

BOARD MEETINGS

January 28 – 29, 2016

Austin, Texas



TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Trust Committee Meeting

11209 Metric Boulevard, Building H, Ste. A

Lone Star Conference Room

Austin, TX 78758

Thursday, January 28, 2016 – 10:00 a.m.

1. Call to order
Chairman Jimmy Smith
2. Discussion, consideration, and possible approval regarding the November 12, 2015 meeting minutes (Action)
Chairman Jimmy Smith | Page 247
3. Staff Report on activities of the Trust
Kathryn Gray
4. Adjourn
Chairman Jimmy Smith

- Items may not necessarily be considered in the order in which they appear on the agenda.
- Committee meetings may include a quorum of the Board in attendance.
- If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or Jeannette.Cantu@tjd.texas.gov



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Finance and Audit Committee Meeting

11209 Metric Boulevard, Building H, Ste. A

Lone Star Conference Room

Austin, TX 78758

Thursday, January 28, 2016 – 11:00 a.m.

1. Call to order
Chairman Calvin Stephens
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Chairman Calvin Stephens
3. Discussion, consideration, and possible approval regarding the November 12, 2015 meeting minutes (Action)
Chairman Calvin Stephens | Page 249
4. Updates from the Chief Information Officer
Elaine Mays | Page 257
5. Discussion regarding the TJJD population and commitment trends
Rebecca Walters | Page 261
6. Updates from the Chief Financial Officer
Mike Meyer | Page 281
7. Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00. (Action)
Kenneth Ming and Steven Vargas | Page 41
8. Discussion, consideration, and possible final adoption of revisions, repeals, and rule review for 37 TAC §380.9901 – 380.9911, relating to Youth Records (Action)
Kathryn Gray | Page 45
9. Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9931 and §380.9933, relating to Youth Funds (Action)
Mike Meyer | Page 55

10. Discussion, consideration, and possible approval to publish proposed revisions and a rule review notice for 37 TAC §385.9975, relating to State Inscription, in the *Texas Register* for a 30-day public comment period (Action)

Mike Meyer | Page 63

11. Discussion, consideration, and possible approval of the McFadden Ranch Audit (Action)

Eleazar Garcia | Page 67

12. Discussion, consideration, and possible approval of the TAC 202 Audit (Action)

Eleazar Garcia | Page 81

13. Discussion, consideration, and possible approval of the Human Resources Audit (Action)

Eleazar Garcia | Page 95

14. Discussion, consideration, and possible approval of the Endowment Funds Audit (Action)

Eleazar Garcia | Page 111

15. Report on the External Quality Assurance Review of TJJJ Office of Internal Audit

Eleazar Garcia | Page 125

16. Follow-Up on Prior Audit Recommendations

Eleazar Garcia | Page 307

17. Internal Audit Quarterly Status Update

Eleazar Garcia | Page 309

18. Adjourn

Chairman Calvin Stephens

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Safety and Security Committee Meeting
11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Thursday, January 28, 2016 – 1:00 p.m.

1. Call to order
Chairwoman Laura Parker
2. Discussion, consideration, and possible approval regarding the August 27, 2015 meeting minutes (Action)
Chairwoman Laura Parker | Page 313
3. Discussion, consideration, and possible approval regarding the November 12, 2015 meeting minutes (Action)
Chairwoman Laura Parker Page 321
4. Report from the office of the Inspector General
Roland Luna | Page 33
5. Report from the Administrative Investigations Division
Kevin DuBose | Page 35
6. Report from the State Programs and Facilities Division
Tom Adamski | Page 335
7. Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9951 and §380.9955, relating to Juvenile Correctional Officers (Action)
Tom Adamski | Page 135
8. Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9703, relating to Possession of Weapons on Agency Premises (Action)
Chelsea Buchholtz | Page 141
9. Discussion, consideration, and possible approval to publish proposed revisions and a rule review notice 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, in the *Texas Register* for a 30-day public comment period (Action)
Kathryn Gray and Kaci Singer | Page 147

10. Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC §§380.8559, 380.8565, and 380.8569, relating to sentenced offenders, in the Texas Register for a 30-day public comment period (Action)

***Rebecca Walters* | Page 157**

11. Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC §380.9197, relating to HIV/AIDS, in the Texas Register for a 30-day public comment period (Action)

***Dr. Tushar Desai* | Page 175**

12. Discussion, consideration, and possible approval regarding the discipline of certified officers – agreed orders (Action)

***Kaci Singer* | Page 181**

a. Brianna Casey; 15-28181-150299; 28181 (Hood)

b. Robert Maldonado; 15-12510-150115; 12510 (Bexar)

13. Discussion, consideration and possible approval regarding the discipline of certified officers – cases conducted by the State Office of Administrative Hearings (SOAH) – (Action)

14. ***Kaci Singer***

a. Curtis Jones; 14-28453-140231; 28453 (Brown) | **Page 193**

b. Reginald Mangeni; 15-28092-140353; 28092 (Harris) | **Page 213**

15. Adjourn

Chairwoman Laura Parker

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Programs Committee Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Thursday, January 28, 2016 – 2:30 p.m.

1. Call to order
Chairman Riley Shaw
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Chairman Riley Shaw
3. Discussion, consideration, and possible approval regarding the November 12, 2015 meeting minutes (Action)
Chairman Riley Shaw | Page 341
4. Family engagement in state facilities
Tammy Holland and Rebecca Garza | Page 345
5. Youth Services presentation on contract residential providers
Kimbla Newsom | Page 363
6. Discussion, consideration, and possible approval to publish proposed revisions and a rule review notice for 37 TAC §385.8135, relating to Rights of Victims, §385.8145, relating to Volunteers and Volunteer Council, §385.8183, relating to Advocacy and Support Group Access, and §385.9959, relating to Transportation of Youth, in the Texas Register for a 30-day public comment period (Action)
Tom Adamski | Page 225
7. Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC §380.8707, relating to Furloughs, and §380.9161, relating to Youth Employment and Work, in the Texas Register for a 30-day public comment period (Action)
Rebecca Walters | Page 239
8. Adjourn
Chairman Riley Shaw

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Board Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Friday, January 29, 2016 – 9:00 a.m.

1. Call to order
Chairman Fisher
2. Prayer
Chairman Fisher
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 November 13, 2015 Board Meeting minutes (Action)
Chairman Fisher | Page 15
7. Report from the Chairman
Chairman Fisher
8. Ratification of proposed agency mission statement, core beliefs and vision (Action)
Chairman Fisher | Page 31
9. Report from the Executive Director
David Reilly | Handout
10. Discussion and consideration regarding the agency report card
David Reilly | Handout
11. Cameron County Juvenile Probation Department presentation
David L. Tumlinson, IV and David Sanchez

12. Report from the Advisory Council
Estela Medina | Handout
13. Report from the Inspector General
Roland Luna | Page 33
14. Report from the Administrative Investigations Division
Kevin DuBose | Page 35
15. Legislative update
Carolyn Beck | Page 39
16. Report from the Trust Committee
Board Member Jimmy Smith
17. Report from the Finance and Audit Committee
Board Member Calvin Stephens
18. Discussion, consideration, and possible approval regarding contract renewals exceeding \$500,000.00.
(Action)
Kenneth Ming and Steven Vargas | Page 41
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Mike Meyer | Page 55
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Eleazar Garcia | Page 95

25. Discussion, consideration, and possible approval of the Endowment Funds Audit (Action)
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26. Report on the External Quality Assurance Review of TJJJ Office of Internal Audit
Eleazar Garcia | Page 125
27. Report from the Safety & Security Committee
Board Member Laura Parker
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Kaci Singer
- a. Curtis Jones; 14-28453-140231; 28453 (Brown) | **Page 193**
 - b. Reginald Mangeni; 15-28092-140353; 28092 (Harris) | **Page 213**

35. Report from the Programs Committee

Board Member, Riley Shaw

36. Discussion, consideration, and possible approval to publish proposed revisions and a rule review notice for 37 TAC §385.8135, relating to Rights of Victims, §385.8145, relating to Volunteers and Volunteer Council, §385.8183, relating to Advocacy and Support Group Access, and §385.9959, relating to Transportation of Youth, in the Texas Register for a 30-day public comment period (Action)

Tom Adamski | Page 225

37. Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC §380.8707, relating to Furloughs, and §380.9161, relating to Youth Employment and Work, in the Texas Register for a 30-day public comment period (Action)

Rebecca Walters | Page 239

38. 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

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

Chairman Fisher

40. 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



**Texas Juvenile Justice Department
Board Meeting
11209 Metric Blvd. Bldg H, Suite A
Austin, Texas 78758
Friday, November 13, 2015, 9:00 a.m.**

BOARD MEMBERS PRESENT:

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

Riley Shaw
Scott Matthew
MaryLou Mendoza

BOARD MEMBERS ABSENT:

Dr. Rene Olvera
The Honorable Laura Parker
Calvin Stephens

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Jill Mata, General Counsel
Elaine Mays, Chief Information Officer
Carolyn Beck, Governmental Relations Specialist
Dr. Tushar Desai, Medical Director
Luther Taliaferro, Sr. Director, Education Services
Mike Meyer, Chief Financial Officer
Rebecca Walters, Director, Youth Placement and Program Development
Lisa Capers, Sr. Director, Training and Organizational Development

Jim Hurley, Communications Director
Roland Luna, Chief Inspector General
Eleazar Garcia, Chief Auditor
Teresa Stroud, Sr. Director of State Programs
Royce Myers, Human Resources Director
Jeannette Cantu, Executive Assistant
Terri Dollar, Director, Monitoring & Inspections

OTHER GUESTS PRESENT:

Kavita Gupta, TJJD	Matthew Segura, TJJD	Debbie Unruh, OIO
Lesley Jacobs, TJJD	Lesley Jacobs, TJJD	Lauren Fleming, Lt. Gov. Office
Jim Southwell, TJJD	Nydia Thomas, TJJD	Malika Te, House Appropriations Committee
Tammy Holland, TJJD	Ron Quiros, Guadalupe Co.	Dr. Lori Robinson, TJJD
Scott Friedman, TJJD	Pete Cortez, TJJD	Darryl Beatty, Travis Co.
Kaci Singer, TJJD	G.K. Maenius, Tarrant Co.	Edeska Barnes, Jasper Co.
Vivian Cohn, TJJD	Connie Simon, TJJD	Don Lee, Urban Counties
Kenneth Ming, TJJD	Ben Bellomy, TJJD	Joel Micheals, Navarro College
Karol Davidson, TJJD	Kathryn Mattingly, TJJD	Xavier Casares, TJJD
Kyle Dufour, TJJD	Karol Davidson, TJJD	Darla Littrell, Navarro College
Ashely Kintzer, TJJD	Estela Medina, Travis Co.	Sherri Short, Navarro College
Susan Humphrey, Bell Co.	Erin Foley, TCJPD	Seth Christensen, Governor's Office
Jeremy Osborne, ACG	Steve Roman, TJJD	Matt Hinsley, ACG
Ross Worley, Smith Co.	Kevin Dubose, TJJD	Kris Arizola, Travis Co.
Sarah Miller, TJJD		

Call to Order

Chairman Fisher called the meeting to order at 9:00 a.m.

Prayer

Paula Martinez opened the meeting with a prayer.

Pledge

The Pledge of Allegiance was recited.

Discussion, consideration, and possible approval regarding excused absences

Mr. Shaw moved to excuse the absences of Dr. Olvera, Mr. Stephens, and Judge Parker. Mr. Matthew seconded. The motion passed.

Public Comments

Mr. Donald Lee of the Texas Conference of Urban Counties addressed the Board to extend his appreciation. He also called attention to the JCMS success story, in which county and the state collaborates on the the juvenile case management system. This system allows a child's data to follow the child throughout the state system.

Discussion, consideration, and possible approval regarding the August 28, 2015 board meeting minutes

Ms. Mendoza moved to approve the minutes. Mr. Smith seconded. The motion passed.

Report from the Chairman

Chairman Fisher reported he attended the Council of State Governments Juvenile Justice 50-state Forum in Austin earlier this week. It was a great opportunity for Texas Juvenile Justice reforms to be showcased. Despite difficulties the agency has gone through in the last six years, Texas really is a model for the nation. Other states are very interested in what Texas is doing.

Report from the Executive Director

David Reilly, Executive Director, reported that the executive staff participated in a two-day retreat that was facilitated by Dr. Tom Stone. The purpose of the retreat was to develop a proposed agency mission, core values, and vision, a draft of which he read to the Board. He requested the Board's input and said that staff would come back in January and request Board approval to ratify the mission, core values, and vision.

Mr. Reilly reported that the agency has drafted a Management Action Plan (MAP) in collaboration with the Office of the Governor. It is intended to be a comprehensive plan to primarily address youth and staff safety in agency's secure facilities. The goal is to provide a safe environment free of disruptions through improved services, staffing, operation, and communication. The agency has identified \$2.5 million within currently available budgetary authority to implement the goals of the plan and to mitigate the increased population without the need for legislative or gubernatorial action. Mr. Reilly provided the Board with additional highlights from the draft plan.

He reported that an organization called HYPE, Helping Young People Excel, held an event at the Giddings facility in September. Charleston White led a reunion of former youth at Giddings. Mr. Reilly was touched by so many youth coming back to the campus to give back. Many of them spoke to current students. The current students heard stories of hope and redemption.

Also at Giddings, the Minister of Justice from Great Britain, spent half a day at the facility and came away impressed with the programming. He spent the morning interviewing both staff and kids and spent a lot of time in the vocational area.

Late in September, TJJJ hosted the PREA Audit Readiness training in Austin. The training was designed to help facilities understand the PREA audit requirement, the audit process and prepare for upcoming audits to ensure compliance with the PREA standards. Mr. Reilly thanked Lisa Capers and Jerome Williams for their hard work to support counties in this regard.

Mr. Reilly announced that TJJJ is now actively on Facebook and Twitter. He thanked the Board for their feedback in August and encouragement to use social media as an effective way to share the many good things happening at the agency.

Mr. Reilly said he was happy to report that the turnover numbers are improving. The JCO turnover rate in FY 2015 is the lowest since 2002. Case Managers is the lowest since 2003. Psychologist/health specialists is at 32.43%, compared to 45% in FY 2011. Agency wide, turnover is the lowest it's been since the merge.

Mr. Reilly provided an update on Regionalization, SB 1630. He stated the agency is required to finalize a regionalization plan by August 31, 2016. The Task Force has been meeting for the last 3 months and is scheduled for another meeting a week after the Board meeting. The Task Force is working towards regional planning instructions for each region to establish their own plan for these seven regional divisions.

Mr. Reilly said the Board would hear later in the meeting from Teresa Stroud and Rebecca Walters about the progress the agency is making in our Youth in Custody Project. He said he is very excited about the improvements it will bring to the system, to campus culture, and he is especially proud of the work Gainesville and Ron Jackson have done to implement this programming.

For the first time since FY 2006, the number of new commitments to TJJD rose in FY 2015, up 3% from 782 in FY 2014 to 808 in FY 2015. The increase in new commitments in FY 2015 was driven by a 50% increase in new determinate sentence commitments. On the county side, the number of referrals decreased 3%. The only offense with an increase in referrals was violent felonies.

Luther Taliaferro has been serving as Interim and has now been appointed as the agency's permanent Superintendent of Education Services.

In response to a question from Judge Brieden regarding regionalization, Mr. Reilly clarified that to prevent kids from being committed to the state, a county could utilize the services from another county if they met the qualifications, and the state would pay for that placement. Judge Brieden said that he was also concerned that this means that the kids that do get committed to TJJD are the worst of the worst and to a certain degree that is already happening. Judge Brieden stated, regarding the recent incident at Giddings in September that staff were properly trained and handled the incident the way it was supposed to be handled, however that was not reported in the media. Mr. Reilly went into further detail regarding the incident at Giddings.

Chairman Fisher thanked Mr. Reilly for his report.

Chairman Fisher recognized Seth Christensen of the Governor's Office, Lauran Sutterfield of Senator Dan Patrick's Office, Chief Juvenile Probation Officers and staff in attendance. He recognized Riley Shaw as the new Chair Elect of the State Bar of Texas.

Travis County Juvenile Probation Department presentation

Staff from the Travis County Juvenile Probation Department gave a presentation regarding their Guitar Program and showed a video.

Report from the Advisory Council

a. Recommendation to the Board on whether the Texas Juvenile Justice System should use one standardized risk assessment instrument or multiple approved instruments

Estela Medina, Chair of the Advisory Council, reported on the council's work with TJJD regarding the Regionalization Task Force Group, Funding and the Standard subcommittee which has completed revisions to TAC 341 which will be presented to the Board later on the agenda.

The Advisory Council recommends the use of one validated risk assessment to be implemented statewide for use by Juvenile Probation Department. The recommendation includes that if a Juvenile Probation Department determines the use of a different instrument, the Department will need to comply with all reporting requirements for submitting information to TJJD. The recommendation also includes that training for the use of the instrument (once approved) be provided; and that funding for the implementation of the instrument be made available. Ms. Medina also provided several factors for consideration as part of her report.

In response to a question from Judge Brieden regarding the risk assessment instrument, Mr. Reilly clarified that currently, the state provides a free instrument. In the future, whatever instrument is used, there will be training provided. Whatever tool is ultimately selected, there will be cost associated with that. Judge Brieden expressed his concern regarding an unfunded mandate to the counties. Mr. Reilly stated discussions have already begun regarding next steps and for incorporating the associated cost into the agency's LAR.

The next meeting of the Advisory Council is scheduled for January 8, 2016 in Austin.

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

Lisa Capers, Senior Director of Training and Organizational Development, reported the Board has been provided with an updated resolution. Amendment number four is an extension that will take the agency through June of 2016, rather than December 2016. This will allow the agency time to review the agreements and make any revisions that are necessary. The budget stays the same and there will be two quarterly payments. Chairman Fisher stated that SB 20 requires us to make sure we are in full compliance and this review just makes sure we are doing this.

Judge Brieden moved to accept the amended resolution. Ms. King seconded. The motion passed.

Chairman Fisher called for a 10 minute recess.

Report from the Inspector General

Roland Luna, Chief Inspector General, reviewed the Executive Summary of the Annual Report for FY 2015. In response to a question by Chairman Fisher regarding cases accepted by the SPU, Inspector General Luna stated that the quality of the investigations submitted to the SPU was talked about frequently. We now have a better investigative product, for what they are looking for which is why we now have a 90% acceptance rate.

Inspector General Luna reviewed the Investigative Analysis, Investigative Life Cycle, and Contraband, Detection and Interception Division Activity through FY 2016.

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

Inspector General Luna stated these rules were posted in the Texas Register for a 30-day public comment period and there were no comments received. The staff now requests the Board's approval to adopt the rule review and the final rules.

Mr. Matthew moved to approve the adoption. Judge Brieden seconded. The motion passed.

Report from the Administrative Investigations Division

Kevin DuBose, Director of the Administrative Investigations Division (AID), presented summary comparisons of FY 2015. The county total reports received has declined. What these numbers don't reflect is the complexity, multifaceted, in-depth cases that were worked for FY 2015. In response to a statement by Judge Brieden, Mr. DuBose confirmed that 117 cases remained active at the time this report was generated.

As it relates to the State Investigations Unit, there was a reduction in total investigation opened. Thanks to the TJJG General Counsel and Deputy General Counsel, the division is now adding investigator positions at Evins, Gainesville and Ron Jackson.

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

Chairman Fisher noted that Riley Shaw and Scott Matthew would abstain from the vote on this item.

Nydia Thomas, Special Counsel for Legal Education and Technical Assistance in the Office of the General Counsel, reported this item is in accordance with the mandate of House Bill 431. The Texas Juvenile Justice Department is required to establish a Juvenile Records Advisory Committee that is charged with the task of developing a plan to study, reorganize and comprehensively revise chapter 58 of the Family Code and other laws pertaining to juvenile records. TJJG is required to appoint an advisory committee and presiding officer no later than December 1, 2015. She provided the resolution for adoption and a proposed appointment roster.

Ms. King moved to approve the appointments. Ms. Mendoza seconded. The motion passed.

Discussion, consideration, and possible approval of the Ethics Training schedule for Board members

(Action)

Jill Mata, General Counsel, reported the Internal Audit Department conducted an audit of the agency ethics program in 2013. Included in the audit was a recommendation that the general counsel work with the governing board to determine the need for periodic ethics related training in addition to the ethics training each new Board member receives. The Board Chairman recommended that periodic ethics training would occur upon each re-appointment to the Board. The general counsel recommended the adoption of the resolution provided that memorializes this as the decision of the Board.

Judge Brieden moved to approve the resolution as presented. Judge Bush seconded. The motion passed.

Report from the Trust Committee

Commissioner Smith, Chairman of the Trust Committee, informed the Board of on-going negotiations and discussions regarding the leases for the Parrie Haynes and Wende Trusts, respectively. He said the committee was advised that the McDonald's Corporation wanted the Trust to make a proposal in order to continue the discussions about a new lease. The Committee decided they would not make a proposal and leave it as is for now and let the current lease carry on.

Report from the Finance and Audit Committee

Ms. Jane King sat in for Calvin Stephens as Chair of the Finance and Audit Committee. She reported that in addition to the items to be heard before the Board, they also heard from Rebecca Walters and Teresa Stroud regarding the population and commitment increase. Of note, 20% of the population is determinate sentence commitments. The committee recommended approval for the action items to be heard by the Board.

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

Mike Meyer, Chief Financial Officer, reported the Finance Division has completed its review of the above listed rule from Chapter 385. As a result of the review, the staff recommended primarily non-substantive revisions outlined in the materials provided. Staff requested the Board's approval to publish the proposed revisions and a rule review notice in the Texas Register for a 30-day public comment period.

Ms. King moved to approve submittal of the proposed rule for public comment. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval of the Internal Audit Charter (Action)

Eleazar Garcia, Chief Internal Auditor, presented the Internal Audit Charter. He stated there are no changes to the current 2014 document. Chairman Fisher stated this comes recommended for approval by the Finance and Audit Committee.

Ms. King moved to approve the Audit Charter. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval of the Risk Assessment and FY 2016 Audit Plan (Action)

Mr. Garcia stated the proposed plan for FY 2016 was developed in accordance with Chapter 2102, Government Code, which requires state agency internal audit departments to develop an annual audit plan using risk assessment techniques. The risk assessment and project selection process used by the TJJID Internal Audit Department included input from Board members, agency management, and the Management Audit Committee. Information which describes the assumptions and process used to develop the plan include: Process description for the annual audit plan development, Risk assessment scores and coverage schedule, and proposed FY 2016 audit plan. If approved, the plan would be posted on the agency's public website.

Ms. King moved to approve the audit plan. Mr. Matthew seconded. The motion carried.

Discussion regarding the FY 2015 Annual Internal Audit Report

Mr. Garcia stated this report was required to be submitted to the Governor's Office, Legislative Budget Board, Sunset Advisory Commission, and the State Auditor's Office by November 1, 2015. Mr. Garcia reviewed the sections required in the report. The report will be updated to include the approved Internal Audit Plan for FY 2016.

Report from the Safety & Security Committee

Riley Shaw sat in for Judge Parker as Chair for the Safety & Security Committee meeting. Mr. Shaw reported that the committee received Mr. Luna, Mr. DuBose and Ms. Stroud's reports. Many of the items heard were items that were already placed in the Texas Register for public comments, public comments were received. The committee heard one request for variance, and one request for variance was also withdrawn. The committee also heard several disciplinary action cases.

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

Teresa Stroud, Senior Director of State Programs and Facilities, stated the Board previously approved posting these revisions and rule review notice in the Texas Register for a 30-day comment period. The comment period has ended, there were no public comments received, however TJJ staff recommended grammatical and typographical corrections. There was one clarification regarding who to contact for a 72-hour extension for a youth in security.

Ms. Mendoza moved to adopt the rules as presented. Mr. Matthew seconded. The motion passed.

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

Ms. Stroud reported that as part of the agency's rule review process, the State Programs and Facilities Division completed its review of these rules. As a result of this review, the staff recommended several revisions outlined in your materials. Ms. Stroud presented the summary of key revisions. In response to

a question by Chairman Fisher regarding notification of death, Ms. Stroud stated that the Superintendent, Mr. Adamski, Director of Secure Operations, or she will be the one making the notifications. Chairman Fisher recommended they start including the Chaplain to be a part of the notifications. Ms. Mendoza expressed concern regarding the word “attempts” for the change, “TJJD attempts to notify the parent/guardian in person whenever possible”. Ms. Mendoza felt the word “should” would be better suited. Ms. Stroud provided an example of when a parent could not be reached because both parents were incarcerated.

Mr. Shaw moved to table rule 385.9951 until the January Board meeting. Mr. Matthew seconded. The motion passed.

Regarding ruled 385.9941, Mr. Matthew moved to approve submittal of the proposed rule for public comment. Mr. Shaw seconded. The motion passed.

Judge Brieden further clarified regarding rule 385.9951, that on page 147 (c)(1) of the actual proposed rule, the word “attempts” is not even used. The staff just used that word in the summary.

Judge Brieden moved to take rule 385.9951 off the table. Ms. King seconded. The motion passed.

Judge Brieden moved to approve submittal of the proposed rule 385.9951 for public comment. Ms. King seconded. The motion passed.

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

Lesly Jacobs, Deputy Director of the Administrative Investigations Division, stated staff is requesting final adoption of revisions made to Chapter 358. The major revision included the addition that the juvenile board chair has the duty to conduct the internal investigation or appoint an individual to do so when the chief administrative officer is the person alleged to have abused, neglected, or exploited a juvenile. Also added was a definition for private facility administrator.

Ms. King moved to adopt the rule revisions as presented. Ms. Mendoza seconded. The motion passed.

In response to a question by Chairman Fisher, Ms. Jacobs confirmed there were no public comments received for this rule review.

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

James Williams, Senior Director of Probation and Community Services, reported that TJJD staff and the Advisory Council's Standards Committee have jointly completed a review and recommend changes in every standard within the chapter. He stated staff are now requesting the Board's approval to publish the proposed changes in the Texas Register for a 30-day public comment period.

Judge Brieden moved to approve submittal of the proposed rule for public comment. Mr. Matthew seconded. The motion passed.

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

Kathryn Mattingly, Staff Attorney, stated the proposed changes were identified through the rule review process. The changes are non-substantive, are clarifying, or were made to make the language conform to statute or current practice, as appropriate. She stated staff are now requesting the Board's approval to publish the proposed changes in the Texas Register for a 30-day public comment period.

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

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

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

Kaci Singer, Staff Attorney, and Kyle Dufour, Staff Attorneys, presented the agreed orders.

Ms. King moved to approve the agreed orders. Ms. Mendoza seconded. The motion passed.

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

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

Kaci Singer, Staff Attorney, and Kyle Dufour, Staff Attorneys, presented the default judgment orders. Each of these officers has been given notice by law, as required, and none responded. Staff requests the Board approve the default judgment order against these officers revoking their certification.

Ms. King moved to separate item e, Charles Williams, to be considered separately. Judge Brieden seconded. The motion passed.

Mr. Matthew moved to approve the default judgment orders for items a through d. Ms. King seconded. The motion passed.

Ms. King stated she didn't feel that six months' probation was adequate discipline for the forgery offense by Mr. Williams, item e. Ms. King moved to reject the default order as presented for item e. Mr. Matthew seconded.

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

Chairman Fisher announced the request for this variance was withdrawn.

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

Scott Friedman, with the Monitoring and Inspections Division, presented the variance. The applicant has satisfied all six criteria satisfactorily. Staff recommends the Board grant the variance with the proposed special conditions listed in the resolution.

Mr. Shaw moved to grant the variance. Ms. Mendoza seconded. The motion passed.

Report from the Programs Committee

Mr. Shaw reported that Ms. Stroud presented on the State Facilities performance tracking and Ms. Walters presented on the Youth in Custody Project. Mr. Hurley and Mr. Myers both presented rule reviews.

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

Jim Hurley, Director of Communications, reported that this rule review cleans up the language in rule. Staff requests the Board's approval to publish the proposed revisions and a rule review notice in the Texas Register for a 30-day public comment period.

Mr. Matthew moved to approve submittal of the proposed rule for public comment. Ms. Mendoza seconded. The motion passed.

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

Royce Myers, Director of Human Resources, reported that staff are not proposing any changes to the rule and recommends re-adoption of the current rule text.

Ms. King moved to approve submittal of the proposed rule for public comment. Mr. Shaw seconded. The motion passed.

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

Teresa Stroud, Senior Director of State Programs and Facilities, reported TJJJ is requesting Board approval to designate up to the percentage requested by each Chaplain as a housing allowance for tax year 2016, enabling them to exclude that amount of their gross income from federal income taxes.

Mr. Shaw moved to approve the resolution as presented. Ms. Mendoza seconded. The motion passed.

Chairman Fisher recessed the open session meeting at 11:58 a.m.

Closed Session – Executive Session

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

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

Chairman Fisher reconvened the open meeting at 12:52 p.m. There was no action taken on items in closed session.

Adjourn

Chairman Fisher adjourned the meeting at 12:52 p.m.

MISSION

Transforming young lives and creating safer communities.

CORE VALUES

JUSTICE

We do the right thing, in all things, with all people.

SAFETY

We commit to a culture that protects youth, employees, and the public.

INTEGRITY

We build trust through transparency and ethical behavior.

PARTNERSHIP

We achieve best results through collaboration with counties, stakeholders, youth and their families.

INNOVATION

We proactively create opportunities to improve the juvenile justice system.

VISION

An effective and integrated juvenile justice system that:

1. Advances public safety through rehabilitation.
2. Equitably affords youth access to services matching their needs to enhance opportunities for a satisfying and productive life.
3. Employs a stabilized and engaged workforce fully empowered to be agents of change.
4. Operates safe and therapeutic environments with positive peer cultures emphasizing mutual accountability.
5. Is a model system with innovative, data-driven, and successful programming.





**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR RATIFICATION OF THE PROPOSED AGENCY MISSION STATEMENT, CORE BELIEFS, AND VISION

On this **29th day of January 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					
Motion:		Second:			

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

WHEREAS, the executive staff of the department have jointly developed a proposed statement of TJJD’s mission, core beliefs, and vision; and

WHEREAS, the executive staff believe the new statement of TJJD’s mission, core beliefs, and vision will provide a clear, consistent, and unified direction for all agency activities; and

WHEREAS, Board ratification of the proposed statement will be in furtherance of the Board’s statutory duty to establish the mission of the department;

NOW, THEREFORE BE IT RESOLVED THAT the Board ratifies the proposed statement of mission, core beliefs, and vision.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

**Office of Inspector General
Comprehensive Program Analysis**

Summary Indicators		
Analytics, Intelligence, & Reporting	1st Qtr. FY15	1st Qtr. FY16
Incident Reporting Center (IRC)	3,449	2,812
Referred to Administrative-AID State	216	220
Referred to Probation-AID County	359	430
Retained by OIG Criminal	434	470
Referred to Youth Rights	2,092	1,213
Closed	348	479
Security Intelligence		
Evaluations		416
Number of Staff Trained		28
Confirmations		19%
Disposition Tracking (Investigative Life Cycle)		
Average Number of Investigative Days	35	29
Total Days	136	145
Criminal Investigations	1st Qtr. FY15	1st Qtr. FY16
Criminal Investigations Submitted to Prosecution	102	51
Submitted to Prosecution Assaultive	97	45
Submitted to Prosecution Sexual Offense	1	0
Submitted to Prosecution Property Damage	2	0
Submitted to Prosecution Contraband	0	3
Submitted to Prosecution Other	2	3
Special Investigative Initiatives	1st Qtr. FY15	1st Qtr. FY16
Fugitive Apprehension and Recovery		
Directives to Apprehend Issued	107	101
Apprehensions	81	65
Use of Force Monitoring		
Submitted to Use of Force for Review	176	166
Referred to OIG Criminal	23	14
Referred to AID	47	22
Closed - No further investigation needed	106	130
Contraband, Detection, and Interception		
Total Searches	243	2,282
Dorm Searches	22	97
Open Searches	2	23
Perimeter Searches	5	8
Gate House Searches	1	8

**Texas Juvenile Justice Department
Administrative Investigations Division
Summary Comparisons
September 1, 2015 – November 30, 2015
County Investigations Unit**

Report Type	FY 2016
Abuse, Neglect & Exploitation Investigations	106
Complaints	21
Grievances	357
Non-Jurisdiction	9
Non-Reportable	123
Other Reports (<i>Duplicates, Standards Violation</i>)	34
Serious Incidents	218
Total Reports Received	868

Investigation Dispositions	FY 2016
Concur With Internal Investigation Disposition	1
Not Under TJJJ Jurisdiction	1
Reason To Believe	2
Ruled Out	11
Unable To Determine	1
Total FY 2016 Investigations Completed	15
Average Days to Disposition	33
Active FY 2016 Investigations	91
Total Investigations Completed	106

***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.*

**Texas Juvenile Justice Department
 Administrative Investigations Division
 Summary Comparisons
 September 1, 2015 – November 30, 2015
 State Investigations Unit**

Investigation Types	FY 2016
Abuse	109
Neglect	49
Exploitation	3
Policy Violations	160
Total Investigations Opened	321

Investigation Disposition	FY 2016
Confirmed	31
Unfounded	74
Unable to Determine (Previously Not Confirmed)	9
Duplicate Referrals	20
Total FY 2016 Investigations Completed in 1st Quarter	116
Total Dispositions Assigned to FY 2016 Investigations Opened During 1st Quarter	134
Total Investigations Completed in 1st Quarter	285
Median Days to Disposition for Total Investigations Completed in 1st Quarter	79

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

County Investigation Unit Definitions

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

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

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

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

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

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

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

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

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

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

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

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

State Investigation Unit Disposition Definitions:

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

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

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

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

**Legislative Implementation Update
Following the 84th Legislature, Regular Session
January 29, 2016 Board Meeting**

The 84th Legislature filed about 6500 bills and 20% passed. There were quite a few new laws related to juvenile justice or state agencies, but the following bills represent those that were the most significant and/or required action by TJJD.

- I. SB 1630 on Regionalization

- II. Legislation Involving Multi-Agency Workgroups or Advisory Councils
 - HB 188 - OAG Human Trafficking Prevention Task Force
 - HB 431 - Juvenile Records Advisory Committee
 - HB 1144 - Task Force on Improving Outcomes for Juveniles Adjudicated of Sexual Offense
 - SB 1 - Behavioral Health Coordinating Council
 - SB 219 - Drug Demand Reduction Advisory Committee
 - SB 1507 - Statewide Coordination of Forensic Mental Health Services

- III. Juvenile Justice Legislation
 - HB 839 - Suspending and reinstating health care benefits for youth in juvenile facilities
 - HB 1396 - Value amounts for property offense levels
 - HB 1595 - Testing confined persons for communicable diseases
 - HB 2372 - Modifying Preserve and OJT Requirements
 - HB 4003 - Redaction of personally identifiable information of victims from juvenile records
 - SB 149 - Graduation committees
 - SB 183 - Violation of civil rights of and improper sexual activity with individuals in custody
 - SB 2054 – Transfer of Corsicana Cemetery - completed on 9/18/15



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

Kenneth Ming, Director of Business Operations & Contracts

Steven Vargas, Director of Construction & Engineering

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

Date: January 8, 2016

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 for approval.

Staff is seeking approval to negotiate and award a construction contract to Secure Control Systems for fence detection systems at Ron Jackson State Juvenile Correctional Complex, Evins Regional Juvenile Center, and McLennan County State Juvenile Correctional Facility.

- **Budgeted Cost** \$797,940
- **Secure Control Systems** \$589,000
- **Savings** \$208,940

Staff is also seeking approval to negotiate a contract with K-Air Corporation for three mechanical, electrical and plumbing projects at the Evins Regional Juvenile Center.

- **Budgeted Cost** \$813,360
- **K-Air Corporation** \$598,783
- **Savings** \$214,577

In addition, Staff would also like to negotiate and award a residential contract to Rite of Passage for Non-Secure Residential Services in Granbury, TX. Rite of Passage is a leading national provider of programs and opportunities for troubled and at-risk youth from social service agencies, welfare agencies and juvenile courts.

The proposed contract will become effective on April 1, 2016 and expire on August 31, 2016. Rates have been negotiated down from \$200.35 to \$162.00 for males and from \$210.32 down to \$172.00 for females. Staff intends to place up to 24 male youth and up to 16 female youth at this secure residence.

Therefore, staff respectfully requests your consideration and approval to negotiate and award the construction contract to Secure Control Systems, negotiate and award a contract to K-Air Corporation and negotiate and award the secure residential services contract to Rite of Passage.

<u>Construction Contracts for TIID Secure Facilities</u>		<u>FY16</u>
• Secure Control Systems		\$589,000
• K-Air Corporation		<u>\$598,783</u>
	Sub-Total:	\$1,187,783
<u>Non-Secure Residential Contract</u>		
• Rite of Passage, Inc.		<u>\$508,000</u>
	Total:	\$1,695,783



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO EXECUTE CONTRACTS FOR CONSTRUCTION PROJECTS AT TJJD SECURE FACILITIES/NEW SECURE RESIDENTIAL CONTRACT

On this **29th day of January 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					
Motion:		Second:			

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

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

WHEREAS, staff has provided specific information regarding the following FY 16 contracts:

<u>Construction Contracts for TJJD Secure Facilities</u>	<u>FY16</u>
• Secure Control Systems	\$589,000
• K-Air Corporation	<u>\$598,783</u>
Sub-Total:	\$1,187,783
<u>Non-Secure Residential Contract</u>	
• Rite of Passage, Inc.	<u>\$508,000</u>
Total:	\$1,695,783

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Texas Juvenile Justice Department’s Executive Director to negotiate and execute these three contracts for a total amount of \$1,695,783 for FY 2016.

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

Signed this 29th day of January 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 final adoption of revisions, repeals, and rule review for 37 TAC §380.9901 – 380.9911, relating to Youth Records (Action)

Date: January 6, 2016

As a part of TJJJ's rule review process, the Office of General Counsel proposed changes to 37 TAC §380.9909 (Access to Youth Information and Records) and the repeal of §380.9901 (Confidentiality Regarding Youth Alcohol and Drug Abuse) and §380.9911 (Youth Masterfile Records) at the August 2015 Board meeting. The Board approved posting the revisions, repeals, and a rule review notice in the *Texas Register* for a 30-day comment period.

The comment period has ended. We did not receive any public comments. However, the staff has proposed additional changes, as described below.

- In §380.9909, make minor grammatical corrections.

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

Attached to this memo, please find the following documents:

- A table summarizing all 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 380, Subchapter G – General Provisions
(Rules assigned to the Office of General Counsel)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
380.9901	Confidentiality Regarding Youth Alcohol and Drug Abuse	Ensures that TJJD protects the privacy of youth who have records concerning alcohol or drug abuse.	No	<ul style="list-style-type: none"> • Repealed. Consolidated information from this rule into the revised §380.9909. 	Ready for board adoption
380.9909	Access to Youth Information and Records	Establishes controls on access to TJJD youth records and information in compliance with federal and state laws and regulations that limit access to youth records.	Yes	<ul style="list-style-type: none"> • Clarified that this rule applies to all youth committed to TJJD. • Added requirements from §380.9911 including that all records and information concerning youth must: <ul style="list-style-type: none"> ○ remain in the custody and control of authorized personnel at all times; and ○ be stored and transported in a manner that ensures security and confidentiality. • Removed a statement indicating that TJJD would not provide records in response to a request from a confined youth or his/her agent. • Added requirements from §380.9901 including: <ul style="list-style-type: none"> ○ Drug and alcohol information that may not be released includes any information that: <ul style="list-style-type: none"> ▪ would identify a youth as an alcohol or drug abuser; and ▪ is obtained for the purpose of treating alcohol or drug abuse, making a diagnosis for that treatment, or making a referral for that treatment; and ○ At the time of admission, youth diagnosed as alcohol or drug abusers must: <ul style="list-style-type: none"> ▪ be informed that federal laws protect the confidentiality of their alcohol and drug abuse records; and ▪ be given a written copy of the summary of the federal law and regulations. 	Ready for board adoption

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
				<ul style="list-style-type: none"> • Deleted requirements concerning access to youth orders of adjudication and sealing of youth records. These requirements are addressed in state law. • Added the following to the types of access that are allowed when youth records have been designated by court order as “restricted access”: <ul style="list-style-type: none"> ○ by the person who is the subject of the records on an order from the juvenile court granting the petition filed by or on behalf of the person who is the subject of the records; or ○ for research purposes by TJJJ; or ○ with the permission of the juvenile court, by a party to a civil suit if the person who is the subject of the records has put facts relating to the person’s records at issue in the suit; or ○ with the written permission of the individual, by military personnel, including a recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed forces. • Deleted the requirement for TJJJ to reply that no record exists when TJJJ receives a request for information about records that have been designated by court order as “restricted access.” This change is because of changes to Texas Family Code §58.207(e). 	
380.9911	Youth Masterfile Records	Ensures that youth records contain accurate and complete records of commitment documents, assessment reports, and significant decisions and events regarding the youth.	No	<ul style="list-style-type: none"> • Repealed. Consolidated certain information from this rule into the revised §380.9909. 	Ready for board adoption

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 4/26/04, T-65
Subchapter: General Rules	Page: 1 of 1
Division: Youth Records	Replaces: GAP.99.1, 12/16/99, T-45
Rule: Confidentiality Regarding Youth Alcohol and Drug Abuse	
ACA: N/A	

(a) **Purpose.**

The purpose of this rule is to ensure that the Texas Youth Commission protects the privacy of youth in compliance with Federal rule 42 CFR part 2.

(b) Restrictions on disclosure shall apply to any information, whether or not recorded, which:

- (1) would identify a youth as an alcohol or drug abuser (directly or through verification); and
- (2) is drug abuse or alcohol abuse information obtained for the purpose of treating alcohol or drug abuse, making a diagnosis for that treatment, or making a referral for that treatment.

(c) At the time of admission, youth diagnosed as alcohol or drug abusers must be informed that Federal laws protect the confidentiality of their alcohol and drug abuse records and shall be given a written copy of the summary of the Federal law and regulations, LS-021 Notice to Youth.

Chapter: Rules for State-Owned Programs and Facilities	Effective Date:
Subchapter: General Provisions	Page: 1 of 3
Division: Youth Records	Replaces: GAP.380.9909, 4/26/04
Rule: Access to Youth Information and Records	
ACA: N/A	

Staff-recommended changes on page 1

(a) **Purpose.**

This rule establishes controls on access to Texas Juvenile Justice Department (TJJD) youth records and information in compliance with federal and state laws and regulations that limit access to youth records.

(b) **Applicability.**

This rule applies to all youth committed to TJJD.

(c) **General Provisions.**

Records and information concerning youth:

- (1) must be marked "confidential;"
- (2) must remain in the custody and control of authorized personnel at all times;
- (3) may not be disclosed except as allowed by law; and
- (4) must be stored and transported in a manner that ensures security and confidentiality.

(d) **Access by a Youth or Parent.**

- (1) In the interest of protecting TJJD youth and the public, TJJD may disclose records and other information concerning a youth to the youth and the youth's parent or guardian only if the disclosure would not:
 - (A) materially harm the treatment and rehabilitation of the youth; or
 - (B) substantially decrease the likelihood of TJJD receiving information from the same or similar sources in the future.
- (2) If TJJD decides it is appropriate to disclose information to the parent or guardian concerning a youth who is at least 18 years old, TJJD may do so only with the youth's written consent.

(e) **Educational Information.**

- (1) Educational information is made available in accordance with Title 20 of the United States Code §1232g and Title 34 of the Code of Federal Regulations (CFR).
- (2) A TJJD youth who is at least 18 years old may access his/her own educational information or grant consent to another individual to access his/her information. If the youth is under the age of 18, the parent or guardian has the right to access the youth's educational information or grant consent to another individual to access the youth's educational information.
- (3) TJJD may disclose educational information of a youth who is at least 18 years old to a parent without the youth's consent if the parent is claiming the youth as a "dependent student" as defined in Section 152 of the Internal Revenue Code.

- (4) No consent is necessary if TJJD is releasing educational information on a youth to school officials within TJJD or to the school district where the youth seeks to attend.

(f) **Alcohol and Drug Treatment Records.**

- (1) Access to youth records that contain certain information identifying the youth as chemically dependent or as a substance abuser may be disclosed only as provided in 42 CFR Part 2. Confidentiality requirements for this type of information are more restrictive than requirements in other regulations.
- (2) Drug and alcohol information that may not be released includes any information that:
 - (A) would identify a youth as an alcohol or drug abuser; or
 - (B) is obtained for the purpose of treating alcohol or drug abuse, making a diagnosis for that treatment, or making a referral for that treatment.
- (3) At the time of admission, youth diagnosed as alcohol or drug abusers must:
 - (A) be informed that federal laws protect the confidentiality of their alcohol and drug abuse records; and
 - (B) be given a written copy of the summary of the federal law and regulations.
- (4) If a document contains information regarding alcohol and drug abuse but it also contains other information that may appropriately be released, TJJD must redact the alcohol and drug abuse information unless appropriate release forms have been completed.

(g) **Restricted Access to Youth Records.**

If records have been designated as restricted access by court order pursuant to Texas Family Code §58.201, et seq., TJJD must not permit access to these records except:

- (1) by a criminal justice agency for a criminal justice purpose, as those terms are defined by Texas Government Code §411.082; or
- (2) by the person who is the subject of the records, on an order from the juvenile court granting the petition filed by or on behalf of the person who is the subject of the records; or
- (3) by TJJD for research purposes; or
- (4) with the permission of the juvenile court, by a party to a civil suit if the person who is the subject of the records has put facts relating to the person's records at issue in the suit; or
- (5) with the written permission of the individual, by military personnel, including a recruiter, of this state or the United States if the individual is an applicant for enlistment in the armed forces.

(h) **Release of Information upon Escape.**

TJJD may disseminate the following information upon an escape of a youth:

- (1) the youth's name, including other names by which the youth is known;
- (2) the youth's physical description, including sex, weight, height, race, ethnicity, eye color, hair color, scars, marks, and tattoos;
- (3) a photograph of the youth; and

- (4) if necessary to protect the welfare of the community, any other information that reveals dangerous tendencies of the youth or expedites the apprehension of the youth.

(i) **Access under Federal Protection and Advocacy Systems.**

Pursuant to Title 42 of the United States Code §10805 and §15043, federal law provides for a federally funded system of mental health advocates and a federally funded system of advocates for the developmentally disabled and grants those advocates access to facilities and TJJJ records for the purpose of investigating abuse and neglect of the mentally ill or developmentally disabled.

(j) **Health Insurance Portability and Accountability Act.**

- (1) TJJJ is not a covered entity under the Health Insurance Portability and Accountability Act (HIPAA) because it does not engage in covered transactions as defined by 45 CFR §160.103. Records created by an entity covered by HIPAA are subject to TJJJ's regular confidentiality rules and procedures.
- (2) Protected health information generated by HIPAA-covered contract providers (University of Texas Medical Branch) to youth in high-restriction facilities and halfway house programs is the property of TJJJ. The status of the source of the information does not impose HIPAA restrictions on the use of that healthcare information.
- (3) To the extent that any healthcare information obtained by TJJJ may be covered by HIPAA as it applies to youth at high-restriction facilities and halfway houses, that healthcare information is for the governmental uses and purposes enumerated in 45 CFR §164.512, including but not limited to:
 - (A) the provision of healthcare to that youth;
 - (B) the health and safety of that youth or other youths;
 - (C) the health and safety of the officers or employees of or others at a high-restriction facility or halfway house;
 - (D) the health and safety of such individuals and officers or other persons responsible for the transporting of youths or their transfer from one institution, facility, or setting to another;
 - (E) law enforcement on the premises of a high-restriction facility or halfway house; and
 - (F) the administration of the safety, security, and good order of a high-restriction facility or halfway house.
- (4) A contract healthcare provider who is a HIPAA-covered entity and provides services to TJJJ youth other than those in high-restriction facilities or halfway houses is required as a condition of the contract to secure all necessary consents or authorizations to provide to or obtain from TJJJ protected health information.

(k) **Release of Certain Information for a Legitimate Need.**

TJJJ may disclose information regarding a youth's location and committing court to a person having a legitimate need for the information (e.g., to provide a location for a bench warrant or service of process to be issued the youth).

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 11/15/11, T-117
Subchapter: General Provisions	Page: 1 of 1
Division: Youth Records	Replaces: GAP.99.11, 12/15/08, T-92
Rule: Youth Masterfile Records	
ACA: 4-JCF-3A-21, 3A-25, 4C-32, 5D-11, 6F-01, 6F-02, 6F-03	

(a) **Purpose.**

The purpose of this rule is to ensure that youth records contain accurate and complete records of commitment documents, assessment reports, and significant decisions and events regarding the youth.

(b) **Applicability.**

- (1) For information relating to access to youth information and records, refer to §99.9 of this title.
- (2) For information relating to confidentiality of youth alcohol and drug abuse records, refer to §99.1 of this title.

(c) **Masterfile Description.**

- (1) The official record maintained for each youth is called the masterfile. The masterfile consists of separate subfiles including, but not limited to the casework, education, security, and medical subfiles.
- (2) The Texas Youth Commission (TYC) shall maintain a list of documents approved for filing in each subfile.

(d) **Masterfile Storage and Transportation.**

Masterfile subfiles shall be stored and transported in a manner that ensures security and confidentiality.

(e) **Masterfile Custody.**

Masterfile subfiles shall remain in the custody and control of authorized personnel at all times. Authorized personnel are TYC staff or staff under contract with TYC to provide medical or parole services.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §§380.9901 – 380.9911, RELATING TO YOUTH RECORDS

On this **29th day of January 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					
Motion:		Second:			

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

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

WHEREAS, the Texas Juvenile Justice Board previously approved the publication of proposed revisions for §380.9909, the proposed repeal of §380.9901 and §380.9911, and a rule review notice for all three rules 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 one additional change to §380.9909; and

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

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review and the adoption of revisions for §380.9909 and repeal of §380.9901 and §380.9911 as proposed, with one additional revision to §380.9909 as noted.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ 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 §380.9931 and §380.9933, relating to Youth Funds (Action)

Date: January 4, 2016

As a part of TJJJ's rule review process, the Finance Division proposed changes to 37 TAC §380.9931 (Student Trust Fund) and §380.9933 (Spending Money for Released Youth) at the August 2015 Board meeting. The Board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

The comment period has ended. We did not receive any public comments. However, the staff has proposed one additional change, as described below.

- In §380.9933, correct a cross-reference to another TJJJ rule.

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

Attached to this memo, please find the following documents:

- A table summarizing all 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 380, Subchapter G – General Provisions
(Rules assigned to Finance Division)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
380.9931	Student Trust Fund	Requires TJJD to maintain a student trust fund at each facility for youth who receive personal funds. Requires TJJD to allow youth with sufficient balances to establish a savings account. Provides rules for forwarding funds when youth leave a facility.	Yes	<ul style="list-style-type: none"> • Clarified that TJJD is not responsible for funds that are lost or stolen after being transferred to a youth’s possession upon release or discharge. • Clarified that the 15-day hold TJJD places on money orders does not apply to U.S. Postal Service money orders. • Clarified that youth in high-restriction facilities are not permitted to handle withdrawn funds. • Added a requirement to notify the youth when TJJD must withdraw funds from a youth’s account when TJJD is charged for a problem with a deposit, such as a charge for insufficient funds. • Clarified that TJJD will establish a savings account for a youth who has a balance of <i>at least \$5,100</i> (rather than “an adequate amount”) when the youth is expected to stay at the current facility for at least six months. • Added a requirement for youth who establish savings accounts to maintain at least \$100 in their student trust fund accounts. • Clarified that when a youth is moved to a contract residential facility that does not have a resident banking system, TJJD does not forward the youth’s student trust fund to the new facility. Instead, TJJD will hold the funds until the youth: <ul style="list-style-type: none"> ○ designates a 3rd party to receive them; or ○ requests the funds from TJJD once the youth is released from the facility. • Clarified that when a youth is paroled to a home location: <ul style="list-style-type: none"> ○ the total amount of the youth’s student trust fund is provided to the youth unless the youth has a balance <i>over \$50</i> (rather than “a large sum”); and ○ if the balance is over \$50, the youth is provided <i>up to \$50 in cash</i> (rather than “a small amount”) and a check for the rest is mailed to the parole officer to be picked up by the youth at the first parole meeting. 	Ready for board adoption

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
				<ul style="list-style-type: none"> Added requirements for forwarding the balance of a youth's student trust fund when a youth is discharged from TJJJ and is sent to any type of residential placement, such as adult prison, an Immigration and Customs Enforcement detention facility, or a group home. The youth chooses whether the funds will be sent to the facility or to another designated recipient. Added a requirement for TJJJ to hold the funds in a youth's student trust fund account until the account is cleared of any questions that prevented it from being closed upon the youth's departure from the facility. 	
380.9933	Spending Money for Released Youth	Requires TJJJ to provide \$15 in cash to youth upon release or discharge if they are traveling by public transportation and do not have at least \$15 in personal funds to withdraw.	Yes	<ul style="list-style-type: none"> Increased the amount provided to youth upon discharge or release to \$15 (instead of \$10). This applies only to youth who do not have at least \$15 in their student trust fund accounts. Clarified that youth who have at least \$15 available in their student trust fund accounts are provided cash upon release in accordance with §380.9931. 	Ready for board adoption

Draft 12/11/15

Chapter: Rules for State-Operated Programs and Facilities Subchapter: General Provisions Division: Youth Funds Rule: Student Trust Fund ACA: 4-JCF-3A-13, 6B-02, 6B-12, 6B-13 Statutes: HR Code §242.063	Effective Date: Page: 1 of 3 Replaces: GAP.380.9931, 11/8/05
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RULE

(a) **Purpose.**

This rule provides banking privileges for youth in certain residential facilities through a student trust fund system.

(b) **Applicability.**

This rule applies to high-restriction and medium-restriction facilities operated by the Texas Juvenile Justice Department (TJJD), except orientation and assessment units.

(c) **General Provisions.**

- (1) TJJD maintains a student trust fund account for each youth who receives personal funds while in a residential facility operated by TJJD other than an orientation and assessment unit.
- (2) The facility administrator is the trustee for the student trust fund in his/her facility.
- (3) TJJD is not responsible for funds that are:
 - (A) sent to a youth through the mail and are not received by TJJD; or
 - (B) lost or stolen after being transferred to a youth's possession upon release or discharge.

(d) **Sending Funds to TJJD Youth.**

- (1) TJJD provides parents/guardians with written instructions for sending funds to TJJD youth through the mail. Funds sent through the mail may be returned to the sender if the instructions are not followed.
 - (A) Envelopes containing funds for youth must be addressed to the facility business office.
 - (B) Any personal check, money order, or cashier's check must be payable to the youth's facility and must include the youth's name and TJJD number on the personal check, money order, or cashier's check.
- (2) Funds from deposit of personal checks or money orders, with the exception of U.S. Postal Service money orders, will not be available for use for 15 calendar days after deposit to allow the funds to clear the financial institution.
- (3) When TJJD receives funds for a youth, TJJD provides the youth a receipt. If the funds and accompanying correspondence are returned to the sender, TJJD provides the youth a copy of the correspondence.

(e) **Withdrawing Funds.**

- (1) A youth may withdraw money for specific purposes according to the youth's progress in the agency's positive reinforcement and privilege system described in §380.9502 of this title. Youth in high-restriction facilities are not permitted to handle the withdrawn funds.

- (2) TJJD may not withdraw money from a youth's student trust fund account without the youth's consent except when TJJD is charged by the bank for a problem related to a deposit, such as a charge for insufficient funds. In these cases:
 - (A) TJJD may withdraw from the youth's account an amount not to exceed the amount of the charge; and
 - (B) if an amount is withdrawn, TJJD must provide written notice to the youth.

(f) **Savings Accounts.**

- (1) TJJD provides an opportunity to establish a savings account at a bank within a reasonable distance from the youth's facility for each youth who:
 - (A) has a balance of \$5,100 or more in his/her student trust fund account; and
 - (B) is expected to remain at his/her current facility for at least six months.
- (2) For youth who establish a savings account:
 - (A) the youth must maintain at least \$100 in his/her student trust fund account at all times;
 - (B) the youth must maintain a minimum balance in his/her savings account equal to or greater than the minimum balance required without a service charge by the bank; and
 - (C) interest on the savings account accrues to the youth.

(g) **Forwarding and Disbursing Funds When Youth Leave the Facility.**

- (1) When a youth is moved to a residential facility operated by TJJD, a check for the full amount of the youth's student trust fund account balance is mailed to the new facility.
- (2) When a youth is moved to a residential facility operated under contract with TJJD, a check for the full amount of the youth's student trust fund account balance is mailed to the new facility only if the facility has a banking system for residents.
- (3) When a youth is moved to a facility operated under contract with TJJD and the facility does not have a banking system for residents, TJJD notifies the youth that TJJD will hold the full amount of the youth's student trust fund balance until the youth:
 - (A) designates in writing a third party to receive the funds; or
 - (B) requests the funds upon release from the facility.
- (4) When a youth is released from a TJJD residential facility and is placed on parole in a home location, the current balance of the youth's student trust fund account determines how the funds are disbursed.
 - (A) If the youth's balance is \$50 or less, the total amount is withdrawn and given to the youth in cash, check, or money order upon his/her departure from the facility.
 - (B) If the youth's balance is more than \$50, the youth is given up to \$50 in cash upon his/her departure and a check for the remaining balance is mailed to the youth's parole officer. The parole officer provides the check for the remaining balance to the youth during the youth's first scheduled visit to the parole officer.

