

Texas Juvenile Probation Commission
Legislative Appropriations Request 2010 – 2011 (Revised)

	2010	2011
1. Replacement of Lost Federal IV-E Funding to Probation Departments		
The Administration for Children and Families (ACF) conducted a pilot Administrative Cost Review of the Texas Title IV-E Foster Care Program. The ACF has changed their interpretation of the rules regarding claiming administrative costs for Title IV-E. Administrative claiming has been a source of significant funding for juvenile probation departments.	\$17,000,000	\$17,000,000
2. Increase in TJPC Staff Salaries		
This item is requested to assist in the retention and attraction of quality and experienced staff through competitive salaries. 41% of TJPC staff are below midpoint for their salaries range.	\$211,484	\$211,484
3. Increase in FTEs Resulting from Senate Bill 103 Mandates (5 FTEs)		
The increase in FTEs is a result of the mandate passed in SB 103 during the 80 th Legislative Session that requires TJPC to inspect all pre and post facilities annually.	\$316,597	\$304,995
Salaries and Wages	\$262,095	\$262,095
Consumable Supplies	\$7,422	\$7,422
Travel	\$13,256	\$13,256
Other Operating Expense	\$22,222	\$22,222
Capital Expenditures	\$11,602	\$0
4. Increase in Administrative Budget		
The requested increase in the agency administrative budget is a result of the increased cost of doing regular agency business; the agency has not received an increase in this line item since 2000. The primary mission of the agency requires a significant amount of staff travel.	\$125,777	\$121,561
Consumable Supplies	\$5,169	\$8,271
Travel	\$75,608	\$98,290
Other Operating Expense	\$45,000	\$15,000
5. Increase in TJPC Staff (4 FTEs)		
The increase in FTEs is to address increased agency responsibilities. 1 abuse & neglect investigator , 1 fiscal auditor, 2 computer programmers	\$351,927 \$278,018	\$340,772 \$269,094
Salaries and Wages	\$234,775	\$234,775
Consumable Supplies	\$5,937	\$5,937
Travel	\$10,605	\$10,605
Other Operating Expense	\$17,778	\$17,778
Capital Expenditures	\$8,924	\$0
6. Juvenile Case Management System		
JCMS is a comprehensive, state-of-the-art, web-based juvenile justice information and case management system that will provide for the common data collection, reporting and management needs of Texas juvenile probation departments. JMCS will provide statewide data sharing between the 166 local juvenile probation departments. The system will consist of a core case management component (intake, referral, case management, etc.) and additional enhancement features such as detention, institution management, law enforcement and juvenile justice alternative education programs. Furthermore, JCMS is being architected to facilitate sharing of data between juvenile justice agencies both across and within jurisdictions to allow for better focused programs and services to be offered to juvenile offenders. Thorough and complete information regarding a juvenile offender contributes to more effective decision-making and utilization of limited state and county programmatic resources.		
Salaries and Wages	\$500,000	\$500,000
Other Operating Expense	\$3,000,000	\$0
Capital Expenditures	\$500,000	\$0
TOTAL JCMS Project	\$4,000,000	\$500,000

7. Mental Health Assessments and Services (Grants)

Juveniles in secure pre- and post-adjudication facilities pose a greater challenge to the system, as both TJPC standards and constitutional safeguards demand that juveniles with a potential mental health diagnosis receive mental health assessment and services. The agency is requesting funding to assist juvenile probation departments to provide mental health assessments and services to juveniles under their jurisdiction, with special focus on juveniles held in secure pre- and post-adjudication facilities. Three million each year would allow for the hiring of licensed mental health providers in each county operated secure facility. Five-hundred thousand is a one-time fee that provides for development of an automated in-depth screening/assessment instrument.

\$3,500,000 **\$3,000,000**

8. Peavy Switch Mental Health Residential Treatment Program

The Peavy Switch project would provide inpatient mental health treatment services to those juveniles who cannot be served in the community due to a combination of their mental health issues and their conduct in the community. TJPC is requesting funding for FY 2010 to provide for the first 3 months of operation to sustain the program until federal reimbursement funding streams are established.

\$2,600,000 **\$2,600,000**
\$1,000,000 **0**

9. Replace TJPC Vehicle

\$25,000 **\$0**

10. ~~JJAEP Funding for Mandatory Attendance Days~~

~~\$629,788~~ **~~\$678,689~~**

Other LAR Issues

Budget Restructure.

Since 1995, the legislative appropriations to TJPC have been targeted to specific areas and specific programs or services in juvenile probation departments. For example, current funding streams target residential placement, front-end programs and services, and special services such as Intensive Services Probation (ISP). TJPC currently administers up to 19 different contracts, based upon these targeted funding streams, with each of the 166 juvenile probation departments. Varied funding streams fragment, limit and restrict the local juvenile probation departments' ability to respond to the specific needs of youth. For example, if all the funding for non-residential community-based programs and services has been exhausted, but funding remains for residential placements, it is likely that a youth may be placed into a residential facility since there is funding for that service, regardless of whether placement is the best, or most appropriate disposition option for that particular juvenile. TJPC is requesting that specific, targeted funding streams be consolidated and streamlined to allow flexibility for local probation departments, thus allowing the departments to tailor the programs and services that are most appropriate to each juvenile offender's needs. Consolidated funding streams will help probation departments expend the limited state and local resources in a more efficient and effective manner. Outcome based performance measures will be implemented to ensure that consolidated funding streams are meeting desired goals.

