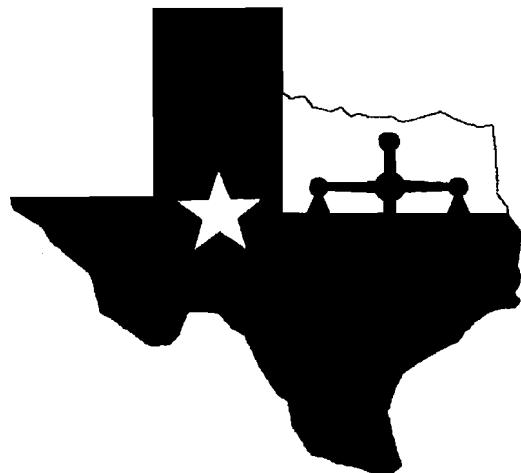


JUVENILE JUSTICE ASSOCIATION OF TEXAS



Investing in the Future of Texas

The Juvenile Justice Association of Texas is a professional organization created to promote advocacy for Texas children by providing quality juvenile services through professional development, leadership, education, training, and legislative initiatives.

**Public Testimony Presented by Members of the
Juvenile Justice Association of Texas**

**To the Sunset Advisory Commission
December 15, 2008**

Introduction

The Juvenile Justice Association of Texas ("Association") is a statewide professional organization that represents hundreds of juvenile justice probation professionals from across the State. The Board of Directors and membership of the Association appreciate the opportunity to present public testimony and information at the Sunset Advisory Commission Hearing to be held on December 15, 2008 in Austin, Texas.

We want to extend our gratitude and appreciation to Representative Carl Isett, Chairman, and Senator Glenn Hagar, Vice Chair of the Sunset Advisory Commission, and to members of the Committee: Senator Juan Hinojosa, Senator Craig Estes, Senator Robert F. Duell, Senator Kim Brimer, Mr. Charles McMahan, Representative Dan Flynn, Representative Linda Harper-Brown, Representative Lois Kolkhorst, Representative Ruth Jones McIendon and Mr. Ike Sugg for their work on the Sunset Committee. We wish to acknowledge and thank staff of the Sunset Advisory Commission for their hard work as evidenced in the Staff Report Texas Youth Commission, Texas Juvenile Probation Commission and Office of Independent Ombudsman completed in November 2008.

The Association has held various discussions throughout the state and sponsored a statewide meeting to review the report and invited dialogue from Chief Juvenile Probation Officers and their staff to consider the recommendations identified in the report. Members of the Board of Directors and members of the Association will be speaking on behalf of juvenile probation professionals statewide and from the perspectives of our small, medium and urban size counties, and from the perspective of regions across the state.

Overall, many of the recommendations presented in the Staff Report identify valid points for consideration, and should serve to enhance services statewide for juvenile justice. Collaboration between agencies and functions, systems accountability, data collection and research, all are tenants of sound programming and operations. Efficiencies as they relate to cost effectiveness and operations, and redirecting funds to those components demonstrating systems reform and performance, are significant considerations.

The testimony will highlight three issues brought forth in the report and also provide potential alternatives and considerations to the recommendations presented in the report. We acknowledge that the Sunset Committee will be faced with some important and critical decisions. We offer our expertise and support.

Issue 1

Texas' Juvenile Justice Agencies, Services, and Funding Need Major Restructuring to Ensure an Effective Continuum of Treatment and Sanctions for Youthful Offenders.

Key Recommendations

- Abolish TYC and TJPC and transfer their functions to a newly created state agency, the Texas Juvenile Justice Department, headed by an 11-member Board.
- Modify state funding for probation services by consolidating funding streams, considering past performance in awarding grants, and establishing pilot programs to encourage counties to keep lower-risk offenders in their communities.
- Require the new agency to develop a comprehensive five-year Juvenile Justice Improvement Plan, with annual implementation updates, to better integrate state and county juvenile justice functions and to address other critical state-level reforms.

JJA Response

The Association does not support the abolishment of the Texas Juvenile Probation Commission (TJPC) and the Texas Youth Commission (TYC) or the development of a single state agency. However, we agree with many of the overall goals and expenditures of the State's juvenile justice system as provided in the report. We believe these can be accomplished without consolidation of the two state agencies.

- The two agencies have separate and distinct functions and mandates
 1. Juvenile Probation Departments and TJPC have a mandate to focus on community-based probation services at the county or local level and to serve juveniles at the front end in the continuum of services. In FY 2007, local probation departments served 95% of juveniles involved in the Juvenile Justice System; and, local departments provided 70% (\$325 million) of the funding.
 2. TYC is expected to undergo significant changes and to potentially serve juveniles considered to be the most serious offenders with specialized needs. Sufficient time should be provided for implementation of the proposed changes as outlined in SB 103.
- The focus should be on the identified problems of the institutional component of the system (TYC) and address the issues as they relate to operation of those facilities and parole/re-entry services without suggesting that the entire "Juvenile Justice System" is broken. Making further significant changes at this time will potentially create confusion and more instability for the system as a whole rather than continuing to focus the needed reforms within the culture and environment of the State's juvenile institutions.
- The implementation of SB 103 and its impact statewide is yet to be realized. TYC has not experienced consistent leadership over the past two years to implement intended reforms. It is recommended that TYC be allowed time for the current management team to implement reforms with the expectation that their effectiveness be measured with specific benchmarks between now and 2011.

