



Texas Youth Commission

Report from the Conservator

Jay Kimbrough
Texas Youth Commission Conservator
May 2, 2007



TEXAS YOUTH COMMISSION CONSERVATOR

JAY KIMBROUGH

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Governor Perry, Lt. Governor Dewhurst, Speaker Craddick, and Members of the Legislature:

Having spent the past two months investigating the events surrounding reports of abuse and mismanagement at the Texas Youth Commission, I wanted to provide you with a report on my actions. I have talked to scores of parents, local and state leaders, TYC employees, law enforcement personnel, and experts in everything from criminal justice to mental health.

I have received tremendous cooperation and assistance from a number of agencies and organizations, including TYC's new management team, the Texas Department of Criminal Justice, the Texas Rangers, the State Auditor's Office, the Travis County District Attorney's Office, and the Office of the Attorney General. These agencies quickly offered their full and immediate assistance to help improve the state's juvenile corrections system and ensure the safety of youths in custody at TYC facilities. I am extremely grateful for their help.

I also want to thank the leaders of our House and Senate oversight committees. Sen. John Whitmire and Rep. Jerry Madden have been steadfast in their support and commitment to repair the agency. I would not have had the opportunity or the determination to make the changes we're seeing taking place without their support. They have paved the way for true reform.

We have already made major improvements to address many of the issues identified in this report – insufficient background checks, inappropriate placement of the youngest offenders with older teens, and reorganization of executive management. I especially want to thank Acting TYC Executive Director Ed Owens for his efforts to improve the agency's operations. Over the past two months we have taken numerous actions, including:

- Conducted new background checks on all TYC employees.
- Organized surprise inspections of all facilities.
- Named a new TYC Inspector General.
- Began a reorganization of agency leadership by requiring top executives and facility superintendents to reapply for their positions.
- Banned the hiring of convicted felons.
- Established a command post of special investigators, created a toll-free hotline that is answered around the clock, and documented 3,000 complaints.
- Arrested 11 employees and suspended or fired others.
- Released 473 youths who had met their sentencing requirements or were confined for misdemeanors.
- Created an independent panel to review TYC's process for sentence modifications.

- Established a statewide hotline where youths in TYC facilities can call to request free counseling services.
- Implemented an Agency Integrity Program and informed all employees how to report issues to appropriate state and federal oversight agencies.
- Received input on the complaint and grievance policies through focus groups with parents, youths, and staff.
- Established a health care task force with the assistance of Senators Ogden and Duncan. Experts from Texas Tech and the University of Texas Medical Branch will expedite recommendations for an integrated health care system.
- Identified critical internal data that can provide an early warning of how individual units are functioning.

I have no doubt that today's TYC is much improved from just a few short months ago. Gone are the days when allegations take months to investigate and reports wind their way around the state indefinitely. There is no shortage of examples of a remade agency that takes quick and proactive steps to address problems. On April 19, 2007, we received a report that a correctional officer acted inappropriately with a female resident of a halfway house during a group trip the previous day. The officer was immediately suspended, authorities were notified, and the officer was arrested and charged with improper sexual activity on April 25, 2007. Another example: At 4:56 p.m. May 1, I was notified that our command post received a bomb threat on the hotline. We directed an immediate investigation. The call was traced to a TYC dorm, and I directed that the surveillance videos be checked. At 1:37 a.m. May 2, I was notified that officers had interviewed the suspect who confessed and named a co-conspirator, and the case had been referred to local law authorities. It all took place in less than eight hours.

I recognize that the Texas Legislature is working on legislation to improve operations and oversight at TYC. Sen. Juan Hinojosa filed Senate Bill 103 in November 2006, long before TYC started making frequent appearances in headlines across the state. His legislation increases training for TYC correction officers, establishes an Office of Inspector General at the agency, and directs the Rangers to make regular unannounced inspections of TYC facilities. Sen. Hinojosa's bill provided the foundation for many of the recommendations in my report. These are all changes in the right direction, and they address the fundamental lack of accountability I found within the agency.

During my review, I found an agency with a clear view of many warning signs – a 2004 riot in Edinburg that led to a U.S. Department of Justice report, a Texas Ranger investigation of sexual abuse in West Texas, and increasing reports of abuse across the state. I also found an agency unwilling or incapable of taking action to address these issues. The changes suggested in Sen. Hinojosa's bill will create the checks and balances necessary to prevent such entrenched denial and inaction in the future.

In addition to the legislation already under consideration, I also recommend that the Legislature determine the capacity level it is willing and able to fund at TYC and its contracted facilities and implement a cap so that the number of offenders does not exceed that level. The state must not again be caught in the situation of accepting young offenders into a juvenile system that is not funded to provide for their health, safety, and welfare at the level expected by our state leaders.

The changes we are making will increase the protection of both the offenders in TYC facilities and the capable employees who are committed to helping these young people successfully re-enter society. We should not allow the actions of a few to taint the reputations of many. Our team of special investigators will continue to aggressively pursue allegations of abuse and neglect, but we also have met countless dedicated public servants working in TYC facilities across the state.

I won't be on the long ride to rebuild TYC, but I'm leaving a clear map to where that road leads. The Texas Youth Commission should be a place that values the work of outstanding employees, protects the health and safety of young offenders, and supports the implementation of programs proven to help reduce recidivism. Texans expect and deserve no less.

Sincerely,

Jay Kimbrough
Texas Youth Commission Conservator



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Report from the Conservator

Report	5
Recommendations	10
Status Report	19

Appendices

A: TYC Command Post Activities	24
B: Agency Integrity Program	26
C: Links to Other Reports	35

Texas Youth Commission

Status Report from the Conservator: May 2, 2007

On March 2, 2007, Governor Rick Perry issued an executive order directing a comprehensive investigation into reports of sexual abuse and mismanagement at Texas Youth Commission (TYC) facilities. A team of special investigators immediately began examining the agency from top to bottom, with every component of the review uncovering new issues. Many questioned whether the agency's leaders understood how serious and pervasive the problems were. Perhaps the better question is whether it would have mattered.

The list of problems at TYC and the reasons for them is a long one, but a chief culprit is the agency's organizational structure. State statute says, "The governing board of the Texas Youth Commission consists of seven members appointed by the Governor with the consent of the Senate." But the real power was in the facilities. The lack of a strong, centralized management structure allowed leaders at individual facilities to override agency policies, control hiring, and wield tremendous influence over the complaint process.

Without a clear chain of command, TYC was ill equipped to deal with the many challenges it faced – shortages of correctional officers, under-funded facilities that are not designed to handle increasing numbers of young offenders, and a health-care system that is falling apart. Without adequate checks and balances, there was no way anyone outside the agency could predict that failure was inevitable.

Within three days of the Governor's executive order, we assembled a command post and team of investigators from the Texas Department of Criminal Justice, Office of Attorney General, and the Texas Rangers to conduct emergency evaluations of all TYC facilities. Youths in TYC facilities now have access to an around-the-clock hotline where they can report problems. Almost 3,000 investigations have been opened, more than 1,400 have been investigated and closed, and additional background checks have been conducted on all TYC employees. Thus far, 11 TYC employees have been arrested, including two former TYC officials from a West Texas facility after a grand jury returned indictments against them. Twelve senior executives and three facility superintendents have been fired or have resigned.

The work of the investigative team has already changed the atmosphere in TYC facilities and improved the safety of youths in the state's custody. Gone are the days when allegations take months to investigate and reports wind their way around the state indefinitely. For example, on April 19, 2007, we received a report that a correction officer acted inappropriately with a female resident of a halfway house during a group trip to a park the day before. The officer was immediately suspended, authorities were notified, and the officer was arrested and charged with improper sexual activity on April 25, 2007.

