

**TEXAS JUVENILE JUSTICE DEPARTMENT
ADVISORY COUNCIL**

May 9, 2013

The Texas Juvenile Justice Department Advisory Council was held on May 9, 2013 at 10:00 a.m. in Building H, 11209 Metric Boulevard, Austin, Texas 78758.

Call to Order

Chairman Estela Medina called the meeting to order.

Review of Minutes: March 7, 2013

A change suggested to page 3: This year's conference for quality assurance named in honor of Elva Chapman -- not Ellen. Motion was made to approve the minutes as amended. The motion was seconded and unanimously approved.

TJJJ Updates and Update Regarding TJJJ Legislative Appropriations Request

Mike Griffiths, TJJJ Executive Director, reported that TJJJ has moved to the new building.

There have been concerns from the field regarding the finance division and TJJJ has experienced some transition in that area. Dan Arrigona is interim CFO. Dan joined the Agency two or three months ago. An offer will be made to the candidate for the Budget Director position. Contracts for the counties will be on time. The budget workshop is the day after the conference.

The Conference Committee's membership has been informed of the Agency's needs. Four items are pending. Goal A involves probation departments; it appears this will be the House version unless something changes. Goal B involves the state secure facilities. This is pending; there is still active debate on this, as the discussion of \$160 per day versus \$202 per day continues. There may be a compromise. This will still put a great deal of pressure on the Agency in terms of closures. The mental health money was pended but Mr. Griffiths believes there will be positive movement on that. The fourth item pended was an item regarding secure facilities for the Redirect Program.

The LBB has agreed that once Conference Committee information is posted and official, they will sit down with TJJJ for a half-day retreat to clarify their needs in terms of reporting and what flexibility may be available for Goal A. This may mean more reporting requirements for both the Agency and the counties.

Other Agency initiatives include changes in philosophy in educational and vocational programming in state facilities, which includes moving to a career vocational academy approach for youth who have their high school diploma or GED. 20% of youth in state secure facilities have their GED, which is commendable. Youth who wish to go into a vocation track will have

that available. Saturday programs will be created for supplemental education.

In behavior management, TJJJ is moving to PBIS for an Agency-wide behavior intervention model, which involves assessments. Contracts will be available for bids. The current contract goes through the end of October.

Organization chart restructuring will be implemented in terms of division responsibility. TJJJ hired Elaine Mays from DPS; she will be integral in IT systems. Many of the systems need to be consolidated and merged together for improved efficiency.

Mr. Griffiths hopes to decide among the strong candidates for CFO position by mid-July.

An emphasis will be placed on governance or program management. This approach will be very goal and output oriented.

Discussion ensued regarding the JCMS system. The goal is to have all counties online by the end of the biennium. The JCMS system is ahead of schedule in terms of rollout; currently at approximately 30% rollout. The Agency is looking at nonproprietary software on every front.

Further discussion ensued regarding seclusions.

Discussion ensued regarding the flexibility issue and the LBB. Each county has different needs and priorities. The counties maintain therefore that flexibility with funding is very important, and there has been some verbalization about the LBB being open to counties blending their money as long as they report back, but this would need to be formalized in writing. Further discussion ensued regarding the possibility of using existing formulas to allocate dollars. Ms. Medina asked Mr. Griffiths to pass on the willingness of the counties to have any conversations with the LBB and to answer any questions they might have or to arrange any facility visits, et cetera.

Discussion ensued regarding the complexities of the LBB's perception of fiscal need due to decreases in youth populations versus the reality of youth in the system requiring specialized care.

Update: TJJJ Board Meeting March 22, 2013

Mr. Doug Vance reported that the standards subcommittee presented its work to the Board for revision, and all standards were approved for public comment. The subcommittee will return to the Board at its May 31 meeting to request final approval and adoption of these standards.

Proposed guidelines for discipline of certified officers were submitted to the Board and approved.

Subcommittee appointments were discussed, as was PREA.

The next Board meeting will be May 31, 2013, which agenda was reviewed. The Board meeting in July will involve the budget in detail as well as the approval for contracts for counties. The meeting with the LBB will be held before the July Board meeting.

Sub-Committee Report

- Standards

Doug Vance reported the standards subcommittee has mostly finished its project regarding TAC 343 recommendations with the exception of the recommendation regarding chemical restraints. A health assessment will be performed by a health professional before chemical restraints will be authorized for potential use. Mr. Vance does not know of any counties that currently use the chemical restraints option.

The next project for the standards subcommittee will involve the TAC 355 in order to develop a set of standards for nonsecure facilities. The wide range of nonsecure facilities in existence means there's a wide range of methods being applied, with no current standards for all nonsecure facilities across the board. A set of emergency procedures has been drafted as part of the initial work. The emergency procedures will last for four months with the opportunity for a two month extension. The goal is to have the final version ready by the end of that period, and to have it to the Board by September so they can approve it in November. The emergency rules will be distributed to the field for review this week.

Discussion ensued regarding Senate Bill 1517. The bill was reduced, but Mr. Vance stated that if it had not been reduced, it would have been very detrimental to detention as it sought to reduce the use of seclusion in facilities. Mr. Vance believes this reduction could result in many more assaults in detention, as well as instances of youth skipping school, staff and/or youth injuries, et cetera. Mr. Vance would like to see the Advisory Council and TJJD come together for a joint inquiry into the use of seclusion, to make sure the method is applied consistently and is not being misapplied by any facility. A consensus suggested follow-up on this item. Further discussion ensued regarding the Senate bill.

Discussion followed a suggestion made regarding the standards for nonsecure facilities and whether it would be effective to create different levels at which a facility could function in terms of standards.

Mr. Griffiths discussed some details regarding the emergency rules being distributed for review and the potential consequences if a lawsuit is brought against the Agency and there are insufficient standards in place. Plans are in place to provide assistance to counties who may need help implementing standards. An inventory of online training is also being planned in order to improve those resources.

The subcommittee will meet again on May 15 and 16.

- Mental Health Funding

Doug Vance reported \$15.2 million over the biennium has been earmarked to enhance and provide mental health services in juvenile probation departments. The subcommittee was created to discuss the potential dissemination of these funds among counties. Working from an initial plan put together by Bill Monroe, the subcommittee determined that departments with facilities of 80 beds or more would receive the funding to hire two licensed mental health professionals at \$80,000 each, a total of \$160,000. Facilities with fewer than 80 beds would receive \$80,000 per department. These are preadjudication facilities. The remaining funds would be dispersed to departments without facilities; approximately \$25,000 per department. Smaller counties possibly could work with each other to shift funds back and forth or pool funds between them, depending on their needs.

\$15.2 million is in both the House and the Senate versions of the budget, with some opportunity to be flexible so that counties can use the funds in ways that meet their mental health needs, and to contract out if necessary. TJJJ will work with the regions to be able to develop a mechanism through TJJJ in which those funds can be pooled. Counties will be asked to determine where their gaps are and how these funds can be used to fill these gaps. Reporting will be necessary to show how the funds are being used. The specifics of this plan will be presented to TJJJ when it has been finalized.

- Parole Discussion

Parole will most likely see a cut in the budget. Contractor Gulf Coast wants to put in a proposal to cover the whole state. Gulf Coast currently contracts with 140 counties, and TJJJ officers serve approximately 60% of the youth. The subcommittee plans to find a different way to provide services that are consistent across the state. Both county and TJJJ parole officers have provided feedback regarding their needs. The possibility of furloughs was discussed. The terms for parole need to be consistent, and youth need resources to fulfill the terms of their parole.

A variety of options were explored regarding having TJJJ and county officers provide parole services as opposed to contracting out for those services. Counties may know more about specific youth needs, and this is one reason to pursue the possibility. There are issues in this case regarding the costs associated with counties providing parole services, as well as the different needs and resources of smaller counties versus larger counties. A central staff would still conduct revocation hearings, et cetera.

Approximately 600 youth are currently on parole. Commitment numbers are down, but admissions are not. The census in secure facilities is above budgeted levels because youth parolees are being pulled back into the facilities.

The subcommittee will continue to meet to discuss ramifications of \$3 million reduction in parole as proposed. If all parole services are not given over to Gulf Coast and there is a blend of state and county parole officers, then the Agency will need counties to step up to the project. The specific costs of providing parole services in the counties will also be addressed in the subcommittee. Regions will be asked for representatives to work with the subcommittee on these parole services issues.

Legislative Updates and Information

- Updates on Bills

Many bills are being tracked, but bills are starting to die at this point. If a House bill has not been heard by now, it's generally understood to be dead unless it gets tacked to another bill. Specific bills that relate to TJJD were discussed.

The workgroup put together three cleanup bills. Anything the group did not agree on was not included. The workgroup consisted of TJJD staff, judges, prosecutors, probation officers, Chiefs, et cetera. All three bills are moving. HB 2733 is being carried by Representative White and passed off the floor Tuesday. SB 1440 is being carried by Representative West's office, and it was voted out of the Senate earlier this week; it has been referred to House Corrections. HB 2863 has to do with files and records; it has passed out of the House and has been referred.

SB 1517, regarding the banning of seclusion, changed significantly since being filed. It now involves filing and reporting on seclusions. It has passed out of the Senate and has just been referred to House Corrections. The House Corrections committee is no longer having their regular Wednesday meeting. They are meeting as they accumulate bills, so it is important to pay attention as bills get moved through. The Senate is still having hearings, but the House is no longer inviting public testimony.

A bill relating to trauma informed care and training was discussed. This bill is scheduled to be heard on the House floor. It requires that juvenile probation staff receive training related to trauma.

Several bills relating to studies and task forces are also moving, one related to administrative segregation of juveniles. A study regarding recidivism has not moved. SB 1769 makes recommendations for a study regarding misdemeanor youth being fingerprinted; that bill has passed out of the Senate and is heading to the House floor.

HB 443 was discussed; it proposes changes to the makeup of the TJJD Board. This bill has passed out of the House and has been referred to the Senate. The bill reduces the number of Board members from 13 members to nine members. The understanding is that the current Board would be grandfathered; the bill would take effect when they finished their terms. HB 1266 and SB 1003 are the chief bills regarding segregation and seclusion.

A bill that would transfer a specific facility to Jefferson County was discussed. Discussion ensued regarding property and facilities that may be used by outside agencies.

Several bills related to human trafficking will continue. One would require TJJD to provide information to juvenile department on programs related to human trafficking. It doesn't require departments to administer any of those programs.

SB 511 passed out of committee; it allows a youth to be committed to a county versus TJJD. SB 1442 has not moved. Bill 1915 will require work around ceilings in facilities. There has

been no movement. Discussion ensued regarding details of various bills.

- Potential Interim Workgroups & Topics

Mr. Griffiths reported several bills involve a lot of work. Inclusion will be important. This also means inclusion of advocates and others. Other workgroups may include a committee to look at the age of jurisdiction and whether or not that will move to 18.

A comprehensive study of reform in Texas study will consider how youth held in communities do versus youth held in state secure facilities. There are 2 million records to look at. There will be a tie in to PREA, as the study is getting interest from the new director of OJJDP.

The Advisory Council may be asked to assist in a workgroup surrounding issues of facility closures and/or repurposing. What happens in the state secure facilities has an impact in the counties.

Chairman Medina asked whether there may be a workgroup to discuss preparing for the next session in terms of budget and appropriations. Mr. Griffiths said continuity in leadership will be important, even if in philosophy. TJJD will have a thorough review of the process and the structure of planning.

Discussion and Request for a “Cost of Probation Study”

Chairman Medina reported a few years ago there was consideration of a study regarding the cost of probation services statewide. An issue at the time was that although referrals were down, the cost of probation itself had not really gone down, and a lot of the work the field was doing to represent that reality wasn't being effectively captured.

The LBB's projections for the cost of probation services state-wide looks at between four to five dollars based on the state dollar. This cost does not include the county dollars that are being spent on probation and covers very basic supervision. Thus the LBB recommended cuts to probation at that time.

A study is proposed to show the true cost of probation state-wide to prevent this from happening again. In Travis County, basic probation will be \$14. Four dollars are from the state and 10 dollars are from the county. It gets higher as you move on to ISB or specialized case loads. This will vary from county to county, but those county dollars get lost in the evaluation. This is a proposal with the next session in mind. It is most likely too late at this point for this study to help this session. This study would assist the LBB as well as the Agency. Discussion ensued regarding benefit of conducting the study and what information may be beneficial to include. The Advisory Council will work with Mr. Griffiths and TJJD to create this study.

Old Business

Regarding PREA, the TJJD Board will develop standards in the best interest of youth and community safety. PREA is currently in the contract to all the counties, and Mr. Griffiths will

take it out of the counties. This doesn't absolve counties from following PREA. PREA is federal, but the plan at this time is to remove it from the county contracts. The future of PREA implementation is unknown. The state will move to comply with PREA standards, though it is fairly close already. The timeline extends out to two and half years. TJJJ staff will attend a PREA conference in the next week and there will be more information after that time.

Public Comment

There was no public comment.

Advisory Council Updates / Announcements

The post-legislative conference will be held on July 30 and 31. The budget workshop will be held on August 1.

The Advisory Council will begin to meet on a monthly basis. The next Advisory Council meeting will be held on July 11; there will be a teleconference meeting in June.

Adjourn

The meeting was adjourned.