



Points of Discussion

RE: Meeting with Jay Kimbrough and Advocates

Meeting Date: May 17, 2012

Upon a mutual agreement to discuss the current state of “crisis” related to youth and staff safety that the state-wide facilities operated by the Texas Juvenile Justice Department (TJJD) are facing, several points of interest and areas where further assessment is needed were raised.

A. Increasing the safety and security of youth and staff.

The amount of attention which TJJD has recently received regarding the safety and security of the youth and staff within the six state-operated secure facilities requires a quick, yet effective and sustainable “fix.” In order to ensure the actions taken have a lasting impact, advocates proposed two resolutions. 1) Restore order and address youth disciplinary issues and 2) Identify and address deficiencies in programming that have contributed to the ongoing safety concerns.

1. Restore order and address youth disciplinary issues.

Currently there are a multitude of barriers which are affecting the ability of administrators to maintain order and provide constructive discipline to youth. To address these barriers, advocates proposed the following solutions:

- a.) **Implement a program of graduated sanctions.** The current method under which TJJD administers discipline presents a significant barrier to constructively disciplining youth. The challenge with today’s system is the lack of meaningful incentives and privileges that can be earned or withheld when a youth misbehaves. Today, the consequences for violating a rule are met with two extremes – aversive behavioral interventions such as pepper spray, restraint and seclusion or demotion in stage – which presents youth with a longer stay in the facility – or the denial of an extra “privilege” (e.g., an extra cookie/muffin at lunch). Due to the amount of research which supports an incentives based approach, advocates recommend that a system be implemented which adheres to an incentives based curriculum. This curriculum can also be supplemented by employing a proven behavioral contract model that holds youth accountable for their actions and provides clear expectations surrounding behavior. However, both would require the agency to formulate a meaningful set of privileges that youth can earn – and lose – during their stay in a facility.

- b.) **Address issues with staffing by improving the quality and increasing quantity of staff.** Ongoing challenges with maintaining required staff to youth ratio have greatly contributed to the current issues within TJJD secure facilities. Identifying facilities at a higher risk of safety issues and increasing the number of staff in these facilities would help ensure the restoration of order. In order to accomplish this, advocates suggested that the following options be considered:
- Review and address issues surrounding the ability to adequately staff facilities due to significant training requirements that must be completed prior to contact with youth. While advocates believe that sufficient training is integral to the continuing reform efforts, an incremental training method to meet the 300 hour training requirement may alleviate some of the staffing/coverage issues facilities face.
 - Review and address issues surrounding the ability to adequately staff facilities by reducing the population in secure facilities and moving youth who do not present a public safety risk to less restrictive settings in their home communities.
 - Temporarily place more experienced staff in facilities that are having trouble restoring order due to disobedient and violent youth.
 - Examine the feasibility of modifying the current shift schedule to include a *swing shift* (or fourth shift). Through the inclusion of this extra shift, management will be able to maximize custody staffing levels on shifts where most movement occurs, in addition to increasing the possibility for quality training. While further assessment may be needed to determine if this model will be appropriate for TJJD, advocates recommend that management refer to Bexar County Juvenile Probation Department, where this method is already in place. Please find the current shift and training schedule used by Bexar County attached.
- c.) **Implement a classification system to ensure proper placement of youth.** The current method employed by TJJD to classify and place youth does not appear to ensure adequate protection of more vulnerable youth, and may precipitate problems for youth who may be more prone to aggressive behavior. It is important to note that the assessment tool currently being used by TJJD is one which measures risk to recidivate and not future risk of violence. The latter assessment is needed in order to determine the level of supervision a youth will require when placed in a correctional setting. Identifying a youth's risk of violence will allow for proper placement and will determine the type/amount of staff required to supervise those with moderate to high risks. Advocates recommend that an expert in assessments and classification, Orlando Martinez, be used to aid in the creation of a classification system specific for TJJD.
- d.) **Improve relationships among youth and staff by reducing the number of restraints and the use of seclusion.** Advocates proposed implementing a model similar to that of Bexar County. Please reference the attached information provided specific to this model.

