



Independent Ombudsman
for the Texas Juvenile Justice Department

Giddings State School
Site Visit Report OIO-SV-12-145
Thursday, March 29, 2012

A special monitoring site visit was conducted on Thursday, March 29, 2012 by Chief Ombudsman Debbie Unruh, Deputy Ombudsman, Hector Marquez and Deputy Ombudsman, Joyce Smith. This report is designed to identify problems and seek remedies that help secure the rights and ensure the safety of youth housed at the facility. The issues identified in this report are based entirely on the Ombudsman's observations, interviews with staff and youth, and collected data. Unless otherwise noted, the issues identified in this report do not constitute formal, legal findings.

Statistical Information

Last Review Date:	March 1, 2012
Areas Observed:	Dorms, Education, Security, Café, Gym
Total Facility Capacity:	300
Total Facility Population (TJJD Youth Only):	263
Total Youth Interviewed:	47

Ombudsman's Observations

A. Facility Safety/Inspection

Giddings State School recently underwent a change in facility superintendent. Interactions with staff and youth indicated that they were accepting of this change. Several staff had positive comments about the prospective changes and admitted they were needed. There are many staff who require additional training on youth control and communicating with youth. The Independent Ombudsman (IO) witnessed staff speaking loudly to the point of yelling at youth and utilizing tones that served only to escalate the situations. Movement around campus and in the education building was chaotic and not controlled by staff. The Café (cafeteria), although better controlled, was not well supervised. Some staff were seated at tables obstructing their view of youth tables while others were busy taking care of cleaning duties. The staff did not appear to be aware of food being exchanged or youth activity. There are a number of youth who stated that they do not feel safe and remain in the security unit refusing to leave. There are also groups in existence across the campus that are assaulting, harassing and extorting other youth.

Issue 1:

Youth were observed horse-playing, touching each other, talking loudly and being disruptive during movement on campus grounds. Staff did not appear to offer any corrective action and allowed the youth to continue this behavior as they moved towards their destination. The IO is aware that military style marching has been dropped from movement, but according to procedures (See Institution Operations Manual 91.11, section c1 A-H), staff are required to maintain order and control of movement. The office is concerned that these behaviors demonstrated by the youth have the potential to escalate. The office is equally concerned about the lack of supervision by staff that was observed by IO during movement.

TJJD Response:

As noted, the youth groups at Giddings move about on campus grounds in a controlled style, which allows more normal adolescent behavior, including some touching and talking, than military marching with call and response routines. Group moves are continuously assessed for order, staff positioning, and youth line structure in double file rows. Disruptive behavior, including horse-play, should be addressed and resolved immediately by the accompanying staff. The interim management team administrators also assess and use on-the-spot youth correction to address any deficiencies noted in movement. The interim management team is also focusing efforts on the staff who accompany youth movements with training, modeling, and monitoring the staff's performance during youth movements. Improvements are occurring in staff positioning and the development of staff skills for addressing and confronting misbehavior. While improvements are noted, this area remains a work in progress for management staff.

Youth misbehavior is also on the decline during group movements and is becoming more consistent with normal adolescent behavior, while opportunities for improvement continue. One example of an improvement opportunity is that group moves are more likely to be conducted effectively in the presence of a management team staff prominently monitoring the movement; the opportunity is that effective movements should occur regardless of the presence of management staff. Generally, however, the staff is encouraged with the reduced level of misbehavior during movement and the absence of dangerous or out of control behavior.

A follow up visit was made by the Ombudsman's Office, on Thursday, April 12th; there was evidence of change and improvement on this issue. The Office will continue to monitor for additional change.

Issue 2:

Staff were observed yelling to each other across campus, rather than utilizing existing communication resources (hand-held radios, telephones). This action was noted repeatedly, to the extent that on two occasions staff leaned out of open doors and yelled instructions to a staff person approximately one hundred yards away. Concerns with this practice are that instructions can be misinterpreted, misunderstood or heard by others, and it lacks professionalism. On a safety note, staff who do not have radios worn or worn correctly do not have access to the "man down" button. There were several staff that did not have radios.

TJJD Response:

Routine yelling by staff is never acceptable conduct for all of the reasons identified in the report. Following erosion of the facility's culture over several months, the interim management team is in the process of revitalizing the campus culture in a number of ways, including instilling the importance of respectful communications as an agency value. While the type of yelling that occurs at the Giddings facility is not intentionally disrespectful, it erodes youth expectations of acceptable behavior. At the next town hall meeting, management staff will reiterate and emphasize appropriate communication methods, including the use of radios.

Currently at Giddings there are a total of 84 radios of which 66 are equipped with person down systems assigned to every direct-care staff assigned to a dorm. There are 18 additional radios used by non-direct care staff for communication purposes throughout campus. Training was completed by April 11th with all direct care staff concerning proper use of radios, professional communication with the radios, how they are to be worn, and that they must be operational at all times. JCO VIs are required to complete physical checks of the radios on the dorms daily. This check is reflected on the Daily Shift Log to document that issued radios and person down switches are functioning properly. The Dorm Supervisor reviews the INS-110 form to ensure documentation of the radio checks and sends a summary email weekly to the Assistant Superintendent regarding the status of the functioning radios and person down switches.

In an effort to ensure that all staff has proper working safety equipment, JCO staff is required to call the control center and perform a radio check at the beginning of every shift. If deficiencies are noted during the radio check, staff must contact the On-Duty Supervisor to receive a replacement radio. The control center will perform random checks to staff to ensure radios are working properly.

A radio system upgrade at the facility soon will allow for every staff to have a fully charged battery for their radio for every shift. The replacement plan will include a primary location at the gate house for all radios which will allow incoming staff to receive a fully charged radio. This will also allow the radio to get a complete 8-hour charge prior to being issued to the next incoming shift.

It was noted that some staff were turning their radios off in an effort to preserve battery life. This practice has been addressed by informing staff of the availability of chargers in multiple locations. Security staff is also available in the school area to assist in battery replacement if necessary. Additionally, chargers have been placed in the School Principal's office. Battery chargers are located in the dorm (JCO VI office), security, gate house, and school.

A follow up visit was made by the Ombudsman's Office, on Thursday, April 12th; there was evidence of change and improvement on this issue. The Office will continue to monitor for additional change.

Issue 3:

Ombudsman staff positioned themselves in the café to observe mealtime in response to hearing reports from youth that their food was being taken by other youth. Several groups of youth were

witnessed taking large portions of food from other youth. Although this may have been no more than youth sharing their food, it was impossible to tell which ones were sharing and which ones were being forced to give up their food.

TJJD Response:

On March 30th, the facility initiated several new practices in the Café at meal times to ensure the safety of youth and, specifically, that they are not extorted for food. Youth are seated two at a table across from each another. Seating charts were created based on each youth's safe housing plan. Potential victims sit with other youth who are not identified as aggressors. The seating plan is designed to maximize the staff's ability to monitor and identify any type of extortion or sharing of food in the Café. The plan was presented and demonstrated by the Field Implementation Team. The seating chart is reviewed by the Dorm Supervisors and JCO VIs to ensure updates for any changes due to new identifications of youth as potential victims or aggressors.

Previously, youth were allowed to sit four at a table because the table design is for four people. Tables are in a line pattern in the dining hall with dorms sitting grouped together. Part of this previous model included staff sitting and dining at the same time as the youth. This did not allow for maximum visibility of youth potentially passing or trading food. With the change, security staff is present and mobile in the dining hall during meal times. Supervisors and JCOs are also mobile walking up and down the aisles. Those staff who are dining are also in positions allowing them to supervise youth sitting at the table. All youth now sit two at a table directly across from each other with a clear line of sight by staff.

The cafeteria was not observed during the follow up visit. The Office will be monitoring for change during future visits.

Issue 4:

Ombudsman staff observed the corrections staff congregated around the circle area of the school during the review of the education building; there were no corrections staff in the halls or in the classrooms. The only time the staff went down the halls was when a need for assistance was called for. This is a safety issue for teachers and youth.

TJJD Response:

The leadership team and the school On Duty Supervisor (ODS) reviewed assigned staff coverage areas in education for changes. Now each exit and entry point is a permanently assigned post. Another permanently assigned area for staff is in each vocational trade classroom. The changes allow for up to 12 staff to be assigned to classrooms and additional monitoring staff posted at entry/exits with a supervision line of sight between staff. Staff now has the ability to observe and respond to classrooms from the halls they are monitoring. The school ODS provides supervision to ensure that staff who are monitoring remain mobile in covering their assigned areas. Additionally, the ODS now assigns staff daily to classrooms that have high referral rates. During our assessment of school functioning, six classrooms were identified for most often referring youth. These classrooms now have an assigned JCO.

Previously, staff was assigned within strategic points; however, due to staff shortages, this approach did not allow staff to be in classrooms. While the previous approach might have been prudent with more limited resources, now staff availability has increased. We continue to explore the potential for a JCO to be assigned to every classroom as well as at the strategic points within the school.

Education was not observed during the follow up visit due to class being on half day. Education will be monitored in future visits for change and improvement.

Issue 5:

Youth reported to the ombudsman staff a hierarchy of leadership in the dorms where youth are bought and owned by other youth. Purchases are paid for with cigarettes, drugs and money. Vulnerable youth earn their way into the safety of the group by carrying out orders such as: getting food and snacks, assaulting youth that refuse to give up food, and assaulting staff that have disrespected the leadership. When these youth are caught they are sent to security, lose privileges and fail to promote in stage while the leadership thrives and progresses in stage and campus status. The names of these leaders have been reported to case managers, Juvenile Correction Officer (JCO) VI's, JCO's and others at this facility but they remain in the dorm. Minimally, the youth who are considered the leadership, have been moved to another dorm where they recruit and use more youth. The youth that report feeling safe on this campus will tell you it is because they belong to the right gang and/or know how to fight. The control these youth have gained has spread across this campus, even though they are not huge in number, they are controlling the culture on this campus. The fact that youth have access to contraband items such as cigarettes, drugs, and money is concerning in itself. Adding to that the practice of trading the contraband items for ownership of other youth is cause for alarm. The IO recommends a plan be put into place to stop this activity.

TJJD Response:

Currently the gang database identifies 108 youth with self-reported gang affiliations at the Giddings facility. The Facility Improvement Plan implemented in February 2012 includes activities for identifying and addressing aggressive and assaultive youth. The Gang Treaty Project will be implemented at Giddings, and in March a detailed action plan was initiated to address specifically extortion and intimidation of youth at Giddings. The staff is making significant efforts to identify negative leaders and reduce their influence through housing assignments and proven allegations of intimidation.

Issues stemming from bullying behaviors are often serious, complex, and challenging to control, with deep implications for an effective treatment environment and the ultimate rehabilitation of youth. By the nature of their offenses, many TJJD youth are probably more experienced with bullying behaviors than normal adolescents and therefore more at risk of victimizing other youth or being a victim as a previously learned behavior. Some youth are both aggressors and victims of bullying behaviors. Many youth have been conditioned prior to commitment to TJJD to be "disengaged bystanders" and not come to the aid of youth who are being bullied. While staff is very aware of the significance of bullying in a correctional environment and as an element of gang behavior and contraband, the OIO report of youth "buying and owning" other youth in a hierarchy of negative leadership at the Giddings facility is shocking. It is also not yet corroborated through any other reporting process, including through the use of blue phones, hot line calls, the grievance system, parental concerns, or youth interactions with advocacy groups. No similar allegations have been identified from other sources. As a result, we are cautious about concluding that it is an established practice on the Giddings campus while we remain watchful for additional information reflecting that a small number of youth might be controlling the facility's culture in an emerging phenomenon.

Since the OIO visit on March 29th, Giddings staff received the names of five youth identified as ringleaders. All five youth were sequestered separately in the Security Unit until the allegation was thoroughly reviewed. One of these youth was seen on camera to have extorted food, but no information emerged to support the ringleader allegation for any of these youth. While these investigations did not result in identification of any ringleaders, informal reports suggested generally that the staff's activity and responsiveness was positively perceived by other youth on the campus.

In response to the statement in the report that ringleader names had been reported to a number of staff, facility management staff is reminding direct care staff of their responsibility to address this type of information effectively, ensuring the safety of youth as well as their perception of safety. Additionally, the Associate Deputy Director of the Continuum of Youth Services and the TJJD

General Counsel plan to meet with Giddings case managers in the near future to address the staff's obligations to report certain types of information.

Contraband control has been increased with more random drug testing, more frequent dorm searches, and more intense searches at the gate. Additionally, case manager schedules have been adjusted to include evening hours in order to hold more frequent behavior therapy groups, which are very appropriate forums for addressing bullying aggression and victimization as well as contraband issues, and to develop a more pro-social culture where bystanders come to the aid of youth who are being bullied.

A follow up visit was made by the Ombudsman's Office, on Thursday, April 12th; there was evidence of change and improvement on this issue. The Office will continue to monitor for additional change.

B. Youth Rights

The IO is aware of potential plans being made in the area of youth safety but it needs to be noted that the same youth remain in security and refuse to leave for safety reasons. These youth may be safe, but they are falling behind in their progress.

Issue 1:

There are a large number of youth in security who are afraid to return to their dorm for fear of being physically assaulted and harassed or of having their food taken. These youth do not feel safe outside the security unit and have spent weeks isolated in that unit. These youth do not have the opportunity to participate in their programs/treatment and therefore are not progressing toward release. General Administrative Policy Manual (GAP) 97.47 states that a caseworker should ensure that all required services and programming are being delivered. This is not happening. Additionally, a caseworker is required to consult with members of the youth's Multi-Disciplinary Team (MDT) to develop a written supervision and reintegration plan for the youth. This is not happening either. It is concerning that the progress of the victimized youth is hindered when they take appropriate action to protect their safety. The issue of youth referrals to security, for their own safety, has been brought to the administration's attention in the past. The IO requests that more be done to insure these youth will be safe so they can return to their dorm or be moved to another campus.

TJJD Response:

Today, April 12th, there is one youth in the Giddings Security Unit who is refusing to leave; arrangements have been completed for the transfer of this youth to another facility later today. During March, there was an average of four youth refusing to leave the Security Unit. While one youth refusing to leave security is too many, an average of 4 youth does not seem like a "large number" compared to a total of 288 youth on the campus. Also, during their stays in Security, most of the youth refusing to leave were actually returning to the general living areas for short periods to assist their integration back to dorm life without being assaulted.

- One of these youth routinely provoked fights around racial issues while on the dorm while claiming to be a victim. This youth also routinely attended visitation where numerous other youth were receiving visitation. While refusing to come out of the Security Unit for his own safety issues, this youth has a documented aggressive history at home, which contributed to his TJJD placement.*
- Another youth on the younger dorm was the aggressor to incidents on the dorm, but once he was moved off the young dorm to a dorm with older youth, he began perceiving himself as a victim, self-referred to the Security Unit and refused to leave.*

- Another youth who had previously refused to leave security left for a couple of days without incident before self-referring back to Security. His reason was that he felt intimidated by how other youth looked at him, while there were no assaults during the time he was on the dorm.
- Another youth had been on the open dorm for over six months. Once he received a new dorm assignment, he self-referred to Security. This youth is self-identifying being in a gang and is reporting he will be jumped by members of his self-reported gang.

These youth would not be self-referring to the Security Unit and refusing to leave if they felt safe outside of Security, regardless of whether they are aggressors or victims in specific conflicts. TJJD staff acknowledges that it is critical for these youth to continue receiving treatment services based on the presumption that effective services provide regular forums for sharing information (1) to address treatment issues related to a youth's aggressor/victim behavior, and (2) to identify emerging campus issues, both positive and negative, for maintaining youth safety and a therapeutic treatment environment.

The delivery of effective treatment services in the Security Unit has been inconsistent at the Giddings facility, and numerous changes are underway. Monitoring and supervision are being enhanced by daily rounds to the Security Unit by dorm supervisors to monitor that a case manager has seen the youth within 24 hours. Direct care staff besides the case manager (Program Supervisor, Dorm Supervisor, Director of Security) are ensuring that the youth is consulted regarding their safety plan. Dorm Leadership monitor by reviewing documentation, including Multi-Disciplinary Team (MDT) meeting minutes to ensure that the MDT meeting occurred as scheduled and as required by agency policy, and that youth supervision and reintegration plans are being reviewed. Dorm Supervisors now notify the Program Supervisor when any lapses occur and the issues are included on discussion agendas for the MDT, Special Services Committee, and facility Management Team. The Superintendent and Assistant Superintendent are now informed of failure to meet policy requirements. These youth are now visited by psychologists and are reviewed by the facility Special Services Committee (SSC). Three youth who were frequently on Suicide Alert status, were seen every other day by psychology staff. Youth not on Suicide Alert are assigned individual Psychology counselors and are seen weekly with their visits documented in the Electronic Medical Record System.

Efforts include SSC interventions three weeks in a row, offering youth safety plans which include auditory and visual proximity controls, staff escort, mediation, systematic desensitization, automatic self-referral, psychiatric referrals, and dorm movements.

A follow up visit was made by the Ombudsman's Office, on Thursday, April 12th; there was evidence of change and improvement on this issue. The Office will continue to monitor for additional change.

C. Security Unit

The Security Unit was busy with new referrals. Education was taking place for the youth on re-direct and for the youth who were refusing to leave security. There was no evidence other programs or education were taking place.

Issue 1:

It was reported by many youth that when they are in security for anything other than re-direct or refusing to leave they do not receive education services. GAP 97.40 requires educational services for youth in security.

TJJD Response:

Consistency in the delivery of educational services was affected by the assigned teacher being on medical leave and several education staff vacancies. A temporary procedure was established for Special Education Certified Teachers to provide educational services at the Security Unit. After reviewing the practices, the staff determined that the most consistent approach would be to have educational services delivered for the Redirect Program and security program in separate locations until the educational support is appropriate. The facility Superintendent will continue to work with the school Principal to enhance educational service delivery in the Security Unit.

A follow up visit was made by the Ombudsman's Office, on Thursday, April 12th; there was evidence of change and improvement on this issue. The Office will continue to monitor for additional change.

D. General Treatment Program

This area was not observed or reviewed during this particular visit. It is noted that there were no complaints from youth interviews regarding treatment programs.

E. Programs

This area was not observed or reviewed during this particular visit. The only reference to programs is noted above regarding youth not receiving education services when in security for any reason other than re-direct or refusing to leave.

F. Education Services

Education was observed during the morning hours but was cancelled in the afternoon for graduation. Classrooms were quiet and youth were doing bookwork. While in education the Ombudsman staff observed about fifty percent of the teachers actively engaging the youth and moving around the class. There were several teachers who remained at their desk for the entire time.

Issue 1:

The Ombudsman staff observed several teachers who remained at their desk and did not interact with the youth.

TJJD Response:

This facility has been actively working on teacher engagement and mobility in the classroom through review of video footage and increased administrator walk-throughs. While management staff strongly encourages teachers to be mobile and engaging with youth, there are periods when youth may be practicing task activities or working independently, requiring less direct interaction by the teacher. TJJD encourages OIO staff to check the lesson plan as supplemental information for OIO visits. The school schedule for that day was a half-day planning / prep-day as designated by the school calendar. Additionally, it is notable that OIO observations did not identify an issue of youth with their heads down on their desks, which was a concern previously and now an improvement reflecting teacher engagement.

Education was not observed during the follow up visit on April 12th; class was on half-day. The Ombudsman did interview several youth and questioned them about class instruction.

The youth feel the teachers are being more helpful. The Office will continue to monitor for additional change.

G. Meal Evaluation

A meal was not sampled during this visit.

I certify that this report represents a true and accurate assessment of all issues the Independent Ombudsmen identified during this site visit.

Submitted by:



Debbie Unruh
Chief Ombudsman

4-13-12
Date