- (5) When a youth in a TJJD residential facility is discharged from TJJD and is sent to any type of residential placement, such as the Texas Department of Criminal Justice, an Immigration and Customs Enforcement detention facility, or a group home, the youth chooses whether TJJD mails a check for the total balance of the youth's student trust fund account to:
- (A) the receiving entity; or
 - (B) a third party designated in writing by the youth.
- (6) When a youth in a TJJD residential facility is discharged from TJJD and is not sent to another residential placement, the current balance of the youth's student trust fund account determines how the funds are disbursed.
- (A) If the youth's balance is \$50 or less, the total amount is withdrawn and given to the youth in cash, check, or money order upon his/her departure.
 - (B) If the youth's balance is more than \$50, the youth is given up to \$50 in cash upon his/her departure and a check or money order for the remaining balance is given to the youth upon his/her departure or is mailed to his/her home address.
- (7) If a youth's student trust fund account cannot be closed when the youth leaves a TJJD facility because of holds or for any other reason, the funds are held by TJJD and are disbursed in accordance with paragraphs (1)-(6) of this subsection once the account is cleared of any questions.

See Chapter 45 of the Accounting Procedure Manual for implementation procedures.

Draft 12/16/15

Chapter: Rules for State-Operated Programs and Facilities Subchapter: General Provisions Division: Youth Funds Rule: Spending Money for Released Youth ACA: N/A Statutes: Hum. Res. Code §245.106	Effective Date: Page: 1 of 1 Replaces: GAP.380.9933, 12/31/96
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Staff-recommended change in red

RULE

- (a) The Texas Juvenile Justice Department (TJJD) provides \$15 in cash from TJJD funds to each youth who:
- (1) is released or discharged from a residential facility operated by TJJD;
 - (2) will travel by public transportation to his/her home placement; and
 - (3) does not have at least \$15 available to withdraw from his/her student trust fund account.
- (b) A youth who has at least \$15 available to withdraw from his/her student trust fund account is provided cash from his/her student trust fund account in accordance with ~~§380.9931~~ ~~§380.9334~~ of this title upon release or discharge.

See ACC.45.09 for implementation procedures.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §380.9931 and §380.9933, RELATING TO YOUTH FUNDS

On this **29th day of January 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					
Motion:		Second:			

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

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

WHEREAS, the Texas Juvenile Justice Board previously approved the publication of the proposed rule review and revisions for §380.9931 and §380.9933 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 one additional change to §380.9933; and

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

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review and revisions for §380.9931 and §380.9933 as proposed, with one additional revision to §380.9933 as noted.

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

Signed this **29th day of January 2016**.

Texas Juvenile Justice Board

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 to publish proposed revisions and a rule review notice for 37 TAC §385.9975, relating to State Inscription, in the *Texas Register* for a 30-day public comment period (Action)

Date: January 7, 2016

As part of the agency's rule review process, the Finance Division has completed its review of §385.9975 (State Inscription) and recommends revisions to the rule.

Attached to this memo please find:

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

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

Texas Administrative Code Rule Review
37 TAC Chapter 385, Subchapter 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"> • 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. • 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. 	Ready for board review

Draft 11/6/15

Chapter: Agency Management and Operations	Effective Date: 12/31/96 Page: 1 of 1 Replaces: GAP.385.9975, 12/31/96GOP.33-09 & TAC §81.11, 8/2/94
Subchapter: Miscellaneous	
Rule: State Inscription	
ACA: N/A	
<u>Statutes:</u> <u>Transportation Code Chapter 721</u>	

RULE

- (a) ~~State-owned vehicles used for the following purposes are not required to [All state vehicles shall] bear the inscription required by [as provided in] Texas Transportation Code, Chapter 721: [Civil Statutes, Article 6701m-1, except]~~
- ~~(1) ___ vehicles primarily [normally] used to [by personnel who] transport youth; [in the vehicle,]~~
 - ~~(2) ___ vehicle used by staff who are on 24-hour emergency call; [, or whose duties require]~~
 - ~~(3) ___ vehicle used for regular [and extended] travel away from staff members' [their] 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 [State] property.
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**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND A RULE REVIEW NOTICE FOR 37 TAC §385.9975, RELATING TO STATE INSCRIPTION, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD

On this **29th day of January 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					
Motion:		Second:			

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

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

WHEREAS, the Finance Division has completed this review for 37 TAC §385.9975 and recommends revisions within the rule; and

WHEREAS, Texas Human Resources Code §242.003 requires the Board to adopt rules appropriate to properly accomplish TJJJ’s functions; and

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

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

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Internal Audit Report

BOARD MEMBERS

Scott W. Fisher, Chair
Bedford, Texas

Becky Gregory
Dallas, Texas

The Honorable John Brieden III
Brenham, Texas

Riley Shaw
Fort Worth, Texas

The Honorable Carol Bush
Waxahachie, Texas

Jane Anderson King
Canyon, Texas

David "Scott" Matthew
Georgetown, Texas

Mary Lou Mendoza
San Antonio, Texas

Dr. Rene Olvera
San Antonio, Texas

The Honorable Laura Parker
San Antonio, Texas

The Honorable Jimmy Smith
Midland, Texas

Calvin Stephens
Dallas, Texas

McFadden Ranch Audit

Project 15-1C
January 2016

EXECUTIVE DIRECTOR

David Reilly

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjtd.texas.gov

Internal Audit Mission

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

Team Members

Jamyen Robinson-Hall (Staff Auditor)

Matthew Segura, (Staff Auditor)

John Isle, CIA, CFE, CRMA (Team Lead)

Vivian Cohn, CIA, CGAP, CRMA, MBA, Deputy Chief Auditor

For additional copies contact:

Texas Juvenile Justice Department

Office of Internal Audit

P.O. Box 12757

Austin, TX 78711

512-490-7190



Memorandum

To: TJJJ Board Members
David Reilly, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: McFadden Ranch Audit

Date: January 29, 2016

Attached for your review and approval is our draft report on the McFadden Ranch Audit.

This audit was conducted as a full-scope audit on the fiscal year 2015 Audit Plan, and is part of the facility audits required by Texas Human Resources Code Section 203.013. The overall objective for this audit is to determine whether the controls at McFadden Ranch are operating effectively. The scope includes required treatment, youth supervision, youth medication, data reliability and petty cash reconciliation. The test period of the audit covers January 1, 2015 through May 31, 2015 and includes control, performance, and compliance tests related to the operations and processes for McFadden Ranch.

Recommendations to strengthen controls and improve accountability were provided to management. Management concurs with the results of our work and has provided responses, which are included with the recommendations at the end of the report. We appreciate the cooperation and assistance provided to us throughout this audit.

cc Chelsea Buchholtz, Chief of Staff
Executive Management
Karen Chalkley Lashbrook, Manager of Halfway House and Reentry
Jimmie Prince, Superintendent

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EXECUTIVE SUMMARY

This report presents the results of the Texas Juvenile Justice Department's (TJJD) McFadden Ranch Audit, which was included as a full-scope audit on the fiscal year 2015 Audit Plan.

The audit objective was to determine whether controls at McFadden Ranch are operating effectively.

Strengths and best practices identified were as follows.

- The petty cash fund balanced and is reconciled monthly by the Business Services Coordinator and approved by the Facility Business Coordinator.
- The Treatment Group Manager supported that youth receive their Alcohol and Other Drugs Treatment as required. Twelve (100%) of the youth sampled had weekly scheduled AOD sessions conducted for the required duration of 50 minutes or more.
- Documentation indicated proper supervision of youth on both suicide and run alerts, and required staffing ratios are maintained at McFadden Ranch.

Controls could be strengthened to ensure compliance with laws, regulations and agency's policies, and to provide more cost-effective practices.

- Training on the proper handling of contraband to the halfway houses could provide for the preservation, control, and/or disposition of all contraband including physical evidence obtained in connection with a violation of law and/or rule violations.
- Monitoring of employee training records could ensure employees at McFadden Ranch are in compliance with required training.
- Establishing and implementing a documentation process could ensure that CCF-120 Program Services in Correctional Care System (CCS) includes youth participation in community service.
- Establishing monitoring activities over data entries in the Correctional Care System (CCS) could ensure Alcohol and Other Drug (AOD) sessions are entered at McFadden Ranch.
- McFadden Ranch can improve their process to ensure compliance with completion of the University of Texas Medical Branch's (UTMB's) Medication Error Reports.

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BACKGROUND

McFadden Ranch is one of eight halfway houses servicing the needs of youth adjudicated to the TJJD who are transitioned back into the community. It is located in Roanoke, Texas, and has a budgeted capacity of 48 youth. The daily population has approximated around 40 youth for fiscal year 2015.

McFadden Ranch youth are taught skills to aid in their transition back to the community and are encouraged to obtain employment in the community. All residents are required to receive Alcohol and Other Drug treatment prior to becoming eligible for release.

The overall objective for the audit was to determine if controls at McFadden Ranch are operating effectively. The sub-objectives related to the following areas:

- Alcohol and Other Drugs Treatment
- Supervision of youth
- Medication

The scope included operations at McFadden Ranch and covered the period from January 1, 2015 through May 31, 2015. The methodologies consisted of researching laws and regulations, reviewing agency's policies and procedures, analyzing data and reports, evaluating the results of the tests, identifying and collecting information from other reports, conducting interviews with management and staff in the central and field locations, and assessing system and process controls and operational effectiveness.

This audit was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing* and *Generally Accepted Government Auditing Standards*. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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RESULTS

Strengths and best practices identified were as follows.

- The petty cash fund balanced and is reconciled monthly by the Business Services Coordinator and approved by the Facility Business Coordinator.
- The Treatment Group Manager supported that youth receive their Alcohol and Other Drugs Treatment as required. Twelve (100%) of the youth sampled had weekly scheduled AOD sessions conducted for the required duration of 50 minutes or more.
- Documentation indicated proper supervision of youth on both suicide and run alerts, and required staffing ratios are maintained at McFadden Ranch.

Controls in the following areas could be strengthened to ensure compliance with laws, regulations and agency policies and to provide more effective practices.

Training on the proper handling of contraband to the halfway houses could provide for the preservation, control, and/or disposition of all contraband including physical evidence obtained in connection with a violation of law and/or rule violations.

- Contraband was not properly disposed and subsequent communications at the halfway house identified the process for the handling of contraband does not reflect current procedures. One contraband incident at McFadden Ranch, while referred to the OIG, reflected the evidence was disposed prior to reporting the incident to the Incident Reporting Center (IRC).
- According to General Administrative Policy Manual (GAP) 380.9711- Control of Unauthorized Items Seized, seized contraband that may be used as evidence in a due process proceeding will be properly identified, documented, and maintained until properly disposed of pursuant to policy. Any staff discovering or taking possession of contraband shall be responsible for its preservation until transferred to the appropriate authority. After all administrative/legal proceedings have been concluded; destroy contraband item(s), other than contraband money, in the presence of at least two staff members.

Monitoring of employee training records could ensure employees at McFadden Ranch are in compliance with required training.

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- McFadden Ranch employees were out of compliance with required employee training. Review of the Training Compliance Report dated July 14, 2015 identified 19 of 41 (46%) employees out of compliance for Agency Required (AR) training, 7 of 41 (17%) employees out of compliance for Life Safety (LS) training, and 16 of 41 (39%) employees out of compliance for Statutorily Required (SR) training.
- According to Personnel Policy and Procedure Manual (PRS 39.01) Agency Training Program, a Training Advisory Committee is responsible for reviewing training requirements and the facility's progress toward meeting the requirements. Members of this committee will include each halfway house superintendent.

Establishing and implementing a documentation process could ensure that CCF-120 Program Services in Correctional Care System (CCS) includes the youth community service information.

- CCF-120 Program Services in CCS do not include the youth community service information. There were 5 of 43 (12%) youth on parole at McFadden Ranch as of 6/26/2015. One of One (100%) youth on parole status had a record of community service in CCF-560p Community Service Hours for Parole, but not in a CCF-120 in CCS.
- According to Case Management Standard (CMS) 03.80 - Independent Living Preparation, the case manager is required to document a youth's participation in independent living preparation by entering the S51 code on the CCF-120. Independent living preparation encompasses community services, employment, and education.

Establishing monitoring activities over data entries in the Correctional Care System (CCS) could ensure Alcohol and Other Drug (AOD) sessions are entered at McFadden Ranch.

- AOD weekly group sessions should be documented in CCS and the Treatment Group Manager (TGM). While all sessions were documented in the TGM for the 12 youth sampled, only nine (75%) youth sampled were documented or accounted for in the CCS for the test period January 1, 2015 through May 31, 2015. Documentation of AOD group sessions in the TGM was required beginning November 2014.
- According to Case Management Standards (CMS) 08.09 – Specialized Treatment Programming, the case manager documents the AOD high need treatment services on the CCS 790R screen, the AOD moderate-need treatment services on the CCS 790S screen, and in the TGM.

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McFadden Ranch can improve upon their process for completion of UTMB’s Medication Error Reports.

- Medication Error Reports are not completed accurately based on the medication errors entered by McFadden Ranch in the Pharmacy Replacement System (PRS). Seven of 14 (50%) Medication Error Reports did not match the Date of Incidents and/or the error in medication as recorded in the PRS. In addition, eight medication error reports were not found.
- According to Halfway House Health Services (HHS) 15.10- Human Service Specialist Responsibilities, the Human Service Specialist (HSS) completes the Medication Error Report for each medication error made or detected and immediately notifies and faxes a copy of the report to the Human Service Administrator (HSA) and documents only the notification on an HLS-505 form. The HSS puts the original Medication Error Report in the health services management system binder to be reviewed by the nurse during routine visits and gives a copy of the report to the superintendent.

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RECOMMENDATIONS

RECOMMENDATION	MGT RESPONSE CURRENT STATUS PROJ. COMPLETION DATE
<p>1. The Manager of Halfway Houses and Reentry should collaborate with OIG to provide training regarding disposal of contraband for all halfway houses.</p>	<p>CONCUR Underway January 31, 2016</p> <p>Each Halfway House superintendent will provide training or ensure training is provided locally to their staff on GAP 380.9711 and ensure they are clear that items considered criminal such as drugs and weapons will not be disposed of locally but will be picked up by the OIG for disposition. If questions arise, the Halfway House staff will contact the OIG for clarification.</p>
<p>2. The Superintendent should develop a process to monitor training for employees to ensure compliance with agency and statutory requirements.</p>	<p>CONCUR Underway January 1, 2016</p> <p>Superintendent will require a monthly training update from all supervisors to ensure that training is provided regularly and on time to ensure compliance.</p>
<p>3. The Program Supervisor should establish and implement a process to ensure that CCF-120 in CCS contains community service information.</p>	<p>CONCUR Implemented November 1, 2015</p> <p>Assigned case managers for youth that are approved for community service will notify Program Specialist to ensure that a Form CCF 120 is entered for each youth.</p>
<p>4. The Program Supervisor should monitor Case Managers’ data entries in CCS and develop a process for reviewing AOD session entries in CCS.</p>	<p>CONCUR Implemented November 30, 2015</p> <p>Program Supervisor will monitor 25 % of youth every two weeks to ensure that entries are complete and correct.</p>

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5. The Superintendent should develop a process with the HSS to ensure the Medication Error Reports are reviewed for accuracy.	CONCUR Planned April 1, 2016 Superintendent will meet with HSS monthly to review medication error documentation to reduce inconsistent and inaccurate documentation and data entry.
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PLANNED: Management concurs with the recommendation but actual implementation of the recommendation has not begun.

UNDERWAY: The implementation process of the recommendation has been started.

IMPLEMENTED: All new procedures, policies, systems, processes, related documents, and other elements relevant to the audit recommendation have been prepared, approved, and put into operation.

FACTORS PREVENT IMPLEMENTATION: Management concurs with the recommendation; however, due to resource constraints and competing priorities is not able to implement or can only partially implement the recommendation.

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**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE MCFADDEN RANCH AUDIT REPORT

On this 29th day of January 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					
Motion:		Second:			

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

WHEREAS, the Texas Internal Auditing Act (Government Code, Chapter 2102) requires Board review of audit reports submitted by the Office of Internal Audit; and

WHEREAS, an audit report must be filed with the Sunset Advisory Commission, Governor’s Office of Budget, Planning, and Policy, the State Auditor’s Office, and the Legislative Budget Board not later than the 30th day after the date the report was submitted to the Board;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Office of Internal Audit’s report on the McFadden Ranch Audit and endorses its distribution as required by statute.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Internal Audit Report

BOARD MEMBERS

Scott W. Fisher, Chair
Bedford, Texas

Becky Gregory
Dallas, Texas

The Honorable John Brieden III
Brenham, Texas

Riley Shaw
Fort Worth, Texas

The Honorable Carol Bush
Waxahachie, Texas

Jane Anderson King
Canyon, Texas

David "Scott" Matthew
Georgetown, Texas

Mary Lou Mendoza
San Antonio, Texas

Dr. Rene Olvera
San Antonio, Texas

The Honorable Laura Parker
San Antonio, Texas

The Honorable Jimmy Smith
Midland, Texas

Calvin Stephens
Dallas, Texas

EXECUTIVE DIRECTOR

David Reilly

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjtd.texas.gov

**Texas Administrative Code
(TAC) 202 Audit**

**Project 15-10
January 2016**

DRAFT

Internal Audit Mission

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

Team Members

Matthew Segura (Lead Auditor)

Eleazar Garcia, CIA, CRMA (Chief Auditor)

For additional copies contact:

Texas Juvenile Justice Department
Office of Internal Audit
P.O. Box 12757
Austin, TX 78711
512-490-7190



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members
David Reilly, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: Texas Administrative Code (TAC) 202 Audit

Date: January 29, 2016

Attached for your review and approval is our draft report on the audit of Texas Juvenile Justice Department's (TJJJ) compliance with Texas Administrative Code Chapter 202 (TAC 202) Information Security Standards. This audit was conducted as a full-scope audit on the fiscal year 2015 Audit Plan. The scope includes policies, procedures, and agency practices over information security and resources. Information gathering, interviews, and reviews were performed during the period August through December 2015.

Recommendations to strengthen controls and improve accountability were provided to management. Management concurs with the results of our work and has provided responses, which are included with the recommendations at the end of the report. We appreciate the cooperation and assistance provided to us throughout this audit.

cc Chelsea Buchholtz, Chief of Staff
Executive Management
Elaine Mays, Chief Information Officer

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EXECUTIVE SUMMARY

This report presents the results of the Texas Juvenile Justice Department's (TJJD) TAC 202 Audit which was included as a full scope audit in the fiscal year 2015 audit plan. The objective is to determine whether the agency complies with requirements of TAC 202.

The agency does not fully comply with the requirements of TAC 202.

Strengths and best practices identified were as follows.

- The agency is submitting monthly reports of security related incidents to the Department of Information Resources (DIR).
- The agency utilizes an e-mail filtering application to block or quarantine mail that may contain spam, viruses or other malicious software that pose a threat to the agency's technical environment.
- The agency requires employees, volunteers, contractors, and interns who handle confidential and sensitive information to sign an agreement informing of their principal obligations concerning the use of information resources.
- User password management is being addressed to enhance security controls.

Updates and improved processes within the agency's information security program are needed in order to comply with the TAC 202 standards.

- The information security program is defined as the policies, standards, procedures, structure, strategies, objectives, plans, reports, and resources that establish an information resources security function within a state agency.

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BACKGROUND

This report presents the results of the TAC 202 Audit. The audit was included in the fiscal year 2015 audit plan. The objective is to determine whether the agency complies with the requirements of the TAC 202.

TAC 202 Information Security Standards are set by the Texas Department of Information Resources (DIR) that apply to state agencies. These Standards were revised in February 2015. The standards provide guidelines for agencies to follow to ensure security of information resources. They are separated into seven rules which include the responsibilities of the agency head, the responsibilities of the information security officer (ISO), staff responsibilities, security reporting, the agency information security program, managing security risks, and the Security Controls Standards Catalog. The revised TAC 202 includes a National Institute of Standards and Technology (NIST) Control Standards Catalog. DIR requires TAC 202 controls to be implemented in three phases with Phase 1 controls in the legacy TAC 202 having been required by February 2015. Phase 2 requires implementation of specified controls by February 2016, and Phase 3 requires implementation by February 2017.

While all staff are responsible for information security, the Information Technology (IT) division has four positions dedicated to information security. In addition, the agency's Information Security Procedure (ISP) Manual documents the policies and procedures necessary to ensure the security of information resources against unauthorized or accidental modification, destruction, or disclosure.

In fiscal year 2014, the Gartner Group performed a review of the agency's information security based on the NIST Security Controls Standards Catalog. There were a total of 37 recommendations issued based on their review and the agency is in the process of implementing the NIST control families which were required by February 2015.

The audit work was conducted August through December, 2015. The methodologies used consist of researching laws and regulations, reviewing agency's policies and procedures, analyzing data and reports, forwarding and evaluating the results of the questionnaire which mirrored the TAC 202 requirements, identifying and collection of information from other reports, conducting interviews with management and staff in the Austin office, and assessing system and process controls.

This audit was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing* and *Generally Accepted Government Auditing Standards*. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence

Texas Juvenile Justice Department

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CONFIDENTIAL: This communication may be considered a part of TJJD Internal Audit's working papers, and as appropriate, may be excerpted from public release by TEX. GOV'T CODE Section 552.116.

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to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

RESULTS**The agency does not fully comply with the current requirements of TAC 202.**

TAC 202 are the codification standards to ensure the protection of information resource assets from unauthorized access, disclosure, modification or destruction, as well as to assure the availability, integrity, utility, authenticity, and confidentiality of information.

Strengths and best practices identified were as follows.

- The agency is submitting monthly reports of security related incidents to the Department of Information Resources (DIR).
- The agency utilizes an e-mail filtering application to block or quarantine suspicious email that may contain spam, viruses or other malicious software that poses a threat to the agency's technical environment.
- The agency requires employees, volunteers, contractors, and interns who handle confidential and sensitive information to sign an agreement informing of their principal obligations concerning the use of information resources.
- User password management is being addressed to enhance security controls.

Updates and improved processes within the agency's information security program are needed in order to comply with the TAC 202 standards.

The DIR defines information security programs as the policies, standards, procedures, structure, strategies, objectives, plans, reports, and resources that establish an information resources security function within a state agency. TAC 202 assigns management and staff responsibilities that encompasses security and the assurance of continuity of services that include developing a security program, identifying ownership of information resources, managing risk, and developing business continuity plans.

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Staff responses to current control questions as well as review of operations reflect updates and improved processes are needed in order to comply with the requirements of TAC 202. Currently, implementation and/or improvements are needed in the following areas:

- There is no dedicated ISO since the departure of the ISO on October 17th, 2015.
- Guidance and assistance to senior agency officials, information owners, information custodians, and end users concerning their responsibilities.
- Ensuring that annual information security risk assessments are performed and documented by their information owner.
- Coordinating the review of data security requirements, specifications, and third-party risk assessment of any new computer applications or services that receive, maintain, and/or share confidential data.
- Verifying that security requirements are identified and risk mitigation plans are developed and contractually agreed and obligated prior to the purchase of information technology hardware, software, and systems developed for services for any new high impact computer application or computer applications that receive, maintain, and/or share confidential data.
- Reporting the status and effectiveness of security controls to the Executive Director at least annually.
- Reporting on the effectiveness of current information security program and status of key initiatives to the Executive Director on at least an annual basis.
- Reporting on the residual risks identified by the agency risk management process to the Executive Director on at least an annual basis.
- Reporting on the agency information security requirements and requests to the Executive Director on at least an annual basis.
- Strategies to address risk to High-Impact information resources.
- Plans for providing information security for networks, facilities, and systems or groups of information systems based on risk.
- Process for planning, implementing, evaluating, and documenting remedial action to address any deficiencies in the information security policies, procedures, and practices of the agency.
- Administering an ongoing information security awareness education program for all users. The ISP Manual indicates a security awareness training program to include an online refresher course addressing information security policies and procedures will be completed annually for all employees; however, this is not currently being completed.

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RECOMMENDATIONS

RECOMMENDATION	MGT RESPONSE CURRENT STATUS PROJ. COMPLETION DATE
<p>1. The IT division should ensure the agency is fully compliant with TAC 202 by:</p> <ul style="list-style-type: none"> Revising and implementing the agency’s security program to include the required security standards as specified in TAC 202. Posting and filling the ISO position. 	<p>CONCUR Underway December 31, 2016</p> <p>Once IT finalizes the reorganization, the ISO position will be posted prior to the end of February 29, 2016. The agency security programs are currently underway and will be implemented as the agency has the necessary resources available to implement them on an ongoing basis. The implementation of security programs will not be impacted by the update of the Information security manual which is due to be completed by December 2016.</p>
<p>2. The agency can further ensure information is secure by:</p> <ul style="list-style-type: none"> Conducting and/or collaborating with the Monitoring and Inspections division (M&I) to perform site audits to identify any information security risks. Developing internal performance measures to ensure information security measures are being met, such as establishing an ongoing program to conduct regular and periodic scans of the internal infrastructure environment to proactively identify unauthorized or inappropriate device configuration changes, as noted in the Gartner Security Assessment Report. 	<p>CONCUR Underway December 31, 2016</p> <p>While we may be able to travel occasionally, M&I travels frequently. We could provide training to their team on what is required of our site audits by March 1, 2016. Thereafter, M&I would assist with conducting the site audits.</p> <p>Currently, we engage third party organizations for penetration testing. While KACE is capable of monitoring for unauthorized software installs and Sophos is capable of monitoring for any new hardware attached to a machine, our end process is to utilize System Center Configuration Management (SCCM). SCCM workstation client tracks and monitors software and hardware configurations. It has been deployed to all systems in the agency and it should be fully operational by December 31, 2016.</p>

PLANNED: Management concurs with the recommendation but actual implementation of the recommendation has not begun.

UNDERWAY: The implementation process of the recommendation has been started.

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IMPLEMENTED: All new procedures, policies, systems, processes, related documents, and other elements relevant to the audit recommendation have been prepared, approved, and put into operation.

FACTORS PREVENT IMPLEMENTATION: Management concurs with the recommendation; however, due to resource constraints and competing priorities is not able to implement or can only partially implement the recommendation.

DRAFT



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE TEXAS ADMINISTRATIVE CODE (TAC) 202 AUDIT REPORT

On this **29th day of January 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					
Motion:		Second:			

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

WHEREAS, the Texas Internal Auditing Act (Government Code, Chapter 2102) requires Board review of audit reports submitted by the Office of Internal Audit; and

WHEREAS, an audit report must be filed with the Sunset Advisory Commission, Governor’s Office of Budget, Planning, and Policy, the State Auditor’s Office, and the Legislative Budget Board not later than the 30th day after the date the report was submitted to the Board;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Office of Internal Audit’s report on the TAC 202 Audit and endorses its distribution as required by statute.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Internal Audit Report

BOARD MEMBERS

Scott W. Fisher, Chair
Bedford, Texas

Becky Gregory
Dallas, Texas

The Honorable John Brieden III
Brenham, Texas

Riley Shaw
Fort Worth, Texas

The Honorable Carol Bush
Waxahachie, Texas

Jane Anderson King
Canyon, Texas

David "Scott" Matthew
Georgetown, Texas

Mary Lou Mendoza
San Antonio, Texas

Dr. Rene Olvera
San Antonio, Texas

The Honorable Laura Parker
San Antonio, Texas

The Honorable Jimmy Smith
Midland, Texas

Calvin Stephens
Dallas, Texas

EXECUTIVE DIRECTOR

David Reilly

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjtd.texas.gov

Human Resources Audit

Project 15-11

January 2016

Internal Audit Mission

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

Team Members

Angela Mitchell (Staff Auditor)
Jamyen Robinson-Hall (Staff Auditor)
Karen McCarther (Staff Auditor)
Jeannette Lepe (Senior Auditor)
Stephanie Melot (Lead Auditor)
Vivian Cohn, CIA, CGAP, CRMA, MBA (Deputy Chief Auditor)

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Texas Juvenile Justice Department
Office of Internal Audit
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Austin, TX 78711
512-490-7190



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members
David Reilly, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: Human Resources Audit

Date: January 29, 2016

Attached for your review and approval is our draft report on the Human Resources Audit.

This audit was conducted as a full-scope audit on the fiscal year 2015 Audit Plan. The overall objective for this audit is to determine whether the controls over Human Resources processes are operating effectively and efficiently. The scope includes employee records, employee performance evaluations, and the hiring process. The period covers March to December, 2015 with performance evaluations being tested based on their most recent completion.

Recommendations to strengthen controls and improve accountability were provided to management. Management concurs with the results of our work and has provided responses, which are included with the recommendations at the end of the report. We appreciate the cooperation and assistance provided to us throughout this audit.

cc Chelsea Buchholtz, Chief of Staff
Executive Management

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EXECUTIVE SUMMARY

This report presents the results of the Texas Juvenile Justice Department's (TJJD) Human Resources Audit, which is included as a full-scope audit on the fiscal year 2015 Audit Plan. The audit objective is to determine whether the controls over Human Resources processes are effective and operation is efficient. Overall, controls could be strengthened to ensure more efficient and effective practices and compliance.

Strengths and best practices identified were as follows.

- Ron Jackson and Giddings have processes in place to contribute to timely hiring.
- Performance evaluations for the tested Education positions in secure facilities were 100% in compliance.
- Giddings performance evaluations have the highest rate of compliance across the agency.
- Personnel files are maintained with all required documentation.

Controls could be strengthened to ensure compliance with agency's policies and procedures and provide more efficient practices.

- Implementing a process to periodically evaluate and assess the hiring process would promote efficiencies and agency's ability to identify stop gaps.
- Monitoring completion of performance evaluation could improve timeliness.
- Enhancing communications and developing training for procurement process could prevent unauthorized purchases.
- Improvements can be made to ensure files and sensitive information are consistently organized and appropriately secured.
- Periodic review of required regulatory labor and employee notices/posters could ensure all posters are prominently displayed on agency premises.

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BACKGROUND

The Human Resources (HR) Division administers the program areas of recruitment, employment, employee services, performance management, and employee relations. Each secure facility at the Texas Juvenile Justice Department (TJJD) has a staffed human resources office that is supervised by the HR department at the Austin Office. The Austin Office also provides services directly to the Austin Office, Halfway Houses, and District Offices. As of December 2015, there are nineteen staff at the Austin Office and twenty one across the five secure facilities.

This report presents the results of the Human Resources Audit. The overall objective for this audit is to determine whether the controls over Human Resources processes are effective and operations is efficient.

- Sub-objective 1: To determine whether employee performance evaluations are completed in a timely manner.
- Sub-objective 2: To determine whether employee records are adequately maintained and protected.
- Sub-objective 3: To determine whether the hiring process is efficient.

The scope includes employee records, employee performance evaluations, and the hiring process. The period covers March 2015 to December, 2015 with performance evaluations being tested based on their most recent completion. The methodologies used consist of researching laws and regulations and reviewing agency's policies and procedures, analyzing data and reports, and evaluating the result of the tests, identifying and collection information from other reports, conducting interviews with management and staff in the Austin office and field locations, and assessing system and process controls.

This audit was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing* and *Generally Accepted Government Auditing Standards*. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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RESULTS**Controls could be strengthened to ensure more efficient and effective practices and compliance.****Strengths and best practices identified were as follows:**

- Ron Jackson has developed a Vacancy Report which tracks positions from the moment they are informed it will be vacant to the point of hiring. This helps ensure there are limited vacancies on floor, and helps monitor the progress of each job posting and hire.
- Giddings Hiring Authorities are quick to schedule interviews once Human Resources has screened for qualified applicants. This contributes to a timely hiring process.
- Performance evaluations for the tested Education positions in secure facilities were 100% in compliance.
- Giddings is most compliant with 100% of the performance evaluations reviewed being completed in the last year.
- Records for the 47 personnel files reviewed are maintained in accordance with policy.

Implementing a process to periodically evaluate and assess the hiring process would promote efficiencies and agency's ability to identify stop gaps.

- Overall, the amount of time to process hiring packets varies among locations and positions. Ron Jackson numbers are exceptional as they maintained more consistent time frames from the point of requesting to fill a position to the first reference check.

Number of days from the Request to Fill a Position (HR-007) to date of first reference check

Facility	Average	Facility	Minimum	Max
Mart	65.5	Mart	33	133
Austin	55.4	Austin	33	118
Giddings	47.2	Giddings	19	109
Ron Jackson	37	Ron Jackson	22	49
Average	51.3	Min/Max	19	133

- Communicating limitations and/or needed enhancements to applications could assist the Information Technology division (IT) maximize the application's value. This further enhances management's ability to observe good business practices and/or processes that negatively impact the hiring process. For instance, the Applicant Tracking System

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can be updated to provide useful and accurate information. Dummy data is entered into the system as a way to remove a job posting from the internet, frequent error messages and lag times are hindering timely data entry, and additional spreadsheets are maintained by users to provide information that is not captured in the existing reports. Two of the facilities have developed workarounds to the Applicant Tracking System. These workarounds are creating inefficiencies in agency processes as well as limiting management's opportunities to evaluate data. IT was unaware of the problems occurring and indicated resolutions can be provided to these issues.

Monitoring completion of performance evaluations and initiating a process to provide due-date reminders to management could improve timeliness.

- 109 of 165 (66%) employees' performance evaluations reviewed were not completed in a timely manner. The locations with the least amount of compliance are the only locations where evaluations are not monitored for timeliness and reminders are not provided to supervisors.
 - 40 employees have not had a performance evaluation within the last year.
 - 8 employees (20%) have never had a performance evaluation. Five should have received a six month evaluation and an additional three should have received a six month and their first annual evaluation.
 - 21 employees (52.5%) received their most recent evaluation between 1 and 2 years ago.
 - 10 employees (25%) received their most recent evaluation between 2 and 3 years ago.
 - 1 employee (2.5%) received their most recent evaluation over three years ago.
 - 69 employees had an evaluation completed within the last year; however the evaluations were not completed during the required timeframe as established in policy (30 days prior to, or 30 days after the hire date anniversary).
- One location is not always providing 90 days to improve performance after an unsatisfactory rating.
- Personnel Policy (PRS) 31.03: Performance Evaluations (c)(1)(A)(ii) states that performance evaluations for all employees (besides teachers) are due six months after the date hired by the agency, twelve months after the date hired, and every year thereafter based on the hire date. Evaluations must be conducted on the due date or within one calendar month before or after the due date. An employee who receives an unsatisfactory rating, must be provided another performance evaluation in 90 days.

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Enhancing communications and developing training for procurement process could prevent unauthorized purchases.

- While the agency has work processes to prevent and/or identify unauthorized procurement for services, services were received from a vendor who did not have an active contract with the agency. Review of pre-employment services provided for seven inactive contracts identified nine invoices were received for services provided (September and October, 2015) after the contracts expired on August 31st, 2015. Staff requesting the services were not informed the contract(s) were expired and were in the process of being renegotiated.
- According to Procurement Procedures Manual (PCM.05.01), no procurement action may move forward without an appropriately approved and properly funded requisition.

Improvements can be made to ensure files and sensitive information are consistently organized and appropriately secured.

- Two locations do not secure personnel and confidential files in separately locked cabinets as required. Additionally, one of these locations does not maintain files in a locked room as they are kept unlocked throughout the day in the human resources common area where interviews and meetings are held.
- Four of 47 (9%) “Confidential” files at one location did not contain Workers Compensation information and one (2%) did not have criminal record information in the file. The Workers Comp information is secured in a separate file room and criminal record information was found in a Personnel File.
- Sensitive personally identifiable information is visible on the outside of the Personnel and Confidential file folders at two locations.
- Personnel Policy (PRS) Personnel Files 31.01 (d)(1)(B)(ii) states that confidential files must be maintained in a separate locked file cabinet from the personnel files, to ensure limited access to confidential documents. The same policy (d)(1)(B)(ii)(I) states that confidential files must contain workers compensation claim information and documents referencing criminal history information.
- The Department of Labor has provided guidance regarding the protection of personally identifiable information (PII) and recommends that whenever possible, unique identifiers be used for tracking instead of social security numbers.

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Periodic review of required regulatory labor and employee notices/posters could ensure all posters are prominently displayed on agency premises.

- Prominent display of employment law posters is necessary to meet posting requirements. There are five federal and eight state regulatory postings. One of 13 (8%) required posters, Whistleblowers Act, was not posted in the Austin Office during the walk-through on October 16, 2015. Human Resources subsequently took action and displayed the poster at the Austin Office.
- All Texas employers must display required posters in compliance with the Texas Health and Safety Code, Texas Government Code, and Texas Labor Code as well as Federal requirement with Department of Labor.
- Texas Government Code 554.009 states that a state or local government entity shall inform its employees of their rights under the Whistleblower Act by posting a sign in a prominent location in the workplace.

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RECOMMENDATIONS

RECOMMENDATION	MGT RESPONSE CURRENT STATUS PROJ. COMPLETION DATE
<p>1. Human Resources has recently implemented a tool to inform management on hiring progress agency-wide (excluding JCO hiring). The Director of Human Resources should</p> <ul style="list-style-type: none"> Continue evaluating the process and ensure this improves timeliness and efficiencies in hiring practices and if tracking of JCO hiring can be included within this process. Work with the IT Application Development and Support division regarding the Applicant Tracking System to ensure known weaknesses are minimized and system capabilities are enhanced for improved User performance with the application, including the ability to create management reports. 	<p>CONCUR Underway June 30, 2016</p> <p>Human Resources will contact IT to discuss how the Applicant Tracking can be reconfigured to assist in tracking the hiring process. However, the Applicant Tracking system is not available to hiring managers and will not assist them in providing information on their posting status. HR will continue to utilize the recently implemented vacancy tracking form that has been made available to all hiring managers. Also, JCO hiring utilizes a different process in that it is one continuous posting and 40-50 JCOs may be hired from one posting every quarter. It is not feasible to track this type of hiring in such detail.</p>
<p>2. The Director of Human Resources should</p> <ul style="list-style-type: none"> Collaborate with IT to develop an accurate due-date reporting tool and determine if automatic reminders can be sent to supervisors to ensure improved compliance with Performance Evaluation completion. Periodically monitor and report on the timeliness of performance evaluations. 	<p>CONCUR Underway March 31, 2016</p> <p>Human Resources will contact IT to develop an automated notification tool that will notify managers when performance evaluations are due. HR will monitor performance evaluation compliance by producing a monthly report of overdue performance evaluations and notify appropriate personnel.</p>

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<p>3. The Director of Business Operations and Contracts should:</p> <ul style="list-style-type: none"> • Communicate and hold a training session with the Executive Management on the procurement and budget checking process to safeguard against unauthorized transactions. • Determine the feasibility of developing a training session with the assistance of the Training and Organizational Development Division for staff involved in the request or approval of procurement for services. 	<p>CONCUR Underway June 1, 2016</p> <p>The Director of Business Operations and Contracts will present the issue of unauthorized purchases at an upcoming EMT meeting. The Director of Business Operations and Contracts will work with the Training Department to post procurement training on TJJJ's intranet website that will include how to prevent unauthorized purchases from occurring.</p>
<p>4. The Director of Human Resources should:</p> <ul style="list-style-type: none"> • Ensure Social Security numbers are removed from the outside of all files. • Ensure individual office practices align with policy regarding appropriate safeguarding and maintenance of personnel and confidential files. • Ensure periodic reviews of HR file rooms are conducted for compliance with file maintenance security practices, possibly collaborating with the Monitoring and Inspections division for performance of the reviews. 	<p>CONCUR Underway January 31, 2016</p> <p>Human Resources have instructed staff at each location where files are held to immediately redact social security numbers from file labels and then begin relabeling all active employee files with new labels that only has the employee's name. Policy and practice will be reviewed and updated to ensure appropriate safeguarding and maintenance of personnel files. HR will request that Monitoring and Inspection include a file room review be conducted for compliance with maintenance security practices</p>
<p>5. The Director of Human Resources should conduct periodic reviews to ensure all required postings are prominently displayed at all agency locations, possibly collaborating with the Monitoring and Inspections division for performance of these reviews.</p>	<p>CONCUR Implemented December 1, 2015</p> <p>Human Resources recommend that in addition to HR's annual update of employment posters that Monitoring and Inspection include a check to ensure all employment information is properly posted at each location. The missing Whistleblower poster was immediately posted upon notification that it was missing.</p>

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PLANNED: Management concurs with the recommendation but actual implementation of the recommendation has not begun.

UNDERWAY: The implementation process of the recommendation has been started.

IMPLEMENTED: All new procedures, policies, systems, processes, related documents, and other elements relevant to the audit recommendation have been prepared, approved, and put into operation.

FACTORS PREVENT IMPLEMENTATION: Management concurs with the recommendation; however, due to resource constraints and competing priorities is not able to implement or can only partially implement the recommendation.

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**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE HUMAN RESOURCES AUDIT REPORT

On this 29th day of January 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					
Motion:		Second:			

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

WHEREAS, the Texas Internal Auditing Act (Government Code, Chapter 2102) requires Board review of audit reports submitted by the Office of Internal Audit; and

WHEREAS, an audit report must be filed with the Sunset Advisory Commission, Governor’s Office of Budget, Planning, and Policy, the State Auditor’s Office, and the Legislative Budget Board not later than the 30th day after the date the report was submitted to the Board;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Office of Internal Audit’s report on the Human Resources Audit and endorses its distribution as required by statute.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Internal Audit Report

BOARD MEMBERS

Scott W. Fisher, Chair
Bedford, Texas

Becky Gregory
Dallas, Texas

The Honorable John Brieden III
Brenham, Texas

Riley Shaw
Fort Worth, Texas

The Honorable Carol Bush
Waxahachie, Texas

Jane Anderson King
Canyon, Texas

David "Scott" Matthew
Georgetown, Texas

Mary Lou Mendoza
San Antonio, Texas

Dr. Rene Olvera
San Antonio, Texas

The Honorable Laura Parker
San Antonio, Texas

The Honorable Jimmy Smith
Midland, Texas

Calvin Stephens
Dallas, Texas

EXECUTIVE DIRECTOR

David Reilly

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjtd.texas.gov

Endowment Trust Funds Audit

Project 16-7
January 2016

Internal Audit Mission

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

Team Members

Jamyen Robinson-Hall (Staff Auditor)
Jeannette Lepe, CGAP (Lead Auditor)
Vivian Cohn, CIA, CGAP, CRMA, MBA (Deputy Chief Auditor)

For additional copies contact:

Texas Juvenile Justice Department
Office of Internal Audit
P.O. Box 12757
Austin, TX 78711
512-490-7190



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members
David Reilly, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: Endowment Trust Funds Audit

Date: January 29, 2016

Attached for your review and approval is our draft report on the Endowment Trust Funds Audit.

This audit was conducted as a full-scope audit on the fiscal year 2016 Audit Plan. The overall objectives for this audit are to determine whether the agency's investment policy complies with the Public Funds Investment Act and to determine whether management has implemented effective controls over the trust fund activities. The scope includes bank reconciliations, investment records, training records, quarterly management reports and revenues. The period covers September 1, 2013 through August 31, 2015.

Recommendations to strengthen controls and improve accountability were provided to management. Management concurs with the results of our work and has provided responses, which are included with the recommendations at the end of the report. We appreciate the cooperation and assistance provided to us throughout this audit.

cc Chelsea Buchholtz, Chief of Staff
Executive Management

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EXECUTIVE SUMMARY

This report presents the results of the Texas Juvenile Justice Department’s (TJJD) audit of Endowment Trust Funds, which is included as a full-scope audit on the fiscal year 2016 Audit Plan. The objectives of the audit are to determine whether the agency’s investment policy complies with the Public Funds Investment Act (PFIA), and to determine whether management has implemented effective controls over the trust fund activities. Overall, processes could be strengthened to ensure effective practices and compliance with the PFIA.

Controls in the following areas are functioning as intended.

- The agency meets investment policy requirement promulgated by PFIA.
- The agency is investing with judgment and care in compliance with PFIA.
- Revenues were received and recorded in appropriate accounts.

Controls could be strengthened to ensure compliance with the Public Funds Investment Act and provide more effective practices.

- Establishing controls over agency reporting and completion of investment training could improve operations and ensure compliance with Government Code 2256.007 of PFIA.
- Implementing a monitoring process to ensure timely receipt of lease payments could improve operations.
- Accounting policy should be updated to reflect current practices for appointing the investment officer.
- Verification of two prior audit recommendations for the #14-3 Endowment Trust Funds Audit reflects additional work is needed to complete corrective actions.

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BACKGROUND

This report presents the results of Endowment Trust Funds Audit and agency's compliance with the Public Funds Investment Act in its administration of the Parrie Haynes and John C. Wende trust funds during fiscal years 2014 and 2015. This audit was included in the fiscal year 2016 audit plan.

Chapter 2256 of the Texas Government Code authorizes investments for governmental entities through the Public Funds Investment Act.

The Parrie Haynes and John C. Wende Trusts are private trusts established for the benefit of specified beneficiaries. The Trusts contain private assets and were not created by virtue of any general law or designated for a public purpose. The TJJD Board is merely the trustee of these trust funds, which are held and disbursed for the benefit of the specified beneficiaries only and are not utilized for any state purpose. Accordingly, because the Trusts are neither comprised of nor generate public funds, the agency is not required to comply with the Act in regards to these Trusts. However, to ensure safe management of the Trusts and strengthen oversight, the agency has historically chosen to follow the requirements of the Act in administering the Trusts.

The overall objective for this audit is to determine whether the agency complies with the Public Funds Investment Act, and to determine whether management has implemented effective controls over the trust fund activities. It includes test objectives in the following areas:

- To determine whether the agency complies with investment policies, due care, training, and quarterly management report.
- To determine the accuracy and completeness of bank reconciliation of the endowment trust funds. (This is part of verification of prior audit findings).
- To determine whether revenues for the trust are received and recorded in appropriate accounts.

The scope includes fiscal years 2014 and 2015 (September 01, 2013 through August 31, 2015). The methodologies used consist of researching laws and regulations and reviewing agency's policies and procedures, analyzing data and reports, and evaluating the result of the tests, identifying and collecting information from other reports, conducting interviews with management and staff, and assessing system and process controls.

This audit was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing* and *Generally Accepted Government Auditing Standards*. These

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standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

RESULTS

Controls in the following areas are functioning as intended.

- The agency establishes investment policy in accordance with PFIA.
- The agency is investing with judgment and care. The agency invests in Certificates of Deposit which are insured by Federal Deposit Insurance Corporation.
- Revenues were received and recorded in appropriate accounts.

Controls could be strengthened to ensure compliance with the Public Funds Investment Act and provide more effective practices.

Establishing controls over agency reporting and completion of investment training could improve operations and ensure compliance with Government Code 2256.007 of the PFIA.

- The required reporting of investment training has not been completed or reported to the Board. Additionally, one party did not meet the training requirement of the Public Funds Investment Act. This training was immediately completed upon notification.
- Government Code Sec.2256.007. INVESTMENT TRAINING; STATE AGENCY BOARD MEMBERS AND OFFICERS. (a) Each member of the governing board of a state agency and its investment officer shall attend at least one training session relating to the person's responsibilities under this chapter within six months after taking office or assuming duties. (d) An investment officer shall attend a training session not less than once each state fiscal biennium and may receive training from any independent source approved by the governing body of the state agency. The investment officer shall prepare a report on this subchapter and deliver the report to the governing body of the state agency not later than the 180th day after the last day of each regular session of the legislature.

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Implementing a monitoring process to ensure timely receipt of lease payments could improve operations.

- A review is not required to ensure lease payments are received in accordance to the lease agreement. Based on the receipting documentation as maintained by Finance, 24 (100%) lease payments were not received timely from McDonald's for the John C. Wende Trust. Checks were received from 17 to 42 days after the 1st of the month. The lease agreement does not specify any penalties for late payments.
- According to the McDonalds Lease Agreement, the rent shall be in the sum of Seventy Five Thousand Eight Hundred Ninety an 00/100 Dollars (\$75,890) per annum payable in equal monthly installments of Six Thousand Three Hundred Twenty Four and 17/100 Dollars (\$6,324.17) payable on each on the 1st day of every calendar month for the current month. According to the Procurement Procedures Manual (PCM).03.05 (a) (2), all contracts and inter-agency agreements for goods or services are planned and initiated far enough in advance to ensure timely and successful delivery of goods and services. Planning may involve meeting with stakeholders, reviewing current contracts, reviewing performance of service providers, and/or meeting with service providers to identify areas of improvement."

Accounting policy should be updated to reflect current practices for appointing the investment officer.

- The designation of the Lead General Ledger Accountant as the investment officer is not described in policy. The Accounting Procedure Manual (ACC) 41.01 states that the Executive Director appoints an investment officer; however, current practice is for the appointment of the position of the Lead General Ledger Accountant as the investment officer as approved by the Board in March 2015.
- General Administrative Policy Manual (GAP) 05.11 (C)(1)(C) states "Procedure manuals are reviewed and approved annually by the appropriate division director or designee." Additionally, GAP 05.11 (C)(1)(D) states that all policy and procedure manuals are revised as needed to ensure they accurately reflect current law and management practices.

Verification of two prior audit recommendations for the #14-3 Endowment Trust Funds Audit reflects additional work is needed to complete corrective actions.

Texas Juvenile Justice Department

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CONFIDENTIAL: This communication may be considered a part of TJJD Internal Audit's working papers, and as appropriate, may be excerpted from public release by TEX. GOV'T CODE Section 552.116.

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The fiscal year 2014 Endowment Trust Funds Audit resulted in four findings and verification work for this audit includes two recommendations. The results show that the management action plans were not implemented and additional work is required. The details are as follow:

- **Quarterly reports are not always submitted timely.** The Chief Financial Officer (CFO) should ensure quarterly reports to the governing board for the Parrie Haynes and John C. Wende trusts are submitted timely in accordance with the PFIA and agency expectations.

Management Response: Management will work with the Investment Officer to ensure quarterly reports are submitted timely, with reports for the periods ending November 2013 and February 2014 serving as test cases.

Verification Work: The quarterly reports were not submitted or completed timely.

- FY 2014: 3 of 4 quarterly reports were submitted and completed. The fourth quarterly report was not completed.
 - FY 2015: 1 of 4 quarterly reports was submitted. The agency is in the process of completing the required reports.
- **Controls over bank reconciliations can be strengthened.** The CFO should establish controls over the bank reconciliations for the Parrie Haynes and John C. Wende endowment funds to ensure proper completion and review of the reconciliation process.

Management Response: Management has established a new procedure requiring reconciliations to be reviewed by the CFO or the Director of Budget and Fiscal Affairs. There is no formal policy associated with this procedure.

Verification Work: Review and verification work performed of Bank Reconciliations for the John C. Wende and Parrie Haynes trust funds reflected the following:

- Reconciliations were not performed timely.
- Bank reconciliations reflected errors that consisted of wrong check numbers, wrong month on bank reconciliation, or wrong dates for checks issued (two errors for John C. Wende trust account and three for Parrie Haynes).
- Activities, including interest income, transfers, issued checks, and bank fees, were not entered timely (within 30 days) in the agency's general ledger.

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- The check information was entered incorrectly in the general ledger (seven checks for John C. Wende and two for Parrie Haynes).
- 38 Checks issued in FY 2015 were not entered in the general ledger.

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RECOMMENDATIONS

RECOMMENDATION	MGT RESPONSE CURRENT STATUS PROJ. COMPLETION DATE
<p>1. To ensure agency is meeting training requirements of the PFIA,</p> <ul style="list-style-type: none"> The Fiscal Affairs & Budget Division Director should ensure required investment training report is completed. General Counsel should include requirements for the Public Funds Investment Act training in the Board policy manual. 	<p>CONCUR Planned April 16, 2016</p> <p>The Director of Fiscal Affairs and Budget will ensure training reports are complete and provided to the Board as required. Planned implementation April 1, 2016.</p> <p>Only the Board has the authority to make changes to the Board policy manual. Accordingly, if the Board approves this recommendation, then at the April 1, 2016 Board meeting, General Counsel will present to the Board changes to the Board policy manual so that it includes requirements for the Public Funds Investment Act training.</p>
<p>2. The Fiscal Affairs & Budget Division Director should establish and implement a process of periodic review of lease payments with the existing contract. Additionally, communicating contract requirements with General Counsel could strengthen controls over contract processing.</p>	<p>CONCUR Planned February 1, 2016</p> <p>The Director of Fiscal Affairs and Budget will work with General Counsel to establish a process for quarterly communicating the lease payment receipt status.</p>
<p>3. The CFO should ensure policies related to the Endowment Funds be reviewed and updated periodically.</p>	<p>CONCUR Planned January 1, 2017</p> <p>The Chief Financial Officer will prepare and submit appropriate policy revisions to General Counsel (February 15, 2016) for Board approval (January 1, 2017 Board adoption).</p>

PLANNED: Management concurs with the recommendation but actual implementation of the recommendation has not begun.

UNDERWAY: The implementation process of the recommendation has been started.

IMPLEMENTED: All new procedures, policies, systems, processes, related documents, and other elements relevant to the audit recommendation have been prepared, approved, and put into operation.

FACTORS PREVENT IMPLEMENTATION: Management concurs with the recommendation; however, due to resource constraints and competing priorities is not able to implement or can only partially implement the recommendation.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE ENDOWMENT TRUST FUNDS AUDIT REPORT

On this 29th day of January 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					
Motion:		Second:			

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

WHEREAS, the Texas Internal Auditing Act (Government Code, Chapter 2102) requires Board review of audit reports submitted by the Office of Internal Audit; and

WHEREAS, an audit report must be filed with the Sunset Advisory Commission, Governor’s Office of Budget, Planning, and Policy, the State Auditor’s Office, and the Legislative Budget Board not later than the 30th day after the date the report was submitted to the Board;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Office of Internal Audit’s report on the Endowment Trust Funds Audit and endorses its distribution as required by statute.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

**REPORT ON THE
EXTERNAL QUALITY ASSURANCE REVIEW
OF THE TEXAS JUVENILE JUSTICE DEPARTMENT
OFFICE OF INTERNAL AUDIT**

November 2015



PERFORMED BY

**SUSAN JOCKISCH, CIA, CISA
AUDIT MANAGER
TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES**

**ANTHONY CHAVEZ, CIA, CGAP, CRMA
DIRECTOR OF INTERNAL AUDIT
EMPLOYEES RETIREMENT SYSTEM OF TEXAS**

**PERFORMED IN ACCORDANCE WITH THE
STATE AGENCY INTERNAL AUDIT FORUM
PEER REVIEW POLICIES AND PROCEDURES**

OVERALL OPINION

Based on the information received and evaluated during this external quality assurance review, it is our opinion that the Texas Juvenile Justice Department (TJJD) Office of Internal Audit receives a rating of “pass” and is in compliance with the Institute of Internal Auditors (IIA) *International Professional Practices Framework* and Code of Ethics, the United States Government Accountability Office (GAO) *Government Auditing Standards*, and the Texas Internal Auditing Act (*Texas Government Code*, Chapter 2102). This opinion, which is the highest of the three possible ratings, means that policies, procedures, and practices are in place to implement the standards and requirements necessary for ensuring the independence, objectivity, and proficiency of the internal audit function.

We found that the Office of Internal Audit is independent, objective, and able to render impartial and unbiased judgments on the audit work performed. The Annual Audit Plan and individual audit projects are planned using risk assessment techniques; audit conclusions are supported in the working papers; and findings and recommendations are communicated clearly and concisely.

The Office of Internal Audit is well managed internally. In addition, the Office of Internal Audit has effective relationships with the Board and is well respected and supported by management. Surveys and interviews conducted during the quality assurance review indicate that management considers Internal Audit a useful part of the overall agency operations and finds that the audit process and report recommendations add value and help improve the agency's operations.

ACKNOWLEDGEMENTS

We appreciate the courtesy and cooperation extended to us by the Chief Auditor, Internal Audit staff, the Chairman of the Board and Finance and Audit Committee Chairman, the Executive Director, and the Executive Management Team members who participated in the interview process. We would also like to thank each person who completed surveys for the quality assurance review. The feedback from the surveys and the interviews provided valuable information regarding the operations of the Office of Internal Audit and its relationship with management.



Susan Jockisch
Audit Manager
Texas Department of Family and
Protective Services
SAIAF Peer Review Team Leader

12/2/15

Date



Anthony Chavez
Director of Internal Audit
Employees Retirement System of Texas
SAIAF Peer Review Team Member

12/2/15

Date

BACKGROUND

The Institute of Internal Auditors (IIA) *International Professional Practices Framework*, U.S. Government Accountability Office (GAO) *Government Auditing Standards*, and the Texas Internal Auditing Act require that internal audit functions obtain external quality assurance reviews to assess compliance with standards and the Act and to appraise the quality of their operations. *Government Auditing Standards* require these reviews at least every three years. A periodic external quality assurance review, or peer review, of the internal audit function is an essential part of a comprehensive quality assurance program. This quality assurance review was performed in accordance with State Agency Internal Audit Forum (SAIAF) Peer Review guidelines (February 2013).

