



**CALHOUN COUNTY
JUVENILE PROBATION DEPARTMENT
COURTHOUSE ANNEX**

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Sunset Advisory Committee
P.O. Box 13066
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RE: Sunset Staff Report on TYC, TJPC, AND OIO

Advisory Committee Members:

I would like to address recommendations made in this document regarding these three agencies. However, before I can address the recommendations I feel I must address two blatant inaccuracies stated in this report. These inaccuracies involve statements made regarding the TJPC's Officer Certification program and the Use of Nonsecure Facilities not licensed or monitored by any State Agency.

The first statement to be addressed is that of Issue 4, Page 47 of the Sunset Report. Issue 4 states "Elements of TJPC's Officer Certification Program Do Not Conform to Commonly Applied Licensing Practices". The first key recommendation states that there is a need to standardize juvenile probation and detention officer certification functions by authorizing continuing education. (This implies that there is no such requirement by the agency currently existing.) You do state in a key finding that the agency is requiring continuing education, a standard licensing practice, but its statute does not authorize it.

Rather than citing this as a fault of the agency, it should be noted as an error resulting from faulty legislation. TJPC has required education of probation officers and detention staff [TAC 341, TAC349 and HRC 141]. TJPC requires initial hours of education prior to any type of certification being provided. TJPC then requires additional, on-going education to be completed every two years to keep said certifications current. Failure to obtain those hours result in the certification of the officer to be suspended pending verification of the issue and then termination of the certification should said hours be lacking.

The second key recommendation is "Improve the State's ability to protect youth on probation by authorizing the new TJJD to place certified officers on probation and temporarily suspend officers' certification, and by transferring disciplinary hearings to the State Office of Administrative Hearings". The key finding corresponding to this

recommendation is that “nonstandard enforcement provisions in the agency’s statute could reduce its effectiveness in safeguarding youth on probation and providing fair treatment to certified officers”. This, again, is very deceptive in it’s representation by implying that currently no such regulations are in place to regulate the officers supervising the youth on probation.

TJPC has had requirements that require regular criminal background checks on certified officers (detention or probation) that occur every two years during recertification [TAC 341, TAC 349]. Officers not passing those background checks have their certifications terminated. They have recently enhanced this record check through an agreement with DPS and the newly created FAST system. Departments will be notified immediately of any new arrest of a currently certified officer so that they may begin termination proceedings as soon as possible.

TJPC has had an Abuse, Neglect, and Exploitation division that handles reports against probation/detention staff. The procedures for these disciplinary hearings are set out in the TAC, Section 349. During the investigation of said reports there is a suspension policy that exists. Any report that results in a verification of an allegation of abuse, neglect, or exploitation results in TJPC advising the local department of the verification of the allegation and their recommendation for the termination of the officer’s certification.

The implication that the monitoring of the probation/detention officers of this state is somehow ineffective is a gross misstatement of the facts. TJPC, with the cooperation and support of the local probation departments, has gone above and beyond “State Minimums” in assuring that the individuals working with probation youth are competent, ethical people. Should it come to pass that an individual falls into substandard performance or ethics both the department and TJPC work together to assure that the individual is removed as soon as possible. In addition, based on the TJPC policies and regulations that have been and are currently in place, you will never see a probation department that has in their employ an individual with a criminal record which occurred at some point after their date of hire but was never checked again just because there was no break in the employment period. A simple review of a recent TJPC Advisory Board agenda will show that they will, and do, terminate officers’ certifications when it is necessary.

The second statement to be addressed is “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.” Again, this a highly inflammatory and misleading statement. The report details six nonsecure facilities that are currently being used by probation departments for youth that are not licensed by DFPS or considered a certified correctional facility by TJPC. Under this inflammatory statement in the key recommendations you state that there needs to be a requirement of local juvenile boards to annually inspect and certify the facility’s suitability with TJPC. Eventually, on page 43 of this section of the report you acknowledge that all six facilities are currently inspected and certified by their juvenile boards although they are not required to by law. Those reading the report are also not informed that any abuse, neglect or exploitation

complaint made from any of these facilities is reported to TJPC and investigated. Any verification of said allegation results in the previously cited consequences for the individual involved. This should show the Sunset Commission the successful cooperation of local probation departments and oversight of TJPC in monitoring said facilities even though the legislature has not required this by law. Again, this should not be cited as a fault of the agency but as faulty legislation that the requirement was not recorded in law. The section that acknowledges the juvenile board certifications/inspections also acknowledges that several maintain American Correctional Association accreditation. Those reading this report and not familiar with such an accreditation will not know that the standards required to acquire such an accreditation are more stringent than State requirements and that a facility must be exceptional to get such an accreditation. Such a facility would be a benefit to any juvenile required to participate in its program.

