

# BOARD MEETINGS

AUGUST 4 - 5, 2016

Austin, Texas

**This informational packet does not include draft audit reports.**



TEXAS  
JUVENILE  JUSTICE  
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES





TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

**Board Meeting**

11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Friday, August 5, 2016 – 9:00 a.m.

1. Call to order  
**Chairman Fisher**
2. Prayer  
**Lester Brown**
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 May 20, 2016 Board Meeting minutes (Action)  
**Chairman Fisher | Page 17**
7. Discussion, consideration, and possible approval regarding the June 23, 2016 Board Meeting minutes  
**Chairman Fisher | Page 31**
8. Report from the Chairman  
**Chairman Fisher**
9. Report from the Executive Director  
**David Reilly | Page 35**
  - a. Agency Report Card
10. Report from the Advisory Council  
**Doug Vance | Page 41**

11. Report from the Inspector General  
**Roland Luna | Page 51**
12. Report from the Administrative Investigations Division  
**Kevin DuBose | Page 53**
13. Updates on Regionalization and discussion, consideration, and possible approval regarding the Statewide Regionalization Plan (Action)  
**James Williams | Page 57**
14. Report from the Trust Committee  
**Commissioner Jimmy Smith**
15. Discussion, consideration, and possible approval to authorize staff to negotiate the terms of a new grazing lease for the Milam County tract of the Parrie Haynes Trust, and to authorize the Board Chairman, on behalf of the Board, to take action regarding the lease (Action)  
**Kathryn R. Gray | Page 59**
16. Discussion, consideration, and possible approval to authorize the Parrie Haynes Trust to grant an electric utility easement to Bartlett Electric Cooperative to install electricity on a portion of the Parrie Haynes Ranch (Action)  
**Kathryn R. Gray | Page 61**
17. Discussion, consideration, and possible approval of the Parrie Haynes Ranch Wildlife Management Plan (Action)  
**Kathryn R. Gray and John Macey | Page 69**
18. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2017 budget (Action)  
**Emily Anderson | Page 165**
19. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2017 investment policy and strategy (Action)  
**Mike Meyer | Page 171**
20. Report from the Finance and Audit Committee  
**Calvin Stephens**
21. Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00 (Action)  
**Ken Ming | Page 175**
22. Discussion, consideration, and possible approval regarding amendments to the purchasing approval matrix (Action)  
**Ken Ming | Page 179**

23. Discussion regarding the FY 2017 Contracting Plan  
**Ken Ming | Page 181**
24. Discussion, consideration, and possible approval regarding the FY 2017 Operating Budget (Action)  
**Emily Anderson | Page 195**
25. Discussion, consideration, and possible approval regarding the FY 2018-2019 Legislative Appropriations Request (Action)  
**Mike Meyer | Page 205**
26. Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.9975, relating to State Inscription (Action)  
**Mike Meyer | Page 209**
27. Discussion and consideration of certain actions concerning transferring the Corsicana Residential Treatment Center with limitations on its use, the City of Corsicana's request for transfer, and Navarro County's request to postpone consideration of transfer  
**Kathryn Gray | Page 213**
28. Discussion, consideration, and possible approval of the AMIKids Audit (Action)  
**Eleazar Garcia | Page 221**
29. Report from the Safety and Security Committee  
**Riley Shaw**
30. Discussion, consideration, and possible final adoption of revisions within 37 TAC §§380.8559, 380.8565, and 385.8569, relating to sentenced offenders (Action)  
**Teresa Stroud | Page 237**
31. Discussion, consideration, and possible final adoption of revisions within 37 TAC §380.9197, relating to HIV/AIDS (Action)  
**Tushar Desai | Page 255**
32. Discussion, consideration, and possible final adoption of the rule review and repeal of 37 TAC §380.9703, relating to Weapons and Concealed Handguns (Action)  
**Chelsea Buchholtz | Page 261**
33. Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.8117, relating to Private Real Property Rights Affected by Governmental Action, and §385.8134, relating to Notice of Youth Confessions of Child Abuse (Action)  
**Kaci Singer | Page 265**

34. Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Order (Action)  
**Kaci Singer | Page 273**
- a. Daniel Hale; Certification No. 24200; 16-24200-160208 (Grayson)
  - b. Willie Jackson; Certification No. 29889; 16-29889-150306 (Bell)
  - c. Rickey Lee Shelton, Jr.; Certification No. 282041; 16-28201-150287 (Bexar)
35. Discussion, consideration, and possible approval regarding the discipline of certified officers- Default Orders (Action)  
**Kaci Singer | Page 289**
- a. Larry Ardila, Jr., Certification No. 24004, 16-24004-150070 (Bexar)
  - b. Ronnie Faimoa, Certification No. 30460; 16-30460-160138 (Taylor)
  - c. Emmanuel Funchess; Certification No. 29675; 16-29675-150273 (Harris)
  - d. Cornelius Gray; Certification No. 29360; 16-29360-160218 (Dallas)
  - e. Allen David Guerrero; Certification No. 14394; 16-14394-160050 (Tarrant)
  - f. Clifford Harle; Certification No. 29464; 16-29464-150151 (Bexar)
  - g. Sergio Lopez; Certification No. 28697; 16-28697-140366 (Webb)
  - h. Michael Pitts; Certification No. 29859; 16-29859-150307 (Hood)
  - i. Oziel Salinas; Certification No. 29945; 15-29945-150314 (Cameron)
  - j. William Tucker; Certification No. 29628; 16-29628-160051 (Hood)
36. Report from the Programs Committee  
**Riley Shaw**
37. Discussion, consideration, and possible final adoption of revisions within 37 TAC §380.8707, relating to Furloughs, and §380.9161, relating to Youth Employment and Work (Action)  
**Teresa Stroud | Page 353**
38. Discussion, consideration, and possible approval to publish revisions to 37 TAC §380.9535, relating to Phoenix Program, in the Texas Register for a 30-day public comment period (Action)  
**Teresa Stroud | Page 359**
39. Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §§385.8135, relating to Rights of Victims, 385.8145, relating to Volunteers and Community Resources Council, 385.8183, relating to Advocacy, Support Group, and Social Services Provider Access, and 385.9959, relating to Transportation of Youth (Action)  
**Teresa Stroud | Page 371**
40. 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
  - d. §551.076 Deliberations regarding security devices or security audits

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

***Chairman Fisher***

42. 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@tjjd.texas.gov](mailto:Jeannette.Cantu@tjjd.texas.gov)





TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

**Trust Committee Meeting**  
11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, August 4, 2016 – 10:00 a.m.

1. Call to order  
**Commissioner Jimmy Smith**
2. Discussion, consideration, and possible approval regarding excused absences (Action)  
**Commissioner Jimmy Smith**
3. Discussion, consideration, and possible approval regarding the May 19, 2016 meeting minutes (Action)  
**Commissioner Jimmy Smith | Page 385**
4. Discussion, consideration, and possible approval to authorize staff to negotiate the terms of a new grazing lease for the Milam County tract of the Parrie Haynes Trust, and to authorize the Board Chairman, on behalf of the Board, to take action regarding the lease (Action)
5. **Kathryn R. Gray | Page 59**
6. Discussion, consideration, and possible approval to authorize the Parrie Haynes Trust to grant an electric utility easement to Bartlett Electric Cooperative to install electricity on a portion of the Parrie Haynes Ranch (Action)  
**Kathryn R. Gray | Page 61**
7. Discussion, consideration, and possible approval of the Parrie Haynes Ranch Wildlife Management Plan (Action)  
**Kathryn R. Gray and John Macey | Page 69**
8. Staff report on activities of the trusts  
**Kathryn R. Gray**
  - a. Professional Liability Errors & Omissions Insurance Policy Renewal
9. Staff report on administration of trust scholarships  
**Marie Welsch | Page 389**
10. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2017 budget (Action)  
**Emily Anderson | Page 165**

11. Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2017 investment policy and strategy (Action)

**Mike Meyer | Page 171**

12. Public comments

**Commissioner Jimmy Smith**

13. Adjourn

**Commissioner Jimmy Smith**

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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

**Finance and Audit Committee Meeting**

11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, August 4, 2016 – 11:00 a.m.

1. Call to order  
**Calvin Stephens**
2. Discussion, consideration, and possible approval regarding excused absences (Action)  
**Calvin Stephens**
3. Discussion, consideration, and possible approval regarding the May 19, 2016 meeting minutes (Action)  
**Calvin Stephens | Page 391**
4. Updates from the Chief Information Officer  
**Jim Southwell | Page 407**
5. Updates from the Chief Financial Officer  
**Mike Meyer | Page 411**
6. Report concerning awarded Discretionary State Aid  
**James Williams | Page 431**
7. Discussion regarding the TJJD population and commitment trends  
**Rebecca Walters | Page 439**
8. Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00 (Action)  
**Ken Ming | Page 175**
9. Discussion, consideration, and possible approval regarding amendments to the purchasing approval matrix (Action)  
**Ken Ming | Page 179**
10. Discussion regarding the FY 2017 Contracting Plan  
**Ken Ming | Page 181**

11. Discussion, consideration, and possible approval regarding the FY 2017 Operating Budget (Action)  
**Emily Anderson | Page 195**
12. Discussion, consideration, and possible approval regarding the FY 2018-2019 Legislative Appropriations Request (Action)  
**Mike Meyer | Page 205**
13. Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.9975, relating to State Inscription (Action)  
**Mike Meyer | Page 209**
14. Discussion regarding A Study of Salaries and Turnover Rates among Juvenile Justice Personnel in Texas  
**Royce Myers and James Williams | Page 447**
15. Discussion and consideration of certain actions concerning transferring the Corsicana Residential Treatment Center with limitations on its use, the City of Corsicana's request for transfer, and Navarro County's request to postpone consideration of transfer  
**Kathryn Gray | Page 213**
16. Discussion, consideration, and possible approval of the AMIKids Audit (Action)  
**Eleazar Garcia | Page 221**
17. Adjourn  
**Calvin Stephens**

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**Safety and Security Committee Meeting**  
11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, August 4, 2016 – 1:30 p.m.

1. Call to order
2. Discussion, consideration, and possible approval regarding the May 19, 2016 meeting minutes (Action)  
**Riley Shaw | Page 509**
3. Report from the office of the Inspector General  
**Roland Luna | Page 51**
4. Report from the Administrative Investigations Division  
**Kevin DuBose | Page 53**
5. Report from the State Programs and Facilities Division  
**Teresa Stroud | Page 515**
6. Discussion, consideration, and possible final adoption of revisions within 37 TAC §§380.8559, 380.8565, and 385.8569, relating to sentenced offenders (Action)  
**Teresa Stroud | Page 237**
7. Discussion, consideration, and possible final adoption of revisions within 37 TAC §380.9197, relating to HIV/AIDS (Action)  
**Tushar Desai | Page 255**
8. Discussion, consideration, and possible final adoption of the rule review and repeal of 37 TAC §380.9703, relating to Weapons and Concealed Handguns (Action)  
**Chelsea Buchholtz | Page 261**
9. Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.8117, relating to Private Real Property Rights Affected by Governmental Action, and §385.8134, relating to Notice of Youth Confessions of Child Abuse (Action)  
**Kaci Singer | Page 265**
10. Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Order (Action)  
**Kaci Singer | Page 273**

- a. Daniel Hale; Certification No. 24200; 16-24200-160208 (Grayson)
- b. Willie Jackson; Certification No. 29889; 16-29889-150306 (Bell)
- c. Rickey Lee Shelton, Jr.; Certification No. 282041; 16-28201-150287 (Bexar)

11. Discussion, consideration, and possible approval regarding the discipline of certified officers- Default Orders (Action)

***Kaci Singer | Page 289***

- a. Larry Ardila, Jr., Certification No. 24004, 16-24004-150070 (Bexar)
- b. Ronnie Faimoa, Certification No. 30460; 16-30460-160138 (Taylor)
- c. Emmanuel Funchess; Certification No. 29675; 16-29675-150273 (Harris)
- d. Cornelius Gray; Certification No. 29360; 16-29360-160218 (Dallas)
- e. Allen David Guerrero; Certification No. 14394; 16-14394-160050 (Tarrant)
- f. Clifford Harle; Certification No. 29464; 16-29464-150151 (Bexar)
- g. Sergio Lopez; Certification No. 28697; 16-28697-140366 (Webb)
- h. Michael Pitts; Certification No. 29859; 16-29859-150307 (Hood)
- i. Oziel Salinas; Certification No. 29945; 15-29945-150314 (Cameron)
- j. William Tucker; Certification No. 29628; 16-29628-160051 (Hood)

12. Adjourn

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TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

**Programs Committee Meeting**

11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, August 4, 2016 – 3:00 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 May 19, 2016 meeting minutes (Action)  
**Riley Shaw | Page 523**
4. PBIS update  
**Gita Upreti | Page 527**
5. Discussion, consideration, and possible final adoption of revisions within 37 TAC §380.8707, relating to Furloughs, and §380.9161, relating to Youth Employment and Work (Action)  
**Teresa Stroud | Page 353**
6. Discussion, consideration, and possible approval to publish revisions to 37 TAC §380.9535, relating to Phoenix Program, in the Texas Register for a 30-day public comment period (Action)  
**Teresa Stroud | Page 359**
7. Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §§385.8135, relating to Rights of Victims, 385.8145, relating to Volunteers and Community Resources Council, 385.8183, relating to Advocacy, Support Group, and Social Services Provider Access, and 385.9959, relating to Transportation of Youth (Action)  
**Teresa Stroud | Page 371**
8. Adjourn  
**Riley Shaw**

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DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

**Board Meeting**

11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Friday, May 20, 2016 – 9:00 a.m.

**BOARD MEMBERS PRESENT:**

Scott W. Fisher, Chairman  
The Honorable John Brieden III  
The Honorable Becky Gregory  
Jane King  
MaryLou Mendoza  
Scott "David" Matthew  
The Honorable Laura Parker  
Riley Shaw  
The Honorable Jimmy Smith  
Calvin W. Stephens

**BOARD MEMBERS ABSENT:**

Dr. Rene Olvera  
The Honorable Carol Bush

**EXECUTIVE STAFF PRESENT:**

David Reilly, Executive Director  
Chelsea Buchholtz, Chief of Staff  
Roland Luna, Chief Inspector General  
Luther Taliaferro, Superintendent of Education  
Rebecca Walters, Director of Youth Placement &  
Program Development  
Teresa Stroud, Senior Director of State Programs & Facilities

Tushar Desai, Medical Director  
Eleazar Garcia, Chief Internal Auditor  
Jim Hurley, Communications Director  
Carolyn Beck, Governmental Relations Specialist  
Mike Meyer, Chief Financial Officer  
Jeannette Cantu, Executive Assistant

**OTHER GUESTS PRESENT:**

Kaci Singer, TJJD  
Kevin DuBose, TJJD  
Marybel Sanchez, TJJD  
John Dahill, TXCUC  
Vivian Cohn, TJJD  
Karol Davidson, TJJD  
Connie Simon, TJJD  
Kenneth Ming, TJJD  
Matthew Segura, TJJD  
Roy Bradshaw, Epiphany  
Board Meeting  
May 20, 2016

Kathryn Gray, TJJD  
Mike Turner, TJJD  
Shaun Thompson, TJJD  
Scott Friedman, TJJD  
Fred Meinke, TJJD  
Stephanie Melot, TJJD  
Steve Roman, TJJD  
Karen Kennedy, TJJD  
Rebecca Garza, TJJD  
Jeannette Lepe TJJD

Xavier Casares, TJJD  
Mayla Robledo, TJJD  
Nancy Slott, TJJD  
Tammy Holland, TJJD  
Jerome Williams, TJJD  
Kate Mellina, Epiphany  
Ashley Kintzer, TJJD  
Christina Garcia, TJJD  
Jim Southwell, TJJD  
Pernilla Johansson, TJJD

Tina Farrell, TJJ	Justin Adams, TJJ	Debbie Unruh, OIO
Sarah Holden, Epiphany	Pat Doughty, Epiphany	Sheri Short, Epiphany
Alberta Ortiz, Epiphany	Doug Vance, Brazos Co.	David Ricks, Epiphany
John Pelczar, Williamson Co.	Seth Christensen, OOG	Edeska Barnes, Jasper Co.
Susan Humphrey Bell Co.	Mike Mellina, Epiphany	Marc Bittner, 33 <sup>rd</sup> & 424 <sup>th</sup> Judicial District
Rachel Carrera, LBB	Kyle Dufour, TJJ	

### **Call to order**

Chairman Fisher called the meeting to order at 9:02 a.m.

### **Prayer**

Rebeca Mata opened the meeting with a prayer.

### **Pledge**

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

### **Discussion, consideration, and possible approval regarding excused absences (Action)**

The following board members were absent: Carol Bush and Rene Olvera. Mr. Matthew moved to excuse the absences. Commissioner Smith seconded. The motion passed.

### **Discussion, consideration, and possible approval regarding the April 1, 2016 Board Meeting minutes (Action)**

Mr. Stephens moved to approve the April 1, 2016 Board meeting minutes. Ms. Mendoza seconded. The motion passed.

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

Mr. Reilly, Executive Director, provided the Board with an update on the Youth in Custody Practice Model, an 18-month comprehensive technical assistance package through the Council of Juvenile Correctional Administrators and the Center for Juvenile Justice Reform at Georgetown University's McCourt School of Public Policy. The project is focused on family involvement, case planning and disproportionality. This is a tremendous, well-timed opportunity for TJJ to examine our facility systems through a gap analysis and with the help of national experts implement the next layer of best practices and reforms to improve the outcomes

of youth in the agency's care. A site visit at Giddings was conducted and the next site visit is scheduled in July at the Evins facility.

This week, the staff began receiving applications for diversions for regionalization. The individual diversions will begin June 1, 2016. This summer, staff will finalize the state-wide plan for this initiative, informed by the plans of each region. The Board will see the state-wide plan in August.

The strategic planning process is under way. The agency plan is due June 24, 2016. It will be much more limited in scope than previous years, primarily focused on agency goals, an action plan, redundancies and impediments. A draft is before the Board today for consideration and feedback.

The agency is loosening its practice of identifying kids for non-secure placement both directly from orientation and assessment (O&A) and after time in state secure facilities. Staff have previously avoided sending kids directly from O&A to a non-secure placement if their committing offense is violent in nature. Staff are piloting a shift, in which staff would consider those kids for non-secure, if their behavior at O&A and/or in the early months in state secure placement warrants it and if their committing offense is the only violent offense on their record. This will allow staff to serve more kids in a more shallow area of the juvenile justice system and help manage population in secure facilities. Staff will monitor closely.

At the last Board meeting, it was reported that the increase in TJJD residential population had leveled off after almost a year of gradually increasing population. At that time, the agency was at about 6.5% overpopulation in state-secure facilities and 4.7% overpopulation in all residential programs. Since that report, the population has again increased. The agency is currently at about 10% overpopulation in state-secure facilities and 5.9% overpopulation in all residential programs. While in February, the agency received fewer new admissions and released more youth from secure facilities in comparison to February 2015, in March and April, the agency received more new admissions as compared to the previous year, 1% and 8% respectively. In total, the agency has now received 5% more admissions year-to-date than in the prior fiscal year. Therefore, in March and April, state-secure population rose. Additionally, the parole population rose approximately 10% between February and May 1.

In the last Board meeting a question was raised about what is driving these increased admissions to TJJD. Staff reported that in FY 2015, there was a decrease in certification and an increase in determinate sentencing, and believed there was also an increase in juvenile violent crime in some areas of the state. When comparing FY

2014-2015, there is an 8% increase in violent felony referrals for the state. When comparing FY2015-2016 to date, there is a 5% increase. Staff continue to watch the population closely.

The population increase has made the agency budget extremely tight. The agency will end FY 2016 tight and because the agency is budgeted less in FY 2017 than FY 2016, FY 2017 will begin even tighter. Staff are examining ways to find savings and anticipate a very tight belt through the end of FY 2017. Page 339 of the board book provides significant detail. The agency is in a position of making hard decisions to insure its operating as conservatively as possible.

There are great stories in this edition of our newsletter. Added, was a section to recognize county/state employees who have passed away. Recognized was DeWitt County Juvenile Probation Chief Ernest Sertuche, Giddings State School Juvenile Corrections Officer Tracy Haynes Alexander, Guadalupe County Juvenile Probation Officer Guadalupe "Lupe" Facundo and Central Office Information Technology employee Cory Applewhite. Not mentioned in the newsletter but the Board will hear more about him shortly, Dr. Pat Holden, Epiphany volunteer for TJJD also recently passed away.

Mr. Reilly commended Giddings State School for a success year in sports.

TJJD received certification from the American Psychological Association. This has been a six-year process, with Dr. Madeleine Byrne leading the charge. This accreditation will allow the agency to recruit and retain high quality psychology staff more easily. This is an excellent recruitment opportunity for TJJD.

### **Public comments**

Marc Bittner of the 33<sup>rd</sup> and 424<sup>th</sup> Judicial District approached the Board to speak on agenda topic 17 regarding FY 2017 State Aid Funding Allocations. Mr. Bittner described the challenges he is facing with planning and budgeting under the proposed state aid structure. He asked that the Board reconsider the funding formula and make it a competitive process.

### **Epiphany Volunteer Program presentation**

Tammy Holland, Manager of Community, Family and Chaplaincy Programs, introduced Roy Bradshaw, Chairman of the Texas Epiphany's Organization. Epiphany Ministry is an ecumenical ministry for incarcerated youth. Epiphany is active in the majority of youth facilities in Texas. He showed a newsreel a news story on Epiphany.

Tammy Holland shared statistics for FY 2015. TJJJ recorded 18,180 hours of service performed solely by 211 Epiphany volunteers across the state, not including the special event visitors they bring in for special events or the work they are doing in the county probation departments. Most of TJJJs faith-based mentors across the state are comprised of Epiphany volunteers. Last year, TJJJ recorded 4500 hours of mentoring for the youth.

Chairman Fisher thanked Mr. Bradshaw for his service.

### **Recognition of Dr. Patrick Holden posthumously for his outstanding service in the juvenile justice system (Action)**

Tammy Holland introduced Mrs. Sarah Holden, wife of the late Dr. Pat Holden. Sarah is an Epiphany volunteer from the San Antonio area. Dr. Pat Holden had chaired the Texas Epiphany Board for three years when he unexpectedly passed away this past January while on his way to the Evins facility in Edinburg to lead an Epiphany weekend event. The TJJJ Board issued a formal resolution honoring Dr. Holden posthumously for his outstanding service and devotion to the youth. Chairman Fisher read the resolution. Judge Brieden moved to approve the resolution. Ms. Mendoza seconded. The motion passed.

Chairman Fisher presented the resolution to Mrs. Sarah Holden and photos were taken with her, the Epiphany members and the TJJJ Board Chairman.

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

Doug Vance, Chief of Brazos County and Chair of the Advisory Council on Juvenile Services, presented the Board with a report on the council's activities since the last meeting which included updates on Regionalization Taskforce, Probation Funding, State Aid Funding Formula revision, Standards Committee, Advisory Council Officer Elections and a Sub Committee review. The Advisory Council is scheduled to meet again on June 30, 2016.

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

Roland Luna, Chief Inspector General, provided an update to the Board on summary indicators through March 31, 2016 in comparison to FY 2015. Of noteworthy importance, while there is a 33% increase in the number of criminal investigations retained by the OIG, there has been a 13% decrease in the number of cases submitted for prosecution. In response to a comment from Judge Brieden, Chief Luna confirmed that 23% of our youth are confirmed as gang related.

The OIG has continued its work with the Special Prosecution Unit to improve workflow and disposition tracking as well as its work with the Training Division on the Gang Curriculum.

In honor of National Police Week, Chief Luna recognized OIG employees, Xavier Casares, Lizette Hinojosa and Shaun Thompson for their work with the OIG division and dedication to supporting the TJJD mission.

### **Report from the Administrative Investigations Division**

Kevin DuBose, Director of the Administrative Investigations Division, provided an update to the Board on summary comparison for the time period of September 1, 2015 through March 31, 2016 for the County Investigations and State Investigations Units. Consistent with Chief Luna's report, the AID has seen an increase in overall cases reported. There has not been an increase in the number of cases with confirmed allegations. Not shown in the report, AID has undertaken an initiative to eliminate the number of backlog cases. These are cases from FY 2014 and FY 2015. As of December, 2015, AID is fully staffed and now able to address the backlog of cases. Significant progress has been made thus far and it's expected that AID will have eliminated all backlog cases by the time of the next Board meeting.

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

Jimmy Smith, Chairman of the Trust Committee, reported that all members were present for the committee meeting. Ana with the Spotted Horse Livery provided an update on what she's doing to bring out people to know what's going on at the Parrie Haynes Ranch.

**Discussion, consideration, and possible approval to authorize terminating the current lease between the Parrie Haynes Trust and the lessee of the tract of land in Milam County, to refund the paid lease amount for the remainder of the year to Kathy Rasberry, and to authorize staff to explore potential opportunities for the Milam County tract of land to generate money for the Parrie Haynes Trust (Action)**

Kathryn Gray, Staff Attorney, reported that the Parrie Haynes Trust has leased a portion of the Parrie Haynes Trust property, located in Milam County to Joe and Kathy Rasberry since the 1990s for grazing. Joe Rasberry recently passed away, and as a result, Kathy Rasberry asked to terminate the lease early. The lease does not provide a method for terminating early. However, the staff recommended terminating the Trust's lease with the Raspberries and refunding the remainder of the lease amount, \$1166.65 to Kathy Rasberry. Commissioner Smith moved to approve the lease termination. Ms. King seconded. The motion passed.

**Report from the Finance and Audit Committee**

Calvin Stephens, Chairman of the Finance and Audit Committee, reported that the committee met and all members were present for the committee meeting to hear items that will also come before the full Board for approval.

**Discussion, consideration, and possible approval regarding the FY 2017 State Aid Funding Allocations (Action)**

Mike Meyer, Chief Financial Officer, referred to a handout that was provided to the Board. The handout is intended to serve as a resource. It describes the process, both internally and externally, that led to the state aid allocations that are now before the Board. There are three fundamental precepts underlying the new funding formula: clear linkages between funding levels and potential workload measured by juvenile population and actual workload measured by formal referrals; there should be greater equity between departments of similar size but that the state should offer more to support smaller departments on a per juvenile or per referral level than for large departments; and there should be a phase-in period to apply any funding shifts resulting for the new methodology and also the setting aside any funds for discretionary state aid. He referred to page 55 of the hand out and walked through how the formula functions. Chairman Fisher reiterated that from a process standpoint, it's important that everyone understand this was communicated back in September, reviewed with the Advisory Council and allowed for public comment so there was plenty of time to provide input. Mr. Meyer referred to page 3 of the handout that outlined the opportunities given

to include input. In response to a question by Chairman Fisher, Mr. Meyer said the Advisory Council's input was critical. In response to a comment by Judge Brieden, Mr. Meyer stated that the agency is reacting to requirements in SB 1630. The legislature wants to move to discretionary funds and the agency is easing into it. The agency is reacting to its interpretation of the intent with the legislation. Mr. Meyer confirmed that the bill did not specify an amount or percentage. The legislature left it up to the discretion of the agency and the agency is making a good faith effort to focus on a logical funding methodology to satisfy the intent of the bill.

Mr. Meyer and Mr. Reilly addressed additional questions and comments from Judge Brieden, Mr. Matthew and Mr. Shaw. Mr. Stephens moved to approve the resolution. Judge Parker seconded. The vote was taken, all voting yes except for Riley Shaw who voted no. The motion passed.

**Discussion, consideration, and possible approval regarding the Agency Strategic Plan for FY 2017 – 2021**

**(Action)**

Carolyn Beck, Governmental Relations Specialist, explained the instructions the agency received for the strategic plan, focusing on agency goals, action plans, redundancies and impediments. The Board has received a final draft of the plan for review. Staff anticipates making only grammatical and cosmetic changes to finalize the plan. Staff recommends the Board give the Chairman discretion to approve the final plan. Ms. King moved to approve the resolution. Mr. Shaw seconded. The motion passed.

**Discussion, consideration, and possible approval regarding requested repurposing and transfer of the closed Corsicana Residential Treatment Center to Navarro County (Action)**

Chairman Fisher pulled this item from the agenda.

**Discussion, consideration, and possible approval regarding the proposed FY 2016 Electricity Provider contract (Action)**

Kenneth Ming, Director of Business Operations and Contracts, explained that a competitive bid process was used for this item. Staff recommended the Board give the executive director approval to execute the contract for electrical services for TJJJ facilities. Ms. Mendoza moved to approve the resolution. Mr. Shaw seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the proposed FY 2016 Gaeke Construction Company contract (Action)**

Mr. Ming presented the construction contract for the Giddings State School and explained the competitive bid process used for this contract. Staff recommended the Board give the executive director approval to execute the contract for Gaeke Construction. Mr. Stephens moved to approve the resolution. Mr. Smith seconded. The vote was taken and Judge Brieden abstained from the vote. The motion passed.

**Discussion, consideration, and possible approval regarding the proposed Amendment #5 to the TechShare.Juvenile and Juvenile Case Management System-Basic Resource Sharing Addendum (Action)**

Mr. Ming presented this item recommending the Board give the executive director approval to execute the requested six month contract amendment. This will allow staff to continue to do research and work on the final details of what this contract will look like for the next year. Ms. King moved to approve the resolution. Ms. Mendoza seconded. The vote was taken and Mr. Matthew, Mr. Shaw and Commissioner Smith abstained from the vote. The motion passed.

**Discussion, consideration, and possible final adoption of 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) (Action)**

Mr. Meyer stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections. The staff requested the Board's approval to adopt the rule review and the final rules. Judge Parker moved to adopt the rule review and final rules. Judge Brieden seconded. The motion passed.

**Discussion, consideration, and possible approval to publish proposed revisions and rule review for 37 TAC §§385.8153 (Research Projects), 385.9967 (Court-Ordered Child Support), and 385.9993 (Canteen Operations) in the Texas Register for a 30-day public comment period (Action)**

Mr. Meyer stated these rule revisions align agency policy with current statute. Staff requested permission to post the rule revisions for a 30-day public comment period in the Texas Register. Ms. King moved to approve the resolution. Mr. Shaw seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the Alleged Abuse, Neglect, and Exploitation Audit (ANE) (Action)**

Eleazar Garcia, Chief Internal Auditor, presented the audit. He reviewed controls in the areas that support the proper handling of ANE reporting and handling and controls that could be strengthened to ensure compliance with agency's policies and procedures and provide more effective practices. In response to questions by Chairman Fisher and Judge Brieden, Mr. Reilly confirmed that discussions regarding improvements to the complaint management software system were underway. Mr. Garcia stated that management concurred with the findings in the audit. Mr. Stephens moved to approve the audit. Ms. King seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the Brownwood Halfway House Audit (Action)**

Mr. Garcia presented the audit. He reviewed the controls in areas that are functioning as intended and controls that could be strengthened to ensure compliance with agency's policies and to provide more cost-effective practices. Mr. Garcia stated that management concurred with the findings in the audit. Mr. Stephens moved to approve the audit. Mr. Matthew moved to approve the audit. Judge Parker seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the proposal to amend the TJJJ FY 2016 Audit Plan (Action)**

Mr. Garcia presented the proposal to amend the current plan. He stated removing the CAPPS audit is recommended due to the fact that the State Auditor's Office is currently reviewing the agency's financial controls which included CAPPS processing. Audit staff recommended replacing the CAPPS audit with an audit of halfway house education services. Ms. King moved to approve the amended audit plan. Judge Brieden seconded. The motion passed.

**Report from the Safety and Security Committee**

Judge Parker reported that the committee met and heard reports for Chief Luna, Mr. DuBose and Teresa Stroud. The committee also heard additional items that will also come before the Board and recommends final approval by the full Board.

**Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §385.9941 (Response to Ombudsman Reports) and §385.9951 (Death of a Youth) (Action)**

Teresa Stroud, Senior Director of State Programs and Facilities, stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor typographical corrections. The staff requested the Board's approval to adopt the rule review and the final rules. Judge Parker stated the Safety and Security Committee is recommending approval. Ms. Mendoza moved to adopt the rule revisions and final rule. Ms. King seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Order (Action)**

- a. **Corey Hardy; 16-13671-160016; 13671 (Galveston)**
- b. **Julio Ruelas; 15-27570-140376; 27570 (Bexar)**
- c. **Alice Basquez; 15-28272-150327 (Garza)**
- d. **Edgar Mendez; 16-29118-150318 (Cameron)**

Kyle Dufour, Staff Attorney, presented the agreed orders. Judge Parker abstained from the order regarding Bexar County, item b. Mr. Matthew moved to approve the agreed orders for items a, c, and d. Ms. King seconded. The motion passed. Mr. Shaw moved to approve the agreed order for item b. Mr. Matthew seconded. The motion passed.

**Discussion, consideration, and possible approval regarding the discipline of certified officers- default judgment orders (Action)**

- a. **Miguel Turcios; 15-28684-150262; 28684 (Nueces)**

Mr. Dufour presented the default judgement order. He stated the officer did not respond to the agency's notice. Judge Parker moved to approve the default judgement order. Commissioner Smith seconded. The motion passed.

## **Report from the Programs Committee**

Mr. Shaw reported that the committee met and received good information from staff. The committee also heard additional items that will also come before the Board and recommends final approval by the full Board.

### **Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 341, relating to General Standards for Juvenile Probation Departments; 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 (Action)**

James Williams, Senior Director of Probation and Community Services, stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections. He stated that the Advisory Council reviewed these rules and provided input. The staff requested the Board's approval to adopt the rule review and the final rules. Mr. Stephens moved to adopt the rule revisions and final rule. Judge Parker seconded. The motion passed.

### **Discussion, consideration, and possible final adoption of rule review for 37 TAC §385.9981, relating to Sick Leave Pool Administration (Action)**

Royce Myers, Director of Human Resources, recommended re-adoption of the rule. He stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. The staff requested the Board's approval to re-adopt the rule review and the final rule without changes. Judge Parker moved to adopt the rule review and final rule. Judge Brieden seconded. The motion passed.

### **Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§385.8101 (Public Information Requests), 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), and 385.8181 (Background Checks) (Action)**

Karol Davidson, Staff Attorney, stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections. The staff requested the Board's approval to adopt the rule review and the

final rules. Mr. Shaw moved to adopt the rule review and final rules. Judge Parker seconded. The motion passed.

**Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.8137, relating to Media Access (Action)**

Jim Hurley, Director of Communications, stated the Board approved posting the revisions to this rule in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections. The staff requested the Board's approval to adopt the rule review and the final rule. Ms. King moved to adopt the rule review and final rule. Judge Brieden seconded. The motion passed.

Chairman Fisher called for a recess to convene in a closed session.

**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. **§551.074 Discussion regarding personnel matters**
- d. **§551.076 Deliberations regarding security devices or security audits**

The Board entered a closed session at 11:23 a.m.

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

The Board reconvened in open session at 11:52 a.m. No action was taken.

**Adjourn**

Chairman Fisher adjourned the meeting.





TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

**Board Meeting**

11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, June 23, 2016 – 11:00 a.m.

**BOARD MEMBERS PRESENT:**

Scott W. Fisher, Chairman  
The Honorable John Brieden III  
Scott "David" Matthew  
Riley Shaw  
The Honorable Jimmy Smith  
The Honorable Laura Parker (by video-conference from Ayres Halfway House, San Antonio)  
Calvin W. Stephens (by video-conference from Cottrell Halfway House, Dallas)

**BOARD MEMBERS ABSENT:**

Dr. Rene Olvera  
The Honorable Carol Bush  
The Honorable Becky Gregory  
Jane King  
MaryLou Mendoza

**EXECUTIVE STAFF PRESENT:**

David Reilly, Executive Director  
Chelsea Buchholtz, Chief of Staff  
Roland Luna, Chief Inspector General  
Luther Taliaferro, Superintendent of Education  
Rebecca Walters, Director of Youth Placement &  
Program Development  
Elaine Mays, Chief Information Officer  
Alan "Chip" Walters, Director of Operational Analysis &  
Facility Support

Tushar Desai, Medical Director  
Eleazar Garcia, Chief Internal Auditor  
Jim Hurley, Communications Director  
Carolyn Beck, Governmental Relations Specialist  
Mike Meyer, Chief Financial Officer  
Jeannette Cantu, Executive Assistant  
Jim Southwell, Deputy Chief Information Officer

**OTHER GUESTS PRESENT:**

Fred Meinke, TJJD	Victor Villeareal, TJJD	Hannah Matthew
Vivian Cohn, TJJD	Stephanie Melot, TJJD	Lester Brown, TJJD
Xavier Casares, TJJD	Jerome Williams, TJJD	Angela Isaac, LBB
Karen Kennedy, TJJD	Marie Welsch, TJJD	Matthew Segura, TJJD
Steve Rehberg, TJJD	Elizabeth Moreno, TJJD	

### **Call to order**

Chairman Fisher called the meeting to order at 11:20 a.m.

### **Prayer**

Lester Brown opened the meeting with a prayer.

### **Pledge**

The Pledge of Allegiance and Pledge to the Texas Flag were recited.

### **Discussion, consideration, and possible approval regarding excused absences (Action)**

The following board members were absent: Carol Bush, Rene Olvera, Jane King, Rebecca Gregory, MaryLou Mendoza. Mr. Shaw moved to excuse the absences. Judge Brieden seconded. The motion passed.

### **Public comments**

There were no public comments.

### **Discussion, consideration, and possible approval regarding the request to exceed appropriation transfer limitations for Parole Programs and Services**

Mike Meyer, Chief Financial Officer, thanked the Board for assembling today for this time sensitive matter. The finance staff has identified that planned transfers would exceed General Appropriations Act (GAA) limitation in Strategy C.1.2, Parole Programs and Services. The Article IX limit is \$290,857 (20%), while staff proposes to transfer an estimated \$375,000 (25.8%). The elevated population in state programs and facilities creates significant budgetary pressure, which the agency has successfully managed for fiscal year (FY) 2016 primarily through access to "MAP" funds, cost cutting measures such as a hiring freeze, and transfers between appropriation items (excluding probation grant strategies). Deferral of this transfer would impact the agency's ability to address challenges associated with the elevated residential population in FY 2016, as well as hamper efforts to lessen a projected operating budget shortfall in YF 2017. Staff is currently exploring and implementing options to decrease that shortfall in order to minimize a likely supplemental appropriations request during the upcoming legislative session. This request is time sensitive because the approval could take a number of weeks.

In response to a question by Judge Brieden regarding how funding follows the residential population projections, Mr. Meyer stated that the funds he was talking about are 2016 dollars. Looking forward to 2017, there will be other projections based on what is expected to happen with the population. The agency will most likely have to pursue a supplemental appropriations request for 2017. There are some mitigating circumstances such as commitment diversions through the Regionalization Program, but also complicating factors such as the increase in violent referrals.

In response to a question by Judge Brieden regarding placing non-violent offenders in halfway houses, Mr. Reilly stated that staff are reviewing those cases very carefully. If it is found that this is not working, they will be moved directly into secure facilities. Judge Brieden commented that the agency is taking some pretty drastic measures to stay within the guidelines and the agency cannot do that on a continuing basis.

Mr. Reilly commended Mr. Meyer for his work in taking the appropriate measures to reduce costs for the agency. They have been well thought out and responsible steps for the agency to reduce costs. Mr. Meyer described some of the steps the agency has taken such as a current hiring freeze for non-direct care staff positions and a zero based budgeting process for several divisions within the agency. Mr. Reilly stated that the agency will not gut itself to the point where staff cannot do their jobs.

In response to Mr. Matthew's comment regarding the hiring freeze, Mr. Reilly restated that the hiring freeze does not affect Juvenile Correctional Officers.

Mr. Matthew moved to approve the Board Chairman to submit a request to exceed agency discretionary transfer appropriation limitations to the Office of the Governor and the Legislative Budget Board. Mr. Shaw seconded. The motion passed.

**Discussion and consideration of potential exceptional item appropriations requests for the 2018-2019 biennium**

Mr. Meyer explained that the list of the agency's exceptional item request is a first draft and the executive management team is working to finalize this list of priority items. Mr. Meyer did point out that under Probation Programs and Services, he inadvertently left off an item for compensation of Juvenile Probation Offices and Juvenile Supervision Officers.

In response to a question by Judge Brieden regarding the case management system, Mr. Meyer explained that the agency's in-house case management system for the state programs side needs to be updated.

Chairman Fisher commented that the need to address the agency's information technology system and fleet management system should be looked at as priorities as well as the capital maintenance responsibilities to facilities. The agency is definitely behind the curve in these items.

Mr. Meyer asked that the board review the list and send any feedback directly to him. The final list will go before the Board for consideration at the August meeting.

Chairman Fisher called for a recess to convene in a closed session.

#### **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. **§551.074 Discussion regarding personnel matters**
- d. **§551.076 Deliberations regarding security devices or security audits**

The Board entered a closed session at 11:45 a.m.

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

The Board reconvened in open session at 12:12 p.m. No action was taken.

#### **Adjourn**

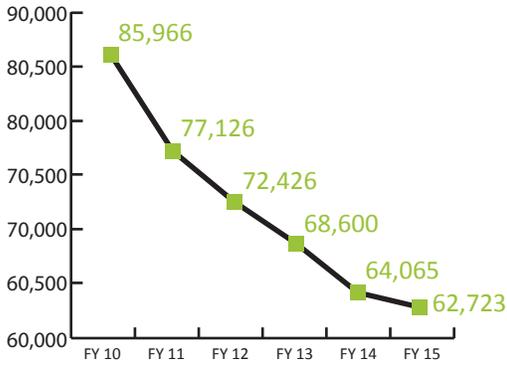
Chairman Fisher adjourned the meeting.

# TJJD AGENCY REPORT CARD

AUGUST 5, 2016

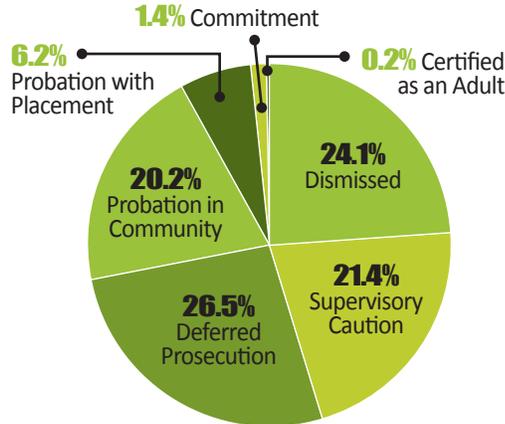
## YOUTH DATA

### Referrals to Probation



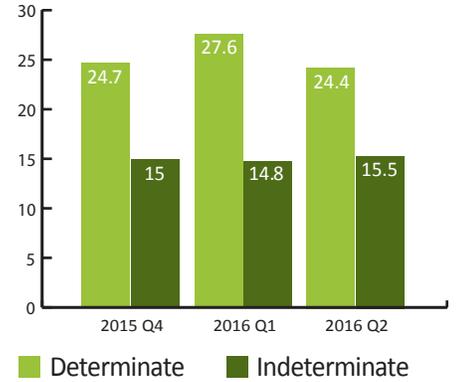
Source: FY 2010-2015

### Youth Dispositions



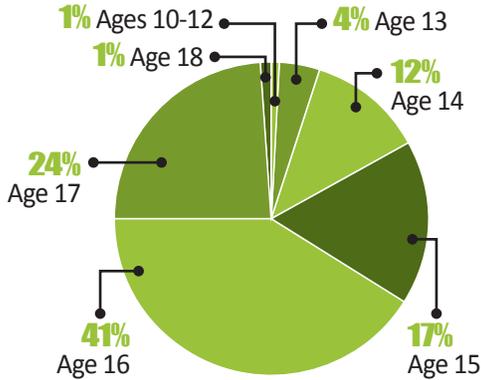
Source: FY 2015

### Average Length of Stay (Months) at TJJD



Source: Q4 FY 2015 – Q1-Q2 FY 2016

### Age at Admission to TJJD



Source: Q1 FY 2016

**29.2%** Youth placed directly into medium restriction from intake

Source: Q3 FY 2016

**93%** Youth grievances completed timely<sup>4</sup>

Source: Q3 FY 2016

**45.5%** Percentage of youth with no major rule violation<sup>2</sup>

Source: Q3 FY 2016

**66** Number of days without serious youth injuries<sup>6</sup>

Source: Q3 FY 2016 All Institutions

**138** Successful program completions<sup>1</sup>

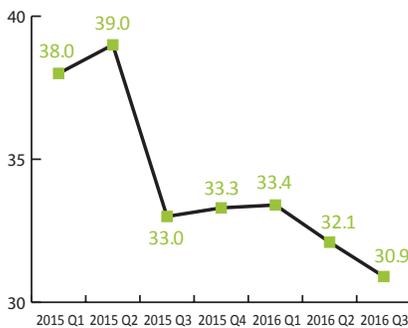
Source: Q3 FY 2016

**211** Youth matched to mentor<sup>10</sup>

Source: Q3 FY 2016

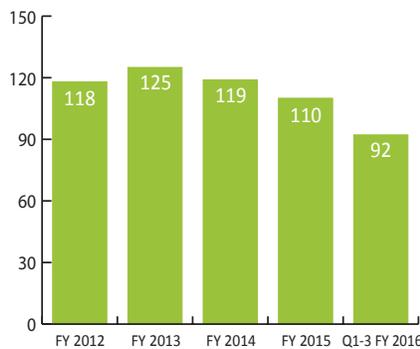
## HEALTH SERVICES

### Percentage of Youth Prescribed Psychotropic Medication



Source: All Institutions and Halfway Houses FY 2015-Q1-3 FY 2016

### Serious Injury<sup>6</sup> (All Causes)



Source: All Institutions FY 2012-Q1-3 FY 2016

### Mental Health Hospitalizations<sup>8</sup>



Source: All Institutions FY 2012-Q1-3 FY 2016

## EDUCATION SERVICES SCHOOL YEAR 2015-2016 (SECURE FACILITIES ONLY)

**32** Earned High School Diploma 

Source: 8/3/2015-6/28/2016

**255** Earned GED<sup>5</sup> 

Source: 8/3/2015-6/28/2016

**328** Earned Industry Certification 

Source: 8/3/2015-6/28/2016

# TJJJ AGENCY REPORT CARD

	2015 Q3	2015 Q4	2016 Q1	2016 Q2	2016 Q3
<b>SERVICE INDICATORS (Secure Facilities, Halfway Houses and Contract Care)</b>					
Successful program completions <sup>1</sup>	109	114	122	95	138
Total number of youth enrolled in specialized treatment (excluding contract care)	1,044	1,068	1,110	1,096	1,097
Total number of youth that completed specialized treatment	467	463	402	440	427
• Alcohol or other drug	250	241	251	250	222
• Sexual behavior treatment	45	38	36	38	45
• Capital/violent offender	222	228	193	216	221
Percentage of youth with no major rule violation <sup>2</sup>	45.0%	44.3%	43.5%	42.4%	45.5%
Percentage of youth with less than 5 major rule violations per quarter <sup>2</sup>	83.3%	81.5%	82.3%	82.2%	80.2%
Youth on Stage 4 or Stage YES	244	226	216	239	212
Youth with major rule violations that are confirmed	573	652	602	687	701
Youth receiving stage promotions	503	496	522	473	500
Youth receiving stage demotions <sup>3</sup>	84	93	100	112	148
Percentage of youth grievances completed timely <sup>4</sup>	90.4%	93.5%	88.6%	94%	93%
<b>EDUCATION (Secure Facilities Only)</b>					
Number of youth currently holding high school diploma	*	*	17	16	17
Number of youth currently holding GED <sup>5</sup>	*	*	161	168	204
Number of youth currently eligible to take the GED exam	*	*	622	601	606
Industry certifications	63	85	51	87	91
<b>POPULATION TRENDS</b>					
New admissions	227	204	221	177	217
Percentage of youth placed directly into medium restriction from intake	19.6%	21.3%	18.6%	11.9%	29.2%
Average length of stay (months) - Determinate	29.3	24.7	27.6	24.4	22.6
Average length of stay (months) - Indeterminate	14.1	15	14.8	15.5	16.0
<b>HEALTH SERVICES</b>					
Total serious youth injuries <sup>6</sup>	37	26	37	27	28
Days without serious youth injuries	59	70	61	70	66
Total serious self-injuries <sup>7</sup>	9	3	4	7	1
Percentage of youth prescribed psychotropic medication	33.0%	33.3%	33.4%	32.1%	30.9%
Percentage of medication compliance	99.4%	99.6%	99.2%	99.6%	99.1%
Emergency room visits	40	27	34	31	35
Mental health hospitalizations <sup>8</sup>	1	0	1	1	0
<b>FAMILY SUPPORTS</b>					
Families participating in MDT assessments <sup>9</sup>	663	678	738	679	800
Youth receiving web-based visits	28	20	16	23	74
Youth receiving in-person visits	586	576	560	602	717

# TJJD AGENCY REPORT CARD

	2015 Q3	2015 Q4	2016 Q1	2016 Q2	2016 Q3
<b>VOLUNTEER SERVICES AND CHAPLAINCY</b>					
Youth matched to mentor <sup>10</sup>	153	157	172	135	211
Number of mentoring hours per quarter	2,752	3,136	3,134	2,144	1,718**
Active volunteers per quarter	799	811	759	587	440**
Worship opportunities <sup>11</sup>	228	219	240	240	203
Religious education classes <sup>12</sup>	402	549	582	424	307
<b>FINANCIAL</b>					
Budgeted total residential population	1,319	1,319	1,264	1,264	1,264
Actual total residential population	1,244	1,298	1,325	1,337	1,325
Average daily population: State Facilities	1,012	1,043	1,063	1,080	1,078
Cost per day: State Facilities <sup>13</sup>	\$190	\$227	\$171	\$160	\$161
Average daily population: Halfway Houses	140	151	141	140	129
Cost per day: Halfway Houses	\$168	\$186	\$198	\$191	\$201
Average daily population: Contract Programs	92	103	121	116	118
Cost per day: Contract Programs	\$140	\$139	\$144	\$165	\$159
Percentage of general revenue operating variance <sup>14</sup>	-6.0%	-4.5%	-1.5%	-1.7%	-2.5%
<b>PAROLE</b>					
Percentage of youth with indeterminate sentences who successfully complete parole <sup>15</sup>	35.8%	36.8%	32.0%	36.2%	42.5%
Percentage of youth placed on parole who needed and achieved a GED or high school diploma while on parole	3.9%	0.9%	1.1%	3.4%	1.5%
Community service hours					2,791
<b>MONITORING AND INSPECTIONS</b>					
Number of completed compliance monitoring reports - state programs <sup>16</sup>	7	4	4	10	6
Number of completed compliance monitoring reports - county facilities	29	23	15	28	20
<b>TRAINING</b>					
State: Number of training hours provided <sup>17</sup>	8,233	10,994	9,099	13,024	14,688
State: Percentage of overall training compliance	***	***	63.3%	42.50%	26.21%
Community-based: Number of training hours provided	151	297.75	365.00	428.75	182.25
Community-based: Number of staff trained	366	1,592	2,036	1,299	988
Community-based: Number of new juvenile probation and supervision officers certified	345	259	307	324	332
Community-based: Number of juvenile probation and supervision officer certifications renewed	662	489	872	626	536
Number of new or revised curricula implemented	7	1	7	1	4

# TJJJ AGENCY REPORT CARD

STAFF	EJC	GNS	GID	MART	RJ	TOTAL INSTITUTIONS
<b>JUVENILE CORRECTIONAL OFFICER</b>						
FY 2015 turnover rate	31.28%	41.49%	32.25%	34.36%	26.35%	33.40%
FY 2016 projected turnover rate	40.99%	62.57%	28.60%	39.87%	20.90%	39.68%
Total positions	182	263	292	414	277	1,428
Positions filled	167	211	284	359	249	1,270
Positions vacant	15	52	8	55	28	158
Percent filled	91.76%	80.21%	97.26%	86.71%	89.89%	88.94%
<b>CASE MANAGER</b>						
FY 2015 turnover rate	0.00%	19.80%	31.82%	13.79%	23.93%	18.68%
FY 2016 projected turnover rate	55.98%	11.15%	49.76%	15.89%	18.66%	26.28%
Total positions	16	28	29	42	32	147
Positions filled	10	28	23	36	30	127
Positions vacant	6	0	6	6	2	20
Percent filled	62.50%	100.00%	79.31%	85.71%	93.75%	86.39%
<b>MENTAL HEALTH</b>						
FY 2015 turnover rate	0.00%	44.44%	73.68%	17.02%	10.00%	31.71%
FY 2016 projected turnover rate	0.00%	0.00%	0.00%	38.83%	0.00%	12.38%
Total positions	4	6	9	14	12	45
Positions filled	4	6	6	11	11	38
Positions vacant	0	0	3	3	1	7
Percent filled	100.00%	100.00%	66.67%	78.57%	91.67%	84.44%
<b>EDUCATION</b>						
FY 2015 turnover rate	34.41%	26.89%	19.51%	13.15%	47.06%	31.72%
FY 2016 projected turnover rate	57.34%	15.89%	15.89%	34.81%	38.99%	31.20%
Total positions	25	35	33	51	27	171
Positions filled	22	30	31	46	26	155
Positions vacant	3	5	2	5	1	16
Percent filled	88.00%	85.71%	93.94%	90.20%	96.30%	90.64%

## TJJD AGENCY REPORT CARD

<sup>1</sup>**Program Completion Criteria:** (1) no major rule violations confirmed through a Level I or II due process hearing within 30 days before the exit review or during the approval process; and (2) completion of the minimum and/or extension length of stay; and (3) participation in or completion of assigned specialized treatment programs or curriculum as required (4) assignment by the multi-disciplinary team to the highest stage in the assigned rehabilitation program and consistently living up to the expectations of that assignment in behavior, school and treatment (5) completion of a community re-integration plan approved by the youth's treatment team, that demonstrates the youth's understanding of his/her treatment issues and aftercare plans to address those issues (6) participation in or completion of any statutorily required rehabilitation programming (reading improvement, PBIS and/or gang intervention)

<sup>2</sup>**Major or Minor Rule Violation:** a violation to knowingly commit, attempt to commit, or help someone else commit any rule violation which also may be considered a violation of the law. Examples of major rule violations include but are not limited to: escape, assault, possession of prohibited substances, participating in major disruptions, possession of prohibited items and sexual misconduct. Examples of minor rule violations include but are not limited to: disruption of program; failure to abide by dress code, improper use of telephone/mail/computer; lying/cheating; possession of an unauthorized item, threatening others.

<sup>3</sup>**Stage demotion:** a youth's assigned stage in the agency's rehabilitation program is lowered by one or more stages. This consequence may be issued only if it is proven through a Level II due process hearing that the youth committed a major rule violation.

<sup>4</sup>Youth grievances that are not required to be answered within 24-hrs are due within 10 workdays. Youth grievance appeals that are not medical are due within 5 workdays. Medical appeals and appeals to the executive director are due within 30 calendar days. Data includes secure facilities, halfway houses, contract care, and parole.

<sup>5</sup>**Requirements for GED:** at least 16 years of age and reading at 5.8 or above (Source: Education Procedure Manual EDU.17.05).

\*Data unavailable due to indicator based on **current** student population.

<sup>6</sup>**Serious injury:** youth injuries from any cause that require off-site emergency care and/or hospitalization; does not include sickness/illness.

<sup>7</sup>**Serious self-injury:** action taken by a youth to intentionally harm him/herself to the degree that off-site emergency care and/or hospitalization is required.

<sup>8</sup>**Mental Health Hospitalization:** a medical or psychiatric hospitalization due to a mental health condition.

<sup>9</sup>**MDT:** Multi-Disciplinary Team; a group of staff in TJJD-operated residential facilities who partner with the youth to facilitate his/her progress in the rehabilitation program.

<sup>10</sup>**Mentor:** a registered TJJD volunteer who is carefully matched to an individual youth and commits to visiting that youth at least 4 hours monthly for a minimum of six months.

\*\*This number is lower than the actual number. We are catching up service hours in the new database Volgistics.

<sup>11</sup>**Worship opportunities:** congregate religious activities facilitated by a religious leader that engage youth, strictly on a voluntary basis, in rites, rituals, and sacraments of the respective faith group.

<sup>12</sup>**Religious education classes:** small study groups led by chaplaincy volunteers that engage youth, strictly on a voluntary basis, in the teachings of a religious text and faith group practices.

<sup>13</sup>Cost per day: State Facilities = (Expenditures / Average Daily Population) / Days in Year

<sup>14</sup>Reported variance is based on the financial report presented to the TJJD Board closest to the end of the indicated fiscal quarter; 2015 Q1 value is through December 2014; 2015 Q3 value is through April 2015; 2015 Q4 value excludes purchases and method of finance reallocation occurring after initial Board report.

<sup>15</sup>**Successful completion of parole:** Youth have completed minimum requirements of community service, have no pending adult cases, maintained constructive activity and been on a minimum level of supervision for at least 30 days.

<sup>16</sup>State Programs include state secure facilities, halfway houses, state-contract care residential programs, parole, and contract parole.

<sup>17</sup>Includes classroom and on-the-job training, excludes e-courses.

\*\*\*The overall training compliance is calculated by the percentage of staff who have completed their compulsory training as defined by individual training requirements based on job function. IT has developed a script in which this data will calculate this data beginning FY 2016. Historical data is not available.





## Advisory Council on Juvenile Services

**Date: August 05, 2016**

**To: Texas Juvenile Justice Department Board of Directors**

Mr. Scott W. Fisher  
Chairman

Judge Laura Parker  
Judge Carol Bush  
Dr. Rene Olvera  
Judge Becky Gregory

Mr. Calvin Stephens  
Ms. Mary Lou Mendoza  
Mr. Riley Shaw  
Chief Jane Anderson King (Ret.)

Judge John Brieden III  
Chief David Scott Matthew  
Commissioner Jimmy Smith

**From: Doug Vance, PhD.**

Chair, Advisory Council on Juvenile Services  
Chief Juvenile Probation Officer Brazos County

**RE: Advisory Council on Juvenile Services Update**

### **Meeting Update:**

The Advisory Council most recently met on June 30, 2016 in Austin at the TJJD offices. A copy of the meeting agenda is attached for your review. Following is a summary of our meeting.

### **TJJD Update**

#### **Monitoring Process Overview**

David Reilly provided a general overview of the TJJD monitoring process & strategies delineating the assigned duties of the TJJD monitoring and Inspections Division, TJJD Administrative Investigation Division, and the Office of the Independent Ombudsman. A handout was provided detailing the division of duties between the three entities.

### **Salary and Turnover Rate Study**

Ms. Pernilla Johansson, TJJJ Director of Research, provided a summary of the recent salary survey analysis and turnover rates among juvenile justice personnel in Texas as conducted by TJJJ. A preliminary draft document of the report was provided to Advisory Council members for review.

Preliminary findings from the study revealed FY 2015 turnover rates as follows:

- 12.4% Juvenile Probation Officer.
- 25.5% Juvenile Supervision Officer.
- 32.0% TJJJ Juvenile Correctional Officer I-V

Advisory Council members were asked to provide feedback to David Reilly by July 11, 2016 regarding the methodology to be employed if a salary stipend were to be approved by the legislature.

### **TJJJ Legislative Appropriations Request**

TJJJ Chief Financial Officer Mike Meyer discussed a potential listing of TJJJ's FY 2018 - 2019 exceptional items requests and asked advisory council members to provide feedback and strategic guidance on which LAR exceptional items pertaining to juvenile probation should be prioritized as most essential. While every item was viewed as being important, and no official feedback or guidance was provided during the meeting, preliminary discussions among council members indicated the elevated importance of the following:

- Providing new funding for Discretionary aid (rather than using existing funds)
- Expand TJJJ's authority to retain and recycle grant refunds.
- Provide funding for use of a validated risk/need assessment.

Mr. Reilly indicated that since 2007 juvenile probation referrals in Texas have reportedly decreased by 40% and the amount of state funding available for juvenile probation departments has increased by approximately 70%. While the group is very appreciative to the state for increased funding, it was noted that a significant amount of new funding was designated for specific uses, leaving little room for flexibility, and it was further indicated that in several instances the amount of basic state aid funding has actually decreased.

Although total referrals may have decreased, it was noted by several that there seems to be an increase in case complexity in many instances that requires officers across the state to spend more time and to expend more resources than was needed with similar cases in previous years. It is speculated that this increase in case complexity may be due to a variety of reasons that include increasing severity in type of referral, level of family dysfunction, mental illness, and degree of trauma.

The Advisory Council asked TJJJ to review state-wide data and to develop a fact sheet explaining in some detail the reduction in juvenile probation referrals since 2007, breaking it down by type of offense and other important characteristics. The Advisory Council also requested TJJJ to include in the fact sheet information regarding caseload complexity by looking at a variety of correlated data that may include, but not limited to, Mental Health, Family Dynamics, and Risk/Need information from across the state.

### **Discretionary State Aid Funding**

Discretionary grant funding is part of TJJJ's implementation of Senate Bill 1630 (84[R]) funding provisions related to general probation funding as developed by TJJJ Chief Financial Officer Mike Meyer with assistance from the Advisory Council.

The provision in question requires TJJJ to set aside funds to support programs with a clearly defined target population that use research-driven practice and have well defined recidivism reduction goals.

Grant applications were due to TJJJ by July 18, 2016. If awarded, funding can be up to four years. It was further indicated that the funding may be used to create a new program, or to help pay for an existing program. Through the application, the requestor must identify the need being addressed and the program's services consistent with data-driven and research-based practice for the designated target population. The applicant will be required to establish one, two, and three year recidivism reduction goals for the program participants

Mr. Meyer explained that the discretionary grant application review process will involve independent reviews of each application by Dr. Lori Robinson, Mr. James Williams, and Director of Research Prenilla Johansson. After each has completed their independent grant application review, they will meet together as a team to determine award recommendations.

Grant award recommendations are anticipated to be presented to the TJJJ Board of Directors for approval at the August 5, 2016 meeting

### **Raising the Age of Juvenile Court Jurisdiction**

A brief discussion occurred regarding the potential impact on counties and juvenile probation departments if the Texas Legislature were to raise the age of juvenile court jurisdiction. A concern was expressed that if this were to occur there may not be enough existing pre-adjudication beds available for use. It was also hoped by many that if such legislation were to be introduced that a comprehensive cost analysis study would accompany it.

## **Regionalization Taskforce Update**

Senior Director James Williams indicated that as of June 30, 2016, TJJD had received 45 applications requesting residential placement reimbursement and that TJJD had approved funding for seven of those applications with others pending.

Mr. Williams anticipates one or two more regionalization meetings and he summarized that to date the Regionalization Task Force has accomplished several important goals:

- Specified criteria for a target population
- Determined the methodology for diversion
- Completed a program inventory
- Identified start-up funding for probation regions.

## **Standards Committee Update:**

### **TAC 341 Revisions:**

Proposed revisions to Texas Administrative Code Chapter 341 were adopted by the TJJD Board of Directors at their May 20, 2016 Board meeting. The Advisory Council requested an effective date of January 1, 2017. Standards Committee members are planning on teaming up with TJJD officials in order to provide a state-wide training during the fall.

### **TAC 344 Revisions:**

The Standards Committee is currently working on a revision to Texas Administrative Code Chapter 344 pertaining to officer training and certification requirements. The standards committee most recently met July 7, 2016 in Austin at the Travis County Juvenile Probation Department (Agenda attached). The committee anticipates having one final meeting in August before completing their review.

## **TJJD Newsletter – *Juvenile Justice Today***

The TJJD requested to include a news and information article from the Advisory Council in each of its newsletter publications. Advisory Council members agreed with the request and Doug Vance subsequently submitted an article for the August 5, 2016 publication reviewing the goals, duties, and benefits of the Advisory Council.

**Next Meeting**

The next scheduled meeting of the TJJJ Advisory Council on Juvenile Services is set for Friday September 09 at 10:00 AM in Austin Texas at the Texas Juvenile Justice Department.

Respectfully Submitted;

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Douglas Vance, PhD  
Chair, Advisory Council on Juvenile Services  
Chief Juvenile Probation Officer, Brazos County

CC: Advisory Council Members





**Advisory Council on Juvenile Services Meeting**  
**Thursday, June 30, 2016. @ 10:00 AM**  
**Texas Juvenile Justice Department**  
**11209 Metric Blvd. - Lone Star Conference Room**  
**Austin, Texas**

**Agenda**

1. Call to order/Introductions
2. Review of Minutes: Meeting held on April 29, 2016
3. Texas Juvenile Justice Department Updates
  - David Reilly, Executive Director, TJJD
4. Monitoring Process Overview
  - David Reilly, Executive Director, TJJD
5. TJJD Strategic Plan – A Review of Agency Goals
  - David Reilly, Executive Director
6. Funding & Budget. TJJD Legislative Appropriations Request Update
  - Mike Meyer, Chief Financial Officer.
7. Discretionary State Aid Program Update
  - Mike Meyer, Chief Financial Officer
8. Update: Regionalization Task Force and SB 1630
  - James Williams, Sr. Director, TJJD, Probation & Community Services
9. Discussion on Potential Impact of Raising the Age of Juvenile Court Jurisdiction.
  - Mark Williams.

10. Sub-Committee Report(s)

- Standards: D. Vance
  - Subcommittee Meeting Scheduled: July 7-8, 2016
  - TAC 344 Update
  - TAC 341 Update
  - Discussion regarding Certified Officer Exam Costs
- Funding: M. Williams
- Mental Health: D. Vance
- Performance Measures: H. Flores
- Regionalization: J. Williams

11. Old Business

12. New Business

13. Public Comment

14. Advisory Council Member Updates & Announcements

15. Schedule Next Meeting

15. Adjourn

*Advisory Council Members may take agenda items and public comment out of Agenda order*



**Advisory Council on Juvenile Services  
TAC 344 Standards Sub-Committee  
Agenda**

Thursday, July 07, 2016  
10:00a.m. - 5:00p.m.  
Travis County Juvenile Probation Department  
2515 S. Congress \* Austin, Texas

- Call to order..... Doug
- Introductions..... All
- Update on TAC 341 Revisions..... James
- Discuss TAC 344 feedback from TJJD..... Steve
- Discuss Tac 344 feedback from Field..... All
- Working Lunch
- Standards Review..... All
- Adjourn

Friday July 08, 2016  
9:00 AM – Noon

- Call to order
- Review Previous Day's Work..... All
- Standards Review..... All
- Wrap Up / Homework Assignments..... Doug
- Set Next Meeting Date
- Adjourn



**Office of Inspector General  
Comprehensive Program Analysis**

<b>Summary Indicators</b>		
<b>Analytics, Intelligence, &amp; Reporting</b>	<b>YTD FY 15 (Thru 3rd Qtr.)</b>	<b>YTD FY 16 (Thru 3rd Qtr.)</b>
<b>Incident Reporting Center (IRC)</b>	<b>10,573</b>	<b>9,962</b>
Referred to Administrative-AID State	647	900
Referred to Probation-AID County	1,012	1,764
Retained by OIG Criminal	1,429	1,971
Referred to Youth Rights	6,357	3,585
Closed	1,128	1,742
<b>Security Intelligence</b>		
Evaluations		1024
Number of Staff Trained		307
Confirmations		22%
<b>Disposition Tracking (Investigative Life Cycle)</b>		
Average Number of Investigative Days	40	39
Total Days	145	153
<b>Criminal Investigations</b>	<b>YTD FY 15</b>	<b>YTD FY 16</b>
<b>Criminal Investigations Submitted to Prosecution</b>	<b>317</b>	<b>212</b>
Submitted to Prosecution Assaultive	277	195
Submitted to Prosecution Sexual Offense	9	3
Submitted to Prosecution Property Damage	2	0
Submitted to Prosecution Contraband	24	10
Submitted to Prosecution Other	5	4
<b>Special Investigative Initiatives</b>	<b>YTD FY 15</b>	<b>YTD FY 16</b>
<b>Fugitive Apprehension and Recovery</b>		
Directives to Apprehend Issued	399	367
Apprehensions	276	191
<b>Use of Force Monitoring</b>		
Submitted to Use of Force for Review	709	667
Referred to OIG Criminal	82	189
Referred to AID	159	73
Closed - No further investigation needed	468	405
<b>Contraband, Detection, and Interception</b>		
Total Searches	4096	4,632
Dorm Searches	677	272
Open Searches	53	91
Perimeter Searches	34	67
Gate House Searches	2	26



**OFFICE OF THE GENERAL COUNSEL  
ADMINISTRATIVE INVESTIGATIONS  
SEPTEMBER 1, 2015-JUNE 30, 2016  
COUNTY INVESTIGATIONS UNIT (CIU)**

Report Type	FY 2015	FY 2016
Abuse, Neglect & Exploitation Investigations	289	373
Complaints	55	45
Grievances	812	1442
Non-Jurisdiction	38	40
Non-Reportable	397	439
Other Reports ( <i>Duplicates, Standards Violation</i> )	61	131
Serious Incidents	588	761
<b>Total Reports Received</b>	<b>2240</b>	<b>3231</b>

Dispositions Assigned <sup>1</sup>	FY 2015	FY 2016
Already Investigated by TJJD	1	0
Baseless	1	1
Concur With Internal Investigation Disposition	30	29
Does Not Meet the Definition of Abuse/Neglect Definition	26	24
Not Under TJJD Jurisdiction/Not Enough Info. to Investigate	5	3
Reason To Believe	14	33
Ruled Out	211	273
Unable To Determine	51	54
<b>Investigations Completed</b>	<b>339</b>	<b>417</b>
<b>Active Investigations as of June 30, 2016</b>	<b>0</b>	<b>125</b>
<b>Average Days to Disposition</b>	<b>92</b>	<b>84</b>

Dispositions Assigned to FY 2016 Investigations	
Baseless	1
Concur With Internal Investigation Disposition	17
Does Not Meet the Definition of Abuse/Neglect Definition	12
Not Under TJJD Jurisdiction/Insufficient Data to Investigate	1
Reason To Believe	20
Ruled Out	169
Unable To Determine	28
<b>Investigations Completed</b>	<b>248</b>
<b>Investigations Pending Completion</b>	<b>125</b>
<b>Average Days to Disposition</b>	<b>83</b>

<sup>1</sup> Dispositions noted in this section are based on the fiscal year in which the disposition was reached, which is not necessarily the same fiscal year the investigation was initiated.

**STATE INVESTIGATIONS UNIT (SIU)**

<b>Investigation Type</b>	<b>FY 2015<sup>2</sup> (1/1/15-8/31/15)</b>	<b>FY 2016</b>
Abuse	<b>225</b>	<b>539</b>
Neglect	<b>33</b>	<b>125</b>
Exploitation	<b>19</b>	<b>17</b>
Policy Violations	<b>394</b>	<b>597</b>
<b>Total Investigations Opened<sup>3</sup></b>	<b>671</b>	<b>1278</b>

<b>Dispositions Assigned to All Cases</b>	<b>FY 2015<sup>2</sup> (1/1/15-8/31/15)</b>	<b>FY 2016</b>
Confirmed	261	199
Exonerated	11	6
Unfounded	498	520
Unable to Determine (Previously Not Confirmed)	119	73
Duplicate Referrals	21	41
<b>Total Dispositions Assigned to Cases Opened</b>	<b>910</b>	<b>839</b>
<b>Total Cases Closed</b>	<b>671</b>	<b>660</b>
<b>Average Days to Disposition for Total Investigations</b>	<b>NA</b>	<b>76</b>

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<sup>2</sup> FY 2015 was an abbreviated year because we switched from calculating by calendar year to calculating by fiscal year.

<sup>3</sup> 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** and the **Total Dispositions Assigned** will not be equal.

## 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.





TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

James Williams, Senior Director of Programs and Community Services

Subject: Updates on Regionalization and discussion, consideration, and possible approval regarding the Statewide Regionalization Plan (Action)

Date: July 19, 2016

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Pursuant to Senate Bill (SB) 1630, the Regionalization Task Force and the Texas Juvenile Justice Department staff worked together to develop the Statewide Regionalization Plan. As of the writing of this memo, the plan is currently in the final drafting stage.

A separate packet of information, including the full plan, will be provided to the Board in advance of its meetings.

Attached to this memo is the staff's proposed resolution for the Board's approval of the Statewide Regionalization Plan.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION ADOPTING THE STATEWIDE REGIONALIZATION PLAN**

On this **5<sup>th</sup> day of August 2016**, 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**, Senate Bill (SB 1630) requires the Texas Juvenile Justice Department to develop a statewide regionalization plan; and

**WHEREAS**, the Regionalization Task Force and TJJD staff collaborated on developing and drafting the statewide regionalization plan.

**NOW, THEREFORE BE IT RESOLVED THAT** Juvenile Justice Board adopts the statewide regionalization plan.

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

**Signed this 5th day of August 2016.**

**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

Kathryn Gray, Staff Attorney

Subject: Discussion, consideration, and possible approval to authorize staff to negotiate the terms of a new grazing lease for the Milam County tract of the Parrie Haynes Trust, and to authorize the Board Chairman, on behalf of the Board, to take action regarding the lease (Action)

Date: July 8, 2016

---

The Parrie Haynes Trust (the Trust) includes a tract of land consisting of about 100 acres in Milam County, Texas (the Property). This tract of land was for years leased for grazing, most recently at an amount of \$2,000 per year. The most recent lease was terminated according to authorization of the Board given at the May 2016 Board meeting.

Staff has pursued a replacement tenant for the Property and reviewed the submitted bids. Staff recommends entering into a grazing lease with the bidder offering the best value for the Trust with lease terms that are the same as those that were utilized in the most recent lease.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO AUTHORIZE STAFF TO NEGOTIATE THE TERMS OF A NEW GRAZING LEASE FOR THE MILAM COUNTY TRACT OF THE PARRIE HAYNES TRUST, AND TO AUTHORIZE THE BOARD CHAIRMAN, ON BEHALF OF THE BOARD, TO TAKE ACTION REGARDING THE LEASE.**

On this 5<sup>th</sup> day of August, 2016, 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 TJJD Board Members are trustees of the Parrie Haynes Trust (the Trust) for orphans bequeathed to the State in 1957; and

**WHEREAS**, the Trust contains a tract of land in Milam County, Texas (the Property); and

**WHEREAS**, the Trust recently terminated the lease it held for the Property; and

**WHEREAS**, Staff has pursued replacement tenants for the Property by placing an advertisement in the local paper; and

**WHEREAS**, Staff has reviewed the submitted responses and made a determination regarding the offer with the best value for the Trust.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes staff to negotiate the terms of a new grazing lease for the Milam County tract of the Parrie Haynes Trust, and to authorize the Board Chairman, on behalf of the board, to take action regarding the lease.

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

**Signed this 5th day of August, 2016.**

**Texas Juvenile Justice Board**

\_\_\_\_\_  
Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kathryn Gray, Staff Attorney

Subject: Discussion, consideration, and possible approval to authorize the Parrie Haynes Trust to grant an electric utility easement to Bartlett Electric Cooperative to install electricity on a portion of the Parrie Haynes Ranch (Action)

Date: July 11, 2016

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The Parrie Haynes Ranch (the Ranch) is leased by the Boys and Girls Club of Central Texas, Inc. (Boys and Girls Club). The Boys and Girls Club sub-leases a portion of the Ranch to the Spotted Horse Livery (SHL). SHL is seeking to install electricity on the east side of its sub-leased portion of the Ranch to power some small buildings and campsites that are located there, among other uses. SHL is planning to cover the cost of the installation, with some potential aid from Boys and Girls Club, and is not seeking any financial assistance from the Trust.

An easement is required to grant Bartlett Electric Cooperative access to the Ranch property to install and maintain the electric power. Accordingly, staff recommends approving an electric utility easement from the Trust to the Bartlett Electric Cooperative to install electricity on the Spotted Horse Livery portion of the Parrie Haynes Ranch.



**ELECTRIC UTILITY EASEMENT  
AND COVENANT OF ACCESS**

Map # \_\_\_\_\_  
WO # \_\_\_\_\_

STATE OF TEXAS                    §  
  §  
COUNTY OF \_\_\_\_\_ §

KNOW ALL MEN BY THESE PRESENTS:

That \_\_\_\_\_, of \_\_\_\_\_ County, Texas (hereinafter referred to as "Grantor," whether one or more), for the provision of electric service or other good and valuable consideration received the receipt and sufficiency of which is deemed valuable to Grantor and which is hereby expressly acknowledged and accepted by Grantor from Bartlett Electric Cooperative, Inc., a Texas non-profit electric cooperative corporation, whose mailing address is P.O. Box 200, Bartlett, Texas 76511, and physical address of 27492 Highway 95, Bartlett, Texas 76511 (hereinafter referred to as "Cooperative"), does hereby grant and convey unto the Cooperative, its successors and assigns, an easement and right-of-way for one or more electric lines and communication devices and/or lines for electric operations and/or maintenance, each consisting of a variable number of wires and circuits, and all necessary and desirable appurtenances and attachments including, but not limited to, poles, crossarms, guy wires and guy anchorages of varying heights and/or depths ("Easement"), on, over, under, across, along and upon all that certain land in \_\_\_\_\_ County, Texas (hereinafter referred to as "Grantor's Property") more particularly described as follows:

Platted Property:

Lot(s) \_\_\_\_\_, in Block \_\_\_\_\_, \_\_\_\_\_ Addition, an addition to the City of \_\_\_\_\_ (cross out if not within city limits), \_\_\_\_\_ County, Texas, according to the map or plat thereof recorded in Volume or Cabinet \_\_\_\_\_, Page or Plat No. \_\_\_\_\_ (circle the applicable term), of the Deed Records of \_\_\_\_\_, County, Texas, or Instrument No. \_\_\_\_\_ in the Official Public Records of \_\_\_\_\_ County, Texas; or

Unplatted Property:

ALL that certain tract of land lying and situated in the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, in \_\_\_\_\_ County, Texas, containing \_\_\_\_\_ acres of land, more or less, out of the \_\_\_\_\_ Survey, Abstract No. \_\_\_\_\_, as more fully described in an instrument recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_, of the \_\_\_\_\_ Records of \_\_\_\_\_ County, Texas.

The Easement and its rights and privileges herein granted shall include the right of pedestrian and vehicular ingress and egress on, over, under, across, along and upon Grantor's Property and shall be used for the purposes of providing electric utility service to Grantor and/or others (overhead or underground), including, but not limited to, placing, constructing, reconstructing, operating, inspecting, patrolling, maintaining, removing, improving, upgrading, increasing or reducing the capability, capacity and number of circuits, repairing, and relocating electric and/or communication lines and/or devices, or distribution facilities or equipment, as well as reading any meter or performing any act relating to the provision of utility service.

This Easement, together with all rights and privileges herein granted, shall be a covenant running with the land for the benefit of the Cooperative, its successors and assigns, and such rights and privileges are severable and may be assigned in whole, or in part, as the Cooperative may desire. Grantor covenants that Grantor, Grantor's heirs, successors and assigns shall facilitate and assist Cooperative personnel in exercising Cooperative's rights and privileges herein described at all reasonable times.

The width of the Easement shall be thirty (30) feet, one-half (1/2) of such distance on either side of the Cooperative's lines, as such lines are or will be constructed on Grantor's Property. In instances where the Cooperative's poles, guy wires, anchor structures or other facilities (other than lines) are not located in the mid-point of the Easement, then in such instances the Easement width shall include a distance of fifteen (15) feet from and around any such pole, guy wire, anchor structure or other facility. The Cooperative shall also have the right to use so much of the remainder of Grantor's Property as may be reasonably necessary to provide electric utility service including, but not limited to, construction, installation, repair and removal of the facilities that may at any time be necessary, at Cooperative's sole discretion, for the purposes herein specified.

Should the Grantor erect locked gates or other barriers that include, but not limited to, hostile dogs, the Grantor will provide the Cooperative with convenient means to circumvent the barrier for access without notice. Refusal on the part of the Grantor to provide reasonable access for the above purposes may, at the Cooperative's option, be sufficient cause for discontinuance of service. Alternatively, the Cooperative may move the metering location and other facilities and charge Grantor the cost of relocating all facilities.

The Cooperative shall have the right to clear the Easement of all obstructions or to prevent possible interference with or hazards to the safety, operation, and reliability of any of said lines and/or facilities or devices, including, but not limited to, trimming, cutting down, and/or chemically treating trees, undergrowth, and shrubbery within the Easement or within such proximity of the Cooperative's facilities so as to be hazardous to such facilities. Grantor shall not construct or locate any structure, building, or obstruction, including, but not limited to, impound any water or place any temporary or permanent erection of any mast-type equipment or appurtenances, stock tanks, dams, storage piles, swimming pools, antenna, spas, water wells, and/or oil wells within the Easement that will violate any applicable safety codes or interfere with Cooperative's rights and privileges as herein granted. Cooperative has the right to install, use, maintain, and lock access gates, and to remove or prevent construction on the Easement of any or all buildings, structures, and obstructions at Grantor's expense.

Grantor agrees that the consideration received by the Grantor includes consideration for all damages for the initial construction of the Cooperative's facilities on Grantor's Property as well as all damages, if any, to Grantor's Property which may occur in the future after the initial construction of the Cooperative's facilities on Grantor's Property, directly resulting from the Cooperative's exercise of any of its rights herein granted. The Cooperative shall not be liable for any damages caused by maintaining the easement clear of trees, undergrowth, brush, buildings, structures, and/or obstructions.

Grantor warrants that Grantor is the owner of Grantor's Property and has the right to execute this instrument. Grantor warrants that there are no liens existing against Grantor's Property other than the following liens:

\_\_\_\_\_

Grantor agrees that all of Cooperative's facilities installed on, over, under, across, along and upon Grantor's Property shall remain the sole property of Cooperative, removable at the sole option of the Cooperative.

**TO HAVE AND TO HOLD the Easement and rights unto the Cooperative, its successors and assigns, until all of the Cooperative's lines and facilities shall be abandoned by a fully executed and recorded release of Grantor's Property by the Cooperative and not by removal of any or all Cooperative facilities, and in that event the Easement shall cease and all rights herein granted shall terminate and revert to Grantor, Grantor's heirs, successors or assigns; AND GRANTOR HEREBY BINDS GRANTOR, AND GRANTOR'S HEIRS, EXECUTORS, ADMINISTRATORS, AND SUCCESSORS, TO WARRANT AND FOREVER DEFEND THE EASEMENT AND RIGHTS HEREIN GRANTED UNTO THE COOPERATIVE, ITS SUCCESSORS AND ASSIGNS, AGAINST EVERY PERSON WHOMSOEVER LAWFULLY CLAIMING OR TO CLAIM THE SAME OR ANY PART THEREOF.**

\_\_\_\_\_  
Grantor

\_\_\_\_\_  
Grantor







**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL FOR THE PARRIE HAYNES TRUST TO GRANT AN ELECTRIC UTILITY EASEMENT TO BARTLETT ELECTRIC COOPERATIVE TO INSTALL ELECTRICITY ON A PORTION OF THE PARRIE HAYNES RANCH.**

On this **5<sup>th</sup> day of August 2016**, 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 TJJD Board Members are trustees of the Parrie Haynes Trust (the Trust) for orphans bequeathed to the State in 1957; and

**WHEREAS**, the Trust contains the Parrie Haynes Ranch (the Ranch) in Bell County, Texas; and

**WHEREAS**, the Trust currently leases the Ranch to the Boys and Girls Club of Central Texas (the Boys and Girls Club) until December 31, 2030; and

**WHEREAS**, the Boys and Girls Club subleases a portion of the Ranch to the Spotted Horse Livery (the sub-lessee); and

**WHEREAS**, the sub-lessee is seeking to install electricity lines on its sub-leased portion of the Ranch at a cost that will be covered by the sub-lessee and lessee with no cost to the Trust; and

**WHEREAS**, the sub-lessee has obtained a quote and other required materials from the Bartlett Electric Cooperative (the Cooperative) to install the desired electricity; and

**WHEREAS**, an electric utility easement is required to grant the Cooperative access to the Ranch to install the electricity.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes granting an electric utility easement to the Bartlett Electricity Cooperative for the purpose of installing and maintaining electrical power on a portion of the Parrie Haynes Ranch.

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

**Signed this 5th day of August 2016.**

**Texas Juvenile Justice Board**

---

Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kathryn Gray, Staff Attorney

Subject: Discussion, consideration, and possible approval of the Parrie Haynes Ranch Wildlife Management Plan (Action)

Date: July 11, 2016

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In October of 2015, the Parrie Haynes Trust entered into an agreement (the Agreement) with the Texas Parks and Wildlife Foundation of Texas, Inc. (TPWF) to develop and implement a wildlife management plan for the Parrie Haynes Ranch (the Ranch) utilizing the funds designated for that purpose by TXU Electric Delivery (now Oncor Electric Delivery Company, LLC).

Since that time, the TPWF has retained a biologist who has visited the Ranch, spoken with the lessees and sub-lessees, and drafted a wildlife management plan that is specific to the Ranch, taking into account the particular uses and purposes of the Ranch property. The wildlife management plan has been shared with the lessee and sub-lessees of the Ranch.

The Agreement requires the TJJJ Board approve the recommendations of the wildlife management plan before it is implemented on the Ranch.



# **Parrie Haynes Ranch**

**Wildlife Management Plan 2016-2021**

**Baseline Survey 2016**

**Five-year Action Plan 2016-2021**

**Photo by John N. Macey**

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## ***Introduction***

This Wildlife Management Plan (WMP) is written as a professional guide for the Parrie Haynes Ranch (PHR). The primary goal is to address best management practices that will enhance breeding habitat for the golden-cheeked warbler (*Setophaga chrysoparia*) and the black-capped vireo (*Vireo atricapilla*), two endangered songbirds that reside on the PHR during their breeding seasons. Additionally, it provides a comprehensive guide for the management of white-tailed deer (*Odocoileus virginianus*) and provides overall enhancement of wildlife habitats on the PHR. The PHR serves as a facility to develop youth leadership skills and to provide them with outdoor experiences. Special attention and detail has been made to include management practices that enhance the outdoor experience for the youth who visit the facilities and suggestions are included.

Mrs. Parrie Haynes

This PHR is unique because it is embedded in the rich heritage of Central Texas's cattle saga. The ranch was established by Allen and Parrie Haynes, who married in 1895. Throughout their 58 years of marriage, they built the cattle ranch into one of the largest operations in Central Texas. Though the Haynes remained childless, they adored children and upon her death, Mrs. Parrie Haynes left 4,400 ac (1,781 ha) of her beloved ranch to the orphans of Texas.

Today, the ranch is held by the Parrie Haynes Trust whose trustees are on the board of the Texas Juvenile Justice Youth Commission. The PHR was identified as a mitigation site for 1,365 ac (552 ha) of golden-cheeked warbler and black-capped vireo habitat impacts associated with the Oncor Electric Delivery Company power line in Bell and Coryell Counties in accordance with U.S. Fish and Wildlife Permit TE-



0125388-0. The PHR is home to numerous programs and activities for inner city youth that provide summer camps, develop leadership skills, and an enriching outdoor experience. The leadership training is through Camp Coca-Cola. There are facilities on the property that provide year-round meeting and lodging accommodations. This includes a

pavilion that overlooks the Lampasas River, a meeting area, a swimming pool, cabins, trails, and camp sites. It also has an equestrian center with a meeting area, stables, corrals, and camping areas with water and electricity.

The land-use history presents many challenges and opportunities for habitat restoration and improvement. Sound stewardship can provide an excellent opportunity for youth to witness wise natural resource management that benefits all for generations to come, while also serving as an opportunity to introduce them to the joys and excitements of the great outdoors.

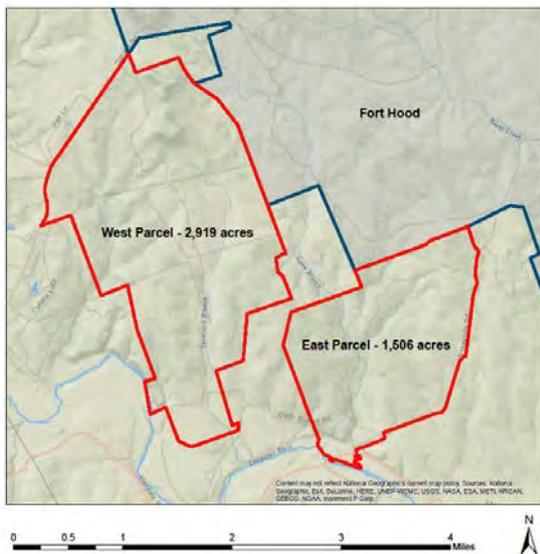
**SECTION 1:**  
**Wildlife Management Plan**  
**2016-2021**

## CHAPTER 1 – RANCH ASSESSMENT

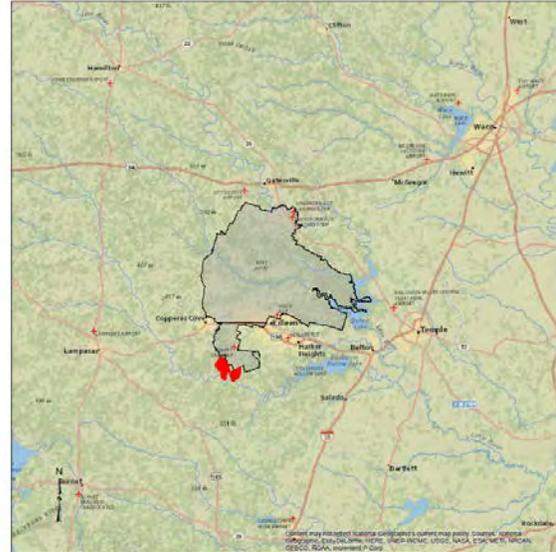
The purpose of this WMP is to document current PHR conditions, future goals, and how to achieve these goals. This Chapter will provide a description of the physiography of PHR, management goals, anthropogenic demands, habitat conditions, ranch assets and liabilities, and general management recommendations; specific recommendations are in Chapter 7.

### 1.1 Ranch Description

The Ranch is located in western Bell County in the extreme eastern portion of the Edwards Plateau. The Ranch's main entrance is off of Gann Branch Rd. just off Maxdale Rd. in the Maxdale community. It is approximately 12 mi (19 km) southwest of Killeen and 12 mi (19 km) south-southeast of Copperas Cove. The ranch is bound on the northeast by Fort Hood Military Reservation (Fig 1.1).



**Fig. 1.2.** The two parcels of the Parrie Haynes Ranch (in red) the strip of private land between the two parcels, and its proximity to Fort Hood Military Reservation.



**Fig. 1.1.** Location of the Parrie Haynes Ranch (in red), and its proximity to Fort Hood Military Reservation and nearby cities.

The Ranch encompasses 4,425 ac (1,790 ha) that is divided into two parcels, which are separated by a narrow strip of private land (Fig 1.2).

The eastern parcel is 1,506 ac (609 ha) of flat to gently rolling topography and is leased to the Parrie Haynes Equestrian Center. The majority of this parcel's upland contain second-growth Ashe juniper (*Juniperus ashei*), 10-20 ft (3-6 m) tall with scattered broadleaf trees. Broadleaf trees comprise from 0-20% canopy cover, depending on location. Some locations are a monoculture of Ashe juniper. The eastern parcel has more

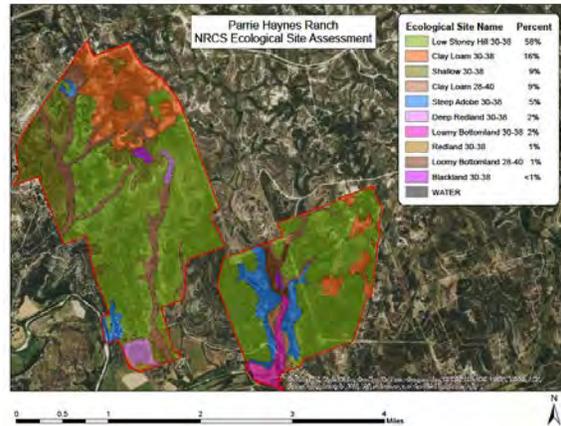
broadleaf trees than the western parcel. The Gann Branch empties into the Lampasas River and maintains flow except during periods of extreme drought. The vegetation along Gann Branch is 10-40 ft (3-12 m) tall and consists of Ashe juniper and mixed broadleaf trees. Ashe juniper is the dominant tree species on all soil types. There are about 140 ac (60 ha) of grasslands with both native and invasive species. The grasslands on the eastern section do not appear capable of carrying a prescribed fire due to a combination of grazing and both equestrian and vehicular impact. There is evidence of current Ashe juniper removal occurring on this parcel to limit its encroachment.

The soils on the east parcel are predominately Tarrant-Purves association with 5-10% slopes, and Real-Rock outcrop complex with 12-40% slopes (Soil Survey Staff 2016).

The western parcel comprises 2,919 ac (1,181 ha; Fig. 1.2) and contains all of the infrastructure of the youth programs. It is flat to gently rolling and has two mesa tops in the north that are approximately 200 ft (61 m) higher in elevation than the surrounding topography. The majority of this parcel's uplands contains second growth Ashe juniper, 10-20 ft (3-6 m) tall. Ashe juniper is the dominant tree species on all soil types and is a monoculture in many locations. There are about 490 ac (199 ha) of grasslands with both native and invasive grasses and all are experiencing Ashe juniper encroachment. Livestock grazing has been discontinued for several years and many of the grasslands are beginning to rebound. Most of the grasslands should have enough fuel to carry a prescribed fire. There are two main drainages that flow into the Lampasas River; Sycamore Branch and an un-named branch. Sycamore Branch is predominantly a mixed species riparian area, with trees 10-40 ft (3-12 m) tall and grasslands on either side. The un-named branch's riparian area is predominately Ashe juniper in the north with increasing diversity as it flows south.

The soils on the western parcel are predominately Tarrant-Purves association, with 5-10 % slopes and Topsey clay loam, with 3-8% slopes (Soil Survey Staff 2016).

The two main Ecological Sites for the PHR are the Low Stony Hill and Clay Loam Ecological Sites, which comprise 74% of the ranch (Fig. 1.3). The historic climax community of both of these ecological sites is assumed to be oak/tallgrass and tallgrass prairie communities. In the absence of fire, both parcels converted to a sub-climax condition of mixed-brush communities (Soil Survey Staff, 2016).



**Fig. 1.3.** Parrie Haynes Ranch Ecological Sites according to the Natural Resource Conservation Service (Soil Survey Staff 2016).

For both parcels, 84% of the soils are classified as “*Not good farmland*” and 97% are classified as either “*Highly*” or “*Potentially Highly Erodible Soils*”. Appendix A contains a soil classification map and Appendix B a list of soil classification and descriptions. Erosion is a concern for both parcels.

Fort Hood Military Reservation is adjacent to the PHR and encompasses 217,337 ac (87,953 ha). Fort Hood has the largest golden-cheeked warbler (Ladd and Gass 1999) and black-capped vireo (Cimprich and Kostecke 2006) breeding populations under one management authority. Each species’ breeding population on Fort Hood is estimated between 5,000-7,000 breeding males (Macey and Grigsby 2015; Cimprich and Cimprich 2015). The PHR serve as an excellent mitigation site for both endangered songbirds given its proximity to Fort Hood.

## 1.2 Goals and Objectives

The goals of the PHR WMP are to:

- Fulfill its obligation as part of a mitigation site for 1,365 ac (552 ha) of golden-cheeked warbler and black-capped vireo habitat impacts associated with the Oncor Electric Delivery Company power line in Bell and Coryell Counties detailed in United States Fish and Wildlife Service (USFWS) Permit TE-0125388-0.
- Perpetually protect, manage, and improve delineated golden-cheeked warbler habitat as Ashe juniper/oak (*Quercus*) forest habitat to contribute to the recovery of the species.

- Perpetually protect, manage, and improve delineated black-capped vireo habitat as shrub/grassland habitat to contribute to the recovery of the species.
- Provide Texas Youth with the opportunity for an enriching outdoor experience and develop leadership skills.
- Establish and maintain a healthy ecosystem for resident wildlife and migratory bird species.

The objectives of the PHR WMP are:

- Define the desired conditions of habitat areas and to set targets for planning, implementing, monitoring, and evaluating management practices.
- Improve habitats for the golden-cheeked warbler and black-capped vireo.
- Monitor the status of golden-cheeked warbler and black-capped vireo and habitat areas to evaluate effectiveness of management practices and management targets.
- Improve other habitats for resident wildlife and migratory bird species.

### **1.3 Anthropogenic Demands**

The eastern parcel is leased to the Parrie Haynes Equestrian Center, which has numerous infrastructure facilities on the property, including; campsites, cabins, an office, electricity, water, corrals, and numerous riding trails. There is evidence of over-utilization of the grassland that lies south of the infrastructure. Measures should be taken to allow the grasslands to recover. The riding trails should be maintained and anti-erosion structures (rocks, logs, etc.) should be placed and maintained in appropriate areas to lessen erosion. Trails should not be established on slopes and no additional trails blazed. Any locations that are currently having erosion issues should be addressed.