Proposed Changes to Exempt Salary Level

The governing board of the Texas Juvenile Probation Commission is requesting the salary group of the agency's Executive Director be set to Group 6 to ensure parity with the Executive Commissioner of the Texas Youth Commission. This increase is imperative if the Commission is to retain highly competent, tenured and proven leadership in the current market conditions. Private and public sector salaries for comparable positions to the agency executive director reflect significantly higher salaries than the current agency director salary. The TJPC board is specifically requesting the current salary be set at \$147,000, in alignment with the State Auditor's report issued August 2008.

Residential Facilities Rider Language

Juvenile Boards may use funds appropriated in Goal A, Basic Probation and Goal B, Community Corrections, to lease, contract for, or reserve bed space with public and private residential facilities for the purpose of diverting juveniles from commitment to the Youth Commission providing rehabilitation and treatment to juvenile offenders. Funds used for placements may not exceed the Commission's Tier Level of Care Rates.

Proposed Levels:

General Correctional - \$95.00 Specialized - \$127.00 Intensive - \$225.00

Juvenile Case Management System (JCMS)

JCMS is a unique county-state partnership that leverages information technology resources to facilitate the provision of more effective rehabilitative programs and services to juvenile offenders in Texas.



Juvenile Case Management System (JCMS)

JCMS is a comprehensive, state-of-the-art, web-based technology solution that creates a robust juvenile justice information and case management system for the common data collection, reporting and management needs of all local juvenile probation departments in the state of Texas. This web-based solution will provide enhanced productivity tools, robust data sharing capabilities, strong security and data integrity and built-in interfaces with other entities involved in the juvenile justice system.



JCMS Will Provide State-Wide Data Sharing in the Texas Juvenile Justice System

The Texas juvenile justice system currently has 166 independent computer systems collecting juvenile case data in 254 Texas counties. Each of the current 166 systems operates independently of each other affording little if any sharing of information amongst the counties about juvenile offenders or the programs and services they have been provided. JCMS will provide statewide data sharing between the local juvenile probation departments and other key juvenile justice agencies both across and within jurisdictions to provide true state-wide data sharing for the first time in Texas. The goal is to ensure that all professionals in the juvenile justice system with a need to know have timely access to thorough and complete information on a juvenile offender.



History of JCMS

JCMS is a collaborative development effort of the Texas Conference of Urban Counties *TechShare* Program involving the Texas Juvenile Probation Commission, Bexar, Dallas and Tarrant counties to cooperatively design and build a system that will meet the needs of local juvenile probation departments statewide. By pooling staffing and financial resources, these partners are leveraging their resources to acquire a system that individually they could not afford to develop...JCMS is a unique example of governments working together with a common goal of helping youth.

Why JCMS Is Needed

Texas families are extremely mobile and juvenile offenders frequently have offended in multiple counties in the state. Timely and complete information on a juvenile offender is essential for local juvenile probation departments, prosecutors, judges and treatment professionals to effectively make accurate and appropriate disposition decisions. Decision making based upon incomplete information leads to inefficient use of limited programmatic and treatment resources. JCMS will provide a continuum of information on a juvenile offender that follows the juvenile and will assist local jurisdictions in providing the most effective rehabilitative programs and services tailored to the individual needs of the juvenile.



Benefits of JCMS to Families, Counties and Texas

Statewide Information Sharing Between Jurisdictions

- ★ Better outcomes for youth and families by providing more effective programs and services
- ★ More complete data for informed decision making regarding juveniles
- ★ Improved utilization of limited programmatic and treatment resources at the county and state level
- ★ Increased data collection information for state and local policy and decision makers



Enhanced System Productivity Features

- ★ Web-based access provides mobile productivity
- ★ Management level reporting leading to increased efficiencies and data analysis
- ★ Streamlined workload for probation officers leading to increased face-to-face time with juveniles and their families
- ★ Treatment, programs and services tailored to individual needs of juvenile offenders

SUNSET ADVISORY COMMISSION

— COMMISSION DECISIONS —

Texas Youth Commission

Texas Juvenile Probation
Commission

Office of Independent
Ombudsman

January 2009



Summary

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


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

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

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

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

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



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

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

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

Issues and Recommendations

Issue 1

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

Key Recommendations

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

Issue 2

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

Key Recommendations

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

Issue 3

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

Key Recommendations

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

Issue 4

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

Key Recommendations

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

Fiscal Implication Summary

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

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

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

Texas Juvenile Justice Department

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