



TEXAS
JUVENILE★JUSTICE
DEPARTMENT

Fall Judicial Education Session

San Marcos, Texas

Lou Serrano, Deputy Executive Director for
Probation Services
November 15, 2018



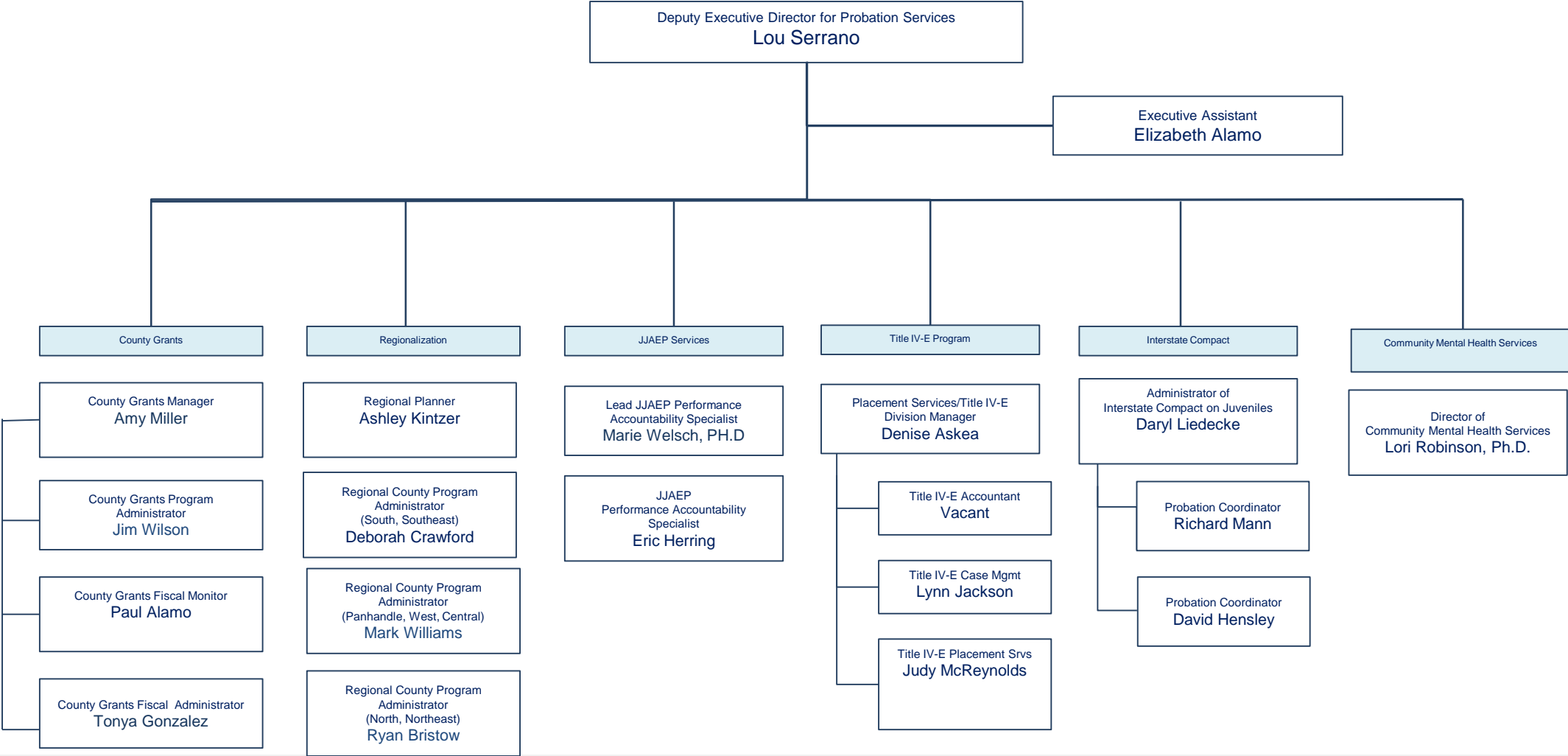
Overview

- Probation Services - Funding
- SB1630, Regionalization and TJJJ Commitment Data
- Legislative Recommendations
- Questions



PROBATION SERVICES

Probation Division



Probation Funding

FY18-19 Appropriation: \$318.0 mil

- Key activities
 - Provide state grants to local probation departments (about 25% of total probation funds statewide; remainder is from local sources)
 - Administer all grant programs and provide technical assistance
 - Coordinate regional planning under SB1630

