

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



**PRELIMINARY REPORT OF INITIAL FINDINGS AND  
RECOMMENDATIONS**

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

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

**Preliminary Report of Initial Findings  
and Recommendations**

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## **EXECUTIVE SUMMARY**

### **Background**

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

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

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

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

### **Initial Findings, Action Taken and Future Plans**

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

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

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

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

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

The Joint Select Committee has jurisdiction over the following issues:

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

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

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

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

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

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

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

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

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



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

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

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



## PROCLAMATION

Pursuant to the Rule 1, Section 16, of the Rules of the House, 80th Legislature, and Rule 11.03, of the Rules of the Senate, 80th Legislature, I, Tom Craddick, Speaker of the House of Representatives, and I, David Dewhurst, President of the Senate, do jointly create the Joint Select Committee on the Operation and Management of the Texas Youth Commission.

The Joint Select Committee on the Operation and Management of the Texas Youth Commission is composed of the following members of the House and Senate :

John Whitmire (Co-Chair)	Jerry Madden (Co-Chair)
Chris Harris	Harold Dutton
Juan Hinojosa	Aaron Pena
Kel Seliger	Larry Phillips
Florence Shapiro	Debbie Riddle
Royce West	Sylvester Turner
Tommy Williams	Corbin Van Arsdale

The Joint Select Committee on the Operation and Management of the Texas Youth Commission shall have jurisdiction over all matters pertaining to the operation and management of the Texas Youth Commission, including any investigation of allegations of gross financial mismanagement at the agency, sexual misconduct by agency employees or former employees, and failure of the agency to properly investigate or resolve either of these issues. The Select Committee's jurisdiction includes:

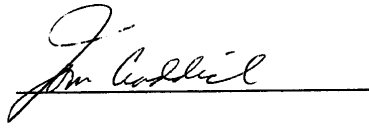
1. Investigating and recommending changes to the current fiscal management practices at the Texas Youth Commission, the current practice regarding the investigation of and resolution of sexual misconduct complaints or complaints made regarding the conduct of employees or former employees of the Texas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

2. Investigating and recommending changes to the current operation and management practices of the Texas Youth Commission, including the feasibility of developing new policies on sexual abuse and assault, developing new policies regarding the reporting of misconduct by agency employees or former employees, developing new policies regarding the investigation of misconduct by agency employees or former employees, implementing vulnerability assessments that identify areas and practices within the Texas Youth Commission that create opportunities for misconduct, and developing programs related to the proper training of agency employees and the retention of employees, specifically addressing the Texas Youth Commission's employee turnover rate;
3. Investigating successful operation and management practices of other similar entities in other jurisdictions; and
4. Investigating and recommending any changes to the operation and management of the Texas Youth Commission to ensure that the statutorily stated purpose of the Texas Youth Commission "to provide a program of constructive training aimed at rehabilitation and reestablishment in society of children adjudged delinquent by the courts of this state and committed to the Texas Youth Commission, and to provide active parole supervision for children until officially discharged from custody of the Texas Youth Commission" is carried out.

The Joint Select Committee on the Operation and Management of the Texas Youth Commission shall report its initial finding and recommendations, including drafts of legislation necessary to implement the recommendations, to the lieutenant governor and the speaker of the house of representatives not later than March 31, 2007. In addition, The Joint Select Committee shall immediately report any finding of reportable misconduct to any appropriate enforcement agency. The terms of the Joint Select Committee on the Operation and Management of the Texas Youth Commission expire at the beginning of the 81st Legislature, Regular Session.

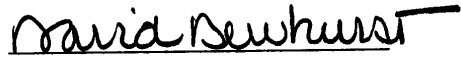
In addition to the powers and duties of a House or Senate standing committee, including the power to summon witnesses, issue process, compel the attendance and testimony of witnesses, the Joint Select Committee on the Operation and Management of the Texas Youth Commission may request the assistance from executive branch agencies, including the office of the Attorney General and the Special Prosecution Unit, and the assistance from legislative branch

agencies, including the Sunset Commission, the Legislative Budget Board, the Texas Legislative Council, and the State Auditor's Office.



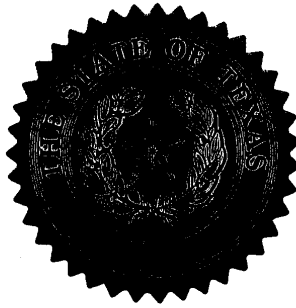
Tom Craddick

Speaker of the House



David Dewhurst

President of the Senate





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





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

## **I. Immediate Action**

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

## **II. Recommended Action due by April 2, 2007**

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

## **III. Recommended Action due by April 6, 2007**

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

## **IV. Recommended Action due by April 17, 2007**

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

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

**V. Recommended Action due by April 30, 2007**

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

**VI. Recommended Action due by May 1, 2007**

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

**VII. Recommended Action by May 30, 2007**

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

**VIII. Recommended Action by June 1, 2007**

- Security and surveillance equipment will be purchased and installed.

## **IX. On-Going Management Requirements**

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

- Transparency: Meet with juvenile court judges in order to restore credibility and confidence with judges; engage Community and Child Advocacy Groups and to promote volunteer activity on the units.
  
- Research Funding: Seek funding regarding grant availability for PREA, Reentry Projects, Risk/Needs Assessments, Sex Offender Management, programs in lieu of revocation, education, programs and treatment needs.
  
- Change the Odds: Implement policies, procedures and programs to change the odds for the successful rehabilitation of youth, safe juvenile facilities and reintegration of youth into the community.
  
- Develop recruiting initiatives and programs to retain staff.



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



## ATTACHMENT TWO: STATISTICAL BREAKDOWN

### Arrested Persons and TYC Personnel Actions Taken

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

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

The following is a breakdown by type:



The following is a breakdown of case counts by facility:

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

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



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

**Persons arrested:**

- Superintendent (halfway house)
  - o Alleged Tampering with Evidence
  - o Arrested 03/09/07
  
- Former TYC employee
  - o Alleged Sexual assault (occurred at TDCJ)
  - o Arrested 03/14/07
  
- Juvenile Correctional Officer IV
  - o Alleged Official Oppression
  - o Arrested 03/14/07
  
- Juvenile Correctional Officer Ron Jackson II employee
  - o Alleged Tampering with Government Record
  - o Alleged Official Oppression
  - o Alleged Aggravated Assault with Serious Bodily Injury
  - o Arrested 03/15/07
  
- Facility Superintendent
  - o Alleged False Report to Peace Officer
  - o Arrested 03/23/07

**Persons terminated from employment:**

- Coke County
  - o Registered sex offender

**Persons suspended:**

- Superintendent (Halfway House)
  - o Alleged Tampering with Evidence
  
- Psychologist – Al Price
  - o History of sexual offenses against youth
  - o Falsified employment application
  
- TYC Inspector General
  - o Submitted an untruthful and inaccurate report
  
- Deputy General Counsel
  - o Submitted an untruthful statement to investigation
  
- TYC Juvenile Correctional Officer
  - o Falsified employment application

### **TYC Employees with Criminal Histories**

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

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

**ATTACHMENT THREE:  
FILED LEGISLATION**



# ATTACHMENT THREE: FILED LEGISLATION

## All Texas Youth Commission-Related Bills by Subject

### I. Governance & Safety

#### Special Prosecution Unit

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

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

#### Office of Inspector General

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

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

#### Attorney General

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

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

##### **Hinojosa's SB 103:**

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

#### Office of the Ombudsman

##### **Miles' HB 3701:**

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

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

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

#### Conservatorship

##### **Haggerty's HB 2686:**

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

##### **Dunnam's HB 2340**

## Sex Offenses Within TYC

### **Hinojosa's SB 103:**

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

## Youth Protection

### **Hinojosa's SB 103:**

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

## Mental Health Evaluations and Rehabilitation

### **Hinojosa's SB 103:**

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

## Youth Discharges from TYC

### **Hinojosa's SB 103:**

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

## District Attorney for the 201st Judicial District

### **Dunnam's HB 3384**

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

## Texas Ranger Visits

### **Castro's HB 2335:**

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

## Diversification of TYC Oversight

### **Bolton's HB 3521:**

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

## TYC Board

### **Work Session Recommendation**

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

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

- *Repeal existing board.*

### **Madden's HB 2807:**

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

### **Hinojosa's SB 103:**

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

## Internal TYC Audits

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

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

### **Hinojosa's SB 103:**

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

## Centralized Complaint Process

### **Bolton's HB 3521:**

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

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

- Family notification of complaint process

### **Turner's HB 1111:**

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

### **Bolton's HB 3521:**

- On-site posting of youth rights and complaint procedures

## **II. Operations**

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

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

### **Bolton's HB 3521:**

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

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

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

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

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



### **Hinojosa's SB 103**

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

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

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

### **Macias' HB 1814:**

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

## **III. Facilities**

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

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

### **Dutton's HB 2512:**

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

## **IV. Financial**

### Special Master, Jay Kimbrough Request:

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

### SAO Report Recommendations:

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

## V. Sentencing Guidelines

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

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

### **West's SB 1295:**

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

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





John Keel, CPA  
State Auditor

## An Investigative Report on The Texas Youth Commission

March 16, 2007

Members of the Legislative Audit Committee  
and

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

At your direction, the State Auditor's Office has prepared this investigative report on operational and financial information regarding the Texas Youth Commission (TYC).

The findings of our investigative work are grouped into the following categories:

- Physical security and the grievance process at youth facilities.
- The TYC organizational structure and the allocation of TYC resources.
- The workloads, qualifications, and training of TYC facility staff.
- Survey responses provided by 3,279 youths in TYC and contract facilities (the 3,279 youths represented 68.24 percent of all 4,805 youths in TYC and contract facilities).
- Survey responses provided by 1,672 TYC employees (the 1,672 employees represented 34.49 percent of all 4,847 TYC employees).

While our youth survey was anonymous, it is important to note that we also informed the youths that they could voluntarily provide us with information regarding allegations of abuse that we would turn over to the Texas Department of Criminal Justice's Office of Inspector General for further investigation. Upon receipt of this information, we immediately referred 205 potential cases for further investigation (as of March 15, 2007).

Below is a summary of the findings identified in each of these areas. Additional details are presented in the attachment to this letter.

### TYC's Physical Security and Grievance Processes Should Be Strengthened to Adequately Safeguard Youths

In some cases, TYC's physical security and grievance processes have not safeguarded youths. Specifically:

- **Physical security at youth facilities can be improved through separation of different categories of youths and increased controls.** We identified several facility structural and policy issues (for example,

#### Background Information

The mission of the Texas Youth Commission (TYC) includes protecting the public and controlling the commission of unlawful acts by youths committed to TYC facilities by confining them under conditions that ensure their basic health care and emphasize their positive development, accountability for their conduct, and discipline training.

As of February 2007:

- TYC had 4,847 employees, 94 percent of whom worked outside of the central office in Austin.
- TYC had 4,805 youths in 15 TYC facilities, 9 TYC halfway houses, and 15 contract facilities. The facilities and halfway houses are located mostly in small, rural towns throughout Texas.

Based on headcount, TYC had an average of 2,948 juvenile correctional officers (60.82 percent of all 4,847 TYC employees) and 350 case managers (7.22 percent of all 4,847 TYC employees) in fiscal year 2006.

TYC's appropriations for fiscal years 2006 and 2007 were \$249 million and \$241.4 million, respectively.

insufficient use of surveillance cameras, no maximum occupancy rates, and insufficient juvenile correctional officer-to-youth ratios) that impair the physical safety of youths in facilities. The reported conditions at the West Texas State School in particular are serious enough that this facility, which was not originally designed to house TYC youths, should be evaluated for closure. See Chapter 1-A on page 1 of the attachment to this letter for additional details.

- **TYC's youth grievance process does not ensure that all grievances are received and investigated appropriately and in a timely manner.** There is no independent and centralized entity assigned to the investigation of youth grievances. Although TYC's policy is to resolve grievances within 15 working days, on average it took 56.74 calendar days to resolve grievances in fiscal year 2006. Because grievances are not resolved in a timely manner, youths may serve out their punishment (such as a reduction in phase, removal of privileges, or extension of the length of their stay at a TYC facility) before the grievance is resolved. The ability of juvenile correctional officers to effectively extend a youth's stay at a facility also creates the potential for abuse within the grievance process. In addition, youths do not have unrestricted and anonymous access to the grievance process. See Chapter 1-B on page 4 of the attachment to this letter for additional details.

#### TYC Should Identify the Functions Necessary to Accomplish Its Mission and Assign Resources to the Areas of Highest Priority

TYC's organizational structure, allocation of resources, and employee hiring and disciplinary practices should be thoroughly re-evaluated to ensure that TYC can operate in the most effective manner possible. Specifically:

- **Processes for hiring and evaluating TYC employees should be standardized and strengthened.** TYC has significant weaknesses in its workforce management practices, including inadequate screening, background checks, and employee performance evaluations. See Chapter 2-A on page 12 of the attachment to this letter for additional details.
- **TYC resources should be reallocated to the areas of highest priority.** In fiscal year 2006, TYC spent \$292.8 million, with 56 percent of this amount going to salaries and wages. The central office has 280 positions with total annual salaries of \$13,034,000. TYC should review the duties and responsibilities of its central office staff to determine whether staff have been allocated to mission-critical duties. See Chapter 2-B on page 14 of the attachment to this letter for additional details.
- **TYC's board members should have qualifications that will enable them to provide adequate oversight of TYC operations.** The Legislature should consider requiring TYC board members to possess a range of backgrounds, including criminal justice and legal expertise. TYC board members also should visit youth facilities periodically and hold board meetings at youth facilities. See Chapter 2-C on page 16 of the attachment to this letter for additional details.

#### TYC Needs to Evaluate Resources at Youth Facilities

- **TYC should establish a process to ensure that facility employees have the knowledge and qualifications to adequately perform their jobs.** About 94 percent of TYC's employees are assigned to its 24 youth facilities. Facility staff are given reading and writing exams after they have accepted employment offers. This practice could increase the risk that staff may not have the skills necessary to

carry out their duties. The minimum required age for juvenile correctional officers is 18, yet youths in facilities can range from 10 up to 21 years of age; therefore, juvenile correctional officers can be younger than the youths they are guarding. In interviews, staff also indicated that they were asked to affirm that they attended training when, in fact, they had not. Finally, in their survey responses, some youths expressed concerns that (1) they are not being taught because class instruction is independent study and (2) staff behavior and use of profanities did not provide the youths with positive role models. See Chapter 3-A on page 17 of the attachment to this letter for additional details.

