



**Texas Juvenile Justice Department**

**Board Meeting**

Brown Heatly Building – Hearing Rooms 1410 - 1430

4900 North Lamar Blvd., Austin, Texas 78751

Friday, March 22, 2013 – 9:00 a.m.

**BOARD MEMBERS PRESENT:**

Scott W. Fisher, Board Chairman  
MaryLou Mendoza  
The Honorable John Brieden III  
Jane Anderson King  
Dr. Rene Olvera  
The Honorable Jimmy Smith  
Melissa Weiss  
The Honorable Carol Bush

**BOARD MEMBERS ABSENT:**

Calvin Stephens  
The Honorable Laura Parker  
Rob Kyker  
Mike Meade

**EXECUTIVE STAFF PRESENT:**

Mike Griffiths, Executive Director  
Bill Monroe, Senior Director of Finance & Technology  
Teresa Stroud, Senior Director of State Programs & Facilities  
James Williams, Senior Director of Probation & Community Services  
Linda Brooke, Chief of Staff  
Brett Bray, General Counsel  
Roland Luna, Chief Inspector General  
Eleazar Garcia, Interim Chief Internal Auditor  
Debbie Unruh, Chief Ombudsman  
Jeannette Cantu, Executive Assistant

**OTHER GUESTS PRESENT:**

Doug Vance, Brazos County	Diana Goodwin, TJJD
Art Hinojosa, TJJD	Kevin DuBose, TJJD
Gaynell Doehne, TJJD	Kenneth Ming, TJJD
Tom Brooks, Harris County	Karol Davidson, TJJD
Jim Hurley, TJJD	Scott Friedman, TJJD
Terri Dollar, TJJD	Nadine Butler, TJJD

Melanie Cleveland, TJJJ  
Rebecca Thomas, TJJJ  
John Dahill, Texas Conference of Urban  
Counties  
Conrad Jones, TJJJ  
Steve Roman, TJJJ  
Emilio Mendoza  
Galen Carter-Jeffrey, UT Student Intern  
Samantha Prouty, UT Student Intern  
Katrena Plummer, TJJJ  
Luther Taliaferro, TJJJ  
Jim Southwell, TJJJ  
Monika Arvelo, TJJJ  
Ashley Kintzer, TJJJ

### **Call to Order**

Chairman Fisher called the meeting to order at 9:02 a.m. A quorum was present.

### **Prayer**

Chairman Fisher led the opening prayer.

### **Pledge**

The Pledge of Allegiance was recited.

### **Excuse Absences**

Calvin Stephens, Judge Parker, Mike Meade and Rob Kyker were absent. Mr. Joe Brown moved to excuse these absences. Mr. Jimmy Smith seconded. The motion was unanimously approved.

### **Public Comment**

There were no public comments.

### **January 18, 2013 board meeting minutes**

Dr. Rene Olvera moved to approve the January 18, 2013 meeting minutes. Ms. MaryLou Mendoza seconded. The motion was unanimously approved.

### **Report from the Chairman**

Chairman Fisher introduced two newly appointed Board members who are not yet confirmed by the Senate: Scott Matthew, Chief Probation Officer for Williamson County, and Becky Gregory, an attorney from Dallas. They will appear before the Senate Nominations Committee to be approved to move forward for confirmation by the full Senate. Mike Meade and Rob Kyker were being rotated off the Board. Ms. Mendoza, Chairman Fisher, and Carol Bush were reappointed.

### **Report from the Executive Director**

Mr. Mike Griffiths presented. The Agency will be moving to a new space located at 11209 Metric Blvd. at the end of April, a positive move. Mr. Griffiths highlighted the new logo for the Agency.

An article was published in the Austin American-Statesman about the PAWS program at Brownwood. This article garnered a lot of support from local community members. A local artist organized a fundraiser for the program and raised over \$3000 for the program. Another local company donated over \$200.

There has been a 24% decrease in workers' compensation claims from last year. Ms. Stroud is working on a task force to look at behavior management, and a request was posted in the Texas Register to alter a policy on stage demotion. Stage demotion is the ability for staff after a Level II hearing to reduce a youth's stage level, which currently is only available for three major rule violations. The request is to make this option available for all major rule violations. This would provide a more immediate consequence for youth that are misbehaving. Agency leadership will meet with advocates on April 12, and a public hearing will be held on April 22 to address this proposed change. A change to the minimum age requirement for a JCO employee from 18 to 21 years old was implemented in January 2013. Another change requiring all doors to be locked, resulting in lower youth-on-youth assaults was implemented in February 2013.

