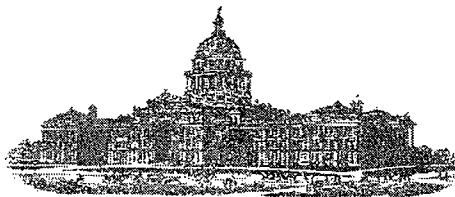


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# COMMITTEE ON STATE AFFAIRS

## TEXAS HOUSE OF REPRESENTATIVES

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November 21, 2008

Mr. Joey Longley  
Sunset Advisory Commission  
P.O. Box 13066  
Austin, Texas 78711-3066

Dear Mr. Longley,

I was quite concerned when I heard about the possible consolidation of the Texas Juvenile Probation Commission and the Texas Youth Commission and began my own investigation into the matter. With the help of those that know the functions and operations of TJPC and TYC, I came to the conclusion that we should leave them separate and am providing my arguments below to justify my position. During a 78th legislative session, I chaired the House Committee on Government Reform and which looked at many agencies and recommended the consolidation of some. Last session, I carried several bills that consolidated functions of agencies, so I have no problem make those types of recommendation; but I just do not believe these agencies would function well together.

### ARGUMENTS AGAINST SUNSET RECOMMENDATION TO CONSOLIDATE AGENCIES

1. The two agencies have two distinct functions:
  - TJPC to work with the counties with a focus on community based services.
  - TYC to run institutions for the most serious offenders and provide specialized services.
2. In 1993 the legislature formed the Commission on Children and Youth and traveled around the state taking testimony on the juvenile justice system with the intention to reform the system. In 1995, after more than a year of studying the system, a report was issued and The Commission's recommendations were made into law. The juvenile probation system rose to all the challenges of the new system and exceeded many expectations.
  - Issues identified in goals 4, 5, and 6 of the Texas Commission on Children and Youth report have been addressed;
  - TJPC and local probation departments continue to enhance the issues in the above mentioned goals such as Juvenile Justice Alternative Education Programs, participation with the Annie E. Casey Foundation 's Juvenile Detention Alternatives Initiative, truancy courts, enhanced community restitution programs, mental health initiative such as Special Needs Diversionary Program, & the McArthur Foundation, development and referrals to First Offender Programs, Progressive Sanctions Guidelines, development of risk assessment tool and development of community-based programs in compliance with SB 103, just to mention a few.

3. **TYC began experiencing management issues that the state must have not been aware of (a failure of the state's oversight) – this led to the abuses exposed in 2007. The Sunset recommendation is a response to the management issues of TYC not the issues of the Texas juvenile justice system. The Sunset Commission recommendation to consolidate the agencies is a bureaucratic response to a TYC management issue.**
  - Throughout the report, TYC is identified about numerous issues and TJPC appears to be simply added as the agency that performs the service but did not share with TYC (assessment tool, training, JCMS);
  - Regarding collaboration, the Juvenile Justice Association of Texas (JJAT), invites TYC staff to all conferences, however the number of attendees is very small;
  - Numerous counties are developing a statewide information system (JCMS), although TYC has been invited to the table, they only recently joined the initiative;
  - All youth committed to TYC are accompanied by an extensive admissions packet. Counties make every effort to provide TYC with all client information;
  - TJPC and numerous other counties made repeated attempts to collaborate and gain information about the restructuring of TYC (calls were not returned);
  - In an effort to comply with SB 103, all Probation Departments and TJPC have made every effort to lower the number of commitments to TYC and develop community based programs.
  - Sunset Summary only indicates two primary concerns directly related to TJPC ( lack of communication and collaboration with TYC and lack of joint strategic planning and training);
4. **SB 103 was written to reform TYC. The agency has gone through multiple changes in leadership since 2007. The new Executive Commissioner began October 1, 2008, and she needs a chance to implement the reforms set forth by SB 103.**
  - Juvenile Probation Departments and TJPC staff have reached out to the new TYC Executive Director in an effort to collaborate and cooperate;
  - SB 103 has not been given the opportunity to work;
  - The “dust” from the TYC “shake up” has just settled and it is premature to decide that the new Executive Director of TYC and the current Executive Director of TJPC cannot develop a comprehensive plan to meet and exceed each of the concerns and recommendations of the Sunset Report.
5. **The current focus of TJPC is on community based services while TYC focuses on the operation of institutions for the most serious offenders and treatment. By consolidating the functions of the agencies the emphasis will switch to the state's primary concern; specifically, their role in maintaining institutions for the most serious offenders and the role of the county operated post-adjudication facilities. The Executive Director of the new agency and the legislature will have to make decisions that will impact the state's liability (which is facilities operated by the state), not county operated programs and services. Front end services provided by local County juvenile probation agencies as the “drivers” of the system will be the first area cut when budget cuts are required.**
  - The Sunset Report mentions numerous times that the roles of TJPC and TYC are not clearly defined, it appears throughout the report that the roles are clearly defined to those that work within the system and have an understanding of the mechanics of the Juvenile Justice System.
6. **Larger is not better. Combining the two distinct mandates of the agencies does not assure the best outcomes.**
  - TJPC has successfully accomplished more with less than any agency in the State of Texas;

