



Texas Juvenile Justice Department

Board Meeting

11209 Metric Blvd., Austin, Texas 78757

Friday, August 30, 2013 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman
The Honorable John Brieden III
Joseph Brown
The Honorable Jimmy Smith
Becky Gregory
Jane Anderson King

Scott Matthew
Dr. Rene Olvera
The Honorable Laura Parker
Melissa Weiss

BOARD MEMBERS ABSENT:

The Honorable Carol Bush
MaryLou Mendoza
Calvin Stephens

EXECUTIVE STAFF PRESENT:

Mike Griffiths, Executive Director
Eleazar Garcia, Chief Internal Auditor
Brett Bray, General Counsel
Elaine Mays, Chief Technology Officer
Amy Lopez, Sr. Director, Education Services
Lisa Capers, Sr. Director, Administration & Training
Teresa Stroud, Sr. Director, State Programs & Facilities
James Williams, Sr. Director, Probation & Community Services

Linda Brooke, Chief of Staff
Dr. Rajendra Parikh, Medical Director
Roland Luna, Chief Inspector General
Jim Hurley, Communications Manager
Debbie Unruh, Chief Ombudsman
Mike Meyer, Chief Financial Officer

OTHER GUESTS PRESENT:

Kenneth Ming, - TJJD
Nydia Thomas, TJJD
Chelsea Buchholtz, TJJD
Lucy Rodriguez, TJJD
Deidre Hernandez, TJJD
Senator Brian Birdwell, Texas Senate
Allison Voss, TJJD
Nancy Voss, TJJD Volunteer
Bob Voss, TJJD Volunteer
Adrian Moore, ED, Council on At-Risk Youth
Dorothy Roberts, TJJD
Ernie Black, TJJD Volunteer

Kavita Gupta, TJJD
Lesly Jacobs, TJJD
Estela Medina, Travis Co. JPD
Holly Duncan, TJJD
Jim Southwell, TJJD
Kristy Almager, TJJD
Katrena Plummer, TJJD
Belinda Castillo, TJJD
Jeannette Lepe, TJJD
Lesley French, Texas House
Rebecca Thomas, TJJD
Vanessa Burgess, TJJD

TJJD Board meeting
August 30, 2013

Karol Davidson, TJJD
Judge H.M. Davenport, Corsicana Co.
Kevin Dubose, TJJD
Marie Welsch, TJJD
Kimberly Schmidt, Office of the Lt. Governor
Jennifer Carreon, TCJC
Paul Bartush, TJJD
Dotty Luera, TJJD
Fred Meinke, TJJD
John Johnson, TJJD
Diana Goodwin, TJJD
Randy Turner, Tarrant Co. Juvenile Services
Rob Ries, Office of the Lt. Governor
Shakira Pumphrey, Office of Speaker Straus
Mike Ward, Austin American Statesman
Tulsi Overbeck, Senate Finance Committee
Pernilla Johansson, TJJD
Lauren Rose, Texans Care for Children
Tammy Holland, TJJD
Art Hinojosa, TJJD

Xavier Casares, TJJD OIG
Ashley Kintzer, TJJD
John Isle, TJJD
Thomas Adamski, TJJD
Hector Marquez, TJJD
Lisa Hale, TJJD
Edward Maldonado, TJJD
Stephanie Melot, TJJD
Allen Wallace, Ombudsman, TJJD
Rejeana Reynolds, TJJD
Glen McKenzie, Consultant
Connie Redford, TJJD
Mark Luera, Volunteer
Peter Heller, TJJD OIG
Sherry Short, Navarro College
Jessica Gonzales, TJJD
Janet Jacobs, Corsicana Daily Sun
Aris Johnson, Gregg Co.
Ben Stratmann, TX Senate
Johnny Thomas, TJJD OIG

Call to Order

Chairman Fisher called the meeting to order at 9:00 a.m. A quorum was present.

Prayer

Chaplain Allison Voss opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Excuse Absences

Jane King moved to excuse the absence of The Honorable Carol Bush, MaryLou Mendoza and Calvin Stephens. Joseph Brown seconded. The motion passed unanimously.

