

BILL ANALYSIS

Senate Research Center
80R11947 MDR-D

S.C.R. 49
By: Ellis
Jurisprudence
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

WHEREAS, Certain persons committed or formerly committed to facilities operated by the Texas Youth Commission allege the following:

That the West Texas State School is a facility under the jurisdiction and direction of the Texas Youth Commission.

Recent investigations of the West Texas State School by the Texas Rangers have reported that school personnel have engaged in inappropriate and illegal sexual conduct with persons committed to the facility.

That the reported sexual conduct went undiscovered for a substantial period of time, especially considering the duration of the incidents and the number of persons involved.

That the "Summary Report for Administrative Review" prepared by an investigator for the Texas Youth Commission finds as follows:

That information regarding use of pornography on the job, a recognized risk indicator of sexual misconduct, was not considered in the selection of certain supervisory staff members.

That repeated reports of school staff being alone with persons committed to the facility after hours were not properly reported and not addressed with documented supervisory intervention.

That youth and employee grievance programs at the facility were ineffective and sabotaged, and complaints that were made off campus were explained away by facility staff when investigated or the evidence of misconduct was covered up.

That complaints regarding the conduct of facility staff that were reported to program administrators and persons with authority over the administrators at the facility were not properly registered to a complaint system or investigated.

That certain complaints made about the unsupervised presence of persons committed to the facility in the administration building after hours were not properly registered to a complaint system or assigned for resolution.

That supervisory staff of the facility failed to report the suspicions of abuse regarding other staff members, screening the reports by conducting personal interviews.

That the standard for reporting suspected abuse, neglect, and exploitation at West Texas State School was kept artificially high by the screening of reports at the local level for evidence of validity before reporting, and staff members who reported their concerns without evidence were discouraged from reporting.

That similar allegations of physical and sexual abuse have been made by persons committed to many of the other Texas Youth Commission facilities in this state.

That the conduct described above was carried out by state employees during official working hours in state facilities, involved the use of state resources, and reportedly victimized youths under the direct supervision of the Texas Youth Commission.

SECTION BY SECTION ANALYSIS

As proposed, S.C.R. 49 resolves, by the Legislature of the State of Texas, that a person committed or formerly committed to any facility operated by the Texas Youth Commission, or a parent or guardian of such a person, with a claim based on the conduct of a state employee in a facility under the jurisdiction of the Texas Youth Commission is granted permission to sue the State of Texas and the Texas Youth Commission, subject to Chapter 107, Civil Practice and Remedies Code, for damages authorized by law; and that the executive director of the Texas Youth Commission and the attorney general be served process as provided by Section 107.002(a)(3), Civil Practice and Remedies Code.