The most recent quality assurance review for the Texas Juvenile Justice Department (TJJD) Office of Internal Audit was performed in August, 2012. The Office of Internal Audit has implemented the recommendations made in the report on the previous quality assurance review.

OBJECTIVES, SCOPE, AND METHODOLOGY

The primary objective of the quality assurance review was to evaluate the Texas Juvenile Justice Department Office of Internal Audit's compliance with auditing standards and the Texas Internal Auditing Act. Additional objectives included identifying best practices as well as opportunities for improvement. The review covered all completed audit and management assistance projects performed by the Texas Juvenile Justice Department Office of Internal Audit from June 2012 through August 2015.

The work performed during the review included:

- Review, verification, and evaluation of the self-assessment prepared by the Office of Internal Audit according to SAIAF guidelines.
- Interviews with the Chief Auditor, Internal Audit staff, Executive Director, Chief of Staff, and Executive Management Team members.
- Interviews/surveys with TJJD Board members, including the Chairman of the Board and the Chairman of the Finance and Audit Committee.
- Review and evaluation of emailed surveys completed by agency management.
- Review and evaluation of audit working papers.
- Review of Internal Audit's policies and procedures, charter, annual risk assessment, annual audit plan, and other relevant documents.

DETAILED RESULTS

The results of the quality assurance review for the Texas Juvenile Justice Department (TJJD) Office of Internal Audit are presented in the order of the *International Standards for the Professional Practice of Internal Auditing (Standards)*. No significant weaknesses were identified during the review that would prevent the Office of Internal Audit from fulfilling its responsibilities. The detailed results include identification of best practices as well as some opportunities for improvement that the Office of Internal Audit may wish to consider.

IIA Code of Ethics

Internal Audit demonstrates its commitment to the IIA *Code of Ethics* by including it in the Office of Internal Audit Policies and Procedures Manual, reinforcing ethics in its Charter and through staff annual completion of ethics training courses. In addition, the agency's Standards of Conduct and Ethics Policy and abuse hotline are indications of an organization-wide commitment to accountability and integrity.

Standard 1000: Purpose, Authority, and Responsibility

The purpose, authority, and responsibility of Internal Audit have been defined in a charter that is consistent with auditing standards. The current charter was approved by the TJJD Board on October 24, 2014 and was signed by the TJJD Board Chairman, the Executive Director, and the Chief Auditor. The Internal Audit Charter defines the nature of audit and consulting services and grants Internal Audit personnel unrestricted access to agency activities, records, reports, property and employees relevant to the performance of audits.

Standard 1100: Independence and Objectivity

The Office of Internal Audit is independent both in terms of the agency's organizational structure and the Division's practices. The Chief Auditor reports functionally to the Board and administratively to the Executive Director. This reporting structure provides sufficient authority to promote independence and to ensure adequate consideration of audit reports and appropriate action on audit issues and recommendations. Removal of the Chief Auditor requires Board approval.

The charter helps ensure continued independence by specifying that internal auditors must remain free of operational and management responsibilities that could impair their ability to make independent reviews of all areas of the agency's operations. None of the internal auditors has had prior responsibility for any areas that the Division audits. Internal Audit staff are required to sign an annual independence statement, and auditors sign an individual independence statement for each audit project performed.

Standard 1200: Proficiency and Due Professional Care

The internal auditors collectively possess the knowledge, skills, and abilities to perform their responsibilities. The Chief Auditor, Deputy Chief Auditor, and Senior Auditors hold relevant professional certifications. The Chief Auditor strongly encourages and supports professional development and certification with all staff. Internal auditors are required by the Division's policies and procedures to enhance their knowledge, skills, and abilities by obtaining at least 80 hours of continuing professional education (CPE) every two years, with at least 20 hours completed in any one year. CPE obtained by Internal Audit staff includes courses to enhance their knowledge of identifying indicators of fraud and key information technology risks and controls.

Standard 1300: Quality Assurance and Improvement Program

The Chief Auditor has implemented a quality assurance and improvement program (QAIP) to help ensure that Internal Audit adds value and improves TJJD's operations and to provide assurance that the Office of Internal Audit complies with *Standards* and the IIA Code of Ethics. The quality assurance program involves auditor performance evaluations, annual customer satisfaction surveys, Internal Quality Assessment reviews, and periodic peer reviews, which are communicated to the Board and Executive Management. Audit reports indicate that the work was performed in accordance with *Standards*.

A Quality Control Review is performed of audit project working papers by an internal auditor who was not directly involved in the audit. A Working Paper Review Tool developed by SAIAF is completed for each audit project Quality Control Review. In addition, the Chief Auditor reviews all audit reports along with relevant control documents/working papers throughout the audit process.

Standard 2000: Managing the Internal Audit Activity

The Chief Auditor conducts an annual risk assessment that forms the basis for the Annual Audit Plan, which is approved by the Board. Internal Audit reports address risk and control issues within the agency. The Chief Auditor has developed policies and procedures to guide the internal audit activity in accordance with *Standards*. The Chief Auditor reports the Office of Internal Audit's performance relative to the Annual Audit Plan in the Internal Audit Annual Report submitted to the agency's Executive Director, Board, the Governor's Office, Legislative Budget Board, Sunset Advisory Commission, and the State Auditor.

Standard 2100: Nature of Work

Internal Audit evaluates risks related to financial and operating information as well as the effectiveness and efficiency of operations, safeguarding of assets, and compliance with laws and regulations. The Division also evaluates the extent to which operating and program objectives have been achieved. Internal Audit attends various governance and steering committee meetings to provide input on risk and control related information and stay informed of agency initiatives that could have an impact on the nature of Internal Audit's work.

Internal Audit contributes to the organization's risk management and governance processes by providing information and assistance to Executive Management and the Board about how the accomplishment of goals is monitored and how accountability is ensured. Internal Audit is included in the agenda of the Finance and Audit Committee meetings to help ensure that the Board is kept informed of audit related issues.

Standard 2200: Engagement Planning

Engagement planning procedures are documented in the working papers and include assigning audit resources and establishing timelines for the engagement. During planning, internal auditors consider the objectives of the activity being reviewed and the related risks and controls. Audit criteria and risk assessments are documented and used to develop the objectives of each audit. Surveys and interviews conducted during this quality assurance review indicated that the objectives of audits are clearly communicated to the auditees. The scope of audits is adequately planned and documented in planning documents and audit reports. A Fieldwork Plan is developed for each audit, approved by the Chief Auditor, and documented in the working papers.

Standard 2300: Performing the Engagement

Internal auditors evaluate and document sufficient, reliable, and relevant information to achieve their audit objectives. Results and conclusions are based on analysis. The Office of Internal Audit Policies and Procedures Manual contains guidance on sampling techniques. Working papers are neat, well-organized, and include purpose, sources, procedures, results, and conclusions, making it easy for a reviewer to determine what the purpose of the working paper is.

Audits are properly supervised by the Chief Auditor and Deputy Chief Auditor. The Team Lead for each project monitors the progress of the individual audits. The Chief Auditor and Deputy Chief Auditor attend planning meetings and review working papers and audit reports to ensure sufficiency of evidence and compliance with *Standards*.

Opportunity for Improvement:

Continue to perform reviews of audit working papers to enhance the consistency of practices. Review of audit working papers identified an opportunity to strengthen the overall consistency in documenting and referencing the relevant information to support the conclusions and engagement results. The Office of Internal Audit's self-assessment also identified the opportunity to enhance practices by completing a more thorough review to ensure workpapers are accurately referenced with support. The purpose of a comprehensive review is to assure audit work performed and documented provides a reasonable basis for the findings and conclusions related to the audit objectives, as required by *Standards*, and also promotes uniform practices among Internal Audit staff.

Chief Auditor's Response: *We will continue to strengthen our comprehensive review process. Workpaper review and enhancement is a permanent discussion point during our periodic internal audit staff meetings. This included ensuring cross-referencing (hyperlinking) of documents, within the file size considerations of TeamMate, are to the source.*

Standard 2400: Communicating Results

Audit results are communicated in a timely manner. Potential findings are communicated throughout the audits, which provide management the opportunity to provide additional information and/or to start taking corrective action. Audit results are presented to management before they are finalized in a report, which helps ensure there is agreement about the areas for improvement and the recommended solutions. Interview and survey results noted that Internal Audit is open and willing to listen to management input/feedback when discussing potential findings and recommendations.

Audit reports contain the audit objectives, results, conclusions, recommendations, and management's responses and action plans. The results of our surveys and interviews with Board members and management indicated that internal audit reports are objective, accurate, clear, concise, complete, and timely. The Chief Auditor distributes internal audit reports to the Board, to Executive Management, and to management of the activity being audited. In addition, internal audit reports are placed on the agency Intranet and hard copies are available.

Opportunity for Improvement:

Assess/rate audit observations to communicate importance and impact to the agency. Interviews indicated that although management agreed with observations, the relative impact to the agency's strategic mission and objectives would assist in developing and prioritizing management actions. This information would assist management with

focusing resources on implementing recommendations that are determined to have the most significant impact to the agency.

Chief Auditor's Response: *We will further explore this area with Senior Management and the Board. The development of findings and related action plans currently includes significant discussions with management during the audit process.*

Standard 2500: Monitoring Progress

The Office of Internal Audit has a system for monitoring the disposition of audit issues. Internal Audit verifies recommendations that have been implemented and assesses their effectiveness during the year. The status of management's progress in implementing recommendations is reported semi-annually, and the results are made accessible to the Board and management. The status of recommendations is also summarized in the Internal Audit Annual Report.

Standard 2600: Resolution of Senior Management's Acceptance of Risks

During the quality assurance review, no instances were identified of management accepting an inappropriate level of risk that would require the Chief Auditor to notify the Board.

Opportunity for Improvement:

Continue to work with senior management regarding their discretion to accept risks identified. Currently management is developing action plans for each observation noted; however, as action plans undergo implementation, senior management may determine no further action is needed and assume the risk. As previously reported, rating audit observations may assist management in assessing the level of risk associated with each audit observation.

Chief Auditor's Response: *The acceptance of risks is a consistent discussion during the audit project as well as during our audit follow-up process. All management action plans, including the acceptance of risks, go through Board review and approval. The implementation and increased utilization of the Management Audit Committee meetings with management should further assist with discussions in this area.*

BEST PRACTICES

The Office of Internal Audit is dedicated to continuous improvement. During the quality assurance review, we observed a number of practices that demonstrate outstanding commitment and professionalism. These leading practices include the following:

- The Office of Internal Audit has effective working and reporting relationships with the Board, Executive Management, and Division Management based on mutual respect and commitment to improving controls within the agency.
- Internal Audit staff members obtain at least 80 hours of continuing professional education each two-year period provided by recognized, professional auditing organizations. Internal Audit training includes a focus on audit skills and standards, ethics, and agency-specific subject matter to promote well-rounded development of staff.
- There is an automated system for tracking and reporting the status of prior audit recommendations and communicating the implementation status on a semi-annual basis.
- Internal Audit has developed the Office of Internal Audit Policies and Procedures Manual, an excellent guide that provides direction to staff auditors and promotes consistent internal audit practices and compliance with audit standards.
- Internal Audit staff are active members of local professional organizations including the State Agency Internal Audit Forum (SAIAF), the Institute of Internal Auditors (IIA), and the Information Systems Control and Audit Association (ISACA).
- Internal Audit summarizes its audit engagement planning process in a comprehensive manner to include the identification of potential risks, testing methodologies, preliminary interviews, and audit objectives and scope.
- Internal Audit finding forms are developed during the audit and reviewed with management providing insight toward reportable issues and enabling communication prior to issuance of the draft audit report.

REPORT DISTRIBUTION LIST

Scott W. Fisher, Chairman of the Board

Calvin Stephens, Chairman of the Finance and Audit Committee

David Reilly, Executive Director

Eleazar Garcia, Chief Auditor



The Office of Internal Audit of the Texas Juvenile Justice Department

Receives a rating of

Pass

In compliance with the Institute of Internal Auditors' International Professional Practices Framework, Government Auditing Standards, and the Texas Internal Auditing Act

This opinion is based on a quality assessment review conducted by members of the Texas State Agency Internal Audit Forum (SAIAF) during the period of September 2015 through October 2015. The review was based on the methodology developed by the Texas State Agency Internal Audit Forum.

Handwritten signature of Susan Jockisch in blue ink.

*Susan Jockisch, CIA, CISA
Audit Manager
Texas Department of Family and Protective Services*

Handwritten signature of Anthony Chavez in blue ink.

*Anthony Chavez, CIA, CGAP, CRMA
Director of Internal Audit
Employees Retirement System of Texas*



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 and rule review for 37 TAC §380.9951 and §380.9955, relating to Juvenile Correctional Officers (Action)

Date: January 4, 2016

As a part of TJJJ's rule review process, the State Programs and Facilities Division proposed changes to 37 TAC §380.9951 (Training for Juvenile Correctional Officers) and §380.9955 (Staffing Requirements for Juvenile Correctional Officers) at the August 2015 Board meeting. The Board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

The comment period has ended. We did not receive any public comments and the staff has not recommended any additional revisions.

The staff now requests the Board's approval to adopt the rule review and the final rules.

Attached to this memo, please find the following documents:

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

Texas Administrative Code Rule Review
37 TAC Chapter 380, Subchapter G – General Provisions
(Rules assigned to the State Programs and Facilities Division)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
380.9951	Juvenile Correctional Officer Training	Ensures juvenile correctional officers (JCOs) employed by TJJJ complete all required training before assuming responsibility for sole supervision of youth.	Yes	<ul style="list-style-type: none"> • Reduced the amount of training JCOs must receive before assuming sole-supervision responsibility from 300 hours to 240 hours. • Added a requirement for JCOs to receive at least 60 hours of additional training within the first year of the employment. • Revised JCO training to include: <ul style="list-style-type: none"> ○ recognizing signs and symptoms of human trafficking; and ○ trauma-informed care. 	Ready for board adoption
380.9955	JCO Staffing Requirements	Establishes requirements for scheduling station assignments for JCOs employed by TJJJ.	Yes	<ul style="list-style-type: none"> • Changed the definition of “Extended Period of Time” to more than <i>24 months</i> (instead of 12 months). • Changed the definition of “Regular Interval” to <i>twelve months</i> (instead of six months) or other interval less than an extended period of time if approved by the division director for residential services or his/her designee. • Clarified that a JCO who does not meet the requirements for sole supervision may be included in the staff-to-youth ratio if he/she has completed the following minimum training requirements: <ul style="list-style-type: none"> ○ appropriate restraint techniques; and ○ first aid and cardiopulmonary resuscitation. 	Ready for board adoption

Draft 12/14/15

Chapter: Rules for State-Operated Programs and Facilities	Effective Date:
Subchapter: General Provisions	Page: 1 of 1
Division: Juvenile Correctional Officers	Replaces: GAP.380.9951, 10/1/08
Rule: Training for Juvenile Correctional Officers	
ACA: N/A	
Statutes: HR Code §242.009	

(a) **Policy.**

Pursuant to Texas Human Resources Code §242.009, juvenile correctional officers (JCOs) employed by the Texas Juvenile Justice Department (TJJD) must complete at least 240 hours of training before assuming responsibility for sole supervision of youth and at least 60 hours of additional training within the first year of the JCO's employment.

(b) **Applicability.**

This rule applies to JCOs employed by TJJD on a full-time or part-time basis.

(c) **Definitions.**

Sole Supervision--means independent performance of youth supervision duties.

(d) **Procedures.**

- (1) Training required for JCO staff before assuming sole supervision responsibility consists of at least 240 hours of category-specific modules delivered through:
 - (A) local training at the facility by agency training staff or adjunct trainers;
 - (B) pre-service training as provided by TJJD; and
 - (C) training at the JCO's duty location, which includes on-the-job training.
- (2) Training for JCO staff includes, but is not limited to, modules that provide information and instruction in the following categories:
 - (A) the juvenile justice system of Texas, including the juvenile correctional facility system;
 - (B) security procedures;
 - (C) the supervision of children committed to TJJD;
 - (D) signs of suicide risks and suicide precautions;
 - (E) signs and symptoms of the abuse, assault, neglect, and exploitation of a child, including sexual abuse, sexual assault, and human trafficking and the manner in which to report the abuse, assault, neglect, or exploitation of a child;
 - (F) the neurological, physical, and psychological development of adolescents;
 - (G) TJJD rules and regulations, including rules, regulations, and tactics concerning the use of force;
 - (H) appropriate restraint techniques;
 - (I) the Prison Rape Elimination Act of 2003 (42 U.S.C. Section 15601, et seq.);
 - (J) the rights and responsibilities of children in the custody of TJJD;
 - (K) interpersonal relationship skills;
 - (L) the social and cultural lifestyles of children in the custody of TJJD;
 - (M) first aid and cardiopulmonary resuscitation;
 - (N) counseling techniques;
 - (O) conflict resolution and dispute mediation, including de-escalation techniques;
 - (P) behavior management;
 - (Q) mental health issues;
 - (R) employee rights, employment discrimination, and sexual harassment; and
 - (S) trauma-informed care.

12/14/15 Draft

Chapter: Rules for State-Operated Programs and Facilities Subchapter: General Provisions Division: Juvenile Correctional Officers Rule: Staffing Requirements for Juvenile Correctional Officers ACA: N/A Statutes: HR Code §242.009	Effective Date: Page: 1 of 2 Replaces: GAP.380.9955, 6/1/09
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(a) **Purpose.**

This rule establishes requirements for scheduling station assignments for juvenile correctional officers (JCOs) employed by the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule applies to high-restriction facilities operated by TJJD.

(c) **Definitions.**

- (1) **Extended Period of Time**--more than 24 months.
- (2) **Station**--any JCO duty assignment at a facility.
- (3) **Regular Interval**--12 months, or other interval less than an extended period of time if approved by the division director over residential facilities or his/her designee.

(d) **General Provisions.**

(1) **JCO Rotation.**

- (A) JCOs rotate station assignments at regular intervals so that a JCO is not assigned to the custodial supervision of the same youth for an extended period of time.
- (B) The rotation of staff is scheduled to ensure continuity in the delivery of specialized treatment programs.
- (C) A wing or pod of a dormitory may be considered a station if the population of that wing or pod does not routinely interact with the population of the other wings or pods during activities occurring at the dormitory.
- (D) Except as approved by the division director over residential facilities or his/her designee, a JCO must not return to a previously assigned station until he/she has served at least one regular interval at another station.

(2) **JCO Three-Year Age Differential.**

JCOs are assigned to dormitory stations in a manner that provides for at least a three-year age differential between the staff and the youth they supervise. When it is not practical to meet the three-year age differential for an individual JCO station assignment, justification for the assignment must be documented and approved in accordance with agency policy and procedures.

(3) **JCO Staffing Schedules.**

- (A) JCO staffing schedules provide for at least one JCO to be stationed to supervise in or near any classroom or other location in which youth receive education services or training at the time the youth are receiving the education services or training.

- (B) JCO staffing schedules for each facility provide for a ratio of at least one JCO performing direct supervisory duties for every 12 youth committed to the facility.
- (C) A JCO who does not meet the requirements for sole supervision as defined in §380.9951 of this title may be included in the ratio described in subparagraph (B) of this paragraph if he/she has completed the following minimum training requirements:
 - (i) appropriate restraint techniques; and
 - (ii) first aid and cardiopulmonary resuscitation.

See INS.15.05 for procedures relating to the three-year age differential.
See INS.15.07 for procedures relating to the JCO rotation plan.

DRAFT



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §380.9951 and §380.9955, RELATING TO JUVENILE CORRECTIONAL OFFICERS

On this **29th day of January 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					
Motion:		Second:			

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

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

WHEREAS, the Texas Juvenile Justice Board previously approved the publication of the proposed rule review and revisions for §380.9951 and §380.9955 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 additional changes; and

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

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review and revisions for §380.9951 and §380.9955 as proposed.

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

Signed this **29th day of January 2016**.

Texas Juvenile Justice Board



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 revisions and rule review for 37 TAC §380.9703, relating to Possession of Weapons on Agency Premises (Action)

Date: January 5, 2016

As a part of TJJJ's rule review process, agency staff proposed changes to 37 TAC §380.9703 (now retitled as Possession of Weapons on Agency Premises) at the May 2015 Board meeting. The Board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day comment period.

The comment period has ended. We did not receive any public comments. However, the staff has proposed several additional changes, as described below.

- Add a statement excluding employees, volunteers, contractors, and employees of contractors from the rule. Weapons-related policies for these individuals will be addressed in TJJJ's internal manuals and in individual contracts.
- Rather than specifying when a handgun may be lawfully possessed in certain types of TJJJ facilities, change the rule to state that all possession of weapons is prohibited on the premises of all TJJJ buildings, offices, and facilities unless allowed by state law or authorized by the executive director.
- Clarify that Texas Penal Code §30.06 is not the correct statutory citation for TJJJ's authority to post signs that prohibit weapons in its residential facilities. This authority is derived from other statutes (i.e., Texas Penal Code §38.11 and §38.114) that prohibit weapons and contraband in correctional facilities.
- Add a requirement for signs to be posted at the entrance to a room in which an open meeting is being held. These signs will prohibit possession of weapons in the room during the meeting and will contain language from Texas Penal Code §30.06 and §30.07.

- Revise the title of the rule to eliminate the reference to concealed handguns.

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

Attached to this memo, please find the following documents:

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

Texas Administrative Code Rule Review
37 TAC Chapter 380, Subchapter F – Security and Control
(Rules assigned to Chief of Staff)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
380.9703	Possession of Weapons on Agency Premises <i>(new title)</i> Weapons and Concealed Handguns <i>(old title)</i>	Prohibits possession of weapons in TJJJ facilities and premises except under certain limited circumstances.	Yes	<ul style="list-style-type: none"> • Excluded TJJJ employees, volunteers, contractors, and employees of contractors from the rule. Weapons-related policies for these individuals will be addressed in TJJJ’s internal manuals and in individual contracts. • Rather than specifying when a handgun may be lawfully possessed in certain types of TJJJ facilities, revised the rule to state that all possession of weapons is prohibited on the premises of all TJJJ buildings, offices, and facilities <i>unless allowed by state law or authorized by the executive director.</i> • Clarified that Texas Penal Code §30.06 is not the correct statutory citation for TJJJ’s authority to post signs that prohibit weapons in its residential facilities. This authority is derived from other statutes that prohibit weapons and contraband in correctional facilities. • Added a requirement for signs to be posted at the entrance to a room in which an open meeting is being held. These signs will prohibit possession of weapons in the room during the meeting and will contain language from Texas Penal Code §30.06 and §30.07. • Clarified that the rule applies only to facilities operated by TJJJ, and not to contract facilities. • Revised the title of the rule to eliminate the reference to concealed handguns. 	Ready for board adoption

Draft 1/5/16

Chapter: Rules for State-Operated Programs and Facilities	Effective Date:
Subchapter: Security and Control	
Rule: <u>Possession of Weapons on Agency Premises and Concealed Handguns</u>	Page: 1 of 1
ACA: 4-JCF-2A-28	Replaces: GAP.380.9703, 11/15/11
Statutes: Labor Code §52.064 ; Gov't Code Chapter 411, Subchapter H; Penal Code §§30.06, <u>30.07, 38.11, 38.114</u> , 46.01, 46.02, 46.03, 46.035	

Staff-recommended changes are marked

RULE

(a) **Purpose.**

This rule ensures that, with regard to weapons ~~and concealed handguns~~, the Texas Juvenile Justice Department (TJJD) provides for the safety and security of staff, youth, and the public.

(b) Applicability.

This rule is not applicable to employees, volunteers, contractors, or employees of contractors. Weapons-related policies applicable to employees, volunteers, contractors, and employees of contractors are addressed in TJJD policy and procedure manuals and in individual contracts.

(c) 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) Except as otherwise allowed by state law or authorized by the executive director, all Other possession of weapons, as defined in §46.01 of the Texas Penal Code, are prohibited on the premises of all buildings, offices, and TJJD-operated facilities owned, operated, or otherwise occupied by TJJD. except:~~

~~(A) as specifically authorized by the executive director;~~

~~(B) when carried by a law enforcement officer who is responding to a call by TJJD in an emergency situation; or~~

~~(C) when an individual other than a TJJD employee, volunteer, or contractor carries a lawfully possessed concealed handgun on the premises of a building, office, or TJJD-operated facility at which education is not provided to youth.~~

(d) Posting of Signs ~~at Residential Facilities~~.

~~(1) Signs will be must be posted in English and Spanish at each all TJJD-operated residential facility operated by TJJD indicating that carrying weapons into the facility is prohibited by law. facilities at which education is provided to youth.~~

(2) Signs will be posted in English and Spanish at or near the entrance to any room in which an open meeting subject to Chapter 551, Texas Government Code, is being held. The signs will must contain written language pursuant to that complies with §30.06 and §30.07 of the Texas Penal Code. The signs will be displayed only while the meeting is in progress.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §380.9703,
RELATING TO POSSESSION OF WEAPONS ON AGENCY PREMISES**

On this **29th day of January 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					
Motion:		Second:			

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

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

WHEREAS, the Texas Juvenile Justice Board previously approved the publication of the proposed rule review and revisions 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; and

WHEREAS, the TJJD staff has recommended additional changes; and

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

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review and revisions for §380.9703 as proposed, with additional revisions as noted.

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

Signed this **29th day of January 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

Kaci Singer, Staff Attorney

Subject: Discussion, consideration, and possible approval to publish proposed revisions and a rule review notice 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, in the *Texas Register* for a 30-day public comment period (Action)

Date: January 7, 2016

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

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

- §385.8117 (Private Real Property Rights Affected by Governmental Action)
- §385.8134 (Notice of Youth Confessions of Child Abuse)

Attached to this memo please find:

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

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

Texas Administrative Code Rule Review
37 TAC Chapter 385, Subchapter B (Interaction with the Public)
Rules assigned to the Office of General Counsel

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
385.8117	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"> • Clarified that the TJJJ staff member proposing a governmental action is responsible for the actions described in the rule. • Clarified that the definitions within this rule can be found in the Private Real Property Rights Preservation Act. • Removed unnecessary language concerning public information. 	Ready for board review
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"> • Clarified that the rule includes confessions made by youth who are on TJJJ parole. • 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. • 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. 	Ready for board review

Chapter: Agency Management and Operations	Effective Date: 12/31/96, T-40
Subchapter: Interaction with the Public	
Rule: Private Real Property Rights Affected by Governmental Action	Page: 1 of 3
ACA: N/A	<u>New Replaces: GAP.385.8117,</u>
<u>Statutes: Gov't Code Chapter 2007.</u>	<u>12/31/96</u>

1/7/16 Draft

RULE

(a) Purpose.

~~This [The purpose of this] rule establishes [is to establish] procedures for [whereby] the Texas Juvenile Justice Department (TJJD) to determine [agency determines] if private real property rights are affected by proposed governmental action to be taken by TJJD [TYG].~~

(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)[(b)] Categorical Determination.

~~[Categorical Determinations that no private real property interests are affected by the proposed governmental action obviates need for further compliance with the Private Real Property Preservation Act (Chapter 2007 Government Code).]~~

- (1) ~~Activities related to the following, [The following activities] and the~~ programs, policies, rules, or regulations promulgated to implement them, do not affect private real property ~~rights [interests]:~~
 - (A) ~~[activities related to]~~ youth care and treatment;
 - (B) ~~[activities related to]~~ facility operations, maintenance, and construction;
 - (C) ~~[activities related to]~~ personnel management; and
 - (D) ~~[activities related to]~~ purchase of goods and services. [;]
- (2) If the proposed governmental [government] 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 [there is no need to proceed further with the TIA process].
- (3) If the proposed governmental action does not fall within one of the above categories, TJJD must make [it is determined whether private real property interests are affected by the proposed governmental action. This is accomplished by making] a No Private Real Property Impact Determination to determine if a TIA is required.

(e)[(c)] [Making a] No Private Real Property Impact (No PRPI) Determination.

~~[If it is determined that there are no private real property interests impacted by a specific governmental action, the need for any further compliance with the Private Real Property Preservation Act (Chapter 2007 Government Code) is obviated.]~~

- (1) A No ~~PRPI~~ [~~Private Real Property Impacts~~] Determination [~~(No PRPI Determination)~~] is made [~~determined~~] by finding [~~answering the following question: Does~~] the proposed governmental action does not [~~Covered Governmental Action~~] result in a burden on private real property according to the procedures in subsection (e)(2) of this section. [~~Private Real Property as that term is defined in the Act?~~]
- (2) A No PRPI Determination is made by answering [~~Whether the governmental action results in a burden on Private Real Property is determined by the answers to~~] 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, ~~to~~ 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 [~~each of the~~] four questions in subsection (e)(2) of this section is "NO," there is a No ~~PRPI~~ [~~Private Real Property Impact (No PRPI)~~] Determination and no further action is required under the Act [~~pursuant to Chapter 2007 of the Government Code is needed for the governmental action~~]. 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. [~~TYC must undertake evaluation of the proposed governmental action on private real property rights.~~]

~~(f)(e)~~ **TIA** [~~Takings Impact Assessment (TIA)~~].

- (1) Initiating a [~~Prior to Completion of~~] TIA.

Before a TIA is initiated, the following must [~~completed, It should~~] be determined to be true pursuant to the [~~by the above~~] procedures in subsections (d) and (e) of this section [~~that~~]:

- (A) the contemplated governmental action does not fall within the categorical determinations [~~Categorical Determinations~~] for which no TIA is required; and
- (B) ~~that~~ there may be an impact on private real property interests [~~Private Real Property Interests~~].

- (2) **Elements of the TIA** [~~Takings Impact Assessment (TIA)~~].

If the criteria in section (f)(1) are met, TJJJ must prepare a written TIA that does the following: [~~The specific elements that must be evaluated when proposing to undertake a governmental action that requires a TIA include the following actions:~~]

- (A) describes [~~Describe~~] the specific purpose of the proposed governmental action; [~~and identify~~]
- (B) identifies:
- (i) whether and how the proposed governmental action substantially advances its stated purpose; [~~and~~]
- (ii) [~~(B)~~] describes [~~Describe~~] the burdens imposed on private real property; and
- (iii) [~~(C)~~] describes [~~Describe~~] the benefits to society resulting from the proposed use of private real property; and

~~(C)~~~~(D)~~ explains ~~[Determine]~~ whether engaging in the proposed governmental action will constitute a taking under the United States Constitution, the Texas Constitution, or the Act; and ["taking" by answering:]

~~[(i) — Is there a "taking" under the United States Constitution; or]~~

~~[(ii) — Is there a "taking" under the Texas Constitution; or]~~

~~[(iii) — Is there a "taking" under the Act (25% diminution in value of property subject of the governmental action); and]~~

~~(D)~~~~(E)~~ describes ~~[Describe]~~ reasonable alternative actions that could accomplish the specified purpose and compares, evaluates, and explains ~~[compare, evaluate, and explain]~~:

~~(i) how an alternative action would further the specified purpose; and~~

~~(ii) whether an alternative action would constitute a taking.~~

~~[(e) — A takings impact assessment prepared under this section is public information.]~~

DRAFT

Chapter: Agency Management and Operations	Effective Date: 5/18/04, T-66
Subchapter: Interaction with the Public	
Rule: Notice of Youth Confessions of Child Abuse	Page: 1 of 2
ACA: N/A	Replaces: GAP.81.43, 7/31/01, T-48 GAP.385.8134, 5/18/04
<u>Statutes: Family Code Chapter 261, Subchapter B</u>	

1/7/16 Draft

(a) **Purpose.**

~~This [The purpose of this] rule provides requirements, consistent with [is to provide guidelines according to] the Texas Family Code, Chapter [(TFC), chapter] 261, Subchapter B, for Texas Juvenile Justice Department (TJJD) [Youth Commission (TYC) supervisors to report information given to them by TYC] staff members or volunteers to report information regarding TJJD [TYC] youth who confess [confessing, while in any TYC operated facility or contract care program,] to having abused or neglected [abusing or neglecting] a child or children at a time other than when assigned to a TJJD-operated residential facility or contract care program [some time in the past when they were not in a TYC operated facility or contract care program].~~

(b) **Applicability.**

~~This rule does not apply to reporting suspected abuse or neglect of youth in TJJD [TYC] programs, which is addressed in §380.9333 [- See §93.33] of this title [(relating to Alleged Abuse, Neglect and Exploitation)]. [See Chapter 261, Subchapter B, Family Code, for reporting confessions of TYC youth who are released under TYC supervision that they abused or neglected children when they were not in a TYC operated facility or contract care program. Such reports must be made within 48 hours to the Department of Family and Protective Services (DFPS) or to a state or local law enforcement agency.]~~

(c) **Definitions.**

~~For the purposes of this rule, abuse and neglect are defined by Texas Family Code §261.001.~~

(d) ~~(e)~~ **Reporting.**

- (1) ~~In accordance with Texas Family Code §261.101, a TJJD [A TYC] staff member or volunteer who has cause to believe [has cause to believe, based on information provided by a youth in a TYC operated facility or contract care program,] that a TJJD [the] 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 [some time in the past when the youth was not in a TYC operated] facility or contract care program[,], must, within 48 hours after receiving the [report that] information upon which the belief is based, [not later than the 48 hours after the staff member first receives it,] report the alleged abuse or neglect to the Texas Department of Family and Protective Services (DFPS) or [DFPS,] to a state or local law enforcement agency where the alleged abuse or neglect occurred[, or to the person's appropriate TYC supervisor]. 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 [youth's statement]:
 - (A) has already been referred to DFPS or a law enforcement agency ~~[by an agency supervisor]~~ and the new report includes no new information;
 - (B) relates only to conduct that resulted in the youth's commitment to TJJD [TYC]; or
 - (C) relates only to conduct that resulted in a previous referral to a juvenile probation department or to juvenile court [adjudication, deferred prosecution or disposition without referral to court].

(3) ~~The staff member or volunteer must inform his/her supervisor about the report.~~

~~[(d) — **Referral of Report for Investigation.**]~~

~~[(1) — If the victim in a report made pursuant to subsection (c) is a member of the youth's same household, the appropriate TYC supervisor receiving the report shall refer it immediately to DFPS or to the appropriate state or local law enforcement agency for investigation if:]~~

~~[(A) — the report is of injuries inflicted at any time that required prompt medical attention or hospitalization and that endangered the alleged victim's life or could have caused permanent functional impairment or disfigurement; or]~~

~~[(B) — the report is of oral, anal, or genital intercourse that occurred at any time.]~~

~~[(2) — If the victim in a report made pursuant to subsection (c) is not a member of the youth's same household and the youth is considered a high risk, the appropriate TYC supervisor receiving the report shall refer it immediately to DFPS or to the appropriate state or local law enforcement agency for investigation if:]~~

~~[(A) — the report is of injuries inflicted within the previous twelve months that required prompt medical attention or hospitalization and that endangered the alleged victim's life or could have caused permanent functional impairment or disfigurement; or]~~

~~[(B) — the report is of oral, anal, or genital intercourse that occurred within the previous twelve months and that was without consent under the law.]~~

~~[(3) — For the purposes of this subsection, a youth is considered a high risk if the report made pursuant to subsection (c), considered in the context of the TYC youth's current circumstances, presents a real and significant likelihood that the alleged victim (if the alleged victim is still a child at the time of the report) will be abused or neglected by the TYC youth in the foreseeable future.]~~

~~[(e) — **Content of Referred Report.**]~~

~~A report referred to DFPS or to an appropriate state or local law enforcement agency pursuant to subsection (d) shall include the most accurate and detailed information possible at the time the report is made. Whenever possible, a first-hand account should be provided directly by the person to whom the youth confessed.]~~



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND A RULE REVIEW NOTICE FOR 37 TAC §385.8117 (PRIVATE REAL PROPERTY RIGHTS AFFECTED BY GOVERNMENTAL ACTION) AND §385.8134 (NOTICE OF YOUTH CONFESSIONS OF CHILD ABUSE) IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD

On this **29th day of January 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					
Motion:		Second:			

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

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

WHEREAS, the Office of General Counsel has completed this review for 37 TAC §385.8117 and §385.8134 and recommends revisions within each rule; and

WHEREAS, Texas Human Resources Code §242.003 requires the Board to adopt rules appropriate to properly accomplish TJJJ’s functions; 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 TJJJ to adopt rules for identifying a report made to the TJJJ that is appropriate to refer to the Department of Family and Protective Services or a law enforcement agency for investigation;

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

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Rebecca Walters, Director of Youth Placement and Program Development

Subject: Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC §§380.8559, 380.8565, and 380.8569, relating to sentenced offenders, in the Texas Register for a 30-day public comment period (Action)

Date: January 6, 2016

The State Programs and Facilities Division and the Youth Placement and Program Development Division have proposed changes to 37 TAC §§380.8559, 380.8565, and 380.8569, relating to youth with determinate sentences ("sentenced offenders"). 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 rules, including the proposed changes; and
- a resolution for board action.

➤ **§380.8559 Program Completion for Sentenced Offenders**

Summary of Contents

This rule establishes the criteria and approval process for sentenced offenders to qualify for parole by completing required programming.

Summary of Changes

- Clarified that confirmation of a major rule violation is an appropriate time for TJJJ to review a sentenced offender's progress to determine whether the youth is appropriate for a recommendation for transfer to TDCJ.

- Added age 16 as a time when TJJD will review each sentenced offender’s progress to determine whether the youth is appropriate for a recommendation for transfer to TDCJ.
- Removed references to youth who were committed before June 9, 2007. TJJD no longer has any such youth in its custody.
- 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.
- 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.

➤ **§380.8565 Discharge of Sentenced Offenders upon Transfer to TDCJ or Expiration of Sentence**

Summary of Contents

This rule establishes the criteria and approval process for:

- requesting court approval to transfer sentenced offenders to adult prison;
- transferring sentenced offenders to adult parole or prison when they age out of TJJD; and
- discharging sentenced offenders whose sentences expire while at TJJD.

Summary of Changes

- 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 appropriate for a recommendation for transfer to TDCJ.
- Added age 16 as a time when TJJD will review each sentenced offender’s progress to determine whether the youth is appropriate for a recommendation for transfer to TDCJ.
- 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.
- Clarified that it is a youth’s *unwillingness* (rather than inability) to progress in the rehabilitation program that may contribute to TJJD’s recommendation to transfer the youth to adult prison.
- Removed references to youth who were committed before June 9, 2007. TJJD no longer has any such youth in its custody.

- 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.
- 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.
- Clarified that the rule applies to any determinate sentence, not just a youth's original determinate sentence.
- Clarified that youth in *any residential facility* (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.
- Clarified that when a youth cannot complete the minimum period of confinement by his/her 19th 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 appropriate for a recommendation for prison.
- 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.
- Clarified that when a hearing has been held to determine whether a youth will be transferred 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.

➤ **§380.8569 Transfer of Sentenced Offenders Adjudicated for Capital Murder**

Summary of Contents

This rule establishes the criteria and approval process for transferring sentenced offenders adjudicated for capital murder to adult parole or prison.

Summary of Changes

- 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 appropriate for a recommendation for transfer to TDCJ.
- Added age 16 as a time when TJJD will review each sentenced offender's progress to determine whether the youth is appropriate for a recommendation for transfer to TDCJ.
- 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 TJJJ is able to recommend transfer to adult prison.

- Clarified that it is a youth's *unwillingness* (rather than inability) to progress in the rehabilitation program that may contribute to TJJJ's recommendation to transfer the youth to adult prison.
- Removed references to youth who were committed before June 9, 2007. TJJJ no longer has any such youth in its custody.
- Clarified that the notice provided to the parent/guardian, any designated advocate, and any identified victims before TJJJ 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.
- 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.
- Clarified that when a hearing has been held to determine whether a youth will be sent to adult parole or prison, TJJJ is not required to send the 10-day notice of a youth's pending discharge to parties who are typically present at these hearings.

Draft 1/6/16

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: 4/1/14
Subchapter: Admission, Placement, Release, and Discharge	
Division: Program Completion and Release	Page: 1 of 4
Rule: Program Completion for Sentenced Offenders	Replaces: GAP.380.8559, 4/1/14 [9/1/10]
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	

RULE

(a) Purpose.

~~This rule establishes [The purpose of this rule is to establish]~~ criteria and the approval process for sentenced ~~offenders [offender youth]~~ 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)[(C)] 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 [eligibility/recommendation] for transfer to TDCJ-Correctional Institutions Division (TDCJ-CID) [TDCJ Institutional Division (ID)] or TDCJ-Parole Division (TDCJ-PD); [(PD), on or before:]~~
 - ~~(i) 18 years of age and 18 years and six months of age for youth committed on or after June 9, 2007; or]~~
 - ~~(ii) 20 years of age and 20 years and six months of age for youth committed before June 9, 2007;]~~
 - ~~(E)[(D)]~~ within 45 days after revocation of parole, if applicable; and

~~(F)~~~~(E)~~ at other times as appropriate, such as after a major rule violation has been confirmed through a Level II hearing.

- (3) TJJJD notifies the youth, the youth's parent/guardian, any designated advocate for the youth, and any identified victim(s) of a pending exit review ~~[review/interview]~~ 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 TJJJD 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 TJJJD and included in the release/transfer packet.
- (4) A youth ~~[Sentenced-offenders]~~ must serve the entire minimum period of confinement applicable to the ~~[their]~~ committing offense in a high-restriction facility ~~[high-restriction facilities]~~ unless:
- (A) the youth is transferred to TDCJ-CID ~~[TDCJ-ID]~~ 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 ~~[completion-of-serving]~~ 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 ~~[sentenced-offender]~~ may be considered for release or transfer to parole ~~[from a high restriction facility]~~ when the following criteria have been met:
- (A) no major rule violations confirmed through a Level ~~[I-er]~~ 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 ~~[multi-disciplinary team]~~ to the highest stage in the [assigned] 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 ~~[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 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 TJJD parole unless~~[-, at the time]~~ the youth meets program completion criteria~~[-, he/she is:]~~
- ~~[(A) within two months before his/her 19th birthday, [if committed to TJJD on or after June 9, 2007,] in which case the youth will be transferred to TDCJ-PD.[-; or]~~
- ~~[(B) at least 19 years of age if committed to TJJD before June 9, 2007, 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 [will ensure] 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 any of the following occurs after the exit interview:
- (A) youth commits a major rule violation that is confirmed through a Level ~~[I-or]~~ II due process hearing; or
 - (B) the youth's Multi-disciplinary Team [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 his/her sentence completion and he/she loses eligibility for release or transfer, he/she **must [will]** 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 parole on or before the youth's 19th birthday.

(h) **Notification.**

- (1) TJJJ 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 TJJJ no later than 30 days before the date of the youth's release or **transfer [discharge]**. Additionally, if on release the youth is placed in another state or a county other than a county served by the committing juvenile court, TJJJ 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) TJJJ 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.

-
- 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 detainers.
 - 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 1/7/15

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release Rule: Discharge of Sentenced Offenders upon Transfer to TDCJ or Expiration of Sentence ACA: 4-JCF-5I-01 Statute(s): HR Code §§244.014, 244.015, 245.054	Effective Date: 4/1/14 Page: 1 of 5 Replaces: GAP.380.8565, 4/1/14 9/1/10
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RULE

(a) Purpose.

~~This rule establishes~~ ~~[The purpose of this rule is to establish]~~ 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~~ ~~[have not qualified]~~ for release or transfer ~~by~~ ~~[based on]~~ completing required programming.

(b) Applicability.

- (1) This rule applies only to the disposition of ~~a youth's~~ ~~[the original]~~ determinate ~~sentence(s)~~ ~~[sentence]~~.
- (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~~ ~~[due to completion of]~~ 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~~ ~~[offenders are]~~ transferred from the custody of the Texas Juvenile Justice Department (TJJD) no later than the youth's~~[-]~~
 - ~~[(A)]~~ 19th birthday. ~~[for youth committed to TJJD on or after June 9, 2007; or]~~
 - ~~[(B)]~~ ~~21st birthday for youth committed to TJJD before June 9, 2007.~~
- (2) ~~A youth~~ ~~[Youth]~~ must serve the entire minimum period of confinement ~~that applies~~ ~~[applicable]~~ to ~~the~~ ~~[their]~~ committing offense in ~~a high-restriction facility~~ ~~[high-restriction facilities]~~ unless:
 - (A) the youth is transferred ~~by the committing court~~ to Texas Department of Criminal Justice – ~~Correctional Institutions~~ ~~[Institutional]~~ Division ~~(TDCJ-CID)~~ ~~[(TDCJ-ID) in accordance with legal requirements or committing court approval]~~;
 - (B) the youth is approved by the committing court to attain parole status before ~~completing~~ ~~[completion of]~~ 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)(C) 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 [eligibility/recommendation] for transfer to TDCJ-CID [TDCJ-ID] or to the Texas Department of Criminal Justice - Parole Division (TDCJ-PD); [on or before:]~~
 - ~~(i) 18 years of age and 18 years and six months of age for youth committed on or after June 9, 2007; or]~~
 - ~~(ii) 20 years of age and 20 years and six months of age for youth committed before June 9, 2007;]~~
 - ~~(E)(D) within 45 days after revocation of parole, if applicable; and~~
 - ~~(F)(E) 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 [review/interview] 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 [release/transfer] packet.
- (5) TJJD jurisdiction is terminated and a youth is discharged when:
 - (A) the youth [he/she] is transferred to TDCJ; or
 - (B) the youth's [his/her] sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described [specified] in §380.8525 of this title.

(d) **Transfer Criteria.**

- (1) **Transfer to TDCJ-CID [TDCJ-ID] 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 [TDCJ-ID] 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. ~~]; and]~~
 - ~~(E) the conduct leading to parole revocation, adjudication, or conviction occurred while on parole status.]~~

(2) **Transfer to TDCJ-CID [TDCJ-ID] for Youth Whose Conduct Occurs While in a High-Restriction Facility [High-Restriction-Facilities].**

TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction [high-restriction] facility to TDCJ-CID [TDCJ-ID] 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 [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 [though] a Level [I or] II due process hearing on three or more occasions; or
 - (iii) the youth has engaged in conduct that has resulted in [chronic disruption of program, which is defined as] at least five Security Program [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 [security program]); or
 - (iv) the youth has demonstrated an unwillingness [inability] 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 [High-Restriction] Facilities.**

A youth in a residential [high-restriction] facility who has not met program completion [completed transfer] criteria in §380.8559 of this title and who has not received court approval for transfer to TDCJ-CID [TDCJ-ID] must be transferred to TDCJ-PD to complete his/her sentence^[:]

- ~~[(A)] no later than the youth's 19th birthday, [for youth committed on or after June 9, 2007; or]~~
- ~~[(B)] no later than the youth's 21st birthday, for youth committed before June 9, 2007.]~~

(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^[:]

- ~~[(A)] 19th birthday, [for youth committed on or after June 9, 2007; or]~~
- ~~[(B)] 21st birthday, for youth committed before June 9, 2007.]~~

~~(e)~~**(5) Transfer Recommendation for Youth [Committed on or after June 9, 2007,] Who Will Not Complete the Minimum Period of Confinement before [Before] Age 19.**

~~TJJD requests a court hearing for any youth who cannot complete his/her minimum period of confinement by his/her 19th birthday. The purpose of the hearing is [For a youth sentenced on or after June 9, 2007 who will not have completed his/her minimum period of confinement upon reaching his/her 19th birthday, TJJD requests a court hearing] to determine whether the youth will be transferred to TDCJ-CID [TDCJ-ID] 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:~~

- (A) length of stay in TJJD;
- (B) youth's progress in the rehabilitation program;
- (C) youth's behavior while in TJJD;
- (D) youth's offense/delinquent history; and
- (E) any other relevant factors, such as:
 - (i) risk factors and protective factors the youth possesses as identified in his/her psychological evaluation; and
 - (ii) the welfare of the community.

(e) 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 [TDCJ-ID] under court order or transferred to TDCJ-PD.

(f) Decision Authority for Approval to Transfer.

- (1) TJJD does not transfer youth from a high-restriction [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 ~~[transfer]~~ criteria for requesting a hearing for transfer to TDCJ-CID [TDCJ] or cannot complete his/her minimum period of confinement before age 19, [the expiration of TJJD's jurisdiction,] 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 [TDCJ-ID].

(g) Notification.

~~[(1) For youth who will not be returning to court for a transfer hearing, TJJD 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 TJJD no later than 30 days before the date of the youth's release or discharge. Additionally, if on release the youth is placed in another state or a county other than a county served by the committing juvenile court, TJJD provides the community re-entry/transition plan and progress report to a juvenile court having jurisdiction over the county of the youth's residence.]~~

(1) [(2)] TJJJ 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 TJJJ parole officer;
- (D) the [county] 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) TJJJ notifies any entity that has issued an active warrant for the youth at least ten calendar days before the youth's transfer to TDCJ-PD resulting from a transfer/release hearing or a youth's transfer to TDCJ-ID.

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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.02.62 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).

DRAFT

Draft 1/6/16

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Admission, Placement, Release, and Discharge Division: Program Completion and Release Rule: Transfer of Sentenced Offenders Adjudicated for Capital Murder ACA: 4-JCF-3A-22, 3A-23 Statute(s): HR Code §244.015; Education Code §30.106; Family Code §54.0491	Effective Date: 4/4/14 Page: 1 of 4 Replaces: GAP.380.8569, <u>4/1/14</u>
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(a) **Purpose.**

This rule establishes ~~The purpose of this rule is to establish~~ 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 ~~Institutional~~ Division (TDCJ-CID) ~~(TDCJ-ID)~~.

(b) **Applicability.**

This rule applies only to sentenced offenders ~~offender-youth~~ 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)(E) ~~(C)~~ 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 ~~eligibility/recommendation~~ for transfer to TDCJ-CID [TDCJ-ID] or TDCJ-PD; and ~~[-on or before:]~~

~~(i) 18 years of age and 18 years and six months of age for youth committed on or after June 9, 2007; or~~

~~(ii) 20 years of age and 20 years and six months of age for youth committed before June 9, 2007; and~~

(E)(D) ~~(D)~~ 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 ~~review/interview~~ 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 ~~release/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 [~~high-restriction~~] facilities unless:
- (A) the youth is transferred by the committing court to TDCJ-CID [~~TDCJ-ID in accordance with legal requirements or committing court approval~~]; 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 [~~TDCJ-ID~~] must be transferred to TDCJ-PD no later than [the] age 19 [~~at which TJJJ jurisdiction ends~~].
- (6) TJJJ jurisdiction is terminated and a youth is discharged when:
- (A) the youth [~~he/she~~] is transferred to TDCJ; or
 - (B) the youth's [~~his/her~~] sentence has expired, except when the youth is committed to TJJJ under concurrent determinate and indeterminate commitment orders as described [~~specified~~] in §380.8525 of this title.

(d) **Program Completion Criteria.**

TJJJ 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 [I- or] 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 [~~multi-disciplinary team~~] to the highest stage in the [assigned] 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 [~~multi-disciplinary team~~] that demonstrates the youth's:
 - (i) understanding of his/her risk and protective factors; [~~and~~]
 - (ii) development of skills, abilities, and knowledge to reduce risk factors and increase protective factors; [~~and~~]
 - (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 [the]~~ youth does not meet the criteria in subsection (d) of this section, TJJD recommends transfer to TDCJ-PD or ~~TDCJ-CID [TDCJ-ID]~~ to the committing juvenile court and ~~considers [will consider]~~ 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 [TDCJ-ID Before]~~ Termination of TJJD's Jurisdiction.**

TJJD may request a juvenile court hearing to recommend transfer of a youth in a ~~high-restriction [high restriction]~~ facility to ~~TDCJ-CID [TDCJ-ID]~~ 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 [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 ~~[I- or]~~ II due process hearing on three or more occasions; or
- (C) the youth has engaged in conduct that has resulted in [chronic disruption of program, which is defined as] at least five Security Program [security program] admissions or extensions in one month or ten in three months (see [See] §380.9740 of this title for information on the Security Program [security program.]; or
- (D) the youth has demonstrated an unwillingness [inability] 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 ~~[the]~~ age 19, [at which TJJJ's jurisdiction ends,] 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[~~TDCJ-ID~~]; 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[~~TDCJ-ID~~].
- (2) The committing juvenile court is the final decision authority for transferring a youth to TDCJ-PD or TDCJ-CID[~~TDCJ-ID~~].

(h) **Notification.**

TJJJ notifies ~~[the following at least ten calendar days before the youth's transfer:]~~

- ~~[(1) — the committing juvenile court;]~~
- ~~[(2) — the prosecuting attorney;]~~
- ~~[(3) — the youth's parole officer;]~~
- ~~[(4) — the chief juvenile probation officer in the county to which the youth is being moved; and]~~
- ~~[(5)]~~ any entity that has issued an active warrant for the youth at least ten calendar days before the youth's transfer.

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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 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 PUBLISH PROPOSED REVISIONS WITHIN 37 TAC §§380.8559, 380.8565, and 380.8569, RELATING TO SENTENCED OFFENDERS, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD

On this **29th day of January 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					
Motion:		Second:			

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 §§380.8559, 380.8565, and 380.8569; and

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

NOW, THEREFORE BE IT RESOLVED THAT for the above-referenced rules, the Board grants approval to publish the proposed revisions 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 29th day of January 2016.

Texas Juvenile Justice Board

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 approval to publish proposed revisions within 37 TAC §380.9197, relating to HIV/AIDS, in the Texas Register for a 30-day public comment period (Action)

Date: December 21, 2015

The Medical Services Division is proposing to revise 37 TAC §380.9197, relating to HIV/AIDS. The staff recommends the following revisions:

- Clarify that 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 in accordance with Texas Health and Safety Code §81.050. Previously, the rule only referred to testing compelled by a court order.
- Add that HIV testing may be performed on a youth when the testing is compelled by a court order following a request made by TJJJ staff in accordance with Texas Code of Criminal Procedure Article 18.22.
- Clarify that *only TJJJ-contracted health care staff* may release or disclose HIV test results or a youth's HIV/AIDS status to designated individuals as described in the rule.
- Clarify 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.

The staff is requesting the Board's approval to submit the proposed rule to the *Texas Register* for a 30-day public comment period.

A copy of the revised rule and a resolution are attached.

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Health Care Services Rule: HIV/AIDS ACA: 4-JCF-4C-25 3-JCRF-4C-22 Statutes: Health and Safety Code §81.050 <u>Code of Criminal Procedure, Article 18.22</u>	Effective Date: 4/15/15 Page: 1 of 3 Replaces: GAP.380.9197, 4/15/11 <u>4/15/15</u>
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12/10/15 Draft

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 bylaw.
- (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 [with] Health and Safety Code; [~~§81.050 and agency policy relating to occupational exposure to reportable diseases, including HIV infection and AIDS; and/or~~
 - (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)(D)~~ the testing is directed by a warrant obtained by the TJJD Office of Inspector General or other law enforcement entity.

- (5) Blood may be collected for HIV testing only by nurses, medical providers, or DSHS [the Texas Department of State Health Services (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 TJJD.

(d) **Confidentiality.**

(1) HIV test results or a youth's HIV/AIDS status are confidential and may ~~[not]~~ be released or disclosed only by TJJD-contracted health care staff and only [except] to:

~~(A)(4)~~ the TJJD medical director;

~~(B)(2)~~ the TJJD director of nursing;

~~(C)(3)~~ 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)(4)~~ the youth's parent/guardian if the youth is under ~~[age]~~ 18 years of age or with the youth's consent if the youth is at least 18 years of age;

~~(E)(5)~~ any 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

~~(6)~~ a TJJD employee for a result obtained in accordance with Health and Safety Code §81.050 and subsection (c)(4)(C) of this section; or

~~(F)(7)~~ any person with a right pursuant to law to obtain the information.

(2) TJJD 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, TJJD reports any AIDS cases or the HIV-positive [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 [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 [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 TJJD facilities are not denied equal access to appropriate medical services because of their HIV/AIDS status.

(i) Education.

- (1) TJJJD provides educational [~~education~~] information to youth regarding HIV/AIDS as follows.
 - (A) All youth participate in an educational [~~education~~] session when admitted to TJJJD.
 - (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 [~~Education~~] 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 TJJJD direct-care staff members receive [~~receives~~] training initially during orientation and annually thereafter.
- (2) Staff at TJJJD district offices and Central [~~Austin~~] Office receive educational information annually.

See HSP.07.04 for implementation procedures.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS WITHIN 37 TAC §380.9197, RELATING TO HIV/AIDS, IN THE TEXAS REGISTER FOR A 30-DAY COMMENT PERIOD

On this 29th day of January 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					
Motion:		Second:			

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 proper accomplishment of TJJD’s functions and to adopt rules for the government of the schools, facilities, and programs under TJJD’s authority; and

WHEREAS, the Medical Services Division staff has reviewed 37 TAC §380.9197 and recommends revisions to the rule; 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 comment period.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

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 orders (Action)

Date: January 4, 2016

The Texas Juvenile Justice Department (TJJJ) has statutory authority to reprimand, suspend, or revoke the TJJJ-issued certification of a certified juvenile probation or supervision officer under Section 222.053 of the Texas Human Resources Code. The officer is entitled to a hearing before the State Office of Administrative Hearings (SOAH) if revocation or suspension is requested. Agency administrative rules found in Texas Administrative Code, Title 37, Chapter 349 allow TJJJ to dispose of certain disciplinary cases without referring the cases to SOAH.