- **Employees most often cited poor working conditions as their reason for leaving TYC.** Turnover rates for juvenile correctional officers range from 112.6 percent for an Officer I to 16.4 percent for an Officer VI. Turnover rates for case managers range from 55.1 percent for a Level I to 27.1 percent for a Level II. Given its difficulty in recruiting and retaining staff, TYC needs to explore different staffing strategies. For example, TYC currently hires very few part-time employees (it has only 35 part-time employees, 8 of whom are juvenile correctional officers). However, part-time work could be an attractive option for state, military, and other retirees. See Chapter 3-B on page 19 of the attachment to this letter for additional details.

#### Youths Who Responded to Our Survey Have Serious Concerns About the Grievance Process

- **Many youths said the grievance process is not effective.** Fifty percent of the youths who responded to our survey did not feel that TYC takes immediate action regarding safety and welfare issues, and 65 percent did not think that the grievance system works. Youths also expressed concerns regarding the timeliness and consistency of decisions, as well as when they are informed of the outcome of their grievance. Forty-three percent of youths indicated that they had first-hand knowledge of retaliation against youths who filed grievances related to physical and sexual abuse. Some youths indicated that they chose not to use the grievance process because they believe it does not work and their complaints will not be fairly assessed. See Chapter 4-A on page 23 of the attachment to this letter for additional details
- **Youths said they do not always have an objective, trusted resource for their concerns.** In survey comments, youths cited many instances of retaliation taking place after a grievance was filed. Youths perceive juvenile correctional officers as having too much authority over decisions that may result in negative consequences to the youths; and youths believe the officers do not make objective decisions. Additionally, only 23 percent of youths trust their juvenile correctional officers, and 47 percent trust the grievance clerks at their facilities. See Chapter 4-A on page 23 of the attachment to this letter for additional details.

#### TYC Employees Who Responded to Our Survey Have Serious Concerns About the TYC Work Environment and Their Ability to Express Concerns to Management

- **Only 27 percent of employees who responded to our survey agreed that they trust the board, and only 28 percent agreed that they trusted executive management.** Employees also indicated that they fear they may experience retaliation if they raise significant issues, concerns, or complaints. Similarly, many employees felt intimidated and did not believe TYC handles conflict in a tactful and professional manner. See Chapter 5-A on page 29 of the attachment to this letter for additional details.

- **Employees felt that TYC is not creating a positive, cooperative work environment.** Statements related to employees' work environment were among the lowest scoring on the survey. Forty-three percent of the respondents did not agree that the culture was supportive and encouraging. Only 25 percent felt that they were included in the decision-making process, and 41 percent of the staff and 21 percent of managers did not feel that employees were treated with respect and dignity. According to survey respondents, issues of fear and intimidation are present throughout TYC; however, for employees working outside of the central office, these problems were more pronounced. See Chapter 5-A on page 29 of the attachment to this letter for additional details.

#### Summary of Key Recommendations

The Legislature should consider enacting laws to:

- Permit the appointment of a special prosecutor from the Office of the Attorney General staff if a chief law enforcement officer of a county files a sworn affidavit stating that:
  - A case involving the physical or sexual abuse of a youth at a TYC facility was investigated by the local law enforcement officer under the jurisdiction of the chief law enforcement officer;
  - The investigation has been presented to the local prosecutorial entity;
  - 120 days have passed since the case was presented to the local prosecutorial entity; and
  - No action has been taken by the local prosecutorial entity.
- Create independence in the reporting and investigating process by removing TYC management from the grievance reporting and investigation process and making the Office of the Inspector General responsible for the entire process. The Inspector General should report directly to the TYC board.
- Establish an Office of Inspector General at TYC for the investigation of complaints of abuse at youth facilities.

TYC should:

- Evaluate and assess all central office employees' and organizational units' roles and responsibilities in the near future, with the following goals in mind:
  - Reassigning some staff resources from the central office to youth facilities. This could include:
    - Establishing on-site, certified sex offender counselor positions at TYC facilities.
    - Establishing on-site grievance officers at TYC facilities who report to the Office of Inspector General.
  - Reallocating central office staff resources to the highest priority functions.



Members of the Legislative Audit Committee

and

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

March 16, 2007

Page 5

- Increase controls by establishing and enforcing juvenile correctional officer-to-youth ratios that provide for a safe and effective environment.

We performed this investigative work in coordination with the Special Master appointed by the Governor, law enforcement organizations, and other oversight authorities. This project was an investigation; therefore, the information in this report was not subjected to all the tests and confirmations that would be performed in an audit. However, the information in this report was subject to certain quality control procedures to help ensure accuracy.

We appreciate the cooperation of TYC employees at the central office and all facilities we visited. If you have any questions, please contact Lisa Collier, Audit Manager, or me at (512) 936-9500.

Sincerely,

John Keel, CPA

State Auditor

Attachment

cc: The Honorable Rick Perry, Governor  
The Honorable Greg Abbott, Attorney General  
Members of the Senate Committee on Criminal Justice  
Members of the House Committee on Corrections  
The Honorable Ronnie Earle, Travis County District Attorney  
Mr. Jay Kimbrough, Special Master  
Mr. Ed Owens, Acting Executive Director, Texas Youth Commission



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# *Attachment*

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## ***TYC's Physical Security and Grievance Processes Should Be Strengthened to Adequately Safeguard Youths***

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Allegations and investigations of physical and sexual abuse by Texas Youth Commission's (TYC) employees indicate that physical security and grievance processes should be strengthened to safeguard youths.

The Legislative Audit Committee (Committee) met in an emergency meeting on March 2, 2007, and found that there was gross fiscal mismanagement at TYC. The Committee recommended that the Governor appoint a conservator for TYC pursuant to Texas Government Code, Chapter 2104. It also provided the Governor the option of directing TYC to enter into a rehabilitation plan. The Committee directed that the rehabilitation plan be completed with the assistance of the State Auditor and delivered to the Committee within 15 days or by March 16, 2007.

### Chapter 1-A

#### **Physical Security at Youth Facilities Can Be Improved Through Separation of Different Categories of Youths and Increased Controls**

Survey comments from both facility employees and youths, as well as observations at youth facilities, indicated that much can be done to make facilities more secure. These improvements include making structural and policy changes to physically separate different categories of youths. In addition, more controls are needed to increase the likelihood that abuse of youths can be prevented and detected. Below are some issues that were identified at youth facilities.

##### **Structural and Policy Weaknesses**

- TYC has not defined a safe and effective juvenile correctional officer-to-youth ratio for the various dormitory configurations and program types. Facilities also do not have an absolute maximum occupancy rates; instead, a target capacity amount is set that is generally consistent with the number of permanent physical beds.
- The juvenile correctional officer-to-youth ratio varies significantly at individual facilities. For example, at one facility this ratio ranged from 1-to-8 to 1-to-25. In particular, the ratio can be very high on night shifts, according to facility staff (see Chapter 3 for additional information).
- As many as 24 youths of various ages and levels of offenses sleep in the same room.

### Additional Controls

- Some campus buildings and areas within buildings do not have electronic monitoring devices.
- Surveillance camera videotapes are recorded over (and, therefore, erased), some as soon as 3 days after events are recorded, although the period for resolving a youth grievance is 15 working days.
- TYC does not have certified dog handlers and dogs assigned to every youth facility to use for detecting drug contraband. It has 5 certified dog handlers (and 1 vacancy) and 11 dogs. The dog handlers are assigned to a facility on a regional base and serve the other facilities in their region.

### The West Texas State School Should Be Evaluated for Closure

According to published accounts, at least one youth facility, the West Texas State School, did not provide a safe environment for the youths in its care. Reasons this youth facility's continued use should be evaluated include:

- The facility was not originally built to house TYC youths. It was originally part of a World War II army airfield, and the federal government leased the site to the State in 1965 for the purpose of establishing a co-ed children's home. In 1986, the children's home began serving only delinquent boys and became the West Texas State School.
- The facility's location is in an isolated geographic area, and it has limited access to a job applicant pool and social and medical services. It is located on Interstate 20 in Pyote, Texas (population 131), approximately 17 miles west of Monahans (population 6,821) and 50 miles west of Odessa/Midland.

### Recommendations

TYC should:

- Separate different categories of youths, including:
  - Separating youths by age.
  - Separating youths by severity of offense.
- Consider the addition of some single-cell dorms at facilities.
- Establish and enforce a limit on the number of youths who can be assigned to an individual, open-bay dorm.
- Increase controls at youth facilities, including:

- Establishing and enforcing juvenile correctional officer-to-youth ratios that provide for a safe and effective environment.
  - Conducting more frequent and random bed checks.
  - Enforcing maximum occupancy rates.
  - Requiring investigators to conduct unannounced visits.
  - Filling the vacant dog-handler position and evaluating current resources to determine if additional positions are necessary to search staff and visitors for drugs and other contraband.
  - Searching staff for drugs and contraband, including staff working on night shifts, and considering random drug testing.
  - Increasing the number and placement of electronic monitoring devices (surveillance cameras and audio recording devices).
  - Replacing some solid doors with glass doors to allow staff to monitor youths more easily.
  - Maintaining surveillance data from monitoring devices for at least 15 working days or until grievances alleged to have occurred on a particular day are resolved. TYC should consider using digital equipment, which may be more cost-effective than the current equipment in use.
  - Placing youths in close proximity to their homes or communities, when possible.
  - Rotating juvenile correction officers' dorm assignments every six months so that they do not always work with the same personnel and supervise the same youths.
- Evaluate the West Texas State School for possible closure. Youths could be transferred to other facilities over the next 12 to 24 months, in the event that a decision is made to close the school.

## TYC's Youth Grievance Process Does Not Ensure that All Grievances Are Received and Investigated Appropriately and in a Timely Manner

TYC's policies and procedures for the youth grievance process should be strengthened, standardized, and enforced.

Issues identified regarding the grievance process include concerns about the lack of an independent and centralized investigations entity, the timeliness of the process, youths' ability to access the process, limitations of TYC's youth care investigators to carry out their duties, and the effectiveness of grievance process information systems.

### Absence of an Independent and Centralized Investigative Entity

- Facility superintendents oversee the grievance process at youth facilities. Personnel (such as the superintendents, principals, juvenile correctional officers, case managers, and program administrators) at the facility also have the authority to extend the length of a youth's stay at a TYC facility. Having the investigation of grievances performed by an independent entity would preclude potential conflicts of interests.
- The local complaint coordinator is responsible for assigning youth grievances for resolution. Individuals in this position report to the superintendent, which could discourage the local complaint coordinator from elevating the most serious grievances to the TYC central office.
- The senior juvenile correctional officer for a particular dorm is often the same individual who is assigned to investigate and resolve grievances filed by youths from that same dorm. Therefore, this individual is frequently in the direct chain of command of the accused staff member and may not be independent.

### Timeliness of the Resolution of the Most Serious Youth Grievances

- The most serious youth grievances were not resolved in a timely manner. TYC's policy is to resolve grievances within 15 working days. However, in practice, TYC often extends the time to resolve the most serious grievances. Our review of the most serious grievances, which are entered into TYC's Alleged Mistreatment Information System, indicated that these grievances were not resolved in a timely manner (see text box).

TYC sets a grievance resolution due date in the Alleged Mistreatment Information System. The majority of the due dates range between 22 to 28 days from the date that a grievance is assigned to an investigator.

#### Alleged Mistreatment Information System

The grievances that involve the abuse, neglect, or exploitation of youths--as determined by local facilities--are forwarded to TYC central office, which enters them into this grievance system.

- Between fiscal years 2003 and 2006, the percent of grievances that were resolved after the TYC due date ranged from 78.91 percent to 94.50 percent. The average time to resolve a grievance ranged from 55.84 calendar days to 95.57 calendar days for this same period (see Table 1). We did not calculate the number of hours spent resolving grievances, but the amount of time spent on administering the grievance system generally correlated with the number of grievances filed, according to a draft TYC internal audit report. (The internal audit report was to be released on March 6, 2007, but was not released as planned.)

Table 1

Grievance Analysis by Fiscal Year					
Fiscal Year	Percent of Grievances Resolved by the TYC Due Date	Number of Grievances Resolved by the TYC Due Date	Percent of Grievances Resolved after the TYC Due Date	Number of Grievances Resolved after the TYC Due Date	Average Number of Calendar Days to Resolve Grievances
2003	18.69%	271	81.31%	1,179	55.84
2004	21.09%	348	78.91%	1,302	64.64
2005	5.50%	94	94.50%	1,616	95.57
2006	11.06%	149	88.94%	1,198	56.74
2007 <sup>a</sup>	6.05%	52	55.47%	477	51.06
<b>Totals</b>	<b>13.03%</b>	<b>914</b>	<b>82.26%</b>	<b>5,772</b>	<b>67.98</b>

<sup>a</sup> Data for fiscal year 2007 is for September 1, 2006 to March 9, 2007. The percentages for grievances resolved by and after the TYC due date do not total 100 percent because 331 grievances were still open.

Source: TYC's Alleged Mistreatment Information System.



- TYC’s 15-working-day timeframe for a grievance to be resolved does not begin until the grievance is assigned to an employee to review. Our review of the time it took to assign grievances shows that, from fiscal year 2003 to fiscal year 2007, TYC assigned 6,092 grievances within 5 calendar days of receiving the allegation 86.82 percent of the time (see Table 2 below). The following number of grievances were assigned after 5 calendar days:
  - 650 grievances were assigned within 6 to 10 calendar days.
  - 142 grievances were assigned within 11 to 15 calendar days.
  - 133 grievances were assigned after 15 calendar days.