The western parcel contains the entire infrastructure of the youth programs. This parcel has numerous infrastructure facilities on the property, including; cabins, a pavilion, an office, electricity, water, and numerous riding trails. It appears that this parcel handles the periodic influx of youth well, and no major issues are evident except that the trails and roads should be

improved and maintained to eliminate as much erosion as possible. It is recommended that nature trails be created (with associated erosion control measures) within this parcel for the enjoyment and education of the youth who attend this facility.

#### 1.4 Habitat Assessment

The PHR was typical of ranches of its time and past ranching practices, such as harvesting of broadleaf trees and fire suppression, is still evident today. These practices have limited the diversity of all vegetation classes (trees, shrubs, grasses, and forbs) and suppressed the herbaceous ground cover.

Lack of fire has allowed Ashe juniper to become the dominate species on all soil types and it forms a monoculture in many locations. The greatest broadleaf tree diversity occurs on the hills and in drainages. The overall forest height ranges from 10-40 ft (3-12 m), depending on age, species composition, soil type, and soil depth. Some of the more common tree species include: American sycamore (*Platanus occidentalis*), Ashe juniper, Buckley Texas ash (*Fraxinus texensis*), cedar elm (*Ulmus crassifolia*), live oak, plateau live oak (*Quercus fusiformis*), pecan (*Carya illinoensis*), and Spanish oak (*Q. buckleyi*). Chinaberry (*Melia azedararach*), an invasive species, is located in several locations and needs to be eradicated via cut stump herbicide treatment.

The ranch has the major components needed to provide ideal habitat for the golden-cheeked warbler; maturing Ashe juniper. However it lacks a sufficient broadleaf tree component in many locations. Both parcels need more time to mature to adequate ages to be deemed quality golden-cheeked warbler habitat.

Spanish Oak

Although mature Ashe junipers are needed for the golden-cheeked warbler, a pure monoculture stand

will not provide for the overall needs of the species. Optimal foraging substrates like Spanish oak should be present. Habitat structure for the golden-cheeked warbler is addressed in further detail in Chapters 2 and 3.

The PHR lacks the typical brush species found in higher quality habitats. Species such as shin oak (*Q. sinuata* var. *breviloba*), flameleaf sumac (*Rhus lanceolata*), and redbud (*Cercis canadensis*), and other common species in the region are rare. This rarity is due to past grazing practices, including “goating”, and is caused by running too many sheep, goats, horses, and cattle on the property, and is exacerbated by a near monoculture of Ashe juniper in some areas. These species are known to be palatable to goats and can be extirpated by heavy browsing. Some of the shrub species present at varying degrees are agarita (*Mahonia trifoliolata*), cedar elm, elbow bush (*Forestiera pubescens*), flameleaf sumac, gum bumelia (*Sideroxylon lanuginosum*), mesquite (*Prosopis glandulosa*), possumhaw (*Ilex decidua*), Texas ash, Texas persimmon (*Diospyros texana*), and yucca (*Yucca pallida*). There is an indication of limited shrub reestablishment occurring in power line rights-of-way and in other areas of disturbance, mostly by agarita, elbow bush, and Texas persimmon.

Shin Oak

Flameleaf Sumac

A healthy shrub layer among open woodlands and savannah habitats that includes species with leaves low to the ground is needed for successful occupancy and breeding of the black-capped vireo. Vegetation structure is more important for the black-capped vireo than species type and is addressed in further detail in Chapters 2 and 3. Additionally, Ashe juniper should be no more than 50% in areas designated as black-capped vireo habitat and as low as 0-10% in areas with a high density of shrubs. A reestablishment of more shrub species in diversity and quantity are crucial to the development of adequate black-capped vireo habitat. Black-capped vireo habitat needs a great deal of improvement; however, it can be improved in a relatively short period of time (3-5 years). It is unknown whether there will be enough native seed bank left to promote



Red bud

native shrub species or if reintroduction will be required.

There are about 630 ac (260 ha) of grasslands between the two parcels. Historically, grass species such as little bluestem (*Schizachyrium scoparium*) and Indian grass (*Sorghastrum nutans*) dominated the grasslands of the Edwards Plateau. Some of the grasslands are dominated by invasive species such as King Ranch bluestem (*Bothriochloa ischaemum* var. *songarica*), Johnson grass (*Sorghum halepense*), and species of Bermuda grass (*Cynodon*). Restoration of native grasses and forbs is of utmost importance and is addressed in further detail in Chapters 2 and 6. It is unknown whether there will be enough native seed bank left to promote native herbaceous species or if reintroduction will be essential in certain areas. All invasive species need to be controlled to effectively restore grasslands.

Major priorities of the ranch should be to increase native vegetation diversity, limit Ashe juniper encroachment in select areas, and control invasive species. A diverse habitat is a healthy habitat for all inhabitants. Finding a good balance of woodland, shrub, and grassland will be crucial in order to create healthy habitats for all species including the golden-cheeked warbler and black-capped vireo, and to meet the goals of this WMP.

There are several dry or semi-dry ponds on the property. It will be less expensive to build new pond(s) versus repairing the current structures on existing ponds. Watering sources are needed for all wildlife and the ponds can be stocked and managed for youth fishing events.

#### **1.4.1 Assets**

- Golden-cheeked warbler habitat can take up to 50 years to become suitable. The ranch currently has Ashe juniper that is mature enough to sustain golden-cheeked warblers. Improvements are needed to increase the diversity of these forests while maintaining a nearly closed canopy with little edge.
- The broadleaf trees on the PHR provided food and shelter for resident and migratory species. Abundance, size, and diversity of broadleaved trees need to increase in golden-cheeked warbler habitat.

- Black-capped vireo habitat can be created in a relatively short period of time when compared to golden-cheeked warbler habitat. Some shrubs exist, but occur in very low numbers and need to be increased in quantity and diversity.
- Currently there are both golden-cheeked warbler and black-capped vireos using the ranch for breeding. However, their numbers are low when compared to Fort Hood Military Installation.
- There are around 630 ac (260 ha) of grasslands, all in need of improvements; however these grasslands are available, in an undesirable state, and are providing some food and shelter for wildlife. Reintroducing fire will improve some of the grasslands.
- There are no livestock on the west parcel, allowing for fuel accumulation in the large grassland. It will carry a prescribed fire which is an excellent tool to start improvement/restoration work and to help reestablish any existing native seed bank that may be present.
- The ranch is in close proximity to Fort Hood which has the largest populations of both golden-cheeked warbler and black-capped vireo under one management agency. The ranch serves as an excellent choice for mitigation for both of these species and can serve as an immediate source of dispersing young of both species as habitat improves.
- The ranch has adequate water sources for both migratory and resident species. There is one drainage system on the east and two on the west parcel, and the Lampasas River. Each parcel has a drainage system that is reported to run water except for during periods of extreme drought
- Bluffs, drainages, and water sources provide habitat for reptiles and amphibians.

#### **1.4.2 Liabilities**

- Past over-utilization of the habitat by livestock is evident and the ranch lacks overall diversity.
- Ashe juniper dominates much of the landscape.
- There is a lack of native broadleaf trees in significant numbers in golden-cheeked warbler habitat in some patches. Pure stands of Ashe juniper do not provide for all the necessary

requirements of the golden-cheeked warbler or other species. A more diverse stand will provide greater sources of food and shelter.

- Maintaining appropriate forage utilization by both wildlife (white-tailed deer) and livestock (horses currently)
- There is a very low diversity and density of desirable brush species. Shrubs must be reestablished to promote a healthy habitat for breeding black-capped vireo and other species.
- It remains unknown if there is enough seed bank left for trees, shrubs, grasses, and forbs to be reestablished on the ranch without reseeding. Once habitat manipulation begins, a better assessment of potential natural reseeding will be possible.
- There are a high quantity of invasive grasses, in some locations within the grasslands with few native grasses and forbs; non-native grasses offer little to wildlife and need to be controlled.
- Chinaberry, an invasive species, has been located at several locations.
- Feral swine (*Sus scrofa*) exist on the property and need to be controlled by trapping and shooting on a year-round basis because hogs will negatively impact restoration work.
- Erosion – past and present, trails, overutilization by horses, foot traffic, ATV, vehicles

## CHAPTER 2 – GENERAL RANCH RECOMENDATIONS

Habitat management is the key to successful wildlife management, because it can create a healthy assortment of trees, shrubs, grasses, and forbs for both endangered bird species and other wildlife. There is no “magic pill” for wildlife management and habitat restoration. It takes a long term commitment with respect to effort, funding, and time. No plan is static and priorities must be adjusted as the habitat responds to treatments at differing speeds. The goal should be a more diverse habitat, not only for the golden-cheeked warbler and black-capped vireo, but for all wildlife species.

*“Harmony with land is like harmony with a friend; you cannot cherish his right hand and chop off his left.”*

*Aldo Leopold*

These general ranch recommendations are in lieu of specific recommendations for the golden-cheeked warbler and black-capped vireo (Chapter 3 and 7), white-tailed deer (Chapter 5), and grassland restoration (Chapter 7). Much of the soil on the Edwards plateau is thin, poor, and highly erodible, and takes a long time to re-establish plant communities.

The needs of all wildlife include food, shelter, and water for basic life necessities. Cover requirements vary by species and a variety of cover will provide for a greater variety of species. However, when managing for the golden-cheeked warbler, practices must be adhered to that prevent habitat fragmentation, limit excessive edge effect, and maintain a nearly closed forest canopy. In addition, they do better with a 30% mix of broadleaf /oak tree component and 70% Ashe juniper.

### 2.1 Ashe Juniper



Ashe juniper

Ralph Waldo Emerson once stated, “A weed is a plant whose virtues have yet to be discovered.” This is especially true for the Ashe juniper. During the Haynes ranch period it was considered a pest without much value beyond its use as fence posts. However, the goals and

use of the ranch have changed. The ranch has been converted to youth outreach and mitigation land for the golden-cheeked warbler and black-capped vireo. Mature Ashe juniper is critical for the golden-cheeked warbler and today, Ashe juniper has new value.

Monocultures are less valuable than diverse habitats for wildlife. Historical accounts of Ashe juniper in the Edwards Plateau give a wide description of its density. This varied depending on its location and local fire frequency. This WMP will take into account the two endangered song birds, historical accounts, and NRCS ecological site assessments to obtain an ecological balance on the PHR.

Ashe juniper is critical for golden-cheeked warbler nest construction. It is consumed by some species and provides some foraging benefit. Ashe juniper was found to be in 12-34% of the diet of white-tailed deer in the Edwards Plateau depending on habitat condition and available forage (Bryant et al.1981, Warren & Krysl 1983, Waid et al.1984). Even though it was found in white-tailed deer diets, it is only considered “fair” forage (Armstrong 1991). It also provides shelter for other wildlife species.

Ashe juniper berries have been found in the scat of gray fox (*Urocyon cinereoargenteus*), raccoon (*Procyon lotor*), and other small mammals. It is also important in the diet of some frugivorous birds like the American robin (*Turdus migratorius*) and cedar waxwing (*Bombycilla cedrorum*). The “average” American Robin and Cedar Waxwing consume 555 and 683 Ashe juniper berries per day, respectively (Chavez-Ramirez 1992). It serves as an important nesting substrate for many bird species.

Ashe juniper is generally controlled by mechanical methods or prescribed fire; either singly or in combination. When

Grey fox

Cedar waxwing

American robin

Raccoon

selecting areas to implement control of Ashe juniper, land managers must consider what species will succeed Ashe juniper after its removal, whether removal of Ashe juniper will cause erosion, and whether soils are deep enough to support other, more desirable species.

Mechanical treatments will temporarily create foraging areas for the black-capped vireo. If ground using a masticator, consideration must be given to the amount of debris left on the ground. The resulting mulch can inhibit the growth of some herbaceous plants. Woody species

generally are not hampered by a layer of mulch. If Ashe juniper is cut, it should be arranged in small piles and burned. Fire will kill most small Ashe juniper, and if done at the appropriate time will help control invasive grasses and favor native vegetation.

Prescribed fire

## 2.2 Forest Recommendations

Diversity of tree species is lacking on the PHR in many locations. In areas delineated as golden-cheeked warbler habitat, a near 100% Ashe juniper forest will not provide for this species' overall needs. Increasing the percentages of broadleaf trees can be accomplished with two management practices. First, release existing desirable broadleaf trees. This can be accomplished by removing immature Ashe juniper adjacent to broadleaf trees at a distance of 1.5 times the diameter of the drip-line of retained broadleaf trees. Some regeneration can be encouraged by lightly stacking small Ashe juniper around the base of broadleaf trees or on top of naturally occurring seedlings of desired species to protect the young trees from browsing pressure. If cutting is to occur, completely remove large slash from the area, pile, and then burn. However, care must be taken not to open up the canopy too much because an open canopy has a negative impact on the golden-cheeked warbler. Care must be taken not to spread oak wilt disease when performing any work around oak trees. Oak Wilt disease is caused by a fungus (*Ceratocystis fagacearum*). The Texas Forest Service has a publication on how to identify and prevent the spread of oak wilt disease. The general precautions are:

- Avoid pruning or damaging oak trees from February 1 to July 1

- Sterilize pruning equipment between trees
- Paint all wounds
- Do not transport or buy unseasoned firewood
- Remove and burn or bury all dying red oaks

Trees around streams and drainages should be left intact. If low amounts of broadleaf trees are present, remove some Ashe juniper to plant broadleaf trees, but only if soil is adequate to support tree establishment and growth, and if it will not increase erosion. All native vegetation on slopes should be left intact to prevent further erosion.

Second, plant broadleaf trees in areas with deep enough soils to promote seedling establishment. Planting under Ashe juniper will protect broadleaf seedlings from desiccation and browsing pressure. Once seedlings become established, Ashe juniper can be removed to “release” the broadleaf trees for further growth. A variety of native tree seedlings can be purchased through the Texas Forest Service and other native tree nurseries. When purchasing seedlings, it is best to acquire stock from the same eco-region.

### **2.3 Shrub Recommendations**

The lack of shrub diversity on the PHR is a concern. Dominant shrubs are agarita, Texas persimmon, and elbow bush, and all of these species typically remain after “goating”. In black-capped vireo habitat, Ashe juniper should be reduced to no more than 50% cover in areas with low shrub density and be removed entirely in areas with high shrub density. Shrubs can be reestablished by replanting and reseeding. This should occur in delineated black-capped vireo habitats and other selected patches. Planting seedlings or seeds under Ashe juniper will protect the young shrubs from browsing and desiccation. Once the brush is well established, the remaining Ashe juniper can be removed to release the brush for further growth. Prescribed burning should be used to maintain selected areas in a shrub state and to release root sprouting brush.

On Fort Hood, the most frequently used shrub species for black-capped vireo nesting, in descending order are; shin oak, Spanish oak, Texas ash, redbud, and Ashe juniper; it is recommended that these species (except Ashe juniper) be the species that are initially replanted.

Less frequently use species include post oak (*Quercus stellata*) and blackjack oak (*Q. marilandica*). Carolina buckthorn (*Rhamnus caroliniana*), Mexican plum (*Prunus mexicana*), plateau live oak, evergreen sumac (*Rhus virens*), cedar elm, rusty blackhaw (*Viburnum rufidulum*), and Mexican buckeye (*Ungnadia speciosa*; Cimprich personal communication).

## **2.4 Grassland Recommendations**

Native grasslands are one of the most imperiled ecosystems in North America with less than 1% of their original extent remaining (Samson & Knopf 1994; Steinauer & Collins 1996; Grace *et al.* 2001). To make matters worse, the less than 1% that remain are negatively impacted by altered fire frequency and increased grazing intensity, which favors many exotic invasive plant species (Collins *et al.* 1995; Grace *et al.* 2001). Most prescribed fires are set in the dormant season; however, natural wildfires would have occurred more often in summer (Higgins 1984; Reap 1994). This alteration of the natural fire season hinders restoration efforts by favoring invasive species.

Removal of invasive grass species can be accomplished with growing season fires if they are intermixed with natives that are resistant to or respond positively to growing season fire (Grace *et al.* 2001; Emery & Gross 2005). In a study by Simmons *et al.* (2007) in the Edwards Plateau, growing season fire treatments reduced cover of King Ranch bluestem, the herbicide Glyphosate significantly suppressed growth, and mowing had no effect.

Restoration of grasslands should employ prescribed fire, herbicide application, tillage, and reseedling. Further detail on grassland recommendations is in Chapter 7. Removal of Ashe juniper from grasslands is recommended.

## **2.5 Prescribed Fire**

Historically, natural fires occurred on the Edwards Plateau; however, there is debate with respect to its frequency and impact. Fire frequency and intensity varied across the region and its local impacts were determined by timing and severity. This likely explains the varying historical observations of vegetation structure across the region. Some accounts noted savannas and prairies while others described dense cedar brakes. Regardless, fire is a valuable tool in wildlife

habitat restoration work, especially for grasslands and black-capped vireo habitat. Prescribed fire adjacent to golden-cheeked warbler habitat can reduce fuel levels and serve as a buffer to help protect existing habitat from extreme wildfires.

Wildfires played a natural role in many of the ecosystems throughout the Americas and were either ignited by lightning or set by Native Americans. Once started, fire was only hampered by natural barriers such as drainages and areas with low fuel levels. Fire plays a vital role in nutrient recycling and resetting plant succession. In the presence of frequent fire, plant communities evolved to accommodate this natural disturbance. Once European settlers arrived in the Americas, they drastically changed the role of fire. The ability of naturally occurring fires to burn across large regions ceased. In many parts of the Edwards Plateau, fire has been absent and fire's natural role in the ecosystem has been suppressed. Fire exclusion, along with other landscape-level changes, has greatly altered the ecosystems of Central Texas.

There are two major goals for prescribed fire on the PHR: to increase and maintain black-capped vireo habitat and to improve or restore grasslands. Fire promotes the growth of annual and perennial forbs, enhances browse availability and palatability, and increases germination of desirable brush species. The historic fire return interval on the Edwards Plateau was once every 3-5 years where appropriate fuel levels existed.

Care should be taken to clear and maintain fire breaks and to mitigate the threat of wildfires. Fence lines should have bladed roads around the perimeter of the entire property to assist in fence line inspection and to provide access for fire trucks and emergency vehicles in the case of a wildfire. Bladed perimeter roads also are necessary to provide access for emergency response vehicles in the event that youths or others sustain an injury and need medical attention in the field.

There are legal and safety issues to contend with prior to planning and implementing a prescribed fire. The PHR is close to Robert Gray Airport and US Highway 190, so smoke management must be a top priority when planning a prescribed fire. However, burn units should be relatively small and would have little impact to the surrounding communities if conducted with proper conditions relative to fuels, fire weather forecasts, sufficient fire staffing, and

equipment. Only trained personnel should conduct prescribed fires and outsourcing this task to a conservation partner such as the USFWS, Texas Forest Service (TFS), Texas Parks and Wildlife Department (TPWD), or other entity capable of providing the manpower and equipment, is highly recommended.

## **2.6 Livestock**

Low species diversity on the PHR results from past grazing and land use practices.

Livestock grazing can either be a benefit or a detriment depending on intensity and duration. If cattle are to be reintroduced and if horse grazing continues, the range must be actively managed and livestock should be rotated. Vegetation in restoration areas must

Texas longhorn

be allowed to re-establish and recover for a minimum of three years. Livestock tend to forage on the most succulent species first. Minimum rest time should be 30-60 days during the growing season. The duration of grazing periods will vary depending on current forage conditions and animal units and must be monitored. When overgrazed or over browsed, plants do not have time to recover and reproduce, causing the decline and eventual disappearance of the most desirable plants. Rotation, rest, and stocking below carrying capacity are the key to successful grassland management.

If livestock is reintroduced to PHR, it should be on a very limited and rotational basis. A token herd of cattle could be beneficial for the youth center once restoration work is complete. This will require fence repair and active management oversight.

## **2.7 Youth Outdoor Engagement**

The PHR was bequeathed by Mrs. Parrie Haynes for the benefit of Texas youth. Encouraging active participation of youth in environmental education and management of the ranch is of key importance. Actively engaging young people in environmental management builds a solid foundation for natural resource decisions they will make as adults.

Management of a hiking trail system is a great activity in which to involve young people. The US Forest Service has an excellent trail handbook entitled: [Trail Construction and Maintenance Notebook](#). This handbook should be used as a basis for design and maintenance. Many of the trees, shrubs, and other vegetation should be labeled along the route to educate ranch visitors and students about plant identification and ecology. The route chosen should have shady spots so the trails can be enjoyed throughout the year. Benches or natural seating areas should be created along these trails for people to rest and observe wildlife.

Planting of native shrubs and flowers

such as Texas lantana (*Lantana urticoides*), milkweed (*Asclepias asperula*), standing cypress (*Ipomopsis rubra*), and Turk's cap (*Malvaviscus arboreus* var. *drummondii*) will

Milkweed

Turk's cap

provide beautiful flowers and attract many butterflies and hummingbirds. These should be planted along the trails and near cabins and

Lantana

other facilities. Much of the habitat work included in the WMP for the golden-cheeked warbler and black-capped vireo includes the planting of native trees and shrubs. This would be an excellent activity in which to involve young people and will also positively impact habitat restoration efforts.

Standing  
cypress

Nest boxes are a great source for promoting reproduction of certain bird species. Some of the species that could benefit from nest boxes are the Eastern screech-owl (*Megascops asio*), wood duck (*Aix sponsa*), and eastern bluebird (*Sialia sialis*). They can be purchased for a nominal fee or designs can easily be located on the internet. Nest box construction is also a worthwhile activity for youth who participate in ranch programs.

Screech-owl & bluebird

Brush piles are a great source of nest sites for song birds, especially sparrows. Youth can help construct these piles from areas that are cleared. However, all brush piles should be placed greater than 50 m from designated golden-cheeked warbler and black-capped vireo habitats. Research has shown that brush piles harbor large Texas rat snakes, the top nest predator of both endangered songbirds on Fort Hood. They are also known to predate on a multitude of other songbirds and their nests.

An adequate pond should be constructed and stocked with fish to provide youth fishing and hunting opportunities. A safe trail should be constructed to the Lampasas River to provide hunting and fishing access.

## **CHAPTER 3 – ENDANGERED SONGBIRDS**

The PHR is mitigation site for the federally endangered golden-cheeked warbler and black-capped vireo. The site is intended to offset negative habitat impacts from an Oncor Energy transmission line in Coryell and Bell Counties. This Chapter includes species descriptions, preferred habitat descriptions, monitoring methodologies, results, and discussion for both endangered songbirds.

### **3.1 Golden-cheeked Warbler**

The golden-cheeked warbler was emergency listed by the USFWS as federally endangered on May 04, 1990 (USFWS 1992). It is an insectivorous migratory songbird that overwinters in Mexico and Central America in mountain pine/oak forest and nests entirely within 33 counties of Central Texas (Fig. 2.1). The warbler is a small bird with a total weight of 0.2-0.5 oz (7-15 g), a length of 4.7-5.1 in (12-13 cm), and a wingspan of 7.9 in (20 cm). The male has colorful yellow cheeks, a black back, throat, cap, and eye stripe, and a white belly and breast. The females are similar, but are less vivid. The males can be detected on the PHR from March-July singing their call of “ter-wih-zeee-e-e, chy” or “bzzzz, layzee, dayzee.”

Golden-cheeked warbler

Only females build nests and rely almost exclusively on the shredding bark of mature Ashe juniper for nest construction. They construct an open cup nest woven of strips from mature Ashe juniper bark and insect silk lined with grass, hair, or down. The nests are typically placed in a fork of a branch or in the “Y” of a tree trunk. They usually lay 3-5 white eggs with dark speckles. Incubation lasts for 12 days. Both parents feed the young, which fledge when they are 9-12 days old. It may take up to five nesting attempts before a breeding pair is successful, and double clutching is a rare event.

Loss of habitat has caused a decline in this species, particularly the removal of mature Ashe juniper-oak woodlands from their breeding grounds.

It has been determined that mature forest composed of 70% Ashe juniper forest and 30% broadleaf trees is an excellent “mix” for breeding with a closed to nearly closed canopy. It has further been demonstrated that a non-contiguous habitat is detrimental to the fecundity of this species. Successful reproduction decreases in habitat patches below 37 ac (15 ha; Arnold, *et al.* 1996, Butcher, *et al.* 2010) and occupancy probabilities reach 100% with patch sizes of 395-494 ac (160-200 ha; Collier, *et al.* 2010) of suitable habitat. Larger unfragmented patches with less forest edge have higher reproductive success compared to smaller fragmented patches with more forest edge (Maas-Burleigh 1998, Coldren 1998, Peak 2007, Reidy, *et al.* 2009). Increased forest edge increases nest

**Fig. 2.1.** Breeding grounds, migration route, and wintering grounds of the golden-cheeked warbler.

Habitat management to optimize reproduction and nesting success includes tall, closed canopy, unfragmented forest with mature Ashe juniper and oak species. In more mesic environments, such as steep canyons and drainage systems, species associated with Ashe juniper include: American sycamore, Arizona walnut (*Juglans major*), bigtooth maple (*Acer grandidentatum*), Buckley Texas ash, cedar elm, escarpment black cherry (*Prunus serotina var. eximia*), hackberry (*Cedrela occidentalis*), Lacey oak (*Q. laceyi*), live oak, pecan, post oak, shin oak, and Spanish oak. In more xeric environments, species associated with Ashe juniper include: blackjack oak, live oak, post oak, and Texas live oak (*Q. fusiformis*). It is important to have a mix of juniper and broadleaf trees, because the variety in tree species allows for a flush of arthropods throughout the breeding season. Territory size increases as the quality of the habitat diminishes.

### 3.2 Black-capped vireo

The black-capped vireo was listed as endangered by the USFWS in 1987 (USFWS 1991) and is a small insectivorous migratory songbird that

Black-capped vireo

winters in Mexico and nests within the shrublands of Texas, Oklahoma, and northern Mexico. Historically, its range probably extended into Kansas (Fig. 2.2). With a weight of only 0.3-0.4 oz (8-10 g), a length of length 4.3 in (11 cm), and a wingspan of 7.1 in (18 cm), it is the smallest vireo that regularly occurs in the USA. The male has a black or dark grey head, red eyes with surrounding white spectacles, an olive back, white under parts, and two pale yellowish wingbars. The females are similar, but duller. It is the only vireo that is sexually dimorphic. The black-capped vireo is an excitable little bird that can be detected when they call “zhrrree” with two to four notes.

**Fig. 2.2.** Breeding grounds, migration route, and wintering grounds of the black-capped vireo.

Both sexes assist in nest building and construct an open, hanging nest made of leaves, twigs, and other plant materials. The cup is

lined with grass. The nest is typically hidden by foliage and is 15-50 in (35-125 cm) from the ground. The clutch is 2-5 smooth white eggs. Incubation lasts 14-17 days, and the nestling period is 10-12 days. The male brings food while the female broods the nestlings.

Declines in this species are due to a variety of factors including; habitat loss, human development, ranching, agriculture, and fire suppression. Increased nest failures due to an increase in brown-headed cowbird (*Molothrus ater*) parasitism has been identified as reason for decreased recruitment (Graber 1961, Wilkins, *et al.* 2006). See Chapter 4 for more details on the brown-headed cowbird.

Central Texas has a large breeding population from March-September that occurs in shrub habitat and is often associated with poor and highly erodible soils. Increasing the numbers and success of this species is a two-fold process comprising habitat management and brown-headed cowbird control. Even with proper habitat work to limit the impacts of the brown-headed cowbird, high parasitism rates can greatly diminish reproductive success (Wilkins, *et al.* 2006). Brood parasitism rates can be as high as 90-100% (Grzybowski, *et al.* 1986; Weinburg, *et al.* 1998; Kostecke, *et al.* 2005; Farrell, *et al.* 2010).

Black-capped vireos inhabit “shinneries” - brushy areas consisting of shin oak and flameleaf sumac, and patchy woodlands with either a tree and brush component or high percentages of brush. Brush areas that have foliage extending to the ground are of utmost importance for this species. Nests are typically located between shin and chest high. They will nest on steep slopes or in level areas within clumping of shrubs and smaller trees. On Fort Hood, species used most frequently for nesting are, in descending order importance; shin oak, Texas red oak (*Q. fusiformis*), Texas ash, redbud, and Ashe juniper. Less frequently used species include; Carolina buckthorn (*Rhamnus caroliniana*), Mexican plum, plateau live oak, post oak, blackjack oak, evergreen sumac, cedar elm, rusty blackhaw, and Mexican buckeye (Cimprich personal communication). The black-capped vireo does not nest in mature forests.

Black-capped vireo habitat must be maintained in a sub-climax shrub stage to optimize reproduction and nesting success. Species composition appears to be less important than vegetation structure as long as there are sufficient broadleaf shrubs with vegetation extending to the ground. Typically, Ash juniper comprises less than 50% of the vegetation structure.

### **3.4 Population Monitoring**

Continue an annual population survey for the two target species in the months of April and May, as conducted in the baseline survey (Chapter 6). As the population increases, the analysis will become more robust and is an excellent method for monitoring. In the interim, the grid survey will provide a systematic method for documenting occurrence.

Continue to use a 328 x 328 yd (300 m) grid. At each point, the observer should record all audio and visual detections of males of the target species, including distance to the individual obtained via a laser range finder. In addition to the survey, incidental sightings and locations should be recorded via GPS.

Nest monitoring for the black-capped vireo will be beneficial in determining nest survival rates and in turn can help explain possible fluctuations in populations. Nest monitoring can also help document the success of the brown-headed cowbird control program. Golden-cheeked warbler nests have not been documented to have high cowbird parasitism rates. To locate nests, behavioral cues should be used. Nests should be monitored at least every other day and checked

more frequently as the hatching and fledging dates near. Status should be recorded at each nest visit and include the date, time, and stage (building, laying, incubation, or brooding). A nest is considered *successful* when nestlings are fledged, or *failed* when the adults abandoned the nest prior to the fledge date. The nest success rate can be calculated in the program MARK (White and Burnham 1999) or other statistical software to produce model-based estimates of daily and period nest survival rates. Nest survival estimates should be calculated assuming a 2.5-, 14-, and 11-day laying, incubation, and nestling stage, respectively, for black-capped vireo.

**Equipment:** 10x42 binoculars, laser range finder, stop watch, GPS (with pre-loaded point counts), point count data sheet, clip board, pencil, nest data form, peeper pole camera for golden-cheeked warbler nest checks (ibwo.org)

**Note:** Proper USFWS, TPWD, and United States Geological Service (USGS) permits may be required prior to starting certain endangered species monitoring protocols.

**Annual Work Calendar for the Golden-cheeked Warbler and Black-capped Vireo**

		Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
GCWA	Monitoring												
	Habitat Work												
BCVI	Monitoring												
	Habitat Work												

## CHAPTER 4 – BROWN-HEADED COWBIRD and OTHER INVASIVE SPECIES

There are invasive species requiring management on the PHR, including; brown-headed cowbird, feral swine, dogs (*Canis familiaris*), and cats (*Felis catus*), red imported fire ants (*Solenopsis invicta*), Chinaberry, and several grass species. This Chapter will recommend control options and monitoring protocol for each of these species, excluding grass species, which will be address in Chapter 7.

### 4.1 Brown-headed Cowbird

The brown-headed cowbird is a robust blackbird and is North America’s most common brood parasite. It weighs 1.3-1.8 oz (38-50 g), is 6.3-8.7 in long (16-22 cm), and has wingspan of 12.6-14.2 in (32-36 cm). The male has glossy black plumage with a brown head; females are plain brown with lighter heads and underparts. The males can be detected on the PHR year-round by their liquid calls, flight whistles, and when perched with nearby breeding females, a “bubble zee”.

Brown-headed cowbird

The females forgo nest building and place all of their reproductive effort into egg production. Brown-headed cowbirds are brood parasites and can lay up to three dozen eggs in hosts’ nests per season. Historically, they were confined to the grasslands of central North America and found in association with the America Bison (*Bison bison*). Their population has surged with urban sprawl and with the expansion of livestock herds (Fig. 4.1). They are sometimes seen foraging on insects disturbed by the movements of grazing animals. Brown-headed cowbirds also consume seeds. Females search for the nests of host bird species and deposit their eggs in active nests. Males and females breed with multiple partners

**Fig. 4.1.** Distribution of the brown-headed cowbird.

throughout a nesting season.

Brown-headed cowbird are known to have parasitized the nests of more than 220 bird species (Lowther 1993), with most females specializing in brood parasitizing a particular host species. Black-capped vireos have been documented as having nest parasitism rates as high as 90-100% (Grzybowski, *et al.* 1986; Weinberg, *et al.* 1998; Kostecke, *et al.* 2005; and Farrell, *et al.* 2010). An abundance of other, more numerous brown-headed cowbird hosts does not decrease parasitism rates of vireos (Farrell, *et al.* 2010). Brown-headed cowbird abundance increases with an increase in host densities (Tewksbury, *et al.* 1999). Brown-headed cowbird brood parasitism contributes to declines of threatened and endangered songbirds (Robinson, *et al.* 1995), with the impact varying among populations and species (Ortega 1998). The brown-headed cowbird may not be the primary cause for declines in all songbird host species (Ortega 1998), but they are for specific populations (De Groot, *et al.* 1999, Eckrich, *et al.* 1999, Hayden, *et al.* 2000). Brown-headed cowbird nestlings generally outcompete host species nestlings because they hatch and develop more rapidly.

Brown-headed cowbird  
and vireo nestling

#### 4.1.1 Habitat

Habitat structure impacts the severity and degree of brood parasitism on host species. Lowther (1993) demonstrated a preference of brown-headed cowbirds for human-altered habitats. Factors that increase the probability of parasitism are livestock, habitat fragmentation, and forest edge (Ortega 1998). Management strategies that reduce forest edge, reduce habitat fragmentation, and eliminate large-scale livestock grazing can lessen impacts on host species. When habitat modification is not enough, lethal control of brown-headed cowbirds can improve host species' success rate. This dual approach has been shown to stabilize several endangered species, including the black-capped vireo.

### **4.1.2 Control**

Brown-headed cowbird removal must be an ongoing component of black-capped vireo management at PHR and initiated as soon as possible. Trapping should be conducted across the parcel with the objective of keeping the parasitism rate below a 10% average over 6-year periods. Fort Hood initiated its annual control program in 1988 to reduce parasitism of black-capped vireo. Prior to its implementation, Fort Hood's brood parasitism rate on the black-capped vireo was reported to be above 90%. With trapping, parasitism rates are now less than 10% (Summers 2015). Fort Hood's successful reduction of cowbird parasitism through trapping can be used as a model for PHR. Reducing brown-headed cowbird numbers will reduce brood parasitism rates (Farrell, *et al.* 2010). Complete records should be maintained to document the number euthanized and released (sex and age class). Additionally, all non-target species (released or dead) should be recorded.

There are two races of brown-headed cowbirds in Central Texas during the trapping season; the southwestern race (*Molothrus ater obscurus*), and the migratory Pacific Northwestern race (*Molothrus ater artemisiae*; Summers *et al.* 2006). Individuals of the Pacific Northwestern race should be identified and released because they do not brood parasitize in Central Texas.

Males of the Pacific northwestern race are larger, with darker brown heads. Females are larger and darker brown than females of the southwestern race. Males are typically accompanied by migrating yellow-headed blackbirds (*Xanthocephalus xanthocephalus*; Summers personal communication). The first dates of arrival are April 21 to May 14, with May 1-7 being the peak of migration of these mixed flocks. Mixed flocks should not be trapped or shot because they may not contain local breeders. All traps should be closed by May 1.

### **4.1.3 Management Recommendations**

Successful management of brown-headed cowbirds is a two-fold process. First, manage the habitat so it is not as favorable for this species, then work to directly reduce the number of cowbirds that may nest parasitize songbirds.

Habitat recommendations to reduce the numbers of brown-headed cowbirds align with overall management objectives: restore grasslands to native prairie grasses and forbs, minimize livestock grazing, reduce forest fragmentation, and reduce forest edge. Grassland and forest management are covered in further detail in Chapters 2 and 7. Brown-headed cowbirds are more successful in short grass and grazed fields, so maintaining taller grasslands will lessen their impact on vulnerable songbirds.

Habitat management alone will not reduce brood parasitism to adequate levels for the black-capped vireo. However, when implemented in conjunction with an aggressive control program, black-capped vireo can reproduce in numbers adequate to sustain the species. Cowbird trapping has been shown to be extremely successful in the management of black-capped vireo (Summers 2015). Target dates for optimal trapping success on the PHR are March 1 - April 30. Traps should be placed in open pastures, with easy access for daily monitoring. Brown-headed cowbirds can be lured to traps by the presence of previously trapped brown-headed cowbirds acting as decoys (15-25) along with food and water. The decoys in the traps should be periodically replaced with males as the dominant sex. Three traps should be placed on the PHR.

Portable steel traps are excellent for both durability and mobility. Prior to the beginning of trapping and for the duration of the breeding season, vegetation in and around the trap should be maintained at a height of about two in (5 cm) within seven feet (2.5 m) of the trap. This allows for better detection of individuals in the trap and is preferred by brown-headed cowbirds (Lowther 1993). Additionally, trapped birds can attract predators, and short grass will allow the detection of venomous snakes in and around the trap.

Adequate shade and perches should be provided for each trap. Fresh food (*e.g.*, milo or millet) and water should be provided at each trap visit.

Brown-headed cowbird trap

During each visit, all female brown-headed cowbirds of the southwestern race should be euthanized, and all males (excluding decoys) and non-target species released. All biologists that

ethanize should be properly trained to conduct the procedure humanely. TPWD has a publication on how to properly euthanize cowbirds.

The quickest and most humane method of cowbird euthanization is cervical dislocation. To perform this procedure, hold the top of the neck between the thumb and forefinger and grab the head with the other hand. Turn and lift the head until you feel the vertebrae detach from the head.

A shooting program should be conducted from March - June and is an excellent control method when used in conjunction with trapping. However, the western parcel has youth programs, and the eastern parcel has an equestrian center, so care, communication, coordination, and safety must be taken into consideration when shooting. Non-toxic shot should always be used. Once a shot is made, find the individual and confirm death or complete euthanization. Shooting is in compliance with the American Veterinary Medical Association's guidelines for euthanasia for wildlife. More information can be obtained from TPWD publication: [Trapping Brown-headed Cowbirds to Control Songbird Nest Parasitism](#).

**Note:** Proper USFWS and TPWD permits must be obtained prior to starting a brown-headed cowbirds control program.

**Annual Work Calendar for the Brown-headed Cowbird**

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Trapping												
Shooting												

## 4.2 Feral Animal Control

The PHR has populations of feral swine and they need to be controlled. They damage the ecosystem and can inhibit habitat work. Corral type traps that allow for multiple feral swine to enter the trap should be the preferred method of control in addition to shooting with the goal of complete eradication from the ranch. A constant effort should be made to continually control this invasive species. When trapping for feral swine, we recommend humane methods. Traps should be placed in the shade and checked routinely. Additionally, all cats and dogs should be

euthanized. It has been estimated in some reports that cats kill up to 4 billion birds a year in the United States (Loss, *et al.* 2013).

### **4.3 Red Imported Fire Ants**



Red-imported fire ants are known killers of nestling songbirds. During the golden-cheeked warbler and black-capped vireo annual survey, the location of fire ant mounds should be recorded with a GPS so they can be relocated and treated.

Individual mound treatment is preferred over broadcast treatment to prevent killing native ant species and to reduce pesticides in the environment.

A total of 10 active red-imported fire ant mounds were located within the 195 survey plots. Simple extrapolation indicates that there are approximately 730 active red-imported fire ant mounds on the PHR. This issue needs to be addressed not only for the two endangered song birds, but for all song birds and other ranch inhabitants.

### **4.4 Chinaberry and Other Exotic Tree Species**

Chinaberry is a drought tolerant invasive species that is known for its ability to grow in poor soil conditions. Its berries are toxic to wildlife and the tree can outcompete native tree species. Its eradication from the PHR needs to be started immediately. The only method that should be used to eradicate it is herbicide application; if cut it will re-sprout and form dense thickets. Stem injections (aka hack-n-squirt) using Arsenal or Garlon in dilutions according to the label are recommended for controlling Chinaberry. Sprouts and seedlings can be controlled by thoroughly soaking all leaves with Remedy, Garlon, or Arsenal solutions mixed in water with a surfactant according to label recommendations. Always read the entire pesticide label prior to application.

## ***CHAPTER 5 – WHITE-TAILED DEER***

This Chapter addresses general recommendations for white-tailed deer on the PHR. Specific monitoring techniques are addressed in Chapter 6. The same methods used in the baseline survey should be used annually. It includes population monitoring, management strategies, and the importance of species management to protect restoration efforts.

### **5.1 Species Description**

White-tailed deer are the most popular big game animal in Texas, and are a major part of the faunal community of wild and urban landscapes within the Edwards Plateau, including Bell County. Populations have fluctuated across their range from near extirpation prior to game laws to over-abundance in many parts of their range today. In many parts of Central Texas, deer have become overabundant and are negatively affecting habitats.

White-tailed deer are selective herbivores, yet eat a wide variety of vegetation. Preferred foods are forbs and browse, and can include young grasses. Additionally, mast food sources such as acorns and fruits often supplement diets in western Bell County in summer and early fall. Corn feeders are common in Bell County and supplement the energy needs of white-tailed deer, but lack many nutrients essential to their diet.

White-tailed deer breeding peaks in November. Fawning begins in April and lasts through June. Gestation lasts roughly 6 months and once born, fawns are essentially scentless, which helps them avoid predation. Shortly after birth, fawns are agile enough to outrun most predators. Buck (male) white-tailed deer are targeted in sport hunting more frequently than does and fawns, and usually are outnumbered by does in any year. Bucks are critical to genetic diversity because they disperse the gene pool by leaving the company of their mothers and family groups to establish territories outside their natal area. When bucks disperse into new territories to seek does to breed, they are vulnerable to hunting, vehicular collisions, and other hazards. As a result, bucks are susceptible to higher mortality than does and fawns.

## 5.2 Monitoring

Population monitoring is key to the success of managing a healthy white-tailed deer herd. Mega predators have long been extirpated from the Texas landscape, and thus hunting has become a vital tool in white-tailed deer management. Hunting is often inadequate to achieve optimal white-tailed deer numbers in a given area. Conversely, poaching can negatively impact herds if left unchecked.

Survey techniques provide population data to managers and allow them to monitor population changes over time. Trends in the deer population are observable by noting changes in data results from year to year. Herd parameters that are critical to measuring herd health include density, the ratio of bucks to does, and the proportion of does that give birth to fawns.

Ideally, monitoring results would be used to monitor herd health over time as well as to develop annual harvest recommendations to ensure that endangered species habitat quality is not threatened from carrying too many deer. Population parameters that would indicate a sustainable deer herd would be:

- White-tailed deer density is not greater than one deer per 15 ac of habitat, or no more than 43 deer per square mile (640 ac)
- A pre-season buck to doe ratio of 1 buck : 1-3 does
- An observed fawn crop ranging from 0.6 - 1.0 fawns per doe

These population monitoring data param support the management goals of healthy herds for western Bell County.

Monitoring techniques that are appropriate for Bell County include spotlight or line-transect distance-sampling for density, and incidental observations of white-tailed deer sex and age (*i.e.*, buck, doe, or fawn positive identifications) obtained from people who visit the land and are familiar with how to positively differentiate a buck, a doe, and a fawn. Spotlight, line-transect distance-sampling, and incidental sighting data should be collected from August-September.

Spotlight and distance-sampling surveys should vary with landscape features, habitat types, and land acreage. Landscape features that often impede survey lines include dense, congested stretches of habitat dominated by oak-juniper woodlands. Another feature to consider is whether roads are drivable during wet weather, because rainfall peaks in Bell County during September, the month when these surveys should be conducted. Therefore, good roads and two-tracks should be identified. Finally, if wildlife feeders are used on the PHR to attract white-tailed deer for harvest, they should not be activated during the survey period as they may concentrate neighboring white-tailed deer during extreme drought years and bias observed density data.

Timing of incidental observations is important, and observations should be collected from August 1 through September 30. For instance, does will often hide fawns well into the first month and a half of summer despite being able to avoid most predators. Surveying later in the year will allow incidental sightings personnel to more accurately estimate fawn survival in the population.

A total of eight survey miles is scheduled annually for the PHR; with 3.15 mi (5.07 km) on the eastern parcel and 4.85 mi (7.81 km) on the western parcel.

### **5.3 Results**

Survey results vary depending on weather, how many times surveys are replicated, whether white-tailed deer were active during the survey period, and in some cases, how much human activity preceded the survey area during the past days. The activity that impacts deer behavior the most is the frequency of human recreation. For example, if cars drive through the main gate roads every day at 5:00 pm Monday-Friday, it is likely white-tailed deer will become accustomed to the activity, and behave normally. However, if there is a 3 month lull in large groups of youth campers followed by a large influx of campers, deer may change their routines and thus limit observations, thereby under-estimating the population size.

### **5.4 Recommendations**

The PHR exists to conduct youth group activities, which reflects the original intent of the family that bequeathed this natural landscape. Wildlife management, including white-tailed deer

management, is a secondary goal. Despite the multiple uses that occur on the PHR, it should be noted that in order to maintain the goal of prioritizing PHR youth activities, white-tailed deer management is a large part of this sustainability. As stated earlier, white-tailed deer are an important native game species in western Bell County and contribute to the ranch's biodiversity. In order to keep a healthy outdoor environment for white-tailed deer management, regular deer harvests should be conducted to properly manage the ecosystem and also to provide an opportunity to introduce youth groups to hunting and the outdoors. Also, proper management will eventually result in a more abundant and diverse shrub/vine habitat component. Examples of highly desirable plants that would be expected to increase are redbud, Spanish oak, white honeysuckle (*Lonicera albiflora* var. *albiflora*), and wild mountain grape (*Vitis monticola*), and other deciduous brush species

Hunting opportunities add to a diverse suite of outdoor recreation that youth groups can enjoy. Proper white-tailed deer management will add to the value of this activity and to the ecosystem health of this landscape well into the future.

**SECTION 2:**  
**Population Baseline Surveys**  
**2016**

## 6.1 Endangered Songbirds

Population monitoring allows natural resource managers to evaluate the impacts of management actions on wildlife populations (DeSante and Rosenberg 1998). Relative to the PHR, it was important to conduct a thorough population baseline survey and follow up with annual monitoring for both endangered songbirds. This allows natural resource professionals and decision makers the opportunity to evaluate the effectiveness of habitat improvement projects for these endangered songbird species.

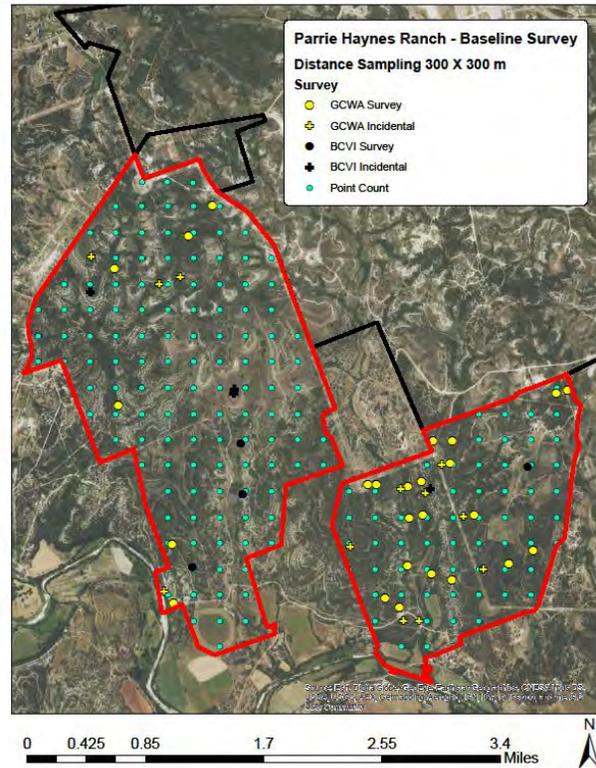
In addition to population monitoring, tracking nest survival and productivity of these two species can provide much needed information to develop suitable management strategies;

chiefly for the black-capped vireo. Brown-headed cowbirds have been documented to parasitize up to 90-100% of black-capped vireo nests (Grzybowski, *et al.* 1986; Weinberg, *et al.* 1998; Kostecke, *et al.* 2005; Farrell, *et al.* 2010). Documenting black-capped vireo nest parasitism rates can provide information useful in evaluating success of the brown-headed cowbird control program.

### 6.1.1 Methods

In 2016, a population baseline survey was conducted for both species in April, which is the optimal time to simultaneously collect data on both vireos and warblers.

Distance sampling gives a far superior result compared to absence/presence surveys alone (Farnsworth, *et al.* 2005). A 328 x 328 yard (300 m) point count grid was overlaid on the PHR (Fig. 6.1). There were a total 195 survey points across the PHR (Appendix C). All survey



**Fig. 6.1.** Endangered songbird survey layout including survey results and incidental observations for the golden-cheeked-warbler and black-capped vireo on the PHR. The blue dots represent survey locations.

initiated within 20 minutes of sunrise and ended within 5 hours of official sunrise. The surveyor documented all detections, both auditory and visual, of the target species at each point during a three-minute point count. Three-minute point count samples have been shown to be the optimal time period for conducting point counts for the golden-cheeked warbler (Macey and Grigsby 2015) and is the time increment used for both species on Fort Hood. From 1995-2015, 75% of all detections occurred within the first three minutes of a six-minute point count at Fort Hood (Grigsby personal communication). Individuals were recorded only once. For each detection, sex, distance from the point, date, point number, and start time were recorded. Other parameters visually estimated and recorded at each point were tree canopy height, percent canopy cover for Ashe juniper and broadleaf trees, percent shrubs, percent herbaceous, and presence of fire ant mounds. If rain or wind interfered with the survey, it was terminated. To further assist in delineating golden-cheeked warbler and black-capped vireo habitats, the surveyor recorded any incidental detections traveling between points. These detections were used for habitat delineation purposes only and were not included in the analysis of survey results.

All point count analyses were performed in DISTANCE 6.2 (Thomas, *et al.* 2009) with three truncation filters (100%; 90%; and 100 m). Analyses were conducted using the Uniform, Half-normal, and Hazard-rate key functions and Cosine, Simple-polynomial, and Hermite-polynomial series expansions. Model selection was predominantly determined by Akaike Information Criteria (AIC) values. The AIC is a measure of the relative quality of models for a given set of data.

**Equipment:** 10x42 binoculars, laser range finder, stop watch, Global Positioning System (GPS) (with pre-loaded point counts; Appendix C), map, point count data sheet, clip board, and pencil

### 6.1.2 Results

**Golden-cheeked warbler** - A total of 25 males were detected during the survey. The model and data that best simulated actual conditions used the 100% Hazard-rate Cosine model. The analysis calculated a density of 0.028 (Lower Confidence Limit [LCL] 0.015; Upper Confidence Limit [UCL] 0.053) males per hectare, giving a total population estimate of 40 males (LCL 21;

UCL 76) based on 1,431 ha (3,536 ac) of suitable and potentially suitable habitat (excluding fields and other unsuitable habitat).

**Black-capped vireo** - A total of 4 male were detected during the survey. There were not enough detections to run an analysis using DISTANCE.

### 6.1.3 Discussion

**Golden-cheeked warbler** – Detections and density were low compared to those of Fort Hood, and can be explained by a lack of quality habitat. Much of the western parcel is a monoculture of Ashe juniper, which is not high quality habitat. The eastern parcel, even though it has major components of high quality habitat (mixed Ashe juniper/oak forest), is not of sufficient stand age to be deemed high quality habitat. The eventual population goal should be about 0.30 males per hectare in delineated habitat. With proper management and an adequate amount of time, the density on the PHR should match those of Fort Hood. All detection locations occurred in a mixed forest while none occurred in Ashe juniper monocultures, which emphasizes the need for more tree diversity in delineated habitat. The sample size was small so the analysis is weak. However, setting up the correct procedures at the onset of monitoring work will benefit management in the long-term as populations increase as expected.

**Black-capped vireo** – There were only four detections of black-capped vireos during the survey, due to a lack of suitable habitat. The entire ranch lacks the shrub component needed for successful breeding habitat. The eventual population goal should be about 0.30 male per hectare of delineated habitat.

**Table 6.1.** Comparison of Fort Hood and Parrie Haynes Ranch densities of black-capped vireo and golden checked warbler.

Parrie Haynes Ranch		Fort Hood - Historic Densities	
BCVI 2016	GCWA 2016	BCVI 2005-15	GCWA 2003-15
N/A	0.03	0.20-1.20	0.27-0.32

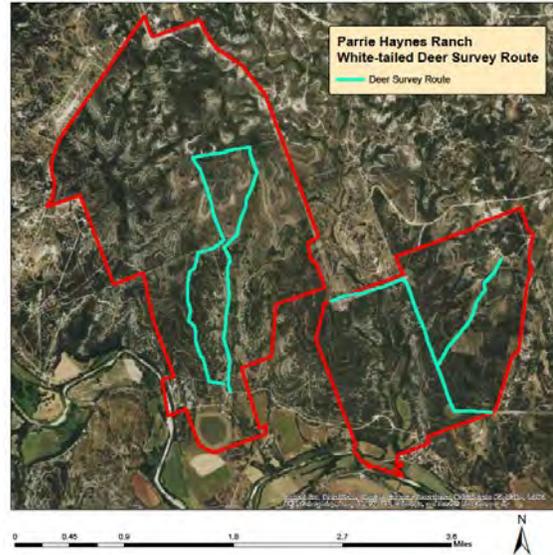
## 6.2 White-tailed Deer

This chapter addresses the methodology and results of the 2016 white-tailed deer population baseline survey. It is imperative to conduct an annual population survey on the white-tailed deer

herd on the PHR. This is important for herd health and to assist in restoration efforts. Deciduous tree and shrub seedlings should be planted for the benefit of both endangered songbirds, and controlling the deer herd will aid in the success of the seedlings. White-tailed deer can decimate restoration plantings.

### 6.2.1 Methods

The 2016 white-tailed deer population was conducted in accordance with the TPWD protocol for line distance sampling (Appendix D). The total of three surveys were conducted in August and consisted of a total of 8.00 mi (12.87 km) of transect (Fig. 6.2).



**Fig. 6.2.** White-tailed deer survey route layout on the PHR. The blue lines represent survey routes.

### 6.2.2 Results

Table 6.2 illustrates the results of the three white-tailed deer surveys conducted in the month of August.

**Tab. 6.2.** Illustrates the white-tailed deer survey results for the PHR in August, 2016.

	Western Parcel				Eastern Parcel				Total Average
	Survey 1	Survey 2	Survey 3	Average	Survey 1	Survey 2	Survey 3	Average	
<b>Bucks</b>									
<b>Does</b>									
<b>Fawns</b>									
<b>Total</b>									

### 6.2.3 Discussion

It is recommended that **XX** buck and **xx** doe are harvested in the 2016 hunting season.

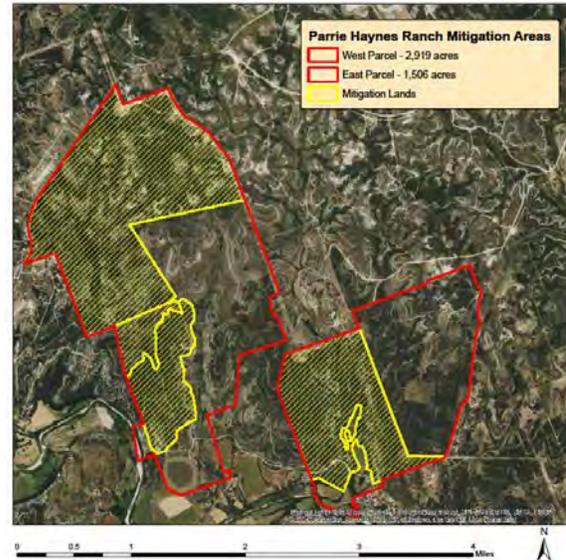
**SECTION 3:**  
**Five-Year Action Plan**  
**2016-2021**

## CHAPTER 7 – FIVE-YEAR PLAN

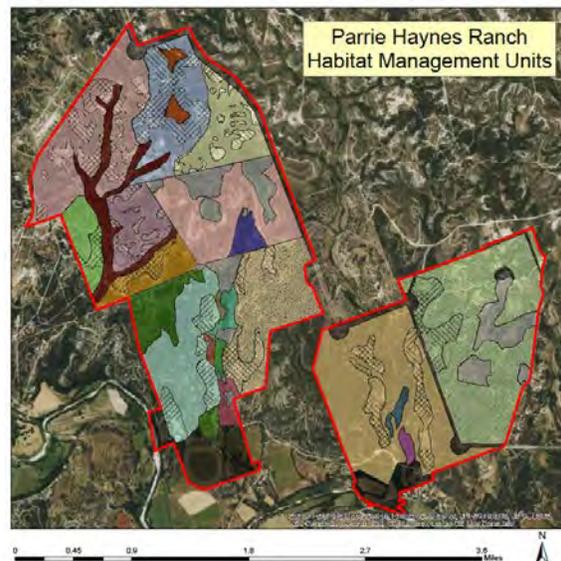
This Chapter describes a five-year plan for habitat improvement and restoration work. Because the PHR is a mitigation site for the golden-cheeked warbler and black-capped vireo, land management land is divided into two classifications types: Mitigation and Non-mitigation lands (Fig 7.1), each with slightly different objectives.

The WMP for Mitigation lands (2,464 ac; 997 ha) is designed to fulfill its obligation for habitat mitigation associated with the Oncor Electric Delivery Company power line in Bell and Coryell Counties detailed in U.S. Fish and Wildlife Service Permit TE-0125388-0 and provide habitat for the golden-cheeked warbler and the black-capped vireo. There are 1,804 ac (730 ha) of mitigation land on the western parcel and 660 ac (267 ha) on the eastern parcel. In these areas, recommended improvements will be suggested to improve the habitat for the two endangered songbirds.

The WMP for non-mitigation lands (1,961 ac; 793 ha; Fig. 7.1) is designed to restore the remaining habitat such that they approach historic conditions and those described in the NRCS Ecological Site Assessments where possible. However, soil erosion and past practices may prohibit restoration goals. The goal is to provide a fully functioning ecosystem that is closer to historic conditions in appropriate areas.



**Fig. 7.1.** Mitigation (in yellow) and Non-mitigation (remaining) sections of the Parrie Haynes Ranch.



**Fig. 7.2.** Habitat Management Units, Parrie Haynes Ranch.

The habitat is further delineated into Habitat Management Units (HMU; Fig 7.2). Each HMU has a current site description, projected future conditions, recommended 5-year action plan, and cost estimate. The HMUs are grouped according to their desired future condition - grasslands, black-capped vireo habitat, golden-cheeked warbler habitat, and general. General HMU improvement includes road improvement and fence line clearing.

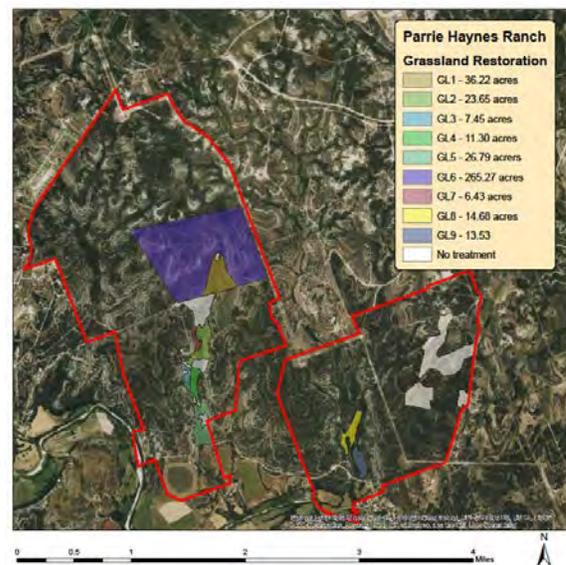
Many of the golden-cheeked warblers HMUs have similar vegetative conditions and recommended treatments. These HMUs boundaries were based on current conditions and recognizable transitions (*e.g.*, roads, trails, changing NRCS Ecological Site Assessments). Due to the size of each of the golden-cheeked warbler HMUs, natural resources managers will track the progress of each HMU independently. When manipulation commences, it may be prudent to group the HMUs for simultaneous treatment so contractors will not have to make multiple site visits.

When habitat improvement projects commence it is imperative that an adaptive management approach be employed. Different habitats may respond to treatments at differing speeds, so the management approach must be flexible enough to adapt to these changing and varying responses among habitats.

## 7.1 Grassland Habitat

Approximately 405 ac (165 ha; Fig. 7.3) have been identified for treatment to enhance or create native grasslands. Historically, characteristic vegetation for the site included tall grass prairie, live oak savanna, and oak-juniper associations (Soil Survey Staff 2016). Heavy utilization by livestock as well as fire suppression has altered the herbaceous community by:

- Shifting dominance from perennial to annual species
- Decreasing perennial grass in favor of perennial and annual forbs



**Fig. 7.3.** Habitat Management Units for the Grassland Habitat, Parrie Haynes Ranch.

- Allowing invasion of exotic plants, particularly King Ranch bluestem, by suppressing desirable native vegetation

Shrubs and trees that were resident in the site's historic condition have increased in dominance due to a lack of naturally occurring or prescribed fire. Because of soil loss and extensive encroachment by woody species, it is not possible or perhaps even desirable to create a facsimile of the historic grassland. However, it is possible and beneficial to treat existing conditions to the extent that ecological function, native plant diversity, and wildlife habitat are improved. The approach to restoration, in general, will be four-fold:

- Mechanical/chemical thinning of woody species encroaching into selected grassland sites
- Introduction of prescribed fire
- Herbicide suppression of exotic plant species, especially King Ranch bluestem
- Seeding sites with additional native species where site conditions favor success

#### **7.1.1 Description of Western Parcel Grasslands**

Restoration work will be tailored to particular sites, depending on soil type and ecological state. The objective of the work will not be to recreate the historic plant community but to approximate historical conditions by managing for native species typical of and adapted to the site. Figure 7.3 illustrates the location of each restoration unit which varies by the above site types and degree of woody encroachment. There are five general restoration protocols including three seeding approaches depending on seedbed preparation:

#### **7.1.2 HMU GL 1**

This 36.22 acre site is thought to be former cropland. It is dominated by Japanese brome (*Bromus japonicus*), annual natives, exotic forbs, and legumes. There is little native residual vegetation on the site.

The unit will:

- Receive glyphosate treatment for cool season plant control in the spring preceding tillage

- Be tilled during the summer and a second glyphosate application made in early fall to control both warm and cool season recruitment
- Be planted with a rangeland seed drill at a rate of 30-40 live seed per square foot
- Be evaluated after 2 growing seasons. Replanting is planned if first seeding fails.

**Table 7.1.** Seeding mixture and species selection, live seed per square foot, and an estimated PLS/lb/acre to be applied in HMU GL1 on the Parrie Haynes Ranch. Species selection is based on the floristic evaluation of the Oak/Tallgrass Savanna Community phase of the Low Stony Hill ecological site. Only herbaceous species are considered here.

SPECIES	PLS SQ FT	NO. SEEDS/LB	NO. SEEDS/AC	PLS LB/AC
Little Bluestem	4	255,000	174,240	0.7
Big Bluestem	3	165,000	130,680	0.8
Switchgrass	3	389,000	130,680	0.3
Indiangrass	3	170,000	130,680	0.8
Perennial threeawn	2	250,000	87,120	0.4
Sideoats grama	2	143,000	87,120	0.6
Buffalograss	2	42,000	87,120	2
Canada wildrye	2	115,000	87,120	0.8
Western wheatgrass	2	120,000	87,120	0.7
Plains lovegrass	1	3,386,000	43,560	0.01
Green sprangletop	1	538,000	43,560	0.1
Hairy dropseed	2	86,423	87,120	1
Half shrub sundrop	2	800,000	87,120	0.1
Prairie clover	2	290,000	87,120	0.3
Illinois bundleflower	2	64,000	87,120	1.4
Engelmann's daisy	2	14,000	87,120	6
Partridge pea	1	65,000	43,560	0.7
Dotted gayfeather	2	168,000	87,120	0.5
Awnless bush sunflower	2	330,966	87,120	0.3
<b>TOTAL</b>	<b>40 PLS/SQ FT</b>			<b>+/- 19 PLS#/ACRE</b>

**Table 7.2.** Cost estimate per ac for Grassland Improvement in HMU GL1. Does not include management oversight cost. Note: Not all acreage is treated the same.

	SEEDBED PREP	PLANTING	TOTAL
Herbicide Cost	2qts/acre * 2 applications * \$10/qt= \$40		\$1,449
Herbicide application	\$30		\$1,087
Tillage operations	Two tillage events- second being two passes: \$90		\$3,260
Seedstock		\$250	\$9,055
Seed drill operations		\$75	\$2,717
			<b>\$485/ac, \$17,568 Total</b>

### 7.1.3 HMUs GL 2-3

These are small linear units adjacent to Sycamore Creek (Fig. 7.3), totaling approximately 31 ac. These lands, according to Ecological Site Assessment (Soil Survey Staff 2016) were

formerly Clay Loam tall grass prairie, though woody plants in gallery forest form were found along the creek channel. Woody encroachment is <25% and by selective removal, restoration of a grassland component is possible. An estimated 20 ac is subject to treatment, the remainder having dense woods, or rough topography preventing operation of the seeding equipment. The Units also supports a moderate degree of cover by King Ranch bluestem. There is a residual native herbaceous community. Texas grama (*Bouteloua rigidiseta*), hairy dropseed (*Sporobolus compositus var. drummondii*), perennial threeawn, (*Aristida sp.*) other secondary grasses and various native annual and perennial forbs are present. Therefore, eradication of competing species will be limited to King Ranch bluestem. Treatment will include, in sequence:

- Spot treatment of King Ranch bluestem with glyphosate during early summer.
- Hardwoods and redberry juniper will be removed and if cut, stump treated following removal. Where soil disturbance is acceptable, grubbing is preferred, as it exposes mineral soil for planting. Slash may be left in place to be consumed by the fire or removed, depending on fuel loads.
- Prescribed fire will be applied in early fall to suppress King Ranch bluestem regrowth, and to prepare the seedbed.
- Planting will be conducted late winter to early spring.
- The strategy for range seeding is to add species to the suite currently on site, rather than replacement. The following (Table 6.3) is a seeding mixture based on documentation for the Clay Loam Tall grass Prairie Ecological Site Assessment (Soil Survey Staff 2016).

**Table 7.3.** Seeding mixture for species selection, live seed per square foot, and an estimated PLS/lb/acre to be applied in HMU GL 2-3 on the Parrie Haynes Ranch. Species selection is based on the floristic evaluation of the Tallgrass Prairie Community phase of the Clay Loam ecological site. Only herbaceous species are considered here.

SPECIES	PLS SQ FT	NO. SEEDS/LB	NO. SEEDS/AC	PLS LB/AC
Little Bluestem	4	255,000	174,240	0.7
Big Bluestem	3	165,000	130,680	0.8
Switchgrass	3	389,000	130,680	0.3
Indiangrass	3	170,000	130,680	0.8
Perennial threeawn	4	250,000	174,240	0.4
Sideoats grama	5	143,000	217,800	1.5
Buffalograss	5	42,000	217,800	5
<b>TOTAL</b>	<b>27 PLS/sq ft</b>			<b>+/- 10 PLS#/ACRE</b>

**Table 7.4** – Cost estimate per ac for Grassland Improvement in HMU GL2-3 on the Parrie Haynes Ranch. Does not include management oversight cost. Note: Not all acreage is treated the same. \*Does not include \$2,000 flat fee.

	<b>SEEDBED PREP</b>	<b>PLANTING</b>	<b>TOTAL</b>
Herbicide Cost	2qts/acre * \$10/qt= \$20/ac		Estimated 15 ac x 20=\$300
Herbicide application	\$30		Estimated 15 ac x \$30= \$450
Tree Removal	\$120/hr x 16hr for 10 ac=+/- \$2,000		\$2,000
Prescribed fire	\$30 acre*		\$930*
Seedstock		\$108	\$108 x 20ac= \$2160
Seed drill operations		\$75	\$75 x 20=\$1500
<b>TOTAL</b>			<b>\$4,410 Total</b>

#### 7.1.4 HMU GL 4

This 11 acre unit is a continuation of the riparian grassland described in Units GL 2-3. However, though the historic condition of the Unit is Tallgrass Prairie, the density of brush and trees and its narrowness and proximity to the stream channel preclude a more extensive treatment. A residual native community is present here, with both perennial and annual forbs and grasses. Therefore, the objective is to add native species, rather than the replacement of the existing community. Introduction of additional native herbaceous species will be via propagule donor sites. The recommended protocol is:

- Spot treat King Ranch bluestem in the early summer, followed by;
- Prescribed fire in the early fall to further suppress King Ranch bluestem and to prepare a seedbed
- Establish 17,900 sq. ft. plots per acre for a total of 1.5 plots per acre. Tillage, if any, will be limited to plots
- Seeding will be accomplished by broadcasting and harrowing to cover seed

**Table 7.5.** Seeding mixture for species selection, live seed per square foot, and an estimated PLS/lb/acre to be applied in HMU GL4 on the Parrie Haynes Ranch. Species selection is based on the floristic evaluation of the Tallgrass Prairie Community phase of the Clay Loam ecological site. Only herbaceous species are considered here.

SPECIES	PLS SQ FT	NO. SEEDS/LB	NO. SEEDS/AC	PLS LB/AC
Little Bluestem	4	255,000	174,240	0.7
Big Bluestem	3	165,000	130,680	0.8
Switchgrass	3	389,000	130,680	0.3
Indiangrass	3	170,000	130,680	0.8
Perennial threeawn	4	250,000	174,240	0.4
Sideoats grama	5	143,000	217,800	1.5
Buffalograss	5	42,000	217,800	5
<b>TOTAL</b>	<b>27 PLS/sq ft</b>			<b>+/- 10 PLS#/ACRE</b>

**Table 7.6.** Cost estimate per ac for Grassland Improvement in HMU GL4; does not include management oversight. Note: Not all acreage is treated the same. \*Does not include \$2,000 flat fee.

	SEEDBED PREP	PLANTING	TOTAL
Herbicide Cost	2qts/acre * \$10/qt= \$20/ac		Estimated 5 ac x 20=\$100
Herbicide application	\$30		Estimated 5 ac x \$30= \$150
Prescribed fire	\$30 acre*		\$150*
Seedstock		\$108	\$108 x 0.35ac = \$38
Broadcast Planting		\$25/hr	\$25x4=\$100
<b>TOTAL</b>			<b>\$538 Total</b>

### 7.1.5 HMU GL 5-7

These 3 units make up 298 ac of existing grassland. These grasslands exhibit sufficient native residual communities that if assisted, can achieve natural recovery. Perennial forbs and legumes are particularly abundant on these sites. There is also an under-represented suite of native perennial grasses, including little bluestem, indiagrass and sideoats grama. King Ranch bluestem represents <25% of total cover. Woody encroachment has not caused a shift in states; i.e., from grassland to woodland. Prescribed fire is expected to:

- Facilitate native warm season grass release
- Top kill trees and shrubs with a basal diameter of 2” or less
- Decrease the cover of King Ranch bluestem

Therefore, the following protocols are recommended:

- Application of at least 2 prescribed fires over a 5-year period
- Removal of selected shrubs and trees, followed by stump treatment for hardwood species and redberry juniper.

**Table 7.7.** Cost estimate per ac for Grassland Improvement in HMU GL5-7 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same. \*Does not include \$2,000 flat fee.

	PRESCRIBED FIRE	TREE REMOVAL	TOTAL
Prescribed fire	\$30 acre*		\$9,000*
Firebreak Preparation	\$60/hr Dozer x 20 hrs		\$1,200
Tree Removal	\$115/hr x 10 hr	\$115/hr x 10 hr	\$1,150
Stump treatment		(\$25/hr x 8 hr) + (4gal Triclopyr x \$70)	\$480
<b>TOTAL</b>			<b>\$11,830 Total</b>

### 7.1.6 Description of Eastern Parcel Grasslands

Approximately 30 ac have been identified for treatment to enhance or create native grasslands (Figure 7.3). The two units are underlain by deep clay loams. Both were croplands, and have since been used for hay production. They are semi-natural grasslands, dominated by exotic grasses, forbs and legumes, such as Japanese brome, King Ranch bluestem, and Bermuda grass. Unit GL 8 has variable woody encroachment, but GL 9 is relatively free of woody species. The historic condition for both units is tallgrass prairie (Soil Survey Staff 2016). Because of deep soils, it is possible to establish a plant community resembling historic vegetation. Though potential upland units have grasslands that could be enhanced, current land use would preclude restoration success. The restoration approach will be fourfold:

- Selective removal of trees and shrubs from Unit GL 8
- Herbicide-fallow both units.
- Till both units and establish a sorghum preparatory crop
- Plant diverse seeding mixture into standing crop stubble.

### 7.1.7 HMU GL 8-9

These units are contiguous. Treatments will be identical with the exception of brush removal from unit 1d before herbicide and tillage are applied. The restoration protocol is:

- Remove shrubs and trees from unit 1d. Grubbing is the preferred method, though if cutting is required, resprouting species, such as redberry juniper and hardwoods, will be stump treated with Triclopyr.
- Glyphosate will be applied at 2 qts. per acre to suppress the existing plant community. Application will be made in late spring to kill both cool and warm season species.
- The site will be disked during the summer as soil conditions permit, followed by a second tillage the following spring.
- The site will be harrowed and planted to a sorghum (forage or grain sorghum) late spring.
- Crop will be harvested mid-summer leaving a stubble matrix.
- Planting will be conducted late winter or early spring following harvest. It may be possible to arrange for an in-kind relationship with a local farmer, who may be willing to install treatments in exchange for the use of the land.

**Table 7.8.** Seeding mixture and species selection, live seed per square foot, and an estimated PLS/lb/acre to be applied in HMU GL8-9 on the Parrie Haynes Ranch. Species selection is based on the floristic evaluation of the Oak/Tallgrass Savanna Community phase of the Low Stony Hill ecological site. Only herbaceous species are considered here.

SPECIES	PLS SQ FT	NO. SEEDS/LB	NO. SEEDS/AC	PLS LB/AC
Little Bluestem	4	255,000	174,240	0.7
Big Bluestem	3	165,000	130,680	0.8
Switchgrass	3	389,000	130,680	0.3
Indiangrass	3	170,000	130,680	0.8
Perennial threeawn	2	250,000	87,120	0.4
Sideoats grama	2	143,000	87,120	0.6
Buffalograss	2	42,000	87,120	2
Eastern gamagrass	1	10,000	43,560	4.4
Canada wildrye	2	115,000	87,120	0.8
Western wheatgrass	2	120,000	87,120	0.7
Plains lovegrass	1	3,386,000	43,560	0.01
Green sprangletop	1	538,000	43,560	0.1
Hairy dropseed	1	86,423	43,560	1
Half shrub sundrop	1	800,000	43,560	0.1
Prairie clover	1	290,000	43,560	0.2
Illinois bundleflower	1	64,000	43,560	0.7
Engelmann's daisy	1	14,000	43,560	3
Partridge pea	1	65,000	43,560	0.7
Dotted gayfeather	1	168,000	43,560	0.7
Maximilian Sflr	2-Jan	330,966	21,780	0.1
<b>TOTAL</b>	<b>35 PLS/SQ FT</b>			<b>+/- 15 PLS#/ACRE</b>

**Table 7.9.** Cost estimate per ac for Grassland Improvement in HMU GL8-9 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same. \*Note: assumption of in-kind with farmer to plant and harvest sorghum preparatory crop.

	SEEDBED PREP	PLANTING	TOTAL
Glyphosate Cost	2qts/acre * \$10/qt= \$20/ac		Estimated 30 ac x 20=\$600
Herbicide application	\$30		Estimated 30 ac x \$30= \$900
Tillage operations	\$90/ac x 2 events		\$5,400 for 30 ac
Tree Removal	\$115hr x 14		\$1,610
Triclopyr	(\$25/hr x 8 hr) + (4gal Triclopyr x \$70)= \$480		\$480
Seedstock		\$197	\$197 x 30ac = \$38
Seed drill Planting		\$75/hr	\$1,000
<b>TOTAL</b>			<b>\$10,028 Total</b>

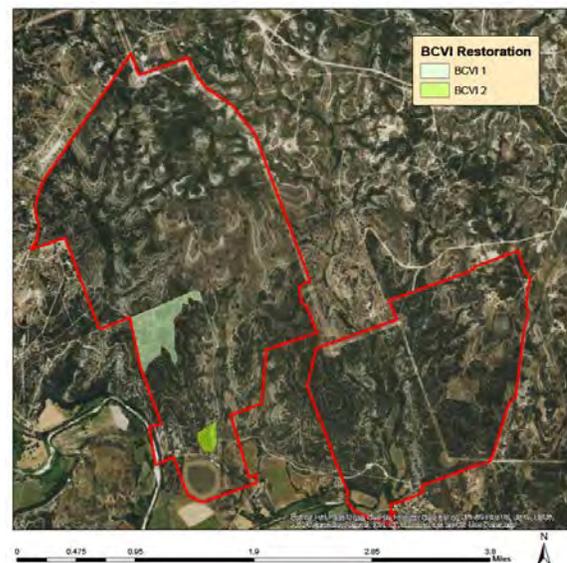
A variety of protocols will be used, each free standing, which will enhance chances of success. The outcome is expected to result in a structurally heterogeneous mosaic of woodlands and grassland. Tallgrass patches will alternate with mid- and shortgrass patches.

**Table 7.10.**Total cost estimate for Grassland Improvement on the Parrie Haynes Ranch; does not include management oversight.

HMU	APPROACH	COST
GL1	Intensively planted. Tilled seedbed	\$17,568
GL2-3	Tree removal, Rx fire, selectively planted	\$4,410
GL4	Tree removal, Rx fire, propagule donor site establishment	\$538
GL5-7	Rx fire, selected tree removal	\$11,830
GL8-9	Herbicide, tilled seedbed	\$10,028
TBD	Prescribed fire site visit – flat fee per visit	\$2,000
<b>TOTAL</b>		<b>\$46,374</b>

## 7.2 Black-capped Vireo Habitat

Approximately 123 ac (50 ha) have been identified for treatment to improve habitat for the black-capped vireo (fig. 7.4) and is divided into two HMUs. Recommendations in the golden-cheeked warbler, grassland, and general restoration sections will enhance habitat for this species in areas that have deciduous shrub growth. These HMUs are part of the Low Stony Hill Ecological Site and the



**Fig. 7.4.** Black-capped Vireo Habitat Management Units, Parrie Haynes Ranch.

assumed historic climax plant community was a fire influenced oak/tallgrass savanna. Over time, with the lack of fire and habitat degradation from improper livestock management, the sites have shifted to a mixed-brush shrubland state (Soil Survey Staff 2016), which is well suited for black-capped vireos. It is this state that these two HMUs will be managed for with a goal of improvement to increased deciduous shrub density and diversity. The approach will be four-fold:

- Mechanical thinning of Ashe juniper
- Application of prescribed fire
- Windrow cut Ashe juniper on slopes in HMU BCVI 1 to prevent erosion, where needed
- Reevaluate shrub diversity after fire and plant native shrubs
  - To provide seedlings protection from desiccation and browsing pressure, plant among downed Ashe juniper and under live Ashe juniper branches when possible

### **7.2.1 HMU BCVI 1**

This 103 acre (42 ha) site is dominated by a mosaic of Ashe juniper with a low quantity of shrubs. The few shrubs present include agarita, Texas persimmon, and elbow bush. The herbaceous layer has shifted from tallgrasses to midgrasses, shortgrasses, and low forbs.

The following table shows species selection and seedlings per acre. Species selection is based on the floristic evaluation of the mixed-brush shrubland community of the Low Stony Hill ecological site as well as local observations of similar ecological sites. Only shrub species are considered here.

This unit will:

- Receive mechanical removal of larger Ashe juniper, especially those near shrubs, at an approximate rate of 60%; with 30% being mulched and 30% being cut with the slash used as windrows to prevent erosion where needed.
- Windrows may have to be excluded from fire or created immediately after fire to prevent erosion.
- Receive prescribed fires

- Receive planting of native shrub species including:
  - Priority 1 species: shin oak, Texas red oak, Texas ash, and redbud
  - Priority 2 species: Carolina buckthorn, Mexican plum, plateau live oak, evergreen sumac, cedar elm, rusty blackhaw, and Mexican buckeye
- Be evaluated after each growing season and replanted if needed
- Once shrubs become well established, conduct additional selective Ashe juniper removal
- Receive periodic prescribed fires to keep in a shrubland state and promote shrub growth

**Table 7.11.** Seedling composition and species selection and plants per acre to be planted HMU BCVII on the Parrie Haynes Ranch. Species selection is based on the floristic evaluation of the shrubland phase of the Low Stony Hill ecological site and local evaluation. Only shrub and shrub like species are considered here. Note: note all species may be available as seedlings. \* Indicates priority species.

SPECIES	PLANTS PER ACRE	TOTAL PLANTS
Shin oak*	20	2,060
Texas red oak*	20	2,060
Texas ash*	20	2,060
redbud*	15	1,545
Carolina buckthorn	5	515
Mexican plum	5	515
Plateau live oak	5	515
Evergreen sumac	5	515
Cedar elm	20	2,060
rusty blackhaw	5	515
Mexican buckeye	5	515
<b>TOTAL</b>	<b>PLANTS/ACRE 125</b>	<b>TOTAL 12,875</b>

**Table 7.12.** Cost estimate per acre and total for black-capped vireo improvement in HMU BCVII on the Parrie Haynes Ranch; does not include management oversight. The prices listed are an estimate only and will depend on current market price and species availability at the time of order. \*Does not include \$2,000 flat fee per site visit.

DESCRIPTION	COST PER UNIT	UNITS	TOTAL
Mulch 30% Ashe juniper	\$350	52 ac	\$18,200
Cut and windrow 30% Ashe juniper	\$350	51ac	\$17,850
Seedlings	\$125	103 ac	\$12,874
Plant seedlings	\$59	103 ac	\$6,077
Fire break	\$0.10	12,768 feet	\$1,277
Prescribed fire*	\$30	103	\$3,090
<b>TOTAL</b>	<b>\$547</b>	<b>103 ac</b>	<b>\$59,368</b>

### 7.2.2 HMU BCVI 2

This 20 acre (8 ha) site has scattered young Ashe juniper with a low quantity of shrubs including agarita, Texas persimmon, and elbow bush. The herbaceous layer has shifted from tallgrasses to midgrasses, shortgrasses, and low forbs.

The unit will:

- Receive prescribed fire
- Receive planting of native shrub species to include:
  - Priority 1: shin oak, Texas red oak, Texas ash, and redbud
  - Priority 2: Carolina buckthorn, Mexican plum, plateau live oak, post oak, blackjack oak, evergreen sumac, cedar elm, rusty blackhaw, and Mexican buckeye
- Be evaluated after each growing season and replanting if needed
- Remove Ashe juniper as needed
- Receive periodic prescribed fires to keep in a shrubland state and promote shrub growth

**Table 7.13.** Seedling composition and species selection and plants per acre to be planted HMU BCVI2 on the Parrie Haynes Ranch (if available). Species selection is based on the floristic evaluation of the shrubland phase of the Low Stony Hill ecological site and local evaluation. Only shrub and shrub like species are considered here. Note: note all species may be available as seedlings. \* Indicates a priority species.

SPECIES	PLANTS ACRE	TOTAL PLANTS
Shin oak*	20	400
Texas red oak*	20	400
Texas ash*	20	400
Redbud*	15	300
Carolina buckthorn	5	100
Mexican plum	5	100
Plateau live oak	5	100
Evergreen sumac	5	100
Cedar elm	20	400
Rusty blackhaw	5	100
Mexican buckeye	5	100
<b>TOTAL</b>	<b>PLANTS/AC 125</b>	<b>TOTAL 2,500</b>

**Table 7.14.** Cost estimate per acre and total for black-capped vireo improvement in HMU BCVI2 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same. \*Does not include \$2,000 flat fee per site visit.

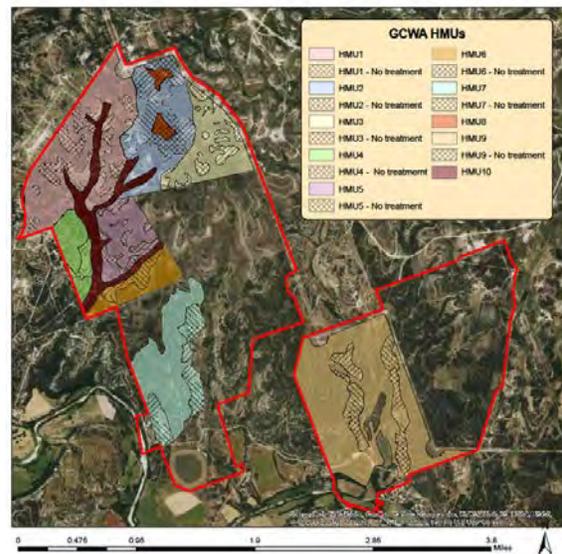
DESCRIPTION	COST PER UNIT	UNITS	TOTAL
Seedlings	\$125	20 ac	\$2,500
Plant seedlings	\$59	20 ac	\$1,180
Fire break	\$0.10	3,818 feet	\$382
Prescribed fire*	\$30	20 ac	\$600
<b>TOTAL</b>	<b>\$233</b>	<b>20 ac</b>	<b>\$4,662</b>

**Table 7.15.** Total cost estimate for Black-capped Vireo Improvement on the Parrie Haynes Ranch; does not include management oversight.

HMU	APPROACH	COST
BCVII	Ashe juniper removal, windrow, plant seedlings	\$59,368
BCVI2	Plant seedlings	\$4,662
	Prescribed fire site visit – flat fee per visit	\$2,000
<b>TOTAL</b>		<b>\$66,030</b>

### 7.3 Golden-cheeked Warbler Habitat

Approximately 2,248 ac (908 ha) have been identified as golden-cheeked warbler habitat in mitigation lands; with many sections to receive treatment to enhance the habitat (Fig. 6.5). Many of the areas receiving treatment will provide additional habitat for the black-capped vireo. Historically, the assumed climax vegetation state for the sites included tall grass prairie, live oak savanna, and oak-juniper associations (Soil Survey Staff 2016). Heavy exploitation by livestock as well as fire suppression has altered the communities to mixed-shrubland and dense woodland states. These sections have been identified as mitigation land for the golden-cheeked warbler; it will be managed in a sub-climax state as woodlands and shrubland. Soil loss in many locations prevents extensive habitat manipulation. However, the vegetation structure in the “poor” areas tends to be a mosaic of short Ashe juniper. Broadleaf shrubs adjacent to these areas may serve as additional black-



**Fig. 7.5.** Golden-cheeked Warbler Habitat Units, Parrie Haynes Ranch.

capped vireo habitat. Depending on treatment response additional areas near poorer eroded soils may be converted to black-capped vireo habitat. One of the greatest issues with regards to suitable golden-cheeked warbler habitat is the monoculture of Ashe juniper in several patches. It is possible and beneficial to create more woody diversity in areas that have sufficient soils. Because the goal for golden-cheeked warbler habitat is a closed to nearly closed canopy, addressing the herbaceous layer will not be addressed for these HMUs. Eventually, the closed canopy will suppress nearly all herbaceous growth. The approach to enhance the habitat, in general, will be two-fold:

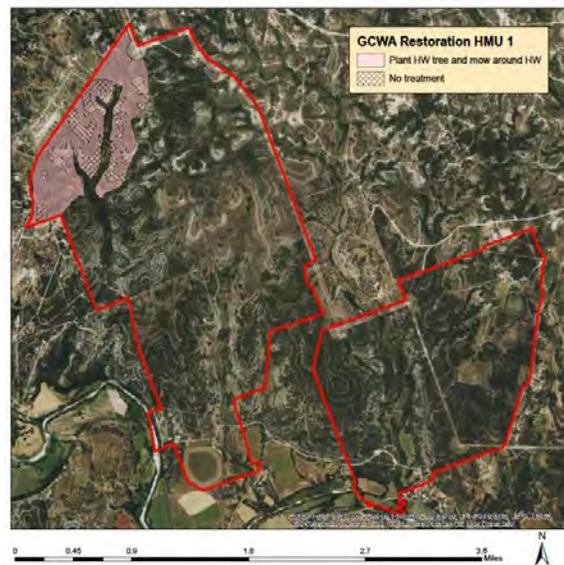
- Plant native broadleaf trees and shrubs in select locations
  - Young seedlings can be planted among downed and under the branches of live Ashe juniper for protection against desiccation and browsing pressure
- Remove dense young Ashe juniper from around broadleaf trees in select locations

### 7.3.1 HMU GCWA 1

This 404 acre (163 ha) site is dominated by Ashe juniper with a low quantity of broadleaf trees and shrubs, and contains approximately 121 ac (51 ha) that cannot receive any treatment due to lack of soil depth and erosion. The few broadleaf trees present are mostly Spanish oak, live oak, and cedar elm. It comprises Shallow, Low Stony Hill, and Clay Loam Ecological Sites. The presumed historic climaxes were tallgrass prairie and oak/tallgrass communities that have shifted to

juniper brushland and midgrass/mixed-brush communities (Soil Survey Staff 2016). This HMU had an incidental detection of a black-

capped vireo in one of the sections of poorer soils. Planting shrub species close to the no treatment sites will temporarily improve black-capped vireo habitat providing nesting substrate. Once it is determined how the habitat responds after shrub planting, certain areas may be



**Fig. 7.6.** Golden-cheeked Warbler Restoration Habitat Management Unit 1, Parrie Haynes Ranch.

managed as black-capped vireo habitats within the golden-cheeked warbler HMU. This unit will be managed in its sub-climax state to provide habitat for both endangered song birds.

This unit will:

- Receive select removal of young Ashe juniper within 1.5x the drip line of broadleaf trees to provide additional resources for growth and reproduction
- Receive planting of native tree and shrub species including: Spanish oak, live oak, plateau live oak, cedar elm, shin oak, Texas ash, and redbud.
- Be evaluated after each growing season and replanted if necessary

**Table 7.16.** Seedling composition, species selection, and plants per acre to be planted in HMU GCWA1 on the Parrie Haynes Ranch.

SPECIES	SEEDLINGS/ACRE	TOTAL PLANTS
Spanish oak	10	2,830
live oak	10	2,830
plateau live oak	7	1,981
cedar elm	10	2,830
shin oak	5	1,415
Texas ash	10	2,830
redbud	5	1,415
<b>TOTAL</b>	<b>SEEDLINGS/ACRE 57</b>	<b>TOTAL 16,131</b>

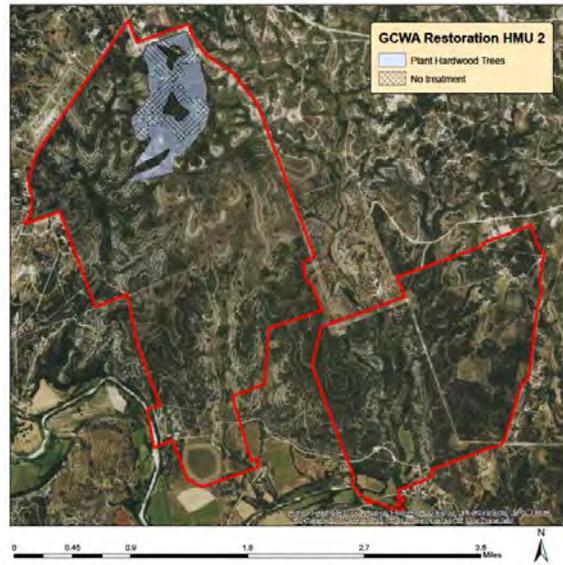
**Table 7.17.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA1 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Seedlings	\$57	283	\$16,131
Plant seedlings	\$27	283	\$7,641
Select Ashe juniper thinning – low priority	\$100	283	\$28,300
<b>TOTAL</b>	<b>\$184</b>	<b>283</b>	<b>\$52,072</b>

### 7.3.2 HMU GCWA 2

This 256 acre (103 ha) site is dominated by Ashe juniper with a low quantity of broadleaf trees and shrubs, and contains approximately 173 ac (70 ha) that cannot receive any treatment due to

slope, lack of soil depth, and erosion. This HMU has undergone extensive erosion and cliché and rocky soil is exposed in much of the unit. The two mesa tops are excluded from this HMU. The few broadleaf trees present are mostly Spanish oak, live oak, and cedar elm. It comprises the Clay Loam Ecological Site. The presumed historic climax community was a tallgrass prairie community that has shifted to a juniper shrubland state (Soil Survey Staff 2016).



**Fig. 7.7.** Golden-cheeked Warbler Restoration Habitat Management Unit 2, Parrie Haynes Ranch.

Four golden-cheeked warbler detections (2 survey; 2 incidentals) occurred in this HMU; all in areas that contained a mixed Ashe juniper/oak component. Planting shrub species close to the no treatment sites may assist the black-capped vireo by providing nesting substrate. This unit will be managed in its sub-climax state to provide habitat for both endangered song birds.

This unit will:

- Receive select removal of young Ashe juniper within 1.5x the drip line of broadleaf trees to provide additional resources to growth and reproduction
- Receive planting of native tree and shrub species including: Spanish oak, live oak, plateau live oak, cedar elm, shin oak, Texas ash, and redbud
- Be evaluated after each growing season and replanted if needed

**Table 7.18.** Seedling composition, species selection, and plants per acre to be planted HMU GCWA1 on the Parrie Haynes Ranch.

SPECIES	SEEDLINGS/ACRE	TOTAL PLANTS
Spanish oak	10	830
Live oak	10	830
Plateau live oak	7	581
Cedar elm	10	830
Shin oak	5	415
Texas ash	10	830
Redbud	5	415
<b>TOTAL</b>	<b>SEEDLINGS/ACRE 57</b>	<b>TOTAL 4,731</b>

**Table 7.19.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA2 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Seedlings	\$57	83	\$4,731
Plant seedlings	\$27	83	\$2,241
Select Ashe juniper thinning – low priority	\$100	83	\$8,300
<b>TOTAL</b>	<b>\$184</b>	<b>83</b>	<b>\$15,272</b>

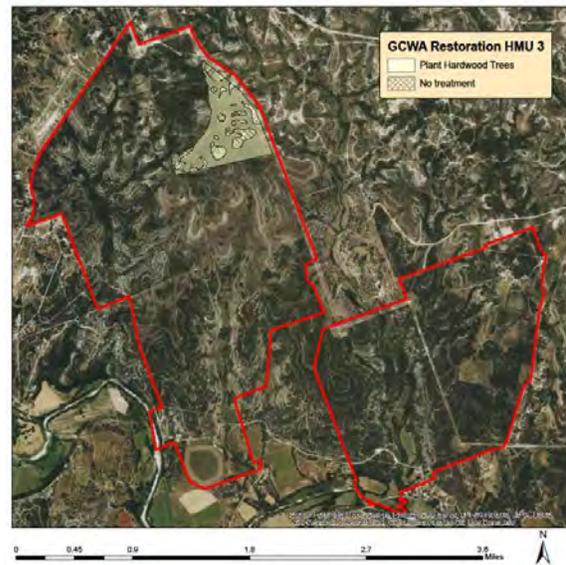
### 7.3.3 HMU GCWA 3

This 190 acre (77 ha) site is dominated by a near monoculture of Ashe juniper, with approximately 47 ac (20 ha) that cannot receive any treatment due to lack of soil depth and erosion. It consists mostly of the Clay Loam and Low Stony Hill Ecological Sites. The presumed historic climax community was a tallgrass prairie and oak/tallgrass community that has shifted to a juniper shrubland state (Soil Survey Staff 2016).

This HMU has adequate soil depth to plant broadleaf trees and shrubs in many areas. No golden-cheeked warblers or black-capped vireos were detected in this HMU, which was not unexpected due to the lack of tree diversity. Planting shrub species close to the no manipulation sites may assist the black-capped vireo by providing nesting substrate near the more open, poorer areas. This unit will be managed in its sub-climax state to provide habitat for both endangered song birds.

This unit will:

- Receive plantings of native tree and shrub species including: Spanish oak, live oak, plateau live oak, cedar elm, shin oak, Texas ash, and redbud
- Be evaluated after each growing season and replanted if needed



**Fig. 7.8** Golden-cheeked Warbler Restoration Habitat Management Unit 3, Parrie Haynes Ranch.

**Table 7.20.** Seedling composition, species selection, and plants per acre to be planted in HMU GCWA3 on the Parrie Haynes Ranch.

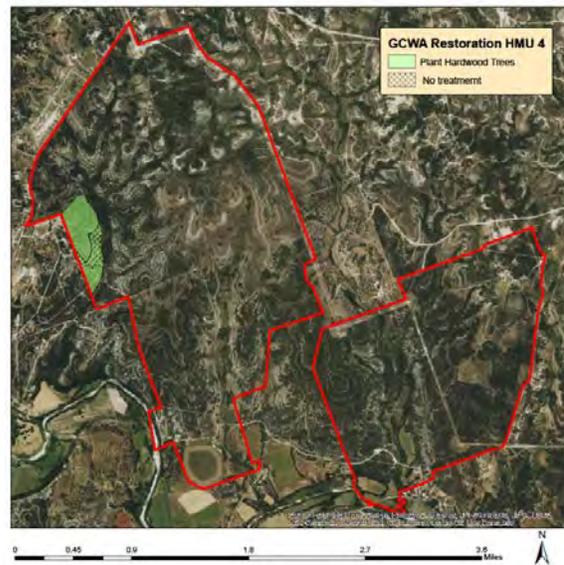
SPECIES	SEEDLINGS/ACRE	TOTAL PLANTS
Spanish oak	10	1,430
Live oak	10	1,430
Plateau live oak	7	1,001
Cedar elm	10	1,430
Shin oak	5	715
Texas ash	10	1,430
Redbud	5	715
<b>TOTAL</b>	<b>SEEDLINGS/ACRE 57</b>	<b>TOTAL 8,151</b>

**Table 7.21.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA3 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Seedlings	\$57	143	\$8,151
Plant seedlings	\$27	143	\$3,831
<b>TOTAL</b>	<b>\$84</b>	<b>143</b>	<b>\$12,012</b>

### 7.3.4 HMU GCWA 4

This 89 acre (36 ha) site is dominated by a near monoculture of Ashe juniper, with approximately 20 ac (8 ha) that cannot receive any treatment due to lack of soil depth and erosion. It is comprised of the Shallow Ecological Site. The presumed historic climax community was a tallgrass prairie that has shifted to a juniper brushland community (Soil Survey Staff 2016). This HMU has soil depth in many locations to plant broadleaf trees and shrubs. No golden-cheeked warblers or black-capped vireos were detected in this HMU, which was expected due to the lack of tree diversity. This unit will be managed in its sub-climax state to provide habitat for the golden-cheeked warbler.



**Fig. 7.9** Golden-cheeked Warbler Restoration Habitat Management Unit 4, Parrie Haynes Ranch.

This unit will:

- Receive planting of native tree and shrub species including: Spanish oak, live oak, plateau live oak, cedar elm, shin oak, Texas ash, and redbud
- Be evaluated after each growing season and replanted if needed.

**Table 7.22.** Seedling composition, species selection, and plants per acre to be planted in HMU GCWA4 on the Parrie Haynes Ranch.

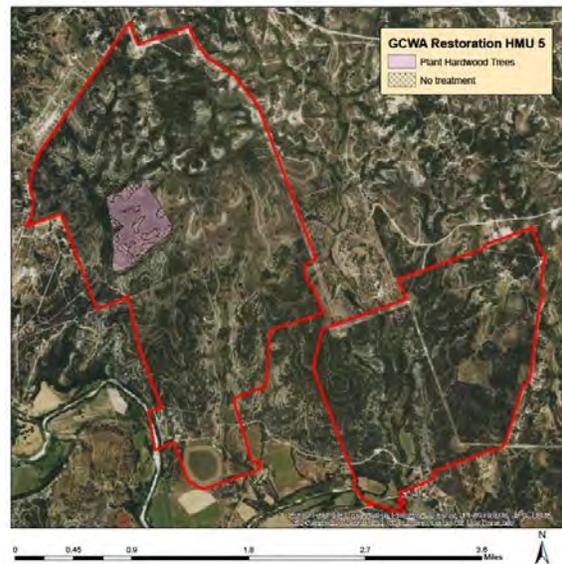
SPECIES	SEEDLINGS/ACRE	TOTAL PLANTS
Spanish oak	10	690
Live oak	10	690
Plateau live oak	7	483
Cedar elm	10	690
Shin oak	5	345
Texas ash	10	690
Redbud	5	345
<b>TOTAL</b>	<b>SEEDLINGS/ACRE 57</b>	<b>TOTAL 3,933</b>

**Table 7.23.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA4 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Seedlings	\$57	69	\$7,866
Plant seedlings	\$27	69	\$1,863
Select Ashe juniper thinning – low priority	\$100	69	\$6,900
<b>TOTAL</b>	<b>\$184</b>	<b>69</b>	<b>\$12,696</b>

### 7.3.5 HMU GCWA 5

This 99 acre (40 ha) site is dominated by a near monoculture of Ashe juniper, with approximately 41 ac (17 ha) that cannot receive any treatment due to lack of soil depth and erosion. It consists of the Low Stony Hill ecological site. The presumed historic climax community was an oak/tallgrass plant community that has shifted to an Ashe juniper shrubland community (Soil Survey Staff 2016). This HMU has enough soil depth in many



**Fig. 7.10.** Golden-cheeked Warbler Restoration Habitat Management Unit 5, Parrie Haynes Ranch.

locations to plant broadleaf trees and shrubs. One golden-cheeked warbler and no black-capped vireos were detected in this HMU. The golden-cheeked warbler was located near the riparian area that has a mixed tree species composition. This unit will be managed in its sub-climax state to provide habitat for the golden-cheeked warbler.

This unit will:

- Receive planting of native tree and shrub species including: Spanish oak, live oak, plateau live oak, cedar elm, shin oak, Texas ash, redbud
- Be evaluated after each growing season and replanted if needed.

**Table 7.24.** Seedling composition, species selection, and plants per acre to be planted HMU GCWA5 on the Parrie Haynes Ranch.

SPECIES	SEEDLINGS/ACRE	TOTAL PLANTS
Spanish oak	10	580
Live oak	10	580
Plateau live oak	7	406
Cedar elm	10	580
Shin oak	5	290
Texas ash	10	580
Redbud	5	290
<b>TOTAL</b>	<b>SEEDLINGS/ACRE 57</b>	<b>TOTAL 3,306</b>

**Table 7.25.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA5 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Seedlings	\$57	58	\$3,306
Plant seedlings	\$27	58	1,566
<b>TOTAL</b>	<b>\$84</b>	<b>58</b>	<b>\$4,872</b>

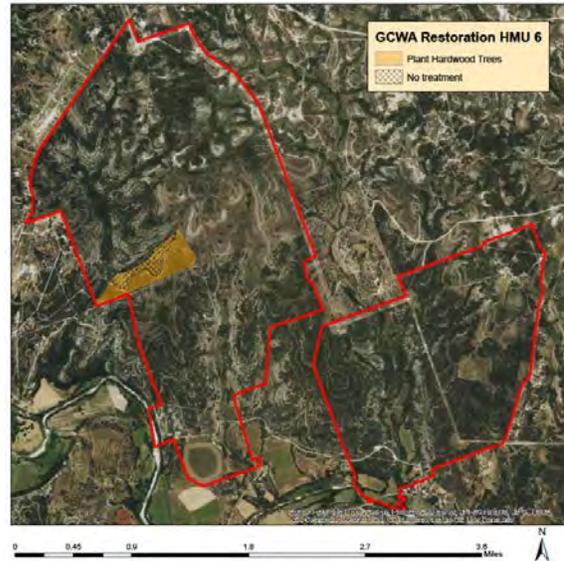
### 7.3.6 HMU GCWA 6

This 99 acre (40 ha) site is dominated by a near monoculture of Ashe juniper, with approximately 33 ac (13ha) that cannot receive any treatment due to lack of soil depth and erosion. It consists of the Low Stony Hill ecological site. The presumed historic climax community was an oak/tallgrass community and has shifted to an Ashe juniper shrubland

community (Soil Survey Staff 2016). This HMU has enough soil depth in many locations to plant broadleaf trees and shrubs. No golden-cheeked warbler or black-capped vireos were detected in this HMU. This was expected due to the overall lack of tree diversity. This unit will be managed in its sub-climax state to provide habitat for the golden-cheeked warbler.

This unit will:

- Receive planting of native tree and shrub species including: Spanish oak, live oak, plateau live oak, cedar elm, shin oak, Texas ash, and redbud
- Be evaluated after each growing season and replanted if needed.



**Fig. 7.11** Golden-cheeked Warbler Restoration Habitat Management Unit 6, Parrie Haynes Ranch.

**Table 7.26** – Is the seedling composition, species selection, and plants per acre to be planted HMU GCWA6 on the Parrie Haynes Ranch.

SPECIES	SEEDLINGS/ACRE	TOTAL PLANTS
Spanish oak	10	660
Live oak	10	660
Plateau live oak	7	462
Cedar elm	10	660
Shin oak	5	330
Texas ash	10	660
Redbud	5	330
<b>TOTAL</b>	<b>SEEDLINGS/ACRE 57</b>	<b>TOTAL 3,762</b>

**Table 7.27.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA6 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Seedlings	\$57	66	\$3,762
Plant seedlings	\$27	66	1,782
<b>TOTAL</b>	<b>\$84</b>	<b>66</b>	<b>\$5,544</b>

### 7.3.7 HMU GCWA 7

This 297 acre (120 ha) site is dominated by Ashe juniper with some broadleaf trees present, with approximately 91 ac (37 ha) that cannot receive any treatment due to lack of soil depth and erosion. The only habitat manipulation to be performed on this HMU will be to remove young Ashe juniper around broadleaf trees. It is mainly comprises Shallow, Low Stony Hill, and Clay Loam ecological sites. The presumed historic

climax community was tallgrass prairie and oak/tallgrass communities that has shifted to a juniper brushland and midgrass/mixed-brush communities (Soil Survey Staff 2016). One golden-cheeked warbler and no black-capped vireo were detected in this HMU. This unit will be managed in its sub-climax state to provide habitat for the golden-cheeked warbler.

This unit will:

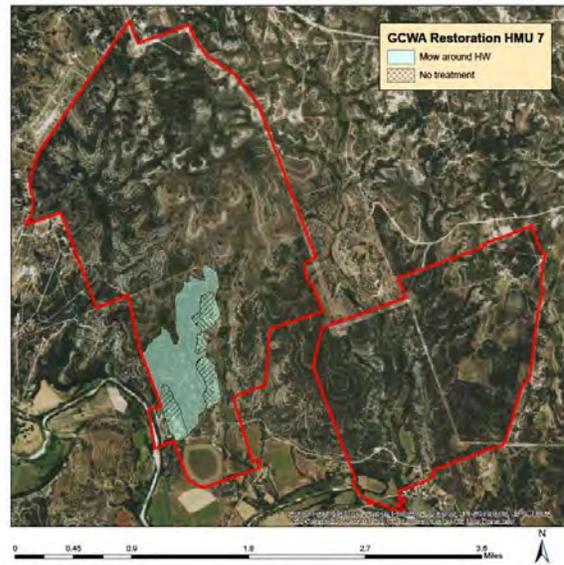
- Receive select removal of young Ashe juniper within 1.5x the drip line of broadleaf trees to provide additional resources for growth and reproduction.

**Table 7.28.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA7 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Select Ashe juniper thinning	\$100	206	\$20,600
<b>TOTAL</b>	<b>\$100</b>	<b>206</b>	<b>\$20,600</b>

### 7.3.8 HMU GCWA 8

These two sites total 27 ac (11 ha) and are dominated by Ashe juniper and mixed broadleaf trees. It consists of the two mesa tops on the northern section of the western parcel. It comprises of the Redland ecological site. The presumed historic climax community was an oak

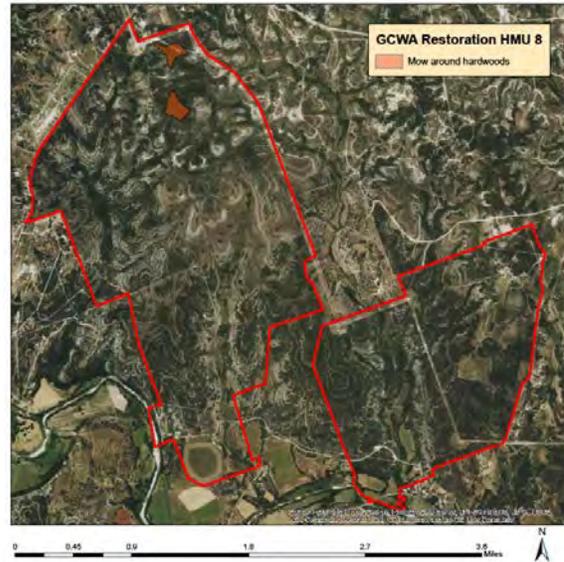


**Fig. 7.12.** Golden-cheeked Warbler Restoration Habitat Management Unit 7, Parrie Haynes Ranch.

savannah/tallgrass plant community that has shifted to a mixed brush shrubland community (Soil Survey Staff 2016). One golden-cheeked warbler was near this HMU and no black-capped vireos were detected in this HMU. This unit will be managed in its sub-climax state to provide habitat for the golden-cheeked warbler.

This unit will:

- Receive select removal of young Ashe juniper within 1.5x the drip line of broadleaf trees to provide additional resources growth and reproduction.



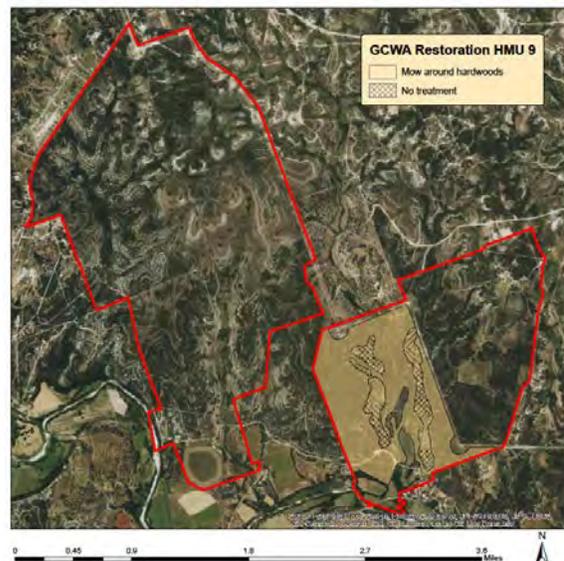
**Fig. 7.13.** Golden-cheeked Warbler Restoration Habitat Management Unit 8, Parrie Haynes Ranch.

**Table 7.29.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA8 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Select Ashe juniper thinning	\$100	27	\$2,700
<b>TOTAL</b>	<b>\$100</b>	<b>27</b>	<b>\$2,700</b>

### 7.3.9 HMU GCWA 9

This 614 acre (163 ha) site is dominated by Ashe juniper with some broadleaf trees and shrubs, with approximately 117 ac (48 ha) that cannot receive any treatment due to lack of soil depth and erosion. It mainly comprises Low Stony Hill, Steep Adobe, Clay Loam, and Loamy Bottomland. The presumed historic climax community was an oak/tallgrass savannah and



**Fig. 7.14.** Golden-cheeked Warbler Restoration Habitat Management Unit 9, Parrie Haynes Ranch.

tallgrass prairie community that has shifted to a dense woodland and mixed-brush shrubland communities (Soil Survey Staff 2016). The northern section of this HMU has dense vegetation. This is the best golden-cheeked warbler HMU on the PHR with a total of 16 detections (11 survey; 5 incidentals) and one incidental black-capped vireo. Much of the HMU has broadleaf trees. This unit will be managed in its sub-climax state to provide habitat for the golden-cheeked warbler.

This unit will:

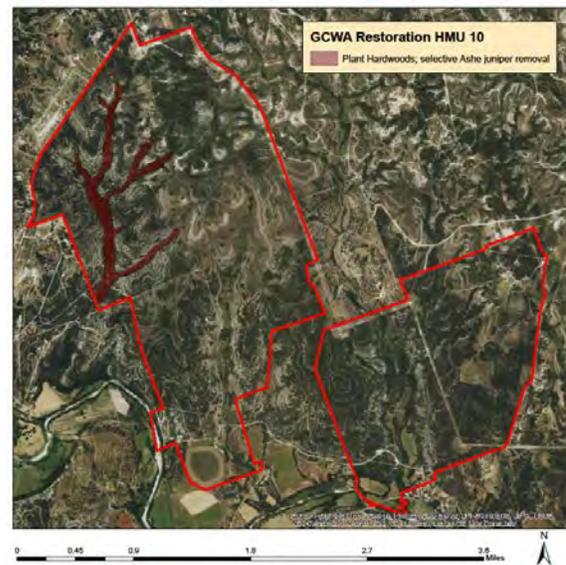
- Receive select removal of young Ashe juniper within 1.5x the drip line of broadleaf trees to provide additional resources for growth and reproduction.

**Table 7.30.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA9 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Select Ashe juniper thinning	\$350	497	\$173,950
<b>TOTAL</b>	<b>\$350</b>	<b>497</b>	<b>\$173,950</b>

### 7.3.10 HMU GCWA 10

This 136 acre (55 ha) riparian site is dominated by a near monoculture of Ashe juniper in the northern sections, and becomes more diverse towards the southern sections. It comprises the Loamy Bottomland ecological site. The presumed historic climax community was a tallgrass savannah that has shifted to a dense woodland state (Soil Survey Staff 2016). This HMU has enough soil depth in most locations to plant broadleaf trees. Three golden-cheeked warblers were detected in this HMU. This unit will be managed in its sub-climax state to provide habitat for the golden-cheeked warbler.



**Fig. 7.15.** Golden-cheeked Warbler Restoration Habitat Management Unit 10, Parrie Haynes Ranch.

This unit will:

- Receive planting of native tree species to including: America elm, American sycamore, black walnut, black willow, eastern cottonwood, cedar elm, slippery elm, Texas pecan, and Texas walnut
- Be evaluated after each growing season and replanted if needed
- Receive selective Ashe juniper removal, especially in the northern sections

**Table 7.31.** Seedling composition, species selection, and plants per acre to be planted HMU GCWA10 on the Parrie Haynes Ranch.

SPECIES	SEEDLINGS/ACRE	TOTAL PLANTS
America elm	7	952
America sycamore	6	816
Black walnut	5	680
Black willow	4	544
Easter cottonwood	3	408
Cedar elm	10	1,360
Slippery elm	3	330
Texas pecan	7	952
Texas walnut	6	816
<b>TOTAL</b>	<b>SEEDLINGS/ACRE 51</b>	<b>TOTAL 6,858</b>

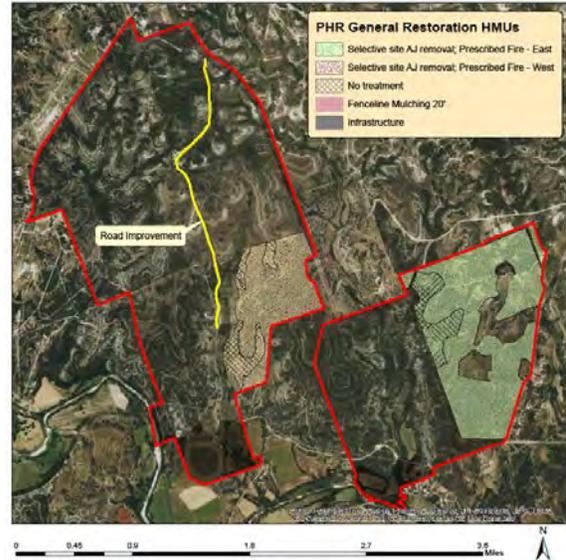
**Table 7.32.** Cost estimate per acre and total for golden-cheeked warbler improvement in HMU GCWA10 on the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same.

DESCRIPTION	COST PER ACRE	AC	TOTAL
Seedlings	\$51	136	\$13,794
Plant seedlings	\$24	136	\$3,264
Select Ashe juniper thinning	\$100	136	\$13,600
<b>TOTAL</b>	<b>\$175</b>	<b>136</b>	<b>\$23,800</b>

## 7.4 General Improvements

Approximately 937 ac (379 ha) have been identified for treatment to improve habitat to resemble historic conditions (Figure 6.16) and comprises two HMUs, with approximately 146 ac (58 ha) that cannot receive any treatment due to lack of soil depth and erosion. An additional 385 ac (157 ha) will not receive any treatment as it is either infrastructure or power line right-of-ways. The recommendations in these HMUs will benefit the black-capped vireo where there is a positive response to shrub reestablishment. These HMUs are mostly part of the Low Stony Hill and Clay Loam Ecological Sites and the assumed historic climax plant community was a fire influenced oak/tallgrass savannah and tall grass prairie. Over time, lack of fire and habitat degradation from improper livestock management has caused the sites to succeed shifted to a mixed-brush shrubland state (Soil Survey Staff, 2016).

The management goal is to return these HMUs to conditions similar to the presumed historic climax state where appropriate. It is in these two HMUs that adaptive management will be the most important. The speed at which the habitat can be manipulated will depend on the habitat's response. Manipulate areas with the least slope (<7%) and greatest soil depths first, and then, if the habitat responds positively, increase the treatments. Do not remove the entire Ashe juniper component or address Ashe juniper encroachment in the two HMUs at the same time. Instead, plan the work such that these two HMUs are completed over a three- to five-year-period, allowing time to assess the response of the habitat and address any potential concerns on a smaller scale as they arise. To minimize soil disturbance and to compensate for some of the costs of management, contract with an Ashe juniper buyer to cut and remove trees at ground level. Follow with mulching and prescribed fire. After one to two prescribed fires, a reevaluation of the habitat needs to be conducted to determine if species reintroduction or herbicide will be needed.



**Fig. 7.16.** General Restoration Habitat Management Units and Infrastructure Improvement, Parrie Haynes Ranch.

Approximately 2.28 mi (3.67 km) of road improvement is suggested on the Western Parcel. This benefits the two endangered songbirds by providing better access for habitat improvement projects, monitoring, and serve as a permanent fire break for endangered species habitat management projects and habitat protection. It will also help in many of the youth activities and provide for emergency access if the need arises.

The approach will be five-fold:

- Select mechanical thinning of Ashe juniper over a 3-5 year period
- Introduction of prescribed fire
- Reevaluate habitat after Ashe juniper removal and prescribe fire introduction
- Fence line mulching
- Road improvement

**Table 7.33.** Cost estimate for general improvements to the Parrie Haynes Ranch; does not include management oversight. Note: Not all acreage is treated the same. \*The price per acre can be offset by the selling of the Ashe juniper to a local buyer. \*\*Fire break construction and upkeep will be determined as needed. \*\*\*For both Mitigation and Non-mitigation lands. Does not include management oversight.

DESCRIPTION	COST PER UNIT	UNIT	TOTAL
Select Ashe juniper thinning*	\$500	406 ac	\$191,709
Burning**	\$30	406 ac	12,180
Fire breaks	TBD	TBD	TBD
Road construction	\$6	12,038 feet	\$72,228
Fence line mulching***	\$250 hour	10 mi @ 15 days	\$37,500
Butterfly vegetation planting	\$5,000	Around youth facilities	\$5,000
<b>TOTAL</b>			<b>\$318,617</b>

## 7.5 Priorities

The top priorities for each HMU for year one and two are in table 7.34. A five-year ball-park estimation and recommended sources are included in Appendix D and E. All prescribed fire and tree/shrub seedling plantings occur in year two. This allows sufficient time to schedule the prescribed fire and for a grower to acquire seed stock and grow seedlings.

**Table 7.34.** Lists the top priorities for each HMU for years one and two, Parrie Haynes Ranch.

HMU	DESCRIPTION OF WORK	YEAR 1	YEAR 2	MITIGATION LANDS	NON-MITIGATION LANDS
GL 1	Herbicide/tillage – spring	x			x
	Tillage #2 - summer; herbicide fall	x			x
	Planted		x		x
GL 2-3*	Remove Ashe juniper / Spot herbicide	x			x*
	Prescribed fire		x		x*
GL 4*	Spot herbicide				
	Prescribed fire		x		x*
GL 5-7*	Remove Ashe juniper	x			x*
	Prescribed fire		x		x*
GL 8-9*	Remove Ashe juniper	x			x*
	Prescribed fire		x		x*
BCVI 1*	Select remove Ashe juniper	x		x*	
	Prescribed fire		x	x*	
BCVI 2*	Prescribed fire		x		x*
GCWA 1*	Select Ashe juniper removal	x		x*	
	Native tree/shrub planting		x	x	
GCWA 2	Select remove Ashe juniper	x		x*	
	Native tree/shrub planting		x	x	
GCWA 3	Native tree/shrub planting		x	x	
GCWA 4	Native tree/shrub planting		x	x	
GCWA 5	Native tree/shrub planting		x	x	
GCWA 6	Native tree/shrub planting		x	x	
GCWA 7	Select Ashe juniper removal	x		x	
GCWA 8	Select Ashe juniper removal	x		x	
GCWA 9	Select Ashe juniper removal	x		x	
GCWA 10	Select Ashe juniper removal	x		x	
	Native tree/shrub planting		x	x	
GI 1-2	Select remove Ashe juniper	x			x*
	Prescribed fire		x		x*
	Fence line mulching	x			x*
	Road improvement	x			
	Butterfly planting		x		x

## ***CHAPTER 8 – CONCLUSION***

### **8.1 Conclusion**

The PHR offers a grand opportunity to serve as a multifaceted facility to provide habitat for two endangered songbirds, provide youth with developing leadership skills, and to be a healthy environment for generations to come. This can only be accomplished through wise natural resource management.

This WMP was written in response to fill the need for a comprehensive and professional habitat management and restoration/improvement plan as well as to provide the bases to monitor the populations of golden-cheeked warbler, black-capped vireo, and the white-tailed deer herd. By following these guidelines set forth, the PHR will fulfill its obligation as mitigation land as determined by the USFWS, and will create a more diverse and healthy habitat for all species that call the PHR home.

## 8.2 About the Team

John N. Macey is the lead biologist for the largest golden-cheeked warbler population under a single management regime. John has fourteen years' experience in population ecology, wildlife biology, restoration ecology, invasive species control, TES management and compliance, forest management, supervising, and author/co-author. John was appointed as a board member on the Georgia State Wildlife Action Plan, a member of DoD Partners in Amphibian and Reptile Conservation, and the National Military Fish & Wildlife Association. Experience also includes over ten years in business management and development. John attended Stephen F. Austin State University where he earned his Bachelor's and Master's degrees and for the last ten years has worked for three military reservations across the south-west and south-east.

Scott Summers is a native to Bell (born in Killeen) and Coryell Counties. Scott has 17 years' experience managing probably the largest cowbird control program in North America to increase success rate for the Black-capped Vireo and Golden-cheeked Warbler in central Texas. He has 21 years professional wildlife experience. Scott has used Texas Parks and Wildlife-approved deer census methods since 1995 and is experienced with feral pig management. He is a leader in local birding, is active in the Belton Audubon Chapter (Twin Lakes) since 1999 – served as President and Treasurer, and has detected golden-cheeked warblers in 23 Texas counties. He has a Bachelor of Science degree in wildlife from Texas State.

Nathan A. Grigsby has worked as a golden-cheeked warbler field biologist since 2010. These six years of field experience has allowed him to become very familiar with their habitat, banding procedures, nesting behaviors, and proficient at identifying them by sight and sound. He has assisted with analyzing data and submitting annual reports to USFWS. Nathan has also gained valuable field experience conducting deer surveys, collecting vegetation data, delineating endangered species habitat and has participated in dozens of prescribed burn activities on Fort Hood. Nathan graduated from Tarleton State University in 2009 with a B.S. in Wildlife Management and received Associate Wildlife Biologist certification from The Wildlife Society in 2011. As a native of Bell County he has gained a strong passion for sound management of flora and fauna in Central Texas.

Article reviewed by Larry Carlile.



### **8.3 Signature Page**

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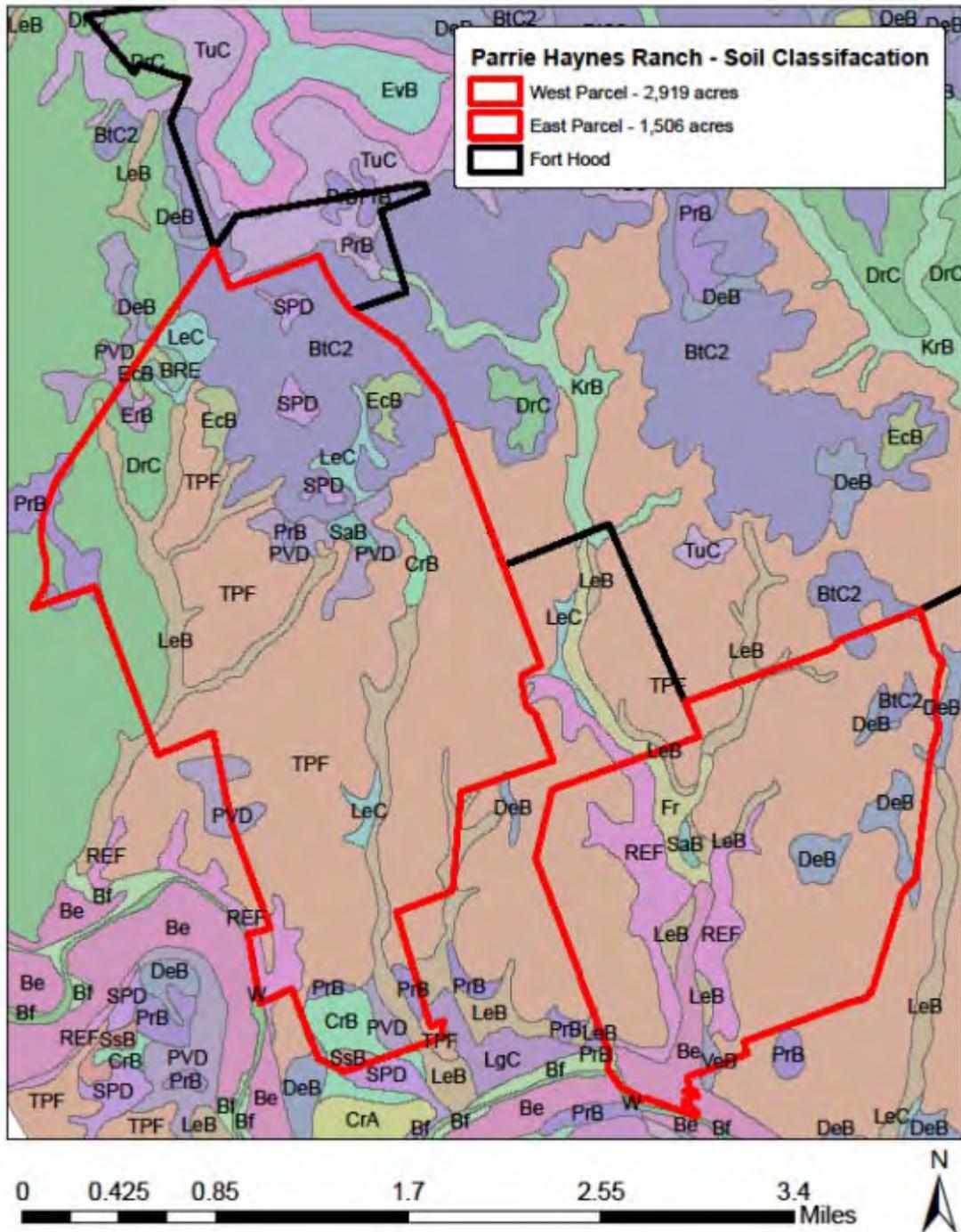
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## 8.5 Appendixes

Appendix A. Soil Classification Map, Parrie Haynes Map and Surrounding Area.



**Appendix B.** Soil classification, percentages, and acreages of the Parrie Haynes Ranch.

Map Unit Symbol	Map Unit Name	~Acres	~Percent Total Area	Farm Class	Erodiable Land Classes
TPF	Tarrant-Purves association, 5 to 10 percent slopes	2488	56.22	Not prime farmland	Highly erodible land
BtC2	Topsey clay loam, 3 to 8 percent slopes, severely eroded	449	10.15	Not prime farmland	Potentially highly erodible land
LeB	Lewisville silty clay, 1 to 3 percent slopes	312	7.05	All areas are prime farmland	Potentially highly erodible land
DrC	Doss-Real complex, 1 to 8 percent	263	5.95	Not prime farmland	Potentially highly erodible land
REF	Real-Rock outcrop complex, 12 to 40 percent slopes	224	5.06	Not prime farmland	Highly erodible land
PVD	Purves association, 1 to 8 percent slopes	109	2.47	Not prime farmland	Potentially highly erodible land
Be	Bosque clay loam, 0 to 1 percent slopes, occasionally flooded	96	2.17	All areas are prime farmland	Not highly erodible land
LeC	Lewisville silty clay, 3 to 5 percent slopes	78	1.76	All areas are prime farmland	Potentially highly erodible land
DeB	Denton silty clay, 1 to 3 percent slopes	78	1.76	All areas are prime farmland	Potentially highly erodible land
CrB	Crawford silty clay, 1 to 3 percent slopes	69	1.55	All areas are prime farmland	Potentially highly erodible land
EcB	Eckrant cobbly silty clay, 1 to 5 percent slopes	63	1.43	Not prime farmland	Potentially highly erodible land
PrB	Purves silty clay, 1 to 4 percent slopes	58	1.32	Not prime farmland	Highly erodible land
Fr	Frio silty clay, 0 to 1 percent slopes, occasionally flooded	43	0.98	All areas are prime farmland	Not highly erodible land
SPD	Speck association, 1 to 8 percent slopes	38	0.86	Not prime farmland	Potentially highly erodible land
SaB	San Saba clay, 1 to 3 percent slopes	20	0.46	All areas are prime farmland	Potentially highly erodible land
BRE	Brackett association, 8 to 12 percent slopes	12	0.26	Not prime farmland	Highly erodible land
ErB	Eckrant-Rock outcrop complex, 1 to 5 percent slopes	8	0.18	Not prime farmland	Potentially highly erodible land
SsB	Speck soils, 1 to 3 percent slopes	8	0.18	Not prime farmland	Highly erodible land
VeB	Venus clay loam, 1 to 3 percent slopes	6	0.13	All areas are prime farmland	Not highly erodible land
Bf	Bosque clay loam, 0 to 1 percent slopes, frequently flooded	3	0.06	Not prime farmland	Not highly erodible land

**Appendix C - Point Count Numbers and Coordinates for golden-cheeked warbler and black-capped vireo monitoring, Parrie Haynes Ranch.**

Point Number	X Coordinates	Y Coordinates	Point Number	X Coordinates	Y Coordinates	Point Number	X Coordinates	Y Coordinates	Point Number	X Coordinates	Y Coordinates
E004	611421	3429434	E060	611721	3431834	W046	608121	3432134	W102	609321	3433634
E005	611721	3429434	E061	612021	3431834	W047	608421	3432134	W103	609621	3433634
E006	612021	3429434	E062	612321	3431834	W048	608721	3432134	W104	609921	3433634
E007	611121	3429734	E063	612621	3431834	W049	609021	3432134	W105	607521	3433934
E008	611421	3429734	E064	612921	3431834	W050	609321	3432134	W106	607821	3433934
E009	611721	3429734	E065	613221	3431834	W051	609621	3432134	W107	608121	3433934
E010	612021	3429734	E066	612321	3432134	W052	609921	3432134	W108	608421	3433934
E011	612321	3429734	E067	612621	3432134	W053	610221	3432134	W109	608721	3433934
E012	611121	3430034	E068	612921	3432134	W054	610521	3432134	W110	609021	3433934
E013	611421	3430034	E069	613221	3432134	W055	607821	3432434	W111	609321	3433934
E014	611721	3430034	E070	613221	3432434	W056	608121	3432434	W112	609621	3433934
E015	612021	3430034	W001	609321	3429434	W057	608421	3432434	W113	609921	3433934
E016	612321	3430034	W002	609021	3429734	W058	608721	3432434	W114	607821	3434234
E017	612621	3430034	W003	609321	3429734	W059	609021	3432434	W115	608121	3434234
E018	612921	3430034	W004	609621	3429734	W060	609321	3432434	W116	608421	3434234
E020	611121	3430334	W006	609021	3430034	W062	609921	3432434	W117	608721	3434234
E021	611421	3430334	W007	609321	3430034	W063	610221	3432434	W118	609021	3434234
E022	611721	3430334	W008	609621	3430034	W064	607221	3432734	W119	609321	3434234
E023	612021	3430334	W009	608721	3430334	W065	607521	3432734	W120	609621	3434234
E024	612321	3430334	W010	609021	3430334	W066	607821	3432734	W121	608121	3434534
E025	612621	3430334	W011	609321	3430334	W067	608121	3432734	W122	608421	3434534
E026	612921	3430334	W012	609621	3430334	W068	608421	3432734	W123	608721	3434534
E027	610821	3430634	W013	608721	3430634	W069	608721	3432734	W124	609021	3434534
E028	611121	3430634	W014	609021	3430634	W070	609021	3432734	W125	609321	3434534
E029	611421	3430634	W015	609321	3430634	W071	609321	3432734	W126	608425	3434834
E030	611721	3430634	W016	609621	3430634	W072	609621	3432734	W127	608725	3434834
E031	612021	3430634	W017	609921	3430634	W073	609921	3432734	W128	609013	3434834
E032	612321	3430634	W018	608721	3430934	W074	610221	3432734			
E033	612621	3430634	W019	609021	3430934	W075	607221	3433034			
E034	612921	3430634	W020	609321	3430934	W076	607521	3433034			
E035	613221	3430634	W021	609621	3430934	W077	607821	3433034			
E036	610821	3430934	W022	609921	3430934	W078	608121	3433034			
E037	611121	3430934	W023	608721	3431234	W079	608421	3433034			
E038	611421	3430934	W024	609021	3431234	W080	608721	3433034			
E039	611721	3430934	W025	609321	3431234	W081	609021	3433034			
E040	612021	3430934	W026	609621	3431234	W082	609321	3433034			
E041	612321	3430934	W027	609921	3431234	W083	609621	3433034			
E042	612621	3430934	W028	608421	3431534	W084	609921	3433034			
E043	612921	3430934	W029	608721	3431534	W085	610221	3433034			
E044	613221	3430934	W030	609021	3431534	W086	607221	3433334			
E045	610821	3431234	W031	609321	3431534	W087	607521	3433334			
E046	611121	3431234	W032	609621	3431534	W088	607821	3433334			
E047	611421	3431234	W033	609921	3431534	W089	608121	3433334			
E048	611721	3431234	W034	610221	3431534	W090	608421	3433334			
E049	612021	3431234	W035	610521	3431534	W091	608721	3433334			
E050	612321	3431234	W036	608121	3431834	W092	609021	3433334			
E051	612621	3431234	W037	608421	3431834	W093	609321	3433334			
E052	612921	3431234	W038	608721	3431834	W094	609621	3433334			
E053	613221	3431234	W039	609021	3431834	W095	609921	3433334			
E054	611721	3431534	W040	609321	3431834	W096	607521	3433634			
E055	612021	3431534	W041	609621	3431834	W097	607821	3433634			
E056	612321	3431534	W042	609921	3431834	W098	608121	3433634			
E057	612621	3431534	W043	610221	3431834	W099	608421	3433634			
E058	612921	3431534	W044	610521	3431834	W100	608721	3433634			
E059	613221	3431534	W045	607821	3432134	W101	609021	3433634			

**Appendix D:** Estimated five year ball-park estimator to complete the Parrie Haynes Ranch wildlife management plan 2016-2021. Does not include miscellaneous expense.

LOCATION	DESCRIPTION	ESTIMATED ANNUAL COST	ESTIMATED 5 YEAR COST
HMU GL 1	Restore/Improve Habitat <i>Intensively planted, tilled seedbed</i>		\$17,568
HMU GL 2-3	Restore/Improve Habitat <i>Tree removal, Rx fire, selectively planted</i>		\$4,410
HMU GL 4	Restore/Improve Habitat <i>Tree removal, Rx fire, propagule donor site</i>		\$538
HMU GL 5-7	Restore/Improve Habitat <i>Select tree removal, Rx fire</i>		\$11,830
HMU GL 8-9	Restore/Improve Habitat <i>Herbicide, tilled seedbed</i>		\$10,028
HMU BCVI 1	Restore/Improve Habitat <i>Select tree removal, windrow, plant seedlings, fire break, Rx fire</i>		\$59,368
HMU BCVI 2	Restore/Improve Habitat <i>Plant seedlings, fire break, Rx fire</i>		\$4,662
HMU GCWA 1	Restore/Improve Habitat <i>Plant seedlings, select Ashe juniper thinning (low priority)</i>		\$52,072
HMU GCWA 2	Restore/Improve Habitat <i>Plant seedlings, select Ashe juniper thinning (low priority)</i>		\$15,272
HMU GCWA 3	Restore/Improve Habitat <i>Plant seedlings</i>		\$12,012
HMU GCWA 4	Restore/Improve Habitat <i>Plant seedlings, select Ashe juniper thinning (low priority)</i>		\$12,696
HMU GCWA 5	Restore/Improve Habitat <i>Plant seedlings</i>		\$4,872
HMU GCWA 6	Restore/Improve Habitat <i>Select Ashe juniper thinning</i>		\$5,544
HMU GCWA 8	Restore/Improve Habitat <i>Select Ashe juniper thinning</i>		\$2,700
HMU GCWA 9	Restore/Improve Habitat <i>Select Ashe juniper thinning</i>		\$173,950
HMU GCWA 10	Restore/Improve Habitat <i>Plant seedlings, select Ashe juniper thinning</i>		\$23,800
TBD	Prescribed fire flat fee per visit	\$2,000	\$10,000
PHR	Fence line mulching <i>The amount of fencing mulching is contingent on amount of non- mitigation work performed</i>		\$37,500
PHR	Chinaberry control		\$2,500
Cabins / youth center, trails	Butterfly vegetation planting		\$5,000
HMU GI 1-2	Restore/Improve Habitat <i>Select Ashe juniper removal, Rx fire</i>		\$203,889
PHR	Road construction		\$72,228
PHR	Contract oversight biologist <i>Endangered species point count survey crew - provide and oversight (\$3,500) - included</i> <i>Black-Capped Vireo nest monitoring - provide crew and oversight (\$7,500) - included</i> <i>Endangered species monitoring statistical analysis - included</i> <i>White-tailed deer monitoring crew - provide crew and oversight (\$2,500) - included</i> <i>White-tailed deer monitoring statistical analysis - included</i> <i>Habitat restoration / improvement oversight - included</i> <i>Grassland restoration oversight - included</i> <i>Fence line clearing oversight - included</i> <i>Road construction oversight - included</i> <i>General and professional liability insurance - \$3,000</i> <i>Annual report writing - included</i> <i>Federal and state permits - included</i>	\$52,000	\$260,000
PHR	Brown-headed cowbird control crew - provide, oversight, supplies, seed	\$4,878	\$24,390
PHR	Brown-headed cowbird traps (3 x \$1,500) <i>Delivery, set up</i>		\$4,500
		<b>Total</b>	<b>\$1,031,329</b>

**Appendix E:** Contact information for possible local contractors.

<b>Description</b>	<b>Contact</b>	<b>Phone</b>	<b>Email</b>
Contract biologist	John Macey	912-312-5643	<a href="mailto:john.n.macey@gmail.com">john.n.macey@gmail.com</a>
Brown-headed cowbird control	Scott Summers	254-423-4779	<a href="mailto:bhcomale@gmail.com">bhcomale@gmail.com</a>
Brown-headed cowbird traps	Nathan Grigsby	254-493-7250	<a href="mailto:grigsby33@aol.com">grigsby33@aol.com</a>
Shrub/Tree seedlings	Texas Forest Service West Texas Nursery	806-892-3572	<a href="mailto:wtn@tfs.tamu.edu">wtn@tfs.tamu.edu</a>
	Native Tree Farm	512-630-3068	-
Grassland seeds	Turner Seed	800-722-8616	<a href="mailto:j@turnerseed.om">j@turnerseed.om</a>
	Native America Seed	325-446-3600	<a href="mailto:info@seedsource.com">info@seedsource.com</a>
Grassland contract restoration	Jim Edison	972-533-8700	<a href="mailto:arthuredison.55@gmail.com">arthuredison.55@gmail.com</a>
Mulching, road work, prescribed fire, fire breaks, heavy equipment	Carlos Webb	254-223-2444	<a href="mailto:e.clearbrush@yahoo.com">e.clearbrush@yahoo.com</a>
Prescribed fire	USFWS - Balcones Canyon lands NWR	512-339-9432	
	TPWD - Region II	512-265-4158	<a href="mailto:Wesly.Evans@tpwd.texas.gov">Wesly.Evans@tpwd.texas.gov</a>





**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL OF THE PARRIE HAYNES RANCH WILDLIFE MANAGEMENT PLAN AS DEVELOPED UNDER THE OVERSIGHT OF THE TEXAS PARKS AND WILDLIFE FOUNDATION, INC.**

On this 5<sup>th</sup> day of August, 2016, 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 TJJ Board Members are trustees of the Parrie Haynes Trust (the Trust) for orphans bequeathed to the State in 1957; and

**WHEREAS**, the Trust contains the Parrie Haynes Ranch (the Ranch) in Bell County, Texas; and

**WHEREAS**, the Trust entered into a Memorandum of Agreement (the Agreement) with the Parks and Wildlife Foundation of Texas, Inc. (TPWF) in October of 2015 to develop and implement a wildlife management plan at the Ranch utilizing the funds designated for that purpose by TXU Electric Delivery (now Oncor Electric Delivery Company); and

**WHEREAS**, TPWF retained a biologist to draft a wildlife management plan, according to the terms of the Agreement; and

**WHEREAS**, the retained biologist has drafted a wildlife management plan specific to the Ranch, taking into consideration the particular uses and purposes of the property (the Plan); and

**WHEREAS**, the Agreement requires the Board approve the Plan before it is implemented.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the implementation of the Parrie Haynes Ranch Wildlife Management Plan for 2016-2021 as developed under the oversight of the Texas Parks and Wildlife Foundation, Inc.

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

Signed this 5<sup>th</sup> day of August, 2016.

**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  
Emily Anderson, Director of Fiscal Affairs and Budget

Subject: Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2017 budget (Action)

Date: July 18, 2106

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TJJJ Board Members are trustees of the John C. Wende and Parrie Haynes charitable trusts. These charitable trusts are administered to provide educational support to eligible youth and to offer support to eligible young parents. TJJJ Trust Fund Administrators coordinate with other TJJJ staff, including educational reentry liaisons, school principals, parole officers and case managers to identify eligible youth, ensure their access to the funds and monitor appropriate use of the funds.

The TJJJ trust fund Investment Officer provides support in preparing the budget and expenditure reports and managing appropriate investments pursuant to the direction of the Trustees. The Internal Audit Department audits these funds to ensure that the use and accounting of the funds are consistent with the expectations of the Trustees.

As reflected in the attachment, the FY2017 proposed budget for the John C. Wende Trust Fund totals \$161,500 and the FY2016 proposed budget for the Parrie Haynes Trust Fund totals \$37,500. The John C. Wende Trust budget for Fiscal Year 2017 includes proposed expenditures that exceed projected revenues for the next fiscal year in response to cash balances that continue to increase. Proposed expenditures for the Parrie Haynes Trust budget for FY 2017 do not exceed projected revenues.

The Texas Juvenile Justice Department staff recommends the board's approval of the annual budget for the John C. Wende and Parrie Haynes Trust Funds for FY 2017.



**JOHN C. WENDE TRUST FUND  
FY 2017 PROPOSED BUDGET**

	<i>FY 2016</i>	<i>FY 2017</i>
	<u><i>Estimated</i></u>	<u><b>Proposed</b></u>
<b>CASH BALANCES</b>		
Beginning cash balance	\$217,829	<b>\$267,856</b>
<b>REVENUES</b>		
Lease & Rental Income	130,901	<b>114,000</b>
Interest Income	3,437	<b>2,000</b>
Other Income	-	-
<i>Subtotal, Revenues</i>	<u>134,338</u>	<u><b>116,000</b></u>
<b><u>TOTAL, REVENUE AND BALANCES</u></b>	<u><b>\$352,166</b></u>	<u><b>\$383,856</b></u>
<b>EXPENDITURES</b>		
Insurance Premiums	\$ -	<b>\$5,500</b>
Fees & Other Charges	11,831	<b>600</b>
Educational Assistance	72,479	<b>150,000</b>
Young Parent Assistance		<b>1,400</b>
Other Operating	-	<b>4,000</b>
<b><u>TOTAL, EXPENDITURES</u></b>	<u><b>\$84,310</b></u>	<u><b>\$161,500</b></u>

**PARRIE HAYNES TRUST FUND  
FY 2017 PROPOSED BUDGET**

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	<i>FY 2016 Estimated</i>	<b>FY 2017 Proposed</b>
<b>CASH BALANCES</b>		
Beginning cash balance	\$260,544	\$ 293,755
<b>REVENUES</b>		
Lease & Rental Income	54,000	60,000
Interest Income	4,336	3,000
Other Income	-	-
<i>Subtotal, Revenues</i>	58,336	63,000
<b><u>TOTAL, REVENUE AND BALANCES</u></b>	<b>\$318,880</b>	<b>\$356,755</b>
<b>EXPENDITURES</b>		
Insurance Premiums	\$5,915	\$7,000
Fees & Other Charges	1,350	500
Educational Assistance	17,861	25,000
Young Parent Assistance	-	-
Other Operating	-	5,000
<b><u>TOTAL, EXPENDITURES</u></b>	<b>\$25,125</b>	<b>\$37,500</b>



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION APPROVING THE FISCAL YEAR 2017 OPERATING BUDGETS FOR THE JOHN C. WENDE AND  
PARRIE HAYNES TRUSTS**

On this **5th day of August 2016**, 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 adoption the following Resolution:

**WHEREAS**, TJJ Board members are trustees of the Parrie Haynes and John C. Wende charitable trust funds bequeathed to the State; and

**WHEREAS**, the staff have proposed budgets for the trust funds for FY 2017 and investment policies and strategies consistent with the last will and testaments of Parrie Haynes and John C. Wende; and

**NOW, THEREFORE BE IT RESOLVED THAT** the Board approves the Parrie Haynes and John C. Wende budgets for FY 2017 as proposed.

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

**Signed this 5th day of August 2016.**

**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  
Mike Meyer, Chief Financial Officer

Subject: Discussion, consideration, and possible approval regarding the John C. Wende and Parrie Haynes trust fund FY 2017 investment policy and strategy (Action)

Date: July 18, 2016

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The investment of John C. Wende and Parrie Haynes Trust funds is governed by the wills creating the trusts, applicable statutory authority, and common law trust provisions. The investment officer of the trust funds will be the Executive Director, or his/her designee, who is qualified by experience and training to exercise judgment and care in the investment of funds. Outside investment consultation may be obtained when in the interest of the trusts.

The investment officer is required to exercise prudence in the investment of funds, not for speculation, but for preservation and safety of principal, liquidity and yield investment objectives. In order to meet these objectives, diversity of investments is limited to investments such as Certificates of Deposit or other fully insured securities and U.S. Treasury Notes or other federal issues.

The investment officer is required to develop for the Trustee's approval each year an investment policy and strategy that addresses maturity and yield of investments based on projected cash flow needs. The investment strategy will be developed concurrently with the Trustee's budget of approved expenditures for the year. The maximum allowable stated maturity of any individual investment will be two years.

Certificates of Deposit, or share certificates, must be issued by a depository institution that has its main office, or a branch office, in this state and be guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor, or the National Credit Union Share Insurance Fund, or its successor. Bids for certificates of deposit may be solicited orally, in writing, electronically, or in any combination of these methods.

The John C. Wende and Parrie Haynes Trust have funds invested in Certificates of Deposit that maintain a short to mid-term investment position. While the federal funds rate is very low in the current market, a short to mid-term investment position provides an improved opportunity to generate higher interest income in the future by maintaining liquidation. Therefore the John C. Wende and Parrie Haynes Trust additional funds are invested in certificates of Deposit having maturity dates of twelve months. The maturity dates are staggered to provide the trusts better liquidity without penalties.

In order to maintain safety of principal, each certificate of Deposit is maintained in a different financial institution at a level not to exceed \$250,000.00 to ensure total Federal Deposit Insurance Corporation or National Credit Union Share Insurance Fund coverage. This is administered through a contract with Frost Bank.

Staff recommends no change to the trusts' investment policy or strategy for FY 2017. The resolution reflects consistency with current practice.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION APPROVING THE INVESTMENT POLICY AND STRATEGY FOR THE JOHN C. WENDE AND PARRIE HAYNES 2017 TRUST FUNDS**

On this **5th day of August 2016**, 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 adoption the following Resolution:

**WHEREAS**, TJJD Board members are trustees of the Parrie Haynes and John C. Wendé charitable trust funds bequeathed to the State; and

**WHEREAS**, the staff have proposed an investment policy and strategy for the Parrie Haynes and John C. Wendé trust funds for FY 2017.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board approves the Parrie Haynes and John C. Wendé investment policy and strategy for FY 2017 as proposed.

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

**Signed this 5th day of August 2016.**

**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

Kenneth Ming, Director of Business Operations and Contracts

Subject: Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00 (Action)

Date: July 18, 2016

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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.

The figures provided below represent proposed not-to-exceed (NTE) amounts for residential contracts that exceed \$500,000 for fiscal year (FY) 2017. The first group includes one-year contract renewals; the second group includes funding amounts for the second year of two-year contracts approved in FY 2016.

**One-Year Renewals:**

• Associated Marine Institute Kids (AMIKids)	<b><u>FY17</u></b>
• Gulf Coast Trades Center	<b>\$1,059,668</b>
• Pegasus Schools Inc.	<b>\$1,832,008</b>
• Rite of Passage	<b>\$2,759,400</b>
	<b><u>\$2,423,600</u></b>
<b>Subtotal:</b>	<b>\$8,074,676</b>

**Second-Year Funding:**

• G4S – Secure	<b><u>FY17</u></b>
• Cornerstone (Garza County) – Secure	<b>\$3,547,800</b>
	<b><u>\$2,365,200</u></b>
<b>Subtotal:</b>	<b>\$5,913,000</b>

**Total: \$13,987,676**

As with prior fiscal years, residential contract NTE levels are set at a higher level than projected expenditures to provide flexibility in youth placement. The actual use of these contracts will be managed within available funding, and Finance staff will provide regular updates on expenditures as was done throughout FY 2016. Note, NTE amounts show an increase over FY 2016 to account for an increase in the General Appropriations Act average daily population target from 120 to 168.

The following table provides other proposed second-year NTE funding amounts for contracts approved in FY 2016. As with residential contracts, actual expenditures may be less than the NTE amount shown.

<b><u>Other Second-Year Funding:</u></b>		<b><u>FY17</u></b>
• Department of Information Services (Data Center)		<b>\$2,561,685</b>
• State Office of Risk Management Worker's Comp)		<b><u>\$4,061,860</u></b>
	<b>Total:</b>	<b>\$6,386,040</b>

Staff respectfully requests consideration and approval of the proposed contract renewals at the indicated NTE amounts and second-year funding amounts for previously approved contracts.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL OF NEW AND RENEWAL CONTRACTS EXCEEDING \$500,000**

On this the **5th day of August 2016**, 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**, TJJJ staff has provided specific information regarding the following planned fiscal year 2017 contract renewals and second-year funding amounts for previously approved contracts:

**One-Year Renewals:**

	<b><u>FY17</u></b>
• Associated Marine Institute Kids (AMIKids)	<b>\$1,059,668</b>
• Gulf Coast Trades Center	<b>\$1,832,008</b>
• Pegasus Schools Inc.	<b>\$2,759,400</b>
• Rite of Passage	<b><u>\$2,423,600</u></b>
<b>Subtotal:</b>	<b>\$8,074,676</b>

**Second-Year Funding:**

	<b><u>FY17</u></b>
• G4S – Secure	<b>\$3,547,800</b>
• Cornerstone (Garza County) – Secure	<b><u>\$2,365,200</u></b>
<b>Subtotal:</b>	<b>\$5,913,000</b>
<b>Total:</b>	<b><u>\$13,987,676</u></b>

**Other Second-Year Funding:**

- **Department of Information Services (Data Center)**
- **State Office of Risk Management Worker's Comp)**

	<b><u>FY17</u></b>
	<b>\$2,561,685</b>
	<b><u>\$4,061,860</u></b>
<b>Total:</b>	<b>\$6,386,040</b>

**NOW, THEREFORE BE IT RESOLVED THAT** the Board approves the Texas Juvenile Justice Department's Executive Director to execute contracts, and contract amendments, committing the Agency to these actions for FY 2017.

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

Signed this **5th day of August 2016.**

**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

Kenneth Ming, Director of Business Operations

Subject: Discussion, consideration, and possible approval regarding amendments to the purchasing approval matrix (Action)

Date: July 18, 2016

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Per the Procurement Procedures Manual, PCM.03.09, the Routing, Approval, and Award Process, paragraph 2, changes to the Purchasing Approval Matrix require board approval.

Therefore, staff respectfully requests consideration and approval of the following changes to the active<sup>1</sup> Purchase Approval Matrix:

1. Add authority for the agency executive director or designee to process emergency change orders over \$150,000 without prior approval from the Board;
2. Remove Contract Administration Manager approval from the matrix (position no longer exists); and
3. Change references from BSD 100 requisition form to requisitions submitted in CAPPs.

The purpose of the first change is to avoid incurring unnecessary costs, risk, or liability caused by a delay in approving a change order that may be required due to unforeseen circumstances. For all such emergency change orders the State of Texas Procurement rules will continue to be followed.

An emergency purchase letter of justification, signed by the purchasing director, will be provided prior to any work being performed. Amendments to the existing contract will be signed by the Executive Director or designee. The Board will be notified of such changes at the next board meeting, and non-emergency change orders over the \$150,000 threshold will continue to be brought to the Board for approval.

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<sup>1</sup> Effective June 26, 2015



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION TO APPROVE REVISIONS TO THE PURCHASE APPROVAL MATRIX**

On this **5<sup>th</sup> day of August 2016**, 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 Procurement Procedures Manual, PCM.03.09, Routing, Approval, and Award Process, paragraph 2, requires changes to the Purchasing Approval Matrix be approved by the Board; and

**WHEREAS**, TJJD staff have provided specific information regarding proposed revisions to the active approval matrix:

1. Add authority for the agency executive director or designee to process emergency change orders over \$150,000 without prior approval from the Board;
2. Remove Contract Administration Manager approval from the matrix; and
3. Change references from BSD 100 requisition form to requisitions submitted in CAPPS.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the Texas Juvenile Justice Department to make these revisions to the Purchase Approval Matrix.

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

**Signed this 5th day of August 2016.**

**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  
Mike Meyer, Chief Financial Officer

Subject: Discussion regarding the FY 2017 Contracting Plan

Date: July 18, 2016

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General Administrative Policy, GAP.385.1101, requires staff to provide the Agency's annual contract plan for review by the TJJJ Board. The policy requires the plan to contain an outline of the Agency's anticipated contracting actions for the fiscal year.

Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter B, Rule 20.15, requires state agencies to prepare a written business plan for the use of Historically Underutilized Businesses (HUBs) in purchasing, and in public works contracts in accordance with Government Code, §2161.123. Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter B, Rule 20.13, requires state agencies to establish their own HUB program goals for each procurement category, considering HUB availability, HUB utilization and scope of work, or other relevant factors.

The FY2017 Contract Plan, included in attachment one, combines these requirements to provide an outline of anticipated contracting actions for the next fiscal year with associated estimates of HUB participation. An explanation of the plan is also provided in the attachment. The FY 2017 Contract plan is presented to the board as an informational item.

Contract actions requiring Board approval will be presented under separate agenda items.



Texas Juvenile Justice Department  
FY2017 Annual Contract Plan

Origin or Department Category	FY16 Number of Contracts	FY 16 Contract Amounts	FY 17 Estimated Contracts	FY 16 Anticipated Active Contracts Estimated Amounts
Probation and Community Services	140	\$3,907,843	117	\$3,826,093
General Counsel	44	\$62,005	41	\$60,306
Human Resources	15	\$90,700	13	\$90,700
Education	30	\$390,929	24	\$235,929
Office of the Inspector General	3	\$500	3	\$500
Fiscal Affairs- Support Services	10	\$3,531,481	10	\$3,191,481
Information Technology	12	\$2,238,576	11	\$2,238,576
Training & Organizational	5	\$10,700.00	4	\$9,200.00
Audit-Internal	1	\$2,200.00	1	\$2,500
Monitoring and Inspections	8	\$4,230,600	3	\$5,000,000
Secure Facilities	10	\$12,083,315	9	\$11,759,528
Halfway House	15	\$809,088	16	\$805,488
Integrated State Programs Services	49	\$527,421	41	\$504,871
Health Services	8	\$9,348,401	7	\$9,248,401
Construction & Engineering	19	\$2,336,216	40	\$4,492,654
Research and Planning	16	\$ -	15	\$ -
<b>Total number/amount of contracts</b>	<b>385</b>	<b>\$39,569,975</b>	<b>328</b>	<b>\$39,373,573</b>

Note: Amounts used above are contract not to exceed amounts and do not reflect actual expenditure data.

Texas Juvenile Justice Department  
FY2017 Annual Contract Plan

Accomplishments for Business Operations:

- Business Operations issued 8,710 Purchase Orders (PO's) in FY15.
- As of July 7, 2016, 8,101 PO's have been issued for FY16. The final total for FY16 will be near or above 8,500 purchase orders agency wide.
- FY16 PO's YTD by Location:
  - Austin Office – 842
  - Ayres Halfway House – 224
  - Cottrell Halfway House – 229
  - Evins Regional Juvenile Center – 699
  - Gainesville State School – 1,316
  - Giddings State School – 1,025
  - McFadden Ranch – 314
  - McLennan County Juvenile Justice Facility – 1,264
  - Ron Jackson State Juvenile Correctional Complex – 905
  - Schaeffer Halfway House – 136
  - Tamayo Halfway House – 158
  - Willoughby Halfway House – 314
  - York House – 126
  - McLennan Treatment Center – 74
  - Brownwood House – 36
  - McLennan Phoenix – 29
  - Ron Jackson Boys – 24
  - Ron Jackson Girls – 1
  - Corsicana – 22
  - Parrie Haynes Trust – 4
  - Regions – 359
- Full migration of non-grant contracting and procurement to the Centralized Accounting and Payroll/Personnel System (CAPPS).
- Austin Contract Office is currently processing 198 contract renewals.
- Austin Contract Office expects to administer 385 active contracts throughout the year which includes issuing renewals, amendments to change scope, encumber funds and change term dates.

Texas Juvenile Justice Department  
FY2017 Annual Contract Plan

**FY16-FY17 Active Contracts Over \$25,000**

Contract ID	Vendor Name	Description	Start Date	End Date	Dollar Amount	Competitive/Non-Competitive
CON0000179	Jason Craig DBA Professional Services	Psychological Services	9/1/2015	8/31/2016	\$25,000.00	Non-Competitive
CON0000183	Epic Pediatric Services	Speech/Pathology/Occupy	8/24/2011	8/31/2016	\$25,000.00	Non-Competitive
CON0000513	Andrew Barlow, Overflow Communications	Communications	4/1/2016	12/31/2016	\$25,000.00	Competitive
CON0000344	People Need People	Specialized Treatment Services	9/1/2014	8/31/2016	\$29,000.00	Non-Competitive
CON0000266	Bexar County	lease San Antonio DO TJJD	8/16/2013	8/31/2016	\$30,000.00	Non-Competitive
CON0000173	Linda Mitchell	Specialized Treatment	8/11/2011	8/31/2016	\$31,100.00	Non-Competitive
CON0000335	WEBB COUNTY	Parole Services	9/1/2010	8/31/2016	\$33,000.00	Non-Competitive
CON0000333	20th & 82nd Judicial District Juvenile Prob	Parole Services	1/1/2014	8/31/2016	\$36,512.63	Non-Competitive
CON0000312	UT Health Science Ctr. San Antonio	Psychiatric Oversight	9/15/2015	8/31/2017	\$42,000.00	Non-Competitive
CON0000289	Taylor Co Just of the Peace	Parole	9/1/2010	8/31/2016	\$43,187.50	Non-Competitive
CON0000382	County of Val Verde (63rd & 83rd Jud Dist)	Parole	6/30/2014	8/31/2017	\$45,000.00	Non-Competitive
CON0000284	County of Gray	Parole	9/1/2010	8/31/2016	\$45,625.00	Non-Competitive
CON0000291	36th Judicial Dist Juv Pro Det	Parole	9/1/2010	8/31/2016	\$45,625.00	Non-Competitive

Texas Juvenile Justice Department  
FY2017 Annual Contract Plan

Contract ID	Vendor Name	Description	Start Date	End Date	Dollar Amount	Competitive/Non-Competitive
CON0000293	293rd & 365th JD, Dimmit Maverick & Zavala Countiez	Parole	9/1/2010	8/31/2016	\$45,625.00	Non-Competitive
CON0000202	Applied Operations Security & Investigation	Uniformed Security Guard for Dallas	9/1/2014	8/31/2016	\$48,000.00	Competitive
CON0000290	CEN-TEX Regional Juvenile Board	Parole	9/1/2014	8/31/2016	\$48,000.00	Non-Competitive
CON0000285	Hopkins County Treasurer	Parole Services 8th JD/JPD	9/1/2010	8/31/2016	\$48,250.00	Non-Competitive
CON0000169	Deer Oaks EAP Services, LLC	EAP	10/1/2010	8/31/2016	\$50,000.00	Competitive
CON0000331	KGA Architecture	IDIQ Statewide A/E Design Srvs	9/24/2014	8/31/2016	\$56,475.00	Competitive
CON0000157	Diagnostice & Counseling	Specialized Treatment	9/1/2010	8/31/2016	\$56,800.00	Non-Competitive
CON0000207	Northwest ISD	ISD	9/1/2014	8/1/2016	\$59,280.00	Non-Competitive
CON0000283	Lena Pope Home, Inc.	Family Functional Therapy Services	3/1/2010	8/31/2016	\$59,500.00	Competitive
CON0000176	University Of Texas At Austin / Meadows Center	Education Services	9/1/2013	8/31/2016	\$60,000.00	Non-Competitive
CON0000332	Arizpe Group Inc.	IDIQ Statewide A/E Design Srvs	9/24/2014	8/31/2016	\$60,425.00	Competitive
CON0000319	City of Giddings	Water and Sewage	9/1/2009	8/31/2019	\$61,200.00	Non-Competitive
CON0000548	Tx Alliance of Boys & Girls Clubs	Perven/Interven-Summer Leader Prog	6/16/2016	8/31/2016	\$70,000.00	Competitive
CON0000281	Jefferson County	Parole Services	9/1/2014	8/31/2016	\$73,000.00	Non-Competitive

Texas Juvenile Justice Department  
FY2017 Annual Contract Plan

Contract ID	Vendor Name	Description	Start Date	End Date	Dollar Amount	Competitive/Non-Competitive
CON0000292	Brazos County	Parole	9/1/2010	8/31/2016	\$74,750.00	Non-Competitive
CON0000264	Patterson Group Enterprises, LLC	Lease Ft. Worth Do RNWL	8/1/2014	2/28/2021	\$75,000.00	Non-Competitive
CON0000188	Noble Software Group, LLC	Software License	10/1/2013	9/30/2016	\$75,000.00	Competitive
CON0000329	Huitt-Zollars, INC.	IDIQ Statewide A/E Design Srvs	9/24/2014	8/31/2016	\$78,225.00	Competitive
CON0000340	Navarro College	Distance Learning Program	9/1/2014	8/31/2016	\$85,000.00	Non-Competitive
CON0000330	Stanley Consultants, Inc	IDIQ Statewide A/E Design Srvs	9/24/2014	8/31/2016	\$88,900.00	Competitive
CON0000328	Halff Associates, Inc.	IDIQ Statewide A/E Design Srvs	9/24/2014	8/31/2016	\$89,825.00	Competitive
CON0000317	City of Mart	water utilities	9/1/2013	8/31/2016	\$110,400.00	Non-Competitive
CON0000427	Texas Industries for the Blind and Handicapped	Janitorial Services at Central Office	9/1/2015	8/31/2016	\$112,740.00	Non-Competitive
CON0000465	The Herrera Group	gang prevention	11/3/2015	8/31/2016	\$114,805.50	Non-Competitive
CON0000498	Zimmerman Construction Co.	New Sewer line at Ron Jackson	2/1/2016	7/31/2106	\$118,170.00	Competitive
CON0000324	VISIONQUEST	Family Functional Therapy	3/1/2010	8/31/2016	\$120,000.00	Competitive
CON0000263	Neil Felder	Lease Dallas Do Renewal	6/1/2002	5/31/2017	\$140,165.19	Competitive
CON0000272	W O Davis Realty	Lease Willoughby HWH	11/1/2005	10/31/2020	\$142,771.81	Competitive
CON0000068	SHI Government Solutions, Inc	Kronos Maintenance	8/30/2012	9/27/2016	\$162,584.64	Competitive
CON0000518	Council of Junvenile Correctional Admin. Inc (CJCA)	Youth Custody Practice Model (YICPM)	4/11/2016	10/10/2017	\$179,000.00	Non-Competitive

Texas Juvenile Justice Department  
FY2017 Annual Contract Plan

Contract ID	Vendor Name	Description	Start Date	End Date	Dollar Amount	Competitive/Non-Competitive
CON0000298	National Mentor HealthCare, LLC	Foster Care	1/1/2011	8/31/2016	\$183,558.50	Competitive
CON0000477	Texas Star Security	Security Servces at CO	1/4/2016	8/31/2017	\$186,535.00	Competitive
CON0000278	Eckerd	Family Reunification Prgms	8/11/2011	8/31/2016	\$191,625.00	Competitive
CON0000204	CANON Solutions America ,Inc.	Canon Service and Maintenance	1/1/2013	3/31/2017	\$208,875.24	Competitive
CON0000053	Gowan, Inc.	Hot Water Boiler at Giddings	4/8/2016	10/31/2016	\$231,301.00	Competitive
CON0000506	The Giocosa Foundation	Foster Care	11/1/2015	8/31/2016	\$252,945.00	Competitive
CON0000277	VisionQuest	Family Reunification -Sanctuary Prgms	8/3/2011	8/31/2016	\$259,858.00	Competitive
CON0000532	Zimmerman Construction Co.	Shower Improvement at Ron Jackson	6/7/2016	2/28/2017	\$289,100.00	Competitive
CON0000203	Canon USA	Canon Copier Lease payments	1/1/2013	3/31/2017	\$304,244.28	Competitive
CON0000273	DEVARY Durrill Foundation, INC.	Lease YORK HWH Renewal	1/1/2003	12/31/2017	\$315,222.80	Competitive
CON0000268	W O Davis Realty	Lease Cottrell HWHRNWL	9/1/2003	8/31/2018	\$329,341.92	Competitive
CON0000271	Bill Burns	Lease TAMAYO HWH RNWL	10/1/1991	9/30/2019	\$349,380.00	Competitive
CON0000543	Gaeke Construction Co.	Five Civil Projects at Giddings State School	6/6/2016	12/31/2016	\$357,000.00	Competitive
CON0000311	Consolidated Telecom Inc.	Youth Phones- Blue Phones	9/1/2013	8/31/2017	\$507,378.00	Competitive
CON0000505	Rite of Passage, Inc.	Residential Secure Male	4/1/2016	8/81/2016	\$508,000.00	Competitive
CON0000540	Omninet Chase Park LP	TFC - Lease sp, Chase Park--for Ombudsman	9/1/2016	8/31/2026	\$560,480.40	Competitive
CON0000265	Interra-Habitat Point West, LLC	Lease Houston DO Renewal Final	7/1/2004	6/30/2024	\$584,656.96	Competitive

Texas Juvenile Justice Department  
FY2017 Annual Contract Plan

Contract ID	Vendor Name	Description	Start Date	End Date	Dollar Amount	Competitive/Non-Competitive
CON0000514	Secure Controls, Inc.	Fence Detection Systems at three facilities	3/9/2016	9/30/2016	\$589,000.00	Competitive
CON0000510	K-Air Corporation	Three upgrade projects at Evin Regional Juven. Ctr.	3/25/2016	9/30/2016	\$598,782.62	Competitive
CON0000300	BYRD's Foster Group Home INC.	Residential Non-Secure Therapeutic Group Home	1/1/2012	8/31/2016	\$631,596.00	Competitive
CON0000445	PB Business Parks, L.P. thru TFC	Braker H Lease #20002	9/1/2015	12/30/2018	\$1,006,478.88	Competitive
CON0000301	Associate Marine Institutes	Residential Non-secure Male	2/1/2005	8/31/2016	\$1,009,225.00	Competitive
CON0000308	Texas Conference of Urban Counties	JCMS Basic	10/1/2011	12/31/2016	\$1,265,000.00	Non-Competitive
CON0000270	BKI INVESTMENTS LP	Lease Schaeffer HWH RNWLL Final	1/14/2003	1/13/2023	\$1,280,348.90	Competitive
CON0000309	Cornerstone Programs Corp	Residential Secure Male	7/15/2013	8/31/2017	\$1,325,915.00	Competitive
CON0000544	Reliant Energy Retail Sales, LLC	Electrical Services (unregulated)	6/1/2016	5/31/2021	\$1,350,000.00	Competitive
CON0000269	Lena Pope Home, Inc.	Lease McFadden Ranch rnl	7/1/2001	6/30/2021	\$1,370,620.16	Competitive
CON0000296	Gulf Coast Trades Center	Residential Non-Secure Vocational Training	9/1/2014	8/31/2016	\$1,832,008.00	Competitive
CON0000170	Texas Dept Of Info Res	Data Center Services	5/1/2012	8/31/2017	\$2,075,990.00	Non-Competitive
CON0000267	South New Braunfels 47 LTD	Lease AYRES HWH	11/1/2009	10/31/2029	\$2,319,772.00	Competitive

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Contract ID	Vendor Name	Description	Start Date	End Date	Dollar Amount	Competitive/Non-Competitive
CON0000348	PEGASUS SCHOOLS INCORPORATED	Residential Non-secure Male	6/12/2014	8/31/2016	\$2,759,400.00	Competitive
CON0000310	G4S Youth Services, LLC	Residential Secure Male	7/15/2013	8/31/2017	\$3,179,004.00	Competitive
CON0000274	State Office of Risk Management	Risk Management Services	9/1/2015	8/31/2017	\$4,230,600.00	Non-Competitive
CON0000313	University of Texas Medical Branch at Galveston	Medical care for youth	9/1/2015	8/31/2017	\$9,248,401.00	Non-Competitive

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HUB Expenditures for 09/01/15 thru 03/31/16 and Initial FY17 HUB Goals

<b>Procurement Category</b>	<b>FY15 Actuals 3<sup>rd</sup> Qtr</b>	<b>FY17 TJJD HUB Goals</b>	<b>FY16 Actuals 3<sup>rd</sup> Qtr</b>	<b>FT16 HUB Semi-Annual Actual</b>	<b>FY17 Statewide HUB Goals</b>
Heavy Construction	11.20%	0%	0%	\$0	11.20%
Building Construction	13.38%	18.3%	0%	\$0	21.10%
Special Trade	34.36%	32.70%	18.8%	\$1,621,999.28	32.90%
Professional Services	5.07%	17.40%	9.96%	\$47,328.61	23.70%
Commodity Purchase	24.81%	21.0%	7.30%	\$474,285.06	21.10%
Other Services	13.87%	19.10%	18.36%	\$1,562,927.16	26.00%

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CONTRACT PLAN STRUCTURE

1. Procurement Categories: These are procurement categories used by the Legislative Budget Board (LBB) and Comptroller of Public Accounts (CPA) to classify expenditures for reporting purposes.
2. Estimated Number of Contracts: This column contains the estimated number of contracts and purchase orders that will be executed during the fiscal year for each object category. This includes new contracts, renewals, and purchase orders.
3. Contract and Purchase Order Amount Expended: This column contains the contract and purchase order amounts expended for each object category from the FY 2015 Semi-Annual Report.
4. HUB Goals %: This column contains TJJD's Annual HUB participation goals established by CPA. These goals are established for six categories:
  - a. Heavy construction other than building contracts;
  - b. All building construction, including general contractors and operative builders contracts;
  - c. All special trade construction contracts;
  - d. Professional services contracts;
  - e. All other services contracts; and
  - f. Commodities contracts
7. TJJD FY17 HUB Goals: This column contains TJJD's annual HUB goals stated as a percentage for that category.
8. Actual HUB Percentage Reported in TJJD's Semi-Annual Report for FY16: This column contains the actual HUB participation percentage reported to the Comptroller HUB Group and published in the FY 2016 Semi-Annual Statewide HUB Report. Annual figures will not be published until sometime in September 2016.
9. Actual HUB Dollars Reported in TJJD's Semi-Annual Report for FY16: This column contains the actual HUB participation dollars reported to the Comptroller HUB Group and published in the FY 2016 Semi-Annual Statewide HUB Report. Annual figures will not be published until sometime in September 2016.

PLANNED ACTIVITIES TO MEET HUB GOALS

TJJD staff will engage in a number of activities in FY17 to increase HUB participation. The following is a list of those activities:

1. Participate as an active member of the HUB Discussion Workgroup and SACC/Purchasing Subcommittee, actively participating in the ongoing monthly meetings, gaining knowledge of HUB rules, HUB events, and facilitating dissemination HUB information designed to increase HUB opportunity and

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participation.

2. Participate as an active member of the HUB Discussion Workgroup to regularly meet to discuss new legislation that affects the HUB rules and policies. The group also discusses and sponsors events to help increase HUB participation around the state.
3. Conduct ongoing HUB Subcontracting Plan and Monthly Progress Report training with Prime Contractors for contracts to ensure compliance with their HUB Subcontracting Plan (HSP) and maximize opportunities for HUB's.
4. Attend the Annual Purchasing and HUB Connection forum in early 2017 sponsored by the Teacher Retirement System to network and provide business opportunities to HUB vendors by providing them information about doing business with our agency.
5. Attend the Annual HUB Vendor Show, to be held in early spring of 2017, sponsored by Texas Department of Motor Vehicles to network and provide business opportunities to HUB vendors by providing them information about doing business with our agency.
6. Participate in the 2017 Doing Business Texas Style- Spot Bid Fair sponsored every year by Senator Royce West. TJJJ attended this year's event and awarded over \$120,000 to HUB businesses as a result of the event. It is held every spring.
7. Co-sponsor HUB Vendor Education Expo with Health and Human Services. Along with other state agencies, professional organizations and trade associations in attendance, to encourage HUB participation and provide opportunities to those qualified HUB vendors.
8. Sponsored TJJJ's In-house HUB Vendor Spotlights. HUB vendors are brought in house to do an informal presentation on the goods and/or services they provide and market to agency procurement and program staff. The agency intends to continue this process on a monthly basis as a part of our HUB vendor outreach program.
9. At all HUB events, and throughout the year, the Agency prepares and distributes information on procurement procedures to HUBs in a manner that encourages participation in state contracts by all businesses (TAC, Title 34, Part 1, Subchapter B, rule 20.13).
10. Continue to provide direct hands-on guidance to interested HUBs seeking

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information regarding opportunities with TJJJ. Provided one-on-one information sessions related to the Central Bidders List (CMBL), the Electronic State Business Daily (ESBD), and the National Institute of Governmental Purchasing (NIGP) codification system.

11. Currently the TJJJ HUB Program has an active Mentor and Protégé agreement. This is the first Mentor/Protégé agreement sponsored by the agency.
12. TJJJ will host its 2<sup>nd</sup> Annual HUB Vendor Conference here in Austin. TJJJ's first annual HUB Conference was a huge success.



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Emily Anderson, Director of Fiscal Affairs and Budget

Subject: Discussion, consideration, and possible approval regarding the FY 2017 Operating Budget (Action)

Date: July 18, 2016

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TJJJ staff recommends the Board's consideration and approval of the fiscal year (FY) 2017 Operating Budget.<sup>1</sup> The proposed budget is consistent with requirements and priorities of the *General Appropriations Act for the 2016-2017 Biennium* (GAA) and the agency's Strategic Plan, and allocates resources in a manner designed to meet projected capacity requirements and treatment needs based on population targets in the GAA.

While the proposed budget responds to GAA population figures, the actual state residential population remains elevated and recently published projections show a continuing increase over the next several years. As a result, staff expects operating needs to exceed available funding, and further expects to request supplemental appropriations when the Legislature convenes in January.

In anticipation of limited available revenue, staff across the agency are actively pursuing cost reduction measures to lessen the multi-million dollar projected budgetary shortfall. This memo describes some of those efforts and provides funding comparisons to the current year. Summary tables by method of finance and object of expense are also attached.

**Cost Reduction Measures / Balancing the FY 2017 Budget.** As previously discussed, the agency faces significant budgetary pressures due to the elevated residential population. The agency has successfully managed these challenges for fiscal year (FY) 2016 primarily through access to "MAP" funds (approximately \$2.5 million from FY 2015 brought forward to FY 2016). Other

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<sup>1</sup> As dictated by the structure of appropriations, the proposed FY 2017 budget includes the Office of the Independent Ombudsman despite its nature as a separate entity.

efforts toward conservative management of available resources, enumerated below, were begun in FY 2016 and are being continued and enhanced in FY 2017.

- Virtually all changes to agency positions or position salaries resulting in an increase in projected expenditures require an offsetting decrease of like amount.
- Division budget adjustment requests are handled through a formalized process that begins with a thorough analysis to identify offsetting reductions before approval; most instances where an offsetting reduction is not possible require CFO approval.
- Across the agency, division budgets for the final approximately four months of the fiscal year were reduced by a total of over \$850,000, and reductions were projected out and integrated into planned budgets for FY 2017-19.
- No end-of-year funding (for example, for things such as inventory replenishment or capital purchases) is being made available, and funding has been reallocated across items of appropriation (within allowable limits) to support basic safety and security needs.
- As of the start of June the agency began a hiring freeze that excludes only Juvenile Correctional Officers (JCOs). All other positions require approval from the Executive Director, Chief of Staff, Chief Financial Officer, and Director of Human Resources before they can be filled.
- Three agency divisions are undergoing a zero-based budgeting process, and staff expects to continue this practice into the future, rotating between all divisions.
- TJJJ will no longer offer free printed copies of the Dawson Book, and is phasing out desktop printers at its Austin Office.
- Ongoing cost reduction workgroups are examining: use of phones and other devices with data plans, travel planning and approval tools, overtime management, training practices, use of the Kronos system, radio repair services on campuses, and janitorial services at the Austin Office.
- Agency staff are actively pursuing additional funding opportunities, including both increased federal revenue tied to the elevated population and external grants for purchases tied to safety and security on campuses.

These measures have kept TJJJ operating within available resources in FY 2016; however, they are not without their downsides in terms of employee morale and the deferral of needed purchases and maintenance. They are also not sufficient to close the projected budget gap for FY 2017. That gap is driven by several factors, shown below.

- Staff expects to fully, or nearly exhaust “MAP” funds by the end of FY 2016.
- FY 2017 appropriations supporting state facilities decrease as a result of lower projected populations used in the appropriations process.
- Within remaining appropriations, TJJJ must support a 2.5 percent pay increase for JCOs.
- The state residential population is expected to increase in FY 2017.

While cost reduction measures are helping to lessen the projected budgetary gap, staff expects to request supplemental appropriations during the next legislative session. For the time being, the proposed FY 2017 Operating Budget achieves balance by focusing on the population figures in the GAA, not actual populations. For practical purposes, this means the projected budgetary shortfall is primarily concentrated in the Institutional Supervision and Food Service strategy.

**FY 2017 Operating Budget Summary.** TJJJ’s internal budget operationalizes agency appropriations and updated estimates of all available funding sources. As a result, budgeted and actual expenditures can vary from appropriations each fiscal year. The information below compares the proposed FY 2017 operating budget with TJJJ’s current amended FY 2016 operating budget. This comparison yields slightly different information than when comparisons are made between appropriations and TJJJ’s FY 2016 base funding as reflected in the agency’s Legislative Appropriations Request. The latter comparison is more often used in Legislative Budget Board documents and for events like TJJJ’s Budget Workshop. For the purposes of the Board’s review of the proposed FY 2017 Operating Budget, the comparison is made to the current FY 2016 operating budget because this provides the most updated expenditure information.

The total FY 2017 operating budget is \$324.7 million, of which \$300.6 million is General Revenue. This is a decrease of \$0.8 million (0.26%) compared to the FY 2016 amended operating budget when considering all methods of finance. However, General Revenue increased by \$7.08 million.

	FY16 Amended Budget	FY17 Proposed Budget	Change (\$)	Change (%)
Probation	\$156,415,709	\$165,442,187	\$9,026,478	5.46%
State Programs	\$146,010,031	\$136,363,858	\$(9,646,173)	(7.07%)
Parole	\$3,631,461	\$3,521,701	\$(109,760)	(3.12%)
Independent Ombudsman	\$892,254	\$949,725	\$57,472	6.05%
Training/Monitoring/ICJ	\$4,998,806	\$4,960,855	\$(37,951)	(0.77%)
Indirect Administration	\$13,599,917	\$13,469,975	\$(129,942)	(0.96%)
TOTAL, TJJJ and OIO	\$325,548,178	\$324,708,301	\$(839,877)	(0.26%)

Changes in available probation funding compared to FY 2016 include an increase of \$9.0 million in General Revenue, primarily for regional commitment diversion. The total decrease in areas supporting State Programs was \$9.6 million, or \$6.2 million (4%) when excluding construction and renovation bonds. As noted, this decrease is due to lower population projections used during the appropriations process. Similarly, funding for parole supervision, programs, and services decreases slightly (\$0.1 million, or 3%) as a result of lower population projections used in the GAA.

Funding for system-wide activities such as training and monitoring decreased slightly. This is the net impact of cost reduction measures described above. Central Administration and Information Resources also decreased slightly (\$0.1 million, or less than 1%) to \$13.5 million

due to cost savings measures and to the agency expending most of the capital appropriation for vehicles and computer and laptop replacements in FY 2016.

The proposed budget allocates available funding across agency programs and services, striving to continue TJJJ's mission, maintain strong support of local probation departments, operate safe facilities with effective programs, and preserve excellent customer service despite the expectation of a significant budget shortfall. The staff began communicating about that shortfall with legislative offices several months ago, and will continue updating those offices, the Governor's Office, and the TJJJ Board on cost reduction efforts, fiscal challenges, and the agency's projected supplemental needs.

A resolution approving the proposed FY 2017 Operating Budget and granting authority to the Executive Director to make reasonable and necessary adjustments for the fulfillment of the mission of TJJJ, the maintenance of a balanced budget, and the management of appropriations, is attached.

## FY 2017 Operating Budget by Method of Finance

Budget Strategy/Goal	General Revenue	Federal Funds	Appropriated Receipts	Interagency Contracts (ISD)	Other Interagency Contracts	G.O. Bonds	Total All Funds
A.1.1. Prevention and Intervention	\$ 3,137,685	\$ -	\$ -	\$ -	\$ -	\$ -	3,137,685
A.1.2. Basic Probation Supervision	\$ 40,571,064	\$ -	\$ -	\$ -	\$ -	\$ -	40,571,064
A.1.3. Community Programs	\$ 39,558,597	\$ 4,733,329	\$ 1,150,000	\$ -	\$ -	\$ -	45,441,926
A.1.4. Pre and Post Adjudication Facilities	\$ 25,814,497	\$ -	\$ -	\$ -	\$ -	\$ -	25,814,497
A.1.5. Commitment Diversion Initiatives	\$ 19,492,500	\$ -	\$ -	\$ -	\$ -	\$ -	19,492,500
A.1.6. Juvenile Justice Alternative Education Programs	\$ -	\$ -	\$ -	\$ 6,250,000	\$ -	\$ -	6,250,000
A.1.7. Mental Health Services Grants	\$ 12,804,748	\$ -	\$ -	\$ -	\$ -	\$ -	12,804,748
A.1.8. Regional Diversion Alternatives	\$ 9,139,405	\$ -	\$ -	\$ -	\$ -	\$ -	9,139,405
A.1.9. Probation System Support	\$ 2,690,430	\$ 99,932	\$ -	\$ -	\$ -	\$ -	2,790,362
<b>Subtotal, Goal A (Community Juvenile Justice)</b>	<b>153,208,926</b>	<b>4,833,261</b>	<b>1,150,000</b>	<b>6,250,000</b>	<b>-</b>	<b>-</b>	<b>165,442,187</b>
B.1.1. Assessment, Orientation, Placement	\$ 2,159,491	\$ -	\$ -	\$ -	\$ -	\$ -	2,159,491
B.1.2. Institutional Operations and Overhead	\$ 14,375,898	\$ -	\$ -	\$ -	\$ -	\$ -	14,375,898
B.1.3. Institutional Supervision and Food Service	\$ 54,610,319	\$ 1,718,940	\$ 28,896	\$ -	\$ -	\$ -	56,358,155
B.1.4. Education	\$ 8,711,642	\$ 3,108,263	\$ -	\$ 4,253,992	\$ -	\$ -	16,073,897
B.1.5. Halfway House Operations	\$ 9,228,397	\$ 203,500	\$ 3,661	\$ -	\$ -	\$ -	9,435,558
B.1.6. Health Care	\$ 8,691,471	\$ -	\$ -	\$ -	\$ -	\$ -	8,691,471
B.1.7. Mental (Psychiatric) Care	\$ 784,272	\$ -	\$ -	\$ -	\$ -	\$ -	784,272
B.1.8. Integrated Rehabilitation Treatment	\$ 11,521,993	\$ -	\$ -	\$ -	\$ 660,822	\$ -	12,182,815
B.1.9. Contract Residential Placements	\$ 8,166,126	\$ 521,824	\$ -	\$ -	\$ -	\$ -	8,687,950
B.1.10. Residential System Support	\$ 2,803,749	\$ 23,184	\$ -	\$ -	\$ -	\$ -	2,826,933
B.2.1. Office of Inspector General	\$ 2,349,485	\$ -	\$ -	\$ -	\$ -	\$ -	2,349,485
B.2.2. Health Care Oversight	\$ 946,797	\$ -	\$ -	\$ -	\$ -	\$ -	946,797
B.3.1. Construct and Renovate Facilities	\$ 306,453	\$ -	\$ -	\$ -	\$ -	\$ 1,184,682	1,491,136
<b>Subtotal, Goal B (State Services and Faculties)</b>	<b>124,656,093</b>	<b>5,575,711</b>	<b>32,557</b>	<b>4,253,992</b>	<b>660,822</b>	<b>1,184,682</b>	<b>136,363,858</b>
C.1.1. Parole Direct Supervision	\$ 2,375,002	\$ -	\$ -	\$ -	\$ -	\$ -	2,375,002
C.1.2. Parole Programs and Services	\$ 1,146,699	\$ -	\$ -	\$ -	\$ -	\$ -	1,146,699
<b>Subtotal, Goal C (Parole)</b>	<b>3,521,701</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,521,701</b>
D.1.1. Office of Independent Ombudsman	949,725	-	-	-	-	-	949,725
<b>Subtotal, Goal D (Office of Independent Ombudsman)</b>	<b>949,725</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>949,725</b>
E.1.1. Training and Certification	\$ 1,731,914	\$ -	\$ 163,800	\$ -	\$ -	\$ -	1,895,714
E.1.2. Monitoring and Inspection	\$ 2,843,494	\$ -	\$ -	\$ -	\$ -	\$ -	2,843,494
E.1.3. Interstate Compact	\$ 221,648	\$ -	\$ -	\$ -	\$ -	\$ -	221,648
<b>Subtotal, Goal E (Juvenile Justice System)</b>	<b>4,797,055</b>	<b>-</b>	<b>163,800</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>4,960,855</b>
F.1.1. Central Administration	\$ 8,323,690	\$ -	\$ -	\$ -	\$ -	\$ -	8,323,690
F.1.2. Information Resources	\$ 5,146,286	\$ -	\$ -	\$ -	\$ -	\$ -	5,146,286
<b>Subtotal, Goal F (Indirect Administration)</b>	<b>13,469,975</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>13,469,975</b>
<b>Grand Total</b>	<b>300,603,475</b>	<b>10,408,973</b>	<b>1,346,357</b>	<b>10,503,992</b>	<b>660,822</b>	<b>1,184,682</b>	<b>324,708,301</b>

## FY 2017 Operating Budget By Budget Object

Goal A Community Juvenile Justice	A.1.1. Prevention and Intervention	A.1.2. Basic Probation Supervision	A.1.3. Community Programs	A.1.4. Pre and Post Adjudication	A.1.5. Commitment Diversion Initiatives	A.1.6. Juvenile Justice Alternative Education Programs	A.1.7. Mental Health Services	A.1.8. Regional Diversion Alternatives	A.1.9. Probation System Support	Total
1001 Salaries and Wages	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,384,649	\$ 1,384,649
1002 Other Personnel Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,821	\$ 6,821
1004 Longevity and Hazardous Pay	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24,296	\$ 24,296
1019 Payroll Health Contribution	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,082	\$ 12,082
2001 Professional Fees and Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,000	\$ 1,000
2003 Consumable Supplies	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 61	\$ 61
2004 Utilities	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,308	\$ 4,308
2005 Travel	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 34,003	\$ 34,003
2009 Other Operating Expense	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,323,142	\$ 1,323,142
4000 Grants	\$ 3,137,685	\$ 40,571,064	\$ 45,441,926	\$ 25,814,497	\$ 19,492,500	\$ 6,250,000	\$ 12,804,748	\$ 9,139,405	\$ -	\$ 162,651,825
Total	\$ 3,137,685	\$ 40,571,064	\$ 45,441,926	\$ 25,814,497	\$ 19,492,500	\$ 6,250,000	\$ 12,804,748	\$ 9,139,405	\$ 2,790,362	\$ 165,442,187

## FY 2017 Operating Budget By Budget Object

Goal B State Services and Facilities	B.1.1. Assessment, Orientation, Placement	B.1.2. Institutional Operations and Overhead	B.1.3. Institutional Supervision and Food Service	B.1.4. Education	B.1.5. Halfway House Operations	B.1.6. Health Care	B.1.7. Mental Health (Psychiatric) Care	B.1.8. Integrated Rehabilitation Treatment	B.1.10. Contract Residential Placements	B.1.11. Residential System Support
1001 Salaries and Wages	\$ 1,781,752	\$ 6,561,727	\$ 44,322,480	\$ 12,419,552	\$ 6,861,999	\$ -	\$ -	\$ 10,982,638	\$ 379,367	\$ 1,897,809
1002 Other Personnel Costs	\$ 13,894	\$ 48,092	\$ 563,462	\$ 93,961	\$ 67,512	\$ -	\$ -	\$ 79,190	\$ 1,869	\$ 9,245
1004 OTHER PERSONNEL COSTS (LONG & HAZARDOUS)	\$ 51,340	\$ 227,970	\$ 1,266,216	\$ 202,850	\$ 233,280	\$ -	\$ -	\$ 270,310	\$ 7,440	\$ 49,260
1019 PAYROLL CONTRIBUTION	\$ 17,443	\$ 65,741	\$ 525,162	\$ 123,731	\$ 69,871	\$ -	\$ -	\$ 104,785	\$ 4,238	\$ 18,490
1021 OVERTIME PAY	\$ 4,100	\$ 25,800	\$ 4,079,000	\$ -	\$ 167,800	\$ -	\$ -	\$ 67,000	\$ -	\$ 900
1031 STARR TEAM PAY	\$ -	\$ -	\$ 57,000	\$ -	\$ -	\$ -	\$ -	\$ 1,000	\$ -	\$ -
1099 PENALTY INTEREST	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2011 PROFESSIONAL FEES AND SERVICES	\$ -	\$ 144,000	\$ 5,350	\$ 575,991	\$ 1,000	\$ -	\$ -	\$ 38,180	\$ 72,750	\$ 459,030
2002 FUELS AND LUBRICANTS	\$ 45,000	\$ 190,470	\$ -	\$ 200	\$ 53,305	\$ -	\$ -	\$ -	\$ -	\$ -
2003 CONSUMABLE SUPPLIES	\$ 6,850	\$ 1,063,826	\$ 56,406	\$ 174,371	\$ 53,627	\$ -	\$ -	\$ 7,701	\$ 1,689	\$ 2,000
2004 UTILITIES	\$ 3,718	\$ 2,642,741	\$ 36,450	\$ 3,516	\$ 267,284	\$ -	\$ -	\$ 14,700	\$ 21,939	\$ 6,083
2005 TRAVEL	\$ 24,975	\$ 36,470	\$ 70,900	\$ 445,195	\$ 32,800	\$ -	\$ -	\$ 78,600	\$ 10,775	\$ 50,600
2006 RENT BUILDING	\$ -	\$ 6,200	\$ 3,000	\$ 14,925	\$ 813,751	\$ -	\$ -	\$ -	\$ 12,900	\$ -
2007 RENT - MACHINE AND OTHER	\$ -	\$ 200,000	\$ 14,800	\$ 6,610	\$ 27,548	\$ -	\$ -	\$ -	\$ 9,100	\$ -
2009 OTHER OPERATING EXPENSES	\$ 208,418	\$ 2,592,106	\$ 2,122,329	\$ 1,846,241	\$ 467,834	\$ 120,037	\$ 8,000	\$ 457,740	\$ 8,153,583	\$ 98,515
2010 PROFESSIONAL FEES AND SERVICES (MEDICAL)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,571,433	\$ 776,272	\$ -	\$ -	\$ -
3001 CLIENT SERVICES	\$ 2,000	\$ 570,706	\$ 191,200	\$ 141,664	\$ 85,911	\$ -	\$ -	\$ 80,970	\$ 12,300	\$ 235,000
3002 FOOD FOR PERSONS (WARDS OF STATE)	\$ -	\$ 50	\$ 3,044,400	\$ 25,090	\$ 232,035	\$ -	\$ -	\$ -	\$ -	\$ -
5000 CAPITAL EXPENDITURES	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Total</b>	<b>\$ 2,159,491</b>	<b>\$ 14,375,898</b>	<b>\$ 56,358,155</b>	<b>\$ 16,073,897</b>	<b>\$ 9,435,558</b>	<b>\$ 8,691,471</b>	<b>\$ 784,272</b>	<b>\$ 12,182,815</b>	<b>\$ 8,687,950</b>	<b>\$ 2,826,933</b>

Goal B State Services and Facilities	B.2.1. Office of Inspector General	B.2.2. Health Care Oversight	B.3.1. Construct and Renovate Facilities	Total
1001 Salaries and Wages	\$ 2,052,074	\$ 825,171	\$ 283,089	\$ 88,367,657
1002 Other Personnel Costs	\$ 16,909	\$ 14,076	\$ 918	\$ 909,128
1004 OTHER PERSONNEL COSTS (LONG & HAZARDOUS)	\$ 39,130	\$ 14,760	\$ 2,660	\$ 2,365,216
1019 PAYROLL CONTRIBUTION	\$ 20,217	\$ 8,616	\$ 1,836	\$ 960,131
1021 OVERTIME PAY	\$ 5,000	\$ 8	\$ -	\$ 4,349,608
1031 STARR TEAM PAY	\$ -	\$ -	\$ -	\$ 58,000
1099 PENALTY INTEREST	\$ -	\$ 4	\$ 5	\$ 12
2011 PROFESSIONAL FEES AND SERVICES	\$ 3,380	\$ 24,738	\$ -	\$ 1,324,418
2002 FUELS AND LUBRICANTS	\$ 35,500	\$ -	\$ -	\$ 324,475
2003 CONSUMABLE SUPPLIES	\$ 4,519	\$ 1,551	\$ 250	\$ 1,372,790
2004 UTILITIES	\$ 25,450	\$ 1,311	\$ 1,261	\$ 3,024,453
2005 TRAVEL	\$ 24,375	\$ 14,583	\$ 4,385	\$ 793,658
2006 RENT BUILDING	\$ 75	\$ -	\$ -	\$ 850,851
2007 RENT - MACHINE AND OTHER	\$ -	\$ -	\$ -	\$ 258,058
2009 OTHER OPERATING EXPENSES	\$ 122,856	\$ 41,980	\$ 12,050	\$ 16,251,689
2010 PROFESSIONAL FEES AND SERVICES (MEDICAL)	\$ -	\$ -	\$ -	\$ 9,347,706
3001 CLIENT SERVICES	\$ -	\$ -	\$ -	\$ 1,319,751
3002 FOOD FOR PERSONS (WARDS OF STATE)	\$ -	\$ -	\$ -	\$ 3,301,575
5000 CAPITAL EXPENDITURES	\$ -	\$ -	\$ 1,184,682	\$ 1,184,682
<b>Total</b>	<b>\$ 2,349,485</b>	<b>\$ 946,797</b>	<b>\$ 1,491,136</b>	<b>\$ 136,363,858</b>

## FY 2017 Operating Budget By Budget Object

Goal C Parole	C.1.1. Parole Direct Supervision	C.1.2. Parole Programs and Services	Total
1001 Salaries and Wages	\$ 1,523,260	\$ 456,555	\$ 1,979,815
1002 Other Personnel Costs	\$ 10,326	\$ 2,249	\$ 12,575
1004 OTHER PERSONNEL COSTS (LONG & HAZAR	\$ 71,920	\$ 17,040	\$ 88,960
1019 PAYROLL CONTRIBUTION	\$ 15,007	\$ 3,319	\$ 18,326
2011 PROFESSIONAL FEES AND SERVICES	\$ 940	\$ 300	\$ 1,240
2002 FUELS AND LUBRICANTS	\$ 40,725	\$ -	\$ 40,725
2003 CONSUMABLE SUPPLIES	\$ 5,350	\$ -	\$ 5,350
2004 UTILITIES	\$ 57,669	\$ 1,599	\$ 59,268
2005 TRAVEL	\$ 16,010	\$ 265	\$ 16,275
2006 RENT BUILDING	\$ 184,880	\$ -	\$ 184,880
2007 RENT - MACHINE AND OTHER	\$ 11,477	\$ -	\$ 11,477
2009 OTHER OPERATING EXPENSES	\$ 437,438	\$ 85,997	\$ 523,435
3001 CLIENT SERVICES	\$ -	\$ 579,375	\$ 579,375
<b>Total</b>	<b>\$ 2,375,002</b>	<b>\$ 1,146,699</b>	<b>\$ 3,521,701</b>

Goal D Office of Independent Ombudsman	D.1.1. Office of Independent Ombudsman	Total
1001 Salaries and Wages	\$ 758,077	\$ 758,077
1002 Other Personnel Costs	\$ 6,790	\$ 6,790
1004 OTHER PERSONNEL COSTS (LONG & HAZAR	\$ 5,800	\$ 5,800
1019 PAYROLL CONTRIBUTION	\$ 7,581	\$ 7,581
2011 PROFESSIONAL FEES AND SERVICES	\$ 250	\$ 250
2002 FUELS AND LUBRICANTS	\$ 5,000	\$ 5,000
2003 CONSUMABLE SUPPLIES	\$ 250	\$ 250
2004 UTILITIES	\$ 3,200	\$ 3,200
2005 TRAVEL	\$ 46,200	\$ 46,200
2009 OTHER OPERATING EXPENSES	\$ 116,577	\$ 116,577
<b>Total</b>	<b>\$ 949,725</b>	<b>\$ 949,725</b>

## FY 2017 Operating Budget By Budget Object

Goal E Juvenile Justice System	E.1.1. Training and Certification	E.1.2. Monitoring and Inspections	E.1.3. Interstate Agreement	Total
1001 Salaries and Wages	\$ 1,518,640	\$ 2,452,943	\$ 152,859	\$ 4,124,441
1002 Other Personnel Costs	\$ 7,729	\$ 17,541	\$ 753	\$ 26,023
1004 OTHER PERSONNEL COSTS (LONG & HAZARDOUS)	\$ 43,680	\$ 77,280	\$ 3,180	\$ 124,140
1019 PAYROLL CONTRIBUTION	\$ 14,962	\$ 24,167	\$ 1,506	\$ 40,635
1021 OVERTIME PAY	\$ -	\$ -	\$ -	\$ -
1031 STARR TEAM PAY	\$ 100	\$ -	\$ -	\$ 100
1099 PENALTY INTEREST	\$ -	\$ -	\$ -	\$ -
2011 PROFESSIONAL FEES AND SERVICES	\$ 6,250	\$ 1,000	\$ -	\$ 7,250
2002 FUELS AND LUBRICANTS	\$ -	\$ 25	\$ -	\$ 25
2003 CONSUMABLE SUPPLIES	\$ 3,160	\$ 1,650	\$ 50	\$ 4,860
2004 UTILITIES	\$ 2,000	\$ 22,850	\$ 650	\$ 25,500
2005 TRAVEL	\$ 54,235	\$ 145,485	\$ -	\$ 199,720
2006 RENT BUILDING	\$ 2,000	\$ -	\$ -	\$ 2,000
2007 RENT - MACHINE AND OTHER	\$ 5,700	\$ 150	\$ -	\$ 5,850
2009 OTHER OPERATING EXPENSES	\$ 237,258	\$ 100,403	\$ 44,850	\$ 382,511
2010 PROFESSIONAL FEES AND SERVICES (MEDICAL)	\$ -	\$ -	\$ -	\$ -
3001 CLIENT SERVICES	\$ -	\$ -	\$ 17,800	\$ 17,800
<b>Total</b>	<b>\$ 1,895,714</b>	<b>\$ 2,843,494</b>	<b>\$ 221,648</b>	<b>\$ 4,960,855</b>

Goal F Indirect Administration	F.1.1. Central Administration	F.1.2. Information Resources	Total
1001 Salaries and Wages	\$ 5,506,774	\$ 2,066,231	\$ 7,573,005
1002 Other Personnel Costs	\$ 69,542	\$ 14,008	\$ 83,550
1004 OTHER PERSONNEL COSTS (LONG & HAZARDOUS)	\$ 120,920	\$ 53,960	\$ 174,880
1019 PAYROLL CONTRIBUTION	\$ 62,241	\$ 28,016	\$ 90,256
1021 OVERTIME PAY	\$ 4,773	\$ 432	\$ 5,205
1099 PENALTY INTEREST	\$ 171	\$ 56	\$ 227
2011 PROFESSIONAL FEES AND SERVICES	\$ 113,003	\$ 2,225,488	\$ 2,338,491
2002 FUELS AND LUBRICANTS	\$ 50,339	\$ -	\$ 50,339
2003 CONSUMABLE SUPPLIES	\$ 10,065	\$ 695	\$ 10,760
2004 UTILITIES	\$ 147,872	\$ 26,488	\$ 174,360
2005 TRAVEL	\$ 73,939	\$ 8,740	\$ 82,679
2006 RENT BUILDING	\$ 1,018,904	\$ -	\$ 1,018,904
2007 RENT - MACHINE AND OTHER	\$ 50,600	\$ -	\$ 50,600
2009 OTHER OPERATING EXPENSES	\$ 1,094,546	\$ 722,172	\$ 1,816,718
<b>Total</b>	<b>\$ 8,323,690</b>	<b>\$ 5,146,286</b>	<b>\$ 13,469,975</b>



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL OF THE TEXAS JUVENILE JUSTICE DEPARTMENT’S FY 2017 OPERATING BUDGET**

On this **5<sup>th</sup> day of August 2016**, 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**, TJJD staff has proposed an operating budget for fiscal year (FY) 2017; and

**WHEREAS**, the proposed operating budget is balanced to available appropriations and laid out in the official TJJD budget structure effective September 1, 2016; and

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the Operating Budget for FY 2017 and authorizes the Executive Director to make reasonable adjustments to the Operating Budget for FY 2017 as necessary for the fulfillment of the mission of TJJD and the maintenance of a balanced budget; and

**BE IT FURTHER RESOLVED THAT** the Board authorizes the Executive Director to make adjustments between the appropriation line items and capital budget items in accordance with the General Appropriations Act for the 2016-2017 Biennium that are appropriate and necessary to implement the FY 2017 Operating Budget.

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

**Signed this 5th day of August 2016.**

**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

Mike Meyer, Chief Financial Officer

Subject: Discussion, consideration, and possible approval regarding the FY 2018-2019 Legislative Appropriations Request (Action)

Date: July 18, 2016

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TJJJ's Legislative Appropriations Request (LAR) for the 2018-2019 biennium is due August 19, 2016. LAR Instructions are similar to previous biennia, with one notable difference being a requirement to integrate a 4 percent reduction to baseline general revenue funding, with certain exceptions. The following shows key steps in the appropriations process for this agency and the status as of the writing of this memo.

- Strategic planning instructions are issued and agency plans are submitted to the Governor's Office and Legislative Budget Board (LBB) (complete)
- Agency performance measure and budget structure requests are submitted to and approved by the Governor's Office and LBB (complete)
- The LBB publishes population projections (complete); TJJJ is required to use the projections for juvenile probation supervision, state residential programs, and parole in its LAR
- Agencies submit base (current biennium) funding information (complete) and receive an approved baseline general revenue limit (pending)
- Agencies submit LARs to governing entities for approval, and to the Governor's Office and LBB by their individual due date (pending)

A separate packet of information will be provided to the Board in advance of its meeting, similar to the packet provided for the agency's previous LAR. The packet will summarize the LAR with respect to baseline funding considerations, exceptional items, rider requests, the 10 percent contingency reduction schedule, and other topics. The Board will also be provided with a draft LAR at that time. The attached resolution delegates the authority for final approval of the LAR to the Chair, allowing staff the ability to integrate final guidance from the Board into the request.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION DELEGATING AUTHORITY FOR FINAL APPROVAL OF THE TEXAS JUVENILE JUSTICE  
DEPARTMENT LEGISLATIVE APPROPRIATIONS REQUEST FOR THE 2018-2019 BIENNIUM TO THE  
CHAIR OF THE BOARD**

On this 5<sup>th</sup> day of August 2016, 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**, all state agencies are required to submit funding requests for the 2018-2019 biennium pursuant to the detailed instructions of the Office of the Governor and the Legislative Budget Board; and

**WHEREAS**, TJJD must file its legislative appropriations request electronically through the Automated Budget and Evaluation System of Texas (ABEST) and with paper copies; and

**WHEREAS**, the Chief Executive Officer, the Board Chair, and the Chief Financial Officer must certify the accuracy of the dual submission and that electronic and paper copies are identical; and

**WHEREAS**, TJJD staff has provided a draft Legislative Appropriations Request for the 2018-2019 Biennium and received final guidance from the TJJD Board.

**NOW, THEREFORE BE IT RESOLVED THAT** the Board approves the draft Legislative Appropriations Request for the 2018-2019 Biennium; and

**BE IT FURTHER RESOLVED THAT** the Board delegates approval of the final Legislative Appropriations Request for the 2018-2019 Biennium to the Chair of the Board.

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

**Signed this 5th day of August 2016.**

**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

Mike Meyer, Chief Financial Officer

Subject: Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.9975, relating to State Inscription (Action)

Date: July 12, 2016

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As part of TJJD's rule review process, the Finance Division proposed changes to TAC §385.9975 (State Inscription) at the January 2016 board meeting.

The board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day public comment period. The comment period has ended, and we did not receive any public comments. The staff has not recommended any additional changes.

The staff now requests the board's approval to adopt the rule review and final rule text.

Attached to this memo, please find the following documents:

- A table summarizing changes to the rule.
- A copy of the final rule.
- A resolution for board action.

**Texas Administrative Code Rule Review**  
**37 TAC Chapter 385, 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
385.9975	State Inscription	Lists the types of TJJJ vehicles that are exempt from the requirement to bear the state inscription.	Yes	<ul style="list-style-type: none"> <li>• Added a new category to the list of TJJJ vehicles that are exempt from the requirement to bear the state inscription. The new category is for vehicles primarily used as part of the agency pool that are available for use by various personnel in support of agency operations.</li> <li>• Removed the requirement that a vehicle must be used for <i>extended travel</i> away from staff members' home base to qualify for the state inscription exemption.</li> </ul>	Ready for board adoption

**Draft 7/5/16**

Chapter: Agency Management and Operations	<b>Effective Date:</b>
Subchapter: Miscellaneous	Page: 1 of 1
<b>Rule: State Inscription</b>	Replaces: GAP.385.9975, 12/31/96
ACA: N/A	
Statutes: Transportation Code Chapter 721	

**RULE**

- (a) State-owned vehicles used for the following purposes are not required to bear the inscription required by Texas Transportation Code, Chapter 721:
    - (1) vehicles primarily used to transport youth;
    - (2) vehicles used by staff who are on 24-hour emergency call;
    - (3) vehicles used for regular travel away from staff members' home base; or
    - (4) vehicles primarily used as part of the agency's vehicle pool that are available for use by various personnel in support of agency operations.
  - (b) The purposes to be served by not printing the inscription on these vehicles are to avoid public identification of youth as wards of the state, to facilitate the apprehension of runaways, and to minimize the possibility of personal injury and vandalism of state property.
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-



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §385.9975  
(STATE INSCRIPTION)**

On this **5<sup>th</sup> day of August 2016**, 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 requires the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, Texas Transportation Code §721.003 allows TJJD to adopt a rule that exempts TJJD from the requirement to print a state inscription on state-owned motor vehicles; and

**WHEREAS**, the Board previously approved the publication of the proposed rule review and revisions for §385.9975 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 has not recommended any further revisions;

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the rule review and revisions for §385.9975 as proposed.

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

**Signed this 5th day of August 2016.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman



TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: Kathryn Gray, Staff Attorney

Jill Mata, General Counsel

Subject: Discussion and consideration of certain actions concerning transferring the Corsicana Residential Treatment Center with limitations on its use, the City of Corsicana's request for transfer, and Navarro County's request to postpone consideration of transfer

Date: July 28, 2016

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### Overview

Senate Bill 653 (SB 653) from the 82d legislative session (2011) provides authority in Section 4.007 for TJJJ to transfer a closed facility to the county or municipality in which the facility is located. SB 653 has two requirements for a property to be transferred under this authority: (1) the property must be located in a county with a total population of less than 100,000, and (2) the county or municipality must use the property transferred for a public purpose that benefits the public interest of the State of Texas.

The authority found in SB 653 is permissive and TJJJ is under no obligation to transfer a property under this authority. This authority expires September 1, 2017, a little more than a year from now. If the Board approves a transfer under this authority, TJJJ has until September of next year to complete it.

### Property to be Transferred

The Corsicana Residential Treatment Center (CRTC) is not being utilized for any TJJJ programs as no youth have been housed there since December 2013. Additionally, no TJJJ staff members work there, except for a single maintenance worker who oversees the property to maintain it and provide access while it is still under TJJJ control. TJJJ has not been

appropriated the funding necessary to run the facility. Accordingly, this facility has been closed for TJJJ purposes for the past couple of years. Even so, TJJJ must expend a considerable amount of money each year to maintain and upkeep the property without being able to put it to TJJJ use.

The CRTJ is located in Navarro County, which has a population of less than 100,000 people. Both Navarro County (the County) and the City of Corsicana (the City) have expressed interest in having the property transferred to them. The City has passed a resolution requesting transfer of the CRTJ and has sent TJJJ a letter asking that possible transfer be placed on this agenda. In the letter sent by the City, one of the proposed uses includes a possible lease with a tenant who may temporarily house unaccompanied minors from Central America. TJJJ, as an executive branch agency, was directed by the Office of the Governor to respond that this particular use would not satisfy the requirement that the use benefits the public interest of the state.

In the event a transfer is approved, TJJJ staff will work with the Texas Attorney General's Office and the Texas General Land Office to draft a transfer instrument that addresses the public purpose requirement in a specific and effective manner that incorporates the policy considerations of the Office of the Governor.

Attachments



## CITY OF CORSICANA, TEXAS

July 21, 2016

Ms. Jill Mata, General Counsel  
Texas Juvenile Justice Department  
11209 Metric Boulevard, Bldg. H, Ste. A  
Austin, TX 78758

Dear Ms. Mata:

Please accept this letter and resolution as the City of Corsicana's formal request that the Corsicana Residential Treatment Center (CRTC) be transferred to the City of Corsicana (the City). This request is made in compliance with Senate Bill 653. The City Council requests that this matter be placed on the agenda for consideration by the Committee on August 4, 2016, and the full Texas Juvenile Justice Department Board on August 5, 2016.

It is important for the community that this property becomes a useful resource that benefits the City, the County, and the State of Texas. The Council acknowledges that the property must be used for a public purpose that benefits the public interest of the State of Texas. We believe the proposed uses are public purposes established by the Texas Constitution (Article III, Section 52-a) and other State statutes. There will be no dispute about that and the City will easily meet Senate Bill 653's statutory requirements.

The City intends to use the property to create new jobs, eliminate unemployment and underemployment in the City and the State, create a stratified employment base promoting blue and white collar job creation, diversify the state and local economy, generate additional ad valorem tax revenues, generate additional sales tax revenues, stimulate growth and activity in small businesses and local businesses, stimulate interest in and the utilization of available educational resources such as Navarro College, stimulate privately funded capital improvements at the Corsicana Residential Treatment Center, establish and promote an educated and skilled workforce, and for other economic development initiatives and other public purposes such as City offices, a fire station, and Police and Fire training.

The City intends to solicit and consider proposals from persons and companies who can lease the entire facility for a business use. Those potential users may include a tenant who wishes to temporarily house unaccompanied minors from Central America in accordance with applicable and well-established Federal laws and treaties. The property will not be leased to the Federal Government nor will the Federal Government be allowed to possess or in any way exercise control over the property. The facility may also be considered for use as a transitional

Ms. Jill Mata  
Page 2  
July 21, 2016

facility to help transition individuals from life in an institution (probably penal) to life in general society and other similar uses. There is no tenant at this time, but the CRTC is an excellent location and resource for the City to satisfy any number of potential uses that benefit the public, the County, and the State.

It may take time to find the right tenant to use the whole facility and, if so, we intend to use the facility in the interim to house City offices, build and establish a new City fire station to serve the west side of Corsicana (a new fire station in that area has been planned for some time), provide a training area for City police and fire personnel.

The City is eager to see this process to completion so it may proceed with its plans for the CRTC. The Council is ready and available to assist in the process in any way.

Sincerely,

A handwritten signature in black ink that reads "Chuck McClanahan". The signature is written in a cursive, flowing style.

Chuck McClanahan  
Mayor

RESOLUTION NO. 3892

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
CORSIANA, TEXAS, AUTHORIZING A REQUEST TO THE  
TEXAS JUVENILE JUSTICE DEPARTMENT (TJJD) TO  
TRANSFER THE CORSICANA RESIDENTIAL TREATMENT  
CENTER TO THE CITY OF CORSICANA.**

**WHEREAS**, the City Council of the City of Corsicana met in a Special Meeting open to the public, on July 19, 2016, to request transfer of the Corsicana Residential Treatment Center from the Texas Juvenile Justice Department to the City of Corsicana; and

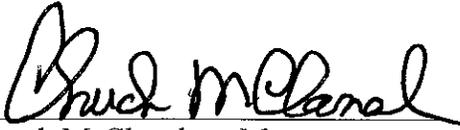
**WHEREAS**, Senate Bill 653 (82d Leg., R.S. 2011) authorizes the Texas Juvenile Justice Department (TJJD) to transfer a closed facility on real property owned by TJJD that is wholly or partly in a county that has a population of less than 100,000, and subject to the transferee using the facility for a purpose that benefits the public interest of the state; and

**WHEREAS**, it is important to the City of Corsicana that this property become a useful facility that will benefit the citizens of Corsicana, Navarro County, and the State; and

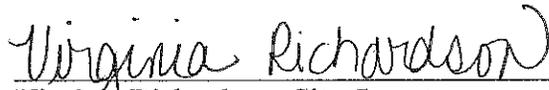
**WHEREAS**, the City of Corsicana has a need for the Corsicana Residential Treatment Center in order to further well established constitutional public purposes which are part of the economic development objectives of the City, such as the creation of new jobs, the elimination of unemployment and underemployment in this state, the creation of a stratified employment base promoting blue and white collar job creation, the diversification of the state and local economy, the generation of ad valorem tax revenues, the generation of sales tax revenues, the stimulation of growth and activity in small businesses and local businesses, the stimulation of interest in and utilization of available educational resources such as including Navarro College, the stimulation of privately funded capital improvements at the Corsicana Residential Treatment Center, the establishment and promotion of an educated and skilled workforce, and other public purposes.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CORSICANA, TEXAS** that the Corsicana City Council requests transfer of the Corsicana Residential Treatment Center facility and property from the Texas Juvenile Justice Department to the City of Corsicana. The City of Corsicana agrees to all of the provisions contained in Senate Bill 653 relating to the transfer of the property. The Mayor is hereby designated to act in the City Council's behalf in connection with the negotiations of any and all agreements related to the transfer of the property.

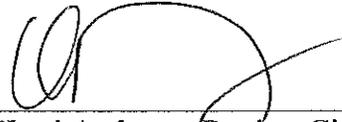
**PASSED** and **APPROVED** by majority vote of the City Council of the City of Corsicana, Texas, this **19th** day of **July, 2016**.

  
\_\_\_\_\_  
Chuck McClanahan, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Virginia Richardson, City Secretary

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Kerri Anderson Donica, City Attorney



## Jeannette Cantu

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**From:** Jill Mata  
**Sent:** Thursday, July 28, 2016 9:01 AM  
**To:** Jeannette Cantu  
**Cc:** Chelsea Buchholtz  
**Subject:** FW: CRTC

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**From:** H Davenport [<mailto:hdavenport@navarrocounty.org>]  
**Sent:** Tuesday, July 26, 2016 9:54 AM  
**To:** Jill Mata  
**Subject:** RE: CRTC

Jill,

This is to inform you that the Navarro County Commissioners Court in our regularly scheduled meeting Monday (7-25-16) voted to ask for an “extension of time” to seek qualified public use. Please accept this as an official request for that extension of time.

We did not do a Resolution to ask for the property, only a vote to ask for an extension of time perhaps to the October TJJJ meeting date, or later.

I know the City of Corsicana is interested in the property as well.

I also know the City and County can work together (as we do on other issues) thus could get the “best approved use” for the property assuming that use is something TJJJ and the City and County can agree on.

Cayuga Centers has been THE ONLY proposal so far and the Commissioner Court turned it down 2 weeks ago, but we stated at that time we are still interested in the property.

We would like to have more time to see if there is any other interests that could be approved by TJJJ.

Thanks  
HMD





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 revisions within 37 TAC §§380.8559, 380.8565, and 385.8569, relating to sentenced offenders (Action)

Date: July 12, 2016

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The State Programs and Facilities Division proposed changes to the following rules at the January 2016 board meeting:

- TAC §380.8559 (Program Completion for Sentenced Offenders)
- TAC §380.8565 (Discharge of Sentenced Offenders upon Transfer to TDCJ or Expiration of Sentence)
- TAC §380.8569 (Transfer of Sentenced Offenders Adjudicated for Capital Murder)

The board approved posting the revisions in the *Texas Register* for a 30-day public comment period. The comment period has ended, and we did not receive any public comments. However, the staff has recommended the following additional changes:

- In §380.8559, minor grammatical corrections/clarifications.
- In §380.8565, minor grammatical corrections.

The staff now requests the board's approval to adopt the final rule text, with the additional changes described above.

Attached to this memo, please find the following documents:

- A table summarizing 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

### 37 TAC Chapter 380, Subchapter A (Admission, Placement, Release, and Discharge)

#### Select rules related to sentenced offenders

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions	Status of Revisions
380.8559	Program Completion for Sentenced Offenders	Establishes the criteria and approval process for sentenced offenders to qualify for parole by completing required programming.	<ul style="list-style-type: none"> <li>• Clarified that confirmation of a major rule violation is an appropriate time for TJJD to review a sentenced offender's progress to determine whether the youth is eligible for a recommendation for transfer to TDCJ.</li> <li>• Added age 16 as a time when TJJD will review each sentenced offender's progress to determine whether the youth is eligible for a recommendation for transfer to TDCJ.</li> <li>• Removed references to youth who were committed before June 9, 2007. TJJD no longer has any such youth in its custody.</li> <li>• Clarified that the notice provided to the parent/guardian, any designated advocate, and any identified victims before TJJD conducts an exit review will include the date by which written comments must be received. Also clarified that the notice provided to the parent/guardian and any identified victim will include the date by which a request to present in-person information must be received.</li> <li>• Removed a reference that indicated Level I hearings may be used to confirm major rule violations. Level I hearings are no longer used for this purpose.</li> </ul>	Ready for board adoption
380.8565	Discharge of Sentenced Offenders upon Transfer to TDCJ or Expiration of Sentence	Establishes the criteria and approval process for transferring sentenced offenders who age out of TJJD; discharging sentenced offenders whose sentences expire while at TJJD; and requesting court approval to transfer sentenced offenders to adult prison.	<ul style="list-style-type: none"> <li>• Clarified that confirmation of a major rule violation is an appropriate time for TJJD to review a sentenced offender's progress to determine whether the youth is eligible for a recommendation for transfer to TDCJ.</li> <li>• Added age 16 as a time when TJJD will review each sentenced offender's progress to determine whether the youth is eligible for a recommendation for transfer to TDCJ.</li> <li>• Clarified that when a youth receives a determinate sentence for conduct occurring in a TJJD or contract facility, time spent in high-restriction facilities on an indeterminate commitment before receiving the determinate sentence will count toward the six-month minimum stay required before TJJD is able to recommend transfer to adult prison.</li> <li>• Clarified that it is a youth's <i>unwillingness</i> (rather than inability) to progress in the rehabilitation program that may contribute to TJJD's recommendation to transfer the youth to adult prison.</li> <li>• Removed references to youth who were committed before June 9, 2007. TJJD no longer has any such youth in its custody.</li> <li>• Clarified that the notice provided to the parent/guardian, any designated advocate, and any identified victims before TJJD conducts an exit review will include the date by which written comments must be received. Also clarified that the notice provided to the parent/guardian and any identified victim will include the date by which a request to present in-person information must be received.</li> <li>• Removed a reference that indicated Level I hearings may be used to confirm major rule violations. Level I hearings are no longer used for this purpose.</li> <li>• Clarified that the rule applies to any determinate sentence, not just a youth's original determinate sentence.</li> <li>• Clarified that youth in <i>any residential facility</i> (rather than just high-restriction facilities) who have not met program completion criteria and have not received court approval for transfer to adult prison must be transferred to adult parole.</li> <li>• Clarified that when a youth cannot complete the minimum period of confinement by his/her 19<sup>th</sup> birthday and TJJD requests a court hearing to determine transfer to adult parole or prison, TJJD is not bound by the criteria specified earlier in the rule regarding who is eligible for a recommendation for prison.</li> <li>• Removed the reference to TJJD's requirement to send a progress report and reentry plan to the committing court at least 30 days before the youth's release or discharge. The statute requiring this notice does not apply to the types of discharges described in this rule. For some of the youth covered by this rule, these reports are provided in connection with events that occur earlier than the events described in this rule, therefore the reports for these youth are addressed elsewhere in TJJD's rules.</li> <li>• Clarified that when a hearing has been held to determine whether a youth will be sent to adult parole or prison, TJJD is not required to send the 10-day notice of a youth's pending discharge to parties who are typically present at these hearings.</li> </ul>	Ready for board adoption

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions	Status of Revisions
380.8569	Transfer of Sentenced Offenders Adjudicated for Capital Murder	Establishes the criteria and approval process for transferring sentenced offenders adjudicated for capital murder to adult parole or prison.	<ul style="list-style-type: none"> <li>• Clarified that confirmation of a major rule violation is an appropriate time for TJJD to review a sentenced offender's progress to determine whether the youth is eligible for a recommendation for transfer to TDCJ.</li> <li>• Added age 16 as a time when TJJD will review each sentenced offender's progress to determine whether the youth is eligible for a recommendation for transfer to TDCJ.</li> <li>• Clarified that when a youth receives a determinate sentence for conduct occurring in a TJJD or contract facility, time spent in high-restriction facilities on an indeterminate commitment before receiving the determinate sentence will count toward the six-month minimum stay required before TJJD is able to recommend transfer to adult prison.</li> <li>• Clarified that it is a youth's <i>unwillingness</i> (rather than inability) to progress in the rehabilitation program that may contribute to TJJD's recommendation to transfer the youth to adult prison.</li> <li>• Removed references to youth who were committed before June 9, 2007. TJJD no longer has any such youth in its custody.</li> <li>• Clarified that the notice provided to the parent/guardian, any designated advocate, and any identified victims before TJJD conducts an exit review will include the date by which written comments must be received. Also clarified that the notice provided to the parent/guardian and any identified victim will include the date by which a request to present in-person information must be received.</li> <li>• Removed a reference that indicated Level I hearings may be used to confirm major rule violations. Level I hearings are no longer used for this purpose.</li> <li>• Clarified that when a hearing has been held to determine whether a youth will be sent to adult parole or prison, TJJD is not required to send the 10-day notice of a youth's pending discharge to parties who are typically present at these hearings.</li> </ul>	Ready for board adoption

**Draft 6/9/16**

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release <b>Rule: Program Completion for Sentenced Offenders</b>  ACA: 4-JCF-3A-22; 3A-23; 3A-24; 3C-17; 5B-04; 5I-01, 5I-02 Statute(s): HR Code §§244.015, 245.051, 245.054; Education Code §30.106; Family Code §54.0491	<b>Effective Date:</b>  Page: 1 of 4  Replaces: GAP.380.8559, 4/1/14
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**Staff-recommended changes on page 3**

**RULE**

**(a) Purpose.**

This rule establishes criteria and the approval process for sentenced offenders to qualify for release or transfer to parole by completing required programming.

**(b) Applicability.**

- (1) This rule applies only to sentenced offenders.
- (2) This rule does not apply to sentenced offenders who are:
  - (A) discharged due to expiration of the sentence or transferred to the Texas Department of Criminal Justice (TDCJ) by court order or by aging out of the Texas Juvenile Justice Department (TJJD). See §380.8565 of this title; or
  - (B) adjudicated for capital murder. See §380.8569 of this title.

**(c) General Requirements.**

- (1) A detainer or bench warrant is not an automatic bar to earned release. TJJD releases youth to authorities pursuant to a warrant.
- (2) To determine eligibility for release or transfer, TJJD reviews each youth's progress:
  - (A) six months after admission to TJJD;
  - (B) when the minimum period of confinement is complete;
  - (C) when the youth becomes 16 years of age;
  - (D) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-Correctional Institutions Division (TDCJ-CID) or TDCJ-Parole Division (TDCJ-PD);
  - (E) within 45 days after revocation of parole, if applicable; and
  - (F) at other times as appropriate, such as after a major rule violation has been confirmed through a Level II hearing.
- (3) TJJD notifies the youth, the youth's parent/guardian, any designated advocate for the youth, and any identified victim(s) of a pending exit review at least 30 days before the date of the review. The notification informs the recipients that they have the opportunity to submit written comments to TJJD and specifies the date by which the comments must be received. The notification also informs the parent/guardian and any identified victim(s) that they may present information in person during the

youth's exit review process and specifies the date by which a request to present in-person information must be received. Any information received from a youth's family members, victims, local officials, staff, or the general public is considered by TJJJ and included in the release/transfer packet.

- (4) A youth must serve the entire minimum period of confinement applicable to the committing offense in a high-restriction facility unless:
- (A) the youth is transferred to TDCJ-CID by the committing court. See §380.8565 of this title;
  - (B) the youth is approved by the committing court to attain parole status before completing the minimum period of confinement;
  - (C) the youth's sentence expires before the minimum period of confinement expires; or
  - (D) the executive director waives such placement.

(d) **Program Completion Criteria.**

- (1) A youth may be considered for release or transfer to parole when the following criteria have been met:
- (A) no major rule violations confirmed through a Level II due process hearing within 90 days prior to the exit interview or during the approval process;
  - (B) participation in or completion of assigned specialized treatment programs or curriculum as required under §380.8751 of this title;
  - (C) assignment by the Multi-disciplinary Team to the highest stage in the rehabilitation program as described in §380.8703 of this title, which reflects that the youth:
    - (i) is consistently participating in academic and workforce development programs commensurate with abilities as reflected in the youth's educational plan;
    - (ii) is consistently participating in skills development groups, as reflected in the youth's individual case plan;
    - (iii) is consistently demonstrating learned skills, as reflected in the documentation of the youth's behavior; and
    - (iv) has completed a community reintegration plan, approved by the Multi-disciplinary Team, that demonstrates the youth's:
      - (I) understanding of his/her risk and protective factors;
      - (II) development of skills, abilities, and knowledge to reduce risk factors and increase protective factors;
      - (III) identification of goals and a plan of action to achieve those goals; and
      - (IV) identification of obstacles that may hinder successful re-entry and plans to deal with those obstacles;
  - (D) participation in or completion of any statutorily required rehabilitation programming, including but not limited to:

- (i) participation in a reading improvement program for identified youth to the extent required under §380.9155 of this title;
  - (ii) participation in a positive behavioral interventions and supports system to the extent required under §380.9155 of this title; and
  - (iii) completion of at least 12 hours of a gang intervention education program, if required by court order; and
- (E) completion of:
- (i) all but nine months of the sentence if the sentence expires before or simultaneously with the minimum period of confinement; or
  - (ii) the entire minimum period of confinement if the sentence expires after the minimum period of confinement.
- (2) Youth are released to TJJJ parole unless the youth meets program completion criteria within two months before his/her 19th birthday, in which case the youth will be transferred to TDCJ-PD.

(e) **Release or Transfer Approval.**

For sentenced offenders, the executive director or his/her designee is the final decision authority for release or transfer. The final decision authority ensures that the youth meets all program completion criteria and that the community re-entry/transition plan adequately addresses risk before approving the release or transfer.

(f) **Loss of Release or Transfer Eligibility.**

- (1) Eligibility for release or transfer is lost when either any of the following occurs after the exit interview:
  - (A) youth commits a major rule violation that is confirmed through a Level II due process hearing; or
  - (B) the youth's Multi-disciplinary Team determines that the youth no longer meets the required rehabilitation program criteria.
- (2) Except as described in paragraph (3) of this subsection, a youth who loses release or transfer eligibility will not be eligible for release or transfer until such time as the youth again meets program completion criteria and a subsequent exit review/interview confirms eligibility.
- (3) If a youth is being considered for release or transfer nine months before completion of his/her sentence ~~completion~~ and he/she loses eligibility for release or transfer, the youth he/she must remain in high restriction until the sentence has expired.

(g) **Release or Transfer Date.**

- (1) TJJJ holds the exit interview within 14 calendar days after the date a youth meets program completion criteria as set forth in this rule.
- (2) If the youth meets program completion criteria, the youth is:
  - (A) released to TJJJ parole within 60 calendar days after the date the youth met program completion criteria unless the youth loses release eligibility, in which case the release process is re-initiated when the youth again meets program completion criteria; or
  - (B) transferred to TDCJ-PD ~~TDCJ parole~~ on or before the youth's 19th birthday.

(h) **Notification.**

- (1) TJJJD provides the committing juvenile court a copy of the youth's community re-entry/transition plan and a report concerning the youth's progress while committed to TJJJD no later than 30 days before the date of the youth's release or transfer. Additionally, if on release the youth is placed in another state or a county other than a county served by the committing juvenile court, TJJJD provides the community re-entry/transition plan and progress report to a juvenile court having jurisdiction over the county of the youth's residence.
- (2) TJJJD notifies the following at least ten calendar days before the youth's release:
  - (A) the committing juvenile court;
  - (B) the prosecuting attorney;
  - (C) the youth's parole officer;
  - (D) the chief juvenile probation officer in the county to which the youth is being moved; and
  - (E) any entity that has issued an active warrant for the youth.

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- See CMS.02.56 and CMS.02.57 for procedures relating to the release process.
  - See CMS.02.77 for procedures relating to release of youth with non-immigration detainees.
  - See CMS.02.75 for procedures relating to release undocumented foreign nationals to parole.
  - See CMS.02.62 for procedures relating to the 30-day report to the committing court (CCF-180).
  - See CMS.02.63 for procedures relating to the 10-day release/transition notice (CCF-186).
  - See CMS.03.11 for procedures relating to the gang intervention education program.
  - See EDU.13.51 for procedures relating to participation in the reading program and Positive Behavioral Interventions and Supports system.

Draft 6/14/16

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release <b>Rule: Discharge of Sentenced Offenders upon Transfer to TDCJ or Expiration of Sentence</b>  ACA: 4-JCF-5I-01 Statute(s): HR Code §§244.014, 244.015, 245.054	<b>Effective Date:</b>  Page: 1 of 4  Replaces: GAP.380.8565, 4/1/14
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Staff-recommended changes on pages 1 and 4

## RULE

### (a) Purpose.

This rule establishes criteria and an approval process for:

- (1) requesting court approval to transfer sentenced offenders to adult prison; and
- (2) discharging sentenced offenders:
  - (A) whose sentences have expired; or
  - (B) who did not previously qualify for release or transfer by completing required programming.

### (b) Applicability.

- (1) This rule applies only to the disposition of a youth's determinate sentence(s).
- (2) This rule applies only to sentenced offenders.
- (3) This rule does not apply to:
  - (A) sentenced offenders who qualify for release or transfer to parole by completing required programming. See §380.8559 of this title; or
  - (B) sentenced offenders adjudicated for capital murder. See §380.8569 of this title.

### (c) General Requirements.

- (1) By law, a sentenced offender is transferred from the custody of the Texas Juvenile Justice Department (TJJD) no later than the youth's 19th birthday.
- (2) A youth must serve the entire minimum period of confinement that applies to the committing offense in a high-restriction facility unless:
  - (A) the youth is transferred by the committing court to the Texas Department of Criminal Justice – Correctional Institutions Division (TDCJ-CID);
  - (B) the youth is approved by the committing court to attain parole status before completing the minimum period of confinement;
  - (C) the youth's sentence expires before the minimum period of confinement expires; or
  - (D) the executive director waives such placement.
- (3) TJJD reviews each youth's progress:
  - (A) six months after admission to TJJD;

- (B) when the minimum period of confinement is complete;
  - (C) when the youth becomes 16 years of age;
  - (D) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-CID or to the Texas Department of Criminal Justice - Parole Division (TDCJ-PD);
  - (E) within 45 days after revocation of parole, if applicable; and
  - (F) at other times as appropriate, such as after a major rule violation has been confirmed through a Level II hearing.
- (4) TJJD notifies the youth, the youth's parent/guardian, any designated advocate for the youth, and any identified victim(s) of a pending exit review at least 30 days before the date of the review. The notification informs the recipients that they have the opportunity to submit written comments to TJJD and specifies the date by which the comments must be received. The notification also informs the parent/guardian and any identified victim(s) that they may present information in person during the youth's exit review process and specifies the date by which a request to present in-person information must be received. Any information received from a youth's family members, victims, local officials, staff, or the general public is considered by TJJD and included in the release packet.
- (5) TJJD jurisdiction is terminated and a youth is discharged when:
- (A) the youth is transferred to TDCJ; or
  - (B) the youth's sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described in §380.8525 of this title.

**(d) Transfer Criteria.**

**(1) Transfer to TDCJ-CID for Youth Whose Conduct Occurs While on Parole Status.**

TJJD may request a juvenile court hearing to recommend transfer of a youth to TDCJ-CID if all of the following criteria are met:

- (A) the youth's parole has been revoked or the youth has been adjudicated or convicted of a felony offense occurring while on parole status;
- (B) the youth is at least age 16;
- (C) the youth has not completed his/her sentence; and
- (D) the youth's conduct indicates that the welfare of the community requires the transfer.

**(2) Transfer to TDCJ-CID for Youth Whose Conduct Occurs While in a High-Restriction Facility.**

TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction facility to TDCJ-CID if the following criteria are met:

- (A) the youth is at least age 16; and
- (B) the youth has spent at least six months in high-restriction facilities, which is counted as follows:
  - (i) if the youth received a determinate sentence for conduct that occurred in the community, the six months begins upon admission to TJJD; or

- (ii) if the youth received a determinate sentence for conduct that occurred in a TJJD or contract facility, the six months begins upon the youth's initial admission to TJJD, regardless of whether the initial admission resulted from a determinate or indeterminate commitment; and
- (C) the youth has not completed his/her sentence; and
- (D) the youth meets at least one of the following behavior criteria:
  - (i) the youth has committed a felony or Class A misdemeanor while assigned to a residential facility; or
  - (ii) the youth has committed major rule violations as confirmed through a Level II due process hearing on three or more occasions; or
  - (iii) the youth has engaged in conduct that has resulted in at least five Security Program admissions or extensions in one month or ten in three months (see §380.9740 of this title for information on the Security Program); or
  - (iv) the youth has demonstrated an unwillingness to progress in his/her rehabilitation program due to persistent non-compliance with objectives; and
- (E) alternative interventions have been tried without success; and
- (F) the youth's conduct indicates that the welfare of the community requires the transfer.

**(3) Transfer to TDCJ-PD for Youth in Residential Facilities.**

A youth in a residential facility who has not met program completion criteria in §380.8559 of this title and who has not received court approval for transfer to TDCJ-CID must be transferred to TDCJ-PD to complete his/her sentence no later than the youth's 19th birthday.

**(4) Transfer to TDCJ-PD for Youth on TJJD Parole.**

A youth on TJJD parole who has not completed his/her sentence must be transferred to TDCJ-PD no later than the youth's 19th birthday.

**(e) Transfer Recommendation for Youth Who Will Not Complete the Minimum Period of Confinement before Age 19.**

TJJD requests a court hearing for any youth who cannot complete his/her minimum period of confinement by his/her 19<sup>th</sup> birthday. The purpose of the hearing is to determine whether the youth will be transferred to TDCJ-CID or to TDCJ-PD. Notwithstanding the criteria in subsection (d)(2) of this section, TJJD considers the following factors in forming a recommendation for the committing court:

- (1) length of stay in TJJD;
- (2) youth's progress in the rehabilitation program;
- (3) youth's behavior while in TJJD;
- (4) youth's offense/delinquent history; and
- (5) any other relevant factors, such as:
  - (A) risk factors and protective factors the youth possesses as identified in his/her psychological evaluation; and
  - (B) the welfare of the community.

**(f) Discharge Criteria.**

TJJD discharges youth from its jurisdiction when one of the following occurs:

- (1) expiration of the sentence imposed by the juvenile court, unless the youth is under concurrent commitment orders as described in §380.8525 of this title; or
- (2) the youth has been transferred to TDCJ-CID under court order or transferred to TDCJ-PD.

**(g) Decision Authority for Approval to Transfer.**

- (1) TJJD does not transfer youth from a high-restriction facility to TDCJ-PD until the executive director or his/her designee determines the youth's community re-entry/transition plan adequately addresses risk factors.
- (2) When a determination has been made that the youth meets criteria for requesting a hearing for transfer to TDCJ-CID or cannot complete his/her minimum period of confinement before age 19, the executive director or his/her designee approves the staff request for a hearing by the committing juvenile court.
- (3) The committing juvenile court is the final decision authority for transferring a youth to TDCJ-CID.

**(h) Notification.**

- (1) TJJD notifies the following at least ten calendar days before the youth's discharge due to expiration of sentence or transfer to TDCJ-PD without a transfer/release hearing:
  - (A) the committing juvenile court;
  - (B) the prosecuting attorney;
  - (C) the youth's TJJD parole officer;
  - (D) the chief juvenile probation officer in the county to which the youth is being moved; and
  - (E) any entity that has issued an active warrant for the youth.
- (2) TJJD notifies any entity that has issued an active warrant for the youth at least ten calendar days before:
  - (A) the youth's transfer to TDCJ-PD resulting from a transfer/release hearing; or
  - (B) the youth's transfer to TDCJ-CID.

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- See CMS.02.57 for procedures relating to the transfer to TDCJ-PD process.
  - See CMS.02.58 for procedures relating to the transfer to TDCJ-CID process.
  - See CMS.02.77 for procedures relating to transfer/discharge of youth with non-immigration detainees.
  - See CMS.02.75 for procedures relating to transfer/discharge of undocumented foreign nationals.
  - See CMS.02.63 for procedures relating to the 10-day release/transition notice (CCF-186).

Draft 6/14/16

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release <b>Rule: Transfer of Sentenced Offenders Adjudicated for Capital Murder</b>  ACA: 4-JCF-3A-22, 3A-23 Statute(s): HR Code §244.015; Education Code §30.106; Family Code §54.0491	<b>Effective Date:</b>  Page: 1 of 4  Replaces: GAP.380.8569, 4/1/14
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## RULE

### (a) Purpose.

This rule establishes criteria and the approval process for transferring sentenced offenders adjudicated for capital murder to the Texas Department of Criminal Justice-Parole Division (TDCJ-PD) or the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID).

### (b) Applicability.

This rule applies only to sentenced offenders adjudicated for capital murder.

### (c) General Provisions.

- (1) A detainer or bench warrant is not an automatic bar to earned release. The Texas Juvenile Justice Department (TJJD) releases youth to authorities pursuant to a warrant.
- (2) TJJD reviews each youth's progress:
  - (A) six months after admission to TJJD;
  - (B) when the minimum period of confinement is complete;
  - (C) when the youth becomes 16 years of age;
  - (D) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-CID or TDCJ-PD; and
  - (E) at other times as appropriate, such as after a major rule violation has been confirmed through a Level II hearing.
- (3) TJJD notifies the youth, the youth's parent/guardian, any designated advocate for the youth, and any identified victim(s) of a pending exit review at least 30 days before the date of the review. The notification informs the recipients that they have the opportunity to submit written comments to TJJD and specifies the date by which the comments must be received. The notification also informs the parent/guardian and any identified victim(s) that they may present information in person during the youth's exit review process and specifies the date by which a request to present in-person information must be received. Any information received from a youth's family members, victims, local officials, staff, or the general public is considered by TJJD and included in the transfer packet.
- (4) Youth whose committing offense is capital murder must serve the entire minimum period of confinement applicable to the youth's committing offense in high-restriction facilities unless:
  - (A) the youth is transferred by the committing court to TDCJ-CID; or
  - (B) the youth is approved by the committing court to attain parole status before completion of the minimum period of confinement; or
  - (C) the youth's sentence expires before the minimum period of confinement expires.

- (5) A youth who has not received court approval to transfer to TDCJ-CID must be transferred to TDCJ-PD no later than age 19.
- (6) TJJD jurisdiction is terminated and a youth is discharged when:
  - (A) the youth is transferred to TDCJ; or
  - (B) the youth's sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described in §380.8525 of this title.

(d) **Program Completion Criteria.**

TJJD reviews youth for program completion and possible transfer to TDCJ-PD when the following criteria have been met:

- (1) no major rule violations confirmed through a Level II due process hearing within 90 days before the exit interview or during the approval process; and
- (2) completion of at least three years toward the minimum period of confinement; and
- (3) participation in or completion of assigned specialized treatment programs or curriculum as required under §380.8751 of this title; and
- (4) assignment by the Multi-disciplinary Team to the highest stage in the rehabilitation program as described in §380.8703 of this title, which reflects that the youth:
  - (A) is consistently participating in academic and workforce development programs commensurate with abilities as reflected in the youth's educational plan;
  - (B) is consistently participating in skills development groups, as reflected in the youth's individual case plan;
  - (C) is consistently demonstrating learned skills, as reflected in the documentation of the youth's behavior; and
  - (D) has completed a community reintegration plan approved by the Multi-disciplinary Team that demonstrates the youth's:
    - (i) understanding of his/her risk and protective factors;
    - (ii) development of skills, abilities, and knowledge to reduce risk factors and increase protective factors;
    - (iii) identification of goals and a plan of action to achieve those goals; and
    - (iv) identification of obstacles that may hinder successful re-entry and plans to deal with those obstacles; and
  - (E) participation in or completion of statutorily required rehabilitation programming, including but not limited to:
    - (i) participation in a reading improvement program for identified youth to the extent required under §380.9155 of this title;
    - (ii) participation in a positive behavioral interventions and supports system to the extent required under §380.9155 of this title; and

- (iii) completion of at least 12 hours of a gang intervention education program, if required by court order.

(e) **Youth Who Do Not Meet Program Completion Criteria.**

If a youth does not meet the criteria in subsection (d) of this section, TJJD recommends transfer to TDCJ-PD or TDCJ-CID to the committing juvenile court and considers the following factors in forming its recommendation:

- (1) length of stay in TJJD;
- (2) youth's progress in the rehabilitation program;
- (3) youth's behavior while in TJJD;
- (4) youth's offense/delinquent history; and
- (5) any other relevant factors, such as:
  - (A) risk factors and protective factors the youth possesses, as identified in his/her psychological evaluation; and
  - (B) the welfare of the community.

(f) **Transfer to TDCJ-CID before Termination of TJJD's Jurisdiction.**

TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction facility to TDCJ-CID if the following criteria are met:

- (1) the youth is at least age 16; and
- (2) the youth has spent at least six months in high-restriction facilities, which is counted as follows:
  - (A) if the youth received a determinate sentence for conduct that occurred in the community, the six months begins upon admission to TJJD; or
  - (B) if the youth received a determinate sentence for conduct that occurred in a TJJD or contract facility, the six months begins upon the youth's initial admission to TJJD, regardless of whether the initial admission resulted from a determinate or indeterminate commitment; and
- (3) the youth has not completed his/her sentence; and
- (4) the youth meets at least one of the following behavior criteria:
  - (A) the youth has committed a felony or Class A misdemeanor while assigned to a residential facility; or
  - (B) the youth has committed major rule violations as confirmed through a Level II due process hearing on three or more occasions; or
  - (C) the youth has engaged in conduct that has resulted in at least five Security Program admissions or extensions in one month or ten in three months (see §380.9740 of this title for information on the Security Program); or
  - (D) the youth has demonstrated an unwillingness to progress in his/her rehabilitation program due to persistent non-compliance with objectives; and
- (5) alternative interventions have been tried without success; and

(6) the youth's conduct indicates that the welfare of the community requires the transfer.

(g) **Decision Authority for Approval to Transfer.**

(1) No later than five months before a youth reaches age 19, the executive director or his/her designee must:

(A) determine whether the youth meets criteria under this rule for transfer to TDCJ-PD or transfer to TDCJ-CID; and

(B) approve the staff request for a hearing by the committing juvenile court to request transfer of the youth to TDCJ-PD or TDCJ-CID.

(2) The committing juvenile court is the final decision authority for transferring a youth to TDCJ-PD or TDCJ-CID.

(h) **Notification.**

TJJD notifies any entity that has issued an active warrant for the youth at least ten calendar days before the youth's transfer.

- 
- See CMS.02.57 for procedures relating to the transfer to TDCJ-PD process.
  - See CMS.02.58 for procedures relating to the transfer to TDCJ-CID process.
  - See CMS.02.77 for procedures relating to transfer of youth with non-immigration detainers.
  - See CMS.02.75 for procedures relating to transfer of undocumented foreign nationals.
  - See CMS.02.62 for procedures relating to the 30-day report to the committing court (CCF-180).
  - See CMS.02.63 for procedures relating to the 10-day release/transition notice (CCF-186).



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT REVISIONS WITHIN 37 TAC §§380.8559, 380.8565, and 380.8569,  
RELATING TO SENTENCED OFFENDERS**

On this 5<sup>th</sup> day of August 2016, 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 §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for the government of the schools, facilities, and programs under TJJD’s authority; and

**WHEREAS**, the Board previously approved the publication of the proposed revisions within §§380.8559, 380.8565, and 380.8569 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 has recommended additional minor revisions within §380.8559 and §380.8565;

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the revisions within §§380.8559, 380.8565, and 380.8569 as proposed, with additional revisions within §380.8559 and §380.8565 as noted.

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

**Signed this 5<sup>th</sup> day of August 2016.**

**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

Tushar Desai, Medical Director

Subject: Discussion, consideration, and possible final adoption of revisions within 37 TAC §380.9197, relating to HIV/AIDS (Action)

Date: July 11, 2016

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The Medical Services Division proposed changes to 37 TAC §380.9197 (HIV/AIDS) at the January 2016 board meeting. The board approved posting the revisions in the *Texas Register* for a 30-day public comment period.

The comment period has ended. We did not receive any public comments. However, the staff has proposed several additional changes, as described below.

- Clarify that *TJJJ-employed health care staff* (in addition to contract health care staff) are authorized to disclose HIV test results or a youth's HIV/AIDS status in certain limited circumstances.
- Clarify that *any person* (rather than just medical professionals) who is designated on a signed release form may receive a youth's HIV test results.

The staff now requests the board's approval to adopt the final rule text, with the additional changes described above. A summary of all changes is provided below for reference.

Attached to this memo, please find the following documents:

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

### **Summary of Key Changes:**

- In compliance with §81.050 of the Texas Health and Safety Code, the rule now states HIV testing may be performed on a youth when the testing is compelled by a *Texas Department of State Health Services (DSHS) order* following a request made by TJJJ staff. Previously, the rule referred only to testing compelled by a court order.

- Due to changes to Article 18.22 of the Texas Code of Criminal Procedure, the rule now states HIV testing may be performed on a youth when the testing is compelled by a court order following a request made by TJJJ staff.
- The rule clarifies that HIV test results or a youth's HIV/AIDS status may be released or disclosed only by health care staff to designated individuals as described in the rule.
- The rule clarifies that any person (not just medical professionals) may receive a youth's HIV test results if the person is designated on an appropriately signed release form.
- The rule clarifies that TJJJ staff who request testing in accordance with §81.050 of the Texas Health and Safety Code or Article 18.22 of the Texas Code of Criminal Procedure have a right to receive the test results from the entity specified in the applicable statute.

Draft 6/17/16

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services <b>Rule: HIV/AIDS</b>  ACA: 4-JCF-4C-25 3-JCRF-4C-22 Statutes: Health and Safety Code §81.050 Code of Criminal Procedure, Article 18.22	<b>Effective Date:</b>  Page: 1 of 3  Replaces: GAP.380.9197, 4/15/15
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Staff-recommended changes on pg. 2

## RULE

### (a) Purpose.

This rule provides for a safe and healthy environment for youth in Texas Juvenile Justice Department (TJJD) residential facilities by offering HIV/AIDS education, testing, and counseling/treatment and by ensuring compliance with confidentiality and reporting laws. Each youth is treated equally, and every youth's right to privacy is respected.

### (b) Definitions.

- (1) **AIDS**--Acquired immune deficiency syndrome, as defined by the Centers for Disease Control and Prevention (CDC).
- (2) **HIV**--Human immunodeficiency virus.
- (3) **Test Result**--Any statement indicating that an identifiable individual has or has not been tested for HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS. This includes a statement or assertion that the individual is positive, negative, at risk, or has or does not have a certain level of antigen or antibody.

### (c) Testing.

- (1) Testing for HIV infection, antibodies to HIV, or infection with any other probable causative agent of AIDS is part of routine laboratory testing performed when a youth is admitted to TJJD and does not require a specific consent form.
- (2) Youth have the right to refuse HIV testing in writing, including routine HIV testing performed during admission, except as provided by law.
- (3) HIV testing is not performed routinely as a result of an assault.
- (4) HIV testing may be performed on a youth only when:
  - (A) the youth is admitted to TJJD;
  - (B) the testing is requested by the youth and/or the testing is performed with the youth's consent after his/her admission to TJJD;
  - (C) the testing is compelled by a Texas Department of State Health Services (DSHS) order or court order following a request made by TJJD staff in accordance with §81.050 of the Texas Health and Safety Code;
  - (D) the testing is compelled by a court order following a request made by TJJD staff in accordance with Article 18.22 of the Texas Code of Criminal Procedure; and/or

(E) the testing is directed by a warrant obtained by the TJJJ Office of Inspector General or other law enforcement entity.

(5) Blood may be collected for HIV testing only by nurses, medical providers, or DSHS or its local testing designee.

(6) Post-test counseling is provided for youth with positive HIV test results. Pre-test counseling is provided for any HIV test conducted after admission to TJJJ.

(d) **Confidentiality.**

(1) HIV test results or a youth's HIV/AIDS status are confidential and may be released or disclosed only by ~~TJJJ-contracted~~ health care staff and only to:

(A) the TJJJ medical director;

(B) the TJJJ director of nursing;

(C) a physician, nurse, or other health care personnel who has a legitimate need to know the information to provide for the youth's health and welfare;

(D) the youth's parent/guardian if the youth is under 18 years of age or with the youth's consent if the youth is at least 18 years of age;

(E) any ~~person designated on medical professional with~~ a signed release from the youth or the youth's parent/guardian, as appropriate. The written consent must state that HIV test results are to be released; or

(F) any person with a right pursuant to law to obtain the information.

(2) TJJJ staff who request testing in accordance with §81.050 of the Texas Health and Safety Code or Article 18.22 of the Texas Code of Criminal Procedure have a right to receive the test results from the entity specified in the applicable statute.

(e) **Reporting.**

As required by state law, TJJJ reports any AIDS cases or the HIV-positive status of a youth diagnosed by a physician in accordance with CDC standards to the appropriate DSHS authority through the facility medical provider.

(f) **Housing.**

HIV-positive youth are not segregated from the general population based solely on positive HIV status. Housing assignments are made in accordance with §380.8524 of this title.

(g) **Treatment.**

HIV-positive youth are referred immediately to appropriate health care facilities or specialists for further evaluation, treatment, and counseling.

(h) **Access to Services.**

Youth in TJJJ facilities are not denied equal access to appropriate medical services because of their HIV/AIDS status.

(i) **Education.**

(1) TJJJ provides educational information to youth regarding HIV/AIDS as follows.

- (A) All youth participate in an educational session when admitted to TJJJ.
  - (B) Education may continue as part of the academic program.
  - (C) Medical staff educate youth as indicated and/or as requested.
- (2) HIV/AIDS education for youth is based upon current, accurate, scientific information provided by officially recognized authorities on public health. Information is communicated in a manner that youth comprehend and that is sensitive to cultural and other differences.
- (3) Educational programs address topics including, but not limited to:
- (A) disease and disease process;
  - (B) signs and symptoms;
  - (C) modes of HIV transmission, including high-risk and criminal behaviors that are potential risks for HIV transmission during confinement and after release;
  - (D) methods of preventing HIV transmission; and
  - (E) confidentiality of medical information and the civil and criminal penalties for failing to comply.
- (j) **Training.**
- (1) All TJJJ direct-care staff members receive training initially during orientation and annually thereafter.
  - (2) Staff at TJJJ district offices and Central Office receive educational information annually.

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See HSP.07.04 for implementation procedures.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT REVISIONS WITHIN 37 TAC §380.9197, RELATING TO HIV/AIDS**

On this **5<sup>th</sup> day of August, 2016**, 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 §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for the government of the schools, facilities, and programs under TJJD’s authority;

**WHEREAS**, the Texas Juvenile Justice Board previously approved the publication of proposed revisions to 37 TAC §380.9197 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 has recommended additional changes to the text published in the *Texas Register*; and

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the revisions to §380.9197 as proposed, with the additional changes recommended by staff.

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

**Signed this 5th day of August, 2016.**

**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  
Chelsea Buchholtz, Chief of Staff

Subject: Discussion, consideration, and possible final adoption of the rule review and repeal of 37 TAC §380.9703, relating to Weapons and Concealed Handguns (Action)

Date: July 12, 2016

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As part of TJJJ's rule review process, the staff proposed to repeal 37 TAC §380.9703 (Weapons and Concealed Handguns) at the April 2016 board meeting.

The board approved posting the proposed repeal and a rule review notice in the *Texas Register* for a 30-day public comment period. The comment period has ended, and we did not receive any public comments.

The staff now requests the board's approval to adopt the repeal and conclude the rule review for §380.9703.

Attached to this memo, please find the following documents:

- A table summarizing the justification for repealing the rule.
- A copy of the rule text.
- A resolution for board action.

**Texas Administrative Code Rule Review**  
**37 TAC Chapter 380, Subchapter F – Security and Control**

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Justification for Repeal	Status of Proposed Repeal
380.9703	Weapons and Concealed Handguns	Prohibits possession of weapons in TJJJ facilities and premises except under certain limited circumstances, which are listed in the rule.	No	<ul style="list-style-type: none"> <li>• Portions of the rule that apply to agency personnel (i.e., employees, volunteers, and contractors), are separately addressed in TJJJ’s internal policies and procedures and in individual contracts are therefore not needed in an agency rule.</li> <li>• Portions of the rule that apply to members of the public are governed by state laws concerning possession of firearms and other weapons. The substance of these laws does not need to be republished in an agency rule.</li> <li>• TJJJ has adopted other rules (such as §380.9107 and §380.9710) that prohibit contraband, including weapons, in TJJJ’s residential facilities.</li> </ul>	Ready for board to adopt final repeal

**Chapter: Rules for State-Operated Programs and Facilities**  
**Subchapter: Security and Control**  
**Rule: Weapons and Concealed Handguns**

**Effective Date:** 11/15/11, T-117  
**Page:** 1 of 1  
**Replaces:** GAP.81.31  
**Dated:** 12/18/03, T-63

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

**Statute(s):** Labor Code Chapter 52; Gov't Code Chapter 411, Subchapter H;  
Penal Code §§30.05, 30.06, 46.01, 46.02, 46.03, 46.035

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**RULE**

(a) **Purpose.**

The purpose of this rule is to ensure that with regard to weapons and concealed handguns, the Texas Youth Commission (TYC) provides for the safety and security of its staff, youth, and the public.

(b) **Possession of Weapons and Concealed Handguns.**

- (1) State law allows employees to transport or store lawfully possessed firearms or ammunition in a locked, privately owned motor vehicle in a parking lot, parking garage, or other parking area the agency provides for employees. In order for an employee to transport or store such firearms in an agency-provided parking area, the vehicle must be capable of being locked in a manner that prohibits unauthorized entry into the passenger compartment, the vehicle must be locked, and the firearm(s) must be stored unloaded in the locked trunk of the vehicle or in a locked compartment in the vehicle.
- (2) Other possession of weapons, as defined in §46.01, Texas Penal Code, is prohibited on the premises of buildings, offices, and facilities operated by or under contract with TYC except:
  - (A) as specifically authorized by the executive director;
  - (B) when carried by a law enforcement officer who is responding to a call by TYC in an emergency situation; or
  - (C) when an individual other than a TYC employee, volunteer, or contractor carries a lawfully possessed concealed handgun on the premises of a building, office, or facility operated by or under contract with TYC at which education is not provided to youth.

(c) **Posting of Signs at Residential Facilities.**

Signs shall be posted in English and Spanish at all residential facilities operated by or under contract with TYC at which education is provided to youth. The signs shall contain written language pursuant to §30.06 of the Texas Penal Code.

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**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE REPEAL AND RULE REVIEW FOR 37 TAC §380.9703 (WEAPONS AND CONCEALED HANDGUNS)**

On this **5<sup>th</sup> day of August 2016**, 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 requires the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, the Board previously approved publishing the proposed repeal and rule review notice for §380.9703 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;

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the repeal and rule review for §380.9703 as proposed.

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

**Signed this 5th day of August 2016.**

**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

Kaci Singer, Staff Attorney and Policy Supervisor

Subject: Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.8117, relating to Private Real Property Rights Affected by Governmental Action, and §385.8134, relating to Notice of Youth Confessions of Child Abuse (Action)

Date: July 11, 2016

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As part of TJJD's rule review process, the Office of the General Counsel proposed changes to the following rules at the January 2016 board meeting:

- TAC §385.8117 (Private Real Property Rights Affected by Governmental Action)
- TAC §385.8134 (Notice of Youth Confessions of Child Abuse)

The board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day public comment period. The comment period has ended, and we did not receive any public comments. However, the staff has recommended the following additional change:

- In §385.8117, change "section (f)(1)" to "subsection (f)(1) of this section."

The staff now requests the board's approval to adopt the rule review and final rule text, with the additional change described above.

Attached to this memo, please find the following documents:

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



**Texas Administrative Code Rule Review**  
**37 TAC Chapter 385, Subchapter B (Interaction with the Public)**  
 (Rules assigned to the Office of the General Counsel)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
385.8117	Private Real Property Rights Affected by Governmental Action	Establishes procedures for TJJJ to determine if private real property rights are affected by proposed governmental action to be taken by TJJJ.	Yes	<ul style="list-style-type: none"> <li>Clarified that the TJJJ staff member proposing a governmental action is responsible for the actions described in the rule.</li> <li>Clarified that the definitions within this rule can be found in the Private Real Property Rights Preservation Act.</li> <li>Removed unnecessary language concerning public information.</li> </ul>	Ready for board adoption
385.8134	Notice of Youth Confessions of Child Abuse	Provides requirements, consistent with state law, for TJJJ to report information regarding TJJJ youth who confess to having abused or neglected a child or children at a time other than when assigned to a TJJJ-operated residential facility or contract care program.	Yes	<ul style="list-style-type: none"> <li>Clarified that the rule includes confessions made by youth who are on TJJJ parole.</li> <li>Clarified that the staff member or volunteer to whom the confession was made is responsible for making the report to the appropriate agency and for informing his/her supervisor that the report was made.</li> <li>Removed language that established separate procedures for reporting certain kinds of alleged abuse or neglect in order to clarify that all confessions of abuse or neglect under this rule must be reported in the same manner, consistent with state law.</li> </ul>	Ready for board adoption

7/5/16 Draft

Chapter: Agency Management and Operations Subchapter: Interaction with the Public <b>Rule: Private Real Property Rights Affected by Governmental Action</b>  ACA: N/A Statutes: Gov't Code Chapter 2007	<b>Effective Date:</b>  Page: 1 of 2  Replaces: GAP.385.8117, 12/31/96
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**Staff-recommended change in red**

**RULE**

(a) **Purpose.**

This rule establishes procedures for the Texas Juvenile Justice Department (TJJD) to determine if private real property rights are affected by proposed governmental action to be taken by TJJD.

(b) **Responsibility.**

The TJJD staff member proposing a governmental action is responsible for the actions described herein.

(c) **Definitions.**

Definitions pertaining to this rule are in the Private Real Property Rights Preservation Act (the Act), Chapter 2007 of the Texas Government Code.

(d) **Categorical Determination.**

(1) Activities related to the following, and the programs, policies, rules, or regulations promulgated to implement them, do not affect private real property rights:

- (A) youth care and treatment;
- (B) facility operations, maintenance, and construction;
- (C) personnel management; and
- (D) purchase of goods and services.

(2) If the proposed governmental action falls within one of the above categories, further compliance with the Act is not required and a Takings Impact Assessment (TIA) must not be initiated.

(3) If the proposed governmental action does not fall within one of the above categories, TJJD must make a No Private Real Property Impact Determination to determine if a TIA is required.

(e) **No Private Real Property Impact (No PRPI) Determination.**

(1) A No PRPI Determination is made by finding the proposed governmental action does not result in a burden on private real property according to the procedures in subsection (e)(2) of this section.

(2) A No PRPI Determination is made by answering the following questions.

- (A) Will the proposed governmental action involve a physical seizure or occupation of private real property?
- (B) Will the proposed governmental action involve a regulation of private real property or of activities occurring on private real property?
- (C) Will the proposed governmental action diminish or destroy the right of a private property owner to exclude others from the property, possess it, or dispose of it?

(D) Will the value of private real property that is the subject of the proposed governmental action be reduced by 25% or more as a result of the action?

(3) If the answer to all four questions in subsection (e)(2) of this section is "NO," there is a No PRPI Determination and no further action is required under the Act. If the answer to any of the four questions in subsection (e)(2) of this section is "YES," a TIA is required by the Act.

(f) **TIA.**

(1) **Initiating a TIA.**

Before a TIA is initiated, the following must be determined to be true pursuant to the procedures in subsections (d) and (e) of this section:

(A) the contemplated governmental action does not fall within the categorical determinations for which no TIA is required; and

(B) there may be an impact on private real property interests.

(2) **Elements of the TIA.**

If the criteria in ~~subsection~~ (f)(1) of this section are met, TJJJ must prepare a written TIA that does the following:

(A) describes the specific purpose of the proposed governmental action;

(B) identifies:

(i) whether and how the proposed governmental action substantially advances its stated purpose;

(ii) describes the burdens imposed on private real property; and

(iii) describes the benefits to society resulting from the proposed use of private real property; and

(C) explains whether engaging in the proposed governmental action will constitute a taking under the United States Constitution, the Texas Constitution, or the Act; and

(D) describes reasonable alternative actions that could accomplish the specified purpose and compares, evaluates, and explains:

(i) how an alternative action would further the specified purpose; and

(ii) whether an alternative action would constitute a taking.

7/5/16 Draft

Chapter: Agency Management and Operations Subchapter: Interaction with the Public <b>Rule: Notice of Youth Confessions of Child Abuse</b> ACA: N/A Statutes: Family Code Chapter 261, Subchapter B	<b>Effective Date:</b> Page: 1 of 1 Replaces: GAP.385.8134, 5/18/04
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**RULE**

(a) **Purpose.**

This rule provides requirements, consistent with the Texas Family Code, Chapter 261, Subchapter B, for Texas Juvenile Justice Department (TJJD) staff members or volunteers to report information regarding TJJD youth who confess to having abused or neglected a child or children at a time other than when assigned to a TJJD-operated residential facility or contract care program.

(b) **Applicability.**

This rule does not apply to reporting suspected abuse or neglect of youth in TJJD programs, which is addressed in §380.9333 of this title.

(c) **Definitions.**

For the purposes of this rule, abuse and neglect are defined by Texas Family Code §261.001.

(d) **Reporting.**

- (1) In accordance with Texas Family Code §261.101, a TJJD staff member or volunteer who has cause to believe that a TJJD youth is responsible for abusing or neglecting a child or children at a time other than when the youth was assigned to a TJJD-operated residential facility or contract care program must, within 48 hours after receiving the information upon which the belief is based, report the alleged abuse or neglect to the Texas Department of Family and Protective Services (DFPS) or to a state or local law enforcement agency where the alleged abuse or neglect occurred. The report must contain accurate and detailed information upon which the cause to believe abuse or neglect occurred is based.
- (2) A report does not need to be made if it is determined from existing documentation that the alleged abuse or neglect:
  - (A) has already been referred to DFPS or a law enforcement agency and the new report includes no new information;
  - (B) relates only to conduct that resulted in the youth's commitment to TJJD; or
  - (C) relates only to conduct that resulted in a previous referral to a juvenile probation department or to juvenile court.
- (3) The staff member or volunteer must inform his/her supervisor about the report.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §385.8117 (PRIVATE REAL PROPERTY RIGHTS AFFECTED BY GOVERNMENTAL ACTION) AND §385.8134 (NOTICE OF YOUTH CONFESSIONS OF CHILD ABUSE)**

On this **5<sup>th</sup> day of August, 2016**, 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 requires the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, Texas Government Code §2007.041 mandates the Texas Attorney General to establish guidelines for governmental entities to use in evaluating whether proposed actions would result in a taking under the Private Real Property Rights Preservation Act (the Act); and

**WHEREAS**, the Texas Attorney General has established those guidelines and they direct each covered governmental entity to institute their own specific procedures for making an analysis of whether a proposed action results in a taking under the Act; and

**WHEREAS**, Texas Family Code §261.105 requires TJJD to adopt rules for identifying a report made to the TJJD that is appropriate to refer to the Department of Family and Protective Services or a law enforcement agency for investigation; and

**WHEREAS**, the Board previously approved the publication of the proposed rule review and revisions for §385.8117 and §385.8134 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 has recommended an additional minor change to §385.8117;

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the rule review and revisions for §385.8117 and §385.8134 as proposed, with an additional revision to §385.8117 as noted.

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

Signed this 5th day of August, 2016.

**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

Jill Mata, General Counsel

Subject: Discussion, consideration, and possible approval regarding the discipline of certified officers – Agreed Order (Action)

Date: July 8, 2016

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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 the State Office of Administrative Hearings (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 certified officers and TJJJ through an agreed order. Attached for your review are the Agreed Order(s) and the Resolution for approval to issue a Final Agreed Order related to the disciplinary cases of certified juvenile officer(s). TJJJ and the certified officer(s) have agreed to the discipline indicated.



**DOCKET NO. 16-24200-160208**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>DANIEL HALE</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 24200</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**AGREED ORDER**

The Texas Juvenile Justice Board (the Board) considered the matter of the certification of Daniel Hale (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 February 16, 2016 and March 11, 2016, Respondent held a juvenile supervision officer certification with TJJD.
2. On February 16, 2016 and March 11, 2016, 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 February 16, 2016 and March 11, 2016 and required that certified juvenile officers adhere to a Code of Ethics.
4. An Amended Petition for Disciplinary Action was mailed to Respondent on June 1, 2016, 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 Amended Petition for Disciplinary Action alleged the following:
  - a. On or about February 16, 2016, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent engaged in conduct meeting the definition of abuse as defined by Texas Family Code Section 261.401, when Respondent intentionally, knowingly, or recklessly engaged in an act or omission that could cause physical injury to Juvenile 1, to-wit: lifted juvenile from behind and slammed him into the ground;
  - b. On or about March 11, 2016, Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation after engaging in conduct in violation of TJJD standards, rules, and regulations, to wit: 37 Texas Administrative Code Section 345.310 (c)(2)(G)
  - c. On or about February 16, 2016, Respondent engaged in conduct in violation of TJJD standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(2)(J) when Respondent used violence or unnecessary force and did not use only the amount and type of force reasonably necessary and appropriate when justified to ensure the security of Juvenile 1, to-wit: lifted juvenile from behind and slammed him into the ground.

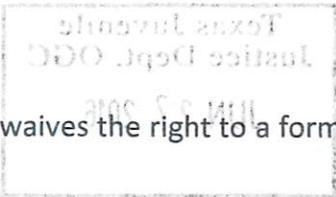
#### CONCLUSIONS OF LAW

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, Chapters 341-359 of Texas Administrative Code, Title 37, and all state and federal laws.
2. Texas Administrative Code, Title 37, Chapter 349 provides for the disciplining of a certified juvenile probation or juvenile supervision officer whose acts or omissions violate the law, including TJJD standards, rules, and regulations.
3. Respondent's conduct is a violation of Texas Family Code Section 261.401, Texas Administrative Code, Title 37, Section 345.310 (c)(2)(G) and Section 345.310(c)(2)(J).

#### ORDERING PROVISIONS

**IT IS THEREFORE ORDERED by the Board of the Texas Juvenile Justice Department that:**

1. The certification of Daniel Hale as a juvenile supervision officer is suspended, with that suspension being probated for two years beginning on the date this Agreed Order is signed by the Board and such probation term shall expire upon the second anniversary of the date signed.
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 waives the right to a formal hearing and any right to judicial review of this Agreed Order.

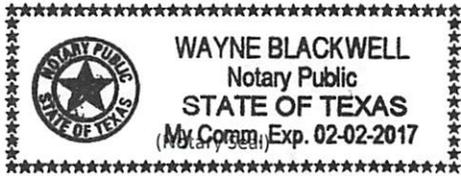
I, Daniel Hale, RESPONDENT, HAVE READ AND UNDERSTAND THE FOREGOING AGREED DISPOSITION ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED DISPOSITION ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED DISPOSITION ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE.

DATED: 6/22/, 2016

[Signature]  
Signature of Respondent

STATE OF TEXAS §  
COUNTY OF GRAYSON §

Before me, the undersigned notary public on this day personally appeared DANIEL HALE, known to me (or proved to me on the oath of \_\_\_\_\_, or through TX DL: 238 77500 (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.



[Signature]  
Notary Public

Approved by the duly authorized designee of the Texas Juvenile Justice Board on 6.30.16, 2016.

[Signature]  
David Reilly, Executive Director



IN THE MATTER OF	§	BEFORE THE
	§	
WILLIE JACKSON	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. # 29889	§	JUSTICE BOARD

**AGREED ORDER**

The Texas Juvenile Justice Board (the Board) considered the matter of the certification of Willie Jackson (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 July 22, 2015, Respondent held a juvenile supervision officer certification with TJJD.
2. On July 22, 2015, 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 July 22, 2015 and required that certified juvenile officers adhere to a Code of Ethics.
4. A Petition for Disciplinary Action was mailed to Respondent on May 26, 2016, 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 alleged the following:
  - a. On or about July 22, 2015, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent engaged in conduct meeting the definition of abuse as defined by Texas Family Code Section 261.401, when Respondent intentionally, knowingly, or recklessly engaged in an act or omission that could cause physical injury to Juvenile 1, Juvenile 2, Juvenile 4, Juvenile 5, Juvenile 6 to-wit: allowed residents to strike each other or engage in slap-boxing;
  - b. On or about July 22, 2015, Respondent engaged in conduct in violation of TJJD standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(1)(D) when Respondent allowed residents to strike each other or engage in slap-boxing;
  - c. On or about November 3, 2015, Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation after engaging in conduct in violation of TJJD standards, rules, and regulations, to wit: 37 Texas Administrative Code Section 345.310 (c)(2)(G)
  - d. On or about July 22, 2015, Respondent engaged in conduct in violation of TJJD standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(1)(A), when Respondent violated 37 Texas Administrative Code Section 343.450 when Respondent allowed more than one resident to enter an individual sleeping quarter on three separate occasions.

#### **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, Chapters 341-359 of Texas Administrative Code, Title 37, and all state and federal laws.
2. Texas Administrative Code, Title 37, Chapter 349 provides for the disciplining of a certified juvenile probation or juvenile supervision officer whose acts or omissions violate the law, including TJJD standards, rules, and regulations.
3. Respondent's conduct is a violation of Texas Family Code Section 261.401, Texas Administrative Code, Title 37, Section 345.310(c)(1)(D) and Section 345.310 (c)(2)(G).

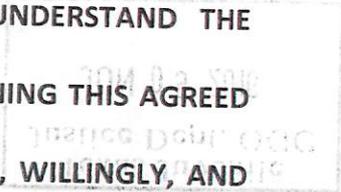
#### **ORDERING PROVISIONS**

**IT IS THEREFORE ORDERED by the Board of the Texas Juvenile Justice Department that:**

1. The certification of Willie Jackson as a juvenile supervision officer is permanently revoked.
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 waives the right to a formal hearing and any right to judicial review of this Agreed Order.

I, Willie Jackson, 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.



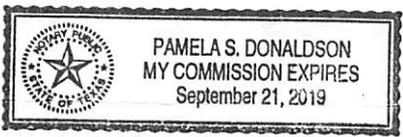
DATED: June 7, 2016

Willie Jackson  
Signature of Respondent

STATE OF TEXAS §  
COUNTY OF Bell §

Before me, the undersigned notary public on this day personally appeared Willie Jackson, known to me (or proved to me on the oath of \_\_\_\_\_, or through TX DL (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.

P. Donaldson  
Notary Public



(Notary Seal)

Approved by the duly authorized designee of the Texas Juvenile Justice Board on 6-30-16, 2016.

David Reilly  
David Reilly, Executive Director

Texas Juvenile  
Justice Dept. OGC  
JUN 09 2016

RECEIVED  
JUN 10 2016  
JUVENILE JUSTICE DEPARTMENT  
OFFICE OF THE ATTORNEY GENERAL

**DOCKET NO. 16-28201-150287**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>RICKEY LEE SHELTON, JR.</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 28201</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**AGREED ORDER**

The Texas Juvenile Justice Board (the Board) considered the matter of the certification of Rickey Lee Shelton, Jr. (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. In September 24, 2014 to December 30, 2014, Respondent held a juvenile supervision officer certification with TJJD.
2. In September 24, 2014 to December 30, 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 in September 24, 2014 to December 30, 2014 and required that certified juvenile officers adhere to a Code of Ethics.
4. A Petition for Disciplinary Action was mailed to Respondent on May 24, 2016, 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 alleged the following:
  - a. From September 24, 2014 to December 30, 2014, Respondent engaged in conduct in violation of TJJJ standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(2)(D) when Respondent maintained or gave the appearance of maintaining an inappropriate relationship with Juvenile A, to-wit: asking juvenile to touch his penis, gesturing to juvenile to expose her breasts and making comments to juvenile about having kids with her;
  - b. From September 24, 2014 to December 30, 2014, Respondent engaged in conduct in violation of TJJJ standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(2)(D) when Respondent maintained or gave the appearance of maintaining an inappropriate relationship with Juvenile B, to-wit: making romantic or flirtatious gestures, having an online friendship through social media with juvenile, referring to juvenile by pet nicknames, commenting on juvenile's body and looks, and making comments to juvenile about having kids with her;
  - c. On or about June 4, 2015, Respondent engaged in conduct in violation of TJJJ standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(2)(D) when Respondent maintained or gave the appearance of maintaining an inappropriate relationship with Juvenile C, to-wit: commenting on juvenile's body piercings, asking juvenile to reveal her breasts, and asking juvenile about her sexual history.

#### **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, Chapters 341-359 of Texas Administrative Code, Title 37, and all state and federal laws.
2. Texas Administrative Code, Title 37, Chapter 349 provides for the disciplining of a certified juvenile probation or juvenile supervision officer whose acts or omissions violate the law, including TJJJ standards, rules, and regulations.
3. Respondent's conduct is a violation of Texas Family Code Section 261.401, 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 Rickey Lee Shelton, Jr. as a juvenile supervision officer is permanently revoked.
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 waives the right to a formal hearing and any right to judicial review of this Agreed Order.

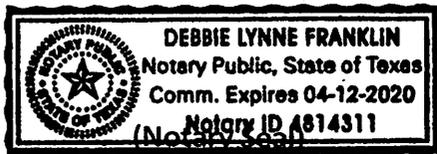
I, Rickey Lee Shelton Jr RESPONDENT, HAVE READ AND UNDERSTAND THE FOREGOING AGREED DISPOSITION ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED DISPOSITION ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED DISPOSITION ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE.

DATED: June 14, 2016

[Signature]  
Signature of Respondent

STATE OF TEXAS §  
COUNTY OF Bexar §

Before me, the undersigned notary public on this day personally appeared Rickey Lee Shelton Jr known to me (or proved to me on the oath of 07674276, or through 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.



[Signature]  
Notary Public

Approved by the duly authorized designee of the Texas Juvenile Justice Board on 6-30-16, 2016.

[Signature]  
David Reilly, Executive Director





**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION TO APPROVE THE AGREED ORDER(S) RELATED TO DISCIPLINARY CASES OF CERTIFIED JUVENILE PROBATION OR SUPERVISION OFFICERS**

On this the 5<sup>th</sup> day of August 2016, 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 to Approve the Agreed Order(s) in the following matter(s) related to the discipline of certified juvenile supervision officer(s):

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
16-24200-160208	Daniel Hale, 24200 Grayson County Post-Adjudication Facility	2-year Probated Suspension of Certification	Grayson
16-29889-150306	Willie Jackson, 29889 Bell County Juvenile Services Center	Revocation of Certification	Bell
16-28201-150287	Rickey Lee Shelton, Jr., 28201 Bexar County Juvenile Detention Center	Revocation of Certification	Bexar

**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, §349.360, pursuant to Texas Government Code §2001.056; and

**WHEREAS** the Board considered each matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in each Agreed Order 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 RESOLVED THAT** the Board approves the Agreed Order(s) in each matter and that a copy of this Resolution shall be affixed to each Order.

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

Signed this **5<sup>th</sup> day of August 2016**.

**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  
Jill Mata, General Counsel

Subject: Discussion, consideration, and possible approval regarding the discipline of certified officers – Default Orders (Action)

Date: July 8, 2016

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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 (SOAH) 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 regular or 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(s) of the TJJJ staff attorney assigned to these matter(s), we respectfully request that the Board grant the Default Order(s) in the requested case(s). 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. 16-24004-150070**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>LARRY ARDILA, JR.</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 24004</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s 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 Larry Ardila, Jr. (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 October 29, 2014, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about October 29, 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 October 29, 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)(K) provides that juvenile justice professionals must not falsify or make material omissions to governmental records.

6. On or about October 29, 2014, Respondent falsified or made material omissions to government records, to-wit: recorded room checks that he did not actually perform.
7. Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) provides juvenile justice professionals must abide by all federal laws, federal guidelines and rules, states laws, and TJJJ administrative rules.
8. On or about October 29, 2014, Respondent violated 37 Texas Administrative Code 345.310(c)(1)(A) when Respondent, failed to perform room checks as required by 37 TAC §343.350.
9. TJJJ 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 May 10, 2016.
10. More than twenty days have elapsed since May 14, 2016, 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, TJJJ has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Facts, 5-8, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) and Texas Administrative Code, Title 37, Section 345.310(c)(1)(A).
3. 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 Larry Ardila, Jr. is a One-year Active Suspension of Respondent's certification as a juvenile supervision officer.
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-five 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 one hundred 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 August 5, 2016

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

**AFFIDAVIT OF KYLE DUFOUR**

“My name is Kyle Dufour. 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, a written notice and Petition of Disciplinary Action containing formal charges, addressed to Larry Ardila, Jr. was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on May 10, 2016, to the most recent address of record for Larry Ardila, Jr. as registered with the Texas Juvenile Justice Department;
2. The wrapper sent by regular mail has not been returned;
3. The wrapper sent by certified mail return receipt requested was signed for on May 14, 2016;
4. Notice is presumed effective on May 14, 2016;
5. The written notice and Petition for Disciplinary Action indicated that on or about October 29, 2014, Respondent engaged in conduct in violation of the Texas Juvenile Justice Department’s standards, rules and regulations;
6. The Petition for Disciplinary Action alleged that on or about October 29, 2014, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) when Respondent falsified or made material omissions to government records, to-wit: recorded room checks that he did not actually perform;
7. The Petition for Disciplinary Action alleged that on or about October 29, 2014, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) when Respondent, failed to perform room checks as required by 37 TAC §343.350;
8. The written notice and Petition for Disciplinary Action informed Respondent that TJJD was seeking an One-year Active Suspension of Respondent’s certification as a juvenile supervision officer of his juvenile supervision officer’s certification;

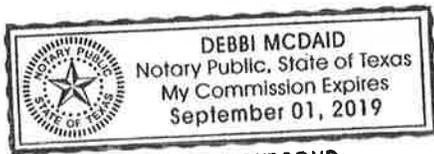
9. The written notice included in capital letters in 12-point boldface type the statement: 'FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT;'
10. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice;
11. Twenty days have elapsed since May 14, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

Signed this 24 day of June 2016

  
\_\_\_\_\_  
Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me 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 herein expressed.

Given under my hand and seal of office this 24 day of June 2016



NOTARY WITHOUT BOND  
(Notary Seal)

  
\_\_\_\_\_  
Notary Signature



**DOCKET NO. 16-30460-160138**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>RONNIE FAIMO A</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 30460</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s 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 Ronnie Faimoa (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 December 19, 2015, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about December 19, 2015, 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 December 19, 2015, 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)(K) provides that juvenile justice professionals must not falsify or make material omissions to governmental records.

6. On or about December 19, 2015, Respondent falsified or made material omissions to government records, to-wit: recorded room checks that he did not actually perform.
7. Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) provides juvenile justice professionals must abide by all federal laws, federal guidelines and rules, states laws, and TJJJ administrative rules.
8. On or about December 19, 2015, Respondent violated 37 Texas Administrative Code Section 345.310(c)(1)(A) when Respondent, failed to perform room checks as required by 37 TAC §343.438.
9. TJJJ 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 May 20, 2016.
10. More than twenty days have elapsed since May 26, 2016, 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, TJJJ has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Facts, 5-8, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) and Texas Administrative Code, Title 37, Section 345.310(c)(1)(A).
3. 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 Ronnie Faimoa is permanently 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-five 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 one hundred 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 August 5, 2016

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

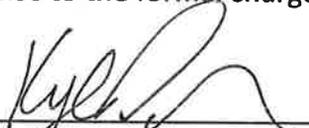
**AFFIDAVIT OF KYLE DUFOUR**

“My name is Kyle Dufour. 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, a written notice and Petition of Disciplinary Action containing formal charges, addressed to Ronnie Faimoa was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on May 20, 2016, to the most recent address of record for Ronnie Faimoa as registered with the Texas Juvenile Justice Department;
2. The wrapper sent by regular mail has not been returned;
3. Respondent signed the wrapper sent by certified mail return receipt requested on May 26, 2016.
4. Notice is presumed effective on May 26, 2016;
5. The written notice and Petition for Disciplinary Action indicated that on or about December 19, 2015, Respondent engaged in conduct in violation of the Texas Juvenile Justice Department’s standards, rules and regulations.
6. The Petition for Disciplinary Action alleged that on or about December 19, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) when Respondent falsified or made material omissions to government records, to-wit: recorded room checks that he did not actually perform;
7. The Petition for Disciplinary Action alleged that on or about December 19, 2015, Respondent engaged in conduct in Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) when Respondent failed to perform room checks as required by 37 TAC §343.438;
8. The written notice and Petition for Disciplinary Action informed Respondent that TJJD was seeking revocation of his juvenile supervision officer’s certification;

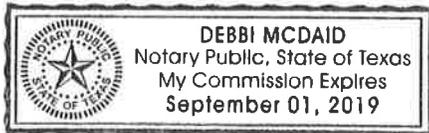
9. The written notice included in capital letters in 12-point boldface type the statement: 'FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT;'
10. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice;
11. Twenty days have elapsed since May 26, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

Signed this 24 day of June 2016

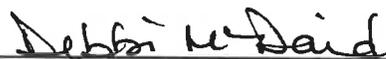
  
\_\_\_\_\_  
Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me 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 herein expressed.

Given under my hand and seal of office this 24 day of June 2016



NOTARY WITHOUT BOND

  
\_\_\_\_\_  
Notary Signature



**DOCKET NO. 16-29675-150273**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>EMMANUEL FUNCHESS</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 29675</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s 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 Emmanuel Funchess (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 6, 2015 and January 5, 2016, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about June 6, 2015 and January 5, 2016, 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 June 6, 2015 and January 5, 2016, 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 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 June 6, 2015, Respondent intentionally, knowingly, or recklessly engaged in an act or omission that could cause physical injury to Juvenile 1 and Juvenile 2, to-wit: allowed residents to strike each other or engage in slap-boxing.
8. On or about June 6, 2015, Respondent intentionally, knowingly, or recklessly engaged in an act or omission that could cause physical injury to juveniles, to-wit: allowed residents to strike each other or engage in slap-boxing.
9. 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 under the authority of Texas Family Code Chapter 261 and Texas Administrative Code Chapter 350.
10. On or about January 5, 2016, Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation.
11. Texas Administrative Code, Title 37, Section 345.310(c)(1)(D) provides juvenile justice professionals must serve each child with concern for the child's welfare and with no exception of personal gain.
12. On or about June 6, 2015, Respondent violated 37 Texas Administrative Code Section 343.450 when Respondent allowed multiple residents to strike each other or engage in slap-boxing.
13. 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 May 26, 2016.
14. More than twenty days have elapsed since June 1, 2016, the date Respondent is presumed to have received notice of the formal charges.
15. 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 5-8, Respondent abused Juveniles.
3. As evidenced by Findings of Facts, 9-12, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) and Texas Administrative Code, Title 37, Section 345.310(c)(1)(D).

4. As evidenced by Findings of Fact 13-15, 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 Emmanuel Funchess is permanently 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-five 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 one hundred 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 August 5, 2016

**AFFIDAVIT OF KYLE DUFOUR**

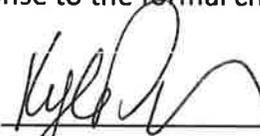
STATE OF TEXAS            §  
  §  
COUNTY OF TRAVIS       §

“My name is Kyle Dufour. 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, a written notice and Petition of Disciplinary Action containing formal charges, addressed to Emmanuel Funchess was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on May 26, 2016, to the most recent address of record for Emmanuel Funchess as registered with Texas Juvenile Justice Department;
2. The wrapper sent by regular mail has not been returned;
3. The wrapper sent by certified mail return receipt requested on May 26, 2016 was marked unclaimed by the United States Postal Service.
4. Notice was effective on June 1, 2016;
5. The written notice and Petition for Disciplinary Action indicated that on or about June 6, 2015 and January 5, 2016, Respondent engaged in conduct in violation of the Texas Family Code and the Texas Juvenile Justice Department’s standards, rules and regulations.
6. The Petition for Disciplinary Action alleged that on or about June 6, 2015, Respondent engaged in conduct in violation of the Texas Family Code Section 261.401(a)(1) when Respondent intentionally, knowingly, or recklessly engaged in an act or omission that could cause physical injury to Juvenile 1 and Juvenile 2, to-wit: allowed residents to strike each other or engage in slap-boxing and additionally, when Respondent intentionally, knowingly, or recklessly engaged in an act or omission that could cause physical injury to juveniles, to-wit: allowed residents to strike each other or engage in slap-boxing.
7. The Petition for Disciplinary Action alleged that on or about January 5, 2016, Respondent engaged in conduct in violation of the Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation.

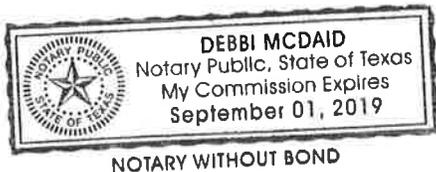
8. The Petition for Disciplinary Action alleged that on or about June 6, 2015, Respondent engaged in conduct in violation of the Texas Administrative Code, Title 37, Section 345.310(c)(1)(D) when Respondent violated 37 Texas Administrative Code Section 343.450 when Respondent allowed multiple residents to strike each other or engage in slap-boxing.
9. The written notice and Petition for Disciplinary Action informed Respondent that TJJ was seeking revocation of his juvenile officer's certification;
10. 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;'
11. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice;
12. Twenty days have elapsed since June 1, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

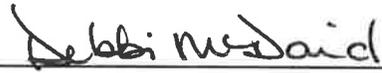
Signed this 28 day of June 2016

  
 \_\_\_\_\_  
 Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me 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 herein expressed.

Given under my hand and seal of office this 28<sup>th</sup> day of June 2016



  
 \_\_\_\_\_  
 Notary Signature



**DOCKET NO. 16-29360- 160218**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>CORNELIUS GRAY</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 29360</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s 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 Cornelius Gray (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 February 21 and February 22, 2016, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about February 21 and February 22, 2016, 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 February 21 and February 22, 2016, 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 358.100 provides that abuse is defined as in Texas Family Code Sections 261.401.

6. Texas Family Code Section 261.401(a)(1) "Abuse" means an intentional, knowing, or reckless act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program that causes or may cause emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.
7. On or about February 21 and February 22, 2016, Respondent intentionally, knowingly, or recklessly engaged in an act or omission that could cause physical injury to juveniles, to-wit: allowed residents to strike each other or engage in slap-boxing.
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 under the authority of Texas Family Code Chapter 261 and Texas Administrative Code Chapter 350.
9. On or about May 2, 2016, Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation.
10. Texas Administrative Code, Title 37, Section 345.310(c)(1)(D) provides juvenile justice professionals must serve each child with concern for the child's welfare and with no exception of personal gain.
11. On or about February 21 and February 22, 2016, Respondent violated 37 Texas Administrative Code Section 343.450 when Respondent allowed residents to strike each other or engage in slap-boxing.
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 June 3, 2016.
13. More than twenty days have elapsed since June 8, 2016, the date Respondent is presumed to have received notice of the formal charges.
14. 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 Facts, 5-11, Respondent's actions violated Texas Family Code Section 261.401, Texas Administrative Code, Title 37, Section 345.310(c)(2)(G), Texas Administrative Code, Title 37, 345.310(c)(1)(D).

3. 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 Cornelius Gray is revocation of Respondent's certification as a juvenile supervision officer.
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-five 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 one hundred 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 August 5, 2016

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

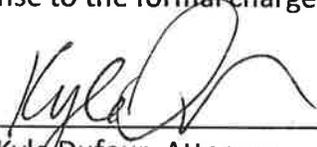
**AFFIDAVIT OF KYLE DUFOUR**

“My name is Kyle Dufour. 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, a written notice and Petition of Disciplinary Action containing formal charges, addressed to Cornelius Gray was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on June 3, 2016, to the most recent address of record for Cornelius Gray as registered with the Texas Juvenile Justice Department;
2. The wrapper sent by certified mail return receipt requested and regular mail have not been returned;
3. Notice is presumed effective on June 8, 2016;
4. The written notice and Petition for Disciplinary Action indicated that on or about February 21 and February 22, 2016, Respondent engaged in conduct in violation of the Texas Family Code and Texas Juvenile Justice Department’s standards, rules and regulations;
5. The Petition for Disciplinary Action alleged that on or about February 21 and February 22, 2016, Respondent engaged in conduct in violation of the Texas Family Code Section 261.401, when Respondent intentionally, knowingly, or recklessly engaged in an act or omission that could cause physical injury to juveniles, to-wit: allowed residents to strike each other or engage in slap-boxing;
6. The Petition for Disciplinary Action alleged that on or about May 2, 2016, Respondent engaged in conduct in violation of the Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation;
7. The Petition for Disciplinary Action alleged that on or about February 21 and February 22, 2016, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, 345.310(c)(1)(D)) when Respondent violated 37 Texas Administrative Code Section 343.450 when Respondent allowed residents to strike each other or engage in slap-boxing;

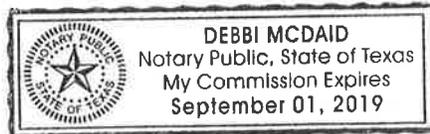
8. The written notice and Petition for Disciplinary Action informed Respondent that TJJD was seeking revocation of Respondent's certification as a juvenile supervision officer of his juvenile supervision officer's certification;
9. The written notice included in capital letters in 12-point boldface type 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;'
10. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice;
11. Twenty days have elapsed since June 8, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

Signed this 28 day of June 2016

  
 \_\_\_\_\_  
 Kyle Dufour, Attorney

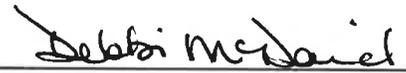
Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 28<sup>th</sup> day of June 2016



NOTARY WITHOUT BOND

(Notary Seal)

  
 \_\_\_\_\_  
 Notary Signature



**DOCKET NO. 16-14394-160050**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>ALLEN DAVID GUERRERO</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 14394</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s 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 Allen David Guerrero (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 October 11, 2015 and December 7, 2015, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about October 11, 2015 and December 7, 2015, 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 October 11, 2015 and December 7, 2015, 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 358.100 provides that neglect is defined as in Texas Family Code Sections 261.401.
6. Texas Family Code Section 261.401(a)(3) neglect means a negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment plan, plan of care, or

individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

7. On or about October 11, 2015, Respondent negligently omitted or failed to comply with an individual treatment plan, plan of care or individualized service plan, that caused or could have caused substantial physical injury to a child served by the facility or program as further described by rule or policy, to-wit: failed to perform room checks on juvenile as required.
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 TJJJ under the authority of Texas Family Code Chapter 261 and Texas Administrative Code Chapter 350.
9. On or about December 7, 2015, Respondent was designated as a perpetrator in a TJJJ abuse, neglect or exploitation investigation.
10. 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.
11. On or about October 11, 2015, Respondent falsified or made material omissions to governmental records, to-wit: falsified entries on a room check log.
12. Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) provides juvenile justice professionals must abide by all federal laws, guidelines and rules, state laws, and TJJJ administrative rules.
13. On or about October 11, 2015, Respondent engaged in conduct in violation of TJJJ standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(1)(A) when Respondent failed to perform room checks on juvenile as required by 37 TAC 343.438.
14. TJJJ 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 May 18, 2016.
15. More than twenty days have elapsed since May 31, 2016, the date Respondent is presumed to have received notice of the formal charges.
16. 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, TJJJ has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Facts, 5-13, Respondent's actions violated Texas Family Code Section 261.401(a)(1), Texas Administrative Code, Title 37, Section 345.310(c)(2)(G), Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) and Texas Administrative Code, Title 37, Section 345.310(c)(1)(A).
3. As evidenced by Findings of Fact 14-16, 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 Allen David Guerrero is permanently 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-five 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 one hundred 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 August 5, 2016

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

**AFFIDAVIT OF KYLE DUFOUR**

“My name is Kyle Dufour. 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, a written notice and an Amended Petition of Disciplinary Action containing formal charges, addressed to Allen David Guerrero was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on May 18, 2016, to the most recent address of record for Allen David Guerrero as registered with the Texas Juvenile Justice Department;
2. The wrapper sent by regular mail has not been returned;
3. Respondent signed the wrapper sent by certified mail return receipt requested on May 31, 2016;
4. Notice is presumed effective on May 31, 2016;
5. The written notice and an Amended Petition for Disciplinary Action indicated that on or about October 11, 2015 and December 7, 2015, Respondent engaged in conduct in violation of the Texas Family Code and Texas Juvenile Justice Department’s standards, rules and regulations;
6. The Amended Petition for Disciplinary Action alleged that on or about October 11, 2015, Respondent engaged in conduct in violation of the Texas Family Code Section 261.401, when Respondent negligently omitted or failed to comply with an individual treatment plan, plan of care or individualized service plan, that caused or could have caused substantial physical injury to a child served by the facility or program as further described by rule or policy, to-wit: failed to perform room checks on juvenile as required;
7. The Amended Petition for Disciplinary Action alleged that on or about December 7, 2015, Respondent engaged in conduct in violation of the Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation;
8. The Amended Petition for Disciplinary Action alleged that on or about October 11, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37,

Section 345.310(c)(2)(K) when Respondent falsified or made material omissions to governmental records, to-wit: falsified entries on a room check log;

9. The Amended Petition for Disciplinary Action alleged that on or about October 11, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) when Respondent, failed to perform room checks as required by 37 TAC §343.438;
10. The written notice and Amended Petition for Disciplinary Action informed Respondent that TJJD was seeking revocation of his juvenile supervision officer's certification;
11. 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;'
12. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice;
13. Twenty days have elapsed since May 31, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

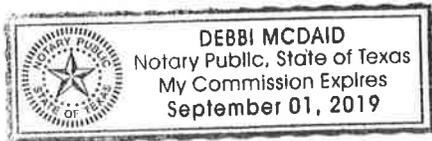
Signed this 28 day of June 2016



Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me 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 herein expressed.

Given under my hand and seal of office this 28<sup>th</sup> day of June 2016



NOTARY WITHOUT BOND

(Notary Seal)



Notary Signature



**DOCKET NO. 16-29464-150151**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>CLIFFORD HARLE</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 29464</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s 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 Clifford Harle (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 February 9, 2015, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about February 9, 2015, 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 February 9, 2015, 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)(K) provides that juvenile justice professionals must not falsify or make material omissions to governmental records.

6. On or about February 9, 2015, Respondent falsified or made material omissions to government records, to-wit: recorded room checks that he did not actually perform.
7. Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) provides juvenile justice professionals must abide by all federal laws, federal guidelines and rules, states laws, and TJJJ administrative rules.
8. On or about February 9, 2015, Respondent violated 37 Texas Administrative Code Section 345.310(c)(1)(A) when Respondent, failed to perform room checks as required by 37 TAC §343.350.
9. TJJJ 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 May 10, 2016.
10. More than twenty days have elapsed since May 18, 2016, 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, TJJJ has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Facts, 5-8, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) and Texas Administrative Code, Title 37, Section 345.310(c)(1)(A).
3. 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 Clifford Harle is a One-year Probated Suspension of Respondent's certification as a juvenile supervision officer.
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-five 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 one hundred 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 August 5, 2016

STATE OF TEXAS            §  
  §  
COUNTY OF TRAVIS       §

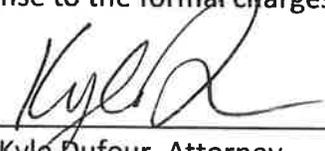
**AFFIDAVIT OF KYLE DUFOUR**

“My name is Kyle Dufour. 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, a written notice and Petition of Disciplinary Action containing formal charges, addressed to Clifford Harle was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on May 10, 2016, to the most recent address of record for Clifford Harle as registered with the Texas Juvenile Justice Department;
2. The wrapper sent by regular mail has not been returned;
3. The wrapper sent by certified mail return receipt requested was signed for on May 18, 2016;
4. Notice is presumed effective on May 18, 2016;
5. The written notice and Petition for Disciplinary Action indicated that on or about February 9, 2015, Respondent engaged in conduct in violation of the Texas Juvenile Justice Department’s standards, rules and regulations;
6. The Petition for Disciplinary Action alleged that on or about February 9, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) when Respondent falsified or made material omissions to government records, to-wit: recorded room checks that he did not actually perform;
7. The Petition for Disciplinary Action alleged that on or about February 9, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) when Respondent, failed to perform room checks as required by 37 TAC §343.350;
8. The written notice and Petition for Disciplinary Action informed Respondent that TJJD was seeking an One-year Probated Suspension of Respondent’s certification as a juvenile supervision officer of his juvenile supervision officer’s certification;

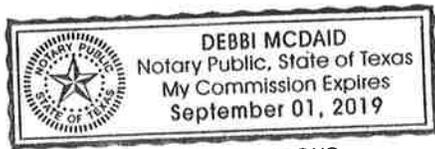
9. The written notice included in capital letters in 12-point boldface type the statement: 'FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT;'
10. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice;
11. Twenty days have elapsed since May 18, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

Signed this 24 day of June 2016

  
 \_\_\_\_\_  
 Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me 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 herein expressed.

Given under my hand and seal of office this 24 day of June 2016



NOTARY WITHOUT BOND

(Notary Seal)

  
 \_\_\_\_\_  
 Notary Signature



**DOCKET NO. 16-28697-140366**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>SERGIO LOPEZ</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 28697</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s 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 Sergio Lopez (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 July 12, 2014, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about July 12, 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 July 12, 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 July 12, 2014, Respondent used violence or unnecessary force and did not use only the amount of force reasonably necessary and appropriate when justified to ensure the security of the juvenile, to-wit: when Respondent put Juvenile 1 in a headlock.
7. On or about July 12, 2014, Respondent used violence or unnecessary force and did not use only the amount of force reasonably necessary and appropriate when justified to ensure the security of the juvenile, to-wit: when Respondent put Juvenile 2 in a headlock.
8. On or about July 12, 2014, Respondent used violence or unnecessary force and did not use only the amount of force reasonably necessary and appropriate when justified to ensure the security of the juvenile, to-wit: when Respondent put Juvenile 3 in a headlock.
9. Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) provides juvenile justice professionals must abide by all federal laws, federal guidelines and rules, states laws, and TJJJ administrative rules.
10. On or about July 12, 2014, Respondent violated 37 Texas Administrative Code Section 343.802 when Respondent restrained Juvenile 1 when criteria for use of force was not met.
11. On or about July 12, 2014, Respondent violated 37 Texas Administrative Code Section 343.802 when Respondent restrained Juvenile 2 when criteria for use of force was not met.
12. On or about July 12, 2014, Respondent violated 37 Texas Administrative Code Section 343.804 when Respondent placed Juvenile 1 in a headlock.
13. On or about July 12, 2014, Respondent violated 37 Texas Administrative Code Section 343.804 when Respondent placed Juvenile 2 in a headlock.
14. On or about July 12, 2014, Respondent violated 37 Texas Administrative Code Section 343.804 when Respondent placed Juvenile 3 in a headlock.
15. TJJJ 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 April 7, 2016.
16. More than twenty days have elapsed since April 13, 2016, the date Respondent is presumed to have received notice of the formal charges.

17. 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, TJJJ has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Facts, 5-14, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) and Texas Administrative Code, Title 37, Section 345.310(c)(1)(A).
3. As evidenced by Findings of Fact 15-17, 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 Sergio Lopez 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-five 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 one hundred 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 August 5, 2016

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

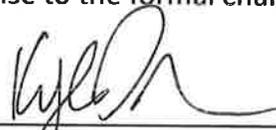
**AFFIDAVIT OF KYLE DUFOUR**

“My name is Kyle Dufour. 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, a written notice and Petition of Disciplinary Action containing formal charges, addressed to Sergio Lopez was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on April 7, 2016, to the most recent address of record for Sergio Lopez as registered with the Texas Juvenile Justice Department;
2. The certified mail receipt wrapper was returned;
3. The wrapper sent by regular mail has not been returned;
4. Notice is presumed effective on April 13, 2016;
5. The written notice and Petition for Disciplinary Action indicated that on or about July 12, 2014, Respondent engaged in conduct in violation of the Texas Juvenile Justice Department’s standards, rules and regulations. Specifically, Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when Respondent used violence or unnecessary force and did not use only the amount of force reasonably necessary and appropriate when justified to ensure the security of the juvenile, to-wit: when Respondent put Juvenile 1, Juvenile 2 and Juvenile 3 in a headlock;
6. The Petition for Disciplinary Action alleged that on or about July 12, 2014, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) when Respondent violated 37 Texas Administrative Code Section 343.802 when Respondent restrained Juvenile 1 and Juvenile 2 when criteria for use of force was not met;
7. The Petition for Disciplinary Action alleged that on or about July 12, 2014, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) when Respondent violated 37 Texas Administrative Code Section 343.804 when Respondent placed Juvenile 1, Juvenile 2 and Juvenile 3 in a headlock;

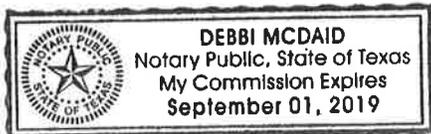
8. The written notice and Petition for Disciplinary Action informed Respondent that TJJD was seeking revocation of his juvenile supervision officer's certification;
9. The written notice included in capital letters in 12-point boldface type the statement: 'FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL 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;'
10. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice;
11. Twenty days have elapsed since April 13, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

Signed this 22 day of June 2016

  
\_\_\_\_\_  
Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me 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 herein expressed.

Given under my hand and seal of office this 22 day of June 2016



NOTARY WITHOUT BOND

  
\_\_\_\_\_  
Notary Signature



**DOCKET NO. 16-29859-150307**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>MICHAEL PITTS</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 29859</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department's 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 Michael Pitts (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 15, 2015, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about May 15, 2015, 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 May 15, 2015, 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 358.100 provides that abuse is defined as in Texas Family Code Sections 261.401.
6. Texas Family Code Section 261.401(a)(1) "Abuse" means an intentional, knowing, or reckless act or omission by an employee, volunteer, or other individual working under

the auspices of a facility or program that causes or may cause emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

7. On or about May 15, 2015, Respondent intentionally, knowingly, or recklessly engaged in an act that could cause physical injury to Juvenile 1, to-wit: put his arm around Juvenile 1's throat and laid his body on Juvenile 1's back while the juvenile was in prone position.
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 under the authority of Texas Family Code Chapter 261 and Texas Administrative Code Chapter 350.
9. On or about May 15, 2015, Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation.
10. Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) provides that juvenile justice professionals must not utilize unnecessary force or violence and shall only use the amount of force reasonably necessary and appropriate when justified to ensure the security of juveniles, the facility, program or department.
11. On or about May 15, 2015, Respondent used violence or unnecessary force on Juvenile 1 and did not use only the amount and type of force reasonably necessary and appropriate when justified to ensure the security of Juvenile 1, to-wit: put his arm around Juvenile 1's throat and laid his body on Juvenile 1's back while the juvenile was in prone position.
12. Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) provides juvenile justice professionals must abide by all federal laws, guidelines and rules, state laws, and TJJD administrative rules.
13. On or about May 15, 2015, Respondent engaged in conduct in violation of 37 Texas Administrative Code Section 345.310(c)(1)(A) when Respondent violated 37 Texas Administrative Code Section 343.804, to-wit: put his arm around Juvenile 1's throat and lay his body on Juvenile 1's back while the juvenile was in prone position.
14. 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 May 11, 2016.
15. More than twenty days have elapsed since May 16, 2016, the date Respondent is presumed to have received notice of the formal charges.

16. 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 Facts, 5-13, Respondent's actions violated Texas Family Code Section 261.401(a)(3), Texas Administrative Code, Title 37, Section 345.310(c)(2)(G), Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) and Texas Administrative Code, Title 37, Section 345.310(c)(1)(A).
3. As evidenced by Findings of Fact 14-16, 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 Michael Pitts is a Five-year Probated Suspension of Respondent's certification as a juvenile supervision officer.
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-five 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 one hundred 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 August 5, 2016

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

**AFFIDAVIT OF KYLE DUFOUR**

“My name is Kyle Dufour. 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, a written notice and Petition of Disciplinary Action containing formal charges, addressed to Michael Pitts was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on May 11, 2016, to the most recent address of record for Michael Pitts as registered with the Texas Juvenile Justice Department;
2. The wrapper sent by regular mail has not been returned;
3. The wrapper sent by certified mail return receipt requested was returned marked unclaimed by United States Postal Service;
4. Notice is presumed effective on May 16, 2016;
5. The written notice and Petition for Disciplinary Action indicated that on or about May 15, 2015, Respondent engaged in conduct in violation of the Texas Family Code and Texas Juvenile Justice Department’s standards, rules and regulations;
6. The Petition for Disciplinary Action alleged that on or about May 15, 2015, Respondent engaged in conduct in violation of the Texas Family Code Section 261.401, when Respondent intentionally, knowingly, or recklessly engaged in an act that could cause physical injury to Juvenile 1, to-wit: put his arm around Juvenile 1’s throat and laid his body on Juvenile 1’s back while the juvenile was in prone position.;
7. The Petition for Disciplinary Action alleged that on or about May 15, 2015, Respondent engaged in conduct in violation of the Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation;
8. The Petition for Disciplinary Action alleged that on or about May 15, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when Respondent used violence or unnecessary force on Juvenile 1 and did not use only the amount and type of force reasonably necessary and appropriate

when justified to ensure the security of Juvenile 1, to-wit: put his arm around Juvenile 1's throat and laid his body on Juvenile 1's back while the juvenile was in prone position;

9. The Petition for Disciplinary Action alleged that on or about May 15, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) when Respondent violated 37 Texas Administrative Code Section 343.804, to-wit: put his arm around Juvenile 1's throat and lay his body on Juvenile 1's back while the juvenile was in prone position;
10. The written notice and Petition for Disciplinary Action informed Respondent that TJJD was seeking a Five-year Probated Suspension of Respondent's certification as a juvenile supervision officer of his juvenile supervision officer's certification;
11. 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;'
12. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice;
13. Twenty days have elapsed since May 16, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

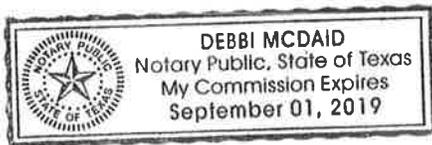
Signed this 24 day of June 2016



Kyle Dufour, Attorney

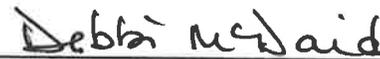
Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 24 day of June 2016



NOTARY WITHOUT BOND

(Notary Seal)



Notary Signature



**DOCKET NO. 15-29945-150314**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>OZIEL SALINAS</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 29945</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s 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 Oziel Salinas (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 July 18, 2015, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about July 18, 2015, 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 May 15, 2015, 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 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 July 18, 2015, Respondent intentionally, knowingly, or recklessly engaged in an act that caused physical injury to Juvenile 1, to-wit: striking Juvenile 1 with Respondent's hand.
8. 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.
9. On or about July 18, 2015, Respondent used violence or unnecessary force and did not use only the amount of force reasonably necessary and appropriate when justified to ensure the security of the juvenile, to-wit: striking Juvenile 1 with Respondent's hand.
10. Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) provides juvenile justice professionals must abide by all federal laws, federal guidelines and rules, states laws, and TJJJ administrative rules.
11. On or about July 18, 2015, Respondent violated 37 Texas Administrative Code Section 343.802 by striking Juvenile 1 with Respondent's hand.
12. TJJJ 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 April 7, 2016.
13. More than twenty days have elapsed since April 13, 2016, the date Respondent is presumed to have received notice of the formal charges.
14. 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, TJJJ has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-7, Respondent abused Juvenile 1.
3. As evidenced by Findings of Facts, 8-11, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) and Texas Administrative Code, Title 37, Section 345.310(c)(1)(A).
4. 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 Oziel Salinas is permanently 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-five 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 one hundred 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 August 5, 2016

## AFFIDAVIT OF KYLE DUFOUR

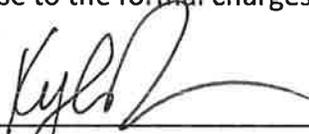
STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Kyle Dufour. 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, a written notice and Petition of Disciplinary Action containing formal charges, addressed to Oziel Salinas was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on April 7, 2016, to the most recent address of record for Oziel Salinas as registered with Texas Juvenile Justice Department;
2. The wrapper sent by regular mail has not been returned;
3. United States Postal Service delivered the wrapper sent by certified mail return receipt requested on April 13, 2016.
4. Notice was effective on April 13, 2016;
5. The written notice and Petition for Disciplinary Action indicated that on or about July 18, 2015, Respondent engaged in conduct in violation of the Texas Family Code and the Texas Juvenile Justice Department’s standards, rules and regulations. Specifically, Texas Family Code Sections 261.401(a)(1) when Respondent intentionally, knowingly, or recklessly engaged in an act that caused physical injury to Juvenile 1, to-wit: striking Juvenile 1 with Respondent’s hand. Additionally, Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when Respondent used violence or unnecessary force and did not use only the amount of force reasonably necessary and appropriate when justified to ensure the security of the juvenile, to-wit: striking Juvenile 1 with Respondent’s hand. Further, Texas Administrative Code, Title 37, Section 345.310(c)(1)(A) when Respondent violated 37 Texas Administrative Code Section 343.802 by striking Juvenile 1 with Respondent’s hand.
6. The written notice and Petition for Disciplinary Action informed Respondent that TJJD was seeking revocation of his juvenile officer’s 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 April 13, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

Signed this 22 day of June 2016

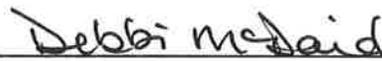
  
\_\_\_\_\_  
Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me 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 herein expressed.

Given under my hand and seal of office this 22 day of June 2016



NOTARY WITHOUT BOND

  
\_\_\_\_\_  
Notary Signature



**DOCKET NO. 16-29628-160051**

<b>IN THE MATTER OF</b>	<b>§</b>	<b>BEFORE THE</b>
	<b>§</b>	
<b>WILLIAM TUCKER</b>	<b>§</b>	<b>TEXAS JUVENILE</b>
	<b>§</b>	
<b>CERTIFICATION NO. # 29628</b>	<b>§</b>	<b>JUSTICE BOARD</b>

**DEFAULT ORDER**

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s 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 William Tucker (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 October 12, 2015, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about October 12, 2015, 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 October 12, 2015, 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)(1)(J) must treat all juveniles and their families with courtesy, consideration, and dignity.

6. On or about October 12, 2015, Respondent failed to treat juveniles or their families with courtesy, consideration, and dignity, to-wit: using profane and explicit language to a juvenile and stating “fuck you” to a juvenile.
7. TJJJ 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 June 2, 2016.
8. More than twenty days have elapsed since June 8, 2016, the date Respondent is presumed to have received notice of the formal charges.
9. 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, TJJJ has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Facts, 5-6, Respondent’s actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(K) and Texas Administrative Code, Title 37, Section 345.310(c)(1)(A).
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 supervision officer certification of William Tucker is a Two-year Probated Suspension of Respondent’s certification as a juvenile supervision officer.
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-five 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 TJD action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until one hundred 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 August 5, 2016

STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

**AFFIDAVIT OF KYLE DUFOUR**

“My name is Kyle Dufour. 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, a written notice and Petition of Disciplinary Action containing formal charges, addressed to William Tucker was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on June 2, 2016, to the most recent address of record for William Tucker as registered with the Texas Juvenile Justice Department;
2. The wrapper sent by regular mail has not been returned;
3. Respondent signed the wrapper sent by certified mail return receipt requested on June 8, 2016.
4. Notice is presumed effective on June 8, 2016;
5. The written notice and Petition for Disciplinary Action indicated that on or about October 12, 2015, Respondent engaged in conduct in violation of the Texas Juvenile Justice Department’s standards, rules and regulations.
6. The Petition for Disciplinary Action alleged that on or about October 12, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(1)(J) when Respondent failed to treat juveniles or their family with courtesy, consideration, and dignity, to-wit: using profane and explicit language to a juvenile and stating “fuck you” to a juvenile;
7. The written notice and Petition for Disciplinary Action informed Respondent that TJJD was seeking a Two-year Probated Suspension of Respondent’s certification as a juvenile supervision officer;

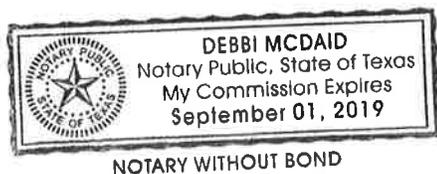
8. The written notice included in capital letters in 12-point boldface type the statement: 'FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT 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 June 8, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges."

Signed this 24 day of June 2016

  
\_\_\_\_\_  
Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me 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 herein expressed.

Given under my hand and seal of office this 24 day of June 2016



  
\_\_\_\_\_  
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 5<sup>th</sup> day of August 2016, 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 matter(s) related to the discipline of certified juvenile probation or supervision officer(s):

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
16-24004-150070	Larry Ardila, Jr., 24004 Bexar County Juvenile Detention Center	One-year Active Suspension of Certification	Bexar
16-30460-160138	Ronnie Faimoa, 30460 Taylor County Juvenile Detention Center	Revocation of Certification	Taylor
16-29675-150273	Emmanuel Funchess, 29675 Burnett Bayland Rehabilitation Center	Revocation of Certification	Harris
16-29360-160218	Cornelius Gray, 29360 Dallas County Residential Programs and Drug Treatment	Revocation of Certification	Dallas
16-14394-160050	Allen David Guerrero, 14394 Tarrant County Juvenile Probation Department	Revocation of Certification	Tarrant
16-29464-150151	Clifford Harle, 29464 Bexar County Juvenile Detention Center	One-year Probated Suspension of Certification	Bexar
16-28697-140366	Sergio Lopez, 28697 28697 Solomon Casseb Jr. Webb County Youth Village	Revocation of Certification	Webb
16-29859-150307	Michael Pitts, 29859 Lake Granbury Youth Services	5-year probated suspension of certification	Hood

15-29945-150314	Oziel Salinas, 29945 Amador R Rodriguez Juvenile Boot Camp and Educational Center	Revocation of Certification	Cameron
16-29628-160051	William Tucker, 29628 Lake Granbury Youth Services	2-year probated suspension of Certification	Hood

**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 each matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in each Default Order 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 5<sup>th</sup> day of August 2016.

**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 final adoption of revisions within 37 TAC §380.8707, relating to Furloughs, and §380.9161, relating to Youth Employment and Work (Action)

Date: July 11, 2016

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The State Programs and Facilities Division proposed changes to the following rules at the January 2016 board meeting:

- TAC §380.8707 (Furloughs)
- TAC §380.9161 (Youth Employment and Work)

The board approved posting the revisions in the *Texas Register* for a 30-day public comment period. The comment period has ended. We did not receive any public comments, and the staff has not recommended any additional changes. A summary of the changes is provided below for reference.

The staff now requests the board's approval to adopt the final rule text.

Attached to this memo, please find the following documents:

- A copy of the final rules.
- A resolution for board action.

➤ **§380.8707 Furloughs**

***Summary of Contents:***

This rule explains the types of furloughs TJJJ may issue.

***Summary of Key Revisions***

- Added off-campus employment to the list of reasons an administrative furlough may be granted.

- Clarified that youth may be granted an administrative furlough for *health care* services (rather than medical services).
- Deleted the prohibition on granting furloughs to youth assigned to emergency shelters. TJJJ would not prohibit such youth from obtaining a furlough.

➤ **§380.8161 Youth Employment and Work**

***Summary of Contents:***

This rule explains the general types of work and employment opportunities available to youth in TJJJ facilities.

***Summary of Key Revisions***

- Added individualized skills development programs to the types of uncompensated work listed in the rule. These programs may include tasks incidental to facility operations and assignments related to developing job skills or obtaining industry certifications. Youth who demonstrate sustained improvement may be eligible for incentives, which may include minimal monetary awards.
- Clarified that a youth must meet established criteria and apply for a specific work assignment in order to participate in the paid on-campus work program.
- Clarified that the requirement for each facility to maintain and implement written procedures is not limited to the paid on-campus work program. Each facility must have written procedures for all types of compensated work programs, including on-campus and off-campus work.

Draft 6/8/16

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Treatment Division: Program Planning <b>Rule: Furloughs</b> ACA: 4-JCF-5I-05 Statute(s): N/A	<b>Effective Date:</b> Page: 1 of 1 Replaces: GAP.380.8707, 12/1/14
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(a) **Purpose.**

This rule establishes the conditions under which a youth may be furloughed while in any residential placement.

(b) **Definitions.**

**Furlough**--an authorized absence from an assigned residential facility for a specific purpose and for a limited period of time.

(c) **General Provisions.**

(1) Youth in a residential facility may be granted the following types of furloughs.

- (A) **Emergency.** An emergency furlough may be granted when an emergency situation exists in the youth's family that, under normal circumstances, would require his/her presence as a family member.
- (B) **Administrative.** An administrative furlough may be granted for programmatic reasons, such as pre-placement visits to residential programs, home visits, health care services, or, for youth in high-restriction facilities, off-campus employment.
- (C) **Bench warrant.** A bench-warrant furlough is granted when a bench warrant is served on a youth and custody is transferred to the judicial jurisdiction issuing the warrant.
- (D) **Return to court.** A return-to-court furlough is granted when a determinate sentenced offender leaves a residential facility for a court appearance to determine disposition as required by law.

(2) Administrative furloughs to a home that has been disapproved or is pending a home evaluation are not permitted.

(3) Emergency and administrative furloughs are subject to certain restrictions based on a youth's custody and supervision rating. See §380.9707 of this title for more information.

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For implementation procedures, see INS.91.31 and HWH.09.25.

**Draft 6/8/16**

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Youth Employment and Work <b>Title: Youth Employment and Work</b>  ACA: 4-JCF-1B-05, 3E-01, 5H-01, 5H-02, 5H-03, 5H-04, 5I-04 Statutes: Hum. Res. Code Chapter 246, Gov't Code Chapter 497	<b>Effective Date:</b>  Page: 1 of 2  Replaces: GAP.380.9161, 10/15/14
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(a) **Purpose.**

This rule provides opportunities for compensated and uncompensated work to allow youth in residential facilities to experience the responsibilities and rewards of constructive work.

(b) **Applicability.**

This rule applies to residential facilities operated by the Texas Juvenile Justice Department (TJJD).

(c) **General Provisions.**

- (1) Youth are not permitted to perform any work prohibited by state or federal regulations or statutes pertaining to child labor.
- (2) Repetitive, purposeless, and degrading make-work is prohibited.
- (3) Training and work programs use the advice and assistance of labor, business, and industrial organizations where applicable.
- (4) Due to the short length of stay and the intent of the program, orientation and assessment units do not provide for any youth work programs other than routine housekeeping chores.
- (5) TJJD does not discriminate against youth on the basis of race, color, national origin, sex, religion, disability, or genetic information in providing opportunities for uncompensated and compensated work.

(d) **Uncompensated Work.**

- (1) Youth may be required to do the following kinds of work without compensation:
  - (A) assignments that are part of an agency educational curriculum (i.e., vocational training);
  - (B) tasks performed as community service; and/or
  - (C) routine housekeeping chores that are shared by all youth in the facility, including basic facility maintenance.
- (2) Youth may volunteer to participate in work and training opportunities without compensation as part of an individualized skills development program. The work and training opportunities may include, but are not limited to, tasks incidental to facility operations and assignments related to developing job skills or obtaining industry certifications. Youth who participate in a skills development program and demonstrate sustained improvement may be eligible for incentives, which may include minimal monetary awards.
- (3) A youth may volunteer to perform work without compensation as restitution for damage he/she has caused.

**(e) Compensated Work.**

- (1) Each facility maintains and implements written procedures for operating compensated work programs that provide youth with training and employment experience.
- (2) Youth who meet established criteria may be paid for performing tasks incidental to facility operations if such employment is part of the youth's reentry plan. These work assignments must be applied for and are governed by standardized job descriptions and guidelines.
- (3) TJJJ may operate a Prison Industry Enhancement Certification Program (PIECP) in accordance with Texas Human Resources Code Chapter 246 and Texas Government Code Chapter 497. Youth who participate in a PIECP are paid no less than the federal minimum wage.
- (4) Certain youth may qualify for off-campus employment. Such youth must be paid in accordance with federal wage laws.

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See EDU.37.01 for implementation procedures.

DRAFT



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT REVISIONS WITHIN TAC §380.8707 (FURLOUGHS) AND §380.9161 (YOUTH EMPLOYMENT AND WORK)**

On this **5<sup>th</sup> day of August 2016**, 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 §242.003 requires the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, Texas Human Resources Code §244.005 authorizes TJJD to permit a committed child liberty under supervision on conditions TJJD believes are conducive to acceptable behavior and to order the child’s confinement under conditions TJJD believes are best designed for the child’s welfare and the interests of the public; and

**WHEREAS**, the Board previously approved the publication of the proposed revisions within §380.8707 and §380.9161 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 staff has not recommended any further revisions;

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the revisions within §380.8707 and §380.9161 as proposed.

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

**Signed this 5th day of August 2016.**

**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

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Discussion, consideration, and possible approval to publish revisions to 37 TAC §380.9535, relating to Phoenix Program, in the Texas Register for a 30-day public comment period (Action)

Date: July 12, 2016

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The State Programs and Facilities Division is proposing changes to TAC §380.9535 (Phoenix Program). A summary of the proposed changes is provided below.

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

Attached to this memo please find:

- the text of the rule, including the proposed changes; and
- a resolution for board action.

➤ **§380.9535 Phoenix Program**

***Summary of Contents***

This rule establishes the eligibility criteria, standards of treatment, and services to be provided to youth admitted to the Phoenix Program.

***Summary of Key Changes***

- Clarified that youth in the program receive educational instruction each school day in accordance with the master school schedule (rather than a required minimum number of hours each day).
- Removed the word "substantial" from the term "assault causing ~~substantial~~ bodily injury to staff" to match the definition used in TJJD's rule relating to youth behavior violations.
- Clarified that the division responsible for monitoring and inspections conducts an annual comprehensive review of Phoenix Program files and *may also conduct random reviews of program files.*



**DRAFT 06/17/16**

<p>Chapter: Rules for State-Operated Programs and Facilities                  Subchapter: Behavior Management and Youth Discipline                  Division: Behavior Management</p> <p><b>Rule: Phoenix Program</b></p> <p>ACA: 4-JCF-3C-01, 3C-17, 5B-04                  Statutes: 20 USC §1400 et al., 34 CFR §300.530</p>	<p><b>Effective Date: 10/1/15</b></p> <p>Page: 1 of 8</p> <p>Replaces: GAP.380.9535,  <u>10/1/159/16/12</u></p>
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**RULE**

(a) **Purpose.**

The Phoenix ~~Program~~[~~program~~] is designed to protect staff and youth in Texas Juvenile Justice Department (TJJD) state-operated facilities from highly aggressive youth. The Phoenix Program provides[~~while providing~~] these aggressive youth with a highly structured environment designed to reduce their aggression and to help them progress in treatment. This rule sets forth eligibility criteria, standards of treatment, and services to be provided to youth in the program.

(b) **Applicability.**

This rule does not apply to:

- (1) youth on parole status, unless parole status is revoked in conjunction with the criteria for admission;
- (2) youth with determinate sentences who have been approved by the final TJJD authority for a court hearing to transfer the youth to the Correctional Institutions Division of the Texas Department of Criminal Justice;
- (3) youth currently diagnosed with a major emotional disturbance and/or psychiatric disorder that contraindicates admission to the Phoenix ~~Program~~,[~~program~~] as determined by the director of[~~manager of institutional~~] clinical services at the youth's assigned facility; or
- (4) youth with a current diagnosis of intellectual disability that contraindicates admission to the Phoenix ~~Program~~,[~~program~~] as determined by the director of[~~manager of institutional~~] clinical services at the youth's assigned facility.

(c) **Definitions.**

The following terms, as used in this rule, have the following meanings unless the context clearly indicates otherwise.

- (1) **Admission, Review, and Dismissal (ARD) Committee**--a committee that makes decisions on educational matters relating to special-education-eligible youth.
- (2) **Assault Causing Moderate or Serious Bodily Injury to Another Youth**--intentionally and knowingly engaging in conduct that causes another youth to suffer moderate or serious injury as determined by medical staff.
- (3) **Assault Causing ~~Substantial~~ Bodily Injury to Staff**--intentionally and knowingly engaging in conduct that causes a staff member, contract employee, or volunteer to suffer bodily injury that involves more than passing discomfort or fleeting pain.
- (4) **Chunking Bodily Fluids at Staff**--intentionally and knowingly causing a person to contact the blood, seminal fluid, vaginal fluid, urine, and/or feces of another.

- (5) **Fighting Causing Moderate or Serious Bodily Injury to Another Youth**--intentionally and knowingly engaging in a mutually instigated physical altercation that causes another youth to suffer moderate or serious injury as determined by medical staff.
- (6) **Isolation**--the confinement of a youth in a locked room or cubicle as a tool to manage the behavior of a youth. Rules regarding isolation do not apply:
  - (A) when doors are routinely locked during normal sleeping hours and isolation has not otherwise been imposed; ~~or~~ ~~and~~
  - (B) when ~~do not apply to placement of~~ a youth is placed in the Security Program.
- (7) **Multi-Disciplinary Team (MDT)**--a group of staff who are responsible for partnering with the youth and his/her parent/guardian to facilitate the youth's~~his/her~~ progress in the rehabilitation program.

(d) **General Provisions.**

- (1) The Phoenix Program~~program~~ is administered in a location designated for this~~such~~ purpose. The location is self-contained and the youth do not leave the location except for health-care~~healthcare~~ appointments or by approval of the facility administrator for a specific programmatic purpose.
- (2) Security Program referral/admission and room isolation are used as necessary in accordance with §380.9739 and §380.9740 of this title. The Security Program location for youth in the Phoenix Program~~program~~ is in the Phoenix Program~~program~~ unit, using individual youth rooms.
- (3) Youth are demoted to the lowest stage in the agency's rehabilitation program upon admission to the Phoenix Program~~program~~.

(e) **Authorized Facilities.**

The Phoenix Program~~program~~ may be administered only at TJJJ-operated, high-restriction~~high restriction~~ facilities designated by the executive director.

(f) **Program Eligibility.**

Only the~~The~~ following youth are eligible for placement in the Phoenix Program~~program~~:

- (1) a youth who engages in one or more of the following rule violations as defined in subsection (c) of this section:
  - (A) assault causing moderate or serious bodily injury to another youth;
  - (B) assault causing substantial~~substantial~~ bodily injury to staff;
  - (C) fighting causing moderate or serious bodily injury to another youth; or
  - (D) chunking bodily fluids at staff; or
- (2) a youth who engages in any other major rule violation when the totality of circumstances justifies the placement in the program and the placement is directed by the executive director or designee; or
- (3) a youth who commits, on three separate occasions within a 90-day period, ~~committed~~ an assault causing bodily injury, as defined in §380.9503 of this title, when~~and~~ the second and third assaults are~~were~~ committed after a ~~Level II due process hearing~~ finding of true with no extenuating circumstances had been made in a Level II due process hearing for the previous assault.

(g) **Additional Considerations for Youth Receiving Special-Education Services.**

When a youth who is receiving special-education services is recommended for placement in the Phoenix Program~~program~~ due to a rule violation that occurred during school-related activities, the youth's ARD committee must conduct a manifestation determination review.

- (1) If the ARD committee determines that the youth's conduct was a direct result of a failure to implement the youth's individualized education program (IEP) or that the conduct was caused by or had a direct and substantial relationship to the youth's disability:
  - (A) the ARD committee must conduct a functional behavior assessment and develop a behavior intervention plan or, if a behavior intervention plan already exists, modify the existing plan to address the youth's conduct; and
  - (B) the youth may be removed from his/her regular educational setting and placed in the Phoenix ~~Program[program]~~ only if the youth's parent or surrogate parent (as defined by 34 CFR §300.519) agrees to a change in the educational setting as part of the youth's behavior intervention plan.
  
- (2) If the ARD committee determines that the youth's conduct was not a result of a failure to implement the youth's IEP and was not caused by and did not have a direct and substantial relationship to the youth's disability, the youth may be removed from his/her regular educational setting and placed in the Phoenix ~~Program[program]~~. The ARD committee determines the youth's IEP while the youth is in the Phoenix ~~Program[program]~~.
  
- (3) Regardless of the results of a manifestation determination review, a youth may be admitted to the Phoenix ~~Program[program]~~ and may receive educational services in the Phoenix housing area for up to 45 days if the rule violation includes possession of a weapon or the infliction of serious bodily injury upon another person.
  - (A) For purposes of paragraph (3) of this subsection only, weapon means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, not including a pocket knife with a blade of less than 2 1/2 inches in length.
  - (B) For purposes of paragraph (3) of this subsection only, serious bodily injury means bodily injury that involves:
    - (i) a substantial risk of death;
    - (ii) extreme physical pain;
    - (iii) protracted and obvious disfigurement; or
    - (iv) protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
  
- (4) Educational services in the Phoenix ~~Program[program]~~ must be provided ~~[so as-]~~ to meet the youth's IEP goals set by the youth's ARD committee.

(h) **Admission Decision Process.**

- (1) A Level II due process hearing must be held in accordance with §380.9555 of this title. Unless there are considerations concerning ~~special-education[special-education]~~ services that would make the youth ineligible for placement in the Phoenix ~~Program[program]~~ as described in subsection (g) of this section, the youth may be referred to the Phoenix ~~Program[program]~~ if there is a finding of true with no extenuating circumstances that the youth committed a rule violation listed in subsection (f) of this section.
  
- (2) A committee composed of, at a minimum, the dorm supervisor, mental health specialist, and case manager assigned to the Phoenix ~~Program[program]~~ reviews each youth referred to the program.
  
- (3) The committee may not recommend ~~[approval-of-a-youth's-]~~ admission to the program unless:
  - (A) a current mental health assessment indicates there is no therapeutic contraindication to placement in the Phoenix ~~Program[program]~~; and

- (B) the committee determines that the Phoenix ~~Program is[program-represents]~~ the most appropriate intervention under the circumstances.
- (4) The division director over residential facilities or his/her designee makes the final decision on whether the youth will be admitted to the Phoenix ~~Program[program]~~.
- (5) If the number of referrals exceeds the number of available beds, priority for admission is given to:
  - (A) youth with the most dangerous behavior;
  - (B) youth with chronic aggressive behavior;
  - (C) youth with greater frequency of weapon use; or
  - (D) a directive from the executive director or designee.

**(i) Placement in the Redirect Program Pending Admission to the Phoenix Program.**

If, after a Level II hearing, there is a disposition for referral to the Phoenix ~~Program[program]~~, the youth may be placed in the Redirect ~~Program[program]~~ pursuant to §380.9517 of this title at the youth's current placement pending admission and transfer of the youth to the Phoenix ~~Program[program]~~. The facility may cancel the referral at any time.

**(j) Program Components.**

The ~~Phoenix Program's[program's]~~ structure is designed to maximize the safety and security of youth and staff.

**(1) Physical Structure and Safety Precautions.**

- (A) Youth are assigned to ~~single-occupancy[single]~~ housing units in accordance with §380.8524 of this title.
- (B) Mechanical restraints may be used in a manner consistent with the use of such restraints in a security unit as provided by §380.9723 of this title.
- (C) A structured daily schedule is maintained and posted to provide a predictable and safe environment.

**(2) Case Planning.**

- (A) An individual plan must be developed for each youth. The plan must be written in a language clearly understood by the youth. The plan must:
  - (i) be based on a comprehensive assessment conducted by the MDT;
  - (ii) address the specific target behavior or ~~group[cluster]~~ of behaviors that led to admission to the Phoenix ~~Program[program]~~, taking into consideration the mental health specialist's recommendations to address the motivation for the behavior;
  - (iii) involve strategies for intervention and prevention of the target behavior through skills development;
  - (iv) include a component that addresses transition to the general campus population following graduation from the Phoenix ~~Program[program]~~; and
  - (v) provide clearly written objectives for promotion through levels of the Phoenix ~~Program[program]~~ and graduation from the Phoenix ~~Program[program]~~.
- (B) Staff must explain the individual plan to the youth. Youth must be provided an opportunity to sign the plan in acknowledgment.

- (C) The individual plan and youth's progress with regard to target behaviors and skills development must be reviewed and evaluated at least once every seven days by the MDT.
- (3) **Academics.**
- (A) All youth are expected to participate in an educational program. Youth receive educational instruction each school day in accordance with the master school schedule.~~[The educational program must provide for at least six hours of required secondary curriculum on each school day.]~~
- (B) All special-education services must be provided in accordance with ARD committee decisions. For youth who are eligible to participate in special-education services, an ARD meeting is held within ten days after admission to the Phoenix ~~Program~~[program] to review the IEP. Subsequent ARD meetings and evaluations are completed in compliance with state and federal regulations.
- (C) Youth with limited English Proficiency must be provided with appropriate adaptations to the ~~educational program~~[Educational Program] as recommended by the Language Proficiency Assessment Committee (LPAC).
- (4) **Individual Counseling.**
- Youth are provided daily contact and weekly counseling with the assigned case manager or designee. The case manager or designee must immediately refer a youth to a mental health professional if concerns exist as to the youth's mental health status.
- (5) **Skills Development Groups.**
- (A) In accordance with the daily schedule, the case manager assigned to the Phoenix ~~Program~~[program] conducts groups on topics such as:
- (i) aggression control;
  - (ii) emotional and behavior regulation;
  - (iii) skills development and demonstration;
  - (iv) identifying and modifying cognitive distortions;
  - (v) risk and protective factors; and
  - (vi) transition issues.
- (B) Scheduled behavior groups are provided to all youth and are conducted daily by the assigned juvenile correctional officer.
- (6) **Medical and Mental Health Services.**
- (A) Youth receive weekly ~~mental-health-status~~[mental health status] exams by the designated mental health specialist while assigned to the Phoenix ~~Program~~[program]. Youth also receive weekly psychological counseling if deemed necessary by a mental health specialist.
- (B) Youth are seen by medical and/or psychiatric staff, as needed, and treatment is provided as ordered. The ~~[Phoenix program]~~ mental health specialist assigned to the Phoenix Program continually assesses the youth's mental status, provides individual counseling, and provides consultation with the MDT.
- (7) **Behavior Management.**
- (A) Youth are expected to follow a prescribed schedule and commit no rule violations as defined in §380.9503 of this title.

(B) Youth earn privileges in the Phoenix ~~Program[program]~~ based on progress through the Phoenix ~~Program[program]~~ levels in accordance with §380.9502 of this title.

(8) **Physical Exercise.**

Youth must be provided with at least one hour of large-muscle exercise seven days per week in an exercise yard if safety and weather permit.

(9) **Family Involvement.**

(A) Youths' families are encouraged to be involved in the youths' treatment. ~~[while considerations are made for the safety and security of the program.]~~

(B) Youth in the Phoenix ~~Program[program]~~ are allowed phone calls to approved family members and visitation with immediate family members according to program visitation procedures.

(10) **Youth Rights.**

Basic rights are recognized for each youth in TJJD pursuant to §380.9301 of this title.

(k) **Progress in the Phoenix Program.**

The Phoenix ~~Program[program]~~ includes three levels. The MDT reviews each youth's progress weekly.

(1) **Level I.**

(A) This level is completed when the MDT determines that the youth has:

- (i) demonstrated basic knowledge of the level objectives as defined in the youth's individual case plan (ICP); and
- (ii) participated with the MDT in targeting specific skills for development.

(B) The youth:

- (i) attends foundational skills development groups;
- (ii) participates in individual sessions with his/her case manager; and
- (iii) demonstrates consistent participation in other areas of programming.

(2) **Level II.**

(A) This level is completed when the MDT determines that the youth has:

- (i) identified patterns in his/her thoughts, feelings, attitudes, values, and beliefs that relate to ongoing behaviors;
- (ii) demonstrated sufficient competency in the targeted skills to address those behaviors; and
- (iii) completed the level objectives as defined in the youth's ICP.

(B) The youth:

- (i) attends intermediate skills development groups;
- (ii) participates in individual sessions with his/her case manager; and
- (iii) demonstrates consistent participation in other areas of programming.

(3) **Level III.**

- (A) This level is completed when the MDT determines that the youth demonstrates and practices skills learned in skills development groups through daily application in situations that present increased risk for the youth. Youth are expected to engage in responsible behaviors and provide leadership in the program. Additional skills are learned as assigned and the plan for reintegration to general campus programming is completed.
- (B) The youth:
  - (i) attends advanced skills development groups;
  - (ii) participates in individual sessions with his/her case manager; and
  - (iii) demonstrates consistent participation in other areas of programming.

(l) **Progress Reviews.**

(1) **Multi-Disciplinary Team Reviews.**

- (A) The MDT reviews the youth's ICP, evaluates progress through program requirements, and reviews the effectiveness of treatment strategies on a weekly basis. The MDT may not promote youth in the stages of the agency's rehabilitation program while the youth is in the Phoenix Program[program].
- (B) The MDT makes decisions regarding promotion within Phoenix Program[program] levels based on achievement of established criteria.
  - (i) Level Promotion.

Youth meeting the established criteria must be promoted to the next level.
  - (ii) Level Demotion.

The MDT may assign the youth to a lower level when the youth's behavior demonstrates low use of pro-social skills. The MDT may demote one or two levels depending upon the severity of the behavior and/or lack of consistency in the use of pro-social skills.

(2) **Individual Case Plan Review.**

Case plan reviews and updates are conducted in accordance with §380.8701 of this title.

(3) **Mental Health Review.**

- (A) Youth must be evaluated on a regular basis by the Phoenix Program[program] mental health specialist for the presence of a mental health disorder that contraindicates continued placement in the Phoenix Program[program].
- (B) Youth must be released from the Phoenix Program[program] at any time for mental health reasons based on the recommendation of the mental health specialist or psychiatrist and the approval of the TJJD director of treatment.
- (C) Youth with neurological and/or mental health disorders may be temporarily admitted to a TJJD-operated crisis stabilization unit pursuant to §380.8767 of this title for diagnostic purposes to determine the most appropriate placement.

(m) **Graduation from the Phoenix Program.**

- (1) Youth graduate from the Phoenix Program[program] upon completion of Level III as described in subsection (k) of this section.

- (2) Youth released from the Phoenix Program[program] are assigned to the Redirect Program[program] at the receiving facility and are provided support to reintegrate into the general campus population at the receiving facility.

(n) **Program Monitoring and Youth Rights.**

- (1) To ensure the Phoenix Program[program] is being implemented according to the provisions of this rule, staff from facility administration must visit the program daily and staff from psychology administration must visit the program weekly.
- (2) Youth rights staff or a designee must visit the Phoenix Program[program] daily to ensure that the youth have access to the youth grievance system.

(o) **Appeal of Level Assessment in the Phoenix Program.**

A youth in the Phoenix Program[program] may appeal the results of a level assessment or of the lack of opportunity to demonstrate completion of requirements by filing a grievance in accordance with §380.9331 of this title. The person assigned to respond to the youth's grievance must not be a member of the youth's MDT or a staff member who has been involved in the youth's current assessment.

(p) **Independent ~~[Review Team]~~ Oversight.**

- (1) A managerial staff member designated by the facility administrator who is not assigned to the Phoenix Program[program] monitors the Phoenix MDT monthly.
- (2) The director of facility operations reviews compliance with Phoenix Program[program] policy and procedure requirements as part of routine facility assessment processes.
- (3) A cross-divisional team based in the TJJD Central[Austin] Office reviews youth who remain on Level I or Level II after 120 days in the program until the youth progresses to the next level. The team conducts quarterly reviews thereafter until the youth graduates from the program.
- (4) The TJJD division responsible for monitoring and inspections conducts an annual comprehensive review of the~~[random reviews of]~~ Phoenix Program[program] files and coordinates with other departments as appropriate for reviews of certain components of Phoenix Program[program] files such as mental health assessments, ICPs, and education service delivery. The division responsible for monitoring and inspections may also conduct random reviews of Phoenix Program files.

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For implementation procedures, see CMS.03.75.



**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS WITHIN 37 TAC §380.9535  
(PHOENIX PROGRAM) IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD**

On this **5<sup>th</sup> day of August 2016**, 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 §242.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for the government of the schools, facilities, and programs under TJJD’s authority; and

**WHEREAS**, the staff has proposed changes to §380.9535; 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 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 5<sup>th</sup> day of August 2016.**

**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

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §§385.8135, relating to Rights of Victims, 385.8145, relating to Volunteers and Community Resources Council, 385.8183, relating to Advocacy, Support Group, and Social Services Provider Access, and 385.9959, relating to Transportation of Youth (Action)

Date: July 11, 2016

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As part of TJJD's rule review process, the Division of State Programs and Facilities proposed changes to the following rules at the January 2016 board meeting:

- TAC §385.8135 (Rights of Victims)
- TAC §385.8145 (Volunteers and Volunteer Council)
- TAC §385.8183 (Advocacy, Support Group, and Social Services Provider Access)
- TAC §385.9959 (Transportation of Youth)

The board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day public comment period. The comment period has ended, and we did not receive any public comments. However, the staff has recommended the following additional changes:

- In §385.8135, minor grammatical corrections and a clarification that a victim who provides in-person input at an exit review may encounter youth but will be kept from encountering the youth who victimized him/her.
- In §385.8145, a minor grammatical correction.
- In §385.8183, minor grammatical corrections and a clarification that security and confidentiality measures must not be designed to deny a social services provider access to youth.

The staff now requests the board's approval to adopt the rule review and final rule text, with the additional change described above.

Attached to this memo, please find the following documents:

- A table summarizing 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 385, Subchapter B (Interaction with the Public) and 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
385.8135	Rights of Victims	Addresses the rights of victims as described in state law and allows victims to provide input into the release process of youth committed to the TJJJ.	Yes	<ul style="list-style-type: none"> <li>• Clarified that a victim may receive information and notification concerning a youth's transfer to the institutions division of TDCJ, in addition to the parole division of TDCJ.</li> <li>• Added the following to the list of items TJJJ staff may reveal to a victim who has requested information:                             <ul style="list-style-type: none"> <li>○ the youth's physical address if the youth is living at a TJJJ residential placement; and</li> <li>○ information about and an invitation to participate in TJJJ's Special Services Committee or Release Review Panel review;</li> </ul> </li> <li>• Added that staff may not reveal to the victim the name of a youth's new location if that location is only for mental health treatment.</li> </ul>	Ready for board adoption
385.8145	Volunteers and Volunteer Council	Establishes a volunteer program within TJJJ to expand youth opportunities for educational and recreation experiences and to provide youth with increased social interactions.	Yes	<ul style="list-style-type: none"> <li>• Added that a qualified community relations coordinator oversees the volunteer program at each TJJJ-operated facility and parole office.</li> <li>• Clarified the various steps involved in the screening and application process (i.e., criminal background check, fingerprints, personal character references, and an interview).</li> <li>• Added that every TJJJ-operated residential facility and parole office must use volunteers to enhance rehabilitation efforts for youth.</li> </ul>	Ready for board adoption
385.8183	Advocacy, Support Group, and Social Services Provide Access	Establishes a process for allowing advocacy and support groups and social service providers to provide on-site information, support, and other services for youth confined in TJJJ residential facilities.	Yes	<ul style="list-style-type: none"> <li>• Clarified that this rule applies to residential facilities operated by TJJJ.</li> <li>• Expanded the rule to grant social services providers access to residential facilities.</li> <li>• Added a definition for social services providers.</li> </ul>	Ready for board adoption

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
385.9959	Transportation of Youth	Establishes a system for TJJJ staff to transport youth among assigned placements using the TJJJ Statewide Transportation Unit.	Yes	<ul style="list-style-type: none"> <li>• Added that requests for transportation are submitted via email to the Centralized Placement Unit and the transportation unit coordinator. These requests are approved by the sending chief local administrator or designee following completion of any due process required for youth movement.</li> <li>• Clarified when the Transportation Unit is responsible for transporting a youth.</li> <li>• Added that when a youth is transported between residential facilities operated by TJJJ, staff also transport the youth's case file, if available.</li> <li>• Added that if transportation is not provided or coordinated by the Transportation Unit, the sending facility arranges and, if necessary, pays for transportation of a youth to a placement or home.</li> </ul>	Ready for board adoption

Draft 7/5/16

Chapter: Agency Management and Operations Subchapter: Interaction with the Public <b>Rule: Rights of Victims</b> ACA: 4-JCF-6G-07 Statutes: Family Code, Chapter 57	<b>Effective Date:</b> Page: 1 of 2 Replaces: GAP.385.8135, 11/1/11
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Staff recommended changes in red

## RULE

(a) **Purpose.**

This rule addresses the rights of victims as described in Texas Family Code Chapter 57 and Texas Code of Criminal Procedure Article 56.02 and allows victims to provide input into the release process of youth committed to the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

All of the rules and procedures afforded to a victim of a youth in TJJD custody, as indicated by the use of the term victim in this section, are equally afforded to the guardian of a victim or close relative of a deceased victim.

(c) **Definitions.**

- (1) **Victim**--a person who as the result of the delinquent conduct of a juvenile suffers a financial loss or personal injury or harm.
- (2) **Close relative of a deceased victim**--a person who was the spouse of a deceased victim at the time of the victim's death or who is a parent or adult brother, sister, or child of the deceased victim.
- (3) **Guardian of a victim**--a person who is the legal guardian of the victim, whether or not the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetence of the victim.

(d) **Victim Confidentiality.**

- (1) Information in a Juvenile Victim Impact statement (JVIS) or information submitted in the preparation of a JVIS is confidential with regard to the victim's name, social security number, address, telephone number, and any other information which would identify or tend to identify the victim.
- (2) Any victim involvement while the youth is in TJJD custody is confidential.

(e) **Victim's Right to Information.**

- (1) A victim may request, in writing, any of the information listed below:
  - (A) information concerning the procedures for release or transfer of the youth from one program placement to another including to the custody of the Texas Department of Criminal Justice (TDCJ);
  - (B) notification of:
    - (i) release under supervision, including release to TJJD parole;
    - (ii) release to a non-institutional community placement;~~or~~
    - (iii) transfer to TDCJ; and
    - (iv) discharge from TJJD supervision.

- (2) If there is a signed request from the victim, the information is sent to the victim at his or her most current address on file.
- (3) For a victim who has requested information concerning a youth, TJJD staff may reveal only the following:
  - (A) that the youth is under TJJD's supervision;
  - (B) the youth's minimum length of stay and/or the minimum period of confinement;
  - (C) the committing offense in which the victim was involved;
  - (D) the youth's conditions of parole supervision (except specialized treatment) and physical address if the youth is living at a TJJD residential placement;
  - (E) information about and an invitation to participate in TJJD's Special Services Committee or Release Review Panel review for the offense in which the victim was involved;
  - (F) that the youth has been transferred to another location and the name of that location, unless the program is only for substance abuse and/or mental health treatment;
  - (G) the name of the youth's caseworker and/or parole officer; and
  - (H) general information about the agency's rehabilitation program without revealing specific information regarding the youth's treatment.

(f) **Victim's Right to Participation.**

- (1) A victim may provide information to be considered by TJJD before the youth is released under supervision (including release to TJJD parole), released to a non-institutional community placement, or transferred to prison or TDCJ parole.
- (2) If the victim requests in writing and receives permission to provide input in person, he or she may participate in the staff meeting where release under supervision is considered. The victim ~~is not~~ ~~will not be~~ allowed to attend the entire meeting regarding the youth.
- (3) Victims who provide in-person input are provided a waiting area separate from any location where they might encounter the youth.

(g) **Victim Appeal.**

The victim has no right of appeal in any TJJD decision.

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Draft 7/5/16

Chapter: Agency Management and Operations	<b>Effective Date:</b>
Subchapter: Interaction with the Public	Page: 1 of 2
<b>Rule: Volunteers and Community Resources Council</b>	Replaces: GAP.385.8145, 8/1/02
ACA: 4-JCF-6G-01, 6G-08, 6G-09, 6G-11, 6G-12, 6G-13	

Staff recommended change in red

## RULE

### (a) Purpose.

This rule establishes a volunteer program within the Texas Juvenile Justice Department (TJJD) to expand youth opportunities for educational and recreational experiences and to provide youth with increased social interactions.

### (b) Community Resource Councils.

Community resource councils are established to support the youth committed to TJJD. Community resource councils are organized as nonprofit corporations with tax-exempt status. The councils' role includes:

- (1) informing the community about TJJD;
- (2) informing TJJD of community interests and concerns;
- (3) promoting volunteer/community engagement; and
- (4) generating community resources to benefit youth committed to TJJD.

### (c) Volunteer Program.

- (1) The manager of community programs administers ~~TJJD's~~TJJD volunteer program.
- (2) A qualified community relations coordinator oversees the volunteer program at each TJJD-operated facility and parole office.
- (3) Volunteers must successfully complete all screening and application processes, including:
  - (A) submitting to a criminal background check in accordance with §385.8181 of this title;
  - (B) providing fingerprints;
  - (C) providing personal character references; and
  - (D) participating in an interview.
- (4) Volunteers are recruited and selected from various cultural and socioeconomic segments of the community.
- (5) Every TJJD-operated residential facility and parole office must use volunteers to enhance rehabilitation efforts for youth.
- (6) Volunteers are oriented to the TJJD program and receive training before being assigned to work with youth.
- (7) Volunteers must agree in writing to abide by federal and state laws and TJJD policies and rules concerning confidentiality of youth information.
- (8) Volunteers are officially registered and provided proper identification as volunteers.
- (9) Volunteers may not perform professional services for TJJD unless certified or licensed to perform those services.

(d) **Youth as Volunteers.**

Qualified youth are encouraged and provided assistance to participate in volunteer activities in the community.

(e) **Employees as Volunteers.**

Employees may participate in volunteer activities in accordance with TJJJ's policies and procedures.

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See the Volunteer Services Operations Manual for implementation procedures.

DRAFT

Draft 7/5/16

Chapter: Agency Management and Operations Subchapter: Interaction with the Public <b>Rule: Advocacy, Support Group, and Social Services Provider Access</b>  ACA: N/A Statutes: HR Code §242.056	<b>Effective Date:</b>  Page: 1 of 3  Replaces: GAP.385.8183, 11/1/11
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Staff recommended changes in red

## RULE

### (a) Purpose.

This rule establishes a process for allowing advocacy and support groups and social services providers to provide on-site information, support, and other services for youth confined in Texas Juvenile Justice Department (TJJD) residential facilities.

### (b) Applicability.

- (1) This rule applies to residential facilities operated by TJJD.
- (2) This rule does not apply to a youth's access to his/her personal attorney or personal clergy member in accordance with §380.9311 of this title and §380.9317 of this title.

### (c) Definitions.

The following words and terms have the following meanings when used in this rule, unless the context clearly indicates otherwise:

- (1) **Advocacy or Support Groups**--organizations whose primary functions are to benefit children, inmates, girls and women, persons with mental illness, or victims of sexual assault.
- (2) **Social Services Providers**--organizations whose primary functions are to provide psychological, social, educational, health, and other related services to juveniles and their families.
- (3) **Confined**--placement in a residential facility.
- (4) **Confidential Setting**--a setting that provides for private conversation but is within the line of sight of a TJJD staff member who is authorized to provide sole supervision of youth.

### (d) Registration Procedures.

- (1) An advocacy or support group or social services provider must register with TJJD prior to providing on-site information, support, or other services to confined youth.
- (2) In order to register with TJJD, an advocacy or support group or social services provider must provide the following in a form and manner determined by TJJD:
  - (A) a copy of the articles of incorporation on file with the secretary of state or other official documentation showing the organization's primary purpose;
  - (B) contact information for the local program director(s);
  - (C) names of all persons employed by or otherwise officially representing the organization who would likely seek access to residential facilities under the provisions of this rule; and
  - (D) if 24-hour access to residential facilities is believed to be necessary to perform the organization's primary function, a written justification of the need for such access and the

names of individuals representing the organization who perform the function for which 24-hour access is requested.

- (3) The TJJD division director with responsibility over volunteer services or his/her designee determines whether or not an organization qualifies as an advocacy or support group or social services provider as defined in this rule, and whether or not 24-hour access, if requested, is necessary to provide the organization's primary function.
- (4) A determination that an organization does not qualify as an advocacy or support group or social services provider under this rule, or a denial of a request for 24-hour access, must be in writing and may be appealed to the TJJD executive director or his/her designee. The appeal must be in writing and clearly state the reason the organization should be considered an advocacy or support group or social services provider under this rule or the reason that denial of 24-hour access would prevent the organization from effectively performing its primary function.
- (5) A person representing a registered advocacy or support group or social services provider is not permitted to provide information, support, or other services to youth in a confidential setting unless and until:
  - (A) TJJD conducts a background check pursuant to §385.8181 of this title and clears the person for such access; and
  - (B) the person signs appropriate confidentiality agreements concerning youth information and/or records.
- (6) A registered advocacy or support group or social services provider must provide immediate written notification to TJJD when a person who is registered with TJJD as a representative of the organization ceases to represent the organization.

(e) **General Provisions.**

- (1) A person who has been granted 24-hour access should provide reasonable advance notice of his/her intention to visit a facility to allow for security and confidentiality arrangements to be made. Lack of advance notice does not constitute grounds for denying entry.
- (2) A person who has not been granted 24-hour access may access residential facilities during youth waking hours. Such a person must provide at least 24-hour advance notice of his/her visit to the facility in order for security and confidentiality arrangements to be made. Visits with less than 24-hour advance notice will be accommodated when possible.
- (3) The security and confidentiality measures arranged by TJJD must not be designed to deny a registered advocacy or support group or social services provider access to youth.
- (4) A person who has been cleared for access and who has provided adequate advance notice, if required, will not be denied access to any residential facility unless, in the judgment of the facility administrator or designee, the circumstances existing at the time of the visit create an unacceptable risk to the safety of youth, staff, or visitors. If, upon arrival at a facility, a representative of an advocacy or support group or social services provider is denied entry due to unsafe conditions, the facility administrator or designee must provide written justification to the organization within three workdays. A youth's current placement in a security unit does not constitute an unacceptable safety risk that would prevent access by a registered group or provider, but may be taken into consideration with other factors in making a determination of the safety of the current circumstances.
- (5) A person who has been cleared for access must present picture identification at the entry point in order to gain access to the facility.
- (6) Members of advocacy or support groups or social services providers are subject to search upon entry to a residential facility in accordance with §380.9710 of this title.

- (7) Under state law, any person, including a registered member of an advocacy ~~or~~ support group or social services provider who has cause to believe that a youth has been or may be adversely affected by abuse, neglect, or exploitation has a legal obligation to report the matter in accordance with §380.9333 of this title. The reporting requirement applies without exception to a person whose personal communications may otherwise be privileged.
- (8) Youth have the right to refuse a visit with an advocate or social services provider.
- (9) Advocacy and support groups and social services providers may file complaints regarding the security and privacy procedures arranged by a facility in accordance with §385.8111 of this title.
- (10) Provisions of this rule may not be used to bypass the provisions of §380.9312 of this title regarding visitation procedures for family members of youth committed to TJJJ.

(f) **Revocation of Access.**

- (1) TJJJ may revoke the access of a representative of a registered advocacy or support group or social services provider, with written notice, when:
    - (A) the person has endangered the safety of youth or the security of the facility; or
    - (B) ~~when~~ the person has violated a TJJJ confidentiality agreement.
  - (2) Revocation of access may be appealed to the executive director or his/her designee. The appeal must be in writing and clearly state the reason the person's access should not be revoked.
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**Draft 7/5/16**

Chapter: Agency Management and Operations	<b>Effective Date:</b>
Subchapter: Miscellaneous	Page: 1 of 1
<b>Title: Transportation of Youth</b>	Replaces: GAP.385.9959, 6/16/05
ACA: N/A	

**RULE**

(a) **Purpose.**

This policy establishes a system for Texas Juvenile Justice Department (TJJD) staff to transport youth among assigned placements and settings using the TJJD Statewide Transportation Unit (the Transportation Unit).

(b) **General Provisions.**

- (1) The Transportation Unit and individual facility and parole staff may transport or coordinate the transportation of TJJD youth to and from TJJD facilities and community placements and settings.
  - (2) Requests for transportation must be approved by the sending chief local administrator or designee following completion of any due process required for youth movement.
  - (3) The Transportation Unit provides transportation among residential facilities operated by TJJD and between facilities operated by TJJD and contract care programs. The Transportation Unit also provides transportation for youth being returned to a TJJD facility from community-based detention, community placements and settings, or jail. Transportation assistance may be required from TJJD staff or contract care staff at times in order to meet the needs of facilities, community-based detention, community placements and settings, or jails.
  - (4) When youth are transported between residential facilities operated by TJJD, staff also transport the youth's case file, if available.
  - (5) County personnel are responsible for transporting all newly committed youth to the TJJD assessment unit and for providing all transportation necessary to meet requirements of a bench warrant. However, the Transportation Unit may provide courtesy transportation or may assist in coordinating transportation of newly committed youth and youth being moved via the Interstate Compact for Juveniles.
  - (6) Use or possession of chemical agents by TJJD staff is prohibited during transportation.
  - (7) Use of mechanical restraint during transportation must be in accordance with §380.9723 of this title.
  - (8) If transportation is not provided or coordinated by the Transportation Unit, the sending facility arranges and, if necessary, pays for transportation of a youth to a placement or home.
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**Texas Juvenile Justice Department  
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §§385.8135 (RIGHTS OF VICTIMS), 385.8145 (VOLUNTEERS AND VOLUNTEER COUNCIL), 385.8183 (ADVOCACY, SUPPORT GROUP, AND SOCIAL SERVICES PROVIDER ACCESS), AND 385.9959 (TRANSPORTATION OF YOUTH)**

On this **5<sup>th</sup> day of August 2016**, 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 requires the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

**WHEREAS**, the Board previously approved the publication of the proposed rule review and revisions for §§385.8135, 385.8145, 385.8183, and 385.9959 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 has recommended additional minor changes to §§385.8135, 385.8145, and 385.8183;

**NOW, THEREFORE BE IT RESOLVED THAT** the Board authorizes the adoption of the rule review and revisions for §§385.8135, 385.8145, 385.8183, and 385.9959 as proposed, with additional revisions to §§385.8135, 385.8145, and 385.8183 as noted.

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

**Signed this 5th day of August 2016.**

**Texas Juvenile Justice Board**

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Scott W. Fisher, Chairman





Texas Juvenile Justice Department  
Trust Committee Meeting  
11209 Metric – Building H – Lone Star Conference Room  
Austin, Texas 78757  
Thursday, May 19, 2016 – 10:00 a.m.

**COMMITTEE MEMBERS PRESENT:**

The Honorable Jimmy Smith, Committee Chair  
Scott W. Fisher, Board Chairman  
The Honorable John Brieden III  
Scott Matthew

**EXECUTIVE STAFF PRESENT:**

Chelsea Buchholtz, Chief of Staff  
Jill Mata, General Counsel  
Luther Taliaferro, Senior Director of Education Services

**OTHER GUESTS PRESENT:**

Karen Kennedy, Deputy General Counsel  
Kathryn Gray, Staff Attorney, Office of the General Counsel  
Christina Garcia, Staff Attorney, Office of the General Counsel  
Vivian Cohn, Deputy Chief Auditor  
Joe Deering, Risk Management Specialist, Monitoring and Inspections  
Desiree Roberts, Administrative Assistant, State Programs & Facilities  
Maria Tissing, Executive Assistant  
Fred Meinke, Network Specialist  
Ona Trubee, Spotted Horse Livery and Friends of Parrie Haynes Ranch  
Adrian Moore

Trust Committee  
May 19, 2016

### **Call to Order**

Committee Chairman Jimmy Smith called the meeting to order at 10:07 a.m.

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

Chairman Smith explained that Board Chairman Fisher was in another agency meeting. Judge Brieden moved to approve the absence of Board Chairman Fisher. Mr. Matthew seconded the motion. The motion passed unanimously.

### **Discussion, Consideration, and Possible Approval Regarding the March 31, 2016 Committee Meeting Minutes**

Judge Brieden moved to approve the minutes of the meeting. Chairman Smith seconded the motion. The motion passed unanimously.

### **Discussion, consideration, and possible approval to authorize terminating the current lease between the Parrie Haynes Trust and the lessee of the tract of land in Milam County, to refund the paid lease amount for the remainder of the year to Kathy Rasberry, and to authorize staff to explore potential opportunities for the Milam County tract of land to generate money for the Parrie Haynes Trust**

Kathryn Gray, Staff Attorney, explained the details of the request to terminate the lease. The approximately 150 acre tract of land in Milam County is part of the Parrie Haynes Trust and has been leased to Joe and Kathy Rasberry for grazing since the mid-1990's. The current lease was renewed in December 2013 for a three year-period (expiration date: December 31, 2016).

Joe Rasberry passed away in December 2015 and Kathy Rasberry has requested a termination of the lease effective May 31, 2016 and a refund of the revenue from the lease for the remaining seven months (approximately \$1,100). Chairman Smith asked if the cattle had been removed from the land. Mrs. Gray said that Mrs. Rasberry has committed to removing the cattle by May 31. In response to a suggestion from Chairman Smith to extend the lease on a month-by-month basis until the livestock is removed, Ms. Gray said that she believed that Mrs. Rasberry was attempting to consolidate her resources and might be of the age that managing the grazing lease had become a challenge. Board members briefly discussed the location of the tract, re-leasing it, selling it and market value.

Board Chairman Fisher joined the meeting. Mrs. Gray noted that the land, which is about half grazing and half tree-covered, is not adjacent to the Parrie Haynes Ranch and is too far away for the current lessors of the ranch to make use of.

Judge Brieden moved to endorse termination of the lease and to refund the remaining funds to Mrs. Rasberry. Mr. Matthew seconded the motion. The motion passed unanimously.

### **Staff Report on Activities of the Trust**

Trust Committee  
May 19, 2016

Mrs. Gray reported that Spotted Horse Livery owner Ona Trubee is considering installing electricity on a portion of her side of the ranch with the support of the Boys and Girls Club of Central Texas and will most likely be seeking the board's approval at the August meeting. Mrs. Gray also expects that the Texas Parks & Wildlife Foundation will update the committee on the progress of the Wildlife Management Plan for the Parrie Haynes Ranch.

### **Public Comments**

Ms. Trubee said that *Best of America by Horseback Television Show* is broadcasting a segment on May 19 on the Parrie Haynes Equestrian Center. The company ordinarily charges \$21,000 to produce an episode, but the fee was waived for the Parrie Haynes production. The show is broadcast on RFD-TV, a network targeting rural America, carried by cable providers including AT&T Uverse, DIRECT-TV, Dish Network and Time-Warner Cable.

On June 4, the equestrian center is sponsoring Third Annual Parrie Haynes Horse and Mule Days featuring horseback riding, food and live music. Ms. Trubee invited committee members to participate and tour the equestrian center.

Judge Brieden moved to adjourn the meeting. Board Chairman Fisher seconded the motion. There being no objection, Chairman Smith adjourned the meeting at 10:18 a.m.



### Educational Assistance Programs at TJJJ

Marie Welsch, Education Specialist, Probation and Community Services

The TJJJ Board is Trustee of the Parrie Haynes and John Wende trusts by virtue of the fact that TJJJ is the successor agency to the Board of Control, the State Orphan Home and the Texas Youth Commission. Educational assistance to eligible beneficiaries is provided by income generated from investment of both trusts.

TJJJ has used the trust funds to offer educational assistance to help certain youth attend and succeed in post-high school educational programs, including trade schools and university programs. For youth to be eligible for educational assistance through the Parrie Haynes or Wende Trust Funds, they must have completed their GED or high school diploma and be an orphan, having at least one parent who is deceased, had their parental rights terminated, or the parent(s) abandoned the youth.

The TJJJ trust fund administrators coordinate with other TJJJ staff, including educational liaisons, school principals, parole officers, and case managers to identify eligible youth, ensure their access to the funds, and monitor appropriate use of the funds. The TJJJ trust fund investment officer, within the Finance Division, provides financial support in preparing the budget and expenditure reports and managing appropriate investments pursuant to the direction of the Trustees. The Internal Audit Department audits this fund biennially to ensure that the use and accounting of these funds is consistent with the requirements of the Public Funds Investment Act.

Additionally, the juvenile section of the Texas Bar Association provides limited funding (J Law funds) to selected students, but can typically support only one or two students at any given time. These funds may be used for the same expenses as the Wende/Haynes Trusts and the application process is the same.

For the 2015-2016 school year, there were 10 students involved in these programs. Eight of them have successfully completed the fall and spring semester. A few are in summer school. Two of the students will be graduating in the next school year. Four have been in trade school or community college and six are in universities. One of the six is completing a master's degree and one is completing a dissertation.

One student, Nicholas Fernandez, has written a letter to share with the board.

6/24/2016

To whom this may concern:

My name is Nicholas Fernandez. I am thirty two years old. I am responsible for the aggravated assault and attempted aggravated kidnapping on three counts of three victims in. Since my release from the Texas Juvenile Justice Department, I have not only had to overcome living with the victimization of three individuals in today's society on a daily basis. I also face a disabling mental condition, [REDACTED]. I am currently seeking a Bachelors' Degree in Business Management and only have seventeen more classes to attain my short term education goal and with hope of attaining my long term education goal with a Masters Degree in Business Management from the University of Texas at El Paso; thus far I have completed an Associates of Applied Science in Computer Networking Technology from Kaplan College. I am currently holding (a job as) a flex Recreation Aide (guaranteed 0-20 hours per pay period) with the Department of Defense (DOD), Department of Morale Welfare and Recreation (DMWR), created by the Department of the Army. Without the assistance in which I receive from the Texas Juvenile Justice Department I would not have been able to get my education, or have a safe place to live. Shortly after my release I thought I was coming back to El Paso to a family, little did I know what challenges were in store for me. I have been homeless, and known family violence from a family in which I am no longer in contact with. I like to think of myself as the luckiest guy in the world, because most people only have one mother where, I myself have three. That's what Ms. Hernandez, Dr. Welsch and Dr. Levins are to me because no matter what is going on in their lives or mine they are there for me. They are there for me to tell me to believe in myself, they are there to let me know that everything is going to be okay and to keep moving forward me with positive vibes, and while many people only have one father I will have two throughout my life because that Mr. Ezzell, and Mr. Herring are to me, role models in which I can learn to be a responsible young man that is able to identify how to be a successful in today's society in a positive an pro social manner. It pleases me to write this letter for whoever is to read it because without any of your care, compassion, and assistance I fear that I would have been another statistic, so please by all means give yourself and your colleagues' kudos on being able to save and change another life along with the many in which the near future holds. Thank you again, for each and everyone your time.

Cordially,

Nicholas Fernandez



**Texas Juvenile Justice Department  
Finance and Audit Committee Meeting**

11209 Metric Blvd., Building H,  
Austin, Texas 78758  
Thursday, May 19, 2016 – 3:00 p.m.

**BOARD MEMBERS PRESENT:**

Calvin Stephens, Committee Chair  
Scott W. Fisher, Board Chairman  
The Honorable John Brieden III  
Jane King

**EXECUTIVE STAFF PRESENT:**

David Reilly, Executive Director  
Chelsea Buchholtz, Chief of Staff  
Eleazar Garcia, Chief Auditor  
Jeannette Cantu, Executive Assistant  
Jill Mata, General Counsel  
Luther Taliaferro, Sr. Director of Education Services  
Rebecca Walter, Director of Youth Placement and Program Development

**OTHER GUESTS PRESENT:**

Adrian Moore, Council on At-Risk Youth (CARY)  
Deidre Hernandez, TJJD  
Emily Anderson, TJJD  
Jim Southwell, TJJD  
Kaci Singer, TJJD  
Karen Kennedy, TJJD

Kenneth Ming, TJJD  
Kevin DuBose, TJJD  
Nancy Slott, TJJD  
Nora Oakmon, TJJD  
Shelley McKinley, TJJD  
Steven Vargas, TJJD

### **Call to order**

Committee Chairman Calvin Stephens called the meeting to order at 3:31 p.m.

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

All committee members were present for this meeting.

### **Discussion , consideration and possible approval regarding the March 31, 2016 Meeting Minutes**

Mr. Scott Fisher moved to approve the minutes. Judge John Brieden seconded. The motion passed.

### **Updates from the Deputy Chief Information Officer**

Jim Southwell, Deputy Chief Information Officer, presented this informational report. In a follow-up to recommendations by Internal Audit, regarding access, reviews for the county facing applications has been launched and 40 percent completed. At this time staff will report on a quarterly basis and once there is a routine in place, the reporting period will be lengthened.

The 435 desktops and laptops, purchased from an appropriation from last session, have been distributed to the Austin Office and the field. This project is 65 percent completed.

Staff will continue to refresh all outdated servers that reside in the state Data Center Services (DCS). IT staff will first focus on replacing the primary core infrastructure servers. These servers do not impact users as they actually support the overall agency infrastructure. Once that project is completed staff will focus on infrastructure servers that impact users. The DCS expenditures are the single largest expenditure within the IT budget at \$2.6 million a year apart from staff salaries.

Staff will begin to put together IT needs not just from the IT Division's perspective, but for TJJJ as a whole. This information will be used to build the IT appropriations request package for the upcoming legislative session.

The IT Division still continues to face challenges with staffing. Staff struggle to get good quality candidates in the IT Division. Staff will continue to work closely with executive staff and Human Resources (HR) to improve the hiring process. The number of positions that remain open for

considerable amounts of time, recent resignations that came about suddenly and the unexpected passing of a key individual, have impacted the division and TJJJ.

In response to a question asked by Chairman Stephens, Mr. Southwell stated the primary reason IT has been unable to fill open positions is a combination of both lack of applicants and the quality of applicants applying. Staff will restructure the experience requirements requested to bring them more in line with the salary offered. Historically TJJJ has asked for more experience requirements than what the agency can afford to pay. Staff will continue to work with HR to refine and make adjustments to lessen those requirements. Comparisons to hard requirements versus preferred requirements should increase the pool of candidates.

In response to a question asked by Chairman Stephens, Mr. Reilly stated no salary comparisons have been conducted across the board at this time however there is a system-wide salary study currently being conducted.

Mr. Southwell stated he had talked to a couple of placement agencies about trying to place folks at TJJJ to do staff augmentation. This led staff to look at the experience requirements TJJJ is seeking. To place someone at TJJJ, the agency will need to add \$20,00.00 a year to salaries.

In response to a question asked by Chairman Stephens, Mr. Southwell stated Austin is a hot spot for technology positions. However, other state agencies are able to offer a more competitive salary than what TJJJ can offer. Staff who have been employed with TJJJ for a considerable amount of time are able to make \$10,000.00 to \$15,000.00 more a year by leaving.

In response to a question asked by Judge Brieden, Mr. Southwell clarified that staff are leaving and earning increased salaries with other state government.

### Discussion regarding the TJJD population and commitment trends

Rebecca Walters, Director of Youth Placement and Program Development, presented this informational report. As of the date of this report, the secure state operated programs population was 9.5 percent over budget compared to 6.5 percent in March of 2016. However the total residential population is up 5.1 percent, whereas of the last report it was about 4.5 percent. In the last couple of months the residential population has slightly increased and the distribution of where that population has changed. TJJD Halfway Houses (HWH's) have seen a drop in the month of April. The other increase over the last two months was in the Parole population. This was somewhat predictable since last year when the population started going up staff knew those kids would start coming out on Parole about 9 months to a year later. Parole has seen a 10 percent increase in the last couple of months.

In March TJJD had about the same number of new admissions than last year. That followed a little decline in February; over all the total change compared from this year to last year, to date, was 5 percent. There were 5 percent more admissions this year as compared to the same time period last year. The primary source of these new commitments is still determinate sentenced youth. Last fiscal year the agency had a substantial increase in the percentages of determinate sentenced youth committed and this year it is at 26.7 percent to date while indeterminate commitments are only up 1.6 percent.

Staff have seen an increase in violent felonies from the last time this information was reported to Board. At that time members were informed of the 8 percent increase in violent felonies in FY 2014. The research department advised that for this year there is a 5 percent increase compared to last year to date.

In response to a question asked by Committee Chairman Stephens, Ms. Walters stated she was not sure what the Legislative Budget Board (LBB) expected in terms of the violent felony referrals. TJJD staff met with LBB staff to discuss how the projections and populations are not in line with what was projected.

In response to a question asked by Judge Brieden, Mr. Reilly is confident about getting through FY 2016 with current funds.

In response to a question asked by Judge Brieden, Mr. Reilly stated the Agency will not have the benefit of money being carried forward to the next year.

### **Updates from the Chief Financial Officer**

Mr. Mike Meyer, Chief Financial Officer, gave this informational report. Over the last seven months TJJJ expended approximately 57.4 percent of its amended general revenue budget when excluding probation activities. This is in line with expectations and supports earlier assessments of cautious optimism. However the results of TJJJ's mid-year financial review indicated significant budgetary pressure which will begin in FY 2017.

Rite of Passage has been added to a list of TJJJ residential providers. The total placement budget was amended to reflect increased provider rates. Expenditures under each contract remain well below the board authorized not-to-exceed amounts.

The second group of the second quarter performance measures included those that fell outside 5 percent of the General Appropriations Act (GAA) target. Among those were the average daily population figures in state correctional facilities which were 7.4 percent above projections though the end of February 2016. Recently, the population has climbed past 9.5 percent above budget and the year to date figure at this point was around 7.8 percent above budget for state facilities.

The Management Action Plan (MAP) funding was identified by bringing dollars forward from FY 2015 into FY 2016. This fiscal year TJJJ started with \$2.5 million brought forward from FY 2015 to respond to safety and security concerns tied to the higher residential population. As of this report about 42 percent of those funds have been expended and have been a critical resource in managing the agency's challenges this year.

The midyear financial review suggests that TJJJ's strategies for managing the budgetary challenges in FY 2016 are working. Projections indicate the agency will finish the year with approximately \$0.4 million remaining in MAP funds and \$0.6 million remaining in Data Center Services (DCS). To ensure the projections bear out, staff is in the process of reducing operating budgets across the divisions to ensure payroll is met.

Other steps taken include requiring any changes in position salaries to have a net zero impact. If there is an increase in a position it has to be offset by a decrease in another. Also, no end-of-year funds will be

available this year, unlike in years passed. For FY 2017, agency appropriations for state programs decreased by \$2.4 million however that was the net of a decrease of \$4.7 million in the strategies that support the state facilities and an increase of \$2.3 million in the strategy that supports contract care. Within the reduced funding level for facilities, the agency has to support a 2.5 percent salary increase for JCO's which brings a cost of several million dollars.

TJJD will have less available in MAP funds so these factors combine to indicate that available funding cannot sustain services at current levels without either a drop in population, a supplemental appropriation, or major shifts in operational practices. The Executive Management Team is in the process of exploring options to reduce costs to the extent possible without compromising safety and security. This would minimize the scale of a potential supplemental appropriations request. Regional diversions will begin in June and will hopefully impact the residential population. LBB will issue new population projections in June 2016 which will help inform TJJD's baseline planning for FY 2017 through FY 2019 as well as the appropriation requests that staff will present to the Board members in August 2016.

SB 1630 provisions affecting general probation funding will be discussed along with proposed state aid allocations. Staff worked with the Advisory Council on how to design and award competitive grants that comply with Human Resources Code 223.001(c) which was amended by SB 1630. The criteria established for this section state the grants must have a well-defined target population with recidivism reduction goals, and must rely on research-driven practices. Staff will finalize the details of the program in the coming weeks to take applications during the summer.

In response to a question asked by Committee Chairman Stephens, Mr. Meyer stated TJJD's most critical operational challenge is Juvenile Correctional Officer (JCO) staffing and the ability to support sufficient positions to maintain security. Statute requires certain supervision ratios but there are also additional concerns about the security and safety of our youth and staff. This is a separate strategy that has been added to the agency's budget for JCO staff and food service budgeted at \$50 million plus for each fiscal year, with the bulk of that for JCO salaries and overtime. Within that strategy there is a significant drop in appropriations in FY 2017 because the projections for the population decrease. The agency still has to support the 2.5 percent pay increase and that will be the biggest challenge. Staff have used various

budget management techniques since the beginning of FY 2016 to support or offset the challenges through pulling resources from other places. Staff will continue to do this in FY 2017.

In response to a question asked by Committee Chairman Mr. Stephens, Mr. Meyer stated there was a 2.5 increase for JCO's in 2016 and an additional 2.5 percent in 2017. TJD did receive an appropriation for that however the overall appropriation was reduced based on lesser population. Funds were added for the pay increase however the population has not declined. Staff are faced with a lesser funding level but the agency will still have to support that pay increase.

In response to a question asked by Mr. Stephens, Mr. Meyer stated staff will continue to look at how the gap projected can be brought down as much as possible.

In response to a question asked by Mr. Stephens, Mr. Meyer stated at this point staff believe a good relationship has been cultivated with the LBB. Staff also believe that when it comes time to talk about a supplemental request it will be a positive interaction.

**Discussion, consideration and possible approval regarding the FY2017 State Aid Funding and Allocations (Action)**

Mr. Mike Meyer, Chief Financial Officer, reported on this action item. This report covered the types of factors included in funding determinations, formula-related directives in SB 1630, and guidance provided during the legislative session. The primary goals of the formula revision process included establishing a clear and equitable linkage between funding levels, potential work load, and actual work load. The second goal acknowledges economies of scale, meaning the cost of operations is higher for smaller departments. The new funding formula achieves the first two goals by calculating a per-juvenile and per-referral funding rate that varies by department size.

With the new formula, staff also sought to mitigate the impact of any funding shifts through a phase-in period that includes a funding floor and ceiling, and to set aside funds for discretionary state aid in compliance with Human Resources Code 223.001(c).

Mr. Meyer described in greater detail the mechanics of the new funding formula. In response to a question asked by Mr. Shaw, Mr. Meyer stated staff relied on historical allocations as a proxy for economies of scale. Staff looked at the period of FY 2014 through FY 2016 which had all the same funding streams TJJJ uses as of this date. The structure is different insofar as FY 2014 & FY 2015 TJJJ had grants A, C & N and now those three have been combined into State Aid, but the underlying appropriation sources are the same. Over that period, the funds allocated were compared to the estimated population in each of those years and then separately funding allocated was compared to referrals for each of those years. Through that comparison there is a clear underlying pattern which then formed the basis for the formula.

In response to a question asked by Mr. Shaw, Mr. Meyer stated this is the closest proxy staff could offer for economies of scale. The kind of analysis it would take to determine actual localized operational costs would require a lengthy process and an in-depth examination of variation across types of services and jurisdictions.

In response to a question asked by Mr. Shaw, Mr. Meyer stated in a world of data analytics, a proxy is chosen when the desired data is not available. This is not as precise as an exhaustive examination of the cost of operations in different size jurisdictions, but the consensus has largely been that the state should offer funding at a higher rate for smaller jurisdictions compared to larger ones in response to perceived economies of scale, so staff integrated that perspective into the process via trends in historical allocations.

In response to questions asked by Mr. Stephens, Mr. Meyer stated the formula was created by TJJJ staff.

In response to a comment made by Judge Brieden, Mr. Meyer stated the fundamental principle is that the agency should allocate funding in a nonlinear fashion. In smaller jurisdictions the state will offer more per juvenile and per referral than it would in a larger jurisdiction. In response to a comment made by Jane King, Mr. Meyer stated SB 1630 provisions affecting general probation funding will be discussed along with proposed state aid allocations under a separate agenda item. What the formula does is find

the curve that passes through a cloud of data and then try to move departments closer to the curve as opposed to maintaining the cloud.

Staff received guidance during the session that the intent for discretionary state aid was to represent a significant portion of available state funding. If TJD moved in that direction quickly, it would represent a dramatic shift. The standard set by the bill involved a defined target population and recidivism reduction goals, outcomes driven and research based practices, which all involve a learning curve for departments and will need to be developed over time. One of the central arguments surrounding the Closer to Home Report is that funding needs to be more targeted.

In response to a question asked by Mr. Stephens, Mr. Fisher stated staff took \$1.6 million out of the monies that was being delivered to the counties and created a new mechanism to dispense those funds. In response to a question asked by Judge Brieden, Mr. Meyer stated the funding floor and ceiling mentioned are phased in over the course of 4 years. In response to a question asked by Mr. Fisher, Mr. Meyer stated the reduction can be made up by applying for the discretionary funding. In response to a comment made by Mr. Fisher, Mr. Meyer stated there is also the supplemental and emergent needs funding which is needs driven.

Mr. Fisher moved to recommend consideration by the full Board. Ms. King seconded. The motion passed.

**Discussion, consideration and possible approval regarding the Agency Strategic Plan for FY2017-2021 (Action)**

Carolyn Beck, Governmental Relations Specialist, presented this action item. All state agencies received new instructions for strategic planning. The entire process was streamlined and comprised of three pieces:

- The agency mission statement,
- Operational goals with action plans for each goal, and
- Redundancies and Impediments.

Ms. Beck reviewed each of the goals and action items with the members of the committee.

In response to a question asked by Mr. Stephens, Ms. Beck stated staff want to minimize how deeply immersed youth become in the justice system.

In response to comments made by Mr. Stephens and Judge Brieden, Mr. Reilly stated Goal Two is intended to keep youth at the point they enter the system rather than have them penetrate further into the local system and eventually into TJJD. Based on research and knowledge the deeper youth get in the system, the less likely they are to succeed.

In the Redundancies and Impediments section staff did not find any redundancies but did find some impediments.

Staff will spend the next few weeks cleaning up the document making it more concise and review the language. The plan is not due downtown until June 24, 2016, however this is the only board meeting taking place between now and the time the plan is due. Staff do not expect any substantive changes and will provide a final version of the document to the board members.

Ms. King moved to recommend approval to the full board. Judge Brieden seconded. The motion passed.

**Discussion, consideration and possible approval regarding the proposed FY2016 Electricity Provider contract (Action)**

Kenneth Ming, Director of Business Operations and Contracts, presented this action item. The current electrical contract TJJD had in place was a five year contract and expired at the end of May 2016. The bid was put out on an open market, without any representation, in order to receive a better rate. Upon review of the proposals/bids received, information supported a 20%-25% reduction in the electricity rate which indicated a cost savings for FY 2017.

Since rates are so low now, staff requested the Board to approve the first year funding which will lock in the current rate for the next five years. Staff will continue to seek approval every year to approve that year's funding. The estimate provided is based on historical use of last year however it is expected to be less in the coming year. Staff will continue to finalize and negotiate the bids.

Staff requested the board authorize the Executive Director to have authority to sign the contract once negotiations are final.

In response to a question asked by Judge Brieden, Mr. Ming stated the proposal is for all of the TJJJ unregulated facilities which do not include Giddings State School, Evins Regional Juvenile Center and Schaffer Halfway House.

In response to a question asked by Mr. Stephens, Mr. Ming stated TJJJ has the option to terminate the contract at any time if the rates increased significantly. There would be a settlement cost as the provider would have previously purchased electricity for the five year contract. The agency would not pay any more than what was paid when the contract was signed.

In response to a question asked by Mr. Stephens, Mr. Ming stated this contract would lock the rate in for the next five years.

Mr. Fisher moved to recommend approval by the full board. Ms. King seconded. The motion passed.

**Discussion, consideration and possible approval regarding the proposed FY2016 Gaeke Construction Company contract (Action)**

Kenneth Ming, Director of Business Operations and Contracts, presented this action item. Staff determined the best value for TJJJ would be to award the construction bid to Gaeke Construction Company. This contract would be over \$300,000 and requires board approval. This contract would include various projects at Giddings State School along with several civil projects.

Staff requested the board authorize the Executive Director to approve construction projects at TJJJ's secure facilities.

Judge Brieden recused himself from this vote due to his personal relationship with Bob Gaeke, owner of the Gaeke Construction Company.

Mr. Fisher moved to approve the resolution. Ms. King seconded. The motion passed.

**Discussion, consideration and possible approval regarding the proposed Amendment #5 to the Tech Share. Juvenile and Juvenile Case Management System-Basic Resource Sharing Addendum (Action)**

Kenneth Ming, Director of Business Operations and Contracts, presented this action item. Staff requested approval for TJJJ's executive director to execute amendment number 5 to the contract for Tech Share and Juvenile Basic (JCMS) with the Texas Conference on Urban Counties. Approval will take TJJJ through the remainder of the calendar year. The amendment is a six month extension for \$632,500.00 and will allow staff to continue negotiating for a new and different contract in the future.

Jill Mata, TJJJ General Counsel, confirmed the amendment will give TJJJ a chance to move forward with something different.

In response to a question asked by Judge Brieden, Mr. Fisher stated due to the regulations on contracting associated with SB 20, the parties are getting advice and counsel on how to proceed.

Ms. King moved to recommend approval by the full board. Judge Brieden seconded. The motion passed.

**Discussion, consideration and possible final adoption of 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) (Action)**

Mr. Meyer, Chief Financial Officer, presented this action item. These revisions were approved in November of last year by the TJJJ Board for posting to the Texas register. Staff did not receive any comments but did identify a few grammatical errors, and request recommendation to the full board for final approval.

Ms. King moved to recommend approval by the full board. Judge Brieden seconded. The motion passed.

**Discussion, consideration and possible final adoption of proposed revisions and rule review for 37 TAC §385.8153 (Research Projects), §385.9967 (Court Ordered Child Support) §385.9993 (Canteen Operations), in the Texas Register for a 30-day public comment period (Action)**

Mr. Meyer, Chief Financial Officer, presented this action item. Staff requested approval of the revisions to procedures for third-party research projects to clarify practices, requirements and types of technical support TJJJ staff can offer. The changes will help manage the expectations of third-party researchers

and manage the burden placed on TJJD staff. This is a change from current practice to formalize management of these projects.

The other two rule revisions bring the rules in line with current practices and statutory requirements. Staff requested board approval to post to the Texas Register.

Mr. Fisher moved to recommend approval by the full board. Judge Brieden seconded. The motion passed.

### **Discussion, consideration and possible approval regarding the Alleged Abuse, Neglect and Exploitation**

#### **Audit (Action)**

Mr. Eleazar Garcia, Chief Auditor, presented this action item. The overall objective for this audit was to evaluate controls over the investigation and reporting of alleged abuse, neglect, and exploitation (ANE) of youth under the purview of TJJD. Overall, controls over the investigation and reporting of ANE can be strengthened.

The scope period covers open administrative investigative case files as of March 2016 and youth grievances and IRC calls from June 1, 2015 through January 31, 2016.

Mr. Garcia reviewed controls in several areas that support the proper handling and reporting of grievances. He also reviewed controls in several areas that could be enhanced to ensure compliance with agency policy and procedures to provide more cost effective practices.

Management concurred with the findings.

In response to a question asked by Judge Brieden, Mr. Garcia stated the inability to run reports hindered both parties involved. Instead of generated reports, staff provided spreadsheets and created tracking systems which create inefficiencies. Controls would be better if staff could improve this process.

In response to a question asked by Judge Brieden, Mr. Garcia stated staff improving those programs would work to TJJD's advantage. Staff should submit a ticket through the IT Helpdesk when the system is not performing as expected. One of the functions of IT Governance is to make sure processes are performed properly and IT aligns their resources.

In response to a question asked by Mr. Fisher, Mr. Garcia stated the developer that developed this particular program is no longer with the agency which has created a learning curve.

In response to a question asked by Mr. Fisher, Mr. Southwell stated difficulty with staff retention and the loss of employees with the skill set who developed legacy applications continue to be a struggle for the IT division. The learning curve of what the applications do and trying to understand the legacy platforms is a challenge. Staff will make sure data is being captured and accurate information can be pulled from the report.

In response to a question asked by Mr. Fisher, Mr. Southwell stated staff will continue to look at what can be fixed in the short term to improve the situation and at the same time look forward to the LAR requests to help the agency move forward with many of the systems. Staff will assess programs and improve the ones that will best benefit TJJD.

In response to a question asked by Judge Brieden, Mr. Garcia stated when identifying the system is not working properly it should be reported to IT so staff can research and resolve the issue.

Mr. Southwell went on to state as a result of the strategic planning IT will continue to establish increased dialog between IT and the other divisions and not be reliant on the ticketing system or someone coming to us to report a particular issue is happening. Staff now schedule proactive meetings to sit down and talk about immediate needs as well as long term needs. This information will be used to inform the road map planning process for IT.

Mr. Garcia stated that management concurred with the audit findings.

Ms. King moved to recommend approval by the full board. Judge Brieden seconded. The motion passed.

#### **Discussion, consideration and possible approval regarding the Brownwood Halfway House Audit**

##### **(Action)**

Mr. Garcia, Chief Auditor, presented this action item. Test objectives over the following areas were included to determine whether they met established guidelines: authorized user access to the Noble system, the employee training compliance; and the grievance process. Controls in the following areas

are functioning as intended: the conference request process is being administered to provide students an informal means to help resolve issues or concerns and required staffing ratios are being maintained at the Brownwood HWH to ensure youth and staff safety.

Mr. Garcia reviewed controls in several areas that could be strengthened. Management concurred with the audit findings.

Ms. King moved to recommend approval by the full board. Mr. Fisher seconded. The motion passed.

**Discussion, consideration and possible approval regarding the proposal to amend the TJJJ FY2016**

**Audit Plan (Action)**

Mr. Garcia, Chief Auditor, presented this action item. The TJJJ Board approved the FY 2016 audit plan at the November 2015 board meeting. The proposed amendment to the plan is necessitated due to the fact the State Auditor's Office is currently conducting a Financial Processes Audit of TJJJ. Their audit has extensive review of CAPPs processes, documentation, and review of the related IT resources and processes.

It is the responsibility of the Chief Auditor to coordinate and limit overlap of audit services when possible per the Texas Internal Auditing Act. Staff propose to remove the CAPPs Audit budgeted for 1400 hours and replace it with an audit of a Halfway Education Services budgeted for 1100 hours as well as amend some of the hours allocated to other audits and projects as shown on the amended FY 2016 plan.

Judge Brieden moved to recommend approval by the full board. Jane King seconded. The motion passed.

**Internal Audit FY 2016 Follow-up Project**

Mr. Garcia, Chief Auditor, presented this information only item. The Internal Audit Charter and Audit Standards require follow-up on audit recommendations. As part of the review, staff determined a need for internal audit to provide training to the audit clients on how to handle data entry into Team Central,

TJJD's internal audit system, used for tracking recommendations and management actions for the recommendations.

This report includes 162 recommendations in 32 audits, 31 being Internal Audit's and one being a State Auditor's Office audit. Only 18 percent of the recommendations are pending. 73 percent have been closed and verified by Internal Audit. Management has taken action on 100 percent of the findings reported by Internal Audit and has not accepted any of the risk associated with the reported findings. This indicates staff is accurately reporting and good communication and clients are in agreement in the process.

**Internal Audit status of project update**

Mr. Garcia, Chief Auditor, presented this information only item. The status of the Internal Audit project update is presented to the Board members on a quarterly basis. This information includes what is pending, underway, and completed.

The update also reflects consulting projects such as working with IT Governance, attending Security and Construction Committee meetings, and meetings with the Change Acceptance Board. The report provides information on projects still needed and current status of Performance Measures for Internal Audit.

The meeting was adjourned at 5:07 p.m.



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## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director  
Jim Southwell, Chief Information Officer

Subject: Updates from the Chief Information Officer

Date: July 11, 2016

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This memo is for informational purposes; no formal Board action is required.

### **GENERAL UPDATES**

#### **Legislative Appropriations Preparations:**

IT leadership and staff continue to refine its proposed list of key items for consideration as part of the agency's Legislative Appropriations Request. We expect that our aging infrastructure and legacy applications will once again take center stage in these efforts from an IT perspective as will some key IT security measures.

#### **Staffing changes:**

- With hiring freeze waiver approval provided by the Executive Office, the IT Division is actively working to fill 5 key vacancies – 2 Systems Analyst positions in IT Operations, 2 Programmer and 1 Database Administrator positions in Application Development are being actively worked with renewed attention. Additionally, the Information Security Officer (ISO) position remains vacant at this time. With the appointment of Jim Southwell into the Chief Information Officer (CIO) role, the Deputy CIO position is vacant as well.
- New Hires:
  - Bernie Hamilton – joined IT Security team
  - Cheyenne Hale – joined IT Operations team
- Retirements:
  - Nancy Zgabay – retired from the IT Field
  - Elaine Mays – retired as CIO

### **APPLICATION DEVELOPMENT & OPERATIONS**

#### **Field IT Initiatives:**

- 35 Tri-Band Radios were purchased using a grant from the Governor's office. These devices will be deployed to the members of the Office of Inspector General with the expectation of establishing cross-

agency interoperability between TJJJ and other state and local law enforcement agencies and emergency responders.

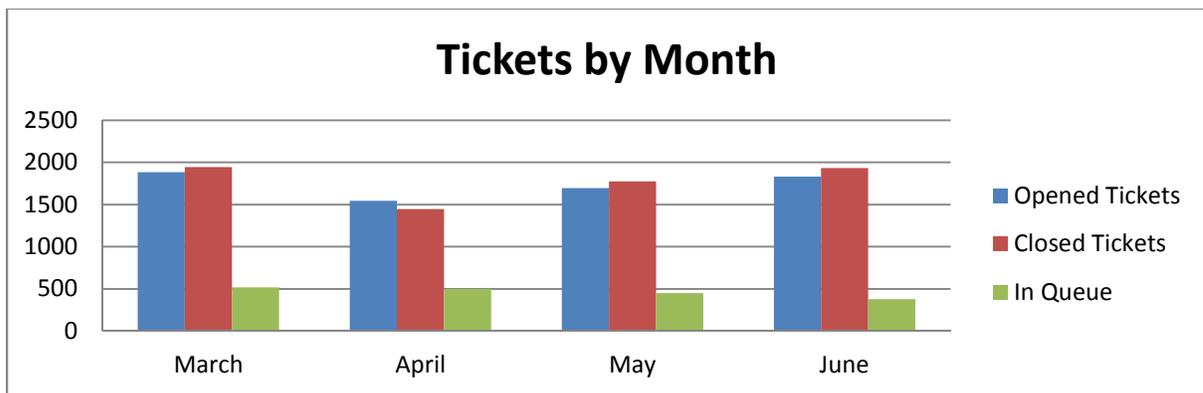
- As one of several cost cutting initiatives the agency is considering, staff are reaching out to other entities who utilize radios similar to those currently deployed by TJJJ to determine if TJJJ can partner with them to facilitate routine maintenance and repair work. Radios at TJJJ are subject to lots of wear and tear but are a vital component of the agency's safety and security measures. The agency incurs significant expenses for routine repair and maintenance of these devices. Staff are hopeful they can find another agency who is handling this internally and who would be willing to take on this work for TJJJ at a lower rate. Staff are also contemplating how much of the work can be reasonably taken on within the IT division assuming staff can get the parts and needed tools.

### **Operations Team:**

- Working with the Department of Information Resources and the service providers under the Data Center Services contract, TJJJ's technical team continues to focus on the migration and evolution of the agency's server environment. Staff have completed the migration for a number of key servers but still have several to address. Migration of many of the remaining servers is already underway. The goal is to finalize these migrations by the end of FY 2016. There are still several database servers that will need to be addressed in a subsequent migration phase during FY 2017.

### **Help Desk Ticket Management:**

- Overall, Help Desk ticket levels continue to remain fairly static with the four month average showing only a minor increase in relative ticket transactions. The monthly averages are as follows: 1739 tickets opened; 1775 tickets closed; and 462 tickets in the queue to be processed. The tickets received by the Help Desk range from break-fix to service requests by staff across the entire agency. The majority of the tickets are addressed by IT-Security, the Austin Help Desk and the IT staff at the secure facilities.



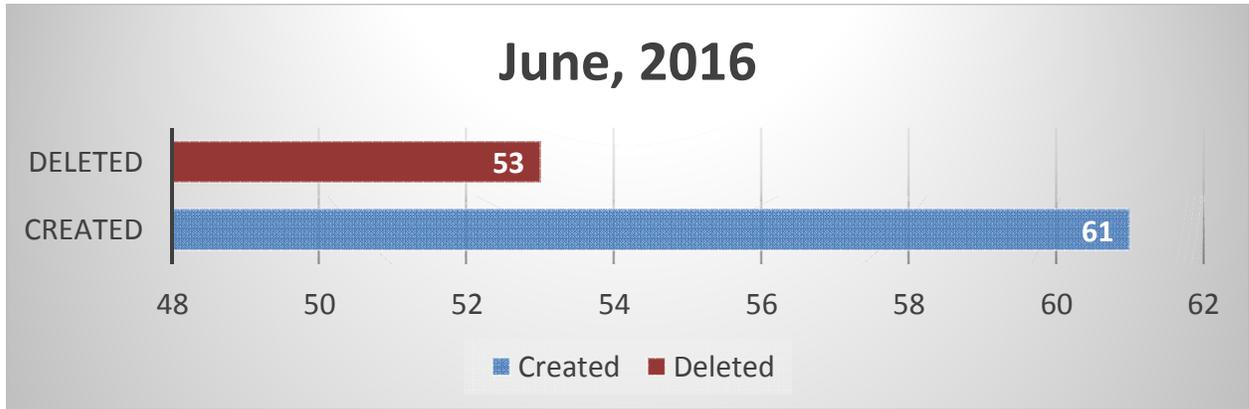
## **SECURITY & ACCESS MANAGEMENT**

### **Security Team:**

- TJJJ's Risk Management staff is now conducting Information Security Posture Reviews while onsite at TJJJ facilities, HWHs and District Offices to help identify any weaknesses in procedures and/or practices to more adequately protect the agency and better ensure the integrity of agency data and systems. To date, three such Information Security Posture Reviews have been conducted with no findings identified at either Gainesville or Giddings and one unlocked computer identified at Evins. All in all, staff are pleased with the results of these reviews.
- The IT Security team is awaiting the completion of an Information Security awareness training course by TJJJ's Training Division. The technical details have been compiled and provided to the Training Division

for the final course creation which is expected within the next 30-60 days. Once completed, this course will become required training for all employees. The focus of the training is on end-user information security policies and practices as well as how to identify threats and what actions should be taken.

- Account Management – The numbers below are somewhat reduced from the typical totals presented in previous months which may be a result of the agency’s hiring freeze leading to a more stabilized work force.



## GOVERNANCE & ENTERPRISE PROJECT MANAGEMENT

### Change Management:

- The Change Management office has focused on developing and prototyping approaches to streamline IT’s incident management and service request processes. The focus is to make the most of the tools available while trying to adhere to a simplified, repeatable procedure.

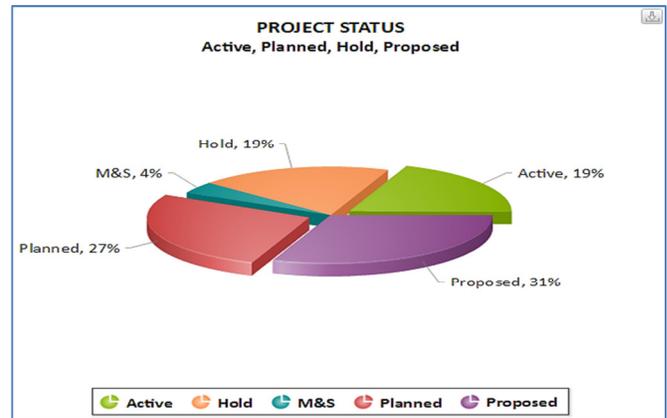
### Project Management:

- Work continues on reviewing the Recovery Time Objectives (RTO) for agency business applications to more fully ensure that the servers housing these applications are properly aligned with agency recovery requirements. This work is an initial aspect of a larger discussion regarding agency disaster recovery and business continuity preparations.
- The Project Management Office (PMO) has implemented a new project status of “PIER” (Peer Implementation & Evaluation Review) to help gauge overall acceptance and customer satisfaction from delivered project work. The projects listed below have been assigned the PIER status and will undergo user satisfaction reviews before being closed out.

TJJD - ID	Title	Status..	Type	Start Date	Target Date	Department	Estimated Hours
FY12-01	Multiple Commitments	PIER	New Applic...	8/1/2012	5/13/2016	Secure Facilities & ...	691.50
FY16-26	CCF-520RDP-A and CCS Entry Menu	PIER	New Applic...	12/15/2015	5/2/2016	Treatment Services	241.00
FY16-27	Grant Manager Update	PIER	Application...	3/29/2016	6/20/2016	Fiscal Affairs and B...	248.00
FY16-30	Program Registry	PIER	Application...	4/15/2016	6/1/2016	Research and Plann...	184.00
WR_FY16-29	Visitor Tracking Update	PIER	Application...	3/30/2016	4/1/2016	State-Operated Pro...	36.00

## Project Summary

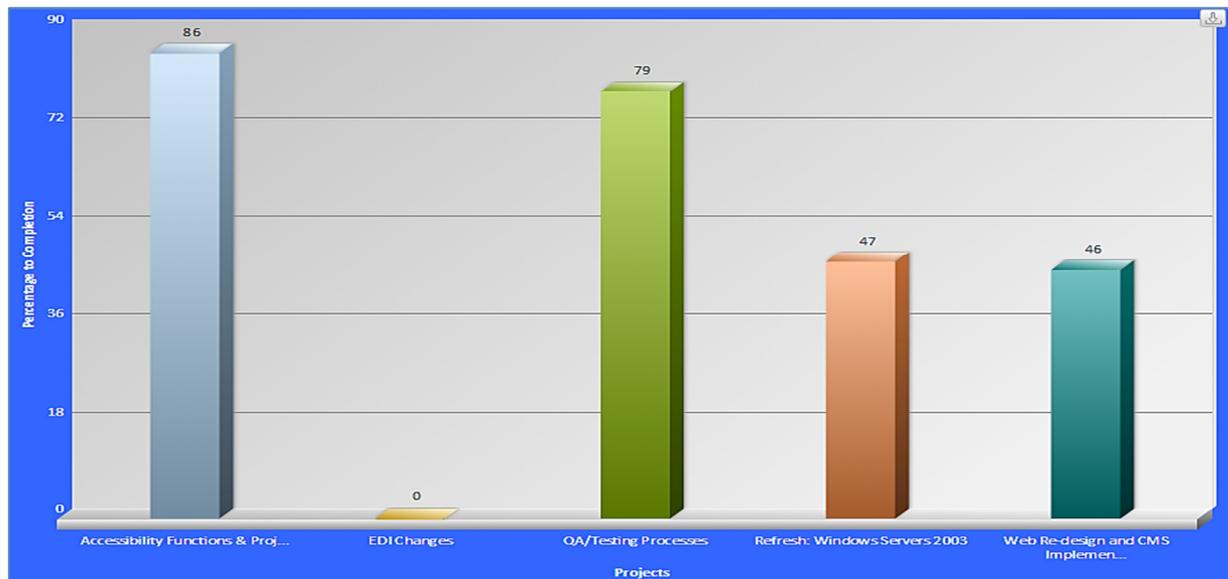
- **Active [19%]** —5 projects
- **On Hold [19%]** —5 projects
- **Planned [27%]** —7 projects (*pending resource availability, 2 of these are requested LAR items*)
- **Proposed [13%]** —8 projects (*not yet formally requested, but filed*)
- **Closed**— 7 projects (*since April 2016*)



## Active Projects – General Timelines

TJJD - ID	Title	Status	Type	Start Date	Target Date	Department	2016			
							Jul 2016	Aug 2016	Sep 2016	Oct 2016
FY15-01	Web Re-design and CMS Implementation	Active	New Applic...	6/1/2015	12/30/2016	Executive Director	[Timeline bar]			
FY16-06	Accessibility Functions & Projects for TJJD Websi...	Active	Accessibility	6/1/2015	12/30/2016	IT - Applications De...	[Timeline bar]			
FY16-11	QA/Testing Processes	Active	Business Pr...	9/16/2015	7/15/2016	IT - Field Operations	[Timeline bar] QA/Testing Processes			
FY16-22*	Refresh: Windows Servers 2003	Active	Refresh	6/9/2016	8/31/2016	IT - Multiple	[Timeline bar] Refresh: Windows Servers			
FY16-42	EDI Changes	Active	Creation of...	7/1/2016	9/1/2016	Fiscal Affairs and B..	[Timeline bar] EDI Changes			

## Percentage to Completion of Active projects





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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: July 18, 2016

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**Expenditure and Performance Measure Reporting.** The May (third quarter) financial report is included in the Board packet. Highlights from the report will be discussed at the meeting of the Finance and Audit Committee. In addition, the Board requested regular updates on expenditures related to contract residential placements, compared to budgeted funds and contract not-to-exceed amounts. Figures are provided in the table below.

<b>Amended Placement Budget<sup>1</sup></b>		<b>\$6,237,436</b>
Provider	NTE*	Expended
G4S – The Oaks at Brownwood – Secure	\$3,179,004	\$1,670,448
Cornerstone (Garza County) – Secure	\$2,685,816	\$1,679,750
Associated Marine Institute Kids (AMIKids)	\$1,009,225	\$577,332
Byrd’s Foster Group Home	\$631,596	\$75,813
Gulf Coast Trades Center	\$1,832,008	\$356,865
National Mentor Healthcare, dba Texas Mentor	\$183,559	\$704
Pegasus Schools, Inc.	\$2,759,400	\$317,520
Specialized Alternatives for Families and Youth	\$252,945	\$50,358
Rite of Passage	\$508,000	\$18,904
<b>TOTALS</b>	<b>\$12,533,553</b>	<b>\$4,747,695</b>
*Approved contract Not-to-Exceed amounts		
Expenditures as a Percent of Placement Budget		76.1%

Third quarter performance measure highlights are included below.

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<sup>1</sup> The initial placement budget of \$6,032,396 was increased to accommodate provider rate increases.

**Output/Efficiency Performance Measure Highlights**  
**FYTD 2016 - Third Quarter**

<b>Within 5% of target:</b>	Target	Actual	Pct of Target
<b><i>Probation</i></b>			
ADP: Deferred Prosecution	6,171	6,325.62	102.51%
CPD: Basic Supervision	\$5.40	\$5.57	103.15%
<b><i>State Programs</i></b>			
ADA: JJD Operated Schools	949	991.68	104.50%
ADP: Specialized Treatment	900	863.93	95.99%
ADP: Contract Programs	120	118.46	98.72%
ADP: Parole	413	395.55	95.77%
CPD: State-Operated Correctional Facility	\$159.09	\$163.70	102.90%
CPD: Health Care Services Cost	\$19.25	\$19.29	100.21%
CPD: Specialized Treatment	\$15.92	\$15.95	100.19%
<b><i>Outside 5% of target</i></b>			
<b><i>Probation</i></b>			
ADP: Conditional Release	3,251	2,940.94	90.46%
ADP: Court Ordered Probation	11,558	12,268.01	106.14%
ADP: Residential Placement	2,250	1,942.10	86.32%
ADP: Commitment Diversion Initiatives	1,500	1,327.88	88.53%
JJAEP: Mandatory Students	1,700	1,201.00	70.65%
JJAEP: Mandatory Students	77,000	58,261.00	75.66%
CPD (State): Residential Placement	\$31.35	\$23.94	76.36%
CPD: Commitment Diversion	\$35.51	\$33.61	94.65%
<b><i>State Programs</i></b>			
ADP: Assessment/Orientation	92	83.34	90.59%
ADP: State-Operated Corrections Facility	998	1,074.71	107.69%
ADP: Halfway House Programs	146	137.16	93.95%
ADP: Gen Rehabilitation Treatment	1,144	1,080.38	94.44%
CPD: Halfway Houses	\$182.24	\$195.67	107.37%
CPD: Mental Health (PSYCH)	\$2.01	\$1.45	72.14%
CPD: General Rehabilitation Treatment	\$14.12	\$17.47	123.73%
CPD: Contract Capacity	\$148.34	\$155.95	105.13%
CPD: Parole	\$18.38	\$15.54	84.55%

**Budget Outlook.** As of the writing of this memo there had been no significant changes to staff's fiscal year (FY) 2016 expenditure projections or the budgetary challenges facing the agency through the remainder of the biennium. New cost reduction measures are likely to have a marginal, but difficult to estimate effect in FY 2016; efforts to offset fiscal pressures in FY 2017 are ongoing and are discussed under a separate agenda item.

At its June meeting the TJJ Board approved staff to submit a request to exceed transfer limitations to the Governor's Office and Legislative Budget Board. The agency has received clarifying questions from Capitol staff; further updates will be provided at the meeting of the Finance and Audit Committee if available.

**SB 1630 Provisions Affecting General Probation Funding: Phase III (Discretionary State Aid).**

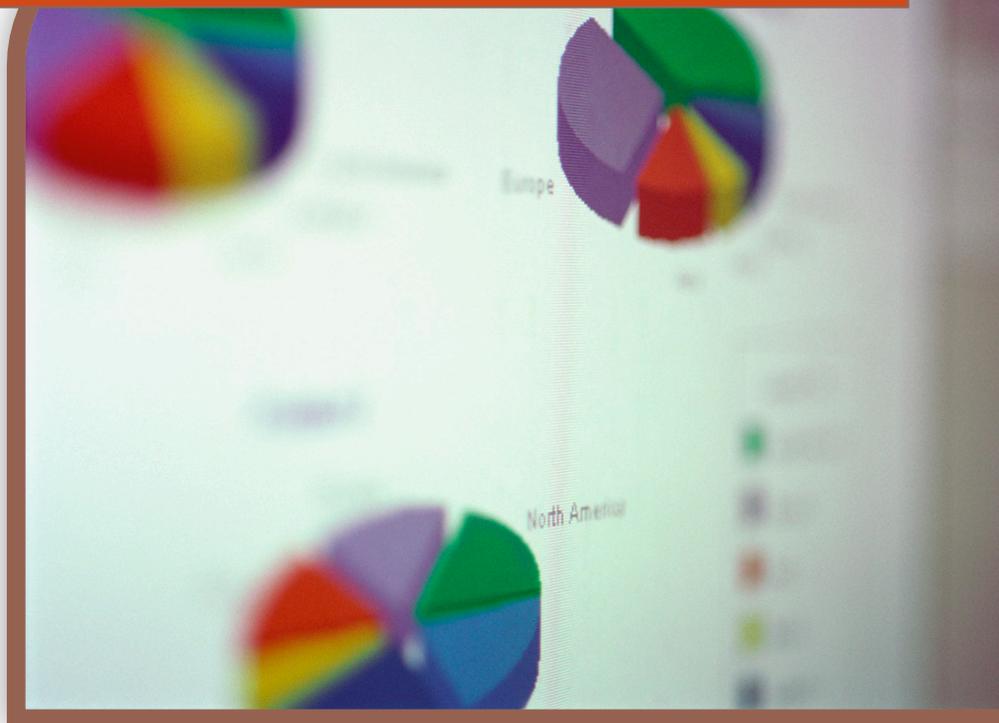
As previously discussed with the Board, Finance and other agency staff have been engaged in a project mandated by Senate Bill 1630 to define Basic Probation (Phase I), to develop a new State Aid funding formula (Phase II), and to establish "discretionary funding protocols" in compliance with the Human Resources Code (HRC) Section 223.001(c), as amended by the bill (Phase III). The project has included direct involvement of the TJJ Advisory Council as well as opportunities for feedback and input from all probation departments. Phase I concluded in November and Phase II concluded in April with Board approval in May.

Phase III responds to the HRC requirement for TJJ to set aside funds to support programs with a clearly defined target population that use research-driven practice and have well defined recidivism reduction goals. While several existing TJJ grant programs may ultimately be subject to some form of discretionary protocols, the initial focus of this initiative was to set program requirements and procedures for a new competitive program referred to as Discretionary State Aid, or DSA.

Proposed DSA parameters and a draft grant application were distributed for a two-week comment period on June 10 and finalized with clarifying changes June 28. Through the application due date of July 18, TJJ staff are providing technical support, including calculating comparative recidivism rates for interested departments. Awards will be made on or about July 22 and the Board will be briefed regarding applications received and approved at its August meeting.



# Texas Juvenile Justice Department Financial Report FY 2016 through May 2016





# Texas Juvenile Justice Department

## TJJD Budget Status Highlights FY 2016 through May 31, 2016

- ◆ **Population:** The following table compares key residential average daily population (ADP) indicators as of the end of the third quarter and fiscal year-to-date to projections in the General Appropriations Act (GAA):

	GAA Target	Third Quarter			Fiscal Year-to-Date		
		Actual	Over (Under)	Percent	Actual	Over (Under)	Percent
Secure Facilities	998.0	1,077.6	79.6	8.0%	1074.7	76.7	7.7%
Halfway Houses	146.0	129.1	(16.9)	(11.6%)	137.2	(8.8)	(6.1%)
Contract Care	120.0	117.9	(2.1)	(1.8%)	118.5	(1.5)	(1.3%)
Total	1,264.0	1,324.6	60.6	4.8%	1,330.3	66.3	5.2%

These figures present a year-to-date total residential population that is above projections, and a current total that is above projections by a slightly lesser margin. This additional population is being housed at state secure facilities; the year-to-date use of contract beds is on par with projections, while the use of halfway house beds is below.

- ◆ **Agency Expenditures:** TJJD expenditures through the end of May totaled \$245.2 million, including \$229.4 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-F
General Revenue Only	77.7%	73.1%
All Methods of Finance	74.6%	69.9%

If monthly expenditures were even throughout the fiscal year we would expect the figures above to be 75 percent. Spending was slightly below this threshold in all areas except for "All Goals" / General Revenue Only. This is because "All Goals" figures include probation grant distributions which are greater early in the fiscal year and predominately affect General Revenue. Goals B-F General Revenue expenditures are slightly below target through the end of the third quarter. Staff will continue to closely monitor the agency's budgetary condition.

- ◆ **FTEs and Overtime:** TJJD's appropriated and budgeted full-time equivalent (FTE) caps are 2,873.1 and 2,581.5 respectively. Actual FTEs for May 2016 were 2,550.3, which is 322.8 below the GAA cap and 31.2 below the budgeted FTE cap. The agency expended \$4.04 million in overtime through the end of May, or 90.1% percent of the current budget for this purpose. Juvenile Correctional Officers accounted for 94.8 percent of overtime spent. Over the same time period in FY 2014 and 2015 overtime expenditures totaled \$2.9 million and \$2.9 million, respectively.
- ◆ **Construction Projects:** All appropriations from repair and rehabilitation funding provided by the 81<sup>st</sup> Legislature have been allocated to projects. The bidding process for projects funded by the 83<sup>rd</sup> Legislature is underway.

	FY 2016 - ADP											
	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
Evins Regional Juvenile Center	131.57	130.94	130.67	133.39	134.71	127.21	122.42	111.57	112.42			
Gainesville State School	<b>255.23</b>	<b>254.55</b>	<b>261.33</b>	<b>260.23</b>	<b>262.65</b>	263.52	260.26	262.63	257.45			
Giddings State School	<b>202.73</b>	195.55	203.77	213.13	220.87	217.52	216.16	224.00	227.29			
McLennan County Long-Term	218.67	219.23	214.17	211.39	215.58	220.83	216.48	215.63	219.94			
McLennan County Phoenix	<b>9.50</b>	<b>11.39</b>	<b>14.53</b>	<b>12.74</b>	<b>12.26</b>	<b>15.52</b>	<b>14.55</b>	<b>15.73</b>	<b>10.74</b>			
McLennan County Residential Treatment Center	<u>51.33</u>	<u>50.52</u>	<u>47.50</u>	<u>48.23</u>	<u>47.13</u>	<u>46.52</u>	<u>45.26</u>	<u>47.57</u>	<u>49.26</u>			
Total McLennan County SJCF	<b>279.50</b>	<b>281.13</b>	<b>276.20</b>	<b>272.35</b>	<b>274.97</b>	<b>282.86</b>	<b>276.29</b>	<b>278.93</b>	<b>279.94</b>			
Ron Jackson SJCC Short-Term (O&A)	81.80	88.42	95.03	90.68	67.77	75.07	74.29	82.93	93.84			
Ron Jackson Young Male Program	6.37	9.97	12.73	12.35	13.90	14.24	11.84	10.83	10.16			
Ron Jackson SJCC Long-Term	<u>98.37</u>	<u>99.06</u>	<u>101.07</u>	<u>99.16</u>	<u>101.45</u>	<u>105.90</u>	<u>108.84</u>	<u>105.60</u>	<u>105.16</u>			
Total Ron Jackson SJCC	186.53	197.45	208.83	202.19	183.13	195.21	194.97	199.37	209.16			
Total, TJJJ Operated Secure	<b>1055.57</b>	<b>1059.61</b>	<b>1080.80</b>	<b>1081.29</b>	<b>1076.32</b>	<b>1086.31</b>	<b>1070.10</b>	<b>1076.50</b>	<b>1086.26</b>			
Halfway Houses	<u>144.93</u>	<u>138.94</u>	<u>143.37</u>	<u>142.94</u>	<u>140.26</u>	<u>137.03</u>	<u>137.48</u>	<u>123.90</u>	<u>125.65</u>			
Total, TJJJ Operated Facilities	<b>1200.50</b>	<b>1198.55</b>	<b>1224.17</b>	<b>1224.23</b>	<b>1216.58</b>	<b>1223.34</b>	<b>1207.58</b>	<b>1200.40</b>	<b>1211.90</b>			
Contract Care	<u>118.37</u>	<u>126.90</u>	<u>118.57</u>	<u>114.61</u>	<u>117.03</u>	<u>116.83</u>	<u>122.74</u>	<u>116.90</u>	<u>114.03</u>			
TOTAL RESIDENTIAL	<b>1318.87</b>	<b>1325.45</b>	<b>1342.73</b>	<b>1338.84</b>	<b>1333.61</b>	<b>1340.17</b>	<b>1330.32</b>	<b>1317.30</b>	<b>1325.94</b>			

	General Appropriations Act	Amended Budget	Expended/ Disbursed <sup>2</sup> YTD	% Expended	
<b><u>Strategies:</u></b>					
A.1.1	Prevention and Intervention	3,137,684	3,137,684	2,604,848	83.0%
A.1.2	Basic Supervision	41,464,872	41,464,872	32,385,095	78.1%
A.1.3	Community Programs	44,359,374	44,359,374	33,038,602	74.5%
A.1.4	Pre and Post Adjudication Facilities	25,814,997	25,814,997	21,060,061	81.6%
A.1.5	Commitment Diversion Programs	19,492,500	19,492,500	16,769,167	86.0%
A.1.6	JJAEP	6,250,000	6,250,000	3,757,809	60.1%
A.1.7	Mental Health Services	12,804,748	12,804,748	13,322,104	104.0%
A.1.8	Regional Diversion Alternatives	435,490	435,490	-	0.0%
A.1.9	Probation System Support	2,476,954	2,809,981	2,032,865	72.3%
B.1.1	Assessment & Orientation	2,021,924	2,100,152	1,592,618	75.8%
B.1.2	Institutional Operations and Overhead	13,637,898	14,975,824	10,843,581	72.4%
B.1.3	Institutional Supervision and Food Service	58,110,656	60,407,309	48,206,082	79.8%
B.1.4	Education	15,709,509	16,926,909	10,888,739	64.3%
B.1.5	Halfway House Operations	9,738,097	10,042,699	7,353,739	73.2%
B.1.6	Health Care	8,905,512	8,905,512	5,420,343	60.9%
B.1.7	Mental Health (Psychiatric) Care	841,595	841,595	356,147	42.3%
B.1.8	Integrated Rehabilitation Treatment	12,577,591	12,010,351	8,946,738	74.5%
B.1.10	Contract Care	6,514,978	7,156,937	4,417,030	61.7%
B.1.11	Residential System Support	2,802,214	2,934,454	2,300,793	78.4%
B.2.1	Office of the Inspector General	2,184,961	2,229,937	1,772,696	79.5%
B.2.2	Health Care Oversight	995,233	1,015,327	696,481	68.6%
B.3.1	Construct & Renovate Facilities	302,796	7,415,395	746,374	10.1%
C.1.1	Parole Direct Supervision	2,777,638	2,933,179	1,732,978	59.1%
C.1.2	Parole Programs and Services	1,443,121	1,239,205	691,543	55.8%
D.1.1	Office of Independent Ombudsman	1,007,961	1,034,039	669,418	64.7%
E.1.1	Training and Certification	1,676,997	2,075,978	1,455,245	70.1%
E.1.2	Monitoring and Inspections	2,296,156	2,664,838	2,158,728	81.0%
E.1.3	Interstate Agreement	260,007	263,681	167,608	63.6%
F.1.1	Central Administration	8,878,871	8,910,511	6,364,359	71.4%
F.1.2	Information Resources	5,936,364	5,977,761	3,496,627	58.5%
<b>TOTAL - Strategy Budget</b>		<b>\$314,856,698</b>	<b>\$328,631,240</b>	<b>\$245,248,419</b>	<b>74.6%</b>

**Method of Finance:**

General Revenue	292,747,953	295,139,354	229,407,923	77.7%
Federal Funds	9,594,137	14,029,900	7,376,164	52.6%
Criminal Justice Grants	0	17,815	17,815	100.0%
General Obligation Bonds	0	7,098,179	581,188	8.2%
Appropriated Receipts	1,460,413	1,336,600	133,305	10.0%
Interagency Contracts	11,054,195	11,009,393	7,732,025	70.2%
<b>TOTAL - Method of Finance</b>	<b>\$314,856,698</b>	<b>\$328,631,240</b>	<b>\$245,248,419</b>	<b>74.6%</b>

**Notes:**

1. The normal range is +/- 5% of the straight-line projection of 75% for March.
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas  $\geq$  (greater than or equal to) 78.8%

	General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
<b><u>Strategies:</u></b>				
<b>A.1.1. Prevention and Intervention</b>				
General Revenue	3,137,684	3,137,684	2,604,848	
Subtotal	<b>3,137,684</b>	<b>3,137,684</b>	<b>2,604,848</b>	83.0%
<b>A.1.2. Basic Supervision</b>				
General Revenue	41,464,872	41,464,872	32,385,095	
Subtotal	<b>41,464,872</b>	<b>41,464,872</b>	<b>32,385,095</b>	78.1%
<b>A.1.3. Community Programs</b>				
General Revenue	38,476,045	38,476,045	30,991,316	
Federal Funds	4,733,329	4,733,329	2,047,286	
Appropriated Receipts	1,150,000	1,150,000	-	
Subtotal	<b>44,359,374</b>	<b>44,359,374</b>	<b>33,038,602</b>	74.5%
<b>A.1.4. Pre and Post Adjudication Facilities</b>				
General Revenue	25,814,997	25,814,997	21,060,061	
Subtotal	<b>25,814,997</b>	<b>25,814,997</b>	<b>21,060,061</b>	81.6%
<b>A.1.5. Commitment Diversion Initiatives</b>				
General Revenue	19,492,500	19,492,500	16,769,167	
Subtotal	<b>19,492,500</b>	<b>19,492,500</b>	<b>16,769,167</b>	86.0%
<b>A.1.6. JJAEP</b>				
Interagency Contracts	6,250,000	6,250,000	3,757,809	
Subtotal	<b>6,250,000</b>	<b>6,250,000</b>	<b>3,757,809</b>	60.1%
<b>A.1.7. Mental Health Services</b>				
General Revenue	12,804,748	12,804,748	13,322,104	
Subtotal	<b>12,804,748</b>	<b>12,804,748</b>	<b>13,322,104</b>	104.0%
<b>A.1.8. Regional Diversion Alternatives</b>				
General Revenue	435,490	435,490	-	
Subtotal	<b>435,490</b>	<b>435,490</b>	-	0.0%
<b>A.1.9. Probation System Support</b>				
General Revenue	2,476,954	2,590,037	1,967,128	
Federal Funds	-	219,945	65,737	
Subtotal	<b>2,476,954</b>	<b>2,809,981</b>	<b>2,032,865</b>	72.3%
<b>B.1.1. Assessment, Orientation, Placement</b>				
General Revenue	2,021,924	2,100,152	1,592,618	
Subtotal	<b>2,021,924</b>	<b>2,100,152</b>	<b>1,592,618</b>	75.8%
<b>B.1.2. Institutional Operations and Overhead</b>				
General Revenue	13,637,898	14,975,824	10,843,581	
Subtotal	<b>13,637,898</b>	<b>14,975,824</b>	<b>10,843,581</b>	72.4%
<b>B.1.3. Institutional Supervision and Food Service</b>				
General Revenue	56,036,628	56,587,965	45,185,774	
Federal Funds	1,858,615	3,774,244	2,985,845	

		General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
<b><u>Strategies:</u></b>					
	Appropriated Receipts	215,413	45,100	34,463	
	<b>Subtotal</b>	<b>58,110,656</b>	<b>60,407,309</b>	<b>48,206,082</b>	<b>79.8%</b>
<b>B.1.4. Education</b>					
	General Revenue	9,586,314	9,644,905	6,067,238	
	Federal Funds	2,010,000	3,213,611	1,304,010	
	Interagency Contracts	4,113,195	4,068,393	3,517,491	
	<b>Subtotal</b>	<b>15,709,509</b>	<b>16,926,909</b>	<b>10,888,739</b>	<b>64.3%</b>
<b>B.1.5. Halfway House Operations</b>					
	General Revenue	9,466,195	9,616,265	7,094,474	
	Federal Funds	271,902	421,934	257,410	
	Appropriated Receipts	-	4,500	1,855	
	<b>Subtotal</b>	<b>9,738,097</b>	<b>10,042,699</b>	<b>7,353,739</b>	<b>73.2%</b>
<b>B.1.6. Health Care</b>					
	General Revenue	8,905,512	8,905,512	5,420,343	
	<b>Subtotal</b>	<b>8,905,512</b>	<b>8,905,512</b>	<b>5,420,343</b>	<b>60.9%</b>
<b>B.1.7. Mental Health (Psychiatric) Care</b>					
	General Revenue	841,595	841,595	356,147	
	<b>Subtotal</b>	<b>841,595</b>	<b>841,595</b>	<b>356,147</b>	<b>42.3%</b>
<b>B.1.8. Integrated Rehabilitation Treatment</b>					
	General Revenue	11,886,591	11,319,351	8,490,013	
	Interagency Contract	691,000	691,000	456,725	
	<b>Subtotal</b>	<b>12,577,591</b>	<b>12,010,351</b>	<b>8,946,738</b>	<b>74.5%</b>
<b>B.1.10. Contract Capacity</b>					
	General Revenue	5,887,864	5,518,530	3,715,754	
	Federal Funds	627,114	1,638,407	701,275	
	<b>Subtotal</b>	<b>6,514,978</b>	<b>7,156,937</b>	<b>4,417,030</b>	<b>61.7%</b>
<b>B.1.11. Residential System Support</b>					
	General Revenue	2,802,214	2,908,527	2,288,620	
	Federal Funds	-	25,927	12,173	
	<b>Subtotal</b>	<b>2,802,214</b>	<b>2,934,454</b>	<b>2,300,793</b>	<b>78.4%</b>
<b>B.2.1. Office of the Inspector General</b>					
	General Revenue	2,184,961	2,229,937	1,772,696	
	<b>Subtotal</b>	<b>2,184,961</b>	<b>2,229,937</b>	<b>1,772,696</b>	<b>79.5%</b>
<b>B.2.2. Health Care Oversight</b>					
	General Revenue	995,233	1,015,327	696,481	
	<b>Subtotal</b>	<b>995,233</b>	<b>1,015,327</b>	<b>696,481</b>	<b>68.6%</b>
<b>B.3.1. Construct &amp; Renovate Facilities</b>					
	General Revenue	302,796	317,216	165,186	
	General Obligation Bonds	-	7,098,179	581,188	
	<b>Subtotal</b>	<b>302,796</b>	<b>7,415,395</b>	<b>746,374</b>	<b>10.1%</b>

	General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
<b><u>Strategies:</u></b>				
<b>C.1.1. Parole Direct Supervision</b>				
General Revenue	2,777,638	2,933,179	1,732,978	
<b>Subtotal</b>	<b>2,777,638</b>	<b>2,933,179</b>	<b>1,732,978</b>	59.1%
<b>C.1.2. Parole Programs and Services</b>				
General Revenue	1,443,121	1,239,205	691,543	
<b>Subtotal</b>	<b>1,443,121</b>	<b>1,239,205</b>	<b>691,543</b>	55.8%
<b>D.1.1. Office of the Independent Ombudsman</b>				
General Revenue	1,007,961	1,016,224	651,604	
Criminal Justice Grants	-	17,815	17,815	
<b>Subtotal</b>	<b>1,007,961</b>	<b>1,034,039</b>	<b>669,418</b>	64.7%
<b>E.1.1. Training and Certification</b>				
General Revenue	1,581,997	1,938,978	1,358,258	
Appropriated Receipts	95,000	137,000	96,987	
<b>Subtotal</b>	<b>1,676,997</b>	<b>2,075,978</b>	<b>1,455,245</b>	70.1%
<b>E.1.2. Monitoring and Inspections</b>				
General Revenue	2,296,156	2,664,838	2,158,728	
<b>Subtotal</b>	<b>2,296,156</b>	<b>2,664,838</b>	<b>2,158,728</b>	81.0%
<b>E.1.3. Interstate Agreement</b>				
General Revenue	260,007	263,681	167,608	
<b>Subtotal</b>	<b>260,007</b>	<b>263,681</b>	<b>167,608</b>	63.6%
<b>F.1.1. Central Administration</b>				
General Revenue	8,785,694	8,908,007	6,361,932	
Federal Funds	93,177	2,504	2,427	
<b>Subtotal</b>	<b>8,878,871</b>	<b>8,910,511</b>	<b>6,364,359</b>	71.4%
<b>F.1.2. Information Resources</b>				
General Revenue	5,936,364	5,977,761	3,496,627	
<b>Subtotal</b>	<b>5,936,364</b>	<b>5,977,761</b>	<b>3,496,627</b>	58.5%
<b>Total - Strategy Budget</b>	<b>314,856,698</b>	<b>328,631,240</b>	<b>245,248,419</b>	74.6%
<b><u>Method of Finance:</u></b>				
General Revenue	292,747,953	295,139,354	229,407,923	77.7%
Federal Funds	9,594,137	14,029,900	7,376,164	52.6%
Criminal Justice Grants	-	17,815	17,815	100.0%
General Obligation Bonds	-	7,098,179	581,188	8.2%
Appropriated Receipts	1,460,413	1,336,600	133,305	10.0%
Interagency Contracts	11,054,195	11,009,393	7,732,025	70.2%
<b>Total - Method of Finance</b>	<b>314,856,698</b>	<b>328,631,240</b>	<b>\$245,248,419</b>	74.6%

**Notes:**

1. The normal range is +/- 5% of the straight-line projection of 75% for May
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas ≥ (greater than or equal to) 78.8%.

<b><u>Location/Program:</u></b>	<b>Amended Budget</b>	<b>Expended/ Disbursed YTD</b>	<b>% Expended</b>
Ron Jackson State School	19,796,312	15,337,624	77.5%
Gainesville State School	18,676,093	14,459,445	77.4%
Giddings State School	20,682,488	15,959,604	77.2%
Evins Regional State School	14,760,404	11,475,905	77.7%
Corsicana State School	145,235	83,588	57.6%
McLennan Cnty State School	19,661,637	15,581,743	79.2%
McLennan Cnty State Treatment Center	7,475,575	5,714,987	76.4%
Phoenix Facility	1,925,434	1,459,741	75.8%
<b>Subtotal - State-Operated Secure Facilities</b>	<b>\$103,123,179</b>	<b>\$80,072,638</b>	<b>77.6%</b>
Halfway House Operations	10,861,608	8,120,457	74.8%
Regions	326,077	202,392	62.1%
Contract Care	6,695,477	4,407,269	65.8%
Parole	3,619,054	2,363,000	65.3%
County Disbursements	153,759,665	122,937,686	80.0%
MAP Funding	2,524,424	873,925	34.6%
Austin Office <sup>3</sup>	47,721,756	26,271,051	55.1%
<b>TOTAL</b>	<b>\$328,631,240</b>	<b>\$245,248,419</b>	<b>74.6%</b>

**Notes:**

1. The normal range is +/- 5% of the straight-line projection of 75% for May.

2. Red represents areas ≥ (greater than or equal to) 78.8%.

3. Austin 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.

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
<b>A.1.1 Prevention and Intervention</b>			
Grants	3,137,684	2,604,848	83.0%
<b>Subtotal - Strategy</b>	<b>3,137,684</b>	<b>2,604,848</b>	<b>83.0%</b>
<b>A.1.2 Basic Supervision</b>	41,464,872	32,385,095	78.1%
<b>Subtotal - Strategy</b>	<b>41,464,872</b>	<b>32,385,095</b>	<b>78.1%</b>
<b>A.1.3 Community Programs</b>	43,209,374	33,038,602	76.5%
County Refunds	1,150,000	-	0.0%
<b>Subtotal - Strategy</b>	<b>44,359,374</b>	<b>33,038,602</b>	<b>74.5%</b>
<b>A.1.4 Pre and Post Adjudication Facilities</b>	25,814,997	21,060,061	81.6%
<b>Subtotal - Strategy</b>	<b>25,814,997</b>	<b>21,060,061</b>	<b>81.6%</b>
<b>A.1.5 Commitment Diversion Programs</b>	19,492,500	16,769,167	86.0%
<b>A.1.6 JJAEP</b>	6,250,000	3,757,809	60.1%
<b>Subtotal - Strategy</b>	<b>6,250,000</b>	<b>3,757,809</b>	<b>60.1%</b>
<b>A.1.7 Mental Health Services</b>	12,804,748	13,322,104	104.0%
<b>A.1.8 Regional Diversion Alternatives</b>	435,490	-	0.0%
<b>A.1.9 Probation System Support</b>			
Austin Office	881,899	666,031	75.5%
Contingency	110,308	-	0.0%
Title IVE	216,492	63,075	29.1%
JCMS	1,561,000	1,273,590	81.6%
SORM / Unemployment	40,283	30,169	74.9%
<b>Subtotal - Strategy</b>	<b>2,809,981</b>	<b>2,032,865</b>	<b>72.3%</b>
<b>B.1.1 Assessment &amp; Orientation</b>			
Ron Jackson Unit Girls	118,320	91,659	77.5%
Ron Jackson Unit Boys	1,524,754	1,198,958	78.6%
Initial Placement	225,593	168,912	74.9%
Automated Assessment - Assessment.com	99,950	86,613	86.7%
Contingency	57,535	-	0.0%
SORM / Unemployment	74,000	46,475	62.8%
<b>Subtotal - Strategy</b>	<b>2,100,152</b>	<b>1,592,618</b>	<b>75.8%</b>
<b>B.1.2 Institution Operations and Overhead</b>			
Ron Jackson	2,572,334	1,962,430	76.3%
Gainesville State School	2,800,389	2,110,776	75.4%
Giddings State School	2,968,522	2,088,712	70.4%
Evins Regional Juvenile Center	2,011,769	1,484,642	73.8%
Corsicana Treatment Center	145,235	83,588	57.6%
Mart Complex	3,535,172	2,590,408	73.3%
MTC	255,938	189,557	74.1%
Warehouse Operations	49,020	35,548	72.5%
Youth Rights	70,448	55,227	78.4%
Employee Screening	89,998	44,222	49.1%
Contingency	213,056	-	0.0%
SORM / Unemployment	263,943	198,471	75.2%
<b>Subtotal - Strategy</b>	<b>14,975,824</b>	<b>10,843,581</b>	<b>72.4%</b>
<b>B.1.3 Institution Supervision and Food Service</b>			
Ron Jackson	9,611,936	8,003,249	83.3%
Gainesville State School	9,599,263	7,954,735	82.9%
Giddings State School	11,339,017	9,541,836	84.2%
Evins Regional Juvenile Center	8,535,276	6,887,517	80.7%
Mart Complex	10,341,646	8,627,634	83.4%
MTC	4,891,069	3,802,757	77.7%
Phoenix Program	1,496,512	1,132,932	75.7%
Contingency	918,782	-	0.0%
MAP Funding (JCO Positions)	781,234	781,234	100.0%
MAP Funding (Projects)	78,806	78,806	100.0%
MAP Funding (Contingency)	809,050	-	0.0%
SORM / Unemployment	2,004,718	1,395,383	69.6%
<b>Subtotal - Strategy</b>	<b>60,407,309</b>	<b>48,206,082</b>	<b>79.8%</b>

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
<b>B.1.4 Education</b>			
Ron Jackson	2,233,874	1,573,950	70.5%
Gainesville State School	2,794,107	1,968,843	70.5%
Giddings State School	2,998,191	1,952,678	65.1%
Evins Regional Juvenile Center	1,736,375	1,465,764	84.4%
Mart Complex	1,588,492	1,617,093	101.8%
MTC	1,212,802	782,811	64.5%
Halfway House Services	138,470	42,727	30.9%
Phoenix Program	217,584	174,606	80.2%
Regions	325,399	202,392	62.2%
Austin Office	1,501,372	741,975	49.4%
Contingency	1,548,245	-	0.0%
SORM / Unemployment	632,000	365,902	57.9%
<b>Subtotal - Strategy</b>	<b>16,926,909</b>	<b>10,888,739</b>	<b>64.3%</b>
<b>B.1.5 Halfway House Operations</b>			
Halfway House Services	9,340,349	7,161,832	76.7%
Contingency	214,443	-	0.0%
MAP Funding (Contingency)	223,907	-	0.0%
SORM / Unemployment	264,000	191,907	72.7%
<b>Subtotal - Strategy</b>	<b>10,042,699</b>	<b>7,353,739</b>	<b>73.2%</b>
<b>B.1.6 Health Care</b>			
Ron Jackson	2,307,000	1,391,031	60.3%
Gainesville State School	1,555,500	957,776	61.6%
Giddings State School	1,407,000	869,907	61.8%
Evins Regional Juvenile Center	1,320,500	767,758	58.1%
Mart Complex	2,134,887	1,348,429	63.2%
Halfway House Services	180,625	85,443	47.3%
<b>Subtotal - Strategy</b>	<b>8,905,512</b>	<b>5,420,343</b>	<b>60.9%</b>
<b>B.1.7 Mental Health (Psychiatric) Care</b>			
Ron Jackson	195,000	96,874	49.7%
Gainesville State School	95,000	46,442	48.9%
Giddings State School	41,000	31,337	76.4%
Evins Regional Juvenile Center	32,000	19,846	62.0%
Mart Complex	415,000	161,648	39.0%
Halfway House Services	63,595	-	0.0%
<b>Subtotal - Strategy</b>	<b>841,595</b>	<b>356,147</b>	<b>42.3%</b>
<b>B.1.8 Integrated Rehabilitation Treatment</b>			
Ron Jackson	1,233,095	1,019,473	82.7%
Gainesville State School	1,831,833	1,420,873	77.6%
Giddings State School	1,928,759	1,475,134	76.5%
Evins Regional Juvenile Center	1,124,485	850,379	75.6%
Mart Complex	1,646,440	1,236,532	75.1%
MTC	1,115,765	939,862	84.2%
Phoenix Program	211,338	152,203	72.0%
Halfway House Services	1,138,570	830,456	72.9%
Region	678	-	0.0%
Austin Office	989,580	719,825	72.7%
Contingency	324,808	-	0.0%
SORM / Unemployment	465,000	302,001	64.9%
<b>Subtotal - Strategy</b>	<b>12,010,351</b>	<b>8,946,738</b>	<b>74.5%</b>

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
<b>B.1.10 Contract Capacity</b>			
Contract Care Administration/Residential	5,057,070	3,705,994	73.3%
Title IV-E Contract Care	1,638,407	701,275	42.8%
Contingency	6,918	-	0.0%
MAP Funding (Contingency)	438,542	-	0.0%
SORM / Unemployment	16,000	9,761	61.0%
<b>Subtotal - Strategy</b>	7,156,937	4,417,030	61.7%
<b>B.1.11 Residential System Support</b>			
Austin	2,079,212	1,823,266	87.7%
MAP Funding (Projects)	179,000	-	0.0%
Title IV-E - Austin Office	25,025	11,581	46.3%
Data Center Services	418,030	418,030	100.0%
Contingency	169,103	-	0.0%
SORM / Unemployment	64,084	47,915	74.8%
<b>Subtotal - Strategy</b>	2,934,454	2,300,793	78.4%
<b>B.2.1 Office of the Inspector General</b>			
Office of Inspector General	2,157,728	1,715,740	79.5%
Contingency	-	-	0.0%
SORM / Unemployment	72,209	56,956	78.9%
<b>Subtotal - Strategy</b>	2,229,937	1,772,696	79.5%
<b>B.2.2 Health Care Oversight</b>			
Austin Office	936,453	673,115	71.9%
Contingency	42,843	-	0.0%
SORM / Unemployment	36,031	23,366	64.8%
<b>Subtotal - Strategy</b>	1,015,327	696,481	68.6%
<b>B.3.1 Construct &amp; Renovate Facilities</b>			
Austin Office	206,442	143,315	69.4%
Repair and Rehab	7,098,179	581,188	8.2%
MAP Funding (Projects)	13,885	13,885	100.0%
Contingency	86,329	-	0.0%
SORM / Unemployment	10,560	7,986	75.6%
<b>Subtotal - Strategy</b>	7,415,395	746,374	10.1%
<b>C.1.1. Parole Direct Supervision</b>			
Parole	2,559,990	1,684,176	65.8%
Vehicle Replacement	160,000	-	0.0%
Contingency	135,161	-	0.0%
SORM / Unemployment	78,028	48,803	62.5%
<b>Subtotal - Strategy</b>	2,933,179	1,732,978	59.1%
<b>C.1.2. Parole Programs and Services</b>			
Parole	1,059,064	678,824	64.1%
Contingency	163,169	-	0.0%
SORM / Unemployment	16,972	12,718	74.9%
<b>Subtotal - Strategy</b>	1,239,205	691,543	55.8%

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
<b>D.1.1 Office of the Independent Ombudsman</b>			
Austin Office	895,574	574,833	64.2%
Vehicle Replacement	100,000	74,177	74.2%
Contingency	8,264	-	0.0%
SORM / Unemployment	30,201	20,408	67.6%
<b>Subtotal - Strategy</b>	<b>1,034,039</b>	<b>669,418</b>	<b>64.7%</b>
<b>E.1.1 Training and Certification</b>			
Training and Certification	1,929,512	1,413,364	73.2%
Contingency	91,227	-	0.0%
SORM / Unemployment	55,239	41,881	75.8%
<b>Subtotal - Strategy</b>	<b>2,075,978</b>	<b>1,455,245</b>	<b>70.1%</b>
<b>E.1.2 Monitoring and Inspections</b>			
Monitoring and Inspection	2,547,993	2,093,658	82.2%
Contingency	24,337	-	0.0%
SORM / Unemployment	92,508	65,070	70.3%
<b>Subtotal - Strategy</b>	<b>2,664,838</b>	<b>2,158,728</b>	<b>81.0%</b>
<b>E.1.3 Interstate Agreement</b>			
Interstate Compact	208,611	163,467	78.4%
Contingency	48,070	-	0.0%
SORM / Unemployment	7,000	4,141	59.2%
<b>Subtotal - Strategy</b>	<b>263,681</b>	<b>167,608</b>	<b>63.6%</b>
<b>F.1.1 Central Administration</b>			
Austin Office	8,202,124	6,208,487	75.7%
Vehicle Replacement	210,000	-	0.0%
Contingency	289,166	-	0.0%
SORM / Unemployment	209,220	155,872	74.5%
<b>Subtotal - Strategy</b>	<b>8,910,511</b>	<b>6,364,359</b>	<b>71.4%</b>
<b>F.1.2 Information Resources</b>			
Management Information Resources	3,020,184	2,110,443	69.9%
Data Center Services	2,235,675	977,018	43.7%
Desktop/Laptop Replacement	379,168	346,462	91.4%
Contingency	245,455	-	0.0%
SORM / Unemployment	97,280	62,704	64.5%
<b>Subtotal - Strategy</b>	<b>5,977,761</b>	<b>3,496,627</b>	<b>58.5%</b>
<b>TOTAL - TJJD</b>	<b>328,631,240</b>	<b>245,248,419</b>	<b>74.6%</b>

**Method of Finance:**

General Revenue	295,139,354	229,407,923	77.7%
Federal Funds	14,029,900	7,376,164	52.6%
Criminal Justice Grants	17,815	17,815	100.0%
General Obligation Bonds	7,098,179	581,188	8.2%
Appropriated Receipts	1,336,600	133,305	10.0%
Interagency Contracts	11,009,393	7,732,025	70.2%
<b>TOTAL - Method of Finance</b>	<b>328,631,240</b>	<b>\$245,248,419</b>	<b>74.6%</b>

	Amended Budget	Expended/ Disbursed YTD	% Expended
Goal A: Community Juvenile Justice	156,569,646	124,970,551	79.8%
Goal B: State Services and Facilities	146,962,402	103,541,362	70.5%
Goal C: Parole Services	4,172,385	2,424,521	58.1%
Goal D: Office of Independent Ombudsman	1,034,039	669,418	64.7%
Goal E: Juvenile Justice System	5,004,497	3,781,581	75.6%
Goal F: Indirect Administration	14,888,272	9,860,986	66.2%
<b>TOTAL - Goal Summary</b>	<b>328,631,240</b>	<b>245,248,419</b>	<b>74.6%</b>

1. The normal range is +/- 5% of the straight-line projection of 75% for May.  
2. Red represents areas greater than or equal to 78.8%

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	264.00	248.13	15.87	32.00	31.00	1.00	32.00	26.00	6.00	105.50	98.00	7.50	433.50	403.13	30.37
Al Price	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gainesville	261.60	207.62	53.98	27.00	27.00	-	43.00	35.00	8.00	88.00	81.98	6.02	419.60	351.60	68.00
Giddings	301.60	261.82	39.78	27.00	20.00	7.00	42.00	38.05	3.95	95.00	85.00	10.00	465.60	404.87	60.73
Evins	181.00	164.76	16.24	16.00	13.68	2.32	31.00	26.04	4.96	75.00	65.82	9.18	303.00	270.30	32.70
Crockett	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corsicana	-	-	-	-	-	-	-	-	-	1.00	1.00	-	1.00	1.00	-
McLennan	410.00	345.00	65.00	40.00	39.00	1.00	63.00	49.00	14.00	142.00	134.00	8.00	655.00	567.00	88.00
Halfway Houses	128.00	123.00	5.00	20.00	20.00	-	-	-	-	63.00	58.00	5.00	211.00	201.00	10.00
Contract Care	-	-	-	-	-	-	-	-	-	7.00	5.00	2.00	7.00	7.00	-
Parole	-	-	-	-	-	-	-	-	-	54.00	44.14	9.86	54.00	44.14	9.86
Inspector General Regions	-	-	-	-	-	-	-	-	-	23.00	22.00	1.00	23.00	22.00	1.00
Central Office Regions	-	-	-	-	-	-	-	-	-	8.00	6.00	2.00	8.00	6.00	2.00
Central Office	-	-	-	-	-	-	-	-	-	313.03	272.26	40.77	313.03	272.26	40.77
<b>TOTAL</b>	<b>1,546.20</b>	<b>1,350.33</b>	<b>195.87</b>	<b>162.00</b>	<b>150.68</b>	<b>11.32</b>	<b>211.00</b>	<b>174.09</b>	<b>36.91</b>	<b>974.53</b>	<b>873.20</b>	<b>101.33</b>	<b>2,893.73</b>	<b>2,550.30</b>	<b>343.43</b>

Summary by Month:	USPS	Actual	Vacant
September	2,875.00	2,502.70	372.30
October	2,870.00	2,510.99	359.01
November	2,873.00	2,537.65	335.35
December	2,877.00	2,558.91	318.09
January	2,879.00	2,578.59	300.41
February	2,891.50	2,571.03	320.47
March	2,892.23	2,578.45	313.78
April	2,895.73	2,565.34	330.39
May	2,893.73	2,550.30	343.43
June			0.00
July			0.00
August			0.00

General Appropriations Act (GAA) FTE CAP	2,873.10
Under/(Over) GAA FTE CAP	<b>322.80</b>

Budgeted FTE CAP	2,581.50
Under/(Over) Budgeted FTE CAP	<b>31.20</b>

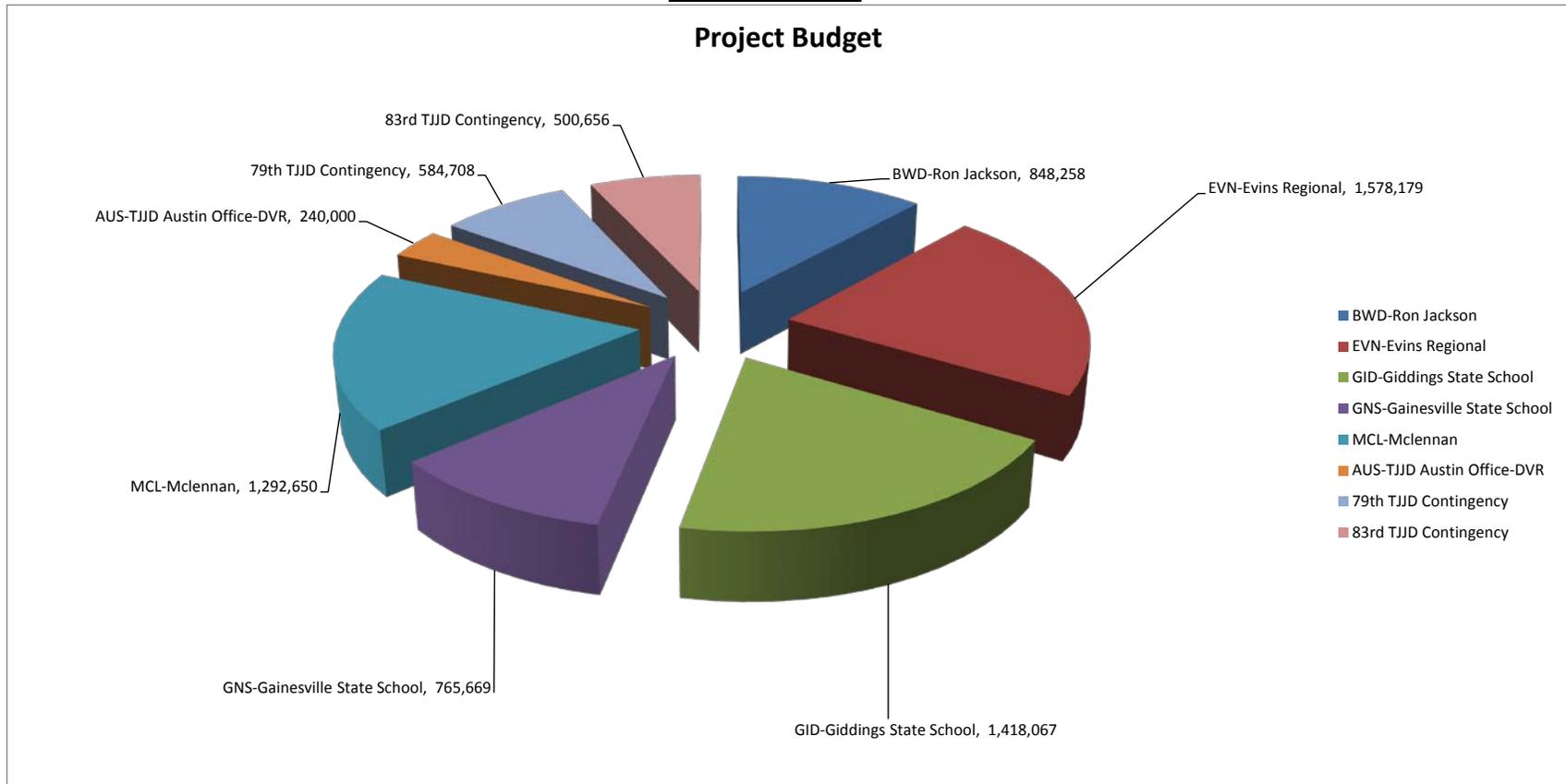
Facility	Original Budget	Budget Amendments	Amended Budget	Expended JCOs	Expended Non-JCOs	Total Expended	Balance
Ron Jackson Unit I (21)	344,000	100,646	444,646	365,035	14,384	379,420	65,226
Gainesville State School (24)	550,000	164,090	714,090	708,945	54,972	763,918	(49,828)
Giddings State School (25)	650,000	32,677	682,677	528,144	35,625	563,770	118,907
Evins Regional Juvenile Center (27)	975,000	27,529	1,002,529	755,641	31,114	786,756	215,774
McLennan Cnty State Juv Corr Facility (34)	1,135,000	323,168	1,458,168	1,335,933	24,161	1,360,094	98,074
Halfway Houses (51-61)	175,000	4,447	179,447	136,773	16,198	152,972	26,475
Central Office (11)	-	-	-	-	10,785	10,785	(10,785)
Service Regions (41-44)	-	-	-	-	7,014	7,014	(7,014)
Office of Inspector General	5,000	-	5,000	-	17,919	17,919	(12,919)
<b>TOTAL</b>	<b>3,834,000</b>	<b>652,556</b>	<b>4,486,556</b>	<b>3,830,473</b>	<b>212,173</b>	<b>4,042,646</b>	<b>443,910</b>

**NOTES:**

1. The normal range is +/- 5% of the straight-line projection of 75% for May.
2. Red represents areas greater than or equal to 78.8%
3. Overtime does not count against FTE cap.

Location	Project Budget	Expenditures	Outstanding Work Authorizations	Available Budget
BWD-Ron Jackson	848,258	125,803	554,527	167,928
EVN-Evins Regional	1,578,179	159,050	1,014,476	404,653
GID-Giddings State School	1,418,067	72,429	1,006,410	339,228
GNS-Gainesville State School	765,669	68,958	318,055	378,656
MCL-Mclennan	1,292,650	126,670	359,092	806,888
AUS-TJJD Austin Office-DVR	240,000	251,104	375	(11,479)
79th TJJD Contingency	584,708	-	-	584,708
83rd TJJD Contingency	500,656	1,226	-	499,430
<b>Total</b>	<b>7,228,187</b>	<b>805,241</b>	<b>3,252,935</b>	<b>3,170,011</b>

MAP Roof top Rollers (Giddings Pilot project)	13,885.00
79th General Appropriations Act approved Allocation	1,714,301.00
83rd General Appropriations Act approved Allocation	5,500,000.00
	<u>\$ 7,228,186.00</u>







TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

James Williams, Senior Director of Probation and Community Services

Subject: Report concerning awarded Discretionary State Aid

Date: July 11, 2016

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The purpose of Phase III of the Texas Juvenile Justice Department's (TJJJ) implementation of Senate Bill 1630 (84[R]) provisions related to general probation funding is to develop "discretionary grant funding protocols" in compliance with Human Resources Code (HRC) Section 223.001(c), as amended by the bill. That provision requires TJJJ to set aside funds to support programs with a clearly defined target population that use research-driven practice and have well defined recidivism reduction goals.

The initial focus of this initiative is on setting program requirements and procedures for a new complete program within State Aid (Discretionary State Aid, or DSA).

Applications for DSA are due July 18, 2016. The review process will involve independent reviews of each application by several TJJJ staff. After each staff member completes their review, they will meet together as a team to determine awarded DSA. Fiscal Year 2017 awards will be presented to the Texas Juvenile Board at its August 5 meeting.

For reference, attached to this memo please find:

- General DSA Program Parameters;
- Application Components;
- The draft DSA application form, patterned after the application form for Supplemental & Emergent Needs funding; and
- A "Logic Model Structure" table, that was to be completed as a party of the DSA application.



## General DSA Program Parameters

- Discretionary State Aid (DSA) exists under the umbrella of the broader State Aid program, and all terms and conditions of the State Aid contract apply. Approved funding will be added, budgeted, expended, and tracked in Grant Manager following the same pattern as the existing Supplemental & Emergent Needs program.
- The focus of the DSA program is intensive, community-based programs and aftercare (not front-end programs or residential placement), with preference given to programs for moderate to high risk youth with corresponding treatment needs. Annual funding available to support the program for FY 2017 is up to \$1.8 million, projected to grow to \$8-9 million by year four.
- DSA grants will be awarded through a competitive process including an application form (current draft attached). TJJJ will not limit or specify the number, size, or distribution of requests for funding that will be considered. Requests will be evaluated competitively and approved based on alignment with HRC 223.001(c) requirements, potential juvenile justice system impact, and funding availability.
- Applications will be open each July for the upcoming fiscal year. Applicants may request multi-year funding (up to four years); any such approved awards will be subject to continued legislative appropriations. Three and four year grants will be reviewed after years two and three, as appropriate, and continued funding is contingent on sufficient progress toward stated outcomes goals.
- Local financial or in-kind match is not required, but may be considered in the review process alongside other requested information. Applicants may include attachments demonstrating that a proposed program or service is research-driven.
- Requests will be reviewed by a panel of TJJJ staff from a clinical, research, and programmatic perspective. Each reviewer will rate each application prior to a group discussion wherein applications will be selected for funding.
- Financial and data reporting will occur under State Aid; however, TJJJ will work with departments to create program names that will identify them as part of DSA. TJJJ will determine before the start of FY 2018 whether additional tracking or reporting efforts are needed.
- DSA funding will be subject to the same auditing requirements as formula-based State Aid, as well as definitions of allowable and unallowable expenditures. Refunds will be due to TJJJ if an expenditure is determined to be unallowable under the terms of the State Aid contract.
- If the review process after years two and three reveals that a three or four year grant is not having the desired impact (i.e., not achieving sufficient progress toward its outcomes goals), funding may be discontinued. However, **TJJJ will not require a return of prior year funds in these cases.**

## Application Components

- An application form (current draft attached) must be submitted by departments to receive consideration under the DSA program. The application incorporates elements from trainings on program design conducted by TJJJ's Research and Planning Department. TJJJ staff will offer guidance, technical assistance, and data support throughout the application process.
- Through the application, the requesting department will identify the program's target population, the needs to be addressed, and the services to be provided, and will demonstrate that the proposed services are consistent with data-driven and research-based practice for the target population. Financial components such as the cost of services, projected participation level, total budget, etc., will also be specified in the application.
- The applicant will establish output measures along with one, two, and three year recidivism reduction goals for program participants. Recidivism reduction goals will be relative to historical recidivism for the target population.
- **TJJJ staff will generate historical recidivism data and post-program participation recidivism data for departments based on the identified target population.** Applicants should make contact with TJJJ's Research and Planning Department ([Pernilla.Johansson@tjjd.texas.gov](mailto:Pernilla.Johansson@tjjd.texas.gov)) as soon as the target population is defined to allow sufficient time for staff to generate historical recidivism data.
- Please note that the application form refers to an email account for the DSA Helpdesk ([DSAhelpdesk@tjjd.texas.gov](mailto:DSAhelpdesk@tjjd.texas.gov)) that is not yet active but will be activated prior to the distribution of the finalized application form.



## REQUEST FOR FUNDING: DISCRETIONARY STATE AID

TEXAS  
JUVENILE  
JUSTICE  
DEPARTMENT

Department Name: \_\_\_\_\_

Submitted by: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Date Required: \_\_\_\_\_

*Discretionary State Aid (DSA) is a competitive grant within State Aid created to comply with Human Resources Code (HRC) Section 223.001(c). DSA supports probation programs and services with a clearly defined target population that use research-driven practices and have well-defined recidivism reduction goals. The focus of DSA is intensive, community-based programs and aftercare (not prevention-type programs or residential placement), with preference given to programs for moderate to high-risk youth with corresponding treatment needs.*

*Requests are considered each July for the upcoming State fiscal year. A probation department may request a DSA grant of any size and for any purpose that conforms to the intent of the grant, and may request funding for up to four years. All requests will be evaluated and approved based on alignment with HRC 223.001(c) requirements, potential juvenile justice system impact, and funding availability. Local financial or in-kind match is not required, but may be considered in the review process.*

*Awards are distributed and reported under the State Aid program. All approved multi-year grants are contingent on continued legislative appropriations. Three and four year grants will be reviewed after years two and three, as appropriate, and continued funding is contingent on sufficient progress toward stated outcomes goals.*

*Applicants are encouraged to be as thorough as possible to facilitate the approval process. For general guidance, technical assistance, and data support please contact the DSA Helpdesk ([DSAhelpdesk@tjjd.texas.gov](mailto:DSAhelpdesk@tjjd.texas.gov)).*

**PROGRAM NARRATIVE** *(Please describe the program or service for which funding is requested. Attachments may be included, for example documentation that the program or service is research-driven.)*

(1) Define the target population, risk level, needs that will be addressed, and how risk/needs will be assessed.

(2) Specify the current recidivism rate of the target population (**provided by TJJD**); one-, two-, and three-year recidivism reduction goals; and describe how recidivism reduction goals were determined.

(3) Describe the programs and services that will be provided, and how these are expected to impact the youths' behavior and outcomes as intended.

(4) Indicate what/how data will be collected and monitored, including any proposed measures of program effectiveness in addition to recidivism reduction. For three and four year requests, please suggest benchmarks for progress toward outcomes goals at years two and three.

(5) Please provide any additional narrative information you believe would be helpful in understanding the proposed program or service.



## REQUEST FOR FUNDING: DISCRETIONARY STATE AID

TEXAS  
JUVENILE  
JUSTICE  
DEPARTMENT

**FUNDING REQUEST:** *(Funding may be requested for up to four years, contingent on continued legislative appropriations and a successful review at the ends of years two and three, as appropriate. Indicate the amount requested in each fiscal year below, marking "N/A" for any year for which no funding is requested.)*

FY2017: \$ \_\_\_\_\_

FY2019: \$ \_\_\_\_\_

FY2018: \$ \_\_\_\_\_

FY2020: \$ \_\_\_\_\_

**BUDGET DETAIL** *(Please fill out all sections that apply for the first year of the request only; if additional space is needed, another page may be added. The sum of all "Requested Total Cost" entries should equal the dollar amount indicated for FY2017 above.)*

Program or Service

Purpose	No. to be Served	Time Frame	Rate	Requested Total Cost
				\$
				\$
				\$
				\$
				\$

Salaries & Fringe

Position Title	Monthly Salary &/or Fringe	Requested Total Cost
		\$
		\$
		\$
		\$
		\$

Supplies or Equipment

Item(s)	Item Cost	Comments	Requested Total Cost
			\$
			\$
			\$
			\$
			\$

Travel & Training

Purpose	No. of People	Type of Expenditure	Dates	Requested Total Cost
				\$
				\$
				\$
				\$
				\$



**REQUEST FOR FUNDING:  
DISCRETIONARY STATE AID**

TEXAS  
JUVENILE  
JUSTICE  
DEPARTMENT

Other *(please describe)*

Description	Requested Total Cost
	\$
	\$
	\$
	\$
	\$

**LOCAL/IN-KIND MATCH (NOT REQUIRED)** *(Describe any local/in-kind match, if applicable.)*

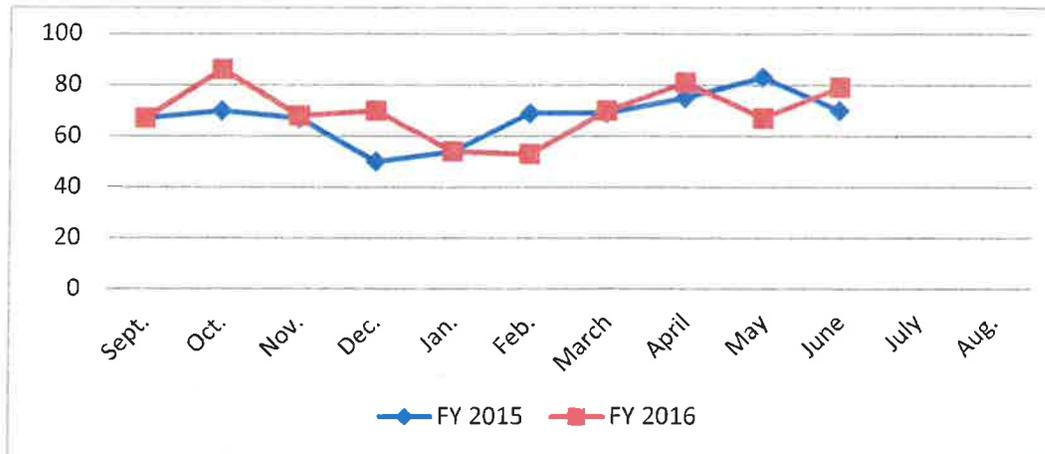

**LOGIC MODEL STRUCTURE** (The following table places program information into the structure of a logic model for research-driven program design and must be completed with the DSA application. TJJJ staff offer training and materials on the use of this design, including sample logic models, and are available to offer technical assistance through the DSA Helpdesk at [DSAhelpdesk@tjjd.texas.gov](mailto:DSAhelpdesk@tjjd.texas.gov). Not all text boxes may be filled; additional pages may be added as needed.)

<b>Problem Statement:</b>																								
<b>Goal Statement:</b>																								
<p><b>Target Population:</b> (Describe the target population of the program by identifying the following.)</p> <ul style="list-style-type: none"> <li>• Age(s):</li> <li>• Qualifying Characteristic(s)               <ul style="list-style-type: none"> <li>○</li> <li>○</li> <li>○</li> </ul> </li> <li>• Risk Level(s):</li> <li>• Identified Need(s)               <ul style="list-style-type: none"> <li>○</li> <li>○</li> <li>○</li> </ul> </li> <li>• Current Recidivism               <ul style="list-style-type: none"> <li>○ Level:</li> <li>○ Data Source:</li> </ul> </li> <li>• Other/Notes               <ul style="list-style-type: none"> <li>○</li> <li>○</li> <li>○</li> </ul> </li> </ul>	<p><b>Resources:*</b> (Describe the staff, materials, physical space, and other resources needed for program implementation.)</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul> <p><i>*Specific budget request and local/in-kind match information is gathered elsewhere in the application.</i></p>	<p><b>Activities:</b> (Describe planned activities, such as treatment sessions, or other programs and services.)</p> <ul style="list-style-type: none"> <li>• Summary:</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Component 1</td> <td style="padding: 2px;">•</td> </tr> <tr> <td style="padding: 2px;">Component 2</td> <td style="padding: 2px;">•</td> </tr> <tr> <td style="padding: 2px;">Component 3</td> <td style="padding: 2px;">•</td> </tr> <tr> <td style="padding: 2px;">Component 4</td> <td style="padding: 2px;">•</td> </tr> <tr> <td style="padding: 2px;">Component 5</td> <td style="padding: 2px;">•</td> </tr> </table>	Component 1	•	Component 2	•	Component 3	•	Component 4	•	Component 5	•	<p><b>Outputs:</b> (Describe outputs for each activity, such as youth served, number of sessions delivered, or attendance rate.)</p> <ul style="list-style-type: none"> <li>• Summary:</li> </ul> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Output 1</td> <td style="padding: 2px;">•</td> </tr> <tr> <td style="padding: 2px;">Output 2</td> <td style="padding: 2px;">•</td> </tr> <tr> <td style="padding: 2px;">Output 3</td> <td style="padding: 2px;">•</td> </tr> <tr> <td style="padding: 2px;">Output 4</td> <td style="padding: 2px;">•</td> </tr> <tr> <td style="padding: 2px;">Output 5</td> <td style="padding: 2px;">•</td> </tr> </table>	Output 1	•	Output 2	•	Output 3	•	Output 4	•	Output 5	•	<p><b>Outcomes:</b> (Describe expected outcomes toward fulfilling the "Goal Statement" above.)</p> <p>Recidivism Reduction</p> <ul style="list-style-type: none"> <li>• One-year:</li> <li>• Two-year:</li> <li>• Three-year:</li> </ul> <p>Other Outcomes</p> <ul style="list-style-type: none"> <li>•</li> <li>•</li> <li>•</li> <li>•</li> </ul>
Component 1	•																							
Component 2	•																							
Component 3	•																							
Component 4	•																							
Component 5	•																							
Output 1	•																							
Output 2	•																							
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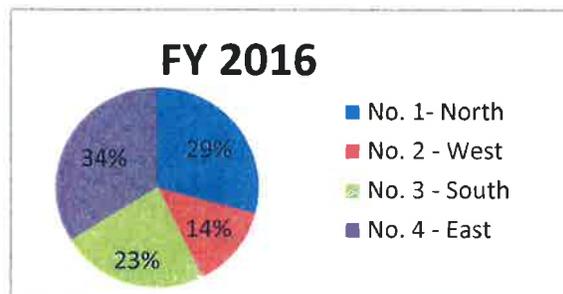
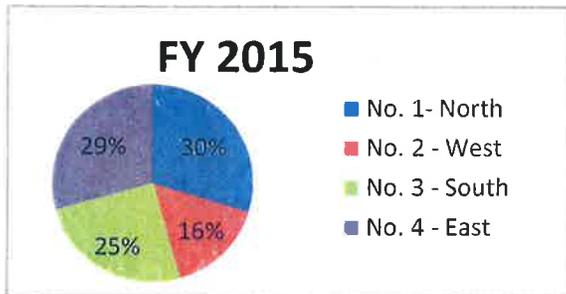
## Summary of Commitment Trends for FY 2016

### New Commitment Data

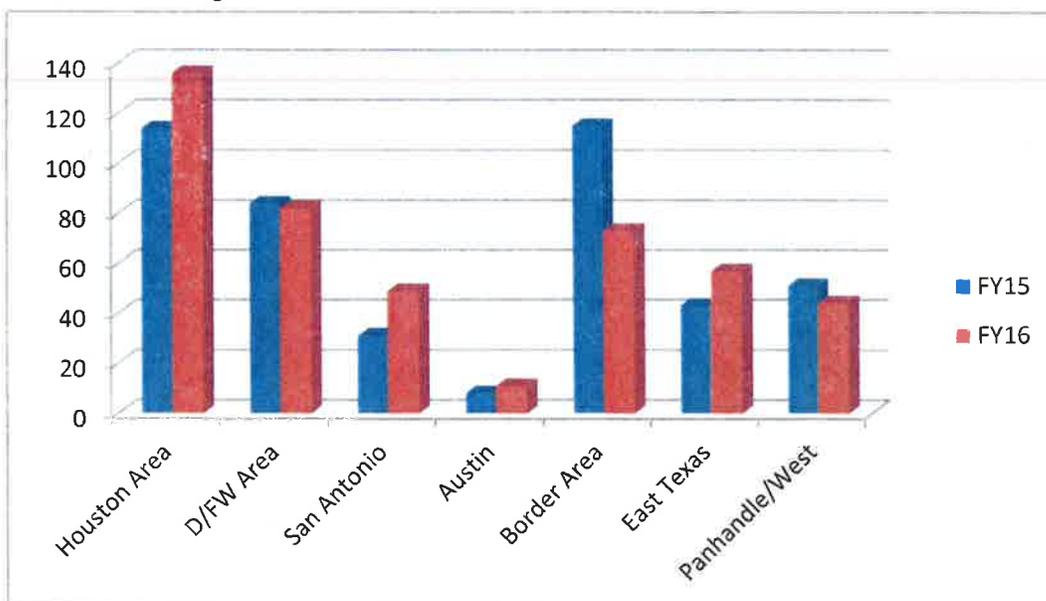
All Counties - FYTD change from FY 2015



### 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 Total	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.
% Change '14	5%	8%	-7%	17%	6%	18%	9%	25%	-11%	14%		
% Change '15	0%	23%	1%	40%	0%	-23%	1%	8%	-19%	13%	#DIV/0!	#DIV/0!
FY14	64	80	73	60	51	45	64	65	75	69		
FY15	67	70	67	50	54	69	69	75	83	70		
FY16	67	86	68	70	54	53	70	81	67	79		

TJJD Regions	FY15	%	FY16	%	% Change
No. 1 - North	200	30%	202	29%	1%
No. 2 - West	107	16%	94	14%	-12%
No. 3 - South	169	25%	163	23%	-4%
No. 4 - East	198	29%	235	34%	19%

Probation Regions	FY15	%	FY16	%	% Change
Central	99	15%	108	16%	9%
North	135	20%	133	19%	-1%
Northeast	45	7%	52	7%	16%
Panhandle	39	6%	38	5%	-3%
South	87	13%	65	9%	-25%
Southeast	198	29%	233	34%	18%
West	71	11%	65	9%	-8%

Texas Areas	FY15	FY16	% Change
Houston Area	114	136	19%
D/FW Area	84	82	-2%
San Antonio	31	49	58%
Austin	8	11	38%
Border Area	115	73	-37%
East Texas	43	57	33%
Panhandle/West	51	44	-14%

County	FY15	FY16
Anderson	1	1
Andrews	0	0
Angelina	6	2
Aransas	1	1
Archer	0	0
Armstrong	0	0
Atascosa	0	2
Austin	0	0
Bailey	0	0
Bandera	0	1
Bastrop	2	4
Baylor	0	0
Bee	1	1
Bell	7	4
Bexar	29	47
Blanco	0	0
Borden	0	0
Bosque	0	0
Bowie	7	7
Brazoria	10	10
Brazos	2	6
Brewster	0	0
Briscoe	0	0
Brooks	0	0
Brown	0	6
Burleson	1	1
Burnet	0	0
Caldwell	3	2
Calhoun	0	1
Callahan	0	0
Cameron	21	33
Camp	0	0
Carson	0	0
County	FY15	FY16
Kerr	5	3

County	FY15	FY16
Cass	1	0
Castro	0	0
Chambers	0	0
Cherokee	1	3
Childress	0	1
Clay	1	0
Cochran	0	0
Coke	0	0
Coleman	0	0
Collin	11	14
Collingsworth	0	0
Colorado	4	2
Comal	2	2
Comanche	0	0
Concho	0	0
Cooke	3	0
Coryell	3	1
Cottle	0	0
Crane	0	0
Crockett	0	0
Crosby	0	0
Culberson	0	0
Dallam	0	0
Dallas	42	38
Dawson	0	0
Deaf Smith	3	2
Delta	0	0
Denton	9	13
DeWitt	2	1
Dickens	0	0
Dimmit	0	0
Donley	0	1
Duval	0	0
County	FY15	FY16
Milam	3	2

County	FY15	FY16
Eastland	0	0
Ector	13	12
Edwards	0	0
Ellis	6	1
El Paso	30	19
Erath	1	0
Falls	5	2
Fannin	2	0
Fayette	0	0
Fisher	0	0
Floyd	1	0
Foard	0	0
Fort Bend	21	11
Franklin	0	0
Freestone	0	1
Frio	0	0
Gaines	0	0
Galveston	10	8
Garza	0	0
Gillespie	1	0
Glasscock	0	0
Goliad	0	0
Gonzales	0	1
Gray	2	1
Grayson	2	5
Gregg	4	6
Grimes	1	0
Guadalupe	2	0
Hale	2	2
Hall	0	0
Hamilton	0	0
Hansford	0	0
Hardeman	1	0
County	FY15	FY16
Rockwall	0	0

County	FY15	FY16
Hardin	1	3
Harris	114	136
Harrison	0	2
Hartley	0	0
Haskell	0	1
Hays	0	1
Hemphill	0	0
Henderson	3	2
Hidalgo	49	10
Hill	3	4
Hockley	2	3
Hood	2	0
Hopkins	1	0
Houston	0	0
Howard	2	4
Hudspeth	0	0
Hunt	3	1
Hutchinson	0	0
Irion	0	0
Jack	0	0
Jackson	2	1
Jasper	1	0
Jeff Davis	0	0
Jefferson	11	14
Jim Hogg	0	0
Jim Wells	0	0
Johnson	0	0
Jones	0	0
Karnes	0	0
Kaufman	6	3
Kendall	0	1
Kenedy	0	0
Kent	0	0
County	FY15	FY16
Uvalde	0	0

Kimble	0	0
King	0	0
Kinney	0	0
Kleberg	0	0
Knox	0	0
Lamar	5	4
Lamb	0	1
Lampasas	1	0
La Salle	0	0
Lavaca	0	0
Lee	0	0
Leon	0	0
Liberty	0	1
Limestone	0	0
Lipscomb	1	0
Live Oak	0	0
Llano	0	0
Loving	0	0
Lubbock	12	13
Lynn	0	0
Madison	0	0
Marion	0	0
Martin	0	0
Mason	0	0
Matagorda	1	5
Maverick	2	1
McCulloch	0	0
McLennan	10	14
McMullen	0	0
Medina	2	0
Menard	0	0
Midland	10	7

Mills	0	0
Mitchell	1	0
Montague	0	0
Montgomery	13	27
Moore	3	2
Morris	0	0
Motley	0	0
Nacogdoches	1	3
Navarro	2	0
Newton	0	0
Nolan	1	0
Nueces	5	7
Ochiltree	0	0
Oldham	0	0
Orange	2	7
Palo Pinto	0	1
Panola	0	1
Parker	4	4
Parmer	0	0
Pecos	0	0
Polk	1	1
Potter	8	4
Presidio	0	0
Rains	0	0
Randall	2	4
Reagan	0	0
Real	0	0
Red River	1	0
Reeves	0	1
Refugio	0	1
Roberts	0	0
Robertson	0	1

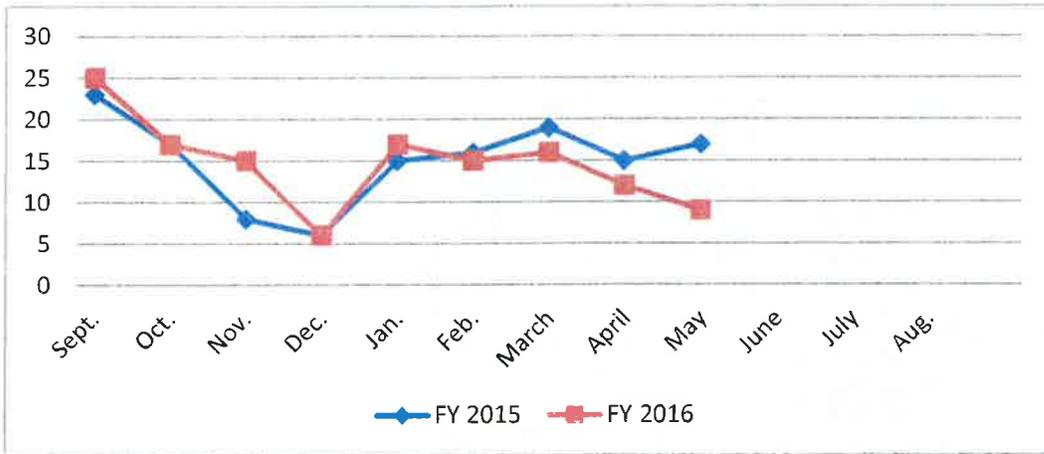
Runnels	0	0
Rusk	0	0
Sabine	0	0
San Augustine	0	0
San Jacinto	2	0
San Patricio	0	1
San Saba	0	0
Schleicher	0	0
Scurry	0	0
Shackelford	0	0
Shelby	0	0
Sherman	0	0
Smith	12	18
Somervell	0	0
Starr	4	3
Stephens	0	1
Sterling	0	0
Stonewall	0	0
Sutton	0	1
Swisher	0	1
Tarrant	42	44
Taylor	8	8
Terrell	2	0
Terry	0	1
Throckmorton	0	0
Titus	0	0
Tom Green	1	1
Travis	3	2
Trinity	0	0
Tyler	0	0
Upshur	2	3
Upton	0	0

Val Verde	3	3
Van Zandt	0	0
Victoria	4	3
Walker	0	2
Waller	0	0
Ward	0	3
Washington	1	1
Webb	4	4
Wharton	2	0
Wheeler	2	1
Wichita	2	5
Wilbarger	0	0
Willacy	0	2
Williamson	5	8
Wilson	1	1
Winkler	0	0
Wise	0	0
Wood	1	0
Yoakum	0	0
Young	0	0
Zapata	0	0
Zavala	0	0
<b>Totals</b>	<b>674</b>	<b>694</b>
<b>% Change</b>	<b>3%</b>	

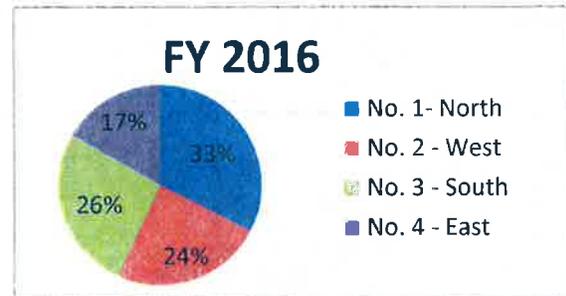
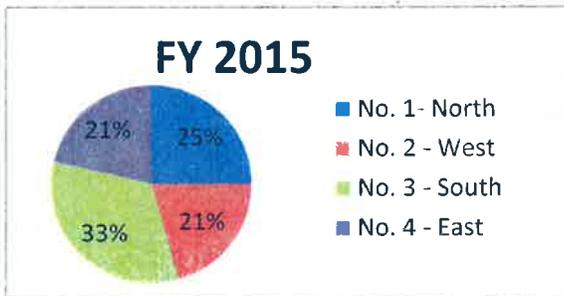
# Summary of Commitment Trends for FY 2016

## Revocation Data

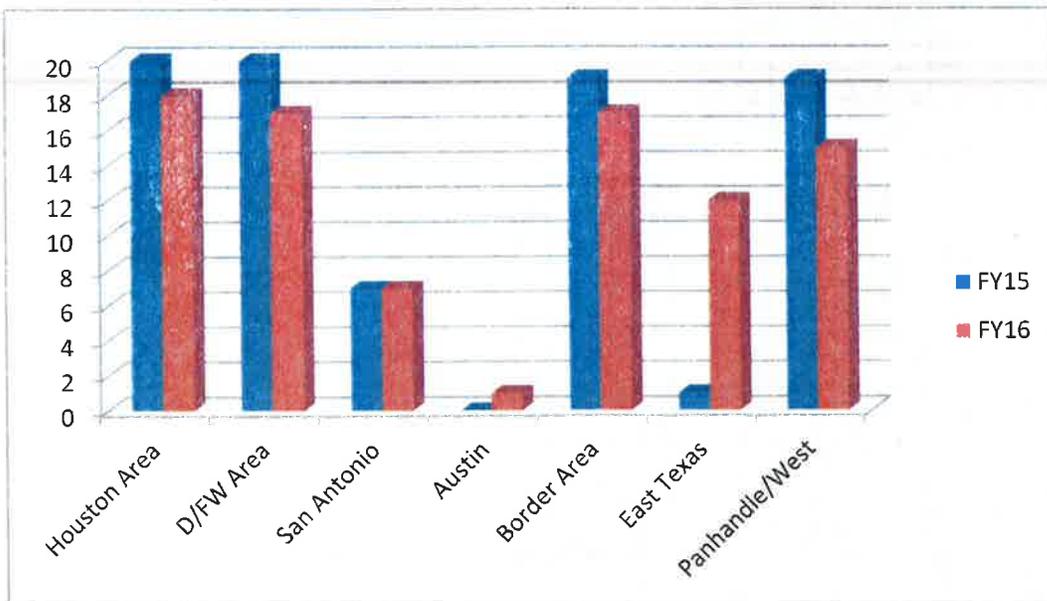
All Counties - FYTD change from FY 2015



## 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.

County Total	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.
% Change	9%	0%	88%	0%	13%	-6%	-16%	-20%	-47%	#DIV/0!	#DIV/0!	
FY15 - Rvkd	23	17	8	6	15	16	19	15	17			
FY15 - No Rvk	3	2	1	1	1	1	5	3	1			
FY15 - Total	26	19	9	7	16	17	24	18	18			
FY16 - Rvkd	25	17	15	6	17	15	16	12	9			
FY16 - No Rvk	0	1	1	0	3	1	2	2	3			
FY16 - Total	25	18	16	6	20	16	18	14	12			

FY2016 Charges	Sept.		Oct.		Nov.		Dec.		Jan.		Feb.		March		April		May		June		July		Aug.		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Felony	2	8%	2	12%	1	7%	2	33%	1	6%	2	13%	0	0%	3	25%	0	0%	#DIV/0!	#DIV/0!					13	10%
Misdemeanor	6	24%	4	24%	1	7%	1	17%	3	18%	1	7%	4	25%	4	33%	2	22%	#DIV/0!	#DIV/0!					26	20%
Technical	17	68%	11	65%	13	87%	3	50%	13	76%	12	80%	12	75%	5	42%	7	78%	#DIV/0!	#DIV/0!					93	70%
Non-Compliance	4	24%	5	45%	4	31%	1	33%	3	23%	4	33%	3	25%	1	20%	0	0%	#DIV/0!	#DIV/0!					25	19%
Absond/Escape	9	53%	5	45%	7	54%	2	67%	9	69%	6	50%	6	50%	3	60%	7	100%	#DIV/0!	#DIV/0!					54	41%
Other	4	24%	1	9%	2	15%	0	0%	1	8%	2	17%	3	25%	1	20%	0	0%	#DIV/0!	#DIV/0!					14	11%

TJJD Regions	FY15	%	FY16	%	% Change
No. 1 - North	34	25%	43	33%	26%
No. 2 - West	28	21%	32	24%	14%
No. 3 - South	45	33%	35	27%	-22%
No. 4 - East	29	21%	22	17%	-24%

Texas Areas	FY15	FY16	% Change
Houston Area	20	18	-10%
D/FW Area	20	17	-15%
San Antonio	7	7	0%
Austin	0	1	#DIV/0!
Border Area	19	17	-11%
East Texas	1	12	1100%
Panhandle/West	19	15	-21%

County	FY15	FY16
Anderson		
Andrews		
Angelina	1	2
Aransas		
Archer		
Armstrong		
Atascosa		
Austin		
Bailey		
Bandera		
Bastrop	2	
Baylor		
Bee		
Bell	7	6
Bexar	7	7
Blanco		
Borden		
Bosque	1	
Bowie		
Brazoria	2	2
Brazos	1	1
Brewster		
Briscoe		
Brooks		
Brown	1	2
Burleson		
Burnet		
Caldwell	1	1
Calhoun		
Callahan	1	
Cameron	6	3
Camp		
Carson		
County	FY15	FY16
Kerr	1	2
Kimble		
King		
Kinney		
Kleberg		
Knox		
Lamar		

County	FY15	FY16
Cass		
Castro		
Chambers		
Cherokee		
Childress		
Clay		
Cochran		
Coke		
Coleman		1
Collin		1
Collingsworth		
Colorado		
Comal		
Comanche		
Concho		
Cooke		
Coryell		1
Cottle		
Crane		
Crockett		
Crosby		
Culberson		
Dallam		
Dallas	7	6
Dawson		
Deaf Smith		
Delta		
Denton	1	1
DeWitt	1	
Dickens		
Dimmit	1	
Donley		
Duval		
County	FY15	FY16
Milam	2	
Mills		
Mitchell		
Montague		
Montgomery		1
Moore		
Morris	1	

County	FY15	FY16
Eastland		
Ector	4	5
Edwards		
Ellis		1
El Paso	3	7
Erath		
Falls	1	1
Fannin		1
Fayette		
Fisher		
Floyd		
Foard		
Fort Bend	1	1
Franklin		
Freestone		
Frio		
Gaines		
Galveston	2	2
Garza		
Gillespie		
Glasscock		
Goliad		
Gonzales	1	
Gray	1	1
Grayson	1	2
Gregg		2
Grimes		
Guadalupe		2
Hale		2
Hall		
Hamilton		
Hansford		
Hardeman		
County	FY15	FY16
Rockwall		
Runnels		
Rusk		
Sabine		
San Augustine		
San Jacinto		
San Patricio		

County	FY15	FY16
Hardin		
Harris	20	9
Harrison		
Hartley		
Haskell		
Hays		
Hemphill		
Henderson		
Hidalgo	3	2
Hill		1
Hockley		
Hood	1	2
Hopkins		
Houston		
Howard	1	
Hudspeth		
Hunt		3
Hutchinson		1
Irion		
Jack		
Jackson		
Jasper		
Jeff Davis	1	
Jefferson		3
Jim Hogg		
Jim Wells		
Johnson		
Jones		
Karnes		1
Kaufman	1	
Kendall		
Kenedy		
Kent		
County	FY15	FY16
Uvalde		
Val Verde	1	1
Van Zandt		
Victoria	3	
Walker	1	
Waller		
Ward		

Lamb		
Lampasas	1	1
La Salle		
Lavaca		
Lee		
Leon		
Liberty		
Limestone		
Lipscomb		
Live Oak		
Llano		
Loving		
Lubbock	2	1
Lynn		
Madison		
Marion		
Martin		
Mason		
Matagorda	1	1
Maverick	2	1
McCulloch		
McLennan	5	3
McMullen		
Medina		1
Menard		
Midland	7	3

Motley		
Nacogdoches		1
Navarro		
Newton		
Nolan		
Nueces	1	1
Ochiltree		
Oldham		
Orange		2
Palo Pinto		
Panola		
Parker	1	
Parmer		
Pecos	1	1
Polk		
Potter	1	2
Presidio		1
Rains		
Randall		
Reagan		
Real		
Red River		
Reeves	1	
Refugio		
Roberts		
Robertson		

San Saba		
Schleicher		
Scurry		
Shackelford		
Shelby		
Sherman		
Smith		2
Somervell		
Starr	3	1
Stephens		
Sterling		
Stonewall		
Sutton		
Swisher		
Tarrant	13	11
Taylor	5	4
Terrell		
Terry		
Throckmorton		
Titus		1
Tom Green		2
Travis		
Trinity		
Tyler		
Upshur		
Upton		

Washington		
Webb		1
Wharton	1	
Wheeler		1
Wichita	1	1
Wilbarger		
Willacy		
Williamson		1
Wilson		
Winkler		
Wise		
Wood		
Yoakum		
Young		1
Zapata		
Zavala		
<b>Total Revoked</b>	<b>136</b>	<b>132</b>
<b>% Change</b>		<b>-3%</b>
<b>Not Revoked</b>		
<b>Total Held</b>		



TEXAS  
JUVENILE ★ JUSTICE  
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

# A Study of Salaries and Turnover Rates Among Juvenile Justice Personnel in Texas

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June 2016

# Introduction

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The 82<sup>nd</sup> Legislature created the Texas Juvenile Justice Department (TJJD) under Senate Bill (SB) 653 with the merger of the Texas Juvenile Probation Commission (TJPC) and the Texas Youth Commission in December of 2011. The agency is responsible for the care and supervision of juvenile offenders committed to the state, as well as for providing funding and support to the 166 juvenile probation departments that comprise the state's county-level juvenile justice system.

This report is an examination of salaries and turnover among juvenile justice personnel at both the state and county level. Section I focuses on the state level, comparing salary and turnover information for all TJJD positions to similar positions at other state agencies and in the market overall. Section II focuses on the county level, presenting salaries and turnover rates for county probation and supervision officers by department size and geographic region. Officer salaries are also compared to salaries for similar positions at comparable agencies. This report concludes with recommendations for salary adjustments to improve employee recruitment and retention. Analysts used a compa-ratio - the ratio of an employee's actual salary to the midpoint of the applicable salary range – as the foundation for specific salary adjustment recommendations for both state- and county-level employees.

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## Section I: State-Level Juvenile Justice Employees

### Executive Summary

The Texas Juvenile Justice Department (TJJD) participated in the Survey of Employee Engagement (SEE) in November 2015. This survey produced twelve constructs that capture the concepts most utilized by leadership and drive organizational performance and engagement. Of these twelve constructs, the one that scored significantly lower than all others and was reported as an area of concern was pay. The pay construct captures employees' perceptions about how well the compensation package holds up when compared to other organizations and suggests an area of discontent. This discontent can be reflected in higher turnover if employees feel they are not being compensated equitably compared to other organizations.

In addition to the survey, a report published by the State Auditor's Office (SAO) in December 2015 noted that TJJD had the second highest agency turnover rate of 26.6%. It also noted that the turnover rate of Juvenile Correctional Officers was 31.9%. Low pay is usually a contributing factor in high turnover.

The State Auditor's Office also prepares a biennial report on the State's Position Classification Plan to determine the competitiveness of the plan with similar positions in the private and public sector. This survey establishes the market rate for similar positions which is then compared to the midpoints of corresponding salary ranges. When employees are paid less than the market rate, agencies may face an increased risk of turnover and an inability to compete for and retain qualified employees.

The four key areas of concern are:

- Juvenile Correctional Officer pay
- Parole Officer pay
- Classification of staff compared to those at other state agencies of similar size and responsibility
- Establishment of a compensation plan that will attract and retain employees

## Objective, Scope, and Methodology

The objective of this report was to conduct a study reviewing all Texas Juvenile Justice Department (TJJD) positions and:

- Compare turnover rates of these positions to those at other state agencies.
- Compare the salary of these positions to the market average of similar positions.
- Compare the salary of these positions to similar positions at other state agencies.
- Compare classifications of TJJD staff to staff at other state agencies of similar size and with similar responsibilities.

The scope of this study included 2,465 classified TJJD employees and over 137,000 State of Texas employees. The salary information of other state employees was obtained from the Texas Comptroller of Public Accounts in February 2016. Turnover information for each occupational category for fiscal years 2012-2015 was obtained from the State Auditor's Office E-Class system.

The methodology will be to examine each occupational category within the agency and compare those salaries with the occupational categories in all other state agencies. There are a few positions that are unique to TJJD such as Juvenile Correctional Officers and other correctional series positions. Those positions are compared to similar positions, but different classifications at the Texas Department of Criminal Justice.

## Market Rate

Prior to every biennium, the State Auditor's Office conducts a market analysis to determine the competitiveness of the Classification Plan. This analysis examines private and public sector jobs that match corresponding state jobs in terms of duties, scope and responsibility. The average salary of these jobs is considered the market rate and is compared to the midpoint of the corresponding state salary grade. If the midpoint is within 10% of the market rate, the salary range is generally considered competitive.

## Compa-ratio

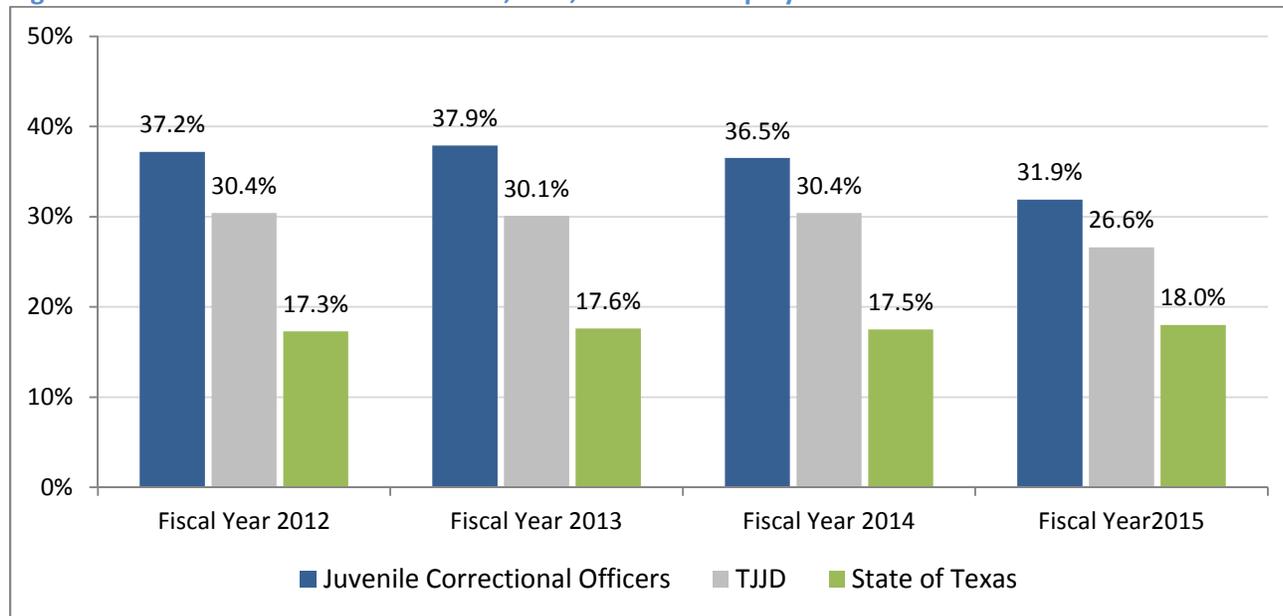
The compa-ratio is the ratio of an employee's actual salary to the midpoint of the applicable salary range. The target salary for state employees is the midpoint of their salary range to remain competitive. A salary at the midpoint has a compa-ratio of 1.00. A salary that is 10% below midpoint has a compa-ratio of 0.90 and any employee whose salary has a compa-ratio below 0.90 is considered to be at risk of leaving for other employment due to low pay.

## Turnover

The 83rd Legislature directed the State Auditor's Office (SAO) to identify each state agency that experienced an employee turnover rate that exceeded 17.0% (approximate overall turnover rate of all state agencies) during the preceding biennium. The SAO report identified twenty-two agencies with 50 or more employees that met that criterion.

The report noted that TJJJ had the second highest turnover rate of all state agencies at 26.6%. It also noted that Juvenile Correctional Officers had a 31.9% turnover rate and accounted for 68.5% of the agency's separations.

**Figure 1: Annual Turnover Rates for JCOs, TJJJ, and State Employees Overall**



## Turnover by Job Classification Series

The following table lists all job classification series in TJJJ that had an average headcount of 20 or more and turnover rates that exceeded 17.0% in fiscal year 2015.

**Table 1: Headcount and Turnover Rate by Job Classification, Fiscal Year 2015**

Job Classification Series	Average Headcount	Number of Separations	Turnover Rate
Teacher Aide	37	19	52.10%
Health Specialist	34	12	35.60%
Juvenile Correctional Officer	1,451	463	31.90%
Cook	66	19	28.80%
Human Services Specialist	29	7	23.90%
Investigator	47	11	23.30%
Case Manager	149	29	19.50%
Program Specialist	84	16	19.20%
Clerk	92	17	18.50%
Parole Officer	28	5	18.20%
Network Specialist	23	4	17.60%

Note: Only job classifications with an average headcount of 20 or more and turnover rates exceeding 17% are included.

## Occupational Categories

The following charts list all Occupational Categories at the Texas Juvenile Justice Department and show the number of employees in those categories, median annual salary, the salary penetration into the salary range and the compa-ratio. Each classification is compared to all employees in other agencies in the State of Texas.

### Administrative Support

Occupational Category Turnover Rate FY 2015 (TJJD): 16.3%

Occupational Category Turnover Rate FY 2015 (Statewide): 15.7%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	55	CLERK II	A	7	7	\$24,469	27.89%	0.92
State of Texas	55	CLERK II	A	7	1815	\$22,275	5.94%	0.83
TJJD	57	CLERK III	A	9	46	\$24,375	5.37%	0.83
State of Texas	57	CLERK III	A	9	1610	\$25,229	13.07%	0.86
TJJD	59	CLERK IV	A	11	26	\$27,892	10.38%	0.82
State of Texas	59	CLERK IV	A	11	864	\$28,868	16.88%	0.85
TJJD	150	ADMINISTRATIVE ASST I	A	9	13	\$24,375	5.37%	0.83
State of Texas	150	ADMINISTRATIVE ASST I	A	9	1202	\$25,991	19.95%	0.89
TJJD	152	ADMINISTRATIVE ASST II	A	11	39	\$26,990	4.38%	0.80
State of Texas	152	ADMINISTRATIVE ASST II	A	11	2016	\$29,331	19.96%	0.87
TJJD	154	ADMINISTRATIVE ASST III	A	13	6	\$30,175	4.34%	0.80
State of Texas	154	ADMINISTRATIVE ASST III	A	13	2167	\$34,303	28.70%	0.90
TJJD	156	ADMINISTRATIVE ASST IV	A	15	14	\$34,151	6.16%	0.80
State of Texas	156	ADMINISTRATIVE ASST IV	A	15	1527	\$39,094	32.08%	0.92
TJJD	160	EXECUTIVE ASST I	B	17	6	\$43,418	30.07%	0.91
State of Texas	160	EXECUTIVE ASST I	B	17	271	\$48,154	52.18%	1.01
TJJD	162	EXECUTIVE ASST II	B	19	3	\$54,628	46.35%	0.98
State of Texas	162	EXECUTIVE ASST II	B	19	208	\$58,025	59.07%	1.04
TJJD	164	EXECUTIVE ASST III	B	21	1	\$64,149	51.74%	1.01
State of Texas	164	EXECUTIVE ASST III	B	21	58	\$67,435	62.45%	1.06

## Information Technology

Occupational Category Turnover Rate FY 2015 (TJJD): 23.8%

Occupational Category Turnover Rate FY 2015 (Statewide): 13.3%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	212	DATA BASE ADMINISTRATOR III	B	22	1	\$71,277	59.83%	1.05
State of Texas	212	DATA BASE ADMINISTRATOR III	B	22	23	\$64,184	38.25%	0.94
TJJD	213	DATA BASE ADMINISTRATOR IV	B	24	1	\$80,252	56.34%	1.03
State of Texas	213	DATA BASE ADMINISTRATOR IV	B	24	49	\$82,333	61.85%	1.06
TJJD	223	BUSINESS ANALYST III	B	24	1	\$62,400	9.00%	0.80
State of Texas	223	BUSINESS ANALYST III	B	24	7	\$78,295	51.15%	1.01
TJJD	235	INFO TECH SECURITY ANALYST I	B	23	1	\$56,925	4.94%	0.78
State of Texas	235	INFO TECH SECURITY ANALYST I	B	23	25	\$66,625	32.49%	0.92
TJJD	236	INFO TECH SECURITY ANALYST II	B	25	1	\$63,104	0.00%	0.76
State of Texas	236	INFO TECH SECURITY ANALYST II	B	25	48	\$85,550	55.58%	1.03
TJJD	242	PROGRAMMER III	B	21	1	\$60,000	38.21%	0.94
State of Texas	242	PROGRAMMER III	B	21	68	\$58,134	32.13%	0.91
TJJD	243	PROGRAMMER IV	B	23	2	\$58,418	9.19%	0.80
State of Texas	243	PROGRAMMER IV	B	23	194	\$68,048	36.53%	0.93
TJJD	255	SYSTEMS ANALYST IV	B	22	7	\$67,200	47.42%	0.99
State of Texas	255	SYSTEMS ANALYST IV	B	22	523	\$63,784	37.03%	0.94
TJJD	256	SYSTEMS ANALYST V	B	24	3	\$67,200	21.73%	0.86
State of Texas	256	SYSTEMS ANALYST V	B	24	576	\$78,585	51.92%	1.01
TJJD	285	TELECOM SPEC V	B	24	1	\$70,960	31.70%	0.91
State of Texas	285	TELECOM SPEC V	B	24	25	\$65,892	18.26%	0.85
TJJD	288	NETWORK SPEC II	B	18	5	\$40,509	3.96%	0.78
State of Texas	288	NETWORK SPEC II	B	18	96	\$45,469	23.86%	0.87
TJJD	289	NETWORK SPEC III	B	20	8	\$47,432	7.94%	0.80
State of Texas	289	NETWORK SPEC III	B	20	120	\$51,396	21.79%	0.86
TJJD	290	NETWORK SPEC IV	B	22	4	\$54,773	9.61%	0.80
State of Texas	290	NETWORK SPEC IV	B	22	125	\$63,839	37.20%	0.94
TJJD	291	NETWORK SPEC V	B	24	4	\$66,241	19.19%	0.85
State of Texas	291	NETWORK SPEC V	B	24	68	\$76,650	46.79%	0.98
TJJD	292	NETWORK SPEC VI	B	26	2	\$71,150	3.62%	0.76
State of Texas	292	NETWORK SPEC VI	B	26	17	\$97,138	57.78%	1.04
TJJD	302	WEB ADMINISTRATOR III	B	22	1	\$56,580	15.11%	0.83
State of Texas	302	WEB ADMINISTRATOR III	B	22	39	\$61,438	29.89%	0.90

### Research, Planning and Statistics

Occupational Category Turnover Rate FY 2015 (TJJD): 18.2%

Occupational Category Turnover Rate FY 2015 (Statewide): 14.8%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	517	PLANNER II	B	19	1	\$55,671	50.26%	1.00
State of Texas	517	PLANNER II	B	19	57	\$47,970	21.43%	0.86
TJJD	518	PLANNER III	B	21	1	\$55,350	23.05%	0.87
State of Texas	518	PLANNER III	B	21	36	\$58,477	33.25%	0.92
TJJD	520	PLANNER V	B	25	1	\$67,137	9.99%	0.81
State of Texas	520	PLANNER V	B	25	29	\$83,943	51.60%	1.01
TJJD	602	RESEARCH SPEC II	B	17	1	\$40,480	16.36%	0.85
State of Texas	602	RESEARCH SPEC II	B	17	85	\$45,774	41.07%	0.96
TJJD	606	RESEARCH SPEC IV	B	21	2	\$55,976	25.10%	0.88
State of Texas	606	RESEARCH SPEC IV	B	21	43	\$52,500	13.76%	0.83
TJJD	608	RESEARCH SPEC V	B	23	1	\$59,999	13.68%	0.82
State of Texas	608	RESEARCH SPEC V	B	23	86	\$61,145	16.93%	0.84

### Education

Occupational Category Turnover Rate FY 2015 (TJJD): 50.6%

Occupational Category Turnover Rate FY 2015 (Statewide): 22.3%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	812	TEACHER AIDE I	A	9	6	\$23,781	0.00%	0.81
State of Texas	812	TEACHER AIDE I	A	9	51	\$27,387	32.55%	0.93
TJJD	813	TEACHER AIDE II	A	11	1	\$26,990	4.38%	0.80
State of Texas	813	TEACHER AIDE II	A	11	29	\$30,807	29.79%	0.91
TJJD	814	TEACHER AIDE III	A	13	22	\$30,175	4.34%	0.80
State of Texas	814	TEACHER AIDE III	A	13	8	\$32,167	16.10%	0.85
TJJD	822	EDUCATION SPECIALIST III	B	21	1	\$51,616	10.88%	0.81
State of Texas	822	EDUCATION SPECIALIST III	B	21	2	\$58,149	32.18%	0.91
TJJD	823	EDUCATION SPECIALIST IV	B	23	5	\$63,591	23.88%	0.87

### Accounting, Auditing and Finance

Occupational Category Turnover Rate FY 2015 (TJJD): 16.7%

Occupational Category Turnover Rate FY 2015 (Statewide): 13.7%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	1000	ACCOUNTING TECHNICIAN I	A	11	8	\$30,607	28.46%	0.90
State of Texas	1000	ACCOUNTING TECHNICIAN I	A	11	46	\$28,064	11.53%	0.83
TJJD	1014	ACCOUNTANT II	B	15	3	\$43,200	53.62%	1.02
State of Texas	1014	ACCOUNTANT II	B	15	411	\$36,828	20.20%	0.87
TJJD	1016	ACCOUNTANT III	B	17	1	\$43,541	30.64%	0.91
State of Texas	1016	ACCOUNTANT III	B	17	310	\$44,653	35.83%	0.94
TJJD	1018	ACCOUNTANT IV	B	19	2	\$51,241	33.68%	0.92
State of Texas	1018	ACCOUNTANT IV	B	19	243	\$49,500	27.16%	0.89
TJJD	1022	ACCOUNTANT VI	B	23	2	\$64,198	25.60%	0.88
State of Texas	1022	ACCOUNTANT VI	B	23	147	\$66,494	32.12%	0.91
TJJD	1024	ACCOUNTANT VII	B	25	2	\$75,891	31.66%	0.91
State of Texas	1024	ACCOUNTANT VII	B	25	55	\$81,255	44.94%	0.98
TJJD	1046	AUDITOR III	B	19	4	\$50,924	32.49%	0.92
State of Texas	1046	AUDITOR III	B	19	164	\$48,680	24.09%	0.88
TJJD	1048	AUDITOR IV	B	21	2	\$52,037	12.25%	0.82
State of Texas	1048	AUDITOR IV	B	21	180	\$54,979	21.85%	0.86
TJJD	1050	AUDITOR V	B	23	1	\$60,551	15.24%	0.83
State of Texas	1050	AUDITOR V	B	23	172	\$62,679	21.29%	0.86
TJJD	1052	AUDITOR VI	B	25	1	\$75,300	30.20%	0.90
State of Texas	1052	AUDITOR VI	B	25	81	\$81,549	45.67%	0.98
TJJD	1082	FINANCIAL ANALYST II	B	22	1	\$54,647	9.23%	0.80
State of Texas	1082	FINANCIAL ANALYST II	B	22	73	\$57,605	18.23%	0.85
TJJD	1084	FINANCIAL ANALYST III	B	24	1	\$59,004	0.00%	0.76
State of Texas	1084	FINANCIAL ANALYST III	B	24	67	\$67,159	21.62%	0.86
TJJD	1158	BUDGET ANALYST IV	B	23	4	\$69,816	41.56%	0.96
State of Texas	1158	BUDGET ANALYST IV	B	23	184	\$66,674	32.63%	0.92

### Inspectors and Investigators

Occupational Category Turnover Rate FY 2015 (TJJD): 23.3%  
 Occupational Category Turnover Rate FY 2015 (Statewide): 13.8%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	1351	INVESTIGATOR II	B	14	10	\$39,467	46.27%	0.98
State of Texas	1351	INVESTIGATOR II	B	14	136	\$32,835	9.40%	0.82
TJJD	1352	INVESTIGATOR III	B	16	1	\$40,724	28.72%	0.90
State of Texas	1352	INVESTIGATOR III	B	16	160	\$37,638	13.46%	0.84
TJJD	1353	INVESTIGATOR IV	B	18	3	\$42,920	13.63%	0.83
State of Texas	1353	INVESTIGATOR IV	B	18	412	\$44,733	20.91%	0.86
TJJD	1354	INVESTIGATOR V	B	20	27	\$51,798	23.19%	0.87
State of Texas	1354	INVESTIGATOR V	B	20	281	\$47,655	8.72%	0.80
TJJD	1355	INVESTIGATOR VI	B	22	1	\$67,340	47.85%	0.99
State of Texas	1355	INVESTIGATOR VI	B	22	308	\$55,021	10.37%	0.81
TJJD	1356	INVESTIGATOR VII	B	24	1	\$75,814	44.57%	0.97
State of Texas	1356	INVESTIGATOR VII	B	24	81	\$67,017	21.24%	0.86

### Program Management

Occupational Category Turnover Rate FY 2015 (TJJD): 15.6%  
 Occupational Category Turnover Rate FY 2015 (Statewide): 12.4%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	1553	STAFF SRVCS OFFCR IV	B	20	7	\$52,969	27.28%	0.89
State of Texas	1553	STAFF SRVCS OFFCR IV	B	20	21	\$54,254	31.77%	0.91
TJJD	1558	PROJECT MANAGER I	B	20	1	\$56,375	39.18%	0.95
State of Texas	1558	PROJECT MANAGER I	B	20	31	\$57,788	44.11%	0.97
TJJD	1561	PROJECT MANAGER IV	B	26	1	\$86,713	36.05%	0.93
State of Texas	1561	PROJECT MANAGER IV	B	26	146	\$93,393	49.97%	1.00
TJJD	1570	PROGRAM SPECIALIST I	B	17	3	\$41,841	22.71%	0.88
State of Texas	1570	PROGRAM SPECIALIST I	B	17	762	\$40,996	18.76%	0.86
TJJD	1571	PROGRAM SPECIALIST II	B	18	25	\$42,243	10.92%	0.81
State of Texas	1571	PROGRAM SPECIALIST II	B	18	700	\$45,479	23.90%	0.87
TJJD	1572	PROGRAM SPECIALIST III	B	19	24	\$46,125	14.53%	0.83
State of Texas	1572	PROGRAM SPECIALIST III	B	19	1149	\$49,200	26.04%	0.88
TJJD	1573	PROGRAM SPECIALIST IV	B	20	16	\$55,618	36.54%	0.94
State of Texas	1573	PROGRAM SPECIALIST IV	B	20	1160	\$53,948	30.70%	0.91
TJJD	1574	PROGRAM SPECIALIST V	B	21	6	\$63,431	49.40%	1.00

State of Texas	1574	PROGRAM SPECIALIST V	B	21	1244	\$60,000	38.21%	0.94
TJJD	1575	PROGRAM SPECIALIST VI	B	23	4	\$69,318	40.14%	0.95
State of Texas	1575	PROGRAM SPECIALIST VI	B	23	792	\$68,714	38.43%	0.94
TJJD	1582	PROGRAM SUPERVISOR III	B	19	6	\$53,969	43.89%	0.97
State of Texas	1582	PROGRAM SUPERVISOR III	B	19	534	\$50,811	32.07%	0.91
TJJD	1584	PROGRAM SUPERVISOR V	B	21	9	\$55,160	22.44%	0.87
State of Texas	1584	PROGRAM SUPERVISOR V	B	21	381	\$58,368	32.89%	0.92
TJJD	1586	PROGRAM SUPERVISOR VI	B	23	9	\$67,107	33.86%	0.92
State of Texas	1586	PROGRAM SUPERVISOR VI	B	23	159	\$68,811	38.70%	0.95
TJJD	1588	PROGRAM SUPERVISOR VII	B	25	3	\$80,609	43.34%	0.97
State of Texas	1588	PROGRAM SUPERVISOR VII	B	25	34	\$79,705	41.11%	0.96
TJJD	1600	MGR I	B	22	12	\$52,904	3.93%	0.78
State of Texas	1600	MGR I	B	22	327	\$61,450	29.93%	0.90
TJJD	1601	MGR II	B	23	3	\$56,563	3.92%	0.78
State of Texas	1601	MGR II	B	23	704	\$65,814	30.19%	0.90
TJJD	1602	MGR III	B	24	1	\$71,739	33.77%	0.92
State of Texas	1602	MGR III	B	24	533	\$73,185	37.60%	0.94
TJJD	1603	MGR IV	B	25	9	\$81,067	44.48%	0.97
State of Texas	1603	MGR IV	B	25	731	\$81,809	46.32%	0.98
TJJD	1604	MGR V	B	26	1	\$94,273	51.81%	1.01
State of Texas	1604	MGR V	B	26	583	\$90,965	44.91%	0.97
TJJD	1620	DIRECTOR I	B	26	9	\$88,194	39.14%	0.94
State of Texas	1620	DIRECTOR I	B	26	293	\$91,839	46.73%	0.98
TJJD	1621	DIRECTOR II	B	27	10	\$97,170	39.43%	0.95
State of Texas	1621	DIRECTOR II	B	27	637	\$101,802	48.21%	0.99
TJJD	1622	DIRECTOR III	B	28	6	\$109,161	43.35%	0.97
State of Texas	1622	DIRECTOR III	B	28	501	\$112,750	49.53%	1.00
TJJD	1623	DIRECTOR IV	B	29	7	\$125,460	51.78%	1.01
State of Texas	1623	DIRECTOR IV	B	29	341	\$125,050	51.14%	1.01
TJJD	1626	DIRECTOR VII	B	32	1	\$135,915	15.23%	0.82
State of Texas	1626	DIRECTOR VII	B	32	36	\$189,274	78.00%	1.14

## Human Resources

Occupational Category Turnover Rate FY 2015 (TJJD): 14.4%

Occupational Category Turnover Rate FY 2015 (Statewide): 14.9%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	1731	HR SPEC II	B	16	16	\$35,791	4.32%	0.79
State of Texas	1731	HR SPEC II	B	16	64	\$38,603	18.23%	0.86
TJJD	1733	HR SPEC III	B	18	7	\$40,509	3.96%	0.78
State of Texas	1733	HR SPEC III	B	18	206	\$40,509	3.96%	0.78
TJJD	1735	HR SPEC IV	B	20	3	\$48,505	11.69%	0.82
State of Texas	1735	HR SPEC IV	B	20	101	\$56,375	39.18%	0.95
TJJD	1737	HR SPEC V	B	22	8	\$60,513	27.08%	0.89
State of Texas	1737	HR SPEC V	B	22	112	\$61,966	31.50%	0.91
TJJD	1739	HR SPEC VI	B	24	2	\$59,004	0.00%	0.76
State of Texas	1739	HR SPEC VI	B	24	26	\$74,415	40.86%	0.96
TJJD	1783	TRAINING SPEC III	B	17	9	\$45,918	41.74%	0.96
State of Texas	1783	TRAINING SPEC III	B	17	90	\$40,371	15.85%	0.85
TJJD	1784	TRAINING SPEC IV	B	19	6	\$48,052	21.74%	0.86
State of Texas	1784	TRAINING SPEC IV	B	19	280	\$49,078	25.58%	0.88
TJJD	1785	TRAINING SPEC V	B	21	2	\$56,375	26.39%	0.89
State of Texas	1785	TRAINING SPEC V	B	21	116	\$57,479	29.99%	0.90
TJJD	1786	TRAINING SPEC VI	B	23	1	\$70,136	42.47%	0.96
State of Texas	1786	TRAINING SPEC VI	B	23	31	\$70,119	42.42%	0.96

### Information and Communication

Occupational Category Turnover Rate FY 2015 (TJJD): 0.0%  
 Occupational Category Turnover Rate FY 2015 (Statewide): 15.8%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	1866	MANAGEMENT ANALYST IV	B	24	1	\$72,227	35.06%	0.93
State of Texas	1866	MANAGEMENT ANALYST IV	B	24	41	\$76,875	47.38%	0.99
TJJD	1870	TECH WRITER I	B	18	1	\$43,050	14.16%	0.83
State of Texas	1870	TECH WRITER I	B	18	1	\$42,534	12.09%	0.82
TJJD	1871	TECH WRITER II	B	20	1	\$47,689	8.84%	0.80
State of Texas	1871	TECH WRITER II	B	20	15	\$46,287	3.94%	0.78
TJJD	1872	TECHNICAL WRITER III	B	22	1	\$59,292	23.36%	0.87
State of Texas	1872	TECHNICAL WRITER III	B	22	18	\$59,348	23.53%	0.87
TJJD	1894	GOV'T RELATIONS SPEC III	B	27	1	\$95,940	37.10%	0.93
State of Texas	1894	GOV'T RELATIONS SPEC III	B	27	16	\$101,407	47.46%	0.99

### Property Management and Procurement

Occupational Category Turnover Rate FY 2015 (TJJD): 15.8%  
 Occupational Category Turnover Rate FY 2015 (Statewide): 15.3%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	1912	INV & STORE SPEC II	A	12	5	\$29,374	9.61%	0.82
State of Texas	1912	INV & STORE SPEC II	A	12	382	\$29,521	10.53%	0.82
TJJD	1914	INV & STORE SPEC IV	A	16	1	\$34,975	0.28%	0.78
State of Texas	1914	INV & STORE SPEC IV	A	16	38	\$40,572	27.97%	0.90
TJJD	1932	PURCHASER III	B	16	5	\$37,762	14.07%	0.84
State of Texas	1932	PURCHASER III	B	16	110	\$44,181	45.83%	0.98
TJJD	1933	PURCHASER IV	B	18	2	\$46,940	29.76%	0.90
State of Texas	1933	PURCHASER IV	B	18	110	\$49,852	41.44%	0.96
TJJD	1980	CONTRACT SPEC II	B	17	1	\$44,094	33.23%	0.92
State of Texas	1980	CONTRACT SPEC II	B	17	170	\$43,300	29.52%	0.91
TJJD	1982	CONTRACT SPEC III	B	19	2	\$50,688	31.61%	0.91
State of Texas	1982	CONTRACT SPEC III	B	19	168	\$51,457	34.49%	0.93
TJJD	1984	CONTRACT SPEC IV	B	21	2	\$55,153	22.41%	0.87
State of Texas	1984	CONTRACT SPEC IV	B	21	161	\$57,672	30.62%	0.91

### Engineering and Design

Occupational Category Turnover Rate FY 2015 (TJJD): 50.0%

Occupational Category Turnover Rate FY 2015 (Statewide): 13.6%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Comparison (Median Salary)
TJJD	2169	CREATIVE MEDIA DESIGN III	B	20	1	\$50,245	17.77%	0.84
State of Texas	2169	CREATIVE MEDIA DESIGN III	B	20	23	\$57,177	41.98%	0.96

### Safety

Occupational Category Turnover Rate FY 2015 (TJJD): 0.0%

Occupational Category Turnover Rate FY 2015 (Statewide): 11.5%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Comparison (Median Salary)
TJJD	2743	RISK MGMT SPEC IV	B	21	3	\$55,741	24.33%	0.88
State of Texas	2743	RISK MGMT SPEC IV	B	21	14	\$52,076	12.38%	0.82

### Employment

Occupational Category Turnover Rate FY 2015 (TJJD): 33.3%

Occupational Category Turnover Rate FY 2015 (Statewide): 15.6%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Comparison (Median Salary)
TJJD	3026	WORKFORCE DEV SPCL V	B	18	3	\$40,509	3.96%	0.78
State of Texas	3026	WORKFORCE DEV SPCL V	B	18	7	\$42,804	13.17%	0.82

## Legal

Occupational Category Turnover Rate FY 2015 (TJJD): 5.1%

Occupational Category Turnover Rate FY 2015 (Statewide): 16.0%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	3503	ATTORNEY III	B	23	2	\$61,561	18.11%	0.85
State of Texas	3503	ATTORNEY III	B	23	151	\$64,605	26.76%	0.89
TJJD	3504	ATTORNEY IV	B	25	7	\$82,048	46.91%	0.98
State of Texas	3504	ATTORNEY IV	B	25	418	\$76,026	32.00%	0.91
TJJD	3505	ATTORNEY V	B	27	1	\$95,140	35.59%	0.93
State of Texas	3505	ATTORNEY V	B	27	283	\$97,887	40.79%	0.95
TJJD	3522	GENERAL COUNSEL III	B	27	1	\$103,984	52.34%	1.01
State of Texas	3522	GENERAL COUNSEL III	B	27	54	\$95,636	36.53%	0.93
TJJD	3524	GENERAL COUNSEL V	B	31	1	\$128,125	21.13%	0.85
State of Texas	3524	GENERAL COUNSEL V	B	31	25	\$141,450	38.38%	0.94
TJJD	3574	LEGAL ASSISTANT II	B	17	1	\$37,900	4.31%	0.79
State of Texas	3574	LEGAL ASSISTANT II	B	17	139	\$41,004	18.80%	0.86
TJJD	3576	LEGAL ASSISTANT III	B	19	3	\$47,257	18.76%	0.85
State of Texas	3576	LEGAL ASSISTANT III	B	19	165	\$50,225	29.87%	0.90
TJJD	3662	OMBUDSMAN II	B	19	7	\$47,700	20.42%	0.86
State of Texas	3662	OMBUDSMAN II	B	19	61	\$44,538	8.59%	0.80
TJJD	3663	OMBUDSMAN III	B	21	3	\$56,268	26.05%	0.88
State of Texas	3663	OMBUDSMAN III	B	21	8	\$58,244	32.49%	0.92
TJJD	3665	OMBUDSMAN IV	B	23	1	\$68,962	39.13%	0.95
State of Texas	3665	OMBUDSMAN IV	B	23	7	\$68,000	36.40%	0.93

## Medical and Health

Occupational Category Turnover Rate FY 2015 (TJJD): 35.2%

Occupational Category Turnover Rate FY 2015 (Statewide): 24.9%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	4017	DIET & NUTRITION SPEC II	B	19	1	\$49,296	26.39%	0.89
State of Texas	4017	DIET & NUTRITION SPEC II	B	19	19	\$49,063	25.52%	0.88
TJJD	4226	HEALTH SPECIALIST I	B	16	4	\$34,918	0.00%	0.78
State of Texas	4226	HEALTH SPECIALIST I	B	16	19	\$37,382	12.19%	0.83
TJJD	4227	HEALTH SPECIALIST II	B	17	8	\$43,050	28.35%	0.90
State of Texas	4227	HEALTH SPECIALIST II	B	17	31	\$39,064	9.75%	0.82
TJJD	4228	HEALTH SPECIALIST III	B	18	15	\$48,879	37.54%	0.94
State of Texas	4228	HEALTH SPECIALIST III	B	18	89	\$41,905	9.56%	0.81
TJJD	4230	HEALTH SPECIALIST V	B	20	8	\$61,107	55.71%	1.03
State of Texas	4230	HEALTH SPECIALIST V	B	20	55	\$49,631	15.62%	0.83
TJJD	4414	NURSE V	B	25	2	\$80,196	42.32%	0.96
State of Texas	4414	NURSE V	B	25	23	\$85,075	54.40%	1.02
TJJD	4464	PSYCHOLOGIST II	B	24	1	\$78,992	53.00%	1.01
State of Texas	4464	PSYCHOLOGIST II	B	24	31	\$72,500	35.78%	0.93
TJJD	4465	PSYCHOLOGIST III	B	26	4	\$85,539	33.61%	0.92
State of Texas	4465	PSYCHOLOGIST III	B	26	9	\$88,062	38.86%	0.94
TJJD	4479	PSYCHIATRIST IV	B	35	1	\$251,652	77.76%	1.14

## Criminal Justice

Occupational Category Turnover Rate FY 2015 (TJJD): 31.1%

Occupational Category Turnover Rate FY 2015 (Statewide): 23.7%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	4520	JUV CORREC OFFCR I	A	9	45	\$30,744	62.85%	1.05
TDCJ	4501	CORREC OFFCR I	A	9	583	\$32,346	77.32%	1.10
TJJD	4521	JUV CORREC OFFCR II	A	11	106	\$32,545	41.36%	0.96
TDCJ	4502	CORREC OFFCR II	A	11	2094	\$34,241	52.65%	1.01
TJJD	4522	JUV CORREC OFFCR III	A	13	322	\$36,405	41.10%	0.96
TDCJ	4503	CORREC OFFCR III	A	13	6142	\$38,302	52.29%	1.01
TJJD	4523	JUV CORREC OFFCR IV	A	14	675	\$39,705	47.59%	0.99
TDCJ	4504	CORREC OFFICER IV	A	14	5869	\$40,546	52.26%	1.01
TJJD	4524	JUVCORREC OFFCR V	A	16	155	\$42,308	36.56%	0.94
TDCJ	4505	CORREC OFFICER V	A	16	8523	\$43,049	40.23%	0.96
TJJD	4525	JUV CORREC OFFCR SUPV	B	18	87	\$47,968	33.88%	0.92
TDCJ	4511	LT OF CORREC OFFCRS	B	18	811	\$47,462	31.86%	0.91
TJJD	4526	DORM SUPERVISOR I	B	19	30	\$49,632	27.65%	0.89
TDCJ	4512	CAPT OF CORREC OFFCRS	B	19	284	\$49,835	28.41%	0.90
TJJD	4530	HW HOUSE ASST SUPT	B	21	7	\$49,485	3.93%	0.78
TJJD	4531	HW HOUSE SUPT	B	23	8	\$59,349	11.83%	0.82
TJJD	4532	YOUTH FAC ASST SUPT	B	24	4	\$78,585	51.92%	1.01
TJJD	4533	YOUTH FACILITY SUPT	B	26	5	\$94,273	51.81%	1.01
TJJD	4542	PAROLE OFFCR III	B	16	26	\$40,391	27.08%	0.90
State of Texas	4542	PAROLE OFFCR III	B	16	276	\$50,371	76.45%	1.12

## Social Services

Occupational Category Turnover Rate FY 2015 (TJJD): 20.0%

Occupational Category Turnover Rate FY 2015 (Statewide): 26.2%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	5082	CHAPLAIN II	B	19	5	\$47,149	18.36%	0.85
State of Texas	5082	CHAPLAIN II	B	19	54	\$43,300	3.95%	0.78
TJJD	5226	CASE MGR I	B	11	8	\$33,618	48.50%	0.99
State of Texas	5226	CASE MGR I	B	11	26	\$30,521	27.89%	0.90
TJJD	5227	CASE MGR II	B	13	41	\$34,113	27.58%	0.90
State of Texas	5227	CASE MGR II	B	13	104	\$31,105	9.83%	0.82
TJJD	5228	CASE MGR III	B	15	77	\$38,132	27.04%	0.90
State of Texas	5228	CASE MGR III	B	15	208	\$34,722	9.16%	0.82
TJJD	5229	CASE MGR IV	B	17	19	\$42,907	27.69%	0.90
State of Texas	5229	CASE MGR IV	B	17	39	\$44,312	34.24%	0.93
TJJD	5235	VOL SERVICES COORD IV	B	19	9	\$47,149	18.36%	0.85
State of Texas	5235	VOL SERVICES COORD IV	B	19	27	\$50,531	31.02%	0.91
TJJD	5404	SOCIAL WORKER III	B	19	4	\$50,394	30.51%	0.91
State of Texas	5404	SOCIAL WORKER III	B	19	65	\$46,317	15.25%	0.83
TJJD	5406	SOCIAL WORKER IV	B	21	4	\$57,560	30.26%	0.90
State of Texas	5406	SOCIAL WORKER IV	B	21	4	\$49,485	3.93%	0.78
TJJD	5700	H/SRVC SPEC I	B	11	9	\$26,990	4.38%	0.80
State of Texas	5700	H/SRVC SPEC I	B	11	235	\$29,521	21.23%	0.87
TJJD	5703	H/SRVC SPEC IV	B	14	9	\$38,052	38.40%	0.95
State of Texas	5703	H/SRVC SPEC IV	B	14	61	\$40,248	50.61%	1.00
TJJD	5704	H/SRVC SPEC V	B	15	6	\$37,519	23.82%	0.88
State of Texas	5704	H/SRVC SPEC V	B	15	64	\$39,483	34.12%	0.93
TJJD	5706	H/SRVC SPEC VII	B	17	7	\$37,900	4.31%	0.79
State of Texas	5706	H/SRVC SPEC VII	B	17	279	\$44,917	37.07%	0.94

### Public Safety

Occupational Category Turnover Rate FY 2015 (TJJD): 34.8%

Occupational Category Turnover Rate FY 2015 (Statewide): 16.2%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	6097	POLICE COMM OPER III	A	15	5	\$33,800	4.32%	0.80
State of Texas	6097	POLICE COMM OPER III	A	15	29	\$38,570	29.34%	0.91

### Custodial

Occupational Category Turnover Rate FY 2015 (TJJD): 23.9%

Occupational Category Turnover Rate FY 2015 (Statewide): 23.6%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	8108	FOOD SRVC MGR I	A	12	1	\$28,536	4.36%	0.80
State of Texas	8108	FOOD SRVC MGR I	A	12	43	\$30,159	14.53%	0.84
TJJD	8110	FOOD SRVC MGR III	A	16	3	\$35,791	4.32%	0.79
State of Texas	8110	FOOD SRVC MGR III	A	16	269	\$43,049	40.23%	0.96
TJJD	8111	FOOD SRVC MGR IV	A	18	2	\$48,816	37.29%	0.94
State of Texas	8111	FOOD SRVC MGR IV	A	18	104	\$49,359	39.47%	0.95
TJJD	8118	COOK III	A	9	65	\$24,375	5.37%	0.83
State of Texas	8118	COOK III	A	9	92	\$25,207	12.87%	0.86

### Maintenance

Occupational Category Turnover Rate FY 2015 (TJJD): 13.5%

Occupational Category Turnover Rate FY 2015 (Statewide): 15.5%

Agency Name	Job Class	Job Title	Salary Schedule	Salary Group	Number	Median Annual Salary	Median Salary Range Penetration	Compa-ratio (Median Salary)
TJJD	9042	MAINT SPECIALIST II	A	10	4	\$25,533	5.34%	0.83
State of Texas	9042	MAINT SPECIALIST II	A	10	205	\$28,762	33.04%	0.94
TJJD	9043	MAINT SPECIALIST III	A	11	26	\$27,530	7.97%	0.81
State of Texas	9043	MAINT SPECIALIST III	A	11	283	\$31,832	36.61%	0.94
TJJD	9045	MAINT SPECIALIST V	A	15	6	\$35,481	13.14%	0.83
State of Texas	9045	MAINT SPECIALIST V	A	15	182	\$39,797	35.77%	0.94
TJJD	9055	MAINT SUPERVISOR IV	A	17	1	\$36,976	0.00%	0.78
State of Texas	9055	MAINT SUPERVISOR IV	A	17	648	\$37,900	4.31%	0.79
TJJD	9056	MAINT SUPERVISOR V	A	19	5	\$50,430	30.64%	0.91
State of Texas	9056	MAINT SUPERVISOR V	A	19	124	\$43,300	3.95%	0.78
TJJD	9804	ELECTRICIAN II	A	16	6	\$35,791	4.32%	0.79
State of Texas	9804	ELECTRICIAN II	A	16	22	\$43,316	41.55%	0.96
TJJD	9814	HVAC MECHANIC II	A	16	4	\$38,750	18.96%	0.86
State of Texas	9814	HVAC MECHANIC II	A	16	46	\$40,668	28.45%	0.90

## Recommendations

This study reviewed and compared salaries of all TJJD employees to the salaries of all other state employees in similar positions and to the market rate of those positions. The findings are that in most cases, TJJD salaries are below that of other state agencies in similar positions and

significantly below the market rate. The SAO concluded in their study that salaries that were 10% below the market rate (salary range midpoint), were generally not competitive and were at risk of higher turnover, which this agency is already experiencing. To reduce turnover and create a more stable workforce, the agency should make the following changes:

1. Increase salaries of Juvenile Correctional Officers (JCOs) to maintain equity with comparable positions at the Texas Department of Criminal Justice (TDCJ). Recent legislation authorizing higher increases to Correctional Officers (TDCJ) than was authorized for JCOs has created inequities in compensation.
2. Create a career ladder for Parole Officers similar to Parole Officers at TDCJ.
3. Adjust salaries for positions other than JCOs, Parole Officers and Teachers, who have their own compensation plan, to become more competitive in the market.
4. Budget and post vacant positions other than JCOs, Parole Officers and Teachers at a minimum of 20% penetration into their salary range to become more competitive and closer to the market rate of the position. (No fiscal impact. Budget reductions to the 20% level when new vacancies occur would offset increases of current vacancies that are below 20%)
5. Ensure all staff are classified appropriately.

These changes will require an increase in funding. However, the anticipated decrease in turnover and overtime would offset much of the cost and create a more stable, tenured and effective workforce to better serve youth.

## **Section II: County-Level Juvenile Justice Employees**

### **Executive Summary**

Section II of this report focuses on county-level probation departments in Texas, presenting findings from an investigation of salaries and turnover rates among juvenile probation and supervision officers across the state.

Key findings from this study include:

- Probation and supervision officer salaries vary widely, but departments of all sizes and in every region of the state report difficulty recruiting and retaining employees due to low officer pay.
- Officer salary generally increases with tenure.
- When officers with less than 3 years of experience are compared, probation and supervision officer salaries are lowest in small departments.
- Overall, higher salaries are associated with lower turnover rates.
- Minimum and starting salaries are lower for probation and supervision officers than for many comparable positions in similar agencies.

The key areas of concern are:

- Minimum salary standard
- Juvenile Supervision Officers pay
- Juvenile Probation Officer pay
- Funding flexibility to ensure the ability to adjust salaries to remain competitive in the workforce

This section begins with a statement of the study objective, followed by an overview of the community-based juvenile justice system in Texas, including recent reforms and trends. Findings from prior relevant studies are presented, followed by a detailed description of the current study. Study results are then presented by department size and region, and salaries are compared to salaries in comparable agencies. The report concludes with recommendations for improving employee recruitment and retention.

## Objective

This report aims to address the following questions:

- How much are probation and supervision officers paid?
- What are turnover rates among probation department employees?
- To what extent do salaries and turnover vary by department size, geographic region, and officer tenure?
- How do probation and supervision officer salaries compare to salaries for similar positions?
- Is low salary a driver of high turnover?
- How can employee recruitment and retention at county probation departments be improved?

## Texas Community-Based Juvenile Justice System

There are currently 166 juvenile probation departments serving the state's 254 counties. In fiscal year 2015, there were over 60,830 referrals of over 44,000 juveniles to Texas probation departments. The average daily population of juveniles on active deferred prosecution or probation supervision was over 19,500, and more than 38,800 were served in community-based programs. In addition, more than 5,300 youth were placed in one of the 31 county-operated post-adjudication facilities in Texas.

The Texas juvenile justice system has changed rapidly over the past decade. Several reform initiatives in recent years have led to large shifts in the system. Beginning with SB 103 in 2007, the Texas legislature sought to reduce the number of youth committed to state custody and encourage local juvenile probation departments to find alternatives to commitment. Reforms included prohibiting the commitment of youth adjudicated for misdemeanor offenses, lowering the age of jurisdiction from 21 to 19, and allocating more funds to local juvenile probation departments. In 2015 the 84<sup>th</sup> Legislature enacted SB 1630, which aims to further reduce commitments to state facilities and keep youth closer to home through specific commitment reduction goals. SB 1630 also calls for regionalization of services for youth in probation departments, the development of defined, appropriate, research-based programs, and the establishment of performance-based goals related to improved outcomes and recidivism reduction for youth under probation department supervision.

These system reforms have involved changes in the allocation of state funding such that funding in the last three bienniums has increasingly focused on community-based services provided by probation departments instead of commitment to state-run facilities. These increased state funds for probation account for approximately one-quarter of funding for county juvenile probation departments<sup>1</sup>. The totals appropriated by TJJJ through its State Aid formula for fiscal years 2016 and 2017 are \$156,236,619 and \$165,128,780, respectively.

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<sup>1</sup> Reflects budgeted amounts for fiscal year 2016 from Texas Juvenile Justice Department Finance Division.

As state funding for probation has increased, so have expectations for implementing research-based practices with evidence of effectiveness. These changes in the types of services provided to youth have led to changes in the role of the probation department staff providing those services. Emphasis on comprehensive assessments, matching services to risk and needs levels, case planning, serving the whole family, and cognitive-behavioral supported programming has increased, which in turn requires increased knowledge, training, and practical experience on the part of direct-care staff. Probation staff must be able to assess each youth's risk and needs and provide appropriate supervision and programming.

Juvenile probation and supervision officers represent the front line of justice reform in Texas, and are essential to the daily operation of the system. Fair compensation and low turnover rates among these critical staff are crucial for an effective system.

## Prior Studies

The current study builds on prior studies conducted by the TJPC and National Council on Crime and Delinquency (NCCD).

A job satisfaction study conducted by the former TJPC in 1999 showed that while the majority of juvenile probation personnel were satisfied with their jobs, most said they did not expect to still be in the field in five years (Tolbert, Davenport, Friedman, Haghigi, & Schwank, 2000). The primary reason cited was low salaries.

In August 2000, TJPC completed a report on the salary and turnover rates of juvenile probation personnel for fiscal year 1999 entitled *A Study of Salaries and Turnover Rates of Juvenile Probation Department Personnel in Texas* (Tolbert et al, 2000). The turnover rates were 19.7% for line juvenile probation officers and 31.4% for juvenile detention and corrections officers, with an estimated cost between \$5.1 and \$7.7 million. Inadequate salary relative to similar professions was considered the primary contributor to high turnover and decreasing numbers of tenured officers.

Partially in response to the aforementioned TJPC study, the 77<sup>th</sup> Texas Legislature authorized salary supplements starting in fiscal year 2002. The salary supplement was allocated to local probation departments based on \$2,850 for each full-time certified probation officer and \$1,425 for each full-time certified supervision officer. Subsequently, turnover decreased 28.8% for probation officers and 36.0% for detention and corrections officers from fiscal year 1999 to fiscal year 2002, as reported by TJPC in the report entitled, *A Follow-Up Study: Turnover Rates of Juvenile Probation Department Personnel in Texas FY 2002* (TJPC, 2003). The salary supplements were thought to be a contributing factor to the decreased turnover rates.

Using the data collected by TJPC and additional interviews with key personnel from 20 Texas counties, the NCCD (NCCD, 2006) looked at agency-level factors that can affect youth outcomes. While there are many potential reasons youth recidivate, the authors found three factors under the control of the juvenile justice agency that were significantly related to reduced recidivism: lower caseload size, higher number of intake officers per referral, and higher salaries of line officers.

Responses from the NCCD interviews showed some variation by department size and job title. While 80% of line officers said the supplement impacted morale and turnover, the responses by chief probation officers and supervisors varied by department size. Those in large- and medium-sized departments emphasized the impact on retention rates and, for medium departments, on recruitment. Smaller departments indicated the supplement potentially reduced turnover but cited less opportunity for advancement, less funding, and lower overall wages as opposing factors that decrease their ability to attract and retain employees

## Current Study

Two phases comprise the current study: Phase 1 of the study, the TJJJ Annual Resource Survey of juvenile probation departments, focuses on issues related to recruiting, retention, and hiring during fiscal year 2015. With 161 of the state's 166 probation departments responding, the response rate for this survey was 97%. Qualitative responses to the survey's open-end questions are summarized below.

Phase 2 of the current study is based on the prior TJPC studies described above. This study also focuses on juvenile probation and supervision officers and does not include other department positions. Similar groupings of officers are used: chief juvenile probation officer, administrative/supervisory positions, and line officers, however specialized officers were combined with line officers.

Data for Phase 2 of the study reflects fiscal year 2015 terminations and turnover, and fiscal year 2016 salaries. Starting in the 2012-2013 biennium, the number of separate grants that made up funding allocations to departments was reduced and the salary supplement implemented after the 77<sup>th</sup> Texas Legislative Session was discontinued as a separate funding grant. The funding that would have been designated as a salary adjustment was consolidated into a larger grant that allowed departments to decide internally whether to continue the supplement. Therefore, some departments still refer to a salary supplement while others either have discontinued it or incorporated it into their department salary structure. For the current study, separate supplements were included in the base salary for analysis if they were reported.

Individual position and salary information was collected in early 2016 for officers employed by the department on October 1, 2015, hereafter called the October 1, 2015 sample. This date was chosen to reflect fiscal year 2016 salaries. In addition, departments were asked to complete supplemental survey questions in SurveyMonkey regarding starting salaries, benefits, career ladders, and recruitment/retention incentives, hereafter called Supplemental Survey.

The Research and Planning Department sent the request for individual officer salary information to all juvenile probation departments on January 21, 2016, requesting completion by February 12, 2016. Three rounds of follow-up were done to increase the response rate and request clarification or additional information as needed. The response rate was 70% overall (117 of 166

departments), and 65%, 83%, and 70% for small, medium, and large departments<sup>2</sup>, respectively. Some regions do not contain any large probation departments.

To be included in the salary analysis, the individual hire date must have been on or before October 1, 2015. Individuals were included if their title specified a position working with youth and they could be matched with a record in the Integrated Certification Information System (ICIS). An individual is considered “Administrative” if it was explicit in their job title or the county indicated the individual had administrative or supervisory responsibilities. Note, however, that the “Administrative” position category includes individuals identified as either “Administrative” or “Supervisory,” which may have led to the inclusion of individuals in more administrative roles (e.g. facility monitor), without supervisory duties. Line officers are also designated based on their job title and the county position type indicator. Based on the small number of part-time staff in the October 1, 2015 sample (n = 207), and the small number of part-time employees within the complete termination sample (n = 215), full-time staff, particularly full-time line staff, are the focus of the study (n = 3,854).

In order to consider the sample of officers employed on October 1, 2015 in 117 departments as representative of all 166 departments, the average salary for each group (CJPC, Administrative, Line) of probation and supervision officers was compared to the TJJJ Annual Resource Survey results from a year earlier for 161 departments. The average salary for chiefs, administrative/supervisory, and line staff was calculated by weighting the average salary reported for each group by the number of officers reported for the department. Assuming salaries would increase slightly for the October 1, 2015 sample, the salaries by department region and size are similar to the Resource Survey.

Tenure and termination information for the current report was extracted from ICIS. Tenure for officers employed on October 1, 2015 was calculated using either the date of hire or the first certification date, whichever provides the longest tenure. This is intended to reflect the officer’s length of experience in juvenile probation, as officers may move to other positions within juvenile justice and prior positions are counted in work experience for hiring and salary determinations.

Turnover for fiscal year 2015 was calculated using the methodology defined by the Texas State Auditor’s Office (SAO) (2015).<sup>3</sup> The total number of officers for the fiscal year is the list of officers employed on October 1, 2015 (if the hire date was prior to August 31, 2015) plus the terminations documented in ICIS. One county had a detention facility close during the fiscal year; these terminations were excluded from the turnover calculation, as the closure was an unusual circumstance and not related to a particular individual.

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<sup>2</sup> Small: Departments with a juvenile-age population of less than 7,500  
Medium: Departments with a juvenile-age population of 7,500 – 79,999  
Large: Departments with a juvenile-age population of 80,000 or more

<sup>3</sup> Turnover is calculated by dividing the number of terminations during the fiscal year by the average number of officers during the fiscal year, then multiplying by 100.

There were 1,124 terminations across all 166 departments in fiscal year 2015 (full- and part-time). Excluded from the analysis are the 14 individuals who terminated due to the detention facility closure described above. Turnover can only be determined for departments who reported salary information to TJJJD; therefore, additional analysis was completed to determine if this sample of terminations was representative of all fiscal year 2015 terminations. It was determined to be representative,<sup>4</sup> and so all other references to terminations pertain only to full-time position terminations from the 117 responding departments. This analysis focuses on full-time line staff only; after part-time employees from responding departments are removed from the sample (n = 162), 682 individuals comprise the final full-time termination sample.

Results from Phase 2 of the study - salary and tenure, turnover, and comparative analyses - are presented following the qualitative study results below.

## Qualitative Results

**Difficulty recruiting, hiring, and retaining staff.** When asked what makes recruiting, hiring, and retaining staff difficult, Resource Survey respondents cited a variety of factors. Though some factors vary by department size and region, salary is a primary concern for small, medium, and large departments in every region; the majority of respondents noted that relatively low pay adversely affects their ability to recruit and retain employees. Other common concerns include the quality of applicants, other industries competing for staff, and location. Several respondents also described an inability to offer the hours or advancement opportunities necessary to attract and retain good employees.

Salary is a key issue for Texas probation departments. Over half of all respondents noted that low salaries make recruiting and hiring difficult; more than two thirds said good pay was crucial for retaining employees. Many respondents identified specific positions that offer higher salaries to similarly qualified candidates, including adult probation, teaching, and oil field jobs. Examples of comments from respondents include, *“We find ourselves at a disadvantage when competing with adult probation for probation officers. Adult probation can afford to pay officers, both initially and subsequently, more than we can afford. We find ourselves in a position of offering less money for more work,”* *“It is difficult to hire someone with a college degree for a position that pays less than the starting salary of a teacher,”* *“Certified Probation Officer staff are the most difficult to keep and fill because of the low starting rate of pay,”* and *“JPO and counseling have been the most difficult to retain with the vast majority leaving for higher paying jobs.”* One respondent described hiring retirees to improve retention, stating, *“They have retirement to supplement their income. On our salaries young people cannot make a living on what they are paid.”*

Some respondents believe low salaries lead to an under-qualified applicant pool for open positions. One respondent described difficulty *“getting quality candidates for the salary range offered.”* Others commented, *“It is difficult to recruit good people due to the low pay grade,”*

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<sup>4</sup> Reporting counties were determined to be representative of all counties because the percentage of staff who terminated prior to 36 months, as well as the reasons for termination, were similar in reporting counties to the statewide rates.

*“There are not any incentives for degreed individuals to apply,” and “Our department's salary is too low for all positions. We are not getting very many applicants and those we do receive either do not have much experience or they have criminal histories.”*

Nearly a third of respondents from small departments indicated location was an issue when recruiting and hiring employees. Comments include, *“Due to rural setting it can be very difficult to find qualified applicants,” “We are located in a small, rural county and most people do not want to commute,” “Living in a rural community it is always difficult to find experienced employees,” and “Being in a rural area, the number of applicants is limited.”*

About 20% of respondents from large departments and 10% of respondents from medium-sized departments mentioned the hours available for JPOs and JSOs among the factors that make hiring difficult. One respondent wrote, *“This position can only be a part-time position. Most people are searching for a full-time job.”* Other respondents described difficulty with *“The non-traditional work schedules,”* and *“Locating quality staff to work part-time hours.”* Nearly a third of respondents from large departments and over 10% of respondents from medium-sized departments also indicated that difficult hours - non-traditional hours or too few hours – hinder retention.

Respondents also noted advancement opportunities for staff are important for retention. Comments include, *“I want our staff to feel they have an opportunity for advancement. I would hope that every employee would want my job. If they do not, I am not too sure I want them working here,” “Opportunities for advancement. Many incoming juvenile supervision officers want to become probation officers right away,” and “Tenured staff learn the juvenile justice system and become better equipped to make a positive impact on the rehabilitation process of offenders.”*

**Most important considerations when recruiting and hiring staff.** Experience and qualifications were cited most often as important considerations when hiring new employees, but many respondents also noted the importance of good character and integrity in an applicant. One respondent stated, *“Honesty and integrity are at the top of the list for me. Speaking from over thirty years’ experience in the field, I have found the two most important assets officers have are integrity and credibility. Lose either one and there is very little the officer would have left to offer the department.”* Others wrote, *“The most important consideration when recruiting and hiring staff is reliability, meeting all qualifications, and determination to work with the youth in our county,”* and *“Experience in working with a juvenile population and understanding two key components: 1) adolescent development and 2) mental health issues. The juveniles coming into our system have a myriad of social, mental, medical and economic concerns in which our department is tasked with addressing. This makes it imperative to have highly qualified staff with experience in dealing with our population.”*

Several respondents also noted personality fit among the most important considerations when hiring new staff. One respondent wrote, *“Obviously we consider the applicants qualifications including both education and work experience putting more emphasis on “real world” experience... To the extent possible we attempt to ascertain information regarding a person's*

*character from past employment history and references. Perhaps one of the most crucial considerations we make is how the individual will fit into our current team.”*

**Changes that would help improve quality and retention.** Nearly 40% of respondents listed the climate of a department among the factors that are important for retention, writing *“Personal relationship with the staff. Treating the staff with respect, encouragement, and kindness. They have to feel financially adequate for the stress, time and effort put into the job. An employee that is treated right and adequately paid typically stays if that's what they truly want to do as a career,”* and *“Money never hurts but I do not believe that is the main reason people stay long-term in these jobs. I think giving staff the ability to be innovative is important. As programs and services are developed, I think ideas should come from the bottom up rather than from the top down. I do not believe in micro-management. Once you have quality people, I think you give them the ability and tools they need and then get out of their way.”*

Specific suggestions for improving the quality and longevity of employees include: *“Raise pay. It is also a problem in rural communities to be able to find adequate resources to meet the needs of our juveniles and that leads to frustration for the JPO's who are trying to meet their needs and help make positive changes. It causes "burn out" in the JPO's. Uncertainty with all the changes within the juvenile justice system is also stressful,”* *“Quit cutting our budgets. Award departments for answering the call to send less youth to the state institutions. It serves no purpose when the main job function becomes making sure you have completed a paper or form in the required time, instead of providing true quality supervision to the Youth we [serve],”* and *“Less paperwork, people do the work to interact with kids, not fill out inconsequential forms.”*

## Salary, Tenure, and Turnover

The salary information reported for those employed on October 1, 2015 represents the actual pay at that time, based on departments who submitted salary information. The median salary for full-time staff was \$41,759. With chief and administrative position categories excluded, the median salary decreased to \$40,001. The median salary in Table 1 represents the median for each position.

Tenure for those employed on October 1, 2015 was calculated using either the date of hire or their first ever certification date, whichever provided the longest tenure. The median tenure for all full-time positions was 8.08 years and the median tenure for full-time line staff was 6.91 years (including full-time Supervision and Probation Line Staff only). Chief Probation Officers reported the highest median tenure, followed closely by Probation Administrative (19.83 years and 17.17 years, respectively).

**Table 1: Position by Salary and Tenure Descriptives**

	N	Minimum Salary	Median Salary	Maximum Salary	Median Tenure (years)
<b>Chief Probation Officer</b>	106	\$42,232	\$70,720	\$185,141	19.83
<b>Probation Administrative</b>	326	\$31,972	\$63,315	\$149,656	17.17
<b>Probation Line Officer</b>	1,278	\$27,567	\$46,394	\$85,301	8.42
<b>Supervision Administrative</b>	348	\$21,008	\$55,058	\$111,115	13.54
<b>Supervision Line Officer</b>	1,793	\$18,500	\$36,120	\$58,358	3.75

## Probation Line Officer Salary

To become a juvenile probation officer (JPO), an applicant must have a Bachelor's degree and they must become certified as a juvenile probation officer with the state within six months of hire. The certification process involves 80 hours of mandatory training within six months of hire, and an additional 80 hours of related training topics every 24 months to maintain certification. Individual departments may include department specific requirements such as related experience or a degree in a specific, related field such as social work or criminal justice. In a general sense, JPOs provide supervision and counseling to youth within the juvenile justice system. Specifically, JPOs will manage a caseload, visit with the client and their family, provide necessary programming to youth, and recommend sentencing options at disposition. In addition, JPOs may work irregular hours, provide on-call coverage outside of their scheduled work hours, and are often the first point of contact for a child in crisis.

Based on submitted information, the JPO sample included 1,278 officers employed on October 1, 2015. The overall median salary for full-time JPOs was \$46,394. Large departments reported the highest median salary while medium and small departments reported nearly identical median salaries. There is much more variability within the salary breakdown by region, with no clear regional pattern in salary distributions.

**Table2: Full-Time Probation Line Officer Salary Range**

	N	Minimum	Median	Maximum
<b>Large</b>	652	\$33,852	\$49,145	\$75,347
<b>Medium</b>	494	\$29,022	\$42,764	\$85,301
<b>Small</b>	132	\$27,567	\$42,306	\$72,390
<b>North</b>	221	\$31,105	\$53,100	\$72,673
<b>West</b>	105	\$30,238	\$47,671	\$75,347
<b>Southeast</b>	398	\$33,675	\$47,408	\$61,616
<b>Panhandle</b>	56	\$32,000	\$47,237	\$85,301
<b>Central</b>	271	\$27,567	\$43,061	\$61,825
<b>South</b>	174	\$29,256	\$42,145	\$66,214
<b>Northeast</b>	53	\$28,840	\$40,202	\$61,224
<b>Total</b>	1,278	\$27,567	\$46,394	\$85,301

Nearly half of all JPOs fell in the \$40,001 to \$50,000 salary category for each department size and overall. The range of salaries varies substantially between departments. However, only 74 of the 1,278 JPOs make over \$60,000, with only one earning over \$80,000 annually and only seven earning over \$70,000 annually. Each of these eight officers had over 20 years of experience in the field. The 66 earning over \$60,000 and less than \$70,000 had a minimum of 13 years' tenure. While the range between the actual minimum and actual maximum salaries is quite large, those making the higher end of the salary spectrum have the longest tenures in the sample and those earning at the lower end of the spectrum tend to have the shortest tenure.

**Figure 1: JPO Full-Time Salary by Department Size**

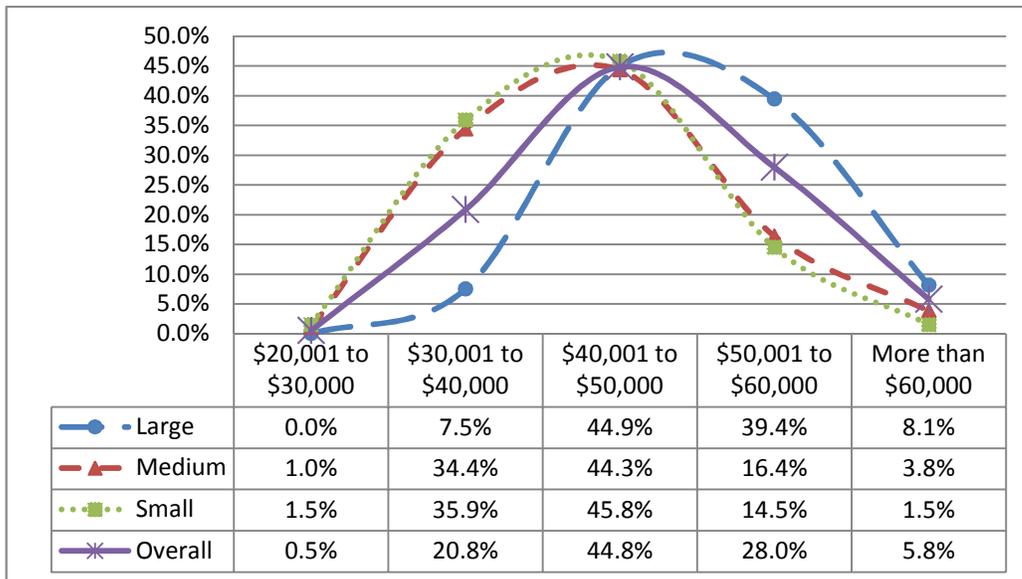
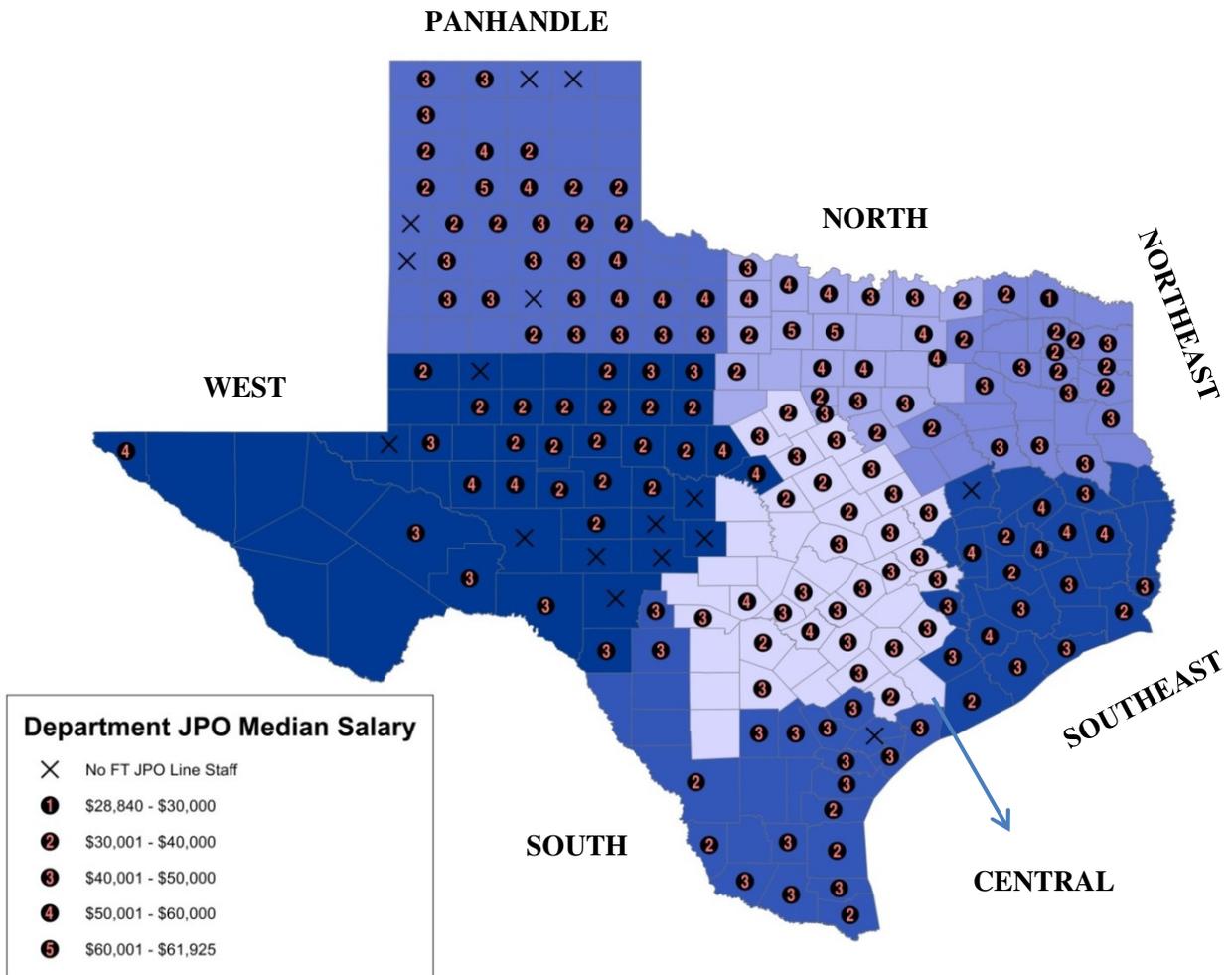


Figure 2 further highlights the variability in JPO salary by region, with some neighboring departments paying different salary levels within the same region. Counties without a salary indicator did not submit any salary information. Counties with an 'X' submitted information, but do not have any full-time probation line officers.

**Figure 2: JPO Salary by Region**



## Probation Line Officer Tenure

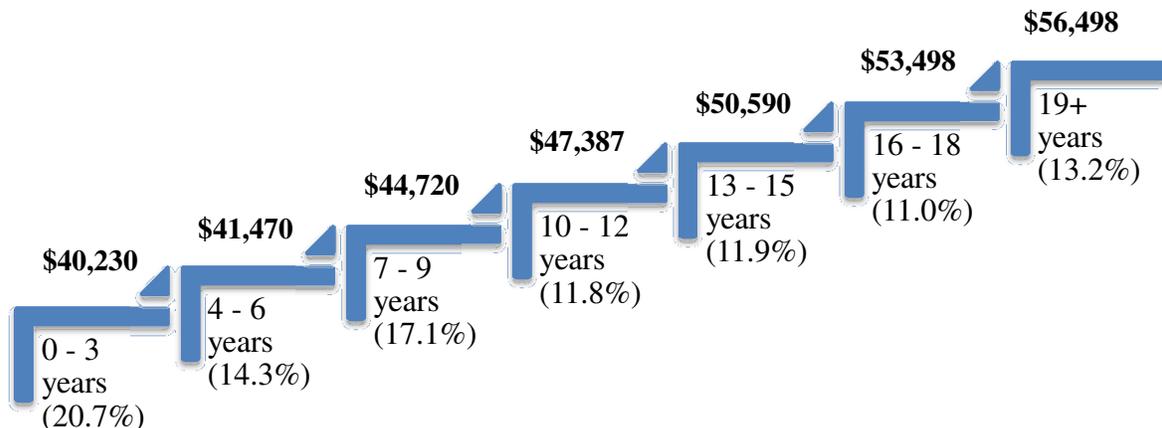
The overall median tenure for full-time JPOs, as of October 1, 2015, was 8.5 years. Contrary to the salary information, small departments reported the longest tenure, followed by large departments. The North region reported the longest median tenure by nearly two years.

**Table 3: Full-Time Probation Line Officer Tenure**

	N	Median	Maximum
<b>Large</b>	652	9.58	44.58
<b>Medium</b>	494	7.00	35.33
<b>Small</b>	132	11.08	34.25
<b>North</b>	221	13.33	30.92
<b>West</b>	105	9.92	44.58
<b>Southeast</b>	398	8.08	35.33
<b>Panhandle</b>	56	11.67	26.42
<b>Central</b>	271	7.25	29.58
<b>South</b>	174	7.50	38.67
<b>Northeast</b>	53	7.50	31.42
<b>Total</b>	1,278	8.50	44.58

The largest proportion of JPOs fell in the 0 to 3 year tenure range, but this is followed closely by the 7 to 9 year tenure category, which includes 17% of JPOs employed on October 1, 2015. The information presented in Figure 3 is consistent with the information presented above in Figure 1 - those with longer tenure tend to earn higher annual salaries.

**Figure 3: Full-Time Probation Line Officer Median Salary by Tenure Category**



It is important to understand the pay range for probation officers with 0 to 3 years of tenure, as this group reflects recruiting and early retention. Newer officers also serve as a reference group for people considering a career as a JPO. Furthermore, one fifth of all JPOs have less than 3 years of experience. Consistent with the pattern seen in JPO salaries overall, within this group of JPOs, median salary is also highest for those in large departments and lowest for those in small departments. Newer officer salaries by region do not align with overall JPO salaries by region, however. Departments in the Southeast report the highest median salary for those with 0 to 3 year tenure though they do not report the highest median overall salary.

**Table 4: Probation Line Officer Salary 0-3 Year Tenure**

	Minimum	Median	Maximum
<b>Large</b>	\$33,852	\$42,603	\$54,032
<b>Medium</b>	\$29,022	\$38,935	\$51,711
<b>Small</b>	\$27,567	\$36,350	\$44,557
<b>Southeast</b>	\$33,675	\$41,340	\$53,498
<b>North</b>	\$31,500	\$40,458	\$50,354
<b>South</b>	\$29,256	\$38,883	\$47,814
<b>Panhandle</b>	\$32,000	\$38,259	\$48,647
<b>Central</b>	\$27,567	\$37,296	\$49,920
<b>West</b>	\$31,168	\$35,650	\$54,032
<b>Northeast</b>	\$28,840	\$35,261	\$43,512
<b>Total</b>	\$27,567	\$40,230	\$54,032

## Probation Line Officer Turnover

The turnover for full-time JPOs for participating departments overall was 12.4% for fiscal year 2015. Medium departments had the highest turnover at 14.8% and small departments had slightly lower turnover than large departments. The higher rate for medium departments is consistent with the turnover reported in the 2003 TJPC study. Turnover varies by region with the northern regions (North, Panhandle, and Northeast) having the lowest turnover.

**Table 5: Full-Time Probation Line Officer Turnover FY 2015**

	Average # of Officers	# of Terminations	Turnover
<b>Large</b>	681.3	74	10.9%
<b>Medium</b>	547.3	81	14.8%
<b>Small</b>	136.0	14	10.3%
<b>North</b>	230.3	16	6.9%
<b>West</b>	111.0	13	11.7%
<b>Southeast</b>	423.8	61	14.4%
<b>Panhandle</b>	62.8	3	4.8%
<b>Central</b>	295.5	46	15.6%
<b>South</b>	184.3	25	13.6%
<b>Northeast</b>	57.0	5	8.8%
<b>Total</b>	1,364.5	169	12.4%

Table 6 shows the comparison of median salary with tenure and turnover. As expected, tenure and turnover appear inversely related with higher tenure associated with lower turnover.

Medium departments have slightly higher median salary than small departments but lower tenure and higher turnover. The North region has the highest median salary, longest median tenure, and next to lowest turnover. The two northern most regions (North and Panhandle) have higher median salaries than the overall median, the longest tenure, and the lowest turnover.

**Table 6: Full-Time Probation Line Officer  
Turnover FY 2015**

	Median Salary	Median Tenure	Turnover
<b>Large</b>	\$49,145	9.58	10.9%
<b>Medium</b>	\$42,764	7.00	14.8%
<b>Small</b>	\$42,306	11.08	10.3%
<b>North</b>	\$53,100	13.33	6.9%
<b>West</b>	\$47,671	9.92	11.7%
<b>Southeast</b>	\$47,408	8.08	14.4%
<b>Panhandle</b>	\$47,237	11.67	4.8%
<b>Central</b>	\$43,061	7.25	15.6%
<b>South</b>	\$42,145	7.50	13.6%
<b>Northeast</b>	\$40,202	7.50	8.8%
<b>Total</b>	\$46,394	8.50	12.4%

JPOs, with 169 terminations from responding departments, comprise just over a quarter of all full-time terminations (26.3%). The most prevalent known reason for JPO termination indicates

a new job or school (37.6%). Retirement was the next most reported reason (21.4%) followed by “Personal” reasons (13.7%). Only nine JPOs (7.7%) reported moving to a different probation department. Because 30.8% of all terminations indicate an “unknown” reason, it is difficult to describe fully the possible cause of JPO turnover.

**Table 7: Probation Line Staff Reasons for Termination**

	All		Known	
	N	%	N	%
<b>Coworkers</b>	1	0.6%	1	0.9%
<b>Dismissal for Cause</b>	12	7.1%	12	10.3%
<b>Facility/Position Closure</b>	1	0.6%	1	0.9%
<b>Health Related</b>	2	1.2%	2	1.7%
<b>Job/School</b>	44	26.0%	44	37.6%
<b>Transferred JPD's</b>	9	5.3%	9	7.7%
<b>Other - No Explanation</b>	2	1.2%	2	1.7%
<b>Personal</b>	16	9.5%	16	13.7%
<b>Relocation</b>	1	0.6%	1	0.9%
<b>Resigned</b>	4	2.4%	4	3.4%
<b>Retired</b>	25	14.8%	25	21.4%
<b>Unknown</b>	52	30.8%		
<b>Total</b>	169		117	

Just over a quarter (26.6%) of JPOs from responding departments left their position within three years of their hire date, with most leaving between one and two years from hire. For those leaving within 0 to 3 years, the primary known termination reason was “Job/School.”

**Figure 4: JPO Terminations in First Three Years**

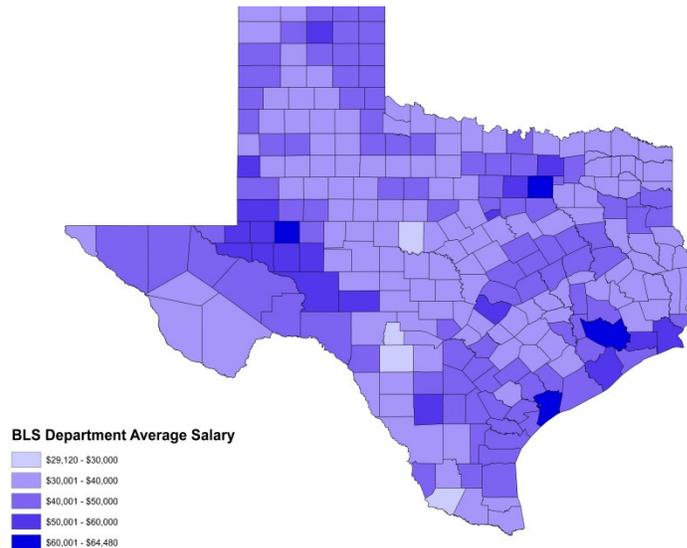


## Probation Line Officer Comparative Analysis

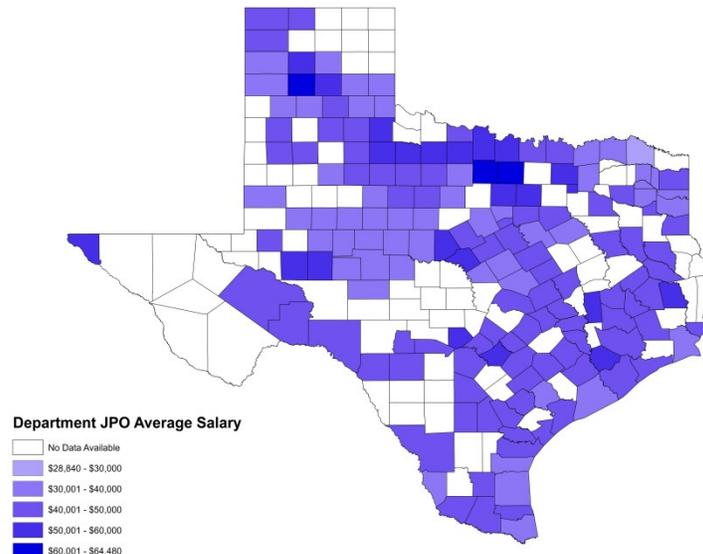
The Bureau of Labor Statistics (BLS) (Bureau of Labor Statistics, 2016) reports quarterly county employment and wages in the United States. BLS data was used to calculate average weekly salary by county; Figure 5 below represents the BLS average salary by department. Whereas the BLS report is by county, and this study addresses departments, the weighted average of all counties in the BLS report within a multi-county department was calculated and used instead of the individual county salary information.

Figure 6 represents the average JPO salary by department. Departments with white shading either did not submit salary information or did not have any full-time JPOs. The maps below demonstrate the difference in the department's overall average salary, based on the BLS report, and what was reported for full-time JPO's employed on October 1, 2015. This again is a demonstration of the variability in salary within and between regions and departments.

**Figure 5: BLS Department Average Salary**



**Figure 6: Department JPO Average Salary**



*Salary range comparison.* Specific comparable professions and salaries were reviewed to determine whether current juvenile probation officer salaries are competitive with positions of similar work and education requirements. The comparable professions examined include teachers, juvenile parole officers, adult parole officers, adult probation officers and child protective services specialist. While all of the comparable professions differ from the functions of juvenile probation in numerous ways, they all generally serve the public and either provide direct services to children or are a part of the Corrections and Community Supervision profession.

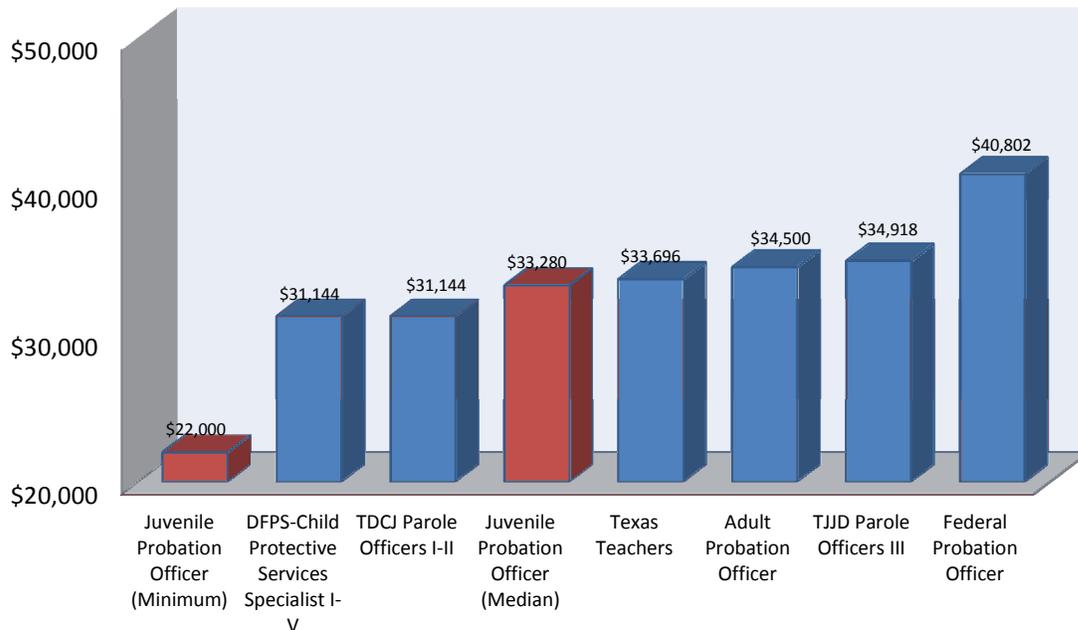
Salary range information was obtained for state positions through the SAO. State pay ranges are reviewed by the SAO regularly to determine market salary competitiveness. The SAO obtains salary information through salary surveys from both the public and private sectors every biennium. Actual salary data for state positions was obtained through the Texas Comptroller of Public Accounts. These positions include TJJJ parole officers, Texas Department of Criminal Justice (TDCJ) parole officers, and Texas Department of Family and Protective Services (DFPS) child protective services specialists. Teacher salary range information reflects the 2015-2016 Minimum Salary Schedule provided by the Texas Education Agency (TEA). Teacher salary information has been annualized to represent a full 12 months of employment as opposed to the 10-month contract salary for this comparison. Adult probation officer salary information was obtained through a convenience sample of vacant position postings and directly from adult probation administrators. Federal probation officer salary range information was obtained through a sampling of vacant positions. JPO salary information was obtained from the Supplemental Survey.

A review of the salary information for comparable positions revealed state employees, including TJJJ parole officers, TDCJ parole officers, and DFPS child protective services specialists along with federal probation officers and teachers all have a salary range that establishes minimum and maximum salary for their positions. Unlike the state and federal positions in large government entities, teachers are employed by independent school districts that institute their own salary schedules, though they must comply with the state minimum salary schedule for classroom teachers. Similarly, adult and juvenile probation officers are employed by independent county jurisdictions that institute their own salary schedules. However, unlike teachers, adult and juvenile probation officers do not have a state minimum salary schedule that establishes a statewide minimum salary for probation officers.

This comparative analysis began by examining the general structure of salaries for the identified job positions. Specifically, Figure 7 focuses on the minimum end of the salary range, as this plays a significant role in the recruitment of qualified applicants. Due to the absence of an established minimum, the JPO minimum value is represented by two measures: the lowest starting pay reported in the Supplemental Survey (\$22,000), and the median of all starting salaries reported (\$33,280). Of the seven professions, the JPO median starting salary ranks third lowest among starting salaries, ahead of child protective services specialist and adult parole officers. The JPO lowest starting pay reported (\$22,000) ranks the lowest at \$9,144 less than DFPS and TDCJ. The median starting salary over-represents the competitiveness in actual starting salary for some juvenile probation departments, as seen in Figure 7. The federal probation officer salary range offers the highest starting salary (\$40,802) while DFPS and TDCJ

offers the lowest minimum of the five established pay ranges (\$31,144) when comparing the median of the starting for JPOs.

**Figure 7<sup>5</sup>: FY 2016 Salary Range Minimum**

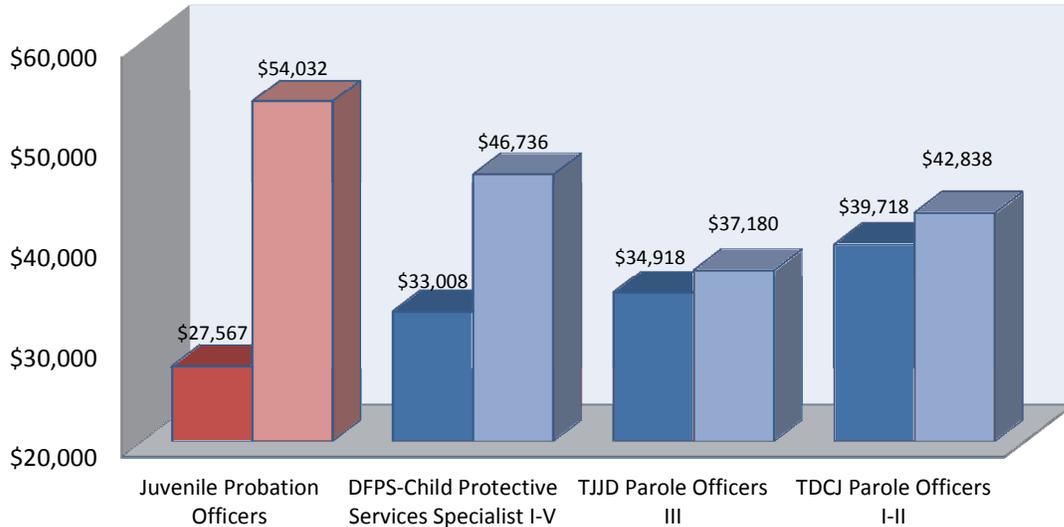


**Actual salary comparison.** While reviewing salary range is helpful to establish a general construct of the salaries offered in this field, reviewing actual salary data allows for a true examination of whether juvenile probation officers are competitively paid. Therefore, additional analysis was completed utilizing actual salary information provided by the Texas Comptroller of Public Accountants along with the JPO salary from the October 1, 2015 sample.

Figure 8 presents the actual pay range for JPOs and comparable positions, each with tenure of 36 months or less. A tenure range of 0 to 36 months was chosen to control for differences in salary that may be the result of differences in levels of experience. Though tenure was controlled for, controlling for all prior experience and estimating its impact on the reported salaries was not possible. Figure 8 reveals JPOs have the largest disparity between the actual salary minimum and maximum among the four groups, as well as the lowest minimum and the highest maximum of all four groups. The width of the salary range for JPOs underscores how much variation there is in probation officer salaries across the state.

<sup>5</sup> DFPS, TDCJ, TJJJ salary range obtained from SAO, Teacher salary range obtained from TEA, Federal salary range obtained from Court Personnel System Federal Pay Rate Table, Adult probation officer salary obtained through convenience sample of 20 counties, and juvenile probation officer salary represented by the minimum and median of Supplemental Survey (Range \$22,000 to \$47,071).

**Figure 8<sup>6</sup>: Actual Salary MIN/MAX, 0 to 36 Months Tenure**



Further analysis comparing county probation officers and TJJJ juvenile parole officers revealed that JPOs receive a higher annual median salary and have a lower turnover rate than TJJJ parole officers. Furthermore, juvenile probation officers have a higher Compa-ratio than do TJJJ parole officers using the parole officer salary range. As described in the Introduction section of this report, a Compa-ratio is a ratio of an employee’s actual salary to the midpoint of the applicable salary range. As shown in Table 8, JPOs also have greater salary range penetration than do TJJJ parole officers. Whereas the median salary for juvenile probation officers is at 57% of the applicable range, the median salary for TJJJ parole officers is at 27% of the applicable range.<sup>7</sup>

**Table 8: County and State Salary Comparison FY 2016**

Position Type	FY 16 Salary		Salary Range		Salary Range Penetration	Compa-ratio	Turnover FY15 - FT
	Median	Minimum	Midpoint	Maximum	Median	Median	
<b>Juvenile Probation Officer</b>	\$46,440	No state established range			57.0%	1.03	12.4%
<b>TJJJ Parole Officer III</b>	\$40,391	\$34,918	\$45,024	\$55,130	27.1%	0.90	18.2%

As shown in Table 9 below, JPOs also have a higher median salary, lower turnover, and greater salary range penetration than TDCJ Parole Officers. Whereas the median salary for JPOs was \$46,440 in FY 2016, the median salary for TDCJ Parole Officers was only \$44,661. JPOs had a turnover rate of 12.4% in FY 2015, compared to 17.5% for TDCJ officers.

<sup>6</sup> DFPS, TDCJ, TJJJ salary data obtained from Texas Comptroller of Public Accountants. JPO salary information obtained from the October 1, 2015 sample.

<sup>7</sup> The applicable salary range provided by the SAO.

**Table 9: County and State Salary Comparison FY 2016**

Position Type	FY 16	Salary Range			Salary	Compa-ratio	Turnover
	Salary	Minimum	Midpoint	Maximum	Range		
	Median				Penetration	Median	FY15 - FT
<b>Juvenile Probation Officer</b>	\$46,440	No state established range			73.2%	1.12	12.4%
<b>TDCJ Parole Officer I - II</b>	\$44,661	\$31,144	\$41,595	\$52,045	64.7%	1.07	17.5%

A comparison of actual pay practices yields similar results to a comparison of pay ranges. Though median salaries are higher for JPOs than for comparable positions at TJJD or TDCJ, the lack of established minimum salaries means entry-level salaries are lowest and the pay range is widest for JPOs (Figure 8, above). It should be noted that salary range minimums likely understate actual minimums in many agencies. For example, the salary range minimum for child protective services specialist is \$31,144, but the DFPS website advertises a starting salary of \$32,975. Additionally, for TDCJ parole officers, a pay range minimum of \$31,144 is specified as shown in Table 9. However, TDCJ’s website advertises an annual salary of \$39,718 for the first year with a pay increase after 12 months of employment. This examination of the actual pay practices of competing employers confirms that low-level entry salaries for probation officers may pose a recruiting problem for some probation departments in the state.

## Supervision Line Officer Salary

The minimum education requirement for juvenile supervision officers (JSO) is graduation from a standard senior high school or its equivalent. Some departments require a higher level of education, based on their own needs. An applicant must also be certified with the state as a JSO within six months of hire by participating in 80 hours of mandatory training, followed by 80 hours of additional related training every 24 months to maintain certification. Generally, a JSO performs his or her duties in a pre- or post-adjudication facility. These duties include monitoring juveniles' activities, programs, and behaviors, performing contraband searches; transporting juveniles as needed; investigating incidents and preparing reports; and assisting with implementing group and individual treatment plans. They often are required to work shift schedules, and on weekends and during holidays to provide 24-hour care for youth in custody. While the majority of supervision officers have the primary function of supervising youth in confined pre-adjudication and post-adjudication secure facility settings, many also supervise youth in less restrictive settings such as day programs, halfway houses, and during other activities conducted in the community.

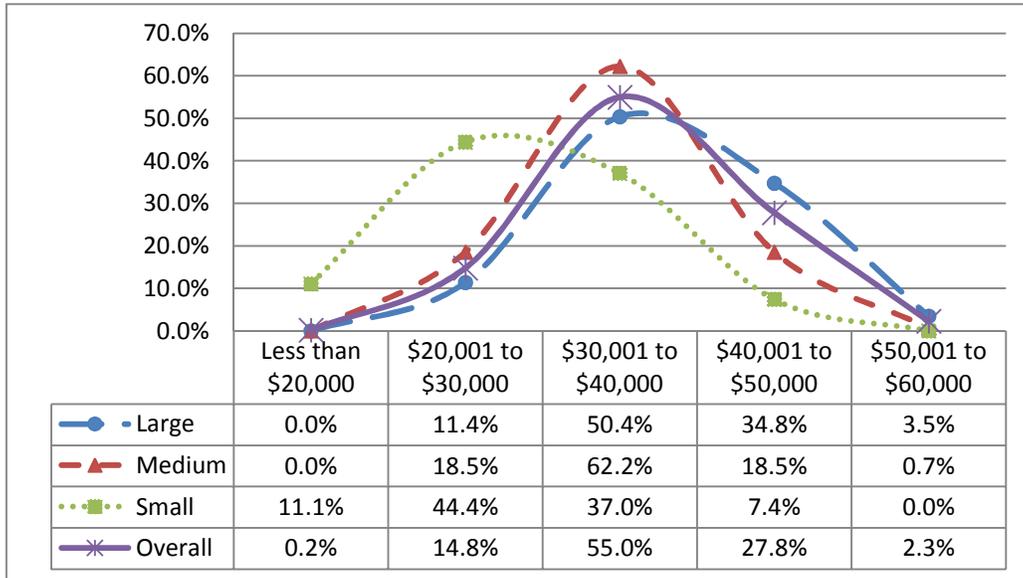
Salary information was collected on 1,793 JSOs who were employed as of October 1, 2015, based on submitted information. The overall median salary for full-time JSOs at this time was \$36,120. Large departments reported the highest median salary followed by medium departments. Similar to probation line officer salaries, no discernable pattern emerged when analyzing salary by region.

**Table 10: Full-Time Supervision Line Officer Salary Range**

	N	Minimum	Median	Maximum
<b>Large</b>	1,038	\$27,180	\$36,610	\$56,243
<b>Medium</b>	728	\$21,985	\$33,694	\$58,358
<b>Small</b>	27	\$18,500	\$25,563	\$49,929
<b>North</b>	137	\$31,060	\$42,094	\$55,901
<b>Panhandle</b>	81	\$27,344	\$38,382	\$58,358
<b>Southeast</b>	675	\$26,170	\$38,337	\$56,243
<b>West</b>	148	\$18,500	\$34,739	\$53,601
<b>Central</b>	485	\$22,602	\$33,516	\$50,274
<b>South</b>	211	\$21,985	\$32,716	\$50,638
<b>Northeast</b>	56	\$23,546	\$28,254	\$42,160
<b>Total</b>	1,793	\$18,500	\$36,120	\$58,358

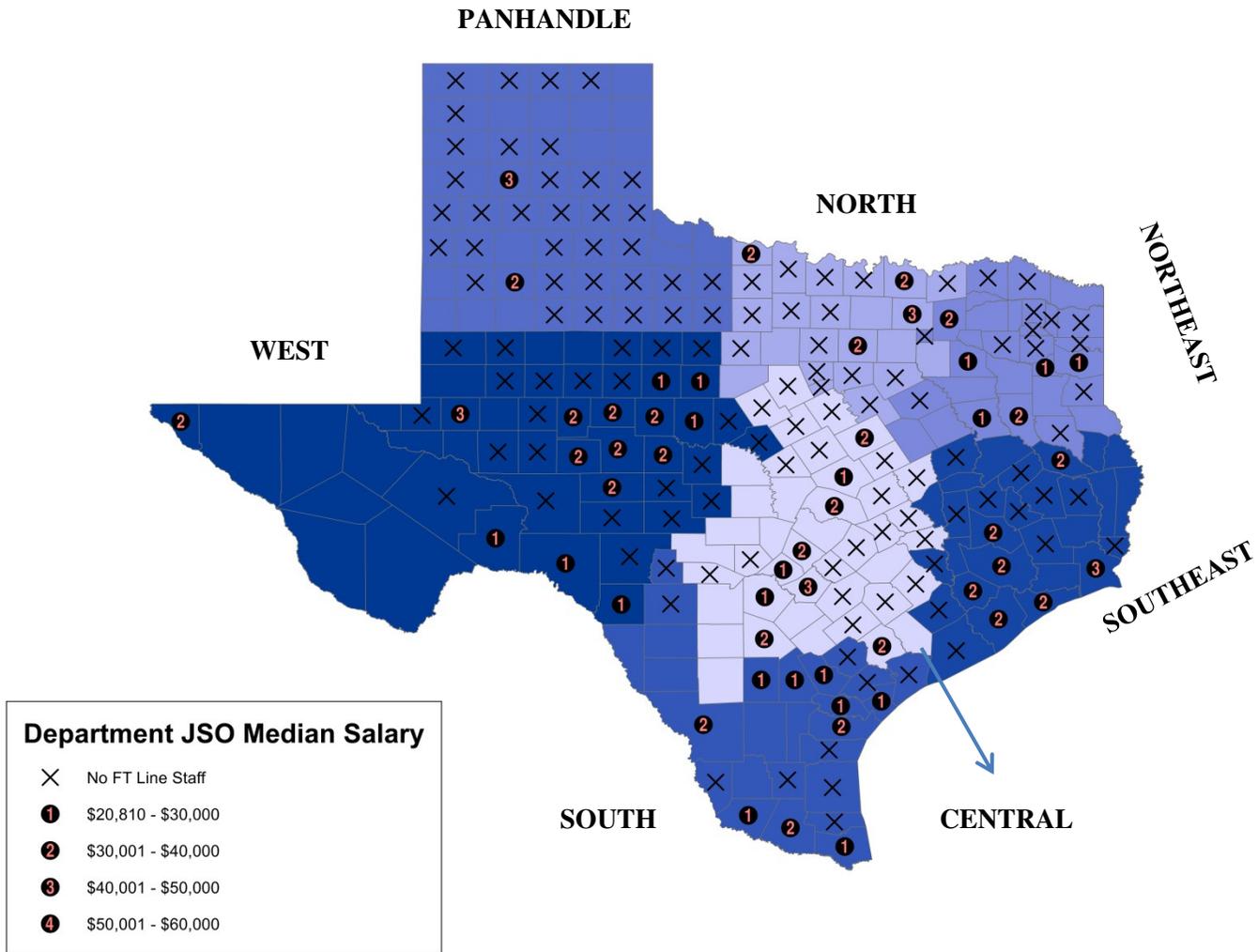
Over half (55.0%) of JSOs fell in the \$30,001 to \$40,000 salary category. A large majority of JSOs (83.1%) fell below the full-time median salary of \$41,759 for all certified officers and 75.9% fell below the full-time line staff median salary of \$40,001, indicating that JSOs are generally lower paid than are other certified personnel in probation departments. As shown in Figure 9, JSOs in small departments are often paid the least. Small departments were the only department size category in which most JSOs did not fall in the \$30,001 to \$40,000 salary range – 56% of small department JSOs are paid less than \$30,000 per year.

**Figure 9: JSO Full-Time Salary by Department Size**



Among departments that employ JSOs, there is variation across departments within a given region, with many neighboring departments paying unequal amounts, as shown in Figure 10. In the Supplemental Survey, some departments described this as posing a threat to retention, as these departments are unable to keep up with the pay offered by neighboring departments for the same or similar positions.

**Figure 10: Department JSO Median Salary**



## Supervision Line Officer Tenure

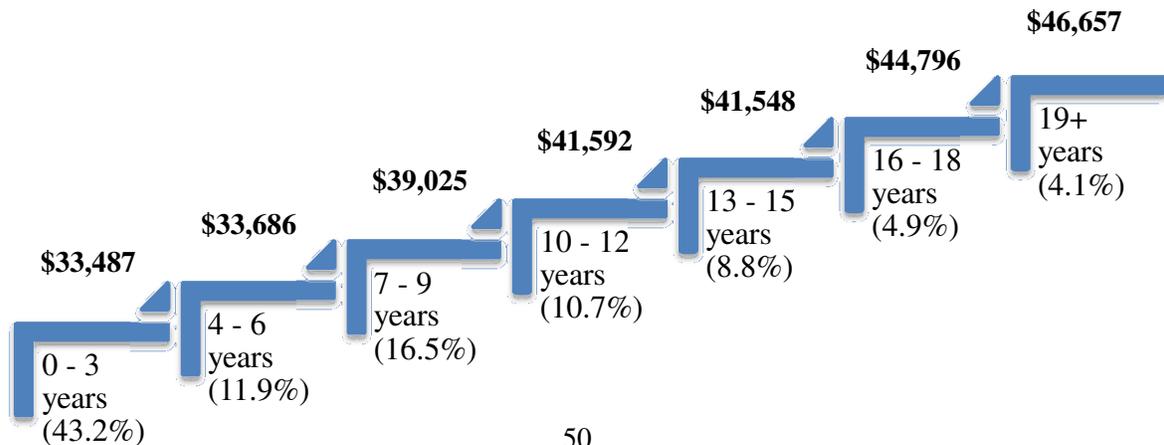
The overall median tenure for full-time JSOs, as of October 1, 2015, was 4.4 years. Large departments reported the longest median tenure while medium and small departments both reported 3.3 years median tenure. The North region reported the longest median tenure. This is consistent with the idea that as tenure increases, so too does salary, as the North region also reported the highest median salary. However, the Panhandle reported the second highest median salary but tied for the fifth longest tenure of all seven regions. This again demonstrates the variability of salary and tenure between and within regions.

**Table 11: Full-Time Supervision Line Officer Tenure**

	N	Median	Maximum
<b>Large</b>	1038	6.79	30.58
<b>Medium</b>	728	3.33	37.33
<b>Small</b>	27	3.33	27.33
<hr/>			
<b>North</b>	137	7.33	22.67
<b>Panhandle</b>	81	3.25	20.75
<b>Southeast</b>	675	6.67	30.58
<b>West</b>	148	7.13	27.33
<b>Central</b>	485	3.25	26.00
<b>South</b>	211	2.67	37.33
<b>Northeast</b>	56	3.13	19.92
<hr/>			
<b>Total</b>	1793	4.42	37.33

Though there is variability by region, overall salaries increase as tenure increases. The largest share of full-time JSOs fell into the 0 to 3 year tenure category (43.2%), suggesting a less experienced work force. The next highest percentage (16.5%) fell into the 7 to 9 year tenure category.

**Figure 11: Full-time Supervision Line Officer Median Salary by Tenure Category**



With 43% of full time JSOs falling into the 0 to 3 year tenure category range, it is important to understand better the pay range for this group. Similar to the overall salary trend, median salary is highest for large departments, followed by medium and then small. However, the pattern does not remain when analyzing median salary by region, where the Panhandle reports the highest median salary for 0 to 3 year salary but the second highest for overall median salary.

**Table 12: Supervision Line Officer Salary 0-3 Year Tenure**

	Minimum	Median	Maximum
<b>Large</b>	\$27,180	\$34,905	\$46,249
<b>Medium</b>	\$21,985	\$32,713	\$53,040
<b>Small</b>	\$22,602	\$31,572	\$38,904
<b>Panhandle</b>	\$27,344	\$38,016	\$43,628
<b>North</b>	\$31,060	\$36,120	\$41,823
<b>Southeast</b>	\$26,170	\$34,905	\$40,161
<b>West</b>	\$24,750	\$33,109	\$53,040
<b>South</b>	\$21,985	\$32,716	\$46,249
<b>Central</b>	\$22,602	\$29,208	\$44,500
<b>Northeast</b>	\$23,546	\$28,254	\$31,371
<b>Total</b>	\$21,985	\$33,487	\$53,040

## Supervision Line Officer Turnover

The turnover for full-time JSOs for participating departments was 25.5% for fiscal year 2015. Medium departments had the highest turnover at 31.2% and large departments had the lowest at 21.1%. The higher rate for medium departments is consistent with the turnover reported in the 2002 study. Turnover varies by region with the North region having the lowest turnover.

Many departments report utilizing part-time JSOs regularly on an as needed basis in facilities. For this reason, part-time terminations are included in Table 13 to demonstrate the effect of part-time employees on turnover. Of the 162 part-time employees at reporting departments that terminated in fiscal year 2015, 96.3% were classified as part-time JSOs. JSO turnover is higher including part-time officers, however the trends by department size and region are the same with medium departments having the highest turnover.

**Table 13: Supervision Line Officer Terminations All Positions vs. Full-Time Turnover**

	Full-Time Only			All Positions		
	Average # of Officers	# of Terminations	Turnover	Average # of Officers	# of Terminations	Turnover
<b>Large</b>	1,108.3	234	21.1%	1,179.0	261	22.1%
<b>Medium</b>	869.8	271	31.2%	1,047.0	385	36.8%
<b>Small</b>	31.5	8	25.4%	59.3	17	28.7%
<b>North</b>	147.3	22	14.9%	167.5	24	14.3%
<b>Panhandle</b>	97.5	29	29.7%	122.3	37	30.3%
<b>Southeast</b>	718.3	163	22.7%	803.3	200	24.9%
<b>West</b>	156.0	33	21.2%	169.0	41	24.3%
<b>Central</b>	555.0	162	29.2%	632.5	220	34.8%
<b>South</b>	264.8	78	29.5%	307.8	109	35.4%
<b>Northeast</b>	70.8	26	36.7%	83.0	32	38.6%
<b>Total</b>	2,009.5	513	25.5%	2,285.3	663	29.0%

Table 14 shows the comparison of median salary with tenure and turnover. In general, higher salaries are associated with longer tenure and lower turnover. Tenure and turnover appear inversely related in results by department size, with higher tenure associated with lower turnover. Large departments have the highest median salary, longest median tenure, and lowest turnover. However, medium departments have median salaries closer to large departments but the highest turnover. Across regions and except for the Panhandle region, median salary is inversely related to turnover with higher median salary associated with lower turnover. The North region has the highest median salary, longest median tenure, and lowest turnover.

**Table 14: Full-Time Supervision Line Officer  
Turnover FY 2015**

	Median Salary	Median Tenure	Turnover
<b>Large</b>	\$36,610	6.79	21.1%
<b>Medium</b>	\$33,694	3.33	31.2%
<b>Small</b>	\$25,563	3.33	25.4%
<b>North</b>	\$42,094	7.33	14.9%
<b>Panhandle</b>	\$38,382	3.25	29.7%
<b>Southeast</b>	\$38,337	6.67	22.7%
<b>West</b>	\$34,739	7.13	21.2%
<b>Central</b>	\$33,516	3.25	29.2%
<b>South</b>	\$32,716	2.67	29.5%
<b>Northeast</b>	\$28,254	3.13	36.7%
<b>Total</b>	\$36,120	4.42	25.5%

JSOs, with 513 terminations from responding departments, made up the largest termination group by position, comprising 76.8% of the entire termination sample and 72.4% of the full-time termination sample. The primary known reason for leaving was for a new job or school (32.7%). The next most common reason for JSO termination was “Dismissal for Cause” (18.4%). Of the known reasons, only five (1.6%) JSOs reportedly left for a different juvenile probation department. Because 204 terminations (39.8%) cited “unknown” reasons for terminations, it is difficult to discern from the reported reasons for termination why this group has the highest turnover.

**Table 15: Supervision Line Staff Reasons for Termination**

	All		Known	
	N	%	N	%
<b>Abandoned Position</b>	4	0.8%	4	1.3%
<b>Dismissal for Cause</b>	57	11.1%	57	18.4%
<b>Health Related</b>	7	1.4%	7	2.3%
<b>Job/School</b>	101	19.7%	101	32.7%
<b>Lack of Opportunity</b>	1	0.2%	1	0.3%
<b>Transferred JPD's</b>	5	1.0%	5	1.6%
<b>Other - No Explanation</b>	12	2.3%	12	3.9%
<b>Personal</b>	56	10.9%	56	18.1%
<b>Relocation</b>	5	1.0%	5	1.6%
<b>Resigned</b>	27	5.3%	27	8.7%
<b>Retired</b>	23	4.5%	23	7.4%
<b>Salary</b>	11	2.1%	11	3.6%
<b>Unknown</b>	204	39.8%		
<b>Total</b>	513		309	

Most full-time JSOs terminated within 0-3 years of their date of hire (69.2%). The 355 full-time JSOs who left within the first three years of hire contributed 87.9% of all terminations within this tenure category and just over half (51.3%) within this broader category terminated within the first year of hire. The primary known reason for termination of those leaving within three years of hire was for another job or for school.

**Figure 12: JSO Terminations within the First Three Years**

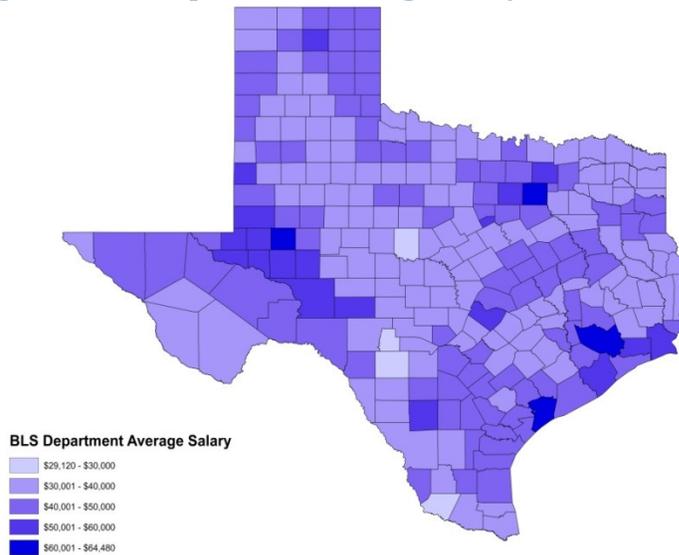


## Supervision Line Officer Comparative Analysis

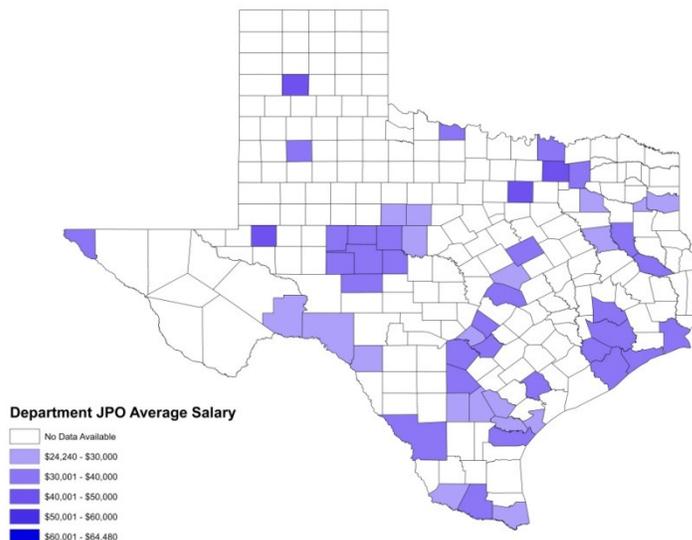
As described above, the Bureau of Labor Statistics (BLS) reports quarterly county employment and wages in the United States. BLS data was used to calculate average weekly salary by county. Figure 13 represents the BLS average salary by department. Since the BLS report is by county, whereas this study is by department, the weighted average of all counties in the BLS report within a multi-county department was calculated and used instead of the individual county salary information.

Figure 13 represents the same BLS data as the map referenced earlier, but serves to highlight the differences between JSO salary and the BLS averages. Figure 14 shows the average salary for full-time JSOs. Departments shaded with white either did not submit any salary information or had no full-time JSOs. Of note, the average JSO salary was not above \$50,000 in any department in the state.

**Figure 1: BLS Department Average Salary**



**Figure 2: Department JPO Average Salary**

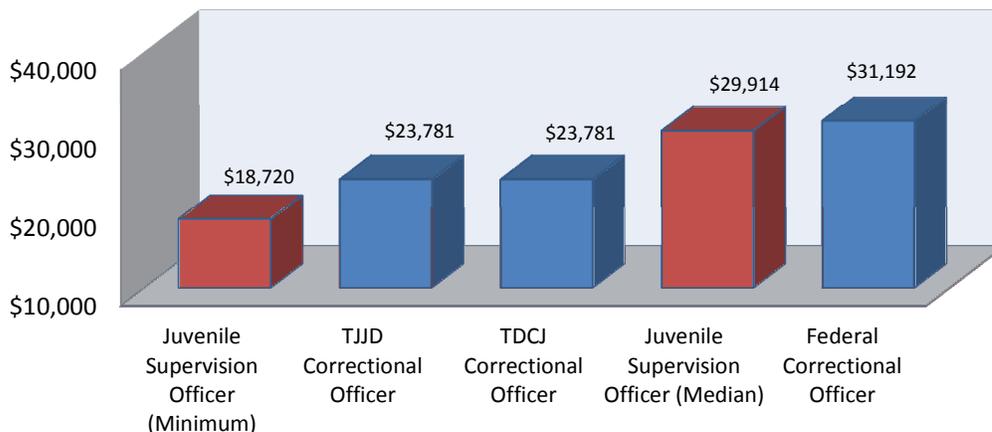


**Salary range comparison.** Specific comparable professions with similar education requirements and primary job functions were reviewed to determine whether JSOs receive competitive pay. Included in the comparisons are correctional officer positions with TJJD, TDCJ and the federal Bureau of Prisons, as they all entail supervising justice involved individuals, primarily in a correctional setting.

Salary range information was obtained for state positions (TJJD and TDCJ Parole) through the SAO. Actual salary information was provided by the Texas Comptroller of Public Accounts. Federal correctional officer salary range information was obtained through the Salary Table 2015-GS from the Office of Personnel Management (OPM). In addition to the general salary scale values, the federal government allows for an additional locality payment percentage increase for the locality pay areas of Dallas-Fort Worth (20.7%) and Houston, Baytown and Huntsville (28.7%). Data used for the JSO minimum salary range includes both the minimum and median starting salary reported in the Supplemental Survey. This allows the entire sample to be represented as well as recognizing the true minimum salaries earned throughout the state.

A review of the salary information for comparable positions revealed state employees along with federal employees have an established minimum and maximum salary range for their position. The majority of certified JSOs are employed by a county level government agency with no state established salary parameters. Figure 15 represents a comparison between the existing pay range minimum salary for state and federal positions along with the median starting salary for JSOs. Of the four groups, the median starting salary for JSOs ranked second highest. However, JSOs reported the lowest potential starting salary of all four groups. The lowest reported minimum starting salary for a JSO (\$18,720) is \$5,061 less than the salary range minimum for a TJJD corrections officer (\$23,781.00). The difference between the minimum and competitive median salary for JSOs is attributed to the variability in salaries offered across the state. Federal corrections officers represent the highest starting salary in this salary range comparison (\$31,192).

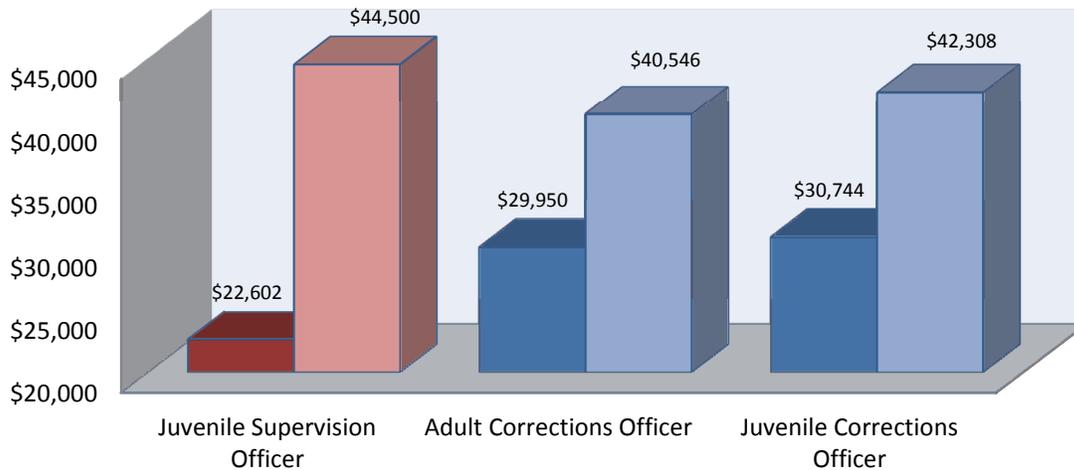
**Figure 15<sup>8</sup>: FY 2016 Salary Range Minimum**



<sup>8</sup> State salary range was obtained from SAO, Federal salary range was obtained from OPM, JSO salary data was obtained from the Supplemental Survey (range from \$18,720 to \$42,117).

**Actual salary comparisons.** Reviewing actual salary data allows for a true examination of whether JSO salaries are competitive. Given the frequent concern expressed by juvenile probation department administrators regarding low pay as one of the primary barriers to hiring and retention, the actual minimum and maximum salaries were compared for those with 36 months or less tenure. The salaries in Figure 16 for TDCJ and TJJJ parole are from the Texas Comptroller of Public Accounts while the JSO salary is from the October 1, 2015 sample. This table indicates JSOs receive the lowest minimum salary as well as the highest maximum salary, reiterating the finding of salary variability within the same certified position across the state. Some JSOs (\$22,602) are paid \$7,348 less than TDCJ correctional officers and \$8,142 less than TJJJ correctional officers when actual minimum salaries are compared.

**Figure 16<sup>9</sup>: Actual Annual Salary MIN/MAX, 0 to 36 Months Tenure**



<sup>9</sup> TDCJ and TJJJ salary data obtained from Texas Comptroller of Public Accountants. JSO salary information obtained from the October 1, 2015 sample.

When comparing JSOs to juvenile correctional officers, regardless of tenure, the salary range penetration for JSOs was less than a juvenile correctional officer employed with TJJJ using the correctional officer salary range. However, JSOs have a lower turnover than do TJJJ correctional officers. A recent change in position classification has occurred within TJJJ which impacts the data represented in Table 16. During FY 15 TJJJ classified correctional officers I – VI as line officers, thus the FY 15 turnover figures represent data for TJJJ correctional officers I – VI. Beginning in FY 16, TJJJ correctional officers VI were considered supervisory positions, thus the FY 16 salary data represents TJJJ correctional officers I - V.

**Table 16: County and State Salary Comparison FY 2016**

Position Type	FY 16 Salary				Salary Range Penetration	Compa-ratio	Turnover	
	Median	Minimum	Midpoint	Maximum	Median	Median	FY15	FY15 - FT
<b>Juvenile Supervision Officer</b>	\$36,120	No state established range			39.4%	0.92	29.0%	25.5%
<b>TJJJ Correctional Officer I-V</b>	\$38,538	\$23,781	\$39,456	\$55,130	47.1%	0.98	31.9%	32.0%
<b>TDCJ Correctional Officer I-V</b>	\$40,546	\$23,781	\$39,456	\$55,130	53.5%	1.03	26.1%	25.8%

Correctional officer jobs posted with both TJJJ and TDCJ are advertised at a higher starting salary than their actual pay range minimum. TDCJ posts the starting salary for a CO I as \$2,695 for the first two months on the job with periodic pay increases. This annualizes to a salary of \$32,346, which is \$8,565 more than the minimum pay range salary of \$23,781. TJJJ shares the pay range minimum salary of \$23,781 but posts a starting salary of \$30,743 for vacant positions. Given the considerable difference in posted starting salary for some counties there is support to suggest both state entities are strong competitors for departments that are seeking similarly qualified applicants, but are not able to provide comparable pay.

## Discussion and Recommendations

Recruiting, hiring, and retaining qualified juvenile probation staff is important for both state and county government in order to provide juvenile justice services to youth. While not the only reason for difficulties in staff recruitment, hiring, and retention cited by local administrators, salary is a key issue expressed across the state. County juvenile probation departments must compete with other employers, including those in similar fields working with youth or justice-involved individuals, either juvenile or adult, for qualified staff.

This study focused on salary, tenure, and turnover for probation and supervision line officers in county juvenile probation departments. Determining a relationship between salary, tenure, and turnover did not lead to a clear pattern by department size and region for the 117 departments analyzed. In general, larger departments and departments in the North region had higher median salaries, longer median tenure, and lower turnover, particularly for supervision line officers, but the pattern was not consistent across all regions. There was some relationship between median salary and turnover across regions with turnover decreasing as salary increased, particularly for supervision officers, suggesting that salary is important but not the only determining factor. Just over a quarter of probation line officers and 69% of supervision line officers leaving during fiscal year 2015, left their position within three years of their hire date. Of the known responses in the current study, the primary termination reason was a different job or school, which may include salary in the decision to terminate.

When compared to other professions with similar educational requirements and job descriptions, juvenile probation line officers had a median salary competitive with juvenile and adult parole officers and above the market rate as determined by SAO for the state positions. Juvenile supervision line officers had a median salary at the lower end of the acceptable ratio<sup>10</sup> compared to juvenile and adult correctional officers, and below the actual median salaries for each of the state groups. The turnover for full-time JSOs was comparable to adult correctional turnover and lower than juvenile correctional turnover, however the turnover rate is high (25.5%), and the costs associated with this high turnover impact state and county funding for community juvenile justice.

One clear issue emerged for the overall full-time line sample: the newly hired probation and supervision officers at some departments are hired in at a salary much lower than other, similar professions. The median starting salary across the state for JPOs was above the state minimum salary only for DFPS child protective services specialist and TDCJ parole officers. Indeed, JPOs in some departments start at salaries below all other comparison groups. In addition, both the DFPS child protective services specialist and TDCJ parole positions are posted at rates higher than the minimum with TDCJ parole 19% above the JPO median starting salary. For JSOs, the median starting salary across the state was above the state minimum salary for TJJD and TDCJ correctional officers, but below the posted pay. JSOs at some departments start at salaries below these state minimums. Though salary increased as tenure increased for both JPOs and

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<sup>10</sup> As described in Section I of this report, an employee with a Compa-ratio below .9 is considered to be at risk of leaving a job due to low pay.

JSOs, one-quarter of JPO and over two-thirds of JSO terminations occurred within the first three years, indicating many JSOs never move up through the salary groups.

## Recommendations

Overall, both JPO and JSO salaries had the widest range between the minimum reported salary and the maximum reported salary when compared to other similar professions for individuals employed for 36 months or less. Additionally, both JPO and JSO actual salary minimums were lower than comparable professions.

This brings to the forefront the primary recommendation regarding salary: stabilizing pay across the state of Texas to reduce competition between departments, and with other agencies and industries, for quality employees. By providing a set minimum pay, departments will be better equipped to provide a longevity incentive for both JPOs and JSOs, which is often a key element in effective retention. This will also narrow the pay gap between the minimum and maximum actual salaries.

Based on analysis for comparable positions, teachers provide an excellent example of collaboration between a State agency and independent units of said agency for a set pay range. Per TEA, each Independent School District (ISD) must pay a minimum starting salary, which increases with years of experience in accordance with Texas Education Code<sup>11</sup>. It is at the discretion of each ISD whether they want, need, or are able to pay more. However, no ISD can pay less than the set minimums. A similar approach could be used with JSO and JPO salaries. Therefore, to reduce turnover and create a more stable workforce, each department could make the following changes:

- Establish a minimum starting salary for Juvenile Supervision Officers to ensure consistency across the state.
- Establish a minimum starting salary for Juvenile Probation Officers to ensure a consistency across the state.
- To assist in the establishment of these minimums and provide additional funding for salaries as needed, request additional appropriations to remain competitive in the job market.

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<sup>11</sup> 2 Tex. Edu. Code § 21.402(a)

## References

Bureau of Labor Statistics. (2016). County employment and wages in Texas – Third quarter 2015. Retrieved April 15, 2016, from [www.bls.gov/regions/southwest](http://www.bls.gov/regions/southwest)

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State Auditor's Office (2015). *An annual report on classified employee turnover for fiscal year 2015* (Report No. 16-702). Retrieved January 19, 2016, from <https://www.sao.texas.gov/reports>

Texas Juvenile Probation Commission. (2003). *A follow-up study: Turnover rates of juvenile probation department personnel in Texas*. Austin, TX: Author.

Tolbert, V., Davenport, L. Friedman, K., Haghighi, B. and Schwank, J. (2000). *A study of salaries and turnover rates of juvenile probation department personnel in Texas*. Austin, TX: Texas Juvenile Probation Commission.





**Texas Juvenile Justice Department  
Safety and Security Committee Meeting  
Texas Juvenile Justice Department  
11209 Metric Blvd. Bldg. H Ste. A, Lone Star Conference Room  
Austin, TX, 78758  
Thursday, May 19, 2015, 1:00 pm**

**BOARD MEMBERS PRESENT:**

The Honorable Laura Parker, Committee Chair  
Riley Shaw  
The Honorable John Brieden (Non-Committee member)  
Scott W. Fisher (Non-Committee member)

**EXECUTIVE STAFF PRESENT:**

David Reilly, Executive Director  
Jill Mata, General Counsel  
Roland Luna, Chief Inspector General  
Eleazar Garcia, Chief Auditor  
Chelsea Buchholtz, Chief of Staff

**OTHER GUESTS PRESENT:**

Kevin DuBose, TJJD  
Kaci Singer, TJJD  
Melanie Cleveland, TJJD  
Vivian Cohn, TJJD  
Fred Meinke, TJJD  
Karen Kennedy, TJJD  
Karol Davidson, TJJD

**BOARD MEMBERS ABSENT**

The Honorable Carol Bush  
  
Jeannette Cantu, Executive Assistant  
Teresa Stroud, Senior Director of State  
Programs and Facilities  
Luther Taliaferro, Superintendent of Education  
Services  
  
Debbi McDaid, TJJD  
Steve Roman, TJJD  
Matthew Segura, TJJD  
Stephanie Melot, TJJD  
Kyle Dufour, TJJD  
Jeannette Lepe, TJJD

### **Call to Order**

Judge Parker called the meeting to order at 1:32 p.m.

### **Discussion, consideration, and possible approval regarding the August 27, 2015 meeting minutes**

Riley Shaw moved to approve the August 27, 2015 Safety and Security committee meeting minutes. Becky Gregory seconded. The motion passed.

### **Discussion, consideration, and possible approval regarding the November 12, 2015 meeting minutes**

Riley Shaw moved to approve the November 12, 2015 Safety and Security committee meeting minutes. Becky Gregory seconded. The motion passed.

### **Discussion, consideration, and possible approval regarding the January 28, 2016 meeting minutes**

Judge Parker moved to approve the January 28, 2015 Safety and Security committee meeting minutes. Becky Gregory seconded. The motion passed.

### **Office of the Inspector General Update**

Roland Luna, Chief Inspector General, presented his report providing an update to the committee on summary indicators through March 31, 2016 in comparison to FY 2015. Of noteworthy importance, while there is a 33% increase in the number of criminal investigations retained by the OIG, there has been a 13% decrease in the number of cases submitted for prosecution. In response to a comment from Judge Brieden, Chief Luna confirmed that 23% of the youth are confirmed as gang related. The OIG has continued its work with the Special Prosecution Unit to improve workflow and disposition tracking as well as its work with the Training Division on the Gang Curriculum.

In honor of National Police Week, Chief Luna recognized OIG employees, Xavier Casares, Lizette Hinojosa and Shaun Thompson for their work with the OIG division and dedication to supporting the TJJJ mission.

### **Administrative Investigations Division**

Kevin DuBose, Director of the Administrative Investigations Division (AID), provided an update to the committee on summary comparison for the time period of September 1, 2015 through March 31, 2016 for the County Investigations and State Investigations Units. Consistent with Chief Luna's report, the AID has seen an increase in overall cases reported. There has not been an increase in the number of cases with confirmed allegations. Not shown in the report, AID has undertaken an initiative to eliminate the number of backlog cases. These are cases from FY 2014 and FY 2015. As of December 2015, AID is fully staffed and now able to address the backlog of cases. Significant progress has been made thus far and it's expected that AID will have eliminated all backlog cases by the time of the next Board meeting.

### **State Programs and Facilities Update**

The secure facilities population is 8.2% above budgeted capacity, with Gainesville and Mart carrying the largest overage. The State Programs and Facilities Division is engaged in weekly collaboration with the Centralized Placement Unit to ensure appropriate admission, release and transition of youth as they become eligible. Ms. Stroud responded to Mr. Shaw's question, regarding the current youth population being at 9.5%, stating 1093 youth are in secure facilities and 118 at halfway houses.

Ms. Stroud announced the promotion of Mike Studamire to Superintendent at the Gainesville State School Effective May 1, 2016. Mr. Studamire has more than 15 years with TJJD including working in positions as Director of Security, Program Specialist and Assistant Superintendent. Most recently, he served as Assistant Superintendent at Gainesville for the last eight years and was Interim Superintendent for a few months following the retirement of former Superintendent Paul Bartush.

Gainesville State School is in the final stages of preparation for opening a PAWS dorm for the male population at that facility. A great deal of work has been completed to create community partnerships and prepare a previously vacant dorm for the program.

After months of planning and scheduling, intramural activities are underway at each of the secure facilities and McFadden House in Roanoke, TX. Eligible youth at McFadden have now twice visited the Gainesville facility to compete in basketball; silly Olympics are also planned. Sports and schedules on each campus vary.

TJJD has participated in Global Youth Service Day for several year and has served as a lead agency, receiving \$3,000 in funding to disperse as mini-grants to community advisory councils across the state supporting Global Youth Service Day (YSA) projects by TJJD Youth. Fifty community service-learning projects were planned this year statewide engaging 3,000 youth.

In an effort to help train, mentor and coach staff at the Evins facility and work on improving the overall facility culture, staff from sister facilities visited Evins, including Facility Improvement Teams (FIT TEAMS), STAR teams managers and administrators during the vacancy of both a Superintendent and Asst. Superintendent. Additionally, small teams of supervisory staff are visiting the Ron Jackson facility shadowing staff on the Orientation and Assessment dorms for training on dorm life, schedules, behavior groups, movement and supervision beginning late April through early June. They received a positive report from the Ombudsman's office today.

The Treatment Services division received news yesterday that it is now accredited by the American Psychological Association for the first time. This accreditation will allow the agency to recruit and retain high quality psychology staff more easily. Mr. Riley will share more detail in the Board meeting.

The Worker's Compensation rates have increased. This report goes back to February and the numbers are fluctuating. Director Chip Walters will assess why the Evins facility rates are high.

**Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §385.9941 (Response to Ombudsman Reports) and §385.9951 (Death of a Youth)**

Teresa Stroud, Senior Director of State Programs and Facilities, stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor typographical corrections. Judge Parker moved that the committee recommend approval to the Board. Mr. Shaw seconded. The motion passed.

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

- a. **Corey Hardy; 16-13671-160016; 13671 (Galveston)**
- b. **Julio Ruelas; 15-27570-140376; 27570 (Bexar)**
- c. **Alice Basquez; 15-28272-150327 (Garza)**
- d. **Edgar Mendez; 16-29118-150318 (Cameron)**

Kyle Dufour, Staff Attorney, presented the agreed orders. Judge Parker abstained from the order regarding Bexar County, item b. Mr. Shaw moved to recommend the Board approve the agreed orders for items a, c, and d. Ms. Gregory seconded. The motion passed. Mr. Shaw moved to approve the agreed order for item b. Ms. Gregory seconded. The motion passed.

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

- a. **Miguel Turcios; 15-28684-150262; 28684 (Nueces)**

Mr. Dufour presented the default judgement order. He stated the officer did not respond to the agency's notice. Mr. Shaw moved to recommend the Board approve the default judgement order. Ms. Gregory seconded. The motion passed.

**Adjourn**

Judge Parker adjourned at 2:01 p.m.





TEXAS  
JUVENILE JUSTICE  
DEPARTMENT

## Memorandum

To: TJJD 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: July 18, 2016

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Population: (as of 07/13/16)

Programs	Budgeted	Actual	Female Pop	Over Under	Percent
Evins	136	115	*	-21	(-15.4%)
Gainesville	192	242	.	50	<b>26.0%</b>
Giddings	205	220	.	15	<b>7.3%</b>
RJ Young Offenders	20	11	.	-9	( 45.0%)
Mart Phoenix	16	14	.	-2	(12.5%)
MRTC	49	46	.	-3	( 6.1%)
Mart Long Term	192	225	.	33	<b>17.2%</b>
Ron Jackson O & A	92	95	10	3	3.3%
RJ Long Term (females)	96	101	91	5	<b>5.2%</b>
<b>Total Institutions</b>	<b>998</b>	<b>1069</b>	<b>101</b>	<b>72</b>	<b>8.2%</b>

Halfway Houses	Budgeted	Actual	Female Pop	Over Under	Percent
Ayres	20	18	.	-2	( 10.0%)
Brownwood House	6	7	7	1	16.7%
Cottrell	16	18	.	2	12.5%
McFadden	48	47	.	-1	( 2.1%)
Schaeffer	12	17	.	5	41.7%
Tamayo	16	23	.	7	43.8%
Willoughby	12	17	.	5	41.7%
York	16	7	.	-9	( 56.3%)
<b>Total HWH's</b>	<b>146</b>	<b>154</b>	<b>7</b>	<b>8</b>	<b>5.5%</b>

### **Residential Programming**

The secure facilities population are at 8.2% above budgeted capacity, with Gainesville and Mart carrying the largest overage. The State Programs and Facilities Division in cooperation with the Centralized Placement Unit has continued to concentrate efforts on ensuring youth are placed appropriately in medium restriction as they become eligible. It's important to note that Halfway Houses are now 5.5% above their budgeted population in addition to the overage in Secure Facilities. The State Programs and Facilities division remains engaged in weekly collaboration with the Centralized Placement Unit to ensure appropriate admission, release and transition of youth as they become eligible.

We are pleased to announce several promising promotions. We are thrilled to announce the promotion of Tamu Steptoe to Superintendent at Evins Regional Juvenile Center in Edinburg, Texas. Tamu began her career with the legacy TYC as a Juvenile Correctional Officer. She has worked in Case Management, Dorm Supervision, Manager of Programs and Services, and was most recently Assistant Superintendent at the McClennan Residential Treatment Center (MRTC). Tamu has close to twenty years of experience with the agency and is a welcome addition to the leadership team at Evins. Ms. Steptoe has a Degree in Sociology and Criminal Justice from Kansas State University.

Daniel Siam was promoted to Assistant Superintendent at Evins. Daniel joined the agency about ten years ago and has worked at the Ron Jackson State Juvenile Correctional Facility in several capacities. Daniel worked first as a Juvenile Correctional Officer and then as JCO Supervisor and ultimately Dorm Supervisor in Security. He is a long time member of the facility STAR team having deployed to several other facilities to assist in supervision over his ten years with the agency. Daniel most recently has been the Dorm Supervisor of the Mental Health Treatment Dorm at Ron Jackson, the Young Female offender dorm and the female orientation and assessment dorm. He has experience with male and female youth

as well as youth with a variety of specialized needs on the continuum in our agency. Daniel served eleven years in the United States Army and worked in ordinance disposal and detonation as well as high level security operations. We are very pleased to see Daniel in this new position and know he will bring a great deal of experience and leadership to the Evins team.

Deidra Reece was promoted to Assistant Superintendent at Gainesville State School. Mrs. Reece began her career in TYC/TJJD in 1998 at the Victory Fields Training Academy. Mrs. Reece has held a variety of positions within the agency including: Juvenile Correctional Officer (JCO IV, JCO V, JCO VI), Program Specialist I (Captain), Director of Security (DOS), Dorm Supervisor, Head of Special Tactics and Response Team (STAR), Additional Duty Safety Officer, Adjunct Trainer, PBIS Coach, Scheduler and is currently the Manager I of Security Operations & Support Programs.

Mrs. Reece has been instrumental in piloting and implementing the Capstone Program at the Gainesville State School and has taken a leadership role in the agency-wide roll out of that program. She has been the driving force behind the implementation of the PAWS program at the Gainesville campus. Mrs. Reece brings motivation, teamwork and leadership to her new duties. Mrs. Reece earned a Bachelor's of Science Degree in Criminal Justice Administration and Management with honors from Kaplan University.

Mr. Adamski has coordinated with these newly promoted staff along with our new Assistant Superintendent at Giddings State School to develop internal leadership development training and will be coordinating with other agency divisions for the next several weeks to assist in helping develop this great talent in their new roles.

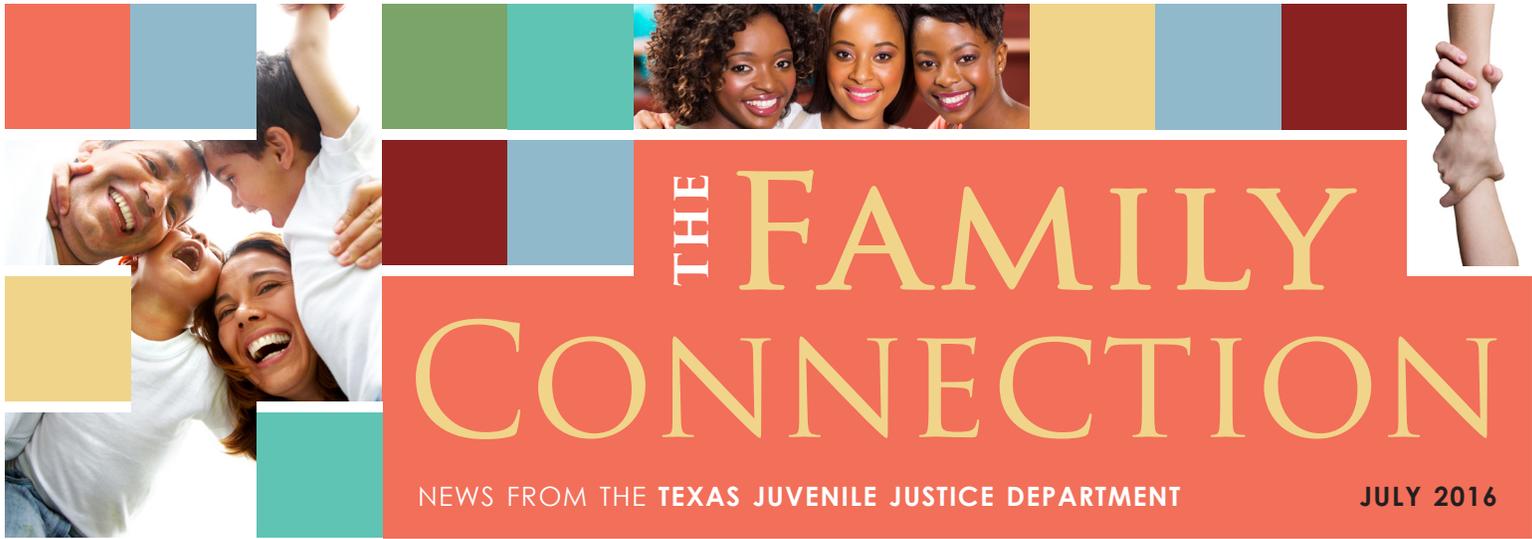
Gainesville successfully opened their PAWS program in June with four new dogs and four youth to start the program. Cris Burton, Program Administrator of PAWS, has spent two separate weeks with the youth, dogs and staff training them on the skills they need to train their assigned dogs on Canine Good Citizen Skills. Ms. Stroud has already completed adoption of one the first program admissions and anxiously awaits his completion of his courses so she can bring him home. The staff working on the PAWS dorm were thrilled and had so many positive comments of how much they are enjoying working in this program and seeing the benefits it brings to the youth involved.

Finally, of note for the agency and Ms. Stroud. Ms. Stroud was notified in June that her name was submitted by the Nominating Committee of the American Correctional Association (ACA) for placement on the National Board of Governor's for ACA representing Juvenile Justice. Her biographical information will be posted in the August issue of Corrections Today Magazine with an election to follow. If elected by the congress Ms. Stroud would serve a four-year term on the Board of Governor's with opportunity to influence national standards and policy on Juvenile Justice Issues. Ms. Stroud and Ms. Rebecca Walters currently are members of the National Mental Health Committee for ACA.

## 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 May: 37 (Averaging 43 per month)
  - Due to industrial accidents: 14 (Averaging 12 per month)
  - Due to youth aggression: 23 (Averaging 31 per month)
    - Due to an assault: 3
    - During a restraint: 20
  
- FY16 YTD Injury Frequency Rate: 19.84
  - FY15 IFR: 20.26
  
- FY16 YTD Expenditures: \$2,709,408.62 (70% from previous year claims)
  - Same period FY15: \$3,186,502.59
  
- FY16 YTD Cost per FTE: Projected to be \$1,404.02
  - FY15 Cost per FTE was \$1,659.80
  
- FY16 YTD Lost Days: 4252
  
- FY16 YTD Restricted Days: 2995



# THE FAMILY CONNECTION

NEWS FROM THE TEXAS JUVENILE JUSTICE DEPARTMENT

JULY 2016

## What's Inside:

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Strengthening Youth and  
Families Conference**

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**Evins Global Youth Day**

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**Changes Coming in the  
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## Editor's Corner

I recently had the opportunity to attend the International Prisoner's Family conference held in Dallas, Texas. I attended sessions that had speakers from New Zealand, France, and Wales. People from many countries and at least 10 of the other states in the United States were in attendance. Lock UP is a concern all over the world, and by coming together, we can be educated on what is working.

One of the sessions I attended was presented by a man that had been given a lifetime sentence in a Texas prison. Yet, today he is a free man and has a passion to use his talent to help young people avoid hard learned lessons.

He spoke of how difficult it was for him to keep his hope of ever making it out into the free world during his 20 years in prison. He also said that his family contacts through letters, phone calls and face to face visits were what kept his hope alive. He shared of the importance of communication with the outside world and letting those behind the fence know that there is someone waiting for them at home. He stated that often prisoners feel guilty for being a burden to their family and sometimes push their families away while they are locked up. But his message was to keep up the communication because regular family contact brings down their anxiety level about returning home.

This newsletter is the first of a series to come. Every 3 months a newsletter will be available to families of TJJD youth. It is our intention to provide families with tips on how to support their child and bring them news of what is happening in their child's facility. If you have questions that you would like answered please send them to me at [Rebecca.Garza@tjjd.texas.gov](mailto:Rebecca.Garza@tjjd.texas.gov) or you may call me at 512-490-7662. If I get questions that several of you need addressed, I will consider having a "Frequently asked Questions" section in our newsletter.



Tell us how we are doing: [https://www.surveymonkey.com/r/FY16Famsurvey\\_English519](https://www.surveymonkey.com/r/FY16Famsurvey_English519)

# 12th Annual Strengthening Youth and Families Conference

The Strengthening Youth and Families Conference will be held in Arlington, Texas this year on November 7th through November 10th, 2016. The Sheraton Arlington Hotel will be the site of the conference. The workshop sessions will focus on interests of families, volunteers and youth-serving professionals. This conference will be a great opportunity for families to meet subject matter experts and to meet some of the TJJD staff

from across the state. Don't miss this incredible event that promises to inspire, educate, and expand your professional contacts. In order to encourage family members to attend this conference, we have scholarships available. Scholarship applications are available after August 1st by contacting the family liaison at your child's facility or you may call Rebecca Garza, the Family Support Administrator for TJJD at 512-490-7662.

## Evins Global Youth Day

On April 16, 2016, youth and their families enjoyed a wonderful day during Family Day at Evins while also participating in Global Youth Service Day. All youth were able to paint the birdhouses in their dorms and then they were able to put the final touch along side family members during Global Youth Service Day. Self-adhesive stickers of birds, butterflies and a variety of other pictures were given to each family and youth to decorate the birdhouses. The finished products will now go to the elderly in the community. The project was funded by the State Volunteer Resource Council and



the local Evins Volunteer Council. Fidel Garcia, Community Relations Coordinator, said, "without the help of the caseworkers and JCO's in the pod the project would not have been possible. This was team work at its best and as a result over 100 birdhouses will now bring a smile to the elderly."

## Questions or Comments?

### SUPERVISOR

**Rebecca Garza**

**512.490.7662**

### EVINS RJC

**Elva Benitez**

**956.289.5547**

### GAINESVILLE

**Elizabeth Heviza**

**940.665.0701**

### GIDDINGS

**Heath Brock**

**979.542.4573**

### MART

**Mary Garrity**

**254.297.8246**

### MART RTC

**Robin Black**

**254.297.8246**

### RON JACKSON

**Kevelle Bailey**

**325.641.4243**

## Ron Jackson Family Day



Family appreciation was the theme for our Family Day on May 10th and 12th. The youth were very excited to see their family members and spend time with them. The families enjoyed

a nice summer lunch with special desserts made by our culinary arts class. To show appreciation each youth made a crown for their loved one and presented the crown to them while sharing words from their heart. Family Days are always a special time for the families to be able to interact positively together in a joyful environment. The families often take time off of work, and drive hours to be able to come and visit. It is very much appreciated.

## MRTC Family Event

On April 14th MRTC hosted a family event "Hope springs eternal- steps to a new future" the families were allowed to eat lunch together – then began working on a Family project where each youth and their families uniquely designed and painted a stepping stone. The stepping stones will be planted on the Campus of MRTC and some adorn the walk way into the facility.

# PAWS Program Underway at Gainesville State School

The PAWS program is underway at Gainesville State School. Four youth are now participating in the Pairing Achievement with Services

Program. These four young men are responsible for feeding, grooming and training their dogs. During this 12 week program, the young men will be training their dogs to earn the Canine Good

Citizen Certification. Once the canine becomes certified, they will be placed up for adoption. When asked how this program can benefit the youth, one youth responded, "It can benefit me in the future by

giving me the experience for a career in working with animals." He also said, "I am looking forward to the dog being my best friend." This

program requires the youth to be with the dogs for a large portion of the day, except when they are in school. The dogs will even sleep in a



kennel in the youth's room. Volunteer, Nancy Voss said, "I think it is a win-win situation for the youth and the dogs; unconditional love for both of them and it teaches the youth responsibility."

# Giddings Hosts Family Day



Giddings State School welcomed families on May 7, 2016 for a Family Day. The weather was beautiful. Families enjoyed a meal, participated in games and enjoyed quality time together. The time that is

provided for families on these special days is crucial to the youth's success in their treatment.

Each boy was offered a flower to give to their mother or special loved one in honor of Mother's Day. There were numerous youth that were able to connect with family members that they have not seen for long period of time.

Some youth are fathers and one was able to see his daughter for the very first time. He looked her over many times, noticing that she had toes just like him! He will have an opportunity to participate in PAPA classes taught to youth that are fathers. These classes teach skills and inform the fathers of responsibilities they will have upon release.

# Mart Celebrates Moms

On May 19th, 2016, MCSJCF received 60 visitors to celebrate the mothers of youth on campus at a Mother-Son Banquet. Families were able to enjoy a song written and sung by one of the youth and a presentation of the 7 habits to practice to raising strong children by the recreation staff. Then, while eating lunch, the mothers were encouraged to stay strong by a guest speaker discussing the importance of mothers in a child's life. The sons presented

a certificate of appreciation to their moms for being there for them through the good and bad times. The afternoon wrapped up with a few rounds of bingo and family photos that were taken free of charge.



# Mart Has A Family Eggs-travaganza

On March 24, 2016, 63 visitors arrived at MCSJCF for a hopping good time. Families enjoyed time together playing games for prize tickets. They

participated in games like Egg relay, Egg bocce, Flush the Egg toss, Easter bunny bowling, Pin the tail on the bunny, and the Egg roll. Once they had their desired number of tickets, they went to the prize booth to trade them in for prizes. The most popular prizes were cards for 30 extra minutes added to a single visit or an extra free phone call from their case manager. In between games, they nibbled on some rabbit food of carrots and celery or showed off their moves on the dance floor. As always, family pictures were taken free of charge.



# Changes Coming in the School Day

Beginning August 1, 2016, the TJJD Schools will implement a Flexible Block Schedule that will transform the way educational services and rehabilitation are provided to TJJD youth. Aligned to our core values, safety and innovation, the purpose for implementing the Flexible Block Schedule is to increase safety for students and staff, reduce class sizes, improve instruction for students, and increase rehabilitative specialized treatment.

Currently students have 26 hours of instructional time per week, excluding lunch and passing periods. On the Flexible Block schedule, students will have 22.5 hours of instructional time, excluding lunch and passing periods. Since ART, which is currently provided as a non-credit bearing class during the

school day, will be removed from the school schedule and offered on the dorm, the instructional time in content areas actually increases for students currently enrolled in ART.

The Flexible Block Schedule uses an alternating pattern which allows students to attend three 90-minute classes each day. If periods 1 - 3 occur on Monday, Wednesday, and Friday, then periods 4 - 6 will occur on Tuesday and Thursday. The following Monday students will attend periods 4 - 6 and the pattern will continue throughout the school year.

Students that attend school in the morning (7:30 am - 11:40 am) will receive dorm-based activities such as treatment in the afternoon. Students that receive treatment in the morning

will attend school in the afternoon (1:15 pm - 5:25 pm). Benefits of the Flexible Block Schedule for the schools include:

- Smaller class sizes
- Differentiated instruction
- Improved classroom management
- Deeper PBIS implementation
- Increased opportunities for intramural activities

Benefits of the Flexible Block Schedule for the facilities include:

- Increased time for rehabilitative treatment
- Opportunities for intramural sports and activities
- Career exploration
- College readiness
- Life skills development

## Voluntary Tattoo Removal Services

Our youth deserve every opportunity to be successful in the community after they leave our supervision and TJJD's Giddings State School is providing an added service to enhance their success for re-entry.

A free tattoo removal clinic was set up in January 2016 and about 20 youth are presently participating. To request tattoo removal services, a youth must ask his case manager to take his request to his Multi-Disciplinary Team (MDT). Prioritization for tattoo removal is

given to tattoos that are visible in hands, arms, face, neck and whether the tattoos are gang affiliated. If the MDT approves the request, then youth and parent consents are obtained. Qualified and trained technicians are doing the tattoo removal services. A youth should expect it to take 3 to 6 sessions to remove a tattoo. Sessions are scheduled at 6

to 8 week intervals. Below are some before and after photos of tattoos that have been removed.



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Programs Committee Meeting  
11209 Metric Boulevard, Building H, Ste. A  
Lone Star Conference Room  
Austin, TX 78758  
Thursday, May 19, 2016 – 11:00 a.m.

**BOARD MEMBERS PRESENT:**

Riley Shaw, Committee Chairman  
Scott Matthew  
The Honorable Jimmy Smith  
Scott W. Fisher, Board Chairman  
The Honorable John Brieden III

**BOARD MEMBERS ABSENT:**

Dr. Rene Olvera  
MaryLou Mendoza

**EXECUTIVE STAFF PRESENT:**

David Reilly, Executive Director  
Eleazar Garcia, Chief Auditor  
Luther Taliaferro, Senior Director of Education Services  
Rebecca Walters, Director of Youth Placement and Program Development  
Roland Luna, Chief Inspector General  
Dr. Tushar Desai, Medical Director

**OTHER GUESTS PRESENT:**

Connie Simon, TJJD  
Desiree Roberts, TJJD  
Fred Meinke, TJJD  
Jana Johnson, TJJD  
Kaci Singer, TJJD  
Karen Kennedy, TJJD  
Karol Davidson, TJJD  
Kathy Clatanoff, TJJD

Lucy Rodriguez, TJJD  
Matthew Segura, TJJD  
Nancy Slott, TJJD  
Shelley McKinley, TJJD  
Steve Roman, TJJD  
Vivian Cohn, TJJD  
Xavier Casarez, TJJD

**Call to Order**

Mr. Riley Shaw called the meeting to order at 11:03 a.m.

**Discussion, consideration, and possible approval regarding excused absences (Action)**

Mr. Riley moved to excuse Ms. MaryLou Mendoza's absence. Chief Matthew seconded. The motion passed.

Trust Committee  
May 19, 2016

**Discussion, consideration, and possible approval regarding the March 31, 2016 meeting minutes (Action)**

Mr. Shaw moved to approve the minutes. Commissioner Smith seconded. The motion passed.

**Update from the Medical Services Director**

Dr. Tushar Desai referred the Board members to page 257 and reported that the Medical Services Division provides ongoing quality assurance monitoring of health care delivery at all facilities and collects and analyzes data. He referred to the agency report card (page 259) showing quarterly data for FY 2015 and the half of FY 2016 on the number of injuries, prescribed psychotropic medications, ER visits and hospitalizations.

Dr. Desai stated that the number of injuries due to improper restraints and youth altercations shows a decrease. There has also been a decrease in the use of psychotropic medications. There were a number of visits to the ER, and although some were due to youth on youth or self-harm, some injuries occurred when the youth were playing basketball or some other recreational activity.

Three ER visits were due to a use of force/restraint injury. Mr. Shaw stated that he would like to know the specific injuries. There has also been an increase in outpatient surgery. Mr. Shaw requested the number of outpatient visits in FY 2015.

Staff still needs to improve on-site missed medical appointments; however there were no missed off-site medical appointments in the second quarter of FY 2016.

The tattoo removal program began on January 28, 2016. It is voluntary and is only performed on visible or gang-related tattoos. Of the 30 youth who initiated the removal process, only 21 are still in the program. If a youth is discharged from TJJD prior to completion, they are given a list of providers that can continue the process. This program requires medical staff as well as a laser machine and is currently only available at the Giddings facility.

**Career Technology and Industry Certifications**

Mr. Luther Taliaferro and Ms. Connie Simon referred the Board members to page 277 and reported on the Career and Technical Education (CTE) programs. There are 12 CTE courses, 9 certification areas and staff are working on developing a dual credit program at several of the secure facilities.

Ms. Simon stated that students are doing well in all the programs; they include welding, automotive, culinary art, horticulture, and business information management (software, graphic design and animation design). All but animation have industry certification. Certifications can be earned in less than six weeks.

There are several new initiatives: virtual welding (gives immediate feedback and reduces the cost of consumables), multi-process welding, OSHA certification and Voice Over Internet Protocol (VOIP). Students must qualify to enroll in these classes as they demand extra safety and behavioral requirements.

Trust Committee  
May 19, 2016

Commissioner Smith commented that he had seen the beautiful BBQ pits the youth have made, and had spoken with a youth who had received a certification. Ms. Simon stated that even if a youth doesn't receive certification, it is still an opportunity for them to learn skills that may help them become successfully employed.

**Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 341, relating to General Standards for Juvenile Probation Departments; 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 (Action)**

Mr. James Williams referred the Board members to page 175. The TJJD staff and the Advisory Council's Standards Committee jointly proposed changes to the rule above at the November Board meeting. The rule was posted in the Texas Register for a 30-day public comment period. No comments were received.

Mr. Matthew moved to recommend to the full Board. Commissioner Smith seconded. The motion passed.

**Discussion, consideration, and possible final adoption of rule review for 37 TAC §385.9981, relating to Sick Leave Pool Administration (Action)**

Mr. Royce Myers referred the Board members to page 213. The Human Resources Division recommended re-adoption of the rule noted above at the November Board meeting. The rule was posted in the Texas Register for a 30-day public comment period. No comments were received.

Commissioner Smith moved to recommend to the full Board. Mr. Matthew seconded. The motion passed.

**Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§385.8101 (Public Information Requests), 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), and 385.8181 (Background Checks) (Action)**

Ms. Karol Davidson referred the Board members to page 219. The Office of General Counsel presented proposed changes to the eight rules noted above at the November Board meeting. The proposed revisions consisted of minor corrections and grammatical changes; they were posted in the Texas Register for a 30-day public comment period. No comments were received.

The staff recommended some additional minor changes, e.g., change "Austin Office" to "Central Office," etc., and requested Board approval.

Mr. Matthew moved to recommend to the full Board. Commissioner Smith seconded. The motion passed.

Trust Committee  
May 19, 2016

**Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §385.8137, relating to Media Access (Action)**

Mr. Jim Hurley referred the Board members to page 241. The Communications Department presented proposed changes to the rule above at the November Board meeting. The proposed revisions were posted in the Texas Register for a 30-day public comment period. No comments were received.

The department recommended one minor change, a grammatical correction, and requested Board approval.

Mr. Matthew moved to recommend to the full Board. Commissioner Smith seconded. The motion passed.

**Adjournment**

Mr. Riley Shaw adjourned the meeting at 11:46 a.m.

DRAFT

# PBIS

Tier 3 long-term supports are typically designed to address youth needs at the most intensive level. These supports include the delivery of highly individualized treatment services. If Tier 1 and Tier 2 practices and interventions are effective, only 5-10% of youth may need these services.

Mentoring (volunteer services), MRTCC Placement, Executive MDT, Capstone, CSU, TDCJ Continuum of Care, Safety Plan, PAWS, Student Employment, Individualized Therapy, Prison

Tier 2 interventions and programs are designed to address the needs of 10-15% of our youth for whom Tier 1 practices alone are ineffective.

Pastoral Care, Redirect Program, Security, Behavior Contract, Responsibility Center, Change of Placement, Unscheduled Behavior Group, Phoenix, Dorm Shutdowns & Restrictions, Aggression Replacement Therapy (ART), Capitol/Serious/Violent Offender Treatment (CSVOTP), Alcohol and Other Drug (AOD) Treatment, Sexual Behavior Treatment (SBTP).

Posting, Reviewing, & Teaching the 5 Expectations, Visual Reminders, Acknowledging Expected Behavior, Thinking Reports, Multi-Disciplinary Teams (MDT), Individualized Case Planning (ICP), Scheduled Behavior Groups, Core Groups, Redirects, Role Modeling, Skills Groups, Huddle Ups & Check Ins, Phone Calls, Religious Services, Youth Handbook, Youth Rights, Grievance Hotline, Time-Outs, Situational Training, Orientation/Re-entry Planning, DSO Orientation, Special Services Committee, Exit Reviews, Student Counseling, Stage Promotions & Privileges, Medical & Mental Health Services & Prevention, Motivational Interviewing Techniques

Tier 1 supports are universal preventative supports designed to address the needs of 80-90% of youth in our care.



# An Introduction to PBIS in State Programs

A Presentation to the TJJD Board



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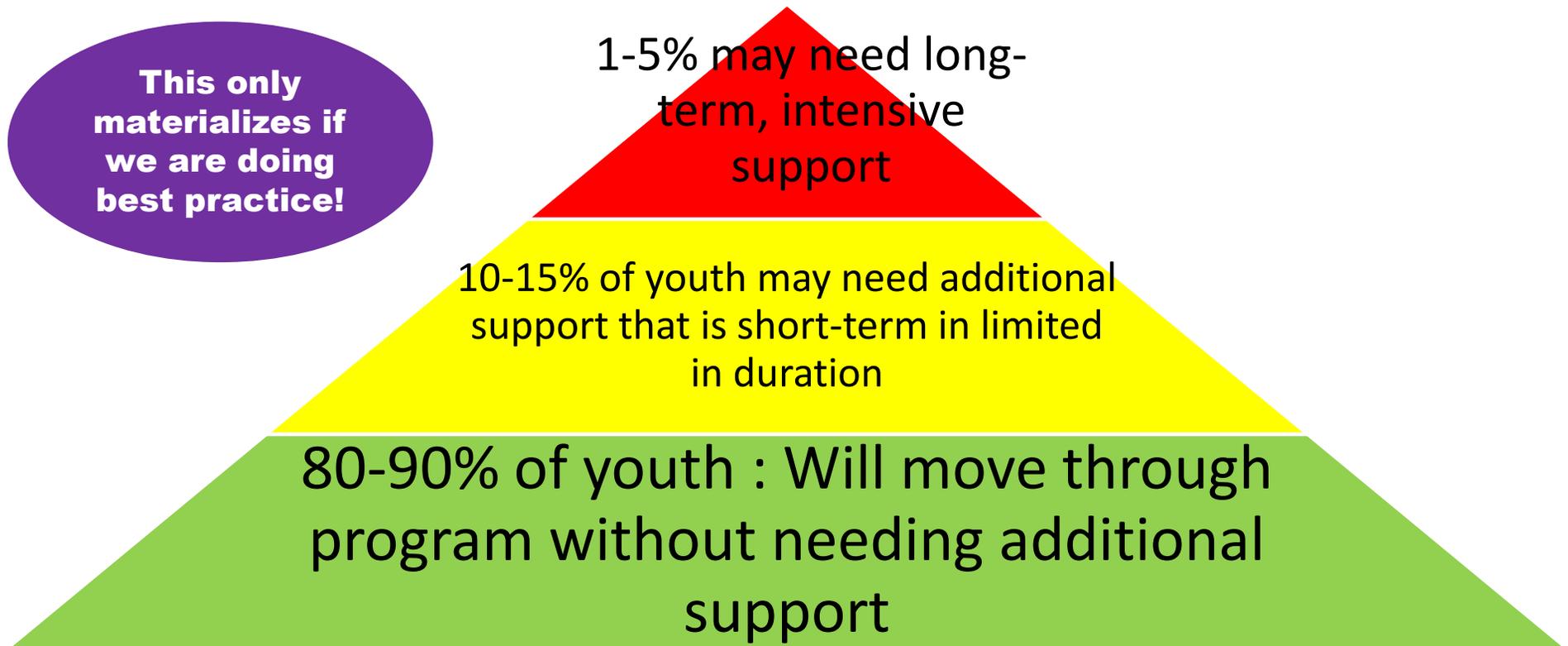
TEXAS JUVENILE JUSTICE DEPARTMENT

Gita Upreti, Ph.D. – PBIS Coordinator for State Programs

## Acronym

- Positive
- Behavior
- Interventions and
- Supports

## The PBIS triangle in terms of youth needs



**Public Health (Goal: prevent contagion, encourage wellness)**

**Juvenile Justice (Goal: prevent problem behavior, encourage proactive behavior)**

**Tier 1**

Handwashing, staying home if you are sick, covering your mouth when you cough or sneeze.

Acknowledge and recognize appropriate behavior immediately, create culture of compliance and secure relationships with responsible adults, on-the-spot privilege or stage privilege, Cougar Cash.

**Tier 2**

(short-term  $T_x$ )

Two weeks of anti-virals, bed rest, possible short-term hospital stay.

Short-term interventions designed to address specific issues: Redirect, Check-in/Check-out, Security, Pastoral Care, Specialized Treatment (short-term).

**Tier 3**

(long-term  $T_x$ )

Long-term care, hospitalization

Long-term supports which also use need, participation, and response data to locate and match youth with services: Mentoring, Individual Therapy, Student Employment.

**Once we  
identify  
needs, how  
do we  
address  
them?**

Mentoring (volunteer services), MRTC Placement, Executive MDT, Capstone, CSU, TDCJ Continuum of Care, Safety Plan, PAWS, Student Employment, Individualized Therapy, Prison

Pastoral Care, Redirect Program, Security, Behavior Contract, Responsibility Center, Change of Placement, Unscheduled Behavior Group, Phoenix, Dorm Shutdowns & Restrictions, Aggression Replacement Therapy (ART), Capitol/Serious/Violent Offender Treatment (CSVOTP), Alcohol and Other Drug (AOD) Treatment, Sexual Behavior Treatment (SBTP).

Posting, Reviewing, & Teaching the 5 Expectations, Visual Reminders, Acknowledging Expected Behavior, Thinking Reports, Multi-Disciplinary Teams (MDT), Individualized Case Planning (ICP), Scheduled Behavior Groups, Core Groups, Redirects, Role Modeling, Skills Groups, Huddle Ups & Check Ins, Phone Calls, Religious Services, Youth Handbook, Youth Rights, Grievance Hotline, Time-Outs, Situational Training, Orientation/Re-entry Planning, DSO Orientation, Special Services Committee, Exit Reviews, Student Counseling, Stage Promotions & Privileges, Medical & Mental Health Services & Prevention, Motivational Interviewing Techniques

# PBIS MODEL COMPONENTS

## **SYSTEMS,** which are

- In place to help agencies function proactively
- Monitored regularly for implementation fidelity
- Team-based to ensure stakeholder participation

## **PRACTICES,** which are

- Evidence-based and sensitive to context
- Focused on prevention
- Nested within a continuum of supports

## **DATA,** which are

- Collected systematically and on an ongoing basis
- Meaningful to all stakeholders
- Used to inform decisions

# Primary Prevention – Tier 1

- Practices used are evidence-based, “best practices”
  - Frequent, authentic acknowledgement of appropriate behavior is an evidence-based best practice.
  - Behavior groups, Check Ins, Time Outs, Thinking Reports
- Facilities decide who is “responding” or “not responding” based on data points identified agency-wide
- In PBIS, TIERS refer to interventions, not people.
- Tiers of support aren’t placements, they’re the way we describe how the system hosts practices.

# Where are we?

## EXPLORATION & ADOPTION

- *We think we know what we need, so we ordered 3 month free trial (evidence-based)*

## INSTALLATION

- *Let's make sure we're ready to implement (capacity infrastructure)*

## INITIAL IMPLEMENTATION

- *Let's give it a try & evaluate (demonstration).*

## FULL IMPLEMENTATION

- *That worked, let's do it for real.*

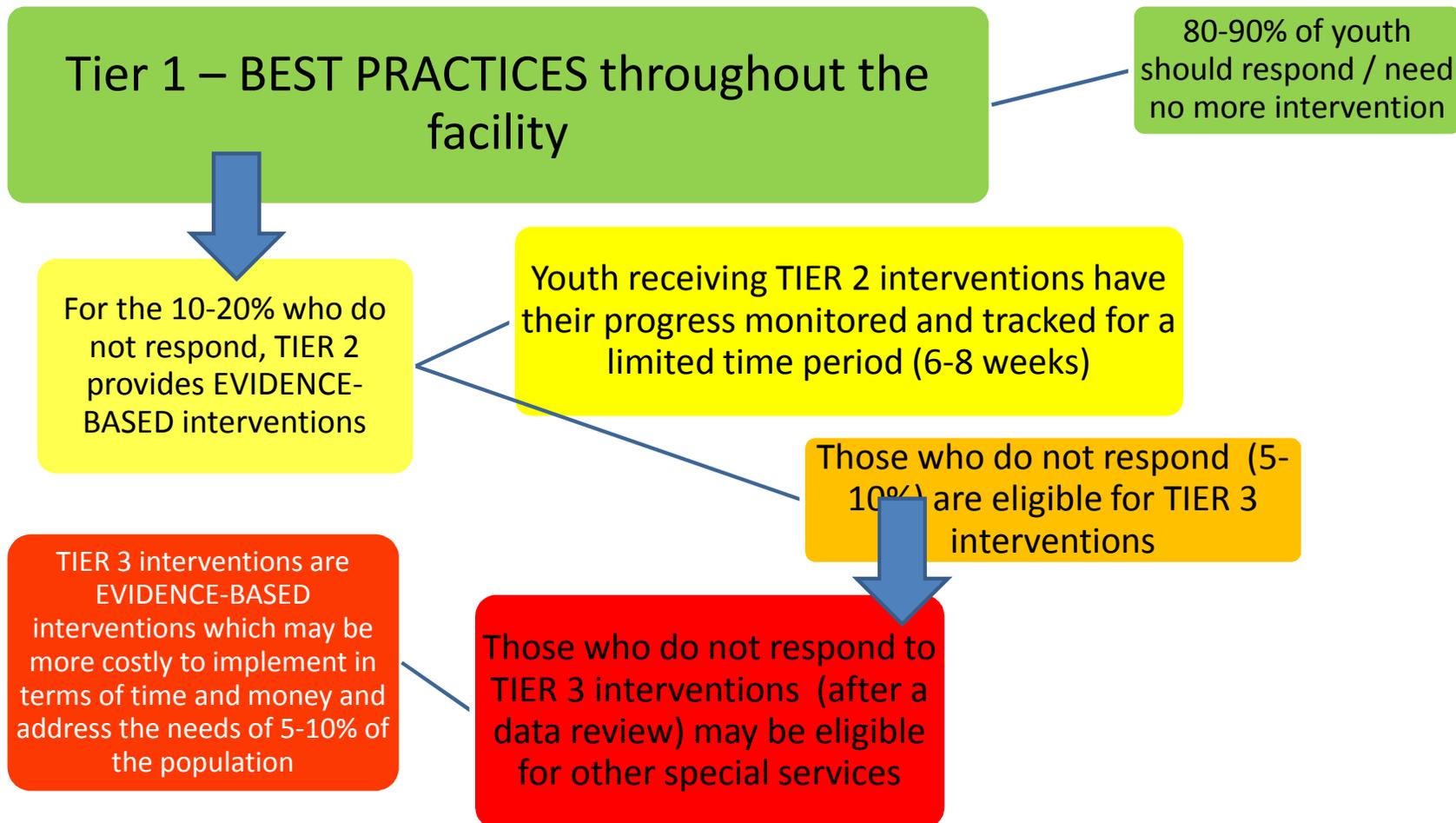
## SUSTAINABILITY & CONTINUOUS REGENERATION

- *Let's make it our way of doing business.*

# Who is implementing this now?

- All facilities in Education
- In State Programs, only Ron Jackson has started implementing facility-wide using a token economy system (Cougar Cash)
- High-structure environment, all behavior is linked to the “5 rules”
- Expectations are taught daily, and reinforced daily
- Youth can “purchase” items at the CC store on dorm
- Other incentives include
  - Lunch with superintendent
  - Home-cooked meal
  - Monthly celebrations
  - Weekly group incentives for youth with no behavioral incidents

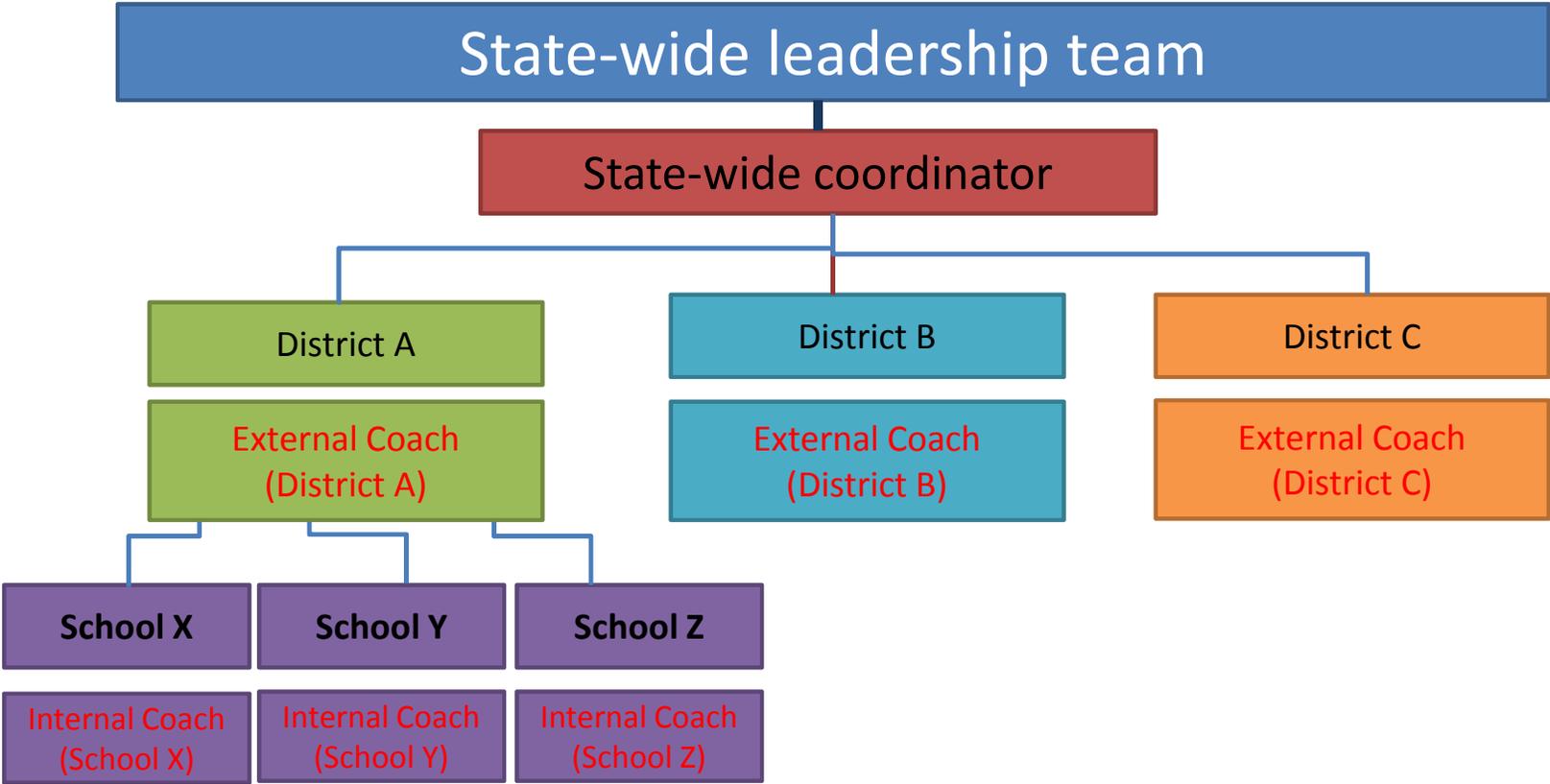
# In practice, this looks like



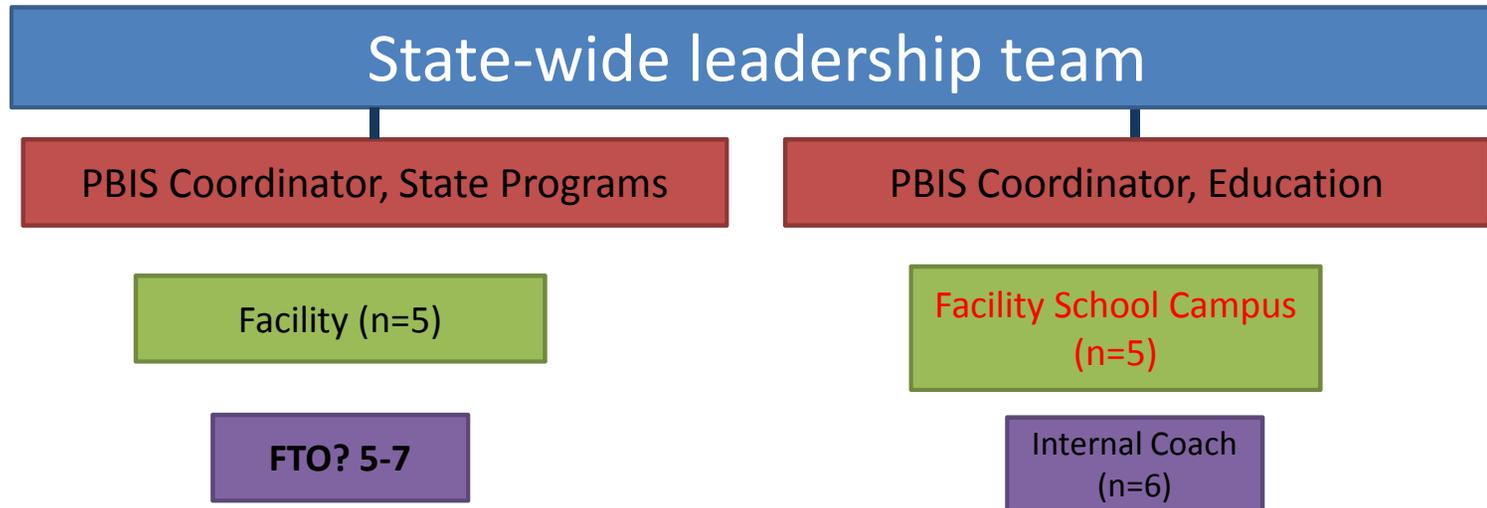
# PBIS is a SYSTEMS model. Systems Thinking Means

- We look at what is currently happening
  - How are decisions made now?
  - What data does everyone know how to use?
  - What resources are available to us for use on a regular/intermittent basis?
- We develop a road map for where we would like to go
  - Adjust or change our decision making process and data to fit resources
  - Identify resources we may need
  - Look at timelines and develop process and forms
  - Develop evaluation processes
  - Identify needed training
  - Decide how to provide on-going support for youth and staff

# Traditional PBIS (School model)



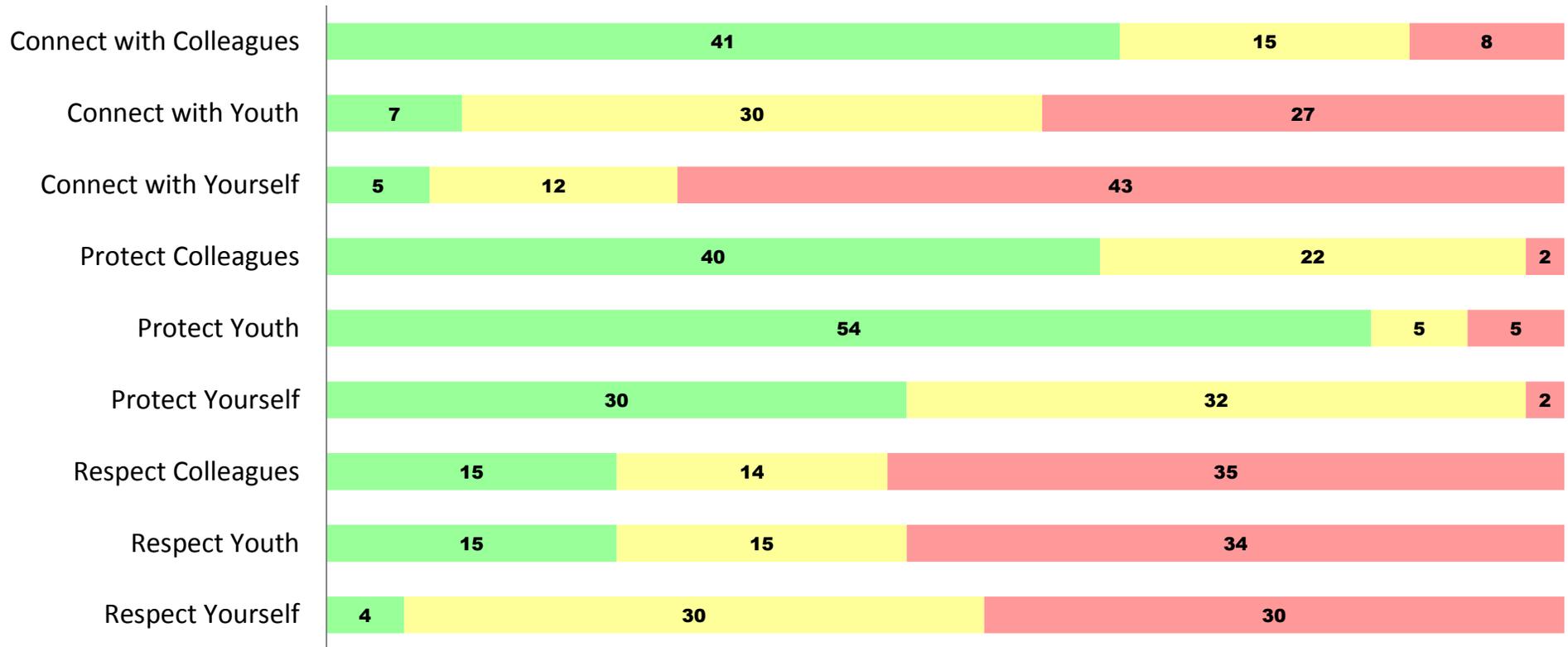
# JJ-PBIS (OUR model)



There is currently no FTE for a PBIS Coach in State Programs.

## STAFF Triangle Data for Respect, Protect, Connect Expectations

■ How many exceed expectations in this area? 
 ■ How many meet expectations in this area? 
 ■ How many need improvement?



## Ron Jackson's implementation

- Began in spring of 2015, token economy (Cougar Cash) started
- Initial results very promising, but over time, behavior flatlined
- Supervisors and staff re-trained in applied behavior principles
- O and A dorms (JCO VI Melton, DS Clifton Clemons) asked to try group incentive approach in December 2015
- Discipline data took a steep drop
- 8/1/16 change in programming schedule allows this to happen throughout campus

## 225 Rates, from 1/1/14-12/1/15 and post-12/1/15

DORM	Pre/P ost	N Obs	Mean	Std Dev	Range
GROUP INCENTIVES	Post	180	0.84	1.90	0 – 10
	Pre	508	1.61	3.04	0 – 21
NO GROUP INCENTIVES	Post	45	4.15	6.17	0 – 27
	Pre	47	2.72	4.00	0 – 22

# Messages from the field (Ron Jackson)

- Train one to two dorms at a time; build expertise slowly
- Use FTOs to strengthen existing practices
- Continue to monitor staff performance by supervisors
- Train in PBIS one small piece at a time
- Train staff to work with data and take ownership
- Watch for misunderstandings
- Find data cycles that are relevant and applicable

## Concurrent achievements in PBIS

- New data system for collecting “positive” incidents on campus at secure facilities and halfway houses: Positive Youth Behavior Database
- SharePoint web pages for facilities
- Finding common ground – where we need to re-train or refine (Behavior Management Initiative)
- Linking supervisory expectations to youth behavior
- Creating structures for continued implementation and success

## To recap

- PBIS is effective in reducing problem behavior and building prosocial behavior when implemented correctly
- Results from PBIS successes have relied on campus-level coach for sustainability
- In State Programs, building capacity prior to rolling out is key
- We taught supervisors how to install PBIS with staff and measure staff progress. They tie this to youth outcomes.
- We are rolling out the model with help from seasoned staff at Ron Jackson in a sustainable, progressive manner.



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TEXAS JUVENILE JUSTICE DEPARTMENT

## Questions?

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- (512) 490-7995  text: (520) 481-7773