The rules require TJJJ to give the certified officer a statement of facts or conduct alleged to warrant an adverse certification action as well as notice of the discipline sought to be imposed. The notice must invite the officer to show compliance with all requirements of law for the retention of the certification, give notice that the officer must file a written answer to the formal charges in compliance with TJJJ administrative rules found in Chapter 349, and give notice that a failure to file a written answer may result in the alleged conduct being admitted as true and the relief sought being granted by default. The notice must be sent via certified mail, return receipt requested to the certified officer's most recent address of record with TJJJ.

The rules allow a resolution to be negotiated informally between certified officers and TJJJ through an agreed order. Attached for your review are the Agreed Orders and the Resolution for approval to issue a Final Agreed Order related to the disciplinary case of certified juvenile supervision officers. TJJJ and the certified officers have agreed to the discipline indicated.

DOCKET NO. DH- 15-28181-150299

IN THE MATTER OF	§	BEFORE THE
	§	
BRIANNA CASEY	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 28181	§	JUSTICE BOARD

AGREED ORDER

At its scheduled board meeting on January 29, 2016, the Texas Juvenile Justice Board (the Board) considered the matter of the certification of Brianna Casey (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 11, 2015, Respondent held a juvenile supervision officer certification with TJJD.
2. On July 11, 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 11, 2015, and required that certified juvenile probation and juvenile supervision officers adhere to a Code of Ethics.
4. A Petition for Disciplinary Action was mailed to Respondent on November 12, 2015, and Respondent was provided with the opportunity to respond to the charges stated in the petition and to show compliance with the relevant TJJD standards, rules, and regulations.
5. The Petition for Disciplinary Action alleged the following:
 - a. on or about July 11, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(2)(D) when she

- engaged in an inappropriate relationship with J.L., a juvenile under the jurisdiction of the juvenile court, by engaging in sexual conduct with her;
- b. on or about July 11, 2015, Respondent abused J.L., a juvenile under the jurisdiction of the juvenile court, by intentionally or knowingly engaging in an act that caused or might cause emotional harm to T.G., to wit: engaging in sexual conduct with her; and
 - c. on or about September 10, 2015, Respondent engaged in conduct in violation of Texas Administrative Code, Title 37, Section 345.310(c)(2)(G) when she was designated a perpetrator in a TJJD abuse, exploitation, and neglect investigation.

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 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 Administrative Code, Title 37, Sections 345.310(c)(2)(D) and (c)(2)(G) and constitutes abuse as defined in Texas Administrative Code, Title 37, Section 358.100.

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Board of the Texas Juvenile Justice Department that:

1. The certification of Brianna Casey 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, Brianna Casey, 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: DECEMBER 3, 2015.

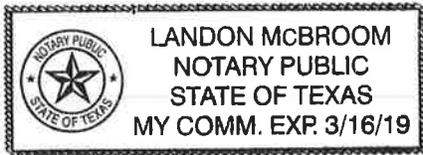
STATE OF TEXAS §
COUNTY OF TARRANT §

Brianna Casey
Signature of Respondent

Before me, the undersigned notary public on this day personally appeared

BRIANNA CASEY,
known to me (or proved to me on the oath of
N/A, or

through TX DL EXP. 09/18/2016
(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.



Landon McBroom
Notary Public

Approved by the duly authorized designee of the Texas Juvenile Justice Board on 12.9.15, 2015.

David Reilly
David Reilly, Executive Director

DOCKET NO. 15-12510-150115

IN THE MATTER OF	§	BEFORE THE
	§	
ROBERT MALDONADO	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. # 12510	§	JUSTICE BOARD

AGREED ORDER

At its scheduled board meeting on January 29, 2016, the Texas Juvenile Justice Board (the Board) considered the matter of the certification of Robert Maldonado (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 December 30, 2014, Respondent held a juvenile supervision officer certification with TJJD.
2. On 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 on December 30, 2014, and required that certified juvenile probation and juvenile supervision officers adhere to a Code of Ethics.
4. A Petition for Disciplinary Action was mailed to Respondent on December 11, 2015, and Respondent was provided with the opportunity to respond to the charges stated in the petition and to show compliance with the relevant TJJD standards, rules, and regulations.

5. The Petition for Disciplinary Action alleged the following:

- a. On or about December 30, 2014, Respondent engaged in conduct in violation of TJJD standard 37 Texas Administrative Code Section 345.310(c)(1)(D) when he failed to serve Juvenile 1 with concern for the juvenile's welfare, to-wit: falling asleep while supervising youth and as a result Juvenile 1 was assaulted;
- b. On or about December 30, 2014, Respondent engaged in conduct in violation of TJJD standard 37 Texas Administrative Code Section 345.310(c)(2)(B) when he permitted personal interest to impair the impartial or objective exercise of professional responsibility, to-wit: falling asleep while supervising youth and as a result Juvenile 1 was assaulted;
- c. On or about December 30, 2014, Respondent engaged in conduct in violation of TJJD standard 37 Texas Administrative Code Section 345.310(c)(2)(K) when he made a material omission in a government record, to-wit: failing to disclose that Respondent fell asleep in his written statement obtained in an internal investigation; and
- d. On or about December 30, 2014, Respondent engaged in conduct in violation of TJJD standard 37 Texas Administrative Code Section 345.310(c)(2)(K) when he made a material omission in a government record, to-wit: failing to disclose that Respondent fell asleep prior to an assault in his incident report.

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 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 Administrative Code, Title 37, Sections 345.310(c)(1)(D), (c)(2)(B) and (c)(2)(K).

ORDERING PROVISIONS

IT IS THEREFORE ORDERED by the Board of the Texas Juvenile Justice Department that:

1. The certification of Robert Maldonado 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 TJJJD 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, Robert C Maldonado 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.

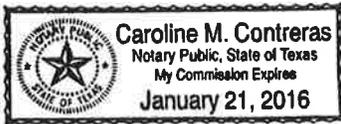
DATED: December 30th, 2015.

STATE OF TEXAS §
 COUNTY OF Bexar §

Robert C Maldonado
 Signature of Respondent

Before me, the undersigned notary public on this day personally appeared Robert C. Maldonado, known to me (or proved to me on the oath of

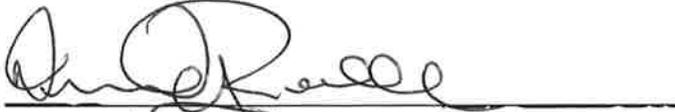
_____, or through Texas Driver's License (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.



[Signature]
 Notary Public

My Commission Expires: 01-21-2016

Approved by the duly authorized designee of the Texas Juvenile Justice Board on
1/4, 2016.



David Reilly, Executive Director



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION TO APPROVE THE AGREED ORDER RELATED TO DISCIPLINARY CASES OF CERTIFIED JUVENILE
PROBATION OR SUPERVISION OFFICERS**

On this the **29th day of January 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 in the following matter related to the discipline of certified juvenile supervision officer:

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
15-28181-150299	Brianna Casey, 28181, Granbury Regional Juvenile Justice Center	Revocation	Hood
15-12510-150115	Robert Maldonado, 12510 Bexar County Juvenile Detention Center	2-year probated suspension	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 the Agreed Order in this matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in the Resolution 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:

BOARD MEMBER	NAME OF OFFICER(S)

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Agreed Order in this matter and that a copy of this Resolution shall be affixed to this Order.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

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 – cases conducted by the State Office of Administrative Hearings (SOAH) – Curtis Jones

Date: December 21, 2015

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.

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.

On July 3, 2014, TJJJ sent Curtis Jones Notice of Petition and Petition for Disciplinary Action, 14-28453-140231, In the Matter of Curtis Jones, Certification No. 28453. On or about August 8, 2014, TJJJ received a response from Mr. Jones. On January 1, 2015, TJJJ filed a Request to Docket with SOAH. The matter was assigned docket #644-16-0712.CO.

The Board will consider disciplinary action related to certified juvenile supervision officer, Curtis Jones, at the open meeting on January 29, 2016. Attached for your review is a copy of the Amended Proposal for Decision received from the State Office of Administrative Hearings and a draft of a proposed Order Adopting Amended Proposal for Decision.

The agency sought to revoke Mr. Jones' certification as a juvenile supervision officer based on information in an investigation report, which found that Mr. Jones placed a youth in a chokehold and dragged the youth to a seat while the youth remained in the chokehold, which are violations of the Texas Administrative Code (TAC).

A hearing convened on March 20, 2015 and then recessed. The hearing reconvened on July 20, 2015; Mr. Jones and counsel appeared at the hearing and challenged the facts and the request to revoke Mr. Jones' certification. A Proposal for Decision was issued on August 7, 2015. TJJD filed TJJD's Exceptions to the Proposal for Decision on August 28, 2015. SOAH issued an Amended Proposal for Decision on September 25, 2015. Mr. Jones filed Exceptions to the Amended Proposal for Decision on October 12, 2015. The administrative law judge issued a response letter dated November 4, 2015, finding no basis to change the Amended Proposal for Decision.

The administrative law judge's Amended Proposal for Decision summarizes the evidence presented at the hearing. The investigator, the youth involved in the matter, a training specialist, the facility administrator, and Mr. Jones testified at the hearing.

The administrative law judge found that the evidence established this was a serious violation because the youth was vulnerable, Mr. Jones was reckless, and, although the youth did not suffer actual harm, the conduct met the definition of abuse due to the potential for harm. The administrative law judge also found that Mr. Jones has a good performance history and had no prior or subsequent violations. The administrative law judge concluded that the appropriate sanction would be a suspension of Mr. Jones' certification for one year.

Mr. Jones has been notified that the Board will be reviewing the Amended Proposal for Decision at the January Committee and Board meetings and that he has the right to appear at the meetings. Mr. Jones was provided with a copy of the Amended Proposal for Decision when it was issued in September. There are no procedural matters pending.

The Section 2001.058(e), Government Code (the Texas Administrative Procedure Act), governs the Board's review of the Amended Proposal for Decision, which provides:

(e) A state agency may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the administrative law judge, only if the agency determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies provided under Subsection (c), or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

The agency shall state in writing the specific reason and legal basis for a change made under this subsection.

Attached for your review is the Order Adopting Amended Proposal for Decision for approval to issue a Resolution related to disciplinary case of Curtis Jones, certified juvenile supervision officer. If the proposed Resolution is adopted as presented, Mr. Jones' certification will be suspended for one year.

SOAH DOCKET NO. 644-15-2006

TEXAS JUVENILE JUSTICE DEPARTMENT, Petitioner	§ § § § § § § § § §	BEFORE THE STATE OFFICE
v.		OF
CURTIS JONES, TJJD CERTIFICATION #28453, Respondent		ADMINISTRATIVE HEARINGS

AMENDED PROPOSAL FOR DECISION

The Texas Juvenile Justice Department (the Department) seeks to revoke the Juvenile Supervision Officer (JSO) certification of Curtis Jones (Respondent). After considering the evidence and arguments presented, the Administrative Law Judge (ALJ) recommends that Respondent’s certification should be suspended for one year.

I. JURISDICTION, NOTICE, AND PROCEDURAL HISTORY

There were no contested issues of notice or jurisdiction in this proceeding. Therefore, those matters are set out in the findings of fact and conclusions of law without further discussion here.

The hearing convened on March 20, 2015, and reconvened on July 20, 2015, before ALJ Roy G. Scudday. Staff of the Department (Staff) was represented by Karol Davidson, staff attorney. Respondent was represented by attorney Jason Ray. The record closed on July 20, 2015, at the conclusion of the hearing.

On August 25, 2015, Staff filed exceptions to the Proposal for Decision issued on August 7, 2015, to which Respondent did not file a Response. After again reviewing the video of the incident, the ALJ has determined to issue this Amended Proposal for Decision.

II. APPLICABLE LAW

The Texas Human Resources Code (Code) authorizes the Department to revoke or suspend a certification or reprimand a certified officer for a violation of applicable statutes or rules.¹ The Department rule at 37 Texas Administrative Code (TAC) § 349.305 provides that the Department may initiate disciplinary action when it “(2) confirms that a Certified Officer has committed a Code of Ethics violation; or (3) the Commission² confirms that abuse, neglect or exploitation has occurred in a juvenile justice department, program or facility.”

The rule at 37 TAC § 345.310(c) sets forth the Department’s Code of Ethics. Included in that code is the following:

(c) Juvenile justice professionals must adhere to the following code of ethics principles:

...

(2) Juvenile justice professionals must not:

...

(G) be designated as a perpetrator in an abuse, exploitation, and neglect investigation conducted by [Department] under Chapter 350 of this title and Texas Family Code Chapter 261;

...

(J) 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. . . .

The rule at 37 TAC § 350.200(1) provides that “[r]eports of alleged abuse, neglect, exploitation or death within the [Department’s] investigative jurisdiction shall, regardless of the source, or severity or perceived lack thereof, be assigned for investigation.” The rule at 37 TAC § 350.300(b) provides that “investigations are conducted to determine if the alleged abuse, neglect or

¹ Tex. Hum. Res. Code § 222.053(a)(1).

² Effective September 1, 2011, the Texas Youth Commission was replaced by the Department.

exploitation occurred.” The rule at 37 TAC § 350.400(a) provides that “[a]t the conclusion of an investigation, notification of the disposition shall be forwarded to the appropriate parties in accordance with applicable Commission policies and procedures.”

The Department investigator, Christina Ybarra, issued a Notice of Disposition to Respondent on May 14, 2014. In that Notice, Ms. Ybarra designated Respondent as a perpetrator based on a finding that she had a reason to believe that Respondent had committed abuse of a juvenile.³ The rule at 37 TAC § 350.100(b)(1) provides as follows: “The definitions of ‘abuse’ shall have the meanings ascribed under Texas Family Code § 261.001 and § 261.401. . . .” Texas Family Code § 261.401(a)(1) defines “abuse” as follows:

[A]n 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.

The rule at 37 TAC § 341.67(6) prohibits the use of restraints that “obstruct the airway or impair the breathing of the juvenile, including a procedure that places anything in, on, or over the juvenile’s mouth or nose.”

III. DISCUSSION

A. Background Facts

On March 27, 2014, Respondent was a JSO at the Oaks Brownwood Juvenile Detention Center (Oaks) in Brownwood, Texas. On that date K.M., a 17-year-old male, was attempting to confront H.C., another juvenile, in the facility cafeteria. Because the two juveniles had been

³ Staff Ex. 4 at 31.

involved in verbal altercations earlier that morning, Respondent rose from the table where he was eating, stepped between the two boys, and restrained K.M.

On March 28, 2014, Ms. Ybarra, who was at Oaks on another matter, began an investigation of the incident. Ms. Ybarra interviewed K.M. and a witness who reported the incident to her and reviewed a video surveillance tape of the incident⁴ and the Internal Investigation Report.⁵ Respondent refused to consent to an interview with Ms. Ybarra on the basis that he had resigned from Oaks after the incident. As a result of her investigation, Ms. Ybarra determined that there was a reason to believe that Respondent had abused K.M. by restraining him with a “chokehold.”⁶ (Although the term “chokehold” is not defined in the Department rules, the above-stated rule at 37 TAC § 341.67(6) would appear to be a description of such a restraint as one that obstructs the airway or impairs the breathing of the juvenile.)

B. The Evidence

At the hearing, Staff offered Staff Ex. 4, consisting of the Disciplinary Report, emails, Respondent’s Training Records, witness statements, an Internal Investigation Report, and the Notice of Disposition. Respondent objected to admission of the exhibit on several grounds. In particular, Petitioner objected to admission of the witness statements and statements made during interviews contained within the Disciplinary Report on the basis that such statements were hearsay pursuant to Texas Rules of Evidence 803, which objection was partially sustained. The exhibit was admitted but the witness statements and statements made during interviews contained within the Disciplinary Report were only allowed as proof of what Ms. Ybarra was told by the witnesses, not the truth of those statements.

⁴ Staff Ex. 5.

⁵ Staff Ex. 4 at 24-27.

⁶ Staff Ex. 4 at 1-7.

1. Respondent's Testimony

Respondent has been a juvenile detention officer for 14 years. He was working in Florida when he was transferred to the Oaks facility in 2014.

Respondent testified that he was aware that K.M. and H.C. had been involved in altercations the morning of the incident and had placed himself at H.C.'s table during lunch to keep an eye on them. He stated that when he saw K.M. approach H.C. he was concerned for K.M.'s safety because H.C. was a boxer who had recently caused another juvenile to be hospitalized.

Respondent testified that he attempted to get in front of K.M., place him in a wraparound restraint, and remove him from proximity to H.C. He stated that, as he raised his left arm to encircle K.M.'s right shoulder and place his right hand on K.M.'s chest, K.M. flinched, causing Respondent's left arm to slide over K.M.'s shoulder toward his neck. Respondent testified that he immediately readjusted his hold to wrap around K.M.'s arm, and then led K.M. back to his own table while placing K.M. in a wraparound restraint from behind and under his arms. Respondent denied placing a "chokehold" on K.M. He also pointed out that the Internal Investigation Report found that the allegation of abuse against him was unfounded.

On cross examination, Respondent agreed that neither the wraparound restraint he first attempted to place on K.M., nor the one he used to walk K.M. back to his table was an authorized restraint, but stated that he considered both restraints to have been appropriate for the situation. He stated that he did not use the authorized restraint (approaching from behind K.M. and placing his arms over K.M.'s shoulders and under K.M.'s arms (known as a blind-side restraint)) because doing so would have opened K.M. to attack by H.C. Respondent maintained that at no time did he attempt to place a "chokehold" on K.M.

2. Ms. Ybarra's Testimony

Ms. Ybarra testified that, based on her review of the video, it appeared that Respondent placed K.M. in a "chokehold" for a short time rather than use an approved restraint. She stated that when she interviewed K.M. he stated that his airway had been restrained. However, on cross-examination she agreed that K.M. changed his description of the incident and stated that he could breathe at all times. Ms. Ybarra testified that she thought K.M. changed his story because he did not want to antagonize a JSO.

3. K.M.'s Testimony

K.M., who is now 18 years old, testified at the hearing that when he was at Oaks he had definite anger issues. At the time of the incident, K.M. stated that he had lost control due to his anger when he approached H.C. He testified that at no time did Respondent choke him. He further stated that he was not concerned about retribution from Respondent.

4. Ms. Gray's Testimony

Ramona Gray is a training specialist for Staff. She stated that the Department has authorized non-defensive physical restraint techniques known as Handle With Care to be followed in dealing with juveniles.

Ms. Gray testified that the appropriate response to an altercation involving a juvenile is first to attempt to verbally de-escalate the situation, seek to get the juvenile to go into a time-out cooling-off period, and then escort the juvenile away from the location. She stated that if those attempts failed to work, the authorized procedure is to use a blind-side physical restraint by approaching the juvenile from the back with arms over the juvenile's shoulders and under the juvenile's arms pulling the juvenile's arms behind his back. Ms. Gray testified that grabbing a juvenile around the neck is

prohibited and that a wraparound restraint involving putting the arms around the juvenile's body is not an approved Handle With Care technique.

5. Mr. Green's Testimony

Tyrene Green is the Facility Administrator for Oaks. He stated that he was not in that position at the time of the incident. Mr. Green testified that, after reviewing the video, he proceeded to rehire Respondent in October 2014, and that Respondent is currently working at Oaks. As part of his reemployment, Respondent was required to undergo more Handle With Care training at Oaks.

Mr. Green testified that the use of a wraparound technique is an approved restraint at Oaks. He stated that he did not think that Respondent intended to abuse K.M. However, he did agree that when Respondent first restrained K.M., he did so in an inappropriate way, but quickly adjusted his restraint. Mr. Green testified that Respondent is a good JSO who does not pose a risk to juveniles at Oaks.

C. The ALJ's Analysis

Staff's position is that Respondent's certification should be revoked because it is clear from the video that Respondent recklessly committed an act that could have caused physical injury to K.M. in violation of the Code of Ethics. As noted above, Staff has cited two bases for such a violation: (1) that Respondent was designated as a perpetrator in an abuse investigation, and (2) that Respondent used more than the amount and type of force reasonably necessary and appropriate to ensure the security of K.M.

Staff has the burden to prove by a preponderance of the evidence the validity of the designation of Respondent as a perpetrator and/or Respondent's alleged inappropriate use of force. A preponderance of the evidence is evidence that establishes the ultimate fact "with that degree of

certainty as to make the conclusion reasonably probable.” *State Farm Mut. Auto Ins. Co. v. Davis*, 576 S.W.2d 920, 921 (Tex. Civ. App.—Amarillo 1979, writ ref’d n.r.e.).

Because Staff’s designation of Respondent as a perpetrator was based on a finding that Respondent abused K.M., the question of whether such abuse occurred must be established. It is apparent from the testimony and the video that Respondent initially utilized an unauthorized restraint technique against K.M. However, the testimony of both Respondent and K.M. was that K.M. was not prevented from breathing as a result of that restraint. This negates the conclusion of Ms. Ybarra that Respondent restrained K.M. by a “chokehold,” or a restraint that obstructed the airway or impaired the breathing of K.M. as prohibited by the rule at 37 TAC § 341.67(6).

However, it is apparent that Respondent did restrain K.M. in such a way that he could have caused injury to K.M. Even though it lasted only a few seconds, he did not approach K.M. from the front, placed his left hand in K.M.’s back rather than on his chest, and Respondent’s right arm went above K.M.’s shoulder against his neck while Respondent was pulling him away from the other boy, all in contrast to Respondent’s testimony. The next part of the video shows that, as Respondent was taking K.M. back to his table, his arm did move away from K.M.’s neck. However, the initial restraint does appear to fall within the statutory definition of abuse because it does appear that Respondent’s initial action was reckless and not merely the result of a sudden movement of K.M. Accordingly, the designation of Respondent as a perpetrator in an abuse investigation is supported by a preponderance of the evidence.

It is clear from the evidence that the events happened within a matter of seconds. It would obviously have been better procedure for Respondent to have placed himself in front of K.M., swung him around, and then use the blind-side technique described by Ms. Gray. By not doing so, Respondent used more force than necessary to remove K.M. from the situation in violation of the rule at 37 TAC § 345.310(c)(2)(J).

The rule at 37 TAC § 349.308(b) sets forth the factors to be considered in determining the proper sanction for violations. Those factors include the following:

- (1) the seriousness of the violation, which may include:
 - (A) whether the conduct was in violation of a law;
 - (B) the nature and extent of the harm caused; and/or
 - (C) the frequency of and time period covered by the violation(s).
- (2) the nature of the violation, which may include:
 - (A) the relationship between the certified officer and the person harmed;
 - (B) the vulnerability of the person harmed; and/or
 - (C) the culpability of the certified officer, such as whether the violation:
 - (i) was intentional or premeditated;
 - (ii) due to blatant disregard or gross neglect;
 - (iii) resulted from simple error or negligence; and/or
 - (iv) evidences lack of integrity, trustworthiness, or honesty.
 - (D) the degree to which actions showed lack of good judgment.
- (3) the degree of personal accountability taken by the certified officer, which may include:
 - (A) admission of wrongdoing and acceptance of responsibility;
 - (B) showing appropriate remorse or concern;
 - (C) efforts to ameliorate the harm or make restitution;
 - (D) cooperation with an investigation or request for information; and/or
 - (E) attempts to deny or conceal the misconduct or falsify documents.
- (4) Any other relevant factors, which may include:
 - (A) the certified officer's record of training, length of service, position, job responsibilities, and performance history;
 - (B) the presence or absence of prior or subsequent violations;
 - (C) any other relevant circumstances, including aggravating or mitigating factors, such as environmental factors that may have contributed to the officer's actions;
 - (D) disciplinary action taken in similar incidents;
 - (E) disciplinary action taken by the employer and the employer's recommendation to the commission; and/or
 - (F) any other matter justice may require.

Considering the above-listed factors, the evidence establishes this was a serious violation because there was abuse, although there was no actual harm to K.M. and the time of the restraint near the neck was only for a few seconds. The evidence further established that K.M. was vulnerable and that the violation resulted from recklessness by Respondent. Although Respondent admitted that he did use an unapproved restraint, he continued to assert that it was appropriate under the circumstances. In addition, Respondent refused to cooperate with Ms. Ybarra's investigation. As mitigating factors, the evidence establishes that Respondent has a good performance history and has no prior or subsequent violations.

After considering the evidence and arguments presented, the ALJ concludes that the appropriate sanction would be a suspension of Respondent's certification for one year. In support of this determination, the ALJ makes the following Findings of Fact and Conclusions of Law.

IV. FINDINGS OF FACT

1. On March 27, 2014, Curtis Jones (Respondent) was employed as a Juvenile Supervision Officer at Oaks Brownwood Juvenile Detention Center (Oaks) in Brownwood, Texas.
2. On that same date, a juvenile in Oaks reported an incident to Christina Ybarra, an investigator for the Texas Juvenile Justice Department (Department).
3. On March 28, 2014, Ms. Ybarra conducted an abuse investigation in regard to the incident.
4. By letter dated May 14, 2014, Ms. Ybarra notified Respondent that he had been designated a perpetrator for the abuse of K.M., a juvenile in Oaks, by placing him in a "chokehold."
5. Respondent requested a due process hearing regarding the abuse finding made against him, and the Department referred this matter to the State Office of Administrative Hearings (SOAH).
6. On January 28, 2015, staff of the Department (Staff) issued its notice of hearing to Respondent. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a statement of the matters asserted.

7. The hearing convened on March 20, 2015, and reconvened on July 20, 2015, before Administrative Law Judge (ALJ) Roy G. Scudday in Austin, Texas. Staff was represented by Karol Davidson, staff attorney. Respondent was represented by attorney Jason Ray, and the record closed at the end of the hearing on that day.
8. On March 27, 2014, K.M. and H.C., another juvenile, had been involved in verbal altercations that morning. Respondent placed himself at H.C.'s table during lunch to keep an eye on the two juveniles. Respondent saw K.M. approach H.C., who was a boxer and had recently caused another juvenile to be hospitalized.
9. Even though it lasted only a few seconds, Respondent approached K.M. from behind, placed his right arm above K.M.'s shoulder against his neck, and placed his left hand in K.M.'s back as Respondent pulled him away from the other boy. As Respondent was taking K.M. back to his table his arm did move away from K.M.'s neck and he placed K.M. in a wraparound restraint from behind K.M. and under his arms. Respondent did not place a "chokehold" on K.M., whose airway was not obstructed nor his breathing impaired.
10. The restraint techniques used by Respondent on K.M. are not approved Handle With Care techniques approved by the Department for use on juveniles.
11. Respondent abused K.M. because Respondent's initial restraint on K.M. (that resulted in his arm going above K.M.'s shoulder towards his neck) was reckless and could have harmed or physically injured K.M.
12. Ms. Ybarra's designation of Respondent as a perpetrator for the abuse of K.M. is supported by a preponderance of the evidence.
13. Respondent used more force than necessary when he used the unauthorized restraint on K.M. that resulted in his arm going above K.M.'s shoulder towards his neck.
14. Respondent's actions did constitute a serious violation because there was abuse, even though there was no actual harm to K.M., and the restraint near the neck was only for a few seconds.
15. K.M. was vulnerable and the use of the unauthorized restraint by Respondent resulted from Respondent's recklessness.
16. Respondent did not admit wrongdoing and asserted that the actions he took were appropriate under the circumstances.
17. Respondent did not cooperate with Ms. Ybarra's investigation.
18. Respondent has a good performance history and has no prior or subsequent violations.

V. CONCLUSIONS OF LAW

1. The Department has jurisdiction over this case. Tex. Hum. Res. Code (Code), ch. 222.
2. SOAH has jurisdiction over the hearing in this proceeding, including the authority to issue a proposal for decision with proposed findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
3. Notice of the hearing on the merits was provided as required. Tex. Gov't Code §§ 2001.051, .052.
4. If shown to have violated Code chapter 222 or rules of the Department, Respondent is subject to disciplinary action by the Department pursuant to Code § 222.053.
5. Staff had the burden of proof by a preponderance of the evidence. 1 Tex. Admin. Code (TAC) § 155.427.
6. Based on the findings set forth in Findings of Fact Nos. 8-14, the Department showed by a preponderance of the evidence that Respondent physically abused K.M. Tex. Fam. Code § 261.401(a)(1); 37 TAC § 350.100(b)(1).
7. Based on the finding set forth in Finding of Fact No. 12, Respondent was in violation of 37 TAC § 345.310(c)(2)(G).
8. Based on the findings set forth in Findings of Fact Nos. 8-14, Respondent was in violation of 37 TAC § 345.310(c)(2)(J).
9. Based on the factors set forth in Findings of Fact Nos. 15-18, the ALJ recommends that Respondent's certification be suspended for a period of one year.

SIGNED September 25, 2015.



ROY G. SCUDDAY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

DOCKET NO. DH-14-28453-140231

IN THE MATTER OF	§	BEFORE THE
	§	
CURTIS JONES	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 28453	§	JUSTICE BOARD

ORDER ADOPTING AMENDED PROPOSAL FOR DECISION

Came for consideration on this day, the above-styled and numbered cause. After proper notice was given and Respondent responded, TJD filed a petition with the State Office of Administrative Hearings (SOAH) seeking to revoke the certification of Respondent. A hearing was heard by Administrative Law Judge Roy G. Scudday. The hearing convened on March 20, 2015, and reconvened on July 20, 2015, and was completed the same day. Respondent and Respondent’s counsel appeared at the hearing and challenged the request to revoke Respondent’s certification. The Administrative Law Judge (“ALJ”) issued a Proposal for Decision on August 7, 2015. The Proposal for Decision was properly served on all parties, who were given an opportunity to file Exceptions and Replies as part of the record herein.

TJD filed TJD’s Exceptions to Proposal for Decision on August 28, 2015. ALJ issued an Amended Proposal for Decision on September 25, 2015 containing Findings of Fact and Conclusions of Law. Respondent filed Exceptions to the Amended Proposal for Decision on October 12, 2015. ALJ issued a response letter dated November 4, 2015 finding no basis to change the Amended Proposal for Decision.

The Texas Juvenile Justice Board, after review and due consideration of the Amended Proposal for Decision, adopts the Findings of Fact and Conclusions of Law of the Administrative Law Judge that are contained in the Amended Proposal for Decision and incorporates those Findings of Fact and Conclusions of Law into this Order as if such were fully set out and separately stated herein. All Proposed Findings of Fact and Conclusions of law, submitted by any party, which are not specifically adopted herein, are denied.

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board, pursuant to the authority granted by Chapter 222 of the Texas Human Resources Code and after a vote of the majority of Board members in attendance, that Respondent’s certification as a juvenile supervision officer be suspended for a period of one year.

By copy of this Order, service shall be made upon all parties in the manner indicated below.

SIGNED this the 29th day of January, 2016, in Austin, Texas, on behalf of the Texas Juvenile Justice Board.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

Administrative Law Judge Roy G. Scudday
State Office of Administrative Hearings
300 West 15th Street
Austin, Texas 78711
Uploaded via SOAH Electronic Filing System

Mr. Jason Ray
Riggs & Ray, P.C
506 W. 14th Street, Ste. A
Austin, TX 78701-3113
Attorney for Respondent
VIA Certified Mail# _____



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION TO IMPOSE DISCIPLINE IN DOCKET NO. 14-28453-140231, THE MATTER OF CURTIS JONES,
CERTIFICATION NO. 28453**

On this the 29th of January 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 a Request for an Order Adopting Amended Proposal for Decision Before the State Office of Administrative Hearings in the following matter related to the discipline of certified juvenile probation or supervision officers:

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
14-28453-140231	Curtis Jones, 28453, The Oaks Brownwood	Suspension of Certification – One year	Brown

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 Order Adopting Proposal for Decision under Texas Administrative Code, Title 37, §349.340, pursuant to Texas Government Code §2001.056; and

WHEREAS the Board considered the Amended Proposal for Decision in this matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in the Order Adopting Amended Proposal for Decision was lawfully made, 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:

BOARD MEMBER	NAME OF OFFICER(S)

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the Order Adopting Amended Proposal for Decision in this matter and that a copy of this Resolution shall be affixed to this Order.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

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 officer – cases conducted by the State Office of Administrative Hearings (SOAH) - Reginald Mangeni

Date: December 21, 2015

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.

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.

On April 6, 2015, TJJJ sent Reginald Mangeni Notice of Petition and Petition for Disciplinary Action, 15-28092-140353, In the Matter of Reginald Mangeni, Certification No. 28092. On or about April 13, 2015, TJJJ received a response from Mr. Mangeni. On September 28, 2015, TJJJ filed a Request to Docket with SOAH. The matter was assigned docket #644-16-0444.CO.

The Board will consider disciplinary action related to certified juvenile supervision officer, Reginald Mangeni, at the open meeting on January 29, 2016. Attached for your review is a

copy of the Proposal for Decision received from the State Office of Administrative Hearings and a draft of a proposed Order Adopting Proposal for Decision.

The agency sought to revoke Mr. Mangeni's certification as a juvenile supervision officer based on information in an investigation report, which found that Mr. Mangeni used excessive force on a juvenile by choking her and slamming her to the ground, causing her to suffer injury, which are violations of the Texas Administrative Code (TAC).

A hearing was held and closed on October 28, 2015. Mr. Mangeni did not appear at the scheduled hearing and was not represented at the hearing. The agency moved for a default, which was granted. A Proposal for Decision was issued on December 16, 2015.

The administrative law judge's Proposal for Decision's Findings of Fact found that on or about July 13, 2014, Mr. Mangeni choked the juvenile and slammed her to the ground, causing her to suffer injury. Additionally, the administrative law judge found that the amount of force used by Mr. Mangeni on the juvenile exceeded 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 and that Mr. Mangeni used excessive force against the juvenile.

The administrative law judge concluded that the agency is entitled to the relief requested in its notice of hearing, which is Revocation of Mr. Mangeni's certification as a juvenile supervision officer.

Mr. Mangeni has been notified that the Board will be reviewing the Proposal for Decision at the January Committee and Board meetings and that he has the right to appear at the meetings. Mr. Mangeni was provided with a copy of the Proposal for Decision when it was issued on December 16, 2015. There are no procedural matters pending.

The Board's review of the Proposal for Decision is governed by the Section 2001.058(e), Government Code (the Texas Administrative Procedure Act), which provides:

(e) A state agency may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the administrative law judge, only if the agency determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies provided under Subsection (c), or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

The agency shall state in writing the specific reason and legal basis for a change made under this subsection.

Attached for your review is the Order Adopting Proposal for Decision for approval to issue a Resolution related to disciplinary case of Reginald Mangeni, certified juvenile supervision officer. If the proposed Resolution is adopted as presented, Mr. Mangeni's certification will be revoked.

SOAH DOCKET NO. 644-16-0444

**TEXAS JUVENILE JUSTICE
DEPARTMENT,
Petitioner**

v.

**REGINALD MANGENI,
Respondent**

§
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§
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BEFORE THE STATE OFFICE

OF

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

This matter was referred to the State Office of Administrative Hearings by the Texas Juvenile Justice Department (TJJD). The case was set for hearing on October 28, 2015, at 9:00 a.m. at the hearings facilities of the State Office of Administrative Hearings (SOAH), 300 W. 15th Street, Austin, Texas. Counsel for TJJD, Staff attorney Kyle Dufour, appeared and represented staff (Staff) of TJJD. Reginald Mangeni (Respondent) did not appear and was not represented at the hearing.

Staff's exhibits were admitted in evidence, establishing the jurisdiction of TJJD and SOAH over this proceeding, and that Respondent was provided with timely and proper notice of the hearing.¹ The notice of hearing advised Respondent that a default could be entered against him for his failure to appear at the hearing. Due to Respondent's failure to appear at the hearing, Staff's request for a default was granted, and the factual allegations in the notice of hearing were deemed admitted by Respondent.² The deemed facts establish the following:

- On or about July 13, 2014, Respondent was a Juvenile Supervision Officer who was certified by TJJD.
- On or about July 13, 2014, Respondent choked juvenile M.P. and slammed her to the ground, causing her to suffer injury.

¹ Staff Exs. 1-12.

² 1 Tex. Admin. Code § 155.501.

- Respondent used excessive force on juvenile M.P.

A certified Juvenile Supervision Officer is required to comply with all TJDD standards, rules, and regulations, including Texas Human Resources Code c. 222 and Texas Administrative Code, Title 37, chs. 341-359. Chapter 345 of Title 37 of the Texas Administrative Code contains the TJDD Code of Ethics. The Code of Ethics prohibits a Juvenile Supervision Officer from using violence or unnecessary force and provides that the officer 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.³ Because Respondent used excessive force on juvenile M.P., he violated the Code of Ethics. Staff has requested that Respondent's certification be revoked for this violation.

For the reasons set out in the Findings of Fact and Conclusions of Law, the Administrative Law Judge finds that the relief requested by the referring agency should be granted on a default basis.

I. FINDINGS OF FACT

1. Notice of the hearing was mailed to Respondent at Respondent's address of record at least ten days prior to the scheduled hearing.
2. The notice of hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and a short plain statement of the matters asserted.
3. The notice of hearing contained a statement, in at least 12-point, boldface type, that the factual allegations listed in the notice could be deemed admitted, and the relief sought in the notice of hearing might be granted by default against a party that failed to appear at the hearing.
4. The hearing was held and the record closed on October 28, 2015.

³ Tex. Admin. Code § 345.310(c)(2)(J).

5. Respondent did not appear at the scheduled hearing and was not represented at the hearing.
6. The referring agency moved for a default, which was granted.
7. On or about July 13, 2014, Respondent choked juvenile M.P. and slammed her to the ground, causing her to suffer injury.
8. The amount of force used by Respondent on juvenile M.P. on or about July 13, 2014, exceeded 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. Respondent used excessive force against juvenile M.P. on or about July 13, 2014.

II. CONCLUSIONS OF LAW

1. The Department has jurisdiction over Juvenile Supervision Officers.
2. The State Office of Administrative Hearings have jurisdiction over matters related to the hearing in this proceeding, including the authority to issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov't Code ch. 2003.
3. Proper and timely notice was provided to Respondent in accordance with Tex. Gov't Code ch. 2001 and 1 Tex. Admin. Code ch. 155.
4. The allegations in the notice of hearing were properly deemed admitted. 1 Tex. Admin. Code § 155.501.
5. Based on the foregoing Findings of Fact and Conclusions of Law, the referring agency has jurisdiction over this matter and has established the violations alleged in the notice of hearing, which are incorporated into this Conclusion of Law.
6. The referring agency is entitled to the relief requested in its notice of hearing.

SIGNED December 16, 2015.



SUZANNE FORMBY MARSHALL
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

DOCKET NO. DH-15-28092-140353

IN THE MATTER OF	§	BEFORE THE
	§	
REGINALD MANGENI	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. 28092	§	JUSTICE BOARD

ORDER ADOPTING PROPOSAL FOR DECISION

Came for consideration on this day, the above-styled and numbered cause. After proper notice was given and Respondent responded, TJJJ filed a petition with the State Office of Administrative Hearings (SOAH) seeking to revoke the certification of Respondent. A hearing was heard by Administrative Law Judge Cathleen Parsley. The hearing was held and closed on October 28, 2015. Respondent did not appear at the hearing and Respondent was not represented at the hearing. The Administrative Law Judge (“ALJ”) issued a Proposal for Decision on December 16, 2015. The Proposal for Decision was properly served on all parties, who were given an opportunity to file Exceptions and Replies as part of the record herein.

No exceptions or replies were filed in accordance with 1 Tex. Admin. Code § 155.507(c).

The Texas Juvenile Justice Board, after review and due consideration of the Proposal for Decision, adopts the Findings of Fact and Conclusions of Law of the Administrative Law Judge that are contained in the Proposal for Decision and incorporates those Findings of Fact and Conclusions of Law into this Order as if such were fully set out and separately stated herein. All Proposed Findings of Fact and Conclusions of law, submitted by any party, which are not specifically adopted herein, are denied.

IT IS THEREFORE ORDERED by the Texas Juvenile Justice Board, pursuant to the authority granted by Chapter 222 of the Texas Human Resources Code and after a vote of the majority of Board members in attendance, that Respondent’s certification as a juvenile supervision officer be revoked.

By copy of this Order, service shall be made upon all parties in the manner indicated below.

SIGNED this the 29th day of January, 2016, in Austin, Texas, on behalf of the Texas Juvenile Justice Board.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

Administrative Law Judge Roy G. Scudday
State Office of Administrative Hearings
300 West 15th Street
Austin, Texas 78711
Uploaded via SOAH Electronic Filing System

Mr. Reginald Mangeni
801 E. Nasa Road 1 Apt. 815
Webster, TX 77598-5334
Respondent
VIA Certified Mail# _____



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION TO IMPOSE DISCIPLINE IN DOCKET NO. 15-28092-140353, THE MATTER OF REGINALD MANGENI, CERTIFICATION NO. 28092

On this the 29th of January 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 a Request for an Order Adopting Proposal for Decision Before the State Office of Administrative Hearings in the following matter related to the discipline of certified juvenile probation or supervision officers:

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
15-28092-140353	Reginald Mangeni, 28092, Harris County Youth Village	Revocation	Harris

WHEREAS the Board has jurisdiction over these actions pursuant to Texas Human Resources Code §222.053 and Texas Administrative Code, Title 37, §349.305 et seq. and authority to enter an Order Adopting Proposal for Decision under Texas Administrative Code, Title 37, §349.340, pursuant to Texas Government Code §2001.056; and

WHEREAS the Board considered the Proposal for Decision in this matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in the Order Adopting Proposal for Decision was lawfully made, 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 RESOLVED THAT the Board authorizes the Order Adopting Proposal for Decision in this matter and that a copy of this Resolution shall be affixed to this Order.

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Discussion, consideration, and possible approval to publish proposed revisions and a rule review notice for 37 TAC §385.8135, relating to Rights of Victims, §385.8145, relating to Volunteers and Volunteer Council, §385.8183, relating to Advocacy and Support Group Access, and §385.9959, relating to Transportation of Youth, in the Texas Register for a 30-day public comment period (Action)

Date: January 5, 2016

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

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

- §385.8135 (Rights of Victims)
- §385.8145 (Volunteers and Volunteer Council)
- §385.8183 (Advocacy and Support Group Access)
- §385.9959 (Transportation of Youth)

Attached to this memo please find:

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

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

Texas Administrative Code Rule Review

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

(Rules assigned to 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"> • 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. • 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"> ○ the youth's physical address if the youth is living at a TJJJ residential placement; and ○ information about and an invitation to participate in TJJJ's Special Services Committee or Release Review Panel review; • 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. 	Ready for board review
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"> • Added that a qualified community relations coordinator oversees the volunteer program at each TJJJ-operated facility and parole office. • Clarified the various steps involved in the screening and application process (i.e., criminal background check, fingerprints, personal character references, and an interview). • Added that every TJJJ-operated residential facility and parole office must use volunteers to enhance rehabilitation efforts for youth. 	Ready for board review
385.8183	Advocacy and Support Group 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"> • Clarified that this rule applies to residential facilities operated by TJJJ. • Expanded the rule to grant social services providers access to residential facilities. • Added a definition for social services providers. 	Ready for board review

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"> • 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. • Clarified when the Transportation Unit is responsible for transporting a youth. • Added that when a youth is transported between residential facilities operated by TJJJ, staff also transport the youth's case file, if available. • 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. 	Ready for board review

Chapter: Agency Management and Operations	Effective Date: 11/1/11, T-116
Subchapter: Interaction with the Public	
Rule: Rights of Victims	Page: 1 of 2
ACA: 4-JCF-6G-07	Replaces: 5/31/06, T-78 <u>GAP.385.8135,</u> <u>11/1/11</u>
Statutes: Family Code, Chapter 57	

10-29-15 Draft

RULE

(a) Purpose.

This ~~[The purpose of this]~~ rule ~~addresses [is to acknowledge]~~ the rights of victims as described in ~~[the]~~ Texas Family Code ~~Chapter 57 and Texas Code of Criminal Procedure Article 56.02~~ ~~[, Section 57.001, provide information as required,]~~ and ~~allows [allow]~~ victims to provide input into the release process of youth committed to the Texas ~~Juvenile Justice Department (TJJD) [Youth Commission (TYC)].~~

(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. [Rules governing confidentiality of youth records can be found in §99.1 of this title regarding confidentiality of a youth's alcohol and drug abuse and §99.9 of this title regarding access to youth information and records.]~~

(c) Definitions.

- (1) **Victim**--a person who as the result of the delinquent conduct of a juvenile [child] 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) All of the rules and procedures afforded to a victim of a youth in TYC custody, as indicated by the use of the term victim in this section, are equally afforded to the victim's guardian or close relative if the victim is deceased.]~~

~~(d)~~**(e) Victim Confidentiality.**

- (1) Information in a Juvenile Victim Impact [victim impact] statement (JVIS) or information submitted in the preparation of a JVIS [victim impact statement] is confidential with regard to the victim's name, social security number, address, telephone number, and [or] any other information which would identify or tend to identify the victim [identifying information, regardless of whether a victim has filed a written, formal request to allow public access of the information held to be disclosed].
- (2) Any victim involvement while the youth is in TJJD [TYC] custody is confidential.

~~(e)~~**(f) 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 ~~[pardons and paroles division of the]~~ Texas Department of Criminal Justice (TDCJ) ~~[for parole];~~

- (B) notification of: ~~[the proceedings]~~
- (i) ~~[for]~~ release under supervision, including release to TJJJ ~~[on]~~ parole; ~~[status, or]~~
 - (ii) release to a non-institutional community placement; ~~[,]~~ or
 - (iii) transfer to TDCJ ~~[for parole concerning the youth]~~; and
 - (iv) discharge from TJJJ supervision.
- ~~[(C) — notification of the youth's release under supervision including release on parole status, or release to a non-institutional community placement, or transfer to TDCJ for parole.]~~
- (2) ~~If there is a signed request from the victim, the [The requested] information is [if appropriate, will be] sent to the victim at his or her most current address on file [by TYC staff at the youth's placement program or administrator of victim services].~~
- (3) For a victim who has requested information concerning a youth, TJJJ ~~[the appropriate TYC]~~ staff may reveal only the following:
- (A) that the youth is under TJJJ's supervision [TYC's jurisdiction];
 - (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 TJJJ residential placement;
 - (E) information about and an invitation to participate in TJJJ's Special Services Committee or Release Review Panel review [a TYC administrative hearing] 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 [or] parole officer; and
 - (H) general information about the agency's rehabilitation program without revealing [(do not reveal)] specific information regarding the youth's treatment[.]

~~(f)[(g)]~~ **Victim's Right to Participation.**

- (1) A victim may provide ~~[to TYC for inclusion in the youth's masterfile]~~ information to be considered by TJJJ ~~[the commission]~~ before the youth is released [release] under supervision ~~(including release to TJJJ [on] parole), released [status, or release]~~ to a non-institutional community placement, or transferred to prison or TDCJ [transfer for] 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 [a youth's staffing for] release under supervision is considered [(home on parole status), or movement to a non-institutional community placement, or transfer to TDCJ parole]. The victim will [shall] not be allowed to attend the entire meeting [staffing] regarding the youth.
- (3) Victims who provide in-person input are [appear in person will be] provided a waiting area separate from any location where they might encounter youth.

~~(g)[(h)]~~ **Victim Appeal.**

The victim has no right of appeal in any TJJJ [TYC] decision.

Chapter: Agency Management and Operations	Effective Date: 8/1/02, T-52
Subchapter: Interaction with the Public	
Rule: Volunteers and <u>Community Resources Council</u> Volunteer Council	Page: 1 of 2
ACA: 4-JCF-6G-01, 6G-08, 6G-09, 6G-11, 6G-12, 6G-13	Replaces: GAP.81.45, 3/25/02, T-50 <u>GAP.385.8145, 8/1/02</u>

12-4-15 Draft

RULE

(a) **Purpose.**

~~This [The purpose of this]~~ rule ~~establishes [is to establish]~~ 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**~~[Volunteer Council].~~

~~Community resource councils are established to support the youth committed to TJJD. [A volunteer council will be located in each city where a TYC facility exists.]~~ Community resource councils are [Volunteer councils will be] organized as nonprofit corporations with tax-exempt [tax exempt] status. The councils' role includes:

- ~~(1) informing the community about TJJD; [TYC, advising TYC]~~
- ~~(2) informing TJJD of community interests and concerns[, advocating for juveniles,]~~
- ~~(3) promoting volunteer/community engagement; and~~
- ~~(4) generating community [assisting in providing] resources to benefit youth committed to TJJD [for juveniles].~~

(c) **Volunteer Program.**

- ~~(1) The manager [administrator] of community programs administers TJJD [relations shall administer TYC] volunteer program [programs].~~
- ~~(2) A qualified community relations coordinator oversees the volunteer program at each TJJD-operated facility and parole office.~~
- ~~(3)[(2)] 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 [will be] recruited[, screened,] and selected from various [all] 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)[(3)] Volunteers are [will be] oriented to the TJJD program and receive training before being assigned to work with youth.~~
- ~~(7)[(4)] Volunteers must agree in writing to abide by federal and[, state [and agency] laws[, and TJJD policies and rules concerning [of] confidentiality of youth information.~~
- ~~(8)[(5)] Volunteers are [will be systematically,] officially registered and provided proper identification as volunteers.~~

~~(9)(6)~~ Volunteers may ~~shall~~ not perform professional services for TJJD ~~FYG~~ unless certified or licensed to perform those services.

(d) **Youth as Volunteers.**

Qualified youth are ~~will be~~ encouraged and provide assistance to participate ~~assisted in participating~~ in volunteer activities in the community.

(e) Employees as Volunteers.

Employees may participate in volunteer activities in accordance with TJJD's policies and procedures.

See the Volunteer Services Operations Manual for implementation procedures.

DRAFT

Chapter: Agency Management and Operations	Effective Date: 11/1/11, T-116
Subchapter: Interaction with the Public	
Rule: <u>Advocacy, and Support Group, and Social Services Provider Access</u>	Page: 1 of 3
ACA: N/A	Replaces: <u>GAP.81.83, 2/15/19,</u> <u>T-95GAP.385.8183,</u> <u>11/1/11</u>
Statutes: HR Code §242.0386 <u>§242.056</u>	

12-4-15 Draft

RULE

(a) **Purpose[Policy].**

This rule establishes a process for allowing [The Texas Youth Commission (TYC) allows] 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 [TYC] facilities.

(b) **Applicability.**

(1) This rule applies to residential facilities operated by TJJD.

(2) This rule does not apply to a youth's [youth] access to his/her [a] personal attorney or personal clergy member in accordance with §380.9311 of this title [-, minister, pastor, or religious counselor. See §93.11 of this title (relating to Access to Attorneys and Courts)] and §380.9317 of this title [§93.17 of this title (relating to Access to Personal Minister, Pastor, or Religious Counselor)].

(c) **Definitions.**

The following words and terms~~[-, as used in this rule,]~~ have the following meanings when used in this rule, unless the context clearly indicates otherwise:

(1) **Advocacy or Support Groups**--~~[means]~~ 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.

(2) **Confined**--~~[means]~~ placement in a residential facility.

(3) **Confidential Setting [setting]**--~~[means]~~ a setting that provides for private conversation but is within the line of sight of a TJJD [TYC] 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 [TYC] prior to providing on-site information, support, or other services to confined youth.

(2) In order to register with TJJD [TYC], an advocacy or support group or social services provider must provide the following in a form and manner determined by TJJD [TYC]:

(A) copy of 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 [group] 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 [group's] primary function, a written justification of the need for such access and the names of individuals representing the organization [group] who perform the function for which 24-hour access is requested.
- (3) The TJJD [TYG] division director with responsibility over volunteer services or his/her designee determines [will determine] 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 [group'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 ~~[that]~~ a denial of a request for 24-hour access has been denied, 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 [group] from effectively performing its primary function.
- (5) A person representing a registered advocacy or support group or social services provider is [will] not ~~[be]~~ permitted to provide information, support, or other services to youth in a confidential setting unless and until:
 - (A) TJJD [TYG] conducts a background check pursuant to §385.8181 [§81-84] 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 [TYG] when a person who is registered with TJJD [TYG] as a representative of the organization [group] ceases to represent the organization [group].

(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[-and] must provide [notice] at least 24-hour [24 hours in] advance notice of his/her ~~[intention to]~~ visit to the [a] 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 [TYG] must not be designed to deny a registered advocacy or support group 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 [business days]. A youth's current placement in a security unit does not, ~~[absent additional factors,]~~ constitute an unacceptable safety risk that [which] would prevent access by a registered [advocate] 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 [Pursuant to §97.10 of this title, members]~~ of advocacy and support groups or social services providers are subject to search upon entry to a ~~[secure]~~ residential facility in accordance with §380.9710 of this title.
 - (7) Under state law, any person, including a [Any] registered member of an advocacy and 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. ~~[See §93.33 of this title for more information on reports and investigations of suspected abuse, neglect, or exploitation.]~~
 - (8) Youth have the right to refuse a visit with an advocate or social services provider.
 - (9) Advocacy [Under §81.11 of this title, 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 [§93.12] of this title regarding visitation procedures for family members of ~~[TYG]~~ youth committed to TJJD.
- (f) **Revocation of Access.**
- (1) TJJD [TYG] 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 TJJD [TYG] 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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Chapter: Agency Management and Operations	Effective Date: 6/16/05, T-73 Page: 1 of 1 Replaces: GAP.99.59, 4/26/04, T-65 <u>GAP.385.9959, 6/16/05</u>
Subchapter: Miscellaneous	
Title: Transportation of Youth	
ACA: N/A	

12/15/15 Draft

RULE

(a) **Purpose.**

~~This [The purpose of this] policy establishes [is to establish] a system for [whereby] Texas Juvenile Justice Department (TJJD) [Youth Commission (TYC)] staff to transport youth among assigned placements and settings using the TJJD Statewide Transportation Unit (the Transportation Unit).~~

(b) General Provisions.

- ~~(1)[(b)] The Transportation Unit [statewide transportation unit, area transportation unit,] and individual facility and parole [program] staff may transport or coordinate the transportation of TJJD [TYC] youth to and from TJJD [among its] facilities and community placements and settings [corrections programs].~~
- ~~(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.~~
- ~~[(c)] The statewide transportation unit will provide transportation primarily between programs involving an institution. The unit may provide courtesy transportation and may assist in coordinating transportation of youth between TYC programs not involving an institution, including interstate compact movements, and some new commitments.]~~
- ~~[(d)] Counties are responsible for transporting all new commitments to a TYC assessment unit and for providing all transportation necessary to meet requirements of a bench warrant.]~~
- ~~[(e)] Use or possession of chemical agents is prohibited during transportation.]~~
- ~~(7)[(f)] Use [All use] of mechanical restraint during transportation must [shall] be in accordance with §380.9723 [§97.23] of this title [(relating to Physical Restraint)].~~
- ~~(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.~~



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND A RULE REVIEW NOTICE FOR 37 TAC §385.8135, RELATING TO RIGHTS OF VICTIMS, §385.8145, RELATING TO VOLUNTEERS AND VOLUNTEER COUNCIL, §385.8183, RELATING TO ADVOCACY AND SUPPORT GROUP ACCESS, AND §385.9959, RELATING TO TRANSPORTATION OF YOUTH, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD

On this **29th day of January 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					
Motion:		Second:			

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

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

WHEREAS, the State Programs and Facilities Division has completed this review for 37 TAC §§385.8135, 385.8145, 385.8183, and 385.9959 and recommends revisions to these rules; and

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

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

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

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

Signed this 29th day of January 2016.

Texas Juvenile Justice Board



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Rebecca Walters, Director of Youth Placement and Program Development

Subject: Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC §380.8707, relating to Furloughs, and §380.9161, relating to Youth Employment and Work, in the Texas Register for a 30-day public comment period (Action)

Date: January 6, 2016

As part of developing TJJJ's Capstone Program, the Education Division and the Youth Placement and Program Development Division have proposed changes to 37 TAC §380.8707 (Furloughs) and §380.9161 (Youth Employment and Work). 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 rules, including the proposed changes; and
- 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 1/5/16

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Treatment Division: Program Planning Rule: Furloughs ACA: 4-JCF-5I-05 Statute(s): N/A	Effective Date: 12/1/14 Page: 1 of 1 Replaces: GAP.380.8707, <u>12/1/14</u> 7/31/04
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(a) **Purpose.**

~~This rule establishes [The purpose of this rule is to establish]~~ 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 [including] pre-placement visits to residential programs, home visits, health care [and medical] 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 are not permitted for youth assigned to placement in emergency shelters.]~~

~~(2)[(3)]~~ Administrative furloughs to a home that has been disapproved or is pending a home evaluation are not permitted.

~~(3)[(4)]~~ Emergency and administrative furloughs are subject to certain restrictions based [that depend] on a youth's custody and supervision rating. See §380.9707 of this title for more information.

For implementation procedures, see INS.91.31 and HWH.09.25.

