

**TEXAS JUVENILE JUSTICE DEPARTMENT
ADVISORY COUNCIL**

July 31, 2012

The Texas Juvenile Justice Department Advisory Council met via conference call on July 31, 2012. In attendance: Estela Medina, Homer Flores, James Smith, Mark Williams, Matt Shaheen, Melanie Cleveland, Phillip Hayes, William Carter, Audrey Deckinga, Linda Brooke, Robin McKeever, Janie Duarte, Doug Vance, Bill Monroe.

Chairman Estela Medina called the meeting to order and welcomed all staff and members. Melanie Cleveland agreed to keep notes as record for the meeting.

Randy Turner and Judge Larry Thorne were not able to participate due to prior commitments.

This meeting was convened to discuss work on the 1) LAR and, 2) the proposal for certified officer rules and discipline.

TJJJ Legislative Appropriations Request

Chairman Medina reminded participants of the request to provide LAR recommendations to the Board. Chairman Medina asked Bill Monroe for an update regarding information from the Budget Board Workshop held by the TJJJ Board that could direct the conversation.

Mr. Monroe, Interim Deputy Director of Probation and Community Services, directed participants to the LAR items list. The document provided was the same one used during the July Advisory Council meeting. Mr. Monroe updated the Advisory Council regarding the budget workshop conducted by nine TJJJ Board members, where this same document was reviewed. A number of questions from Board members similar were to those asked by the Council, focusing on the exceptional items and the options for budget cuts to total a 10% reduction.

Mr. Monroe indicated that the Board was most focused on what additional detail the staff can gather at this time to help them make their decisions, and part of gathering that detail is the Advisory Council's input. The Board took no specific actions at the workshop, wanting to think further about what to place on the reduction sheet. The second sheet of exceptional items was discussed at great length, and there were preliminary conversations regarding what could or couldn't be placed higher on the priority list, and what could be placed lower.

Mr. Monroe asked Robin McKeever to update the Council on that part of the conversation, as she was the lead for that discussion. Ms. McKeever said the Board is continuing to work through the prioritization.

Mr. Monroe reiterated that there have been no decisions made. The Board did request the Advisory Council's review of the LAR. An item that came up was a request from Board Member, Jane King relating to Grant C and how that particular rider functions if it ever came into place, since it hasn't reached its limit to date. Ms. King asked if it was possible for it to

work in the opposite direction; i.e., if the counties were to decrease commitments, could there be more funding that would follow accordingly. The Board was looking for a balanced approach to how to approach the reductions should they happen. The Board seemed to think there were some exceptional items that needed further detail or needed to be more comprehensive.

Comment was made that it was important to advise the Board as requested regarding the LAR and to determine the level of importance for the items presented in the LAR.

The new legislation puts all the emphasis on community-based services and the Advisory Council provide a balanced approach, but in reality all groups are going to fight cuts and try to put the money on the front end. The commenter stated that he believed Grant C shouldn't even be on the list, since it helps keep youth out of the institutions.

Another participant agreed that Grant C should be the last thing to go, and that his entire region agrees with that. Doug Vance commented that he agreed as well. Homer Flores stated that the South Texas region agreed that Grant C and Grant M should not be included in the 10% cuts. A comment provided from the Panhandle Chief's Association agreed as well, as did feedback from Central Texas. Chairman Medina stated that the Council will recommend that option four not be included on the list of proposed reductions.

Robin McKeever stated that while TJJJ appreciates listening in on the discussion; this is about the Advisory Council's preferences given the information provided. TJJJ is noting concerns. The Board will need reflect reductions totaling \$60 million, and the Advisory Council's input is very important.

A commenter stated that he felt it was important to communicate what the Council perceives to be the big picture and offer that perspective to the Board; he could comment on probation cuts, but his knowledge of the institutional side is limited. Ms. McKeever responded that for the information provided on the cuts, the average impacts of closing one or two residential facilities are given, as well those of closing three halfway houses and one institution. The Legislative Budget Board's (LBB) projections for populations in 2014 and 2015 are low but stabilizing through that period, so the Agency will have more capacity than it needs. Therefore at least one of the closure options is going to remain on the list, if not both of them.

