

Juvenile Justice Agencies

Texas Youth Commission

Texas Juvenile Probation Commission

Office of Independent Ombudsman

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S.B. 653 Whitmire (Madden)

Summary

Originally established in 1949, the Texas Youth Commission (TYC) is the State's juvenile corrections agency. TYC supervises youth committed to state confinement by local courts. TYC promotes public safety by operating juvenile correctional facilities; supervising youth released on parole; and operating numerous education, treatment, and skills programs to assist youth in reintegrating into their communities. The Legislature created the Office of Independent Ombudsman (OIO) as part of the 2007 reforms of TYC. The OIO is tasked with investigating, evaluating, and securing the rights of youth committed to TYC.

In 1981, the Legislature created the Texas Juvenile Probation Commission (TJPC) to ensure access to juvenile probation services throughout the state. TJPC supports and oversees 165 juvenile probation departments serving all of Texas' 254 counties.

Senate Bill 653 abolishes both agencies and transfers their functions to a newly created state agency, the Texas Juvenile Justice Department, with a Sunset date of 2017. The Legislature adopted the Sunset Commission's recommendations and added numerous provisions to S.B. 653. Generally, the Legislature's additions either make adjustments to the new agency's governance structure, modify the process for consolidation, or clarify the functions and responsibilities of the new agency. A discussion of the bill's major provisions follows.

Sunset Provision

- 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.**

Senate Bill 653 creates a unified juvenile justice system anchored by a single state agency, the Texas Juvenile Justice Department, with a Sunset date of 2017. The Legislature modified the Sunset Commission's approach by shortening the transition period from one year to three months, with creation of the new Department on December 1, 2011. The bill specifies that the mission of the new Department reflect the goal of prioritizing local probation above state commitment.

In S.B. 653, the Legislature adjusted the board composition proposed by the Sunset Commission resulting in a 13-member Juvenile Justice Board with the following composition:

- one member who is a district court judge of a court designated as a juvenile court;
- three county commissioners court members;
- one prosecutor in juvenile court;
- three chief juvenile probation officers representing small, medium, and large counties;
- one adolescent mental health treatment professional;
- one educator; and
- three members of the general public.

The bill specifies that no two board members may represent the same county or judicial district. Senate Bill 653 requires board members that are chief juvenile probation officers to recuse themselves if the Board deliberates on an issue that solely affects their department. The bill specifically prohibits a chief juvenile probation officer from voting or making decisions regarding matters of abuse and neglect affecting the chief's own department.

The bill establishes a seven-member juvenile justice services and facilities transition team to develop a transition plan with short-, medium-, and long-term goals, and to assist the Board in the organization of the new agency. The Governor and the TYC and TJPC boards will appoint the team members, who will begin work on September 1, 2011 and disband on March 1, 2012, or as soon thereafter as possible. The team will be composed of the following:

- one representative of the Governor, who will chair the team;
- one representative chosen from a list submitted to the Governor by the Lieutenant Governor;
- one representative chosen from a list submitted to the Governor by the Speaker of the House;
- one representative each of TYC and TJPC, appointed by their respective boards;
- one member who represents the interests of offenders or the families of youthful offenders, an organization that advocates on behalf of youthful offenders or the families of youthful offenders, or an organization that advocates on behalf of the victims of delinquent or criminal conduct; and
- one member with experience in organizational mergers.

The bill allows 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.

Finally, the Legislature added numerous provisions to the bill to clarify that the new Department retains all powers, duties, and functions previously granted to TYC and TJPC.

Provisions Added by the Legislature

2. Establish statutory purposes and goals for the new Department.

Senate Bill 653 establishes the purpose of the new Department, and provides that the Department shall be a unified state juvenile justice agency that works with stakeholders; provides a full continuum of effective supports and services to youth; and creates a juvenile justice system that produces positive outcomes for youth, families, and communities.

The bill further establishes the goals of the Department to:

- support a county-based continuum of services for youth and families that reduces the need for out-of-home placement;
- increase use of alternatives to placement and commitment to secure state correctional institutions;
- locate facilities as geographically close as possible to necessary workforce and other services while supporting youths' connections to their families;
- encourage regional cooperation that enhances county collaboration;
- enhance the continuity of care throughout the juvenile justice system; and
- utilize secure facilities whose size supports effective youth rehabilitation and public safety.

3. Expand the composition and functions of the Advisory Council on Juvenile Services.

Senate Bill 653 adjusts the composition of the existing Advisory Council on Juvenile Services to include:

- the executive director of the Department or the executive director's designee;
- the director of probation services of the Department or the director's designee;
- the executive commissioner of the Health and Human Services Commission or the commissioner's designee;
- one representative of the county commissioners courts appointed by the board;
- two juvenile court judges appointed by the board; and
- seven chief juvenile probation officers appointed by the board.

The bill prescribes specific methods for the board's appointment of advisory council members representing county commissioners courts, juvenile courts, and local probation departments. Senate Bill 653 requires members, other than ex officio members, to serve two-year terms.

The bill adjusts the Council's functions to require the Council to assist the Department in determining the needs and problems of county juvenile boards and probation departments; conduct long-range strategic planning; review existing or newly proposed standards affecting juvenile probation programs, services, or facilities; analyze the potential cost impact on probation departments of new standards proposed by the Board; and advise the Board on any other matter on the request of the Board.

4. Require the Inspector General to report to the Department's Board.

The bill specifies that the Inspector General reports to the Department's Board, not the Executive Director, and requires the Board to appoint the Inspector General.

5. Clarify the role of the Office of Inspector General in handling complaints related to probation services.

The bill requires the Office of Inspector General (OIG) for the Department to refer any criminal complaints received relating to probation services or facilities to the appropriate local law enforcement entities. Senate Bill 653 also requires the Department to provide immediate notice to a local probation department of any complaint received via the hotline or other mechanism, relating to the services or facilities of a probation department. The bill requires the Board to establish policies, by rule, for the referral of noncriminal complaints to the appropriate division of the Department.