Table 2

Number of Calendar Days Between Grievance Filing and Grievance Assignment						
Range of Days to Assign Grievances	Fiscal Year 2003	Fiscal Year 2004	Fiscal Year 2005	Fiscal Year 2006	Fiscal Year 2007 <sup>a</sup>	All Five Fiscal Years Combined
0 to 5 days	89.24%	85.88%	87.02%	86.79%	84.19%	86.82%
6 to 10 days	7.93%	9.88%	8.42%	9.43%	11.74%	9.26%
11 to 15 days	1.17%	2.48%	2.05%	2.30%	2.09%	2.02%
Over 15 days	1.66%	1.76%	2.51%	1.48%	1.98%	1.90%
Totals	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%
<sup>a</sup> Partial year.						

Source: TYC’s Alleged Mistreatment Information System.

- In their survey responses, youths expressed concern that their grievances were not resolved in a timely manner and usually were resolved later than the 15 working days allowed by TYC policy. A large percentage of grievances that youths file are to dispute punishments (such as loss of privileges) for misconduct. It is time-consuming for TYC to investigate these grievances through the current grievance system. Because grievances are not resolved in a timely manner, youths may serve out their punishment (such as a reduction in phase, removal of privileges, or extension of the length of their stay at a TYC facility) before the grievance is resolved.

#### Youths’ Access to the Grievance Process

- The ability of juvenile correctional officers to effectively extend a youth’s stay at a facility by affecting the youth’s phase ratings creates the potential for abuse within the grievance process. Numerous youths who responded

to our survey indicated they had been “burned” by their juvenile correctional officers filing false incident reports. Many of the youth grievances we observed were requests to have incident reports repealed. Any juvenile correctional officer may issue an incident report (CCF-225) to report a youth’s behavioral misconduct and rules violation. The issuance of an incident report results in the loss of certain earned privileges, a change in the youth’s phase rating, or demotion of the youth’s phase rating. Phase ratings affect when a youth can be released from the TYC system.

- Each facility is responsible for developing and pre-numbering its grievance forms, and not all facilities perform reconciliations to ensure that all of the forms are accounted for. As a result, TYC cannot be assured that all grievances are logged into its grievance systems. The process for filing grievances at facilities includes the following steps:
  - A youth grievance clerk is responsible for giving the youths assigned to his or her dorm grievance forms upon their request.
  - Completed forms are collected from lockboxes by the local complaint coordinator (several individuals at some facilities have keys to the lockboxes).
  - Local officials (such as the complaint coordinator or superintendent) are responsible for entering the grievances into TYC’s automated Youth Complaint System.
  - Local officials also determine which grievances are the most serious ones in order for the TYC central office to investigate them. (The TYC central office also enters the most serious grievances into the automated Alleged Mistreatment Information System.)
  - Review of this grievance process indicates that some grievances are not entered into either the Youth Complaint System or the Alleged Mistreatment Information System.
- At one facility reviewed, staff had difficulty locating all youth grievances. In some months it appeared that no grievances had been logged, and they could not provide assurance that all grievances were available for review.
- Youths do not have unrestricted and anonymous access to the grievance process. At some facilities, youths must request permission from juvenile correctional officers to request a grievance form. Additionally, according to TYC policy, youth complaint clerks are selected by the supervising juvenile correctional officer and voted on by youths in their dorm. However, at one facility, youths indicated that the youth complaint clerk is selected only by the supervising juvenile correctional officer and not voted

on by the youths. Finally, the process does not allow youths to file grievances anonymously. These procedures could restrict youths' access to grievance forms or prevent youths from requesting forms due to lack of anonymity and mistrust of staff.

- If local officials deem youths' grievances to be frivolous or excessive, youths at some facilities may be disciplined, according to facility policies. While unnecessary grievances are not desirable, the assessment at the local level could affect a youth's decision to report legitimate grievances. Disciplinary actions for the youths may include being placed on probation, restriction or denial of privileges, and extension of the length of their stay at TYC facilities.
- In site visits, we identified that facility staff can be assigned to investigate grievances filed against themselves.

#### TYC's Office of Youth Care Investigations

- Investigators lack standardized methods for conducting and documenting monitoring visits to verify that (1) youths understand the grievance process and (2) the local complaint coordinators are resolving grievances appropriately and in a timely manner. Youth Care Investigators are assigned by the TYC central office to investigate reports of abuse, neglect, or exploitation by an employee, volunteer, or contractor in programs or facilities under TYC jurisdiction. Youth Care Investigators also prepare monthly reports based on their review of a sample of grievances filed and resolved at TYC facilities.
- Potential conflicts of interest may exist because investigators may be residents of the communities where the facilities are located, and their immediate family members also may be employed at the facilities under review.
- Facilities' policies and procedures for youth grievances are generally similar, but they may be implemented in an inconsistent manner statewide.
- Investigations can be hindered by the lack of or poor quality of surveillance tapes or video at facilities, as noted in Chapter 1-A.

#### Information Systems

TYC's automated grievance systems should have proper security configuration and management to help ensure data integrity and compliance with both state and federal laws. Information systems, especially those with confidential data, should have controls that include:

- Separation of duties through assigned access authorizations.

- The most restrictive set of rights/privileges needed by users for the performance of specified tasks.
- Assignment of a unique identifier to each user.
- Modification or removal of users' access to systems when employment is terminated or job responsibilities change.

Some issues we identified related to TYC's automated grievance systems are:

- Some TYC computers have password protection weaknesses. TYC also does not always perform Web filtering to prevent users from accessing sexually oriented Web sites from their TYC computers. TYC does not regularly monitor users' computers to detect the storage of inappropriate images.
- TYC's two automated systems for grievances (the Youth Complaint System and the Alleged Mistreatment Information System) cannot easily generate information to monitor activities at facilities. As a result, TYC is performing limited to no analysis of the grievance data that would enable it to identify facilities and juvenile correctional officers with a higher-than-average number of grievances filed against them.

## Recommendations

The Legislature should consider enacting laws to:

- Permit the appointment of a special prosecutor from the Office of the Attorney General staff if a chief law enforcement officer of a county files a sworn affidavit stating that:
  - A case involving the physical or sexual abuse of a youth at a TYC facility was investigated by the local law enforcement officer under the jurisdiction of the chief law enforcement officer;
  - The investigation has been presented to the local prosecutorial entity;
  - 120 days have passed since the case was presented to the local prosecutorial entity; and
  - No action has been taken by the local prosecutorial entity.
- Create independence in the reporting and investigating process by removing TYC management from the grievance reporting and investigation process and making the Office of the Inspector General responsible for the entire process. The Inspector General should report directly to the TYC board.

- Establish an Office of Inspector General at TYC for the investigation of complaints of abuse at youth facilities. The Office of Inspector General should be responsible for:
  - Establishing protocols, including establishing grievance investigation timeframes that differentiate between allegations that require immediate action and those that are less serious in nature. Upon resolving a grievance, the resolution should be communicated to the youth in writing within 48 hours.
  - Forwarding a substantiated grievance that indicates a crime has been committed to law enforcement and the local prosecuting entity.
  - Following up on grievances that are withdrawn or voided to determine whether youth suffered consequences as a result of filing a grievance.
  - Reviewing grievance documentation periodically to determine whether appropriate action was taken and whether sufficient documentation is available to support the resolution.
  - Routinely analyzing data in automated grievance systems to identify potential trends and performing additional work to follow up on those trends.
  - Placing a grievance coordinator at each facility, and requiring that individual to report directly to the Office of Inspector General. Youths should receive signed copies of their grievances.
  - Establishing a permanent, toll-free telephone number for the reporting of grievances involving allegations of abuse, neglect, and exploitation. It should post the number prominently in all facilities and ensure that youths and staff can access telephones in order to call this number.
  - Preparing information on the status of outstanding grievances and providing it to the Governor, TYC board members, TYC executive management, and legislative oversight committees on a periodic basis.
  
- Specifically require the TYC executive director or inspector general, if he or she has reasonable cause to believe that a crime involving a youth at a TYC facility has been committed on the premises of a state facility, to immediately file a complaint with a law enforcement entity that has jurisdiction over the crime.
  
- Establish, recognize, and authorize a juvenile advocacy group that could effectively represent youths before TYC's board in matters involving their treatment.

TYC should:

- Enforce a disciplinary policy that outlines consequences for employees who mistreat or abuse youths.
- Ensure that all grievances are received and investigated by requiring staff to immediately report any suspected mistreatment or abuse of youth to the Office of the Inspector General for investigation.
- Allow youths to challenge consequences for misconduct separately from the grievance process. For example, youths' complaints about consequences from incident reports could be addressed at weekly Phase Assessment Team meetings. The youths would retain the ability to file a grievance with the Office of Inspector General if they felt the members of the Phase Assessment Team were retaliating against or otherwise harassing them.
- Develop and implement a policy that outlines consequences to youths according to the level and type of their misconduct.
- Require TYC's executive director or his or her designee to verify and approve "phase adjustments" that result in extending a youth's stay at a facility.
- Transfer TYC's automated grievance systems to the Office of Inspector General. In addition, consider automating the process for submitting grievances so that, if they desire, youths can submit grievances without the assistance of facility staff and anonymously. The automated grievance systems also should include proper controls.
- Implement controls over information technology resources, including:
  - Strengthening password protection on all TYC computers.
  - Performing Web filtering to prevent users from accessing sexually oriented sites.
  - Monitoring employees' computers to detect storage of inappropriate images and referring employees to the Office of Inspector General if inappropriate images are detected.
- Upon admission to a youth facility, provide an information packet to the youth and parents or guardians describing facility services and grievance procedures.

## ***TYC Should Identify the Functions Necessary to Accomplish Its Mission and Assign Resources to the Areas of Highest Priority***

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TYC's organizational structure, allocation of resources, and employee hiring and disciplinary practices should be thoroughly re-evaluated to ensure that TYC can operate in the most effective manner possible. TYC should evaluate whether its organizational structure is allowing it to accomplish its mission. This should include assessing whether the areas of highest priority have the resources necessary to be effective. (Also see Chapter 3 for additional issues and recommendations related to facility staff.)

### Chapter 2-A

#### **Processes for Hiring and Evaluating TYC Employees Should Be Standardized and Strengthened**

TYC has significant weaknesses in its workforce management practices, including inadequate screening, background checks, and employee performance evaluations. Examples of these issues are described below.

##### **Hiring**

- TYC performs only computerized criminal history background checks on prospective employees using name and date of birth (rather than performing fingerprint checks). TYC also checks prospective employees' names against the registered sex offender database. The risk with this process is that a prospective employee could give false information, rendering the background check ineffective. This process also would not identify individuals who were arrested but not convicted of a sex-related offense.
- TYC conducts criminal history background checks only when employees are initially hired. This creates the risk that an employee could be arrested subsequently without TYC's knowledge.
- TYC does not have policies that prohibit it or its contractors that work with youths from hiring convicted felons or sex offenders.
- TYC's policy is to destroy the criminal background check record after an individual's eligibility for employment is determined. Thus, TYC does not retain the results of criminal background checks in employees' files.

##### **Evaluations**

- TYC has policies and procedures regarding disciplinary actions; however, our review of employee performance evaluations did not indicate that disciplinary actions had been taken into consideration for employees with confirmed grievances. (See Chapter 3-A for additional information.)

## Recommendations

TYC should:

- Establish and implement a policy that prohibits TYC or its contractors who work with youth to hire a convicted felon or sex offender.
- Amend its policy related to criminal background checks so that the results of these checks are retained in employee files.
- Require that all contracts between TYC and a contractor contain a provision requiring the contractor to certify that the contractor does not have an employee who has been convicted of an offense and that the contractor will take reasonable steps to become informed of each proposed employee's criminal convictions prior to employment and during employment. The contract should be voidable in the event that TYC discovers that the contractor has violated these terms of the contract.
- Establish a security officer position to oversee the following:
  - Obtaining fingerprints from all employees so that background checks can be performed using the Department of Public Safety's and the Federal Bureau of Investigation's databases.
  - Requiring and ensuring that post-employment criminal history checks on TYC employees are conducted at least every two years.
  - Requiring and ensuring that contractors that provide services to TYC's youths be fingerprinted and undergo criminal background checks prior to their having contact with the youths.
- Clarify promotion and transfer guidelines to include a review of the history of disciplinary actions, evaluations, and all current and prior grievances.
- After grievances involving staff are confirmed, local human resources, central office human resources, and central office general counsel should determine disciplinary actions based on a policy that outlines a range of disciplinary actions.



## TYC Resources Should Be Reallocated to the Areas of Highest Priority

In fiscal year 2006, TYC spent \$292.8 million, with 56 percent of this amount going to salaries and wages (see Table 3 below). As of February 2007, TYC had 4,847 employees, 94 percent of whom worked outside of the central office in Austin.