A. Goal: COMMUNITY JUVENILE JUSTICE

A.1.1. Strategy: PREVENTION AND INTERVENTION	\$ 3,012,177	\$ 3,012,177
A.1.2. Strategy: BASIC PROBATION SUPERVISION	\$ 35,778,526	\$ 35,915,398
A.1.3. Strategy: COMMUNITY PROGRAMS	\$ 44,900,650	\$ 44,900,650
A.1.4. Strategy: PRE & POST ADJUDICATION FACILITIES Pre and Post Adjudication Facilities.	\$ 24,782,157	\$ 24,782,157
A.1.5. Strategy: COMMITMENT DIVERSION INITIATIVES	\$ 19,492,500	\$ 19,492,500
A.1.6. Strategy: JUV JUSTICE ALTERNATIVE ED PROGRAMS Juvenile Justice Alternative Education Programs.	\$ 6,250,000	\$ 6,250,000
A.1.7. Strategy: MENTAL HEALTH SERVICES GRANTS	\$ 12,804,748	\$ 12,804,748
A.1.8. Strategy: REGIONAL DIVERSION ALTERNATIVES	\$ 9,139,405	\$ 9,139,405
A.1.9. Strategy: PROBATION SYSTEM SUPPORT	<u>\$ 2,758,113</u>	<u>\$ 2,758,112</u>
Total, Goal A: COMMUNITY JUVENILE JUSTICE	<u>\$ 158,918,276</u>	<u>\$ 159,055,147</u>

Recent Probation Initiatives

- Waiver of Independent Audit requirements for departments receiving less than \$750,000.00 in state funding – freeing up funds for programs and services to youth
- Departments have the ability to negotiate their best rates for residential care with no limitations on use of state funding
- Within the next few months all departments will have access to a validated risk and needs assessment (Noble/PACT)
- Commercial Sexual Exploitation Screening Instrument (CSE-IT) – providing departments with the ability to better identify these youth
- Regional Supplemental & Emergent Needs Funding
- Regional Initiatives Grant – 2.1 million
- Expansion of Discretionary State Aid Grant - \$300K

SB 1630

Regionalization and TJJJ
Commitment Data

SB1630

In 2015, the 84th Texas Legislature passed Senate Bill (SB) 1630; better known as ***Regionalization***.

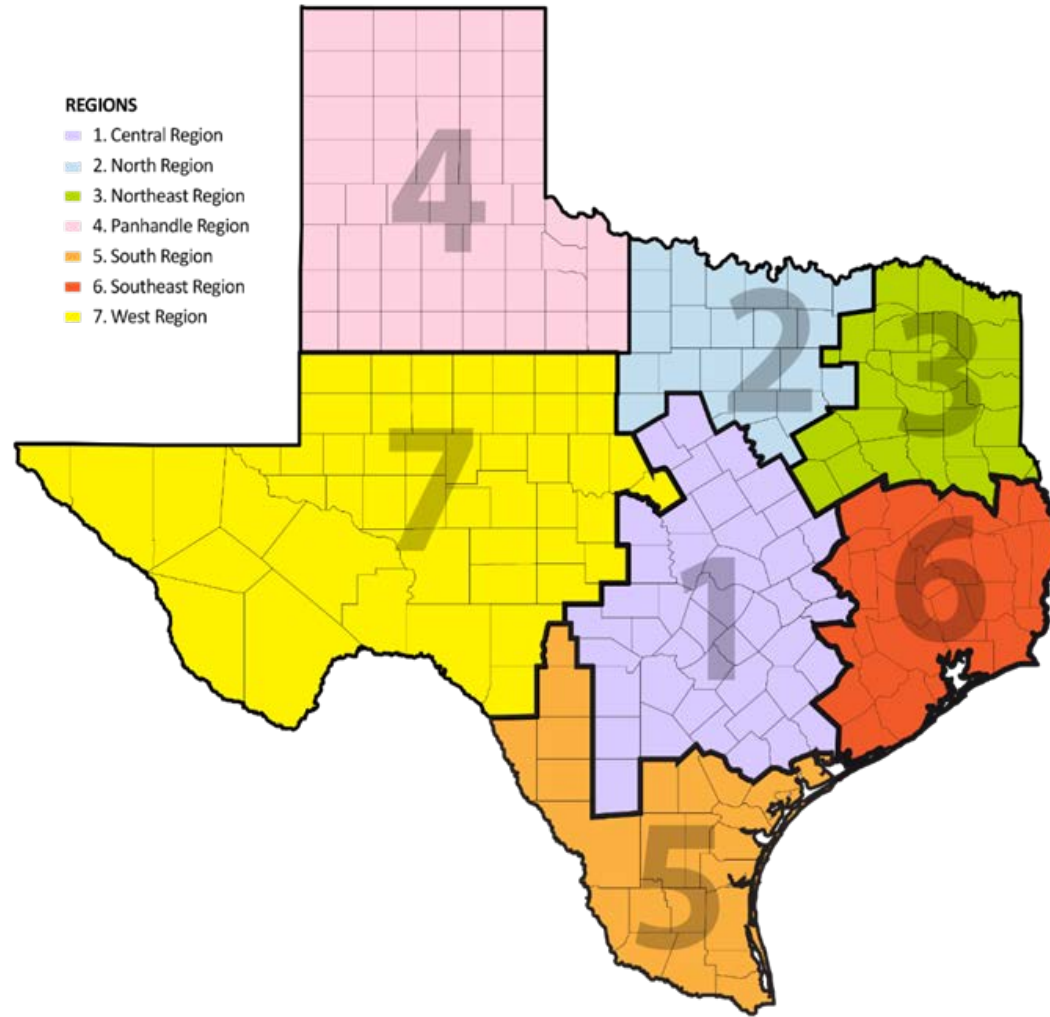
- Required the Texas Juvenile Justice Department (TJJD) to finalize a Regionalization Plan by August 31, 2016 for keeping children closer to home in lieu of commitment to TJJD.
- Effective September 1, 2017, the court or jury must make a *special commitment finding* of youth committed to TJJD without a determinate sentence.
- Required the TJJD to develop specialized programs for children with a determinate sentence and children committed to TJJD for special commitment under the bill's provisions.

