

SUNSET ADVISORY COMMISSION

FINAL REPORT

Texas Youth Commission

Texas Juvenile Probation
Commission

Office of Independent
Ombudsman

July 2009



Sunset Advisory Commission



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* Senator Kim Brimer served on the Commission from December 2005 through December 2008.

** Charles McMahan was appointed to fill the unexpired term of Michael Stevens.

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In 1977, the Texas Legislature created the Sunset Advisory Commission to identify and eliminate waste, duplication, and inefficiency in government agencies. The 12-member Commission is a legislative body that reviews the policies and programs of more than 150 government agencies every 12 years. The Commission questions the need for each agency, looks for potential duplication of other public services or programs, and considers new and innovative changes to improve each agency's operations and activities. The Commission seeks public input through hearings on every agency under Sunset review and recommends actions on each agency to the full Legislature. In most cases, agencies under Sunset review are automatically abolished unless legislation is enacted to continue them.

TEXAS YOUTH COMMISSION
TEXAS JUVENILE PROBATION COMMISSION
OFFICE OF INDEPENDENT OMBUDSMAN



SUNSET FINAL REPORT
JULY 2009



This document is intended to compile all recommendations and action taken by the Sunset Advisory Commission and the Legislature for an agency under Sunset review. The following explains how the document is expanded and reissued to include responses from agency staff and members of the public, as well as action taken by the Sunset Commission and the Legislature in each step of the Sunset process.

- ◆ *Sunset Staff Report* – Contains all Sunset staff recommendations on an agency, including both statutory and management changes, developed after extensive evaluation of the agency.
- ◆ *Hearing Material* – Summarizes all responses from agency staff and members of the public to Sunset staff recommendations, as well as new policy issues raised for consideration by the Sunset Commission.
- ◆ *Decision Material* – Includes additional responses, testimony, or new policy issues raised during the public hearing for consideration by the Sunset Commission in its decision meeting on an agency.
- ◆ *Commission Decisions* – Contains the decisions of the Sunset Commission on staff recommendations and new policy issues. Statutory changes adopted by the Commission are presented to the Legislature in the agency’s Sunset bill.
- ◆ *Final Report* – Summarizes action taken by the Legislature on Sunset Commission recommendations and new provisions added by the Legislature to the agency’s Sunset bill.



Staff Report – November 2008
Commission Decisions – January 2009
Final Report – July 2009

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SUMMARY



Summary

The Sunset reviews of the Texas Youth Commission and the Texas Juvenile Probation Commission occurred during upheaval and reform in the juvenile justice system. In 2007, the Legislature initiated radical change at TYC to address serious allegations of sexual abuse and agency mismanagement. Conducting these reviews in this time of change presented real challenges, but also provides a unique opportunity for the Legislature to reshape the State's role to support a more integrated system of treatment and sanctions for youthful offenders.


Probation departments, overseen and partially funded by TJPC, serve 95 percent of youth in Texas' juvenile justice system, while TYC serves only 5 percent. Most of the youth committed to TYC have first been through and failed multiple county-run probation programs, and upon release from TYC will return to their home communities. To work effectively, the State's juvenile justice programs need to fit together seamlessly with county probation services, but they do not.

Historically, TYC and TJPC have operated in silos, even after repeated legislative attempts to force better collaboration, such as occurred during two previous Sunset reviews. The continuing lack of cooperation has resulted in almost no strategic planning for the integration of state and local services, ineffective sharing of critical information on youth moving through the system, and limited means for evaluating outcomes and targeting resources to programs that work.

Ongoing problems at TYC also pose a significant challenge to the effective operation of the system. TYC continues to struggle to make mandated reforms of 2007. It needs to improve services to youth in institutions and on parole so that more youth receive better treatment in locations closer to home.

TYC has planned too few of its operational initiatives in cooperation with TJPC or counties. For example, both state agencies are developing systems to maintain information on youth, such as education, treatment, and family history, but the agencies have not coordinated their efforts to ensure the efficient sharing and use of data. In addition, TYC historically has not worked well with TJPC to plan for the best arrangement of facilities and services so that county and state programs fit together and are mutually supportive.

To address both the systemwide issues and continuing problems at TYC, Sunset staff recommends combining the functions of TYC and TJPC into a single state agency. Sunset staff recognizes the controversial nature of consolidating these agencies, but could not justify their separate continuation. Many may fear that the State's institutional programs would dwarf any focus on probation in a combined agency, or that such a change would simply further delay needed reforms at TYC. While acknowledging these concerns, Sunset



Texas needs to seize the opportunity to create a more integrated system of services for youthful offenders.

staff believes that the successful reform of TYC cannot occur in a vacuum, and that state services need to be reshaped to complement and respond to the needs of the local counties committing these youth to State care. Staff have given careful consideration to the composition and expertise of the governing body needed to effectively guide this new entity to ensure that the concerns of local counties are not obscured.

The following material summarizes the Sunset staff's recommendations to address key systemic problems and continuing issues at TYC, as well as recommendations regarding the Office of Independent Ombudsman, regulation of certain nonsecure residential facilities, and procedures for certification of probation and detention officers.

Issues and Recommendations

Issue 1

Texas' Juvenile Justice Agencies, Services, and Funding Need Major Restructuring to Ensure an Effective Continuum of Treatment and Sanctions for Youthful Offenders.

Key Recommendations

- ◆ Abolish TYC and TJPC and transfer their functions to a newly created state agency, the Texas Juvenile Justice Department, headed by an 11-member Board and with a Sunset date of 2015.
- ◆ Modify state funding for probation services by consolidating funding streams, considering past performance in awarding grants, and establishing a pilot program to encourage counties to keep lower-risk offenders in their communities.
- ◆ Require the new agency to develop a comprehensive five-year Juvenile Justice Improvement Plan, with annual implementation updates, to better integrate state and county juvenile justice functions and to address other critical state-level reforms.

Issue 2

The Office of Independent Ombudsman and the New Texas Juvenile Justice Department Need Clearer Guidelines to Ensure Effective Interaction.

Key Recommendations

- ◆ Require the new Texas Juvenile Justice Department and the Office of Independent Ombudsman to jointly develop and adopt rules outlining procedures for the Department to review and comment on OIO's draft reports and to formally respond to OIO's published reports.
- ◆ Require the new Department and OIO to adopt a memorandum of understanding outlining how the agencies should communicate in areas of overlapping responsibilities.
- ◆ Require that OIO undergo Sunset review during the same time period as the Department.

Issue 3

A Small Number of Nonsecure Residential Facilities, Used Exclusively by Counties for Placing Youth on Probation, Are Not Licensed or Monitored by Any State Agency.

Key Recommendations

- ◆ Require the new Texas Juvenile Justice Department to regulate all public and private nonsecure correctional facilities that accept only youth on probation.
- ◆ Require the new Department to establish certification standards for employees who work in nonsecure correctional facilities that accept only youth on probation.
- ◆ Require a local juvenile board to annually inspect any nonsecure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with the Texas Juvenile Justice Department.

Issue 4

Elements of TJPC's Officer Certification Program Do Not Conform to Commonly Applied Licensing Practices.

Key Recommendations

- ◆ Standardize juvenile probation and detention officer certification functions by authorizing continuing education.
- ◆ Improve the State's ability to protect youth on probation by authorizing the new Texas Juvenile Justice Department to place certified officers on probation and temporarily suspend officers' certification, and by transferring disciplinary hearings to the State Office of Administrative Hearings.

Fiscal Implication Summary

Issue 1 of the report should result in significant savings to the State. While anticipated savings cannot be precisely estimated, potential savings such as those shown below could be realized.

- ◆ **Issue 1** – Combining TYC and TJPC's functions into a single agency, the new Texas Juvenile Justice Department, should result in significant savings to the State. Most of these savings would be realized by reducing administrative staff and closing facilities. Based on likely decisions of the new Department and the Legislature, Sunset staff estimates a minimum annual savings of \$594,616 associated with a reduction of five duplicative director-level positions, and up to \$27.6 million and a reduction of 587 full-time equivalents (FTEs) associated with a 10 percent reduction in TYC central office staff and the closure of three TYC facilities.

The table shows the estimated fiscal impact that would result from eliminating the five duplicative administrative positions; reducing TYC central office salaries by 10 percent; and closing the Victory Field, West Texas, and Ron Jackson II institutions.

Texas Juvenile Justice Department

<i>Fiscal Year</i>	<i>Savings to the General Revenue Fund</i>	<i>Change in the Number of FTEs From FY 2009</i>
2010	\$2,294,616	-39
2011	\$27,694,616	-587
2012	\$27,694,616	-587
2013	\$27,694,616	-587
2014	\$27,694,616	-587

Summary of Legislative Action

H.B. 3689 McClendon (Hinojosa)

The Legislature continued the Texas Youth Commission (TYC) and Texas Juvenile Probation Commission (TJPC) as separate agencies but adopted most of the Sunset Commission's recommendations and added several other statutory modifications to H.B. 3689. The Legislature also adopted the Sunset Commission's recommendations regarding the Office of Independent Ombudsman (OIO). The list below summarizes the major provisions of H.B. 3689, and more detailed discussion is located in each issue.

Sunset Provisions

1. Continue TYC and TJPC as separate agencies subject to Sunset review in 2011; provide funding to counties to keep more youth in their home communities; and require comprehensive planning to better integrate juvenile justice functions.
2. Require OIO and TYC to develop formal procedures to help ensure timely and informative communication between the two agencies on OIO reports and areas of overlapping responsibility.
3. Require TJPC to regulate, and local juvenile boards to inspect and certify, all nonsecure correctional facilities that accept only youth on probation.
4. Conform key elements of TJPC's officer certification program to commonly applied licensing practices.

Provisions Added by the Legislature

1. Require TYC to develop a plan to reduce recidivism and ensure successful reentry and reintegration of children into the community on their release.
2. Clarify the processes for prosecution of offenses by employees against committed youth.
3. Establish specifications for minimum standards relating to public and private juvenile pre-adjudication and post-adjudication facilities.
4. Require local probation departments to complete risk and needs assessments for youth.
5. Modify the composition of the TJPC Board.
6. Require the Juvenile Services Advisory Council to report to the TJPC Board.
7. Clarify the authority of TYC's Office of Inspector General to investigate alleged offenses against youth in any facility youth are placed.
8. Authorize TJPC to contract with a Mental Health and Mental Retardation Authority to establish a facility for youth with mental health needs.
9. Require TYC to implement an intensive reading program.

Fiscal Implication Summary

House Bill 3689 contains one provision that will result in a biennial cost to the State of about \$1.5 million. Provision 9, as added by the Legislature, requires TYC to implement an intensive reading program. To implement the program, TYC estimates the need for eight additional Master Certified Teachers, teacher training, and the services of higher education consultants, resulting in an estimated cost of \$1,486,330 for the biennium.

ISSUES



Issue 1

Texas' Juvenile Justice Agencies, Services, and Funding Need Major Restructuring to Ensure an Effective Continuum of Treatment and Sanctions for Youthful Offenders.

Summary

Key Recommendations

- ◆ Abolish TYC and TJPC and transfer their functions to a newly created state agency, the Texas Juvenile Justice Department, headed by an 11-member Board and with a Sunset date of 2015.
- ◆ Modify state funding for probation services by consolidating funding streams, considering past performance in awarding grants, and establishing a pilot program to encourage counties to keep lower-risk offenders in their communities.
- ◆ Require the new agency to develop a comprehensive five-year Juvenile Justice Improvement Plan, with annual implementation updates, to better integrate state and county juvenile justice functions and to address other critical state-level reforms.

Key Findings

- ◆ Probation and TYC components of the juvenile justice system do not fit together to form an effective continuum of treatment and rehabilitation for youthful offenders.
- ◆ State funding of the juvenile justice system is not targeted toward programs that work.
- ◆ TYC has failed to provide adequate services to youth in its care or correct critical management problems.
- ◆ The timing of the Sunset review process presents an opportunity to restructure state services and funding to better integrate with, and support, services provided at the local level.

Conclusion

Although obscured by the spotlight on the Texas Youth Commission (TYC), Texas has a state-local juvenile justice system offering a range of services. County probation departments, overseen by the Texas Juvenile Probation Commission (TJPC), serve about 95 percent of youth in the system with services ranging from home supervision to confinement; TYC serves only 5 percent of youth, committed on county decision, primarily in secure facilities.¹

The two parts of the system do not fit together seamlessly, creating inefficiencies and reducing effectiveness in services for youth. Counties do not consistently send their most troubled youth to TYC, which should be reserved for this purpose. TYC and TJPC historically have not collaborated well to share plans, data, or experience; state funding for probation does not target effective programs or consistently encourage keeping children close to services and family; and TYC continues to struggle to implement many critical changes required by the Legislature in 2007. Sunset staff concluded that a carefully planned new agency that combines the functions of TYC and TJPC would provide greater overall accountability and give a fresh start to fixing the system's problems, benefiting both youth and the public.

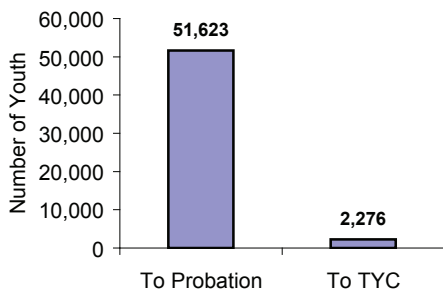
Support

State government oversees a state-local system of juvenile justice composed of county probation services and Texas Youth Commission facilities and programs.

- ◆ Texas counties supervise by far the most youth and outspend state and federal governments in Texas' state-local juvenile justice system. Although driven largely by county initiatives, the State plays two key roles in the overall system.

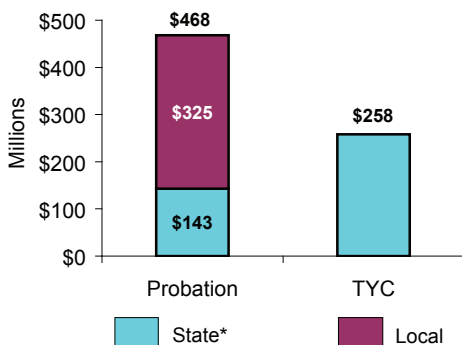
The State, through the Texas Juvenile Probation Commission (TJPC), disburses funds to county juvenile probation departments and monitors them for compliance with established standards. In fiscal year 2007, TJPC provided counties with state and federal funding totaling more than \$143 million, an average of 31 percent of counties' total probation expenditures.² Counties contributed another \$325 million to support local probation services, including the operation of 86 secure county-operated or contracted facilities. Probation departments supervise most youth in the system, from misdemeanants to felons, with programs that range from basic supervision to 24-hour secure detention.³ Local courts sent about 51,623 youth to probation departments for supervision, including probation and deferred prosecution, in fiscal year 2007.

**Where Judges Sent Youth
FY 2007**



In its second role, the State operates the Texas Youth Commission (TYC). This agency is reserved for felons, which it houses in 12 secure facilities, nine halfway houses, and 12 contract care residential programs. In fiscal year 2007, TYC expended \$258 million on its facilities and programs. At their option, local juvenile judges commit their hardest-to-serve youth to TYC, but typically take this course only as a last option after exhausting local probation alternatives. Of youth referred to the juvenile justice system in fiscal year 2007, local courts sent about 2,276 youth to TYC.

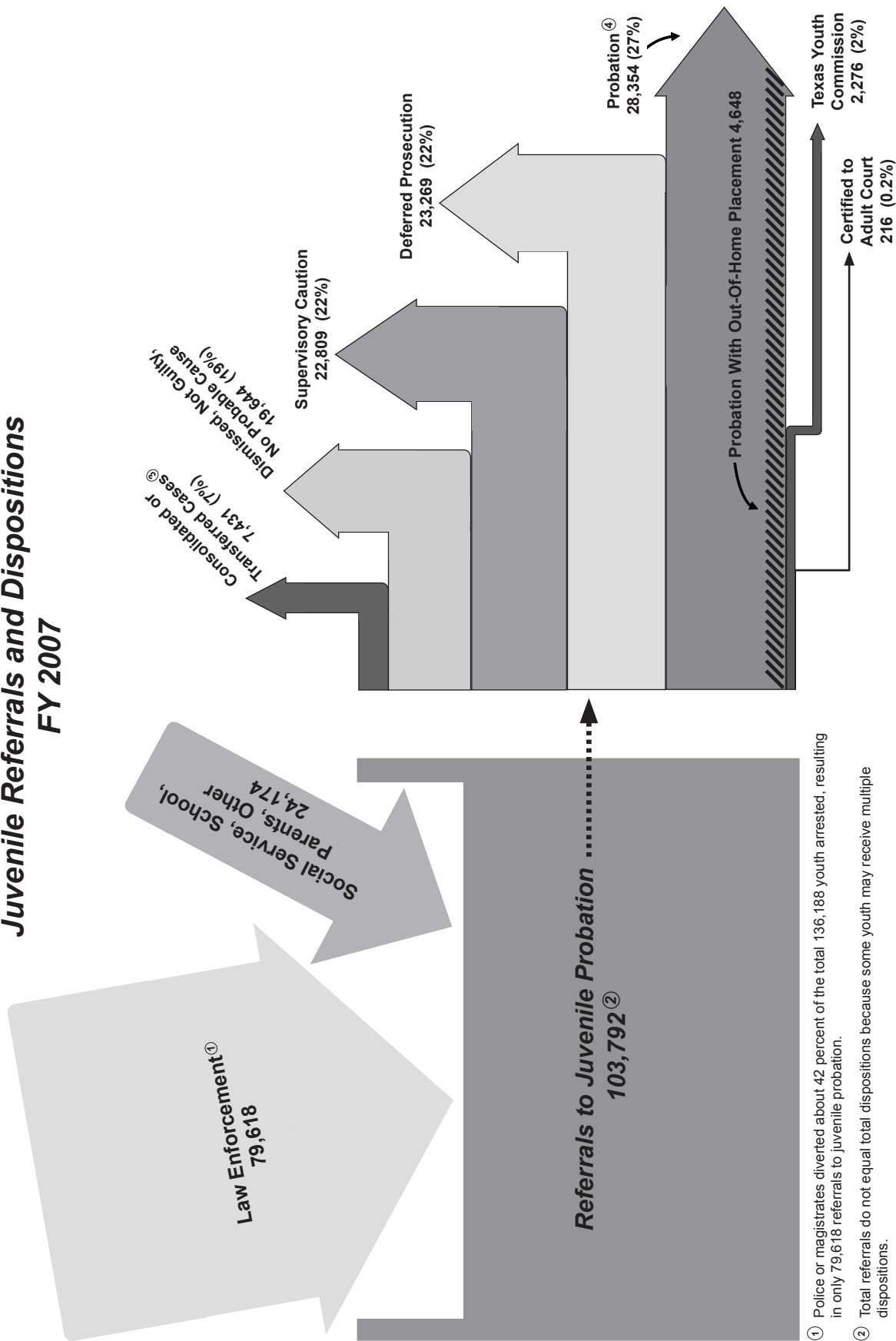
**Probation and TYC Expenditures
FY 2007**



* Includes federal funds flowed through TJPC.

The graph, *Where Judges Sent Youth*, shows county court dispositions to probation and TYC in fiscal year 2007. The second graph, *Probation and TYC Expenditures*, displays expenditures on probation compared to expenditures on TYC that same year. Appendix A provides a more thorough description of what happens when a juvenile breaks the law, and the chart, *Juvenile Referrals and Dispositions*, displays the number of youth moving through different parts of the Texas juvenile justice system.

Juvenile Referrals and Dispositions FY 2007



- ① Police or magistrates diverted about 42 percent of the total 136,188 youth arrested, resulting in only 79,618 referrals to juvenile probation.
- ② Total referrals do not equal total dispositions because some youth may receive multiple dispositions.
- ③ Single offenders can accumulate multiple cases, which may be consolidated or transferred as appropriate at time of disposition.
- ④ Including extensions and modifications to supervision.

Sunset staff identified several key standards to help guide the review of Texas' juvenile justice system.

- ◆ In 2007, the Legislature directed the Sunset Commission to study the benefits of moving toward a regional system of juvenile corrections at TYC, and to take the findings into consideration in its report to the 81st Legislature in 2009. From this review, Sunset staff distilled several characteristics of an effective juvenile justice system. A large body of research supports aspects of these principles, as seen from selected key publications, including Texas' own 2007 Blue Ribbon Task Force Report on the State's juvenile justice system.⁴

*Sunset staff
identified
standard
features of an
effective juvenile
justice system.*

Seamless integration of system components. County probation and state confinement components of the juvenile justice system should work together smoothly to avoid poor outcomes and program inefficiencies. The lack of proper coordination can result in gaps in services, duplicated services, and poor systemwide exchange of information on youth.

Clearly defined roles for system components. Local probation departments provide the front line of diversion and rehabilitation for youthful offenders. State commitment, to the extent possible, should be reserved for higher-risk offenders or offenders that have serious treatment needs that cannot be met locally.

Funding that supports roles of probation and state components. State funding should help align county and state functions according to their appropriate roles.

Services close to home. The juvenile justice system should serve children close to home whenever possible. This approach allows the participation of family in the youth's rehabilitation, often a major element in effective treatment.

Continuum of services. Youth have very different needs, and an ideal system should have a range of programs available to meet those needs, including more intensive and specialized treatment, when required.

Programs with proven effectiveness. Research has helped identify programs that are successful in reducing recidivism, and these programs often emphasize smaller facilities focusing on rehabilitation rather than punishment.

Methods to measure system effectiveness. State leaders and the public should have a way to measure the overall effectiveness of the state-county juvenile justice system. Indicators of performance should serve as a report card for the system, and provide feedback on how it could be improved.

- ◆ Many of these principles have driven reforms in Texas, and are also illustrated in the experience of several states whose juvenile justice systems have undergone critical reform. The textbox, *Changes to State Juvenile Justice Systems*, details a number of state reforms based on these

principles.⁵ In addition to specific standards related to juvenile justice, Sunset staff also applied criteria that the Texas Sunset Act establishes to guide Sunset reviews. One of these criteria requires consideration of how well these agencies coordinate with each other, and whether an agency's programs can be consolidated with programs of other agencies with overlapping jurisdictions.⁶

Changes to State Juvenile Justice Systems

California. California's reforms resulted from a 2003 lawsuit alleging pervasive violence and lockdowns that prevented youth from attending programs. In response, California is shifting responsibility for all but the most serious youth offenders to the counties. The State has committed to providing counties with the funds to pay for the programs and services for the new population of offenders.

Louisiana. In 2001, in response to federal investigations, the Legislature created a Juvenile Justice Commission (JJC) to study the Louisiana juvenile justice system and make recommendations for system improvement. Major recommendations of the JJC included increasing community-based alternatives to incarceration, integrating services across youth-serving agencies, improving data collection and analysis, and restructuring agencies that serve youth and families. Key provisions of the JJC's report were enacted in the Juvenile Justice Reform Act of 2003.

Missouri. Missouri created an award-winning juvenile justice system in the 1970s by replacing its criticized punitive program with one based on small facilities near juveniles' homes that provide intensive counseling. The program reports recidivism rates that are generally much lower than the national average, with about 11 to 29 percent of youth recidivating within three years.

Ohio. Ohio changed its juvenile justice system in the mid 1990s by implementing a funding program that encourages local juvenile courts to develop or contract for a range of community-based services. The program aims to give local judges more sentencing options and disposition alternatives for youthful offenders, and to improve the Ohio Department of Youth Services' ability to treat and rehabilitate them.

Probation and TYC components of the juvenile justice system do not fit together to form an effective continuum of treatment and rehabilitation for youthful offenders.

- ◆ ***Inconsistent roles for counties and the State.*** Local probation and TYC components do not have clearly distinct roles. Some counties, such as Travis County, make little use of TYC, deciding to keep most youth at home and maintaining a range of programs from basic supervision through placement in secure county facilities. Other counties, lacking probation facilities or services, send youth to state placement at TYC at an earlier point. Beginning in 2007, youth could only be committed to TYC for felony offenses, but TYC classified 49 percent of its new commitments as nonviolent "general offenders," whose crimes include nonviolent property, drug, or lesser offenses.

Since counties commit youth at different points, TYC must offer a wide range of services, from fairly basic services like group counseling to 24-hour supervision and treatment in a crisis stabilization unit. Medium and large counties provide many of the same services provided by TYC. For example, like TYC, the Harris County Probation Department operates a crisis stabilization unit, one of the most intensive services available for confined youth.

- ◆ **Lack of information sharing.** Probation departments and TYC do not consistently share youth-related information in a way that would help them make informed decisions on youths' needs.

Probation Commission staff is spearheading the development of an information database for juvenile justice, the Juvenile Case Management System (JCMS), but TYC has not participated in the initiative, either to directly connect to the system or to obtain the information it will provide. JCMS will collect comprehensive case management information regarding each child on probation in a secure web-based system. Participating counties and authorized youth providers will be able to access and share critical information regarding a juvenile across jurisdictions. Currently, TYC manually enters into its own databases some, but not all, of the information that JCMS will collect.

Critical gaps occur when counties commit youth to TYC and when youth are released from TYC to communities. These gaps can lead to a variety of problems. Starting with commitment, since the great majority of children in TYC have been on probation in the past, the committing court typically has information regarding the youth that TYC could use, including social and educational history; family and community situations; and past interventions and their outcomes.⁷

In 2007, Senate Bill 103 increased the requirements on committing courts to provide additional information to TYC, including psychological reports, social histories, progress reports, and assessment documents. According to TYC, some counties provide this information while others do not. Even when provided, the quality of information varies greatly.

Following commitment, TYC does not typically provide courts with information on youth returning home, limiting counties' ability to deliver appropriate services. TYC notifies the local court about the release of a youth to parole; however, in most cases, the agency's notification does not include information about the youth's progress in treatment at TYC, health issues developed while at TYC, or other important information for the youth's transition back to the community. By statute, TYC makes the notification ten days before releasing a youth to parole.

Because probation departments and committing courts do not receive information about the services youth receive at TYC, they cannot easily hold TYC accountable for treatment of youth. Local judges send youth to TYC with the expectation that the agency will provide necessary treatment. Committing courts do not have easy access to treatment records and do not receive reports on youths' progress, limiting local jurisdictions' ability to evaluate the effectiveness of the component of the system that they rely on to deal with their most serious offenders.

- ◆ **Lack of consistent assessment.** Most probation departments and TYC do not routinely assess youths' needs or risk of recidivism, and do not share assessment information. This may lead to inappropriate treatment

TYC has not participated in TJPC's development of a juvenile justice information database.

TYC does not typically provide courts with information on youth returning home.

and placement decisions, as well as ineffective use of financial and other resources.

Juvenile justice experts recommend that agencies evaluate youth with needs- and risk-assessment tools before making treatment decisions to ensure youth are assigned to programs that match their individual situations and needs.⁸ Youth receiving treatment that does not address their needs wastes money for counties and can increase the risk of recidivism.⁹ The textbox, *Types of Assessments*, describes the role of needs and risk assessments.¹⁰

Types of Assessments

Needs Assessment. A needs assessment identifies an individual's needs and indicates appropriate treatment or training based on that assessment. Needs assessments typically include factors such as the youth's or family's need for mental health or substance abuse treatment; financial support; educational, employment or vocational preparation; parenting skills support; and medical care.

Risk Assessment. A risk assessment evaluates an offender's potential risk to public safety, or likelihood of reoffending. A risk-assessment instrument can assist judges and juvenile justice officials in determining what type of setting or programming has the greatest chance of rehabilitating the youthful offender, while protecting the community. Risk assessments typically include factors such as age, mental health status, prior and current offenses, family stability, education level, and employment status.

Both risk and needs assessments must be tested, or validated, on the target population to ensure that they work effectively.

Both TYC and TJPC are developing assessment tools, but the agencies have not consulted with each other and assessment tools are not currently operational. TJPC is developing an assessment instrument for use by probation departments.¹¹ The agency hopes to begin testing the assessment in spring 2009. The Texas Youth Commission's current assessment tools are not validated and may not assess risk in line with national best practices. Also, the agency is not confident that its needs assessment can accurately assess the need for specialized treatment programs.¹² TYC is redesigning its intake procedures to use a computerized risk-assessment system, but the agency is implementing this software independently of TJPC and county probation departments. The automated risk and needs assessment tool is expected to be fully functional by March 2009 but will need to be validated on a Texas population.

- ◆ ***Underuse of existing mental health resources.*** Data shows that up to 55 percent of youth receiving services from TJPC and TYC have some mental health needs.¹³ The Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) is a statutory committee attached to the Texas Department of Criminal Justice (TDCJ). By law, TCOOMMI is responsible for helping offenders, both adult and juvenile, with special needs, including mental illness, but the Office's services are underused by the juvenile justice system. TYC, TJPC, and probation departments use TCOOMMI services to some degree, but these entities do not have a routine process for identifying which youth are eligible

for mental health services, and for sharing that data with TCOOMMI. TYC indicates it has not coordinated services with TCOOMMI as much as it should, although referrals have nearly doubled from 2007 to 2008.¹⁴

In the adult system, TCOOMMI has a memorandum of understanding (MOU) with TDCJ, county adult probation departments, and other relevant state agencies to assist adult probationers and parolees in receiving timely mental health care upon release from prison. The MOU allows TCOOMMI to access data showing which offenders in TDCJ have prior contact with the public mental health system, and use that information to begin preparing for the offender's transition to the community long before they are ready for release. TJPC, TYC, and TCOOMMI are currently developing an MOU that replicates the TDCJ model; however, since the agencies believe they need statutory authority to implement the MOU, it has not been put in place yet.



*TJPC and TYC
rarely collaborate.*

- ◆ ***Lost opportunities for training.*** The State's juvenile justice agencies do not routinely coordinate training or professional development, missing an opportunity to pool limited state resources. Both TJPC and TYC provide training to staff who work with youth, including juvenile detention officers and juvenile correctional officers. Local probation officers and TYC parole officers, who perform similar functions in communities, could benefit from shared opportunities to gain new skills, learn about community-based services for youth, and exchange expertise. TJPC notes that local trainings are typically open to TYC staff, who may attend in some areas.

TJPC also hosts and assists with statewide conferences on topics of importance to juvenile justice practitioners. At many of these events, national experts discuss and provide training on best practices. These events are well attended by the probation community, but TYC does not regularly participate.

- ◆ ***Poor strategic planning.*** The Legislature has realized the need for the State's juvenile justice agencies to coordinate efforts and has put requirements in law to ensure collaboration occurs. However, the two state agencies responsible for overseeing the Texas juvenile justice system are not consistently complying with these statutory obligations and do not regularly collaborate.

In 1995, the Legislature specifically mandated TJPC and TYC to biennially develop a coordinated strategic plan to identify shared policy goals, population projections, and outcome measures. Although the agencies submit a coordinated strategic plan to the Legislature, the document reflects little actual collaboration. For example, the plan does not contain coordinated trend analyses to prepare for future needs, coordinated or complimentary appropriation requests, consistent performance measures, or a unified vision or goal for Texas' juvenile justice system.

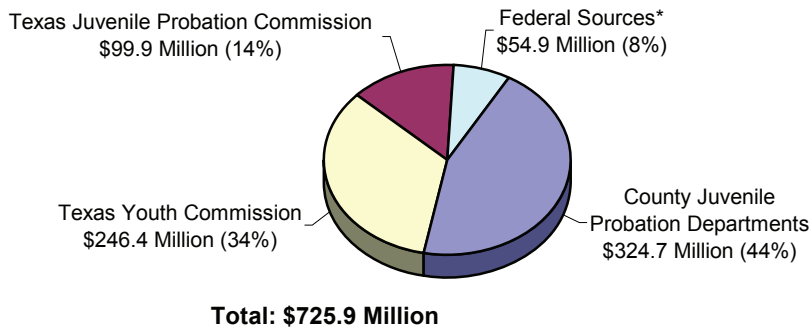
In 1989, the Legislature required the executive heads of TJPC and TYC, as well as the commissioners of education, mental health and mental retardation, and human services, to meet in Austin at least quarterly to discuss mutual problems; resolve conflicts in providing services to juveniles; and make recommendations to the Governor and the Legislature. These agencies have met only twice since 2004.

- ◆ **Lack of information on overall system performance.** TJPC and TYC have not worked together to set clear, measureable, comprehensive goals for the entire juvenile justice system; and no measurement system has been established for the system as a whole. Thus, no solid basis exists to assess how well the system is performing, or what changes might be needed to improve it.

State funding of the juvenile justice system is not targeted toward programs that work.

- ◆ The State contributes a significant amount of money to support the juvenile justice system; however, the way money is distributed contributes to system fragmentation and does not consistently ensure the system produces positive results. State, county, and federal sources fund Texas’ juvenile justice system, with the State paying approximately 50 percent of system costs. The chart, *Juvenile Justice Funding Sources*, provides additional details. State dollars should work in conjunction with other sources of funding to target services that are proven to reduce recidivism and protect public safety.

**Juvenile Justice Funding Sources
FY 2007**



* Federal sources of funding include about \$43.6 million in Title IV-E funding for probation and \$11.3 million from mixed federal sources for TYC. Beginning in fiscal year 2008, Title IV-E probation funds will be reduced by about 75 percent.

- ◆ **Counterproductive incentives in funding.** Research suggests that community-based services and supervision are often more cost effective, and more likely to reduce recidivism, than confinement; however, Texas’ juvenile justice funding system creates incentives for localities to commit



*Several states
use funding
to encourage
counties to treat
offenders locally.*

youth to TYC.¹⁵ In Texas, counties bear the majority of the cost for community-based services and treatment. In contrast, if a probation department commits a youth to TYC, all associated costs are borne by the State, potentially creating incentives for counties to commit youth, rather than provide supervision and services locally. The State has recognized this incentive and provides some targeted funding to counties to divert youth who are TYC eligible, and many counties do keep youth who are eligible for commitment. However, this incentive may contribute to other counties' heavier utilization of TYC.

Recognizing that counties may have a fiscal incentive to commit offenders, several states have created funding mechanisms to encourage counties to treat and supervise more adult and juvenile offenders locally. States with specific programs aimed at keeping and treating offenders at the local level include Arizona, Illinois, Ohio, Pennsylvania, and Wisconsin.¹⁶

- ◆ **Poor grants accountability measures.** State juvenile justice funding should be targeted to support programs with a proven track record of reducing youth recidivism and increasing public safety; however, TJPC does not award any portion of grants based on the performance of funded programs.

TJPC's 19 grants provide funding to counties based on formulas, competitive bidding, or noncompetitive bidding. While the funding must take certain factors into account, including county populations, criminal referrals, and what the probation department plans to use the funds for, programs should also be held accountable for the effective use of funds.

TJPC does require counties to report on grant expenditures, but results do not impact future funding allocations. The textbox, *TJPC Grant Program Performance*, details specific measures TJPC requires counties to report.

TJPC Grant Program Performance

TJPC requires probation departments to report select output and outcome measures from grants, including:

- ◆ one-year re-contact rate for juvenile offenders;
- ◆ average cost per juvenile served;
- ◆ average population of youth under supervision;
- ◆ successful program completion;
- ◆ average caseload size; and
- ◆ number of placements made with a grant.

- ◆ **Restrictive grant structure.** Eleven of TJPC's 19 grants support community-based correctional programming designed to divert youth from incarceration in TYC. While some of this funding is available for various types of programming, most is restricted to specific kinds of placement or services. For example, TJPC administers four separate

grants, each with different conditions and reporting requirements, to help probation departments pay for the residential placement of youthful offenders.

Departments report that this structure does not allow the flexibility needed to put youth in the most appropriate programs. Several departments reported, for example, that they may have money available to place one youth in a facility, but the money would be better spent providing counseling services to five youth. TJPC acknowledges this concern and has recommended the pooling of funding streams in its current Legislative Appropriations Request.

- ◆ ***Insufficient formal input on funding formulas.*** One of TJPC's essential functions is to disburse funding to local probation departments; however, formulas for TJPC's major funding categories, including basic probation and community corrections, are created without formal participation of probation departments. TJPC may periodically consult with local departments on select grant parameters and terms and does require Board approval for new funding, but grant formulas are not formally adopted in rule, and therefore stakeholder input cannot be ensured. Since changes in funding can dramatically affect all departments, processes for developing formulas should be public and transparent.

TYC has failed to provide adequate services to youth in its care or correct critical management problems.

- ◆ Since the beginning of the reforms in 2007, TYC has made plans to change major aspects of its operations, but key elements have not been implemented. Sunset staff found areas of agency operation and organizational structure that need significant improvement.
- ◆ ***Poorly located institutions.*** Decisions made over TYC's history have resulted in placement of most institutions in rural areas that cannot support the workforce required to provide intensive treatment and appropriate security. Doctors, psychiatrists, psychologists, licensed treatment providers, and other professional or qualified security staff are difficult to hire or contract with in remote areas. These remote locations also make it more difficult for youth to maintain important family connections, since many youth come from urban centers. In fiscal year 2008, seven counties accounted for 51 percent of TYC commitments, with Harris County alone making up 19 percent.¹⁷ The map, *Texas Youth Commission Regions and Facilities*, on page 63 provides additional information on institution locations.

The Legislature and TYC have taken actions in the last two years that will impact the location of TYC's institutions. In 2007, the Legislature appropriated \$25 million in bond funds for the construction of a new facility in an unspecified metropolitan area, but these funds have not yet been used.¹⁸ The Legislature took other actions in 2007 to downsize TYC's institutional inventory in various rural locations, partly in response

Grant formulas are not adopted in rule, so stakeholder input cannot be ensured.

Remote locations of institutions make it difficult for youth to maintain family connections.

to diminishing TYC populations, although not all these reductions have occurred.¹⁹ In July 2008, TYC published a planning document intended to begin bringing services closer to youth that need them; however, this plan has not been implemented and the new Executive Commissioner could take a different approach.²⁰

TYC has not implemented needed changes to its youth classification and placement systems.

- ◆ ***Delayed classification and placement systems.*** Though required by S.B. 103, TYC has not implemented needed changes to its youth classification and placement systems – systems which ensure youth are placed in the appropriate facilities for the right amount of time, based on key factors. The Legislature changed these key factors through the 2007 reforms.

Recognizing that classifying a youth based solely on his or her most serious offense may not be the best indicator for length and type of confinement, S.B. 103 required TYC to also consider a youth’s danger to the community when determining a youth’s length of stay. More than a year after the adoption of S.B. 103, TYC has drafted a new classification policy, but the policy has not been adopted or implemented.

To protect vulnerable youth, S. B. 103 also required TYC to adopt, by rule, new housing and placement procedures that take a youth’s age, hometown, physical condition, and treatment needs into account when determining where to place a youth. In October 2008, the agency wrote a draft room assignment policy to address elements of youth safety in housing, but it is still under internal review. The agency has not published placement procedures, but estimates a publication date of November 19, 2008.

In addition, in September 2008, TYC piloted its new automated placement system, Autogov, but because of significant problems with the new system, TYC must operate both its old and new placement systems. Without a comprehensive placement policy and process in place, TYC cannot ensure youth are placed based on risk, need, and location of family resources.

Despite the need for more treatment, TYC used only 61 percent of its specialized treatment budget.

- ◆ ***Insufficient and ineffective treatment.*** TYC cannot ensure that youth with identified needs receive treatment or that treatment programs are effective.

The Youth Commission identifies more youth in need of specialized treatment programs than it serves, as shown in the chart, *TYC Specialized Treatment Enrollment and Completion*. For example, of the 284 youth TYC identified as in need of sexual behavior treatment programming in fiscal year 2007, only 46 percent were enrolled in such a program.²¹ Furthermore, only 50 percent of the youth enrolled that year completed the program.

Despite the documented need for more treatment, in fiscal year 2008, the agency only used 61 percent of its specialized treatment budget. TYC received funding for an average daily population (ADP) of 934

specialized treatment beds, and only served an ADP of 571 youth, leaving 363 treatment beds vacant. While the agency explains this as a result of its reduced population, staffing vacancies, and closed facilities, failure to use these beds meant that youth in need went untreated.

**TYC Specialized Treatment Enrollment and Completion
FY 2007**

Treatment Program	Treatment Need (Number of Youth)	Youth Enrolled	Youth Completed
Chemical Dependency	719	513 (71%)	304 (59%)
Mental Health*	783	251 (32%)	94 (38%)
Sexual Behavior	284	131 (46%)	65 (50%)
Capital and Serious Violent Offender	121	22 (18%)	19 (86%)

* TYC's mental health treatment program consists of intensive care at two facilities. Youth with less severe needs may receive other services not reflected in these statistics.

*Recidivism data
has not supported
program
effectiveness.*

Internal policies and practices may contribute to low enrollment and completion rates for specialized treatment. Youth identified with multiple treatment needs typically only receive residential treatment for one of their needs. TYC's case management standards require youth to be removed from some treatment programs for behavioral problems or failure to progress, which may prevent the most troubled youth from receiving treatment.

The Youth Commission's specialized programs show low success rates, and the general treatment program cannot be evaluated yet. Recidivism data for these specialized treatment programs has not always supported the programs' effectiveness. For example, in 2007 youth who completed sexual behavior treatment had higher recidivism rates than youth who did not complete treatment.²² TYC notes that it has recently adopted a new, research-based chemical dependency curriculum that it hopes will be more effective, but its impact cannot yet be shown.

The TYC reforms also identified significant problems with TYC's general treatment program, Resocialization. As a result, the agency has developed and recently piloted a new program, CoNEXTions. The agency expects to fully implement the program in all facilities by summer 2009; however, because the program is so new its effectiveness cannot be evaluated yet.

- ◆ ***Inadequate education services.*** The Office of Independent Ombudsman and TYC's internal auditor have recently raised serious questions about the quality and consistency of general and special education within TYC. These reports cited numerous problems including poor instructional practices, inadequate teacher interaction with students, inconsistent curricula across and within facilities, and questionable teacher qualifications.²³

The agency acknowledges problems with its special education program and has requested that the Texas Education Agency (TEA) monitor the program. TEA has audited eight of TYC's 10 schools, with the last two to be completed by November 2008.

- ◆ ***Fragmented and insufficient reentry efforts.*** The Youth Commission's reentry efforts do not sufficiently prepare youth for their return to communities. Currently, 43 percent of TYC youth will return to incarceration within three years of release.²⁴ Juvenile justice experts emphasize the important role of reentry planning in increasing the likelihood that youthful offenders will be successful once released, benefiting youth and public safety.