Public Comments

Adrian Moore, Executive Director for the Council on At-Risk Youth, addressed recommendations for part of SB 653, the portion related to prevention and early intervention, which has no allocation by the Legislature. These funds would help to enhance the program's professionalism. The Legislature is looking for results, outcomes and cost returns. A biennial delinquency prevention plan is needed annually with input from school district personnel, youth service organizations, mental health authorities, as well as juvenile boards and juvenile departments.

Local delinquency prevention advisory boards are needed to help local juvenile departments award the contracts. It is recommended the department consider requesting matching funds on the contracts. City governments should be asked to provide funds. Schools should be engaged and private providers and youth service organizations should be brought into the contract setting. The targeted youth population would be focused on kids in the pipeline to prison, those in school disciplinary systems, and kids who are abusive, aggressive and assaultive. Local applicants, the youth service organizations should be required to propose evidence-based and best-practice programming. Department monitoring, technical assistance and training is currently underway. An outcome evaluation looking at a return on investment is recommended. All these will gain legislative support for prevention and early intervention in the next session. In response to a question by a member of the board, Mr. Moore confirmed he is petitioning for rule-making in accordance with Government Code.

July 26, 2013 Board Meeting Minutes

Scott Matthew moved to approve the July 26, 2013 meeting minutes. Ms. King seconded. The motion passed unanimously.

President's Volunteer Service Lifetime Achievement Awards

Chairman Fisher presented the Call to Service Awards to two TJJD volunteer recipients. Nancy Voss is a volunteer since 1999 at the Gainesville State School who, with 4,569 service hours, currently serves as president of the Gainesville State Student Support Council. Ernie Black, a volunteer at McFadden Ranch who, with 4,004 service hours, began volunteering in 2005.

Mr. Griffiths recognized TJJD the volunteer's family who are present to witness the presentation of the awards. He also recognized Paul Bartush and Dottie Luera from the Gainesville facility came to the meeting to recognize these two volunteers. Plaques were presented to the awardees and photos were taken.

Independent Ombudsman Comments

Debbie Unruh, Chief Ombudsman, reserved her comments on activities due to the length of the meeting.

Report from the Inspector General

Chief Inspector General Roland Luna reported the year-to-date Incident Reporting Center (IRC) complaints at 11,026; 589 referred to the Administrative Investigations Division (AID); 1,084 to Probation; 1,609 to the Office of Inspector General (OIG); 5,362 to Youth Rights; and 491 to State Programs & Facilities. The number of closed cases included duplicate cases or directives called in to the IRC. The total number of investigations submitted for prosecution to the OIG were 388, down by 8 percent from last year; 286 assaultive cases, 47 for sexual offenses, 7 for property damage, 28 for contraband and 20 were prosecuted for other categories. Of the 451 directives to apprehend, 76 were conducted by OIG and 268 by other law enforcement agencies. Currently, the time between receiving a case and final disposition of the case is 172 days, an improvement from last year. The Memorandum of Understanding (MOU) with the Special Prosecution Unit was solidified in principal, and Mark Edwards will present it at the September SPU board meeting. We have partnered with the State Programs & Facilities Division for training initiatives that will be offered in facilities.

Finance and Audit Committee Report

Chairman Fisher reported that Mr. Stephens, who chairs this committee, was present at yesterday's meeting but could not be in attendance today. There are several items that were discussed in the committee meeting and are also on this board agenda so we'll take care of those first.

Board appointments to the Fingerprinting Advisory Committee as mandated by SB 1769

Nydia Thomas, Special Counsel for Legal Education and Technical Assistance, referred to supporting documentation provided in the board packet. SB 1769 by Senator Rodriguez of El Paso and Representative White of Woodville is a new legislative initiative that requires TJJD to appoint an advisory committee with a presiding chair to review the issues associated with fingerprinting misdemeanor juvenile offenders. The committee's review will conclude on or about December 1, 2014, with the presentation of a report. Obligations of the committee will end on January 15, 2015.

