

SMITH COUNTY JUVENILE SERVICES



Tyler-Smith County Juvenile *Attention Center*
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Director

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November 26, 2008

Honorable members of the Texas Sunset Commission,

No doubt you have received significant amounts of input concerning the issue of the consolidation of TYC and TJPC, and I suspect most of that input has been against consolidation as proffered by the probation community. I caution you that all opposition to consolidation is not necessarily a vote for TJPC; it is the lesser of two evils.

The situation you see in Texas juvenile probation today is not because TJPC is doing a good job; it is that local departments are doing an outstanding job, in spite of TJPC. There has been a total erosion of local control through a systematic process of enacting standards and developing a Compliance Resource Manual that dictates how you do everything in probation, detention, JJAEP and all other areas of the profession. Minute and definitive requirements have taken local decision making away from juvenile boards, chiefs and commissioners courts, opening a liability door that swings wide open for counties while closing the door for TJPC. We are no longer a cooperative profession but an "us and them" coalition. You will be told that workgroups have developed the standards and there have been dozens of workgroup meetings that have cost the departments in this state literally hundreds of thousands of dollars to attend, just to have the standards dictated by the commission. There is input without inclusion.

Appearance before the TJPC Board yields nothing but frustration for departments, unless you happen to agree with their stance. The board is totally supportive of the commission and field input is discounted severely. It has gotten to the point that many departments don't even feel it is worth the trip to Austin to try to reason with the board or the commission. The makeup of the board is very selective. In more than 20 years of existence, research and recollection of the chiefs who have been here the whole time, reveals that not one member has ever been selected from the Northeast region of Texas to serve on the board. Yet other areas have continuous representation. The makeup of the board also leaves the most logical positions to direct these services out of the picture; juvenile practitioners. Juvenile judges, juvenile chiefs, juvenile prosecutors do not serve on the board. Standards are designed on a "one size fits all" basis and the board is selected for optimal support of the commission's position.

The TJPC published agency philosophy says that it values "the need for local solutions for local problems, limited and efficient state government, the field's involvement in agency decision making, the efficient use of tax dollars". Except for a select few departments these things do not happen. Juvenile boards have never been consulted about new standards yet they are placed in the position of carrying out all the mandates and accepting all the liability. County commissioners aren't consulted yet bear the brunt of funding. Probation departments, detention centers, placement facilities and JJAEP operations must move personnel and funds around to accommodate an overbearing paperwork system. In the past 10 years county budgets have not been supplemented at increased rates for operational expenses, increases have come in pass through money for placement services. Inept handling of the IV-E program has dilapidated department budgets because of the loss of funds from that program and now new standards are being designed and contracts sent out without even the assurance that there will be any funding or how it will be accessed.

Smith County Juvenile Board

<i>Floyd Getz</i> Juvenile Judge County Court at Law # 3	<i>Carole Clark</i> Judge 321 st District Court	<i>Thomas Dunn</i> Judge County Court at Law	<i>Kerry Russell</i> Judge 7 th District Court	<i>Joel Baker</i> Judge County Judge, Chairman	<i>Cynthia Kent</i> Judge 11 th District Court	<i>Randall Rogers</i> Judge County Court at Law 2	<i>Jack Skeen Jr.</i> Judge 241 st District Court
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The top management of TJPC has no basis or practical experience of what it takes to run a department; however they are quick to provide "technical assistance" to chiefs and juvenile boards, via staff who have never been in upper management at the local level or who worked at very small departments. There heavy reliance on special interest groups and reluctance to accept local input is fast leading some, especially medium and small Texas juvenile probation departments, toward disastrous results. Yet, the requirement of following the promulgated standards and compliance resource manual is always there with the threat of loss of funding. Overall the state only provides about 30% of funding to the counties, yet TJPC requires 100% compliance with threat of sanction.

Texas has a very unique opportunity to develop the best juvenile services commission in the United States, right now. Whatever is done in the legislature this session will leave its mark on juvenile services for the next 20 to 25 years, one way or the other. Consolidation, in my opinion, is not necessarily the best answer. More bureaucracy will only damage the already reeling operation. Adding to the problems already experienced by TYC to the existing TJPC issues will only create more frustration and inefficiency. Good programs that benefit kids in specific locales are in danger of closing because of misdirected management at the state level.

The starting point is to direct TJPC to take a step back to its origin of being a partner, not an overbearing overseer to juvenile boards, facilities and operations, through restricting the reach of the standards to minimal levels. The second phase is to modify the membership of the commission to the point the majority is made up of practitioners. Should wrecker drivers set policy for the medical board? I am not impugning the integrity of the current TJPC board, just pointing out they do not practice nor understand in depth what probation departments do. Chiefs, juvenile judges and prosecutors should be the bulk of the board makeup.

Over regulation, under representation and dysfunctional organization has gotten us where we are. Adding additional layers of bureaucracy, consolidation of agencies, and status quo are not viable options if Texas wants the most effective juvenile probation departments. It is letting the people who know the community, the services, the families and the problems deal with them in the best way they can for optimum results which benefits the juvenile, the family and the community. An effective juvenile probation program will pay benefits for generations to come; a poorly developed one will carry consequences for the same time period.

In summation, I strongly urge the Sunset Commission to recommend, (1) a restructure of the TJPC commission board to be heavily represented by departments of large, medium and small counties of Texas, (2) mandate the TJPC executive director to pull back from the philosophy of dictating every nuance of probation, detention, JJAEP and any other juvenile service and that the role of the agency be to assist and provide training, while allowing the local departments to determine their best practices without threat of funding loss, (3) to mandate a roll back of standards to the 2000 standards (4) provide for the field to promulgate minimum standards, (5) to provide sufficient funding to allow local departments access to services that will assist in rehabilitating juveniles and their families without the overburdening bureaucratic paperwork and tracking systems that now permeate everything a department does, and (6) if consolidation is recommended that local departments have assurances of (A) no funding cuts, (B) an avenue to appeal decisions of the executive director to an impartial board or commission, and (C) that local control be reestablished so probation departments can do what they do best.

Respectfully,

Nelson Downing, Director
Smith County Juvenile Services

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