- **Regardless of the task that has been put in front of the field of probation services, the TJPC and the Probation Departments have successfully fulfilled all task (JJAEP, lowering TYC commitments etc.);**
  - **TJPC has a unique role in the juvenile justice system, it provide leadership, direction, funding, strategic planning, oversight, and most important it has promoted team work and camaraderie among the many Probation Departments across the State.**
7. **You don't fix an agency as dysfunctional as TYC by combining them with another functioning agency – you only transfer the problems. There are alternatives to further enhance juvenile probation, provide services to youth in the community, and minimize the number of youth committed to secure-care at TYC.**
    - **The Sunset Report repeatedly states the numerous areas that TJPC has made accomplishments but then implies failure because the TJPC did not include TYC at the table;**
    - **Initiatives to lower the commitment rates, utilize an assessment tool, develop electronic training, develop enhanced mental health services, and develop and utilize community based services and resources are moving forward quickly and just as importantly are working.**
  8. **It appears the state is looking to the counties to address the State's (TYC's) management problems by asking the counties to take on more youth.**
    - **Provide opportunity for the counties, TJPC, and TYC develop initiatives together;**
    - **Lumping funding and children in need into one pot or one size fits all will not work;**
    - **Counties have historically reached out to one another and have shared a variety of services while respecting the integrity of "local control".**
  9. **We know TJPC has been reviewed by the State Auditor's Office and the Comptroller's office in recent years. Has this same oversight been provided to TYC? If so, how have the glaring management problems been missed? Shouldn't THAT process be reviewed and reformed? TJPC implemented much stricter accountability on the Counties to meet State standards. Has this same level of requirement been implemented at TYC, and if not, this would seem to be the issue, not significantly impacting County-operated juvenile probation departments.**
  10. **If the current consolidated Criminal Justice model is any example of the future of this recommendation, juvenile probation will be ignored in a consolidate system. (See #5).**
  11. **Probation is experiencing tremendous adjustments due to the reduction of federal Title IV-E funding. The course of action suggested, creation of a new agency, will take the focus off this current major event (impact of the loss of funding) and focus it instead on the creation and issues related to the creation of the new agency. Funding needs at the local County juvenile probation level is critical for us to continue to commit only a very small percentage of youth to TYC. If this is not addressed, the likelihood of having more kids sent to the "State" is considerable.**
  12. **Historically, TJPC and juvenile probation departments have been developing and implementing evidence-based programs and services for youth and families. In response to SB 103, urban counties and regions were able to pilot new evidence-based programs and utilize community-based residential programs more extensively. As evidenced in TJPC's Legislative Appropriations Request (LAR), TJPC has been and is addressing many issues that support the entire system (mental health, services in facilities, assessment) in reducing commitments to TYC. These efforts can continue under the current structure with TJPC providing significant**

support to the Counties, and TYC operating much smaller and more efficient secure residential programs.

**OPTIONS TO CONSIDER:**

1. Don't consolidate – leave the agencies separate and mandate (by statute) areas to collaborate, i.e. training, information management, strategic planning, research and data integrity for all juvenile justice operations, etc.
2. Let the reforms of SB103 take place. Once we have two fully functioning entities Sunset can re-evaluate to determine what should happen at that point rather than forcing a consolidation that could significantly impact and derail the significant progress juvenile probation has made since the reforms of 1995.

Provide (new) additional resources to counties to generate local level services to divert youth from commitment to TYC. This can include support for smaller, regionalized residential programs, day-treatment services, substance abuse intervention, mental health services...the local County departments can establish more effective collaborations with local providers.

Sincerely,

A handwritten signature in black ink that reads "David Swinford". The signature is written in a cursive, flowing style.

David Swinford

Chairman, House Committee on State Affairs