

# BOARD MEETINGS

November 12 - 13, 2015

Austin, Texas



TEXAS  
JUVENILE ★ JUSTICE  
DEPARTMENT

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

**Trust Committee Meeting**  
11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, November 12, 2015– 10:00 a.m.

1. Call to order  
**Commissioner Jimmy Smith**
2. Discussion, consideration, and possible approval regarding the August 27, 2015 meeting minutes (Action)  
**Commissioner Jimmy Smith | Page 323**
3. Staff Report on activities of the Trust  
**Kathryn Mattingly**
4. Adjourn  
**Commissioner Jimmy Smith**

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- Committee meetings may include a quorum of the Board in attendance.
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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

**Finance and Audit Committee Meeting**  
11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, November 12, 2015 – 11:00 a.m.

1. Call to order  
**Jane King**
2. Discussion, consideration, and possible approval regarding excused absences (Action)  
**Jane King**
3. Discussion, consideration, and possible approval regarding the August 27, 2015 meeting minutes (Action)  
**Jane King | Page 329**
4. Updates from the Chief Information Officer  
**Elaine Mays | Page 341**
5. Discussion regarding the TJJD population and commitment trends  
**Rebecca Thomas | Page 349**
6. Updates from the Chief Financial Officer  
**Mike Meyer | Page 377**
7. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§385.8165 (Site Selection for Juvenile Facility Construction), 385.8170 (Acceptance of Gifts of \$500 or more), 385.9969 (Collection of Delinquent Obligations), 385.9971 (Student Benefit Fund), and 385.9990 (Vehicle Fleet Management) in the Texas Register for a 30-day public comment period (Action)  
**Mike Meyer | Page 55**
8. Discussion, consideration, and possible approval of Amendment #4 to the TechShare.Juvenile and Juvenile Case Management System-Basic 2013 Resource Sharing Addendum (January 1, 2016 to December 31, 2016) (Action)  
**Lisa Capers | Page 77**
9. Discussion, consideration, and possible approval of the Internal Audit Charter (Action)  
**Eleazar Garcia | Page 81**
10. Discussion, consideration, and possible approval of the Risk Assessment and FY 2016 Audit Plan (Action)  
**Eleazar Garcia | Page 87**

11. Discussion regarding the FY 2015 Annual Internal Audit Report

***Eleazar Garcia* | Page 95**

12. Discussion regarding the FY 2015 Annual Internal Quality Assessment

***Eleazar Garcia* | Page 405**

13. Discussion, consideration, and possible approval regarding Board authorization to designate a housing allowance for Chaplains for tax year 2016 (Action)

***Teresa Stroud* | Page 445**

14. Adjourn

***Jane King***

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

**Safety and Security Committee Meeting**  
11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, November 12, 2015 – 1:00 p.m.

1. Call to order  
**Judge Laura Parker**
2. Discussion, consideration, and possible approval regarding the August 27, 2015 meeting minutes (Action)  
**Judge Laura Parker | Page 415**
3. Report from the office of the Inspector General  
**Roland Luna | Page 33**
4. Report from the Administrative Investigations Division  
**Kevin DuBose | Page 45**
5. Report from the State Programs and Facilities Division  
**Teresa Stroud | Page 423**
6. Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9701, 380.9707, 380.9715-380.9727, and 380.9739-380.9747, relating to Security and Control (Action)  
**Teresa Stroud | Page 111**
7. Discussion, consideration, and possible approval to publish proposed rule review and revisions for 37 TAC §§385.9941 (Response to Ombudsman Reports) and §385.9951 (Death of a Youth) in the *Texas Register* for a 30-day public comment period (Action)  
**Teresa Stroud | Page 143**
8. Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9711, (Control of Seized Contraband or Potential Evidence), 380.9713, (Use of Canine (K-9) Teams), and 380.9729, (Directives to Apprehend) (Action)  
**Roland Luna | Page 151**
9. Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC Chapter 358, relating to Identifying, Reporting, and Investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents (Action)  
**Lesly Jacobs | Page 159**

10. Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC Chapter 341, relating to Juvenile Probation Department General Standards, 37 TAC §§343.616, 343.688, and §343.690, relating to Case Plans in Secure Facilities, and 37 TAC §355.654, relating to Case Plans in Non-secure Facilities, in the *Texas Register* for a 30-day public comment period (Action)

**James Williams | Page 181**

11. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§385.8101 (Public Information Requests), 385.8107 (Petition for Adoption of a Rule), 385.8111 (Complaints from the Public), 385.8136 (Notification to Public and Private Schools) 385.8141 (Confidentiality), 385.8161 (Notification of Facility Opening or Relocating), 385.8163 (Decentralization), and 385.8181 (Background Checks) in the *Texas Register* for a 30-day public comment period (Action)

**Kathryn Mattingly | Page 227**

12. Discussion, consideration, and possible approval regarding the discipline of Certified Officers- Agreed Orders (Action)

**Kaci Singer | Page 253**

- a. Katherine Karshis; 15-21360; 21360 (Bexar)
- b. Shannon Powers; 15-26835-140042 (Harris)

13. Discussion, consideration, and possible approval regarding the discipline of Certified Officers- Default Judgment Orders (Action)

**Kaci Singer | Page 263**

- a. Collins Ihejiawu; 15-9498-130215; 9498 (Collin)
- b. Delbert Parks; 15-12078-130159; 12078 (Dallas)
- c. Jacob Romero; 15-26465-140133; 26465 (Bexar)
- d. Darrell Smith; 15-24886-150011 & 15-24886-150135; 24886 (Collin)
- e. Charles Williams; 15-27564; 27564 (Dallas)

14. Review, discussion, and possible action regarding the 110<sup>th</sup> Judicial District Juvenile Board Application for Permanent Variance for Title 37 Texas Administrative Code Section 355.430(b)(1) and (2) related to Same-Gender Supervision Requirements (Action)

**Scott Friedman | Page 295**

15. Review, discussion, and possible action regarding the Smith County Juvenile Board Application for Permanent Variance for Title 37 Texas Administrative Code Sections 343.230(a)(4) and 343.226(b)(1-2) related to Natural Light Requirements in Specialized Housing Units (Action)

**Scott Friedman | Page 303**

16. Adjourn

**Judge Laura Parker**

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

**Programs Committee Meeting**

11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, November 12, 2015– 2:30 p.m.

1. Call to order  
**Riley Shaw**
2. Discussion, consideration, and possible approval regarding excused absences (Action)  
**Riley Shaw**
3. Discussion, consideration, and possible approval regarding the August 27, 2015 meeting minutes (Action)  
**Riley Shaw | Page 427**
4. State Facilities Performance Tracking  
**Teresa Stroud | Page 431**
5. Youth in Custody project overview  
**Rebecca Thomas & Teresa Stroud | Page 433**
6. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §385.8137, relating To Public and Media, in the *Texas Register* for A 30-day public comment period (Action)  
**Jim Hurley | Page 313**
7. Discussion, consideration, and possible approval to publish proposed rule review for 37 TAC §385.9981, relating to Sick Leave Pool Administration, in the *Texas Register* for a 30-day public comment period (Action)  
**Royce Myers | Page 319**
8. Adjourn  
**Riley Shaw**

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

**Board Meeting**

11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Friday, November 13, 2015 – 9:00 a.m.

1. Call to order  
**Chairman Fisher**
2. Prayer  
**Paula Martinez**
3. Pledge  
**Chairman Fisher**
4. Discussion, consideration, and possible approval regarding excused absences (Action)  
**Chairman Fisher**
5. Public comments  
**Chairman Fisher**
6. Discussion, consideration, and possible approval regarding the August 28, 2015 Board Meeting minutes (Action)  
**Chairman Fisher | Page 15**
7. Report from the Chairman  
**Chairman Fisher**
8. Report from the Executive Director  
**David Reilly**
9. Travis County Juvenile Probation Department presentation  
**Estela Medina**
10. Report from the Advisory Council  
**Estela Medina**
  - a. Recommendation to the Board on whether the Texas Juvenile Justice System should use one standardized risk assessment instrument or multiple approved instruments.
11. Report from the Inspector General  
**Roland Luna | Page 33**

12. Report from the Administrative Investigations Division  
**Kevin DuBose | Page 45**
13. Discussion, consideration, and possible approval to appoint the members of the Juvenile Records Advisory Committee (Action)  
**Nydia Thomas | Page 49**
14. Discussion, consideration, and possible approval of the Ethics Training schedule for Board members (Action)  
**Jill Mata | Page 53**
15. Report from the Trust Committee  
**Commissioner Jimmy Smith**
16. Report from the Finance and Audit Committee  
**Jane King**
17. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§385.8165 (Site Selection for Juvenile Facility Construction), 385.8170 (Acceptance of Gifts of \$500 or more), 385.9969 (Collection of Delinquent Obligations), 385.9971 (Student Benefit Fund), and 385.9990 (Vehicle Fleet Management) in the Texas Register for a 30-day public comment period (Action)  
**Mike Meyer | Page 55**
18. Discussion, consideration, and possible approval of Amendment #4 to the TechShare.Juvenile and Juvenile Case Management System-Basic 2013 Resource Sharing Addendum (January 1, 2016 to December 31, 2016) (Action)  
**Lisa Capers | Page 77**
19. Discussion, consideration, and possible approval of the Internal Audit Charter (Action)  
**Eleazar Garcia | Page 81**
20. Discussion, consideration, and possible approval of the Risk Assessment and FY 2016 Audit Plan (Action)  
**Eleazar Garcia | Page 87**
21. Discussion regarding the FY 2015 Annual Internal Audit Report  
**Eleazar Garcia | Page 95**
22. Report from the Safety & Security Committee  
**The Honorable Laura Parker**
23. Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9701, 380.9707, 380.9715-380.9727, and 380.9739-380.9747, relating to Security and Control (Action)  
**Teresa Stroud | Page 111**
24. Discussion, consideration, and possible approval to publish proposed rule review and revisions for 37 TAC §385.9941 (Response to Ombudsman Reports) and §385.9951 (Death of a Youth) in the *Texas Register* for a 30-day public comment period (Action)  
**Teresa Stroud | Page 143**

25. Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9711, (Control of Seized Contraband or Potential Evidence), 380.9713, (Use of Canine (K-9) Teams), and 380.9729, (Directives to Apprehend) (Action)

**Roland Luna | Page 151**

26. Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC Chapter 358, relating to Identifying, Reporting, and Investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents (Action)

**Lesly Jacobs | Page 159**

27. Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC Chapter 341, relating to Juvenile Probation Department General Standards, 37 TAC §§343.616, 343.688, and §343.690, relating to Case Plans in Secure Facilities, and 37 TAC §355.654, relating to Case Plans in Non-secure Facilities, in the *Texas Register* for a 30-day public comment period (Action)

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28. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§385.8101 (Public Information Requests), 385.8107 (Petition for Adoption of a Rule), 385.8111 (Complaints from the Public), 385.8136 (Notification to Public and Private Schools) 385.8141 (Confidentiality), 385.8161 (Notification of Facility Opening or Relocating), 385.8163 (Decentralization), and 385.8181 (Background Checks) in the *Texas Register* for a 30-day public comment period (Action)

**Kathryn Mattingly | Page 227**

29. Discussion, consideration, and possible approval regarding the discipline of Certified Officers- Agreed Orders (Action)

**Kaci Singer | Page 253**

- a. Katherine Karshis; 15-21360; 21360 (Bexar)
- b. Shannon Powers; 15-26835-140042 (Harris)

30. Discussion, consideration, and possible approval regarding the discipline of Certified Officers- Default Judgment Orders (Action)

**Kaci Singer | Page 263**

- a. Collins Ihejiawu; 15-9498-130215; 9498 (Collin)
- b. Delbert Parks; 15-12078-130159; 12078 (Dallas)
- c. Jacob Romero; 15-26465-140133; 26465 (Bexar)
- d. Darrell Smith; 15-24886-150011 & 15-24886-150135; 24886 (Collin)
- e. Charles Williams; 15-27564; 27564 (Dallas)

31. Review, discussion, and possible action regarding the 110<sup>th</sup> Judicial District Juvenile Board Application for Permanent Variance for Title 37 Texas Administrative Code Section 355.430(b)(1) and (2) related to Same-Gender Supervision Requirements (Action)

**Scott Friedman | Page 295**

32. Review, discussion, and possible action regarding the Smith County Juvenile Board Application for Permanent Variance for Title 37 Texas Administrative Code Sections 343.230(a)(4) and 343.226(b)(1-2) related to Natural Light Requirements in Specialized Housing Units (Action)

**Scott Friedman | Page 303**

33. Report from the Programs Committee

**Riley Shaw**

34. Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §385.8137, relating To Public and Media, in the *Texas Register* for A 30-day public comment period (Action)

**Jim Hurley | Page 313**

35. Discussion, consideration, and possible approval to publish proposed rule review for 37 TAC §385.9981, relating to Sick Leave Pool Administration, in the *Texas Register* for a 30-day public comment period (Action)

**Royce Myers | Page 319**

36. Discussion, consideration, and possible approval regarding Board authorization to designate a housing allowance for Chaplains for tax year 2016 (Action)

**Teresa Stroud | Page 445**

37. Closed Session – Executive Session

**Chairman Fisher**

- a. §551.071 Consultation with attorney (see footnote)
- b. §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)
- c. §551.074 Discussion regarding personnel matters

38. Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable (Action)

**Chairman Fisher**

39. Adjourn

**Chairman Fisher**

- The Texas Juvenile Justice Department Board reserves the right to limit the time and scope of public comments as deemed appropriate by the Board.
- The Board of the Texas Juvenile Justice Department reserves the right to take formal board action on any posted agenda item if necessary.
- Items may not necessarily be considered in the order in which they appear on the agenda.
- The Board of the Texas Juvenile Justice Department may go into closed session as authorized by the Texas Open Meetings Act as codified in Texas Government Code Section 551.071 with respect to any item.
- If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or [Jeannette.Cantu@tjtd.texas.gov](mailto:Jeannette.Cantu@tjtd.texas.gov)



**Texas Juvenile Justice Department  
Board Meeting  
JW Marriott San Antonio Hill Country Resort & Spa  
23808 Resort Parkway, Indian Paintbrush Room  
San Antonio, TX, 78261  
Friday, August 28, 2015, 9:00 a.m.**

**BOARD MEMBERS PRESENT:**

Scott W. Fisher, Board Chairman  
Riley Shaw  
The Honorable Jimmy Smith  
Scott Matthew  
The Honorable Laura Parker  
The Honorable Carol Bush  
Calvin Stephens  
MaryLou Mendoza  
The Honorable Becky Gregory

**BOARD MEMBERS ABSENT:**

Dr. Rene Olvera  
Jane Anderson King  
The Honorable John Brieden III

**EXECUTIVE STAFF PRESENT:**

David Reilly, Executive Director  
Chelsea Buchholtz, Chief of Staff  
Jill Mata, General Counsel  
Mike Meyer, Chief Financial Officer  
Roland Luna, Chief Inspector General  
Jeannette Cantu, Executive Assistant

Elaine Mays, Chief Information Officer  
Tushar Desai, Medical Director

**OTHER GUESTS PRESENT:**

|                                  |                         |
|----------------------------------|-------------------------|
| Estesla Medina, Travis Co.       | Mr. Mendoza             |
| Kevin DuBose, TJJD               | Vicki Andrews           |
| Debbie Unruh, OIO                | Shakira Pumphrey        |
| Jim Southwell, TJJD              | Edeska Barnes           |
| Libby Elliott, Governor's office | Carolyn Beck, TJJD      |
| Nancy Slott, TJJD                | Melanie Cleveland, TJJD |
| Doug Vance, Brazos Co.           | Emily Anderson, TJJD    |
| Clay Thomas, Brazos Co.          | Jerome Williams, TJJD   |
| Sheri Short, Navarro College     | Kaci Singer, TJJD       |
| Rachel Carrera, LBB              |                         |

### **Call to Order**

Chairman Fisher called the meeting to order at 9:01 a.m.

### **Prayer**

Jerome Williams opened the meeting with a prayer.

### **Pledge**

The Pledge of Allegiance was recited.

### **Discussion, consideration, and possible approval regarding excused absences**

Judge Parker moved to excuse the absences of Dr. Olvera, Ms. King and Judge Brieden. Judge Bush seconded. The motion passed.

### **Public Comments**

There were no public comments.

### **Discussion, consideration, and possible approval regarding the May 29, 2015 board meeting minutes**

Commissioner Smith moved to approve the May 29, 2015 meeting minutes. Judge Parker seconded. The motion passed.

### **Discussion, consideration, and possible approval regarding the July 1, 2015 board meeting minutes**

Mr. Stephens moved to approve the July 1, 2015 meeting minutes. Mr. Matthew seconded. The motion passed.

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

Mr. Reilly took a moment to introduce the Probation Chiefs present at the meeting; Estela Medina from Travis County, Doug Vance from Brazos County and Adeska Barnes from Jasper County.

Mr. Reilly stated that since the last board meeting, SB 1630 passed, session ended and staff spent a good amount of time this summer planning implementation of legislation and other agency initiatives. The agency had a Post Legislative Conference in July to discuss how the system is affected and in

connection with that conference also held a Budget Workshop to discuss the revised state financial assistance contract with the field.

Senate Bill 1630 by Senator Whitmire requires TJJ to finalize a regionalization plan by August 31, 2016. At the heart of regionalization is keeping more adjudicated youth within their home regions, including by accessing available local post-adjudication facility capacity and provider residential services. The regionalization plan itself will include sufficient mechanisms to divert 30 juveniles from TJJ commitment in FY 2016 and 150 in FY 2017. A task force of stakeholders will gather to work with the agency to establish details and timelines for implementation. Staff are focused on specifics such as defining population for this funding, reimbursement rates, appropriate performance measures, regional locations – both county and private, using common definitions for programs and services across the system, and many other details.

Additionally, under SB 1630, beginning in FY 2018, the commitment of youth to TJJ will be limited to determinate sentenced offenders unless the court determines that the youth has behavioral health or other special needs that cannot be addressed within the youth's home community.

TJJ is also required to establish a new division to administer the regionalization plan and monitor program quality and accountability. Staff are working on job descriptions, and anticipate hiring three regional administrators and a planner to support the effort. This division will work within the current Probation and Community Services division. Jobs will be posted in September.

Also mentioned in SB 1630 is the direction to consider repurposing options for the state facilities as the population in state facilities declines due to the regionalization effort.

The State Programs and Facilities division will be conducting a comprehensive review of current physical plant issues, infrastructure, staffing, and programming at all high restriction and halfway house locations. The purpose of this initiative is to better utilize state facilities to provide unique and customized programming at each location, based on population, community based opportunities, and physical plant factors. Staff are thinking about how facilities could be better utilized to serve kids throughout the system, not just on the state side. These ideas are due mid-September and staff are looking forward to seeing what ideas will be generated from this exercise. Staff will keep the board

apprised as these ideas unfold. Of course, all proposals must be evaluated within budgetary, statutory, and policy constraints.

The Youth in Custody Certificate Program is operated by Georgetown University Center for Juvenile Justice Reform's Program. It focuses on high end kids in state systems. Many years have been spent on prevention and diverting kids on the front end of the system. This particular program focuses on the kids that remain in the state systems across the country that are considered the deep end most challenging kids. The study is designed to provide agency leaders with a better understanding of serious, high-risk juvenile offenders, and to help guide staff through implementation of systemic change that will improve outcomes. The program includes the development and implementation of a capstone project that the team will complete over the next year or so. A team of staff went to D.C. for this project and came back full of ideas and ready to fully develop and implement the capstone project. The focus of this project will be increasing the flexibility of scheduling for some youth in our system.

Mr. Reilly updated the board on his recent travel activities.

Mr. Reilly updated the board on population, which since January, has increased eight percent in residential average daily population. This increase is predominately driven by an increase in determinate sentence commitments, which will have a more lasting impact on population figures. Through the end of July, FY 2015 new commitments to TJJ were higher by a total of 46, or 6.5%, compared to the same period in FY 2014. However, this is the new impact of a decrease early in the year followed by a larger increase: since January, new commitments were higher in each month than in the same month in FY 2014, by a total of 69 (16%). Determinate sentence commitments alone were higher through the end of July than in FY 2014, by a total of 40 (52.6%), which will have an ongoing impact on residential population. Of note, there was a decrease in adult certification dispositions over the same period that was of a similar magnitude. Indeterminate sentence commitments were higher by 6 (1.0%). Other, parole-related admissions were higher by a total of 19 (13%). In response to a question asked by Chairman Fisher, Mr. Reilly stated this increase in population appeared to be a trend in Dallas and Houston. He said this is certainly an issue that will be watched very closely and the Board and leadership offices will be kept informed.

Mr. Reilly informed the Board that the 17-member executive management team met for a day last month discussing how to be a more cohesive team and how to interact more meaningfully across divisions. There is a planned follow up retreat, for a day and a half in November, to spend time developing the agency's common vision and mission.

Over the last few months, it has become clear that what was called the Executive Director's Report reported primarily on state operations. Jim Hurley, Communications Director, has done a wonderful job collaborating with counties to receive stories to provide a more balanced and reflective representation of who the agency is today – one agency administering one system. The Texas Juvenile Justice Today will replace the Executive Director's Report.

Staff are beginning to update the agency website. It has been noticed that several of the board biographies listed are outdated. You can expect an email from Jim Hurley in the coming weeks to update and review these.

Rebecca Walters, former Director of Integrated State Operated Programs and Services, has joined the executive team to focus on a number of key areas important to the agency and the direction the agency is headed. With the many initiatives before the agency, the agency will benefit from having someone with intimate and frontline knowledge of the system that is removed enough from daily operations to be able to explore new approaches to familiar challenges. Rebecca will continue to directly manage the Central Placement Unit and will assume management responsibilities for Youth Services Contracts. In addition, Rebecca will begin reviewing ways the agency can reduce or consolidate the myriad reporting and documentation requirements that have evolved over the years, particularly affecting positions which have primarily direct care/treatment responsibilities

Lastly, Mr. Reilly announced the departure of Amy Lopez, Superintendent of Education Services. She submitted her resignation a few weeks ago to take a job with TDCJ's Windham School District. Luther Taliaferro, former Assistant Superintendent, has been named as Interim as a decision is made on a permanent replacement.

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

Estela Medina, Chair of the Advisory Council, provided the board with an updated contact list for the Advisory Council members.

Ms. Medina reported the councils work with TJJJ regarding the proposed budget structure, review and recommendations regarding the use of validated risk and needs assessments, and the Regionalization Task Force Group.

Ms. Medina stated that the Advisory Council respectfully recommends to the Board, that the process in place for the appointment and terms for the Advisory Council Members remain in effect within the parameters of the current statutory requirements.

The subcommittee continues its work on the Texas Administrative Code standards Chapter 341 which includes a review of the subsections regarding assessments and screening, data collections, restraints, case plans and case management.

The next meeting for the Advisory Council is scheduled on October 21, 2015 in College Station, Texas.

### **Legislative implementation update**

Carolyn Beck, Governmental Relations Specialist, reported the 84<sup>th</sup> Legislature filed about 6500 bills and resolutions this session and about 24% of those passed. Immediately after the session ended, staff began planning the Post Legislative Conference that was held in San Antonio. Staff also began planning for regionalization as required by SB 1630.

The agency is currently in the process of: transferring the Corsicana State Cemetery to the Corsicana State Home Alumni Association, modifying preservice training and on the job training requirements, working with Health and Human Services on a new process for suspending and reinstating health care benefits for youth in juvenile facilities, establishing graduation committees at each of the five secure facilities to determine if youth are qualified to graduate from high school, and starting to update the hearings manual and other legal documents to reflect changes in the penal code and the code of criminal procedure.

In addition to that, there were seven bills that passed that involved work groups or advisory councils of which TJJJ is part.

There were 16 bills that affect all state employees related to hiring and benefits that involve the agency updating the new employee orientation, human resources guidelines, and personnel policies and forms.

There were 16 bills that affect all state agencies related to purchasing, contracts, open records, rules adoptions, website compatibility, and the State Office of Administrative Hearings and the Administrative Procedures Act.

In response to a question by Chairman Fisher, Mr. Reilly announced that Dr. Desai would be the agency lead person for the Mental Health Task Force.

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

Roland Luna, Chief Inspector General, began his report for the OIG summary indicators for the Incident Reporting Center. The OIG criminal investigations submitted to prosecution shows a decrease in every category except for contraband. There has been a rise in contraband. Not because of the quantity in the secure environment. The canine team has simply been more active. There were 430 TJJJ active directives to apprehend issued, 31 OIG apprehensions, and 262 apprehensions by other agencies.

For the investigative life cycle, the average number of days to receive, evaluate and assign remain at 1, the average number of investigative days is 36, the average number of days for intake decision in 22, the average number of days for final disposition is 80 for a total life cycle of 139 days for submission to prosecution. The total number of room searches for the year is 4.411.

OIG hosted the Texas Violent Gang Task Force Quarterly Summer Meeting and provided training on how to build an effective security and gang intelligence program.

OIG was invited to provide training at the National Association of Inspectors General. The focus was how to build an effective Office of Inspector General and how to use social media to develop investigations.

OIG provided the keynote address at the Sam Houston State University Correctional Management Institute of Texas's Drugs Impact Conference.

OIG Conducted 2,135 youth status checks and 9,357 visitation background checks.

OIG continues to do good work in the Safety and Security Advisory Committee. The two committees that make up the advisory committee are the Critical Incident Review Committee and Use of Force Improvement Committee.

The Board recessed for a 10 minute break.

#### **Report from the Trust Committee**

Jimmy Smith, Chair of the Trust Committee, reported all committee members were present. Discussion in the committee included possible leases for the Parrie Haynes and Wende Trust property, liability insurance for the Board, staff report on activities of the trusts, John C. Wende and Parrie Haynes budget and investment policy and strategy.

#### **Discussion and possible approval to negotiate the terms of a new lease at the Parrie Haynes Ranch and authorize the board chairman, on behalf of the board, to take action regarding a lease between TJD and the Boys & Girls Club of Central Texas, and any subleases**

Jill Mata, General Counsel, reported the Parrie Haynes Ranch contains two tracts of land in Bell County, Texas. The Parrie Haynes Trust currently leases both of these tracts to the C5 Youth Foundation of Texas. C5 subleases the smaller tract to Spotted Horse Livery (SHL) to use as an equestrian center. The lease with C5 terminates on March 31, 2018.

The Trust has received interest in the Ranch from the Boys and Girls Club of Central Texas to build new buildings and bring more of their programming to the Ranch. The Boys and Girls Club has also stated they would like to sublease to both C5 and SHL so that both entities may continue their current operations at the Ranch, alone, and in conjunction with Boys and Girls Club activities.

The Boys and Girls Club serves about 18,000 youth in the region each year. They have already been utilizing the Ranch for some activities, working with C5. Leasing the Ranch to the Boys and Girls Club will

(1) give them the opportunity to make capital improvements to the property so they may increase the number of youth that can be served by participating in activities there, (2) alleviate the difficulties the Trust has experienced in the past under the current lease arrangement, and (3) allow the Trust the opportunity to enter into a more profitable, clear, and secure agreement.

Based on the conversations the Trust Committee the previous day, a revised resolution was presented to negotiate the terms of the new lease for the Parrie Haynes Ranch in accordance with the direction provided by the Trust Committee members and authorize the Board chairman on behalf of the Board to take action regarding the lease between TJD and the Boys and Girls Club of Central Texas and any subleases. In response to a question by Chairman Fisher, Ms. Mata confirmed that C5 was in agreement with this change. Ms. Mata discussed the agreement of \$5,000 per month for a 15 year lease with two 5 year extensions. The issues that came up for the Trust Committee was that the Trust experience full profit from that amount of money and that any expenses that the Trust experiences, officer and director insurance, be billed separately among each Trust. Discussion ensued regarding the insurance.

Commissioner Smith moved to approve the revised resolution. Mr. Matthew seconded. The motion passed.

**Discussion of 2015 Wende Trust property appraisals and possible approval to renegotiate the present lease with McDonald's Corporation for the property located at 1209 Barton Springs Road**

Chairman Fisher explained that the property on Barton Springs Road in Austin is currently leased by McDonald's Corporation and totals about 1.5 acres. The appraisals for the property were grossly understated. McDonald's approached the Trust with a proposal to enter a new lease and submitted an appraisal of the property as \$1,600,000. TJD, on behalf of the Trust, went through the General Land Office to obtain a separate appraisal that came back at \$3.6 million just for the McDonald's portion of the property, roughly over \$6 million dollars total for the 1.5 acres. McDonalds' current lease expires in 2024. Ms. Mata stated staff is requesting approval to renegotiate the present lease with McDonald's Corporation.

Ms. Mendoza moved to approve the resolution. Mr. Matthew seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 budget**

Emily Anderson, Director of Fiscal Affairs and Budget, reported the proposed FY 2016 budget for the two trusts. Budgeted expenditures are within the revenue and balances. The primary changes from the estimated 2015 activity are related to budgeting for possible increases in education assistance and possible miscellaneous expenditures referred to as other operating. Staff requests your approval of the budgets.

Mr. Matthew moved to approve the budgets. Mr. Riley seconded. The motion passed.

**Discussion and possible approval to purchase director and officer liability insurance for the board acting in their capacity as trustees of the John C. Wende and Parrie Haynes trusts for FY 2016**

Ms. Mata reported that at the direction of the Board, a directors and officer's liability insurance policy for the members of the Board in their capacity as trustees of the Parrie Haynes and John C. Wende Trusts was obtained. This policy covers all of the TJD Board members by name, solely concerning acts within the capacity of trustee duties, and excludes TJD itself from coverage. The policy also includes provisions for the insurance company to pay on behalf of the insured, creates a duty to defend, and includes a spousal extension. This policy will renew the policy in place, and change the names of the Board members to accurately reflect the current members of the Board. Staff requested approval to purchase director and officer liability insurance for the Board acting in their capacity as trustees of the John C. Wende and Parrie Haynes trusts for FY 2016.

Mr. Shaw moved to approve the resolution. Judge Parker seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2016 investment policy and strategy**

Mike Meyer, Chief Financial Officer, clarified that the proposed budgets for the two trusts the Board approved does not include the CDs about to be discussed. The Board has opted to use the Public Funds Investment Act standards for the cash assets and the two trusts which mean zero risk. Staff are not recommending any changes for FY 2016. Chairman Fisher stated that the consensus of the committee was to maintain zero risk.

Mr. Shaw moved to approve the resolution. Mr. Matthew seconded. The motion passed.

**Report from the Finance and Audit Committee**

Calvin Stephens, Chairman of the Finance and Audit Committee, reported the committee met with one member absent, Jane King. Items presented will be heard by the Board.

**Discussion, consideration, and possible approval regarding the JCMS 2013 Resource Sharing Addendum Amendment No. 3**

Lisa Capers, Senior Director of Training and Organizational Development, reported TJJJ has come to the Board twice before with amendments to this agreement. Staff is requesting approval for this third and final amendment to this agreement that will extend the agreement through the end of the year.

Mr. Stephens moved to approve the resolution. Mr. Shaw seconded. The motion passed.

**Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00.**

Mr. Meyer stated per policy, any contract exceeding \$500,000, and any other contract deemed appropriate for Board approval, will be presented to the Board.

The discussion in the committee meeting yesterday included how the total of the not-to-exceed amount in the FY16 column is more than the amount the agency has available for residential placement. Also discussed was the increase from FY15 to FY16. On the second point, the agency has additional funds available to increase the use of contract beds so there would be an increase regardless. The rest of the increase is due to trying to maximize flexibility between the contracts. So room is built in for that flexibility. The not-to-exceed amounts gives the flexibility to manage those dollars. Chairman Fisher stated the dollars in the not to exceed amounts cannot be exceeded. Mr. Stephens stated that he wants to be clear that the agency does not reach the not to exceed amounts and that the Board be informed before it gets to that point. Mr. Meyer stated he would report at future meetings, where the agency is with these contracts.

Other one-year contract renewals: Department of Information Resources \$2.6 million, State Office of Risk Management \$4.2 million, and Consolidated Telecom \$507,378. Chairman Fisher asked how long

the agency's contract is with Consolidated Telecom and if they are the only provider available. Mr. Meyer said he would get this information.

The largest contract renewal for the agency is the University of Texas Medical Branch \$10.1 million. Chairman Fisher said there has been aggressive management of this contract.

In response to a question by Mr. Matthew regarding residential contracts for Pegasus and Gulf Coast Trades Center, Rebecca Walters, Director of Youth Placement and Program Development, stated that Pegasus has been a great provider for the agency to use for young offenders. Gulf Coast Trades Center has been used as a transition for youth who start in high secure facilities. Staff have maintained a lot of flexibility in the Central Placement Unit so when youth are found to best belong in a program, we'll find a way to get them in that program.

Mr. Stephens moved to approve the resolution. Commissioner Smith seconded. The motion carried.

**Discussion, consideration, and possible approval regarding the FY 2016 Operating Budget**

Mr. Meyer clarified that appropriations and the operating budget are built around projected populations. What is essentially done to accommodate the higher population at the start of the year is to operate a deficit the first few months and then make up for it when the population drops. In response to a question by Chairman Fisher, Mr. Meyer stated that feedback from leadership offices has been thankful for letting them know and that they too are concerned with what the impact will be on the agency's operational costs. Chairman Fisher stated that he thinks it will be a good thing to do some research to see if this is a national trend, a trend in our region or if Texas is the only one this is happening with.

Ms. Anderson stated this year's budgeting process was an intense one that relied heavily on the input of directors and managers and other staff across the agency. The process utilized to develop this budget provided directors and managers with valuable historical spending patterns as well as detailed operating budgets. Ms. Anderson then walked through each goal of the proposed budget.

The budget before the Board is within the boundaries of the agency's legislative appropriations while providing the ability to accomplish its mission. There is, however, very little room for error and virtually no room to explore special projects or unmet needs. Careful budget management and continuous efforts to recognize operational efficiencies may allow reallocation of resources to realign some of the budgetary pressures.

In response to a question by Chairman Fisher, Ms. Anderson confirmed there is little room in the operating budget for error.

Mr. Shaw moved to approve the budget and resolution as presented. Ms. Mendoza seconded. The motion carried.

#### **Acknowledgement of Gifts**

Mr. Meyer stated the Board is required to acknowledge gifts over \$500 in a public meeting. Ms. Maria Session, a Case Worker with the Schaeffer Halfway House, donated a stationary bike to promote health and wellness. In response to a question by Mr. Stephens, Mr. Meyer stated he believed that agency staff probably assessed the value of the bike but that he would confirm and ensure that the agency is doing what is legally required for accepting gifts.

Judge Parker moved to acknowledge the gift. Judge Bush seconded. The motion carried.

#### **Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9901 - 380.9911, relating to Youth Records, in the Texas Register for a 30-day comment period**

Kaci Singer, Staff Attorney, stated as part of the agency's rule review process, the Office of General Counsel has completed its review of assigned rules related to Youth Records at State-Operated Programs and Facilities. As a result, staff recommended several revisions as outlined in the prepared materials. Staff requested the Board's approval to publish the proposed rule revisions and repeals in the Texas Register for public comment.

Mr. Shaw moved to approve submittal of the proposed rule for public comment. Mr. Matthew seconded. The motion carried.

**Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9931 - 380.9933, relating to Youth Funds, in the *Texas Register* for a 30-day comment period**

Mr. Meyer stated the review of these rules was motivated by an internal audit in 2013 that found that the agency needed to clarify procedures for transferring student funds when a youth was transferred to adult prison. When staff reviewed the rules, other non-substantive corrections and clarifications were found that needed to be made. The most substantive change is that when a youth is released, instead of providing them with \$10 the agency will now provide them with \$15.

Judge Parker moved to approve submittal of the proposed rule for public comment. Mr. Shaw seconded. The motion carried.

**Discussion, consideration, and possible approval regarding the Interstate Compact for Juveniles Audit 15-6**

Eleazar Garcia, Chief Internal Auditor, stated the objective of the Interstate Compact for Juveniles (ICJ) is to facilitate the transfer and supervision of juveniles who are on parole or on probation that move to or from the state. The expenditures on ICJ credit cards are supported and accurately recorded. Controls could be strengthened in the following areas: Establishing guidelines to ensure proper handling when a youth referral is not received, strengthening oversight for completion of home evaluations and progress reports, and establishing segregation of duties over use of the ICJ credit card.

Ms. Mendoza moved to approve the audit. Mr. Shaw seconded. The motion carried.

**Report from the Safety & Security Committee**

Judge Parker stated Chief Roland Luna provided his report. The committee heard from Teresa Stroud, Senior Director of State Programs and Facilities, regarding the facility report card and the PAWS expansion project.

**Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §380.9709, relating to Youth Search, and §380.9710, relating to Entry Search, in the Texas Register for a 30-day comment period**

Ms. Stroud presented the rule review for 380.9709 concerning youth searches and 380.9710 concerning entry searches. Staff took a great deal of input and discussion on these particular rules and the agency's priority on these rules is in the interest of safety and security.

In terms of a youth Search, staff recommended that the rule include the following exceptions to the general requirement that the staff member conducting a pat-down or strip search must be the same gender as the youth being searched: cross-gender searches are allowed in exigent circumstances (which are defined as any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or institutional order of a facility); and limited by consideration of facility and staff safety and security, TJJJ will honor the preference of a youth to be searched by a male or female staff member if the youth self-identifies as transgender or intersex and that identification is supported by collateral assessment processes. This rule will no longer include step-by-step processes for conducting pat-down searches and strip searches. Those will be addressed in internal procedures.

In terms of entry searches, staff recommended that the rule include the following exceptions to the general requirement that the staff member conducting a pat-down search at the entry point of a TJJJ facility must be the same gender as the person being search: cross-gender pat searches are allowed when it is not possible for a same-gender staff to conduct the search due to facility and staff safety and security; and limited by operational consideration and by facility and staff safety and security, TJJJ will honor the preference of a person to be searched by a male or female staff member if the person self-identifies as transgender or intersex. The list of prohibited items will be deleted from the rule. The rule will no longer include step-by-step processes for conducting pat-down entry searches. These processes will be addressed in TJJJ's internal procedures.

Judge Parker moved to approve submittal of the proposed rules for public comment. Judge Bush seconded. The motion passed.

**Discussion, consideration, and possible approval to publish proposed revisions and rule review within 37 TAC §§380.9951 and 380.9955, relating to Juvenile Correctional Officers, in the *Texas Register* for a 30-day comment period**

Ms. Stroud stated this rule review is relating to training of Juvenile Correctional Officers and staffing requirements. Recently passed legislation allows the agency to reduce the amount of training JCOs receive before assuming sole-supervision responsibilities from 300 hours to 240 hours. Ms. Stroud pointed out a few of the changes made, which are reflected in the materials.

Mr. Shaw moved to approve submittal of the proposed rules for public comment. Mr. Matthew seconded. The motion passed.

**Discussion, consideration, and possible final adoption of revisions to 37 TAC §343.236 and §343.238, relating to Secure Storage Areas and Hazardous Materials**

James Williams, Senior Director of Probation and Community Services, stated these rules have been posted in the Texas Register for public comment and there were no comments received.

Judge Parker moved to adopt the rules. Mr. Shaw seconded. The motion passed.

**Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 343, relating to standards for secluding residents from the general facility population**

Mr. Williams identified this as a hot topic and recognized Doug Vance, Chief Probation Officer for Brazos County, for his work and dedication on the Advisory Council subcommittee for reviewing these rules. These rules were posted for public comment, there were public comments received. The public comments were thoroughly reviewed by the Advisory Council subcommittee and General Counsel. The comment period is over. The changes are not of the nature that would require re-posting.

Judge Parker noted that the committee does recommend the Board adopt the final rules and moved to adopt the rules. Mr. Shaw seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the discipline of certified officers- Default judgment orders**

- a) **Hiran Emigdo Cruz; 15-24053-150072; 24053 (Cameron)**
- b) **Ricardo Gonzales; 15-27102-130234; 27102 (Webb)**
- c) **Edelmiro Silva Lopez; 15-29116-150072; 29116 (Cameron)**
- d) **Carlos Sanchez-Caballero; 15-28427-150072; 28427 (Cameron)**

Ms. Singer stated all officers were given notice by law, as required, and none responded. Staff requests you approve the default judgment order against these officers revoking their certification.

Judge Bush moved to approve the default judgement order. Commissioner Smith seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed orders**

- a) **Macarthur Eaglin; 15-26900-130168; 26900 (Bexar)**
- b) **Chasity Myles; 15-27641-140300; 27641 (Gregg)**

Ms. Singer presented agreed orders for certified officers. Judge Parker recused herself from the vote on the agreed order for Macarthur Eaglin. Judge Bush moved to approve the agreed order for Macarthur Eaglin. Mr. Matthew seconded. The motion passed.

Commissioner Smith moved to approve the agreed order for Chasity Myles. Judge Bush seconded. The motion passed.

**Report from the Programs Committee**

Chairman Fisher announced that due to Dr. Olvera having requested to be replaced on the Board, he has asked Riley Shaw to now chair the Programs Committee.

Mr. Shaw stated that the Programs Committee met and received a very comprehensive update from Dr. Desai as a Medical update. They also received a comprehensive update from Education.

**Discussion, consideration, and possible final approval of revisions and rule review within 37 TAC Chapter 347, relating to Title IV-E Federal Foster Care Programs**

Mr. Williams stated the purpose of this is to strike the rules since they are in the rules with the Department of Family and Protective Services. It was posted for public comment, there were none received.

Mr. Shaw moved to adopt the final rule. Mr. Matthew seconded. The motion passed.

The Board recessed for closed executive session at 11:09 a.m.

**Closed Session – Executive Session**

- a) **§551.071 Consultation with attorney (see footnote)**
- b) **§551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)**
- c) **Discussion regarding personnel matter and impact of GAA SB 2 authorized salary adjustments**

The Board reconvened in open session at 11:30 a.m.

**Reconvene in open session, discussion, consideration, and possible approval regarding matters deliberated in closed executive session, if applicable**

Chairman Fisher stated that the legislature raised the cap for the salary of the executive director. It should be noted that when Mr. Reilly, accepted the executive director position, he took a significant cut in salary to do so. The Board wants to increase his salary to \$192,556 annually, now that the legislature has raised the cap. This will restore some, but not all of his previous salary. This is an attempt to put his compensation on par with the chiefs to which he provides oversight.

Judge Parker moved to approve the resolution. Mr. Shaw seconded. The motion passed.

Chairman Fisher announced that the next Board meeting scheduled for October is being moved to November 12 and 13, 2015.

**Adjourn**

The meeting adjourned at 11:32 a.m.



TEXAS  
JUVENILE  JUSTICE  
DEPARTMENT

## OFFICE OF INSPECTOR GENERAL



Annual Report FY 15  
September 1, 2014 thru August 31st, 2015

## EXECUTIVE SUMMARY FISCAL YEAR 2015

The Office of Inspector General (OIG) was initially created in 2007 during the 80<sup>th</sup> Legislative Session to provide the primary law enforcement functions for the Texas Youth Commission (TYC). In 2011, following the 82<sup>nd</sup> Legislative Session, TYC and the Texas Juvenile Probation Commission (TJPC) were abolished, and the Texas Juvenile Justice Department (TJJD) was created. The OIG was established within TJJD for the purpose of investigating: (1) crimes committed by department employees, including parole officers employed by or under contract with the department; (2) crimes committed at a facility operated by the department or at a residential facility operated by another entity under contract with the department; and (3) crimes committed at any facility in which a child committed to the custody of TJJD is housed or receives medical or mental health treatment.

The OIG also operates a Legislative mandated “investigation hotline”, which is now referred to as the Incident Reporting Center (IRC). Information received by the IRC is assigned or referred by the OIG for corrective action review, resolution, and/or investigation.

During FY15, the IRC documented 12,582 calls, emails, and other communications (mail, fax, etc.) in the IRC database, which were assigned or referred as follows: 1,756 were assigned to OIG Criminal Investigations, 738 were referred to TJJD Administrative Investigations, 2,173 were referred to TJJD Youth Services, 5,300 were referred to TJJD Youth Rights, 1,288 were referred to TJJD Probation, and 1,327 were closed requiring no further action. It should be noted that closed IRC reports may include reports related to the entry of TJJD Directives to Apprehend into the Texas and National Crime Information Centers (TCIC/NCIC), reports alleging incidents not involving TJJD interests, reports forwarded to TJJD Human Resources, and duplicate reports.

During FY15, the OIG opened 1,823 Criminal investigations and closed 1,904, and OIG criminal investigations resulted in the following: 41 individuals were arrested, 68 cases were indicted, 7 cases were no billed, 67 cases had convictions, 194 cases were adjudicated, 404 cases were submitted to prosecution, 211 cases were accepted by prosecution, 53 cases were declined by prosecution, 110 cases resulted in being unfounded, and 540 cases were closed as not sustained. It should be noted that a closed criminal case can have multiple dispositions, such as arrest, indictment, and/or conviction. Additionally, OIG Apprehension Specialists were involved in the execution of 32 TJJD Directives to Apprehend.

The OIG is required to report to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the standing committees of the Senate and House of Representatives with primary jurisdiction of correctional facilities, the State Auditor, the Comptroller, the TJJD Board, the TJJD Executive Director, and on TJJD’s internet website.

This report, in addition to all previous OIG quarterly and annual reports, can be viewed online at the TJJD Internet website: <http://www.tjjd.texas.gov>.

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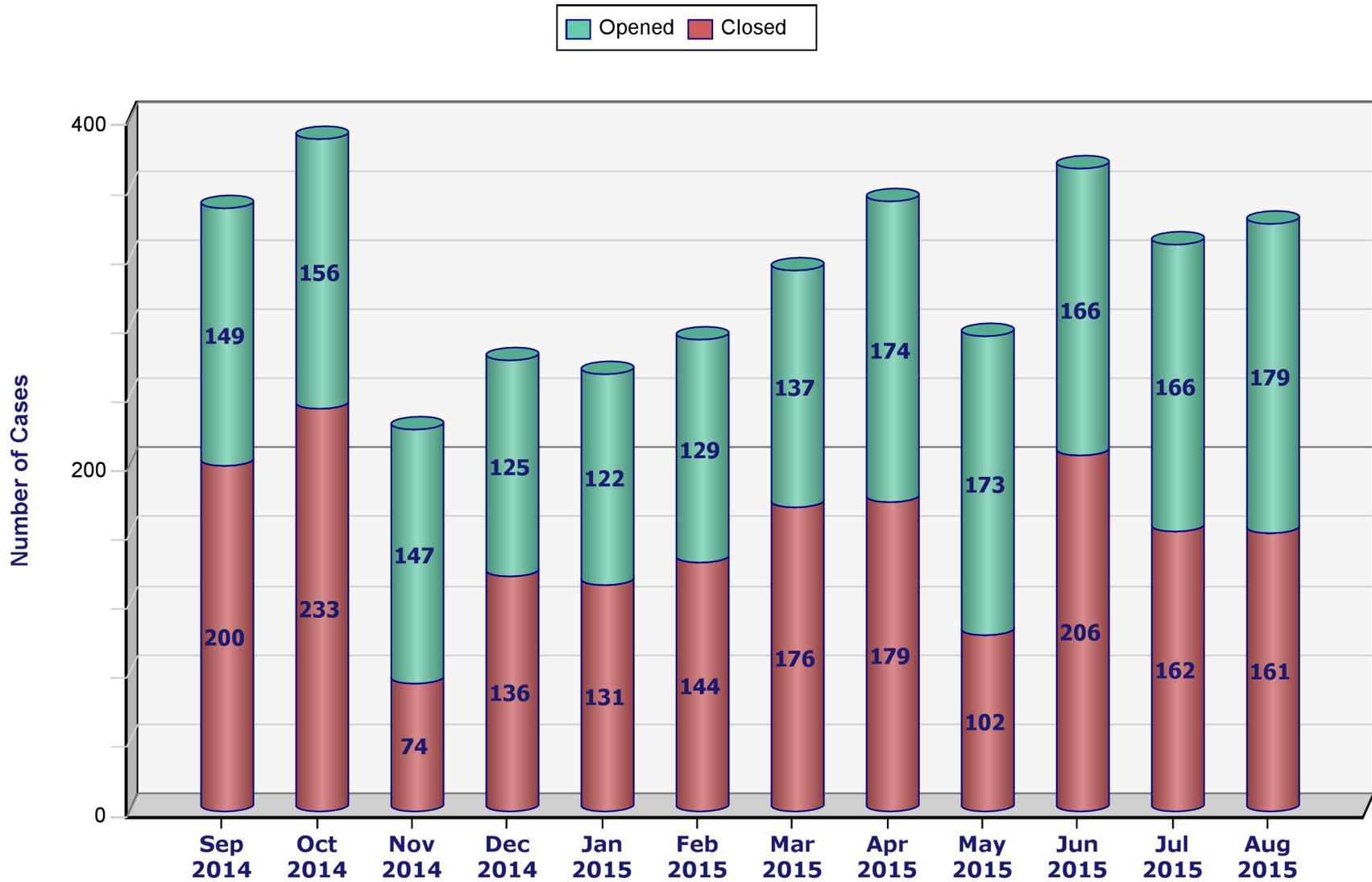
## *Total Reports by Month*

| Month        | Total Reports |
|--------------|---------------|
| Sep 2014     | 1164          |
| Oct 2014     | 1236          |
| Nov 2014     | 1049          |
| Dec 2014     | 1002          |
| Jan 2015     | 1018          |
| Feb 2015     | 901           |
| Mar 2015     | 1022          |
| Apr 2015     | 1009          |
| May 2015     | 1159          |
| Jun 2015     | 1013          |
| Jul 2015     | 1041          |
| Aug 2015     | 968           |
| <b>Total</b> | <b>12582</b>  |

## *Total Reports By Status*

|              | Closed      | Referred to Administrative | Referred to<br>OIG Criminal | Referred to Probation | Referred to Youth Rights | Referred to Youth Services | Total        |
|--------------|-------------|----------------------------|-----------------------------|-----------------------|--------------------------|----------------------------|--------------|
| Sep 2014     | 130         | 72                         | 137                         | 131                   | 497                      | 197                        | 1164         |
| Oct 2014     | 126         | 74                         | 147                         | 126                   | 495                      | 268                        | 1236         |
| Nov 2014     | 92          | 70                         | 150                         | 102                   | 446                      | 189                        | 1049         |
| Dec 2014     | 100         | 61                         | 124                         | 79                    | 461                      | 177                        | 1002         |
| Jan 2015     | 117         | 48                         | 115                         | 97                    | 468                      | 173                        | 1018         |
| Feb 2015     | 97          | 45                         | 124                         | 74                    | 393                      | 168                        | 901          |
| Mar 2015     | 118         | 63                         | 124                         | 95                    | 455                      | 167                        | 1022         |
| Apr 2015     | 124         | 50                         | 174                         | 105                   | 417                      | 139                        | 1009         |
| May 2015     | 119         | 88                         | 178                         | 111                   | 491                      | 172                        | 1159         |
| Jun 2015     | 105         | 76                         | 156                         | 92                    | 421                      | 163                        | 1013         |
| Jul 2015     | 100         | 50                         | 167                         | 116                   | 398                      | 210                        | 1041         |
| Aug 2015     | 99          | 41                         | 160                         | 160                   | 358                      | 150                        | 968          |
| <b>Total</b> | <b>1327</b> | <b>738</b>                 | <b>1756</b>                 | <b>1288</b>           | <b>5300</b>              | <b>2173</b>                | <b>12582</b> |

## **Total Cases Opened and Closed 9/1/2014 thru 8/31/2015**



## Prosecution Dispositions by Facility

9/1/2014 thru 8/31/2015

|                               | Submitted to Prosecution | Declined by Prosecution | Accepted by Prosecution | Indicted  | Arrested  | Dismissed | Convicted | Adjudicated | No Billed | Taken Into Consideration (TIC) | Petition  |
|-------------------------------|--------------------------|-------------------------|-------------------------|-----------|-----------|-----------|-----------|-------------|-----------|--------------------------------|-----------|
| <b>BROWNWOOD HOUSE</b>        | 1                        | 1                       |                         |           |           |           |           |             |           |                                |           |
| <b>COTTRELL HOUSE</b>         | 1                        |                         |                         |           |           |           |           |             |           |                                |           |
| <b>EVINS REG JUV CNTR</b>     | 50                       | 2                       | 41                      | 18        | 11        | 2         | 10        | 10          |           | 4                              | 15        |
| <b>GAINESVILLE</b>            | 64                       | 24                      | 11                      |           |           | 1         | 2         | 1           |           | 16                             |           |
| <b>GIDDINGS</b>               | 53                       | 9                       | 27                      | 13        | 5         | 1         | 10        | 13          |           | 6                              | 8         |
| <b>MCLENNAN II</b>            | 46                       | 7                       | 27                      | 11        | 3         | 2         | 10        | 12          | 4         | 7                              | 8         |
| <b>MCLENNAN O &amp; A</b>     | 1                        |                         |                         |           |           |           |           | 1           |           |                                |           |
| <b>MCLENNAN PHOENIX</b>       | 4                        | 1                       | 5                       | 4         |           | 1         | 4         | 1           | 1         | 1                              | 2         |
| <b>MCLENNAN RTC</b>           | 31                       | 3                       | 20                      | 5         | 1         |           | 10        | 14          | 2         | 5                              | 9         |
| <b>RJ YOUNG MALE</b>          | 2                        |                         | 1                       |           |           |           |           |             |           |                                |           |
| <b>RON JACKSON I &amp; II</b> | 139                      | 3                       | 73                      | 15        | 19        | 5         | 20        | 50          |           | 45                             | 20        |
| <b>RON JACKSON O &amp; A</b>  | 11                       | 2                       | 6                       | 2         | 2         | 2         | 1         | 7           |           | 1                              |           |
| <b>THE OAKS</b>               |                          | 1                       |                         |           |           |           |           |             |           |                                |           |
| <b>WILLOUGHBY HOUSE</b>       | 1                        |                         |                         |           |           |           |           |             |           |                                |           |
| <b>Total</b>                  | <b>404</b>               | <b>53</b>               | <b>211</b>              | <b>68</b> | <b>41</b> | <b>14</b> | <b>67</b> | <b>109</b>  | <b>7</b>  | <b>85</b>                      | <b>62</b> |

## Total Cases Closed By Penal Code & Disposition

9/1/2014 thru 8/31/2015

|   | Apprehension | Cleared by Exception | Closed- Accepted by Prosecution | Closed-Not Sustained | Sustained for Prosecution | Unfounded  |
|---|--------------|----------------------|---------------------------------|----------------------|---------------------------|------------|
| Abscond/Attempt Abscond_(Ad)                            | 32           |                      |                                 |                      |                           |            |
| Abuse Of Official Capacity                              |              |                      |                                 | 1                    |                           |            |
| Aggravated Assault                                      |              |                      |                                 |                      | 1                         |            |
| Arson   |              | 4                    |                                 |                      |                           |            |
| Assault   |              | 40                   |                                 | 14                   | 4                         | 1          |
| Assault On A Public Servant                             |              | 275                  | 58                              | 171                  | 60                        | 9          |
| Contraband In a Correctional Facility                   |              | 37                   | 2                               | 51                   | 2                         | 10         |
| Credit Card Or Debit Card Abuse                         |              |                      |                                 | 1                    |                           |            |
| Criminal Mischief                                       |              | 15                   |                                 | 1                    | 1                         |            |
| Escape/Attempt Escape (Es/Ae)                           |              |                      |                                 | 1                    | 1                         |            |
| Harassment By Persons In A Secure Correctional Facility |              | 83                   | 23                              | 7                    | 21                        | 1          |
| Improper Relationship Between Educator and Student      |              |                      |                                 | 1                    |                           |            |
| Indecency With A Child                                  |              | 51                   | 2                               | 67                   | 2                         | 10         |
| Indecent Exposure                                       |              | 3                    |                                 | 2                    |                           | 2          |
| Obstruction or Retaliation                              |              | 32                   | 1                               | 21                   | 1                         |            |
| Official Oppression                                     |              | 7                    | 3                               | 134                  | 2                         | 30         |
| Possession Of Controlled Substances Para                |              |                      |                                 | 1                    |                           |            |
| Prohibited Substances Corr Facil                        |              | 17                   | 2                               | 26                   | 7                         | 12         |
| Promotion Of Prostitution                               |              |                      |                                 | 2                    |                           |            |
| Robbery   |              | 1                    |                                 |                      |                           |            |
| Sexual Assault  |              | 2                    |                                 | 7                    |                           | 2          |
| Stalking  |              |                      |                                 | 1                    |                           |            |
| Tamper W/Government Record                              |              | 1                    |                                 | 1                    |                           | 4          |
| Terroristic Threat                                      |              | 8                    |                                 | 9                    |                           | 2          |
| Theft   |              |                      |                                 | 2                    |                           | 1          |
| Threatening U.S. President                              |              | 1                    |                                 |                      |                           |            |
| Unlawful Restraint/False Imprisonment                   |              |                      |                                 |                      |                           | 1          |
| Viol Civil Rights Person In Custody                     |              |                      |                                 | 1                    |                           | 1          |
| Viol Civil Rights Person In Custody - Sexual Assault    |              | 3                    |                                 | 18                   |                           | 24         |
| <b>Total</b>  | <b>32</b>    | <b>580</b>           | <b>91</b>                       | <b>540</b>           | <b>102</b>                | <b>110</b> |

## *Total Cases by Category*

*Date Opened Between 9/1/2014 and 8/31/2015*

| <b>Category</b>                              | <b>Total Reports</b> |
|--|----------------------|
| Abscond                                      | 32                   |
| Assault-Offender/Offender                    | 48                   |
| Assault-Offender/Staff                       | 771                  |
| Assault-Staff/Offender                       | 81                   |
| Contraband                                   | 179                  |
| Destruction of State Property                | 14                   |
| Drugs  | 33                   |
| Escape                                       | 3                    |
| Grievance                                    | 9                    |
| Inappropriate Relationship-Offender/Offender | 133                  |
| Inappropriate Relationship-Staff/Offender    | 51                   |
| Information Only                             | 55                   |
| Review-Human Resources                       | 1                    |
| Review-Intelligence                          | 1                    |
| Staff Misconduct                             | 101                  |
| Terroristic Threat                           | 93                   |
| Use Of Force                                 | 188                  |
| Waste, Fraud, & Abuse                        | 7                    |
| Youth Misconduct                             | 23                   |
| <b>Total</b>                                 | <b>1823</b>          |

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**Office of Inspector General  
Investigative Analysis**

| Summary Indicators  | FY15 Thru Sept | FY16 Thru Sept |
|---|----------------|----------------|
| <b>Incident Reporting Center (IRC) Reports</b>  | <b>1,164</b>   | <b>956</b>     |
| Referred to Administrative-AID State  | 72             | 76             |
| Referred to Probation-AID County  | 131            | 136            |
| Referred to OIG Criminal  | 137            | 177            |
| Referred to Youth Rights  | 497            | 413            |
| Closed  | 130            | 154            |
|   |                |                |
| <b>OIG Criminal Investigations Submitted to Prosecution</b>   | <b>39</b>      | <b>20</b>      |
|   |                |                |
| <b>Submitted to Prosecution Assaultive</b>  |                |                |
| Assaultive Category includes: Assault on Public Servant, Harassment by person in Correctional Facility, Retaliation, Assault, Official Oppression, Aggravated Assault, and Unlawful Restraint                               | 38             | 18             |
|   |                |                |
| <b>Submitted to Prosecution Sexual Offense</b>  |                |                |
| Sexual Category includes: Indecent Exposure and Indecency with a child  | 0              | 0              |
|   |                |                |
| <b>Submitted to Prosecution Property Damage</b>   |                |                |
| Property Category includes: Criminal Mischief and Arson   | 0              | 0              |
|   |                |                |
| <b>Submitted to Prosecution Contraband</b>  |                |                |
| Contraband Category includes: Prohibited Substance in Correctional Facility (Marijuana and Cocaine), Contraband, in a Correctional Facility, Deadly Weapon in Penal Institution, Possession of Marijuana, Child Pornography | 0              | 1              |
|   |                |                |
| <b>Submitted to Prosecution Other</b>   |                |                |
| Other Category includes: Terroristic Threat, Escape Offenses, False Reports, Misuse of Official Information, Tamper with Government Record, Theft, and Violation Civil Rights of Person in Custody                          | 1              | 1              |
|   |                |                |
| <b>TJJD Active Directives to Apprehend Issued</b>   | <b>42</b>      | <b>29</b>      |
| <b>OIG Apprehensions</b>  | <b>4</b>       | <b>0</b>       |
| <b>Apprehensions Other Agencies</b>   | <b>31</b>      | <b>23</b>      |
|   |                |                |

Office of Inspector General  
 Investigative Life Cycle  
 Contraband, Detection and Interception Division Activity

**Investigative Life Cycle**

| Date Range       | REA<br>Receive, Evaluate,<br>Assign | Average # of<br>Investigative<br>Days | Average # of days<br>for Intake Decision | Average # of Days for<br>Final Disposition | Total Days |
|------------------|-------------------------------------|---------------------------------------|--|--|------------|
| FY 15 thru Sept. | 1                                   | 37                                    | 20                                       | 80   | 138        |
|                  |                                     |                                       |  |  |            |
| FY 16 thru Sept. | 1                                   | 32                                    | 22                                       | 80   | 135        |
|                  |                                     |                                       |  |  |            |

**Contraband, Detection and Interception Division**

| Date Range       | Dorm Search | Open Search | Perimeter Search | Gate House Search | Rooms<br>Searched |
|------------------|-------------|-------------|------------------|-------------------|-------------------|
| FY 16 thru Sept. | 49          | 6           | 3                | 6                 | 1,109             |
|                  |             |             |                  |                   |                   |

**Texas Juvenile Justice Department  
Administrative Investigations Division  
Summary Comparisons  
September 1, 2014 – August 31, 2015**

**County Investigations Unit**

| <b>Report Type</b>                                       | <b>FY 2014</b> | <b>FY 2015</b> |
|--|----------------|----------------|
| Abuse, Neglect & Exploitation Investigations             | 389            | 348            |
| Complaints   | 47             | 73             |
| Grievances   | 1106           | 1040           |
| Non-Jurisdiction   | 70             | 48             |
| Non-Reportable   | 512            | 477            |
| Other Reports ( <i>Duplicates, Standards Violation</i> ) | 76             | 78             |
| Serious Incidents  | 744            | 743            |
| <b>Total Reports Received</b>                            | <b>2944</b>    | <b>2807</b>    |

| <b>Investigation Dispositions</b>                   | <b>FY 2014</b> | <b>FY 2015</b> |
|---|----------------|----------------|
| Already Investigated by TJJJ                        | 3              | 0              |
| Baseless Allegation                                 | 1              | 1              |
| Concur With Internal Investigation Disp             | 25             | 27             |
| Does Not Meet Abuse/Neglect Definition              | 43             | 19             |
| Not Under TJJJ Jurisdiction                         | 2              | 1              |
| Reason To Believe                                   | 20             | 15             |
| Ruled Out   | 239            | 125            |
| Unable To Determine                                 | 51             | 43             |
| Unable to Investigate                               | 2              | 0              |
| <b>Total Investigations Completed</b>               | <b>386</b>     | <b>231</b>     |
| <b>Active Investigations by Fiscal Year To-Date</b> | <b>3</b>       | <b>117</b>     |

**Texas Juvenile Justice Department  
Administrative Investigations Division  
Summary Comparisons  
September 1, 2014 – August 31, 2015**

**State Investigations Unit**

| <b>Investigation Type</b>          | <b>FY 2014</b> | <b>FY 2015</b> |
|------------------------------------|----------------|----------------|
| Abuse                              | 282            | 288            |
| Neglect                            | 74             | 42             |
| Exploitation                       | 10             | 17             |
| Policy Violation Investigations    | 926            | 715            |
| <b>Total Investigations Opened</b> | <b>1292</b>    | <b>1062</b>    |
| <b>Total Dispositions Assigned</b> | <b>1230</b>    | <b>1121</b>    |

*More than one investigation can be opened in a single case; therefore, more than one disposition can be assigned to a single case. The **Total Investigations Opened** vs the **Total Dispositions Assigned** will not match.*

## County Investigation Unit Definitions

**Baseless** - Clear and convincing evidence confirms that the allegation is spurious or patently without factual basis or that the conduct, which formed the basis of an allegation of abuse, neglect, or exploitation, did not occur.

**Concur** – A preponderance of evidence obtained during TJJJ’s investigation, which is in part supported by the internal investigation, determines that an incident occurred; however, the evidence is not necessarily definitive as to whether or not elements of the incident meet the statutory definition of abuse, neglect or exploitation.

**Does Not Meet the Statutory Definition** – A preponderance of evidence determines the conduct that formed the basis of the allegation does not meet the statutory definition of abuse, neglect or exploitation.

**Non-Reportable** – Incidents not statutorily required to be reported to the TJJJ, but which are received from the counties and documented by TJJJ.

**Previously Investigated** – The alleged incident was previously investigated by the TJJJ and therefore, further investigation by the TJJJ is unwarranted.

**Reason to Believe** – A preponderance of evidence substantiates that an incident that meets the statutory definitions of abuse, neglect or exploitation occurred.

**Referred** – The case is referred to the government entity with investigative jurisdiction when a preponderance of evidence confirms:

- The TJJJ does not have investigative jurisdiction;
- Law enforcement is conducting a criminal investigation; or
- Criminal prosecution is pending.

**Ruled Out** – A preponderance of evidence does not substantiate that an incident, which meets the statutory definition of abuse, neglect or exploitation, occurred.

**Unable to Determine** – A preponderance of evidence does not exist to substantiate that abuse, neglect or exploitation occurred; nor does a preponderance of evidence exist to rule out that abuse, neglect or exploitation did not occur.

**Unable to Investigate** – The TJJJ’s investigation cannot proceed because:

- The persons involved in the alleged incident cannot be identified or located;
- The persons involved in the alleged incident refuse to cooperate with the investigation;
- There is insufficient information to proceed with the investigation; or
- Evidence essential to the investigation is no longer obtainable.

## State Investigation Unit Disposition Definitions:

**Confirmed**--an investigation established that the allegation did occur.

**Exonerated**--an investigation established that the alleged incident occurred but was lawful and proper or was justified under existing conditions.

**Unable to Determine**--an investigation resulted in insufficient evidence to prove or disprove the allegation(s).

**Unfounded**--an investigation established that the allegation is false, not factual.

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Nydia Thomas, Special Counsel - Office of the General Counsel

Subject: Discussion, consideration, and possible approval to appoint the members of the Juvenile Records Advisory Committee (Action)

Date: October 14, 2015

---

In accordance with the mandates of House Bill 431 (84<sup>th</sup> – R.S.), the Texas Juvenile Justice Department (TJJJ) is required to establish a Juvenile Records Advisory Committee that is charged with the task of developing a plan to study, reorganize and comprehensively revise Chapter 58 of the Family Code and other laws pertaining to juvenile records. TJJJ is required to appoint an advisory committee and presiding officer no later than December 1, 2015.

Specifically, House Bill 431 requires the appointment of a cross-section of juvenile justice stakeholders including, chief juvenile probation officers, prosecutors, defense attorneys, peace officers, representatives of the Department of Public Safety and the Department of Family and Protective Services, judges, juvenile justice advocates and members of the public. As of the date of this board meeting, a member with federal and immigration records experience has not been identified.

A Resolution has been prepared and is included in the board meeting packet to fulfill the appointment obligations under HB 431. The Resolution contains a role-based list of recommended appointees. These experienced practitioners have been involved in variety of juvenile justice initiatives and their professional insight will be essential to fulfilling the duties of this legislation. It is anticipated that input from additional stakeholders and interested parties statewide will also be encouraged. Participants will not be paid or reimbursed for expenses associated with service on the committee.

The plan developed by the advisory committee will include statutory recommendations that will address the specific charge of the legislation. The committee's plan is due by November 1, 2016. The responsibilities outlined in the Act will expire on December 31, 2018.

**CHIEF JUVENILE PROBATION OFFICERS**

**Terry Allen**

Chief Juvenile Probation Officer  
Tyler County

**Marc Bittner**

Chief Juvenile Probation Officer  
33<sup>rd</sup> & 42<sup>nd</sup> Judicial Districts

**William Carter**

Chief Juvenile Probation Officer  
Lubbock County

**Ed Cockrell**

Chief Juvenile Probation Officer  
Jefferson County

**Ron Leach**

Chief Juvenile Probation Officer  
Montgomery County

**Jay Monkerud**

Chief Juvenile Probation Officer  
Caldwell County

**Lisa Tomlinson**

Chief Juvenile Probation Officer  
Johnson & Somervell County

**Lynne Wilkerson**

Chief Juvenile Probation Officer  
Bexar County

**Mark S. Williams**

Chief Juvenile Probation Officer  
Tom Green County

**JUVENILE PROSECUTORS**

**Riley Shaw (Presiding Officer)**

Chief Prosecutor, Juvenile Division  
Tarrant County

**Kim Hayes**

Chief Prosecutor, Juvenile Division  
Lubbock County

**JUVENILE DEFENSE ATTORNEYS**

**Chris Allen**

Juvenile Defense Attorney  
Conroe, Texas

**Larry McDougal**

Juvenile Defense Attorney  
Richmond, Texas

**Cynthia Porter-Gore**

Juvenile Defense Attorney  
Allen, Texas

**JUVENILE COURT JUDGES**

**Hon. Delinda Gibbs-Walker**

District Court Judge, Judicial District  
1 – A Jasper, Texas

**MUNICIPAL COURT JUDGE**

**Hon. Judith Haney**

Municipal Court, Woodville, Texas

**COURT ADMINISTRATORS/CLERKS**

**Barbara Gladden Adamick**

District Clerk  
Montgomery County

**Nathan Jensen**

Director, Court Administration  
Montgomery County

**PEACE OFFICER**

**Sgt. Erik Grasse**

Georgetown Police Department

**DEPARTMENT OF PUBLIC SAFETY**

**Angie Kendall**

DPS Deputy Administrator - Crime Records  
Division

**DEPARTMENT OF FAMILY & PROTECTIVE SERVICES**

**Larry Burgess, MSSW, LCSW**

DFPS Juvenile Justice Liaison

**Quoyna Gregg**

Senior Policy Attorney, Child Protective  
Services

**TEXAS JUVENILE JUSTICE DEPARTMENT**

**Jill Mata**

General Counsel

**Nydia Thomas (Committee Liaison)**

Special Counsel

**Kaci Singer**

Staff Attorney

**JUVENILE ADVOCATES**

**Elizabeth Henneke**

Policy Attorney, Texas Criminal Justice  
Coalition

**Lauren Rose**

Policy Associate, Texans Care for Children

**FEDERAL RECORDS & IMMIGRATION POLICY**

*To Be Identified*

**MEMBER OF THE PUBLIC**

Craig Kelso

Division Director  
Texas State Library & Archives  
Commission

**JUVENILE PROBATION DEPARTMENT & RECORDS PERSONNEL**

**Hope Harris**

Manager, Records  
Management/Custodian  
Tarrant County Juvenile Probation  
Department

**Samara Henderson**

Director of Probation  
Williamson County Juvenile Probation  
Department

**Chris Hübner**

General Counsel  
Travis County Juvenile Probation  
Department

**Tommy Parker**

Data Coordinator  
Grayson County Juvenile Probation  
Department

**RESOLUTION ATTACHMENT**

**JUVENILE RECORDS ADVISORY COMMITTEE APPOINTMENT ROSTER**



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO APPOINT THE MEMBERS  
OF THE JUVENILE RECORDS ADVISORY COMMITTEE**

On this 13th day of November 2015, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, the Juvenile Records Advisory Committee is established pursuant to House Bill 431, an Act of the 84<sup>th</sup> Texas Legislature, Regular Session and in accordance with the provisions of the Act, the members of the Juvenile Records Advisory Committee shall be appointed not later than December 1, 2015; and

**WHEREAS**, the Juvenile Records Advisory Committee will assist the Texas Juvenile Justice Department and statewide juvenile justice stakeholders with, among other things, the task of developing a plan to study, reorganize and comprehensively revise Chapter 58 of the Family Code and other laws pertaining to juvenile records; and

**WHEREAS**, the Act requires that the members of the Juvenile Records Advisory Committee shall represent a cross-section of juvenile justice stakeholders, including, chief juvenile probation officers, prosecutors, defense attorneys, peace officers, judges, representatives of the Department of Public Safety and the Department of Family and Protective Services, juvenile justice advocates, members of the public, and other state and federal practitioners; and

**WHEREAS**, the Act further vests the Texas Juvenile Justice Board with the authority to appoint the presiding chair and any other members necessary to fulfill the work of the Juvenile Records Advisory Committee.

**NOW, THEREFORE BE IT RESOLVED THAT** the Texas Juvenile Justice Board hereby makes, subject to the provisions of House Bill 431, the following appointments to the Juvenile Records Advisory Committee named in

the attachment incorporated herein by reference as the **Juvenile Records Advisory Committee Appointment Roster**.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

Signed this 13th day of November 2015.

**Texas Juvenile Justice Board**

---

Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

Jill Mata, General Counsel

Subject: Discussion, consideration, and possible approval of the Ethics Training schedule for Board members (Action)

Date: October 11, 2015

---

The Internal Audit Department conducted an audit of the agency ethics program in 2013 ("Audit of Ethics, Project 13-8"). The TJJD Board approved this audit at a meeting on August 30, 2013. Included in the audit was a recommendation that the general counsel work with the governing board to determine the need for periodic ethics related training in addition to the ethics training each new Board member receives.

After consultation with the general counsel, the Board Chairman recommended that periodic ethics training would occur upon each re-appointment to the Board. The general counsel recommends the adoption of the attached Resolution that memorializes this as the decision of the Board for purposes of providing a documented response to the Audit recommendation.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL OF PERIODIC ETHICS TRAINING AS A COMPONENT OF BOARD TRAINING FOR BOARD MEMBERS UPON RE-APPOINTMENT TO THE BOARD**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

**WHEREAS**, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, the TJJD Internal Audit Department conducted an audit of the TJJD Ethics Program in 2013; and

**WHEREAS**, the TJJD Board approved the audit which included the recommendation that the general counsel work with the governing board to determine the need for periodic ethics related training; and

**WHEREAS**, the TJJD General Counsel consulted with the board chairman;

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes each Board Member to receive ethics training as a component of board training upon each re-appointment to the Board.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

---

Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

Mike Meyer, Chief Financial Officer

Subject: Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§385.8165 (Site Selection for Juvenile Facility Construction), 385.8170 (Acceptance of Gifts of \$500 or more), 385.9969 (Collection of Delinquent Obligations), 385.9971 (Student Benefit Fund), and 385.9990 (Vehicle Fleet Management) in the Texas Register for a 30-day public comment period (Action)

Date: October 19, 2015

---

As part of the agency's rule review process, the Finance Division has completed its review of certain rules from Chapter 385 (Agency Management and Operations), Subchapter B (Interaction with the Public) and Subchapter C (Miscellaneous).

As a result of this review, the staff recommends revisions to the following rules:

- §385.8165 (Site Selection for Juvenile Facility Construction)
- §385.8170 (Acceptance of Gifts of \$500 or More)
- §385.9969 (Collection of Delinquent Obligations)
- §385.9971 (Student Benefit Fund)
- §385.9990 (Vehicle Fleet Management)

Attached to this memo please find:

- a table summarizing the content and proposed changes for the rules listed above;
- the text of the rules, including proposed changes; and
- a resolution for board action.

Staff requests the board's approval to publish the proposed revisions and a rule review notice in the *Texas Register* for a 30-day public comment period.

## Texas Administrative Code Rule Review

### 37 TAC Chapter 385, Subchapter B (Interaction with the Public) and Subchapter C (Miscellaneous)

Rules assigned to Finance Division

| Rule #   | Title of Rule                                     | Summary of Rule   | Is rule still needed? | Summary of Key Revisions   | Status of Revisions    |
|----------|---|---|-----------------------|--|------------------------|
| 385.8165 | Site Selection for Juvenile Facility Construction | Establishes a process for selecting sites for the construction of TJJD facilities.                                      | Yes                   | <ul style="list-style-type: none"> <li>• Removed the provision that exempted TJJD from following this rule when the only sites under consideration are “near” an existing TJJD or contracted facility.</li> <li>• Clarified that this rule applies only when the new facility will be <i>solely</i> owned and operated by TJJD.</li> <li>• Added that a designee of the executive director may select the staff members who will prepare the request for proposal (RFP).</li> <li>• Clarified that the geographical areas identified in the RFP are based on a projection of the number of youth committed to TJJD from those areas.</li> </ul>  | Ready for board review |
| 385.8170 | Acceptance of Gifts of \$500 or More              | Establishes requirements for TJJD to be able to accept gifts of \$500 or more.  | Yes                   | <ul style="list-style-type: none"> <li>• Clarified that this policy applies when the actual <i>or estimated</i> value is \$500 or more. When the actual value cannot be ascertained, the donor, the chief local administrator, or the chief financial officer or designee may assign an estimated value.</li> <li>• Added that TJJD’s written notice to the donor following action by the TJJD board must indicate that the gift has an actual or estimated value of \$500 or more but may not assign a specific value to the item unless the donor has provided suitable documentation of that value.</li> </ul>  | Ready for board review |
| 385.9969 | Collection of Delinquent Obligations              | Establishes procedures for TJJD to collect delinquent obligations or refer collection to the Attorney General’s Office. | Yes                   | <ul style="list-style-type: none"> <li>• Clarified that <i>all</i> delinquent child support payments owed to TJJD (not just child support payments over \$500) are processed under a different TJJD rule.</li> <li>• Removed the statement indicating that the Attorney General’s Office has reviewed TJJD’s criteria for determining when a debt will not be referred to the Attorney General’s Office for further collection.</li> <li>• Made several updates to conform to the Attorney General’s published guidelines relating to state agencies’ policies on collection of delinquent obligations.</li> <li>• Changed most occurrences of “should” to “shall” to reflect that TJJD is required to take the action.</li> </ul> | Ready for board review |

| Rule #   | Title of Rule            | Summary of Rule  | Is rule still needed? | Summary of Key Revisions  | Status of Revisions    |
|----------|--------------------------|--|-----------------------|---|------------------------|
| 385.9971 | Student Benefit Fund     | Establishes procedures for the deposit of funds into the student benefit fund. | Yes                   | <ul style="list-style-type: none"> <li>Removed the statement that indicated student benefit funds may be used for youth in contract facilities.</li> <li>Removed the statement that indicated funds donated for a specific purpose may be used to reward individual youth for their work or public activities performed off campus.</li> </ul>  | Ready for board review |
| 385.9990 | Vehicle Fleet Management | Establishes basic requirements for managing the TJJJ vehicle fleet.            | Yes                   | <ul style="list-style-type: none"> <li>Clarified that although the executive director or chief inspector general may assign a state vehicle to an individual employee, only the executive director may sign the documentation indicating that the individual assignment is critical to the mission of the agency. Signature by the executive director is a requirement of the comptroller's <i>Texas state Vehicle Fleet Management Plan</i>.</li> <li>Removed information relating to specific staff responsibilities and sub-pools within the TJJJ motor pool.</li> <li>Removed the requirement to submit an annual Fleet Operations Indirect Cost Report to the Comptroller's Office.</li> </ul> | Ready for board review |

|  |   |
|--|---|
| Chapter: Agency Management and Operations                      | <b>Effective Date: 12/31/96, T-40</b>   |
| Subchapter: Interaction with the Public                        |   |
| <b>Rule: Site Selection for Juvenile Facility Construction</b> |   |
| ACA: N/A   |   |
|  | Page: 1 of 2  |
|  | Replaces: <del>GOP.33.11, TAG</del><br><del>§81.12, 3/8/95, T-36</del><br><u>GAP.385.8165,</u><br><u>12/31/96, T-40</u> |

10-6-15 Daft

(a) **Purpose.**

~~This [The purpose of this]~~ rule ~~establishes [to establish]~~ a systematic process for selecting sites for the construction of juvenile facilities ~~that will be solely owned and operated by the Texas Juvenile Justice Department (TJJD).~~

(b) **Applicability.**

~~This rule does [Procedures herein do]~~ not apply when ~~the only [consideration in selection will include]~~ sites ~~under consideration are~~ adjacent to: ~~[or near]~~

- ~~(1) existing residential facilities owned or leased by TJJD; or,~~
- ~~(2) contracted residential [program sites or leased] facilities.~~

(c) General Provisions.

- ~~(1) [(e)] Sites should facilitate settings that provide safe [and secure] environments for staff and youth, meet applicable security requirement, and provide reasonable protection for the public.~~
- ~~(2) [(d)] TJJD selects [When sites other than those adjacent to or near existing TYC facilities will be considered, the agency will select] a site through a Request-for-Proposal [Request for Proposal] (RFP) process unless otherwise directed by the TJJD [TYC] board or Texas Legislature [state legislature].~~

(d)[(e)] Request for Proposals.

- ~~(1) An [A] RFP for the site selection of a [each] facility to be solely owned and operated by TJJD must [TYC shall] be prepared by staff selected by the executive director or designee.~~
- ~~(2) The RFP must: [shall]~~
  - ~~(A) identify the minimum requirements for the site and improvements that are necessary to accommodate [locate] the facility described in the RFP or contemplated by TJJD; and [TYC. The RFP shall]~~
  - ~~(B) include criteria to be used to evaluate the site and improvements.~~
- ~~(3) The geographical area(s) identified in the RFP are [RFPs for site selection will be] based on a projection of the number of youth committed to TJJD in the area(s) [population, projected by TYC staff for each area].~~
- ~~(4) All government entities and private groups or individuals within an identified area are [will be] encouraged to submit proposals. It is the responsibility of each proponent to obtain a copy of the RFP.~~
- ~~(5) The general criteria in the RFP must [shall] include, at a minimum, [but not be limited to,] the following general categories:~~

- (A) availability of [Availability of adequate, trained] labor force that is capable of meeting the operational needs of the facility and that represents the cultural diversity of the youth served;
- (B) availability [Availability] of adequate~~[, nearby]~~ medical facilities nearby;
- (C) availability [Availability] of academic and educational support;
- (D) availability [Availability] of fire and police ~~[protection and]~~ service in the immediate area;
- (E) location [Location] of the site in relation to existing properties [facilities such as] e.g., schools, churches, residential developments, etc.);
- (F) suitability [Suitability] of the site for ease of construction and cost effectiveness;
- (G) availability and accessibility [Availability] of utilities and appropriate infrastructure [to the site and accessibility of the site]; and
- (H) social [Social] impact and level of community support.

**(e) [(f)] Selection Process.**

- (1) The executive director selects [shall select] a review committee composed of TJJD [TYC] staff. The TJJD board chair appoints a TJJD [shall appoint one] board member to chair the committee.
  - (2) The review committee: ~~[shall]~~
    - (A) reviews [review] all proposals received;~~[.]~~
    - (B) evaluates [evaluate] the proposals based on the criteria stated in the RFPs;~~[.]~~ and
    - (C) ranks the [shall rank] proposals based on the evaluations [in preferential order].
  - (3) The chair of the review committee presents [will be responsible for presenting] the results of the review to the TJJD [TYC] board.
  - (4) Final site selection is [will be] made by the TJJD board unless otherwise directed [identified] by the Texas Legislature [state legislature].
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| Chapter: Agency Management and Operations  | <b>Effective Date: 11/8/05, T-75</b>   |
| Subchapter: Interaction with the Public  |  |
| <b>Rule: Acceptance of Gifts of \$500 or More</b>  | Page: 1 of 2   |
| ACA: N/A   | Replaces: <del>GAP.09.17, 9/25/00,</del><br><del>T-46</del> GAP.385.8170,<br>11/8/05 |
| <u>Statutes: Gov't Code Chapter 575, Gov't Code § 2204.002, Gov't Code § 2204, HR Code § 203.005</u> |  |

**10-5-15 Daft**

(a) **Purpose.**

~~This rule establishes a process for the Texas Juvenile Justice Department (TJJD) [The Texas Youth Commission (TYC) is authorized] to accept gifts, grants, or donations of money or property having an actual or estimated value of \$500 or more. [to carry out its duties. The Board is required to acknowledge the acceptance of such gifts having a value of \$500 or more not later than the 90th day after the date the gift is accepted. Legislative approval is required for the acceptance of gifts of real property.]~~

(b) **Applicability.**

~~(1) This policy applies to gifts that are to be administered or distributed by TJJD or that are to be used by TJJD to operate or improve TJJD's programs or facilities, including the following:~~

~~(A) gifts made to TJJD by community resource councils;~~

~~(B) gifts of money or property; and~~

~~(C) gifts that support a youth activity.~~

~~(2) This policy does not apply to the following:~~

~~(A) gifts made to community resource councils;~~

~~(B) volunteer services; or~~

~~(C) gifts made to individual youth.~~

~~[The Board acknowledgment requirement does not apply to gifts that are made by private individuals to volunteer councils, but does apply to gifts that are made directly to the agency by volunteer councils. Volunteer councils are separate legal entities and gifts to them are not covered by this policy. It applies only to gifts of money or property, not volunteer services. It applies to gifts that support a youth activity, but not to gifts that are made to individual youth. It applies to gifts that are to be administered or distributed by the agency or that are to be used by the agency to operate or improve agency programs or facilities.]~~

(c) **General Provisions [Procedures].**

~~(1) The Texas Juvenile Justice Board (Board) is required to acknowledge the acceptance of gifts having an actual or estimated value of \$500 or more not later than the 90<sup>th</sup> day after the date the gift is accepted. Legislative approval is required for the acceptance of gifts of real property.~~

~~(2) If the actual value of a gift cannot be ascertained, a gift may be assigned an estimated value of \$500 or more by the donor, the chief local administrator, or the chief financial officer or designee.~~

~~(3)[(4)] A gift that has an actual or estimated [a] value of \$500 or more must [shall] not be accepted from a person(s) who is involved in a contested case before the agency until the 30th day after the date the decision in the case becomes final.~~

- ~~(4)(2)~~ Gifts of cash to the agency must ~~[should]~~ not be accepted unless the check is made payable to "Texas Juvenile Justice Department ~~[Youth Commission]~~".
- ~~(5)(3)~~ Upon TJJD's ~~[TYC's]~~ receipt of a gift having an actual or estimated ~~[a]~~ value of \$500 or more, TJJD ~~must~~ ~~[TYC shall]~~ send ~~[to]~~ the donor a written acknowledgement of receipt of the gift and conditional acceptance, subject to the Board's ~~[Board]~~ acknowledgement of acceptance.
- ~~(6)(4)~~ The Board's acknowledgement of the gift is by a majority vote of the Board in an open meeting. The minutes of the Board meeting must ~~[shall]~~ reflect the name of the donor, a description of the gift, and the purpose of the gift.
- ~~(7)(5)~~ TJJD ~~must~~ ~~[TYC shall]~~ send written notification to the donor of the Board's action regarding the gift. The written notification must indicate that the gift has an actual or estimated value of \$500 or more, but may not assign a specific value to the item donated unless the donor has provided suitable documentation of that value.
- ~~(8)(6)~~ The executive director must ~~[shall]~~ approve the planned use of estate gifts having an actual or estimated ~~[a]~~ value of \$500 or more.
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| Chapter: Agency Management and Operations<br>Subchapter: Miscellaneous<br><b>Rule: Collection of Delinquent Obligations</b><br>ACA: N/A<br>Statutes: <u>Gov't Code §2107.002</u><br>References: <u>1 TAC §59.2</u> | <b>Effective Date: 9/25/00</b><br>Page: 1 of 7<br><u>NewReplaces:GAP.385.9969,</u><br><u>9/25/00</u> |
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10-6-15 Daft

(a) **Purpose.**

This rule sets forth procedures [The purpose of this rule is] to establish [procedures] and determine the liability of each person responsible for an obligation to the Texas Juvenile Justice Department (TJJD), whether that liability can be established by statutory or common law. [, and establish a process] This rule also establishes procedures for collecting delinquent obligations pursuant to §2107.002 of the Texas Government Code.

(b) Applicability.

This rule does not apply to [Any] delinquent obligations [obligation] for child support, which are [over \$500 is] processed according to §385.9967 [(GAP) §99.67] of this title [(relating to Court-Ordered Child Support)].

(c)[(b)] Definitions [Explanation of Terms Used].

The following words and terms have the following meanings when used in this rule.

- (1) **Attorney general** - The Office of the Attorney General of Texas, acting through its Bankruptcy and [the] Collections Division [and/or the Child Support Division of that agency].
- (2) **Debtor** - Any person or entity liable or potentially liable for an obligation owed to TJJD [the agency] or against whom a claim or demand for payment has been made.
- (3) **Delinquent** - Payment is past due[;] by law or by customary business practice, and all conditions precedent to payment have occurred or been performed.
- (4) **Make demand** - To deliver or cause to be delivered by first class United States mail a writing setting forth the nature and amount of the obligation owed to TJJD [the agency].
- (5) **Demand letter** - A writing making demand.
- (6) **Obligation** - A debt, judgment, claim, account, fee, fine, tax, penalty, interest, loan, charge, or grant.
- (7) **Security** - Any right to have property owned by an entity with an obligation to TJJD [the agency] sold or forfeited in satisfaction of the obligation; and any instrument granting a cause of action in favor of the State of Texas and/or TJJD [the agency] against another entity and/or that entity's property, such as a bond, letter of credit, or other collateral that has been pledged to TJJD [the agency] to secure an obligation.

(d)[(c)] Procedures [Guidelines] for Collecting Delinquent Obligations.

- (1) When TJJD [the agency] determines the liability of each person responsible for an obligation, whether that liability can be established by statutory or common law, TJJD's [the agency's] collection procedures shall apply to every debtor, subject to reasonable tolerances established by TJJD [the agency].
- (2) TJJD [Agency] records shall contain and reflect the identity of all persons liable on the obligation or any part thereof.

- (3) TJJD [Agency] records shall reflect the correct physical address of the debtor's place of business, and, where applicable, the debtor's residence. Where a fiduciary or trust relationship exists between TJJD [the agency] (or the state) as principal and the debtor as trustee, an accurate physical address shall be maintained. A post office box address should not be used unless it is impractical to obtain a physical address[;] or [where] the post office box address is in addition to a correct physical address maintained on TJJD's [the agency's] books and records.
- (4) Demand letters shall [should] be mailed in an envelope bearing the notation "address correction requested" in conformity with 39 Code of Federal Regulations, Chapter III, Subchapter A, Part 3001, Subpart C, Appendix A, §911 [§265(d)]. If an address correction is provided by the United States Postal Service, the demand letter shall [should] be re-sent to that address prior to the referral procedures described herein. Demand shall [should] be made upon every debtor prior to referral of the account to the attorney general. The final demand letter shall [should] include a statement [notation], where practical, that the debt, if not paid, will be referred [a copy is being sent] to the attorney general.
- (5) Where state law allows TJJD [gives the agency the right] to record a lien securing the obligation, TJJD shall file the [agency shall cause to be filed a] lien in the appropriate records of the county where the debtor's principal place of business, or, where appropriate, the debtor's residence, is located or in such county as may be required by law. The lien shall be filed as soon as the obligation becomes delinquent or as soon as is practicable. After referral of the delinquency to the attorney general, any lien securing the indebtedness may not be released, except on full payment of the obligation, without the approval of the attorney representing TJJD [the agency] in the matter.
- (6) Where practicable, TJJD [The agency] shall maintain individual collection histories of each account in order to document attempted contacts with the debtor, the substance of communications with the debtor, efforts to locate the debtor and his assets, and other information pertinent to collection of the delinquent account.
- (7) Prior to referral of the obligation to the attorney general, TJJD [the agency] shall:
- (A) verify [Verify] the debtor's address and telephone number;
- (B) transmit no more than two demand letters to the debtor at the debtor's verified address. The first demand letter shall [should] be sent no later than 30 days after the obligation becomes delinquent. The second demand letter shall [should] be sent no sooner than 30 days, but not more than 60 days, after the first demand letter. Where TJJD [agency] procedures, statutory mandates, or the requirements of this section indicate that a lawsuit on the account may be filed by the attorney general, the demand letters shall so indicate[;]
- (C)[(B)] verify[Verify] that the obligation is not legally uncollectible or uncollectible as a practical matter, as follows[;] By way of example, the following illustrations apply[;]
- (i) **Bankruptcy.**
- TJJD shall [Agencies should] prepare and timely file a proof of claim, when appropriate, in the bankruptcy case of each debtor, subject to reasonable tolerances adopted by TJJD [the agency]. Copies of all such proofs of claims filed shall [should] be sent to the attorney general absent the granting of a variance. TJJD [Agencies] shall maintain records of notices of bankruptcy filings, dismissals and discharge orders received from the United States bankruptcy courts to enable TJJD [the agency] to ascertain whether the collection of the claim is subject to the automatic stay provisions of the bankruptcy code or whether the debt has been discharged. TJJD [Agencies] may seek the assistance of the attorney general in bankruptcy collection matters where necessary, including the filing of a notice of appearance and preparation of a proof of claim.

(ii) **Limitations.**

If the obligation is subject to an applicable limitations provision that would prevent suit [collection] as a matter of law, the obligation shall [should] not be referred unless circumstances indicate that limitations have [has] been tolled or are [is] otherwise inapplicable.

(iii) **Corporations.**

If a corporation has been dissolved, has been [is] in liquidation under Chapter 7 of the United States Bankruptcy Code, or has forfeited its corporate privileges or charter, or, in the case of a foreign corporation had its certificate of authority revoked, the obligation shall [should] not be referred unless circumstances indicate that the account is clearly uncollectible [collectible].

(iv) **Out-of-State Debtors.**

If the debtor is an individual and is located out-of-state, or outside the United States, the matter shall [should] not be referred unless a determination is made that the domestication of a Texas judgment in the foreign forum would more likely than not result in collection of the obligation, or that the expenditure of TJJD [agency] funds to retain foreign counsel to domesticate the judgment and proceed with collection attempts is justified.

(v) **Deceased Debtors.**

If the debtor is deceased, TJJD shall [agencies should] file a claim in each probate proceeding administering the decedent's estate. If such probate proceeding has concluded and there are no remaining assets of the decedent available for distribution, the delinquent obligation shall [should] be classified as uncollectible and not be referred. In cases where a probate administration is pending, or where no administration has been opened, all referred obligations shall [should] include an explanation of any circumstances indicating that the decedent has assets available to apply toward satisfaction of the obligation.

~~[(vi) **Indicia of Inability to Pay.**]~~

~~[Where circumstances demonstrate a permanent inability of a debtor to pay or make payments toward the obligation, the obligations should not be referred.]~~

- (8) Not later than the 90th [30<sup>th</sup>] day after the date an obligation becomes delinquent, TJJD [the agency determines that normal agency collection procedures for an obligation owed to the agency have failed, the agency] shall report the uncollected and delinquent obligation to the attorney general for further collection efforts as hereinafter provided.
- (9) Reasonable tolerances adopted by the TJJD Finance Division [finance department and reviewed by the attorney general] are listed below and determine when an obligation shall not be referred to the attorney general for further collection. They are:
- (A) amount [Size] of the obligation is less than [debt -- anything under] \$500;
  - (B) existence [Existence] of any security;
  - (C) likelihood [Likelihood] of collection through passive means such as the filing of a lien where applicable;
  - (D) expense [Expense] to TJJD [the agency] and to the attorney general in attempting to collect the obligation;

- (E) ~~availability [Availability]~~ of resources both within ~~TJJD [the agency]~~ and within the Office of the Attorney General to devote to the collection of the obligation; or
  - (F) ~~debt [Debt]~~ is uncollectable as set forth in paragraph (7) of this subsection.
- (10) ~~TJJD may [An agency should]~~ utilize the "warrant hold" procedures of the Comptroller of Public Accounts authorized by the Texas Government Code, §403.055, to ensure that no treasury warrants are issued to debtors until the debt is paid.

(d) **Referral to Attorneys for Collection.**

(1) **Suit on the Obligation by In-House Attorneys.**

- (A) If ~~TJJD [the agency]~~ seeks to use in-house attorneys to collect delinquent obligations through court proceedings, ~~TJJD [the agency]~~ must submit a written request to the attorney ~~general's Bankruptcy and Collections Division[general]~~.
- (B) Upon the written approval of the attorney general, ~~TJJD [the agency]~~ may ~~file [bring]~~ suit ~~to collect [upon]~~ a delinquent obligation through an attorney serving as a full-time employee of ~~TJJD [the agency]~~. Where circumstances make it impractical to secure attorney general approval for every delinquent obligation upon which a lawsuit is to be filed, ~~TJJD [the agency]~~ may apply to the attorney general for an authorization to bring suit on particular types of obligations through attorneys employed full-time by ~~TJJD [the agency]~~. Such authorization, if given, must be renewed at the beginning of each fiscal year. ~~[The agency shall comply with reporting requirements that the attorney general may adopt pursuant to, Texas Government Code §2107.002.]~~
- (C) After an obligation is referred to ~~TJJD's [the agency's]~~ attorneys employed as in-house counsel, the obligation shall be reduced to judgment against all entities legally responsible for the obligation where the lawsuit and judgment will make collection of the obligation more likely and the expenditure of ~~TJJD [agency]~~ resources in recovering judgment on the obligation is justified.
- (D) Where authorized by law, ~~TJJD [the agency]~~ shall plead for and recover attorney's fees, investigative costs, and court costs in addition to the obligation.
- (E) Every judgment taken on a delinquent obligation ~~shall [should]~~ be abstracted and recorded by ~~TJJD [the agency]~~ in every county where the debtor owns real property, operates an active business, is likely to inherit real property, owns any mineral interest, or has maintained a residence for more than one year.

