



MINUTES

MARCH 27, 2024

JUVENILE BOARD MEETING

1. Call to Order

A meeting of the Brazos County Juvenile Board was held at 12:00 p.m. on Wednesday, March 27, 2024 at the Brazos County Juvenile Justice Center, Bryan, Texas with the following Board members present:

Duane Peters, County Judge, Presiding;
Amanda Matzke, County Court at Law No. 1 Judge, Absent;
Roy Brantley, County Court at Law No. 2 Judge;
Kyle Hawthorne, 85th District Judge;
John Brick, 272nd District Judge;
David Hilburn, 361st District Judge;
George Wise, 472nd District Judge;
Chris Densey, Citizen Member.

The minutes were taken by Cheryl Coffman.

2. Approve Minutes of Previous Juvenile Board Meeting.

The Board voted unanimously to approve the minutes for the meeting held on September 28, 2023.

Motion: Approve, Moved by Judge Kyle Hawthorne, Seconded by Judge Roy Brantley. Passed. 7-0. Ayes: Brantley, Brick, Densey, Hawthorne, Hilburn, Peters, Wise. Absent: Matzke.

3. Director's Report: Facility Statistics and Audits.

The Director's Report was given by Linda Ricketson and highlighted the following:

Facility Operations - Ms. Ricketson stated that they are continuing to house residents that were ordered to TJJD for an average of 55 days from the time of their court order.

The detention center currently has three juveniles on the wait list for transport to TJJD. Additionally, the plumbing issues in Alpha Pod have been repaired. Meanwhile, there are numerous on-going repairs to the new construction.

Contract Detention - Ms. Ricketson reported that since the previous Juvenile Board Meeting, the detention center has housed juveniles from eight different counties at a rate of \$150.00 per day.

Programs - Ms. Ricketson briefly discussed several programs offered by the detention center including, the Distracted Driving Program, Radio Mash Program, the Christmas Concert, a grant funded art project, various groups led by Departmental Counselors and a Vape Education Program.

Inspections and Audits - The Brazos County Juvenile Detention Audit conducted in the fall of 2023 found that the facility is suitable for the confinement of children and the randomized cash drawer audits resulted in no discrepancies.

Grant Funds from Southeast Chiefs Association - Ms. Ricketson reported that \$1,843.00 of supplemental grant funds were requested and granted by the Southeast Chief's Association. These funds will go toward a camera and additional equipment to provide better security in the front lobby of the Administration Building.

Juvenile Justice Association of Texas - Brazos County is the host County for the Juvenile Justice Association of Texas Conference on April 7th - April 10th, at the Texas A&M Hotel and Conference Center. A copy of the conference agenda is attached.

Staffing for Juvenile Services - During the County's budget process, Ms. Ricketson will be requesting additional staff to cover at least 50-55 beds. PREA standards require one staff member to eight juveniles during the day, and one staff member to twelve juveniles during the night.

Statistics - Ms. Ricketson stated that from September 2023 to February 2024 there were 38 suicide watches with 22 of those being close observation watches.

Judge Wise questioned why the Disciplinary Seclusion numbers doubled in the last year. Detention Superintendent Chris Coffey explained that the spike was due to several highly aggressive residents at the facility in September 2023.

Judge Brantley asked how they determine which juveniles need to be on close observation suicide watches. Ms. Ricketson explained that upon intake of a juvenile, a risk assessment is performed and the counselors make a determination on the level of risk.

Judge Wise then requested information on the grievance process. Mr. Coffey stated that grievances are submitted to the Grievance Officer and an investigation is performed to determine whether the complaint is legitimate. Judge Wise also questioned what the "Neglect (supervision)" statistic entails. Mr. Coffee provided an explanation and example of a prior incident. The Board then discussed staffing needs for the detention center. A copy of the Director's Report is attached.

4. Consider and take possible action on a Contract with Erath County for placement of youth in Brazos County Juvenile Detention.

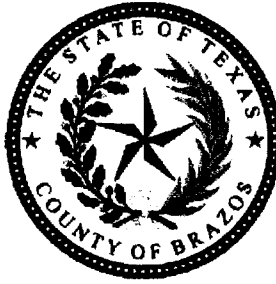
Ms. Ricketson explained the terms of the contract with Erath County including the rate of \$150.00 per day, for each juvenile. Judge Brantley questioned the process to increase the daily rate, if needed, as prices for food and other supplies continues to rise. Ms. Ricketson and staff members noted that the contract term is for one year only and while they are subject to automatic renewals, addendums can be made to adjust the rate as needed, given the proper notice to the contracting County. Judge Hawthorne proposed that they seriously consider raising the rate to a suitable amount. Ms. Ricketson stated that she would calculate the daily cost of housing juveniles at the facility.

Motion: Approve, Moved by Judge David Hilburn, Seconded by Judge John Brick. Passed. 7-0. Ayes: Brantley, Brick, Densey, Hawthorne, Hilburn, Peters, Wise. Absent: Matzke.

5. Citizens Comments.

Patrick Gendron introduced Attorney, Shannon Flanigan as the newest member of his law practice. Mr. Gendron noted that Mr. Flanigan's extensive experience will be an asset. Mr. Flanigan shared that he is honored to have the opportunity. Mr. Gendron then made an observation on the number of juvenile prosecutors needed, given the increased case load.

6. Adjourn



FILED FOR RECORD

DATE 3-22-2024
AT 1:15 O'CLOCK P. M
KAREN MCQUEEN
BRAZOS COUNTY CLERK
By [Signature]

**BRAZOS COUNTY
BRYAN, TEXAS**

NOTICE OF MEETING AND AGENDA

JUVENILE BOARD MEETING

THIS NOTICE IS POSTED PURSUANT TO THE TEXAS OPEN MEETINGS
ACT (TEXAS GOVERNMENT CODE SECTION 551)

MEETING DATE: March 27, 2024
MEETING TIME: 12:00 PM
MEETING PLACE: R. J. HOLMGREEN BRAZOS COUNTY JUVENILE
JUSTICE CENTER, JUVENILE SERVICES ACADEMY
BUILDING, 1904 HIGHWAY 21, WEST, BRYAN TEXAS,
77803

-
1. Call to Order
 2. Approve Minutes of Previous Juvenile Board Meeting.
 3. Director's Report: Facility Statistics and Audits.
 4. Consider and take possible action on a Contract with Erath County for placement of youth in Brazos County Juvenile Detention.
 5. Citizens Comments.
 6. Adjourn

The R. J. HOLMGREEN BRAZOS COUNTY JUVENILE JUSTICE CENTER, JUVENILE SERVICES ACADEMY BUILDING, 1904 HIGHWAY 21, WEST, BRYAN TEXAS, 77803 is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive services must be made two working days before the meeting. To make arrangements, please call (979) 361-4102.

* Please Sign In *

JUVENILE BOARD MEETING

March 27, 2024 at 12:00 PM

Date and Time

Name

Organization/Department

Melissa White

BCJS

Joel Miltein

BCJS

Daniel Ruzick

BCSO

Stacey Kasberg

BCJS

Chris Coffey

BCJS

Daphne Hill

BCJSD

Amy McGee

citizen

Joel McGee

citizen

Sheanor Taniga

guest

Todd McKey

BCJS

Chelsea Brewer

PDO

Natallie Hays

PDO

Darlene Batten

PDO

Robert Gendron

citizen

Ashley Taylor

BCJS

Linda Ricketson

BCJS

Barbie Piccolo

BCJS

Judge Duane Peters

Co. Judge

Judge Kyle Hawthorne

85th Dist.

JUVENILE BOARD MEETING

March 27, 2024 - Noon

Date and Time

Name

Organization/Department

Judge Misty Swan
Judge Roy Brantley
Judge John Brick
Judge David Hilburn
Chris Densey
Aubrey Leggett
Cheryl Coffman
Judge Terrell Wise

Juvenile Judge
CCL 2
272nd
361st
Board Member
Co. Commissioners
Co. Commissioners
472nd



BRAZOS COUNTY JUVENILE SERVICES DEPARTMENT

Linda Ricketson, Director
Melissa White, Assistant Director

CHAIRMAN OF THE JUVENILE BOARD ACKNOWLEDGEMENT

State of Texas §

County of Brazos §

BE IT REMEMBERED, at a regular meeting of the Juvenile Board of Brazos County, Texas, held on March 27, 2024, the Executive Director for the Brazos County Juvenile Services Probation Department did have on the agenda the Executive Director's Report.

The report contains specific information about the department, including all the required statistics or updates required by the Texas Juvenile Justice Department, enumerated in TAC § 343.212. A copy of this report is given to every Brazos County Juvenile Board member, including the Chairman of the Board.

