

**Expert Report**

**Texas Youth Commission  
Ron Jackson State Juvenile Correctional Complex**

*K. C., et al v. Townsend, et al., Civil No. 6:09-CV-012-C (N.D. Tex.)*

*Submitted by:*

*Anne M. Nelsen, MSW, MPA  
August 31, 2009*

  
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**Anne M. Nelsen, MSW, MPA**

**QUALIFICATIONS AND BASES FOR OPINIONS:**

I was asked to provide an expert report regarding my opinion in the matter of *K. C., et al. v. Townsend, et al.* Specifically, I was asked to render an opinion based on my review of documents provided by the defendants, as the result of discovery in this matter, based on interviews with named or potential plaintiffs, and based on a tour of the Security Unit at the Texas Youth Commission's Ron Jackson State Juvenile Correctional Complex in TYC-Brownwood, Texas ("TYC-Brownwood"). My primary charge was to address the allegations in the complaint in the above matter regarding policies, practices and conditions of confinement at TYC-Brownwood—particularly, the use and impact of punitive solitary confinement, the use and impact of invasive searches, and the use and impact of physical restraint.

My facility visit, security tour, and resident interviews occurred over two full days, July 20-21, 2009. My opinions in this case are based on my review of documents provided to me, all of which are identified below; on information and impressions derived from interviews with 12 girls at the facility; on a tour of the TYC-Brownwood Security Unit; as well as on my years of experience as a director or superintendent of juvenile correctional facilities in the State of Utah and as a juvenile justice consultant.

My juvenile correctional experience includes working in the State of Utah as superintendent of a detention center, a long-term secure treatment facility and an observation and assessment center; as an assistant director of the Utah State Division of Youth Corrections with responsibility to coordinate with all detention centers in the state; as a regional director with responsibility to oversee all facilities within one of the three geographic regions in the state; and on my juvenile justice consulting experience (see attached resume). In the past four years, I have given testimony as an expert in deposition in the case of *Mestsre v. Florida Department Juvenile Justice, et al.* (Florida). I have also rendered expert opinions in *LaShanda Campbell, et al. v. Walter Woods, et al.* (Alabama), *Maniece v. County of Los Angeles* (California) and *Morgan v. Nagin* (New Orleans, Louisiana). I have conducted conditions of confinement assessments in Hawaii, Indiana (twice) and Texas. I participated as part of the U.S. Department of Justice monitoring team for the Civil Rights of Incarcerated Persons (CRIPA) lawsuit, *U.S. v. State of Georgia*, with responsibility for evaluation of protection from harm issues in juvenile facilities in the State of Georgia. I am currently working with the City of New Orleans to assist in writing policies and procedures for the Youth Study Center, a juvenile detention center. I have written one time for publication in the past ten years, a review of the book *Aggression and Antisocial Behavior in Children and Adolescents: Research and Treatment* (Guilford Press 2002) by Connor, Daniel F., M.D. in *Corrections Compendium* (Feb. 2003). I am past president of the National Juvenile Detention Association, I am current president of the National Association of Juvenile Correctional Agencies, and I currently serve on the governing board of the National Partnership for Juvenile Services. I am a former member of the American Correctional Association Commission for Corrections and have served as an auditor for the Commission.

I have agreed to payment at the rate of \$125 per hour for document review, facility assessment, interviews, report-writing and related work, and \$150 per hour for testifying in this case.

**DOCUMENTS REVIEWED:**

- First Amended Class Action Complaint for Declaratory and Injunctive Relief—*K. C. v. Townsend*
- Deposition of Thomas A. Adamski
- Affidavit of Thomas Adamski, dated May 8, 2009
- Defendants' Response in Opposition to Plaintiffs' Renewed Motion for Class Certification, Exhibit A, Affidavit of Thomas A. Adamski, dated December 19, 2008
- Master file for K.C.
- Security file for K.C.
- Average Daily Population Reports (06/08-03/09)
- Physical ID/Chronological File 2005 for K.C.
- Physical ID/Chronological File 2007 for K.C.
- Security File – Misc. Documents for K.C.
- CCR-225 Forms/Incident Reports for K.C 06/08-03/09\
- Master file for T.R.
- Security file for T.R.
- Physical ID/Chronological File for T.R.
- CCF-225 Forms/Incident Reports for T.R. 06/08-03/09
- Master file for H.C.
- Security file for H.C.
- Physical ID/Security Chronological file for H.C.
- CCF-225 Forms/Incident Reports for H.C. 06/08-03/09
- SAS96 Security Reports 06/08-02/09
- TYC Incident Report CCF-225 Instructions and Codes
- TYC Training modules for Incident Report Writing
- TYC-TYC-Brownwood Physical Restraint Report 03/08-03/09
- TYC-TYC-Brownwood pepper spray report 03/08-03/09
- GAP Policy 97.35 (temporary segregation)
- GAP Policy 97.36 (Security Unit Program Requirements)
- GAP Policy 97.37 (Security Intake)
- GAP Policy 97.39 (Isolation)
- GAP Policy 97.40 (Security Program)
- GAP Policy 97.43 (Institution Detention Program)
- GAP Policy 97.45 (Protective Custody)
- INS Policy 75.03 (Security Intake)

- INS Policy 75.05 (Security Program)
- INS Policy 75.09 (Institutional Detention Program)
- INS Policy 75.13 (Program Services in Security)
- INS Policy 75.31 (Doors in Security)
- INS Policy 75.55 (Security Room Inspection/Search)
- INS Policy 75.57 (Inspections of Security Unit)
- INS Policy 75.71 (Security File)
- INS Policy 75.01 (Security Unit Staff)
- Various TYC forms used at TYC-Brownwood
- TYC Incident Report CCF-225i form Instructions
- GAP Policy 91.,87 (Suicide Alert Terms)
- GAP Policy 91.88 (Suicide Alert for Secure Programs)
- GAP Policy 91.89 (Suicide Alert for Non-secure Programs)
- GAP Policy 95.11 (Disciplinary Consequences)
- TYC-Brownwood Security Unit 16-hour schedule (no school)
- TYC-Brownwood Security Unit 16-hour schedule (school)
- TYC Education Policy 05.21
- TYC Education Policy 05.23
- TYC Education Policy 05.41
- TYC Education Policy 13.25
- TYC Education Policy 17.13
- TYC Education Policy 39.01
- GAP Policy 91.15 (Youth Orientation)
- GAP Policy 93.12 (Visitation)
- GAP Policy 97.9 (Youth Search)
- GAP Policy 97.10 (Entry Search)
- GAP Policy 97.15 (Drug Testing Youth)
- TYC-Brownwood CCF-250 Search Logs 06/08-02/09
- Ron Jackson Report 03/08-03/09 (PS)
- Ron Jackson Report 03/08-03/09 (PW)
- Ron Jackson Report 03/08-03/09 (CB not drugs/weapons)
- GAP Policy 97.11 (Contraband)
- TYC JCO Training Module on Contraband
- TYC JCO Training Module on pat/strip searches/referrals
- GAP Policy 97.23 (Use of Force)
- Excerpts from JCO Training Module on Use of Force
- INS 75.11 (Restraint in Security)
- AR300-30 Suicide Prevention training material
- GAP Policy 93.31
- TYC JCO Training Module (Grievances)