6. Define the role of the Office of Independent Ombudsman in probation services.

Senate Bill 653 expands the duties of the OIO to include reviewing and analyzing probation complaint data for trends. The bill requires the Ombudsman to report any possible standards violations to the appropriate probation monitoring entity within the Department.

To facilitate the Ombudsman's review, the bill requires that the Department provide to the OIO any data submitted by local probation departments concerning abuse, neglect, exploitation, or programs complaints.

7. Require status reports on abuse, neglect, and exploitation investigations.

Senate Bill 653 requires the Department to give monthly status updates, and immediate updates upon decisions, to county juvenile probation departments against which the Department has a pending abuse, neglect, or exploitation case.

8. Streamline the operations of the new Department's toll-free hotline.

Senate Bill 653 requires the Department to operate a single toll-free number to receive information concerning the abuse, neglect, or exploitation of children in the custody of the Department or housed in a local probation facility. The bill requires the Department to operate and answer the hotline 24 hours per day, every day of the year, and to share complaints received on the hotline with the OIG and OIO.

9. Consolidate Reentry and Reintegration Plan provisions for youth leaving state custody.

Senate Bill 653 consolidates existing Comprehensive Reentry and Reintegration Plan provisions for youth exiting state custody on supervision into one section of law. The bill also requires the Department to clearly explain a youth's reentry plan to a youth exiting state custody under supervision, and requires the youth under supervision to acknowledge and sign the conditions of supervision before release.

10. Establish a program evaluation system for state and county programs for youth.

The bill requires the Department to establish and implement a system to evaluate the effectiveness of state and county programs and services for youth, including performance measures in its strategic plan. Measures must evaluate the effectiveness of programs on outcomes for youth, public safety, and victims. The bill requires the Board to make the measures available online, and use these measures to determine funding levels for programs and services.

11. Authorize charters for education programs in residential facilities for youth on probation.

Senate Bill 653 authorizes the State Board of Education to grant charters to detention, correctional, or residential facilities for juveniles on probation. The bill requires these charters to comply with all opportunities and services required of other charter schools. The bill provides that such charters will not be counted against the State's statutory cap on charter schools.

12. Improve coordination and planning for educational services for youth on probation.

Senate Bill 653 requires the Department to encourage compliance with state or federal educational service standards by facilitating interagency coordination and collaboration among juvenile probation departments, school districts, and the Texas Education Agency; and developing a plan to ensure continuity of educational services to juvenile offenders, including special education for youth with disabilities.

13. Establish prevention and early intervention services at the new Juvenile Justice Department.

Subject to available funding, S.B. 653 requires the Department to provide prevention and early intervention services for at-risk youth and their families. The Department must provide services to at-risk youth, ages six to 18, who are subject to compulsory school attendance or under the jurisdiction of a juvenile court.

14. Strengthen requirements for the initial examination of youth committed to state custody.

State law requires that youth committed to the State's custody receive an initial examination and assessment. The bill requires the Department to conduct its initial exam on committed youth within three days of commitment. The bill also requires that the initial exam include specialized treatment planning, and consideration of sex offender history and violent offense history, in addition to other factors already in law. The bill requires the Department to develop a written treatment plan for the child outlining identified specialized treatment needs and recommendations for treatment goals, objectives, and timelines. Senate Bill 653 clarifies that the Department may use a psychiatric evaluation completed within 90 days before commitment, in lieu of conducting a new psychiatric examination, to satisfy initial examination requirements.

15. Provide that data obtained through a risk and needs assessment not be used against a child in a hearing.

Senate Bill 653 provides that, similar to data obtained in mental health screenings, data obtained from youth during the course of a risk and needs assessment by a juvenile probation department is not admissible against the child in any other hearing.

16. Clarify provisions related to use of gifts, grants, and donations.

The bill authorizes the Department to apply for and accept gifts and grants from any public or private source; requires the Department to deposit money received under this section in the state treasury; and authorizes the use of the money for funding any activities of the Department.

17. Exempt the Juvenile Case Management System from inclusion in the State’s data center.

The Juvenile Case Management System (JCMS) is the newly developed juvenile justice information and case management system. When fully deployed, JCMS will provide statewide data sharing between all local juvenile probation departments. This system is a public-private initiative involving TJPC, counties, and private partners. Consolidating TJPC and TYC will require that various TJPC information systems become part of the State’s data center consolidation project managed by the Department of Information Resources. Senate Bill 653 specifically exempts JCMS from the data center consolidation project.

Fiscal Implication Summary

Consolidating the Texas Youth Commission and Texas Juvenile Probation Commission will result in an overall savings of about \$3.3 million through the next biennium. The consolidation will result in the reduction of about 21 FTEs.

Annual savings of between \$1.4 million and \$2.1 million will come from the elimination of nine full-time executive positions and a reduction of five percent in central office staff, including salaries and fringe benefits, that will be redundant in the new agency.

The Department will incur an estimated \$7,000 in expenses to support the transition team in 2012, and between \$100,000 and \$120,000 in each year of the biennium to support costs associated with incorporating TJPC’s computer and data systems, not including JCMS, into the State’s Data Center Consolidation project.

Further significant savings could be realized through the closure of Texas Youth Commission facilities, but such closures were not specifically addressed in S.B. 653.

Fiscal Year	Savings to the General Revenue Fund	Change in the Number of FTEs From FY 2011
2012	\$1,314,449	-21
2013	\$1,981,847	-21
2014	\$1,984,489	-21
2015	\$1,984,148	-21
2016	\$1,984,148	-21