Within the Resolution is a role-based listing of the recommended appointees: Presiding Chair, Chief Juvenile Probation Officer Mark Williams, Chief Juvenile Probation Officers William Carter, Homer Flores, Lisa Tomlinson, Chief Juvenile Prosecutor, Riley Shaw, Assistant Juvenile District Attorney, Jill Mata, Juvenile Defense Attorney, Larry McDougal, Peace Officer, Sergeant Erik Grasse, Chief of Parole, Kirby Warnke, DFPS Juvenile Justice Liaison, Larry Burgess, Deputy Administrator, Angie Kendall, Texans Care for Children, Lauren Rose, Director of Court Administration, Kaci Sohrt, and Dean, College of Juvenile Justice and Psychology, Tamara Brown. Melissa Weiss moved to approve the recommended appointees. Judge Laura Parker seconded. The motion passed unanimously.

Board Authorization to Designate a Housing Allowance for Chaplains

Chairman Fisher stated Mr. Griffiths requested this item be tabled until the October 16-17 meeting to allow staff to obtain additional information to bring to the Board at the next meeting.

Review of FY 2014 Annual Contract Plan, New and Existing Contract Renewals exceeding \$500,000

Kenneth Ming, Director of Business Operations and Contracts, referred to page 39 of the board materials. The Agency is required annually to present to the board the Annual Contracts Plan and projections for contracting for services and commodity purchasing. There is a 25 percent reduction in services and commodities due to facility closures and youth placement at private facilities. It is projected that minority participation goals will be exceeded, and Historically Underutilized Businesses (HUB) goals will continue into FY 2014. Mr. Ming presented a proposed resolution to approve three contracts exceeding \$500,000: Consolidated Telecom, Inc., Department of Information Resources (DIR), and State Office of Risk Management.

In response to a question by Judge Brieden regarding the Consolidated Telecom contract, Mr. Ming stated we have some statutory authority where competitive bidding is not required when related to the care of youth as long as their rates are fair and reasonable and not restricted by law. Mr. Brown moved to approve the resolution as presented. Ms. King seconded. The motion passed unanimously.

Board Authorization for the Executive Director to Appoint the Public Funds Investment Officer for the John C. Wende and Parrie Haynes Trust Funds

Mike Meyer, Chief Financial Officer, referred board members to page 23. Members of the TJJD board are also trustees of the John C. Wende and Parrie Haynes Trust, with the board designating an Agency employee as a Public Funds Investment Officer to manage the trust's investments, in accordance with board-approved policies and strategy. The Officer has retired, and staff recommends appointment of Michael Wagner as the new Investment Officer. He has been with TYC and TJJD for 16 years and is trained on the roles and responsibilities of the position. Mr. Brown moved to approve the resolution. Mr. Matthew seconded. The motion passed unanimously.

Chairman Fisher recessed for a 15 minute break.

Report from the Executive Director

Before asking Mr. Griffiths to present his report, Chairman Fisher made comments regarding the recommendation for facility closure. He stated that the Board asked staff to conduct a very thorough review and present to the Board their recommendation for which facility to close based on their review. The reality is that this is not an Agency decision to close a facility. This is a legislative process that requires us to close a facility by January 1, 2014. As a result, the agency has experienced a very significant reduction in the budget for operating state facilities. The impact of a facility weighs heavy on the staff so we take this recommendation very seriously. Chairman Fisher commended Mr. Griffiths and the TJJJ staff for their diligent research and subsequent report outlining their recommendation concerning closing one facility, as required by the Legislature. Mr. Griffiths requested to move directly into agenda item 13, regarding facility operations.

Decisions for continuing facility operations, closure and accommodating displaced youth from facility closure

As the Chairman stated, the General Appropriations Act, 83rd Legislative Session Article V, Texas Juvenile Justice Department Rider 35 requires the agency to reduce the number of secure facilities it manages from six to five by January 1, 2014. This rider is further supported by a \$23 million reduction in the agency's Goal B biennial funding for State Services and Facilities, which it uses to operate secure facilities. In practical terms we couldn't safely operate 6 facilities with the appropriations allocated to the agency.

The rider requires the submission of a plan for closure to the Legislative Budget Board by September 1, 2013. Delaying a decision in this regard would be a violation of the Appropriations act.