- Grievances submitted at TYC-Brownwood 03/08-03/09
- Grievances submitted by Plaintiffs 03/08-08/09
- RJSJCC Response to Use of Force Log
- Instructions for management of Youth Unrests/Riots at TYC-Brownwood
- Project Analysis, New Education Building at TYC-Brownwood
- Report on Girls Initiatives, RJSJCC, June 12, 2008
- Memo: Update on Female Programming, Teresa Stroud, June 5, 2008
- Memo: Employee Work Attendance and Leave Accounting, Teresa Stroud, October 25, 2006
- Memo: SANE—Protocol for Campus Sexual Assault/Assault with Serious Bodily Injury, Teresa Stroud, June 25, 2008
- Work Plan Proposal, RJSJCC proposal to move all females from RJ—II to RJ—I, May 21, 2009
- Memo: Verbal De-escalation, Interventions and Use of Force, Teresa Stroud, August 7, 2009
- Memo: Unescorted Youth Movement, Teresa Stroud, August 4, 2008
- Memo: RJSJCC Use of Force Review/Corrective Action, Teresa Stroud, August 12, 2008
- Memo: Supervisory – Staff Interactions, Teresa Stroud, August 4, 2008
- Memo: Student Interactions – Interventions and Consequences, Teresa Stroud, May 27, 2008
- Memo: Security Duty Officer, Teresa Stroud, July 25, 2008
- Memo: Training staff on policy updates, Teresa Stroud, May 16, 2008
- Memo: Interaction with Youth, Teresa Stroud, January 28 2008
- Memo: Update on Female Programming, Teresa Stroud, January 31, 2007
- Memo: Girls Initiatives and moving forward, Teresa Stroud, February 15, 2008
- Memo: Employee interactions and Managing change, Teresa Stroud, May 15, 2008
- TYC Individual Case Plan forms and instructions
- TYC Initial Report of Serious Incident (Institutions) form, 3/15/07
- TYC Initial Report of Serious Incident (Institutions) form, 02/08
- TYC Initial Report of Serious Incident (Institutions) form, 07/08
- TYC Initial Report of Serious Incident (Institutions) form, 12/08
- TYC Movement from High Restriction form
- TYC Movement from High Restriction form, with edits
- TYC Individual Case Plan: Transition/Release forms and instructions
- TYC Movement from High or Medium Restriction for: other than SEN and VOA Offenders form
- TYC General Administrative Policy (GAP) 97.36, Standard Security Unit Program Requirements, 1/17/06
- Memo: GAP Transmittal 94, Steve Roman, January 20, 2009
- Memo: GAP Transmittal 93, Steve Roman, December 22, 2008

- Memo: GAP Transmittal 92, Steve Roman, December 12, 2008
- Memo: GAP Transmittal 91, September 24, 2008
- Memo: GAP Transmittal 90, July 7, 2008
- Memo: GAP Transmittal 89, June 6, 2008
- Memo: GAP Transmittal 96, April 22, 2009
- Memo: GAP Transmittal 95, February 2, 2009
- RJSJCC Visitation Rules, Effective August 9, 2008
- Letter from Jerome Finley, 6/16/08
- Memo: Security Procedures and Practices, June 12, 2008
- Declaration of B.B. (filed in support of Plaintiff's Motion for Leave to Amend)
- Declaration of C.C. (filed in support of Plaintiff's Motion for Leave to Amend)
- Declaration of D.D. (filed in support of Plaintiff's Motion for Leave to Amend)
- Declaration of E.E. (filed in support of Plaintiff's Motion for Leave to Amend)
- Declaration of F.F. (filed in support of Plaintiff's Motion for Leave to Amend)
- Declaration of H.H. (filed in support of Plaintiff's Motion for Leave to Amend)
- Declaration of I.I. (filed in support of Plaintiff's Motion for Leave to Amend)
- Declaration of S.D. (filed in support of Plaintiff's Motion for Leave to Amend)
- Declaration of B.P. (filed in support of Plaintiff's Motion for Leave to Amend)
- Letter from Toysha Martin and attached Draft policies (Redirect Program and Use of Force)
- List of GAP Topics
- TYC and RJSJCC Organizational Charts
- TYC Treatment Program Overview, July 28, 2008
- Memo: CoNEXTions Conversion from Phases to Stages, Dianne Gadow, February 17, 2009
- CoNEXTions PACT (risk assessment) information
- TYC-Brownwood Group Logs
- TYC-Brownwood CoNEXTions Thinking Reports
- TYC-Brownwood, CoNEXTions Motivational Interviewing sample
- CoNEXTions PBiX, U. Smith
- RJ Unit I School Daily Behavior Log, H.C.
- CoNEXTions Education documents, H.C.
- CoNEXTions Specialized Treatment Programs, H.C.
- CoNEXTions, Family Involvement documents, H.C.
- TYC Personnel Policy and Procedure Manual (PRS) 01.31, Use of Information Technology Resources, 5/22/06
- TYC GAP 05.07, Agency Use of Information Resources, 5/30/06
- State of Texas Records Retention Schedule
- Use of Force Complaint and Investigation documents, H.C.
- Memo: Security Referrals and Interventions, Thomas Adamski, June 12, 2009

- TYC Training Department memo, undated
- TYC Juvenile Correctional Officer (JCO) On-the-Job Training (OJT) Participant Manual, January 2008
- TYC-Brownwood sample daily schedules
- Staff Mistreatment and Use of Excessive Complaints and Investigation documents, H.C.
- Medical and Psychiatric Records, H.C.
- DVD of physical restraint of H.C.
- Additional Master and Security files of former TYC-Brownwood residents, provided by Plaintiff's counsel

### **SITE VISIT:**

My site visit to the Ron Jackson State Juvenile Correctional Complex occurred over two full days, July 20-21, 2009. Along with Stuart Grassian, M.D., I interviewed each of the residents of the facility listed above. We were given a tour of the facility Security Unit and we were allowed to observe any residents being confined in that unit at the time of our visit. We were not allowed to speak with any individual staff members or to visit other parts of the facility complex. We were not allowed to observe any programming occurring at TYC-Brownwood at the time of our visit, such as education, recreation or treatment services.

### **FINDINGS:**

#### **Introduction:**

Unit I at TYC-Brownwood was designated for the exclusive care of female residents in 2008 and that campus now houses all females committed to TYC for institutional care from throughout the State of Texas. Unit I is a self-contained set of buildings that are surrounded by security fencing and that provide additional security systems to prevent the escape of residents or unauthorized entry. My visit was limited to the administration building at TYC-Brownwood, other than an escorted visit to the security building and a brief look at the building that houses the facility gymnasium. We were informed that the complex also includes a number of dormitory buildings, as well as buildings that contain educational services, recreational programming, a cafeteria and other support functions. It is a sprawling campus in a semi-rural area of the community.

Prior to and subsequent to my visit to TYC-Brownwood I was provided documents to review as listed above. My review of documents was supplemented and corroborated through interviews with twelve current residents of the facility. Those interviews were conducted jointly with the other plaintiff's expert in this case, Stuart Grassian, M.D.

### **Residents' Mental Health Needs and the Correctional Model at TYC-Brownwood:**

Juvenile facilities throughout the country have often become de facto mental health placements for children in state custody for whom delinquency allegations have also been found to be true. Mental health systems, particularly for children and youth, often are unable or unwilling to meet the needs of patients, which are typically multifaceted and require extensive and expensive treatment services. TYC-Brownwood appears to be no exception to that trend, and the residents at TYC-Brownwood present with mental health histories and issues that are common among female juvenile justice populations. However, the correctional model at TYC-Brownwood is not only out of step with current recommended juvenile justice practices, but it also aggravates the psychiatric problems of the girls at that facility.

I was provided with copies of files to review on several current or former residents at TYC-Brownwood, including files of some of the interviewees and some residents who have since been released from TYC-Brownwood. Those files were lengthy and comprehensive and delineated in detail each girl's time as a resident at TYC-Brownwood as well as prior legal, social, mental health, correctional and treatment history. Those files illustrated extensive mental health findings and records of trauma in each case. That history included abuse and trauma that had occurred, in most cases, for many years prior to commitment to TYC. Residents' files also delineated placements, services and interventions that had been provided to those girls during their time in TYC custody, both at TYC-Brownwood and prior to their commitment to that facility.