Our review also has shined a light on areas where the state can take action to make lasting improvements in its juvenile corrections system. Over the past few weeks, I also have worked closely with Acting TYC Executive Director Ed Owens to put in place immediate improvements

at the agency. Executive Director Owens and I have each looked at the agency's operations independently and have come to many of the same conclusions. We agree that facility staff had too much control over the complaint process, training has been insufficient, health care services lack coordination, and safety has too often been put at risk by facility locations, design and maintenance.

Make no mistake: TYC's role in the state's correctional system is a difficult one. Anyone familiar with teenagers can understand how complex and challenging the job is for frontline employees. It is imperative that we create a process to hire the most appropriate staff for the job, provide them with the training and support to succeed, and pay them fairly for their work in this difficult environment. In the long run, these changes will lead to more stability among TYC staff and better outcomes for the young offenders in our care.

Spotting the Smoke Signals; Connecting the Dots

There has been much speculation over who knew of problems at TYC and failed to take appropriate action. It is clear from even a brief review that there were many signs of problems, and the best view of them was in TYC's headquarters. For most state officials, the reports of individual cases inevitably became lost in the daily shuffle of dozens of other issues. A single letter from a parent about alleged abuse often appears to be a smoking gun in the hindsight provided by a Governor's executive order and a Department of Justice report. But spotting the scattered smoke signals among more than 160,000 other pieces of mail over the year or dozens of other constituent inquiries that day is, in reality, a much more complicated scenario.

The Senate, especially Sen. Juan Hinojosa, recognized the seriousness of the 2004 riot at Evins Regional Juvenile Center in Edinburg and the resulting U.S. Department of Justice review even before the federal report was released. In fact, the Senate's interim charges released in early 2006 directed the Criminal Justice Committee to "examine the allegations of abuse and neglect within the Texas Youth Commission (TYC) facilities and the appropriateness of TYC response." But the issue was largely viewed as involving only the Evins unit. Likewise, staff in the Governor's Office and in some legislative offices were aware of the Texas Ranger investigation at the West Texas State School in Pyote. That case, too, was viewed as an isolated issue being handled by the only elected official empowered to act on it, the Ward County district attorney. State officials assumed the district attorney would fulfill his legal and moral duty to take action. He did not.

Just two days after the Governor's executive order, I met the some of the special staff brought in from other agencies to assist in the review of TYC. They told me they had plans to go to three TYC facilities where problems were thought to exist. We quickly worked together to survey the forest rather than go study three trees. We sent law enforcement officers into all 13 lockups, nine halfway houses, and TYC headquarters. Dozens of officers arrived at all 23 locations across the state at the same hour, on the same day. It was this commanding and comprehensive review that revealed systemic problems, a lack of accountability, and a juvenile justice system in disarray.

The failure to connect the dots earlier seems to be the classic forest vs. tree story. However, in my opinion, there is one place that should have had a clear view of the forest: TYC's headquarters in Austin.

We know some reports of abuse were modified once they reached headquarters. We know headquarters is the one place aware of the Department of Justice investigation at Evins and the Ranger investigation at Pyote. We know all reports of alleged abuse and neglect were sent to Austin, and the agency was certainly aware of the Senate's interim charge to examine abuse in the TYC system. We are reviewing the TYC board agendas and minutes over the past several years as well as internal reports to try to determine how much of this information was shared, analyzed, and acted on. It does not appear that the agency used these warning signs to take proactive steps to ensure the safety of offenders or staff.

The smoke signals were clearly visible. The dots should have been connected. TYC's headquarters had the data, and they had the duty.

Where's the Accountability?

There were problems with TYC's internal system for monitoring and deterring abuse and neglect from top to bottom. At the lowest levels, reports were handled inconsistently, and investigations were often shoddy. At the highest levels, reports were changed or ignored. In short, there was no watchdog.

TYC investigators received little training, and it showed. During our site visits, we were told of crime scenes that were not protected properly, which allowed potential evidence to be destroyed or tainted. Facilities lacked the equipment and procedures to conduct a thorough investigation of possible sex crimes. Photos taken as evidence were often so poorly done that they could not be used.

A major flaw in the TYC complaint system gave facility superintendents tremendous influence over the process. Investigators reported their findings up through the superintendents rather than directly to headquarters. There are reports of superintendents changing reports, deleting sections, and even interviewing witnesses for the investigators. In addition, it was the superintendents who determined if investigators in their facilities were put forward for merit raises or promotions.

There also have been numerous reports that correctional officers used disciplinary reports against offenders as a way to retaliate against youths who attempted to report problems. The disciplinary reports can and do cause an offender's confinement to be extended. That makes them a powerful tool for correctional officers and one that can be subject to abuse. The agency did not appear to analyze and act on the use of disciplinary reports to see if certain officers filed more reports than others or appeared to target specific offenders. It's a basic lack of accountability. Officers should know that the agency will examine their use of disciplinary reports to ensure it is appropriate.

Our review has found that the agency was proficient at tracking a variety of data but had ineffective tools to analyze and use that information in a meaningful way. The disciplinary reports are just one example of this problem. The agency has 20 different databases that collect information, but none of them talk to each other. Information on each youth, for instance, is captured in several databases. One looks at disciplinary actions, another at medical history. Educational records are stored in a separate database. There is no one central data warehouse or

integrated system that allows the agency to get a complete picture of any given youth’s record with one report. We are working to remedy that situation by providing the expertise to help the agency evaluate options for integrating its data.

Systemic Problems

There is no doubt that TYC struggles with a number of issues directly related to a lack of funding and resources. Facilities are understaffed, too many are located in remote areas without sufficient labor pools, and turnover is higher than any other state agency with more than 65 employees. Juvenile correctional officers receive only two weeks of training before a facility assignment, can be younger than some of the offenders they guard, and have twice the turnover rate as correctional officers in the adult system.

Inspections of TYC facilities found dorm designs that make it difficult to monitor youths, buildings without electronic monitoring devices, and equipment in need of repair. In most cases, as many as 24 youths of varying ages sleep in open barrack-style dorms – often with only one guard in place. During their inspections, special investigators were told that youths know exactly where the surveillance camera “blind spots” are and use that to their advantage. I have seen these blind spots myself at several of the facilities I visited. During one incident in a dorm, correctional officers said the youths lined up in a blind spot against a back wall and forced the officers to come into the blind spot to deal with them.

State Employee Turnover

Juvenile Correctional Officers	47.0%
TDCJ Correctional Officers	23.8%
Parole Officers	12.3%
DPS Troopers	4.5%
Game Wardens	2.1%
Accountants	6.8%

Source: State Auditor’s Office, “A Report on Classified Employee Turnover for Fiscal Year 2006.”

Special investigators also noted that it was difficult to tell the juvenile correctional officers from the offenders in many cases because the officers wore no uniforms. One investigator noted that he had begun looking for the handcuffs the officers carried on their belt loops so he could be certain he was talking to an officer. The lack of uniform has also posed a problem when reviewing surveillance videos of incidents. It is often difficult to tell the officers from the offenders in the images. We are working to develop and purchase a simple uniform for officers. In the interim, the agency is purchasing vests that officers can wear over their shirts while on duty. This will greatly improve the ability to monitor and analyze surveillance videos.

As the state’s juvenile corrections agency, TYC is charged with overseeing the custody and care of Texas’ most serious juvenile offenders. Only 3 percent of youths who commit crimes statewide are ultimately committed to TYC facilities, most having failed in some other community-based program. In fiscal year 2006, 80 percent of youths entering TYC facilities had felony convictions, 75 percent were on probation when convicted of their most recent crime, and 34 percent admitted to being in a gang before entering the TYC system. Protecting these offenders from each other is a significant challenge, and one that both state and federal investigators are looking at closely.