SB1630

Continued.....

- Addressed the way funding is allocated to juvenile boards to provide juvenile services; discretionary state aid/targeted grant protocols with documented, data-driven, research-based practices.
- Mandated the diversion of at least 30 youth in FY16, and 150 youth in FY17. This is known as the **Regional Diversion Alternatives Program**.
- To assist local juvenile probation departments within each region, the **Regional Services Enhancement Projects** were established.

REGIONAL MAP



Statutory Language

As amended in 2015, Section 54.04(d)(2) and Section 54.04013 of the Texas Family Code were enacted with a delayed effective date of September 1, 2017 and apply to offenses that occur on or after the effective date. The relevant statutes provide:

http://www.tjjd.texas.gov/Docs/Regionalization/irmemo_08252017F.pdf

Family Code Sec. 54.04 (d)(2). DISPOSITION HEARING

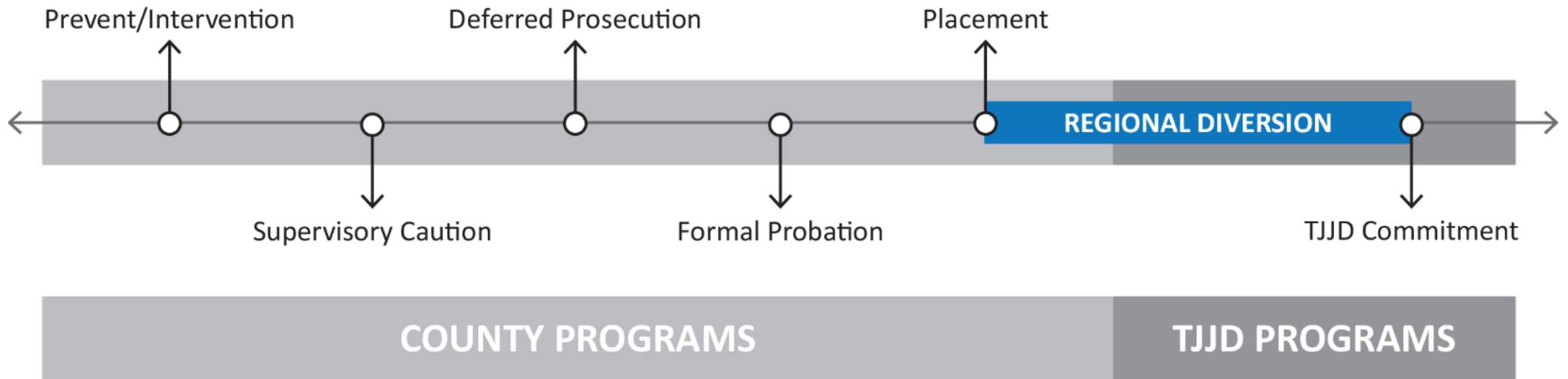
*...if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that violates a penal law of this state or the United States of the grade of felony, **the court or jury made a special commitment finding under Section 54.04013**, and the petition was not approved by the grand jury under Section 53.045, **the court may commit the child to the Texas Juvenile Justice Department under Section 54.04013**, or a post-adjudication secure correctional facility under Section 54.04011(c)(1), as applicable, without a determinate sentence;*

Family Code Sec. 54.04013. SPECIAL COMMITMENT TO TEXAS JUVENILE JUSTICE DEPARTMENT

Notwithstanding any other provision of this code, after a disposition hearing held in accordance with Section 54.04, the juvenile court may commit a child who is found to have engaged in delinquent conduct that constitutes a felony offense to the Texas Juvenile Justice Department without a determinate sentence if the court makes a special commitment finding that the child has behavioral health or other special needs that cannot be met with the resources available in the community.

The court should consider the findings of a validated risk and needs assessment and the findings of any other appropriate professional assessment available to the court.

What youth are appropriate for diversion?



TARGET POPULATION

- The initial target population of youth appropriate for diversion under the RDA Program grant includes *all youth who are eligible, and under consideration, for commitment to TJJD.*
- Youth who may be especially appropriate for diversion include:
 - younger offenders (those between the ages of 10-12);
 - youth with a serious mental illness;
 - youth with a developmental or intellectual disability;
 - youth with non-violent offenses; and
 - youth with low to moderate risk levels for re-offense.

What youth are inappropriate for diversion?

- Youth the county plans on placing at their own facility
- Youth currently in placement (not through regional diversion) needing additional time
- Youth the county plans on placing in an out-of-state placement
- Youth who are NOT eligible for TJJD commitment

FACTORS CONSIDERED

- Target population
- Interventions commensurate with department resources
- Youth's potential to benefit from additional interventions – motivation, strengths, etc.
- Risk, needs, responsivity – treatment matching

Regionalization Diversion Applications

- **During FY 17**

- 337 diversion applications were received
- 224 diversion applications were approved and 187 youth were placed

- **During FY 18**

- 418 diversion applications were received
- 304 diversion applications were approved and 261 youth were placed
- An average of 35 applications were submitted each month

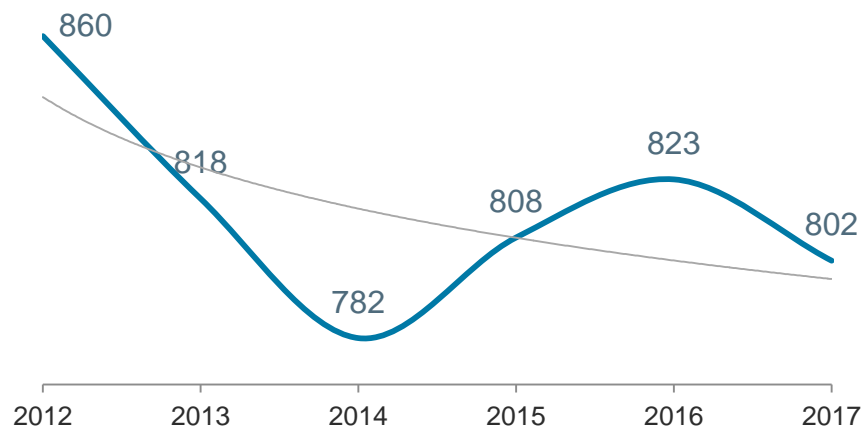
Participation by Departments

	FY 16	FY 17	FY 18
Total	29	73	95
Percent	17.47%	43.98%	57.23%

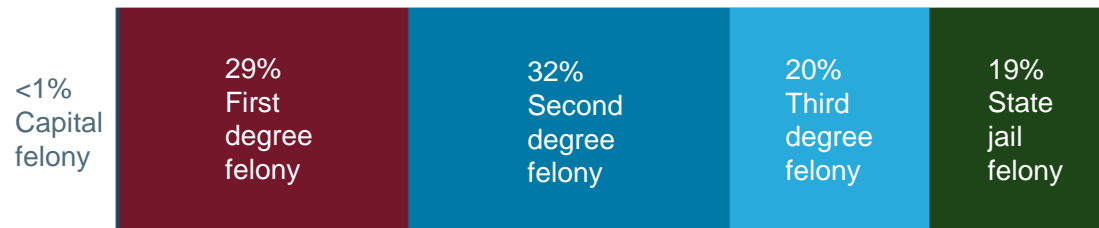
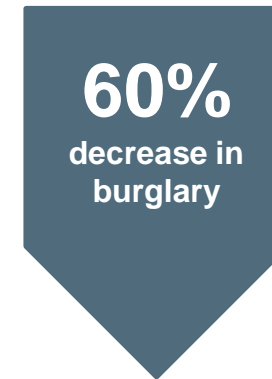
- There was a 152% increase between fiscal year 2016 and 2017.
- There was a 30% increase between fiscal year 2017 and 2018.
- There was a 228% increase between fiscal year 2016 and 2018.

New commitments

Commitments are down about 7% over five years, however, the seriousness of the crimes and need levels are much higher. In 2018, there were 748 new admissions (7% reduction) to TJJD.



between 2011 and so far in 2018



More than 60% of commitments are for second degree felony or above.

2018 COMMITMENT NUMBERS

Probation Regions	FY17	%	FY18	%	% Change
Central	127	16%	123	28%	-3%
North	136	17%	150	35%	10%
Northeast	69	9%	61	14%	-12%
Panhandle	47	6%	47	11%	0%
South	64	8%	52	12%	-19%
Southeast	308	38%	257	59%	-17%
West	51	6%	58	13%	14%

Legislative Recommendations

Implement the Texas Model across the state

TJJD will need to provide beds for youth with the highest needs and risk but should provide supports that maximize diversion from commitment

Principles

- Keep youth as shallow in the system as possible
- Provide greater ability to access family and support systems
- Meet the real needs of youth to best enable them to regulate their own behavior and succeed once home



- Build probation capacity
- Increase regionalization efforts with an emphasis on underserved regions
- Increase medium restriction contract beds

- Regionalize more youth in current facilities
- Find alternatives for girls
- Improve family engagement options through technology and enhanced volunteer efforts

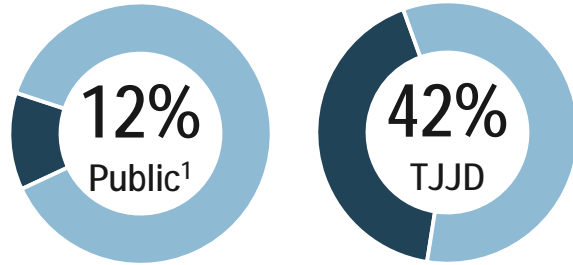
- Encourage private sector options
- Add beds for intensive, long-term mental health needs
- Provide funding for emergency short-term mental health stabilization beds for probation
- Find other alternative placements

Trauma-informed practices

Adverse Childhood Experiences (ACEs)

TJJD youth are 3.5x more likely than the public to have 4 or more ACEs.

People with 4 or more ACEs



TJJD Prevalence		
ACEs	%	#
0	6%	100
1	16%	264
2	17%	293
3	18%	311
4	13%	226
5	13%	219
6	8%	139
7	5%	85
8	2%	37
9	1%	9

TJJD Prevalence by Factor		
ACEs Factor	%	#
Emotional Abuse	25.1%	422
Physical Abuse	29.2%	492
Sexual Abuse	14.8%	249
Emotional Neglect	15.0%	253
Physical Neglect	20.3%	341
Family Violence	43.9%	739
Household Substance Abuse	41.8%	703
Household Mental Illness	8.4%	142
Parents Separated or Divorced	70.2%	1181
Incarcerated Household Member	63.3%	1066

Childhood experiences have a tremendous impact on future violence victimization and perpetration, and lifelong health and opportunity. Adverse Childhood Experiences have been linked to risky health behaviors, chronic health conditions, low life potential, and early death ¹.

These are conservative estimates based on an ACE-PACT mapping.

More flexible funding methodologies

Three issues related to funding to probation departments

- 1. All referrals.** The current legislative method for setting appropriations does not consider the approximately 6,800 youth per year that probation departments divert away from supervision. Recognizing this population would encourage and incent further diversion from the system and help keep youth more shallow in the system.
- 2. Simplifying funding.** TJJD provides funding to departments through several types of grants with varying eligible expenditure areas. TJJD is working to simplify these methods as much as possible within our own authority before asking for any legislative remedy.
- 3. More local control.** We are working on providing more local control and greater predictability for diversion funding.

Expenditure categories	Basic Probation Supervision	Community Programs	Pre & Post Adjudication	Commitment Diversion	Mental Health Services
Court Intake	✓	✓			
Direct Supervision	✓				
Youth Services	✓	✓		✓	
Mental Health Assessments	✓	✓	✓	✓	✓
Comm-Based Programs (Gen.)		✓		✓	
Comm-Based Programs (MH)		✓		✓	✓
Residential Programs & Services			✓	✓	✓
Post-Adjudication (NS)			✓	✓	
Post-Adjudication (S)			✓	✓	
Detention/Pre-Adjudication			✓		
Residential Mental Health Plcmt			✓	✓	✓

Funding structure is overly complex.

LAR

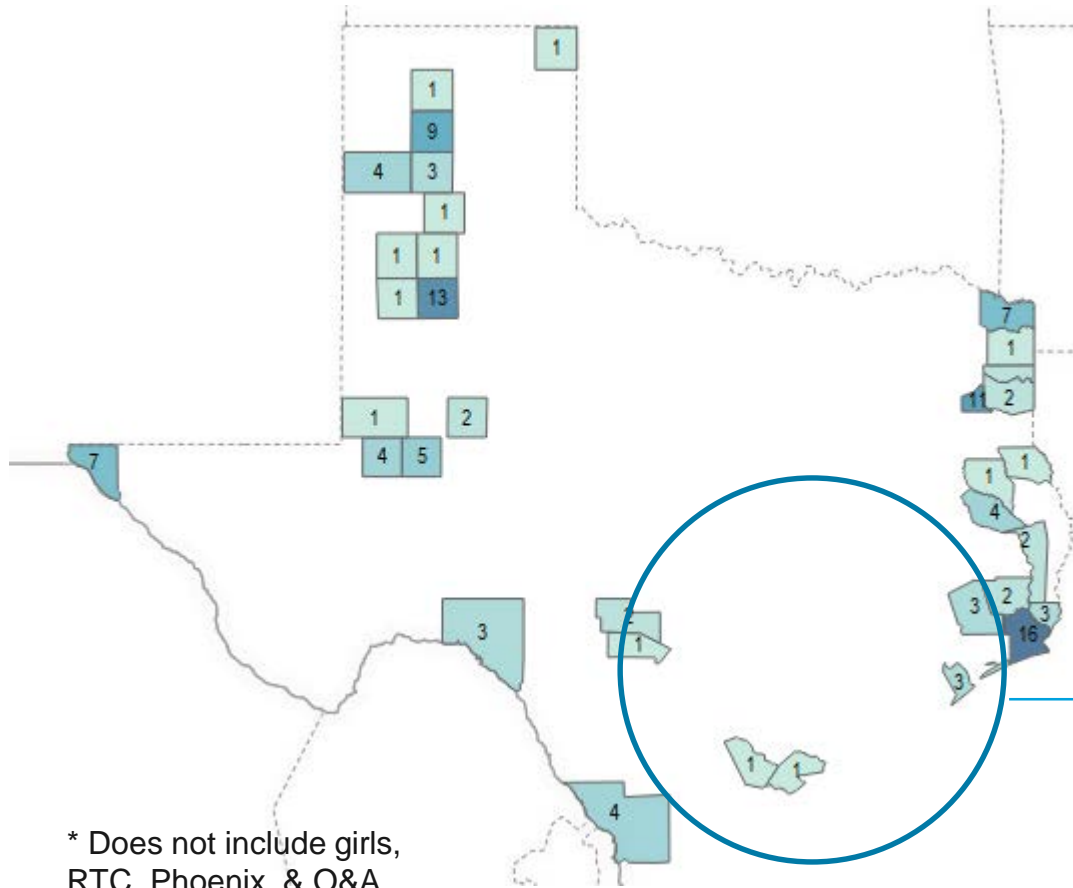
Growing capacity and capabilities at the local level will improve services and decrease the need for state commitments

New probation resources \$22.8m

- Probation increase to offset rising non-secure placement costs \$5.6m.
- Probation funds to enhance regionalization \$4.4m.
- Probation funds to build new resources and capabilities \$3.0m.
- Continuation of statewide risk and needs assessment \$3.0m.
- Emergency mental health stabilization placements \$1.0m.
- Staff support for probation \$780k.
- Alternative placements \$5m

Strategic Areas

To enable more family and support system engagement, we need new opportunities for youth coming from underserved areas



* Does not include girls, RTC, Phoenix, & O&A.

Giddings region has high needs

130 fewer youth or new placement options needed

Thanks! Questions?

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