Most of the files reviewed also documented numerous psychotropic medications prescribed over time for the TYC-Brownwood residents. And, most of the interviewees provided verbal lists of psychotropic medications that they had been prescribed while at TYC-Brownwood. Although they were well aware of the names of the drugs they were taking, they did not understand the purpose of those drugs in helping them cope with mental health issues and histories of trauma. Most interviewees relayed histories of sexual and physical abuse and other trauma that lead to anti-social behaviors, ungovernability or running away from home, and substance abuse or self-medicating behavior. They did not express an understanding of the connection between their histories and the diagnoses and psychotropic medications that they have received at TYC-Brownwood. Copies of residents' files substantiated the trauma histories, diagnoses and medications described by interviewees and verified that TYC mental health professionals conducting evaluations are aware of those histories. However, residents' files did not indicate that psychiatric diagnoses, or at least their accompanying symptoms, feelings and behaviors, are communicated to the line staff members who work with the girls on a daily basis. In fact, based on the frequency of TYC-Brownwood residents being referred to security for apparently minor misbehaviors (as illustrated by incident reports reviewed and interviews with residents), many of which may be a function of mental health problems, I must assume that the staff at TYC-Brownwood do not individualize treatment based on unique needs and challenges but, rather, set universal expectations for all residents. And, based on the serious psychiatric



diagnoses applied to residents at TYC-Brownwood, those program expectations and requirements may be unrealistic for these damaged girls.

Despite the ubiquitous mental health problems among the plaintiffs in this case, interviewees reported that they do not trust most if any staff, that they do not feel safe with most staff, that they do not have staff members to whom they feel comfortable talking about their problems and that they do not have positive relationships with staff at TYC-Brownwood. When exceptions to those statements were offered, they came with caveats. For example, one resident reported that she trusted her case worker but that her case worker had been transferred. One resident reported that she felt she could talk to one of her school teachers but that she was told to talk to her case worker instead. Interviewees conveyed the names of numerous psychiatrists who they have seen while at TYC-Brownwood, and file reviews confirmed that they had had psychiatric or mental health assessments by a variety of professionals while in custody of TYC and at TYC-Brownwood. Despite research that stresses the importance to females of programs being relationship-based, the programming at TYC-Brownwood does not appear to value or utilize positive relationships between the female residents and staff. It also does not appear that TYC or staff members at TYC-Brownwood view those relationships as valuable in assisting girls overcoming their emotional damage and in becoming productive citizens upon return to the community.

**Trauma and Suicide Histories of TYC-Brownwood Residents and the Effects of Solitary Confinement, Physical Restraint Practices, and Invasive Searches:**

As discussed above, most of the TYC-Brownwood residents I interviewed and whose files I reviewed have experienced serious trauma in their lives, including physical, verbal, emotional and sexual abuse. Research tells us that there are impacts on victims of trauma that are neurobiological and health-related that can have long-term consequences if that trauma is not addressed. Those long-term consequences can be disease or disability-related, or can cause social problems that can subsequently impair others in the victim's life as well as cause greater use of other public systems of care. ("Addressing Trauma: A Key to Recovery and to Systems Transformation, Andrea Blanch, Ph.D., SAMHSA.) Rather than address the residents' trauma histories through appropriate treatment, placement in isolation in the Security Unit at TYC-Brownwood only serves to aggravate the effect of their traumatic histories. The isolation rooms in the Security Unit at TYC-Brownwood appear and are barren and cold. The residents describe security as "nasty" and dirty and report feeling fearful and vulnerable rather than safe and protected while isolated in security. The rooms were not clean at the time of our visit.

Many security and correctional crisis protocols have sexual overtones and those utilized at TYC-Brownwood are no exception. Employing male staff to surround, subdue and restrain females through physical force and requiring disrobing and body searches strongly convey "implied messages: that girls do not have a right to their own bodies, that male intrusion is acceptable, and that violent responses to female behavior is normal." ("Improving Policy and

Practice for Adolescent Girls with Co-Occurring Disorders in the Juvenile Justice System,” prepared by Laura Prescott for the GAINS Center, 1998, p. 18.) TYC-Brownwood complies with standard, generic TYC policies related to security which could routinely retraumatize girls who have been victims of abuse. Residents are transported to the Security Unit in facility vans and are required to be in mechanical restraints during transport, even if they are cooperative. The process typically involves male staff physically touching girls during restraint, applying handcuffs and physically assisting those girls into the van. Interviewees reported to us that they do not like to be touched by male staff but their feelings are apparently not considered in this process. Some of the girls interviewed reported that at times they had been allowed by female staff members to walk to security without restraints and that they would be cooperative if allowed to walk unrestrained. Male staff members at TYC-Brownwood are routinely involved in physical restraints with girls. Interviewees stated feeling uncomfortable with that practice, indicating that it caused memories of past abuse to resurface. One girl reported that her suicide gown, which is designed to fit loosely, came off during a restraint that included male staff, causing her to feel exposed and vulnerable both physically and emotionally.

I was provided a DVD recording of one incident of restraint that seems to illustrate the practice at TYC-Brownwood. The video involved a girl whose extensive file I reviewed. That girl has a documented history of sexual abuse. The girl in the video was walking around what appeared to be a day room and talking but was not physically acting-out or resisting staff. After several minutes, she was surrounded by three large male staff members. One of those individuals restrained the girl from the back by her arms and threw her against the wall and then against a drinking fountain before throwing her on the floor. It should be noted that the restraint technique that he used is not consistent with the restraint hold supposedly taught to TYC staff through the program of physical control that they have adopted, “Handle With Care.” The hold used was not one I consider to be appropriate for use with juveniles, especially girls. At that point he was assisted by two other large, male staff. Two of the three held the girl on the floor by putting their body weight on her as the third male applied handcuffs and shackles. The male staff then lifted the girl to her feet and held her while escorting her to the van to be transported to the Security Unit. They continued to physically hold her in the van. This incident resulted in a complaint from the girl and allegations of abuse. That complaint was investigated and it was confirmed that the staff member throwing the girl against the wall had used unnecessary force.

The entire incident portrayed on the DVD appeared to have been preventable had staff relied on positive relationships in a supportive institutional culture rather than quickly resorting to control and physical force. The emphasis at TYC-Brownwood appears to be on strict compliance with staff directives through the use of physical and mechanical restraint and depends on a security building set apart from the living quarters rather than on addressing the emotions and experiences that may have generated or aggravated a girl’s misbehavior. If a girl violating a facility rule must be dealt with by the same staff who work with her on a daily basis through calm patience, firm empathy and supportive guidance within the same environment where she is housed, then staff will feel compelled to address her needs rather than remove her to

a different location and, therefore, ignore her issues. The practices at TYC-Brownwood allow staff to disregard a girl's emotions and concerns and to remove her to a separate, punitive location. The reliance on a separate building housing a security unit sends the message that misbehavior is dealt with through force and isolation in confinement rather than by trained staff who are expected to address issues that arise commonly and constantly in any juvenile facility. The system of dealing with misbehavior at TYC-Brownwood does not comply with effective juvenile correctional practices, as clearly illustrated by this video.

Most of the girls who I interviewed reported having experienced periods of depression while at TYC-Brownwood. Files verified such common diagnoses as depression, post-traumatic stress disorder and bi-polar disorder. Residents who complained of feelings of depression or sadness or who talked of wanting to harm themselves described being sent to the Security Unit and placed on suicide alert (SA) which is the policy and practice within TYC and TYC-Brownwood. Because many suicides in correctional facilities occur in segregation, other, more effective interventions should occur to ensure effective prevention. ("Jail Suicide/Mental Health Update," Summer 2008, Lindsay M. Hayes, Editor/Project Director, page 5.) Isolation of a young person who has expressed the potential for self-harm is not considered effective juvenile justice practice and can, in fact be harmful. In their influential research report, Parent, et al., found that "rates of suicidal behavior (which includes attempted suicides, suicide gestures, and self-mutilations) are high in juvenile facilities." They recommend "that suicidal juveniles be constantly be monitored by staff. This means that suicidal youth should not be isolated or placed in a room by themselves." (Parent, Dale G., et al., Abt Associates, Inc., *Conditions of Confinement: Juvenile Detention and Corrections Facilities*," Office of Juvenile Justice and Delinquency Prevention.) According to Hayes (Hayes, Lindsay M., "Juvenile Suicide in Confinement: A National Survey," Office of Juvenile Justice and Delinquency Prevention, February 2009), "[m]ost (62.0 percent) suicide victims had a history of room confinement" and "[a]bout half (50.6 percent) the victims were on room confinement status at the time of death." The policy and practice of isolating a girl in confinement who has verbalized the potential for self-harm appears to potentially heighten the risk of suicide, not reduce it.

The girls we interviewed described security as confinement in an isolated room with just a mattress, no pillow, blanket or reading material. They described being required to remove their bras and panties although most acknowledged that they had recently ("within the last two weeks" prior to our visit) been allowed to keep their panties. That same practice occurs even for the girls on SA as well who also are required to wear a suicide gown (which is a straight, quilted "dress" with opening for the arms and head). Those girls are aware that they are visually checked more frequently while isolated in a room in the Security Unit when they are on SA but they deny that they receive more treatment services as a result of their SA status. They reported seeing their caseworkers "once or twice a week" and being given educational packets to work on while in their rooms in security although at least one girl said that the teacher only came if requested and that she would slide the school work under the room door. Although Superintendent Thomas Adamski asserted that the girls receive books and other reading material while in isolation, the

girls interviewed denied that was the case and we observed no resident in security, either on SA or not, with reading material at the time of our tour. The interviewees described being kept in mechanical restraints (handcuffs and shackles) if they do not cooperate with staff requests to remove their clothing. That is the case regardless of whether the girl is currently physically resistant or whether she is currently attempting to harm herself. Interviewees described staff using physical intervention and pepper spray to get them to remove their bras and to change into security or SA clothing. Use of mechanical restraints and pepper spray or OC under such circumstances is clearly a violation of TYC GAP 97.23 (Use of Force) (effective 11/1/06 and 9/1/09) as well as contrary to accepted professional juvenile corrections practices. Those practices further traumatize young women who have histories of physical or sexual abuse. Many of the girls interviewed related having been sexually abused by their fathers, stepfathers, older male relatives and other care takers, as well as by strangers, in the past. Despite that common experience, many of the staff members in the Security Unit are male. Residents report feeling vulnerable while isolated in a locked room in the Security Unit, particular with male staff responsible for their supervision.

We were advised by Mr. Adamski that he had discontinued strip searches for girls upon their referral to the Security Unit. The girls we interviewed confirmed that they had not been strip searched when sent to security in the previous few weeks before our visit. However, I did not receive any written confirmation, such as a revised policy or administrative memorandum, communicating the change in search procedure that Mr. Adamski described. And we were not allowed to interview staff to verify that such a change had occurred. If, in fact, routine strip searches for girls referred to the Security Unit at TYC-Brownwood are no longer permitted by Superintendent Adamski, I cannot assume that such a change in policy has truly happened and is intended to continue. Absent a written policy, or failing to codify the supposed change prohibiting strip searches, there is a tendency for staff to revert back or move to more punitive, structured, strict strip search practices; and I have to assume that could easily occur.<sup>1</sup>

Although I was provided with a number of revised TYC policies, the GAP 97.9 (Youth Search) (effective 11/29/04) is the only policy that I was provided that addresses the issue of

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<sup>1</sup> Even when the routine strip search practice existed, it would have conflicted with that TYC policy which states: "Strip searches will be based on reasonable belief that the youth has custody or control of contraband or other prohibited material. Reasonable belief is not required when youth returns from contact with the general public or from outside the facility." According to incident reports in the files that I reviewed, girls referred to Security at TYC-Brownwood were rarely, if ever, coming from contact with the general public or from outside the facility so, even when strip searches were occurring routinely, they would have been in violation with TYC's own policy. Strip searches as permitted in GAP 97.9 go even further in violating a girl's sense of personal safety, particularly when she has experienced past abuse, as most girls at TYC-Brownwood have. In describing strip searches, GAP 97.9 instructs the staff conducting the search to perform such actions as instructing the girl to "remove all clothing except underwear (one piece at a time), and the youth hands the clothing item (one piece at a time) to staff for search," instruct "female youth to remove bra/undershirt," instruct "youth to remove underpants," "check the lower stomach," instruct "youth to spread legs - looks for strings, other evidence of objects hidden in body," instruct "youth to bend over and spread cheeks to check buttocks," and instruct "youth to squat and cough."

searches. That policy discusses room searches, pat down searches, strip searches and physical body cavity searches. The current type of search that TYC-Brownwood residents described in interviews is not specifically discussed in that policy. The description provided by interviewees sounds like an amalgamation of the pat down and strip search described in GAP 97.9. Even the supposedly less intrusive pat down search discussed in GAP 97.9 directs staff members to perform actions that are invasive and degrading, particularly for an adolescent girl who has a history of emotional, physical or sexual abuse. Staff members conducting the search are instructed to pat “down upper body such as neck, upper chest, stomach to belt; sides along ribs; back and neck to belt,” to instruct “female youth to unhook bra, without removing shirt or bra; staff shakes bra by lifting bra straps (over clothes), check straps and bands” and to pat “down lower torso - buttocks (push between cheeks) and rear pockets; lower abdomen (stomach) and front pockets groin.” Such actions are debasing and humiliating. And that same policy states that, although pat down searches are intended to “detect and deter possession of contraband,” they “may be conducted with or without probable cause so long as searches are conducted in a reasonable manner.” I believe that such vague and ambiguous wording allows for searches that are arbitrary and that can be targeted unfairly.

The pat down search described in GAP 97.9 is not the practice described by the residents that we interviewed. Although GAP 97.9 states that “[p]at down searches are conducted over youth's clothes,” the girls we interviewed reported that they are required to remove their clothing when placed in security at TYC-Brownwood and to change into security clothing. They reported that they are required to remove their bras and, until recently, remove their panties. Even the very intrusive strip search described in GAP 97.9 instructs staff to “return the youth's undergarments as soon as possible.” Girls we interviewed reported that they are not allowed to have their bras while in security.

The searches that are the current practice and that were reportedly formerly the routine practice at TYC-Brownwood are both disproportionate to the goals of safety and security. Those goals could be achieved through other, less extreme and demeaning methods. The searches that occur of girls referred to security at TYC-Brownwood further the past abuses that most of those girls have experienced.

Girls in the juvenile justice system often do not report abuse, either in their past or in the present for many reasons. Some of those reasons include:

- They do not trust adults.
- They fear retaliation from their abuser who may be a person in power or authority in their life.
- They are embarrassed or blame themselves.
- They think they will then have to tell their story over and over again.
- They do not want to get the abuser in trouble (it may be a parent or care taker and they may have to go live someplace else).

- They do not want to relive a past trauma or dredge up painful memories.
- They do not think reporting will make a difference.
- They have come to expect that they will be victims of abuse and that their personal boundaries will be violated.

Residents at TYC-Brownwood are not an exception; they do not tend to report abuse or to otherwise seek help.

Placement in the Security Unit at TYC-Brownwood places a girl in a situation in which she feels in danger, exposed and at further risk. She has virtually no control over her circumstances and is stripped, literally and figuratively. She is then placed in isolation which aggravates her feelings of powerlessness, further traumatizing her. She is supervised and frequently physically restrained by male staff in authority, which often reminds her of the fear and pain she experienced as a result of abuse by males in the past. More than one resident told us that she feels “safer with the female staff.” A resident has limited interaction with caring, understanding, empathic adults while in security, even if she is on suicide alert, intensifying her potential for self-harm. Placement in security can further traumatize a victim by denying contact with other peers or staff. It is important for all girls to feel safe and even more so for girls who have been traumatized. Placement in security with little or no human contact intensifies the feelings of helplessness. In fact, every girl housed in rooms in the Security Unit on the day of our tour was lying on the floor of her room on her mattress with her head at the door, although the bed was opposite from that door. When we asked girls why they all lay on the floor in that manner, they told us that they communicate with each other under the doors. They said that such behavior was considered against the rules but that most staff members do not enforce that rule.

The girls and the staff conducting our tour were consistent in stating that residents spend about twenty-three hours daily isolated in their rooms. The one hour that they are allowed out of their rooms reportedly includes time to shower and time to go outside in the small, concrete yard. That does not provide sufficient recreation or large motor exercise, either in duration or manner. (Standards for Juvenile Training Schools, 3<sup>rd</sup> Edition, American Correctional Association, January 1991.) That also conflicts with TYC GAP 97.40 (Security Program) (effective 9/1/09) which states that “[t]he security program will adhere to a standard schedule approximating that of the general population. The schedule must include at least four hours outside of the locked room for each youth if the youth's behavior permits.” If that policy has in fact replaced the previous version of that GAP, also titled “Security Program.” it includes additional requirements (“Section J: Security Program Requirements”) for programming that were lacking in the previous version effective 4/15/05, which I was initially provided. Some of those 9/1/09 GAP 97.40 program requirements are also found in GAP 97.36 (Standard Security Program Requirements) (effective 1/17/06), which is also purportedly replaced by GAP 97.40. I located the 9/1/09 version on the TYC web site. I received no documentation that staff have been notified of and trained on any of these changes. I can only conclude from my resident interviews, from Security Unit information provided by Mr. Adamski, and from observations made on our tour of the

Security Unit that the new version of GAP 97.40 was not implemented or anticipated as of July 20, 2009. That does not explain why the requirement that residents in security be allowed out of their rooms at least four hours out of sixteen, behavior permitting, in the GAP 97.36 (effective 4/1/05), in effect at the time of our visit, was not being complied with.

When a resident at TYC-Brownwood violates a rule or expresses thoughts of self-harm, she is dealt with in a punitive and potentially damaging manner. That response is counter-productive both clinically and socially. GAP 97.37 (Security Intake) (effective 4/1/05) states that a youth may be admitted to security for several reasons, one of which is that that youth “engages in or verbalizes non-lethal suicide behavior.” That practice is contradictory to recommended practices for dealing with potentially suicidal offenders, which would recommend avoiding isolation or confinement of a potentially suicidal youth. Effective professional practice advises offering caring staff intervention with such a youth and keeping that girl integrated into the larger group to more effectively ensure her safety. Sound juvenile justice practice calls for providing a supportive environment and professional staff that promote feelings of safety in which a young person may discuss her fears, concerns, history and plans without fear. If a girl at TYC-Brownwood expresses self-destructive thoughts or behaviors, she is essentially punished by being placed in isolation with little or no contact with trusted adults.

Of particular concern at TYC-Brownwood is the practice of residents referring themselves to the Security Unit. That practice was described to us by most of the girls we interviewed and was corroborated through the review of incident reports in files reviewed. According to interviewees, they may self-refer to security in order to have privacy and remove themselves from the often chaotic environment of the dormitories. However, that practice also allows potentially suicidal girls to voluntarily isolate themselves when what is actually in their best interest is to be in the company of caring professionals and to be involved in positive activities with their peers. Placement in the Security Unit in those circumstances results in its accompanying degrading treatment and in being categorized as SA. As stated, the Security Unit and the isolation rooms therein are cold, stark, and dirty, with only a mattress and no blanket, pillow or other comforts. When asked about the practice of self-referral to Security, Mr. Adamski informed us that it is allowed except when he, as superintendent, disallows it campus-wide and that he has recently prohibited that practice. However, Mr. Adamski’s affidavit of December 19, 2008 states that “A youth may be referred to Security intake by staff or *at the youth’s own request.*” I received no written documentation that Mr. Adamski had prohibited self-referrals to Security. Without documentation communicating to TYC-Brownwood staff that Mr. Adamski has disallowed the practice of self-referral to Security, I cannot be assured that that detrimental practice does not continue.

The security practices that we observed at TYC-Brownwood and which were described by interviewees and related TYC policies cause girls who have histories of trauma and abuse and who are already angry and distrustful to be more resentful while in still custody and upon return

to the community. That hostility and antagonism leads children in custody to become adults who persist in anti-social behaviors.

### **Security Unit and Isolation—Admission and Length of Stay:**

TYC GAP 97.40 (Security Program) (effective 4/1/05) discusses criteria for admission to security, when the extension of an initial 24-hour security admission may occur, a youth's right to appeal decisions to admit or extend time in security, and other due process considerations. There is no information in that specific policy regarding criteria for release from security if the behavior that led to her referral to security has ceased, other than in the Purpose statement of that policy that states: "Assurance that the youth is sufficiently in control to be returned to the general population is affirmed by compliance with the standardized program or rules of the Security program, which are supplied to the youth upon admission to Security intake." That Purpose statement implies that when the youth is in control she may return to the general population. That apparently does not occur as illustrated by interviews with residents, Mr. Adamski's statements and documents reviewed. Admission criteria delineated in TYC policy also suggest that security admission is only deemed necessary to control behavior that is immediately out-of-control or which presents an imminent danger. The actual practice does not reflect that concept.

Despite written criteria indicating otherwise, record reviews and interviews illustrate that girls are most frequently referred and admitted to Security for such reasons as "disrupting the program" or "failing to follow staff instructions." Residents also said that they were referred to Security for such reasons as "being depressed", "resisting staff trying to restrain ... because it brought back flashbacks of childhood abuse by dad", "refusing to communicate when requested", "talking to staff", "talking during movement", "talking in the café", "threatening self-harm", "wanting to hurt herself", "talking", "disrespecting staff", "sleeping with head covered", "freeing crickets to the outdoors", "asking to speak to a counselor", "cutting self", "requesting another piece of bread in the café", "resisting staff and sitting on the ground until pepper sprayed", "talking in the infirmary", "refusing to take meds", "wearing my hair in a bun rather than a ponytail", "saying I don't feel comfortable in my room" and "saying I do not feel safe in my room". Incident reports offer little detail regarding the most common reason for referral to Security: disruption of program. Based on my review of documents and interviews with residents at TYC-Brownwood, I must conclude that referrals and admissions to the Security unit are excessive in frequency and duration, with nebulous or ambiguous explanations and that other, less restrictive or punitive interventions not used effectively.

Additionally, GAP 97.39 (Isolation) (effective 1/31/01) defines "[i]solation" as "the condition of confinement of a youth in a locked room" and further requires that the criteria for using isolation are: "... when the youth is 1) out of control, *and* 2) is a serious and immediate physical danger to himself or herself or others; *and* 3) only after less restrictive methods of restraint have failed." That policy is consistent with the "Performance-based Standards" (PbS)



promulgated by the Council of Juvenile Correctional Administrators (CJCA). In measuring “order” within a facility, PbS Process Measure OP13 states: “Isolation is used to neutralize out-of-control behavior and redirect it into positive behavior and should not be used as punishment.” However, actual practice observed at TYC-Brownwood did not comply with that TYC policy or that national standard. All of the girls we observed in security were confined in locked rooms and none of those girls were out of control but they were not being reintegrated into the general population. We did not observe nor were we informed that there is a difference between Isolation as described in GAP 97.39 and Security as described in GAP 97.37. However, both policies seem to require that a girl be moved from either Security or Isolation if she is no longer acting-out. That is apparently not the practice at TYC-Brownwood.

The most recent version of GAP 97.40 (Security Program) (effective 9/1/09) states that: “Confinement in the security program shall not be used as punishment or as a convenience for staff.” Although the revised version of GAP 97.40 is an improvement over the previous version, it does not expressly state that the girls should be released when the behavior that generated their placement in Security has ceased. Without a policy mandating reintegration as soon as possible, I would not expect that staff would ensure that it occur. Our interviews with residents at TYC-Brownwood and the review of dozens of incident reports documenting placement in Security confirm this expectation. Typically, a girl’s time spent in Security lasts until just short of the 24 hours at which time an extension must be justified through a Level III hearing. None of the incident reports that I reviewed discussed girls’ behavior in Security and whether the initial behavior prompting placement in Security had either persisted or ceased. At the time of our tour of the Security Unit, all residents held in isolation in the Security Unit who we observed were calm and well-behaved. In fact, most of the girls were lying quietly on their mattresses on the floor of their rooms and appeared to be sleeping. I asked Mr. Adamski why they did not have a pillow or blanket and he stated that “they do not need them during the day.” Although the girls are given little if anything else to occupy their time, they are expected to remain awake and, in order to ensure that they do so, they are made uncomfortable. It appears that Security is used for punitive purposes primarily, if not exclusively, even for girls who are believed to be potentially suicidal.

GAP 97.37 (Security Intake) (effective 4/1/05) states that: “If admission criteria are met, designated staff may admit a youth to the security *intake* for up to 24 hours.” But, GAP 97.40 (Security Program) (effective 9/1/09) replaces GAP 97.37. The new GAP 97.40 does not discuss “security intake”. It does state: “If admission criteria are met, the youth will be admitted to the security *program* for up to 24 hours.” That new version of the policy does not refer to “security intake” which seems to refer to the placement in Security, in an isolated room for up to 24 hours, essentially the same occurrence which is now simply referred to as the “Security Program”. Girls are not admitted to the Security Program to cool-down or modify their behavior. All of the girls we observed in Security at the time of our visit were calm and compliant but there were no plans evident to return them to the general population. Based on file reviews, girls at TYC-Brownwood are often admitted to Security for just under 24 hours, when they are returned to

their dorm before a Level III hearing is required. Although TYC claims that Security shall not be used as punishment, placement in that secluded, solitary, bare, cold environment for what is essentially an indeterminate period must be viewed as punitive. Even if staff intent was not to punish, that is not the belief of the residents whom we interviewed. In interviews, girls told us that they were not informed how long they would be confined to Security and that it was not based on their expressing regret or remorse or making other commitments. One girl said that she thinks that some staff members “decide they are going to send a girl to the pen and they begin to build a case” by sending them to Security. If a girl believes she is being punished, no other policy or staff intent really matters. She is being punished.

### **Lack of Effective Gender-Specific Services at TYC-Brownwood:**

Treatment interventions for the residents at TYC-Brownwood described in the files that I reviewed included TYC programs such as Redirect and CoNEXTions. Those are generic, co-educational remedial programs. Much of the information regarding histories and services included in residents’ files was further verified through resident interviews. I did not see any description of mental health treatment specifically designed to address the unique needs of adolescent females despite existing research that substantiates that need and despite a TYC Girls Initiative recommending that. “Young women are different than young men, so their services must be also. Psychological research shows that while there are developmental similarities between the genders, there are unique issues specific to the process of female development. Moreover, juvenile justice research reveals that adolescent females’ patterns of offending often vary in scope and motivation from those of adolescent males. These differences must be considered when designing effective treatment programs. This may result in qualitatively new approaches to traditional treatment modalities as well as slight adaptations in content or approach.” (*Providing Gender-Specific Services for Adolescent Females: Guidelines and Resources*,” Iowa Commission on the Status of Women, January 1999.)

Although Unit I at TYC-Brownwood is now used exclusively for girls, the services that those girls receive appear to be designed to replicate the services provided to boys in TYC institutional custody. “Equality does not equal sameness. In juvenile justice program planning, equality of service delivery does not mean simply allowing adolescent girls access to the services traditionally provided for adolescent boys. Instead, boys and girls must have sameness only in the basic program requirements. These basic program requirements include sameness in the quality of all staff, in the amount of financial support, and in the quality of the physical structure. However, in treatment, equality must be redefined to mean providing opportunities that are equally meaningful to each gender.” (*Id.*)

The “Report on Girls Initiative” (June 12, 2008) submitted by former TYC-Brownwood superintendent Teresa Stroud describes numerous training opportunities for clinical and administrative staff from TYC-Brownwood on female specific services. That report also discusses efforts to make program modifications to meet the unique needs of the facility’s

exclusively female population. Those restructuring efforts were instigated as a result of Senate Bill 103 (2008), which sought to reform TYC, and those plans involved input from a range of individuals and stakeholders from within TYC and from other advocacy groups. However, despite those efforts to ensure appropriate treatment and services to girls, TYC-Brownwood continues to serve girls with mental health needs through the standard CoNEXTions program adopted for all TYC youth. The information gleaned by administrative and clinical staff through their attendance at training events does not appear to have been shared with line staff members, to have produced a change in institutional culture, or to have been translated into the provision of appropriate, research-based programs. Girls who violate facility rules are still dealt with through the punitive and potentially emotional damaging TYC security program. That security program is described in TYC policies (GAP 97.36, 97.37, 97.39 and 97.40) and there is no discussion in those policies of serving girls differently in order to meet their unique needs.

### **Policies and Procedures Overwhelming:**

The TYC policies and procedures that I reviewed are comprehensive, complicated, duplicative, repetitive, confusing and lengthy to such an extent that I do not consider it reasonable or practical for staff members to put those policies and procedures into practice.

I was provided and I reviewed policies on the subject of *security* that included numerous separate documents that were each several pages long, which cross-referenced various other policies and within which the same or similar topics were addressed repeatedly. I was provided and I reviewed several policies dealing with the subject of *suicide*, again, each being lengthy, detailed and duplicative. Just those two topics alone are critical issues and are matters that all employees of a juvenile correctional facility should be readily familiar with. However, due to the length and detail contained in the policies that address security and suicide, I do not believe that staff members at TYC-Brownwood are administering those policies as written or with consistency. If the GAP Manual is that complicated, it is likely to be underutilized, if not ignored, and staff will resort to following what other staff do in particular situations or adhere to what the pre-existing culture of the facility leads them to do. Effective management and treatment of youth in a juvenile facility requires more knowledge, skill, ability and effort on the part of staff than simple monitoring or room confinement. Without consistent and rigorous administrative oversight, staff may easily revert to more convenient practices such as isolating youth rather than counseling them. Because I did not receive documentation that the staff TYC-Brownwood has been advised of and trained on revised policies intended to be less punitive, I would expect those staff members would not change practices or would revert to previous practices.

I was not provided with a complete, written, hard copy of the TYC or TYC-Brownwood policy and procedure manual to examine and I do not know how readily available that manual is to staff members expected to apply policies. In addition to copies of specific policies, I was provided with internet links to the TYC GAP Manual. That on-line manual was challenging for

me to navigate as I attempted to compare the content of various policies and procedures. I can only assume that a staff person would have similar difficulty searching for information and specific directions on a particular topic. Further, as discussed above, I received multiple versions of the same or similar policies but I did not receive documentation, such as administrative memoranda, indicating that a change had been made. It is critical that all relevant staff be thoroughly advised and trained whenever a change is made to a policy to ensure successful implementation. I did not receive any documentation that the staff at TYC-Brownwood had been informed of policy changes or had been trained on those changes. The multiple versions of policies, the difficulty comprehending required procedures, and the lack of documented training all further confirm my belief that the GAP and other written policies at TYC-Brownwood do not match current practice regarding residents at that facility.

### **Conclusion:**

TYC-Brownwood was designated as a female-only facility by the Texas Youth Commission in 2008. However, that facility appears to operate based on a traditional adult, male correctional model rather than in accordance with accepted juvenile correctional standards of practice. Girls in the juvenile justice system have needs and issues that require interventions that are specifically designed for that population. The program at TYC-Brownwood does not accomplish that.

Mental health needs of girls in juvenile corrections are extensive and pervasive. Most girls in juvenile corrections have been victims of emotional, physical or sexual abuse that may have caused or aggravated their mental health concerns. The mental health needs of girls are not addressed adequately through the correctional model utilized at TYC-Brownwood. TYC policies, procedures and practices at TYC-Brownwood, particularly pertaining to such functions as punitive solitary confinement, invasive and degrading searches and excessive use of force, are not only counter-productive in maintaining a safe environment, they are potentially damaging to the mental health of residents; moreover they depart from accepted professional juvenile correctional standards and do not conform with recommendations found in current juvenile justice research.

The use of isolation or security for girls who are potentially suicidal, who express feelings of sadness or depression or who request isolation through self-referrals is contradictory to accepted juvenile corrections standards and this practice and contravenes recommendations derived from existing juvenile justice research. The isolation and security policies and practices extant at TYC-Brownwood are not consistent with effective, results-oriented programs from my own experience as a juvenile justice practitioner and consultant. Girls in a juvenile correctional facility who are at risk of self-harm should not be confined in a solitary room with no contact with helpful, caring adult caregivers or interaction with their peers. That practice is not only contrary to accepted professional standards and practices of juvenile corrections, it is harmful. Further, the use of isolation in the Security Unit in general appears to be punitive in intent and

practice. Such excessive use of isolation, which is contrary to accepted juvenile correctional standards and practice, can cause girls who are already traumatized and resentful to become more fearful and angry.

My examination of search policies and practices at TYC-Brownwood, through both review of official documents and interviews with residents, leads me to conclude that those policies and practices are punitive, humiliating, degrading and emotionally harmful. Such treatment leads to further traumatization of girls who have been victims of physical or sexual abuse. Those searches are extreme and go beyond the stated intent to preserve safety and security. Those searches contradict accepted juvenile justice standards of care, particularly for females.

The use of force through physical restraint, mechanical restraint and pepper spray, as described in TYC policies and as carried out at TYC-Brownwood, is also not consistent with acceptable juvenile corrections practices. That is particularly true with respect to the apparent dependence on male staff members to physically restrain and transport girls, given the harmful effect on girls who have been victims of physical or sexual abuse.

My assessment of practices at TYC-Brownwood, through review of incident reports and other documents and interviews of residents, lead me to conclude that those practices are in many cases not even in compliance with some existing TYC policies. Whether that is the result of staff not being knowledgeable about those policies or trained on those policies or whether it is a function of a toxic culture at the facility, it creates a system that girls at TYC-Brownwood perceive as unfair and uncaring.

Girls in juvenile justice programs should be dealt with differently from boys. Treatment, programs and services should be relationship-based and should emphasize safety, both physical and emotional. Programs for girls should place particular emphasis on the need for ongoing family involvement, including families of origin, extended family and the children of the girls themselves. TYC-Brownwood's program is based on standard TYC policies and procedures that apply equally to both girls and boys. The programs, if any, designed specifically for girls at TYC-Brownwood appear to be limited. The culture at TYC-Brownwood continues to be similar to what one would find in an adult, male correctional facility and it would not even be considered appropriate or effective for a male juvenile facility. The culture at TYC-Brownwood appears to emphasize power, control and punishment over support, guidance and treatment. That approach is counter-productive for the girls at TYC-Brownwood and for their families and communities upon their release.

Based on my experience as a juvenile justice practitioner in the State of Utah and as a consultant in other states and as a leader in national professional organizations, I can assert that the TYC policies and practices regarding the use and impact of punitive solitary confinement of residents at TYC-Brownwood, the use and impact of invasive searches of residents at TYC-

Brownwood, the use and impact of physical restraint of residents at TYC-Brownwood, and other related policies and practices discussed above do not meet nationally accepted and effective professional juvenile corrections standards.

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## **EDUCATIONAL BACKGROUND:**

University of Utah, Salt Lake City, Utah  
**Masters of Public Administration** - 1994  
Pi Alpha Alpha, Public Administration Honor Society

University of Utah, Salt Lake City, Utah  
**Masters of Social Work** - 1977

University of Utah, Salt Lake City, Utah  
**Bachelor of Science/Sociology** - 1973  
Certificate in Social Welfare  
Magna Cum Laude  
Alpha Chi Omega Scholastic Achievement Award  
Phi Kappa Phi Scholastic Honorary Society

Numerous in-service courses, particularly in the areas of management, administration and supervision through Salt Lake County, the State of Utah, National Institute of Corrections/National Academy of Corrections, and the University of Utah Division of Continuing Education.

## **PROFESSIONAL CONSULTING**

J. D., et al v. C. Ray Nagin, et al  
Defendants' Expert Witness  
April 2009 to May 2009  
Policy and Procedure Manual Consulting  
August – September 2009

State of Idaho  
Levels of Care and Custody Validation Research Study  
September 2008 to December 2008

United States v. State of Georgia  
Settlement Agreement Monitoring Team Member  
May 2008 to April 2009

Marion Superior Court, Marion County Juvenile Detention Center, Indianapolis, Indiana  
Conditions of Confinement Facility Reassessment  
April 2008

Mestre v. Florida Dept. of Juvenile Justice, et al  
Defendants' Expert Witness, documents review, consultation, deposition  
May 2007

Evins Regional Juvenile Center, Texas Youth Commission, Edinburg, Texas  
Conditions of Confinement Facility Assessment  
September 2006

ETR Associates, Scotts Valley, California  
Materials Review Panel Member  
September 2006 - present

Marion Superior Court, Marion County Juvenile Detention Center, Indianapolis, Indiana  
Conditions of Confinement Facility Assessment  
February 2006

Maniece v. County of Los Angeles, et al, Los Angeles, California  
Plaintiff's Expert Witness  
May 2005

Hale Ho'omaluu Juvenile Detention Center, Honolulu, Hawaii  
Conditions of Confinement Facility Assessment  
October 2003

Lashanda Campbell, et al v. Walter Woods, et, Chalkville Facility, State of Alabama  
Plaintiff's Expert Witness  
August 2003 – February 2007

## **PROFESSIONAL EXPERIENCE**

July 2002 to December 2005  
Salt Lake Observation & Assessment Center

### **DIRECTOR**

Responsible for administration of 45-day post-adjudicatory, pre-sentence program that provides comprehensive clinical, educational, psychological, psychiatric, behavioral, and family evaluation for use by the juvenile court in making dispositional decisions. Program includes both a male unit and a female unit. Responsibilities include staffing, physical



facility, coordination with allied agencies such as juvenile court and school district, and provision of clinical assessment and intervention services.

May 1997 to June 2002

Wasatch Youth Center

**SUPERINTENDENT**

Responsible for overall administration of 56-bed secure treatment facility for youth between the ages of 12 and 21 years who have been committed to the Division of Youth Corrections for Secure Care. Facility provides specialized treatment services to four distinct populations: male sex offenders (statewide,) female (statewide,) male transition from secure facilities (Salt Lake area) and male generic population. Responsible for comprehensive treatment programs of resident youth, including preparation for parole to the community; development, interpretation and implementation of policy; ensuring adequate staffing; guaranteed facility security; overseeing of facility budget; provision of staff training; and ensuring quality auxiliary services, including education and medical programs.

November 1993 to Present:

Children's House International

**ADOPTION SOCIAL WORKER**

Complete pre-adoption home studies, post placement reviews and social work services for international adoption agency.

September 1993 to May 1997

Salt Lake Detention Center

**SUPERINTENDENT**

Responsible for overall administration of 56-bed secure detention center and auxiliary programs including Home Detention Program, Electric Monitoring Program and Day/Night Reporting Center; drafted, interpreted, implemented detention policy and procedure and ensured compliance; supervised detention staff; administered detention budget; interacted with Juvenile Court Judges, law enforcement and social service agency officials in order to coordinate services; administered staff training and development program; managed education program in cooperation with local school district; administered detainee medical services programs in coordination with County Health Department; oversaw contracts for services to youth and facility with private and public vendors; maintained child care standards to provide emotional, physical and educational needs are met; and, coordinated transfer of administrative responsibility detention from Salt Lake County government to Utah State Division of Youth Corrections.