There were 568 youth-on-youth assaults at the Evins Regional Juvenile Center in Edinburg in the first six months of 2006. A U.S. Department of Justice report issued March 15, 2007, indicates that the number of such assaults at the facility is approximately five times higher than national standards for such facilities. The report categorized the atmosphere at Evins as “chaotic and dangerous.”

In addition, TYC failed to take reasonable and appropriate actions to ensure that employees working with youths do not have a criminal background. “TYC has significant weaknesses in its workforce management practices,” according to a March 16, 2007, report by the State Auditor’s Office. Before the Governor’s executive order, the agency conducted a criminal history background check only on prospective employees and based only on name and date of birth. The agency did not perform fingerprint checks, did not perform regular checks on existing employees, and did not require contractors to conduct background checks on employees who work with youths. After the Governor’s action, the special command post conducted new background checks on all TYC employees and found more than 60 with a felony charge or arrest, including some with murder convictions.

Problems within the Texas Youth Commission are widespread and deeply rooted in the agency’s organizational structure and culture. This report includes 56 recommendations for addressing issues at every level of the agency’s structure – from strengthening the chain of command to using electronic surveillance more effectively at individual facilities. These changes will ensure a safer environment for young offenders, increase the likelihood of true rehabilitation, and lead to a better working environment for the many capable TYC employees who continue their service with the agency due to their strong commitment to Texas youths.

Recommendations

The report's 56 recommendations have been grouped into six broad categories to target the major issues identified thus far in the review of TYC. The recommendations are designed to implement immediate changes, increase the safety of both offenders and TYC staff, make the best use of limited state resources, develop a more effective span of control in the agency's management structure, improve accountability throughout the TYC system, and enhance the focus on TYC's statutory mission to "to provide a program of constructive training aimed at rehabilitation and re-establishment in society" for the youths committed to its facilities. Staff are working with the Legislature to address those recommendations that will require additional funding. These changes will lead to a stronger and safer system.

Immediate Priority

As a result of the Governor's executive order on March 2, 2007, the TYC conservator and the agency's new leadership have undertaken a series of actions to provide an assessment of TYC facilities and have made immediate changes to address some of the most troubling findings to date. These actions will allow the agency to increase protection of youths and staff, more quickly implement the rehabilitation plan ordered by the Governor, and shore up staff and vital resources at facilities.

Recommendations that have been completed or will be as soon as possible:

- 1. Develop policies to strengthen background checks and begin indexing all TYC staff.** TYC will begin "indexing" by providing a list of employees to the Texas Department of Public Safety (DPS). The list is then checked continuously against the National Crime Information Center and the Texas Crime Information Center. DPS will notify the agency if an employee is arrested or charged with a crime. The special investigative team reviewing TYC has completed background checks on all current employees.
- 2. Release all youths who have met sentencing requirements or were confined for misdemeanors.** TYC has begun the process of releasing juveniles who already had been approved for release, had met the minimum requirements for their sentence, or were sentenced for misdemeanors.
- 3. Review all senior level management positions.** The TYC conservator has directed that the top two levels of management, including all facility superintendents and assistant superintendents, reapply for their positions. This has provided the agency with the opportunity to review each member of the executive management team and audit each position. As of May 1, 2007, twelve key executives and three superintendents have resigned or been fired.
- 4. Implement an emergency procurement process for vital equipment.** TYC has worked with the Texas Building and Procurement Commission to expedite procurement of surveillance cameras and equipment for all TYC facilities and repair broken equipment.

- 5. Create an independent panel to review TYC's process for sentence modifications.** Reports from families, offenders and the media indicate that the agency's current system for sentence modifications is applied indiscriminately and can be used to retaliate against offenders who file grievances. An independent panel has been created to review the agency's process and make recommendations for reforms.
- 6. Provide counseling for any youth who requests it.** The Governor's Criminal Justice Division has worked with the Department of State Health Services to make counseling services available to TYC youths. Posters have been placed in TYC facilities to let youths know this assistance is available.
- 7. Classify youths based on age and offense.** TYC is implementing a classification system based on a variety of factors, including offense, history, and age. The previous system did not adequately consider age. This means offenders as young as 10 can be grouped with offenders up to age 21.
- 8. Transfer appropriate youths, including those ages 10-13, to contract residential facilities.** Moving younger offenders to contract facilities closer to their homes will increase opportunities for family support and better outcomes. Young offenders with a record of serious violent conduct will remain in TYC facilities. The agency has identified 62 youths as appropriate for transfer to contract facilities.
- 9. Provide a level of staff support to implement changes quickly.** The agency has been directed to bring in additional human resources and administrative support to provide the manpower to expedite implementation of recommendations and the agency's rehabilitation plan and facilitate the addition of staff resources at facilities.
- 10. Authorize overtime payments for staff.** Under previous agency policies, employees did not receive routine payment for overtime until they had "banked" 120 hours of overtime. This policy created a disincentive to work overtime. The agency has discontinued this policy and monthly overtime payments began with paychecks received on May 1, 2007.
- 11. Conduct vulnerability assessments at all institutions.** The TYC conservator authorized visits to each TYC facility to examine safety issues and related concerns. The agency is now conducting more in-depth assessments of each facility to identify deficiencies and plan improvements.
- 12. Ban felons from employment at TYC.** The agency has changed its hiring policies to forbid the hiring of felons.

- 13. Use existing trained and certified staff from other agencies to provide an immediate infusion of resources to TYC facilities as needed.** TYC has identified potential resources at the Texas Department of Criminal Justice (TDCJ) and other correctional units near TYC facilities. The agency now has the ability to develop agreements to use trained staff to increase the number of correctional officers on duty at TYC facilities should the need arise.

Safety

Confirmed cases of abuse in TYC facilities more than doubled from fiscal year 2002 to 2005, according to agency statistics. The state must take strong actions to improve the safety at TYC facilities to protect both the young offenders and the staff.

Recommendations to increase the safety of both offenders and TYC staff:

- 14. Revise contracts to include strict requirements for all vendor staff who will be contact with youths.** TYC will include language in its contracts requiring regular criminal background checks, fingerprinting, and indexing for vendor staff who will work with youths or have regular access to facilities.
- 15. Adjust design of dorms to ensure safety of staff and youths.** Reduce the number of youths in open bay dorms as much as possible. In many cases, this can be accomplished by reconfiguring current dorms.
- 16. Ensure intake facility has direct connection to real-time fingerprinting and criminal histories.** This will allow TYC staff to have instant access to a complete criminal history on a youth at intake. The agency currently waits weeks for this information, which can be useful in properly classifying an offender to ensure an appropriate level of supervision.
- 17. Re-evaluate requirements for juvenile correctional officers.** TYC gives reading and writing exams to new facility staff after job offers have been extended, according to the State Auditor's report. In addition, the current minimum age for juvenile correctional officers is 18. However, the agency is responsible for youths up to age 21. TYC policies must be adjusted to ensure that correctional officers have the skills and maturity required for the job.
- 18. Establish a process to certify juvenile correctional officers.** Correctional officers in the TDCJ system, county jails, and facilities operated under contract all must be certified and licensed by a state agency. TYC should review the options for certification of juvenile correctional officers and implement the most appropriate process for the TYC system. One TYC employee reported that officers in training were provided with test answers in advance and often slept through classes.