(2) **Referral to the Attorney General.**

- (A) ~~TJJD may [Agencies are encouraged to]~~ explore the exchange of accounts with the attorney general by computer tape or other electronic data transfer and ~~[to]~~ discuss any variances as may be appropriate. ~~TJJD [The agency]~~ and the attorney general may agree upon an exchange of certain minimum account information necessary for collection efforts by the attorney general.
- (B) ~~TJJD [Agencies]~~ may refer individual accounts to the attorney general ~~after [according to]~~ the procedures set forth in subsection ~~(d)(7)-(10) [(e)(7)(10)]~~ of this section. Individual accounts referred to the attorney general ~~shall [should]~~ include the following:
  - (i) copies of all correspondence between ~~TJJD [the agency]~~ and the debtor;
  - (ii) a log sheet (see subsection ~~(d)(6) [(e)(6)]~~ of this section) documenting all attempted contacts with the debtor and the result of such attempts;

- (iii) a record of all payments made by the debtor and, where practicable, copies of all checks tendered as payment;
  - (iv) any information pertaining to the debtor's residence and his assets; and
  - (v) copies of any permit application, security, final orders, contracts, grants, or instrument giving rise to the obligation.
- (C) Delinquent accounts upon which a bond or other security is held shall be referred to the attorney general no later than 60 days after becoming delinquent. All such accounts where the principal has filed for relief under federal bankruptcy laws shall be referred immediately, since collection of the security may obviate [prevent] the need to file a claim or to appear in the bankruptcy case.
- (D) The attorney general may decide that a particular obligation or class of obligations may be assigned after referral to the appropriate division within the Office of the Attorney General.
- (3) **Referral to Collection Firms or Private Attorneys.**
- (A) **Prior Approval of Attorney General.**
- Except as provided by §2107.003, Texas Government Code, TJJJ [The agency] may not contract with, retain, or employ any person other than a full-time employee of TJJJ [the agency] to collect a delinquent obligation without prior written approval of the attorney general. Any existing arrangements must receive the written approval of the attorney general to be renewed or extended in any fashion.
- (i) **Approval of Contract with Private Firm or Attorney.**
- Prior to contracting with, retaining, or employing a person other than a full-time employee of TJJJ to collect a delinquent obligation, TJJJ must submit a proposal to the attorney general requesting the attorney general to collect the obligation(s).
- [The agency may not contract with, retain, or employ a person other than a full-time employee of the agency to collect a delinquent obligation, without prior submission to the attorney general requesting the attorney general to collect the obligation(s).]
- (ii) TJJJ [The agency] must submit the proposed contract to the attorney general for written approval. The proposal must disclose any fee that TJJJ [the agency] proposes to pay the private collection firm or attorney. The attorney general may elect to undertake representation of TJJJ [the agency] on the same or similar terms as contained in the proposed contract. If the attorney general declines or is unable to perform the services requested, the attorney general may approve the contract. If the attorney general decides that TJJJ [the agency] has not complied with this subsection, the attorney general may:
- (I) decline to approve the contract; or
  - (II) require TJJJ [the agency] to submit or resubmit a proposal to the attorney general for collection of the obligation in accordance with this subsection.
- (iii) If the attorney general fails to act as set forth in clause (i) of this subparagraph within 60 days of receipt of the proposed contract or receipt of additional information requested, the attorney general is deemed to have approved the contract in accordance with this rule.
- (B) **Requirements of Proposed Contracts with Private Persons Presented for Attorney General's Approval. [for the proposal to contract with a private contractor presented for attorney general's prior approval must contain the following:]**

In addition to information required by other state laws, all contracts for collection of delinquent obligations must contain or be supported by a proposal containing the following:

- (i) a description of the obligations to be collected sufficient to enable the attorney general to determine what measures are necessary to attempt to collect the obligation(s);
  - (ii) explicit terms of the basis of any fee or payment for the collection of the obligation(s);
  - (iii) a description of the individual accounts to be collected in the following respects:
    - (I) the total number of delinquent accounts;
    - (II) the dollar range;
    - (III) the total dollar amount;
    - (IV) a summary of the collection efforts previously made by TJJD [the agency]; and
    - (V) the legal basis of the delinquent obligations to be collected.
- (C) Additional Requirements of Proposed Contracts with Private Persons Presented for Attorney General Approval. [Requirements of proposed contracts with private persons presented for attorney general approval should contain provisions stating the following:]

All contracts for collection of delinquent obligations shall contain provisions stating the following:

- (i) Litigation on the delinquent account is prohibited unless the private person [contractor] obtains specific written authorization from TJJD and the attorney general [the agency] and complies with the requirements of this rule;
- (ii) The person shall [private contractor is required to] place any funds collected in an interest bearing account with amounts collected, plus interest, less collections costs, payable to TJJD [the agency] on a monthly basis or by direct deposit to TJJD's [the agency's] account on a weekly basis with TJJD [the agency] billing once a month; in either case a listing of the accounts and amounts collected per account shall [should] be submitted to TJJD [the agency] upon deposit of the funds;
- (iii) The person [private contractor] shall refer any bankruptcy notice to TJJD [the agency] within three working days of receipt;
- (iv) TJJD [The agency] may recall any account without charge;
- (v) The person [private contractor] may not settle or compromise the account for less than the full amount owed (including collection costs where authorized by statute or terms of the obligation) without written authority from TJJD [the agency];
- (vi) The person [private contractor] is not an agent of TJJD [the agency] but is an independent contractor, [;] and the person [providing further that the private contractor] will indemnify TJJD [the agency] for any loss incurred by his violation of state and federal debt collection statutes or by the negligence of the person, his employees or agents; and
- (vii) Any dispute arising under the contract shall be submitted to a court of competent jurisdiction in Texas, unless any other venue is statutorily mandated, in which case the specific venue statute will apply, subject to any alternative dispute resolution procedures adopted by TJJD pursuant to Chapter 2009, Texas Government Code.

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| Chapter: Agency Management and Operations                      | <b>Effective Date:</b> <del>11/8/05, T-75</del>                                     |
| Subchapter: Miscellaneous                                      |   |
| <b>Rule: Student Benefit Fund</b>                              |   |
| ACA: 4-JCF-6B-12   |   |
| <u>Statutes:</u> Texas Human Resources Code §§242.062, 242.063 |   |
|  | Page: 1 of 2  |
|  | Replaces: <del>GAP.09.15, 8/28/98, T-43</del><br><u>GAP.385.9971, 11/8/05, T-75</u> |

10/7/15 Draft

(a) **Purpose.**

This ~~[The purpose of this]~~ rule establishes ~~[is to establish]~~ procedures for the deposit of funds into the student benefit fund. The student benefit fund is ~~[only to be]~~ used only for the education, recreation, or entertainment of the youth in residential facilities operated by the Texas Juvenile Justice Department (TJJD) [placements or contract care programs].

(b) General Provisions.

~~(1)[(b)]~~ Funds from the following sources are designated as student benefit funds:

~~(A)[(1)]~~ [a] proceeds from canteens or vending machines at TJJD [TYC] facilities in excess of the amount required to pay the expense of operating those canteens or vending machines;

~~(B)[(2)]~~ donations for youth activities;

~~(C)[(3)]~~ proceeds from youth fund-raising [fund-raising] projects; and

~~(D)[(4)]~~ contraband money deposited as a consequence of a Level II due process hearing.

~~(2)[(e)]~~ Funds that [which] cannot be accepted in compliance with state law and this rule, must be returned to the donor.

~~(3)[(d)]~~ For acceptance of gifts that have an actual or estimated [a] value of \$500 or more, see §385.8170 [§84.70] of this title, ~~[(r)]~~ relating to acceptance of gifts [Agency Acceptance of Gifts] of \$500 or more.

~~(4)[(e)]~~ Student benefit funds [Proceeds] may be used only to:

~~(A)[(1)]~~ provide [Provide] education, recreation, or entertainment to youth committed to TJJD; and [TYC]

~~(B)[(2)]~~ reimburse [Reimburse] youth ~~[, under certain circumstances,]~~ for personal property lost or damaged as a result of ~~[negligence by]~~ staff negligence in accordance with §380.9107[- See §94.7] of this title ~~[(relating to Youth Personal Property)]~~.

~~(5)[(f)]~~ Expenditures ~~[of funds]~~ must be justified to show no preferential treatment of certain individuals or groups of youth. However, expenditures are not required [do not have] to benefit every youth each time. ~~[Funds donated for a specific purpose may be used to reward individual youth for their work or public service activities performed off campus.]~~

~~(6)[(g)]~~ Donations must be used for the purpose designated by the donor unless state law prohibits such expenditure.

~~(7)[(h)]~~ Student benefit [These] funds are maintained in the Comptroller of Public Accounts - Treasury Operations ~~[(Fund Consolidation Appropriation Act) and all expenditures must conform to state purchasing rules and regulations]~~. ~~[(i)]~~ All expenditures must conform to state purchasing rules and regulations and other laws and regulations regarding general revenue fund expenditures except as necessary to reimburse youth under paragraph (4) of this subsection [subsection (e) of this section].

[See ACC.37.01 for implementation procedures.](#)

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Draft 10/6/15

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| Chapter: Agency Management and Operations | <b>Effective Date:</b> <del>11/4/11</del>   |
| Subchapter: Miscellaneous                 |   |
| <b>Rule: Vehicle Fleet Management</b>     | Page: 1 of 4  |
| ACA: 4-JCF-2A-24                          | Replaces: <del>GAP.99.90,</del><br><del>9/4/10GAP.385.9990,</del><br><u>11/1/11</u> |
| Statutes: Gov't Code § 2171.1045          |   |

(a) **Purpose.**

~~This rule establishes responsibilities for managing, assigning, and using the Texas Juvenile Justice Department (TJJD) vehicle fleet, as required by Texas Government Code §2171.1045. This rule also adopts certain procedures mandated in the *Texas State Vehicle Fleet Management Plan*. [The purpose of this policy is to establish the authority and responsibility for management and operation of the Texas Youth Commission (TYC) vehicle fleet and to adopt the rules and procedures mandated in the State Comptroller's Texas Procurement and Support Services Division (TPASS) Office of Vehicle Fleet Management's (OVFM) *State Vehicle Fleet Management Plan* in accordance with §2171.104, Government Code.]~~

(b) **Definitions.**

- (1) **Fleet Manager**--a TJJD [TYC] employee ~~[in the Central Office Support Services Department]~~ who is responsible for day-to-day agency-wide fleet management. ~~[Responsibilities include guidance to Central Office and field fleet motor pool operations and maintenance, data collection and reporting, and acting as the central point of contact with the TPASS OVFM.]~~
- (2) **Office of Vehicle Fleet Management (OVFM)**--the program within [primary office at] the state comptroller's Texas Procurement and Support Services Division (TPASS) that developed, under the direction of the State Council on Competitive Government, the *Texas State Vehicle Fleet Management Plan*. The OVFM [and] is responsible for managing the state vehicle reporting system and has authority to establish and to reduce an agency's fleet size. ~~[the development and implementation of actions for improving administration and operation on the state's vehicle fleet. The OVFM has the authority to review agencies' vehicle utilization and receive data relative to agencies' fleet operations and maintenance. It has ultimate authority to establish and also to reduce an agency's vehicle authorization levels based on defined utilization criteria.]~~
- ~~[(3) **Vehicle Control Officer (VCO)**--a TYC employee responsible for managing the assigned vehicle fleet at each agency location and acting as liaison with the agency fleet manager. In Central Office, the fleet manager is the VCO. In TYC regions, the finance/business chief local administrator is the VCO.]~~
- ~~[(4) **Vehicle Utilization Monitoring Group**--a special TYC group appointed by the executive director or his/her designee and chaired by the chief financial officer with cross-functional members that represent significant staff user groups and business staff to oversee development and implementation of TYC fleet management policy, and make recommendations to executive management relative to agency vehicle fleet matters such as vehicle authorization levels, purchasing, and replacement.]~~
- ~~[(5) **Mission Critical Vehicles**--the vehicles assigned to individuals identified as critical to the needs and mission of the agency.]~~
- ~~[(6) **Administrative Support Vehicles**--the vehicles assigned to agency locations, including sedans and vans that are used to transport staff to training, meetings, and other specific off-site staff responsibilities.]~~
- ~~[(7) **Maintenance and Supply Vehicles**--the assigned trucks and cargo vans used for the conduct of the basic logistics support (maintenance, supply, purchasing, delivery, etc.) function.]~~

~~[(c) — Fleet Management Structure.]~~

- ~~[(1) — The TYC executive director or his/her designee will provide executive-level oversight and support and serve as the final approval authority for major vehicle fleet decisions relative to policy, authorization levels, and appropriations requests based on the recommendations of the TYC Vehicle Utilization Monitoring Group and agency fleet manager.]~~
- ~~[(2) — The fleet manager, in coordination with the Vehicle Utilization Monitoring Group, will make allocation, distribution, purchasing, replacement, repair, and disposal decisions/recommendations to the executive director or his/her designee as appropriate. In consultation with the director responsible for facility business management, the fleet manager will coordinate the rotation of authorized vehicles between agency locations based on mission and utilization requirements.]~~
- ~~[(3) — VCOs are responsible for ensuring maintenance and repair of vehicles, scheduling use of motor pool vehicles, collecting and reporting fleet data, securing and issuing keys and fuel cards and documenting return of same.]~~

~~[(c)][(d)] Vehicle Fleet Size.~~

- ~~(1) TJJJ complies [TYC will comply] with all purchasing restrictions as outlined in the Texas State Vehicle Fleet Management Plan.~~
- ~~(2) TJJJ complies with [TYC will not exceed] the current vehicle fleet size [that is] mandated by OVFM, except as noted in paragraph (3) of this subsection.~~
- ~~(3) TJJJ may request a waiver of the authorized vehicle fleet size from OVFM in cases of legislatively mandated program changes, federal program initiatives, or a documented need resulting from program growth or changes [that would increase the authorized fleet size]. In such cases, the waiver request must document the specific reason for the need to exceed the authorized vehicle fleet size. [The fleet manager must certify in writing to OVFM any vehicles purchased due to legislatively mandated program changes, federal program initiatives, or need resulting from program growth or changes. All such waiver requests must be received in writing from the executive director or his/her designee and documentation must fully specify the mandate or need to exceed the vehicle cap.]~~

~~[(d)][(e)] [Explanation of] Motor Pools [Pool].~~

- ~~[(4)] TJJJ forms [TYC will form] statewide motor pools based on the primary function [or utilization] of each vehicle. Each agency vehicle is [will be] assigned within an agency motor pool at a specific location and made available for checkout for official duty purposes, except for individually assigned vehicles. [where applicable. Each agency location will be authorized a specific number of vehicles within each designated utilization pool based on relative size or unique mission requirements.] Vehicles are [will be] rotated among locations and pools as necessary to meet utilization and efficiency criteria. Sub-pools may be formed at a location for more efficient management or utilization purposes. [The following statewide pools will be formed.]~~

~~[(A) — Mission Critical Vehicles.~~

~~The executive director or his/her designee and the chief inspector general will assign vehicles to individual agency staff only after a written determination is made that the assignment is critical to the needs and mission requirements of the agency. No personal use of these vehicles is authorized other than commuting or de minimis use (such as a stop for personal errand on the way between a business delivery and the employee's home) while commuting. TYC will report to the OVFM the information required by the State Vehicle Fleet Management Plan on each vehicle as individual assignments occur. TYC maintains specific policy and procedural requirements regarding individual state vehicle assignments in the agency's personnel manual.]~~

~~[(B) — Administrative Support Vehicles.]~~

~~[(i) — Pool vehicles will be made available for employee checkout as needed with local responsibility for prioritizing their use in the event of conflicting requirements. Administrative vehicle utilization can be augmented with leased or rental vehicles within mission and budget requirements.]~~

~~[(ii) — When needs exceed availability, the vehicle control officer will provide consultation regarding the "best value" between using pool vehicles, rental vehicles, and/or personal reimbursement. Employees cannot be required to use their personal vehicles for state business.]~~

~~[(C) — Maintenance and Supply Vehicles.]~~

~~All agency locations are encouraged to minimize the requirements for registered motor vehicles and place more reliance on low-speed utility vehicles. Cargo vans and trucks are used for maintenance and supply functions. Vehicles are equipped and assigned specifically for these functions.]~~

~~[(D) — Student Security and Client Support Vehicles.]~~

~~Passenger vans are used in conjunction with the campus security or youth transport functions. Statewide youth transportation vehicles will be part of this pool. Vehicles will be outfitted with security enclosures where needed.]~~

~~[(E) — Special Requirements Vehicles.]~~

~~Heavy equipment or special purpose vehicles, to include trailers, are specifically authorized at some TYC locations because of unique circumstances or need.]~~

~~[(F) — Law Enforcement Vehicles.]~~

~~Vehicles are authorized for use by the TYC Office of Inspector General (OIG) for law enforcement purposes. This pool of vehicles is not available for other purposes, such as student transport or use by non-OIG staff members.]~~

(e)[(2)] Individual Vehicle Assignments.

(1) Only the [The] executive director or his/her designee and the chief inspector general may assign state-owned [state-owned] vehicles on a permanent or daily basis to an individual staff member. These assignments may be made only with written documentation, signed by the executive director, stating that the assignment is critical to the needs and mission of the agency.

(2) TJJD reports the [The] following information [must be reported] to the OVFM as individual vehicle assignments occur:

- (A) the vehicle identification number, license plate number, year, make, and model;
- (B) the name and position of the individual to whom the vehicle [it] is assigned, except law enforcement officers when reporting this information [reporting] could jeopardize the individual's safety or security, as determined by the executive director or his/her designee and the chief inspector general; and
- (C) the reason the assignment is critical to the mission of the agency.

(f) General Fleet Requirements.

(1)[(3)] TJJD follows [TYC will establish and maintain] the general minimum mileage criteria for its fleet [pooled] vehicles established [based on the guidelines provided] by OVFM. The fleet manager, in

coordination with the director responsible for facility business management, tracks mileage and rotates ~~[will track utilization and initiate actions to rotate]~~ vehicles between locations or pools to meet minimum use ~~[utilization]~~ criteria. As necessary and appropriate, the ~~[The]~~ fleet manager may submit justification to OVFM for a waiver to retain vehicles that fail to meet ~~[will assist the VCOs as necessary in identifying unique requirements and justification for specific other]~~ minimum use criteria. ~~[for OVFM consideration and waiver. The fleet manager will provide responses and justification to OVFM within 30 days of receipt of the semi-annual vehicle utilization reports.]~~

- (2)(4) TJJD uses ~~[TYC will use]~~ one or more of the state-contracted ~~[state-contracted]~~ vendor cards for retail fuel dispensing services. Fuel cards are ~~[will be]~~ issued for specific vehicles, not for specific drivers. TJJD vehicles operating on gasoline must use regular unleaded gasoline unless ~~[Unless]~~ specifically prohibited by manufacturer warranty or a recommendation in the owner's manual. ~~[recommendations, all TYC vehicles operating on gasoline shall use regular unleaded gasoline.]~~ TJJD ~~[TYC]~~ employees must ~~[will]~~ use self-service pumps ~~[islands]~~ when refueling at retail fueling stations.
- (3)(5) TJJD establishes ~~[TYC will establish]~~ vehicle replacement goals based on the purpose, age, and mileage criteria published in the Texas ~~[OVFM]~~ *State Vehicle Fleet Management Plan*.
- (4)(6) TJJD out-sources ~~[TYC will out-source]~~ maintenance and repair of fleet vehicles ~~[assets]~~ unless it is demonstrated to be more cost-effective for agency staff ~~[economical]~~ to perform those functions. When feasible, TJJD seeks ~~[in-house. TYC will seek]~~ interagency agreements to obtain maintenance, repairs, and fuel ~~[where feasible].~~
- (5)(7) TJJD disposes ~~[TYC may dispose]~~ of vehicles identified as excess by the OVFM through the processes established by the Texas Facilities Commission's ~~[Commission (TFC)]~~ Surplus Property Division ~~[process or through other approved surplus property disposal processes].~~ TJJD ~~[TYC]~~ must certify the successful disposal of excess vehicles ~~[identified as excess vehicles by OVFM]~~ within six months after ~~[from]~~ notification from OVFM. Vehicles identified for disposal by OVFM are not eligible for replacement.
- (6)(8) TJJD submits ~~[TYC will capture and submit, through the fleet manager,]~~ fleet data to OVFM based on the criteria and timetable established in the Texas *State Vehicle Fleet Management Plan*. TJJD maintains ~~[TYC will maintain]~~ detailed supporting documentation for all reporting requirements. ~~[TYC will use the standardized vehicle reporting log developed by OVFM unless a different form is specifically approved by OVFM.]~~
- (9) ~~—The fleet manager will collect, compile and report the data for the annual Fleet Operations Indirect Costs report to TPASS based on data provided by the VCOs.]~~

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See TRV.09.05 for procedures relating to agency motor pools and fleet management.

See PRS.43.15 for procedures relating to individually assigned vehicles.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND A RULE REVIEW NOTICE FOR 37 TAC §§385.8165 (SITE SELECTION FOR JUVENILE FACILITY CONSTRUCTION), 385.8170 (ACCEPTANCE OF GIFTS OF \$500 OR MORE), 385.9969 (COLLECTION OF DELINQUENT OBLIGATIONS), 385.9971 (STUDENT BENEFIT FUND), AND 385.9990 (VEHICLE FLEET MANAGEMENT) IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

**WHEREAS**, the Finance Division has completed this review for 37 TAC §§385.8165, 385.8170, 385.9969, 385.9971, and 385.9990 and recommends revisions within each rule; and

**WHEREAS**, Texas Human Resources Code §242.003 requires the Board to adopt rules appropriate to the proper accomplishment of TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, Texas Government Code §2107.002(b) requires each state agency that collects delinquent obligations owed to the agency to establish procedures by rule for collecting a delinquent obligation; and

**WHEREAS**, Texas Government Code §2171.1045 requires each state agency to adopt rules, consistent with the management plan adopted under §2171.104, relating to the assignment and use of the agency's vehicles; and

**WHEREAS**, Texas Government Code §2001.023 and §2001.029 require a state agency to give at least 30 days’ notice of its intention to adopt a rule and to allow all interested persons a reasonable opportunity to submit data, views, or arguments orally or in writing;

**NOW, THEREFORE BE IT RESOLVED THAT** for the above-referenced rules, the Board grants approval to publish the proposed revisions and a proposal to complete the rule review in the *Texas Register* for a 30-day public comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Interim Executive Director

Kenneth Ming, Director of Business Operations

Lisa Capers, Senior Director of Administration and Training

Subject: Discussion, consideration, and possible approval of Amendment #4 to the TechShare.Juvenile and Juvenile Case Management System-Basic 2013 Resource Sharing Addendum (January 1, 2016 to December 31, 2016) (Action)

Date: October 21, 2015

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Per General Administrative Policy, GAP § 385.1101, paragraph d.1, any contract exceeding \$500,000, and any other contract deemed appropriate for board approval as determined by the Executive Director, will be presented to the Board for approval.

Therefore, staff respectfully requests consideration and approval to negotiate and award Amendment No. 4 to the Texas Conference of Urban Counties (CUC) TechShare Program, TechShare.Juvenile and Juvenile Case Management System-Basic 2013 Resource Sharing Addendum. The budgeted cost for Amendment No. 4 covering the 2016 calendar year is \$3,162,500. This cost is shared by Dallas County, Denton County, Tarrant County, Collin County, and TJJJ. TJJJ's portion is 40% or \$1,265,000.

The figures provided represent projected budget amounts. CUC is required under the agreement to provide services at or below the budgeted amount.

This contract has been identified, because of its complexity and risk level, as requiring "enhanced monitoring" under the new rules established by SB20 and TGC 2261-254. TJJJ will include additional contract monitoring for this contract to ensure state funds are spent in accordance with the laws of Texas.



## CONFLICT OF INTEREST CERTIFICATION

TEXAS  
JUVENILE  
JUSTICE  
DEPARTMENT

Government Code Section 2261.252 requires each TJJD employee or official who is involved in procurement or in contract management for TJJD to disclose to TJJD any potential conflict of interest specified by state law or agency policy that is known by the employee or official with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor by TJJD.

TJJD may not enter into a contract for the purchase of goods or services with a private vendor with whom any of the following agency employees or officials have a financial interest: (1) a member of the agency's governing body; (2) the governing official, executive director, general counsel, chief procurement officer, or procurement director of the agency; or (3) a family member related to an employee or official described by (1) or (2) within the second degree by affinity or consanguinity.

A TJJD employee or official has a financial interest in a private vendor if the employee or official: (1) owns or controls, directly or indirectly, an ownership interest of at least one percent in the private vendor, including the right to share in profits, proceeds, or capital gains; or (2) could reasonably foresee that a contract with the private vendor could result in a financial benefit to the employee or official. Retirement plans, blind trusts, insurance coverages, and ownership interests of less than one percent in a corporation are not included in the definition of financial interest.

By signing this document, I certify that: 1) I have disclosed to TJJD's Director of Contracts and Procurement any potential conflict of interest specified by state law or agency policy that I know of, with respect to any contract with a private vendor or bid for the purchase of goods or services from a private vendor by TJJD; 2) I will continue to disclose potential conflicts of interest specified by state law or agency policy that I discover in the future in the same manner; and 3) I have no financial interest in any private vendor that has contracted with TJJD to provide goods or services.

\_\_\_\_\_  
Signature of TJJD Employee/Official

\_\_\_\_\_  
Printed Name of TJJD Employee/Official

\_\_\_\_\_  
Title of TJJD Employee/Official

\_\_\_\_\_  
Date



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO NEGOTIATE AND EXECUTE CONTRACT AMENDMENT WITH TEXAS  
CONFERENCE OF URBAN COUNTIES (CUC) FOR TECHSHARE PROGRAM, TECHSHARE.JUVENILE AND JUVENILE  
CASE MANAGEMENT SYSTEM-BASIC**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, the Board Governance Manual and GAP § 385.1101 requires a majority of the Board to approve in an open meeting certain contracts with expected values exceeding \$500,000.00 and any other contract deemed appropriate for Board approval as determined by the Executive Director; and

**WHEREAS**, staff has provided specific information regarding Amendment No. 4 to the Texas Conference of Urban Counties (CUC) TechShare Program, TechShare.Juvenile and Juvenile Case Management System-Basic 2013 Resource Sharing Addendum for the budgeted amount of \$1,265,000.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board approves the Texas Juvenile Justice Department’s Executive Director to negotiate and execute this contract amendment, committing the Agency to this action for calendar year 2016.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman

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TEXAS  
JUVENILE★JUSTICE  
DEPARTMENT

## Internal Audit Department Report

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### BOARD MEMBERS

*Scott W. Fisher, Chair*  
Bedford, Texas

*Becky Gregory*  
Dallas, Texas

*The Honorable John Brieden III*  
Brenham, Texas

*Riley Shaw*  
Fort Worth, Texas

*The Honorable Carol Bush*  
Waxahachie, Texas

*Jane Anderson King*  
Canyon, Texas

*David "Scott" Matthew*  
Georgetown, Texas

*Mary Lou Mendoza*  
San Antonio, Texas

*Dr. Rene Olvera*  
San Antonio, Texas

*The Honorable Laura Parker*  
San Antonio, Texas

*The Honorable Jimmy Smith*  
Midland, Texas

*Calvin Stephens*  
Dallas, Texas

### EXECUTIVE DIRECTOR

*David Reilly*

### Chief Auditor

*Eleazar Garcia, CIA, CRMA*

[www.tjtd.texas.gov](http://www.tjtd.texas.gov)

## FY 2015 Internal Audit Annual Report

October 2015

## **Internal Audit Department Mission**

*To provide the agency audit and consulting services that enhance accountability and assists the agency in accomplishing its mission and objectives through managing risk, increasing control awareness, improving processes, facilitating change, and promoting best practices.*

### **Team Members**

Vivian Cohn, CIA, CGAP, CRMA

John Isle, CIA, CFE, CRMA

Jeannette Lepe, CGAP

Karen McCarther

Matthew Segura

Mattie Amaya

Angela Mitchell

Jamyen Robinson-Hall

For additional copies contact:

Texas Juvenile Justice Department

Internal Audit Department

P.O. Box 12757

Austin, TX 78711

512-490-7190

October 31, 2015

The Honorable Greg Abbott, Governor  
The Legislative Budget Board  
The Sunset Advisory Commission  
Mr. John Keel, CPA, State Auditor  
Texas Juvenile Justice Board  
David Reilly, TJJJ Executive Director

Attached is the Fiscal Year 2015 Annual Internal Audit Report from the Texas Juvenile Justice Department's Internal Audit Department. This report is provided in accordance with the Texas Internal Auditing Act requirements for internal auditors to prepare and distribute an annual report of accomplishments and activities and complies with the guidelines set forth by the State Auditor's Office.

The Internal Audit Department completed audit work and provided management with information and analyses to assist in initiating improvements to operations and to strengthen internal controls. In addition to audit work, Internal Audit provided advice and assistance on governance, risk management, and controls and management actively engages the Department as they continue to work toward more efficient and effective processes in the agency.

Internal Audit staff continues to be active in the local internal audit community through participation in the State Agency Internal Audit Forum (SAIAF), the Austin Chapter of the Institute of Internal Auditors (IIA), Information Systems Audit and Control Association (ISACA), and the Association of Certified Fraud Examiners (CFE). Staff also continue to attend training courses offered by the State Auditor's Office and other local trainers and work toward professional certification.

If you have any questions please contact Eleazar Garcia, Chief Auditor at (512) 490-7190.

Sincerely,

Eleazar Garcia, CIA, CRMA  
Chief Auditor

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**I. COMPLIANCE WITH TEXAS GOVERNMENT CODE, SECTION 2102.015:  
Posting of the Internal Audit Plan, Internal Audit Annual Report, and Other  
Audit Information on the Internet Web Site**

Internal Audit will ensure the posting of the fiscal year 2016 Internal Audit Plan upon Board approval and the FY 2015 Internal Audit Annual Report to the Texas Juvenile Justice Department's internet web site. The reports will be submitted to the agency's Webmaster for inclusion in the Internal Audit page of the Agency's internet website.

A summary of the Recommendations for the issues identified during audits included in the FY 2015 Audit Plan can be found in Exhibit A attached at the end of the Annual Report.

### III. INTERNAL AUDIT PLAN FOR FISCAL YEAR 2015

Below is the status of audits included in the FY 2015 audit plan:

| <b>Audit No.</b> | <b>Report Date</b> | <b>Report Title</b>                                   | <b>Status</b> |
|------------------|--------------------|---|---------------|
| 15-1A            | 3/27/2015          | Ron Jackson State Juvenile Correctional Complex Audit | Completed     |
| 15-1B            | 5/29/2015          | Residential Contract Care Audit                       | Completed     |
| 15-5             | 3/27/2015          | Fleet Management Audit                                | Completed     |
| 15-6             | 8/27/2015          | Interstate Compact for Juvenile Audit                 | Completed     |
| 15-7             | 5/29/2015          | Staff Development and Training Audit                  | Completed     |
| 15-1C            | -                  | McFadden Ranch Facility Audit                         | Underway      |
| 15-10            | -                  | TAC 202 Audit   | Underway      |
| 15-11            | -                  | Human Resources Audit                                 | Underway      |

#### IV. CONSULTING ENGAGEMENTS AND NON-AUDIT SERVICES COMPLETED

Non-audit consulting services provided:

| ACTIVITY  | IMPACT   |
|---|--|
| Policy Review   | Review policies and offer input and guidance on thoroughness, controls, and feasibility.   |
| Executive Management Team                                       | The Chief Auditor is a member of the Executive Management Team and as such attends meetings and provides input.  |
| Central Management Team   | The Chief Auditor and Deputy Chief Auditor are members of the Central Management Team and as such attend meetings and provide input.   |
| IT Governance   | The Chief Auditor is a non-voting member of the IT Steering Committee and audit staff members are non-voting members of the individual User Groups. As such, they attend meetings and provide input on risk and control related information. |
| Dorm Supervisor Training  | The Chief Auditor provided training to Facility Dorm Supervisors on the audit process and financial controls. This was at the request of management to emphasize the importance of strong controls to field staff.                           |
| Ad Hoc Consultation with Management and Staff                   | Discuss ideas and concerns and provide advice as needed by agency staff.   |
| Construction Committee Meetings                                 | Chief Auditor and Deputy Chief Auditor are members and as such attend meetings and provide input.  |
| Regionalization Committee                                       | Chief Auditor and Deputy Chief Auditor are members and as such attend meetings and provide input.  |
| Safety and Security Committee                                   | Chief Auditor and Deputy Chief Auditor are members and as such attend meetings and provide input.  |
| Movement of Youth from McLennan Regional Treatment Center(MRTC) | Provided feedback on review of youth moved from MRTC to other facilities   |

## V. EXTERNAL QUALITY ASSURANCE REVIEW (PEER REVIEW)

The Office of Internal Audit is currently undergoing an External Quality Assurance Review.

The most recently completed External Quality Assurance Review was conducted using the State Agency Internal Audit Forum's Peer Review Process. It was completed August 2012, by Mr. Stephen Goodson, Chief Audit Executive for the Texas Department of Public Safety, Mr. Les Wade, Internal Audit Director for the Office of Injured Employee Counsel, and Ms. Meghan Patronella, Auditor for the Texas Department of Public Safety.

### **Overall Opinion**

(excerpt from final report – page 1)

Based on the information received and evaluated during this external quality assurance review, it is our opinion that the Texas Juvenile Justice Department (TJJD) Internal Audit Department *fully complies* with the Institute of Internal Auditors (IIA) *International Standards for the Professional Practice of Internal Auditing (Standards)*, the United States Government Accountability Office (GAO) *Government Auditing Standards*, and the Texas Internal Auditing Act (*Texas Government Code*, Chapter 2102). This opinion is the highest of the three possible ratings and means that the Internal Audit Department has achieved their major objectives in the provision of the internal audit function.

We found that overall, the Internal Audit function is independent, objective, and able to render impartial and unbiased judgments on the audit work performed. Staff members are qualified, proficient, and knowledgeable in the areas they audit. Audit projects are planned using risk assessment techniques; audit conclusions are supported in the working papers; and findings and recommendations are communicated clearly and concisely. These findings are based on the preponderance of data and the comments gathered during the peer review process.

The Internal Audit function is well managed. Members of the Board and management highly respect the audit function and value the services provided.

Surveys and interviews conducted during the quality assurance review indicate that management considers the Internal Audit function a useful part of the overall agency operations. Management finds that the audit process and report recommendations add value and help improve the agency's operations.

## **VI. INTERNAL AUDIT PLAN FOR FISCAL YEAR 2016**

We are awaiting Board approval of the FY 2016 Audit Plan. The plan will be presented during the November 13, 2015 Board meeting and will be provided within 30 days of the approval.

## VII. EXTERNAL AUDIT SERVICES

The following external audit services were procured or were ongoing in fiscal year 2015:

|    | <b>External Audit Service</b>   | <b>Focus of Review</b>   | <b>Status</b>            |
|----|---------------------------------|--|--------------------------|
| 1  | Garza/Gonzalez & Associates     | Desk reviews of independent audits procured by the County Juvenile Probation Departments | Ongoing                  |
| 2  | Office of Independent Ombudsman | Prison Rape Elimination Act Audits (PREA) of state agency facilities                     | Ongoing                  |
| 3. | Texas Department of Agriculture | TJJD National School Lunch and School Breakfast Programs (NSLP/SBP)                      | Completed September 2015 |
| 4. | Texas Education Agency          | Implementation of Special Education Requirements   | Pending Agency Response  |

## REPORTING SUSPECTED FRAUD AND ABUSE

Currently, suspicions of fraud, waste, and abuse that have been reported to TJJJ have been processed through the Office of Inspector General. The Chief Inspector General coordinated fraud investigations and information as needed with the Special Investigation's Unit of the State Auditor's Office.

The TJJJ internet homepage <http://www.tjjd.texas.gov/Default.aspx> contains a link to the TJJJ Abuse Hotline webpage for reporting fraud and includes a direct reference to the State Auditor's Office (SAO) hotline and webpage for reporting Fraud, Waste, and Abuse as follows:

"Report suspected fraud, waste, or abuse of state resources occurring at a Texas state agency, college, or university to the [Texas State Auditor's Office](#) at 1-800-TX-AUDIT and to the [TJJJ Office of Inspector General](#) at 1-866-477-8354."

In addition, the TJJJ Employee Handbook, Section III Reporting Illegal Activities includes references to reporting suspected fraud to SAO and a link to their website.

Exhibit A  
 Recommendations for FY 2015 Audit Plan Projects

|   | Project Code | Project Name  | Recommendation   | Recommendation Status per Client |
|---|--------------|---|--|----------------------------------|
| 1 | 15-1A        | Ron Jackson State Juvenile Correctional Complex Audit | Periodic review of Hearing Managers' training attendance documentation could ensure compliance with the Due Process training requirements.                             | Substantially Implemented        |
| 2 | 15-1A        | Ron Jackson State Juvenile Correctional Complex Audit | Periodic reconciliation could ensure that documentation of gasoline distribution from the storage tanks is accurate and complete.                                      | Substantially Implemented        |
| 3 | 15-1B        | Residential Contract Care Audit                       | Strengthening controls over Medicaid referrals could ensure eligible youth are assessed for the medical assistance program upon their release.                         | Substantially Implemented        |
| 4 | 15-1B        | Residential Contract Care Audit                       | Continued training and communications on contract requirements and expectations should strengthen controls over contract processing.                                   | Substantially Implemented        |
| 5 | 15-1B        | Residential Contract Care Audit                       | A periodic comparison of information captured in the Incident Reporting Center (IRC) to the serious incident report could ensure the accuracy and reliability of data. | Substantially Implemented        |
| 6 | 15-1B        | Residential Contract Care Audit                       | Establishing a periodic access review process for the Juvenile Medicaid Tracker (JMT) will help the agency maintain the confidentiality and integrity of information.  | Substantially Implemented        |
| 7 | 15-5         | Fleet Management Audit                                | Establishing a monitoring process for Alternative Fuel program could ensure compliance with the regulatory requirements.   | Underway                         |

|    | Project Code | Project Name                          | Recommendation   | Recommendation Status per Client |
|----|--------------|---------------------------------------|--|----------------------------------|
| 8  | 15-5         | Fleet Management Audit                | Improving the process to capture all fleet expenditures could ensure proper internal and external reporting of the expenditures.   | Substantially Implemented        |
| 9  | 15-5         | Fleet Management Audit                | Requiring periodic review of Voyager card transactions could ensure amounts are supported.   | Substantially Implemented        |
| 10 | 15-5         | Fleet Management Audit                | Establishing a periodic vehicle inspection process could ensure required maintenance, registrations, and safety inspections are completed in a timely manner.                          | Substantially Implemented        |
| 11 | 15-5         | Fleet Management Audit                | Establishing a process to track vehicle warranties could achieve maximum savings on maintenance and repair for the agency.   | Underway                         |
| 12 | 15-5         | Fleet Management Audit                | A periodic review of personnel with user access rights to TxFS could ensure only appropriate, authorized TJJJ staff have access to the system.   | Substantially Implemented        |
| 13 | 15-6         | Interstate Compact for Juvenile Audit | Guidelines should be established to ensure proper handling when a youth referral from the sending state is not provided to the ICJ Office.   | Underway                         |
| 14 | 15-6         | Interstate Compact for Juvenile Audit | Strengthening ICJ's oversight for completion of home evaluations and progress reports could assist in ensuring compliance with ICJ Rules related to transfer and supervision of youth. | Underway                         |
| 15 | 15-6         | Interstate Compact for Juvenile Audit | Establishing segregation of duties over use of the ICJ credit card could ensure controls are in place to help protect the agency from unauthorized transactions                        | Underway                         |

|    | Project Code | Project Name                         | Recommendation  | Recommendation Status per Client |
|----|--------------|--------------------------------------|---|----------------------------------|
| 16 | 15-7         | Staff Development and Training Audit | Developing a training curriculum to include human trafficking information for Juvenile Correctional Officers (JCOs) could ensure trainings are being provided in accordance with regulatory requirements. | Underway                         |
| 17 | 15-7         | Staff Development and Training Audit | A periodic review of the Training Tracking System data could ensure the employees' training records are accurate and/or complete.   | Underway                         |
| 18 | 15-7         | Staff Development and Training Audit | Establishing periodic access review process in the Integrated Certification Information System (ICIS) could ensure the confidentiality and integrity of information.                                      | Underway                         |



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9701, 380.9707, 380.9715-380.9727, and 380.9739-380.9747, relating to Security and Control (Action)

Date: October 16, 2015

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As a part of TJJJ's rule review process, the State Programs and Facilities Division proposed changes to assigned rules from Chapter 380 (Rules for State-Operated Programs and Facilities), Subchapter F (Security and Control), at the May 2015 Board meeting. The Board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

The comment period has ended. We did not receive any public comments. However the TJJJ staff has recommended the following additional changes:

- In §380.9739, corrected a grammatical error.
- In §380.9740, clarified that when the director over residential services or designee approves a 72-hour extension for a youth who has been in the Security Program for five continuous days, facility staff are still required to hold a Level III hearing every 24 hours to determine if the youth continues to meet extension criteria. Also clarified that when a youth has been in the Security Program for five continuous days, appeals of extension decisions are decided by the executive director or designee (as currently required by another TJJJ rule -- §380.9353).
- In §380.9745, corrected grammatical errors.
- In §380.9747, corrected typographical error.

The staff now requests the Board's approval to adopt the rule review and the final rules, with the changes described above.

Attached to this memo please find the following documents:

- a table summarizing the changes to the rules;
- a copy of the final rules, with markups to show the additional changes described above; and
- a resolution for Board action.

**Texas Administrative Code Rule Review**  
**37 TAC Chapter 380, Subchapter F – Security and Control**  
(Rules assigned to State Programs and Facilities Division)

| Rule #   | Title of Rule                       | Summary of Rule  | Is rule still needed? | Summary of Key Revisions  | Status of Revisions      |
|----------|-------------------------------------|--|-----------------------|---|--------------------------|
| 380.9701 | Facility Security                   | Establishes minimum safety and security requirements for residential TJJD facilities.                                      | No                    | <ul style="list-style-type: none"> <li>Repealed. The information from this rule can be found in other TJJD rules and procedures.</li> </ul>   | Ready for board adoption |
| 380.9707 | Custody and Supervision Rating      | Establishes minimum supervision requirements for youth assigned to high-restriction facilities who leave facility grounds. | Yes                   | <ul style="list-style-type: none"> <li>No changes needed. This rule was recently revised and approved by the board. The revised rule took effect on December 1, 2014.</li> </ul>  | No changes needed.       |
| 380.9715 | Testing for Alcohol and Other Drugs | Establishes a testing program designed to detect and deter the use of alcohol and other drugs by youth committed to TJJD.  | Yes                   | <ul style="list-style-type: none"> <li>Clarified that the rule applies only to facilities operated by TJJD, and not to contract facilities.</li> </ul>  | Ready for board adoption |
| 380.9723 | Use of Force                        | Establishes the procedures for staff intervention when youth behavior threatens safety and order.                          | Yes                   | <ul style="list-style-type: none"> <li>Added a provision stating that only the facility administrator, staff having authority to act as the facility administrator, or a higher-level authority in the facility administrator's chain of supervision may declare that a particular situation is a riot, consistent with the definition of a riot.</li> <li>Added definitions for the terms <i>barricade</i> and <i>riot</i>.</li> <li>Clarified that a planned team restraint may be used when a youth is in a security vehicle (in addition to when a youth is in a locked or barricaded room).</li> </ul> | Ready for board adoption |
| 380.9727 | Riot Control                        | Defines the term <i>riot</i> . Establishes measures that may be taken by staff as necessary to control a riot.             | No                    | <ul style="list-style-type: none"> <li>Repealed. Consolidated certain information from this rule into §380.9723.</li> </ul>   | Ready for board adoption |
| 380.9739 | Isolation                           | Allows for short-term confinement in a locked room of a youth who meets criteria.  | Yes                   | <ul style="list-style-type: none"> <li>Clarified that that confinement addressed in this rule is not a disciplinary consequence.</li> <li>Expanded the rule to apply to all residential facilities operated by TJJD, not just secure facilities.</li> </ul>   | Ready for board adoption |

| Rule #   | Title of Rule    | Summary of Rule   | Is rule still needed? | Summary of Key Revisions   | Status of Revisions      |
|----------|------------------|---|-----------------------|--|--------------------------|
|          |                  |   |                       | <ul style="list-style-type: none"> <li>• Added a prohibition on placing a youth in isolation if he/she is on suicide alert. Removed all provisions concerning suicide alert.</li> <li>• Added a requirement that isolation must be in individual youth sleeping quarters or a room specifically designated for isolation. If the room is not individual sleeping quarters, the room must: <ul style="list-style-type: none"> <li>○ be heated, cooled, and ventilated;</li> <li>○ have a minimum ceiling height of 7.5 feet when measured from the floor to the lowest point of the ceiling, and</li> <li>○ be equipped with a viewing window that allows staff to observe the youth.</li> </ul> </li> <li>• Deleted the requirement that addressed providing meals upon release from isolation. Meals are provided in the same manner as for any other youth.</li> </ul>   |                          |
| 380.9740 | Security Program | Establishes criteria and requirements for temporarily removing youth from the general campus population when they engage in dangerous or disruptive behavior. | Yes                   | <ul style="list-style-type: none"> <li>• Deleted the requirement to include at least four hours outside of the locked room as part of the daily schedule in the Security Program. The rule will now require the schedule to include time out of the locked room <i>as behavior permits</i>.</li> <li>• Deleted the requirement for staff to enter a youth's room or remove a youth from his/her room to qualify as one of the required daily staff visits. Visits may now occur while the door remains locked.</li> <li>• Clarified that youth in the Security Program are offered an opportunity to discuss the problematic behavior with a case manager (rather than providing the youth with an intervention plan that addresses the problematic behavior).</li> <li>• Deleted "ability to earn privileges" from the list of required services provided to youth in the Security Program.</li> <li>• Clarified that youth in the Security Program are offered the amount of instructional minutes required by the campus</li> </ul> | Ready for board adoption |

| Rule #   | Title of Rule                                     | Summary of Rule   | Is rule still needed? | Summary of Key Revisions   | Status of Revisions      |
|----------|---|---|-----------------------|--|--------------------------|
|          |   |   |                       | <p>master school schedule (rather than 5 ½ hours each instructional day).</p> <ul style="list-style-type: none"> <li>• Clarified that the education services provided to youth in the Security Program must include access to limited-English proficient services for English language learners.</li> <li>• Clarified that 15-minute checks are required <i>unless more frequent checks are required by the Suicide Alert rule</i>.</li> <li>• Clarified that the Security Program may be operated in a building other than the security unit, if specifically allowed by other TJJD rules (e.g., Phoenix Program unit).</li> <li>• Clarified that when the director over residential services or designee approves a 72-hour extension for a youth who has been in the Security Program for five continuous days, facility staff are still required to hold Level III hearings every 24 hours to determine if the youth continues to meet extension criteria.</li> <li>• Clarified that when a youth has been in the Security Program for five continuous days, appeals of extension decisions are decided by the executive director or designee. This is a conforming change to match</li> </ul> |                          |
| 380.9745 | Protective Custody for Youth at Risk of Self-Harm | Establishes a protective custody program at high restriction facilities for the temporary placement of youth who are at risk of serious harm to themselves. | <b>Yes</b>            | <ul style="list-style-type: none"> <li>• Made non-substantive clean-ups and minor clarifications.</li> </ul>   | Ready for board adoption |
| 380.9747 | Self-Referral to Security Units                   | Establishes a program at high restriction facilities for the temporary placement of youth who request to be placed in the security unit.                    | <b>Yes</b>            | <ul style="list-style-type: none"> <li>• Added “space limitations in the security unit” as a reason self-referrals may be temporarily disallowed by the facility administrator.</li> <li>• Deleted the requirement to develop a written supervision and reintegration plan within one workday for every youth who self-refers to the security unit. Instead, the rule will now require staff to develop the plan if any of the following apply:</li> </ul>   | Ready for board adoption |

| Rule # | Title of Rule | Summary of Rule | Is rule still needed? | Summary of Key Revisions  | Status of Revisions |
|--------|---------------|-----------------|-----------------------|---|---------------------|
|        |               |                 |                       | <ul style="list-style-type: none"> <li>○ the youth claims a need for protection from harm;</li> <li>○ the staff reasonably suspects the youth feels a need to be protected from harm; or</li> <li>○ the youth has remained in the security unit on self-referral for 120 hours.</li> <li>● Deleted the requirement for the security dorm supervisor to speak with each youth in the security unit on a self-referral each day. Instead, the security dorm supervisor must speak with each youth at least once every 72 hours.</li> <li>● Deleted “ability to earn privileges” from the list of required services provided to youth who self-refer to the security unit.</li> <li>● Clarified that the daily visits with youth who self-refer to the security unit may be completed by a case manager <i>or other staff member designated by the facility administrator.</i></li> <li>● Clarified that youth who self-refer to the security unit are offered the amount of instructional minutes required by the campus master school schedule (rather than 5 ½ hours each instructional day).</li> <li>● Clarified that the education services provided to youth who self-refer to the security unit must include access to limited-English proficient services for English language learners.</li> <li>● Clarified that access to shower and hygiene routine is provided every 24 hours, <i>as the youth’s behavior permits.</i></li> <li>● Clarified that one hour of large-muscle exercise will be provided in an enclosed outdoor recreation area <i>as the youth’s behavior and weather permit.</i></li> </ul> |                     |

Chapter: Rules for State-Operated Programs and Facilities  
Subchapter: Security and Control  
Rule: Facility Security

Effective Date: 6/16/05, T-73  
Page: 1 of 1  
Replaces: GAP.97.1  
Dated: 12/18/03, T-63

ACA Standard(s): 4-JCF-2A-01, 2A-28

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~~[(a) Purpose.]~~

~~[The purpose of this rule is to establish minimum safety and security requirements for Texas Youth Commission (TYC) operated facilities where youth reside.]~~

~~[(b) Applicability.]~~

~~[This rule does not specify fire prevention or facility maintenance requirements. See the agency Risk Management manual.]~~

~~[(c) Weapons are not permitted in any TYC facility or on any facility grounds except as set forth in (GAP) §81.31 of this title (relating to Weapons and Concealed Handguns). Weapons are permitted in the personal residence of staff who live adjacent to the campus.]~~

~~[(d) Chemical agents may be used only to the extent necessary to ensure the safety and welfare of youth and staff in accordance with (GAP) §97.23 of this title (relating to Physical Restraint).]~~

~~[(e) Under no circumstances shall a stimulant, tranquilizer or psychotropic drug be administered for the purpose of program management and control, or for experimentation and research.]~~

~~[(f) Facilities shall ensure access to the necessary equipment to maintain essential light and a system of communication within the facility and between the facility and the community for use in an emergency.]~~

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REPEALED

|   |  |
|---|--|
| Chapter: Rules for State-Operated Programs and Facilities<br>Subchapter: Security and Control<br><b>Rule: Custody and Supervision Rating</b><br><br>ACA: 4-JCF-3A-17, 5B-01, 5I-03<br>Statute(s): N/A | <b>Effective Date: 12/1/14</b><br><br>Page: 1 of 2<br><br>Replaces: GAP.380.9707, 9/1/10 |
|---|--|

**RULE**

(a) **Purpose.**

The purpose of this rule is to establish the minimum supervision requirements for youth assigned to high restriction facilities who are authorized to leave facility grounds.

(b) **Applicability.**

- (1) This rule applies only to youth placed in TJJD-operated high restriction facilities.
- (2) This rule does not apply to youth assignments to a conditional placement. See §380.8545 of this title.

(c) **Definitions.**

- (1) **Custody and Supervision Rating (CSR)**--a rating which determines whether youth will be permitted to participate in off-campus activities and the level of required staff supervision for such activities.
- (2) **Staff supervision**--refers to supervision provided by a sole-supervision certified TJJD employee. See §380.9951 of this title for the definition of sole-supervision. The proportion of juvenile correctional officer staff included in the staff supervision team will be appropriate to the type of activity and number of youth participating.

(d) **General Provisions.**

- (1) Each off-campus activity must be approved on a case-by-case basis for each youth.
- (2) Youth may be subject to criteria in addition to the CSR in order to qualify for participation in off-campus activities.

(e) **Calculation of the Custody and Supervision Rating.**

A CSR of high, medium, or low is calculated for each youth using several factors, such as:

- (1) the severity of the committing offense;
- (2) the youth's delinquent history prior to commitment to TJJD;
- (3) the youth's runaway/escape history;
- (4) the youth's recent performance and behaviors; and
- (5) the length of time the youth has been in a secure residential placement.

(f) **Supervision Ratios.**

- (1) A youth with a high CSR is not permitted to leave the grounds except for necessary healthcare services or emergencies. Constant supervision is provided at a ratio of at least two staff members for one youth, or at least one staff member for one youth if the youth is in mechanical restraints.
- (2) A youth with a medium CSR may leave the grounds for approved activities. Constant supervision is provided at a ratio of at least one staff member for one youth.

- (3) A youth with a low CSR may leave the grounds for approved activities with or without direct staff supervision. For group activities, supervision is provided at a ratio of at least one staff member for every four youth.
- (4) At least two staff members are required for any staff-supervised off-campus activity, even if the supervision ratio would allow for one staff member.

(g) **Waivers.**

- (1) A waiver of a youth's CSR must be based on a recommendation by the youth's multi-disciplinary team that participation in the off-campus activity would promote progress in the youth's rehabilitation and/or community reintegration.
- (2) The facility administrator may grant a waiver to reduce a youth's CSR by one level. However, the facility administrator may not grant a waiver if the youth:
  - (A) is placed under detainer by another jurisdiction;
  - (B) is serving an extension length of stay;
  - (C) has been released from the Redirect program within the last 90 days;
  - (D) has had a Level II hearing (see §380.9555 of this title) proven true for a major rule violation that occurred within the last 90 days;
  - (E) has had his/her parole revoked; or
  - (F) has ever escaped from a high restriction TJJD facility.
- (3) The division director over residential services or his/her designee may grant a waiver of any youth's CSR by up to two levels.

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See INS.91.31 for implementation procedures

Draft 7/29/15

|   |                                |
|---|--------------------------------|
| Chapter: Rules for State-Operated Programs and Facilities | <b>Effective Date:</b>         |
| Subchapter: Security and Control                          |                                |
| <b>Rule: Testing for Alcohol and Other Drugs</b>          | Page: 1 of 2                   |
| ACA: N/A  | Replaces: GAP.380.9715, 9/6/12 |
| Statutes: N/A   |                                |

(a) **Purpose.**

This rule establishes a testing program designed to detect and deter the unauthorized or illegal use of alcohol or other drugs by youth committed to the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule applies to all youth:

- (1) assigned to residential facilities operated by TJJD; and
- (2) assigned to parole supervision under the jurisdiction of TJJD.

(c) **Definitions.**

- (1) **For-Cause Testing**--testing that is conducted due to evidence that reasonably suggests a youth or group of youth is using alcohol or drugs.
- (2) **Random Testing**--testing of youth identified through a random selection process without regard to any indicators of past or current use of drugs or alcohol.
- (3) **Routine Testing**--testing that is conducted:
  - (A) at regular intervals for youth who have a documented history of drug or alcohol use; or
  - (B) after a youth's participation in events or situations that include access to or contact with the public or otherwise present an increased risk for drug/alcohol use.

(d) **General Provisions.**

- (1) Any youth may be tested for drug and/or alcohol use at any time.
- (2) Testing may be conducted for cause or on a random or routine basis.
- (3) Testing may be conducted:
  - (A) as part of a substance abuse treatment program;
  - (B) as part of an investigation regarding the presence of illegal drugs in a facility; and
  - (C) to assist in the daily management of youth in the rehabilitative process.
- (4) During orientation to TJJD, each youth is given notice that:
  - (A) he/she is subject to random, routine, and for-cause alcohol and drug testing; and
  - (B) the following are rule violations that will result in appropriate consequences as stated in §380.9503 and §380.9504 of this title:
    - (i) a positive result on an alcohol or drug test;
    - (ii) refusal to submit to an alcohol or drug test;
    - (iii) failure to provide a urine specimen; and
    - (iv) tampering with a urine sample.
- (5) Tests for alcohol or other drugs are conducted, scored, and interpreted according to the instrument manufacturer's instructions.

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For implementation procedures, see CMS.08.85.

DRAFT

**Draft 7/29/15**

|   |                                |
|---|--------------------------------|
| Chapter: Rules for State-Operated Programs and Facilities | <b>Effective Date:</b>         |
| Subchapter: Security and Control                          | Page: 1 of 7                   |
| <b>Rule: Use of Force</b>                                 | Replaces: GAP.380.9723, 4/1/14 |
| ACA: 4-JCF- 2A-16, 2A-17, 2A-27(M), 2A-29(M)              |                                |
| Statutes: Texas Hum. Res. Code §244.0075                  |                                |

**RULE**

(a) **Purpose.**

This rule establishes the procedures for staff intervention when youth behavior threatens safety and order.

(b) **Applicability.**

- (1) This rule applies to all facilities, offices, and programs operated by the Texas Juvenile Justice Department (TJJD), unless specifically stated otherwise in this rule.
- (2) This rule does not apply to peace officers employed and commissioned by TJJD or by the TJJD Office of Inspector General.
- (3) This rule does not apply to the use of four-point mechanical restraints for medical or mental health purposes. See §380.9198 of this title.

(c) **General Provisions.**

- (1) Non-physical interventions are preferred and must be used to the extent practical to manage youth behavior.
- (2) TJJD authorizes its staff to use reasonable force as a last resort to maintain safety and order. Only staff who are trained in agency-approved techniques are authorized to use force.
- (3) The use of force as punishment or for convenience of staff is strictly prohibited.
- (4) Approved use of force techniques are those determined by TJJD to minimize risk of harm to youth and staff.
- (5) Staff must release youth from manual or mechanical restraint as soon as the purpose for the restraint has been achieved.
- (6) If a staff member observes a use of force in violation of policy, he/she must take action, as practical, to protect the youth from harm.
- (7) Staff must report any violations of this policy as soon as possible, but no later than the end of the current shift.
- (8) Violations of this policy may result in disciplinary action up to and including termination of employment.
- (9) After any manual restraint or use of oleoresin capsicum (OC) spray in a high restriction facility, a youth must be assessed by medical staff as soon as reasonably possible under the totality of the circumstances. After any manual restraint in a medium restriction facility, medical staff must be consulted as soon reasonably possible. Any injuries must be documented in the medical record along with an explanation from the youth describing how the injuries occurred. Photographs must be taken of all injuries.

- (10) Only restraint equipment approved by the executive director or his/her designee may be used in TJJD facilities. All restraint equipment must be used in a manner consistent with its design and intended purpose.
- (11) Only the facility administrator, staff having authority to act as the facility administrator, or a higher-level authority in the facility administrator's chain of supervision may declare that a particular situation is a riot, consistent with the definition of a riot.

(d) **References.**

- (1) For procedures and programs designed to allow youth time to regain self-control, see §§380.9520, 380.9739, and 380.9740 of this title.
- (2) For criteria and procedures on administering a psychotropic drug in a psychiatric emergency when a youth will not give consent for the administration, see §380.9192 of this title.
- (3) For procedures relating to youth searches, see §380.9709 of this title.

(e) **Definitions.**

- (1) **Barricade**--any of the following, if used by a youth to prevent and/or obstruct staff from gaining access to the youth: a locked, jammed, or blocked door, dorm furniture, boxes, desks, chairs, computers, folding tables, stacked mattresses, or any other similar item that obstructs passage.
- (2) **Handle With Care**<sup>®</sup>--an agency-trained physical intervention system.
- (3) **Imminent Harm**--a reasonable belief that harm to persons or property is about to occur, unless immediate action is taken.
- (4) **Medical Provider**--has the meaning assigned by §380.9175 of this title.
- (5) **Positional Asphyxia**--the reduction in oxygen in the bloodstream and tissues due to an impairment of a person's respiratory system caused by body positioning or the application of external weight/pressure.
- (6) **Practical**--a reasonable belief that something is capable of being done.
- (7) **Reasonable Belief**--a belief that would be held by a similarly trained staff considering the totality of the circumstances.
- (8) **Reasonable Force**--the least amount of force that a trained staff, in like circumstances, would reasonably believe to be necessary to maintain order and safety as authorized under this rule.
- (9) **Serious Bodily Injury**--an injury that creates a substantial risk of death, serious permanent disfigurement, or extended loss or impairment of the function of any bodily member or organ.
- (10) **Substantial Property Damage**--at least \$500 in damage to state property or another's personal property.
- (11) **Totality of the Circumstances**--facts and circumstances known by the actor at the time of the incident.
- (12) **Use of Force**--physical measures used to direct, compel, or restrain bodily movement of a non-compliant youth.
- (13) **Riot**--a situation in which three or more youths intentionally participate in conduct that threatens imminent harm to persons or property and that substantially obstructs the performance of facility operations or a program therein.

**(f) Non-Physical Interventions.**

Alternatives to force must be used whenever practical to assist a youth in maintaining or regaining self-control. Staff are prohibited from using humiliating punishment, including verbal harassment to manage youth behavior. Staff are trained in the use of the following non-physical intervention techniques:

- (1) Staff presence--this includes mere presence of staff to include non-verbal gestures made with eyes, hands, head, or body utilizing proximity, standing, eye contact and/or facial expressions; and/or involving additional staff to intervene.
- (2) Verbal de-escalation--this includes verbal prompting, directive statements, and redirecting youth attention and/or behavior.
- (3) Use of problem-solving groups.

**(g) Physical Interventions.**

When reasonable force is necessary, staff are authorized to use the following methods:

- (1) Physical Escort--touching of the arm, elbow, shoulder, or back for the purpose of directing the youth from one location to another.
- (2) Mechanical Restraint--use of a mechanical device applied to a youth as a means of restricting a youth's freedom of action.
- (3) Manual Restraint--use of hands-on techniques as a means of restricting a youth's freedom of action.
- (4) Planned Team Restraint--restraint of a youth who is in a locked or barricaded room or security vehicle by a pre-assembled team.
- (5) OC Spray--oleoresin capsicum spray, also known as pepper spray. Oleoresin capsicum is a mixture of essential oil and resin found in nature and derived from any plant of the genus capsicum, such as jalapeño, cayenne, or habanero.

**(h) Criteria for Use of Force.**

Except as otherwise indicated in this rule, reasonable force is authorized under the following circumstances:

- (1) protection of youth from imminent self-harm;
- (2) protection of self from imminent harm;
- (3) protection of other youth or third parties from imminent harm;
- (4) protection of property from imminent, substantial damage;
- (5) prevention of escape or fleeing apprehension;
- (6) movement of a youth referred to the security unit, other temporary isolation room, or alternative classroom;
- (7) movement of a resistant youth within the security unit when the youth's behavior is substantially disruptive and the youth refuses to stop the behavior;
- (8) movement of a resistant youth from a dangerous situation;
- (9) to conduct a search of a resistant youth reasonably believed to be in possession of a weapon, an item that can be adapted for use as a weapon, a controlled substance, or other item(s) that breach the security of the facility;
- (10) to conduct a search of a resistant youth entering the security unit; or
- (11) to administer medical treatment to a resistant youth when failure to do so could have serious health implications and a medical provider has ordered a restraint.

(i) **Determining the Intervention or the Reasonable Force to be Used.**

In determining the type of intervention or the reasonable force to be used, staff must consider whether action needs to be taken immediately or can be delayed until additional staff can organize a team response. However, only a medical provider may determine the type of intervention or the reasonable force to be used in administering medical treatment to a resistant youth.

(j) **Approved Use of Force Techniques.**

Use of force techniques that may be used are limited to:

- (1) agency-trained:
  - (A) physical escort;
  - (B) Handle With Care<sup>®</sup> methods of manual restraint;
  - (C) mechanical restraints;
  - (D) OC spray, under certain limited circumstances; and
- (2) other non-prohibited methods of manual restraint that under the totality of circumstances existing at the time:
  - (A) are more practical than the agency-trained Handle With Care<sup>®</sup> methods of restraint, taking into account the youth's and staff's particular vulnerability to harm;
  - (B) involve a use of force that is measured and progressive to a degree no greater than that reasonably believed necessary to achieve the objective; and
  - (C) do not unduly risk serious harm or needless pain to the youth or staff.

(k) **Prohibited Restraint Techniques.**

- (1) Prohibited restraint techniques include the following:
  - (A) restricting respiration in any way, such as applying a chokehold or pressure to a youth's back or chest or placing a youth in a position that is capable of causing positional asphyxia;
  - (B) using any method that is capable of causing loss of consciousness or harm to the neck;
  - (C) pinning down with knees to the torso, head, and/or neck;
  - (D) slapping, punching, kicking, or hitting;
  - (E) using pressure-point, pain-compliance, and joint-manipulation techniques other than an approved Handle With Care<sup>®</sup> method for release of a chokehold, bite, or hair pull;
  - (F) modifying restraint equipment;
  - (G) applying any cuffing technique that connects handcuffs behind the back to ankle restraints;
  - (H) dragging or lifting of the youth by the hair or ear or by any type of mechanical restraints;
  - (I) lifting a youth's arms behind the back, while in mechanical restraints, in a manner that is capable of causing injury to the shoulder;
  - (J) using other youth or untrained staff to assist with the restraint;
  - (K) securing a youth to another youth or to a fixed object, other than to an agency-approved full-body restraint device; or
  - (L) administering a drug for controlling acute episodic behavior as a means of physical restraint, except when the youth's behavior is attributable to mental illness and the drug is authorized by a licensed psychiatric provider or physician and administered by a licensed medical professional.

- (2) A physical contact that would otherwise be prohibited by subsection (k)(1) of this section, does not include one that is only accidental and momentary.

**(l) Requirements for Planned Team Restraint Situations.**

**(1) Criteria for Use.**

Planned team restraint is authorized only to:

- (A) stop the youth from engaging in self-harm;
- (B) prevent substantial property damage; or
- (C) recover a weapon or item that has been adapted for use as a weapon and is capable of causing death or serious bodily injury.

**(2) Requirements for Use.**

- (A) Prior to approval of planned team restraint, the facility administrator or administrative duty officer must personally observe the situation. Only the facility administrator or administrative duty officer may authorize a planned team restraint.
- (B) All planned team restraints must be videotaped when practical, including a recording of a verbal description of the youth's conduct and all warnings provided the youth according to the agency-approved script.
- (C) Only staff trained in planned team restraint may participate in the team that is assembled for the room entry.
- (D) The youth must be warned to discontinue the misconduct at least two times after the team is assembled and before the room entry. The team must provide continuous opportunities for compliance during the room entry.
- (E) Use of the riot shield during a planned team restraint is limited to cases in which a youth has a weapon or a youth's behavior indicates there is a significant risk of harm to the staff members involved in the restraint.

**(m) Requirements for Use of Mechanical Restraints.**

**(1) Guidelines for Use.**

- (A) Mechanical restraint equipment must not be secured so tightly as to interfere with circulation or so loosely as to permit chafing of the skin.
- (B) When mechanical restraints are employed on a youth in a prone position, the youth is placed on his/her side as soon as practical in order to help ensure adequate respiration and circulation. The youth must be allowed to sit up as soon as his/her behavior is under control.
- (C) A mechanical restraint for other than transportation, riot control, or medical purposes must be terminated as soon as the purpose for which the youth was restrained under subsection (h) of this section has been achieved, but in any event within 30 minutes, unless an extension is granted. Extensions may be granted by the facility administrator or designee for up to two-hour intervals until termination of restraint.
- (D) A mechanical restraint for medical purposes must be terminated as soon as the purpose for which the youth was restrained has been achieved or upon expiration of the medical provider's order, whichever occurs first.
- (E) When mechanical restraints are applied, staff must:
  - (i) check the youth for adequate respiration and circulation every 15 minutes;
  - (ii) provide regularly scheduled meals and drinks;
  - (iii) provide opportunity for elimination of bodily waste at least once every two hours; and

(iv) provide continuous visual supervision and appropriate assistance until the mechanical restraint is terminated.

(F) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain may be used when transporting a youth to a security unit, within a security unit, and from a security unit in order to prevent harm to the youth or others. These restraints may not be attached in a manner that prevents the youth from being able to stand upright. Mechanical restraints may remain on the youth for the duration of the activity if circumstances warrant such restraints.

(2) **Restrictions on Use During or After Childbirth.**

(A) TJJJD staff may not use mechanical restraints to control the movement of a youth who is in labor, during delivery, or during recovery from delivery unless the executive director or designee determines that the use of restraints is necessary to:

- (i) ensure the safety and security of the youth, the infant, a staff member, or a member of the public; or
- (ii) prevent a substantial risk that the youth will attempt to escape.

(B) If restraint is approved by the executive director or designee, staff must use the least restrictive type and method of restraint necessary to achieve the purpose of the restraint.

(3) **Mechanical Restraint Use by TJJJD Transportation Staff.**

Mechanical ankle and wrist restraints attached to a waist belt by a lead chain must be used during secure transportation by designated TJJJD transportation staff. Exceptions may be made for youth being transported following release on parole from a residential facility or when medically necessary.

(4) **Mechanical Restraint Use by Other Transporters.**

(A) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain must be used during transportation when a youth is being transported to a high restriction facility.

(B) Mechanical ankle and wrist restraints attached to a waist belt by a lead chain may be used when transporting a youth off-campus.

(n) **Requirements for Use of OC Spray.**

(1) **Authorization and Training for Use of OC Spray.**

(A) OC spray is permitted only in TJJJD-operated high restriction facilities.

(B) Unless reasonably believed necessary to prevent loss of life or serious bodily injury, authorization to use OC spray must be obtained from the facility administrator, assistant superintendent, or administrative duty officer prior to each use.

(C) The only staff authorized to routinely carry OC spray on-person are the facility administrator, assistant superintendent, administrative duty officer, juvenile correctional officer shift supervisor (one per shift), dorm supervisor, and security personnel whose primary responsibility is to patrol the campus and respond to security-related incidents. Any staff positions in addition to those listed must be authorized in writing by the executive director or his/her designee.

(D) Only staff who have been trained by TJJJD in the use of OC spray are authorized to use it. TJJJD's OC spray training curriculum must include a requirement that each staff member be sprayed with OC if:

- (i) the staff member is receiving his/her first OC spray training as a TJJJD employee; and
- (ii) exposure to OC is not medically contraindicated.

(2) **Criteria for Use.**

- (A) Except as provided in subparagraph (B) of this paragraph, OC spray is authorized for use only when non-physical interventions and other physical interventions have failed or are not practical, and it is reasonably believed necessary to:
- (i) quell a riot or major campus disruption;
  - (ii) resolve a hostage situation;
  - (iii) remove youth from behind a barricade in a riot or self-harm situation;
  - (iv) secure an object that is being used as a weapon and that is capable of causing serious bodily injury;
  - (v) protect youth, staff, or others from imminent serious bodily injury; or
  - (vi) prevent escape.
- (B) Unless reasonably believed necessary to prevent loss of life or serious bodily injury, OC spray is not authorized for use on a youth when a medical provider has diagnosed the youth with a chronic, serious respiratory problem or other serious health condition identified by TJJJD (e.g., significant eye problems, known history of severe allergic reaction to OC, or severe dermatological problems).

(3) **Guidelines for Use.**

- (A) OC spray canisters must be carefully controlled at all times.
- (B) Any youth affected by OC spray must be decontaminated with cool water as soon as the purpose of the restraint has been achieved.
- (C) Immediately following decontamination from OC spray, medical staff must be contacted to examine and, if necessary, treat and monitor all youth and staff affected by OC spray.
- (D) Each individually assigned canister of OC must be weighed at the time it is assigned and after each use.

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For implementation procedures, see GAP.07.23.

Chapter: Rules for State-Operated Programs and Facilities  
Subchapter: Security and Control  
Rule: Riot Control

Effective Date: 6/16/05, T-73  
Page: 1 of 2  
Replaces: GAP.97.27  
Dated: 9/25/00, T-46

ACA Standard(s): N/A

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~~[(a) — Purpose.]~~

~~[The purpose of this rule is to establish response rules and guidelines, which may be taken by staff as necessary in order to control a riot condition at a Texas Youth Commission (TYC) operated or contracted facility.]~~

~~[(b) — Applicability.]~~

~~[(1) — This policy shall apply only in the event that the facility administrator of a TYC operated or a contract facility declares that a riot exists.]~~

~~[(2) — See (GAP) §97.23 of this title (relating to Physical Restraint).]~~

~~[(c) — Explanation of Terms Used.]~~

~~[Riot — a situation in which three or more persons at a contract program or TYC operated facility intentionally participate in conduct that threatens imminent harm to persons or property and substantially obstructs the performance of facility operations or a program therein.]~~

~~[(d) — Only the facility administrator or staff having authority to act as the facility administrator may declare that a particular situation is a riot, consistent with the definition of a riot. Staff action beyond actions described in other official rules may be taken only following the facility administrator's or acting facility administrator's declaration that a riot condition exists.]~~

~~[(e) — The staff will take the steps reasonably necessary to regain control and terminate a riot occurring on a facility campus with as few injuries as possible.]~~

~~[(f) — Physical Restraint.]~~

~~[(1) — Physical restraint may be used in accordance with (GAP) §97.23 of this title.]~~

~~[(2) — Oleoresin Capsicum (OC), also known as pepper spray, may be used in a riot and other situations consistent with (GAP) §97.23 of this title.]~~

~~[(3) — Plastic restraints may be used at any TYC institution if necessary to control youth during a riot when a sufficient number of metal cuffs are not readily available.]~~

~~[(4) — The Special Tactics and Response (STAR) team may be deployed to respond to emergencies at the discretion of the facility administrator and/or his/her designee. The STAR team is composed of 20-25 staff who are trained and highly specialized to respond to various emergencies including riots and disturbances, and who may also provide additional support during facility escapes.]~~

~~[(g) — Response to Riots.]~~

~~[The status of the emergency shall be described in terms of the following categories and continually upgraded or downgraded as appropriate.]~~

~~[(1) — Category 1. The incident can be controlled and contained by on-duty personnel.]~~

~~[(2) — Category 2. The incident cannot be controlled and contained by on-duty personnel, requiring the assistance of off-duty personnel.]~~

~~[(3) Category 3. The incident cannot be controlled and contained by institutional staff, requiring the assistance of intra-agency personnel, local law enforcement, and/or fire fighting units.]~~

~~[(4) Category 4. The incident cannot be controlled and contained by institutional, intra-agency and local mutual aid personnel and requires the assistance of state law enforcement and/or military units.]~~

~~[(h) Approved Riot Equipment and Gear.]~~

~~[Staff may act using only equipment approved for use during a riot and only following training in the appropriate procedures and use of such equipment. Approved for use during a riot:]~~

~~[(1) Chemical agent forms are:]~~

~~[(A) canisters of chemical agent OC~~

~~[(B) cartridges of chemical agent OC~~

~~[(C) pepper fog formulation for the pepper fogger (OC)~~

~~[(2) Delivery systems are:]~~

~~[(A) 37 mm gas gun]~~

~~[(B) Pepper Fogger]~~

~~[(3) Protective equipment including, but not limited to:]~~

~~[(A) protective helmet]~~

~~[(B) protective vest]~~

~~[(C) protective Plexiglas shield]~~

~~[(D) protective elbow pads]~~

~~[(E) protective knee pads]~~

Draft 7/29/15

|   |                                 |
|---|---------------------------------|
| Chapter: Rules for State-Operated Programs and Facilities                 | <b>Effective Date:</b>          |
| Subchapter: Security and Control  | Page: 1 of 1                    |
| <b>Rule: Isolation</b>  | Replaces: GAP.380.9739, 1/31/01 |
| ACA: N/A  |                                 |
| References: <i>Morales v. Turman</i> Settlement Agreement, Section (V)(B) |                                 |

Staff-recommended change on pg. 1

## RULE

### (a) Purpose.

This rule allows for short-term confinement in a locked room of a youth who meets criteria. Confinement addressed in this rule is not a disciplinary consequence.

### (b) Applicability.

- (1) This rule applies to residential facilities operated by the Texas Juvenile Justice Department.
- (2) This rule does not apply to:
  - (A) a youth being admitted to the Security Program. See §380.9740 of this title; or
  - (B) segregation in which doors are not locked. See §380.9520 of this title.

### (c) Definitions.

**Isolation**--the condition of confinement of a youth in a locked room. If the door is not locked, the confinement is not considered to be isolation. Isolation does not include when doors are routinely locked (e.g., during sleeping hours) and isolation has not otherwise been imposed.

### (d) Criteria.

- (1) A youth may be confined in isolation in cases when less restrictive interventions have failed and the youth is:
  - (A) out of control; and
  - (B) a serious and immediate physical danger to others; and
  - (C) not on suicide alert.
- (2) Isolation must be in individual youth sleeping quarters or a room specifically designated for isolation. If the room is not individual sleeping quarters, the room must:
  - (A) be heated, cooled, and ventilated;
  - (B) have a minimum ceiling height of 7.5 feet when measured from the floor to the lowest point of the ceiling; and
  - (C) be equipped with a viewing window that allows staff to observe the youth.

### (e) Release.

- (1) A youth placed in isolation must be released within three hours or be referred to the security program.
- (2) Isolation must be terminated as soon as a youth is sufficiently under control so as to no longer pose a serious and immediate danger to himself/herself or others.

### (f) Isolation Requirements.

- (1) Staff must visually check youth in isolation at least once every 15 minutes.
- (2) Youth in isolation must receive appropriate psychological and medical services.

Draft 9/29/15

|   |  |
|---|--|
| Chapter: Rules for State-Operated Programs and Facilities                 | <b>Effective Date:</b><br><br>Page: 1 of 4<br><br>Replaces: GAP.380.9740, 9/1/09 |
| Subchapter: Security and Control  |  |
| <b>Rule: Security Program</b>   |  |
| ACA: 4-JCF-3B-10, 3C-03, 3C-04, 5G-03                                     |  |
| Statutes: N/A   |  |
| References: <i>Morales v. Turman</i> Settlement Agreement, Section (V)(B) |  |

Staff-recommended changes in red

## RULE

(a) **Purpose.**

The Texas Juvenile Justice Department (TJJD) operates Security Programs at its high-restriction facilities to temporarily remove youth who engage in certain dangerous or disruptive behaviors from the general campus population. This rule establishes admission criteria, service delivery requirements, security provisions, and requirements for due process and administrative review for youth admitted to the Security Program.

(b) **Applicability.**

This rule applies to TJJD-operated high-restriction facilities that operate security units.

(c) **Definitions.**

**Security Unit**--a designated building on the campus of a high-restriction TJJD facility that contains individual rooms and a central control station. Entry to and exit from the building are controlled exclusively by staff.

(d) **General Provisions.**

- (1) Confinement in the Security Program may not be used as punishment or as a convenience for staff.
- (2) Youth are afforded all basic youth rights established in §380.9301 of this title, while confined in the Security Program.
- (3) Except as otherwise authorized by the division director over residential services or designee on a case-by-case basis, confinement in the Security Program may not exceed five calendar days or a maximum of 120 hours.
- (4) The Security Program is operated within the security unit, except as provided or permitted by other TJJD administrative rules.

(e) **Admission Criteria.**

A youth may be admitted to the Security Program when there is a reasonable belief the youth has committed a minor rule violation that warrants referral to the security unit or a major rule violation and:

- (1) the youth is a serious and continuing escape risk;
- (2) the youth is a serious and immediate physical danger to others and staff cannot protect them except by admitting the youth to the Security Program;
- (3) confinement is necessary to prevent imminent and substantial damage to property;
- (4) confinement is necessary to control behavior that disrupts programming to the extent that the current program cannot continue except by admitting the youth to the Security Program; or

- (5) the youth is likely to interfere with a pending or ongoing investigation or a requested or scheduled due process hearing.

(f) **Admission Process.**

- (1) Within one hour after a youth's arrival at the security unit (or up two hours if an extension is approved by the facility administrator or designee), a staff member must:
- (A) return the youth to the general population; or
  - (B) hold a Level III hearing in accordance with §380.9557 of this title to determine whether admission criteria have been met. The staff member who conducts the review must not have been involved in the referral to the Security Program.
- (2) If admission criteria are not met, the youth must be returned to the general population immediately.
- (3) If admission criteria are met, the youth may be admitted to the Security Program for up to 24 hours.

(g) **Extension Process.**

(1) **Extension Criteria.**

- (A) ~~An A-24-hour~~ extension may be authorized if the following criteria are met, as established through a Level III hearing conducted in accordance with §380.9557 of this title:
- (i) based on current behavior, one or more of the admission criteria listed in subsection (e)(1)-(5) of this section continue to be present; or
  - (ii) there is documented evidence that the youth is not complying with the Security Program rules of conduct.

(B) Each extension is valid for up to 24 hours.

(CB) No more than four extensions may be authorized by facility staff without approval from the division director over residential services or his/her designee, as described in paragraph (2) of this subsection.

(2) **Extensions Beyond Five Days.**

- (A) The division director over residential services or his/her designee may approve extensions after the fifth day of confinement only when no less-restrictive placement is suitable for managing the youth's behavior and:
- (i) the youth continues to present an immediate physical danger to others; or
  - (ii) the youth continues to be likely to interfere with a pending or ongoing investigation or a scheduled hearing.
- (B) Each extension is valid for up to 72 hours. However, facility staff must continue to hold Level III hearings every 24 hours to determine whether the extension criteria in subparagraph (A) of this paragraph continue to be met.

(h) **Release to the General Population.**

- (1) A youth must be released to the general population upon:
- (A) a determination that the youth's behavior no longer warrants confinement in the security unit;  
~~or~~

(B) ~~the expiration of the 24<sup>th</sup> hour after the most recent Level III hearing; or recently approved period of confinement.~~

(C) a finding in a Level III hearing that extension criteria are not met.

(2) A youth may be released from the Security Program only by the security dorm supervisor or a staff member authorized to conduct an admission hearing.

(i) **Administrative Reviews and Appeals.**

(1) The security dorm supervisor or designee must review all admission and local extension decisions within one workday. The person reviewing the decision must not have been involved in the decision. If it is determined that admission or extension criteria were not met or appropriate due process was not provided:

(A) the youth must be returned to the general population immediately; and

(B) the youth's record must be corrected to reflect the overturned admission or extension decision.

(2) The youth must be notified in writing of his/her right to appeal a Security Program admission or extension. Appeals are decided by ~~to~~ the facility administrator or designee, unless:-

(A) the admission or extension decision was ~~Appeals of decisions~~ made by the facility administrator, in which case the appeal is ~~must be~~ decided by the division director over residential services or designee; or-

(B) the youth's current stay in the Security Program has reached 120 continuous hours, in which case the appeal is decided by the executive director or designee.

(3) The youth must be notified in writing of the outcome of the appeal.

(j) **Security Program Requirements.**

(1) Staff must visually check each youth at least once every 15 minutes and document youth activity and location during the check unless more frequent checks are required under §380.9188 of this title.

(2) Individual doors must be locked.

(3) The Security Program must adhere to a standard schedule approximating that of the general population, including time out of the locked room as behavior permits.

(4) The standard schedule and Security Program rules of conduct must be posted and reviewed with youth.

(5) The following staff must visit the Security Program at least once each calendar day and speak with each youth present in the program:

(A) a nurse;

(B) a case manager; and

(C) a staff member from the administrative, psychology, and/or chaplaincy departments.

(6) Youth must be provided:

(A) appropriate psychological and medical services;

(B) an opportunity to discuss with a case manager the behavior that resulted in the admission or extension;

(C) adequate access to restroom facilities and drinking water;

- (D) access to shower and hygiene routine at least once every 24 hours, as behavior permits;
- (E) the same food, including snacks, prepared in the same manner as for other youth except for special diets that are prescribed on an individual basis by a physician, dentist, or mental health professional or special diets approved by a chaplain;
- (F) access to education services during each scheduled instructional day for the duration of instructional minutes required by the campus master schedule;
- (G) education services that will enable the youth to meet the goals of the youth's individualized education program, if the youth is currently receiving special education services;
- (H) access to limited-English-proficient services for English language learners; and
- (I) one hour of large-muscle exercise out of the room or in an enclosed outdoor recreation area at least once every 24 hours, as the youth's behavior and weather permit.

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See INS.75.05 for implementation procedures.

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Draft 7/29/15

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|--|---|
| Chapter: Rules for State-Operated Programs and Facilities      | <b>Effective Date:</b><br>Page: 1 of 3<br>Replaces: GAP.380.9745, 12/1/09 |
| Subchapter: Security and Control                               |   |
| <b>Rule: Protective Custody for Youth at Risk of Self-Harm</b> |   |
| ACA: 4-JCF-3C-01, 3C-03  |   |
| Statutes: N/A  |   |

Staff-recommended changes on pages 1, 2

**RULE**

(a) **Purpose.**

This rule provides for a protective custody program for the temporary placement of youth who are determined to be at risk of serious harm to themselves.

(b) **Applicability.**

This rule applies only to high-restriction facilities operated by the Texas Juvenile Justice Department.

(c) **Definitions.**

Definitions pertaining to this rule are under §380.9187 of this title.

(d) **General Provisions.**

- (1) The protective custody program is administered in the security unit. Unless otherwise noted in this rule, all standard service delivery and programming requirements in §380.9740 must be followed while the youth is in the security unit.
- (2) Placement of youth in protective custody is used only as a last resort when a mental health professional (MHP) determines that the youth cannot be safely managed in his/her assigned living unit and no appropriate less-restrictive placements are immediately available. Protective custody is used only as a temporary placement until the youth can be safely returned to his/her assigned living unit or until another appropriate housing or facility assignment can be arranged.
- (3) Unless otherwise noted in this rule, youth in protective custody are monitored, assessed, and treated in accordance with requirements in §380.9188 of this title.

(e) **Referral for Placement in Protective Custody.**

- (1) Only an MHP may authorize the referral of a youth to the security unit for possible placement in protective custody. The referral may be made only:
  - (A) after a trained designated staff member completes a suicide risk screening, as described in §380.9188 of this title and the MHP has consulted with the staff member concerning the results of the screening; and
  - (B) if the MHP determines that the youth is in imminent risk of serious self-injury and cannot be safely managed in his/her assigned living unit.
- (2) The youth may be held in the security unit on referral for up to four hours, pending the completion of a face-to-face suicide risk assessment by an MHP. The youth is placed on at least constant observation until he/she is assessed by the MHP. Doors must not be locked while the youth is awaiting the suicide risk assessment unless the youth presents an imminent danger to staff due to aggressive behavior. In such cases, doors may be locked in accordance with subsection (g)(2) of this section.

- (3) When a youth is referred to a security unit, the youth's suicide observation folder is transferred to the security staff, who continues documenting the youth's status at the required interval.

(f) **Admission Criteria.**

Only an MHP, in consultation with the facility's designated mental health professional (DMHP), may admit a youth to protective custody due to suicide risk. A youth may be placed in protective custody only if the MHP has conducted a face-to-face suicide risk assessment as described in §380.9188 of this title, and the MHP has determined that:

- (1) based on the youth's actions, statements, or mental status, the youth is a serious and immediate physical danger to himself/herself; and
- (2) confinement in the security unit is necessary to protect the youth from self-harm, and there is no less restrictive setting that provides the necessary level of security and staff supervision.

(g) **Program Requirements.**

- (1) Youth are placed in suicide-resistant rooms. Except for youth assigned to one-to-one observation, individual room doors remain locked.
- (2) For youth assigned to one-to-one observation, individual room doors must remain unlocked, except when a youth presents an imminent danger to staff due to aggressive behavior. In such cases, the youth's room door may be locked provided that the MHP determines (in consultation with the DMHP) that locking the door is necessary to manage the youth's aggressive behavior and still allows adequate supervision to ensure the youth's safety.
- (3) In accordance with requirements established under §380.9188 of this title, the MHP develops an individualized treatment plan that identifies crisis stabilization issues to be addressed and includes a plan of action to address the issues.
- (4) The MHP conducts a face-to-face assessment of the youth at least once every 24 hours while the youth is admitted to the protective custody program. As part of the assessment, the MHP must determine if the youth continues to be a serious and immediate physical danger to himself/herself and if continued confinement is necessary to prevent self-harm.
- (5) At least once every 48 hours following the youth's admission into protective custody, the DMHP reviews the documentation relating to protective custody, including the youth's treatment plan and any other documentation relating to the youth's stay in protective custody.
- (6) A youth may not remain in the protective custody program for more than five calendar days without written approval from the division director over residential facilities or his/her designee. This approval must be obtained for every 24-hour period thereafter.

(h) **Review of Admission and Extensions.**

The security dorm supervisor or his/her designee reviews each admission and 24-hour extension decision within one workday to determine if policies and procedures were followed. If it is determined that a youth is being held in violation of policy, the security dorm supervisor or designee:

- (1) immediately notifies the facility administrator or duty officer;
- (2) unless otherwise instructed by the facility administrator or duty officer, returns the youth to the general population; and
- (3) ensures the youth remains on one-to-one observation until an MHP conducts a face-to-face suicide risk assessment.

**(i) Release Criteria.**

The youth must be released from protective custody when:

- (1) an MHP, in consultation with the DMHP, determines the youth may return to the general population with appropriate supervision and monitoring;
- (2) an MHP, in consultation with the DMHP, determines that the youth meets criteria for transfer to a facility providing specialized mental health treatment, a TJJJ-operated crisis stabilization unit, or a psychiatric hospital;
- (3) the division director over residential facilities or his/her designee disapproves an extension request; or
- (4) a review of the admission or extension in protective custody reveals that the youth is being held in violation of policy.

**(j) Appeals.**

The youth may appeal his/her placement in protective custody to the director of treatment or his/her designee. The director of treatment or his/her designee must consult with the DMHP when reviewing the appeal.

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DRAFT

Draft 9/28/15

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|---|--|
| Chapter: Rules for State-Operated Programs and Facilities<br>Subchapter: Security and Control<br><b>Rule: Self-Referral to Security Unit</b><br><br>ACA: 4-JCF-3C-02<br>References: <i>Morales v. Turman</i> Settlement Agreement, Section (V)(B) | <b>Effective Date:</b><br><br>Page: 1 of 3<br><br>Replaces: GAP.380.9747, 5/1/11 |
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Staff Recommended Changes on Page 3

**RULE**

(a) **Purpose.**

This rule provides for the temporary placement of youth who request to be placed in a security unit.

(b) **Applicability.**

This rule applies only to high-restriction facilities operated by the Texas Juvenile Justice Department (TJJD).

(c) **Definitions.**

**Security Unit**--has the meaning assigned under §380.9740 of this title.

(d) **General Provisions.**

- (1) The security unit may be used as a temporary placement for youth who self-refer until the youth can be safely returned to his/her assigned living unit or another appropriate housing or facility assignment can be arranged.
- (2) While placed in the security unit on a self-referral, a youth must be provided scheduled programming in accordance with his/her individual case plan and, if applicable, his/her individualized education program.
- (3) If a youth claims a need for protection from harm, staff must complete a threat assessment. Based on the results of the threat assessment, all reasonable actions must be taken to ensure the safety of the youth, which may include any or all of the following:
  - (A) immediate implementation of enhanced supervision strategies;
  - (B) immediate separation of the youth from the source of the threat;
  - (C) referral to the TJJD Office of Inspector General for investigation;
  - (D) notification of the chief local administrator; and/or
  - (E) dorm or facility transfer.

(e) **Referral Process.**

- (1) Any youth may request a self-referral to the security unit. Requests may be verbal or written and may be made to any staff member.
- (2) Case management and/or supervisory staff must meet with the youth to discuss the circumstances regarding the request and, if appropriate, recommend alternatives to self-referral.
- (3) Staff may not deny the youth's request for a self-referral to the security unit, unless self-referrals have been temporarily disallowed by the facility administrator due to an ongoing facility disruption or space limitations in the security unit.

(f) **Service Delivery and Programming Requirements.**

- (1) While in the security unit on self-referral, youth shall be provided:

- (A) psychological and medical services as appropriate;
  - (B) adequate access to restroom facilities and drinking water;
  - (C) access to shower and hygiene routine at least once every 24 hours, as behavior permits;
  - (D) the same food, including snacks, prepared in the same manner as for other youth, except for special diets that are prescribed on an individual basis by a physician, dentist, or mental health professional or special diets approved by a chaplain;
  - (E) access to education services during each scheduled instructional day for the duration of instructional minutes required by the campus master schedule;
  - (F) education services that will enable the youth to meet the goals of the youth's individualized education program, if the youth is currently receiving special education services;
  - (G) access to limited-English-proficient services for English language learners; and
  - (H) one hour of large-muscle exercise out of the room or in an enclosed outdoor recreation area at least once every 24 hours, as the youth's behavior and weather permit.
- (2) A case manager or staff member designated by the facility administrator must meet with the youth daily to:
- (A) assess the youth's status and make referrals to a mental health professional as appropriate;
  - (B) discuss strategies and offer opportunities for returning to the general population; and
  - (C) ensure that all required services and programming are being delivered.
- (3) A case manager must, in consultation with members of the youth's multi-disciplinary team and a mental health professional, develop a written supervision and reintegration plan for the youth if any of the following apply:
- (A) the youth claims a need for protection from harm;
  - (B) the staff reasonably suspects the youth feels a need to be protected from harm; or
  - (C) the youth has remained in the security unit on self-referral for 120 hours.
- (4) The supervision and reintegration plan must include:
- (A) strategies for addressing the threat of harm or coping with the circumstances that resulted in the self-referral;
  - (B) requirements for enhanced supervision, if appropriate;
  - (C) a schedule for reintegrating with the general campus population; and
  - (D) a safe housing reassessment, as described in §380.8524 of this title.
- (g) **Release from the Security Unit.**
- (1) Upon a youth's request or agreement to be released from the security unit, the youth must be granted release as soon as reasonably possible.
  - (2) If a supervision and reintegration plan is required, the youth may not be released from the security unit before the plan is completed unless the release is approved by the facility administrator or designee. If the facility administrator or designee denies a youth's request for release from the security unit before a required supervision and reintegration plan is completed, the facility administrator or designee must ensure that the plan is completed and the youth is released within 24 hours after the youth's request.
  - (3) Upon a youth's release from the security unit, the youth's case manager or other designated staff member must determine which components of the youth's supervision and reintegration plan will be

continued after the youth's return to the general campus population. The youth must receive follow-up psychological services if directed by a mental health professional.

(h) **Review and Oversight.**

- (1) At least once every 72 hours, the security dorm supervisor or designee must speak with each youth admitted to the security unit on a self-referral.
- (2) If a youth has not requested or agreed to a release ~~within with~~ 72 hours after admission to the security unit on self-referral, the security dorm supervisor must consult with the facility administrator or designee to discuss reintegration strategies, service delivery and counseling activities, youth behavior, and possible dorm or facility transfer. This consultation is required every 24 hours thereafter.
- (3) If a youth has not requested or agreed to a release within five calendar days after admission to the security unit on self-referral, the facility administrator must consult with the division director over residential services or designee to discuss reintegration strategies, service delivery and counseling activities, youth behavior, and possible dorm or facility transfer. This consultation is required at least once every 72 hours thereafter until the youth is released from the security unit.
- (4) The youth's multi-disciplinary team must monitor each youth's pattern of self-referrals to the security unit for indications of ongoing or unresolved issues. The multi-disciplinary team must address these issues through case plan objectives, clinical referrals, reports to facility management, or other appropriate interventions.

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See INS.75.21 for implementation procedures.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS WITHIN 37 TAC §§380.9701, 380.9707, 380.9715-380.9727, AND 380.9739-380.9747, RELATING TO SECURITY AND CONTROL**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

**WHEREAS**, Texas Human Resources Code §242.003, authorizes TJJD to adopt rules appropriate to the proper accomplishment of its functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, the Texas Juvenile Justice Board previously approved the publication of the proposed rule review and revisions within §§380.9701, 380.9707, 380.9715-380.9727, and 380.9739-380.9747 in the *Texas Register* for a 30-day public comment period; and

**WHEREAS**, the public comment period has ended and TJJD did not receive any comments; and

**WHEREAS**, the TJJD staff recommends additional changes in §§380.9739, 380.9740, 380.9745, and 380.9747;

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the rule review and revisions within §§380.9701, 380.9707, 380.9715-380.9727, and 380.9739-380.9747 as proposed, with the additional changes as noted.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Discussion, consideration, and possible approval to publish proposed rule review and revisions for 37 TAC §385.9941 (Response to Ombudsman Reports) and §385.9951 (Death of a Youth) in the *Texas Register* for a 30-day public comment period (Action)

Date: October 16, 2015

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As part of the agency's rule review process, the State Programs and Facilities Division has completed its review of certain rules from Chapter 385 (Agency Management and Operations), Subchapter C (Miscellaneous). As a result of this review, the staff recommends several revisions to §385.9941 (Response to Ombudsman Reports) and §385.9951 (Death of a Youth).