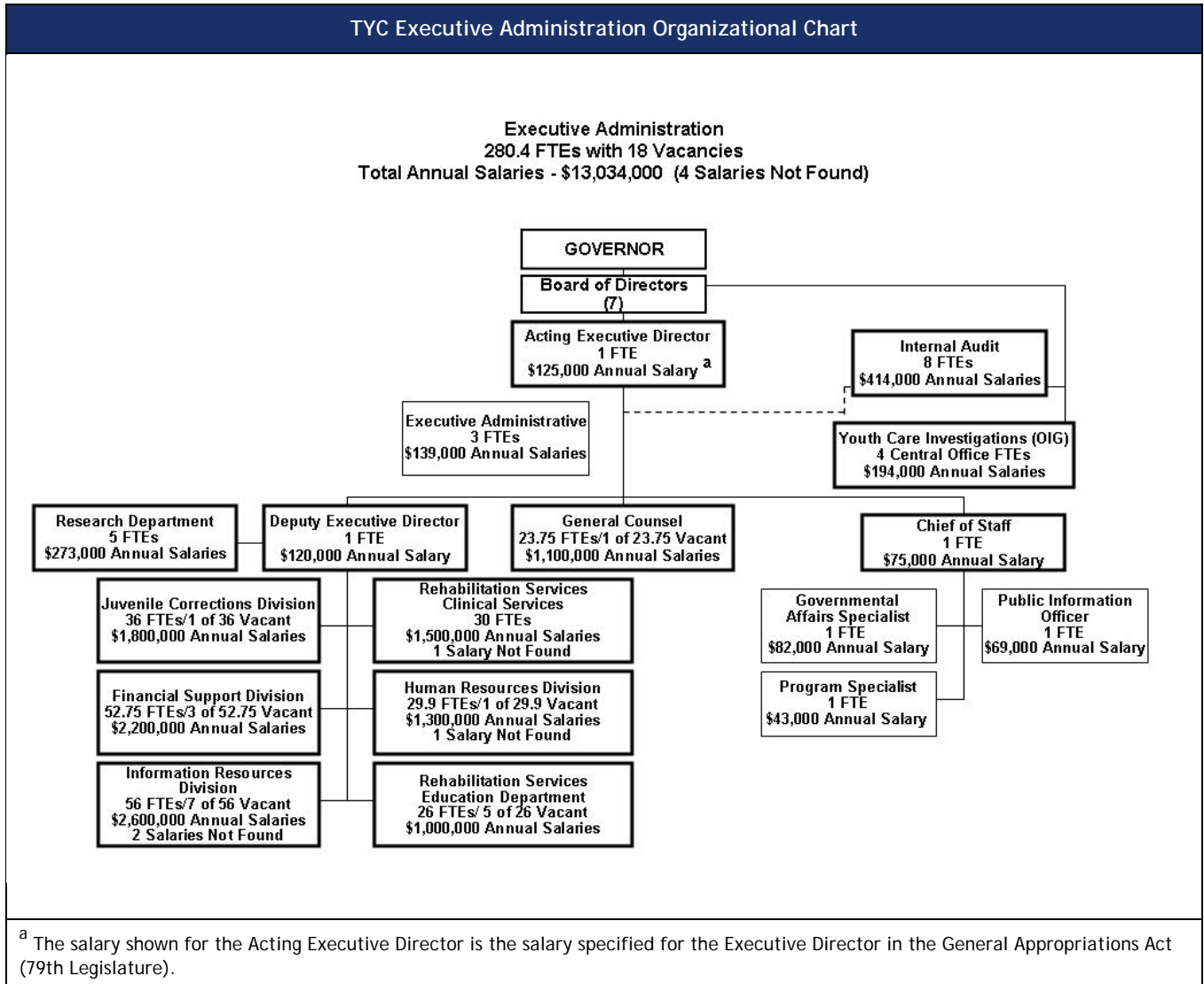
The central office has 280 positions with total annual salaries of \$13,034,000 (see Figure 1 on the next page). TYC should review the duties and responsibilities of its central office staff to determine whether staff have been allocated to mission-critical duties. For example, TYC currently has 21 field investigator positions, four of which are vacant. These investigators are responsible for conducting investigations of grievances reported at TYC's 15 institutions, 9 halfway houses, and 15 contract facilities. TYC estimates that TYC investigators handle 1,400 grievances per year and about 20 percent of the allegations are confirmed.

Table 3

TYC Expenditures by Category		
Expenditure Category	Fiscal Year 2006	Fiscal Year 2007 (through February 2007)
Salaries and Wages	\$ 162,874,841	\$ 85,776,492
Employee Benefits	43,663,507	23,183,466
Other Expenditures	28,508,701	14,094,410
Professional Service and Fees	15,727,173	8,104,717
Supplies and Materials	15,276,283	7,117,284
Interfund Transfers	7,545,889	5,871,327
Communications and Utilities	6,724,899	3,352,457
Capital Outlay	5,459,727	1,521,755
Rentals and Leases	2,415,768	1,334,147
Repairs and Maintenance	2,232,297	1,178,418
Travel	2,126,091	904,568
Printing and Reproduction	238,119	91,406
Claims and Judgments	11,307	59,920
Public Assistance Payments	458	120
<b>Totals</b>	<b>\$ 292,805,060</b>	<b>\$152,590,487</b>

Source: Uniform Statewide Accounting System.

Figure 1



Source: The State Auditor's Office developed this organizational chart by (1) summing full-time equivalent (FTE) employee counts in detailed TYC organizational charts and (2) summing salary information provided by TYC or in the General Appropriations Act (79th Legislature).

## Recommendations

TYC should:

- Evaluate and assess all central office employees' and organizational units' roles and responsibilities in the near future, with the following goals in mind:
  - Reassigning some staff resources from the central office to youth facilities. This could include:
    - Establishing on-site, certified sex offender counselor positions at TYC facilities.
    - Establishing on-site grievance officers at TYC facilities who report to the Office of Inspector General.
  - Reallocating central office staff resources to the highest priority functions.
- Fill vacant positions for investigators to more effectively handle the investigation of grievances.

Chapter 2-C

### **TYC's Board Members Should Have Qualifications That Will Enable Them to Provide Adequate Oversight of TYC Operations**

TYC is governed by a seven-member board appointed by the Governor for six-year terms. A chairman selected by the Governor serves a two-year term. The board is required to meet on a quarterly basis, and its primary purpose is to adopt policies and make rules necessary to the proper accomplishment of the agency's functions.

## Recommendations

The Legislature should consider requiring TYC board members to possess a range of backgrounds, including criminal justice and legal expertise.

TYC board members should:

- Visit youth facilities periodically.
- Hold board meetings at youth facilities.

## ***TYC Needs to Evaluate Resources at Youth Facilities***

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The overall ratio of juvenile correctional officers-to-youths (7-to-1) appears reasonable. (Auditors estimated this ratio assuming supervision levels remain equal for all shifts each day of the week and approximately 10 percent of juvenile correctional officer time is spent on leave, training, or other activity not directly supervising youth.) However, in survey comments and interviews, employees at youth facilities indicated they had concerns and frustrations about being overworked and not having the necessary resources and training to perform their jobs effectively. Turnover among juvenile correctional officers is excessive, at 112.6 percent for entry-level officers. Exit survey data for TYC employees suggests that working conditions, and not salaries, are the primary reason that TYC employees leave their jobs.

### Chapter 3-A

#### **TYC Should Establish a Process to Ensure that Facility Employees Have the Knowledge and Qualifications to Adequately Perform Their Jobs**

About 94 percent of TYC's employees are assigned to its 24 youth facilities (institutions and halfway houses). Through site visits to youth facilities and surveys of TYC employees, auditors identified the following issues that may affect the employees' ability to perform their jobs adequately.

##### **Qualifications**

Facility staff are given reading and writing exams after they have accepted employment offers. This practice could increase the risk that staff may not have the skills necessary to carry out their duties.

##### **Maturity**

The minimum required age for juvenile correctional officers is 18. Survey respondents suggested that the minimum age should be increased because of the maturity needed to work in youth facilities. Youths in facilities can range from 10 up to 21 years of age, which means that juvenile correctional officers can be younger than the youths they are guarding.

##### **Training and Resources**

TYC requires any staff who have regular or daily contact with youth to complete 73 hours of new employee orientation. Current TYC policy requires staff to complete orientation within the first 60 days of employment. In addition to new employee orientation, staff also must complete 80 hours of training during the first year of employment and 40 hours of training in each subsequent year of employment. Certain positions, including juvenile correctional officers, are required to obtain additional training that is specific to their job responsibilities, including resocialization training. Juvenile

correctional officers also must take required tests for resocialization training. Juvenile correctional officers may retake the test as many times as needed within a year's time until they pass the test.

In interviews, staff indicated that they were asked to affirm that they attended training when, in fact, they had not.

Facility staff also expressed concerns that they do not have the equipment necessary to perform their jobs. This includes items from communication devices that do not work properly to cleaning supplies that are unavailable.

#### Performance Evaluations for Juvenile Correctional Officers

The performance evaluations for juvenile correctional officers may not reflect their actual performance. Evaluation forms have rating levels of only "satisfactory" or "unsatisfactory." According to facility staff, the TYC central office defined satisfactory performance as attaining satisfactory on 50 percent or more categories of required tasks. Juvenile correctional officers who had written reprimands in their personnel files still received satisfactory evaluations. For example, a juvenile correctional officer who received a satisfactory rating in all categories had two written reprimands in his personnel file that had been administered during the reporting period. One reprimand was for performing a pat search of a female youth (male staff are prohibited from performing pat searches of female youth).

Some performance evaluations were completed excessively late. For example, one employee had only one evaluation in seven years.

#### Youth Rehabilitation

In survey responses, some youth expressed concern that:

- They are not being taught because class instruction is independent study.
- Staff behavior and use of profanities did not provide the youths with positive role models.

According to facility staff, the consequences for youths not taking prescribed medication can be denial of medication for up to three months.

#### Recommendations

TYC should:

- Analyze how juvenile correctional officers are (1) allocated across facilities, (2) scheduled at individual facilities, and (3) tasked with duties other than youth supervision to ensure the most effective use of the

officers. This analysis should include a review of overtime and the ability of employees to use accrued leave.

- Administer reading comprehension and writing tests to facility staff and require passing scores prior to extending a job offer.
- Establish and enforce a policy to assign staff younger than 21 years of age to facilities that house younger youths.
- Develop a core training curriculum that all new juvenile correctional officers must receive during their first 30 days of employment and require annual training updates. At a minimum, the curriculum should include:
  - Proper behavior for juvenile correctional officers.
  - Proper techniques for the control and restraint of youths.
  - The grievance process.
- Identify the minimum equipment and supplies needed at facilities to operate effectively and ensure that these items are available.
- Ensure that employee performance evaluations better reflect employee performance by allowing a greater range of rating levels (such as excellent, satisfactory, needs improvement, and unsatisfactory) and that these evaluations take disciplinary actions into account.
- Require juvenile correctional officers to attain a “satisfactory” rating on at least 75 percent of the required elements to receive an overall “satisfactory” rating.
- Prepare employee performance evaluations at least annually.
- Review rehabilitation programs to improve their effectiveness.
- Require and enforce a code of conduct for facility staff that models appropriate behavior for the youths.

Chapter 3-B

### **Employees Most Often Cited Poor Working Conditions as Their Reason for Leaving TYC**

The top reason employees cited in exit surveys for leaving TYC in fiscal year 2006 was poor working conditions or environment (for example, safety, work-related stress, and/or workload issues). By comparison, 23.3 percent of exit survey responses from all state employees leaving employment cited better pay and benefits and 12.9 percent cited poor working conditions/environment

as reasons for leaving state employment. The primary reasons most frequently cited by TYC employees for leaving were as follows:

- 26 percent of exiting TYC employees cited poor working conditions.
- 19 percent of exiting TYC employees cited the need for better pay and benefits.
- 14 percent of exiting TYC employees cited personal or health reasons.

Based on headcount, TYC had an average of 2,948 juvenile correctional officers (60.82 percent of all TYC employees) and 350 case managers in fiscal year 2006. (Case managers within TYC are responsible for providing youths with counseling and treatment for issues such as chemical dependency. Case managers are required to have specialized certifications and advanced degrees.)

These two job classifications accounted for 68 percent of all TYC employees. Below are turnover and pay rates for these jobs. Given its difficulty in recruiting and retaining staff, TYC needs to explore different staffing strategies. For example, TYC currently hires very few part-time employees: it has only 35 part-time employees, 8 of whom are juvenile correctional officers. However, part-time work could be an attractive option for state, military, and other retirees.

**Turnover Rates**

- Turnover rates for juvenile correctional officers have been excessive and range from 112.6 percent for an Officer I to 16.4 percent for an Officer VI.
- Turnover rates for case managers also have been excessive and range from 55.1 percent for a Level I to 27.1 percent for a Level II (see Table 4).

Table 4

Turnover Rate and Average Length of Employment for TYC Juvenile Correctional Officers and Case Managers Fiscal Year 2006		
Job Classification	Fiscal Year 2006 Turnover (Including Transfers)	Average Length of Employment with TYC <sup>a</sup>
Juvenile Correctional Officer I	112.6%	4 months
Juvenile Correctional Officer II	59.4%	9 months
Juvenile Correctional Officer III	38.7%	1 year, 9 months
Juvenile Correctional Officer IV	21.8%	7 years, 3 months
Juvenile Correctional Officer V	24.8%	6 years, 2 months
Juvenile Correctional Officer VI	16.4%	9 years, 6 months
Case Manager I	55.1%	1 year, 10 months
Case Manager II	27.1%	2 years, 11 months
Case Manager III	31.3%	5 years, 4 months
<sup>a</sup> Note: Juvenile correctional officers follow a career ladder that makes the average length of employment for some positions appear low. The career ladder allows employees to move to a higher position once they have met certain criteria related to performance and time in the position. For example, employees at the lowest levels (levels I and II) may stay in those positions for only 3-6 months before moving to a higher level.		

Source: The Comptroller of Public Accounts' Uniform Statewide Payroll/Personnel System.



## Pay Rates

- Pay rates for juvenile correctional officers range from an average of \$21,693 for an Officer I to \$35,756 for an Officer VI.
- Pay rates for case managers range from an average of \$26,332 for a Level I to \$32,371 for a Level III (see Table 5).

Table 5

Average Headcount and Employee Salary for TYC Juvenile Correctional Officer and Case Managers Fiscal Year 2006		
Job Classification	Average Employee Headcount	Average Employee Salary
Juvenile Correctional Officer I	613.50	\$ 21,693
Juvenile Correctional Officer II	336.25	\$ 23,598
Juvenile Correctional Officer III	510.75	\$ 27,046
Juvenile Correctional Officer IV	1,007.50	\$ 31,390
Juvenile Correctional Officer V	321.75	\$ 32,442
Juvenile Correctional Officer VI	158.50	\$ 35,756
Case Manager I	14.50	\$ 26,332
Case Manager II	118.00	\$ 27,953
Case Manager III	217.00	\$ 32,371

Source: The Comptroller of Public Accounts' Uniform Statewide Payroll/Personnel System.

## Recommendations

TYC should take action to increase the job applicant pool for juvenile correctional officers by encouraging the hiring of part-time officers such as state, military, and other retirees.

The Legislature should consider enacting laws that offer incentives to juvenile correctional officers by providing a one-semester tuition exemption at a community college or state higher education institution for every six months of “satisfactory” evaluations. Individuals should be eligible for this benefit only as long as their performance is continuously satisfactory and their employment has not been terminated by TYC.