- 19. Use electronic surveillance more effectively.** Blind spots, broken equipment and inadequate storage prevent the agency from using this tool effectively. Quality video surveillance can act as a deterrent to fights and serve as a valuable tool in abuse investigations.
- 20. Standardize procedures for investigating sexual assault allegations.** All TYC facilities should have the equipment for a sexual assault investigation and follow established policies and procedures for collecting evidence, protecting crime scenes, and interviewing witnesses.
- 21. Rotate dorm assignments for juvenile correctional officers every four months.** This will prevent officers from supervising the same youths for extended periods.
- 22. Have standardized uniforms for correctional officers.** Investigators inspecting facilities have noted that they have to look for handcuffs on a belt to tell the officers from the offenders or visitors.
- 23. Improve radio interoperability among TYC facilities.** Having radios that will work both within and among facilities will allow for easier, safer transports of youths between facilities and improve overall communication.
- 24. Evaluate the TYC parole system.** TYC currently has a policy that requires youths to remain on parole supervision for at least 90 days. Youths may be returned to confinement for failure to follow parole rules. The agency should review this system to ensure that it is consistent with the agency's statutory authority and is consistently applied.

Resources

The average staff-to-youth ratio in TYC facilities is one staff member for every 15 offenders, but the ratio varies greatly from facility to facility and shift to shift. In addition, juvenile correctional officers receive only two weeks of training before moving into a facility. The State Auditor's interviews with TYC staff indicated some staff said they had been asked to affirm they had completed training when they had not.

Recommendations to make the best use of state resources:

- 25. Set a cap on the number of placements in TYC facilities.** TYC has routinely exceeded its institutional bed capacity for at least a decade. In fiscal year 1996, the system's capacity was 2,278. Yet, the agency ended the year with 3,467 offenders. The system's current capacity is 4,358. At the end of fiscal year 2006, the agency had 4,800 young offenders. The Legislature should consider setting a placement cap to ensure that TYC does not exceed its funded capacity.

- 26. Reconsider the placement of some facilities.** Limited labor pools in remote areas have made it difficult to recruit and retain qualified staff at some TYC facilities. The Legislature should study the placement of facilities and provide the agency with guidance on the best model to serve the state's needs.
- 27. Improve the staff-to-youth ratio.** Implementing a ratio of one correctional officer for every six youths will increase the protection of both offenders and employees. The current ratio varies depending on the program type and time of day but averages one officer for every 15 offenders during the day. The ratio sometimes falls to one officer for as many as 24 offenders under TYC's current system.
- 28. Increase training for staff.** TYC should review and revise its core training curriculum to ensure an emphasis on the proper techniques for control and restraint and the grievance process. All correctional officers should receive regular training in these areas. Sen. Juan Hinojosa has introduced Senate Bill 103 which would require that TYC officers receive 300 hours of training before being assigned to duty at a facility.
- 29. Develop a new strategic plan for the agency that includes a plan for adjusting to growth in system.** The agency should develop a long-term strategic plan that takes into account relevant factors to project the expected number of commitments and that provides recommendations on effectively dealing with capacity issues.
- 30. Install video conference equipment at five TYC halfway houses.** Use of video conferencing equipment will increase coordination and decrease travel costs. The halfway houses targeted to receive this equipment are McFadden Ranch, Shaeffer, York House and Ayres, and a shared system is scheduled for the Cottrell and Willoughby houses.
- 31. Update phones systems that are obsolete.** Phone systems at three TYC facilities are too old to be properly maintained at this point.

Span of Control

The agency's organizational structure has diluted the authority of executive management and allowed leaders at individual facilities to determine how complaints are handed, set their own hiring practices, and largely control how long youths remained incarcerated. The relative autonomy of each TYC facility has led to non-standardized procedures, haphazard reactions to a wide variety of problems, and no discernible continuity or direction in the TYC system.

Recommendations to develop a more effective span of control:

- 32. Strengthen the chain of command and management structure.** Eliminate the ability of facility superintendents to override agency hiring policies and create strong lines of authority throughout the organization.
- 33. Reorganize the regional structure to increase accountability.** Align the TYC service areas with the Texas Department of Criminal Justice (TDCJ) regions for greater statewide standardization. Each new region should have a regional director who provides day-to-day management of the facilities within that region, ensures compliance with agency policies and directives, and quickly escalates issues that need immediate attention from executive management.
- 34. Standardize policies and procedures across the state.** Review the agency's current policies to ensure they include provisions for adequate oversight and review of facilities by executive staff.
- 35. Reorganize the organizational structure – including human resources, information technology, and business functions – to ensure better accountability.** Under TYC's current structure, responsibility for these functions is split between individual facilities and central office. The agency is moving direct supervision of these areas to the central office to provide direct lines of accountability and communication.
- 36. Limit "for cause" employee terminations to TYC peace officers and juvenile correctional officers.** The Human Resource Code provides this employment protection to all TYC employees, including executives and administrative. This has meant that key executives found to have falsified reports or failed to take action on allegations of abuse must be provided with 24-hour notice and the right to appeal the agency's effort to terminate their employment. The Legislature should consider changing this provision.

Accountability

The State Auditor's Office surveyed more than 3,000 offenders in TYC facilities and almost 1,700 TYC staff in March 2007. The responses indicate that 43 percent of offenders and 39 percent of staff fear retaliation if they report problems. The agency must take immediate actions to rebuild confidence in its system by implementing a fair and effective complaint process, taking quick action to investigate problems, and following up to ensure appropriate action where there are confirmed cases of abuse.

Recommendations to improve accountability throughout the TYC system:

- 37. Create an independent Office of Inspector General.** Bruce Toney was named TYC Inspector General on April 10, 2007. Senate Bill 103 by Sen. Juan Hinojosa would ensure that state law requires the agency to maintain this new office and would protect the integrity of its investigations.

- 38. Create an Ombudsman's Office.** Half of the youths surveyed by the State Auditor's Office did not believe the agency takes immediate action to protect their safety and welfare, and 65 percent said the grievance system doesn't work. The agency must implement a strong Ombudsman Office, including regional representation, and inform offenders of how to contact the office.
- 39. Strengthen grievance policies.** The agency has developed clear policies on grievance, abuse, neglect, exploitation, and disciplinary actions, to provide for the protection of youths who report allegations of abuse, and to establish stronger due-process provisions for youths.
- 40. Rotate superintendents at TYC facilities.** TYC should use the TDCJ model to periodically rotate superintendents among facilities. This creates a higher level of accountability and provides better training for facility leaders. TDCJ indicates that its management practice of rotating wardens every five to six years has been an effective tool to combat complacency and increase accountability.
- 41. Standardize incident reporting procedures and ensure that staff and youths receive regular training on how to report issues.** The State Auditor's survey found that 23 percent of offenders didn't know how the grievance system worked, and 32 percent indicated they had trouble getting grievance forms.
- 42. Implement an Agency Integrity Program.** TYC has established a proactive statewide program that emphasizes the roles and responsibilities of the agency and its staff, instructs staff on how to file a complaint or report suspicions of abuse, and assures staff that reprisals and retaliatory actions will not be tolerated. All employees have been provided with the plan and signed the Agency Integrity Program agreement. The plan makes it clear that each employee has an affirmative duty to report any problems.
- 43. Require investigators to conduct unannounced visits.** A little surprise goes a long way.
- 44. Create process to follow-up on reports of criminal activity to outside agencies.** TYC should create a standardized mechanism to follow up on all reports of possible criminal activity to outside law enforcement agencies.
- 45. Implement an alert system that provides timely notices of incidents at TYC facilities.** This system would ensure that oversight authorities, legislators and others receive notice of all significant incidents at TYC facilities. The notifications would be e-mailed for instant access and include the agency's next steps to respond to the incident.