DONE IN OPEN BOARD MEETING THIS 27th day of March 2024.

Recommended by:

Linda Ricketson
Director of Juvenile Services

Approved by:

Judge Duane Peters, Chairman
Brazos County Juvenile Board

March 27, 2024

To: Brazos County Juvenile Board

From: Linda Ricketson

RE: Executive Director's Report

Facility Operations

We continue to house residents that have been ordered to TJJD. They are staying an average of 55 days from the time they are being court ordered. As of the week of March 18th there were 100 juveniles on the waiting list, with 5 juvenile transports scheduled for the week, from 40 departments throughout the state. We have three juveniles on the waiting list.

The plumbing issues that had closed Alpha Pod are now repaired, the pod cleaned, and is housing juveniles again. There are on-going repairs in the new construction. In the last two weeks the contractors have been installing dampers and smoke exhaust fans on Echo, Fox, Golf and Hotel Pods. There are also plumbers on the roof installing expansion loops on the natural gas line. The new construction has been dealing with HVAC issues since the HVAC was installed and the county had an independent contractor checking the facility and the contractor found that other modifications or repairs were needed.

Contract Detention

Since our last juvenile board meeting, we have had juveniles from Falls, Milam, Robertson, Gonzales, Lavaca, Colorado, Grimes and Walker Counties. Each county is paying \$150.00 per day for a bed in our facility. We billed a total of \$35, 444.00. It is still very difficult across the state to find beds for juveniles that have been arrested and need to be in detention. There are also counties that are attempting to find beds for juveniles that are ordered to TJJD but can't be transported right away.

Programs

In October and November 2023, the distracted driving program was held. This program lasts for six weeks and is held on Wednesday night from 5:30-7:30. There were 11 juveniles in attendance for this program. This program teaches juveniles what can happen when you drive distracted, impaired or without seat belts, etc. It involves role plays, speakers, pedal cars, a tour of the jail and a night of reflection where they hear from an emergency room physician, a DPS trooper, and a mother who lost her son, who was impaired while driving. On March 20, 2024, we started this program again with 16 juveniles referred.

In December 2023 the Recidivism Reduction officers facilitated the Radio Mash Program. These officers picked up these gifts, sorted them and delivered them to 41 families. This was a total of 100 bags of gifts. Volunteers from Juvenile Services also participated in sorting food for the Food for Families Food Drive.

Last December Joey McGee, a local musician, presented a detention Christmas concert. There were 34 juveniles in detention that participated in the concert. In March of 2024 he presented an Easter concert, and we had 35 juveniles that participated.

Le Hale, owner/art teacher at the Purple Turtle Studio, received a grant from the City of Bryan for our Academy students to complete an art project that will be placed in downtown Bryan. The program began on March 20, and will take place every Wednesday from 12:30-2:00 at the Academy School. It will continue until the end of Summer.

The departmental counselors are currently providing groups in detention, drug education groups, anger management groups and aftercare parenting groups. There are two substance groups going on right now with 17 juveniles in the groups. In our parent group we have only two parents attending. So far this year the Psychological unit has completed 1 Psychosexual and 10 Psychological evaluations. The Psychological unit numbers for last year include 7 Chapter 55 evaluations, 9 Psychosexual evaluations, and 49 Psychological evaluations. They further provide counseling for probationers in the community. There are presently 80 juveniles in counseling that are on probation in the community. The Licensed Sex Offender Therapist is seeing 8 juveniles each Wednesday at this department.

A Vape Education Program was held on December 13th and all 20 juveniles that were referred attended. Our next Vape Education Program was held February 8, and 20 juveniles attended that program. There has now been a total of 95 juveniles that have completed the program since its inception last year and only 4 of the juveniles have received a new referral. The recidivism overall rate is 4.21%. The drug related recidivism rate is 2.1%.

Inspections/Audits

The Brazos County Juvenile Detention audit was conducted 9/06/2023-11/20/2023. The Texas Juvenile Justice Department deems this facility as suitable for the confinement of children. In looking at the report you will note two non-compliances and a few technical assistance documentations. The department completed a program improvement plan, submitted it and it was approved by The Texas Juvenile Justice Department.

There were three cash count audits since our last meeting. One on 9/22/2023, 12/23/2023, and 2/1/2024. There were no concerns or discrepancies noted. These audits are random audits by our county auditors' office of our cash drawer in our reception area.

Each year the Auditor of Brazos County is required to provide an outside audit of grant funds received from the Texas Juvenile Justice Department. The audit this year was completed earlier this year by Ingram, Wallis & Co. PC from Bryan. A copy of the audit report was provided to each of the Juvenile Board members by Cheryl Rushing in the Brazos County Auditors' office. This audit was accepted by the Texas Juvenile Justice Department.

Grant Funds from Southeast Chiefs Association

The Southeast Chief's Association, of which Brazos County Juvenile Services is a part of, is given a share of money each fiscal year. Each department in the Southeast region can request funds from this money when a department needs something, and the funds are not in their departmental budget. A request was made from Brazos County Juvenile Services for \$1,843.00 for a camera and other equipment to give us more security in our front lobby of the administration building. It was approved and the work will begin when the parts are delivered. The Commissioners' Court did approve our department accepting these grant funds. The county or Juvenile Services will not have any fiscal responsibility in receiving these funds.

Juvenile Justice Association of Texas

The Brazos County Juvenile Services Department is hosting the JJAT conference on April 7, 8, 9 and 10th at the Texas A&M Hotel and Conference Center. There will be approximately 300 Juvenile Justice Professionals in attendance. An agenda is enclosed with this board packet.

Staffing for Juvenile Services

In the feasibility study that was completed before the new Juvenile Detention Center was constructed the numbers for the increase in juvenile population growth between 2016-2025 was 45%. This was the reason that the juvenile detention center has also grown from 48 beds to 80 beds after the approval to construct the new center. Since the construction and the new facility opened in October of 2020 there have never been enough staff to supervise an 80-bed facility. In the past budget years there has not been a request for new detention staff. As our detention population is growing, we need to look at staffing for at least 50-55 beds. The Juvenile Detention center does comply with PREA standards but there are times when we can't meet PREA ratios and have to staff using state required ratios. Therefore, we are requesting staff this budget year for the operational shifts in detention. The Court and Field unit are also supervising rising caseloads so we will need staff to meet the needs of those units. The department can hire one staff that can float in both of those units. The department is preparing our justification for new staff and what is required. This is not complete yet but will be ready by the time the budget has to be requested.

Appendix A- Juvenile Detention Statistics

Detention Statistics for	Sept. 2022-Feb. 2023	Sept. 2023-Feb. 2024
Admissions	347	369
Releases	348	363
Average Daily	38	36
Average Length of Stay	20	19
Escape	00	00
Suicide Attempt	00	00
Suicide Watch	57	38
Physical Abuse	00	00
Emotional Abuse	00	00
Sexual Abuse	00	00
Exploitation	00	00
Physical Restraint	43	53
Mechanical Restraint	08	12
Disciplinary Seclusion	84	169
Safety-based Seclusion	12	14
Medical Confinement	284	09
Resident Grievances (submitted)	10	11
Resident Grievances (confirmed)	00	00
Neglect (supervision)	00	01

The statistics above are for a six- month period. In **2022-2023** out of the **57** suicide watches, **43** of those watches were close observation watches. In 2023-2024 out of the **38** suicide watches, **22** of those watches were close observation watches.

TEXAS JUVENILE JUSTICE DEPARTMENT
Texas Administrative Code Chapter 343 Standards Compliance Report
R. J. HOLMGREEN JUVENILE JUSTICE CENTER (PRE)

Facility Name R. J. HOLMGREEN JUVENILE JUSTICE CENTER (PRE)			Monitoring visit Start Date 09/06/2023
Facility's Physical Address 1904 West SH 21 Bryan TX 77803		Facility Administrator Christopher Coffey	Monitoring visit End Date 11/15/2023
Facility Responsible Party Christopher Coffey	Chief Juvenile Probation Officer Linda Ricketson	Juvenile Board Chairperson Honorable Duane Peters	Report Issue Date 11/28/2023
Lead TJJD Staff Nicholas Perales		Additional TJJD Staff	

The Texas Juvenile Justice Department (TJJD) is required by statute to annually inspect all public and private juvenile pre-adjudication secure detention facilities, post-adjudication secure correctional facilities, and non-secure correctional facilities in each Texas county pursuant to Texas Family Code Sections 51.12, 51.125 and 51.126. TJJD is mandated to provide a report indicating whether the facility is suitable or unsuitable for the confinement of children in accordance to minimum professional standards for the confinement of children promulgated by TJJD contained in Title 37, Texas Administrative Code Chapter 343. This standards compliance report fulfills the mandates of Texas law.

TJJD Facility Suitability Determination

TJJD is statutorily required to determine "suitability" of juvenile facilities. The determination of suitability relates solely to a facility's compliance with state minimum standards for pre-adjudication detention facilities, post-adjudication correctional facilities and non-secure correctional facilities. TJJD expresses no opinion nor determination in this report related to other key performance measures that may be useful and appropriate indicators of facility performance (e.g., recidivism, etc.).

Pursuant to Texas Family Code Section 51.12 (pre) and Section 51.125 (post) and based on the objective assesment of standard compliance of the R. J. HOLMGREEN JUVENILE JUSTICE CENTER (PRE) , the Texas Juvenile Justice Department deems this facility as SUITABLE for the confinement of children.	
Pursuant to Texas Family Code Section 51.12 and Section 51.125 and based on the objective assessment of standard compliance of the R. J. HOLMGREEN JUVENILE JUSTICE CENTER (PRE) , the Texas Juvenile Justice Department deems this facility as SUITABLE for the confinement of children, pending the development, approval, successful completion and verification of the Facility's overall program improvement plan (PIP). The required PIP shall be submitted on or before 12/8/2023.	Yes
Pursuant to Texas Family Code Section 51.12 and Section 51.125 and based on the objective assessment of standard compliance of the R. J. HOLMGREEN JUVENILE JUSTICE CENTER (PRE), the Texas Juvenile Justice Department deems this facility as UNSUITABLE for the confinement of children.	

Comments

This report reflects the formal findings of the TJJD's fiscal year 2024 scheduled on-site compliance monitoring visit specific to the facility's adherence to rules set forth in Texas Administrative Code Chapter 343 relating to Secure Juvenile Pre-Adjudication Detention Facilities.

Technical Assistance

§343.274. Resident Discipline Plan.

- (a) Each facility shall develop and implement a written resident discipline plan that provides for the fair and consistent application of resident rules and sanctions.
- (b) The plan shall:
 - (1) categorize resident rule violations as minor violations and major violations and list the corresponding sanctions available for each violation. If the discipline plan allows for repeated minor rule violations to be considered a major rule violation, the discipline plan shall:
 - (A) specify how many minor rule violations constitute a major rule violation;
 - (B) define a repeated violation as one that occurs within the same calendar day as the first violation; and
 - (C) specify the sanctions available for repeated minor violations;
 - (2) require a referral to law enforcement for resident behaviors that constitute probable cause for a class B misdemeanor or above;
 - (3) prohibit the following:
 - (A) corporal punishment;
 - (B) humiliating punishment, including verbal harassment;
 - (C) allowing or directing one resident to sanction another resident;
 - (D) group punishment for the acts of individuals;
 - (E) deprivation or modification of required meals and snacks;
 - (F) deviation from normal food service procedures, except as allowed by §343.308 of this title;
 - (G) deprivation of clean and appropriate clothing;
 - (H) deprivation or intentional disruption of scheduled sleeping opportunities;
 - (I) deprivation or intentional delay of medical or mental health services;
 - (J) physical exercises imposed for compliance, intimidation, or discipline with the exception of practices allowed in §343.710 of this title; and
 - (K) denial of the following as a disciplinary sanction:
 - (i) the right to visitation as specified in §343.352(b) of this title;
 - (ii) the right to send mail as specified in §343.360(a) and §343.364 of this title;
 - (iii) the right to receive mail;
 - (iv) the right to participate in large muscle exercise as specified in §343.498(b)(1) and §343.680(b)(1) of this title;
 - (v) the right to receive required educational programming; and
 - (vi) the right to participate in religious services or to receive religious counseling;
 - (4) require written notice of an alleged major rule violation to be provided to the resident no more than 24 hours after the violation;
 - (5) explain the process for conducting reviews of major rule violations and any ensuing appeals, as required by §§343.276, 343.280, and 343.282 of this title;
 - (6) not deny or restrict a formal disciplinary review or appeal when one is requested by a resident with eligible standing; and
 - (7) require an administrative review and closure of formal disciplinary reviews or appeals that are not

resolved before the resident is released from the facility.

(c) The resident discipline plan may also include an informal disciplinary review process to resolve rule violations. If used, the informal process shall include:

- (1) guidelines that describe how residents and staff use the process to review and resolve resident concerns;
- (2) a requirement for the staff member conducting the informal review to allow the resident to be heard before a decision is made to impose a sanction; and
- (3) a prohibition on issuing a sanction to or retaliating against a resident who chooses to forego the informal disciplinary review process in favor of a formal disciplinary review.

Findings

During a review of a sample of residents who were placed in disciplinary seclusion, TJJD identified where those residents were being placed in isolation immediately following an incident. However, TJJD could not verify what type of isolation was being used, as the facility did not document those isolations on the appropriate logs, or complete the required documentation (i.e., incident reports, or documentation of SBS reviews).

The facility reports that some residents in the sample were placed on room restriction, while others were placed on safety-based seclusion (SBS), depending on the severity of their infraction.

TJJD concluded that by not officially classifying the resident(s) as being under a specific isolation status, and thereby not completing the required documentation that is required by those standards, it was not implementing its resident discipline plan as developed, which is required by subsection (a) of this standard.

This discrepancy would also apply to the following standards: 343.286 (room restriction); 343.288 (safety-based seclusion); 343.289 (safety-based seclusion reviews); and 343.294 (separation status logs). However, TJJD is electing to only issue a non-compliance for this standard.

TJJD has elected to provide technical assistance to address this compliance discrepancy, in lieu of a formal finding of non-compliance. In order to ensure future compliance, the facility shall accurately assign each youth to the appropriate sanction, and document it in accordance with their resident discipline plan.

Standard 343.302

Description

§343.302. Menu Plans.

- (a) The facility shall develop and follow daily, written menu plans. The menu plans shall incorporate all daily meals and snacks provided to residents.
- (b) Menu plans shall be reviewed and approved at least once each year, no later than the last day of the calendar month of the previous year's approval. The review and approval shall be conducted by a licensed or provisionally licensed dietician to ensure that the menu plans meet or exceed the requirements of the United States Department of Agriculture.
- (c) All deviations from the menu plan shall be documented.

Findings

The dinner and snack menus were not approved by the last day of the calendar month of the previous year's approval. The menus were approved on 06/16/22 and again on 07/10/23.

TJJD is electing to provide technical assistance to address this compliance discrepancy. In order to ensure future compliance, the facility shall ensure that the third party (dietitian) is aware of the standard requirements and comply with those requirements.

Standards in Non-Compliance

Standard 343.406(a)**Description**

§343.406. Health Screening (a).

(a) Timing of Health Screening.

A health screening shall be conducted on each resident within two hours before or after admission.

Findings

Resident T.W. was admitted to the facility at 5:30 p.m., but the health screening was not conducted until 9:35 p.m.

Subsection (a) requires that a health screening be conducted within two hours before or after admission.

Standard 343.438**Description**

§343.438. Level of Supervision--SOHU.

(a) While residents are located in a SOHU during program hours, they shall be in the constant physical presence of a juvenile supervision officer unless:

(1) the residents are placed in their individual sleeping quarters, in which case a juvenile supervision officer shall observe and document each resident's behavior at random intervals not to exceed 15 minutes; or

(2) an exception in §343.446 of this title applies.

(b) While residents are located in a SOHU during non-program hours, a juvenile supervision officer shall visually observe each resident at random intervals not to exceed 15 minutes.

(c) Juvenile supervision officers shall document each visual observation made. The documentation shall include the time of the observation and generally describe the resident's behavior.

Findings

In reviewing the documentation (i.e., incident reports) for a personal restraint on resident N.J. on 09/05/23, TJJD identified where the floor staff who were providing supervision to the residents in the housing unit (Charlie Pod), left the housing unit to respond to another major disruption in the facility. TJJD was able to view video of the incident and confirmed that the juvenile supervision officers no longer were in the constant physical presence of the residents for a brief period of time. During that time, two residents engaged in a physical altercation on the housing unit.

TJJD concluded that the facility did not meet the requirements of subsection (a) which states while residents are located in a SOHU during program hours, they shall be in the constant physical presence of a juvenile supervision officer unless: (1) the residents are placed in their individual sleeping quarters, in which case a juvenile supervision officer shall observe and document each resident's behavior at random intervals not to exceed 15 minutes; or (2) an exception in §343.446 of this title applies.

As shown in the video, the residents were not placed in their individual sleeping quarters and the exceptions allowed under 343.446 did not apply.

Standards in Compliance

Section	Description
343.110	Observation Records.

Standards in Compliance

Section	Description
343.200	Authority to Operate Secure Juvenile Facility.
343.202	Acceptance of Residents.
343.204	Facility Governing Board.
343.206	Certification and Registration of Facility.
343.208	Policy, Procedure, and Practice.
343.210	Designation of Facility Administrator.
343.212	Duties of Facility Administrator.
343.214	Data Collection.
343.218(c)	Location and Operations.
343.220	Population.
343.222	Heating, Cooling, and Ventilation.
343.224	Alternate Power Source.
343.226	Lighting.
343.228	Dining Area.
343.230	Specialized Housing.
343.234	Program Areas.
343.236	Secure Storage Areas.
343.238	Hazardous Materials.
343.240	Safety Codes.
343.242	Fire Safety Plan.
343.244	Fire Safety Officer.
343.246	Fire Drills.
343.248	Non-Fire Emergency Preparedness Plan.
343.249	Internal Security.
343.250	External and Perimeter Security.
343.260	Resident Searches.
343.262	Hygiene Plan.
343.264	Resident Showers.
343.266	Bedding.
343.268	Towels.
343.270	Clothing.
343.272	Facility Maintenance, Cleanliness, and Appearance.
343.276(a)	Formal Disciplinary Reviews for Major Rule Violations.
343.280	Formal Disciplinary Review Process.
343.282	Resident Appeals.
343.284	Disciplinary Review Log.
343.285(a)-(e)	Disciplinary Seclusion.

Standards in Compliance

Section	Description
343.285(f)	Disciplinary Seclusion.
343.286(a)	Room Restriction.
343.286(b)	Room Restriction.
343.286(c)	Room Restriction.
343.287(a)-(c)	Resident-Initiated Separation.
343.288(a)-(c)	Safety-Based Seclusion.
343.288(d)	Safety-Based Seclusion.
343.288(e)-(h)	Safety-Based Seclusion.
343.289(a)	Safety-Based Seclusion Reviews.
343.289(b)	Safety-Based Seclusion Reviews.
343.294	Separation Status Log.
343.306	Modified Diets.
343.308	Mealtime Prohibitions.
343.310	Staff Meals.
343.312	Daily Meal Schedule.
343.314	On-Site Food Preparation.
343.320	Health Service Authority.
343.322	Health Service Plan.
343.324	Health Services Coordinator.
343.326	Medical Referral.
343.330	Medical Treatment for Victims of Abuse.
343.332	Behavioral Health Care Services for Sexual Abuse Victims.
343.334	Confidentiality.
343.336	Medication Administration.
343.338(1)-(2)	Medical Isolation.
343.338(3)	Medical Isolation.
343.340	Suicide Prevention Plan.
343.342	Review and Dissemination of Suicide Prevention Plan.
343.346	Mental Health Referral of High-Risk Suicidal Youth.
343.348	Supervision of High-Risk Suicidal Youth.
343.350	Supervision of Moderate-Risk Suicidal Youth.
343.351	Suicidal Youth Log.
343.352	Visitation.
343.354	Limitations on Visitation.
343.356	Access to Attorney.
343.358	Telephone.
343.360	Mail.

Standards in Compliance

Section	Description
343.362	Limitations on Mail.
343.364	Legal Correspondence.
343.366	Inspection of Mail.
343.368	Illegal Discrimination.
343.370	Prohibited Supervision.
343.372	Work by Residents.
343.374	Experimentation and Research Studies.
343.376	Resident Grievance Process.
343.378	Grievance Appeals.
343.380	Grievance Officer.
343.382	Grievance Documentation.
343.384	Religious Services.
343.386	Volunteers and Interns.
343.400(a)	Intake and Admission.
343.400(b)-(c)	Intake and Admission.
343.400(d)-(e)	Intake and Admission.
343.404(a)	Mental Health Screening and Referral.
343.404(c)-(d)	Mental Health Screening and Referral.
343.406(b)-(C)	Health Screening (b)-(c).
343.406(d)	Health Screening.
343.406(e)	Health Screening.
343.406(f)(1)	Health Screening.
343.406(f)(2)	Health Screening.
343.406(f)(3)	Health Screening.
343.406(f)(4)	Health Screening.
343.406(g)-(h)	Health Screening.
343.407	Health Assessment.
343.408	Personal Hygiene.
343.410	Personal Property.
343.412	Orientation.
343.414	Behavioral Screening.
343.416	Classification Plan.
343.418	Admission Records.
343.420	Format and Maintenance of Records.
343.422	Content of Resident Records.
343.424	Housing Records.
343.426	Release Procedures.

Standards in Compliance

Section	Description
343.428	Qualifications to Provide Resident Supervision.
343.430	Minimum Facility Supervision.
343.432	Gender Supervision Requirement.
343.434	Facility-Wide Ratio.
343.435	On-Premises Supervision Requirements.
343.436	Supervision Ratio--SOHU.
343.444	Off-Premises Supervision Requirements.
343.446	Exceptions to Requirement to be Supervised by Juvenile Supervision Officer.
343.448	Primary Control Room.
343.450	Use and Design--SOHU.
343.452	Spatial Requirements – SOHU.
343.454	Shower Facilities – SOHU.
343.456	Toilet Facilities--SOHU.
343.458	Washbasin Requirements -- SOHU.
343.460	Drinking Fountain -- SOHU.
343.468	Classification Plan – MOHU.
343.472	Use and Design--MOHU.
343.474	Spatial Requirements--MOHU.
343.476	Shower Facilities – MOHU.
343.478	Toilet Facilities--MOHU.
343.480	Washbasin Requirements--MOHU.
343.482	Drinking Fountain--MOHU.
343.484	Exercise and Common Activity Areas.
343.486	Program Hours.
343.488	Educational Program.
343.490	Instructional Days.
343.491	Special Education.
343.492	Educational Space.
343.493	Orientation for Educational Staff.
343.494	Supervision During Educational Program.
343.496	Reading Materials.
343.498(a)	Recreation and Exercise.
343.498(b)-(d)	Recreation and Exercise.
343.498(e)-(f)	Recreation and Exercise.
343.802	Requirements.
343.804	Prohibitions.
343.806	Documentation.

Standards in Compliance

Section	Description
343.808	Personal Restraint.
343.810	Mechanical Restraint.
343.818	Preventive Mechanical Restraints.

Standards Not Applicable

Section	Description
343.218(a)	Location and Operations.
343.218(b)	Location and Operations.
343.276(b)	Formal Disciplinary Reviews for Major Rule Violations.
343.287(d)	Resident-Initiated Separation.
343.289(c)	Safety-Based Seclusion Reviews.
343.290(a)-(b)	Protective Isolation.
343.290(c)	Protective Isolation.
343.290(d)	Protective Isolation.
343.316	Off-Site Food Preparation.
343.328	Consent for Medical Treatment.
343.402(a)-(c)	Assessment Isolation.
343.402(d)	Assessment Isolation.
343.402(e)	Assessment Isolation.
343.404(b)	Mental Health Screening and Referral.
343.429	Additional Training Required for Certified Officers Hired by a Different Department.
343.440	Supervision Ratio--MOHU.
343.442	Level of Supervision – MOHU.
343.461	Applicability of Standards--MOHU.
343.462	Pre-Assignment Screening Process -- MOHU.
343.464	Administrative Approval -- MOHU.
343.470	Eligibility Criteria -- MOHU.
343.812	Non-Ambulatory Mechanical Restraints.
343.816	Chemical Restraints.



Office of the Brazos County Auditor

200 S. Texas Avenue - Suite 218
Bryan, Texas 77803
(979) 361-4350

Cash Count Report

Date: 2.1.2024

Office Reviewed: Juvenile

Date of Cash Count: 2.1.2024

Reason For Cash Count: Random

Number of Cash Drawers: 1 Authorized Change Fund Amount: \$ 100.00

Overage/Shortage Noted(Yes/No): No Amount Over/(Short): \$ -

Observations/Comments:

1. One cash drawer was audited and balanced.

2. Receipts are kept secured until the deposit is made.

3. Deposits are made daily.

Recommendations:

There were no concerns or discrepancies discovered during this cash count.

Department Response:(Optional)

By signing this report I certify that I have received and read the report and that at the time of the cash count all funds in the office were made available to the Auditor's Office for review.

Linda Ricketson

Signature

2/5/2024

Date



Office of the Brazos County Auditor

200 S. Texas Avenue - Suite 218
Bryan, Texas 77803
(979) 361-4350

*juv
Board
mailed*

Cash Count Report

Date: 12.23.2023

Office Reviewed: Juvenile

Date of Cash Count: 12.23.2023

Reason For Cash Count: Random

Number of Cash Drawers: 1 Authorized Change Fund Amount: \$ 100.00

Overage/Shortage Noted(Yes/No): No Amount Over/(Short): \$ -

Observations/Comments:

1. One cash drawer was audited and balanced.

2. Receipts are kept secured until the deposit is made.

3. Deposits are made daily.

Recommendations:

There were no concerns or discrepancies discovered during this cash count.

Department Response:(Optional)

By signing this report I certify that I have received and read the report and that at the time of the cash count all funds in the office were made available to the Auditor's Office for review.

Linda Ricketson

Signature

12/28/23

Date



Office of the Brazos County Auditor

200 S. Texas Avenue - Suite 218
Bryan, Texas 77803
(979) 361-4350

Cash Count Report

Date: 9.22.2023

Office Reviewed: Juvenile

Date of Cash Count: 9.22.2023

Reason For Cash Count: Random

Number of Cash Drawers: 1 Authorized Change Fund Amount: \$ 100.00

Overage/Shortage Noted(Yes/No): No Amount Over/(Short): \$ -

Observations/Comments:

1. One cash drawer was audited and balanced.

2. Receipts are kept secured until the deposit is made.

3. Deposits are made daily.

Recommendations:

There were no concerns or discrepancies discovered during this cash count.

Department Response:(Optional)

By signing this report I certify that I have received and read the report and that at the time of the cash count all funds in the office were made available to the Auditor's Office for review.

Signature

Linda Ricketson
9/22/23
Date

**REGISTRATION AND
AGENDA
SPRING JJAT CONFERENCE
APRIL 7-10 2024**



**Texas A&M Hotel and
Conference Center
177 Joe Routh Boulevard
College Station, Texas 77843**

**Juvenile Justice Association of
Texas**



HOTEL AND REGISTRATION

Early Registration Discount

The early registration begins November 1, 2023 and the discount is available to anyone registering via e-mail or mail, on or before March 31, 2024.

The regular registration begins on April 1, 2024

The conference location is:

Texas A&M Hotel and Conference Center

177 Joe Routh Boulevard

College Station, Texas 77843

Reservations can be made by calling

1-888-654-4436 or by following this [link](#).

Refer to rooms blocked under "Juvenile Justice Association of Texas". Hotel reservations must be made no later than March 7, 2024

Room rates are : \$107.00 per night.

Self Parking is \$12 per night

**New Hotel Room Policy- Please Read

It is the responsibility of the participant to make hotel room reservations. If your plans change, PLEASE CANCEL YOUR ROOM. JJAT WILL NOT BE RESPONSIBLE FOR NO SHOWS ON ROOM RESERVATIONS. If you attempt to make a reservation and are told that the room book is full or sold out, please contact Joanne Bradley at jbradley@co.kendall.tx.us or 830-377-4697. Joanne will attempt to add more rooms to the block.

We expect more than 300 juvenile justice professionals to attend, so please make your reservations EARLY!! You can always cancel within the guidelines of the hotel policy if your plans change.

Conference Registration by E-mail:

You may e-mail registration forms to jjattx@gmail.com. If you are paying by credit card or at the conference please notify us on the registration form

Conference Registration by Mail

You may mail registration forms and payment to : Juvenile Justice Association of Texas
P.O. Box 98715, Lubbock Texas 79499

Registration Refund Policy

•Full refunds will be given to those who cancel in writing a minimum of ten (10) working days prior to the conference.

•Written cancellations should be e-mailed to: jjattx@gmail.com

•A \$40 Administrative Fee will be assessed for cancellations after the deadline.

Training Hours are pending.

Visit the JJAT Website at
www.jjat.com

Please complete the form below and e-mail it to jjattx@gmail.com to register.

Name: _____

Title: _____

Agency: _____

Address: _____

City: _____ State: _____

Zip Code: _____ Telephone #: _____

Please provide the e-mail address of the participant:

JJAT utilizes a conference app to disseminate information to each participant. The e-mail you provide will be what is utilized in the app registration process.



Click on the QR code to the right or this [link](#) to subscribe to our e-mail system.

REGISTRATION FEES

Early Registration Discount (on or before 3/31/2023)

☐

\$225.00 per person

Regular Registration (4/1/2024)

☐

\$235.00 per person

☐

CHECK HERE IF PAYING BY CHECK

Check # _____

Amount Enclosed: _____

☐

Payment Information

CHECK HERE IF WISHING TO PAY BY CREDIT CARD. PLEASE PROVIDE THE CONTACT PERSON AND PHONE NUMBER:

CONTACT NAME _____

TELEPHONE NUMBER _____

Please Make Payment To "JJAT"
Mail Registration and Payments to:
Juvenile Justice Association of Texas
P.O. Box 98715
Lubbock, Texas 79499



JUVENILE JUSTICE ASSOCIATION OF TEXAS – SPRING 2024 CONFERENCE

PLANTING THE SEEDS OF CHANGE



Sunday April 7, 2024			
6:00 pm – 7:00 pm	Welcome and Announcements: JoAnn Bradley, JJAT President Music Performance by BHS Mariachi Band & Presentation of the Colors Opening Remarks: Judge David Hilburn, Brazos County 361 st District Court Awards Ceremony / Scholarships following the opening session		
Monday April 8, 2024			
8:30 am – 10:00 am	General Session Speaker: Sgt. Stephen Woodard, Texas Department of Public Safety Topic: Your Choices Matter		
10:00 am – 10:15 am	Break		
10:15 am – 11:45 am	Breakout Speaker: Kellye Turner, East Texas Regional Advisor Topic: Office of the Governor Child Sex Trafficking Team Overview	Breakout Speaker: Kaci Singer, Deputy General Counsel, Texas Juvenile Justice Department Topic: Determinate Sentence Laws, Rules, and Processes	Breakout Speaker: Dr. Sally-Ann Ashton, Ph.D. Research Scientist Texas Juvenile Crime Prevention Center, Prairie View A&M University Topic: The Psychology of Violent Adolescent Offending
11:45 am – 1:15 pm	Lunch On Your Own		
1:15 pm – 2:45 pm	Breakout Speaker: Chris Ellison, Director of Program Development and Training, Texas Juvenile Justice Department Topic: Leadership in Chaotic Environments	Breakout Speaker: Sgt. Austin Stearns, Bryan Police Dept Topic: Drug & Alcohol Impairment and Current Trends	Breakout Speaker: Dr. Sally-Ann Ashton, Ph.D. Research Scientist Texas Juvenile Crime Prevention Center, Prairie View A&M University Topic: Understanding the Influence of Co-offending Groups, Gangs, and Criminal Family Associations
2:45 pm – 3:00 pm	Break		
3:00 pm – 4:30 pm	Breakout Speaker: Chris Ellison, Director of Program Development and Training, Texas Juvenile Justice Department Topic: Running on Empty: Dealing with Burnout	Breakout Speaker: Sgt. Austin Stearns, Bryan Police Dept Topic: Drug & Alcohol Impairment and Current Trends	Breakout Speaker: Dr. Daphne Hill, Ph.D., Brazos County Juvenile Services Deputy of Health Services Topic: Relational Aggression and Modern Day Law
Tuesday April 9, 2024			
8:30 am – 10:00 am	General Session Speakers: Kim Gillihan, Detective Jason Prince & Detective Justin Schutzenhofer, Montgomery County Sheriff’s Office Topic: Operation Fight Fentanyl: Joshua’s Army (8:30 am); Dangers of Fentanyl Use (9 am)		
10:00 am – 10:15 am	Break		
10:15 am – 11:45 am	Breakout Speaker: Jessica Escue, Brazos County District Attorney’s Office Topic: I’ll Be Watching You: Stalking in the 21 st Century	Breakout Speaker: Deputy David Wilcox, Brazos County Sheriff’s Office Topic: Officer Safety and Situational Awareness	Breakout Speaker: Dr. Camille Gibson, Executive Director, Texas Juvenile Crime Prevention Center, Prairie View A&M University Topic: “I Won’t Let This Job Kill Me!” Navigating Stressful Work Environments
11:45 am – 1:15 pm	Lunch On Your Own		
1:15 pm – 4:30 pm (Break 2:45 pm-3:00 pm)	General Session Speaker: Darren Jackson, Senior Law Enforcement Consultant Topic: First Amendment Auditors		
Wednesday April 10, 2024			
8:30 am – 10:30 am	General Session THD Closing Remarks: Shandra Carter & Lou Serrano		

to secure the Outside Treatment at the expense of **Juvenile Probation** and agrees to indemnify and hold harmless Service Provider, its officers, directors, representatives, agents, shareholders and employees from any and all liability for charges for Outside Treatment. The Administrator shall notify the appropriate **Juvenile Probation** officials of Outside Treatment within twenty-four (24) hours of its occurrence.

C. Children from **Juvenile Probation** who are alleged to have engaged in delinquent conduct, or conduct indicating a need for supervision, as reflected in a Child in Need of Supervision Order (CINS) will be admitted to the facility under the authority of any juvenile court having jurisdiction or its designated official. Children not released within forty-eight (48) hours (excluding weekends and holidays) must have a detention hearing in the **Erath County** juvenile court in accordance with the Texas Family Code, Title III (Section 54.01). If the child is ordered detained, a certified copy of the detention order must be delivered to the detention Facility prior to the child's re-admission.

D. Each child placed in the Facility shall be required to follow the rules and regulations of conduct as fixed and determined by the facility administrator and staff of the Facility.

E. Acceptance of a child by the Facility will be determined by Brazos County Juvenile Facility Staff. Service Provider reserves the right to refuse admission of any child deemed inappropriate. Service Provider has resolved to operate the Facility in compliance with the Juvenile Justice and Delinquency Prevention Act, and therefore, Service Provider will not accept children whose detention would prevent the Facility from complying with the Juvenile Justice and Delinquency Prevention Act or those "juveniles who are charged with or has committed offenses that would not be criminal if committed by an adult or offenses which do not constitute violations of valid court order, or such non-offenders as dependent or neglected children." Section 223(a) (12) (A), Juvenile Justice Delinquency Prevention Act. No child who is intoxicated or in need of immediate medical attention will be accepted under any circumstances without having been seen, treated and released by a medical professional and given written medical clearance.

If a child is accepted by the Facility from **Juvenile Probation** and the child thereafter is determined to be, in the sole judgment of the Administrator, mentally or physically unfit, dangerous, unmanageable, unsuitable for the program or combination of such conditions or whose mental or physical conduct would or might endanger the other occupants of the Facility, then the Service Provider shall notify **Juvenile Probation** of this determination. The child shall immediately be removed from the Facility but in no event longer than twenty four (24) hours after notification. It will be the responsibility of **Juvenile Probation**, at its expense, to provide for the transportation for the removal of the child. Any child not removed from the facility within 24 hours will be transported by Service Provider to **Juvenile Probation** and **Juvenile Probation** will be charged the cost of staff, time and fuel for the transportation. The daily rate of detention shall increase to \$200.00 for any child not removed within the 24-hour period.

Any damage to county property or juvenile facility fixtures will be paid for by the **Juvenile Probation** Department and charges will be filed against the juvenile with the Brazos County Sheriff's Department.

F. Service Provider agrees that the facility will accept any child who qualifies, without regard to such child's religion, race, creed, sex or national origin.

G. It is further understood and agreed by the parties that children placed in pre-adjudication care in the Facility shall be removed from the Facility by the appropriate authorities from **Juvenile Probation**, or its agents, servants or employees at the conclusion of the ten (10) day working period authorized by the court order issued at the conclusion of the initial detention hearing by the Judge of the appropriate juvenile court unless a new order has been issued authorizing the continued detention, and a copy of the new order has been delivered to the Facility, or unless a waiver of the ten (10) working day hearing has been executed and a signed copy of the waiver is received by the Facility. A copy of the order issued pursuant to the waiver shall be furnished to the Facility. The same understanding and agreement between the parties exists with the exception that court orders may authorize detention for up to fifteen (15) working days after the initial hearing and detention period.

H. It is further understood and agreed by the parties that, children may be released to the Probation Officer or other appropriate authority of **Juvenile Probation** pursuant to: (a) paragraph E of this Article, (b) an Order of Release signed by the Judge of the Juvenile Court of **Erath County**.

I. Service Provider shall be in compliance with all standards and requirements of the Texas Juvenile Justice Department and all applicable State and Federal law.

J. Service Provider shall provide twenty (24) hour supervision for each child, including the supervision by detention staff during sleeping hours in a Secure Facility.

K. Each child placed in the Facility shall be provided the opportunity to complete the Massachusetts Youth Screening Instrument (MAYSI-2) as required by the Texas Juvenile Justice Department. Facility personnel administering the MAYSI-2 shall be properly trained, sign the warning page, and document time and date administered. The MAYSI-2 shall then be promptly provided to Juvenile Probation of the detaining county.

L. Each child placed in the Facility shall be enrolled in an educational program. Special steps shall be taken to comply with the requirements of Special Education students and their needs.

M. It is further understood and agreed by the parties that nothing in this contract shall be construed to permit Juvenile Probation, its agents, servants, or employees any way to manage, control, direct or instruct Service Provider, its directors, officers, employees, agents, shareholders and designees in any manner respecting its work, duties functions, or pertaining to the maintenance and operation of the Facility. However, it is also understood that the Juvenile Court of **Erath County** shall control the conditions and terms of detention supervision as to a particular child pursuant to the Texas Family Code, Section 51.12.

ARTICLE IV COMPENSATION

- 4.01 For and in consideration of the above-mentioned services, Juvenile Probation agrees to pay Service Provider the sum of \$150.00 per day; the cost includes any duration during a 24-hour period for each child. The daily rate shall be paid to Service Provider for each day a child is in detention. The cost is based on the projected actual cost of care for children in the facility.
- 4.02 Every child shall receive basic detention services. Additional services that require or request special accommodations, medications, including, but not limited to: psychological assessments, mental health care, medical treatment, Chapter 55 evaluations (fitness to proceed), special accommodation services, interpreters, special dietary needs, will be paid for by Juvenile Probation.
- 4.03 Psychological services may be provided to the child on an as needed basis at the request of the Juvenile Probation Department and shall be paid for by Juvenile Probation.
- 4.04 Service Provider will submit an invoice for payment of services to Juvenile Probation on a monthly basis. Said invoice shall be submitted within ten (10) working days following the end of the invoiced month and shall include information deemed necessary for adequate fiscal control, including but not limited to: to be attributed to specific clients if appropriate, date service was rendered, total daily cost, and total monthly cost. Each invoice received for payment will be reviewed by Juvenile Probation in order to monitor Service Provider for financial compliance with this Agreement. Invoices submitted by Service Provider in proper form shall be paid by Juvenile Probation in a timely manner.
- 4.05 Service Provider shall account separately for the receipt and expenditure of any and all state funds received from Juvenile Probation under this contract. Service Provider shall account separately for state funds received and expended utilizing the following Generally Accepted Accounting Practices (GAAP):

A. If Service Provider has an outside audit completed on a yearly basis which specifies

receipt and expenditure of State funds. Service Provider shall forward a copy of the annual outside audit to Juvenile Probation by March 1 following the end of the fiscal year.

B. If Service Provider does not obtain an annual outside audit, then Service Provider shall provide a separate accounting of funds received from Juvenile Probation in whole or in part paid from state funds. The accounting shall clearly list the state funds received from Juvenile Probation and account for expenditures of said funds including documentation of appropriate expenditures as well as the year's tax forms and documentation. The accounting shall be provided to Juvenile Probation thirty (30) days prior to the renewal date of the contract.

- 4.06 It is understood and agreed by Service Provider that this Agreement is funded in whole or in part with grant or state funds and shall be subject to termination without penalty, either in whole or in part, if funds are not available or are not appropriated by the Texas Legislature.
- 4.07 Service Provider agrees to make claims for payment or direct any payment disputes to Juvenile Probation's Fiscal Officer. Service Provider will not contact other department employees regarding any claims of payment.
- 4.08 Service Provider will provide certification of eligibility to receive State funds as required by Texas Family Code Section 231.006.
- 4.09 Except to the extent that a party to this Agreement seeks emergency judicial relief, the parties agree to negotiate in good faith in an effort to resolve any disputes related to this contract that may arise, no matter when the dispute may arise. If a dispute cannot be resolved by negotiation, the dispute shall be submitted to mediation before the parties resort to arbitration or litigation. The parties shall choose a mutually acceptable mediator to mediate the dispute, and the parties shall pay the costs of mediation services equally.

ARTICLE V ADDITIONAL TERMS & AGREEMENTS

- 5.01 Prior to transporting a child to the Facility for placement in detention, Juvenile Probation shall call the Facility to ensure the child will be considered for acceptance. Placement of children by authorized officers of Juvenile Probation may be denied as determined by the Facility.
- 5.02 A child will only be accepted in the Facility upon receipt by the Facility Administrator of a proper order/authorization from the Juvenile Court of Erath County.

ARTICLE VI EXAMINATION OF PROGRAM & RECORDS

- 6.01 Service Provider agrees that it will permit Juvenile Probation to examine and evaluate its program of services provided under the terms of this agreement and/or to review its record periodically. This examination and valuation of the program may include site visitation, observation of programs in operation, interview and the administration of questionnaires to the staff of Service Provider and the children when deemed necessary.
- 6.02 Service Provider shall provide to Juvenile Probation such descriptive information on contracted children as requested on forms provided by Juvenile Probation.
- 6.03 For purpose of evaluation, inspection, auditing or reproduction, Service Provider agrees to maintain and make available to authorized representatives of the State of Texas or Juvenile Probation any and all books, documents or other evidence pertaining to the costs and expenses of this Agreement.

- 6.04 Service Provider will keep a record of services provided to Juvenile Probation under this Agreement, and upon reasonable notice will provide information, records, papers, reports, and other documents regarding services furnished as may be requested by Juvenile Probation. Service Provider will maintain the records (as referenced above) for seven (7) years after the termination of this Agreement.
- 6.05 Service Provider understands that acceptance of funds under this contract acts as acceptance of the authority of the State Auditor's Office, or any successor agency, to conduct an audit or investigation in connection with those funds. Service Provider further agrees to cooperate fully with the State Auditor's Office or its successor in the conduct of the audit or investigation, including providing all records requested. Service Provider will ensure that this clause concerning the authority to audit funds received indirectly by subcontractors through the Service Provider and the requirement to cooperate is included in any subcontract it awards.

ARTICLE VII CONFIDENTIALITY OF RECORDS

- 7.01 Service Provider shall maintain strict confidentiality of all information and records relating to children involved in Juvenile Probation and shall not disclose the information except as required to perform the services to be provided pursuant to this Agreement, or as may be required by law.

ARTICLE VIII DUTY TO REPORT

- 8.01 Allegations Occurring inside the Facility. As required by Texas Family Code Chapter 261 and Title 37 Texas Administrative Code Chapter 358, or successor provisions, Service Provider, and any of its employees, interns, volunteers, or contractors, shall report any allegation or incident of abuse, neglect, exploitation, death, or other serious incident involving a child in a juvenile justice facility or juvenile justice program in the following manner:
- A. For all allegations and incidents except sexual abuse and serious physical abuse: within twenty-four (24) hours from the time the allegation is made, to the following:
1. Local law enforcement agency; and
 2. Texas Juvenile Justice Department by submitting a TJJD Incident Report Form to facsimile number 1-512-424-6716 (or if unable to complete the form within 24 hours, then by calling toll-free 1-877-786-7263, followed by submitting the report within 24 hours of said call). In addition, for serious incidents, a treatment discharge form or other medical documentation that contains evidence of medical treatment pertinent to the reported incident shall be submitted to the Texas Juvenile Justice Department within 24 hours of receipt; and
 3. With respect to juveniles placed by Juvenile Probation, the TJJD Incident Report Form shall also be sent to Juvenile Probation within 24 hours at facsimile number 254-965-1416 and Service Provider shall contact Juvenile Probation by telephone at 254-965-1419 within 24 hours.
- B. For allegations and incidents of sexual abuse or serious physical abuse:
1. Local law enforcement agency immediately, but no later than one (1) hour from the time a person gains knowledge of or suspects the alleged serious physical abuse or sexual abuse. The initial report shall be made by phone to law enforcement;
 2. Texas Juvenile Justice Department shall be notified immediately, but no later than four (4) hours from the time a person gains knowledge of or suspects the alleged serious physical abuse or sexual abuse. The initial report shall be made by phone by calling toll-free 1-877-786-7263. Within 24 hours of the report by phone, the completed TJJD Incident Report Form shall be submitted by facsimile number 1-512-424-6716 or by email at abuseneglect@tjjd.texas.gov and

3. With respect to children placed by Juvenile Probation, the TJJD Incident Report Form shall also be sent to Juvenile Probation within 24 hours at facsimile number **254-965-1416**.

- 8.02 Allegations Occurring Outside the Facility. Any person who witnesses, learns of, receives an oral or written statement from an alleged victim or other person with knowledge or who has a reasonable belief as to the occurrence of alleged abuse, neglect, exploitation, death or other serious incident involving a juvenile, but that is not alleged to involve an employee, intern, volunteer, contractor, or service provider of a program or facility, shall be immediately reported to law enforcement or to other appropriate governmental unit as required in Texas Family Code Chapter 261.
- 8.03 As used within this Agreement:
- A. An allegation or incident includes the witnessing, learning, or receiving an oral or written statement from an alleged victim or other person with reasonable belief or knowledge as to the occurrence or an alleged abuse, neglect, exploitation, death or other serious incident involving a juvenile in a juvenile justice facility or juvenile justice program.
 - B. A serious incident is attempted escape, attempted suicide, escape, reportable injury, youth-on-youth physical assault or youth sexual conduct.
 - C. Sexual abuse is conduct committed by any person against a juvenile that includes sexual abuse by contact or sexual abuse by non-contact.
 - D. Serious physical abuse is bodily harm or condition that resulted directly or indirectly from the conduct that formed the basis of an allegation of abuse, neglect or exploitation, if the bodily harm or condition requires medical treatment by a physician, physician assistant, licensed nurse practitioner, emergency medical technician, paramedic or dental.
 - E. A juvenile justice facility is a facility, including its premises and affiliated sites, whether contiguous or detached, operated wholly or partly by or under the authority of the governing board, juvenile board or by a private vendor under a contract with the governing board, juvenile board or governmental unit that serves juveniles under juvenile court jurisdiction. The term includes: a public or private juvenile post-adjudication secure correctional facility required to be certified in accordance with the Texas Family Code; and a public or private non-secure juvenile post-adjudication residential treatment facility housing juveniles under juvenile court jurisdiction.
 - F. A juvenile justice program is a program or department operated wholly or partly by the governing board, juvenile board or by a private vendor under contract with the governing board or juvenile board that serves juveniles under juvenile court jurisdiction or juvenile board jurisdiction. The term includes a juvenile justice alternative education program and a non-residential program that serves juvenile offenders while under the jurisdiction of the juvenile court or juvenile board jurisdiction and a juvenile probation department.

ARTICLE IX CRIMINAL HISTORY SEARCHES

- 9.01 Criminal history searches shall be conducted by Service Provider for any and all of its employees, interns, volunteers or contractors providing services in a juvenile justice facility or juvenile justice program that may have direct unsupervised access to children in the facility or program.
- 9.02 Criminal history searches shall include the following:
- A. Texas criminal history fingerprint-based criminal history background search through the Texas Department of Public Safety.

- B. Local law enforcement sex offender registration records check through the Public Sex Offender Registry on the Texas Department of Public Safety website.
 - C. Federal Bureau of Investigation fingerprint-based criminal history background search at the National Crime Information Center; internet-based searches shall not be used to conduct this background search.
- 9.03 A copy of the initial criminal history report required by this Agreement and any reports reflecting subsequent criminal activity shall be maintained for monitoring purposes for whichever of the following occurs later: duration of the individual's employment or period of service; minimum of three (3) years; or until any pending litigation, claim, audit or review and all questions arising therefrom have been resolved.
- 9.04 As used within this Agreement, a disqualifying criminal history is a history that includes any one of the following:
- A. A felony conviction against the laws of this state, another state, or the United States within the past ten (10) years;
 - B. A deferred adjudication for a felony against the laws of this state, another state, or the United States within the past ten (10) years;
 - C. A current felony deferred adjudication, probation or parole;
 - D. A jailable misdemeanor conviction against the laws of this state, another state, or the United States within the past five (5) years;
 - E. A deferred adjudication for a jailable misdemeanor against the laws of this state, another state, or the United States within the past five (5) years;
 - F. A current jailable misdemeanor deferred adjudication, probation or parole; or
 - G. The requirement to register as a sex offender under Chapter 62 of the Texas Code of Criminal Procedure.
- 9.05 In addition to the criteria and time frames set forth in the above definition of disqualifying criminal history, an individual must not have direct unsupervised access to children in a facility or program until at least one year has elapsed since the completion of any period of incarceration, community supervision, or parole.
- 9.06 Any of Service Provider's employees, interns, volunteers or contractors with a disqualifying criminal history shall be prohibited from having direct unsupervised access to children in a juvenile justice facility or a juvenile justice program.
- 9.07 Juvenile Probation reserves the right, in its sole discretion, to prohibit any individual with a prior criminal history from being placed in a position that involves direct unsupervised contact with children.

