval from the facility administrator or assistant superintendent prior to application of restraint.

(2) **Room Entry.**

Security staff will put on protective clothing, assemble for room entry, and videotape the incident according to the agency-approved script.

(g) **Use of Mechanical Restraints in Security.**

- (1) For the entire length of time a youth is placed in mechanical restraints, security staff shall provide continuous visual supervision. Staff must be able to observe the youth without the use of video monitors.
- (2) Security staff shall document the restraint and the justification for the restraint on the CCF-225, CCF-260, and the Security Unit: Daily Log form, INS-211.
- (3) Staff shall check for adequate breathing and circulation, at a minimum, every 15-minutes and document on the Mechanical Restraint Supervision Log form, INS-250.
- (4) The security supervisor (DOS, security JCO VI, security JCO V, or campus ODS) determines when the purpose for which the youth was restrained under subsection (I)(i) of this policy has been achieved, and the youth is released from restraints. The release from mechanical restraints is documented on the CCF-260.
- (5) **Extensions.**
 - (A) If, prior to the expiration of the first 15 minutes of mechanical restraint, the youth continues to display behavior which meets criteria for restraint under (I)(i) of this policy, the security supervisor must seek approval from the facility administrator or designee to extend the restraint up to 30 minutes. Any extension thereafter must be approved by the facility administrator or designee, and the facility administrator or designee may only grant extensions for a period up to 30 minutes at a time.
 - (B) Upon approval from the facility administrator or designee, each extension and justification are documented on the INS-250.
 - (C) The DOS, facility administrator or assistant superintendent, and chairperson of the Accident/Physical Restraint Review Board review each completed INS-250.

(h) **Management Procedures – Full Body Restraint.**

- (1) The facility administrator may prohibit the use of full body restraint on the campus he/she supervises.
- (2) The assistant deputy executive director for rehabilitation shall approve the full-body restraint training curriculum.
- (3) At facilities approved to use full-body restraint, staff trained in full-body restraint shall include:

- (A) all security unit and Corsicana Stabilization Unit (CSU) staff;
 - (B) all nursing staff;
 - (C) all program specialists (PS);
 - (D) all primary service workers (PSW);
 - (E) the facility administrator;
 - (F) all administrative duty staff or any person likely to substitute for the facility administrator;
 - (G) all psychologists; and
- (4) The reason for full-body restraint, less restrictive interventions attempted, required clinical and administrative approvals, and routine checks must be documented in accordance with the Full Body Restraint Checklist form, INS-300.

(i) **Procedures for Removing Clothing from Suicidal Youth.**

Security staff shall immediately contact a MHP when a youth refuses to comply with requests to remove clothing to determine if manual restraint is necessary.

III. IMPLEMENTATION CONTROLS.

- (a) All CCF-260's are filed and maintained at the local facility for two (2) years.
 - (b) Activities involving medical staff and services are documented in the electronic medical record system.
 - (c) The Accident/Physical Restraint Review Board minutes are maintained at the local facility for two (2) years.
 - (d) Videotapes of each incident will be maintained at the local facility for a period of 30 days, unless the tape is used in connection with an alleged abuse, neglect, or exploitation investigation.
 - (e) Distribution of restraint equipment is recorded on the Security Unit: Daily Log form, INS-211. Security Logs, which include the INS-211, are maintained for a period of three (3) years.
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