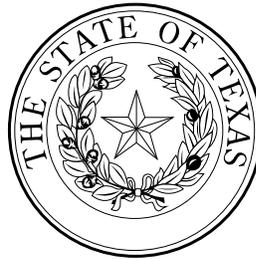


**Texas Juvenile Probation  
Commission  
Texas Youth Commission**

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**Staff Report**



**Texas Sunset  
Advisory Commission**

**1996**

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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 10-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 JUVENILE PROBATION COMMISSION**

**TEXAS YOUTH COMMISSION**

**SUNSET STAFF REPORT**

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# **EXECUTIVE SUMMARY**



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# Executive Summary

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The Texas Juvenile Probation Commission (TJPC) and the Texas Youth Commission (TYC) jointly administer the juvenile justice system. TJPC and TYC deal with some of the state's most disturbed and violent youth. Public fear concerning the behavior of violent youth set the stage for a major overhaul of the system by the 74th Legislature. Many of these changes make the system tougher on delinquent youth and attempt to hold juveniles accountable for their actions. The changes, for the most part, have been in effect for less than a year. As a result, the Sunset review did not directly address the major changes made to the system, but concentrated on finding ways to improve and strengthen the administration of the system, and improving the delivery of services to juvenile offenders. The following material summarizes the results of the review.

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## 1. Continue both the Texas Juvenile Probation Commission and the Texas Youth Commission for 12 years.

Ensuring community safety remains an essential role of government. Together, the state's two juvenile justice agencies, TJPC and TYC, administer the system designed to provide treatment and services to delinquent youth, and where appropriate, hold the youth accountable for the actions through incarceration. A consolidated juvenile justice agency would not necessarily improve system operations nor produce significant savings.

***Recommendation:*** Continue TJPC and TYC for 12 years.

## 2. Require TJPC to Adopt Specific Reporting and Performance Standards for Local Probation Departments.

TJPC must continue to move its focus from establishing probation services to improving the effectiveness of juvenile probation services. Establishing uniform and measurable standards for performance, case management, and reporting will be essential if the recent reforms are to be successful. To date, TJPC has not set specific standards regarding data collection, nor have they

adopted performance standards and case management in agency rule to ensure counties deliver effective services.

***Recommendation:*** Require TJPC to adopt and enforce specific standards for the collection and reporting of information on juvenile offenders by probation departments. Additionally, TJPC should establish performance standards in rule to determine the effectiveness of probation services and establish case management standards for probation services.

## 3. Pilot an Approach that Targets Funding for the Juvenile Justice System to Better Use Existing Resources.

Texas has responded to fears over public safety and juvenile crime by expanding institutional capacities. This effort, while successful in addressing immediate public safety concerns, is a costly and short-term solution. The state should examine alternative approaches to funding the juvenile justice system that would strengthen early, and ultimately less costly, intervention efforts.

***Recommendation:*** TJPC and TYC should jointly develop pilot projects where counties, on a voluntary basis, would receive a pool of state funds

to be used with local funds to provide a full array of services to juvenile delinquents.

#### 4. Ensure TJPC and TYC Continue to Develop and Maintain Sound Contracting Practices.

TJPC and TYC currently rely heavily on contracts to provide services for juvenile offenders. Several other state agencies have experienced problems with contracting for services and the Legislature has consistently emphasized that all state agencies should establish sound contracting systems. Both TJPC and TYC have taken steps to strengthen their contracting systems. Placing strong contract criteria in statute would ensure this approach continues.

***Recommendation:*** Require TJPC and TYC to include standards in each contract for services, clearly defining goals, outputs, and measurable outcomes that relate to program objectives. Local probation departments should include similar standards in their contracts with private services providers. TJPC and TYC should also use a risk assessment methodology to monitor compliance with financial and performance requirements.

#### 5. Maximize the Use of Medicaid to Reduce Health Care Costs for Youth in the Juvenile Justice System.

TJPC and TYC should endeavor to make Medicaid available to youth in the juvenile justice system wherever financially feasible. Although local juvenile probation departments have begun to increase access to Medicaid, the system has traditionally received little federal financial support. Medicaid may offer opportunities to use increased levels of federal funds for services for juvenile offenders.

***Recommendation:*** Require TJPC and TYC to maximize the use of Medicaid funding for health care costs of youth in the juvenile justice system. Additionally, require TJPC to provide technical

assistance to counties on Medicaid eligibility for juvenile offenders on probation, and to track counties' use of Medicaid.

#### 6. Strengthen the State's Ability to Identify the Mental Health Needs of Delinquent Youth.

The ability of the juvenile justice system to provide appropriate mental health services to youth depends upon an effective initial evaluation of juvenile offenders' problems and needs. The Legislature has recognized routine mental health screens as a cost effective way to assess the mental health needs of youth when they first enter the system. However, many juvenile probation departments are not using screens to determine whether the youth may need further evaluation. Strengthening use of such screenings will allow juvenile probation departments to develop an appropriate approach for sanctions and services to offenders.

***Recommendation:*** Require county juvenile probation departments to use the TJPC screening instrument or follow standards set by TJPC for mental health screens. Additionally, require probation departments to report information regarding results of mental health screens to TJPC.

## Fiscal Impact Summary

The recommendations contained in this report could result in a savings to the state, however, the amount cannot be estimated at this time. Savings should result through enhanced contract administration and case management, and through the receipt of additional federal funds. Additionally, piloting an approach that targets a greater percentage of state funds for the juvenile justice system on prevention and intervention programs may lead to future savings by reducing juvenile crime and the need to expand institutional capacity.



## **APPROACH AND RESULTS**

# Approach and Results



## Approach

During the 74th legislative session in 1995, the Governor and the Legislature declared juvenile justice a top priority and passed an extensive overhaul of the juvenile justice system. In conjunction with this focus on juvenile justice, the Legislature moved up the Sunset date for the Texas Juvenile Probation Commission (TJPC) and the Texas Youth Commission (TYC) from 1999 to 1997.

In structuring the Sunset review of TYC and TJPC, Sunset staff had two major issues to address — consolidation of the two agencies and the recent legislative reforms. The issue of consolidation was especially difficult because of the political nature of the issue. Consolidation of TYC and TJPC has been proposed several different times by several different entities. The Legislature has consistently rejected the consolidation.

Consolidation is also further complicated by the different levels within the juvenile justice system. Both the county and the state control different aspects of the system. Sunset staff chose to approach the review by looking at the juvenile justice system as whole — a system with different stakeholders at different levels, but working towards the same goal. Instead of trying to accomplish this goal by administratively combining the two agencies into one, Sunset staff focused on coordinating resources between the two agencies and the various stakeholders.

The 74th Legislature made the most comprehensive changes to the juvenile justice system since 1973 with the 1995 Juvenile Justice Reform Bill (H.B. 327). Many of the changes went into effect beginning in January 1996. As a result, the reforms have not been in place long enough to collect and evaluate data to measure success. Because of the timing and extent of the changes, Sunset staff did not attempt to address or evaluate the reforms.

After staff determined agency consolidation was not feasible and the 1995 reforms were too new to determine their effectiveness, the Sunset review concentrated on improving the operations of both TJPC and TYC so that the rehabilitative needs of juvenile offenders are

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*The Legislature has consistently rejected previous proposals to consolidate the state's juvenile justice agencies.*

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better served and communities are better protected. To that end, the recommendations in this report address several themes: targeting state resources where they can be used more effectively, improving the agencies' contracting systems, requiring mental health assessments of youth entering the juvenile system, and requiring reporting and performance standards for local juvenile probation departments.

## Review Activities

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In conducting the review, the Sunset staff:

- Worked with TJPC and TYC staff — executive management and staff from each of the agencies' major programs;
- Worked with the Lieutenant Governor's Office, the Speaker's Office, and other legislative committees and staff;
- Worked with the Health and Human Services Commission, the Department of Mental Health and Retardation, the Criminal Justice Policy Council, and other health and human services and correctional agencies;
- Attended public meetings of both the TJPC and TYC Boards;
- Surveyed and met with interest groups about their concerns with the juvenile system and recommendations for improvement;
- Traveled to local probation offices in Burnet, Beaumont, Houston, and Austin;
- Visited TYC institutions in Marlin, Corsicana, and Giddings;
- Attended and presented at a juvenile judges' conference in Galveston; and
- Reviewed agency documents and reports, state statutes, legislative reports, previous legislation, literature on juvenile justice, other states information, and information available on the Internet.

## Results

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The Sunset review of TJPC and TYC started with answering the threshold question of whether functions performed by the agencies continue to be needed. The mission of the state juvenile justice system is to protect the state's citizens as well as to hold accountable and rehabilitate juvenile

offenders. The goal of TJPC is to bring consistency and quality to the probation end of this system, while the goal of TYC is to provide for the care, custody, rehabilitation and reestablishment into society of juveniles committed by the courts for delinquent conduct. These juveniles are often the most violent and chronic offenders. In Issue 1, the Sunset staff concluded that both agencies' activities to achieve these goals continue to be needed. The state has identified the punishment and rehabilitation of juvenile offenders and the protection of the public as essential roles of government.

Once TJPC's and TYC's functions were deemed necessary, the review shifted to the organizational structure used to carry out these functions. The two agencies were evaluated to see whether consolidation or transfer of some or all of their functions was needed. As discussed previously, consolidation was not recommended because the Legislature has repeatedly shown a preference for the present two-agency approach to administering the juvenile justice system and because substantial savings or other tangible benefits could not be shown. Staff looked instead for improvements that could be made to the juvenile justice system as a whole.

In reviewing how TYC and TJPC carry out their missions and the entire juvenile justice system, staff focused on the following:

***Addressing the changing needs of juvenile offenders and targeting the state's resources appropriately*** — Recent studies have indicated that juvenile offenders are becoming increasingly more violent and have more serious mental health needs than ever before. Both Issue 6, requiring mental health assessments of juvenile offenders, and Issue 3, the pilot program increasing funding at the local probation level for intervention and prevention programs, offer possible solutions to address the changing demographics of the juvenile population. Issue 5, requiring the agencies to pursue Medicaid to pay for health care costs for juveniles, ensures that the state maximizes federal funding in this area, so that state dollars can be spent on other services.

***Improving Consistency and Accountability*** — TJPC's statutory purposes include improving the effectiveness of juvenile probation services and establishing uniform probation standards. Issue 2, requiring TJPC to adopt specific reporting and performance standards, will ensure that the agency keeps up with the increased information and performance demands of the Legislature and that accurate information is available on how state dollars are being spent at the local probation level. Both TJPC and TYC

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*The Sunset review focused on addressing the changing needs of juvenile offenders, targeting state resources, and improving consistency and accountability.*

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contract with private providers for services for juvenile offenders. Issue 4, improving contracting systems, will ensure that the agencies have efficient and effective performance-based contracting systems in place so that the state gets the most out of its service dollars.

## Recommendations

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1. Continue the Texas Juvenile Probation Commission and the Texas Youth Commission for 12 years.
2. Require TJPC to Adopt Specific Reporting and Performance Standards for Local Probation Departments.
3. Pilot an Approach that Targets Funding for the Juvenile Justice System to Better Use Existing Resources.
4. Ensure TJPC and TYC Continue to Develop and Maintain Sound Contracting Practices.
5. Maximize the Use of Medicaid to Reduce Health Care Costs for Youth in the Juvenile Justice System.
6. Strengthen the State's Ability to Identify the Mental Health Needs of Delinquent Youth.

## Fiscal Impact

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Most of the recommendations in this report could result in a savings, but the amount of savings cannot be estimated at this time. For example, continuing to improve the contracting systems at the agencies could result in a savings due to greater efficiency and effectiveness, and requiring the agencies to recoup more dollars in Medicaid costs could reduce the amount of state dollars spent on health care for juveniles. Any savings resulting from these two issues would be reallocated within each agency for services.

The pilot project in Issue 3 could also result in a long-term savings to the state by reducing juvenile crime and projected bed capacity; however, these savings are not expected in the short-term.

The recommendations relating to requiring reporting and performance standards and mental health assessments should not result in a cost to the state or the local probation departments, as both recommendations expand on duties already performed by these entities.

Continuing TJPC and TYC for an additional 12 years would require the Legislature to maintain annual appropriations, based upon 1996 budgets, of \$61 and \$167 million, respectively, for the two agencies.



# ISSUES

# Issue 1



## Continue the Texas Juvenile Probation Commission and Texas Youth Commission for 12 Years.

### Background

Two agencies, the Texas Youth Development Council and the Texas Youth Council, both preceded the Texas Youth Commission (TYC) and administered programs for delinquent and neglected youth. Programs using constructive training to rehabilitate delinquent youth were developed to reestablish youthful offenders within their communities. By 1981, the Legislature had created TYC to assume the responsibilities of its predecessors, while a new agency, the Texas Juvenile Probation Commission (TJPC), was created to assist counties to develop juvenile probation services. This two-tiered system allows counties, with state assistance, to work with youth within their communities and allows the state, through TYC, to assume responsibility for a youth when community-based treatment is unavailable or fails and a need exists to protect the public's safety.

Since TJPC's creation, its first task of establishing probation services in each county has been accomplished and its focus has shifted to providing technical assistance, training, and financial support to the 168 county probation departments that serve all Texas counties. Assistance to local juvenile boards and probation departments helps to provide comprehensive community-based probation services. These community programs and services are intended to ensure public safety, offender accountability, and assistance to offenders in becoming productive, law-abiding citizens.

As juvenile crime has increased, TYC responsibilities have become more focused on the control and rehabilitation of the state's most violent and chronic delinquents and less on providing care for less dangerous or dependent youth. Like TJPC, TYC's mission is to provide public safety. However, TYC accomplishes this through the custody, rehabilitation, and reestablishment in society of youth committed by the courts for delinquent conduct. The Commission operates institutional and community-based residential programs and

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*A two-tiered system allows counties to first work with local youth and the state to take responsibility for youth with violent or repeat offenses.*

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provides parole supervision for youth upon their release back to their community.

TJPC is overseen by a nine-member Commission appointed by the Governor. Two members of the Commission must be Juvenile Court Judges, one must be a County Judge or Commissioner's Court member, and six are citizen members. TYC is governed by a six-member Commission appointed by the Governor. Members are citizens recognized within their communities for their interest in youth. A Joint Board Committee of three TJPC members and two TYC members advises the two agencies on issues of mutual interest.

As a result of increasing public concern over juvenile crime, the 74th Texas Legislature in 1995 overhauled the juvenile justice system. The passage of House Bill 327 saw the state reemphasize public protection by holding delinquent youths and their parents accountable for their actions.

The system continues to receive scrutiny with two interim legislative committees, the House Committee on Juvenile Justice and Family Issues, and the Senate Interim Committee on Juvenile Justice and Child Support, responsible for studying and making recommendations on:

- changes made in the last legislative session, including new juvenile justice problems and reports of TYC, TJPC, and the Texas Criminal Justice Policy Council (CJPC) made pursuant to House Bill 327;
- implementation of progressive sanctions and the expansion of the Services to At-Risk Youth (STARS) program;
- omissions and unintended consequences of the juvenile justice reform bill; and
- analysis of CJPC information and whether the expansion of TYC and local juvenile facilities is sufficient through the year 2002.

To justify the continuation of an agency's functions, certain conditions should exist. A current and continuing need should exist for the state to provide the functions or services; the functions should not duplicate those currently provided by any other agency; and the potential benefits of maintaining a separate agency must outweigh any advantages of transferring the agency's functions or services to any other state agency.

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*The 74th Legislature overhauled the juvenile justice system by emphasizing early intervention and holding delinquent youths accountable for their actions.*

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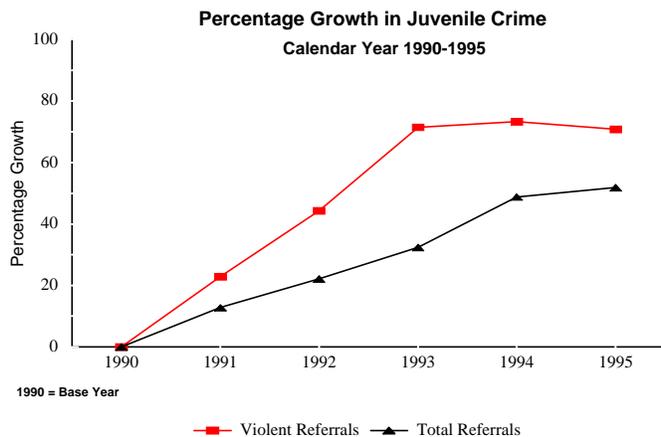
## Findings

### ▼ Ensuring community safety is an essential role of government.

- ▶ The state’s strategic plan identifies ensuring the safety of communities as a primary mission of state government.
- ▶ The goals included in this mission are to protect citizens from crime, to break the cycle of crime so that individuals, especially juveniles, may be responsible and productive citizens, and to ensure those who do commit crimes pay their debt to society.
- ▶ The state has determined that every effort should be made to ensure that delinquent juveniles are provided the opportunity for community service and restitution. For juveniles committing violent offenses, facilities and programs should exist to assure that juveniles are both punished and offered opportunities for rehabilitation, while continuing to receive an education.
- ▶ The state has entrusted the achievement of these goals to probation departments and juvenile boards at the local level and TJPC and TYC at the state level.

### ▼ Rising juvenile crime rates require continued state efforts to protect the public and hold delinquent youth accountable for their actions.

- ▶ In 1995, Texas juveniles committed more than 34,000 felonies, including 261 murders, 1,601 sexual assaults, and over 4,200 aggravated assaults.<sup>1</sup>
- ▶ In addition to high levels of juvenile crime, the crimes are becoming more violent. In 1990, 5,002 youths were referred to the juvenile justice system for violent offenses. In 1995, 8,542 youth were referred for violent offenses, an increase of 71.5 percent.<sup>2</sup> The graph, *Percentage Growth in Juvenile Crime - Calendar Year 1990-1995*, illustrates this growth.





- ◆ Concerns exist over the administrative structure of the juvenile justice system — specifically, whether performance and accountability are adequate. Many reviews of the system have considered a consolidated juvenile justice system as one way to ensure greater performance and accountability. However, these reviews have also noted advantages and disadvantages to a single juvenile justice agency and the numerous factors that must be considered in such a decision.
- ◆ The 1989 Senate Select Committee on Juvenile Justice, the 1990 State Auditor report, *An Analysis of Selected State Juvenile Services*, and the 1991 Texas Performance Review (TPR) report, *Breaking the Mold*, all weighed the pros and cons of consolidation and considered incorporating the two juvenile justice agencies within a single health and human services agency.<sup>4</sup>

In addition, TPR’s 1993 report, *Texas Crime, Texas Justice*, concluded that the juvenile justice system is fragmented with duplication between state agencies and county probation departments.<sup>5</sup>

- ◆ The long-running consolidation debate has sought to find an appropriate balance between the advantages and disadvantages of consolidation, which have both been identified.

Many of the benefits identified center on better coordination of effort, improved consistency in information critical to state juvenile justice policy, and improving accountability and performance. The textbox, *Advantages of Consolidation*, summarizes these potential benefits.

Consolidating TJPC and TYC also has possible disadvantages. These disadvantages raise strong opposition to consolidation and highlight the differences between providing some juvenile justice efforts at the community level versus at the state level. The textbox, *Opposition to Consolidation*, summarizes the identified disadvantages to consolidation.

- ▼ With a wealth of information on this issue, the Legislature has chosen not to endorse the consolidation of the juvenile justice agencies.

| <b>Advantages to Consolidation</b>   |
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| <p><b>Unified Approach:</b><br/>The juvenile justice system has a single mission — to protect and preserve public safety while providing treatment and educational opportunities to delinquent youth so they may become more productive members of society. Creating a single entity responsible for statewide policy would help eliminate overlaps in management of the juvenile justice system.</p>                                  |
| <p><b>Remove Inconsistencies:</b><br/>Probation departments and TYC have different methods of assessing juveniles to determine services needed and in resocialization methods. Such inconsistencies reduce the effectiveness of services for juveniles who move through both levels of the system. Increased consistency would also improve accountability and performance.</p>  |
| <p><b>Administrative Savings:</b><br/>Currently, two state agencies provide administrative oversight of a single juvenile justice system. Eliminating overlap by combining support functions such as accounting, payroll, personnel, and information management could result in savings. Additionally, consolidation would eliminate the need for two Commissions, resulting in savings from reduced per diem and travel expenses.</p> |



responsibility for a component of the system created to deal with juvenile offenders. As long as the state chooses to operate juvenile probation as a local system, the state needs an entity to assist and monitor that system. Any consideration given to consolidating aspects of the juvenile justice system with the adult system would blur the historical approach taken towards delinquent action.

Clearly, the state has a duty to protect its citizens from juvenile offenders. TYC houses and provides services to the state's habitual and violent juvenile offenders. Sunset staff did not identify any other administrative structure for the state's two juvenile justice agencies that increases benefits to the state or significantly reduces costs.