As for recommendation 1.1 – Abolish TYC and TJPC and transfer their functions to a newly created TJJD, I do not agree with this recommendation. I base my disagreement on the following reasons. First, this recommendation is being made due to poor managements issues occurring at TYC that resulted in the abuse scandal revealed in 2007. This abuse scandal and subsequent conservatorship of TYC was constantly painted as a failure of “Juvenile Justice” by both the Legislature and the media. This could not be further from the truth. A true “reform” of the juvenile justice system occurred in 1995. Since that reform, as acknowledged by much of this report, TJPC and the probation system rose to meet the challenges of the new system and exceeded expectations in many areas. Stating that the entire juvenile justice system has failed the youth involved is a grossly inaccurate representation of the situation.

Throughout the Sunset Report TYC is identified in several issues and TJPC is added as the agency that performs the service but did not share with TYC their solution to the issue. All policies, procedures, monitoring information, assessments, etc. are all a matter of public record and can be found on the TJPC website. It could not be more transparent how TJPC handled or required the handling of all of these issues. It is ludicrous to penalize one State Agency for the failures of another. Numerous attempts at coordination and/or information sharing have been made over the years both at the State and local level. To hold TJPC accountable for TYC’s failure to take advantage of those offers is unreasonable.

My second reason for opposing this consolidation into a new agency is based on the current functioning of the Texas Department of Criminal Justice. The consolidation of TJPC , TYC, and OIO into the Texas Juvenile Justice Department appears to be a similar plan as that of the absorption of the Texas Adult Probation Commission into the Texas Department of Criminal Justice. That consolidation has not brought about increased effectiveness of the local adult probation departments (through no fault of their own) and it has decreased the responsive of the State to those departments. The adult probation departments are constantly given mandates to meet without additional funding while their caseloads grow ever larger. The funding needed by the adult probation departments is reserved and/or diverted for maintenance and upkeep of the prisons. A consolidation of

the youth system will bring about the same results. The State's primary concern of maintaining the functions of the institutions for the most serious offenders will result in less funding to probation and county operated programs/services.

The third reason for opposing consolidation lies in the fact that TJPC and TYC have two very distinct functions. TJPC works with the counties with a focus on community based services. TYC runs institutions for the most serious offenders and provides specialized services. The Sunset report stated numerous times that the roles of TJPC and TYC were not clearly defined. However, to those that work within the system there is a clear understanding of the mechanics of the Juvenile Justice System and how it works.

TJPC, and the local probation departments, have succeeded in accomplishing the challenges and tasks placed before them, including the most recent mandate of lowering commitments to TYC as required by SB103. A commitment rate that was already a fraction of the eligible commitments to the TYC system. TJPC, with the help and cooperation of the local probation departments, has successfully accomplished more challenges given them by the Legislature than any other State Agency. There is a way to assure quality services to the youth of this state without destroying the current system and creating a new monster agency.

TJPC needs to remain as it exists today. The initiatives to lower the commitments rates, utilize an assessment tool, develop electronic training, develop enhanced mental health services, and develop/utilize community based services have been done and are working. TYC's management problems have been addressed with the hiring of the latest Executive Director. The director needs to be given an opportunity to fix the agency per Legislature request. Destroying a successful, full functioning agency and saddling them with a dysfunctional agency trying to mend itself is not a wise course of action. This will stop any progress currently being made for the youth of probation and set things in reverse. The focus of the new agency will be directed at "fixing" the institutional issues and will be lost on probation. A simple look at numbers will show that the larger population is that of probation and not the institutions. You lose focus on probation and focus solely on the smaller, problematic population and you will be inviting disaster. A loss of focus on probation will increase commitment numbers as there will be no community based resources to work with those individuals. The community based resources will be lost as funding is diverted to the main focus – the institution. This is clearly demonstrated, as previously stated, by the Texas Department of Criminal Justice model on which you are basing this recommendation.

Thank you, in advance, for your time and consideration in this matter.

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