- Merging the two agencies or consolidation of functions presents a risk to probation and locally operated community based programs. Operationally, institutions place a greater demand on costs and distract from front end programs and interventions. There are examples in the state that clearly reflect that consolidation has had a negative impact on community-based intervention and services in adult corrections and human services.
- Creation of a larger state agency does not necessarily result in a savings, and the cost predictions do not necessarily reflect long-term savings. Managing a consolidated agency within the geographical boundaries of a State the size of Texas, with expectations to (1) coordinate services with local juvenile probation departments; (2) operate effective and efficient institutional programs; (3) develop and monitor reasonable standards for both locally and State operated programs; and (4) develop and implement effective re-entry services, can not be accomplished through a centralized office in Austin. Such management can only be effective through the development of regionalized offices located throughout the State, resulting in no significant savings and possibly increasing costs.

The Association supports mobilization of funding by consolidating funding streams, considering past performance in awarding grants, and establishing pilot programs to encourage counties to keep lower risk offenders in their communities.

- Since the reforms of 1995 and the implementation of SB 103 in 2007, local juvenile probation departments have done a tremendous amount of work and remain committed to serving as many juveniles as possible through local community-based programs. In lieu of institutionalization, continued current funding and potential new funding will further enhance the continuation of these efforts.
 1. Juvenile probation departments have reduced TYC commitments by 43% in the last 3 years.
 2. The development and implementation of post adjudication facilities, Day Treatment Programs, specialized programs and caseloads, and other pilot programs have had an impact on TYC Commitments. Outcomes such as those demonstrated by Travis County, Ft. Bend County, and Tom Green County as examples, have had a deliberate impact on reducing commitments to TYC.
 3. Providing additional funding to local juvenile probation departments to develop additional evidence-based programs and support local initiatives can further reduce commitments to TYC and reduce associated costs. National research and reforms implemented in other states indicate that through the effective implementation of community-based services, youth and families benefit at a significant savings compared to institutional operations.
- Through the consolidation of funding streams, the local probation departments can more effectively work within their communities to provide the most effective interventions to address the juvenile population. Due to the diverse character of local communities, including the availability of resources that differ across the State and the different needs of youth and families, this action will allow local departments to work with local partners to develop appropriate and effective prevention and intervention programs.

- The local departments understand their accountability in developing evidence-based programs and services, and that past performance should be considered for future funding. Local departments welcome the support and technical assistance of TJPC in the identification, development and implementation of effective intervention programs, and appreciate the historical work of TJPC in this area.
- To the extent possible, the Association supports a funding process that includes no loss provisions for local county departments. Loss of funding under the current economic climate could have significant detrimental impact on the progress that has been made at the local level to provide effective community-based services.
- As the review of TYC operations continues, it is understood that funding may become available due to closure of state-operated juvenile facilities. The Association would propose that these funds can be redirected to TJPC for local juvenile departments to further develop prevention and intervention programs and to further minimize the commitment of youth to TYC custody. The Association is prepared and willing to assist legislative leadership, TJPC, and local departments to identify effective, evidence-based programs to implement within local communities.

The Association supports the development of a comprehensive five-year juvenile justice improvement plan with annual implementation updates to better integrate state and county juvenile justice functions and to address other critical state-level reforms.

- The executive leadership of TJPC and TYC have already taken steps to more effectively collaborate on plans for a coordinated state-wide juvenile justice system. This can be accomplished without consolidating the agencies. This can be further enhanced by:
 - Including Chief Juvenile Probation Officers from across the State, representing all sizes and geographical areas, in the strategic planning process. This will better ensure the needs of the local communities are addressed, and enhance the coordination of services throughout the system.
 - Supporting the development of the *Juvenile Case Management System* which can provide the sharing of appropriate information throughout the entire juvenile system, from the point of entry into the system to the completion of institutional care or parole supervision.

Issue 3

A Small Number of Non-secure Residential Facilities, Used Exclusively by Counties for Placing Youth on Probation, Are Not Licensed or Monitored by Any State Agency.

Key Recommendations

- Require the new Department to regulate all public and private non-secure correctional facilities that accept only youth on probation.
- Require the new Department to establish certification standards for employees who work in non-secure correctional facilities that accept only youth on probation.
- Require a local juvenile board to annually inspect any non-secure correctional facility in its jurisdiction used only for youth on probation, and certify the facility's suitability with the new Department.

JJAT Response

The Association supports these recommendations with the following modifications that places these responsibilities with the Texas Juvenile Probation Commission:

- Place the requirement to regulate all public and private non-secure facilities that accept youth on probation with TJPC.
- Establish certification standards for staff who work in these facilities by TJPC.
- Require local Juvenile Boards to annually inspect the non-secure facilities and certify suitability with TJPC.