Draft 1/6/16

Chapter: Rules for State-Operated Programs and Facilities Subchapter: Program Services Division: Youth Employment and Work Title: Youth Employment and Work 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	Effective Date: 10/15/14 Page: 1 of 2 Replaces: GAP.380.9161, <u>10/15/14</u> <u>[5/1/09]</u>
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(a) **Purpose.**

This rule provides ~~[The purpose of this rule is to provide]~~ 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 ~~[high restriction and medium restriction]~~ 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 ~~[in TJJD facilities]~~ may be required to do the following kinds of work without compensation:
 - (A) assignments ~~that~~ ~~[which]~~ are part of an agency educational curriculum (i.e., vocational training);
 - (B) tasks performed as community service; and/or
 - (C) routine housekeeping chores ~~that~~ ~~[which]~~ 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)~~(2)~~ A youth ~~[Youth in TJJD facilities]~~ may volunteer to perform work without compensation as restitution for damage he/she has caused ~~[done by youth]~~.

(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)[(4)] 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 [Youth] work assignments must be applied for and [at all TJJJ-operated facilities] are governed by standardized job descriptions and guidelines. ~~[Each facility implements procedures for operating campus work programs that provide youth with training and employment experience.]~~
- (3)[(2)] 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)[(3)] Certain youth may qualify for off-campus employment. Such youth must be paid in accordance with federal wage laws. ~~[Youth working in the community are paid no less than the federal minimum wage.]~~

See EDU.37.01 for implementation procedures.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS TO 37 TAC §380.8707, RELATING TO FURLOUGHS, AND §380.9161, RELATING TO YOUTH EMPLOYMENT AND WORK, IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD

On this **29th day of January 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					
Motion:		Second:			

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

WHEREAS, Texas Human Resources Code §244.003 requires the Texas Juvenile Justice Board to adopt rules appropriate to properly accomplish TJJJ’s functions and to adopt rules for the government of the schools, facilities, and programs under TJJJ’s authority; and

WHEREAS, Texas Human Resources Code §244.005 authorizes TJJJ to permit a committed child liberty under supervision on conditions TJJJ believes are conducive to acceptable behavior and to order the child’s confinement under conditions TJJJ believes are best designed for the child’s welfare and the interests of the public; and

WHEREAS, the staff has proposed to make changes to §380.8707 and §380.9161; and

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

NOW, THEREFORE BE IT RESOLVED THAT for the above-referenced rules, the Board grants approval to publish the proposed revisions 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 29th day of January 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



Texas Juvenile Justice Department
Trust Committee Meeting
11209 Metric Blvd, Building H, Ste. A
Lone Star Conference Room
Austin, Texas 78757
Thursday, November 12, 2015

COMMITTEE MEMBERS PRESENT:

The Honorable Jimmy Smith, Committee Chair
Scott W. Fisher, Board Chairman
The Honorable John Brieden III
David "Scott" Matthew

EXECUTIVE STAFF PRESENT

Chelsea Buchholtz, Chief of Staff
Jill Mata, General Counsel
Eleazar Garcia, Internal Auditor
Jeannette Cantu, Executive Assistant

OTHER GUESTS PRESENT:

Karen Kennedy, Deputy General Counsel
Kathryn Mattingly, Staff Attorney, Office of the General Counsel
Kaci Singer, Staff Attorney, Office of the General Counsel
Ben Bellomy, Staff Attorney, Office of the General Counsel
Vivian Cohn, Audit Manager
Jeannette Lepe, Auditor
Matthew Segura, Auditor
Joe Deering, Risk Management Specialist
Maria Tissing, Executive Assistant
LuAnn Brown, Executive Assistant
Fred Meinke, Network Specialist
Ona Trubee, Spotted Horse Livery and Friends of Parrie Haynes Ranch
Chris Belliveau, Friends of Parrie Haynes Ranch
Fred Morse, Friends of Parrie Haynes Ranch
Bradley Ware, Friends of Parrie Haynes Ranch

Trust Committee
November 12, 2015

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

All committee members were present.

Discussion, Consideration, and Possible Approval Regarding the August 27, 2015 Committee Meeting Minutes

Judge Brieden noted that he was not shown as present at the meeting, when, in fact, he attended. He requested that the minutes be amended to reflect his presence. Mr. Matthew moved to approve the minutes of the meeting as amended. Board Chairman Fisher seconded the motion. The motion passed unanimously.

Staff Report on Activities of the Trust

Kathryn Mattingly, Staff Attorney, reported that the Texas Parks & Wildlife Foundation and TJJJ have each signed the Memorandum of Understanding to develop the Wildlife Management Plan for the Parrie Haynes Ranch. The next step will be to hire a biologist to write the plan which will then be presented to the TJJJ Board for approval.

Ms. Mattingly said that the Boys and Girls Club of Central Texas (Boys and Girls Club) has agreed to lease terms offered by TJJJ, including a term of 15 years with two five-year renewals and a monthly payment of \$5,000. If insurance premiums and other costs exceed \$1,000 per month, the Boys & Girls Club will pay any overage. Under this plan, the Trust will net at least \$4,000 per month. The Boys & Girls Club is now developing subleases and TJJJ is developing a sub-lease agreement with the C-5 Foundation and Spotted Horse Livery. The staff hopes to coordinate the signing of all leases at the same time.

Reporting on the offer from McDonald's Corporation (McDonald's) to renegotiate the lease on the 1209 Barton Springs property, Ms. Mattingly said that after the August Board meeting, TJJJ notified McDonald's by letter of the increased value of the property according to an appraisal obtained earlier this year by the General Land Office and requested a second proposal from them based on the higher value. McDonald's responded that it would not submit another proposal, but in the meantime would entertain a counter proposal from TJJJ. Committee Chairman Smith proposed that TJJJ prepare a counter offer. Committee members discussed this option, but ultimately decided not to make a counter offer.

Mr. Matthew moved to adjourn the meeting. Judge Brieden seconded. The motion passed. There being no objection, the Chairman adjourned the meeting at 11:39 a.m.

Trust Committee
November 12, 2015



**Texas Juvenile Justice Department
Finance & Audit Committee Meeting
11209 Metric Blvd. Bldg H, Suite A
Austin, Texas 78758
Thursday, November 12, 2015, 11:00 a.m.**

BOARD MEMBERS PRESENT:

Jane King, Presiding Committee Chair
Judge John Brieden
Board Chairman Scott Fisher

BOARD MEMBERS ABSENT:

Calvin Stephens, Committee Chair

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Eleazar Garcia, Chief Auditor
Teresa Stroud, Sr. Director, State Programs & Facilities
Luther Taliaferro, Sr. Director, Education Services
Lisa Capers, Sr. Director, Training & Organizational Development
Rebecca Walters, Director, Youth Placement and Program Development

Chelsea Buchholtz, Chief of Staff
Mike Meyer, Chief Financial Officer
Elaine Mays, Chief Information Officer
Dr. TusharDesai, Medical Director

OTHER GUESTS PRESENT:

Kenneth Ming, TJJD
Vivian Cohn, TJJD
Jeannette Lepe, TJJD
Kathryn Mattingly, TJJD
Mathew Segura, TJJD
Ross Worley, TJJD
Karen Kennedy, TJJD

Kaci Singer, TJJD
Ben Bellomy, TJJD
Ashley Kintzer, TJJD
Steve Roman, TJJD
Jim Southwell, TJJD

Call to Order

Sitting in as Committee Chair for Calvin Stephens, Jane King called the meeting to order at 11:07 a.m.

Updates from the Chief Information Officer

Elaine Mays, Chief Information Officer, presented highlights of her written report. The Application section is working on the requirements gathering process for a proposed agency-wide incident handling system. The new system would integrate the business functions of several divisions and provide for more effective information across the agency. The help desk and workstation support team are configuring and in the process of deploying systems purchased with end of year funding. FY16 funds will replace approximately 500 legacy systems. The IT division has been creating core infrastructure and process documentation across all of TJJJ facilities to understand the configurations and risks associated with the legacy system and develop a comprehensive plan moving forward. The IT Operations team continues to collaborate with the Data Center Services administration to refresh the agency's collection of legacy servers. Replacing the servers with new hardware and software will pay significant dividends for the agency not only in terms of processing capability but will also serve to mitigate the risk of failures of these legacy devices. The IT and Research Divisions will develop an overall data management strategy to identify the agency's data resources and how they are best managed. The IT Division is working with the Department of Information Resources (DIR) on an agreement that will allow TJJJ to place key components of technical infrastructure inside the NSOC – Network State Operations Center that will aid the department in better Disaster Recovery run by DIR. Locating TJJJ equipment in this center will provide improved measures of protection in terms of power, cooling, etc., over what is currently in place at our current location.

In response to a question by Judge Brieden regarding legacy servers, Ms. Mays stated TJJJ has approximately 10-20 legacy servers and they are beyond five years old.

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

Board Chairman Scott Fisher moved to approve the absence of Committee Chairman Calvin Stephens. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval regarding the August 27, 2015 meeting minutes

(Action)

Judge Brieden moved to approve the minutes. Chairman Fisher seconded. The motion passed.

Discussion regarding the TJJJ population an commitment trends

Rebecca Walters, Director of Youth Placement and Program Development, presented on state population and commitment trends for FY15 and FY16. She oriented the Board members on the information provided to them in their Board materials. For the first time since FY06, the number of new commitments to the agency rose by 3%. It was predicted by the Legislative Budget Board to decrease by 1%. The population increase in the new commitments was driven by a 50% increase in determinate sentence commitments. Indeterminate commitments were down by 2% over the same period. Juvenile certifications also decreased. In response to a question by Judge Brieden, Ms. Walters confirmed the overall crime increase is something that staff review when researching population numbers. Ms. Walters also confirmed that staff are communicating this information to the LBB to help conform their projection process. Parole revocations only slightly increased, by 6 youth, from FY14 to FY15. The monthly average daily population in state secure programs was 1,044 in August of 2015 which was a 2% increase. While looking at things that are under our control that might impact population, staff look at the average length of stay. For youth within secure facilities, the average length of stay was 9.6 months for indeterminate commitments. Sentenced offenders have an average length of stay of 25.5 months. Because sentence offenders are going to be a bigger percent of our population in secure facilities, this will affect our population. The increase of sentence offenders will have a lasting impact on our overall population.

Updates from the Chief Financial Officer

Mike Meyer, Chief Financial Officer, stated that the financial report in the Board packet is not correct and a corrected version has now been provided to each member. TJJJ has almost fully expended the general revenue for the year. A hard copy of contract expenditures for September was provided to the Board. It shows that 1/12 of the available budget was expended for contract care. At some point, over the course of the year, we'll need to do some adjustments to make sure we have sufficient budget to accommodate the increase in contract beds due to the increase in population. Discussion ensued regarding the use of contract care beds versus state facility beds.

Mr. Meyer congratulated Ken Ming for bringing the agency in compliance with the new contracting requirements of Senate Bill 20. The agency is being recognized for being ahead of the curve on implementation efforts. A new requirement of Senate Bill 20 is that Board members sign a conflict of interest form indicating that you disclose any such conflicts. Those forms are being distributed today and tomorrow for the Board members' signature.

Mr. Meyer stated Senate Bill 1630 included several provisions related to general probation funding. In particular, it requires TJJ to define "Basic Probation," to redesign the funding formula and to establish "discretionary funding protocols" for dollars not subject to the revised formula. The Board was provided a copy of a memo that was provided to probation departments, describing this initiative and soliciting feedback on its first phase. The next phase is to re-examine the funding formula.

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

Mr. Meyer presented the proposed rule revisions. All rules included non-substantive technical changes. Mr. Meyer summarized five areas of the rule revisions. Regarding Site Selection for Juvenile Facility Construction, staff removed the provision that exempted TJJ from following this rule when the only sites under consideration are "near" and existing TJJ or contracted facility. It is also clarified that this rule applies only when the new facility will be owned and operated solely by TJJ. Regarding Acceptance of Gifts of \$500 or more, acceptance letters will no longer assign a value of the donation unless the donor provides sufficient documentation establishing a specific value of the donation. Regarding Collection of Delinquent Obligations, the rule formerly indicated that the Attorney General's Office (AG) reviews TJJ's criteria for determining when a debt will not be referred to the AG's office for further collection. That statement was removed. Regarding Student Benefit Funds, the statement that indicated student benefit funds may be used for youth in contract facilities was removed. The statement that indicated funds donated for a specific purpose may be used to reward individual youth was removed. Regarding Vehicle Fleet Management, information relating to specific staff responsibilities and sub-pools within the TJJ motor pool was removed.

Chairman Fisher moved to recommend to the full Board that these rules be posted to the Texas Register for a 30-day public comment period. Judge Brieden seconded. The motion passed.

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

Kenneth Ming, Director of Business Operations and Contracts, presented Amendment #4 as proposed by the Conference of Urban Counties (CUC), which is a one-year extension. Staff requested the Board to approve the agency to negotiate and award amendment #4.

Mr. Reilly stated that recent conversations with the CUC have resulted in a revised six month extension with quarterly payments. He stated that the agency is very committed to continuing this arrangement with the CUC and JCMS. It's just a matter, now, to ensure the contract is constructed in such a way that meets the agency's requirements and the requirements of SB 20. Discussion ensued regarding risk assessment and the requirements of SB 20.

Chairman Fisher moved to recommend approval to the full board for a revised resolution for a six month amendment with quarterly payments. Judge Brieden seconded. The motion passed.

Discussion, consideration, and possible approval of the Internal Audit Charter (Action)

Eleazar Garcia, Chief Auditor, presented the Internal Audit Charter. There were no changes from the current charter. He asked for re-approval of the current charter.

Judge Brieden moved to recommend approval of the Internal Audit Charter. Chairman Fisher seconded. The motion passed.

Discussion, consideration, and possible approval of the Risk Assessment and FY 2016 Audit Plan

(Action)

Mr. Garcia, presented the Risk Assessment and FY 2016 Audit Plan. The plan was developed in accordance with Chapter 2102, Government Code, which requires state agency internal audit departments to develop an annual audit plan using risk assessment techniques. The risk assessment and project selection process used includes input from Board members, agency management, and the Management Audit Committee. Information which describes the assumptions and process used to develop the plan include the Process Description, Risk Assessment Scores and Coverage Schedule and Proposed FY 2016 audit plan. Information used for this risk assessment is weighted toward the safety of the youth.

In response to a question by Judge Brieden regarding the CAPPs audit on FY 2016 audit plan, Mr. Garcia stated the scope of the audit will be to see if the correct process is being followed. He confirmed that the audit will not be on the CAPPs application itself, it will be on the information we input into CAPPs.

Mr. Meyer stated that he sees this as an opportunity to see if the CAPPs system is giving back to the agency what we need out of the system.

Chairman Fisher moved to recommend approval of the Risk Assessment and FY 2016 Audit Plan. Judge Brieden seconded. The motion passed.

Discussion regarding the FY 2015 Annual Internal Audit Report

Mr. Garcia mentioned that the Annual Internal Audit Report was required to be submitted to the Governor's Office (and others) by November 1st. He briefly reviewed all the sections covered in the report. He mentioned there were a few changes to the final report that included the date of the report and his signature.

Discussion regarding the FY 2015 Annual Internal Quality Assessment

Mr. Garcia reviewed the FY 2015 Annual Internal Quality Assessment which included a review of the Audit Charter; review of the Audit Manual; review of work papers; review and discussion of industry best practices; customer satisfaction survey results; review of staff; FY 2015 performance measure results; external quality assurance review; and establishes FY 2016 performance measures and goals.

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

Teresa Stroud, Senior Director, State Programs and Facilities, requested board approval to designate up to the percentage requested by each Chaplain as a housing allowance for tax year 2016, enabling them to exclude that amount of their gross income from federal income taxes. TJJJ instituted this policy in 2013 and requires yearly approval.

Adjourn

The meeting was adjourned at 12:08 p.m.



Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Elaine Mays, Chief Information Officer

Subject: Updates from the Chief Information Officer

Date: December 21, 2015

This memo is for informational purposes; no formal Board action is required.

Training:

Over 40% of Juvenile Probation departments across the state received additional training and/or technical assistance from TJJJ's Application Development/Customer Support team during the month of November. Nearly 300 person hours of training were conducted for both TJJJ and Probation staff. Some training occurred at the Data Coordinator's Conference offered by TJJJ in November, and other training was more specifically focused on the JCMS application which is used by 98% of the Probation departments throughout Texas.

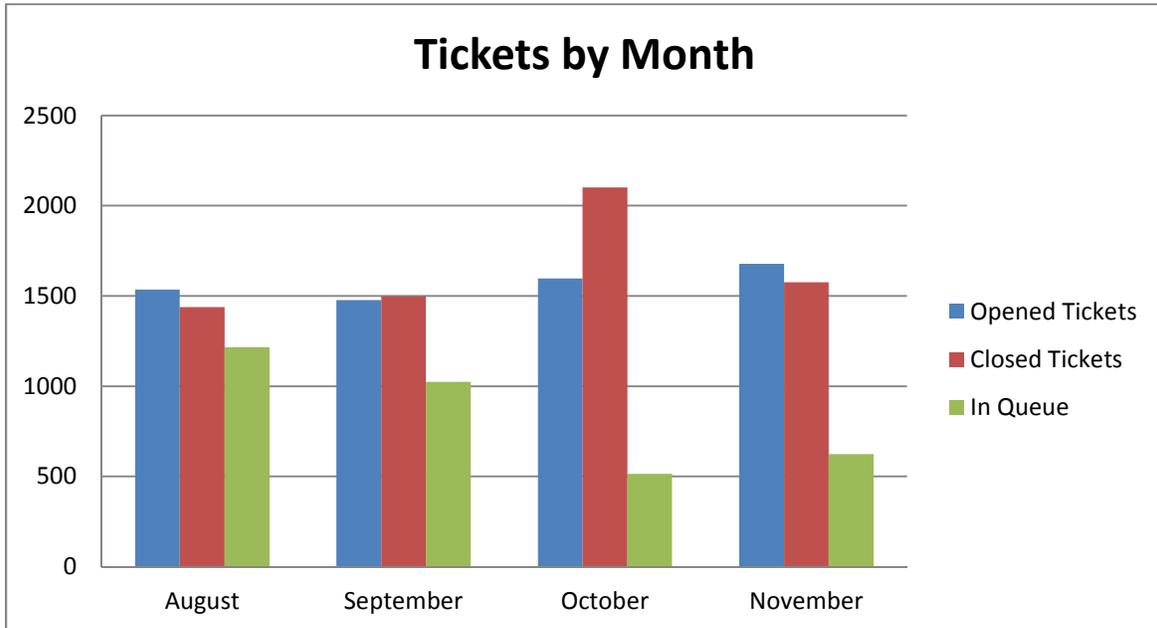
All of the training materials were developed in-house by TJJJ staff and were well received by attendees.

Purpose	Participants	Individual Hours Offered	Total Person Hours	Number of Departments	% Depts.
JCMS Basic Training	12	10.75	129	7	4%
JCMS TJJJ Internal Training (TJJJ Staff)	14	2	28	0	N/A
New Data Coordinators Training	66	1	66	62	37%
JCMS Reports Training	76	1	76	70	42%
Totals	168		299		

IT Support:

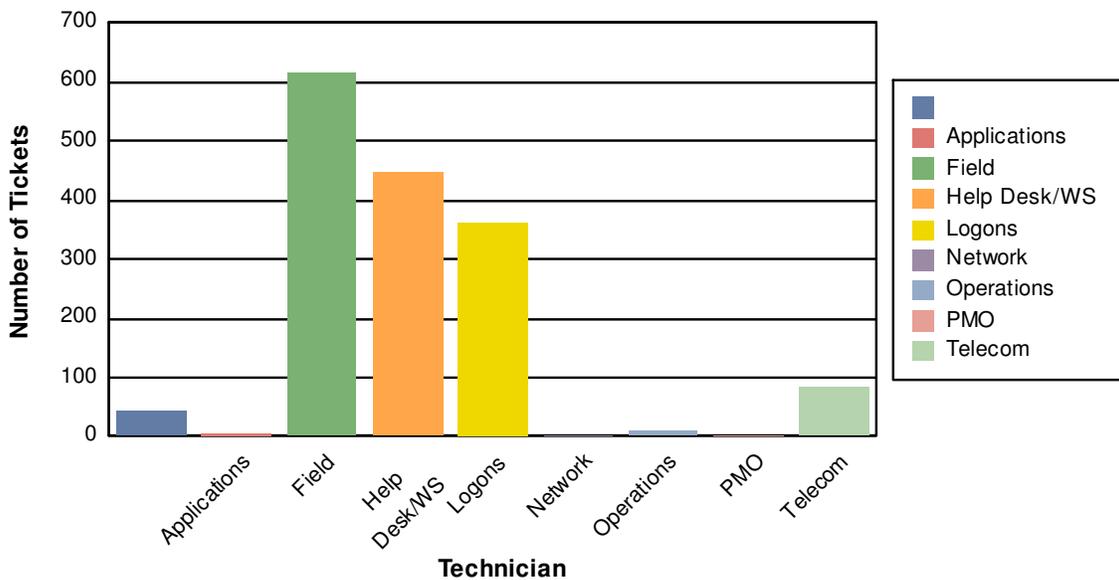
The Information technology team provides technology support to TJJ staff and works diligently to close tickets proportionally to those open (or faster). The work effort is outlined by total tickets in the first graph and the number of tickets closed by section within IT in the second graph.

Represents the number of Information Technology support calls to the agency.



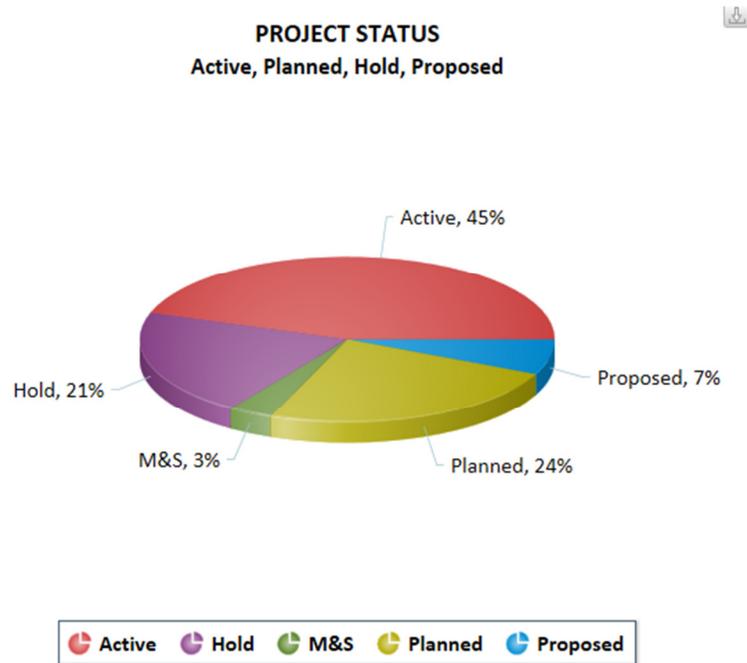
Tickets Closed by Team

Month of November



IT Projects Active, Planned, Proposed, and on Hold:

The project management team coordinates projects requested by various TJJJ divisions. The information outlines the status of all projects requested by internal customers.



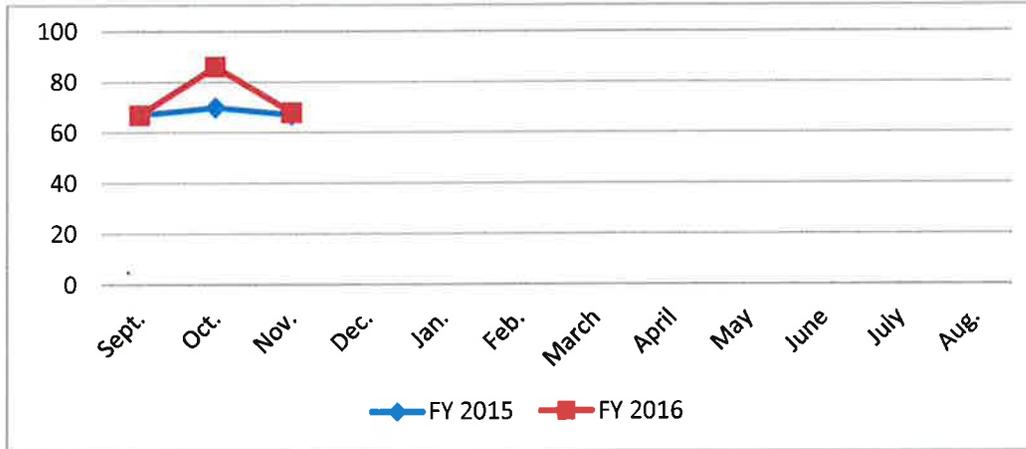
Project Status Overview

- **Active [45%]** —13 projects
- **On Hold [21%]** —6 projects
- **Planned [24%]** —7 projects (*pending resource availability*)
- *Proposed [7%]* —2 projects (*not yet formally requested, but filed*)
- *Closed— 8 projects (since October 2015)*

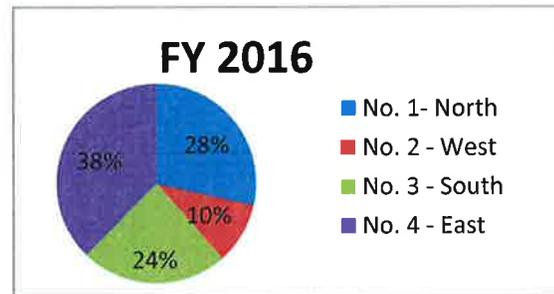
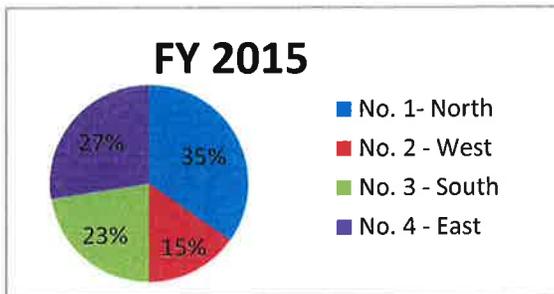
Summary of Commitment Trends for FY 2016

New Commitment Data

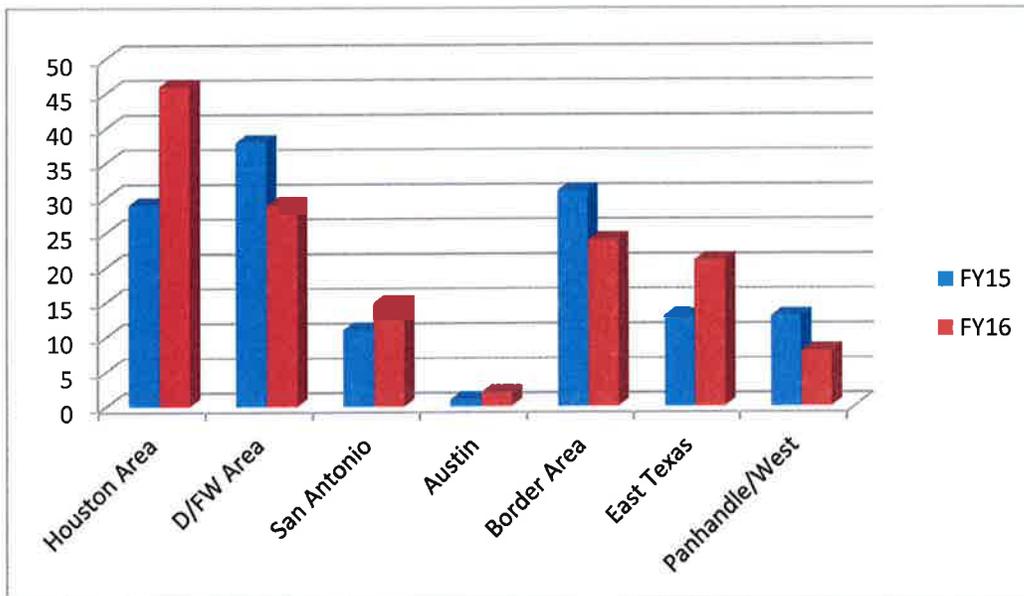
All Counties - FYTD change from FY 2015



TJJD Regions - FYTD



Areas of Texas - FYTD Changes



Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.

County	FY15	FY16
Anderson	0	0
Andrews	0	0
Angelina	1	2
Aransas	1	0
Archer	0	0
Armstrong	0	0
Atascosa	0	0
Austin	0	0
Bailey	0	0
Bandera	0	1
Bastrop	0	2
Baylor	0	0
Bee	1	1
Bell	1	1
Bexar	9	15
Blanco	0	0
Borden	0	0
Bosque	0	0
Bowie	3	2
Brazoria	7	3
Brazos	0	2
Brewster	0	0
Briscoe	0	0
Brooks	0	0
Brown	0	1
Burleson	0	1
Burnet	0	0
Caldwell	1	0
Calhoun	0	1
Callahan	0	0
Cameron	4	12
Camp	0	0
Carson	0	0
County	FY15	FY16

County	FY15	FY16
Cass	0	0
Castro	0	0
Chambers	0	0
Cherokee	0	0
Childress	0	1
Clay	0	0
Cochran	0	0
Coke	0	0
Coleman	0	0
Collin	3	3
Collingsworth	0	0
Colorado	1	0
Comal	2	0
Comanche	0	0
Concho	0	0
Cooke	0	0
Coryell	0	0
Cottle	0	0
Crane	0	0
Crockett	0	0
Crosby	0	0
Culberson	0	0
Dallam	0	0
Dallas	18	15
Dawson	0	0
Deaf Smith	1	0
Delta	0	0
Denton	4	5
DeWitt	0	0
Dickens	0	0
Dimmit	0	0
Donley	0	0
Duval	0	0
County	FY15	FY16

County	FY15	FY16
Eastland	0	0
Ector	3	4
Edwards	0	0
Ellis	2	0
El Paso	9	2
Erath	1	0
Falls	2	1
Fannin	0	0
Fayette	0	0
Fisher	0	0
Floyd	1	0
Foard	0	0
Fort Bend	6	4
Franklin	0	0
Freestone	0	1
Frio	0	0
Gaines	0	0
Galveston	3	3
Garza	0	0
Gillespie	0	0
Glasscock	0	0
Goliad	0	0
Gonzales	0	0
Gray	1	1
Grayson	1	3
Gregg	0	5
Grimes	0	0
Guadalupe	2	0
Hale	0	1
Hall	0	0
Hamilton	0	0
Hansford	0	0
Hardeman	0	0
County	FY15	FY16

County	FY15	FY16
Hardin	0	1
Harris	29	46
Harrison	0	0
Hartley	0	0
Haskell	0	0
Hays	0	0
Hemphill	0	0
Henderson	1	1
Hidalgo	10	5
Hill	1	2
Hockley	1	2
Hood	2	0
Hopkins	0	0
Houston	0	0
Howard	1	2
Hudspeth	0	0
Hunt	2	0
Hutchinson	0	0
Irion	0	0
Jack	0	0
Jackson	2	0
Jasper	0	0
Jeff Davis	0	0
Jefferson	3	7
Jim Hogg	0	0
Jim Wells	0	0
Johnson	0	0
Jones	0	0
Karnes	0	0
Kaufman	0	0
Kendall	0	0
Kenedy	0	0
Kent	0	0
County	FY15	FY16

Kerr	0	0											
Kimble	0	0											
King	0	0											
Kinney	0	0											
Kleberg	0	0											
Knox	0	0											
Lamar	2	1											
Lamb	0	0											
Lampasas	0	0											
La Salle	0	0											
Lavaca	0	0											
Lee	0	0											
Leon	0	0											
Liberty	0	1											
Limestone	0	0											
Lipscomb	0	0											
Live Oak	0	0											
Llano	0	0											
Loving	0	0											
Lubbock	3	1											
Lynn	0	0											
Madison	0	0											
Marion	0	0											
Martin	0	0											
Mason	0	0											
Matagorda	0	0											
Maverick	0	1											
McCulloch	0	0											
McLennan	4	3											
McMullen	0	0											
Medina	1	0											
Menard	0	0											
Midland	4	1											
Milam			1	1									
Mills			0	0									
Mitchell			1	0									
Montague			0	0									
Montgomery			4	12									
Moore			0	0									
Morris			0	0									
Motley			0	0									
Nacogdoches			0	0									
Navarro			0	0									
Newton			0	0									
Nolan			0	0									
Nueces			1	2									
Ochiltree			0	0									
Oldham			0	0									
Orange			2	3									
Palo Pinto			0	0									
Panola			0	0									
Parker			1	1									
Parmer			0	0									
Pecos			0	0									
Polk			0	0									
Potter			0	0									
Presidio			0	0									
Rains			0	0									
Randall			0	2									
Reagan			0	0									
Real			0	0									
Red River			0	0									
Reeves			0	0									
Refugio			0	0									
Roberts			0	0									
Robertson			0	1									
Rockwall			0	0									
Runnels			0	0									
Rusk			0	0									
Sabine			0	0									
San Augustine			0	0									
San Jacinto			0	0									
San Patricio			0	0									
San Saba			0	0									
Schleicher			0	0									
Scurry			0	0									
Shackelford			0	0									
Shelby			0	0									
Sherman			0	0									
Smith			4	2									
Somervell			0	0									
Starr			2	3									
Stephens			0	0									
Sterling			0	0									
Stonewall			0	0									
Sutton			0	0									
Swisher			0	1									
Tarrant			20	14									
Taylor			3	2									
Terrell			2	0									
Terry			0	0									
Throckmorton			0	0									
Titus			0	0									
Tom Green			1	0									
Travis			1	0									
Trinity			0	0									
Tyler			0	0									
Upshur			1	2									
Upton			0	0									
Uvalde			0	0									
Val Verde			1	1									
Van Zandt			0	0									
Victoria			1	0									
Walker			0	0									
Waller			0	0									
Ward			0	1									
Washington			0	0									
Webb			3	0									
Wharton			1	0									
Wheeler			0	1									
Wichita			0	1									
Wilbarger			0	0									
Willacy			0	1									
Williamson			0	2									
Wilson			0	1									
Winkler			0	0									
Wise			0	0									
Wood			0	0									
Yoakum			0	0									
Young			0	0									
Zapata			0	0									
Zavala			0	0									
Totals			204	221									
% Change			8%										
County Total	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	
% Change '14	5%	8%	-7%										

% Change '15	0%	23%	1%	#DIV/0!								
FY14	64	80	73									
FY15	67	70	67									
FY16	67	86	68									

TJJD Regions	FY15	%	FY16	%	% Change
No. 1- North	71	35%	63	29%	-11%
No. 2 - West	31	15%	22	10%	-29%
No. 3 - South	46	23%	53	24%	15%
No. 4 - East	56	27%	83	38%	48%

Probation Region	FY15	%	FY16	%	% Change
Region 1	29	14%	29	13%	0%
Region 2	52	26%	44	20%	-15%
Region 3	13	6%	14	6%	8%
Region 4	7	3%	10	5%	43%
Region 5	22	11%	26	12%	18%
Region 6	56	28%	84	38%	50%
Region 7	24	12%	13	6%	-46%

Texas Areas	FY15	FY16	% Change
Houston Area	29	46	59%
D/FW Area	38	29	-24%
San Antonio	11	15	36%
Austin	1	2	100%
Border Area	31	24	-23%
East Texas	13	21	62%
Panhandle/West	13	8	-38%

Texas Juvenile Justice Department
State Services and Facilities
New Admissions FY15-16

	County	FISCAL YEAR				Change	
		2015		2016			
		#	%	#	%		
001	ANDERSON	0	0.0%	0	0.0%	X No Adm	
002	ANDREWS	0	0.0%	0	0.0%	X No Adm	
003	ANGELINA	1	0.5%	2	0.9%	Increase	100.0%
004	ARANSAS	1	0.5%	0	0.0%	Decrease	-100.0%
005	ARCHER	0	0.0%	0	0.0%	X No Adm	
006	ARMSTRONG	0	0.0%	0	0.0%	X No Adm	
007	ATASCOSA	0	0.0%	0	0.0%	X No Adm	
008	AUSTIN	0	0.0%	0	0.0%	X No Adm	
009	BAILEY	0	0.0%	0	0.0%	X No Adm	
010	BANDERA	0	0.0%	1	0.5%	Increase	
011	BASTROP	0	0.0%	2	0.9%	Increase	
012	BAYLOR	0	0.0%	0	0.0%	X No Adm	
013	BEE	1	0.5%	1	0.5%	Same	
014	BELL	1	0.5%	1	0.5%	Same	
015	BEXAR	9	4.4%	15	6.8%	Increase	66.7%
016	BLANCO	0	0.0%	0	0.0%	X No Adm	
017	BORDEN	0	0.0%	0	0.0%	X No Adm	
018	BOSQUE	0	0.0%	0	0.0%	X No Adm	
019	BOWIE	3	1.5%	2	0.9%	Decrease	-33.3%
020	BRAZORIA	7	3.4%	3	1.4%	Decrease	-57.1%
021	BRAZOS	0	0.0%	2	0.9%	Increase	
022	BREWSTER	0	0.0%	0	0.0%	X No Adm	
023	BRISCOE	0	0.0%	0	0.0%	X No Adm	
024	BROOKS	0	0.0%	0	0.0%	X No Adm	
025	BROWN	0	0.0%	1	0.5%	Increase	
026	BURLESON	0	0.0%	1	0.5%	Increase	
027	BURNET	0	0.0%	0	0.0%	X No Adm	
028	CALDWELL	1	0.5%	0	0.0%	Decrease	-100.0%
029	CALHOUN	0	0.0%	1	0.5%	Increase	
030	CALLAHAN	0	0.0%	0	0.0%	X No Adm	
031	CAMERON	4	2.0%	12	5.4%	Increase	200.0%
032	CAMP	0	0.0%	0	0.0%	X No Adm	
033	CARSON	0	0.0%	0	0.0%	X No Adm	
034	CASS	0	0.0%	0	0.0%	X No Adm	
035	CASTRO	0	0.0%	0	0.0%	X No Adm	
036	CHAMBERS	0	0.0%	0	0.0%	X No Adm	
037	CHEROKEE	0	0.0%	0	0.0%	X No Adm	
038	CHILDRESS	0	0.0%	1	0.5%	Increase	
039	CLAY	0	0.0%	0	0.0%	X No Adm	

040	COCHRAN	0	0.0%	0	0.0%	X No Adm	
041	COKE	0	0.0%	0	0.0%	X No Adm	
042	COLEMAN	0	0.0%	0	0.0%	X No Adm	
043	COLLIN	3	1.5%	3	1.4%	Same	
044	COLLINGSWORTH	0	0.0%	0	0.0%	X No Adm	
045	COLORADO	1	0.5%	0	0.0%	Decrease	-100.0%
046	COMAL	2	1.0%	0	0.0%	Decrease	-100.0%
047	COMANCHE	0	0.0%	0	0.0%	X No Adm	
048	CONCHO	0	0.0%	0	0.0%	X No Adm	
049	COOKE	0	0.0%	0	0.0%	X No Adm	
050	CORYELL	0	0.0%	0	0.0%	X No Adm	
051	COTTLE	0	0.0%	0	0.0%	X No Adm	
052	CRANE	0	0.0%	0	0.0%	X No Adm	
053	CROCKETT	0	0.0%	0	0.0%	X No Adm	
054	CROSBY	0	0.0%	0	0.0%	X No Adm	
055	CULBERSON	0	0.0%	0	0.0%	X No Adm	
056	DALLAM	0	0.0%	0	0.0%	X No Adm	
057	DALLAS	18	8.8%	15	6.8%	Decrease	-16.7%
058	DAWSON	0	0.0%	0	0.0%	X No Adm	
059	DEAF SMITH	1	0.5%	0	0.0%	Decrease	-100.0%
060	DELTA	0	0.0%	0	0.0%	X No Adm	
061	DENTON	4	2.0%	5	2.3%	Increase	25.0%
062	DEWITT	0	0.0%	0	0.0%	X No Adm	
063	DICKENS	0	0.0%	0	0.0%	X No Adm	
064	DIMITT	0	0.0%	0	0.0%	X No Adm	
065	DONLEY	0	0.0%	0	0.0%	X No Adm	
066	DUVAL	0	0.0%	0	0.0%	X No Adm	
067	EASTLAND	0	0.0%	0	0.0%	X No Adm	
068	ECTOR	3	1.5%	4	1.8%	Increase	33.3%
069	EDWARDS	0	0.0%	0	0.0%	X No Adm	
070	ELLIS	2	1.0%	0	0.0%	Decrease	-100.0%
071	EL PASO	9	4.4%	2	0.9%	Decrease	-77.8%
072	ERATH	1	0.5%	0	0.0%	Decrease	-100.0%
073	FALLS	2	1.0%	1	0.5%	Decrease	-50.0%
074	FANNIN	0	0.0%	0	0.0%	X No Adm	
075	FAYETTE	0	0.0%	0	0.0%	X No Adm	
076	FISHER	0	0.0%	0	0.0%	X No Adm	
077	FLOYD	1	0.5%	0	0.0%	Decrease	-100.0%
078	FOARD	0	0.0%	0	0.0%	X No Adm	
079	FORT BEND	6	2.9%	4	1.8%	Decrease	-33.3%
080	FRANKLIN	0	0.0%	0	0.0%	X No Adm	
081	FREESTONE	0	0.0%	1	0.5%	Increase	
082	FRIO	0	0.0%	0	0.0%	X No Adm	
083	GAINES	0	0.0%	0	0.0%	X No Adm	
084	GALVESTON	3	1.5%	3	1.4%	Same	
085	GARZA	0	0.0%	0	0.0%	X No Adm	
086	GILLESPIE	0	0.0%	0	0.0%	X No Adm	

087	GLASSCOCK	0	0.0%	0	0.0%	X No Adm	
088	GOLIAD	0	0.0%	0	0.0%	X No Adm	
089	GONZALES	0	0.0%	0	0.0%	X No Adm	
090	GRAY	1	0.5%	1	0.5%	Same	
091	GRAYSON	1	0.5%	3	1.4%	Increase	200.0%
092	GREGG	0	0.0%	5	2.3%	Increase	
093	GRIMES	0	0.0%	0	0.0%	X No Adm	
094	GUADALUPE	2	1.0%	0	0.0%	Decrease	-100.0%
095	HALE	0	0.0%	1	0.5%	Increase	
096	HALL	0	0.0%	0	0.0%	X No Adm	
097	HAMILTON	0	0.0%	0	0.0%	X No Adm	
098	HANSFORD	0	0.0%	0	0.0%	X No Adm	
099	HARDEMAN	0	0.0%	0	0.0%	X No Adm	
100	HARDIN	0	0.0%	1	0.5%	Increase	
101	HARRIS	29	14.2%	46	20.8%	Increase	58.6%
102	HARRISON	0	0.0%	0	0.0%	X No Adm	
103	HARTLEY	0	0.0%	0	0.0%	X No Adm	
104	HASKELL	0	0.0%	0	0.0%	X No Adm	
105	HAYS	0	0.0%	0	0.0%	X No Adm	
106	HEMPHILL	0	0.0%	0	0.0%	X No Adm	
107	HENDERSON	1	0.5%	1	0.5%	Same	
108	HIDALGO	10	4.9%	5	2.3%	Decrease	-50.0%
109	HILL	1	0.5%	2	0.9%	Increase	100.0%
110	HOCKLEY	1	0.5%	2	0.9%	Increase	100.0%
111	HOOD	2	1.0%	0	0.0%	Decrease	-100.0%
112	HOPKINS	0	0.0%	0	0.0%	X No Adm	
113	HOUSTON	0	0.0%	0	0.0%	X No Adm	
114	HOWARD	1	0.5%	2	0.9%	Increase	100.0%
115	HUDSPETH	0	0.0%	0	0.0%	X No Adm	
116	HUNT	2	1.0%	0	0.0%	Decrease	-100.0%
117	HUTCHINSON	0	0.0%	0	0.0%	X No Adm	
118	IRION	0	0.0%	0	0.0%	X No Adm	
119	JACK	0	0.0%	0	0.0%	X No Adm	
120	JACKSON	2	1.0%	0	0.0%	Decrease	-100.0%
121	JASPER	0	0.0%	0	0.0%	X No Adm	
122	JEFF DAVIS	0	0.0%	0	0.0%	X No Adm	
123	JEFFERSON	3	1.5%	7	3.2%	Increase	133.3%
124	JIM HOGG	0	0.0%	0	0.0%	X No Adm	
125	JIM WELLS	0	0.0%	0	0.0%	X No Adm	
126	JOHNSON	0	0.0%	0	0.0%	X No Adm	
127	JONES	0	0.0%	0	0.0%	X No Adm	
128	KARNES	0	0.0%	0	0.0%	X No Adm	
129	KAUFMAN	0	0.0%	0	0.0%	X No Adm	
130	KENDALL	0	0.0%	0	0.0%	X No Adm	
131	KENEDY	0	0.0%	0	0.0%	X No Adm	
132	KENT	0	0.0%	0	0.0%	X No Adm	
133	KERR	0	0.0%	0	0.0%	X No Adm	

134	KIMBLE	0	0.0%	0	0.0%	X No Adm	
135	KING	0	0.0%	0	0.0%	X No Adm	
136	KINNEY	0	0.0%	0	0.0%	X No Adm	
137	KLEBERG	0	0.0%	0	0.0%	X No Adm	
138	KNOX	0	0.0%	0	0.0%	X No Adm	
139	LAMAR	2	1.0%	1	0.5%	Decrease	-50.0%
140	LAMB	0	0.0%	0	0.0%	X No Adm	
141	LAMPASAS	0	0.0%	0	0.0%	X No Adm	
142	LA SALLE	0	0.0%	0	0.0%	X No Adm	
143	LAVACA	0	0.0%	0	0.0%	X No Adm	
144	LEE	0	0.0%	0	0.0%	X No Adm	
145	LEON	0	0.0%	0	0.0%	X No Adm	
146	LIBERTY	0	0.0%	1	0.5%	Increase	
147	LIMESTONE	0	0.0%	0	0.0%	X No Adm	
148	LIPSCOMB	0	0.0%	0	0.0%	X No Adm	
149	LIVE OAK	0	0.0%	0	0.0%	X No Adm	
150	LLANO	0	0.0%	0	0.0%	X No Adm	
151	LOVING	0	0.0%	0	0.0%	X No Adm	
152	LUBBOCK	3	1.5%	1	0.5%	Decrease	-66.7%
153	LYNN	0	0.0%	0	0.0%	X No Adm	
154	MCCULLOCH	0	0.0%	0	0.0%	X No Adm	
155	MCLENNAN	4	2.0%	3	1.4%	Decrease	-25.0%
156	MCMULLEN	0	0.0%	0	0.0%	X No Adm	
157	MADISON	0	0.0%	0	0.0%	X No Adm	
158	MARION	0	0.0%	0	0.0%	X No Adm	
159	MARTIN	0	0.0%	0	0.0%	X No Adm	
160	MASON	0	0.0%	0	0.0%	X No Adm	
161	MATAGORDA	0	0.0%	0	0.0%	X No Adm	
162	MAVERICK	0	0.0%	1	0.5%	Increase	
163	MEDINA	1	0.5%	0	0.0%	Decrease	-100.0%
164	MENARD	0	0.0%	0	0.0%	X No Adm	
165	MIDLAND	4	2.0%	1	0.5%	Decrease	-75.0%
166	MILAM	1	0.5%	1	0.5%	Same	
167	MILLS	0	0.0%	0	0.0%	X No Adm	
168	MITCHELL	1	0.5%	0	0.0%	Decrease	-100.0%
169	MONTAGUE	0	0.0%	0	0.0%	X No Adm	
170	MONTGOMERY	4	2.0%	12	5.4%	Increase	200.0%
171	MOORE	0	0.0%	0	0.0%	X No Adm	
172	MORRIS	0	0.0%	0	0.0%	X No Adm	
173	MOTLEY	0	0.0%	0	0.0%	X No Adm	
174	NACOGDOCHES	0	0.0%	0	0.0%	X No Adm	
175	NAVARRO	0	0.0%	0	0.0%	X No Adm	
176	NEWTON	0	0.0%	0	0.0%	X No Adm	
177	NOLAN	0	0.0%	0	0.0%	X No Adm	
178	NUECES	1	0.5%	2	0.9%	Increase	100.0%
179	OCHILTREE	0	0.0%	0	0.0%	X No Adm	
180	OLDHAM	0	0.0%	0	0.0%	X No Adm	

181	ORANGE	2	1.0%	3	1.4%	Increase	50.0%
182	PALO PINTO	0	0.0%	0	0.0%	X No Adm	
183	PANOLA	0	0.0%	0	0.0%	X No Adm	
184	PARKER	1	0.5%	1	0.5%	Same	
185	PARMER	0	0.0%	0	0.0%	X No Adm	
186	PECOS	0	0.0%	0	0.0%	X No Adm	
187	POLK	0	0.0%	0	0.0%	X No Adm	
188	POTTER	0	0.0%	0	0.0%	X No Adm	
189	PRESIDIO	0	0.0%	0	0.0%	X No Adm	
190	RAINS	0	0.0%	0	0.0%	X No Adm	
191	RANDALL	0	0.0%	2	0.9%	Increase	
192	REAGAN	0	0.0%	0	0.0%	X No Adm	
193	REAL	0	0.0%	0	0.0%	X No Adm	
194	RED RIVER	0	0.0%	0	0.0%	X No Adm	
195	REEVES	0	0.0%	0	0.0%	X No Adm	
196	REFUGIO	0	0.0%	0	0.0%	X No Adm	
197	ROBERTS	0	0.0%	0	0.0%	X No Adm	
198	ROBERTSON	0	0.0%	1	0.5%	Increase	
199	ROCKWALL	0	0.0%	0	0.0%	X No Adm	
200	RUNNELS	0	0.0%	0	0.0%	X No Adm	
201	RUSK	0	0.0%	0	0.0%	X No Adm	
202	SABINE	0	0.0%	0	0.0%	X No Adm	
203	SAN AUGUSTINE	0	0.0%	0	0.0%	X No Adm	
204	SAN JACINTO	0	0.0%	0	0.0%	X No Adm	
205	SAN PATRICIO	0	0.0%	0	0.0%	X No Adm	
206	SAN SABA	0	0.0%	0	0.0%	X No Adm	
207	SCHLEICHER	0	0.0%	0	0.0%	X No Adm	
208	SCURRY	0	0.0%	0	0.0%	X No Adm	
209	SHACKELFORD	0	0.0%	0	0.0%	X No Adm	
210	SHELBY	0	0.0%	0	0.0%	X No Adm	
211	SHERMAN	0	0.0%	0	0.0%	X No Adm	
212	SMITH	4	2.0%	2	0.9%	Decrease	-50.0%
213	SOMERVELL	0	0.0%	0	0.0%	X No Adm	
214	STARR	2	1.0%	3	1.4%	Increase	50.0%
215	STEPHENS	0	0.0%	0	0.0%	X No Adm	
216	STERLING	0	0.0%	0	0.0%	X No Adm	
217	STONEWALL	0	0.0%	0	0.0%	X No Adm	
218	SUTTON	0	0.0%	0	0.0%	X No Adm	
219	SWISHER	0	0.0%	1	0.5%	Increase	
220	TARRANT	20	9.8%	14	6.3%	Decrease	-30.0%
221	TAYLOR	3	1.5%	2	0.9%	Decrease	-33.3%
222	TERRELL	2	1.0%	0	0.0%	Decrease	-100.0%
223	TERRY	0	0.0%	0	0.0%	X No Adm	
224	THROCKMORTON	0	0.0%	0	0.0%	X No Adm	
225	TITUS	0	0.0%	0	0.0%	X No Adm	
226	TOM GREEN	1	0.5%	0	0.0%	Decrease	-100.0%
227	TRAVIS	1	0.5%	0	0.0%	Decrease	-100.0%

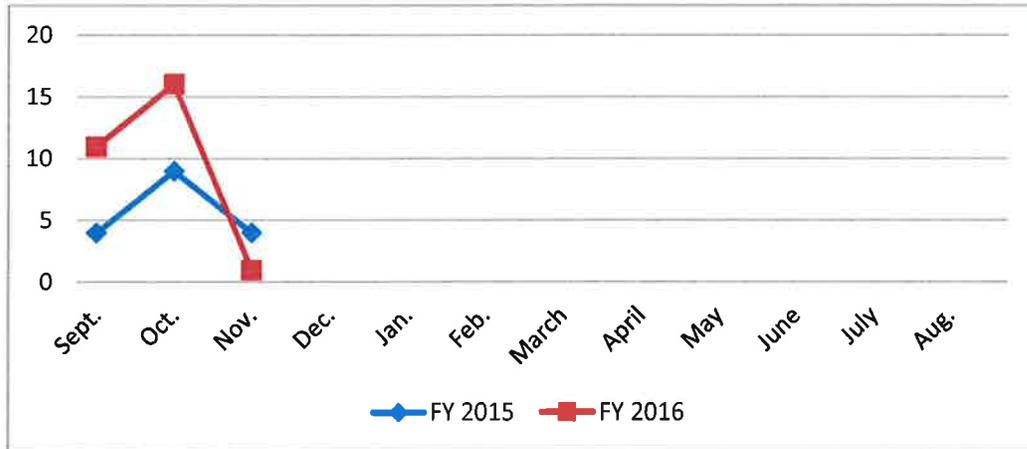
228	TRINITY	0	0.0%	0	0.0%	X No Adm	
229	TYLER	0	0.0%	0	0.0%	X No Adm	
230	UPSHUR	1	0.5%	2	0.9%	Increase	100.0%
231	UPTON	0	0.0%	0	0.0%	X No Adm	
232	UVALDE	0	0.0%	0	0.0%	X No Adm	
233	VAL VERDE	1	0.5%	1	0.5%	Same	
234	VAN ZANDT	0	0.0%	0	0.0%	X No Adm	
235	VICTORIA	1	0.5%	0	0.0%	Decrease	-100.0%
236	WALKER	0	0.0%	0	0.0%	X No Adm	
237	WALLER	0	0.0%	0	0.0%	X No Adm	
238	WARD	0	0.0%	1	0.5%	Increase	
239	WASHINGTON	0	0.0%	0	0.0%	X No Adm	
240	WEBB	3	1.5%	0	0.0%	Decrease	-100.0%
241	WHARTON	1	0.5%	0	0.0%	Decrease	-100.0%
242	WHEELER	0	0.0%	1	0.5%	Increase	
243	WICHITA	0	0.0%	1	0.5%	Increase	
244	WILBARGER	0	0.0%	0	0.0%	X No Adm	
245	WILLACY	0	0.0%	1	0.5%	Increase	
246	WILLIAMSON	0	0.0%	2	0.9%	Increase	
247	WILSON	0	0.0%	1	0.5%	Increase	
248	WINKLER	0	0.0%	0	0.0%	X No Adm	
249	WISE	0	0.0%	0	0.0%	X No Adm	
250	WOOD	0	0.0%	0	0.0%	X No Adm	
251	YOAKUM	0	0.0%	0	0.0%	X No Adm	
252	YOUNG	0	0.0%	0	0.0%	X No Adm	
253	ZAPATA	0	0.0%	0	0.0%	X No Adm	
254	ZAVALA	0	0.0%	0	0.0%	X No Adm	
	TOTAL	204	100.0%	221	100.0%	Increase	8.3%

Time Period	Change	#	%
FY 2015 to 2016	Decrease	34	13.4%
FY 2015 to 2016	Increase	38	15.0%
FY 2015 to 2016	Same	9	3.5%
FY 2015 to 2016	No Adm	173	68.1%
All Counties		254	100.0%

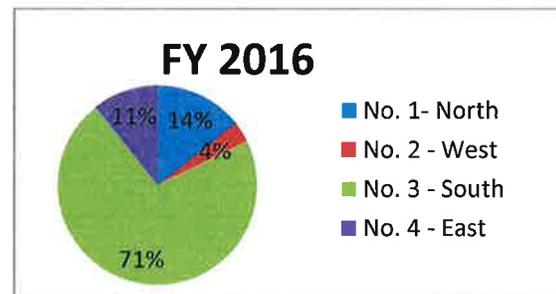
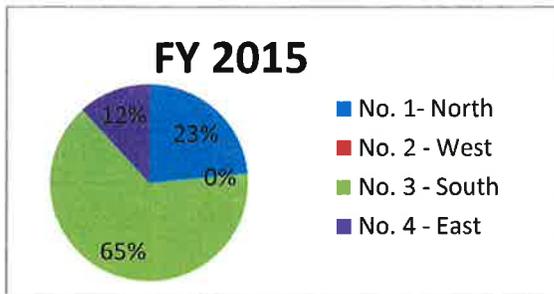
Summary of Commitment Trends for FY 2016

Recommitment Data

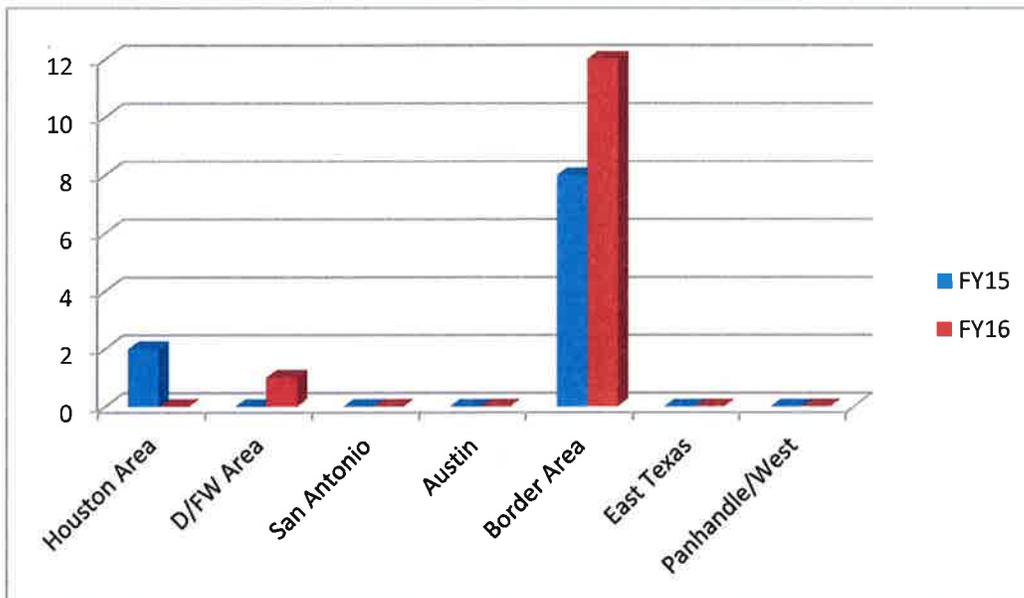
All Counties - FYTD change from FY 2015



TJJD Regions - FYTD



Areas of Texas - FYTD Changes



Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.