Attached to this memo please find:

- a table summarizing the content and proposed changes of rules assigned to the State Programs and Facilities Division;
- the text of the rules to be revised; and
- a resolution for board action.

Staff requests the board's approval to publish the proposed revisions and a rule review notice in the *Texas Register* for a 30-day public comment period.

**Texas Administrative Code Rule Review**  
**37 TAC Chapter 385, Subchapter C – Miscellaneous**  
(Rules assigned to State Programs and Facilities Division)

| Rule #   | Title of Rule                 | Summary of Rule  | Is rule still needed? | Summary of Key Revisions   | Status of Revisions    |
|----------|-------------------------------|--|-----------------------|--|------------------------|
| 385.9941 | Response to Ombudsman Reports | Establishes a process for TJJJ to review and comment on reports issued by the ombudsman.                         | Yes                   | <ul style="list-style-type: none"> <li>Made only minor updates to terminology and to statutory references.</li> </ul>  | Ready for board review |
| 385.9951 | Death of a Youth              | Establishes requirements for notification, investigation, and reporting in the event of a death of a TJJJ youth. | Yes                   | <ul style="list-style-type: none"> <li>Specified that TJJJ attempts to notify the parent/guardian in person whenever possible.</li> <li>Added that TJJJ makes a staff member available to assist the parent/guardian with coordinating necessary matters such as returning the youth's belongings and coordinating funeral arrangements.</li> <li>Added that the OIG conducts a criminal investigation into every death occurring in a TJJJ or contract residential facility.</li> <li>Removed the 25-day deadline for conducting an administrative investigation.</li> <li>Added that the TJJJ medical director may convene a morbidity and mortality review.</li> <li>Added that for a death occurring while a youth is on parole in a home, TJJJ conducts a criminal and/or administrative investigation <i>as determined on a case-by-case basis</i> (instead stating that TJJJ will generally not investigate unless the youth was under the supervision of residential or contract staff at the time of death).</li> </ul> | Ready for board review |

Draft 9/30/15

|   |   |
|---|---|
| Chapter: Agency Management and Operations                               | <b>Effective Date:</b> <b>12/6/10</b><br><br>Page: 1 of 2<br><br><u>New Replaces: GAP.385.9941, 12/6/10</u> |
| Subchapter: Miscellaneous   |   |
| <b>Rule: Response to Ombudsman Reports</b>                              |   |
| ACA: N/A  |   |
| Statutes: Human Resources Code <u>§261.058(b)</u> <del>§64.055(b)</del> |   |

(a) **Purpose.**

The purpose of this rule is to establish procedures for the Texas Juvenile Justice Department (TJJD) ~~[Youth Commission (TYC)]~~ to review and comment on reports issued by the Office of the Independent Ombudsman ~~[for the Texas Youth Commission]~~ (OIO).

(b) **Applicability.**

This rule applies to the following types of reports issued by OIO:

- (1) quarterly reports issued under Human Resources Code §261.055(a) ~~§64.055(a)~~;
- (2) reports concerning serious or flagrant circumstances issued under Human Resources Code §261.055(b) ~~§64.055(b)~~; and
- (3) any other formal reports containing findings and making recommendations concerning systemic issues that affect TJJD ~~[TYC]~~.

(c) **Prior to Publication of an OIO Report.**

- (1) Upon receipt of an OIO report prior to the report's publication, the TJJD ~~[TYC]~~ executive director or his/her designee ~~[will]~~:
  - (A) assigns ~~[assign]~~ the report for review and comment to appropriate staff members; and
  - (B) drafts ~~[draft]~~ a formal response to the OIO report.
- (2) TJJD's ~~[TYC's]~~ formal response to the draft report shall be provided to OIO no later than 14 days after receipt of the draft report.
- (3) If the OIO report addresses serious or flagrant circumstances as described in Human Resources Code §261.055(b), TJJD ~~§64.055(b), [TYC]~~ shall expedite or eliminate its review of and comment on the report. The TJJD ~~[TYC]~~ executive director or his/her designee ~~[will]~~:
  - (A) determines ~~[determine]~~ whether to expedite or eliminate the review and comment process;
  - (B) within one business day, notifies ~~[notify]~~ OIO of TJJD's ~~[TYC's]~~ intention to expedite or eliminate the review and comment process; and
  - (C) in cases of expedited review, provides TJJD's ~~[provide TYC's]~~ formal comments to OIO no later than the 3rd business day after the date TJJD ~~[TYC]~~ receives the report.

(d) **After Publication of an OIO Report.**

- (1) Upon publication of an OIO report, the TJJD ~~[TYC]~~ executive director or his/her designee determines ~~[will determine]~~ whether TJJD ~~[TYC]~~ will make comments on the published report.
- (2) In cases where TJJD ~~[TYC]~~ will make comments on a published OIO report, TJJD's ~~[TYC's]~~ formal response shall be submitted to OIO no later than the 30th day after the date the report is published.

- (3) If the published report addresses serious or flagrant circumstances as described in Human Resources Code ~~§261.0559(b), TJJJ [§64.055(b), TYG]~~ shall follow the procedures and deadlines established in subsection (c)(3) of this section.
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DRAFT

Draft 9/30/15

|  |  |
|--|--|
| Chapter: Agency Management and Operations        | <b>Effective Date:</b> <del>4/26/04</del>                          |
| Subchapter: Miscellaneous                        | Page: 1 of 2   |
| <b>Rule: Death of a Youth</b>                    | Replaces: GAP.385.99-51, <del>4/26/04</del><br><del>12/18/03</del> |
| ACA: 4-JCF-4C-43<br>3-JCRF-4C-27                 |  |
| Statutes: Code of Criminal Procedure, Art. 49.18 |  |

## RULE

### (a) Purpose.

This rule establishes requirements for notification, investigation, and reporting in the event of the death of a youth who is committed to the jurisdiction of the Texas Juvenile Justice Department (TJJD).

### (b) General Provisions.

TJJD cooperates fully in any external investigations into the death of a youth.

### (c) Death of Youth Assigned to a Residential Facility.

This subsection applies to the death of a youth committed to TJJD who, at the time of death, was assigned to a residential facility that is operated by TJJD or a TJJD contractor.

- (1) As soon as reasonably possible after the death of a youth, TJJD notifies the youth's parent/guardian. The notification is made in person whenever possible.
- (2) The TJJD Office of Inspector General conducts a criminal investigation and, as appropriate, notifies local law enforcement.
- (3) The TJJD division responsible for abuse, neglect, and exploitation investigations conducts an administrative investigation in accordance with §380.9333 of this title.
- (4) TJJD requests an autopsy regardless of the circumstances of the death.
- (5) The TJJD medical director may convene a morbidity and mortality review.
- (6) A TJJD staff member is made available to assist the parent/guardian with coordinating certain necessary matters, such as returning the youth's belongings and making funeral arrangements. If the parent/guardian is unable or unwilling to make burial arrangements, TJJD ensures an appropriate burial.
- (7) In accordance with Article 49.18 of the Texas Code of Criminal Procedure, TJJD submits a Custodial Death Report to the Office of the Attorney General within 30 days after the date of the death.

### (d) Death of Youth Assigned to a Home Placement.

TJJD may conduct a criminal and/or administrative investigation, as determined on a case-by-case basis, if a youth committed to TJJD dies while assigned to a home placement.

### ~~[(a) Purpose.~~

~~The purpose of this rule is to establish a procedure whereby Texas Youth Commission (TYC) staff responds to the authorities and the family in the event of the death of a youth while under TYC jurisdiction.]~~

### ~~[(b) TYC staff will respond to the death of a youth in a responsible and sensitive manner.]~~

~~[(c) — On the death of a youth residing in a TYC residential facility, the following actions will be taken:]~~

~~[(1) — The following should be notified immediately:]~~

~~[(A) — local law enforcement officials;]~~

~~[(B) — program administrator/quality assurance administrator;]~~

~~[(C) — executive director or designee;]~~

~~[(D) — the youth's family; and]~~

~~[(E) — the chief inspector general.]~~

~~[(2) — The agency will cooperate fully with any external investigation and conducts an internal investigation into the circumstances of the death. The investigation will be conducted in accordance with (GAP) §93.33 of this title (relating to Alleged Abuse, Neglect, and Exploitation), and the report finalized within 25 days of the date of the death of the youth.]~~

~~[(3) — The executive director must provide the Attorney General's Office the Custodial Death Report (located [www.oag.state.tx.us](http://www.oag.state.tx.us)). The report must be filed:]~~

~~[(A) — regardless of the entity that conducts the investigation;]~~

~~[(B) — within 30 days from the date of the death of a youth in any TYC-operated or contract residential program; and]~~

~~[(C) — with relevant facts surrounding the death.]~~

~~[(4) — An autopsy will be sought by TYC staff who work with the medical examiner and the family as needed to arrange an autopsy;]~~

~~[(5) — The youth's family is responsible for burial arrangements. If the family is unable or unwilling to assume such responsibility, TYC will ensure an appropriate burial.]~~

~~[(d) — On the death of a youth residing in a home placement, the following actions will be taken:]~~

~~[(1) — TYC staff must be immediately notified.]~~

~~[(2) — An investigation by TYC will generally not be conducted unless the youth was under the supervision of a TYC residential program staff or contract staff at the time of death.]~~

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For implementation procedures, see GAP.07.51 and HSP.01.09.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND A RULE REVIEW NOTICE FOR 37 TAC §385.9941 (RESPONSE TO OMBUDSMAN REPORTS) AND §385.9951 (DEATH OF A YOUTH) IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

**WHEREAS**, the State Programs and Facilities Division has completed this review for 37 TAC §385.9941 and §385.9951 and recommends revisions to both rules; and

**WHEREAS**, Texas Human Resources Code §242.003 authorizes TJJD to adopt rules appropriate to the proper accomplishment of its functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, Texas Family Code §261.409 requires the Board to adopt rules for the investigation of suspected child abuse, neglect, or exploitation in a facility under TJJD jurisdiction; and

**WHEREAS**, Texas Human Resources Code §261.058(b) requires the Board to adopt rules necessary to establish procedures for TJJD to review and comment on reports of the Independent Ombudsman and to expedite or eliminate review of and comment on a report in certain circumstances;

**WHEREAS**, Texas Government Code §2001.023 and §2001.029 require a state agency to give at least 30 days' notice of its intention to adopt a rule and to allow all interested persons a reasonable opportunity to submit data, views, or arguments orally or in writing;

**NOW, THEREFORE BE IT RESOLVED THAT** for the above-referenced rules, the Board grants approval to publish the proposed revisions and a proposal to complete the rule review in the *Texas Register* for a 30-day public comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

Roland Luna, Chief Inspector General

Subject: Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§380.9711, (Control of Seized Contraband or Potential Evidence), 380.9713, (Use of Canine (K-9) Teams), and 380.9729, (Directives to Apprehend) (Action)

Date: October 11, 2015

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As a part of TJJD's rule review process, the Office of Inspector General proposed changes to assigned rules from Chapter 380 (Rules for State-Operated Programs and Facilities), Subchapter F (Security and Control), at the May 2015 Board meeting. The Board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

The comment period has ended. We did not receive any public comments. However TJJD staff has recommended the following additional changes:

- In §380.9711, corrected a typographical error.
- In §380.9713, corrected grammatical errors and made a minor wording change.
- In §380.9729, corrected a typographical error.

The staff now requests the Board's approval to adopt the rule review and the final rules, with the changes described above.

Attached to this memo, please find the following documents:

- A table summarizing the changes to the rules.
- A copy of the final rules, with markups to show the additional changes described above.
- A resolution for board action.

**Texas Administrative Code Rule Review**  
**37 TAC Chapter 380, Subchapter F – Security and Control**  
 (Rules assigned to the Office of Inspector General)

| Rule #   | Title of Rule   | Summary of Rule   | Is rule still needed? | Summary of Key Revisions   | Status of Revisions      |
|----------|---|---|-----------------------|--|--------------------------|
| 380.9711 | Control of Seized Contraband or Potential Evidence<br><i>(New Rule Title)</i> | Establishes requirements for the preservation, control, and disposition of contraband and physical evidence obtained in connection with a violation of law or rule. | <b>Yes</b>            | <ul style="list-style-type: none"> <li>• Clarified that the facility’s evidence custodian is responsible for maintaining seized contraband that will be used in a TJJJ due process hearing, but not contraband that will be used in a criminal investigation.</li> <li>• Added a requirement for facility staff to submit contraband that may be used as evidence in a criminal investigation to the secure evidence submission box maintained by the Office of Inspector General (OIG). At that point, the evidence is accessible only to OIG staff.</li> <li>• Clarified that when all administrative and legal proceedings are concluded, firearms and drugs are destroyed in accordance with the Code of Criminal Procedure.</li> <li>• Clarified that staff who discover a potential crime scene must immediately notify the OIG Incident Reporting Center (in addition to the facility administrator).</li> <li>• Changed the title of the rule to “Control of Seized Contraband or Potential Evidence” to more accurately reflect the content of the rule.</li> </ul> | Ready for board adoption |
| 380.9713 | Use of Canine (K-9) Teams   | Provides guidelines for using K-9 teams at TJJJ.  | <b>Yes</b>            | <ul style="list-style-type: none"> <li>• Clarified that the rule applies only to facilities operated by TJJJ, and not to contract facilities.</li> <li>• Clarified that K-9 teams are used for detecting and identifying drugs, currency, alcohol, tobacco products, prescription medication, and other prohibited items.</li> <li>• Deleted the need for local law enforcement to be notified if a K-9 alerts during an inspection of a TJJJ parking area. The handler of a K-9 team is a licensed peace officer, which eliminates the need to contact local law enforcement.</li> <li>• Deleted the option to use K-9s to aid in tracking and apprehending youth who have escaped from a high restriction facility.</li> <li>• Clarified that parking areas that are subject to search by K-9 teams include any area used for parking that is owned, operated, or controlled by TJJJ (<i>rather than just parking lots within the fenced perimeter</i>).</li> </ul>  | Ready for board adoption |

| Rule #   | Title of Rule           | Summary of Rule   | Is rule still needed? | Summary of Key Revisions   | Status of Revisions      |
|----------|-------------------------|---|-----------------------|--|--------------------------|
| 380.9729 | Directives to Apprehend | Establishes criteria for issuing, entering, and cancelling a directive to apprehend a TJJJ youth. | Yes                   | <ul style="list-style-type: none"> <li>• Clarified that directives to apprehend are entered into the Texas/National Crime information Center <i>by staff in the TJJJ Office of Inspector General</i>.</li> <li>• Added criteria for canceling a directive to apprehend.</li> </ul> | Ready for board adoption |

|   |                                 |
|---|---------------------------------|
| Chapter: Rules for State-Operated Programs and Facilities       | <b>Effective Date:</b>          |
| Subchapter: Security and Control                                |                                 |
| <b>Rule: Control of Seized Contraband or Potential Evidence</b> | Page: 1 of 2                    |
| ACA: 4-JCF-2A-21  | Replaces: GAP.380.9711, 11/8/05 |
| Statute(s): N/A   |                                 |

Staff-recommended changes on page 1

**RULE**

(a) **Purpose.**

This rule ~~establishes established~~ requirements for the preservation, control, and/or disposition of all contraband, including physical evidence obtained in connection with a violation of law and/or rule violation.

(b) **Applicability.**

This rule applies to TJJD-operated residential facilities.

(c) **Definitions.**

**Contraband**--has the meaning assigned by §380.9107 of this title.

(d) **Contraband Used as Evidence.**

(1) **Contraband Used in a Due Process Hearing.**

Seized contraband that may be used as evidence in a TJJD due process hearing and not used in a criminal investigation, must be properly identified, documented, and submitted to the facility's evidence custodian.

(2) **Contraband Used in a Criminal Investigation.**

Seized contraband that may be used as evidence in a criminal investigation is properly identified, documented, and submitted to the Office of Inspector General (OIG) evidence submission box. Criminal evidence is accessible only to the OIG staff. OIG maintains the chain of custody until proper case disposition.

(3) **Contraband/Evidence Disposal.**

(A) After all administrative/legal proceedings have been concluded, one of the following must occur:

- (i) destroy firearms and drugs in accordance with the Code of Criminal Procedure; or
- (ii) send contraband item(s), other than contraband firearms and drugs, to the youth's home; or
- (iii) return contraband item(s) to include contraband money (if applicable) to the owner; or
- (iv) deposit contraband money possessed by a youth into the student benefit fund pursuant to §385.9971 and §380.9555 of this title.

(B) After all OIG investigations, evidence will be disposed of as per court disposition.

(e) **Contraband Not Used as Evidence.**

Seized contraband that is not used as evidence in a TJJD due process hearing or in a criminal investigation is destroyed or sent to the youth's parent or guardian at the youth's discretion.

(f) **Contraband/Evidence in a Crime Scene.**

Staff discovering a potential crime scene must immediately notify the facility administrator and the Incident Reporting Center. A crime scene could be a death, major injury, sexual assault, and/or major property damage. The area must be immediately secured and access prohibited into the potential crime scene or area containing potential evidence. Staff must not enter the area to clean or disturb the potential evidence, clothing, and/or body fluids. Only the OIG personnel or another investigating law enforcement agency will handle the evidence of a crime scene.

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Draft 7/29/15

|   |                                  |
|---|----------------------------------|
| Chapter: Rules for State-Operated Programs and Facilities | <b>Effective Date:</b>           |
| Subchapter: Security and Control                          | Page: 1 of 1                     |
| <b>Rule: Use of Canine (K-9) Teams</b>                    | Replaces: GAP.380.9713, 11/29/04 |
| ACA: N/A  |                                  |

Staff Recommended Changes on pg. 1

I. **RULE**

(a) **Purpose.**

This rule provides guidelines for the management and deployment of K-9 teams at residential facilities operated by the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule applies to residential facilities operated by TJJD.

(c) **Definitions. Explanation of Terms Used.**

- (1) **K-9 Team**--a handler and canine trained to detect and identify illegal drugs, currency, alcohol, tobacco products, prescription medication, and other prohibited items.
- (2) **Passive Indication**--the K-9 is trained to sit, stand, or ~~lie lay~~ at the point closest to the source of the odor such as, but not limited to, cocaine, heroin, alcohol, marijuana, prescription medication, methamphetamines, tobacco, and other prohibited items.
- (3) **TJJD Parking Area**--any area used for parking that is owned, operated, or controlled by TJJD.

(d) **General Provisions. Provision.**

- (1) All TJJD K-9 teams must be certified annually and trained in passive indication.
- (2) TJJD uses K-9 teams to detect and identify illegal drugs, currency, alcohol, tobacco products, prescription medication, and other prohibited items.
- (3) A K-9 team may be deployed at the discretion of the K-9 handler to conduct routine, random, or specifically requested searches or inspections ~~of to~~ the following areas:
  - (A) any dorm, cell, or other area used to house youth;
  - (B) any school or education building on TJJD property;
  - (C) any cafeteria, kitchen, canteen, or other food preparation area;
  - (D) any administrative area, staff office, storage building, and restroom;
  - (E) any other building or area located on TJJD grounds;
  - (F) any vehicle entering a perimeter fence at a facility operated by TJJD;
  - (G) any state vehicles;
  - (H) any TJJD parking area; and
  - (I) any property under the care, custody, control, or ownership of TJJD.
- (4) All items seized by the K-9 team must be identified, documented, and submitted to the appropriate TJJD staff member in accordance with §380.9711 of this title.
- (5) At the entrance of all TJJD parking areas, signs must be posted in English and Spanish noting: "This property is subject to canine inspection and search by law enforcement."

**Draft 9/30/15**

|   |                                  |
|---|----------------------------------|
| Chapter: Rules for State-Operated Programs and Facilities | <b>Effective Date:</b>           |
| Subchapter: Security and Control                          | Page: 1 of 1                     |
| <b>Rule: Directives to Apprehend</b>                      | Replaces: GAP.380.9729, 12/18/03 |
| ACA: N/A  |                                  |
| Statutes: Human Resources Code §243.051                   |                                  |

**Staff-recommended change in red**

**RULE**

(a) **Purpose.**

This rule acknowledges a relationship between the Texas Juvenile Justice Department (TJJD), law enforcement, and the Texas/National Crime Information Center (TCIC/NCIC) with regard to reporting and apprehending youth in TJJD jurisdiction who escape or who have broken the conditions of release under supervision. This rule also establishes criteria for the issuance of a directive to apprehend.

(b) **Applicability.**

This rule applies to all youth under TJJD jurisdiction whether supervised by TJJD staff or contract staff.

(c) **Issuance of a Directive to Apprehend.**

- (1) TJJD may issue a directive to apprehend pursuant to the authority granted under Texas Human Resources Code §243.051 if a youth in TJJD custody has:
  - (A) escaped, as defined by §380.9503 of this title; or
  - (B) failed to comply with the written conditions of release under supervision (i.e., conditions of parole).
- (2) Directives to apprehend must be entered by the Office of Inspector General Incident Reporting Center according to TCIC/NCIC procedures and the Department of Public Safety/Federal Bureau of Investigation (DPS/FBI) guidelines.

(d) **Cancellation of a Directive to Apprehend.**

A directive to apprehend is cancelled when:

- (1) a youth is arrested or apprehended;
- (2) a youth is discharged from commitment to TJJD; or
- (3) TJJD staff determines the directive to apprehend is **no** longer needed.

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For implementation procedures, see CMS.12.35 and INS.91.71.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §§380.9711 (CONTROL OF SEIZED CONTRABAND OR POTENTIAL EVIDENCE), 380.9713 (USE OF CANINE (K-9) TEAMS), AND 380.9729 (DIRECTIVES TO APPREHEND)**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

**WHEREAS**, Texas Human Resources Code §242.003, authorizes TJJD to adopt rules appropriate to the proper accomplishment of its functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, the Texas Juvenile Justice Board previously approved the publication of the proposed rule review and revisions for §§380.9711, 380.9713, and 380.9729 in the *Texas Register* for a 30-day public comment period; and

**WHEREAS**, the public comment period has ended and TJJD did not receive any comments; and

**WHEREAS**, the TJJD staff recommends additional changes in §§380.9711, 380.9713, and 380.9729;

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the rule review and revisions for §§380.9711, 380.9713, and 380.9729 as proposed, with additional changes to each rule as noted.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Lesly Jacobs, Deputy Director of Administrative Investigations

Subject: Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC Chapter 358, relating to Identifying, Reporting, and Investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents (Action)

Date: October 15, 2015

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As a part of TJJJ's rule review process, the Administrative Investigations staff proposed changes to Chapter 358 (Identifying, Reporting, and investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents), at the May 2015 Board meeting. The Board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

The comment period has ended. We did not receive any public comments. However, the TJJJ staff has recommended the following additional changes:

- In §358.100, added a definition of *Private Facility Administrator* and made a minor grammatical correction.
- In §358.220, added that the private facility administrator ensures necessary data is provided to TJJJ.
- In §358.300, removed wording that required the chief administrative officer or designee to be the person who submits certain written reports to the Attorney General and to TJJJ.
- In §358.320, removed wording that required the chief administrative officer or designee to be the person who notifies or attempts to notify the parent, guardian, or custodian when a juvenile has died or is the subject of an allegation of abuse, neglect, or exploitation.
- In §358.400, added that *the juvenile board chair* (rather than the whole board) has the duty to conduct the internal investigation or appoint an individual to do so when the chief administrative officer is the person alleged to have abused, neglected, or exploited

a juvenile. Also extended this requirement to apply to cases in which a private facility administrator is the person alleged to have abused, neglected, or exploited a juvenile.

- In §358.420, added that if the chief administrative officer or the private facility administrator is the person alleged to have abused, neglected, or exploited a juvenile, the juvenile board chair must immediately place him/her on administrative leave or reassign him/her to a position having no contact with the alleged victim, relatives of the alleged victim, or other juveniles.
- In §358.440, expanded the wording to require individuals other than just the juvenile board, chief administrative officer, or designee to make a diligent effort to identify and make available all persons with knowledge of an allegation or death and to provide TJJD with any evidence requested by TJJD.
- In §358.460, expanded the wording to require individuals other than just the governing board, juvenile board, chief administrative officer, or designee to take appropriate corrective measures, when warranted, after an internal investigation.
- In §358.520, made a minor wording clarification and corrected a typographical error.

The staff now requests the Board's approval to adopt the rule review and the final rules, with the changes described above.

Attached to this memo, please find the following documents:

- A table summarizing the changes to the rules.
- A copy of the final rules, with markups to show the additional changes described above.
- A resolution for board action.

## Texas Administrative Code Rule Review

### 37 TAC Chapter 358 – Identifying, Reporting, and Investigating Abuse, Neglect, Exploitation, Death, and Serious Incidents

| Rule #  | Title of Rule  | Summary of Rule   | Is rule still needed | Summary of Key Revisions  | Status of Revisions      |
|---------|----------------|---|----------------------|---|--------------------------|
| 358.100 | Definitions    | Defines terms used throughout the chapter.  | Yes                  | <ul style="list-style-type: none"> <li>• Revised the definitions of <i>Sexual Abuse by Contact</i> and <i>Sexual Abuse by Non-Contact</i> to more closely align with PREA definitions regarding sexual abuse.</li> <li>• Added definitions for the following terms: <i>Attempted Escape</i>, <i>Chief Administrative Officer</i>, <i>Private Facility Administrator</i>, and <i>TJJD</i>.</li> <li>• Deleted definitions for the following terms: <i>Administrator</i>, <i>Call Line</i>, and <i>Commission</i>.</li> <li>• In the definition of <i>Juvenile Justice Facility</i>, revised the description of a non-secure facility to align with the types of non-secure facilities that must be certified by the juvenile board under Family Code §51.126.</li> <li>• Clarified that <i>Youth Sexual Conduct</i> includes defined conduct between two or more juveniles, regardless of whether the juveniles consented to the conduct.</li> </ul> | Ready for board adoption |
| 358.120 | Interpretation | Addresses chapter headings and use of word “including.”                           | Yes                  | <ul style="list-style-type: none"> <li>• Deleted the paragraph about use of headings.</li> <li>• Clarified that the words “include, includes, and including” mean that a non-exhaustive list will follow.</li> </ul>  | Ready for board adoption |
| 358.140 | Applicability  | Establishes what kind of allegations and incidents are addressed in this chapter. | Yes                  | <ul style="list-style-type: none"> <li>• Clarified that the chapter applies to employees, volunteers, and “<i>other individuals working under the auspices</i>” of a juvenile justice facility or program (rather than all “contractors and services providers” in a department facility or program.) This new wording is consistent with the definition of abuse in Texas Family Code §261.401.</li> <li>• Added a provision explaining that working “under the auspices of a facility or program” means the person is providing a service to juveniles when that service is a condition imposed by a juvenile court or juvenile probation department.</li> </ul>  | Ready for board adoption |

| Rule #  | Title of Rule   | Summary of Rule   | Is rule still needed | Summary of Key Revisions  | Status of Revisions      |
|---|---|---|----------------------|---|--------------------------|
| 358.200   | Policy and Procedure  | Requires departments, programs, and facilities to have written policies and procedures for reporting serious incidents, deaths, and allegations of alleged abuse, neglect, or exploitation. | Yes                  | <ul style="list-style-type: none"> <li>Made minor, non-substantive wording clarifications only.</li> </ul>  | Ready for board adoption |
| 358.220   | Data Reconciliation   | Requires departments, programs, and facilities to submit certain types of data to TJJJ relating to serious incidents, deaths, and allegations of alleged abuse, neglect or exploitation.    | Yes                  | <ul style="list-style-type: none"> <li>Deleted “driver’s license number or state-issued identification number of subject(s) of investigation” from the list of data that must be submitted to TJJJ annually.</li> <li>Clarified that departments must submit any additional information not listed in this rule if specifically requested by TJJJ.</li> <li>Re-titled the rule as “Data Reconciliation.”</li> <li>Clarified that in private facilities, the private facility administrator ensures necessary data is provided to TJJJ.</li> </ul> | Ready for board adoption |
| 358.480<br>(previous #)<br><br>358.240<br>(new #) | Signage   | Requires programs and facilities to display signage provided by TJJJ regarding a zero-tolerance policy for abuse of juveniles.  | Yes                  | <ul style="list-style-type: none"> <li>Made minor, non-substantive wording clarifications only.</li> <li>Changed the number of this rule from §358.480 to §358.240.</li> </ul>  | Ready for board adoption |
| 358.400<br>(previous #)<br><br>358.300<br>(new #) | Identifying and Reporting Abuse, Neglect, Exploitation, and Death | Establishes the duty to report, time frame for reporting, and methods for reporting alleged abuse, neglect and exploitation to TJJJ and to law enforcement.                                 | Yes                  | <ul style="list-style-type: none"> <li>Consolidated information from other rules regarding reporting deaths, sexual abuse, and serious physical abuse into this rule.</li> <li>Re-titled the rule as “Identifying and Reporting Abuse, Neglect, Exploitation, and Death.”</li> <li>Removed wording that required the chief administrative officer or designee to be the person who submits certain written reports to the Attorney General and to TJJJ.</li> <li>Changed the number of this rule from §358.400 to §358.300.</li> </ul>            | Ready for board adoption |

| Rule #  | Title of Rule   | Summary of Rule  | Is rule still needed | Summary of Key Revisions  | Status of Revisions      |
|---|---|--|----------------------|---|--------------------------|
| 358.460<br>(previous #)<br><br>358.320<br>(new #) | Parental Notification                                     | Requires programs and facilities to notify the parent, guardian, or custodian of a juvenile who has died or is the victim of alleged abuse, neglect, or exploitation.  | Yes                  | <ul style="list-style-type: none"> <li>Clarified that the parental notice or the attempt to notify must be documented on the Incident Report Form <i>and</i> (rather than “or”) in the internal investigation report.</li> <li>Removed wording that required the chief administrative officer or designee to be the person who notifies or attempts to notify the parent, guardian, or custodian when a juvenile has died or is the subject of an allegation of abuse, neglect, or exploitation.</li> <li>Changed the number of this rule from §358.460 to §358.320.</li> </ul> | Ready for board adoption |
| 358.440<br>(previous #)<br><br>358.340<br>(new #) | Reporting of Allegations by Juveniles                     | Establishes that juveniles have a right to report alleged abuse, neglect, and exploitation. Requires programs and facilities to have written policies and procedures that provide juveniles with confidential access to TJJD for reporting such allegations.                                 | Yes                  | <ul style="list-style-type: none"> <li>Clarified that during orientation in a <i>juvenile justice program</i> (in addition to orientation in a juvenile justice facility), juveniles must be advised in writing of their right to report allegations of abuse to TJJD. This clarification is consistent with the requirements in Texas Family Code §261.405.</li> <li>Changed the number of this rule from §358.440 to §358.340.</li> </ul>   | Ready for board adoption |
| 358.420<br>(previous #)<br><br>358.360<br>(new #) | Allegations Occurring Outside the Juvenile Justice System | Requires individuals to report alleged abuse, neglect, or exploitation of a juvenile to law enforcement or the appropriate governmental unit when it does not involve an employee, intern, volunteer, contractor, or service provider of a juvenile justice program, department, or facility | Yes                  | <ul style="list-style-type: none"> <li>Made minor, non-substantive wording clarifications only.</li> <li>Changed the number of this rule from §358.420 to §358.360.</li> </ul>  | Ready for board adoption |
| 358.500   | Serious Physical Abuse and Sexual Abuse                   | Establishes the duty to report, time frame for reporting, and methods for reporting alleged serious physical abuse and sexual abuse to TJJD and to law enforcement.  | No                   | <ul style="list-style-type: none"> <li>Repealed. Consolidated information from this rule into the revised §358.300.</li> </ul>  | Ready for board adoption |

| Rule #  | Title of Rule  | Summary of Rule   | Is rule still needed | Summary of Key Revisions  | Status of Revisions      |
|---------|--|---|----------------------|---|--------------------------|
| 358.600 | Death  | Establishes the duty to report, time frame for reporting, and methods for reporting the death of a juvenile to TJJJ and to law enforcement.   | No                   | <ul style="list-style-type: none"> <li>Repealed. Consolidated information from this rule into the revised §358.300.</li> </ul>  | Ready for board adoption |
| 358.620 | Custodial Death Investigation in a Facility                  | Requires the facility administrator to investigate the death of a juvenile.   | No                   | <ul style="list-style-type: none"> <li>Repealed. The duty to investigate a death in a facility is addressed in the revised §358.400.</li> </ul>   | Ready for board adoption |
| 358.640 | Custodial Death Investigation Report                         | Requires the facility administrator to submit a custodial death report to the Office of Attorney General and to TJJJ, and to complete an internal investigation report.             | No                   | <ul style="list-style-type: none"> <li>Repealed. The duty to submit a custodial death report to the Office of the Attorney General has been moved to the revised §358.300. The duty to complete an internal investigation report is addressed in the revised §358.500.</li> </ul> | Ready for board adoption |
| 358.660 | Custodial Death Investigation in a Department or Program     | Requires the administrator of a department or program to investigate the death of a juvenile who is in custody but not in a facility and complete an internal investigation report. | No                   | <ul style="list-style-type: none"> <li>Repealed. The duty to investigate any death in a department or program is addressed in the revised §358.400. The duty to complete an internal investigation report is addressed in the revised §358.500.</li> </ul>                        | Ready for board adoption |
| 358.680 | Non-Custodial Death Investigation in a Department or Program | Requires the administrator of a department or program to investigate the death of a juvenile who is not in custody and complete an internal investigation report.                   | No                   | <ul style="list-style-type: none"> <li>Repealed. The duty to investigate any death in a department or program is addressed in the revised §358.400. The duty to complete an internal investigation report is addressed in the revised §358.500.</li> </ul>                        | Ready for board adoption |

| Rule #  | Title of Rule  | Summary of Rule   | Is rule still needed | Summary of Key Revisions   | Status of Revisions      |
|---|--|---|----------------------|--|--------------------------|
| 358.700<br>(previous #)<br><br>358.400<br>(new #) | Internal Investigation   | Requires programs and facilities to complete an internal investigation for each allegation of abuse, neglect, exploitation, or death. Establishes time frames for completion and circumstances under which the investigation must be postponed. | Yes                  | <ul style="list-style-type: none"> <li>Moved information to this rule from §358.760 concerning the juvenile board's responsibilities in cases where the chief administrative officer is the subject of the investigation.</li> <li>Moved information to this rule from §358.740 concerning efforts to obtain written or recorded statements from all persons with direct knowledge of the alleged incident.</li> <li>Added that the <i>juvenile board chair</i> (rather than the whole board) has the duty to conduct the internal investigation or appoint an individual to do so when the chief administrative officer is the person alleged to have abused, neglected, or exploited a juvenile. Also extended this requirement to apply to cases in which a private facility administrator is the person alleged to have abused, neglected, or exploited a juvenile.</li> </ul> | Ready for board adoption |
| 358.720<br>(previous #)<br><br>358.420<br>(new #) | Reassignment or Administrative Leave During the Internal Investigation | Requires the administrator to immediately place the subject of investigation on administrative leave or reassign the person to a no-contact position.   | Yes                  | <ul style="list-style-type: none"> <li>Added that if the chief administrative officer or the private facility administrator is the person alleged to have abused, neglected, or exploited a juvenile, the juvenile board chair must immediately place him/her on administrative leave or reassign him/her to a position having no contact with the alleged victim, relatives of the alleged victim, or other juveniles.</li> <li>Changed the number of this rule from §358.720 to §358.420.</li> </ul>   | Ready for board adoption |
| 358.900<br>(previous #)<br><br>358.440<br>(new #) | Cooperation with TJJJ Investigation                                    | Requires the juvenile board, administrator, or their designee to fully and promptly cooperate with a TJJJ investigation into alleged abuse, neglect, exploitation, or death.  | Yes                  | <ul style="list-style-type: none"> <li>Expanded the wording to require individuals other than just the juvenile board, chief administrative officer, or designee to make a diligent effort to identify and make available all persons with knowledge of an allegation or death and to provide TJJJ with any evidence requested by TJJJ.</li> <li>Changed the number of this rule from §358.900 to §358.440.</li> </ul>   | Ready for board adoption |
| 358.780<br>(previous #)<br><br>358.460<br>(new #) | Corrective Measures  | Lists possible corrective actions that may be taken based on the results of the internal investigation.   | Yes                  | <ul style="list-style-type: none"> <li>Expanded the wording to require individuals other than just the governing board, juvenile board, chief administrative officer, or designee to take appropriate corrective measures, when warranted, after an internal investigation.</li> <li>Changed the number of this rule from §358.780 to §358.460.</li> </ul>   | Ready for board adoption |

| Rule #  | Title of Rule   | Summary of Rule  | Is rule still needed | Summary of Key Revisions  | Status of Revisions      |
|---|---|--|----------------------|---|--------------------------|
| 358.800<br>(previous #)<br>358.500<br>(new #) | Internal Investigation Report                           | Requires an investigation report to be completed at the conclusion of each internal investigation.   | Yes                  | <ul style="list-style-type: none"> <li>Made minor, non-substantive wording clarifications only.</li> <li>Changed the number of this rule from §358.800 to §358.500.</li> </ul>  | Ready for board adoption |
| 358.820<br>(previous #)<br>358.520<br>(new #) | Required Components of an Internal Investigation Report | Lists the minimum required components of an internal investigation report.   | Yes                  | <ul style="list-style-type: none"> <li>Made minor, non-substantive wording clarifications only.</li> <li>Changed the number of this rule from §358.820 to §358.520.</li> </ul>  | Ready for board adoption |
| 358.840<br>(previous #)<br>358.540<br>(new #) | Submission of Internal Investigation Report             | Requires the internal investigation report and certain attachments to be submitted to TJJJ.  | Yes                  | <ul style="list-style-type: none"> <li>Deleted the phrase “if the release is allowed by law” from the requirement to submit relevant medical documentation to TJJJ along with the internal investigation report. Neither HIPAA nor the Texas Medical Privacy Rights Act prohibits departments, programs, and facilities from providing this information to TJJJ.</li> <li>Changed the number of this rule from §358.840 to §358.540.</li> </ul> | Ready for board adoption |
| 358.300<br>(previous #)<br>358.600<br>(new #) | Serious Incidents                                       | Requires individuals to report serious incidents to TJJJ.  | Yes                  | <ul style="list-style-type: none"> <li>Made minor, non-substantive wording clarifications only.</li> <li>Changed the number of this rule from §358.300 to §358.600.</li> </ul>  | Ready for board adoption |
| 358.320<br>(previous #)<br>358.620<br>(new #) | Medical Documentation for Serious Incidents             | Requires medical documentation that contains evidence of medical treatment relating to a serious incident to be submitted to TJJJ.                   | Yes                  | <ul style="list-style-type: none"> <li>Made minor, non-substantive wording clarifications only.</li> <li>Changed the number of this rule from §358.320 to §358.620.</li> </ul>  | Ready for board adoption |
| 358.740                                       | Written and Electronically Recorded Statements          | Requires internal investigators to make a diligent effort to obtain recorded oral statements from all persons with direct knowledge of the incident. | No                   | <ul style="list-style-type: none"> <li>Repealed. The information in this rule has been consolidated into the revised §358.400.</li> </ul>   | Ready for board adoption |
| 358.760                                       | Juvenile Board Responsibilities                         | Requires the juvenile board or its appointee to conduct the internal investigation if the administrator is the subject of the investigation.         | No                   | <ul style="list-style-type: none"> <li>Repealed. The information in this rule has been consolidated into the revised §358.400.</li> </ul>   | Ready for board adoption |

| Rule #  | Title of Rule        | Summary of Rule  | Is rule still needed | Summary of Key Revisions   | Status of Revisions      |
|---------|----------------------|--|----------------------|--|--------------------------|
| 358.920 | Redaction of Records | Allows the person who is the subject of investigation to request that his/her identifying information be redacted from TJJJ's records if TJJJ's disposition is "Ruled Out" and other criteria are met. | <b>No</b>            | <ul style="list-style-type: none"> <li>• Repealed. Additional legal review has determined that TJJJ does not have statutory authorization to permanently remove names from original TJJJ records.</li> </ul> | Ready for board adoption |

# Texas Administrative Code

**Title 37**            **Public Safety and Corrections**  
**Part 11**           **Texas Juvenile Justice Department**  
**Chapter 358**      **Identifying, Reporting, and Investigating Abuse, Neglect, Exploitation, Death,  
and Serious Incidents**

|          |   |          |  |          |   |
|----------|---|----------|--|----------|---|
| §358.100 | Definitions   | §358.340 | Reporting of Allegations by Juveniles                                  | §358.500 | Internal Investigation Report                           |
| §358.120 | Interpretation  | §358.360 | Allegations Occurring Outside the Juvenile Justice System              | §358.520 | Required Components of an Internal Investigation Report |
| §358.140 | Applicability   | §358.400 | Internal Investigation   | §358.540 | Submission of Internal Investigation Report             |
| §358.200 | Policy and Procedure  | §358.420 | Reassignment or Administrative Leave During the Internal Investigation | §358.600 | Serious Incidents                                       |
| §358.220 | Data Reconciliation   | §358.440 | Cooperation with TJJD Investigation                                    | §358.620 | Medical Documentation for Serious Incidents             |
| §358.240 | Signage   | §358.460 | Corrective Measures  |          |   |
| §358.300 | Identifying and Reporting Abuse, Neglect, Exploitation, and Death |          |  |          |   |
| §358.320 | Parental Notification   |          |  |          |   |

## §358.100. Definitions.

Terms used in this chapter have the following meanings unless otherwise expressly defined within the chapter.

- (1) **Abuse, Neglect, or Exploitation**--The terms "abuse," "neglect," and "exploitation" have the meanings given in Texas Family Code §261.001 and §261.401. For the purposes of this chapter, "abuse" includes sexual abuse and serious physical abuse as defined in this section.
- (2) **Alleged Victim**--A juvenile who is alleged to be a victim of abuse, neglect, or exploitation.
- (3) **Attempted Escape**--Committing an act that amounts to more than mere planning but that fails to effect an escape.
- (4) **Attempted Suicide**--Any voluntary and intentional action that could likely result in taking one's own life.
- (5) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department, including a juvenile probation department with multi-county jurisdiction.
- (6) **Escape**--The unauthorized departure of a juvenile who is in custody or the failure of a juvenile to return to custody following an authorized temporary leave.
- (7) **Founded**--The finding assigned to an internal investigation when the evidence indicates that the conduct which formed the basis of an allegation of abuse, neglect, or exploitation occurred.
- (8) **Incident Report Form**--The form used to report to TJJD allegations of abuse, neglect, or exploitation, the death of a juvenile, and serious incidents.
- (9) **Inconclusive**--The finding assigned to an internal investigation when the evidence does not clearly indicate whether or not the conduct that formed the basis of an allegation of abuse, neglect, or exploitation occurred.
- (10) **Internal Investigation**--A formalized and systematic inquiry conducted in response to an allegation of abuse, neglect, or exploitation or the death of a juvenile.
- (11) **Internal Investigation Report**--The written report submitted to TJJD that summarizes the steps taken and the evidence collected during an internal investigation of alleged abuse, neglect, or exploitation or the death of a juvenile.
- (12) **Juvenile**--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program.

## 37 TAC Chapter 358

- (13) **Juvenile Justice Facility ("facility")**--A facility that serves juveniles under juvenile court jurisdiction and that is operated wholly or partly by or under the authority of the governing board or juvenile board or by a private vendor under a contract with the governing board, juvenile board, or governmental unit. The term includes all premises and affiliated sites of the facility, whether contiguous or detached. The term includes, but is not limited to:
- (A) a public or private juvenile pre-adjudication secure detention facility, including a short-term detention facility (i.e., holdover), required to be certified in accordance with Texas Family Code §51.12;
  - (B) a public or private juvenile post-adjudication secure correctional facility required to be certified in accordance with Texas Family Code §51.125; and
  - (C) a public or private juvenile non-secure correctional facility required to be certified in accordance with Texas Family Code §51.126.
- (14) **Juvenile Justice Program ("program")**--A program or department that:
- (A) serves juveniles under juvenile court or juvenile board jurisdiction;
  - (B) is operated wholly or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board. The term includes:
    - (i) a juvenile justice alternative education program;
    - (ii) a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court or juvenile board; and
    - (iii) a juvenile probation department.
- (15) **Juvenile Probation Department ("department")**--A governmental unit established under the authority of a juvenile board to facilitate the execution of the responsibilities of a juvenile probation department enumerated in Title 3 of the Texas Family Code and Chapter 221 of the Texas Human Resources Code.
- (16) **Medical Treatment**--Medical care, processes, and procedures that are performed by a physician, physician assistant, licensed nurse practitioner, emergency medical technician (EMT), paramedic, or dentist. Diagnostic procedures are excluded from this definition unless intervention beyond basic first aid is required.
- (17) Private Facility Administrator--The individual designated by the governing board of the facility who has the ultimate responsibility for on-site management and operation of a facility operated under contract with the juvenile board.
- ~~(1718)~~ **Reasonable Belief**--A belief that would be held by an ordinary and prudent person in the same circumstances.
- ~~(1819)~~ **Report**--Formal notification to TJJD of alleged abuse, neglect, or exploitation, the death of a juvenile, or a serious incident.
- ~~(1920)~~ **Reportable Injury**--Any injury sustained by a juvenile accidentally, intentionally, recklessly, or otherwise that:
- (A) does not result from a personal, mechanical, or chemical restraint and requires medical treatment; or
  - (B) results from a personal, mechanical, or chemical restraint and is a substantial injury.
- ~~(2021)~~ **Serious Incident**--Attempted escape, attempted suicide, escape, reportable injury, youth-on-youth physical assault, or youth sexual conduct.
- ~~(2122)~~ **Serious Physical Abuse**--Bodily harm or a condition that:
- (A) resulted directly or indirectly from the conduct that formed the basis of an allegation of abuse, neglect, or exploitation; and
  - (B) requires medical treatment.
- ~~(2223)~~ **Sexual Abuse**--Conduct committed by an employee, volunteer, or other individual working under the auspices of a facility or program against a juvenile that includes sexual abuse by contact or sexual abuse

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by non-contact. A juvenile, regardless of age, may not consent to the acts as defined in paragraphs (2324) and (2425) of this section under any circumstances.

**(2324) Sexual Abuse by Contact**--Any physical contact with a juvenile that includes:

- (A) contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (B) contact between the mouth and the penis, vulva, or anus;
- (C) contact between the mouth and any body part with the intent to abuse, arouse, or gratify sexual desire;
- (D) penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the actor has the intent to abuse, arouse, or gratify sexual desire;
- (E) any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the actor has the intent to abuse, arouse, or gratify sexual desire; and
- (F) any attempt to engage in the activities described in subparagraphs (A) – (E) of this paragraph.

**(2425) Sexual Abuse by Non-Contact**--Any sexual behavior, conduct, harassment, or actions other than those defined as sexual abuse by contact, which are exhibited, performed, or simulated in the presence of a juvenile or with reckless disregard for the presence of a juvenile, including but not limited to:

- (A) any threat or request for a juvenile to engage in the activities described in paragraph (2324) of this section;
- (B) any display of uncovered genitalia, buttocks, or breasts in the presence of a juvenile;
- (C) voyeurism, which means an invasion of privacy of a juvenile for reasons unrelated to official duties, such as peering at a juvenile who is using a toilet to perform bodily functions; requiring a juvenile to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a juvenile's naked body or of a juvenile performing bodily functions; and
- (D) sexual harassment, which includes repeated verbal comments or gestures of a sexual nature, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

**(2526) Subject of Investigation**--A person alleged as being responsible for the abuse, neglect, or exploitation of a juvenile through the person's own actions or failure to act.

**(2627) Substantial Injury**--An injury that is significant in size, degree, or severity.

**(2728) TJJD**--the Texas Juvenile Justice Department.

**(2829) Unfounded**--The finding assigned to an internal investigation when the evidence indicates the conduct that formed the basis of an allegation of abuse, neglect, or exploitation did not occur.

**(2930) Youth-on-Youth Physical Assault**--A physical altercation between two or more juveniles that results in any of the involved parties sustaining an injury that requires medical treatment.

**(3031) Youth Sexual Conduct**--Conduct between two or more juveniles, regardless of age, that is conduct described in paragraphs (2324) and (2425) of this section, regardless of whether the juveniles consented to the conduct.

### §358.120. Interpretation.

The words "include," "includes," and "including" when following a general statement or term are to be understood as introducing a non-exhaustive list, unless the context clearly indicates otherwise.

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### §358.140. Applicability.

- (a) Unless otherwise expressly stated, this chapter applies to:
  - (1) allegations of abuse, neglect, or exploitation involving a juvenile and an employee, volunteer, or other individual working under the auspices of a facility or program, regardless of the physical location of the alleged abuse, neglect, or exploitation;
  - (2) serious incidents involving a juvenile that:
    - (A) occur on the premises of a program or facility; or
    - (B) regardless of the physical location, occur while in the presence of an employee, volunteer, or other individual working under the auspices of a facility or program; and
  - (3) a death of a juvenile that:
    - (A) occurs on the premises of a program or facility;
    - (B) results from an illness, incident, or injury that occurred, was discovered, or was reported on the premises of a program or facility; or
    - (C) regardless of the physical location, occurs while in the presence of an employee, volunteer, or other individual working under the auspices of a facility or program.
- (b) For purposes of this chapter, “working under the auspices of a facility or program” includes providing a service to juveniles when that service is:
  - (1) a condition of probation, deferred prosecution, or release; or
  - (2) a condition otherwise imposed by a juvenile court or juvenile probation department.

### §358.200. Policy and Procedure.

Departments, programs, and facilities must have written policies and procedures that require, in accordance with this chapter:

- (1) reporting allegations of abuse, neglect, or exploitation or the death of a juvenile to local law enforcement, TJJD, and other appropriate governmental units; and
- (2) reporting serious incidents to TJJD.

### §358.220. Data Reconciliation.

- (a) ~~The chief administrative officer or designee must fully and promptly provide to TJJD the data listed in this section for~~ For all allegations of abuse, neglect, or exploitation, the death of a juvenile, and serious incidents occurring within the reporting period, the data listed in subsection (c) of this section must be provided to TJJD in the electronic format requested or supplied by TJJD.
- (b) ~~The chief administrative officer or the private facility administrator ensures the data listed in subsection (c) of this section is provided to TJJD.~~
- (b) ~~The data must be submitted in the electronic format requested or supplied by TJJD.~~
- (c) The data must include:
  - (1) name and Personal Identification Number (PID) of each alleged victim;
  - (2) name and date of birth of each subject of investigation;
  - (3) date and time of alleged incident;
  - (4) date the alleged incident was reported to TJJD;
  - (5) type of alleged incident (i.e., abuse, neglect, exploitation, death, or serious incident);
  - (6) type of injury, if applicable;

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- (7) whether the alleged incident was restraint-related and, if so, what type of restraint was involved (i.e., personal, mechanical, or chemical);
  - (8) disposition of internal investigation (i.e., founded, unfounded, or inconclusive); and
  - (9) county-generated case identification number.
- (d) The data must be supplied at least annually or more frequently if required by TJJD. The data must include any additional information not listed in this section if specifically requested by TJJD.

### **§358.240. Signage.**

- (a) Departments, programs, and facilities must prominently display signage provided by TJJD regarding a zero-tolerance policy concerning abuse of juveniles. The signage must be displayed in each of the following places:
- (1) lobby or visitation areas of the department, program, or facility to which the public has access;
  - (2) juvenile housing and common areas;
  - (3) common medical treatment areas;
  - (4) common educational areas; and
  - (5) other common areas.
- (b) Signage must be posted in English and Spanish.

### **§358.300. Identifying and Reporting Abuse, Neglect, Exploitation, and Death.**

(a) **Duty to Report.**

An employee, volunteer, or other individual working under the auspices of a facility or program must report the death of a juvenile or an allegation of abuse, neglect, or exploitation to TJJD and local law enforcement if he/she:

- (1) witnesses, learns of, or receives an oral or written statement from an alleged victim or other person with knowledge of the death of a juvenile or an allegation of abuse, neglect, or exploitation; or
- (2) has a reasonable belief that the death of a juvenile or abuse, neglect, or exploitation has occurred.

(b) **Non-Delegation of Duty to Report.**

In accordance with Texas Family Code §261.101, the duty to report cannot be delegated to another person.

(c) **Other than Sexual Abuse or Serious Physical Abuse.**

(1) **Time Frames for Reporting.**

A report of alleged abuse, neglect, or exploitation other than allegations involving sexual abuse or serious physical abuse must be made within 24 hours from the time a person gains knowledge of or has a reasonable belief that alleged abuse, neglect, or exploitation has occurred.

(2) **Methods for Reporting.**

- (A) The report to TJJD may be made by phone or by faxing or e-mailing a completed Incident Report Form.
- (B) If the report to TJJD is made by phone, a completed Incident Report Form must be submitted within 24 hours after the phone report.
- (C) The report to law enforcement must be made by phone.

(d) **Sexual Abuse or Serious Physical Abuse.**

(1) **Time Frames for Reporting.**

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- (A) A report of alleged sexual abuse or serious physical abuse must be made to local law enforcement immediately, but no later than one hour after the time a person gains knowledge of or has a reasonable belief that alleged sexual abuse or serious physical abuse has occurred.
  - (B) A report of alleged sexual abuse or serious physical abuse must be made to TJJD immediately, but no later than four hours after the time a person gains knowledge of or has a reasonable belief that alleged sexual abuse or serious physical abuse has occurred.
- (2) **Methods for Reporting.**
- (A) The initial report to TJJD must be made by phone using the toll-free number as designated by TJJD.
  - (B) Within 24 hours after the initial phone report to TJJD, the completed Incident Report Form must be submitted to TJJD by fax or e-mail.
  - (C) The initial report to law enforcement must be made by phone.
- (e) **Death of a Juvenile.**
- (1) **Time Frames for Reporting.**
- (A) A report of a death must be made to local law enforcement immediately, and no later than one hour after the discovery or notification of the death.
  - (B) A report of a death must be made to TJJD immediately, and no later than four hours after the discovery or notification of the death.
  - ~~(C) The chief administrative officer or designee must:~~
  - (iC) ~~submit a~~ written report of the cause of death must be submitted to the state Attorney General no later than 30 days after the juvenile's death if required by Texas Code of Criminal Procedure Article 49.18(b), ~~and~~
  - (iD) ~~submit a~~ copy of the death investigation report must be submitted to TJJD within 10 calendar days after completion.
- (2) **Methods for Reporting.**
- (A) The initial report to TJJD must be made by phone using the toll-free number as designated by TJJD.
  - (B) Within 24 hours after the phone report to TJJD, the completed Incident Report Form must be submitted to TJJD by fax or e-mail.
  - (C) The initial report to law enforcement must be made by phone.

### §358.320. Parental Notification.

(a) **Requirement to Notify.**

Notification, or diligent efforts to notify, must be made to the parent(s), guardian(s), and custodian(s) of a juvenile who has died or who is the alleged victim of abuse, neglect, or exploitation.

(b) **Time of Notification.**

The notice or efforts to notify required by subsection (a) of this section must be made as soon as possible, but no later than 24 hours from the time a person gains knowledge of or has a reasonable belief that the allegation of abuse, neglect, or exploitation or the death of a juvenile occurred.

(c) **Method of Notification.**

The notice or efforts to notify required by subsection (a) of this section may be made by phone, in writing, or in person ~~by the chief administrative officer or designee.~~

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(d) **Documentation of Notification.**

The notice or efforts to notify required by subsection (a) of this section must be documented on TJJJ's Incident Report Form and in the internal investigation report.

### **§358.340. Reporting of Allegations by Juveniles.**

(a) **Right to Report.**

Juveniles have the right to report to TJJJ allegations of abuse, neglect, or exploitation and the death of a juvenile. During orientation to a facility or program, juveniles must be advised in writing of:

- (1) their right to report allegations under this subsection; and
- (2) TJJJ's toll-free number available for reporting allegations under this subsection.

(b) **Policy and Procedure.**

Departments, programs, and facilities must have written policies and procedures that provide a juvenile with reasonable, free, and confidential access to TJJJ for reporting allegations.

(c) **Access to TJJJ.**

Upon the request of a juvenile, staff must facilitate the juvenile's unimpeded access to TJJJ to report allegations.

### **§358.360. Allegations Occurring Outside the Juvenile Justice System.**

Any person who witnesses, learns of, receives an oral or written statement from an alleged victim or other person with knowledge, or has a reasonable belief as to the occurrence of alleged abuse, neglect, or exploitation involving a juvenile that is not alleged to involve an employee, volunteer, or other individual working under the auspices of a facility or program must report the incident to law enforcement or to the appropriate governmental unit as required in Texas Family Code Chapter 261.

### **§358.400. Internal Investigation.**

(a) **Investigation Requirement.**

In every case in which an allegation of abuse, neglect, or exploitation or the death of a juvenile has occurred, an internal investigation must be conducted. The investigation must be conducted by a person qualified by experience or training to conduct a comprehensive investigation.

(b) **Initiation of Investigation.**

The internal investigation must be initiated immediately upon the chief administrative officer or the private facility administrator or their respective designees gaining knowledge of an allegation of abuse, neglect, or exploitation or the death of a juvenile. However, the initiation of the internal investigation will be postponed if:

- (1) directed by law enforcement;
- (2) requested by TJJJ; or
- (3) the integrity of potential evidence could be compromised.

(bc) **Policy and Procedure.**

Departments, programs, and facilities must have written policies and procedures for conducting internal investigations of allegations of abuse, neglect, or exploitation or the death of a juvenile. The internal investigation must be conducted in accordance with the policies and procedures of the department, program, or facility.

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### (ed) Juvenile Board Responsibilities.

If the chief administrative officer or the private facility administrator is the person alleged to have abused, neglected, or exploited a juvenile, ~~and the chief administrative officer is the highest ranking department, program, or facility official,~~ the juvenile board chair must:

- (1) conduct the internal investigation; or
- (2) appoint an individual to conduct the internal investigation who is not one of the following:
  - (A) the person alleged to have abused, neglected, or exploited the juvenile(s);
  - (B) a subordinate of the person alleged to have abused, neglected, or exploited the juvenile(s); or
  - (C) a law enforcement officer currently acting in the capacity as a criminal investigator for the alleged abuse, neglect, or exploitation or the death of a juvenile.

### ~~(d) Initiation of Investigation.~~

~~The internal investigation must be initiated immediately upon the chief administrative officer or designee gaining knowledge of an allegation of abuse, neglect, or exploitation or the death of a juvenile. However, the initiation of the internal investigation will be postponed if:~~

- ~~(1) directed by law enforcement;~~
- ~~(2) requested by TJJD; or~~
- ~~(3) the integrity of potential evidence could be compromised.~~

### (e) Time Frame for Internal Investigation.

The internal investigation must be completed within 30 business days after the initial report to TJJD. TJJD may extend this time frame upon request. TJJD may require submission of all information compiled to date or a statement of the status of the investigation when determining whether or not to grant an extension or after granting an extension.

### (f) Written and Electronically Recorded Statements.

During the internal investigation, diligent efforts must be made to obtain written or electronically recorded oral statements from all persons with direct knowledge of the alleged incident.

## §358.420. Reassignment or Administrative Leave During the Internal Investigation.

- (a) Upon gaining knowledge of an allegation of abuse, neglect, or exploitation, and until the finding of the internal investigation is determined, the ~~chief administrative officer or designee must immediately place any~~ person alleged to have abused, neglected, or exploited a juvenile must be placed on administrative leave or reassigned ~~reassign the person~~ to a position having no contact with the alleged victim, relatives of the alleged victim, or other juveniles.
- (b) If the chief administrative officer or the private facility administrator is the person alleged to have abused, neglected, or exploited a juvenile, the juvenile board chair must immediately place him/her on administrative leave or reassign him/her to a position having no contact with the alleged victim, relatives of the alleged victim, or other juveniles.
- ~~(bc)~~ If, during the internal investigation, the subject of investigation resigns or is terminated from employment, TJJD must be notified no later than the second business day after the resignation or termination.
- ~~(ed)~~ If a subject of investigation obtains employment in another jurisdiction before the disposition of the internal investigation has been finalized, the person may not be placed in a position having any contact with any juveniles until the disposition of the internal investigation is finalized in the county of previous employment.

## §358.440. Cooperation with TJJD Investigation.

- (a) All persons must fully cooperate with any investigation of an allegation of abuse, neglect, or exploitation or the death of a juvenile.

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- ~~(b) A diligent effort must be made to identify and make available for questioning all persons with knowledge of an allegation of abuse, neglect, or exploitation or the death of a juvenile that is the subject of a TJJD investigation.~~
- ~~(ac) Upon request by TJJD, The juvenile board, chief administrative officer, or designee must fully and promptly cooperate with a TJJD investigation of an allegation of abuse, neglect, or exploitation or the death of a juvenile by providing all evidence must be provided to requested by TJJD in the format requested.~~
- ~~(b) All persons must fully cooperate with any investigation of an allegation of abuse, neglect, or exploitation or the death of a juvenile.~~
- ~~(c) The juvenile board, chief administrative officer, or designee must make a diligent effort to identify and make available for questioning all persons with knowledge of an allegation of abuse, neglect, or exploitation or the death of a juvenile which is the subject of a TJJD investigation.~~

### **§358.460. Corrective Measures.**

~~Corrective measures must be taken at~~ At the conclusion of the internal investigation, ~~the governing board, juvenile board, chief administrative officer, or designee must take appropriate corrective measures,~~ if warranted, that may include:

- (1) a review of the policies and procedures pertinent to the alleged incident;
- (2) revision of any policies or procedures as needed;
- (3) administrative disciplinary action or appropriate personnel actions against all persons found to have abused, neglected, or exploited a juvenile; and
- (4) the provision of additional training for all appropriate persons to ensure the safety of the juveniles, employees, and others.

### **§358.500. Internal Investigation Report.**

An internal investigation report must be completed at the conclusion of each internal investigation resulting from an allegation of abuse, neglect, or exploitation or the death of a juvenile.

### **§358.520. Required Components of an Internal Investigation Report.**

The internal investigation report must include:

- (1) the date the internal investigation was initiated;
- (2) the date the internal investigation was completed;
- (3) the date the alleged victim's parent, guardian, or custodian was notified of the allegation, or documentation that diligent efforts to provide the notification were made;
- (4) a summary of the original allegation;
- (5) relevant policies and procedures related to the incident;
- (6) a summary or listing of the steps taken during the internal investigation;
- (7) a written summary of the content of all oral interviews conducted;
- (8) a listing of all evidence collected during the internal investigation, including all audio and/or video recordings, polygraph examinations, etc.;
- (9) relevant findings of the investigation that support the disposition;
- (10) ~~One~~ one of the following dispositions:
  - (A) founded;
  - (B) unfounded; or

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- (C) inconclusive;
- (11) the administrative action, disciplinary action, or corrective measures taken to date, if applicable (e.g., termination, suspension, retrained, returned to duty, or none);
- (12) the date the internal investigation report was completed;
- (13) the names of all persons who participated in conducting the internal investigation; and
- (14) the name and signature of the person who submitted the internal investigation report.

### **§358.540. Submission of Internal Investigation Report.**

- (a) A copy of the internal investigation report must be submitted to TJJJ within five calendar days following its completion.
- (b) The following documentation collected during the internal investigation must be submitted to TJJJ with the internal investigation report:
  - (1) written statements;
  - (2) relevant medical documentation;
  - (3) training records, if applicable; and
  - (4) any other documentation used to reach the disposition of the internal investigation.

### **§358.600. Serious Incidents.**

#### (a) **Duty to Report.**

An employee, volunteer, or other individual working under the auspices of a facility or program must report a serious incident to TJJJ if he/she:

- (1) witnesses, learns of, or receives an oral or written statement from a juvenile or other person with knowledge of a serious incident; or
- (2) has a reasonable belief that a serious incident has occurred.

#### (b) **Time Frame for Reporting.**

A report of a serious incident must be made within 24 hours from the time a person gains knowledge of or has a reasonable belief that the serious incident occurred.

#### (c) **Methods for Reporting Serious Incidents.**

- (1) The report may be made by phone or by faxing or e-mailing a completed Incident Report Form to TJJJ.
- (2) If the report is made by phone, a completed Incident Report Form must be submitted to TJJJ within 24 hours after the phone report.

### **§358.620. Medical Documentation for Serious Incidents.**

A treatment discharge form or other medical documentation that contains evidence of medical treatment pertinent to the reported incident must be submitted to TJJJ within 24 hours after receipt by the department, program, or facility.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS WITHIN 37 TAC CHAPTER 358,  
RELATING TO IDENTIFYING, REPORTING, AND INVESTIGATING ABUSE, NEGLECT, EXPLOITATION, DEATH, AND  
SERIOUS INCIDENTS**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

**WHEREAS**, Texas Family Code §261.401 requires TJJD to adopt rules relating to the investigation and resolution of reports received concerning abuse, neglect, or exploitation; and

**WHEREAS**, Texas Human Resources Code §221.002 requires TJJD to adopt rules that provide minimum standards for the operation of a juvenile board that are necessary to provide adequate and effective probation services; and

**WHEREAS**, Texas Human Resources Code §221.004 requires TJJD to adopt rules that provide standards for the collection and reporting of information about juvenile offenders by local probation departments; and

**WHEREAS**, the Texas Juvenile Justice Board previously approved the publication of the proposed rule review and revisions for 37 TAC Chapter 358 in the *Texas Register* for a 30-day public comment period; and

**WHEREAS**, the public comment period has ended and TJJD did not receive any comments; and

**WHEREAS**, the TJJD staff recommends additional changes in §§358.100, 358.220, 358.300, 358.320, 358.400, 358.420, 358.440, 358.460, and 358.520.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the rule review and revisions for TAC 37 Chapter 358 as proposed, with the additional changes to §§358.100, 358.220, 358.300, 358.320, 358.400, 358.420, 358.440, 358.460, and 358.520 as noted.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

Signed this 13th day of November 2015.

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman

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## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

James Williams, Senior Director of Probation and Community Services

Subject: Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC Chapter 341, relating to Juvenile Probation Department General Standards, 37 TAC §§343.616, 343.688, and §343.690, relating to Case Plans in Secure Facilities, and 37 TAC §355.654, relating to Case Plans in Non-secure Facilities, in the *Texas Register* for a 30-day public comment period (Action)

Date: October 15, 2015

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TJJJ staff and the Advisory Council's Standards Committee have jointly completed a review of Texas Administrative Code Chapter 341 (Juvenile Probation Department General Standards). The staff and Standards Committee recommend changes in every standard within the chapter.

Changes within each standard are summarized in the attached table. Significant changes are recommended in several areas, including:

- case management/case plans;
- carrying and use of weapons;
- taking juveniles into custody; and
- persons authorized to use restraints.

Due to the recommended changes affecting case management standards, the staff and Standards Committee also recommend several conforming changes in Texas Administrative Code Chapter 343 (Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities) and Chapter 355 (Non-Secure Correctional Facilities). These changes are summarized in separate tables that are also included in this agenda item.

Attached to this memo, please find:

- a table summarizing the changes for Chapter 341;
- the text of the revised standards in Chapter 341;
- tables summarizing the changes for Chapters 343 and 355;

- the text of the revised standards in Chapters 343 and 355; and
- a resolution for board action.

The staff now requests the board's approval to publish the proposed changes in Chapters 341, 343, and 355 in the *Texas Register* for a 30-day public comment period.

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #  | Title of Rule                   | Summary of Rule  | Summary of Key Revisions  |
|---|---------------------------------|--|---|
| <b>Subchapter A: Definitions and General Provisions</b> |                                 |  |   |
| <b>341.100 (new #)</b><br>341.1 (old #)                 | Definitions                     | Provides definitions of terms used in the chapter.   | <ul style="list-style-type: none"> <li>Consolidated all existing definitions throughout the chapter into this rule.</li> <li>Added definitions for the following terms: <i>Alternative Referral Plan, Criminogenic Needs, Department, Initial Disposition, Inter-County Transfer, Intern, Juvenile, Juvenile Board, Resident, Responsivity Factors, TCOLE, Title IV-E Approved Facility, TJJJ Mental Health Screening Instrument, Transport Personnel, and Volunteer.</i></li> <li>Deleted the definitions for the following terms: <i>Alleged Victim, Case Plan, Case Plan Review, Courtesy Supervision, Exit Plan, Referral, On-Duty, Paper Complaint, Paper Formalized, and Substitute Care Provider.</i></li> <li>Changed the term <i>Approved Physical Restraint Technique</i> to <i>Approved Personal Restraint Technique</i> and revised the definition to match existing definitions in other TAC Chapters adopted by TJJJ.</li> <li>Clarified the definition of <i>Approved Mechanical Restraint Devices</i> to reflect that the devices must be commercially available. Removed the requirement for the juvenile board to adopt the approved mechanical restraint devices. Added <i>Soft Restraints</i> to the list of TJJJ-approved devices and removed <i>Anklelets</i> and <i>Wristlets</i>.</li> <li>Changed the definition of <i>Intermediate Weapons</i> to reflect that electronic restraint devices, irritants, and impact weapons are examples of intermediate weapons, rather than the only types of such weapons permitted.</li> </ul> |
| <b>341.102 (new #)</b><br>341.4 (old #)                 | Waiver or Variance to Standards | Allows departments to apply for a waiver or variance to any standard in this chapter.                    | <ul style="list-style-type: none"> <li>No changes other than the rule number.</li> </ul>  |
| <b>Subchapter B: Juvenile Board Responsibilities</b>    |                                 |  |   |
| <b>341.200 (new #)</b><br>341.2 (old #)                 | Administration                  | Establishes basic responsibilities of a juvenile board in administering a juvenile probation department. | <ul style="list-style-type: none"> <li>Removed the requirement for the juvenile board to specify the responsibilities and functions of the juvenile probation department and the chief administrative officer.</li> <li>Clarified that the required ratio of one juvenile probation officer for every 100 annual referrals is based on <i>formal referrals</i>.</li> <li>Clarified that <i>a person designated by the juvenile board</i> (rather than the juvenile board itself) must participate in community resource coordination groups.</li> <li>Clarified that the signs provided by TJJJ relating to complaint procedures must be posted <i>in English and Spanish</i>.</li> </ul>   |

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #                                  | Title of Rule           | Summary of Rule   | Summary of Key Revisions  |
|---|-------------------------|---|---|
|   |                         |   | <ul style="list-style-type: none"> <li>• Combined the items relating to research studies and experimentation and moved the combined item from 341.3 to 341.200. Provided more explanation of what constitutes prohibited experimentation. Clarified that if the juvenile board designates a board member or staff member to approve research studies on behalf of the board, the designation must be in writing.</li> <li>• Added a requirement that for juvenile boards who adopt an alternative referral plan under Texas Family Code §53.01(d), the most recent version of the plan must be submitted to TJJD’s general counsel.</li> </ul>  |
| <b>341.202 (new #)</b><br>341.3 (old #) | Policies and Procedures | Specifies certain types of policies each juvenile board must establish. | <ul style="list-style-type: none"> <li>• Clarified that the requirement to establish a deferred prosecution policy applies only if the juvenile board adopts a fee schedule for the collection of deferred prosecution fees. Removed the specific reference to the \$15 maximum monthly fee and instead referred to the Family Code section (§53.03) that contains the monthly maximum.</li> <li>• Added a requirement for the policy on volunteers and interns to include a prohibition on having unsupervised contact with juveniles if the volunteer/intern has a criminal history that does not meet the requirements of 37 TAC Chapter 344. Removed the requirement for the policy to require the volunteer/intern sign-in log to record the names of the juveniles contacted or served.</li> <li>• Clarified that the zero-tolerance policy refers to sexual abuse as defined in 37 TAC Chapter 358. Added that the policy must address conduct by volunteers, interns, and contractors.</li> <li>• Added a requirement for the juvenile board to establish a policy that specifies whether juveniles under age 17 who have been transferred for criminal prosecution under Family Code §54.02 may be detained in a juvenile facility pending trial.</li> <li>• Added a requirement for the juvenile board to establish a policy that specifies whether juvenile probation officers may take a juvenile into custody and whether force is allowed in doing so. If force is allowed, the policy must address certain topics related to use of force, such as training, circumstances when force is authorized, prohibited conduct, and documentation.</li> </ul> |

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #   | Title of Rule   | Summary of Rule   | Summary of Key Revisions   |
|--|---|---|--|
| <b>Subchapter C: Chief Administrative Officer Responsibilities</b> |   |   |  |
| <b>341.300 (new #)</b><br>341.9 (old #)                            | Policy and Procedure Manual                             | Requires the chief administrative officer to develop, maintain, and enforce a policy and procedure manual for the department. | <ul style="list-style-type: none"> <li>• Changed the annual review requirement to be <i>within the same calendar month as the previous year's review</i> (instead of once every 365 calendar days).</li> </ul>   |
| <b>341.302 (new #)</b><br>341.10 (old #)                           | Participation in Community Resource Coordination Groups | Requires the chief administrative officer or designee to serve as liaison to the local community resource coordination group. | <ul style="list-style-type: none"> <li>• No changes other than the rule number.</li> </ul>   |
| <b>Subchapter D: Requirements for Juvenile Probation Officers</b>  |   |   |  |
| <b>341.400 (new #)</b><br>341.29 (old #)                           | Duties of Certified Juvenile Probation Officers         | Establishes duties that may be performed only by certified juvenile probation officers.                                       | <ul style="list-style-type: none"> <li>• Added the following items to the list of duties that may be performed only by certified juvenile probation officers: <ul style="list-style-type: none"> <li>○ acting as the primary supervising officer in a collaborative supervision agreement;</li> <li>○ taking a child into custody under applicable Texas Family Code sections;</li> <li>○ serving as the designated inter-county transfer officer and performing the duties required by Texas Family Code §51.072;</li> <li>○ referring a child to a local mental health or mental retardation authority as required by Texas Family Code §54.0408; and</li> <li>○ explaining to the juvenile and parent/guardian/custodian who will have access to the juvenile's record and when the record may be eligible for restricted access or sealing and providing a written copy of this explanation.</li> </ul> </li> <li>• Clarified that persons hired as juvenile probation officers who are not yet certified may perform the duties of a certified officer if they have completed <i>40 hours of training including the mandatory topics listed in 37 TAC Chapter 344</i> (rather than an unspecified number of training hours covering the duties listed in this standard). Also clarified that a non-certified officer may continue to perform duties of a certified officer as long as the application for certification has been filed by the deadline in Chapter 344.</li> </ul> |

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #                                   | Title of Rule                           | Summary of Rule  | Summary of Key Revisions   |
|--|---|--|--|
| <b>Subchapter E: Case Management</b>     |   |  |  |
| 341.35                                   | Definitions                             | Provides definitions used in the Case Management subchapter.   | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• Consolidated into new §341.100, which provides definitions for the entire chapter.</li> </ul>   |
| <b>341.500 (new #)</b><br>341.36 (old #) | Mental Health Screening                 | Requires departments to complete a mental health screening for all juveniles formally referred, with a few exceptions.   | <ul style="list-style-type: none"> <li>• Clarified that a mental health screening is not required if a licensed mental health professional completes a clinical assessment within the established time frame.</li> <li>• Clarified that the person who administers the mental health screening instrument must have received training from TJJJ or its predecessor agency or from a person who is documented to have received training from TJJJ or its predecessor agency.</li> </ul>   |
| <b>341.502 (new #)</b><br>341.20 (old #) | Risk and Needs Assessment               | Requires departments to complete a validated risk and needs assessment before the disposition in a child's case.   | <ul style="list-style-type: none"> <li>• Added a requirement to complete the risk and needs assessment at least once every six months after disposition.</li> <li>• Clarified that the risk and needs assessment is required before <i>each</i> disposition in a child's case (in the event there is more than one disposition).</li> <li>• Added a requirement that the person who administers the risk and needs assessment must be trained to do so.</li> </ul>   |
| <b>341.504 (new)</b>                     | Case Management Policies and Procedures | Establishes basic requirements for a department's policies and procedures relating to case management.   | <ul style="list-style-type: none"> <li>• <b>NEW STANDARD.</b></li> <li>• Requires that case management practices be based, at a minimum, on the results of the risk and needs assessment, the juvenile's criminogenic needs, risk level, responsibility factors, and involvement of the parent.</li> </ul>   |
| <b>341.506 (new)</b>                     | Case Plans                              | Establishes requirements for who must receive a case plan, deadline for completion, items that must be included in each case plan, and monthly status updates. | <ul style="list-style-type: none"> <li>• <b>NEW STANDARD.</b></li> <li>• Made several changes from current case plan requirements, such as: <ul style="list-style-type: none"> <li>○ The case plan must be completed within <i>30 days</i> after initial disposition (rather than 60 days).</li> <li>○ The case plan must address relevant criminogenic need(s) and, for each need, must include goals, action steps, responsible persons, time frames, and status of the goal.</li> <li>○ The juvenile probation officer must complete and document monthly discussions with the youth and parent/guardian/custodian of the youth's status and progress toward meeting case plan goals. The officer then updates the status of case plan goals and action steps. There is no longer a requirement to complete signed case plan reviews every six months.</li> </ul> </li> </ul> |

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule # | Title of Rule         | Summary of Rule   | Summary of Key Revisions   |
|--------|-----------------------|---|--|
|        |                       |   | <ul style="list-style-type: none"> <li>• Included a section that exempts certain case plan requirements while an inter-county transfer request is being processed.</li> <li>• Included a section requiring documentation when the parent/guardian/custodian cannot be located or is unable or unwilling to participate in case planning activities.</li> <li>• Included exemptions from all requirements in this standard for youth who are required to have specialized case plans for the Title IV-E foster care program or the Special Needs Diversionary Program.</li> </ul> |
| 341.37 | Case Planning         | Requires a written case plan for juveniles assigned to progressive sanction levels 3-5 and juveniles on determinate sentence probation.   | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• Moved requirements to new §341.506.</li> </ul>  |
| 341.38 | Field Supervision     | Establishes requirements for developing and reviewing case plans for youth on field supervision.  | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• These topics are now addressed in new §341.506.</li> </ul>  |
| 341.39 | Residential Placement | Establishes requirement for developing and reviewing case plans for youth in residential placements.  | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• These topics are now addressed in new §341.506. The supervising juvenile probation officer maintains responsibility for updating case plans, in consultation with staff at the placement.</li> <li>• There is no longer a requirement for the juvenile probation officer and residential placement staff to complete a new case plan. See conforming changes in 37 TAC Chapters 343 and 355.</li> </ul>   |
| 341.40 | Level of Supervision  | Requires departments to establish written criteria for determining a juvenile's level of supervision and to include the level supervision in each case plan. Also sets the minimum level of contact at one face-to-face contact per month, unless otherwise noted in the case plan. | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• The minimum level of supervision is now addressed in new §341.504.</li> <li>• The requirement to include the level of supervision in the case plan is now addressed in new §341.506.</li> <li>• There is no longer a requirement for departments to establish written criteria for determining a juvenile's level of supervision.</li> </ul>  |

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #                                   | Title of Rule    | Summary of Rule  | Summary of Key Revisions   |
|--|------------------|--|--|
| 341.41                                   | Exit Plan        | Requires a written exit plan to be completed no later than the date the juvenile successfully completes probation.   | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• There is no longer a requirement to complete a separate exit plan. New §341.506 requires the case plan to identify relevant community services for the juvenile and the juvenile's parent(s), guardian, or custodian to access while under supervision and after supervision ends.</li> </ul> |
| <b>Subchapter F: Data Collection</b>     |                  |  |  |
| 341.47                                   | Definitions      | Provides definitions used in the Data Collection subchapter  | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• Consolidated into new §341.100, which provides definitions for the entire chapter.</li> </ul>   |
| <b>341.600 (new #)</b><br>341.48 (old #) | Data Coordinator | Requires each department to have a trained data coordinator. Establishes the data coordinator's duties relating to submitting data to TJJD.  | <ul style="list-style-type: none"> <li>• Made minor, non-substantive wording changes.</li> </ul>   |
| <b>341.602 (new #)</b><br>341.49 (old #) | TJJD EDI Extract | Establishes requirements for submitting the TJJD Electronic Data Interchange (EDI) Extract. Requires TJJD to discuss proposed changes to the EDI specifications with counties before making substantive changes. | <ul style="list-style-type: none"> <li>• Made minor, non-substantive wording changes.</li> </ul>   |
| <b>341.604 (new #)</b><br>341.50 (old #) | Accuracy of Data | Requires certain steps to be taken to promote accuracy of data.  | <ul style="list-style-type: none"> <li>• Made minor, non-substantive wording changes</li> </ul>  |
| <b>341.606 (new #)</b><br>341.51 (old #) | Security of Data | Requires certain steps to be taken to promote security of data.  | <ul style="list-style-type: none"> <li>• Narrowed the requirements to maintain an off-site backup system and to establish written policies for backup and restoration to apply only to departments that do not use the Juvenile Case Management System (JCMS).</li> </ul>  |
| <b>Subchapter G: Restraints</b>          |                  |  |  |
| 341.65                                   | Definitions      | Provides definitions used in the Restraints subchapter   | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• Consolidated into new §341.100, which provides definitions for the entire chapter.</li> </ul>   |

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #                                   | Title of Rule       | Summary of Rule   | Summary of Key Revisions  |
|--|---------------------|---|---|
| <b>341.700 (new)</b>                     | Applicability       | Limits the subchapter to apply only to juveniles who are not residents of secure or non-secure facilities.                          | <ul style="list-style-type: none"> <li>• <b>NEW STANDARD.</b></li> </ul>  |
| <b>341.702 (new #)</b><br>341.66 (old #) | Requirements        | Establishes requirements and limitations for using restraints.  | <ul style="list-style-type: none"> <li>• Added transport personnel as individuals who are authorized to use restraints.</li> <li>• Clarified that the criteria for using restraints (i.e., imminent or active self-injury, injury to others, serious property damage) and the requirement to terminate the restraint when the criteria are no longer present does not apply to restraints used during routine transportation or when a juvenile probation officer takes a juvenile into custody.</li> </ul>   |
| <b>341.704 (new #)</b><br>341.67 (old #) | Prohibitions        | Lists prohibited restraint techniques.  | <ul style="list-style-type: none"> <li>• Replaced the term “face down” with “prone or supine position” to match wording used in other TAC chapters adopted by TJJD.</li> <li>• Added that restraints that place anything around the juvenile’s neck are prohibited.</li> </ul>  |
| <b>341.705 (new)</b>                     | Transport Personnel | Requires transport personnel to maintain current certification in CPR, first aid, and a TJJD-approved personal restraint technique. | <ul style="list-style-type: none"> <li>• <b>NEW STANDARD.</b></li> </ul>  |
| <b>341.706 (new #)</b><br>341.68 (old #) | Documentation       | Establishes requirements for restraint documentation.   | <ul style="list-style-type: none"> <li>• Added that using mechanical restraints during routine transportation and taking a juvenile into custody are not required to be documented as restraints unless:               <ul style="list-style-type: none"> <li>○ cooperation is compelled through the use of a personal restraint; or</li> <li>○ the juvenile receives an injury related to the restraint event.</li> </ul> </li> <li>• Added a requirement that documentation of a restraint must include a narrative description of the event from each staff member who participated in the restraint.</li> <li>• Clarified that the documentation must indicate the specific type of personal restraint hold or type of mechanical restraint applied.</li> </ul> |
| <b>341.708 (new #)</b><br>341.69 (old #) | Personal Restraint  | Requires periodic retraining in the approved personal restraint technique.  | <ul style="list-style-type: none"> <li>• Changed the required frequency of retraining to be once every 365 calendar days or as required by the specific restraint technique, whichever time frame is shorter (instead of once every two years).</li> <li>• Moved the requirement for departments to use only TJJD-approved personal restraint techniques to this standard from §341.65.</li> </ul>  |

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #                                   | Title of Rule                   | Summary of Rule  | Summary of Key Revisions  |
|--|---------------------------------|--|---|
| <b>341.710 (new #)</b><br>341.70 (old #) | Mechanical Restraint            | Establishes requirements and prohibitions relating to the use of mechanical restraints.  | <ul style="list-style-type: none"> <li>Specified that mechanical restraint devices must have documented inspections at least once each year within the same calendar month as the previous year's inspection.</li> <li>Added a requirement to restrict faulty or malfunctioning devices from use until they are repaired. Added a requirement for all maintenance to adhere to the manufacturer's guidelines.</li> <li>Clarified that mechanical restraints may not be used to secure a juvenile in a prone, <i>supine</i>, or <i>lateral</i> position with arms and hands behind his/her back and secured to his/her legs.</li> <li>Moved the requirement for departments to use only TJJJ-approved mechanical restraint devices to this standard from §341.65.</li> </ul> |
| <b>341.712 (new #)</b><br>341.71 (old #) | Transporting                    | Establishes prohibited actions during transportation.  | <ul style="list-style-type: none"> <li>Moved the documentation exception for routine transport and taking juveniles into custody from this standard to §341.706.</li> </ul>   |
| <b>Subchapter H: Carrying of Weapons</b> |                                 |  |   |
| 341.80                                   | Definitions                     | Provides definitions used in the Carrying of Weapons subchapter  | <ul style="list-style-type: none"> <li><b>REPEALED.</b></li> <li>Consolidated into new §341.100, which provides definitions for the entire chapter.</li> </ul>  |
| <b>341.800 (new #)</b><br>341.81 (old #) | Applicability and Authorization | Establishes the criteria for a juvenile probation officer to be authorized to carry a firearm in the course of the officer's duties. | <ul style="list-style-type: none"> <li>Clarified that an officer is not disqualified from carrying a firearm if he/she has been found to be a designated perpetrator in a TJJJ abuse, neglect, or exploitation investigation if that designation has since been overturned.</li> <li>Removed the provision that stated this subchapter does not authorize an officer to carry a firearm while not on duty. There is no longer a definition of <i>on duty</i> in this chapter. Instead, the standards now use the statutory phrase <i>in the course of the officer's official duties</i> when describing when an officer is authorized to carry the firearm.</li> </ul>  |
| <b>341.802 (new #)</b><br>341.82 (old #) | Documentation Requirements      | Establishes deadlines for submitting required documents to TJJJ relating to carrying of firearms.                                    | <ul style="list-style-type: none"> <li>Increased the deadline to 30 calendar days (instead of five workdays) for submitting required documents to TJJJ after receiving the initial or renewal firearms proficiency certificate.</li> <li>Added a requirement to include the department's current weapons-related policies and procedures when submitting required documents to TJJJ.</li> </ul>   |

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #   | Title of Rule   | Summary of Rule  | Summary of Key Revisions   |
|--|---|--|--|
| <p><b>341.804 (new #)</b><br/>341.83 (old #)</p> | <p>Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm</p> | <p>Lists basic requirements of juvenile probation officers who carry firearms.</p>   | <ul style="list-style-type: none"> <li>• Removed the requirement for the juvenile probation officer to notify TJJJ if the officer is arrested for, charged with, or convicted of any criminal offense. Moved this duty to the chief administrative officer in new §341.806.</li> </ul>   |
| <p>341.84</p>                                    | <p>Use of Force Continuum</p>   | <p>Requires officers who carry firearms to use force only in compliance with the Texas Penal Code Chapter 9. Specifies that officers must receive 20 hours of training in empty-hand defense tactics before carrying a firearm. Requires officers who carry a firearm to carry at least one intermediate weapon.</p> | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• The standards no longer require 20 hours of empty-hand defense training before an officer may carry a firearm. New §341.808 requires each department to specify the number of required hours.</li> <li>• The requirement to comply with Penal Code Chapter 9 is already reflected in new §341.808 (old §341.86).</li> <li>• Moved the requirement to carry an intermediate weapon when carrying a firearm from this standard to new §341.808.</li> </ul>  |
| <p><b>341.806 (new #)</b><br/>341.85 (old #)</p> | <p>Responsibilities of Chief Administrative Officer or Other Supervising Officers</p> | <p>Establishes the responsibilities of chief administrative officers and other supervising officers when any officer is authorized to carry a firearm.</p>   | <ul style="list-style-type: none"> <li>• Removed the requirement for the chief administrative officer or the supervisor of an officer who carries a firearm to comply with all requirements of this subchapter. New §341.808 requires the department to determine any such responsibilities and address them in department policies and procedures.</li> <li>• Removed the requirement for the department to notify TCOLE within 24 hours when a department rescinds its authorization for an officer to carry a firearm or when an officer who carries a firearm separates from employment with the department.</li> <li>• Clarified that an internal investigation must be conducted whenever an officer does any of the following <i>during the course of his/her official duties</i>: <ul style="list-style-type: none"> <li>○ uses an empty-hand defense tactic <i>in an incident involving another person</i>;</li> <li>○ draws or uses an intermediate weapon <i>in an incident involving another person</i>; or</li> <li>○ draws or discharges a firearm <i>in any incident</i>.</li> </ul> </li> <li>• Specified that in cases where the chief administrative officer is the subject of the investigation, the juvenile board or the board’s designee must conduct the investigation.</li> <li>• Removed use of empty-hand defense tactics as an incident that requires the officer to be placed on administrative leave or reassigned to a no-contact position.</li> <li>• Specified that an officer must be placed on administrative leave or reassigned to a no-contact position when the officer, <i>in the course of his/her official duties</i>:</li> </ul> |

## SUMMARY OF CHANGES

### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #                                   | Title of Rule                   | Summary of Rule  | Summary of Key Revisions  |
|--|---------------------------------|--|---|
|  |                                 |  | <ul style="list-style-type: none"> <li>○ draws or uses an intermediate weapon <i>in an incident involving another person</i>; or</li> <li>○ draws or discharges a firearm <i>in any incident</i>.</li> <li>● Added a requirement for the chief administrative officer to ensure TJJD is notified within 24 hours after the chief administrative officer learns that an officer who carries a firearm is arrested for, charged with, or convicted of a criminal offense</li> </ul>   |
| <b>341.808 (new #)</b><br>341.86 (old #) | Written Policies and Procedures | Requires departments that employ officers who carry firearms to have written policies and procedures relating to carrying and using weapons. Specifies the items that must be included in the policies and procedures. | <ul style="list-style-type: none"> <li>● Added that the department’s weapons-related policies and procedures must:               <ul style="list-style-type: none"> <li>○ specify the amount of training in empty-hand defense tactics and intermediate weapons that is required before an office may carry a firearm;</li> <li>○ specify the amount of continuing education required for officers who carry a firearm;</li> <li>○ specify the duties and training requirements of a chief administrative officer or direct supervisor when the direct supervisor does not carry a firearm but supervises an officer who does carry a firearm;</li> <li>○ require all weapons-related training to be received from a TCOLE-certified instructor;</li> <li>○ state whether intermediate weapons are to be purchased and maintained by the department or by the officer;</li> <li>○ <i>specify whether</i> the firearm must be fully loaded when carried or worn in the course of official duties (this replaces a requirement that it always be fully loaded);</li> <li>○ <i>specify how</i> the officer must carry or display his/her identifying credentials when carrying a firearm in the course of official duties (this replaces a requirement to always display them);</li> <li>○ specify the type(s) of intermediate weapons to be used;</li> <li>○ <i>state the manner</i> in which the firearm must be word or carried (this replaces a requirement to be encased in a holster);</li> <li>○ require documentation of each incident in which an officer, in the course of official duties, uses an empty-hand defense tactic, uses an intermediate weapon, or draws or discharges a firearm (this replaces a general requirement to define the process for reporting use of force incidents);</li> <li>○ require an office to carry an intermediate weapon at all times while carrying a firearm;</li> <li>○ specify the manner in which the intermediate weapon(s) must be carried.</li> </ul> </li> </ul> |

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### 37 TAC Chapter 341

#### General Standards for Juvenile Probation Departments

| Rule #                                   | Title of Rule  | Summary of Rule   | Summary of Key Revisions   |
|--|--|---|--|
| <b>341.810 (new #)</b><br>341.87 (old #) | Reporting Use of Force Incidents to TJJJ and Law Enforcement | Requires departments to report use of force incidents to TJJJ and law enforcement within certain deadlines.   | <ul style="list-style-type: none"> <li>• Specified that reports to TJJJ are required when an officer, <i>in the course of official duties</i>:                             <ul style="list-style-type: none"> <li>○ uses an empty-hand defense tactic <i>in an incident involving another person</i>;</li> <li>○ draws or uses an intermediate weapon <i>in an incident involving another person</i>; or</li> <li>○ draws or discharges a firearm <i>in any incident</i>.</li> </ul> </li> </ul>   |
| <b>341.812 (new #)</b><br>341.88 (old #) | Records  | Specifies which documents must be maintained in the personnel file of an officer who carries a firearm.   | <ul style="list-style-type: none"> <li>• Removed the requirement to keep the Firearms Proficiency for Juvenile Probation Officers Application in the personnel file.</li> <li>• Added a requirement to keep in the officer's personnel file an acknowledgment that the officer has reviewed the department's current weapons-related policies and procedures.</li> </ul>   |
| 341.89                                   | Training Requirements  | Establishes training requirements for juvenile probation officers who are authorized to carry a firearm.  | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• Moved the requirement to receive training from a TCOLE-approved instructor to new §341.808.</li> <li>• Moved the requirement for training to cover relevant topics to new §341.808.</li> <li>• Removed the requirement for 20 hours of continuing education for officers who carry firearms. New §341.808 requires each department to specify the number of required hours in its policies and procedures.</li> <li>• Removed the requirement to submit to TJJJ proof of completing training within five workdays after completing the training. Proof of training is addressed in §341.802.</li> </ul> |
| 341.90                                   | Disqualifying Conduct  | Establishes that a juvenile probation office is disqualified from seeking authorization to carry a firearm if he/she has been named as a perpetrator in a TJJJ abuse, neglect, or exploitation investigation. | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• This standard duplicates information contained in §341.800.</li> </ul>  |
| 341.91                                   | Prohibited Conduct   | Prohibits juvenile probation officers from firing warning shots, shooting at fleeing vehicles, and using striking weapons as intermediate weapons.  | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• New §341.808 requires departments to establish criteria their policies and procedures for when force is justified consistent with Texas Penal Code Chapter 9.</li> <li>• TJJJ standards will no longer regulate when firing a weapon is or is not justified or whether striking weapons are allowable.</li> </ul>   |

# Texas Administrative Code

Title 37 Public Safety and Corrections  
Part 11 Texas Juvenile Justice Department  
Chapter 341 **General Standards for Juvenile Probation Departments** ~~General Standards~~

## Subchapter A. **Definitions and General Provisions**

- §341.100~~4~~ Definitions
- ~~§341.102 Waiver or Variance to Standards~~

## Subchapter B. Juvenile Board Responsibilities

- §341.200~~2~~ Administration
- §341.202~~3~~ Policies and Procedures
- ~~§341.4 Waiver or Variance to Standards~~

## Subchapter C. Chief Administrative Officer Responsibilities

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## Subchapter A Definitions and General Provisions

### §341.1004 Definitions

Effective Date: 4/4/44

The following words and terms ~~when used in this chapter~~, have the following meanings when used in this chapter, unless the context clearly indicates otherwise.

- (1) **Alternative Referral Plan**--A procedure that deviates from the requirements of Texas Family Code §53.01(d) regarding referral of cases to the prosecutor.
- ~~(1) **Alleged Victim**--A juvenile alleged as being a victim of abuse, exploitation, or neglect.~~
- (2) **Approved Personal Restraint Technique ("personal restraint")**--A professionally trained, curriculum-based, and competency-based restraint technique that uses a person's physical exertion to completely or partially constrain another person's body movement without the use of mechanical restraints.
- (3) **Approved Mechanical Restraint Devices ("mechanical restraint")**--A professionally manufactured and commercially available mechanical device designed to aid in the restriction of a person's bodily movement. The only mechanical restraint devices approved for use are the following:
  - (A) **Ankle Cuffs**--Metal band designed to be fastened around the ankle to restrain free movement of the legs.
  - (B) **Handcuffs**--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms.
  - (C) **Plastic Cuffs**--Plastic devices designed to be fastened around the wrists or legs to restrain free movement of hands, arms, or legs. Plastic cuffs must be designed specifically for use in human restraint.
  - (D) **Soft Restraints**--Non-metallic wristlets and anklets used as stand-alone restraint devices. These devices are designed to reduce the incidence of skin, nerve, and muscle damage to the subject's extremities.
  - (E) **Waist Belt**--A cloth, leather, or metal band designed to be fastened around the waist and used to secure the arms to the sides or front of the body.
- (4) **Case Management System**--A computer-based tracking system that provides a systematic method to track and manage juvenile offender caseloads.
- (5) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department, including the juvenile probation department of a multi-county judicial district.
- (6) **Comprehensive Folder Edit**--A report generated in the Caseworker or Juvenile Case Management System (JCMS) application that performs an extensive edit of the case file information. This report identifies incorrectly entered data and questionable data that impact the accuracy of the reports and programs.
- (7) **Criminogenic Needs**--Issues, risk factors, characteristics, and/or problems that relate to a person's risk of reoffending.
- (8) **Data Coordinator**--A person employed by a juvenile probation department who is designated to serve and function as the primary contact with TJJD on all matters relating to data collection and reporting.