At the direction of the Legislative Audit Committee and the Joint Select Committee on the Operation and Management of the Texas Youth Commission, we surveyed youths to (1) gain an understanding of the grievance process from the youths' perspective and (2) determine whether the youths have a sufficient understanding of that process. We received responses from 3,279 youths, or 68.24 percent of the 4,805 youths who are under the jurisdiction of TYC and housed at 15 TYC institutions, 9 TYC halfway houses, and 11 of the 15 contract care residential facilities.<sup>1</sup> See Appendix 2 for a list of all TYC facilities at which we surveyed youth.

While our youth survey was anonymous, it is important to note that we also informed the youths that they could voluntarily provide us with information regarding allegations of abuse that we would turn over to the Texas Department of Criminal Justice's Office of Inspector General for further investigation. Upon receipt of this information, we immediately referred 205 potential cases for further investigation (as of March 15, 2007).

We asked the youths to rank their level of agreement or disagreement with 19 statements (on a scale of 1 to 5) related to the grievance process, trust, and allegations of mistreatment. The youths also had an opportunity to provide additional written comments. Chapter 4-A provides an analysis of survey questions and comments, and Chapter 4-B provides detailed survey results.

Chapter 4-A

**Many Youths Said the Grievance Process Is Not Effective**

The youths who responded to a State Auditor's Office survey do not feel that TYC takes immediate action to address their safety and welfare concerns. Survey results indicate that many youths may have knowledge of retaliation taken against others who reported physical or sexual abuse. In addition, youths do not feel the grievance system works, and they indicated that they do not always have an objective, trusted resource to address problems.

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<sup>1</sup> As explained in more detailed in Chapter 4-B, we attempted to survey youths in all contracted facilities but were unable to do so for a variety of reasons.

Youths are aware of TYC’s grievance process, but they said the grievance process is not effective.

Fifty percent of the youths who responded to our survey did not feel that TYC takes immediate action regarding safety and welfare issues, and 65 percent did not think that the grievance system works (see Table 6 below). Survey comments from youths indicate they had concerns regarding the timeliness and consistency of decisions, as well as when they are informed of the outcome of their grievance. Forty-three percent of youths responding indicated that they had first-hand knowledge of retaliation against youths who filed grievances related to physical and sexual abuse. In their survey comments, some youths indicated that they chose not to use the grievance process because they believe it does not work and their complaints will not be fairly assessed.

Table 6

State Auditor’s Office Survey of Youth Survey Results Related to the Effectiveness of the Grievance Process		
Survey Statement	Percentage of Youth Who Agreed with Survey Statement	Percentage of Youth Who Disagreed with Survey Statement
1. Texas Youth Commission management takes immediate action to address safety and welfare concerns for the youth.	26%	50%
2. I have first hand knowledge of retaliation taken against a youth who filed a grievance or reported physical or sexual abuse.	43%	39%
15. I think the grievance system works in the Texas Youth Commission	17%	65%
Notes: 1) Respondents who agreed or strongly agreed with an individual survey statement were grouped together in the “Agree” column; respondents who disagreed or strongly disagreed with an individual survey statement were grouped together in the “Disagree” column. 2) The percentages of youths who agreed and disagreed do not sum to 100 percent because some youths answered that they felt “Neutral” about certain survey statements or that certain survey statements were not applicable to them. Those responses are not included in this table.		

TYC has an established grievance process, and youths responding to the survey indicated that they understood how it works and their rights related to that process. The percentages in the survey results indicate that youths were informed about the grievance process, were not afraid to file a grievance, and understood what was involved in filing an appeal (see Table 7 below). However, youths expressed concern about accessing the grievance process when they are in a security unit: only 36 percent agreed that they can file a grievance and only 23 percent felt that they can obtain grievance forms. (According to the TYC youth handbook, youths are placed in a security unit away from their peer group if they cannot control themselves. Each facility has a separate area that is designated as “security.”)

Table 7

State Auditor’s Office Survey of Youth Survey Results Related to an Established Grievance Process		
Survey Statement	Percentage of Youth Who Agreed with Survey Statement	Percentage of Youth Who Disagreed with Survey Statement
3. I was told how the youth grievance system works at this facility	64%	23%
4. It is my right to file a grievance	91%	4%
5. I know how to get a grievance form	89%	6%
6. I can get grievance forms when I ask	51%	32%
7. I can file a grievance form when I am in the security unit	36%	43%
8. I got a grievance form in security when I asked for it.	23%	58%
12. I am not afraid to file a youth grievance	76%	17%
13. I have never gotten a grievance form and thrown the form away	62%	25%
14. I know how to file an appeal if I am not satisfied with the outcome.	57%	32%
16. I always get to keep a copy of my grievance forms.	73%	16%
<p>Notes:</p> <p>1) Respondents who agreed or strongly agreed with an individual survey statement were grouped together in the “Agree” column; respondents who disagreed or strongly disagreed with an individual survey statement were grouped together in the “Disagree” column.</p> <p>2) The percentages of youths who agreed and disagreed do not sum to 100 percent because some youths answered that they felt “Neutral” about certain survey statements or that certain survey statements were not applicable to them. Those responses are not included in this table.</p>		

Youths said they do not always have an objective, trusted resource for their concerns and issues.

Although there are some resources for youths in TYC to approach (such as youth grievance officers and other staff), they did not feel that staff--including juvenile correctional officers--would help them report problems. In survey comments, youths cited many instances of retaliation taking place after a grievance was filed. Youths perceive juvenile correctional officers as having too much authority over decisions that may result in negative consequences to the youths; and youths believe these officers do not make objective decisions. Additionally, survey results indicate that only 23 percent of youths trusted their juvenile correctional officers and 47 percent trusted the grievance clerks at their facilities. Forty-six percent of the youths did not believe that juvenile correctional officers would take action if they report a problem (see Table 8 below).

Table 8

State Auditor's Office Survey of Youth Survey Results Related to Objective, Trusted Resources		
Survey Statement	Percentage of Youth Who Agreed with Survey Statement	Percentage of Youth Who Disagreed with Survey Statement
9. If I ask, staff will help me file a grievance	27%	55%
10. Staff have never told me not to file a grievance.	46%	39%
11. Staff have never gotten back at me for filing a grievance.	33%	53%
17. I trust my Juvenile Correctional Officer	23%	55%
18. My Juvenile Correctional Officer will take action to help me if I report a problem.	30%	46%
19. I trust the grievance clerk at my facility	47%	30%
Notes: 1) Respondents who agreed or strongly agreed with an individual survey statement were grouped together in the "Agree" column; respondents who disagreed or strongly disagreed with an individual survey statement were grouped together in the "Disagree" column. 2) The percentages of youths who agreed and disagreed do not sum to 100 percent because some youths answered that they felt "Neutral" about certain survey statements or that certain survey statements were not applicable to them. Those responses are not included in this table.		

### Additional Survey Comment Analysis

Additional information from survey comments indicates that youths did not feel value or respected and were often subjected to verbal abuse and intimidation. Youths had multiple complaints about the clothing, food, medical needs, and adequacy of teachers at the facilities.

## Detailed Results from the Youth Survey

As discussed above, the State Auditor's Office surveyed youths at 15 TYC facilities, 9 halfway houses, and 11 of the 15 contract care residential facilities. We attempted to survey youths at all TYC facilities. However, we were unable to survey youths at 4 of the 15 contract facilities because: (1) the Coke County Juvenile Justice Center was on lockdown because two youths had escaped and (2) three contract care facilities either did not have any TYC youths at the time of our survey or the youths in these facilities were receiving mental health treatment. As of March 14, 2007, a total of 3,279 youths (68.24 percent of the TYC youths) responded to the survey.

Youths responded to survey questions using a scale ranging from 1 (strongly disagree) to 5 (strongly agree). For each survey statement, Table 9 shows the percent of respondents who agreed or disagreed.

Our survey of youth was based on a survey instrument developed by TYC's Internal Audit Division for its youth grievance audit. Of the 19 questions on our youth survey, 13 came from the internal audit survey. Our survey results were consistent with a draft report prepared by TYC's Internal Audit Division. This report was scheduled for release on March 6, 2007, but at the time of this report, it had not been released.

Table 9

Results from Survey of Youths in TYC Institutions		
Survey Statement	AGREE	DISAGREE
1. TYC management takes immediate action to address safety and welfare concerns for the youth.	26%	50%
2. I have first-hand knowledge of retaliation taken against a youth who filed a grievance or reported physical or sexual abuse.	43%	39%
3. I was told how the your grievance system works at this facility.	64%	23%
4. It is my right to file a grievance.	91%	4%
5. I know how to get a grievance form.	89%	6%
6. I can get grievance forms when I ask for them.	51%	32%
7. I can file a grievance when I am in the security unit.	36%	43%
8. I got a grievance form in security when I asked for it.	23%	58%
9. If I ask, staff will help me file my grievance.	27%	55%
10. Staff have never told me not to file a grievance.	46%	39%
11. Staff have never gotten back at me for filing a grievance.	33%	53%
12. I am not afraid to file a youth grievance.	76%	17%
13. I have never gotten a grievance form and thrown the form away.	62%	25%
14. I know how to file an appeal if I am not satisfied with the outcome.	57%	32%
15. I think the grievance system works in TYC.	17%	65%

### Results from Survey of Youths in TYC Institutions

Survey Statement	AGREE	DISAGREE
16. I always get to keep a copy of my grievance forms.	73%	16%
17. I trust my Juvenile Control Officer.	23%	55%
18. My Juvenile Control Officer will take action to help me if I report a problem.	30%	46%
19. I trust the grievance Clerk at my facility.	47%	30%

**Notes:**

1) The State Auditor's Office administered this survey in March 2007 to youth in all TYC institutions, with the following exceptions. We did not survey youth at the Coke County Juvenile Justice Center because the facility was on lockdown due to two escaped youths. Also, we did not survey 3 other contract care facilities because they either did not have any TYC youth at the time or the youths were receiving mental health treatment.

2) Respondents who agreed or strongly agreed with an individual survey statement were grouped together in the "Agree" column; respondents who disagreed or strongly disagreed with an individual survey statement were grouped together in the "Disagree" column.

3) The percentages of youths who agreed and disagreed do not sum to 100 percent because some youths answered that they felt "Neutral" about certain survey statements or that certain survey statements were not applicable to them. Those responses are not included in this table.

## ***TYC Employee Survey Results***

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At the direction of the Legislative Audit Committee and the Joint Select Committee on the Operation and Management of the Texas Youth Commission, the State Auditor's Office surveyed TYC employees to gain an understanding of issues and concerns they may have about their workplace. We asked employees to rank their level of agreement or disagreement (on a scale of 1 to 5) with 32 statements related to allegations of mistreatment, job duties and performance, trust and respect, training, and TYC's culture.<sup>2</sup> Employees also had an opportunity to provide written comments regarding the general work environment. Chapter 5-A provides an analysis of survey questions and comments, and Chapter 5-B provides detailed survey results.

A total of 1,672 employees, or 34.49 percent of TYC's 4,847 employees, responded to the survey. Of those responding:

- 4.8 percent were managers and 95.2 percent were staff.
- 13.5 percent worked at the central office and 86.5 percent worked at a youth facility.

Concerns employees expressed in the survey are not new; a separate survey conducted by the University of Texas at Austin (the Survey of Organizational Excellence) identified similar results for TYC in November 2005.

### Chapter 5-A

#### **TYC Employees Who Responded to Our Survey Have Serious Concerns About the TYC Work Environment and Their Ability to Express Concerns to Management**

A significant number of employees who responded to our survey felt that they (1) were not included in the decision-making process and (2) were not treated with dignity and respect. Employees also did not believe that TYC's culture was cooperative and supportive.

Some respondents indicated that they did not trust the TYC board or executive management. They also indicated that they fear they may experience retaliation if they raise significant issues, concerns, or complaints. Similarly, many employees felt intimidated and did not believe TYC handles conflict in a tactful and professional manner.

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<sup>2</sup> Respondents who agreed or strongly agreed with an individual survey statement were grouped together in the "Agree" column; respondents who disagreed or strongly disagreed with an individual survey statement were grouped together in the "Disagree" column. Also, the percentages of employees who agreed and disagreed do not sum to 100 percent because some employees answered that they felt "Neutral" about certain survey statements or that certain survey statements were not applicable to them.



Employees felt that TYC is not creating a positive, cooperative work environment.

Statements related to employees' work environment were among the lowest scoring on the survey. Forty-three percent of the respondents did not agree that the culture was supportive and encouraging. Only 25 percent felt that they were included in the decision-making process, and 41 percent of the staff and 21 percent of managers did not feel that employees were treated with respect and dignity (see Table 10 below).

Table 10

State Auditor's Office Survey of TYC Employees Survey Results Related to the Work Environment						
Survey Statement	Percentage of Employees Who Agreed with Survey Statement			Percentage of Employees Who Disagreed with Survey Statement		
	Managers and Staff	Managers	Staff	Managers and Staff	Managers	Staff
13. Overall, employees are treated with respect and dignity in this agency.	44 %	65%	43%	40%	21%	41%
14. In this agency, management includes employees in the decision making process.	25%	45%	24%	55%	34%	57%
30. The culture in our agency is cooperative and supportive.	36%	53%	35%	43%	25%	43%

Employees expressed concerns about discrimination, harassment, and fear and intimidation within TYC.

Thirty-nine percent of survey respondents indicated that they feared retaliation if they were to file a grievance against a coworker or supervisor. This includes 18 percent of the managers who responded to our survey. We also found that 37 percent of staff were concerned that they will be retaliated against if they raise any issues or concerns. However, when managers were asked the same question, 70 percent did not share the same fear. Although 70 percent of managers felt that they worked in an environment free of fear and intimidation, staff perceptions were notably different. We found that 45 percent of staff did not agree that the work environment was free of fear and intimidation. Forty-five percent of all respondents, regardless of their level in the organization, did not feel that conflict was handled in a tactful and professional manner (see Table 11 below).