Doug Vance asked for Ms. McKeever's perspective on the impact of closures. Ms. McKeever said there was some discussion of this at the Board workshop, as well as at the previous Advisory Council meeting. Closures would mean consolidating the population in fewer facilities; therefore there would be a better cost per day since the populations would be going up per institution. The impacts on those remaining institutions would be that the location of the services would be different; there would be fewer secure facilities closer to home, depending on which facilities would be selected. Linda Brooke suggested there might be shorter lengths of stay, but Ms. McKeever wasn't sure if that would be the case. The Agency would still want to focus on rehabilitation and youth reaching their desired programmatic goals. There will be impacts if commitments go up.

The Board asked specifically to consider facilities options for closures that would leave the capability for increasing capacity if it becomes needed, and this is still being analyzed

A question was asked regarding the halfway houses and what the strategy would be for transitional type moves. James Smith commented that closing two facilities and three halfway houses is not viable or realistic. If an institution is closed and the density of the remaining facilities increased, the strategy then would be to move lower-risk youth to halfway houses to lessen population density in secure facilities. A question was asked about parole in this case and whether one strategy would be to parole youth faster. Mr. Smith answered that youth are paroled pretty quickly, and the process has already been shortened. Length of stay for youth has been getting shorter as well. Parole was cut in half in the last session. If there are a limited number of parole staff statewide and an increasing number of youth to process on parole, some efficiency will be lost. Mr. Smith further stated that when there are more youth in a concentrated area, the facilities are going to have higher concentrations of highly aggressive youth, which will increase issues of security and safety. The goal is trying to find the right balance. Mr. Smith referred to a recent conversation concerning how additional funding gets distributed and the question of whether remaining funds are able to return to the county to use at its discretion toward other programs if commitments are kept low.

A comment was made that if option seven is eliminated, that would mean parole would go straight to the counties. Mr. Smith commented that this would require some legislative change, and that funding would be needed for this. Ms. McKeever commented that it would not, in fact, require a statutory change. If the counties became responsible for parole, that would require a statutory change, but if TJJJ stopped its program without a mandate for the counties to pick it up, this would not require a statutory change. Therefore this option for \$9.5 million would be to eliminate the Agency's parole program. The practical impact of that would be that the Agency would have to modify its secure facility programming to prepare youth earlier than they are being prepared now to be released back to the community. The youth would not be well prepared, as there would be fewer resources for reentry.

Chairman Medina commented on option seven as well; she believes parole is an important function and should not be eliminated. It is a necessary service for anyone coming out of secure facilities. Chairman Medina asked whether there is an interest in TJJJ to keep that function. Eliminating it would take \$9.5 million off the table, but funding would still have to be provided for transitional services. Ms. McKeever responded that TJJJ agrees it is an important function. Whether it is strategically critical is the question. In providing options for the Board from all areas, it needs to be determined whether parole services are strategically important. If they are, then the option to eliminate them needs to be removed from the recommendation list.

If TJJJ stopped funding parole and money goes to the counties with a statutory change, this is a whole different discussion since this would not be a reduction. If counties can provide parole services for less than this amount, then that might be something that the Council may propose. There are several ways to look at the issue, but the proposal as it has been presented is for \$9.5 million due to the elimination of the parole program at the Agency.

Chairman Medina commented that the questions before the Council regarding parole is whether the option to eliminate parole should stay; and if it does stay, where the funds go and what are all the impacts for eliminating it.

Mr. Flores commented that his concern is that he doesn't know what is being eliminated; he asked whether there are measures that have been collected that speak to the effectiveness or ineffectiveness of parole, as he does not want to eliminate something that works or keep something that isn't working. Ms. Duarte stated that TJJJD is estimating that in 2014 parole cuts would impact 608 youth, and in 2015 it would impact 581 youth, as well as specialized aftercare services of 240 youth for each year. This is the number of youth that would not receive those services if this cut is made. Mr. Flores asked for clarification regarding the effectiveness of the program itself; i.e., the impact of parole on recidivism rates, et cetera.