The plan must address: identifying the secure facility for closure; identifying the special healthcare needs or rehabilitative treatment unique to the population of the facility scheduled for closure; the plan must present a detailed proposal for the relocation of the displaced population within existing facilities; and ensure that adequate security and access to adequate mental health services and rehabilitative treatment are provided at the alternate facility.

TJJJ staff respectfully submits the plan entitled "Facility Evaluations, Closure Recommendation & Transition Plan" for your consideration & approval. After an in-depth review of all TJJJ secure facilities this report presents the recommendation to close the Corsicana Residential Treatment Center (CRTC).

The recommendation was based on numerous factors outlined in the report, the most significant of which include the age and condition of the Corsicana facility, the cost of bringing the facility up to standards conducive for a juvenile corrections and treatment facility, the difficulty in maintaining a specialty workforce necessary for the mental health population housed at this location, and the limited census capacity of the existing dormitories.

As your document indicates the minimum cost estimates to bring the Corsicana facility to an appropriate operational level is 4.4 M, the five other TJJD secure facilities combined only had immediate repair and maintenance needs of 1.9 M – The agency was only appropriated general obligation bond proceeds authority of 5.5 m to do deferred maintenance on our secure facilities. As indicated in your report the CRTTC has available single cell capacity of only 90 youth. The combined capacity of the five facilities is more than 1600 single cells.

The report also identifies the special needs of the displaced youth population and recommends moving the Mental Health Treatment Program currently operating at the CRTTC to the McLennan County State Juvenile Correctional Facility and provides the methodology TJJD staff recommends ensuring that the displaced youth needs are met and that safety and security of youth are maintained.

This would include segregating this population from the general offender population, locating the displaced youth from the CRTTC on side one of the MART campus close to the , administration building, infirmary and cafeteria.

Consultation with our Medical Provider UTMB and local officials in Waco have resulted in additional attention to emergency care for affected youth including the opportunity of Life Flight should the need arise and special medically trained intervention teams at the MART facility.

TJJD staff explored many alternatives on how best to serve the mentally ill youth committed to TJJD. These alternatives have included consulting with the Health and Human Services Commission and the Department of State Health Services, conducting a search for vacant hospital/residential facilities in metropolitan areas and seeking proposals from public/private providers. As a result, also presented in this report for long term consideration is a recommendation to develop an acute care mental health facility in a metropolitan area in proximity to university programs that specialize in training clinical professionals. This 70-100 bed facility would benefit from a workforce of educated and highly trained direct care, clinical, psychiatric and medical staff.

The recommendation also addresses the plan for retaining the facility's employees. Senior Leadership in the State Services Division and Education Division have purposely left available positions open. In spite of reducing 160 staff positions agency-wide positions for CRTTC personnel would accommodate all but 9 State Services personnel and 2 Education staff positions. Granted not all the available positions are located at MART the design proposed would move key treatment personnel with the youth to the MART program.

Should you approve this recommendation, TJJJ will respectfully requests that Legislative Budget Board consider and approve the recommendation in an expedited manner. While the agency desires to retain the majority of the Corsicana workforce, a protracted period of uncertainty with regard to the final disposition of the facility will result in the agency losing valuable human resources. More importantly, it will affect the treatment and programming capabilities of the facility and may create unsafe conditions for both youth and staff. Additionally, TJJJ appropriations do not support the operation of six facilities in FY 2014.

In conjunction with this report - The "Path Forward" document on page 3 of this report introduces changes that will be taking place within the agency during the next biennium. These changes are to enhance youth outcomes as well as safety and security and ultimately create safer communities.

Board Member Melissa Weiss thanked those involved in providing this documentation and level of information provided to the board for consideration of the staff recommendation. Judge Brieden stated that the information was provided to the board in advance for review. Although we don't have many questions to ask, it's because the staff conducted a thorough review and provided detailed documentation for us to consider. He further stated his concern that after closing a facility, commitments will increase and we won't have the capacity to house them, possibly forcing us to build other facilities. Closing a facility may be an immediate cost savings but is likely to cost us more in the future. We provided this input and our opposition to this requirement during the legislative session so it needs to be said that this is not our decision to close a facility. It's the result of a legislative mandate.