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- (9) **Department**--A juvenile probation department.
- (10) **Draw**--To unholster a weapon in preparation for use against a perceived threat.
- (11) **EDI Specifications**--A document developed by TJJD outlining the data fields and file structures that each juvenile probation department is required to follow in submitting the TJJD EDI extract.
- (12) **Empty-Hand Defense**--Defensive tactics through the use of pressure points, releases from holds, and blocking and striking techniques using natural body weapons such as an open hand, fist, forearm, knee, or leg.
- (13) **Field Supervision**--Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(A) where the child is placed on probation in the child's home or in the custody of a relative or another fit person.
- (14) **Formal Referral**--An event that occurs only when all three of the following conditions exist:
- (A) a juvenile has allegedly committed delinquent conduct, conduct indicating a need for supervision, or a violation of probation;
  - (B) the juvenile probation department has jurisdiction and venue; and
  - (C) the office or official designated by the juvenile board has:
    - (i) made face-to-face contact with the juvenile and the alleged offense has been presented as the reason for this contact; or
    - (ii) given written or verbal authorization to detain the juvenile.
- (15) **Initial Disposition**--The disposition of probation issued by a juvenile court after a child is:
- (A) formally referred to a juvenile probation department for the first time; or
  - (B) formally referred to a juvenile probation department after any and all previous periods of supervision by the department have ended.
- (16) **Inter-County Transfer**--As described in Texas Family Code §51.072, a transfer of supervision from one juvenile probation department in Texas to another juvenile probation department in Texas for a juvenile who moves or intends to move to another county and intends to remain in that county for at least 60 days.
- (17) **Intermediate Weapons**--Weapons designed to neutralize or temporarily incapacitate an assailant, such as electronic restraint devices, irritants, and impact weapons. This level of self-defense employs the use of tools to neutralize aggressive behavior when deadly force is not justified but when empty-hand defense is not sufficient.
- (18) **Intern**--An individual who performs services for a juvenile justice program or facility through a formal internship program that is sponsored by a juvenile justice agency or is part of an approved course of study through an accredited college or university.
- (19) **Juvenile**--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program.
- (20) **Juvenile Board**--A governing board created under Chapter 152 of the Texas Human Resources Code.
- (21) **Juvenile Justice Program**--A program or department ~~that:~~
- (A) serves juveniles under juvenile court or juvenile board jurisdiction; and
  - (B) is operated wholly or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board ~~that serves juveniles under juvenile court jurisdiction or juvenile board jurisdiction.~~ The term includes:
    - (iA) juvenile justice alternative education programs;
    - (iiB) non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court; and

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- (iii) juvenile probation departments.
- (4) ~~**Referral**~~—A referral to the juvenile court for conduct defined in Texas Family Code §51.03 that results in a face-to-face interview between the juvenile and the authorized staff of the juvenile probation department.
- (22) ~~**Resident**~~—A juvenile or other individual who has been lawfully admitted into a pre-adjudication secure juvenile detention facility, post-adjudication secure juvenile correctional facility, or a non-secure juvenile correctional facility.
- (23) ~~**Residential Placement**~~—Supervision ordered by a juvenile court in which the child is placed on probation outside the child's home in a foster home or a public or private institution or agency.
- (24) ~~**Restraints**~~—Personal or mechanical restraint.
- (25) ~~**Responsivity Factors**~~—Factors that are not necessarily related to criminal activity but are relevant to the way in which the juvenile reacts to different types of interventions (e.g., learning styles and abilities, self-esteem, motivation for treatment, resistance to change, etc.)
- (26) ~~**SRSXEdit**~~—An audit program developed by TJJD to assist juvenile probation departments not using the Caseworker or JCMS application with verifying their data prior to submission to TJJD.
- (27) ~~**Supervision**~~—The case management of a juvenile by the assigned juvenile probation officer or designee through contacts (e.g., face-to-face, telephone, office, home, or collateral contacts) with the juvenile, the juvenile's family, and/or other persons or entities involved with the juvenile.
- (28) ~~**TCOLE**~~—Texas Commission on Law Enforcement.
- (29) ~~**Title IV-E Approved Facility**~~—A facility licensed and/or approved by the Texas Department of Family and Protective Services for Title IV-E participation.
- (30) ~~**TJJD**~~—Texas Juvenile Justice Department.
- (31) ~~**TJJD Electronic Data Interchange (EDI) Extract**~~—An automated process to extract and submit modified case records from the department's case management system to TJJD. The extract must be completed in accordance with this chapter.
- (32) ~~**TJJD Mental Health Screening Instrument**~~—An instrument selected by TJJD to assist in identifying juveniles who may have mental health needs.
- (33) ~~**Transport Personnel**~~—An employee of a juvenile probation department, other than a juvenile supervision officer, whose primary job duty is to transport juveniles.
- (34) ~~**Volunteer**~~—An individual who performs services for the juvenile probation department without compensation from the department who has:
- (A) any unsupervised contact with juveniles in a juvenile justice program or facility; or
  - (B) regular or periodic supervised contact with juveniles in a juvenile justice program or facility.

### §341.102 Waiver or Variance to Standards

Effective Date:

Unless expressly prohibited by another standard, an application for a waiver or variance of any standard in this chapter may be submitted in accordance with §349.200 of this title.

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## Subchapter B Juvenile Board Responsibilities

### §341.2002 Administration

Effective Date: 4/1/14

(a) **Local Juvenile Probation Services Administration.**

(1) ~~For each autonomous juvenile probation department, the juvenile board must employ a chief administrative officer who meets the standards set forth in Chapter 344 of this title for each autonomous juvenile probation department.~~

~~(2) The juvenile board must specify the responsibilities and functions of the juvenile probation department as well as the authority, responsibility, and function of the position of the chief administrative officer.~~

(2) When probation services for adult and juvenile offenders are provided by a single probation office, the juvenile board must ensure that the juvenile probation ~~department's department~~ policies, programs, and procedures are clearly differentiated.

(b) **Referral Ratio.** The juvenile ~~probation department board~~ shall employ at least one certified juvenile probation officer for each 100 ~~formal~~ referrals made to the juvenile probation department annually.

(c) **Participation in Community Resource Coordination Groups.**

(1) ~~A person designated by the juvenile boards~~ must participate in the system of community resource coordination groups pursuant to Texas Government Code §531.055.

(2) The chair of the juvenile board or his/her designee must serve as representative to the interagency dispute resolution process required by Government Code §531.055.

(d) **Notice of Complaint Procedures.** The juvenile board must ~~ensure post~~ the ~~English and Spanish~~ signs provided by TJJD relating to complaint procedures ~~are posted~~ in a public area of:

(1) the juvenile probation department; and

(2) any facility operated by the juvenile board or by a private entity through a contract with the juvenile board.

(e) **Research Studies and Experimentation.**

(1) The juvenile board must establish a policy that prohibits participation by juveniles in research that employs an experimental design to test a medical, pharmaceutical, or cosmetic product or procedure.

(2) Participation by juveniles in any other kind of research is prohibited unless:

(A) the research study is approved in writing by the juvenile board or its designee; and

(B) the juvenile board has established policies that:

(i) govern all authorized research studies;

(ii) prohibit studies that involve medically invasive procedures; and

(iii) adhere to all federal requirements governing human subjects and confidentiality.

(3) If the juvenile board authorizes a board member or staff member to approve research studies on behalf of the board, the authorization must be in writing.

(4) Approved research studies must adhere to all applicable policies of the authorizing juvenile board.

(5) Before a research study approved by the juvenile board begins, the research study must be reported to TJJD in a format prescribed by TJJD.

(6) Results of a completed study must be made available to TJJD upon request.

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### (f) Alternative Referral Plans.

If a juvenile board adopts an alternative referral plan under Texas Family Code §53.01(d), the board must ensure the most recent version of the plan is submitted to the TJJD general counsel.

### **§341.2023 Policies ~~Policy~~ and Procedures**

Effective Date: 4/4/14

- (a) **Personnel Policies.** The juvenile board must ~~establish~~ adopt written personnel policies.
- (b) **Department Policies.** The juvenile board must ~~establish~~ adopt written department policies and procedures. These policies must include, at a minimum, the following provisions, if applicable:

#### (1) **Deferred Prosecution.**

~~(A) If the juvenile board adopts a fee schedule for the collection of deferred prosecution fees, the board must establish a written policy that includes the following requirements. The deferred prosecution policy must, at a minimum, include the following provisions:~~

~~(A) The maximum supervision fee for deferred prosecution cases is \$15.00 per month.~~

~~(B) The monthly fee must be determined after obtaining a financial statement from the parent or guardian and may not exceed the maximum set by Texas Family Code §53.03.~~

~~(C) The fee schedule must be based on total parent/guardian income.~~

~~(D) The chief administrative officer or his/her designee must approve in writing the fee assessed for each child including any waiver of deferred prosecution fees.~~

~~(E) A deferred prosecution fee may not be imposed if the juvenile board does not adopt a fee schedule and rules for waiver of the deferred prosecution fee.~~

#### (2) **Volunteers and Interns.**

If a juvenile probation department ~~utilizes volunteers or interns, has or develops a volunteer or internship program,~~ the juvenile board must ~~establish, at a minimum, adopt the following~~ policies for the volunteer and/or internship program ~~that include:~~

~~(A) a description of the scope, responsibilities, and limited authority of volunteers and interns who work with the department;~~

~~(B) selection and termination criteria, including disqualification based on specified criminal history;~~

~~(C) a requirement to conduct criminal history searches as described in §344.310 of this title for volunteers and interns who will have direct, unsupervised access to juveniles;~~

~~(D) a prohibition on having unsupervised contact with juveniles for volunteers and interns whose criminal history does not meet the requirements in Chapter 344 of this title;~~

~~(E) the orientation and training requirements, including training on recognizing and reporting abuse, neglect, and exploitation;~~

~~(F) a requirement that volunteers and interns meet minimum professional requirements if serving in a professional capacity; and~~

~~(G) a requirement to maintain a sign-in log that documents the name of the volunteer/intern, the purpose of the visit, the date of the service, and the beginning and ending time of the service performed for the department.~~

~~(A) a description of the authority, responsibility, and accountability of volunteers and interns who work with the department;~~

~~(B) a requirement for criminal history searches in accordance with the requirements set forth in Chapter 344 of this title;~~

~~(C) selection and termination criteria, including disqualification based on criminal history;~~

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- ~~(D) orientation and training requirements including training on reporting abuse, exploitation, and neglect;~~
- ~~(E) a requirement that volunteers and interns meet minimum professional requirements if serving in a professional capacity; and~~
- ~~(F) a provision requiring all volunteer and intern activity involving contact with juveniles to be documented through the use of a log which identifies:
  - ~~(i) the name of the volunteer/intern;~~
  - ~~(ii) the date and time (beginning and ending) of the activity;~~
  - ~~(iii) the name of the juvenile(s) contacted/served; and~~
  - ~~(iv) general description of the activity/service the volunteer/intern provided.~~~~
- ~~(3) **Experimentation.** The juvenile board must adopt a policy that, at a minimum, prohibits a department or juvenile justice program from using juveniles for medical, pharmaceutical, or cosmetic experiments.~~
- ~~(4) **Research Studies.** Participation by juveniles in medical, psychological, pharmaceutical, or cosmetic research is prohibited unless the research study is approved in writing by the juvenile board subject to the following requirements:
  - ~~(A) The juvenile board must promulgate approved policies that govern all authorized research studies. Studies that include medically invasive procedures must be prohibited.~~
  - ~~(B) Approved research studies must adhere to all applicable policies of the authorizing juvenile board.~~
  - ~~(C) Research studies approved by the juvenile board must be reported to TJJD in a format prescribed by TJJD prior to commencement of the study.~~
  - ~~(D) After receiving a request from TJJD, the juvenile board chair or the chief administrative officer must provide TJJD with the written results of a completed research study.~~
  - ~~(E) Policies governing research studies must adhere to all federal requirements governing human subjects and confidentiality.~~~~
- ~~(35) **Zero-Tolerance for Sexual Abuse.** The juvenile board must establish ~~adopt~~ zero-tolerance policies and procedures regarding sexual abuse as defined in Chapter 358 of this title. The policies and procedures must:
  - ~~(A) strictly prohibit all sexual abuse of juveniles under the jurisdiction of the department by department staff, volunteers, interns, and contractors;~~
  - ~~(B) establish the actions department staff must take in response to allegations of sexual abuse and TJJD-confirmed incidents of sexual abuse; and~~
  - ~~(C) provide for administrative ~~and/or criminal~~ disciplinary sanctions and referral for criminal prosecution.~~~~
- ~~(4) **Pretrial Detention for Certain Juveniles.** As required by Texas Human Resources Code §152.0015, the juvenile board must establish a policy that specifies whether a person who has been transferred for criminal prosecution under Texas Family Code §54.02 and is younger than 17 years of age may be detained in a juvenile facility pending trial.~~
- ~~(5) **Taking Juveniles into Custody.**  
The juvenile board must establish a policy that specifies whether juvenile probation officers may take a juvenile into custody as allowed by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015.
  - ~~(A) If the policy allows juvenile probation officers to take a juvenile into custody, the policy must specify whether the officers are allowed to use force in doing so.~~~~

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- (B) ~~If the policy allows juvenile probation officers to use force in taking a juvenile into custody, the policy must:~~
- ~~(i) address prohibited conduct, circumstances under which force is authorized, and training requirements;~~
  - ~~(ii) require each use of force to be documented, except when the only force used is the placement of mechanical restraints on the juvenile.~~

### **§341.4 Waiver or Variance to Standards**

Effective Date: 4/1/14

~~Unless expressly prohibited by another standard, an application for waiver or variance of any standard in this chapter may be submitted in accordance with §349.200 of this title.~~

## **Subchapter C Chief Administrative Officer Responsibilities**

### **§341.3009 Policy and Procedure Manual**

Effective Date: 4/1/14

- (a) The chief administrative officer must develop, maintain, and enforce a policy and procedure manual for the juvenile probation department, which must include the policies and procedures of the juvenile probation department as ~~established~~ adopted by the juvenile board. ~~The chief administrative officer must also ensure the daily juvenile probation department practice conforms to the policies and procedures detailed in the manual.~~
- (b) The chief administrative officer must provide all employees with a copy of or access to the policy and procedure manual, review the manual no later than the last day of the calendar month of the previous year's review, at least once every 365 calendar days, maintain documentation of this review, and update the manual as necessary.

### **§341.30210 Participation in Community Resource Coordination Groups**

Effective Date: 4/1/14

The chief administrative officer or his/her designee must serve as the liaison to the local community resource coordination group pursuant to Texas Government Code §531.055.

## **Subchapter D Assessment and Screening**

### **§341.20 Risk and Needs Assessment**

Effective Date: 4/1/14

~~A juvenile probation department must, before the disposition of a child's case and using a validated risk and needs assessment instrument or process provided or approved by TJJJD, complete a risk and needs assessment for each child under the jurisdiction of the juvenile probation department.~~

#### ~~(1) Selection of Risk and Needs Assessment Instrument.~~

- ~~(A) All juvenile probation departments may use the TJJJD Risk and Needs Assessment Instrument (RANA).~~

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- ~~(B) Departments may request and receive approval from TJJJ to use a validated risk and needs assessment instrument other than the RANA.~~
- ~~(2) **Administration of Instrument.** The risk and needs assessment instrument must be administered by an individual trained to administer the instrument.~~
- ~~(3) **Reports to TJJJ.**~~
  - ~~(A) The summary risk and needs scores of all juveniles assessed with a risk and needs assessment instrument must be electronically reported to TJJJ on a monthly basis in accordance with §341.49 of this chapter.~~
  - ~~(B) All risk and needs factor information must be electronically reported to TJJJ in the format prescribed by TJJJ.~~

### Subchapter DF Requirements for Juvenile Probation Officers

#### §341.40029 Duties of Certified Juvenile Probation Officers

Effective Date: 4/1/14

- (a) ~~In addition to any duties, responsibilities, or powers granted by Title III of the Texas Family Code, the~~The following duties and responsibilities ~~may~~ must be performed only by certified juvenile probation officers, except as allowed by subsection (b) of this section:
  - (1) recommending a disposition in formal court proceedings;
  - (2) providing final approval of written social history reports;
  - (3) acting as the primary supervising officer for ~~all~~ court-ordered and deferred prosecution cases;
  - ~~(4) acting as the primary supervising officer in a collaborative supervision agreement under Texas Family Code §51.075;~~
  - ~~(54) developing and implementing writing and administering~~ case plans in accordance with Subchapter ~~EG~~ of this chapter; ~~and~~
  - ~~(65) conducting intake interviews and preliminary investigations and making release decisions if authorized by the juvenile board under Texas Family Code §53.01, unless another staff member is designated to do so by the juvenile board;~~
  - ~~(7) taking a child into custody as authorized by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015;~~
  - ~~(8) serving as the designated inter-county transfer officer and performing the duties required by Texas Family Code §51.072;~~
  - ~~(9) referring a child to a local mental health or mental retardation authority as required by Texas Family Code §54.0408;~~
  - ~~(10) explaining to the juvenile and to the juvenile's parent, guardian, or custodian, the following, as required by Texas Family Code §58.209:~~
    - ~~(A) who will have access to the juvenile's record; and~~
    - ~~(B) under what circumstances that record may be eligible for restricted access or sealing; and~~
  - ~~(11) providing the juvenile with a written copy of the explanation in paragraph (10) of this subsection.~~
- (b) ~~Subject to the application deadline established in Chapter 344 of this title, an~~ An individual hired as a juvenile probation officer who is not yet certified as a juvenile probation officer may perform the duties under subsection (a) of this section ~~if so long as~~ the individual;

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- (1) ~~has worked for the probation department for no more than six months from the individual's date of hire;~~
- (2) ~~has received training on each duty listed in subsection (a) of this section; and~~
- (3) ~~has completed a minimum of 40 hours of training, which must include the mandatory topics required in Chapter 344 of this title. received training in recognizing and reporting abuse, exploitation, and neglect.~~

### Subchapter **EG** Case Management **Standards**

#### **§341.35** Definitions

Effective Date: 4/1/14

The following words or terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise.

- (1) ~~**Case Plan**—A written document that sets out actions and goals for a juvenile to follow while under the supervision of the juvenile court in order to make changes necessary to best meet the juvenile's status and circumstances over time. The case plan is developed for each adjudicated juvenile and addresses a juvenile's needs (e.g., educational, family, substance abuse, mental health, etc.), risks of re-offending, level of supervision, strengths and weaknesses, any appropriate intake information, Strategies for Juvenile Supervision findings if any, preliminary investigation information, and victim impact statements utilizing all appropriate resources.~~
- (2) ~~**Case Plan Review**—A written document that reviews and measures the initial case plan's goals for progress, including the reassessment and reevaluation of the juvenile's status, circumstances, and resources.~~
- (3) ~~**Courtesy Supervision**—A request from one Texas county (sending county) to another Texas county (receiving county) requesting supervision for an adjudicated juvenile who is or will be residing in the receiving county.~~
- (4) ~~**Exit Plan**—A written document developed for each juvenile that identifies the juvenile's needs for post-supervision reintegration and specifies the community resources available to meet those needs. The purpose of the exit plan is to facilitate a continuum of community services to the juvenile and the juvenile's family after probation supervision ends.~~
- (5) ~~**Field Supervision**—Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(A) where the child is placed on probation in the child's home or in the custody of a relative or another fit person.~~
- (6) ~~**Formal Referral**—Occurs and should be counted when all three of the following conditions exist:
  - (A) ~~delinquent conduct, conduct indicating a need for supervision, or a violation of probation was allegedly committed;~~
  - (B) ~~the juvenile probation department has jurisdiction and venue; and~~
  - (C) ~~either a face-to-face contact occurs with the office or official designated by the juvenile board or written or verbal authorization to detain is given by the office or official designated by the juvenile board.~~~~
- (7) ~~**Residential Placement**—Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(B) where the juvenile is placed on probation outside the child's home in a foster home or a public or private institution or agency.~~
- (8) ~~**Substitute Care Provider**—A foster home or a public or private institution or agency that provides residential services to juveniles.~~

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- (9) ~~**Supervision**—Supervision involves the case management of a juvenile by the assigned juvenile probation officer or designee through contacts (face to face, telephone, office, home, collateral) with the juvenile, the juvenile's family, and other case planning participants.~~
- (10) ~~**TJJD Standard Screening Tool**—An instrument provided by TJJD to assist in identifying juveniles who may have mental health needs.~~

### §341.50036 Mental Health Screening

Effective Date: 4/1/14

- (a) ~~**TJJD Standard Screening Tool**—The TJJD mental health screening instrument Standard Screening Tool must be completed for all juveniles who receive a formal referral to the juvenile probation department, except in the specific circumstances listed in paragraphs (1)-(2) of this subsection.~~

  - (1) A clinical assessment by a licensed mental health professional may be substituted for the TJJD mental health screening instrument if the assessment is completed within the time frames listed in subsection (b) of this section.
  - (2) The department is not required to complete an additional screening if ~~If~~ the TJJD mental health screening instrument Standard Screening Tool has been completed within the previous two weeks and is contained in the juvenile's case record, ~~the department is not required to complete an additional screening.~~

- (b) ~~**Time of Screening**~~
  - (1) ~~**Referrals Without Detention**—If the juvenile is not admitted into detention, the ~~The~~ TJJD mental health screening instrument Standard Screening Tool must be administered no later than 14 calendar days after the date of the first face-to-face contact between the juvenile and a juvenile probation officer. If the juvenile is admitted into detention, the detention facility is required under §343.404 of this title to administer the TJJD mental health screening instrument within 48 hours after admission and to send the results to the supervising juvenile probation officer.~~
  - (2) ~~**Referrals With Detention**~~
    - (A) ~~The TJJD Standard Screening Tool must be administered to each juvenile admitted into detention.~~
    - (B) ~~The TJJD Standard Screening Tool must be administered within 48 hours after the time the juvenile is admitted into detention.~~
- (c) ~~**Administration of Instrument**—The TJJD Standard Screening Tool must be administered by an individual trained to administer the instrument.~~
- (c) The individual administering the TJJD mental health screening instrument must have received training from:
  - (1) TJJD or its predecessor agency on administering the mental health screening instrument; or
  - (2) an individual who is documented to have received training from TJJD or its predecessor agency on administering the mental health screening instrument.
- (d) ~~**Reports to TJJD**—The summary scores of all juveniles screened using the TJJD Standard Screening Tool and any other information required by TJJD must be electronically reported to TJJD on a monthly basis under §341.49 of this chapter.~~

### §341.502 Risk and Needs Assessment

Effective Date:

- (a) A juvenile probation department must complete a risk and needs assessment for a juvenile:
  - (1) before each disposition in a juvenile's case; and
  - (2) at least once every six months.
- (b) The risk and needs assessment instrument must be:

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- (1) validated; and
- (2) approved or provided by TJJD.
- (c) The risk and needs assessment instrument must be administered by an individual trained to administer the instrument.

### **§341.504 Case Management Policies and Procedures**

Effective Date:

Each department's case management policies and procedures must:

- (1) establish that individualized case management practices are based on a consideration of the following factors, at a minimum:
  - (A) results of the department's risk and needs assessment instrument;
  - (B) criminogenic needs;
  - (C) risk level to reoffend;
  - (D) responsivity factors; and
  - (E) involvement of the parent(s), guardian, or custodian; and
- (2) require a minimum of one face-to-face-contact per month with each juvenile under supervision unless otherwise noted in the case plan.

### **§341.506 Case Plans**

Effective Date:

- (a) A case plan must be developed for each juvenile assigned to progressive sanctions level three, four, or five, as defined in Texas Family Code Chapter 59, and for each juvenile given determinate sentence probation under Texas Family Code §54.04(q).
- (b) The case plan must be completed within 30 calendar days after the date of initial disposition. The case plan must be:
  - (1) developed by a juvenile probation officer in coordination with the juvenile and the juvenile's parent, guardian, or custodian;
  - (2) signed by a juvenile probation officer, the juvenile, and the juvenile's parent, guardian, or custodian; and
  - (3) retained, with copies provided to:
    - (A) the juvenile;
    - (B) the juvenile's parent, guardian, or custodian; and
    - (C) upon placement of a juvenile in a residential placement, staff at the residential placement.
- (c) The case plan must address:
  - (1) relevant criminogenic need(s), as determined by the department; and
  - (2) the following information for each criminogenic need addressed in the case plan:
    - (A) goal(s); and
    - (B) for each goal:
      - (i) action step(s);
      - (ii) person(s) responsible for completing the action step(s);
      - (iii) time frame for completing the action step(s); and
      - (iv) status of the goal;

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- (3) identification of relevant community services for the juvenile and the juvenile's parent(s), guardian, or custodian to access while the juvenile is under supervision and after supervision ends;
- (4) facility name and phone number, if the juvenile is in a residential placement; and
- (5) level of supervision.
- (d) Except as noted in subsection (f) of this section, the juvenile probation officer must complete and document the following actions each calendar month after the case plan has been developed:
  - (1) discuss progress toward meeting case plan goals with:
    - (A) the juvenile;
    - (B) the juvenile's parent(s), guardian, or custodian; and
    - (C) the residential provider where the juvenile is placed, if applicable; and
  - (2) update the status and progress toward meeting case plan goals and action steps.
- (e) If the parent, guardian, or custodian cannot be located or is unable or unwilling to participate in developing or updating the case plan as required in subsection (b) or (d) of this section, documentation of the reason the parent, guardian, or custodian did not participate must be maintained.
- (f) The requirements in subsection (d) of this section do not apply after a request for an inter-county transfer has been submitted and before the sending and receiving counties have agreed on the official start date, as described in Texas Family Code §51.072 (f-1).
- (g) Within 30 calendar days after the official start date for an inter-county transfer, the receiving county must:
  - (1) assume responsibility for the monthly updates described in subsection (d) of this section; or
  - (2) complete a new case plan in accordance with subsections (b) and (c) of this section.
- (h) Section 341.506 does not apply to:
  - (1) juveniles on field supervision in departments that currently participate in Title IV-E reasonable candidacy;
  - (2) juveniles who have been certified or are pending certification as Title IV-E eligible; or
  - (3) juveniles who are receiving services under the Special Needs Diversionary Program administered by TJJD.
- (i) A case plan is required in accordance with subsections (b) and (c) of this section within 30 calendar days after any of the following events:
  - (1) a juvenile is discharged from the Title IV-E foster care reimbursement program or is determined to be ineligible for the Title IV-E program;
  - (2) a juvenile is discharged from the Special Needs Diversionary Program; or
  - (3) a department ceases to participate in claiming Title IV-E reasonable candidate costs.

### **§341.37 Case Planning**

Effective Date: 4/1/14

In accordance with §341.38 or §341.39 of this chapter, a written case plan must be developed and implemented for juveniles assigned to progressive sanctions levels three through five and any juvenile given determinate sentence probation under Texas Family Code §54.04(q).

### **§341.38 Field Supervision**

Effective Date: 4/1/14

- ~~(a) **Initial Case Plan.** The initial case plans for juveniles placed on field supervision must be:~~
  - ~~(1) developed in consultation with the juvenile's parent, guardian, or custodian; the juvenile; the supervising juvenile probation officer; and any other interested parties;~~

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- ~~(2) developed within 60 calendar days after the date of the juvenile's disposition;~~
- ~~(3) signed and dated by the juvenile; the juvenile's parent, guardian, or custodian; supervising juvenile probation officer; and any interested parties; and~~
- ~~(4) maintained in the juvenile's case file with copies provided to the juvenile and the juvenile's parent, guardian, or custodian.~~

~~(b) **Case Plan Review.**~~

- ~~(1) Case plans must be reviewed and updated:
  - ~~(A) at least once every six months;~~
  - ~~(B) within 15 calendar days after a juvenile's probation is modified by a court order; and~~
  - ~~(C) within 15 calendar days after acceptance of a juvenile's case from another county for courtesy supervision.~~~~
- ~~(2) The juvenile; the supervising juvenile probation officer; and at least one parent, guardian, or custodian must participate in the review process.~~
- ~~(3) The case plan review must document the following:
  - ~~(A) appropriateness of the juvenile's current level of supervision and services;~~
  - ~~(B) extent of the juvenile's compliance with the individualized case plan;~~
  - ~~(C) extent of the juvenile's compliance with the conditions of probation;~~
  - ~~(D) extent of progress toward the goals outlined in the case plan;~~
  - ~~(E) a projection of a likely date the juvenile is expected to complete probation; and~~
  - ~~(F) services assessed, offered, or provided to the juvenile and family to address identified risks and needs.~~~~
- ~~(4) All case plan reviews must be signed and dated by the juvenile; the juvenile's parent, guardian, or custodian; and the juvenile's supervising juvenile probation officer.~~
- ~~(5) Copies of every case plan review must be maintained in the juvenile's case file with copies provided to the juvenile and the juvenile's parent, guardian, or custodian.~~

### **§341.39 Residential Placement**

Effective Date: 4/1/14

- ~~(a) **Initial Case Plan.** The initial case plans for juveniles placed in residential placement must:
  - ~~(1) be developed and implemented within 30 calendar days after the juvenile's initial date of placement;~~
  - ~~(2) be developed in consultation with the juvenile's parent, guardian, or custodian; the juvenile; the substitute care provider; and the supervising juvenile probation officer;~~
  - ~~(3) contain specific behavioral goals using the nine domains outlined in 1 TAC §351.13;~~
  - ~~(4) be signed by the juvenile; the juvenile's parent, guardian, or custodian; and the juvenile's supervising probation officer; and~~
  - ~~(5) be retained in the juvenile's case file with copies provided to the juvenile; the juvenile's parent, guardian, or custodian; and the substitute care provider.~~~~
- ~~(b) **Case Plan Review.**
  - ~~(1) Case plans must be reviewed and updated at least once every 90 calendar days.~~
  - ~~(2) The juvenile and at least one parent, guardian, or custodian must participate in the case plan review with the substitute care provider and the juvenile's supervising juvenile probation officer.~~
  - ~~(3) The case plan reviews must measure the juvenile's progress toward meeting his/her goals using the six-point scale outlined in 1 TAC §351.13.~~~~

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- ~~(4) The outcome of the substitute care provider's service delivery must be assessed based on whether the child is progressing in 50 percent or more of identified goals.~~
- ~~(5) Case plan reviews must be signed by the juvenile; the juvenile's parent, guardian, or custodian; and the supervising juvenile probation officer.~~
- ~~(6) Copies of every case plan review must be retained in the juvenile's case file.~~

### **§341.40 Level of Supervision**

Effective Date: 4/1/14

- ~~(a) The juvenile probation department must adopt written criteria the department will use to determine a juvenile's level of supervision while under field supervision.~~
- ~~(b) The level of supervision must be included in the juvenile's written case plan.~~
- ~~(c) A minimum of one face-to-face contact per month with the juvenile is mandatory unless otherwise noted in the case plan.~~

### **§341.41 Exit Plan**

Effective Date: 4/1/14

- ~~(a) A written exit plan must be developed prior to the juvenile's scheduled release from probation.~~
- ~~(b) An exit plan is to be provided at a date no later than the date the juvenile successfully completes probation, unless the juvenile was committed to TJJD.~~
- ~~(c) The written exit plan must be developed in consultation with the juvenile; the juvenile's parent, guardian, or custodian; and the supervising juvenile probation officer.~~
- ~~(d) The exit plan must be signed and dated by the juvenile; the juvenile's parent, guardian, or custodian; and the supervising juvenile probation officer.~~
- ~~(e) The original exit plan must be filed in the juvenile's case file.~~
- ~~(f) Copies of the exit plan must be provided to the juvenile and the juvenile's parent, guardian, or custodian.~~

## Subchapter **FH** Data Collection Standards

### **§341.47 Definitions**

Effective Date: 4/1/14

The following words or terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise.

- ~~(1) **Case Management System**—A computer-based tracking system that provides juvenile probation officers a systematic method to track and manage juvenile offender caseloads.~~
- ~~(2) **Data Coordinator**—A person employed by a juvenile probation department who is designated by the juvenile board to serve and function as the primary contact with TJJD on all matters relating to data collection and reporting.~~
- ~~(3) **TJJD Electronic Data Interchange (EDI) Extract**—An automated process to extract and submit modified case records from the department's case management system to TJJD. The extract must be completed in accordance with this chapter.~~
- ~~(4) **Comprehensive Folder Edit**—A report generated in the Caseworker or Juvenile Case Management System (JCMS) application that performs an extensive edit of the case file information. This report identifies incorrectly entered data, unrecoverable files, and questionable data that impact the accuracy of the reports and programs.~~

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- (5) ~~SRSXEdit~~—An audit program developed by TJJJ to assist juvenile probation departments not using the Caseworker or JCMS application with verifying their data prior to submission to TJJJ.
- (6) ~~EDI Specifications~~—Document developed by TJJJ outlining the data fields and file structures that each juvenile probation department is required to follow in submitting the TJJJ EDI extract.

### §341.60048 Data Coordinator

Effective Date: 4/1/14

#### (a) Training Requirements.

- (1) The data coordinator must have a thorough understanding of TJJJ's reporting requirements.
- (2) The data coordinator must complete training related to data reporting provided by ~~the TJJJ~~ as ~~required.~~ needed.

#### (b) Duties.

- (1) The data coordinator is responsible for ensuring that all data submitted to ~~the TJJJ~~ by the juvenile probation department is accurate, timely, and consistent with TJJJ's reporting requirements.
- (2) The data coordinator must ensure that the TJJJ EDI Extract is ~~submitted to TJJJ~~ received on or before the applicable due date.

### §341.60249 TJJJ EDI Extract

Effective Date: 4/1/14

- (a) The TJJJ EDI Extract must be sent to ~~the TJJJ~~ electronically, via the Internet.
- (b) The extract is due to ~~the TJJJ~~ no later than the tenth calendar day of each month following the reporting period.
- (c) The TJJJ EDI Extract data must include all data fields required by the EDI Specifications.
- (d) TJJJ staff must discuss any proposed changes to the specifications with juvenile probation departments' designated representatives before making substantive changes to the specifications. ~~to minimize any disruption and/or resource issues that may be associated with the changes.~~

### §341.60450 Accuracy of Data

Effective Date: 4/1/14

- (a) ~~Required Fields.~~ The juvenile probation department must fill in all applicable data fields for each referral in the department's case management system ~~to minimize missing information.~~
- (b) ~~Monthly Edit.~~ The juvenile probation department must run the Comprehensive Folder Edit or SRSXEdit on a monthly basis.
- (c) ~~Errors.~~ Errors detected by the Comprehensive Folder Edit must be corrected prior to the next submission of the EDI Extract.
- (d) Errors detected by ~~a TJJJ monitoring visit or the TJJJ Research and Planning Division upon analysis~~ must be corrected prior to ~~the a~~ date provided by TJJJ.

### §341.60651 Security of Data

Effective Date: 4/1/14

#### (a) ~~Passwords.~~

- (a1) Each user of the juvenile probation department's case management system must obtain a password to the system. Passwords must not be shared with department employees or other persons.
- (b2) ~~The juvenile probation~~ Each department must limit the number of employees who are authorized to delete information in the department's case management system.
- (c3) Access to the department's case management system must be removed concurrent with the termination of a user's employment.

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~~(b) Backup and Restoration.~~

~~(d) A juvenile probation department that does not use the Juvenile Case Management System (JCMS) must:~~

- ~~(1) establish adopt and follow a written policy for backup and restoration procedures relating to data in its their case management system; and~~
- ~~(2e) maintain an off-site **Off-Site Storage**. The juvenile probation department must store a system backup storage system, off-site to be accessible in case of a disaster at the department (e.g., fire, tornado, etc.).~~

### Subchapter **GJ** Restraints

#### **§341.65 Definitions**

Effective Date: 4/1/14

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise:

- ~~(1) **Approved Physical Restraint Technique ("physical restraint")**--A professionally trained restraint technique that uses a person's physical exertion to completely or partially constrain another person's body movement without the use of mechanical restraints. The approved physical restraint technique must be approved for use by TJJD and adopted by the juvenile board.~~
- ~~(2) **Approved Mechanical Restraint Devices ("mechanical restraint")**--A professionally manufactured mechanical device to aid in the restriction of a person's bodily movement. The approved mechanical restraint must be approved by TJJD and adopted by the juvenile board. The following are TJJD-approved mechanical restraint devices:
  - ~~(A) **Ankle Cuffs**--Metal, cloth, or leather band designed to be fastened around the ankle to restrain free movement of the legs;~~
  - ~~(B) **Anklets**--Cloth or leather band designed to be fastened around the ankle or leg;~~
  - ~~(C) **Handcuffs**--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms;~~
  - ~~(D) **Plastic Cuffs**--Plastic devices designed to be fastened around the wrist or legs to restrain free movement of hands, arms, or legs;~~
  - ~~(E) **Waist Band**--A cloth, leather, or metal band designed to be fastened around the waist used to secure the arms to the sides or front of the body; and~~
  - ~~(F) **Wristlets**--A cloth or leather band designed to be fastened around the wrist or arm that may be secured to a waist belt.~~~~
- ~~(3) **Restraints**--Physical or mechanical restraint.~~

#### **§341.700 Applicability**

Effective Date:

This subchapter applies only to juveniles who are not residents of a juvenile pre-adjudication secure detention facility, a juvenile post-adjudication secure correctional facility, or a non-secure juvenile correctional facility.

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### §341.70266 Requirements

Effective Date:

- (a) The use of restraints is governed by the following criteria:
- (1) Personal restraints may be used only by juvenile probation officers and transport personnel who are trained in the use of the approved personal restraint technique.
  - ~~(2) prior to participating in any restraint, juvenile probation officers must be:~~
    - ~~(A) certified in the use of the approved physical restraint technique; and~~
    - ~~(B) trained in the use of all approved mechanical restraint devices;~~
  - (2) Mechanical restraints may be used only by juvenile probation officers and transport personnel who are trained in the use of all approved mechanical restraint devices.
  - (3) Except during routine transportation or when a juvenile probation officer takes a juvenile into custody under Texas Family Code §52.01 or §52.015, restraints ~~restraints~~ may be used only in instances of threat of imminent or active:
    - (A) self-injury;
    - (B) injury to others; or
    - (C) serious property damage.
  - (4) Restraints ~~restraints~~ may only be used only as a last resort.
  - (5) Only ~~only~~ the amount of force and type of restraint necessary to control the situation may be used.
  - (6) Restraints ~~restraints~~ must be implemented in such a way as to protect the health and safety of the juvenile and others. ~~and~~
  - (7) Restraints ~~restraints~~ must be terminated as soon as the juvenile's behavior no longer indicates an ~~that the threat of imminent~~ threat of self-injury, injury to others, or serious property damage, except during routine transportation or when a juvenile probation officer takes a juvenile into custody. ~~has subsided.~~

### §341.70467 Prohibitions

Effective Date: ~~4/1/14~~

Restraints that employ a technique listed in this section are prohibited:

- (1) restraints used for punishment, discipline, retaliation, harassment, compliance, or intimidation;
- (2) restraints that deprive the juvenile of basic human necessities, including restroom opportunities ~~privileges~~, water, food, and clothing;
- (3) restraints that are intended to inflict pain;
- (4) restraints that put a juvenile in a prone or supine position ~~face down~~ with sustained or excessive pressure on the back or chest cavity;
- (5) restraints that put a juvenile in a prone or supine position ~~face down~~ with pressure on the neck or head;
- (6) restraints that obstruct the airway or impair the breathing of the juvenile, including a procedure that places anything in, on, or over the juvenile's mouth or nose or around the juvenile's neck;
- (7) restraints that interfere with ~~restrict~~ the juvenile's ability to communicate;
- (8) restraints that obstruct the view of the juvenile's face;
- (9) any technique that does not require the monitoring of the juvenile's respiration and other signs of physical distress during the restraint; and
- (10) percussive or electrical shocking devices.

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### §341.705 Transport Personnel

Effective Date:

Transport personnel must maintain current certification in the following topics:

- (1) cardiopulmonary resuscitation (CPR);
- (2) first aid; and
- (3) a personal restraint technique approved by TJJD.

### §341.70668 Documentation

Effective Date: 4/1/14

- (a) **Documentation.** Except as provided by §341.71(a) of this chapter, all restraints ~~Restraints~~ must be fully documented and the documentation must be maintained, except as noted in subsection (b) of this section. Written documentation regarding the use of restraints must include, at a minimum:
- (1) name of the juvenile;
  - (2) name(s) and title(s) of each staff member members who administered the restraint;
  - (3) narrative description of the restraint event from each staff member who participated in the restraint;
  - (43) date of the restraint;
  - (54) duration of each type of the restraint (e.g., personal or mechanical), including notation of the time each type of the restraint began and ended;
  - (65) location of the restraint;
  - (6) ~~description of preceding activities;~~
  - (7) events and behavior that prompted the initial restraint and any continued restraint;
  - (8) ~~type of restraint applied;~~
  - (89) de-escalation efforts and restraint alternatives attempted; efforts made to de-escalate the situation and alternatives to restraint that were attempted; and
  - (9) type of restraint(s) applied, including, as applicable:
    - (A) the specific type of personal restraint hold applied; and
    - (B) the type of mechanical restraint device(s) applied; and
  - (10) any injury that occurred during the restraint.
- (b) The following events are not required to be documented as a restraint, except as noted in subsection (c) of this section:
- (1) using mechanical restraints during routine transportation; and
  - (2) a juvenile probation officer taking a juvenile into custody under Texas Family Code §52.01 or §52.015.
- (c) The exception in subsection (b) of this section does not apply when:
- (1) the juvenile's cooperation is compelled through the use of a personal restraint;
  - (2) the juvenile receives an injury in relation to the restraint event or restraint devices.

### §341.70869 Personal Physical Restraint

Effective Date:

- (a) A juvenile probation department may not use a personal restraint technique before it has been approved for use by TJJD.
- (b) In addition to the requirements in §§341.66, 341.67, and 341.68 of this chapter, juvenile probation officers Staff members who are authorized to use personal restraints must be retrained re-certified in the

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approved ~~personal physical~~ restraint technique in accordance with the requirements of the technique or at least once every 365 calendar days, whichever time frame is shorter. two years.

### §341.71070 Mechanical Restraint

Effective Date: ~~4/1/14~~

~~In addition to the requirements in §§341.66, 341.67, and 341.68 of this chapter, the~~ The use of mechanical restraints ~~restraint~~ is governed by the following criteria.:

(1) **Requirements.**

- (A) Only approved mechanical restraint devices may be used by the juvenile probation department.
- (~~BA~~) Mechanical restraints must ~~only~~ be used only in a manner consistent with their intended use.
- (~~CB~~) Mechanical restraint devices must be inspected at least once each year, no later than the last day of the calendar month of the previous year's inspection. The dates of the inspections must be documented. There must be provisions for the inspection and maintenance of mechanical restraint devices.
- (D) Faulty or malfunctioning devices must be restricted from use until they are repaired. Any maintenance performed must adhere to the manufacturer's guidelines.

(2) **Prohibitions.**

- (A) Mechanical restraint devices ~~may must~~ not be altered from the manufacturer's design.
- (B) A juvenile ~~may must~~ not be placed in a prone position face down while restrained in any mechanical restraint for a period of time longer than necessary to apply the restraint devices.
- (C) A mechanical restraint ~~may must~~ not be used to secure a juvenile in a prone, supine, or lateral position with the juvenile's arms and and/or hands behind his/her back and secured to his/her legs.
- (D) Mechanical restraint devices ~~may must~~ not be secured so tightly as to interfere with circulation or not so loosely as to cause chafing of the skin.
- (E) Mechanical restraint devices ~~may must~~ not be used to secure a juvenile secured to a stationary object.
- (F) A juvenile in mechanical restraints ~~may must~~ not participate in any physical activity.
- (G) Plastic cuffs may be used only in emergency situations.

### §341.71271 Transporting

Effective Date: ~~4/1/14~~

- (~~a~~) ~~Using mechanical restraints during routine transportation in a vehicle and the taking of a juvenile into custody are not required to be documented as a restraint.~~
- (~~ab~~) During transportation in a vehicle, the juvenile may not be affixed to any part of the vehicle.
- (~~be~~) During transportation in a vehicle, a juvenile may not be secured to another juvenile.

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## Subchapter ~~HK~~ Carrying of Weapons

### **§341.80 Definitions**

Effective Date: 4/1/14

The following words and terms, when used in this subchapter, have the following meanings unless the context clearly indicates otherwise.

- ~~(1) — **Draw** — To unholster a weapon in preparation for use against a perceived threat.~~
- ~~(2) — **Empty-Hand Defense** — Defensive tactics through the use of pressure points, releases from holds, and blocking and striking techniques using natural body weapons such as an open hand, fist, forearm, knee, or leg.~~
- ~~(3) — **Intermediate Weapons** — Weapons designed to neutralize or temporarily incapacitate an assailant. This level of self-defense employs the use of tools to neutralize aggressive behavior when deadly force is not justified but when empty hand defense is not sufficient for escaping from a physical confrontation. For the purposes of this subchapter, intermediate weapons include only electronic restraint devices, irritants, and impact weapons.~~
- ~~(4) — **On-Duty** — An officer is engaged in the actual discharge of the officer's duties when the officer is within the course and scope of his/her employment and is actually authorized to engage in the work being performed. Being on-call is not considered as being engaged in the actual discharge of the officer's duties unless or until the officer is actually called into service.~~

### **§341.80084 Applicability and Authorization**

Effective Date:

- (a) **Applicability.** This subchapter applies only to actively certified juvenile probation officers who are authorized to carry ~~a firearm~~ under pursuant to this subchapter.
- (b) **Authorization to Carry a Firearm.**
  - (1) In accordance with §142.006 of the Texas Human Resources Code, a juvenile probation officer is authorized to carry a firearm during the course of the officer's official duties if:
    - (A) the juvenile probation officer has been employed for at least one year by the juvenile probation department described in subparagraph (B) of this paragraph;
    - (B) the chief ~~administrative juvenile probation~~ officer of the juvenile probation department that employs the juvenile probation officer authorizes the juvenile probation officer to carry a firearm in the course of the officer's official duties; and
    - (C) the juvenile probation officer possesses a certificate of firearms proficiency issued by the Texas Commission on Law Enforcement (TCOLE) under §1701.259 of the Texas Occupations Code; and
  - ~~(2D) A the juvenile probation officer is disqualified from being authorized to carry a firearm during the course of the officer's official duties if the officer has not been found to be designated a designated perpetrator in a TJJD abuse, neglect, or exploitation investigation, unless that designation has been overturned.~~
  - ~~(3E) In accordance with §221.35 of this title, a juvenile probation officer must successfully complete TCOLE's current firearms training program for juvenile probation officers to be authorized to carry a firearm in the course of the officer's official duties.~~
  - ~~(3) This subchapter does not authorize a juvenile probation officer to carry a firearm while not on duty.~~
  - (4) A license obtained under Chapter 411, Subchapter H, of the Texas Government Code (i.e., a concealed handgun license ~~Concealed Handgun License~~), does not enable a certified juvenile probation officer to carry a firearm in the course of the officer's official duties and does not satisfy, and may not be accepted in lieu of, the requirements ~~contained~~ in this subchapter.

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### §341.80282 Documentation Requirements

Effective Date:

- (a) **Documents Required after Obtaining an Initial Firearms Proficiency Certificate.** Within 30 calendar days five workdays after ~~receiving~~ obtaining the initial firearms proficiency certificate from TCOLE, the chief ~~administrative juvenile probation officer~~ or the supervising officer of the juvenile probation officer who received the certificate must ~~ensure provide~~ the following documents are provided to TJJD:
- (1) a copy of the Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE; and
  - (2) a completed, signed, and notarized copy of TJJD's Verification of Eligibility for Juvenile Probation Officer to Carry Firearm form, including the following required attachments:
    - (A) appropriate documentation that the juvenile probation officer applicant has been subjected to a complete search of local, state, and national records to disclose any criminal record or criminal history;
    - (B) written documentation from each chief ~~administrative juvenile probation officer~~ who has authorized the juvenile probation officer's applicant's participation in the juvenile probation officer firearms proficiency training program that the officer applicant has been examined by a psychologist who was selected by the current employing department and who is licensed by the Texas State Board of Examiners of Psychologists;
    - (C) a written declaration from the examining psychologist that the juvenile probation officer possesses the requisite psychological and emotional health to carry a firearm in the course of the officer's official duties;
    - (D) documentation of successful completion of TCOLE's current firearms training program for juvenile probation officers;
    - (E) documentation of successful completion of the amount at least 20 hours of training specified by the department's policies and procedures in the following areas:
      - (i) use of an empty-hand defense tactic, as required by §341.84 of this chapter; and
      - (ii) use of an intermediate weapon; and
    - ~~(F) documentation of successful completion of adequate training in the use of at least one intermediate weapon, as required by §341.84 of this chapter.~~
    - ~~(F) the department's current policies and procedures described in §341.808 of this title.~~
- (b) **Documents Required after Obtaining Renewed Firearms Proficiency Certificate.** Within 30 calendar days five workdays after receiving a renewal of a firearms proficiency certificate from TCOLE, the chief ~~administrative juvenile probation officer~~ or the supervising officer of the juvenile probation officer who receives the certificate must ~~ensure provide~~ the following documents are provided to TJJD:
- (1) a copy of the renewed Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE;
  - (2) a completed, signed, and notarized copy of TJJD's Renewal of Verification of Eligibility for Juvenile Probation Officer to Carry Firearm form; ~~and~~
  - (3) ~~documentation verification~~ of successful completion of the amount 20 hours of continuing education specified by the department's policies and procedures relating to the use of a firearm, intermediate weapon, or empty-hand defense tactic; and, as required in §341.89 of this chapter.
  - ~~(4) the department's current policies and procedures described in §341.808 of this title.~~

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### §341.80483 Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm

Effective Date: 4/1/14

A juvenile probation officer who is authorized to carry a firearm in accordance with this subchapter must:

- (1) comply with the requirements of this subchapter, the officer's department policies and procedures, and the laws of this ~~state~~ State and of the United States;
- (2) be knowledgeable of the places where firearms or other weapons are prohibited;
- (3) immediately report to the chief ~~administrative juvenile probation~~ officer ~~and TJJD~~ if the officer is arrested ~~for~~, charged ~~with~~, or convicted of any criminal offense;
- (4) comply with all training, firearms proficiency, and certification requirements ~~in of~~ §221.35 of this title;
- (5) maintain the firearm and all ~~other~~ authorized intermediate weapons in proper working order at all times;
- (6) be responsible for the safe handling of the firearm and all ~~other~~ authorized intermediate weapons; and
- (7) store the firearm and all authorized intermediate ~~other~~ weapons in a secure, locked location designed for secure storage of a weapon when the firearm or other weapon is not on the officer's person.

### §341.84 Use of Force Continuum

Effective Date: 4/1/14

- ~~(a) A juvenile probation officer who satisfies the requirements of this subchapter is justified in using force for the protection of persons pursuant to Chapter 9 of the Texas Penal Code.~~
- ~~(b) Prior to carrying a firearm in the course of the officer's duties, a juvenile probation officer authorized to carry a firearm in accordance with this subchapter must:~~
- ~~(1) receive at least 20 hours of training in the use of an empty-hand defense tactic; and~~
  - ~~(2) receive adequate training in the use of at least one intermediate weapon.~~
- ~~(c) A juvenile probation officer who is authorized to carry a firearm must carry at least one intermediate weapon at all times when the officer carries a firearm.~~

### §341.80685 Responsibilities of Chief Administrative Juvenile Probation Officers or Other Supervising Officers Officer

Effective Date: 4/1/14

- ~~(a) The chief juvenile probation officer or the supervising officer of a juvenile probation officer who is authorized to carry a firearm is subject to the same requirements as an officer authorized to carry a firearm in accordance with this subchapter. This requirement does not mandate the chief juvenile probation officer or other supervising officer carry a firearm or other weapon in the course of their duties.~~
- ~~(ab) The chief administrative juvenile probation officer or his/her designee must notify TCOLE and TJJD within 24 hours if:~~
- ~~(1) the department rescinds its authorization for a juvenile probation officer to carry a firearm; or~~
  - ~~(2e) The chief juvenile probation officer or his/her designee must submit the requisite forms to TCOLE and TJJD within 24 hours if an officer who is authorized to carry a firearm separates from the department.~~
- ~~(d) The chief juvenile probation officer or his/her designee must submit to TJJD the department's approved policies and procedures regarding a juvenile probation officer's authorization to carry a firearm in accordance with this subchapter.~~
- ~~(be) The chief juvenile probation officer or his/her designee must conduct an An internal investigation must be conducted for ~~in~~ all incidents in which a juvenile probation officer, during the course of his/her official duties:~~

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- (1) uses an empty-hand defense tactic in an incident involving another person;
  - (2) draws or uses an intermediate weapon in an incident involving another person; or
  - (3) draws or discharges a firearm in any incident.
- (c) The investigation described in subsection (b) of this section must be conducted by:
- (1) the chief administrative officer or his/her designee; or
  - (2) the juvenile board or the board's designee in cases where the chief administrative officer is the subject of the investigation.
- (df) A juvenile probation officer. The chief juvenile probation officer or his/her designee must be immediately placed place a juvenile probation officer on administrative leave or reassigned reassign him/her to a position having no contact with juveniles or the relatives of a juvenile involved in the incident if the juvenile probation officer, while in the course of his/her official duties: the juveniles if the officer uses an empty-hand defense tactic, uses or draws an intermediate weapon, or draws or discharges a firearm.
- (1) draws or uses an intermediate weapon in an incident involving another person; or
  - (2) draws or discharges a firearm in any incident.
- (e) The administrative leave or reassignment described in subsection (d) of this section must remain in effect be implemented until the conclusion of the internal investigation.
- (f) The chief administrative officer must ensure that TJJD is notified if an officer who is authorized to carry a firearm is arrested for, charged with, or convicted of any criminal offense. This notification is required within 24 hours after the chief administrative officer learns of the arrest, charge, or conviction.

### §341.80886 Written Policies and Procedures

Effective Date: 4/1/14

Each ~~chief~~ juvenile probation ~~department that employs officer who authorizes~~ a juvenile probation officer ~~who is authorized~~ to carry a firearm in accordance with the requirements ~~contained~~ in this subchapter must maintain and implement ~~have~~ written policies and procedures that:

- (1) define which juvenile probation officers within the department are authorized to carry firearms;
- (2) specify the amount of required training hours in the following areas before a juvenile probation officer may carry a firearm in the course of the officer's duties:
  - (A) use of an empty-hand defense tactic; and
  - (B) use of at least one intermediate weapon;
- (3) specify the amount of continuing education hours required every two years for an officer to continue to carry a firearm in the course of the officer's duties;
- (4) require continuing education hours to be in areas that enhance the officer's skills and knowledge relating to the proficient and legal use of a firearm, empty-hand defense tactics, and intermediate weapons in the context of self-defense and defense of third parties, including the following topics, at a minimum:
  - (A) use of force;
  - (B) weapons retention; and
  - (C) crisis intervention;
- (5) specify the duties and training requirements of the chief administrative officer or the direct supervisor of a juvenile probation officer in cases where the following circumstances exist:
  - (A) a juvenile probation officer is authorized to carry a firearm in the course of his/her official duties; and
  - (B) the direct supervisor of the juvenile probation officer does not carry a firearm in the course of his/her official duties;

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- ~~(6)~~ require all training described in this section to be received from a TCOLE-certified instructor;
- ~~(72)~~ state whether ~~the firearms and intermediate weapons are~~ is to be purchased and maintained by the department or the individual officer;
- ~~(83)~~ require that the firearm and ~~all other authorized intermediate~~ weapons remain under the control of the officer authorized to carry the firearm and weapon(s);
- ~~(94)~~ specify whether the firearm must require that the firearm be fully loaded when carried or worn when the officer is in the course of his/her official duties; on-duty;
- ~~(105)~~ specify how ~~require that the officer display~~ credentials identifying the officer as a certified juvenile probation officer must be carried and/or displayed while the officer is carrying a firearm in accordance with this subchapter;
- ~~(116)~~ describe the circumstances and limitations under which the officer is justified to use force, which must be consistent with (i.e., self-defense and defense of a third party pursuant to Chapter 9 of the Texas Penal Code);
- ~~(127)~~ specify the firearms to be carried, including the type of firearm, manufacturer, model, and caliber;
- ~~(138)~~ specify the type of ammunition authorized for use in the firearm;
- ~~(14)~~ specify the type(s) of intermediate weapons to be used;
- ~~(159)~~ state whether the firearm must be carried in plain view or concealed and the manner in which it must be worn or carried;
- ~~(10)~~ require that the firearm be encased in an appropriate holster and be worn or carried in a manner that is appropriate to the situation;
- ~~(1644)~~ require documentation of each incident in which a juvenile probation officer, while in the course of his/her official duties, uses an empty-hand defense tactic, uses an intermediate weapon, or draws or discharges a firearm; define the process for reporting and investigating use of force incidents;
- ~~(17)~~ require the officer to carry an intermediate weapon at all times while the officer is carrying a firearm;
- ~~(18)~~ specify the manner in which the intermediate weapon(s) must be carried;
- ~~(1942)~~ define the process for rescinding or suspending the authorization to carry a firearm;
- ~~(2043)~~ prohibit the consumption of alcohol while carrying a firearm or intermediate weapon;
- ~~(2144)~~ define the process for conducting an internal investigation when required by §341.806(b) of this title; of each incident involving a juvenile in which a juvenile probation officer uses an empty-hand defense tactic, draws or uses an intermediate weapon, or draws or discharges a firearm; and
- ~~(2245)~~ require that a juvenile probation officer be placed on administrative leave or be reassigned to a position having no contact with juveniles or relatives of the juvenile involved in the incident when required by §341.806(d) of this title. juveniles until the conclusion of an internal investigation as required in paragraph (14) of this section.

### **§341.81087 Reporting and Investigating Use of Force Incidents to TJJJ and Law Enforcement**

Effective Date: 4/1/14

- (a) The chief ~~administrative juvenile probation~~ officer or his/her designee must report to TJJJ each incident involving a juvenile in which a juvenile probation officer, during the course of his/her official duties:
  - (1) uses an empty-hand defense tactic in an incident involving another person;;
  - (2) draws or uses an intermediate weapon in an incident involving another person;; or
  - (3) draws or discharges a firearm in any incident.
- ~~(b4)~~ The initial report must be made to TJJJ immediately, but no later than four hours after the conclusion time of the use of force incident.

## 37 TAC Chapter 341

- (c2) The initial report must be made using the toll-free number ~~as~~-designated by TJJD.
- (d3) Within 24 hours after the report by phone, the Juvenile Probation Officer Use of Force Incident Report form must be submitted to TJJD via fax or e-mail.
- (eb) The chief ~~administrative juvenile probation~~ officer or his/her designee must report to local law enforcement any discharge of a firearm by a juvenile probation officer immediately, but no later than one hour after the time of discharge.

### §341.81288 Records

Effective Date: 4/1/14

- (a) The personnel file of each juvenile probation officer authorized to carry a firearm in accordance with this subchapter must contain a copy of the:
  - (1) ~~Firearms Proficiency for Juvenile Probation Officers Application;~~
  - (12) PID Assignment (TCOLE C-1 form);
  - (23) results of criminal history checks conducted pursuant to the requirements of this subchapter;
  - (34) Licensee Psychological and Emotional Health Declaration (TCOLE L-3 form);
  - (45) proof of annual firearms proficiency; ~~and~~
  - (56) verification of successful completion of TCOLE's ~~current~~ firearms training program for juvenile probation officers; ~~and-~~
  - (6) acknowledgment that the officer has reviewed the department's current policies and procedures specified in §341.808 of this title.
- (b) Juvenile probation departments must allow TCOLE, other law enforcement agencies, and TJJD access to records pertaining to firearms and use of force incidents for monitoring auditing and investigation purposes.

### §341.89 Training and Qualification Requirements

Effective Date: 4/1/14

- ~~(a) A juvenile probation officer may not be authorized to carry a firearm in the course of his/her duties unless the officer has:
  - (1) ~~completed TCOLE's current firearms training program for juvenile probation officers;~~
  - (2) ~~received a certificate of firearms proficiency from TCOLE as provided in §221.1 of this title; and~~
  - (3) ~~completed the training requirements in accordance with §341.84 of this chapter.~~~~
- ~~(b) All training received pursuant to the requirements of this subchapter must be received from a TCOLE-approved instructor.~~
- ~~(c) All training received pursuant to the requirements of this subchapter must be designed with the intent to prepare juvenile probation officers to carry and use firearms, intermediate weapons, and empty-hand defense tactics in the context of self-defense and in defense of a third party.~~
- ~~(d) In addition to the training requirements contained in Chapter 344 of this title relating to maintaining an active certification as a juvenile probation officer, a juvenile probation officer authorized to carry a firearm in accordance with this subchapter must successfully complete 20 hours of continuing education every two years. The continuing education must be specially designed to enhance the officer's skills and knowledge relating to the proficient and legal use of a firearm, empty-hand defense, and an intermediate weapon as authorized by this subchapter. The training must include, but not be limited to:
  - (1) ~~use of force;~~
  - (2) ~~weapons retention; and~~
  - (3) ~~crisis intervention.~~~~

## 37 TAC Chapter 341

~~(e) Upon completion of each training requirement, the chief juvenile probation officer or his/her designee must submit proof of the successful completion of the training to TJJJ within five workdays after completion of the training.~~

### **§341.90 Disqualifying Conduct**

~~Effective Date: 4/1/14~~

~~Pursuant to §142.006(b) of the Texas Human Resources Code, a juvenile probation officer is disqualified from seeking authorization to carry a firearm if the officer has been named as a designated or sustained perpetrator in a TJJJ abuse, neglect, or exploitation investigation.~~

### **§341.91 Prohibited Conduct**

~~Effective Date: 3/1/14~~

~~A certified juvenile probation officer authorized to carry a firearm during the course of the officer's official duties is strictly prohibited from engaging in the following conduct:~~

- ~~(1) firing warning shots;~~
- ~~(2) shooting at fleeing vehicles; and~~
- ~~(3) using a striking weapon as an intermediate weapon.~~

DRAFT

## SUMMARY OF CHANGES

### 37 TAC Chapter 343

#### Secure Pre-Adjudication Detention and Post-Adjudication Correctional Facilities

| Rule #  | Title of Rule   | Summary of Rule   | Summary of Key Revisions   |
|---|---|---|--|
| <b>Subchapter D: Secure Post-Adjudication Correctional Facility Standards</b> |   |   |  |
| 343.616   | Content of Resident Records   | Lists types of information that must be included in each resident's record.                     | <ul style="list-style-type: none"> <li>• Removed references to the case plan and case plan reviews.</li> </ul>   |
| 343.688   | <p><b>Case Plan Coordination (new title)</b></p> <p>Residential Case Plan (old title)</p> | Establishes requirements for developing initial case plans for youth in residential placements. | <ul style="list-style-type: none"> <li>• Removed the requirement for facility staff to complete an initial case plan.</li> <li>• Added a requirement for the facility administrator to ensure that:                             <ul style="list-style-type: none"> <li>○ the resident is made available to the juvenile probation officer to participate in monthly status and progress reviews;</li> <li>○ a staff member who is knowledgeable about the resident's progress in facility programming participates in the monthly reviews with the juvenile probation officer and provides a written monthly summary of the resident's progress in facility programming; and</li> <li>○ documentation of these monthly activities is maintained in the resident's file.</li> </ul> </li> </ul> |
| 343.690   | Residential Case Plan Review  | Requires case plan reviews to be completed and signed by all parties every 90 days.             | <ul style="list-style-type: none"> <li>• <b>REPEALED.</b></li> <li>• Removed the requirement to complete case plan reviews.</li> </ul>   |

## SUMMARY OF CHANGES

### 37 TAC Chapter 355

#### Non-Secure Correctional Facilities

|  |  |  |   |
|--|--|--|---|
| <b>Subchapter F: Resident Rights and Programming</b> |  |  |   |
| 355.654  | <p><b>Case Plan Coordination (new title)</b></p> <p>Residential Case Plan and Case Plan Review (old title)</p> | Establishes requirements for developing initial case plans and conducting case plan reviews. | <ul style="list-style-type: none"> <li>• Removed the reference to completing and reviewing case plans.</li> <li>• Added a requirement for the facility administrator to ensure that:                             <ul style="list-style-type: none"> <li>○ the resident is made available to the juvenile probation officer to participate in monthly status and progress reviews;</li> <li>○ a staff member who is knowledgeable about the resident's progress in facility programming participates in the monthly reviews with the juvenile probation officer and provides a written monthly summary of the resident's progress in facility programming; and</li> <li>○ documentation of these monthly activities is maintained in the resident's file.</li> </ul> </li> </ul> |

# Texas Administrative Code

Title 37            Public Safety and Corrections  
Part 11            Texas Juvenile Justice Department  
Chapter 343       Secure Juvenile Pre-Adjudication Detention and Post-Adjudication  
                         Correctional Facilities

## §343.616. Content of Resident Records.

Effective Date: 4/4/15

Each resident's record shall include the following:

- (1) delinquent history;
- (2) inventory of cash and property surrendered;
- (3) list of approved visitors;
- (4) name of the assigned probation officer;
- (5) behavioral record, including any special incidents, discipline, or grievances;
- (6) progress reports~~[, including the resident's case plan as required in §343.688 of this title and case plan review as required in §343.690 of this title];~~ and
- (7) final release or transfer report.

## §343.688. Residential Case Plan Coordination.

Effective Date: 4/4/15

The facility administrator shall ensure that:

- (1) the resident is made available to the juvenile probation officer to participate in monthly status and progress reviews, as described in §341.506 of this title;
- (2) a staff member who is knowledgeable about the resident's progress in the facility's programming:
  - (A) participates in monthly status and progress reviews with the juvenile probation officer; and
  - (B) provides a monthly written summary of the resident's progress in the facility's programming to the juvenile probation officer; and
- (3) documentation of the actions required in paragraphs (1) and (2) of this section is maintained in the resident's file.

~~[(a) The initial case plan shall be completed no later than 30 calendar days from the resident's date of placement.]~~

~~[(b) The case plan shall contain documentation acknowledging that the plan was developed in consultation with the resident; the resident's parent, legal guardian, or custodian; and the supervising juvenile probation officer.]~~

~~[(c) The case plan shall contain specific goals for at least the following nine domains:]~~

~~[(1) medical and dental;]~~

~~[(2) safety and security;]~~

~~[(3) recreational;]~~

~~[(4) educational;]~~

~~[(5) mental and behavioral health;]~~

~~[(6) relationship;]~~

## Texas Administrative Code

- ~~[(7) —socialization;]~~
- ~~[(8) —permanency; and]~~
- ~~[(9) —parent and child participation.]~~
- ~~[(d) —The case plan shall be signed by the resident; the resident's parent, legal guardian, or custodian; the facility's designee; and the supervising juvenile probation officer. If the parent, legal guardian, or custodian refuses to participate or sign the case plan or the facility's designee cannot locate the person, the facility's designee shall document this in writing in the resident's case plan.]~~
- ~~[(e) —The date of the facility designee's signature on the case plan shall be the case plan completion date.]~~
- ~~[(f) —The case plan shall be retained in the resident's case file with documentation verifying that copies were provided to the resident; the resident's parent, legal guardian, or custodian; and the supervising juvenile probation officer.]~~

### **§343.690. Residential Case Plan Review.**

Effective Date: 1/1/15

- ~~[(a) —Case plans shall be reviewed no later than 90 calendar days from the date of completion of the initial case plan or case plan review and at least once every 90 calendar days thereafter.]~~
- ~~[(b) —The case plan review shall contain documentation acknowledging that the review was conducted in consultation with the resident; the resident's parent, legal guardian or custodian; and the supervising juvenile probation officer.]~~
- ~~[(c) —Case plan reviews shall measure the resident's progress toward meeting his/her goals using the six-point scale outlined in 1 TAC §351.13.]~~
- ~~[(d) —The case plan review shall document any newly identified needs, goals, and interventions for the juvenile and the juvenile's family.]~~
- ~~[(e) —The case plan review shall be signed by the resident; the resident's parent, legal guardian, or custodian; the facility's designee; and the supervising juvenile probation officer. If the parent, legal guardian, or custodian refuses to participate or sign the case plan or the facility's designee cannot locate the person, the facility's designee shall document this in writing in the resident's case plan.]~~
- ~~[(f) —The date of the facility designee's signature on the case plan review shall be the case plan review completion date.]~~
- ~~[(g) —The case plan review shall be retained in the resident's case file with documentation verifying that copies were provided to the resident; the resident's parent, legal guardian, or custodian; and the supervising juvenile probation officer.]~~

# Texas Administrative Code

Title 37            Public Safety and Corrections  
Part 11            Texas Juvenile Justice Department  
Chapter 355       Non-Secure Correctional Facilities

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**§355.654. Residential Case Plan Coordination, and Case Plan Review.** Effective Date: 4/15/13

The facility administrator shall ensure that:

- (1) the resident is made available to the juvenile probation officer to participate in monthly status and progress reviews, as described in §341.506 of this title; and
- (2) a staff member who is knowledgeable about the resident's progress in the facility's programming:
  - (A) participates in monthly status and progress reviews with the juvenile probation officer; and
  - (B) provides a monthly written summary of the resident's progress in the facility's programming to the juvenile probation officer; and
- (3) documentation of the actions required in paragraphs (1) and (2) of this section is maintained in the resident's file.

~~[A case plan shall be completed and reviewed for every adjudicated youth in the facility in accordance with requirements of §341.37 and §341.39 of this title.]~~



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED CHANGES WITHIN 37 TAC CHAPTER 341, RELATING TO JUVENILE PROBATION DEPARTMENT GENERAL STANDARDS, 37 TAC §§343.616, 343.688, AND 343.690, RELATING TO CASE PLANS IN SECURE FACILITIES, AND §355.654, RELATING TO CASE PLANS IN NON-SECURE FACILITIES, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Texas Human Resources Code §221.002(a)(1) requires the Texas Juvenile Justice Board to adopt reasonable rules that provide minimum standards for various aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services; and

**WHEREAS**, Texas Human Resources Code §221.002(a)(4) requires the Texas Juvenile Justice Board to adopt reasonable rules that provide minimum standards for the operation of public and private juvenile pre-adjudication and post-adjudication secure facilities and public and private non-secure correctional facilities; and

**WHEREAS**, Texas Human Resources Code §221.003(e) requires the Texas Juvenile Justice Board to adopt rules to ensure that youth in the juvenile justice system are assessed using the required mental health screening instrument or a clinical assessment and are also assessed using a validated risk and needs assessment instrument or process; and

**WHEREAS**, Texas Human Resources Code §221.004(a) requires the Texas Juvenile Justice Board to adopt rules that provide standards for the collection and reporting of information about juvenile offenders by local probation departments and case management standards for all probation services provided by local probation departments; and

**WHEREAS**, TJJJ staff and the Advisory Council’s Standards Committee have jointly completed a review of 37 TAC Chapter 341 and have recommended revisions throughout Chapter 341, including amended rules, repealed rules, and new rules; and

**WHEREAS**, TJJJ staff and the Advisory Council's Standards Committee have also recommended conforming revisions in Chapters 343 and 355; and

**WHEREAS**, the changing of rule numbers throughout Chapter 341 will require each renumbered rule to be repealed and proposed as a new rule when published in the *Texas Register*; and

**WHEREAS**, Texas Government Code §2001.023 and §2001.029 require a state agency to give at least 30 days' notice of its intention to adopt a rule and to allow all interested persons a reasonable opportunity to submit data, views, or arguments orally or in writing.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board grants approval to publish the proposed revisions to Chapters 341, 343, and 355 in the *Texas Register* for a 30-day comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

Kathryn Mattingly, Staff Attorney

Subject: Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§385.8101 (Public Information Requests), 385.8107 (Petition for Adoption of a Rule), 385.8111 (Complaints from the Public), 385.8136 (Notification to Public and Private Schools) 385.8141 (Confidentiality), 385.8161 (Notification of Facility Opening or Relocating), 385.8163 (Decentralization), and 385.8181 (Background Checks) in the *Texas Register* for a 30-day public comment period (Action)

Date: October 14, 2015

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As part of the agency's rule review process, the Office of General Counsel has completed its review of certain rules from Chapter 385 (Agency Management and Operations), Subchapter B (Interaction with the Public).

As a result of this review, the staff recommends revisions to the following rules:

- §385.8101 (Public Information Request)
- §385.8107 (Petition for Adoption of a Rule)
- §385.8111 (Complaints from the Public)
- §385.8136 (Notices to Public and Private Schools)
- §385.8141 (Confidentiality)
- §385.8161 (Notification of a Facility Opening or Relocating)
- §385.8163 (Decentralization)
- §385.8181 (Background Checks)

Attached to this memo please find:

- a table summarizing the content and proposed changes for the rules listed above;
- the text of the rules, including proposed changes; and

- a resolution for board action.

Staff requests the board's approval to publish the proposed revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

**Texas Administrative Code Rule Review**  
**37 TAC Chapter 385, Subchapter B (Interaction with the Public)**  
(Rules assigned to the Office of General Counsel)

| Rule #   | Title of Rule                   | Summary of Rule   | Is rule still needed | Summary of Key Revisions   | Status of Revisions    |
|----------|---------------------------------|---|----------------------|--|------------------------|
| 385.8101 | Public Information Request      | Establishes TJJJ's duties under the Public Information Act.   | Yes                  | <ul style="list-style-type: none"> <li>• Removed a reference to another TJJJ rule that does not directly relate to processing requests for public information.</li> <li>• Updated state agency names.</li> </ul>   | Ready for board review |
| 385.8107 | Petition for Adoption of a Rule | Provides a procedure for any person to petition TJJJ to adopt a rule.   | Yes                  | <ul style="list-style-type: none"> <li>• Clarified the types of persons and organizations, as specified in Texas Government Code §2001.003(5), that may petition TJJJ to adopt a rule.</li> <li>• Made the following change to more closely reflect the language of the authorizing statute: <ul style="list-style-type: none"> <li>○ Removed a provision relating to TJJJ's ability to grant or deny <i>portions</i> of a petition.</li> </ul> </li> <li>• Clarified that after TJJJ makes a decision on a petition to adopt a rule, TJJJ may refuse to consider subsequent petitions to adopt the <i>same</i> rule, but may not refuse to consider petitions to adopt a <i>similar</i> rule.</li> </ul>  | Ready for board review |
| 385.8111 | Complaints from the Public      | Establishes a process for TJJJ to respond to public complaints, including Americans with Disabilities Act (ADA) related complaints. | Yes                  | <ul style="list-style-type: none"> <li>• For non-ADA-related complaints: <ul style="list-style-type: none"> <li>○ Removed the provision that requires the complainant to file the complaint within 180 days after he/she <i>should have become aware</i> of the reason for the complaint. The deadline now applies only to when the complainant actually became aware of the reason for the complaint.</li> <li>○ Specified that complaints may be submitted by mail, by email, or in person.</li> <li>○ Clarified that when a field administrator receives the original complaint, he/she must notify the TJJJ public complaint coordinator immediately and forward the written complaint within two working days.</li> <li>○ Clarified that the administrator assigned to resolve the complaint must copy the TJJJ public complaint coordinator on the monthly updates sent to the complainant, but not on every communication with the complainant.</li> </ul> </li> <li>• For ADA-related complaints: <ul style="list-style-type: none"> <li>○ Changed the staff person designated as TJJJ's ADA compliance officer to the <i>human resources director</i> (instead of the risk manager).</li> </ul> </li> </ul> | Ready for board review |

| Rule #   | Title of Rule                                  | Summary of Rule   | Is rule still needed | Summary of Key Revisions  | Status of Revisions    |
|----------|--|---|----------------------|---|------------------------|
|          |  |   |                      | <ul style="list-style-type: none"> <li>○ Changed the deadline for a field administrator to forward an ADA complaint to the ADA compliance officer to <i>two working days</i> (instead of one working day).</li> <li>○ Added that a designee of the ADA compliance officer may perform some duties of the ADA compliance officer.</li> <li>○ Added a requirement for the assigned TJJD investigator to keep the complainant informed of any adjustments to the time line for completing the investigation</li> <li>○ Removed provisions relating to standards of proof and rules of evidence used by the investigator and ability to present information to the investigator.</li> <li>○ Removed a provision that indicated the final decision will not be released until the Legal Department has approved it.</li> <li>○ Clarified that appeal decisions should be reviewed by the legal department <i>regardless of whether the decision is adverse to the complainant.</i></li> <li>○ Removed some procedures relating to internal communication between TJJD staff.</li> <li>○ Replaced a reference to TJJD's mailing and physical address with a reference to the availability of that information on TJJD's website.</li> </ul> |                        |
| 385.8136 | Notices to Public and Private Schools          | Requires TJJD to notify school officials of certain offense-related information when a TJJD youth enrolls in a non-TJJD school. | Yes                  | <ul style="list-style-type: none"> <li>● Made minor, non-substantive clarifications and terminology updates.</li> </ul>   | Ready for board review |
| 385.8141 | Confidentiality                                | Establishes basic rules of confidentiality concerning youth and staff information.  | Yes                  | <ul style="list-style-type: none"> <li>● Removed all provisions except those that establish the duty to follow all laws, rules, and ethical standards relating to the confidentiality of youth and personnel information. The deleted provisions have been removed because they repeat requirements of law, refer to information addressed in other TJJD rules, or contain internal procedural information.</li> </ul>  | Ready for board review |
| 385.8161 | Notification of Facility Opening or Relocating | Provides for notification to the public and certain elected officials when TJJD opens or relocates certain types of facilities. | Yes                  | <ul style="list-style-type: none"> <li>● Deleted the provision that made this rule apply to contract facilities.</li> <li>● Clarified that this rule applies also to TJJD parole offices.</li> <li>● Added that this rule does not apply to a facility that was in operation prior to the establishment of a residential area within 1000 feet of the facility.</li> </ul>  | Ready for board review |

| Rule #   | Title of Rule     | Summary of Rule  | Is rule still needed | Summary of Key Revisions  | Status of Revisions    |
|----------|-------------------|--|----------------------|---|------------------------|
|          |                   |  |                      | <ul style="list-style-type: none"> <li>• Removed foster homes from the list of facility types that are not subject to this rule.</li> <li>• Added that this rule does not apply to any other facility described in Texas Local Government Code §244.006.</li> <li>• Specified the type of information that must be included in the notice to municipal officials when the site is within 1000 feet of designated places (i.e., residential area, school, park, or place of worship).</li> <li>• Clarified that TJJD must post an outdoor sign at the proposed location of the facility or office stating that a correctional or <i>rehabilitation</i> facility is intended to be located on the premises.</li> </ul>  |                        |
| 385.8163 | Decentralization  | Provides for TJJD interaction with regional planning commissions when TJJD decentralizes a service to a multi-county region. | Yes                  | <ul style="list-style-type: none"> <li>• Updated the agency name and made minor wording changes.</li> </ul>   | Ready for board review |
| 385.8181 | Background Checks | Requires TJJD to conduct fingerprint-based background checks on various individuals.   | Yes                  | <ul style="list-style-type: none"> <li>• Clarified that the criminal history check includes information from the FBI in addition to the Texas Department of Public safety.</li> <li>• Made several changes to the definition of <i>Covered Person</i> to more closely follow the language of the authorizing statute. For example: <ul style="list-style-type: none"> <li>○ Contractors <i>with direct access to youth in TJJD facilities</i> are now defined as covered persons (rather than all contractors).</li> <li>○ Any person who provides direct delivery of services to youth <i>in TJJD custody</i> (rather than a person who provides direct delivery of services to youth assigned to TJJD or contract residential placements and the person is providing the service at TJJD's request) is now defined as a covered person.</li> </ul> </li> <li>• Clarified that a person who participates in more than four special events in a 12-month period is considered a volunteer.</li> <li>• Clarified that information obtained from a criminal history check may be released in accordance with applicable law.</li> <li>• Added that TJJD will provide written notice to an employee or volunteer whose employment or enrollment is terminated or denied due to the results of a background check.</li> </ul> | Ready for board review |

Draft 10/9/15

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|---|---|
| Chapter: Agency Management and Operations           | <b>Effective Date: <del>7/19/06</del></b><br><br>Page: 1 of 2<br><br>Replaces: GAP. <del>385.81-01</del> ,<br><del>7/19/06-12/18/03</del> |
| Subchapter: Interaction with the Public             |   |
| <b>Rule: Public Information Request<del>s</del></b> |   |
| ACA: N/A  |   |
| Statutes: <u>Gov't Code Chapter 552</u>             |   |

## RULE

### (a) Purpose.

This ~~[The purpose of this]~~ rule ~~provides [is to provide]~~ information ~~about requests submitted to the Texas Juvenile Justice Department (TJJD) for public information[;]~~ consistent with the Public Information Act, Texas Government Code Chapter 552~~[, regarding requests for public information from the Texas Youth Commission (TYC)]~~.

### (b) General Provisions.

~~(1)[(b)]~~ Pursuant to Texas Government Code §552.201, the executive director is the officer for public information. The executive director may designate an open records coordinator to respond to requests for public information. Each department head within TJJD is an agent of the executive director for purposes of complying with the Public Information Act.

~~(2)[(e)]~~ TJJD must: ~~[The TYC shall:]~~

~~(A)[(4)]~~ make public information available for inspection and copying;

~~(B)[(2)]~~ carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; and

~~(C)[(3)]~~ repair, renovate, or re-bind public information as necessary to maintain it properly.

~~(3)[(e)]~~ Each TJJD [TYC] facility and office must [shall] post a sign in the administrative offices of the facility~~[;]~~ in the form prescribed by the Office of the Attorney General. [Texas Building and Procurement Commission.] The sign must [shall] contain the basic rights of a requestor of public information, the responsibilities of TJJD [TYC], and the procedures for inspecting or obtaining a copy of public information.

~~(4)[(e)]~~ All requests must be in writing and should include the name, address, and telephone number of the requestor. Requests submitted by fax or e-mail are not considered received until submitted to the fax number or email address designated by TJJD [TYC] on its ~~[Internet]~~ website.

~~[(f) — All requests for youth records or information shall be processed according to §99.9 of this title.]~~

~~(5)[(e)]~~ Except as described in paragraph (6) of this subsection [(f) of this section], information that is open for inspection must promptly [shall "promptly"] be made available to the requestor. Promptly ["Promptly"] means as soon as possible under the circumstances, within a reasonable time, and without delay. If a response to a request cannot be made within 10 [ten (10)] business days after [from] receipt of the request, the open records coordinator must [shall] notify the requestor in writing of the date on which the records will be made available. TJJD [A governmental body] is not entitled to automatically withhold for 10 [ten (10)] business days information that is not excepted from public disclosure.

~~(6)[(h)]~~ If TJJD [TYC] determines ~~[that]~~ the request will require an opinion by the Office of the Attorney General as to the releasability of the requested information, the request to the Office of the Attorney General shall be made within 10 [ten (10)] business days after [of the] receipt of the

request for information, with written notice provided to the requestor. Otherwise, the information is open for inspection.

(7)(+) Information requested by a member of the legislature or a member of a legislative body is ~~will be~~ provided at no charge. If the requested information is confidential, it ~~remains confidential while in the possession~~ ~~shall remain so in the hands~~ of the requestor. The requestor must complete an affidavit regarding confidentiality of the information.

(8)(+) Costs for production of requested documents are based on guidelines ~~provided in 1 TAC Chapter 70. [established by the Texas Building and Procurement Commission. See §81.75 of this title.]~~

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See the agency's records manual for implementation procedures.

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10/9/15 Draft

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| Chapter: Agency Management and Operations    | <b>Effective Date:</b> <del>12/31/96, T-40</del>   |
| Subchapter: Interaction with the Public      |  |
| <b>Rule: Petition for Adoption of a Rule</b> | Page: 1 of 2   |
| ACA: N/A                                     | Replaces: <del>GOP.15.14, TAG</del><br><del>§81.5, 8/1/90, T-</del><br><del>28GAP.385.8107,</del><br><del>12/31/96</del> |
| Statutes: Gov't Code §2001.021               |  |

## RULE

### (a) Purpose.

~~This [The purpose of this] rule provides [is to provide] a procedure for [use by] any person to petition the Texas Juvenile Justice Department (TJJD) [agency] to adopt a rule in compliance with the requirements of the Administrative Procedure [and Texas Register] Act.~~

### (b) Submission of the Petition.

(1) Any ~~individual, partnership, corporation, association, governmental subdivision, or public or private organization that is not a state agency [person]~~ may petition TJJD ~~[the agency]~~ to adopt a rule.

(2) The petition ~~must: [shall be]~~

~~(A) be mailed or delivered to the executive director of TJJD at his/her [Executive Director of the Texas Youth Commission at his] office; [in Austin, Texas.]~~

~~(B) be in writing;~~

~~(C) contain the petitioner's name and address; and~~

~~(D) describe the rule and the reason for the petition.~~

(3) ~~If the executive director of TJJD [The petition shall be in writing, shall contain the petitioner's name and address, and shall describe the rule and the reason for it; however, if the Executive Director of the Texas Youth Commission] determines [that] further information is necessary to assist TJJD [the agency] in reaching a decision, the executive director may require [that] the petitioner to resubmit the petition with [and that it contain]:~~

~~(A) a brief explanation of the proposed rule;~~

~~(B) the text of the proposed rule prepared in a manner that demonstrates [to indicate] the words to be added to or deleted from the current text, if any;~~

~~(C) [a statement of] the statutory authority or other authority under which the proposed rule is to be promulgated; and~~

~~(D) the public benefits anticipated as a result of adopting the proposed rule or the anticipated public injury or inequity which could result from the failure to adopt the proposed rule.~~

### (c) Consideration and Disposition of the Petition.

~~(1) Except as otherwise provided in subsection (3) of this section, the agency shall consider and dispose of all petitions submitted.]~~

~~(1)[(2)] Within 60 days after receiving [receipt of] the petition under subsection (b)(2) or (b)(3) of this section, TJJD must [- or within 60 days after receipt by the executive director's office of a resubmitted petition in accordance with subsection (b)(3) of this section, the agency shall] deny the petition or initiate a rulemaking proceeding [institute rule making procedure] in accordance with the~~

Administrative Procedure ~~[and Texas Register]~~ Act. ~~[\$5. The agency may deny parts of the petition and/or institute rule-making procedures on parts of the petition.]~~

~~(2)(3)~~ If TJJD ~~[the agency]~~ denies the petition, the executive director must ~~[shall]~~ give the petitioner written notice of TJJD's ~~[the agency's]~~ denial, stating the reasons for the denial ~~[such]~~.

(d) **Subsequent Petitions to Adopt the Same ~~[or Similar]~~ Rule.**

All initial petitions for the adoption of a rule are ~~[shall be]~~ presented to and decided by TJJD ~~[the agency]~~ in accordance with the provisions of subsections (b) and (c) of this section. The executive director may refuse to consider any subsequent petition for the adoption of the same ~~[or similar]~~ rule submitted within six months after the date of TJJD's receipt of the initial petition under subsection (b)(2) of this section.

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Draft 10/12/15

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| Chapter: Agency Management and Operations  | <b>Effective Date:</b> <u>3/25/02</u>                      |
| Subchapter: Interaction with the Public  |  |
| <b>Rule: Complaints from the Public</b>  | Page: 1 of 5   |
| ACA: N/A   | Replaces: GAP.385.81-11, <u>3/25/02</u><br><u>12/31/96</u> |
| Statutes: <u>HR Code §203.010</u><br><u>Americans with Disabilities act of 1990 (Public Law 101-336)</u> |  |

## RULE

### (a) Purpose.

~~This [The purpose of this] rule establishes [is to establish] a process through which the Texas Juvenile Justice Department (TJJD) resolves public [Youth Commission (TYC) will resolve] complaints about TJJD operations and services, [relative to the operation of and services provided by TYC] including complaints that allege violations of [these involving] the Americans with Disabilities Act of 1990 (ADA) [(Public Law 101-336)]. [Members of the public who wish to file a complaint, including one that alleges a violation of the ADA, may do so under the rules established by this policy.] Members of the public are entitled to and shall receive [a] timely and responsive resolutions to their complaints. [resolution of a complaint.]~~

### (b) Public Complaint That Does Not Involve [that does not involve] an ADA Violation.

#### (1) How to File a Public Non-ADA Complaint [~~that does not involve an ADA Violation~~].

- (A) Complaints must be filed in writing [~~In order to be timely filed, a complaint must be filed] within 180 calendar days after the complainant became aware of [~~or should have become aware of,~~] the circumstances that are the [the complainant believes constitutes a] basis of the [for] complaint. TJJD may refuse to consider the complaint if it is not filed within the 180-day deadline. [~~Failure to timely file can result in the commission refusing to consider the complaint.~~]~~
- (B) No particular format is required [prescribed] for a complaint. However, [~~concise and accurate information can be of immeasurable assistance in resolving the complaint. At a minimum]~~ the complaint should contain at least the following information:
- (i) Name, address, and telephone number of the person [person(s)] filing the complaint.
  - (ii) The nature of the complaint and a brief description of the circumstances surrounding the complaint to include location, names, and dates.

#### (2) Where to File a Public Non-ADA Complaint.

(A) The complaint may be mailed, emailed, or submitted in person to: [filed with]

(i) the public complaint coordinator in TJJD's Austin Office; or

(ii) the administrator of a TJJD [TYC] field office or facility. [program or with the complaint coordinator in TYC's central office at 4900 North Lamar, P.O. 4260, Austin, Texas 78765.] That administrator immediately notifies the public complaint coordinator and forwards the written complaint to the public complaint coordinator within two working days from the date the complaint was received.

(B) The mailing addresses and physical addresses of TJJD facilities and offices are available on TJJD's website.

(3) **~~[Non-ADA Public Complaint]~~ Processing Procedures for Public Non-ADA Complaints.**

(A) The public complaint coordinator is notified of all complaints received and maintains a [A] record of each complaint ~~[shall be maintained by the complaint coordinator].~~

(B)~~(A)~~ The public complaint coordinator ~~[shall be notified of all complaints received and]~~ assigns each complaint to the most appropriate administrator for response. ~~[Resolution of complaint is attempted at the program level.]~~

(C)~~(B)~~ The administrator assigned to respond to ~~[resolution of]~~ a complaint:

- (i) attempts to resolve the complaint in a timely and effective manner;
- (ii) reports the status of efforts to resolve the complaint ~~[resolution]~~ to the complainant at least monthly until and including final disposition;
- (iii) sends copies of the monthly status updates ~~[communications with the complainant]~~ to the public complaint coordinator.

(c) **Public Complaint That Involves ~~[that involves]~~ an ADA Violation.**(1) **ADA Compliance Officer.**

TJJD ~~[TYG]~~ complies with the Americans with Disabilities Act of 1990 (ADA) ~~[(Public Law 101-336)].~~ The executive director has appointed the agency's human resources director ~~[central office Director of Risk Management, 4900 North Lamar, P.O. Box 4260 Austin, Texas 78765,]~~ as the ADA compliance officer ~~[for TYG].~~ The human resources director is located in the agency's Austin Office. The address of the Austin Office is available on TJJD's website.

(2) **How to File a Public ADA Complaint.**

(A) Complaints may be filed ~~[either]~~ in writing or verbally. If the complaint is initially filed verbally, it must subsequently be reduced to writing and received by the ADA compliance officer not later than 15 calendar days after the ADA compliance officer was notified of the initial verbal filing. The complaint ~~[, in order to be timely filed,]~~ must be filed within 180 calendar days after the complainant became aware of, or should have become aware of, the alleged violation. TJJD may refuse ~~[Failure to timely file can result in the commission refusing]~~ to consider the complaint if it is not filed within the 180-day deadline.

~~(3)~~ **Public ADA Complaint Format.**

(B) No particular format is required ~~[prescribed]~~ for an ADA [a] complaint. However, ~~[concise and accurate information can be of immeasurable assistance in resolving the complaint. At a minimum]~~ the complaint should contain at least the following information:

(i)~~(A)~~ name [Name], address, and telephone number of the person ~~[person(s)]~~ filing the complaint; ~~and[-]~~

(ii)~~(B)~~ the ~~[The]~~ nature of the complaint and a ~~[-A]~~ brief description of the circumstances surrounding the complaint ~~[alleged violation]~~ to include location, names, and dates.

~~(3)~~(4) **Where to File a Public ADA Complaint.**

The complaint may be filed by any of the following means:

(A) directly, either verbally or in writing, with the ADA compliance officer in the Austin Office; or at the address in paragraph (1) of this subsection, or the complaint may be filed

(B) in writing with the administrator [superintendent] of any TJJD field office or [TYG] facility, ~~or the director of any TYG area office~~. That administrator ~~will then~~ immediately notifies [notify] the ADA compliance officer and forwards [forward] the written complaint to the ADA compliance officer within two [one] working days [day] from the date ~~[of receipt of]~~ the complaint was received.

~~(4)[(5)]~~ **[Public ADA Complaint] Processing Procedures for Public ADA Complaints.**

(A) **ADA Compliance Officer and Employee Grievance Administrator Responsibilities.**

Within five calendar days after the ADA compliance officer receives the written complaint, the ADA compliance officer or designee and the employee grievance administrator ~~[will]~~ jointly identify the appropriate decision authority and establish a date the complainant is due receipt of the decision. As soon as possible after identification of the decision authority, the ADA compliance officer or designee notifies [will not notify] the complainant of receipt of the complaint, the name of the decision authority (i.e., the TJJD [TYG] administrator appointed to resolve the complaint) ~~[(decision authority)]~~, and the date a decision is due ~~[the complainant]~~.

(B) **Decision Authority's Responsibilities.**

(i) **Assignment.**

Immediately upon receipt of the complaint, the decision authority reviews it to ensure that he/she has the authority to grant the requested relief. [act.] If the decision authority does not have the authority to at least take the first steps towards granting relief (if the requested relief involves a lengthy multi-step process)[act], he/she forwards [will forward] the complaint to the next-level [next level] administrator who has the authority to act on the complaint. ~~[If the complaint is forwarded, the initial decision authority will immediately notify the ADA compliance officer and the employee grievance administrator of the transfer.]~~

(ii) **Time Lines.**

The decision authority has 25 calendar days from the date he/she received [of receipt of] the complaint to conduct an investigation, resolve the complaint, prepare a written decision, obtain a legal review of the decision, and notify the complainant in writing of the decision. If for good cause the decision authority requires additional time for investigation and resolution of the complaint, he/she notifies [will notify] the ADA compliance officer, employee grievance administrator, and the complainant of the reasons for the delay and provides an [provide a new] estimated decision date.