James Smith asked Chairman Medina if it would be better for the Advisory Board to look at the list and think about whether there are items on the list that should be pulled to the side as they do not make sense in combination with each other, and to look at what doesn't make sense and take those off the list. For example, Mr. Smith stated that options one and two will not work together. Option one is to close one or two facilities, and Ms. Duarte clarified that it would be one or two depending on the facility -- i.e., closing Corsicana would mean greater savings -- but the impact would also be greater.

Chairman Medina commented that it is hard for the Council to say which combination will come closest to the total reduction percentage and what the impact of those decisions might be as more information and the analysis and impact of the information, is needed. One option is going to affect another; i.e., if you close one facility, it will impact the number of youth on parole, et cetera. What will be the recommendation that will have the least detrimental effect on services and programming. James Smith said he doesn't think anyone would recommend eliminating specialized treatment, considering that these youth would be most likely to be sent from the counties. He further commented on some of the specific options.

Discussion ensued regarding combinations of options that may reach the 10% goal. Another commenter stated that if option eight were implemented, as well as part of option seven, that comes to approximately \$47 million; and then if part of another option were eliminated, such as specialized services, and if some prevention dollars were added, it would be fairly close. Another comment was made that if specialized treatment were moved, option eight were implemented, and part of option seven and option two were also implemented, this might achieve the goal, would leave Grant C alone, and would still keep some funding for parole.

Another comment was made that eliminating Grant S will affect 24 counties and several options were considered

Ms. McKeever asked if the regional associations had come up with any additional thoughts. Mr. Vance answered that the Southeast association was not meeting until Friday. Mark Williams asked a question whether there are counties that are not using Grant C and do not intend to, and if that's the case this might be an easy cut; that it's important to look at more than one year. Mr. Vance answered he believes all counties are using Grant C.

Chairman Medina summarized the discussion at this point. The Council agreed to take option four, involving Grant C reductions, off the list. The Council also seemed to agree regarding potentially keeping options two and three on the list, which involve the prevention and early intervention programs. In regards to parole, perhaps more information is needed to determine more what that might look like. Regarding options one and eight or a combination of these, the Council seems to agree that it might be possible to bring these together in one strategy/option, but the numbers are not certain. Chairman Medina asked the Council where they wanted to go with this discussion at this point.

There are 23 sites that receive SNDP Funds. Doug Vance asked a question regarding the importance of this grant, and if this could be cut. Another commenter stated that this grant deals with youth with mental health needs, an area that TJJJ is trying to increase.

A comment was made that if the Special Needs Diversionary Program (SNDP) is reduced or eliminated for those counties that receive it, it's kind of a double hit, because the Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI) will cut their side of it as well. This is a joint case load with the mental health authority and a specialized probation office that helps serve this population. Therefore, the amount cut would be doubled.

Chairman Medina summarized again that the Council is recommending option four be taken off the list. The Council can certainly give reasons why, including the numbers and data that support that recommendation. If it appears that options one or eight or some variations will be implemented, then part of the work will be supporting TJJJ in identifying the work in terms of the facilities and the areas where they think an impact can be made. Prevention and intervention is one of the tenets of the new bill; it clearly articulates that there will be some prevention numbers.

Chairman Medina stated that a document will be prepared and submitted for review that has the information that the Advisory Council has discussed and will be submitting.

Mark Williams stated that he thought first priority would be option one. Discussion ensued regarding facility closures and the impact of these, as well as different combinations of options. A comment was made that it would depend on the facilities.

Another commenter stated that it may not be necessary to close three halfway houses, and maybe closing 2 institutions and one halfway house is an option that might be enough to make the 10%. Mr. Smith commented that the halfway houses are only \$1.4 million each. Ms. Duarte stated that they range between \$1 million and \$1.4 million a year. A question was asked regarding how option one had the number at \$35.2 million to close 2 institutions, whereas option eight, which stipulates the closing of one institution and three halfway houses is at \$42.4 million. The response was that again it would depend on the facility in question. There are some facilities that would yield more savings than others, and these numbers are an average. If two facilities were closed, they would be smaller facilities.