- 46. Increase staffing for the agency’s internal audit functions.** In addition to the current risk-based audit plan, the agency will expand the internal audit function to include facility-specific audits and continuous auditing of critical operations systems.
- 47. Expand the agency’s data monitoring and analysis capabilities.** TYC’s research department will routinely monitor critical information and conduct regular surveys of parents, employees and volunteers to get a frontline perspective on agency operations.

Mission

TYC’s statutory mission is to “provide for administration of the state’s correctional facilities for children, 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.” However, the agency’s rehabilitation program, previously known as “Resocialization,” has a 50 percent recidivism rate. In addition, a review of educational programs found that all but two facilities lack academic counselors to develop appropriate schedules for students. The agency must review and refocus its efforts to create an environment that prepares young offenders to re-enter society.

Recommendations to enhance the focus on TYC’s statutory mission:

- 48. Improve and coordinate health care for incarcerated youths.** Currently TYC contracts with the University of Texas Medical Branch and Texas Tech University for medical services. However, TYC has not provided for appropriate coordination of physical and behavioral health services nor a seamless transition when youths transfer to other facilities. TYC must implement an integrated health-care system that coordinates the physical and behavioral health-care needs of an offender and ensures quick access to a youth’s complete medical record by any appropriate medical professional. The agency will evaluate the use of telemedicine projects and electronic cards that provide easier access to medical records.
- 49. Improve educational opportunities for youths in TYC facilities.** Youths who participated in the State Auditor’s survey indicated they were concerned that educational training relies on independent study rather than classroom instruction.
- 50. Ensure that all educational programs meet national accreditation standards and comply with state and federal education regulations.** The agency should provide the necessary training and resources to align educational programs to national standards.
- 51. Standardize and increase oversight of sentence modification procedures.** TYC should develop and mandate use of a standardized method to determine

when an offender has completed his or her sentence. All requests for sentence modifications should be reviewed by an entity independent of the facilities.

- 52. Identify effective treatment models for incarcerated youths.** The agency is reviewing evidence-based programs across the nation to determine the most effective ways to create an environment that prepares young offenders to re-enter society.
- 53. Reduce paperwork for caseworkers to ensure focus on mission.** TYC is working to eliminate unnecessary or burdensome reporting requirements to allow caseworkers more time to work directly with offenders.
- 54. Clearly outline the rights and responsibilities of young offenders.** Develop a document that can be provided to all offenders and posted throughout facilities that informs youths of their rights to a safe environment and quality health care and explains how youths will be held accountable for their actions.
- 55. Improve programs to help youths with a GED or diploma to transition successfully to employment or community job training programs.** An assessment of facilities found great disparity in workforce training programs. Three facilities lacked workforce development counselors while others had robust programs.
- 56. Provide more age-appropriate uniforms for youths ages 10-13.** TYC will eliminate the use of orange jumpsuits for the youngest offenders. Instead, these youths will be provided with polo shirts, khaki pants and belts.

Recommendation	Done	In Progress	Next 6 Months	Status
Immediate Priority:				
1. Develop policies to strengthen background checks and begin indexing all TYC staff.		X		New background checks performed on all TYC staff. Indexing in progress. Completed fingerprinting of 93 percent of employees.
2. Release all youths who have met sentencing requirements or were confined for misdemeanors.		X		On April 3, 2007, TYC began releasing 473 youths as part of this effort.
3. Review all senior level management positions.		X		Senior managers and facility superintendents have been directed to reapply for their positions.
4. Implement an emergency procurement process for vital equipment.	X			TYC has signed a purchase order for \$1 million for new surveillance equipment and system upgrades.
5. Create an independent panel to review TYC's process for sentence modifications.	X			The panel members were named March 23, 2007. They began reviewing cases on April 3, 2007.
6. Provide counseling for any youth who requests it.	X			Launched a toll-free hotline to request counseling on April 16, 2007. Sent letters in English and Spanish to parents of TYC youths about this new service.
7. Classify youths based on age and offense.		X		TYC is preparing to contract for a study by an independent consultant. The study should be completed this fall.
8. Transfer appropriate youths, including those ages 10-13, to contract residential facilities.		X		62 youths – 50 boys and 12 girls – have been identified as appropriate for transfer to contract facilities closer to their homes. The agency will transfer these youths as soon as contracts are finalized.
9. Provide an adequate level of staff support to implement changes quickly.	X			Created a command post to investigate issues and authorized the agency to seek any additional help needed.
10. Authorize overtime payments for staff.	X			Monthly overtime payments will begin with paychecks received on May 1, 2007.
11. Conduct vulnerability assessments of all institutions.		X		The conservator's special investigative team has made facility visits, and TYC is conducting additional assessments.
12. Ban felons from employment at TYC.	X			Executive Director Ed Owens changed this policy in his first days on the job.

Recommendation	Done	In Progress	Next 6 Months	Status
13. Use existing trained and certified staff from other agencies to provide an immediate infusion of resources to TYC facilities.	X			TYC has identified potential resources at TDCJ and other correctional units. The agency now has the ability to develop agreements to increase the number of correctional officers on duty at TYC facilities should the need arise.
Safety:				
14. Revise contracts to include strict requirements for all vendor staff who will be contact with youths.		X		TYC is preparing contract amendments to include the new provisions.
15. Adjust design of dorms to ensure safety of staff and youths.				
16. Ensure intake facility has direct connection to real-time fingerprinting.		X		TYC is developing cost estimates for the fingerprinting equipment.
17. Re-evaluate requirements for juvenile correctional officers.				
18. Establish a process to certify juvenile correctional officers.		X		Senate Bill 103 requires TYC officers to be certified.
19. Use electronic surveillance more effectively.		X		Approved \$1 million for upgrades and new equipment. Began a pilot project on April 10, 2007, to test new surveillance equipment at the Evins unit. Cabling for new equipment is being installed at the Ron Jackson and John Shero facilities.
20. Standardize procedures for investigating sexual assault allegations.		X		
21. Rotate dorm assignments for juvenile correctional officers every four months.				
22. Have standardized uniforms for correctional officers.		X		Solicited cost estimates and clothing samples for shirts with the TYC logo.
23. Improve radio interoperability among TYC facilities.				Requires additional funding.
24. Evaluate the TYC parole system.		X		A panel of internal and external criminal justice experts has reviewed the TYC parole system and recommended changes.
Resources:				
25. Set a cap on the number of placements in TYC facilities.				Requires legislative action.
26. Reconsider the placement of some facilities.				Requires legislative action.

Recommendation	Done	In Progress	Next 6 Months	Status
27. Improve the staff-to-youth ratio to one officer for every six offenders.		X		TYC has developed a staffing plan to reduce the current staffing ratio to one officer for every 12 offenders. Additional reductions will require a funding increase to hire more juvenile correctional officers.
28. Increase training for staff.			X	
29. Develop a new strategic plan for the agency that includes a plan for adjusting to growth in the system.			X	
30. Install video videoconference equipment at five TYC halfway houses.				Requires additional funding.
31. Update phones systems that are obsolete.				Requires additional funding.
Span of Control:				
32. Strengthen the chain of command and management structure.		X		
33. Reorganize the regional structure to increase accountability.		X		
34. Standardize policies and procedures across the state.		X		
35. Reorganize the organizational structure – including human resources, information technology, and business functions – to ensure better accountability.		X		Human resources and information technology staff now report to the central office. A new organizational structure for business functions is being developed.
36. Limit “for cause” employee terminations to TYC peace officers and juvenile correctional officers.				Requires legislative action to change the Human Resources Code, § 61.035.
Accountability:				
37. Create an independent Office of Inspector General.	X			Bruce Toney was named TYC Inspector General on April 10, 2007.
38. Create an Ombudsman’s Office.		X		Job description has been developed.
39. Strengthen grievance policies.		X		Conducted 12 focus groups with parents, youths, and staff to provide input on the complaint and grievance system. One session was hosted the American Civil Liberties Union of Texas and the Texas Coalition Advocating Justice for Juveniles.