However, the review has identified specific needs to improve performance measures and accountability within the system. While these issues could possibly be addressed through consolidation, the disadvantages outweigh the benefits. As a result, the approach taken toward these issues is to specifically address them within the current agency structure.

## Recommendation

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### Change in Statute

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- Continue the Texas Juvenile Probation Commission for 12 years.
- Continue the Texas Youth Commission for 12 years.

This recommendation would result in both agencies having a new Sunset date of September 1, 2009.

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### Fiscal Impact

If the Legislature continues the current functions of TJPC and TYC using the existing organizational structure, the fiscal year 1996 appropriation for the agencies, approximately \$61 and \$167 million, respectively, would continue to be required for the operation of the two agencies.

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<sup>1</sup> Texas Juvenile Probation Commission, Statistical Reporting System - Activity Report, Jan.-Dec. 1995.

<sup>2</sup> Ibid.

<sup>3</sup> Criminal Justice Policy Council, *Top Priority: Preparing the Juvenile Justice System for the Twenty-First Century*, March 1996, p. 4.

<sup>4</sup> Texas Youth Commission, *Texas Youth Commission Self Evaluation Report*, September 1995, p. 29; The State Auditor's Office, *An Analysis of Selected State Juvenile Services*, December 1990, SAO report No. 1-035, and, The Texas Performance Review, *Breaking the Mold*, July 1991.

<sup>5</sup> Texas Performance Review, *Texas Crime, Texas Justice*, September 1992, p. 40.

## Issue 2



### Require TJPC to Adopt Specific Reporting and Performance Standards for Local Probation Departments.

#### Background

One of TJPC's initial mandates was to provide juvenile probation services statewide. In 1981, 32 counties did not have probation departments, 107 counties did not have juvenile boards, and no state standards for juvenile probation existed. Now, with TJPC's direction, every county in the state has a probation department and a juvenile board. In addition to establishing probation services statewide, TJPC also sets statewide operating standards for these departments and monitors them for consistency.

TJPC has established standards that cover general probation administration as well as several specific areas including standards for pre- and post-adjudication facilities, and standards concerning both the community corrections assistance program and the Title IV-E federal foster care program.<sup>1</sup> TJPC staff verify compliance with the standards through annual monitoring visits. If a local department is not in compliance, they may apply to the agency for a waiver, which must include a plan for compliance and an explanation of the non-compliance. Waivers may be granted for up to two years.<sup>2</sup> Out of 70 waivers requested, TJPC approved 57 waivers in fiscal year 1996.

Recent legislative changes have increased the amount and type of information that local probation departments must collect and report to the state on juvenile offenders. Along with TJPC, both the Department of Public Safety (DPS) and the Criminal Justice Policy Council (CJPC) will now be involved in collecting and analyzing information on juvenile offenders. The increased information requirements are designed to assist the state in analyzing the current juvenile justice system and population and in predicting future resource needs.

Legislative focus has also turned recently to the issue of contract management and performance measures. Because approximately one-third of the state budget is devoted to contracted services and goods, the Legislature charged a Joint General Investigating Committee with

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*TJPC has adopted standards for general probation administration and monitors for compliance.*

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reviewing contract procedures and making recommendations. TJPC was included in this review because it provides considerable state money for services to juvenile offenders through contracts with local juvenile boards.

The Sunset review focused on current TJPC standards and whether changes to them could improve juvenile services and better implement the increased information and performance demands from the Legislature.

## Findings

### ▼ TJPC standards focus more on basic juvenile operations than performance and case management.

- ▶ TJPC monitors probation departments based on certain criteria such as minimum probation officer salaries, staff-to-juvenile ratios, and space requirements for offices and detention facilities. Although TJPC does monitor departments based on established performance measures, the Commission has not formally adopted specific standards in rule relating to case management or program effectiveness.
- ▶ TJPC has not developed standards for case management or procedures for basic probation and intensive supervision officers that local probation officers could use to get the best results from their probation services.

For example, juveniles placed in residential care, funded through the federal IV-E program, receive more intensive case management because of federal program requirements. Each of these juveniles must have a written case plan for meeting their needs and their family's needs. Specific standards for regular contact with the juvenile and periodic judicial review are also required to determine the progress of the child. No such standards have been developed for the general population of juveniles on probation.

- ▶ TJPC has developed a program evaluation report to be completed by the counties. Initial reports asking for program descriptions and cost and population estimates have been distributed. Annual evaluations with program outcomes will be completed at the end of fiscal year 1997.

### ▼ TJPC currently has no specific standards relating to recent legislative reporting requirements.

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*TJPC has not developed standards for case management.*

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- The Legislature is asking for more consistent, comprehensive data with an emphasis on recidivism rates. House Bill 327, the 1995 Juvenile Justice Reform Bill, reflected the intent of the Legislature to assimilate comprehensive information on juvenile offenders with the inclusion of the Criminal Justice Policy Council and the Department of Public Safety in the reporting process.

CJPC is required to submit an annual report to the Legislature containing statistical information on the ages, races, and counties of residence of children referred to juvenile court during the preceding year.<sup>3</sup> CJPC is also required to analyze information from local departments on the implementation of the progressive sanctions model, as well as on any deviations from this model. CJPC will then report to the Legislature on the effect of implementing the model on recidivism rates and the primary reasons for any deviations.<sup>4</sup> The deviation reports will be used to analyze the juvenile justice system and its resource needs.<sup>5</sup> TJPC intends to work with local departments to collect this information.

DPS is required to develop and maintain a statewide computerized juvenile justice information system. This system will contain offense and disposition information about juvenile offenders, as well as fingerprint and criminal history information.<sup>6</sup> The purposes of the system include providing juvenile justice agencies with accurate information on juvenile offenders, improving the quality of data used in impact analyses for proposed legislative changes, and improving the ability to analyze juvenile justice system data.<sup>7</sup>

- TJPC already uses basic statistical reporting mechanisms in practice; however, agency rules do not provide specific detail on new reporting requirements.

TJPC publishes an annual statistical report compiled from data received from local probation departments. The statistical report for calendar year 1995 was not published until October 1996 because some counties did not submit data for the report on time.

TJPC created a database in 1985 for use by county probation departments in tracking caseloads called the CASEWORKER system. Counties that use this program can send their monthly and annual information to TJPC on diskettes. TJPC can then

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*Agency rules do not provide necessary detail on new legislative reporting requirements.*

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*In the past, state agencies have had some difficulty obtaining needed statistical information from some juvenile probation departments.*

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easily compile the information. As of May 1996, 144 of 168 departments use the CASEWORKER system. However, some of the larger counties, such as Travis, Harris, and Bexar use a separate database system and report information to TJPC on paper. TJPC has updated the CASEWORKER system to reflect new information demands and has begun efforts to include non-CASEWORKER automated systems.

The current mechanisms supply TJPC with aggregate data on referrals, offenses, and dispositions. However, individualized data that identifies individual juvenile offenders and tracks outcomes, such as graduation from high school or recidivism has not been previously available.

- ▶ While local probation boards and departments are required by statute to collect and report information for both DPS' juvenile justice information system and CJPC's annual reports to the Legislature, DPS and CJPC do not have any authority over local departments to compel them to report. These agencies have had some difficulty in obtaining needed information in the past:
  - CJPC initially had some problems with a few counties not wanting to release information to them for confidentiality reasons;
  - CJPC has been asking for certain information from some counties for almost two years; and
  - the statutory provision relating to the reporting of progressive sanctions deviations has had to be clarified by an interim legislative committee because some counties not following the guidelines did not report to TJPC.

Having specific standards in place regarding submission of this information and TJPC monitors ensuring compliance with the standards would encourage full participation by the counties.

- ▼ **TJPC has limited authority to bring counties into compliance with the standards.**
  - ▶ The only sanction that TJPC has available to use against the counties is withholding state funds from the non-compliant probation departments. Withholding funds from counties is

politically difficult and would inhibit the counties' ability to punish and treat juvenile offenders. Although TJPC has never used this sanction and cancelled funds completely, the agency has temporarily suspended payments from counties.

- ▶ TJPC has not used financial incentives instead of sanctions to obtain compliance with standards. Financial incentives may be a better alternative to encourage compliance with the standards. Instead of withholding funds from non-compliant departments, TJPC could reward departments based on their performance and complying with or exceeding standards.

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*TJPC must increase emphasis on improving effectiveness of juvenile probation services.*

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## Conclusion

The mission of TJPC is changing. Now that probation services have been established statewide, the agency needs to continue to increase emphasis on its other statutory purposes improving the effectiveness of juvenile probation services and improving communications among state and local entities within the juvenile justice system.

A major component of the juvenile justice reforms in the 74th legislative session was the collection and reporting of information on juvenile offenders to other juvenile and criminal justice agencies as well as to the Legislature. Accurate and consistent information is crucial so juveniles can be tracked for recidivism or other outcomes and so that the state can better predict and evaluate the resource needs of the juvenile justice system.

TJPC has not adopted specific standards regarding the collection of data and reporting of information relating to the juvenile justice reforms. Nor has TJPC specified performance and case management standards to ensure counties deliver high quality services to juvenile offenders. Effective prevention, treatment, and detention services are the key elements to ensure success in dealing with juvenile offenders.

Finally, TJPC is limited in how stringently the agency can ensure counties follow the state's standards and guidelines for juvenile probation departments. TJPC's one sanction available, withholding state funds from counties, is not workable except in extreme cases. The agency should continue looking for ways to encourage compliance rather than sanctioning non-compliance.

## Recommendation

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### Change in Statute

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- **Require TJPC to adopt and enforce specific standards relating to the collection and reporting of information on juvenile offenders by local probation departments.**

This recommendation will ensure that the various agencies involved in gathering and analyzing information on juvenile offenders will receive the necessary information from the local departments and improve the quality of TJPC's information. With better statistical information as well as better information on outcomes of services provided, the state will better be able to track and predict juvenile crime and population as well as target money to appropriate services.

Adopting specific reporting requirements in agency rule for local probation departments will go a long way towards assisting in implementing the juvenile justice reforms of the last legislative session and improving the juvenile justice system as a whole.

- **TJPC should establish:**
  - performance measures to determine the effectiveness of probation services, and
  - case management standards for all probation services.
- **TJPC should monitor departments for compliance with these new standards and provide technical assistance to enhance departments' performance.**

These recommendations will improve TJPC's monitoring by going beyond minimum standards to measuring the quality of probation services provided by juvenile probation departments. With 98 percent of juvenile offenders under the supervision of local departments, probation services are the key component of the juvenile justice system that can take action to break the cycle of juvenile crime. Knowing the effectiveness of these services will allow the Legislature to assess juvenile justice system performance and make adjustments to the system to increase effectiveness. This recommendation will also require case management guidelines for departments to follow to achieve the best results working with juveniles on probation.

TJPC should work with local departments to establish the measures of performance and new standards for managing probation cases that will meet the counties' needs and the needs of juveniles on probation. Performance measures are discussed in greater detail as they relate to contracting in Issue 4. In addition, TJPC should provide technical assistance to departments as these changes are implemented.

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## Management Action

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- TJPC should explore ways to provide financial incentives to counties who meet or exceed standards.

This recommendation would encourage TJPC to develop an incentive for counties to comply with or even exceed standards. This approach would be an alternative to the current sanction for non-compliance — the withholding of state funds.

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## Fiscal Impact

This recommendation would not result in a fiscal impact to the state and can be implemented with existing staff and resources. TJPC already performs basic data collection and this recommendation only adds new features. In addition, TJPC already has eight staff who monitor local probation departments annually and provide technical assistance. This recommendation simply refocuses TJPC staff efforts.

Counties and local departments could have some additional costs associated with reporting and compliance with performance standards. While these costs could not be estimated, they should be minimal because most local departments already report required information and operate at acceptable performance levels.

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<sup>1</sup> Texas Administrative Code, Title 37, Part XI, Chapters 341 - 347.

<sup>2</sup> 37 Texas Admin. Code § 34.17 (West 1996) (Texas Juvenile Probation Commission, Waiver to Standards).

<sup>3</sup> Texas Family Code § 58.112 (West 1996).

<sup>4</sup> Texas Family Code § 59.012 (West 1996).

<sup>5</sup> Texas Juvenile Probation Commission, *The Juvenile Justice System: An Overview*, June 14, 1996, p. 16.

<sup>6</sup> Texas Family Code §§ 58.102 and 58.104 (West 1996).

<sup>7</sup> Texas Family Code § 58.103 (West 1996).



## Issue 3



### Pilot an Approach that Targets Funding for the Juvenile Justice System to Better Use Existing Resources.

#### Background

The state juvenile justice system is divided between two primary stakeholders. At the local level, the juvenile boards and the county probation departments, supported financially and technically through the Texas Juvenile Probation Commission (TJPC), are responsible for providing community-based oversight, treatment, and diversionary programs for juvenile delinquents. At the state level, the Texas Youth Commission (TYC) operates secure institutions, halfway houses, aftercare programs, and contracts with private providers.

Funding is also split between the local and state levels. Counties fund the majority of the diversionary efforts and probation services. TJPC passes state funding to the 168 county and multi-county probation departments through a formula that considers juvenile population and felony referrals. State funding for the 1996-1997 biennium is approximately \$131 million. In addition, the state increased its funding for 1996 by approving \$37.5 million in bonds for county post-adjudication facilities. Federal funds are also available to support county probation services, which can be used to pay for residential placements for youth who would be eligible for AFDC if they were living at home. In 1995, counties received approximately \$1.5 million in federal funding.

TYC, funded primarily through general revenue, uses its funding to provide secure facilities for the state's most violent and chronic juvenile offenders. TYC funding for the 1996-1997 biennium is approximately \$305 million, including approximately \$400,000 in federal funds.

The alarming increase in juvenile delinquency and crime has caused the state to increase its commitment to the juvenile justice system. In 1995, the Legislature responded by overhauling the system, focusing on being tougher with delinquent youth. While some additional funding has been available, counties and TYC must achieve more with

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*For the 1996 -1997 biennium, state funding for juvenile probation is approximately \$131 million and \$305 million for TYC.*

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existing resources. Aligning resources when the need is first identified, leveraging other sources of revenue, and reducing the number of youth committed to the state will help the system treat more delinquents within current funding levels.

The review focused on the current funding structure for the juvenile justice system to see whether opportunities exist to better use current state resources to meet the needs of juvenile delinquents and continue the commitment to get tough with juvenile offenders.

## Findings

- ▼ **The problem and fear of juvenile crime has resulted in a juvenile justice system concentrated on accountability through incarceration.**
  - ▶ Texas has responded to the need to improve public safety by increasing the number of delinquent youth who are removed from their community and held accountable for their actions. This is to be accomplished through a significant increase in bed capacity at TYC. For example, TYC's capacity, for both institutional and community programs, is projected to increase 93 percent by the year 2001, by 3,119 beds.<sup>1</sup>

Additionally, the state has committed to spending more for secure beds at the county level. Beginning in 1996, the state is committed to spend \$37.5 million on county post-adjudication facilities, resulting in over 1,000 additional beds by the year 2001.<sup>2</sup> Combined, state and local secure bed capacity will increase by more than 4,100 secure beds.
  - ▶ In addition to increased funds for added capacity, the state has provided more resources for prevention and treatment programs. However, funding available for institutional programs is still significantly higher than for community-based probation services.
- ▼ **Despite increases in capacity, more space may be needed to accommodate the continued growth in the number of juvenile delinquents.**
  - ▶ TYC continues to receive commitments above projected levels. During the period between May and August of this year, commitments exceeded projections by 16 percent, or 130

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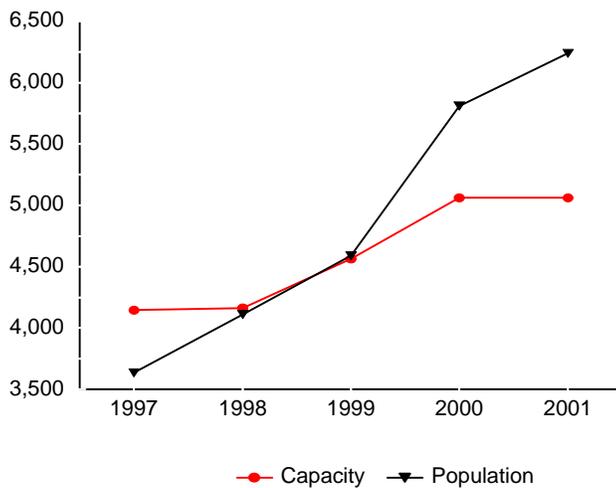
*For fiscal year 1996, commitments to TYC were nine percent above expected levels and are projected to increase 93 percent by 2001.*

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additional youth. Commitments for 1996 were nine percent above projected levels, or 213 youth.<sup>3</sup>

- ▶ TYC institutions are bearing the brunt of the extra commitments, which are collectively operating at more than their budgeted level. TYC’s institutional average daily population has risen from 1,850 in September 1995 to 2,562 in September 1996. TYC projects that beginning in fiscal year 1998, commitments will exceed capacity, resulting in a drop in length of stay from nine months to four months if additional funding is not obtained.<sup>4</sup> TYC projects that population will continue to exceed capacity through fiscal year 2001. The chart, *Projected Juvenile Institutional Population vs Institutional Capacity*, shows the projected shortfall in bed capacity.

**Projected Juvenile Institutional Population vs Institutional Capacity**



- ▶ The over-commitment of juvenile delinquents to TYC is occurring despite the adoption and implementation of a voluntary progressive sanctions model designed to find more ways to divert delinquents from the state’s custody.
- ▼ Incarcerating juvenile delinquents at the state level provides a short-term costly solution to public safety concerns and limits how counties can use state resources for local needs.
- ▶ Separating juvenile delinquents from their community by sending them to TYC ensures public safety only for a short time, as these youth are usually released back to the

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*Two-thirds of state juvenile justice funds go to service less than three percent of youth in the system, those committed to TYC.*

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community. Sanctioning juvenile offenders at the county level, while providing skills they need to become productive members of society, often ensures public safety for a much longer period of time.

- ▶ Providing for additional capacity for TYC to operate secure juvenile institutions accounts for the majority of the state financial commitment to the juvenile justice system. The remaining state funds go to the counties for probation services.
- ▶ The chart, *Allocation of State Juvenile Justice Resources*, shows the state financial commitment by purpose compared to the juvenile delinquent population at that level. As seen in the chart, about two-thirds of state juvenile justice funds go to serve less than three percent of youth in the system, those committed to TYC.

| <b>Allocation of State Juvenile Justice Resources</b> |                           |                                |                              |                                |
|---|---------------------------|--------------------------------|------------------------------|--------------------------------|
| Fiscal Year   | Probation Funding (TJPC)* | Percent of Juvenile Population | Incarceration Funding (TYC)* | Percent of Juvenile Population |
| 1991  | \$21,210,539              | 97.23                          | \$62,565,684                 | 2.77                           |
| 1992  | \$24,026,880              | 97.34                          | \$70,855,062                 | 2.66                           |
| 1993  | \$39,026,880              | 97.99                          | \$72,370,248                 | 2.01                           |
| 1994  | \$39,071,933              | 97.64                          | \$81,652,988                 | 2.36                           |
| 1995  | \$39,047,379              | 97.60                          | \$86,485,743                 | 2.40                           |

\* Funding does not include bond revenues or federal funds.

Source: Texas Juvenile Probation Department and Texas Youth Commission

- ▶ State funds allocated for institutional care and treatment are accessible to counties only when a delinquent youth is committed to TYC. Approximately 10 percent of TYC's commitments in 1994, or 207 youth, were committed because of limited service availability at the community level.<sup>5</sup> These youth may not have been committed to TYC if either more funds or more services had been available locally. Instead, the state bears the cost of unnecessary commitments. In addition, this number does not include those committed who failed to receive adequate services while on probation because of limited resources.

- ▼ **While more alternative programs and services are now available, even greater flexibility is needed to use existing funds for additional alternatives to incarceration.**
- ▶ Despite increases in state funds to counties for diversionary programs, a financial incentive still exists to use TYC as a service provider for delinquent youth. While TYC does not have estimates for the percentage of its population that has been inappropriately committed, TYC staff believe many youth do not belong in TYC. One explanation may be that committing a delinquent youth to TYC shifts the cost of dealing with that youth from the county to the state.
  - ▶ Additional programs to assist juvenile judges in providing early intervention to ultimately divert delinquent youth from commitment to TYC have become available recently. These programs include Juvenile Justice Alternative Education Programs, the First-Time Offender Program administered by the Texas Department of Mental Health and Mental Retardation, and the Services to At-Risk Youth (STARS) program administered by the Department of Protective and Regulatory Services.
  - ▶ Juvenile probation departments also use diversionary programs to place youth in residential treatment facilities outside their home. A comparison of probation and TYC re-arrest rates shows that early intervention has been effective. For example, of the 1,470 youth who completed a diversionary program while on probation, only 228 got into further trouble or were committed to TYC, or 15.5 percent.<sup>6</sup> If treatment is provided once a youth is committed to TYC, the likelihood of re-arrest is significantly higher. Approximately 50 percent of youth released after receiving treatment at TYC are re-arrested.<sup>7</sup>
  - ▶ Even though early intervention and diversionary programs have been successful, probation departments have difficulty developing such programs as the costs are too high for counties to use extensively. Given limited resources, the state needs to explore ways to get additional funds to the counties for these types of programs. Efforts to link funding to the

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*Committing a delinquent youth to TYC shifts the cost of dealing with that youth from the county to the state.*

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youth in need of services instead of levels in the juvenile justice system are emerging.