Robin McKeever reminded the Council that these are options, and there might be some way to change the combination of one and eight that would be different but would still work.

A response was that perhaps it would be best to take options four and five off the table completely. It was generally agreed by the Council that option four should not be considered for reduction or elimination. Contracting was suggested again as a possible source for some savings in option seven. Discussion ensued regarding the prioritization of options. Chairman Medina expressed a concern about eliminating parole, and that she keeps going back to options one and eight and wondering what combination of these could be evaluated further and whether some programs could be eliminated but not others. Chairman Medina speculated that in terms of parole, perhaps the recommendation from the Advisory Council should be that the Council supports parole services, and that some kind of comprehensive review should be done to see what it would look like if parole remained with TJJJ or not and what the funding would look like with each option.

Another commenter stated that the only way TJJJ is going to come up with the \$60 million target is to close an institution. There are approximately 700 or so youth on parole, so therefore parole shouldn't be eliminated but perhaps restructured. Chairman Medina reiterated that parole is an important function and if further evaluation can be done to determine the best approach that might help.

The summary at this point was that options four, five and six should be left off the table; option seven might be restructured; this leaves options one, two, three and eight to be prioritized by the TJJJ Board; option eight is the Council's number one choice.

A comment was made that it would be beneficial to understand the institutional side, so that the Council can know more about costs, impacts, and details in order to know the big picture and support the whole Agency. The response from Ms. McKeever was that the closure of three facilities last summer caused some drama and that the development of this decision was so sensitive that TJJJ kept it pretty close. During the legislative session TJJJ creates scenarios for different funding combinations for the LBB, but these are not typically shared with others without being shared with the Board first. TJJJ is also transitioning to a new permanent Executive Director, and that person may also have preferences regarding communication and information sharing, but for the staff at this point to say they can share information may be premature. TJJJ staff doesn't have the information right now; there was an internal meeting last week in anticipation of the Board's need for population information and other updates on special programs by facilities, so TJJJ is beginning to update that information from a year ago.

Ms. McKeever did propose that TJJJ might share a monthly budget report put together by the finance group. It's about 20 to 25 pages with a lot of detail, and the business management team goes through every page of that document. Ms. McKeever suggested that it might be worthwhile at some point for staff to share this report with the Advisory Council on a monthly basis. It takes about an hour and a half with Q&A. Going through this report might be very helpful in regards to the detail-related questions some have.

Chairman Medina affirmed that it was a good suggestion and that some version of this report would be very helpful, as it seems that this report would include information about population, programming, et cetera. Ms. McKeever affirmed this. Every appropriation line item is reviewed

in that monthly report, along with population in secure facilities. TJJJ is trying to add a component to the report that will reflect populations at the county level that are somehow tied to the funding that is sent to the county. Bill Monroe has been working on this and it is still in development. Ms. McKeever said she understands that the Council is asking for more information about the secure side and state-operated programs, and the monthly budget report may provide that. Chairman Medina said she would work with them to get that on the agenda for future Advisory Council meetings. Ms. McKeever stated that Linda Brooke will talk to Mr. Kimbrough about it and help set it up.

Another question was asked regarding the average daily population in the secure institutions this fiscal year and projections for the coming biennium. On July 23, TJJJ had an actual population of 1166 in the institutions, and there were 161 in halfway houses, compared to a capacity of 218. TJJJ has struggled in the last couple of years with getting above 170 or 180 in the halfway houses. There were 698 youth on parole on July 23. Halfway houses are approximately 24-bed facilities. Before the reforms the halfway houses were full, but when populations started going down and there were more high aggression youth in the facilities, the numbers began to decrease in the halfway houses due to a lack of eligible youth. The projections for next year are in the LBB projections issued in June, and Ms. McKeever referred the Council to the LBB's website where that publication can be found. The projected ADP for state residential for 2013 is 1444, for 2014 it's 1409, and for 2015 it's 1358. These numbers contain the halfway house and contract beds. In developing the LAR, TJJJ must use the LBB's projections, so for 2013, TJJJ is budgeting for 1444; for 2014 TJJJ must use 1409; and for 2015 TJJJ must use 1358. The way that's being broken down is for institutions, 1136 in 2014, 1084 in 2015; for halfway houses, 196 in 2014, and 196 in 2015; and for contract capacity, 77 in 2014 and 78 in 2015.

