

# EXECUTIVE SUMMARY OF SUNSET STAFF REPORT

Texas Juvenile Justice  
Department

Office of the Independent  
Ombudsman

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The Texas Juvenile Justice Department (TJJD) was born out of scandal, and a decade later, it still struggles to avoid the spotlight. In 2011, the Legislature abolished TJJD's predecessors — the Texas Youth Commission and Texas Juvenile Probation Commission — following reports of sexual abuse in state juvenile facilities and significant operational problems. The Legislature created TJJD to take their place, requiring the new agency to manage state facilities, oversee county juvenile probation departments, and ultimately unify the juvenile justice system. However, the Sunset review found state and county silos remain strong, and the system's history of problems continues to repeat itself. Meanwhile, justice-involved youth, TJJD staff, and local stakeholders bear the toughest consequences.

Since TJJD's creation, the agency has been caught in a seemingly endless cycle of crises and instability, even after legislative initiatives cut in half the number of youth it must directly supervise and facilities it must operate. Historically, when scandal breaks, a leadership shakeup quickly follows involving new board chairs, executive directors, conservators, or other officials. With each upheaval comes fast-paced efforts to right past wrongs, improve facility safety, and transform the agency's culture. Wary employees are hesitant to implement new management priorities knowing time-intensive reforms may not survive the next sea change. Staff frustrations and reform fatigue continue to intensify until another scandal takes center stage, prompting the cycle to start all over.

This pattern played out once again over the past year, beginning in July 2021 with a Texas Rangers investigation into staff misconduct at state facilities followed in October by the launch of a U.S. Department of Justice probe into conditions at these facilities. By the time Sunset staff concluded this review, federal intervention was ongoing, and employees were adjusting to yet another leadership overhaul after the board chair, executive director, and chief inspector general all left TJJD during the spring of 2022.

Sweeping leadership changes in response to persistent problems may shift the agency's overall direction, but they fail to address the primary root cause of TJJD's current turmoil: chronic staff shortages. TJJD's employee turnover rates are the

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worst among large state agencies and drive nearly all other challenges the agency must manage. In recent years, understaffing has heightened youth safety risks, limited their access to rehabilitation, increased their suicidal and aggressive behaviors, and compelled further staff turnover, creating a self-perpetuating and dangerous situation TJJD cannot reverse with existing resources, despite staff's best efforts. Issues in state secure facilities understandably consume the agency's attention and prevent greater focus on reforms designed to keep youth out of TJJD's custody. Sunset staff concluded financial investments are needed to reduce employee turnover rates and bolster TJJD's diversion efforts across the state. Only then can Texas make the vital transition toward fewer large, scandal-ridden state facilities in the future.

To curb staff turnover and implement changes adopted through the Sunset process, TJJD requires attentive, accountable, and proactive leadership — a duty the agency's governing board has not fulfilled. Despite ongoing challenges, the board has delegated many of its responsibilities to staff without oversight or accountability, which delays necessary actions to keep youth and staff safe. Though this level of disengagement could otherwise warrant a wholesale change to the board's membership or structure, Sunset staff could not recommend another significant leadership shift that would likely exacerbate TJJD's ongoing instability. Instead, the board's engagement requires a jumpstart to effectively lead staff through recurring crises and stabilize the system. Some board members began making improvements during the review to address these problems, though considerable work is still required to ensure staff has steady direction moving forward. Given this need and TJJD's high turnover rates, Sunset staff recommends another review in six years so the Legislature can assess the agency's progress more quickly.

Beyond persistent state-level issues, the review also identified opportunities to improve other TJJD functions, such as county officer certification and enforcement practices. For example, adjusting various certification processes and requirements would remove unnecessary barriers to entry for county-level employees who work directly with youth without reducing safety. Together, these changes could expand county departments' ability to hire staff and use existing bedspace to keep justice-involved youth under local supervision whenever possible.

Finally, while subject to Sunset review but not abolishment, the Office of the Independent Ombudsman (OIO) continues to fulfill a critical role in the state's juvenile justice system by investigating, evaluating, and securing youth rights. Since juvenile correctional facilities operate behind locked doors, stakeholders rely on OIO to serve as their eyes and ears through routine site visits and complaint investigations. Nonetheless, OIO's statutory authority and internal procedures require updates to minimize unnecessary risks and ensure rights violations do not slip through the cracks.

The following material highlights Sunset staff's key recommendations for the Texas Juvenile Justice Department and Office of the Independent Ombudsman.

## Sunset Issues and Recommendations

### ISSUE 1

#### Unless TJJD's Critical Staffing Issues are Adequately Addressed, the Juvenile Justice System Will Remain In a Cycle of Instability, Unable to Fully Achieve Legislative Goals.

Inadequate staffing levels in state secure facilities have become the agency's most pressing problem, with juvenile correctional officers reporting a 71 percent turnover rate in fiscal year 2021. Employee shortages limit juveniles' access to services and force the agency to lock down dorms, which further contributes to youths' self-injurious and disruptive behaviors. At the same time, TJJD employees face physical harm and have limited capacity to accomplish all of the duties necessary to effectively rehabilitate youth. The staffing crisis also impacts county juvenile probation departments, as they continue to supervise committed youth stuck in TJJD's prolonged intake backlog. Additionally, chronic state-level issues direct the agency's attention away from initiatives that would maximize diversion from state facilities, increase capacity at the local level, and encourage collaboration across county departments. Sunset staff found abolishing or transferring TJJD would not meaningfully address any of the issues it must tackle. Instead, investment in TJJD's state- and county-level duties is needed to stabilize the agency and help balance its focus between safe facility management and increased regional diversion.