▼ **Other states have begun to attack juvenile crime by changing the nature of juvenile justice funding.**

- ▶ Several states have altered the traditional method of financing the juvenile justice system. By “pooling” state funds traditionally earmarked for institutional care of juvenile delinquents with local treatment funds, these states have made additional funding available for community-based treatment and placement.

| <b>Fund Pooling</b>  |
|--|
| Fund pooling combines funds from several different sources and makes the "pooled" funds available to address a wide spectrum of needs. Fund pools break down traditional categories of funding and attempt to increase the flexibility in how the funds can be used. However, fund pools must ensure accountability through standardized reporting and performance measures. |

As a youth enters and proceeds through the juvenile justice system, resources follow the youth. The funds may be used for prevention or intervention programs, or used to reimburse the state for institutional care. This arrangement allows communities to evaluate where their funding needs exist and to allocate funds in a manner consistent with community goals.

- ▶ The Ohio Department of Youth Services (ODYS) has implemented a program, titled RECLAIM, to address overcrowding at state juvenile correction facilities and juvenile court needs for additional resources to develop community-based services. ODYS used pilot projects to determine the effectiveness of the program. RECLAIM makes the juvenile justice system market driven. The majority of the funds, allocated by the Legislature to ODYS, are distributed based on the level of delinquency in each county. The judges can then purchase a state commitment or purchase, expand, or develop local services.
- ▶ Implemented statewide in 1995, early results of the program look promising.<sup>8</sup> The chart, *Performance Indicators of RECLAIM Ohio*, summarizes Ohio’s experience.

| <b>Performance Indicators of RECLAIM Ohio</b> |                |
|---|----------------|
| <b>Indicator</b>                              | <b>Result</b>  |
| Percent decline in commitments to ODYS        | 6%             |
| Youth served by local RECLAIM programs        | 9,200          |
| Recidivism rate for RECLAIM                   | 12.6%          |
| State funds diverted to community programs    | \$17.6 million |





treatment for delinquency, not necessarily mental health needs. Delays in addressing needs often result in costlier treatment, commonly provided by TYC.

## Conclusion

The juvenile justice system is managed and funded in two ways. The first part of the system operates through locally controlled juvenile probation departments that receive a mix of state and local funds. The Texas Youth Commission operates the second component of the system through state-funded juvenile institutions and parole services. The state has clearly placed its emphasis on incarcerating the more dangerous juvenile offenders by appropriating over 60 percent of the state’s juvenile justice funds to TYC. Still, commitments to TYC continue to rise and projections show TYC will need additional space in the near future.

Although incarceration of juvenile offenders is necessary to protect the public from criminal activity, this approach is also a high cost method that may be best to use as a last resort. In recognition of the need for earlier local intervention, the 74th Legislature adopted several new approaches to address criminal activity by juveniles. These programs have begun to emphasize community programs for punishment, treatment, and prevention.

The concept of early intervention, when a youth first exhibits delinquent behavior, can be further strengthened by re-thinking how Texas uses its limited funds to deal with juvenile delinquency. Other states have moved in this direction by examining methods to focus funding programs at the community level. Texas would be well-served to examine similar options while maintaining the state’s ability to place violent and repeat juvenile offenders in secure facilities.

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*The concept of early intervention can be strengthened by rethinking how Texas uses its limited funds to deal with juvenile delinquency.*

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## Recommendation

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### Change in Statute

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- TJPC and TYC should jointly develop pilot projects where counties, on a voluntary basis, would receive a pool of state funds to be used with local funds to provide a full array of services to juveniles delinquents. The pilot program would contain the following features:
  - State funds would be merged with the pilot county’s current basic probation funding, including funds received from TJPC.

- Participating counties in the pilot would be responsible for all services to delinquent juveniles, including paying for commitments to TYC.
- Establish a contingency fund to cover the expenses of special exception commitments to TYC.
- Require participating counties to maintain their current funding commitment to the juvenile justice system.
- Require TJPC, in conjunction with TYC, to establish pilot program rules and standards.
- Counties in the pilot must represent different geographic regions and population.
- Participating counties must be in compliance with all applicable TJPC standards.
- Require participating counties to report on the use and success of the programs funded through the pilot project.

The existing Joint Board Committee, comprised of TJPC and TYC Commission members, would make a recommendation to the Legislature on funding for the pilot. Pilot projects would be funded by a reduction in direct appropriations to TYC. The percentage of TYC appropriations used for the pilot project would be determined through the appropriations process. TYC would require a base level of funding to maintain the continuation of services and be given the authority to expend funds collected from the counties for commitments. Additionally, a reserve account would be established, accessible by participating counties, to pay for committed youth if, due to extraordinary circumstances, their allocation under the pilot has been expended. TJPC would adopt rules regarding access to the reserve account.

The pilot projects would be voluntary. Determination of eligibility would be based on the soundness of the programs proposed to be funded and compliance with all applicable standards. Participating counties would be required to document the use of the funds and provide a summary of accomplishments and performance. TJPC and TYC would jointly report on the results of the pilot project to the Legislature by January 2001, including recommendations regarding expansion of the pilot.

Participating counties would use the pooled funds to purchase alternative programs to incarceration, such as electronic monitoring, intensive supervision, or specialized treatment, or they could place youth with TYC. Certain juvenile offenders, specifically some sentenced offenders, would be committed to TYC at no cost to the county. The progressive sanctions model could serve as a guideline to determine which offenders would be committed at no cost.

Providing proper incentives to align resources with needs will allow the state to achieve more with its current resource commitment to the juvenile justice system. The recent effort to expand capacity within the system has resulted in safer streets and communities. However, this may be short-lived if state efforts do not extend to prevention and treatment. By pooling resources within the system, and allowing greater flexibility at the local level, the state will increase incentives to treat delinquent youth earlier through community services.

If Texas shifted an increasing portion of juvenile justice funding toward community services and programs, the level of services provided directly by the state through TYC would likely fall. As a starting point, counties would be able to provide services to juvenile offenders who were formerly being committed to TYC due to a lack of community services or funds. Under this approach, funds would be made available to create or fund such services. In the long term, increased availability and use of intervention and prevention services would reduce the number of youth committing crimes and being sent to TYC, thus reducing the need for future bed capacity by TYC.

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## Fiscal Impact

The recommendation for a pilot project would require no additional funds and have no direct fiscal impact on the General Revenue Fund. The recommendation only re-allocates appropriations for the juvenile justice system to focus on probation services. Statewide implementation may require additional state funds.

Potential exists for the saving of state funds if early intervention and prevention results in lower levels of juvenile crime. However, staff did not identify short term savings or costs. Also, the long-term savings in terms of decreased future bed capacity could not be estimated for this report.

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<sup>1</sup> Texas Youth Commission, *Agency Reference Notebook*, 1996.

<sup>2</sup> General Appropriations Act, 74th Legislature, Regular Session, House Bill No. 1, 1996-97 Biennium.

<sup>3</sup> Texas Youth Commission, *Texas Youth Commission Journal*, September 1996, Fall Issue, p. 1.

<sup>4</sup> Texas Youth Commission, *Legislative Appropriations Request for Fiscal Years 1998 and 1999*, p. 29.

<sup>5</sup> Texas Juvenile Probation Commission, *Texas Juvenile Probation Statistical Report, Calendar Year 1994*, p. 20.

<sup>6</sup> Texas Juvenile Probation Commission, September 1996.

<sup>7</sup> Texas Youth Commission, *Agency Reference Notebook*, 1996.

<sup>8</sup> Telephone Interview with Carol Rapp Zimmerman, Ohio Department of Youth Services, October 4, 1996.

<sup>9</sup> National Conference of State Legislatures, *1994 State Legislative Summary: Children, Youth and Family Issues*, Internet; available from <http://www.ncsl.org/programs/cyf/juvenile>.

<sup>10</sup> Interview with Jerry McKimney, Health and Human Services Commission, Austin, Texas, August 16, 1996.

<sup>11</sup> Texas Performance Review, *Special Delivery: New Models of Care, A Report on the Texas Department of Mental Health and Mental Retardation*, February 1996, p. 65.



## Issue 4



### Ensure TJPC and TYC Continue to Develop and Maintain Sound Contracting Practices.

#### Background

As the numbers of juvenile offenders continue to rise, both the Texas Juvenile Probation Commission and the Texas Youth Commission increasingly use service contracts as an essential component of administering the state's juvenile justice system. Texas relies heavily on contracting to deliver critical services to juvenile offenders such as residential care, psychiatric assessments, counseling and treatment, and health care.

**Texas Juvenile Probation Commission contracting:** TJPC does not provide any direct juvenile services to youth on probation. All probation services funded by the state are through contracts with local juvenile probation departments. Local departments may use both state and local funds to subcontract with private service providers.

TJPC contracts with the state's 168 juvenile probation departments totaled \$48.1 million in state funding in fiscal year 1995. During that time, county funded operating budgets totaled approximately \$111 million. Subcontractors received an estimated \$21.7 million to provide services such as residential placement and counseling. Local contributions for contracted care were approximately \$18.4 million.<sup>1</sup>

TJPC monitors each department once a year to ensure that contract requirements are fulfilled and that the departments meet minimum standards for probation services, detention, and post-adjudication facilities.

**Texas Youth Commission contracting:** While the majority of TYC's funding goes for incarcerating youth and rehabilitation services provided directly by agency staff, TYC does contract for a significant amount of services, such as residential care, professional services, and parole services.

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*Contracts for services to youth are an essential and significant component of the juvenile justice system.*

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*The Sunset review focused on whether TYC and TJPC contracting processes ensure the state is getting the highest quality services at the best price.*

In fiscal year 1995, TYC spent a total of \$23.6 million on contracted services. TYC spent \$20.8 million on residential care; \$2.8 million on professional services, such as counseling and employment services; and \$62,836 on parole contracts with juvenile probation departments. In fiscal year 1995, TYC had 104 contracts for professional services, 85 contracts for residential services, and 52 contracts with juvenile probation departments for parole services. TYC regularly monitors contractors to ensure contract requirements are fulfilled.

The Sunset review focused on whether TYC's and TJPC's contract administration functions support the effective delivery of services and ensure the state is getting the highest quality services at the best price.

## Findings

- ▼ **Increased reliance on contractors and subcontractors creates an increased risk of problems.**
  - ▶ Juvenile boards are using more contracted services, especially residential placements, to keep children from being committed to TYC. The table titled *State Funding for Juvenile Justice Contracting* illustrates the rising use of contracts over the past five years for both TJPC and TYC.

| <b>State Funding for Juvenile Justice Contracting</b> |        |        |        |        |        |
|---|--------|--------|--------|--------|--------|
|   | FY 92  | FY 93  | FY 94  | FY 95  | FY 96  |
| <b>TJPC</b>   |        |        |        |        |        |
| Total contracts with counties                         | \$23.9 | \$38.9 | \$38.1 | \$48.1 | \$60.4 |
| Subcontracted amount                                  | \$4.3  | \$13.5 | \$13.7 | \$21.7 | \$21.9 |
| Residential   | \$3.0  | \$10.6 | \$10.1 | \$17.4 | \$17.4 |
| Non-residential services                              | \$1.3  | \$2.9  | \$3.6  | \$4.3  | \$4.5  |
| <b>TYC</b>  |        |        |        |        |        |
| Total Contracts                                       | \$14.3 | \$13.3 | \$16.2 | \$23.6 | \$24.9 |
| Residential care                                      | \$11.9 | \$11.0 | \$13.5 | \$20.8 | \$21.5 |
| Parole contracts                                      | \$.07  | \$.05  | \$.06  | \$.06  | \$.5   |
| Professional services                                 | \$2.3  | \$2.2  | \$2.6  | \$2.8  | \$2.8  |

Dollars in Millions

Source: Texas Juvenile Probation Commission, Texas Youth Commission



monitors are responsible for determining if local departments are in compliance with these contract management provisions for both state and local funds.

- ▶ TYC has new contracts for fiscal year 1996 for residential services that address the problems cited by the State Auditor. A recent TYC internal auditor report confirmed improvements in contract oversight based on implementation of the State Auditor's recommendations.<sup>5</sup>

▼ **Although improving the quality of probation services is a large part of TJPC's mission, TJPC does not know how effectively state money is used by local departments.**

- ▶ Instead of assessing how successful a department is in meeting the needs of the community and youth on probation, TJPC staff evaluate local department's compliance with minimum standards which do not measure performance above certain basic requirements.

For example, current standards include minimum requirements for detention facilities, juvenile board administration, probation services, and fiscal management, while no requirements are in standards to measure the quality of services such as how effective intensive supervision or residential treatment are in meeting juveniles' needs.

- ▶ Beyond basic data on TYC commitments and caseloads, TJPC currently obtains little objective performance data to determine how successful each local juvenile department is in meeting juveniles' needs.
- ▶ Recommendations to address this situation are included in Issue 2, which deals with TJPC's development and enforcement of performance standards for local probation departments. Such standards will assist in measuring contract compliance and enforcement.

▼ **Sound contracting practices are critical for the state as state agencies have experienced contracting problems resulting in significant losses of state funds.**

- ▶ While using contractors to provide products and services to clients can be effective, poorly designed or monitored system can lead to waste and abuse.

- ▶ The Legislature placed the Texas Commission on Alcohol and Drug Abuse in conservatorship in 1995 amid allegations of widespread financial abuses by treatment providers under contract to the Commission. Subsequent investigations uncovered irregularities with state funds including double billing for expenses, excessive salary payments, abuse of travel compensation, and purchase of personal vehicles and houses.

The Texas Department of Criminal Justice has come under scrutiny recently for a variety of contracting irregularities, including:

- an investigation into allegations of favoritism and irregularities in prison construction contracting, including payment of higher than average wages, unaccounted for state computers and office equipment, and inappropriate expenses; and
  - failure to competitively bid or receive board approval for the purchase of \$9.2 million worth of security fencing and \$33.6 million worth of food-supplement by prison officials.

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*Sound contract administration systems allow an agency to protect taxpayers' interests.*

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- ▼ **Agencies must have a sound contract administration system to ensure contractor activities effectively support service delivery and the proper use of state funds.**
- ▶ Agencies using contractors to accomplish state goals delegate the implementation of tasks but not the responsibility for the conduct and outcome of those tasks. Through sound contract administration policies and procedures, an agency can:

  - establish quality standards for services provided to citizens,
  - ensure that services purchased were actually provided, and
  - evaluate whether services provided achieved the desired goal or impact.
- ▶ Contract administration systems allow an agency to protect taxpayers' interests while fulfilling its mission. State expenditures for contracts exceeded \$23 billion during fiscal year 1995. Through financial monitoring of contracts, an

agency can determine the reasonableness and efficiency of contractor expenses and detect waste or misuse of state funds.

- ▶ Contractors can be held accountable for performance through performance-based contracting methods. Agencies can get quality performance from their contractors and meet the agencies changing needs if contract management includes:
  - rewarding contractors for good performance and sanctioning those who do not meet performance goals;
  - monitoring other data, in addition to the primary performance measures; and
  - adapting future contracts to meet the changing needs of the agency or region.
- ▶ See Appendix 1 for a listing of the “best practice” components of contract administration.
- ▶ While TJPC and TYC have implemented many of these practices, statutory direction would ensure they remain in place in the future.

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*A federal pilot program to base contractor payments on successfully achieving performance goals has led to a 15 percent savings and improved service delivery.*

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- ▼ **One method to achieve contractor effectiveness is to tie financial incentives to contractor success in meeting specific performance goals.**
  - ▶ The federal Office of Management and Budget (OMB) has initiated a pilot program that allows agencies to contract for services using performance-based contracts. These contracts all set performance goals for contractors and base payments to contractors on how well they achieve performance goals. The agencies participating in the pilot program have enjoyed, on average, a 15 percent reduction in contract price and improvements in service delivery since moving to this system.<sup>6</sup>
  - ▶ Federal agencies in the OMB pilot program rate contractor performance on one to four primary performance measures and base payment to the contractors on these primary measures. For example, the Navy (in a limited program) is paying aircraft maintenance contractors only if all aircraft are 80 percent mission capable, the ground abort rate is less than 5 percent, and 100 percent of flight schedules are met.

## Conclusion

All probation services funded by TJPC are provided through contracts with county-based probation departments who then contract with private providers. A significant portion of TYC's services are also provided through contracts. With about \$85 million used for these contracts in the last fiscal year, the risk of loss or inappropriate use of state funds requires a strong contracting process that ensures the effective delivery of services.

TJPC and TYC are not alone in facing the challenge of developing an effective contracting process. While both have taken steps to improve contracting, statutory guidance is important to ensure that, once in place, an adequate process is maintained. The following recommendations are intended to provide a statutory framework for TJPC and TYC to implement the components of a model contract administration system.

## Recommendation

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### Change in Statute

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- Specify that TJPC and TYC shall include the following standards in each contract for client services:
  - clearly defined goals, outputs, and measurable outcomes that directly relate to program objectives;
  - clearly defined sanctions or penalties for noncompliance with contract terms and conditions; and
  - clearly specified accounting, reporting, and auditing requirements applicable to funds received under contract.
- Require local juvenile probation departments to include the same standards in their contracts with private service providers when state funds are used. Local departments should use performance data to determine which providers receive contracts.
- Require TYC and TJPC to include the following in contract monitoring:
  - a risk assessment methodology to monitor compliance with financial and performance requirements and
  - obtain and evaluate program cost information to ensure all costs, including administrative costs, are reasonable and necessary to achieve program objectives.

These recommendations will ensure that TJPC and TYC maintain and continue to develop sound contract procedures. These recommendations would also ensure a performance-based contracting system for TJPC and TYC that will evaluate juvenile probation departments, private contractors, and subcontractors on performance. The current Appropriations Act contains a general rider relating to contracting requirements for all health and human services agencies that includes provisions similar to these. This recommendation would clearly state legislative intent in TYC's and TJPC's enabling statute. TYC and TJPC would be specifically required to ensure processes are in place to effectively contract for client services and hold contractors accountable for the services they deliver. The most significant impact will be ensuring the provision of quality services in the juvenile justice system.

## Management Action

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- TYC should implement pilot projects that set primary performance goals for each contractor and provide financial incentives for meeting and exceeding goals.
- TJPC should work with local boards to develop pilot projects that set primary performance goals for contractors and provide financial incentives for meeting and exceeding goals.

In the pilots, local probation boards and TYC should set goals for each contractor and pay contractors based on how well they achieve performance goals. Contractors should be able to directly affect their measures, but the measures must be closely linked to the missions of TJPC and TYC respectively.

TJPC and TYC would require contractors to submit quarterly and annual reports that display the progress of the contractor toward the primary performance goals and numerous other factors that relate to effective service. In addition to the primary performance measures, TJPC and TYC can learn from other data. This additional information should help TJPC and TYC write more effective contracts in the future.

For example, a juvenile probation department could negotiate a contract with a residential care provider that agreed to pay the provider depending on how well the contractor reduced recidivism rates of juveniles under its care. TJPC could set a performance goal in the contract that juveniles under the care of the contractor have an annual recidivism rate 10 percent lower than the county rate for the previous year. The contract would specify that the contractor would be paid 75 percent of the agreed price at the beginning of the process and the other 25 percent only if the contractor meets the performance goal at the end of the year. Again, this concept should be tried by TYC and TJPC on a pilot basis to see whether it could work statewide.

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## Fiscal Impact

The recommendation to improve the contracting process for these two agencies will result in increased efficiency and effectiveness of contracted services. However, savings cannot be determined as the number, value, and savings associated with each type of contract cannot be estimated. Any savings achieved through implementation of these recommendations would be reallocated within the respective agencies for services.

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<sup>1</sup> Texas Juvenile Probation Commission, "Non-Residential and Residential Contract Budget for FY92-FY96," September 1996.

<sup>2</sup> State Auditors Office. *An Audit Report on Contract Administration at Selected State Agencies - Phase Four*, September 1996, p. 39.

<sup>3</sup> State Auditor's Office, *Contract Administration at the Texas Youth Commission*, September 1995, p.1.

<sup>4</sup> Ibid.

<sup>5</sup> Texas Youth Commission, Internal Audit Department. *Follow-up Status of Agency Contracting Audit Recommendations*, September 1996, p. 1.

<sup>6</sup> Kaufman, Stanley. "The Positive Results of OFPP's Performance-Based Service Contracting Pilot Project" *Contract Management*, March 1996 . pp 24-29.