Chairman Fisher said he has continued to make this point throughout the legislative process and ultimately the legislative establish the parameters within which we have to operate. Our advice has been that we are creating a long term compression and potential shortage of capacity. As a state, we are betting that the level of commitments for juvenile crime is going to continue at the lowest levels in history, unexplained. The reality is that the demographics are against that and so our advice to the

legislature has been that at some point we, as a state, are going to be in the same position we were in in the early 1980's of having to build at a rapid pace to keep up with the demand. We are mandated to submit a closure plan to the LBB. It is our hope that they approve our recommendation but if they don't, we believe that the LBB should make an alternative recommendation. There are very strong opinions on both sides of this issue.

Chairman Fisher introduced State Senator Brian Birdwell, whose district includes Corsicana. He invited the Senator to address the board and provide his testimony regarding the facility closure recommendation. Senator Birdwell stated that he shares many of the concerns regarding the legislative mandate. While he submitted his testimony in writing, he also read it before the board. (*Senator Birdwell's written testimony is attached behind the minutes*) Senator Birdwell recognized County Judge Davenport, who is present. Judge Brieden also recognized Judge Davenport who not only is a Judge but also serves as a volunteer at the Corsicana facility.

Chairman Fisher stated Representative Byron Cook serves the district and has been very involved in the conversations regarding the potential closure. He submitted a letter asking the board to place his written letter into the record. At the direction of Chairman Fisher Mr. Bray read the letter into the record. (*Representative Cook's letter is attached behind the minutes.*) Chairman Fisher stated that Representative Cook's request is that we postpone any action on this item.

Chairman Fisher entertained a motion to adopt the agency's recommendation to close the Corsicana Residential Treatment Center and to present this recommendation in writing to the LBB by close of business today. Judge Jimmy Smith moved to adopt the recommendation. Judge John Brieden seconded. The motion passed unanimously.

Chairman Fisher directed Mr. Griffiths that it be stated in the letter to the LBB that, if the LBB does not approve the recommendation, it would be the board expectation that the LBB to come back with their alternative recommendation since TJJJ had done what was required.

FY 2014 Operating Budget

Mr. Meyer recognized the outstanding work of the budget team and introduced Dorothy Roberts, Budget Director. Every department was asked to plan for a 20 percent reduction and identify critical needs above that amount. Goal A saw decreases in response to declining populations offset by increases for prevention, intervention and mental health services for a net increase of \$5.2 million. Looking ahead to FY 2015 we will see a reduction of appropriations this goal of approximately \$1.2 million. Goal B was reduced \$ 8.8 million compared to the budgeted amount for FY 2013 due to declining populations. The budget before the board assumes the closure of two halfway houses, approved at the last meeting, and the closure of one secure facility. In FY 2015 funding for facilities will decline another \$6.1 million. Agency-wide, 160 positions were eliminated and operating funds were reduced across the board. Staff requests the Board approve the resolution as presented for the FY 2014 Operating Budget. Ms. Weiss moved to approve FY 2014 operating budget. Judge Brieden seconded. The motion passed unanimously.

Acknowledgement of Gifts

Mr. Meyer requested the Board acknowledge the donation of \$4,200 worth of athletic equipment from the University of North Texas to the Gainesville State School football team. Mr. Brown moved to acknowledge the gift. Judge Parker seconded. The motion passed unanimously.

Chairman Fisher recessed for a 10 minute break.

Ethics Audit

Eleazar Garcia, Chief Internal Auditor, noted a case study, conducted by the Institute of Internal Auditors, sourced the Federal Sentencing Guidelines, specifically Chapter 8, as the basis for evaluating the departments program. The Agency currently does not have an ethics program in place but meets five of the seven elements. There is no formalized oversight of the Ethics program and tracking of employees taking Ethics training should be improved. Management concurred with their findings. The Finance and Audit Committee recommended formalizing a process to manage ethical education of staff and board members. Ms. King moved to approve the audit. Mr. Matthew seconded. and the motion passed unanimously.

Parole Audit

Mr. Garcia presented the draft report audit. The parole program was risk-assessed the parole program and it was concluded that overall the Agency has an effective process in place. Areas for improvement are controls over approval, payment and documentation of invoices for specialized after-care services. Ms. Weiss moved to approve audit. Judge Parker seconded. The motion passed unanimously.