Table 11

State Auditor's Office Survey of TYC Employees Survey Results Related to Fear and Intimidation in the Agency						
Survey Statement	Percentage of Employees Who Agreed with Survey Statement			Percentage of Employees Who Disagreed with Survey Statement		
	Managers and Staff	Managers	Staff	Managers and Staff	Managers	Staff
6. I fear retaliation if I were to file a grievance against a coworker or supervisor.	39%	18%	40%	47%	74%	46%
25. If I raise any issues or concerns, I believe there will be no retaliation against me.	44%	70%	42%	36%	21%	37%
28. I work in an environment that is free of fear and intimidation.	41%	70%	39%	44%	20%	45%
29. I feel that conflict in this agency is handled in a tactful and professional manner.	34%	54%	33%	45%	27%	46%
31. Employees in this agency are free from concerns about discrimination.	36%	69%	34%	44%	19%	45%
32. Employees in this agency are free from concerns about harassment.	37%	67%	36%	40%	20%	41%

According to survey respondents, issues of fear and intimidation are present throughout TYC; however, for employees working outside of the central office, these problems were more pronounced. For example, while 63 percent of central office staff felt that they worked in an environment that was free of fear and intimidation, 46 percent of employees at youth facilities disagreed with that statement (see Table 12 below).

When asked if employees were free from concerns about harassment, 52 percent of central office staff agreed with the statement compared to 42 percent of facility staff who disagreed with the statement. When asked if they were free from concerns about discrimination, 32 percent of employees in central office and 45 percent of employees in youth facilities disagreed.

Table 12

State Auditor's Office Survey of TYC Employees Survey Results by Location Related to Fear and Intimidation in the Agency				
Survey Statement	Percentage of Employees Who Agreed with Survey Statement		Percentage of Employees Who Disagreed with Survey Statement	
	Central Office	Facilities	Central Office	Facilities
6. I fear retaliation if I were to file a grievance against a coworker or supervisor.	30%	41%	57%	45%
25. If I raise any issues or concerns, I believe there will be no retaliation against me.	56%	42%	27%	38%
28. I work in an environment that is free of fear and intimidation.	63%	37%	28%	46%
29. I feel that conflict in this agency is handled in a tactful and professional manner.	49%	32%	33%	47%
31. Employees in this agency are free from concerns about discrimination.	49%	34%	32%	45%
32. Employees in this agency are free from concerns about harassment.	52%	35%	28%	42%

Employee survey results indicate that employees mistrust various levels of management and do not feel that managers always behave in an ethical manner.

According to survey respondents, employees mistrust the TYC board, executive management, and the Assistant Deputy Director for Youth Corrections more than other managers. Only 27 percent of respondents agreed that they trust the board, and only 28 percent agreed that they trusted executive management.<sup>3</sup> In particular, 27 percent of manager respondents (more than one out of four) did not trust executive management. When asked the same question about the Assistant Deputy Executive Director for Youth Corrections, only 31 percent of respondents agreed that they trusted that

<sup>3</sup> TYC's executive director resigned on February 23, 2007.

position. Forty-one percent of staff and 22 percent of managers did not think that management at TYC leads by example and behaves in an ethical manner. In contrast, 64 percent of employees trust their immediate supervisor (see Table 13 below).

Table 13

State Auditor's Office Survey of TYC Employees Survey Results Related to Trust in Management						
Survey Statement	Percentage of Employees Who Agreed with Survey Statement			Percentage of Employees Who Disagreed with Survey Statement		
	Managers and Staff	Managers	Staff	Managers and Staff	Managers	Staff
15. I trust the Texas Youth Commission Board of Directors	27%	58%	25%	32%	16 %	33%
16. I trust Executive Management	28%	52%	27%	37%	27%	38%
17. I trust my immediate supervisor.	64%	80%	63%	22%	6%	23%
18. I trust the Assistant Deputy Executive Director for Youth Corrections.	31%	60%	30%	29%	19%	30%
19. I trust Youth Care Investigations.	43%	61%	42%	25%	18%	26%
20. I trust Internal Audit	42%	68%	40%	21%	6%	22%
21. I trust Human Resources	50%	65%	49%	26%	12%	27%
22. I trust General Counsel	37%	63%	35%	23%	19%	23%
23. I trust the superintendent at the facility I work in.	55%	79%	54%	25%	4%	26%
24. I trust the principal at the facility I work in.	62%	81%	62%	17%	7%	17%
26. In this agency, management leads by example and behaves in an ethical manner.	38%	64%	37%	40%	22%	41%

**Employees indicate that more individuals may have information regarding the mistreatment of youth**

Survey results indicate that a small percentage of respondents had knowledge or additional information about potential retaliation toward staff or youth. For example, 127 of them (11 percent) indicated that they had reported physical or sexual abuse of a youth and no response was taken. A total of 172 respondents (13 percent) indicated that they had first-hand knowledge of retaliation against a guard, and 110 (8 percent) said they had first-hand knowledge of retaliation against a youth who either filed a grievance or reported physical or sexual abuse. A smaller, but significant, number of respondents (91 respondents or 8 percent), indicated that they had been the subject of retaliation within TYC (see Table 14 below).

Table 14

State Auditor's Office Survey of TYC Employees Survey Results Related to Allegations of Mistreatment		
Survey Statement	Percentage of Employees Who Agreed with Survey Statement	Number of Employees Who Agreed with Survey Statement
5. I have first hand knowledge of retaliation taken against a guard who filed a grievance or reported physical or sexual abuse of a youth.	13%	172
10. I have reported physical or sexual abuse of a youth and no response was taken.	11%	127
4. I have first hand knowledge of retaliation taken against a youth who filed a grievance or reported physical or sexual abuse.	8%	110
3. I have first hand knowledge of adults viewing pornographic images while at work.	6%	90
9. I have reported physical or sexual abuse of a youth and been retaliated against	8%	91

Although a majority of respondents felt that youth can trust that TYC will take immediate actions to address safety and welfare issues, not all respondents agreed.

Survey results related to the safety and welfare of the youths were mixed. Sixty-five percent of respondents agreed that youths can trust that adults are free to report allegations of mistreatment and abuse. However, 20 percent disagreed with that statement. Seventy-three percent of managers felt that they take action to address safety and welfare concerns of the youths. However, 23 percent of staff (315 employees) disagreed that action had been taken to address safety and welfare concerns. Thirty-nine percent of staff and 30 percent of managers felt that policies and procedures within TYC were not consistently applied. Seventy-nine percent of respondents felt they had received the training necessary to perform their jobs; 96 percent were aware of policies and procedures, and 84 percent received training for reporting mistreatment or sexual abuse of youth (see Table 15 below).

Table 15

State Auditor's Office Survey of TYC Employees Survey Results Related to Safety and Welfare of the Youth						
Survey Statement	Percentage of Employees Who Agreed with Survey Statement			Percentage of Employees Who Disagreed with Survey Statement		
	Managers and Staff	Managers	Staff	Managers and Staff	Managers	Staff
1. Texas Youth Commission management takes immediate action to address safety and welfare concerns for the youth.	61%	73%	60%	23%	13%	23%
2. Youth can trust that adults are free to report allegations of mistreatment and abuse.	65%	77%	65%	20%	9%	21%
7. I am aware of the agency's policies and procedures on reporting mistreatment or sexual abuse of youth.	96%	100%	95%	2%	0%	2%
8. I have received training on how to recognize and report mistreatment or sexual abuse of youth.	84%	79%	85%	10%	18%	10%
11. I have actually received the training necessary to perform my job.	79%	83%	79%	11%	10%	11%
27. Policies and procedures are consistently applied within our agency.	43%	56%	43%	39%	30%	39%

Additional survey comments from employees indicated concerns over staffing levels, working hours and conditions, shortage of qualified staff at facilities, as well as the adequacy of supplies and equipment to perform their jobs. Employees also voiced concerns over the fairness of employee grievance, promotion, and performance appraisal systems.

## Detailed Employee Survey Responses

As discussed above, the State Auditor’s Office surveyed TYC employees working in both the TYC central offices and in TYC facilities. As of March 14, 2007, a total of 1,672 employees (or 34.49 percent of TYC’s 4,847 employees) had responded to the survey. (The employee response rate may increase after this report is issued because those who did not have either a TYC or personal e-mail address received hard copies of the surveys. We left stamped envelopes for these employees to return the surveys.)

Employees responded to survey questions using a scale ranging from 1 (strongly disagreed) to 5 (strongly agreed). For each survey statement, Table 16 shows the percent of respondents who agreed or disagreed. Respondents were divided into three groups: (1) TYC as a whole (managers and staff), (2) managers only, and (3) non-supervisory staff members (staff only). Responses are also shown by location in which employees work (central office and youth facilities).

Table 16

Results from Survey of TYC Employees						
Employee Location	AGREE			DISAGREE		
	Managers and Staff	Managers Only	Staff Only	Managers and Staff	Managers Only	Staff Only
<b>1. TYC management takes immediate action to address safety and welfare concerns for the youth.</b>						
Central Office	61%	72%	59%	21%	12%	22%
Facilities	61%	74%	61%	23%	13%	23%
All Respondents	61%	73%	60%	23%	13%	23%
<b>2. Youth can trust that adults are free to report allegations of mistreatment and abuse.</b>						
Central Office	61%	67%	60%	22%	13%	24%
Facilities	66%	81%	65%	20%	8%	20%
All Respondents	65%	77%	65%	20%	9%	21%
<b>3. I have first-hand knowledge of adults viewing pornographic images while at work.</b>						
Central Office	10%	13%	9%	86%	79%	87%
Facilities	6%	6%	6%	87%	87%	87%
All Respondents	6%	8%	6%	87%	84%	87%
<b>4. I have first-hand knowledge of retaliation taken against a youth who filed a grievance or reported physical or sexual abuse.</b>						
Central Office	4%	5%	3%	89%	85%	90%
Facilities	8%	6%	9%	82%	92%	82%
All Respondents	8%	6%	8%	83%	90%	82%

Results from Survey of TYC Employees						
Employee Location	AGREE			DISAGREE		
	Managers and Staff	Managers Only	Staff Only	Managers and Staff	Managers Only	Staff Only
<b>5. I have first-hand knowledge of retaliation taken against a guard who filed a grievance or reported physical or sexual abuse of a youth.</b>						
Central Office	7%	5%	8%	86%	85%	87%
Facilities	13%	4%	14%	76%	92%	75%
All Respondents	13%	4%	13%	77%	90%	76%
<b>6. I fear retaliation if I were to file a grievance against a coworker or supervisor.</b>						
Central Office	30%	16%	32%	57%	76%	54%
Facilities	41%	20%	42%	45%	73%	44%
All Respondents	39%	18%	40%	47%	74%	46%
<b>7. I am aware of the agency's policies and procedures on reporting mistreatment or sexual abuse of youth.</b>						
Central Office	91%	100%	90%	5%	0	5%
Facilities	96%	100%	96%	2%	0	2%
All Respondents	96%	100%	95%	2%	0	2%
<b>8. I have received training on how to recognize and report mistreatment or sexual abuse of youth.</b>						
Central Office	62%	58%	62%	30%	37%	30%
Facilities	87%	87%	87%	8%	11%	8%
All Respondents	84%	79%	85%	10%	18%	10%
<b>9. I have reported physical or sexual abuse of a youth and been retaliated against.</b>						
Central Office	7%	6%	7%	88%	81%	90%
Facilities	8%	4%	8%	84%	89%	83%
All Respondents	8%	5%	8%	84%	87%	84%
<b>10. I have reported physical or sexual abuse of a youth and no response was taken.</b>						
Central Office	9%	7%	9%	86%	87%	86%
Facilities	11%	7%	12%	80%	89%	80%
All Respondents	11%	7%	11%	81%	88%	80%
<b>11. I have actually received the training necessary to perform my job.</b>						
Central Office	75%	89%	73%	12%	7%	13%
Facilities	80%	79%	80%	10%	11%	10%
All Respondents	79%	83%	79%	11%	10%	11%
<b>12. I have only signed off on training that I have received. <sup>a</sup></b>						
Central Office	70%	64%	71%	28%	32%	27%
Facilities	69%	61%	70%	25%	35%	24%
All Respondents	70%	62%	70%	25%	34%	25%
<b>13. Overall, employees are treated with respect and dignity in this agency.</b>						
Central Office	61%	71%	59%	26%	18%	27%
Facilities	41%	62%	41%	42%	23%	43%
All Respondents	44%	65%	43%	40%	21%	41%



**Results from Survey of TYC Employees**

Employee Location	AGREE			DISAGREE		
	Managers and Staff	Managers Only	Staff Only	Managers and Staff	Managers Only	Staff Only
<b>14. In this agency, management includes employees in the decision making process.</b>						
Central Office	35%	50%	33%	42%	32%	43%
Facilities	23%	42%	22%	58%	35%	59%
All Respondents	25%	45%	24%	55%	34%	57%
<b>15. I trust the TYC Board of Directors.</b>						
Central Office	40%	78%	35%	24%	11%	26%
Facilities	25%	48%	24%	33%	19%	34%
All Respondents	27%	58%	25%	32%	16%	33%
<b>16. I trust Executive Management.</b>						
Central Office	49%	78%	45%	26%	15%	28%
Facilities	25%	38%	25%	39%	33%	39%
All Respondents	28%	52%	27%	37%	27%	38%
<b>17. I trust my immediate supervisor.</b>						
Central Office	77%	89%	75%	15%	4%	16%
Facilities	62%	75%	62%	23%	8%	24%
All Respondents	64%	80%	63%	22%	6%	23%
<b>18. I trust the Assistant Deputy Executive Director for Youth Corrections.</b>						
Central Office	52%	82%	47%	18%	7%	20%
Facilities	28%	48%	27%	31%	25%	31%
All Respondents	31%	60%	30%	29%	19%	30%
<b>19. I trust the Youth Care Investigations.</b>						
Central Office	45%	54%	44%	23%	27%	23%
Facilities	43%	64%	42%	26%	13%	26%
All Respondents	43%	61%	42%	25%	18%	26%
<b>20. I trust Internal Audit.</b>						
Central Office	67%	86%	64%	10%	4%	11%
Facilities	38%	58%	37%	23%	8%	24%
All Respondents	42%	68%	40%	21%	6%	22%
<b>21. I trust Human Resources.</b>						
Central Office	55%	82%	51%	22%	4%	24%
Facilities	49%	57%	48%	27%	17%	28%
All Respondents	50%	65%	49%	26%	12%	27%
<b>22. I trust General Counsel.</b>						
Central Office	59%	79%	56%	16%	7%	18%
Facilities	33%	55%	33%	24%	25%	24%
All Respondents	37%	63%	35%	23%	19%	23%