County	FY15	FY16
Anderson		
Andrews		
Angelina		
Aransas		
Archer		
Armstrong		
Atascosa		
Austin		
Bailey		
Bandera		
Bastrop		
Baylor		
Bee		
Bell		
Bexar		
Blanco		
Borden		
Bosque		
Bowie		
Brazoria		
Brazos		
Brewster		
Briscoe		
Brooks		
Brown	3	8
Burleson		
Burnet		
Caldwell		
Calhoun		
Callahan		
Cameron	1	
Camp		
Carson		

County	FY15	FY16
Cass		
Castro		
Chambers		
Cherokee		
Childress		
Clay		
Cochran		
Coke		
Coleman		
Collin		
Collingsworth		
Colorado		
Comal		
Comanche		
Concho		
Cooke	2	
Coryell		
Cottle		
Crane		
Crockett		
Crosby		
Culberson		
Dallam		
Dallas		
Dawson		
Deaf Smith		
Delta		
Denton		
DeWitt		
Dickens		
Dimmit		
Donley		
Duval		

County	FY15	FY16
Eastland		
Ector		
Edwards		
Ellis		
El Paso		
Erath		
Falls		
Fannin		
Fayette		
Fisher		
Floyd		
Foard		
Fort Bend		
Franklin		
Freestone		
Frio		
Gaines		
Galveston		
Garza		
Gillespie		
Glasscock		
Goliad		
Gonzales		
Gray		
Grayson		
Gregg		
Grimes		
Guadalupe		
Hale		
Hall		
Hamilton		
Hansford		
Hardeman		

County	FY15	FY16
Hardin		
Harris	2	
Harrison		
Hartley		
Haskell		1
Hays		
Hemphill		
Henderson		
Hidalgo	7	12
Hill		
Hockley		
Hood		
Hopkins		
Houston		
Howard		
Hudspeth		
Hunt		
Hutchinson		
Irion		
Jack		
Jackson		
Jasper		
Jeff Davis		
Jefferson		
Jim Hogg		
Jim Wells		
Johnson		
Jones		
Karnes		
Kaufman		
Kendall		
Kenedy		
Kent		

County	FY15	FY16
Kerr		
Kimble		
King		
Kinney		
Kleberg		
Knox		
Lamar		
Lamb		
Lampasas		
La Salle		
Lavaca		
Lee		3
Leon		
Liberty		
Limestone		
Lipscomb		
Live Oak		
Llano		
Loving		
Lubbock		
Lynn		
Madison		
Marion		
Martin		
Mason		
Matagorda		
Maverick		
McCulloch		
McLennan	2	3
McMullen		
Medina		
Menard		
Midland		

County	FY15	FY16
Milam		
Mills		
Mitchell		
Montague		
Montgomery		
Moore		
Morris		
Motley		
Nacogdoches		
Navarro		
Newton		
Nolan		
Nueces		
Ochiltree		
Oldham		
Orange		
Palo Pinto		
Panola		
Parker		
Parmer		
Pecos		
Polk		
Potter		
Presidio		
Rains		
Randall		
Reagan		
Real		
Red River		
Reeves		
Refugio		
Roberts		
Robertson		

County	FY15	FY16
Rockwall		
Runnels		
Rusk		
Sabine		
San Augustine		
San Jacinto		
San Patricio		
San Saba		
Schleicher		
Scurry		
Shackelford		
Shelby		
Sherman		
Smith		
Somervell		
Starr		
Stephens		
Sterling		
Stonewall		
Sutton		
Swisher		
Tarrant		1
Taylor		
Terrell		
Terry		
Throckmorton		
Titus		
Tom Green		
Travis		
Trinity		
Tyler		
Upshur		
Upton		

County	FY15	FY16
Uvalde		
Val Verde		
Van Zandt		
Victoria		
Walker		
Waller		
Ward		
Washington		
Webb		
Wharton		
Wheeler		
Wichita		
Wilbarger		
Willacy		
Williamson		
Wilson		
Winkler		
Wise		
Wood		
Yoakum		
Young		
Zapata		
Zavala		
Totals	17	28
% Change	65%	

County Total	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.
% Change	175%	78%	-75%	#DIV/0!	0							
FY15	4	9	4									
FY16	11	16	1									

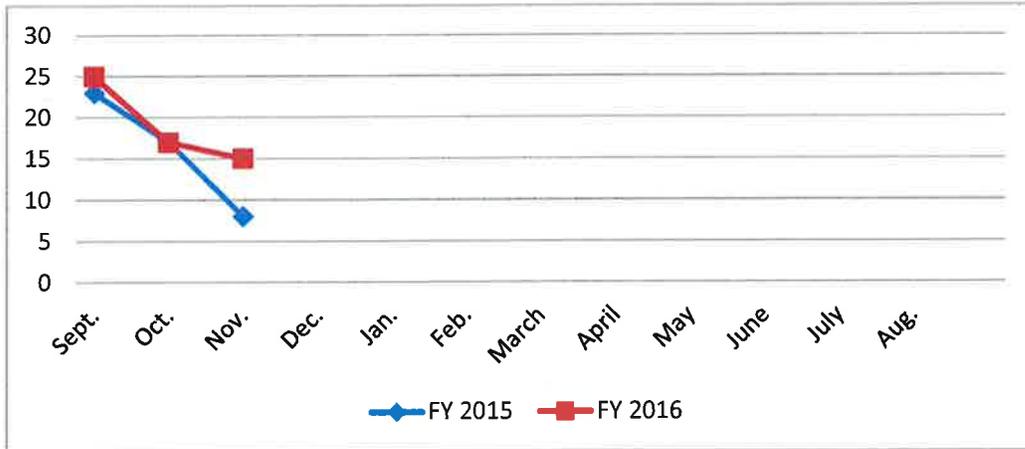
TJJD Regions	FY15	%	FY16	%	% Change
No. 1 - North	4	24%	4	14%	0%
No. 2 - West	0	0%	1	4%	#DIV/0!
No. 3 - South	11	65%	20	71%	82%
No. 4 - East	2	12%	3	11%	50%

Texas Areas	FY15	FY16	% Change
Houston Area	2	0	-100%
D/FW Area	0	1	#DIV/0!
San Antonio	0	0	#DIV/0!
Austin	0	0	#DIV/0!
Border Area	8	12	50%
East Texas	0	0	#DIV/0!
Panhandle/West	0	0	#DIV/0!

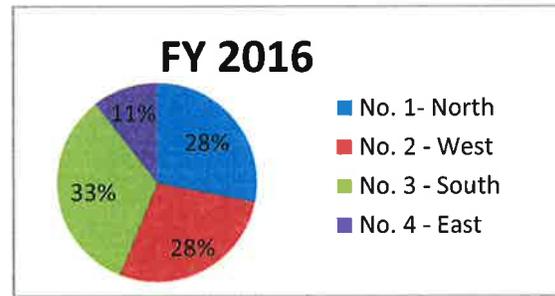
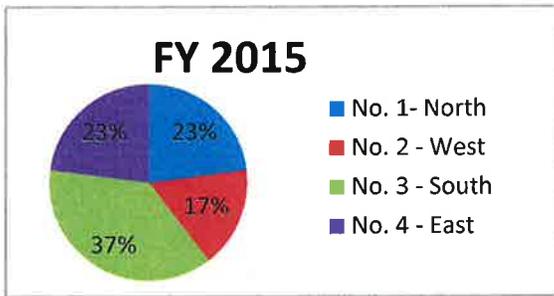
Summary of Commitment Trends for FY 2016

Revocation Data

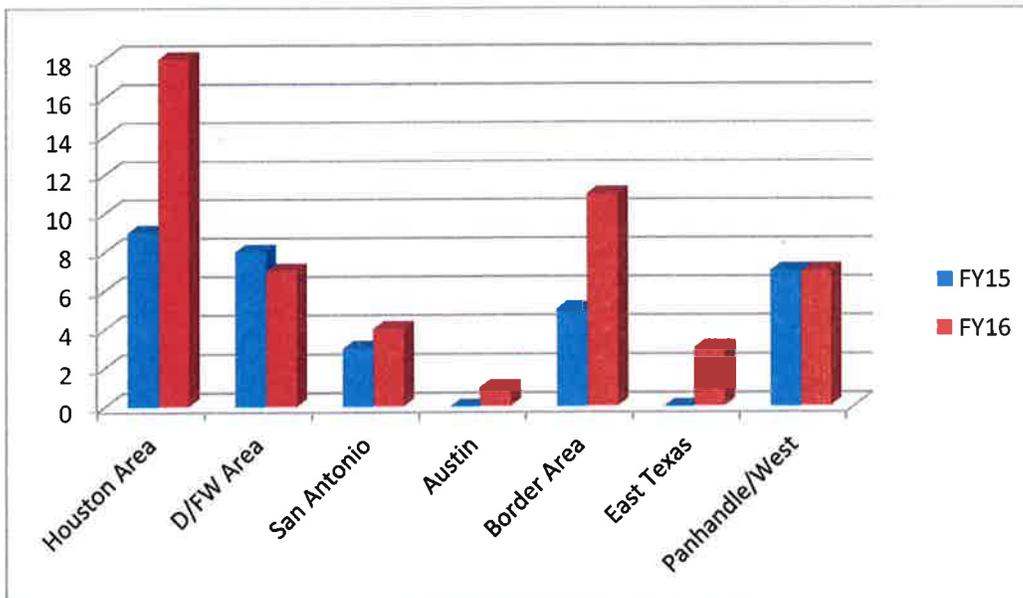
All Counties - FYTD change from FY 2015



TJJD Regions - FYTD



Areas of Texas - FYTD Changes

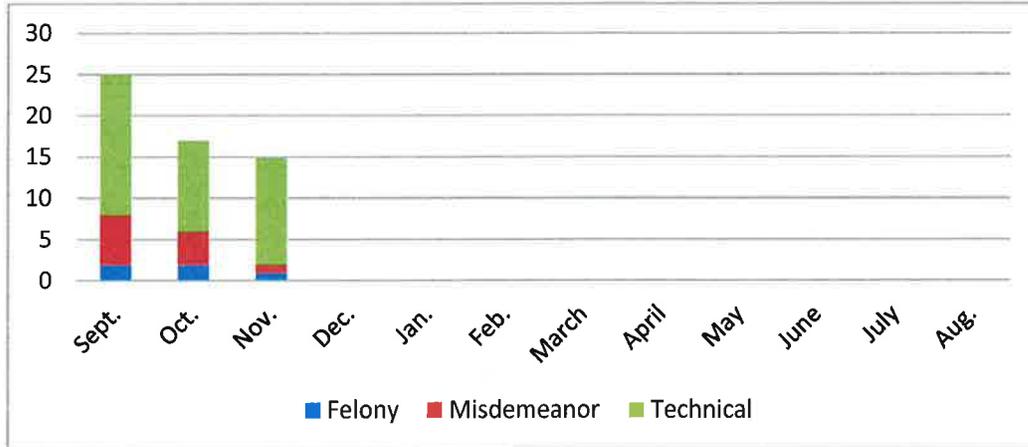


Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.

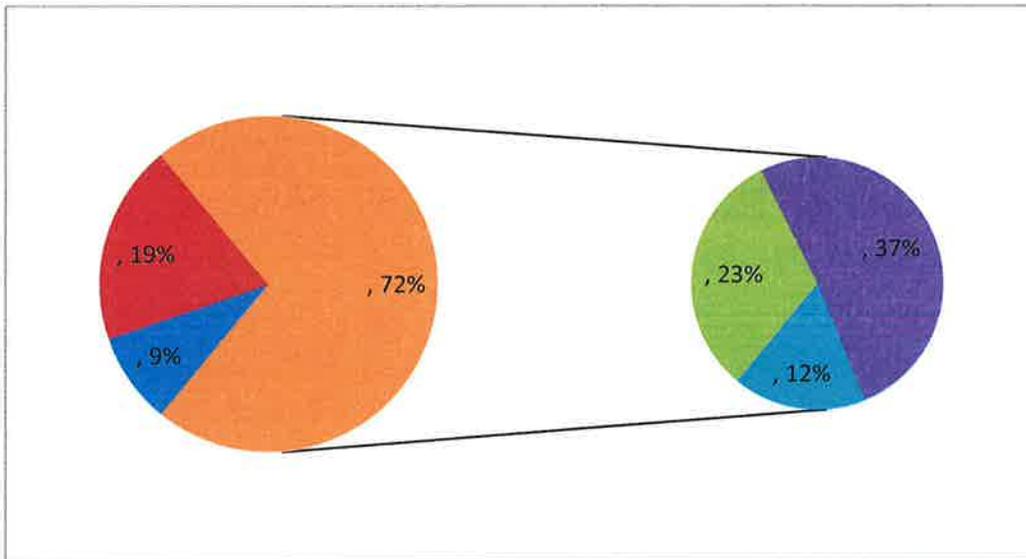
Summary of Commitment Trends for FY 2016

Revocation Data, Cont.

Charges Proven in Revocation Hearings - FY 2016



Charges Proven FYTD 2016



County	FY15	FY16
Anderson		
Andrews		
Angelina		1
Aransas		
Archer		
Armstrong		
Atascosa		
Austin		
Bailey		
Bandera		
Bastrop	2	
Baylor		
Bee		
Bell	5	4
Bexar	3	4
Blanco		
Borden		
Bosque		
Bowie		
Brazoria	1	1
Brazos		
Brewster		
Briscoe		
Brooks		
Brown		1
Burleson		
Burnet		
Caldwell		
Calhoun		
Callahan	1	
Cameron	1	3
Camp		
Carson		
County	FY15	FY16
Kerr		2
Kimble		
King		
Kinney		

County	FY15	FY16
Cass		
Castro		
Chambers		
Cherokee		
Childress		
Clay		
Cochran		
Coke		
Coleman		1
Collin		
Collingsworth		
Colorado		
Comal		
Comanche		
Concho		
Cooke		
Coryell		
Cottle		
Crane		
Crockett		
Crosby		
Culberson		
Dallam		
Dallas	2	1
Dawson		
Deaf Smith		
Delta		
Denton		
DeWitt		
Dickens		
Dimmit		
Donley		
Duval		
County	FY15	FY16
Milam	1	
Mills		
Mitchell		
Montague		

County	FY15	FY16
Eastland		
Ector	1	3
Edwards		
Ellis		1
El Paso		6
Erath		
Falls		
Fannin		
Fayette		
Fisher		
Floyd		
Foard		
Fort Bend		
Franklin		
Freestone		
Frio		
Gaines		
Galveston	1	
Garza		
Gillespie		
Glasscock		
Goliad		
Gonzales		
Gray		1
Grayson	1	1
Gregg		
Grimes		
Guadalupe		
Hale		
Hall		
Hamilton		
Hansford		
Hardeman		
County	FY15	FY16
Rockwall		
Runnels		
Rusk		
Sabine		

County	FY15	FY16
Hardin		
Harris	9	3
Harrison		
Hartley		
Haskell		
Hays		
Hemphill		
Henderson		
Hidalgo	1	
Hill		
Hockley		
Hood		
Hopkins		
Houston		
Howard		1
Hudspeth		
Hunt		3
Hutchinson		
Irion		
Jack		
Jackson		
Jasper		
Jeff Davis		
Jefferson		1
Jim Hogg		
Jim Wells		
Johnson		
Jones		
Karnes		1
Kaufman		
Kendall		
Kenedy		
Kent		
County	FY15	FY16
Uvalde		
Val Verde	1	1
Van Zandt		
Victoria	1	

Kleberg		
Knox		
Lamar		
Lamb		
Lampasas	1	1
La Salle		
Lavaca		
Lee		
Leon		
Liberty		
Limestone		
Lipscomb		
Live Oak		
Llano		
Loving		
Lubbock		
Lynn		
Madison		
Marion		
Martin		
Mason		
Matagorda		
Maverick	1	1
McCulloch		
McLennan		1
McMullen		
Medina		
Menard		
Midland	1	1

Montgomery		1
Moore		
Morris	1	
Motley		
Nacogdoches		
Navarro		
Newton		
Nolan		
Nueces		
Ochiltree		
Oldham		
Orange		
Palo Pinto		
Panola		
Parker	1	
Parmer		
Pecos		
Polk		
Potter		1
Presidio		
Rains		
Randall		
Reagan		
Real		
Red River		
Reeves		
Refugio		
Roberts		
Robertson		

San Augustine		
San Jacinto		
San Patricio		
San Saba		
Schleicher		
Scurry		
Shackelford		
Shelby		
Sherman		
Smith		1
Somervell		
Starr	1	
Stephens		
Sterling		
Stonewall		
Sutton		
Swisher		
Tarrant	6	6
Taylor	5	2
Terrell		
Terry		
Throckmorton		
Titus		
Tom Green		
Travis		
Trinity		
Tyler		
Upshur		
Upton		

Walker		
Waller		
Ward		
Washington		
Webb		
Wharton		
Wheeler		
Wichita		1
Wilbarger		
Willacy		
Williamson		1
Wilson		
Winkler		
Wise		
Wood		
Yoakum		
Young		
Zapata		
Zavala		
Total Revoked	48	57
% Change	19%	
Not Revoked		
Total Held		

County Total	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.
% Change	9%	0%	88%	#DIV/0!								
FY15 - Rvkd	23	17	8									
FY15 - No Rvk	3	2	1									
FY15 - Total	26	19	9									
FY16 - Rvkd	25	17	15									
FY16 - No Rvk	0	1	1									
FY16 - Total	25	18	16									

FY2016	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.	Total
--------	-------	------	------	------	------	------	-------	-------	-----	------	------	------	-------

Charges	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%		
Felony	2	8%	2	12%	1	7%		###		#DIV/0!			5	9%												
Misdemeanor	6	24%	4	24%	1	7%		###		#DIV/0!			11	19%												
Technical	17	68%	11	65%	13	87%		###		#DIV/0!			41	72%												
Non-Compliance	4	24%	5	45%	4	31%		#####		#####		#####		#####		#####		#####		#####		#DIV/0!			13	23%
Absond/Escape	9	53%	5	45%	7	54%		#####		#####		#####		#####		#####		#####		#####		#DIV/0!			21	37%
Other	4	24%	1	9%	2	15%		#####		#####		#####		#####		#####		#####		#####		#DIV/0!			7	12%

TJJD Regions	FY15	%	FY16	%	% Change
No. 1- North	11	23%	16	28%	45%
No. 2 - West	8	17%	16	28%	100%
No. 3 - South	18	38%	19	33%	6%
No. 4 - East	11	23%	6	11%	-45%

Texas Areas	FY15	FY16	% Change
Houston Area	9	18	100%
D/FW Area	8	7	-13%
San Antonio	3	4	33%
Austin	0	1	#DIV/0!
Border Area	5	11	120%
East Texas	0	3	#DIV/0!
Panhandle/West	7	7	0%



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Mike Meyer, Chief Financial Officer

Subject: Updates from the Chief Financial Officer

Date: January 14, 2016

FY16 Expenditures and Performance Measures. The November 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.

Total Placement Budget	\$6,032,396	
Provider	NTE*	Expended
G4S – The Oaks at Brownwood – Secure	\$3,179,004	\$490,337
Cornerstone (Garza County) – Secure	\$2,685,816	\$535,170
Associated Marine Institute Kids (AMIKids)	\$1,009,225	\$219,818
Byrd’s Foster Group Home	\$631,596	\$24,442
Gulf Coast Trades Center	\$1,832,008	\$185,710
National Mentor Healthcare, dba Texas Mentor	\$183,559	\$704
Pegasus Schools, Inc.	\$2,759,400	\$97,902
Specialized Alternatives for Families and Youth	\$252,945	\$31,532
TOTALs	\$12,533,553	\$1,585,614
*Approved contract Not-to-Exceed amounts		
Expenditures as a Percent of Placement Budget		26.3%

First quarter performance measure highlights are included below and will be discussed in greater detail at the meeting of the Finance and Audit Committee.

**Output/Efficiency Performance Measure Highlights
FY 2016 - First Quarter**

Within 5% of target:	Target	Actual	Pct of Target
<i>Probation</i>			
CPD: Basic Supervision	\$5.40	\$5.19	96.11%
<i>State Programs</i>			
ADP: Assessment/Orientation	92	88.42	96.11%
ADA: JJD Operated Schools	949	990.7	104.39%
ADP: Halfway House Programs	146	140.55	96.27%
ADP: Specialized Treatment	900	937.52	104.17%
ADP: Contract Programs	120	121.34	101.12%
CPD: General Rehabilitation Treatment	\$14.12	\$14.78	104.67%
CPD: Contract Capacity	\$148.34	\$143.60	96.80%
<hr/>			
Outside 5% of target:	Target	Actual	Pct of Target
<i>Probation</i>			
ADP: Conditional Release	3,251	2,788.12	85.76%
ADP: Deferred Prosecution	6,171	6,664.92	108.00%
ADP: Court Ordered Probation	11,558	12,514.05	108.27%
ADP: Residential Placement	2,250	1,999.10	88.85%
ADP: Commitment Diversion Initiatives	1,500	1,071.56	71.44%
CPD (State): Residential Placement	\$31.35	\$16.07	51.26%
CPD: Commitment Diversion	\$35.51	\$28.20	79.41%
<i>State Programs</i>			
ADP: State-Operated Corrections Facility	998	1,063.16	106.53%
ADP: Gen Rehabilitation Treatment	1,144	1,236.64	108.10%
ADP: Parole	413	392.33	95.00%
CPD: State-Operated Correctional Facility	\$159.09	\$171.44	107.76%
CPD: Halfway Houses	\$182.24	\$198.05	108.68%
CPD: Health Care Services Cost	\$19.25	\$17.89	92.94%
CPD: Mental Health (PSYCH)	\$2.01	\$1.33	66.17%
CPD: Specialized Treatment	\$15.92	\$16.92	106.28%
CPD: Parole	\$18.38	\$16.45	89.50%

Financial and Other Reporting. Through the end of calendar year 2016 the Finance Division delivered or was completing several key reports to the Legislature and Governor’s Office. These include the agency’s Operating Budget, interim Uniform Cost Report submission, the “December 1st” report (annual report on probation activities), the Annual Financial Report, and the Annual Report of Non-Financial Data. The Division also contributed to the completion of the Treatment Effectiveness Report and several significant information requests from the Legislative Budget Board.

SB 1630 Provisions Affecting General Probation Funding. As previously discussed with the Board, Finance and other agency staff are engaged in a project mandated by Senate Bill 1630 to define Basic Probation, to develop a new State Aid funding formula, and to establish “discretionary funding protocols” for funding not subject to the formula. Phase 1 of the project concluded in November. The attached memo was provided to probation departments for comment; questions and feedback were received but did not necessitate changes to the proposed definitions:

Basic Probation includes State Aid funding budgeted and expended under any component grant for: court intake, direct supervision, youth services, mental health assessments, general or mental health community-based programs, and detention/pre-adjudication placement. It also includes all reimbursement grants.

Discretionary Funding includes State Aid budgeted and expended under any component grant for residential programs and services, secure or non-secure post-adjudication placement, and residential mental health placement. It also includes all targeted (non-formula) grants.

Phase 2 focuses on revising the State Aid funding formula. Updates will be provided at the meeting of the Finance and Audit Committee as they are available.

Travel Policy Revisions. Agency travel policies and procedures have been revised effective January 1. Changes were designed to strengthen financial controls and bring TJJ D more in line with practices at other agencies. Assistance and input was solicited from the Executive Management Team and other staff.

The primary revisions affecting regular agency staff include: (1) an increase to meal reimbursement rates to \$46, with more flexibility in how those dollars are used; (2) a requirement to retain receipts as documentation of meal expenses until a travel voucher is paid; (3) new certification statements on travel forms indicating employees’ understanding of rules regarding travel reimbursements (such as the fact that meal reimbursement is limited to actual meal expenses); and (4) expanded eligibility for a CBT card. A full summary of changes, including new certification statements to travel voucher forms, appears below.

➤ **TRV.03.01** **Requests and Approvals**

Summary of Contents

This procedure explains the requirements for submitting requests for travel and obtaining necessary approvals. It also includes information about reimbursement rates so employees will be able to properly estimate travel costs and complete travel request forms.

Summary of Key Changes

- The maximum amount for *in-state* meal reimbursement has been increased from \$36 to \$46 per day. The \$46 maximum applies regardless of whether the location is listed in the General Services Administration (GSA) rates.
- The maximum amounts for *out-of-state* meal reimbursements have been updated to match the new GSA rates.
- The maximum reimbursement rates for breakfast, lunch, and dinner may now be combined and flexibly applied to any eligible meal. For example:
 - If an employee is traveling in-state and is eligible to be reimbursed for all three meals in a day, the employee may be reimbursed up to \$46 regardless of how much was spent on each individual meal. The per-meal maximums do not apply.
 - If an employee is eligible to be reimbursed for lunch and dinner only, the per-meal maximum for lunch (\$15) and dinner (\$21) may be combined and the employee may flexibly apply the \$36 to one or both meals.
- Employees are now required to keep meal receipts until the corresponding travel voucher is paid.
- The procedure clarifies that when an employee eats a complimentary meal provided by a hotel, the employee is not eligible to be reimbursed for that meal.
- The procedure clarifies that meals purchased within an employee's designated headquarters are not eligible for reimbursement.
- Exceptions have been added to the requirement that a request to exceed the maximum lodging rate must be submitted no later than the first date of travel. The exceptions are:
 - when the employee is notified of the requirement to travel less than 24 hours in advance; or
 - when the employee determines his/her safety would be in jeopardy at all lodging options available within the maximum rate.
- Requests to exceed the maximum lodging rate no longer require review by the Austin Office Fiscal Travel Unit before approval by the chief financial officer or chief of staff.
- In cases where two or more employees have the same travel itinerary and a rental vehicle is necessary, the procedure now authorizes one rental vehicle for every four employees.

➤ **TRV.03.03** **Payment Methods**

Summary of Contents

This procedure outlines the acceptable methods of paying for travel related to state business.

Summary of Key Changes

- The procedure now authorizes central-billed credit cards to be issued to employees who have extensive travel requirements and to employees in supervisory positions (instead of only Austin Office employees).
- The procedure no longer prohibits employees who have individual-billed credit cards or central-billed credit cards from using TJJJ's central-billed airline and car rental accounts. All employees are eligible to use these central-billed accounts.
- The list of individuals who are prohibited from receiving a travel advance now includes employees who have a central-billed credit card.
- In cases where 80 percent of the total estimated travel cost is less than \$50, the procedure no longer indicates that the employee will receive a \$50 travel advance.
- The procedure now requires employees to reimburse TJJJ if a travel advance results in an overpayment of travel costs. The reimbursement must be submitted with the travel voucher. If the employee receives a notice from the Claims/Business Office regarding an overpayment, the employee must submit the reimbursement within five calendar days. The employee will be responsible for any returned check charges for insufficient funds.

➤ **TRV.03.07 Reimbursements**

Summary of Contents

This procedure outlines the types and amounts of travel expenses that may be reimbursed.

Summary of Key Changes

- The procedure now requires the employee to provide meal receipts upon request before a travel voucher is paid.
- The maximum reimbursement for a meal purchased for a TJJJ youth has been increased from \$8 to \$10.
- To reflect changes in TRV.03.03, the procedure now includes deadlines for employees to reimburse TJJJ for any overpayments related to travel expenses.
- A reference to the maximum reimbursement rate for in-state meals has been revised in accordance with changes to TRV.03.01.

➤ **TRV.04.01 Board Member Travel Expense Reimbursement**

Summary of Contents

This procedure addresses the process for reimbursing board members' travel expenses.

Summary of Key Changes

- The procedure no longer requires TJJJ to send a copy of a board member's travel voucher for out-of-state travel to the Texas Ethics Commission.
- The procedure now specifies that a board member is entitled to reimbursement *as provided by the General Appropriations Act* (rather than at the maximum state employee rate) for expenses incurred in attending the board member training program.

➤ **TRV Appendix B**

Summary of Contents

This appendix contains links to travel-related forms, credit card information, and websites.

Summary of Key Changes

The appendix no longer refers to the central-billed travel credit card as being only for Central Office employees. Any staff member with extensive travel requirements may be issued a central-billed card.

➤ **Travel Voucher Form (ACC-323)**

Summary of Contents

This form is used by staff to request reimbursement for eligible travel expenses.

Summary of Key Changes

The form now includes the following certification statements:

IN SIGNING BELOW, I CERTIFY THAT THE EXPENSE ACCOUNT SHOWN ABOVE IS TRUE, CORRECT AND UNPAID AND I DEMONSTRATE MY UNDERSTANDING THAT:

- a. *Federal and state law entitle me to claim only my actual meal expenses, not to exceed the maximum amount allowable under agency policy;*
- b. *Meal purchases within my designated headquarters* are not eligible for reimbursement;*
- c. *Gratuities and alcohol purchases are not eligible for reimbursement;*
- d. *My maximum daily reimbursement may be adjusted based on departure/arrival times, the availability of meals at events I attend or meals provided by lodging establishments;*
- e. *On a given day, I may flexibly apply my total maximum daily reimbursement amount to the meals that I consume;*
- f. *I may be requested to produce receipts for meal expenses to receive payment for my travel voucher; and*
- g. *I am not required to maintain receipts for meal expenses after my travel voucher has been paid.*

**"Designated headquarters" includes home airports or other transportation centers.*



Memorandum

To: TJJJ Advisory Council
Juvenile Probation Department Chiefs
From: David Reilly, Executive Director
Date: November 13, 2015

RE: Proposed "Basic Probation" definition

In a memo dated September 18, 2015, TJJJ provided high-level information regarding Senate Bill 1630¹ provisions affecting general probation funding (unrelated to Regionalization) and key components of its implementation plan. As described in that memo, TJJJ solicited input from the probation field and the TJJJ Advisory Council regarding the definition of "Basic Probation." A draft definition is included below for comment. The present proposal also lays the groundwork for certain core elements of the remaining phases of the project. TJJJ's intent in its approach is to minimize disruption to the current funding structure and allocation methods while incorporating an estimated 20 to 40 percent of State probation funds under new "Research Protocols." **Comments are requested by close of business, Friday, November 20th**, directed to Mike Meyer (mike.meyer@tjjd.texas.gov) using "Nov. 13 Memo" as the subject line. A finalized definition will be distributed on or about November 24th.

Proposed Definitions

The input TJJJ received indicated general agreement that administration, supervision, basic services, community programs, commitment diversion, and detention were among the most fundamental activities of probation departments, while residential placements (including related add-on programs and services) constituted less basic functions. This perspective is reinforced by research and legislative direction suggesting that less intensive interventions are preferred when at all possible.

Applying this logic to the current funding structure yields the following:

***Basic Probation** includes State Aid funding budgeted and expended under any component grant for: court intake, direct supervision, youth services, mental health assessments, general or mental health community-based programs, and detention/pre-adjudication placement. It also includes all reimbursement grants.²*

The remaining elements of the current funding structure are captured by "Discretionary Funding," as shown below.

¹ 84th Legislature, Regular Session.

² For fiscal year 2017 these include Title IV-E grants and Juvenile Justice Alternative Education Programs.

Discretionary Funding includes State Aid budgeted and expended under any component grant for residential programs and services, secure or non-secure post-adjudication placement, and residential mental health placement. It also includes all targeted (non-formula) grants.³

The attached expanded funding matrix provides a visual representation of the interface between the current funding structure and the proposed definitions of Basic Probation and Discretionary Funding. The first five grant columns are identical to the previously distributed funding matrix for State Aid. The remaining columns overlay remaining TJJD grants with the budget and expenditure categories.

As indicated in the table, boxes marked green include those that are subject to “Basic Protocols” under the proposed definition, while those marked blue are subject to “Research Protocols.” “Basic Protocols” means funding and reporting expectations in effect for fiscal year 2016. “Research Protocols” means funding and reporting expectations developed in compliance with HRC 223.001(c) as amended by Senate Bill 1630 (see below), which will be developed during the final phase of the project.

(c) The department shall ~~may~~ set aside a portion of the funds appropriated to the department for discretionary state aid to fund programs designed to address special needs or projects of local juvenile boards, including projects dedicated to specific target populations based on risk and needs, and with established recidivism reduction goals. The department shall develop discretionary grant funding protocols based on documented, data-driven, and research-based practices.

Implications to Funding Structure and Allocations

The present proposal requires no changes to the grant structure implemented for fiscal year 2016. This leaves the current State Aid component grants, budget and expenditure categories, and budget flexibility intact. The present proposal also does not explicitly require a move away from a formula-based approach to allocating State Aid, although potential changes to the current funding formula will be the subject of Phase 2 of the project. Under the proposal, reimbursement and targeted grants also maintain their current structure, but the proposal does require the development of appropriate Research Protocols for all Targeted Grants, and a consideration of whether funding allocation methods should be realigned to match the statutory intent.

Summary

The proposed definitions for “Basic Probation” and “Discretionary Funding” are intended to comply with Senate Bill 1630 by incorporating an estimated 20 to 40 percent of State probation funding under new “Research Protocols,” while minimizing disruption to the current funding structure and allocation methodologies. The remaining phases of the project will examine the current funding formula for possible revision in response to the proposed definitions, and will develop funding and reporting expectations for discretionary dollars. **Comments are requested by close of business, Friday, November 20th**, directed to Mike Meyer (mike.meyer@tjjd.texas.gov) using “Nov. 13 Memo” as the subject line.

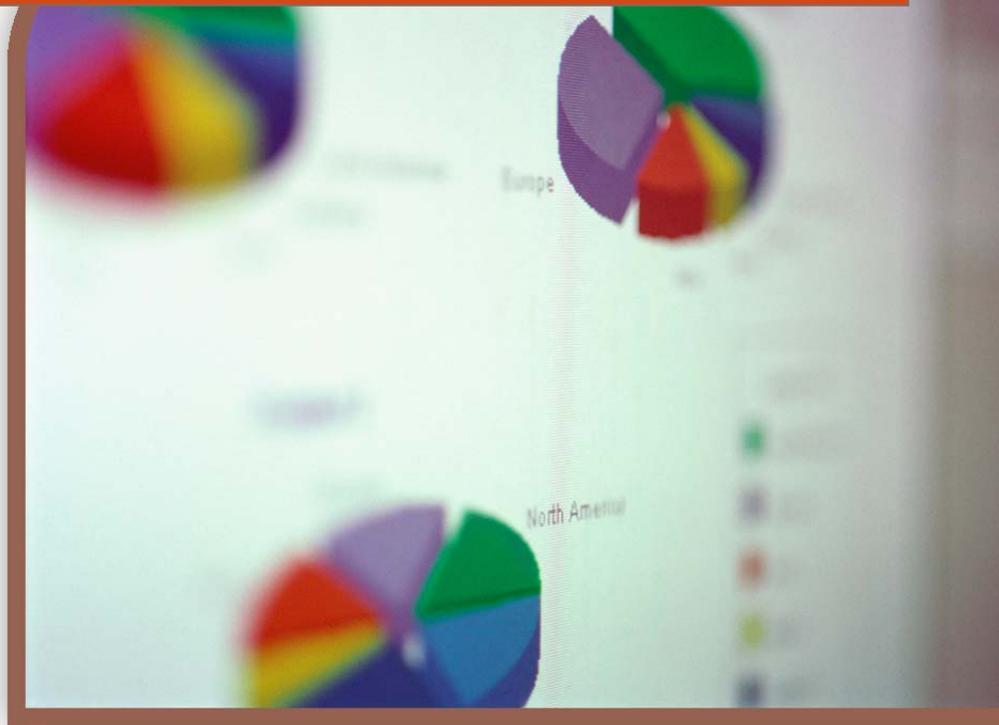
³ For fiscal year 2017 these include grants and awards for prevention and intervention, supplemental and emergent needs, special needs diversionary programs, the border justice project, the Harris County Leadership Program, and regional diversion.

Expanded Funding Matrix and Application of Basic/Research Protocols

		Formula/Reimbursement Funding						Non-Formula Funding								
Budgetary Strategy (Number)	Budgetary Strategy (Name)	A.1.2	A.1.3	A.1.4	A.1.5	A.1.7	A.1.3	A.1.6	A.1.1		A.1.3			A.1.4	A.1.5	A.1.8
Grant		Basic Probtn Sprvsn	Comm Progs	Pre & Post Adjud	Commit Divrsn	Mntl Hlth Svcs	Comm Progs	Juv Just Alt Ed Progs	Prevtn & Intervntn		Comm Progs			Pre & Post Adjud	Commit Divrsn	Reg Divrsn Alt
		State Aid					IV-E	JJAEP	General (S)	Truancy (T)	S&E (Gen)	SNDP	Brdr Just	Harris Co. Ldrshp	S&E (CDP)	Reg Div
Budget/Expenditure Categories	Court Intake	X	X									X		X		
	Direct Supervision	X										X				
	Youth Services	X	X		X					X	X	X	X		X	
	Mntl. Hlth. Assessments	X	X	X	X	X				X	X	X	X		X	
	Comm.-Based Prog. (General)		X		X					X	X	X	X		X	
	Comm.-Based Prog. (Mntl. Hlth.)		X		X	X	N/A	N/A		X	X	X	X		X	
	Resid. Prog. & Services			X	X	X						X			X	
	Post-Adj. (Non-Secure)			X	X							X			X	
	Post-Adj. (Secure)			X	X							X		X	X	
	Detention/ Pre-Adj.			X								X				
	Resid. Mntl. Hlth. Placement			X	X	X						X			X	

Basic Protocols (Basic Probation)
Research Protocols (Discretionary Funding)

Texas Juvenile Justice Department Financial Report FY 2016 through November 2015





Texas Juvenile Justice Department

TJJD Budget Status Highlights FY 2016 through November 30, 2015

- ◆ **Population:** As of the end of November 2015, TJJD's institutional Average Daily Population (ADP) was as follows:

	GAA* Target	Close of Business, 11.30.2015			Fiscal Year-to-Date		
		Actual	Over (Under)	Percent	Actual	Over (Under)	Percent
Secure Facilities	998.0	1,079.1	81.1	8.1%	1,063.2	65.2	6.5%
Halfway Houses	146.0	140.8	(5.2)	(3.6%)	139.8	(6.2)	(4.2%)
Contract Care	120.0	117.8	(2.2)	(1.8%)	121.1	1.1	0.9%
Total	1,264.0	1,337.6	73.6	5.8%	1,324.1	60.1	4.8%

These figures present a year-to-date total residential population that is above projections, and a current total that is above projections by a greater margin. This is reflective of an ongoing increase in residential population that began in the second half of fiscal year (FY) 2015. 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 slightly below.

- ◆ **Agency Expenditures:** TJJD expenditures through the end of November totaled \$81.2 million, including \$78.0 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	26.4%	24.6%
All Methods of Finance	24.7%	23.3%

If monthly expenditures were even throughout the fiscal year we would expect the figures above to be 25 percent. Spending was slightly below this threshold in all areas except for "All Goals" / General Revenue. This is because "All Goals" figures include probation grant distributions which are greater early in the fiscal year and predominately affect General Revenue. Looking at non-grant activities (Goals B-F), total expenditures are within expectations.

- ◆ **FTEs and Overtime:** TJJD's appropriated and budgeted full-time equivalent (FTE) caps are 2,873.1 and 2,581.5 respectively. Actual FTEs as November 30th were 2,374.06 which is 499.04 below the GAA* cap and 207.44 below the budgeted FTE cap. The agency expended \$1.33 million in overtime through the end of November, or 34.8 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 \$0.93 million and \$1.22 million, respectively.
- ◆ **Construction Projects:** All appropriations from repair and rehabilitation funding provided by the 81st Legislature have been allocated to projects. The bidding process for projects funded by the 83rd Legislature has begun.

* General Appropriations Act

Facility	Actual												
	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	
Corsicana State Home													
Evins Regional Center	132	130	130										
Gainesville State School	254	254	260										
Giddings State School	203	196	204										
McLennan County SJCF	279	280	275										
Ron Jackson Unit I	186	196	209										
Total, Institutions	1,053	1,056	1,079										
Halfway Houses	142	136	141										
Total, TJJJD Operated Facilities	1,195	1,192	1,220										
Contract Care ADP	118	127	118										
TOTAL BUDGETED ADP	1,314	1,319	1,338										
GAA Population Targets	1,264	1,264	1,264										
Over (Under)	50	55	74										
Parole Services ADP	375	380	393										
GAA Population Targets	413	413	413										
Over (Under)	-38	-33	-20										

	General Appropriations Act	Amended Budget	Expended/ Disbursed ² YTD	% Expended
<u>Strategies:</u>				
A.1.1	Prevention and Intervention	3,137,684	3,137,684	750,118 23.9%
A.1.2	Basic Supervision	41,464,872	41,464,872	10,844,011 26.2%
A.1.3	Community Programs	44,359,374	44,359,374	11,134,418 25.1%
A.1.4	Pre and Post Adjudication Facilities	25,814,997	25,814,997	7,045,384 27.3%
A.1.5	Commitment Diversion Programs	19,492,500	19,492,500	6,108,081 31.3%
A.1.6	JJAEP	6,250,000	6,250,000	- 0.0%
A.1.7	Mental Health Services	12,804,748	12,804,748	4,545,171 35.5%
A.1.8.	Regional Diversion Alternatives	435,490	435,490	- 0.0%
A.1.9.	Probation System Support	2,476,954	2,813,219	738,330 26.2%
B.1.1	Assessment & Orientation	2,021,924	2,061,198	528,981 25.7%
B.1.2	Institutional Operations and Overhead	13,637,898	14,753,664	3,392,188 23.0%
B.1.3	Institutional Supervision and Food Service	58,110,656	60,821,174	16,585,972 27.3%
B.1.4	Education	15,709,509	16,288,050	3,705,449 22.7%
B.1.5	Halfway House Operations	9,738,097	9,992,781	2,533,126 25.3%
B.1.6	Health Care	8,905,512	8,905,512	1,662,322 18.7%
B.1.7	Mental Health (Psychiatric) Care	841,595	841,595	108,369 12.9%
B.1.8	Integrated Rehabilitation Treatment	12,577,591	12,061,272	3,106,742 25.8%
B.1.10	Contract Care	6,514,978	7,111,937	970,780 13.7%
B.1.11.	Residential System Support	2,802,214	2,795,454	1,013,000 36.2%
B.2.1	Office of the Inspector General	2,184,961	2,232,270	620,925 27.8%
B.2.2	Health Care Oversight	995,233	1,014,492	245,291 24.2%
B.3.1	Construct & Renovate Facilities	302,796	7,531,468	173,069 2.3%
C.1.1	Parole Direct Supervision	2,777,638	2,919,692	587,211 20.1%
C.1.2.	Parole Programs and Services	1,443,121	1,284,205	182,578 14.2%
D.1.1	Office of Independent Ombudsman	1,007,961	1,034,039	177,169 17.1%
E.1.1.	Training and Certification	1,676,997	1,906,854	441,416 23.1%
E.1.2	Monitoring and Inspections	2,296,156	2,691,195	710,129 26.4%
E.1.3	Interstate Agreement	260,007	263,681	81,287 30.8%
F.1.1	Central Administration	8,878,871	8,914,748	2,154,998 24.2%
F.1.2	Information Resources	5,936,364	5,981,566	1,019,174 17.0%
TOTAL - Strategy Budget		\$314,856,698	\$327,979,732	\$81,165,691 24.7%

Method of Finance:

General Revenue	292,747,953	295,339,884	78,036,974	26.4%
Federal Funds	9,594,137	13,121,988	2,387,874	18.2%
Criminal Justice Grants	0	17,815	17,815	100.0%
General Obligation Bonds	0	7,214,302	118,467	1.6%
Appropriated Receipts	1,460,413	1,336,600	34,233	2.6%
Interagency Contracts	11,054,195	10,949,143	570,328	5.2%
TOTAL - Method of Finance	\$314,856,698	\$327,979,732	\$81,165,691	24.7%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 25% for November.
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas \geq (greater than or equal to) 26.25%

	General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
<u>Strategies:</u>				
A.1.1. Prevention and Intervention				
General Revenue	3,137,684	3,137,684	750,118	
Subtotal	3,137,684	3,137,684	750,118	23.9%
A.1.2. Basic Supervision				
General Revenue	41,464,872	41,464,872	10,844,011	
Subtotal	41,464,872	41,464,872	10,844,011	26.2%
A.1.3. Community Programs				
General Revenue	38,476,045	38,476,045	10,899,438	
Federal Funds	4,733,329	4,733,329	234,980	
Appropriated Receipts	1,150,000	1,150,000	-	
Subtotal	44,359,374	44,359,374	11,134,418	25.1%
A.1.4. Pre and Post Adjudication Facilities				
General Revenue	25,814,997	25,814,997	7,045,384	
Subtotal	25,814,997	25,814,997	7,045,384	27.3%
A.1.5. Commitment Diversion Initiatives				
General Revenue	19,492,500	19,492,500	6,108,081	
Subtotal	19,492,500	19,492,500	6,108,081	31.3%
A.1.6. JJAEP				
Interagency Contracts	6,250,000	6,250,000	-	
Subtotal	6,250,000	6,250,000	-	0.0%
A.1.7. Mental Health Services				
General Revenue	12,804,748	12,804,748	4,545,171	
Subtotal	12,804,748	12,804,748	4,545,171	35.5%
A.1.8. Regional Diversion Alternatives				
General Revenue	435,490	435,490	-	
Subtotal	435,490	435,490	-	0.0%
A.1.9. Probation System Support				
General Revenue	2,476,954	2,593,274	734,392	
Federal Funds	-	219,945	3,939	
Subtotal	2,476,954	2,813,219	738,330	26.2%
B.1.1. Assessment, Orientation, Placement				
General Revenue	2,021,924	2,061,198	528,981	
Subtotal	2,021,924	2,061,198	528,981	25.7%
B.1.2. Institutional Operations and Overhead				
General Revenue	13,637,898	14,753,664	3,392,188	
Subtotal	13,637,898	14,753,664	3,392,188	23.0%
B.1.3. Institutional Supervision and Food Service				
General Revenue	56,036,628	56,690,175	15,783,197	
Federal Funds	1,858,615	4,085,899	793,351	

		General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
<u>Strategies:</u>					
Appropriated Receipts		215,413	45,100	9,425	
	Subtotal	58,110,656	60,821,174	16,585,972	27.3%
B.1.4. Education					
General Revenue		9,586,314	9,855,624	2,123,534	
Federal Funds		2,010,000	2,445,159	1,180,032	
Interagency Contracts		4,113,195	3,987,267	401,883	
	Subtotal	15,709,509	16,288,050	3,705,449	22.7%
B.1.5. Halfway House Operations					
General Revenue		9,466,195	9,577,347	2,455,846	
Federal Funds		271,902	410,934	77,085	
Appropriated Receipts		-	4,500	196	
	Subtotal	9,738,097	9,992,781	2,533,126	25.3%
B.1.6. Health Care					
General Revenue		8,905,512	8,905,512	1,662,322	
	Subtotal	8,905,512	8,905,512	1,662,322	18.7%
B.1.7. Mental Health (Psychiatric) Care					
General Revenue		841,595	841,595	108,369	
	Subtotal	841,595	841,595	108,369	12.9%
B.1.8. Integrated Rehabilitation Treatment					
General Revenue		11,886,591	11,349,396	2,938,297	
Interagency Contract		691,000	711,876	168,445	
	Subtotal	12,577,591	12,061,272	3,106,742	25.8%
B.1.10. Contract Capacity					
General Revenue		5,887,864	5,912,072	873,813	
Federal Funds		627,114	1,199,865	96,966	
	Subtotal	6,514,978	7,111,937	970,780	13.7%
B.1.11. Residential System Support					
General Revenue		2,802,214	2,769,527	1,012,408	
Federal Funds		-	25,927	592	
	Subtotal	2,802,214	2,795,454	1,013,000	36.2%
B.2.1. Office of the Inspector General					
General Revenue		2,184,961	2,232,270	620,925	
	Subtotal	2,184,961	2,232,270	620,925	27.8%
B.2.2. Health Care Oversight					
General Revenue		995,233	1,014,492	245,291	
	Subtotal	995,233	1,014,492	245,291	24.2%
B.3.1. Construct & Renovate Facilities					
General Revenue		302,796	317,166	54,603	
General Obligation Bonds		-	7,214,302	118,467	
	Subtotal	302,796	7,531,468	173,069	2.3%

	General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	%
				Expended
<u>Strategies:</u>				
C.1.1. Parole Direct Supervision				
General Revenue	2,777,638	2,919,692	587,211	
Subtotal	2,777,638	2,919,692	587,211	20.1%
C.1.2. Parole Programs and Services				
General Revenue	1,443,121	1,284,205	182,578	
Subtotal	1,443,121	1,284,205	182,578	14.2%
D.1.1. Office of the Independent Ombudsman				
General Revenue	1,007,961	1,016,225	159,355	
Criminal Justice Grants	-	17,815	17,815	
Subtotal	1,007,961	1,034,039	177,169	17.1%
E.1.1. Training and Certification				
General Revenue	1,581,997	1,769,854	416,803	
Appropriated Receipts	95,000	137,000	24,613	
Subtotal	1,676,997	1,906,854	441,416	23.1%
E.1.2. Monitoring and Inspections				
General Revenue	2,296,156	2,691,195	710,129	
Subtotal	2,296,156	2,691,195	710,129	26.4%
E.1.3. Interstate Agreement				
General Revenue	260,007	263,681	81,287	
Subtotal	260,007	263,681	81,287	30.8%
F.1.1. Central Administration				
General Revenue	8,785,694	8,913,818	2,154,068	
Federal Funds	93,177	930	930	
Subtotal	8,878,871	8,914,748	2,154,998	24.2%
F.1.2. Information Resources				
General Revenue	5,936,364	5,981,566	1,019,174	
Subtotal	5,936,364	5,981,566	1,019,174	17.0%
Total - Strategy Budget	314,856,698	327,979,732	81,165,691	24.7%
<u>Method of Finance:</u>				
General Revenue	292,747,953	295,339,884	78,036,974	26.4%
Federal Funds	9,594,137	13,121,988	2,387,874	18.2%
Criminal Justice Grants	-	17,815	17,815	100.0%
General Obligation Bonds	-	7,214,302	118,467	1.6%
Appropriated Receipts	1,460,413	1,336,600	34,233	2.6%
Interagency Contracts	11,054,195	10,949,143	570,328	5.2%
Total - Method of Finance	314,856,698	327,979,732	\$81,165,691	24.7%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 25% for November.
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas ≥ (greater than or equal to) 26.25%.

<u>Location/Program:</u>	Amended Budget	Expended/ Disbursed YTD	% Expended
Ron Jackson State School	19,499,672	4,973,427	25.5%
Gainesville State School	18,495,506	4,616,860	25.0%
Giddings State School	20,515,117	5,145,124	25.1%
Evins Regional State School	15,233,481	3,666,256	24.1%
Corsicana State School	121,187	27,169	22.4%
McLennan Cnty State School	20,527,231	5,071,524	24.7%
McLennan Cnty State Treatment Center	7,597,206	1,988,574	26.2%
Phoenix Facility	1,874,545	488,782	26.1%
Subtotal - State-Operated Secure Facilities	\$103,863,946	\$25,977,716	25.0%
Halfway House Operations	10,862,964	2,664,920	24.5%
Regions	285,670	66,716	23.4%
Contract Care	6,460,146	961,019	14.9%
Parole	4,055,849	708,268	17.5%
County Disbursements	153,759,665	40,427,183	26.3%
MAP Funding	2,524,424	-	0.0%
Austin Office ³	46,167,068	10,359,870	22.4%
TOTAL	\$327,979,732	\$81,165,691	24.7%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 25% for November.

