



Memorandum

To: Mr. Joseph Newman, CEO
From: Michael Breedlove, Facility Director/PREA Coordinator
Date: 12/27/2021
Re: 2020 PREA in Review

Mr. Newman,

The content of this memorandum is a review of the sexual abuse and sexual harassment allegations made in 2020 and a plan of action.

The program had six reports of sexual victimization allegations for 2020. This represents an increase in sexual victimization allegations when compared to the one sexual victimization allegation reported in 2019.

These numbers were reported for 2020 to the Bureau of Justice Statistics (BJS) in accordance with PREA definitions and categories as follows:

- There were 0 Youth-on-Youth Non-Consensual Sexual Act allegations reported.
- There were 0 Youth-on-Youth Abusive Sexual Contact allegations reported.
- There were 0 Youth-on-Youth Sexual Harassment reported.
- There were 4 Staff Sexual Misconduct allegations reported, with the following depositions: 3 Substantiated, 0 Unsubstantiated, 0 Unfounded and 1 Ongoing Investigation

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- There were 2 Staff Sexual Harassment allegations reported, with the following depositions: 0 Substantiated, 1 Unsubstantiated, 1 Unfounded and 0 Ongoing Investigations

Cornerstone Programs and Garza County Regional Juvenile Center will continue to remain proactive in taking progressive and preventative steps in their efforts towards eliminating sexual abuse and sexual harassment victimizations in our facility. The continued proactive steps to be taken are:

- Monitor and review for areas in the facility where “blind spots” may be identified and install additional cameras, as needed. In 2020, an additional camera was installed in a classroom.

In review of the PREA sexual misconduct allegations and subsequent confirmations, the Facility Review Team determined that the addition of 16 new cameras to supplement the current complement of 73, would enhance the program’s ability to ensure a sexually safe culture. The addition of the recommended cameras would bring the total number of cameras in use by the program to 89. The recommended deployment for the additional cameras allows for cameras to be added to offices in the treatment/case management area, fire suppression system riser room, custodial closet, clothing storage, cleaning supply closet, electrical panel closet and unit manager office. Except for the office spaces mentioned above, the other areas where cameras will be added do not allow for youth access.

- Youth are assigned to housing using a Sexual Victimization Screening Tool that is utilized to allow staff to monitor and assign youth to housing, taking into account, a youth’s propensity to be victimized or act in a predatory manner. This Screening takes into account a youth’s age, stature, criminal history and/or LGBT status to ensure appropriate facility housing.
- During shower times, all youth are secured in their rooms, with the exception of the youth who are showering.
- Conduct Unannounced rounds/visits of the facility by shift supervisors, unit managers and facility administrators on all shifts monthly.

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- Ensure that “Zero Tolerance” and “Break the Silence” posters are conspicuously displayed throughout the facility.
- Ensure that any the use of Safe Housing is only as a last resort and only after less restrictive measures are inadequate to keep a youth or other youth safe and only until an alternative means of keeping all youth safe can be arranged. No youth were assigned in safe housing in 2020.
- Ensure that any youth in Safe Housing receive a daily visit from mental health and medical staff, as well as have access to large muscle exercises, education services/special education services. To the extent possible, while preserving safety and security, access to other programming or work details will be offered.
- Every 30 days, any youth in Safe Housing will be reviewed to ascertain if a need still exists to warrant the youth remaining in isolation.
- Monitor facility surveillance footage (live and recorded) weekly to ensure that youth are free from sexually abusive behaviors, as well as free from sexually harassing behaviors.
- Ensure that a 1 to 8 staff to youth ratio is always maintained during program hours.
- Ensure that all youth are accounted for by way of informal counts conducted randomly throughout the shift, as well as during formal counts.
- Ensure that staff always maintain direct line of sight observation of youth.
- Ensure that facility staff are trained in PREA during their orientation and then annually thereafter.
- Ensure that when a staff member of the opposite gender enter an area where youth may be showering or changing clothing, announce themselves by stating, “Female on the Floor” or “Male on the Floor”.
- Ensure that all youth are oriented on PREA and informed on how to report any sexual misconduct allegation via the hotline, to staff, volunteers, through a formal grievance, advising a parent or a third party.
- Continue to conduct Criminal Records Check and Child Abuse Registry check on new employees, volunteers, and contractors annually.

