

Nelson Downing

SMITH COUNTY JUVENILE SERVICES



Tyler-Smith County Juvenile Attention Center
Tyler, Texas 75710

Director

Nelson Downing

Assistant Director

Ross Worley

December 15, 2008

Honorable Members of the Texas Sunset Commission,

I want to thank you for this opportunity to address the topic at hand and will only take a few minutes of your time.

The dismantling TJPC and TYC and the creation of a juvenile justice commission is an option, however, in my opinion it may not be the best option to the problems we face. It is no secret that TYC has some significant problems that need massive amounts of attention. To mix TJPC into that environment will likely not strengthen TYC or TJPC but will potentially weaken both.

However, that in no way is to say there are not significant issues that TJPC needs to address. In reviewing their statistical reports from 1998 and comparing that to 2006, the latest on their web site, you will find

- referrals in Texas have been reduced by 21, 747
- the number of juveniles referred is down by 12,022
- TYC commitments are down by over 500
- The number of juveniles on placed on juvenile probation is up by 6000

What does that mean? County probation departments are dealing with local problems, and doing a good job, not because of TJPC but *INSPIRE* of TJPC.

Why do I say that? TJPC's focus in the past 5-7 years has been on regulation and bureaucracy, not programming and supervision.

Kids don't become better citizens because of pieces of paper in a folder, they become better citizens because of programs and supervision, their families receiving help, being taught responsibility and other things that we in local departments do on a daily basis.

Smith County Juvenile Board

Floyd Getz Juvenile Judge County Court at Law # 3	Carole Clark Judge 321 st District Court	Thomas Dunn Judge County Court at Law	Kerry Russell Judge 7 th District Court	Joel Baker Judge County Judge, Chairman	Cynthia Kent Judge 114 th District Court	Randall Rogers Judge County Court at Law 2	Jack Skeen Jr. Judge 241 st District Court
---	---	---	--	---	---	--	---

The standards which probation departments worked until 2003 were less than 200 pages; in 2008 we are under more than 2000 pages with another onslaught coming from the TJPC board that was posted for public comment in November. Public comment is really a misnomer because of the numerous times I and others have approached the board with concerns regarding these proposed standards, we have been received less than cordially. Unless you are in the camp of what TJPC has proposed, the board is not apt to heed any suggestion from local probation departments.

Departments have been forced in some situations to utilize their personnel as Compliance Resource Officers to spend the majority or all of their time making sure standards compliance is documented. This does nothing for the juvenile crime statistics or recidivism. In Smith County alone we expend about \$50,000 a year of personnel costs filing paperwork required by TJPC.

Funding to cover the additional costs of these overbearing standards requirements is nonexistent. The only real increase in funding for the past 10 years has been for placement services, which is pass-through money. Operational expenses, much of which is the result of new standards requirements, rise but funding does not.

Yet, probation departments all over Texas continue to do outstanding work, but that is becoming more and more difficult to do, because the emphasis of state regulations is mired in statistical/bureaucratic minutia instead of focusing on programming and supervision issues. TJPC is no longer a partner, but a state overseer for a county-run and primarily county-funded operation.

What needs to be done?

- **The TJPC board needs to be redesigned to have a majority of the members represent the probation departments and juvenile judges in this state.** Unless you work in this field you really don't understand how the system functions and all the nuances involved. When your primary source of information is jaded toward bureaucracy, the creative and innovative methods departments have to use to address the specific problems in their jurisdictions, while trying to maximize available resources, gets unwieldy. One size does not fit all, but under TJPC's standards it must. In addition the majority of state boards are staffed by practitioners, not those who do not have experience in the field they are appointed to make critical decisions for.
- **The Executive Director and TJPC Board should be directed to return to their stated purpose, mission and compact with Texans position of Local Control.** Juvenile boards aren't given input into new standards, neither are juvenile courts, yet special interest groups have considerable influence. Juvenile probation departments have literally spent hundreds of thousands of dollars and years attending workgroups for standard development, only to have the final product be dictated by TJPC staff. Many of the standards are developed by staff who

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 114 th District Court	<i>Randall Rogers</i> Judge County Court at Law 2	<i>Jack Skeen Jr.</i> Judge 241 st District Court
--	--	--	---	--	--	---	--

have worked only at the line level in previous occupations and now are given responsibility to write mandates that control operations in departments of 2 to 2000. Published articles by two supervisors in TJPC have blatantly accused almost every officer in Texas as being abusive and that abuse being covered up by administrators; yet the management of TJPC supports their staff and does nothing to validate these claims or reconcile with those who have had their integrity impugned. Local juvenile boards, local community services, local law enforcement, local school districts all work together with local probation departments to deal with problems but that cooperation is stymied because of overbearing oversight and regulations.

- **Funding for local operational activities needs to be addressed.** TJPC prepares a budget but local input is almost nonexistent as to what is needed. Placement funding, which is pass-through money, has increased primarily because TYC no longer takes misdemeanor offenders. Title IV-E has dried up to a trickle due in most part to TJPC's mismanagement of the program, of which nothing has been done except to put more restrictions on local departments. Operational funds for salaries and certification have largely been stagnant for ten (10) years except for population adjustments. And no one really knows how much these new standards have cost local budgets. Senator Hegar requested TJPC not continue with proposed standards until a cost study could be prepared. To my knowledge that study is not complete but those standards were presented and passed by the TJPC board for publication last month. Several local placement centers had to be closed because TJPC decided to cut funding a few years ago. Many departments depended on those local county run centers to provide low cost placement and programming. Adequate basis funding needs to be provided and secured from transfer while allowing latitude at the local level as to how funds can be best spent. Accountability can be maintained but simultaneously allowing local departments to decide where the funds can affect the greatest benefit.

In summation Honorable Senators, Representatives and members of the Sunset Commission, TJPC can be a viable partner in the diverse arena of juvenile justice, but not as a dictatorial body. Local control must be restored, oversight must be given to those who best know what is required to operate efficiently, that being practitioners, and funding must be guaranteed to the local departments with the ability to use it where it will be most effective, if Texas is to become the model of juvenile probation in this country.

Respectfully,


Nelson Downing
Director, Smith County Juvenile Services

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 114 th District Court	<i>Randall Rogers</i> Judge County Court at Law 2	<i>Jack Skeen Jr.</i> Judge 241 st District Court
--	--	--	---	--	--	---	--