

Independent Ombudsman

for the Texas Juvenile Justice System



June 9th, 2022

Jennifer Jones
Executive Director
Sunset Advisory Commission
1501 North Congress
Austin, Texas 78701

Director Jones,

I wanted to take this opportunity to commend you and your staff for excellent professionalism and hard work during the Sunset review process of the Office of Independent Ombudsman. I found your team to be courteous, efficient and engaging during a very difficult and time consuming process. The Office of Independent Ombudsman is very appreciative of the different perspectives brought forward by your team as we look forward to implementing the recommendations contained in the report.

Best regards,

J. D. Robertson
Director

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Human Resources Code, Sec. 261.002. "The office of independent ombudsman is a state agency established for the purpose of investigating, evaluating, and securing the rights of the children committed to the department, including a child released under supervision before final discharge."

Office of Independent Ombudsman-Sunset Report Response

Issue 4-The Office of the Independent Ombudsman Needs Clearer Authority and Formalized Policies to better secure the Rights of Youth in the Juvenile Justice System.

4.1 Require TJJD and county juvenile probation departments to notify OIO about contract facilities in which they place post-adjudicated youth.

The current process for identifying juvenile facilities that house post-adjudicated youth offenders is ineffective and contains significant time gaps in reporting. These gaps can be alleviated with clear directives to both State and County entities having jurisdiction over post-adjudicated youth to report facility locations where youth are assigned along with population levels from each jurisdiction. The Office of Independent Ombudsman concurs with this recommendation.

4.2 Require OIO to establish a risk-based approach to site visits for county- and state level entities, including contract facilities operated by private entities.

The Office of Independent Ombudsman continues to believe on site reviews of facilities housing post-adjudicated youth offenders at regular intervals remains the most effective method to determine compliance with youth rights. The agency recognizes a formalized process to assess youth facility health could be beneficial in utilizing limited personnel resources. The agency will develop a risk assessment tool designed to assess facilities and commit resources accordingly.

4.3 Update the standard across-the-board requirement related to developing and maintaining a complaints system and making information on complaint procedures available to the public.

Texas Administrative Code, Title 37, Rule 601.8 establishes the procedures for receiving and investigating complaints by the Office of Independent Ombudsman. In August of 2019, the OIO entered into a joint cooperative with the Office of Inspector General (OIG) to implement a consolidated reporting system to address the gaps in receiving and investigating complaints filed with the OIO. Prior to August of 2019, the Office relied on out dated systems that were inadequate for the mission task. This resulted in significant gaps in recording, reconciling and tracking complaints received by the Office. The new reporting system has entered the final phase of development and should alleviate any concerns with tracking, maintaining and storing information regarding complaints. The Office of Independent Ombudsman concurs that Texas Administrative Code, Title 37, Rule 601.8 as well as internal policies should be updated to include disclosing information to the public in so far as it does not compromise the investigation, disclose information protected by law or place a youth at risk of harm.

Management Action

4.4 Direct OIO to create policies and procedures for consistently collecting and tracking findings from its site visits.

In August of 2019, the OIO entered into a joint cooperative with the Office of Inspector General (OIG) to implement a consolidated reporting system to categorize and record site reviews of facilities. Prior to August of 2019, the Office relied on out dated systems that were inadequate for the recording, categorizing and storing facility site review data. This included multiple data bases to store information from facility reviews making data review cumbersome and reliant on the institutional knowledge of the agency program analyst for recall and analysis. The new reporting system has entered the final phase of development and with enhancements should alleviate concerns regarding collecting and tracking findings. The agency concurs policies and procedures should be updated to account for the new reporting system.

4.5 Direct OIO to formalize its policies and procedures for including key site visit findings and trends in its quarterly reports.

The Office of Independent Ombudsman produces a quarterly report designed to inform key state officials, stakeholders and the general public regarding the status of juvenile facilities housing post-adjudicated youth offenders. The agency concurs all stakeholders including the public would benefit from knowledge of the most significant systemic issues involving juvenile facilities. The agency will update policies and procedures to include significant findings so long as it does not disclose information protected by law or place a youth at risk of harm.

4.6 Direct OIO to develop clear procedures for referring and tracking non-jurisdictional complaints regarding licensed professionals to relevant state agencies for further inquiry.

The Office of Independent Ombudsman routinely refers complaints not involving the 14 basic rights afforded to youth offenders or non-jurisdictional complaints to outside agencies. For example, complaints involving criminal acts are referred to the Office of Inspector General. The agency concurs complaints involving inadequate standard of care on licensed mental health professionals and licensed health care professionals should be referred to the respective medical boards for review by subject matter experts. Notwithstanding current statutory authority contained in Texas Human Resource Code, Title 12, Subtitle D, Chapter 261, specific language and relief from liability for making good faith complaints regarding mental health and health care professionals would assist in carrying out this recommendation. The agency concurs with this

recommendation and will address policies and procedures to comply with this action.