# Issue 5



## Maximize the Use of Medicaid to Reduce Health Care Costs for Youth in the Juvenile Justice System.

### Background

Medicaid is the state and federally funded program that provides health care coverage for low income Texans. Currently, under the Medicaid program, the federal government provides 62 percent of the cost of Medicaid services while Texas provides the remainder. In fiscal year 1995, Texas spent \$3.4 billion on Medicaid, while the federal government provided \$5.7 billion for more than 2.5 million recipients.

Medicaid has several categories of eligibility, depending on the income level, age, and disability of the applicant. In Texas, the Department of Health administers the Medicaid program, while the Department of Human Services determines eligibility for Medicaid. For eligible children, Medicaid can cover necessary medical and mental health care.

Youth who enter the juvenile justice system often have an array of needs that cannot be met by supervision alone. In particular, many youth in the juvenile justice system need mental health services that could be paid for by Medicaid. However, services provided to youth in the juvenile justice system are currently funded primarily through state and local resources.

The Sunset review focused on whether local probation departments and TYC adequately access Medicaid to provide health care services for eligible youth in the juvenile justice system.

### Findings

- ▼ Limited state and local resources to address the needs of increasing numbers of youth in the juvenile justice system necessitate pursuing all available sources of revenue.

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*Many youth in the juvenile justice system need mental health services that could be paid for through Medicaid.*

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- ▶ Based on current trends the Texas Criminal Justice Policy Council projects that juvenile referrals will grow 62 percent between 1994 and 2010.<sup>1</sup> This translates into an increase of about 80,000 referrals. In non-secure residential care alone, local probation department placements have increased approximately 20 percent, from 3,462 in fiscal year 1993 to 4,111 in fiscal year 1995.
- ▶ Data is not currently available on the number of youth in the juvenile justice system who could qualify for Medicaid but are not getting services. Some populations such as youth in contracted residential care should be eligible for Medicaid. However, no overall method to collect this information currently exists.
- ▶ A 1993 survey by the State Auditor's Office found that children in the juvenile justice system often do not receive needed services. For example, less than half of Texas counties had mental health services sufficient to meet the needs of delinquent children.<sup>2</sup>

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*Juveniles placed in non-secure residential care are eligible to receive Medicaid.*

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▼ **Opportunities exist to use Medicaid for needed services for youth in the juvenile justice system.**

- ▶ Juveniles who are placed in non-secure residential care by local probation departments are eligible to receive Medicaid to cover their health care costs because they qualify as a single person family with no income. Likewise, TYC's youth in residential care, not in secure facilities, are eligible for Medicaid. However, departments and TYC often pay the full amount for health care for these children.

TYC did not access Medicaid for the 1,439 offenders in contracted residential care in fiscal year 1996 because TYC's estimates showed that using Medicaid would not be cost effective for this population.

- ▶ Another option for children's services under Medicaid is the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) program. For children born after October 1, 1983 who are under 100 percent of the federal poverty level (\$12,278 for a family of three), the Medicaid EPSDT program will cover all necessary health and mental health services. While this currently only covers children age 13 and under, in the next four years it will encompass the entire population of

juvenile offenders who fall under the federal poverty level. EPSDT is not available for youth in secure facilities such as those incarcerated at TYC. However, TYC could potentially get Medicaid for youth in contracted residential care or assist youth in obtaining Medicaid while in aftercare.

The Texas Department of Mental Health and Mental Retardation (MHMR) also has a rehabilitative services program which can provide mental health services for children using Medicaid. This option is being explored by both TJPC and TYC.

- ▶ The potential for all youth in the juvenile justice system to access Medicaid services has not yet been determined by TJPC, TYC, MHMR, or the Health and Human Services Commission, which has overarching policy responsibility for Medicaid in Texas. In addition, the state is in the process of developing a new eligibility determination system, the Texas Integrated Enrollment System, which will be used to determine eligibility for all Medicaid clients. Once the system is implemented, TYC and probation officers should be able to access this system to more easily enroll juveniles for Medicaid services.

▼ **The statewide strategic plan for Texas includes the goal of maximizing federal funding where possible.**

- ▶ This goal is an established priority for the state and the juvenile justice system should make every effort to fulfill it.
- ▶ In addition, the Texas Health and Human Services Commission, which oversees TJPC, has a statutory goal of maximizing federal resources through the efficient use of available state and local resources.

▼ **To fulfill the state’s goal of maximizing federal resources, TJPC and TYC have been developing expertise in securing federal funds.**

- ▶ With the assistance of the Department of Protective and Regulatory Services, TJPC and TYC have been successful in receiving additional federal IV-E funding which is used for youth in residential placements. In fiscal year 1995, TJPC received \$1.5 million in federal reimbursements under this program and TYC received \$2 million.

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*The state's goal is to maximize the use of federal funding, including Medicaid.*

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*Medicaid offers the potential for enhanced services without additional strain on state and local funds.*

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- ▶ TJPC has begun an initiative to help local juvenile probation departments use Medicaid to cover health care for youth placed in residential care. TJPC is working with the Health and Human Services Commission, the Department of Protective and Regulatory Services, the Department of Health, and the Department of Human Services to develop the policy and procedures needed for counties to access Medicaid, as a result, all children placed in substitute care will be eligible for Medicaid beginning in March 1997.

### Conclusion

Resources for youth in the juvenile justice system primarily come from state and local funds. TJPC and TYC have traditionally used state funding for youth in the juvenile justice system. Many of these juveniles may currently be eligible for Medicaid services although the number is unknown. Medicaid offers potential for enhanced services for Texas youth without excessive strain on state and local resources and the state should maximize access to these funds.

## Recommendation

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### Change in Statute

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- **Require TJPC and TYC to maximize the use of Medicaid funding for health care costs of youth in the juvenile justice system.**

Significant opportunities exist for the state to use federal Medicaid funds to provide health care of many offenders in the juvenile justice system. Every Medicaid dollar accessed frees funds to address the juvenile crime problem. TJPC and TYC should continue to work with the Health and Human Services Commission, the Department of Human Services, the Department of Protective and Regulatory Services, and the Department of Mental Health and Mental Retardation to identify areas where Medicaid could be used cost effectively for youth in the juvenile justice system, and to develop programs to effectively access Medicaid funds. For example, since TYC and TJPC must be fully prepared to access the proposed new eligibility determination system once it is available, efforts should be underway to ensure that the new system integrates the needs of TJPC and TYC.

- **Require TJPC to provide technical assistance to counties on Medicaid eligibility for juvenile offenders on probation, and to track counties' use of Medicaid.**

As the agency responsible for providing training and technical assistance to juvenile probation departments, TJPC should continue to help local departments maximize federal funding. Given the complexity of the Medicaid program, TJPC assistance is critical for probation departments to better access Medicaid. In addition, to determine if counties adequately use Medicaid, TJPC must track Medicaid usage and use this information to focus technical assistance efforts.

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## Fiscal Impact

Increasing Medicaid funding for youth in the juvenile justice system should result in additional federal funds available to juvenile probation departments and the state. The amount of federal funds cannot be determined as the number of juvenile offenders potentially eligible for Medicaid is unknown. However, considering the extremely limited use of Medicaid within the juvenile justice system, significant savings would be expected. As with all Medicaid recipients, the state must provide its share of the match. Both TYC and TJPC should work with the Department of Health and the Health and Human Services Commission to determine which agencies will be responsible for the state match.

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<sup>1</sup> Texas Criminal Justice Policy Council, *Top Priority: Preparing the Juvenile Justice System for the Twenty-First Century*, March 1996, p. 24.

<sup>2</sup> Texas Juvenile Probation Commission, *Strategic Plan for the 1997-2000 Period*, June 1996, p. 20.



# Issue 6



## Strengthen the State's Ability to Identify the Mental Health Needs of Delinquent Youth.

### Background

More than 130,000 youth are referred to the juvenile justice system yearly, many of whom require mental health services. For years, state and local governments have been trying to determine how to properly identify and address the mental health needs of delinquent youth. However, only limited information is obtained on the mental health needs of these youth from initial law enforcement contact as well as during probation, commitment and even parole.<sup>1</sup>

While the state has created a mental health and mental retardation system to assess individuals' needs and provide services, research shows that juvenile offenders' mental health status may not be evaluated until they are well into the juvenile justice system.<sup>2</sup> Juvenile probation departments, as the first point of contact for delinquent youth, may provide an initial assessment on the need for mental health services. However, probation departments identify mental health needs of juveniles differently throughout the state. Some may require that probation officers use a standard mental health screen, while others do not require any testing.

In 1995, the Legislature required the Texas Juvenile Probation Commission (TJPC) to develop a standard assessment tool (mental health screen) to be used, voluntarily, by juvenile probation departments.<sup>3</sup> As a result, TJPC developed the Initial Needs Assessment Tool and provides the training necessary for probation officers to administer the screening tool.

A mental health screen is used to determine if a youth needs to be referred for further psychological evaluation. The screening tool considers a youth's mental health status, family background, and level of education. If indicated by the mental health screen, a comprehensive psychological examination can lead to identification of severe mental illnesses such as schizophrenia and bipolar disorders or can be used to develop treatment.

| <b>Mental Health Screen</b>  |
|--|
| <p>Mental health screens are low cost instruments designed for use by non-medical professionals such as probation officers or school officials to identify possible mental health problems or one or more significant problems that warrant referral for a comprehensive psychological assessment.</p> <p>Purpose: to evaluate a person's mental health condition in six areas:</p> <ul style="list-style-type: none"> <li>● feelings</li> <li>● behavior</li> <li>● social interactions</li> <li>● thinking</li> <li>● physical problems</li> <li>● problems which may include substance abuse</li> </ul> |

Source: Texas Mental Health Association

The ability of the juvenile justice system to provide appropriate services to youth hinges, in part, on an effective initial evaluation of juvenile offenders' problems and needs. The Sunset review focused on the system's ability to collect comprehensive and reliable information to determine the mental health needs of delinquent youth.

## Findings

- ▼ **Many local probation departments do not conduct routine mental health screenings for delinquent youth and others may not use standard screenings.**

- ▶ While some county juvenile probation departments are using TJPC's mental health screen or a similar one, the majority are not using any screening methods to determine the mental health needs of juvenile offenders.<sup>4</sup> In a recent survey conducted by TJPC, only one-third of the state's juvenile probation departments used TJPC's standard screening tool.<sup>5</sup>

The Family Code requires TJPC to develop a standard assessment tool (mental health screen), but the statute does not require juvenile probation departments to use this tool. In addition, TJPC has no standards or rules for those departments who use a different screening instrument.

Little information is available regarding the use of mental health screens. With the exception of one short survey of departments using the TJPC-developed screening tool, the agency has not established methods to systematically collect and report the results of the screenings. Since TJPC does not collect this data, valuable mental health information is not shared among agencies serving mentally impaired juvenile offenders.

- ▼ **By not conducting mental health screens of delinquent juveniles, the state does not know if youth with mental impairments are being properly assessed and appropriately placed.**

- ▶ Lack of or inconsistent use of mental health screens by juvenile probation departments may lead to inaccurate determinations and variable treatment. Youth may simply be labeled as "bad kids" with no special intervention treatment

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*Only one-third of juvenile probation departments use TJPC's standard mental health screening tool.*

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programs offered, while those who are screened may receive the necessary treatment to address their mental health needs.<sup>6</sup>

- ▶ Without conducting proper screenings, juvenile probation departments may fail to maximize available state resources to address mental health needs of juvenile delinquents. This may lead to youth being referred to TYC inappropriately. According to TYC, approximately 30 percent of its offender population has serious emotional disturbances, many of which were not screened or referred for further psychological assessment. According to TYC staff, if these youth had received better assessments earlier in their contact with the juvenile justice system, problems could have been handled in a less costly, less intensive fashion.

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*Early screening of mental health problems can lead to less costly and less intensive services than a TYC commitment.*

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▼ **The Legislature has recognized the role of mental health efforts in reducing delinquent behavior in youth.**

- ▶ In 1991, the Legislature created the Texas Children’s Mental Health Plan (TCMHP) to provide mental health services to severely emotionally disturbed children. TCMHP has 45 sites that provide services such as family preservation, individual counseling, crisis resolution, and substance abuse treatment. Each site is administered by a community management team consisting of nine state agencies, local juvenile probation departments, and private mental health associations. Five of TCMHP’s sites offer specialized services targeted for delinquent youth. These sites are located in Abilene, Amarillo, Conroe, Plainview, and Temple.
- ▶ In 1995, the Legislature appropriated \$8.3 million for a First Time Offenders Program to be administered under the Texas Children’s Mental Health Plan.<sup>7</sup> The program provides mental health services for children who are entering the juvenile justice system for the first time. Juvenile probation departments that use routine mental health screens can take advantage of program services, if the youth qualify for services under the priority population criteria. Services such as comprehensive psychological assessments, psychosocial rehabilitation, family support services, and mental health maintenance education are provided to improve the youth’s behavioral and emotional state.

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*The state-funded First Time Offenders Program can provide mental health services if such needs are identified.*

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*Despite recent changes, the juvenile justice system still lacks the ability to adequately identify mental health needs of juvenile offenders.*

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- ▼ **Mental health screens are cost effective and useful in identifying the mental health needs of delinquent juveniles.**
  - ▶ The juvenile probation departments, contacted by TJPC through a telephone survey, have reported success in using mental health screens.<sup>8</sup> Probation officers can craft individualized rehabilitation programs and determine when a more comprehensive clinical psychological assessment is needed. Of the counties that use the TJPC screening tool, the majority indicated that the tool is useful and cost effective.<sup>9</sup>
  - ▶ TCMHP reports that juvenile probation departments and agencies that were able to identify the mental health needs of juveniles and use the TCMHP facilities were often more successful in treating the mental illness of youth that contributed to their delinquency.<sup>10</sup>
  - ▶ The early recognition and treatment of juveniles' mental health needs is usually more effective than later institutional treatment. In a study of the 439 juveniles served at five TCMHP sites, 87 percent had a history of prior arrests.<sup>11</sup> After receiving specialized treatment, only 39 percent were rearrested.<sup>12</sup> The one-year re-arrest rate for the 181 youth who received similar specialized treatment in TYC was 49.7 percent.<sup>13</sup>
  
- ▼ **The state has already developed standard mental health screens used by counties for adult offenders in county jails.**
  - ▶ In 1996, the Texas Commission on Jail Standards (TCJS) developed a mental health screening tool required for use in all county jails. The tool is designed to help criminal justice officials evaluate the mental health needs of adult offenders. The Commission provides training and a resource guide for county officials to use when implementing the tool. The TCJS also monitors county jails use of the screen.

## Conclusion

Despite the recent legislative changes to encourage the use of standard assessment tools, the state's juvenile justice system still lacks the ability to adequately identify the mental health needs of juvenile offenders. Many probation departments refer juvenile offenders to the Texas Youth Commission without a record of the child's mental health needs, which may result in the state paying for more costly, back-end, institutional

assessment and treatment. In addition, the Legislature has recognized the importance of mental health screening. Mental health screens are cost effective and useful in delivering appropriate services to delinquent juveniles with mental health needs.

## **Recommendation**

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### **Change in Statute**

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- **Require county juvenile probation departments to use the TJPC screening instrument or follow standards set by TJPC for mental health screenings.**
- **Require county juvenile probation departments to report information regarding results of mental health screenings to TJPC.**

This recommendation would set up a system to ensure that juvenile offenders are appropriately screened for mental health problems when first entering the juvenile justice system. With this information, juveniles can be referred for psychiatric evaluation, if needed. Local departments can also use such information to develop an appropriate approaches for sanctions and services to the offender.

Under this recommendation, local juvenile probation departments would use either the TJPC mental health screening tool or a screening instrument approved by TJPC. The use of a mental health screen will allow county probation officers to determine if a juvenile offender needs to be referred for further psychiatric evaluation. TJPC would be required to provide the training necessary to implement the screen.

The information obtained from the routine screens should be reported to TJPC and compiled in a comprehensive report forwarded to juvenile justice officials and other stakeholders. The sharing of this information will provide juvenile justice agencies with the empirical data necessary to deliver appropriate services to youth with mental impairments.

### **Management Action**

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- **TJPC should work with the Texas Youth Commission, Texas Department of Mental Health and Mental Retardation, and county juvenile probation departments to periodically evaluate the effectiveness and usefulness of the mental health screening instrument and standards.**

The Texas Juvenile Probation Commission, Texas Youth Commission, Texas Department of Mental Health and Mental Retardation, county juvenile probation departments and other interested agencies should periodically evaluate the mental health screening tool and standards for reliability and usefulness in obtaining accurate information on the mental health needs of delinquent youth. The first evaluation of the screening tool should take place in fiscal year 1998.

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## Fiscal Impact

These recommendations will not result in a fiscal impact to TJPC or juvenile probation departments. The TJPC has already developed a mental health screening instrument and has the staff necessary to provide the training for the use of the screen. Juvenile probation departments already perform an intake assessment of juvenile offenders and including the mental health screening as part of that process should not add additional costs. Mandatory use of a mental health screen may reveal more juveniles in need of mental health services, which could increase local costs. However, costs could be minimized through a reallocation of services or more aggressive use of state-supported services such as the Texas Children's Mental Health Plan or federal programs such as Medicaid.

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<sup>1</sup> Texas Council on Offenders with Mental Impairments, *Juvenile Offenders with Mental Impairments*, Position Paper, June 6, 1994, pp. 2-3.

<sup>2</sup> Interview with Dr. Linda Reyes, Texas Youth Commission, Austin, Texas, September 4, 1996.

<sup>3</sup> Texas Human Resources Code, § 141.042(e) (Vernon Supp. 1996).

<sup>4</sup> Telephone interview with Vonzo Tolbert, Texas Juvenile Probation Commission, Austin, Texas, September 26, 1996.

<sup>5</sup> Ibid.

<sup>6</sup> Texas Juvenile Probation Commission and Texas Youth Commission, *TJPC/TYC Coordinated Strategic Plan*, (Austin, Texas, June 1996), p.7.

<sup>7</sup> Texas Comptroller of Public Accounts, *Special Delivery: New Models of Care*, (Austin, Texas, February 1996), p.65

<sup>8</sup> Telephone interview with Vonzo Tolbert, Texas Juvenile Probation Commission, Austin, Texas, September 26, 1996.

<sup>9</sup> Ibid.

<sup>10</sup> Texas Children's Mental Health Plan, *Serving Referrals from the Juvenile Justice System*, April 6, 1995, p.2.

<sup>11</sup> Ibid

<sup>12</sup> Ibid

<sup>13</sup> Texas Youth Commission, *TYC Recidivism: Fiscal Years 1991-1995, Rearrest Rates within One Year, Treated Emotionally Disturbed Offenders*, September 20, 1996.