#### Key Recommendations

- The House Appropriations and Senate Finance committees should consider increasing TJJD's appropriation to stabilize staffing levels and ensure the agency accomplishes its statutory regionalization duties.
- Require TJJD to update its regionalization plan biennially to ensure its contents are up-to-date and actionable, and direct the agency to complete unfinished or underdeveloped regionalization duties.
- Authorize TJJD to incentivize diversion within and collaboration between Texas counties through its grantmaking processes.
- Continue TJJD for six years.

### ISSUE 2

#### TJJD's Board Must Vastly Improve Its Governance and Engagement to Overcome the Agency's Operational Crises and Leadership Instability.

TJJD needs a fully engaged, attentive board to effectively oversee the agency's high-stakes, high-risk mission, establish a consistent strategic direction, and unify the juvenile justice system. However, the board has not taken actions to correct serious problems that endanger youth and staff. Further, board members have delegated key statutory duties to the executive director without providing sufficient direction, supervision, or accountability, further burdening staff overwhelmed by employee shortages

and operational challenges. Improving the board's understanding and performance of its statutory responsibilities would position the agency to successfully implement current and future juvenile justice reforms.

### **Key Recommendations**

- Require the board to provide oversight and accountability for any duties the board delegates to the executive director.
- Direct the board to evaluate and update its own policies and practices to more efficiently and effectively perform its statutory duties, such as supervising its direct reports, developing strategic plans, setting funding priorities, and adopting required rules.
- Update statutory requirements related to board member training, and direct TJJD to improve the usefulness of this training.
- Authorize the board to establish advisory committees in rule, and require the board to adopt policies and procedures for the statutory Advisory Council on Juvenile Services in rule.

## **ISSUE 3**

### **Key Elements of TJJD's Statute, Rules, and Procedures Do Not Conform to Common Regulatory Standards.**

Certain provisions in TJJD's statutes, rules, and procedures do not match model standards or common practices observed through Sunset's experience reviewing agencies. Specifically, procedures for TJJD's inspections of state- and county-level entities, including juvenile correctional facilities, do not adequately incorporate risk to ensure the agency dedicates its limited resources most efficiently and effectively. Additionally, some statutory certification requirements for county-level officers are inappropriately subjective or overly prescriptive and could create barriers to certification for otherwise qualified candidates. Aligning TJJD's statutes, rules, and procedures with best practices would help protect youth and staff, increase efficiency, and maintain public safety.

### **Key Recommendations**

- Require TJJD to establish a risk-based approach to inspections for state- and county-level entities, including contract facilities operated by private entities.
- Remove prescriptive education and experience requirements for certified juvenile probation officers from statute, and instead require TJJD to establish requirements in rule.
- Authorize TJJD to issue provisional certifications to officer applicants while they complete their required training.

## ISSUE 4

### The Office of the Independent Ombudsman Needs Clearer Authority and Formalized Policies to Better Secure the Rights of Youth in the Juvenile Justice System.

Since its creation, OIO's authority has expanded to include the protection of youth rights at both the county and state levels of the juvenile justice system, but its enabling statute and internal procedures have not kept pace with these changes. For example, OIO's statute does not provide a clear mechanism through which ombudsmen can readily identify all of the facilities under their jurisdiction, which could lead to rights violations going unnoticed and unreported. Further, while the office collects voluminous information during its routine site visits, it lacks procedures to efficiently track systemic trends and communicate these issues through its existing reporting requirements. Finally, OIO does not formally assess risk to ensure it allocates its resources toward state- and county-level entities with the greatest oversight need. Updating OIO's statute and formalizing its policies would strengthen the office's ability to protect the rights of all youth under its jurisdiction and better ensure continuity of operations over time.

#### Key Recommendations

- Require TJJD and county juvenile probation departments to notify OIO about contract facilities in which they place post-adjudicated youth.
- Require OIO to establish a risk-based approach to site visits for state- and county-level entities, including contract facilities operated by private entities.
- Direct OIO to create policies and procedures for consistently tracking findings from its site visits and including key findings and trends in its quarterly reports.

## ISSUE 5

### TJJD's Statute and Processes Do Not Reflect Some Standard Elements of Sunset Reviews.

Over the years, Sunset reviews have included a number of standard elements designed to ensure open, responsive, and effective government. Sunset staff identified several needed changes to TJJD's reporting requirements and website to improve the agency's effectiveness, efficiency, transparency, and accountability. Sunset staff also identified terms within TJJD's statutes that are not consistent with the Legislature's person-first respectful language initiative.

#### Key Recommendations

- Combine two TJJD reports related to the effectiveness of youth rehabilitation efforts, and continue all other reporting requirements.
- Direct TJJD to improve and update its website content.
- Update TJJD's statute to reflect the requirements of the person-first respectful language initiative.

## Fiscal Implication Summary

While some recommendations in this report would have a fiscal impact to the state, the exact costs cannot be estimated at this time. In Issue 1, the recommendation for the House Appropriations and Senate Finance committees to consider increasing TJJJ's appropriation aims to improve staff retention and regionalization efforts and would require the investment of general revenue funds over multiple biennia. However, the Legislature must determine the level of funding needed and available to implement improvements. In Issues 3 and 4, recommendations for TJJJ and OIO to adopt risk-based processes for their inspections and site visits should increase efficiency by targeting resources toward the highest-risk entities under their jurisdiction. The fiscal impact, however, would depend on the results of each agency's risk assessments. Other recommendations in the report would require staff time to complete, but TJJJ and OIO could implement them with existing resources.