*The agency
does not ensure
that youth with
ongoing treatment
needs receive
aftercare services.*

Before a youth's release, TYC does not use validated risk or needs assessments to evaluate readiness for release or continuing need for services. The agency cannot ensure that youth with ongoing treatment needs, including chemical dependency or sexual behavior problems, receive aftercare services to assist them when they return home. In fact, only a percentage of eligible youth receive these services. In 2008, of youth eligible for particular aftercare services, only about 32 percent received mental health treatment, 52 percent received sex offender treatment, and 59 percent received chemical dependency treatment.²⁵

TYC policies and procedures may contribute to youth not receiving needed aftercare. TYC policy specifies that youth who do not successfully complete specialized treatment within TYC are not eligible for specialized aftercare services on release. Although the agency can specifically waive this prohibition, the youth who most need aftercare may not always receive it. Also, when TYC revokes a youth's parole, the youth is not eligible to receive treatment once reincarcerated, which may contribute to youth with serious chemical dependency or sexual behavior problems cycling in and out of state custody.

The agency has not completed steps to ensure youth do not face unnecessary barriers to jobs and services, which could increase the risks of recidivism. For example, with the exception of registered sex offenders, exiting youth are not provided with state identification, which is often necessary to find a job or obtain services. The agency notes that it is coordinating with the Department of Public Safety to ensure all youth are issued identification, but at the time of this report, these procedures were not yet in place. The agency also does not initiate reinstatement of previous benefits, such as Medicaid, early enough to prevent youth from going uncovered upon release, possibly impeding their access to needed medical care.

The Youth Commission also has not taken full advantage of available resources for youth on parole. For example, Community Resource Coordination Groups (CRCGs) are a resource to assist multi-need individuals in finding services in their communities. Created by the 70th Legislature, CRCGs can assist parole officers with youth who have multiple needs and their families. The agency made 35 referrals to

CRCGs in fiscal year 2006 and 19 in 2007. The agency has said it needs to make better use of CRCGs.

Recognizing these problems, the Legislature required TYC, through the 2007 reforms, to include certain critical items in a youth's reentry plan, but the agency has yet to fully do so. Specifically, S.B. 103 requires TYC to include, as applicable, the following in a youth's reentry plan: housing assistance, step-down programming, family counseling, academic and vocational mentoring, trauma counseling for a child who is a victim of abuse while at TYC, and other appropriate specialized treatment services. The agency has not adjusted reentry plans to consistently meet S.B. 103 requirements, and has not yet published a standard or policy to ensure that facility staff account for these required plan elements.

Reentry planning problems are exacerbated by the fact that no single group or individual is responsible for ensuring that youth are appropriately prepared for release to the community. Staff in three divisions work on various areas of reentry. Sunset staff found that TYC staff were unclear as to which reentry duties they were responsible for, and which duties fell to other divisions. The lack of a single point of accountability prevents TYC from adequately addressing youth's reentry needs.

- ◆ **Dysfunctional management.** The Youth Commission's management has made questionable use of limited resources, communicated poorly with field staff, and failed to make use of opportunities to evaluate and improve agency operations.


TYC has significantly increased the number and compensation of many of its central office staff. In fiscal year 2008, the number of central office staff increased by 21 percent, with additional salary expenditures of about \$3.5 million. This increase includes new positions specifically added by the Legislature, but TYC increased this number by about 20 employees. During the same time TYC's average daily youth population declined by about 27 percent, including youth on parole. In March 2007, the State Auditor's Office recommended that TYC review the duties and responsibilities of its central office staff to determine whether staff have been allocated to the areas of highest priority.²⁶

Central office communication with facility management is not timely, consistent, or comprehensive. TYC's central administration is making many changes to the way the agency operates. Most of these changes directly affect the facilities, making communication of these changes in policy and procedure crucial. Sunset staff found confusion among field management staff regarding changes to policies and programs, many of which affect how direct care staff support and discipline youth. For example, staff had questions about the implementation of the new general treatment program, CoNEXTions. In some cases, field managers did not know who to contact at central office with questions. In other instances, staff received delayed or no responses from program managers in Austin.

TYC has not completed steps to prepare youth adequately for release.

Central office communication is not timely, consistent, or comprehensive.

Youth Commission leadership has not regularly used management reports, missing easy opportunities to strategically evaluate and improve agency operations.²⁷ Key TYC divisions including Finance, Human Resources, Research and Planning, and the Office of Inspector General (OIG) regularly publish reports and have data showing systemwide trends and indicating critical areas of concern for the agency. For example, the Finance Division creates a monthly financial report that compares costs across facilities and over time, and the OIG has extensive information on complaints by facility from the Incident Reporting Center. This information could be used to compare number and type of complaint, personnel involved, and resolution. Sunset staff found that agency leadership did not consistently use these reports to guide its direction, although the new Executive Commissioner is beginning to make changes in this area.



TYC lacks an overall plan for the future of its various youth data systems.

- ◆ ***Disjointed youth data systems.*** The Youth Commission's numerous youth databases are not integrated to allow staff to get a complete picture of a youth's record, and several databases do not function well independently. For example, the Alleged Mistreatment Investigation data system, designed to ensure youths' rights are protected, cannot show if complaints have been resolved.²⁸ Without systems that effectively track the status of investigations, TYC cannot ensure that alleged mistreatment incidents are resolved in a timely and appropriate manner. The agency indicates a new system is scheduled for release by December 1, 2008.

TYC has or is developing different data systems for youth master file records, assessment and case planning, placement, educational needs, and specialized aftercare, among others. A Conservator's report recommended the agency streamline its databases into one system to allow staff to get a complete picture of a youth's record with one report.²⁹ No plans to integrate the systems currently exist, and agency leadership has contracted for new systems without an overall plan for how they will work together to meet TYC's data needs.³⁰ For example, TYC is contracting with separate providers, Assessments.com and Autogov, for assessment and placement systems and cannot ensure that these two systems will be compatible.

Within TYC, several divisions analyze data and issue reports, often with different numbers and conclusions, creating confusion for management and stakeholders trying to evaluate the agency. For example, both TYC's Research and Planning Division and Information Resources Division produce reports showing youth data, but the units rely on different methodologies, yielding different results. In addition to the apparent duplication, the Legislature receives information from one division, while TYC management may consult a different group, impeding consistent planning and evaluation.

The timing of the Sunset review presents an opportunity to better integrate state and local juvenile justice services.

- ◆ The Sunset reviews of TJPC and TYC provide a unique opportunity to examine Texas' juvenile justice system overall. While much negative attention has been focused on TYC, other components of the system – comprised of the local probation departments overseen by TJPC – have developed a wide range of services that deal with the vast majority of youthful offenders within their local community. However, different components of the system do not fit together well to provide a seamless continuum of care. Roles are not distinct and sharing of basic information frequently does not occur.

Clearly, Texas benefits from the significant commitment of counties to divert, supervise, and rehabilitate the vast majority of the state's youthful offenders. In turn, counties rely on the State to help fund a portion of these services, and to handle the most serious offenders that many counties do not have the resources or facilities to deal with locally. Despite these interdependent needs, the components of Texas' juvenile justice system continue to operate in silos. In so doing, they fail to work together to accomplish their overriding shared goal – the rehabilitation of youth who break the law.

TYC continues to face considerable challenges. Much of the rest of the system functions well and has, in fact, taken up much of the slack in providing necessary services to youth throughout this crisis. In the current climate of change, the opportunity exists to address the persistent problems at TYC as well as the lack of integration between the components of the system. By addressing system integration now, the State could benefit from a more accountable and seamless approach to the rehabilitation of youthful offenders.

Recommendations

Change in Statute

1.1 Abolish TYC and TJPC and transfer their functions to a newly created state agency, the Texas Juvenile Justice Department, with a Sunset date of 2015.

This recommendation creates the new Texas Juvenile Justice Department (Department). The new agency's key duties and functions would include:

- ◆ disbursing state and federal funding to assist counties in supervising juvenile offenders and to help divert youth from state commitment;
- ◆ monitoring and overseeing juvenile probation departments and locally run detention and correctional facilities to ensure compliance with established standards;

- ◆ providing technical and legal assistance and training to counties to improve probation services;
- ◆ providing secure confinement for youth committed to state custody;
- ◆ operating education and treatment programs in state facilities designed to reduce criminal and delinquent behavior;
- ◆ supervising and working with youth on parole to achieve successful reentry; and
- ◆ working with families, volunteers, victims, and advocacy groups to help keep communities safe and increase opportunities for youth to succeed.

Both TYC and TJPC would be abolished on September 30, 2009, and their functions and duties would transfer to the new Department on October 1, 2009. To the extent possible, staff from TYC and TJPC would transfer to the new agency, but duplicative administrative functions such as human resources, information resources, finance, governmental relations, and training would be consolidated.

The Department would organize to best carry out its duties and responsibilities, but should consider creating divisions for its key functions of assisting and overseeing local probation departments; operating state juvenile correctional facilities; and providing parole and reentry services.

To assist the development and organization of the new agency, this recommendation would require the Governor to appoint a transition team. Members of the team would include a representative of the Governor, who would chair the team; administrative heads of TJPC and TYC; and representatives of the Lieutenant Governor and Speaker of the House. The team and the Department would be assisted, as needed, by the Legislative Budget Board and the Governor's Budget Office in preparing the Department's budget; the Department of Information Resources for information technology issues; the Attorney General's Office for legal issues; the Comptroller's Office for accounting structure; and the Texas Facilities Commission for acquiring office space.

The Texas Juvenile Justice Department would be subject to the Sunset Act, with an initial six-year Sunset date of September 1, 2015.

By combining agencies, this recommendation would realign the system to provide a more consistent approach to the treatment and rehabilitation of delinquent youth. Reducing organizational barriers would promote more seamless operations between state and local parts of the juvenile justice system, improving services for youth and providing greater security for Texas residents. Benefits of a combined agency include: the sharing of data and development of common data systems so that better information is available on youth throughout the juvenile justice system; improved collaboration on development of assessment information; better systemwide strategic planning to meet the needs of youth and public safety; more opportunity for a systemwide perspective when making decisions on location of institutions; and better coordination between probation and parole functions on release of a youth to the community.

1.2 Establish an 11-member Board to govern the Texas Juvenile Justice Department.

Under this recommendation, the Governor would appoint the members of the Board to staggered six-year terms, subject to Senate confirmation, and select the Board Chair. The Board would have the following composition:

- ◆ four juvenile court judges or county commissioners;
- ◆ one juvenile court prosecutor;
- ◆ one chief juvenile probation officer;
- ◆ one mental health or other treatment professional;
- ◆ one education professional;
- ◆ one child or victim advocate; and
- ◆ two public members who are not employees of the criminal or juvenile justice systems.

To prevent any conflicts of interest, the chief juvenile probation officer and county commissioners, who manage and oversee local departments, may not vote or otherwise participate in decisions regarding the allocation of funding to probation departments, or any other decision that would directly impact the member's juvenile probation department.

The Legislature specifically directed the Sunset Commission to study the merits of having an executive commissioner govern TYC as compared to a citizen board, and to make recommendations to the 81st Legislature on TYC's governance structure. Although Sunset staff recommends abolishing TYC and creating a new agency, staff concluded that establishing a governing board rather than an executive commissioner for the new agency would be preferable. A board structure would offer broad representation, particularly having members with experience in different areas of the juvenile justice system. A board also would provide an opportunity for more public involvement in both policymaking and rulemaking. Finally, a board with members serving longer terms than a Governor-appointed executive commissioner would provide the stability this new agency would need as it becomes the State's juvenile justice agency.

1.3 Establish a community corrections pilot program that encourages counties to keep lower-risk offenders eligible for commitment to TYC in their home communities and out of state confinement.

This recommendation would create a new pilot program in which local probation departments would have access to funds that were previously appropriated solely for the commitment of youth to TYC. Participating departments would be eligible to receive an amount equal to the State's average costs for the commitment of youth from the department's jurisdiction. Departments would pay the costs of state commitment from this allocation or, if they so chose, use some portion of the funds to serve youth at home. This additional funding would allow departments to invest in alternatives to incarceration, often less expensive than state commitment, including intensive supervision, mental health or substance abuse programs, or other forms of supervision and monitoring. The pilot would target lower-risk general offenders whose felony offenses include nonviolent property and drug crimes.

This recommendation would create incentives for local probation departments to reduce state commitments and treat more youth locally, while providing funding to enhance local programs and services. Pilot program funding would be flexible enough to permit departments to identify local needs and develop appropriate responses.

The recommendation also would transfer funds previously dedicated to TYC to participating counties to cover the costs of rehabilitating the youth closer to home. The pilot would require performance monitoring and reporting so the State could verify that its tax dollars were well spent and that counties were reducing commitments, decreasing recidivism, and improving public safety.

Specific Pilot Provisions

To implement this pilot, the new agency would select counties to participate in the program through a competitive process. Participation would be voluntary. Participating departments would submit proposals detailing the intended use of funds.

The agency should establish, in rule, a funding formula for departments participating in the pilot. The formula would be based on the state's average daily cost to commit youthful offenders to its supervision, the average length of stay for offenders, and the average number of youth committed from the sending jurisdiction. The agency could also consider historic referrals, county population, and other measures, as necessary, to ensure appropriate levels of funding to participating departments. Setting the formula in rule would allow for stakeholder participation and give the agency the flexibility to respond to trends and changes in the system over time.

The new agency would provide each participating local department with periodic allocations drawn from the new pooled funding, which previously supported the commitment of youth. For each youth a department commits to the State, the department's allocation would be charged the cost of commitment, using the same length of stay and cost criteria used to determine the original allocation. The agency would be required to develop additional grant conditions through contracts. Conditions should include reduced commitment targets for the participating departments, performance measures, restrictions on use of funds, and other standard conditions.

As part of this recommendation, the new agency should establish a reserve account for pilot departments in case unusual or unforeseen circumstances caused them to exhaust their annual pilot allocation, threatening other departmental programming. The agency would adopt rules governing the use of the reserve account.

Participating departments would be required to report regularly on the use of pilot funds and related program outcomes. Beginning one year after the first funding allocation, the agency would be required to report to the Legislature annually on the use and effectiveness of pilot funding.

Change in Appropriations

1.4 The Sunset Commission should recommend that the Legislature designate appropriate funding to establish the community corrections pilot program.

The Sunset Commission should recommend a change in appropriations that designates for probation services a portion of funds used previously for state youth confinement. The amount of funding available for use in the pilot would be determined through the appropriations process. This initial amount could be drawn from TYC's previous budget and could be supplemented with lapsed TYC funds, if available. If lapsed funds are not available, the Department could request additional start-up funding from the Legislature. In future years, any unexpended funds that departments paid the State for youth they committed could either be rebated to counties to pay for programming, or used to enhance the reserve account.

1.5 Consolidate existing community corrections funding for probation departments through the State's appropriations process.

This recommendation would consolidate all placement, program, and services funding to each probation department into one community corrections block grant. The Sunset Commission would recommend that the Legislature make this change through the appropriations process. The recommendation would not affect the current "hold harmless" provision, which authorizes the agency to use unexpended balances to help departments at risk of losing funds, as well as other purposes. This recommendation would give local probation departments more flexibility in using community corrections funding, and streamline grant conditions and reporting requirements. This recommendation is consistent with TJPC's Legislative Appropriations Request.

Change in Statute

1.6 Require the Department to consider past performance in awarding future community corrections grants or pilot program grants.

This recommendation would require the agency to consider past performance in awarding all community corrections grants. The agency would select performance measures and establish performance targets based on historic performance. All grant recipients would report on applicable measures. Future community corrections or pilot grant awards to departments should be based on performance as well as existing formulas or grantmaking processes. These provisions would not apply to the grants that pay for basic probation services.

1.7 Require the Department to establish basic probation and community corrections funding formulas in rule.

This recommendation would require the new Department to establish its existing basic probation and community corrections formulas in rule. This approach gives the agency the flexibility to address changes in the system and in departments' needs, while ensuring that each department continues to receive enough funds for necessary services and supervision. The public also would have the opportunity to comment on proposed formulas if they were adopted in rule.

1.8 Require the Department to give juvenile courts access to information on youths' progress at TYC.

This recommendation would require the new Department to send committing courts, at their request, periodic reports on a youth's progress while in TYC. In addition, 90 days before a youth's release from state commitment, the Department would be mandated to produce and send a report on a youth's progress.

The report would be sent to the committing juvenile court, and should include information on a youth's progress in key areas such as treatment, education, and health, to the degree that information does not conflict with privacy laws. The Department also would send the youth's reentry and reintegration plan, as required by the Legislature in 2007, at least 90 days before release.³¹ If a youth were released to a county other than the committing jurisdiction, the Department would send the progress report to both the committing court and the court in the county of planned release.

This recommendation would satisfy counties' interest in the progress of youth that would likely return to their jurisdictions. The final progress report before release would help counties prepare for a youth's return to the community and assist probation departments' coordination with aftercare services. Finally,

availability of progress information would keep the State accountable to committing counties for the Department's services.

1.9 Require the Department to adopt a memorandum of understanding with TCOOMMI for continuity of care for juvenile offenders with mental impairments.

This recommendation would require appropriate state and local entities to develop and adopt an MOU focused on continuity of care for youth with mental impairments in the juvenile justice system. TCOOMMI would coordinate and monitor the development and implementation of the MOU. Participating entities would include the new Department, TCOOMMI, the Department of State Health Services, the Department of Family and Protective Services, the Texas Education Agency, the Department of Public Safety, and chief probation officers of juvenile probation departments.

The MOU would establish methods for identifying youth with mental impairments in the juvenile justice system and collecting and reporting relevant data to TCOOMMI. The MOU also would provide for interagency rules and procedures to coordinate care and exchange information on these offenders among the participating agencies. TCOOMMI, in coordination with these agencies, would collect data and report on the outcomes of the MOU in its biennial report, to be submitted to the Department as well as the Governor, Lieutenant Governor, and Speaker, as currently required by statute.

1.10 Require the new agency to develop a comprehensive five-year Juvenile Justice Improvement Plan, with annual implementation updates, to better integrate state and county juvenile justice functions and to address other critical state-level reforms.

This recommendation would require the new Department to create and implement a five-year Juvenile Justice Improvement Plan. This plan would address fiscal years 2011 through 2015. The Department would develop a draft of the five-year plan by March 1, 2010, with the final plan due two months later on May 1, 2010. Each part of the plan would provide implementation timelines. An implementation report, including any plan adjustments, also would be developed on this same schedule in following years through 2015.

The plan and implementation reports would be forwarded to the Governor, Lieutenant Governor, Speaker, and the Joint Criminal Justice Legislative Oversight Committee for review and comment before formal adoption by the Department's Board.

The improvement plan should identify, as appropriate, goals, strategies, and timelines for addressing issues in these high priority areas:

- ◆ juvenile justice facilities;
- ◆ data sharing within the system and with other youth-serving agencies;
- ◆ programs, services, and reentry planning; and
- ◆ performance measurement for the entire system.

The five-year plan recognizes that major change takes time, and that issues identified in this report would require the Department's attention over several years. This plan helps ensure that the Department would develop clear priorities, steps, and timelines that support consistent, accountable progress.

The chart, *Timeline for Change to the Juvenile Justice System*, lays out a proposed timeline for implementation of the recommendations in this report.

Timeline for Change to the Juvenile Justice System

2009	2010	2011 – 2014	2015
<p><i>September 1, 2009 or passage of the bill</i></p> <ul style="list-style-type: none"> ◆ Act takes effect. ◆ The Governor, Lieutenant Governor, and Speaker appoint members of the transition team. <p><i>September 30, 2009</i></p> <ul style="list-style-type: none"> ◆ The Texas Youth Commission and Texas Juvenile Probation Commission are abolished. <p><i>October 1, 2009</i></p> <ul style="list-style-type: none"> ◆ Texas Juvenile Justice Department is created, and functions of TYC and TJPC are transferred to the new agency. 	<p><i>March 1, 2010</i></p> <ul style="list-style-type: none"> ◆ Draft five-year plan (FY 2011-FY 2015) is complete, including implementation timelines, and forwarded for review and comment to the Governor, Lieutenant Governor, Speaker, and the Criminal Justice Legislative Oversight Committee. <p><i>May 1, 2010</i></p> <ul style="list-style-type: none"> ◆ Final five-year plan is approved by the Board of the Texas Juvenile Justice Department. 	<p><i>May 1, 2011 – 2014</i></p> <ul style="list-style-type: none"> ◆ Revised plan and implementation report due. <p><i>2014</i></p> <ul style="list-style-type: none"> ◆ Sunset review of Texas Juvenile Justice Department begins. 	<p><i>January – May, 2015</i></p> <ul style="list-style-type: none"> ◆ 84th Legislature considers the Texas Juvenile Justice Department’s Sunset legislation. <p><i>May 1, 2015</i></p> <ul style="list-style-type: none"> ◆ Final implementation report on five-year plan. <p><i>September 1, 2015</i></p> <ul style="list-style-type: none"> ◆ Texas Juvenile Justice Department Sunset date.

The following sections identify issues that should be addressed within the five-year plan.

Juvenile Justice Facilities

The agency should evaluate state and county infrastructure to determine the need for secure correctional beds and to develop a master plan for facilities. The plan should identify which state-level facilities should be closed and which areas of the state need additional state-operated or -contracted correctional beds. The plan should also identify areas of the state in need of additional locally run post-adjudication facilities, whether secure or nonsecure. In developing these plans, the Department would have as primary goals:

- ◆ reserving state facilities, to the extent possible, for higher-risk youth with serious treatment needs;
- ◆ increasing reliance on alternatives to secure placements, except when those are needed based on youths’ needs and risk to reoffend;
- ◆ serving youth as close to home and family as possible, when appropriate;
- ◆ using facility and program designs shown to be most effective in rehabilitating youth;
- ◆ locating facilities close to necessary workforce and services; and
- ◆ developing county centers or consortiums that enhance county collaboration.

Tempering these goals, the new Department also should consider cost and timing of relocating facilities.

Data Sharing Blueprint

The Department should create a blueprint for developing common data systems within the agency; and improving the integration of juvenile justice data systems with systems in other youth-serving agencies such as the Department of Family and Protective Services, Department of State Health Services, Health and Human Services Commission, and Texas Education Agency.

The blueprint should address improved access to educational records for youth on probation and youth committed to state care, as well as improved access to youths' mental health records, within the constraints of privacy standards.

Programs, Services, and Reentry Planning

The Department should develop an approach to routinely assess the risk and needs of youth in the state and local system, and to assign them to appropriate programming based on this assessment. The agency should develop or approve validated risk and needs assessments and develop policies to assess youth at key points. These points could include, for example, before a juvenile court's decision, upon commitment to state facilities, and when exiting state facilities and beginning parole.

Under this recommendation, risk and needs assessments for youth in state care would inform classification and placement decisions. The agency should develop policies and processes to ensure that a youth's minimum length of stay and facility placement directly address identified needs. The Department should also establish timelines for identifying and putting into use proven, effective state and local programs for community supervision, local placement, and state commitment. The plan should address training on these programs for state and local personnel.

Finally, the Department should include in the plan strategies to improve reentry into the community for youth exiting state and local care. The plan should address ways to increase the use of existing community resources, including TCOOMMI and local CRCGs, for youth on parole or probation. The plan should also identify an approach to ensure that youth exiting state commitment or extended probation placements have appropriate identification and service referrals on their return to the community so that they may receive essential services, such as mental health treatment, without delay.

Performance Measurement for the Entire System

The agency should develop a comprehensive performance measurement system for Texas' juvenile justice system as a whole. The Department should work with the Legislative Budget Board and the Governor's Budget Office in developing measures. Using this system, the agency should report annually on system performance as part of its annual progress report on the improvement plan.

An overall performance measurement system would help show how well the juvenile justice system as a whole is performing, which programs work, and where service gaps exist. Measures should show costs for the different levels of supervision and treatment so that the most cost-effective programs could be identified. The system could also show, for example, whether certain treatment programs have better outcomes depending on the youth or the offense committed. The Department would set the timeline for completing the performance measurement system and starting the collection of data.

Fiscal Implication

Combining TYC and TJPC's functions into a single agency, the new Texas Juvenile Justice Department, should result in significant savings to the State. Most of these savings would be identified and realized by consolidating the agencies, and through implementation of the recommended five-year plan. Based on likely decisions of the new Department and the Legislature, Sunset staff estimates a minimum annual savings of \$594,616 associated with a reduction of five duplicative director-level positions, and up to \$27.6 million with the closure of three facilities and the reduction of 587 associated full-time equivalents (FTEs). These savings are explained in greater detail below and would be from General Revenue. However, Sunset staff recognizes that the new TYC Executive Commissioner is beginning to make organizational and other changes at the agency that could affect these estimates.

Newly Created Agency

Consolidating the two agencies would reduce administrative costs and the number of FTEs. TJPC and TYC have several duplicative administrative positions and functions that would be combined, including the executive director and executive commissioner positions, chief of staff, general counsel, human resources director, and finance director positions. While the Department and its transition team would determine the actual positions that would be consolidated overall, eliminating just these five basic duplicative director positions could save about \$594,616 annually, based on salaries and fringe benefits for the positions.

The average daily population at TYC has decreased from 7,276 in fiscal year 2007 to 5,301 in fiscal year 2008, including parolees, for a decrease of almost 2,000. In this same time period, central office staff has increased by about 58 FTEs. The new Department should be able to downsize central administration, given this reduction in population. As the new Department reorganizes its functions, it could consolidate positions in other areas such as information services, training, and governmental and public affairs. A reduction of 10 percent in central office staff, about 34 FTEs, would result in savings of about \$1.7 million annually.

Facility Closures

The five-year plan, as recommended, directs the Department to develop a master plan for facilities based on certain goals, including serving youth close to home and locating facilities in areas with an available workforce. Currently, both the Victory Field facility in Vernon and West Texas facility in Pyote are located in rural areas that are not close to most youths' homes, and TYC has difficulty keeping these facilities fully staffed. Victory Field has 336 beds and West Texas has 240, but both are only budgeted to house 96 youth. None of these beds are specialized treatment beds. On October 16, 2008, the current youth population was 91 at Victory Field and 86 at West Texas. Closing Victory Field would save about \$11.3 million and reduce 246 FTEs, and closing West Texas would save another \$9.0 million and reduce 179 FTEs, as youth are transferred to facilities located closer to urban areas where staffing and services are more readily available.

Also, the Ron Jackson Unit II facility in Brownwood has been under renovation and does not house any youth. Eliminating the staffing and other costs for this facility would result in an additional savings of \$5.1 million along with about 123 FTEs.

Local Probation Funding

Funding recommendations would not have a direct fiscal impact to the State. Both the pilot program and the consolidation of community corrections funding would use existing state resources. The pilot program would redirect funding previously appropriated to support youth commitment to local

probation departments for community-based programming. In the long term, local programs that reduce recidivism could result in less crime and fewer youth commitments, which could generate cost avoidance for the State. However, staff could not identify potential savings from this reduced recidivism.

Lapsed and Other Funds

The Texas Youth Commission has not used all funds appropriated to it by the 80th Legislature. The agency lapsed about \$19.5 million in fiscal year 2008. TYC does not project any lapsed funds for fiscal year 2009 at this point. In addition, the Legislature authorized \$25 million in bond proceeds for TYC to construct a facility in a metropolitan area, and this authority has not been used. These funds may be available for other uses, depending on the decisions of the Legislature.

The table shows the possible estimated fiscal impact that could result from eliminating the five duplicative administrative positions; reducing TYC central office salaries by 10 percent; and closing the Victory Field, West Texas, and Ron Jackson II institutions as part of the five-year plan.

Texas Juvenile Justice Department

<i>Fiscal Year</i>	<i>Savings to the General Revenue Fund</i>	<i>Change in the Number of FTEs From FY 2009</i>
2010	\$2,294,616	-39
2011	\$27,694,616	-587
2012	\$27,694,616	-587
2013	\$27,694,616	-587
2014	\$27,694,616	-587

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¹ Numbers of youth served in different parts of the juvenile system are not exact since many youth may be served by more than one component of the system in a year. For example, in one year some youth may be on probation and then committed to TYC, while others may be paroled and then placed on probation.

² Although the State provides an average of about 21 percent of local probation budgets, TJPC acts as the conduit for some federal funding. When federal funding is included, TJPC's disbursements total 31 percent of local budgets.

³ Many youth who commit crimes are diverted from the system before adjudication. Law enforcement and certain courts issue warnings or take other informal action, preventing youth from entering the formal system.

⁴ Blue Ribbon Task Force, *Transforming Juvenile Justice in Texas: A Framework for Action* by D.W. Springer et al. (Austin, Texas, 2007). Online. Available: www.utexas.edu/ssw/faculty/springer/e/jjtr_sept2007.pdf. Accessed: October 8, 2008; National Center for Juvenile Justice, *Models for Change – Systems Reform in Juvenile Justice* (revised April 12, 2004); Youth Transition Funders Group, *A Blueprint for Juvenile Justice Reform* (second edition, Spring 2006); Little Hoover Commission, *Juvenile Justice Reform: Realizing Responsibilities* (Sacramento, Calif., July 2008). Online. Available: www.lhc.ca.gov/lhcdir/192/report192.pdf. Accessed: October 9, 2008; Center on Juvenile and Criminal Justice, *Reforming the Juvenile Justice System*, www.cjcj.org/jjic/reforming.php#mda. Accessed: October 13, 2008; Annie E. Casey Foundation, *A Roadmap for Juvenile Justice Reform* (Baltimore, Md., 2008). Online. Available: http://www.aecf.org/~media/PublicationFiles/AEC180%20essay_booklet_MECH.pdf. Accessed: October 6, 2008; and Texas Public Policy Foundation, *The ABC's Before TYC: Enhancing Front-End Alternatives in the Juvenile Justice System* (Austin, Texas, February 2008). Online. Available: www.texaspolicy.com/pdf/2008-02-PP04-ABCofTYC-ml.pdf. Accessed: October 13, 2008.

⁵ Annie E. Casey Foundation, *A Roadmap for Juvenile Justice Reform*, p. 20; Little Hoover Commission, *Juvenile Justice Reform*, p. i.; State of Louisiana, Juvenile Justice Implementation Commission, <http://jjic.gov.state.la.us/>. Accessed: October 7, 2008; State of Louisiana, Juvenile Justice Commission, <http://jjc.legis.louisiana.gov/jjc-process.htm>. Accessed: October 7, 2008; telephone interview with Ohio Department of Youth Services, RECLAIM Ohio staff (Columbus, Ohio, October 3, 2008); National Criminal Justice Association, *Juvenile Justice Reform Initiatives in the States: 1994-1996* (Washington, D.C., 1997); and Blue Ribbon Task Force, *Transforming Juvenile Justice in Texas*, p. 26.

⁶ Texas Government Code, sec. 325.011(6).

⁷ National Council of Juvenile and Family Court Judges, *Reconnecting: The Role of the Juvenile Court in Reentry* (Reno, Nev., 2005), p. 2.

⁸ Blue Ribbon Task Force, *Transforming Juvenile Justice in Texas*, p. 24.

⁹ James Austin, "The Proper and Improper Use of Risk Assessment in Corrections," *Federal Sentencing Reporter*, vol. 16, no. 3 (February, 2004), p. 3.

¹⁰ National Council of Juvenile and Family Court Judges, *Reconnecting*, p. 13.

¹¹ Sunset staff meeting with Texas Juvenile Probation Commission staff (Austin, Texas, July 15, 2008).

¹² Sunset staff meeting with Texas Youth Commission staff (Austin, Texas, July 29, 2008).

¹³ Texas Juvenile Probation Commission, *Overview of the Special Needs Diversionary Program for Mentally Ill Juvenile Offenders, FY 2007* (Austin, Texas, March 2008), p. 4.

¹⁴ Sunset staff meeting with Texas Youth Commission staff (Austin, Texas, July 29, 2008).

¹⁵ Blue Ribbon Task Force, *Transforming Juvenile Justice in Texas*, p.9.

¹⁶ Arizona Senate Bill 1476, 48th Legislature, 2nd regular session (2008); Illinois Compiled Statutes, ch.730, sec.110/16.1; Illinois Department of Human Services – Redeploy Illinois, <http://www.dhs.state.il.us/page.aspx?item=31991>. Accessed: September 29, 2008; Ohio Revised Code, secs. 5139.41, 5139.43, and 5139.44; Ohio Department of Youth Services – RECLAIM Ohio, www.dys.ohio.gov/dysweb/ReclaimOhio.aspx. Accessed: September 24, 2008. Pennsylvania Unconsolidated Statutory law, 62 P.S. § 704.1; National Center for Juvenile Justice, "Following the Money: Funding for Juvenile Justice Services in Pennsylvania," *Pennsylvania Progress: Juvenile Justice Achievements in Pennsylvania*, vol. 10, no. 1 (October 2003). Online. Available: www.pccd.state.pa.us/pccd/lib/pccd/publications/juvenilejustice/2003_oct_progress.pdf. Accessed: October 5, 2008. Wisconsin Legislative Audit Bureau, *An Evaluation: Youth Aids Program, Department of Corrections* (Madison, Wi., January 1999). Online. Available: www.legis.state.wi.us/lab/reports/99-1full.pdf. Accessed: September 27, 2008; Wisconsin Department of Corrections – State Juvenile Justice Funding: Youth Aids and Community Intervention Program, www.wi-doc.com/djc_funding.htm. Accessed: October 5, 2008.

¹⁷ Texas Youth Commission, *Commitment Profile for New Commitments, Fiscal Years 2004-2008*, www.tyc.state.tx.us/research/profile.html. Accessed: October 29, 2008.

¹⁸ Texas House Bill 1, *General Appropriations Act*, 80th Legislature (2007). Online. Available: www.lbb.state.tx.us/Bill_80/8_FSU/80-8_FSU_1007.pdf. Accessed: October 29, 2008.

¹⁹ The Legislature in 2007 mandated that TYC transfer the Marlin Orientation and Assessment Unit and the John Shero Juvenile Correctional Facility to the Texas Department of Criminal Justice by March 1, 2008, and these transfers took place in August 2007. Also in 2007, the Legislature provided only six months' funding for the phase out and closing of Sheffield Boot Camp in Sheffield, West Texas State School in Pyote, and Victory Field Correctional Academy in Vernon. Sheffield Boot Camp has closed, but West Texas State School and Victory Field Correctional Academy continue to operate using funds unexpended in other areas of agency operations.

²⁰ Texas Youth Commission, *Overview of TYC Regionalization Planning for the Current Biennium and Beyond* (Austin, Texas, July 29, 2008), Online. Available: www.tyc.state.tx.us/reform/regionalization/index.html. Accessed: October 29, 2008.

²¹ This data includes youth whose first release from TYC occurred between July 1, 2005, and June 30, 2006, and who had an identified need for specialized treatment. Youth were tracked for one year following release from secure confinement. Texas Youth Commission, Research Department, *2007 Review of Agency Treatment Effectiveness* (Austin, Texas, 2007).

²² Ibid.

²³ Texas Youth Commission, Internal Audit Department, *Audit Report on Education* (Austin, Texas, December 2007); Office of Independent Ombudsman, *A Review of Programs for Students in the Texas Youth Commission State Schools*, by Michael Krezmien, Ph.D. (Austin, Texas, July 2008).

²⁴ Texas Youth Commission, *Actual Performance for Outcome Measures Fiscal Year 2008* (Austin, Texas, October 10, 2008).

²⁵ Texas Youth Commission, Research Specialist, "Parole Information Request," e-mailed to Sunset Advisory Commission staff, September 18, 2008.

²⁶ State Auditor's Office, *An Investigative Report on the Texas Youth Commission* (Austin, Texas, March 16, 2007), p. 14.

²⁷ Sunset staff meeting with Texas Youth Commission staff (Austin, Texas, July 1, 2008).

²⁸ Select Committee on the Operation and Management of the Texas Youth Commission, public hearing (Austin, Texas, October 1, 2008).

²⁹ Texas Youth Commission, *Report from the Conservator*, by Jay Kimbrough (Austin, Texas, May 2, 2007), p. 7.

³⁰ Sunset staff meeting with Texas Youth Commission staff (Austin, Texas, August 21, 2008).

³¹ Texas Human Resources Code, sec. 61.0814.

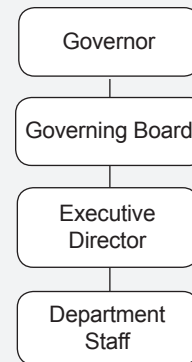
Responses to Issue 1

Sunset Staff Organizational Alternatives to Recommendations 1.1 and 1.2

The Sunset staff has developed the following four organizational alternatives for the Texas Youth Commission and the Texas Juvenile Probation Commission at the request of Sunset Commission members. The four alternatives are arranged from most to no organizational change.

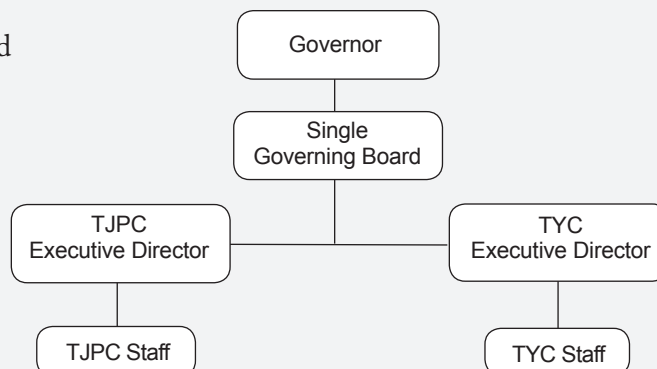
Alternative 1 – Create a new Texas Juvenile Justice Department.

- ◆ **Organization:** TYC and TJPC functions would be combined into a new Department as proposed in Sunset staff Recommendations 1.1 and 1.2.
- ◆ **Governance:** The Governor would appoint an 11-member board confirmed by the Senate and composed of four juvenile court judges or county commissioners, one juvenile court prosecutor, one chief juvenile probation officer, one mental health or other treatment professional, one education professional, one child or victim advocate, and two public members. The board would select the Department’s executive director.
- ◆ **Budget:** The Department would develop its appropriations request and budget.
- ◆ **Sunset date:** The new agency would have a Sunset date of 2015.



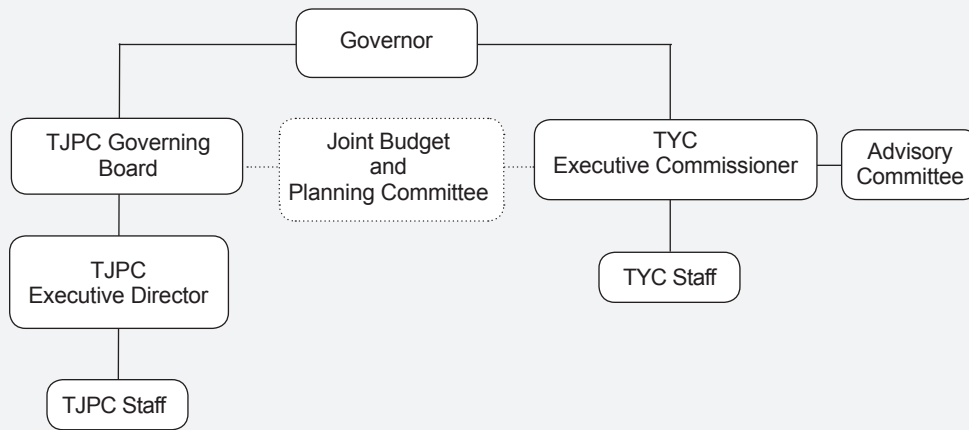
Alternative 2 – Maintain TYC and TJPC as stand-alone agencies under a single governing board.

- ◆ **Organization:** TYC and TJPC would remain separate agencies under a single governing board.
- ◆ **Governance:** The single board, composed as in Alternative 1, would oversee both agencies and would appoint both executive directors.
- ◆ **Budget:** The two agencies would develop a combined appropriations request and budget for approval by the single governing board.
- ◆ **Sunset date:** The agencies would have a Sunset date of 2015.



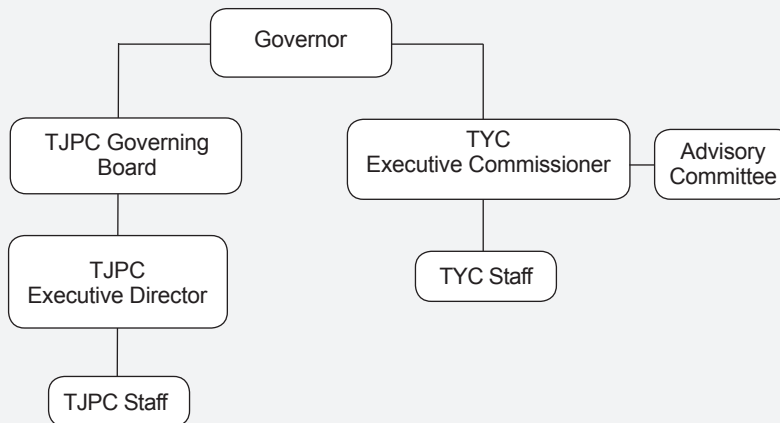
Alternative 3 – Maintain TYC and TJPC as stand-alone agencies with their current governance structures, but with a combined budgeting and planning committee.

- ◆ **Organization and governance:** TYC and TJPC would keep their current organizational arrangements and governance structures.
- ◆ **Budget:** A five-member Joint Budget and Planning Committee would oversee development and approval of a combined appropriations request and budget for TYC and TJPC. The Committee would be composed of the chair and two other members from the TJPC board, the TYC executive commissioner, and the chair of the TYC Advisory Committee.
- ◆ **Sunset date:** The agencies would have a Sunset date of 2015.



Alternative 4 – Maintain TYC and TJPC as stand-alone agencies with no organizational changes.

- ◆ **Organization, governance, and budget:** TJPC and TYC would keep their separate organizational arrangements, governance structures, and budgeting authority. Efforts to coordinate between TYC and TJPC are addressed by Recommendations 1.3 through 1.10.
- ◆ **Sunset date:** The agencies would have a Sunset date of 2015.



Note: Additional modifications to the TJPC Governing Board are listed beginning on page 32-*l*.

Recommendation 1.1

Abolish TYC and TJPC and transfer their functions to a newly created state agency, the Texas Juvenile Justice Department, with a Sunset date of 2015.

Agency Response to 1.1

TJPC and TYC oppose this recommendation stating that, while they agree with many of the overall goals of the Sunset Staff Report, they do not believe that combining two agencies with very distinct mandates and responsibilities ensures an effective juvenile justice system. The agencies state that less drastic approaches can be developed to address identified problems. They also feel that the reforms of Senate Bill 103 need more time to be fully realized, and creation of a new agency would jeopardize TYC's reform progress by injecting a new set of issues and challenges.