**ACROSS-THE-BOARD RECOMMENDATIONS**

| <b>Texas Juvenile Probation Commission</b> |   |
|--|---|
| <b>Recommendations</b>                     | <b>Across-the-Board Provisions</b>  |
|  | <b>A. GENERAL</b>   |
| Already in Statute                         | 1. Require at least one-third public membership on state agency policymaking bodies.  |
| Already in Statute                         | 2. Require specific provisions relating to conflicts of interest.   |
| Update                                     | 3. Require that appointment to the policymaking body be made without regard to the appointee's race, color, disability, sex, religion, age, or national origin. |
| Update                                     | 4. Provide for the Governor to designate the presiding officer of a state agency's policymaking body.   |
| Update                                     | 5. Specify grounds for removal of a member of the policymaking body.  |
| Update                                     | 6. Require that information on standards of conduct be provided to members of policymaking bodies and agency employees.   |
| Apply                                      | 7. Require training for members of policymaking bodies.   |
| Apply                                      | 8. Require the agency's policymaking body to develop and implement policies that clearly separate the functions of the policymaking body and the agency staff.  |
| Already in Statute                         | 9. Provide for public testimony at meetings of the policymaking body.   |
| Already in Statute                         | 10. Provide for notification and information to the public concerning agency activities.  |
| Apply                                      | 11. Require the agency to comply with the state's open meetings law and administrative procedures law.  |
| Apply                                      | 12. Require development of an accessibility plan and compliance with state and federal accessibility laws.  |
| Apply                                      | 13. Require that all agency funds be placed in the treasury to ensure legislative review of agency expenditures through the appropriations process.             |
| Already in Statute                         | 14. Require information to be maintained on complaints.   |
| Already in Statute                         | 15. Require agencies to prepare an annual financial report that meets the reporting requirements in the appropriations act.                                     |
| Update                                     | 16. Require development of an equal employment opportunity policy.  |
| Update                                     | 17. Require the agency to establish career ladders.   |
| Update                                     | 18. Require a system of merit pay based on documented employee performance.   |

| <b>Texas Juvenile Probation Commission</b> |   |
|--|---|
| <b>Recommendations</b>                     | <b>Across-the-Board Provisions</b>  |
|  | <b>B. LICENSING</b>   |
| Not Applicable                             | 1. Require standard time frames for licensees who are delinquent in renewal of licenses.  |
| Not Applicable                             | 2. Provide for timely notice to a person taking an examination of the results of the examination and an analysis, on request, to individuals failing the examination. |
| Not Applicable                             | 3. Authorize agencies to establish a procedure for licensing applicants who hold a license issued by another state.   |
| Not Applicable                             | 4. Authorize agencies to issue provisional licenses to license applicants who hold a current license in another state.  |
| Not Applicable                             | 5. Authorize the staggered renewal of licenses.   |
| Not Applicable                             | 6. Authorize agencies to use a full range of penalties.   |
| Not Applicable                             | 7. Specify disciplinary hearing requirements.   |
| Not Applicable                             | 8. Revise restrictive rules or statutes to allow advertising and competitive bidding practices that are not deceptive or misleading.                                  |
| Not Applicable                             | 9. Require the policymaking body to adopt a system of continuing education.   |

| <b>Texas Youth Commission</b> |   |
|-------------------------------|---|
| <b>Recommendations</b>        | <b>Across-the-Board Provisions</b>  |
|                               | <b>A. GENERAL</b>   |
| Already in Statute            | 1. Require at least one-third public membership on state agency policymaking bodies.  |
| Update                        | 2. Require specific provisions relating to conflicts of interest.   |
| Update                        | 3. Require that appointment to the policymaking body be made without regard to the appointee's race, color, disability, sex, religion, age, or national origin. |
| Apply                         | 4. Provide for the Governor to designate the presiding officer of a state agency's policymaking body.   |
| Update                        | 5. Specify grounds for removal of a member of the policymaking body.  |
| Update                        | 6. Require that information on standards of conduct be provided to members of policymaking bodies and agency employees.   |
| Apply                         | 7. Require training for members of policymaking bodies.   |
| Update                        | 8. Require the agency's policymaking body to develop and implement policies that clearly separate the functions of the policymaking body and the agency staff.  |
| Update                        | 9. Provide for public testimony at meetings of the policymaking body.   |
| Update                        | 10. Provide for notification and information to the public concerning agency activities.  |
| Apply                         | 11. Require the agency to comply with the state's open meetings law and administrative procedures law.  |
| Apply                         | 12. Require development of an accessibility plan and compliance with state and federal accessibility laws.  |
| Apply                         | 13. Require that all agency funds be placed in the treasury to ensure legislative review of agency expenditures through the appropriations process.             |
| Update                        | 14. Require information to be maintained on complaints.   |
| Update                        | 15. Require agencies to prepare an annual financial report that meets the reporting requirements in the appropriations act.                                     |
| Update                        | 16. Require development of an equal employment opportunity policy.  |
| Update                        | 17. Require the agency to establish career ladders.   |
| Update                        | 18. Require a system of merit pay based on documented employee performance.   |

| <b>Texas Youth Commission</b> |   |
|-------------------------------|---|
| <b>Recommendations</b>        | <b>Across-the-Board Provisions</b>  |
|                               | <b>B. LICENSING</b>   |
| Not Applicable                | 1. Require standard time frames for licensees who are delinquent in renewal of licenses.  |
| Not Applicable                | 2. Provide for timely notice to a person taking an examination of the results of the examination and an analysis, on request, to individuals failing the examination. |
| Not Applicable                | 3. Authorize agencies to establish a procedure for licensing applicants who hold a license issued by another state.   |
| Not Applicable                | 4. Authorize agencies to issue provisional licenses to license applicants who hold a current license in another state.  |
| Not Applicable                | 5. Authorize the staggered renewal of licenses.   |
| Not Applicable                | 6. Authorize agencies to use a full range of penalties.   |
| Not Applicable                | 7. Specify disciplinary hearing requirements.   |
| Not Applicable                | 8. Revise restrictive rules or statutes to allow advertising and competitive bidding practices that are not deceptive or misleading.                                  |
| Not Applicable                | 9. Require the policymaking body to adopt a system of continuing education.   |

**JUVENILE JUSTICE  
OVERVIEW**

# Overview



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The goal of the state's juvenile justice system is to provide public safety and protection. Strong and effective programs are needed to meet this goal and to break the cycle of crime. The statewide strategic plan identifies strategies that place priority on ensuring juvenile offenders are offered the opportunity for community service, restitution, and rehabilitation. However, for juveniles who commit violent crimes, facilities, and programs must be available to assure that they are both punished and offered the opportunities for rehabilitation and education.

Texas faces an increasingly difficult and growing juvenile crime problem. Arrests of delinquent juveniles has increased four times faster than the growth in the juvenile population as compared to the adult population where the crime rate has increased at the same pace as the adult population. Many juvenile offenders have become violent and chronic, with offenses such as capital murder and sexual assault having increased 84 percent since 1990, and more than half of all juveniles in the system having prior referrals.<sup>1</sup>

## *JUVENILE JUSTICE SYSTEM IN TEXAS*

The Texas juvenile justice system is two-tiered, consisting of local and state components. The system is based on civil courts that operate separately from adult criminal courts. At the local level, key participants are county juvenile boards, juvenile court judges, and juvenile probation departments. State participants include the Texas Juvenile Probation Commission and Texas Youth Commission. Other state agencies, such as the Department of Protective and Regulatory Services and the Department of Mental Health and Mental Retardation are also involved in providing services to at-risk youth. The federal government provides financial assistance, but no administrative support to the juvenile justice system.

The county juvenile boards are created through county-specific statutes or under the broader language of the Human Resources Code. The boards, composed typically of District and County Court Judges, hire a Chief Probation Officer, oversee juvenile services, and make policy and budget decisions for juvenile probation departments. The

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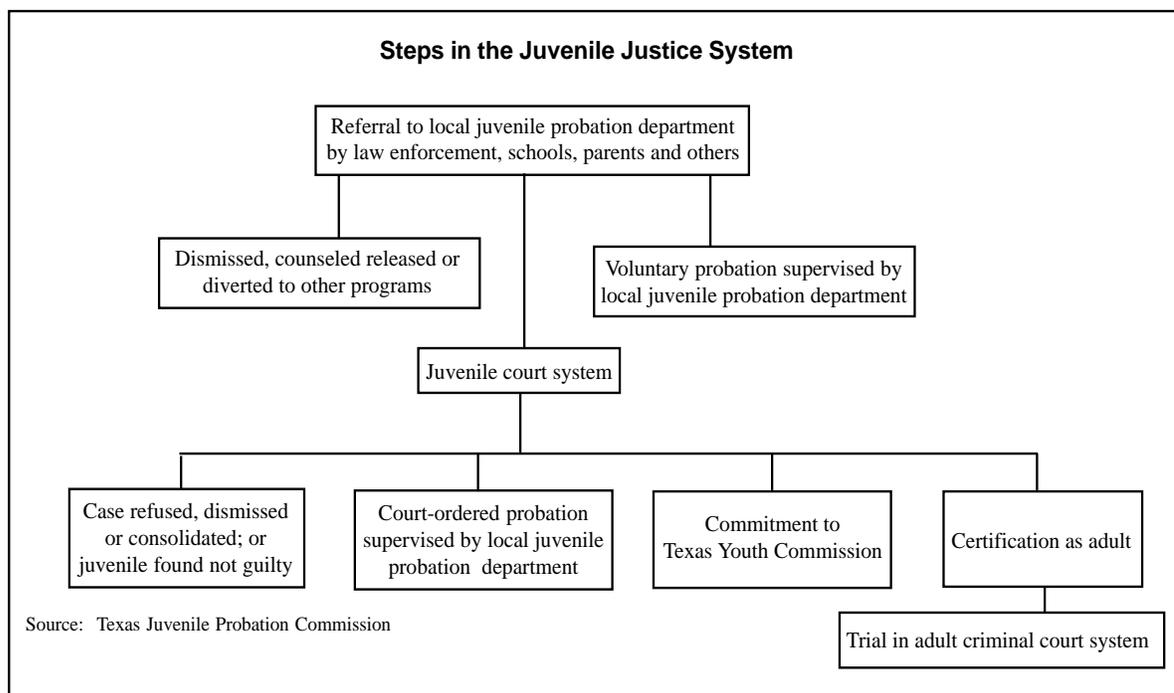
*The Texas juvenile justice system is two-tiered, consisting of local and state components.*

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juvenile court judges are typically determined by the board. In a few cases, juvenile or family courts are established by law.

Currently, all 254 counties receive juvenile services from 168 juvenile probation departments that provide basic juvenile probation services, including delinquency prevention and court-ordered probation. The state provides funding for these services, but counties pay the largest portion of the expenses. In fiscal year 1995, counties paid for 70 percent of all probation services.

The juvenile probation department is the first point of contact a youth has with the state's juvenile justice system. The chart, *Steps in the Juvenile Justice System*, illustrates how a youth referred to the system may enter and progress through the system.



Once a youth is referred, a decision is made at the county level on how to best serve the youth's needs. In most instances, depending on the seriousness of the offense, the county tries to provide opportunities to remain in the community. Often the youth is counseled and either released to the custody of their parents or diverted to another social service agency. Nearly 45 percent of youth referred to juvenile probation departments are handled in this manner, without going to the juvenile court.<sup>2</sup> Youth referred to juvenile court can be detained in a secure facility while

awaiting a court decision. Approximately 98 percent of all youth referred to the juvenile justice system are handled through probation services supervised at the local level.

At the state level, two agencies are directly involved in the juvenile justice system, the Texas Juvenile Probation Commission (TJPC) and the Texas Youth Commission (TYC). Both agencies organize and implement services and are part of a larger statewide juvenile justice system featuring a partnership of local and state entities.

TJPC, through funding, education, and training is the state agency responsible for assisting juvenile probation departments to provide probation services. This assistance is intended to improve the effectiveness of probation services and provide alternatives to committing delinquents to the custody of the state. TJPC is also responsible for establishing and monitoring probation officer certifications and county detention facility standards.

TYC is the other state-level agency and is responsible for administering the state's juvenile correctional facilities and community services for committed youth, including parole. Generally, youth committed to TYC are the state's most violent and chronic offenders, requiring the most supervision and treatment.

Several other state agencies, including the Texas Department of Protective and Regulatory Services (PRS) and the Texas Department of Mental Health and Mental Retardation (MHMR) provide an array of programs aimed at helping at-risk youth and juvenile offenders. For example, PRS administers the Services to At-Risk Youth program for youth referred for non-violent misdemeanor and state jail felony offenses and MHMR administers a First-Time Offender program.

### ***RECENT CHANGES IN SYSTEM***

The rise in the number and violent nature of crimes committed by juveniles continues to receive public attention. This focus has translated into legislative efforts to change how states approach juvenile justice. Across the country, legislatures are struggling with public safety issues related to juvenile crime and the best way to deliver needed services. In Texas, recent legislation has made sweeping changes to the juvenile justice system.

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*Approximately 98 percent of all youth referred to the juvenile justice system are handled through local probation.*

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*The Legislature has recently made major changes in the juvenile justice system, with more emphasis on punishment.*

The 74th Texas Legislature enacted significant changes to the state's juvenile justice system with the passage of House Bill 327. The legislation officially renamed Title III of the Texas Family Code as the Juvenile Justice Code. The reforms emphasize public safety and protection and promote the concept of punishment with treatment, training, and rehabilitation, while holding both the child and parent accountable.

The reforms provide guidelines, referred to as progressive sanctions, for the juvenile justice system and how it should respond to youthful offenders. The guidelines are a continuum of progressive steps designed to balance public protection, offender accountability, and rehabilitation. Decision-makers are given flexibility under the guidelines to determine a sanction level based on the seriousness of the offense, the child's prior delinquent history, special needs, and the effectiveness of previous intervention efforts. Progressive sanctions are voluntary and are to be used by county juvenile boards. See Appendix 2 for further details on the Progressive Sanctions Guidelines. The table, *Legislative Changes for Juvenile Justice Stakeholders*, summarizes how the reforms affect local and state stakeholders.

| <b>Legislative Changes for Juvenile Justice Stakeholders</b>   |                 |
|--|-----------------|
| <b>Change/Reform</b>   | <b>Agency</b>   |
| Implementation of Progressive Sanctions Model  | TJPC, JPDs      |
| Provide state aid to counties to acquire, construct, and equip post-adjudication residential or day-treatment facilities and to promulgate standards for public and private post-adjudication facilities | TJPC            |
| Authority to establish intermediate sanction facilities  | TYC             |
| Authority to establish boot camps  | TJPC, TYC, JPDs |
| Develop a coordinated biennial strategic plan  | TJPC, TYC       |
| Expand the STARS program   | PRS             |
| Authority to treat mentally retarded offenders   | TYC             |
| Establish Project RIO  | TYC             |
| Develop a standard assessment tool for juvenile offenders  | TJPC            |

In addition to programmatic changes, the reforms dramatically changed the tone of the juvenile justice system in Texas. The concept of punishment was introduced into the juvenile code. Almost universally, sanctions for crimes committed by youths were toughened and minimum lengths of stay increased. The table, *TYC Minimum Lengths of Stay*, summarizes the changes in lengths of stay by offense.

| TYC Minimum Lengths of Stay |                      |               |
|-----------------------------|----------------------|---------------|
| Classification              | Prior to Reforms     | After Reforms |
| Sentenced Offenders:        |                      |               |
| Capital                     | Hearing at age 18    | 10 years      |
| 1st Degree                  | Hearing at age 18    | 3 years       |
| 2nd Degree                  | No eligible offenses | 2 years       |
| 3rd Degree                  | No eligible offenses | 1 year        |
| Other High Risk Offenders:  |                      |               |
| A Violent                   | 24-48 months         | 24-48 months  |
| B Violent                   | 12 months            | 12 months     |
| Chronic Serious             | 9 months             | 12 months     |
| Controlled substance dealer | 9 months             | 12 months     |
| Firearms                    | 9 months             | 12 months     |
| General Offenders           | 6 months             | 9 months      |

Source: Texas Youth Commission

While reforms are expected to result in a higher percentage of youth who are diverted from TYC, those who are committed will be a more violent and chronic offender often requiring additional treatment efforts.

### COMPARISON OF STATE JUVENILE JUSTICE SYSTEMS

Among the other states, probation supervision is most often administered at the local level by the judiciary while aftercare (parole) services are typically administered by the same statewide agency that administers institutional programs. The table, *Organization of State Juvenile Justice Systems*, shows how Texas and other states organize their systems.

| Organization of State Juvenile Justice Systems |     |                 |     |                          |     |
|--|-----|-----------------|-----|--------------------------|-----|
| Probation                                      | No. | Aftercare       | No. | Institutions             | No. |
| Local/Judicial                                 | 16* | Local/Judicial  | 2   | Corrections Dept.        | 11  |
| State/Judicial                                 | 7   | State/Judicial  | 2   | Social Services Dept.    | 22  |
| Local/Executive                                | 3   | Local/Executive | 0   | Family & Childrens Dept. | 6   |
| State/Executive                                | 10  | State/Executive | 37* | Youth Services Dept.     | 11* |
| Combination                                    | 14  | Combination     | 9   | *Includes Texas          |     |

Source: Texas Youth Commission

However, since the establishment of juvenile justice and court systems, the organization and administration of juvenile services has been a topic of much discussion. The ability and appropriateness of juvenile court administration of rehabilitation services continues to be debated. Opinions vary on whether juvenile courts should administer probation services or if executive branch agencies would do a better job. Additionally, questions are often raised whether the proper authority for

organizing juvenile justice services should come from the state or local level.

The debate over how to most efficiently and effectively administer juvenile services in Texas has a long history. The table, *History of Proposed Juvenile Justice System Administrative Changes*, provides a summary.

| <b>History of Proposed Juvenile Justice System Administrative Changes</b> |   |   |             |
|---|---|---|-------------|
| Year  | Recommending Entity   | Recommendation/Assessment   | Result      |
| 1977  | Senate Special Committee on Delivery of Human Services        | Establish a Department of Juvenile Service.   | Not Adopted |
| 1979  | Senate Interim Subcommittee on Juvenile Crime                 | A single state agency should be responsible for all state-level juvenile justice activities. Integrate state and county juvenile justice systems.                     | Not Adopted |
| 1981  | 67th Texas Legislature  | Create a separate state agency for juvenile probation services.   | Adopted     |
| 1983  | 68th Texas Legislature  | Create a Health and Human Services Coordinating Council.  | Adopted     |
| 1989  | 71st Texas Legislature  | Improve relationship between all human services and juvenile justice agencies.  | Adopted     |
| 1991  | Texas Performance Review                                      | Create a Department of Family Services, to include TYC and TJPC, to deliver human services through comprehensive service regions.                                     | Not Adopted |
| 1991  | 72nd Texas Legislature  | Create a new Health and Human Services Commission.  | Adopted     |
| 1992  | Texas Performance Review<br><i>Texas Crime, Texas Justice</i> | Texas' juvenile justice system is fragmented with duplication between state agencies and county probation departments.  | No Rec.     |
| 1993  | 73rd Texas Legislature  | Required a joint TYC/TJPC strategic plan.   | Adopted     |
| 1995  | Texas Performance Review                                      | Create permanent joint long-range planning process, composed of TYC, TJPC, and juvenile justice experts. Centralize functions, including progressive sanctions model. | Adopted     |

The result of this long running debate is a Texas juvenile justice system that provides probation through the local and judicial levels of government and correctional institutions through an agency at the state level of government.

**JUVENILE JUSTICE TRENDS**

The Texas juvenile crime rate, despite a drop in 1995, rose nearly 12 percent since 1991. Juvenile crime statistics show several troubling trends. Juveniles are committing crimes at a faster pace than adults, the crimes are more violent, and the offender more chronic with specialized needs.

A review of national juvenile crime trends shows that the rest of the nation is experiencing problems and facing similar challenges. The table, *Comparison of Juvenile Arrest Rates*, compares Texas with national statistics.

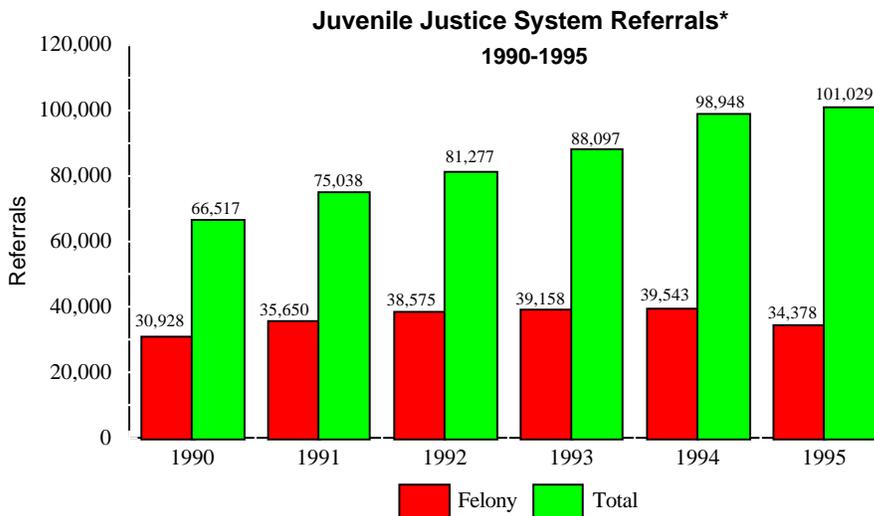
*Statistics show troubling trends - more violent crimes committed by chronic offenders with more specialized needs.*

| Comparison of Juvenile Arrest Rates* |              |          |                      |          |            |          |
|--------------------------------------|--------------|----------|----------------------|----------|------------|----------|
| Year                                 | Murder Rate^ |          | Property Crime Rate+ |          | Total Rate |          |
|                                      | Texas        | National | Texas                | National | Texas      | National |
| 1991                                 | 11.3         | 6.5      | 2400.0               | 1790.6   | 2688.1     | 2069.9   |
| 1992                                 | 12.8         | 6.6      | 2249.0               | 1930.2   | 2569.3     | 2256.8   |
| 1993                                 | 12.6         | 6.6      | 2229.3               | 1906.6   | 2584.2     | 2229.2   |
| 1994                                 | 14.1         | 7.2      | 2378.7               | 1929.6   | 2737.8     | 2294.8   |
| 1995                                 | 7.8          | N/A      | 2206.6               | N/A      | 2524.3     | N/A      |

\* - Per 100,000 population, ages 10-16; ^ - includes non-negligent manslaughter  
 + - includes burglary, larceny-theft, motor vehicle theft, arson

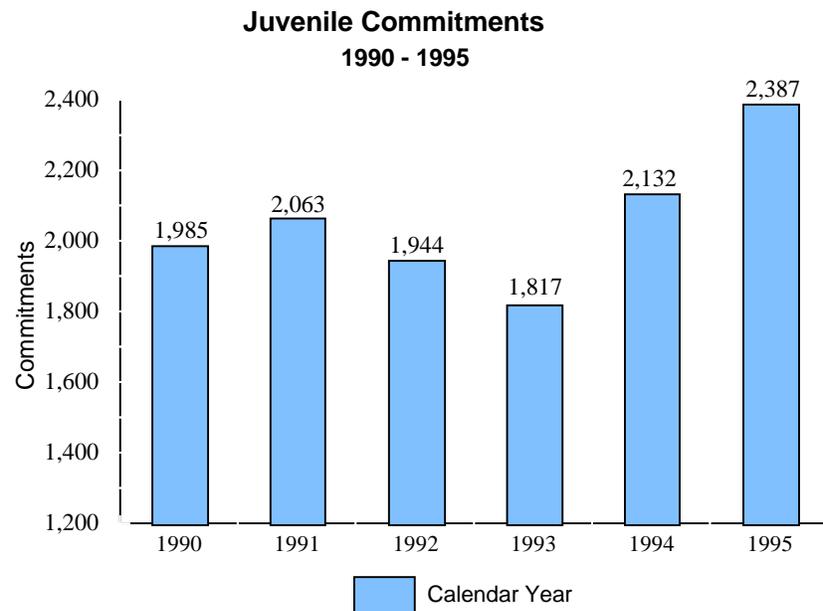
Source: Texas Youth Commission

The increase in arrests is reflected in the number of juveniles referred to the juvenile justice system. The chart, *Juvenile Justice System Referrals*, shows the delinquency since 1990.