Procurement Card Audit

Mr. Garcia presented the draft report. This is a continuous audit that is reviewed monthly. Care currently in use at every facility and central office. One area of interest is providing guidelines for utilization, review and payment of toll fees. Mr. Ming and his staff are working to identify the right policies to implement. Management concurs with their findings. Dr. Rene Olvera moved to approve the audit. Ms. Weiss seconded. The motion passed unanimously.

Authorization to shorten the term of the Agreement for Construction and Operation of Secure Post-Adjudication Juvenile Facility Between the Taylor County Juvenile Board and the Texas Juvenile Justice Department

Chairman Fisher the legacy Texas Juvenile Probation Commission entered into an agreement with the Taylor County Juvenile Board and Taylor County in 1996, a 20-year agreement.

The bond money has been fully repaid. While the county is required to operate the facility for 20 years or face default, it is requesting to close the facility, as it is operating at an \$800,000 a year deficit. Having had paid back all money, the Taylor County Juvenile Board requests to change the agreement from a 20-year term to a 14-year term. The Office of General Counsel has found no reason not to do that.

Chelsea Buchholtz, Deputy General Counsel, clarified that the bonds have been repaid but they have not paid back the \$1.35 million to the Agency that would be required in the default. That is what they are trying to avoid, by allowing the shortening of the term rather than finding them in default. Mr. Bray reiterated the bonded indebtedness helped construct the facility and that has been paid back. The contract provides that if they default on the contract, they owe the money back to the Agency. The staff recommendation is to shorten the term to 14 years, allowing them to close the facility in the spring. TJJD will not be obligated to do anything with the facility, and juveniles will be relocated to other facilities across the state. Mr. Matthew moved to approve the recommendation. Judge Parker seconded. The motion passed unanimously.

Discussion and Possible Adoption of the Repeal of 37 TAC Chapter 346, Relating to Funding Formulas

Ms. Buchholtz presented the repeal to the board for final approval. There were no comments from the posting in the Texas Register. There are no changes to funding formulas for county funding but the mechanism for documenting the funding formula will be changed. By removing the funding formula from the rule process, they are creating flexibility. Ms. King moved to approve the resolution as presented. Judge Smith seconded. The motion passed unanimously.

Overview of Rule Review Process

Ms. Buchholtz reported that state law requires state agencies to review rules codified in the Texas Administrative Code every four years. TJJJD is responsible for 600 rules. The recommended process allows for all rules to be reviewed over a four-year period. The principal question is if particular rules are still needed. If not, the Agency will propose a repeal to the board. Rules will be brought to Board for review at each Board meeting for the next several years. Today's reviews concern most of Chapter 341, excluding some that require collaboration with the Advisory Council. No action is required. This is an introduction leading to Agenda Items 27 - 29.

Discussion and Possible Approval to Extend the Length of Time Emergency Rules in 37 TAC Chapter 355, Relating to Non-Secure Correctional Facilities Will Be in Effect for an Additional 60-day period, Beginning on September 30, 2013

James Williams, Senior Director for Probation & Community Services, requested the Board extend the emergency rules due to a delay in getting the formal 355 rules posted in the Texas Register for a comment period. Ms. King moved to approve the resolution as presented. Judge Parker seconded. The motion passed unanimously.

Discussion and Possible Approval to Publish Proposed Revisions to 37 TAC Chapter 341, and to Publish the Proposal to Complete the Rule Review for 37 TAC Chapter 341 in the Texas Register for a 30-Day Comment Period for the Following Rules: 341.1 - 341.4, 341.9, 341.10, 341.16, 341.35 - 341.41, 341.65 - 341.71 and 341.80 - 341.91

Williams stated this is a clean-up of the rules. In response to a question by a member of the Board, Lesly Jacobs, Deputy Director of Administrative Investigations Division, stated there are 43 Juvenile Probation Officers (JPOs) across 13 jurisdictions authorized to carry on duty only. They have to carry under the guidelines of 341(k) in addition to the policies and procedures set out in their individual jurisdictions. Mr. Griffiths added that the majority of County Probation Departments do not subscribe to this, it is an option. Ms. Jacobs stated that if a JPO is carrying a firearm, he or she must also carry an intermediate weapon, excluding striking or impact weapons. Examples of intermediate weapons are OC spray or tasers. Discussion ensued regarding the requirements for certification. Ms. Weiss moved to authorize staff to publish the rules as presented. Ms. King seconded. The motion passed unanimously

Discussion and Possible Approval to Publish Proposed Revisions to 37 TAC Chapter 341 and Chapter 344, and to Publish the Proposal to Complete the Rule Review for 37 TAC Chapter 341 in the Texas Register For a 30-day Comment Period, For the Following Rules: 341.28, 341.29 and 344.800

Lisa Capers, Senior Director of Administration and Training, reported that the Juvenile Justice Training Academy participated with the Office of the General Counsel in this rule review. She brought to the board some minor changes to the rules applicable to her division. First is to remove one rule out of Chapter 341 regarding certification of officers; repealing it in Chapter 341 and adding it to Chapter 344. The changes to 341.29 are minor terminology changes. Ms. King moved to authorize staff to publish the rules as presented. Judge Parker seconded. The motion passed unanimously.

Discussion and possible approval to publish proposed revisions to 37 TAC Chapter 341, and to publish the proposal to complete the rule review for 37 TAC Chapter 341 in the Texas Register for a 30-day comment period, for the following rules: 341.20, 341.47 - 341.56 and 341.60

Mr. Meyer spoke of changes to a few rules. One adds a new rule, 341.20. Section 221 in the Human Resources Code requires Juvenile Probation Departments to complete a risk and need assessment prior to disposition of a youth's case. 341.20 would implement that rule. Departments should have the option to access the Agency-provided risk and needs assessment tool free of charge. Another proposed change is to repeal subchapter H, Division 2 of non-caseworker systems and merge its content with Division 1 of that subchapter. CASEWORKER is the juvenile probation case management data system that departments use to track and report juvenile probation activity. The rules for using CASEWORKER versus non-CASEWORKER were identical; this change would merge that content into one section. Mr. Brown moved to authorize staff to publish the rules as presented. Ms. King seconded. The motion passed unanimously

Discipline of Certified Officers - Default Judgment Orders

a. Sergio Berunda, DH No. 13-25597-120370

Mr. Bray requested approval of the Default Judgment Order for Sergio Berunda, Midland County. Mr. Brown moved to approve the Default Judgment Order. Judge Brieden seconded. Mr. Smith recused himself from the vote. The motion passed unanimously.

Discipline of Certified Officers - Agreed Orders

a. John Chatman, DH No. 12-25163-120226

Mr. Bray presented and asked for approval of the Agreed Order for John Chatman, Galveston County. Mr. Brown moved to approve the Default Judgment Order. Judge Parker seconded. The motion passed unanimously.

Adjourn

The meeting was adjourned at 11:20 a.m.

The State of Texas
House of Representatives



P.O. BOX 2910
AUSTIN, TEXAS 78768-2910
512-463-0730
FAX: 512-463-5896

P.O. BOX 1397
CORSIANA, TEXAS 75151
903-872-9766

BYRON COOK
State Representative
District 8

Via Email - linda.brooke@jjd.texas.gov

August 29, 2013

Mr. Mike Griffiths
Executive Director
Texas Juvenile Justice Department
P. O. Box 12757
Austin TX 78711-2757

Dear Mr. Griffiths,

The purpose of this letter is to serve as a public document for the August 30, 2013 Texas Juvenile Justice Department (TJJD) board meeting. I would greatly appreciate it if you would read this into the record at the meeting.

As you take up Agenda Item #13 regarding the continuation or closure of youth facility operations, please consider the information illustrated in this letter and **postpone** action on this matter until all of the options may be further evaluated.

There is a valid concern that a premature negative message has been sent to the employees of the facility through the recommendation to close the Corsicana Residential Treatment Center (CRTC), **before** it has been fully demonstrated that this decision would be in the best interest of the juveniles and this state

In addition to having meetings with TJJD officials including; chairman, Scott Fisher, executive director Mike Griffiths and ombudsman, Debbie Unruh, I recently spent time touring the CRTC. The meetings and the tour offered facts that strongly indicate, without question, the closing of this treatment center and moving the at-risk offenders **would be a mistake**. Such actions could prove to be detrimental and even tragic for the juvenile population, **without** providing any benefit to our state.