These are all activities that are similar in scope to current functions in place with other TJPC standards regarding the operations of facilities operated by local probation departments. These requirements should be made a part of the current scope of responsibility overseen by local Juvenile Boards and TJPC.

Issue 4

Elements of TJPC's Officer Certification Program Do Not Conform to Commonly Applied Licensing Practices.

Key Recommendations

- Standardize juvenile probation and detention officer certification functions by authorizing continuing education.
- Require the department to report annually on the final resolution of abuse, neglect and exploitation complaints.
- Authorize the new Department to place certified officers on probation.
- Temporarily suspend officers' certification, and by transferring disciplinary hearings to the State Office of Administrative Hearings.
- Transfer disciplinary hearings for certified officers to the State office of Administrative Hearings.

JJAT Response

The Association supports these recommendations with the following modifications that places these responsibilities with the Texas Juvenile Probation Commission:

- The TJPC has several standards that address the qualification and ongoing requirements for the certification of juvenile probation personnel, including some of the recommendations that are proposed. These requirements should be placed under the scope of work conducted by TJPC.
- The Association does not support the transfer of disciplinary hearings to the State Office of Administrative Hearings and supports this function with TJPC.

The Juvenile Justice Association of Texas (Association) would like to propose the following alternatives and considerations that would help to enhance services and achieve the desired outcomes proposed by the Sunset Report, without the need to abolish agencies or develop a separate and new state agency to operate juvenile justice systems statewide.

1. Standards Development

The Association believes that local juvenile probation department representatives should be involved in the development of standards as they relate to the operations and functions of juvenile probation. Standards are critical to accountability, quality of services and effective program operations and services. Even though TJPC has taken steps to include local representatives, it is our belief that the field can more effectively participate in the development of the standards with TJPC. The Texas Human Resources Code, Title 10, could be amended to reflect that the Advisory Council on Juvenile Services be the component to facilitate and assist with this process.

Another consideration would be to include a modification to the Texas Administrative Code that would provide for an appointment process of practitioners from the field of juvenile probation to serve in the capacity for standards development. The Association would work with TJPC to further identify a process that would accomplish this intent. The group would report to the Board of Directors of TJPC.

2. TJPC Board Composition

The Association supports the appointment of three (3) Chief Juvenile Probation Officers to the Board of TJPC. We propose an amendment to the Texas Administrative Code, Chapter 141.011 of the Texas Human Resource Code, Title 10, Subchapter B which would provide for the appointment of Chief Probation Officers to the Composition of the TJPC Board.

3. Local County Management of Services

One of the critical aspects contributing to the effectiveness of juvenile probation services in Texas is the fact that the departments are operated at the local level with local support. The ability of local Chief Probation Officers to work with local private and public partners to identify community needs, to collaborate with those partners in the identification of local needs and the development of effective prevention and intervention services, and to coordinate services with other human service agencies is crucial to the successful use of available resources. In addition, the oversight and support of County Juvenile Boards, Commissioner Courts, and other stakeholders support the success of the local departments.

The Association believes that the information and recommendations presented within this document will continue to support this aspect of the juvenile justice system of Texas. Collectively, the local probation departments recognize the support of the TJPC and its role in advocating and providing State financial support for effective programs and services, establishing appropriate standards, providing technical assistance and training, and coordinating State-wide probation-related services. As identified in the Sunset Report, there has been expressed concern with the level of collaboration between TJPC and TYC. The partnership that

has been established between local departments and TJPC can be further enhanced through our joint collaboration with both TJPC and TYC as presented within this document.

4. TYC Programs and Operations

Even though the Association along with local juvenile probation departments does not have direct decision making or operational responsibility for TYC programs and services, we offer the following information for consideration.

- As TYC continues to evaluate its facilities and programs, especially as efforts are developed at the local level to minimize the number of youth committed to its care, an emphasis should be placed on the development of evidence-based programs and services to serve those youth who present some of the most significant behavioral, emotional, and mental health needs in the state. This should include serious offender programs for youth involved in violent acts against persons and property, including sexual offenses; youth who require significant mental health intervention; youth who have a significant history of substance abuse; and youth who require long-term intervention.
- Over the past several months, much discussion has been directed toward TYC evaluating the location of its facilities and considering alternatives that will enhance the agency's ability to provide sufficient staffing and support systems in order to effectively meet the needs of youth and their families. The Association understands that there are many significant considerations for the location and operation of these facilities. The Association supports efforts to continue to review the concept of regionalization of TYC facilities. We support efforts to involve the youth's family in the rehabilitation and treatment process and to more effectively coordinate re-entry services to enhance the success of the youth upon his/her return to the local community.

In closing, on behalf of our membership, we want to express our appreciation to the Sunset Advisory Commission for its consideration of the information contained within this document. It is our desire to continue our commitment to work collaboratively with legislative leadership, TJPC and TYC to develop the most effective juvenile justice system possible for the State of Texas and the youth and families we serve. The Association and its membership also would like to submit its interest and willingness to assist and participate with any short or long term considerations in system modifications and implementation of new strategies and initiatives that will enhance the State's juvenile justice system.

Respectfully submitted,

Estela Medina, President

Randy Turner, Vice-President

John Perry, Legislative Committee Chair



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