2. Red represents areas ≥ (greater than or equal to) 26.25%.

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
A.1.1 Prevention and Intervention			
Grants	3,137,684	750,118	23.9%
Subtotal - Strategy	3,137,684	750,118	23.9%
A.1.2 Basic Supervision	41,464,872	10,844,011	26.2%
Subtotal - Strategy	41,464,872	10,844,011	26.2%
A.1.3 Community Programs	43,209,374	11,134,418	25.8%
County Refunds	1,150,000	-	0.0%
Subtotal - Strategy	44,359,374	11,134,418	25.1%
A.1.4 Pre and Post Adjudication Facilities	25,814,997	7,045,384	27.3%
Subtotal - Strategy	25,814,997	7,045,384	27.3%
A.1.5 Commitment Diversion Programs	19,492,500	6,108,081	31.3%
A.1.6 JJAEP	6,250,000	-	0.0%
Subtotal - Strategy	6,250,000	-	0.0%
A.1.7 Mental Health Services	12,804,748	4,545,171	35.5%
A.1.8 Regional Diversion Alternatives	435,490	-	0.0%
A.1.9 Probation System Support			
Austin Office	968,775	215,609	22.3%
Contingency	26,670	-	0.0%
Title IVE	219,945	3,939	1.8%
JCMS	1,561,000	491,276	31.5%
SORM / Unemployment	36,830	27,507	74.7%
Subtotal - Strategy	2,813,219	738,330	26.2%
B.1.1 Assessment & Orientation			
Ron Jackson Unit Girls	129,450	30,525	23.6%
Ron Jackson Unit Boys	1,482,120	394,868	26.6%
Initial Placement	227,097	57,152	25.2%
Automated Assessment - Assessment.com	99,950	-	0.0%
Contingency	48,581	-	0.0%
SORM / Unemployment	74,000	46,436	62.8%
Subtotal - Strategy	2,061,198	528,981	25.7%
B.1.2 Institution Operations and Overhead			
Ron Jackson	2,420,504	638,559	26.4%
Gainesville State School	2,742,824	635,446	23.2%
Giddings State School	2,780,571	661,513	23.8%
Evins Regional Juvenile Center	2,190,052	431,465	19.7%
Corsicana Treatment Center	121,187	27,169	22.4%
Mart Complex	3,596,216	722,371	20.1%
MTC	276,435	58,708	21.2%
Austin Office	178,498	20,858	11.7%
Contingency	185,806	-	0.0%
SORM / Unemployment	261,570	196,098	75.0%
Subtotal - Strategy	14,753,664	3,392,188	23.0%
B.1.3 Institution Supervision and Food Service			
Ron Jackson	9,545,559	2,634,497	27.6%
Gainesville State School	9,602,311	2,628,778	27.4%
Giddings State School	11,360,638	3,076,314	27.1%
Evins Regional Juvenile Center	8,504,902	2,277,865	26.8%
Mart Complex	10,242,042	2,918,568	28.5%
MTC	4,965,213	1,361,038	27.4%
Phoenix Program	1,459,682	379,260	26.0%
Contingency	1,236,469	-	0.0%
MAP Contingency	1,848,140	-	0.0%
SORM / Unemployment	2,056,218	1,309,653	63.7%
Subtotal - Strategy	60,821,174	16,585,972	27.3%

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.1.4 Education			
Ron Jackson	2,173,074	497,305	22.9%
Gainesville State School	2,691,824	604,176	22.4%
Giddings State School	2,897,641	635,145	21.9%
Evins Regional Juvenile Center	2,041,316	446,305	21.9%
Mart Complex	2,442,548	558,930	22.9%
MTC	1,284,805	248,775	19.4%
Halfway House Services	141,952	13,296	9.4%
Phoenix Program	217,584	59,665	27.4%
Regions	278,170	66,716	24.0%
Austin Office	1,322,744	211,044	16.0%
Contingency	164,392	-	0.0%
SORM / Unemployment	632,000	364,091	57.6%
Subtotal - Strategy	16,288,050	3,705,449	22.7%
B.1.5 Halfway House Operations			
Halfway House Services	9,334,749	2,347,371	25.1%
Contingency	170,125	-	0.0%
MAP Contingency	223,907	-	
SORM / Unemployment	264,000	185,755	70.4%
Subtotal - Strategy	9,992,781	2,533,126	25.3%
B.1.6 Health Care			
Ron Jackson	2,308,000	429,609	18.6%
Gainesville State School	1,555,500	284,419	18.3%
Giddings State School	1,407,000	262,484	18.7%
Evins Regional Juvenile Center	1,320,500	218,518	16.5%
Mart Complex	2,134,887	441,361	20.7%
Halfway House Services	179,625	25,931	14.4%
Subtotal - Strategy	8,905,512	1,662,322	18.7%
B.1.7 Mental Health (Psychiatric) Care			
Ron Jackson	195,000	29,335	15.0%
Gainesville State School	95,000	15,526	16.3%
Giddings State School	41,000	9,607	23.4%
Evins Regional Juvenile Center	32,000	6,607	20.6%
Mart Complex	415,000	47,294	11.4%
Halfway House Services	63,595	-	0.0%
Subtotal - Strategy	841,595	108,369	12.9%
B.1.8 Integrated Rehabilitation Treatment			
Ron Jackson	1,245,965	318,729	25.6%
Gainesville State School	1,808,047	448,515	24.8%
Giddings State School	2,028,267	500,061	24.7%
Evins Regional Juvenile Center	1,144,711	285,495	24.9%
Mart Complex	1,696,538	383,000	22.6%
MTC	1,070,753	320,053	29.9%
Phoenix Program	197,279	49,857	25.3%
Halfway House Services	1,143,043	278,322	24.3%
Region	7,500	-	0.0%
Austin Office	1,005,716	228,307	22.7%
Contingency	248,453	-	0.0%
SORM / Unemployment	465,000	294,404	63.3%
Subtotal - Strategy	12,061,272	3,106,742	25.8%

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.1.10 Contract Capacity			
Contract Care Administration/Residential	5,260,281	864,053	16.4%
Title IV-E Contract Care	1,199,865	96,966	8.1%
Contingency	197,249	-	0.0%
MAP Contingency	438,542	-	
SORM / Unemployment	16,000	9,761	61.0%
Subtotal - Strategy	7,111,937	970,780	13.7%
B.1.11 Residential System Support			
Austin	2,159,789	547,055	25.3%
Title IV-E - Austin Office	25,025	-	0.0%
Data Center Services	418,030	418,030	100.0%
Contingency	128,526	-	0.0%
SORM / Unemployment	64,084	47,915	74.8%
Subtotal - Strategy	2,795,454	1,013,000	36.2%
B.2.1 Office of the Inspector General			
Office of Inspector General	2,159,595	565,648	26.2%
Contingency	466	-	0.0%
SORM / Unemployment	72,209	55,277	76.6%
Subtotal - Strategy	2,232,270	620,925	27.8%
B.2.2 Health Care Oversight			
Austin Office	951,537	221,925	23.3%
Contingency	26,924	-	0.0%
SORM / Unemployment	36,031	23,366	64.8%
Subtotal - Strategy	1,014,492	245,291	24.2%
B.3.1 Construct & Renovate Facilities			
Austin Office	289,177	46,617	16.1%
Repair and Rehab	7,214,302	118,467	1.6%
MAP Projects	13,835	-	0.0%
Contingency	3,594	-	0.0%
SORM / Unemployment	10,560	7,986	75.6%
Subtotal - Strategy	7,531,468	173,069	2.3%
C.1.1. Parole Direct Supervision			
Parole	2,806,385	538,408	19.2%
Contingency	35,280	-	0.0%
SORM / Unemployment	78,028	48,803	62.5%
Subtotal - Strategy	2,919,692	587,211	20.1%
C.1.2. Parole Programs and Services			
Parole	1,249,464	169,859	13.6%
Contingency	17,769	-	0.0%
SORM / Unemployment	16,972	12,718	74.9%
Subtotal - Strategy	1,284,205	182,578	14.2%

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
D.1.1 Office of the Independent Ombudsman			
Austin Office	995,574	156,761	15.7%
Contingency	8,264	-	0.0%
SORM / Unemployment	30,201	20,408	67.6%
Subtotal - Strategy	1,034,039	177,169	17.1%
E.1.1 Training and Certification			
Training and Certification	1,848,085	401,782	21.7%
Contingency	5,777	-	0.0%
SORM / Unemployment	52,992	39,634	74.8%
Subtotal - Strategy	1,906,854	441,416	23.1%
E.1.2 Monitoring and Inspections			
Monitoring and Inspection	2,550,479	645,059	25.3%
Contingency	48,208	-	0.0%
SORM / Unemployment	92,508	65,070	70.3%
Subtotal - Strategy	2,691,195	710,129	26.4%
E.1.3 Interstate Agreement			
Interstate Compact	209,261	77,147	36.9%
Contingency	47,420	-	0.0%
SORM / Unemployment	7,000	4,141	59.2%
Subtotal - Strategy	263,681	81,287	30.8%
F.1.1 Central Administration			
Austin Office	8,562,260	1,999,125	23.3%
Contingency	143,268	-	0.0%
SORM / Unemployment	209,220	155,872	74.5%
Subtotal - Strategy	8,914,748	2,154,998	24.2%
F.1.2 Information Resources			
Management Information Resources	3,077,686	800,699	26.0%
Data Center Services	2,235,675	155,771	7.0%
Desktop/Laptop Replacement	379,168	-	0.0%
Contingency	191,757	-	0.0%
SORM / Unemployment	97,280	62,704	64.5%
Subtotal - Strategy	5,981,566	1,019,174	17.0%
TOTAL - TJJD	327,979,732	81,165,691	24.7%

Method of Finance:

General Revenue	295,339,884	78,036,974	26.4%
Federal Funds	13,121,988	2,387,874	18.2%
Criminal Justice Grants	17,815	17,815	100.0%
General Obligation Bonds	7,214,302	118,467	1.6%
Appropriated Receipts	1,336,600	34,233	2.6%
Interagency Contracts	10,949,143	570,328	5.2%
TOTAL - Method of Finance	327,979,732	\$81,165,691	24.7%

	Amended Budget	Expended/ Disbursed YTD *	% Expended
Goal A: Community Juvenile Justice	156,572,884	41,165,513	26.3%
Goal B: State Services and Facilities	146,410,867	34,646,215	23.7%
Goal C: Parole Services	4,203,898	769,788	18.3%
Goal D: Office of Independent Ombudsman	1,034,039	177,169	17.1%
Goal E: Juvenile Justice System	4,861,730	1,232,833	25.4%
Goal F: Indirect Administration	14,896,314	3,174,172	21.3%
TOTAL - Goal Summary	327,979,732	81,165,691	24.7%

1. The normal range is +/- 5% of the straight-line projection of 25% for November.

2. Red represents areas greater than or equal to 26.25%

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	265.00	233.00	32.00	31.00	28.00	3.00	31.00	4.00	27.00	106.00	92.74	13.26	433.00	357.74	75.26
Al Price	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gainesville	261.60	201.60	60.00	28.00	24.00	4.00	43.00	5.00	38.00	87.00	78.12	8.88	419.60	308.72	110.88
Giddings	291.60	257.60	34.00	27.00	25.15	1.85	43.00	7.00	36.00	94.50	80.57	13.93	456.10	370.32	85.78
Evins	180.00	164.07	15.93	16.00	14.00	2.00	30.00	5.00	25.00	74.00	72.07	1.93	300.00	255.14	44.86
Crockett	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corsicana	-	-	-	-	-	-	-	-	-	2.00	2.00	-	2.00	2.00	-
McLennan	407.00	352.00	55.00	42.00	36.00	6.00	64.00	7.00	57.00	140.00	134.18	5.82	653.00	529.18	123.82
Halfway Houses	129.00	119.00	10.00	20.00	20.00	-	-	-	-	63.00	61.55	1.45	212.00	200.55	11.45
Contract Care	-	-	-	-	-	-	-	-	-	37.00	5.00	32.00	37.00	34.55	2.45
Parole	-	-	-	-	-	-	-	-	-	51.00	46.55	4.45	51.00	46.55	4.45
Inspector General Regions	-	-	-	-	-	-	-	-	-	23.00	23.00	-	23.00	23.00	-
Central Office Regions	-	-	-	-	-	-	-	-	-	(22.00)	(20.00)	(2.00)	(22.00)	(20.00)	(2.00)
Central Office	-	-	-	-	-	-	-	-	-	308.30	266.31	41.99	308.30	266.31	41.99
TOTAL	1,534.20	1,327.27	206.93	164.00	147.15	16.85	211.00	28.00	183.00	963.80	842.09	121.71	2,873.00	2,374.06	498.94

Summary by Month:	USPS	Actual	Vacant
September	2,875.00	2,467.84	407.16
October	2,870.00	2,374.06	495.94
November	2,873.00	2,374.06	498.94
December			0.00
January			0.00
February			0.00
March			0.00
April			0.00
May			0.00
June			0.00
July			0.00
August			0.00

General Appropriations Act (GAA) FTE CAP	2,873.10
Under/(Over) GAA FTE CAP	499.04
Budgeted FTE CAP	2,581.50
Under/(Over) Budgeted FTE CAP	207.44

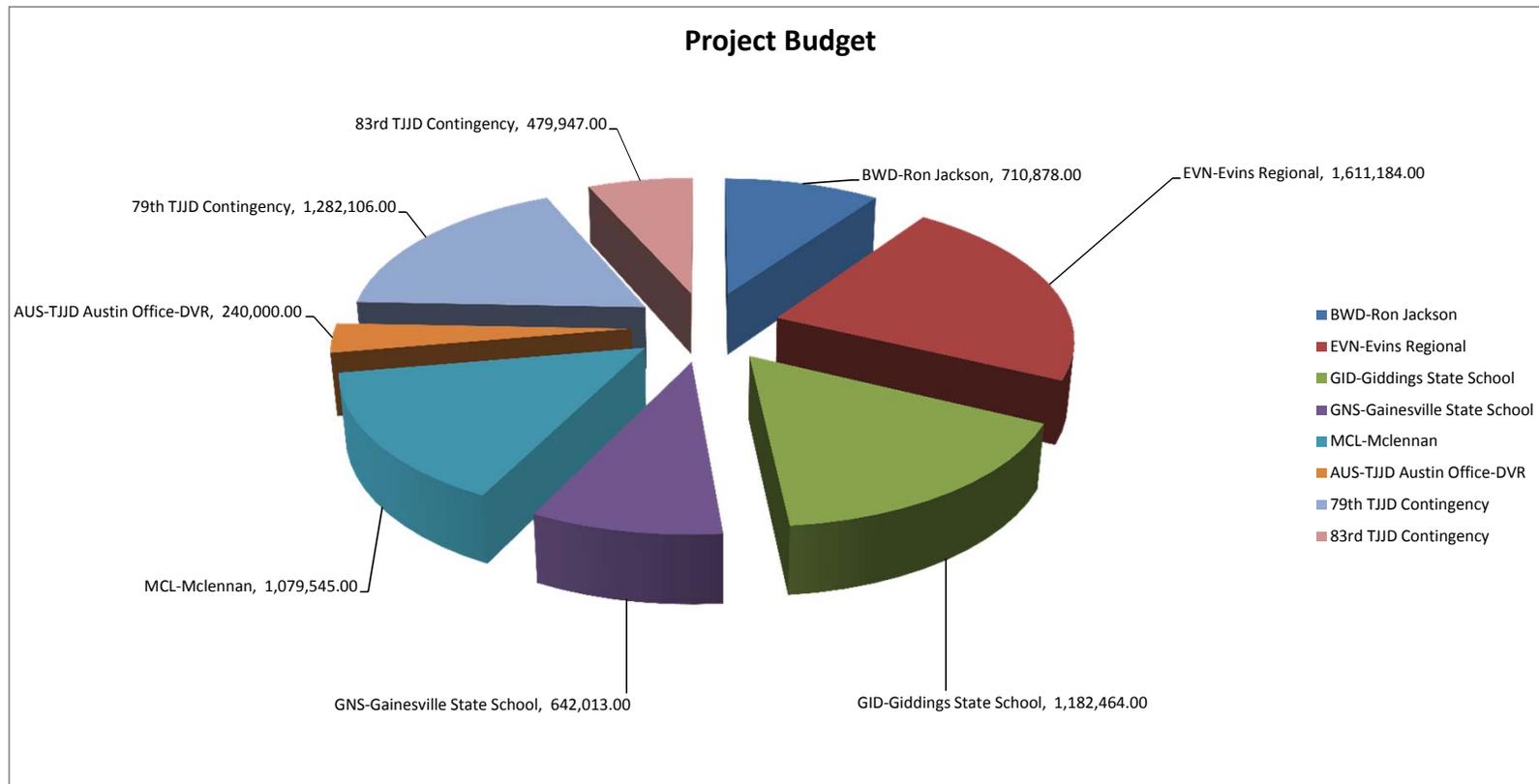
Facility	Original Budget	Budget Amendments	Amended Budget	Expended JCOs	Expended Non-JCOs	Total Expended	Balance	% Expended
Ron Jackson Unit I (21)	344,000	-	344,000	130,527	3,770	134,297	209,703	39.0%
Gainesville State School (24)	550,000	-	550,000	200,105	12,777	212,882	337,118	38.7%
Giddings State School (25)	650,000	-	650,000	171,885	11,783	183,668	466,332	28.3%
Evins Regional Juvenile Center (27)	975,000	-	975,000	262,219	11,696	273,915	701,085	28.1%
McLennan Cnty State Juv Corr Facility (34)	1,135,000	-	1,135,000	462,801	7,984	470,785	664,215	41.5%
Halfway Houses (51-61)	175,000	-	175,000	37,966	6,544	44,510	130,490	25.4%
Central Office (11)	-	-	-	-	3,818	3,818	(3,818)	
Service Regions (41-44)	-	-	-	-	3,101	3,101	(3,101)	
Office of Inspector General	5,000	-	5,000	-	7,413	7,413	(2,413)	148.3%
TOTAL	3,834,000	-	3,834,000	1,265,503	68,886	1,334,389	2,499,611	34.8%

NOTES:

1. The normal range is +/- 5% of the straight-line projection of 25% for November.
2. Red represents areas greater than or equal to 26.25%
3. Overtime does not count against FTE cap.

Location	Project Budget	Expenditures	Outstanding Work Authorizations	Available Budget
BWD-Ron Jackson	710,878.00	7,621.00	495,678.00	207,579.00
EVN-Evins Regional	1,611,184.00	47,309.50	1,154,950.00	408,924.50
GID-Giddings State School	1,182,464.00	31,624.83	223,435.49	927,403.68
GNS-Gainesville State School	642,013.00	4,523.76	145,216.34	492,272.90
MCL-Mclennan	1,079,545.00	15,915.18	316,965.27	746,664.55
AUS-TJJD Austin Office-DVR	240,000.00	119,670.28	120,888.45	(558.73)
79th TJJD Contingency	1,282,106.00	-	0.00	1,282,106.00
83rd TJJD Contingency	479,947.00	-	0.00	479,947.00
Total	7,228,137.00	226,664.55	2,457,133.55	4,544,338.90

MAP Roof top Rollers (Giddings Pilot project)	13,836.00
79th General Appropriations Act approved Allocation	1,714,301.00
83rd General Appropriations Act approved Allocation	5,500,000.00
	<u>\$ 7,228,137.00</u>





TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: Finance and Audit Committee Members
David Reilly, Executive Director
TJJD Executive Team

From: Eleazar Garcia, Chief Auditor

Subject: Follow-up Status as of 12-31-2015

Date: January 11, 2016

Below is the current status of the agency's implementation of management action plans to the audit findings and recommendations. Follow-up on audit recommendations is an ongoing process requiring assessment of management responses and actions. Internal Audit initiated use of CCH® TeamMate TeamCentral as the follow-up database in November 2013. TeamCentral provides agency management the ability to provide statuses and/or adjust implementation dates directly into the database. Internal Audit will work with management and perform varication work on statuses reported as implemented.

The TeamCentral follow-up database currently contains 160 total recommendations in 32 audits, including 31 internal audits and one external audit performed by the State Auditor's Office. These audits range in dates from April 2012 to December 2015.

The status of management actions were determined based on the following:

- **Pending/Started** - The implementation process of the recommendation has been started.
- **Implemented** - Management reports that corrective action has been implemented as of 12/31/2015. Internal audit has not verified the implementation.
- **Closed-Verified** - Corrective action has been implemented and verified by Auditors. No further action is required.
- **Management Accepts Risk** - Senior management has accepted the risk and has not implemented the recommendation.

Status	Total Recommendations	Percentage
Pending/Started	28	18%
Management Reports as Implemented	42	26%
Closed –Verified by Audit	90	56%
Management Accepted Risk	0	0%
Total	160	100%

Comprehensive Overview by Audit

Audit Title	Total # of Recommendations	Pending/Started	Implemented	Closed-Verified
12-5 Software License Audit	2	0	2	0
12-8 IT General Controls	7	0	0	7
12-9 Financial Controls	1	0	1	0
13-1A Cottrell House	1	0	0	1
13-1B Evins	7	0	0	7
13-1C York Halfway House	6	0	0	6
13-1D Giddings State School	4	0	2	2
13-2 Phoenix Program	2	0	0	2
13-4 Due Process Hearings	5	0	0	5
13-5 Procurement Cards	1	0	0	1
13-7 Alleged Mistreatment	13	1	2	10
13-8 Ethics	6	2	1	3
13-10 TAC 202 Compliance	3	1	2	0
13-12 Parole Audit	3	0	0	3
13-14 Student Use PCs and Flash Drives	5	0	1	4
13-15 SAO Audit Assistance	20	5	0	15
14-1A McLennan County Juvenile Correctional Facility Audit	6	0	4	2
14-1B Garza County Regional Juvenile Center	7	0	1	6
14-1C Schaeffer House	8	1	1	6
14-1D Gainesville (Facility Audit)	3	2	1	0
14-3 Endowment Trust Funds Audit	4	0	3	1
14-5 Medical Services	6	0	0	6
14-6 Student Transportation	3	0	1	2
14-7 Community Relations	5	3	2	0
14-8 Gang Intervention Program Audit	7	5	1	1
14-9 Fixed Assets Audit	4	0	4	0
14-10 Risk Management Audit	3	1	2	0
15-1A Ron Jackson Audit	2	0	2	0
15-1B Contract Care Facilities Audit	4	1	3	0
15-5 Fleet Management Audit	6	2	4	0
15-6 Interstate Compact Audit	3	1	2	0
15-7 Staff Development & Training Audit	3	3	0	0
Total: 32 Audits	160	28	42	90

TEXAS JUVENILE JUSTICE DEPARTMENT
OFFICE OF INTERNAL AUDIT

**Status of Projects
FY 2016**

PROJECTS SUBSTANTIALLY COMPLETED	REPORTED TO BOARD
Mandatory Audits	
15-1C McFadden Ranch Audit	1/2016
15-10 TAC 202	1/2016
16-5 Endowment Funds Audit	1/2016
Discretionary Audits	
15-11 Human Resources Audit	1/2016
Other Projects	
External Peer Review	1/2016
1 st Quarter OIA Status Update	1/2016

ADDITIONAL REQUESTS (Consulting/Assistance Projects - No Report Issued to the Board)

IT Governance - The Chief Auditor is a non-voting member of the IT Steering Committee.

Safety and Security – Audit management participates in discussions regarding safety and security practices, training needs, and policies affecting TJJD facilities.

Construction Committee Meetings – Deputy Chief Auditor participates in discussions of proposed construction projects.

Change Acceptance Board (CAB) – Audit management participates in discussions regarding system change proposal and agency-wide IT implementation.

UNDERWAY PROJECTS	PROJECTED PHASE COMPLETION DATE		
	Planning	Fieldwork	Report
Mandatory			
16-1A Halfway House (Facility) Audit	1/2016	2/2016	4/2016
16-7 Alleged Abuse, Neglect and Exploitation Audit	1/2016	3/2016	5/2016
Discretionary			

Other Projects	Start	Complete
FY13 SAO Reading Program Audit – Follow-up Status Reporting	11/2015	12/2015
FY16 SAO Financial Process Audit - Coordination	12/2015	

PENDING PROJECTS	PROJECTED START DATE	
	Mandatory	
Two Facility Audits		4/2016
Discretionary		
CAPPS		7/2016
Title IV-E		4/2016
Other Projects		
FY 2016 Follow Up Project		2/2016
FY 2017 Annual Risk Assessment		2/2016
External Quality Assurance Review –Reciprocating Services		TBD
Annual Quality Assurance and Improvement Program Review		6/2016
Annual Internal Audit Report		8/2016

Report on Performance Measures

Performance Measures		
Measure	To Date	Goal
The percent of the approved 2016 audit plan completed.	25%	>= 80%
The percent of audits completed within 110% of budget.	100%	>= 75%
The percentage of high-risk areas included in audit work.	40%	>= 70%
The percent of staff time spent on planned audit activities.	85%	>= 70%



**Texas Juvenile Justice Department
Safety and Security Committee Meeting
JW Marriott San Antonio Hill Country Resort & Spa
23808 Resort Parkway, Indian Paintbrush Room
San Antonio, TX, 78261
Thursday, August 27, 2015, 2:30 pm**

BOARD MEMBERS PRESENT:

The Honorable Laura Parker
The Honorable Becky Gregory
The Honorable Carol Bush
Riley Shaw
The Honorable John Brieden (Non-Committee member)

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Jill Mata, General Counsel
Roland Luna, Chief Inspector General
Eleazar Garcia, Chief Auditor
Jeannette Cantu, Executive Assistant
Elaine Mays, Chief Information Officer
Dr. Tushar Desai, Medical Director
Chelsea Buchholtz, Chief of Staff

Rebecca Walters, Director of Youth Placement
and Program Development
Teresa Stroud, Senior Director of State
Programs and Facilities
James Williams, Senior Director of
Probation and Community Services
Luther Taliaferro, Interim Superintendent of
Education Services

OTHER GUESTS PRESENT:

Kevin DuBose, TJJD
Kaci Singer, TJJD
Melanie Cleveland, TJJD
Vivian Cohn, TJJD

Jeannette Lepe, TJJD
Nancy Slott, TJJD
Cathy Berryhill, TJJD
Vicki Andrews

Call to Order

Judge Laura Parker, Chairwoman, called the meeting to order at 2:30 p.m.

Safety & Security Committee
August 27, 2015

Approval of the January 29, 2015, March 26, 2015 and May 28, 2015 meeting minutes

Judge Parker called for a motion to approve all three sets of minutes (Agenda items 2, 3 and 4). Riley Shaw moved to approve the minutes. Becky Gregory seconded. The motion passed.

Office of the Inspector General Update

Roland Luna, Chief Inspector General, presented the OIG investigative analysis with summary indicators for the Incident Reporting Center (IRC) fiscal year comparisons FY 2014 through July and FY 2015 through July. The IRC reports have decreased by 3 percent from the previous fiscal year and overall nearly every category had a decrease in numbers, most notably a 7 percent decrease in OIG criminal cases.

Chief Luna reviewed the numbers on OIG criminal investigations submitted to prosecution and noted that most of these categories had a decrease in numbers as well. He stated that there would be a change in the report going into FY 2016. Beginning September 1, 2015 there will no longer be a category for "Referred to State Programs." Instead those reports will be referred to either Human Resources or Youth Rights.

Chief Luna reviewed the Investigative Life Cycle numbers. The average number of days under investigation was 36 days which continues to improve. The contraband, detection and Interception division, formally the K-9 division numbers were 4,411 total searches and 90 percent were for unauthorized items and then followed by either gang related material or contraband. Chairwoman Parker asked what the types of unauthorized items were and Chief Luna stated possession of pens, pencils, writings and food when the youth had not met stage progression. There was nothing found that threatened safety or security. Board member, Judge Brieden noted that contraband had increased from the previous fiscal year. Chief Luna explained that on December 15, 2013 the K-9 Unit transitioned into OIG and the program was completely retooled to include searches of dorms, open areas, perimeters, gate house and rooms. This has led to increased searches by six fold and he feels that this is why the numbers have increased. However, he does not have data to support an increase. They now have better program management and internal controls and believe a better comparison can be made in August FY 2016 to see what the program impact has been. These are internal items and those items moved forward for prosecution are for marijuana and variations of synthetic marijuana. After September 1, 2015 the agency will have some authority to prosecute those cases.

The OIG hosted the Central Texas Violent Gang Task Force meeting in July with nine different agencies participating including the Department of Public Safety, the Texas Department of Criminal Justice, and the Attorney General's office. The staff provided training on how to effectively build a Gang Intelligence program. The National Association of Inspector General's hosted the Texas chapter training in Austin a few months ago and TJJJ OIG staff were invited to speak on how to build an effective Inspector General Office and how to use social media to help develop investigations. They had a 4 hour block of time with 100 participants and it was received very well. Year-to-date OIG has conducted 2135 youth status checks, completed any time there is a placement or change in placement. Also, OIG staff completed 9,557 visitation background checks in collaboration with State Programs. The Safety and Security Advisory Committee has two subcommittees with one being the Critical Incident Review Subcommittee which is chaired by Terri Dollar, Director of Monitoring and Inspections. She does a great job coordinating the Chief of Staff Office, Administrative Investigations Division, OIG, Office of the Independent Ombudsmen, Internal Audit and a few other divisions. The staff use the after action review concept to look at incidents and make improvements. The other subcommittee is the Use of Force Improvement Subcommittee which has been meeting monthly since November of last year. Substantial improvements have been made and a final draft report will be delivered to Mr. Reilly on September 2, 2015.

State Programs and Facilities Update

Teresa Stroud, Senior Director of State Programs and Facilities, stated that Mr. Reilly would be reviewing the population numbers in more detail at the Board meeting. She stated that the numbers are holding at 2 to 3 percent under budget in high restriction facilities. There has been a significant increase in the number of determinate sentenced offenders but there has not been a decrease in indeterminate sentenced offenders that was originally projected by the Legislative Budget Board (LBB) and others. The Centralized Placement Unit continues to keep the halfway house beds as full as possible. The commitment of sentenced offenders in FY 2016 from FY 2015 is up by 58%. It is believed that this is due in part to a Supreme Court decision issued in the spring related to certification of youth to stand trial as adults. This was the Moon case out of Harris County. They have a larger increase in average youth not being certified as adults and being sent to TJJJ. It is having an impact.

Ms. Stroud presented the Workers' Compensation Report for the month of June 2015 and the number of claims filed were 47, averaging 43 per month. However, the July numbers not shown in the board packet,

Safety & Security Committee
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were down to 31. Claims filed due to an assault were 9 and during a restraint were 30, but down to 22 in July. The Injury Frequency Rate was a bit higher than FY 2014 but came back down to match the average in July.

Organizational changes in the division resulted in Rebecca Walters taking over supervision of residential contracts and reporting directly to Mr. Reilly. In her new role, Ms. Walters continues to supervise the Centralized Placement Unit for the agency in addition to other duties. She is in a great place to help the agency.

The staff, with the support from Director Riley and Ms. Buchholtz, will begin work on the expansion of the PAWS program to other facilities within TJJJ. The program is solidly in place at Ron Jackson and will be expanding to Gainesville. Cris Burton's role as lead treatment specialist is expanding and he will be working with counties to expand PAWS. He is currently working in El Paso. The staff has been training dogs on the premise that they get the dogs from the shelter and then train them on canine good citizen skills. This makes them more adoptable in the community. It's a very successful program with good recidivism rates for the youth that participate. The staff wants to bring this program to an all-male facility. The most exciting part about this program is that it will be partnering with two different agencies, Patriot Dogs and Service Dogs International. They will be training on how to help people with mobility issues for example bringing them their phone. There will also be therapy dogs to help with post-traumatic stress disorder (PTSD).

In July the agency welcomed Jessica Cabrera as the new Superintendent at Evins Regional Juvenile Justice Center. Ms. Cabrera is a native of the Rio Grande Valley, Assistant Director of Education and Program Chair for the Associate Degree Program in Criminal Justice at Kaplan University.

In August, the State Programs and Facilities welcomed Dr. Gita Upreti as Coordinator of Positive Behavioral Intervention and Supports (PBIS) for the agency. TJJJ is expanding PBIS past the education setting at our facilities and integrating it into daily living. It is going well at the Ron Jackson facility and she will be coordinating training at all facilities, providing a guide map, and ensuring fidelity. She has high energy and is very passionate about what the agency can do with PBIS at TJJJ. She will also be making suggestions on how to incorporate this concept with our employees.

Following the recent retirement of Executive Assistant Debbie Houser from our division, State Programs is pleased to announce that Melanie Cleveland has accepted the Executive Assistant Position in the division. Melanie has a lot of experience and has worked for the Texas State Senate, Texas Department of Public Safety and Texas Department of Criminal Justice.

Ms. Stroud reviewed the Facility Report Card for May and June. The report card now has the incident rate per 100 and the total number to provide clarity in both major and minor incidents. The use of OC spray is documented there, as well as staff information such as voluntary turnover rate, injury frequency rate per facility and how that ties into aggression or industrial accidents. State facilities are achieving good results with the action staff took 18 months ago, to reduce youth injuries, particularly self-injuries.

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

Teresa Stroud, Senior Director of State Programs and Facilities presented this action item. The rule will include two exceptions to the general requirement that a staff member must be of the same gender as the youth being searched. Cross gender searches are allowed in exigent circumstances, which are defined as any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or institutional order of a facility; and limited by consideration of facility and staff safety and security. Board member Becky Gregory asked the percentage and Ms. Stroud answered that only one person out of 1100 identifies as cross gender. It was a policy change needed to maintain PREA compliance. One third of our facilities are certified, another third are in process and one third left remains. The facilities are in good standing with Federal Law. This change only affects entry searches. TJJ will honor the preference of a youth to be searched by a male or female staff member if the youth self-identifies as transgender or intersex, and that identification is supported by collateral assessment processes. This rule will no longer include step by step processes for conducting pat down searches and strip searches. These processes will be addressed in TJJ's internal procedures. Judge Parker called for a motion to approve. Judge Bush moved to recommend approval to the full Board. Becky Gregory seconded. The motion passed.

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

Teresa Stroud, Senior Director of State Programs and Facilities presented this action item. The current juvenile correctional officer (JCO) required number of training hours came from a Senate Bill in 2011. This revision would reduce the amount of training JCOs must receive before assuming sole supervision responsibility from 300 hours to 240 hours. It adds a requirement for JCOs to receive at least 60 hours of additional training within the first year of their employment. Ms. Stroud then walked through each change of the revised rule. Judge Parker called for a motion to approve. Riley Shaw moved to recommend approval to the full Board. Judge Bush seconded. The motion passed.

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

James Williams, Senior Director of Probation and Community Services, asked the committee to approve the rule which was posted for a 30 day public comment. There were no comments. Judge Parker called for a motion to approve. Becky moved to recommend approval by the full Board. Riley Shaw seconded. The motion passed.

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

James Williams, Senior Director of Probation and Community Services, stated the rule was posted for the 30 day public comment period and there were comments. Staff worked with the Advisory Council and our General Counsel to come up with proposed changes. These changes did not sacrifice public safety or security of the residents and staff. The changes did not involve new parties and interests. Judge Parker called for a motion to approve. Judge Bush moved to recommend approval to the full Board. Riley Shaw seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers –Default judgement

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

Kaci Singer, Staff Attorney, presented the four orders. Judge Parker called for a motion to approve. Riley Shaw moved to recommend approval of all four orders to the full Board. Becky Gregory seconded. The motion passed.

Discussion, consideration, and possible approval regarding the discipline of certified officers – Agreed orders.

- a) Macarthur Eaglin; 15-23900-130168; 26900 (Bexar)
- b) Chasity Myles; 15-27641-140300; 27641 (Gregg)

Kaci Singer, Staff Attorney, presented the orders. Judge Parker called for a motion to approve, Riley Shaw moved to recommend approval of both orders to the full Board. Becky Gregory seconded. The motion passed.

Adjourn

The meeting was adjourned at 3:15 p.m.



**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, November 12, 2015, 1:00 pm

BOARD MEMBERS PRESENT:

The Honorable Becky Gregory
Riley Shaw

The Honorable John Brieden (Non-Committee member)

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Jill Mata, General Counsel
Roland Luna, Chief Inspector General
Eleazar Garcia, Chief Auditor
Jeannette Cantu, Executive Assistant
Elaine Mays, Chief Information Officer
Dr. Tushar Desai, Medical Director
Chelsea Buchholtz, Chief of Staff

OTHER GUESTS PRESENT:

Kevin DuBose, TJJD
Kaci Singer, TJJD
Melanie Cleveland, TJJD
Vivian Cohn, TJJD

BOARD MEMBERS ABSENT

The Honorable Laura Parker
The Honorable Carol Bush

Rebecca Walters, Director of Youth Placement
and Program Development
Teresa Stroud, Senior Director of State
Programs and Facilities
James Williams, Senior Director of
Probation and Community Services
Luther Taliaferro, Interim Superintendent of
Education Services

Kyle Dufour, TJJD
Jeannette Lepe, TJJD
Nancy Slott, TJJD
Cathy Berryhill, TJJD
Vicki Andrews

Call to Order

Riley Shaw called the meeting to order at 1:05 p.m.

Approval of the August 27, 2015 meeting minutes

Mr. Shaw tabled the discussion and approval of the August 27, 2015 meeting minutes due to lack of a quorum.

Office of the Inspector General Update

Roland Luna, Chief Inspector General, presented the OIG investigative analysis with summary indicators for the Incident Reporting Center (IRC) fiscal year comparisons FY 2015 to FY 2016. The IRC reports have decreased by 4 percent from the previous fiscal year and overall nearly every category had a decrease in numbers, most notably a 7 percent decrease in OIG criminal cases. For efficiency purposes and with the expansion of responsibilities among various divisions such as OIG, Youth Rights, and AID staff were able to remove Youth Services referrals. Those complaints are now being handled by Youth Rights, AID State and OIG.

Chief Luna reviewed the number of apprehensions for FY 2015. There were a total of 42 apprehensions issued for FY 2015 and 29 have been issued for FY 2016. OIG criminal investigations submitted to the Special Prosecutions Unit (SPU) have a 90 percent acceptance rate for cases completed in FY 2015.

Chief Luna reviewed the Investigative Life Cycle numbers. The Investigative Life Cycle is very similar to where OIG was last year; with 138 days total and this year 135. The contraband, detection and Interception division conducted 1,109 total searches during the first month of FY 2016. Over the last few months OIG has worked in partnership with State Programs and Facilities to review and update halfway house policy and procedures as they relate to the Directive to Apprehend (DTA) process and the refinement of the visitation approval process in order to have an efficient means of processing the approval of visitors to halfway houses and secure facilities. Riley Shaw asked what changes are being made with DTAs. Chief Luna stated the goal is to make sure that the process that is in place for Parole and halfway houses is the same and also to ensure that documentation for a parolee and a youth that absconds from a halfway house is the same. Mr. Shaw asked Chief Luna to provide a breakdown of the

active DTA. Chief Luna reported that directives include parole violations and absconds. Mr. Shaw questioned how many youth are currently on abscond status. Chief Luna estimates that number to be less than 50 but will follow-up with confirmation. Mr. Shaw asked what OIG does to assist law enforcement with apprehending absconded youth. Chief Luna reported that immediately upon receipt of the DTA it is entered into TCIC/NCIC; providing notification to over 76,000 law enforcement officers around the state. OIG subscribes to a number of regional joint operation centers such as the Fusion Center and a "BOLO" (Be on the Lookout) is created and supplied to the regional fusion centers who then distribute the information to their officers. OIG also sends the information to the resource center at the Texas Attorney General's Office who then sends the information to their apprehension units. The DTA is then assigned to one of the Apprehension Officers within OIG who becomes the primary coordinator and partners with other entities.

OIG's Security Intelligence Officer program continues to have a concerted effort to evaluate gang information and share real time gang confirmations with facility administration, OIG management and with TxGang as well as continue to work with State Programs and Facilities to identify ways to better address and implement interventions as they relate to gang confirmations.

Administrative Investigations Division

Kevin DuBose, Director of Administrative Investigations, provided summary comparisons for FY 2014 to FY 2015. The report from the County Investigations Unit shows a decrease in the total number of county reports received in FY 2015 as opposed to FY 2014 with a reduction from 2,944 to 2,807 in total reports which led to a reduction in total number of investigations opened. The total number of investigations opened was 348 for FY 2015 versus 389 in FY 2014. In investigation dispositions FY 2015 numbers will increase once AID has closed out the year.

Mr. DuBose reviewed the summary comparison for the State Investigations Unit. Again, there is a decrease in the total number of investigations opened on the state side, from 1,292 in FY 2014 down to 1,062 in FY 2015. This reduction has led to an equal number of abuse complaints but a decrease in the number of policy violations; down from 926 down to 715.

Mr. DuBose reported that AID posted for three additional positions in their state facilities. These positions at Gainesville, Evins and Ron Jackson are near being filled. Riley Mr. Shaw asked what those positions will do. Mr. DuBose reported that they will be onsite Investigators. Previously, with the exception of McLennan, there has been one Investigator assigned per facility creating a heavy workload for the investigators. In addition, AID is in the process of filling two county positions; bringing the total number of staff to 20. Mr. Shaw posed a question about the increase in the number of exploitation cases. Mr. DuBose explained that it is unknown as to what the increase could be attributed to but he will follow-up and provide a response.

State Programs and Facilities Update

Teresa Stroud, Senior Director of State Programs and Facilities, reported that the Giddings' Indians played six-man football and made the state play-offs. The first play-off game was Friday night (11/16/15) and the Indians won 63-7 and are slated to play on 11/13/15 against Abilene Christian, anticipating that the Indians have a good chance of winning that game.

Ms. Stroud reported that the population in secure facilities is showing an increase of approximately 5.1% overall. The population in halfway houses has seen approximately a 5.1% decrease but efforts are being made to fill those beds. Ms. Stroud noted that there has been a consistent increase in the number of determinate sentenced offenders, particularly out of Harris County. State Programs and Facilities continue to work collaboratively with the Centralized Placements Unit to place these youth.

Ms. Stroud shared that the Gainesville unit was PREA certified in August and York Halfway House was PREA certified on 10/2/15. There are three facilities that need to be inspected by the PREA Auditor.

In September, the Giddings facility was visited by Mr. Michael Gove, who is the Justice Secretary in Great Britain, along with the staff from the British Consulate. They are beginning reform in their prison system and are visiting juvenile and adult facilities in Texas. They have also been working on a documentary with the BBC and did some filming at Giddings State School. The Daily Telegraph in Great Britain ran an article regarding Gove's visit at our facility. Mr. Gove and his staff were highly impressed by the conditions for juveniles and the programs available in our facilities. During the same week as the

visit by Gove, more than 30 former offenders who participated in the Capital and Violent Offender Program returned to Giddings to thank staff for their positive influence in their lives; through treatment, role modeling and teaching. The young adults spoke of how the things they learned in the programs at Giddings were critical to their success in life even if they had been transferred to prison after their stay at Giddings. Mr. Shaw inquired about how the group came together. Ms. Stroud explained that a former youth organized a group called HYPE (Helping Young People Excel) out of Tarrant County that reaches out to others via social media and informed them that he wanted to organize this group. The group also provided food and organized a BBQ for staff at the Giddings facility during their visit.

Ms. Stroud presented an August report on Workers' Compensation. Previously claims were at an average of 42.9 claims per month but for the month of August the agency saw an increase with 53 claims. In September and October the agency started to see a decline in the number of claims. Mr. Shaw asked if there was a specific event that took place in August that would lead to the increase. Ms. Stroud reported that there was no significant major event and the increase reflects all facilities, more so at Evins.

Ms. Stroud shared that she was able to visit Gainesville and attend one of their football games in October. Ms. Stroud reports that the youth have demonstrated great sportsmanship and have not had any incidents of youth misrepresenting themselves or the agency when they are out in the community.

Ms. Stroud stated that in mid-November Dr. Madeleine Byrne, Director of Treatment will host members from The American Psychological Association. They will visit facilities to determine whether the agency will be certified as an APIC site for Psychology interns. This development has been in progress for a few years; the agency was able to access funds through a grant provided by the HOGG Foundation. Such accreditation would make TJJJ facilities a much more appealing site to Psychology Interns who are working on the post-doc and licensure. Giddings' Dr. Danuta Godlewski is one who worked through the internship and has remained with the agency after her internship and has just recently passed all licensure exams. The agency graduated four interns in August and has hired four more who are working between our Giddings and McLennan facilities.

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

Teresa Stroud, Senior Director of State Programs and Facilities presented this action item. The rule was posted in the Texas Register for the 30-day period and no public comments were received. However, TJJJ staff recommended changes. One change is a grammatical error. In 380.9740 clarifications were made that when the Director over Residential Services or designee approves a 72- hour extension for a youth that has been in the security program for five continuous days facility staff are still required to hold a Level 3 hearing every 24 hours to determine if the youth continues to meet the extension criteria. It was also clarified that when a youth has been in security for five days appeals of extension decisions are decided by the Executive Director or designee. Approval and adoption of the rule review is requested. Due to lack of a quorum the Committee was unable to vote on the item.

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

Teresa Stroud, Senior Director of State Programs and Facilities presented this action item. State Programs has completed its review of certain rules from Chapter 385 regarding management and operations. State Programs is recommending several revisions to 385.9941 which is Response to Ombudsman Reports and 385.9951; a policy pertaining to death of a youth. In 385.9941 the essential changes include minor updates to terminology and statutory references. In 385.9951 there are a significant number of changes. It states that TJJJ attempts to notify the parent/guardian in person as soon as possible. While that has always been agency practice, it was not written in the previous rule. TJJJ will make a staff member available to assist the parent/guardian with coordinating necessary matters such as returning belongings and coordinating funeral arrangements if necessary. The Office of Inspector General will conduct an investigation for every death occurring in a TJJJ or contract residential facility. The 25-day deadline for conducting an administrative investigation has been removed. The TJJJ Medical Director may convene a morbidity and mortality review. For a death occurring while a youth is on parole in a home staff will conduct a criminal and/or administrative investigation as determined on a case by case basis. Mr. Shaw asked why the deadline for conducting an administrative investigation was removed. Ms. Stroud explained that in most counties it takes more than 60 – 90 days to get results of

an autopsy, which prevents staff from closing an investigation in the 25 day period. Stroud further explained that staff are dependent on information from others in the community to complete the investigation. Mr. Shaw asked whether there is a need for some type of deadline, proposing 120 days, 150 days or 180 days. Ms. Stroud agreed to take this into consideration when posted for public comment and make the change prior to bringing the revision back for final decision. Ms. Stroud suggested the addition of a deadline set within a certain number of days following receipt of autopsy. The Honorable Becky Gregory posed a question regarding the discretionary investigation on a home placement. Ms. Stroud explained that the investigation is discretionary only if the death is ruled as a clear accident such as an auto accident. State Programs is requesting permission to post revisions for public comment in the Texas Register for 30 days. Due to lack of a quorum the Committee was unable to vote on the item.

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

Chief Luna, Chief Inspector General, presented this action item. At the previous Board meeting the Board approved that the rules be posted in the Texas Register. The rule was posted and no public comment was received. Approval and final adoption of the aforementioned rules is requested. Chief Luna reported that a couple of the rules were created prior to the inception of OIG and included language about notifying local law enforcement, evidence handling and how that evidence would be handled in accordance with the Code of Criminal Procedure for a criminal investigation, where applicable, OIG has been inserted in the language and changed previous language from TYC to TJJD. Due to lack of quorum the Committee was unable to vote on the item.

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

Lesly Jacobs, Deputy Director of Administrative Investigations, presented this action item. Ms. Jacobs presented the final version of changes to the standards governing the counties for investigating allegations of abuse, neglect, exploitation, death and serious incidents. The revisions have already been posted and no public comment was received. Since that time staff have discovered the need for

additional revisions. The most significant revision is regarding local Juvenile Boards and clarifies that they no longer have to convene a quorum of their Juvenile Board and that the Chairman of the Juvenile Board can act unilaterally to suspend or reassign the alleged perpetrator if that person is the Chief Juvenile Probation Officer or the highest ranking person in the department. A definition for Private Facility Administrator was added because the Chief Administrator title did not fit for some of the county facilities. The Committee was unable to vote on the item due to lack of a quorum.

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

James Williams, Senior Director for Probation and Community Services, presented this item. Recommended changes include moving all the definitions, which were previously found throughout Chapter 341, to one section. A change was made requiring the local Juvenile Boards to include in policy the instances that would dictate use of force when taking a juvenile into custody as well as what circumstances might warrant taking a juvenile into custody. Juvenile Boards are also required to provide appropriate documentation of such occurrences. The rule also states that all reviews must take place within the same calendar month and the policies are written by the Chief Administrative Officer and be approved by the Juvenile Board. A significant change was made regarding case plans and the timeframe for which case plans should be completed. It is required that the department utilize the findings of a valid risk needs assessment and those findings be designed and written in the case plans which are to be reviewed more frequently to address the plans and see that the youth is working towards success. There is also a requirement for departments to improve their data collection and the manner in which it is sent to the State; that it may be sent electronically to increase the State's ability to merge the information into other documents and better use the information in research. In addition, proper documentation is required when restraint is used as well as documenting the type of restraint used and the proper training has to accompany the use of those restraints. Mr. Williams also explained the changes made regarding the officers carrying of weapons. The goal is that departments have criteria and policy of when weapons can be used and on the continuum of force that is less than a weapon. Departments should also have documentation. Mr. Shaw asked how the recommendations change the current policy. Mr. Williams explained that the previous standard gave TJD more responsibility for the

development of the policy. TJJJ is trying to remove itself from the position of wiring the policy and allowing the local jurisdiction to do so, while still giving input of things that should be included in the policies. Mr. Williams requested that the revisions be entered for public comment in the Texas Register for a period of 30 days. The Committee was unable to vote on the item due to lack of a quorum.

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

Kathryn Mattingly, Staff Attorney, presented this action item. The changes requested are non-substantive but provide clarity and ensure that language conforms to statute. Permission to post for public comment in the Texas Register for a period of 30 days is requested. The Committee was unable to vote on the item due to lack of a quorum.

Discussion, consideration, and possible approval regarding the discipline of Certified Officers- Agreed Orders

a. Katherine Karshis; 15-21360; 21360 (Bexar)

b. Shannon Powers; 15-26835-140042 (Harris)

Kaci Singer and Kyle Dufour, Staff Attorneys, presented this action item. Ms. Singer and Mr. Dufour are requesting the Committee's approval of agreed orders of discipline for the two named Certified Officers. The Committee was unable to vote on the item due to lack of a quorum.

Discussion, consideration, and possible approval regarding the discipline of Certified Officers- Default Judgment Orders

a. Collins Ihejiawu; 15-9498-130215; 9498 (Collin)

b. Delbert Parks; 15-12078-130159; 12078 (Dallas)

c. Jacob Romero; 15-26465-140133; 26465 (Bexar)

d. Darrell Smith; 15-24886-150011 & 15-24886-150135; 24886 (Collin)

e. Charles Williams; 15-27564; 27564 (Dallas)

Kaci Singer and Kyle Dufour, Staff Attorneys, presented this action item. These are default orders for the above named Certified Officers who were provided notice of disciplinary action but failed to respond. The Committee's approval is requested to issue the discipline that was requested in the petitions. The Committee was unable to vote on the item due to lack of a quorum.

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

Scott Friedman from the Monitoring and Inspections Division, assisted by Kaci Singer, Staff Attorney, presented this action item. This variance application was submitted by the 110th Judicial District for non-secure facility called The Parent Adolescent Center. The facility was previously cited for findings noncompliant with TAC 355.430(b), which is a supervision requirement. It is required that policies ensure that when both genders are represented in the resident population that there is representation of staff of the same genders. The citation is specific to male residents and a visit that took place in March of 2015 where there was no male staff on duty on the 10:00 pm – 8:00 am shift. In addition, there is a second component regarding cross-gender supervision. The standards identify five areas that cross-gender supervision is prohibited. The Judicial District is requesting relief from both of those provisions. TJJD staff recommended that the Board deny the variance application specific to the question of whether granting the variance would place the applicant or TJJD in violation of any State or Federal statute. Staff further request that the Board give consideration to provisions of the Prison Rape Elimination Act (PREA) standards that have similar cross-gender prohibitions and requirements and hiring decisions about the predominant practice to hire female staff and potential option that the variance would allow them not to hire male staff. Mr. Shaw asked if PREA currently covers this facility. Mr. Friedman explained that the facility is not certified by PREA but believes that the facility is covered

by PREA. Ms. Singer further confirmed that all juvenile facilities are covered by PREA. Singer explained that the facility is currently on a performance improvement plan to restore compliance. Mr. Friedman and Ms. Singer explained that granting a variance would be permanent while the noncompliance on this issue is a variable situation. Mr. Friedman noted that during a May visit by Monitoring and Inspections, the facility was in compliance. The Honorable Becky Gregory asked what the alternative is when such a situation is chronic and reoccurring. Mr. Friedman stated that there is no precedence for this standard but staff could meet to discuss options. Chief Juvenile Probation Officer Reba Moore reported the facility serves the whole West Texas area where resources are very slim. As a non-secure facility they are able to work with youth in ways that secure facilities aren't able to. Ms. Moore highlighted their success over the last 19 years. Ms. Moore further explained that the facility is located in a primarily agricultural region where most of the males work in agriculture. Moore explained that it is difficult to get males to apply for this type job in their region. Ms. Moore further explained that there are procedures in place if the need arises for a cross gender body search and all youth shower behind a curtain behind a closed door and in private. In instances when a male staff was needed, they have called in a staff member that was off duty or contacted their local police to come conduct a search. Ms. Moore reports there has been no history of problems when having two females on staff verses a male and female. Mr. Shaw inquired as to whether a denial of the variance would mean the facility would have to close. Ms. Moore replied that she is unsure but TJJJ staff has informed them that every attempt would be made to work with them. Mr. Friedman explained that the consequences are vast and far ranged, but TJJJ does not have the authority to initiate a closure. Mr. Friedman did explain that the facility would be in non-compliance and TJJJ could work with them on a corrective action plan. Mr. Shaw asked if the non-compliance would put the facility in a position to where they could no longer provide the service. Mr. Friedman reported that it would not prevent youth from coming to their facility. According to Friedman, the worst position TJJJ could take would be to find the facility unsuitable and that finding could be shared with the Local Juvenile Board, giving the Juvenile Board control. In addition, TJJJ could remove a facility from the registry if found to have repeated non-compliance issues and according the Family Code, residents would be eligible for immediate release from facilities that are not registered. Yet, Mr. Friedman reported this has never happened. From a contractual standpoint, any ongoing non-compliance could have a fiscal impact, where funds could be denied to the Local Juvenile Board. Judge Gregory asked if the population is predominately male or female. Ms. Moore explained that the population fluctuates most of the time with having two to three

more males than females. Judge Gregory asked whether it is possible to have an off-duty Police Officer fill in when needed. Mr. Friedman explained that there is a statutory prohibition to prevent anyone that reports to a police agency from supervising a youth in the capacity of supervision officer or probation officer. The Honorable John Brieden reiterated an earlier statement made by Mr. Friedman regarding the removal of funds from the Juvenile Board. Mr. Friedman explained that that is possible through the contractual obligation that the Juvenile Board has with TJJD. Mr. Friedman again stated that that option has never been exercised. Judge Brieden stated that the removal of funding would cause a program to shut down. Mr. Friedman reminded the group that TJJD does not have closure authority. However, there are options that could result in reduced funding or reduced operation. Judge Brieden then asked if there is the situation with non-compliance and an incident was to take place, what would happen. Mr. Friedman explained that that would depend on the nature of the incident and the ramifications. Judge Gregory questioned if the denial of funding requires Board approval. Jill Mata, General Counsel, stated that she is unsure at what point in the process the Board would need to approve. Ms. Mata clarified that the intention was to distinguish between variance and waivers for non-static items that do not have to be revisited by the Board because they are decided and there is no change. However, in this situation it could change down the road and there are things that could fall over into the Fair Labor Standards Act and excluding an entire gender from the employment pool, causing other implications. Ms. Mata further stated that staff is really striving for ways it can work with the county in terms of ways to hire and increase their applicant pool and ways for them to report back that they are looking and will consider applicants that are male and female. Executive Director, David Reilly, added that the agency does not wish to support the request for a variance but it is not a question of approving the variance or them shutting down. Mr. Reilly stated that TJJD does need to see that the facility is making some effort and he feels there is a lot of room for TJJD to work with them. The Committee was unable to vote on the item due to lack of a quorum.

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

Scott Friedman from the Monitoring and Inspection Division presented this action item. The Smith County Juvenile Board submitted an application for variance. Mr. Friedman explained that there are five cells that currently do not have a natural light source. TJJD believes that circumstances support a

granting of the variance and there has been a precedence set for the granting of such. Mr. Freidman explained that reconstructing the cells would be an excessive hardship or burden and Smith County has put in practice that the use of these cells is only of last resort and they are not frequently used. In instances when you must be placed in one of the cells it is short term. Mr. Shaw questioned what is short term? Mr. Freidman replied that he believes it to typically be less than 24 hours. Judge Gregory asked if the natural light requirement could be in a common area verses each cell. Mr. Friedman confirmed that the light source could come from a common area. Ross Worley, Chief Juvenile Probation Officer, explained that the building had been grandfathered in under this provision in 2003. Mr. Worley explained that the cost to reconstruct the area is currently estimated in the \$15,000 range and with other construction needs he would anticipate the cost being higher. Mr. Worley showed the Committee a schematic of the building to further explain the difficulty of reconstruction. The Committee was unable to vote on the item due to lack of a quorum.

Adjourn

Mr. Shaw presented the motion to adjourn which was seconded by Judge Gregory. The meeting was adjourned at 2:58 p.m.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Teresa Stroud, Senior Director of State Programs and Facilities

Subject: Report from the State Programs and Facilities Division

Date: January 5, 2016

Population: (as of 12/28/15)

Programs	Budgeted	Actual	Female Pop	Over Under	Percent
Evins	136	132	*	-4	(2.9%)
Gainesville	192	258	*	66	34.4%
Giddings	205	213	*	8	3.9%
RJ Young Offenders	20	13	*	-7	(35.0%)
Mart Phoenix	16	12	*	-4	(25.0%)
MRTC	49	49	*	0	--
Mart Long Term	192	213	*	21	10.9%
Ron Jackson O & A	92	85	5	-7	(7.6%)
RJ Long Term (females)	96	98	92	2	2.1%
Total Institutions	998	1073	97	75	7.5%

Halfway Houses	Budgeted	Actual	Female Pop	Over Under	Percent
Ayres	20	23	*	3	15.0%
Brownwood House	6	7	7	1	16.7%
Cottrell	16	15	*	-1	(16.3%)
McFadden	48	47	*	-1	(2.1%)
Schaeffer	12	20	*	8	66.7%
Tamayo	16	10	*	-6	(18.8%)
Willoughby	12	9	*	-3	(25.0%)
York	16	10	*	-6	(37.5%)
Total HWH's	146	144	7	-2	(4.2%)

Residential Programming

The secure facilities population is 7.5% 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.

We are very pleased to announce that after many months of planning and training, with the assistance and supervision of the Health Services Division under Dr. Tushar Desai, we have begun the process of tattoo removal for eligible youth at the Giddings State School. Focus will be given to youth with tattoos on the face, hands and neck which are both difficult to cover and may be gang related or represent past criminal behavior/attitudes. The safe removal of these tattoos at the youth's request can result in increased employment opportunities and improved self-esteem. While the program is starting at the Giddings facility, we hope to expand to eligible youth at other facilities and ultimately youth on parole.

The Giddings Indians and Gainesville Tornados participated in TAPPS football this fall. The Giddings Indians participated in the 6-man league, succeeding in the playoffs until the Regional State finals before being knocked out of the competition. We are so proud of the youth, staff and volunteers who played and supported these important programs. Special congratulations to Coach Sandy Brown at Giddings for taking the group so far into the playoffs.

In an effort to improve treatment service delivery and treatment opportunities for youth, a special Violent Offender Program was opened at the Mart Long Term facility in October 2015. Youth admitted to this program are those with a moderate or low need for capital offender treatment or young youth with a high need who are not quite ready for admission to the intensive capital offender program for those with high needs at Giddings. Younger youth in this program will have a unique opportunity to better prepare for the intensive level of treatment in group, individual counseling and role playing provided at the Giddings facility for capital and violent serious offenders.

The agency recently received reports regarding staff turnover rates in the agency. While still high, they are much improved. The State Programs and Facilities Division continues to work collaboratively with Human Resources, Training and other divisions to help make data driven decisions to further improve the overall work environment and facility culture for our staff. According to HR Director, Royce Myers, the JCO Turnover rate reported by the State Auditor's Office for FY 15 was 31.2%, a 5.3% decrease from FY 14 when it was 36.5%. The FY 15 rate of 31.2% is the lowest JCO turnover rate since 2002, the oldest data currently available. Additionally the overall TJJJ turnover rate for FY 15 is 26.6%, a decrease of 3.8% and the lowest overall rate since TJJJ was formed in FY 2012.