\*figures do not include referrals for Conduct In Need of Supervision (CINS) offenders.

Moreover, the number of youth committed to TYC, or those who are chronic or deemed too violent to be handled through community-based efforts, increased by over 20 percent during the same period. The chart, *Juvenile Commitments*, illustrates the increasing trend.



Current projections show juvenile arrests increasing through 2002, with a slight leveling of the trend from 2002 to 2010. A similar trend is projected for juvenile referrals. The result of these trends could be an additional 154,000 arrests and 80,000 referrals.<sup>3</sup>

<sup>1</sup> Criminal Justice Policy Council, *Top Priority: Preparing the Juvenile Justice System for the Twenty-First Century*, March 1996, pp. 6-7; Texas Juvenile Probation Commission, Statistical Reporting System Activity Report, Jan. - Dec. 1995.

<sup>2</sup> Texas Juvenile Probation Commission

<sup>3</sup> Criminal Justice Policy Council, *Top Priority: Preparing The Juvenile Justice System for the Twenty-first Century*, March 1996, pp. 23-24.

**TEXAS JUVENILE PROBATION COMMISSION  
BACKGROUND**

# Background

## Agency History

Before 1981, the scope and quality of juvenile justice services in Texas were limited. In fact, 32 Texas counties had no juvenile probation services, 107 counties did not have juvenile boards, and only 29 juvenile detention centers were in operation. Due to the lack of juvenile detention facilities, more than 12,000 youth were held in adult jails in violation of federal law. In addition, the state had no uniform standards for juvenile justice personnel, no standards for services or institutions, no central source of information on juvenile crime in Texas, and no system of fiscal accountability for state funds used at the local level.

To address the overwhelming need for juvenile probation services, the Legislature, in 1981, created the Texas Juvenile Probation Commission (TJPC) to launch a statewide, aggressive response to juvenile crime. The law defines the duties of the agency as follows:

- to make probation services available to juveniles throughout the state,
- to improve the effectiveness of juvenile probation services,
- to provide alternatives to the commitment of juveniles to the Texas Youth Commission by providing financial aid to juvenile boards to establish and improve probation services,
- to establish uniform probation administration standards, and
- to improve communication among state and local entities within the juvenile justice system.

In 1989, the 71st Legislature began funding community corrections to assist probation departments in developing community treatment alternatives for juveniles at risk of commitment to the Texas Youth Commission.

In 1991, the 72nd Legislature reorganized all health and human services agencies and placed TJPC with 11 other agencies under the oversight of the new Health and Human Services Commission, which was created primarily to improve the coordination of services between the agencies.

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*In 1981, the Legislature created TJPC to address the lack of consistent, quality local probation services.*

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In 1995, the 74th Legislature expanded TJPC's responsibilities to include:

- promoting the adoption and use of the voluntary Progressive Sanctions Guidelines contained in the new Juvenile Justice Code by juvenile probation departments and juvenile courts;
- overseeing the use of \$37.5 million in revenue bonds for the construction of locally operated post-adjudication facilities;
- requiring TJPC to develop standards for secure post-adjudication facilities;
- developing Buffalo Soldiers Heritage Programs in five designated counties; and
- cooperating with the Texas Youth Commission to develop a joint strategic plan for delivery of services to delinquent youth and their families.

TJPC works in partnership with 168 local juvenile probation departments across Texas, as well as community organizations, private industry, and citizens. In little more than a decade, juvenile probation services have been extended to all 254 counties and 23 additional detention centers have been built. Texas children no longer stay in adult jails.

## Policymaking Structure

### Board Members and Committees

#### Two District Judges

Judge Robert P. Brotherton, Vice Chair  
Wichita Falls  
Judge Eric Andell, Houston

#### County Judge/County Commissioner

Robert Tejada, San Antonio

#### Public Members

Michael L. Williams, Chair, Arlington  
Victoria H. Baldwin, Austin  
Raul Garcia, San Angelo  
Keith H. Kuttler, Bryan  
Betsy Lake, Houston  
Theresa B. Lyons, Fort Worth

#### Advisory Committee

Texas Advisory Council on Juvenile Services

#### Board Subcommittees

Budget  
Internal Audit  
Program and Planning  
Construction Bond  
Joint Task Force with Texas Youth Commission  
Joint Task Force with State Board of Education  
Joint Task Force with Department of Protective and Regulatory Services

The Texas Juvenile Probation Commission is governed by a nine-member Board, appointed by the Governor with the advice and consent of the Senate. Two members must be District Court Judges who sit as juvenile court judges, one member must be a County Judge or Commissioner, and six members must be public representatives who are not employees in the criminal or juvenile justice system. Board members serve staggered six-year terms with one member designated by the Governor as chair.

The Human Resources Code sets out the duties and responsibilities of the Board. TJPC is required to assist counties in providing probation and juvenile detention services by facilitating the continued operation of county and multi-county juvenile boards or probation offices. The TJPC Board adopts rules that provide:

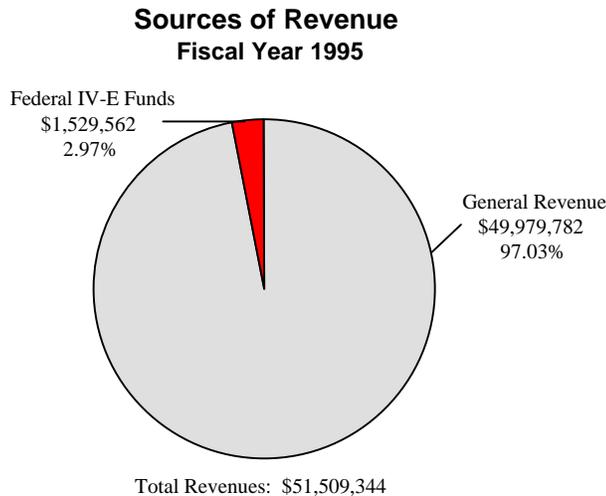
- minimum standards for personnel, staffing, case loads, programs, facilities, record-keeping, equipment, and other aspects of juvenile board operations that are necessary to provide effective probation services;
- appropriate educational, pre-service, and in-service training, and certification standards; and
- minimum standards for juvenile detention facilities and post adjudication facilities.

The Board is also responsible for overseeing the operation of the Commission and hiring the Executive Director with the approval of the Governor. The Board may delegate to the Executive Director any power or duty granted to the Board except rule-making authority. The Board appoints advisory committees and may establish divisions within the Department as necessary. The Board often conducts business through subcommittees and is required to meet quarterly. The Board met seven times in fiscal year 1995.

## Funding and Organization

### FUNDING

TJPC receives funding primarily from general revenue. In fiscal year 1995, TJPC received total revenue of \$51.5 million. In addition, for the 1996-97 biennium, the Legislature authorized TJPC to receive \$37.5 million in bond proceeds to assist local juvenile probation departments in building new post adjudication detention facilities. The chart, *Sources of Revenue - Fiscal Year 1995*, shows the amount of the Commission’s income sources.



**Construction Bonds for Post Adjudication Detention Facilities**

In 1995, the 74th Legislature appropriated \$37.5 million in bond proceeds to TJPC for the construction of 1,000 secure post-adjudication beds by local counties. A rider to the appropriations bill specified the following guidelines for the projects.

- 50 percent of the amount for distribution to counties shall be made available for Harris, Dallas, Bexar, Tarrant, El Paso, Hidalgo, and Travis counties.
- 50 percent of the amount for distribution to counties shall be made available to all remaining counties.
- At least 25 percent of the cost of constructing or acquiring the facility be borne by the county or regional authority.
- The maximum amount of state assistance shall not exceed \$4 million per facility.

In addition, the Human Resources Code requires TJPC to contract with the Texas Department of Criminal Justice for construction management services.

TJPC issued RFPs to all counties in December 1995 and received 25 proposals by April 25, 1996. Out of the 25 proposals, 18 were approved by the TJPC Board. The chart shows the counties receiving the bonds and the amount of the award.

| County    | Amount Awarded |
|-----------|----------------|
| Bexar     | \$4,000,000    |
| Cameron   | \$1,200,000    |
| Colorado  | \$2,550,000    |
| Dallas    | \$3,600,000    |
| Denton    | \$1,800,000    |
| El Paso   | \$1,500,000    |
| Grayson   | \$1,500,000    |
| Gregg     | \$1,500,000    |
| Harris    | \$3,974,170    |
| Harrison  | \$900,000      |
| Hidalgo   | \$1,500,000    |
| Lubbock   | \$1,500,000    |
| Nueces    | \$1,200,000    |
| Randall   | \$462,292      |
| Taylor    | \$1,350,000    |
| Tom Green | \$1,000,000    |
| Travis    | \$3,564,538    |
| Van Zandt | \$299,000      |

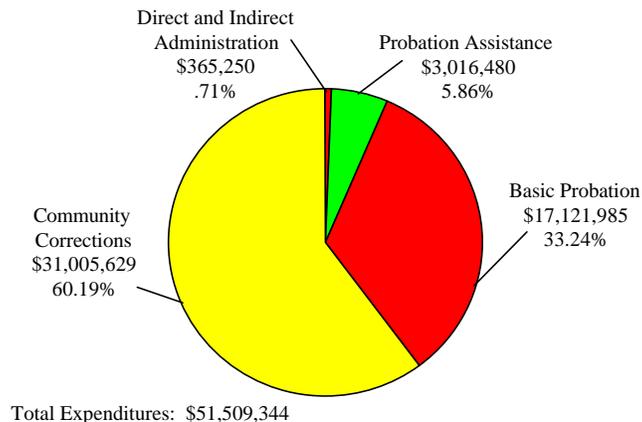
Local courts assess \$20 fines against juvenile offenders who are adjudicated. Local courts retain \$2.00 and the remainder is sent to the state general revenue fund. Currently, TJPC receives \$50,000 a year from these fines.

In fiscal year 1993, TJPC began an initiative to receive federal Title IV-E reimbursement for costs associated with residential placements of juvenile offenders. Title IV-E is the federal program that reimburses states to care for children that must be temporarily placed outside their home. Approximately 50 percent of placement costs can be reimbursed for eligible children. In fiscal year 1995, 27 juvenile probation departments received a total of \$1.5 million in federal funding for this program.

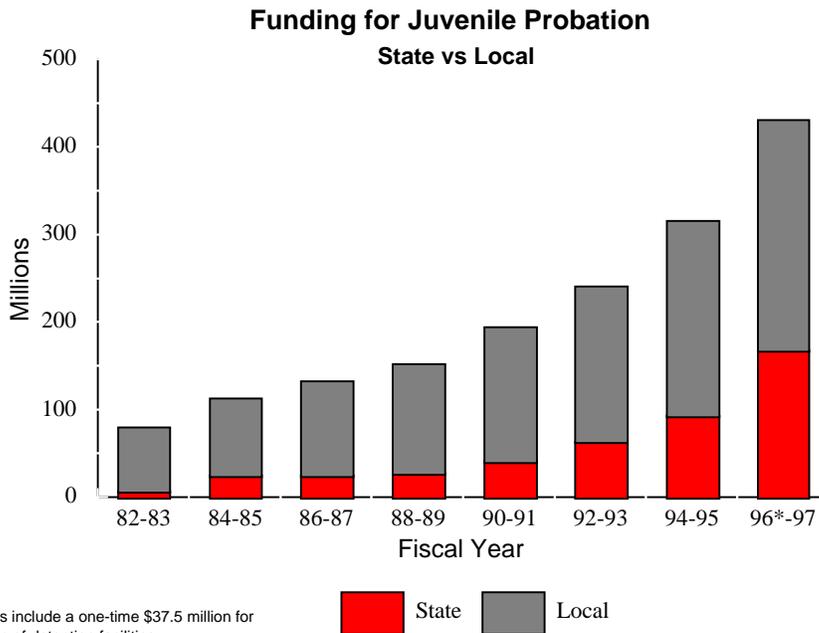
TJPC provides funds to local juvenile boards for two primary purposes, basic probation services and community corrections. In fiscal year 1995, TJPC sent \$17.1 million to the counties for basic

probation services and \$31.0 million for community corrections. TJPC spent \$3.0 million for probation assistance and \$365,000 for agency administration. The chart, *Expenditure by Strategy - Fiscal Year 1995*, shows a breakdown of the agency's total expenditures for each goal and

**Expenditures by Strategy  
Fiscal Year 1995**



its component strategies. In addition, local juvenile probation boards contributed \$111 million for juvenile probation services in fiscal year 1995, as shown in the chart, *Funding for Juvenile Probation*.



*In 1995, the state spent \$51.5 million for juvenile probation while counties contributed \$111 million.*

The Legislature has established a statewide goal of 30 percent of all agency contracts to be made with Historically Underutilized Businesses (HUBs). The Legislature also requires the Sunset Commission to consider agencies' compliance with laws and rules regarding HUB use in its reviews. The chart, *Purchases from HUBs - Fiscal Year 1995*, shows TJPC's HUB participation for fiscal year 1995.

| <b>Purchases from HUBs<br/>Fiscal Year 1995</b> |           |
|---|-----------|
| Total purchases of goods and services           | \$212,647 |
| Total spent with certified HUBs                 | \$72,938  |
| Percent spent with certified HUBs               | 34.3%     |
| Statewide average                               | 15.89%    |
| State goal                                      | 30%       |

## ORGANIZATION

In fiscal year 1995, TJPC employed 33 staff, all located at its state office in Austin. TJPC staff are primarily engaged in providing probation assistance to local juvenile probation departments throughout the state. This includes providing training and technical assistance for local departments as well as monitoring to ensure that departments meet minimum standards. This function is discussed in more detail under the probation assistance section.

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*Probation services are provided by 168 local departments throughout the state.*

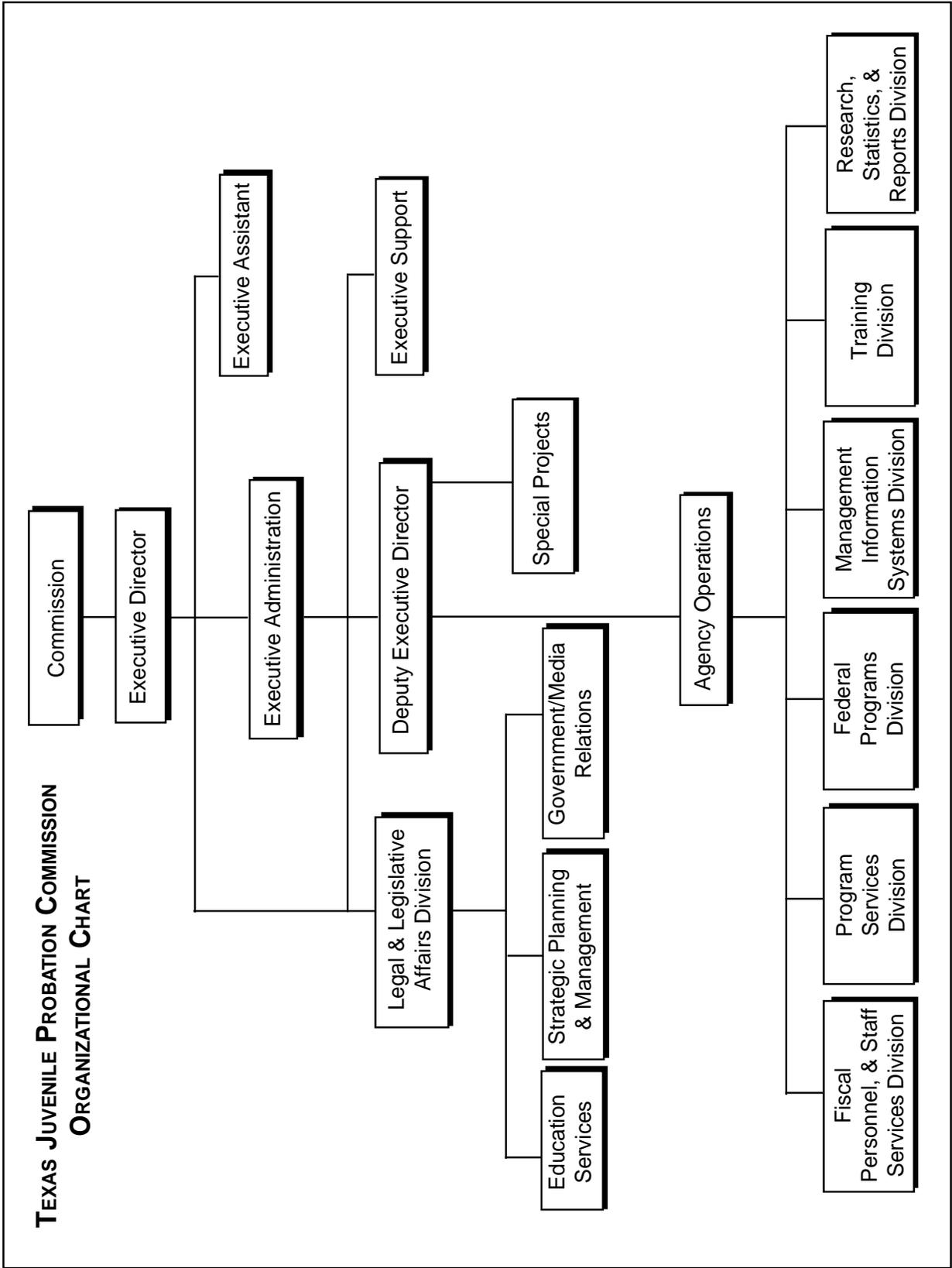
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Probation services in Texas are provided by 168 juvenile probation departments throughout the state. The juvenile probation departments are governed by county juvenile boards that set policies, guidelines, and budgets for the county as well as designate and provide for the operation of the local juvenile courts. The organizational structure of TJPC is illustrated in the chart, *Texas Juvenile Probation Commission Organizational Chart*.

TJPC is subject to the General Appropriations Act, including provisions that set employment goals for minorities and women by specific job category. These goals are a useful measure of diversity and an agency's commitment to developing a diverse workforce. The chart, *Texas Juvenile Probation Commission Equal Employment Opportunity Statistics - 1995*, shows the composition of the Department's workforce and compliance with state goals.

**Texas Juvenile Probation Commission  
Equal Employment Opportunity Statistics - 1995**

| Job Category             | Total Positions | Minority Workforce Percentages |            |          |            |        |            |
|--------------------------|-----------------|--------------------------------|------------|----------|------------|--------|------------|
|                          |                 | Black                          |            | Hispanic |            | Female |            |
|                          |                 | Agency                         | State Goal | Agency   | State Goal | Agency | State Goal |
| Officials/Administration | 4               | 25%                            | 5%         | 25%      | 8%         | 50%    | 26%        |
| Professional             | 23              | 4%                             | 7%         | 22%      | 7%         | 52%    | 44%        |
| Technical                | NA              | 0%                             | 13%        | 0%       | 14%        | 0%     | 41%        |
| Protective Services      | NA              | 0%                             | 13%        | 0%       | 18%        | 0%     | 15%        |
| Para-Professionals       | 4               | 25%                            | 25%        | 75%      | 30%        | 100%   | 55%        |
| Administrative Support   | 2               | 0%                             | 16%        | 0%       | 17%        | 100.0% | 84%        |
| Skilled Craft            | NA              | 0%                             | 11%        | 0%       | 20%        | 0%     | 8%         |
| Service/Maintenance      | NA              | 0%                             | 19%        | 0%       | 32%        | 0%     | 27%        |



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*TJPC's mission is to work in partnership with local juvenile boards and departments.*

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## Agency Operations

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The mission of TJPC is to work in partnership with local juvenile boards and their juvenile probation departments to provide a comprehensive range of community based probation services. These locally controlled services are intended to ensure public safety and offender accountability along with providing assistance to offenders to become productive, responsible, law-abiding citizens.