Recommendation	Done	In Progress	Next 6 Months	Status
40. Rotate superintendents at TYC facilities.			X	
41. Standardize incident reporting procedures and ensure that staff and youths receive regular training on how to report issues.		X		Staff have defined the reporting process for serious incidents. Once finalized, staff training will be conducted.
42. Implement an Agency Integrity Program.	X			All employees have been provided with a copy of the Agency Integrity Program and signed an agreement to adhere to its standards.
43. Require investigators to conduct unannounced visits.	X			The TYC command post has made surprise visits to all facilities. SB103 requires law enforcement officers to make regular unannounced visits to TYC facilities.
44. Create a process to follow-up on reports of criminal activity to outside agencies.	X			
45. Implement an alert system that provides timely notices of incidents at TYC facilities to oversight authorities, legislators and others.		X		
46. Increase staffing for the agency's internal audit functions.			X	The agency is developing job postings for the new positions and a new audit plan. Internal audit is expected to be able to begin conducting additional audits in this summer.
47. Expand the agency's data monitoring and analysis capabilities.		X		Templates and schedules for new reports are being developed.
Mission:				
48. Improve and coordinate health care for incarcerated youths.		X		Established a health care task force of experts from Texas Tech and the University of Texas Medical Branch to expedite recommendations for an integrated health care system. Asked the American Correctional Association to review and assess TYC's health care services. Posted the medical director position.
49. Improve educational opportunities for youths in TYC facilities.			X	
50. Ensure that all educational programs meet national accreditation standards and comply with state and federal education regulations.			X	

Recommendation	Done	In Progress	Next 6 Months	Status
51. Standardize and increase oversight of sentence modification procedures.		X		
52. Identify effective treatment models for incarcerated youths.		X		TYC is reviewing literature on best practices and researching the most effective programs.
53. Reduce paperwork for caseworkers to ensure focus on mission.		X		TYC is assessing the program requirements and standards associated with case management.
54. Clearly outline the rights and responsibilities of young offenders.		X		The agency is developing posters written in easy-to-understand language.
55. Improve programs to help youths with a GED or diploma to transition successfully to employment or community job training programs.			X	
56. Provide more age-appropriate uniforms for youths ages 10-13.		X		TYC is preparing to order the new uniforms later in April. The uniforms will be issued to youths at intake.

Appendix A

TYC Command Post Activities

Within three days of the Governor's executive order, a command post and team was assembled that included investigators from the Texas Department of Criminal Justice, Office of Attorney General, and the Texas Rangers. On March 6, 2007, the command post coordinated emergency evaluations of all Texas Youth Commission (TYC) facilities using law enforcement officers from across the state. A TYC hotline was established and answered 24 hours a day. The hotline is accessible to every young offender in every facility. Additionally, this number was broadcast on the TYC website and distributed to media.

Calls and Complaints

As of April 27, 2007, the TYC command post has received 2,972 calls and complaints. To date, investigators have reviewed and closed 1,463 of the cases. Youths, parents and others were encouraged to call with information regarding any incident or issue. The calls involved issues dating back years and include duplicate reports related to the same incident. The most common types of calls and complaints received have been:

- Information only (867)
- Staff misconduct (683)
- Assault of an offender by staff (553)
- Sexual misconduct by staff (359)
- Assault of an offender by another offender (235)

The facilities most often named in the calls and complaints are:

- McLennan State Juvenile Correctional Complex (431)
- Giddings State School (299)
- Marlin Orientation & Assessment Unit (254)
- Ron Jackson State Juvenile Correctional Complex in Brownwood (244)
- John Shero State Juvenile Correctional Facility in San Saba (226)
- Corsicana Residential Treatment Center (218)
- Crockett State School (203)
- West Texas State School in Pyote (178)
- Al Price State Juvenile Correctional Facility in Beaumont (149)
- Gainseville State School (139)
- Victory Field Correctional Academy in Vernon (127)
- Evins Regional Juvenile Center in Edinburg (122)

Arrested Since March 6, 2007

- Sylvia Machado, superintendent at Ayres Halfway House in San Antonio. Arrested March 9, 2007, on a charge of tampering with evidence.

- Barry Ransberger, former TYC employee at Ron Jackson State Juvenile Correctional Complex in Brownwood. Arrested March 14, 2007, for an alleged sexual assault that occurred in the Texas Department of Criminal Justice.
- Alex Dennis, juvenile correctional officer at the Al Price in State Juvenile Correctional Facility in Beaumont. Arrested March 14, 2007, on a charge of official oppression.
- Dusty Ogle, employee at Ron Jackson State Juvenile Correctional Complex. Arrested March 15, 2007, on charges of tampering with government record, official oppression, and aggravated assault with serious bodily injury. Arrested April 12, 2007, on a new warrant for tampering with a witness.
- Jerome Parsee, Marlin Orientation & Assessment Unit. Arrested March 23, 2007, on a charge of making a false report to peace officer.
- Two youths at Gainesville State School. Arrested March 29, 2007, for assault on a Public Servant.
- Shannon Griffin, former employee at West Texas State School in Pyote. Arrested April 9, 2007, on a charge of improper sexual activity with a person in custody.
- Ray Edward Brookins, former assistant superintendent at West Texas State School. Arrested on April 10, 2007, on charges of improper sexual activity with a person in custody and an improper relationship between educator and student.
- John Paul Hernandez, principal/teacher West Texas State School. Arrested on April 10, 2007, on five counts of improper sexual activity with person in custody, one count of sexual assault, and five counts of an improper relationship between educator and student.
- Two youths at John Shero State Juvenile Correctional Facility in San Saba. Arrested on April 18, 2007, for indecent exposure.
- Andrel Waddle, Willoughby House in Fort Worth. Arrested on April 25, 2007, on a charge of improper sexual activity with a person in custody.

Appendix B

Agency Integrity Program

All Texas Youth Commission (TYC) employees have been provided with a copy of the Agency Integrity Program and signed an agreement to adhere to its standards. The program not only tells employees how to report issues, it also makes it clear that each employee has an affirmative duty to report problems up the chain of command and to the appropriate oversight agencies when necessary.

Code of Ethics

All employees of the Texas Youth Commission are expected to conduct themselves so that:

- Youth and their families or people doing business with TYC feel secure that decisions made about them are fair and are not dependent on gifts or other favors.
- My personal relationships and my outside business or investments do not influence me to do my TYC job differently or use it for private interests.
- Youth look up to me as a positive role model and feel secure that I will protect them, treat them fairly and with dignity and respect, and maintain a professional relationship with them.
- My fellow employees will know that they can trust me and rely on me to maintain proficiency in all my assigned duties, to treat them fairly and with dignity and respect, and to resolve our differences honestly and professionally.
- The People of Texas will know that I am open, truthful and honest, that I will be a good steward of their resources, and that I will faithfully do my part to carry out TYC's mission.

Standards of Conduct

No employee will suffer any adverse action by TYC for questioning the propriety or legality of any order or direction from any individual employed by TYC. All employees are encouraged to seek clarification or explanation in a situation with which they may question the propriety or legality of an action as it relates to their duties on behalf of TYC.