(iii) **Investigation.**

The decision authority conducts the investigation or appoints [he/she may appoint] an employee to conduct the investigation and provide the decision authority with non-binding recommendations. Prior to commencing the investigation, the investigator (i.e., the employee [person] who will actually conduct the investigation) reviews [(investigator) will review] the complaint with the TJJD [central office] legal department. During the course of the investigation, the investigator keeps the complainant informed of adjustments to his/her time line. [and he/she will continue to periodically advise the legal department and the ADA compliance officer of the progress of the investigation. The investigator will permit the complainant and/or complainant's representative, and the investigator may, in his/her sole discretion, permit any other persons the investigator determines to have relevant information, to present matters on the complaint. There is no burden of proof on either the commission or the complainant. There are no rules of evidence applicable to the investigation. The decision authority is the sole judge of relevance, credibility of witnesses and the weight to be afforded testimony and other

~~relevant evidence. However, information determined by the decision authority to be factual should be supported by a preponderance of the evidence.]~~

(iv) **Report of Investigation.**

(I) ~~Prior to release of the written decision to the complainant or to any other person or entity, the decision authority submits the proposed decision to the TJJJ legal department for review. Within five working days after receiving the proposed decision, the legal department reviews the proposed decision for legal sufficiency and informs the decision authority accordingly.~~

(II) Upon ~~finalization of the written decision, [completion of the investigation]~~ the decision authority ~~provides the [will provide the complainant with a]~~ written decision ~~to the complainant, the complainant's representative (if any), the ADA compliance officer, the employee grievance coordinator, and the TJJJ general counsel. [on the complaint.]~~ If the decision is adverse to the complainant, the decision authority ~~includes the [will include his/her]~~ reasons for the adverse decision. ~~[Prior to release of the written decision to the complainant, or any other person or entity, the decision authority will submit the proposed decision to the central office legal department for review. The legal department shall have five (5) working days from receipt to review the proposed decision for legal sufficiency. If the legal department finds the decision to be for any reason legally insufficient, the decision will not be released to any one until such time as the deficiency has been corrected and the proposed decision has been found to be legally sufficient.]~~

~~(v) — Decision Distribution.~~

~~After legal department approval, the decision authority will provide a copy of the decision to the complainant, the complainant's representative, if any, the ADA compliance officer, the employee grievance administrator, and the director of the legal department.]~~

~~(5) [(6)]~~ **Request for Review of Public ADA Complaint Decision.**

(A) If the complainant is dissatisfied with the decision, he/she may ~~request a review of the decision by the TJJJ executive director. The request must:~~ [;]

~~(i) be submitted~~ within ten calendar days ~~after [of]~~ the date of receipt of the decision; [;]

~~(ii) include a copy of [submit]~~ the written decision [;] and a written statement specifically outlining the reasons for disagreement; ~~and [;]~~

~~(iii) be addressed to the TJJJ executive director at the agency's Austin Office. The address of the Austin Office is available on TJJJ's website. [; Texas Youth Commission, at the address provided in paragraph (1) of this subsection, for review.]~~

(B) ~~The [Upon receipt of the request for review, the]~~ executive director ~~or designee notifies [has 20 calendar days from date of receipt of the request for review to consider, resolve the issue and notify]~~ the complainant in writing ~~of the result of the review within 20 calendar days after receipt of the request for review.~~ Prior to releasing his/her decision, the executive director should ~~[; if the proposed decision is adverse to the complainant,]~~ submit the complaint record to the ~~TJJJ [central office]~~ legal department for review and ~~advice. [advise.]~~ If the executive director's decision ~~upholds the initial ruling, [is adverse to the complainant,]~~ the written notification need only state that the issue has been considered and ~~[that]~~ no valid reason has been found to warrant reversing the decision.

(C) ~~The [Distribution of the]~~ decision ~~is distributed to the parties identified [will be as established]~~ in paragraph ~~(4)(B)(iv)(II) [(e)(5)(B)(v)]~~ of this subsection.

- (D) The decision by the executive director finalizes the complaint process within TJJD [FYG] and exhausts the complainant's administrative remedies.

(6) [(7)] Record Repository for Public ADA Complaints [Complaint Record Repository].

The ADA compliance officer or designee maintains [is responsible for maintaining] the files and records of all ADA complaints [relative to TYG]. Upon completion of processing the complaint, [including any appeal,] the original decision authority ensures [is responsible for ensuring] that the original complaint, all correspondence, and any other relevant materials are [will be] forwarded to the ADA compliance officer for filing. The ADA compliance officer ensures that any appeals are similarly filed.

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Draft 10/12/15

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|---|---|
| Chapter: Agency Management and Operations           | <b>Effective Date:</b> <del>11/1/11</del>   |
| Subchapter: Interaction with the Public             |   |
| <b>Rule: Notices to Public and Private Schools</b>  | Page: 1 of 1                                |
| ACA: N/A  | Replaces: GAP.385.81-36, <del>11/1/11</del> |
| Statutes: Code of Criminal Procedure, Article 15.27 | <del>4/2/07</del>                           |

## RULE

### (a) Purpose.

This rule provides requirements ~~[The purpose of this rule is to provide guidelines]~~ for Texas Juvenile Justice Department (TJJD) ~~[Youth Commission (TYC)]~~ staff to notify public and/or private elementary and secondary school officials ~~about [regarding]~~ offense-related information concerning TJJD ~~[TYC]~~ youth in a community placement or on parole.

### (b) Definitions.

As used in this rule, the following terms ~~[shall]~~ have the following meanings, unless the context clearly indicates otherwise.

- (1) **Offense**--Any felony or misdemeanor offense listed in Article 15.27, Code of Criminal Procedure.
- (2) **Pertinent Details**--The name and date of the offense and a description of the facts of the offense, including details of any assaultive behavior or other violence or weapons used or possessed during the commission of the offense.
- (3) **School Officials**--For public schools it is the superintendent or designee of the school/district in which the youth is enrolled; for private schools it is the principal or designee of the school in which the youth is enrolled.

### (c) Notification Requirements.

- (1) For youth in a non-secure placement or on TJJD ~~[TYC]~~ parole, TJJD ~~[TYC]~~ staff ~~must [shall]~~ provide the following information to school officials:
  - (A) the pertinent details of any offense that resulted in:
    - (i) commitment to TJJD ~~[TYC]~~;
    - (ii) an adjudication or conviction subsequent to commitment to TJJD ~~[TYC]~~; and
    - (iii) an arrest or referral to juvenile court that is pending final disposition; and
  - (B) information concerning whether the youth is required to register as a sex offender.
- (2) TJJD ~~[TYC]~~ staff must provide oral notice within 24 hours after learning of a youth's transfer or re-enrollment in school~~[;]~~ or before the next school day, whichever is sooner. Within seven calendar days after the oral notice, TJJD ~~[TYC]~~ staff ~~must [will]~~ provide written notice.
- (3) Electronic notice of the information listed in paragraph (1) of this subsection provided to school officials within 24 hours after learning of a youth's transfer or re-enrollment in school satisfies all notice requirements set forth in this rule.

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See CMS.12.02 for implementation procedures.

Draft 10/12/15

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|---|---|
| Chapter: Agency Management and Operations                     | <b>Effective Date: 12/18/03</b>               |
| Subchapter: Interaction with the Public                       |   |
| <b>Rule: Confidentiality</b>                                  | Page: 1 of 2                                  |
| ACA: 4-JCF-6F-01, 6F-05                                       | Replaces: GAP.385.81-41,<br>12/18/03 12/16/99 |
| Statutes: <a href="#">Texas Family Code Chapter 58</a>        |   |
| <a href="#">Texas Human Resources Code §244.003, §244.051</a> |   |
| <a href="#">Texas Health and Safety Code Chapter 611</a>      |   |
| <a href="#">Texas Occupations Code Chapter 159</a>            |   |
| <a href="#">34 CFR Subtitle A, Part 99</a>                    |   |
| <a href="#">42 CFR Chapter I, Part 2</a>                      |   |

## RULE

(a) The Texas Juvenile Justice Department (TJJD) ensures that all confidential information or data obtained or created in any medium is kept confidential as required by applicable statutes, rules, policies, and ethical standards.

~~[(a) **Purpose:**~~

~~The purpose of this rule is to provide confidentiality requirements to all employees, agents, consultants, volunteers, and other persons associated with the Texas Youth Commission (TYC).]~~

~~[(b) **Applicability:**~~

~~[(1) See (GAP) §99.1 of this title (relating to Confidentiality of Youth Alcohol and Drug Abuse).]  
[(2) See related (GAP) §81.37 of this title (relating to Public and Media).]~~

(b)(c) Employees, agents, consultants, volunteers, and any other persons associated with [the Texas Juvenile Justice Department will \[TYC shall\]](#) not release or divulge confidential information about [TJJD \[TYG\]](#) youth [or confidential information from personnel or other files](#) except as required or permitted by law.

~~[(d) Employees, agents, consultants, volunteers, and any other persons associated with TYC shall not release or divulge confidential information from personnel or other files except as required or permitted by law.]~~

~~[(e) Individual youth must not be discussed with persons who are not otherwise authorized unless those persons show written consent from the youth's committing judge. See (GAP) §99.9 of this title (relating to Access to Youth Information and Records).]~~

~~[(f) Identifying pictures, appearances, films or reports of youth shall not be used without written consent of a youth and, if under age 18, of his/her parents, guardian, or managing conservator. Refer to (GAP) §81.37 of this title (relating to Public and Media), and the Publicity Release form, CCF-025.]~~

~~[(g) Only initials or a case number may be used when referring to a youth in materials that are a matter of public information (e.g., appeals decision, statistical information, board meeting minutes) except for purchase voucher invoices that include youth names.]~~

~~[(h) TYC volunteers, consultants, and others permitted access to confidential information or records shall sign the Confidentiality Agreement for Non-TYC Employees form, LS-001 with TYC agreeing not to disclose or divulge, unless required or permitted to do so by law, confidential information or records. The Confidentiality Agreements shall be maintained by the appropriate TYC facility.]~~

~~[(i) An e-mail address of a member of the public that is provided for the purpose of communicating electronically with TYC is, with a few exceptions, confidential and not subject to disclosure unless the member of the public affirmatively consents to its release. Release to another governmental body or a federal agency may be made without consent. Also, disclosure of an e-mail address may be made if it is:]~~

~~[(1) — provided to TYC by a person who has a contractual relationship with TYC or by the contractor's agent;]~~

~~[(2) — provided to TYC by a vendor who seeks to contract with TYC or by the vendor's agent;]~~

~~[(3) — contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to TYC in the course of negotiating the terms of a contract or potential contract; or]~~

~~[(4) — provided to TYC on a letterhead, coversheet, printed document, or other document made available to the public.]~~

~~[(j) — The confidentiality of alcohol and drug abuse records maintained by TYC is protected by federal law and regulations. Restrictions on disclosure apply to any information regarding alcohol and drug abuse, whether or not recorded.]~~

~~[(k) — Youth educational records are also subject to federal laws and regulations on confidentiality.]~~

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See the agency's records manual for implementation procedures.

DRAFT

Draft 10/12/15

|   |   |
|---|---|
| Chapter: Agency Management and Operations                     | <b>Effective Date: 12/18/03, T-63</b>     |
| Subchapter: Interaction with the Public                       |   |
| <b>Rule: Notification of a Facility Opening or Relocating</b> | Page: 1 of 2                              |
| ACA: N/A  | Replaces: <del>12/16/99, T-</del>         |
| Implements: <u>Local Government Code §244.002</u>             | <u>45GAP.385.8161,</u><br><u>12/18/03</u> |

## RULE

### (a) Purpose.

~~This [The purpose of this]~~ rule ~~provides [is to provide]~~ for notification to the public and certain elected officials of the opening or relocation of certain residential facilities and parole offices operated by the Texas Juvenile Justice Department (TJJD) [Youth Commission (TYC) operated and contracted residential programs at selected sites].

### (b) Applicability.

This rule does not apply to:

- (1) facilities that were in operation, under construction, under contract for operation or construction, or planned for operation on land owned or leased for that purpose on September 1, 1997;
- (2) facilities that were in operation prior to the establishment of a residential area as described in subsection (e)(1) of this section;
- (3) temporary facilities that will operate less than one year at the location;
- (4) expansion of existing facilities;
- (5) facilities that will not operate primarily for use as a correctional or rehabilitation facility, but will house TJJD youth only for a treatment or educational purpose;
- (6) facilities that require, before operation, special or conditional use permits from the municipality in which the facility will operate; and
- (7) parole offices located in commercial use areas; and
- (8) any other facility described in §244.006 of the Texas Local Government Code.

### ~~(c)~~(b) Notice.

Except as provided in subsection ~~(e)~~(d) of this section, TJJD will provide notice as soon as practical before beginning operation or construction of a TJJD residential facility or parole office. ~~[TYC operated or contract operated residential program that serves six or more solely TYC youth or before relocating such a program that is currently operated elsewhere;]~~ The notice must:

- (1) include [indicating] the proposed address and a general description of the facility or office; [program will be given to the public and certain elected officials as follows:]
- (2)~~(1)~~ [notice will] be published in a newspaper of general circulation in the county in which the proposed facility or office [program] is to be located and include where public comment on the proposal may be sent for review; and
- (3)~~(2)~~ [notice will] be mailed to each city council member, county commissioner, state representative, and state senator who represents the area in which the proposed facility or office [program] is to be located.

**~~(d)~~~~(e)~~ Public Meeting.**

Upon request by one of the elected officials identified in subsection (b)(3) of this section, TJJD will hold a public meeting ~~[conducted by TYC or the contract operator will be held]~~ to inform the public about the proposed residential facility or parole office [program] and to receive public comment.

**~~(e)~~~~(d)~~ Sixty-Day [Sixty-day] Notice for Sites 1,000 Feet from Designated Places and When Written Notice is Received by a Local Governmental Entity.**

- (1) Pursuant to §244.002 of the Local Government Code, 60 days before beginning construction or operation, whichever occurs first, of a TJJD [TYC or contracted] residential facility or parole office ~~[that is located]~~ within 1,000 feet of a residential area, [a] primary or secondary school, [a] park or public recreation area, or [a] place of worship, TJJD will [TYC or the contract operator shall] mail notice of the proposed location to the commissioners court and governing body of the municipality ~~[notice of the proposed location]~~. The notice must:
  - (A) state TJJD's intent to construct or operate a correctional or rehabilitation facility within the area described in subsection (e)(1) of this section;
  - (B) describe the proposed location of the facility; and
  - (C) state that Chapter 244, Subchapter A of the Texas Local Government Code governs the procedures for the notice of and consent to the operation of the facility.
- (2) TJJD must [TYC shall] prominently post an outdoor sign at the proposed location of the ~~[correctional]~~ facility stating that a correctional or rehabilitation facility is intended to be located on the premises and providing the name and business address of the entity. The sign must be at least 24 by 36 inches in size and must be written in lettering at least two inches in size. The sign [and] may be in [required to be] both [in] English and a language other than English if [as] required by the municipality or county.

**~~(e)~~—This section does not apply to:**

- ~~[(1)—facilities that on September 1, 1997, are in operation, under construction, under contract for operation or construction, or planned for operation on land owned or leased for the purpose;]~~
- ~~[(2)—foster homes;]~~
- ~~[(3)—temporary facilities operating less than one year at the location;]~~
- ~~[(4)—expansion of existing facilities;]~~
- ~~[(5)—facilities not operating primarily for use as a correctional or rehabilitation facility, but housing TYC youth only for a treatment or educational purpose;]~~
- ~~[(6)—facilities that require special or conditional use permits for operation; and]~~
- ~~[(7)—district offices located in commercial use areas.]~~

**(f) Denial of Consent to Operate.**

A ~~[TYC operated or contract operated]~~ residential facility or parole office operated by TJJD that is subject to the 60-day notice requirement of subsection ~~(e)~~~~(d)~~ of this section may not be operated at the proposed location if not later than the 60th day after the date on which notice is received by a commissioners court or governing body as provided for in subsection ~~(e)~~~~(d)~~ of this section, the commissioners court or governing body determines by resolution after a public hearing that the operation of the TJJD [a TYC or contract] residential facility or parole office at the proposed location is not in the best interest of the county or municipality.

Draft 10/12/15

|   |  |
|---|--|
| Chapter: Agency Management and Operations | <b>Effective Date:</b> <del>12/18/03, T-63</del> |
| Subchapter: Interaction With The Public   |  |
| <b>Rule: Decentralization</b>             | Page: 1 of 1                                     |
| ACA: N/A                                  | <u>NewReplaces: GAP.385.8163,<br/>12/18/03</u>   |
| Statutes: Local Gov't Code §391.0091      |  |

## RULE

(a) **Purpose.**

~~This [The purpose of this]~~ rule ~~provides [is to provide]~~ for Texas Juvenile Justice Department (TJJD) [~~Youth Commission (TYC)~~] interaction with regional planning commissions when TJJD [~~TYC~~] decentralizes a service to a multi-county region.

(b) **Use of State Planning Region.**

- (1) When a service or program is decentralized to a multi-county region, TJJD [~~TYC~~] must use the services of a state planning region or combination of regions for the decentralization.
  - (2) In planning for decentralization of a service or program in a region, TJJD [~~TYC~~] must consider using a regional planning commission for the purposes described in Local Government Code, Section [~~Sec.~~] 391.0091, related to achieving efficiencies through shared costs, coordinating the location of services, increasing accountability, and improving financial oversight.
  - (3) The rule, order, or guide relating to decentralization of a service or program must state that TJJD [~~include a statement of the manner TYC~~] complied with Local Government Code, Section [~~Sec.~~] 391.0091 in the issuance of the rule, order, or guide.
  - (4) This rule does not apply to a service or program that continues to be operated by TJJD [~~TYC~~] through a regional or district office or to a service or program whose location in a single county or adjacent counties of the state is determined more appropriate than decentralization as a matter of law or agency policy.
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Draft 10/12/15

|   |   |
|---|---|
| Chapter: Agency Management and Operations             | <b>Effective Date:</b> <u>2/15/09</u>         |
| Subchapter: Interaction with the Public               |   |
| <b>Rule: Background Checks</b>                        | Page: 1 of 3                                  |
| ACA: 4-JCF-6C-05                                      | <u>NewReplaces: GAP.385.8181,<br/>2/15/09</u> |
| Statutes: HR Code § <del>61.0357</del> <u>242.010</u> |   |

## RULE

### (a) Policy.

The Texas Juvenile Justice Department (TJJD) [~~Youth Commission (TYC)~~] reviews criminal histories and employment references for certain persons as required under Section 242.010 of the [~~§61.0357,~~] Texas Human Resources Code.

### (b) Applicability.

This rule does not apply to:

- (1) youth access to a personal attorney under §380.9311 of this title;[,;]
- ~~(2) youth access to a personal clergy member under §380.9317 of this title [minister, pastor, or religious counselor under §93.11 or §93.17 of this title (relating to Access to Attorneys and Courts and Access to Personal Minister, Pastor, or Religious Counselor)];~~
- ~~(3)~~~~(2)~~ youth access to visitors under §380.9312 [~~§93.12~~] of this title [~~(relating to Visitation)~~]; or
- ~~(4)~~~~(3)~~ special event visitors, as defined in this rule.

### (c) Definitions.

The following terms [~~, as used in this rule,~~] have the following meanings when used in this rule [~~unless the context clearly indicates otherwise~~]:

- (1) **Advocate**--~~[means]~~ a person [~~who is~~] employed by or otherwise officially associated with an organization registered with TJJD [~~TYC~~] as an advocacy or support group under §385.8183 [~~§84.83~~] of this title [~~(relating to Advocacy and Support Group Access)~~].
- (2) **Background Check**--obtaining certain information, including [~~consists~~], at a minimum [~~, of the following~~]:
  - (A) **Criminal History Check**--a compilation of the [~~includes~~] national and state criminal history information maintained by the Federal Bureau of Investigation and the Texas Department of Public Safety; and
  - (B) **Employment Reference Check**--~~[includes]~~ references from previous and current employers.
- (3) **Contractor**--~~[means]~~ a person [~~who is~~] under contract with TJJD [~~TYC~~] individually, or [~~is~~] an employee or subcontractor of an organization under contract with TJJD [~~TYC~~].
- (4) **Covered Person**--~~[means:]~~
  - (A) an employee, volunteer, ombudsman, or advocate [~~, or contractor,~~] as defined in this rule, working for TJJD or in a TJJD facility or a facility under contract with TJJD;
  - (B) a contractor who has direct access to youth in TJJD facilities;

~~(C)~~~~(B)~~ any person not described in paragraphs ~~[paragraph]~~ (4)(A) or (4)(B) of this subsection who provides direct delivery of services to youth ~~in TJJJ custody [whose current assignment is to a residential placement operated by or under contract with TYC when these services are provided at the request of TYC];~~

~~(D)~~~~(C)~~ any person not described in paragraphs ~~[paragraph]~~ (4)(A) or (4)(B) of this subsection who is authorized to have unsupervised access ~~within TJJJ facilities or offices~~ to records of identifiable ~~TJJJ [TYC]~~ youth; or

~~(E)~~~~(D)~~ any person who is an applicant for a position described in paragraphs ~~(4)(A)-(D) [(4)(A)-(C)]~~ of this subsection.

- (5) **Employee**--~~[means]~~ a person ~~[who is]~~ employed by ~~TJJJ [TYC]~~.
- (6) **Ombudsman**--~~[means]~~ a person ~~[who is]~~ employed by the Office of Independent Ombudsman ~~[of the Texas Youth Commission]~~.
- (7) **Special Event Visitor**--~~[means]~~ a person who:
- (A) is invited by ~~TJJJ [TYC]~~ to participate in a special event for the benefit of youth;
  - (B) does not participate in more than four special events in any 12-month period;
  - (C) does not provide direct delivery of services to youth;
  - (D) does not have access to youth records; and
  - (E) does not meet the definition of advocate, contractor, employee, or ombudsman.
- (8) **Volunteer**--~~[means]~~ a person ~~[who is]~~ registered in a position that renders services for or on behalf of ~~TJJJ [TYC]~~ that does not receive compensation in excess of reimbursement for expenses incurred ~~in that position, or a person who participates in more than four special events in a 12-month period~~. For purposes of this rule, ~~volunteer ["volunteer"]~~ does not include special event visitors.

(d) **General Provisions.**

- (1) Except as described in paragraph (2) of this subsection, ~~TJJJ's executive director [TYC's chief executive officer]~~ or his/her designee ~~[will]~~:
- (A) ~~conducts [conduct]~~ a background check on each covered person prior to granting the person access to ~~[any residential facility operated by or under contract with TYC,] youth, [or] youth records, or any residential facility operated by or under contract with TJJJ;~~ and
  - (B) ~~conducts [conduct]~~ a criminal history check on each covered person at least once per year thereafter.
- (2) The ~~TJJJ executive director [TYC chief executive officer]~~ or ~~his/her~~ designee may ~~[elect to]~~ waive the background check:
- (A) for a contractor when physical or procedural barriers are in place to prevent the contractor from having contact with or access to ~~TJJJ [TYC]~~ youth and the scope of services to be performed does not involve access to youth records;
  - (B) for a contractor who has an independent legal obligation to protect the confidentiality of youth records, and the scope of services to be performed does not involve access to youth;
  - (C) for a covered person who provides direct delivery of off-site services to youth assigned to residential ~~facilities [placements]~~ when the person is required to submit to a background check

as a condition of professional licensure or employment (e.g., health care specialist referrals);  
[or]

- (D) for a covered person providing necessary services in an emergency situation when no appropriately screened service providers offering the same or similar service are immediately available and a delay in providing the service would risk significant harm to a youth (e.g., emergency room visits or rape crisis counseling); or
  - (E) for a covered person, other than a TJJD [TYG] employee, providing services in his/her official capacity as an employee of a federal, state, or local governmental entity.
- (3) TJJD [TYG] does not assess a fee in connection with the administrative costs incurred in conducting a background check as described in this rule.
  - (4) As part of the initial [national] criminal history background check, a covered person must electronically provide a complete set of fingerprints to TJJD in the manner determined by TJJD [TYG].
  - (5) A covered person must provide employment history information in a form and manner determined by TJJD [TYG].
  - (6) All criminal history information obtained from the National Crime Information Center [(NCIC)] or any [other] state crime information database is confidential and may be released only in accordance with applicable law [not-releasable].

(e) **Standards for Evaluating Background Information.**

- (1) Background check results for covered persons are [will be] evaluated according to standards established in TJJD's [TYG's] policies addressing eligibility for employment or assignment in effect at the time the background check is conducted.
  - (2) When a background check reveals [a] criminal or employment history that is [deemed] unacceptable for the position or service to be performed by an employee or volunteer, TJJD terminates or denies that employee's or volunteer's [TYG will deny or terminate] employment or enrollment. TJJD provides written notice to the employee or volunteer whose employment or enrollment is terminated or denied.
  - (3) When a background check reveals [a] criminal or employment history that is [deemed] unacceptable for the position or service to be performed by a contractor, advocate, or ombudsman, TJJD denies [TYG will deny] the person access to any or all of the following, as appropriate: youth, youth information, and TJJD [TYG] facilities[-or any or all of the preceding]. TJJD provides [TYG will provide] written notice to the [a] contractor, advocate, or ombudsman whose access is denied.
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**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND A RULE REVIEW NOTICE FOR 37 TAC §§385.8101 (PUBLIC INFORMATION REQUEST), 385.8107 (PETITION FOR ADOPTION OF A RULE), 385.8111 (COMPLAINTS FROM THE PUBLIC), 385.8136 (NOTIFICATION TO PUBLIC AND PRIVATE SCHOOLS), 385.8141 (CONFIDENTIALITY), 385.8161 (NOTIFICATION OF A FACILITY OPENING OR RELOCATING), 385.8163 (DECENTRALIZATION), AND 385.8181 (BACKGROUND CHECKS) IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

**WHEREAS**, the Office of General Counsel has completed this review for 37 TAC §§385.8101, 385.8107, 385.8111, 385.8136, 385.8141, 385.8161, 385.8163, and 385.8181 and recommends revisions within each rule; and

**WHEREAS**, Texas Human Resources Code §242.003 requires the Board to adopt rules appropriate to the proper accomplishment of TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, Texas Human Resources Code §242.010(g) requires the Board to adopt rules necessary to administer a system of background checks for employees, volunteers, ombudsman staff, advocates, and contractors; and

**WHEREAS**, Texas Government Code §2001.021 requires each state agency to adopt rules that prescribe the form for a petition to initiate rulemaking and the procedure for submission, consideration, and disposition of the petition; and

**WHEREAS**, Texas Human Resources Code §203.009 and §203.010 require TJJD to make information available regarding TJJD’s procedures for accepting, investigating, and resolving complaints; and

**WHEREAS**, Texas Government Code §2001.023 and §2001.029 require a state agency to give at least 30 days' notice of its intention to adopt a rule and to allow all interested persons a reasonable opportunity to submit data, views, or arguments orally or in writing.

**NOW, THEREFORE BE IT RESOLVED THAT** for the above-referenced rules, the Board grants approval to publish the proposed revisions and a proposal to complete the rule review in the *Texas Register* for a 30-day public comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

## **Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Jill Mata, General Counsel

Subject: Discussion, consideration, and possible approval regarding the discipline of Certified Officers- Agreed Orders (Action)

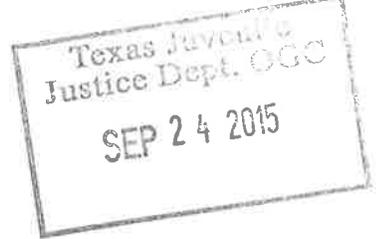
Date: October 11, 2015

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The Texas Juvenile Justice Department (TJJJ) has statutory authority to reprimand, suspend, or revoke the TJJJ-issued certification of a certified juvenile probation or supervision officer under Section 222.053 of the Texas Human Resources Code. The officer is entitled to a hearing before the State Office of Administrative Hearings (SOAH) if revocation or suspension is requested. Agency administrative rules found in Texas Administrative Code, Title 37, Chapter 349 allow TJJJ to dispose of certain disciplinary cases without referring the cases to SOAH.

The rules require TJJJ to give the certified officer a statement of facts or conduct alleged to warrant an adverse certification action as well as notice of the discipline sought to be imposed. The notice must invite the officer to show compliance with all requirements of law for the retention of the certification, give notice that the officer must file a written answer to the formal charges in compliance with TJJJ administrative rules found in Chapter 349, and give notice that a failure to file a written answer may result in the alleged conduct being admitted as true and the relief sought being granted by default. The notice must be sent via certified mail, return receipt requested to the certified officer's most recent address of record with TJJJ.

The rules allow a resolution to be negotiated informally between the certified officer and TJJJ through an agreed order. Attached for your review are the Agreed Orders and the Resolution for approval to issue a Final Agreed Order related to disciplinary cases of certified juvenile probation or supervision officers. TJJJ and the certified officers have agreed to the discipline indicated.



**DOCKET NO. DH-15-21360**

|                                |          |                       |
|--------------------------------|----------|-----------------------|
| <b>IN THE MATTER OF</b>        | <b>§</b> | <b>BEFORE THE</b>     |
|                                | <b>§</b> |                       |
| <b>KATHERINE KARSHIS</b>       | <b>§</b> | <b>TEXAS JUVENILE</b> |
|                                | <b>§</b> |                       |
| <b>CERTIFICATION NO. 21360</b> | <b>§</b> | <b>JUSTICE BOARD</b>  |

**AGREED ORDER**

At its scheduled board meeting on November 13, 2015, the Texas Juvenile Justice Board (the Board) considered the matter of the certification of Katherine Karshis (Respondent).

This Agreed Order is executed pursuant to Texas Government Code, Section 2001.056, which authorizes the informal disposition of contested cases. In order to conclude this matter without further delay and expense, the Texas Juvenile Justice Department (TJJJ) and Respondent agree to resolve this matter by this Agreed Order. The Respondent agrees to this disposition for the purpose of resolving this proceeding only and without admitting or denying the Findings of Fact and Conclusions of Law set out in this Agreed Order.

The Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order:

**FINDINGS OF FACT**

1. Between September 2013 and July 2014, Respondent held a juvenile probation officer certification with TJJJ.
2. Between September 2013 and July 2014, Respondent was required to comply with all relevant TJJJ standards, rules, and regulations relating to certified juvenile probation officers included in Texas Human Resources Code Chapter 222 and Title 37, Texas Administrative Code Chapters 341-359.
3. Title 37, Texas Administrative Code Chapter 345 was in effect between September 2013 and July 2014, and required that certified juvenile probation officers adhere to a Code of Ethics.
4. A Petition for Disciplinary Action was mailed to Respondent on October 21, 2014, and Respondent was provided with the opportunity to respond to the charges stated in the Petition and to show compliance with the relevant TJJJ standards, rules, and regulations.
5. The Petition for Disciplinary Action alleges that between September 2013 and July 2014, Respondent violated Texas Administrative Code, Title 37, Section (c)(2)(D) by having a relationship with the father juvenile E.V. while E.V. was on her caseload and

thereafter. During the relationship, she stayed the night in the father's home on several occasions while the juvenile was present and purchased a cell phone for the juvenile.

### **CONCLUSIONS OF LAW**

1. Respondent is subject to the jurisdiction of TJJD and is required to comply with all TJJD standards, rules, and regulations including Texas Human Resources Code Chapter 222, Title 37, Texas Administrative Code Chapters 341-359, and all state and federal laws.
2. Title 37, Texas Administrative Code Chapter 349 provides for the disciplining of a certified juvenile probation officer whose acts or omissions violate the law, including TJJD standards, rules, and regulations.
3. Respondent's conduct as described in Paragraph 5 is a violation of Texas Administrative Code, Title 37, Section 345.310(c)(2)(D).

### **ORDERING PROVISIONS**

**IT IS THEREFORE ORDERED by the Board of the Texas Juvenile Justice Department that:**

1. The certification of Katherine Karshis as a juvenile probation officer is suspended for two (2) years effective on November 13, 2015 and ending November 13, 2017. The terms of this Agreed Order will be published in the Final Orders and Decisions section of the TJJD website.
2. Upon approval of the Board, the Executive Director of TJJD is authorized to sign this order on behalf of the Board.
3. By signing this Agreed Order, Respondent:

Agrees to its terms, acknowledges an understanding of them, and waives the right to a formal hearing and any right to judicial review of this Agreed Order.

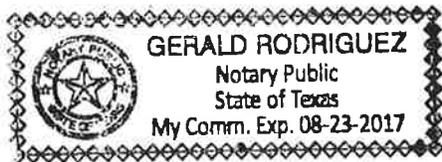
**I, KATHERINE KARSHIS, RESPONDENT, HAVE READ AND UNDERSTAND THE FOREGOING AGREED DISPOSITION ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED DISPOSITION ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED DISPOSITION ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE.**

DATED: September 22, 2015.

STATE OF TEXAS §  
COUNTY OF Bexar §

  
\_\_\_\_\_  
Signature of Respondent

Before me, the undersigned notary public on this day personally appeared Katherine Karshis, known to me (or proved to me on the oath of truth, or through TX Driver License (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.



  
\_\_\_\_\_  
Notary Public

Approved by the duly authorized designee of the Texas Juvenile Justice Board on 9/30/15, 2015.

  
\_\_\_\_\_  
David Reilly, Executive Director

**DOCKET NO. 15-26835-140042**

|                                |          |                       |
|--------------------------------|----------|-----------------------|
| <b>IN THE MATTER OF</b>        | <b>§</b> | <b>BEFORE THE</b>     |
|                                | <b>§</b> |                       |
| <b>SHANNON POWERS</b>          | <b>§</b> | <b>TEXAS JUVENILE</b> |
|                                | <b>§</b> |                       |
| <b>CERTIFICATION NO. 26835</b> | <b>§</b> | <b>JUSTICE BOARD</b>  |

**AGREED ORDER**

At its scheduled board meeting on November 13, 2015, the Texas Juvenile Justice Board (the Board) considered the matter of the certification of Shannon Powers (Respondent).

This Agreed Order is executed pursuant to Texas Government Code, Section 2001.056, which authorizes the informal disposition of contested cases. In order to conclude this matter without further delay and expense, the Texas Juvenile Justice Department (TJJD) and Respondent agree to resolve this matter by this Agreed Order. The Respondent agrees to this disposition for the purpose of resolving this proceeding only and without admitting or denying the Findings of Fact and Conclusions of Law set out in this Agreed Order.

The Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order:

**FINDINGS OF FACT**

1. On or about October 15, 2014, Respondent held a juvenile probation officer certification with TJJD.
2. On or about October 15, 2014, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile probation officers included in Texas Human Resources Code Chapter 222 and Title 37, Texas Administrative Code Chapters 341-359.
3. Title 37, Texas Administrative Code Chapter 345 was in effect on or about October 15, 2014, and required that certified juvenile probation officers adhere to a Code of Ethics.
4. A Petition for Disciplinary Action was mailed to Respondent on or about June 30, 2015, and Respondent was provided with the opportunity to respond to the charges stated in the Petition and to show compliance with the relevant TJJD standards, rules, and regulations.
5. The Petition for Disciplinary Action alleges that on or about October 15, 2014, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) by using excessive

and unnecessary force, to wit: slapping juvenile S.H. on the arm and peeling her fingers off a book.

6. The Petition for Disciplinary Action alleges that on or about October 15, 2014, Respondent violated Texas Administrative Code, Title 37, Section 345.310(c)(1)(J) by failing to treat all juveniles with courtesy, consideration, and dignity when she made sexual comments to and in the presence of juveniles in the facility.

### **CONCLUSIONS OF LAW**

1. Respondent is subject to the jurisdiction of TJJJ and is required to comply with all TJJJ standards, rules, and regulations including Texas Human Resources Code Chapter 222, Title 37, Texas Administrative Code Chapters 341-359, and all state and federal laws.
2. Title 37, Texas Administrative Code Chapter 349 provides for the disciplining of a certified juvenile probation officer whose acts or omissions violate the law, including TJJJ standards, rules, and regulations.
3. Respondent's conduct as described in Paragraph 5 is a violation of Texas Administrative Code, Title 37, Section 345.310(c)(2)(J).
4. Respondent's conduct as described in Paragraph 6 is a violation of Texas Administrative Code, Title 37, Section 345.310(c)(1)(J).

### **ORDERING PROVISIONS**

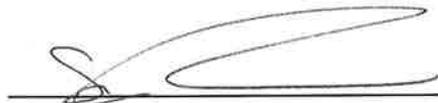
**IT IS THEREFORE ORDERED by the Board of the Texas Juvenile Justice Department that:**

1. The certification of Shannon Powers as a juvenile probation officer is suspended for two (2) years effective on November 13, 2015 and ending November 13, 2017. The terms of this Agreed Order will be published in the Final Orders and Decisions section of the TJJJ website.
2. Upon approval of the Board, the Executive Director of TJJJ is authorized to sign this order on behalf of the Board.
3. By signing this Agreed Order, Respondent:

Agrees to its terms, acknowledges an understanding of them, and waives the right to a formal hearing and any right to judicial review of this Agreed Order.

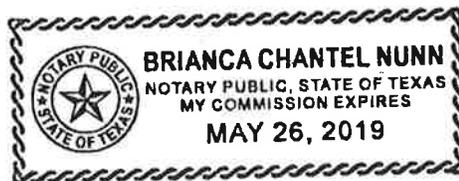
I, SHANNON POWERS, RESPONDENT, HAVE READ AND UNDERSTAND THE FOREGOING AGREED DISPOSITION ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED DISPOSITION ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED DISPOSITION ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE.

DATED: September 30, 2015

  
Signature of Respondent

STATE OF TEXAS §  
COUNTY OF \_\_\_\_\_ §

Before me, the undersigned notary public on this day personally appeared SHANNON POWERS, known to me (or proved to me on the oath of \_\_\_\_\_), or through DZ card (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.



  
Notary Public

Approved by the duly authorized designee of the Texas Juvenile Justice Board on

October 6, 2015.  
  
David Reilly, Executive Director



**Texas Juvenile Justice Department  
MASTER AGREED ORDER**

**A MASTER AGREED ORDER RELATED TO DISCIPLINARY CASES OF CERTIFIED JUVENILE PROBATION OR SUPERVISION OFFICERS**

On this the **13<sup>th</sup> day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane A. King     |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT  | YES | NO | ABSTAIN |
|-----------------|---------|---------|-----|----|---------|
| Rene Olvera     |         |         |     |    |         |
| Laura Parker    |         |         |     |    |         |
| Riley Shaw      |         |         |     |    |         |
| Jimmy Smith     |         |         |     |    |         |
| Calvin Stephens |         |         |     |    |         |
| Motion:         |         | Second: |     |    |         |

where, among other matters, came up for consideration and vote Request for Agreed Orders in the following matters related to the discipline of certified juvenile probation or supervision officers:

| DOCKET NUMBER   | NAME, CERTIFICATION NUMBER, LOCATION                                    | RECOMMENDED ORDER TERMS                            | COUNTY |
|-----------------|---|--|--------|
| 15-21360        | Katherine Karshis, 21360,<br>Bexar County Juvenile Probation Department | Active Suspension: Two Years<br>from Date of Order | Bexar  |
| 15-26835-140042 | Shannon Powers, 26835,<br>Harris County Youth Village                   | Active Suspension: Two Years<br>from Date of Order | Harris |

**WHEREAS** the Board has jurisdiction over these actions pursuant to Texas Human Resources Code §222.053 and Texas Administrative Code, Title 37, §349.305 et seq. and authority to enter an Agreed Order under Texas Administrative Code, Title 37, §349.340, pursuant to Texas Government Code §2001.056; and

**WHEREAS** the Board considered the Agreed Order in each matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in the Final Orders was lawfully moved, duly seconded, and approved by a majority of the present and voting members of the Texas Juvenile Justice Board; and

**WHEREAS** the following Board members recused themselves from participation in a particular matter:

| <b>BOARD MEMBER</b> | <b>NAME OF OFFICER(S)</b> |
|---------------------|---------------------------|
|                     |                           |
|                     |                           |
|                     |                           |
|                     |                           |
|                     |                           |
|                     |                           |

**NOW, THEREFORE BE IT ORDERED THAT** the Agreed Order in each referenced matter shall become effective as provided therein according to the date this Order is signed and that a copy of this Order shall be affixed to each Agreed Order.

Signed this **13<sup>th</sup> day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director  
Jill Mata, General Counsel

Subject: Discussion, consideration, and possible approval regarding the discipline of Certified Officers- Default Judgment Orders (Action)

Date: October 11, 2015

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The Texas Juvenile Justice Department (TJJJ) has statutory authority to reprimand, suspend, or revoke the TJJJ-issued certification of juvenile probation and detention officers; Texas Human Resources Code §222.053. The officer is entitled to a hearing before the State Office of Administrative Hearings if revocation or suspension is requested.

The Administrative Procedures Act (Tex. Gov. Code §2001.056) provides that cases may be disposed by default if agency rules allow it. TJJJ rules allow for a default order to be issued by the Texas Juvenile Justice Board upon the recommendation of the Executive Director if there is proof of proper notice to the certified officer when the officer fails to respond to the formal charges. The default order is to be based on the factual allegations and the sanctions recommended in the formal charges; 37 TAC §349.340.

Proper notice is notice sufficient to comply with Texas Government Code Section 2001.0054 and 37 TAC §349.320, which require TJJJ to provide the certified officer written notice that:

1. was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJJ;
2. contained a statement of facts or conduct alleged to warrant an adverse certification action;
3. invited the certified officer to show compliance with all requirements of law for the retention of the certification;

4. included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT;" and
5. stated that within 20 days of receipt of the notice, the certified officer shall file a written answer to the formal charge(s) that meets the requirements of 37 TAC §§349.340 and 349.370.

Notice is effective and service complete when the notice is sent by certified mail, return-receipt requested. Notice is presumed received three days after mailing if the wrapper containing the documents is not returned to the Department.

In the case of a default, the certified officer will be deemed to have:

1. admitted all of the factual allegations in the formal charges;
2. waived the opportunity to show compliance with the law;
3. waived the opportunity for a hearing on the formal charges; and
4. waived objection to the sanction(s) recommended in the formal charges.

The Texas Juvenile Justice Board, after consideration of the case, may:

1. enter a default order under Texas Government Code §2001.056 or
2. order the matter set for a hearing at SOAH.

Having reviewed the affidavit of the TJJD staff attorney and Deputy General Counsel assigned to this matter, we respectfully request that the Board grant the Default Orders in the requested cases. Attached for your review is the Affidavit of Attorney for each case. The Affidavit explains the notice given, the lack of response, the alleged conduct and violations, and the requested sanction. A proposed Default Order for each case is also attached.

**DOCKET NO. 15-9498-130215**

|                               |          |                       |
|-------------------------------|----------|-----------------------|
| <b>IN THE MATTER OF</b>       | <b>§</b> | <b>BEFORE THE</b>     |
|                               | <b>§</b> |                       |
| <b>COLLINS IHEJIWU</b>        | <b>§</b> | <b>TEXAS JUVENILE</b> |
|                               | <b>§</b> |                       |
| <b>CERTIFICATION NO. 9498</b> | <b>§</b> | <b>JUSTICE BOARD</b>  |

**DEFAULT ORDER**

At its scheduled board meeting on November 13, 2015, the Texas Juvenile Justice Board (the Board) considered the recommendation of the Executive Director and the affidavit of TJJJ's Deputy General Counsel, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to Collins Ihejiawu (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. On or about May 16, 2013, Respondent held a juvenile supervision officer certification with TJJJ.
2. On or about May 16, 2013, Respondent was required to comply with all relevant TJJJ standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on or about May 16, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 349.305 provides that TJJJ may initiate disciplinary action when TJJJ confirms an officer has violated the Code of Ethics or has confirmed that abuse, neglect, or exploitation has occurred.
5. Texas Administrative Code, Title 37, Section 358.100 provides that abuse is defined as in Texas Family Code Sections 261.001 and 261.401.
6. Texas Family Code Section 261.401(a)(1) defines abuse to include an act that causes or may cause physical injury to a child served by the facility or program.

7. On or about May 16, 2013, Respondent put his hand around the throat of J.G., a child, and threw J.G. against a wall, causing J.G. to suffer scratches on his neck and a busted lip.
8. Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) provides juvenile justice professionals must not be designated as a perpetrator in an abuse, exploitation and neglect investigation conducted by TJJD.
9. On or about March 5, 2015, Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile J.G.
10. TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, and first class mail on August 12, 2015.
11. More than twenty days have elapsed since August 17, 2015, the date Respondent is presumed to have received notice of the formal charges.
12. To date, Respondent has not filed an answer to the formal charges.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Findings of Fact 1-4, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-7, Respondent abused J.V.
3. As evidenced by Findings of Fact 8-9, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G).
4. As evidenced by Findings of Fact 10-12, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

#### **ORDERING PROVISIONS**

**IT IS THEREFORE ORDERED** by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification of Collins Ihejiawu is revoked.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.

3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJJ's order. A party is presumed to have been notified of TJJJ's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJJ. Pursuant to Texas Government Code Section 2001.146(e), the time allotted for TJJJ action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

**TEXAS JUVENILE JUSTICE DEPARTMENT**  
Signatures and date affixed by Default Disposition  
Master Order dated November 13, 2015

**AFFIDAVIT OF KAREN KENNEDY**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Karen Kennedy. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

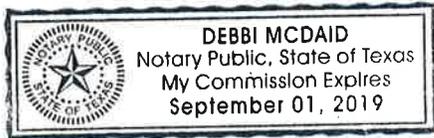
1. On behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to Collins Ihejiawu was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on August 12, 2015, to the most recent address of record for Collins Ihejiawu as registered with the Texas Juvenile Justice Department.
2. The certified mail receipt indicates the wrapper sent by certified mail was unclaimed.
3. The wrapper sent by regular mail has not been returned.
4. Notice was effective on August 17, 2015.
5. The written notice indicated that on or about May 16, 2013, Respondent engaged in conduct meeting the definition of abuse in Texas Family Code Section 261.401, to wit: when he put his hand around the throat of J.G., a child, and threw J.G. against a wall, causing J.G. to suffer scratches on his neck and a busted lip.
6. The written notice indicated that on or about March 5, 2015, Respondent violated Texas Administrative Code, Title 37 Section 345.310(c)(2)(G) when he was designated as a perpetrator in a TJJD abuse, neglect, or exploitation investigation.
7. The written notice informed Respondent that TJJD was seeking **Revocation of Respondent’s certification as a juvenile supervision officer.**
8. The written notice included in capital letters in 12-point boldface type the statement: ‘FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.’
9. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

10. Twenty days have elapsed since August 17, 2015, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”

  
Karen Kennedy, Deputy General Counsel

Before me, the undersigned authority, on this day personally appeared Kaci Singer, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 2nd of October, 2015.



NOTARY WITHOUT BOND

  
Notary Signature

**DOCKET NO. 15-12078-130159**

|                                 |          |                       |
|---------------------------------|----------|-----------------------|
| <b>IN THE MATTER OF</b>         | <b>§</b> | <b>BEFORE THE</b>     |
|                                 | <b>§</b> |                       |
| <b>DELBERT PARKS</b>            | <b>§</b> | <b>TEXAS JUVENILE</b> |
|                                 | <b>§</b> |                       |
| <b>CERTIFICATION NO. #12078</b> | <b>§</b> | <b>JUSTICE BOARD</b>  |

**DEFAULT ORDER**

At its scheduled board meeting on November 13, 2015, the Texas Juvenile Justice Board (the Board) considered the recommendation of the Executive Director and the affidavit of the assigned TJJD staff attorney, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to Delbert Parks (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. On or about March 11, 2013, Respondent held a juvenile supervision officer certification with TJJD.
2. On or about March 11, 2013, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on or about March 11, 2013, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 349.305 provides that TJJD may initiate disciplinary action when TJJD confirms an officer has violated the Code of Ethics or has confirmed that abuse, neglect, or exploitation has occurred.
5. Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) provides juvenile justice professionals must not use violence or unnecessary force and must use only the amount and type of force reasonably necessary and appropriate when justified to ensure the security of juveniles or of the facility, program, or department.

6. On or about March 11, 2013, Respondent used unnecessary and excessive force against M.W., a child, to wit: hit the juvenile, causing injury to his face, including a laceration to the chin that required stitches.
7. Texas Administrative Code, Title 37, Section 358.100 provides that abuse is defined as in Texas Family Code Sections 261.001 and 261.401.
8. Texas Family Code Section 261.401(a)(1) defines abuse to include an act that causes or may cause physical injury to a child served by the facility or program.
9. On or about March 11, 2013, Respondent hit M.W., a child, causing injury to his face, including a laceration to the chin that required stitches.
10. Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) provides juvenile justice professionals must not be designated as a perpetrator in an abuse, exploitation and neglect investigation conducted by TJJD.
11. On or about January 6, 2015, Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile M.W.
12. TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, and first class mail on August 25, 2015.
13. More than twenty days have elapsed since September 3, 2015, the date Respondent is presumed to have received notice of the formal charges.
14. To date, Respondent has not filed an answer to the formal charges.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Findings of Fact 1-4, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-6, Respondent's actions violated Texas Administrative Code, Title 37, 345.310(c)(2)(J).
3. As evidenced by Findings of Fact 7-9, Respondent abused M.W.
4. As evidenced by Findings of Fact 10-11, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G).

5. As evidenced by Findings of Fact 12-14, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

### **ORDERING PROVISIONS**

**IT IS THEREFORE ORDERED** by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification of Delbert Parks is revoked.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

**TEXAS JUVENILE JUSTICE DEPARTMENT**  
Signatures and date affixed by Default Disposition  
Master Order dated November 13, 2015

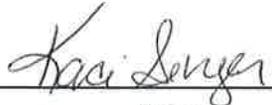
## AFFIDAVIT OF KACI SINGER

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Kaci Singer. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

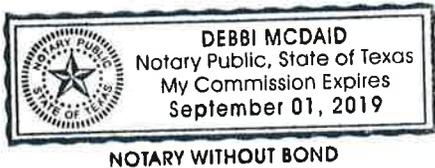
1. On behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to Delbert Parks was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on August 25, 2015, to the most recent address of record for Delbert Parks as registered with the Texas Juvenile Justice Department.
2. The certified mail receipt indicates the wrapper was signed by Respondent on September 3, 2015.
3. The wrapper sent by regular mail has been returned.
4. Notice was effective on September 3, 2015.
5. The written notice indicated that on or about March 11, 2013, Respondent engaged in conduct meeting the definition of abuse – in Texas Administrative Code, Title 37, 345.310(c)(2)(J) and meeting the definition of abuse in Texas Family Code Section 261.401, to wit: when he used unnecessary and excessive force against M.W., a child, to wit: hit the juvenile, causing injury to his face, including a laceration to the chin that required stitches.
6. The written notice indicated that on or about January 6, 2015, Respondent violated Texas Administrative Code, Title 37 Section 345.310(c)(2)(G) when he was designated as a perpetrator in a TJJJ abuse, neglect, or exploitation investigation.
7. The written notice informed Respondent that TJJJ was seeking **Revocation of Respondent’s certification as a juvenile supervision officer.**
8. The written notice included in capital letters in 12-point boldface type the statement: ‘FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.’
9. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

10. Twenty days have elapsed since September 3, 2015, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”

  
\_\_\_\_\_  
Kaci Singer, Attorney

Before me, the undersigned authority, on this day personally appeared Kaci Singer, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 2nd of October, 2015.



  
\_\_\_\_\_  
Notary Signature

**DOCKET NO. 15-26465-140133**

|                                  |          |                       |
|----------------------------------|----------|-----------------------|
| <b>IN THE MATTER OF</b>          | <b>§</b> | <b>BEFORE THE</b>     |
|                                  | <b>§</b> |                       |
| <b>JACOB ROMERO</b>              | <b>§</b> | <b>TEXAS JUVENILE</b> |
|                                  | <b>§</b> |                       |
| <b>CERTIFICATION NO. # 26465</b> | <b>§</b> | <b>JUSTICE BOARD</b>  |

**DEFAULT ORDER**

At its scheduled board meeting on November 13, 2015, the Texas Juvenile Justice Board (the Board) considered the recommendation of the Executive Director and the affidavit of the assigned TJJD staff attorney, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to Jacob Romero (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. On or about January 13, 2014, Respondent held a juvenile supervision officer certification with TJJD.
2. On or about January 13, 2014, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on or about January 13, 2014, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 349.305 provides that TJJD may initiate disciplinary action when TJJD confirms an officer has violated the Code of Ethics or has confirmed that abuse, neglect, or exploitation has occurred.
5. Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) provides juvenile justice professionals must not use violence or unnecessary force and must use only the amount and type of force reasonably necessary and appropriate when justified to ensure the security of juveniles or of the facility, program, or department.

6. On or about January 13, 2014, Respondent used excessive force against J.V., a child, to wit: placed his knee on the juvenile's back, banged his head into the floor, and caused him to suffer injuries including scratches and marks on his head, neck, and back and a laceration to his ear.
7. Texas Administrative Code, Title 37, Section 358.100 provides that abuse is defined as in Texas Family Code Sections 261.001 and 261.401.
8. Texas Family Code Section 261.401(a)(1) defines abuse to include an act that causes or may cause physical injury to a child served by the facility or program.
9. On or about January 13, 2014, Respondent intentionally or recklessly used excessive force in restraining J.V., a child, including banging his head onto the ground and placing his knee on J.V.'s back, resulting in J.V. suffering injuries including scratches and marks on his head, neck, and back and a laceration to his ear.
10. Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) provides juvenile justice professionals must not be designated as a perpetrator in an abuse, exploitation and neglect investigation conducted by TJJD.
11. On or about February 25, 2015, Respondent was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation involving juvenile J.V.
12. TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, and first class mail on August 28, 2015.
13. More than twenty days have elapsed since August 31, 2015, the date Respondent is presumed to have received notice of the formal charges.
14. To date, Respondent has not filed an answer to the formal charges.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Findings of Fact 1-4, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-6, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J).
3. As evidenced by Findings of Fact 7-9, Respondent abused J.V.

4. As evidenced by Findings of Fact 10-11, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G).
5. As evidenced by Findings of Fact 12-14, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

#### **ORDERING PROVISIONS**

**IT IS THEREFORE ORDERED** by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification of Jacob Romero is revoked.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

**TEXAS JUVENILE JUSTICE DEPARTMENT**  
Signatures and date affixed by Default Disposition  
Master Order dated November 13, 2015

## AFFIDAVIT OF KACI SINGER

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Kaci Singer. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

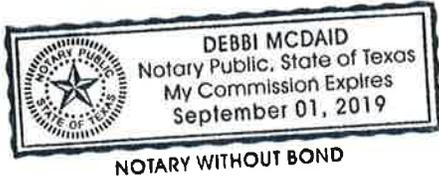
1. On behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to Jacob Romero was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on August 25, 2015, to the most recent address of record for Jacob Romero as registered with the Texas Juvenile Justice Department.
2. The certified mail receipt indicates Respondent signed the wrapper on August 31, 2015.
3. The wrapper sent by regular mail has not been returned.
4. Notice was effective on August 31, 2015.
5. The written notice indicated that on or about January 13, 2014, Respondent engaged in conduct meeting the definition of abuse – in Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) and meeting the definition of abuse in Texas Family Code Section 261.401, to wit: when he intentionally or recklessly used excessive force in restraining J.V., a child, including banging his head onto the ground and placing his knee on J.V.'s back, resulting in J.V. suffering injuries including scratches and marks on his head, neck, and back and a laceration to his ear.
6. The written notice indicated that on or about February 25, 2015, Respondent violated Texas Administrative Code, Title 37 Section 345.310(c)(2)(G) when he was designated as a perpetrator in a TJJD abuse, neglect, or exploitation investigation.
7. The written notice informed Respondent that TJJD was seeking **Revocation of Respondent’s certification as a juvenile supervision officer.**
8. The written notice included in capital letters in 12-point boldface type the statement: ‘FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.’
9. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

10. Twenty days have elapsed since August 31, 2015, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”

  
\_\_\_\_\_  
Kaci Singer, Attorney

Before me, the undersigned authority, on this day personally appeared Kaci Singer, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 2nd of October, 2015.



  
\_\_\_\_\_  
Notary Signature

**DOCKET NOS. 15-24886-150011  
and 15-24886-150135**

|                                |          |                       |
|--------------------------------|----------|-----------------------|
| <b>IN THE MATTER OF</b>        | <b>§</b> | <b>BEFORE THE</b>     |
|                                | <b>§</b> |                       |
| <b>DARRELL SMITH</b>           | <b>§</b> | <b>TEXAS JUVENILE</b> |
|                                | <b>§</b> |                       |
| <b>CERTIFICATION NO. 24886</b> | <b>§</b> | <b>JUSTICE BOARD</b>  |

**DEFAULT ORDER**

At its scheduled board meeting on November 13, 2015, the Texas Juvenile Justice Board (the Board) considered the recommendation of the Executive Director and the affidavit of TJJD's Deputy General Counsel, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to Darrell Smith (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. On or about September 11, 2014 and September 25, 2014, Respondent held a juvenile supervision officer certification with TJJD.
2. On or about September 11, 2014 and September 25, 2014, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on or about September 11, 2014 and September 25, 2014, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 349.305 provides that TJJD may initiate disciplinary action when TJJD confirms an officer has violated the Code of Ethics or has confirmed that abuse, neglect, or exploitation has occurred.
5. Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) provides juvenile justice professionals must not use violence or unnecessary force and must use only the amount and type of force reasonably necessary and appropriate when justified to ensure the security of juveniles or of the facility, program, or department.

6. On or about September 11, 2014, Respondent used excessive and unnecessary force by shoving juvenile S.K. and pinning him to the wall when the criteria for use of force was not met.
7. Texas Administrative Code, Title 37, Section 345.310(c)(1)(J) provides juvenile justice professionals must treat all juveniles and their families with courtesy, consideration, and dignity.
8. On or about September 25, 2014, Respondent made sexual comments to juveniles in his care regarding their mothers and family members and by referring to the juveniles as "bitches" and "hoes."
9. TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, and first class mail on August 12, 2015.
10. More than twenty days have elapsed since August 24, 2015, the date Respondent is presumed to have received notice of the formal charges.
11. To date, Respondent has not filed a written answer to the formal charges.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Findings of Fact 1-4, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-6, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J).
3. As evidenced by Findings of Fact 7-8, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(1)(J).
4. As evidenced by Findings of Fact 9-11, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

## **ORDERING PROVISIONS**

**IT IS THEREFORE ORDERED** by the Texas Juvenile Justice Board that:

1. The juvenile supervision officer certification of Darrell Smith is revoked.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

**TEXAS JUVENILE JUSTICE DEPARTMENT**  
Signatures and date affixed by Default Disposition  
Master Order dated November 13, 2015

**AFFIDAVIT OF KAREN KENNEDY**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Karen Kennedy. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

1. On behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to Darrell Smith was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on August 12, 2015, to the most recent address of record for Darrell Smith as registered with the Texas Juvenile Justice Department.
2. The certified mail receipt indicates the wrapper was signed by Respondent on August 24, 2015.
3. The wrapper sent by regular mail has not been returned.
4. Notice was effective on August 24, 2015.
5. The written notice indicated that on or about September 11, 2014, Respondent violated Texas Administrative Code, Title 37, 345.310(c)(2)(J) he used excessive and unnecessary force by shoving juvenile S.K. and pinning him to the wall when the criteria for use of force was not met.
6. The written notice indicated that on or about September 25, 2014, Respondent violated Texas Administrative Code, Title 37 Section 345.310(c)(1)(J) when Respondent made sexual comments to juveniles in his care regarding their mothers and family members and by referring to the juveniles as "bitches" and "hoes."
7. The written notice informed Respondent that TJJD was seeking **Revocation of Respondent’s certification as a juvenile supervision officer.**
8. The written notice included in capital letters in 12-point boldface type the statement: ‘FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.’
9. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

**AFFIDAVIT OF KAREN KENNEDY**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Karen Kennedy. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

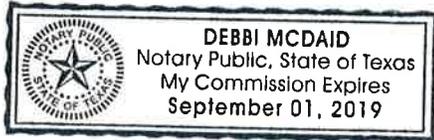
1. On behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to Darrell Smith was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on August 12, 2015, to the most recent address of record for Darrell Smith as registered with the Texas Juvenile Justice Department.
2. The certified mail receipt indicates the wrapper was signed by Respondent on August 24, 2015.
3. The wrapper sent by regular mail has not been returned.
4. Notice was effective on August 24, 2015.
5. The written notice indicated that on or about September 11, 2014, Respondent violated Texas Administrative Code, Title 37, 345.310(c)(2)(J) he used excessive and unnecessary force by shoving juvenile S.K. and pinning him to the wall when the criteria for use of force was not met.
6. The written notice indicated that on or about September 25, 2014, Respondent violated Texas Administrative Code, Title 37 Section 345.310(c)(1)(J) when Respondent made sexual comments to juveniles in his care regarding their mothers and family members and by referring to the juveniles as "bitches" and "hoes."
7. The written notice informed Respondent that TJJD was seeking **Revocation of Respondent’s certification as a juvenile supervision officer.**
8. The written notice included in capital letters in 12-point boldface type the statement: ‘FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.’
9. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.

10. Twenty days have elapsed since August 24, 2015, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”

  
\_\_\_\_\_  
Karen Kennedy, Deputy General Counsel

Before me, the undersigned authority, on this day personally appeared Karen Kennedy, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 2nd of October, 2015.



NOTARY WITHOUT BOND

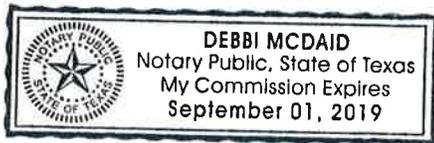
  
\_\_\_\_\_  
Notary Signature

10. Twenty days have elapsed since August 24, 2015, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”

  
\_\_\_\_\_  
Karen Kennedy, Deputy General Counsel

Before me, the undersigned authority, on this day personally appeared Karen Kennedy, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 2nd of October, 2015.



NOTARY WITHOUT BOND

  
\_\_\_\_\_  
Notary Signature

**DOCKET NO. 15-27564**

|                                |          |                       |
|--------------------------------|----------|-----------------------|
| <b>IN THE MATTER OF</b>        | <b>§</b> | <b>BEFORE THE</b>     |
|                                | <b>§</b> |                       |
| <b>CHARLES WILLIAMS</b>        | <b>§</b> | <b>TEXAS JUVENILE</b> |
|                                | <b>§</b> |                       |
| <b>CERTIFICATION NO. 27564</b> | <b>§</b> | <b>JUSTICE BOARD</b>  |

**DEFAULT ORDER**

At its scheduled board meeting on November 13, 2015, the Texas Juvenile Justice Board (the Board) considered the recommendation of the Executive Director and the affidavit of the assigned TJJD staff attorney, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to Charles Williams (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. On or about June 11, 2015, Respondent held a juvenile probation officer certification with TJJD.
2. On or about June 11, 2015, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile probation officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on or about June 11, 2015, and required that certified juvenile probation officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 349.305 provides that TJJD may initiate disciplinary action when TJJD confirms an officer has violated the Code of Ethics or has confirmed that abuse, neglect, or exploitation has occurred.
5. Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) provides that juvenile justice professionals must not falsify or make material omissions to governmental records.

6. On or about June 11, 2015, Respondent forged parent signatures on probation documents and entered chronological notes indicating he had met with juveniles T.M. and C.B. and their mothers when he had not done so.
7. TJJD effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, and first class mail on August 12, 2015.
8. More than twenty days have elapsed since August 17, 2015, the date Respondent is presumed to have received notice of the formal charges.
9. To date, Respondent has not filed an answer to the formal charges.

### **CONCLUSIONS OF LAW**

1. As evidenced by Findings of Fact 1-4, TJJD has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-6, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(K).
3. As evidenced by Findings of Fact 7-9, the requirements upon which a default order may be granted, as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340, have been met.

### **ORDERING PROVISIONS**

**IT IS THEREFORE ORDERED** by the Texas Juvenile Justice Board that:

1. The juvenile probation officer certification of Charles Williams is Active Suspension: Six Months from Date of Order.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty days after a party is notified of TJJD's order. A party is presumed to have been notified of TJJD's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJD. Pursuant to Texas Government Code Section 2001.146(e), the time allotted for TJJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until ninety days from the date the parties are notified of the Order.

**TEXAS JUVENILE JUSTICE DEPARTMENT**  
Signatures and date affixed by Default Disposition  
Master Order dated November 13, 2015

**AFFIDAVIT OF KACI SINGER**

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Kaci Singer. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

1. On behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to Charles Williams was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on August 12, 2015, to the most recent address of record for Charles Williams as registered with the Texas Juvenile Justice Department.
2. The certified mail was returned to Texas Juvenile Justice Department.
3. The wrapper sent by regular mail has not been returned.
4. Notice was effective on August 17, 2015.
5. The written notice indicated that on or about June 11, 2015, Respondent violated Texas Administrative Code, Title 37 Section 345.310(c)(2)(K) when he forged parental signatures on probation documents and entered chronological notes indicating he had met with T.M. and C.B. and their mothers when he had not done so.
6. The written notice informed Respondent that TJJJ was seeking **Active Suspension: Six Months from Date of Order** of Respondent’s officer certification.
7. The written notice included in capital letters in 12-point boldface type the statement: ‘FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.’
8. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice.
9. Twenty days have elapsed since August 17, 2015, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”

  
\_\_\_\_\_  
Kaci Singer, Attorney

Before me, the undersigned authority, on this day personally appeared Kaci Singer, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 2nd of October, 2015.



NOTARY WITHOUT BOND

Debbi McDavid  
Notary Signature



**Texas Juvenile Justice Department  
MASTER DEFAULT ORDER**

**A MASTER DEFAULT ORDER RELATED TO DISCIPLINARY CASES OF CERTIFIED JUVENILE PROBATION OR SUPERVISION OFFICERS**

On this the **13<sup>th</sup> day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane A. King     |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT  | YES | NO | ABSTAIN |
|-----------------|---------|---------|-----|----|---------|
| Rene Olvera     |         |         |     |    |         |
| Laura Parker    |         |         |     |    |         |
| Riley Shaw      |         |         |     |    |         |
| Jimmy Smith     |         |         |     |    |         |
| Calvin Stephens |         |         |     |    |         |
| Motion:         |         | Second: |     |    |         |

where, among other matters, came up for consideration and vote Requests for Default Orders in the following matters related to the discipline of certified juvenile probation or supervision officers:

| DOCKET NUMBER                        | NAME, CERTIFICATION NUMBER, LOCATION                                    | RECOMMENDED ORDER TERMS                             | COUNTY |
|--------------------------------------|---|---|--------|
| 15-9498-130215                       | Collins Ihejiawu, 9498,<br>John R. Roach Juvenile Detention Center      | Revocation of Certification                         | Collin |
| 15-12078-130159                      | Delbert Parks, 12078,<br>Dr. Jerome McNeil Jr. Detention Center         | Revocation of Certification                         | Dallas |
| 15-26465-140133                      | Jacob Romero, 26465,<br>Bexar County Juvenile Detention Center          | Revocation of Certification                         | Bexar  |
| 15-24886-150011 &<br>15-24886-150135 | Darrell Smith, 24886<br>John R. Roach Juvenile Detention Center         | Revocation of Certification                         | Collin |
| 15-27564                             | Charles Williams, 27564,<br>Dallas County Juvenile Probation Department | Active Suspension: Six<br>Months from Date of Order | Dallas |

**WHEREAS** the Board has jurisdiction over these actions pursuant to Texas Human Resources Code §222.053 and Texas Administrative Code, Title 37, §349.305 et seq. and authority to enter a Default Order under Texas Administrative Code, Title 37, §349.340, pursuant to Texas Government Code §2001.056; and

**WHEREAS** the Board considered the Requested Default Order in each matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in the Final Orders was lawfully moved, duly

seconded, and approved by a majority of the present and voting members of the Texas Juvenile Justice Board;  
and

**WHEREAS** the following Board members recused themselves from participation in a particular matter:

| <i>BOARD MEMBER</i> | <i>NAME OF OFFICER(S)</i> |
|---------------------|---------------------------|
|                     |                           |
|                     |                           |
|                     |                           |
|                     |                           |
|                     |                           |
|                     |                           |

**NOW, THEREFORE BE IT ORDERED THAT** the Final Order in each referenced matter shall become effective as provided therein according to the date this Order is signed and that a copy of this Order shall be affixed to each Final Order.

Signed this 13<sup>th</sup> day of November 2015.

**Texas Juvenile Justice Board**

---

Scott W. Fisher, Chairman

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Date:

| <b>APPLICANT CONTACT INFORMATION</b> |                                  |                      |
|--------------------------------------|----------------------------------|----------------------|
| <i>Form Completed By Name/Title</i>  | <i>Phone #</i>                   | <i>Email Address</i> |
| <i>Department/Facility Address</i>   | <i>City, State, and Zip Code</i> |                      |
| <i>Name of Juvenile Board</i>        |                                  |                      |

*Title 37, Texas Administrative Code, Section 349.200(b) establishes the following:*

- *Unless expressly prohibited by another standard, the juvenile board may make an application for a variance of any standard adopted by the Texas Juvenile Justice Board.*

*A copy of the juvenile board's resolution or written request adopted by formal action must be sent with this application.*

|   |   |
|---|---|
| <i>Title of Standard</i>  | <i>Section #</i>                                |
| <i>Name of Program(s) and/or Facility(ies) to be Impacted by the Variance</i> | <i>Expected Compliance Date (if applicable)</i> |

**Each question below must be answered. Please provide any supporting documentation.**

| <b>Explain why compliance with standards cannot be achieved.</b> |
|--|
|  |

| <b>Explain the impact the variance would have on compliance with other standards.</b> |
|---|
|   |

| <b>Explain how substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means.</b> |
|---|
|   |

| <b>Explain how the health and safety of juveniles will be maintained if the variance is granted.</b> |
|--|
|  |

| <b>Explain how compliance with the standard in question will result in undue hardship on the requesting entity.</b> |
|---|
|   |

| <b>Explain how issuing the variance would not put the juvenile board, department, program, or facility in violation of any state or federal law.</b> |
|--|
|  |

**RESOLUTION**

**110<sup>TH</sup> JUDICIAL DISTRICT JUVENILE PROBATION**

WHEREAS, the 110<sup>th</sup> Judicial District Juvenile Board finds it in the best interest of the citizens of the District that the PARENT ADOLESCENT CENTER continue to operate as a non-secure residential facility for juvenile offenders; and

WHEREAS, the designees of the 110<sup>th</sup> Judicial District Juvenile Board have diligently endeavored to meet the standard set forth in Title 37 of the Texas Administrative Code, Section 355.430(b) regarding Supervision Requirements in a non-secure juvenile facility; and

WHEREAS, the 110<sup>th</sup> Judicial District Juvenile Board finds it impossible to meet the standard set forth in TAC Standard 355.430(b) regarding Supervision Requirements in non-secure juvenile facilities; and

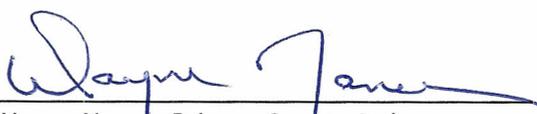
WHEREAS, the 110<sup>th</sup> Judicial District Juvenile Board recognizes the hardship presented to the youth and families of the community that would result from closure of the facility due to noncompliance with the standard; and

WHEREAS, the 110<sup>th</sup> Judicial District Juvenile Board recognizes that the granting of a Permanent Variance of Standards for the above named standard would allow the facility to continue to operate;

NOW THEREFORE, BE IT RESOLVED, that the 110<sup>TH</sup> Judicial District Juvenile Board authorizes and approves submission of the APPLICATION FOR PERMANENT VARIANCE OF STANDARDS to the TEXAS JUVENILE JUSTICE DEPARTMENT BOARD for due consideration.

  
\_\_\_\_\_  
William P. Smith, 110<sup>th</sup> Judicial  
Juvenile Board Chairman

  
\_\_\_\_\_  
Marty Lucke, Floyd County Judge

  
\_\_\_\_\_  
Wayne Nance, Briscoe County Judge

  
\_\_\_\_\_  
Kevin Brendle, Dickens County Judge

  
\_\_\_\_\_  
Jim Meador, Motley County Judge

Passed and approved this 7<sup>th</sup> day of July, 2015

# TEXAS JUVENILE JUSTICE DEPARTMENT

## Staff Summary and Recommendation for Application for Variance from Standards

**Applicant:** 110<sup>th</sup> Judicial District Juvenile Board (Floyd County)

**Application Receipt Date:** July 7, 2015

**TJJD Internal Tracking Number:** VA-15-04 –110<sup>th</sup> J.D.

### Standards Identified in Applicant's Variance Request:

#### Title 37, Texas Administrative Code, Section 355.430(b). Supervision Requirements

(b) Same-Gender Supervision Requirement.

(1) Policies and practice shall ensure at least one juvenile supervision officer or youth activities supervisor of each gender represented in the resident population is on duty and available to the residents on every shift.

(2) Cross-gender supervision shall be prohibited during showers, physical searches, pat downs, disrobing of suicidal residents, or other times in which personal hygiene practices or needs would require the presence of a staff member of the same gender. However, if the resident is behind a closed, windowless door to shower or care for other personal hygiene needs, a same-gender staff member is not required. The requirements of this standard shall be detailed in the facility's policies and procedures.

### TJJD Staff Summary of the Applicant's Request for Variance:

The 110<sup>th</sup> Judicial District Juvenile Board (Applicant) is seeking a variance from subsection (b)(1) of 37 T.A.C. §355.430, the standard which requires that at least one juvenile supervision officer or youth activities supervisor of each gender represented in the resident population be on duty and available to the residents on every shift. Additionally, the Applicant is seeking a variance from the element of the standard prohibiting cross-gender supervision during specific activities, as set forth in subsection (b)(2).

The requested variance is in response to a finding of non-compliance issued on May 21, 2015, by the Texas Juvenile Justice Department's Monitoring and Inspections Division. During a scheduled inspection of the Parent Adolescent Center facility, TJJD staff determined that, according to the facility's staff assignment roster for March 6, 2015, a male officer was not on duty during the 10:00 p.m. - 8:00 a.m. shift and the facility's population roster indicated that male residents were being housed in the facility on this date. Furthermore, during a tour of the facility, TJJD staff observed that there was not a male juvenile supervision officer or youth activities supervisor on duty and that the facility population included male residents.

Subsequently, the Applicant submitted a responsive request for variance under this standard seeking relief from the requirement of having at least one juvenile supervision officer or youth activities supervisor of each gender represented in the resident population on every shift. Applicant contends that they have been unable to hire and retain sufficient male staff to meet compliance with this standard. The Applicant further contends that they will continue to attempt to recruit male staff but feel that female staff is capable of maintaining the health and safety of residents and proffer that no health or safety issues have arisen in their years of operation resulting from a lack of male staff.

The Applicant submitted the following for consideration:

- Application for Variance of Standards
- Written authorization by the 110<sup>th</sup> Judicial District Juvenile Board for the submission of the application for variance

In accordance with the requirements of 37 TAC §349.200(b), the applicant presents the following information to establish the grounds for the requested variance:

1. Applicant contends that compliance cannot be maintained because not enough men apply for the job of JSO and those that do often cannot meet the requirements or pass the background check. If hired, they usually don't stay, leaving because they don't want to work with the residents or because they get a better job elsewhere. Since it is a rural community, there are few males willing to work the hours and do the job that is required with their youth.
2. Applicant contends that the requested variance will have no negative impact on other standards.
3. Applicant contends that they will continue to try to recruit more male staff members and will use the ones they have to the fullest extent possible.
4. Applicant contends that the current female staff is most capable of seeing to the health and safety of the residents. Applicant reports that, in the past 19 years of operation there have been very few health and safety issues and none have been related to lack of male staff members. The youth sleep, with doors open, in rooms located off the common area; cameras cover most of the common area room. There is good ambient lighting; the female staff do room checks overnight by looking into the rooms with flashlights but do not actually enter the rooms. The boys sleep in shorts and t-shirts for modesty. If a male is needed for some reason (youth locks himself in bathroom, etc.), it has never been a problem to get an off-duty male staff member or EMT/Fire Dept. personnel to come open the door and see to the issue. This has rarely happened. There are always at least two staff members on duty, and the facility is small enough that they communicate with one another regularly.
5. Applicant contends that they will have to close the facility if required to comply with the standard, thereby reducing the available number of non-secure beds for the region by 22 and making them unable to provide the services they have been providing to their community.
6. Applicant contends that they are not aware of any other state or federal law that would be violated by this variance.

#### **Additional Applicable Standard Identified by TJJD Staff:**

TJJD staff has not identified any additional TJJD administered Texas Administrative Code Chapter rules (i.e., standards) that would be impacted by a permanent variance from 355.430(b).

#### **Variance Precedent and History:**

TJJD has not identified any prior precedent or history of variance from 37 T.A.C. §355.430(b). It should be noted that TAC Chapter 355 is a relatively new chapter, having been adopted and made effective on November 15, 2013. To date, TJJD has not granted any permanent variances for Chapter 355 standards. Additionally, there have been no such variances sought or granted for like secure facility standards (i.e., TAC 343 and 351).

The 110<sup>th</sup> Judicial District Juvenile Probation Department did previously seek a temporary waiver from the requirements of Section 355.430(b) shortly after the applicable standards were made effective. TJJD's administration did not grant the jurisdiction's request for the temporary waiver.

#### **TJJD Staff Application Disposition Recommendation:**

The Parent Adolescent Center facility is required to ensure at least one juvenile supervision officer or youth activities supervisor of each gender represented in the resident population is on duty and available to the residents on every shift and that cross-gender supervision is prohibited during showers, physical searches, pat downs, disrobing of suicidal residents, and other times in which personal hygiene practices or needs would require the presence of a staff member of the same gender (unless the resident is behind a closed, windowless door to shower or care for other personal hygiene needs).

The Applicant contends that they are unable to maintain compliance with these requirements and that, in order for them to maintain current operations, a variance must be granted for the referenced administrative rule provision(s).

TJJD staff has identified the following considerations in the deliberation of a disposition recommendation for this variance request:

1. By nature, variances are a permanent exemption from the requirement to comply with a particular regulation. They are most appropriate for circumstances not particularly subject to change, such as an existing structural component to a facility. In this instance, a variance is being sought to address a fluid issue, which is a stated difficulty in hiring males in one location of the state. According to the U.S. Census Bureau, the percentage of females in Floyd County is 50.3% while males compose 49.7%. This nearly even split suggests it is not a lack of males in the area but other factors, such as those cited by the Applicant, including other available jobs at higher pay, that may be contributing to a difficulty in hiring males. Rather than a variance, TJJD staff recommends a different approach to addressing this issue, such as development of additional recruiting mechanisms to attract males to employment in the facility.

2. Although Applicant indicates they are unaware of any other laws they would be in violation of if the variance were granted, TJJD is concerned with legal implications related to state and federal laws regarding sex discrimination in employment practices as well as legal implications related to the Prison Rape Elimination Act, which has the same cross-gender search requirements as this standard.

Based on these concerns, the recommendation of TJJD staff is that the requested variance not be granted.

37 TAC §349.200(b) authorizes, but does not require, the TJJD Board to grant the requested variance if it makes affirmative findings that the applicant has established the following:

1. Why compliance with the standards cannot be achieved;
2. The impact the variance would have on compliance with other standards;
3. How substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means;
4. How the health and safety of juveniles will be maintained if the variance is granted;
5. How compliance with the standard will result in undue hardship to the requesting entity; and
6. How issuing the variance would not put the Juvenile Board, probation department, program, or facility in violation of any state or federal law.

To reiterate, TJJD staff does not recommend that a permanent variance be granted to the Applicant for the referenced administrative rule provision(s).



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION REGARDING THE VARIANCE REQUESTED BY THE 110<sup>th</sup> JUDICIAL DISTRICT JUVENILE BOARD**

**In re: 37 TAC 355.430(b)**

On this the **13<sup>th</sup> day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board (the Board) was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane A. King     |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT  | YES | NO | ABSTAIN |
|-----------------|---------|---------|-----|----|---------|
| Rene Olvera     |         |         |     |    |         |
| Laura Parker    |         |         |     |    |         |
| Riley Shaw      |         |         |     |    |         |
| Jimmy Smith     |         |         |     |    |         |
| Calvin Stephens |         |         |     |    |         |
| Motion:         |         | Second: |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Floyd County by and through the 110<sup>th</sup> Judicial District Juvenile Board and Reba Moore, Facility Administrator, has submitted to the Texas Juvenile Justice Department an application for a variance for 37 TAC 355.430(b);

**WHEREAS**, the duly appointed members of the Board’s Safety and Security Committee have considered the application during the Safety and Security Committee meeting held on November 12, 2015;

**WHEREAS**, per the requirements set forth in 37 TAC 349.200(b)(2), the Board hereby makes the following findings of fact (all must be found to grant the application):

- |  |  |
|--|--|
| <p>Found</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>Not Found</p> <p><input type="checkbox"/> The juvenile board has explained why compliance with the standard cannot be achieved.</p> <p><input type="checkbox"/> The juvenile board has explained the impact the variance would have on compliance with other standards.</p> <p><input type="checkbox"/> The juvenile board has shown that the health and safety of juveniles will be maintained if the variance is granted.</p> <p><input type="checkbox"/> The juvenile board has shown substantial compliance with the intent and purpose of the standard for which a variance is requested through alternate methods or means.</p> |
|--|--|

- The juvenile board has shown that compliance with the standard in question would be an undue hardship on the requesting entity.
- The juvenile board has shown that issuing the variance would not put the juvenile board, department, program or facility in violation of any state or federal law.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board

\_\_\_\_\_ **DENIES** the variance requested by the 110<sup>th</sup> Judicial District Juvenile Board for 37 TAC 355.430(b).

\_\_\_\_\_ **GRANTS** to the 110<sup>th</sup> Judicial District Juvenile Board (Recipient) a variance for 37 TAC 355.430(b).

Signed this **13th day of November, 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman

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# APPLICATION FOR PERMANENT VARIANCE OF STANDARDS

TEXAS  
JUVENILE  
JUSTICE  
DEPARTMENT

Date:

### APPLICANT CONTACT INFORMATION

|                                       |                     |                                  |
|---------------------------------------|---------------------|----------------------------------|
| <i>Form Completed By Name/Title</i>   | <i>Phone #</i>      | <i>Email Address</i>             |
| <b>Ross Worley</b>                    | <b>903-533-2310</b> | <b>rworley@smith-county.com</b>  |
| <i>Department/Facility Address</i>    |                     | <i>City, State, and Zip Code</i> |
| <b>Smith County Juvenile Services</b> |                     | <b>Tyler, Texas 75708</b>        |
| <i>Name of Juvenile Board</i>         |                     |                                  |
| <b>Smith County Juvenile Board</b>    |                     |                                  |

*Title 37, Texas Administrative Code, Section 349.200(b) establishes the following:*

- *Unless expressly prohibited by another standard, the juvenile board may make an application for a variance of any standard adopted by the Texas Juvenile Justice Board.*

*A copy of the juvenile board's resolution or written request adopted by formal action must be sent with this application.*

|   |   |
|---|---|
| <i>Title of Standard</i>  | <i>Section #</i>                                |
| <b>Texas Administrative Code 343</b>  | <b>230</b>                                      |
| <i>Name of Program(s) and/or Facility(ies) to be Impacted by the Variance</i> | <i>Expected Compliance Date (if applicable)</i> |
| <b>Smith County Post (HOPE Academy) Facility</b>                              | <b>na</b>                                       |

*Each question below must be answered. Please provide any supporting documentation.*

#### Explain why compliance with standards cannot be achieved.

Due to preexisting building structure it would be incredibly difficult if even possible and overly expensive (architectural and engineering fees, costs of materials, labor, etc.) to modify existing heavy duty correctional walls and ceilings.

#### Explain the impact the variance would have on compliance with other standards.

This variance would have no impact on other standards as the facility is already grandfathered to utilize these same 5 rooms for PRE adjudication residents.

#### Explain how substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means.

These rooms are seldom used for seclusion purposes only (usually 24 hours or less) and are not used to house residents.

#### Explain how the health and safety of juveniles will be maintained if the variance is granted.

There is zero impact regarding safety.

#### Explain how compliance with the standard in question will result in undue hardship on the requesting entity.

We are already using for PRE residents, as previously explained, and as also previously explained above, if it could be modified it would be costly and structurally challenging for the few times we might use it for POST.

#### Explain how issuing the variance would not put the juvenile board, department, program, or facility in violation of any state or federal law.

The facility was built prior to standards requiring natural lighting, is already approved for use with the PRE program for past 12 years, and no laws are violated by its usage. This is merely including the POST under the same conditions.



## **CERTIFICATION OF SMITH COUNTY JUVENILE BOARD MINUTES**

THE STATE OF TEXAS §

COUNTY OF SMITH §

I, Lynn McGinnis, Secretary of the Smith County Juvenile Board of Smith County, Texas, do hereby certify that the foregoing is a true and correct copy of a portion of the Smith County Juvenile Board Minutes of August 6, 2015:

**JVB.08.06.15  
Smith County Juvenile Board Minutes  
August 6, 2015**

On August 6, 2015, the Juvenile Board of Smith County Texas met for a regular meeting at the Smith County Juvenile Services Facility located at 2630 Morningside Drive, Tyler, Texas:

### **I. CALL TO ORDER – 12:05 p.m.**

County Judge Joel Baker called the meeting to order with the following members present:

|  |           |
|--|-----------|
| Judge Joel P. Baker, County Judge                                | Presiding |
| Judge Carole W. Clark, 321 <sup>st</sup> Judicial District Court | Present   |
| Judge Floyd T. Getz, County Court at Law #3                      | Present   |
| Judge Jack Skeen, Jr., 241 <sup>st</sup> Judicial District Court | Present   |
| Judge Jason Ellis, County Court at Law                           | Present   |
| Judge Kerry L. Russell, 7 <sup>th</sup> Judicial District Court  | Present   |
| Judge Christi Kennedy, 114 <sup>th</sup> Judicial District Court | Present   |
| Judge Randall Lee Rogers, County Court at Law #2                 | Absent    |

### **II. PUBLIC SESSION**

**8. Consider, discuss, and approve Smith County Juvenile Services application to seek variance to Tex. Adm. Code 343.230 Specialized Housing from Texas Juvenile Justice Department as it pertains to natural lighting requirements for post programs.**

Motion was made by County Court at Law #3 Judge Floyd T. Getz seconded by District Judge Kerry Russell, that the Smith County Juvenile Board authorize Ross Worley to request a variance for Smith County Juvenile Services from the Juvenile Justice Department in accordance

with Tex. Adm. Code 343.230 Specialized Housing as it pertains to natural lighting requirements for post adjudication programs.

*Passed 8-0; Abstained (0); Absent (0)*

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 7th day of August, 2015.



  
Lynn McGinnis, Secretary  
Juvenile Board, Smith County, Texas



# TEXAS JUVENILE JUSTICE DEPARTMENT

## Staff Summary and Recommendation for Application for Variance from Standards

**Applicant:** Smith County Juvenile Board

**Application Receipt Date:** August 31, 2015

**TJJD Internal Tracking Number:** VA-15-05-Smith

### Standards Identified in Applicant's Variance Request:

#### **Title 37, Texas Administrative Code, Section 343.230(a)(4). Specialized Housing.**

(a) Any room or cell used for disciplinary seclusion, protective isolation, assessment isolation, or medical isolation during program hours shall be equipped with:

(4) access to natural light as described in §343.226 of this title.

TJJD staff has determined that, while not included within the applicant's variance request, the following standard is impacted due to being cross-referenced within 343.230(a)(4):

#### **Title 37, Texas Administrative Code, Section 343.226(b)(1-2). Lighting.**

(b) In facilities that began operating as secure pre- or post-adjudication facilities on or after September 1, 2003, all housing units, including specialized housing units, shall provide natural light from a source within the housing unit. If the housing unit contains individual resident sleeping quarters, each individual resident sleeping quarters shall:

(1) have its own natural light source; and/or

(2) have a viewing window in the door or wall that allows for a direct line of sight to the natural light.

### TJJD Staff Summary of the Applicant's Request for Variance:

The Smith County Juvenile Board (Applicant) is seeking a variance from the element of the standard requiring that the facility's seclusion/isolation cells, identified as cells A, B, C, D, and E, provide for natural light from a source within the housing unit.

The requested variance is in response to a finding of non-compliance issued on June 19, 2015, by the Texas Juvenile Justice Department's Monitoring and Inspections Division. During a scheduled inspection of the H.O.P.E. Academy post-adjudication facility, TJJD staff determined that seclusion/isolation cells identified as cells A, B, C, D, and E, lacked the required access to natural light as described in Section 343.226(b)(1) and (2).

Upon sharing this finding with the facility's senior administrators, it was discussed whether these five cells should be eligible for the date-specific (September 1, 2003) grandfather clause affixed to TAC 343.226(b) Lighting.

A post site-visit review of the facts and circumstances relating to the facility's construction and operational dates determined that, because the physical plant in question became operational as a secure pre-adjudication detention facility immediately after the September 2003 effective date (10/30/2003), this grandfather exemption would be extended to the facility's secure pre-adjudication functions due to the fact that, at the time of the facility's construction, the pre-adjudication standards (TAC Chapter 343) did not include natural lighting requirements.

However, because the secure post-adjudication standards (TAC Chapter 344) that existed during the period of original construction included even more strenuous natural light requirements than the current standards, TJJD determined that

the same interpretation (i.e., grandfathering accommodation) could not be extended to the cells in question for post-adjudication residents absent a permanent variance from the standard. This interpretation opinion was further supported by the fact that the jurisdiction did not begin operating its secure post-adjudication programming until February 16, 2015.

The Applicant has submitted the following for consideration:

- Application for Variance of Standards
- Written authorization by the Smith County Juvenile Board for the submission of the application for variance

In accordance with the requirements of 37 TAC §349.200(b), the Applicant presents the following information to establish the grounds for the requested variance:

1. Compliance cannot be achieved as modifications to the existing facility, if even possible, would be overly expensive as it would require cutting into heavy duty correctional walls, ceilings, fire walls, roofing, cement, and metal.
2. The requested variance will have no negative impact on other standards and these cells are being utilized for the same purpose for the facility's pre-adjudication residents.
3. Substantial compliance with the intent and purpose of the standard is maintained as these cells are seldom used and they are used for seclusion/isolation purposes only. They are not used for generalized housing.
4. If the variance is granted, the Applicant contends that there would be no impact on the health and safety of the residents.
5. The Applicant contends that compliance with this standard would be an undue hardship based on the extreme challenges and excessive expense that would be incurred should the required renovations even be structurally possible.
6. The Applicant contends that the variance would not put the juvenile board, probation department, program, or facility in violation of any state or federal law and that this measure has already been approved for the facility's pre-adjudication residents and would bring the post-adjudication residents under the same conditions.

#### **Additional Applicable Standard Identified by TJJJ Staff:**

As previously noted, TJJJ staff has identified the following additional standard that would be impacted by a permanent variance from 343.230(a)(4):

#### **Title 37, Texas Administrative Code, Section 343.226(b)(1-2). Lighting.**

(b) In facilities that began operating as secure pre- or post-adjudication facilities on or after September 1, 2003, all housing units, including specialized housing units, shall provide natural light from a source within the housing unit. If the housing unit contains individual resident sleeping quarters, each individual resident sleeping quarters shall:

- (1) have its own natural light source; and/or
- (2) have a viewing window in the door or wall that allows for a direct line of sight to the natural light.

In the event that the application for variance is granted for TAC 343.230(a)(4), the facility would additionally require relief from the requirements of 343.230(a)(4) as it applies to the specialized housing units identified as cells A, B, C, D, and E.

#### **Variance Precedent and History:**

On March 25, 2011, the former Texas Juvenile Probation Commission (TJPC) granted a conditional permanent variance (VA-11-03-Hood) to the Granbury Regional Juvenile Justice Center (4 M Granbury Real Estates/4 M Granbury Youth Services) for related standard requirements. Subsequently, on May 4, 2012, the TJJJ Board granted a conditional permanent variance (VA-11-20-Webb) for related standard requirements to the Solomon Casseb Jr. Webb County Youth

Village. The conditions associated with each of these two variances were specific to specialized housing units and included numerous resident supervision and staff-level policy and procedure accommodations.

The TJJ Board also granted a conditional permanent variance for related standard requirements to the Judge Arthur R. Tipps Juvenile Justice Center on May 4, 2012, to the Bill Logue Juvenile Justice Center's secure post-adjudication program on December 18, 2012, and to the John R. Roach Juvenile Detention Center on March 28, 2014 (VA-11-19-Wichita, VA-13-01-McLennan, and COLLIN-VA-14-01, respectively). In these three variances, the conditions associated with the variances were specific to general population single occupancy resident housing units (as opposed to specialized housing) and included resident supervision and/or staff-level policy and procedure accommodations.

#### **TJJ Board Staff Application Disposition Recommendation:**

The H.O.P.E. Academy post-adjudication facility is required, for any room or cell, including those used for seclusion or isolation, to provide natural light to the room or cell via either its own natural light source and/or a viewing window in the door or wall that allows for a direct line of sight to the natural light. The Applicant has presented information indicating that they are unable to meet compliance with the standard due to the difficulty and possible inability to undertake such reconstruction efforts, which would require cutting through fire walls, cement, roofing, and metal. The Applicant contends that if said renovations were even possible, it would present an excessive financial hardship to the facility. In order for them to maintain current operations using their facility's configuration, a variance must be granted for the referenced administrative rule provision(s).

37 TAC §349.200(b) authorizes, but does not require, the TJJ Board to grant the requested variance if it makes affirmative findings that the applicant has established the following:

1. Why compliance with the standards cannot be achieved;
2. The impact the variance would have on compliance with other standards;
3. How substantial compliance with the intent and purpose of the standard for which a variance is requested would be achieved through alternative methods or means;
4. How the health and safety of juveniles will be maintained if the variance is granted;
5. How compliance with the standard will result in undue hardship to the requesting entity; and
6. How issuing the variance would not put the juvenile board, probation department, program, or facility in violation of any state or federal law.

TJJ staff recommends that a permanent variance be granted to the Applicant for the referenced administrative rule provision(s). If the Board makes the required affirmative findings and chooses to grant a variance in this matter, TJJ staff also recommends the following conditions be imposed:

1. Variance is limited to the current physical plant of the H.O.P.E. Academy Post-Adjudication Secure Correctional Facility located at 2630 Morningside Drive, Tyler, TX, 75708.
2. Variance is limited to the post-adjudication facility's specialized housing cells identified as cells A, B, C, D, and E. These identified cells shall be utilized only for specialized housing purposes as set forth in the application for permanent variance and shall not be used for general population housing purposes.
3. Variance provides relief from the cross-referenced requirements of 343.230(a)(4) only as it applies to the specialized housing units identified as cells A, B, C, D, and E.
4. Variance requires the development of internal written policies and procedures requiring that standards-compliant cells be used for seclusion/isolation purposes whenever possible. Additionally, if seclusion/isolation of a resident assigned to cells A, B, C, D, or E exceeds 24 hours, the facility administrator or designee shall ensure that the resident is provided the opportunity for daily exposure to natural lighting.
5. Variance does not extend to any future new construction projects or newly acquired buildings or facilities.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION REGARDING THE VARIANCE REQUESTED BY THE SMITH COUNTY JUVENILE BOARD**

**In re: 37 TAC 343.230(a)(4)**

On this the 13<sup>th</sup> day of November, 2015, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board (the Board) was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane A. King     |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT  | YES | NO | ABSTAIN |
|-----------------|---------|---------|-----|----|---------|
| Rene Olvera     |         |         |     |    |         |
| Laura Parker    |         |         |     |    |         |
| Riley Shaw      |         |         |     |    |         |
| Jimmy Smith     |         |         |     |    |         |
| Calvin Stephens |         |         |     |    |         |
|                 |         |         |     |    |         |
| Motion:         |         | Second: |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Smith County by and through the Juvenile Board and Chet Thomas, Facility Administrator, has submitted to the Texas Juvenile Justice Department an application for a variance for 37 TAC 343.230(a)(4);

**WHEREAS**, the duly appointed members of the Board’s Safety and Security Committee have considered the application during the Safety and Security Committee meeting held on November 12, 2015;

**WHEREAS**, per the requirements set forth in 37 TAC 349.200(b)(2), the Board hereby makes the following findings of fact (all must be found to grant the application):

- |  |  |
|--|--|
| <p>Found</p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> | <p>Not Found</p> <p><input type="checkbox"/> The juvenile board has explained why compliance with the standard cannot be achieved.</p> <p><input type="checkbox"/> The juvenile board has explained the impact the variance would have on compliance with other standards.</p> <p><input type="checkbox"/> The juvenile board has shown that the health and safety of juveniles will be maintained if the variance is granted.</p> <p><input type="checkbox"/> The juvenile board has shown substantial compliance with the intent and purpose of the standard for which a variance is requested through alternate methods or means.</p> |
|--|--|

- The juvenile board has shown that compliance with the standard in question would be an undue hardship on the requesting entity.
- The juvenile board has shown that issuing the variance would not put the juvenile board, department, program or facility in violation of any state or federal law.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board

\_\_\_\_\_ **DENIES** the variance requested by the Smith County Juvenile Board for 37 TAC 343.230(a)(4).

\_\_\_\_\_ **GRANTS** (*in accordance with the terms below*) to the Smith County Juvenile Board a variance for 37 TAC 343.230(a)(4).

**ADDITIONAL TERMS OF VARIANCE**

**Periodic Review**

The Texas Juvenile Justice Department reserves the right to conduct periodic reviews of the terms and conditions of the variance agreement in an effort to determine continued applicability of and compliance with such terms and conditions. Reviews may be scheduled within the formalized variance document and/or conducted at the discretion of agency staff.

**Rescission of Variance Due to Fraud or Error**

If the agency staff subsequently determines that the evidence supporting the variance was substantially inaccurate, misleading, and/or false, and the Safety and Security Committee and full Board determine that the variance was granted as a result of fraudulent or inaccurate information, the Board may immediately rescind or modify the variance. A variance modification may be conditioned upon the applicant’s agreement to follow specific conditions as determined appropriate by the Board.

Additionally, the Board may undertake the same actions if it determines that the applicant is not fully adhering to the conditions imposed in conjunction with an existing variance.