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- If necessary, place vulnerable and or predatory youth on safety plans and monitor behaviors.
- Any youth who allege any sexual misconduct will be monitored for at least 90 days to ensure that retaliation does not occur.
- All victims of sexual abuse will receive trauma counseling services by a victim advocate at the University Medical Center Rape Crisis Center.
- The Facility Review Team will conduct Sexual Abuse Reviews for all unsubstantiated and substantiated incidents of sexual abuse or sexual harassment within 30 days of their disposition. If applicable, any recommendation made by the review team about staffing, additional surveillance equipment or physical plant modifications will be forwarded to Cornerstone Programs Corporate leadership for review and if appropriate, implementation. All recommendations made during a Sexual Abuse Review should be taken into consideration to prevent sexual abuse and sexual harassment incidents from occurring.

A comparison was made between the 2019 and 2020 statistics in each reporting categories to ascertain progression or regression in the respective categories. As a result, it should be noted that there was a decrease in Youth-on-Youth sexual harassment allegations from 1 in 2019 to 0 in 2020. However, there was an increase in staff sexual victimization allegations from zero in 2019 to six in 2020.

The six staff sexual victimization allegations consisted of four staff sexual misconduct allegations and two staff on youth sexual harassment allegations.

Although the two staff sexual harassment allegations made by youth in 2020 resulted in one unsubstantiated finding and one unfounded finding, sexual abuse reviews were conducted to determine if any corrective actions were needed. The facility review team recommended no changes to the physical plant, policy or augmentation of the facility surveillance system.

Four staff sexual misconduct allegations were reported during 2020, in which three of the four allegations were confirmed, with the fourth still in an open investigation at the time of this summary. The four allegations consisted of the following, with the dispositions of each allegation noted:

- Case #1: An allegation was made involving a female staff member engaging in sexual contact with a former offender, while the youth was on parole. In accordance with PREA

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requirements, Texas Administrative Code (TAC) and facility policy, the staff member was immediately suspended once the allegation was reported, pending investigation into the matter. In accordance with PREA, TAC and facility policy, referrals were also made to law enforcement and to the Texas Juvenile Justice Department (TJJD) Office of Inspector General (OIG). An investigation conducted by the TJJD OIG revealed that the staff member had been in contact with the youth while he was in the community on parole. This contact included having a sexual relationship with the paroled youth. Upon being informed by the OIG of the confirmation, the staff member's employment was terminated. The disposition of this staff sexual misconduct allegation was CONFIRMED.

- **Case #2:** An allegation was made involving a second female staff member engaging in sexual contact with a former offender, while the youth was on parole. This allegation involved the same former offender described in Case #1. In accordance with PREA requirements, Texas Administrative Code (TAC) and facility policy, the staff member was immediately suspended once the allegation was reported, pending investigation into the matter. In accordance with PREA, TAC and facility policy, referrals were also made to law enforcement and to the Texas Juvenile Justice Department (TJJD) Office of Inspector General (OIG). An investigation was opened by the TJJD OIG to determine if the staff member had been in contact with the youth while he was in the community on parole. The scope of the investigation included whether the contact included having a sexual relationship with the paroled youth. During the preliminary OIG investigation, it was confirmed that by using GPS monitoring of the paroled offender's ankle monitor, his location indicated that he was at the home of the staff member in Case #2 at one point. Based on that information, the staff member's employment was terminated. At the time of the completion of this summary, this allegation was still being investigated. The status of this staff sexual misconduct allegation was an OPEN INVESTIGATION.
- **Case #3:** While conducting the investigation into Cases #1 and #2, the TJJD OIG investigators discovered that a staff member had knowledge of the two former staff members noted in Cases #1 and #2 having contact with the former offender after he was on parole. According to the information provided by the OIG investigators, the staff member had knowledge that the two staff perpetrators in Cases # 1 and #2 were having a sexual relationship with the paroled youth. By failing to report her knowledge of the allegations, the staff member violated the mandate to report required by PREA, TAC and facility policies regarding the requirement for staff to report PREA, Abuse, Neglect and Exploitation (ANE) allegations. Upon being notified of the staff member's failure to report the allegations, her employment was terminated for violating reporting

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requirements. The disposition of this staff sexual misconduct allegation was CONFIRMED.

- **Case #4:** An allegation was reported by facility staff who were monitoring cameras in the control center, involving a female staff member engaging in sexual contact with a youth while in the dayroom of a housing unit. In accordance with PREA requirements, Texas Administrative Code (TAC) and facility policy, the staff member was immediately suspended once the allegation was reported, pending investigation into the matter. In accordance with PREA, TAC and facility policy, referrals were also made to law enforcement and to the Texas Juvenile Justice Department (TJJD) Office of Inspector General (OIG). An internal review and an investigation conducted by the TJJD OIG revealed that the staff member allowed a youth to place his hand on her inner thigh while the staff and youth were seated at a dayroom table in the youth's assigned housing unit. The staff member failed to redirect the youth and did not make any attempts to physically distance herself from the youth. Although no other contact or further sexual contact could be confirmed, a review of video footage confirmed that the contact occurred. In accordance with PREA standards, allowing contact with the inner thigh, whether over the clothing or under clothing for the purpose of sexual gratification is a violation of PREA standards. The staff member failed to redirect the youth, failed to physically distance herself from the youth, failed to report the incident and did not document the youth's actions. Her actions violated PREA standards and ANE policies. Upon being informed by the OIG of the confirmation, the staff member's employment was terminated. The disposition of this staff sexual misconduct allegation was CONFIRMED.

Through review of the allegations and subsequent confirmed cases, no recommendations for additional staff or revisions to the staffing pattern were made. In Cases #1, #2 and #3, no additional staff or additional cameras would have made an impact. As of the writing of this summary, the sexual contact that was confirmed (Case #1) and is currently being investigated (Case #2) occurred after the youth transitioned from the facility into the community on parole. In Case #4, a camera was properly positioned and was being monitored by control staff, leading to a report being made by staff, in accordance with PREA and TAC standards, which resulted in the suspension and termination of the perpetrator.

As noted in the section of this summary report dealing with review of "blind spots" and cameras, the Facility Review Team has recommended that 16 additional cameras be added and deployed in various areas of the facility to include case manager offices, Unit Manager office space and various electrical/janitorial and storage areas of the facility to further promote the facility's ability

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to maintain a sexually safe culture and environment for youth and staff. A new DVR, cameras and hardware were ordered on 12/14/2020, and installation was completed in the 2nd quarter of 2021. No other recommendation for modifications to the physical plant were made by the review team.

In review of the confirmed allegations one of the greatest contributing factors identified was turnover in managerial, supervisory, and tenured direct care staff in the preceding six months prior to the confirmed incidents. This loss of experience and continuity may have contributed to a loss of fidelity in adherence with PREA standards in both the staff perpetrating against youth, as well as staff with knowledge not meeting mandated reporting requirements, as documented in Case #3. To address these identified deficiencies, the facility focused on development of new managers, supervisors, and direct care regarding PREA requirements, including promoting a Zero Tolerance Policy toward any sexual abuse and sexual harassment and how open communications plays a vital role in ensuring a sexually safe environment and culture. Additionally, reporting requirements were stressed, with emphasis that any allegation or information that involves staff inappropriately interacting with youth currently in the facility or in the community on supervision or under the jurisdiction of an agency, must be reported immediately, as required by PREA standards, TAC and facility policies.

It is important to note that all staff involved in the allegations received PREA and ANE training from the facility PREA Coordinator during orientation and subsequent In-Service training, as prescribed by PREA, TAC and facility standards. Facility staff and youth will continue to be updated and trained on PREA requirements, as well as methods of reporting. Unannounced PREA checks will continue to monitor staff and youth safety, as well as to ensure that the Zero Tolerance policy is maintained and enforced.

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Respectfully submitted,

**Michael Breedlove
GCRJC Facility Director/PREA Coordinator**

Approved:

**Joseph Newman
President/CEO Cornerstone Programs**

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