Both agencies also believe the projected fiscal impact is overestimated. They acknowledge that some positions could be eliminated, but others require specific skill sets that are different for the two agencies. The agencies also note the savings associated with the elimination of TYC facilities are not dependent on consolidation of TJPC and TYC, and would only generate temporary, not continuing, savings. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modifications

1. Continue TJPC as a separate agency, with a sunset date of 2015. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)
2. Continue TYC as a separate agency, with a sunset date of 2015. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Affected Agency Response to 1.1

The Office of Independent Ombudsman does not agree with the recommendation that TYC and TJPC be merged, but will comply with changes if the Legislature creates this new agency. (Will Harrell, Chief Ombudsman – Office of Independent Ombudsman)

The Texas Department of Information Resources (DIR) concurs with the recommendation that DIR participate as needed in a transition team to consolidate these agencies into a new agency. (Brian Rawson, Executive Director and Chief Technology Officer – Department of Information Resources)

The Department of Family and Protective Services (DFPS) is committed to working effectively with the State's juvenile justice system, and notes that as the designated agency for federal Title IV-E funds, which both TJPC and TYC receive, DFPS would need to be involved in certain administrative and financial considerations related to the consolidation of TJPC and TYC. In addition, DFPS may need to adjust staffing and would need to reprogram automated case management systems to accommodate the consolidation. (Ben Delgado, Interim Commissioner – Texas Department of Family and Protective Services)

The Texas Comptroller of Public Accounts responds that, if adopted by the Legislature, the Comptroller's office will be happy to work with affected agencies and the transition team on issues related to the new agency's accounting structure, statewide financial and payroll systems and any

other matters where the Comptroller's experience can be helpful in creating a smooth transition. The Comptroller notes that the proposed transition date of October 1, 2009, would create certain financial reporting and budgeting concerns that would not arise in a transition that occurred at the beginning of a new fiscal year.

Affected Agency Modification

3. Consider transferring functions and duties to the new Department on September 1, 2009, instead of October 1, 2009, to coincide with the beginning of the new fiscal year and avoid financial and budgeting complications.

(Susan Combs, Comptroller – Texas Comptroller of Public Accounts)

For 1.1

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Joe Lovelace, Associate Director of Behavioral Health – Texas Council of Community MHMR Centers, Austin

Rebecca Webber, Staff Attorney – Texas Rio Grande Legal Aid, Del Rio

Against 1.1

Representative David Swinford, Member – Texas House of Representatives

Jaime Alemán, Attorney, Edinburg

Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin

The Honorable James Anderson, Judge – Randall County Court at Law #1, and Chairman – Randall County Juvenile Board, representing the Juvenile Board of Randall County

Eddie Arredondo, Burnet County Attorney, Burnet

Tim Avery, Attorney, McKinney

Carrie Barden, Chief Juvenile Probation Officer, Lamb County

Joe Warner Bell, Trinity County Attorney, Trinity County

The Honorable Marshal Bennett, Judge – Fisher County, representing the Fisher County Commissioners Court, Roby

Dan Richard Beto, Past President – National Association of Probation Executives, Bryan

The Honorable Dan Mike Bird, Judge – 46th Judicial District, Wilbarger County

Mark Bittner, Chief Juvenile Probation Officer – 33rd and 424th Judicial Districts, Gillespie County

J. Roxane Blount, Attorney, Odessa

The Honorable Jean Boyd, Judge – 323rd Family District Court, Fort Worth

The Honorable Wayne Brascom, Judge – Llano County, representing the Juvenile Boards of Blanco, Burnet, Llano, and San Saba Counties

Bill Bristow, Director – Grayson County Juvenile Probation Department, Grayson County

Linda Britton, Juvenile Master – 417th Judicial District Court, McKinney

The Honorable Bob Brotherton, Presiding Judge – 30th District Court, and Past Chairman – Texas Juvenile Probation Commission, Wichita County

The Honorable Kim Brown, Associate Judge – 323rd District Court, Tarrant County

William S. Bush, Assistant Professor of History – Texas A&M University-San Antonio System Center, San Antonio

Kimberly Butler, Attorney, Fort Worth

The Honorable Mike Cantrell, County Commissioner – Dallas County, Garland

Felipe Chavez

Cassandra Cheek

Ronald Clark, Director – Coryell County Juvenile Probation Services, Coryell County

Dan Collins, New Braunfels

James Couch, Attorney, Longview

Kathryn Craven, Attorney – Law Office of Kathryn Craven, Fort Worth

Michele Deitch, Adjunct Professor – UT-Austin, LBJ School of Public Affairs, representing the Blue Ribbon Task Force on TYC, Austin

Lonnie Dolle, New Braunfels

Nelson Downing, Director – Smith County Juvenile Services, Tyler

Lisa Edwards, Juvenile Probation Officer – Bowie County Juvenile Justice Center, Texarkana

Dolores Esparza

Cathy Evans, Chair – Texas Youth Commission Advisory Board, Austin

The Honorable Tim Fambrough, Judge – Nolan County, representing the Commissioners Court of Nolan County, Sweetwater

The Honorable David Field, Judge, and Chairman – Dallam-Hartley-Sherman Counties Juvenile Board, Dalhart

Homer Flores, Chief Juvenile Probation Officer – Nueces County, and Representative – South Texas Chiefs' Association, representing the South Texas Chiefs' Association, Corpus Christi

Deborah Fowler, Legal Director – Texas Appleseed, Austin

Stephanie Fowler, Chief Juvenile Officer – Dallam-Hartley-Sherman Counties Juvenile Probation Department, Dalhart

Peggy Fox, Director – Denton County Juvenile Probation, Denton County

The Honorable Harold Gaither, Jr., Senior Judge

Eileen Garcia-Matthews, Executive Director – Texans Care for Children, Austin

Christine Gendron, Policy Coordinator, and Theresa Tod, Executive Director – Texas Network of Youth Services, Austin

David Grassbaugh, Attorney, Austin

Michael Griffiths, Juvenile Services Director – Dallas County Juvenile Department, Dallas

The Honorable Bill Guthrie, Judge – Blanco County, representing the Juvenile Boards of Blanco, Burnet, Llano, and San Saba Counties

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin

Stephanie Harmon, Assistant District Attorney – Dallas County District Attorney’s Office, Juvenile Division, Dallas

Jan Hemphill, Attorney, Dallas

Pama Hencerling, Chief Juvenile Probation Officer – Victoria County Juvenile Services, representing Texas Probation Association, Victoria

Scott Henson, Blogger – Grits for Breakfast, Austin

Dianna Herrera

Bob Hicks, Attorney

Durrand Hill, Chief – Dallas County District Attorney’s Office, Juvenile Division, Dallas

Pamela Huffman, Deputy Director – Collin County Juvenile Probation, Collin County

The Honorable Edward L. Jarrett, Court-at-Law Judge, and Chairman – Caldwell County Juvenile Board, representing the Juvenile Board

Amy Jenkins, Attorney – Law Offices of Amy L. Jenkins, P.C., Allen

Theodore Jereb, Attorney, Houston

The Honorable Edward Johnson, Presiding Judge – Juvenile Court of Bell County, Bell County

The Honorable Guilford Jones, Presiding Judge – 33rd District Court, and Chairman, representing the Juvenile Boards of Blanco, Burnet, Llano, and San Saba Counties, Burnet

Jane Anderson King, Chief Juvenile Probation Officer, Randall County

The Honorable Donna Klaeger, Judge – Burnet County, representing the Burnet County Commissioners Court and the Juvenile Boards of Blanco, Burnet, Llano, and San Saba Counties

The Honorable Rhita Koches, Judge – Van Zandt County, Canton

Ron Leach, Director – Montgomery County Olen Underwood Juvenile Justice Center and Chair – Southeast Texas Chiefs' Association, Conroe

The Honorable Daniel Leedy, Judge – County Court at Law, Austin County

Tina Lincoln, Chief Juvenile Probation Officer – Hill County Juvenile Probation Department, Hillsboro

Harold Mann, Chief Probation Officer – Potter County Juvenile Probation, Amarillo

Charlie Martin, Assistant District Attorney – Dallas County District Attorney's Office, Dallas

James Martin, Chief Juvenile Probation Officer – Jefferson County Juvenile Probation Department, and Legislative Co-Chair – Texas Probation Association, representing the Texas Probation Association and Southeast Chiefs' Association, Beaumont

The Honorable Wm. C. Martin, III, Senior District Judge – 1st Administrative Judicial Region, and former member – Texas Juvenile Probation Commission

Kenneth Martindale, President – Panhandle Association of Juvenile Probation Officers, and Chief Juvenile Probation Officer – Wheeler, Hemphill, Lipscomb, and Roberts County Juvenile Probation Department

The Honorable Alan Mayfield, Judge and Chairman, representing the McLennan County Juvenile Board

The Honorable Robert Mayfield, Judge – County Court at Law #1, and Chairman – Juvenile Board of Johnson County, representing the Juvenile Board

The Honorable Walter Maynard, County Judge, and Chairman – Somervell Juvenile Board, representing the Juvenile Board

The Honorable Ray Mayo, Judge – Mitchell County, representing the Mitchell County Commissioners Court and the Fisher, Mitchell, and Nolan County Juvenile Board, Colorado City

The Honorable F.B. McGregor, Jr., Judge – 66th District Court, representing the Hill County Juvenile Board, Hill County

Cynthia McKenzie, Volunteer and former Director – Texas Coalition for Juvenile Justice, Fort Worth

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin

Timothy Menikos, Tarrant County

Ken Metcalf, Assistant Director – Denton County Juvenile Probation, Denton County

Patrick Metzger, Director – Criminal Defense Clinic, Texas Tech University School of Law, Lubbock

Jay Monkerud, Chief Juvenile Probation Officer – Caldwell County Juvenile Probation Department, Lockhart

Mandy Fisher Moore, Assistant District Attorney – Dallas County District Attorney’s Office, Juvenile Division, Dallas

The Honorable John W. Murrile, Judge – Wharton County, representing the Commissioner’s Court of Wharton County

The Honorable Rayburn Nall, Jr., Judge – representing the Grayson County Juvenile Board, Grayson County

Brent Norris, Director – Galveston County Juvenile Justice Department, Dickinson

Michael O’Brien, Assistant District Attorney – Dallas County District Attorney’s Office, Juvenile Division, Dallas

The Honorable Laura Parker, Judge – 386th Juvenile District Court, San Antonio

Elizabeth Parmer, Attorney, Denton

Daniel Peevy, Executive Director – Colorado County Youth and Family Services, Inc., Colorado County

The Honorable Leon Pesek, Judge – 202nd District

Laura Peterson, Attorney, and Member – Juvenile Council of the State Bar of Texas, Garland

Lisa Peterson, County Attorney, Juvenile Prosecutor, and Juvenile Board Representative – Nolan County

The Honorable John Wiley Price, County Commissioner – Precinct 3, and Vice Chairman – Dallas County Juvenile Board, representing the Dallas County Juvenile Board, Dallas

Cindy Rains, Chief Juvenile Probation Officer – Calhoun County, Port Lavaca

Pia Rodriguez, Attorney, Arlington

Robin Sage, Gregg County

Sam Saleh, Chairman – Dawson County Juvenile Board, representing the Juvenile Board, Lamesa

Gina Savage, Assistant District Attorney – Dallas County District Attorney’s Office, Juvenile Division, Dallas

Joe Scott, Director – Collin County Juvenile Probation Services, Collin County

Richard Senasac, Attorney, Hempstead

The Honorable Cheryl Lee Shannon, Judge, and Member – Texas Juvenile Probation Commission, Austin

Riley Shaw, Assistant District Attorney – Tarrant County District Attorney’s Office, representing the Tarrant County District Attorney, Fort Worth

Pam Sigman, Attorney – Sigman & Sigman, L.L.P., Austin

J. Jason Sims, Attorney – Law Office of J. Jason Sims, Austin

The Honorable Ed D. Smith, Judge, and Juvenile Board Chair – 110th Judicial District Juvenile Board, representing the Juvenile Board of Floyd, Briscoe, Dickens, and Motley Counties, Matador

The Honorable Ellen Smith, Associate Judge – 323rd District Court, Tarrant County

Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin

Anna Stool, Harris County

The Honorable Liz Sumter, Judge – Hays County, representing the Hays County Juvenile Board

The Honorable Byron Theodosis, Judge – San Saba County, representing the Juvenile Boards of Blanco, Burnet, Llano, and San Saba Counties

The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Juvenile Board

Patty Tillman, Attorney

Theresa Tod, Executive Director – Texas Network of Youth Services, Austin

Lisa Tomlinson, Chief Juvenile Probation Officer – Johnson County Juvenile Probation Department, and President – North Texas Chiefs' Association, representing the North Texas Chiefs' Association, Cleburne

Rosa Torres, Attorney – Advocacy, Incorporated, Austin

The Honorable Robert Trapp, Judge – 411th Judicial District, and Chairman, representing the Juvenile Board of Polk, San Jacinto, and Trinity Counties

Martha Trudo, Bell County

Angela Tucker, Attorney – Daniel Tucker & Harrison, P.L.L.C., McKinney

Randy Turner, Chief Juvenile Probation Officer – Tarrant County Juvenile Services, and Vice President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Fort Worth

Jerry Valdez, Jr., Attorney

Gyl Wadge, Director of Public Policy – Mental Health America of Texas, Austin

Roberta Walker, Attorney, Fort Worth

The Honorable Ralph H. Walton, Jr., Judge, and Chairman – Hood County Juvenile Board, Hood County

The Honorable Laura Weiser, Judge, Victoria

The Honorable Judith Wells, District Judge – 325th Family District Court, Tarrant County

The Honorable Ray West, Judge and Chairman – Texas Juvenile Probation Commission, Austin

Janna Whatley, Chairperson – Juvenile Board, representing the juvenile boards of Aransas, Bee, Live Oak, McMullen, and San Patricio counties, Sinton

The Honorable Carroll Willborn, Jr., Judge – 344th District Court

Mark Williams, Legislative Co-Chair – Texas Probation Association, Austin

Rita Yeakley, Assistant District Attorney – Dallas County District Attorney's Office, Juvenile Division, Dallas

Modifications

4. Continue the Texas Youth Commission and the Texas Juvenile Probation Commission as separate agencies and mandate in law areas to collaborate, for example, training, information management, strategic planning, research and data integrity for all juvenile justice agencies, etc. (Representative David Swinford, Member – Texas House of Representatives; Pamela Huffman, Deputy Director – Collin County Juvenile Probation, Collin County; Ron Leach, Director – Montgomery County Olen Underwood Juvenile Justice Center and Chair – Southeast Texas Chiefs' Association, Conroe; Tina Lincoln, Chief Juvenile Probation Officer – Hill County Juvenile Probation Department, Hillsboro; and Lisa Tomlinson, Chief Juvenile Probation Officer – Johnson County Juvenile Probation Department, and President – North Texas Chiefs' Association, representing the North Texas Chiefs' Association, Cleburne)
5. Continue the Texas Youth Commission and the Texas Juvenile Probation Commission as separate agencies, and require the executive administrators of both agencies to jointly develop and present proposals this legislative session addressing uniform standards; shared programs and software systems for tracking, training, and certification of officers; statewide software system (JCMS) to include TJPC, TYC, and DPS; services to juveniles with severe mental health needs; and joint research projects. (Peggy Fox, Director, and Ken Metcalf, Assistant Director – Denton County Juvenile Probation, Denton)
6. Abolish the Texas Juvenile Probation Commission and transfer its key functions to other agencies. (David Maner, Groesbeck)
7. If the agencies are consolidated, create separate divisions for incarceration and rehabilitation versus prevention and intervention. (Daniel Peevy, Executive Director – Colorado County Youth and Family Services, Inc., Colorado County)
8. If the agencies are consolidated, recommend that local departments have assurances of:
 - ◆ no funding cuts;
 - ◆ an avenue to appeal decisions of the executive director to an impartial board or commission; and
 - ◆ that local control be reestablished so probation departments can do what they do best.(Nelson Downing, Director – Smith County Juvenile Services, Smith County)

9. If the agencies are consolidated, recommend that savings from reduced administrative costs be spent on prevention and intervention programs to help ensure that any move to consolidate is based on the advantages the Commission outlines in its report – better strategic planning, increased information sharing, and more integrated services – rather than to save the state money at the expense of youth and families who are in crisis and need our help. (Christine Gendron, Policy Coordinator, and Theresa Tod, Executive Director – Texas Network of Youth Services, Austin)
10. Permit TJPC to remain as an agency and allow it to oversee both probation and TYC functions with a focus on rehabilitation and support over punishment and retribution. (Lonnie Dolle, New Braunfels)
11. Instead of merging TYC and TJPC, the following reforms, most of which are described in the Sunset Staff report, should be mandated without delay:
 - ◆ increased funding for the Special Needs Diversionary Program;
 - ◆ a new community corrections pilot;
 - ◆ appropriate needs- and risk-assessments tools to better serve and treat youth;
 - ◆ improved coordination and collaboration among TYC, TJPC, TCOOMMI, and the CRCGs to ensure continuity of care for youth with mental illness needs;
 - ◆ incentives to encourage, if not mandate, counties to create and utilize community-based alternatives prior to resorting to TYC;
 - ◆ a process to hold local entities accountable based on well-defined performance measures; and
 - ◆ enforcement of the SB 103 mandate that TYC create and implement appropriate re-entry and re-integration plans.(Rosa Torres, Attorney – Advocacy, Incorporated, Austin)
12. Permit TYC and TJPC to remain separate agencies, allowing Senate Bill 103 reforms to take place. Place both entities under Sunset review when the reforms are completed. (Lisa Tomlinson, Chief Juvenile Probation Officer – Johnson County Juvenile Probation Department, and President – North Texas Chiefs’ Association, representing the North Texas Chiefs’ Association, Cleburne)

Recommendation 1.2

Establish an 11-member Board to govern the Texas Juvenile Justice Department.

Agency Response to 1.2

TJPC opposes this recommendation and states that TJPC should remain a separate, independent agency overseen by its current effective governing board structure. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

Agency Response to 1.2 (continued)

TYC opposes this recommendation and states that TYC should remain a separate, independent agency overseen by a Governor-appointed Executive Commissioner with a nine-member advisory board, as currently established in statute. The agency suggests that any change in governance be delayed until the reforms of S.B. 103 have been implemented and fully evaluated as part of the Sunset review in 2015. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modifications

13. Require that TYC's governance structure change from an executive commissioner with an advisory committee back to a board with an executive director on September 1, 2015, rather than on September 1, 2009, as currently required in statute.
14. Specifically provide in the General Appropriations Act that TYC advisory board members are eligible for travel reimbursement.

(Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

For 1.2

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Against 1.2

Jane Anderson King, Chief Juvenile Probation Officer, Randall County

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin

Modifications

15. Maintain TJPC as a separate agency and place a Chief Juvenile Probation Officer on TJPC's board. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County)
16. Maintain TJPC as a separate agency and restructure the TJPC commission to be heavily represented by departments of large, medium, and small counties of Texas. (Nelson Downing, Director – Smith County Juvenile Services, Smith County)
17. Maintain TJPC as a separate agency and modify the commission membership so that practitioners, such as chiefs, juvenile judges, and prosecutors, make up the majority of the commission. (Nelson Downing, Director – Smith County Juvenile Services, Smith County)
18. Maintain TJPC as a separate agency and change the composition of the Texas Juvenile Probation Commission's Board to include three chief juvenile probation officers from small, medium and large county juvenile probation departments. (Homer Flores, Chief Juvenile Probation Officer – Nueces County, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Corpus Christi; Pama Hencerling, Chief Juvenile Probation Officer – Victoria County Juvenile Services, Victoria, representing Texas Probation Association; Ron Leach, Director – Montgomery County Olen Underwood Juvenile Justice Center and Chair – Southeast Texas Chiefs' Association, Conroe; James Martin, Chief Juvenile Probation Officer – Jefferson County Juvenile Probation Department, and Legislative Co-Chair – Texas Probation Association, representing the Texas Probation Association and Southeast Chiefs' Association, Beaumont; Mike Meade, Chief Juvenile Probation Officer – Fort Bend County, Richmond; and Mark Williams, Legislative Co-Chair – Texas Probation Association, Austin)

19. Maintain TJPC as a separate agency and change the composition of the Texas Juvenile Probation Commission's Board to include three chief juvenile probation officers. (Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin)

Recommendation 1.3

Establish a community corrections pilot program that encourages counties to keep lower-risk offenders eligible for commitment to TYC in their home communities and out of state confinement.

Agency Response to 1.3

TJPC agrees with this recommendation but believes it should be a mandate for TJPC. Ultimately, TJPC should determine the parameters of the pilot, based on the five-year Juvenile Justice Master Plan developed jointly between TJPC and TYC, as provided for in Modification 20. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC agrees with TJPC, and adds that TYC and TJPC should work together in the pilot to analyze population trends, risks and needs of youth, and other factors, as indicated in Modification 21. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modifications

20. Require TJPC, rather than a new Texas Juvenile Justice Department, to determine and define the parameters and specifications of the pilot program based on the five-year Juvenile Justice Master Plan to be developed jointly between TJPC and TYC. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)
21. Require TYC and TJPC to work collaboratively in developing the pilot program to analyze population trends, the risks and needs presented by youth, the evidence-based treatment models that are best suited to deliver positive outcomes in local communities rather than in state facilities, and the interest of local communities to invest in such a pilot program. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

For 1.3

Jane Anderson King, Chief Juvenile Probation Officer, Randall County

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 23)

Joe Lovelace, Associate Director of Behavioral Health – Texas Council of Community MHMR Centers, Austin

James Martin, Chief Juvenile Probation Officer – Jefferson County Juvenile Probation Department, representing the Southeast Chiefs' Association, Beaumont

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 22)

Juan Sánchez, Presidente/CEO – Southwest Key Programs, Austin (with Modification 24)

The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Jefferson County Juvenile Board

Rosa Torres, Attorney – Advocacy, Incorporated, Austin (with Modification 22)

Against 1.3

Mark Bittner, Chief Juvenile Probation Officer – 33rd and 424th Judicial Districts, Burnet

Modifications

22. Require TJPC, rather than a new Texas Juvenile Justice Department, to develop and oversee the pilot program. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County; The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Jefferson County Juvenile Board; Rosa Torres, Attorney – Advocacy, Incorporated, Austin)

23. Require significant discussion with juvenile justice stakeholders in developing the pilot. (Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin)

24. If the pilot program is established, mandate that:

- ◆ fifty percent of funding for the pilot program be awarded to private providers through an RFP process in counties with a population of 325,000 or more according to the last federal census;
- ◆ private providers have the following qualifications: demonstrated experience in effective program delivery; ability to quantify program effectiveness; ability to provide innovative juvenile justice and family programs or other specialized programs; and a nonprofit status; and
- ◆ preference will be given to private providers that are currently accredited or in the process of obtaining accreditation by a certified entity.

(Juan Sánchez, Presidente/CEO – Southwest Key Programs, Austin)

Recommendation 1.4

The Sunset Commission should recommend that the Legislature designate appropriate funding to establish the community corrections pilot program.

Agency Response to 1.4

TJPC supports this recommendation, but only if it is done with new funding, as provided for in Modification 25. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports the concept of a pilot program done with new funding, but opposes the funding mechanism outlined in the proposed pilot, as detailed in Modification 26. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modifications

25. Require new funding for TJPC to disperse to local probation departments, as opposed to re-allocating existing probation funding for the pilot program. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)
26. Require that pilot funding be new funding, not funding previously appropriated for the commitment of youth to TYC. Local probation departments should also not pay the costs of youth who do not remain under their jurisdiction and are committed to the State. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Staff Comment: The intent of the recommendation is to create a pilot program funding mechanism that would permit funding to follow a youth, whether the youth was on probation or committed to TYC. Youth eligible for TYC who are diverted by local probation departments would be funded by a transfer of money from TYC, without using existing TJPC funds. If a youth eligible for the pilot was then committed to TYC, that money would follow the youth back to TYC to pay the costs of commitment. This mechanism is intended to improve local services for youthful offenders, provide for the costs of commitment, and encourage communication and collaboration between the two components of the juvenile justice system.

For 1.4

Jane Anderson King, Chief Juvenile Probation Officer, Randall County (with Modification 27)

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 27)

Joe Lovelace, Associate Director of Behavioral Health – Texas Council of Community MHMR Centers, Austin

The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Jefferson County Juvenile Board (with Modification 27)

Against 1.4

None received.

Modification

27. Allocate new money to TJPC as a stand-alone agency to fund new pilot projects for expanded community corrections. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County; Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin; The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Jefferson County Juvenile Board)

Recommendation 1.5

Consolidate existing community corrections funding for probation departments through the State's appropriations process.

Agency Response to 1.5

TJPC agrees with this recommendation, but believes this should be a mandate for TJPC, rather than a new Texas Juvenile Justice Department, as provided for in Modification 28. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's response to this recommendation. (Cheryln Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

28. Require TJPC, rather than a new Texas Juvenile Justice Department, to consolidate existing community corrections funding for probation departments. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 1.5

Jane Anderson King, Chief Juvenile Probation Officer, Randall County (with Modifications 28 and 30)

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modifications 28 and 31)

Pama Hencerling, Chief Juvenile Probation Officer – Victoria County Juvenile Services, representing Texas Probation Association, Victoria

James Martin, Chief Juvenile Probation Officer – Jefferson County Juvenile Probation Department, and Legislative Co-Chair – Texas Probation Association, representing the Texas Probation Association and Southeast Chiefs' Association, Beaumont

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 28)

The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Jefferson County Juvenile Board (with Modification 28)

Randy Turner, Chief Juvenile Probation Officer – Tarrant County Juvenile Services, and Vice President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Fort Worth

Mark Williams, Legislative Co-Chair – Texas Probation Association, Austin

Against 1.5

Lisa Edwards, Juvenile Probation Officer – Bowie County Juvenile Probation, Texarkana

Modifications

29. Prohibit consolidated funding streams that would direct funds toward correcting issues within the current state institutions, causing lack of funding for community-based services. (Lisa Edwards, Juvenile Probation Officer – Bowie County Juvenile Probation, Texarkana)

Staff Comment: The Sunset Staff recommendation encourages the Sunset Commission to recommend the consolidation of existing probation community corrections funding, but does not recommend the consolidation of funding for probation with funding for state commitment.

30. Permit local departments to decide how to spend funding to achieve maximum results for their community. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County)

31. Direct TJPC to allocate consolidated funding in a manner that encourages the use of nonresidential, intensive, evidence-based programs. (Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin)

Recommendation 1.6

Require the Department to consider past performance in awarding future community corrections grants or pilot program grants.

Agency Response to 1.6

TJPC agrees with this recommendation, but believes this should be a mandate for TJPC, rather than a new Texas Juvenile Justice Department, as provided for in Modification 32. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's response to this recommendation. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

32. Require TJPC, rather than a new Texas Juvenile Justice Department, to consider past performance in awarding future community corrections or pilot program grants. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 1.6

Jane Anderson King, Chief Juvenile Probation Officer, Randall County (with Modification 33)

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 32)

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 32)

The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Jefferson County Juvenile Board (with Modification 32)

Rosa Torres, Attorney – Advocacy, Incorporated, Austin

Randy Turner, Chief Juvenile Probation Officer – Tarrant County Juvenile Services, and Vice President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Fort Worth

Against 1.6

Mark Bittner, Chief Juvenile Probation Officer – 33rd and 424th Judicial Districts, Burnet

Modification

33. Direct TJPC as a stand-alone agency to help local departments to develop strategies to determine program effectiveness and improve services. TJPC should provide technical assistance to improve programs as a first response. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County)

Recommendation 1.7

Require the Department to establish basic probation and community corrections funding formulas in rule.

Agency Response to 1.7

TJPC opposes this recommendation, stating that placing funding formulas in rule would prevent the agency from allocating the funding in a timely manner to counties at the beginning of the state fiscal year. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's opposition to this recommendation. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Staff Comment: The recommendation would not require that rulemaking be completed by September 1 of the first year. If needed, the agency could use its existing funding procedures for the first year and adopt new rules in time for the next allocation of funds.

For 1.7

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Against 1.7

Jane Anderson King, Chief Juvenile Probation Officer, Randall County

Recommendation 1.8

Require the Department to give juvenile courts access to information on youths' progress at TYC.

Agency Response to 1.8

TYC agrees with this recommendation, but believes this should be a mandate for TYC, rather than a new Texas Juvenile Justice Department, as provided for in Modification 34. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

TJPC supports TYC's response to this recommendation. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

Agency Modification

34. Require TYC, rather than a new Texas Juvenile Justice Department, to give juvenile courts access to information on youths' progress at TYC. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

For 1.8

Jane Anderson King, Chief Juvenile Probation Officer, Randall County (with Modification 34)

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 34)

James Martin, Chief Juvenile Probation Officer – Jefferson County Juvenile Probation Department, representing the Southeast Chiefs' Association, Beaumont

The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Jefferson County Juvenile Board (with Modification 34)

Against 1.8

None received.

Recommendation 1.9

Require the Department to adopt a memorandum of understanding with TCOOMMI for continuity of care for juvenile offenders with mental impairments.

Agency Response to 1.9

TJPC and TYC support this recommendation, if it is done by TJPC and TYC, rather than a new Texas Juvenile Justice Department, as provided for in Modification 35. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

35. Require TJPC and TYC, rather than a new Texas Juvenile Justice Department, to adopt the MOU with TCOOMMI for continuity of care for juvenile offenders with mental impairments. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Affected Agency Response to 1.9

The Texas Department of Family and Protective Services supports this recommendation as there are opportunities to improve coordination of cases across different service delivery systems. (Ben Delgado, Interim Commissioner – Texas Department of Family and Protective Services)

The Texas Department of Criminal Justice concurs with Recommendation 1.9. (Brad Livingston, Executive Director – Texas Department of Criminal Justice)

Affected Agency Response to 1.9 (continued)

The Texas Education Agency could participate in the MOU outlined in Recommendation 1.9 within the confines of FERPA regulations. (Robert Scott, Commissioner of Education – Texas Education Agency)

The Texas Department of Public Safety notes that Texas Senate Bill 839, 80th Legislature, requires DPS to cooperate with several agencies to implement a system that allows jails to inquire into the Department of State Health Services mental health system via DPS's Texas Law Enforcement Telecommunications System (TLETS). The inquiry capability is being developed and implemented, and juvenile justice agencies could be added to that capability with minimal impact to DPS. However, TLETS connections would have to be established by juvenile justice and local law enforcement agencies in appropriate locations, and personnel would be trained on the use of the system and the information. (Stanley Clark, Director – Texas Department of Public Safety)

The Texas Department of State Health Services (DSHS) notes that there are many barriers to youth receiving needed mental health care in addition to the information sharing concerns raised in the recommendation. DSHS further comments that the proposed MOU would likely result in more youth entering the mental health system at a time when many Local Mental Health Authorities are already serving this population at or above performance targets. This MOU could put additional pressure on DSHS and Local Mental Health Authorities resources. (David L. Lakey, M.D., Commissioner – Texas Department of State Health Services)

For 1.9

Jane Anderson King, Chief Juvenile Probation Officer, Randall County (with Modifications 35 and 36)

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 35)

James Martin, Chief Juvenile Probation Officer – Jefferson County Juvenile Probation Department, representing the Southeast Chiefs' Association, Beaumont

The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Jefferson County Juvenile Board (with Modification 35)

Rosa Torres, Attorney – Advocacy, Incorporated, Austin

Gyl Wadge, Director of Public Policy – Mental Health America of Texas (with Modifications 35 and 37)

Against 1.9

None received.

Modifications

36. Make modifications to the Special Needs Diversionary Program to better serve youth with mental impairments. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County)

37. Include Community Resource Coordination Groups in the memorandum of understanding. (Gyl Wadge, Director of Public Policy – Mental Health America of Texas)

Recommendation 1.10

Require the new agency to develop a comprehensive five-year Juvenile Justice Improvement Plan, with annual implementation updates, to better integrate state and county juvenile justice functions and to address other critical state-level reforms.

Agency Response to 1.10

TJPC and TYC support the concept of a five-year master plan for juvenile justice, but structured according to the modifications presented below. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modifications

38. Require TJPC and TYC, rather than a new Department, to jointly develop a five-year Juvenile Justice Master Plan. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

39. Require that the following basic components be included in the five-year plan.

- ◆ Data sharing across the continuum of the juvenile justice system and partner agencies.
- ◆ Systemic performance measures and desired outcomes.
- ◆ Use of appropriate and validated risks and needs assessments across the juvenile justice system.
- ◆ Leveraging of agency resources to meet areas identified as mutual concerns/needs.
- ◆ A comprehensive treatment plan and initiative for offenders with special needs.
- ◆ Workforce and leadership development for succession planning at all levels of the system.
- ◆ Incorporating national best practices into the Texas system.

(Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Staff Comment: The first three bullets in Modification 39 generally track the Sunset staff recommendation, but the last four bullets are new additions by TJPC and TYC. The modification also omits juvenile justice facilities and reentry planning from the bulleted list of the plan's basic components.

40. Include in the five-year plan an analysis of juvenile justice facility size, location, and program models, but exclude from the plan any master plan for locating juvenile justice facilities that are county-owned and operated. These local facilities are the responsibilities of the local governments, who are in the best position to determine local needs. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Staff Comment: This modification excludes the goals for developing a facility plan included in the Sunset staff recommendation.

41. Establish the Juvenile Case Management System as the primary vehicle for addressing data sharing issues in the Texas juvenile justice system. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)
42. Require TYC and TJPC to create a blueprint for developing common data definitions and elements that facilitate data exchange and integrity of data. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)
43. Address in the five-year juvenile justice master plan the best approach for developing performance measurements for each decision point within the juvenile justice system. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)
44. Use the following timeline for implementing this recommendation and all recommendations in the report:

2009	2010	2011 – 2014	2015
<ul style="list-style-type: none"> ◆ Data sharing. ◆ Identification of trends in risk and needs. 	<ul style="list-style-type: none"> ◆ Identify best practices for Texas. ◆ Identify any changes in trends. ◆ Conduct first joint meeting of TJPC Board and TYC Advisory Board. 	<p>2011</p> <ul style="list-style-type: none"> ◆ Finalize and implement collaborative plan. <p>2011-2014</p> <ul style="list-style-type: none"> ◆ Continue annual joint Board meetings. <p>2014</p> <ul style="list-style-type: none"> ◆ Sunset review of TYC and TJPC begins. 	<p>January – May, 2015</p> <ul style="list-style-type: none"> ◆ 84th Legislature considers the TJPC and TYC Sunset legislation. <p>May 1, 2015</p> <ul style="list-style-type: none"> ◆ Final implementation report on five-year plan. <p>September 1, 2015</p> <ul style="list-style-type: none"> ◆ TYC and TJPC Sunset date.

(Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; and Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Staff Comment: This modification excludes requirements found in the Sunset recommendation for legislative oversight of the Juvenile Justice Master Plan, annual updates of the Plan, and annual reports on progress in implementing the plan.

Sunset Staff Suggested Additions to Agency Modifications 38 through 44, if Adopted

TYC and TJPC have omitted from their modifications to Recommendation 1.10 several major concepts in the staff recommendation. If the Sunset Commission chooses to adopt the agencies' Modifications numbered 38 through 44, Sunset staff recommends consideration of Modifications 45 through 48.

45. Add to Modification 40 the requirement that TYC and TJPC have the following goals for its analysis of facilities: reserving state facilities, to the extent possible, for higher-risk youth with serious treatment needs; serving youth as close to home and family as possible, when

appropriate; using facility and program designs shown to be most effective in rehabilitating youth; locating facilities close to necessary workforce and services; and developing county centers or consortiums that enhance county collaboration. (Sunset staff)

46. Require that the five-year juvenile justice master plan include strategies to improve reentry into the community for youth exiting state and local care. (Sunset staff)
47. Require TYC and TJPC to adopt the five-year plan after review and comment by the Governor, Lieutenant Governor, Speaker, and Joint Criminal Justice Legislative Oversight Committee. (Sunset staff)
48. Require TYC and TJPC to prepare annual updates to the five-year master plan, as well as an annual implementation report, both due at the same time. Require the annual updates to be submitted to the Governor, Lieutenant Governor, Speaker, and Joint Criminal Justice Legislative Oversight Committee for review and comment before the agencies' adoption of the update each year. (Sunset staff)

Affected Agency Response to 1.10

The Texas Department of State Health Services (DSHS) agrees with the recommendation to develop a data sharing blueprint to improve the integration of juvenile justice data systems across youth-serving agencies. (David L. Lakey, M.D., Commissioner – Texas Department of State Health Services)

For 1.10

Jane Anderson King, Chief Juvenile Probation Officer, Randall County (with Modifications 38 and 49)

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modifications 38 and 50)

James Martin, Chief Juvenile Probation Officer – Jefferson County Juvenile Probation Department, representing the Southeast Chiefs' Association, Beaumont

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modifications 38, 51, and 52)

The Honorable Larry Thorne, Judge – 317th District, and Chairman – Jefferson County Juvenile Board, representing the Jefferson County Juvenile Board (with Modification 38)

Rosa Torres, Attorney – Advocacy, Incorporated, Austin (with Modification 38)

Randy Turner, Chief Juvenile Probation Officer – Tarrant County Juvenile Services, and Vice President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Fort Worth (with Modifications 38, 51, and 52)

Against 1.10

None received.

Modifications

49. Do not require local post-adjudication facilities to provide services to TYC youth to ensure that local decisions and control be maintained in local facilities. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County)

Staff Comment: Recommendation 1.10 does not propose that local post-adjudication facilities be used to provide services to youth committed to TYC.

50. Require stakeholder, including youth, families, and community and advocacy group, participation in the development of the five-year plan. (Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin)

51. Require the executive leadership of TYC and TJPC to include chief juvenile probation officers from across the state, representing all sizes and geographic areas, in the strategic planning process. (Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin)

52. Require the executive leadership of TYC and TJPC to support development of the Juvenile Case Management System to share data across youth-serving agencies. (Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin)

53. Assure data systems that are accurate, user-friendly, and coordinated among relevant agencies. (Gyl Wadge, Director of Public Policy – Mental Health America of Texas, Austin)

Commission Decision

Adopted Recommendations 1.1 through 1.10 with the modifications below.

Modifications to Recommendations 1.1

Adopted modifications to:

- ◆ require that the new Texas Juvenile Justice Department be phased in by September 1, 2010, rather than October 1, 2009;
- ◆ require the Texas Youth Commission and the Texas Juvenile Probation Commission to implement, or work on implementing, recommendations directed to the new Department during the phase-in period ending with the creation of the new agency on September 1, 2010;
- ◆ indicate the Sunset Commission's recommendation that the Legislature not cut funding, but direct more resources, to local probation departments in the consolidation of functions of TJPC and TYC into the new Department;

- ◆ add to the mission of the Texas Juvenile Justice Department that the Department should put local probation first before commitment;
- ◆ change the composition of the transition team by adding three stakeholders appointed by the Governor to represent youth, families, and advocacy groups; and three members representing small, medium, and large juvenile probation departments; and
- ◆ authorize probation departments to appeal decisions of the Executive Director to the new Department's board.

Modifications to Recommendations 1.2

Adopted modifications to:

- ◆ change the size of the Board from 11 to 13 by increasing the number of chief juvenile probation officers from one to three, with these officers representing small, medium, and large counties; and
- ◆ require recusal of a chief juvenile probation officer on votes and decisions when the officer has a clear, direct conflict of interest, while allowing the broadest latitude possible for votes on all other topics.

Modification to Recommendations 1.3

Modify the pilot program set out in Recommendation 1.3 so that, if a county chooses to contract for services using pilot funds, the county must have a contracting process open to not-for-profit, for-profit, or faith-based providers that demonstrate experience in effective program delivery, demonstrate ability to quantify programs' effectiveness, and provide innovative juvenile justice and family programs or other specialized programs to the maximum extent possible.

Modifications to Recommendation 1.10

Adopted modifications to:

- ◆ require the Executive Director of the new Texas Juvenile Justice Department to include stakeholders representing youth, families, advocacy groups, and local juvenile probation departments in the development of the five-year plan; and
- ◆ require the new Department to initiate a major data collection initiative on juvenile probation program outcomes to inform development of the five-year plan, other Department planning efforts, and decision-making of the Legislature.

Technical Modification for Issue 1

Make necessary changes in timelines or other details of the staff's recommendations in Issue 1 so that they conform to the intent of the preceding modifications.

Legislative Action

The Legislature modified the original Sunset provision to maintain the Texas Youth Commission and Texas Juvenile Probation Commission as separate agencies with separate governing boards, and require focused Sunset reviews of TYC and TJPC in 2011. House Bill 3689 focuses the 2011 Sunset reviews on compliance with Senate Bill 103, 80th Legislature; requirements of the 81st Legislature, including TYC diversion programs; and initiatives to increase coordination in the juvenile system, including strategic planning, sharing of data, assessments and classification, and data collection on youth on probation. (Recommendation 1.1)

Since the agencies were continued separately, the Legislature did not adopt the provision establishing a 13-member Board to govern the new Department. (Recommendation 1.2)

House Bill 3689 does not include provisions relating to funding incentives for counties to keep youth in their communities, but the Legislature provided funding and established a diversion program through riders in Senate Bill 1. The diversion program established in S.B. 1 includes provisions for allocating state funding, transferring funding between TJPC and TYC to accommodate the movement of youth between local departments and TYC, and tracking program outcomes. (Recommendations 1.3 and 1.4)

The Legislature adopted the Sunset recommendation that existing community corrections funding for probation departments be consolidated. House Bill 3689 does not contain this provision, but the Legislature adopted it through S.B. 1 by restructuring certain riders to reduce restrictions on the use of probation funds. (Recommendation 1.5)

House Bill 3689 requires TJPC to consider past performance in awarding future community corrections grants or pilot program grants and requires grant recipients to report on applicable measures. (Recommendation 1.6)

The bill also requires TJPC to establish basic probation and community corrections funding formulas in rule. (Recommendation 1.7)

House Bill 3689 requires TYC to send committing courts, and the receiving jurisdiction if it is different, periodic reports on a youth's progress while in state commitment. The Legislature modified the original Sunset provision to require TYC to automatically provide the information if it is requested in the court order of the committing court. The Legislature further modified this provision to require TYC to provide the information at least 30, instead of 90, days before release, and to require TYC to provide the information to jurisdictions outside Texas, if necessary. (Recommendation 1.8)

House Bill 3689 requires TJPC and TYC to adopt a memorandum of understanding with the Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI) for continuity of care for juvenile offenders with mental impairments. The bill requires TCOOMMI, in coordination with the TYC, TJPC, and other participating state and local agencies, to collect data and report on the outcomes of the MOU. (Recommendation 1.9)

House Bill 3689 modified the provision requiring a comprehensive five-year juvenile justice improvement plan to instead add requirements to strengthen the joint biennial strategic plan already

in statute. The bill adds several elements to the biennial plan, including improved data sharing among TYC, TJPC, and other youth-serving agencies; development or improvement of validated risk assessment instruments; program planning; and performance measurement. The bill requires the strategic plan to include processes and procedures to routinely communicate information between the agencies and to determine opportunities to coordinate practices for serving youth. The bill also establishes a Coordinated Strategic Planning Committee co-chaired by the executive director of TYC and the director of TJPC. Each director will appoint a discretionary member and three additional members representing probation departments, educators, mental health professionals, juvenile offenders and their families, and victims of crime. (Recommendation 1.10)

Issue 2

The Office of Independent Ombudsman and the New Texas Juvenile Justice Department Need Clearer Guidelines to Ensure Effective Interaction.

Summary

Key Recommendations

- ◆ Require the new Texas Juvenile Justice Department and Office of Independent Ombudsman to jointly develop and adopt rules outlining procedures for the Department to review and comment on OIO's draft reports and to formally respond to OIO's published reports.
- ◆ Require the Department and OIO to adopt a memorandum of understanding outlining how the agencies should communicate in areas of overlapping responsibilities.
- ◆ Require that OIO undergo Sunset review during the same time period as the Department.

Key Findings

- ◆ Formal procedures requiring TYC to review and comment on OIO's reports do not exist, jeopardizing the effectiveness of OIO oversight of issues affecting youth rights.
- ◆ The Office and TYC have not clarified in writing ways to collaborate, share information, and effectively address problems together in areas of overlapping responsibility.
- ◆ State law does not ensure the concurrent Sunset review of OIO with TYC or the proposed Texas Juvenile Justice Department in the future.

Conclusion

The Legislature created the Office of Independent Ombudsman (OIO) in 2007 as part of the juvenile justice reforms of Senate Bill 103. The Office's authority extends not only to advocacy and assistance to individual youth in TYC, a more traditional concept of the ombudsman role in Texas, but also to monitoring and investigating issues affecting the rights of youth. Sunset staff found that this independent check and balance on TYC is appropriate, especially considering the allegations of abuse and neglect that have plagued TYC in the last several years.

Sunset staff also examined the Office's operations and concluded that they could be more effective. Although they communicate informally, the Office and TYC lack formal procedures that ensure consistent and timely TYC input on OIO's reports. Also, the two agencies have not collaborated to define in writing their interaction when responsibilities overlap. While these processes must be carefully developed to ensure OIO's continuing independence, their absence reduces the impact of OIO's oversight and the quality of collaboration between the two organizations.

Support

The Legislature created the Office of Independent Ombudsman in 2007 to help protect the rights of youth in TYC through individual advocacy and systemwide monitoring and oversight.

The Legislature created OIO as part of the 2007 TYC reforms.

- ◆ In 2007, Senate Bill 103 created the Office of Independent Ombudsman (OIO) as one of its juvenile justice reforms. The Office has the broad charge of investigating, evaluating, and securing the rights of the children committed to TYC.¹ State law directs OIO to review and investigate complaints, review facilities and their procedures, and assist children and families. The Office's statute makes clear that these responsibilities stop short of investigating criminal allegations, which are the responsibility of TYC's Office of Inspector General. OIO cannot compel TYC to act on any issue.
- ◆ The first, and still current, Ombudsman was appointed by the Governor's Conservator to TYC in May 2007 with a term expiring February 1, 2009. After this date, state law requires the Governor to appoint the Independent Ombudsman for two-year terms subject to Senate confirmation. The OIO has an appropriation of \$300,000 in each year of the 2008-2009 biennium, and receives administrative support from TYC for office space, accounting tasks, human resources functions such as job postings, and computer and technical support. Three assistant ombudsmen assist the Independent Ombudsman in the performance of his duties.
- ◆ The Office has been active in publicizing its role and completing its charges. Youth find out about its activities in a variety of ways, including TYC pamphlets provided to all TYC youth and their parents or guardians at intake, the TYC website, regular appearances before advocacy groups such as Texas Families of Incarcerated Youth and other public forums, information sent out by advocacy groups, and word of mouth. Major activities of the Office include the following.

Advocacy on behalf of individual youth. The Office works with youth to resolve a wide range of issues. Cases come to OIO from individual youth, parents, advocacy groups, TYC, and legislators. These sources make contact with OIO by telephone, in-person conversations, e-mail, and letters. The Office addresses individual youth issues in e-mails or formal communications to TYC or in less formal ways.

Site visits. The Office spends much of its time making site visits to TYC institutions, halfway houses, contract care facilities, and TYC district offices. Staff of OIO observe facility conditions and operations and interview youth and staff to get their observations and provide assistance. Reports show that, between July 2007 and October 2008, OIO personnel visited about 35 different institutions, halfway houses, contract care facilities, and TYC offices, and interviewed more than 1,800 youth.²

The Office spends much of its time making site visits to TYC institutions.

Reporting. State statute requires OIO to submit a quarterly report to the Governor, Lieutenant Governor, State Auditor, and each member of the Legislature.³ Statute requires the report to describe OIO work, results of any investigations, and any recommendations. Statute also requires the Office to immediately report to TYC’s Office of Inspector General and state leadership any issues that are particularly serious or flagrant.⁴ The Office’s recent review of TYC’s Alleged Mistreatment Investigation System is an example of this type of report.⁵

The Office also produces special reports, such as the report on TYC’s educational programs, and shorter memoranda and letters on systemwide issues and concerns.⁶ Memoranda have covered topics such as TYC’s use of pepper spray and TYC policies on isolation of youth.^{7,8} Many of these written materials are widely distributed and available to TYC, legislative and executive audiences, and the public.

The Office also documents its findings from site visits and forwards them to TYC. These documents would be open upon request, but are not generally published for the public at large. Among the topics covered in these reports are the general condition of facilities, concerns of youth and staff interviewed, facility compliance with policies, and issues observed during the visit.

Participation in work groups and public outreach. The Office participates in various TYC-related working groups and policy development projects, such as development of the Parents’ Bill of Rights, a document mandated by S.B. 103.⁹ The Office also works with advocacy groups and other interested parties to help explain the operations of TYC and OIO.

- ◆ State law places OIO under Sunset review along with TYC in this current review cycle but, unlike TYC, the Office is not subject to automatic termination.¹⁰ Sunset staff still concluded affirmatively that OIO performs a useful function and is needed, particularly considering the issues of alleged abuse of youth leading to TYC’s placement in conservatorship in 2007. However, changes could be made to improve the Office’s effectiveness.
- ◆ This report recommends in another issue the abolishment of TYC and integration of its functions, along with those of the Texas Juvenile Probation Commission, in a new agency, the Texas Juvenile Justice Department. If adopted, the Office of Independent Ombudsman would keep its current responsibilities over youth committed to state care and not have additional responsibilities for youth in county probation systems.

Formal procedures requiring TYC to review and comment on OIO’s reports do not exist, jeopardizing the effectiveness of OIO oversight of issues affecting youth rights.

- ◆ The Office issues quarterly reports and other reports required by statute, as well as site visit reports and special reports on issues of systemwide

*Statute
requires OIO
to immediately
report serious or
flagrant issues.*

*OIO performs a
needed function.*

significance. These reports include findings and recommendations on TYC's operations. The Office and TYC have not developed procedures for TYC's review and comment on OIO's draft reports before publication. Also, no formal process or requirement exists for TYC to respond to OIO findings and recommendations after a report's publication.

*Formal responses
would help
ensure that
TYC addresses
valid issues
raised by OIO.*

- ◆ In many cases the Office obtains TYC comments and responses on its reports informally. However, this approach does not ensure that TYC reviews and comments on OIO drafts in a timely, predictable fashion that reduces the chances of report inaccuracies. Lack of a required formal response from TYC on OIO reports after publication also leaves open the possibility of no, or an untimely, TYC response on OIO findings and recommendations. Without this input, it may be unclear whether TYC agrees with OIO or how TYC might address issues that were raised, thus reducing the agency's accountability for correcting identified problems.
- ◆ Oversight agencies such as OIO and the entities they monitor and oversee need well-established ways of communicating about issues and findings, while also maintaining necessary agency independence. These communication channels promote accuracy and accountability in reported findings, and help ensure that valid issues and concerns brought forward through oversight are addressed.
- ◆ Oversight agencies often have processes for reviewing and commenting on reports before publication, as well as soliciting formal responses after publication. State statute governing the State Auditor's Office requires audited agencies to respond to audit recommendations they do not agree with.¹¹ The agencies also must address compliance with auditor recommendations and findings.¹² TYC's internal auditor has formal processes for obtaining agency responses to its reports, and standards published by the United States General Accounting Office also recommend obtaining and including agency comments in audit reports.^{13,14} The Texas Sunset process includes formal procedures for obtaining agencies' review and comment on draft Sunset reports and posting of agencies' responses to published reports on Sunset's website.

*Oversight agencies
need well-
established ways
of communicating
with the entities
they monitor.*

The Office and TYC have not clarified in writing ways to collaborate, share information, and effectively address problems together in areas of overlapping responsibility.

- ◆ Although TYC and OIO often work together collaboratively, consistent channels of communication and useful ways of sharing information have not yet been formally established. Examples of such areas include the following.

Audit and evaluation reports. TYC's Internal Audit Division and OIO both engage in program evaluation of TYC operations. For example, each has reviewed aspects of TYC's education programs. The two agencies may cover the same ground and waste resources without each

knowing what the other is doing, a problem that could potentially be avoided when information sharing does not compromise either agency's responsibilities.

Grievances, complaints of abuse and neglect, and allegations of criminal activities. The Office receives information about specific youth or staff issues through its site visits and other channels. Lack of a formal process encouraging information sharing reduces the assurance that important information would be communicated and trends identified before becoming a major problem.

Quality assurance. TYC monitors facilities and programs for quality and adherence to policies, and OIO makes site visits to TYC facilities that can uncover issues related to these topics. Without clear and defined interagency communication, TYC or OIO could remain unaware of some issues, delaying their timely resolution.

- ◆ As an external oversight entity, OIO must monitor many of the functions that TYC also monitors internally. Agencies with overlapping responsibilities can operate more effectively if they communicate on topics of mutual interest, as long as those communications do not compromise confidentiality or independence.
- ◆ The two agencies have worked together before to develop mutual administrative procedures. The Office depends on TYC for administrative support for accounting and budgeting, technology, office space, and human resource functions. The agencies have jointly developed a memorandum of understanding to help guide and define how this support will be provided.¹⁵

State law does not ensure the concurrent Sunset review of OIO with TYC or the proposed Texas Juvenile Justice Department in the future.

- ◆ State law places the Office under Sunset review, but not subject to abolishment. Thus, the Office does not have a specific Sunset abolishment date, but is reviewed this cycle (2009) and every 12 years thereafter. This provision could result in the Office coming up for review on a different schedule than that of the agency it monitors and oversees. Clearly, the Office should be reviewed at the same time as TYC or, if adopted, the new Department proposed in Issue 1 of this report.


OIO must monitor many of the functions that TYC also monitors.


State law places the Office under Sunset review, but not subject to abolishment.

Recommendations

Change in Statute

2.1 Require the new Texas Juvenile Justice Department and Office of Independent Ombudsman to jointly develop and adopt rules outlining procedures for the Department to review and comment on OIO's draft reports and to formally respond to OIO's published reports.

Under this recommendation, state statute would require the new Department and OIO to develop rules for the following two situations.

First, statute would require that the new Department and OIO develop rules for the Department's review and comment on draft reports. The two agencies should work together in advance of rule publication to establish procedures that accommodate the needs of both organizations. In these discussions, the agencies would determine the types of reports that would be subject to review and comment. The Office would in no way be required to make changes recommended by the Department, but could use comments as it felt appropriate. Procedures would allow for emergency situations in which typical timelines or processes would not have to be followed.

Second, statute would require that the new Department and OIO jointly develop and adopt rules for the Department's formal response to findings and recommendations in OIO's final reports. The statute would specify that reports subject to mandatory response include OIO's quarterly reports and reports on particularly serious or flagrant issues, as well as other formal reports containing findings and recommendations on systemic issues. The two agencies should work together in advance of rule publication to establish procedures that accommodate the needs of both organizations. Department responses would not be required at the time of report publication, but within 30 days of that date. Findings and recommendations in OIO reports should be in a format that is easy for the Department to respond to.

This recommendation would institutionalize processes for reviewing and responding to OIO draft and final reports. These formalized policies would help to ensure consistency and accuracy in OIO reports and accountability in the Department's efforts to address issues raised.

2.2 Require the Department and OIO to adopt a memorandum of understanding outlining how the agencies should communicate in areas of overlapping responsibilities.

This recommendation would direct the two agencies to jointly work out and document in a memorandum of understanding procedures for sharing information and collaborating effectively when agency monitoring efforts overlap. The memorandum should address, at a minimum, issues such as:

- ◆ interaction of OIO with the new Department's internal audit division;
- ◆ communication between the two agencies about individual youth situations and how resulting actions would be documented and addressed;
- ◆ guidelines on OIO's role in relevant working groups and policy development at the Department;
- ◆ opportunities for sharing information between OIO and the Department's quality assurance activities for facilities and programs; and
- ◆ recognition of the OIO's independence and right to withhold confidential information.

This recommendation would promote effective communication between OIO and the Department; clarify OIO's role in critical areas of policy formation; and help ensure a timely, consistent, and well-documented outcome for youth cases.

2.3 Require that OIO undergo Sunset review during the same time period as the Department.

This recommendation would ensure that OIO's Sunset review occurs during the same biennium as the Sunset review of the new Department, even if the Legislature changes the Department's Sunset date at some time in the future. State law does not offer this assurance now, and should be changed so that the close relationship between these two agencies would be reviewed concurrently.

Fiscal Implication

These recommendations would not have a fiscal impact to the State.

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¹ Texas Human Resources Code, sec. 64.002.

² Office of Independent Ombudsman, *First and Second Quarterly Report*. Online. Available: www.tyc.state.tx.us/ombudsman/rept_FirstandSecond_Quarter08.html. Accessed: November 4, 2008; Office of Independent Ombudsman, *Third Quarter Report*. Online. Available: www.tyc.state.tx.us/ombudsman/rept_Third_Quarter08.html. Accessed: September 30, 2008; Office of Independent Ombudsman, *Fourth Quarterly Report*. Online. Available: www.tyc.state.tx.us/ombudsman/rpt_FourthQuarter_08.pdf. Accessed: October 15, 2008.

³ Texas Human Resources Code, sec. 64.055(a).

⁴ Ibid, sec. 64.055(b).

⁵ Office of Independent Ombudsman, *Report on Evaluation of the Alleged Mistreatment System* (September 24, 2008). Online. Available: www.tyc.state.tx.us/ombudsman/ami_report.pdf. Accessed: September 30, 2008.

⁶ Office of Independent Ombudsman, *A Review of Education Programs for Students in the Texas Youth Commission State Schools: A Special Report of the Office of the Independent Ombudsman*, by Michael P. Krezmien, Ph.D. (July 2008). Online. Available: www.tyc.state.tx.us/ombudsman/rept_education/index.html. Accessed: September 30, 2008.

⁷ Office of Independent Ombudsman, *Memorandum: Concerns Regarding Increased Utilization of OC Spray* (July 25, 2007). Online. Available: www.tyc.state.tx.us/ombudsman/memo_increase_ocspray.html. Accessed: September 30, 2008.

⁸ Office of Independent Ombudsman, *Memorandum: OIO Position on the Use of Isolation*. Online. Available: www.tyc.state.tx.us/ombudsman/OIO_Isolation.pdf. Accessed: September 30, 2008.

⁹ Texas Youth Commission, www.tyc.state.tx.us/programs/parents_billof_rights.html. Accessed: October 17, 2008.

¹⁰ Texas Human Resources Code, sec. 64.054.

¹¹ Texas Government Code, sec. 321.014(g).

¹² Ibid, sec. 321.014(f).

¹³ Texas Youth Commission, *General Administrative Policy Manual*, GAP 05.01 (July 1, 2008).

¹⁴ United States General Accounting Office, *Government Auditing Standards* (July 2007 revision), Chapters 5, 6, and 8, "Reporting Views of Responsible Officials."

¹⁵ Memorandum of understanding between the Texas Youth Commission and the Office of Independent Ombudsman, June 6, 2008.

Responses to Issue 2

Recommendation 2.1

Require the new Texas Juvenile Justice Department and Office of Independent Ombudsman to jointly develop and adopt rules outlining procedures for the Department to review and comment on OIO's draft reports and to formally respond to OIO's published reports.

Agency Response to 2.1

OIO agrees with this recommendation if the reference to the new Department is replaced by TYC, as provided for in Modification 1.

Agency Modification

1. Require TYC, rather than a new Department, and OIO to jointly develop rules for TYC's review and comment on OIO reports.

(Will Harrell, Chief Ombudsman – Office of Independent Ombudsman)

Affected Agency Response to 2.1

The Texas Youth Commission agrees with this recommendation, with the inclusion of agency Modification 1 above. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

The Texas Juvenile Probation Commission indicates that this recommendation applies to TYC. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 2.1

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 1)

Jennifer Solak, Staff Attorney – Children at Risk, Houston

Against 2.1

None received.

Recommendation 2.2

Require the Department and OIO to adopt a memorandum of understanding outlining how the agencies should communicate in areas of overlapping responsibilities.

Agency Response to 2.2

OIO agrees with this recommendation if the reference to the new Department is replaced by TYC, as provided for in Modification 2.

Agency Modification

2. Require TYC, rather than a new Department, and OIO to adopt the memorandum of understanding.

(Will Harrell, Chief Ombudsman – Office of Independent Ombudsman)

Affected Agency Response to 2.2

The Texas Youth Commission agrees with this recommendation, with the inclusion of agency Modification 2 above. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

The Texas Juvenile Probation Commission indicates that this recommendation applies to TYC. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 2.2

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 2)

Jennifer Solak, Staff Attorney – Children at Risk, Houston

Against 2.2

None received.

Recommendation 2.3

Require that OIO undergo Sunset review during the same time period as the Department.

Agency Response to 2.3

OIO agrees with this recommendation if the reference to the new Department is replaced by TYC, as provided for in Modification 3.

Agency Modification

3. Require OIO to undergo Sunset review at the same time as TYC, rather than the new Department.

(Will Harrell, Chief Ombudsman – Office of Independent Ombudsman)

Affected Agency Response to 2.3

The Texas Youth Commission agrees with this recommendation, with the inclusion of agency Modification 3 above. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

The Texas Juvenile Probation Commission indicates that this recommendation applies to TYC. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 2.3

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 3)

Jennifer Solak, Staff Attorney – Children at Risk, Houston

Against 2.3

None received.

Commission Decision

Adopted Recommendations 2.1 through 2.3.

In compliance with modifications in Issue 1, the Texas Youth Commission and the Office of Independent Ombudsman should implement these changes during the phase-in period prior to the creation of the new Department on September 1, 2010.

Legislative Action

House Bill 3689 requires TYC and the Office of Independent Ombudsman to adopt rules outlining procedures for TYC to review and comment on OIO's draft reports and to formally respond to OIO's published reports. (Recommendation 2.1)

The bill also requires TYC and OIO to adopt a memorandum of understanding outlining how the agencies should communicate in areas of overlapping responsibilities. The Legislature modified this provision to specify that the Office can withhold information from TYC related to an active investigation, but should report such information to the Governor. (Recommendation 2.2)

House Bill 3689 requires that OIO undergo Sunset review during the same time period as TYC. The Legislature modified the provision to focus the 2011 Sunset review on compliance with requirements of the 81st Legislature. (Recommendation 2.3)

Issue 3

A Small Number of Nonsecure Residential Facilities, Used Exclusively by Counties for Placing Youth on Probation, Are Not Licensed or Monitored by Any State Agency.

Summary

Key Recommendations

- ◆ Require the new Texas Juvenile Justice Department to regulate all public and private nonsecure correctional facilities that accept only youth on probation.
- ◆ Require the new Department to establish certification standards for employees who work in nonsecure correctional facilities that accept only youth on probation.
- ◆ Require a local juvenile board to annually inspect any nonsecure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with the Texas Juvenile Justice Department.

Key Findings

- ◆ The Texas Juvenile Probation Commission and the Department of Family and Protective Services regulate certain residential facilities that house juveniles on probation.
- ◆ Neither TJPC nor DFPS has clear authority to regulate nonsecure correctional facilities used by county probation departments, placing youth at risk.
- ◆ State law does not require TJPC to certify employees who work in nonsecure correctional facilities that serve only youth on probation.
- ◆ While either TJPC or DFPS could oversee these nonsecure facilities, having a single state entity overseeing all juvenile correctional facilities and staff is more appropriate.

Conclusion

Two state agencies in Texas regulate facilities where county probation departments place youth who need out-of-home residential care while under probation supervision. The Texas Juvenile Probation Commission (TJPC) regulates secure detention and correctional facilities run by, or contracted with, these probation departments. The Department of Family and Protective Services (DFPS) licenses a variety of nonsecure residential facilities that probation departments often use to place youth who do not require a secure, correctional environment.

A small number of probation departments in Texas operate nonsecure facilities that serve only youth in the probation system. These facilities and the employees who work in them are not regulated by any state entity, because neither TJPC nor DFPS has clear authority to regulate nonsecure correctional facilities. Giving the new Texas Juvenile Justice Department clear authority to oversee nonsecure probation facilities and their employees would close this regulatory gap, ensuring better protection of youth placed in these facilities.

Support

The Texas Juvenile Probation Commission and the Department of Family and Protective Services regulate certain residential facilities that house juveniles on probation.

- ◆ Many probation departments in Texas operate or contract with residential facilities to serve youth who need a structured environment or intensive residential services. These facilities may be secure or nonsecure. Secure facilities include detention facilities that detain youth before adjudication, and correctional facilities that house youth who have been adjudicated and require secure placement.

Probation departments use residential childcare facilities licensed by the Department of Family and Protective Services (DFPS) to place juveniles who do not require a correctional environment. Facilities licensed by DFPS may serve youth in the foster care or juvenile justice systems, in addition to accepting placements from families or other entities needing an out-of-home setting for a child.

- ◆ State law requires the Texas Juvenile Probation Commission (TJPC) to set standards for local probation departments' operations, including standards for secure juvenile detention and correctional facilities, and staff training and certification.¹ Probation Commission standards cover physical facilities, personnel, health and safety, treatment, security and control, discipline, food service, residents' rights, and other requirements.²

TJPC annually inspects each public and private secure facility and provides a report to the presiding juvenile court judge regarding the suitability of the facility to house and treat youth.³ In fiscal year 2007, TJPC regulated 86 secure detention and correctional facilities operated by counties, probation departments, or private vendors contracting with counties.

To improve local accountability, statute requires county juvenile boards to annually inspect all public and private juvenile detention and correctional facilities in their jurisdictions. Juvenile boards must also certify to TJPC that each facility is suitable for detaining youth.⁴

- ◆ The Department of Family and Protective Services has statutory authority to license or certify childcare facilities.⁵ Facilities under DFPS oversight include childcare centers, foster group homes, halfway houses, emergency shelters, therapeutic camps, and residential treatment centers. In fiscal year 2007, DFPS licensed or certified 242 residential facilities eligible to accept placements from juvenile probation departments. Relevant DFPS standards include requirements regarding physical facilities, personnel, health and safety, service planning and care, discipline, food service, and other requirements.⁶

*TJPC oversees
secure
correctional
facilities used
by probation
departments.*

*DFPS has
authority over
nonsecure
childcare
facilities used
for placements
by probation
departments.*

Neither TJPC nor DFPS has clear authority to regulate nonsecure correctional facilities used by county probation departments, placing youth at risk.

- ◆ A small number of probation departments operate nonsecure facilities for emergency or residential placement of youth. Some of these nonsecure facilities accept youth from the probation system as well as from other sources – including child protective services – and have become licensed by DFPS to be eligible to take a broader range of youth placements. Five probation departments in Texas, however, operate six nonsecure facilities that serve only youth in the juvenile probation system. These facilities are not regulated by any state entity. The textbox below, *Nonsecure Facility Characteristics*, describes some features of these six nonsecure correctional facilities.

Though not required by law, all six facilities are currently inspected and certified by their county juvenile board, and several maintain American Correctional Association accreditation. The six facilities have a total bed capacity of 328, and in fiscal year 2007 served more than 1,000 youth. The chart, *Juvenile Probation Nonsecure Facilities*, describes the location and capacity of these six unregulated facilities.

Juvenile Probation Nonsecure Facilities

Facility	County	Capacity
Youth Village	Harris	170
Burnett-Bayland Home	Harris	70
Justice Academy	Williamson	42
Parent Adolescent Center	Floyd	24
County Youth Home	Deaf Smith	12
County Alternative Center	McLennan	10
Total Beds		328

Nonsecure Facility Characteristics

Nonsecure correctional facilities generally accept only juveniles who are nonviolent, and who are placed by a judge as a condition of probation. Some facilities take only females or only males. Some specialize in youth classified as a “Child in Need of Supervision,” or youth who have not committed any serious offense.

Although the facilities cannot be operated in such a way as to restrict the movement or activities of a resident, youth can be required to meet certain behavioral, attendance, and curfew standards as a condition of remaining in the facility. Youth often go off-campus during the day to attend school or other classes, or to participate in vocational training or other extracurricular activities. Facilities are locked in the evenings.

All six facilities provide some level of programming in addition to residential services, education, and basic health care. The following types of programs or services are offered at one or more of the facilities:

- ◆ mental health, anger management, and substance abuse counseling;
- ◆ color guard and drill instruction;
- ◆ parenting and life skills classes;
- ◆ wilderness programs;
- ◆ auto shop, woodworking, and other vocational programs;
- ◆ community service; and
- ◆ field trips.

State law exempts facilities overseen by other governmental agencies from DFPS licensure.

- ◆ Statutes governing TJPC do not grant the agency clear authority to regulate **nonsecure** correctional facilities. Although statute requires the agency to adopt minimum standards for facilities and programs, all specific references to facility oversight include only **secure** facilities.⁷ The Probation Commission does not adopt standards for nonsecure facilities, and does not regularly inspect, register, or monitor the six currently in operation.

The agency may inspect any juvenile justice program or facility in the course of investigating an allegation of abuse, neglect, or exploitation against a youth, and must refer all cases to law enforcement.⁸ However, since TJPC has no standards with which to evaluate nonsecure facility operations, they have no specific authority to cite or take action against the facility if a deficiency of any kind is found during an investigation.

- ◆ DFPS's regulatory authority over nonsecure correctional facilities is also unclear. Statute exempts the facilities from required DFPS licensure under the premise that other state or local entities provide oversight.⁹ Statute is silent, however, on whether DFPS may opt to license nonsecure correctional facilities in spite of the exemption. The agency has agreed to license some facilities in the past, when a probation department has requested it, but six nonsecure facilities remain unlicensed by either DFPS or TJPC.

State law does not require TJPC to certify employees who work in nonsecure correctional facilities that serve only youth on probation.

- ◆ State law requires TJPC to adopt certification standards for probation and detention officers, but these standards do not apply to individuals working in nonsecure correctional facilities.¹⁰ Certification covers both pre-service education and criminal background checks, as well as on-going training. Employees in these nonsecure facilities are not required to meet the same standards as staff working in secure facilities, even though both work for the local probation department.

Without certification standards, TJPC cannot take disciplinary action against an employee if the individual fails to follow established standards and policies, or more importantly, is found to be a perpetrator of abuse, neglect, or exploitation. Local departments can fire an employee found to be a perpetrator, but the state agency has no authority over county employees that are not certified officers. In addition, the State has no formalized system for ensuring a noncertified employee designated as a perpetrator is not later hired by another probation department.

Employees in nonsecure facilities are not required to meet the same standards as staff working in secure facilities.

While either TJPC or DFPS could oversee these nonsecure facilities, having a single state entity overseeing all juvenile correctional facilities and staff is more appropriate.

◆ TJPC has generally been effective in carrying out its regulatory duties regarding juvenile probation programs, facilities, and staff, and Commission staff have expertise in all of the functions that would be involved in regulating nonsecure correctional facilities and employees. Specifically, TJPC currently has authority to regulate juvenile probation programs and facilities in a number of areas, including:

- developing secure correctional facility standards;
- inspecting and monitoring secure correctional facilities;
- providing technical assistance regarding standards compliance;
- registering local facilities that meet standards; and
- certifying and training probation department officers and staff.

Integrating regulation of these nonsecure facilities and staff into the existing regulation of secure facilities and staff would be the most efficient and effective way to ensure youth in nonsecure facilities are fully protected.

◆ The Department of Family and Protective Services also maintains and enforces standards for facilities that serve youth, including standards for residential treatment facilities that may serve youth in a secure environment; however, it does not have expertise regulating facilities that specialize in serving youth in the juvenile justice system. The Department of Family and Protective Services also has processes in place for abuse, neglect, and exploitation investigations in facilities under its regulation, but applying the same process for state oversight of both secure and nonsecure correctional facilities would result in more consistency for probation departments.

*TJPC has
expertise in
regulating
correctional
facilities and
employees.*

Recommendations

Change in Statute

3.1 Require the new Texas Juvenile Justice Department to regulate all public and private nonsecure correctional facilities that accept only youth on probation.

This recommendation would require the new agency, the Texas Juvenile Justice Department (Department), to adopt minimum standards for, inspect, and register nonsecure juvenile correctional facilities operated by a governmental entity, such as a probation department, or under contract with a governmental entity. This recommendation would apply to facilities that only house youth on probation. This would close the current regulatory gap by consolidating the regulation of secure and nonsecure correctional facilities serving youth on probation under one state agency.

3.2 Require the new Department to establish certification standards for employees who work in nonsecure correctional facilities that accept only youth on probation.

The Department would be required to establish standards for employees who work in nonsecure probation facilities, similar to the process in place for certifying staff that work in detention facilities. Requiring these employees to be certified would help ensure facility staff meet certain qualifications before working with youth, and have ongoing training and professional development. This recommendation would also allow the Department to take action against the employee’s certification in the case of a finding of abuse, neglect, or exploitation.

3.3 Require a local juvenile board to annually inspect any nonsecure correctional facility in its jurisdiction used only for youth on probation, and certify the facility’s suitability with the Texas Juvenile Justice Department.

This recommendation would require local juvenile boards to annually inspect any nonsecure facility operated by the county or used by the county exclusively for youth on probation. Juvenile boards would be required to certify that the facility is suitable for youth, register the facility annually with the Department, and ensure the facility adheres to all applicable minimum standards. The juvenile board would be required to use the same process for approving nonsecure facilities as they currently use for secure facilities.

Fiscal Implication

These recommendations would have no significant fiscal impact to the State. Recent legislation already requires TJPC to annually visit each of the 86 secure facilities run by local probation departments. The Probation Commission also conducts regular monitoring visits of all probation departments and their programs and facilities, and certifies program and facility staff. The Department should be able to visit the six additional facilities associated with those probation departments and certify the nonsecure staff with current resources.

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1 Texas Human Resources Code, sec. 141.042(a).

2 Texas Administrative Code, Title 37, part 11, ch. 343.

3 Texas Family Code, sec. 51.12 and 51.125.

4 Ibid.

5 Texas Human Resources Code, sec. 42.041 and 42.052.

6 Texas Administrative Code, Title 40, part 19, ch. 720.

7 Texas Human Resources Code, sec. 141.042.

8 Texas Family Code, sec. 261.405.

9 Texas Human Resources Code, sec. 42.041(b)(13).

10 Texas Human Resources Code, sec. 141.042(a).

Responses to Issue 3

Recommendation 3.1

Require the new Texas Juvenile Justice Department to regulate all public and private nonsecure correctional facilities that accept only youth on probation.

Agency Response to 3.1

TJPC agrees with this recommendation, but believes this should be a mandate for TJPC, rather than a new Texas Juvenile Justice Department, as provided for in Modification 1. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's response to this recommendation. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

1. Require TJPC, rather than a new Texas Juvenile Justice Department, to regulate public and private nonsecure correctional facilities that accept only youth on probation. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

Affected Agency Response to 3.1

The Texas Department of Family and Protective Services (DFPS) notes that Recommendation 3.1 seems to incorporate two components. Primarily, the recommendation suggests that to close a regulatory gap, the new Texas Juvenile Justice Department (TJJD) regulate all nonsecure correctional facilities that only accept youth on probation. DFPS expresses concern that the Sunset recommendation contains a second implied recommendation requiring that children in the juvenile justice system only be placed in facilities regulated by TJJD. (Ben Delgado, Interim Commissioner – Texas Department of Family and Protective Services)

Staff Comment: The recommendation does not include a secondary implied recommendation that youth in the juvenile justice system should only be referred to facilities regulated by TJJD. Under this recommendation, probation departments could refer youth to nonsecure placements regulated by either TJJD or DFPS.

For 3.1

Jane Anderson King, Chief Juvenile Probation Officer, Randall County (with Modification 1)

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 1)

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 1)

For 3.1 (continued)

Jay Monkerud, Chief Juvenile Probation Officer – Caldwell County Juvenile Probation Department, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Lockhart (with Modification 1)

Against 3.1

None received.

Recommendation 3.2

Require the new Department to establish certification standards for employees who work in nonsecure correctional facilities that accept only youth on probation.

Agency Response to 3.2

TJPC agrees with this recommendation, but believes this should be a mandate for TJPC, rather than a new Texas Juvenile Justice Department, as provided for in Modification 2. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's response to this recommendation. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

2. Require TJPC, rather than a new Texas Juvenile Justice Department, to establish certification standards for employees who work in nonsecure correctional facilities that accept only youth on probation. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 3.2

Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin

Jane Anderson King, Chief Juvenile Probation Officer, Randall County (with Modification 2)

Eileen Garcia-Matthews, Executive Director – Texans Care for Children, Austin

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 2)

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 2)

Jay Monkerud, Chief Juvenile Probation Officer – Caldwell County Juvenile Probation Department, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Lockhart (with Modification 2)

Against 3.2

None received.

Recommendation 3.3

Require a local juvenile board to annually inspect any nonsecure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with the Texas Juvenile Justice Department.

Agency Response to 3.3

TJPC agrees with this recommendation, but believes this should be a mandate for TJPC, rather than a new Texas Juvenile Justice Department, as provided for in Modification 3. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's response to this recommendation. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

3. Require a local juvenile board to annually inspect any nonsecure correctional facility in its jurisdiction and certify that facility's suitability to TJPC, rather than to a new Texas Juvenile Justice Department. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 3.3

Jane Anderson King, Chief Juvenile Probation Officer, Randall County (with Modification 3)

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 3)

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 3)

Jay Monkerud, Chief Juvenile Probation Officer – Caldwell County Juvenile Probation Department, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Lockhart (with Modification 3)

Against 3.3

None received.

Commission Decision

Adopted Recommendations 3.1 through 3.3.

In compliance with modifications in Issue 1, the Texas Juvenile Probation Commission should implement these changes during the phase-in period prior to the creation of the new Department on September 1, 2010.

Legislative Action

House Bill 3689 requires TJPC to regulate all public and private nonsecure correctional facilities. The Legislature modified the Sunset provision to define a nonsecure facility and clarify who may operate one. (Recommendation 3.1)

House Bill 3689 requires TJPC to establish certification standards for employees who work in nonsecure correctional facilities that accept only youth on probation. (Recommendation 3.2)

The bill also requires a local juvenile board to annually inspect any nonsecure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with TJPC. (Recommendation 3.3)

Issue 4

Elements of TJPC's Officer Certification Program Do Not Conform to Commonly Applied Licensing Practices.

Summary

Key Recommendations

- ◆ Standardize juvenile probation and detention officer certification functions by authorizing continuing education.
- ◆ Improve the State's ability to protect youth on probation by authorizing the new Texas Juvenile Justice Department to place certified officers on probation and temporarily suspend officers' certification, and by transferring disciplinary hearings to the State Office of Administrative Hearings.

Key Findings

- ◆ While the agency requires continuing education, a standard licensing practice, its statute does not authorize it.
- ◆ Nonstandard enforcement provisions in the agency's statute could reduce its effectiveness in safeguarding youth on probation and providing fair treatment to certified officers.

Conclusion

Over the past 31 years, Sunset staff has reviewed more than 93 occupational licensing agencies. In doing so, the staff has identified standards that are common practices throughout the agencies' statutes, rules, and procedures. While the Texas Juvenile Probation Commission (TJPC) is not a licensing agency, it certifies the juvenile probation and detention officers who supervise youth on probation. In reviewing officer certification at TJPC, staff found that various certification and enforcement processes in the agency's statute do not match these model standards. The Sunset review compared the statute, rules, and practices to the model licensing standards to identify variations. Based on these variations, staff identified the changes needed to bring the new Texas Juvenile Justice Department in line with the model standards to better protect youth on probation and provide fair treatment to certified officers.

Support

Regulating occupations, such as juvenile detention and probation officers, requires common activities that the Sunset Commission has observed and documented over more than 30 years of reviews.

- ◆ The Texas Juvenile Probation Commission (TJPC) supports and oversees Texas' 166 county-run juvenile probation departments to help reduce the likelihood of youth reoffending and to divert youth from possible commitment to the Texas Youth Commission. State law requires TJPC to certify that the juvenile probation and detention officers who work with youth supervised by the departments meet certain qualifications.

What Do Certified Officers Do?

Juvenile probation officers primarily provide supervision of youth on probation. They also conduct intake interviews upon referral, make recommendations on dispositions in court proceedings, and write and administer case plans.

Juvenile detention officers have primary responsibility for supervising the daily activities of youth housed in secure facilities operated by local probation departments, both before and after adjudication.

Officers may not work for probation departments unless they hold certifications from TJPC. The agency may discipline officers for violations of TJPC laws and rules, including the abuse, neglect, or exploitation of youth.

In fiscal year 2007, TJPC certified 3,095 probation officers and 4,849 detention officers. The textbox, *What Do Certified Officers Do?*, explains the officers' basic duties. Qualifications necessary for certified officers include education, training, and criminal background checks. The chart, *Juvenile Probation and Detention Officer Requirements*, on page 85 of the Agency Information section, provides more information.

- ◆ The Sunset Commission has a historic role in evaluating licensing agencies, as the increase of occupational licensing programs served as an impetus behind the creation of the Commission in 1977. Since then, the Sunset Commission has completed more than 93 licensing agency reviews. Sunset staff has documented standards in reviewing licensing programs to guide future reviews of licensing agencies.

While these standards provide a guide for evaluating a licensing program's structure, they are not intended for blanket application. The following material highlights areas where TJPC's statute and rules differ from these model standards, and describes the potential benefits of conforming with standard practices.

While the agency requires continuing education, a standard licensing practice, its statute does not authorize it.

- ◆ ***Continuing education.*** Proper protection of youth on probation is dependent on practitioners having a working knowledge of recent developments and techniques used in their fields. Continuing education provides a means of ensuring continued competence.

The agency currently requires detention and probation officers to obtain 40 hours of pre-service training to become certified, and another 80 hours

of training every two years to be recertified. Required training topics include juvenile law and rights; suicide prevention and identification; and prevention of abuse, neglect, and exploitation. However, TJPC's enabling statute does not authorize recertification training requirements, which are essentially continuing education. Authorizing the new Texas Juvenile Justice Department (Department) in statute to require continuing education for certified officers would help ensure this important requirement remains in place.

Nonstandard enforcement provisions in the agency's statute could reduce its effectiveness in protecting youth on probation and providing fair treatment to certified officers.

- ◆ **Complaint resolution.** State agencies should compile detailed statistics about complaints received and resolved each year and provide this information in an annual report. Tracking complaints helps an agency to promptly, reliably, and consistently address complaints.

The Probation Commission, by law, is responsible for investigating complaints of abuse, neglect, and exploitation of youth in local probation facilities and programs across the state. The agency requires probation departments to conduct their own investigations of complaints, which TJPC staff review, and in serious cases, TJPC staff conducts its own on-site investigations.

The agency tracks all complaints in a database but does not report the final outcomes of disciplinary actions against the TJPC-certified probation or detention officers who committed violations. The agency may reprimand certified officers, or revoke or suspend their certifications. Also, the agency tracks, but does not report on, any disciplinary action taken by the local probation departments that employ the officers. Reporting this information annually would give the new Department's policy board and other stakeholders a more complete picture of the nature and resolution of abuse, neglect, and exploitation complaints within probation facilities and programs.

- ◆ **Administrative hearings.** The State Office of Administrative Hearings (SOAH) handles hearings for almost all licensing agencies as well as other agencies of state government. The State Office of Administrative Hearings offers a consistent standard of independence and professionalism in carrying out the hearings process.

Commission staff conducts disciplinary hearings for certified officers accused of violating TJPC laws or rules. Because the majority of participants in TJPC's hearings are TJPC employees – the hearings examiner who adjudicates the case, the attorneys who bring the charges, and the staff who investigate the allegations – the opportunity for ex-parte communication may create the perception that the hearings process and the examiner's decisions are not independent or fair.

TJPC does not report the final outcomes of disciplinary actions against certified officers.

The opportunity for ex-parte communication may create the perception that TJPC's hearings process is not fair.

Because TJPC's hearings examiner has many other duties besides conducting hearings, the possibility of ex-parte communications increases. The agency conducts few of these hearings – just 13 in fiscal years 2007 and 2008 – and attempts to ensure objectivity by keeping the hearings examiner separated from the earlier phases of the disciplinary process. However, transferring disciplinary hearings to SOAH would help make the process more objective while ensuring quality hearings.

TJPC lacks authority to place certified officers who violate laws or rules on probation.

- ◆ **Probation.** Probation allows a licensee to continue working in an occupation after being found in violation of law or rule. To ensure that probation is not abused, an agency should have the authority to impose conditions on probation such as additional continuing education or periodic visits to monitor the licensee.

The Probation Commission currently probates some officer suspensions, but does not have specific authority to do so in its enabling statute. Placing this authority in law would ensure the new Department continues to use this valuable enforcement tool and has a full range of penalties to discipline the certified officers who violate law or rule. The Department should also develop a probation procedure that provides for imposing appropriate conditions, notifying probationers of those conditions, and tracking probationers' progress.

- ◆ **Temporary suspension.** Granting an agency authority to summarily suspend a license without an initial hearing is useful in situations, such as the sexual abuse of youth, where substantial harm can result if an activity is not stopped immediately.

Statute does not authorize temporary suspension of an officer's certification.

The Probation Commission's statute does not authorize temporary suspension of an officer's certification. While TJPC reports that probation departments usually terminate any officers who commit grievous offenses, the authority could be important in the few cases when departments do not act quickly. Authorizing a panel of the new Department's policy board members to temporarily suspend an officer's certification, subject to subsequent due process provisions, would allow the Department to better protect youth in situations where continued certification constitutes a threat to youths' welfare. In addition, the disciplinary panel may hold a meeting by telephone conference call if immediate action is required and convening a panel at one location is impossible for the fast action required.

- ◆ **Appeals.** State agency actions relating to appeals should be subject to judicial review under the substantial evidence rule. Under the substantial evidence standard, the appeal allows review of the case record to ensure that evidence presented supports the ruling.

General state law currently allows certified officers to appeal to district court. However, including this language in the new Department's enabling statute, and specifying that the substantial evidence standard applies, would make the appeals process more clear to certified officers and would also save time and expense while generally providing a sufficient level of protection on appeal.

Recommendations

Licensing – Change in Statute

4.1 Authorize the new Texas Juvenile Justice Department to require certified officers to obtain continuing education as a condition for renewal.

This recommendation would authorize the Department to require juvenile probation and detention officers to receive continuing education before renewing their certifications. Placing this requirement in law would ensure the agency's current practice remains in place.

Enforcement – Change in Statute

4.2 Require the Department to report annually on the final resolution of abuse, neglect, and exploitation complaints.

Requiring Department staff to regularly report the final outcome of abuse, neglect, and exploitation complaints – final disciplinary action taken by both the Department and the probation departments – would give the Department's oversight board and other stakeholders a better understanding of the problem statewide.

4.3 Transfer disciplinary hearings for certified officers to the State Office of Administrative Hearings.

This recommendation would provide more independence for disciplinary hearings for certified detention and probation officers by moving them to SOAH. In conducting hearings, SOAH would consider the Department's applicable substantive rules or policies. Like many other agencies that have hearings conducted by SOAH, the Department's board would maintain final authority to accept, reverse, or modify a proposal for decision made by a SOAH judge. The Department's board could reverse or modify the decision only if the judge did not properly apply or interpret applicable law, agency rules, written policies, or prior administrative decisions; the judge relied on a prior administrative decision that is incorrect or should be changed; or the Department finds a technical error in a finding of fact that should be changed.

4.4 Authorize the Department to place certified officers on probation.

Granting the Department probation authority would ensure it has a full range of penalties to discipline certified officers who violate statute or rules. The recommendation would also require the Department to develop a probation procedure that notifies probationers of the actions they need to take while on probation, and tracks probationers' progress.

4.5 Authorize the Department to temporarily suspend an officer's certification under certain circumstances.

Under this recommendation, the Department would be authorized to temporarily suspend an officer's certification upon determination by a committee of the Department's board members that the continued certification of the officer threatens youth. A panel of three board members would be authorized to hold a meeting by telephone conference call under provisions of the Open Meetings Act if threat to youth is imminent, and convening the panel at one location is impossible for the timely action required. The Department would also need to ensure due process to the certified officer through subsequent proceedings to resolve issues that are the basis of the temporary suspension.

4.6 Clarify certified officers' right to appeal Department actions to district court under the substantial evidence standard.

This recommendation would clarify in the Department's statute that certified officers may appeal Department actions in district court and specify that those appeals would be reviewed under the substantial evidence standard. Adding this language to the Department's enabling statute to reflect this common practice would make recourse for disciplined officers more clear, as well as save state resources.

Fiscal Implication

These recommendations would not have a net fiscal impact to the State. In fiscal years 2007 and 2008, TJPC conducted 13 hearings, each lasting about two hours. A SOAH judge's time generally costs \$100 per hour, so the cost for SOAH to conduct the hearings each year, including two hours per hearing for possible pre- or post-hearing events, would have been about \$5,200. Because the agency has historically conducted few disciplinary hearings, SOAH should be able to absorb the cost of the transferred hearings.

Responses to Issue 4

Recommendation 4.1

Authorize the new Texas Juvenile Justice Department to require certified officers to obtain continuing education as a condition for renewal.

Agency Response to 4.1

TJPC agrees with this recommendation, but believes this should be a mandate for TJPC, rather than a new juvenile justice department, as provided for in Modification 1. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's response to this recommendation. (Cheryln Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

1. Authorize TJPC, rather than a new Texas Juvenile Justice Department, to require certified officers to obtain continuing education as a condition of renewal. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 4.1

Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin

Eileen Garcia-Matthews, Executive Director – Texans Care for Children, Austin

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 1)

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 1)

Jay Monkerud, Chief Juvenile Probation Officer – Caldwell County Juvenile Probation Department, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Lockhart (with Modification 1)

Against 4.1

None received.

Recommendation 4.2

Require the Department to report annually on the final resolution of abuse, neglect, and exploitation complaints.

Agency Response to 4.2

TJPC agrees with this recommendation, but believes this should be a mandate for TJPC, rather than a new juvenile justice department, as provided for in Modification 2. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's response to this recommendation. (Cheryln Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

2. Require TJPC, rather than a new Texas Juvenile Justice Department, to report annually on the final resolution of abuse, neglect, and exploitation complaints. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 4.2

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 2)

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 2)

Jay Monkerud, Chief Juvenile Probation Officer – Caldwell County Juvenile Probation Department, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Lockhart (with Modification 2)

Rosa Torres, Attorney – Advocacy, Incorporated, Austin (with Modification 2)

Against 4.2

None received.

Recommendation 4.3

Transfer disciplinary hearings for certified officers to the State Office of Administrative Hearings.

Agency Response to 4.3

TJPC opposes recommendation 4.3 because the agency believes the fiscal implications of this recommendation would be significantly higher than the estimate of \$5,200 in the staff report. TJPC believes the fiscal impact to the agency would be over \$40,000 annually, based on a predicted increase in the number of hearings per year. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's opposition to this recommendation. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Affected Agency Response to 4.3

The State Office of Administrative Hearings (SOAH) has no objection or suggested revisions to this recommendation. SOAH believes the agency can absorb these additional hearings within existing resources and current workload, even if the volume of hearings increases as predicted by TJPC. (Cathleen Parsley, Chief Administrative Law Judge – State Office of Administrative Hearings)

For 4.3

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Against 4.3

Mark Bittner, Chief Juvenile Probation Officer – 33rd and 424th Judicial Districts, Burnet

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin

Recommendation 4.4

Authorize the Department to place certified officers on probation.

Agency Response to 4.4

TJPC agrees with this recommendation, but believes this should be a mandate for TJPC, rather than a new Texas Juvenile Justice Department, as provided for in Modification 3. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's response to this recommendation. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

3. Authorize TJPC, rather than a new Texas Juvenile Justice Department, to place certified officers on probation. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 4.4

Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin

Eileen Garcia-Matthews, Executive Director – Texans Care for Children, Austin

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 3)

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 3)

Jay Monkerud, Chief Juvenile Probation Officer – Caldwell County Juvenile Probation Department, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Lockhart (with Modification 3)

Against 4.4

None received.

Recommendation 4.5

Authorize the Department to temporarily suspend an officer's certification under certain circumstances.

Agency Response to 4.5

TJPC opposes Recommendation 4.5, stating that the recommendation may violate due process. TJPC notes that a certification is a license and requires that notice and opportunity for a hearing be given in contested cases that apply to the grant, denial, or renewal of a license. Further, TJPC notes that suspension of an officer's certification does not ensure the officer is removed from contact with youth.

Staff Comment: Temporary or summary suspension of a certification or license is useful in situations where substantial harm can result if an activity is not stopped immediately. Such authority has been granted to the Texas Medical Board, the Texas Board of Nursing, and the State Board of Veterinary Medical Examiners, among other agencies. While the local probation department determines where an officer may work, all juvenile probation and detention officers in contact with youth must be certified by TJPC.

For 4.5

Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin

Eileen Garcia-Matthews, Executive Director – Texans Care for Children, Austin

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 4)

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 4)

Jay Monkerud, Chief Juvenile Probation Officer – Caldwell County Juvenile Probation Department, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Lockhart (with Modification 4)

Against 4.5

None received.

Modification

4. Authorize TJPC, rather than a new Texas Juvenile Justice Department, to temporarily suspend an officer's certification under certain circumstances. (Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin)

Recommendation 4.6

Clarify certified officers' right to appeal Department actions to district court under the substantial evidence standard.

Agency Response to 4.6

TJPC agrees with this recommendation, but believes this should be a mandate for TJPC, rather than a new Texas Juvenile Justice Department, as provided for in Modification 5. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

TYC supports TJPC's response to this recommendation. (Cheryl Townsend, Executive Commissioner – Texas Youth Commission)

Agency Modification

5. Clarify certified officers' right to appeal actions of TJPC, rather than a new Department, to district court under the substantial evidence standard. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission)

For 4.6

Clifford Gay, TYC Substance Abuse Volunteer, Austin

Isela Gutiérrez, Juvenile Justice Initiative Director – Texas Criminal Justice Coalition, Austin (with Modification 5)

Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin (with Modification 5)

Jay Monkerud, Chief Juvenile Probation Officer – Caldwell County Juvenile Probation Department, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Lockhart (with Modification 5)

Against 4.6

None received.

Commission Decision

Adopted Recommendations 4.1 through 4.6.

In compliance with modifications in Issue 1, the Texas Juvenile Probation Commission should implement these changes during the phase-in period prior to the creation of the new Department on September 1, 2010.

Legislative Action

House Bill 3689 includes six provisions that bring TJPC in line with standard licensing agency practices, including the following.

- ◆ Authorizes TJPC to require certified juvenile probation and detention officers to obtain continuing education as a condition for renewal of certification. (Recommendation 4.1)
- ◆ Requires TJPC to report to its governing board on the final resolution of abuse, neglect, and exploitation complaints relating to probation services and facilities. The Legislature modified the provision to require quarterly, not annual, reporting. (Recommendation 4.2)
- ◆ Transfers disciplinary hearings for certified officers from TJPC to the State Office of Administrative Hearings. (Recommendation 4.3)
- ◆ Authorizes the TJPC to place certified probation and detention officers on probation. (Recommendation 4.4)
- ◆ Authorizes TJPC to temporarily suspend a probation or detention officer's certification if continued certification threatens juveniles in the probation system. Requires TJPC to provide for a hearing immediately following temporary suspension. (Recommendation 4.5)
- ◆ Clarifies certified probation and detention officers' right to appeal TJPC actions to district court under the substantial evidence standard. (Recommendation 4.6)

ACROSS-THE-BOARD RECOMMENDATIONS



Texas Juvenile Justice Department

Recommendations	Across-the-Board Provisions
Apply	1. Require public membership on the agency's policymaking body.
Apply	2. Require provisions relating to conflicts of interest.
Apply	3. Require unbiased appointments to the agency's policymaking body.
Apply	4. Provide that the Governor designate the presiding officer of the policymaking body.
Apply	5. Specify grounds for removal of a member of the policymaking body.
Apply	6. Require training for members of the policymaking body.
Apply	7. Require separation of policymaking and agency staff functions.
Apply	8. Provide for public testimony at meetings of the policymaking body.
Apply	9. Require information to be maintained on complaints.
Apply	10. Require the agency to use technology to increase public access.
Apply	11. Develop and use appropriate alternative rulemaking and dispute resolution procedures.

Commission Decision

Adopted staff recommendations.

Legislative Action

The Legislature adopted the Commission's original decisions, but modified them to apply them to the separate agencies. The Legislature further modified one across-the-board recommendation to clarify that TJPC must maintain information on complaints about TJPC as well as local juvenile boards.

Office of Independent Ombudsman

Recommendations	Across-the-Board Provisions
Already in Statute	1. Require public membership on the agency's policymaking body.
Already in Statute	2. Require provisions relating to conflicts of interest.
Not Applicable	3. Require unbiased appointments to the agency's policymaking body.
Not Applicable	4. Provide that the Governor designate the presiding officer of the policymaking body.
Not Applicable	5. Specify grounds for removal of a member of the policymaking body.
Not Applicable	6. Require training for members of the policymaking body.
Not Applicable	7. Require separation of policymaking and agency staff functions.
Not Applicable	8. Provide for public testimony at meetings of the policymaking body.
Modify	9. Require information to be maintained on complaints that relate to the operations or staff of the Office.
Do Not Apply	10. Require the agency to use technology to increase public access.
Do Not Apply	11. Develop and use appropriate alternative rulemaking and dispute resolution procedures.

Commission Decision

Adopted staff recommendations.

Legislative Action

Adopted Commission decision.

AGENCY INFORMATION

(NOVEMBER 2008)



Agency Information

Texas Youth Commission

Agency at a Glance

Originally established in 1949 as the Texas Youth Development Council, the Texas Youth Commission (TYC) is the State's juvenile corrections agency. TYC promotes public safety by operating juvenile correctional facilities and helping youth in the agency's custody receive the education, treatment, and skills needed to successfully reintegrate back into the community. To accomplish its mission, TYC:

- ◆ provides secure confinement for youth committed to its custody;
- ◆ operates education and treatment programs designed to reduce criminal and delinquent behavior;
- ◆ supervises youth on parole; and
- ◆ works with families, volunteers, victims, and advocacy groups to help keep communities safe and increase opportunities for youth to succeed.

In FY 2008, TYC spent \$265 million to confine, rehabilitate, and supervise juvenile offenders.

Key Facts

- ◆ **2007 Reforms.** After a highly publicized cover-up of sexual abuse at TYC's West Texas State School and in response to the Legislative Audit Committee's finding of gross fiscal mismanagement, the Governor appointed a TYC conservator in March 2007. The Governor removed TYC from conservatorship in October 2008.

The 80th Legislature passed Senate Bill 103 which enacted broad reforms to TYC's operations. The legislation limited commitments to TYC to youth younger than 19 that have committed a felony offense; mandated a 1:12 staff-to-youth ratio at TYC facilities; and established an Office of Inspector General and Office of Independent Ombudsman for TYC.

- ◆ **Funding.** In fiscal year 2008, TYC expended \$265 million. About 72 percent of TYC's budget supports assessment and health care of youth and their incarceration at 12 institutions, nine halfway houses, and 12 contracted care residential programs. In fiscal year 2008, the average cost per youth per day was \$186 for institutions, \$141 for halfway houses, and \$96 for contract care facilities.
- ◆ **Staffing.** TYC currently has a staff of about 4,200, including 2,281 juvenile correctional officers (JCOs) and 335 central office staff. As part of the 2007 reforms, JCOs must now complete a minimum of 300 hours of training before beginning their duties.
- ◆ **Youth Offenders.** In fiscal year 2008, TYC's offender population decreased from 3,400 to 2,425 at the end of the fiscal year. Of the youth committed to TYC, the median age was 16; 93 percent were boys; and

77 percent were in juvenile court on two or more felony offenses before being committed. TYC also supervised an average of 2,379 youth per day on parole.

TYC originated from a Council created in 1949 to repair the State's broken juvenile training schools.

Major Events in Agency History

- 1887 The Legislature authorized funds to establish a House of Corrections and Reformatory at Gatesville and the State Orphans' Home in Corsicana.
- 1949 The Legislature established the Texas Youth Development Council, composed of 14 members, including six public members and representatives of eight state agencies to repair the State's broken juvenile training schools.
- 1957 The Legislature created the Texas Youth Council with three public members as a stand-alone agency to replace the Texas Youth Development Council that had operated within existing state agency departments.
- 1971 The *Morales v. Turman* class action law suit against the Texas Youth Council was filed and ultimately prompted major changes in due process requirements for youth in juvenile proceedings, treatment programs, and agency policies and procedures.
- 1983 The Legislature changed the agency's name from the Texas Youth Council to the Texas Youth Commission.
- 1987 The Legislature enacted "determinate sentencing" which enabled courts to sentence juveniles adjudicated for certain serious, violent offenses to TYC for a determinate sentence of as long as 40 years, with the possibility of transfer to parole or the adult system at age 19 to complete the sentence.
- 1996 Legislation aimed to get tough on juvenile crime, enacted in 1995, went into effect. TYC entered an expansion phase going from an institutional bed capacity of about 2,300 in 1996 to more than 4,300 in 2004.
- 2004 A riot at TYC's Evins Regional Juvenile Center in Edinburg raised concerns about TYC practices and possible abuse.
- 2006 The United States Department of Justice (DOJ) inspected TYC's Evins Regional Juvenile Center as part of an investigation into the conditions of confinement at the facility. In March 2007, DOJ issued findings that the facility failed to adequately protect youth in its care from youth and staff violence, and recommended wide-ranging changes for the facility to implement. In May 2008, TYC and DOJ entered into an Agreed Order to ensure the recommended changes are implemented within specific timeframes.

TYC's capacity expanded from 2,300 beds in 1996 to more than 4,300 in 2004.

2007 Articles in the *Dallas Morning News* and the *Texas Observer* reported a TYC cover-up of sexual abuse at its West Texas State School in Pyote. This scandal ultimately led to placement of TYC in conservatorship and the enactment of S. B. 103. The textbox, *Senate Bill 103 Reforms of 2007*, lists the major provisions of this legislation.

Senate Bill 103 Reforms of 2007

In response to charges of sexual abuse and corruption at TYC's West Texas State School in Pyote, the 80th Legislature passed Senate Bill 103, mandating the following significant changes to TYC.

Governance

- ◆ Eliminated the seven-member Commission governing the agency, replacing it with an Executive Commissioner until September 1, 2009, when governance reverts back to a seven-member Board with various qualifications.
- ◆ Established a nine-member advisory board, three members each appointed by the Governor, Lieutenant Governor, and Speaker, to advise the Executive Commissioner. The advisory board expires on September 1, 2009, along with the Executive Commissioner position.

Oversight

- ◆ Created the Office of Inspector General (OIG) to investigate criminal activity at TYC.
- ◆ Increased the scope of the Special Prosecution Unit beyond the Texas Department of Criminal Justice to include providing assistance to district attorneys in prosecuting TYC crimes.
- ◆ Created the Office of Independent Ombudsman (OIO) to advocate for and secure the rights of youth at TYC. The Ombudsman is to be appointed by the Governor and confirmed by the Senate every two years.

Youth in TYC

- ◆ Lowered the maximum age limit of TYC supervision from 21 to 19 years old.
- ◆ Prohibited courts from sending youth to TYC for misdemeanor offenses.
- ◆ Required TYC to establish a minimum length of stay for each youth without a court-ordered time period (determinate sentence), after which TYC must discharge, release to parole, or extend a youth's stay based on appropriate evidence.
- ◆ Required TYC to adopt rules for housing youth that address age, physical condition, treatment needs, and proximity to the youth's family.

Staffing and Training

- ◆ Mandated 300-hour training for juvenile correctional officers.
- ◆ Required a ratio of one juvenile correctional officer per 12 youth in TYC facilities with dormitories.
- ◆ Required TYC to establish employee grievance and disciplinary procedures.

Security and Monitoring

- ◆ Established a permanent hotline for reporting abuse, neglect, or exploitation of youth.
- ◆ Required American Correctional Association accreditation for all facilities operated by or under contract with TYC.


Services and Outreach

- ◆ Required TYC to make a rehabilitation plan for each youth from entry to discharge.
- ◆ Required TYC to assess each youth on entry, and periodically thereafter, to determine medical, substance abuse, psychiatric, and other treatment needs.
- ◆ Required TYC to combine medical, behavioral health, and rehabilitation services into a comprehensive delivery system.
- ◆ Mandated that TYC prepare a parent's bill of rights describing TYC grievance procedures, visitation policies, contact information for oversight and advocacy offices dealing with TYC, and other information.

Organization

Governance

Before the 2007 reforms, TYC was governed by a seven-member Commission appointed by the Governor with the advice and consent of the Senate. Commission members were required to be citizens recognized within their communities for their interest in youth.


*TYC
conservatorship
ended on
October 14, 2008.*

In March 2007, the Legislative Audit Committee, finding TYC in a condition of gross fiscal mismanagement, recommended that the Governor appoint a conservator for the agency.¹ Under Texas law, a conservator has broad authority to run an agency, assuming all the powers of its board.² In response, the Governor appointed the first of three conservators the agency had before removing TYC from conservatorship in October 2008. The textbox, *History of TYC Conservatorship*, provides a history of conservatorship at the agency.

History of TYC Conservatorship

March 2, 2007	The Legislative Audit Committee met in an emergency meeting, and found gross fiscal mismanagement at TYC. The Committee recommended that the Governor appoint a conservator for TYC. The Governor appointed Jay Kimbrough as TYC's special master.
March 16, 2007	The TYC Board resigned and transferred its powers to Acting Executive Director, Ed Owens.
March 28, 2007	The Governor officially designated Jay Kimbrough as TYC's Conservator.
June 1, 2007	Jay Kimbrough resigned as TYC's Conservator.
June 8, 2007	The Governor appointed Ed Owens as TYC's second Conservator.
December 19, 2007	The Governor appointed Richard Nedelkoff as TYC's third Conservator.
October 14, 2008	The Governor ended TYC conservatorship.

Senate Bill 103, the Legislature's juvenile justice reform legislation, addressed TYC's governance structure in several ways. First, the legislation abolished TYC's seven-member Commission and replaced it temporarily until September 1, 2009, with an Executive Commissioner. This position, appointed by the Governor with the advice and consent of the Senate for a two-year term, assumes all the policymaking powers of the board it replaces. The Governor appointed an Executive Commissioner on October 14, 2008 when the agency was removed from conservatorship.

The bill requires the Executive Commissioner to receive advice from a nine-member advisory board with three members each appointed by the Governor, the Speaker of the House of Representatives, and the Lieutenant Governor. The Speaker appointed three members to the advisory board in February 2008, but no other appointments have been made as of October 2008.

Senate Bill 103 requires the Sunset Commission to study the merits of an executive commissioner governing TYC as compared to a citizen board, and make recommendations to the 81st Legislature on this governance issue. If the Legislature does not take action to change the governance structure, on September 1, 2009, the statute re-establishes a seven-member Board appointed by the Governor with the advice and consent of the Senate, and provides for this Board to hire an Executive Director. Board members must be recognized for their interest in youth. In addition, the Board must have at least one physician, a member of a victims' advocacy organization, a mental health professional, and a current or former prosecutor or judge. A majority of the Board must have experience or education in rehabilitation programs such as those at TYC, and at least two members must have experience in a field other than criminal or juvenile justice.



*A committee
to advise the
Executive
Commissioner
has yet to be
appointed.*

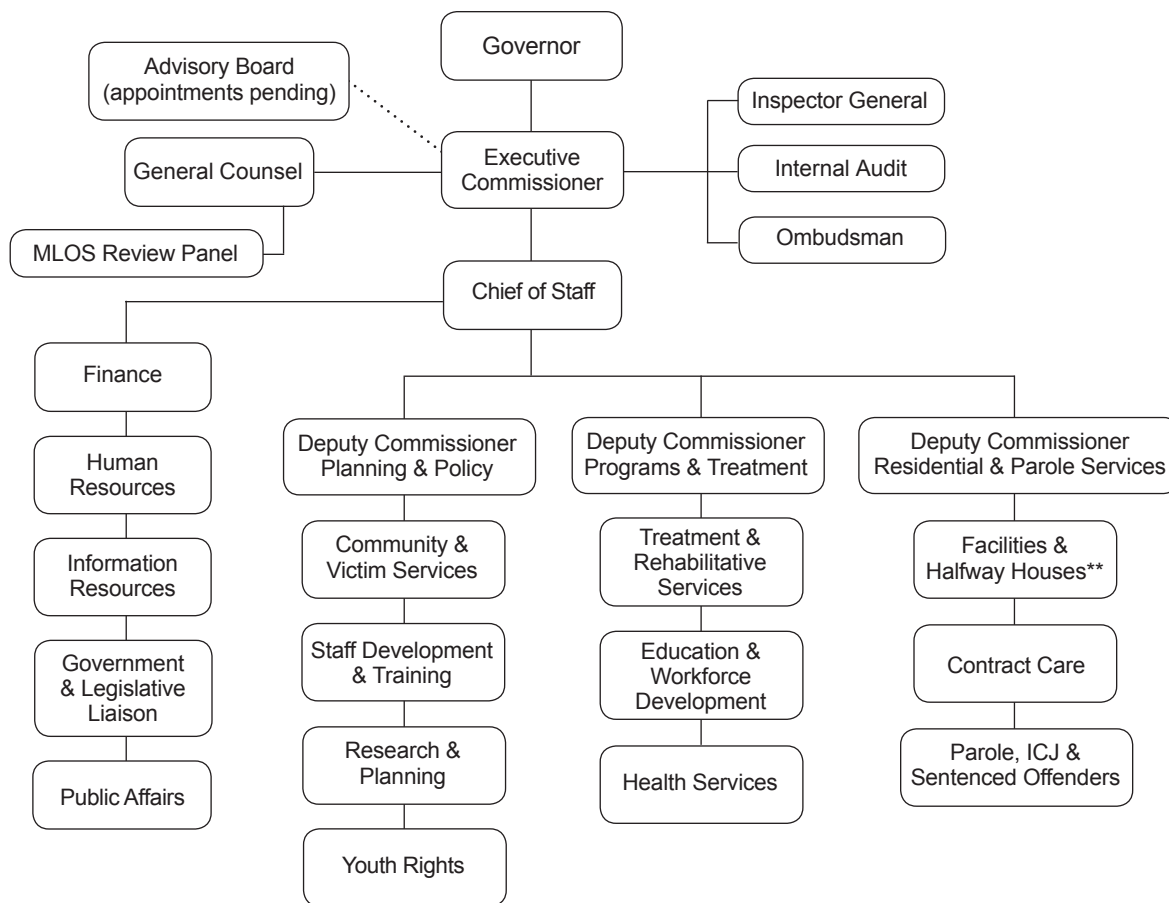
Staff

TYC currently has a staff of about 4,200, including 2,281 juvenile correctional officers (JCOs) and about 240 caseworkers working in facilities and halfway houses across the state. The *Texas Youth Commission Organizational Chart* on the following page depicts the agency's structure. TYC's headquarters in Austin has about 335 employees who develop and oversee agency policies; treatment and rehabilitation programs; facility and parole operations; and basic agency business functions. Appendix B compares TYC's workforce composition to the minority civilian labor force for fiscal years 2005-2007. During these years, the percentage of staff the agency employed in most categories has met the percentages in the minority civilian workforce for African-Americans and females, but has fallen short of the civilian percentage for Hispanics.

At the end of fiscal year 2008, TYC began reorganizing its operations into four regional service areas with a regional director overseeing each region. This regional structure supports 12 institutions, nine halfway houses, and 12 contract care treatment programs, as shown on the map, *Texas Youth Commission Regions and Facilities* on page 63. TYC provides residential placements, specialized treatment services, and aftercare services to youth on parole through these facilities.

The 2007 reforms also made significant changes to the hiring, training, and staffing of JCOs whose primary responsibility is to supervise youth committed to TYC. As of August 31, 2008, TYC had 2,691 budgeted JCO positions of which 2,258 were filled and 433 were vacant. The reforms require TYC to perform an annual national and state criminal background check on all JCOs, try to ensure that a JCO is at least three years older than youth they supervise, and maintain a ratio of one JCO to every 12 youth committed to a facility.

Texas Youth Commission Organizational Chart*

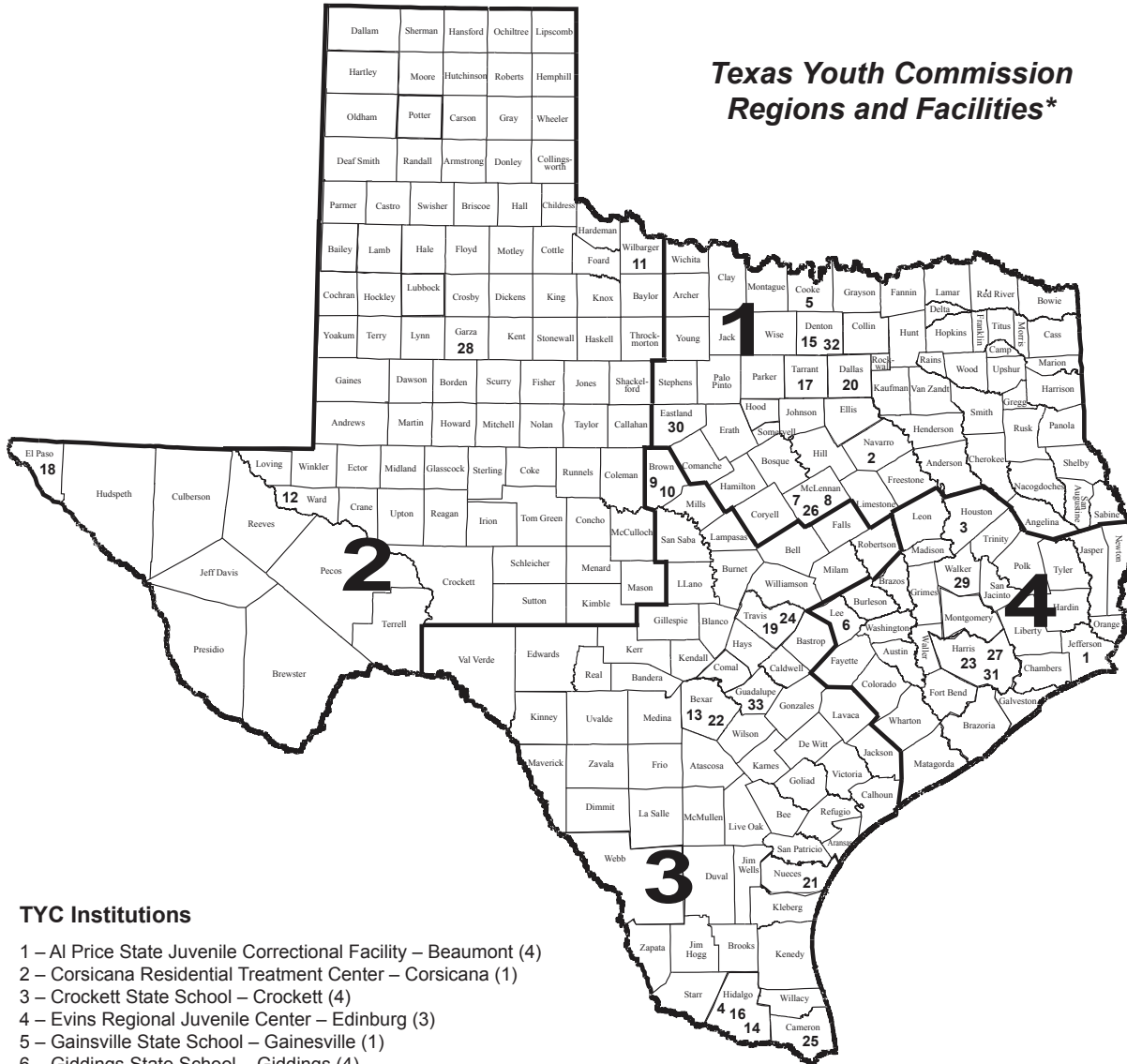


* As of October 20, 2008. Major revisions are scheduled for November 2008.

** Includes 12 state institutional facilities and nine halfway houses.

The reforms also significantly increased JCO training requirements. JCOs must complete a minimum of 300 hours of training before beginning their duties. Previously, JCOs only had to complete 80 hours of pre-service training. By law, the training must include on-the-job training, as well as information and instruction on the state juvenile justice system; security procedures; supervision of youth committed to TYC; signs of suicide risk and suicide precautions; signs and symptoms of abuse, assault, neglect, and exploitation; appropriate restraint techniques; counseling techniques; and behavior management. Since the enactment of the reforms, of the 1,190 new JCOs TYC hired in fiscal year 2008, 801 have completed the 300-hour training. Of the 389 JCOs that had not completed the required training, 149 were still completing their training, and 240 had been terminated prior to completion of the training.

Texas Youth Commission Regions and Facilities*



TYC Institutions

- 1 – Al Price State Juvenile Correctional Facility – Beaumont (4)
- 2 – Corsicana Residential Treatment Center – Corsicana (1)
- 3 – Crockett State School – Crockett (4)
- 4 – Evins Regional Juvenile Center – Edinburg (3)
- 5 – Gainesville State School – Gainesville (1)
- 6 – Giddings State School – Giddings (4)
- 7 – McLennan County State Juvenile Correctional Facility Unit I – Mart (1)
- 8 – McLennan County State Juvenile Correctional Facility Unit II – Mart (1)
- 9 – Ron Jackson State Juvenile Correctional Complex Unit I – Brownwood (3)
- 10 – Ron Jackson State Juvenile Correctional Complex Unit II – Brownwood (3)
- 11 – Victory Field Correctional Academy – Vernon (2)
- 12 – West Texas State School – Pyote (2)

TYC Halfway Houses

- 13 – Ayres House – San Antonio (3)
- 14 – Beto House – McAllen (3)
- 15 – Cottrell House – Dallas (1)
- 16 – Edna Tamayo House – Harlingen (3)
- 17 – McFadden Ranch – Roanoke (1)
- 18 – Schaeffer House – El Paso (2)
- 19 – Turman House – Austin (3)
- 20 – Willoughby House – Fort Worth (1)
- 21 – York House – Corpus Christi (3)

TYC Contract Care Facilities

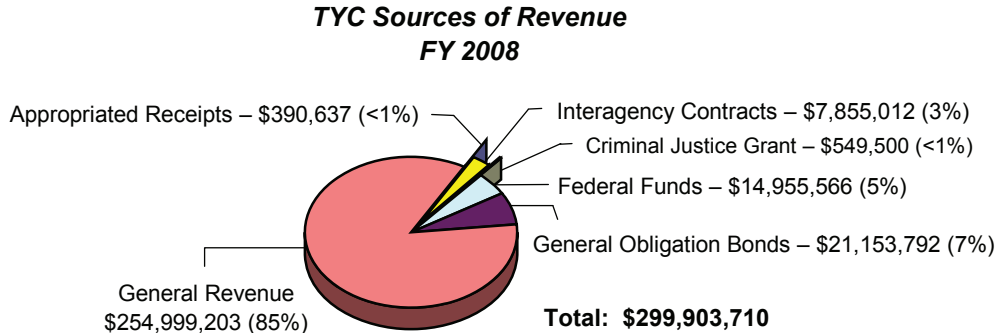
- 22 – Abraxas Youth and Family Services – San Antonio (3)
- 23 – Alliance Children’s Services, Inc. East – Houston (4)
- 24 – Alliance Children’s Services, Inc. South – San Antonio & Austin (3)
- 25 – Associated Marine Institutes, Inc.
DBA Rio Grande Marine Institutes, Inc. – Los Fresnos (3)
- 26 – Brookhaven Youth Ranch, Inc. – West (1)
- 27 – Byrds Therapeutic Group – Houston (4)
- 28 – Garza County Regional Juvenile Center – Post (2)
- 29 – Gulf Coast Trades Center – New Waverly (4)
- 30 – Mel Matthews Vocational Center – Cisco (1)
- 31 – Southwest Key Supervised Apartments – Houston (4)
- 32 – Specialized Alternatives for Youth (SAFY) – Dallas (1)
- 33 – W.I.N.G.S. for Life, Inc. – Associated Marine Institutes, Inc. – Marion (3)

* () indicates region

Funding

Revenues

TYC received about \$299.9 million in revenue in fiscal year 2008. General Revenue accounted for 85 percent of the agency’s total revenue. Other major sources of revenue include general obligation bonds, federal funds, and interagency contracts. The pie chart, *TYC Sources of Revenue*, shows the dollar amount and percentage of each funding source for fiscal year 2008.



Appropriations to Fund TYC Reforms FYs 2008 – 2009

Amount	Purpose
\$28.9 million	516 additional juvenile correctional officers
\$25 million	Construction of a new facility near a large metropolitan area to promote the goal of keeping youth closer to their homes
\$21.4 million	Rate increases for medical and psychiatric services, and other medical-related expenses
\$20 million	Reconfiguration of large open-bay dormitories into single-cell dorms, judged safer for TYC youth
\$19.8 million	Video surveillance equipment and installation
\$6.8 million	Additional contract beds for youth displaced by the dorm reconfiguration project
\$4.7 million	More educational counselors, workforce development specialists, family liaisons, chaplains, and physical education teachers and aides
\$2.7 million	Implementation of an incident reporting call center
\$1.6 million	Creation of the Office of Inspector General
\$1.4 million	Increased training hours for juvenile correctional officers
\$0.6 million	Creation of the Office of Independent Ombudsman

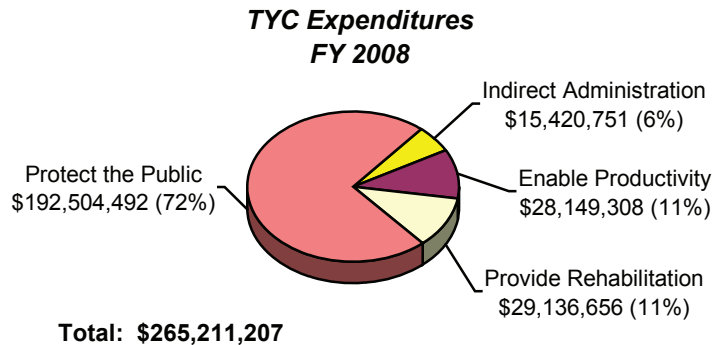
General obligation bonds fund the repair and rehabilitation of existing facilities, as well as construction of new facilities. Federal funds supplement state funding for nutrition, education, and specialized treatment for youth. Interagency contracts transfer funds to TYC from other state agencies, primarily funds from the Texas Education Agency, Texas Workforce Commission, and Department of State Health Services for education, vocational programs, and substance abuse treatment.

The Legislature’s 2007 juvenile justice reforms led to additional appropriations in fiscal years 2008-2009 for several initiatives to promote safety, security, and programming at TYC. The chart, *Appropriations to Fund TYC Reforms*, describes the major funding increases. Although some of these initiatives have largely been addressed, others are still pending.

For example, security cameras have been installed in almost all TYC facilities, but the construction of a new facility near a metropolitan area has not been planned or begun.

Expenditures

In fiscal year 2008, TYC expended \$265.2 million on its four strategic goals as shown in the pie chart, *TYC Expenditures*. The difference between revenue received by TYC and the agency's expenditures for fiscal year 2008 totaled about \$34.7 million. About \$19.5 million of this difference is projected to lapse to General Revenue. TYC has the authority to carry forward to fiscal year 2009 almost all of the remaining \$15.2 million, which is comprised primarily of General Revenue funding for video surveillance and computer purposes, as well as bond funds and federal funds. About \$330,000 in budgeted interagency contracts and appropriated receipts do not carry forward.



The activities TYC conducts to meet each of its strategic goals include the following:

- ◆ protecting the public by performing youth assessments and orientation; and operating institutions, halfway houses, and contracted facilities.
- ◆ providing rehabilitation through general treatment programs; parole services; and special correctional treatment programs for sexual offenders, violent offenders, and chemically dependent youth;
- ◆ enabling productivity through educational and workforce programs for youth; and
- ◆ providing indirect administration through central administrative personnel, basic support services, and technology-related items.

The table, *Cost of TYC Supervision*, shows the amount TYC spent on the different types of supervision in fiscal year 2008.

Cost of TYC Supervision – FY 2008

Type of Supervision	Total Cost	Cost Per Youth Per Day
Institutions	\$168 million	\$185.72
Halfway Houses	\$10.4 million	\$140.75
Contract Care Programs	\$9 million	\$96.28
Parole	\$9 million	\$10.38

Appendix C describes TYC's use of Historically Underutilized Businesses (HUBs) in purchasing goods and services for fiscal years 2004-2007.

While TYC generally falls short of the State's HUB purchasing goals, particularly for professional and other services, the agency does have a HUB policy and coordinator in place to promote better achievement of the goals.

Agency Operations

The following material describes the different types of TYC facilities, how TYC places youth in these facilities, and the programs and treatment provided to youth while in the facilities and on parole. The roles of TYC's Office of Inspector General (OIG) and Office of Independent Ombudsman (OIO) are also discussed.

TYC Facilities

As the State's juvenile corrections agency, part of TYC's mission is to promote public safety by operating juvenile correctional facilities. These facilities are intended to provide a safe and secure environment where youth receive individualized education, treatment, life skills, and employment training; as well as exposure to positive role models to facilitate successful community reintegration.

TYC operates both institutions and halfway houses, and contracts with private providers to operate contract care facilities. Of the 5,301 youth in TYC in fiscal year 2008, approximately 46 percent were in institutions, 4

TYC Facilities' ADP – FY 2004 – 2008

TYC Facility Type	Average Daily Population				
	FY 04	FY 05	FY 06	FY 07	FY 08
Institutions	3,935	4,127	4,059	3,651	2,468
Halfway Houses	210	221	219	217	201
Contract Care Facilities	608	562	427	438	252

percent in halfway houses, and 5 percent in contract care. The remaining 45 percent of youth were on parole. The chart, *TYC Facilities' ADP*, shows the average daily population (ADP) for each type of facility since fiscal year 2004.

The 2007 reforms require TYC to adopt a plan for and begin the process of receiving accreditation by the American Correctional Association for each correctional facility operated by or under contract with the TYC. In response, TYC developed an accreditation plan that was approved by the Conservator in June 2008. TYC plans to have three facilities accredited each year beginning in 2009, and all institutional facilities and halfway houses accredited by 2012.

Institutional Facilities

TYC currently operates 12 secure institutional facilities. While in an institution, youth receive education and treatment, and some youth receive vocational training. TYC expended about \$168 million on institutional services in fiscal year 2008 with an average cost per day per youth of \$186.

Community-based Facilities

TYC operates community-based residential facilities that offer a less restrictive alternative from an institution for less serious juvenile offenders, youth with special needs such as chemical dependency and mental illness, or youth who have completed their assignment in an institution. TYC provides these alternatives by operating halfway houses and contracting with private providers.


Halfway Houses

TYC operates nine halfway houses throughout the state. The purpose of halfway houses is to provide community transition and independent living preparation for youth. Each halfway house provides education, behavioral treatment, family reintegration, and community service and employment opportunities. Halfway houses also offer chemical dependency, mental health, and sex offender aftercare services. In fiscal year 2008, TYC spent about \$10.4 million on halfway houses with an average cost per day per youth of \$141.

Contract Care Facilities

TYC contracts with private providers and Garza County to operate 12 contract care residential programs. Historically, contract care programs have been used as diversionary programs to institutional placement and for youth with special needs. Periodically, TYC has also contracted with private providers for additional bed capacity when institutional facilities become overcrowded, or when natural disasters require evacuation of a TYC institution. However, the agency does not have any contracts for additional bed capacity at this time.

TYC contracts for both secure and nonsecure programs. Nonsecure programs include transition placements for youths who cannot return home, including group homes, specialized foster care, and independent living. Other programs include vocational training and residential treatment centers. In fiscal year 2007, TYC spent about \$16 million on contracted capacity, but only about \$9 million in fiscal year 2008. The average cost per day per youth in contract care was \$99 in 2007 and \$96 in 2008. The textbox, *Women In Need of Greater Strengths (WINGS)*, describes one of TYC's more innovative contract care programs for TYC mothers and babies.


*TYC currently
operates nine
halfway houses.*

Women In Need of Greater Strengths (WINGS)

In 1999, the 76th Legislature authorized TYC to establish a residential infant care and parenting program for teen mothers confined at TYC. TYC awarded the contract to Associated Marine Institutes, Inc. to operate the Women In Need of Greater Strengths (WINGS) program located in Marion, Texas. WINGS is a medium-security program in a rural residential setting that began in August 2000.

WINGS is designed to help address various negative risk factors for confined teenage mothers, including dropping out of school, low self-esteem, drug abuse, conflicts at home and school, and a reliance on welfare. The program aims to provide teen mothers completing the program with increased social and cognitive competencies, with special emphasis on reasoning, decision making, anger control, victim empathy, interpersonal problem solving, and moral development. The teen mothers also should leave the program with increased employability skills, including employment-seeking and job-retention skills.

The program can accommodate up to 12 mothers and their babies. To participate, the teen mother must have achieved a certain level in her TYC treatment program, must have completed at least half of her minimum length of stay, and not be a violent A offender (youth classified for committing or attempting to commit murder, capital murder, aggravated sexual assault, or sexual assault), or determinate sentenced offender. Babies can range in age from newborn up to three. Each teen mother may have only one baby at the program, except for twins.

Intake, Assessment, and Placement

In fiscal year 2008, TYC had a total of 2,169 intakes, including 1,582 new commitments, 421 parole revocations, 99 recommitments, and 67 negative movements, which is when a youth is removed from a nonsecure to a secure residential facility. The textbox, *Who Are TYC Youth?*, describes some of the characteristics of the youth in TYC.

Who Are TYC Youth?

The 1,582 youth newly committed to TYC in fiscal year 2008 had the following characteristics.

Youth

- ◆ 93 percent were males and 7 percent were females
- ◆ 44 percent were Hispanic, 35 percent were African-American, and 20 percent were Anglo
- ◆ 77 percent were in juvenile court on two or more felony-level offenses before being committed to TYC
- ◆ 45 percent had committed violent offenses
- ◆ 40 percent admitted at intake that they were gang members
- ◆ Median age at commitment was 16

Education

- ◆ Median reading and math levels were 5th grade (5 years behind their peers)
- ◆ 83 percent had IQs below the mean score of 100
- ◆ 36 percent were identified as eligible for special education services

Family

- ◆ 33 percent had a documented history of being abused or neglected
- ◆ 57 percent came from low-income homes
- ◆ 49 percent had families with histories of criminal behavior
- ◆ 10 percent had family members with mental impairments

Upon arrival from the committing county, each youth receives a comprehensive assessment, including physical, medical, educational, and psychological evaluations to identify their needs. To determine the most appropriate placement option, TYC considers these needs along with the youth's criminal history and risk to the public. TYC tries to place youth at a facility that provides the required level of security and the necessary type of treatment. This intake, assessment, and placement process should take about 30 days. The 80th Legislature mandated several changes with regard to youth assessment, assignment of minimum lengths of stay, and placement, detailed in the textbox, *TYC Assessment and Placement Reforms*.

In March 2008, TYC began transitioning to a new assessment and classification system, based on a youth's individualized needs and risk factors. TYC plans to link this assessment to case-planning software, Assessments.com, which is

intended to assist caseworkers in developing treatment plans that help increase the strengths of TYC youth, thereby reducing their risk of recidivism.

TYC Assessment and Placement Reforms

Senate Bill 103 made the following changes.

- ◆ Limited commitment to TYC to only youth that engage in felony-level conduct.
- ◆ Required a comprehensive assessment of each youth as soon as possible after commitment that considers the youth's medical, substance abuse, treatment history, and psychiatric history.
- ◆ Required TYC to consider proximity to home as a factor when placing youth in a facility.
- ◆ Prohibited youth younger than 15 years old from being assigned to the same dormitory with youth who are 17 years or older.
- ◆ Required TYC to establish a minimum length of stay (MLOS) for each youth based on the nature and seriousness of the conduct engaged in by the youth and the danger the youth poses to the community.
- ◆ Required youth to be released at the expiration of their MLOS unless the stay is extended by a TYC release review panel.
- ◆ Required a comprehensive psychiatric evaluation for all youth who are given an MLOS of 12 months or more.
- ◆ Reduced the mandatory discharge age of youth committed to TYC from 21 to 19.

Treatment and Rehabilitation

TYC is redesigning its treatment programs to better rehabilitate youth for their eventual release back into society. TYC has a general rehabilitation program for all offenders and specialized treatment programs for youth identified with the highest need for the specialized treatment.

General Treatment

Youth in TYC institutions and halfway houses receive a basic rehabilitation program that is designed to include academic, behavioral, and therapeutic components and provides the structure for the youth's progress through TYC and daily routine.

As part of the 2007 reforms, TYC discontinued its previous rehabilitation program, Resocialization, and is beginning to implement a new rehabilitation program, CoNEXTions, which emphasizes building positive influences in youths' lives. TYC's other programs, including education, workforce development, and specialized treatment, will supplement CoNEXTions to prepare youth to return to their communities. TYC completed a pilot of CoNEXTions at the Al Price State Juvenile Correctional Facility in August 2008 and expects to have the program in place at all its institutions by summer 2009.

Specialized Treatment

To treat youth with particular needs, TYC has specialized treatment programs for capital and serious violent offenders, and offenders with mental health, sexual behavior, and chemical dependency treatment needs. Currently, TYC offers these intensive treatment programs at only certain facilities, as shown in the table, *TYC Specialized Treatment Programs*.

TYC Specialized Treatment Programs – FY 2008

Facility	Number of Youth Served	Number of Beds
Capital and Serious Violent Offender Program		
Giddings	66	38
Mental Health Program		
Corsicana	414	198
Crockett	231	144
Sexual Behavior Program		
Giddings	157	72
McLennan II	66	32
Ron Jackson I	16	40
Chemical Dependency		
Al Price	104	96
Evins	72	24
Gainsville	91	36
Giddings	105	52
McLennan II	77	32
Ron Jackson II	88	20
McFadden Ranch Halfway House	116	48

At a facility, TYC offers specialized programs in specific dorms, with certain beds allocated for a particular treatment program. However, TYC is considering a different model for specialized treatment delivery. Changes could include offering some treatment programs at additional facilities and in settings other than specialized dorms.

Health Care

TYC contracts with the University of Texas Medical Branch (UTMB) to provide health care in its institutions and halfway houses. In fiscal year 2008, TYC paid a total of \$14.9 million for medical services, including \$14.7 million for UTMB medical services and \$200,000 for medical payments to local providers. TYC also spent \$1.1 million for psychiatric services. In fiscal year 2009, UTMB medical services costs will increase to \$18.3 million and UTMB psychiatric costs will increase to \$2.9 million. TYC and UTMB are still negotiating the amount for psychological services.



*TYC contracts
with UTMB for
health care.*

Primary health care is provided at TYC institution clinics. Specialty health care is provided either at UTMB Galveston or through local community providers. UTMB physicians and nurses are available through a combination of on-site and on-call telephone access to treat youth health needs. Institutions have health clinics that halfway houses can also use. The textbox, *UTMB Health Services*, describes the different types of care UTMB provides.

UTMB Health Services

- ◆ **Medical Care.** Doctors and nurses provide medical care including preventive care, sickness and injury treatment, and specialized procedures.
- ◆ **Dental Care.** Dentists and hygienists perform annual cleanings and dental procedures as necessary.
- ◆ **Optometry.** Youth with vision problems receive state-issued eyewear.
- ◆ **Psychiatric Care.** Psychiatrists treat youth with psychiatric needs and can prescribe psychotropic medication.
- ◆ **Psychological Care.** Psychologists perform diagnostics and provide mental health counseling for offenders with acute needs.

Education and Workforce Development

To help youth to become productive citizens, TYC provides basic educational instruction and vocational programming to youth in its facilities. The agency also offers opportunities for career development and employment.

Education

Youth in TYC institutions attend education classes to learn basic academic skills including reading and math. TYC employs its own principals and teachers for its institutional facilities with the exception of the West Texas facility, where the education services are contracted. Halfway houses and contract care facilities have memoranda of understanding with local school districts that provide instruction, either on-site or at a local school.

TYC follows Texas Education Agency standards to ensure youth work toward a high school diploma or a GED. At some facilities, TYC offers vocational course credits in fields such as welding, keyboarding, and horticulture, and offers certifications for eight vocations. In fiscal year 2007, 159 youth received industry certifications. The table, *TYC Educational Statistics*, shows the key measures for TYC’s educational program.

TYC Educational Statistics – FYs 2004 – 2008

TYC Education Program	Number of Youth*				
	FY 04	FY 05	FY 06	FY 07	FY 08
Number of High School Diplomas Received	135	148	121	119	71
Number of GEDs Received	1,067	1,164	1,062	1,015	704
Average Daily Attendance Academic Schools	3,637	3,757	3,738	3,462	2,284
Average Daily Attendance Vocational Programs	1,836	1,875	1,834	1,769	1,404

* TYC’s educational statistics may be affected by the decline in youth population since fiscal year 2006.

Workforce Development

To prepare youth for the workforce, TYC offers career development and both on-campus and off-campus work opportunities. Through a partnership with the Texas Workforce Commission called Reintegration of Offenders – Youth (Project RIO-Y), TYC offers youth career counseling while in TYC institutions and assistance with employment while on parole. Youth in TYC facilities who have completed their high school diploma or GED may participate in campus work programs, helping facility staff in areas such as maintenance and grounds keeping. TYC also offers Prison Industry Enhancement (PIE) programs which allow youth to gain job experience and earn wages working for private sector employers. The table, *TYC Workforce Statistics*, shows the number of youth participating in each workforce development program.

TYC Workforce Statistics – FYs 2004 – 2008

TYC Workforce Programs	Number of Youth Participating				
	FY 04	FY 05	FY 06	FY 07	FY 08
Project RIO-Y	953	842	857	1,074	775
Campus Work Programs	50	150	155	442	445
Prison Industry Enhancement Program	95	142	195	129	40*

* First three quarters of FY 08.

Volunteer, Family, and Faith-based Services

Local volunteers provide mentoring, tutoring, and recreational activities for youth at TYC facilities. In fiscal year 2008, 1,569 volunteers assisted TYC youth. The agency is also developing a family liaison program to increase family involvement at TYC. Family liaisons facilitate communication between TYC and the families, encourage family visits, and provide training and resources for parents. TYC currently has three family liaisons and plans to have a family liaison located at each institution.

TYC also employs chaplains who provide spiritual counseling, religious education, and worship services for youth who choose to participate. Senate Bill 103 provided for additional religious services by requiring a designated chaplain at each institutional facility.

Parole and Reentry Services

TYC administers parole services to assist youth in making a successful transition back to the community and to protect the public. The agency's

expenditures for parole in fiscal year 2008 were about \$9 million. The table, *TYC Youth on Parole*, shows the number of youth on parole since fiscal year 2004. The average length of parole supervision in fiscal

TYC Youth on Parole – FYs 2004 – 2008

	FY 04	FY 05	FY 06	FY 07	FY 08
Average Daily Parole Population	2,975	2,729	2,958	2,971	2,379
Youth Served by Parole	6,231	5,765	6,086	6,698	5,407

year 2008 was approximately 10 months, and the average cost of care per youth per day on parole was \$10.38.

TYC parole officers supervise paroled youth in most of the urban counties. In the other areas of the state, TYC contracts with county juvenile probation departments or a private entity to supervise paroled youth, as shown in the table, *TYC Parole Supervision*.

TYC Parole Supervision – FY 2008

Parole Provider	Number of Counties Covered	Percentage of Youth Supervised
TYC Parole Officers	22	71%
Juvenile Probation Departments	53	10%
Gulf Coast Trade Center	155	19%
Total	230*	100%

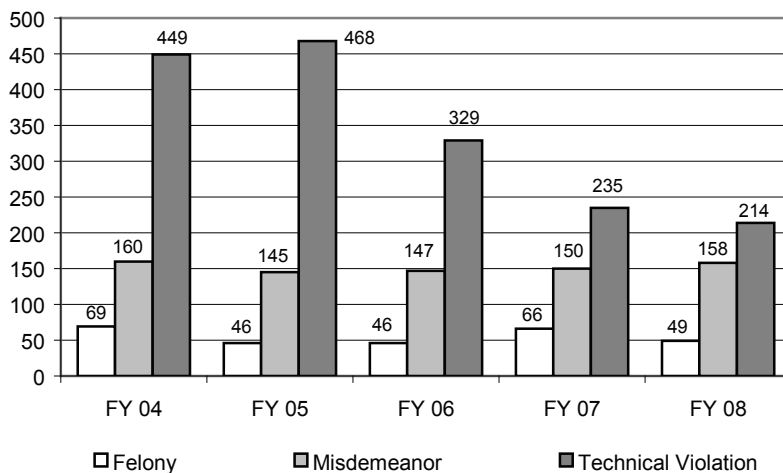
*Total number of counties does not equal 254 because one county may be covered by more than one agency and not all counties sent youth to TYC.

*Parole averaged
10 months and
\$10.38 per
day in 2008.*

Within 90 days of commitment to TYC, a TYC parole officer evaluates a youth’s home to determine the suitability and level of family support available for when the youth is released. After release, the youth meets with the parole officer regularly to ensure compliance with parole conditions, which include attending school or work, participating in community service, not committing a new offense, and other conditions TYC deems necessary. TYC employs reentry education and workforce liaisons who assist parole officers in ensuring youth enroll in school or find employment while on parole. The Texas Correctional Office on Offenders with Medical or Mental Impairments coordinates aftercare for youth with mental health needs.

TYC can revoke parole for a youth who violates a condition of parole and, after a hearing, return the youth to a TYC facility. The chart, *TYC Parole Revocations*, shows the revocations of TYC youth on parole by type for the last five years.

**TYC Parole Revocations
FYs 2004 – 2008**



Office of Inspector General

As part of the 2007 reforms, the Legislature created the Office of Inspector General (OIG) in June 2007 as an independent division of TYC that reports to the TYC Executive Commissioner, Governor, and Legislature. OIG operates with a \$1.6 million budget and 16 staff, including 10 investigators located at the TYC institutional facilities.

A hotline operated by OIG allows TYC youth, family, staff, and others to report complaints, violations, and crimes that occur in relation to TYC. The hotline operates 24 hours a day, seven days a week. Violations and complaints can also be submitted by e-mail, fax, letter, youth grievance form, or directly to an OIG investigator at a facility, but the majority of violations and complaints are reported via the TYC hotline. Between December 2007 and May 2008, TYC received 6,316 calls on the hotline.

Once a violation or complaint is reported, staff forwards it to the appropriate TYC division for investigation. OIG investigates all criminal violations; Youth Care staff investigates administrative violations of alleged mistreatment; and Youth Rights staff investigates grievances.

OIG investigates crimes committed at TYC facilities, including facilities under contract with TYC. Typical OIG investigations include staff assaults on youth; youth assaults on staff; sexual assaults; use of force; possession of a weapon or contraband; and waste, fraud, and abuse. Since its inception, OIG has opened 1,503 investigations that have resulted in 52 arrests and 35 convictions. The Juvenile Division in the Special Prosecution Unit helps prosecute crimes committed in a TYC facility by supporting the prosecuting attorney in the district where the crime occurred.

The Youth Care staff was transferred to OIG on June 1, 2008. The staff conducts administrative investigations of alleged mistreatment, including abuse, neglect, and exploitation (ANE) of TYC youth, which are defined in the textbox, *ANE Definitions*. In fiscal year 2008, TYC received 665 alleged mistreatment complaints, of which 111 were confirmed and 554 were unconfirmed. Of the confirmed allegations, 59 were neglect, 28 were abuse, 23 were policy violations, and one was exploitation.

ANE Definitions

Abuse – An intentional, knowing, or reckless act or omission that causes or may cause emotional harm or physical injury to, or death of, a youth.

Neglect – A negligent act or omission, including failure to comply with an individual case plan, that causes or may cause substantial emotional harm or physical injury to, or death of, a youth.

Exploitation – The illegal or improper use of a youth or the resources of a youth, for monetary or personal benefit, profit, or gain.

Grievances may be filed by youth, parents or guardians, youth advocates, and TYC staff concerning the care, treatment, services, or conditions provided by TYC. Youth Rights staff manages the youth grievance system by receiving the grievances, entering them into the Texas Youth Grievance System database, and assigning each one to a decision authority who investigates the


grievance and issues a written response which may be appealed. In fiscal year 2008, about 22,400 grievances were filed, most having to do with staff conduct and discipline.

Office of Independent Ombudsman

In 2007, the 80th Legislature, as part of S.B. 103, created the Office of Independent Ombudsman (OIO) for TYC as a separate and independent state agency. Statute gives OIO the broad charge of “investigating, evaluating, and securing the rights of children committed to TYC.” Additional statutory requirements generally direct OIO to review and investigate complaints other than ones of a criminal nature, review facilities and their procedures, and provide assistance to youth and families. Since its creation, OIO has actively advocated for individual youth, and developed formal reports and memoranda on selected TYC issues such as its education program.

State law directs the Governor to appoint the Ombudsman with the advice and consent of the Senate for a two-year term, with a limit of three terms. The first and current independent Ombudsman was appointed by the TYC Conservator in May 2007, before final passage of S.B. 103, for a term expiring February 1, 2009.

OIO has four staff: the Ombudsman, who works out of Austin, and three assistant ombudsmen based out of Austin, Dallas, and College Station. In fiscal year 2008, OIO operated with a budget of \$300,000 and received administrative support from TYC for budgeting, accounting, personnel functions, and processing of travel reimbursements.



OIO is a separate agency, acting as a check on TYC.

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¹ State Auditor’s Office, *An Investigative Report on the Texas Youth Commission* (Austin, Texas, March 16, 2007), p. 1.

² Texas Government Code, sec. 2104.022.

Agency Information


Texas Juvenile Probation Commission

Agency at a Glance

In 1981, the Legislature created the Texas Juvenile Probation Commission (TJPC) to ensure access to juvenile probation services throughout the state. Texas reached that goal in 1984 when, for the first time, all counties had probation services available to them. Today, Texas has 166 juvenile probation departments serving all 254 counties. The Commission supports and oversees these departments to help reduce crime and divert youth from possible commitment to the Texas Youth Commission (TYC). The departments provide an array of services, from basic probation to secure community-based placement.

The agency's key functions are:

- ◆ disbursing state and federal funding to assist counties in supervising juvenile offenders and to help divert youth from commitment to TYC;
- ◆ monitoring and overseeing juvenile probation departments and locally run detention and correctional facilities to ensure compliance with established standards; and
- ◆ providing technical and legal assistance and training to counties to improve probation services.



The Legislature created TJPC in 1981 to ensure access to juvenile probation services throughout the state.

Key Facts

- ◆ **Funding.** The agency operated with a budget of \$147.4 million in fiscal year 2007, flowing almost all of these funds to local departments to support probation services and run facilities.¹ Funding from TJPC, which includes some federal grants, accounted for an average of 31 percent of local departments' budgets.
- ◆ **Probation Population.** In fiscal year 2007, TJPC provided funding to local probation departments to supervise 110,895 youth – about 32 percent for committing felonies, 58 percent for misdemeanors, and the rest for more minor offenses. That same year, the agency reported that 80 percent of youth successfully completed court-ordered probation.
- ◆ **Staffing.** The agency has 67 staff positions, all based in Austin.
- ◆ **Monitoring.** In fiscal year 2007, the agency monitored 169 local probation departments and 86 facilities for compliance with health, safety, programmatic, and fiscal standards, conducting 228 on-site monitoring visits.²

Major Events in Agency History

- 1981 The Legislature created the Texas Juvenile Probation Commission.
- 1984 Juvenile probation services became available to all juveniles in the state. Every county could not support its own department, so several smaller counties joined together to provide services.
- 1989 The Legislature established community corrections funding to assist juvenile probation departments in developing local treatment alternatives for youth at risk of commitment to TYC.
- 1995 The Legislature undertook significant juvenile justice reforms including voluntary progressive sanctions guidelines for youth; determinate sentence probation; increased punishment for serious and repeat offenders; and Juvenile Justice Alternative Education Programs as school alternatives. The Legislature also authorized \$37.5 million in bonds for the construction of 1,000 locally operated post-adjudication beds.
- 1997 The Legislature authorized TJPC to investigate allegations of abuse, neglect, and exploitation in all juvenile justice programs and facilities, excluding TYC facilities.
- 2002 In response to an audit by the State Auditor's Office, TJPC began a multi-year reorganization effort aimed at improving its standards and compliance processes, including the development of several automated tracking systems.
- 2005 The Legislature began requiring juvenile detention officers to become certified by TJPC, though the agency had been requiring certification in its standards since 1986. Juvenile probation officer certification began with the establishment of TJPC in 1981.
- 2007 The Legislature undertook another series of reforms aimed mostly at TYC that included a prohibition against sending children who commit misdemeanors to TYC. To help local departments provide services for these youth, TJPC received an additional \$57.9 million.

In 2007, the Legislature prohibited counties from sending youth who commit misdemeanors to TYC.

Organization

Policy Body

The Texas Juvenile Probation Commission consists of nine members appointed by the Governor for staggered six-year terms. The Commission includes two district court judges who sit as juvenile court judges, two county judges or commissioners, and five members of the public who may not be employed in the criminal or juvenile justice system. The Governor

designates the Commission’s presiding officer. The table, *Texas Juvenile Probation Commission*, contains information on each member.

Texas Juvenile Probation Commission

Member	Qualification	City	Term Expiration
The Honorable Ray West, Chair	County Judge	Brownwood	2011
The Honorable Jean Boyd	District Judge	Fort Worth	2013
The Honorable Bob “Ed” Culver, Jr.	County Commissioner	Canadian	2009
Billy Wayne McClendon, D.Min.	Public Member	Austin	2013
Scott O’Grady	Public Member	Dallas	2009
Rene Ordoñez	Public Member	El Paso	2011
The Honorable Cheryl Lee Shannon	District Judge	Dallas	2009
Robert Alton “Bob” Shults	Public Member	Houston	2013
Lea R. Wright	Public Member	Amarillo	2011

The Commission meets about five times each year and governs operations of the agency, approves its budget, and sets standards for local probation departments. The Commission adopts rules in the following five main areas:

- ◆ minimum operating standards for juvenile probation departments;
- ◆ certification standards and a code of ethics for probation and detention officers;
- ◆ minimum standards for detention and post-adjudication secure facilities; and
- ◆ minimum standards for juvenile justice alternative education programs.

Staff

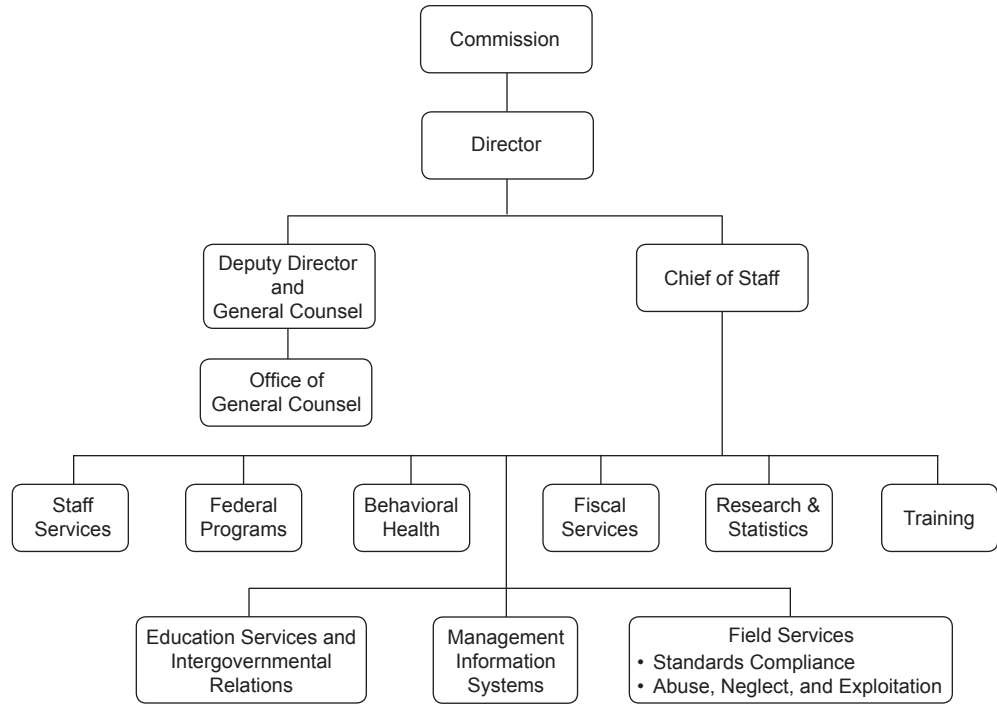
The Commission employs a Director with the approval of the Governor to administer the daily operations of the agency. The Director must have at least two years experience in the administration and supervision of probation services and meet the standards required of a juvenile probation officer. The agency has 67 staff positions, all based in Austin. The *Texas Juvenile Probation Commission Organizational Chart* on the following page depicts the structure of the agency’s staff.

Appendix D compares the agency’s workforce composition to the minority civilian labor force. The agency generally met or exceeded civilian workforce percentages in all job categories except Hispanic administrative support.



The agency has 67 staff positions, all based in Austin.

Texas Juvenile Probation Commission Organizational Chart

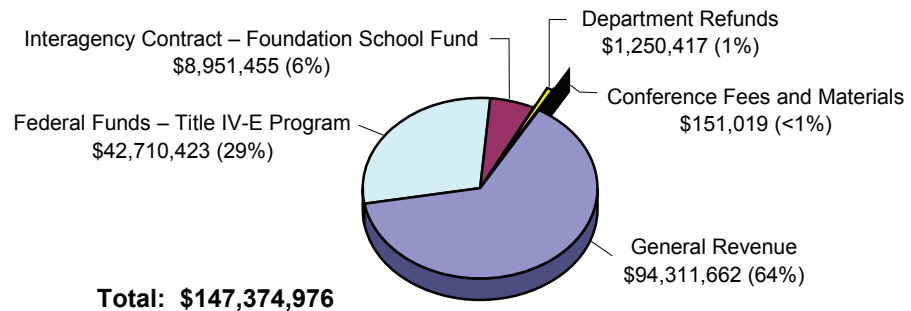


Funding

Revenues

The agency received about \$147.4 million in funding in fiscal year 2007. General Revenue accounts for 64 percent of the agency's total revenue. The remaining 36 percent comes from federal Title IV-E foster care funds, which support residential placement and related costs; the Foundation School Fund, which supports Juvenile Justice Alternative Education Programs; local probation department refunds; and conference fees and materials. The pie chart, *TJPC Sources of Revenue*, details the agency's funding sources for fiscal year 2007.

**TJPC Sources of Revenue
FY 2007**



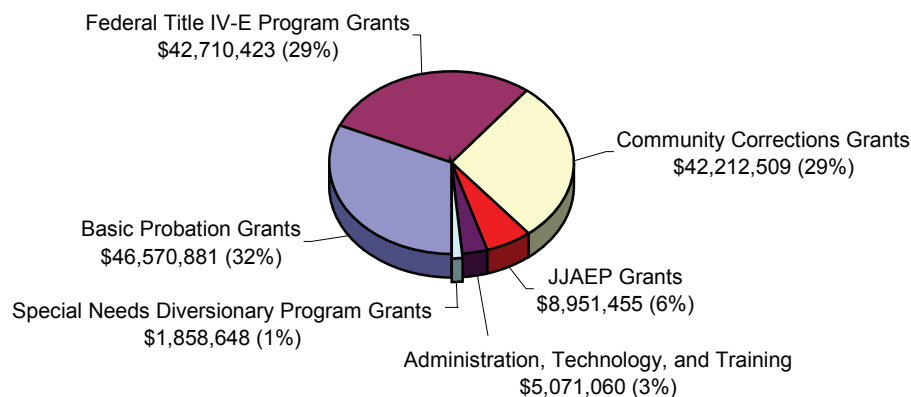
Beginning in fiscal year 2008, TJPC will likely experience two significant changes in revenue patterns, one positive and one negative. On the positive side, for fiscal years 2008 and 2009, the Legislature appropriated an additional \$57.9 million to fund placements and services for offenders no longer eligible for commitment to the Texas Youth Commission. In contrast, changes in the federal rules governing Title IV-E foster care funding will reduce the amount of those funds available to departments by about 75 percent beginning in fiscal year 2008. For the past 15 years, Title IV-E funds have been a steady source of revenue for local departments who place in a facility youth who meet federal foster care placement standards, or are at imminent risk of removal from their homes. The agency has asked the State to replace this lost funding in its fiscal years 2010–2011 Legislative Appropriations Request.

TJPC received an additional \$57.9 million to assist counties in paying for youth no longer eligible for TYC commitment.

Expenditures

In fiscal year 2007, TJPC’s expenditures totaled about \$147.4 million. Approximately 97 percent of TJPC’s expenditures support the operations and programs of local probation departments. The remaining three percent of funding supports agency administration, technology, and training. In fiscal year 2007, the agency funded departments through 19 separate grants that supported basic probation services, community corrections as alternatives to incarceration, the Title IV-E program, Juvenile Justice Alternative Education Programs (JJAEP), and the Special Needs Diversionary Program. The pie chart, *TJPC Expenditures by Key Program*, details the agency’s expenditures in fiscal year 2007.

**TJPC Expenditures by Key Program
FY 2007**




State and federal grants make up, on average, 31 percent of local probation departments’ budgets.

In 2007, TJPC funding, which includes state and federal grants, accounted for, on average, 31 percent of local probation departments’ operating budgets. However, the percentage of a department’s budget represented by TJPC funding varies greatly by county, from as little as 14 percent to as much as 97 percent. The remainder of juvenile probation funding comes primarily from local governments, though some departments may receive additional federal or private grants. See Appendix E for more detail on the percentage of local versus TJPC funding for departments.

Appendix F describes the agency’s use of Historically Underutilized Businesses (HUBs) in purchasing goods and services for fiscal years 2004 to 2007. The agency well surpassed statewide goals for the use of HUBs for professional services and commodities, but fell below for other services.

Agency Operations

The agency supports and oversees the juvenile probation system in Texas by disbursing funds to local probation departments; monitoring departments’ compliance with established standards; providing a variety of probation assistance services to departments; certifying officers; overseeing investigations of abuse, neglect, and exploitation complaints; and supporting education and mental health programs.




*TJPC provides
19 different
grants to local
departments.*

Probation Funding

The agency disburses funding to local departments through a combination of formula, competitive, and noncompetitive grants. Departments enter into contracts with TJPC for each grant they receive. Each contract lists grant conditions, which may include performance measures, program components required by the grant, and reporting requirements. The chart, *Basic Types of TJPC Grants*, describes the major categories of state funding. Appendix G describes each of TJPC’s 19 grants in greater detail.

Basic Types of TJPC Grants

Category	Purpose
Basic Probation	Five grants pay for basic supervision of youth on court-ordered supervision or deferred prosecution. Funding may also support delinquency prevention initiatives.
Community Corrections	Eleven grants support community-based correctional programming as alternatives to incarceration in TYC. Programs include special needs diversionary programs and intensive community-based supervision, as well as secure and nonsecure residential placement.
Special Programs	Three grants fund departments that run JJAEPs or cover the cost of placing children who meet federal foster care criteria in facilities.



*In 2007, the
Legislature
required TJPC
to visit all secure
facilities annually.*

Compliance Monitoring

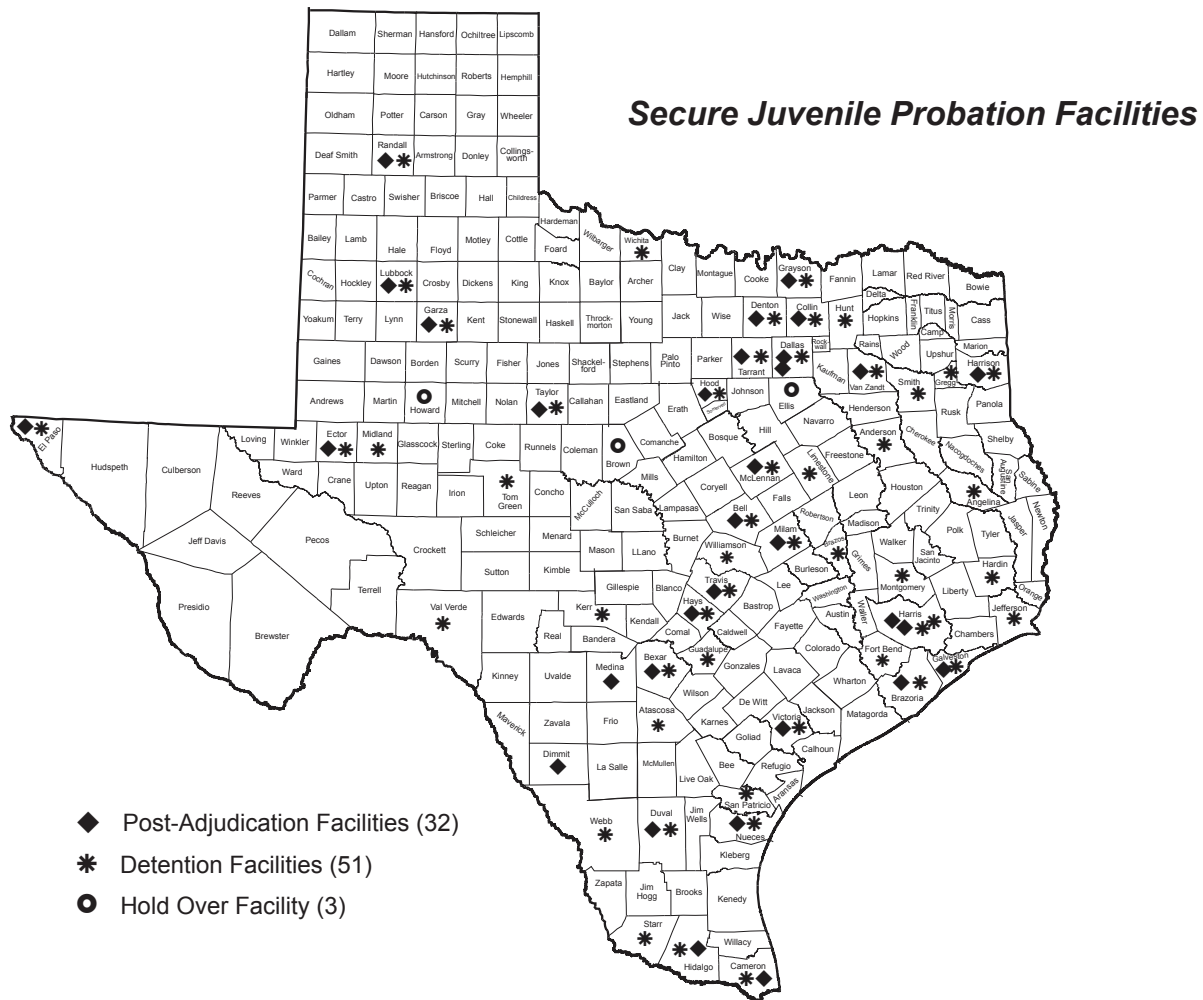
The agency monitors each of the 166 local probation departments and 86 secure detention and post-adjudication facilities statewide to ensure compliance with minimum TJPC standards for probation services, as well as compliance with TJPC financial and program requirements. The agency visits departments across the state to check for compliance and also conducts regular desk audits. The chart, *On-Site Monitoring Visits*, shows the number of different types of on-site visits conducted in fiscal year 2007. Recent legislation required TJPC to begin visiting every facility every year in fiscal

year 2008. A list of facilities can be found in Appendix H, and their locations appear in the map, *Secure Juvenile Probation Facilities*.

As evidenced by the number of site visits, department and facility oversight comprises the largest portion of TJPC's compliance efforts. Minimum standards for departments and facilities cover a variety of topics including health, safety, security, officer training and certification, physical plant specifications, and administration. In fiscal years 2004 and 2005, the agency benchmarked all departments' and facilities' compliance with standards, and is now re-evaluating any areas of noncompliance. The agency also conducts a few unannounced visits each year based on reported noncompliance and conducted seven such visits in fiscal year 2007. When conducting all monitoring visits, TJPC staff provide technical assistance to help departments better understand and meet the standards and improve probation services.

On-Site Monitoring Visits – FY 2007

Program	Number of Site Visits
Probation Department and Facility Standards	141
Juvenile Justice Alternative Education Programs	34
Financial Grant Compliance	32
Title IV-E Federal Foster Care Program	12
Special Needs Diversionary Program	9
Total	228



The agency requires departments that violate standards or grant requirements to take corrective action. The areas most frequently out of compliance

Common Areas of Noncompliance

In fiscal year 2007, TJPC found probation departments and facilities most frequently out of compliance in the following areas.

Basic Probation

- Exit case plans for youth leaving probation
- Case plan reviews
- Initial case plans

Detention Facilities

- Room checks for youth at moderate risk for suicide
- Constant detention officer oversight of residents
- Health screening within one hour of admission

Post-Adjudication Facilities

- Individualized treatment plans
- Individualized treatment plan reviews
- Constant detention officer oversight of residents

Probation and Detention Officer Certification

- Criminal history checks for recertification
- Criminal history checks for certification
- Basic eligibility requirements for recertification

appear in the textbox, *Common Areas of Noncompliance*. The agency may also issue a Noncompliance Citation Report when it learns of a new violation, which it did 17 times in fiscal year 2007. The agency may further initiate, in order of severity, adverse actions, board actions, or monetary sanctions for departments or facilities that have a substantial history of noncompliance with standards. Since its current monitoring cycle began in fiscal year 2004, TJPC has taken two adverse actions – both against private, secure facilities – but no board or monetary sanctions. The facilities under these adverse action plans are subject to unannounced quarterly inspections, and TJPC notified all probation departments in the state about the adverse actions.

Probation Assistance

The agency assists local probation departments and other juvenile justice professionals by providing training, legal assistance, and research and statistical support.

Training. The agency provides free and low-cost training to juvenile justice professionals across the state, including juvenile detention and probation officers, juvenile board members, judges, and prosecutors. In fiscal year 2007, TJPC staff provided or assisted with 54 trainings and conferences, and helped local juvenile probation departments develop the skills needed to provide training in their local areas. Training topics include officer safety, conflict resolution, sex offender supervision, and TJPC standards.

Legal Assistance. The agency's attorneys provide legal training and coordinate conferences, such as the Nuts and Bolts Conference, designed to help juvenile justice practitioners with the principles of juvenile law. Agency attorneys run a legal help desk that responded to more than 3,000 phone calls and e-mails in fiscal year 2007 from juvenile justice field staff. Legal staff also produce a comprehensive legal treatise called *Texas Juvenile Law* that provides detailed commentary on case law and statutes governing juvenile law in Texas.³

Research and Statistical Support. The agency helps juvenile probation departments maintain quality data on the youth they serve, which TJPC uses to produce statewide research and statistical reports. These reports include analyses of juvenile system trends, evaluation of probation programs and

TJPC's legal help desk responded to more than 3,000 inquiries in 2007.

services, and legislatively mandated studies. Staff also provide data to help with the agency's strategic planning.

To assist the field, agency, and Legislature, TJPC also routinely undertakes special research projects. For example, staff are currently developing an automated assessment tool to help departments better identify a youth's treatment needs and risk of recidivism.

Officer Certification

State law requires TJPC to certify all juvenile probation and detention officers. In fiscal year 2007, TJPC certified 3,095 probation officers and 4,849 detention officers. All officers must renew their certifications every two years. The table, *Juvenile Probation and Detention Officer Requirements*, lists the qualifications necessary to become certified and maintain certification. Beginning in September 2009, the agency also plans to require applicants to pass a competency exam to become certified.

Juvenile Probation and Detention Officer Requirements

Requirements	Probation Officer	Detention Officer
Education	Bachelor's degree from accredited college or university	High school diploma or its equivalent
Experience or Age	One year experience in full-time case work, counseling, or community or group work; or one year of graduate school	At least 21 years of age
Criminal History	No conviction or deferred adjudication for a felony in last 10 years, or conviction or deferred adjudication for a jailable misdemeanor in last five years	No conviction or deferred adjudication for a felony in last 10 years, or conviction or deferred adjudication for a jailable misdemeanor in last five years
Training	40 hours of pre-service training	40 hours of pre-service training
Continuing Education	80 hours of continuing education every two years	80 hours of continuing education every two years

Abuse, Neglect, and Exploitation Investigations

In 1997 the Legislature directed TJPC to investigate complaints alleging abuse, neglect, or exploitation (ANE) of youth in any juvenile justice program or facility, excluding TYC facilities. Agency rules require a local probation department to conduct its own internal investigation of an allegation, which can be against an employee, volunteer, or intern, and report its findings to TJPC. The agency usually concurs with departments' internal investigations but conducts its own on-site investigation about fifteen percent of the time, depending on the severity of the allegation. In fiscal year 2007, the agency conducted 73 on-site investigations.

In fiscal year 2007, TJPC certified almost 8,000 probation and detention officers.

TJPC investigates complaints alleging abuse, neglect, or exploitation of youth in any probation program or facility.

State law requires TJPC to report allegations it receives to law enforcement, so an allegation could be subject to three investigations – one by the department, one by TJPC, and one by local law enforcement. Each investigating party may take action against a perpetrator of ANE, including disciplinary action by the department, which is the most frequent response; a reprimand, suspension, or revocation of an officer’s certification by TJPC; or criminal charges filed by law enforcement.

In fiscal year 2007, the agency received reports on 542 ANE allegations, mostly from local departments about juvenile detention officers. The agency found many allegations to be without merit, but determined in 18 cases that abuse, neglect, or exploitation had occurred; TJPC placed two detention officers on one-year probated suspensions, and one detention officer on a two-year suspension. In another 120 cases, TJPC determined that policy violations had occurred, and is taking disciplinary action in those cases.

Special Programs

Juvenile Justice Alternative Education Programs

In 1995, the Legislature directed probation departments in counties with a population greater than 125,000 to establish Juvenile Justice Alternative Education Programs (JJAEPs). These programs provide educational services to youth expelled from schools. In fiscal year 2007, state law required 26 counties to have a JJAEP, and eight smaller counties elected to operate one. The Commission’s role is to provide funding for and oversight of local departments’ JJAEPs.

In fiscal year 2007, TJPC distributed almost \$9 million to JJAEPs, all of which came from the Texas Education Agency. In fiscal year 2007, the agency distributed \$59 per day, per student, via grants to local departments to support JJAEP services for youth whose offenses require expulsion.⁴ JJAEPs may also accept “discretionary expulsions,” or students that schools choose to expel, though school districts must pay for these students.

In school year 2006-2007, JJAEPs served an average of 1,807 youth on any given day. Of all enrollments, 40 percent were mandatory placements, 54 percent were discretionary placements, and 6 percent were based on other grounds, such as placement by the juvenile court as a condition of probation. The average length of stay in a JJAEP is 80 days.

Counties may run their own JJAEP education program, or contract with a local school district or private entity. Counties have developed JJAEPs based on three educational models: traditional school; military, which includes boot camp or drill components; or therapeutic. Appendix I provides information on the structure and capacity of Texas’ JJAEPs.

Mental Health Care

To help address the high incidence of mental health issues among youth who become involved in the juvenile justice system, TJPC supports several

In fiscal year 2007, TJPC confirmed 18 cases of abuse, neglect, or exploitation.

The agency provides funding for and oversight of 34 JJAEPs that serve youth expelled from schools.

initiatives designed to improve youthful offenders' access to mental health services. The textbox, *Mental Health Disorder Prevalence*, provides information on youth in the system with mental health needs.

One key initiative is the agency's work, in coordination with the Texas Correctional Office on Offenders with Medical or Mental Impairments, to fund the Special Needs Diversionary Program. This program helps 19 probation departments provide mental health care for youth under their authority. Youth work with specially trained probation officers and licensed mental health professionals who provide in-home services for four to six months. In fiscal year 2007, TJPC provided about \$1.8 million for the program, which served 1,402 juveniles, with 68 percent completing the program. In addition, TJPC recently received a three-year MacArthur Foundation Grant to support statewide training of juvenile justice professionals who work with youth with mental illness.

Mental Health Disorder Prevalence

Estimates of the number of youth on probation in need of mental health services vary widely, ranging from 19 to 55 percent, but of those youth, less than half received such services.⁵

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¹ Fiscal year 2007 data is the most recent available because TJPC does not receive final county probation department data until several months after the fiscal year's end.

² In fiscal year 2008, several probation departments consolidated, reducing the total number of departments from 169 to 166.

³ Robert Dawson, *Texas Juvenile Law*, 7th ed. (Austin: Texas Juvenile Probation Commission, August 2008).

⁴ The Legislature increased this amount to \$79 in fiscal year 2008.

⁵ Texas Juvenile Probation Commission, *Overview of the Special Needs Diversionary Program for Mentally Ill Juvenile Offenders, FY 2007* (Austin, Texas, March 2008), p. 4.

APPENDICES



Appendix A

What Happens When a Juvenile Breaks the Law?

When a juvenile breaks the law, the Texas juvenile justice system provides for multiple levels of response, based on the seriousness of the offense and the needs of the youth. The following material describes each of the progressive levels from diversion to commitment to the State.

Arrest and Referral

Youth can enter the juvenile justice system by committing a criminal offense, or by engaging in behaviors that are offenses when committed by a juvenile, such as truancy or running away. Youth can be referred to the system by law enforcement agencies or other entities including schools, parents, and social service agencies. Youth under 10 are excluded from the jurisdiction of juvenile court, and youth who commit a crime at age 17 or older are processed in the adult system.

In fiscal year 2007, police agencies in Texas arrested 136,188 juveniles between the ages of 10 and 16, but referred only 79,618 to probation departments.¹ Police or magistrates diverted the rest of those arrested, about 42 percent, by releasing them with a warning, or referring them to a “first offender” program or appropriate social service agency. Juvenile probation departments received referrals for another 24,174 youth from schools, social services, parents, or other entities.

If not diverted by police, youth typically go through an intake process with the local juvenile probation department. A probation department may detain a youth in a secure facility before formal disposition if a preliminary court hearing finds it necessary to protect the youth or the public, or to assure the youth’s appearance in court. Statewide, local juvenile probation departments operate 51 secure detention and three short-term holdover facilities, all overseen by the Texas Juvenile Probation Commission. In fiscal year 2007, local departments detained 52,558 youth in a secure facility before their hearing. That same year, the average stay in detention was 12.7 days, but officials released 22 percent of the youth in less than 24 hours.

Disposition

Youth who enter the system face disposition by juvenile probation departments, district courts, or local county courts at law. Judges and probation departments have a variety of treatment options and sanctions available, ranging from warnings to state-level incarceration. The chart on the following page, *Summary of Progressive Sanctions Model*, provides key components of the voluntary guidelines that judges may follow when adjudicating youth.²

In fiscal year 2007, probation departments supervised 110,895 youth in all forms of supervision including conditional and temporary supervision, deferred prosecution, and probation. Of youth supervised, about 10 percent committed less serious crimes, 58 percent committed misdemeanors, and 32 percent committed felonies.

Supervisory Caution and Deferred Prosecution

The lowest-level sanctions include supervisory caution and deferred prosecution. Both options allow a juvenile to avoid a formal adjudication if the youth follows certain requirements, such as receiving counseling or other services, routinely meeting with a probation officer, or refraining from committing any further offenses for a specified period. In fiscal year 2007, probation departments provided services to 67,077 youth placed on deferred prosecution, and temporary or conditional supervision.

Appendix A

Summary of Progressive Sanctions Model

Offense	Level	Recommended Sanction
Truancy or running away	1	Supervisory caution including counseling
Class A or B misdemeanor, excluding a misdemeanor involving the use or possession of a firearm	2	Deferred prosecution for three to six months
Misdemeanor involving use or possession of a firearm; state jail felony; third degree felony	3	Probation for not less than six months
Second degree felony	4	Probation with three to 12 months intensive and regimented programming
First degree felony, excluding a felony involving the use of a deadly weapon or causing serious bodily injury	5	Probation with six to 12 months placement in a secure correctional facility
First degree felony involving the use of a deadly weapon or causing serious bodily injury; aggravated controlled substance felony; capital felony	6	Commitment to the Texas Youth Commission
First degree felony involving the use of a deadly weapon or causing serious bodily injury; aggravated controlled substance felony; capital felony	7	Discretionary certification as an adult and transfer to criminal court, or determinate sentence to the Texas Youth Commission

Probation

Judges assign youth to probation if they determine that a youth needs continued supervision. The goal of probation is to provide treatment and monitor the individual, ideally preventing future crimes and diverting the youth from future commitment to the Texas Youth Commission. Youth on probation may live in a variety of settings, including homes, foster care, group homes, or local secure or nonsecure correctional facilities. In fiscal year 2007, 43,818 youth were on probation in Texas.

Community Supervision

Youth on community supervision continue to live in their communities but must meet regularly with probation officers. Judges may require youth to participate in counseling, community service, restitution activities, and other specialized programs. The court also has the authority to compel certain types of parental or guardian involvement, such as ordering a family to participate in counseling with the child or help the youth comply with other conditions of probation.

Probation officers supervise an average of 24 youth at a time, depending on the intensity of supervision and available resources. In fiscal year 2007, local departments supervised an average of 23,796 children on court-ordered probation each day.

Appendix A

Residential Placement

If a judge determines a youth needs closer supervision or additional rehabilitation, the court can order the youth to either secure or nonsecure residential placement. Probation departments operate or contract with 32 secure post-adjudication facilities. Youth in secure correctional facilities live in locked cells or dorms. Probation departments also contract with or operate nonsecure residential facilities for youth. Residential placement costs an average of \$95 per day in fiscal year 2007.

Juveniles placed in local correctional facilities generally attend school and participate in therapeutic and disciplinary activities at the facility. In fiscal year 2007, probation departments placed 10,917 youth in out-of-home residential placements in secure and nonsecure facilities; at any time an average of 3,148 youth are in such facilities statewide. The chart, *Probation Placement*, provides information on how long youth stay in placements.

Probation Placement – FY 2007

Type of Facility	Average Length of Stay
Secure	87 days
Nonsecure	121 days
Emergency	26 days

Average Daily Population

The chart, *Average Daily Population of Youth Under Supervision*, shows the average number of youth in deferred prosecution, probation, and residential placement on a given day from fiscal years 2004 to 2007.

**Average Daily Population of Youth Under Supervision
FYs 2004 – 2007**

Supervision Type	Average Daily Population			
	FY 2004	FY 2005	FY 2006	FY 2007
Deferred Prosecution	10,756	10,432	10,930	10,268
Probation	27,022	25,025	25,746	23,796
Residential Placement*	3,046	3,024	3,034	3,148

* Includes secure and nonsecure post-adjudication facilities.

Commitment to TYC

Judges commit about 2 percent of the youth referred to probation departments to the Texas Youth Commission each year. Of youth referred in fiscal year 2007, judges sent 2,276 youth to TYC, and sent 2,169 in fiscal year 2008. Recent changes to the juvenile justice system limit TYC commitments to youth who have committed felony offenses. Youth who have committed misdemeanors must now remain in the community. Youth committed to TYC are typically the most serious youthful offenders in the state.

Juveniles found guilty of certain serious or violent crimes may be sentenced to a determinate, or fixed, term of up to 40 years starting in a TYC facility, with possible release on parole or court transfer to the Texas Department of Criminal Justice. Judges commit most youth, however, without a determinate sentence and TYC determines the youth's length of stay.

Appendix A

Confinement

The Texas Youth Commission operates 12 institutions and nine halfway houses. The agency also contracts with 12 contract care residential programs. In fiscal year 2008, the average daily population for all of these facilities was 2,921. Youths' average length of stay in fiscal year 2008 was 16.7 months.

While in these facilities, youth receive education, behavioral treatment, and some vocational training. Youth in halfway houses may also participate in community service and have employment opportunities. In fiscal year 2008, the average cost per youth per day was \$186 for institutions, \$141 for halfway houses, and \$96 for contract care facilities.

Parole

Once committed to TYC, the agency determines when a youth will be released to parole or discharged from custody. In most cases, TYC releases youth to their home community for a period of parole supervision before final discharge. In fiscal year 2008, TYC supervised a total of 5,407 youth on parole, with 2,379 youth on parole at any one time.

Parole officers ensure that youth meet specific conditions of parole, such as attending school or work, and try to link youth with appropriate services, such as chemical dependency or mental health aftercare. In areas where TYC does not have parole staff, the agency contracts with county juvenile probation departments or a private entity to supervise paroled youth. The average length of parole supervision in fiscal year 2008 was approximately 10 months, and the average cost of care per youth per day on parole was \$10.

Certification as an Adult

Judges may chose to certify young serious or chronic felony offenders as adults so they face the same range of punishment that an adult would face for the same crime, except that youth cannot receive the death penalty for an offense committed before turning 17. A youth who was 14 at the time of an offense may be certified for capital felonies, aggravated controlled substance felonies, or first degree felonies. For all other felonies, the youth must have been 15 at the time of the commission of the offense. Of youth referred in fiscal year 2007, judges certified 216 as adults to serve their sentences at the Texas Department of Criminal Justice.

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¹ Fiscal year 2007 probation data is the most recent available because TJPC does not receive final county probation department data until several months after the fiscal year's end.

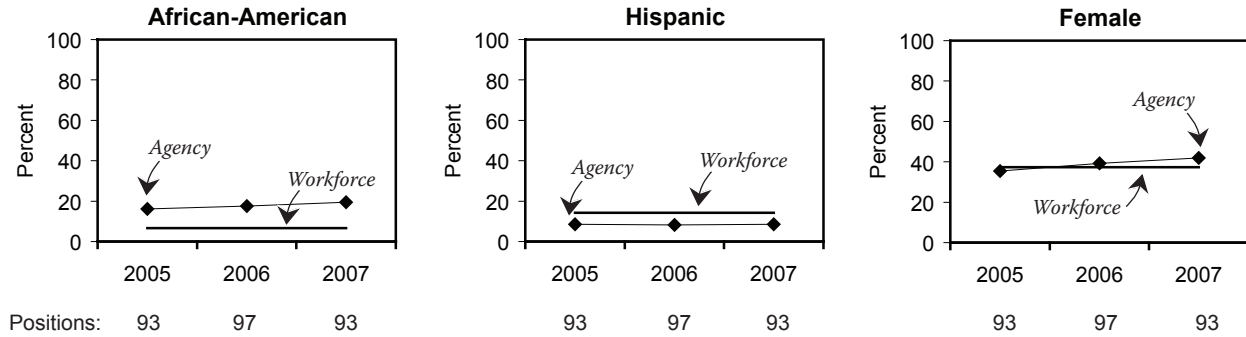
² Texas Family Code, ch. 59. The full Progressive Sanctions Model prepared by the Texas Juvenile Probation Commission may be found on the Internet at: www.tjpc.state.tx.us/publications/forms/2004/TJPCAGE0104.pdf.

Appendix B

TYC Equal Employment Opportunity Statistics 2005 to 2007

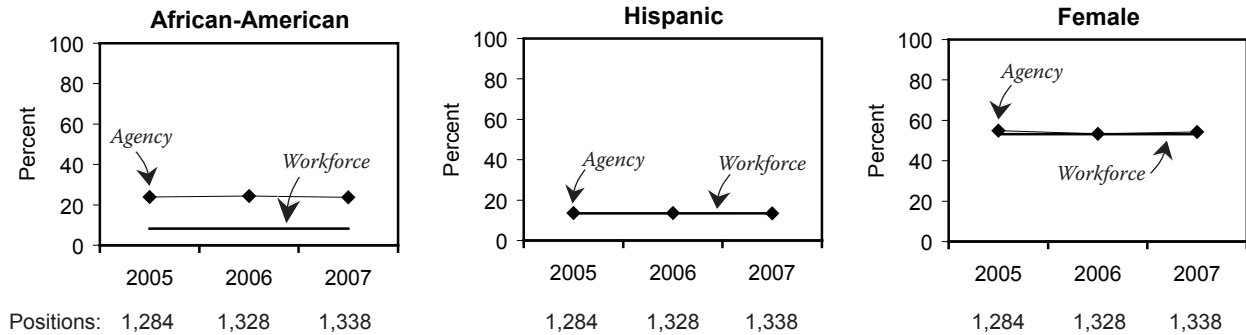
In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and females in all applicable categories by the Texas Youth Commission (TYC).¹ The agency maintains and reports this information under guidelines established by the Texas Workforce Commission.² In the charts, the flat lines represent the percentages of the statewide civilian workforce for African-Americans, Hispanics, and females in each job category. These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The diamond lines represent the agency's actual employment percentages in each job category from 2005 to 2007. TYC generally meets or exceeds the workforce percentages for African-Americans and females in most categories, but has fallen short for Hispanics in most categories.

Administration



TYC exceeded the civilian workforce percentages for African-Americans and recently for females in this category, but has fallen short for Hispanic representation.

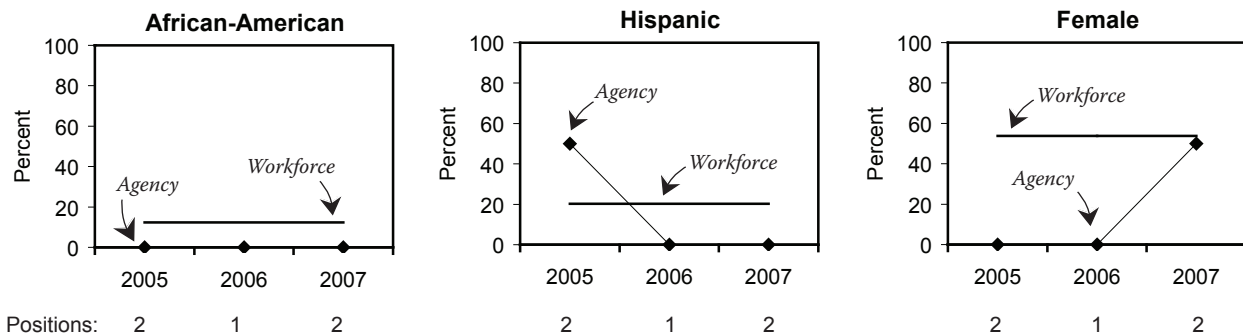
Professional



TYC has generally met or exceeded the civilian workforce percentage for African-Americans, Hispanics, and females in this category.

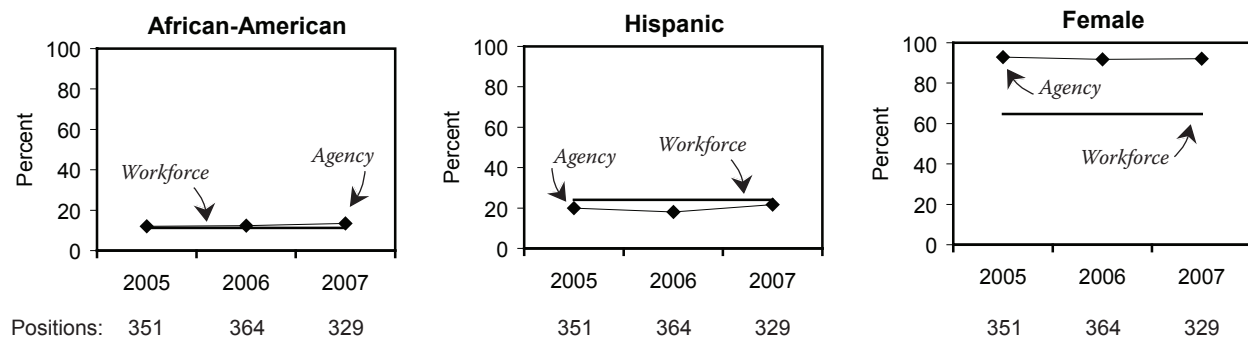
Appendix B

Technical



While the number of positions in this category is small, TYC has not met the civilian workforce percentages for African-Americans and females. Although TYC exceeded the percentage for Hispanics in 2005, the agency fell short in 2006 and 2007.

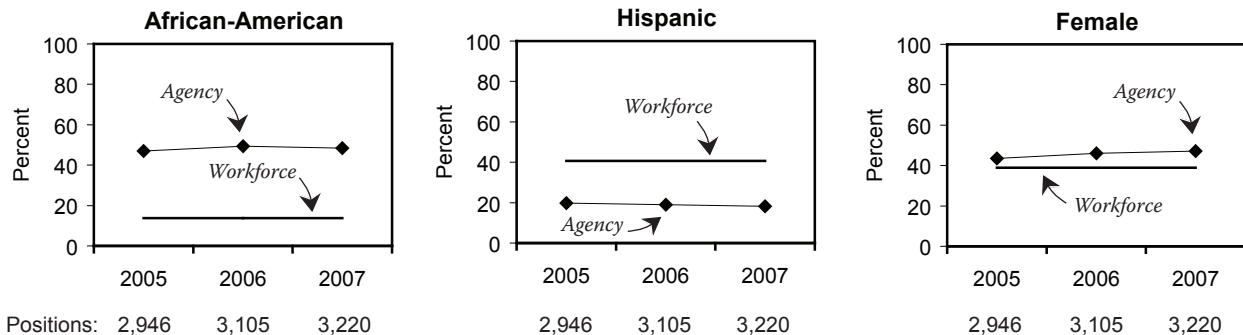
Administrative Support



TYC has met or exceeded the percentage for African-Americans and females, but has fallen short for Hispanics.

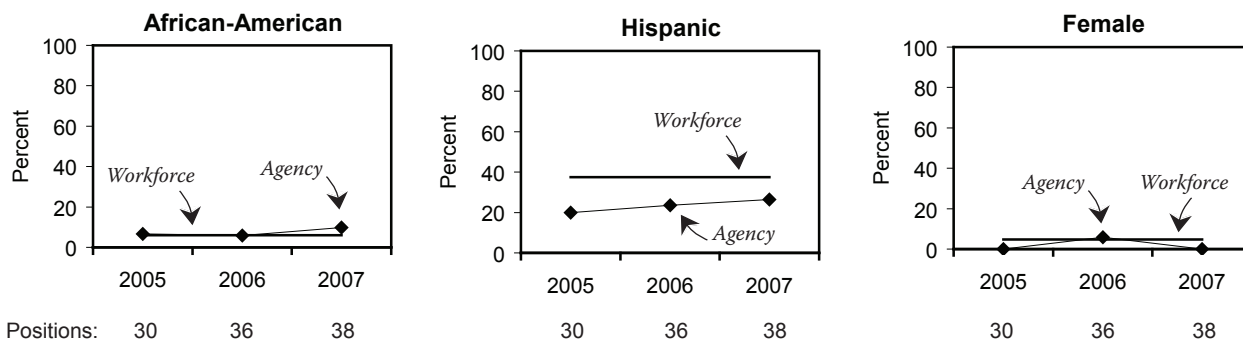
Appendix B

Service/Maintenance³



TYC has exceeded the civilian workforce percentages for African-Americans and females in this category, but has fallen short for Hispanics..

Skilled Craft



TYC has generally met the percentage for African-Americans, but has fallen short for Hispanics and females.

¹ Texas Government Code, sec. 325.011(9)(A).

² Texas Labor Code, sec. 21.501.

³ The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals used to be reported as separate groups.

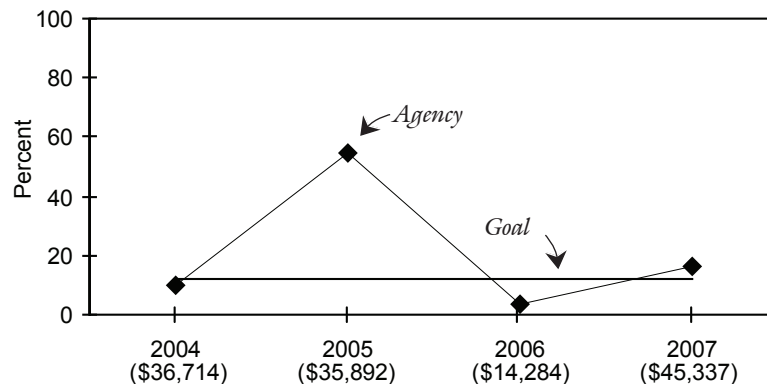
Appendix C

TYC Historically Underutilized Businesses Statistics 2004 to 2007

The Legislature has encouraged state agencies to increase their use of Historically Underutilized Businesses (HUBs) to promote full and equal opportunities for all businesses in state procurement. The Legislature also requires the Sunset Commission to consider agencies' compliance with laws and rules regarding HUB use in its reviews.¹

The following material shows trend information for the Texas Youth Commission's (TYC) use of HUBs in purchasing goods and services. The agency maintains and reports this information under guidelines in statute.² In the charts, the flat lines represent the goal for HUB purchasing in each category, as established by the Comptroller's Office. The diamond lines represent the percentage of agency spending with HUBs in each purchasing category from 2004 to 2007. Finally, the number in parentheses under each year shows the total amount the agency spent in each purchasing category. The review of TYC found that the agency's purchasing has improved in some categories, but continues to fall below the State's HUB goals in several others. However, TYC does have a HUB coordinator and complies with State HUB subcontracting plan requirements.

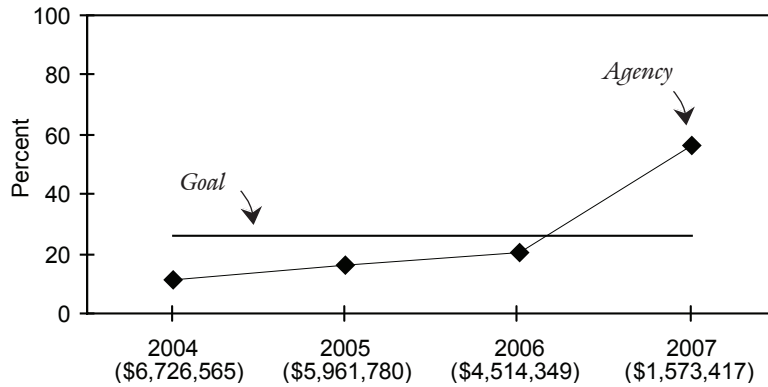
Heavy Construction



Although TYC did not meet the State goal for HUB heavy construction purchases in 2006, the agency met or exceeded the goal in 2004, 2005, and 2007.

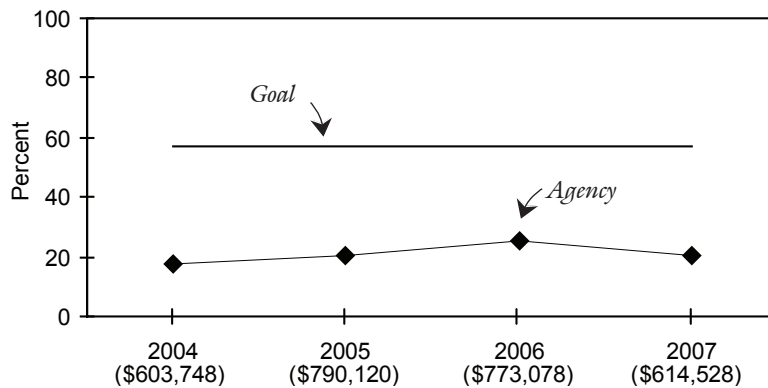
Appendix C

Building Construction



TYC fell below the State goal for HUB building construction purchases from 2004 to 2006, but exceeded the goal in 2007 when the agency purchased less in this category than in previous years.

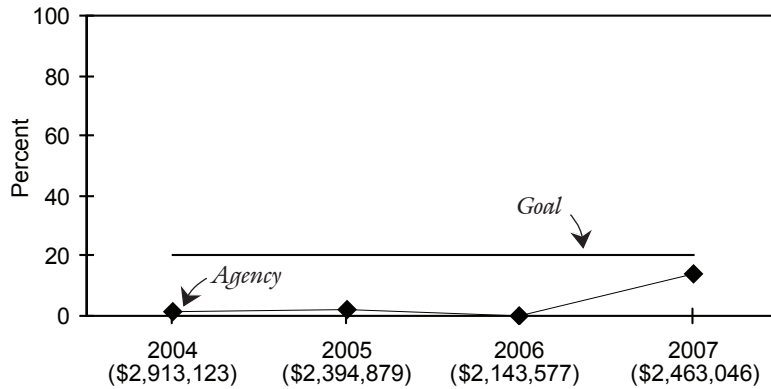
Special Trade



TYC consistently fell below the State goal for HUB purchasing of special trades from 2004 to 2007.

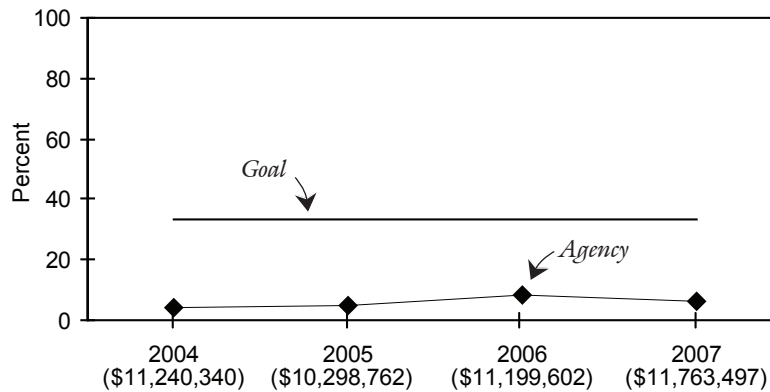
Appendix C

Professional Services



TYC consistently fell below the State goal for HUB purchasing of professional services from 2004 to 2007.

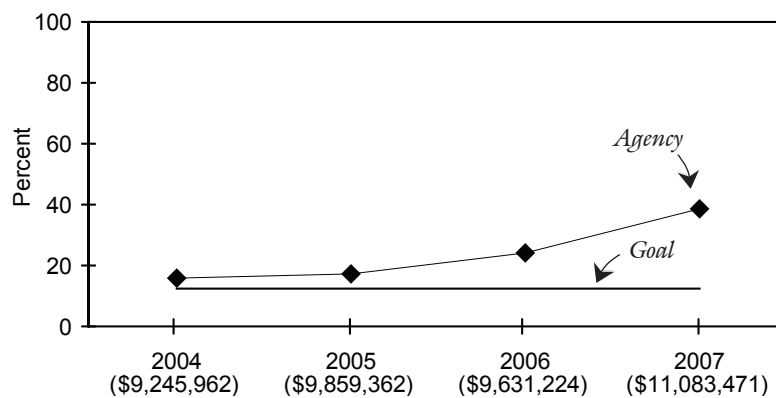
Other Services



TYC has failed to meet the State goal for HUB purchasing of other services for the past four years.

Appendix C

Commodities



TYC has exceeded the State goal for HUB purchasing of commodities for the past four years.

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¹ Texas Government Code, sec. 325.011(9)(B).

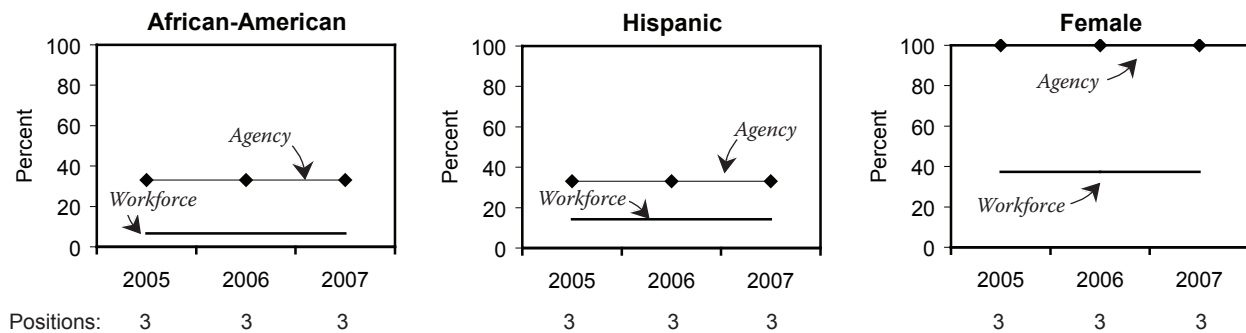
² Texas Government Code, ch. 2161.

Appendix D

TJPC Equal Employment Opportunity Statistics 2005 to 2007

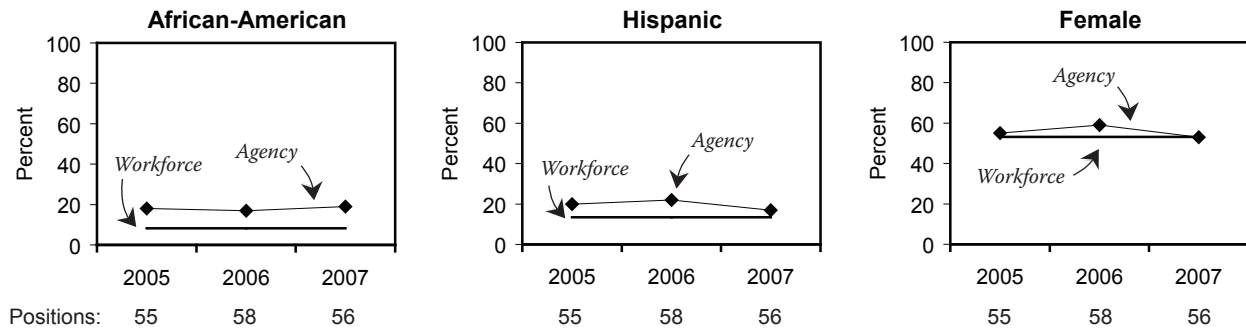
In accordance with the requirements of the Sunset Act, the following material shows trend information for the employment of minorities and females in all applicable categories by the Texas Juvenile Probation Commission.¹ The agency maintains and reports this information under guidelines established by the Texas Workforce Commission.² In the charts, the flat lines represent the percentages of the statewide civilian workforce for African-Americans, Hispanics, and females in each job category. These percentages provide a yardstick for measuring agencies' performance in employing persons in each of these groups. The diamond lines represent the agency's actual employment percentages in each job category from 2005 to 2007. The agency generally met or exceeded civilian workforce percentages in all job categories, with the exception of Hispanic administrative support.

Administration



The agency exceeded civilian workforce percentages for African-Americans, Hispanics, and females in this category.

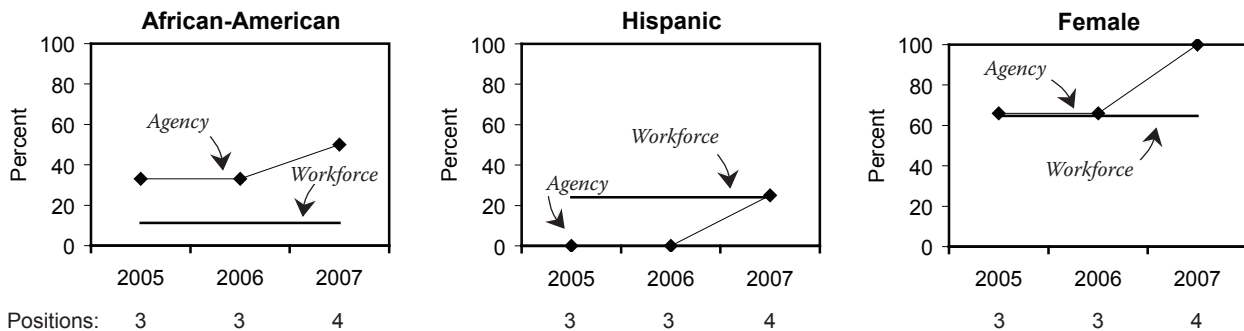
Professional



The agency generally exceeded civilian workforce percentages in this category.

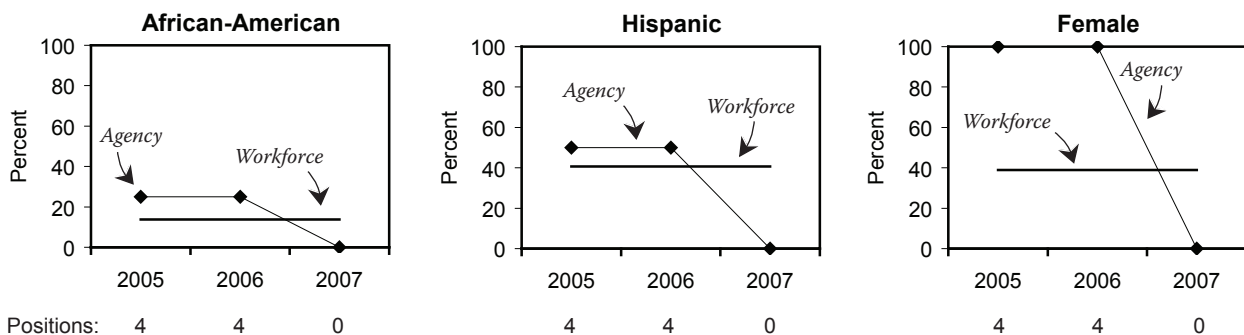
Appendix D

Administrative Support



The agency met or exceeded percentages for African-Americans and females, but generally fell short for Hispanics.

Service/Maintenance³



The agency exceeded percentages in fiscal years 2005 and 2006, when the agency contracted with temporary employees in this category. In fiscal year 2007, the agency did not employ staff in this category.

¹ Texas Government Code, sec. 325.011(9)(A).

² Texas Labor Code, sec. 21.501.

³ The Service/Maintenance category includes three distinct occupational categories: Service/Maintenance, Para-Professionals, and Protective Services. Protective Service Workers and Para-Professionals used to be reported as separate groups.

Appendix E

Juvenile Probation Department Funding FY 2007

Single-County Jurisdictions						
County	Local / TJPC Funding	TJPC % of Total	Total	County	Local / TJPC Funding	TJPC % of Total
Grayson	\$898,880 / \$1,105,784	55%	\$2,004,664	Kerr	\$1,370,785 / \$409,981	23%
Gregg	\$1,805,979 / \$835,352	32%	\$2,641,331	Kimble	\$18,000 / \$32,176	64%
Grimes	\$84,738 / \$225,518	73%	\$310,256	Lamar	\$115,250 / \$343,941	75%
Guadalupe	\$2,235,280 / \$649,256	23%	\$2,884,536	Lamb	\$160,411 / \$142,888	47%
Hale	\$420,273 / \$407,929	49%	\$828,203	Lampasas	\$288,103 / \$222,400	44%
Hardin	\$379,329 / \$483,394	56%	\$862,723	Lasalle	\$136,689 / \$106,484	44%
Harris	\$63,790,303 / \$18,189,133	22%	\$81,979,436	Leon	\$23,510 / \$77,506	77%
Harrison	\$781,510 / \$760,708	49%	\$1,542,218	Liberty	\$132,463 / \$413,320	76%
Hays	\$4,110,767 / \$685,531	14%	\$4,796,298	Lubbock	\$4,225,879 / \$1,900,944	31%
Henderson	\$505,708 / \$372,731	42%	\$878,439	Lynn	\$88,952 / \$88,446	50%
Hidalgo	\$7,482,763 / \$4,260,077	36%	\$11,742,840	McCulloch	\$20,604 / \$113,697	85%
Hill	\$73,055 / \$424,810	85%	\$497,865	McLennan	\$3,730,566 / \$1,558,702	29%
Hockley	\$191,420 / \$167,931	47%	\$359,351	Madison	\$30,974 / \$76,540	71%
Hood	\$294,983 / \$390,388	57%	\$685,371	Mason	\$10,135 / \$27,562	73%
Houston	\$46,142 / \$108,571	70%	\$154,713	Matagorda	\$280,126 / \$374,996	57%
Hunt	\$450,000 / \$464,030	51%	\$914,030	Medina	\$279,604 / \$391,969	58%
Hutchinson	\$287,540 / \$243,999	46%	\$531,539	Menard	\$13,428 / \$26,614	66%
Jackson	\$30,390 / \$110,507	78%	\$140,897	Midland	\$1,880,414 / \$737,346	28%
Jefferson	\$3,345,273 / \$1,304,284	28%	\$4,649,557	Montgomery	\$4,099,902 / \$1,734,265	30%
Jim Wells	\$306,296 / \$553,394	64%	\$859,690	Moore	\$399,118 / \$163,574	29%
Johnson	\$849,588 / \$740,740	47%	\$1,590,328	Nacogdoches	\$150,313 / \$368,086	71%
Kaufman	\$305,131 / \$486,198	61%	\$791,329	Navarro	\$85,627 / \$306,845	78%
Kendall	\$121,701 / \$155,029	56%	\$276,730	Nueces	\$4,348,225 / \$2,785,064	39%

Appendix E

Juvenile Probation Department Funding FY 2007

Multi-County Jurisdictions			
District – Counties *Lead county in multi-county district	Local / TJPC Funding	TJPC % of Total	Total
21st Judicial District – Bastrop*, Burleson, Lee, Washington	\$452,796 / \$970,129	68%	\$1,422,926
25th Judicial District – Lavaca*, Colorado, Gonzales	\$138,025 / \$494,687	78%	\$632,712
31st Judicial District – Wheeler*, Hemphill, Lipscomb, Roberts	\$38,313 / \$110,921	74%	\$149,233
33rd Judicial District – Burnet*, Blanco, Llano, San Saba	\$384,208 / \$582,951	60%	\$967,159
36th Judicial District – San Patricio*, Aransas, Bee, Live Oak, McMullen	\$1,481,128 / \$2,167,523	59%	\$3,648,651
38th Judicial District – Uvalde*, Real	\$149,388 / \$332,910	69%	\$482,298
39th Judicial District – Haskell*, Kent, Stonewall, Throckmorton	\$2,560 / \$87,522	97%	\$90,082
46th Judicial District – Wilbarger*, Foard, Hardeman	\$29,531 / \$114,711	80%	\$144,242
50th Judicial District – Baylor*, Cottle, King, Knox	\$23,770 / \$68,618	74%	\$92,388
63rd Judicial District – Val Verde*, Edwards, Kinney, Terrell	\$295,480 / \$587,026	67%	\$882,506
76th / 276th Judicial District – Titus*, Camp, Marion, Morris	\$136,338 / \$412,382	75%	\$548,721
90th Judicial District – Young*, Stephens	\$228,424 / \$268,889	54%	\$497,313
97th Judicial District – Montague*, Archer, Clay	\$242,523 / \$296,119	55%	\$538,642
100th Judicial District – Childress*, Carson, Collingsworth, Donley, Hall	\$33,000 / \$151,075	82%	\$184,075
110th Judicial District – Floyd*, Briscoe, Dickens, Motley	\$73,245 / \$202,181	73%	\$275,426
118th Judicial District – Howard*, Glasscock, Martin	\$150,068 / \$316,213	68%	\$466,281
132nd Judicial District – Scurry*, Borden	\$164,989 / \$154,693	48%	\$319,681
220th Judicial District – Comanche*, Bosque, Hamilton	\$111,077 / \$261,661	70%	\$372,738
229th Judicial District – Starr*, Duval, Jim Hogg	\$131,338 / \$995,588	88%	\$1,126,926
258th Judicial District – Polk*, San Jacinto, Trinity	\$48,507 / \$649,472	93%	\$697,979
259th Judicial District – Jones*, Shackelford	\$34,151 / \$214,610	86%	\$248,761
271st Judicial District – Wise*, Jack	\$230,765 / \$561,059	71%	\$791,824
293rd Judicial District – Maverick*, Dimmit, Zavala	\$448,962 / \$729,916	62%	\$1,178,878

Appendix E

Juvenile Probation Department Funding FY 2007

Multi-County Jurisdictions				
District – Counties *Lead county in multi-county district	Local / TJPC Funding	TJPC % of Total	Total	
Bailey-Parmer – Bailey*, Parmer	\$35,758 / \$108,742	75%	\$144,500	
Brewster-Jeff Davis-Presidio – Brewster*, Jeff Davis, Presidio	\$55,987 / \$138,490	71%	\$194,477	
Brown-Mills – Brown*, Mills	\$161,075 / \$268,362	62%	\$429,437	
Coke-Concho-Irion-Runnels-Schleicher-Sterling – Coke*, Concho, Irion, Runnels, Schleicher, Sterling	\$26,671 / \$170,335	86%	\$197,006	
Culbertson-Hudspeth – Culberson*, Hudspeth	\$33,912 / \$65,651	66%	\$99,563	
Dallam-Hartley-Sherman – Dallam*, Hartley, Sherman	\$51,038 / \$158,075	76%	\$209,113	
Deaf Smith-Oldham – Deaf Smith*, Oldham	\$442,852 / \$403,774	48%	\$846,626	
Karnes-Wilson – Karnes*, Wilson	\$390,782 / \$499,699	56%	\$890,481	
Kleberg-Kenedy – Kleberg*, Kenedy	\$147,048 / \$405,828	73%	\$552,876	
Limestone-Freestone – Limestone*, Freestone	\$605,266 / \$370,053	38%	\$975,319	
Nolan-Fisher-Mitchell – Nolan*, Fisher, Mitchell	\$230,323 / \$279,264	55%	\$509,587	
Ochiltree-Hansford – Ochiltree*, Hansford	\$33,661 / \$94,280	74%	\$127,941	
Potter-Armstrong – Potter*, Armstrong	\$2,731,830 / \$1,142,398	29%	\$3,874,228	
Reeves-Loving – Reeves*, Loving	\$278,100 / \$195,506	41%	\$473,606	
Sutton-Crockett – Sutton*, Crockett	\$22,518 / \$55,826	71%	\$78,344	
Swisher-Castro – Swisher*, Castro	\$100,426 / \$173,532	63%	\$273,958	
Upton-Reagan – Upton*, Reagan	\$106,841 / \$62,699	37%	\$169,540	
GRAND TOTALS	\$324,718,306 / \$143,458,447	31%	\$468,176,753	

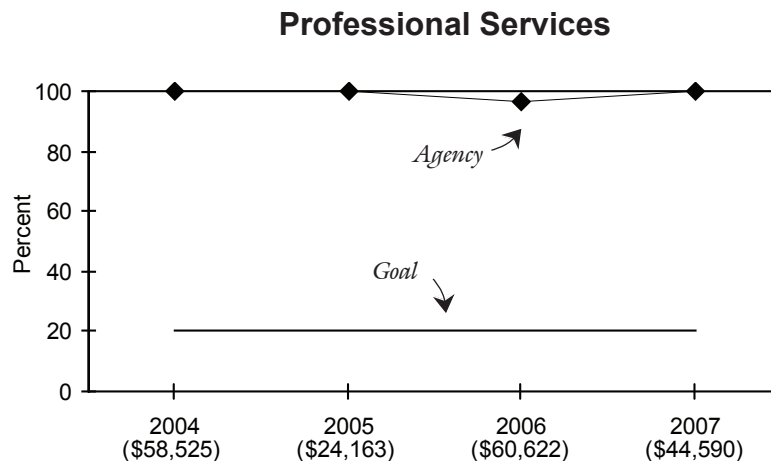
¹ TJPC funding includes state funding and federal Title IV-E grants.

Appendix F

TJPC Historically Underutilized Businesses Statistics 2004 to 2007

The Legislature has encouraged state agencies to increase their use of Historically Underutilized Businesses (HUBs) to promote full and equal opportunities for all businesses in state procurement. The Legislature also requires the Sunset Commission to consider agencies' compliance with laws and rules regarding HUB use in its reviews.¹ The agency has not adopted the Comptroller's HUB rules as required by state law, although the rules are reflected in the agency's practices.

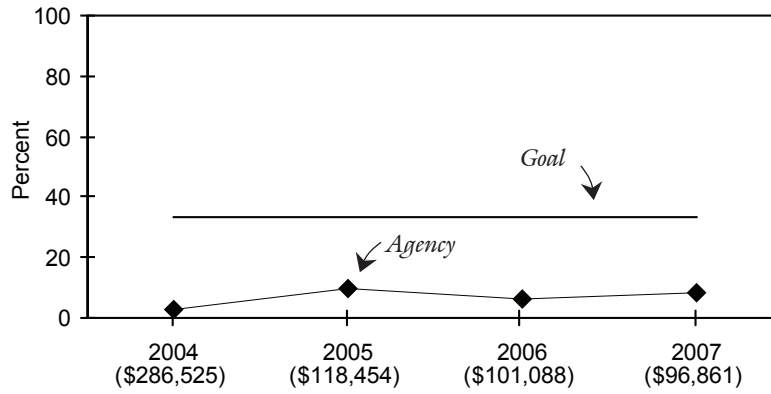
The following material shows trend information for the Texas Juvenile Probation Commission's use of HUBs in purchasing goods and services. The agency maintains and reports this information under guidelines in statute.² In the charts, the flat lines represent the goal for HUB purchasing in each category, as established by the Comptroller's Office. The diamond lines represent the percentage of agency spending with HUBs in each purchasing category from 2004 to 2007. Finally, the number in parentheses under each year shows the total amount the agency spent in each purchasing category. The agency well surpassed statewide goals for the use of HUBs for professional services and commodities, but fell below for other services.



The agency consistently exceeded the statewide goals for professional services.

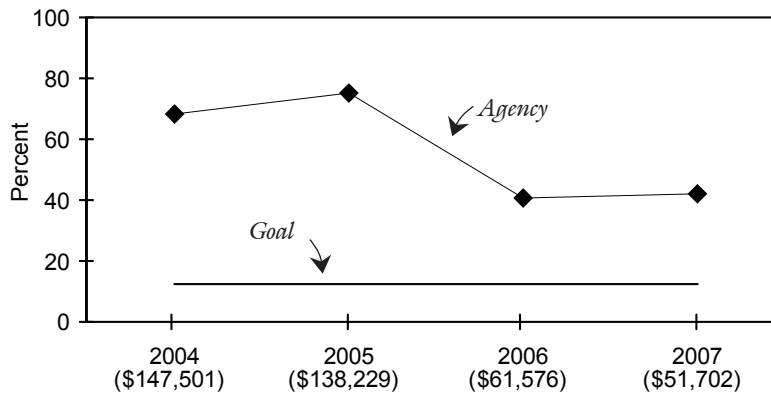
Appendix F

Other Services



The agency fell below statewide goals for other services in all four years.

Commodities



The agency consistently exceeded the State's commodities goals in all four years.

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¹ Texas Government Code, sec. 325.011(9)(B).

² Texas Government Code, ch. 2161.

Appendix G

Texas Juvenile Probation Commission Grants – FY 2007

Grant (Identifier)*	Purpose	Method of Funding	Expenditures FY 2007
Title IV-E Federal Foster Care (E)	Permits juvenile boards to recoup federal funds for placement of eligible children and costs related to administering the program.	Reimbursement – Departments that place youth who meet Title IV-E criteria may apply for reimbursement.	\$43,000,000**
Community Corrections (Y)	Provides funding to develop community-based program alternatives for youth at risk of commitment to the Texas Youth Commission.	Formula – A formula grant with three tiers. Tier 1. TJPC funds departments \$11 per year, per juvenile, in a county's population with a maximum of \$75,000. Tier 2. Remaining funding is allocated based on a county's percentage of total state juvenile population. Tier 3. Twenty-five percent of grant funding is allocated based on a department's percentage of total state felony referrals.	\$30,420,726
State Aid (A)	Provides funding for basic juvenile probation services and programs including staff services, operational expenses, and residential and nonresidential services.	Formula – A formula grant with two tiers. Tier 1. TJPC funds departments \$12 per year, per juvenile, in a county's population with a minimum of \$5,200 and a maximum of \$58,000. Tier 2. After grant maximums are met, TJCP allocates funding according to a county's percentage of total juvenile-age population.	\$17,981,049
Diversionsary Residential Placement (H)	Funds secure post-adjudication or nonsecure residential placement.	Reimbursement – Departments who place youth may apply for reimbursement. TJPC may reimburse at a rate not to exceed \$90 per day.	\$15,646,500***
Progressive Sanctions: Juvenile Probation Officers (F)	Provides salary support for juvenile probation officers for the provision of services and programs for offenders assigned to progressive sanctions levels 1 through 3. Funds approximately 593 officers statewide.	Noncompetitive Grant – Funds a specified number of officers in each department. The grant was originally based proportionally on the number of officers in the department and the state; however, the departments now receive funds based on previous allocations.	\$13,803,689

* TJPC assigns a letter to each grant for accounting purposes.

** Title IV-E funds vary each year depending on department claims. Due to changes in the structure of the Title IV-E program, in future years departments will receive significantly less funding.

*** TJPC received additional appropriations for fiscal years 2008 and 2009. These grants come from the new money and reflect budgeted amounts and not expenditures. Actual fiscal year 2008 amounts will vary.

Appendix G

Texas Juvenile Probation Commission Grants – FY 2007

Grant (Identifier)*	Purpose	Method of Funding	Expenditure (FY 2007)
Salary Adjustment for Juvenile Probation and Detention Officers (Z)	Provides a salary supplement to departments in the amount of \$2,850 for juvenile probation officers and \$1,425 for juvenile detention officers.	Noncompetitive Grant – Funds a specified number of officers in each department. The grant was originally based proportionally on the number of officers in the department and the state; however, departments currently receive funds based on previous allocations.	\$9,786,339
Juvenile Justice Alternative Education Program (JJAEP) (P)	Supports JJAEPs in counties with populations greater than 125,000.	Reimbursement – TJPC reimburses departments \$59 per day for each day a mandatory student is in a JJAEP.	\$8,700,515
Intensive Community-Based Program (X)	Provides funding for intensive services to habitual misdemeanor youth. Funds are intended to serve a priority population of youth that, under prior law, would have been eligible for commitment to the Texas Youth Commission.	Formula – A formula grant with two tiers. Tier 1. About 30 percent of grant funds are distributed to Texas' five largest counties based on each department's proportion of misdemeanor referrals. Tier 2. Remaining funds are distributed regionally based on each region's percentage of the State's total misdemeanor referrals. Each department within a region receives funding based on its percentage of the region's referrals.	\$5,793,335***
Progressive Sanctions: Levels 1-2-3 (G)	Supplies funding for services or programs for offenders on sanctions levels 1 through 3.	Noncompetitive Grant – The grant was originally based on juvenile population; however, departments now receive funds based on previous allocations.	\$4,932,050
Level 5 Post-Adjudication Facilities (L)	Provides secure post-adjudication funding for the placement of approximately 329 offenders annually.	Reimbursement – Eligible placements must meet certain criteria related to severity of the offense. TJPC may reimburse at \$90 per day or \$120 per day depending on the type of treatment.	\$4,319,799
Local Post-Adjudication Funds (V)	Helps defray the cost of operating post-adjudication secure facilities constructed in 1996 using General Obligation bonds. The grant requires these regionally operated facilities to provide reduced rates to counties who place youth.	Reimbursement – Counties that run facilities may receive \$21.25 per day per filled bed.	\$4,147,038

Appendix G

Texas Juvenile Probation Commission Grants – FY 2007

Grant (Identifier)*	Purpose	Method of Funding	Expenditure (FY 2007)
Progressive Sanctions: Intensive Supervision Juvenile Probation Officers (O)	Supports intensive services or programs for Level 4/Intensive Supervision juveniles. Funding provided for approximately 83 officers.	Noncompetitive Grant – Funds a specified number of officers in each department. The grant was originally based proportionally on the number of officers in the department and the state; however, departments currently receive funds based on previous allocations.	\$2,242,515
Special Needs Diversionary Program (M)	Funds probation officers who provide specialized supervision services for offenders with mental health needs. The Texas Correctional Office on Offenders with Medical or Mental Impairments provides additional funding for local Community Mental Health and Mental Retardation Center services.	Noncompetitive Grant – Provides funding for 19 designated departments. TJPC pays salaries for about 37 officers.	\$1,922,973
Intensive Community-Based Pilot (U)	Provides funding for intensive services to habitual misdemeanor youth in counties with populations of at least 335,000. Funds are intended to serve a priority population of youth that, under prior law, would have been eligible for commitment to the Texas Youth Commission.	Formula/Competitive Grant – In the first year of operation, TJPC provided \$225,000 to Texas' five largest counties. TJPC provided lesser amounts to an additional three counties with populations over 335,000.	\$1,125,000***
Delta Boot Camp (D)	Supports Harris County's Delta Boot Camp program.	Noncompetitive Grant	\$1,000,000
Juvenile Justice Alternative Education Program – Discretionary (W)	Assists counties with populations less than 125,000 in the operation of a JJAEP.	Competitive Grant – Counties that opt to have JJAEPs may apply for funding. Currently 12 counties collect funding.	\$450,582
Small County Diversionary Fund (R)	Assists small counties in paying the cost of residential placement for youth at risk of commitment to the Texas Youth Commission.	Reimbursement – TJPC may reimburse placements at a rate not to exceed \$90 per day.	\$294,530
Border Children's Justice Project (B)	Supports joint rehabilitative efforts of Texas and foreign authorities and provides services to offenders and their families.	Competitive Grant – Any border county may apply. TJPC awards several grants per year.	\$100,848
Intensive Community-Based Incentive Grant (K)	Provides funding for intensive services to habitual misdemeanor youth. Funds are intended to serve a priority population of youth that, under prior law, would have been eligible for commitment to the Texas Youth Commission.	Competitive Grant – A grant for small counties who may receive up to \$50,000.	\$50,000***

Appendix H

Secure Juvenile Probation Facilities in Texas by Type

Detention Facilities (51)		
County – City	Facility Name	Capacity
Anderson – Palestine	Anderson County Juvenile Detention Center	25
Angelina – Lufkin	Angelina County Juvenile Detention Center	11
Atascosa – Jourdanton	Atascosa County Juvenile Justice Center	40
Bell – Killeen	Bell County Juvenile Services Center	34
Bexar – San Antonio	Bexar County Juvenile Detention Center	198
Brazoria – Angleton	Brazoria County Juvenile Detention Center	32
Brazos – Bryan	R. J. Holmgreen Juvenile Justice Center	48
Cameron – San Benito	Darrell B. Hester Juvenile Justice Center	68
Collin – McKinney	John R. Roach Juvenile Detention Center	144
Dallas – Dallas	Dallas County Juvenile Detention Center	382
Denton – Denton	Denton County Juvenile Detention Center	48
Duval – San Diego	Judge Ricardo H. Garcia Regional Juvenile Detention	50
Ector – Odessa	Ector County Youth Center	18
El Paso – El Paso	El Paso County Juvenile Detention Center	62
Fort Bend – Richmond	Fort Bend County Juvenile Detention Center	80
Galveston – Dickinson	Jerry J. Esmond Juvenile Justice Center	29
Garza – Post	Garza County Regional Juvenile Center	96
Grayson – Denison	Cooke, Fannin, and Grayson County Detention Center	30
Gregg – Longview	Gregg County Juvenile Detention Center	24
Guadalupe – Seguin	Guadalupe County Juvenile Detention Center	50
Hardin – Kountze	Hardin County Juvenile Detention Center	7
Harris – Houston	Harris County Juvenile Justice Center	250
Harris – Houston	Harris County Westside Detention Center	45
Harrison – Marshall	Willoughby Juvenile Services	26
Hays – San Marcos	Hays County Juvenile Detention Center	34
Hidalgo – Edinburg	Judge Mario E. Ramirez Jr. Juvenile Justice Center	96
Hood – Granbury	Granbury Regional Juvenile Justice Center	96

Appendix H

Secure Juvenile Probation Facilities in Texas by Type

<i>Detention Facilities (continued)</i>		
County – City	Facility Name	Capacity
Hunt – Greenville	Hunt County Juvenile Detention Center	37
Jefferson – Beaumont	Minnie Rogers Juvenile Justice Center	48
Kerr – Kerrville	Kerr County Juvenile Facility	25
Limestone – Groesbeck	Limestone County Juvenile Facility	16
Lubbock – Lubbock	Lubbock County Juvenile Justice Center	60
McLennan – Waco	Bill Logue Juvenile Justice Center	72
Midland – Midland	Barbara Culver Juvenile Detention Center	44
Milam – Rockdale	Rockdale Regional Juvenile Justice Center	43
Montgomery – Conroe	Montgomery County Juvenile Detention Center	85
Nueces – Corpus Christi	Nueces County Juvenile Justice Center/Overflow	40
Randall – Amarillo	The Youth Center of the High Plains	43
San Patricio – Sinton	San Patricio County Juvenile Detention Center	20
Smith – Tyler	Smith County Juvenile Detention Center	70
Starr – Rio Grande City	Starr County Juvenile Justice Center	14
Tarrant – Fort Worth	Lynn W. Ross Juvenile Detention Center	104
Taylor – Abilene	Taylor County Juvenile Detention Center	22
Tom Green – San Angelo	Tom Green County Juvenile Detention Center	25
Travis – Austin	Gardner-Betts Juvenile Justice Center	120
Val Verde – Del Rio	Val Verde County Juvenile Detention Center	10
Van Zandt – Grand Saline	Van Zandt County Multi-Youth Center	8
Victoria – Victoria	Victoria Regional Juvenile Justice Facility	36
Webb – Laredo	Roberto M. Benavides Juvenile Justice Center	26
Wichita – Wichita Falls	Judge Arthur R. Tipps Juvenile Justice Center	24
Williamson – Georgetown	Williamson County Juvenile Justice Center	30
Subtotal Detention Facility Beds		3,045

Appendix H

Secure Juvenile Probation Facilities in Texas by Type

<i>Short-Term Holdover Facilities (3)</i>		
County – City	Facility Name	Capacity
Brown – Brownwood	35th Judicial District Juvenile Justice Center	7
Ellis – Waxahachie	Ellis County Short-Term Detention Facility	4
Howard – Big Spring	Howard County Short-Term Detention	8
Subtotal Short-Term Holdover Facility Beds		19

<i>Post-Adjudication Facilities (32)</i>		
County – City	Facility Name	Capacity
Bell – Killeen	Bell County Juvenile Services Center	80
Bexar – San Antonio	Cyndi Taylor Krier Juvenile Correctional Treatment	96
Brazoria – Angleton	Brazoria County Residential Treatment Facility	24
Cameron – San Benito	Amador R. Rodriguez Boot Camp and Educational Center	40
Collin – McKinney	John R. Roach Juvenile Detention Center	144
Dallas – Dallas	Dallas County S.T.A.R.T. Program	50
Dallas – Dallas	Lyle B. Medlock Treatment Facility	96
Denton – Denton	Denton County Secure Correctional Facility	48
Dimmit – Crystal City	Texas Adjudicated Placement Services	42
Duval – San Diego	Judge Ricardo H. Garcia Regional Juvenile Detention	50
Ector – Odessa	Ector County Youth Center	28
El Paso – El Paso	Samuel F. Santana Challenge Program	48
Galveston – Dickinson	Jerry J. Esmond Juvenile Justice Center	10
Garza – Post	Garza County Regional Juvenile Center	96
Grayson – Denison	Cooke, Fannin, and Grayson County Juvenile Boot Camp	57
Harris – Houston	Burnett Bayland Reception Center	144
Harris – Katy	Delta Boot Camp	156
Harrison – Marshall	Willoughby Juvenile Services	24

Appendix H

Secure Juvenile Probation Facilities in Texas by Type

<i>Post-Adjudication Facilities (continued)</i>		
County – City	Facility Name	Capacity
Hays – San Marcos	Hays County Juvenile Detention Center	142
Hidalgo – Weslaco	Hidalgo County Juvenile Boot Camp	40
Hood – Granbury	Granbury Regional Juvenile Justice Center	96
Lubbock – Lubbock	Lubbock County Juvenile Justice Center	36
McLennan – Waco	Bill Logue Juvenile Justice Center	26
Medina – Hondo	Ever Change Academy	26
Milam – Rockdale	Rockdale Regional Juvenile Justice Center	67
Nueces – Corpus Christi	Robert N. Barnes Regional Juvenile Facility	48
Randall – Amarillo	The Youth Center of the High Plains	38
Tarrant – Fort Worth	Lynn W. Ross Juvenile Detention Center	16
Taylor – Abilene	Taylor County Post-Adjudication Facility	36
Travis – Austin	Meurer Intermediate Sanctions Center	118
Van Zandt – Grand Saline	Van Zandt County Youth Multi-Service Center	8
Victoria – Victoria	Victoria Regional Juvenile Justice Facility	36
Subtotal Post-Adjudication Facility Beds		1,966
Grand Total Beds		5,030

Appendix I

Juvenile Justice Alternative Education Program (JJAEP) Characteristics School Year 2006 – 2007

County	Administration	Model	Average Daily Attendance
Atascosa*	Probation Department	Military Component	12
Bell	ISD and Probation Department	Traditional School	53
Bexar	Private Contractor	Traditional School	164
Bowie*	Probation Department	Traditional School	10
Brazoria	ISD and Probation Department	Military Component	77
Brazos	Private Contractor	Traditional School	16
Cameron	Private Contractor	Traditional School	55
Collin	ISD and Probation Department	Traditional School	27
Dallas	Probation Department	Traditional School	245
Denton	ISD and Probation Department	Military Component	66
El Paso	ISD and Probation Department	Traditional School	9
Fort Bend	ISD and Probation Department	Military Component	65
Galveston	ISD and Probation Department	Military Component	45
Hale*	Probation Department	Military Component	19
Hardin*	ISD and Probation Department	Traditional School	9
Harris	Probation Department	Therapeutic	324
Hays*	ISD and Probation Department	Military Component	17
Hidalgo	Private Contractor	Traditional School	53
Hill*	Probation Department	Traditional School	6
Hopkins*	ISD and Probation Department	Traditional School	7
Jefferson	ISD and Probation Department	Military Component	12
Johnson	Probation Department	Traditional School	14
Karnes/Wilson*	ISD and Probation Department	Military Component	24

* Counties that choose to operate a JJAEP.

Appendix I

Juvenile Justice Alternative Education Program (JJAEP) Characteristics School Year 2006 – 2007

County	Administration	Model	Average Daily Attendance
Lubbock	ISD and Probation Department	Military Component	31
McLennan	ISD and Probation Department	Traditional School	70
Montgomery	ISD and Probation Department	Therapeutic	54
Nueces	Private Contractor	Therapeutic	26
Smith	Probation Department	Traditional School	16
Tarrant	ISD and Probation Department	Therapeutic	98
Taylor	Probation Department	Traditional School	18
Travis	Private Contractor	Therapeutic	25
Webb	Probation Department	Traditional School	62
Wichita	ISD and Probation Department	Traditional School	19
Williamson	ISD and Probation Department	Military Component	59
Total			1,807

Appendix J

Staff Review Activities

During the review of the Texas Youth Commission, Texas Juvenile Probation Commission, and Office of Independent Ombudsman, Sunset staff engaged in the following activities that are standard to all Sunset reviews. Sunset staff worked extensively with agency personnel; met with staff from key legislative offices; conducted interviews and solicited written comments from interest groups and the public; reviewed agency documents and reports, state statutes, legislative reports, previous legislation, and literature; researched the organization and functions of similar state agencies in other states; and performed background and comparative research.

In addition, Sunset staff also performed the following activities unique to these agencies.

- ◆ Met with the TYC Conservator and former TYC management.
- ◆ Visited six TYC institutions and met with administrators and staff.
- ◆ Visited and met with staff at a TYC halfway house and two parole offices.
- ◆ Toured two residential facilities under contract with TYC and met with management.
- ◆ Attended Juvenile Probation Commission meetings and met with the Chairman and several Commission members.
- ◆ Met with several judges on local juvenile boards.
- ◆ Observed a juvenile court and met with the presiding judge.
- ◆ Visited four local probation departments and met with probation chiefs and staff.
- ◆ Toured three secure detention facilities in three counties.
- ◆ Toured four secure post-adjudication facilities, including one boot camp, in two counties.
- ◆ Observed TJPC staff conduct a compliance monitoring visit at a local probation department.
- ◆ Observed TJPC staff conduct several workshops to revise probation department standards.
- ◆ Observed a local probation department's staff meeting to determine juveniles' placement and treatment needs.
- ◆ Visited a Juvenile Justice Alternative Education Program.
- ◆ Accompanied the Chief Ombudsman on a field visit to a TYC facility.
- ◆ Talked to national experts in the juvenile justice field, including juvenile justice administrators in Missouri.
- ◆ Interviewed staff from the State Office of Administrative Hearings, Department of Family and Protective Services, Texas Health and Human Services Commission – Office of Program Coordination of Children and Youth, and Texas Correctional Office on Offenders with Medical or Mental Impairments.

NEW ISSUES



New Issues

The following issues were raised in addition to the issues in the staff report. These issues are numbered sequentially to follow the staff's recommendations.

Funding and Diversion from TYC

5. Provide additional resources to the counties to enable more juveniles to be diverted from TYC. (Representative David Swinford, Member – Texas House of Representatives; Pamela Huffman, Deputy Director – Collin County Juvenile Probation, Collin County; The Honorable Guilford Jones, Presiding Judge – 33rd District Court, and Chairman, representing the Juvenile Boards of Blanco, Burnet, Llano, and San Saba Counties, Burnet; Ron Leach, Director – Montgomery County Olen Underwood Juvenile Justice Center and Chair – Southeast Texas Chiefs' Association, Conroe; Tina Lincoln, Chief Juvenile Probation Officer – Hill County Juvenile Probation Department, Hill County; Harold Mann, Chief Probation Officer – Potter County Juvenile Probation, Amarillo; Lisa Tomlinson, Chief Juvenile Probation Officer – Johnson County Juvenile Probation Department, and President – North Texas Chiefs' Association, representing the North Texas Chiefs' Association, Cleburne; and Randy Turner, Chief Juvenile Probation Officer – Tarrant County Juvenile Services, and Vice President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Fort Worth)
6. Require juvenile probation departments to use diversion programs to keep all but the most serious juvenile offenders out of secure facilities. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
7. Increase the research base of the delinquency prevention field by dedicating funding and technical assistance to the evaluation of state-funded prevention programs. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
8. Provide flexible funding through local Community Resource Coordination Groups for youth leaving juvenile justice facilities and to divert youth with complex needs from juvenile facilities. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
9. Invest in the Special Needs Diversionary Program for all areas of the state. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
10. Redirect appropriations to community-based services such as school and faith-based programs and use these services as an alternative to TYC placement. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)

11. Emphasize evidence-based community interventions on probation and rely on probation over commitment. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin; and Gyl Wadge, Director of Public Policy – Mental Health America of Texas, Austin)
12. If cost savings from reorganizing TYC can be achieved, redirect resources to probation service providers and enhance local probation infrastructures. (The Honorable Guilford Jones, Presiding Judge – 33rd District Court, and Chairman, representing the Juvenile Boards of Blanco, Burnet, Llano, and San Saba Counties, Burnet)
13. Allow TYC the flexibility to use the bond money approved in 2007 to meet the needs of youth using small, decentralized facilities that keep youth close to home. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
14. Increase delinquency prevention funding for Services to At-Risk Youth (STAR) and Community Youth Development (CYD). (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
15. Provide sufficient funding to allow local departments access to services that will assist in rehabilitating juveniles and their families without the overburdening bureaucratic paperwork and tracking systems that now permeate everything a department does. (Nelson Downing, Director – Smith County Juvenile Services, Smith County)
16. Encourage the full legislature to appropriate additional resources for the development of the Juvenile Case Management System. (Randy Turner, Chief Juvenile Probation Officer – Tarrant County Juvenile Services, and Vice President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Fort Worth)

Sentencing, Assessment, and Placement

17. Require that youth with nonviolent offenses be kept close to home. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
18. Restrict the use of determinative sentencing to only the most serious offenses. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
19. Require any youth certified as an adult to spend his or her youthful years (ages 14 to 19) in TYC prior to transfer to an adult facility. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
20. Create and use appropriate needs and risk assessment tools to better serve and treat youth. (Gyl Wadge, Director of Public Policy – Mental Health America of Texas, Austin)
21. Require TYC to use an objective research-based assessment and classification system like the Juvenile Assessment and Intervention System (JAIS) in order to:
 - ◆ separate low- and high-risk offenders, and separate vulnerable offenders from potential aggressors;

- ◆ provide graduated levels of care driven by risk assessment;
- ◆ provide flexible and individualized care for youth; and
- ◆ begin aftercare planning within the first 30 days of a youth's placement.

(Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)

Interagency Coordination

22. Develop an inter-agency strategic plan on juvenile delinquency issues through the Health and Human Services Commission, Office of Program Coordination for Children and Youth. Develop the plan with significant stakeholder and family input and provide recommendations regarding the following components.

- ◆ Keeping children in family settings rather than restrictive institutional settings.
- ◆ Providing services along a continuum of care with treatment for the family system.
- ◆ Securing flexible funding to best meet the needs of families and youth.
- ◆ Re-establishing an interagency Legislative Appropriations Request on child and youth issues.
- ◆ Preventing the relinquishment of parental rights so that parents can secure services for their child when not available through any other avenue.
- ◆ Removing barriers to local coordination of services through Community Resource Coordination Groups.
- ◆ Early intervention and detection assessments.

(Eileen Garcia-Matthews, Executive Director – Texans Care for Children, Austin; Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)

23. Require the Texas Department of Family and Protective Services (DFPS) to maintain foster youth committed to juvenile facilities on an active caseload, and for those children in a permanent managing conservatorship, require DFPS and/or a special advocate to visit the children on a regular basis and to advocate for their needs. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)

24. Require Child Protective Services at the Department of Family and Protective Services to participate in the Juvenile Case Management System. (The Honorable Mike Cantrell, County Commissioner – Dallas County, Garland)

25. Require information sharing between TYC and the Texas Department of Criminal Justice (TDCJ), allowing TDCJ to know which youth are being transferred pursuant to a determinant sentence and in which programs they participated while at TYC. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)

Regionalization

26. Direct TYC and TJPC to keep youth in the community when possible and in facilities in their own communities when incarceration is required. Move Texas toward small, regionalized county and state juvenile justice facilities that promote rehabilitation in a non-violent environment. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin; Deacon Doots Du Four, Director – Criminal Justice Ministry, Diocese of Austin, Austin; and Eileen Garcia-Matthews, Executive Director – Texans Care for Children, Austin)
27. Continue to review efforts to regionalize TYC. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County; Homer Flores, Chief Juvenile Probation Officer – Nueces County, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Corpus Christi; and Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin)
28. Require the State to shift toward the regionalized “Missouri model” of juvenile justice by:
 - ◆ identifying 12-15 regions;
 - ◆ dedicating increased funding for either building or converting existing structures closer to urban centers;
 - ◆ emphasizing the development of “group homes” that would hold roughly 10-12 youth;
 - ◆ providing intensely programmatic and rehabilitative opportunities for the juveniles housed in these facilities; and
 - ◆ providing increased funding for local juvenile probation departments to provide rehabilitative services.

(Michele Deitch, Adjunct Professor – LBJ School of Public Affairs, representing the Blue Ribbon Task Force on TYC, Austin; and Scott Henson, Blogger – Grits for Breakfast, Austin)
29. Create more youth group homes and day treatment centers in major urban areas that are similar to those in Missouri. (Joe Lovelace, Associate Director of Behavioral Health – Texas Council of Community MHMR Centers, Austin)

Probation Standards

30. Define “minimum standards” for juvenile probation in statute. (Vicki Spriggs, Executive Director – Texas Juvenile Probation Commission; Homer Flores, Chief Juvenile Probation Officer – Nueces County, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Corpus Christi)
31. Mandate a roll back of TJPC standards to the 2000 level. (Nelson Downing, Director – Smith County Juvenile Services, Smith County)
32. Mandate that the TJPC Executive Director and the Board pull back from a philosophy of dictating every nuance of probation, detention, JJAEP and any other juvenile service and that the role of the agency be to assist and provide training, while allowing the local departments

to determine their best practices without threat of funding loss. (Nelson Downing, Director – Smith County Juvenile Services, Smith County)

33. Authorize the field, instead of TJPC, to promulgate minimum standards for local probation departments. (Nelson Downing, Director – Smith County Juvenile Services, Smith County)
34. Require TJPC, in rule, to create a Standard Development Committee, comprised of both practitioners and TJPC staff, to develop and recommend standard revisions to the Board. (Pama Hencerling, Chief Juvenile Probation Officer – Victoria County Juvenile Services, Victoria, representing Texas Probation Association; Ron Leach, Director – Montgomery County Olen Underwood Juvenile Justice Center and Chair – Southeast Texas Chiefs’ Association, Conroe; James Martin, Chief Juvenile Probation Officer – Jefferson County Juvenile Probation Department, and Legislative Co-Chair – Texas Probation Association, representing the Texas Probation Association and Southeast Chiefs’ Association, Beaumont; and Mark Williams, Legislative Co-Chair – Texas Probation Association, Austin)
35. Amend statute to require the Advisory Council on Juvenile Services to facilitate and assist TJPC with standards revisions. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County; Homer Flores, Chief Juvenile Probation Officer – Nueces County, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Corpus Christi; and Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin)
36. Require TJPC to amend its rules to appoint practitioners from the field of juvenile probation to assist with standards development. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County; and Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin)

Education

37. Require public schools to use research-based practices, like School-Wide Positive Behavioral Support, to reduce disciplinary referrals and keep schools safe. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
38. Require the Texas Education Agency to monitor and enforce standards for Disciplinary Alternative Education Programs (DAEPs). (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
39. Eliminate “serious and persistent misbehavior” as a reason to discretionarily expel students from DAEPs. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
40. Require school districts to consider a student’s intent when applying discipline for nonviolent, non-criminal offenses. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
41. Require the Texas Education Agency to notify and provide guidance to school districts with disproportionate disciplinary referrals. (Eileen Garcia-Matthews, Executive Director, and

Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)

42. Decriminalize challenging student behavior by removing “disruption of class” and “disruption of transportation” from the Texas Education Code as violations for which students can be issued a criminal citation. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)

Medical and Mental Health Care

43. Allow for the temporary suspension of Medicaid and Children’s Health Insurance Program (CHIP) benefits so that covered youth retain coverage upon release from a secure facility. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
44. Require TYC to establish eligibility for youth entitled to Children’s Health Insurance Program or Children’s Medicaid to ensure they receive coverage upon release and can access medical and mental health care. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
45. Encourage the Legislature to pass a mental health parity bill that would require health plans to cover all mental illnesses on equal terms with physical illness. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
46. Require the new Texas Juvenile Justice Department to improve its partnerships with local mental health authorities to advance the care and treatment of court-involved youth with mental health needs and prompt healthier results for individuals, families, and communities. (Joe Lovelace, Associate Director of Behavioral Health – Texas Council of Community MHMR Centers, Austin)
47. Develop regionalized specialty mental health treatment facilities to provide services to those juveniles who cannot be treated in the community. (Joe Lovelace, Associate Director of Behavioral Health – Texas Council of Community MHMR Centers, Austin)

TYC Programs

48. Direct TYC to reduce the lengths of stay of youth committed to the agency. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
49. Require TYC to support efforts to involve the youth’s family in the rehabilitation and treatment process and to more effectively coordinate re-entry services. (Jane Anderson King, Chief Juvenile Probation Officer, Randall County; and Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin)
50. Require TYC to ensure that its services and programs are culturally competent. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
51. Require TYC to place an emphasis on the development of evidence-based programs and services for youth who present some of the most significant behavioral, emotional, and mental health needs in the state. (Jane Anderson King, Chief Juvenile Probation Officer, Randall

County; Homer Flores, Chief Juvenile Probation Officer – Nueces County, and member – Juvenile Justice Association of Texas (JJAT), representing JJAT, Corpus Christi; and Estela P. Medina, Chief Juvenile Probation Officer – Travis County, and President – Juvenile Justice Association of Texas (JJAT), representing JJAT, Austin)

52. Require county probation departments to manage TYC’s parole services. (Scott Henson, Blogger – Grits for Breakfast, Austin)

Youth Rights

53. Require TYC to overhaul its youth grievance system to increase due process safeguards. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
54. Require TYC to overhaul its hearing procedures to increase due process safeguards. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
55. Require TYC to adequately train its volunteer youth advocates to increase due process safeguards. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
56. Require TYC to designate a “Use of Force Youth Advocate” at each maximum security facility to arrive at the scene of all use of force situations. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
57. Require TYC to provide a significant and necessary amount of names of pro bono attorneys interested in representing youth confined in maximum security facilities and provide access by these pro bono attorneys to confined youth. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
58. Require TYC to implement a discrimination reporting system separate from its AMI reporting system at all maximum security facilities. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
59. Require TYC to install at least three grievance boxes at all maximum security facilities in view of security cameras. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
60. Require TYC to implement “privileged mail” ACA procedures at all maximum security facilities. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
61. Require TYC to provide annual statistics to the U.S. Department of Justice of all suicide threats, attempts, and suicides. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
62. Require TYC to properly investigate and conclude youth complaints of abuse, neglect, and exploitation before conducting due process hearings regarding same incident. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)

63. Require TYC to develop goals to ration, supervise, and document the use of seclusion, restraints, chemical control agents, and the use of force. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
64. Ensure that all youth who are sent to TYC receive appropriate federal and state-mandated educational services immediately. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
65. Permit an independent governmental office to investigate allegations of impropriety and to conduct routine inspections of TYC facilities to assess treatment of juveniles. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)

Employment and Training

66. Require TYC and TJPC to invest in increasing the skill set of juvenile corrections officers so that they consistently use positive behavioral interventions and support to enhance a rehabilitative environment. (Eileen Garcia-Matthews, Executive Director – Texans Care for Children, Austin; and Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
67. TYC and probation departments should properly screen applicants for jobs, but should not automatically eliminate ex-offenders. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
68. Require TYC to participate in mandatory random drug testing of all staff. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
69. Require TYC to establish a disciplinary process for staff who do not comply with Office of Independent Ombudsman requests or cooperate with investigations. (Jennifer Solak, Staff Attorney – Children at Risk, Houston)

Performance Measures and Accreditation

70. Require TYC to adhere to performance-based standards to operate maximum security facilities. (L.A. Wright, Legal Criminalist/Consulting Expert – Workplace Criminalistics and Defense International, Austin)
71. Require juvenile justice agencies to hold private community-based service providers to the same standard of care as the public sector, and robustly monitor contracted services. (Eileen Garcia-Matthews, Executive Director, and Jodie Smith, Public Policy Director – Texans Care for Children and Texas Juvenile Justice Roundtable, Austin)
72. Hold local entities and TYC/TJPC accountable according to well-defined and appropriate performance measures. (Gyl Wadge, Director of Public Policy – Mental Health America of Texas, Austin)
73. Require all TYC facilities and programs to be properly accredited. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)

Miscellaneous

74. Create special programs for children of incarcerated parents. (Susana Almanza, Coordinator – Texas Coalition Advocating Justice for Juveniles, Austin)
75. Require a study to determine the best juvenile justice model for Texas and to take into account the needs of youth with disabilities. (Rosa Torres, Attorney – Advocacy, Incorporated, Austin)

Commission Decision

The Commission did not adopt any of the new issues.

Legislative Action

No action needed.

PROVISIONS ADDED BY LEGISLATURE



Provisions Added by Legislature

1. Require TYC to develop a plan to reduce recidivism and ensure successful reentry and reintegration of children into the community on their release.

The Legislature added a provision to H.B. 3689 requiring TYC to develop a recidivism plan that includes an assessment of each youth, programming to address assessed needs, and various reentry services to facilitate transition back to the community. The bill requires that reentry programs be implemented by highly skilled staff and provide youth with individualized case management, life-skills training, education, employment training, treatment programs, parenting classes, and be designed to build post-discharge support from the community.

The bill authorizes TYC to contract with public and private entities to coordinate supervision and services; provide children with documents needed after release; and provide housing and structured programs. House Bill 3689 requires contracts to include specific performance measures, and requires TYC to report to the Legislature on whether the plan reduces recidivism rates.

2. Clarify the processes for prosecution of offenses by employees against committed youth.

The Legislature added a provision to H.B. 3689 permitting the prosecution of offenses, committed by TYC employees against confined youth, in the county of the offense or in Travis County. The provision also clarifies that the Special Prosecution Unit may either prosecute, or assist in the prosecution of, offenses by staff against youth.

3. Establish specifications for minimum standards relating to public and private juvenile pre-adjudication and post-adjudication facilities.

The Legislature added a provision requiring minimum standards for probation facilities to include a humane physical and psychological environment; safe conditions of confinement; protection from harm; adequate rehabilitation, education, medical, and mental health services or treatment; and due process of law.

4. Require local probation departments to complete risk and needs assessments for youth.

The Legislature added a provision to H.B. 3689 that requires local probation departments to complete a validated risk and needs assessment for each youth before disposition by a court, and to report data from assessments to TJPC. The bill authorizes counties to use an instrument provided or approved by TJPC, and requires TJPC to adopt rules to ensure that youth in the juvenile system are assessed using a mental health screening.

5. Modify the composition of the TJPC Board.

House Bill 3689 changes the composition of TJPC's Board to include: two district judges who sit as juvenile court judges; two county judges or commissioners; one chief probation officer; one licensed mental health treatment professional; one educator; one member who represents an organization that advocates on behalf juvenile offenders or victims of delinquent or criminal activity; and one member of the public.

6. Require the Juvenile Services Advisory Council to report to the TJPC Board.

The Legislature added a provision requiring the Juvenile Services Advisory Council to report to the TJPC Board instead of the director.

7. Clarify the authority of TYC's Office of Inspector General to investigate alleged offenses against youth in any facility youth are placed.

The Legislature added a provision to H.B. 3689 clarifying that the Office of Inspector General at the Texas Youth Commission has the authority to investigate alleged offenses against youth committed to TYC at any facility in which a youth is housed or receives medical or mental health treatment.

8. Authorize TJPC to contract with a Mental Health and Mental Retardation Authority to establish a facility for youth with mental health needs.

The Legislature added language to H.B. 3689 to permit TJPC to contract with the Burke Center, the Mental Health and Mental Retardation Authority in Angelina County, for the use of a local residential facility to treat youth on probation with mental health needs. The bill provides that the facility may not continue to operate if it does not provide adequate educational and mental health services. The bill also requires the State Board of Education to grant a charter to the facility for the purposes of educating residents.

9. Require TYC to implement an intensive reading program.

The Legislature added a provision requiring TYC to implement a more intensive and individualized reading program with additional accountability measures. House Bill 3689 requires teachers to have training to handle youth with specialized needs. The bill requires TYC to implement a "positive behavioral support system" for education. The Youth Commission must report to the Legislature on various requirements of the bill.

**SUNSET STAFF REVIEWS OF THE
TEXAS YOUTH COMMISSION (TYC)
TEXAS JUVENILE PROBATION COMMISSION (TJPC)
OFFICE OF INDEPENDENT OMBUDSMAN (OIO)**



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