**Special Conditions**

1. Variance is limited to the current physical plant of the H.O.P.E. Academy Post-Adjudication Secure Correctional Facility located at 2630 Morningside Drive, Tyler, TX, 75708.
2. Variance is limited to the post-adjudication facility’s specialized housing cells identified as cells A, B, C, D, and E. These identified cells shall be utilized only for specialized housing purposes as set forth in the application for permanent variance and shall not be used for general population housing purposes.
3. Variance provides relief from the cross-referenced requirements of 343.230(a)(4) only as it applies to the specialized housing units identified as cells A, B, C, D, and E.
4. Variance requires the development of internal written policies and procedures requiring that standards-compliant cells be used for seclusion/isolation purposes whenever possible. Additionally, if seclusion/isolation of a resident assigned to cells A, B, C, D, or E exceeds 24 hours, the facility administrator or designee shall ensure that the resident is provided the opportunity for daily exposure to natural lighting.
5. Variance does not extend to any future new construction projects or newly acquired buildings or facilities.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

Signed this **13th day of November, 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Jim Hurley, Communications Director

Subject: Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §385.8137, relating To Public and Media, in the *Texas Register* for A 30-day public comment period (Action)

Date: October 11, 2015

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As part of the agency's rule review process, the Communications Division has completed its review of the assigned rule from Chapter 385 (Agency Management and Operations), Subchapter C (Interaction with the Public). As a result of this review, the staff recommends several revisions to §385.8137 (Public and Media).

Attached to this memo you will find:

- A table summarizing the content and proposed changes of the rule assigned to the Communications Division.
- The text of the rule to be revised.
- A resolution for board action.

Staff requests the board's approval to publish the proposed revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

**Texas Administrative Code Rule Review**  
**37 TAC Chapter 385, Subchapter B – Interaction with the Public**  
(Rule assigned to the Communications Division)

| Rule #   | Title of Rule    | Summary of Rule   | Is rule still needed? | Summary of Key Revisions  | Status of Revisions    |
|----------|------------------|---|-----------------------|---|------------------------|
| 385.8137 | Public and Media | Allows for communication between a Texas Juvenile Department youth and the media. | Yes                   | <ul style="list-style-type: none"> <li>• Removed a reference to the TJJD rule about basic youth rights. That rule addresses normal visitation procedures, which do not apply to media visits.</li> <li>• Clarified that parental consent is not required for general news media visits that do not involve the interviewing of youth.</li> <li>• Deleted the provision that allows observation of treatment sessions for purposes of training staff or other clinical professionals. This provision does not relate to media visits.</li> <li>• Deleted the requirement for the facility administrator to consult with the director of rehabilitation services when the news media requests to interview youth. However, consultation with the communications director is still required.</li> <li>• Clarified that the recommendation to the youth and parent/guardian regarding whether the granting the interview would be advisable is made by the facility administrator <i>in consultation with the communications director</i>.</li> <li>• Clarified that if the youth is under 18 years of age, the wishes of the youth’s parent or guardian are honored as to whether the youth will participate in an interview or be filmed.</li> <li>• Clarified that before a youth who is under 18 years of age may participate in an interview or be filmed, the TJJD publicity release form must be: <ul style="list-style-type: none"> <li>○ explained to the youth <i>and to the youth’s parent or guardian</i>; and</li> <li>○ signed by the youth <i>and the youth’s parent or guardian</i>.</li> </ul> </li> </ul> | Ready for board review |

|  |  |
|--|--|
| Chapter: Interaction With The Public     | Effective Date: <del>2/25/03, T-56</del>   |
| Rule: <del>Public and Media Access</del> | Page: 1 of 2   |
| ACA: 4-JCF-3A-15                         | Replaces: <del>GAP.81.37, 12/16/99, T-45</del><br><del>GAP.385.8137, 2/25/03, T-56</del> |

10-5-15 Draft

**RULE**

(a) **Purpose.**

~~This [The purpose of this]~~ rule ~~allows [is to allow]~~ for communication between a Texas Juvenile Justice Department (TJJD) ~~[Youth Commission (TYC)]~~ youth and the ~~[public and]~~ media subject to rules established by TJJD ~~[TYC]~~ in the interest of order and safety and within limitations of ~~[rules of]~~ confidentiality rules.

**(b) General Provisions.**

~~(1)[(b)]~~ The news media ~~are [will be]~~ granted access to TJJD ~~[TYC]~~ facilities, as is any visitor, consistent with the preservation of a youth's privacy and the maintenance of order and security in the facility. TJJD supports ~~[Staff will support]~~ media contact that serves the interest of public awareness and encourages the youth to contribute productively to the community.

~~(2)[(e)]~~ Release of records or divulgence of information that identifies individual youth or that is otherwise confidential by law ~~[or which identifies individual youth]~~ is strictly prohibited.

~~[(d)]~~ ~~Youth shall be provided access to members of the news media as they would be to any other person in accordance with (GAP) §93.1 of this title (relating to Basic Youth Rights).]~~

~~(3)[(e)]~~ Parental consent is [will] not ~~[be]~~ required for general news media visits that do not involve any interviewing of youth.

~~(4)[(f)]~~ Non-TJJD ~~[Non-TYC]~~ personnel are [shall] not ~~[be]~~ permitted to make audio or visual recordings of any treatment session(s) addressing personal or confidential information. ~~[Observation of treatment sessions may be permitted for purposes of training TYC staff or other clinical professionals.]~~

~~(5)[(g)]~~ When the news media requests to interview or to film youth, the facility administrator must [superintendent shall] consult with TJJD's communications director [TYC's public information officer and assistant deputy executive director for rehabilitation services] to review the purpose and to determine parameters for filming and/or interviews.

~~(6)[(h)]~~ When the news media requests an interview or to film specific youth, the facility [program] administrator, in consultation with the TJJD communications director or designee, makes [will make] a recommendation to the youth, and to the youth's parent or guardian~~[-]~~ if the youth is under 18 years of age, regarding the advisability of the youth granting the request. When the recommendation is against allowing [granting] an interview or filming, the request is [will be] denied by the administrator unless the youth, and the youth's parent or guardian~~[-]~~ if youth is under 18 years of age, signs a written statement acknowledging the recommendation and electing to go forward with the interview ~~[(or filming)]~~ despite the recommendation. If the youth is under 18 years of age, the wishes of the youth's parent or guardian are honored. If the youth is 18 years of age or older, the [The] wishes of the youth are [and the youth's parent or guardian, if the youth is under 18, will be] honored.

~~[(i)]~~ ~~Any interview or filming of individual youth shall be subject to the following conditions.-]~~

~~(7)[(4)]~~ Prior to each interview or filming:~~[-]~~

- (A) ~~the TJJJD publicity release form must [TYC Publicity Release form, CCF-025, shall] be explained to the youth and to the youth's parent or guardian if the youth is under 18 years of age;~~
  - (B) ~~the youth must indicate on the publicity release form whether he/she wants his/her primary therapist or designee to be present during the interview or filming;~~
  - (C) ~~[and] the youth, and parent or guardian if the youth is under 18 years of age, must sign the publicity release [as necessary, shall sign] form; and[-]~~
  - (D)[(2)] ~~[Prior to each interview or filming,] the youth must [shall] be informed that:~~
    - (i) ~~the interview is voluntary;[-]~~
    - (ii) ~~[that] he/she may refuse to answer any questions during the interview;[-] and~~
    - (iii) ~~[that] he/she may stop the interview at any time.~~
- ~~[(3) Prior to each interview or filming the youth shall indicate, on the form whether he/she wants the primary therapist/designee to be present during formal or on-camera interviews.]~~
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DRAFT



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH A PROPOSED RULE REVIEW NOTICE FOR 37 TAC §385.8137,  
RELATING TO PUBLIC AND MEDIA, IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and to make an assessment of whether the reasons for originally adopting the rule continue to exist; and

**WHEREAS**, Texas Human Resources Code §242.003 authorizes TJJD to adopt rules appropriate to the proper accomplishment of its functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, the Communications Division staff has completed this review for the above-referenced rule in 37 TAC Chapter 385 (Agency Management and Operations), Subchapter B (Interaction with the Public); and

**WHEREAS**, the staff recommends revisions to §385.8137; and

**WHEREAS**, Texas Government Code §2001.023 and §2001.029 require a state agency to give at least 30 days' notice of its intention to adopt a rule and to allow all interested persons a reasonable opportunity to submit data, views, or arguments orally or in writing;

**NOW, THEREFORE BE IT RESOLVED THAT** for the above-referenced rule, the Board grants approval to publish the proposed revisions and a proposal to complete the rule review in the *Texas Register* for a 30-day comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman

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TEXAS  
JUVENILE ★ JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Royce Myers, Director of Human Resources

Subject: Discussion, consideration, and possible approval to publish proposed rule review for 37 TAC §385.9981, relating to Sick Leave Pool Administration, in the *Texas Register* for a 30-day public comment period (Action)

Date: October 11, 2015

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As part of the agency's rule review process, the Human Resources Division has completed its review of the assigned rule from Chapter 385 (Agency Management and Operations), Subchapter C (Miscellaneous).

The Human Resources Division is not proposing any changes to its assigned rule, 37 TAC §385.9981 (Sick Leave Pool), and recommends re-adoption of the current rule text.

Attached to this memo you will find:

- A table summarizing the content of the rule assigned to the Human Resources Division.
- A copy of the current rule.
- A resolution for board action.

Staff requests the board's approval to publish a rule review notice in the *Texas Register* for a 30-day comment period.

**Texas Administrative Code Rule Review**  
**37 TAC Chapter 385, Subchapter C – Miscellaneous**  
 (Rule assigned to the Human Resources Division)

| Rule #   | Title of Rule                  | Summary of Rule   | Is rule still needed? | Summary of Key Revisions | Status of Revisions    |
|----------|--------------------------------|---|-----------------------|--------------------------|------------------------|
| 385.9981 | Sick Leave Pool Administration | Establishes a sick leave pool for Texas Juvenile Justice Department employees as mandated by Texas Government Code, §661.002. | Yes                   | No changes.              | Ready for board review |

|  |  |
|--|--|
| Chapter: Agency Management and Operations<br>Subchapter: Miscellaneous<br><b>Rule: Sick Leave Pool Administration</b><br><br>ACA: N/A<br>Statute(s): Texas Government Code, §661.002 | <b>Effective Date: 4/1/15</b><br><br>Page: 1 of 1<br><br>New |
|--|--|

**RULE**

(a) **Purpose.**

The purpose of this rule is to establish a sick leave pool for Texas Juvenile Justice Department (TJJD) employees as mandated by Texas Government Code, §661.002.

(b) **General Provisions.**

- (1) The director of human resources or designee is the pool administrator.
- (2) All contributions to the TJJD sick leave pool are voluntary.
- (3) The donating employee may not designate a specific employee to receive the donated hours.
- (4) An employee is eligible to use time contributed to the sick leave pool if the employee has exhausted his/her sick leave because of:
  - (A) a catastrophic illness or injury; or
  - (B) a previous donation of time to the pool.
- (5) An employee may withdraw time from the sick leave pool that the employee did not contribute only if the employee or an immediate family member suffers a catastrophic illness or injury.
- (6) The following provisions apply to employees who withdraw sick leave pool time that is beyond what they contributed.
  - (A) The pool administrator determines the number of hours that an employee may withdraw from the pool; however, the amount withdrawn may never exceed the lesser of:
    - (i) one-third of the total time in the pool; or
    - (ii) 90 days.
  - (B) An employee absent on time withdrawn from the sick leave pool may use the time as sick leave earned by the employee, and the employee is treated for all purposes as if the employee were absent on earned sick leave.
  - (C) The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the sick leave pool.

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For implementation procedures, see PRS.28.08.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH A PROPOSED RULE REVIEW NOTICE FOR 37 TAC §385.9981,  
RELATING TO SICK LEAVE POOL ADMINISTRATION, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT  
PERIOD**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, Texas Government Code §2001.039 requires each state agency to review each of its rules not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date and make an assessment of whether the reasons for originally adopting the rule continue to exist; and

**WHEREAS**, Texas Government Code §661.002 requires the governing body of a state agency to adopt a rule relating to the operation of the agency sick leave pool; and

**WHEREAS**, the Human Resources Division staff has completed this review for the above-referenced rule in 37 TAC Chapter 385 (Agency Management and Operations), Subchapter C (Miscellaneous); and

**WHEREAS**, the staff does not propose any changes to the current rule text; and

**NOW, THEREFORE BE IT RESOLVED THAT** the Board grants approval to publish a proposal to complete the rule review in the *Texas Register* for a 30-day comment period.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman



Texas Juvenile Justice Department  
Trust Committee Meeting  
JW Marriot Hill Country Resort and Spa  
Paintbrush Room  
San Antonio, Texas  
Thursday, – August 27, 2015, 10:30 a.m.

**COMMITTEE MEMBERS PRESENT:**

The Honorable Jimmy Smith, Committee Chair  
David “Scott” Matthew  
Scott W. Fisher, Board Chairman

**EXECUTIVE STAFF PRESENT**

Chelsea Buchholtz, Chief of Staff  
Jeannette Cantu, Executive Assistant

**OTHER GUESTS PRESENT:**

Jill Mata, General Counsel  
Kathryn Mattingly, Staff Attorney, Office of the General Counsel  
Kaci Singer, Staff Attorney, Office of the General Counsel  
Mike Meyer, Chief Financial Officer  
Roland Luna, Chief Inspector General  
Emily Anderson, Director, Fiscal Affairs & Budget  
Luther Taliaferro, Director of Education, State Facilities  
Eleazar Garcia, Chief Auditor, Office of the Internal Auditor  
Jeannette Lepe, Auditor, Office of the Internal Auditor  
Vivian Cohn, Audit Manager, Office of the Internal Auditor  
Ona Trubee, Owner, Silver Horse Livery, Parrie Haynes Ranch  
Chris Belliveau, Friends of Parrie Haynes Ranch  
Bill Belliveau, Friends of Parrie Haynes Ranch  
Bradley B. Ware, Friends of Parrie Haynes Ranch  
John Fisher, C-5 Foundation and Bell County  
Bill Phillips, Friends of Parrie Haynes Ranch  
Betty Phillips, Friends of Parrie Haynes Ranch

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Jon Charles, Boys & Girls Club of Central Texas  
Vicki Andrews  
Jo Newton, Boys & Girls Club of Central Texas

### **Call to Order**

Committee Chairman Jimmy Smith called the meeting to order at 10:34 a.m.

### **Discussion, Consideration, and Possible Approval Regarding Excused Absences**

All committee members were present.

### **Discussion, Consideration, and Possible Approval Regarding the May 28, 2015 Committee Meeting Minutes**

Mr. Matthew moved to approve the minutes of the May 28, 2015 meeting. Board Chairman Fisher seconded the motion. The motion passed unanimously.

### **Discussion and possible approval to negotiate the terms of a new lease at the Parrie Haynes Ranch and authorize the board chairman, on behalf of the board, to take action regarding a lease between TJJ and the Boys & Girls Club of Central Texas, and any subleases**

Chairman Smith recognized Jill Mata, General Counsel, who asked Kathryn Mattingly, Staff Attorney, to explain the item. Ms. Mattingly reminded the committee of the presentation made by representatives of the Boys & Girls Club of Central Texas (the organization) in which they stated their goals for the Parrie Haynes Ranch (the ranch). Since the May meeting, Ms. Mattingly has been working with the organization on a lease for the use of the ranch which initially contained the same terms as the lease between C-5 Corporation (C-5) and the Board. Under the terms of the proposed lease, the organization would be: responsible for upkeep and repairs, required to obtain board approval for subleases, prohibited from allowing hunting activities on the ranch without prior approval by the board, and required to cooperate in the implementation of a the wildlife management plan of the ranch. The staff proposed a ten-year lease with three five-year renewals, lease payments of \$5,500 which could be increased based on the Consumer Price Index (CPI). The lease payments are an increase over the present lease, due in part, to cover the cost of director and officer liability insurance for the board members acting as trustees of the ranch. The organization responded with a request to increase the initial term of the lease to 15 years and reduce the lease payment by \$500.

Ms. Mattingly noted the presence in the audience of representatives from the organization, Spotted Horse Livery and Friends of Parrie Haynes Ranch.

Chairman Smith noted that passing along the cost of insurance in a set monthly lease payment would result in the trust paying for increases in the premium. Ms. Mattingly added that the cost of the director and liability insurance for FY 2016 is almost \$10,000, and covers both the Parrie Haynes and Wende Trusts, and the cost of the property insurance through the State Office of Risk Management (SORM) is about \$1,200. Assuming the cost of the director and officer

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May 28, 2015

liability insurance is divided between the two trusts, the total cost for insurance for the ranch is about \$6,200.

In response to questions from Judge Brieden, Ms. Mattingly said that the C-5 monthly lease payment is \$4,000 with no provision for increase in the payment and that C-5 has its own insurance on the buildings on the property. In addition, for a premium of about \$1,100 to \$1,200 per year, the buildings are insured through SORM. When damage has occurred, claims have been filed by C-5, making the SORM insurance a secondary source of coverage. Judge Brieden pointed out that the proposed increase in lease payments would not provide more revenue in outlying years if the cost of insurance increased. Board members discussed the impact of the CPI, the negative effects of a long term lease if inflation increases, and the organization's improved utilization of the ranch for its intended use. Chairman Smith said he was comfortable with the organization's counter offer of \$5,000 as long as the organization understands that the agency may have to increase the lease payments if insurance costs or inflation increase.

Chairman Smith recognized John Charles, Chief Financial Officer, Boys and Girls Club of Central Texas, who stated that the offer of \$5,000 was to have more funds available for unforeseen expenses related to the lease. He added that the organization understands the need for a clause in the lease addressing possible increases related to insurance and inflation. The organization wants a long-term lease in order to access funding for improvements at the ranch. In response to a question from Chairman Smith, Mr. Charles stated that his organization has not discussed new leases with either Spotted Horse Livery or C-5, but their goal is for all parties strive to benefit the children visiting the ranch.

Chairman Smith recognized Bradley Ware, Vice-President, Friends of the Parrie-Haynes Ranch who stated his group's support of the organization and added their mission to bring thousands of children to the ranch was also Mrs. Haynes vision for the use of the property.

Ms. Ona Trubee, owner of Spotted Horse Livery, which has a current lease with C-5, stated her strong support of the organization taking over as the primary leaseholder of the ranch. She added her support of a longer-term lease so that she could make improvements to the equestrian side of the ranch and said that she has applied all of the revenues from her company toward improvements because "it's never been a money-making experience – it's in my heart to fulfill the purpose of the trust and to keep it open to the public."

In discussing the proposed motion to the Board, Chairman Smith stated that it gives him the authority to take action on the lease with the organization with the following recommendations: \$5,000 monthly lease payment with net of \$4,000 per month going directly to the trust; a fifteen year lease with two five-year extensions and establishment of expenses for a base year, with any increases passed on to the organization. The committee expressed their desire to have the lease in place prior to the next Board meeting. Judge Brieden moved to recommend the proposed motion to the full Board, which Board Chairman Fisher seconded. The motion passed unanimously.

Trust Committee  
May 28, 2015

**Discussion of 2015 Wende Trust property appraisal and possible approval to renegotiate the present lease with McDonald's Corporation for the property located at 1209 Barton Springs Road (1209 property)**

Chairman Smith recognized Ms. Mattingly to explain the item. Ms. Mattingly summarized events that led to an interagency agreement with the General Land Office (GLO) to prepare the property appraisal (the appraisal). Received earlier in August, the appraisal notes an easement on the property reserved for use by TJJ as trustees; however, that easement is not being used. The appraisal determined the value of the property, ignoring the easement, is \$3.56 million which contrasts with the \$1.6 million appraisal prepared and paid for by McDonald's Corporation. If the structures on both sites were raised, the combined appraisal is \$6.06 million; with the existing pad sites in place, the appraisal is \$2.02 million. The GLO appraisal also included a highest and best use study of the property on which McDonald's is located, as well as 1207 Barton Springs Road (1207 property), which is currently under lease and where the leaseholders operate Peter Pan Mini-Golf. The study determined the highest and best use of the 1209 Barton Springs Road property would be high density and/or mixed use residential development; if combining the two properties, it would be the same.

Chairman Smith noted that since the property cannot be sold, the retail value of the property should be considered. Ms. Mattingly responded that while the property cannot be sold, the trustees could, as an example, enter into a 99-year lease to develop it as residential space. She added that there are areas in Austin, such as The Triangle, which is a mixed use development located on state property and is located across from the Brown Heatly building, the former location of the TJJ.

Board Chairman Fisher asked about the potential of the 1207 property as a stand-alone lease and the revenue projections for a long-term lease for mixed use development after the current leases expire in 2024. Ms. Mattingly answered that the lease payments received from the lease is comparable to that of McDonald's, but because of the location and smaller size, it would be difficult to develop. Regarding cost projections for the mixed-use development, the GLO did not provide estimates and was "very hesitant" to do so ten years out. From the increased value of the property, one can assume that there will be a significant increase in any future leases. Since current lease payments are based on the appraised value of the land, even the amount received from McDonald's would increase substantially. Board members discussed other scenarios for the properties and possible issues involved with each.

Board Chairman Fisher moved to recommend to the full Board that staff enter into discussions with McDonald's Corporation to determine if the company is willing to renegotiate the terms of the present lease based on the increased value of the property. Judge Brieden seconded the motion. The motion passed unanimously.

**Discussion and possible approval to purchase director and officer liability insurance for the board acting in their capacity as trustees of the John C. Wende and Parrie Haynes trusts for FY 2016**

Chairman Smith recognized Ms. Mattingly to explain the item. She responded that the motion is to renew the present insurance coverage for the Board members in their role as trustees at a cost of \$9,950 (a \$50.00 increase over the 2015 premium). As members leave and/or join the Board, the company will be notified in order to provide updated coverage. Judge Brieden asked for a breakdown of costs between the two trusts and Ms. Mattingly responded that the breakdown has not yet been determined, but she will provide the information to the committee when it is finalized. Judge Brieden moved to recommend the motion as written to the full Board. Board Chairman Fisher seconded the motion. The motion passed unanimously.

**Staff report on activities of the trusts**

Ms. Mattingly reported that the agreement with the Texas Parks & Wildlife Foundation regarding the development of the wildlife management plan for the Parrie Haynes Ranch will be sent to the foundation within the next several days and then be provided to Chairman Fisher for his review and signature.

**Discussion, consideration and possible approval regarding the John C. Wende and Parrie Haynes trust fund for FY 2016**

The Chairman recognized Emily Anderson, Director of Fiscal Affairs and Budget, to explain the item. Ms. Anderson explained that budget changes are due to possible increases in expenditures for educational assistance and other operating expenses. Board Chairman Fisher asked for clarification of the line items in both budgets for insurance. Ms. Mattingly explained that since all insurance premiums, including director and officer liability, were paid from the Parrie Haynes budget, that category contains funds to pay the total costs in 2016 as well. The Wende Trust budget contains a lesser amount of \$4,572. Once it is decided how the insurance costs for 2016 will be apportioned, remaining funds in the insurance line item, if any, will be transferred to educational assistance. In response to a concern of accumulating income, rather than expending additional funds for educational assistance, raised by Chairman Smith, Ms. Mattingly responded that the trusts currently accumulate more money than is expended. She added that this is an issue of concern that the staff would like to evaluate. The narrow definition of the youth that qualify and the types of assistance offered seem to have resulted in low expenditure of the funds at this time. Board Chairman Fisher responded that the uncertainty with the lease(s) at the Parrie Haynes Ranch has contributed to the problem, but that it is an issue that should be examined. When Chairman Smith asked if the budget could be amended by board action to transfer additional funds into educational assistance, the response was "yes." Judge Brieden pointed out that the Board, as trustees, has a fiduciary responsibility to see that the funds earned by the trust are expended for the intent of the trusts. He added

Trust Committee  
May 28, 2015

that the Board should be given information on “how the funds are being expended, how it can be changed and how it can be done better.” Chairman Smith said that since this is a time of structural and programmatic change in the agency, this is a good time to determine if these funds can be better utilized. Jill Mata, General Counsel, added that the agency has been attempting to identify uses for these funds and that “it has proved to be quite a challenge because of the way beneficiaries are defined in the trust.” The goal this year is to “be more creative and intentional in our efforts,” and the staff will be reporting to the Board in upcoming meetings.

Chairman Fisher moved to recommend the full Board accept the 2016 budgets as presented for the two trusts. Judge Brieden seconded the motion. The motion passed unanimously.

**Discussion, consideration and possible approval regarding the John C. Wende and Parrie Haynes trust funds for FY 2016**

Mr. Mike Meyer, Chief Financial Officer, explained the item. The Board, acting as trustees, annually approves the investment policy for the trusts. Traditionally, the Board has opted to invest the funds in a manner consistent with the Public Funds Investment Act, which suggests a zero-risk investment policy. Presently, about one-fourth of the investments in the form of certificates of deposit, come up for renewal each year.

The motion to the Board would continue this practice in 2016 with no recommended changes. “Given the conversations today, the Board may want to consider changes in the policy,” possibly through a subcommittee, in order to generate additional funds for the trust. Judge Brieden commented that investments are a “two-edge sword.” A low risk strategy is safe, but the returns are limited. On the other hand, higher risk can bring increased returns or significant losses. Judge Brieden said he did not object to a subcommittee evaluating the issue, but was not sure what would come from it. Board Chairman Fisher responded that there is not sufficient money or potential benefit involved to hire an investment officer and consider changing the strategy.

Judge Brieden moved to recommend the continuation of the present investment policy to the full Board. Mr. Matthew seconded the motion. The motion passed unanimously.

Chairman Fisher moved to adjourn the meeting and Judge Brieden seconded the motion. There being no objection, the Chairman adjourned the meeting at 11:37 a.m.



**Texas Juvenile Justice Department  
Finance and Audit Committee Meeting  
JW Marriott San Antonio Hill Country Resort & Spa  
23808 Resort Parkway, Indian Paintbrush Room  
San Antonio, TX, 78261  
Thursday, August 27, 2015 – 1:00 p.m.**

**BOARD MEMBERS PRESENT:**

Calvin Stephens, Committee Chairman  
The Honorable Judge John Brieden  
Scott W. Fisher, Board Chairman

**BOARD MEMBERS ABSENT:**

Jane King

**EXECUTIVE STAFF PRESENT:**

David Reilly, Executive Director  
Chelsea Buchholtz, Chief of Staff  
Elaine Mays, Chief Information Officer  
Eleazar Garcia, Chief Auditor  
Lisa Capers, Director of Training and Organizational Development  
Luther Taliaferro, Interim Superintendent of Education  
Jill Mata, General Counsel  
Mike Meyer, Chief Financial Officer  
Rebecca Walters, Director of Youth Placement & Program Development  
Teresa Stroud, Director of State Programs & Facilities  
Dr. Tushar Desai, Medical Director  
Jeannette Cantu, Executive Assistant

**OTHER GUESTS PRESENT:**

Emily Anderson, TJJD  
Jeannette Lepe, TJJD  
Jim Southwell, TJJD  
Kaci Singer, TJJD  
Libby Allen, Governor's Office  
Melanie Cleveland, TJJD  
Nancy Slott, TJJD  
Vivian Cohn, TJJD

### **Call to Order**

Committee Chairman Calvin Stephens called the meeting to order at 1:10 p.m.

### **Excused Absences**

Committee Chairman Calvin Stephens announced the absence of Jane King. Judge John Brieden moved to excuse the absence. Mr. Scott Fisher seconded. The motion passed.

### **May 28, 2015 Meeting Minutes**

Committee Chairman Calvin Stephens called for a motion for the minutes to be approved. Mr. Scott Fisher moved to approve the minutes. Judge John Brieden seconded. The motion passed.

### **Updates from the Chief Information and Technology Officer**

Elaine Mays, Chief Information & Technology Officer, presented this informational report and reported the following projects have been successfully completed:

- Radio Re-Banding
- Houston District Office move and construction
- Fiber insulation at Ron Jackson State Juvenile Correctional Complex

IT staff is currently working with the Texas Department of Public Safety (DPS) to update the agency's live scan system across the state. This legacy system works with fingerprinting and background checks.

In response to a question asked by Judge Brieden, Ms. Mays stated the system is TJJD's legacy system that was paid for however it is governed by DPS for fingerprinting.

Per House Bill 1516, the Data Services Center (DCS) and the Department of Information Resources (DIR) were assigned to oversee the consolidation of data equipment across the state of Texas. Out dated equipment in the DCS has been identified. Mr. Jim Southwell, Deputy Chief Information Officer, is currently working with all involved to develop a road map.

The implementation process to the Juvenile Case Management System (JCMS) began four years ago. The migration moved 166 juvenile probation departments across the state from their legacy Caseworker application into the JCMS environment. During that time, 162 migrated to this system. Mr. Southwell recognized staff for their dedication to make this a success. Staff provided great customer service,

support and technical assistance. Discussion with the four remaining Departments is under way. Bexar, El Paso, Harris and Travis County's will look at the possibility of migrating to JCMS.

In response to a question asked by Mr. Stephens, Ms. Mays stated the time clock project is completed. Staff started pulling the analysis and chose to wait 3 months to gather the data. Ms. Mays stated she will follow up with the Human Resources (HR) Department for an update.

#### **Updates from the Chief Financial Officer**

Mr. Mike Meyer, Chief Financial Officer, presented this informational report. TJJ's residential population was below projections for the year however the uptick in the early part of the year has persisted and as of the end of July, the population was near the projection for the year and substantially above the projection for next year. Staff will continue to monitor this. Internal analysis attributes this primarily to a significant increase in determinate sentence commitments which will have a lasting impact. Staff has contacted legislative offices to make them aware due to the budgetary impact. Staff has already begun talking with budget offices in the event any extraordinary measures need to take place.

Through the end of July 2015, spending was well within expectations. August 2015 was higher due to end of the year activity however the year-end total was well within available funding. Accomplishments of year-end activity included the replacement of unsafe youth transport vehicles, and expanding the Pairing Achievement with Service (PAWS) program. Staff was also able to purchase equipment for other youth programs and recognize the hard work of front line employees. The agency continues to be well below its appropriated and budgeted Full Time Employee (FTE) caps. TJJ is just above the 2013 total but significantly below the 2014 total at this point of the year.

In response to a question asked by Judge Brieden, Mr. Meyer stated management chose to give one time merit pay in lieu of a pay raise as this will not have a lasting budgetary impact. It is within TJJ's authority to provide ongoing raises.

Mr. Meyer recognized the Finance Directors, and each of their staffs, for their hard work and accomplishments over the last couple of years. Mr. Meyer recognized the Training Department and Office of General Counsel for a successful Post-Legislative Conference and Budget Workshop Conference

in July of this year. Mr. Meyer also gave special recognition to Tonya Gonzalez, Budget Analyst, for her work with the Counties regarding the new budget structure for probation grants.

Mr. Stephens recognized staff for its efforts in lowering the amount of overtime.

**Discussion, Consideration and Possible Approval Regarding the JCMS 2013 Resource Sharing Addendum Amendment No. 3 (Action)**

Lisa Capers, Senior Director of Training and Organizational Development, reported on this action item. Staff is asking the Board to approve Amendment No. 3 to the 2013 Resource Sharing Agreement. This amendment extends the current agreement to the end of the current calendar year. This will extend the date and slightly increase the amount of the last two payments to coincide with the new fiscal year, but will not change the overall contract amount agreed upon.

In response to a question asked by Judge Brieden, Ms. Capers stated the work plan and the resource sharing agreement have always been on a calendar yearly basis. With TJJJ being on a fiscal year schedule, it has always been difficult to get on the same schedule. This amendment will get the agency to the end of the fiscal year and the payments for this calendar year.

Committee Chairman Calvin Stephens recommended approval. Judge Brieden moved to recommend approval by the full Board. Mr. Fisher seconded. The motion passed.

**Discussion, Consideration and Possible Approval Regarding Contract Renewals Exceeding \$500,000.00 (Action)**

Mr. Mike Meyer, Chief Financial Officer, presented this action item on behalf of Kenneth Ming, Director of Business Operations and Contracts. Consistent with General Administrative Policy (GAP), staff requested Board approval for contract renewals exceeding \$500,000.00.

Residential contracts for FY 2016 will have a significant dollar increase added to the “not-to-exceed amount.” This resulted from the planned increase use of contract beds and the desire for more flexibility in managing the placement of youth. The actual budget is significantly below \$12 million. These are pay-for-service contracts and although the “not to exceed amount” is higher, the agency will manage within available funding.

In response to a question asked by Mr. Stephens, Mr. Meyer stated the “not-to-exceed amounts” have increased compared to FY 2015. There is an increase to the FY 2016 budget to \$6.5 million which is the actual dollar amount available for contract placement. This \$12 million cap provides flexibility to opt for different types of placement depending on where youth come from and what they need.

In response to a question asked by Judge Brieden, Mr. Meyer stated in FY 2015 our target average daily population for contract placements was 100; in 2016 the target average for the year is 120. The flexibility will help determine where youth need to be placed or the services they will need.

Mr. Stephens’s cautioned staff to monitor this due to the individuals who have these not-to-exceed budgets may think they have the ‘not-to-exceed amount’ to spend too. Staff will need to be prudent on decisions regarding actual expenditures.

Mr. Meyer stated when the budget is loaded into TJJD’s financial system it is based on available dollars and not the contract amount. A higher contract amount enables the flexibility to move budget between contracts. The total amount available budgeted is limited to the dollars TJJD have and not the “not-to-exceed amounts.”

Mr. Meyer stated contract care expenditure reports will be given to the Board members at upcoming meetings.

For the record, Judge Brieden stated in a recent legislative hearing, TJJD was tasked to look at how many contract care providers were being used. Staff was asked for the number of empty beds in facilities and the criteria for placement, but not given an opportunity to explain. In response to a question asked by Judge Brieden, Mr. David Reilly, TJJD Executive Director, stated Judge Brieden was correct in that there were some critical comments offered early on in the session that questioned why TJJD would need to use contract facility beds when there were “open” beds in existing facilities. Mr. Reilly went on to explain that the early comments did change during the session and there was more acceptance that more options for youth is needed, both in the type and various programming in contract facilities, as well as increasing TJJD’s options to move kids who could be managed in less restrictive settings closer to their home communities and families.

Judge Brieden stated he wanted this mentioned and on record since we were not given a chance to respond that day.

Mr. Meyer stated despite some of the more public conversations that took place and the dissatisfaction expressed, at the end of the day TJJJ's appropriations do clearly support the increased use of beds. The agency is budgeted at 120 beds followed by 168 beds in the second year. Although some offices are not entirely supportive, as a whole, the Legislature did give approval to move in that direction.

In response to a question asked by Mr. Stephens, Mr. Meyer stated information will be sent to the Board members to inform them of any actual expenditure's before the 'not-to-exceed amount' is reached.

The increase to the DIR contract for DCS is consistent with appropriations. DIR gives the Legislature an estimate and TJJJ is appropriated the proper amount. The payment of \$4.2 million for the State Office of Risk Management is budgeted and determined internally. The initial assessment appears to be lower, however a higher amount was added as a buffer. The youth blue phone amount has remained constant between the two years.

The renewal amount for the University of Texas Medical Branch contract is a bit lower than in FY 2015 and consistent between the two years. The amount is actually higher than projected expenses in case of a catastrophic event. The actual cost should be considerably lower.

Judge Brieden moved to approve the contract renewals, with the 'not to exceed amounts' listed. Mr. Fisher seconded. The motion passed.

#### **Discussion Regarding the FY2016 Contract Plan**

Mr. Mike Meyer, Chief Financial Officer, presented this informational item. It is a requirement of statute that staff present the Board with a summary of anticipated contracting activity each year. Any actual contracts would be subject to required approvals.

The agency's Historically Underutilized Business (HUB) goals for FY 2016, and the efforts of the agency to meet its goals, are included in the Board materials. The heavy construction goal is not actually applicable to TJJJ and has a 0% goal listed. As of this date, TJJJ has met two out of five agency goals. Staff struggle at times with the unavailability of HUB businesses in some of the more remote locations.

Highlights from FY 2015 include co-sponsoring TJJJ's first HUB Vendor Education Expo with the Health and Human Services Commission (HHSC) and sponsored the Agency's first vendor in-house spotlight for HUB businesses.

Mr. Stephens stated he is pleased with the activity TJJJ has had the past year.

**Discussion, Consideration and Possible Approval Regarding the FY 2016 Operating Budget (Action)**

Ms. Emily Anderson, Director of Fiscal Affairs & Budget, presented this action item. Ms. Anderson started out by recognizing Nicki Satterfield, Tonya Gonzalez, Kati Kieffer and Amanda Meyer for their outstanding work and countless hours building the FY 2016 operating budget. Ms. Anderson also thanked the directors and managers for their collaboration with the budget team.

The preliminary budget was built based on historical spending patterns and legislative direction. The preliminary budget was taken to each senior director, and their staff, for review, comment and modification which also included an opportunity for the Senior Directors to request additional funding. Goal A, Funding for Probation Activity saw a decrease of \$2.1 million in general revenue funding from FY 2015. This decrease was driven primarily by population based funding projection offset by increases for regionalization and administrative reorganization.

For the record, Judge Brieden stated he does not comprehend decreasing numbers in state facilities. When this happens more will be handled on the local level and then funding for the local level is cut. What the legislators are doing is an unfunded mandate to the counties to handle the differential, which means putting more money at the county level.

In response to a question asked by Mr. Stephens, Mr. Meyer stated when the Legislature makes appropriations decisions they are based on their projections for the number of youth that will be on supervision. So though it affects one part of TJJJ's appropriation, it does not affect other areas such as community programs or mental health. Staff will continue to try and make the argument that if the population goes down by X percent it does not mean expenses go down by X percent. Or that as the population changes its character, so to speak, that expenses may be higher per youth than they have been historically.

Unfortunately it is a difficult argument to win because they look at the number of youth that are on supervision and it is tied directly to that. The agency's biggest success in the last session was to keep that limited to a small part of our budget—only the basic supervision piece which is about \$40 million out of \$130 million or \$140 million or so.

Ms. Anderson stated Goal B, funding for state services and facilities, was reduced by \$3.2 million in general revenue funding. These reductions were made in response to projected declining population continuing a trend from the past several years. Funding for the Office of the Independent Ombudsman (OIO) increased by \$0.5 million in FY 2016. This was a result of the expansion of their services to monitor county-owned facilities as well as state facilities and operations. Central Administration and Information Resource funding was increased by \$2.3 million. This increase is a result of a legislature funding exceptional request for vehicle replacements, computer and laptop replacements and for the Austin office building lease and utilities.

The process utilized to develop this budget provided directors and managers valuable historical spending patterns as well as detailed operating budgets. The budget team has received positive feedback on the process used this year. The FY 2016 operating budget lives within the boundaries of the agency's legislative appropriations while providing the agency the necessary funds to accomplish its mission. There is, however, little room for error and virtually no ability to explore special projects, unmet needs or staff recognition. Careful budget management and continuous efforts to recognize operational deficiencies and reallocation of resources may ease budgetary restraints.

Staff requests the board's approval of the FY 2016 operating budget.

Mr. Stephens commended Emily and her staff for their work putting the operating budget together.

Mr. Fisher moved to recommend approval of the FY 2016 operating budget to the full Board. Judge Brieden seconded. The motion passed.

**Acknowledgement of Gifts (Action)**

Mr. Mike Meyer, Chief Financial Officer, presented this action item. The Texas Government Code requires TJJD to formally acknowledge gifts over \$500 in value. Ms. Maria Session, case worker at

Schaeffer Halfway House, donated a stationary bike to promote health and wellness amongst staff and youth. The staff requests the board's approval of this gift. There was discussion and questions regarding how the estimated value of the gift is determined and whether the agency's gift acknowledgment letter gets used for tax purposes. Mr. Meyer stated he would look into these items and make sure the agency is doing what is legally required.

Mr. Fisher moved to recommend approval of the gift to the full Board. Judge Brieden seconded. The motion passed.

**Discussion, Consideration and Possible Approval to Publish Proposed revisions and rule review within 37 TAC §§380.9931 – 380.9933, Relating to Youth Records, in the Texas Register for A 30-Day Comment Period (Action)**

Ms. Kaci Singer, TJJJ Staff Attorney, presented this action item. Staff presented three rules that were evaluated during the rule review process and to be approved for publication for public comments. Two of the rules that were reviewed are related to youth records. Two are being recommended for repeal. However, the content of the rules were not being repealed but instead will be consolidated into the third rule that is recommended for revision. Some changes were necessary due to law changes in the past few years. Additionally, there are changes to clarify where records need to be maintained and who needs to maintain custody of them. Staff requests approval to recommend to the full Board.

Judge Brieden moved to recommend approval to the full Board. Mr. Fisher seconded. The motion passed.

**Discussion, Consideration and Possible Approval to Publish Proposed Revisions and Rule Review within 37 TAC §§380.9931 – 380.9933, Relating to Youth Funds, in the Texas Register for A 30-Day Comment Period (Action)**

Mr. Mike Meyer, Chief Financial Officer, presented this action item. Staff presented rules for rule review as part of the review process and ask that they be approved for publication for public comments. The process for these changes started with an Internal Audit performed in 2014 that found TJJJ needed to clarify procedures for transferring funds for youth that are sentenced and referred to an adult prison. In examining how to change the rules to accommodate that recommendation staff identified some other

needed changes. Most of them were non substantive. The biggest substantive change is for youth that have no funds upon release: instead of giving them \$10 youth will be given \$15.

In response to a question asked by Mr. Stephens, Mr. Meyer stated the agency, as a whole, does receive comments back on more controversial rules or the ones where people have more at stake.

Judge Brieden moved to recommend approval to the full Board. Mr. Fisher seconded. The motion passed.

**Discussion, Consideration and Possible Approval Regarding the Interstate Compact for Juveniles Audit 15-6 (Action)**

Mr. Eleazar Garcia, Chief Internal Auditor, presented this action item. Mr. Garcia recognized Jeannette Lepe, Internal Auditor, and Vivian Cohn, Deputy Chief Auditor, for their work on the audit. The overall objective for this audit is to determine if the controls over the Interstate Compact for Juveniles (ICJ) program are in place and the operations are in compliance with ICJ rules. The ICJ is established to facilitate the transfer of supervision for juvenile parolees and probationers who move to or from another state. The scope includes ICJ youth population in probation and parole, completion of home evaluations and progress reports, and expenditures on the ICJ credit card.

Mr. Garcia also recognized Mr. David Reilly, Executive Director, and Chelsea Buchholtz, Chief of Staff, for their support in re-initiating the Audit Management Committee. Once the ICJ audit was completed, the committee met to discuss the draft report and the recommendations provided.

It is important to note the expenses on the ICJ credit card are supported and accurately recorded in the Centralized Accounting and Payroll/Personnel System (CAPPS).

Controls could be strengthened to ensure compliance with agency's policies & procedures.

- Guidelines should be established to ensure proper handling when a youth referral from the sending state is not provided to the ICJ Office.
- Strengthening ICJ's oversight for completion of home evaluations and progress reports could assist in ensuring compliance with the transfer and supervision of youth.

- Establishing segregation of duties over use of the ICJ credit card could ensure controls are in place to help protect the agency from unauthorized transactions.

Recommendations to the report can be found in the Board materials.

In response to a question asked by Judge Brieden, Mr. Garcia stated there was only one youth who was not recognized in the system and did not receive a transfer. This was identified by comparing the ICJ youth in our internal system versus the youth on the interstate compact system.

Judge Brieden moved to recommend approval to the full Board. Mr. Fisher seconded. The motion passed.

#### **Discussion of the External Peer Review of Internal Audit**

Mr. Eleazar Garcia, Chief Internal Auditor, presented this informational item. Internal Audit is currently undergoing an independent external peer review of its compliance with the standards. The Government Audit Standards require the Audit department be audited every three years whereas the Professional Standards require an audit every five years. TJJJ complies with the more stringent three year requirement. The team performing the review will complete a report on the results.

#### **Adjourn**

The meeting was adjourned at 1:30 p.m.

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director  
Elaine Mays, Chief Information Officer

Subject: Updates from the Chief Information Officer

Date: October 19, 2015

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This memo is for informational purposes; no formal Board action is required.

### **Needs assessments / requirements gathering**

- *Web Meeting software*
  - IT is working with multiple agency divisions to define the complete set of needs and requirements around the use of web meeting software. This will facilitate a review of several vendors in order to determine the needs of the agency.
- *Radio Interoperability*
  - Field IT staff is working with OIG and other units to define radio interoperability requirements for TJJJ in order to communicate with local, state law enforcement and emergency service providers.
- *Youth Case Management Tracking System*
  - IT Application section is preparing to launch a requirements gathering process with various TJJJ business units focused on the functionality needed to replace the legacy Correctional Care System (CCS).
- *Integrated Incident Handling System*
  - The Application section is wrapping up the requirements gathering process for a proposed agency-wide incident handling system. The new system would integrate the business functions of several divisions and provide for more effective information across many segments of the agency.
- *Laptop/Computer Refresh*
  - EOY procurements – The Help Desk and workstation support team are configuring and in the process of deploying systems purchased with end of year funding. FY16 funds will replace approximately 500 legacy systems in the coming months.

## Ongoing initiatives

- **MicroMain refresh**
  - The agency is in the process of refreshing the Micro-Main system which has been used primarily as a facilities maintenance work order system. The new version provides expanded features and will allow the agency to implement enhanced controls with respect to the fleet management.
- **Documentation of IT infrastructure and processes including the identification of key risk areas**
  - The IT division has been creating core infrastructure and process documentation across all of TJJJ facilities to understand the configurations and risks associated with the legacy system and develop a comprehensive plan moving forward.
- **JCMS Support and expansion**
  - The JCMS is implemented in county probation departments; but the focus is to expand JCMS to TJJJ user base. To date the follow departments have received training:
    - State Programs & Facilities
    - Research
    - Office of Inspector General
    - Federal IV-E Monitoring unit
- **Infrastructure refresh – State Data Center**
  - The IT Operations team continues to collaborate with the Data Center Services administration to refresh the agency’s collection of legacy servers. Replacing the servers with new hardware and software, will pay significant dividends for the agency not only in terms of processing capability but will also serve to mitigate the risk of catastrophic failures of these legacy devices.
- **Quarterly IT Leadership workshops**
  - IT Leadership will conduct its quarterly workshop mid-October. The focus of the session is to:
    - build a better understanding of the IT structure,
    - roadmap and direction of the IT Division,
    - improve the communications among IT leaders and the members of their units.
- **Staff retirement, recruitment, hiring and retention**
  - Three long tenured IT staff members retired from the agency in August.
  - In FY2015 there were 7 retirements within the IT division.
  - The IT Leadership team is working with HR to review and revise existing job descriptions which will lead to a hard push to fill the vacancies in the division.
  - Additional departures:
    - Steve Trumble, the current Information Security Officer (ISO) a longtime member of the IT division will transfer to another state agency.
  - New staff members:
    - Benjamin Brown (Ron Jackson),
    - Brian Connor (Mart)
    - Ruben Tovar (Evins)
    - Michael Williams (Austin Office)

## New initiatives

- **Overall Data Management strategy**
  - Upon direction from Executive Leadership, the IT and Research Divisions will develop an overall data management strategy to identify the agency’s data resources and how they are best managed. This is expected to be a high level plan/roadmap that will serve as a possible foundation piece for a Legislative Appropriations Request in the next biennium.

- *Migration of infrastructure to DIR Austin Disaster Recovery Operations Center (NSOC)*
  - The IT Division is working with the Department of Information Resources (DIR) on an agreement that will allow TJJJ to place key components of technical infrastructure inside the Disaster Recovery Operations Center run by DIR. Locating TJJJ equipment in this center will provide improved measures of protection in terms of power, cooling and physical security, over what is currently in place at Braker H.

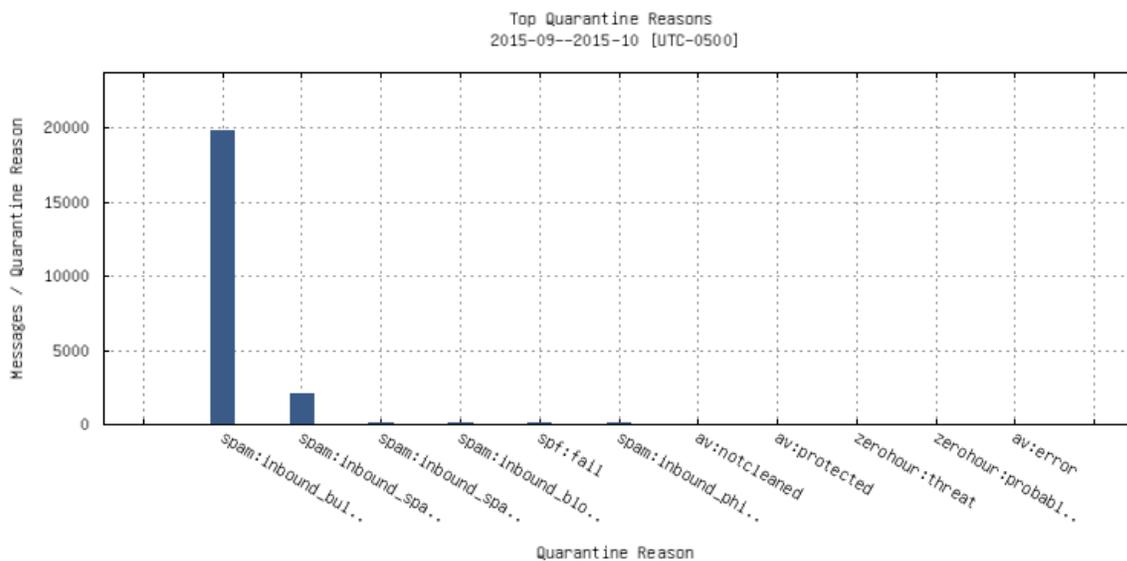
### Help Desk Ticketing System refresh

- TJJJ’s Help Desk is refreshing both the hardware and software components of our KACE IT Service Center system which provides Help Desk ticketing, asset tracking & management, software license tracking & management and workstations imaging functions.

### Proofpoint implementation

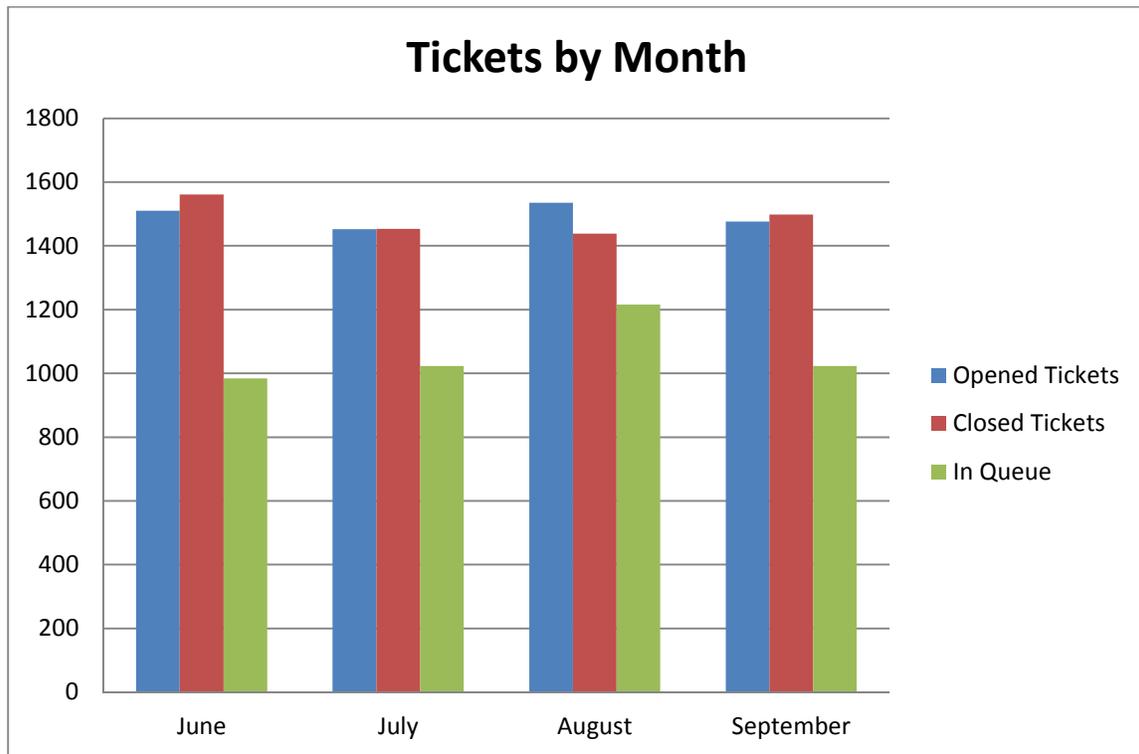
- IT has implemented ProofPoint security message gateway to filter e-mail for spam, virus, Trojan and phishing vulnerabilities. Filters are in place to safeguard against the delivery of e-mail containing known threats while at the same time the tool detects unknown threats by applying its advanced malware detection process.
- Staff is empowered to manage their own inbound spam by utilizing both whitelist and blacklist to mitigate potential vulnerabilities. In approximately seven days of use, the product has halted 22 known Trojans, which could have had a significant operational impact on our network performance. By using ProofPoint the agency has blocked over twenty-two thousand possibilities of spam from various websites. Some of these are legitimate emails but the user has the ability to place these items in a safe-list.

## Top Reasons Message Quarantined



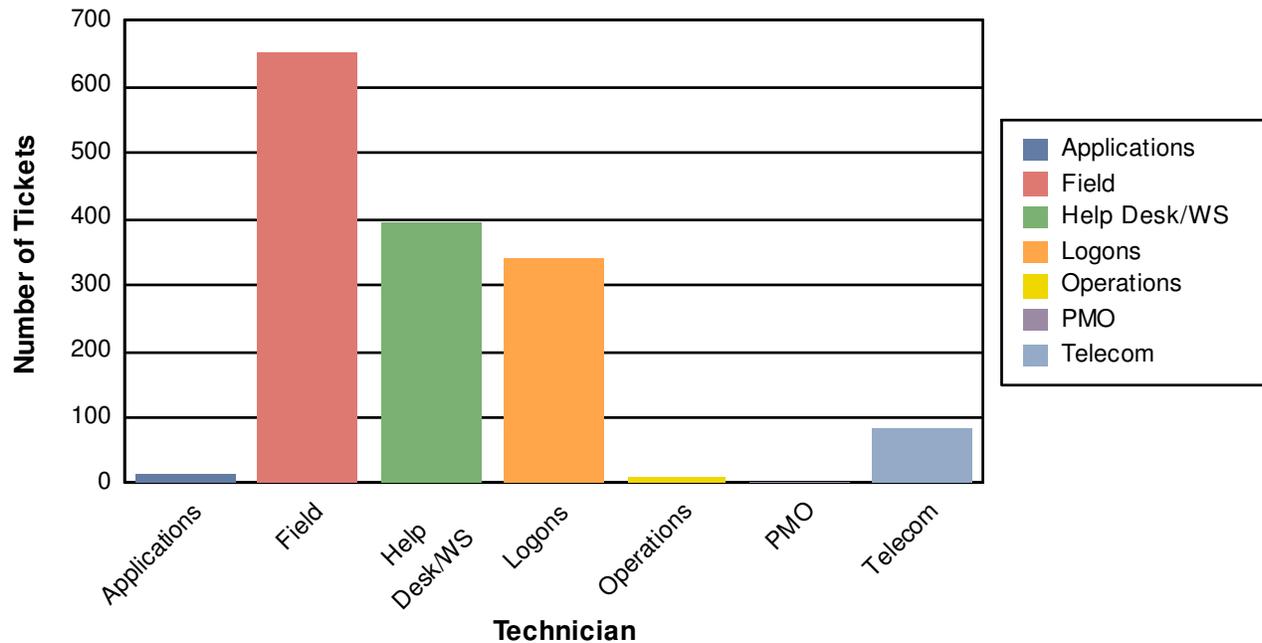
| Quarantine Reason          | Messages | Messages (%) |
|----------------------------|----------|--------------|
| spam:inbound_bulk          | 19790    | 88.45        |
| spam:inbound_spam_definite | 2076     | 9.27         |
| spam:inbound_spam          | 151      | 0.67         |
| spam:inbound_blocked       | 138      | 0.61         |
| spf:fail                   | 123      | 0.54         |
| spam:inbound_phish         | 63       | 0.28         |
| av:notcleaned              | 24       | 0.1          |
| av:protected               | 5        | 0.02         |
| zerohour:threat            | 2        | 0            |
| zerohour:probable          | 1        | 0            |
| av:error                   | 1        | 0            |

**Help Desk Ticket Management:**



# Tickets Closed by Team

Month of September

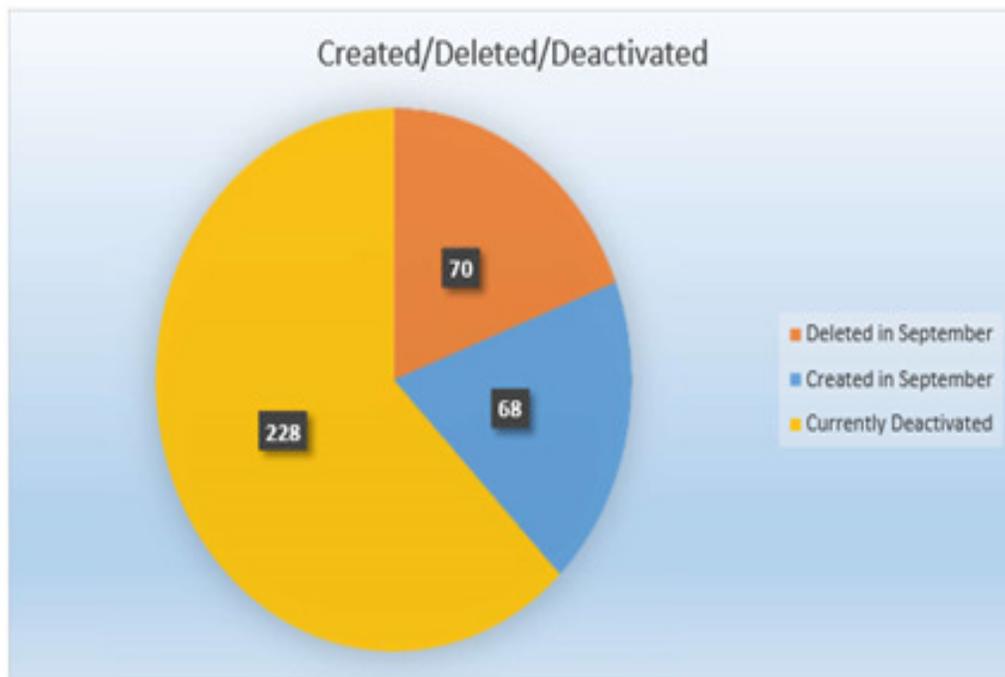
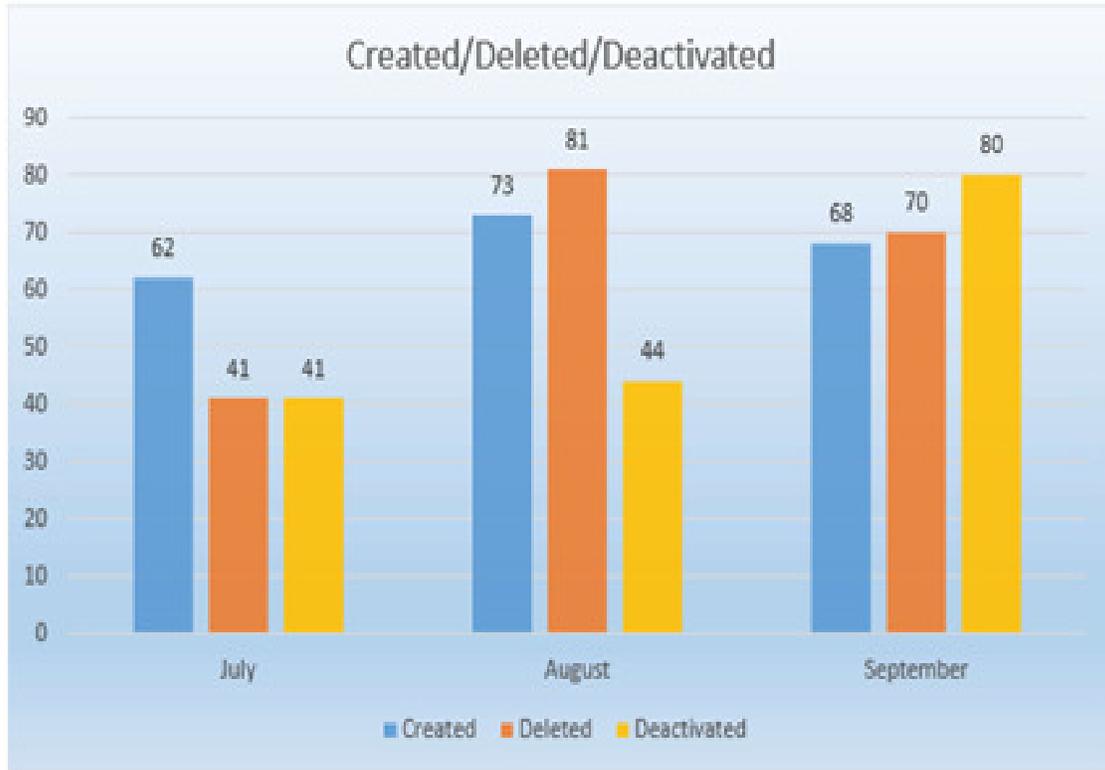


## **Information Technology Security Office:**

### **Account Management Team Highlights:**

- The team continues to keep up with logon / reactivation / deactivation requests. In addition, the team also accepted the responsibility of CAPPs and USAS account administration.
- Mainframe database account cleanup effort:
  - M204 - GEN (General Accounting) – completed 2015 (Deleted approximately 23 accounts)
  - M204 - MRS (Medical Records) - 46% completed (approximately 873 accounts deleted)
  - Account cleanup on the following databases has just begun (approx. 2-5% complete):
    - M204 - WHI (Warehouse)
    - M204 - FAS (Fixed Assets Inventory)
    - M204 - PAY (Payroll System)
    - M204 - CTR (Contract Tracking System)
    - M204 - ADC (Assessments and now called NOBLE)
- The team continues implementing employee roles based on position using assigned access and data collected from the Access Control Matrix. Work continues on a new combined logon request form using the Access Control Matrix data.

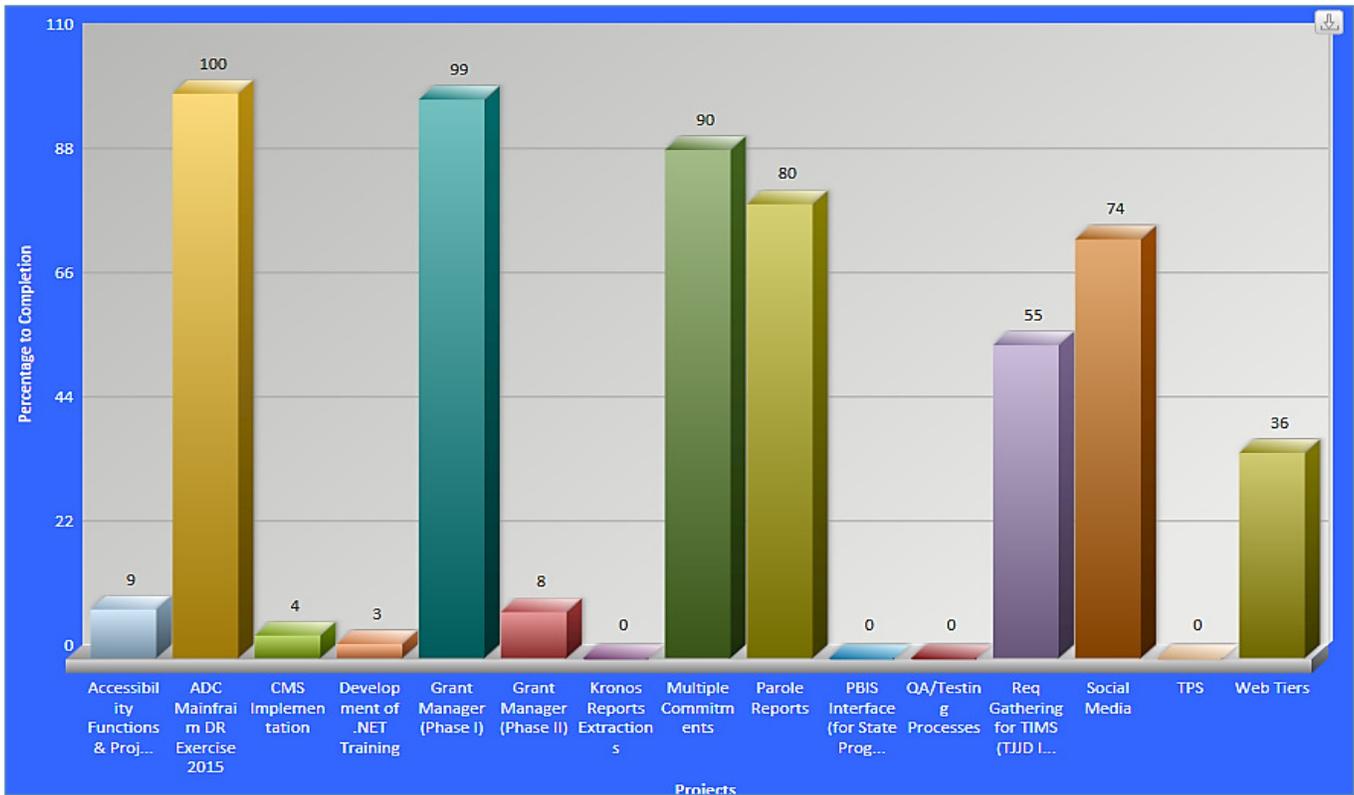
### Automatically Disabled Due to Inactivity vs Requests to Reactivate Disabled Accounts



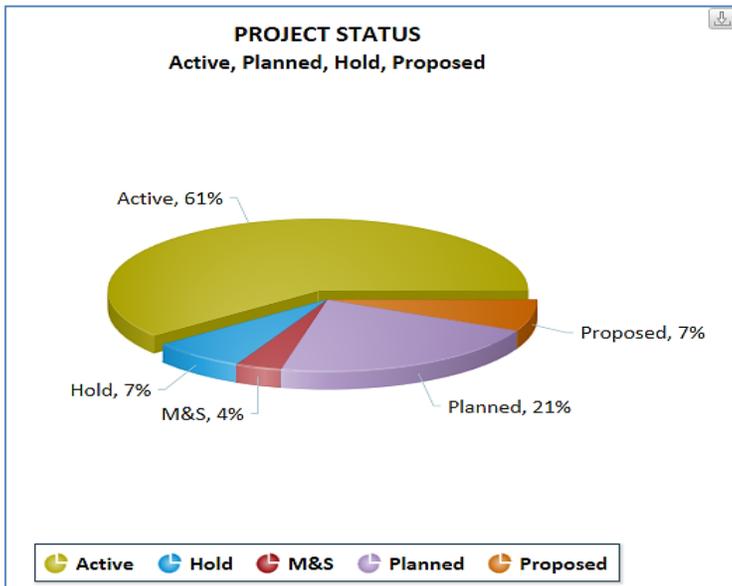
\*Accounts are deactivated after 30 days of inactivity

**Project Management:**

**Percentage to Completion of Active projects**



**Projects active, planned, proposed, and on hold**



**Project Status Overview**

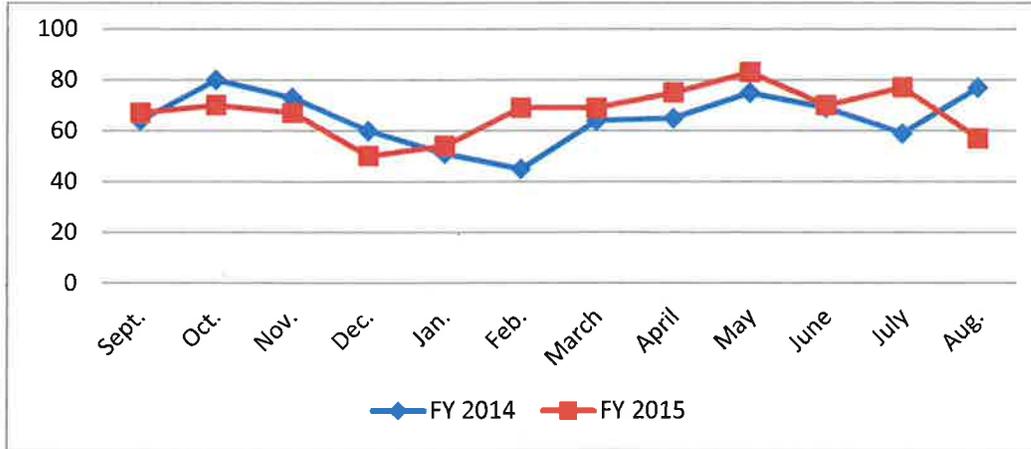
- **Active [61%]** —17 projects
- **On Hold [7%]** —2 projects
- **Planned [21%]** —6 projects (*pending resource availability*)
- **Proposed [7%]** —2 projects (*not yet formally requested, but filed*)
- **Closed**— 1 projects (*since August 2015*)

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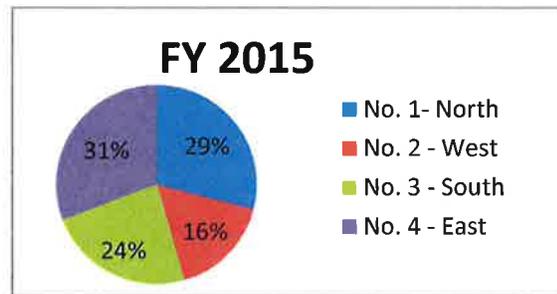
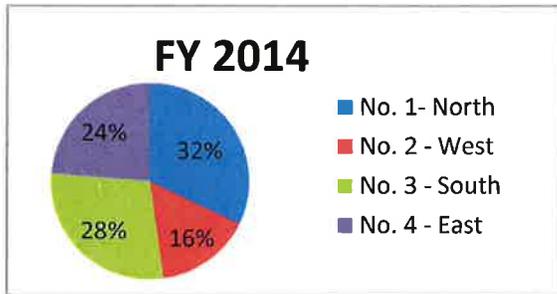
## Summary of Commitment Trends for FY 2015

### New Commitment Data

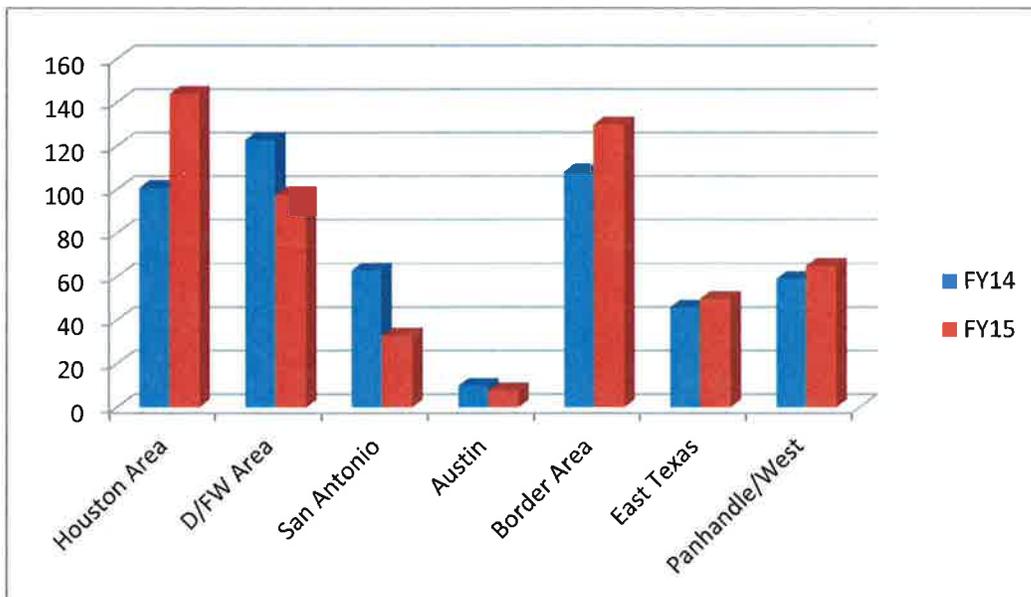
All Counties - FYTD change from FY 2014



### TJJD Regions - FYTD



### Areas of Texas - FYTD Changes



Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.

| County    | FY14 | FY15 |
|-----------|------|------|
| Anderson  | 0    | 1    |
| Andrews   | 1    | 0    |
| Angelina  | 2    | 6    |
| Aransas   | 1    | 1    |
| Archer    | 0    | 0    |
| Armstrong | 0    | 0    |
| Atascosa  | 0    | 0    |
| Austin    | 0    | 0    |
| Bailey    | 0    | 0    |
| Bandera   | 1    | 0    |
| Bastrop   | 1    | 2    |
| Baylor    | 0    | 0    |
| Bee       | 0    | 1    |
| Bell      | 13   | 9    |
| Bexar     | 57   | 31   |
| Blanco    | 0    | 0    |
| Borden    | 0    | 0    |
| Bosque    | 3    | 0    |
| Bowie     | 6    | 7    |
| Brazoria  | 12   | 10   |
| Brazos    | 4    | 4    |
| Brewster  | 0    | 0    |
| Briscoe   | 0    | 0    |
| Brooks    | 1    | 0    |
| Brown     | 1    | 1    |
| Burleson  | 0    | 2    |
| Burnet    | 2    | 0    |
| Caldwell  | 2    | 3    |
| Calhoun   | 0    | 1    |
| Callahan  | 0    | 0    |
| Cameron   | 16   | 25   |
| Camp      | 0    | 0    |
| Carson    | 0    | 0    |

| County        | FY14 | FY15 |
|---------------|------|------|
| Cass          | 0    | 1    |
| Castro        | 0    | 0    |
| Chambers      | 0    | 0    |
| Cherokee      | 3    | 1    |
| Childress     | 0    | 0    |
| Clay          | 0    | 1    |
| Cochran       | 0    | 0    |
| Coke          | 0    | 0    |
| Coleman       | 0    | 0    |
| Collin        | 7    | 13   |
| Collingsworth | 0    | 0    |
| Colorado      | 0    | 4    |
| Comal         | 6    | 2    |
| Comanche      | 0    | 0    |
| Concho        | 0    | 0    |
| Cooke         | 3    | 4    |
| Coryell       | 1    | 3    |
| Cottle        | 0    | 0    |
| Crane         | 1    | 0    |
| Crockett      | 0    | 0    |
| Crosby        | 1    | 1    |
| Culberson     | 0    | 0    |
| Dallam        | 0    | 0    |
| Dallas        | 67   | 51   |
| Dawson        | 0    | 0    |
| Deaf Smith    | 5    | 6    |
| Delta         | 0    | 0    |
| Denton        | 10   | 10   |
| DeWitt        | 2    | 2    |
| Dickens       | 0    | 0    |
| Dimmit        | 1    | 0    |
| Donley        | 0    | 0    |
| Duval         | 0    | 0    |

| County    | FY14 | FY15 |
|-----------|------|------|
| Eastland  | 1    | 0    |
| Ector     | 21   | 17   |
| Edwards   | 0    | 0    |
| Ellis     | 0    | 6    |
| El Paso   | 21   | 35   |
| Erath     | 0    | 2    |
| Falls     | 1    | 5    |
| Fannin    | 2    | 2    |
| Fayette   | 2    | 0    |
| Fisher    | 0    | 0    |
| Floyd     | 0    | 1    |
| Foard     | 0    | 0    |
| Fort Bend | 17   | 23   |
| Franklin  | 0    | 0    |
| Freestone | 1    | 0    |
| Frio      | 0    | 0    |
| Gaines    | 0    | 0    |
| Galveston | 11   | 10   |
| Garza     | 1    | 0    |
| Gillespie | 0    | 1    |
| Glasscock | 0    | 0    |
| Goliad    | 1    | 0    |
| Gonzales  | 0    | 1    |
| Gray      | 2    | 2    |
| Grayson   | 5    | 4    |
| Gregg     | 6    | 4    |
| Grimes    | 0    | 1    |
| Guadalupe | 2    | 2    |
| Hale      | 3    | 2    |
| Hall      | 0    | 0    |
| Hamilton  | 1    | 0    |
| Hansford  | 0    | 0    |
| Hardeman  | 0    | 1    |

| County     | FY14 | FY15 |
|------------|------|------|
| Hardin     | 0    | 1    |
| Harris     | 101  | 144  |
| Harrison   | 2    | 0    |
| Hartley    | 0    | 0    |
| Haskell    | 2    | 0    |
| Hays       | 1    | 0    |
| Hemphill   | 1    | 0    |
| Henderson  | 0    | 3    |
| Hidalgo    | 55   | 52   |
| Hill       | 9    | 6    |
| Hockley    | 1    | 3    |
| Hood       | 2    | 2    |
| Hopkins    | 2    | 1    |
| Houston    | 0    | 0    |
| Howard     | 4    | 2    |
| Hudspeth   | 0    | 0    |
| Hunt       | 11   | 3    |
| Hutchinson | 2    | 0    |
| Irion      | 0    | 0    |
| Jack       | 0    | 0    |
| Jackson    | 2    | 2    |
| Jasper     | 1    | 3    |
| Jeff Davis | 0    | 0    |
| Jefferson  | 12   | 13   |
| Jim Hogg   | 0    | 0    |
| Jim Wells  | 1    | 0    |
| Johnson    | 1    | 0    |
| Jones      | 2    | 0    |
| Karnes     | 0    | 0    |
| Kaufman    | 3    | 6    |
| Kendall    | 0    | 0    |
| Kenedy     | 0    | 0    |
| Kent       | 0    | 0    |

| County    | FY14 | FY15 |
|-----------|------|------|
| Kerr      | 7    | 6    |
| Kimble    | 0    | 0    |
| King      | 0    | 0    |
| Kinney    | 0    | 0    |
| Kleberg   | 0    | 0    |
| Knox      | 0    | 0    |
| Lamar     | 6    | 5    |
| Lamb      | 0    | 0    |
| Lampasas  | 0    | 1    |
| La Salle  | 0    | 0    |
| Lavaca    | 0    | 0    |
| Lee       | 0    | 0    |
| Leon      | 0    | 0    |
| Liberty   | 0    | 0    |
| Limestone | 1    | 1    |
| Lipscomb  | 0    | 1    |
| Live Oak  | 0    | 0    |
| Llano     | 0    | 0    |
| Loving    | 0    | 0    |
| Lubbock   | 10   | 17   |
| Lynn      | 0    | 0    |
| Madison   | 0    | 0    |
| Marion    | 0    | 0    |
| Martin    | 0    | 0    |
| Mason     | 0    | 0    |
| Matagorda | 2    | 1    |
| Maverick  | 4    | 2    |
| McCulloch | 1    | 0    |
| McLennan  | 10   | 16   |
| McMullen  | 0    | 0    |
| Medina    | 2    | 3    |
| Menard    | 0    | 0    |
| Midland   | 8    | 11   |

| County      | FY14 | FY15 |
|-------------|------|------|
| Milam       | 4    | 3    |
| Mills       | 0    | 0    |
| Mitchell    | 0    | 1    |
| Montague    | 0    | 0    |
| Montgomery  | 10   | 20   |
| Moore       | 3    | 5    |
| Morris      | 0    | 0    |
| Motley      | 0    | 0    |
| Nacogdoches | 4    | 1    |
| Navarro     | 0    | 2    |
| Newton      | 1    | 0    |
| Nolan       | 0    | 1    |
| Nueces      | 7    | 5    |
| Ochiltree   | 0    | 0    |
| Oldham      | 0    | 0    |
| Orange      | 7    | 4    |
| Palo Pinto  | 1    | 0    |
| Panola      | 0    | 0    |
| Parker      | 3    | 4    |
| Parmer      | 0    | 0    |
| Pecos       | 0    | 0    |
| Polk        | 0    | 1    |
| Potter      | 8    | 10   |
| Presidio    | 2    | 0    |
| Rains       | 0    | 0    |
| Randall     | 7    | 2    |
| Reagan      | 0    | 0    |
| Real        | 0    | 0    |
| Red River   | 1    | 1    |
| Reeves      | 0    | 0    |
| Refugio     | 0    | 0    |
| Roberts     | 0    | 0    |
| Robertson   | 0    | 0    |

| County        | FY14 | FY15 |
|---------------|------|------|
| Rockwall      | 0    | 0    |
| Runnels       | 0    | 0    |
| Rusk          | 1    | 0    |
| Sabine        | 1    | 0    |
| San Augustine | 0    | 0    |
| San Jacinto   | 0    | 2    |
| San Patricio  | 4    | 1    |
| San Saba      | 0    | 0    |
| Schleicher    | 0    | 0    |
| Scurry        | 0    | 0    |
| Shackelford   | 0    | 0    |
| Shelby        | 0    | 0    |
| Sherman       | 0    | 0    |
| Smith         | 9    | 15   |
| Somervell     | 1    | 0    |
| Starr         | 4    | 6    |
| Stephens      | 0    | 0    |
| Sterling      | 0    | 0    |
| Stonewall     | 0    | 0    |
| Sutton        | 0    | 0    |
| Swisher       | 0    | 0    |
| Tarrant       | 56   | 47   |
| Taylor        | 12   | 10   |
| Terrell       | 1    | 2    |
| Terry         | 0    | 0    |
| Throckmorton  | 0    | 0    |
| Titus         | 1    | 0    |
| Tom Green     | 2    | 1    |
| Travis        | 2    | 3    |
| Trinity       | 0    | 0    |
| Tyler         | 1    | 0    |
| Upshur        | 0    | 2    |
| Upton         | 0    | 0    |

| County          | FY14       | FY15       |
|-----------------|------------|------------|
| Uvalde          | 0          | 0          |
| Val Verde       | 1          | 4          |
| Van Zandt       | 0          | 0          |
| Victoria        | 6          | 6          |
| Walker          | 3          | 2          |
| Waller          | 1          | 0          |
| Ward            | 0          | 0          |
| Washington      | 0          | 2          |
| Webb            | 4          | 4          |
| Wharton         | 1          | 2          |
| Wheeler         | 0          | 3          |
| Wichita         | 4          | 2          |
| Wilbarger       | 1          | 0          |
| Willacy         | 2          | 0          |
| Williamson      | 7          | 5          |
| Wilson          | 0          | 1          |
| Winkler         | 0          | 0          |
| Wise            | 0          | 0          |
| Wood            | 4          | 1          |
| Yoakum          | 0          | 0          |
| Young           | 0          | 0          |
| Zapata          | 0          | 0          |
| Zavala          | 1          | 0          |
|                 |            |            |
| <b>Totals</b>   | <b>782</b> | <b>808</b> |
| <b>% Change</b> | <b>3%</b>  |            |
|                 |            |            |
|                 |            |            |
|                 |            |            |
|                 |            |            |
|                 |            |            |
|                 |            |            |
|                 |            |            |
|                 |            |            |
|                 |            |            |

| County Total    | Sept. | Oct. | Nov. | Dec. | Jan. | Feb. | March | April | May | June | July | Aug. |
|-----------------|-------|------|------|------|------|------|-------|-------|-----|------|------|------|
| <b>% Change</b> | 5%    | -13% | -8%  | -17% | 6%   | 53%  | 8%    | 15%   | 11% | 1%   | 31%  | -26% |
| <b>FY14</b>     | 64    | 80   | 73   | 60   | 51   | 45   | 64    | 65    | 75  | 69   | 59   | 77   |
| <b>FY15</b>     | 67    | 70   | 67   | 50   | 54   | 69   | 69    | 75    | 83  | 70   | 77   | 57   |

| TJJD Regions  | FY14 | %   | FY15 | %   | % Change |
|---------------|------|-----|------|-----|----------|
| No. 1- North  | 251  | 32% | 234  | 29% | -7%      |
| No. 2 - West  | 123  | 16% | 134  | 17% | 9%       |
| No. 3 - South | 222  | 28% | 191  | 24% | -14%     |
| No. 4 - East  | 186  | 24% | 249  | 31% | 34%      |

| Texas Areas    | FY14 | FY15 | % Change |
|----------------|------|------|----------|
| Houston Area   | 101  | 144  | 43%      |
| D/FW Area      | 123  | 98   | -20%     |
| San Antonio    | 63   | 33   | -48%     |
| Austin         | 10   | 8    | -20%     |
| Border Area    | 108  | 130  | 20%      |
| East Texas     | 46   | 50   | 9%       |
| Panhandle/West | 59   | 65   | 10%      |

| County    | FY14 | FY15 |
|-----------|------|------|
| Anderson  |      |      |
| Andrews   |      |      |
| Angelina  |      |      |
| Aransas   |      |      |
| Archer    |      |      |
| Armstrong |      |      |
| Atascosa  |      |      |
| Austin    |      |      |
| Bailey    |      |      |
| Bandera   |      |      |
| Bastrop   |      |      |
| Baylor    |      |      |
| Bee       |      |      |
| Bell      |      |      |
| Bexar     |      |      |
| Blanco    |      |      |
| Borden    |      |      |
| Bosque    |      |      |
| Bowie     |      |      |
| Brazoria  |      |      |
| Brazos    |      |      |
| Brewster  |      |      |
| Briscoe   |      |      |
| Brooks    |      |      |
| Brown     | 5    | 17   |
| Burleson  |      |      |
| Burnet    |      |      |
| Caldwell  |      |      |
| Calhoun   |      |      |
| Callahan  |      |      |
| Cameron   |      | 1    |
| Camp      |      |      |
| Carson    |      |      |

| County        | FY14 | FY15 |
|---------------|------|------|
| Cass          |      |      |
| Castro        |      |      |
| Chambers      |      |      |
| Cherokee      | 1    |      |
| Childress     |      |      |
| Clay          |      |      |
| Cochran       |      |      |
| Coke          |      |      |
| Coleman       |      |      |
| Collin        | 1    |      |
| Collingsworth |      |      |
| Colorado      |      |      |
| Comal         |      |      |
| Comanche      |      |      |
| Concho        |      |      |
| Cooke         | 4    | 2    |
| Coryell       |      |      |
| Cottle        |      |      |
| Crane         |      |      |
| Crockett      |      |      |
| Crosby        |      |      |
| Culberson     |      |      |
| Dallam        |      |      |
| Dallas        |      |      |
| Dawson        |      |      |
| Deaf Smith    |      |      |
| Delta         |      |      |
| Denton        |      |      |
| DeWitt        |      |      |
| Dickens       |      |      |
| Dimmit        |      |      |
| Donley        |      |      |
| Duval         |      |      |

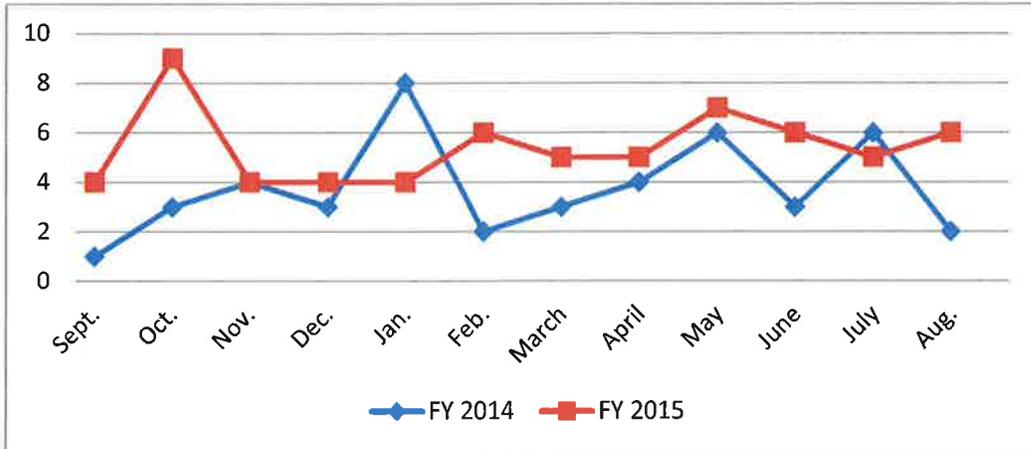
| County    | FY14 | FY15 |
|-----------|------|------|
| Eastland  |      |      |
| Ector     |      |      |
| Edwards   |      |      |
| Ellis     |      |      |
| El Paso   |      |      |
| Erath     |      |      |
| Falls     |      |      |
| Fannin    |      |      |
| Fayette   |      |      |
| Fisher    |      |      |
| Floyd     |      |      |
| Foard     |      |      |
| Fort Bend |      | 1    |
| Franklin  |      |      |
| Freestone |      |      |
| Frio      |      |      |
| Gaines    |      |      |
| Galveston | 1    |      |
| Garza     |      |      |
| Gillespie |      |      |
| Glasscock |      |      |
| Goliad    |      |      |
| Gonzales  |      |      |
| Gray      |      |      |
| Grayson   |      |      |
| Gregg     |      |      |
| Grimes    |      |      |
| Guadalupe |      |      |
| Hale      |      |      |
| Hall      |      |      |
| Hamilton  |      |      |
| Hansford  |      |      |
| Hardeman  |      |      |

| County     | FY14 | FY15 |
|------------|------|------|
| Hardin     | 1    |      |
| Harris     | 2    | 5    |
| Harrison   |      |      |
| Hartley    |      |      |
| Haskell    |      |      |
| Hays       |      |      |
| Hemphill   |      |      |
| Henderson  |      |      |
| Hidalgo    | 8    | 14   |
| Hill       |      |      |
| Hockley    |      |      |
| Hood       |      |      |
| Hopkins    |      |      |
| Houston    |      |      |
| Howard     |      |      |
| Hudspeth   |      |      |
| Hunt       |      |      |
| Hutchinson |      |      |
| Irion      |      |      |
| Jack       |      |      |
| Jackson    |      |      |
| Jasper     |      |      |
| Jeff Davis |      |      |
| Jefferson  |      |      |
| Jim Hogg   |      |      |
| Jim Wells  |      |      |
| Johnson    |      |      |
| Jones      |      |      |
| Karnes     |      |      |
| Kaufman    |      |      |
| Kendall    |      |      |
| Kenedy     |      |      |
| Kent       |      |      |

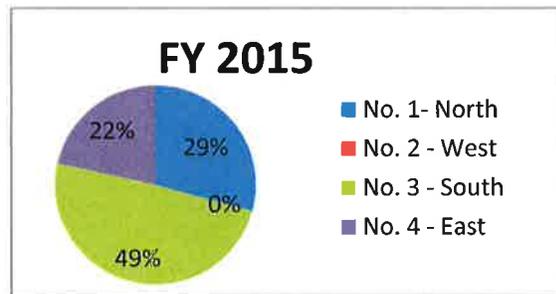
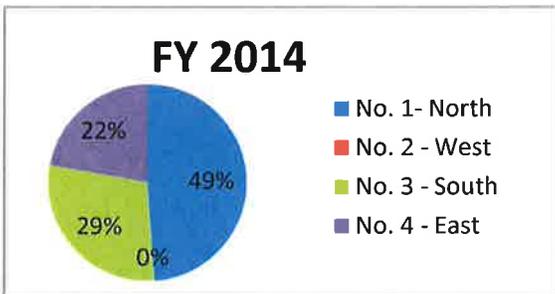
## Summary of Commitment Trends for FY 2015

### Recommitment Data

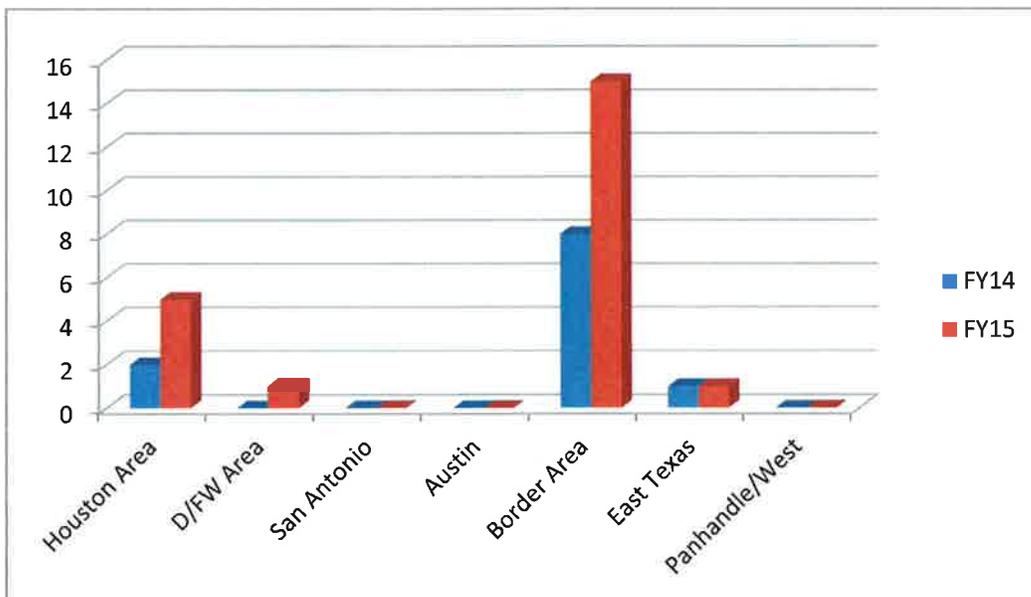
All Counties - FYTD change from FY 2014



### TJJD Regions - FYTD



### Areas of Texas - FYTD Changes



Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.



| County Total    | Sept. | Oct. | Nov. | Dec. | Jan. | Feb. | March | April | May | June | July | Aug. |
|-----------------|-------|------|------|------|------|------|-------|-------|-----|------|------|------|
| <b>% Change</b> | 300%  | 200% | 0%   | 33%  | -50% | 200% | 67%   | 25%   | 17% | 100% | -17% | 200% |
| <b>FY14</b>     | 1     | 3    | 4    | 3    | 8    | 2    | 3     | 4     | 6   | 3    | 6    | 2    |
| <b>FY15</b>     | 4     | 9    | 4    | 4    | 4    | 6    | 5     | 5     | 7   | 6    | 5    | 6    |

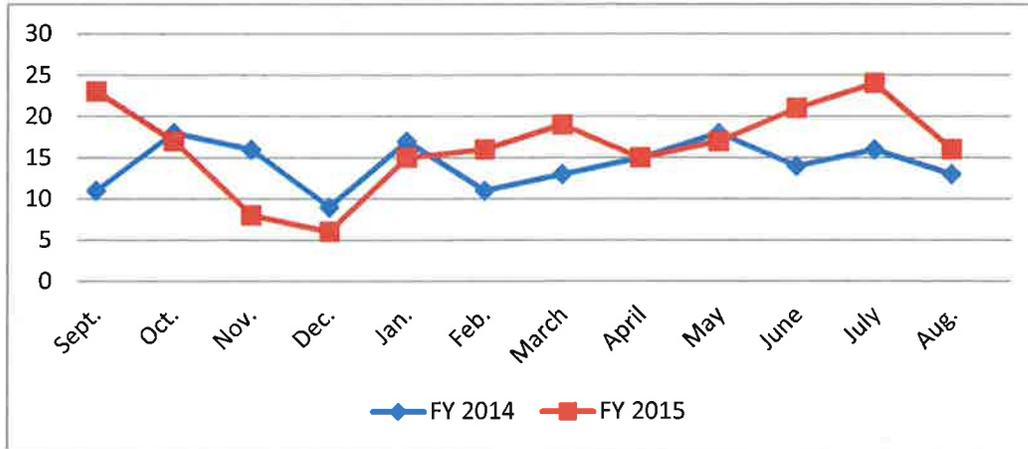
| TJJD Regions  | FY14 | %   | FY15 | %   | % Change |
|---------------|------|-----|------|-----|----------|
| No. 1 - North | 22   | 49% | 19   | 29% | -14%     |
| No. 2 - West  | 0    | 0%  | 0    | 0%  | #DIV/0!  |
| No. 3 - South | 13   | 29% | 32   | 49% | 146%     |
| No. 4 - East  | 10   | 22% | 14   | 22% | 40%      |

| Texas Areas    | FY14 | FY15 | % Change |
|----------------|------|------|----------|
| Houston Area   | 2    | 5    | 150%     |
| D/FW Area      | 0    | 1    | #DIV/0!  |
| San Antonio    | 0    | 0    | #DIV/0!  |
| Austin         | 0    | 0    | #DIV/0!  |
| Border Area    | 8    | 15   | 88%      |
| East Texas     | 1    | 1    | 0%       |
| Panhandle/West | 0    | 0    | #DIV/0!  |

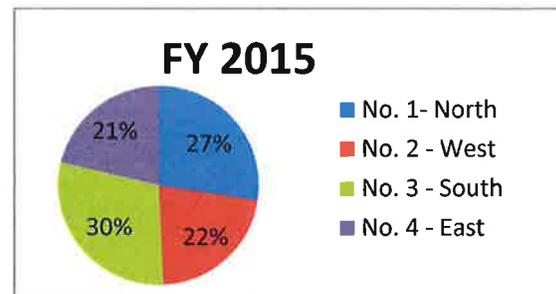
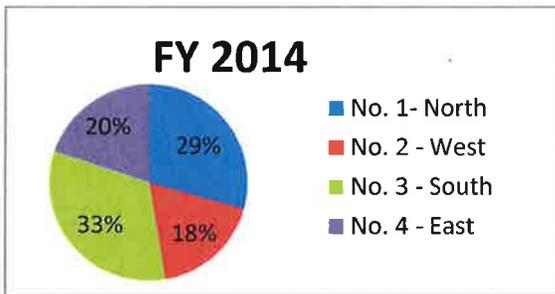
## Summary of Commitment Trends for FY 2015

### Revocation Data

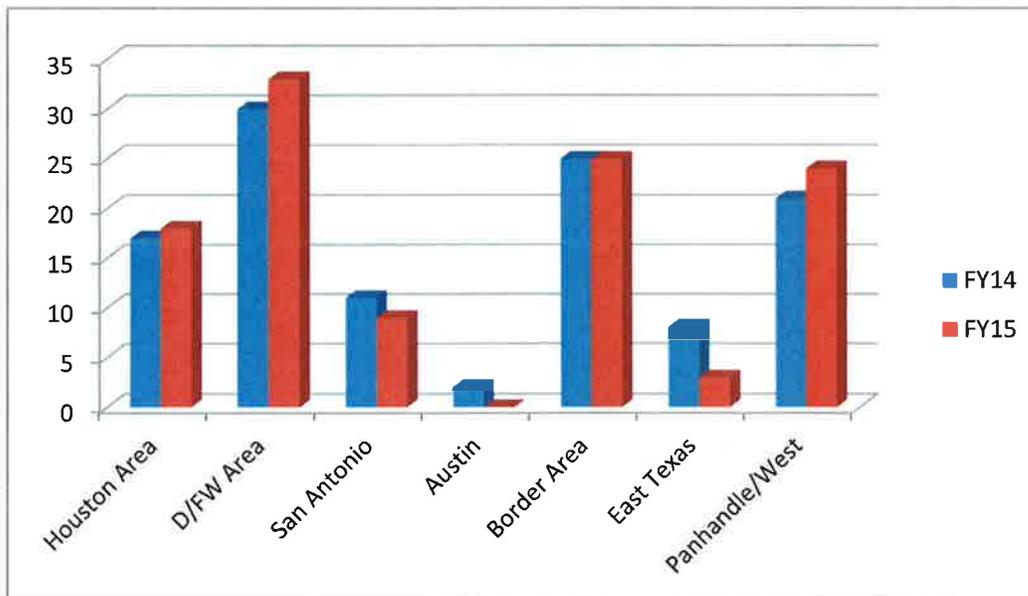
All Counties - FYTD change from FY 2014



### TJJD Regions - FYTD



### Areas of Texas - FYTD Changes

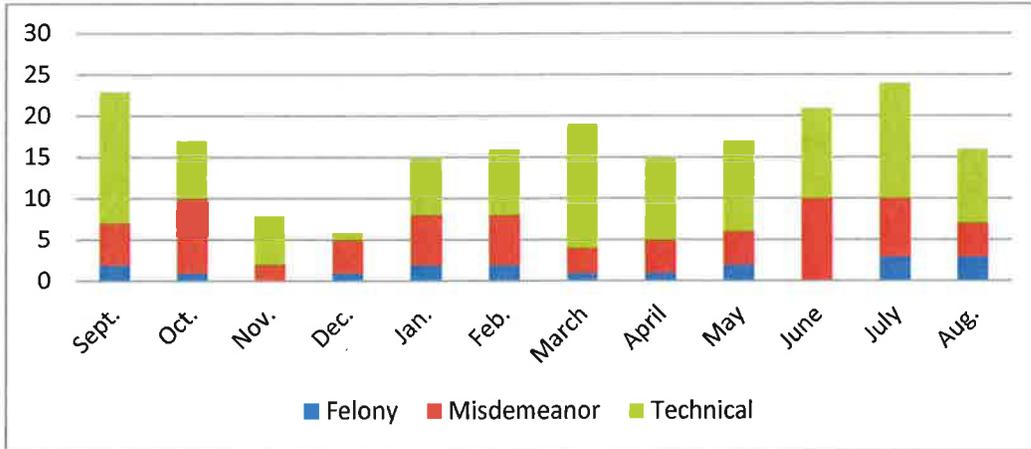


Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.