All agency divisions are working collaboratively to provide an improved agency report card with meaningful data more representative of all the areas represented in the agency and including achievements and improvements. In light of this, we are researching data reflecting those youth in the agency who participate and actively engage in treatment, seeing positive progress and results. For example, a recent review of data at the Evins facility showed the following:

In the 30 days preceding 12/28/15, there were 23 youth of 132 (17%) who had zero rule violations or incident reports for that period. Additionally, there were another 53 youth who had 5 or fewer minor rule violations with zero major rule violations. These 76 youth combined represents 58% of the population at Evins with no major rule violations. Alternatively, five youth at Evins had a total combined 131 rule violations, representing 19% of all rule violations at the facility in those 30 days. In the 30-day period, .03% of the population was responsible for 19% of the rule violations. Staff will work intensively to address behavioral issues with those identified youth in the coming month.

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 November: 24 (Averaging 38 per month)
 - Due to industrial accidents: 10 (Averaging 12 per month)
 - Due to youth aggression: 14 (Averaging 26 per month)
 - Due to an assault: 6

- During a restraint: 8
- FY16 YTD Injury Frequency Rate: 17.67
 - FY15 IFR: 20.26
- FY16 YTD Expenditures: \$927,770.58 (89% from previous year claims)
 - Same period FY15: \$979,162.36
- FY16 YTD Cost per FTE: Projected to be \$1,462.21
 - FY15 Cost per FTE was \$1,659.80
- FY16 YTD Lost Days: 1489
- FY16 YTD Restricted Days: 1082

In our last report to the board, the most recent available workers' compensation information was for August 2015 and this data reflects a good decrease from that time when we were averaging 42.9 incidents per month.

New and Good

Members of our Psychology department, Family Liaison and Treatment Divisions represented the agency in January at the American Correctional Association (ACA) as conference presenters, providing a presentation on Re-entry planning and family re-integration work with youth who have high mental health needs and complex transition needs upon returning to the community.

Senior Director Stroud represented the agency and Texas as a panelist at the ACA conference on Culture, Leadership and PREA implementation. The panel was sponsored by the Bureau of Justice and other panelists included leadership from Louisiana Office of Juvenile Justice, Georgia Department of Juvenile Justice and The Moss Group consultants.

Senior Director Stroud will additionally represent the agency in March 2016 presenting with Dr. Brenda Scheuermann of Texas State University at the International Conference on Positive Behavior Supports. The work being done on implementing Positive Behavior Intervention and Supports (PBIS) in TJJJ dorm life is groundbreaking and drawing the attention of experts in Education and Justice in many other states.



**Texas Juvenile Justice Department
Programs Committee Meeting
11209 Metric Boulevard, Building H, Suite A
Lone Star Conference Room
Austin, TX 78758**

Thursday, November 12, 2015 – 2:30 p.m.

BOARD MEMBERS PRESENT:

Riley Shaw, Committee Chairman
MaryLou Mendoza
Scott Matthew
The Honorable Jimmy Smith

BOARD MEMBERS ABSENT:

Dr. Rene Olvera

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Eleazar Garcia, Chief Auditor
James Williams, Senior Director of Probation and Community Services
Jim Hurley, Director of Communications
Luther Taliaferro, Senior Director of Education Services
Royce Myers, Senior Director of Human Resources
Teresa Stroud, Senior Director of State Programs and Facilities
Dr. Tushar Desai, Medical Director

OTHER GUESTS PRESENT:

Ashley Kintzer, TJJD
Karen Kennedy, TJJD
Karol Davidson, TJJD
Kathryn Mattingly, TJJD
Lucy Rodriguez, TJJD
Vivian Cohn, TJJD

Call to Order

Mr. Shaw called the meeting to order at 2:48 p.m.

Discussion, Consideration, and Possible Approval Regarding Excused Absences

Ms. Mendoza moved to excuse Dr. Olvera's absence. Mr. Matthew seconded. The motion carried.

Approval of August 27, 2015 meeting minutes

Mr. Matthew moved to approve the minutes of the August 27, 2015 meeting. Ms. Mendoza seconded. The motion carried.

State Facilities Performance Tracking

Teresa Stroud, Senior Director of State Programs and Facilities, provided an overview of the state performance tracking "Report Card" for the five secure facilities for the months of July and August. The data shows an improvement: more youth were released on "Stage Yes" and there was a reduction on MLOS for indeterminate youth. This speaks to the quality of the program. Ms. Stroud stated that many of the youth injuries occur during recreation/flag football.

In response to an inquiry from Mr. Shaw, Ms. Stroud reported that she is assigning experienced staff to the Evins facility for a period of 10 to 12 days at a time (on a rotating basis) to assist the newly hired Superintendent. These visiting staff have provided training on use of force, holding behavior groups, how to deal with gang related activities, etc. The Assistant Superintendent position is still vacant and is proving difficult to fill. At this time the population is being capped at 135.

Ms. Stroud reported that staff are working on a cultural change at Evins, but the older youth are difficult to motivate. In response to a comment from Mr. Matthew, Ms. Stroud explained that a major rule violation is not necessarily physical violence, it can be gambling or even trading items for food. In an effort to reduce contraband, visitation rules have changed; more than 400 names have been removed since they couldn't be verified as being related to the youth. Mr. Riley, Executive Director, stated that staff are working on re-defining this category to be more in line with the definition that counties currently use.

Ms. Stroud stated that the agency is working on a new format for a report card to highlight positive things within the agency. For example, 100% of youth released from Evins were stage appropriate and the Chemical Dependency treatment program at Evins is one of the best in our agency. The volunteer programs are also active in the agency.

In response to a comment from Judge Brieden, Ms. Stroud stated that the agency has very violent youth with high needs and at a high risk to re-offend. In addition, many youth have mental health needs. She also stated that family visitation numbers reflect the families that cannot travel, even though the agency offers to assist with expenses. She and her staff continue to look at ideas on how to approach these issues.

Youth in custody project overview

Ms. Rebecca Walters, Director of Youth Placement and Program Development, and Ms. Teresa Stroud reported on the Youth in Custody Certificate (YIC) Program which is a long term project to address a specific issue. The issue that TJJD brought forward is the scheduling constraints of youth and the need to allow the youth time to meet his/her treatment, medical and educational needs. TJJD's goal is to

empower the local multi-disciplinary teams with increased flexibility to schedule youth for programming throughout the day. This will result in more efficient use of funding, more effective treatment programming, shorter average lengths of stay and better parole outcomes. Staff will bring any proposed policy changes that are necessary to accomplish this to the Board in the Spring of 2016.

The Capstone project is currently being piloted. Ms. Walters gave a review of the pilot which included videos of youth at their places of employment. At the Ron Jackson facility, youth Miriam is learning life lessons at pet grooming place. Ms. Stroud added that Miriam's entire view of the world has changed, and that there are great opportunities for these youth.

At the Gainesville facility, youth who were there in the 1990's and 2000's are helping youth there today. A local businessman (former TYC youth) has hired a youth who is a part of the Capstone pilot at Gainesville. The youth who are working are learning a skill, acquiring references, learning time management and learning how to work with people. One youth in the work program went over 41 days without a major rule violation, a tremendous accomplishment for him.

Ms. Walters, and the YIC work group, would like this program to grow. There are likely to be needs such as dedicated full-time employee position(s) for this project at the facilities.

Mr. Matthew commented on the positive aspect of this program which connects the youth with people and builds on the youths' strengths. Mr. Riley stated that this project will help change the culture and that TJJD is committed to it.

Rule relating to Public and Media

As part of the agency's rule review process, Jim Hurley, Communications Director, proposed several changes to the policy regarding media access to our facilities, staff and youth. Mr. Matthew moved to approve. Ms. Mendoza seconded the motion. All members present were in favor of recommending approval of these proposed policy changes to the full Board.

Rule relating to sick leave pool administration

As part of the agency's rule review process, Royce Myers, Director of Human Resources, is not proposing any changes to the current policy relating to the Sick Leave Pool Administration. Mr. Matthew moved to approve. Mr. Shaw seconded the motion. The motion passed.

Adjourn

Mr. Shaw moved to adjourn the meeting. Ms. Mendoza seconded the motion. Mr. Shaw adjourned the meeting at 4:00 p.m.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Tammy Holland, Manager of Community, Family, and Chaplaincy Programs

Subject: Family engagement in state facilities

Date: January 5, 2016

The Family Supports Program has just completed the analysis of the Family Satisfaction Survey for the 2015 fiscal year. In the survey, families of TJJJ youth indicate their level of satisfaction with the services provided to their youth in the areas of education, case management and treatment, medical treatment, safety and security, youth rights, religious freedom and family liaison support services.

We received 272 responses to the satisfaction survey, 45 of which were in response to the Spanish version. This was more than double the number of responses received in fiscal year 2014 (129). The overall ratings are favorable and the responses have continued to improve. The questions showing the greatest improvement regarded the assistance of the family liaisons in communicating the youths' needs to other staff, receiving notifications when their child is ill/injured, and including the family in re-entry planning efforts.

Some trends noted in the survey:

- The level of family satisfaction with services provided is improving.
- Families want better and more frequent communication regarding their child from all departments.
- GED attainment and vocational training is valued by families.
- Spanish speaking families give more favorable responses than English speaking families.
- It appears that the longer youth are in a residential placement, the more dissatisfied families became.

A copy of the report is attached.

2015 FAMILY SATISFACTION SURVEY

Although the Texas Government code requires state agencies and institutions of higher learning to develop and implement customer service standards and customer satisfaction assessment plans only on even numbered calendar years, this department sees the value in providing the information on an annual basis and has established the annual satisfaction survey as a best practice.

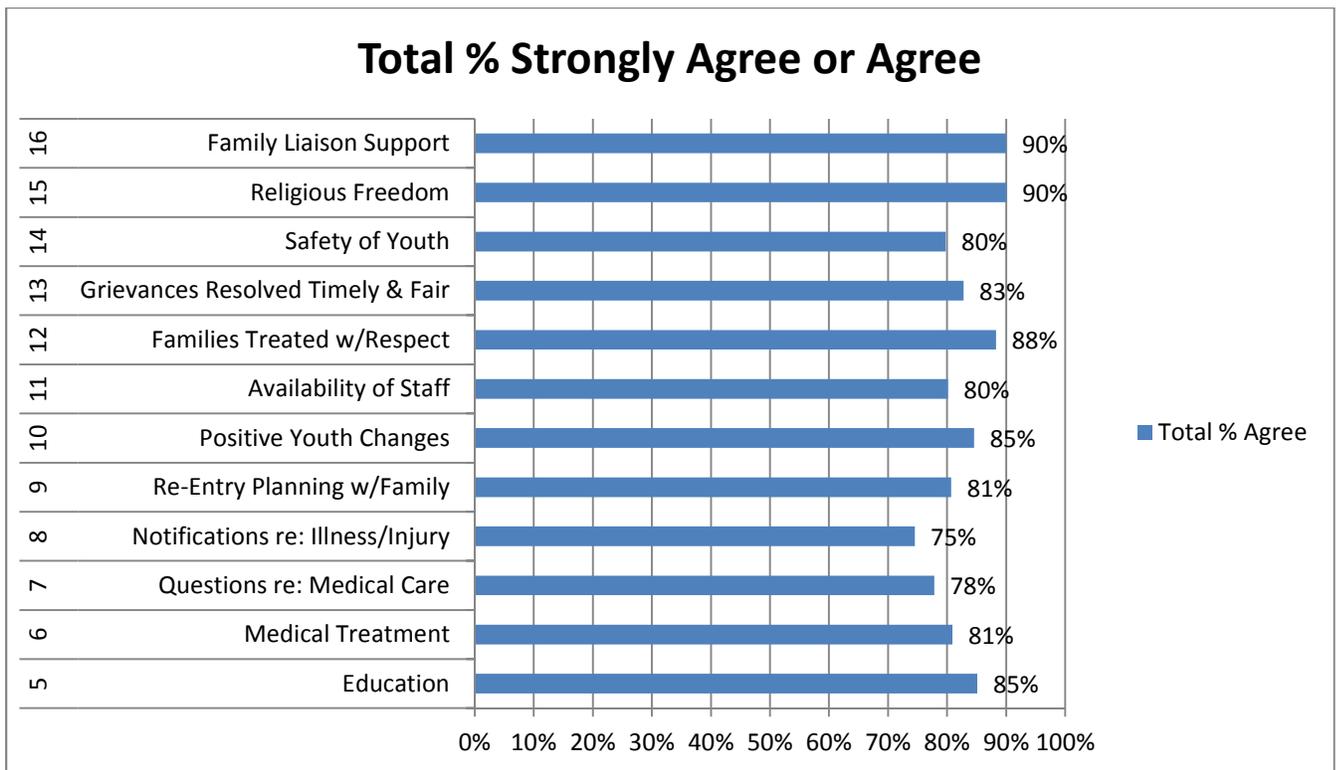
The focus of Family Liaison services is to increase the family involvement in the rehabilitation of youth by developing, organizing, implementing, and overseeing family engagement activities at each facility. The agency moved from family-informed care to family-involved care, and sees the youth's family as an asset in his or her rehabilitation and successful community re-entry. Family Liaisons coach, educate, support, and encourage family members to participate in and help administer the rehabilitation plan for their youth. Opportunities for family participation come during regularly scheduled campus activities, family-focused seminars and forums, contact and web-based visitation, and multi-disciplinary team meetings.

In March 2008, TJJJ administered the first satisfaction survey to families regarding their perception of TJJJ services. Those survey results established a baseline from which to measure improvements. In an effort to boost participation, this year's survey was accessible on-line throughout the collection period of September 1, 2014 through August 31, 2015. The questions showing the greatest improvement regarded the assistance of the family liaisons in communicating the youths' needs to other staff (+26 points), receiving notifications when their child is ill/injured (+12 points), and including the family in re-entry planning efforts (+11 points).

The following bar graph summarizes the overall satisfaction rating (agree and strongly agree) of the twelve evaluative questions among those who responded for secure facilities and halfway houses. Not all participants answered all 12 questions below, and only the responses for "agree", "strongly agree", "disagree", and "strongly disagree" were included in the analysis. Responses of "does not apply" were excluded from the results.

Family members were asked to indicate their level of satisfaction to the following questions:

5. My child has made progress in **education** while in TJJJ
6. My child receives the necessary medical **treatment**.
7. I get timely responses to my questions about my child's **medical care**.
8. I am notified in a timely manner when my child is seriously **sick or injured**
9. The case manager has involved me in my child's **individual case plan** and the planning for his/her return to the community.
10. TJJJ is helping my child make **positive changes**.
11. I am able to **reach staff** when I have questions.
12. I am **treated with respect** when I visit TJJJ facilities.
13. **Grievances** that my child has filed are handled in a timely and fair manner.
14. My child is **safe** at the current TJJJ facility.
15. My child is given the **opportunity to worship** in the religion of his/her choice.
16. The **family liaison** assists me in communicating my child's needs to other TJJJ staff.



Although the lowest satisfaction rating is listed in the area of notification to families of an illness/injury to their youth, it is an area where the satisfaction rating showed improvement.

Some trends noted in the survey:

- Families want better and more frequent communication regarding their child from all departments.
- GED attainment and vocational training is valued by families.
- The Spanish speaking families give more favorable responses when compared to the English speaking families
- The number of families participating in the survey continues to increase
- The agency’s ratings on services as perceived by families is improving

English Responses/Spanish Responses

A contrast was made between English-speaking and Spanish-speaking families who responded for both secure facilities and halfway houses. **The Spanish-speaking families appeared to be more satisfied in all areas**, with safety of youth being the closest in response similarity. Only 45 Spanish surveys were returned, thus these results may lack statistical significance. Not all participants answered all 12 questions, and only the responses for “agree”, “strongly agree”, “disagree”, and “strongly disagree” were included in the analysis. Responses of “does not apply” were excluded from the results.

Q	Topic	ENGLISH % Agree*	SPANISH % Agree*	Difference
5	Education	83%	93%	+ 10%
6	Medical Treatment	78%	95%	+ 17%
7	Questions re: Medical Care	75%	93%	+ 18%
8	Notifications re: Illness/Injury	72%	83%	+ 11%
9	Re-Entry Planning w/Family	78%	95%	+ 17%
10	Positive Youth Changes	83%	93%	+ 11%

11	Availability of Staff	79%	88%	+ 9%
12	Families Treated w/Respect	87%	95%	+ 9%
13	Grievances Resolved Timely & Fair	81%	89%	+ 8%
14	Safety of Youth	80%	81%	+ 1%
15	Religious Freedom	88%	100%	+ 12%
16	Family Liaison Support	88%	100%	+ 12%

**Responses that “strongly agree” or “agree”*

Secure Facilities Only (English & Spanish)

The following indicates the percentage of families who have youth residing in a secure facility who selected “*strongly agree*” or “*agree*” to the satisfaction survey evaluative questions. Those percentages that fall below the overall score appear in red font. It should be noted some of the sample sizes were very small and the average number of responses for all of the questions appear in parenthesis after each facility name. Not all participants answered all 12 questions, and only the responses for “agree”, “strongly agree”, “disagree”, and “strongly disagree” were included in the analysis. Responses of “does not apply” were excluded from the results.

Question Topic	Average for all SECURE FACILITIES	Evins (70)	MRTC (13)	Mart (28)	GaSS (43)	Gidd (39)	RJ LT & O/A (11)
Education	84%	88%	77%	72%	86%	83%	90%
Medical Treatment	78%	90%	86%	69%	82%	67%	55%
Questions re: Medical Care	76%	87%	79%	72%	81%	55%	70%
Notifications re: Illness/Injury	72%	75%	77%	64%	87%	50%	86%
Re-Entry Planning w/Family	80%	88%	86%	81%	86%	59%	77%
Positive Youth Changes	83%	91%	71%	72%	86%	76%	92%
Availability of Staff	78%	86%	71%	74%	79%	67%	85%
Families Treated w/Respect	87%	91%	93%	93%	86%	83%	73%
Grievances Resolved Timely & Fair	81%	85%	90%	79%	88%	77%	20%
Safety of Youth	77%	71%	92%	68%	89%	68%	92%
Religious Freedom	90%	97%	86%	89%	93%	74%	86%
Family Liaison Support	90%	97%	93%	92%	93%	71%	79%

**Percentages reflect the number of responses that agreed and strongly agreed with the survey question.*

Halfway Houses Only (English & Spanish)

The following indicates the percentage of families who have youth residing in a TJJD-operated halfway house who selected “*strongly agree*” or “*agree*” to the satisfaction survey evaluative questions. Those percentages that fall below the overall score appear in red font. It should be noted some of the sample sizes were very small and the average number of responses for all of the questions appear in parenthesis after each facility name. Not all participants answered all 12 questions, and only the responses for “agree”, “strongly agree”, “disagree”, and “strongly disagree” were included in the analysis. Responses of “does not apply” were excluded from the results. If a question response is blank in the table below, that indicates no response was given to that specific question by those who participated in the survey.

Question Topic	Average for all HWHs	AYR (5)	BRW (0)	COTT (1)	MCF (12)	SCHF (18)	TAMY (4)	WLBY (3)	YORK (1)
Education	95%	60%		0%	100%	100%	100%	100%	0%
Medical Treatment	95%	60%			100%	94%	100%	100%	100%
Questions re: Medical Care	95%	60%		0%	90%	100%	100%	100%	0%
Notifications re: Illness/Injury	89%	75%			100%	87%	75%	100%	100%
Re-Entry Planning w/Family	86%	80%		0%	83%	83%	100%	100%	100%
Positive Youth Changes	98%	80%		0%	100%	100%	100%	100%	0%
Availability of Staff	95%	60%		0%	100%	94%	100%	100%	100%
Families Treated w/Respect	97%	75%		0%	100%	100%	100%	100%	0%
Grievances Resolved Timely & Fair	93%	33%			100%	100%	100%	100%	0%
Safety of Youth	98%	80%		0%	100%	100%	100%	100%	100%
Religious Freedom	98%	100%		0%	100%	94%	100%	100%	0%
Family Liaison Support	92%	50%			100%	93%	100%	100%	100%

**Percentages reflect the number of responses that agreed and strongly agreed with the survey question.*

Responses by Length of Stay

A contrast of survey responses was made based upon length of stay in all types of facilities and including English and Spanish responses. We contrasted responses from families whose youth had been in a residential placement less than one year and those whose youth had been in a residential placement longer than one year. The number in parenthesis indicates the average number of responses to all 12 evaluative questions. Not all participants answered all 12 questions, and only the responses for “agree”, “strongly agree”, “disagree”, and “strongly disagree” were included in the analysis. Responses of “does not apply” were excluded from the results. It appears that the longer youth are in a residential placement, the more dissatisfied families became.

Question Topic	% Agree ALL RESPONSES (243)	Agree 0-12 MONTHS (154)	Agree 13+ MONTHS (90)
Education	85%	88%	80%
Medical Treatment	81%	84%	76%
Questions re: Medical Care	78%	81%	73%
Notifications re: Illness/Injury	75%	81%	64%
Re-Entry Planning w/Family	81%	83%	77%
Positive Youth Changes	85%	86%	82%
Availability of Staff	80%	83%	75%
Families Treated w/Respect	88%	89%	87%
Grievances Resolved Timely & Fair	83%	85%	78%
Safety of Youth	80%	82%	76%
Religious Freedom	90%	90%	91%
Family Liaison Support	90%	94%	83%

**Percentages reflect the number of responses that agreed and strongly agreed with the survey question.*

Methodology:

Several departments, including Education, Youth Rights, Health Services, Treatment and Case Management, Family Support Services, and Chaplaincy Services submitted questions for the Family Satisfaction Survey. The survey was made available to families during September 2014 through August 2015 in several ways: (1) families were mailed a survey that included a stamped and self-addressed envelope, (2) a survey was emailed to families who owned a computer, and (3) surveys were available during visitation. All responses were confidential unless the family indicated they wanted to be contacted regarding their responses, in which case they provided their contact information. Fifty (50) of the family members taking the survey gave their contact information for a follow up call, and all but 4 were reached. The survey was made available in English and Spanish.

We have worked on increasing the number of families who respond to the survey. This year there were **272 surveys completed**: 227 in English and 45 in Spanish. This was a significant increase from the 129 surveys completed in 2014 (114/English, 15/Spanish). Based upon the average daily residential population of 1,300, this response represents roughly 21% of TJJD families.

Specific Feedback by Question:

The results of the Family Satisfaction Customer survey should be used as benchmarks for setting department goals and measuring customer service to this group of stakeholders. The following questions are broken down by the service type and/or department. The comments are written verbatim with no editing to content. There are several departments whose customer service standards are directly addressed in this survey. It is hoped that as the Family Customer Satisfaction Survey results improve, the family engagement in our facilities will also increase. Youth who stay connected with their families have fewer behavior incidences per month and a higher grade point average according to a study by the Families as Partners group which was published by the Vera Institute of Justice in 2013.

EDUCATION:

#5 My child has made progress in education while in TJJD

In the FY2014 survey, 80% of families responding agreed their youth was getting a quality education. In 2015, the level of satisfaction increased to 84%.

Comments include:

- On the education part, I really don't know.
- I think TJJD has satisfied my expectations.
- Got his GED.
- I am grateful that my son's academic grades didn't diminish when in TJJD.
- My child currently takes college courses.
- Has only been there a week at this point.
- Don't know.
- I see a change in him and I want the best for my child and see a bright.
- She passed her GED.
- I feel there is room for improvements.
- Graduated--but college courses were discontinued. Not fair.
- Has high school diploma.
- He should be a high school senior and he is a sophomore.
- Very little one-on-one help.
- I am proud of my son. He has come a long way. He has progressed a lot.
- Has not earned many credits, still classified as freshman, should be senior, came in a freshman.
- My child is 17 years old and has not progressed to the grade he should be in. He is still in 9th grade. He should be in 11th.
- He has constantly gotten into trouble since he has been placed. He is no different from being at home.
- How would I know? How will it be decided what grade he will be in or how many credits he has accrued?
- My son has made a big change in his behavior and the way he thinks. Our conversation shows me this.
- I see some improvement.

- The staff has been great, he tends to slack.
- When you've been abused by staff and unable to come home. The TJJD is not the appropriate place for a child.
- Nothing but abuse from staff and poor leadership in education. They prefer a GED or a high school.
- He's still average on 1.5 stage level, not much improvement. He is still having some issues; he's trying but the staff is working & keeping me updated on his status.
- He received his GED but has shown failing grades since then.
- I see some improvement.
- I am most appreciative.
- Not allowed the opportunity to advance in education.
- My son has just recently started to make remarkable progress.
- He has been having trouble advancing to the next levels because they are always short-staffed, this is holding him back from advancing in anything.
- I realize that much of this falls to the children but personally, my child has not made progress.
- There is absolutely no explanation of the process, goals, or accountability in the system in Kaufman County.
- He attends at the alternative center, and per state testing, it is not acceptable. He is not receiving a proper education while at this facility for a fineable misdemeanor offense. Theft of \$120 which he admitted to and money was returned to library at Nimitz.
- It seems like he is still having issues with his anger.
- Does not get proper education for age/grade level.
- Not sure. I have only received 1 report.
- He needs his high school diploma not a GED. I don't think these kids should settle for less.
- Very good.
- He is really ready to get all the schooling and work done all here as possible.
- I haven't heard much.
- No I have not received a report card in about 3 months or longer.
- I had to call and see why my son was not getting his credits. And no one knew why he was not, so we had to change his educational plan to him getting his GED because they were not keeping track of his educational progress.

MEDICAL SERVICES:

#6 My child receives the necessary medical treatment.

In 2014 76% of families responding agreed that their youth received proper medical treatment. This year, 78% agree that their youth receives the necessary medical treatment.

Comments include:

- He was taken off depression medication without even titration of the dosage.
- I don't know if he has had any medical treatment.
- Not sure, I am not aware. I wasn't told he had a broken hand only to find out by another child inmate
- Cannot answer that.
- I don't know
- When I came on a visitation my son had problems with his eye and they didn't check him until the next day.
- My son's case worker showed a sincere concern about my son when I explained he needed glasses to see well.
- Doctors not always available.
- Only been there a week.
- Don't know.
- I want him to get more treatment counseling for himself and family counseling.
- You may call for specifics.
- She needs dental floss and has requested. She has asked for acne medicine.
- Not receiving all meds. She's told not needed.
- At this moment he has refused to take medicine because of headaches, nerves, lack of sleep etc.
- No! Because when he was sick they told him to drink water and walk it out and he'd be okay!
- Wish needs were met in a more timely manner.
- He takes his meds only as he feels like it.
- Not made aware.
- I do not know what medicine he is taking. It is discussed with the juvenile, not the guardian.
- My son has not been ill or injured.
- My son has a sleeping and anger problem.
- Takes too long for my child to be seen.
- His sugar has been low and he has not been taken to medical treatment out in the free.

- His face broke out. He told me they don't provide soap or treatment for his skin rashes.
- The staff is helping him but he has been in an refusing behavior mode.
- He would behave to receive the treatment he needed.
- Scheduling took a while but he got seen after numerous emails and calls.
- He had a rash the whole time he was there. My doctor said he was to be on A.D.H.D. meds.
- He has bipolar disorder as well as chemical dependency issues and is a child in crisis. He was victim of sexual abuse. This was reported. His medication has been changed to Sertraline and Seroquel which is also has side effects and increased risk of diabetes and has not received needed counseling since August 11, 2014. He was inpatient at Right Step Program in Euless Texas. Dept. refuses to release to mother or intensive out pt. services in Ft Worth Texas, Parents moved specifically so child could get adequate educational and emotional supports offered in new community which are not adequate for teens within Ector County Odessa Texas.
- My child was taken of his ADHD medication...ever since he was 5 yrs. old he has been on meds....according to Evins they don't have his medical records...from doctors he has seen.
- My son is taking two new psych meds and I would like to know how he is doing.
- Has not received orthodontist care since he got there.
- Staff used pepper spray on my child and staff broke his teeth; still not fix. He has a rash and no cream. I had to call to get his hair cut 4 times.
- He was on medications for mood disorder, was taken off and is yet to be re-evaluated to see if medication is still needed or not.
- I was not pleased. When he sprained ankle, I felt he could have gotten a doctor to order support for his ankles and knees.
- Although he seems to be doing better, we think he should possibly be on something else for ADHD.
- I don't know except what is told to me.
- He was on allergy medications at home due to hay fever. He was taken off of them as soon as he was admitted. He has spoken to us about his allergies, but does not feel comfortable talking to the Dr. To begin allergy meds again.
- His skin broke out I called the medical staff and they were professional. However you prescribe a child medication then you stop it during treatment.

#7 I get timely responses to my questions about my child's medical care.

Last year, this question reflected 67% of families agreed their questions regarding medical care were addressed in a timely manner. In the 2015 survey, 76% of the families indicated satisfaction.

Comments include:

- I was told I would receive a call back when I asked about the medication change, but never received one. I finally received a letter notifying me of the change 15 days after it occurred.
- I don't know.
- No, when I ask anything about my son, I am asked to speak to a supervisor and I am talked to a rude manner.
- How about never getting return calls!!! How about money that disappears!! Need I go on?
- Umm not sure.
- When he went to see the doctor I was not notified, my son told me.
- Most of my answers come from the family liaison.
- Only been there a week.
- Was notified by Nurse Matthews about physician consult R/T my concerns about his C/O hunger.
- May take a couple of days but I get the information.
- You may call for specifics.
- This has been a big problem with Ms. Flock and Ms. White, but Ms. Bean has been more workable.
- Haven't been notified of meds being discontinued.
- Honestly I wouldn't know
- Every time I have asked about meds I always get answers.
- No, because they don't tell me, my son does!
- Got notified about meds but not injury during basketball.
- No Spanish speaking personnel.
- No one communicates with me. At one point they did after my continued phone calls. Now I really don't know his progress anymore.
- Never notified of anything.
- Has not been ill or injured.
- My child was very sick with the flu and it took days for him to receive medicine. His hand was hurt and I was never told.
- Always have to play phone tag.
- No I don't, I either get brushed off or they just don't give a

- The staff keeps me up to date on my son.
- I am not updated by the school about his medical care.
- It was difficult to get information about his surgery and recovery. I have received notices for medication changes in the mail.
- Never asked, however one time he should have gotten MRI vs. X-ray-(soft tissue).
- Every time we call or email we never get a response, this is having to take time from work and our busy schedules to keep calling and trying to follow up with different people, making it very hard for us to get any information.
- I was never notified when my son was placed on medication or the fact they switched his Rx.
- Told ya'll he was to be on meds never had him checked.
- We have found it difficult if not impossible to get direct answers about anything.
- No callbacks or emails
- Go a long time without hearing anything-- say he's ok.
- I left message for a nurse and was called back in a few minutes time.
- They did call me but I thought I could get some better care.
- I never really hear anything about my child unless it's from my child.
- Sometimes I do and sometimes I don't.

#8 I am notified in a timely manner when my child is seriously sick or injured

In 2014 60% of families reported that notification of youth being sick or injured were reported in a timely manner. In 2015 that percent increased to 72%.

Comments include:

- I have never been notified about anything not even when he is being transferred to another facility I know nothing about my child.
- Been assaulted several times that we were not notified. We actually fear for his life!!!
- His mother should know.
- I am never notified my son is who tells me.
- They call me when they get in in some kind of trouble.
- Have not heard either way.
- We don't know.
- No incident reported.
- Honestly I wouldn't know
- Thank God he hasn't gotten sick or seriously injured because he is always in our prayers.
- My child hurt wrist and I was not notified of injury or what was being done.
- Never notified unless he calls me.
- My child has been attacked and had knots etc. on his head. I never get phone calls even when he has sinus infections etc...
- Was assaulted by another child and found out from my son when he called.
- Not aware of any injuries.
- He has not gotten sick or injured.
- Always days later or I have to find out during a visit.
- Never had an incident.
- Yes, the staff keeps me updated.
- I have only been notified by my son, at visit and never staff.
- I have never been notified when my child has been sick.
- I was only notified by mail regarding an investigation when my son was hurt by another student. No phone call or e-mail.
- Child sounds tearful and upset, irritated, and not healthy mentally at this facility. Forced to clean up diarrhea in shower even when stated he was not responsible and also is on known medication which causes adverse side effects.
- He was taken to a bone specialist...and I was never notified about it...my son was the one telling me
- Never been notified, has been sick several times.
- My son call me and I call staff to make sure he ok. Poor staff.
- So far not sick or injured.
- I have not been contacted.
- There are times he is sick and I am not notified. Especially with his allergies.

CASE MANAGEMENT & TREATMENT

#9 The case manager has involved me in my child's individual case plan and the planning for his/her return to the community.

Last year, the families responded with a 69% agreement that they were involved in the re-entry planning of their youth and in 2015 the percentage increased to 80%.

Comments include:

- I've not been informed even who his case manager is. I have no idea what the plan is for him.
- Not yet
- She doesn't answer any of my calls and she doesn't make an effort to explain the things right to me as a concerned mother. I would like to know what my child's case plans are, what have they determined and what is in the best interest for my child I care for my son he is not alone.
- Sometimes. Not very often though.
- Doesn't tell me anything.
- My child's case worker was able to communicate and have him open up to her about concerns that he had about his future.
- Not as much involvement as I would like.
- Only been a week, but has had lots of interface.
- No clue.
- He is very helpful and gets me the information I really need.
- You may call for specifics they cannot always confirm appointments. I have a voice message paraphrasing it is time. Call right now!
- Some could be more of a people person.
- Called one time at the beginning.
- During my son's 7 mo. stay, he has had 3 caseworkers.
- First case manager was always communicating but lately Huerta has no communication.
- Love Mrs. Majors.
- I call him or he calls me and answers my questions.
- I have asked to be included in monthly level check-ups only Ms. Dancer had me on speaker phone. I have never spoken to the case manager since my child transferred from Regina Dancer's caseload. Ms. Dancer was great to communicate with. Mr. Fondon has never included me.
- Has never communicated with me.
- I use to get called now they do his ICP and I have to ask my son when he calls me.
- Somewhat, past more so, less as time goes by.
- Currently has no return home date.
- This is only discussed with the minor.
- I have been very happy with the phone calls I get concerning my son.
- Mrs. Martinez and Mr. Anderson have been completely unhelpful. I have been told many times that my son was coming home only to be let down again and again. I am being notified after the plan decisions have been made. No notification.
- He has a great case manager and I thank him a lot.
- Case manager never has answers about his progress here.
- I get a call when he's in security, not ever good.
- The caseworker is amazing; she is so great keeping me updated and working with my son.
- High turn-over in case managers while at Giddings. Some involved me at random times. While at Ayres House, the case manager has always involved me.
- He does not update or call me.
- Our case manager works with my son and allows him to call to communicate his progress often. She has been wonderful in helping him see his goals.
- After 5 case managers later, I feel I have great communication, before 8B they never contacted me.
- Since my child arrived there he has had numerous case managers and not one of them ever contacted me. Although every time I tried to get information from them I would call and leave voicemails and never get a response I would also send emails and still no response.
- Ms Danielle Moses was fabulous but she has left and I contact my Family Liaison in the interim since I don't know who's taking over temporarily.
- The case plan required counseling to be completed before he goes back in front of a judge. It has been used as a punishment.
- Never spoken with case worker.
- In fact, they have gone against the best interests of the child and gone to extreme measures to make sure his parents have no say or involvement in his care whatsoever.
- They do not take any written statements or verbal recommendations. Judge states that what I say does not matter in regard to my child.
- Mrs. Anderson keeps me fully updated on Isaiah's progress.

- 1 phone call.
- Rarely do I hear anything.
- Ms. Moon made my visit very good.
- Feel like there could be more communication between the case manager and us.
- Caseworker never calls me or notifies me of anything.
- I heard from case manager once. It was to ask if we were coming to family day.
- Steven Martinez at Evins is never available when I have questions. Concerns about my son...I leave messages he never returns...last time I talked to him was at my sons ARD meeting and he says it's because he has three positions in the facility. How can he have 3 positions....I don't understand how that can be....pls check on this caseworker because he is doing more harm to the juveniles than helping them and be successful.
- He did call me about 3 weeks ago.
- His old case manager I seen a positive change in him. After they moved him to a new dorm I have no clue who is his case manager. Please inform me as a parent I should know who is the person coaching him to transition him back into society.
- The last two MDT's I have not been called.

#10 TJJD is helping my child make positive changes.

In 2014 80% of the families agreed that their child was making positive changes while in TJJD. This year, 2015, the percent has increased to 83%.

Comments include:

- When he was in Brownwood he graduated. He was moving though the program as a good kid that wants to get out and succeed. Should and wants to unfortunately because I am not being told exactly what it is I need to do as part of his probation or his is not being told what his case plan is to get our lines are getting crossed and confusion is setting in and he's not getting out and staying out. But believe me he wants to. He's a good kid; he tries harder than most in there to succeed and get out.
- He would have been better off on house arrest!!!!
- He learns more bad habits and vices here.
- Only been there a week but have had lots of interface.
- No clue.
- Not 100% sure.
- Somewhat but still many issues.
- Yes, thank God. He is still struggling but in TJJD he received 2 bible study certificates.
- At least TJJD is trying I feel.
- I do not see any changes.
- My child has become more of a criminal in this facility than he would have been at home criminal thinking, tattooing, fighting, etc.
- Possibly trying to help him, but he has not changed. Maybe even worse.
- My child has been exposed to many things that are not part of everyday life such as violence.
- Could be better.
- No, how is it changing him when he can't even come home to his family.
- The staff is helping my son but at times he is in refusing behavior mode.
- I agree and disagree. I think the kids have way too much free time and need more constructive activities to keep them busy.
- I believe they have tried.
- Most definitely.
- Programs have helped but still have glitches in advances for GED.
- My son chose not to participate in programs but staff continued to work with him and he is finally taking the opportunity to participate and work with the staff.
- I believe there is too much emphasis on the negative and not enough on the positive. There appear to be many staff members who "go through" the motions and see their work as a job rather than helping children.
- I have been amazed by the way things are twisted to suit the desire of the facility and staff. Extortion is one such term and to hold counseling from there is wrong. To be honest, there is a list of things one could discuss.
- Again, there is no accountability. All this system is a paper trail that makes it look like people are doing their job. The best interest of our child is not being taken into consideration. Instead, it's what is in the best interest of making the probation officers jobs easy.
- Still having outbursts.
- Not sure.
- He should not be here, he's innocent, never touch me. The judge was looking just to sentence kids she promised to release him.
- I hope so.
- Too soon to tell.
- He has negative behavior now that he never had at home, such as hitting, spitting, cursing, etc. WHY??

- I don't know except what I am told.
- The counselor has reinforced my sons feelings of entitlement, and that he should be given things he as not earned.
- TJJD is supposed to be rehabilitating these kids. I have heard and seen changes at TJJD that is only going to make them antisocial and better criminals at an earlier age. For instance cutting down visitation and limiting to only 2 visitors at time. Some parents are single and have other responsibilities to smaller kids and have more than one or have no one to care for the children and have to take them with them. When you sterilize the visitation you are sending a mixed message to these kids you are supposed to be rehabilitating and introducing back into society as productive citizens and not hardened (young) criminals.

YOUTH RIGHTS

#13 Grievances that my child has filed are handled in a timely and fair manner.

81% of the respondents were in agreement that the grievances are being handled timely and in a fair manner.

Comments include:

- They do not notify me of the outcomes.
- Think I have heard Sarah say she may have somewhat a problem.
- I think she has but I can't say for sure.
- My child has tried to use the blue phones. I was told he could not use them.
- Never, but they are sure to call when he does something.
- Yes I think so.
- Sometimes I won't find out until 6 months after the investigation.
- Sometimes handled properly.
- I don't say anything in fear of the backlash hitting the kid.
- We have been fearful of filing any grievance because each time we have questioned anything, our situation worsens.

RELIGIOUS RIGHTS

#15 My child is given the opportunity to worship in the religion of his/her choice.

This year 90% of families agreed their child has religious freedom and last year 86% were in agreement.

Comments include:

- Have not baptized yet.
- I appreciate that religion be recommended and offered.
- Hope so.
- I think I have heard Sarah say something confirming.
- Am thankful for many Christians there.
- Don't know whether he chooses to worship.
- Yes, we are Christians but he has chosen to attend Catholic services we support him.
- My child had to change his religion just to go to church.
- He has never been asked to go to a service.
- No regular service.
- Not sure.
- No, he's a Jehovah Witness and I don't want him attending any church worship.
- Yes he is able to participate when he is not retained from his privileges do to his behavior issues.
- Thank you for this.
- Needs regular services.
- There's been no worship services due to short staff. Now I understand there is no pastor. That's not a good thing because these boys need their spiritual needs expressed.
- Does not go due to gangs using this time in church.
- Our child has been banned from attending his church even though there is no issue with contact between the victims in the case because the probation department wrongly enjoined contact between he and his mother.
- My child was not allowed to receive brochures (Charles Stanley) to help and direct his moral ethical decisions.
- He studies Jehovah Witness not church.
- Wanted to be baptized, but chaplain has seemed to have ignored the issue. We would like to know why this has been ignored.
- Do you have Catholics at Evins?

- Pastor did ask for permission.
- I am not sure.

FAMILY LIAISON SUPPORT

#16 The family liaison assists me in communicating my child's needs to other TJJJD staff.

There was improvement in the number of families that agreed that the family liaison was assisting them in communicating their child's needs. Last year 64% of respondents reported being assisted by the family liaison and this year 90% of the families reported being assisted by the family liaison

Comments include:

- Who?
- Mrs. Black always gets back to me and helps me with everything I need.
- Mrs. Sessions and all the staff is very informed and helpful with information about my son and various resources offered to help me and my son.
- Bob Contreras is my direct connection and I am very grateful.
- Cannot confirm this statement.
- We were told by a lady we only talk issues to the dorm counselor.
- The family liaison writes us and informs of any changes etc.
- She always calls me back and answers my questions.
- Mrs. Garrity has been great to work with and I feel when I contact her she really tries to help.
- I cannot communicate with him.
- Most times Ms. Garrity is great.
- I always talk to the case manager.
- Try to work with case manager.
- Never met her/him, been contacted by her or him. Don't know her/him.
- I've only called a family liaison once and she was unable to answer my question.
- No, I don't hear from her at all.
- Yes they are there to help always.
- I have to reach out to the family liaison.
- I love working with Ms Veronica Moore. She's a calming presence and she is there for us without fail!
- We have continuously asked for help in communicating since the beginning of our case 6 months ago. I am unaware of the existence of any liaison.
- Huh, did not know there was a family liaison.
- I have spoken with her more than anyone.
- I just meet her and no reason too from her.
- I'm not sure.

OVERALL IMPRESSIONS

#11 I am able to reach staff when I have questions.

This percentage of parents in agreement to the accessibility of staff stayed the same at 78% from last year to this year.

Comments include:

- I get answering machines and no returned calls and if I do get a hold of her I start getting harassing calls from other inmates and or she is rude and or refers me to her supervisor I have a major concern with this.
- They never call me back.
- Depends on who I am trying to reach.
- The only person I can rely on contacting me quickly is the family liaison.
- Great so far.
- Phone tag. 6 calls.
- Sometime it takes a week but I get a call back.
- You may call for specifics.
- My wife has waited up to 3 to five days for a return call. They even say they call but our iPhones proves different. They keep getting phone numbers wrong.
- Mr. Longoria, his case manager is the only one that returns our calls.
- Yes if he is not in office he has returned my calls in a timely manner.
- Mr. Fondon not easy to reach.

- Sometimes I can get through to his case worker if I leave a message with medical, or the man over the facility no one calls me back.
- Wanted to talk with a supervisor about the assault and i received no call back.
- I have always had response from someone.
- I have called case managers and counselors and left messages that didn't get returned for days.
- It always takes days for me to get a call back.
- Always get voice mail, take forever for a call back.
- I always be able to call and talk with staff and get updates.
- I am able to leave a message if the counselor is not in and he always returns my calls.
- It has been difficult to get return calls from staff.
- Yes with current case worker on 8B.
- Staff never responds to any of the emails or voicemails that I leave.
- Lot of times never got a call back.
- All questions we had asked regarding the process and reintegration goals have been avoided or juggled around. A tells us to ask B, and B tells us to ask A. No one seems to have any answers or know what the process and goals should be for our situation.
- Mostly I will receive voice mail. Or probation officer or aftercare officer is out for training and I cannot reach them by phone.
- Left message several times without receiving call back until I notified supervisor.
- Leave messages no callbacks.
- Never able to. No call backs; poor staff and workers.
- In the beginning yes, after six months no.
- In the past have not received return calls from case manager. Has a new one this time, so we will see if we get return calls. Also, chaplain has not returned calls. Have not had a problem with other staff, such as family liaison and medical staff.
- At Evins, the only ones that answer are the operator and the voice on their inbox...NEVER AVAILABLE!!
- The staff never returns calls or emails. You just have to keep calling till they answer.

#12 I am treated with respect when I visit TJJD facilities.

There was an improvement to 87% in the overall satisfaction rating for this question from last year's 77%.

Comments include:

- Have not visited yet.
- I am very sorry because I have not been able to visit my son because I don't have the money to do so.
- Always.
- Some of them are real respectful and some others have bad manners.
- The entire staff is extremely professional and helpful each time I call with questions.
- Haven't been able to visit yet.
- Have not been financially able to visit.
- The people as we first come in are the sweetest folks. We drive from the county of Lamar to you. We are tired. Two times they have lost our keys but we laugh and cut up to keep from frustration. We had a serious issue with a gentleman. He called my daughter a jugulate and she called him a Juggle. This is a clan related name influenced by a singing group ICP. My daughter told untruths about me and then gently lied about me. My wife heard most of the conversation between the two of us. I was accused of being violent. This is not true and I did not dispute the comments made to me. It feels it was an intervention and nothing was done. They closed the case due to elapse time.
- Yes, staff are polite and very proper.
- Yes, but there are different rules all the time. No one is on the same page. All guards do different things.
- Never visited.
- Unfortunately I have not been able to visit Mart since he has been there.
- Have not been there yet.
- Have not been yet.
- They take forever at the gate to get you signed in; you have to wait over 30, minutes for a visit to begin at the gate. If there is a problem at the gate, they need to move others to the side and get the line moving.
- Staff is ok and respectable.
- All staff shows me and others respect every time we visit my son. The guards in the front are very rude and do not help in answering any questions.
- There continue to be staff members that are rude and give the impression that they are being "put out" when questions are asked or during visitation.
- It would be nice if every time I came up the rules would be the same.
- This facility staff amazed me. My first experience was when I showed up about 15 minutes early and the lady told me visitation did not start until 1pm. I stood outside in the heat waiting 15 minutes. Since I did not have a watch on me, I did not know what time it was. Knowing I was outside waiting does she let me know.

NO! Then it took over 15 minutes to get logged in. I could have been logging in during this time. Not impressed with the way they talk to you since I am not the one who did anything wrong.

- In fact I have recordings of visits since a misunderstanding and officers lying about what was said, they had refused to put it in writing. I have been verbally abused on multiple occasions, and again, I have audible proof.
- It's a hassle visiting my son. Staff is not consistent with visiting rules. Sometimes they ask for my kids certificates...at times they don't...when I brought this to the attention of superintendent I was told that he could cancel my visit.
- The front staff sometimes has been rude and just plain jerks.
- Very nice staff.
- Staff is very respectful and courteous.
- The staff has always greeted us promptly and been very nice.
- I haven't visited yet.
- In visitation, the JCO listens to our conversations and even laughs when we laugh we have to lean in an whisper.
- It depends on which staff we interact with. There are many at Giddings that are incredibly rude and discourteous.
- The rules and regulations are different every time I visit my son depending on which staff is working that day/time.
- We had a minor issues when they first changed the new system about not letting me visit my son.

#14 My child is safe at the current TJJD facility.

There was a drop in the overall satisfaction rating to this question: 77% in 2015 vs. 81% last year.

Comments include:

- Sometimes my son has been attack bad.
- It's a prison for kids. Is HE?
- I don't think so because a lot of things have happened.
- He wrote me letters saying that he gets jumped.
- Exposed to a lot of bullying, puts himself in security to get away from bullying.
- My son was at a previous facility where he stated was not safely monitored. He claims to feel more comfortable at the Schaeffer House.
- Going on my faith that she is. Communication with facility has been great.
- I can only hope.
- He's okay but I feel staff can be more patient with the kids and talk to them like humans.
- This is comforting.
- This is one reason I can sleep at night.
- Narcotics has been found for the past 4 months and this facility has not been able to resolve this problem.
- I disagree because of different gangs but our son is in God's hands and we trust in the Lord.
- No, sometimes he has someone bully him!
- I hope and pray a lot this is true.
- I believe because I never get communication otherwise.
- My child has been attacked numerous times even in his room that he was asleep in.
- Somewhat.
- Two assaults in 30 days by same aggressive child.
- To my knowledge he is in no immediate danger.
- Stacy Scott repeats to harass and pick at my son.
- He is only safe until the next gang member wants something.
- Very safe and happy.
- I feel my child is afraid when things go wrong. When he says something, he is afraid of retaliation.
- No, he has been attacked by staff at night and had his teeth knocked out, face bruised, and had mace put in his face for nothing.
- Yes & no. I think he is safe because he is on a secure unit where staff can help him. But I know there are difficulties.
- At times in certain situations.
- When several guards were found bringing in contraband items such as drugs, I feel that nothing was really done to protect my child.
- I think the staff does the best they can under the circumstances of being short staffed along with high risk problem students that take time away from those wanting to succeed and go home.
- I believe more could be done to provide a safer environment.
- Don't know about the new place. He just got there.

- Not counting the times he has been jumped for food or what?
- He is currently in the safe care of a family member. However, because we know nothing of the procedures and operations of the probation office and have experienced such mistreatment, we feel very unsafe and do not trust the care or situations our child has been placed in since beginning this process.
- He tested positive to marijuana...how safe can this be.
- Staff member on night shift are abusive.
- No comment because he has been hurt.
- I hope so.
- He is constantly bullied.
- They always in lockdown...kids get stabbed with pencils...horrible.
- I don't know.
- Have received several notices and seen in the paper, about abusers working at the facility he is housed at.
- There is too much that goes on that staff members turn a blind eye to.
- Not at all. They move these children to different housing locations so then they have to get familiarized with another group of people and usually that's when the conflicts begin. They need to be house according to level of offense.
- I don't know. I have heard of riots and other things happening at Giddings.

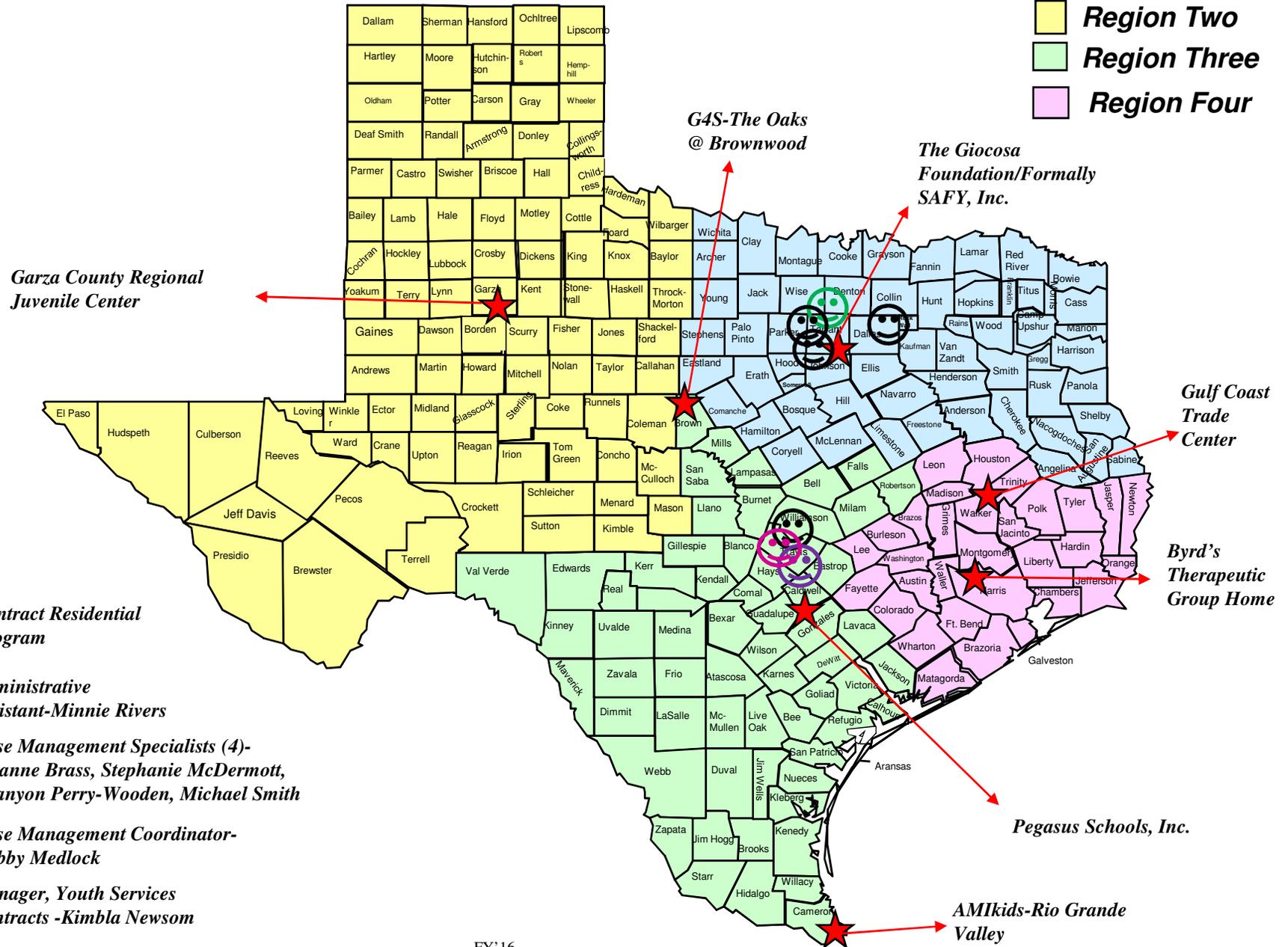
Region I (North/East Texas)	
The Giocosa Foundation/ formally SAFY, Inc.	Therapeutic foster homes in Ft. Worth/Arlington area that serves both male and female youth 10-18 years of age. *Medium restriction/non-secure home substitute program that provides individual and family counseling services; sex offender aftercare treatment (SO) ; Alcohol and Other Drugs (AOD) education and mental-health (MH) supportive services; and independent living preparation. Education services are provided in the community by the local independent school district. DFPS licensed; 2015 (1993)
Region II (West Texas)	
Garza County Regional Juvenile Center	Juvenile Correctional Center in Post, TX that serves male youth 10-18 years of age. High restriction/secure program that provides individual and group counseling services; AOD treatment (moderate); Anger Replacement Training (ART) ; moral reconnection therapy (MRT) and vocational services. Education services are provided on-site by the local independent school district. Garza County Juvenile Board certified; registered with TJJD; 1998
Region III (South/Central Texas)	
AMIKids – Rio Grande Valley	General Residential Operations Program in Los Fresnos, TX that serves male youth 10-18 years of age. *Medium restriction/non-secure program that provides individual and group counseling services; AOD treatment (moderate); ART (moderate) ; basic carpentry, welding, and basic maintenance. Education services are provided on-site by the local independent school district. DFPS licensed; 1985
G4S-The Oaks @ Brownwood	Juvenile Correctional Center in Brownwood, TX that serves male youth 10-18 years of age. High restriction/secure program that provide individual and group counseling; AOD treatment (moderate); Anger Management treatment group (moderate) . Education services are provided on site by the local independent school district. Brown County Juvenile Board Certified; registered with TJJD; 2013
Pegasus Schools, Inc.	Residential Treatment Center in Lockhart, TX that serves male youth 10-18 years of age. Medium-restriction/non-secure program that provides individual and group counseling services; sexual behavior intensive treatment program (high); ART (moderate) . Education services are provided on site by the local independent school district. DFPS licensed; 2014
Region IV (East Texas)	
Byrd's Therapeutic Group Home	Therapeutic Foster Group home in Houston, TX that serves male and female youth 10-18 years of age. *Medium restriction/non-secure program that provides individual and group counseling services; AOD treatment (moderate) ; psychological services. Education services are provided in the community by the local independent school district. DFPS licensed; 1982
Gulf Coast Trade Center (GCTC)	Vocational Trade Center in New Waverly, TX that serves male youth 15-21 years of age. *Medium restriction/non-secure program that provides vocational training in horticulture, millwork, cabinetmaking, stone masonry, bricklaying, desktop publishing, building trades, culinary arts, auto technology, construction carpentry, and paint and decorating. <i>Positive Peer</i>

	<i>Culture</i> treatment modality; on-site nursing services; anger management treatment (moderate); and AOD treatment (moderate) . Education services are provided on-site by Raven School. DFPS licensed; 1984
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*NOTE: the delivery of rehabilitative services (i.e. specialized treatment, education, employment, recreation, privilege activities, etc.) in medium-restriction programs can take place on site or in the community. DFPS-licensed facilities must have youth placed prior to 18 birthday.

TJJD Youth Services Contracts Department & Programs

- Region One**
- Region Two**
- Region Three**
- Region Four**



FY'16