

Potter County
Juvenile Probation Department
900 S. Polk, Suite 500
Amarillo, Texas 79101-3402
(806) 349-4900

November 21, 2008

Joey Longley, Director
Sunset Advisory Commission
PO Box 13066
Austin, Texas 78711

Dear Mr. Longley,

I would like to take this opportunity to thank you and the staff of Sunset Advisory Commission for your dedication and diligence in improving the government of this great state. Furthermore, I would like to thank you for your consideration of public comments regarding the Sunset Advisory Commission Staff Report of November 2008 concerning the Texas Youth Commission and the Texas Juvenile Probation Commission. On behalf of the Potter County Juvenile Probation Department, I would like to take this opportunity to express our dissent with the commission staff's recommendation to abolish TYC and TJPC and transfer their functions to a newly created state agency, the Texas Juvenile Justice Department.

The recommendation appears to be a drastic overreaction which is premature at best. During the time following *Morales v. Turman*, the Texas Youth Commission proved to be a resilient agency. With ample time and appropriate leadership, the agency can not only withstand current pressures but can grow to better serve the youth in their care. The newly appointed executive director should be allowed more time and opportunity to respond to the reforms of Senate Bill 103 enacted by the 80th Legislature.

Secondly, the commission found that state funding of the juvenile justice system is not targeted toward programs that work; however, as cited by the report, 95 percent of youth in the juvenile justice system in Texas are supervised by local probation departments which are overseen by the Texas Juvenile Probation Commission. This represents the vast majority of children in the juvenile justice system as well as the part of the system which is working and meeting rehabilitative needs of the youthful offenders of Texas. The effectiveness of local juvenile probation is demonstrated by the fact that the Texas Juvenile Probation Commission does not receive the preponderance of current funding but does perform the majority of rehabilitative functions in the juvenile justice system. What benefit is gained by joining the local probation departments to the 5 percent of the system which is perceived to be in


disarray? Currently the local juvenile probation departments and the Texas Juvenile Probation Commission focus on community based services while the Texas Youth Commission operates institutions for the state's most serious juvenile offenders. By consolidating these roles, the emphasis and funding would be directed to the incarceration component of the system thus reducing resources of the local juvenile probation departments which would hamper our ability to meet the needs of the children we serve. Instead more funds should be provided to local juvenile probation departments through diversion grants such as Grant H or Level 5 enabling the local departments to divert even more children from TYC. With ample resources including funding, outpatient treatment, mental health care, residential treatment facilities and secure post adjudication facilities, the local juvenile probation departments can continue to provide effective rehabilitation and care for the majority of the youthful offenders of Texas.

It would not be prudent to abolish a state agency such as the Texas Juvenile Probation Commission that provides quality service to the citizens of Texas while adhering to the mandates of the Legislature and requiring a relatively small amount of funding.

Finally, the report stated that local probation and the Texas Youth Commission fail to provide an effective continuum of care, treatment and rehabilitation for youthful offenders. Again we disagree with this point. The current system does provide a continuum of treatment with the Texas Youth Commission being the most restrictive remedy and thus the solution of last resort. Commitment to the Texas Youth Commission is typically made either as the best means to protect the community or after efforts to rehabilitate the child in less restrictive environments have failed. One should keep in mind that prior to his or her involvement with the Texas Youth Commission, a child has already demonstrated a resistance toward treatment and rehabilitation; however, commitment to the Texas Youth Commission does not equate to giving up on the child; rather it gives the child one more opportunity in the juvenile justice system before involvement with the adult criminal system.

In conclusion, the Potter County Juvenile Probation Department does not concur with the recommendation of the Sunset Advisory Commission Staff Report of November 2008 concerning the Texas Youth Commission and the Texas Juvenile Probation Commission. Thank you for your time and consideration of these points.

Sincerely,

A handwritten signature in black ink that reads "Harold W. Mann". The signature is written in a cursive, slightly slanted style.

Harold W. Mann
Chief Probation Officer
Potter County Juvenile Probation