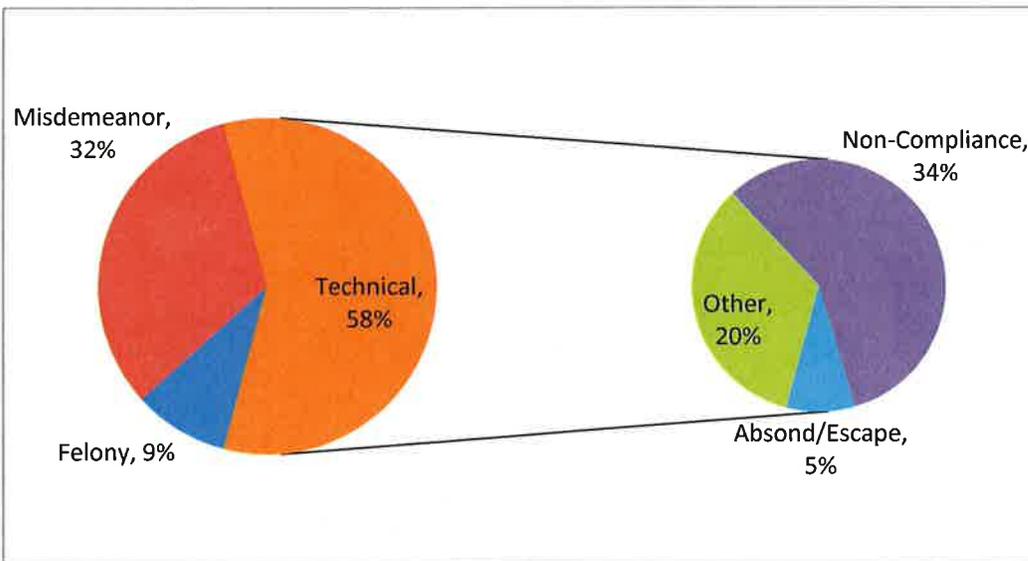
## Summary of Commitment Trends for FY 2015

### Revocation Data, Cont.

Charges Proven in Revocation Hearings - FY 2015



Charges Proven FYTD 2015



| County    | FY14 | FY15 |
|-----------|------|------|
| Anderson  |      |      |
| Andrews   |      | 1    |
| Angelina  |      | 1    |
| Aransas   | 1    |      |
| Archer    |      |      |
| Armstrong |      |      |
| Atascosa  |      |      |
| Austin    |      |      |
| Bailey    |      |      |
| Bandera   |      |      |
| Bastrop   | 4    | 3    |
| Baylor    |      |      |
| Bee       |      |      |
| Bell      | 5    | 9    |
| Bexar     | 8    | 8    |
| Blanco    |      |      |
| Borden    |      |      |
| Bosque    |      | 1    |
| Bowie     | 1    |      |
| Brazoria  | 1    | 2    |
| Brazos    | 2    | 1    |
| Brewster  |      |      |
| Briscoe   |      |      |
| Brooks    | 1    |      |
| Brown     | 1    | 1    |
| Burleson  |      |      |
| Burnet    |      |      |
| Caldwell  | 1    | 1    |
| Calhoun   |      |      |
| Callahan  |      | 1    |
| Cameron   | 3    | 6    |
| Camp      |      |      |
| Carson    |      |      |

| County        | FY14 | FY15 |
|---------------|------|------|
| Cass          |      |      |
| Castro        |      |      |
| Chambers      |      |      |
| Cherokee      |      |      |
| Childress     |      |      |
| Clay          |      |      |
| Cochran       |      |      |
| Coke          |      | 1    |
| Coleman       |      |      |
| Collin        | 1    | 1    |
| Collingsworth |      |      |
| Colorado      |      |      |
| Comal         | 3    | 1    |
| Comanche      | 1    |      |
| Concho        |      |      |
| Cooke         |      |      |
| Coryell       |      |      |
| Cottle        |      |      |
| Crane         |      |      |
| Crockett      |      |      |
| Crosby        |      |      |
| Culberson     |      |      |
| Dallam        |      |      |
| Dallas        | 7    | 15   |
| Dawson        |      |      |
| Deaf Smith    | 1    |      |
| Delta         |      |      |
| Denton        | 1    | 1    |
| DeWitt        | 1    | 1    |
| Dickens       |      |      |
| Dimmit        | 1    | 1    |
| Donley        |      |      |
| Duval         |      |      |

| County    | FY14 | FY15 |
|-----------|------|------|
| Eastland  |      |      |
| Ector     | 8    | 6    |
| Edwards   |      |      |
| Ellis     | 1    |      |
| El Paso   | 7    | 8    |
| Erath     |      |      |
| Falls     |      | 1    |
| Fannin    |      |      |
| Fayette   |      |      |
| Fisher    |      |      |
| Floyd     |      |      |
| Foard     |      |      |
| Fort Bend | 2    | 2    |
| Franklin  |      |      |
| Freestone |      |      |
| Frio      |      |      |
| Gaines    |      |      |
| Galveston | 1    | 3    |
| Garza     |      |      |
| Gillespie |      |      |
| Glasscock |      |      |
| Goliad    |      |      |
| Gonzales  | 1    | 1    |
| Gray      |      | 2    |
| Grayson   | 3    | 1    |
| Gregg     |      |      |
| Grimes    |      |      |
| Guadalupe | 2    |      |
| Hale      |      |      |
| Hall      |      | 1    |
| Hamilton  | 1    |      |
| Hansford  |      |      |
| Hardeman  |      |      |

| County     | FY14 | FY15 |
|------------|------|------|
| Hardin     |      |      |
| Harris     | 17   | 30   |
| Harrison   | 1    |      |
| Hartley    |      |      |
| Haskell    |      |      |
| Hays       |      |      |
| Hemphill   |      |      |
| Henderson  |      |      |
| Hidalgo    | 6    | 3    |
| Hill       |      |      |
| Hockley    |      |      |
| Hood       | 2    | 1    |
| Hopkins    |      |      |
| Houston    |      |      |
| Howard     | 2    | 1    |
| Hudspeth   |      |      |
| Hunt       |      |      |
| Hutchinson |      |      |
| Irion      |      |      |
| Jack       |      |      |
| Jackson    |      |      |
| Jasper     |      |      |
| Jeff Davis |      | 1    |
| Jefferson  | 5    | 1    |
| Jim Hogg   |      |      |
| Jim Wells  |      |      |
| Johnson    |      |      |
| Jones      |      |      |
| Karnes     | 1    |      |
| Kaufman    |      | 1    |
| Kendall    |      |      |
| Kenedy     |      |      |
| Kent       |      |      |



| FY2015<br>Charges  | Sept.     |            | Oct.     |            | Nov.     |            | Dec.     |            | Jan.     |            | Feb.     |            | March     |            | April     |            | May       |            | June      |            | July      |            | Aug.     |            | Total      |            |
|--------------------|-----------|------------|----------|------------|----------|------------|----------|------------|----------|------------|----------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|------------|----------|------------|------------|------------|
|                    | #         | %          | #        | %          | #        | %          | #        | %          | #        | %          | #        | %          | #         | %          | #         | %          | #         | %          | #         | %          | #         | %          | #        | %          | #          | %          |
| <b>Felony</b>      | <b>2</b>  | <b>9%</b>  | <b>1</b> | <b>6%</b>  | <b>0</b> | <b>0%</b>  | <b>1</b> | <b>17%</b> | <b>2</b> | <b>13%</b> | <b>2</b> | <b>13%</b> | <b>1</b>  | <b>5%</b>  | <b>1</b>  | <b>7%</b>  | <b>2</b>  | <b>12%</b> | <b>0</b>  | <b>0%</b>  | <b>3</b>  | <b>13%</b> | <b>3</b> | <b>19%</b> | <b>18</b>  | <b>9%</b>  |
| <b>Misdemeanor</b> | <b>5</b>  | <b>22%</b> | <b>9</b> | <b>53%</b> | <b>2</b> | <b>25%</b> | <b>4</b> | <b>67%</b> | <b>6</b> | <b>40%</b> | <b>6</b> | <b>38%</b> | <b>3</b>  | <b>16%</b> | <b>4</b>  | <b>27%</b> | <b>4</b>  | <b>24%</b> | <b>10</b> | <b>48%</b> | <b>7</b>  | <b>29%</b> | <b>4</b> | <b>25%</b> | <b>64</b>  | <b>32%</b> |
| <b>Technical</b>   | <b>16</b> | <b>70%</b> | <b>7</b> | <b>41%</b> | <b>6</b> | <b>75%</b> | <b>1</b> | <b>17%</b> | <b>7</b> | <b>47%</b> | <b>8</b> | <b>50%</b> | <b>15</b> | <b>79%</b> | <b>10</b> | <b>67%</b> | <b>11</b> | <b>65%</b> | <b>11</b> | <b>52%</b> | <b>14</b> | <b>58%</b> | <b>9</b> | <b>56%</b> | <b>115</b> | <b>58%</b> |
| Non-Compliance     | 4         | 25%        | 4        | 57%        | 4        | 67%        | 0        | 0%         | 4        | 57%        | 0        | 0%         | 6         | 40%        | 4         | 40%        | 3         | 27%        | 5         | 45%        | 3         | 21%        | 2        | 22%        | 39         | 20%        |
| Absond/Escape      | 11        | 69%        | 3        | 43%        | 2        | 33%        | 1        | 100%       | 3        | 43%        | 5        | 63%        | 8         | 53%        | 5         | 50%        | 8         | 73%        | 5         | 45%        | 10        | 71%        | 5        | 56%        | 66         | 34%        |
| Other              | 1         | 6%         | 0        | 0%         | 0        | 0%         | 0        | 0%         | 0        | 0%         | 3        | 38%        | 1         | 7%         | 1         | 10%        | 0         | 0%         | 1         | 9%         | 1         | 7%         | 2        | 22%        | 10         | 5%         |

| TJJD Regions  | FY14 | %   | FY15 | %   | % Change |
|---------------|------|-----|------|-----|----------|
| No. 1 - North | 50   | 29% | 54   | 27% | 8%       |
| No. 2 - West  | 31   | 18% | 43   | 22% | 39%      |
| No. 3 - South | 56   | 33% | 58   | 29% | 4%       |
| No. 4 - East  | 34   | 20% | 42   | 21% | 24%      |

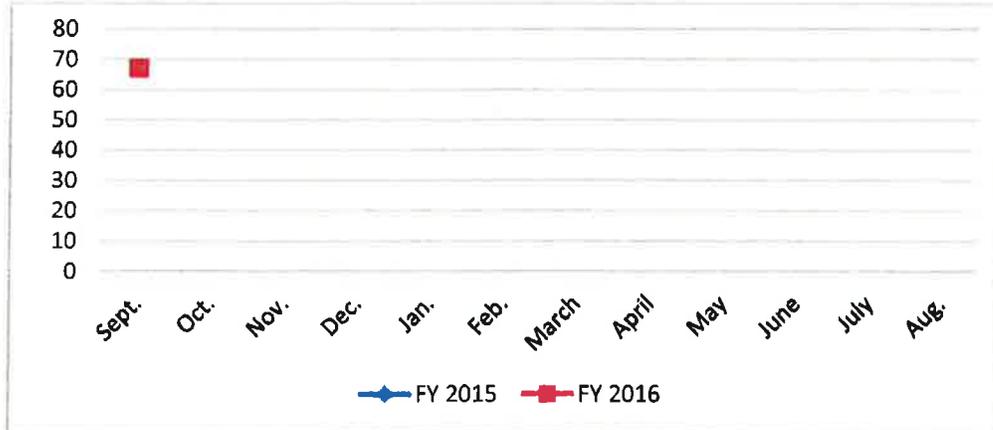
| Texas Areas    | FY14 | FY15 | % Change |
|----------------|------|------|----------|
| Houston Area   | 17   | 18   | 6%       |
| D/FW Area      | 30   | 33   | 10%      |
| San Antonio    | 11   | 9    | -18%     |
| Austin         | 2    | 0    | -100%    |
| Border Area    | 25   | 25   | 0%       |
| East Texas     | 8    | 3    | -63%     |
| Panhandle/West | 21   | 24   | 14%      |

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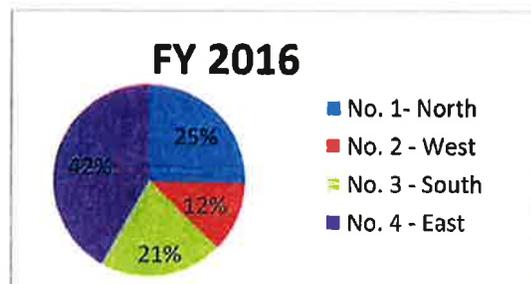
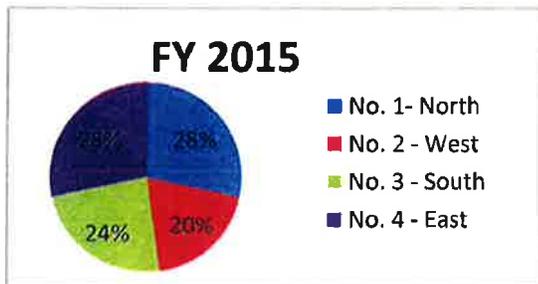
## Summary of Commitment Trends for FY 2016

### New Commitment Data

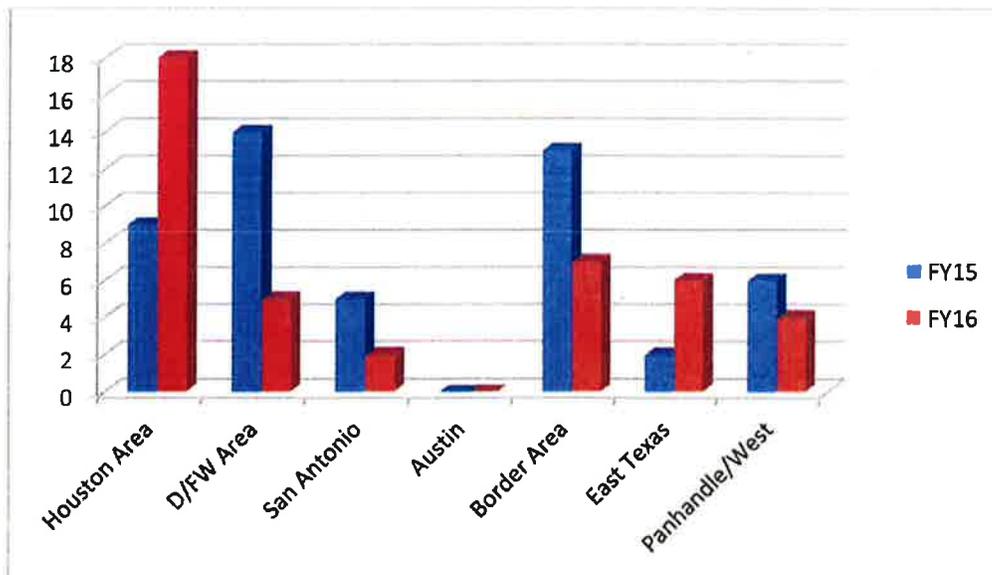
All Counties - FYTD change from FY 2015



### TJJD Regions - FYTD



### Areas of Texas - FYTD Changes



Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.

| County    | FY15 | FY16 |
|-----------|------|------|
| Anderson  | 0    | 0    |
| Andrews   | 0    | 0    |
| Angelina  | 1    | 1    |
| Aransas   | 1    | 0    |
| Archer    | 0    | 0    |
| Armstrong | 0    | 0    |
| Atascosa  | 0    | 0    |
| Austin    | 0    | 0    |
| Bailey    | 0    | 0    |
| Bandera   | 0    | 0    |
| Bastrop   | 0    | 1    |
| Baylor    | 0    | 0    |
| Bee       | 0    | 1    |
| Bell      | 1    | 0    |
| Bexar     | 3    | 2    |
| Blanco    | 0    | 0    |
| Borden    | 0    | 0    |
| Bosque    | 0    | 0    |
| Bowie     | 0    | 2    |
| Brazoria  | 4    | 1    |
| Brazos    | 0    | 0    |
| Brewster  | 0    | 0    |
| Briscoe   | 0    | 0    |
| Brooks    | 0    | 0    |
| Brown     | 0    | 0    |
| Burleson  | 0    | 0    |
| Burnet    | 0    | 0    |
| Caldwell  | 0    | 0    |
| Calhoun   | 0    | 0    |
| Callahan  | 0    | 0    |
| Cameron   | 2    | 3    |
| Camp      | 0    | 0    |
| Carson    | 0    | 0    |

| County        | FY15 | FY16 |
|---------------|------|------|
| Cass          | 0    | 0    |
| Castro        | 0    | 0    |
| Chambers      | 0    | 0    |
| Cherokee      | 0    | 0    |
| Childress     | 0    | 1    |
| Clay          | 0    | 0    |
| Cochran       | 0    | 0    |
| Coke          | 0    | 0    |
| Coleman       | 0    | 0    |
| Collin        | 2    | 1    |
| Collingsworth | 0    | 0    |
| Colorado      | 0    | 0    |
| Comal         | 2    | 0    |
| Comanche      | 0    | 0    |
| Concho        | 0    | 0    |
| Cooke         | 0    | 0    |
| Coryell       | 0    | 0    |
| Cottle        | 0    | 0    |
| Crane         | 0    | 0    |
| Crockett      | 0    | 0    |
| Crosby        | 0    | 0    |
| Culberson     | 0    | 0    |
| Dallam        | 0    | 0    |
| Dallas        | 11   | 3    |
| Dawson        | 0    | 0    |
| Deaf Smith    | 0    | 0    |
| Delta         | 0    | 0    |
| Denton        | 0    | 1    |
| DeWitt        | 0    | 0    |
| Dickens       | 0    | 0    |
| Dimmit        | 0    | 0    |
| Donley        | 0    | 0    |
| Duval         | 0    | 0    |

| County    | FY15 | FY16 |
|-----------|------|------|
| Eastland  | 0    | 0    |
| Ector     | 2    | 2    |
| Edwards   | 0    | 0    |
| Ellis     | 1    | 0    |
| El Paso   | 6    | 0    |
| Erath     | 0    | 0    |
| Falls     | 1    | 0    |
| Fannin    | 0    | 0    |
| Fayette   | 0    | 0    |
| Fisher    | 0    | 0    |
| Floyd     | 0    | 0    |
| Foard     | 0    | 0    |
| Fort Bend | 0    | 2    |
| Franklin  | 0    | 0    |
| Freestone | 0    | 0    |
| Frio      | 0    | 0    |
| Gaines    | 0    | 0    |
| Galveston | 2    | 1    |
| Garza     | 0    | 0    |
| Gillespie | 0    | 0    |
| Glasscock | 0    | 0    |
| Goliad    | 0    | 0    |
| Gonzales  | 0    | 0    |
| Gray      | 1    | 1    |
| Grayson   | 0    | 2    |
| Gregg     | 0    | 2    |
| Grimes    | 0    | 0    |
| Guadalupe | 1    | 0    |
| Hale      | 0    | 1    |
| Hall      | 0    | 0    |
| Hamilton  | 0    | 0    |
| Hansford  | 0    | 0    |
| Hardeman  | 0    | 0    |

| County     | FY15 | FY16 |
|------------|------|------|
| Hardin     | 0    | 0    |
| Harris     | 9    | 18   |
| Harrison   | 0    | 0    |
| Hartley    | 0    | 0    |
| Haskell    | 0    | 0    |
| Hays       | 0    | 0    |
| Hemphill   | 0    | 0    |
| Henderson  | 0    | 0    |
| Hidalgo    | 3    | 1    |
| Hill       | 0    | 1    |
| Hockley    | 0    | 1    |
| Hood       | 0    | 0    |
| Hopkins    | 0    | 0    |
| Houston    | 0    | 0    |
| Howard     | 0    | 0    |
| Hudspeth   | 0    | 0    |
| Hunt       | 0    | 0    |
| Hutchinson | 0    | 0    |
| Irion      | 0    | 0    |
| Jack       | 0    | 0    |
| Jackson    | 0    | 0    |
| Jasper     | 0    | 0    |
| Jeff Davis | 0    | 0    |
| Jefferson  | 0    | 1    |
| Jim Hogg   | 0    | 0    |
| Jim Wells  | 0    | 0    |
| Johnson    | 0    | 0    |
| Jones      | 0    | 0    |
| Karnes     | 0    | 0    |
| Kaufman    | 0    | 0    |
| Kendall    | 0    | 0    |
| Kenedy     | 0    | 0    |
| Kent       | 0    | 0    |

| County    | FY15 | FY16 |
|-----------|------|------|
| Kerr      | 0    | 0    |
| Kimble    | 0    | 0    |
| King      | 0    | 0    |
| Kinney    | 0    | 0    |
| Kleberg   | 0    | 0    |
| Knox      | 0    | 0    |
| Lamar     | 0    | 0    |
| Lamb      | 0    | 0    |
| Lampasas  | 0    | 0    |
| La Salle  | 0    | 0    |
| Lavaca    | 0    | 0    |
| Lee       | 0    | 0    |
| Leon      | 0    | 0    |
| Liberty   | 0    | 0    |
| Limestone | 0    | 0    |
| Lipscomb  | 0    | 0    |
| Live Oak  | 0    | 0    |
| Llano     | 0    | 0    |
| Loving    | 0    | 0    |
| Lubbock   | 1    | 0    |
| Lynn      | 0    | 0    |
| Madison   | 0    | 0    |
| Marion    | 0    | 0    |
| Martin    | 0    | 0    |
| Mason     | 0    | 0    |
| Matagorda | 0    | 0    |
| Maverick  | 0    | 1    |
| McCulloch | 0    | 0    |
| McLennan  | 1    | 2    |
| McMullen  | 0    | 0    |
| Medina    | 0    | 0    |
| Menard    | 0    | 0    |
| Midland   | 2    | 1    |

| County      | FY15 | FY16 |
|-------------|------|------|
| Milam       | 0    | 0    |
| Mills       | 0    | 0    |
| Mitchell    | 0    | 0    |
| Montague    | 0    | 0    |
| Montgomery  | 2    | 5    |
| Moore       | 0    | 0    |
| Morris      | 0    | 0    |
| Motley      | 0    | 0    |
| Nacogdoches | 0    | 0    |
| Navarro     | 0    | 0    |
| Newton      | 0    | 0    |
| Nolan       | 0    | 0    |
| Nueces      | 0    | 1    |
| Ochiltree   | 0    | 0    |
| Oldham      | 0    | 0    |
| Orange      | 1    | 0    |
| Palo Pinto  | 0    | 0    |
| Panola      | 0    | 0    |
| Parker      | 0    | 0    |
| Parmer      | 0    | 0    |
| Pecos       | 0    | 0    |
| Polk        | 0    | 0    |
| Potter      | 0    | 0    |
| Presidio    | 0    | 0    |
| Rains       | 0    | 0    |
| Randall     | 0    | 0    |
| Reagan      | 0    | 0    |
| Real        | 0    | 0    |
| Red River   | 0    | 0    |
| Reeves      | 0    | 0    |
| Refugio     | 0    | 0    |
| Roberts     | 0    | 0    |
| Robertson   | 0    | 1    |

| County        | FY15 | FY16 |
|---------------|------|------|
| Rockwall      | 0    | 0    |
| Runnels       | 0    | 0    |
| Rusk          | 0    | 0    |
| Sabine        | 0    | 0    |
| San Augustine | 0    | 0    |
| San Jacinto   | 0    | 0    |
| San Patricio  | 0    | 0    |
| San Saba      | 0    | 0    |
| Schleicher    | 0    | 0    |
| Scurry        | 0    | 0    |
| Shackelford   | 0    | 0    |
| Shelby        | 0    | 0    |
| Sherman       | 0    | 0    |
| Smith         | 0    | 0    |
| Somervell     | 0    | 0    |
| Starr         | 2    | 2    |
| Stephens      | 0    | 0    |
| Sterling      | 0    | 0    |
| Stonewall     | 0    | 0    |
| Sutton        | 0    | 0    |
| Swisher       | 0    | 0    |
| Tarrant       | 3    | 2    |
| Taylor        | 1    | 1    |
| Terrell       | 0    | 0    |
| Terry         | 0    | 0    |
| Throckmorton  | 0    | 0    |
| Titus         | 0    | 0    |
| Tom Green     | 0    | 0    |
| Travis        | 0    | 0    |
| Trinity       | 0    | 0    |
| Tyler         | 0    | 0    |
| Upshur        | 0    | 0    |
| Upton         | 0    | 0    |

| County          | FY15      | FY16      |
|-----------------|-----------|-----------|
| Uvalde          | 0         | 0         |
| Val Verde       | 0         | 0         |
| Van Zandt       | 0         | 0         |
| Victoria        | 0         | 0         |
| Walker          | 0         | 0         |
| Waller          | 0         | 0         |
| Ward            | 0         | 0         |
| Washington      | 0         | 0         |
| Webb            | 0         | 0         |
| Wharton         | 1         | 0         |
| Wheeler         | 0         | 0         |
| Wichita         | 0         | 0         |
| Wilbarger       | 0         | 0         |
| Willacy         | 0         | 1         |
| Williamson      | 0         | 0         |
| Wilson          | 0         | 0         |
| Winkler         | 0         | 0         |
| Wise            | 0         | 0         |
| Wood            | 0         | 0         |
| Yoakum          | 0         | 0         |
| Young           | 0         | 0         |
| Zapata          | 0         | 0         |
| Zavala          | 0         | 0         |
|                 |           |           |
| <b>Totals</b>   | <b>67</b> | <b>67</b> |
| <b>% Change</b> | <b>0%</b> |           |
|                 |           |           |
|                 |           |           |
|                 |           |           |
|                 |           |           |
|                 |           |           |
|                 |           |           |
|                 |           |           |
|                 |           |           |

| County Total        | Sept. | Oct.    | Nov.    | Dec.    | Jan.    | Feb.    | March   | April   | May     | June    | July    | Aug.    |
|---------------------|-------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| <b>% Change '14</b> | 5%    |         |         |         |         |         |         |         |         |         |         |         |
| <b>% Change '15</b> | 0%    | #DIV/0! |
| <b>FY14</b>         | 64    |         |         |         |         |         |         |         |         |         |         |         |
| <b>FY15</b>         | 67    |         |         |         |         |         |         |         |         |         |         |         |
| <b>FY16</b>         | 67    |         |         |         |         |         |         |         |         |         |         |         |

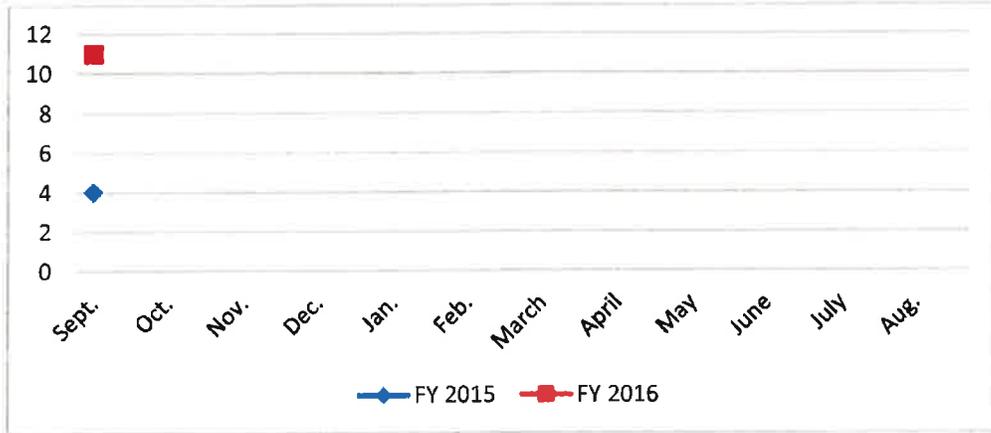
| TJJD Regions  | FY15 | %   | FY16 | %   | % Change |
|---------------|------|-----|------|-----|----------|
| No. 1 - North | 19   | 28% | 17   | 25% | -11%     |
| No. 2 - West  | 13   | 19% | 8    | 12% | -38%     |
| No. 3 - South | 16   | 24% | 14   | 21% | -13%     |
| No. 4 - East  | 19   | 28% | 28   | 42% | 47%      |

| Texas Areas    | FY15 | FY16 | % Change |
|----------------|------|------|----------|
| Houston Area   | 9    | 18   | 100%     |
| D/FW Area      | 14   | 5    | -64%     |
| San Antonio    | 5    | 2    | -60%     |
| Austin         | 0    | 0    | #DIV/0!  |
| Border Area    | 13   | 7    | -46%     |
| East Texas     | 2    | 6    | 200%     |
| Panhandle/West | 6    | 4    | -33%     |

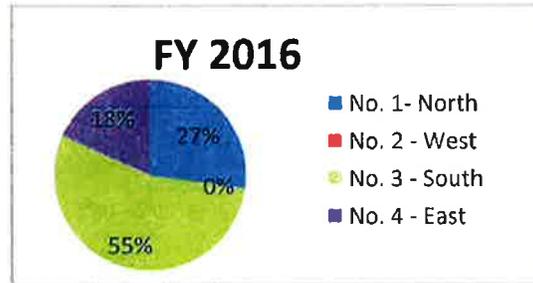
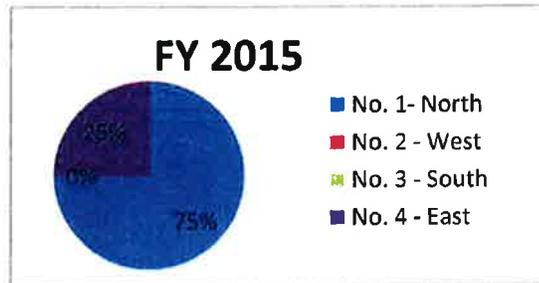
## Summary of Commitment Trends for FY 2016

### Recommitment Data

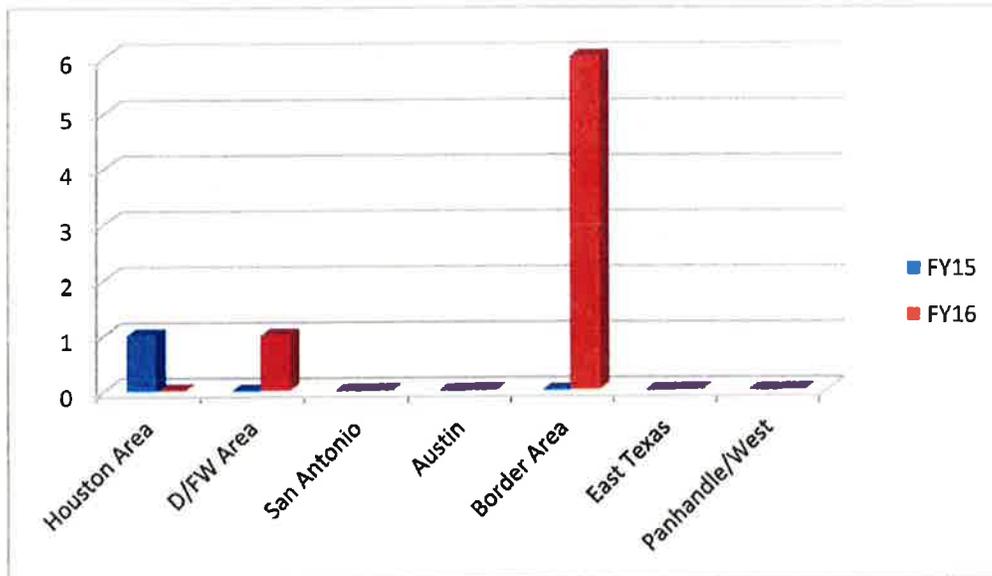
All Counties - FYTD change from FY 2015



### TJJD Regions - FYTD



### Areas of Texas - FYTD Changes



Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.

| County    | FY15 | FY16 |
|-----------|------|------|
| Anderson  |      |      |
| Andrews   |      |      |
| Angelina  |      |      |
| Aransas   |      |      |
| Archer    |      |      |
| Armstrong |      |      |
| Atascosa  |      |      |
| Austin    |      |      |
| Bailey    |      |      |
| Bandera   |      |      |
| Bastrop   |      |      |
| Baylor    |      |      |
| Bee       |      |      |
| Bell      |      |      |
| Bexar     |      |      |
| Blanco    |      |      |
| Borden    |      |      |
| Bosque    |      |      |
| Bowie     |      |      |
| Brazoria  |      |      |
| Brazos    |      |      |
| Brewster  |      |      |
| Briscoe   |      |      |
| Brooks    |      |      |
| Brown     |      |      |
| Burleson  |      |      |
| Burnet    |      |      |
| Caldwell  |      |      |
| Calhoun   |      |      |
| Callahan  |      |      |
| Cameron   |      |      |
| Camp      |      |      |
| Carson    |      |      |

| County        | FY15 | FY16 |
|---------------|------|------|
| Cass          |      |      |
| Castro        |      |      |
| Chambers      |      |      |
| Cherokee      |      |      |
| Childress     |      |      |
| Clay          |      |      |
| Cochran       |      |      |
| Coke          |      |      |
| Coleman       |      |      |
| Collin        |      |      |
| Collingsworth |      |      |
| Colorado      |      |      |
| Comal         |      |      |
| Comanche      |      |      |
| Concho        |      |      |
| Cooke         | 1    |      |
| Coryell       |      |      |
| Cottle        |      |      |
| Crane         |      |      |
| Crockett      |      |      |
| Crosby        |      |      |
| Culberson     |      |      |
| Dallam        |      |      |
| Dallas        |      |      |
| Dawson        |      |      |
| Deaf Smith    |      |      |
| Delta         |      |      |
| Denton        |      |      |
| DeWitt        |      |      |
| Dickens       |      |      |
| Dimmit        |      |      |
| Donley        |      |      |
| Duval         |      |      |

| County    | FY15 | FY16 |
|-----------|------|------|
| Eastland  |      |      |
| Ector     |      |      |
| Edwards   |      |      |
| Ellis     |      |      |
| El Paso   |      |      |
| Erath     |      |      |
| Falls     |      |      |
| Fannin    |      |      |
| Fayette   |      |      |
| Fisher    |      |      |
| Floyd     |      |      |
| Foard     |      |      |
| Fort Bend |      |      |
| Franklin  |      |      |
| Freestone |      |      |
| Frio      |      |      |
| Gaines    |      |      |
| Galveston |      |      |
| Garza     |      |      |
| Gillespie |      |      |
| Glasscock |      |      |
| Goliad    |      |      |
| Gonzales  |      |      |
| Gray      |      |      |
| Grayson   |      |      |
| Gregg     |      |      |
| Grimes    |      |      |
| Guadalupe |      |      |
| Hale      |      |      |
| Hall      |      |      |
| Hamilton  |      |      |
| Hansford  |      |      |
| Hardeman  |      |      |

| County     | FY15 | FY16 |
|------------|------|------|
| Hardin     |      |      |
| Harris     | 1    |      |
| Harrison   |      |      |
| Hartley    |      |      |
| Haskell    |      |      |
| Hays       |      |      |
| Hemphill   |      |      |
| Henderson  |      |      |
| Hidalgo    |      | 6    |
| Hill       |      |      |
| Hockley    |      |      |
| Hood       |      |      |
| Hopkins    |      |      |
| Houston    |      |      |
| Howard     |      |      |
| Hudspeth   |      |      |
| Hunt       |      |      |
| Hutchinson |      |      |
| Irion      |      |      |
| Jack       |      |      |
| Jackson    |      |      |
| Jasper     |      |      |
| Jeff Davis |      |      |
| Jefferson  |      |      |
| Jim Hogg   |      |      |
| Jim Wells  |      |      |
| Johnson    |      |      |
| Jones      |      |      |
| Karnes     |      |      |
| Kaufman    |      |      |
| Kendall    |      |      |
| Kenedy     |      |      |
| Kent       |      |      |



| County Total    | Sept. | Oct.    | Nov.    | Dec.    | Jan.    | Feb.    | March   | April   | May     | June    | July    | Aug. |
|-----------------|-------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|------|
| <b>% Change</b> | 175%  | #DIV/0! | 0    |
| <b>FY15</b>     | 4     |         |         |         |         |         |         |         |         |         |         |      |
| <b>FY16</b>     | 11    |         |         |         |         |         |         |         |         |         |         |      |

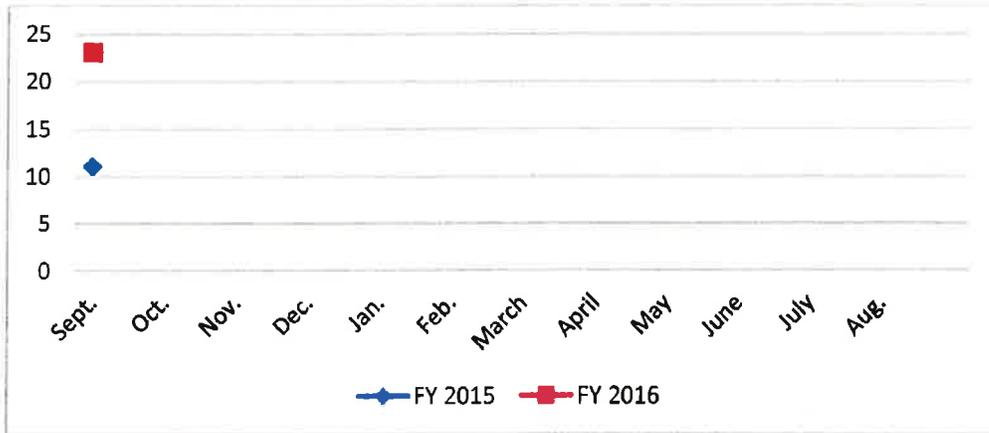
| TJJD Regions  | FY15 | %   | FY16 | %   | % Change |
|---------------|------|-----|------|-----|----------|
| No. 1 - North | 3    | 75% | 3    | 27% | 0%       |
| No. 2 - West  | 0    | 0%  | 0    | 0%  | #DIV/0!  |
| No. 3 - South | 0    | 0%  | 6    | 55% | #DIV/0!  |
| No. 4 - East  | 1    | 25% | 2    | 18% | 100%     |

| Texas Areas    | FY15 | FY16 | % Change |
|----------------|------|------|----------|
| Houston Area   | 1    | 0    | -100%    |
| D/FW Area      | 0    | 1    | #DIV/0!  |
| San Antonio    | 0    | 0    | #DIV/0!  |
| Austin         | 0    | 0    | #DIV/0!  |
| Border Area    | 0    | 6    | #DIV/0!  |
| East Texas     | 0    | 0    | #DIV/0!  |
| Panhandle/West | 0    | 0    | #DIV/0!  |

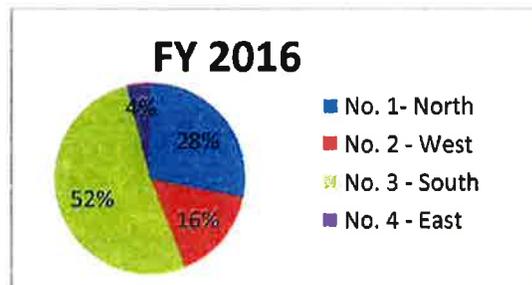
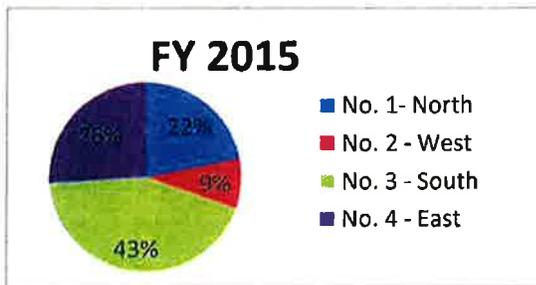
## Summary of Commitment Trends for FY 2016

### Revocation Data

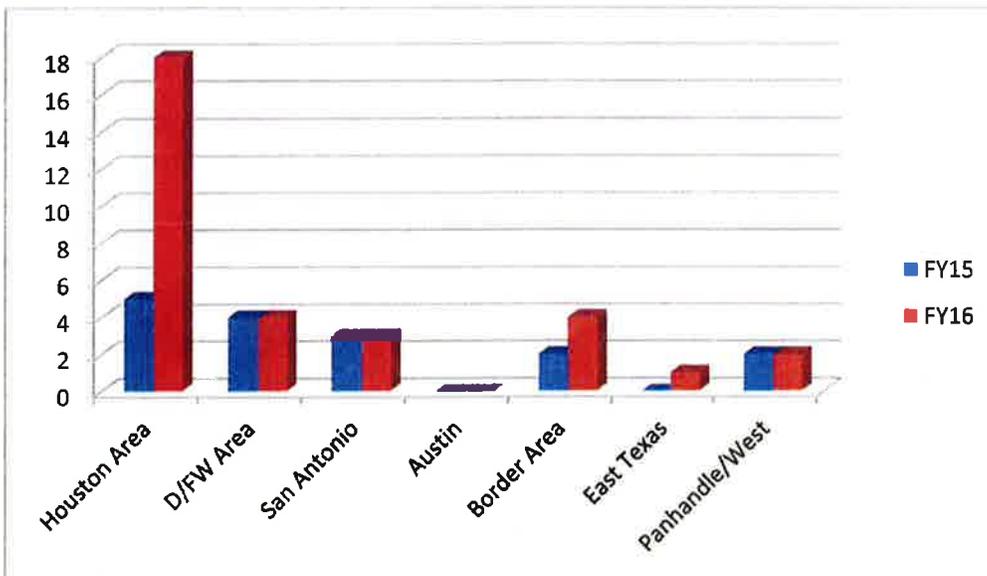
All Counties - FYTD change from FY 2015



### TJJD Regions - FYTD



### Areas of Texas - FYTD Changes

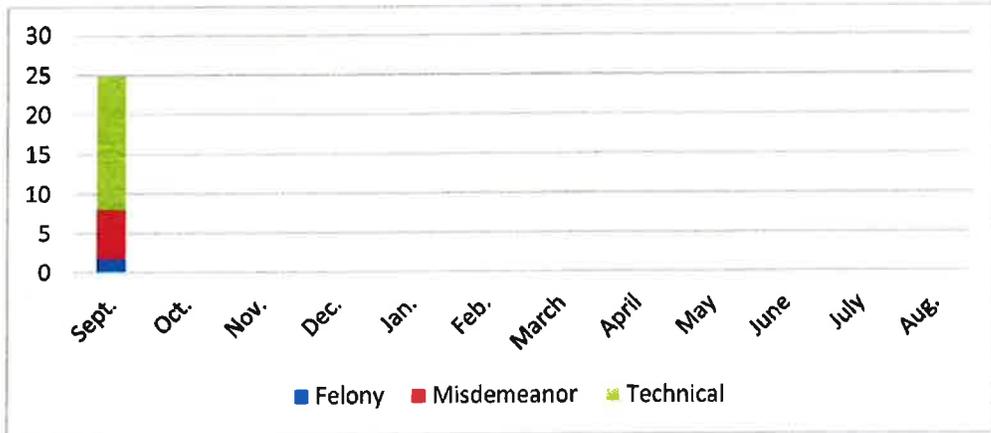


*Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.*

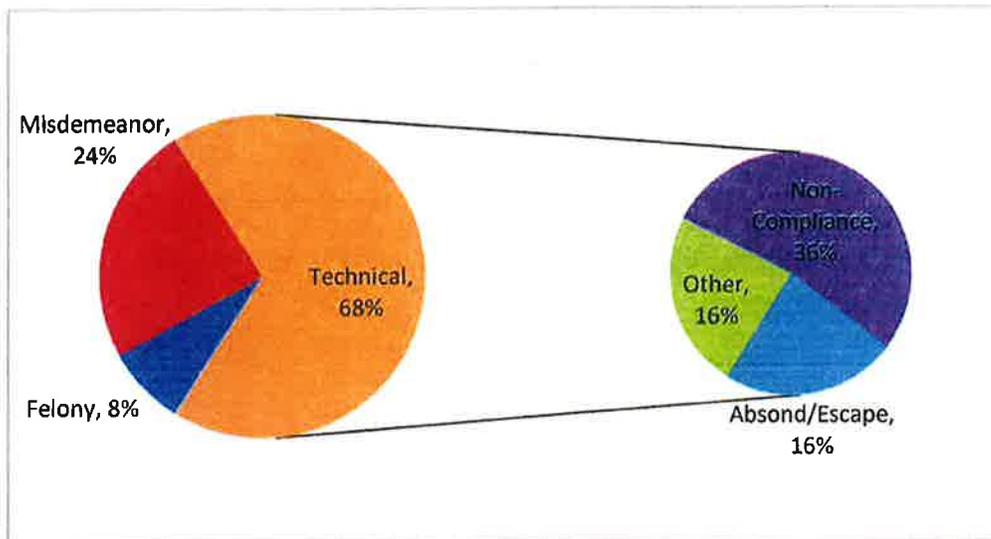
## Summary of Commitment Trends for FY 2016

### Revocation Data, Cont.

#### Charges Proven in Revocation Hearings - FY 2016



#### Charges Proven FYTD 2016



| County    | FY15 | FY16 |
|-----------|------|------|
| Anderson  |      |      |
| Andrews   |      |      |
| Angelina  |      |      |
| Aransas   |      |      |
| Archer    |      |      |
| Armstrong |      |      |
| Atascosa  |      |      |
| Austin    |      |      |
| Bailey    |      |      |
| Bandera   |      |      |
| Bastrop   | 1    |      |
| Baylor    |      |      |
| Bee       |      |      |
| Bell      | 3    | 3    |
| Bexar     | 3    | 3    |
| Blanco    |      |      |
| Borden    |      |      |
| Bosque    |      |      |
| Bowie     |      |      |
| Brazoria  |      |      |
| Brazos    |      |      |
| Brewster  |      |      |
| Briscoe   |      |      |
| Brooks    |      |      |
| Brown     |      | 1    |
| Burleson  |      |      |
| Burnet    |      |      |
| Caldwell  |      |      |
| Calhoun   |      |      |
| Callahan  |      |      |
| Cameron   |      | 1    |
| Camp      |      |      |
| Carson    |      |      |
| County    | FY15 | FY16 |
| Kerr      |      | 2    |

| County        | FY15 | FY16 |
|---------------|------|------|
| Cass          |      |      |
| Castro        |      |      |
| Chambers      |      |      |
| Cherokee      |      |      |
| Childress     |      |      |
| Clay          |      |      |
| Cochran       |      |      |
| Coke          |      |      |
| Coleman       |      |      |
| Collin        |      |      |
| Collingsworth |      |      |
| Colorado      |      |      |
| Comal         |      |      |
| Comanche      |      |      |
| Concho        |      |      |
| Cooke         |      |      |
| Coryell       |      |      |
| Cottle        |      |      |
| Crane         |      |      |
| Crockett      |      |      |
| Crosby        |      |      |
| Culberson     |      |      |
| Dallam        |      |      |
| Dallas        | 1    |      |
| Dawson        |      |      |
| Deaf Smith    |      |      |
| Delta         |      |      |
| Denton        |      |      |
| DeWitt        |      |      |
| Dickens       |      |      |
| Dimmit        |      |      |
| Donley        |      |      |
| Duval         |      |      |
| County        | FY15 | FY16 |
| Milam         | 1    |      |

| County    | FY15 | FY16 |
|-----------|------|------|
| Eastland  |      |      |
| Ector     |      | 1    |
| Edwards   |      |      |
| Ellis     |      |      |
| El Paso   |      | 1    |
| Erath     |      |      |
| Falls     |      |      |
| Fannin    |      |      |
| Fayette   |      |      |
| Fisher    |      |      |
| Floyd     |      |      |
| Foard     |      |      |
| Fort Bend |      |      |
| Franklin  |      |      |
| Freestone |      |      |
| Frio      |      |      |
| Gaines    |      |      |
| Galveston | 1    |      |
| Garza     |      |      |
| Gillespie |      |      |
| Glasscock |      |      |
| Goliad    |      |      |
| Gonzales  |      |      |
| Gray      |      |      |
| Grayson   | 1    | 1    |
| Gregg     |      |      |
| Grimes    |      |      |
| Guadalupe |      |      |
| Hale      |      |      |
| Hall      |      |      |
| Hamilton  |      |      |
| Hansford  |      |      |
| Hardeman  |      |      |
| County    | FY15 | FY16 |
| Rockwall  |      |      |

| County     | FY15 | FY16 |
|------------|------|------|
| Hardin     |      |      |
| Harris     | 5    |      |
| Harrison   |      |      |
| Hartley    |      |      |
| Haskell    |      |      |
| Hays       |      |      |
| Hemphill   |      |      |
| Henderson  |      |      |
| Hidalgo    | 1    |      |
| Hill       |      |      |
| Hockley    |      |      |
| Hood       |      |      |
| Hopkins    |      |      |
| Houston    |      |      |
| Howard     |      | 1    |
| Hudspeth   |      |      |
| Hunt       |      | 1    |
| Hutchinson |      |      |
| Irion      |      |      |
| Jack       |      |      |
| Jackson    |      |      |
| Jasper     |      |      |
| Jeff Davis |      |      |
| Jefferson  |      |      |
| Jim Hogg   |      |      |
| Jim Wells  |      |      |
| Johnson    |      |      |
| Jones      |      |      |
| Karnes     |      | 1    |
| Kaufman    |      |      |
| Kendall    |      |      |
| Kenedy     |      |      |
| Kent       |      |      |
| County     | FY15 | FY16 |
| Uvalde     |      |      |



|                      |    |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
|----------------------|----|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| <b>FY15 - Total</b>  | 14 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>FY16 - Rvkd</b>   | 23 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>FY16 - No Rvk</b> | 3  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |
| <b>FY16 - Total</b>  | 26 |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |  |

| FY2016<br>Charges  | Sept. |     | Oct. |       | Nov. |       | Dec. |       | Jan. |       | Feb. |       | March |       | April |       | May |       | June |       | July |         | Aug. |   | Total |    |     |
|--------------------|-------|-----|------|-------|------|-------|------|-------|------|-------|------|-------|-------|-------|-------|-------|-----|-------|------|-------|------|---------|------|---|-------|----|-----|
|                    | #     | %   | #    | %     | #    | %     | #    | %     | #    | %     | #    | %     | #     | %     | #     | %     | #   | %     | #    | %     | #    | %       | #    | % | #     | %  |     |
| <b>Felony</b>      | 2     | 9%  |      | ###   |      | ###   |      | ###   |      | ###   |      | ###   |       | ###   |       | ###   |     | ###   |      | ###   |      | #DIV/0! |      |   |       | 2  | 8%  |
| <b>Misdemeanor</b> | 6     | 26% |      | ###   |      | ###   |      | ###   |      | ###   |      | ###   |       | ###   |       | ###   |     | ###   |      | ###   |      | #DIV/0! |      |   |       | 6  | 24% |
| <b>Technical</b>   | 17    | 74% |      | ###   |      | ###   |      | ###   |      | ###   |      | ###   |       | ###   |       | ###   |     | ###   |      | ###   |      | #DIV/0! |      |   |       | 17 | 68% |
| Non-Compliance     | 4     | 24% |      | ##### |      | ##### |      | ##### |      | ##### |      | ##### |       | ##### |       | ##### |     | ##### |      | ##### |      | #DIV/0! |      |   |       | 4  | 16% |
| Absond/Escape      | 9     | 53% |      | ##### |      | ##### |      | ##### |      | ##### |      | ##### |       | ##### |       | ##### |     | ##### |      | ##### |      | #DIV/0! |      |   |       | 9  | 36% |
| Other              | 4     | 24% |      | ##### |      | ##### |      | ##### |      | ##### |      | ##### |       | ##### |       | ##### |     | ##### |      | ##### |      | #DIV/0! |      |   |       | 4  | 16% |

| TJJD Regions  | FY15 | %   | FY16 | %   | % Change |
|---------------|------|-----|------|-----|----------|
| No. 1 - North | 5    | 22% | 7    | 28% | 40%      |
| No. 2 - West  | 2    | 9%  | 4    | 16% | 100%     |
| No. 3 - South | 10   | 43% | 13   | 52% | 30%      |
| No. 4 - East  | 6    | 26% | 1    | 4%  | -83%     |

| Texas Areas    | FY15 | FY16 | % Change |
|----------------|------|------|----------|
| Houston Area   | 5    | 18   | 260%     |
| D/FW Area      | 4    | 4    | 0%       |
| San Antonio    | 3    | 3    | 0%       |
| Austin         | 0    | 0    | #DIV/0!  |
| Border Area    | 2    | 4    | 100%     |
| East Texas     | 0    | 1    | #DIV/0!  |
| Panhandle/West | 2    | 2    | 0%       |

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## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director  
 Mike Meyer, Chief Financial Officer

Subject: Updates from the Chief Financial Officer

Date: October 19, 2015

**FY15 Expenditures.** The August, 2015, financial report is included in the Board packet. Highlights from the report appear on the summary page and will be discussed at the meeting of the Finance and Audit Committee.

**Contract Care Expenditures.** The Board requested regular updates on expenditures related to contract residential placements, compared to budgeted funds and contract not-to-exceed amounts. For future meetings that information will be presented in the format shown below. As of the writing of this memo, no payments had yet been made in FY2016 due to lagged billing, but updates will be provided as they are available.

| <b>Total Placement Budget</b>                   | <b>\$6,032,396</b>  |             |
|---|---------------------|-------------|
| Provider  | NTE*                | Expended    |
| G4S – The Oaks at Brownwood – Secure            | \$3,179,004         | \$ -        |
| Cornerstone (Garza County) – Secure             | \$2,685,816         | \$ -        |
| Associated Marine Institute Kids (AMIKids)      | \$1,009,225         | \$ -        |
| Byrd’s Foster Group Home                        | \$631,596           | \$ -        |
| Gulf Coast Trades Center                        | \$1,832,008         | \$ -        |
| National Mentor Healthcare, dba Texas Mentor    | \$183,559           | \$ -        |
| Pegasus Schools, Inc.                           | \$2,759,400         | \$ -        |
| Specialized Alternatives for Families and Youth | \$252,945           | \$ -        |
| <b>TOTALs</b>                                   | <b>\$12,533,553</b> | <b>\$ -</b> |

\*Approved contract Not-to-Exceed amounts

## **Business Operations and Contracts**

The lease agreement for the agency's headquarters building in Austin has been finalized. Although the value of that contract is just over \$1 million, it was negotiated and awarded by the Texas Facilities Commission, with TJJJ as tenant, and therefore did not come before the Board. The amount of the contract is slightly less than original projections.

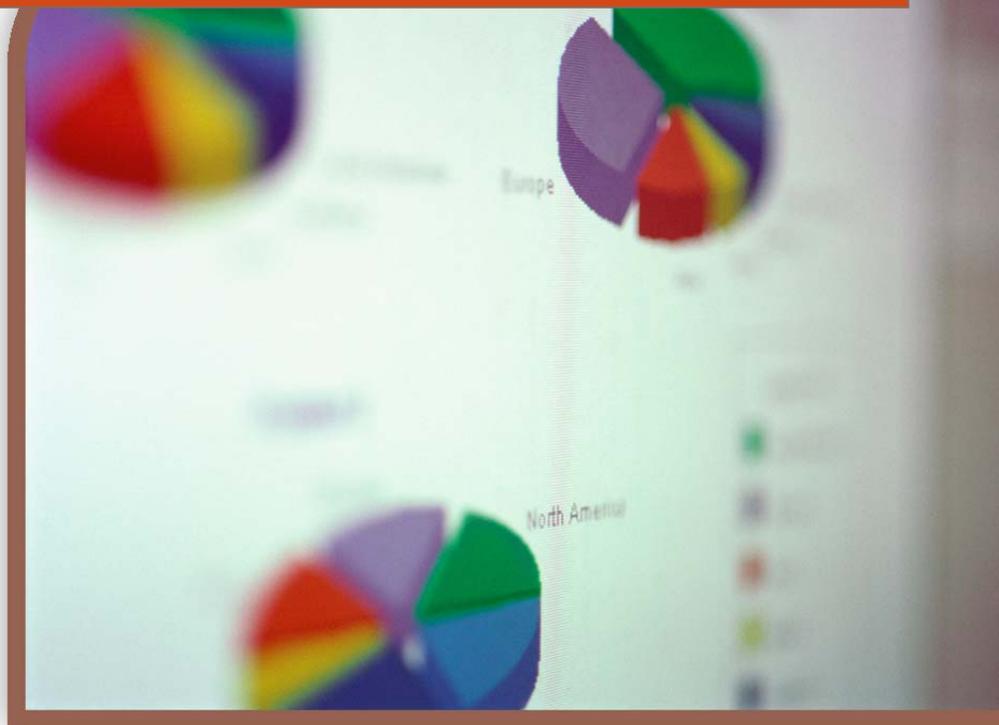
A draft version of TJJJ's annual HUB report is attached; the final report will become available in mid-November.

In compliance with Senate Bill 20 from last session, copies of active contracts and TJJJ's Contracts Handbook have been posted to the agency's website. The attached table describes other provisions of the bill and TJJJ's actions to ensure compliance. Board members are requested to sign a conflict of interest letter which will be provided in hard copy form at the November meeting. The letter describes statutory requirements related to conflicts of interest, certifies that conflicts of interest have been and will be disclosed, and certifies that Board members have no financial interest in private vendors with whom the agency has contracted.

## **SB 1630 Provisions Affecting General Probation Funding**

In addition to requiring a regionalization plan, Senate Bill 1630 included several provisions related to general probation funding. In particular, the bill requires TJJJ to define "Basic Probation," to redesign the funding formula in line with the new formula, and to establish "discretionary funding protocols" for dollars not subject to the revised formula. The attached memo was distributed to probation departments, describing this initiative and soliciting feedback on its first phase. Results from the survey mentioned were being compiled at the time of writing of this memo, for discussion with the Advisory Council on October 21<sup>st</sup>. Additional updates will be provided at the meeting of the Finance and Audit Committee as they are available.

# Texas Juvenile Justice Department Financial Report FY 2015 through August 2015





# Texas Juvenile Justice Department

## TJJD Budget Status Highlights FY 2015 through August 31, 2015

- ◆ **Population:** As of the end of August 2015, TJJD's institutional Average Daily Population (ADP) was as follows:

|                   | GAA*<br>Target | Close of Business, 8.31.2015 |                 |               | Fiscal Year-to-Date |                 |                |
|-------------------|----------------|------------------------------|-----------------|---------------|---------------------|-----------------|----------------|
|                   |                | Actual                       | Over<br>(Under) | Percent       | Actual              | Over<br>(Under) | Percent        |
| Secure Facilities | 1,045          | 1,045                        | (0)             | (0.0%)        | 1,023               | (22)            | (2.1%)         |
| Halfway Houses    | 196            | 145                          | (51)            | (26.0%)       | 135                 | (61)            | (31.1%)        |
| Contract Care     | 78             | 116                          | 38              | 48.7%         | 96                  | 18              | 23.1%          |
| <b>Total</b>      | <b>1,319</b>   | <b>1,306</b>                 | <b>(13)</b>     | <b>(1.0%)</b> | <b>1,254</b>        | <b>(65)</b>     | <b>(49.3%)</b> |

These figures present a year-to-date total residential population that is below projections, and a current total that is below projections by a lesser margin. This is reflective of an increase in residential population in the second half of the year. These figures indicate limited remaining capacity in state facilities. With regard to halfway houses and contract care, the figures above show a greater use of contract beds than originally projected, and a lesser use of halfway house beds, though the use of halfway house beds has recently increased.

- ◆ **Agency Expenditures:** TJJD expenditures through the end of August totaled \$307.4 million, including \$288.6 million in General Revenue. The following table shows how year-to-date expenditures compare to the agency's amended budget.

| Expenditures as a Percentage of Amended Budget | All Goals | Goals B-E |
|--|-----------|-----------|
| General Revenue Only                           | 96.3%     | 95.7%     |
| All Methods of Finance                         | 92.1%     | 88.1%     |

Through the end of August, General Revenue expenditures are within 5% of the amended budget. Due to lag of receiving and paying invoices for goods and services received throughout the month of August, additional expenditures will be recorded driving up the percent of funds spent. However, these expenditures will stay well within the amended budget. The agency has the ability to move forward unspent federal funds to utilized in FY 2016. Staff is currently working on finalizing the amount available to move forward and will report this to the board in following meetings.

- ◆ **FTEs and Overtime:** TJJD's appropriated and budgeted full-time equivalent (FTE) caps are 2,855.1 and 2,831.1, respectively. Actual FTEs as August 31st were 2,489.91 which is 365.19 below the GAA\* cap and 341.19 below the budgeted FTE cap. The agency expended \$3.8 million in overtime through the end of August, or 142.0 percent of the current budget for this purpose. Juvenile Correctional Officers accounted for 91.6 percent of overtime spent.
- ◆ **Construction Projects:** All appropriations from repair and rehabilitation funding provided by the 81<sup>st</sup> Legislature has been allocated to projects. TJJD staff is concluding negotiations for architecture and engineering services for \$5.5 million in new projects funded by the 83<sup>rd</sup> Legislature.

\* General Appropriations Act

ADP Report as of August 31, 2015

| Facility                         | Actual       |              |              |              |              |              |              |              |              |              |              |              |
|----------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
|                                  | SEP          | OCT          | NOV          | DEC          | JAN          | FEB          | MAR          | APR          | MAY          | JUN          | JUL          | AUG          |
| Corsicana State Home             |              |              |              |              |              |              |              |              |              |              |              |              |
| Evins Regional Center            | 132          | 131          | 129          | 130          | 132          | 130          | 126          | 125          | 130          | 129          | 136          | 136          |
| Gainesville State School         | 255          | 244          | 246          | 243          | 244          | 244          | 234          | 229          | 227          | 236          | 241          | 248          |
| Giddings State School            | 209          | 211          | 213          | 209          | 204          | 200          | 199          | 205          | 196          | 197          | 201          | 200          |
| McLennan County SJCF             | 256          | 262          | 250          | 253          | 248          | 239          | 245          | 249          | 256          | 273          | 269          | 271          |
| Ron Jackson Unit I               | 173          | 186          | 195          | 182          | 169          | 188          | 196          | 206          | 212          | 206          | 197          | 190          |
| Total, Institutions              | 1,025        | 1,034        | 1,033        | 1,018        | 997          | 1,000        | 1,000        | 1,014        | 1,021        | 1,041        | 1,044        | 1,045        |
| Halfway Houses                   | 120          | 123          | 132          | 123          | 116          | 118          | 134          | 140          | 146          | 152          | 157          | 145          |
| Total, TJJJD Operated Facilities | 1,145        | 1,157        | 1,165        | 1,141        | 1,113        | 1,118        | 1,134        | 1,154        | 1,167        | 1,193        | 1,201        | 1,190        |
| Contract Care ADP                | 94           | 95           | 97           | 97           | 93           | 92           | 94           | 93           | 90           | 92           | 102          | 116          |
| <b>TOTAL BUDGETED ADP</b>        | <b>1,239</b> | <b>1,253</b> | <b>1,262</b> | <b>1,238</b> | <b>1,206</b> | <b>1,210</b> | <b>1,228</b> | <b>1,247</b> | <b>1,257</b> | <b>1,285</b> | <b>1,303</b> | <b>1,306</b> |
| <b>GAA Population Targets</b>    | <b>1,319</b> |
| Over (Under)                     | <b>-80</b>   | <b>-66</b>   | <b>-57</b>   | <b>-81</b>   | <b>-113</b>  | <b>-109</b>  | <b>-91</b>   | <b>-72</b>   | <b>-62</b>   | <b>-34</b>   | <b>-16</b>   | <b>-13</b>   |
| <b>Parole Services ADP</b>       | <b>472</b>   | <b>458</b>   | <b>451</b>   | <b>453</b>   | <b>457</b>   | <b>459</b>   | <b>436</b>   | <b>419</b>   | <b>399</b>   | <b>397</b>   | <b>389</b>   | <b>377</b>   |
| <b>GAA Population Targets</b>    | <b>581</b>   |
| Over (Under)                     | <b>-109</b>  | <b>-123</b>  | <b>-130</b>  | <b>-128</b>  | <b>-124</b>  | <b>-122</b>  | <b>-145</b>  | <b>-162</b>  | <b>-182</b>  | <b>-184</b>  | <b>-192</b>  | <b>-204</b>  |

Executive Summary of Expenditures  
as of August 31, 2015

|                                  |                                      | General<br>Appropriations<br>Act | Amended<br>Budget    | Expended/<br>Disbursed <sup>2</sup><br>YTD | %<br>Expended |
|----------------------------------|--------------------------------------|----------------------------------|----------------------|--|---------------|
| <b><u>Strategies:</u></b>        |                                      |                                  |                      |  |               |
| A.1.1                            | Prevention and Intervention          | 3,092,556                        | 3,032,422            | 2,776,805                                  | 91.6%         |
| A.1.2                            | Basic Supervision                    | 45,844,595                       | 46,274,609           | 46,237,044                                 | 99.9%         |
| A.1.3                            | Community Programs                   | 13,096,891                       | 12,843,805           | 8,727,663                                  | 68.0%         |
| A.1.4                            | Pre and Post Adjudication Facilities | 59,733,847                       | 59,645,447           | 59,386,943                                 | 99.6%         |
| A.1.5                            | Commitment Diversion Programs        | 19,846,054                       | 19,803,262           | 19,792,845                                 | 99.9%         |
| A.1.6                            | JJAEP                                | 8,614,302                        | 8,614,302            | 6,201,098                                  | 72.0%         |
| A.1.7                            | Mental Health Services               | 12,804,748                       | 12,863,765           | 7,735,709                                  | 60.1%         |
| B.1.1                            | Assessment & Orientation             | 1,804,161                        | 1,934,426            | 1,895,065                                  | 98.0%         |
| B.1.2                            | Facility Operations                  | 76,665,848                       | 79,271,751           | 77,344,827                                 | 97.6%         |
| B.1.3                            | Education                            | 16,953,047                       | 16,365,186           | 14,367,956                                 | 87.8%         |
| B.1.4                            | Halfway House Operations             | 9,423,608                        | 9,992,475            | 9,274,723                                  | 92.8%         |
| B.1.5                            | Health Care                          | 9,645,738                        | 9,027,444            | 8,150,730                                  | 90.3%         |
| B.1.6                            | Mental Health (Psychiatric) Care     | 989,150                          | 917,136              | 813,692                                    | 88.7%         |
| B.1.7                            | General Rehabilitation Treatment     | 6,802,468                        | 8,309,287            | 8,049,279                                  | 96.9%         |
| B.1.8                            | Specialized Rehabilitation Treatment | 5,724,350                        | 5,165,873            | 4,858,141                                  | 94.0%         |
| B.1.9                            | Contract Capacity                    | 4,039,750                        | 4,517,235            | 3,959,569                                  | 87.7%         |
| B.1.10                           | Parole Services                      | 3,889,053                        | 4,070,851            | 3,715,955                                  | 91.3%         |
| B.2.1                            | Office of the Inspector General      | 2,022,196                        | 6,342,397            | 5,917,803                                  | 93.3%         |
| B.2.2                            | Health Care Oversight                | 1,124,604                        | 1,021,861            | 870,607                                    | 85.2%         |
| B.3.1                            | Construct & Renovate Facilities      | -                                | 5,500,000            | 23,476                                     | 0.4%          |
| C.1.1                            | Office of the Independent Ombudsman  | 438,831                          | 540,714              | 485,149                                    | 89.7%         |
| D.1.1                            | Training and Certification           | 963,585                          | 1,462,724            | 1,367,071                                  | 93.5%         |
| D.1.2                            | Monitoring and Inspections           | 3,335,906                        | 3,336,697            | 3,280,485                                  | 98.3%         |
| D.1.3                            | Interstate Agreement                 | 283,998                          | 221,490              | 210,522                                    | 95.0%         |
| E.1.1                            | Central Administration               | 6,735,362                        | 6,899,178            | 6,543,737                                  | 94.8%         |
| E.1.2                            | Information Resources                | 5,429,686                        | 5,929,318            | 5,436,976                                  | 91.7%         |
| <b>TOTAL - Strategy Budget</b>   |                                      | <b>\$319,304,334</b>             | <b>\$333,903,654</b> | <b>\$307,423,870</b>                       | <b>92.1%</b>  |
| <b><u>Method of Finance:</u></b> |                                      |                                  |                      |  |               |
|                                  | General Revenue                      | 290,632,958                      | 299,735,579          | 288,581,756                                | 96.3%         |
|                                  | Federal Funds                        | 13,196,661                       | 13,446,204           | 7,500,714                                  | 55.8%         |
|                                  | Criminal Justice Grants              | -                                | 77,489               | 53,510                                     | 69.1%         |
|                                  | General Obligation Bonds             | -                                | 5,500,000            | 23,476                                     | 0.4%          |
|                                  | Appropriated Receipts                | 1,628,913                        | 1,453,580            | 44,230                                     | 3.0%          |
|                                  | Interagency Contracts                | 13,845,802                       | 13,690,802           | 11,220,186                                 | 82.0%         |
| <b>TOTAL - Method of Finance</b> |                                      | <b>\$319,304,334</b>             | <b>\$333,903,654</b> | <b>\$307,423,870</b>                       | <b>92.1%</b>  |

**Notes:**

1. The normal range is +/- 5% of the straight-line projection of 100% for August.
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas  $\geq$  (greater than or equal to) 105%.

Executive Summary of Expenditures  
as of August 31, 2015

|  | General<br>Appropriation<br>Act | Amended<br>Budget | Expended/<br>Disbursed/<br>YTD | %<br>Expended |
|--|---------------------------------|-------------------|--------------------------------|---------------|
| <b><u>Strategies:</u></b>                          |                                 |                   |                                |               |
| <b>A.1.1. Prevention and Intervention</b>          |                                 |                   |                                |               |
| General Revenue                                    | 3,092,556                       | 3,032,422         | 2,776,805                      |               |
| <b>Subtotal</b>                                    | <b>3,092,556</b>                | <b>3,032,422</b>  | <b>2,776,805</b>               | 91.6%         |
| <b>A.1.2. Basic Supervision</b>                    |                                 |                   |                                |               |
| General Revenue                                    | 44,694,595                      | 45,124,609        | 46,237,044                     |               |
| Appropriated Receipts                              | 1,150,000                       | 1,150,000         | -                              |               |
| <b>Subtotal</b>                                    | <b>45,844,595</b>               | <b>46,274,609</b> | <b>46,237,044</b>              | 99.9%         |
| <b>A.1.3. Community Programs</b>                   |                                 |                   |                                |               |
| General Revenue                                    | 6,096,891                       | 5,943,891         | 5,937,209                      |               |
| Federal Funds                                      | 7,000,000                       | 6,899,914         | 2,790,454                      |               |
| <b>Subtotal</b>                                    | <b>13,096,891</b>               | <b>12,843,805</b> | <b>8,727,663</b>               | 68.0%         |
| <b>A.1.4. Pre and Post Adjudication Facilities</b> |                                 |                   |                                |               |
| General Revenue                                    | 59,733,847                      | 59,645,447        | 59,386,943                     |               |
| <b>Subtotal</b>                                    | <b>59,733,847</b>               | <b>59,645,447</b> | <b>59,386,943</b>              | 99.6%         |
| <b>A.1.5. Commitment Diversion Initiatives</b>     |                                 |                   |                                |               |
| General Revenue                                    | 19,846,054                      | 19,803,262        | 19,792,845                     |               |
| <b>Subtotal</b>                                    | <b>19,846,054</b>               | <b>19,803,262</b> | <b>19,792,845</b>              | 99.9%         |
| <b>A.1.6. JJAEP</b>                                |                                 |                   |                                |               |
| Interagency Contracts                              | 8,614,302                       | 8,614,302         | 6,201,098                      |               |
| <b>Subtotal</b>                                    | <b>8,614,302</b>                | <b>8,614,302</b>  | <b>6,201,098</b>               | 72.0%         |
| <b>A.1.7. Mental Health Services</b>               |                                 |                   |                                |               |
| General Revenue                                    | 12,804,748                      | 12,863,765        | 7,735,709                      |               |
| <b>Subtotal</b>                                    | <b>12,804,748</b>               | <b>12,863,765</b> | <b>7,735,709</b>               | 60.1%         |
| <b>B.1.1. Assessment, Orientation, Placement</b>   |                                 |                   |                                |               |
| General Revenue                                    | 1,804,161                       | 1,934,426         | 1,895,065                      |               |
| <b>Subtotal</b>                                    | <b>1,804,161</b>                | <b>1,934,426</b>  | <b>1,895,065</b>               | 98.0%         |
| <b>B.1.2. State Operated Secure Operations</b>     |                                 |                   |                                |               |
| General Revenue                                    | 74,253,249                      | 77,126,263        | 75,474,719                     |               |
| Federal Funds                                      | 2,028,686                       | 2,028,686         | 1,830,217                      |               |
| Appropriated Receipts                              | 383,913                         | 116,802           | 39,890                         |               |
| <b>Subtotal</b>                                    | <b>76,665,848</b>               | <b>79,271,751</b> | <b>77,344,827</b>              | 97.6%         |
| <b>B.1.3. Education</b>                            |                                 |                   |                                |               |
| General Revenue                                    | 10,402,547                      | 9,005,983         | 8,284,653                      |               |
| Federal Funds                                      | 2,010,000                       | 2,973,704         | 1,696,055                      |               |
| Interagency Contracts                              | 4,540,500                       | 4,385,500         | 4,387,248                      |               |
| <b>Subtotal</b>                                    | <b>16,953,047</b>               | <b>16,365,186</b> | <b>14,367,956</b>              | 87.8%         |

Executive Summary of Expenditures  
as of August 31, 2015

| <b><u>Strategies:</u></b>                          | <b>General<br/>Appropriation<br/>Act</b> | <b>Amended<br/>Budget</b> | <b>Expended/<br/>Disbursed<br/>YTD</b> | <b>%<br/>Expended</b> |
|--|--|---------------------------|--|-----------------------|
| <b>B.1.4. Halfway House Operations</b>             |  |                           |  |                       |
| General Revenue                                    | 9,023,633                                | 9,582,250                 | 9,081,697                              |                       |
| Federal Funds                                      | 399,975                                  | 399,975                   | 188,686                                |                       |
| Appropriated Receipts                              |  | 10,250                    | 4,340                                  |                       |
| <b>Subtotal</b>                                    | <b>9,423,608</b>                         | <b>9,992,475</b>          | <b>9,274,723</b>                       | 92.8%                 |
| <b>B.1.5. Health Care</b>                          |  |                           |  |                       |
| General Revenue                                    | 9,645,738                                | 9,027,444                 | 8,150,730                              |                       |
| <b>Subtotal</b>                                    | <b>9,645,738</b>                         | <b>9,027,444</b>          | <b>8,150,730</b>                       | 90.3%                 |
| <b>B.1.6. Mental Health (Psychiatric) Care</b>     |  |                           |  |                       |
| General Revenue                                    | 989,150                                  | 917,136                   | 813,692                                |                       |
| <b>Subtotal</b>                                    | <b>989,150</b>                           | <b>917,136</b>            | <b>813,692</b>                         | 88.7%                 |
| <b>B.1.7. General Rehabilitation Treatment</b>     |  |                           |  |                       |
| General Revenue                                    | 6,802,468                                | 8,286,590                 | 8,032,035                              |                       |
| Federal Funds                                      | -  | 22,697                    | 17,243                                 |                       |
| <b>Subtotal</b>                                    | <b>6,802,468</b>                         | <b>8,309,287</b>          | <b>8,049,279</b>                       | 96.9%                 |
| <b>B.1.8. Specialized Rehabilitation Treatment</b> |  |                           |  |                       |
| General Revenue                                    | 5,033,350                                | 4,474,873                 | 4,226,302                              |                       |
| Interagency Contracts                              | 691,000                                  | 691,000                   | 631,839                                |                       |
| <b>Subtotal</b>                                    | <b>5,724,350</b>                         | <b>5,165,873</b>          | <b>4,858,141</b>                       | 94.0%                 |
| <b>B.1.9. Contract Capacity</b>                    |  |                           |  |                       |
| General Revenue                                    | 2,281,750                                | 3,561,941                 | 3,145,397                              |                       |
| Federal Funds                                      | 1,758,000                                | 955,294                   | 814,171                                |                       |
| <b>Subtotal</b>                                    | <b>4,039,750</b>                         | <b>4,517,235</b>          | <b>3,959,569</b>                       | 87.7%                 |
| <b>B.1.10. Parole Services</b>                     |  |                           |  |                       |
| General Revenue                                    | 3,889,053                                | 4,005,003                 | 3,652,154                              |                       |
| Federal Funds                                      | -  | 65,848                    | 63,801                                 |                       |
| <b>Subtotal</b>                                    | <b>3,889,053</b>                         | <b>4,070,851</b>          | <b>3,715,955</b>                       | 91.3%                 |
| <b>B.2.1. Office of the Inspector General</b>      |  |                           |  |                       |
| General Revenue                                    | 2,022,196                                | 6,342,397                 | 5,917,803                              |                       |
| <b>Subtotal</b>                                    | <b>2,022,196</b>                         | <b>6,342,397</b>          | <b>5,917,803</b>                       | 93.3%                 |
| <b>B.2.2. Health Care Oversight</b>                |  |                           |  |                       |
| General Revenue                                    | 1,124,604                                | 1,021,861                 | 870,607                                |                       |
| <b>Subtotal</b>                                    | <b>1,124,604</b>                         | <b>1,021,861</b>          | <b>870,607</b>                         | 85.2%                 |
| <b>B.3.1. Construct &amp; Renovate Facilities</b>  |  |                           |  |                       |
| General Obligation Bonds                           | -  | 5,500,000                 | 23,476                                 |                       |
| <b>Subtotal</b>                                    | <b>-</b>                                 | <b>5,500,000</b>          | <b>23,476</b>                          | 0.4%                  |
| <b>C.1.1. Office of the Independent Ombudsman</b>  |  |                           |  |                       |
| General Revenue                                    | 438,831                                  | 463,225                   | 431,639                                |                       |
| Criminal Justice Grants                            | -  | 77,489                    | 53,510                                 |                       |
| <b>Subtotal</b>                                    | <b>438,831</b>                           | <b>540,714</b>            | <b>485,149</b>                         | 89.7%                 |

Executive Summary of Expenditures  
as of August 31, 2015

|  |                                  | General<br>Appropriation<br>Act | Amended<br>Budget  | Expended/<br>Disbursed<br>YTD | %<br>Expended |
|--|----------------------------------|---------------------------------|--------------------|-------------------------------|---------------|
| <b><u>Strategies:</u></b>                |                                  |                                 |                    |                               |               |
| <b>D.1.1. Training and Certification</b> |                                  |                                 |                    |                               |               |
|  | General Revenue                  | 868,585                         | 1,286,196          | 1,367,071                     |               |
|  | Appropriated Receipts            | 95,000                          | 176,528            | -                             |               |
|  | <b>Subtotal</b>                  | <b>963,585</b>                  | <b>1,462,724</b>   | <b>1,367,071</b>              | 93.5%         |
| <b>D.1.2. Monitoring and Inspections</b> |                                  |                                 |                    |                               |               |
|  | General Revenue                  | 3,335,906                       | 3,236,611          | 3,180,399                     |               |
|  | Federal Funds                    | -                               | 100,086            | 100,086                       |               |
|  | <b>Subtotal</b>                  | <b>3,335,906</b>                | <b>3,336,697</b>   | <b>3,280,485</b>              | 98.3%         |
| <b>D.1.3. Interstate Agreement</b>       |                                  |                                 |                    |                               |               |
|  | General Revenue                  | 283,998                         | 221,490            | 210,522                       |               |
|  | <b>Subtotal</b>                  | <b>283,998</b>                  | <b>221,490</b>     | <b>210,522</b>                | 95.0%         |
| <b>E.1.1. Central Administration</b>     |                                  |                                 |                    |                               |               |
|  | General Revenue                  | 6,735,362                       | 6,899,178          | 6,543,737                     |               |
|  | <b>Subtotal</b>                  | <b>6,735,362</b>                | <b>6,899,178</b>   | <b>6,543,737</b>              | 94.8%         |
| <b>E.1.2. Information Resources</b>      |                                  |                                 |                    |                               |               |
|  | General Revenue                  | 5,429,686                       | 5,929,318          | 5,436,976                     |               |
|  | <b>Subtotal</b>                  | <b>5,429,686</b>                | <b>5,929,318</b>   | <b>5,436,976</b>              | 91.7%         |
|  | <b>Total - Strategy Budget</b>   | <b>319,304,334</b>              | <b>333,903,654</b> | <b>307,423,870</b>            | 92.1%         |
| <b><u>Method of Finance:</u></b>         |                                  |                                 |                    |                               |               |
|  | General Revenue                  | 290,632,958                     | 299,735,579        | 288,581,756                   | 96.3%         |
|  | Federal Funds                    | 13,196,661                      | 13,446,204         | 7,500,714                     | 55.8%         |
|  | Criminal Justice Grants          | -                               | 77,489             | 53,510                        | 69.1%         |
|  | General Obligation Bonds         | -                               | 5,500,000          | 23,476                        | 0.4%          |
|  | Appropriated Receipts            | 1,628,913                       | 1,453,580          | 44,230                        | 3.0%          |
|  | Interagency Contracts            | 13,845,802                      | 13,690,802         | 11,220,186                    | 82.0%         |
|  | <b>Total - Method of Finance</b> | <b>319,304,334</b>              | <b>333,903,654</b> | <b>\$307,423,870</b>          | 92.1%         |

**Notes:**

1. The normal range is +/- 5% of the straight-line projection of 100% for August.
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas  $\geq$  (greater than or equal to) 105%.

Executive Summary of Expenditures  
as of August 31, 2015

| <b><u>Location/Program:</u></b>                    | <b><u>Amended<br/>Budget</u></b> | <b><u>Expended/<br/>Disbursed<br/>YTD</u></b> | <b><u>%<br/>Expended</u></b> |
|--|----------------------------------|---|------------------------------|
| Ron Jackson State School                           | 20,393,074                       | 19,834,991                                    | 97.3%                        |
| Gainesville State School                           | 18,558,121                       | 18,155,049                                    | 97.8%                        |
| Giddings State School                              | 20,246,813                       | 19,744,611                                    | 97.5%                        |
| Evins Regional State School                        | 15,222,779                       | 14,796,175                                    | 97.2%                        |
| Corsicana State School                             | 353,824                          | 318,718                                       | 90.1%                        |
| McLennan Cnty State School                         | 21,223,836                       | 20,482,432                                    | 96.5%                        |
| McLennan Cnty State Treatment Center               | 7,028,298                        | 6,959,228                                     | 99.0%                        |
| Phoenix Facility                                   | 1,858,836                        | 1,838,088                                     | 98.9%                        |
| <b>Subtotal - State-Operated Secure Facilities</b> | <b>\$104,885,581</b>             | <b>\$102,129,293</b>                          | <b>97.4%</b>                 |
| Halfway House Operations                           | 11,089,866                       | 10,408,592                                    | 93.9%                        |
| Contract Care                                      | 4,695,861                        | 4,088,543                                     | 87.1%                        |
| Parole   | 4,033,020                        | 3,684,178                                     | 91.4%                        |
| County Disbursements                               | 161,767,508                      | 150,039,941                                   | 92.8%                        |
| Austin Office <sup>3</sup>                         | 47,431,818                       | 37,073,323                                    | 78.2%                        |
| <b>TOTAL</b>                                       | <b>\$333,903,654</b>             | <b>\$307,423,870</b>                          | <b>92.1%</b>                 |

**Notes:**

1. The normal range is +/- 5% of the straight-line projection of 100% for August.

2. Red represents areas  $\geq$  (greater than or equal to) 105%.

3. Central Office includes expenses related to direct and indirect administrative functions, construction and capital projects, closed facilities, and other statewide administrative costs such as unemployment, worker's compensation and contingency.