Results from Survey of TYC Employees						
Employee Location	AGREE			DISAGREE		
	Managers and Staff	Managers Only	Staff Only	Managers and Staff	Managers Only	Staff Only
<b>23. I trust the superintendent at the facility I work in.</b>						
Central Office	45%	50%	45%	27%	n/a	28%
Facilities	56%	80%	55%	25%	4%	26%
All Respondents	55%	79%	54%	25%	4%	26%
<b>24. I trust the principal at the facility I work in.</b>						
Central Office	45%	50%	45%	10%	n/a	11%
Facilities	63%	83%	62%	17%	8%	17%
All Respondents	62%	81%	62%	17%	7%	17%
<b>25. If I raise any issues or concerns, I believe there will be no retaliation against me.</b>						
Central Office	56%	70%	53%	27%	22%	28%
Facilities	42%	70%	41%	38%	21%	39%
All Respondents	44%	70%	42%	36%	21%	37%
<b>26. In this agency, management leads by example and behaves in an ethical manner.</b>						
Central Office	50%	71%	47%	32%	18%	34%
Facilities	36%	60%	35%	41%	25%	42%
All Respondents	38%	64%	37%	40%	22%	41%
<b>27. Policies and procedures are consistently applied within our agency.</b>						
Central Office	40%	50%	39%	38%	32%	39%
Facilities	44%	58%	43%	39%	28%	39%
All Respondents	43%	56%	43%	39%	30%	39%
<b>28. I work in an environment that is free of fear and intimidation.</b>						
Central Office	63%	82%	60%	28%	14%	30%
Facilities	37%	64%	36%	46%	23%	47%
All Respondents	41%	70%	39%	44%	20%	45%
<b>29. I feel that conflict in this agency is handled in a tactful and professional manner.</b>						
Central Office	49%	75%	45%	33%	18%	35%
Facilities	32%	43%	32%	47%	32%	47%
All Respondents	34%	54%	33%	45%	27%	46%
<b>30. The culture in our agency is cooperative and supportive.</b>						
Central Office	53%	75%	50%	27%	11%	29%
Facilities	33%	42%	32%	45%	32%	45%
All Respondents	36%	53%	35%	43%	25%	43%
<b>31. Employees in this agency are free from concerns about discrimination.</b>						
Central Office	49%	82%	44%	32%	4%	36%
Facilities	34%	62%	33%	45%	26%	46%
All Respondents	36%	69%	34%	44%	19%	45%

**Results from Survey of TYC Employees**

Employee Location	AGREE			DISAGREE		
	Managers and Staff	Managers Only	Staff Only	Managers and Staff	Managers Only	Staff Only
<b>32. Employees in this agency are free from concerns about harassment.</b>						
Central Office	52%	75%	49%	28%	11%	31%
Facilities	35%	62%	34%	42%	25%	43%
All Respondents	37%	67%	36%	40%	20%	41%

<sup>a</sup> The responses to statement 12 were not consistent with the responses to other survey questions; for that reason, we did no further analysis of the responses to statement 12.

**Notes:**

1) The State Auditor's Office administered this survey in March 2007 to the following employees:

- All TYC employees who had a TYC e-mail address received electronic surveys.
- TYC employees who did not have a TYC e-mail address but for whom TYC had a personal e-mail address on file received electronic surveys.
- Staff at all TYC institutions who did not have a TYC or personal e-mail address received hard copy surveys.

2) Respondents who agreed or strongly agreed with an individual survey statement were grouped together in the "Agree" column; respondents who disagreed or strongly disagreed with an individual survey statement were grouped together in the "Disagree" column.

3) The percentages of employees who agreed and disagreed do not sum to 100 percent because some employees answered that they felt "Neutral" about certain survey statements or that certain survey statements were not applicable to them. Those responses are not included in this table.



## *List of All Recommendations in This Report*

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All of the recommendations in this report are listed below.

### Chapter 1-A

TYC should:

- Separate different categories of youths, including:
  - Separating youths by age.
  - Separating youths by severity of offense.
- Consider the addition of some single-cell dorms at facilities.
- Establish and enforce a limit on the number of youths who can be assigned to an individual, open-bay dorm.
- Increase controls at youth facilities, including:
  - Establishing and enforcing juvenile correctional officer-to-youth ratios that provide for a safe and effective environment.
  - Conducting more frequent and random bed checks.
  - Enforcing maximum occupancy rates.
  - Requiring investigators to conduct unannounced visits.
  - Filling the vacant dog-handler position and evaluating current resources to determine if additional positions are necessary to search staff and visitors for drugs and other contraband.
  - Searching staff for drugs and contraband, including staff working on night shifts, and considering random drug testing.
  - Increasing the number and placement of electronic monitoring devices (surveillance cameras and audio recording devices).
  - Replacing some solid doors with glass doors to allow staff to monitor youths more easily.
  - Maintaining surveillance data from monitoring devices for at least 15 working days or until grievances alleged to have occurred on a particular day are resolved. TYC should consider using digital

equipment, which may be more cost-effective than the current equipment in use.

- Placing youths in close proximity to their homes or communities, when possible.
- Rotating juvenile correction officers' dorm assignments every six months so that they do not always work with the same personnel and supervise the same youths.
- Evaluate the West Texas State School for possible closure. Youths could be transferred to other facilities over the next 12 to 24 months, in the event that a decision is made to close the school.

#### Chapter 1-B

The Legislature should consider enacting laws to:

- Permit the appointment of a special prosecutor from the Office of the Attorney General staff if a chief law enforcement officer of a county files a sworn affidavit stating that:
  - A case involving the physical or sexual abuse of a youth at a TYC facility was investigated by the local law enforcement officer under the jurisdiction of the chief law enforcement officer;
  - The investigation has been presented to the local prosecutorial entity;
  - 120 days have passed since the case was presented to the local prosecutorial entity; and
  - No action has been taken by the local prosecutorial entity.
- Create independence in the reporting and investigating process by removing TYC management from the grievance reporting and investigation process and making the Office of the Inspector General responsible for the entire process. The Inspector General should report directly to the TYC board.
- Establish an Office of Inspector General at TYC for the investigation of complaints of abuse at youth facilities. The Office of Inspector General should be responsible for:
  - Establishing protocols, including establishing grievance investigation timeframes that differentiate between allegations that require immediate action and those that are less serious in nature. Upon

resolving a grievance, the resolution should be communicated to the youth in writing within 48 hours.

- Forwarding a substantiated grievance that indicates a crime has been committed to law enforcement and the local prosecuting entity.
  - Following up on grievances that are withdrawn or voided to determine whether youth suffered consequences as a result of filing a grievance.
  - Reviewing grievance documentation periodically to determine whether appropriate action was taken and whether sufficient documentation is available to support the resolution.
  - Routinely analyzing data in automated grievance systems to identify potential trends and performing additional work to follow up on those trends.
  - Placing a grievance coordinator at each facility, and requiring that individual to report directly to the Office of Inspector General. Youths should receive signed copies of their grievances.
  - Establishing a permanent, toll-free telephone number for the reporting of grievances involving allegations of abuse, neglect, and exploitation. It should post the number prominently in all facilities and ensure that youths and staff can access telephones in order to call this number.
  - Preparing information on the status of outstanding grievances and providing it to the Governor, TYC board members, TYC executive management, and legislative oversight committees on a periodic basis.
- Specifically require the TYC executive director or inspector general, if he or she has reasonable cause to believe that a crime involving a youth at a TYC facility has been committed on the premises of a state facility, to immediately file a complaint with a law enforcement entity that has jurisdiction over the crime.
  - Establish, recognize, and authorize a juvenile advocacy group that could effectively represent youths before TYC's board in matters involving their treatment.

TYC should:

- Enforce a disciplinary policy that outlines consequences for employees who mistreat or abuse youths.

- Ensure that all grievances are received and investigated by requiring staff to immediately report any suspected mistreatment or abuse of youth to the Office of the Inspector General for investigation.
- Allow youths to challenge consequences for misconduct separately from the grievance process. For example, youths' complaints about consequences from incident reports could be addressed at weekly Phase Assessment Team meetings. The youths would retain the ability to file a grievance with the Office of Inspector General if they felt the members of the Phase Assessment Team were retaliating against or otherwise harassing them.
- Develop and implement a policy that outlines consequences to youths according to the level and type of their misconduct.
- Require TYC's executive director or his or her designee to verify and approve "phase adjustments" that result in extending a youth's stay at a facility.
- Transfer TYC's automated grievance systems to the Office of Inspector General. In addition, consider automating the process for submitting grievances so that, if they desire, youths can submit grievances without the assistance of facility staff and anonymously. The automated grievance systems also should include proper controls.
- Implement controls over information technology resources, including:
  - Strengthening password protection on all TYC computers.
  - Performing Web filtering to prevent users from accessing sexually oriented sites.
  - Monitoring employees' computers to detect storage of inappropriate images and referring employees to the Office of Inspector General if inappropriate images are detected.
- Upon admission to a youth facility, providing an information packet to the youth and parents or guardians describing facility services and grievance procedures.

#### Chapter 2-A

TYC should:

- Establish and implement a policy that prohibits TYC or its contractors who work with youth to hire a convicted felon or sex offender.



- Amend its policy related to criminal background checks so that the results of these checks are retained in employee files.
- Require that all contracts between TYC and a contractor contain a provision requiring the contractor to certify that the contractor does not have an employee who has been convicted of an offense and that the contractor will take reasonable steps to become informed of each proposed employee's criminal convictions prior to employment and during employment. The contract should be voidable in the event that TYC discovers that the contractor has violated these terms of the contract.
- Establish a security officer position to oversee the following:
  - Obtaining fingerprints from all employees so that background checks can be performed using the Department of Public Safety's and the Federal Bureau of Investigation's databases.
  - Requiring and ensuring that post-employment criminal history checks on TYC employees are conducted at least every two years.
  - Requiring and ensuring that contractors that provide services to TYC's youths be fingerprinted and undergo criminal background checks prior to their having contact with the youths.
- Clarify promotion and transfer guidelines to include a review of the history of disciplinary actions, evaluations, and all current and prior grievances.
- After grievances involving staff are confirmed, local human resources, central office human resources, and central office general counsel should determine disciplinary actions based on a policy that outlines a range of disciplinary actions.

#### Chapter 2-B

TYC should:

- Evaluate and assess all central office employees' and organizational units' roles and responsibilities in the near future, with the following goals in mind:
  - Reassigning some staff resources from the central office to youth facilities. This could include:
    - Establishing on-site, certified sex offender counselor positions at TYC facilities.

- Establishing on-site grievance officers at TYC facilities who report to the Office of Inspector General.
- Reallocating central office staff resources to the highest priority functions.
- Fill vacant positions for investigators to more effectively handle the investigation of grievances.

#### Chapter 2-C

The Legislature should consider requiring TYC board members to possess a range of backgrounds, including criminal justice and legal expertise.

TYC board members should:

- Visit youth facilities periodically.
- Hold board meetings at youth facilities.

#### Chapter 3-A

TYC should:

- Analyze how juvenile correctional officers are (1) allocated across facilities, (2) scheduled at individual facilities, and (3) tasked with duties other than youth supervision to ensure the most effective use of the officers. This analysis should include a review of overtime and the ability of employees to use accrued leave.
- Administer reading comprehension and writing tests to facility staff and require passing scores prior to extending a job offer.
- Establish and enforce a policy to assign staff younger than 21 years of age to facilities that house younger youths.
- Develop a core training curriculum that all new juvenile correctional officers must receive during their first 30 days of employment and require annual training updates. At a minimum, the curriculum should include:
  - Proper behavior for juvenile correctional officers.
  - Proper techniques for the control and restraint of youths.
  - The grievance process.
- Identify the minimum equipment and supplies needed at facilities to operate effectively and ensure that these items are available.

- Ensure that employee performance evaluations better reflect employee performance by allowing a greater range of rating levels (such as excellent, satisfactory, needs improvement, and unsatisfactory) and that these evaluations take disciplinary actions into account.
- Require juvenile correctional officers to attain a “satisfactory” rating on at least 75 percent of the required elements to receive an overall “satisfactory” rating.
- Prepare employee performance evaluations at least annually.
- Review rehabilitation programs to improve their effectiveness.
- Require and enforce a code of conduct for facility staff that models appropriate behavior for the youths.

#### Chapter 3-B

TYC should take action to increase the job applicant pool for juvenile correctional officers by encouraging the hiring of part-time officers such as state, military, and other retirees.

The Legislature should consider enacting laws that offer incentives to juvenile correctional officers by providing a one-semester tuition exemption at a community college or state higher education institution for every six months of “satisfactory” evaluations. Individuals should be eligible for this benefit only as long as their performance is continuously satisfactory and their employment has not been terminated by TYC.

***Rehabilitation Plan: Preliminary Issues the State Auditor's Office Presented to TYC's Acting Executive Director on March 12 2007, for Consideration in a Rehabilitation Plan***

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Below are issues that the State Auditor's Office has identified as a result of reviewing documents at the Texas Youth Commission (TYC) central office and four youth facilities, interviewing staff and youths, analyzing data from TYC information systems, and analyzing survey responses from both employees and youths. This is a preliminary list based on only one week of investigative work.

### **Physical Security at Youth Facilities**

#### **Structural and Policy Changes**

- The 15-to-1 student-to-staff ratio is sometimes exceeded, especially on night shifts.
- As many as 45 youths of various ages and levels of offenses sleep in the same room.
- Both males and females are housed on the same campuses.

#### **Additional Controls**

- Some campus buildings and areas within buildings do not have electronic monitoring devices.
- Surveillance camera video tapes are recorded over (and, therefore, erased) within 3 days, although the period for resolving a grievance is 15 days.

### **Youth Grievance Process**

#### **Absence of an Independent and Centralized Investigative Entity**

- Facility superintendents or chief local authorities oversee the grievance process at youth facilities. They also have the authority to extend a youth's detention period. Having these duties performed by an independent entity would prevent superintendents and chief local authorities from interfering with the investigation of grievances.
- The local complaint coordinator is responsible for assigning youth grievances for resolution. Individuals in this position report to the superintendent or chief local authority, which could discourage them from elevating grievances to the TYC central office.

- The senior juvenile correctional officer for a particular dorm is often the same individual who is assigned to investigate and resolve grievances filed by youths from that same dorm. Therefore, this individual is frequently in the direct chain of command of the accused staff member and may not be independent.
- Currently, criminal cases are filed with local prosecutors who are sometimes unwilling to prosecute or have limited resources to handle cases.

#### Timeliness of the Resolution of Youth Grievances

- TYC's policy is to resolve grievances within 15 working days. However, a review of TYC's Alleged Mistreatment System (where information regarding the most serious grievances is stored) indicated that grievances were not resolved in a timely manner.
- Both in their survey responses and in interviews, youths expressed concern that their grievances were not resolved in a timely manner and usually were resolved later than the 15 days allowed by TYC policy. As a result, the negative action that caused the youth to file the grievance in the first place (such as a reduction in phase, removal of privileges, or extension of their detention period) had already occurred by the time the grievance was resolved.
- A large percentage of grievances filed by youths are related to the consequences they receive as a result of unacceptable behavior. It is time-consuming to investigate these grievances through the current system. These grievances adversely affect the youths' phase assessment, privileges, and special treatment. When these grievances are not resolved in a timely manner, the negative impact is not overturned.

#### Youths' Access to the Grievance Process

- Each facility is responsible for developing and pre-numbering its grievance forms, and not all facilities perform reconciliations to ensure that all of the forms are accounted for. As a result, TYC cannot be assured that all grievances are logged into its grievance systems. The process for filing grievances at facilities includes the following steps:
  - ♦ A youth grievance clerk is responsible for giving the youths assigned to his or her dorm grievance forms.
  - ♦ Completed forms are collected from lockboxes by the local complaint coordinator (several individuals at a facility have keys to the lockboxes).
  - ♦ The local complaint coordinator is responsible for entering the grievances into TYC's automated Youth Complaint System. The

coordinators also determine which grievances are the most serious and then inform the TYC central office so that it can enter the most serious grievances into the automated Alleged Mistreatment System.

However, review of this process indicates that some grievances are not entered into the Youth Complaint System or the Alleged Mistreatment System.

- ♦ At one facility reviewed, the local complaint coordinator had difficulty locating all youth grievances. In some months it appeared that no grievances had been logged, and the local complaint coordinator could not provide assurance that all grievances were available for review.
- Youths do not have unrestricted and anonymous access to the grievance process. Youths who fear retaliation may not feel comfortable filing a grievance. At some facilities, youths must request permission from juvenile correctional officers to request a grievance form. Additionally, according to TYC policy, youth complaint clerks are selected by the supervising juvenile correctional officer and voted on by youths in their dorm. However, at one facility, youths indicated that the youth complaint clerk is selected only by the supervising juvenile correctional officer and not voted on by the youths. Finally, the process does not allow youths to file grievances anonymously. These procedures could restrict youths' access to grievance forms or prevent youths from requesting forms due to lack of anonymity and mistrust of staff.
- The ability of facility staff to affect student phase ratings creates the potential for abuse within the grievance system. Numerous youths who responded to our survey indicated they had been "burned" by their juvenile correctional officers filing false incident reports. Many of the youth grievances we observed were appeals to have incident reports repealed. Any juvenile correctional officer may issue an incident report (CCF-225) to report a youth's behavioral misconduct and rules violation. The issuance of an incident report results in the loss of certain earned privileges and may stop or demote the youth's phase grade. Phases determine when a youth is eligible for parole from the TYC system.
- Youths at some facilities may be disciplined for filing grievances if local officials determine that the grievances are frivolous or excessive. Consequences to the youths may include being placed on probation, restriction or denial of privileges, and extension of detention periods.
- Having a facility staff member prepare an incident report regarding a youth may have a negative effect on the youth's release date and/or continuation in special treatment programs.
- Facility staff may be assigned to investigate grievances filed against themselves.

### TYC's Office of Youth Care Investigations

- Investigators lack standardized methods for conducting and documenting monitoring visits to verify that (1) youths understand the grievance process and (2) the local complaint coordinators are resolving grievances appropriately and in a timely manner.
- Potential conflicts of interest may exist because investigators are residents of the communities where the facilities are located, and their immediate family members also may be employed at the facilities under review.
- Investigators who monitor selected grievances to determine whether the facility staff appropriately resolved the grievances can select only rating options of "excellent," "good," or "non-responsive." These limited rating options may skew results in the facilities' favor.
- Facilities' policies and procedures for youth grievances are generally similar. However, according to a March 6, 2007, TYC internal audit report, the policies and procedures may not provide sufficient detail so that facility staff know how to implement them consistently statewide.
- Investigations can be hindered by the lack of or poor quality of surveillance tapes or video at facilities.

### Information Systems

- Some TYC computers do not have password protection. TYC also does not perform Web filtering to prevent users from accessing sexually oriented Web sites from their TYC computers. TYC does not monitor users' computers to detect the storage of inappropriate images.
- TYC's two automated systems for grievances (the Youth Complaint System and the Alleged Mistreatment System) cannot easily generate information to monitor activities at facilities. As a result, TYC is performing limited to no analysis of the grievance data that would enable it to identify facilities and juvenile correctional officers with a higher-than-average number of grievances filed against them.

## Hiring, Promoting, Transferring, Evaluating, and Disciplining TYC Employees

### Hiring

- TYC performs only computerized criminal history background checks on prospective employees using name and date of birth (rather than performing fingerprint checks). TYC also checks prospective employees' names against the registered sex offender database. The risk with this process is that a prospective employee could give false information,

rendering the background check ineffective. This process also would not identify individuals who were arrested but not convicted of a sex-related offense.

- TYC does not have policies that prevent it or its contractors that work with youths from hiring convicted felons or sex offenders.
- TYC does not retain the results of criminal background checks in employees' files. Instead, it destroys these records.

#### Employee Promotions, Transfers, and Evaluations

TYC conducts criminal history background checks only when employees are initially hired. This creates the risk that an employee could be arrested subsequently without TYC's knowledge.

#### Disciplinary Actions

TYC has policies and procedures regarding disciplinary actions; however, our review of employee performance evaluations did not indicate that disciplinary actions had been taken for employees with confirmed grievances.

### Facility Staff Knowledge and Qualifications

#### Qualifications

According to one facility staff interview and survey results, some facility staff are unable to read or write. Staff are given reading and writing exams after they have accepted employment offers.

#### Maturity

The minimum required age for juvenile correctional officers is 18. Survey respondents suggested that the minimum age should be increased because of the maturity needed to work in youth facilities. Detained youths can range from 10 up to 21 years of age, which means that juvenile correctional officers can be younger than the youths they are guarding.

#### Training and Resources

- In survey responses and interviews, staff indicated that they were asked to affirm that they attended training when, in fact, they had not.
- Facility staff expressed concerns that they do not have the equipment necessary to perform their jobs. This includes items from communication devices that do not work properly to cleaning supplies that are unavailable.



## Performance Evaluations

The performance evaluations for juvenile correctional officers may not reflect their actual performance. Evaluation forms have rating levels of only satisfactory or unsatisfactory. According to facility staff, the TYC central office defined satisfactory performance as attaining satisfactory on 50 percent or more categories of required tasks. Juvenile correctional officers who had written reprimands in their personnel files still received satisfactory evaluations. For example, a juvenile correctional officer who received a satisfactory rating in all categories had two written reprimands in his personnel file that had been administered during the reporting period. One reprimand was for performing a pat search of a female youth (male staff are prohibited from performing pat searches of female youth).

Some performance evaluations were completed excessively late.

## Youth Rehabilitation

In survey responses, some youths expressed concern that:

- They are not being taught because class instruction is independent study.
- Staffs' behavior and use of profanities did not provide the youths with positive role models.

According to facility staff and youths interviewed, the consequences for youths not taking prescribed medication can be denial of medication for up to three months.

## Turnover, Pay Rates, and Job Applicant Pools for Juvenile Correctional Officers and Case Managers

### Turnover Rates

- Turnover rates for juvenile correctional officers have been excessive and range from 113 percent for an Officer I to 16.4 percent for an Officer VI.
- Turnover rates for case managers also have been excessive and range from 55 percent for Level I to 31 percent for a Level III.

### Pay Rates

- Pay rates for juvenile correctional officers range from an average of \$21,792 for an Officer I to \$35,756 for an Officer VI.
- Pay rates for case managers range from an average of \$26,332 for a Level I to \$32,371 for a Level III.

### Job Applicant Pools

TYC states that it has a limited pool of job applicants. However, TYC has limited its job applicant pool by not hiring part-time employees and return-to-work employees more frequently.

# Appendices

Appendix 1

## ***Objectives, Scope, and Methodology***

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### **Objectives**

At the request of the Legislative Audit Committee, the objectives of this investigation were to:

- Gather financial and operational information to develop a rehabilitation plan for the Texas Youth Commission (TYC) and submit the plan to the Legislative Audit Committee by March 16, 2007.
- Coordinate with the Special Master appointed by the Governor, law enforcement organizations, and other oversight authorities.

### **Scope**

The scope of this investigation covered activities related to financial and operational processes at TYC's central office and four of its facilities. We also surveyed TYC employees and youths at 15 TYC institutions, 9 TYC halfway houses, and 11 of the 15 contract care residential facilities.

### **Methodology**

The investigative methodology included collecting and reviewing information and documentation, performing selected tests, analyzing and evaluating the results of testing, conducting interviews with TYC management and staff, and conducting an agency-wide survey and a survey of youth.

Information collected and reviewed included the following:

- Interviews with TYC management and staff.
- TYC policies and procedures.
- Survey of TYC employees and youths.
- Reports and data extracts from the Texas Youth Complaint System and the Alleged Mistreatment Information System.
- Youth grievance forms.
- Employee personnel files, including performance evaluations.
- Juvenile correctional officer work schedules.

- Comptroller of Public Accounts Uniform Statewide Payroll/Personnel System.
- State Auditor's Office Exit Survey System.
- The University of Texas at Austin's Survey of Organizational Excellence.
- TYC internal audit draft report on youth grievance.

Procedures and tests conducted included the following:

- Reviewed policies and documentation related to employee grievances, discipline, and termination files.
- Reviewed and analyzed TYC employee comments on State Auditor's Office surveys.
- Toured facilities.
- Reviewed and analyzed manual and automated records for youth grievances.
- Reviewed administrative leave records.

Criteria used included the following:

- TYC policies and procedures.
- Texas Administrative Code.

### **Project Information**

Fieldwork was conducted from March 2, 2007, through March 15, 2007. This project was an investigation performed at the direction of the Legislative Audit Committee. Therefore, the information in this report was not subjected to all the tests and confirmations that would be performed in an audit. However, the information in this report was subject to certain quality control procedures to help ensure accuracy.

The following members of the State Auditor's staff performed this investigation:

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The following members of the State Auditor's staff assisted in surveying youths at TYC's facilities:

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## ***TYC Facilities at Which the State Auditor's Office Surveyed Youth***

Table 17 lists the TYC facilities at which the State Auditor's Office surveyed youth.

Table 17

<b>TYC Facilities at Which Youths Were Surveyed</b>		
<b>Name of Youth Facility</b>	<b>Location</b>	<b>Number of Youths</b>
<b>15 TYC Institutions</b>		
Al Price State Juvenile Correctional Facility	Beaumont	316
Corsicana Residential Treatment Center	Corsicana	202
Crockett State School	Crockett	276
Evins Regional Juvenile Center	Edinburg	187
Gainesville State School	Gainesville	359
Giddings State School	Giddings	391
John Shero State Juvenile Correctional Facility (formerly San Saba State School)	San Saba	289
Marlin Orientation and Assessment Unit	Marlin	341
Mclennan County State Juvenile Correctional Facility Unit I	Mart	294
Mclennan County State Juvenile Correctional Facility Unit II	Mart	250
Ron Jackson State Juvenile Correctional Complex Unit I	Brownwood	357
Ron Jackson State Juvenile Correctional Complex Unit II	Brownwood	117
Sheffield Boot Camp	Sheffield	108
Victory Field Correctional Academy	Vernon	306
West Texas State School	Pyote	253
<b>Total TYC Institutions</b>		<b>4,046</b>
<b>9 TYC Halfway Houses</b>		
Ayres House	San Antonio	30
Beto House	McAllen	29
Cottrell House	Dallas	23
Edna Tamayo House	Harlingen	26
McFadden Ranch	Roanoke	48
Schaeffer House	El Paso	23
Turman House	Austin	22
Willoughby House	Fort Worth	22
York House	Corpus Christi	19
<b>Total TYC Halfway Houses</b>		<b>242</b>
<b>11 Contract Facilities</b>		
Alliance Childrens Services, Inc	Houston	15

TYC Facilities at Which Youths Were Surveyed		
Name of Youth Facility	Location	Number of Youths
Alliance Childrens Services, Inc	Austin	1
Associated Marine Institutes, Inc.	Los Fresnos	32
Brookhaven Youth Ranch Inc.	West	15
Byrds Therapeutic Group Home	Houston	12
Garza County Regional Juvenile Center	Post	41
Gulf Coast Trades Center	New Waverly	29
Mel Matthews Boys Ranch and Vocational Center	Cisco	59
Southwest Key Program, Inc.	Houston	20
Victoria County Jjc - County Of Victoria	Victoria	24
W.I.N.G.S. For Life, Inc.	Marion	12
<b>Total Contract Facilities</b>		<b>260</b>
<b>Total Youth Facilities Visited (35)</b>		<b>4,548</b>
<p>Note: We did not visit or survey the contract facilities listed below. The Coke County Juvenile Justice Center was on lockdown because two youths had escaped. The other facilities either did not have any TYC youths at the time we conducted our survey or the youths were receiving mental health treatment.</p>		
Coke County Juvenile Justice Center	Bronte	
Roy Maas' Youth Alternatives	San Antonio	
Specialized Alternatives For Youth	Arlington	
Terrell State Hospital	Terrell	



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

**CASE FILE REVIEW MARCH 19-20, 2007**



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

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

### Commitments

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

### Resocialization Program

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

### Obstacles

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

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

#### Recommendations

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