In a recent meeting between Chairman Fisher, the Speaker and myself, Chairman Fisher stated that he would **not** make a recommendation to close any facility because the state would likely be faced with the challenge and expense of opening another facility within a couple of years.

While I understand that TJJD has to identify a facility for closure, this proposal needs to take into account how these juvenile offenders will receive treatment and the impact on the community. I have discussed this issue with the Speaker and his staff at length. Speaker Straus agrees we need to consider every option and develop a comprehensive plan for housing and treating these offenders, before considering the closure of any facility.

Once again, I would respectfully ask that the Board consider postponing action on Agenda Item #13.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "Byron Cook".
Byron Cook



Anderson ★ Freestone ★ Hill ★ Navarro



Formal Comments for Submission to the Texas Juvenile Justice Department (TJJD) Board Meeting

**Friday, August 30, 2013 – 9:00 a.m.
11209 Metric Boulevard, Austin, TX 78758**

RE: Agenda Item No. 13 - *Decisions for continuing facility operations, closure and accommodating displaced youth from facility closure (Action)*

“Mr. Chairman, Members of the Board—Good morning. Thank you for the opportunity to offer some comments on what I assure you is a vitally important issue to the constituents I serve in the City of Corsicana and Navarro County.

“In light of the now-formal recommendation of the TJJD to close the Corsicana Residential Treatment Center (the “facility”), I want to first express my disappointment. The staff have a history of providing the very delicate balance of security and personal attention to the youth population that is required for a facility of this type, and the local volunteerism and community involvement is unprecedented. Furthermore, I am not sure of any other TJJD facility that shares as positive and beneficial of a relationship as that which the facility shares with Navarro College.

“Over the last several months, Representative Byron Cook and I have spent a great amount of time communicating with you, Mr. Chairman, the TJJD executive staff, and most importantly members of the Legislative Budget Board (LBB). Representative Cook and I have pushed hard on the LBB leadership in our respective chambers—Speaker Straus and Lieutenant Governor Dewhurst—explaining to them the value that this facility brings to the youth population it serves, the TJJD system, the local community and the state. I expressed my concern that our state's rapid population growth might create the need for additional TJJD facilities in the very near future, thus making this closure unnecessary.

“Most recently, we have expressed to the Speaker and Lieutenant Governor our insistence that while we believe this facility should not close, the decision to accept or reject the TJJD recommendation must be made swiftly. No matter the LBB’s decision, if it is not made as immediately as possible, the youth population, facility staff and local community will suffer the consequences of an unofficial exodus of employees due to a lingering uncertainty of their future employment.

“One aspect of this process with which I have been pleased is the work of the TJJD staff to prepare a detailed and thoughtful plan for closure of the facility—specifically in regard to the youth population and facility staff. Though I do not desire to see this closure come to fruition, if it does, our first goal should most certainly be the secure transition of the facility’s youth population to the TJJD facility in Mart. Likewise, the hardworking employees of this facility should be afforded the opportunity to transfer elsewhere within the TJJD network; furthermore, I would hope that any staff members who so desired would be able to transfer to the nearby TJJD facility in Mart, particularly those who have the specialized skills necessary to care for the youth housed at the Corsicana facility. The TJJD plan which was provided to me and my staff addresses both of these issues appropriately.

“Finally, I want to address the long-term use of the facility if and when this closure takes place. It is absolutely incumbent upon the TJJD and the state to ensure the appropriate reuse, repurposing, governmental transition, or permanent sale of the property and to complete any necessary environmental remediation. To mandate the closure of this facility without attempting to maximize the potential of the abandoned property would be inappropriate—both in consideration of the local community, and the Texas taxpayers. Said differently, I do not want to see the State of Texas leaving the City of Corsicana and Navarro County financially to their own devices after many years of positive service at this facility.”

Submitted by: State Senator Brian Birdwell,

Signature: Brian Birdwell

Date: 30 Aug 2013