Executive Summary of Expenditures  
as of August 31, 2015

| Strategy/Program                                  | Amended<br>Budget | Expended/<br>Disbursed<br>YTD | %<br>Expended |
|---|-------------------|-------------------------------|---------------|
| <b>A.1.1 Prevention and Intervention</b>          |                   |                               |               |
| Grants  | 2,677,318         | 2,677,318                     | 100.0%        |
| Austin Office                                     | 96,621            | 96,480                        | 99.9%         |
| Contingency                                       | 255,300           | -                             | 0.0%          |
| SORM / Unemployment                               | 3,183             | 3,007                         | 94.5%         |
| <b>Subtotal - Strategy</b>                        | 3,032,422         | 2,776,805                     | 91.6%         |
| <b>A.1.2 Basic Supervision</b>                    |                   |                               |               |
| County Refunds                                    | 45,124,609        | 46,237,044                    | 102.5%        |
|   | 1,150,000         | -                             | 0.0%          |
| <b>Subtotal - Strategy</b>                        | 46,274,609        | 46,237,044                    | 99.9%         |
| <b>A.1.3 Community Programs</b>                   |                   |                               |               |
| Title IV-E  | 5,943,891         | 5,937,209                     | 99.9%         |
|   | 6,899,914         | 2,790,454                     | 40.4%         |
| <b>Subtotal - Strategy</b>                        | 12,843,805        | 8,727,663                     | 68.0%         |
| <b>A.1.4 Pre and Post Adjudication Facilities</b> |                   |                               |               |
| JCMS  | 58,690,447        | 58,668,264                    | 100.0%        |
|   | 955,000           | 718,679                       | 75.3%         |
| <b>Subtotal - Strategy</b>                        | 59,645,447        | 59,386,943                    | 99.6%         |
| <b>A.1.5 Commitment Diversion Programs</b>        |                   |                               |               |
|   | 19,803,262        | 19,792,845                    | 99.9%         |
| <b>A.1.6 JJAEP</b>                                |                   |                               |               |
| County Grants                                     | 8,614,302         | 6,201,098                     | 72.0%         |
| <b>Subtotal - Strategy</b>                        | 8,614,302         | 6,201,098                     | 72.0%         |
| <b>A.1.7 Mental Health Services</b>               |                   |                               |               |
|   | 12,863,765        | 7,735,709                     | 60.1%         |
| <b>B.1.1 Assessment &amp; Orientation</b>         |                   |                               |               |
| Ron Jackson Unit Girls                            | 120,999           | 118,478                       | 97.9%         |
| Ron Jackson Unit Boys                             | 1,647,235         | 1,622,968                     | 98.5%         |
| Automated Assessment - Assessment.com             | 99,934            | 93,308                        | 93.4%         |
| Contingency                                       | 797               | -                             | 0.0%          |
| SORM / Unemployment                               | 65,461            | 60,311                        | 92.1%         |
| <b>Subtotal - Strategy</b>                        | 1,934,426         | 1,895,065                     | 98.0%         |
| <b>B.1.2 Facility Operations</b>                  |                   |                               |               |
| Ron Jackson Unit I                                | 13,007,956        | 12,696,772                    | 97.6%         |
| Gainesville State School                          | 13,165,386        | 12,922,999                    | 98.2%         |
| Giddings State School                             | 14,475,311        | 14,249,303                    | 98.4%         |
| Evins Regional Juvenile Center                    | 10,953,200        | 10,750,359                    | 98.1%         |
| Corsicana Treatment Center                        | 353,824           | 318,718                       | 90.1%         |
| Mart Complex                                      | 14,772,986        | 14,535,070                    | 98.4%         |
| MTC   | 5,479,611         | 5,455,078                     | 99.6%         |
| Phoenix Program                                   | 1,435,147         | 1,417,779                     | 98.8%         |
| Austin Office                                     | 2,361,844         | 1,914,588                     | 81.1%         |
| Regions   | 321,121           | 315,355                       | 98.2%         |
| Riders  | 116,802           | 46,998                        | 40.2%         |
| Data Center Services                              | 418,030           | 418,030                       | 100.0%        |
| Contingency                                       | 95,890            | -                             | 0.0%          |
| SORM / Unemployment                               | 2,314,642         | 2,303,776                     | 99.5%         |
| <b>Subtotal - Strategy</b>                        | 79,271,751        | 77,344,827                    | 97.6%         |

Executive Summary of Expenditures  
as of August 31, 2015

| Strategy/Program                              | Amended<br>Budget | Expended/<br>Disbursed<br>YTD | %<br>Expended |
|---|-------------------|-------------------------------|---------------|
| <b>B.1.3 Education</b>                        |                   |                               |               |
| Ron Jackson Unit I                            | 1,866,811         | 1,794,930                     | 96.1%         |
| Gainesville State School                      | 2,137,031         | 2,084,766                     | 97.6%         |
| Giddings State School                         | 2,332,260         | 2,261,611                     | 97.0%         |
| Evins Regional Juvenile Center                | 1,744,522         | 1,697,526                     | 97.3%         |
| Mart Complex                                  | 2,055,662         | 1,998,175                     | 97.2%         |
| MTC   | 1,172,405         | 1,129,166                     | 96.3%         |
| Federal Education Grants                      | 1,734,533         | 1,141,343                     | 65.8%         |
| Halfway House Services                        | 134,506           | 124,691                       | 92.7%         |
| Phoenix Program                               | 215,041           | 213,942                       | 99.5%         |
| Parole  | 277,855           | 272,943                       | 98.2%         |
| Austin Office                                 | 1,878,939         | 1,056,630                     | 56.2%         |
| Contingency                                   | 195,107           | -                             | 0.0%          |
| SORM / Unemployment                           | 620,513           | 592,232                       | 95.4%         |
| <b>Subtotal - Strategy</b>                    | 16,365,186        | 14,367,956                    | 87.8%         |
| <b>B.1.4 Halfway House Operations</b>         |                   |                               |               |
| Halfway House Services                        | 9,548,947         | 9,012,509                     | 94.4%         |
| Riders  | 10,250            | 4,340                         | 42.3%         |
| Contingency                                   | 175,403           | -                             | 0.0%          |
| SORM / Unemployment                           | 257,874           | 257,874                       | 100.0%        |
| <b>Subtotal - Strategy</b>                    | 9,992,475         | 9,274,723                     | 92.8%         |
| <b>B.1.5 Health Care</b>                      |                   |                               |               |
| Ron Jackson Unit I                            | 2,170,789         | 2,074,278                     | 95.6%         |
| Gainesville State School                      | 1,519,097         | 1,440,390                     | 94.8%         |
| Giddings State School                         | 1,359,569         | 1,271,697                     | 93.5%         |
| Evins Regional Juvenile Center                | 1,343,514         | 1,182,439                     | 88.0%         |
| Mart Complex                                  | 2,277,993         | 1,914,213                     | 84.0%         |
| Halfway House Services                        | 194,508           | 152,310                       | 78.3%         |
| Contract Care Services                        | 161,974           | 115,404                       | 71.2%         |
| <b>Subtotal - Strategy</b>                    | 9,027,444         | 8,150,730                     | 90.3%         |
| <b>B.1.6 Mental Health (Psychiatric) Care</b> |                   |                               |               |
| Ron Jackson Unit I                            | 175,001           | 172,724                       | 98.7%         |
| Gainesville State School                      | 95,001            | 87,561                        | 92.2%         |
| Giddings State School                         | 42,300            | 38,429                        | 90.8%         |
| Evins Regional Juvenile Center                | 31,435            | 28,358                        | 90.2%         |
| Mart Complex                                  | 383,021           | 349,883                       | 91.3%         |
| Halfway House Services                        | 69,507            | 46,332                        | 66.7%         |
| Contract Care Services                        | 120,835           | 90,406                        | 74.8%         |
| Contingency                                   | 36                | -                             | 0.0%          |
| <b>Subtotal - Strategy</b>                    | 917,136           | 813,692                       | 88.7%         |
| <b>B.1.7 General Rehabilitation Treatment</b> |                   |                               |               |
| Ron Jackson Unit I                            | 835,919           | 820,507                       | 98.2%         |
| Gainesville State School                      | 1,346,824         | 1,327,418                     | 98.6%         |
| Giddings State School                         | 1,110,424         | 1,094,479                     | 98.6%         |
| Evins Regional Juvenile Center                | 955,704           | 943,774                       | 98.8%         |
| Mart Complex                                  | 1,081,806         | 1,062,240                     | 98.2%         |
| MTC   | 376,282           | 374,984                       | 99.7%         |
| Phoenix Program                               | 208,647           | 206,367                       | 98.9%         |
| Contract Care Services                        | 864,760           | 748,452                       | 86.6%         |
| Halfway House Services                        | 496,466           | 477,076                       | 96.1%         |
| HOGG  | 22,697            | 17,243                        | 76.0%         |
| Austin Office                                 | 750,721           | 724,881                       | 96.6%         |
| Contingency                                   | 1                 | -                             | 0.0%          |
| SORM / Unemployment                           | 259,035           | 251,857                       | 97.2%         |
| <b>Subtotal - Strategy</b>                    | 8,309,287         | 8,049,279                     | 96.9%         |

Executive Summary of Expenditures  
as of August 31, 2015

| Strategy/Program                                  | Amended<br>Budget | Expended/<br>Disbursed<br>YTD | %<br>Expended |
|---|-------------------|-------------------------------|---------------|
| <b>B.1.8 Specialized Rehabilitation Treatment</b> |                   |                               |               |
| Ron Jackson Unit I                                | 467,633           | 441,027                       | 94.3%         |
| Gainesville State School                          | 294,782           | 291,914                       | 99.0%         |
| Giddings State School                             | 926,948           | 829,092                       | 89.4%         |
| Evins Regional Juvenile Center                    | 194,405           | 193,719                       | 99.6%         |
| Mart Complex                                      | 652,368           | 622,851                       | 95.5%         |
| MTC   | 825,759           | 807,405                       | 97.8%         |
| Halfway House Services                            | 645,932           | 595,674                       | 92.2%         |
| Austin Office                                     | 287,494           | 284,296                       | 98.9%         |
| DSHS  | 691,000           | 631,839                       | 98.9%         |
| Contingency                                       | 10,440            | -                             | 0.0%          |
| SORM / Unemployment                               | 169,112           | 160,323                       | 94.8%         |
|   | 5,165,873         | 4,858,141                     | 94.0%         |
| <b>B.1.9 Contract Capacity</b>                    |                   |                               |               |
| Contract Care Administration/Residential          | 3,548,291         | 3,134,280                     | 88.3%         |
| Title IV-E Contract Care                          | 904,878           | 765,266                       | 84.6%         |
| Title IV-E - Austin Office                        | 48,802            | 47,291                        | 96.9%         |
| Contingency                                       | 1,806             | -                             | 0.0%          |
| SORM / Unemployment                               | 13,458            | 12,731                        | 94.6%         |
| <b>Subtotal - Strategy</b>                        | 4,517,235         | 3,959,569                     | 87.7%         |
| <b>B.1.10 Parole Services</b>                     |                   |                               |               |
| Parole  | 3,755,165         | 3,411,235                     | 90.8%         |
| PBIS  | 167,896           | 159,125                       | 94.8%         |
| GitRedy Grant - OJJDP                             | 65,848            | 63,801                        | 96.9%         |
| Contingency                                       | 148               | -                             | 0.0%          |
| SORM / Unemployment                               | 81,794            | 81,794                        | 100.0%        |
| <b>Subtotal - Strategy</b>                        | 4,070,851         | 3,715,955                     | 91.3%         |
| <b>B.2.1 Office of the Inspector General</b>      |                   |                               |               |
| Office of Inspector General                       | 6,197,046         | 5,772,601                     | 93.2%         |
| Contingency                                       | 149               | -                             | 0.0%          |
| SORM / Unemployment                               | 145,202           | 145,202                       | 100.0%        |
| <b>Subtotal - Strategy</b>                        | 6,342,397         | 5,917,803                     | 93.3%         |

## Executive Summary of Expenditures as of August 31, 2015

| Strategy/Program                                 | Amended<br>Budget  | Expended/<br>Disbursed<br>YTD | %<br>Expended |
|--|--------------------|-------------------------------|---------------|
| <b>B.2.2 Health Care Oversight</b>               |                    |                               |               |
| Austin Office                                    | 924,825            | 841,212                       | 91.0%         |
| Contingency                                      | 67,640             | -                             | 0.0%          |
| SORM / Unemployment                              | 29,395             | 29,395                        | 100.0%        |
| <b>Subtotal - Strategy</b>                       | <b>1,021,861</b>   | <b>870,607</b>                | <b>85.2%</b>  |
| <b>B.3.1 Construct &amp; Renovate Facilities</b> |                    |                               |               |
| Repair and Rehab                                 | 5,500,000          | 23,476                        | 0.4%          |
| <b>Subtotal - Strategy</b>                       | <b>5,500,000</b>   | <b>23,476</b>                 | <b>0.4%</b>   |
| <b>C.1.1 Office of the Independent Ombudsman</b> |                    |                               |               |
| Austin Office                                    | 449,977            | 418,667                       | 93.0%         |
| CJD - OIO Expanded Services                      | 77,489             | 53,510                        | 69.1%         |
| Contingency                                      | 276                | -                             | 0.0%          |
| SORM / Unemployment                              | 12,972             | 12,972                        | 100.0%        |
| <b>Subtotal - Strategy</b>                       | <b>540,714</b>     | <b>485,149</b>                | <b>89.7%</b>  |
| <b>D.1.1 Training and Certification</b>          |                    |                               |               |
| Training and Certification                       | 1,424,357          | 1,331,580                     | 93.5%         |
| Contingency                                      | 841                | -                             | 0.0%          |
| SORM / Unemployment                              | 37,527             | 35,491                        | 94.6%         |
| <b>Subtotal - Strategy</b>                       | <b>1,462,724</b>   | <b>1,367,071</b>              | <b>93.5%</b>  |
| <b>D.1.2 Monitoring and Inspections</b>          |                    |                               |               |
| Monitoring and Inspection                        | 3,138,241          | 3,082,029                     | 98.2%         |
| Title IV-E                                       | 96,766             | 96,766                        | 100.0%        |
| Contingency                                      | -                  | -                             | 0.0%          |
| SORM / Unemployment                              | 101,690            | 101,690                       | 100.0%        |
| <b>Subtotal - Strategy</b>                       | <b>3,336,697</b>   | <b>3,280,485</b>              | <b>98.3%</b>  |
| <b>D.1.3 Interstate Agreement</b>                |                    |                               |               |
| Interstate Compact                               | 212,894            | 203,888                       | 95.8%         |
| Contingency                                      | 1,580              | -                             | 0.0%          |
| SORM / Unemployment                              | 7,016              | 6,634                         | 94.6%         |
| <b>Subtotal - Strategy</b>                       | <b>221,490</b>     | <b>210,522</b>                | <b>95.0%</b>  |
| <b>E.1.1 Central Administration</b>              |                    |                               |               |
| Austin Office                                    | 6,700,521          | 6,348,973                     | 94.8%         |
| Contingency                                      | -                  | -                             | #DIV/0!       |
| SORM / Unemployment                              | 198,657            | 194,764                       | 98.0%         |
| <b>Subtotal - Strategy</b>                       | <b>6,899,178</b>   | <b>6,543,737</b>              | <b>94.8%</b>  |
| <b>E.1.2 Information Resources</b>               |                    |                               |               |
| Management Information Resources                 | 3,381,399          | 3,203,855                     | 94.7%         |
| Data Center Services                             | 1,465,960          | 1,178,547                     | 80.4%         |
| JCMS   | 955,000            | 955,000                       | 100.0%        |
| Contingency                                      | 13,970             | -                             | 0.0%          |
| SORM / Unemployment                              | 112,989            | 99,575                        | 88.1%         |
| <b>Subtotal - Strategy</b>                       | <b>5,929,318</b>   | <b>5,436,976</b>              | <b>91.7%</b>  |
| <b>TOTAL - TJJD</b>                              | <b>333,903,654</b> | <b>307,423,870</b>            | <b>92.1%</b>  |

Executive Summary of Expenditures  
as of August 31, 2015

| Strategy/Program                 | Amended<br>Budget  | Expended/<br>Disbursed<br>YTD | %<br>Expended |
|----------------------------------|--------------------|-------------------------------|---------------|
| <i>Method of Finance:</i>        |                    |                               |               |
| General Revenue                  | 299,735,579        | 288,581,756                   | 96.3%         |
| Federal Funds                    | 13,446,204         | 7,500,714                     | 55.8%         |
| Criminal Justice Grants          | 77,489             | 53,510                        | 69.1%         |
| General Obligation Bonds         | 5,500,000          | 23,476                        | 0.4%          |
| Appropriated Receipts            | 1,453,580          | 44,230                        | 3.0%          |
| Interagency Contracts            | 13,690,802         | 11,220,186                    | 82.0%         |
| <b>TOTAL - Method of Finance</b> | <b>333,903,654</b> | <b>\$307,423,870</b>          | <b>92.1%</b>  |

|   | Amended<br>Budget  | Expended/<br>Disbursed<br>YTD * | %<br>Expended |
|---|--------------------|---------------------------------|---------------|
| Goal A: Community Juvenile Justice          | 163,077,612        | 150,858,108                     | 92.5%         |
| Goal B: State Services and Facilities       | 152,435,921        | 139,241,822                     | 91.3%         |
| Goal C: Office of the Independent Ombudsman | 540,714            | 485,149                         | 89.7%         |
| Goal D: Juvenile Justice System             | 5,020,910          | 4,858,078                       | 96.8%         |
| Goal E: Indirect Administration             | 12,828,495         | 11,980,713                      | 93.4%         |
| <b>TOTAL - Goal Summary</b>                 | <b>333,903,654</b> | <b>307,423,870</b>              | <b>92.1%</b>  |

1. The normal range is +/- 5% of the straight-line projection of 100% for August.
2. Red represents areas greater than or equal to 105%

## FTE Report as of August 31, 2015

| Facility                  | JCOs            |                 |               | Case Managers |               |              | Education     |               |              | All Other     |               |               | TOTAL TJJD      |                 |               |
|---------------------------|-----------------|-----------------|---------------|---------------|---------------|--------------|---------------|---------------|--------------|---------------|---------------|---------------|-----------------|-----------------|---------------|
|                           | USPS            | Mon FTE         | Vacant        | USPS          | Mon FTE       | Vacant       | USPS          | Mon FTE       | Vacant       | USPS          | Mon FTE       | Vacant        | USPS            | Mon FTE         | Vacant        |
| Ron Jackson I             | 248.00          | 228.70          | 19.30         | 30.00         | 28.00         | 2.00         | 31.00         | 24.66         | 6.34         | 108.00        | 96.92         | 11.08         | 417.00          | 378.28          | 38.72         |
| Al Price                  | -               | -               | -             | -             | -             | -            | -             | -             | -            | -             | -             | -             | -               | -               | -             |
| Gainesville               | 250.60          | 211.73          | 38.87         | 29.00         | 25.50         | 3.50         | 43.00         | 35.08         | 7.92         | 85.00         | 73.38         | 11.62         | 407.60          | 345.69          | 61.91         |
| Giddings                  | 277.60          | 248.95          | 28.65         | 25.00         | 21.05         | 3.95         | 43.00         | 35.94         | 7.06         | 95.50         | 83.60         | 11.90         | 441.10          | 389.54          | 51.56         |
| Evins                     | 179.00          | 167.32          | 11.68         | 16.00         | 16.00         | -            | 30.00         | 26.00         | 4.00         | 75.00         | 63.52         | 11.48         | 300.00          | 272.84          | 27.16         |
| Crockett                  | -               | -               | -             | -             | -             | -            | -             | -             | -            | -             | -             | -             | -               | -               | -             |
| Corsicana                 | -               | -               | -             | -             | -             | -            | -             | -             | -            | 3.00          | 3.00          | -             | 3.00            | 3.00            | -             |
| McLennan                  | 407.00          | 352.98          | 54.02         | 42.00         | 41.00         | 1.00         | 64.00         | 50.19         | 13.81        | 143.00        | 124.57        | 18.43         | 656.00          | 568.74          | 87.26         |
| Halfway Houses            | 129.00          | 121.00          | 8.00          | 21.00         | 19.52         | 1.48         | -             | -             | -            | 63.00         | 51.00         | 12.00         | 213.00          | 191.52          | 21.48         |
| Contract Care             | -               | -               | -             | -             | -             | -            | -             | -             | -            | 9.00          | 5.00          | 4.00          | 9.00            | 5.00            | 4.00          |
| Parole                    | -               | -               | -             | -             | -             | -            | -             | -             | -            | 56.00         | 48.00         | 8.00          | 56.00           | 48.00           | 8.00          |
| Inspector General Regions | -               | -               | -             | -             | -             | -            | -             | -             | -            | 23.00         | 22.00         | 1.00          | 23.00           | 22.00           | 1.00          |
| Central Office Regions    | -               | -               | -             | -             | -             | -            | -             | -             | -            | 3.00          | 4.00          | (1.00)        | 3.00            | 4.00            | (1.00)        |
| Central Office            | -               | -               | -             | -             | -             | -            | -             | -             | -            | 297.30        | 261.30        | 36.00         | 297.30          | 261.30          | 36.00         |
| <b>TOTAL</b>              | <b>1,491.20</b> | <b>1,330.68</b> | <b>160.52</b> | <b>163.00</b> | <b>151.07</b> | <b>11.93</b> | <b>211.00</b> | <b>171.87</b> | <b>39.13</b> | <b>960.80</b> | <b>836.29</b> | <b>124.51</b> | <b>2,826.00</b> | <b>2,489.91</b> | <b>336.09</b> |

| Summary by Month: | USPS     | Actual   | Vacant |
|-------------------|----------|----------|--------|
| September         | 2,824.60 | 2,462.69 | 361.91 |
| October           | 2,827.10 | 2,415.17 | 411.93 |
| November          | 2,829.10 | 2,484.65 | 344.45 |
| December          | 2,824.10 | 2,450.13 | 373.97 |
| January           | 2,825.60 | 2,486.04 | 339.56 |
| February          | 2,836.60 | 2,491.15 | 345.45 |
| March             | 2,824.00 | 2,492.09 | 331.91 |
| April             | 2,825.00 | 2,468.52 | 356.48 |
| May               | 2,823.00 | 2,505.17 | 317.83 |
| June              | 2,825.00 | 2,500.30 | 324.70 |
| July              | 2,829.00 | 2,439.43 | 389.57 |
| August            | 2,826.00 | 2,489.91 | 336.09 |

|  |               |
|--|---------------|
| General Appropriations Act (GAA) FTE CAP | 2,855.10      |
| Under/(Over) GAA FTE CAP                 | <b>365.19</b> |
| Budgeted FTE CAP                         | 2,831.10      |
| Under/(Over) Budgeted FTE CAP            | <b>341.19</b> |

Overtime Report as of August 31, 2015

| Facility                                   | Original Budget  | Budget Amendments | Amended Budget   | Expended JCOs    | Expended Non-JCOs | Total Expended   | Balance            | % Expended    |
|--|------------------|-------------------|------------------|------------------|-------------------|------------------|--------------------|---------------|
| Ron Jackson Unit I (21)                    | 350,000          | -                 | 350,000          | 311,675          | 27,997            | 339,672          | 10,328             | 97.0%         |
| Gainesville State School (24)              | 350,000          | -                 | 350,000          | 571,673          | 79,152            | 650,825          | (300,825)          | 186.0%        |
| Giddings State School (25)                 | 500,000          | -                 | 500,000          | 503,346          | 47,981            | 551,327          | (51,327)           | 110.3%        |
| Evins Regional Juvenile Center (27)        | 500,000          | -                 | 500,000          | 869,143          | 52,436            | 921,579          | (421,579)          | 184.3%        |
| Corsicana Treatment Center (31)            | -                | -                 | -                | -                | 963               | 963              | (963)              |               |
| McLennan Cnty State Juv Corr Facility (34) | 800,000          | -                 | 800,000          | 1,120,121        | 61,990            | 1,182,111        | (382,111)          | 147.8%        |
| Halfway Houses (51-61)                     | 160,000          | -                 | 160,000          | 103,975          | 23,734            | 127,708          | 32,292             | 79.8%         |
| Central Office (11)                        | -                | -                 | -                | -                | 14,959            | 14,959           | (14,959)           |               |
| Service Regions (41-44)                    | -                | -                 | -                | -                | 8,230             | 8,230            | (8,230)            |               |
| Office of Inspector General (Field)        | 15,000           | -                 | 15,000           | -                | 2,195             | 2,195            | 12,805             | 14.6%         |
| <b>TOTAL</b>                               | <b>2,675,000</b> | <b>-</b>          | <b>2,675,000</b> | <b>3,479,933</b> | <b>319,637</b>    | <b>3,799,571</b> | <b>(1,124,571)</b> | <b>142.0%</b> |

**NOTES:**

1. The normal range is +/- 5% of the straight-line projection of 100% for August.
2. Red represents areas greater than or equal to 105%
3. Overtime does not count against FTE cap.

## Construction Report as of August 31, 2015

| August 31, 2015   |                     |                     |                             |                      |   |                            |   |                     |                       |                     |                     |
|---|---------------------|---------------------|-----------------------------|----------------------|---|----------------------------|---|---------------------|-----------------------|---------------------|---------------------|
|   |                     |                     |                             |                      |   |                            |   |                     |                       | Invoiced as of      | 8/31/15             |
| LOCATION  | Original Budget     | Revised Budget      | Revised Project Contingency | All Approved Changes | General Contractor Change Order Dollars | No. of G. C. Change Orders | % of C. O. Dollars to G. C. Contract Amount | All Pending Changes | Remaining Contingency | Invoiced Amount     | % of Revised Budget |
| * <b><i>AI Price (facility closed)</i></b>              | \$ 334,055          | \$ 20,425           | \$ 208,289                  | \$ 208,289           | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ -                  | \$ 20,425           | 100.00%             |
| Corsicana   | \$ 636,080          | \$ 767,498          | \$ 48,322                   | \$ (153,477)         | \$ 203,198                              | 3                          | 66.28%                                      | \$ -                | \$ 201,799            | \$ 565,699          | 73.71%              |
| * <b><i>Crockett (facility closed)</i></b>              | \$ 837,297          | \$ 256,293          | \$ 175,390                  | \$ (174,244)         | \$ (126,918)                            | 1                          | -38.02%                                     | \$ -                | \$ -                  | \$ 256,293          | 100.00%             |
| Evins   | \$ 874,223          | \$ 973,919          | \$ 159,025                  | \$ 218,105           | \$ 34,403                               | 1                          | 6.22%                                       | \$ -                | \$ (59,080)           | \$ 1,012,204        | 103.93%             |
| Gainesville   | \$ 433,622          | \$ 289,536          | \$ 340,815                  | \$ 334,860           | \$ 39,557                               | 1                          | 1.69%                                       | \$ -                | \$ 5,955              | \$ 283,580          | 97.94%              |
| Giddings  | \$ 89,700           | \$ 236,715          | \$ 8,013                    | \$ 5,203             | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ 2,810              | \$ 237,569          | 100.36%             |
| McLennan County   | \$ 182,160          | \$ 397,659          | \$ 109,081                  | \$ 3,157             | \$ 38,817                               | 1                          | 88.22%                                      | \$ -                | \$ 105,924            | \$ 291,735          | 73.36%              |
| Ron Jackson   | \$ 698,970          | \$ 1,144,062        | \$ (43,616)                 | \$ (77,866)          | \$ (11,000)                             | 1                          | -1.74%                                      | \$ -                | \$ 34,250             | \$ 1,109,812        | 97.01%              |
| <b><i>Maintenance for Video Surveillance System</i></b> | \$ 1,470,544        | \$ 1,470,544        | \$ -                        | \$ -                 | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ -                  | \$ 1,452,683        | 98.79%              |
| ** Deferred Projects                                    | \$ -                | \$ 888,601          | \$ 888,601                  | \$ 875,987           | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ 12,614             | \$ 831,274          | 93.55%              |
| <b>TOTAL</b>  | <b>\$ 5,556,651</b> | <b>\$ 6,445,252</b> | <b>\$ 1,893,920</b>         | <b>\$ 1,240,014</b>  | <b>\$ 178,057</b>                       | <b>8</b>                   |   | <b>\$ -</b>         | <b>\$ 304,272</b>     | <b>\$ 6,061,273</b> | <b>94.04%</b>       |

FY2010-11 BOND FUNDS \$ 5,556,651  
 GEN REV-FEMA Reimb-Receiveable 888,601  
 REVISED BUDGET \$ 6,445,252

\* Work on these projects was suspended in June 2011, due to facility closure.

**COMPLETED PROJECTS IN ITALICS**

\*\* Project work and contingency amounts deferred as a result of Hurricane Rita. Work to be reinstated when FEMA reimbursements are received.

## Construction Report as of August 31, 2015

| August 31, 2015                           |                        |                     |                             |                      |   |                            |   |                     |                       |                  |                     |
|---|------------------------|---------------------|-----------------------------|----------------------|---|----------------------------|---|---------------------|-----------------------|------------------|---------------------|
|   | Invoiced as of 8/31/15 |                     |                             |                      |   |                            |   |                     |                       |                  |                     |
| LOCATION                                  | Original Budget        | Revised Budget      | Revised Project Contingency | All Approved Changes | General Contractor Change Order Dollars | No. of G. C. Change Orders | % of C. O. Dollars to G. C. Contract Amount | All Pending Changes | Remaining Contingency | Invoiced Amount  | % of Revised Budget |
| Corsicana                                 | \$ -                   | \$ -                | \$ -                        | \$ -                 | \$ -                                    |                            |   | \$ -                | \$ -                  | \$ -             |                     |
| Evins                                     | \$ 1,367,400           | \$ 1,367,400        | \$ 92,852                   | \$ -                 | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ 92,852             | \$ 17,478        | 1.04%               |
| Gainesville                               | \$ 317,000             | \$ 317,000          | \$ 21,481                   | \$ -                 | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ 21,481             | \$ -             | 0.00%               |
| Giddings                                  | \$ 1,011,600           | \$ 1,011,600        | \$ 68,741                   | \$ -                 | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ 68,741             | \$ -             | 0.00%               |
| McLennan County                           | \$ 978,000             | \$ 978,000          | \$ 66,439                   | \$ -                 | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ 66,439             | \$ 2,992         | 0.93%               |
| Ron Jackson                               | \$ 826,000             | \$ 826,000          | \$ 289,106                  | \$ -                 | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ 289,106            | \$ 3,006         | 0.94%               |
| Maintenance for Video Surveillance System | \$ 1,000,000           | \$ 1,000,000        | \$ -                        | \$ -                 | \$ -                                    |                            | 0.00%                                       | \$ -                | \$ -                  | \$ -             | 0.00%               |
| <b>TOTAL</b>                              | <b>\$ 5,500,000</b>    | <b>\$ 5,500,000</b> | <b>\$ 538,619</b>           | <b>\$ -</b>          | <b>\$ -</b>                             | <b>0</b>                   |   | <b>\$ -</b>         | <b>\$ 538,619</b>     | <b>\$ 23,476</b> | <b>0.43%</b>        |

FY2014-15 BOND FUNDS \$ 5,500,000

REVISED BUDGET \$ 5,500,000

**COMPLETED PROJECTS IN ITALICS**

HUB\_CONSOLIDATION\_AGENCY\_RPT

TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

CONSOLIDATED REPORT FOR  
644 Texas Juvenile Justice Dept

23-Sep-15

| PROCUREMENT CATEGORY | TOTAL | EXPENDITURES | TOTAL \$/% SPENT WITH NON HUBS | TOTAL \$ WITH | /% SP HUBS    | ENT    | ANNUAL PROCUREMENT GOAL % |
|----------------------|-------|--------------|--------------------------------|---------------|---------------|--------|---------------------------|
| HEAVY CONSTRUCTION   |       | \$0          | \$00 / 0.00%                   |               | \$0 /         |        | 11.20%                    |
| BUILDING             |       | \$339,358    | \$278,747 / 82.14%             |               | \$60,611 /    |        | 21.10%                    |
| SPECIAL TRADE        |       | \$450,001    | \$368,516 / 81.89%             |               | \$81,484 /    |        | 32.90%                    |
| PROFESSIONAL         |       | \$282,123    | \$276,873 / 98.14%             |               | \$5,250 /     |        | 23.70%                    |
| OTHER SERVICES       |       | \$4,441,006  | \$4,060,854 / 91.44%           |               | \$411,296 /   |        | 26.00%                    |
| COMMODITY PURCHASING |       | \$6,095,031  | \$4,661,106 / 76.47%           |               | \$1,433,924 / |        | 21.10%                    |
|                      |       | <hr/>        | <hr/>                          |               | <hr/>         |        |                           |
|                      |       | \$11,607,520 | \$9,646,098 / 83.10%           |               | \$1,992,566 / | 17.17% |                           |

CONSOLIDATED REPORT FOR  
THE STATE OF TEXAS

|                      |     |               |                           |  |                   |        |        |
|----------------------|-----|---------------|---------------------------|--|-------------------|--------|--------|
| HEAVY CONSTRUCTION   | \$  | 5,279,954,373 | \$5,144,022,004 / 97.43%  |  | \$136,291,235 /   | 2.58%  | 11.20% |
| BUILDING             | \$  | 1,707,081,816 | \$1,662,742,315 / 97.40%  |  | \$255,901,953 /   | 14.99% | 21.10% |
| SPECIAL TRADE        |     | \$645,299,752 | \$540,909,474 / 83.82%    |  | \$159,586,136 /   | 24.73% | 32.90% |
| PROFESSIONAL         |     | \$720,003,017 | \$645,248,966 / 89.62%    |  | \$98,988,008 /    | 13.75% | 23.70% |
| OTHER SERVICES       | \$  | 4,162,856,808 | \$3,755,085,525 / 90.20%  |  | \$590,819,903 /   | 14.19% | 26.00% |
| COMMODITY PURCHASING | \$  | 4,404,175,458 | \$3,929,622,910 / 89.22%  |  | \$501,213,987 /   | 11.38% | 21.10% |
|                      |     | <hr/>         | <hr/>                     |  | <hr/>             |        |        |
|                      | \$1 | 6,919,371,227 | \$15,677,631,197 / 92.66% |  | \$1,742,801,226 / | 10.30% |        |

\*\* ANALYSIS OF AWARDS FOR  
644 Texas Juvenile Justice Dept

| CERTIFIED HUB GROUP FOR HUB CREDIT | TOTAL # AND % OF HUB VIDS RECEIVING AWARDS | TO AND | TAL DOLLAR % AWARDED | AMOUNT TO HUBS |
|------------------------------------|--|--------|----------------------|----------------|
| ASIAN PACIFIC                      | 5 / 4.31%                                  |        | \$5 69,948 /         | 28.60%         |
| BLACK                              | 9 / 7.76%                                  |        | \$1 20,866 /         | 6.07%          |
| HISPANIC                           | 33 / 28.45%                                |        | \$2 61,333 /         | 13.12%         |
| NATIVE AMERICAN                    | 1 / 0.86%                                  |        | \$2,693 /            | 0.14%          |
| SERVICE-DISABLED VETERAN           | 0 / 0.00%                                  |        | \$00 /               | 0.00%          |
| WOMAN                              | 68 / 58.62%                                | \$1,0  | 37,724 /             | 52.08%         |
|                                    | <hr/>                                      |        | <hr/>                |                |
| TOTAL                              | 116 / 100.00%                              | \$1,9  | 92,566 /             | 100.00%        |

\*\* ANALYSIS OF AWARDS FOR  
THE STATE OF TEXAS

| CERTIFIED HUB GROUP      | # OF VIDS FOR HUB C | ELIGIBLE REDIT, % | # OF MALES, %         | # OF FEMALES, %       | TOTAL # AND % VIDS RECEIVING | OF HU B AWARD S | TOTAL DOLLAR AMOUNT AND % AWARDED TO HUBS |
|--------------------------|---------------------|-------------------|-----------------------|-----------------------|------------------------------|-----------------|---|
| ASIAN PACIFIC            | 1194 /              | 7.45%             | 777 / 11.68%          | 417 / 4.45%           | 284 /                        | 6.98 % \$       | 204,363,442 / 11.73%                      |
| BLACK                    | 3282 /              | 20.48%            | 2004 / 30.14%         | 1278 / 13.63%         | 376 /                        | 9.25 % \$       | 188,556,332 / 10.82%                      |
| HISPANIC                 | 4995 /              | 31.16%            | 3580 / 53.83%         | 1415 / 15.09%         | 1222 /                       | 30.05 % \$      | 410,546,516 / 23.56%                      |
| NATIVE AMERICAN          | 330 /               | 2.06%             | 228 / 3.43%           | 102 / 1.09%           | 84 /                         | 2.07 %          | \$15,703,699 / 0.90%                      |
| SERVICE-DISABLED VETERAN | 61 /                | 0.38%             | 61 / 0.92%            | 0 / 0.00%             | 19 /                         | 0.47 %          | \$2,270,460 / 0.13%                       |
| WOMEN                    | 6166 /              | 38.47%            | 0 / 0.00%             | 6166 / 65.75%         | 2081 /                       | 51.18 % \$      | 921,360,774 / 52.87%                      |
| <b>TOTAL</b>             | <b>16028 /</b>      | <b>100.00%</b>    | <b>6650 / 100.00%</b> | <b>9378 / 100.00%</b> | <b>4066 /1</b>               | <b>0 % \$1,</b> | <b>742,801,226 / 100.00%</b>              |

\*\* THE ANALYSIS IS BASED ON THE TO TAL # OF VEND OR ID NUMBERS THAT WERE ELIGIBLE TO RECEI VE HUB CREDIT.  
TOTAL # OF CERTIFIED HUB S FOR THE PERIOD OF FY2 015 IS 15924.

SUCH AS, 1194 (7.45%) OF VID NUMBE RS ELIGIBLE T O RECEIVE HUB CREDIT WERE ASIAN PACIFIC O WNERED BUSINESSES, 7 77 (1 1.68%) WER E ASIAN PACIFIC MALE OWNED BUSINESSES AND 417 (4.45%) W ERE ASIAN PAC IFIC FEMALE OWNED BUSINESSES. 284 (6.98%) AWARDS WERE MADE TO AS IAN PACIFI C OWNED BUSINESSES, TOTALING \$204,363,442.00 OF THE TOTAL DOLLARS AWARDED TO HUBS.

### Summary of Impact of Senate Bill 20

| Bill Section | Summary   | TJJD Action Required  |
|--------------|---|---|
| 1            | CPA to conduct feasibility study on consolidating state purchasing functions into fewer agencies by Dec. 31, 2015. Study is to consider and include:<br>--Abolishing purchasing at some or all state agencies;<br>--Consolidating or reducing the number of vendors to enhance purchasing leverage;<br>--Detailed projections of savings and costs;<br>--Implementation steps required;<br>--List of agencies with dedicated purchasing offices; and<br>--Cost to state of purchasing departments and activities, dedicated or not. | May have some future impact on TJJD.  |
| 2            | Agencies must retain records of all contracts and solicitation documents for 7 years after contracts expire or after all issues/litigation are resolved.  | Adjust retention schedules. Maintain two separate retention schedules Pre and Post SB20.  |
| 3            | Prohibits agency personnel dealing with procurement or contract negotiations with a vendor from being employed by the vendor within 2 years of leaving state agency employment.   | Add certification language to our contracts for vendors to certify they have not employed a former TJJD employee.   |
| 4            | Requires agencies to report contract and purchasing information to CPA in manner required by CPA for CAPPs.   | Pending more information from CPA on required info. Currently attaching contracts and PO's to documents in CAPPs.   |
| 5            | For best value procurements, agencies must have contract manager or procurement director:<br>--Approve each contract;<br>--Ensure that agency documents that best value standard used; and<br>--Acknowledge in writing that agency complied with State Procurement Manual, agency's and CPA contract management guide.  | Procedure to have been developed to comply with this requirement. Director of Business Ops. approves all contracts. Implementing PO workflow for PO's over \$25K for Director to approve. |
| 6            | --CPA maintains and improves the vendor performance tracking system to be used when evaluating best value. CPA developing an A-F grading system.  | Agencies must ensure the vendor performance system information is used as best value criteria when making an award over \$25K.  |
| 7            | Requires ethics and technology purchasing be taught in CPA purchasing training.   | Must provide annual ethics training.  |
| 8            | Requires agencies to report on vendor performance in vendor performance system  | Requirement currently exists for agencies to report vendor performance for all purchases over \$25K when PO closes.   |
| 9            | Requires multiple quotations for agencies using <b>DIR contracts</b> as follows:<br>< \$50K - 1 quote required<br>> \$50K < \$150K - 3 quotes required (if less than 3 vendors then solicit quotes from all vendors)<br>> \$150K < \$1 million - 6 quotes required (if less than 6 vendors then solicit from all vendors)<br>> \$1.0 million - not allowed  | Adhere to new requirements for technology purchases thru DIR vendors.   |
| 10           | For DIR contracts over \$50K:<br>--Agencies to prepare SOW for DIR review before issuing request for quotes for DBITS, cloud and managed services.<br>--DIR must approve final SOW before award can be made.<br>--Contracts resulting from SOWs not signed by DIR are void  | Adhere to new requirements for technology purchases thru DIR vendors. DIR reviews and approves SOW twice.   |

| Bill Section | Summary  | TJJD Action Required   |
|--------------|--|--|
| 11           | <p>Ethics, Reporting and Approval Requirements:<br/> --Agency staff involved in procurements to disclose any potential conflict of interest</p> <p>No contracts allowed if a financial interests exist with the proposed contract by:<br/> --Member of a governing body;<br/> --Agency head, general counsel, or chief procurement officer; or<br/> --Family member of above within 2nd degree.<br/> Financial interest:<br/> --1% or more ownership interest in vendor<br/> --Could result in direct financial benefit to any of above<br/> --Does not include retirement plans, blind trusts, insurance plan, or less than 1% corporate ownership interest</p> | <p>Would like Board Members and Contract Approvers to sign annual conflict of interest statements. Purchasing staff already sign statements. Statements are kept on file and included with annual Procurement Plan submitted to the Comptroller.</p> <p>Procedures included in TJJD' Contract Management Handbook posted on website. Current signature delegations meet requirements of SB20. TJJD's Procurement Procedures manual is being updated accordingly.</p> |
| 12           | <p>Requires posting on agency website of contracts and PO's over \$15K.<br/> --All such contracts whether competitively bid or not.<br/> --Statutory authority for no bid contracts.<br/> --RFPs related to competitively bid contracts (until contracts expire).</p>  | <p>TJJD is currently posting all active contracts to Agency's Public Website.</p>  |
| 13           | <p>Agencies must develop rules to ID contracts requiring "enhanced" contract monitoring.<br/> --Required Commissioner notification of these contracts.<br/> --Required notification to Commissioner of contract issues.<br/> --Des not include MOUs, IACs, ILCs, and \$0 contracts.<br/> --Requires that contracts over \$5 million be signed by Chairman. May be delegated to Exectuvie Director.</p>   | <p>TJJD currently is doing this. We notify the Board of any contract that is considered high risk or that requires "enhanced monitoring", even if it is below the threshold requiring Board approval.</p>  |
| 14           | <p>Agency to develop a contract management handbook and risk analysis procedure:<br/> --Develop procedures on how to assess risks;<br/> --ID contracts that required "enhanced" contract management; and<br/> --Establish clear lines of accountability of staff involved in procurements.</p>   | <p>TJJD has developed a Contract Management Handbook and Guide along with a Risk Assessment Form and procedures to be used on all contracts over \$25K deemed to be high or medium risk. The Contracts department will make reccomendations on how</p>   |
| 21           | <p>CPA and state agencies to rate vendors on A-F scale. State agencies to use this information in determining contract awards. CPA is to determine grade levels for eligibility for contract awards.</p>   | <p>Waiting on the Comptroller to make the changes to the Vendor Performance Tracking system.</p>   |
| 30           | <p>Applies to contracts entered into after 9/1/15</p>  | <p>TJJD chose to post all active contracts including ones awarded before 9/1/2015.</p>   |

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Advisory Council  
Juvenile Probation Department Chiefs

From: David Reilly, Executive Director

Date: September 18, 2015

RE: (1) Implementation plan for SB 1630 provisions affecting general probation funding;  
(2) "Basic Probation" definition input requested (survey available at <https://www.surveymonkey.com/r/BasicProb>)

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This memo describes Senate Bill (SB) 1630<sup>1</sup> provisions affecting general probation funding (unrelated to Regionalization) and key components of TJJJ's implementation plan. Input regarding the definition of "Basic Probation" is requested from field practitioners via a survey which can be accessed at <https://www.surveymonkey.com/r/BasicProb>. **Responses are requested by close of business, Friday, October 2<sup>nd</sup>**. Additional discussion and feedback will occur with the TJJJ Advisory Council and the Funding Subcommittee in October and November. Questions and comments should be submitted to Mike Meyer ([mike.meyer@tjjd.texas.gov](mailto:mike.meyer@tjjd.texas.gov)) using "Sept. 18 Memo" as the subject line.

### SB 1630 Provisions Affecting General Probation Funding

The widest known initiative in SB 1630 is probation regionalization. However, there are also other provisions in the bill that relate to existing probation grant programs:

SECTION 6. Section 223.001, Human Resources Code, is amended to read as follows:

Sec. 223.001. DETERMINATION OF AMOUNT OF STATE AID. (a) The department shall annually allocate funds for financial assistance to juvenile boards to provide juvenile services according to current estimates of the number of juveniles in each county, a basic probation funding formula for departments that clearly defines what basic probation entails and which services are provided, and other factors the department determines are appropriate.

...

(c) The department shall [~~may~~] set aside a portion of the funds appropriated to the department for discretionary state aid to fund programs designed to address special needs or projects of local juvenile boards, including projects dedicated to specific target populations based on risk and needs, and with established recidivism reduction goals. The department shall develop discretionary grant funding protocols based on documented, data-driven, and research-based practices.

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<sup>1</sup> 84<sup>th</sup> Legislature, Regular Session

These provisions create a system where some portion of available general probation funding is distributed on a pure formula basis, with one set of expectations around use and outcomes, and another portion is distributed on a non-formula basis, with heightened expectations around use and outcomes. This represents a shift in how funding distributed by TJJJ is allocated and managed, with three primary components: (1) defining “Basic Probation”; (2) developing a new funding formula; and (3) establishing discretionary funding protocols.

### Key Components of Implementation Plan

What follows is a description of the three key components of TJJJ’s plan to implement provisions of SB 1630 affecting general probation funding. As discussed at the agency’s 2015 Post-Legislative Conference and Budget Workshop, it is TJJJ’s intent to begin use of a new funding methodology with fiscal year (FY) 2017, though changes in funding levels may be phased in as necessary. The high-level timeframe benchmarks provided below are designed to allow TJJJ staff to make State Aid funding allocation recommendations to the TJJJ Board in late May, 2016, leaving time for probation departments to develop FY 2017 budgets.

#### *Defining “Basic Probation” (approximately 2 months)*

The need to clearly define “Basic Probation” arose from the significant variation statewide in the use of the term “Basic Supervision.” However, the present task is not to define basic supervision, but to define basic probation: the minimum level of programs and services that should exist in all counties<sup>2</sup> statewide.

Today, State Aid is organized around direct supervision, youth services, various kinds of programs, various forms of placement, commitment diversion and mental health activities, and others. If “probation” is considered to be a spectrum where none of these are available, up to where all are available to the fullest extent possible, “basic probation” is the mix of some or all of these at some level of availability/intensiveness that juvenile justice practitioners across Texas consider to be *minimal* for the fulfillment of their duties. For example, the final definition may include face-to-face supervision, but exclude intensive mental health residential placement.

The following represents a high-level timetable for this component of the implementation plan:

- |  |                 |
|--|-----------------|
| • Field survey (available at <a href="https://www.surveymonkey.com/r/BasicProb">https://www.surveymonkey.com/r/BasicProb</a> ) | Sept. 18-Oct. 2 |
| • Review of results and further discussion with TJJJ Advisory Council  | Oct./Nov.       |
| • Statewide distribution of proposed definition for review/comment   | Early November  |
| • Statewide distribution of finalized definition   | Mid-November    |

#### *Developing a New Funding Formula (approximately 2.5 months)*

TJJJ staff worked with the Advisory Council to update the agency’s funding formula for the 2012-2013 grant cycle. The relative funding proportions established by the formula (along with incrementally declining grandfathered non-formula distributions) formed the basis of initial allocations during the 2014-2015 cycle and for fiscal year 2016. The next component of implementing the provisions of SB 1630 shown above is to update the State Aid formula to align with the new definition of “basic probation.”

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<sup>2</sup> Or multi-county jurisdictions.

Translating the elements of “basic probation” into funding decisions may involve setting funding floors, or a methodology to calculate an overall funding level and the proportion coming from the State, and how to adjust these for juvenile population. It may require consideration of other factors deemed relevant, such as annual referrals, department size, etc. The resulting formula will apply to a portion, not all, of available funding; discussion will be needed around what portion of available funding will be subject to the formula, and to what extent use of the new formula should be phased in.

At a high level, this component of the implementation plan includes:

- Discussion of framework for new formula with TJJJ Advisory Council (Funding Subcommittee) Nov./Dec.
- Statewide distribution of draft formula for review/comment Dec./Jan.
- Statewide distribution of finalized formula Late January

*Establishing Discretionary Funding Protocols (approximately 3 months)*

The portion of available State Aid not subject to the funding formula will be distributed under new “discretionary grant funding protocols.” The statutory changes made by SB 1630 in this area make discretionary state aid mandatory (rather than optional), establish intent to support projects with specific target populations and recidivism reduction goals, and link this funding to data-driven and research-based practices.

Similar to changes in formula funding, implementation of these requirements will require defining the programs and services that are included, which may be those that complement programs and services included in “basic probation.” Implementation will also involve setting requirements related to target population and recidivism goals, including how compliance and success will be tracked and measured. Lastly, definitions and expectations related to “data-driven” and “research-based” practices will need to be established, along with how these will be evaluated and what training and support will be needed.

High-level benchmarks for this component of the implementation plan include:

- Discussion of framework for new protocols with TJJJ Advisory Council (Funding Subcommittee) February
- Statewide distribution of draft protocols for review/comment March
- Statewide distribution of finalized protocols Late April

### Survey Response Request

As mentioned above, a critical first step in implementing general grant funding provisions of SB 1630 is for TJJJ to receive input from probation practitioners regarding the definition of “basic probation.” The agency has developed a short survey (accessible at <https://www.surveymonkey.com/r/BasicProb>) to solicit that input. The survey is estimated to require no more than 10 minutes to complete. **Responses are requested by close of business, Friday, October 2<sup>nd</sup>.** The results of the survey will be discussed with, and additional feedback will be requested from, the TJJJ Advisory Council and the Funding Subcommittee in October and November. Questions and comments should be submitted to Mike Meyer ([mike.meyer@tjjd.texas.gov](mailto:mike.meyer@tjjd.texas.gov)) using “Sept. 18 Memo” as the subject line.

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To: Texas Juvenile Justice Department Board of Directors  
David Reilly, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: Internal Quality Assessment, Project No. 15-3

Date: November 13, 2015

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Attached is the annual Internal Quality Assessment of the Office of Internal Audit (OIA) for Fiscal Year 2015. The internal assessment is a requirement of the Institute of Internal Auditor's (IIA) Standard 1311, the results of which must be communicated to Senior Management and the Board in accordance with Standard 1320.

The internal assessment for Fiscal Year 2015 included a review of the Audit Charter; review of the Audit Manual; review of work papers; review and discussion of industry best practices; customer satisfaction survey results; review of OIA staff; Fiscal Year 2015 Performance Measure Results; External Quality Assurance Review; and establishes Fiscal Year 2016 Performance Measures and Goals.

The results of the assessment identified that the OIA is meeting the requirements of professional standards, as well as providing the agency with value-added information to assist the Texas Juvenile Justice Department (TJJD) in improving the effectiveness and efficiency of operations.

The assessment concludes with a list of performance measures and goals for Fiscal Year 2016 as the Office of Internal Audit continues to emphasize compliance with standards and strives for continuous improvement. The OIA welcomes suggestions and feedback from the Board, management, as well as all stakeholders within TJJD, as we continue to assist the agency in accomplishing its mission of working to "create a safer Texas through the establishment of a continuum of services that promotes positive youth outcomes."

cc Chelsea Buchholtz

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| Customer Satisfaction Survey Results.....             | 3 |
| Review of Internal Audit Department Staff.....        | 4 |
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## Background

The Institute of Internal Auditors (IIA) International Standards for the Professional Practice of Internal Auditing (*Standards*) require the Chief Audit Executive (CAE) to develop and maintain a quality assurance and improvement program that covers all aspects of the internal audit activity. The quality assurance program must include both internal and external assessments.

Internal assessments include ongoing monitoring of the performance of the internal audit, including periodic self-assessments and assessments by other persons within the organization with sufficient knowledge of internal audit practices. Internal assessments must evaluate the internal audit activity's conformance with the IIA's International Professional Practices Framework (IPPF) Mandatory Guidance which consists of: the Definition of Internal Auditing, the Code of Ethics, and the *Standards*.

External assessments are conducted in accordance with the *Standards* and the Government Accountability Office's Generally Accepted Government Auditing Standards (GAGAS), in that every three (3) years a qualified, independent assessment team from outside the organization reviews the internal audit activity's quality control system in order to provide the audit organization with reasonable assurance of conformance with applicable professional standards.

## Review of the Charter

The *Standards* require the purpose, authority, and responsibility of the internal audit activity must be formally defined in an internal audit charter (Charter), consistent with the Definition of Internal Auditing, the Code of Ethics, and the *Standards*. The CAE must periodically review the internal audit charter and present it to senior management and the board for approval.

The Charter currently in place was adopted by the Texas Juvenile Justice Department (TJJD) Board of Directors (Board) on October 24, 2014. The Charter has been reviewed and will be presented to the Board for approval on November 13, 2015. The Charter contains all of the elements required by the *Standards*, including the internal audit activity's purpose, authority, and responsibility; the internal audit activity's position within the organization, including the CAE's functional reporting relationship with the board; access to records, personnel, and physical properties relevant to the performance of engagements; and the scope of internal audit activities. Final approval of the Charter resides with the Board.

## **Review of the Audit Manual**

The OIA Manual (Audit Manual) currently in use was approved August 2015. The Audit Manual was reviewed and policies needing revision were identified and addressed.

## **Review of Work Papers**

Working papers are reviewed and coaching notes are given by the CAE and team leads as audit work progresses. Additionally, a final working paper review is conducted by a staff member not specifically involved in the audit project. Although work papers consistently met the standards over the past year, opportunities for improvement exist and are addressed as they are identified. Furthermore, the timeliness of the final workpaper review could be improved and is an area being addressed by the CAE and Audit Manager. Analysis and ongoing review continues to result in training sessions throughout the year.

## **Review and Discussion of Industry Best Practices**

Internal Audit routinely reviews and discusses professional standards and guidance, industry best practices, journal articles, and other literature during staff meetings. Specific discussion topics in fiscal year 2015 included:

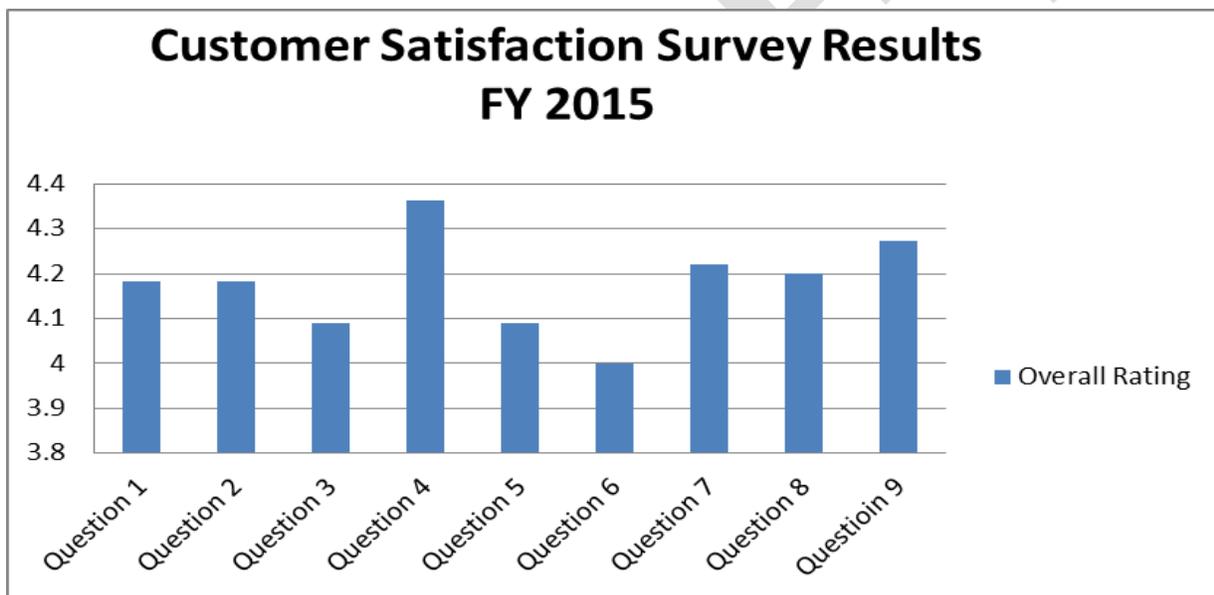
- COSO - Objectives, Components, Principles
- IT Risk Assessments
- Audit Workpapers
- Outlook on the IA Landscape for the Year Ahead
- Due Diligence
- Leadership Traits
- Contracting and Procurement
- Top 10 Things in Data Analysis - Adding Value
- Is Internal Audit Doing What Really Matters
- Contracts
- Annual Risk Assessment
- Ethics
- Senate Bill 1630
- Make Your Mark
- Write Your Own Procedures

- Increasing Auditor Effectiveness in Recognizing and Detecting Fraud
- Sampling For Auditors
- Changes in legislation and new legislative mandates

### Customer Satisfaction Survey Results

Internal Audit distributed a survey to the Executive Management Team (EMT) and agency staff that participated in audits during fiscal year 2015. Responses to the survey questions were scored (with responses ranging from strongly disagree to strongly agree). The results of the survey reflected an overall total average of 4.18, up from the 4.01 reported for FY 2014. Questions 4 and 9 yielded the highest ratings at 4.36 and 4.27, respectively.

The following chart displays the results of the survey:



- Question 1: The Office of Internal Audit (OIA) demonstrates independence and objectivity.
- Question 2: The OIA demonstrates proficiency and competence.
- Question 3: The objectives and scope of the audit(s) are clearly communicated.
- Question 4: The OIA demonstrates courtesy.
- Question 5: The OIA provides opportunity for management’s feedback regarding the findings identified.
- Question 6: Audit results are reported objectively and with appropriate perspective.

- Question 7: The OIA is willing to provide advice and assistance when needed.
- Question 8: The OIA follows up on prior audits.
- Question 9: The OIA adds value to the agency.

### Review of Internal Audit Department Staff

Internal Audit began fiscal year 2015 with six (6) staff members, and ended the year with seven (7).

During fiscal year 2015, four (4) staff members held at least one professional designation. The certifications and number of staff who hold them are as follows:

| Certification                                     | Number |
|---|--------|
| Certified Internal Auditor (CIA)                  | 3      |
| Certified Government Auditing Professional (CGAP) | 2      |
| Certified Fraud Examiner (CFE)                    | 1      |
| Certification in Risk Management Assurance (CRMA) | 3      |

Additionally, two (2) current staff members are pursuing the CIA or CGAP designation.

In calendar year 2015, staff have attended 519 hours of training, for a total of 895 hours for the two year period 2014 and 2015, meeting the Continuing Professional Education (CPE) requirements set forth by both GAGAS and the IIA.

Internal Audit staff members have also actively participated in professional organizations such as the Institute of Internal Auditors local Austin chapter and the State Agency Internal Audit Forum (SAIAF).

### Fiscal Year 2015 Performance Measure Results

For fiscal year 2015, Internal Audit set goals for seven (7) performance measures, of which Internal Audit was successful in meeting five (71%) for the fiscal year. Overall, Internal Audit met goals related to the completion of the approved audit plan; the percentage of high-risk areas included in audit work; the percentage of staff time spent on planned audit activities;

rating on the customer satisfaction survey; and the percentage of staff meeting professional education requirements. The performance measures, goals, and results for fiscal year 2015 are illustrated in the following table:

| Measure  | FY 2015 Goal | FY 2015 Actual |
|--|--------------|----------------|
| 1. The percent of the approved audit plan completed.                     | >=80%        | 80%            |
| 2. The percent of audits completed within 110% of budget.                | >=75%        | 67%            |
| 3. The percentage of high-risk areas included in audit work.             | >=60%        | 60%            |
| 4. The percent of time spent on planned audit activities.                | >=70%        | 80%            |
| 5. The average overall score on customer satisfaction survey.            | >=4.0        | 4.18           |
| 6. The percent of staff holding at least one professional certification. | >=75%        | 44%            |
| 7. The percent of staff meeting professional education requirements.     | 100%         | 100%           |

### External Quality Assurance Review

The most recent External Quality Assurance Review for Internal Audit was completed in August 2012 and received a rating of “*fully complies with the Institute of Internal Auditors (IIA) Internal Standards for the Professional Practice of Internal Auditing (Standards), the United States Government Accountability Office (GAO) Government Auditing Standards, and the Texas Internal Auditing Act (Texas Government Code, Chapter 2102).* This opinion is the highest of the three possible ratings and means that the Internal Audit Department has achieved their major objectives in the provision of the internal audit function.”

GAGAS requires each audit organization to have an external peer review at least once every three (3) years. The Office of Internal Audit is currently undergoing the External Quality Assurance Review.

### Fiscal Year 2016 Performance Measures and Goals

The following table represents the Internal Audit Department’s performance measures and goals for Fiscal Year 2016:

| <b>Measure</b>  | <b>FY 2016 Goal</b> | <b>Reported</b>           |
|---|---------------------|---------------------------|
| <b>1. The percent of the approved audit plan completed.</b>                     | <b>&gt;=80%</b>     | <b>Committee Meetings</b> |
| <b>2. The percent of audits completed within 110% of budget.</b>                | <b>&gt;=75%</b>     | <b>Committee Meetings</b> |
| <b>3. The percentage of high-risk areas included in audit work.</b>             | <b>&gt;=60%</b>     | <b>Committee Meetings</b> |
| <b>4. The percent of time spent on planned audit activities.</b>                | <b>&gt;=70%</b>     | <b>Committee Meetings</b> |
| <b>5. The average overall score on customer satisfaction survey.</b>            | <b>&gt;=4.0</b>     | <b>Annual</b>             |
| <b>6. The percent of staff holding at least one professional certification.</b> | <b>&gt;=60%</b>     | <b>Annual</b>             |
| <b>7. The percent of staff meeting professional education requirements.</b>     | <b>100%</b>         | <b>Annual</b>             |

DRAFT



**Texas Juvenile Justice Department**  
**Safety and Security Committee Meeting**  
**JW Marriott San Antonio Hill Country Resort & Spa**  
**23808 Resort Parkway, Indian Paintbrush Room**  
**San Antonio, TX, 78261**  
**Thursday, August 27, 2015, 2:30 pm**

**BOARD MEMBERS PRESENT:**

The Honorable Laura Parker  
The Honorable Becky Gregory  
The Honorable Carol Bush  
Riley Shaw  
The Honorable John Brieden (Non-Committee member)

**EXECUTIVE STAFF PRESENT:**

David Reilly, Executive Director  
Jill Mata, General Counsel  
Roland Luna, Chief Inspector General  
Eleazar Garcia, Chief Auditor  
Jeannette Cantu, Executive Assistant  
Elaine Mays, Chief Information Officer  
Dr. Tushar Desai, Medical Director  
Chelsea Buchholtz, Chief of Staff

Rebecca Walters, Director of Youth Placement  
and Program Development  
Teresa Stroud, Senior Director of State  
Programs and Facilities  
James Williams, Senior Director of  
Probation and Community Services  
Luther Taliaferro, Interim Superintendent of  
Education Services

**OTHER GUESTS PRESENT:**

Kevin DuBose, TJJD  
Kaci Singer, TJJD  
Melanie Cleveland, TJJD  
Vivian Cohn, TJJD

Jeannette Lepe, TJJD  
Nancy Slott, TJJD  
Cathy Berryhill, TJJD  
Vicki Andrews

**Call to Order**

Judge Laura Parker, Chairwoman, called the meeting to order at 2:30 p.m.

Safety & Security Committee  
August 27, 2015

### **Approval of the January 29, 2015, March 26, 2015 and May 28, 2015 meeting minutes**

Judge Parker called for a motion to approve all three sets of minutes (Agenda items 2, 3 and 4). Riley Shaw moved to approve the minutes. Becky Gregory seconded. The motion passed.

### **Office of the Inspector General Update**

Roland Luna, Chief Inspector General, presented the OIG investigative analysis with summary indicators for the Incident Reporting Center (IRC) fiscal year comparisons FY 2014 through July and FY 2015 through July. The IRC reports have decreased by 3 percent from the previous fiscal year and overall nearly every category had a decrease in numbers, most notably a 7 percent decrease in OIG criminal cases.

Chief Luna reviewed the numbers on OIG criminal investigations submitted to prosecution and noted that most of these categories had a decrease in numbers as well. He stated that there would be a change in the report going into FY 2016. Beginning September 1, 2015 there will no longer be a category for "Referred to State Programs." Instead those reports will be referred to either Human Resources or Youth Rights.

Chief Luna reviewed the Investigative Life Cycle numbers. The average number of days under investigation was 36 days which continues to improve. The contraband, detection and Interception division, formally the K-9 division numbers were 4,411 total searches and 90 percent were for unauthorized items and then followed by either gang related material or contraband. Chairwoman Parker asked what the types of unauthorized items were and Chief Luna stated possession of pens, pencils, writings and food when the youth had not met stage progression. There was nothing found that threatened safety or security. Board member, Judge Brieden noted that contraband had increased from the previous fiscal year. Chief Luna explained that on December 15, 2013 the K-9 Unit transitioned into OIG and the program was completely retooled to include searches of dorms, open areas, perimeters, gate house and rooms. This has led to increased searches by six fold and he feels that this is why the numbers have increased. However, he does not have data to support an increase. They now have better program management and internal controls and believe a better comparison can be made in August FY 2016 to see what the program impact has been. These are internal items and those items moved forward for prosecution are for marijuana and variations of synthetic marijuana. After September 1, 2015 the agency will have some authority to prosecute those cases.

The OIG hosted the Central Texas Violent Gang Task Force meeting in July with nine different agencies participating including the Department of Public Safety, the Texas Department of Criminal Justice, and the Attorney General's office. The staff provided training on how to effectively build a Gang Intelligence program. The National Association of Inspector General's hosted the Texas chapter training in Austin a few months ago and TJJJ OIG staff were invited to speak on how to build an effective Inspector General Office and how to use social media to help develop investigations. They had a 4 hour block of time with 100 participants and it was received very well. Year-to-date OIG has conducted 2135 youth status checks, completed any time there is a placement or change in placement. Also, OIG staff completed 9,557 visitation background checks in collaboration with State Programs. The Safety and Security Advisory Committee has two subcommittees with one being the Critical Incident Review Subcommittee which is chaired by Terri Dollar, Director of Monitoring and Inspections. She does a great job coordinating the Chief of Staff Office, Administrative Investigations Division, OIG, Office of the Independent Ombudsmen, Internal Audit and a few other divisions. The staff use the after action review concept to look at incidents and make improvements. The other subcommittee is the Use of Force Improvement Subcommittee which has been meeting monthly since November of last year. Substantial improvements have been made and a final draft report will be delivered to Mr. Reilly on September 2, 2015.

#### **State Programs and Facilities Update**

Teresa Stroud, Senior Director of State Programs and Facilities, stated that Mr. Reilly would be reviewing the population numbers in more detail at the Board meeting. She stated that the numbers are holding at 2 to 3 percent under budget in high restriction facilities. There has been a significant increase in the number of determinate sentenced offenders but there has not been a decrease in indeterminate sentenced offenders that was originally projected by the Legislative Budget Board (LBB) and others. The Centralized Placement Unit continues to keep the halfway house beds as full as possible. The commitment of sentenced offenders in FY 2016 from FY 2015 is up by 58%. It is believed that this is due in part to a Supreme Court decision issued in the spring related to certification of youth to stand trial as adults. This was the Moon case out of Harris County. They have a larger increase in average youth not being certified as adults and being sent to TJJJ. It is having an impact.

Ms. Stroud presented the Workers' Compensation Report for the month of June 2015 and the number of claims filed were 47, averaging 43 per month. However, the July numbers not shown in the board packet,

were down to 31. Claims filed due to an assault were 9 and during a restraint were 30, but down to 22 in July. The Injury Frequency Rate was a bit higher than FY 2014 but came back down to match the average in July.

Organizational changes in the division resulted in Rebecca Walters taking over supervision of residential contracts and reporting directly to Mr. Reilly. In her new role, Ms. Walters continues to supervise the Centralized Placement Unit for the agency in addition to other duties. She is in a great place to help the agency.

The staff, with the support from Director Riley and Ms. Buchholtz, will begin work on the expansion of the PAWS program to other facilities within TJJJ. The program is solidly in place at Ron Jackson and will be expanding to Gainesville. Cris Burton's role as lead treatment specialist is expanding and he will be working with counties to expand PAWS. He is currently working in El Paso. The staff has been training dogs on the premise that they get the dogs from the shelter and then train them on canine good citizen skills. This makes them more adoptable in the community. It's a very successful program with good recidivism rates for the youth that participate. The staff wants to bring this program to an all-male facility. The most exciting part about this program is that it will be partnering with two different agencies, Patriot Dogs and Service Dogs International. They will be training on how to help people with mobility issues for example bringing them their phone. There will also be therapy dogs to help with post-traumatic stress disorder (PTSD).

In July the agency welcomed Jessica Cabrera as the new Superintendent at Evins Regional Juvenile Justice Center. Ms. Cabrera is a native of the Rio Grande Valley, Assistant Director of Education and Program Chair for the Associate Degree Program in Criminal Justice at Kaplan University.

In August, the State Programs and Facilities welcomed Dr. Gita Upreti as Coordinator of Positive Behavioral Intervention and Supports (PBIS) for the agency. TJJJ is expanding PBIS past the education setting at our facilities and integrating it into daily living. It is going well at the Ron Jackson facility and she will be coordinating training at all facilities, providing a guide map, and ensuring fidelity. She has high energy and is very passionate about what the agency can do with PBIS at TJJJ. She will also be making suggestions on how to incorporate this concept with our employees.

Following the recent retirement of Executive Assistant Debbie Houser from our division, State Programs is pleased to announce that Melanie Cleveland has accepted the Executive Assistant Position in the division. Melanie has a lot of experience and has worked for the Texas State Senate, Texas Department of Public Safety and Texas Department of Criminal Justice.

Ms. Stroud reviewed the Facility Report Card for May and June. The report card now has the incident rate per 100 and the total number to provide clarity in both major and minor incidents. The use of OC spray is documented there, as well as staff information such as voluntary turnover rate, injury frequency rate per facility and how that ties into aggression or industrial accidents. State facilities are achieving good results with the action staff took 18 months ago, to reduce youth injuries, particularly self-injuries.

**Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC 380.9709, relating to Youth Search, and 380.9710, relating to Entry Search, in the Texas Register for a 30-day comment period.**

Teresa Stroud, Senior Director of State Programs and Facilities presented this action item. The rule will include two exceptions to the general requirement that a staff member must be of the same gender as the youth being searched. Cross gender searches are allowed in exigent circumstances, which are defined as any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or institutional order of a facility; and limited by consideration of facility and staff safety and security. Board member Becky Gregory asked the percentage and Ms. Stroud answered that only one person out of 1100 identifies as cross gender. It was a policy change needed to maintain PREA compliance. One third of our facilities are certified, another third are in process and one third left remains. The facilities are in good standing with Federal Law. This change only affects entry searches. TJJ will honor the preference of a youth to be searched by a male or female staff member if the youth self-identifies as transgender or intersex, and that identification is supported by collateral assessment processes. This rule will no longer include step by step processes for conducting pat down searches and strip searches. These processes will be addressed in TJJ's internal procedures. Judge Parker called for a motion to approve. Judge Bush moved to recommend approval to the full Board. Becky Gregory seconded. The motion passed.

**Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC 380.9951 and 380.9955, relating to Juvenile Correctional Officers, in the Texas Register for a 30-day comment period.**

Teresa Stroud, Senior Director of State Programs and Facilities presented this action item. The current juvenile correctional officer (JCO) required number of training hours came from a Senate Bill in 2011. This revision would reduce the amount of training JCOs must receive before assuming sole supervision responsibility from 300 hours to 240 hours. It adds a requirement for JCOs to receive at least 60 hours of additional training within the first year of their employment. Ms. Stroud then walked through each change of the revised rule. Judge Parker called for a motion to approve. Riley Shaw moved to recommend approval to the full Board. Judge Bush seconded. The motion passed.

**Discussion, consideration, and possible final adoption of revisions to 37 TAC 343.236 and 343.238, relating to Secure Storage Areas and Hazardous Materials.**

James Williams, Senior Director of Probation and Community Services, asked the committee to approve the rule which was posted for a 30 day public comment. There were no comments. Judge Parker called for a motion to approve. Becky moved to recommend approval by the full Board. Riley Shaw seconded. The motion passed.

**Discussion, consideration, and possible final adoption of revision within 37 TAC Chapter 343, relating to standards for secluding residents from the general facility population.**

James Williams, Senior Director of Probation and Community Services, stated the rule was posted for the 30 day public comment period and there were comments. Staff worked with the Advisory Council and our General Counsel to come up with proposed changes. These changes did not sacrifice public safety or security of the residents and staff. The changes did not involve new parties and interests. Judge Parker called for a motion to approve. Judge Bush moved to recommend approval to the full Board. Riley Shaw seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the discipline of certified officers –Default judgement**

- a) Hiran Emigdo Cruz; 15-24053-150072;24053 (Cameron)
- b) Ricardo Gonzalez; 15-27102-130234; 27102 (Webb)
- c) Edelmiro Silva Lopez; 15-29116-150072; 29116 (Cameron)
- d) Carlos Sanchez-Caballero; 15-28427-150072; 28427 (Cameron)

Kaci Singer, Staff Attorney, presented the four orders. Judge Parker called for a motion to approve. Riley Shaw moved to recommend approval of all four orders to the full Board. Becky Gregory seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the discipline of certified officers – Agreed orders.**

- a) Macarthur Eaglin; 15-23900-130168; 26900 (Bexar)
- b) Chasity Myles; 15-27641-140300; 27641 (Gregg)

Kaci Singer, Staff Attorney, presented the orders. Judge Parker called for a motion to approve, Riley Shaw moved to recommend approval of both orders to the full Board. Becky Gregory seconded. The motion passed.

**Adjourn**

The meeting was adjourned at 3:15 p.m.

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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Report from the State Programs and Facilities Division

Date: October 15, 2015

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### Population: (as of 10/9/15)

| Programs                  | Budgeted   | Actual      | Female Pop | Over Under | Percent      |
|---------------------------|------------|-------------|------------|------------|--------------|
| Evins                     | 136        | 130         | *          | -6         | (4.4%)       |
| Gainesville               | 192        | 256         | *          | 64         | <b>33.3%</b> |
| Giddings                  | 205        | 199         | *          | -6         | (2.9%)       |
| RJ Young Offenders        | 20         | 9           | *          | -11        | (55.0%)      |
| Mart Phoenix              | 16         | 10          | *          | -6         | (37.5%)      |
| MRTC                      | 49         | 49          | *          | 0          | --           |
| Mart Long Term            | 192        | 215         | *          | 23         | <b>12.0%</b> |
| Ron Jackson O & A         | 92         | 82          | 4          | -10        | (10.9%)      |
| RJ Long Term (females)    | 96         | 99          | 98         | 3          | <b>3.1%</b>  |
| <b>Total Institutions</b> | <b>998</b> | <b>1049</b> | <b>102</b> | <b>51</b>  | <b>5.1%</b>  |

| Halfway Houses     | Budgeted   | Actual     | Female Pop | Over Under | Percent       |
|--------------------|------------|------------|------------|------------|---------------|
| Ayres              | 20         | 15         | *          | -5         | (25.0%)       |
| Brownwood House    | 6          | 6          | 6          | 0          | --            |
| Cottrell           | 16         | 12         | *          | -4         | (25.0%)       |
| McFadden           | 48         | 48         | *          | 0          | --            |
| Schaeffer          | 12         | 15         | *          | 3          | 25.0%         |
| Tamayo             | 16         | 17         | *          | 1          | 6.3%          |
| Willoughby         | 12         | 12         | *          | 0          | --            |
| York               | 16         | 14         | *          | -2         | (12.5%)       |
| <b>Total HWH's</b> | <b>146</b> | <b>146</b> | <b>7</b>   | <b>0</b>   | <b>(4.8%)</b> |

### **Residential Programming**

The increase in population which began in February continues. Secure facilities are overpopulated by 5.1% above budgeted capacity. The primary openings that exist are primarily in specialty programs such as orientation and assessment, the youthful offenders program and Phoenix. The division routinely collaborates with the Centralized Placement Unit to ensure appropriate placement, transition and release of youth to safely manage the population.

The Gainesville Facility was PREA certified August 28, 2015. York Halfway House was PREA certified October 2, 2015. Congratulations to both facilities.

Our Giddings facility was visited in September by Mr. Michael Gove, Justice Secretary in Great Britain along with staff from the British Consulate. Great Britain is beginning reform efforts in its prison system and visited juvenile and adult facilities here in Texas. The BBC is completing a documentary on the process in Britain and filmed at Giddings. A story ran October 3, 2015 in *The Daily Telegraph* in Great Britain regarding Mr. Gove's visits here in Texas.

During the same week in September, former Giddings youth who participated in the Capital and Violent Serious Offender program returned to Giddings to thank staff for their positive influence in their lives through treatment, role modeling and teaching. More than 30 former offenders visited the facility, many with great success stories and appreciation for the life skills learned at Giddings and how they still apply to their daily life today. Stories regarding that reunion were reported in the Texas Tribune.

## **Workers' Compensation**

The following statistical information contained within this report is derived from the State Office of Risk Management (SORM), the workers' compensation insurance carrier for state agencies. The claims in this report are shown in the month filed with SORM, which may differ from the date they occurred.

- Number of claims in August: 53 (Averaging 42.9 per month)
  - Due to industrial accidents: 14 (Averaging 8.8 per month)
  - Due to youth aggression: 39 (Averaging 34.1 per month)
    - Due to an assault: 9
    - During a restraint: 30
  
- FY15 YTD Injury Frequency Rate: 20.26
  - FY14 IFR: 19.14
  
- FY15 YTD Expenditures: \$4,184,361.82 (67% from previous year claims)
  - Same period FY14: \$3,350,061.47;
  
- FY15 YTD Cost per FTE: Projected to be \$1,659.80
  - FY14 Cost per FTE was \$1,308.62
  
- FY15 YTD Lost Days: 5881
  
- FY15 YTD Restricted Days: 3715

## **New and Good**

Both our Giddings and Gainesville facilities continue to participate in TAPPS football league. In September, the *San Antonio Express News* ran a very positive story regarding the Giddings game in San Antonio playing Castle Hills Eagles. According to the Express, "Giddings held on for a 40-33 victory over Castle Hills in TAPPS six-man football at San Antonio Christian in the Indians' first "home" game of the season." Giddings plays six man football while Gainesville plays traditional eleven man.

Attending these games affords an opportunity to see youth in our custody engaged in a truly positive, “normal” high school activity, receiving positive attention for possibly the first time in their lives. Cheerleaders and fans from opposing teams routinely cheer for our TJJD teams, coming to our side to lead cheers in the second half and welcoming them with posters.

In mid-November, Dr. Madeleine Byrne, Director of Treatment will host members of the American Psychological Association (APA) as they visit our agency and facilities to determine whether we will be certified APPIC site for psychology interns. TJJD began the internship program through a grant with the Hogg Foundation in 2012. One of the interns who came to the program in 2012 working at Giddings in her pre-doctoral internship was formally recognized as Dr. Godlewski just a couple of weeks ago. Dr. Danuta Godlewski has remained with the agency after graduation from her internship and recently passed all licensure exams.

The agency graduated four interns in August and has hired four additional interns who began in early September, two at Giddings and two at our Mart Facility.



**Texas Juvenile Justice Department  
Programs Committee Meeting  
JW Marriott San Antonio Hill Country Resort & Spa  
23808 Resort Parkway, Indian Paintbrush Room  
San Antonio, TX, 78261**

Thursday, August 27, 2015 – 3:45 p.m.

**BOARD MEMBERS PRESENT:**

The Honorable Jimmy Smith  
MaryLou Mendoza  
Scott Matthew  
Riley Shaw

**BOARD MEMBERS ABSENT:**

Dr. Rene Olvera, Committee Chairman

**EXECUTIVE STAFF PRESENT:**

Chelsea Buchholtz, Chief of Staff  
Jill Mata, General Counsel  
Dr. Desai, Medical Director  
Luther Talliaferro, Interim Superintendent of Education Services  
Teresa Stroud, Senior Director of State Programs and Facilities  
James Williams, Senior Director of Probation and Community Services  
Jeannette Cantu, Executive Assistant

**OTHER GUESTS PRESENT:**

Vicki Andrews  
Melanie Cleveland, TJJD  
Kaci Singer, TJJD  
Cathy Berryhill, TJJD  
Nancy Slott, TJJD  
Libby Elliott, Governor's Office

Programs Committee Meeting  
August 27, 2015

### **Call to Order**

Mr. Shaw called the meeting to order at 3:45 p.m.

### **Discussion, Consideration, and Possible Approval Regarding Excused Absences**

Dr. Olvera was unable to attend the meeting. Commissioner Smith moved to excuse Dr. Olvera's absence. Mr. Matthew seconded. The motion carried.

### **Approval of March 26, 2105 meeting minutes**

MaryLou Mendoza moved to approve the minutes of the March 26, 2015 meeting with one change; the heading on the minutes indicated they were for the January 29, 2015 meeting but they were indeed for the March 26, 2015 meeting. Commissioner Smith seconded. The motion carried.

### **Updates from the Medical Director**

Dr. Tushar Desai, Medical Director, updated the Board on the Medical Services Division. UTMB provides the direct care. TJJD's Medical Services Division provides oversight to the medical, psychiatric, and pharmacy services provided by UTMB at the secure facilities and halfway houses. Oversight includes access to care measures, risk assessment, cost effectiveness, data collection, analysis, and quality improvement measures. TJJD and UTMB successfully renegotiated the contract for the next two fiscal years despite the reduction in appropriated funds.

The department also oversees all aspects of food and nutrition services including medical diets, food safety and sanitation, and food quality.

TJJD has initiated a tattoo removal clinic which will be located in Giddings. Tattoo removals are voluntary by the youth but require parental consent as well, and will be performed only on visible tattoos. Karen Lashbrook, Manager of Halfway Houses and Reentry, along with others worked to obtain a grant in order to purchase the machine.

Dr. Desai shared data regarding various services provided, average daily populations, and cost information. Not all services are declining at the same rate as the population. A higher percentage of youth require medications and/or psychiatric care than several years ago. The agency continues to closely monitor frequency of offsite health care visits and hospitalizations and watches the causes such as self-harm, aggression, restraint-related, and illness.

### **Overview of the state facilities Reading Program**

Luther Taliaferro, Interim Superintendent, and Cathy Berryhill, District Reading Specialist, presented information on the Specialized Reading Program and some of the results. The specialized reading program is at all campuses and serves youth who are struggling and reading well below level. Reading performance is evaluated upon entry, every six months, and upon release. These assessments allow teachers to evaluate reading performance in phonemic awareness, phonics, fluency, vocabulary and comprehension, and to monitor progress in areas of deficiency specific to an individual student. A chart was provided showing how scores improve after six months of instruction at each site.

Teengagement is one successful strategy which helps engage struggling readers. The vast majority of teachers choose to use Teengagement even though it is not required. Teengagement's mission is "to inspire and equip youth to live principle-centered lives."

Sixty minutes of individualized reading instruction per day is built into every student's schedule and in every classroom, not only in the Specialized Reading Program.

Mr. Taliaferro and Ms. Berryhill shared ongoing and new goals surrounding reading.

### **Discussion, consideration, and possible final approval of revisions and rule review within 37 TAC Chapter 347, relating to Title IV-E Federal Foster Care Programs**

James Williams, Senior Director of Probation and Community Services, asked the committee to recommend deletion of a series of rules and adopt a new set of rules within the Title IV-E Federal Foster Care Program. The rules had been previously presented to the Board and posted in The Texas Register as required. The committee voted to recommend final approval to the Board.

### **Adjourn**

The meeting adjourned at 4:30 p.m.

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| JULY                                     | EJC     | GNS     | GID    | MART   | MRTC    | RJ      |
|--|---------|---------|--------|--------|---------|---------|
| <b>Quality</b>                           |         |         |        |        |         |         |
| ADP                                      | 136     | 240     | 201    | 215    | 54      | 197     |
| Releases on Stage Yes                    | 33.3%   | 25.0%   | 40.0%  | 60.0%  | 0.0%    | 16.7%   |
| Other Releases                           | 66.7%   | 75.0%   | 60.0%  | 40.0%  | 100.0%  | 83.3%   |
| Total Incidents                          | 911     | 1499    | 811    | 1022   | 228     | 1300    |
| Incidents per 100 ADP                    | 669.06  | 623.49  | 402.58 | 475.99 | 421.22  | 660.76  |
| Total Major Incidents                    | 303     | 261     | 120    | 233    | 54      | 162     |
| Major Incidents per 100 ADP              | 222.53  | 108.56  | 59.57  | 108.52 | 99.76   | 82.34   |
| Total Minor Incidents                    | 608     | 1238    | 691    | 789    | 157     | 1138    |
| Minor Incidents per 100 ADP              | 446.53  | 514.93  | 343.01 | 367.47 | 321.45  | 578.42  |
| Total Uses of Force                      | 156     | 162     | 92     | 82     | 55      | 155     |
| Use of Force per 100 ADP                 | 114.57  | 67.38   | 45.67  | 38.19  | 101.61  | 78.78   |
| Total Uses of OC Spray                   | 48      | 25      | 9      | 7      | 2       | 2       |
| Use of OC Spray per 100 ADP              | 35.25   | 10.40   | 4.47   | 3.26   | 3.69    | 1.02    |
| Youth Grievances Completed Timely        | 100.0%  | 92.4%   | 99.0%  | 87.3%  | 92.3%   | 99.1%   |
| <b>Staff</b>                             |         |         |        |        |         |         |
| Voluntary Turnover*                      | 3.47%   | 2.45%   | 1.95%  | 2.03%  | -       | 2.62%   |
| Injury Frequency Rate**                  | 50.01   | 24.19   | 16.57  | 18.92  | 28.2    | 28.73   |
| Injury Frequency Rate Aggression**       | 35.55   | 17.68   | 11.32  | 16.85  | 24.92   | 24.58   |
| Injury Frequency Rate Industrial**       | 14.46   | 6.51    | 5.25   | 2.07   | 3.28    | 4.15    |
| Employee Grievances Completed Timely     | 60.0%   | 0.0%    | 100.0% | 0.0%   | 50.0%   | 100.0%  |
| <b>Health Services</b>                   |         |         |        |        |         |         |
| Total Youth Injuries                     | 35      | 67      | 96     | 152    | 70      | 95      |
| Youth Injuries per 100 ADP               | 25.70   | 27.87   | 47.65  | 70.79  | 129.32  | 48.29   |
| Total Self-Injuries                      | 5       | 9       | 7      | 14     | 24      | 18      |
| Self-Injuries per 100 ADP                | 3.67    | 3.74    | 3.47   | 6.52   | 44.34   | 9.15    |
| Medication Refusals                      | 453     | 903     | 363    | 914    | 469     | 386     |
| ER Visits                                | 0       | 1       | 4      | 2      | 2       | 0       |
| Hospitalizations                         | 1       | 0       | 0      | 1      | 0       | 1       |
| Off Campus Medical Trips                 | 16      | 10      | 15     | 13     | 5       | 12      |
| <b>Volunteer Services</b>                |         |         |        |        |         |         |
| Youth Matched to Mentor                  | 11.40%  | 10.10%  | 11.10% | 2.90%  | 10.20%  | 14.90%  |
| <b>Chaplaincy</b>                        |         |         |        |        |         |         |
| Youth with Declared Religious Preference | 100.00% | 100.00% | 99.50% | 98.60% | 100.00% | 100.00% |
| <b>Family Support</b>                    |         |         |        |        |         |         |
| Visitation within 60 Days of Placement   | 35.66%  | 38.26%  | 35.57% | 35.58% | 48.28%  | 28.30%  |

\*For Voluntary Turnover the Corisciana population was combined with the Mart population as of 12/19/13

\*\* IFR measures exclude Phoenix and Ron Jackson O&A.

† Unless otherwise noted Phoenix population is included in MRTC.

Incidents defined as category 1 or 2 rule violations.

Major defined as highest priority incident code category 1.

Minor defined as highest priority incident code category 2.

Use of Force defined as chemical agent, mechanical restraint for control, or manual restraint.

Releases are defined as movement from a secure location to a non-secure location on parole status. Movement must actually occur in the stated month, regardless of when the release decision was made. It does not include youth who may have had an RRP decision for release and were/have not been released.

| AUGUST                                   | EJC     | GNS     | GID    | MART   | MRTC    | RJ      |
|--|---------|---------|--------|--------|---------|---------|
| <b>Quality</b>                           |         |         |        |        |         |         |
| ADP                                      | 136     | 248     | 200    | 214    | 57      | 190     |
| Releases on Stage Yes                    | 100.0%  | 0.0%    | 0.0%   | 0.0%   | -       | 9.1%    |
| Other Releases                           | 0.0%    | 100.0%  | 100.0% | 100.0% | -       | 90.9%   |
| Total Incidents                          | 984     | 1400    | 872    | 1246   | 210     | 1363    |
| Incidents per 100 ADP                    | 721.65  | 564.96  | 436.70 | 582.42 | 369.68  | 717.37  |
| Total Major Incidents                    | 370     | 301     | 121    | 243    | 51      | 135     |
| Major Incidents per 100 ADP              | 271.35  | 121.47  | 60.60  | 113.59 | 89.78   | 71.05   |
| Total Minor Incidents                    | 614     | 1099    | 751    | 1003   | 159     | 1228    |
| Minor Incidents per 100 ADP              | 450.30  | 443.49  | 376.11 | 468.83 | 279.90  | 646.32  |
| Total Uses of Force                      | 203     | 148     | 96     | 83     | 44      | 139     |
| Use of Force per 100 ADP                 | 148.88  | 59.72   | 48.08  | 38.80  | 77.46   | 73.16   |
| Total Uses of OC Spray                   | 40      | 20      | 13     | 8      | 0       | 0       |
| Use of OC Spray per 100 ADP              | 29.34   | 8.07    | 6.51   | 3.74   | 0.00    | 0.00    |
| Youth Grievances Completed Timely        | 98.0%   | 94.2%   | 99.2%  | 63.0%  | 68.2%   | 95.6%   |
| <b>Staff</b>                             |         |         |        |        |         |         |
| Voluntary Turnover*                      | 0.71%   | 2.72%   | 2.92%  | 1.34%  | -       | 2.90%   |
| Injury Frequency Rate**                  | 45.48   | 24.45   | 18.22  | 18.43  | 29.46   | 28.39   |
| Injury Frequency Rate Aggression**       | 37.24   | 18.20   | 12.40  | 16.26  | 25.25   | 23.71   |
| Injury Frequency Rate Industrial**       | 8.24    | 6.25    | 5.82   | 2.17   | 4.21    | 4.68    |
| Employee Grievances Completed Timely     | 60.0%   | 50.0%   | 88.9%  | 33.3%  | 0.0%    | -       |
| <b>Health Services</b>                   |         |         |        |        |         |         |
| Total Youth Injuries                     | 28      | 79      | 84     | 141    | 65      | 98      |
| Youth Injuries per 100 ADP               | 20.53   | 31.88   | 42.07  | 65.91  | 114.42  | 51.58   |
| Total Self-Injuries                      | 0       | 9       | 12     | 9      | 19      | 23      |
| Self-Injuries per 100 ADP                | 0.00    | 3.63    | 6.01   | 4.21   | 33.45   | 12.11   |
| Medication Refusals                      | 410     | 925     | 358    | 639    | 612     | 329     |
| ER Visits                                | 1       | 5       | 3      | 3      | 0       | 0       |
| Hospitalizations                         | 0       | 0       | 1      | 0      | 0       | 0       |
| Off Campus Medical Trips                 | 22      | 10      | 11     | 6      | 6       | 7       |
| <b>Volunteer Services</b>                |         |         |        |        |         |         |
| Youth Matched to Mentor                  | 12.20%  | 11.50%  | 12.40% | 3.60%  | 10.00%  | 11.65%  |
| <b>Chaplaincy</b>                        |         |         |        |        |         |         |
| Youth with Declared Religious Preference | 100.00% | 100.00% | 99.50% | 98.60% | 100.00% | 100.00% |
| <b>Family Support</b>                    |         |         |        |        |         |         |
| Visitation within 60 Days of Placement   | 38.69%  | 38.08%  | 36.04% | 35.62% | 49.12%  | 31.37%  |

\*For Voluntary Turnover the Corisciana population was combined with the Mart population as of 12/19/13

\*\* IFR measures exclude Phoenix and Ron Jackson O&A.

† Unless otherwise noted Phoenix population is included in MRTC.

Incidents defined as category 1 or 2 rule violations.

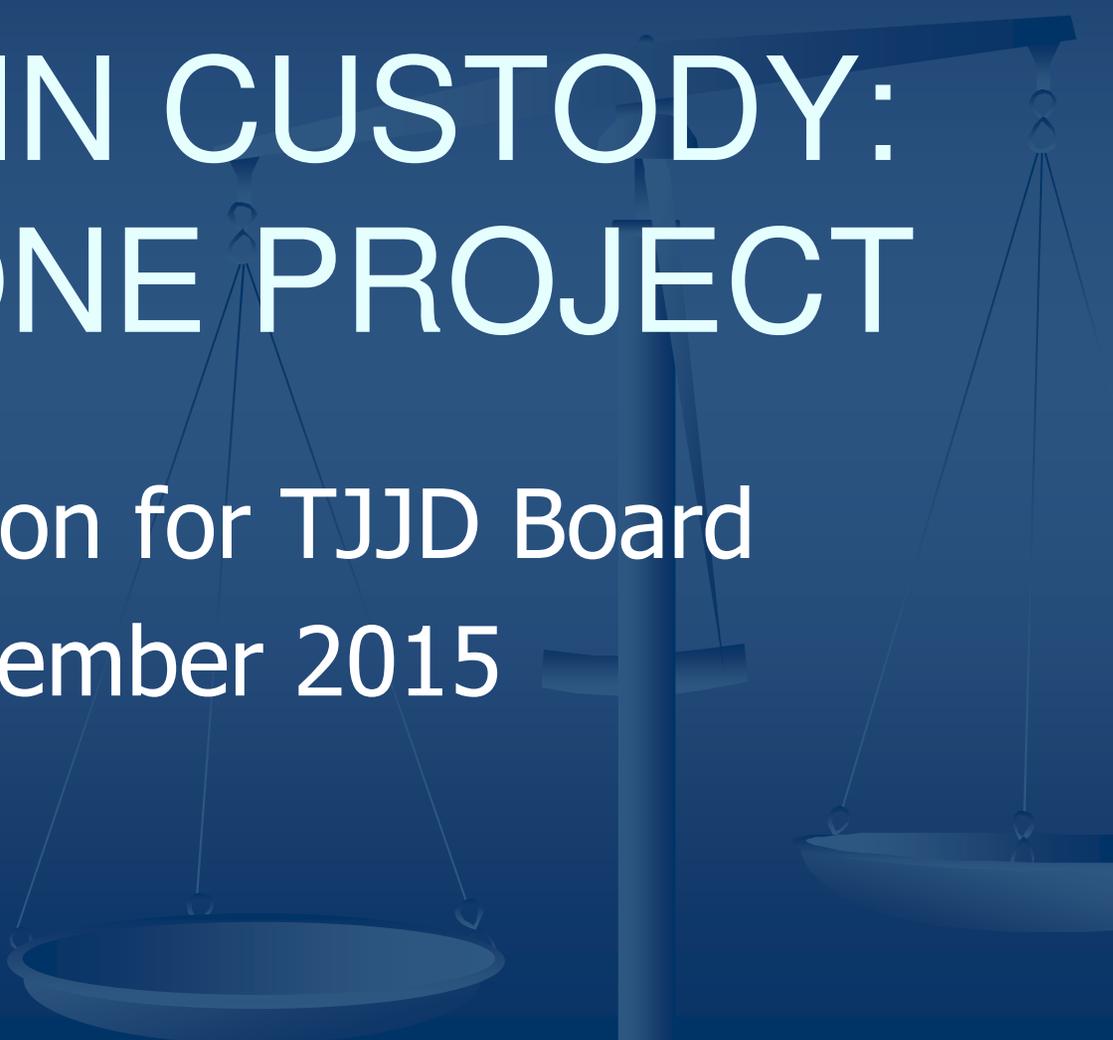
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# YOUTH IN CUSTODY: CAPSTONE PROJECT



Presentation for TJJD Board  
November 2015

# WHAT IS THE YIC Program?

Center for Juvenile Justice Reform at  
Georgetown University:

“The Youth in Custody Certificate Program is a five-day period of intensive study designed to help leaders better understand the serious, high-risk juvenile offender population, and implement or accelerate systemic change that improves outcomes specifically for those in post-adjudication.”

# What's the issue for TJJD?

- Within a residential program, treatment, educational, recreational and medical programming need to effectively meet the needs of our youth.
- The current daily schedule and some internal policies present barriers to true individualization and adherence to Risk-Need-Responsivity Principle.
- The intended changes should result in more efficient use of funding, more effective treatment programming, and shorter average lengths of stay and better parole outcomes.

# CAPSTONE PROJECT

The team is working to achieve the following goals:

- individualize youth scheduling to more efficiently address youth risk and protective factors; and
- tailor Multi-Disciplinary Team decision making to more closely address youth treatment needs; and
- Identify and change the internal policies that create barriers.

# What is the pilot project?

**There are two pilot groups of youth:**

- 1. youth with a GED or high school diploma who are also doing well in other programming areas who would benefit from off-campus employment; and**
- 2. youth with a GED or high school diploma who have not progressed well in treatment and/or need basic skill development, who need an individualized plan that offers more intensive treatment involvement.**

# WHO and WHERE?

- Gainesville:
  - 2 youth in the first target group
  - 4 youth in the second target group
- Ron Jackson:
  - 1 youth in the first target group

# How's it going at Ron Jackson?

INSERT VIDEOS and Testimonials



# How's it going at Gainesville?

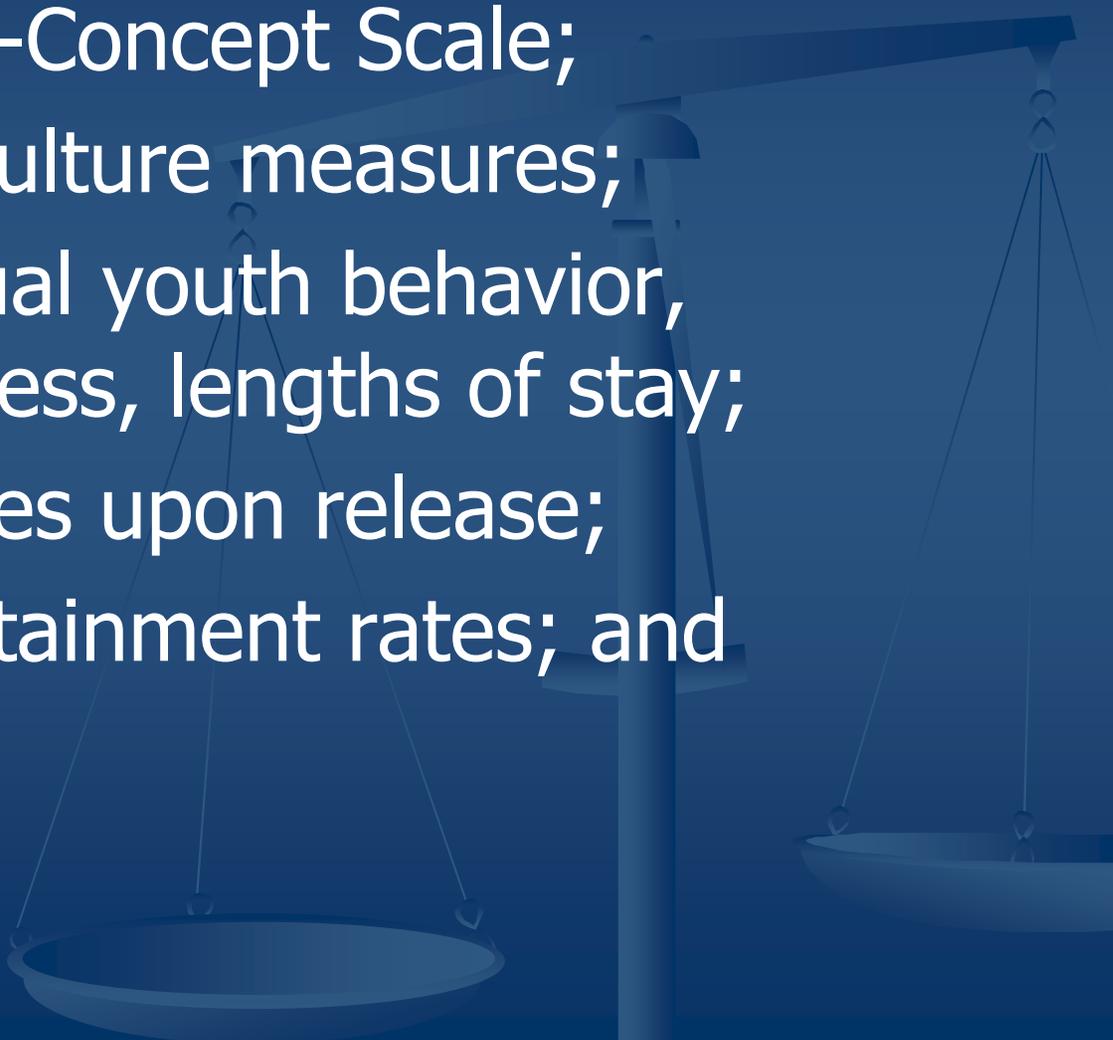
INSERT VIDEOS and Testimonials



# WHAT'S NEXT?

- Get Technical Assistance from Georgetown
- Finish RJ and Gainesville pilots
- Write procedural guidelines and update any General Administrative Policies and other procedural guidelines
- Roll-out elsewhere
- Measure Success

# MEASURING SUCCESS



- Piers-Harris Self-Concept Scale;
- Overall facility culture measures;
- Data on individual youth behavior, treatment progress, lengths of stay;
- Positive outcomes upon release;
- GED/diploma attainment rates; and
- more.

# Questions?



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TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Discussion, consideration, and possible approval regarding Board authorization to designate a housing allowance for Chaplains for tax year 2016 (Action)

Date: October 27, 2015

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TJJJ is requesting board approval to designate up to the percentage requested by each Chaplain as a housing allowance for tax year 2016, enabling them to exclude that amount of their gross income from federal income taxes.

**Background:** TJJJ instituted a policy in October 2013 regarding a housing allowance designation for agency chaplains. The agency created a Chaplain Housing Allowance Request form to be completed by each Chaplain on the date of hire and prior to the beginning of each subsequent calendar year. The form enables a Chaplain to request a specific percentage of their gross salary be designated as a housing allowance.

The Internal Revenue Service has a provision permitting ministers who meet the IRS definition and provide eligible services to exclude a designated amount of their salary from federal income tax. This housing allowance is a reasonable and significant way in which TJJJ can recognize the value our Chaplains bring to our rehabilitation efforts of youth. This policy provides a financial incentive to qualified Chaplains to work for this agency. It is the Chaplains' responsibility to document their housing expenses for income tax purposes.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO DESIGNATE A HOUSING ALLOWANCE FOR TJJD CHAPLAINS**

On this **13th day of November 2015**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

| BOARD MEMBER     | PRESENT | ABSENT | YES | NO | ABSTAIN |
|------------------|---------|--------|-----|----|---------|
| Scott W. Fisher  |         |        |     |    |         |
| John Brieden III |         |        |     |    |         |
| Carol Bush       |         |        |     |    |         |
| Becky Gregory    |         |        |     |    |         |
| Jane King        |         |        |     |    |         |
| Scott Matthew    |         |        |     |    |         |
| MaryLou Mendoza  |         |        |     |    |         |

| BOARD MEMBER    | PRESENT | ABSENT         | YES | NO | ABSTAIN |
|-----------------|---------|----------------|-----|----|---------|
| Rene Olvera     |         |                |     |    |         |
| Laura Parker    |         |                |     |    |         |
| Riley Shaw      |         |                |     |    |         |
| Jimmy Smith     |         |                |     |    |         |
| Calvin Stephens |         |                |     |    |         |
| <b>Motion:</b>  |         | <b>Second:</b> |     |    |         |

where, among other matters, came up for consideration and adoption the following Resolution:

**WHEREAS**, the Internal Revenue Service allows for the official designation of a certain housing allowance for ministers (chaplains) enabling them to exclude up to that portion from their income for tax purposes;

**WHEREAS**, chaplains provide a critical service to TJJD youth.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes up to the percentage of gross salary requested by each chaplain on the attached Chaplain Housing Allowance Request forms be designated as a housing allowance effective January 1, 2016 for the tax year 2016.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board.

**Signed this 13th day of November 2015.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman