



TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

Spring Judicial Education Session

Lubbock, Texas



Overview



- Juvenile Boards
- Probation Services - Funding
- SB1630, Regionalization and TJJD Commitment Data
- Legislative Recommendations
- Questions



JUVENILE BOARDS

Juvenile Boards

- A juvenile board can be thought of as a committee of judges in each county whose responsibility is to oversee the operations of the juvenile justice system in that county.
- Many juvenile boards are created by local legislation—each statute having applicability only to one county.
- (Human Resource Code Chapter 152)

The juvenile board is the board of directors of "Juvenile Justice, Inc.," while the chief juvenile probation officer is the chief executive officer.

Personnel & Budgeting

- Juvenile board legislation usually gives the juvenile board the power to select and employ the chief juvenile probation officer for the county and to approve the chief's selection of all other departmental personnel.
- In addition, the juvenile board is empowered to approve expenditures from the fund created by state aid and from other sources, such as grants and probation supervision fees.
- Approval of hiring decisions by the juvenile board is not required or authorized. If the hiring and firing decisions of the chief do not please the board, it is free to discharge the chief.

The juvenile board should not be involved in the day-to-day operation of the probation department nor in the many hiring and other personnel decisions that must be made.

Budget Review by Commissioners Court

Human Resources Code Section 142.002(a)

A juvenile board may, with the advice and consent of the commissioners court, employ probation officers and administrative, supervisory, stenographic, and other clerical personnel necessary to provide juvenile probation services according to the standards established by the Texas Juvenile Justice Department and the local need as determined by the juvenile board.

Budget Review by Commissioners Court

In 1995, the legislature, without repealing or amending Section 142.002(a), enacted Human Resources Code Section 152.0012

The juvenile board shall prepare a budget for the juvenile probation department and the other facilities and programs under the jurisdiction of the juvenile board. The commissioners court shall review and consider only the amount of county funds derived from county taxes, fees, and other county sources in the budget. The commissioners court may not review any part of the budget derived from state funds.

Budget Review by Commissioners Court

In 1997, the legislature, without repealing or amending either of the two previous provisions, enacted Local Government Code Section 111.094

“The commissioners court in preparing the county budget shall determine the amount of county funds to be spent for the juvenile probation department in the county budget.”

Section 223.002 of the Human Resources Code ties eligibility to receive full state funding through the Texas Juvenile Justice Department to the effort of the county and the local juvenile board to maintain a minimum level of financial support for the local juvenile justice system. 1994/2006.

A juvenile probation department is not a unit of county government, but is a “specialized local entity.”

IMPORTANT - Budgeting

Local Government Code Sec. 140.004

[Juvenile Boards B.docx](#)

- If the County Budget starts on October 1st each year – the critical date for the juvenile board is August 17th each year to submit their proposed budget to the Commissioners Court.
- REMEMBER – 14 days prior to the Board approving the department budget for submission, the board should submit a copy of the proposed budget and a statement containing when the Board will meet on the proposed budget.

Control Over the Expenditure of Budgeted Funds

Attorney General Opinion No. JC-0209 (2000)

- The role of a commissioners court is restricted to approving the amount of county money that will be contributed to that fund based on the budget presented by the juvenile board.
- The commissioners court determines the amount of county funds that will be budgeted to the juvenile probation department in each budget year.
- The commissioners court may review only those portions of the juvenile board's budget funded with county funds.
- After the juvenile probation department budget is finalized, a juvenile board must expend funds according to the budget. Any budget amendments must be considered and approved in a public meeting.

Department Funding

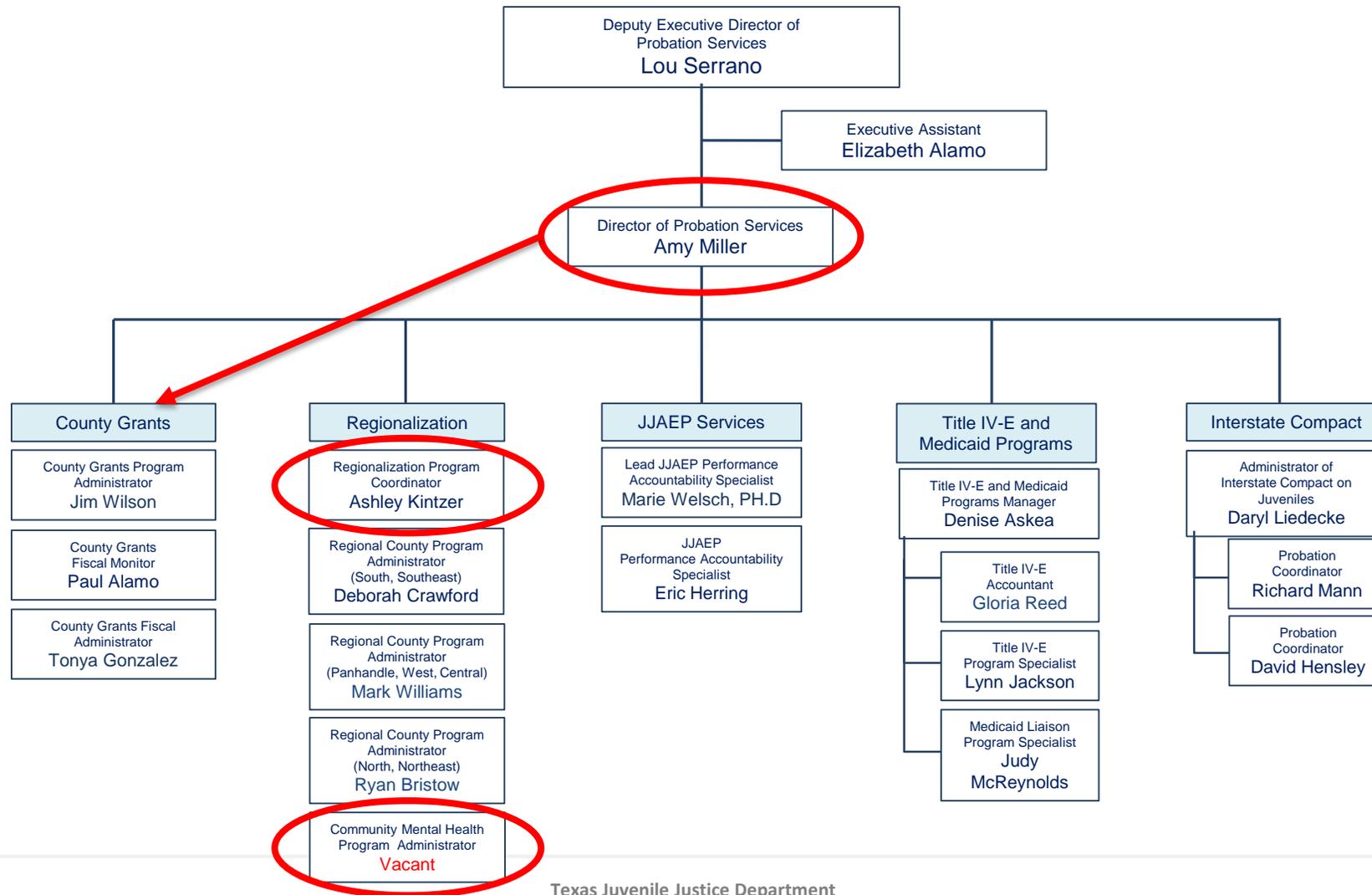
- Pursuant to Section 140.003, once the county funds budgeted for the juvenile probation department are transferred to the department, they are deposited in a special account in the county treasury, along with state funds allocated to the department. At this point, the funds become funds of the juvenile probation department to be disbursed as directed by the juvenile board and lose their character as county funds.
- Although disbursements from the account are subject to review and the approval of the county auditor, see Tex. Loc. Gov't Code Ann. §140.003(g) (Vernon 1999) ... the commissioners court lacks authority to review juvenile probation department expenditures.

Considerations

- Identify the things you **have to do**, and the things you **need to do**.
- It is critical that the Chief JPO, the County Auditor and Board Chair work together in all budget matters. These are the three individuals who must sign and accept state funds through the approved contract with TJJD. With all department funds and in accordance with the Local Government Code (Sec. 140.003(g)), the county auditor reviews and approves all disbursements.
- Allow the juvenile board to be responsible for oversight of the operations of the juvenile justice system in the county as mandated.
- Respect the fact that the commissioners court has invested a great deal of funds toward public safety as it relates to the juvenile justice system. What are their expectations of the department?

PROBATION SERVICES

Probation Services Division



Over the Past Year

- 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
- Streamlined grant reporting and monitoring requirements
- 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 – \$2.1 million (+\$300K)
- Secured funds to help JPD facilities with PREA Audit costs

SB 1630

Regionalization and TJJJ
Commitment Data

SB1630

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

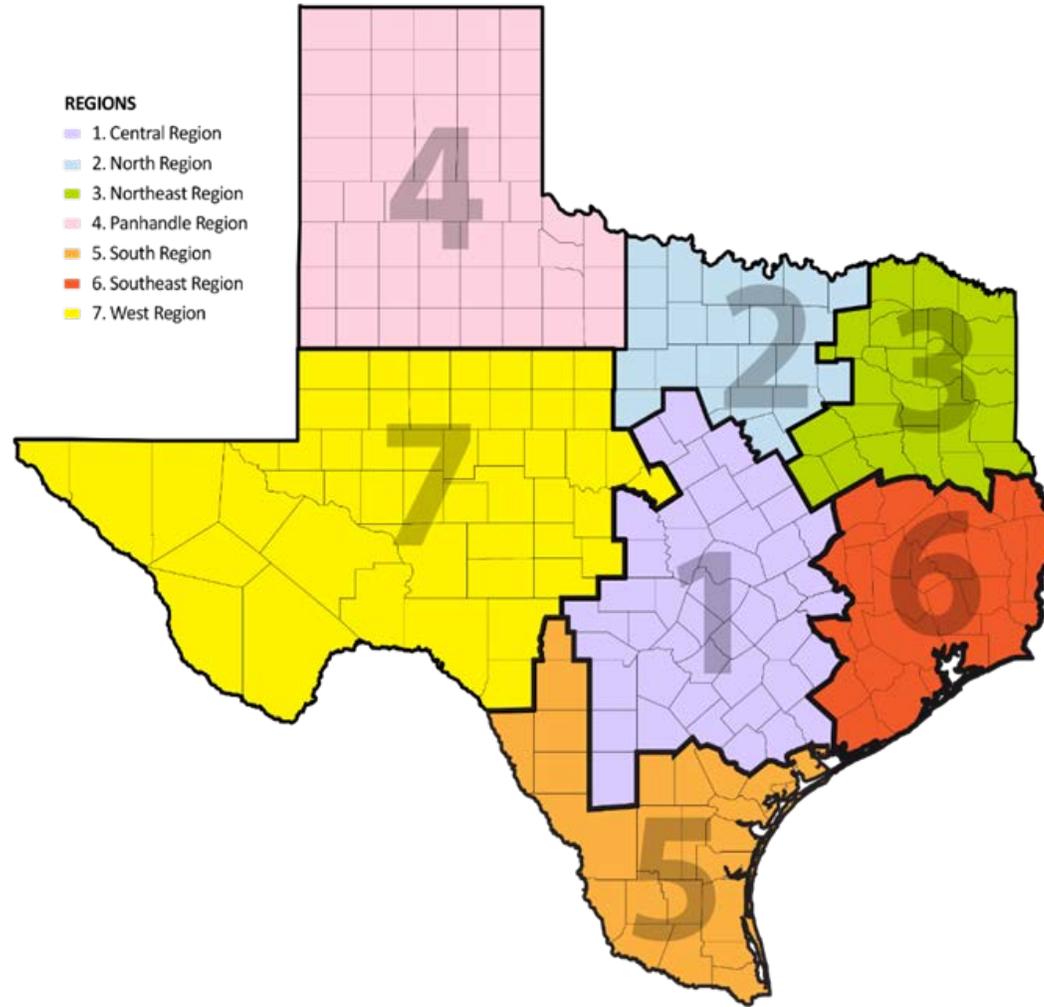
- Required the Texas Juvenile Justice Department (TJJD) to finalize a Regionalization Plan by August 31, 2016 for keeping children closer to home in lieu of commitment to TJJD.
- Effective September 1, 2017, the court or jury must make a *special commitment finding* of youth committed to TJJD without 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

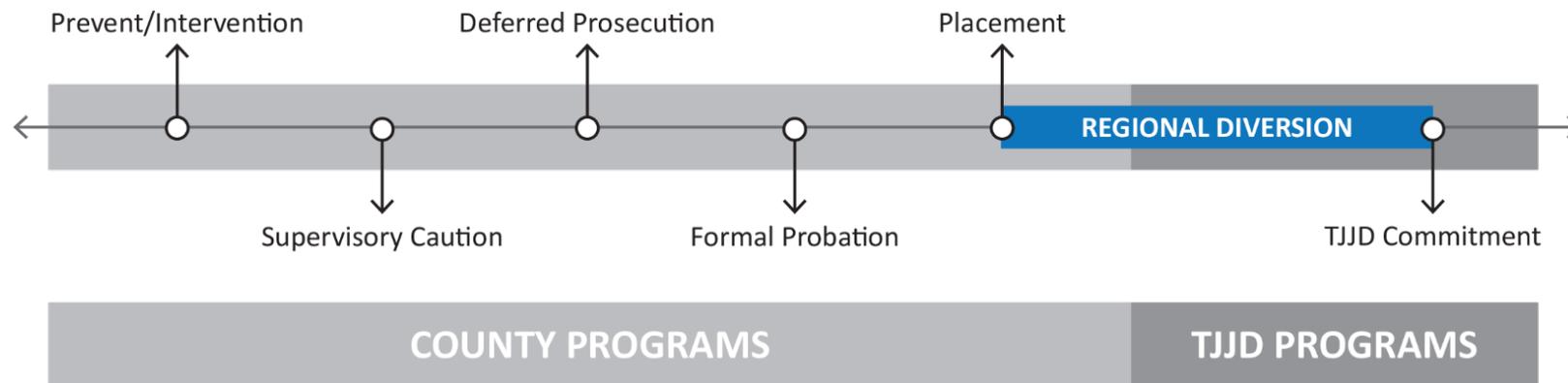
*...if the court or jury found at the conclusion of the adjudication hearing that the child engaged in delinquent conduct that violates a penal law of this state or the United States of the grade of felony, **the court or jury made a special commitment finding under Section 54.04013**, and the petition 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

Regionalization Diversion Applications

- **During FY 19 – *through 2nd quarter***
 - 189 diversion applications were received
 - 138 diversion applications were approved and 103 youth were placed
 - An average of 32 applications were submitted each month

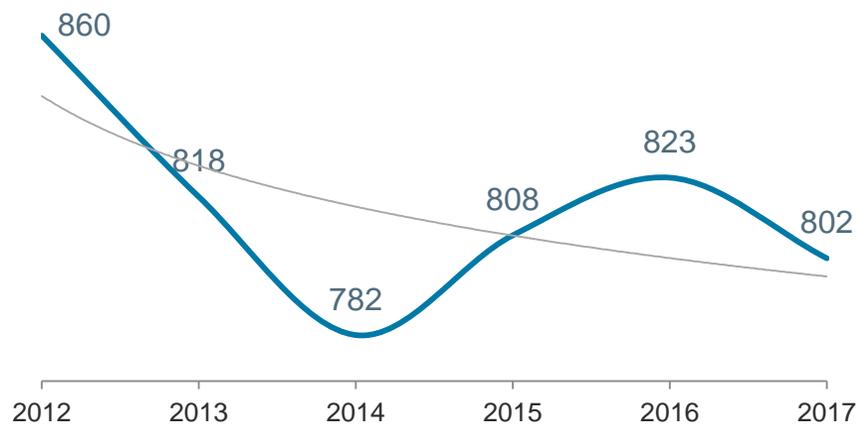
Participation by Departments

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

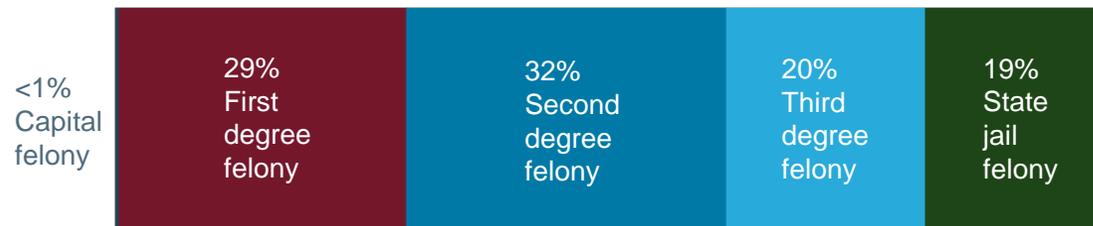
- There was a 152% increase between fiscal year 2016 and 2017.
- There was a 30% increase between fiscal year 2017 and 2018.
- There was a 228% increase between fiscal year 2016 and 2018.

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.

2019 COMMITMENT NUMBERS

Probation Regions	FY18	%	FY19	%	% Change
Central	54	18%	40	24%	-26%
North	53	18%	61	36%	15%
Northeast	27	9%	26	15%	-4%
Panhandle	16	5%	24	14%	50%
South	19	6%	19	11%	0%
Southeast	102	34%	80	47%	-22%
West	27	9%	13	8%	-52%

Next Steps

- Update Regional Inventories
- Continue to move forward with 1630 Regionalization Plan with support from the Texas Legislature
- Automated Regionalization Process



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

Grow

alternative capacities

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

Shrink

current facilities

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

Fill

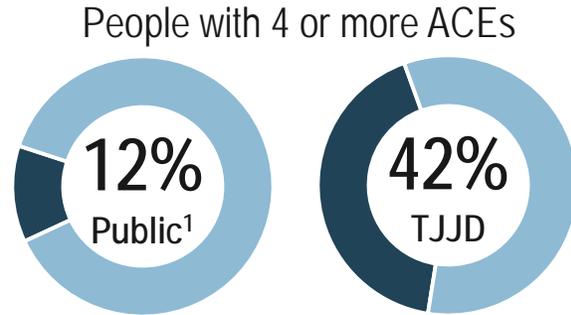
gaps

- 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.



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

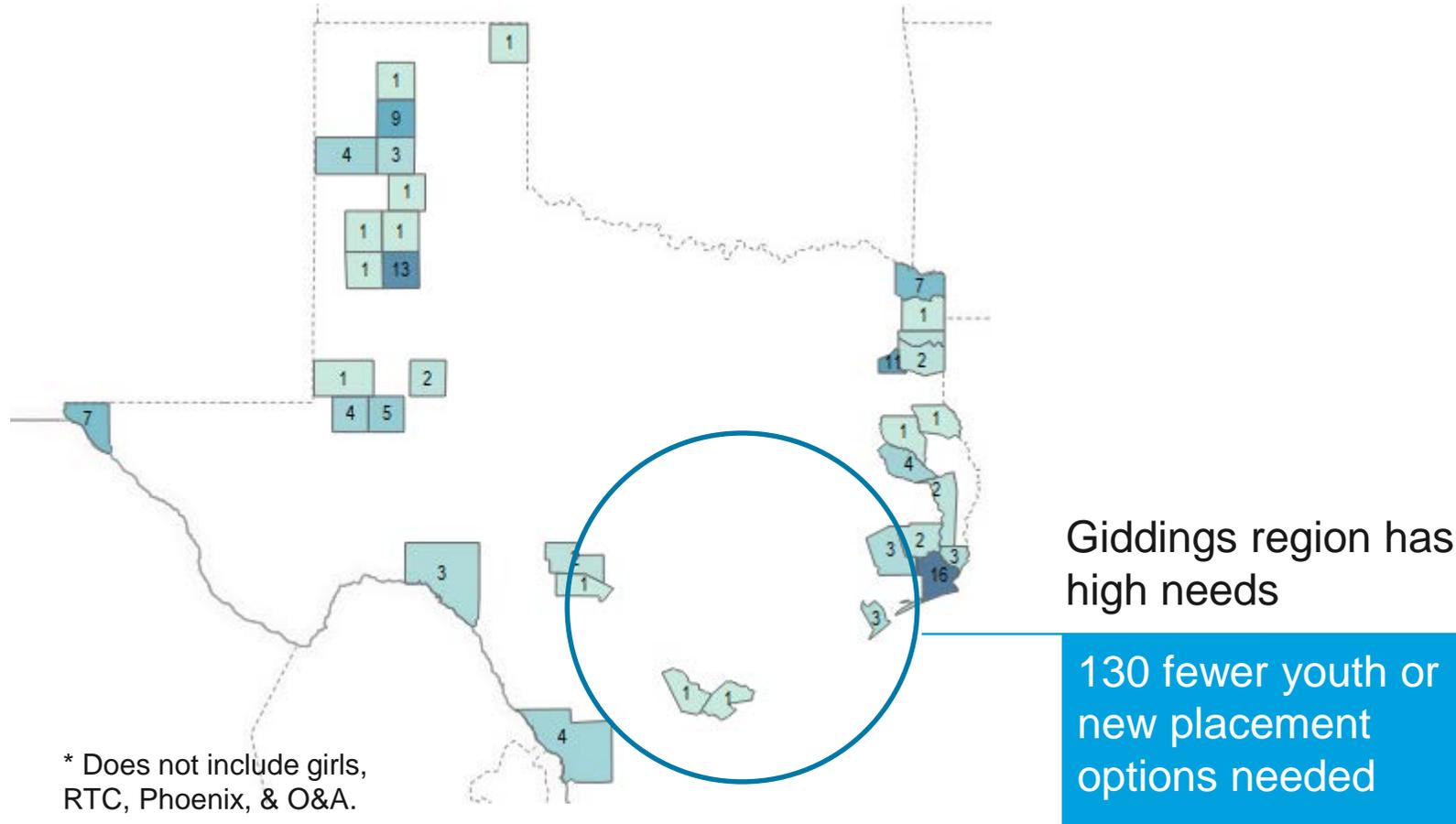
Growing capacity and capabilities at the local level will improve services and decrease the need for state commitments

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



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Any Questions?