The Education Services division was highlighted in a national magazine. The Center for Educational Excellence in Alternative Settings recently published an article on their website describing a new performance management. The article highlights TJJD's quick steps to improve teacher accountability. This is being recognized nationally as a best practice.

Mr. Griffiths presented an overview of volunteer services, over 1300 volunteers working in chaplaincy, mentoring, internships, et cetera, who contribute over 68,000 hours of volunteer work annually. The agency has been chosen to lead the Global Youth Service Day.

Community commitment numbers are positive. It is important to highlight the difference between admissions and commitments. The State Auditor's office is doing a routine audit of the Education department and this will continue through August.

Copies of the Texas Juvenile Law Edition, 8<sup>th</sup> Edition were made available to the Board.

Mr. Griffiths highlighted those employees receiving tenure awards, and recognized the retirement of Chaplain John Stutz.

### **Legislative Updates**

Mr. Griffiths introduced Katrena Plummer, the Executive Projects and Activities Coordinator who also tracks bills filed that affect the agency. Over 5700 bills were filed this session. Ms. Plummer has identified 1300 bills that have some impact on the juvenile justice system. A general description of over 46 filed bills was presented to the Board in their materials. There will be more of a general understanding regarding the status of these bills in May. Any questions regarding these bills can be directed to Ms. Plummer.

### **Independent Ombudsman comments**

Chief Ombudsman Debbie Unruh presented. Over the last 30 days, the Independent Ombudsman's office visited all the secure facilities and most of the halfway houses, contract care, and parole facilities. There were no major issues or concerns. There is still work to be done but the agency is making changes and moving in the right direction.

### **Report from the Inspector General**

Inspector General Roland Luna presented. There has been a 15% increase in complaints overall, but the actual amount of cases being referred is significantly less. Approximately 58% of complaints received fall into one of three categories: assault, contraband, or absconders.

Several policy changes were implemented to ensure consistent reporting. The OIG met with Mr. Griffiths, Chairman Fisher, General Counsel Brett Bray and Deputy General Counsel Chelsea Buchholtz to enter into a new memorandum of understanding with the Special Prosecution Unit, which will be completed by next week. Inspector General Luna discussed revisions to his reports with the Safety and Security Committee, and he will be revising them accordingly to reflect specific requested data.

The Special Prosecutor Unit's (SPU) Board will be meeting in late March, and Mr. Bray and Inspector General Luna have been invited to attend. There are two or three items that Mr. Bray submitted for SPU staff consideration.

### **Report from the Advisory Council**

Mr. Doug Vance, Vice Chair of the Advisory Council presented. The standards subcommittee completed its initial project of reviewing the Compliance Resource Manual and has almost completed its second project of revising certain standards which will be reviewed by the Board later in this agenda. The standards subcommittee has started its third project to assemble an inaugural draft of nonsecure standards. Mr. Vance recognized individuals who had been instrumental in assisting with these projects. The Council also worked with TJJJ on the proposed Guidelines for the Discipline of Certified Officers.

Two more subcommittees were appointed at the last meeting. The first will work on the disbursement of mental health dollars in the budget, assuming this funding is approved. The second subcommittee was established to work with James Williams on the issue of parole.

The Council also discussed the Prison Rape Elimination Act (PREA). There was concern across the counties regarding the implementation of some PREA requirements; for example, the current child/staff ratio in juvenile probation facilities is 1:12, and PREA would require 1:8. There's a large fiscal note attached to this requirement, and no money is passed on to the counties. There are other issues of concern that Mr. Bray and others are working to address.

Ms. Estela Medina, Chair of the Advisory Council, presented to the House Corrections Committee on February 20 and gave testimony regarding the function and goals of the Advisory Council. The next Advisory Council meeting is scheduled for Thursday, May 9.

### **Finance and Audit Committee report**

Judge Brieden presented. Mr. Griffiths gave a budget update and referred to materials provided to the Board. TJJJ is working to restore a \$63 million reduction from its base appropriations. TJJJ is approximately 13% down at this time. There was a great deal of support for exceptional item requests. Mr. Monroe and Mr. Griffiths reviewed the details of these exceptional items. Mr. Griffiths also reviewed riders of significance to TJJJ. Discussion ensued regarding the detail of the budget update and the subsequent procedure that will follow in the legislature. Action items from the committee report are addressed in subsequent Board agenda items.

Eleazar Garcia, Chief Internal Auditor, discussed the ethics audit that is currently being conducted by a team of UT students on behalf of the agency. Mr. Garcia informed the Board that they may be contacted by these students regarding ethics.

### **Programs Committee report**

Dr. Rene Olvera presented. The focus of the recent committee meeting was reentry and reintegration. Over the past few years, the parole system has required some contracting with private agencies as well as the counties served by TJJJ parole officers, and this has resulted in some disintegration. Different sites were handling issues differently in terms of expectations, sanctions, et cetera. Work is underway to implement conformity in this area and to create a more fluid system in which the parole officers can tailor the level of a youth's supervision to their level of behavior.

Amy Lopez, Senior Director of Education Services, and Connie Simon, Workforce and Vocational Services Manager, presented information to the committee regarding the types of vocational and work integration programs that they are implementing through the school system. Barriers to reintegration include the Legislature's cutting of the former Rio Program, which taught a variety of soft skills, such as how to dress, how to greet people, and how to handle working in a hierarchy, et cetera. Despite cuts, they will be proactive in recreating the Rio Program in the facilities where they can.

There are only three workforce reentry specialists in the state of Texas. These positions work to create and maintain relationships with local employers and work with youth to help them enter or reenter the workforce. There is existing training offered to probation departments that could help probation officers provide some of these services.

### **Safety and Security Committee report**

Mr. Joe Brown presented. The committee received a report from the Chief Inspector General, Mr. Luna, and a report from Kevin Dubose on Administrative Investigations. Teresa Stroud presented an update on state programs and facilities. She's been working to redevelop some policies that will assist in improving safety and security of staff and youth.

The committee discussed the process for the Discipline of Certified Officers. The guidelines have been completed and will be addressed later in this agenda. The committee reviewed several policy changes that are also in the agenda below.

### **Parrie Haynes Committee report**

Mr. Jimmy Smith presented. Updates were presented at the committee meeting on day-to-day operations at the Parrie Haynes Ranch since C5 took over the lease. From January 10 to February 28, 755 youth and 97 adults have used the property. The property has been appraised at \$15-16 million.

### **Evins Facility Audit (Action)**

Mr. Garcia presented. The audit included objectives over suicide alerts, staff absences, student trust funds, advisory committee, physical exercise, et cetera. Grievances were reviewed. Overall the findings pointed toward a need for improvement and the need to implement some of the quality assurances that are required by policy. Agency leadership concurred with the findings. Judge Brieden moved to approve the audit. Mr. Smith seconded. The motion was unanimously approved.

### **Proposal to Amend the FY 2013 Audit Plan (Action)**

Mr. Garcia presented. The FY 2013 Audit Plan was previously approved by the Board in August 2012. Based on changes in management and processes, the Audit department is proposing to change its plan for the remainder of the fiscal year. Changes include deleting a safety and security audit, adding a monitoring and reporting audit, changing the reentry and reintegration audit to a parole audit, turning the monthly due process hearings audits into one full performance audit of due process, deleting a probation compliance audit, and adding an audit of student used PC's and flash drives. Judge Brieden moved to approve the amendment. Ms. King seconded. The motion was unanimously approved.

### **Juvenile Case Management System (JCMS) contract addendum for Fiscal Year 2013 (Action)**

Mike Griffiths presented. The JCMS system is replacing the legacy Caseworker system in the counties. Dallas and Tarrant Counties began creating an integrated data processing system with the capability of linking prosecutors, courts, and law enforcement all within the purview of statute together with probation departments. Funds were appropriated to bring TJJD on board. In August a resource sharing agreement was approved for 2012. This item comprises the 2013 resources sharing agreement that will move the project forward.

Discussion ensued regarding the annual maximum contribution of \$1.796 million, based on funds available, so this depends on whatever funds the legislature approves for that line item. Concerns were expressed regarding the ongoing cost to the counties for participating in meeting the state mandate. This problem will be resolved. Judge Brieden moved to approve the addendum. Ms. Weiss seconded. The motion was unanimously approved.

### **Review of Guidelines for the Discipline of Certified Officers**

Deputy General Counsel Chelsea Buchholtz presented. TJJD Disciplinary Guidelines for Certified Juvenile Probation and Supervision Officers is an instruction manual for staff attorneys that outline how to apply disciplinary actions. This has been a collaborative effort among TJJD and the Advisory Council. Ms. Buchholtz thanked those individuals who assisted in the process.

All informal comments and questions have been taken into consideration. There are five levels of discipline available: no action, written reprimand, probated suspension of certification, suspension of certification, and revocation of certification. Revocation is permanent. The Guidelines allow for the typical application of discipline at a certain level. A staff attorney can aggravate up or mitigate down a level at their discretion. If the facts of the case require any more flexibility, then the assigned discipline will need to be approved by General Counsel Brett Bray. Action will be required for rules connected with the discipline of certified officers later in the meeting, but this agenda item is for information only. This is an internal document and does not create any new policy.

### **Discipline of Certified Officers – Default Judgment Orders (Action)**

Mr. Bray presented. Proper notice was given to these officers and no response was received from them, warranting a Default Judgment Order. Mr. Brown moved to approve the default judgment orders. Judge Bush seconded. The motion was unanimously approved.

- a) Daniel Garcia, DH 12-4923-110127, Hidalgo County
- b) Derrick Luke, DH-12-0320, Harris County
- c) April Rush, DH 13-23918, Bell County
- d) Andrew Brown, 13-26130-120148, Hays County
- e) Edward Ambrose, 12-0257, Galveston County
- f) Travis Presly, 12-0340, Galveston County

### **Discipline of Certified Officers-Agreed Order (Action)**

Mr. Bray presented. An agreement has been reached between TJJD and the officer listed. Mr. Brown moved to approve the agreed order. Ms. King seconded. The motion was unanimously approved.

- a) Martina Fowler, DH 13-17838-120188, Atascosa County

### **Discussion and possible approval to submit for publication in the Texas Register for a 30-day public comment period revisions to the following sections of administrative code Chapter 343, relating to Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities (Action)**

Mr. James Williams, Senior Director of Probation and Community Services, presented. The proposal is jointly developed by TJJD staff, the TJJD Advisory Council standards subcommittee. The staff requests the approval of these revisions to be submitted for a 30-day public comment period in the Texas Register. Mr.

Williams reviewed the details of each section under consideration. Judge Bush moved to approve the submission of these changes to the Texas Register for a 30-day public comment period. Mr. Brown seconded. The motion was unanimously approved.

**Discussion and possible adoption of proposed amendments to administrative rule 349.410, relating to Administrative Review and Appeal of Investigation Findings (Action)**

Ms. Buchholtz presented. At last meeting, the Board approved rule changes related to the process of the discipline of certified officers. These rule changes were designed to allow for an expedited process for the review and appeal of investigative findings. There were also a couple of nonsubstantive changes. These rule changes were posted in the Texas Register for the 30-day comment period. That period has passed and no comments were received. Mr. Brown moved to adopt the amendments. Mr. Smith seconded. The motion was unanimously approved.

**Discussion and possible approval to submit revisions to administrative rule 380.9561, relating to Detention for Youth Pending Level I or II Hearing for publication in the Texas Register for a 30-day public comment period (Action)**

Mr. Williams presented. This rule establishes the criteria and procedure for detaining TJJD youth in a community detention facilities or TJJD secure units. The rule also addresses the requirements for conducting detention review hearings. The revision will allow for a youth to be placed back in a TJJD secure facility if they are found to be a danger to themselves or others, and the allegation that the youth committed a felony will no longer be required. This change is consistent with detention criteria in the Family Code. Other changes involve the number of times a parole officer will be required to visit a youth held in detention until their hearing. The current rule requires three visits within ten days but the proposed change would allow for only one visit within ten days. Judge Bush moved to approve the submission of these changes to the Texas Register for a 30-day public comment period. Mr. Brown seconded. The motion was unanimously approved.

**Harris County's Application for Permanent Variance for Title 37 Texas Administrative Code Section 343.600(6) Relating to Pre-Admission Tuberculin (TB) Testing Requirements for Placement of Post-Adjudication Juveniles (Action)**

Mr. Griffiths presented. This application was presented at the last Board meeting, and the issue was tabled at that time. An overview of the request was presented. Since the last meeting, research was conducted into the details of the issue, and documentation was provided to the Board from a variety of sources including medical personnel. Based on the new information, Mr. Griffiths and Dr. Parikh, Medical Services Director, both recommended granting the variance. Mr. Brown moved to grant the permanent variance. Ms. Weiss seconded. The motion was unanimously approved.

**Closed Session – Executive Session**

The Board recessed and reconvened in closed session at 11:05 a.m.

**Reconvene in open session, discussion and possible action regarding matters deliberated in closed Executive Session**

The Board reconvened in open session and acknowledged Mr. Griffiths' birthday with a surprise celebration.

**Adjourn**

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