2. Identify and address deficiencies in programming.

As previous reports have indicated, the amount of idle time a youth has increases the likelihood of horseplay and can lead to increased levels of disobedience and violence. In order to ensure that youth have less idle time and are engaged in constructive activities, advocates proposed that the programs listed below be thoroughly assessed and evaluated. It is also important to note that increasing staff buy-in is contingent upon their understanding and ability to properly implement these programs.

- a.) CoNexTions – this is not, and should not be a “one-size fits all” program. In order to ensure youth success, its state-wide application needs to be tailored to account for a particular youth’s developmental and disability-related learning needs. Furthermore, the program has been introduced in a manner that has produced resistance among staff who are responsible for implementing it. A clear delineation of the program components and the expected impact on different types of youth, including youth with disabilities, need to be made in order for this program to be effective.
- b.) ReDirect – despite that fact that this program is rooted in evidence-based principles, the fidelity in its implementation has been questioned several times. The extent and manner in which it is being implemented needs to be thoroughly assessed.
- c.) Aggression Replacement Training – the manner in which youth are identified for placement in this program requires that a youth demonstrate significant aggression. This is a reactive approach and counteracts the proactive intent of the curriculum.
- d.) Positive Behavioral Interventions and Supports – PBIS is a model for addressing behavioral problems that is legislatively mandated to be used in TJJD schools. However, TJJD has indicated that it is not being implemented with high integrity to the model system-wide. The barriers to effective implementation should be identified. If PBIS has been successful in reducing disciplinary infractions in schools where it is implemented with high fidelity, there should be some consideration of campus-wide use of the model.

B. Avoiding counterproductive solutions.

Despite the need to quickly restore order within state secure facilities, it is important that counterproductive and reactive solutions be avoided. Advocates raised concerns and strongly asserted disapproval in taking the following actions:

- a.) Transferring youth to the Texas Department of Criminal Justice. This option poses serious risks not only to the youth, but to the public as well. Youth placed in adult facilities do not receive adequate education or rehabilitative programming. In fact, youth who are placed in adult facilities have been found to have a higher risk of violently recidivating.
- b.) Increasing the use of “lockdowns” – despite the immediate effect that “locking down” a facility may have, isolating youth for an inordinate amount of time can be counterproductive when attempting to restore order. Importantly, use of prolonged isolation greatly contributes

to deterioration in mental and physical well-being of youth and significantly impedes chances at rehabilitation.

C. Engaging a team of experts to conduct a systemic assessment of the issues in TJJD facilities.

All of the recommended solutions above are beyond the expertise of the individuals participating in this discussion. For this reason, advocates propose that TJJD engage a team of experts in juvenile justice practice and policy development to evaluate and implement the above proposals, as well as any initiative advanced by the agency. This team should include experts in the areas of:

- Safety and Security – this expert will help ensure the restoration of order and the proper implementation of a proven discipline model.
- Staffing, Training and Operations – this expert will assess the current operations of TJJD and make recommendations to improve issues presented by staff and the implementation of programming.
- Assessments – this expert will conduct a thorough assessment of each youth to determine proper placement and will recommend a more effective system for classification.
- Mental Health – this expert will conduct a thorough assessment of the mental health needs of all youth and make recommendations on more effective practices to ensure the rehabilitation of this specialized population (e.g., tailor programming to youth, not youth to programming and making recommendations as to whether youth who do not present a public safety risk can be served in their home community with appropriate supports).
- Education – TJJD already contracts with experts in PBIS. The agency should consider pulling them into the team to provide information about the current initiative to determine if the method of implementation is effective, whether the model is being implemented with fidelity, what barriers may exist to effective implementation and whether PBIS should be used campus-wide rather than just in the school setting.

The importance of engaging a team of experts to help resolve the current “crisis” faced by TJJD cannot be emphasized enough. In order to ensure that any actions taken will have a lasting impact TJJD must rely on experts in juvenile justice practice and policy development. Choosing to take a reactive approach will negate any progress made in reforming Texas’ juvenile justice and will further create a counterproductive environment for public safety and the states’ troubled youth. We appreciate the opportunity to discuss these matters and look forward to continuing this dialogue as TJJD moves forward in addressing these issues.