Staff/Youth Relationship

The nature of the relationship of Texas Youth commission staff and the youth in TYC's care is of critical importance in efforts to influence youth in a positive manner. Staff members are expected to maintain a system of constructive two-way communication. Employees are expected to role model both appropriate behavior and appropriate skills. (PRS 01.09)

The Texas Youth Commission has established procedures to provide a safe, professional, and pleasant work environment. Intimidating, offensive, or harassing sexual conduct interferes with our work and our services to the youth and the public. All sexual conduct is strictly prohibited

and will not be tolerated. This applies to employees, contractors and contractors' employees, volunteers, delivery persons, vendors, and any other person having contact or doing business with TYC. (PRS 01.02)

Reporting Youth Mistreatment, Fraud, and Illegal Activities

Employees are required to report suspected mistreatment of youth, incidents of fraud, and other job-related illegal activities to their chief local administrator, the Office of the Inspector General's hotline (1-866-477-8354 or oigspecialops@tdcj.state.tx.us), TYC Central Office, or anyone in authority to whom they feel comfortable reporting without retaliation.

- "Youth mistreatment" includes any abuse, neglect or exploitation of youth.
- "Fraud" includes any intentional deception, misrepresentation or omission of important facts.

Cooperation with Investigations

Employees are required, as a condition of employment, to cooperate fully in TYC investigations, answering all questions fully and accurately.

- Employees are required to answer all job-related inquires. Neither the employee's answers nor information derived from the answers may be used against the employee in a criminal prosecution, but may be used by the agency as a basis for discharge or other discipline.
- If an employee refuses to answer a question posed in an investigation, the employee is to be reminded that they are required to comply, and that refusal to answer will result in disciplinary action up to and including termination.

Conflicts of Interest

Ordinarily, each employee's business transactions are his or her private affair. It must be remembered, however, that employees should not benefit by their outside interests at the expense of TYC. To do so could be considered a potential conflict of interest. This same policy applies to outside employment. Activities conducted on an employee's own time are considered personal matters unless, or until, these activities interfere with job performance or reflect adversely on TYC.

A conflict of interest exists when an employee's private interest conflicts or raises a reasonable question of conflict with the employee's public duties and responsibilities. Examples of acts which constitute conflict of interest and which are consequently prohibited include, but are not limited to:

- Receiving a consideration for procuring a contract with the State of Texas
- Receiving or agreeing to receive sums for services performed by the employee for the agency from sources other than the state
- Accepting dual employment when it would create an overtime liability for TYC, according to the Fair Labor Standards Act (FLSA)

Employees will not accept other employment or compensation that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties.

Employees will not make personal investments that could reasonably be expected to create substantial conflict between the employee's private interest and the public interest.

Acts that constitute conflict of interest may result in disciplinary action up to and including termination.

Confidential Information

Employees must never discuss confidential information with others who are not authorized to receive it, whether inside or outside the agency. Breach of confidential information will result in disciplinary action up to and including termination.

- Employees, volunteers, consultants or others working in any capacity with TYC are expected to maintain confidentiality of all agency records and information pertaining to students, and all personnel related records and information pertaining to employees, except as ordered by the courts, specifically permitted by law or administratively approved. See GAP.81.41 (relating to Confidentiality).
- The discussion of such information, even between employees, should be in the line of service, impersonal, and discreet.

Employees will not accept other employment or engage in a business or professional activity that the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by reason or the official position.

Acceptance of Gifts and Honorariums

The state penal code makes it a criminal offense for a state employee to solicit or accept, directly or indirectly, any benefit from a person who is subject to regulation or investigation performed by the employee or by TYC.

Employees should be aware that it is a violation of state statute for an employee, with the intent to obtain a benefit or defraud or harm another, to:

- Intentionally or knowingly violate a law relating to his/her employment; or
- Misapply anything of value belonging to the government that has come into his/her custody or possession by virtue of TYC employment.

Employees may not solicit, accept, or agree to accept an honorarium in consideration for services that the employee would not have been requested to provide but for the employee's official position or duties.

Employees are allowed to accept transportation and lodging expenses and meals in connection with a conference or similar event.

Employees will not accept or solicit any gift, favor, or service that might reasonably tend to influence the employee in the discharge of official duties or that the employee knows or should know is being offered with the intent to influence the employee's official conduct.

For more information on state law requirements regarding acceptance of things of value, see the Texas Ethics Commission's Web page at www.ethics.state.tx.us.

Political Activity/Influence

- The state ethics code prohibits employees from engaging in political activity or political influence while on official duty. Employees are urged to participate in the political process; however, the employee is not allowed to use his/her official authority or influence for political purposes. A part-time employee is allowed to serve as a lobbyist as long as the interests represented by the employee as a lobbyist are not related to the employee's part-time employment with the state. Employees are expected to comply with the General Appropriation Act's (GAA) limitations concerning political activity.
- TYC rules will not affect employee rights to vote or employee rights as private citizens to express opinions on political subjects or candidates. Employees are urged to participate in the election process, although campaigning must take place outside of working hours and outside the office or facility.
- No state funds or property shall be used to influence the outcome of any election or passage or defeat of any legislative measure.
- TYC employees may not use the internal mail system for the distribution of political advertising.
- TYC officials and employees may furnish non-confidential information to legislators or other state officials or citizens. TYC officials and employees may furnish confidential information to legislators or other state officials only if it is to be used for an official purpose and the person receiving the information signs and returns the appropriate confidentiality form before the information is released.

Improper Payments

No person shall intentionally or knowingly offer to pay or agree to accept any remuneration directly or indirectly, overtly or covertly, in cash or in kind, to or from any person, firm, association of persons, partnership, or corporation for securing any action or decision, or soliciting favoritism or patronage, in violation of state or federal law.

Use of Government Time, Property, Facilities or Equipment

It is a violation of state statute to use state time, property, facilities or equipment for purposes other than official business.

- An employee's use of a state-issued credit card for any type of expense other than a state business-related expense is a misapplication of state property and may violate Section 39.02 of the Texas Penal Code.
- Corporate travel charge cards, cell phones, telephone calling cards, pagers, and vehicles issued or assigned to a state employee by the State of Texas remain the property of the State of Texas and should be used only for official state business.

- An employee will be subject to disciplinary action up to and including termination for misuse of state property.
- Employees who are assigned or issued state property including, but not limited to, vehicles, keys, identification and credit cards, cell phones, mobile computing devices, radios, and pagers are expected to exercise care when using state property.
- If assigned or issued state property is lost, stolen, or damaged, the employee immediately notifies his/her supervisor, local business manager, and the Purchasing and Support Services Department in Central Office.

TYC holds its employees accountable for any TYC facilities, property, and supplies they use.

General Accountability

- The Texas Youth Commission (TYC) maintains effective accountability and control of agency property through the assignment of custodial responsibilities, maintaining fixed asset and supply inventory subsystems, and through physical inventories.
- Administrators and supervisors are accountable for all physical assets assigned to their units, including facilities, property, prepaid items, and supplies.
- State property can be moved only after appropriate transfer procedures have been completed.
- Removal of state property for personal use is prohibited by law.

Destruction of State Property

When property of the Texas Youth Commission (TYC) is neglectfully or intentionally damaged or destroyed by an employee, that person is pecuniarily liable to the state for the loss. The liability may be joint if more than one person is involved in the incident.

- The employee responsible for the loss, destruction, or damage must report the incident to the agency property manager and the property custodian. The employee shall also notify his/her supervisor(s) as appropriate.
- The property custodian must report the incident and submit all needed reports to the agency property manager. The agency property manager submits all reports to the Chief Financial Officer.
- The agency's Chief Financial Officer for financial support shall determine if the loss is a result of neglect or intentional damage.
- The agency property manager shall report such loss to the state comptroller and attorney general. The attorney general will investigate the matter.
- If the attorney general finds that a loss has been sustained, the attorney general makes written demand that the employee reimburse the state.
- The attorney general may file suit against an employee who refuses or disregards demands for reimbursement.

Use of Insignia or State Identification

Identification cards and other insignia of authority indicating a TYC employee's official identification or position must not be used in the following ways:

- To exert influence, or
- To obtain either directly or indirectly, privileges, favors, or rewards for the employee or others, or
- To improperly enhance the employee's own prestige.

Employees will not intentionally or knowingly solicit, accept, or agree to accept any benefit for having exercised the employee's official powers or performed the employee's official duties in favor of another.

Integrity of TYC Records

The maintenance of proper records is mandatory in order to account for TYC's operations, expenditures and receipts. Removing, altering or destroying TYC records could result in a serious criminal offense if not performed in compliance with established records retention procedures. TYC's records must be complete, detailed, and secure.

Improper possession of, removal of, and/or disclosure of TYC records in violation of state or federal law or this policy will result in disciplinary action up to and including termination of employment, and will be reported to the appropriate governmental authority.

Reports, logs, and other records required or maintained by the agency shall be truthful and accurate. Any alterations to such documents must reflect the person making the alteration and the date it was made.

Access to TYC Computer Systems

- Employees with access to TYC information resources should not, under any circumstances, share their user ID and/or password with anyone.
- Employees should not allow anyone other than agency computer support staff to use a computer logged in with their user ID and/or password under any circumstances.
- Employees are prohibited from allowing TYC youth access to any TYC computer system except those systems specifically provided for educational purposes.
- Employees are prohibited from using TYC computers to access, distribute, print, view, or receive pornographic material.

Violation of the above may result in disciplinary action up to and including termination.

Compliance with Environmental Laws

TYC is committed to compliance with all local, state and federal laws relating to the environment. This includes compliance with requirements of the Occupational Safety and Health Act as well as all other state, federal or local governmental and/or regulatory agencies.

Compliance with Laws in General

Employees should be aware that it is a violation of state statute for an employee, with the intent to obtain a benefit or defraud or harm another, to:

- Intentionally or knowingly violate a law relating to his/her employment; or
- Misapply anything of value belonging to the government that has come into his/her custody or possession by virtue of TYC employment.

Prohibited Items in the Workplace

1. Weapons are prohibited. Weapons are defined in §46.01 Texas Penal Code. Refer to [GAP.81.31](#) (relating to Weapons and Concealed Handguns.)
 - Employees and volunteers may not carry weapons on their persons or have them in their possession while on duty, whether or not the employee is licensed to carry a concealed handgun under Subchapter H, Chapter 411, Government Code.
 - Employees, volunteers and others may not carry weapons in any state vehicle or TYC building, office, facility or facility ground, program (including contract programs), or on any land owned or leased by TYC, except:
 - In the personal residence of staff who live adjacent to the campus; or
 - As specifically authorized by the executive director; or
 - An apprehension specialist.
2. Paraphernalia, which it is a crime to possess, manufacture or deliver under §§481-485 of Texas Controlled Substances Act, is prohibited.
3. Accessing, distributing, printing, viewing, or receiving pornographic material are grounds for immediate dismissal.
4. Employees are prohibited from consuming, possessing, using, or being under the effects of alcohol, drugs or any mood-altering substance at work or on TYC premises. Exceptions will be made for prescription drugs or over-the-counter medications that do not significantly interfere with the performance of job duties. An employee who is taking a prescription drug or over-the-counter medication which may impair mental or physical capabilities must notify his/her supervisor prior to commencing work. It is the supervisor's responsibility to determine, in consultation with the Human Resource Administrator, whether the employee can safely and effectively perform job duties while taking the drug or medication. If the supervisor determines the employee cannot safely or effectively perform his/her job duties

while taking the drug or medication, the employee must use his/her leave in accordance with PRS Chapter 27.

Compliance Requests

All TYC employees are required to cooperate fully with any request by the TYC's supervisory personnel, Human Resources Division, commissioners, Executive Director, Internal Auditor, and the State Auditor's Office or their appointees or assistants.

Failure to cooperate with compliance requests could result in disciplinary action up to and including termination of employment.

Compliance Procedures

Periodic audits of TYC's contractual relationships with providers, vendors, suppliers and other sources will be conducted by TYC. TYC may retain an outside accounting and/or consulting firm to periodically review its accounting practices and/or procedures.

TYC Workplace Rules

Betting or Gambling

State law prohibits betting or gambling while on official duty or on state property.

Smoking

TYC prohibits smoking in all TYC offices and facilities by TYC employees, contract workers, and visitors. Smoking may be allowed outdoors on TYC premises in places designated as smoking areas for staff.

Personal Appearance and Dress Standards

As a representative of the State of Texas, an employee's appearance is a direct reflection on TYC. For this reason, employees should follow basic guidelines with regard to their dress and personal appearance. Each TYC employee is expected to exercise good judgment in maintaining a professional appearance that is consistent with the general business community and his or her position. This includes appropriate personal grooming, as well as neat, clean clothing. Suggestive attire, shorts, inappropriate T-shirts, flip-flops and similar clothing are not appropriate for the workplace and are not allowed. If an employee has any doubts about the attire he or she is considering wearing during working hours, the attire should not be worn. Supervisors and management are responsible for consistently enforcing the appearance and dress standards.

Administrative Staff : TYC employees should dress in a manner that is in keeping with the accepted standards of professional office attire when meeting face to face with the general public, TYC providers, representatives from other state agencies, representatives of organizations that provide TYC with funding, TYC board members, and state or federal legislative members and staff. Examples of professional office attire include:

- Business suits
- Dress shirts and ties
- Sport coats or jackets
- Dresses
- Business skirts or pants, and
- Dress shoes

When employees do not have contact with individuals other than TYC staff, they may wear business-casual attire. Examples of business-casual attire include:

- Sports shirts and slacks, and
- Casual blouses with skirts or pants

Jeans and athletic shoes are allowed only on Fridays. However, employees meeting with the public on Fridays are required to dress in professional office attire. Employees who work in areas that do not have regular contact with the public should follow basic requirements of safety and comfort; however, these employees must present a neat appearance.

Direct Care Staff: Direct care staff may wear attire that is appropriate for their position, including jeans and athletic shoes. Other athletic clothes may be approved if the function of a job or assignment requires them and then only for the duration of the job or assignment. Employees who provide daily/routine, direct care with youth are subject to the following requirements to preserve an environment that is safe for employees and an environment that models appropriate behavior to the youth. All body piercing must be covered or inconspicuous (no jewelry inserted with the exception of one stud earring in each ear).

All TYC Staff : All offensive, derogatory and suggestive slogans are prohibited. Offensive, derogatory, and suggestive body art must be covered at all times.

Appendix C

Links to Other Reports

U.S. Department of Justice

The U.S. Department of Justice Civil Rights Division issued a report on March 15, 2007, with the findings from a review of the Evins Regional Juvenile Center in Edinburg. The report described the atmosphere at Evins as “chaotic and dangerous.”

Link: www.usdoj.gov/crt/split/documents/evins_findlet_3-15-07.pdf

State Auditor’s Office

The State Auditor’s Office completed an investigative report and survey of TYC offenders on March 16, 2007. The report found that “TYC’s youth grievance process does not ensure that all grievances are received and investigated appropriately and in a timely manner.”

Link: www.sao.state.tx.us/reports/main/07-022.pdf

Senate Criminal Justice Committee: Interim Report to the 80th Legislature

The Senate Criminal Justice Committee issued recommendations relating to many issues in the state’s criminal justice system. Interim Charge No. 3 directed the committee to “examine the allegations of abuse and neglect within the Texas Youth Commission (TYC) facilities and the appropriateness of TYC response.”

Link: www.senate.state.tx.us/75r/senate/commit/c590/c590.InterimReport79.pdf