TJPC's mission is fulfilled through several key functions:

- providing financial aid to juveniles boards for the establishment and improvement of juvenile services,
- establishing uniform probation administration standards,
- providing minimum standards for juvenile detention facilities and post-adjudication centers,
- auditing and monitoring compliance with TJPC standards,
- providing technical assistance to juvenile boards and juvenile probation departments in areas such as program development and administration,
- training and certifying probation officers and detention child care workers,
- providing information on available programs, services and funding, and
- coordinating with other state health and human services agencies for the local delivery of children's services.

These functions are carried out through three strategies: basic probation, community corrections, and probation assistance, which are described below.

### ***BASIC PROBATION***

Basic probation is designed to impact juvenile offenders, or youth at-risk of becoming juvenile offenders, who can benefit from probation and delinquency prevention services. These juveniles are not hard-core offenders who judges commit to the Texas Youth Commission, instead, they are youth who can be safely supervised and treated within the community. Probation services are intended to intervene when a juvenile breaks the law and help provide options to break the cycle of criminal behavior.

TJPC provides funding to local juvenile probation departments for the provision of basic juvenile probation services, including delinquency prevention, informal adjustment, and court-ordered probation. In fiscal year 1995, TJPC provided counties with \$17.3 million for basic probation services. This funding is allocated to counties based on a population and base funding formula. The table, *TJPC Funding Formula*, summarizes how the agency allocates state probation funds.

| <b>TJPC Funding Formula</b>   |  |
|---|--|
| TJPC determines how much state funding each department will receive for basic probation and community corrections through a calculation of a base funding amount combined with an amount based on the juvenile population in each department. |  |
| <b>Basic probation</b>  |  |
| Base fund   | \$12 per juvenile in the county<br>\$58,000 maximum, \$5,200 minimum   |
| Population fund   | Out of remaining funds, each county receives an amount equal to its percentage of the state's juvenile population.   |
| <b>Community corrections assistance</b>   |  |
| Base fund   | \$11 per juvenile in the department (not county)<br>\$75,000 maximum, no minimum   |
| Population fund   | Percentage allocation of total funding is based on each department's percentage of the state's juvenile population and the percentage of the state's total felony referrals. |

In conjunction with local funding, juvenile probation departments provided basic probation services to 25,595 youth in fiscal year 1995. The table, *Basic Juvenile Probation Services*, summarizes TJPC's performance for this strategy.

TJPC also funds Border Children's Justice Projects through this strategy. The Border Children's Justice Projects began in 1985 to address crime problems unique to the Texas/Mexico border and to provide a more humane response to Mexican children who violate Texas laws. Five key border counties receive grants to improve the rehabilitative efforts of Texas and Mexico authorities. The five counties received a total of \$121,000 for this project in fiscal year 1995.

| <b>Basic Juvenile Probation Services</b>                          | <b>FY 1995</b> |
|---|----------------|
| <b>Performance Measures</b>                                       |                |
| Rate of successful completion of deferred prosecution cases       | 85.1%          |
| Rate of successful completion of court ordered probation          | 85.1%          |
| Average daily population supervised under deferred prosecution    | 10,038         |
| Average daily population supervised under court ordered probation | 15,557         |
| Average state cost per juvenile served                            | \$125.35       |
| Total number of delinquent youth                                  | 104,824        |
| Total number of felony referrals                                  | 34,231         |
| Total number of referrals   | 136,596        |

## COMMUNITY CORRECTIONS

TJPC provides funding to juvenile probation departments for community corrections to divert more serious offenders from commitment to the Texas Youth Commission. In fiscal year 1995, TJPC spent \$31 million for this purpose, including an emergency appropriation of \$9.8 million authorized by the Legislative Budget Board to decrease the number of youth sent to the Texas Youth Commission. The table, *Community Corrections*, summarizes TJPC's performance for this strategy.

| Community Corrections  | FY 1995 |
|--|---------|
| <b>Performance Measures</b>  |         |
| Percent of delinquent referrals served through community corrections | 7.0%    |
| Rate of successful completion of Intensive Supervision Program (ISP) | 76.4%   |
| Rate of successful completion of residential placement program       | 80.8%   |
| Number of new commitments to TYC                                     | 2,123   |
| Average daily population of ISP program                              | 2,050   |
| Average daily population of residential placement program            | 630     |
| Total number of children served in Challenge Grant program           | 115     |
| Cost per day per youth for ISP                                       | \$13.80 |
| Cost per day per youth for residential service program               | \$78.00 |

Community corrections programs administered by local juvenile probation departments are directed at high-risk, hard-core, juvenile offenders. Examples of programs funded for this population include:

- intensive supervision programs (probation supervision and oversight of school, community, family, and social functioning are increased to promote offender accountability and effective treatment of the youth's problems that led to criminal activity), and
- diversionary placement programs (juveniles are removed from the community and family, and placed in temporary residential treatment to stabilize behavior and the functioning of the juvenile's family).

Community corrections also includes funding for the Challenge Grant Program. This program provides direct care to children who suffer from multiple problems beyond the offense committed, such as mental illness, mental retardation, abuse, or neglect. The program requires a dollar-for-dollar match from participating counties. During fiscal year 1995, TJPC awarded 15 juvenile probation departments with Challenge Grant funding, totaling approximately \$1.4 million.

In 1993, TJPC created Innovative and Creative Program Grants to encourage the development of new approaches to prevention, supervision, and rehabilitation of special offender populations, including minority youth. In fiscal year 1995, TJPC awarded \$1.7 million to 12 probation departments. However, the program was discontinued in fiscal year 1996 because scarce local resources made the demonstration projects difficult to continue and replicate.

## **PROBATION ASSISTANCE**

In addition to providing funding to juvenile probation departments, TJPC monitors local departments to ensure compliance with minimum standards for probation services. This strategy also provides training and technical assistance to juvenile boards and probation departments, and other juvenile justice stakeholders on issues related to community-based corrections including case management, fiscal management, program planning, and delinquency prevention.

Currently, every Texas juvenile probation department and all 52 detention centers are monitored for standards compliance. Agency staff monitor local departments and detention centers each year to determine the extent local departments meet TJPC standards and to maintain statewide consistency of services. In cases where standards are not met, TJPC offers technical assistance to correct the problems or, in many cases, grants waivers of the minimum standards which may last for up to two years.

TJPC trains juvenile probation personnel so they can meet state certification requirements established by the agency. Training is conducted primarily by TJPC staff and is available throughout the state. In fiscal year 1995, 1,386 new juvenile probation and juvenile detention officers were certified, and all probation and detention officers received at least 40 hours of TJPC-approved training.

In addition to the training and monitoring functions, TJPC provides technical assistance to juvenile probation departments. TJPC's Legal, Program Services, Research/Planning, and Intergovernmental Relations Departments provide legal and technical assistance to juvenile justice practitioners statewide regarding a variety of topics ranging from juvenile law and procedural questions to programmatic issues relating to children's services.

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*In addition to providing state funding, TJPC monitors local departments for compliance with minimum service standards.*

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**TEXAS YOUTH COMMISSION  
BACKGROUND**

# Background

## Agency History

The Texas Youth Commission (TYC) is responsible, under the Texas Family Code, for providing care, custody, and control of youth aged 10 through 21 who have been referred to TYC by the juvenile courts for engaging in delinquent conduct. The Commission's activities, responsibilities, and target population have changed significantly since its inception. The agency was established as the Texas Youth Development Council in 1949 to help communities develop child services for dependent and neglected youth and to administer the state's youth correctional facilities. At that time, the state had three facilities to manage: a training school for boys in Gatesville, an orphans' home in Corisicana, and a training school for girls in Gainesville.

Several legislative reforms and a federal lawsuit changed the focus and method in which the agency administered youth services. In 1957, the Legislature authorized the agency to provide parole in an effort to provide extended correctional services to delinquent youth. The Legislature also changed the agency's name to the Texas Youth Council. During the following years, the Council increased its number of correctional treatment programs and facilities and gradually decreased its role in child care services. By the 1980s, the agency was no longer operating facilities or providing services for dependent and neglected children. In 1983, the agency was renamed the Texas Youth Commission (TYC).

The Morales v. Turman federal civil rights lawsuit, filed in 1971, required major changes in agency policies and procedures regarding a youth's right to due process and shifted juveniles out of institutions into community-based programs, such as residential contract care and halfway houses. Community-based care provides a less restrictive alternative than an institution for less serious juvenile offenders. In fiscal year 1995, 27 percent of TYC's youth were placed in community-based programs while 73 percent were placed in institutions.

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*TYC provides for the care, custody, and control of youth referred by juvenile courts for delinquent conduct.*

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## Policymaking Structure

The Texas Youth Commission is governed by a six-member Commission, appointed by the Governor with the advice and consent of the Senate. Members are citizens recognized for their interest in youth and serve six-year, staggered terms. The Human Resources Code requires the Commission to meet at least four times a year and to elect its Chair and Vice Chair. The Commission met five times in fiscal year 1995.

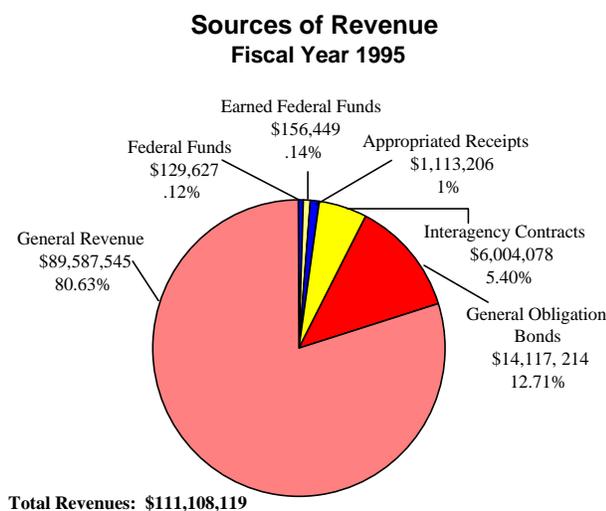
The Commission sets policy for agency operations, hires the Executive Director, and adopts rules governing the administration of the agency's correctional facilities and contract facilities. The Commission is divided into three committees — budget, audit, and construction — that assist with agency oversight and development. The Commission also participates in the Joint Board Committee, composed of two members of the TYC Commission and three members from the Texas Juvenile Probation Commission. The Committee serves as an advisory body to both agencies on issues relating to the juvenile justice system.

## Funding and Organization

### FUNDING

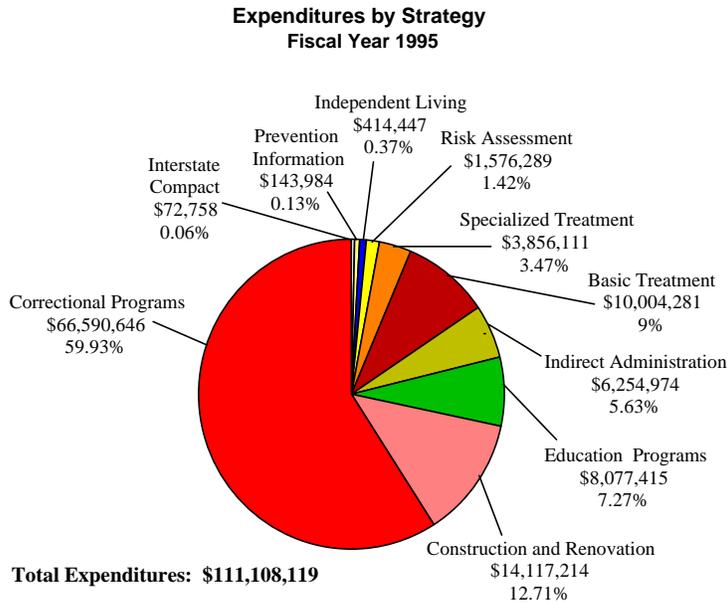
TYC is funded primarily by the General Revenue Fund, but receives other funding through general obligation bonds, interagency contracts, federal funds, and appropriated receipts. General obligation bonds are used to fund new construction, general repairs, and renovation projects. Interagency contracts consist of federal funds and other state appropriations that are passed through TYC from other agencies. These include funds for the National School Breakfast and Lunch programs,

Chapter One education funds from the Texas Education Agency, and Title IV-E foster care reimbursements from the Texas Department of Protective and Regulatory Services. The chart, *Sources of Revenue - Fiscal Year 1995*, shows the dollar amount and percentage of each funding source for fiscal year 1995.



The Texas Youth Commission has four strategic goals: protecting the public, enabling productivity,

providing rehabilitation, and preventing delinquency. In fiscal year 1995, the Commission implemented its four strategic goals with an annual budget of \$111.1 million. The chart, *Expenditures by Strategy - Fiscal Year 1995*, shows a breakdown of the agency’s total expenditures for each component strategy.



The Legislature has established a statewide goal of 30 percent of all agency contracts to be made with Historically Underutilized Businesses (HUBs). The Legislature also requires the Sunset Commission, in its reviews, to consider agencies’ compliance with laws and rules regarding HUB use. The chart, *Purchases from HUBs - Fiscal Year 1995*, shows the Commission’s HUB participation for 1995.

| <b>Purchases from HUBs<br/>Fiscal Year 1995</b> |              |
|---|--------------|
| Total purchases of goods and services           | \$28,050,611 |
| Total spent with certified HUBs                 | \$3,346,776  |
| Percent spent with certified HUBs               | 11.93%       |
| Statewide average                               | 15.89%       |
| State goal                                      | 30%          |

## ORGANIZATION

The Texas Youth Commission had a staff of 2,951 employees in fiscal year 1995. TYC is divided into three service areas with its headquarters in Austin. The central office has 258 employees and develops policy and rules for Commission approval; coordinates program operations in the service areas to ensure consistency; and provides public information, information resources technology, and legal services for the agency. The organizational structure of the agency's divisions is illustrated in the chart, *Texas Youth Commission Organizational Chart*. A comparison of the agency's workforce composition to the state's minority workforce goals is shown in the chart, *TYC Equal Employment Opportunity Statistics - 1995*.

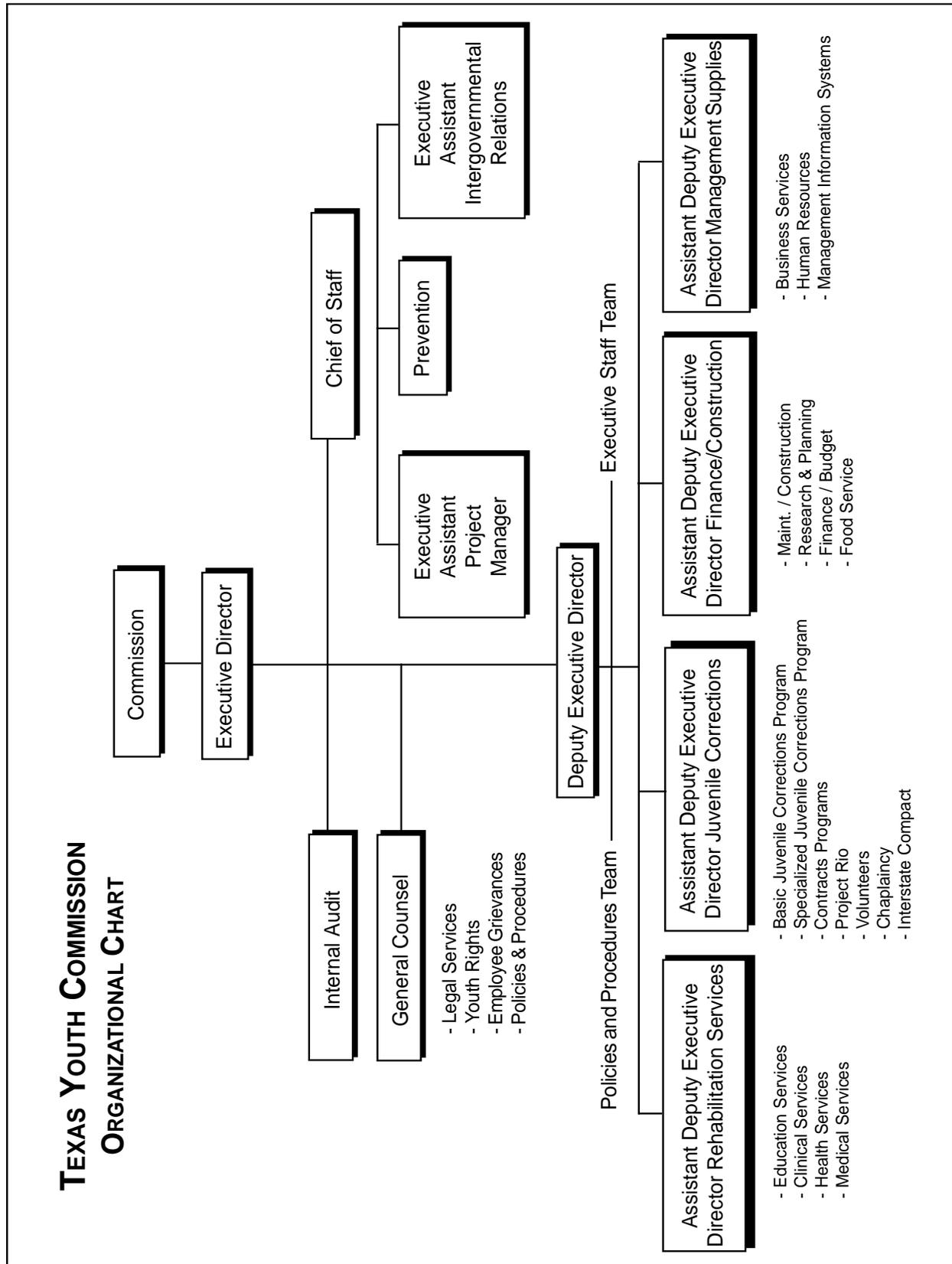
### Texas Youth Commission Equal Employment Opportunity Statistics - 1995

| Job Category             | Total Positions | Minority Workforce Percentages |            |          |            |        |            |
|--------------------------|-----------------|--------------------------------|------------|----------|------------|--------|------------|
|                          |                 | Black                          |            | Hispanic |            | Female |            |
|                          |                 | Agency                         | State Goal | Agency   | State Goal | Agency | State Goal |
| Officials/Administration | 35              | 17.1%                          | 5%         | 11.4%    | 8%         | 28.6%  | 26%        |
| Professional             | 665             | 20.8%                          | 7%         | 13.4%    | 7%         | 41.5%  | 44%        |
| Technical                | 34              | 14.7%                          | 13%        | 14.7%    | 14%        | 35.3%  | 41%        |
| Protective Services      | 1,358           | 44.6%                          | 13%        | 18.2%    | 18%        | 30.8%  | 15%        |
| Para-Professionals       | 145             | 29.0%                          | 25%        | 20.7%    | 30%        | 72.4%  | 55%        |
| Administrative Support   | 241             | 12.4%                          | 16%        | 17.8%    | 17%        | 92.5%  | 84%        |
| Skilled Craft            | 62              | 12.9%                          | 11%        | 14.5%    | 20%        | 0.0%   | 8%         |
| Service/Maintenance      | 124             | 36.3%                          | 19%        | 24.2%    | 32%        | 61.3%  | 27%        |

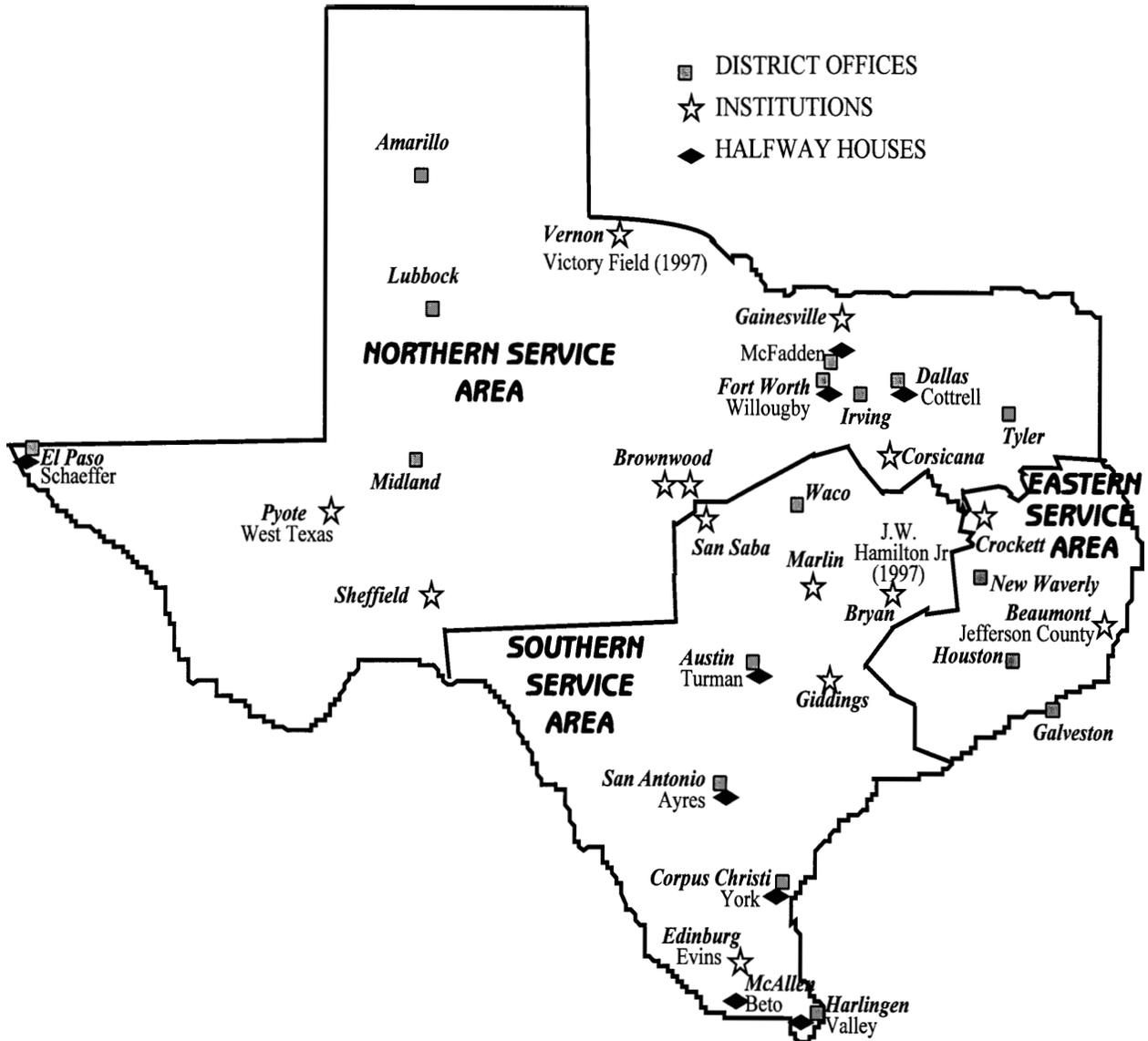
TYC conducts its business in three service areas that include a total of 17 district offices. Each service area is managed by an Area Director who is responsible for the administration of aftercare (parole) services and residential and non-residential contract services in their respective regions. The map, *TYC Area and District Offices*, shows the location of each of TYC's area and district offices, along with its institutions and community residential programs.

