

Texas Youth Commission

Texas Juvenile Probation Commission

Office of Independent Ombudsman

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Texas Youth Commission at a Glance

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

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

While the juvenile justice agencies have implemented the majority of mandated reforms, significant problems persist.

Texas Juvenile Probation Commission at a Glance

In 1981, the Legislature created the Texas Juvenile Probation Commission (TJPC) to ensure access to juvenile probation services throughout the state. Today, Texas has 165 juvenile probation departments serving all 254 counties. The agency supports and oversees these departments to help reduce crime and divert youth from possible commitment to the Texas Youth Commission. The departments provide an array of services, from basic probation to secure community-based placement.

TJPC's key functions are:

- disbursing state and federal funding to assist counties in supervising juvenile offenders and to help divert youth from commitment to TYC;

- monitoring and overseeing juvenile probation departments and locally run detention and correctional facilities to ensure compliance with established standards; and
- providing technical and legal assistance and training to counties to improve probation services.

Office of Independent Ombudsman at a Glance

As part of the major 2007 juvenile justice reforms, the Legislature created the Office of the Independent Ombudsman (OIO) as a separate and independent state agency tasked with investigating, evaluating, and securing the rights of children committed to TYC. Additional statutory requirements direct OIO to review and investigate complaints other than ones of a criminal nature, review facilities, and provide assistance to youth and families. By law, OIO is required to undergo Sunset review at the same time as the Texas Youth Commission, though the Office is not subject to abolishment.

Summary

The Sunset Commission considered the Texas Youth Commission, Texas Juvenile Probation Commission, and Office of the Independent Ombudsman through a special purpose review, following up on the full Sunset review of the agencies conducted in 2008. At that time, the Sunset Commission voted to consolidate TYC and TJPC into one large juvenile justice agency, but the Legislature ultimately continued TYC and TJPC as stand-alone agencies for a two-year probationary period, and required the Sunset Commission to re-evaluate the agencies' implementation of recent reforms.

The Sunset re-examination found that TYC, TJPC, and OIO have implemented the majority of required reforms, but that significant problems still exist in the juvenile justice system. Specifically, declining youth populations continue to drive up the cost of commitment, which now stands at almost \$127,000 per youth per year. Recent diversion initiatives have demonstrated probation departments' ability to treat more youth locally, and at a lower cost than TYC. In addition, TYC worker injury rates remain very high and while staff turnover rates are down, TYC continues to have difficulty staffing specialized treatment positions. Finally, the agency can still improve the number of youth enrolling in and completing needed treatment.

After several years of study, the Sunset Commission concluded that the combination of on-going challenges at TYC, the agency's declining population and rising costs, and the success of diversion initiatives provides an excellent opportunity to continue reforms by consolidating the juvenile justice agencies into a single, fiscally responsible agency to serve youthful offenders.

Issue 1

Texas' Juvenile Justice Agencies Need Major Restructuring to Improve Services to Youthful Offenders and Safeguard the State's Resources.

Recommendation

Change in Statute

1.1 Abolish TYC and TJPC and transfer their functions to a newly created state agency, the Texas Juvenile Justice Department, headed by a 13-member Board and with a six-year Sunset date of 2017.

This recommendation would create a unified juvenile justice system anchored by a single state agency, the Texas Juvenile Justice Department, with a Sunset date of 2017. The merger would have a one-year phase-in period ending with creation of the new Department on September 1, 2012. The mission of the new Department would reflect the goal of prioritizing local probation above state commitment. The new 13-member Juvenile Justice Board would have the following composition:

- four juvenile court judges or county commissioners;
- one juvenile court prosecutor;
- three chief juvenile probation officers representing small, medium, and large counties;
- one mental health or other treatment professional;
- one education professional;
- one child or victim advocate; and
- two public members who are not employees of the criminal or juvenile justice systems.

The recommendation would create a transition team to assist in the organization of the new agency. The Governor would appoint the team, which would begin work on September 1, 2011 and disband on December 31, 2012 or as soon thereafter as possible. The team would be composed of the following:

- a representative of the Governor, who would chair the team;
- administrative heads of TJPC and TYC;
- representatives of the Lieutenant Governor and Speaker of the House;
- three stakeholders representing youth, families, and advocacy groups; and
- three stakeholders representing small, medium, and large probation departments.

This recommendation would not change the law governing OIO's functions, and the Office would continue to investigate and evaluate the rights of youth committed to the State's care only.

1.2 Allow the State to transfer any closed TYC facility, in a county with a population of less than 100,000, to the county or city in which the facility is located.

This recommendation would permit TYC or its successor agency to transfer a closed facility to the city or county in which it is located, if it is located in a county with a population of less than 100,000.

Fiscal Implication Summary

- Issue 1** – Consolidating the Texas Youth Commission and Texas Juvenile Probation Commission would result in an overall annual savings of at least \$2.9 million beginning in 2013. Annual savings of about \$1.3 million would come from the elimination of nine full-time executive positions, including salaries and fringe benefits, that would be duplicative in a single agency. The Department and its transition team would determine the actual positions that would be consolidated, but possible positions include the executive director, deputy executive director, general counsel, human resources director, director of government relations, chief financial officer, chief information officer, director of research, and director of public affairs.

Given ongoing reductions in population at the Texas Youth Commission, the new Department should be able to further downsize central administration. As the new Department reorganizes its functions, it could consolidate positions in other areas such as information services, training, and governmental and public affairs. A reduction of 10 percent in central office staff, or about 25 FTEs in addition to already-identified executive positions, would result in savings of about \$1.6 million annually.

Further significant savings could be realized through the closure of Texas Youth Commission facilities, but such closures were not specifically addressed in the Sunset Commission's recommendations on these agencies.

Fiscal Year	Savings to the General Revenue Fund	Change in the Number of FTEs from FY 2011
2012	\$0	0
2013	\$2,922,819	-34
2014	\$2,922,819	-34
2015	\$2,922,819	-34
2016	\$2,922,819	-34