ARTICLE X
DISCLOSURE OF INFORMATION

- 10.01 Service Provider warrants that, prior to entering this contract, it has verified and disclosed the following information to Juvenile Probation, and agrees that it shall have an ongoing affirmative duty under this Agreement to promptly ascertain and disclose in sufficient detail this same information to Juvenile Probation:
- A. Any and all corrective action required by any of Service Provider's licensing authorities;

- B. Any and all litigation filed against Service Provider, or against its employees, interns, volunteers, subcontractors, agents and/or consultants that have direct contact with children;
 - C. Any arrest of any employee, intern, volunteer, subcontractor, agent and/or consultant of Service Provider that has direct contact with children;
 - D. Any finding of “Reason to Believe” by a state regulatory agency in a child abuse, neglect and exploitation investigation where an employee, intern, volunteer, subcontractor, agent and/or consultant of the Service Provider that has direct contact with children was the alleged or designated perpetrator;
 - E. The identity of any of the Service Provider’s employees, interns, volunteers, subcontractors, agents and/or consultants that have direct contact with children that are registered sex offenders; and
 - F. The identity of any of Service Provider’s employees, interns, volunteers, subcontractors, agents and/or consultants that have direct contact with children that have a criminal history. For the purpose of this Agreement, the term “criminal history” shall include: (1) current felony or misdemeanor probation or parole; (2) a felony conviction or deferred adjudication within the past ten years; or (3) a jailable misdemeanor conviction or deferred adjudication within the past five years.
- 10.02 Service Provider agrees and understands it has an affirmative and ongoing duty to ascertain and disclose to Juvenile Probation any and all of the foregoing information as to any individual, whether an existing employee, intern, volunteer, subcontractor, agent and/or consultant of the Service Provider, prior to placing that individual in a position that involves direct unsupervised contact with juveniles in a juvenile justice facility or juvenile justice program.

ARTICLE XI
EQUAL OPPORTUNITY

- 11.01 Service Provider agrees to respect and protect the civil and legal rights of all children and their parents. It will not unlawfully discriminate against employee, prospective employee, child, childcare provider, or parent on the basis of race, sex, religion, disability, or national origin. Service Provider shall abide by all applicable federal, state and local laws and regulations.

ARTICLE XII
ASSIGNMENT & SUBCONTRACT

- 12.01 Service Provider may not assign or subcontract any of its rights, duties and /or obligations arising out of this Agreement without the written consent of Juvenile Probation.

ARTICLE XIII
OFFICIALS NOT TO BENEFIT

- 13.01 No officer, employee or agent of Juvenile Probation and no member of its governing body and no other public officials of the governing body of the locality or localities in which the project is situated or being carried who exercise any functions or responsibilities in the project, shall participate in any decision relating to this Agreement which affects or conflicts with his/her personal interest or have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

ARTICLE XIV
DEFAULT

- 14.01 Juvenile Probation may, by written notice of default to Service Provider, terminate the whole or any part of this Agreement, as it deems appropriate, in any one of following circumstances:
- A. If Service Provider fails to perform the work called for by this Agreement within the time specified herein or any extension thereof; or
 - B. If Service Provider fails to perform any of the other material provisions of this Agreement, including failure to achieve the defined goals, outcomes, and outputs, or so fails to prosecute the work as to endanger the performance of this Agreement in accordance with its terms and in either of these two circumstances after receiving notice of default, Service Provider does not cure such failure within a period of ten (10) days.

ARTICLE XV
TERMINATION

- 15.01 This Agreement may be terminated for any reason:
- A. By either party upon ten (10) days written notice to the other party of the intention to terminate; or
 - B. Upon expenditure of available funds.
- 15.02 If at any time during the term of this agreement Juvenile Probation, in its sole discretion, determines that the safety of children being served under this Agreement may be in jeopardy, Juvenile Probation may immediately suspend the effect of this Agreement, including but not limited to the obligation to pay, upon giving notice to the Service Provider.

ARTICLE XVI
WAIVER OF SUBROGATION

- 16.01 Service Provider expressly waives any and all rights it may have of subrogation to any claims or rights of its employees, agents, owners, officers, or subcontractors against Juvenile Probation. Service Provider also waives any rights it may have to indemnification from Juvenile Probation.

ARTICLE XVII
REPRESENTATIONS & WARRANTIES

- 17.01 Service Provider hereby represents and warrants the following:
- A. That it has all necessary right, title, license and authority to enter into this Agreement;
 - B. That it is qualified to do business in the State of Texas; that it hold all necessary licenses and staff certifications to provide the type (s) of services being contracted for; that it is in compliance with all statutory and regulatory requirements for the operations of its business and that there are no taxes due and owing to the State of Texas, the County of **Brazos** or any political subdivision thereof;
 - C. Brazos County will maintain in force policies of general liability insurance against loss to any person (\$100,000.00) or property occasioned by acts (\$100,000.00) or omissions of Service Provider providing limits of \$300,000.00 per occurrence for bodily injury and \$100,000.00 per occurrence of property damage. Certificate of Liability Insurance shall be furnished to Juvenile Probation. Furthermore, Juvenile Probation shall be notified immediately upon any changes in the status of the insurance policy and shall promptly furnish updated certificates of insurance to Juvenile Probation.

- D. That all of its employees, interns, volunteers, subcontractors, agents and/or consultants will be properly trained to report allegations or incidents of abuse, exploitation, neglect, death or serious incidents involving a child under the supervision of Juvenile Probation in accordance with the requirements of Texas Family Code Chapter 261 and any applicable Texas Juvenile Justice Department administrative rules regarding abuse, neglect, exploitation, death or serious incidents; and that, if it has employees, interns, volunteers, subcontractors, agents and/or consultants that have contact with children in a juvenile justice facility or juvenile justice program, then it shall prominently post in all public and staff areas of any and all of its offices/facilities, both the English and Spanish language versions of the following official notice forms that are available on the Texas Juvenile Justice Department website: *Notice to Public Regarding Abuse, Neglect and Exploitation* and *Notice to Employees Regarding Abuse, Neglect and Exploitation*.

ARTICLE XVIII
TEXAS LAW TO APPLY

- 18.01 This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the parties created hereunder are performable in Brazos County, Texas.

ARTICLE XIX
VENUE

- 19.01 Exclusive venue for any litigation arising from this Agreement shall be in Brazos County, Texas.

ARTICLE XX
LEGAL CONSTRUCTION

- 20.01 In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceable provision shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained therein.

ARTICLE XXI
PRIOR AGREEMENTS SUPERSEDED

- 21.01 This Agreement constitutes the sole and only Agreement of the parties hereto and supersedes any prior understandings or written or oral Agreement between the parties respecting the within subject matter.

This Contract and Agreement is executed with the declared intention of the parties that this Contract and Agreement is a contract providing for the care of children who have allegedly committed an act of delinquency or an act indicating a need for supervision, and payment for such care will be made by Juvenile Probation for the children placed in the Facility by the Judge of Erath County having juvenile jurisdiction.

ARTICLE XXII
PRISON RAPE ELIMINATION ACT

- 22.01 Service Provider shall adopt and comply with all federal, state, county, and city laws, ordinances, regulations and standards applicable to the provision of services described herein and the performance of all obligations undertaken pursuant to this Contract, including the Prison Rape Elimination Act of 2003 (PREA) which establishes a zero-tolerance standard against sexual abuse and sexual harassment of incarcerated persons, including juveniles, and addresses the detection, elimination, prevention, and reporting of sexual abuse and sexual harassment in facilities housing adult and juvenile Offenders. [PREA §115.312(a)]

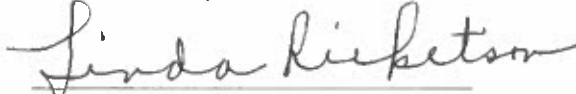
Under PREA, Service Provider is complying with PREA standards [PREA §115.312(b)] and shall make available to the CJPO all incident-based aggregated data reports of sexual abuse at its facility within 24-hours of the

allegation, and all such data may be requested by the Department of Justice from the previous calendar year no later than June 30th [PREA §115.387(e) and (f)]


Erath County Juvenile Probation

 3/21/2024
Chief Juvenile Probation Officer


Brazos County Juvenile Justice Center


Linda Ricketson, Executive Director

Erath County


Authorized Official *Erath County
Juvenile Board Chair
3/12/24*

Brazos County


Juvenile Board Chair
Authorized Official

BRAZOS COUNTY COMMISSIONERS COURT

ON _____, 20_____, FULLY EXECUTED IN DUPLICATE, EACH OF WHICH SHALL HAVE THE FULL FORCE AND EFFECT OF AN ORIGINAL.

By: _____
Duane Peters, County Judge
200 S. Texas Ave., Ste. 332
Bryan, TX 77803
Phone: 979-361-4102
Fax: 979-361-4503