## Agency Operations

The Texas Youth Commission has adopted four main goals in its strategic plan that reflect its major functions — protecting the public, enabling productivity, providing rehabilitation, and preventing delinquency. The Commission's operations to meet these goals are described below.



### Texas Youth Commission Area and District Offices



## ***PROTECT THE PUBLIC***

To fulfill this goal, TYC maintains and operates institutional and community-based residential correctional facilities used to house violent and seriously delinquent youth. All youth committed to TYC are either held in agency-operated institutional/residential facilities or in privately-run facilities monitored by the agency.

### Correctional Facilities

#### Institutional

TYC operates eight training schools that house youth who have generally committed more serious offenses; an orientation and assessment unit at Marlin; a residential treatment center for emotionally disturbed youth at Corsicana; a bootcamp at Sheffield; and a parole sanctions unit in Brownwood. In addition, the J.W. Hamilton, Jr. school in Bryan and the south campus of the Vernon State Hospital are scheduled for conversion and use by TYC during 1997.

Before youth are placed in a facility, TYC staff assess their psychological, educational, and medical needs at the Orientation and Assessment Unit in Marlin. These needs, along with the youth's history of delinquency and risk to the public, are evaluated to determine the most appropriate placement option. On average, the youth spends about 45 days at this facility.

All of the training schools restrict youth to locked buildings. The perimeters are secured by fences except for the Crockett, Corsicana, and Evins facilities which currently have fences under construction. The training school at Giddings is TYC's maximum security facility for youth committed for violent offenses. The Brownwood Sanctions unit is used to provide a 90-day high restriction residential program for youth who do not successfully participate in parole or other community-based programs. The table, *TYC Institutional Population*, shows the average daily population of juveniles placed in these facilities and their median initial length of stay.

#### Community-based

TYC operates community-based residential facilities in an effort to offer a less restrictive alternative and diversion from an institution for less serious juvenile offenders, for youth with special needs such as chemical dependency and mental illness, and for youth who have completed their

*TYC currently operates 12 facilities to house offenders with two more facilities scheduled for use during 1997.*

| <b>TYC Institutional Population</b> |                          |                               |
|-------------------------------------|--------------------------|-------------------------------|
| Year                                | Average Daily Population | Median Initial Length of Stay |
| 1991                                | 1,392                    | 6.6 months                    |
| 1992                                | 1,393                    | 8.6 months                    |
| 1993                                | 1,432                    | 8.2 months                    |
| 1994                                | 1,525                    | 8.9 months                    |
| 1995                                | 1,745                    | 9.1 months                    |

Source: Texas Youth Commission

assignment at an institution. TYC accomplishes this mainly through operating halfway houses and contracting with privately-run programs.

### Halfway Houses

TYC operates eight all-male halfway houses and one all-female halfway house. The goal of halfway houses is to successfully reintegrate juvenile offenders back into the community. Youth either attend public schools or schools operated by the facilities, work in local businesses, or participate in vocational education or GED preparation. Group and individual counseling is the primary way residents learn and develop the skills necessary to return home successfully. In fiscal year 1995, TYC had an average of 193 juveniles in halfway houses on a daily basis.

### Private Contract Facilities

TYC contracts with private sector providers for residential programs, including group homes, vocational training programs, residential treatment centers, foster care and non-residential day treatment services. In fiscal year 1995, TYC contracted with more than 90 private sector providers that served an average daily population of 695 youth.

### Construction and Renovation

In addition to operating correctional facilities, TYC is responsible for ensuring sufficient space to hold the number of youth committed to the agency. TYC accomplishes this through construction and renovation of existing institutions. TYC contracts with the Texas Department of Criminal Justice for construction, conversion, and management services for bond-funded construction. The Legislature appropriated \$55 million to expand additional bed capacity for an additional 2,360 beds by the end of fiscal year 1999. The table, *End-of-Year Population Capacity by Program Type*, summarizes the anticipated agency program capacities as a result of expansion at existing TYC institutions and conversion of adult and mental health facilities.

For less serious offenders, TYC operates nine halfway houses and contracts with more than 90 private sector providers for residential programs.

| End-of-Year Population Capacity by Program Type |             |              |               |               |       |
|---|-------------|--------------|---------------|---------------|-------|
|   | Fiscal Year | Institutions | TYC Community | Contract Care | Total |
| Actual  | 1995        | 1,862        | 196           | 754           | 2,812 |
|   | 1996        | 2,542        | 193           | 716           | 3,451 |
| Projected                                       | 1997        | 3,070        | 194           | 725           | 4,989 |
|   | 1998        | 3,900        | 194           | 725           | 4,819 |
|   | 1999        | 4,454        | 194           | 800           | 5,539 |

Source: Texas Youth Commission

## ***ENABLE PRODUCTIVITY***

In an effort to help rehabilitate delinquent youth, TYC provides basic educational and vocational instruction to youth confined within their institutions and residential programs.

### Education Programs

Each TYC institution except for San Saba has an accredited on-campus academic and vocational school that teaches basic writing, arithmetic, and job-related skills. The goal of each school is to ensure that the youth are on track to receive their high school diploma or graduate equivalency diploma (GED). The facilities at Brownwood, Giddings, and Gainesville offer vocational training, including instruction in auto mechanics; paint and body repair; welding; and building trades. In January 1996, TYC, in cooperation with the Texas Workforce Commission, established a pre-employment preparation program under the existing Reintegration of Offender Program (Project RIO). The table, *TYC Educational Statistics*, shows the average daily attendance in TYC-operated schools and the number of juveniles receiving their GEDs or jobs.

*TYC uses academic and vocational programs to provide compulsory education for confined youth.*

| <b>TYC Educational Statistics</b>              |           |           |           |           |           |
|--|-----------|-----------|-----------|-----------|-----------|
| <b>Information</b>                             | <b>91</b> | <b>92</b> | <b>93</b> | <b>94</b> | <b>95</b> |
| Number of GEDs received                        | 267       | 596       | 549       | 562       | 596       |
| Number of Diplomas received                    | 9         | 29        | 23        | 29        | 16        |
| Number Employed                                | n/a       | 449       | 315       | 334       | 443       |
| Average Daily Attendance<br>Academic Schools   | n/a       | n/a       | 1,361     | 1,458     | 1,605     |
| Average Daily Attendance<br>Vocational Schools | n/a       | n/a       | 756       | 860       | 1,103     |

Source: Texas Youth Commission

### Independent Living

TYC provides specialized services for youth 16 years of age or older who are unable to return home following release from an institution. These juveniles receive up to six months of subsidized housing, food, continuing education services, financial support, and job training. In fiscal year 1995, TYC served an average daily population of 152 youth in independent living preparation programs.

### ***PROVIDE REHABILITATION***

TYC provides basic and specialized treatment programs and parole services to prevent the likelihood of delinquent youth re-entering the juvenile justice system.

#### Basic Correctional Treatment

A basic program is provided to all youth admitted to TYC institutions. Treatment includes therapeutic counseling, psychological/psychiatric services, medical/dental services, educational/vocational training, volunteer services, recreation, employment and religious services. Included in this basic treatment is TYC's comprehensive rehabilitation program called resocialization. Resocialization emphasizes:

- personal accountability over behavior;
- self-control, academic, vocational and social skills development; and
- restitution to victims and the community.

The program consists of a structured 16-hour day schedule that includes education, physical training, military movement drills, correctional therapy sessions, work activities, facility maintenance, homework, meals and personal hygiene routines. The structured day starts from the first day a youth enters the Marlin Orientation and Assessment Unit and continues throughout the youth's stay at TYC, including placement in community corrections facilities such as halfway houses.

In 1995, TYC changed its approach in the institutions to create a more intense correctional environment such as uniform dress and neat physical appearance, and the elimination of television, radio and cassette tapes, except for educational and therapeutic purposes. Any alternatives to this

structured environment, such as listening to the radio or wearing a non-military style haircut, are privileges that must be earned. All TYC youth are able to move gradually from high restriction confinement to parole based on completion of both minimum lengths of stay and a demonstrated mastery of objectives in each component of resocialization. The table, *Basic Correctional Treatment: Recidivism Rates*, shows the re-arrest rate of youth who completed TYC's basic treatment.

| <b>Basic Correctional Treatment:<br/>Recidivism Rates</b> |       |      |       |      |
|---|-------|------|-------|------|
| <b>Re-arrest within One Year</b>                          |       |      |       |      |
|   | No    |      | Yes   |      |
| FY  | #     | %    | #     | %    |
| 1991  | 1,100 | 44.0 | 1,398 | 56.0 |
| 1992  | 1,113 | 43.6 | 1,441 | 56.4 |
| 1993  | 1,090 | 39.4 | 1,678 | 60.6 |
| 1994  | 823   | 39.2 | 1,277 | 60.8 |
| 1995  | 838   | 42.9 | 1,116 | 57.1 |

Source: Texas Youth Commission

### Specialized Correctional Treatment

More intensive treatment is available for youth with identified special needs. The special programs that are available include sex offender treatment, capital offender treatment, chemical dependency treatment, and emotionally disturbed treatment. The Giddings School operates a program for capital offenders who have committed or attempted murder. The program currently serves 64 offenders per year and will be expanded to serve 80 youth per year in fiscal year 1997. Specialized treatment for sex offenders is provided at the Giddings facility, the Brownwood State School, and by specialized contract providers. The program served a total of 167 sex offenders in fiscal year 1995.

Chemical dependency treatment programs are operated at Giddings, Gainesville, Jefferson, the McFadden Ranch, and through contract care providers. The TYC facilities have 152 chemical dependency treatment beds. The table, *Specialized Correctional Treatment: Recidivism Rates*, shows the re-arrest rate of youth who received specialized treatment.

### Parole Services (Aftercare Services)

TYC administers parole services for youth that are intended to help a youth make the successful transition back into the community. After release from a facility, TYC provides parole services through a TYC parole officer or by contract with county juvenile probation officers. The officer evaluates the youth's home setting to determine the suitability and level of care available in the home. Conditions of parole are similar to those of probation. These include attending school or vocational training, abiding by curfew, obeying parents, not committing any new offense, and reporting to the parole officer regularly. A youth who violates a condition of parole may have the parole revoked and can be returned to a state school or another TYC facility. If TYC revokes parole, the juvenile has a right to an attorney and can appeal TYC's decision. In fiscal year 1995, 331 juveniles had their parole revoked.

### Interstate Compact

TYC is responsible for implementing an interstate cooperative agreement for the return and supervision of runaways and the supervision of juvenile probationers and parolees from other states. This strategy ensures that supervision and services are provided for delinquent youth who are sent

| <b>Specialized Correctional Treatment:<br/>Recidivism Rates</b> |     |      |     |      |
|---|-----|------|-----|------|
| <b>Re-arrest within One Year*</b>                               |     |      |     |      |
|   | No  |      | Yes |      |
| FY  | #   | %    | #   | %    |
| 1991  | 133 | 54.7 | 110 | 45.3 |
| 1992  | 166 | 54.6 | 138 | 45.4 |
| 1993  | 200 | 53.6 | 173 | 46.4 |
| 1994  | 222 | 48.4 | 237 | 51.6 |
| 1995  | 242 | 46.5 | 278 | 53.5 |

\* The percentage of youth released from primary care to aftercare or agency discharge who, within one (1) year, are known to be re-arrested.

Source: Texas Youth Commission

between states while on probation or parole, and that escapees, absconders, and non-adjudicated runaway youth are returned to the state having legal jurisdiction. The Compact also ensures the coordination of out-of-state supervision and services when needed for Texas youth who are on parole or probation, but go to live in another state. In fiscal year 1995, TYC served 2,692 youth through the compact.

### ***PREVENT DELINQUENCY***

#### Prevention Information

TYC fulfills this goal by operating an Office of Prevention. The Office of Prevention maintains a library of prevention programs and provides advocacy, information, and technical assistance to citizens and communities interested in developing delinquency prevention initiatives. The agency promotes the need to collaboratively address delinquency prevention through work with communities, elected officials and publications in state and national journals.

# **APPENDICES**

# Appendix 1



| <b>"Best Practice" Contract Administration</b> |  |
|--|--|
| <b>Action</b>                                  | <b>Components</b>  |
| Planning                                       | Agencies should conduct effective planning before they make contracting decisions: <ul style="list-style-type: none"> <li>● use of a formalized planning process to examine service needs and develop contract expectations;</li> <li>● appropriate approval by oversight entities; and</li> <li>● development of detailed RFBs/RFPs.</li> </ul>   |
| Contract Award                                 | Agencies should use bid evaluation procedures that ensure selection of the best overall vendor: <ul style="list-style-type: none"> <li>● bids evaluated on specific criteria contained in RFBs/RFPs;</li> <li>● evaluation criteria place emphasis on factors other than price such as technical factors, vendor experience, and past performance;</li> <li>● bids evaluated by a team consisting of both contracting and user personnel; and</li> <li>● eligible vendors are screened based on past performance and other related factors.</li> </ul> |
| Monitoring Contractor Performance              | Agencies should continually monitor contractor performance: <ul style="list-style-type: none"> <li>● specific contract and quality assurance monitoring provisions should be included in the contract;</li> <li>● contract management participation should include all relevant parties (financial, regulatory, program, etc.); and</li> <li>● level of monitoring should be consistent with size of contract and risk.</li> </ul>   |
| Performance Measures                           | Contracts should contain provisions designed to hold contractor accountable: <ul style="list-style-type: none"> <li>● contracts should include clearly defined goals, outputs, and measurable outcomes that directly relate to program objectives.</li> </ul>  |
| Sanctions                                      | Contracts should include clearly defined sanctions or penalties for noncompliance with contract terms and conditions such as performance bonds, liquidated damages clauses, and retainage clauses.   |
| Financial Controls                             | Contracts should clearly specify the accounting, reporting, and auditing requirements applicable to funds received under the contract.   |
| Risk Management                                | Agencies should set up a formal program using a risk assessment methodology to monitor compliance with financial and performance requirements under the contracts, including a determination of whether the contractor has achieved performance objectives.  |
| Payment Methods                                | Agencies should set up a formal program to obtain and evaluate program cost information to ensure that all costs, including administrative costs, are reasonable and necessary to achieve program objectives.  |
| Extensions and Modification of Scope           | Contracts should contain provisions giving the agency flexibility to adjust to changing requirements: <ul style="list-style-type: none"> <li>● documented procedures establishing the requirements for controlling contract amendments;</li> <li>● require approval and sign-off of the changes by key agency users, management, steering committees, and board members; and</li> <li>● independent analysis of contract amendments.</li> </ul>  |
| Post-Implementation Review                     | Agencies should conduct post-implementation performance reviews to analyze contractor performance: <ul style="list-style-type: none"> <li>● analyze the cost/benefit of continuing the contract with the initial contractor; and</li> <li>● use of an audit compliance tracking system to monitor significant findings to ensure corrective action occurs.</li> </ul>  |
| Management Information Systems                 | Agencies should develop information systems that support centralized contractor databases: <ul style="list-style-type: none"> <li>● identify duplicate payments on both intra-and interagency basis; and</li> <li>● compile performance data on contractors for use in eligibility screening.</li> </ul>   |



# Appendix 2



| Progressive Sanctions Guidelines   |   |   |
|--|---|---|
| Offense  |   | Recommended Sanctions   |
| Conduct Indicating a Need for Supervision, other than a Class A or Class B Misdemeanor.  | 1 | <b>Require counseling:</b><br>Inform child of progressive sanctions for future offenses;<br>Inform parent(s) of responsibility to impose restrictions on child;<br>Provide information to child and family on needed social services;<br>Require child or parent(s) to participate in services from STAR;<br>Refer child to citizen intervention program;<br>Release child to parent(s) or guardian(s);   |
| Class A or B Misdemeanor, other than a misdemeanor involving the use or possession of a firearm.<br><br>Delinquent Conduct under Section 51.03(a)(2) or (3)  | 2 | <b>Deferred Prosecution or Court ordered or informal probation for 3-6 months</b><br>Inform child of progressive sanctions for future offenses;<br>Inform parent(s) of responsibility to impose restrictions on child;<br>Require restitution to victim or community service restitution (CSR);<br>Require parent(s) or guardian(s) to identify restriction to be imposed on child;<br>Provide information to child and family on needed social services;<br>Require child or parent(s) to participate in services from STAR;<br>Refer child to citizen intervention program;<br>Additional conditions of probation as appropriate. |
| Misdemeanor involving use or possession of a firearm<br><br>State Jail Felony<br><br>Third Degree Felony   | 3 | <b>Court ordered probation for not less than 6 months;</b><br>Require restitution to victim or community service restitution (CSR);<br>Impose specific restrictions and requirements for child's behavior;<br>Require probation officer to closely monitor child's activities and behavior;<br>Require child or parent(s) to participate in programs or services as appropriate;<br>Additional conditions of probation as appropriate.  |
| Second Degree Felony   | 4 | <b>Not less than 3 months intensive and regimented program PLUS Court ordered probation for 6-12 months</b><br>Require restitution to victim or community service restitution (CSR);<br>Impose highly structured restrictions and requirements on child's behavior;<br>Require probation officer to closely monitor child;<br>Require child or parent(s) to participate in programs or services, as appropriate;<br>Additional sanctions, if appropriate.   |
| First Degree Felony, other than a felony involving the use of a deadly weapon or causing serious bodily injury.  | 5 | <b>6-9 months court ordered highly structured residential placement PLUS Court ordered probation for 6-12 months</b><br>Require restitution to victim or community service restitution (CSR);<br>Impose highly structured restrictions and requirements on child's behavior;<br>Require probation officer to closely monitor child;<br>Require child or parent(s) to participate in programs or services as appropriate;<br>Additional sanctions, if appropriate.   |
| First Degree Felony involving to use of a deadly weapon or causing serious bodily injury or Aggravated Controlled Substance Felony   | 6 | <b>Commitment to Texas Youth Commission where Commission may impose the following:</b><br>9-24 months highly structured residential program;<br>Require restitution to victim or community service restitution (CSR);<br>Require child or parent(s) to participate in programs or services as appropriate;<br>Additional sanctions, if appropriate;<br>Parole with highly structured restrictions and requirements on child;<br>Parole supervision for not less than six months;<br>Other parole supervision conditions, as appropriate.  |
| Determinate Sentence for First Degree Felony involving the use of a deadly weapon or causing serious bodily injury<br><br>Determinate sentence for an Aggravated Controlled Substance Felony<br><br>Capital Felony | 7 | <b>Determinate Sentence to the Texas Youth Commission where Commission may impose the following:</b><br>12 months to 10 years highly structured residential program;<br>Require restitution to victim or community service restitution (CSR);<br>Require child or parent(s) to participate in programs or services as appropriate;<br>Additional sanctions, if appropriate;<br>Parole with highly structured restrictions and requirements on child;<br>Parole supervision for not less than 12 months;<br>Other parole supervision conditions, as appropriate.   |



**TEXAS JUVENILE PROBATION COMMISSION  
TEXAS YOUTH COMMISSION**

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