December 1991 to September 1993

Utah State Division of Youth Corrections

**REGIONAL DIRECTOR**

Administer all programs for Region, including detention, long-term secure facility, observation and assessment unit, and numerous community-based, alternative programs; oversee contracts for regional vendor system; coordinate all services to youth and on behalf

of staff; manage regional budget; serve as member of division management team,

determining treatment philosophy, policy direction, and budget priorities.

July 1989 to December 1991

Utah State Division of Youth Corrections

**ASSISTANT DIRECTOR**

Acts in place of and on behalf of Division Director in his absence; primary responsibility for Division's programs and facilities with particular emphasis on detention centers; coordinate with detention directors to ensure consistency in quality of services provided throughout the state; develop and implement state detention policy and procedure; train detention and allied agency staffs on detention policies, programs and alternatives; coordinate establishment and maintenance of statewide detention standards and admission guidelines.

March 1987 to July 1989

Salt Lake Detention Center

**SUPERINTENDENT**

Responsible for overall administration of 56-bed secure detention center and auxiliary programs including Home Detention Program and Group Shelter Home; drafted, interpreted, implemented detention policy and procedure and ensured compliance; supervised detention staff; administered detention budget; interacted with Juvenile Court Judges, law enforcement and social service agency officials in order to coordinate services; administered staff training and development program; managed education program in cooperation with local school district; administered detainee medical services programs in coordination with State Health Department; oversaw contracts for services to youth and facility with private and public vendors; maintained child care standards to provide emotional, physical and educational needs are met; and, coordinated transfer of administrative responsibility detention from Salt Lake County government to Utah State Division of Youth Corrections.

September 1979 to March 1987

Salt Lake County Detention Center

**CLINICAL SUPERVISOR**

Supervised entire counseling staff for four living centers; supervised clinical services provided to detainees in assigned sections on individual, group or crisis basis; administered and supervised Home Detention Program; administered and supervised Group Shelter Home; involved in variety of administrative duties including policy development and implementation, national accreditation and development and compliance assurance of standards of care.

June 1977 to September 1979

Utah State Division of Family Services

**FOSTER CARE WORKER**

Responsible for foster care caseload including needs assessment, appropriate placement,

provision of clinical services to child and/or parents and reconciliation of child and family or implementation of alternative permanent plan; worked with children and youth ages 0-18 years including abused, neglected, sexually molested and delinquent.

September 1976 to June 1977

Utah State Hospital  
Forensic Unit

**SOCIAL WORK INTERN**

Acted as member of clinical team for forensic patients providing treatment on a group basis and evaluative data to the District Court; responsible to coordinate treatment services for assigned patients and to complete social history and treatment recommendations to clinical staff.

September 1975 to June 1976

Salt Lake County Community Mental Health

**SOCIAL WORK INTERN**

Acted as member of out-patient treatment staff providing therapy on an individual, group and crisis basis; conducted custody evaluations for District Court, co-lead treatment groups.

January 1976 to September 1976

Utah Women's Clinic

**COUNSELOR**

Counseled patients requesting services regarding termination of pregnancy, abortion alternatives and family planning and birth control guidance.

November 1973 to September 1975

Utah State Division of Family Services

**CHILD PROTECTIVE SERVICE WORKER**

Investigated referrals of alleged child neglect and abuse and determine validity of referral; provided crisis services; referred to Court; referred for long-term treatment services; worked with closely with law enforcement, county attorneys and allied social services agencies.

June 1970 to November 1973

Salt Lake County Clerk/Third District Court

**DEPUTY CLERK/ASSISTANT CASHIER**

Responsible for filing of legal documents, processing filing fees, maintaining revenue reports daily and monthly; responsible for filing of District Court appeals to the Utah State Supreme Court; processed passport applications.

**LICENSES/PROFESSIONAL ASSOCIATIONS/COMMUNITY INVOLVEMENT**

Certified Social Worker, State of Utah, 1977 - present

- Member, National Association of Social Workers, 1975 – 1985, 2004 - present
  - N.A.S.W., Utah Chapter, Committee of Inquiry, 1978 - 1980
- Member, Utah Correctional Association, 1980 - present
- Member, National Juvenile Detention Association, 1988 - present
  - Executive Board Member, 1988 - 2006
  - Second Vice-President, 1992 - 1994
  - First Vice-President, 1994 - 1998
  - President Elect, 1998 – 2000
  - President, 2000 – 2002
  - Immediate Past President, 2002 – 2006
- Founding Member, National Partnership for Juvenile Services
  - Governing Board Member, 2001 - 2009
- Member, National Association of Juvenile Correctional Agencies, 2000 – 2004
  - President, 2007 - present
- Member, American Correctional Association, 1989 - present
  - Juvenile Detention Committee, 1992 - 1998
  - Detention and Corrections Facilities Committee, 1994 – 1998
  - Juvenile Corrections Committee, 2000 - present
  - Delegate Assembly Member for Juvenile Detention, 1994 - 1998
  - Member, Commission for Accreditation for Corrections, 1998 – 2000
  - Certified Auditor, 2001 – present
  - Juvenile Facility Size Task Force, 2002 – 2004
- Review of book: *Aggression and Antisocial Behavior in Children and Adolescents: Research and Treatment*, Connor, Daniel F, M. D., Guilford Press, 2002, in *Corrections Compendium*, February 2003
- Member, American Society for Public Administration, 1992 - present
- Member, Utah Youth Advocacy Coalition, 1985 - 1990
  - Vice-President, 1986 -1987
  - President, 1987 – 1988
- Member, Utah Coordinating Council for Youth-in-Custody, 1990 - 1996
- Clinical Instructor, Graduate School of Social Work, University of Utah, 1980 - 1981
- United Way of Greater Salt Lake Allocations Volunteer, 1984 - present
  - Allocations Panel Chair, 1986 – 1988, 2000 - 2001
  - Emergency/Appeals/Specials Needs Committee, 1985 - 1986
  - Admissions/Readmission Panel Chair, 1988 - 1990
  - Targeted Needs Committee Chair, 1990 - 1991
  - Emergency/Special Needs Committee Chair, 1991 - 1993
  - Community Funds Committee Chair, 1992
  - Allocations Committee Chair, 1992 - 1993
  - Agency Relations Chair, 1993 - 1995
  - Member, Board of Directors, 1991 - 1997

Member, Fund Distribution Redesign Committee, 1997 – 2000  
Allied Agency Chair, 2000  
Allocations Panel Chair, 2000 - 2004  
National Institute of Corrections/National Academy of Corrections,  
Juvenile Corrections and Detention Executive Assembly, 1992  
Juvenile Justice Training Needs Assessment Forum, 1994  
Seminar: Services and Programs for Juvenile Female Offenders, 1997  
Juvenile Justice Training Needs Assessment Forum, 1998  
Member, Utah Aids Foundation, Community Education Advisory Committee, 1995 - 1997  
Member, University of Utah, Master of Public Administration Practitioner and Alumni/ae  
Advisory Council, 1996 - 1999  
Member, Board of Directors, Salt Lake Boys and Girls Clubs, 1998 – present  
Member, Executive Committee, 1998 - 2004  
Board Area Council Representative, 1999 - 2001  
Program Committee Chair, 1999 – 2003  
Member, Interstate Compact for Juveniles National Advisory Group, 2000 – 2002  
Member, HIV Prevention Juvenile Justice/CDC Advisory Group, 2001 - 2002  
Member, Utah Disproportionate Minority Confinement Advisory Group, 2001 – 2008  
Trainer, Gender Specific Programming in Juvenile Corrections, 2000 - present  
Member, Salt Lake County Alcohol & Drug Planning Allocation Council, 2003 – 2008  
Member, Editorial Board, *Journal for Juvenile Justice and Detention Services*

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