Ms. McKeever had to leave the meeting at this point, stating her appreciation for the Council's feedback. She said she appreciated Doug Vance's comment on prioritization, and if the Council can prioritize both the cut items as well as the exceptional items, that would be helpful. Chairman Median proposed compiling the list of priorities for reductions as discussed in this meeting, and distributing it for review. She then moved the discussion on to the prioritization of the exceptional items list.

Mr. Monroe said the Board was considering exceptional items three and six as high priorities. The Board asked the staff to find money for item ten independently. Item five is a Governor's Office issue, so it doesn't need to be discussed here. The Board struggled with how to prioritize items one, two, four, seven, and eight. There was much discussion surrounding item four, and it may be prioritized as high, but the Board was very clear that items three and six should be pretty high priorities. Item nine is regarding money to be used to move computers to Central Office.

Homer Flores suggested that the order from highest to lowest be items two, four, one, eight, and seven, in order of preference after items three and six. Another comment was that not enough money is being asked for in items one and two. Mr. Monroe said this has been discussed. He also discussed, in response to a question from the Chair, that Jane King had referred to rider 32 at the Board budget workshop and had speculated about adding another sentence which would state that if commitments to TJJJ were below the cap, then money would move from Goal B to Goal A. It's a separate conversation from the conversation regarding the lowering of the cap, dealing

with the rider's ability to go both directions. This will not be an exceptional item but a proposed rider change.

James Smith had to leave the meeting at this time.

A response was whether the Council wanted to support the mental health services piece as is, which includes a mental health professional in each secure facility, or whether they wanted to propose a different option. This option as drafted has been presented before. If the Council wants to propose something different, it should be very specific. One comment was that it would depend on what was meant by mental health professional, and that TJJJ needs money for a licensed LPC or above. Mr. Monroe stated that it covered 55 facilities. Currently there are 47 facilities plus eight big counties who have multiple facilities.

Discussion ensued regarding mental health services and whether teletherapy could be included for those in post-facilities. The smaller facilities aren't going to need a mental health professional full time but do need mental health services. Money would have to be added for equipment if teletherapy was proposed. The suggestion was to propose a teletherapy option in the mental health exceptional item, and double the amount being requested for prevention. There needs to be a way to state what specifically the funds will be used for, as well. Teletherapy has been used in the past mostly for assessments and medication management, which is very helpful, though counseling can't really be effectively engaged with telehelp. A lot of detention centers may not have a licensed mental health professional in their facility, and if they don't, this might be one option for counseling and crisis intervention. Many facilities need providers just to do counseling for youth on probation, et cetera.

Mr. Monroe mentioned Dr. Olvera, who is a member of the Board and a psychiatrist, who stated that in a lot of places the need is for a well-qualified professional to come perhaps twice a week for five or six hours rather than a full-time staff member. If a broader program could be developed to fund hours rather than full-time people, this might be more viable. And telehelp can be a piece of it as well. A commenter stated that it could be argued that every facility, even 50-bed facilities, needs a full-time mental health professional. Mr. Monroe agreed, and Ms. Brooke stated that when it was originally developed, the idea was that they could also serve youth on an outpatient basis if they had time, but their primary duties would be for youth in the facilities. This is not for post-programs only. In the past it was for secure facilities, and 54 would cover every secure facility, so if there's a secure facility that had both pre- and post-, there would be one mental health professional for that facility.

Chairman Medina commented that some feedback had been received regarding mental health that had asked whether counties could determine how those funds could be used and if they could be used for any reason other than mental health services. The response was that if that's what the Council wants to recommend, then the amount needs to be changed and there will need to be specifics included that indicate what would be done with the mental health dollars. In the past, Grant C has allowed for the purchase of mental health services, and originally that had to go through TCOOMMI. For a lot of different reasons, this didn't work out well.

Chairman Medina asked if dollars could be added for contract services for the counties, or if that needed to be a separate item. Mr. Monroe stated that there shouldn't be too many exceptional items, but that it is possible to create an exceptional item with two or three clear parts.

A question was asked whether \$4 million was enough to cover all the facilities given that salaries in urban areas may be higher than in rural areas. Chairman Medina summarized that the Council would present on what some contracted costs might be and make recommendations so that they could be included in the requests.

Another question regarded prevention and intervention and if enough money was being requested for these programs. Only 24 departments implement this program right now, but there were 40 applications for it, and the number being requested matches this number. Chairman Medina stated that there needs to be a place to start, that there need to be demonstrated recommendations and proposals submitted stating the amount needed, and asked Mr. Monroe if that would be enough to support this item. Mr. Monroe stated that Tracy will be working in this area and putting it together. Probably 30 or more counties are not interested in these programs.

Mark Williams suggested researching an average amount per youth that would be served by this prevention money, and then say that they want to serve a specific number of extra youth so a number can be determined. This number could easily be explained. It's going to be an estimate and not an exact amount. A suggestion was made to double the amount requested.

Chairman Medina asked Mr. Monroe if he could use the data that has been collected. Mr. Monroe confirmed that this is the plan, and that Tracy is going to get full reports from everyone in the program in September/October. This is late for the LAR itself, but the idea is to have a full TJJD report ready for the legislature when they get here, so there will be 8-10 months of information available. Mr. Monroe speculated that approximately 5,000 people were being served by the program in 24 counties, and \$3 million is supporting that. Another commenter stated that if you can serve 24 counties for \$3 million, you should be able to project serving 48 for \$6 million, and another 24 added to that for \$9 million, and this could be another way of estimating requested funds. Mr. Monroe stated that a factor to consider is that almost all of the big counties are already being served. More research needs to be done, and then the Council will propose an expansion for the item.

Chairman Medina asked for any new items the Council may want to add to the list. A comment was made to perhaps switch items one and four in the priority list. Consensus was a new order:

1. Item Three
2. Item Six
3. Item Two
4. Item One
5. Item Four
6. Item Eight
7. Item Seven
8. Item Nine

Chairman Medina will work on recreating this list and work with Mr. Monroe on both this list and the reduction list, and will distribute the results to Council members.

Mark Williams asked if there was a way to look at all the facilities, programs, and the number of youth in each as well as the number of bed spaces, et cetera. The response was that TJJD receives a daily population report, and an updated report can be sent to Council members. The report includes the number of beds budgeted, not the total number of beds, as there are beds that are mothballed. All the halfway houses are leased property. It was agreed that this report would be sent to the Council for their review.

Proposed Rules for Certified Officers (Responsibilities & Guide to Disciplinary Process)

It was acknowledged that Mary Wood would like a response regarding this issue. Consensus was not to rush the decision at this time. Options were discussed regarding how to proceed.

One proposal was to allow two or three members of the Council to act on its behalf and participate in a conference call to address this issue. Another proposal was to create a work group for this issue and ask the Board for more time to consider it, considering that a new Executive Director is coming on board, and then the new Executive Director can be consulted regarding this change. It was agreed to proceed with the workgroup and an opportunity for the new Executive Director to review the proposed rules.

The draft summary of the recommendations regarding the LAR are to be prepared by the Chair and forwarded to the Advisory Council Members for review within the next week, and prior to the required date to have the documents to the TJJD Board which is August 8th. The information and recommendations will then be presented to the TJJD Board on August 24th.

The Chair thanked everyone for their participation.

The go to meeting was adjourned.

Prepared by Melanie Cleveland

Reviewed and Approved:
