

BOARD MEETINGS

MAY 19 - 20, 2016

Austin, Texas



TEXAS
JUVENILE  JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES



TEXAS
JUVENILE JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Board Meeting

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

1. Call to order
Chairman Fisher
2. Prayer
Rebeca Mata
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 April 1, 2016 Board Meeting minutes (Action)
Chairman Fisher | Page 15
7. Report from the Chairman
Chairman Fisher
8. Report from the Executive Director
David Reilly | Handout
9. Epiphany Volunteer Program presentation
Roy Bradshaw
10. Recognition of Dr. Patrick Holden posthumously for his outstanding service in the juvenile justice system (Action)
Tammy Holland | Page 27

11. Report from the Advisory Council
Doug Vance | Page 29
12. Report from the Inspector General
Roland Luna | Page 35
13. Report from the Administrative Investigations Division
Kevin DuBose | Page 37
14. Report from the Trust Committee
Commissioner Jimmy Smith
15. Discussion, consideration, and possible approval to authorize terminating the current lease between the Parrie Haynes Trust and the lessee of the tract of land in Milam County, to refund the paid lease amount for the remainder of the year to Kathy Rasberry, and to authorize staff to explore potential opportunities for the Milam County tract of land to generate money for the Parrie Haynes Trust (Action)
Kathryn Gray | Page 41
16. Report from the Finance and Audit Committee
Calvin Stephens
17. Discussion, consideration, and possible approval regarding the FY 2017 State Aid Funding Allocations (Action)
Mike Meyer | Page 45
18. Discussion, consideration, and possible approval regarding the Agency Strategic Plan for FY 2017 – 2021 (Action)
Carolyn Beck | Handout
19. Discussion, consideration, and possible approval regarding requested repurposing and transfer of the closed Corsicana Residential Treatment Center to Navarro County (Action)
Kathryn Gray | Page 51
20. Discussion, consideration, and possible approval regarding the proposed FY 2016 Electricity Provider contract (Action)
Kenneth Ming | Page 55
21. Discussion, consideration, and possible approval regarding the proposed FY 2016 Gaeke Construction Company contract (Action)
Kenneth Ming | Page 59
22. Discussion, consideration, and possible approval regarding the proposed Amendment #5 to the TechShare.Juvenile and Juvenile Case Management System-Basic Resource Sharing Addendum (Action)
Kenneth Ming & Jill Mata | Page 63

23. Discussion, consideration, and possible final adoption of proposed revisions and rule review for 37 TAC §§385.8165 (Site Selection for Juvenile Facility Construction), 385.8170 (Acceptance of Gifts of \$500 or More), 385.9969 (Collection of Delinquent Obligations), 385.9971 (Student Benefit Fund), and 385.9990 (Vehicle Fleet Management) (Action)

Mike Meyer | Page 67

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

Mike Meyer | Page 85

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

Eleazar Garcia | Page 97

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

Eleazar Garcia | Page 121

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

Eleazar Garcia | Page 137

27. Report from the Safety and Security Committee

Judge Laura Parker

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

Teresa Stroud | Page 141

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

Kyle Dufour | Page 147

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

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

Kyle Dufour | Page 165

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

31. Report from the Programs Committee

Mr. Riley Shaw

32. Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 341, relating to General Standards for Juvenile Probation Departments; 37 TAC §§343.616, 343.688, and 343.690, relating to case plans in secure facilities; and 37 TAC §355.654, relating to case plans in non-secure facilities (Action)

James Williams | Page 175

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

Royce Myers | Page 213

34. Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§385.8101 (Public Information Requests), 385.8107 (Petition for Adoption of a Rule), 385.8111 (Complaints from the Public), 385.8136 (Notices to Public and Private Schools), 385.8141 (Confidentiality), 385.8161 (Notification of a Facility Opening or Relocating), 385.8163 (Decentralization), and 385.8181 (Background Checks) (Action)

Karol Davidson | Page 219

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

Jim Hurley | Page 241

36. Closed Session – Executive Session

Chairman Fisher

- a. §551.071 Consultation with attorney (see footnote)
- b. §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)
- c. §551.074 Discussion regarding personnel matters
- d. §551.076 Deliberations regarding security devices or security audits

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

Chairman Fisher

38. Adjourn

Chairman Fisher

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



TEXAS
JUVENILE JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Trust Committee Meeting
11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Thursday, May 19, 2016 – 10:00 a.m.

1. Call to order
Commissioner Jimmy Smith
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Commissioner Jimmy Smith
3. Discussion, consideration, and possible approval regarding the March 31, 2016 meeting minutes (Action)
Commissioner Jimmy Smith | Page 247
4. Discussion, consideration, and possible approval to authorize terminating the current lease between the Parrie Haynes Trust and the lessee of the tract of land in Milam County, to refund the paid lease amount for the remainder of the year to Kathy Rasberry, and to authorize staff to explore potential opportunities for the Milam County tract of land to generate money for the Parrie Haynes Trust (Action)
Kathryn Gray | Page 41
5. Staff report on activities of the trusts
Kathryn Gray
6. Public comments
Commissioner Jimmy Smith
7. Adjourn
Commissioner Jimmy Smith

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Programs Committee Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Thursday, May 19, 2016 – 11:00 a.m.

1. Call to order
Riley Shaw
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Riley Shaw
3. Discussion, consideration, and possible approval regarding the March 31, 2016 meeting minutes (Action)
Riley Shaw | Page 251
4. Update from the Medical Services Director
Dr. Tushar Desai | Page 257
5. Career technology and industry certifications
Luther Taliaferro & Connie Simon | Page 277
6. Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 341, relating to General Standards for Juvenile Probation Departments; 37 TAC §§343.616, 343.688, and 343.690, relating to case plans in secure facilities; and 37 TAC §§355.654, relating to case plans in non-secure facilities (Action)
James Williams | Page 175
7. Discussion, consideration, and possible final adoption of rule review for 37 TAC §385.9981, relating to Sick Leave Pool Administration (Action)
Royce Myers | Page 213
8. Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §§385.8101 (Public Information Requests), 385.8107 (Petition for Adoption of a Rule), 385.8111 (Complaints from the Public), 385.8136 (Notices to Public and Private Schools), 385.8141 (Confidentiality), 385.8161 (Notification of a Facility Opening or Relocating), 385.8163 (Decentralization), and 385.8181 (Background Checks) (Action)
Karol Davidson | Page 219

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

Jim Hurley | Page 241

10. Adjourn

Riley Shaw

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Safety and Security Committee Meeting

11209 Metric Boulevard, Building H, Ste. A

Lone Star Conference Room

Austin, TX 78758

Thursday, May 19, 2016 – 1:30 p.m.

1. Call to order
Judge Laura Parker
2. Discussion, consideration, and possible approval regarding the August 27, 2015 meeting minutes (Action)
Judge Laura Parker | Page 279
3. Discussion, consideration, and possible approval regarding the November 12, 2015 meeting minutes (Action)
Judge Laura Parker | Page 287
4. Discussion, consideration, and possible approval regarding the January 28, 2016 meeting minutes (Action)
Judge Laura Parker | Page 301
5. Report from the office of the Inspector General
Roland Luna | Page 35
6. Report from the Administrative Investigations Division
Kevin DuBose | Page 37
7. Report from the State Programs and Facilities Division
Teresa Stroud | Page 309
9. Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §385.9941 (Response to Ombudsman Reports) and §385.9951 (Death of a Youth) (Action)
Teresa Stroud | Page 141

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

Kyle Dufour | Page 147

- a. Corey Hardy; 16-13671-160016; 13671 (Galveston)
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11. Discussion, consideration, and possible approval regarding the discipline of certified officers- default judgment orders (Action)

Kyle Dufour | Page 165

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

12. Adjourn

Judge Laura Parker

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Finance and Audit Committee Meeting

11209 Metric Boulevard, Building H, Ste. A

Lone Star Conference Room

Austin, TX 78758

Thursday, May 19, 2016 – 3:00 p.m.

1. Call to order
Calvin Stephens
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Calvin Stephens
3. Discussion, consideration, and possible approval regarding the March 31, 2016 meeting minutes (Action)
Calvin Stephens | Page 313
4. Updates from the Chief Information Officer
Jim Southwell | Page 323
5. Discussion regarding the TJJD population and commitment trends
Rebecca Walters | Page 327
6. Updates from the Chief Financial Officer
Mike Meyer | Page 337
7. Discussion, consideration, and possible approval regarding the FY 2017 State Aid Funding Allocations (Action)
Mike Meyer | Page 45
8. Discussion, consideration, and possible approval regarding the Agency Strategic Plan for FY 2017 – 2021 (Action)
Carolyn Beck | Handout
9. Discussion, consideration, and possible approval regarding requested repurposing and transfer of the closed Corsicana Residential Treatment Center to Navarro County (Action)
Kathryn Gray | Page 51
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Kenneth Ming | Page 55

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Eleazar Garcia | Page 97
16. Discussion, consideration, and possible approval regarding the Brownwood Halfway House Audit (Action)
Eleazar Garcia | Page 121
17. Discussion, consideration, and possible approval regarding the proposal to amend the TJJJ FY 2016 Audit Plan (Action)
Eleazar Garcia | Page 137
18. Internal Audit FY 2016 Follow-up Project
Eleazar Garcia | Page 363
19. Internal Audit status of projects update
Eleazar Garcia | Page 375
20. Adjourn
Calvin Stephens

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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, April 1, 2016 – 9:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman
The Honorable Carol Bush
The Honorable John Brieden III
The Honorable Jimmy Smith
Riley Shaw
Chief Scott Matthew
MaryLou Mendoza

BOARD MEMBERS ABSENT:

Becky Gregory
Dr. Rene Olvera
Jane Anderson King
Calvin Stephens
The Honorable Laura Bush

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Roland Luna, Chief Inspector General
Luther Taliaferro, Superintendent of Education
Eleazar Garcia, Chief Internal Auditor
Tushar Desai, Medical Director
Jim Hurley, Communications Director
Alan Walters, Director of Operational Analysis & Facility Support

Rebecca Walters, Director of Youth Placement & Program Development
Carolyn Beck, Governmental Relations Specialist
Teresa Stroud, Senior Director of State Programs & Facilities
Jeannette Cantu, Executive Assistant

OTHER GUESTS PRESENT:

Pama Hencerling
Regina Perez
Susan Humphrey
Edesha Barnes
Priscilla Johnson
Kevin Dubose
Steve Roman
Seth Christiansen
Rachel Carrera
Connie Simon
Chelsea O'Hara
Emily Anderson
John Pelezar
Xavier Casares
Kyle Dufour
Israel "Buddy" Silva Jr.

Colleen Moran
Debbi McDaid
Kenneth Ming
Jim Southwell
D. Umul
Ron Quiroz
Ricardo Guerrero Jr.
Matt Smith
Darla Littrel
Vivian Cohn
Jerome Williams
Elizabeth Alamo
Fred Meinke
Estela Medina
Lynette Acuna
Kelly Arnecke

Kaci Singer
Kathryn Mattingly

Board Meeting
April 1, 2016

Karen Kennedy

Shelly McKinley

Call to order

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

Prayer

Jerome Williams opened the meeting with a prayer.

Pledge

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

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

The following Board Members were absent: Becky Gregory, Jane King, Rene Olvera, Laura Parker and Calvin Stephens. Ms. Mendoza moved to excuse the absences. Judge Bush seconded. The motion passed.

Public comments

There were no public comments.

Discussion, consideration, and possible approval regarding the January 29, 2016 Board Meeting minutes (Action)

Judge Brieden noted a correction needed on line 7 of page 21; the word fun should be fund. Judge Brieden moved to approve the minutes as corrected. Commissioner Smith seconded. The motion passed.

Report from the Executive Director

Executive Director David Reilly announced that TJJD was selected in a competitive process to participate in the pilot implementation of the Youth in Custody Practice Model, an 18-month comprehensive technical assistance package through the Council of Juvenile Correctional Administrators and the Center for Juvenile Justice Reform at Georgetown University. Rebecca Walters, Director of Youth Placement & Program Development, did a wonderful job of preparing and submitting the agency's application and will serve as lead on this project.

Regarding Regionalization, SB 1630, Mr. Reilly reported the Task Force continues to meet and he is proud of the progress being made by the team. He announced the three Regional Administrators to support county regions have been hired as well as a Planner. Regions have submitted their plan for diversions, which will then inform the statewide plan. Staff will bring the statewide plan to the Board for final approval before the end of the fiscal year. He recognized James Williams, Senior Director of Probation & Community Services, and Dr. Lori Robinson, Director of Community Mental Health Services, for doing a great job of moving this process along.

Also related to SB 1630, Mike Meyer, Chief Financial Officer, has concluded the new funding formula roll out to the counties. This was part of a three phase plan to implement funding mandates from SB 1630.

The Executive Management Team has begun the strategic planning process. The official plan will be due this summer. A draft will likely come before the Board in May. This is the time to meaningfully examine where staff wants the agency to be in the next five years. The first step was to develop the agency Mission Statement, Vision and Core Values. The Strategic Plan should now reflect those concepts which in turn will inform the Legislative Appropriations Request (LAR).

Mr. Reilly introduced Chip Walters, who started March 1, as the Director of Operational Analysis and Facility Support. He will be providing direction and guidance in strategic operations and planning. He will work cross-divisionally at facilities to identify recommendations for local and system-wide solutions.

There are currently two facilities in transition, Evins and Gainesville, both of which we hope to have resolved in the near future. Interviews are underway to hire Superintendents.

In terms of population, in the last four months, the increase in TJJD residential population has leveled off after almost a year of gradually increasing population. Currently, the agency is 6.5% over the budgeted population in state-secure facilities. In February, the agency received fewer new admissions and released more youth from secure facilities in comparison to February 2015. Mr. Reilly referred the Board to page 28 of their Board packet, the Agency Report Card. He thanked Mr. Shaw for his assistance in the development of this document. This shows, at a glance, numbers coming in and numbers going out. Indeterminate sentenced kids are in fact not staying longer, a question that is frequently asked in conjunction with a rising population. Therefore, in March, state-secure populations declined slightly.

In the last board meeting a question was raised about what is driving these increased admissions to TJJD. It was reported that in FY 2015, there was a decrease in certifications and an increase in determinate sentencing, and also referenced an increase in juvenile violent crime in some areas of the state. In fact, when comparing FY 2014-2015, there is an 8% increase in violent felony referrals for the state.

Judge Brieden repeated for the record that the agency has leveled off at 6.5% above what the agency's budgeted amount.

Lastly, Mr. Reilly recognized a key member of the team who is retiring; Lisa Capers, after nearly 24 years of services to the state, has decided it is time to retire at the end of this month. Lisa, currently the Senior Director of Training and Organizational Development, oversees the Juvenile Justice Training Academy and has led the agency toward full compliance with PREA. In addition, she has coordinated the cross divisional efforts involving several projects and initiatives related to the agency's mission. Lisa has been with the agency and the former TJPC for over 23 years, 19 of which serving as general counsel and as deputy director for the former TJPC. Ms. Capers received a standing ovation from the Board and the audience.

Chairman Fisher thanked Lisa Capers for her service to the agency.

Victoria County Juvenile Probation Department's specialized program for pregnant female offenders

Regina Perez and Lynette Acuna, both of Victoria County Juvenile Probation Department, presented an overview of the specialized program for pregnant female offenders. In response to questions from Judge Brieden and Chairman Fisher, Ms. Acuna stated they currently have eleven girls in the program and they do contract with other counties. In response to a question from Ms. Mendoza, Ms. Acuna said they do not currently have services for special needs students.

Chairman Fisher asked what is being done at the state level for girls programming, now that TJJD no longer utilizes the WINGS Program. Teresa Stroud, Senior Director for State Programs and Facilities, said

that all girls go to Ron Jackson State School and receive similar programming. She said there is also a P.A.P.A program for the boys.

Report from the Advisory Council

Estela P. Medina, Chief of Travis County Juvenile Probation Department and Chairwoman of the TJJD Advisory Council on Juvenile Services presented the Board with a report on the council's activities since the last meeting which included a funding update, an update on the risk and needs assessment instrument, the regionalization task force, the Standards subcommittee and advisory council appointments. Their next meeting is Friday, April 29, 2016.

Recognition of Advisory Council Chairwoman Estela P. Medina

Special recognition was given to Chief Estela P. Medina for her service as Chairwoman to the TJJD Advisory Council on Juvenile Services. Chief Medina is stepping down from the Advisory Council and has asked that her term not be renewed. Along with Chairman Fisher's message of thanks, Mr. Reilly and Doug Vance both presented her with plaques from her respective colleagues from the field both on the state and county side.

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

Closed Session – Executive Session

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

The Board entered a closed session at 9:48 a.m.

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

The Board reconvened in open session at 10:02. No action was taken.

Discussion regarding disclosures of potential conflicts of interest pursuant to Texas Government Code Sec. 2261.252 as created by Senate Bill 20, 84th Legislature

Jill Mata, General Counsel, provided a handout relating to SB 20 and explained its purpose in relation to agenda item 16.

Discussion, consideration, and approval of revisions to the Board Governance Manual (Action)

Ms. Mata stated as a result of internal audits and recently enacted legislation, the staff has drafted changes to the Board Governance and Policy Manual. The Board has already approved these changes over the last year. Staff are asking that these changes be placed in the Board Governance Manual.

Due to recommendations in the Endowment Trust Funds Audit, the Board manual will now require each Board member to complete a training program relating to the Public Funds Investment Act within six months after initial appointment to the Board and specifically delegate the fiscal management of endowment trust funds to the executive director and appoint the TJJJ staff member who serves in the role of lead general ledger accountant as the investment officer for these funds.

Due to recommendations in the Ethics Audit Report, the Board manual will now require each Board member to complete an ethics-related continuing education course within six months after being reappointed to the Board.

Due to requirements of SB 20, the Board manual will now require each Board member to disclose to the director of contracts all known actual and potential conflicts of interest concerning a contract with a private vendor or bid from a private vendor, ensure the member does not have a financial interest in any private vendor under contract with TJJJ, and sign an annual certification form relating to all conflicts of interest involving TJJJ contracts. Commissioner Smith moved to approve the resolution as presented. Judge Brieden asked for clarification about the Public Funds Investment training requirement. Chairman Fisher confirmed it was one of the trainings that all Board members have already taken. Mr. Shaw seconded. The motion passed.

Report from the Inspector General

Roland Luna, Chief Inspector General, presented his report providing an update to the Board on summary indicators for first and second quarter FY 2016 in comparison to FY 2015 including: Incident

Reporting Center (11% decrease), security intelligence evaluations, disposition tracking, criminal investigations submitted to prosecution (33% decrease), fugitive apprehension and recovery (5% decrease), apprehensions, use of force monitoring and total searches.

The OIG hosted the Central Texas Violent Gang Task Force Meeting in February in Killeen, Texas. OIG completed mandatory training with the Texas Commission on Law Enforcement and completed its pre-service and annual service trainings.

In response to a question from Chairman Fisher regarding the increase in total searches, Chief Luna stated the increase is due to several things, particularly the retooling of the K-9 Program which makes the program more efficient.

Report from the Administrative Investigations Division

Kevin DuBose, Director of Administrative Investigations Division, provided an update to the Board on summary comparison for the time period of September 1, 2015 – January 31, 2016 for the County Investigations and State Investigations Units. He talked about an increase in reports being attributable to an overall increase in average daily population on the county side. Judge Brieden asked for clarification regarding his comment and asked if he's saying that because of the diversion of kids, kids who would have ended up in TJJD are now being held in the counties. Those kids tend to be more difficult to deal with and so therefore there are more problems now in the county so that's probably why you see the increase in reports. Mr. DuBose agreed.

Regarding State Investigations, the majority continues to be policy violations.

Discussion, consideration, and approval of appointments to the Advisory Council for Juvenile Services (Action)

Mr. Reilly reported there are five members of the Advisory Council whose terms have expired: Judge Ramirez, Commissioner Allen, Chief Medina, Chief Vance and Chief Williams. Chief Williams, Chief Vance and Commissioner Allen have all expressed an interest in serving again. As you know, Chief Medina is stepping down; Chief Humphrey is nominated to fill that slot. Chairman Fisher appointed a committee of two Board members to review the recommendations, who recommend the board consider the following for appointments: Chief Humphry, Chief Vance, Chief Williams, Judge Ramirez

and Commissioner Allen. Chairman Fisher confirmed that is the recommendation of Chief Matthew and Chief King. In response to a question from Chairman Fisher regarding who will chair the Advisory Council, Mr. Reilly stated the council will make that selection among themselves. Mr. Matthew moved to adopt the recommendation of the committee. Ms. Mendoza seconded. The motion passed.

Report from the Trust Committee

Commissioner Smith reported the Trust committee met and all members were present. Kathryn Gray presented three items for discussion. Commissioner Smith called upon Ms. Gray to present those items to the full Board.

Discussion and possible approval to authorize amending the Memorandum of Agreement (MOA) with Parks and Wildlife Foundation of Texas, Inc. to remove the requirement currently found at section 1.E. (1) of the MOA that the biologist be certified as a wildlife biologist by the Wildlife Society (Action)

Kathryn Gray, Staff Attorney, reported that last year the Parrie Haynes Trust entered into a Memorandum of Agreement (MOA) with the Parks and Wildlife Foundation of Texas, Inc. (TPWF) to develop and a wildlife management plan a the Parrie Haynes Ranch. The agreement outlined certain requirements a wildlife biologist must have to be hired to write the plan. However, TPWF has now determined that a requirement in the agreement for the biologist be certified as a wildlife biologist, is unnecessary. Accordingly, staff have amended the agreement to remove the requirement. Staff recommends adoption of the amendment so that TPWF may proceed with hiring a biologist to write the plan for the ranch. Chairman Fisher stated that the Trust Committee recommended the full Board adopt the amendment. Commissioner Smith moved to adopt the amendment. Mr. Matthew seconded. The motion passed.

Discussion and possible approval to authorize the Boys and Girls Club of Central Texas, C5 Youth Foundation of Texas, Inc., and Spotted Horse Livery, as lessee and sub lessees of the Parrie Haynes Ranch, to utilize firearms when necessary to kill wild hogs that pose a danger to the safety and security of the Ranch and/or the persons located thereon, and delegate authority to the Board chairman in his capacity as trustee of the Parrie Haynes Trust to approve similar activities in relation to other wild animals when the need arises (Action)

Ms. Gray stated the lease for the Parrie Haynes Ranch requires the Board approval of any activities at the ranch that require the use of firearms. The subleasees have informed staff that at times wild hogs threaten the safety and security of the property and the persons. Chairman Fisher reminded the Board this is a 4000 acre tract of land. Ms. Gray stated that staff recommended the Board approve that the leasees and subleasees cautiously use firearms to kill the wild hogs. Staff also recommend that the Board delegate authority to the Board Chairman the management of similar activities with other wildlife so that they may be addressed in a timely manner. Judge Brieden moved to approve the resolution as presented. Mr. Shaw seconded. The motion passed.

Discussion and possible approval to authorize the Boys and Girls Club of Central Texas, as lessee of the Parrie Haynes Ranch, to host a sporting clay shooting event at the Parrie Haynes Ranch in October of 2016 and to host additional sporting clay shooting events from time to time at the Ranch under similar circumstances (Action)

Ms. Gray stated the Boys and Girls Club of Central Texas would like to host a sporting clay shooting event at the ranch in October of 2016. They are planning to hire a private company with expertise in shooting for the event, who has their own private insurance. Proceeds from this event will be used for improvements at the ranch, and, therefore, from time to time the Boys and Girls Club of Central Texas may host additional events with the same level of supervision. Staff recommended the Board authorize the Boys and Girls Club to host this and future events. Chairman Fisher stated he didn't want this to be a blanket approval for all future events. Discussion ensued among the Board members. Judge Bush recommended staff amend the resolution to state, "...to host additional sporting clay shooting events from time to time at the ranch under similar circumstances with prior notice." Judge Bush moved to approve the resolution as amended. Commissioner Smith seconded. The motion passed.

Report from the Finance and Audit Committee

Judge Brieden reported the committee did not have a quorum so no recommendations will be given on the action items heard before the committee.

Acknowledgement of gifts (Action)

Emily Anderson, Director of Fiscal Affairs and Budget, reported Sheldon and Charlene Ledbetter donated a Casio Keyboard to the Gainesville State School. This is a value of \$575.75. Mr. Matthew moved to acknowledge the gift. Judge Bush seconded. The motion passed.

Discussion and possible approval to amend the Agreement for Construction and Operation of Secure Post-Adjudication Juvenile Facility; Project #TJPC-L-97-191, Randall County (Action)

Kaci Singer, Staff Attorney, reported that in 1993, Texas passed a constitutional amendment allowing for general obligation bonds to be issued for the purpose of constructing juvenile facilities. In 1995, the Legislature appropriated money to the former Texas Juvenile Probation Commission (TJPC) and gave TJPC the authority to disburse bond proceeds to provide state aid to counties for the purpose of residential facilities for juveniles. One of the requirements of every facility was that they would continue to operate the facility as a juvenile facility for at least 20 years. TJPC and Randall County entered into such an agreement in 1997, began operation in 1998, thus the agreement is set to expire in 2018. Randall County recently approached TJJD regarding this agreement involving The Next Step Home Program. Unfortunately, referrals to the program are not as high as anticipated and have declined in recent years. Randall County has seen a decline in interested and qualified potential employees for the program. After several years of trying to keep the program operable, the Randall County Juvenile Board has determined it is no longer sustainable. The Randall County Juvenile Board has requested the TJJD Board consider releasing it from the obligation to continue operating the Next Step Home. Because the Randall County Juvenile Board has operated the facility for nearly 18 years in accordance with the terms of the agreement, staff recommends the TJJD Board agree to a modification of the original agreement to shorten the obligation from 20 years to 17 years. Ms. Singer reminded the Board that they heard a similar request from Taylor County in 2014 and it was addressed in the same manner. In response to a question from Chairman Fisher, Ms. Singer stated there was no legislative push back or statutory requirements regarding these requests. Ms. Mendoza moved to approve the resolution as presented. Mr. Matthew seconded. The motion passed.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9709, relating to Youth Search, and §380.9710, relating to Entry Search (Action)

Teresa Stroud, Senior Director of State Programs and Facilities, stated the Board approved posting the revisions to these rules in the Texas Register for a 30-day public comment period. No comments were received. However, staff recommended minor grammatical corrections to both rules. The staff requested the Board's approval to adopt the rule review and the final rules. Mr. Shaw moved to adopt the rule review and final rules. Commissioner Smith seconded. The motion passed.

Discussion, consideration, and possible approval to a rule review notice and the proposed repeal of §380.9703, relating to Weapons and Concealed Handguns, in the Texas Register for a 30-day public comment period (Action)

Chelsea Buchholtz, Chief of Staff, requested that the board consider repealing the rule, which requires notice in the Texas Register for a 30-day public comment period. Ms. Mendoza moved to approve publication of the proposed repeal. Judge Brieden seconded. The motion passed.

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

a. Richard Garza; 15-27991-150115; 27991 (Bexar)

Kyle Dufour, Staff Attorney, presented the agreed order for Richard Garza, an agreed order for probated suspension. Judge Bush moved to approve the agreed order. Commissioner Smith seconded. The motion passed.

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

a. Jose Nino; 15-16680-140304; 16680 (Cameron)

b. Nicholas Ramos; 15-25947-150258; 25947 (Nueces)

c. Bruce Wynn; 16-29406-150294; 29406 (Harris)

d. Joe Longoria; 15-29767-0199; 15-29767-0208; 15-29767-0216; 29767 (Nueces)

Mr. Dufour presented each of the default judgment orders. He requested the Board adopt the default judgment orders. Mr. Shaw moved to approve the default judgment orders. Judge Bush seconded. The motion passed.

Report from the Programs Committee

Mr. Shaw reported the committee heard presentations regarding family engagement in state facilities and the Youth Placement and Program Development Divisions presentation on contract residential providers.

Adjourn

Chairman Fisher adjourned the meeting.

- 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

Resolution

A RESOLUTION RECOGNIZING DR. PATRICK HOLDEN
POSTHUMOUSLY FOR HIS OUTSTANDING SERVICE

On this 20th day of May 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: Scott W. Fisher, John Brieden III, Carol Bush, Becky Gregory, Jane King, Scott Matthew, MaryLou Mendoza, Rene Olvera, Laura Parker, Riley Shaw, Jimmy Smith, and Calvin Stephens where, among other matters, came up for consideration and adoption the following Resolution:

WHEREAS, PATRICK HOLDEN, M.D., served as Board Chairman of Texas Epiphany Ministries for three years, during which Epiphany volunteers contributed tens of thousands of hours of faithful service to youth in the Texas Juvenile Justice Department; and

WHEREAS, Dr. Holden began working with youth in the juvenile justice system at the Bexar County Juvenile Department and planned the first Epiphany Ministry Weekend in the Krier Unit in 2006; and

WHEREAS, Dr. Holden guided and directed volunteers on twenty Epiphany Weekends at the Krier Unit; and

WHEREAS, Dr. Holden guided and directed volunteers on Epiphany Weekends at Giddings State School, Garza County Juvenile Detention Facility, McLennan County State Juvenile Correctional Facility, Al Price State Juvenile Correctional Facility, Evins Regional Juvenile Center, and Ayres Halfway House; and

WHEREAS, through his life and legacy, Dr. Holden is responsible for impacting the lives of thousands of Texas' most vulnerable and troubled youth.

NOW, THEREFORE BE IT RESOLVED THAT the Board is hereby recognizing Dr. Patrick Holden, posthumously, for outstanding service to the youth of the Texas Juvenile Justice Department to which he showed a great devotion.

The foregoing Resolution was lawfully moved, duly seconded, and adopted by the Texas Juvenile Justice Board. Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman





Advisory Council on Juvenile Services

Date: May 20, 2016

To: Texas Juvenile Justice Department Board of Directors
Mr. Scott W. Fisher
Chairman

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

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

Judge John Brieden III
Chief David Scott Matthew
Commissioner Jimmy Smith

From: Doug Vance, PhD.
Chair, Advisory Council on Juvenile Services
Chief Juvenile Probation Officer Brazos County

RE: Advisory Council on Juvenile Services Update

Meeting Update:

The Advisory Council most recently met on April 29, 2016 in Austin at the TJJD offices. A copy of the meeting agenda is attached for your review. Following is a summary of our meeting.

TJJD Update

TJJD Executive Director David Reilly presented advisory council members a handout of TJJD's revised mission, core values, and vision statements along with a draft of proposed goals for TJJD's 2017–2021 Strategic Plan.

Mr. Reilly requested advisory council members to provide feedback pertaining to proposed goals by the end of May, 2016, specifically asking if anything else should be added. Once completed and approved, TJJD will use this document to help guide their (LAR) legislative appropriations requests.

TJJD Update (cont)

Of particular interest to juvenile probation departments, Mr. Reilly indicated that results from the recent salary survey TJJD sponsored pertaining to juvenile probation and supervision officer salaries will most likely be part of TJJD's LAR requesting the legislature consider providing salary enhancement for certified probation and supervision officers across Texas.

Finally, Mr. Reilly informed the council that the TJJD was recently honored with being selected by the Council of Juvenile Justice Correctional Administrators and the Center for Juvenile Justice Reform at Georgetown University to participate in an eighteen month initiative whereby national experts from across the country will be providing training and technical assistance to assist TJJD with aligning research-based principles with daily practice in select institutions.

Regionalization Taskforce Update:

Senior Director of Probation and Community Services, James Williams, informed the council that although significant progress has been made, he anticipates there will probably be two more regionalization taskforce meetings required in order to finalize taskforce objectives. Mr. Williams indicated TJJD diversions are to begin in June 2016.

Mr. Williams also informed the council that on May 16, 2016, TJJD will begin to accept applications from juvenile probation departments for target revenue reimbursement. Mr. Williams expects to have a five day turnaround process in place so counties will be able to receive feedback regarding their reimbursement applications in an expedient manner.

Probation Funding Update:

The Council reviewed proposed discretionary grant funding protocols as part of Phase III of TJJD's implementation of Senate Bill 1630 (84[R]) funding provisions related to general probation funding as developed by TJJD Chief Financial Officer Mike Meyer with assistance from the Advisory Council.

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

TJJD is expected to begin accepting applications in June 2016. Funding can be up to four years for those counties selected. It was further indicated that the funding may be used to create a new program, or to help pay for an existing program. Through the application, the requestor will identify the need being addressed and the program's services consistent with data-driven and research-based practice for the designated target population. The applicant will be required to establish one, two, and three year recidivism reduction goals for the program participants.

State Aid Funding Formula Revision:

Chief Financial Officer Mike Meyer, in conjunction with the Advisory Council, recently developed a proposed revision of the funding methodology used for the allocation of state financial assistance dollars to county juvenile probation boards.

The new methodology includes the following factors: juvenile age population, formal juvenile referral history, current funding allocation, and recognition of the size of counties (i.e. small, medium and large). The proposed funding methodology was previously provided to all juvenile probation departments for review and feedback.

Standards Committee Update:

Doug Vance provided an update to the council.

TAC 343 Revisions:

Revisions to Texas Administrative Code Chapter 343, as previously adopted by the TJJD Board of Directors, pertaining to the use of Seclusion in pre and post-adjudication secure facilities in Texas will become effective June 1, 2016. During February - March, TJJD Staff members, Scott Friedman, County Operations Compliance Consultant and Kaci Singer, Staff Attorney partnered with Standards Committee Chair Doug Vance and presented a series of regional training seminars across the State of Texas thoroughly explaining the upcoming changes.

The Standards Committee believes the revisions will serve as a national best-practice model for use of seclusion in secure juvenile facilities. With the revisions the committee also achieved its primary goals of providing appropriate means for maintaining safety, security, order, and protection from harm, while at the same time ensuring for the provision of civil rights and for the protection of children with serious mental illness and intellectual disability.

TAC 341 Revisions:

The proposed revisions to Texas Administrative Code Chapter 341 is projected to be an action item on the May 20, 2016 TJJD Board meeting for possible final adoption by the TJJD Board of Directors. Doug Vance informed the council that he has requested an effective date be no sooner than Jan 1, 2017 in order to provide ample time for staff training.

TAC 344 Revisions:

The Standards Committee is currently working on a revision to Texas Administrative Code Chapter 344 pertaining to officer training and certification requirements. The standards committee most recently met May 12-13, 2016 in Austin at the Travis County Juvenile Probation Department (Agenda attached). The committee anticipates completing their work on this initiative by late summer or early fall, 2016.

Advisory Council Officer Elections:

With the departure of former Advisory Council Chair, Chief Estela Medina, the Advisory Council held officer elections to seek a replacement. Doug Vance, Brazos County Juvenile Chief, was elected to serve as Chair of the Council and Chief Mark Williams, Tom Green County, was elected Vice-Chair.

Advisory Council Sub Committee Review:

A review of the Advisory Council's standing Sub-Committees was conducted. Following is a summary of each.

- a. **Standards Committee:** Chair – Doug Vance, PhD.
Members – Phil Hayes, James Williams, Susan K. Humphrey
- b. **Funding Committee:** Chair – Mark Williams
Members – Carrie Barden, Judge Mark Allen, Judge Larry Thorne, Judge Mario Ramirez
- c. **Performance Measures Committee:** Chair – Homer Flores
Members – Debra Emerson & Susan Humphrey.
- d. **Parole Committee** – (Abolished).
- e. **Mental Health Committee:** Chair – Doug Vance, PhD.
Members – Mark Williams. Carrie Barden, Judge Larry Thorne. Teresa Stroud
- f. **Regionalization Task Force Committee:** Chair – James Williams
Members – Doug Vance, Homer Flores.

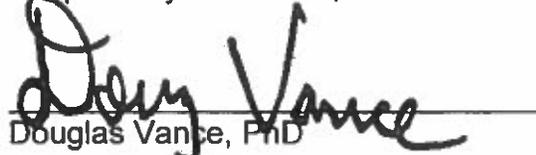
Public Comment

Ron Quiros, Guadalupe County Juvenile Services Chief, requested that the Advisory Council consider developing a process whereby to formally recognize juvenile justice professionals who become deceased while in office.

Next Meeting

The next scheduled meeting of the TJJD Advisory Council on Juvenile Services is set for Thursday June 30 at 10:00 AM in Austin Texas at the Texas Juvenile Justice Department.

Respectfully Submitted;



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

CC: Advisory Council Members



Advisory Council on Juvenile Services Meeting
Friday, April 29, 2016
Texas Juvenile Justice Department
11209 Metric Blvd. - Lone Star Conference Room
Austin, Texas

Agenda

- I. Call to order/Introductions
- II. Review of Minutes: Meeting held on February 12, 2016
- III. Texas Juvenile Justice Department Updates
 - David Reilly, Executive Director, TJJD
- IV. Update: Regionalization Task Force and SB 1630
 - James Williams, Sr. Director, TJJD, Probation & Community Services
- V. Update: Funding and Budget (FY 2016-2017)
Discussion regarding Probation Funding - Phase III – Discretionary Grant Protocols
 - Mike Meyer, Chief Financial Officer, TJJD
- VIII. Sub-Committee Report(s)
 - Standards: D. Vance
 - Subcommittee Meeting Scheduled: April 12-13, 2016
 - Location: Travis County Juvenile Probation Department
 - Funding:
 - Parole: J. Williams
 - Mental Health: D. Vance
 - Performance Measures: H. Flores

**Office of Inspector General
Comprehensive Program Analysis**

Summary Indicators		
Analytics, Intelligence, & Reporting	YTD FY 15	YTD FY 16
Incident Reporting Center (IRC)	7,392	6,682
Referred to Administrative-AID State	433	574
Referred to Probation-AID County	704	1,094
Retained by OIG Criminal	921	1,221
Referred to Youth Rights	4,554	2,633
Closed	780	1,160
Security Intelligence		
Evaluations		744
Number of Staff Trained		183
Confirmations		23%
Disposition Tracking (Investigative Life Cycle)		
Average Number of Investigative Days	40	37
Total Days	145	153
Criminal Investigations	YTD FY 15	YTD FY 16
Criminal Investigations Submitted to Prosecution	218	140
Submitted to Prosecution Assaultive	197	130
Submitted to Prosecution Sexual Offense	6	1
Submitted to Prosecution Property Damage	2	0
Submitted to Prosecution Contraband	9	5
Submitted to Prosecution Other	4	4
Special Investigative Initiatives	YTD FY 15	YTD FY 16
Fugitive Apprehension and Recovery		
Directives to Apprehend Issued	268	241
Apprehensions	186	152
Use of Force Monitoring		
Submitted to Use of Force for Review	476	438
Referred to OIG Criminal	64	88
Referred to AID	107	54
Closed - No further investigation needed	305	296
Contraband, Detection, and Interception		
Total Searches	3040	4,632
Dorm Searches	133	278
Open Searches	39	59
Perimeter Searches	26	26
Gate House Searches	2	19

**OFFICE OF THE GENERAL COUNSEL
ADMINISTRATIVE INVESTIGATIONS
SEPTEMBER 1, 2015-MARCH 31, 2016**

COUNTY INVESTIGATIONS UNIT (CIU)

Report Type	FY 2015	FY 2016
Abuse, Neglect & Exploitation Investigations	196	262
Complaints	32	33
Grievances	584	890
Non-Jurisdiction	28	25
Non-Reportable	285	288
Other Reports (<i>Duplicates, Standards Violation</i>)	29	94
Serious Incidents	380	483
Total Reports Received	1,534	2,075

Dispositions of Investigations Opened	
Concur With Internal Investigation Disposition	6
Does Not Meet the Definition of Abuse/Neglect Definition	4
Not Under TJJJ Jurisdiction/Not Enough Info. to Investigate	1
Reason To Believe	12
Ruled Out	78
Unable To Determine	16
Investigations Completed	117
Active Investigations as of March 31, 2016	145
Average Days to Disposition	77

Dispositions Assigned ¹	
Concur With Internal Investigation Disposition	18
Does Not Meet the Definition of Abuse/Neglect Definition	12
Not Under TJJJ Jurisdiction/Insufficient Data to Investigate	1
Reason To Believe	23
Ruled Out	175
Unable To Determine	40
Unable to Investigate	1
Investigations Completed	270
Average Days to Disposition	170

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

STATE INVESTIGATIONS UNIT (SIU)

Investigation Type	FY 2015	FY 2016
Abuse	110	290
Neglect	12	90
Exploitation	6	8
Policy Violations	496	399
Total Investigations Opened²	624	787

Dispositions Assigned to All Cases	
Confirmed	126
Unfounded	346
Unable to Determine (Previously Not Confirmed)	44
Duplicate Referrals	30
Total Dispositions Assigned to Cases Opened	555
Total Cases Closed	725
Average Days to Disposition for Total Investigations	172
Median Days to Disposition for Total Investigations	64

² More than one investigation can be opened in a single case; therefore, more than one disposition can be assigned to a single case. The **Total Investigations Opened** and the **Total Dispositions Assigned** will not be equal.

County Investigation Unit Definitions

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

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

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

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

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

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

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

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

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

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

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

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

State Investigation Unit Disposition Definitions

Confirmed – an investigation established that the allegation did occur.

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

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

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



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kathryn Gray, Staff Attorney

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

Date: April 28, 2016

The Parrie Haynes Trust (the Trust) includes a tract of land consisting of about 100 acres in Milam County, Texas. This tract of land has been leased to Joe and Kathy Rasberry since the 1990s for grazing. The Rasberrys currently pay \$2,000 per year to the Trust under this lease.

The current lease between the Trust and the Rasberrys expires at the end of this year, on December 31, 2016. Kathy Rasberry timely paid the \$2,000 lease amount due for this year. However, Joe passed away and, as a result, Kathy has asked to terminate the lease early. She has also asked to have the prorated portion of the lease amount for the remainder of the year refunded to her.

The lease between the Trust and the Rasberrys does not provide a method for terminating early. However, the TJJJ Board, as trustees of the Trust, may nonetheless decide to agree to terminate the lease. With seven months left in the year, the remaining lease amount for the remainder of the year is \$1166.65.

Terminating the lease early effective May 31, 2016, will provide the Trust an opportunity to seek a new tenant for the property or explore other options for the property. Accordingly, we recommend terminating the Trust's lease with the Rasberrys for the tract of land in Milam County and refunding the remainder of the lease amount to Kathy Rasberry.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO TERMINATE THE LEASE BETWEEN THE PARRIE HAYNES TRUST AND THE LESSEE OF THE TRACT OF LAND IN MILAM COUNTY, TO REFUND THE PAID LEASE AMOUNT FOR THE REMAINDER OF THE YEAR, AND TO AUTHORIZE STAFF TO EXPLORE POTENTIAL OPPORTUNITIES FOR THE TRACT OF LAND TO GENERATE MONEY FOR THE PARRIE HAYNES TRUST.

On this 20th day of May 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 TJJD Board Members are trustees of the Parrie Haynes Trust (the Trust) for orphans bequeathed to the State in 1957; and

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

WHEREAS, the Trust currently leases the Property to Joe and Kathy Rasberry until December 31, 2016; and

WHEREAS, Kathy Rasberry has asked to terminate the lease early and be refunded the remaining lease amount for the remainder of the year; and

WHEREAS, the lease does not provide a method of termination, but the TJJD Board Members, as trustees of the Trust, may nonetheless agree to terminate the lease and refund the remaining lease amount.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the termination of the lease between the Parrie Haynes Trust and the Rasberrys, the refund of the remaining lease amount for the year to Kathy Rasberry, and authorizes staff to explore potential opportunities for the Milam County tract of land to generate money for the Trust.

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

Signed this 20th day of May 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 regarding the FY 2017 State Aid Funding Allocations (Action)

Date: April 29, 2016

Staff is seeking TJJJ Board approval of proposed fiscal year (FY) 2017 State Aid allocations, totaling \$133.0 million, and the associated formula methodology.

Each year, the TJJJ Board approves probation department funding allocations for the agency's primary state financial assistance grants. For the 2014-2015 biennium, these included Grants A (State Aid), C (Commitment Diversion), and N (Mental Health Services). In prior years, the Board also approved commitment targets by department in conjunction with funding allocations under Grant C.

TJJJ received several directives from the 84th Legislature requiring changes to the current structure and reporting of probation grants and the formula methodology used to allocate base funding. The agency was also directed to set aside funds for "discretionary state aid" (see Updates from the Chief Financial Officer, "SB 1630 Provisions Affecting General Probation Funding: Phase III" section). Structural changes were implemented for fiscal year FY 2016. Finance and other agency staff worked collaboratively with the TJJJ Advisory Council and other field practitioners to revise the funding formula to be effective with FY 2017.

Departmental State Aid Totals

TJJD Board members were included in the distribution of a PowerPoint presentation and video link explaining staff's proposed methodology for determining total departmental State Aid allocations under a new funding formula. Feedback and questions were gathered through the end of March, after which the planned funding formula methodology for fiscal years (FY) 2017-2020 was finalized. In its final version, the formula varies slightly from the original due to the incorporation of updated referral data. The attached memo, which presents the formula components and methodology in both words and symbols, was distributed statewide in early April.

Under the new formula, for FY 2017:

- State Aid across all departments totals \$133,026,033
- 103 departments receive a reduction of 2 percent relative to initial FY 2016 State Aid
- 5 departments receive a reduction between 0 and 2 percent
- 8 departments see no change
- 7 departments see an increase between 0 and 1 percent
- 43 departments see an increase of 2 percent
- \$1.8 million is set aside to be added to the discretionary pool (Human Resources Code 223.001[c])

As a part of the four-year phase-in described in the attached memo, for FY 2018-2020 each department's funding floor and ceiling further diverge, meaning the majority of departments will move further away from their initial FY 2016 allocations. However, through that process the agency's allocation methodology becomes more equitable, and the agency will be able to grow discretionary programs within State Aid in compliance with the Human Resources Code requirement.

Distribution across State Aid Categories

The new funding formula establishes each department's funding total; the second step is to allocate total amounts across the categories of State Aid. Following the structure approved by the Board for FY 2016, there are five categories corresponding to TJJD appropriation lines, and each category is assigned a minimum budget amount. The "Basic Supervision" category also includes a maximum value. The remaining amount of a department's total is allocated to "Flexible Funds"; these dollars may be budgeted in any category as determined by the probation department.

The second attachment shows proposed FY 2017 departmental State Aid allocations across the five categories and flexible funds, determined as follows:

- Each department's FY 2016 minimum in Basic Supervision, Community Programs, and Pre & Post Adjudication were adjusted proportionately to match changes in available appropriations in FY 2017.¹
- Each department's FY 2016 minimum in Commitment Diversion and Mental Health Services was replicated for FY 2017 as those appropriation amounts did not change.
- Remaining funds within each department's total were assigned to flexible funds.

The primary impact of this approach was to assign the department's increase or decrease in funding to the flexible category, allowing departments to determine how to allocate that change. As with FY 2016, departments will be able to submit requests to adjust their minimum budget levels, and will be approved so long as the agency does not exceed its aggregate funding transfer limitations. In FY 2016, TJJJ received very few adjustment requests and has been able to accommodate them all.

Although the Board previously approved commitment targets by department or delegated that authority to the executive director, staff recommends no such targets be set for FY 2017 to allow time for the impact of regional diversion activities to be better understood.

The resolution before the Board approves the proposed FY 2017 State Aid funding allocation methodology, including individual departmental funding allocations.

¹ Each department's maximum for Basic Supervision was also adjusted proportionately.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION APPROVING THE DISTRIBUTION METHODOLOGY FOR THE STATE AID GRANTS

On this the 20th day of May 2016, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

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

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

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

WHEREAS, the General Administrative Policy 385.110.d.1 specifies the TJJD Board’s authority and responsibility to approve the distribution methodology of available probation funds; and

WHEREAS, the 84rd Legislature provided appropriations for State Aid to local probation departments (Basic Probation Supervision, Community Programs, Pre & Post Adjudication Facilities, Commitment Diversion, and Mental Health Services); and

WHEREAS, TJJD staff has developed a proposed funding allocation methodology for \$133,026,033 in available funds in consultation with the TJJD Advisory Council and other field practitioners; and

WHEREAS, staff requests approval of the proposed allocation methodology;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the proposed methodology for allocating available State Aid funding.

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

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kathryn Gray, Staff Attorney

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

Date: April 29, 2016

Overview

Senate Bill 653 (SB 653) from the 82nd legislative session (2011) provides authority in Section 4.007 for TJJJ to transfer a closed facility to the county or municipality in which the facility is located. SB 653 has two requirements for a property to be transferred under this authority: (1) the property must be located in a county with a total population of less than 100,000, and (2) the county or municipality must use the property transferred for a public purpose.

The authority found in SB 653 is permissive and TJJJ is under no obligation to transfer a property under this authority. This authority expires September 1, 2017, a little more than a year from now. If the Board approves a transfer under this authority, TJJJ has until September of next year to complete it.

Property to be Transferred

The Corsicana Residential Treatment Center (CRTC) is not utilized for any TJJJ programs as no youth have been housed there since December 2013. Additionally, no TJJJ staff members work there, except for a single maintenance worker who oversees the property to maintain it and provide access while it is still under TJJJ control. TJJJ has not been appropriated the funding necessary to run the facility. Accordingly, this facility has been closed for TJJJ purposes for the past couple of years. Even so, TJJJ must expend funds each year to maintain and upkeep the property without being able to put it to TJJJ use.

The CRTC is located in Navarro County, which has a population of less than 100,000 people. Navarro County has expressed interest in having the property transferred to them. The Texas Legislative Council has previously provided guidance on the usage of the terms “public purpose” and “public interest” and determined that no statutory or legislative definitions restrict the meanings of those terms in this context. This provides both TJJJ and Navarro County flexibility in developing the parameters of the transfer and the usage of the property.

The CRTC satisfies the population requirement of SB 653 and there is sufficient time remaining before SB 653 expires to effectuate the transfer, with the assistance of the General Land Office. Navarro County’s intended use of the property satisfies the public purpose requirement of SB 653.

The TJJJ Board has previously approved the transfer of the closed facilities in Crockett and Brownwood under this same authority. Transferring the CRTC to Navarro County would alleviate TJJJ’s financial responsibility in holding the property and provide the community in Navarro County an opportunity to put this closed facility to use for the public’s benefit.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO TRANSFER THE CLOSED CORSICANA RESIDENTIAL TREATMENT CENTER TO
NAVARRO COUNTY, TEXAS**

On this **20th day of May 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, Senate Bill 653 (82d Leg. R.S. 2011) specifies certain requirements for the transfer of a closed facility on real property owned by the Texas Juvenile Justice Department after December 1, 2011; and

WHEREAS, the staff requests the approval of the transfer of the Corsicana Residential Treatment Center facility and property from the State of Texas to the County, if the County agrees to all of the provisions contained in Senate Bill 653 relating to the transfer of the property;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the transfer of the Corsicana Residential Treatment Center facility and surrounding property to Navarro County, directs the TJJD staff to collaborate with the General Land Office in negotiating the transfer instrument, and authorizes the TJJD Executive Director to approve the transfer terms and conditions prior to execution by the General Land Office.

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

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kenneth Ming, Director of Business Operations and Contracts

Steven Vargas, Director of Construction

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

Date: May 2, 2016

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

TJJJ's current contract with TXU Energy for electricity service for various non-regulated TJJJ facilities, which excludes Evins Regional Juvenile Center, the Schaeffer House, and the Giddings State School, expires on May 31, 2016. A Request for Proposal (RFP) has been issued to select a new provider for the contract starting June 1, 2016. The RFP closes on May 4, 2016.

Therefore, staff respectfully requests consideration and approval to allow TJJJ's Executive Director to award a contract to the retail provider selected as the best value for TJJJ for the FY 16-17 electrical services contract. The amount below is an estimated amount for the anticipated expenditures based on projections using the historical annual amount paid for electrical services in FY15.

- **FY 16-17 Electrical Service Provider Contract, vendor to be determined, for an estimated amount not to exceed \$1,421,074.00.**



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO AUTHORIZE THE EXECUTIVE DIRECTOR TO APPROVE THE FY 2016-2017
ELECTRICAL SERVICE PROVIDER CONTRACT**

On this **20th day of May 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 service 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, TJJD staff has provided specific information regarding the following FY 2016-2017 contract:

<u>Electrical Services Contract for TJJD facilities starting June 1, 2016</u>	<u>FY 2016-2017</u>
<ul style="list-style-type: none"> • Selected Electricity Provider (to be determined) 	\$1,421,074.00

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the Texas Juvenile Justice Department’s Executive Director to execute contracts, and contract amendments, committing the Agency to these actions for FY 2016-2017.

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

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

Kenneth Ming, Director of Business Operations

Steven Vargas, Director of Construction

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

Date: April 29, 2016

Per General Administrative Policy, GAP § 385.1101, paragraph d.1(B), any construction contract exceeding \$300,000, and any other contract deemed appropriate for board approval as determined by the Executive Director, will be presented to the Board for approval.

This contract is with the Gaeke Construction Company and will cover the Five Civil Projects at Giddings State School as follows:

- Concrete sidewalk rehabilitation
- Athletic track repairs
- Extension of concrete roadways
- New pedestrian walkway near dorm 2
- New sidewalk dorm near dorm 4/6

Therefore, staff respectfully requests consideration and approval for the following FY 2016 Construction contract:

- **Gaeke Construction Company** **\$357,000**



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO AUTHORIZE THE EXECUTIVE DIRECTOR TO APPROVE NEW AND RENEWAL
CONSTRUCTION PROJECTS AT TJJD SECURE FACILITIES**

On this **20th day of May 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, paragraph d.1(B), requires a majority of the Board to approve, in an open meeting, certain contracts with expected values exceeding \$300,000.00 and any other contract deemed appropriate for Board approval as determined by the Executive Director; and

WHEREAS, TJJD staff has provided specific information regarding the following FY 2016 contract:

Construction Contracts for TJJD Secure Facilities

- **Gaeke Construction Company**

FY 2016

\$357,000

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the Texas Juvenile Justice Department’s Executive Director to execute contracts, and contract amendments, committing the Agency to these actions for FY 2016-2017.

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

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Kenneth Ming, Director of Business Operations & Contracts

Jill Mata, General Counsel

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

Date: April 29, 2016

Per General Administrative Policy, GAP § 385.1101, paragraph d.1, any contract exceeding \$500,000.00, and any other contract deemed appropriate for board approval as determined by the Executive Director, will be presented to the Board for approval.

The Board previously approved an extension through June 30, 2016 to allow staff time to renegotiate the terms of the agreement; that process is ongoing. The present amendment extends the current contract another six (6) months through December 31, 2016. The budgeted cost for Amendment No. 5 covers the period July 1, 2016 through December 31, 2016 for an amount of \$1,581,250. This cost is shared by Dallas County, Denton County, Tarrant County, Collin County, and TJJJ. TJJJ's portion is 40 percent or \$632,500. The figures provided represent projected budget amounts which CUC is required, under the agreement, to provide services at or below.

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

Therefore, staff respectfully requests consideration and approval to negotiate and award Amendment No. 5 to the Texas Conference of Urban Counties (CUC) TechShare Program, TechShare.Juvenile and Juvenile Case Management System-Basic 2013 Resource Sharing Addendum.



**Texas Juvenile Justice Department
RESOLUTION**

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

On this **20th day of May 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 Amendment No.5 to the Texas Conference of Urban Counties (CUC) TechShare Program, TechShare.Juvenile and Juvenile Case Management System-Basic 2013, Resource Sharing Addendum for the budgeted amount of \$1,265,000.00

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Texas Juvenile Justice Department's Executive Director to execute a six (6) month extension through December 31, 2016 of the TechShare.Juvenile and Juvenile Case Management System- Basic 2013 Resource Sharing Addendum, for a total amount not to exceed \$632,500.00, to be paid in quarterly payments, committing the Agency to this action through December 31, 2016.

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

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Mike Meyer, Chief Financial Officer

Subject: Discussion, consideration, and possible final adoption of proposed revisions and rule review for 37 TAC §385.8165 (Site Selection for Juvenile Facility Construction), 385.8170 (Acceptance of Gifts of \$500 or More), 385.9969 (Collection of Delinquent Obligations), 385.9971 (Student Benefit Fund), and 385.9990 (Vehicle Fleet Management) (Action)

Date: April 22, 2016

As part of TJJJ's rule review process, the Finance Division proposed changes to the following rules at the November 2015 board meeting:

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

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

- In §385.8165, make minor grammatical corrections.
- In §385.9969, make minor grammatical corrections and replace "his" with "his/her."
- In §385.9971, make a minor grammatical correction.

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

Texas Administrative Code Rule Review

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

Rules assigned to Finance Division

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

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

Draft 2/18/16

Chapter: Agency Management and Operations	Effective Date: Page: 1 of 2 Replaces: GAP.385.8165, 12/31/96
Subchapter: Interaction with the Public	
Rule: Site Selection for Juvenile Facility Construction	
ACA: N/A	
Statutes: N/A	

Staff-recommended changes on page 1

(a) **Purpose.**

This rule establishes a systematic process for selecting sites for the construction of juvenile facilities that will be solely owned and operated by the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule does not apply when the only sites under consideration are adjacent to:

- (1) existing residential facilities owned or leased by TJJD; or
- (2) contracted residential facilities.

(c) **General Provisions.**

- (1) Sites should facilitate settings that provide safe environments for staff and youth, meet applicable security ~~requirements, requirement,~~ and provide reasonable protection for the public.
- (2) TJJD selects a site through a Request-for-Proposal (RFP) process unless otherwise directed by the TJJD board or Texas Legislature.

(d) **Request for Proposals.**

- (1) An RFP for the site selection of a facility to be solely owned and operated by TJJD must be prepared by staff selected by the executive director or designee.
- (2) The RFP must:
 - (A) identify the minimum requirements for the site and improvements that are necessary to accommodate the facility described in the RFP or contemplated by TJJD; and
 - (B) include criteria to be used to evaluate the site and improvements.
- (3) The geographical area(s) identified in the RFP are based on a projection of the number of youth committed to TJJD in the area(s).
- (4) All government entities and private groups or individuals within an identified area are encouraged to submit proposals. It is the responsibility of each proponent to obtain a copy of the RFP.
- (5) The general criteria in the RFP must include, at a minimum, the following general categories:
 - (A) availability of a labor force that is capable of meeting the operational needs of the facility and that represents the cultural diversity of the youth served;
 - (B) availability of adequate medical facilities nearby;
 - (C) availability of academic and educational support;
 - (D) availability of fire and police service in the immediate area;

- (E) location of the site in relation to existing properties (e.g., schools, churches, residential developments, etc.);
- (F) suitability of the site for ease of construction and cost effectiveness;
- (G) availability and accessibility of utilities and appropriate infrastructure; and
- (H) social impact and level of community support.

(e) **Selection Process.**

- (1) The executive director selects a review committee composed of TJJJ staff. The TJJJ board chair appoints a TJJJ board member to chair the committee.
 - (2) The review committee:
 - (A) reviews all proposals received;
 - (B) evaluates the proposals based on the criteria stated in the RFPs; and
 - (C) ranks the proposals based on the evaluations.
 - (3) The chair of the review committee presents the results of the review to the TJJJ board.
 - (4) Final site selection is made by the TJJJ board unless otherwise directed by the Texas Legislature.
-
-

DRAFT

2/19/16 Draft

Chapter: Agency Management and Operations Subchapter: Interaction with the Public Rule: Acceptance of Gifts of \$500 or More ACA: N/A Statutes: Gov't Code Chapter 575, Gov't Code § 2204.002, Gov't Code § 2204, HR Code § 203.005	Effective Date: Page: 1 of 1 Replaces: GAP.385.8170, 11/8/05
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(a) **Purpose.**

This rule establishes a process for the Texas Juvenile Justice Department (TJJD) to accept gifts, grants, or donations of money or property having an actual or estimated value of \$500 or more.

(b) **Applicability.**

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

- (A) gifts made to TJJD by community resource councils;
- (B) gifts of money or property; and
- (C) gifts that support a youth activity.

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

- (A) gifts made to community resource councils;
- (B) volunteer services; or
- (C) gifts made to individual youth.

(c) **General Provisions.**

- (1) The Texas Juvenile Justice Board (Board) is required to acknowledge the acceptance of gifts having an actual or estimated value of \$500 or more not later than the 90th day after the date the gift is accepted. Legislative approval is required for the acceptance of gifts of real property.
- (2) If the actual value of a gift cannot be ascertained, a gift may be assigned an estimated value of \$500 or more by the donor, the chief local administrator, or the chief financial officer or designee.
- (3) A gift that has an actual or estimated value of \$500 or more must not be accepted from a person(s) who is involved in a contested case before the agency until the 30th day after the date the decision in the case becomes final.
- (4) Gifts of cash to the agency must not be accepted unless the check is made payable to "Texas Juvenile Justice Department".
- (5) Upon TJJD's receipt of a gift having an actual or estimated value of \$500 or more, TJJD must send the donor a written acknowledgement of receipt of the gift and conditional acceptance, subject to the Board's acknowledgement of acceptance.
- (6) The Board's acknowledgement of the gift is by a majority vote of the Board in an open meeting. The minutes of the Board meeting must reflect the name of the donor, a description of the gift, and the purpose of the gift.
- (7) TJJD must send written notification to the donor of the Board's action regarding the gift. The written notification must indicate that the gift has an actual or estimated value of \$500 or more, but may not assign a specific value to the item donated unless the donor has provided suitable documentation of that value.
- (8) The executive director must approve the planned use of estate gifts having an actual or estimated value of \$500 or more.

4/12/16 Draft

Chapter: Agency Management and Operations	Effective Date: Page: 1 of 6 Replaces: GAP.385.9969, 9/25/00
Subchapter: Miscellaneous	
Rule: Collection of Delinquent Obligations	
ACA: N/A	
Statutes: Gov't Code §2107.002	
References: 1 TAC §59.2	

Staff-recommended changes in red

(a) **Purpose.**

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

(b) **Applicability.**

This rule does not apply to delinquent obligations for child support, which are processed according to §385.9967 of this title.

(c) **Definitions.**

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

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

(d) **Procedures for Collecting Delinquent Obligations.**

- (1) When TJJD determines the liability of each person responsible for an obligation, whether that liability can be established by statutory or common law, TJJD's collection procedures shall apply to every debtor, subject to reasonable tolerances established by TJJD.
- (2) TJJD records shall contain and reflect the identity of all persons liable on the obligation or any part thereof.
- (3) TJJD records shall reflect the correct physical address of the debtor's place of business, and, where applicable, the debtor's residence. Where a fiduciary or trust relationship exists between TJJD (or the state) as principal and the debtor as trustee, an accurate physical address shall be maintained. A

post office box address should not be used unless it is impractical to obtain a physical address or the post office box address is in addition to a correct physical address maintained on TJJJ's books and records.

- (4) Demand letters shall be mailed in an envelope bearing the notation "address correction requested" in conformity with 39 Code of Federal Regulations, Chapter III, Subchapter A, Part 3001, Subpart C, Appendix A, §911. If an address correction is provided by the United States Postal Service, the demand letter shall be re-sent to that address prior to the referral procedures described herein. Demand shall be made upon every debtor prior to referral of the account to the attorney general. The final demand letter shall include a statement, where practical, that the debt, if not paid, will be referred to the attorney general.
- (5) Where state law allows TJJJ to record a lien securing the obligation, TJJJ shall file the lien in the appropriate records of the county where the debtor's principal place of business, or, where appropriate, the debtor's residence, is located or in such county as may be required by law. The lien shall be filed as soon as the obligation becomes delinquent or as soon as is practicable. After referral of the delinquency to the attorney general, any lien securing the indebtedness may not be released, except on full payment of the obligation, without the approval of the attorney representing TJJJ in the matter.
- (6) Where practicable, TJJJ shall maintain individual collection histories of each account in order to document attempted contacts with the debtor, the substance of communications with the debtor, efforts to locate the debtor and his/[her](#) assets, and other information pertinent to collection of the delinquent account.
- (7) Prior to referral of the obligation to the attorney general, TJJJ shall:
 - (A) verify the debtor's address and telephone number;
 - (B) transmit no more than two demand letters to the debtor at the debtor's verified address. The first demand letter shall be sent no later than 30 days after the obligation becomes delinquent. The second demand letter shall be sent no sooner than 30 days, but not more than 60 days, after the first demand letter. Where TJJJ procedures, statutory mandates, or the requirements of this section indicate that a lawsuit on the account may be filed by the attorney general, the demand letters shall so indicate;
 - (C) verify that the obligation is not legally uncollectible or uncollectible as a practical matter, as follows:
 - (i) **Bankruptcy.**

TJJJ shall prepare and timely file a proof of claim, when appropriate, in the bankruptcy case of each debtor, subject to reasonable tolerances adopted by TJJJ. Copies of all such proofs of claims filed shall be sent to the attorney general absent the granting of a variance. TJJJ shall maintain records of notices of bankruptcy filings, dismissals and discharge orders received from the United States bankruptcy courts to enable TJJJ to ascertain whether the collection of the claim is subject to the automatic stay provisions of the bankruptcy code or whether the debt has been discharged. TJJJ may seek the assistance of the attorney general in bankruptcy collection matters where necessary, including the filing of a notice of appearance and preparation of a proof of claim.
 - (ii) **Limitations.**

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

(iii) **Corporations.**

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

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

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

(v) **Deceased Debtors.**

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

- (8) Not later than the 90th day after the date an obligation becomes delinquent, TJJJ shall report the uncollected and delinquent obligation to the attorney general for further collection efforts as hereinafter provided.
- (9) Reasonable tolerances adopted by the TJJJ Finance Division are listed below and determine when an obligation shall not be referred to the attorney general for further collection. They are:
- (A) amount of the obligation is less than \$500;
 - (B) existence of any security;
 - (C) likelihood of collection through passive means such as the filing of a lien where applicable;
 - (D) expense to TJJJ and to the attorney general in attempting to collect the obligation;
 - (E) availability of resources both within TJJJ and within the Office of the Attorney General to devote to the collection of the obligation; or
 - (F) debt is uncollectible as set forth in paragraph (7) of this subsection.
- (10) TJJJ may utilize the "warrant hold" procedures of the Comptroller of Public Accounts authorized by the Texas Government Code, §403.055, to ensure that no treasury warrants are issued to debtors until the debt is paid.

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

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

- (A) If TJJJ seeks to use in-house attorneys to collect delinquent obligations through court proceedings, TJJJ must submit a written request to the attorney general's Bankruptcy and Collections Division.

- (B) Upon the written approval of the attorney general, TJJJ may file suit to collect a delinquent obligation through an attorney serving as a full-time employee of TJJJ. Where circumstances make it impractical to secure attorney general approval for every delinquent obligation upon which a lawsuit is to be filed, TJJJ may apply to the attorney general for an authorization to bring suit on particular types of obligations through attorneys employed full-time by TJJJ. Such authorization, if given, must be renewed at the beginning of each fiscal year.
- (C) After an obligation is referred to TJJJ's attorneys employed as in-house counsel, the obligation shall be reduced to judgment against all entities legally responsible for the obligation where the lawsuit and judgment will make collection of the obligation more likely and the expenditure of TJJJ resources in recovering judgment on the obligation is justified.
- (D) Where authorized by law, TJJJ shall plead for and recover attorney's fees, investigative costs, and court costs in addition to the obligation.
- (E) Every judgment taken on a delinquent obligation shall be abstracted and recorded by TJJJ in every county where the debtor owns real property, operates an active business, is likely to inherit real property, owns any mineral interest, or has maintained a residence for more than one year.
- (2) **Referral to the Attorney General.**
- (A) TJJJ may explore the exchange of accounts with the attorney general by computer tape or other electronic data transfer and discuss any variances as may be appropriate. TJJJ and the attorney general may agree upon an exchange of certain minimum account information necessary for collection efforts by the attorney general.
- (B) TJJJ may refer individual accounts to the attorney general after the procedures set forth in subsection (d)(7)-(10) of this section. Individual accounts referred to the attorney general shall include the following:
- (i) copies of all correspondence between TJJJ and the debtor;
 - (ii) a log sheet (see subsection (d)(6) of this section) documenting all attempted contacts with the debtor and the result of such attempts;
 - (iii) a record of all payments made by the debtor and, where practicable, copies of all checks tendered as payment;
 - (iv) any information pertaining to the debtor's residence and his/her assets; and
 - (v) copies of any permit application, security, final orders, contracts, grants, or instrument giving rise to the obligation.
- (C) Delinquent accounts upon which a bond or other security is held shall be referred to the attorney general no later than 60 days after becoming delinquent. All such accounts where the principal has filed for relief under federal bankruptcy laws shall be referred immediately, since collection of the security may obviate the need to file a claim or to appear in the bankruptcy case.
- (D) The attorney general may decide that a particular obligation or class of obligations may be assigned after referral to the appropriate division within the Office of the Attorney General.
- (3) **Referral to Collection Firms or Private Attorneys.**
- (A) **Prior Approval of Attorney General.**
- Except as provided by §2107.003, Texas Government Code, TJJJ may not contract with, retain, or employ any person other than a full-time employee of TJJJ to collect a delinquent

obligation without prior written approval of the attorney general. Any existing arrangements must receive the written approval of the attorney general to be renewed or extended in any fashion.

(i) **Approval of Contract with Private Firm or Attorney.**

Prior to contracting with, retaining, or employing a person other than a full-time employee of TJJJ to collect a delinquent obligation, TJJJ must submit a proposal to the attorney general requesting the attorney general to collect the obligation(s).

(ii) TJJJ must submit the proposed contract to the attorney general for written approval. The proposal must disclose any fee that TJJJ proposes to pay the private collection firm or attorney. The attorney general may elect to undertake representation of TJJJ on the same or similar terms as contained in the proposed contract. If the attorney general declines or is unable to perform the services requested, the attorney general may approve the contract. If the attorney general decides that TJJJ has not complied with this subsection, the attorney general may:

(I) decline to approve the contract; or

(II) require TJJJ to submit or resubmit a proposal to the attorney general for collection of the obligation in accordance with this subsection.

(iii) If the attorney general fails to act as set forth in clause (i) of this subparagraph within 60 days of receipt of the proposed contract or receipt of additional information requested, the attorney general is deemed to have approved the contract in accordance with this rule.

(B) **Requirements of Proposed Contracts with Private Persons Presented for Attorney General's Approval.**

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

(i) a description of the obligations to be collected sufficient to enable the attorney general to determine what measures are necessary to attempt to collect the obligation(s);

(ii) explicit terms of the basis of any fee or payment for the collection of the obligation(s);

(iii) a description of the individual accounts to be collected in the following respects:

(I) the total number of delinquent accounts;

(II) the dollar range;

(III) the total dollar amount;

(IV) a summary of the collection efforts previously made by TJJJ; and

(V) the legal basis of the delinquent obligations to be collected.

(C) **Additional Requirements of Proposed Contracts with Private Persons Presented for Attorney General Approval.**

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

(i) Litigation on the delinquent account is prohibited unless the private person obtains specific written authorization from TJJJ and the attorney general and complies with the requirements of this rule;

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

4/12/16 Draft

Chapter: Agency Management and Operations	Effective Date: Page: 1 of 1 Replaces: GAP.385.9971, 11/8/05
Subchapter: Miscellaneous	
Rule: Student Benefit Fund	
ACA: 4-JCF-6B-12	
Statutes: Texas Human Resources Code §242.062, §242.063	

Staff-recommended change in red

(a) **Purpose.**

This rule establishes procedures for the deposit of funds into the student benefit fund. The student benefit fund is used only for the education, recreation, or entertainment of the youth in residential facilities operated by the Texas Juvenile Justice Department (TJJD).

(b) **General Provisions.**

(1) Funds from the following sources are designated as student benefit funds:

- (A) proceeds from canteens or vending machines at TJJD facilities in excess of the amount required to pay the expense of operating those canteens or vending machines;
- (B) donations for youth activities;
- (C) proceeds from youth fund-raising projects; and
- (D) contraband money deposited as a consequence of a Level II due process hearing.

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

(3) For acceptance of gifts that have an actual or estimated value of \$500 or more, see §385.8170 of this title, relating to acceptance of gifts of \$500 or more.

(4) Student benefit funds may be used only to:

- (A) provide education, recreation, or entertainment to youth committed to TJJD; and
- (B) reimburse youth for personal property lost or damaged as a result of staff negligence in accordance with §380.9107 of this title.

(5) Expenditures must be justified to show no preferential treatment of certain individuals or groups of youth. However, expenditures are not required to benefit every youth each time.

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

(7) Student benefit funds are maintained in the Comptroller of Public Accounts - Treasury Operations. All expenditures must conform to state purchasing rules and regulations and other laws and regulations regarding general revenue fund expenditures except as necessary to reimburse youth under paragraph (4) of this subsection.

See ACC.37.01 for implementation procedures.

Draft 4/12/16

Chapter: Agency Management and Operations Subchapter: Miscellaneous Rule: Vehicle Fleet Management ACA: 4-JCF-2A-24 Statutes: Gov't Code § 2171.1045	Effective Date: Page: 1 of 2 Replaces: GAP.385.9990, 11/1/11
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(a) **Purpose.**

This rule establishes responsibilities for managing, assigning, and using the Texas Juvenile Justice Department (TJJD) vehicle fleet, as required by Texas Government Code §2171.1045. This rule also adopts certain procedures mandated in the *Texas State Vehicle Fleet Management Plan*.

(b) **Definitions.**

- (1) **Fleet Manager**--a TJJD employee who is responsible for day-to-day agency-wide fleet management.
- (2) **Office of Vehicle Fleet Management (OVFM)**--the program within the state comptroller's Texas Procurement and Support Services Division (TPASS) that developed, under the direction of the State Council on Competitive Government, the *Texas State Vehicle Fleet Management Plan*. The OVFM is responsible for managing the state vehicle reporting system and has authority to establish and to reduce an agency's fleet size.

(c) **Vehicle Fleet Size.**

- (1) TJJD complies with all purchasing restrictions as outlined in the *Texas State Vehicle Fleet Management Plan*.
- (2) TJJD complies with the current vehicle fleet size mandated by OVFM, except as noted in paragraph (3) of this subsection.
- (3) TJJD may request a waiver of the authorized vehicle fleet size from OVFM in cases of legislatively mandated program changes, federal program initiatives, or a documented need resulting from program growth or changes. In such cases, the waiver request must document the specific reason for the need to exceed the authorized vehicle fleet size.

(d) **Motor Pools.**

TJJD forms statewide motor pools based on the primary function of each vehicle. Each agency vehicle is assigned within an agency motor pool at a specific location and made available for checkout for official duty purposes, except for individually assigned vehicles. Vehicles are rotated among locations and pools as necessary to meet utilization and efficiency criteria. Sub-pools may be formed at a location for more efficient management or utilization purposes.

(e) **Individual Vehicle Assignments.**

- (1) Only the executive director or his/her designee and the chief inspector general may assign state-owned vehicles on a permanent or daily basis to an individual staff member. These assignments may be made only with written documentation, signed by the executive director, stating that the assignment is critical to the needs and mission of the agency.
- (2) TJJD reports the following information to the OVFM as individual vehicle assignments occur:
 - (A) the vehicle identification number, license plate number, year, make, and model;

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

(f) **General Fleet Requirements.**

- (1) TJJJ follows the general minimum mileage criteria for its fleet vehicles established by OVFM. The fleet manager, in coordination with the director responsible for facility business management, tracks mileage and rotates vehicles between locations or pools to meet minimum use criteria. As necessary and appropriate, the fleet manager may submit justification to OVFM for a waiver to retain vehicles that fail to meet minimum use criteria.
- (2) TJJJ uses one or more of the state-contracted vendor cards for retail fuel dispensing services. Fuel cards are issued for specific vehicles, not for specific drivers. TJJJ vehicles operating on gasoline must use regular unleaded gasoline unless specifically prohibited by manufacturer warranty or a recommendation in the owner's manual. TJJJ employees must use self-service pumps when refueling at retail fueling stations.
- (3) TJJJ establishes vehicle replacement goals based on the purpose, age, and mileage criteria published in the *Texas State Vehicle Fleet Management Plan*.
- (4) TJJJ out-sources maintenance and repair of fleet vehicles unless it is demonstrated to be more cost-effective for agency staff to perform those functions. When feasible, TJJJ seeks interagency agreements to obtain maintenance, repairs, and fuel.
- (5) TJJJ disposes of vehicles identified as excess by the OVFM through the processes established by the Texas Facilities Commission's Surplus Property Division. TJJJ must certify the successful disposal of excess vehicles within six months after notification from OVFM. Vehicles identified for disposal by OVFM are not eligible for replacement.
- (6) TJJJ submits fleet data to OVFM based on the criteria and timetable established in the *Texas State Vehicle Fleet Management Plan*. TJJJ maintains detailed supporting documentation for all reporting requirements.

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

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



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS 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)

On this 20th day of May 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, Texas Human Resources Code §242.003 requires the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

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

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

WHEREAS, the Board previously approved the publication of the proposed rule review and revisions for §§385.8165, 385.8170, 385.9969, 385.9971, and 385.9990 in the *Texas Register* for a 30-day public comment period; and

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

WHEREAS, the TJJD staff has recommended additional minor changes to §§385.8165, 385.9969, and 385.9971;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review and revisions for §§385.8165, 385.8170, 385.9969, 385.9971, and 385.9990 as proposed, with additional revisions to §§385.8165, 385.9969, and 385.9971 as noted.

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

Signed this 20th day of May 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 rule review for 37 TAC §385.8153 (Research Projects), §385.9967 (Court-Ordered Child Support), and §385.9993 (Canteen Operations) in the *Texas Register* for a 30-day public comment period. (Action)

Date: April 29, 2016

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

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

- §385.8153 (Research Projects);
- §385.9967 (Court-Ordered Child Support); and
- §385.9993 (Canteen Operations).

Attached to this memo please find:

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

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

Texas Administrative Code Rule Review

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

Rules assigned to Finance Division

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
385.8153	Research Projects	Prohibits TJJD youth from participating in certain types of research and experimentation. Establishes procedures for researchers to submit proposals to obtain approval from TJJD to conduct research.	Yes	<ul style="list-style-type: none"> • Added several items to the list of items that must be included with each research proposal submitted by non-TJJD researchers. • Clarified the meaning of “negative personal results,” which is a term used when describing a prohibited type of research. • Clarified that a copy of the final report must be submitted to TJJD <i>prior to releasing the report, except as approved by the executive director.</i> • Added a new section that describes TJJD’s process for approving research projects. TJJD’s research review committee is responsible for approving research proposals, with the exception of certain types of research performed by non-TJJD staff, which must be approved by the TJJD board. • Added a provision allowing the TJJD board to delegate to the executive director or designee authority to approve research projects. • Added provisions that explain TJJD’s responsibility to monitor research projects, evaluate the results, and recommend any appropriate changes. • Added a section that addresses approval of pilot programs. 	Ready for board review
385.9967	Court-Ordered Child Support	Explains TJJD’s statutory requirement to collect child support when committing courts order such payments to be sent to TJJD.	Yes	<ul style="list-style-type: none"> • Clarified that TJJD <i>may</i> (rather than <i>must</i>) notify the committing court when a court-ordered child support payment is past due. • Removed the deadline for TJJD to make a decision to refer a delinquent account to the Child Support Division of the Attorney General’s Office. • Clarified that when TJJD receives child support for a Title IV-E certified youth, TJJD reduces the amount of its claim for reimbursement by the amount of child support received for that youth. • Removed the requirement for TJJD to inquire into the Attorney General’s system to determine if child support payments are related to an open Title IV-E case and to subsequently forward any child support received for such youth to the Attorney General’s Office or Department of Family and Protective Services. • Removed the requirement for TJJD to notify the Attorney General’s Office of certain information when a youth is certified as Title IV-E eligible. 	Ready for board review

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
385.9993	Canteen Operations	Establishes requirements for the operation of canteens at TJJJ facilities.	Yes	<ul style="list-style-type: none"> • Removed the requirement that the Health and Human Services Commission be given the first opportunity to operate a canteen in TJJJ residential facilities. • Added an option to enter a canteen-services contract with an entity other than the local Community Resource Council. • Expanded the scope of the rule to apply to any vending operation <i>accessible to youth</i> (rather than <i>for the benefit of youth</i>). Removed the exemption for vending machines. • Moved several provisions out of TJJJ’s internal procedures and into the text of the rule, such as: <ul style="list-style-type: none"> ○ requirements to use the Canteen Revolving Fund for any expenditures or revenues associated with operating a canteen; ○ notice that TJJJ is not responsible for collecting or depositing sales taxes for canteens operated by contractors; and ○ a provision allowing TJJJ employees to assist a contractor in providing canteen services only when doing so does not interfere with employees’ regular job duties or the safety of youth and staff. 	Ready for board review

4/22/16 Draft

Chapter: Agency Management and Operations	Effective Date: [8/28/98]
Subchapter: Interaction with the Public	Page: 1 of 4
Rule: Research Projects	Replaces: <u>GAP.385.8153, 8/28/98</u> <u>[GAP.81.53, 12/31/96]</u>
ACA: 4-JCF-6F-06	

RULE

(a) Purpose.

This [The purpose of this] rule addresses: [is to allow for]

- (1) research related to juvenile delinquency; [and to ensure]
- (2) the assurance of confidentiality by establishing procedures that [which] comply with state and federal guidelines and laws and accepted professional and scientific ethics; and[-]
- (3) the ability of the Texas Juvenile Justice Department (TJJD) to provide sufficient technical assistance for research projects.

(b) **General Provisions. [Restrictions.]**

- (1) TJJD encourages [The agency will encourage] research beneficial to TJJD or the juvenile justice system.
- (2) TJJD uses [The agency will use] research results to aid decision making regarding agency operations and [for] youth treatment programs.
- (3) TJJD collaborates [The agency will collaborate] with other agencies whenever possible and shares [share] research information as appropriate and as allowed by law.
- (4) Any patentable product, process, or idea that might result from a research project funded by TJJD is [the Texas Youth Commission shall be] the property of TJJD. [the Texas Youth Commission.]

(c) Youth Participation.

Participation by TJJD [TYG] youth as research subjects is [shall be] restricted as follows:

- (1) TJJD [TYG] youth may [will] not be used in experimental projects involving medical, pharmaceutical, or cosmetic research.
- (2) TJJD [TYG] youth may participate in nonmedical, nonpharmaceutical, or noncosmetic research on a voluntary, noncoercive basis.
- (3) TJJD [TYG] youth who choose [elect] to participate in research projects are [will] not: [be]
 - (A) denied basic services available to other youth; or [-not]
 - (B) permitted to participate in research activities that are likely to [which may] accrue negative personal results (e.g., negative impact to treatment progress, causing emotional distress or physical harm, etc.).

(d) Researchers.

TJJD [TYG] staff, university faculty or students, or contracted firms or individuals may [-if approved,] conduct research if they:

- (1) show that the proposed project will provide benefits to TJJD [TYG] or the juvenile justice profession;
- (2) ensure confidentiality of TJJD [TYG] youth;
- (3) do not place an undue burden on TJJD [TYG] staff, youth, or agency resources; and
- (4) agree to comply with other agency rules; and [of conduct for research as specified below.]
- (5) are approved under subsection (h) of this section.

(e) **Oversight of Research Projects.**

The TJJD Research Department is responsible for ensuring research projects are proposed, reviewed, approved, and conducted in accordance with TJJD requirements.

[Project Management.]

[Procedures for research projects are managed through the research department.]

(f) **Research Proposals.**

Project directors other than those employed by the TJJD Research Department [research department] must submit a research proposal to the Research Department, not to exceed five pages, excluding attachments [research department]. The proposal must [should] include [as much of] the following information, unless otherwise approved by the director of research [as possible]:

- (1) project title;
- (2) names and qualifications of all project researchers;
- (3) purpose (e.g., thesis, professional paper, dissertation);
- (4) executive summary;
- (5) research questions and research design;
- (6) research methodology including statistical methods/models if applicable;
- (7) comprehensive list of data elements/fields requested and how these relate to the research questions;
- (8) statement of why juvenile justice data are needed;
- (9) statement of how research will benefit TJJD or the juvenile justice system;
- (10) amount of TJJD staff time needed to complete the research project, provide technical assistance, or compile data;
- (11) number of research subjects and time required by each study subject, if applicable;
- (12) time frame of research;
- (13) Institutional Review Board (IRB) approval;
- (14) copy of study instruments, surveys, etc.;
- (15) copy of consent forms;
- (16) completed Research and Analytical Testing System (RATS) questionnaire;

- (17) provisions for confidentiality of research subjects;
- (18) research supervisor, if any (e.g., chairperson of thesis committee);
- (19) amount and source of funding, if any; and
- (20) any other information requested by the director of research.
- ~~[(4) research design and methodology;]~~
- ~~[(5) number of and time required by each TYC youth if used in research;]~~
- ~~[(6) provisions for confidentiality of youth names and identification numbers;]~~
- ~~[(7) amount of TYC staff time needed;]~~
- ~~[(8) benefit to TYC or juvenile profession;]~~
- ~~[(9) research supervisor, if any (e.g., Chairman of Thesis Committee); and]~~
- ~~[(10) amount and source of funding, if any.]~~

(g) **Research Agreement.**

TJJD [TYC] and the researcher(s) must [research consultant shall] enter into a research agreement prior to the commencement of an outside research project. The agreement must [shall] contain the following:

- (1) a copy of the approved research proposal; [description of the research project;]
- (2) an agreement to maintain the confidentiality of TJJD [individual] youth;
- (3) a clause providing that any patentable product, process, or idea that results from the performance of the research agreement, and for which TJJD [TYC] has expended appropriated funds, becomes [shall become] the property of TJJD; [the Texas Youth Commission;] and
- (4) an agreement to furnish TJJD [TYC] with a copy of the final report prior to its release except as approved by the executive director.

(h) **Approval of Proposals.**

- (1) TJJD approves up to eight research proposals each fiscal year. Additional proposals may be approved only if the director of research determines the additional project(s) would require minimal or no TJJD staff time.
- (2) The TJJD research review committee reviews all research proposals. The committee includes representation from the TJJD Research Department, the affected program and operational areas, management, and other administrators.
- (3) Proposals are reviewed four times per fiscal year as determined by the director of research. Formal notice of the research review committee's decision is provided to the researcher upon completion of the review process.
- (4) Proposals involving on-site research are circulated to affected field administrators for their review, comment, and indication of level of support.
- (5) Proposals requiring participation of TJJD youth are presented to the appropriate program directors, senior director(s), and other executive management as appropriate prior to a final decision by the research review committee.

(6) Approved non-TJJD staff proposals involving research projects using TJJD youth as participants in the study, with the exception of surveys, are presented to the TJJD Board for approval. The TJJD Board may delegate to the executive director or designee authority to approve research projects.

(i) Monitoring Projects.

The TJJD Research Department staff monitors projects and proposes adjustments when necessary.

(j) Research Results.

The Research Department:

- (1) reviews research results and evaluates the conclusions;
- (2) distributes the final research report to appropriate staff and to other interested parties; and
- (3) recommends to the appropriate program directors, senior director(s), and other executive management as appropriate any changes in programs or operations that the research results indicate.

(k) Demonstration Programs.

- (1) Demonstration (pilot) programs may be implemented as a result of research conducted by TJJD or by an outside researcher.
 - (2) The executive director or designee must approve all demonstration programs prior to implementation.
-
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4/21/16 Draft

Chapter: Agency Management and Operations	Effective Date: [11/1/11, T-416] Page: 1 of 1 Replaces: GAP.385.9967, 11/1/11 [GAP.99.67, 7/27/04]
Subchapter: Miscellaneous	
Rule: <u>Court-Ordered</u> [Court-Ordered] Child Support	
ACA: N/A	
Statute(s): Family Code §54.06	

RULE

- (a) ~~This rule establishes [The purpose of this rule is to establish] a system for [whereby] the Texas Juvenile Justice Department (TJJD) to comply [Youth Commission (TYC) complies] with §54.06 of the Texas Family Code[, §54.06, which specifies that the agency receives court ordered child support payments for youth committed to the agency's care and deposits these payments in the General Revenue Fund].~~
- ~~[(b) Upon entry into TYC, a youth's parents are informed where to send child support if they have been court ordered to do so.]~~
- ~~[(b) [(e)] As part of TJJD's [the] intake process, intake staff members review commitment documentation for language ordering child support payments. When this documentation exists, intake staff members ensure [that] an entry is made to the Correctional Care System [correctional care information system] detailing the payment amount and terms of rendition.~~
- ~~[(c) [(d)] The Finance Department [finance department] maintains documentation of court-ordered [court ordered] child support payments and associated correspondence.~~
- ~~[(d) [(e)] The Finance Department [finance department] notifies the youth's parents, or other persons responsible, [family] by letter of the address to which court-ordered child support payments are to be sent and that they must: [to:]~~
- ~~(1) begin payments [and provides the address to which payments are to be sent];~~
 - ~~(2) render missed payments; and~~
 - ~~(3) end payments when the youth is discharged or paroled to home.~~
- ~~[(e) [(f)] TJJD may notify the [The] committing court [is notified by TYC] when any court-ordered child support [one] payment is past due.~~
- ~~[(f) [(g)] TJJD may refer a delinquent [Not later than the 90th day after the date the agency determines the normal agency collection procedures for an obligation to the agency have failed, the] account [may be referred] to the Child Support Division of the Office of the Attorney General as [if] determined by [a contractual/legal] agreement between TJJD [TYC] and the Office of the Attorney General.~~
- ~~[(g) [(h)] If TJJD receives court-ordered [If TYC receives court-ordered] child support for a Title IV-E certified youth, TJJD will reduce its Title IV-E claim for reimbursement for that youth's cost of care by the amount of child support received. [TYC will inquire into the Attorney General's system and determine if the support is for an open Title IV-E case. If the support is for an open case, the funds will be forwarded to the Office of the Attorney General. If the support is for a closed case, the funds will be forwarded to the Texas Department of Family and Protective Services.]~~
- ~~[(i) The Office of the Attorney General is notified of Title IV-E certification of the youth, new family contact information, discharge, or return to home.]~~

For procedures relating to court-ordered child support payments, see ACC.17.05.

4/22/16 Draft

Chapter: Agency Management and Operations	Effective Date: <u>[1/30/07]</u> Page: 1 of 1 Replaces: <u>GAP.385.9933, 1/30/07</u> <u>[GAP.119.23, 7/27/04]</u>
Subchapter: Miscellaneous	
Rule: Canteen Operations	
ACA: 4-JCF-6B-11	

RULE

(a) Purpose.

This rule provides for the [The purpose of this rule is to provide Texas Youth Commission] operation of canteens in Texas Juvenile Justice Department (TJJD) [on] residential facilities or contracting for such operations. [the operation-]

(b) Definition. [Explanation of Terms Used.]

Canteen [operations]--any vending operations accessible to [for benefit of] youth [except vending machines].

(c) General Provisions.

(1)[(e)] Residential facilities [Institutions] may operate canteens on campus.

(2)[(e)] Should the residential facility [institution] choose not to operate its own canteen, the facility may contract with its Community Resource Council (council) or another entity [Health and Human Services Commission (HHSC) shall have first opportunity to establish a canteen in accordance with Texas Human Resource Code, Chapter 94. Should no canteen be established by the HHSC licensees under Chapter 94, the institution's advisory council may be awarded a contract] to provide canteen services.

(d) TJJD-Operated Canteens.

(1) If the residential facility operates its own canteen, merchandise purchases for resale, salaries, and other expenses are paid from appropriated funds (i.e., the Canteen Revolving Fund). The canteen budget must be included in the facility operating budget and approved by the TJJD Board.

(2) Revenues from canteen operations are deposited into the Canteen Revolving Fund. Profits after canteen expenses and sales taxes are deposited into the Student Benefit Fund in accordance with §385.9971 of this title. The sales taxes are deposited into the State Treasury.

(3) TJJD maintains general procedures that address basic internal controls for merchandise inventory handling and cash handling.

(e) Rules for Contracting for Canteen Services.

(1) TJJD may contract with a local council or another entity for canteen services. A written contract is required and is to include the specific service to be provided and the consideration to be paid, if applicable in accordance with §385.1101 of this title.

(2) If TJJD agrees to make any expenditures related to the operation of the canteen, such payments will be made from the Canteen Revolving Fund. Any proceeds paid to TJJD for the canteen operation are deposited into the Canteen Revolving Fund.

(3) The contracted entity is responsible for collection and deposit of all sales taxes to the State Treasury.

(4) TJJD employees may assist in the provision of canteen services while on duty only when doing so does not interfere with regular job duties or the safety and security of TJJD youth and staff.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS AND A RULE REVIEW NOTICE FOR 37 TAC §§385.8153 (RESEARCH PROJECTS), 385.9967 (COURT-ORDERED CHILD SUPPORT), AND 385.9993 (CANTEEN OPERATIONS) IN THE TEXAS REGISTER FOR A 30-DAY PUBLIC COMMENT PERIOD

On this 20th day of May 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 §§385.8153, 385.9967, and 385.9993 and recommends revisions within each rule; and

WHEREAS, Texas Human Resources Code §242.003 authorizes the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

WHEREAS, Texas Government Code §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 rule review notice 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 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman

**TEXAS JUVENILE JUSTICE DEPARTMENT
Office of Internal Audit**

Proposal to Amend the FY 2016 Audit Plan

	Budgeted Audit Hours	Contract Management	Amend May 2016
Audit Projects			
Mandatory			
<ul style="list-style-type: none"> • 3 Facility Audits (1 Secure/1 HWH/1 Contract Care) • Endowment Funds Audit (Public Funds Investment Act) • Alleged Abuse, Neglect, and Exploitation Audit (ANE) 	<p>4000</p> <p>450</p> <p>1200</p>	<p>Yes</p> <p>Yes</p>	Increase (100)
Discretionary			
<ul style="list-style-type: none"> • CAPPS • Title IV-E • Halfway House Education Program (Consulting) 	<p>1400</p> <p>900</p> <p>1100</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Remove</p> <p>Add</p>
Other Projects			
<ul style="list-style-type: none"> • Annual Risk Assessment and Audit Plan for FY2017 • FY2016 Annual Internal Audit Report • FY2016 Annual Internal Quality Assurance and Improvement Program • Follow Up/Verification of Prior Audit Recommendations • Management Assistance • External Quality Assurance Review – Reciprocating Services • Other Consulting Services • SAO Financial Audit Assistance 	<p>300</p> <p>100</p> <p>150</p> <p>500</p> <p>250</p> <p>100</p> <p>150</p> <p>100</p>		<p>Increase (50)</p> <p>Increase (50)</p> <p>Add</p>



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION TO APPROVE THE AMENDMENT TO FY 2016 AUDIT PLAN

On this **20th day of May 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 approval of the annual audit plan developed by the Internal Auditor, and its subsequent publication on the agency’s internet website upon approval; and

WHEREAS, the previously developed annual audit plan was approved by the TJJD Board on November 13th 2015, and agency risks and audit needs changed, and the Texas State Auditor’s Office requires amendments to audit plans be filed with their office,

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Office of Internal Audit’s amendment to FY2016 Audit Plan and endorses its distribution and publication as required by statute.

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

Signed this 20th day of May 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 final adoption of rule review and revisions within 37 TAC §385.9941, (Response to Ombudsman Reports) and §385.9951 (Death of a Youth) (Action)

Date: April 22, 2016

As part of TJJJ's rule review process, the State Programs and Facilities Division proposed changes to the following rules at the November 2015 board meeting:

- §385.9941 (Response to Ombudsman Reports)
- §385.9951 (Death of a Youth)

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

- In §385.9941, correct a typographical error and replace "3rd" with "third."

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

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

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

Draft 4/18/16

Chapter: Agency Management and Operations	Effective Date: Page: 1 of 1 Replaces: GAP.385.9941, 12/6/10
Subchapter: Miscellaneous	
Rule: Response to Ombudsman Reports	
ACA: N/A	
Statutes: Human Resources Code §261.058(b)	

Staff-recommended changes in red

(a) **Purpose.**

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

(b) **Applicability.**

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

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

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

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

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

- (1) Upon publication of an OIO report, the TJJD executive director or his/her designee determines whether TJJD will make comments on the published report.
- (2) In cases where TJJD will make comments on a published OIO report, TJJD's formal response shall be submitted to OIO no later than the 30th day after the date the report is published.
- (3) If the published report addresses serious or flagrant circumstances as described in Human Resources Code §261.055(b), TJJD shall follow the procedures and deadlines established in subsection (c)(3) of this section.

Draft 4/18/16

Chapter: Agency Management and Operations	Effective Date:
Subchapter: Miscellaneous	Page: 1 of 1
Rule: Death of a Youth	Replaces: GAP.385.9951, 4/26/04
ACA: 4-JCF-4C-43 3-JCRF-4C-27	
Statutes: Code of Criminal Procedure, Art. 49.18	

RULE

(a) **Purpose.**

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

(b) **General Provisions.**

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

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

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

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

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

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

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



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §385.9941
(RESPONSE TO OMBUDSMAN REPORTS) AND §385.9951 (DEATH OF A YOUTH)**

On this **20th day of May 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, Texas Human Resources Code §242.003 requires the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

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

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

WHEREAS, the Board previously approved the publication of the proposed rule review and revisions for §385.9941 and §385.9951 in the *Texas Register* for a 30-day public comment period; and

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

WHEREAS, the TJJD staff has recommended additional minor changes to §385.9941;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review and revisions for §385.9941 and §385.9951 as proposed, with additional revisions to §385.9941 as noted.

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

Signed this 20th day of May 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
Kyle Dufour, Staff Attorney

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

Date: April 29, 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 TJJ through an agreed order. Attached for your review are the Agreed Order(s) and the Resolution for approval to issue a Final Agreed Order related to the disciplinary cases of certified juvenile officer(s). TJJ and the certified officer(s) have agreed to the discipline indicated.

DOCKET NO. DH- 16-13671-160016

IN THE MATTER OF	§	BEFORE THE
	§	
COREY HARDY	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. #13671	§	JUSTICE BOARD

AGREED ORDER

At its scheduled board meeting on May 20, 2016, the Texas Juvenile Justice Board (the Board) considered the matter of the certification of Corey Hardy (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 September 14, 2015, Respondent held a juvenile supervision officer certification with TJJD.
2. On September 14, 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 September 14, 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 February 18, 2016 and Respondent was provided with the opportunity to respond to the charges stated in the Petition and to show compliance with the relevant TJJD standards, rules, and regulations.

5. The Petition for Disciplinary Action alleged the following:
 - a. On or about September 14, 2015, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent engaged in conduct meeting the definition of abuse as defined by Texas Family Code Section 261.401, when Respondent intentionally, knowingly, or recklessly engaged in an act that could cause physical injury to Juvenile 1, to-wit: striking Juvenile 1 in the head with his hand;
 - b. On or about September 14, 2015, Respondent engaged in conduct in violation of TJJD standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(2)(J) when Respondent used violence or unnecessary force on Juvenile 1, to-wit: using hands to apply force to Juvenile 1's throat and neck;
 - c. On or about November 12, 2015 Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation after engaging in conduct in violation of TJJD standards, rules, and regulations, to wit: 37 Texas Administrative Code Section 345.310 (c)(2)(G).

CONCLUSIONS OF LAW

1. Respondent is subject to the jurisdiction of TJJD and is required to comply with all TJJD standards, rules, and regulations including Texas Human Resources Code, Chapter 222, Chapters 341-359 of Texas Administrative Code, Title 37, and all state and federal laws.
2. Texas Administrative Code, Title 37, Chapter 349 provides for the disciplining of a certified juvenile probation or juvenile supervision officer whose acts or omissions violate the law, including TJJD standards, rules, and regulations.
3. Respondent's conduct is a violation of Texas Family Code Section 261.401, Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) and Section 345.310 (c)(2)(G).

ORDERING PROVISIONS

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

1. The certification of Corey Hardy as a juvenile supervision officer is suspended with that suspension being probated for two years beginning on the date this Agreed Order is adopted by the Board and such probation term shall expire upon the second anniversary of the date adopted.
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.

DOCKET NO. 15-27570-140376

IN THE MATTER OF	§	BEFORE THE
	§	
JULIO RUELAS	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. #27570	§	JUSTICE BOARD

AGREED ORDER

At its scheduled board meeting on ~~April 1~~^{May 20}, 2016, the Texas Juvenile Justice Board (the Board) considered the matter of the certification of Julio Ruelas (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 August 2, 2014, Respondent held a juvenile supervision officer certification with TJJD.
2. On August 2, 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 August 2, 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 August 28, 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 August 2, 2014, Respondent engaged in conduct in violation of 37 Texas Administrative Code Section 345.310(c)(2)(J), to wit: when he used unnecessary and excessive force against J.C., a child, to wit: restrained him when the criteria for use of force was not met and threw him to the floor;
 - b. On or about August 2, 2014, Respondent engaged in conduct meeting the definition of abuse as defined by Texas Family Code Section 261.401 when he intentionally or recklessly threw J.C., a child, to the ground, which could have caused J.C. to suffer injury; and
 - c. On or about March 20, 2015, Respondent violated 37 Texas Administrative Code Section 345.310(c)(2)(G) when he was designated as a perpetrator in a TJJD abuse, neglect, or exploitation 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)(J) and (c)(2)(G) and Texas Family Code Section 261.401.

ORDERING PROVISIONS

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

1. The certification of Julio Ruelas as a juvenile supervision officer is suspended, with that suspension being active for one year beginning on the date the Resolution regarding this Agreed Order is signed by the Board and such probation term shall expire upon the first anniversary of the date signed.
2. Upon approval of the Board, the Executive Director of TJJD is authorized to sign this order on behalf of the Board.
3. By signing this Agreed Order, Respondent waives the right to a formal hearing and any right to judicial review of this Agreed Order.

I, Julio Ruelas, 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: 3/7/16, 2016

STATE OF TEXAS §
COUNTY OF Brewer §

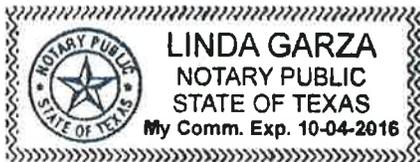
Before me, the undersigned notary public on this day personally appeared

Julio Ruelas
Signature of Respondent

Julio Ruelas, known to me (or proved to me on the oath of

_____, or

through _____ (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.



Linda Garza
Notary Public

Approved by the duly authorized designee of the Texas Juvenile Justice Board on 3/15/16, 2016

David Reilly
David Reilly, Executive Director

DOCKET NO. 15-28272-150327

IN THE MATTER OF	§	BEFORE THE
	§	
ALICE BASQUEZ	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. # 28272	§	JUSTICE BOARD

AGREED ORDER

At its scheduled board meeting on May 20, 2016, the Texas Juvenile Justice Board (the Board) considered the matter of the certification of Alice Basquez (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 20, 2015, Respondent held a juvenile supervision officer certification with TJJD.
2. On July 20, 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 20, 2015 and required that certified juvenile officers adhere to a Code of Ethics.
4. A Petition for Disciplinary Action was mailed to Respondent on February 12, 2016, and Respondent was provided with the opportunity to respond to the charges stated in the Petition and to show compliance with the relevant TJJD standards, rules, and regulations.

5. The Petition for Disciplinary Action alleged the following:
 - a. On or about July 20, 2015, Respondent engaged in conduct in violation of TJJD standards, rules, and regulations. Specifically, Respondent engaged in conduct meeting the definition of abuse as defined by Texas Family Code Section 261.401, when Respondent allowed juvenile JB to enter RH's room when Respondent knew JB intended to assault RH, an act which posed a risk of physical injury to RH;
 - b. On or about July 20, 2015, Respondent engaged in conduct in violation of TJJD standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(1)(D) when Respondent failed to serve each child with concern for the child's welfare when Respondent allowed juvenile JB to enter RH's room when Respondent knew JB intended to assault RH;
 - c. On or about November 20, 2015, Respondent was designated as a perpetrator in a TJJD abuse, neglect or exploitation investigation after engaging in conduct in violation of TJJD standards, rules, and regulations, to wit: 37 Texas Administrative Code Section 345.310 (c)(2)(G).

CONCLUSIONS OF LAW

1. Respondent is subject to the jurisdiction of TJJD and is required to comply with all TJJD standards, rules, and regulations including Texas Human Resources Code, Chapter 222, Chapters 341-359 of Texas Administrative Code, Title 37, and all state and federal laws.
2. Texas Administrative Code, Title 37, Chapter 349 provides for the disciplining of a certified juvenile probation or juvenile supervision officer whose acts or omissions violate the law, including TJJD standards, rules, and regulations.
3. Respondent's conduct is a violation of Texas Family Code Section 261.401, Texas Administrative Code, Title 37, Section 345.310(c)(1)(D) and Section 345.310 (c)(2)(G).

ORDERING PROVISIONS

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

1. The certification of Alice Basquez 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, Alice Basquez 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: April 8, 2016.

STATE OF TEXAS §
COUNTY OF Garza §

Alice Basquez
Signature of Respondent

Before me, the undersigned notary public on this day personally appeared Alice Basquez, known to me (or proved to me on the oath of _____, or through 17006970 TX (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.



Terri Laurence
Notary Public

Approved by the duly authorized designee of the Texas Juvenile Justice Board on 4-18, 2016.

David Reilly
David Reilly, Executive Director

DOCKET NO. 16-29118-150318

IN THE MATTER OF	§	BEFORE THE
	§	
EDGAR MENDEZ	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. # 29118	§	JUSTICE BOARD

AGREED ORDER

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 Edgar Mendez (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 June 12, 2015, Respondent held a juvenile supervision officer certification with TJJD.
2. On June 12, 2015, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222, and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on June 12, 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 February 18, 2016, and Respondent was provided with the opportunity to respond to the charges stated in the petition and to show compliance with the relevant TJJD standards, rules, and regulations.
5. The Petition for Disciplinary Action alleged the following:
 - a. On or about June 12, 2015, Respondent engaged in conduct meeting the definition of abuse as defined by Texas Family Code Section 261.401, when Respondent intentionally, knowingly, or recklessly engaged in an act that could have caused physical injury to Juvenile 1, to-wit: using feet to kick or trip and take down Juvenile 1 to the ground;

- b. On or about June 12, 2015, Respondent engaged in conduct meeting the definition of abuse as defined by Texas Family Code Section 261.401, when Respondent intentionally, knowingly, or recklessly engaged in an act that could have caused physical injury to Juvenile 2, to-wit: using feet to kick or trip and take down Juvenile 2 to the ground;
- c. On or about June 12, 2015, Respondent engaged in conduct in violation of TJJJ standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(2)(J) when Respondent used violence or unnecessary force on Juvenile 1, to-wit: using feet to kick or trip and take down Juvenile 1 to the ground;
- d. On or about June 12, 2015, Respondent engaged in conduct in violation of TJJJ standards, rules and regulations, to-wit: 37 Texas Administrative Code Section 345.310(c)(2)(J) when Respondent used violence or unnecessary force on Juvenile 2, to-wit: using feet to kick or trip and take down Juvenile 2 to the ground; and
- e. On or about November 17, 2015, Respondent was designated as a perpetrator in a TJJJ abuse, neglect or exploitation investigation after engaging in conduct in violation of TJJJ standards, rules, and regulations, to wit: 37 Texas Administrative Code Section 345.310 (c)(2)(G).

CONCLUSIONS OF LAW

1. Respondent is subject to the jurisdiction of TJJJ and is required to comply with all TJJJ standards, rules, and regulations including Chapters 341-359 of Texas Administrative Code, Title 37, and all state and federal laws.
2. Texas Administrative Code, Title 37, Chapter 349 provides for the disciplining of a certified juvenile probation or juvenile supervision officer whose acts or omissions violate the law, including TJJJ standards, rules, and regulations.
3. Respondent's conduct is a violation of Texas Family Code Section 261.401 and Texas Administrative Code, Title 37, Sections 345.310(c)(2)(J) and (c)(2)(G).

ORDERING PROVISIONS

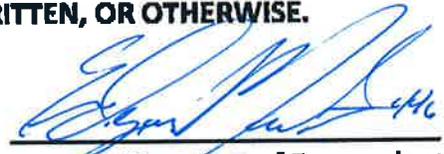
IT IS THEREFORE ORDERED by the Board of the Texas Juvenile Justice Department that:

1. The certification of Edgar Mendez as a juvenile supervision officer is suspended for two-years, however that suspension is probated for two-years beginning on the date this Agreed Order is signed by the Board and such probation term shall expire upon the second anniversary of the date signed.

- 2. Upon approval of the Board, the Executive Director of TJJD is authorized to sign this order on behalf of the Board.
- 3. By signing this Agreed Order, Respondent waives the right to a formal hearing and any right to judicial review of this Agreed Order.

I, EDGAR MENDEZ, 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: April 19, 2016


Signature of Respondent

STATE OF TEXAS §
COUNTY OF Cameron §

Before me, the undersigned notary public on this day personally appeared Edgar Mendez, known to me (or proved to me on the oath of _____ or through Drivers 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.

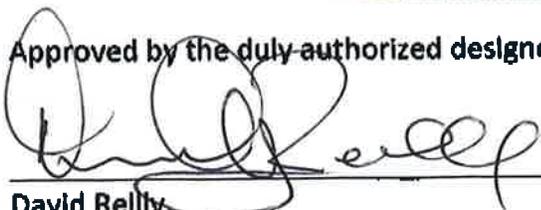
Given under my hand and seal of office this the 19th day of April 2016.



(Personalized Seal)

Ruth Sanchez
Notary Public

Approved by the duly-authorized designee of the Texas Juvenile Justice Board on 4-25, 2016.


David Reilly,
Executive Director

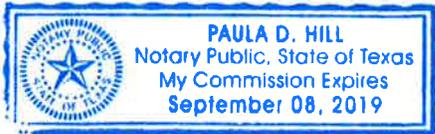
I, Corey Hardy, RESPONDENT, HAVE READ AND UNDERSTAND THE FOREGOING AGREED DISPOSITION ORDER. I UNDERSTAND THAT BY SIGNING THIS AGREED DISPOSITION ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY, WILLINGLY, AND KNOWINGLY. I UNDERSTAND THIS AGREED DISPOSITION ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN, OR OTHERWISE.

DATED: 3-8, 2016.

STATE OF TEXAS §
COUNTY OF Galveston §

[Signature]
Signature of Respondent

Before me, the undersigned notary public on this day personally appeared Corey Hardy, known to me (or proved to me on the oath of TDL, or through TDL (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.



[Signature]
Notary Public

Approved by the duly authorized designee of the Texas Juvenile Justice Board on 3/15/16, 2016.

[Signature]
David Reilly, Executive Director



**Texas Juvenile Justice Department
RESOLUTION**

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

On this the **20th day of May 2016**, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

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

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

where, among other matters, came up for consideration and vote to Approve the Agreed Order(s) in the following matter(s) related to the discipline of certified juvenile supervision officer(s):

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
15-28272-150327	Alice Basquez, 28272 Garza County Regional Juvenile Center	Revocation of Certification	Garza
16-13671-160016	Corey Hardy, 13671 Jerry J. Esmond Juvenile Justice Center	2-year probated suspension	Galveston
16-29118-150318	Edgar Mendez, 29118 Amador R Rodriguez Juvenile Boot Camp and Educational Center	2-year probated suspension	Cameron
15-27570-140376	Julio Ruelas, 27570 Bexar County Juvenile Detention Center	1-year active 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 each matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in each Agreed Order was lawfully moved, duly seconded, and approved by a majority of the present and voting members of the Texas Juvenile Justice Board; and

WHEREAS the following Board members recused themselves from participation in a particular matter:

BOARD MEMBER	NAME OF OFFICER(S)

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

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

Signed this 20th day of May 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

Kyle Dufour, Staff Attorney

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

Date: April 29, 2016

The Texas Juvenile Justice Department (TJJJ) has statutory authority to reprimand, suspend, or revoke the TJJJ-issued certification of juvenile probation and detention officers; Texas Human Resources Code §222.053. The officer is entitled to a hearing before the State Office of Administrative Hearings if revocation or suspension is requested.

The Administrative Procedures Act (Tex. Gov. Code §2001.056) provides that cases may be disposed by default if agency rules allow it. TJJJ rules allow for a default order to be issued by the Texas Juvenile Justice Board upon the recommendation of the Executive Director if there is proof of proper notice to the certified officer when the officer fails to respond to the formal charges. The default order is to be based on the factual allegations and the sanctions recommended in the formal charges; 37 TAC §349.340.

Proper notice is notice sufficient to comply with Texas Government Code Section 2001.0054 and 37 TAC §349.320, which require TJJJ to provide the certified officer written notice that:

1. was addressed to the certified officer and sent by certified mail, return receipt requested, to the certified officer's most recent address of record with TJJJ;
2. contained a statement of facts or conduct alleged to warrant an adverse certification action;

3. invited the certified officer to show compliance with all requirements of law for the retention of the certification;
4. included in capital letters in 12-point boldface type the following statement: "FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT;" and
5. stated that within 20 days of receipt of the notice, the certified officer shall file a written answer to the formal charge(s) that meets the requirements of 37 TAC §§349.340 and 349.370.

Notice is effective and service complete when the notice is sent by regular or certified mail, return-receipt requested. Notice is presumed received three days after mailing if the wrapper containing the documents is not returned to the Department.

In the case of a default, the certified officer will be deemed to have:

1. admitted all of the factual allegations in the formal charges;
2. waived the opportunity to show compliance with the law;
3. waived the opportunity for a hearing on the formal charges; and
4. waived objection to the sanction(s) recommended in the formal charges.

The Texas Juvenile Justice Board, after consideration of the case, may:

1. enter a default order under Texas Government Code §2001.056 or
2. order the matter set for a hearing at SOAH.

Having reviewed the affidavit(s) of the TJJD staff attorney assigned to these matter(s), we respectfully request that the Board grant the Default Order(s) in the requested case(s). Attached for your review is the Affidavit of Attorney for each case. The Affidavit explains the notice given, the lack of response, the alleged conduct and violations, and the requested sanction. A proposed Default Order for each case is also attached.

DOCKET NO. 15-28684-150262

IN THE MATTER OF	§	BEFORE THE
	§	
MIGUEL TURCIOS	§	TEXAS JUVENILE
	§	
CERTIFICATION NO. # 28684	§	JUSTICE BOARD

DEFAULT ORDER

Texas Juvenile Justice Board (Board) considered the recommendation of the Executive Director and the affidavit of Texas Juvenile Justice Department’s staff attorney, which were submitted pursuant to Texas Administrative Code, Title 37, Section 349.340. The documents indicate sufficient proof that proper notice was provided to Miguel Turcios (Respondent) and that appropriate relief, including the imposition of sanctions, was requested. The Board has jurisdiction over and authority to perform this action pursuant to Texas Human Resources Code, Section 222.053, Texas Government Code, Section 2001.056, and Texas Administrative Code, Title 37, Chapter 349.

The Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. On or about May 15, 2015, Respondent held a juvenile officer certification with Texas Juvenile Justice Department (TJJD).
2. On or about May 15, 2015, Respondent was required to comply with all relevant TJJD standards, rules, and regulations relating to certified juvenile supervision officers included in Texas Human Resources Code, Chapter 222 and Texas Administrative Code, Title 37, Chapters 341-359.
3. Texas Administrative Code, Title 37, Chapter 345 was in effect on or about May 15, 2015, and required that certified juvenile supervision officers adhere to a Code of Ethics.
4. Texas Administrative Code, Title 37, Section 349.305 provides that TJJD may initiate disciplinary action when TJJD confirms an officer has violated the Code of Ethics or has confirmed that abuse, neglect, or exploitation has occurred.
5. Texas Administrative Code, Title 37, Section 358.100 provides that abuse is defined as in Texas Family Code Sections 261.001 and 261.401.
6. Texas Family Code Section 261.401(a)(1) defines abuse to include an act that causes or may cause physical injury to a child served by the facility or program.

7. On or about May 15, 2015, Respondent intentionally, knowingly, or recklessly engaged in an act that caused physical injury to Juvenile 1, to-wit: driving Juvenile 1 to the ground, by pushing Juvenile 1's head to the floor with Respondent's forearm, and pushing Juvenile 1's arm upward while behind his back, causing him to suffer injury.
8. Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) provides juvenile justice professionals must not use violence or unnecessary force and must use only the amount and type of force reasonably necessary and appropriate when justified to ensure the security of juveniles or of the facility, program, or department.
9. On or about May 15, 2015, Respondent used violence or unnecessary force, to-wit: drove Juvenile 1 to the ground and pushed Juvenile's head to the floor with Respondent's forearm.
10. Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) provides juvenile justice professionals must not use violence or unnecessary force and must use only the amount and type of force reasonably necessary and appropriate when justified to ensure the security of juveniles or of the facility, program, or department.
11. On or about May 15, 2015, Respondent used violence or unnecessary force, to-wit: pushing Juvenile 1's arm upward while behind his back, causing him to suffer injury.
12. Texas Administrative Code, Title 37, Section 345.310(c)(1)(J) provides juvenile justice professionals must treat all juveniles and their families with courtesy, consideration, and dignity.
13. On or about May 15, 2015, Respondent failed to treat Juvenile 1 with courtesy, consideration, or dignity, to-wit: telling Juvenile 1 that his family does not care about him.
14. TJJJ effectively served Respondent with proper notice of the formal charges and requested discipline through written notice sent via certified mail, return receipt requested, and first class mail on February 18, 2016.
15. More than twenty days have elapsed since February 22, 2016, the date Respondent is presumed to have received notice of the formal charges.
16. To date, Respondent has not filed an answer to the formal charges.

CONCLUSIONS OF LAW

1. As evidenced by Findings of Fact 1-4, TJJJ has jurisdiction to hear this case and to impose the requested discipline.
2. As evidenced by Findings of Fact 5-7, Respondent abused Juvenile 1.
3. As evidenced by Findings of Facts, 8-13, Respondent's actions violated Texas Administrative Code, Title 37, Section 345.310(c)(2)(J).
4. As evidenced by Findings of Fact 14-16, the requirements upon which a default order may be granted as provided by Texas Government Code, Section 2001.056 and Texas Administrative Code, Title 37, Section 349.340 have been met.

ORDERING PROVISIONS

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

1. The juvenile supervision officer certification of Miguel Turcios is revoked.
2. All requested Findings of Fact and Conclusions of Law not expressly adopted herein are denied.
3. All pending motions and requests for relief not previously granted or expressly granted in this Order are denied.

This Order shall not be final and effective until twenty-five days after a party is notified of TJJJ's order. A party is presumed to have been notified of TJJJ's Order three days after the date on which the notice is actually mailed. If a timely motion for rehearing is filed by any party at interest, this Order shall not become final and effective until such motion is overruled, or if such motion is granted, this Order shall be subject to further action by TJJJ. Pursuant to Texas Government Code Section 2001.146(e), the time allotted for TJJJ action on a motion for rehearing in this case prior to its being overruled by operation of law is hereby extended until one hundred days from the date the parties are notified of the Order.

TEXAS JUVENILE JUSTICE DEPARTMENT
Signatures and date affixed by Default Disposition
Master Order dated May 20, 2016

AFFIDAVIT OF KYLE DUFOUR

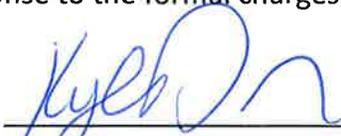
STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Kyle Dufour. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

1. On behalf of the Texas Juvenile Justice Department, written notice of formal charges, addressed to Miguel Turcios was sent via certified mail, return receipt requested, and via first class mail, postage prepaid, on February 18, 2016, to the most recent address of record for Miguel Turcios as registered with Robert N. Barnes Regional Juvenile Facility;
2. Respondent signed the wrapper sent by certified mail on February 22, 2016;
3. The wrapper sent by regular mail has not been returned;
4. Notice was effective on February 22, 2016;
5. The written notice indicated that on or about May 15, 2015, Respondent engaged in conduct in violation of TJJD standards, rules and regulations. Specifically, Texas Family Code Sections 261.401(a)(1) and Texas Administrative Code, Title 37, Section 345.310(c)(2)(J) when Respondent intentionally, knowingly, or recklessly engaged in an act that caused physical injury to Juvenile 1, to-wit: driving Juvenile 1 to the ground, by pushing Juvenile’s 1’s head to the floor with Respondent’s forearm, and pushing Juvenile 1’s arm upward while behind his back, causing him to suffer injury;
6. The written notice informed Respondent that TJJD was seeking revocation of his juvenile supervision officer’s certification;
7. The written notice included in capital letters in 12-point boldface type the statement: ‘FAILURE TO FILE A WRITTEN ANSWER TO THE FORMAL CHARGES, EITHER PERSONALLY OR BY AUTHORIZED REPRESENTATIVE, MAY RESULT IN THE ALLEGATIONS CONTAINED IN THE FORMAL CHARGES BEING ADMITTED AS TRUE AND THE RELIEF SOUGHT BY THE COMMISSION IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT;’
8. The written notice informed Respondent of the requirement to file a written response within twenty days of receipt of the notice;

9. Twenty days have elapsed since February 22, 2016, the effective date of notice, and Respondent has failed to file a written response to the formal charges.”

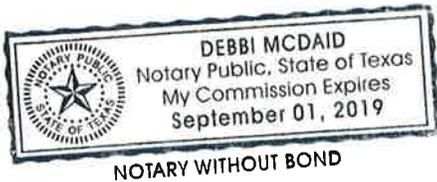
Signed this 6 day of April 2016

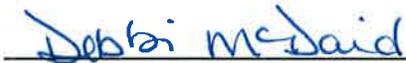


Kyle Dufour, Attorney

Before me, the undersigned authority, on this day personally appeared Kyle Dufour, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 6th day of April 2016





Notary Signature



**Texas Juvenile Justice Department
MASTER DEFAULT ORDER**

A MASTER DEFAULT ORDER RELATED TO DISCIPLINARY CASES OF CERTIFIED JUVENILE PROBATION OR SUPERVISION OFFICERS

On this the 20th day of May 2016, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board was held in the City of Austin, Texas, pursuant to the Texas Open Meetings Act. A quorum of the Members was present, to wit:

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

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Rene Olvera					
Laura Parker					
Riley Shaw					
Jimmy Smith					
Calvin Stephens					
Motion:		Second:			

where, among other matters, came up for consideration and vote Requests for Default Orders in the following matter(s) related to the discipline of certified juvenile probation or supervision officer(s):

DOCKET NUMBER	NAME, CERTIFICATION NUMBER, LOCATION	RECOMMENDED ORDER TERMS	COUNTY
15-28684-150262	Miguel Turcios, 28684, Robert N. Barnes Regional Juvenile Facility	Revocation of Certification	Nueces

WHEREAS the Board has jurisdiction over these actions pursuant to Texas Human Resources Code §222.053 and Texas Administrative Code, Title 37, §349.305 et seq. and authority to enter a Default Order under Texas Administrative Code, Title 37, §349.340, pursuant to Texas Government Code §2001.056; and

WHEREAS the Board considered each matter and a motion to adopt the recommended findings and facts and conclusions of law as set forth in each Default Order was lawfully moved, duly seconded, and approved by a majority of the present and voting members of the Texas Juvenile Justice Board; and

WHEREAS the following Board members recused themselves from participation in a particular matter:

<i>BOARD MEMBER</i>	<i>NAME OF OFFICER(S)</i>

NOW, THEREFORE BE IT ORDERED THAT the Final Order in each referenced matter shall become effective as provided therein according to the date this Order is signed and that a copy of this Order shall be affixed to each Final Order.

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

James Williams, Senior Director of Probation and Community Services

Subject: Discussion, consideration, and possible final adoption of revisions within 37 TAC Chapter 341, relating to General Standards for Juvenile Probation Departments; 37 TAC §§343.616, 343.688, and 343.690, relating to case plans in secure facilities; and 37 TAC §§355.654, relating to case plans in non-secure facilities. (Action)

Date: April 29, 2016

TJJJ staff and the Advisory Council's Standards Committee jointly proposed changes to 37 TAC Chapter 341 (General Standards for Juvenile Probation Departments) at the November 2015 board meeting. Due to the changes in Chapter 341, conforming changes were also proposed for a few rules within Chapter 343 (Secure Facilities) and Chapter 355 (Non-Secure Facilities).

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

- In §341.200, replaced "shall" with "must" and corrected a reference to state law.
- In §341.202, removed a reference to a specific section number in Chapter 344 in anticipation of numbering changes within Chapter 344.
- In §341.504, corrected a typographical error.
- In §341.506, corrected a reference to a rule number.
- In §341.706, corrected a grammatical error.
- In §341.712, corrected a grammatical error.
- In §341.800, removed the term "concealed" when referring to licenses to carry handguns.
- In §341.802, corrected grammatical errors.
- In §341.808, corrected a grammatical error.

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

Attached to this memo, please find the following documents:

- A table summarizing the changes for Chapter 341;
- The final text of Chapter 341, with markups to show the additional changes described above;
- A table summarizing the changes for Chapters 343 and 355;
- The final text of affected rules within Chapters 343 and 355; and
- A resolution for board action.

SUMMARY OF CHANGES
37 TAC Chapter 341
General Standards for Juvenile Probation Departments

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
Subchapter A: Definitions and General Provisions			
341.100 (new #) 341.1 (old #)	Definitions	Provides definitions of terms used in the chapter.	<ul style="list-style-type: none"> Consolidated all existing definitions throughout the chapter into this rule. Added definitions for the following terms: <i>Alternative Referral Plan, Criminogenic Needs, Department, Initial Disposition, Inter-County Transfer, Intern, Juvenile, Juvenile Board, Resident, Responsivity Factors, TCOLE, Title IV-E Approved Facility, TJJD Mental Health Screening Instrument, Transport Personnel, and Volunteer.</i> Deleted the definitions for the following terms: <i>Alleged Victim, Case Plan, Case Plan Review, Courtesy Supervision, Exit Plan, Referral, On-Duty, Paper Complaint, Paper Formalized, and Substitute Care Provider.</i> Changed the term <i>Approved Physical Restraint Technique</i> to <i>Approved Personal Restraint Technique</i> and revised the definition to match existing definitions in other TAC Chapters adopted by TJJD. Clarified the definition of <i>Approved Mechanical Restraint Devices</i> to reflect that the devices must be commercially available. Removed the requirement for the juvenile board to adopt the approved mechanical restraint devices. Added <i>Soft Restraints</i> to the list of TJJD-approved devices and removed <i>Anklets and Wristlets</i>. Changed the definition of <i>Intermediate Weapons</i> to reflect that electronic restraint devices, irritants, and impact weapons are examples of intermediate weapons, rather than the only types of such weapons permitted.
341.102 (new #) 341.4 (old #)	Waiver or Variance to Standards	Allows departments to apply for a waiver or variance to any standard in this chapter.	<ul style="list-style-type: none"> No changes other than the rule number.
Subchapter B: Juvenile Board Responsibilities			
341.200 (new #) 341.2 (old #)	Administration	Establishes basic responsibilities of a juvenile board in administering a juvenile probation department.	<ul style="list-style-type: none"> Removed the requirement for the juvenile board to specify the responsibilities and functions of the juvenile probation department and the chief administrative officer. Clarified that the required ratio of one juvenile probation officer for every 100 annual referrals is based on <i>formal referrals</i>. Clarified that <i>a person designated by the juvenile board</i> (rather than the juvenile board itself) must participate in community resource coordination groups. Clarified that the signs provided by TJJD relating to complaint procedures must be posted <i>in English and Spanish</i>.

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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
			<ul style="list-style-type: none"> • Combined the items relating to research studies and experimentation and moved the combined item from 341.3 to 341.200. Provided more explanation regarding what constitutes prohibited experimentation. Clarified that if the juvenile board designates a board member or staff member to approve research studies on behalf of the board, the designation must be in writing. • Added a requirement that for juvenile boards who adopt an alternative referral plan under Texas Family Code §53.01(d), the most recent version of the plan must be submitted to TJJ’s general counsel.
341.202 (new #) 341.3 (old #)	Policies and Procedures	Specifies certain types of policies each juvenile board must establish.	<ul style="list-style-type: none"> • Clarified that the requirement to establish a deferred prosecution policy applies only if the juvenile board adopts a fee schedule for the collection of deferred prosecution fees. Removed the specific reference to the \$15 maximum monthly fee and instead referred to the Texas Family Code section (§53.03) that contains the monthly maximum. • Added a requirement for the policy on volunteers and interns to include a prohibition on having unsupervised contact with juveniles if the volunteer/intern has a criminal history that does not meet the requirements of 37 TAC Chapter 344. Removed the requirement for the policy to require the volunteer/intern sign-in log to record the names of the juveniles contacted or served. • Clarified that the zero-tolerance policy refers to sexual abuse as defined in 37 TAC Chapter 358. Added that the policy must address conduct by volunteers, interns, and contractors. • Added a requirement for the juvenile board to establish a policy that specifies whether juveniles under age 17 who have been transferred for criminal prosecution under Texas Family Code §54.02 may be detained in a juvenile facility pending trial. • Added a requirement for the juvenile board to establish a policy that specifies whether juvenile probation officers may take a juvenile into custody and whether force is allowed in doing so. If force is allowed, the policy must address certain topics related to use of force, such as training, circumstances when force is authorized, prohibited conduct, and documentation.

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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
Subchapter C: Chief Administrative Officer Responsibilities			
341.300 (new #) 341.9 (old #)	Policy and Procedure Manual	Requires the chief administrative officer to develop, maintain, and enforce a policy and procedure manual for the department.	<ul style="list-style-type: none"> • Changed the annual review requirement to be <i>within the same calendar month as the previous year's review</i> (instead of once every 365 calendar days).
341.302 (new #) 341.10 (old #)	Participation in Community Resource Coordination Groups	Requires the chief administrative officer or designee to serve as liaison to the local community resource coordination group.	<ul style="list-style-type: none"> • No changes other than the rule number.
Subchapter D: Requirements for Juvenile Probation Officers			
341.400 (new #) 341.29 (old #)	Duties of Certified Juvenile Probation Officers	Establishes duties that may be performed only by certified juvenile probation officers.	<ul style="list-style-type: none"> • Added the following items to the list of duties that may be performed only by certified juvenile probation officers: <ul style="list-style-type: none"> ○ acting as the primary supervising officer in a collaborative supervision agreement; ○ taking a child into custody under applicable Texas Family Code sections; ○ serving as the designated inter-county transfer officer and performing the duties required by Texas Family Code §51.072; ○ referring a child to a local mental health or mental retardation authority as required by Texas Family Code §54.0408; and ○ explaining to the juvenile and parent/guardian/custodian who will have access to the juvenile's record and when the record may be eligible for restricted access or sealing and providing a written copy of this explanation. • Clarified that persons hired as juvenile probation officers who are not yet certified may perform the duties of a certified officer if they have completed <i>40 hours of training including the mandatory topics listed in 37 TAC Chapter 344</i> (rather than an unspecified number of training hours covering the duties listed in this standard). Also clarified that a non-certified officer may continue to perform duties of a certified officer as long as the application for certification has been filed by the deadline in Chapter 344.

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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
Subchapter E: Case Management			
341.35	Definitions	Provides definitions used in the Case Management subchapter.	<ul style="list-style-type: none"> • REPEALED. • Consolidated into new §341.100, which provides definitions for the entire chapter.
341.500 (new #) 341.36 (old #)	Mental Health Screening	Requires departments to complete a mental health screening for all juveniles formally referred, with a few exceptions.	<ul style="list-style-type: none"> • Clarified that a mental health screening is not required if a licensed mental health professional completes a clinical assessment within the established time frame. • Clarified that the person who administers the mental health screening instrument must have received training from TJJJ or its predecessor agency or from a person who is documented to have received training from TJJJ or its predecessor agency.
341.502 (new #) 341.20 (old #)	Risk and Needs Assessment	Requires departments to complete a validated risk and needs assessment before the disposition in a child's case.	<ul style="list-style-type: none"> • Added a requirement to complete the risk and needs assessment at least once every six months after disposition. • Clarified that the risk and needs assessment is required before <i>each</i> disposition in a child's case (in the event there is more than one disposition).
341.504 (new)	Case Management Policies and Procedures	Establishes basic requirements for a department's policies and procedures relating to case management.	<ul style="list-style-type: none"> • NEW STANDARD. • Requires that case management practices be based, at a minimum, on the results of the risk and needs assessment, the juvenile's criminogenic needs, risk level, responsivity factors, and involvement of the parent.
341.506 (new)	Case Plans	Establishes requirements for who must receive a case plan, deadline for completion, items that must be included in each case plan, and monthly status updates.	<ul style="list-style-type: none"> • NEW STANDARD. • Made several changes from current case plan requirements, such as: <ul style="list-style-type: none"> ○ The case plan must be completed within <i>30 days</i> after initial disposition (rather than 60 days). ○ The case plan must address the relevant criminogenic need(s) and, for each need, must include goals, action steps, responsible persons, time frames, and status of the goal. ○ The juvenile probation officer must complete and document monthly discussions with the youth and parent/guardian/custodian of the youth's status and progress toward meeting case plan goals. The officer then updates the status of case plan goals and action steps. There is no longer a requirement to complete signed case plan reviews every six months. • Included a section that exempts certain case plan requirements while an inter-county transfer request is being processed.

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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
			<ul style="list-style-type: none"> • Included a section requiring documentation when the parent/guardian/custodian cannot be located or is unable or unwilling to participate in case planning activities. • Included exemptions from all requirements in this standard for youth who are required to have specialized case plans for the Title IV-E foster care program or the Special Needs Diversionary Program.
341.37	Case Planning	Requires a written case plan for juveniles assigned to progressive sanction levels 3-5 and juveniles on determinate sentence probation.	<ul style="list-style-type: none"> • REPEALED. • These topics are now addressed in new §341.506.
341.38	Field Supervision	Establishes requirements for developing and reviewing case plans for youth on field supervision.	<ul style="list-style-type: none"> • REPEALED. • These topics are now addressed in new §341.506.
341.39	Residential Placement	Establishes requirement for developing and reviewing case plans for youth in residential placements.	<ul style="list-style-type: none"> • REPEALED. • These topics are now addressed in new §341.506. The supervising juvenile probation officer maintains responsibility for updating case plans, in consultation with staff at the placement. • There is no longer a requirement for the juvenile probation officer and residential placement staff to complete a new case plan. See conforming changes in 37 TAC Chapters 343 and 355.
341.40	Level of Supervision	Requires departments to establish written criteria for determining a juvenile’s level of supervision and to include the level supervision in each case plan. Also sets the minimum level of contact at one face-to-face contact per month, unless otherwise noted in the case plan.	<ul style="list-style-type: none"> • REPEALED. • The minimum level of supervision is now addressed in new §341.504. • The requirement to include the level of supervision in the case plan is now addressed in new §341.506. • There is no longer a requirement for departments to establish written criteria for determining a juvenile’s level of supervision.

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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
341.41	Exit Plan	Requires a written exit plan to be completed no later than the date the juvenile successfully completes probation.	<ul style="list-style-type: none"> • REPEALED. • There is no longer a requirement to complete a separate exit plan. New §341.506 requires the case plan to identify relevant community services for the juvenile and the parent/guardian/custodian to access while under supervision and after supervision ends.
Subchapter F: Data Collection			
341.47	Definitions	Provides definitions used in the Data Collection subchapter	<ul style="list-style-type: none"> • REPEALED. • Consolidated into new §341.100, which provides definitions for the entire chapter.
341.600 (new #) 341.48 (old #)	Data Coordinator	Requires each department to have a trained data coordinator. Establishes the data coordinator's duties relating to submitting data to TJJD.	<ul style="list-style-type: none"> • Made minor, non-substantive wording changes.
341.602 (new #) 341.49 (old #)	TJJD EDI Extract	Establishes requirements for submitting the TJJD Electronic Data Interchange (EDI) Extract. Requires TJJD to discuss proposed changes to the EDI specifications with counties before making substantive changes.	<ul style="list-style-type: none"> • Made minor, non-substantive wording changes.
341.604 (new #) 341.50 (old #)	Accuracy of Data	Requires certain steps to be taken to promote accuracy of data.	<ul style="list-style-type: none"> • Made minor, non-substantive wording changes.
341.606 (new #) 341.51 (old #)	Security of Data	Requires certain steps to be taken to promote security of data.	<ul style="list-style-type: none"> • Narrowed the requirements to maintain an off-site backup system and to establish written policies for backup and restoration to apply only to departments that do not use the Juvenile Case Management System (JCMS).
Subchapter G: Restraints			
341.65	Definitions	Provides definitions used in the Restraints subchapter	<ul style="list-style-type: none"> • REPEALED. • Consolidated into new §341.100, which provides definitions for the entire chapter.

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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
341.700 (new)	Applicability	Limits the subchapter to apply only to juveniles who are not residents of secure or non-secure facilities.	<ul style="list-style-type: none"> • NEW STANDARD.
341.702 (new #) 341.66 (old #)	Requirements	Establishes requirements and limitations for using restraints.	<ul style="list-style-type: none"> • Added transport personnel as individuals who are authorized to use restraints. • Clarified that the criteria for using restraints (i.e., imminent or active self-injury, injury to others, serious property damage) and the requirement to terminate the restraint when the criteria are no longer present do not apply to restraints used during routine transportation or when a juvenile probation officer takes a juvenile into custody.
341.704 (new #) 341.67 (old #)	Prohibitions	Lists prohibited restraint techniques.	<ul style="list-style-type: none"> • Replaced the term “face down” with “prone or supine position” to match wording used in other TAC chapters adopted by TJJD. • Added that restraints that place anything around the juvenile’s neck are prohibited.
341.705 (new)	Transport Personnel	Requires transport personnel to maintain current certification in CPR, first aid, and a TJJD-approved personal restraint technique.	<ul style="list-style-type: none"> • NEW STANDARD.
341.706 (new #) 341.68 (old #)	Documentation	Establishes requirements for restraint documentation.	<ul style="list-style-type: none"> • Added that using mechanical restraints during routine transportation and taking a juvenile into custody are not required to be documented as restraints unless: <ul style="list-style-type: none"> ○ cooperation is compelled through the use of a personal restraint; or ○ the juvenile receives an injury related to the restraint event. • Added a requirement that documentation of a restraint must include a narrative description of the event from each staff member who participated in the restraint. • Clarified that the documentation must indicate the specific type of personal restraint hold or type of mechanical restraint applied.
341.708 (new #) 341.69 (old #)	Personal Restraint	Requires periodic retraining in the approved personal restraint technique.	<ul style="list-style-type: none"> • Changed the required frequency of retraining to be once every 365 calendar days or as required by the specific restraint technique, whichever time frame is shorter (instead of once every two years). • Moved the requirement for departments to use only TJJD-approved personal restraint techniques to this standard from §341.65.

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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
341.710 (new #) 341.70 (old #)	Mechanical Restraint	Establishes requirements and prohibitions relating to the use of mechanical restraints.	<ul style="list-style-type: none"> Specified that mechanical restraint devices must have documented inspections at least once each year within the same calendar month as the previous year's inspection. Added a requirement to restrict faulty or malfunctioning devices from use until they are repaired. Added a requirement for all maintenance to adhere to the manufacturer's guidelines. Clarified that mechanical restraints may not be used to secure a juvenile in a prone, <i>supine</i>, or <i>lateral</i> position with arms and hands behind his/her back and secured to his/her legs. Moved the requirement for departments to use only TJJJ-approved mechanical restraint devices to this standard from §341.65.
341.712 (new #) 341.71 (old #)	Transporting	Establishes prohibited actions during transportation.	<ul style="list-style-type: none"> Moved the documentation exception for routine transport and taking juveniles into custody from this standard to §341.706.
Subchapter H: Carrying of Weapons			
341.80	Definitions	Provides definitions used in the Carrying of Weapons subchapter	<ul style="list-style-type: none"> REPEALED. Consolidated into new §341.100, which provides definitions for the entire chapter.
341.800 (new #) 341.81 (old #)	Applicability and Authorization	Establishes the criteria for a juvenile probation officer to be authorized to carry a firearm in the course of the officer's duties.	<ul style="list-style-type: none"> Clarified that an officer is not disqualified from carrying a firearm if he/she has been found to be a designated perpetrator in a TJJJ abuse, neglect, or exploitation investigation if that designation has since been overturned. Removed the provision that stated this subchapter does not authorize an officer to carry a firearm while not on duty. There is no longer a definition of <i>on duty</i> in this chapter. Instead, the standards now use the statutory phrase <i>in the course of the officer's official duties</i> when describing when an officer is authorized to carry the firearm.
341.802 (new #) 341.82 (old #)	Documentation Requirements	Establishes deadlines for submitting required documents to TJJJ relating to carrying of firearms.	<ul style="list-style-type: none"> Increased the deadline to 30 calendar days (instead of five workdays) for submitting required documents to TJJJ after receiving the initial or renewal firearms proficiency certificate. Added a requirement to include the department's current weapons-related policies and procedures when submitting required documents to TJJJ.

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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
341.804 (new #) 341.83 (old #)	Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm	Lists basic requirements of juvenile probation officers who carry firearms.	<ul style="list-style-type: none"> Removed the requirement for the juvenile probation officer to notify TJJJ if the officer is arrested for, charged with, or convicted of any criminal offense. Moved this duty to the chief administrative officer in new §341.806.
341.84	Use of Force Continuum	Requires officers who carry firearms to use force only in compliance with the Texas Penal Code Chapter 9. Specifies that officers must receive 20 hours of training in empty-hand defense tactics before carrying a firearm. Requires officers who carry a firearm to carry at least one intermediate weapon.	<ul style="list-style-type: none"> REPEALED. The standards no longer require 20 hours of empty-hand defense training before an officer may carry a firearm. New §341.808 requires each department to specify the number of required hours. The requirement to comply with Penal Code Chapter 9 is already reflected in new §341.808 (old §341.86). Moved the requirement to carry an intermediate weapon when carrying a firearm from this standard to new §341.808.
341.806 (new #) 341.85 (old #)	Responsibilities of Chief Administrative Officer or Other Supervising Officers	Establishes the responsibilities of chief administrative officers and other supervising officers when any officer is authorized to carry a firearm.	<ul style="list-style-type: none"> Removed the requirement for the chief administrative officer or the supervisor of an officer who carries a firearm to comply with all requirements of this subchapter. New §341.808 requires the department to determine any such responsibilities and address them in department policies and procedures. Removed the requirement for the department to notify TCOLE within 24 hours when the department rescinds its authorization for an officer to carry a firearm or when an officer who carries a firearm separates from employment with the department. Clarified that an internal investigation must be conducted whenever an officer does any of the following <i>during the course of his/her official duties</i>: <ul style="list-style-type: none"> uses an empty-hand defense tactic <i>in an incident involving another person</i>; draws or uses an intermediate weapon <i>in an incident involving another person</i>; or draws or discharges a firearm <i>in any incident</i>. Specified that in cases where the chief administrative officer is the subject of the investigation, the juvenile board or the board’s designee must conduct the investigation. Removed use of empty-hand defense tactics as an incident that requires the officer to be placed on administrative leave or reassigned to a no-contact position. Specified that an officer must be placed on administrative leave or reassigned to a no-contact position when the officer, <i>in the course of his/her official duties</i>:

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37 TAC Chapter 341
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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
			<ul style="list-style-type: none"> ○ draws or uses an intermediate weapon <i>in an incident involving another person</i>; or ○ draws or discharges a firearm <i>in any incident</i>. ● Added a requirement for the chief administrative officer to ensure TJJJ is notified within 24 hours after the chief administrative officer learns that an officer who carries a firearm is arrested for, charged with, or convicted of a criminal offense
341.808 (new #) 341.86 (old #)	Written Policies and Procedures	Requires departments that employ officers who carry firearms to have written policies and procedures relating to carrying and using weapons. Specifies the items that must be included in the policies and procedures.	<ul style="list-style-type: none"> ● Added that the department’s weapons-related policies and procedures must: <ul style="list-style-type: none"> ○ specify the amount of training in empty-hand defense tactics and intermediate weapons that is required before an officer may carry a firearm; ○ specify the amount of continuing education required for officers who carry a firearm; ○ specify the duties and training requirements of a chief administrative officer or direct supervisor when the direct supervisor does not carry a firearm but supervises an officer who does carry a firearm; ○ require all weapons-related training to be received from a TCOLE-certified instructor; ○ state whether intermediate weapons are to be purchased and maintained by the department or by the officer; ○ <i>specify whether</i> the firearm must be fully loaded when carried or worn in the course of official duties (this replaces a requirement that it always be fully loaded); ○ <i>specify how</i> the officer must carry or display his/her identifying credentials when carrying a firearm in the course of official duties (this replaces a requirement to always display them); ○ specify the type(s) of intermediate weapons to be used; ○ <i>state the manner</i> in which the firearm must be worn or carried (this replaces a requirement to be encased in a holster); ○ require documentation of each incident in which an officer, in the course of official duties, uses an empty-hand defense tactic, uses an intermediate weapon, or draws or discharges a firearm (this replaces a general requirement to define the process for reporting use of force incidents); ○ require an office to carry an intermediate weapon at all times while carrying a firearm; and ○ specify the manner in which the intermediate weapon(s) must be carried.

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Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
341.810 (new #) 341.87 (old #)	Reporting Use of Force Incidents to TJJJ and Law Enforcement	Requires departments to report use of force incidents to TJJJ and law enforcement within certain deadlines.	<ul style="list-style-type: none"> • Specified that reports to TJJJ are required when an officer, <i>in the course of official duties</i>: <ul style="list-style-type: none"> ○ uses an empty-hand defense tactic <i>in an incident involving another person</i>; ○ draws or uses an intermediate weapon <i>in an incident involving another person</i>; or ○ draws or discharges a firearm <i>in any incident</i>.
341.812 (new #) 341.88 (old #)	Records	Specifies which documents must be maintained in the personnel file of an officer who carries a firearm.	<ul style="list-style-type: none"> • Removed the requirement to keep the Firearms Proficiency for Juvenile Probation Officers Application in the personnel file. • Added a requirement to keep in the officer’s personnel file an acknowledgment that the officer has reviewed the department’s current weapons-related policies and procedures.
341.89	Training and Qualification Requirements	Establishes training requirements for juvenile probation officers who are authorized to carry a firearm.	<ul style="list-style-type: none"> • REPEALED. • Moved the requirement to receive training from a TCOLE-approved instructor to new §341.808. • Moved the requirement for training to cover relevant topics to new §341.808. • Removed the requirement for 20 hours of continuing education for officers who carry firearms. New §341.808 requires each department to specify the number of required hours in its policies and procedures. • Removed the requirement to submit to TJJJ proof of completing training within five workdays after completing the training. Proof of training is addressed in §341.802.
341.90	Disqualifying Conduct	Establishes that a juvenile probation office is disqualified from seeking authorization to carry a firearm if he/she has been named as a perpetrator in a TJJJ abuse, neglect, or exploitation investigation.	<ul style="list-style-type: none"> • REPEALED. • This standard duplicates information contained in §341.800.
341.91	Prohibited Conduct	Prohibits juvenile probation officers from firing warning shots, shooting at fleeing vehicles, and using striking weapons as intermediate weapons.	<ul style="list-style-type: none"> • REPEALED. • New §341.808 requires departments to establish criteria their policies and procedures for when force is justified consistent with Texas Penal Code Chapter 9. • TJJJ standards will no longer regulate when firing a weapon is or is not justified or whether striking weapons are allowable.

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department
Chapter 341 General Standards for Juvenile Probation Departments

Subchapter A. Definitions and General Provisions

- §341.100 Definitions
- §341.102 Waiver or Variance to Standards

Subchapter B. Juvenile Board Responsibilities

- §341.200 Administration
- §341.202 Policies and Procedures

Subchapter C. Chief Administrative Officer Responsibilities

- §341.300 Policy and Procedure Manual
- §341.302 Participation in Community Resource Coordination Groups

Subchapter D. Requirements for Juvenile Probation Officers

- §341.400 Duties of Certified Juvenile Probation Officers

Subchapter E. Case Management

- §341.500 Mental Health Screening
- §341.502 Risk and Needs Assessment
- §341.504 Case Management Policies and Procedures
- §341.506 Case Plans

Subchapter F. Data Collection

- §341.600 Data Coordinator
- §341.602 TJJD EDI Extract
- §341.604 Accuracy of Data
- §341.606 Security of Data

Subchapter G. Restraints

- §341.700 Applicability
- §341.702 Requirements
- §341.704 Prohibitions
- §341.705 Transport Personnel
- §341.706 Documentation
- §341.708 Personal Restraint
- §341.710 Mechanical Restraint
- §341.712 Transporting

Subchapter H. Carrying of Weapons

- §341.800 Applicability and Authorization
- §341.802 Documentation Requirements
- §341.804 Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm
- §341.806 Responsibilities of Chief Administrative Officers or Other Supervising Officers
- §341.808 Written Policies and Procedures
- §341.810 Reporting Use of Force Incidents to TJJD and Law Enforcement
- §341.812 Records

37 TAC Chapter 341

Subchapter A Definitions and General Provisions

§341.100 Definitions

Effective Date:

The following words and terms have the following meanings when used in this chapter, unless the context clearly indicates otherwise.

- (1) **Alternative Referral Plan**--A procedure that deviates from the requirements of Texas Family Code §53.01(d) regarding referral of cases to the prosecutor.
- (2) **Approved Personal Restraint Technique ("personal restraint")**--A professionally trained, curriculum-based, and competency-based restraint technique that uses a person's physical exertion to completely or partially constrain another person's body movement without the use of mechanical restraints.
- (3) **Approved Mechanical Restraint Devices ("mechanical restraint")**--A professionally manufactured and commercially available mechanical device designed to aid in the restriction of a person's bodily movement. The only mechanical restraint devices approved for use are the following:
 - (A) **Ankle Cuffs**--Metal band designed to be fastened around the ankle to restrain free movement of the legs.
 - (B) **Handcuffs**--Metal devices designed to be fastened around the wrist to restrain free movement of the hands and arms.
 - (C) **Plastic Cuffs**--Plastic devices designed to be fastened around the wrists or legs to restrain free movement of hands, arms, or legs. Plastic cuffs must be designed specifically for use in human restraint.
 - (D) **Soft Restraints**--Non-metallic wristlets and anklets used as stand-alone restraint devices. These devices are designed to reduce the incidence of skin, nerve, and muscle damage to the subject's extremities.
 - (E) **Waist Belt**--A cloth, leather, or metal band designed to be fastened around the waist and used to secure the arms to the sides or front of the body.
- (4) **Case Management System**--A computer-based tracking system that provides a systematic method to track and manage juvenile offender caseloads.
- (5) **Chief Administrative Officer**--Regardless of title, the person hired by a juvenile board who is responsible for oversight of the day-to-day operations of a juvenile probation department, including the juvenile probation department of a multi-county judicial district.
- (6) **Comprehensive Folder Edit**--A report generated in the Caseworker or Juvenile Case Management System (JCMS) application that performs an extensive edit of the case file information. This report identifies incorrectly entered data and questionable data that impact the accuracy of the reports and programs.
- (7) **Criminogenic Needs**--Issues, risk factors, characteristics, and/or problems that relate to a person's risk of reoffending.
- (8) **Data Coordinator**--A person employed by a juvenile probation department who is designated to serve and function as the primary contact with TJJD on all matters relating to data collection and reporting.
- (9) **Department**--A juvenile probation department.
- (10) **Draw**--To unholster a weapon in preparation for use against a perceived threat.
- (11) **EDI Specifications**--A document developed by TJJD outlining the data fields and file structures that each juvenile probation department is required to follow in submitting the TJJD EDI extract.

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- (12) **Empty-Hand Defense**--Defensive tactics through the use of pressure points, releases from holds, and blocking and striking techniques using natural body weapons such as an open hand, fist, forearm, knee, or leg.
- (13) **Field Supervision**--Supervision ordered by a juvenile court in accordance with Texas Family Code §54.04(d)(1)(A) where the child is placed on probation in the child's home or in the custody of a relative or another fit person.
- (14) **Formal Referral**--An event that occurs only when all three of the following conditions exist:
 - (A) a juvenile has allegedly committed delinquent conduct, conduct indicating a need for supervision, or a violation of probation;
 - (B) the juvenile probation department has jurisdiction and venue; and
 - (C) the office or official designated by the juvenile board has:
 - (i) made face-to-face contact with the juvenile and the alleged offense has been presented as the reason for this contact; or
 - (ii) given written or verbal authorization to detain the juvenile.
- (15) **Initial Disposition**--The disposition of probation issued by a juvenile court after a child is:
 - (A) formally referred to a juvenile probation department for the first time; or
 - (B) formally referred to a juvenile probation department after any and all previous periods of supervision by the department have ended.
- (16) **Inter-County Transfer**--As described in Texas Family Code §51.072, a transfer of supervision from one juvenile probation department in Texas to another juvenile probation department in Texas for a juvenile who moves or intends to move to another county and intends to remain in that county for at least 60 days.
- (17) **Intermediate Weapons**--Weapons designed to neutralize or temporarily incapacitate an assailant, such as electronic restraint devices, irritants, and impact weapons. This level of self-defense employs the use of tools to neutralize aggressive behavior when deadly force is not justified but when empty-hand defense is not sufficient.
- (18) **Intern**--An individual who performs services for a juvenile justice program or facility through a formal internship program that is sponsored by a juvenile justice agency or is part of an approved course of study through an accredited college or university.
- (19) **Juvenile**--A person who is under the jurisdiction of the juvenile court, confined in a juvenile justice facility, or participating in a juvenile justice program.
- (20) **Juvenile Board**--A governing board created under Chapter 152 of the Texas Human Resources Code.
- (21) **Juvenile Justice Program**--A program or department that:
 - (A) serves juveniles under juvenile court or juvenile board jurisdiction; and
 - (B) is operated wholly or partly by the governing board, juvenile board, or by a private vendor under a contract with the governing board or juvenile board. The term includes:
 - (i) juvenile justice alternative education programs;
 - (ii) non-residential programs that serve juvenile offenders under the jurisdiction of the juvenile court; and
 - (iii) juvenile probation departments.
- (22) **Resident**--A juvenile or other individual who has been lawfully admitted into a pre-adjudication secure juvenile detention facility, post-adjudication secure juvenile correctional facility, or a non-secure juvenile correctional facility.
- (23) **Residential Placement**--Supervision ordered by a juvenile court in which the child is placed on probation outside the child's home in a foster home or a public or private institution or agency.

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- (24) **Restraints**--Personal or mechanical restraint.
- (25) **Responsivity Factors**--Factors that are not necessarily related to criminal activity but are relevant to the way in which the juvenile reacts to different types of interventions (e.g., learning styles and abilities, self-esteem, motivation for treatment, resistance to change, etc.)
- (26) **SRSXEdit**--An audit program developed by TJJD to assist juvenile probation departments not using the Caseworker or JCMS application with verifying their data prior to submission to TJJD.
- (27) **Supervision**--The case management of a juvenile by the assigned juvenile probation officer or designee through contacts (e.g., face-to-face, telephone, office, home, or collateral contacts) with the juvenile, the juvenile's family, and/or other persons or entities involved with the juvenile.
- (28) **TCOLE**--Texas Commission on Law Enforcement.
- (29) **Title IV-E Approved Facility**--A facility licensed and/or approved by the Texas Department of Family and Protective Services for Title IV-E participation.
- (30) **TJJD**--Texas Juvenile Justice Department.
- (31) **TJJD Electronic Data Interchange (EDI) Extract**--An automated process to extract and submit modified case records from the department's case management system to TJJD. The extract must be completed in accordance with this chapter.
- (32) **TJJD Mental Health Screening Instrument**--An instrument selected by TJJD to assist in identifying juveniles who may have mental health needs.
- (33) **Transport Personnel**--An employee of a juvenile probation department, other than a juvenile supervision officer, whose primary job duty is to transport juveniles.
- (34) **Volunteer**--An individual who performs services for the juvenile probation department without compensation from the department who has:
 - (A) any unsupervised contact with juveniles in a juvenile justice program or facility; or
 - (B) regular or periodic supervised contact with juveniles in a juvenile justice program or facility.

§341.102 Waiver or Variance to Standards

Effective Date:

Unless expressly prohibited by another standard, an application for a waiver or variance of any standard in this chapter may be submitted in accordance with §349.200 of this title.

Subchapter B Juvenile Board Responsibilities

§341.200 Administration

Effective Date:

- (a) **Local Juvenile Probation Services Administration.**
 - (1) For each autonomous juvenile probation department, the juvenile board must employ a chief administrative officer who meets the standards set forth in Chapter 344 of this title.
 - (2) When probation services for adult and juvenile offenders are provided by a single probation office, the juvenile board must ensure that the juvenile probation department's policies, programs, and procedures are clearly differentiated.

- (b) **Referral Ratio.**

The juvenile probation department ~~must shall~~ employ at least one certified juvenile probation officer for each 100 formal referrals made to the juvenile probation department annually.

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(c) **Participation in Community Resource Coordination Groups.**

- (1) A person designated by the juvenile board must participate in the system of community resource coordination groups pursuant to Texas Government Code §531.055.
- (2) The chair of the juvenile board or his/her designee must serve as representative to the interagency dispute resolution process required by Texas Government Code §531.055.

(d) **Notice of Complaint Procedures.**

The juvenile board must ensure the English and Spanish signs provided by TJJD relating to complaint procedures are posted in a public area of:

- (1) the juvenile probation department; and
- (2) any facility operated by the juvenile board or by a private entity through a contract with the juvenile board.

(e) **Research Studies and Experimentation.**

- (1) The juvenile board must establish a policy that prohibits participation by juveniles in research that employs an experimental design to test a medical, pharmaceutical, or cosmetic product or procedure.
- (2) Participation by juveniles in any other kind of research is prohibited unless:
 - (A) the research study is approved in writing by the juvenile board or its designee; and
 - (B) the juvenile board has established policies that:
 - (i) govern all authorized research studies;
 - (ii) prohibit studies that involve medically invasive procedures; and
 - (iii) adhere to all federal requirements governing human subjects and confidentiality.
- (3) If the juvenile board authorizes a board member or staff member to approve research studies on behalf of the board, the authorization must be in writing.
- (4) Approved research studies must adhere to all applicable policies of the authorizing juvenile board.
- (5) Before a research study approved by the juvenile board begins, the research study must be reported to TJJD in a format prescribed by TJJD.
- (6) Results of a completed study must be made available to TJJD upon request.

(f) **Alternative Referral Plans.**

If a juvenile board adopts an alternative referral plan under Texas Family Code §53.01(d), the board must ensure the most recent version of the plan is submitted to the TJJD general counsel.

§341.202 Policies and Procedures

Effective Date:

(a) **Personnel Policies.**

The juvenile board must establish written personnel policies.

(b) **Department Policies.**

The juvenile board must establish written department policies and procedures. These policies must include, at a minimum, the following provisions, if applicable.

(1) **Deferred Prosecution.**

- (A) If the juvenile board adopts a fee schedule for the collection of deferred prosecution fees, the board must establish a written policy that includes the following requirements.

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- (i) The monthly fee must be determined after obtaining a financial statement from the parent or guardian and may not exceed the maximum set by Texas Family Code §53.03.
 - (ii) The fee schedule must be based on total parent/guardian income.
 - (iii) The chief administrative officer or his/her designee must approve in writing the fee assessed for each child including any waiver of deferred prosecution fees.
- (B) A deferred prosecution fee may not be imposed if the juvenile board does not adopt a fee schedule and rules for waiver of the deferred prosecution fee.

(2) **Volunteers and Interns.**

If a juvenile probation department utilizes volunteers or interns, the juvenile board must establish policies for the volunteer and/or internship program that include:

- (A) a description of the scope, responsibilities, and limited authority of volunteers and interns who work with the department;
- (B) selection and termination criteria, including disqualification based on specified criminal history;
- (C) a requirement to conduct criminal history searches as described in [Chapter 344 §344.310](#) of this title for volunteers and interns who will have direct, unsupervised access to juveniles;
- (D) a prohibition on having unsupervised contact with juveniles for volunteers and interns whose criminal history does not meet the requirements in Chapter 344 of this title;
- (E) the orientation and training requirements, including training on recognizing and reporting abuse, neglect, and exploitation;
- (F) a requirement that volunteers and interns meet minimum professional requirements if serving in a professional capacity; and
- (G) a requirement to maintain a sign-in log that documents the name of the volunteer/intern, the purpose of the visit, the date of the service, and the beginning and ending time of the service performed for the department.

(3) **Zero-Tolerance for Sexual Abuse.**

The juvenile board must establish zero-tolerance policies and procedures regarding sexual abuse as defined in Chapter 358 of this title. The policies and procedures must:

- (A) prohibit sexual abuse of juveniles under the jurisdiction of the department by department staff, volunteers, interns, and contractors;
- (B) establish the actions department staff must take in response to allegations of sexual abuse and TJJD-confirmed incidents of sexual abuse; and
- (C) provide for administrative disciplinary sanctions and referral for criminal prosecution.

(4) **Pretrial Detention for Certain Juveniles.**

As required by Texas Human Resources Code §152.0015, the juvenile board must establish a policy that specifies whether a person who has been transferred for criminal prosecution under Texas Family Code §54.02 and is younger than 17 years of age may be detained in a juvenile facility pending trial.

(5) **Taking Juveniles into Custody.**

The juvenile board must establish a policy that specifies whether juvenile probation officers may take a juvenile into custody as allowed by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015.

- (A) If the policy allows juvenile probation officers to take a juvenile into custody, the policy must specify whether the officers are allowed to use force in doing so.

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- (B) If the policy allows juvenile probation officers to use force in taking a juvenile into custody, the policy must:
- (i) address prohibited conduct, circumstances under which force is authorized, and training requirements;
 - (ii) require each use of force to be documented, except when the only force used is the placement of mechanical restraints on the juvenile.

Subchapter C Chief Administrative Officer Responsibilities

§341.300 Policy and Procedure Manual Effective Date:

- (a) The chief administrative officer must develop, maintain, and enforce a policy and procedure manual for the juvenile probation department, which must include the policies and procedures of the juvenile probation department as established by the juvenile board.
- (b) The chief administrative officer must provide all employees with a copy of or access to the policy and procedure manual, review the manual no later than the last day of the calendar month of the previous year's review, maintain documentation of this review, and update the manual as necessary.

§341.302 Participation in Community Resource Coordination Groups Effective Date:

The chief administrative officer or his/her designee must serve as the liaison to the local community resource coordination group pursuant to Texas Government Code §531.055.

Subchapter D Requirements for Juvenile Probation Officers

§341.400 Duties of Certified Juvenile Probation Officers Effective Date:

- (a) The following duties and responsibilities may be performed only by certified juvenile probation officers, except as allowed by subsection (b) of this section:
 - (1) recommending a disposition in formal court proceedings;
 - (2) providing final approval of written social history reports;
 - (3) acting as the primary supervising officer for court-ordered and deferred prosecution cases;
 - (4) acting as the primary supervising officer in a collaborative supervision agreement under Texas Family Code §51.075;
 - (5) developing and implementing case plans in accordance with Subchapter E of this chapter;
 - (6) conducting intake interviews and preliminary investigations and making release decisions under Texas Family Code §53.01, unless another staff member is designated to do so by the juvenile board;
 - (7) taking a child into custody as authorized by Texas Family Code §§52.01(a)(4), 52.01(a)(6), or 52.015;

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- (8) serving as the designated inter-county transfer officer and performing the duties required by Texas Family Code §51.072;
 - (9) referring a child to a local mental health or mental retardation authority as required by Texas Family Code §54.0408;
 - (10) explaining to the juvenile and to the juvenile's parent, guardian, or custodian, the following, as required by Texas Family Code §58.209:
 - (A) who will have access to the juvenile's record; and
 - (B) under what circumstances that record may be eligible for restricted access or sealing; and
 - (11) providing the juvenile with a written copy of the explanation in paragraph (10) of this subsection.
- (b) Subject to the application deadline established in Chapter 344 of this title, an individual hired as a juvenile probation officer who is not yet certified as a juvenile probation officer may perform the duties under subsection (a) of this section if the individual has completed a minimum of 40 hours of training, which must include the mandatory topics required in Chapter 344 of this title.

Subchapter E Case Management

§341.500 Mental Health Screening **Effective Date:**

- (a) The TJJJ mental health screening instrument must be completed for all juveniles who receive a formal referral to the juvenile probation department, except in the specific circumstances listed in paragraphs (1)-(2) of this subsection.
 - (1) A clinical assessment by a licensed mental health professional may be substituted for the TJJJ mental health screening instrument if the assessment is completed within the time frames listed in subsection (b) of this section.
 - (2) The department is not required to complete an additional screening if the TJJJ mental health screening instrument has been completed within the previous two weeks and is contained in the juvenile's case record.
- (b) If the juvenile is not admitted into detention, the TJJJ mental health screening instrument must be administered no later than 14 calendar days after the date of the first face-to-face contact between the juvenile and a juvenile probation officer. If the juvenile is admitted into detention, the detention facility is required under §343.404 of this title to administer the TJJJ mental health screening instrument within 48 hours after admission and to send the results to the supervising juvenile probation officer.
- (c) The individual administering the TJJJ mental health screening instrument must have received training from:
 - (1) TJJJ or its predecessor agency on administering the mental health screening instrument; or
 - (2) an individual who is documented to have received training from TJJJ or its predecessor agency on administering the mental health screening instrument.

§341.502 Risk and Needs Assessment **Effective Date:**

- (a) A juvenile probation department must complete a risk and needs assessment for a juvenile:
 - (1) before each disposition in a juvenile's case; and
 - (2) at least once every six months.
- (b) The risk and needs assessment instrument must be:

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- (1) validated; and
 - (2) approved or provided by TJJD.
- (c) The risk and needs assessment instrument must be administered by an individual trained to administer the instrument.

§341.504 Case Management Policies and Procedures

Effective Date:

Each department's case management policies and procedures must:

- (1) establish that individualized case management practices are based on a consideration of the following factors, at a minimum:
 - (A) results of the department's risk and needs assessment instrument;
 - (B) criminogenic needs;
 - (C) risk level to reoffend;
 - (D) responsivity factors; and
 - (E) involvement of the parent(s), guardian, or custodian; and
- (2) require a minimum of one face-to-face contact per month with each juvenile under supervision unless otherwise noted in the case plan.

§341.506 Case Plans

Effective Date:

- (a) A case plan must be developed for each juvenile assigned to progressive sanctions level three, four, or five, as defined in Texas Family Code Chapter 59, and for each juvenile given determinate sentence probation under Texas Family Code §54.04(q).
- (b) The case plan must be completed within 30 calendar days after the date of initial disposition. The case plan must be:
 - (1) developed by a juvenile probation officer in coordination with the juvenile and the juvenile's parent, guardian, or custodian;
 - (2) signed by a juvenile probation officer, the juvenile, and the juvenile's parent, guardian, or custodian; and
 - (3) retained, with copies provided to:
 - (A) the juvenile;
 - (B) the juvenile's parent, guardian, or custodian; and
 - (C) upon placement of a juvenile in a residential placement, staff at the residential placement.
- (c) The case plan must address:
 - (1) relevant criminogenic need(s), as determined by the department; and
 - (2) the following information for each criminogenic need addressed in the case plan:
 - (A) goal(s); and
 - (B) for each goal:
 - (i) action step(s);
 - (ii) person(s) responsible for completing the action step(s);
 - (iii) time frame for completing the action step(s); and
 - (iv) status of the goal;

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- (3) identification of relevant community services for the juvenile and the juvenile's parent(s), guardian, or custodian to access while the juvenile is under supervision and after supervision ends;
 - (4) facility name and phone number, if the juvenile is in a residential placement; and
 - (5) level of supervision.
- (d) Except as noted in subsection (f) of this section, the juvenile probation officer must complete and document the following actions each calendar month after the case plan has been developed:
- (1) discuss progress toward meeting case plan goals with:
 - (A) the juvenile;
 - (B) the juvenile's parent(s), guardian, or custodian; and
 - (C) the residential provider where the juvenile is placed, if applicable; and
 - (2) update the status and progress toward meeting case plan goals and action steps.
- (e) If the parent, guardian, or custodian cannot be located or is unable or unwilling to participate in developing or updating the case plan as required in subsection (b) or (d) of this section, documentation of the reason the parent, guardian, or custodian did not participate must be maintained.
- (f) The requirements in subsection (d) of this section do not apply after a request for an inter-county transfer has been submitted and before the sending and receiving counties have agreed on the official start date, as described in Texas Family Code §51.072 (f-1).
- (g) Within 30 calendar days after the official start date for an inter-county transfer, the receiving county must:
- (1) assume responsibility for the monthly updates described in subsection (d) of this section; or
 - (2) complete a new case plan in accordance with subsections (b) and (c) of this section.
- (h) Section 341.506 [of this title](#) does not apply to:
- (1) juveniles on field supervision in departments that currently participate in Title IV-E reasonable candidacy;
 - (2) juveniles who have been certified or are pending certification as Title IV-E eligible; or
 - (3) juveniles who are receiving services under the Special Needs Diversionary Program administered by TJJD.
- (i) A case plan is required in accordance with subsections (b) and (c) of this section within 30 calendar days after any of the following events:
- (1) a juvenile is discharged from the Title IV-E foster care reimbursement program or is determined to be ineligible for the Title IV-E program;
 - (2) a juvenile is discharged from the Special Needs Diversionary Program; or
 - (3) a department ceases to participate in claiming Title IV-E reasonable candidate costs.

Subchapter F Data Collection

§341.600 Data Coordinator

Effective Date:

(a) **Training Requirements.**

- (1) The data coordinator must have a thorough understanding of TJJD's reporting requirements.
- (2) The data coordinator must complete training related to data reporting provided by TJJD as required.

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(b) **Duties.**

- (1) The data coordinator is responsible for ensuring that all data submitted to TJJD by the juvenile probation department is accurate, timely, and consistent with TJJD's reporting requirements.
- (2) The data coordinator must ensure that the TJJD EDI Extract is submitted to TJJD on or before the applicable due date.

§341.602 TJJD EDI Extract

Effective Date:

- (a) The TJJD EDI Extract must be sent to TJJD electronically.
- (b) The extract is due to TJJD no later than the tenth calendar day of each month following the reporting period.
- (c) The TJJD EDI Extract data must include all data fields required by the EDI Specifications.
- (d) TJJD staff must discuss any proposed changes to the specifications with juvenile probation departments' designated representatives before making substantive changes to the specifications.

§341.604 Accuracy of Data

Effective Date:

- (a) The juvenile probation department must fill in all applicable data fields for each referral in the department's case management system.
- (b) The juvenile probation department must run the Comprehensive Folder Edit or SRSXEdit on a monthly basis.
- (c) Errors detected by the Comprehensive Folder Edit must be corrected prior to the next submission of the EDI Extract.
- (d) Errors detected by TJJD must be corrected prior to the date provided by TJJD.

§341.606 Security of Data

Effective Date:

- (a) Each user of the juvenile probation department's case management system must obtain a password to the system. Passwords must not be shared with department employees or other persons.
- (b) The juvenile probation department must limit the number of employees who are authorized to delete information in the department's case management system.
- (c) Access to the department's case management system must be removed concurrent with the termination of a user's employment.
- (d) A juvenile probation department that does not use the Juvenile Case Management System (JCMS) must:
 - (1) establish and follow a written policy for backup and restoration procedures relating to data in its case management system; and
 - (2) maintain an off-site backup storage system.

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Subchapter G Restraints

§341.700 Applicability

Effective Date:

This subchapter applies only to juveniles who are not residents of a juvenile pre-adjudication secure detention facility, a juvenile post-adjudication secure correctional facility, or a non-secure juvenile correctional facility.

§341.702 Requirements

Effective Date:

- (a) The use of restraints is governed by the following criteria.
- (1) Personal restraints may be used only by juvenile probation officers and transport personnel who are trained in the use of the approved personal restraint technique.
 - (2) Mechanical restraints may be used only by juvenile probation officers and transport personnel who are trained in the use of all approved mechanical restraint devices.
 - (3) Except during routine transportation or when a juvenile probation officer takes a juvenile into custody under Texas Family Code §52.01 or §52.015, restraints may be used only in instances of threat of imminent or active:
 - (A) self-injury;
 - (B) injury to others; or
 - (C) serious property damage.
 - (4) Restraints may be used only as a last resort.
 - (5) Only the amount of force and type of restraint necessary to control the situation may be used.
 - (6) Restraints must be implemented in such a way as to protect the health and safety of the juvenile and others.
 - (7) Restraints must be terminated as soon as the juvenile's behavior no longer indicates an imminent threat of self-injury, injury to others, or serious property damage, except during routine transportation or when a juvenile probation officer takes a juvenile into custody.

§341.704 Prohibitions

Effective Date:

Restraints that employ a technique listed in this section are prohibited:

- (1) restraints used for punishment, discipline, retaliation, harassment, compliance, or intimidation;
- (2) restraints that deprive the juvenile of basic human necessities, including restroom opportunities, water, food, and clothing;
- (3) restraints that are intended to inflict pain;
- (4) restraints that put a juvenile in a prone or supine position with sustained or excessive pressure on the back or chest cavity;
- (5) restraints that put a juvenile in a prone or supine position with pressure on the neck or head;
- (6) restraints that obstruct the airway or impair the breathing of the juvenile, including a procedure that places anything in, on, or over the juvenile's mouth or nose or around the juvenile's neck;
- (7) restraints that interfere with the juvenile's ability to communicate;
- (8) restraints that obstruct the view of the juvenile's face;

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- (9) any technique that does not require the monitoring of the juvenile's respiration and other signs of physical distress during the restraint; and
- (10) percussive or electrical shocking devices.

§341.705 Transport Personnel

Effective Date:

Transport personnel must maintain current certification in the following topics:

- (1) cardiopulmonary resuscitation (CPR);
- (2) first aid; and
- (3) a personal restraint technique approved by TJJD.

§341.706 Documentation

Effective Date:

- (a) Restraints must be fully documented and the documentation must be maintained, except as noted in subsection (b) of this section. Written documentation regarding the use of restraints must include, at a minimum:
 - (1) name of the juvenile;
 - (2) name and title of each staff member who administered the restraint;
 - (3) narrative description of the restraint event from each staff member who participated in the restraint;
 - (4) date of the restraint;
 - (5) duration of each type of restraint (e.g., personal or mechanical), including notation of the time each type of restraint began and ended;
 - (6) location of the restraint;
 - (7) events and behavior that prompted the initial restraint and any continued restraint;
 - (8) de-escalation efforts and restraint alternatives attempted;
 - (9) type of restraint(s) applied, including, as applicable:
 - (A) the specific type of personal restraint hold applied; and
 - (B) the type of mechanical restraint device(s) applied; and
 - (10) any injury that occurred during the restraint.
- (b) The following events are not required to be documented as a restraint, except as noted in subsection (c) of this section:
 - (1) using mechanical restraints during routine transportation; and
 - (2) a juvenile probation officer taking a juvenile into custody under Texas Family Code §52.01 or §52.015.
- (c) The exception in subsection (b) of this section does not apply when:
 - (1) the juvenile's cooperation is compelled through the use of a personal restraint; or
 - (2) the juvenile receives an injury in relation to the restraint event or restraint devices.

§341.708 Personal Restraint

Effective Date:

- (a) A juvenile probation department may not use a personal restraint technique before it has been approved for use by TJJD.

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- (b) Staff members who are authorized to use personal restraints must be retrained in the approved personal restraint technique in accordance with the requirements of the technique or at least once every 365 calendar days, whichever time frame is shorter.

§341.710 Mechanical Restraint

Effective Date:

The use of mechanical restraints is governed by the following criteria.

- (1) **Requirements.**
- (A) Only approved mechanical restraint devices may be used by the juvenile probation department.
 - (B) Mechanical restraints must be used only in a manner consistent with their intended use.
 - (C) Mechanical restraint devices must be inspected at least once each year, no later than the last day of the calendar month of the previous year's inspection. The dates of the inspections must be documented.
 - (D) Faulty or malfunctioning devices must be restricted from use until they are repaired. Any maintenance performed must adhere to the manufacturer's guidelines.
- (2) **Prohibitions.**
- (A) Mechanical restraint devices may not be altered from the manufacturer's design.
 - (B) A juvenile may not be placed in a prone position while restrained in any mechanical restraint for a period of time longer than necessary to apply the restraint devices.
 - (C) A mechanical restraint may not be used to secure a juvenile in a prone, supine, or lateral position with the juvenile's arms and hands behind his/her back and secured to his/her legs.
 - (D) Mechanical restraint devices may not be secured so tightly as to interfere with circulation or so loosely as to cause chafing of the skin.
 - (E) Mechanical restraint devices may not be used to secure a juvenile to a stationary object.
 - (F) A juvenile in mechanical restraints may not participate in any physical activity.
 - (G) Plastic cuffs may be used only in emergency situations.

§341.712 Transporting

Effective Date:

- (a) During transportation in a vehicle, ~~a the~~ juvenile may not be affixed to any part of the vehicle.
- (b) During transportation in a vehicle, a juvenile may not be secured to another juvenile.

Subchapter H Carrying of Weapons

§341.800 Applicability and Authorization

Effective Date:

- (a) **Applicability.** This subchapter applies only to actively certified juvenile probation officers who are authorized to carry firearms under this subchapter.
- (b) **Authorization to Carry a Firearm.**
- (1) In accordance with §142.006 of the Texas Human Resources Code, a juvenile probation officer is authorized to carry a firearm during the course of the officer's official duties if:

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- (A) the juvenile probation officer has been employed for at least one year by the juvenile probation department described in subparagraph (B) of this paragraph;
 - (B) the chief administrative officer of the juvenile probation department that employs the juvenile probation officer authorizes the juvenile probation officer to carry a firearm in the course of the officer's official duties; and
 - (C) the juvenile probation officer possesses a certificate of firearms proficiency issued by the Texas Commission on Law Enforcement (TCOLE) under §1701.259 of the Texas Occupations Code.
- (2) A juvenile probation officer is disqualified from being authorized to carry a firearm during the course of the officer's official duties if the officer has been found to be a designated perpetrator in a TJJD abuse, neglect, or exploitation investigation, unless that designation has been overturned.
- (3) In accordance with §221.35 of this title, a juvenile probation officer must successfully complete TCOLE's current firearms training program for juvenile probation officers to be authorized to carry a firearm in the course of the officer's official duties.
- (4) A license to carry a handgun obtained under Chapter 411, Subchapter H, of the Texas Government Code (~~i.e., a concealed handgun license~~) does not enable a certified juvenile probation officer to carry a firearm in the course of the officer's official duties and does not satisfy, and may not be accepted in lieu of, the requirements in this subchapter.

§341.802 Documentation Requirements

Effective Date:

- (a) **Documents Required ~~After~~ ~~after~~ Obtaining an Initial Firearms Proficiency Certificate.** Within 30 calendar days after receiving the initial firearms proficiency certificate from TCOLE, the chief administrative officer must ensure the following documents are provided to TJJD:
- (1) a copy of the Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE; and
 - (2) a completed, signed, and notarized copy of TJJD's Verification of Eligibility for Juvenile Probation Officer to Carry Firearm form, including the following required attachments:
 - (A) appropriate documentation that the juvenile probation officer has been subjected to a complete search of local, state, and national records to disclose any criminal record or criminal history;
 - (B) written documentation from each chief administrative officer who has authorized the juvenile probation officer's participation in the juvenile probation officer firearms proficiency training program that the officer has been examined by a psychologist who was selected by the current employing department and who is licensed by the Texas State Board of Examiners of Psychologists;
 - (C) a written declaration from the examining psychologist that the juvenile probation officer possesses the requisite psychological and emotional health to carry a firearm in the course of the officer's official duties;
 - (D) documentation of successful completion of TCOLE's current firearms training program for juvenile probation officers;
 - (E) documentation of successful completion of the amount of training specified by the department's policies and procedures in the following areas:
 - (i) use of an empty-hand defense tactic; and
 - (ii) use of an intermediate weapon; and
 - (F) the department's current policies and procedures described in §341.808 of this title.
- (b) **Documents Required ~~After~~ ~~after~~ Obtaining Renewed Firearms Proficiency Certificate.** Within 30 calendar days after receiving a renewal of a firearms proficiency certificate from TCOLE, the chief administrative officer must ensure the following documents are provided to TJJD:

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- (1) a copy of the renewed Juvenile Probation Officer Firearms Proficiency Certificate from TCOLE;
- (2) a completed, signed, and notarized copy of TJJJD's Renewal of Verification of Eligibility for Juvenile Probation Officer to Carry Firearm form;
- (3) documentation of successful completion of the amount of continuing education specified by the department's policies and procedures relating to the use of a firearm, intermediate weapon, ~~and~~ empty-hand defense tactic; and
- (4) the department's current policies and procedures described in §341.808 of this title.

§341.804 Responsibilities of a Juvenile Probation Officer Authorized to Carry a Firearm

Effective Date:

A juvenile probation officer who is authorized to carry a firearm in accordance with this subchapter must:

- (1) comply with the requirements of this subchapter, the officer's department policies and procedures, and the laws of this state and of the United States;
- (2) be knowledgeable of the places where firearms or other weapons are prohibited;
- (3) immediately report to the chief administrative officer if the officer is arrested for, charged with, or convicted of any criminal offense;
- (4) comply with all training, firearms proficiency, and certification requirements in §221.35 of this title;
- (5) maintain the firearm and all authorized intermediate weapons in proper working order at all times;
- (6) be responsible for the safe handling of the firearm and all authorized intermediate weapons; and
- (7) store the firearm and all authorized intermediate weapons in a secure, locked location designed for secure storage of a weapon when the firearm or other weapon is not on the officer's person.

§341.806 Responsibilities of Chief Administrative Officers or Other Supervising Officers

Effective Date:

- (a) The chief administrative officer or his/her designee must notify TJJJD within 24 hours if:
 - (1) the department rescinds its authorization for a juvenile probation officer to carry a firearm; or
 - (2) an officer who is authorized to carry a firearm separates from the department.
- (b) An internal investigation must be conducted for all incidents in which a juvenile probation officer, during the course of his/her official duties:
 - (1) uses an empty-hand defense tactic in an incident involving another person;
 - (2) draws or uses an intermediate weapon in an incident involving another person; or
 - (3) draws or discharges a firearm in any incident.
- (c) The investigation described in subsection (b) of this section must be conducted by:
 - (1) the chief administrative officer or his/her designee; or
 - (2) the juvenile board or the board's designee in cases where the chief administrative officer is the subject of the investigation.
- (d) A juvenile probation officer must be immediately placed on administrative leave or reassigned to a position having no contact with juveniles or the relatives of a juvenile involved in the incident if the juvenile probation officer, while in the course of his/her official duties:
 - (1) draws or uses an intermediate weapon in an incident involving another person; or
 - (2) draws or discharges a firearm in any incident.

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- (e) The administrative leave or reassignment described in subsection (d) of this section must remain in effect until the conclusion of the internal investigation.
- (f) The chief administrative officer must ensure that TJJD is notified if an officer who is authorized to carry a firearm is arrested for, charged with, or convicted of any criminal offense. This notification is required within 24 hours after the chief administrative officer learns of the arrest, charge, or conviction.

§341.808 Written Policies and Procedures

Effective Date:

Each juvenile probation department that employs a juvenile probation officer who is authorized to carry a firearm in accordance with the requirements in this subchapter must maintain and implement written policies and procedures that:

- (1) define which juvenile probation officers within the department are authorized to carry firearms;
- (2) specify the amount of required training hours in the following areas before a juvenile probation officer may carry a firearm in the course of the officer's duties:
 - (A) use of an empty-hand defense tactic; and
 - (B) use of at least one intermediate weapon;
- (3) specify the amount of continuing education hours required every two years for an officer to continue to carry a firearm in the course of the officer's duties;
- (4) require continuing education hours to be in areas that enhance the officer's skills and knowledge relating to the proficient and legal use of a firearm, empty-hand defense tactics, and intermediate weapons in the context of self-defense and defense of third parties, including the following topics, at a minimum:
 - (A) use of force;
 - (B) weapons retention; and
 - (C) crisis intervention;
- (5) specify the duties and training requirements of the chief administrative officer or the direct supervisor of a juvenile probation officer in cases where the following circumstances exist:
 - (A) a juvenile probation officer is authorized to carry a firearm in the course of his/her official duties; and
 - (B) the direct supervisor of the juvenile probation officer does not carry a firearm in the course of his/her official duties;
- (6) require all training described in this section to be received from a TCOLE-certified instructor;
- (7) state whether firearms and intermediate weapons are to be purchased and maintained by the department or the individual officer;
- (8) require that the firearm and intermediate weapons remain under the control of the officer authorized to carry the firearm and weapon(s);
- (9) specify whether the firearm must be fully loaded when carried or worn when the officer is in the course of his/her official duties;
- (10) specify how credentials identifying the officer as a certified juvenile probation officer must be carried and/or displayed while the officer is carrying a firearm in accordance with this subchapter;
- (11) describe the circumstances and limitations under which the officer is justified to use force, which must be consistent with Chapter 9 of the Texas Penal Code;
- (12) specify the firearms to be carried, including the type of firearm, manufacturer, model, and caliber;
- (13) specify the type of ammunition authorized for use in the firearm;
- (14) specify the type(s) of intermediate weapons to be used;

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- (15) state whether the firearm must be carried in plain view or concealed and the manner in which it must be worn or carried;
- (16) require documentation of each incident in which a juvenile probation officer, while in the course of his/her official duties, uses an empty-hand defense tactic, uses an intermediate weapon, or draws or discharges a firearm;
- (17) require the officer to carry an intermediate weapon at all times while the officer is carrying a firearm;
- (18) specify the manner in which the intermediate weapon(s) must be carried;
- (19) define the process for rescinding or suspending the authorization to carry a firearm;
- (20) prohibit the consumption of alcohol while carrying a firearm or intermediate weapon;
- (21) define the process for conducting an internal investigation when required by §341.806(b) of this title; **and**
- (22) require that a juvenile probation officer be placed on administrative leave or be reassigned to a position having no contact with juveniles or relatives of the juvenile involved in the incident when required by §341.806(d) of this title.

§341.810 Reporting Use of Force Incidents to TJJD and Law Enforcement

Effective Date:

- (a) The chief administrative officer or his/her designee must report to TJJD each incident in which a juvenile probation officer, during the course of his/her official duties:
 - (1) uses an empty-hand defense tactic in an incident involving another person;
 - (2) draws or uses an intermediate weapon in an incident involving another person; or
 - (3) draws or discharges a firearm in any incident.
- (b) The initial report must be made to TJJD immediately, but no later than four hours after the conclusion of the use of force incident.
- (c) The initial report must be made using the toll-free number designated by TJJD.
- (d) Within 24 hours after the report by phone, the Juvenile Probation Officer Use of Force Incident Report form must be submitted to TJJD via fax or e-mail.
- (e) The chief administrative officer or his/her designee must report to local law enforcement any discharge of a firearm by a juvenile probation officer immediately, but no later than one hour after the time of discharge.

§341.812 Records

Effective Date:

- (a) The personnel file of each juvenile probation officer authorized to carry a firearm in accordance with this subchapter must contain a copy of the:
 - (1) PID Assignment (TCOLE C-1 form);
 - (2) results of criminal history checks conducted pursuant to the requirements of this subchapter;
 - (3) Licensee Psychological and Emotional Health Declaration (TCOLE L-3 form);
 - (4) proof of annual firearms proficiency;
 - (5) verification of successful completion of TCOLE's firearms training program for juvenile probation officers; and
 - (6) acknowledgment that the officer has reviewed the department's current policies and procedures specified in §341.808 of this title.
- (b) Juvenile probation departments must allow TCOLE, other law enforcement agencies, and TJJD access to records pertaining to firearms and use of force incidents for monitoring and investigation purposes.

SUMMARY OF CHANGES

37 TAC Chapter 343

Secure Pre-Adjudication Detention and Post-Adjudication Correctional Facilities

Rule #	Title of Rule	Summary of Rule	Summary of Key Revisions
Subchapter D: Secure Post-Adjudication Correctional Facility Standards			
343.616	Content of Resident Records	Lists types of information that must be included in each resident's record.	<ul style="list-style-type: none"> • Removed references to the case plan and case plan reviews.
343.688	Case Plan Coordination (new title) Residential Case Plan (old title)	Establishes requirements for developing initial case plans for youth in residential placements.	<ul style="list-style-type: none"> • Removed the requirement for facility staff to complete an initial case plan. • Added a requirement for the facility administrator to ensure that: <ul style="list-style-type: none"> ○ the resident is made available to the juvenile probation officer to participate in monthly status and progress reviews; ○ a staff member who is knowledgeable about the resident's progress in facility programming participates in the monthly reviews with the juvenile probation officer and provides a written monthly summary of the resident's progress in facility programming; and ○ documentation of these monthly activities is maintained in the resident's file.
343.690	Residential Case Plan Review	Requires case plan reviews to be completed and signed by all parties every 90 days.	<ul style="list-style-type: none"> • REPEALED. • Removed the requirement to complete case plan reviews.

SUMMARY OF CHANGES

37 TAC Chapter 355

Non-Secure Correctional Facilities

Subchapter F: Resident Rights and Programming			
355.654	Case Plan Coordination (new title) Residential Case Plan and Case Plan Review (old title)	Establishes requirements for developing initial case plans and conducting case plan reviews.	<ul style="list-style-type: none"> • Removed the reference to completing and reviewing case plans. • Added a requirement for the facility administrator to ensure that: <ul style="list-style-type: none"> ○ the resident is made available to the juvenile probation officer to participate in monthly status and progress reviews; ○ a staff member who is knowledgeable about the resident's progress in facility programming participates in the monthly reviews with the juvenile probation officer and provides a written monthly summary of the resident's progress in facility programming; and ○ documentation of these monthly activities is maintained in the resident's file.

Texas Administrative Code

Title 37 **Public Safety and Corrections**
Part 11 **Texas Juvenile Justice Department**
Chapter 343 **Secure Juvenile Pre-Adjudication Detention and Post-Adjudication**
 Correctional Facilities

§343.616. Content of Resident Records.

Effective Date:

Each resident's record shall include the following:

- (1) delinquent history;
- (2) inventory of cash and property surrendered;
- (3) list of approved visitors;
- (4) name of the assigned probation officer;
- (5) behavioral record, including any special incidents, discipline, or grievances;
- (6) progress reports; and
- (7) final release or transfer report.

§343.688. Case Plan Coordination.

Effective Date:

The facility administrator shall ensure that:

- (1) the resident is made available to the juvenile probation officer to participate in monthly status and progress reviews, as described in §341.506 of this title;
- (2) a staff member who is knowledgeable about the resident's progress in the facility's programming:
 - (A) participates in monthly status and progress reviews with the juvenile probation officer; and
 - (B) provides a monthly written summary of the resident's progress in the facility's programming to the juvenile probation officer; and
- (3) documentation of the actions required in paragraphs (1) and (2) of this section is maintained in the resident's file.

§343.690. Residential Case Plan Review.

Effective Date:

<REPEALED>

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department
Chapter 355 Non-Secure Correctional Facilities

§355.654. Case Plan Coordination.

Effective Date:

The facility administrator shall ensure that:

- (1) the resident is made available to the juvenile probation officer to participate in monthly status and progress reviews, as described in §341.506 of this title; and
- (2) a staff member who is knowledgeable about the resident's progress in the facility's programming:
 - (A) participates in monthly status and progress reviews with the juvenile probation officer; and
 - (B) provides a monthly written summary of the resident's progress in the facility's programming to the juvenile probation officer; and
- (3) documentation of the actions required in paragraphs (1) and (2) of this section is maintained in the resident's file.

DRAFT



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ADOPT REVISIONS WITHIN 37 TAC CHAPTER 341, RELATING TO GENERAL STANDARDS FOR JUVENILE PROBATION DEPARTMENTS, 37 TAC §§343.616, 343.688, AND 343.690, RELATING TO CASE PLANS IN SECURE FACILITIES, AND §355.654, RELATING TO CASE PLANS IN NON-SECURE FACILITIES

On this 20th day of May 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 §221.002(a)(1) requires the Texas Juvenile Justice Board to adopt reasonable rules that provide minimum standards for various aspects of the operation of a juvenile board that are necessary to provide adequate and effective probation services; and

WHEREAS, Texas Human Resources Code §221.002(a)(4) requires the Texas Juvenile Justice Board to adopt reasonable rules that provide minimum standards for the operation of public and private juvenile pre-adjudication and post-adjudication secure facilities and public and private non-secure correctional facilities; and

WHEREAS, Texas Human Resources Code §221.003(e) requires the Texas Juvenile Justice Board to adopt rules to ensure that youth in the juvenile justice system are assessed using the required mental health screening instrument or a clinical assessment and are also assessed using a validated risk and needs assessment instrument or process; and

WHEREAS, Texas Human Resources Code §221.004(a) requires the Texas Juvenile Justice Board to adopt rules that provide standards for the collection and reporting of information about juvenile offenders by local probation departments and case management standards for all probation services provided by local probation departments; and

WHEREAS, the TJJD staff and the Advisory Council’s Standards committee previously proposed revisions throughout 37 TAC Chapter 341 and also proposed conforming changes in Chapters 343 and 355; and

WHEREAS, the changing of section numbers throughout Chapter 341 required each renumbered rule to be repealed and proposed as a new rule;

WHEREAS, the Board previously approved the publication of the proposed revisions in the *Texas Register* for a 30-day public comment period; and

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

WHEREAS, the TJJJ staff has recommended additional minor changes to §§341.200, 341.202, 341.504, 341.506, 341.706, 341.712, 341.800, 341.802, and 341.808;

NOW, THEREFORE BE IT RESOLVED THAT the Board adopts the revisions in Chapter 341 and conforming changes in Chapters 343 and 355 as proposed, with additional revisions to §§341.200, 341.202, 341.504, 341.506, 341.706, 341.712, 341.800, 341.802, and 341.808 as noted.

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

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director

Royce Myers, Human Resources Director

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

Date: April 29, 2016

As part of TJJJ's rule review process, the Human Resources Division recommended re-adoption of 37 TAC §385.9981 (Sick Leave Pool Administration) at the November 2015 board meeting. No changes were recommended to the current rule text.

The board approved posting a rule review notice in the *Texas Register* for a 30-day public comment period. This notice informed the public that this rule, in its current form, is under review and that TJJJ would accept comments on whether the rule is still needed.

The comment period has ended, and we did not receive any public comments. The staff now requests the board's approval to re-adopt the current rule text without changes.

Attached to this memo, please find the following documents:

- A table summarizing the status of the rule review.
- A copy of the current rule text.
- A resolution for board action.

Texas Administrative Code Rule Review
37 TAC Chapter 385, Subchapter C – Miscellaneous
 (Rule assigned to the Human Resources Division)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
385.9981	Sick Leave Pool Administration	Establishes a sick leave pool for Texas Juvenile Justice Department employees as mandated by Texas Government Code, §661.002.	Yes	No changes.	Ready for board adoption

Chapter: Agency Management and Operations Subchapter: Miscellaneous Rule: Sick Leave Pool Administration ACA: N/A Statute(s): Texas Government Code, §661.002	Effective Date: 4/1/15 Page: 1 of 1 New
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RULE

(a) **Purpose.**

The purpose of this rule is to establish a sick leave pool for Texas Juvenile Justice Department (TJJD) employees as mandated by Texas Government Code, §661.002.

(b) **General Provisions.**

- (1) The director of human resources or designee is the pool administrator.
- (2) All contributions to the TJJD sick leave pool are voluntary.
- (3) The donating employee may not designate a specific employee to receive the donated hours.
- (4) An employee is eligible to use time contributed to the sick leave pool if the employee has exhausted his/her sick leave because of:
 - (A) a catastrophic illness or injury; or
 - (B) a previous donation of time to the pool.
- (5) An employee may withdraw time from the sick leave pool that the employee did not contribute only if the employee or an immediate family member suffers a catastrophic illness or injury.
- (6) The following provisions apply to employees who withdraw sick leave pool time that is beyond what they contributed.
 - (A) The pool administrator determines the number of hours that an employee may withdraw from the pool; however, the amount withdrawn may never exceed the lesser of:
 - (i) one-third of the total time in the pool; or
 - (ii) 90 days.
 - (B) An employee absent on time withdrawn from the sick leave pool may use the time as sick leave earned by the employee, and the employee is treated for all purposes as if the employee were absent on earned sick leave.
 - (C) The estate of a deceased employee is not entitled to payment for unused time withdrawn by the employee from the sick leave pool.

For implementation procedures, see PRS.28.08.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW FOR 37 TAC §385.9981, RELATING TO SICK LEAVE
POOL ADMINISTRATION**

On this **20th day of May 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, Texas Government Code §661.002 requires the governing body of a state agency to adopt a rule relating to the operation of the agency sick leave pool; and

WHEREAS, the staff proposed to readopt the current rule text without any changes; and

WHEREAS, the Board previously approved the publication of a proposed rule review notice for 37 TAC §385.9981 in the *Texas Register* for a 30-day public comment period; and

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

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review and re-adoption of the current text of 37 TAC §385.9981 without changes.

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

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director
Karol Davidson, Staff Attorney

Subject: Discussion, consideration, and possible final adoption of rule review and revisions within 37 TAC §385.8101 (Public Information Requests), 385.8107 (Petition for Adoption of a Rule), 385.8111 (Complaints from the Public), 385.8136 (Notices to Public and Private Schools), 385.8141 (Confidentiality), 385.8161 (Notification of a Facility Opening or Relocating), 385.8163 (Decentralization), and 385.8181 (Background Checks) (Action)

Date: April 22, 2016

As part of TJJD's rule review process, the Office of General Counsel proposed changes to the following rules at the November 2015 board meeting:

- GAP.385.8101 (Public Information Requests)
- GAP.385.8107 (Petition for Adoption of a Rule)
- GAP.385.8111 (Complaints from the Public)
- GAP.385.8136 (Notification to Public and Private Schools)
- GAP.385.8141 (Confidentiality)
- GAP.385.8161 (Notification of Facility Opening or Relocating)
- GAP.385.8163 (Decentralization)
- GAP.385.8181 (Background Checks)

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

- In §385.8111, make minor grammatical corrections and change "Austin Office" to "Central Office."
- In §385.8141, correct a reference to TJJD by using the acronym rather than the full name.
- In §385.8161, make a minor grammatical correction.

- In §385.8163, make minor grammatical corrections.
- In §385.8181, 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 changes to the rules.
- A copy of the final rules, with markups to show the additional changes described above.
- A resolution for board action.

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

Rule #	Title of Rule	Summary of Rule	Is rule still needed	Summary of Key Revisions	Status of Revisions
385.8101	Public Information Request	Establishes TJJD’s duties under the Public Information Act.	Yes	<ul style="list-style-type: none"> • Removed a reference to another TJJD rule that does not directly relate to processing requests for public information. • Updated state agency names. 	Ready for board adoption
385.8107	Petition for Adoption of a Rule	Provides a procedure for any person to petition TJJD to adopt a rule.	Yes	<ul style="list-style-type: none"> • Clarified the types of persons and organizations, as specified in Texas Government Code §2001.003(5), that may petition TJJD to adopt a rule. • Made the following change to more closely reflect the language of the authorizing statute: <ul style="list-style-type: none"> ○ Removed a provision relating to TJJD’s ability to grant or deny <i>portions</i> of a petition. • Clarified that after TJJD makes a decision on a petition to adopt a rule, TJJD may refuse to consider subsequent petitions to adopt the <i>same</i> rule, but may not refuse to consider petitions to adopt a <i>similar</i> rule. 	Ready for board adoption
385.8111	Complaints from the Public	Establishes a process for TJJD to respond to public complaints, including Americans with Disabilities Act (ADA) related complaints.	Yes	<ul style="list-style-type: none"> • For non-ADA-related complaints: <ul style="list-style-type: none"> ○ Removed the provision that requires the complainant to file the complaint within 180 days after he/she <i>should have become aware</i> of the reason for the complaint. The deadline now applies only to when the complainant actually became aware of the reason for the complaint. ○ Specified that complaints may be submitted by mail, by email, or in person. ○ Clarified that when a field administrator receives the original complaint, he/she must notify the TJJD public complaint coordinator immediately and forward the written complaint within two working days. ○ Clarified that the administrator assigned to resolve the complaint must copy the TJJD public complaint coordinator on the monthly updates sent to the complainant, but not on every communication with the complainant. • For ADA-related complaints: <ul style="list-style-type: none"> ○ Changed the staff person designated as TJJD’s ADA compliance officer to the <i>human resources director</i> (instead of the risk manager). 	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"> ○ Changed the deadline for a field administrator to forward an ADA complaint to the ADA compliance officer to <i>two working days</i> (instead of one working day). ○ Added that a designee of the ADA compliance officer may perform some duties of the ADA compliance officer. ○ Added a requirement for the assigned TJJD investigator to keep the complainant informed of any adjustments to the time line for completing the investigation ○ Removed provisions relating to standards of proof and rules of evidence used by the investigator and ability to present information to the investigator. ○ Removed a provision that indicated the final decision will not be released until the Legal Department has approved it. ○ Clarified that appeal decisions should be reviewed by the legal department <i>regardless of whether the decision is adverse to the complainant.</i> ○ Removed some procedures relating to internal communication between TJJD staff. ○ Replaced a reference to TJJD's mailing and physical address with a reference to the availability of that information on TJJD's website. 	
385.8136	Notices to Public and Private Schools	Requires TJJD to notify school officials of certain offense-related information when a TJJD youth enrolls in a non-TJJD school.	Yes	<ul style="list-style-type: none"> ● Made minor, non-substantive clarifications and terminology updates. 	Ready for board adoption
385.8141	Confidentiality	Establishes basic rules of confidentiality concerning youth and staff information.	Yes	<ul style="list-style-type: none"> ● Removed all provisions except those that establish the duty to follow all laws, rules, and ethical standards relating to the confidentiality of youth and personnel information. The deleted provisions have been removed because they repeat requirements of law, refer to information addressed in other TJJD rules, or contain internal procedural information. 	Ready for board adoption
385.8161	Notification of Facility Opening or Relocating	Provides for notification to the public and certain elected officials when TJJD opens or relocates certain types of facilities.	Yes	<ul style="list-style-type: none"> ● Deleted the provision that made this rule apply to contract facilities. ● Clarified that this rule applies also to TJJD parole offices. ● Added that this rule does not apply to a facility that was in operation prior to the establishment of a residential area within 1000 feet of the facility. 	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"> • Removed foster homes from the list of facility types that are exempt from this rule. • Added that this rule does not apply to any other facility described in Texas Local Government Code §244.006. • Specified the type of information that must be included in the notice to municipal officials when the site is within 1000 feet of designated places, such as a residential area, school, park, or place of worship). • Clarified that TJJJ must post an outdoor sign at the proposed location of the facility or office stating that a correctional or <i>rehabilitation</i> facility is intended to be located on the premises. 	
385.8163	Decentralization	Provides for TJJJ interaction with regional planning commissions when TJJJ decentralizes a service to a multi-county region.	Yes	<ul style="list-style-type: none"> • Updated the agency name and made minor wording changes. 	Ready for board adoption
385.8181	Background Checks	Requires TJJJ to conduct fingerprint-based background checks on various individuals.	Yes	<ul style="list-style-type: none"> • Clarified that the criminal history check includes information from the FBI in addition to the Texas Department of Public Safety. • Made several changes to the definition of <i>Covered Person</i> to more closely follow the language of the authorizing statute. For example: <ul style="list-style-type: none"> ○ Contractors <i>with direct access to youth in TJJJ facilities</i> are now defined as covered persons (rather than all contractors). ○ Any person who provides direct delivery of services to youth <i>in TJJJ custody</i> (rather than a person who provides direct delivery of services to youth assigned to TJJJ or contract residential placements and the person is providing the service at TJJJ's request) is now defined as a covered person. • Clarified that a person who participates in more than four special events in a 12-month period is considered a volunteer. • Clarified that information obtained from a criminal history check may be released in accordance with applicable law. • Added that TJJJ will provide written notice to an employee or volunteer whose employment or enrollment is terminated or denied due to the results of a background check. 	Ready for board adoption

Chapter: Agency Management and Operations Subchapter: Interaction with the Public Rule: Public Information Requests ACA: N/A Statutes: Gov't Code Chapter 552	Effective Date: Page: 1 of 1 Replaces: GAP.385.8101, 7/19/06
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RULE

(a) **Purpose.**

This rule provides information about requests submitted to the Texas Juvenile Justice Department (TJJD) for public information consistent with the Public Information Act, Texas Government Code Chapter 552.

(b) **General Provisions.**

- (1) Pursuant to Texas Government Code §552.201, the executive director is the officer for public information. The executive director may designate an open records coordinator to respond to requests for public information. Each department head within TJJD is an agent of the executive director for purposes of complying with the Public Information Act.
- (2) TJJD must:
 - (A) make public information available for inspection and copying;
 - (B) carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal; and
 - (C) repair, renovate, or re-bind public information as necessary to maintain it properly.
- (3) Each TJJD facility and office must post a sign in the administrative offices of the facility in the form prescribed by the Office of the Attorney General. The sign must contain the basic rights of a requestor of public information, the responsibilities of TJJD, and the procedures for inspecting or obtaining a copy of public information.
- (4) All requests must be in writing and should include the name, address, and telephone number of the requestor. Requests submitted by fax or e-mail are not considered received until submitted to the fax number or email address designated by TJJD on its website.
- (5) Except as described in paragraph (6) of this subsection, information that is open for inspection must promptly be made available to the requestor. Promptly means as soon as possible under the circumstances, within a reasonable time, and without delay. If a response to a request cannot be made within 10 business days after receipt of the request, the open records coordinator must notify the requestor in writing of the date on which the records will be made available. TJJD is not entitled to automatically withhold for 10 business days information that is not excepted from public disclosure.
- (6) If TJJD determines the request will require an opinion by the Office of the Attorney General as to the releasability of the requested information, the request to the Office of the Attorney General shall be made within 10 business days after receipt of the request for information, with written notice provided to the requestor. Otherwise, the information is open for inspection.
- (7) Information requested by a member of the legislature or a member of a legislative body is provided at no charge. If the requested information is confidential, it remains confidential while in the possession of the requestor. The requestor must complete an affidavit regarding confidentiality of the information.
- (8) Costs for production of requested documents are based on guidelines provided in 1 TAC Chapter 70.

4/15/16 Draft

Chapter: Agency Management and Operations Subchapter: Interaction with the Public Rule: Petition for Adoption of a Rule ACA: N/A Statutes: Gov't Code §2001.021	Effective Date: Page: 1 of 1 Replaces: GAP.385.8107, 12/31/96
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RULE

(a) **Purpose.**

This rule provides a procedure for any person to petition the Texas Juvenile Justice Department (TJJD) to adopt a rule in compliance with the requirements of the Administrative Procedure Act.

(b) **Submission of the Petition.**

- (1) Any individual, partnership, corporation, association, governmental subdivision, or public or private organization that is not a state agency may petition TJJD to adopt a rule.
- (2) The petition must:
 - (A) be mailed or delivered to the executive director of TJJD at his/her office;
 - (B) be in writing;
 - (C) contain the petitioner's name and address; and
 - (D) describe the rule and the reason for the petition.
- (3) If the executive director of TJJD determines further information is necessary to assist TJJD in reaching a decision, the executive director may require the petitioner to resubmit the petition with:
 - (A) a brief explanation of the proposed rule;
 - (B) the text of the proposed rule prepared in a manner that demonstrates the words to be added to or deleted from the current text, if any;
 - (C) the statutory authority or other authority under which the proposed rule is to be promulgated; and
 - (D) the public benefits anticipated as a result of adopting the proposed rule or the anticipated public injury or inequity which could result from the failure to adopt the proposed rule.

(c) **Consideration and Disposition of the Petition.**

- (1) Within 60 days after receiving the petition under subsection (b)(2) or (b)(3) of this section, TJJD must deny the petition or initiate a rulemaking proceeding in accordance with the Administrative Procedure Act.
- (2) If TJJD denies the petition, the executive director must give the petitioner written notice of TJJD's denial, stating the reasons for the denial.

(d) **Subsequent Petitions to Adopt the Same Rule.**

All initial petitions for the adoption of a rule are presented to and decided by TJJD in accordance with the provisions of subsections (b) and (c) of this section. The executive director may refuse to consider any subsequent petition for the adoption of the same rule submitted within six months after the date of TJJD's receipt of the initial petition under subsection (b)(2) of this section.

Draft 4/18/16

Chapter: Agency Management and Operations Subchapter: Interaction with the Public Rule: Complaints from the Public ACA: N/A Statutes: HR Code §203.010 Americans with Disabilities act of 1990 (Public Law 101-336)	Effective Date: Page: 1 of 4 Replaces: GAP.385.8111, 3/25/02
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Staff-recommended changes in red

RULE

(a) Purpose.

This rule establishes a process through which the Texas Juvenile Justice Department (TJJD) resolves public complaints about TJJD operations and services, including complaints that allege violations of the Americans with Disabilities Act of 1990 (ADA). Members of the public are entitled to and shall receive timely and responsive resolutions to their complaints.

(b) Public Complaint That Does Not Involve an ADA Violation.

(1) How to File a Public Non-ADA Complaint.

- (A) Complaints must be filed in writing within 180 calendar days after the complainant became aware of the circumstances that are the basis of the complaint. TJJD may refuse to consider the complaint if it is not filed within the 180-day deadline.
- (B) No particular format is required for a complaint. However, the complaint should contain at least the following information:
 - (i) ~~name, Name,~~ address, and telephone number of the person filing the complaint; ~~and,~~
 - (ii) ~~the The~~ nature of the complaint and a brief description of the circumstances surrounding the complaint to include location, names, and dates.

(2) Where to File a Public Non-ADA Complaint.

- (A) The complaint may be mailed, emailed, or submitted in person to:
 - (i) the public complaint coordinator in TJJD's ~~Central Austin~~ Office; or
 - (ii) the administrator of a TJJD field office or facility. That administrator immediately notifies the public complaint coordinator and forwards the written complaint to the public complaint coordinator within two working days from the date the complaint was received.
- (B) The mailing addresses and physical addresses of TJJD facilities and offices are available on TJJD's website.

(3) Processing Procedures for Public Non-ADA Complaints.

- (A) The public complaint coordinator is notified of all complaints received and maintains a record of each complaint.
- (B) The public complaint coordinator assigns each complaint to the most appropriate administrator for response.
- (C) The administrator assigned to respond to a complaint:

- (i) attempts to resolve the complaint in a timely and effective manner;
- (ii) reports the status of efforts to resolve the complaint to the complainant at least monthly until and including final disposition;
- (iii) sends copies of the monthly status updates to the public complaint coordinator.

(c) **Public Complaint That Involves an ADA Violation.**

(1) **ADA Compliance Officer.**

TJJD complies with the Americans with Disabilities Act of 1990 (ADA). The executive director has appointed the agency's human resources director as the ADA compliance officer. The human resources director is located in the agency's [Central Austin Office](#). The address of the [Central Austin Office](#) is available on TJJD's website.

(2) **How to File a Public ADA Complaint.**

- (A) Complaints may be filed in writing or verbally. If the complaint is initially filed verbally, it must subsequently be reduced to writing and received by the ADA compliance officer not later than 15 calendar days after the ADA compliance officer was notified of the initial verbal filing. The complaint must be filed within 180 calendar days after the complainant became aware of, or should have become aware of, the alleged violation. TJJD may refuse to consider the complaint if it is not filed within the 180-day deadline.
- (B) No particular format is required for an ADA complaint. However, the complaint should contain at least the following information:
 - (i) name, address, and telephone number of the person filing the complaint; and
 - (ii) the nature of the complaint and a brief description of the circumstances surrounding the complaint to include location, names, and dates.

(3) **Where to File a Public ADA Complaint.**

The complaint may be filed by any of the following means:

- (A) directly, either verbally or in writing, with the ADA compliance officer in the [Central Austin Office](#); or
- (B) in writing with the administrator of any TJJD field office or facility. That administrator immediately notifies the ADA compliance officer and forwards the written complaint to the ADA compliance officer within two working days from the date the complaint was received.

(4) **Processing Procedures for Public ADA Complaints.**

(A) **ADA Compliance Officer and Employee Grievance Administrator Responsibilities.**

Within five calendar days after the ADA compliance officer receives the written complaint, the ADA compliance officer or designee and the employee grievance administrator jointly identify the appropriate decision authority and establish a date the complainant is due receipt of the decision. As soon as possible after identification of the decision authority, the ADA compliance officer or designee notifies the complainant of receipt of the complaint, the name of the decision authority (i.e., the TJJD administrator appointed to resolve the complaint), and the date a decision is due.

(B) Decision Authority's Responsibilities.**(i) Assignment.**

Immediately upon receipt of the complaint, the decision authority reviews it to ensure that he/she has the authority to grant the requested relief. If the decision authority does not have the authority to at least take the first steps towards granting relief (if the requested relief involves a lengthy, multi-step process), he/she forwards the complaint to the next-level administrator who has the authority to act on the complaint.

(ii) Time Lines.

The decision authority has 25 calendar days from the date he/she received the complaint to conduct an investigation, resolve the complaint, prepare a written decision, obtain a legal review of the decision, and notify the complainant in writing of the decision. If for good cause the decision authority requires additional time for investigation and resolution of the complaint, he/she notifies the ADA compliance officer, employee grievance administrator, and the complainant of the reasons for the delay and provides an estimated decision date.

(iii) Investigation.

The decision authority conducts the investigation or appoints an employee to conduct the investigation and provide the decision authority with non-binding recommendations. Prior to commencing the investigation, the investigator (i.e., the employee who will actually conduct the investigation) reviews the complaint with the TJJJ legal department. During the course of the investigation, the investigator keeps the complainant informed of adjustments to his/her time line.

(iv) Report of Investigation.

(I) Prior to release of the written decision to the complainant or to any other person or entity, the decision authority submits the proposed decision to the TJJJ legal department for review. Within five working days after receiving the proposed decision, the legal department reviews the proposed decision for legal sufficiency and informs the decision authority accordingly.

(II) Upon finalization of the written decision, the decision authority provides the written decision to the complainant, the complainant's representative (if any), the ADA compliance officer, the employee grievance coordinator, and the TJJJ general counsel. If the decision is adverse to the complainant, the decision authority includes the reasons for the adverse decision.

(5) Request for Review of Public ADA Complaint Decision.

(A) If the complainant is dissatisfied with the decision, he/she may request a review of the decision by the TJJJ executive director. The request must:

(i) be submitted within ten calendar days after the date of receipt of the decision;

(ii) include a copy of the written decision and a written statement specifically outlining the reasons for disagreement; and

(iii) be addressed to the TJJJ executive director at the agency's ~~Central Austin~~ Office. The address of the ~~Central Austin~~ Office is available on TJJJ's website.

(B) The executive director or designee notifies the complainant in writing of the result of the review within 20 calendar days after receipt of the request for review. Prior to releasing his/her

decision, the executive director should submit the complaint record to the TJJJ legal department for review and advice. If the executive director's decision upholds the initial ruling, the written notification need only state that the issue has been considered and no valid reason has been found to warrant reversing the decision.

- (C) The decision is distributed to the parties identified in paragraph (4)(B)(iv)(II) of this subsection.
- (D) The decision by the executive director finalizes the complaint process within TJJJ and exhausts the complainant's administrative remedies.

(6) **Record Repository for Public ADA Complaints.**

The ADA compliance officer or designee maintains the files and records of all ADA complaints. Upon completion of processing the complaint, the original decision authority ensures that the original complaint, all correspondence, and any other relevant materials are forwarded to the ADA compliance officer for filing. The ADA compliance officer ensures that any appeals are similarly filed.

DRAFT

Draft 4/18/16

Chapter: Agency Management and Operations Subchapter: Interaction with the Public Rule: Notices to Public and Private Schools ACA: N/A Statutes: Code of Criminal Procedure, Article 15.27	Effective Date: Page: 1 of 1 Replaces: GAP.385.8136, 11/1/11
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RULE

(a) **Purpose.**

This rule provides requirements for Texas Juvenile Justice Department (TJJD) staff to notify public and/or private elementary and secondary school officials about offense-related information concerning TJJD youth in a community placement or on parole.

(b) **Definitions.**

As used in this rule, the following terms have the following meanings, unless the context clearly indicates otherwise.

- (1) **Offense**--Any felony or misdemeanor offense listed in Article 15.27, Code of Criminal Procedure.
- (2) **Pertinent Details**--The name and date of the offense and a description of the facts of the offense, including details of any assaultive behavior or other violence or weapons used or possessed during the commission of the offense.
- (3) **School Officials**--For public schools it is the superintendent or designee of the school/district in which the youth is enrolled; for private schools it is the principal or designee of the school in which the youth is enrolled.

(c) **Notification Requirements.**

- (1) For youth in a non-secure placement or on TJJD parole, TJJD staff must provide the following information to school officials:
 - (A) the pertinent details of any offense that resulted in:
 - (i) commitment to TJJD;
 - (ii) an adjudication or conviction subsequent to commitment to TJJD; and
 - (iii) an arrest or referral to juvenile court that is pending final disposition; and
 - (B) information concerning whether the youth is required to register as a sex offender.
- (2) TJJD staff must provide oral notice within 24 hours after learning of a youth's transfer or re-enrollment in school or before the next school day, whichever is sooner. Within seven calendar days after the oral notice, TJJD staff must provide written notice.
- (3) Electronic notice of the information listed in paragraph (1) of this subsection provided to school officials within 24 hours after learning of a youth's transfer or re-enrollment in school satisfies all notice requirements set forth in this rule.

See CMS.12.02 for implementation procedures.

Draft 4/22/16

<p>Chapter: Agency Management and Operations</p> <p>Subchapter: Interaction with the Public</p> <p>Rule: Confidentiality</p> <p>ACA: 4-JCF-6F-01, 6F-05</p> <p>Statutes: Texas Family Code Chapter 58 Texas Human Resources Code §244.003, §244.051 Texas Health and Safety Code Chapter 611 Texas Occupations Code Chapter 159 34 CFR Subtitle A, Part 99 42 CFR Chapter I, Part 2</p>	<p>Effective Date:</p> <p>Page: 1 of 1</p> <p>Replaces: GAP.385.8141, 12/18/03</p>
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Staff-recommended change in red

RULE

- (a) The Texas Juvenile Justice Department (TJJD) ensures that all confidential information or data obtained or created in any medium is kept confidential as required by applicable statutes, rules, policies, and ethical standards.
- (b) Employees, agents, consultants, volunteers, and any other persons associated with TJJD ~~the Texas Juvenile Justice Department~~ will not release or divulge confidential information about TJJD youth or confidential information from personnel or other files except as required or permitted by law.

DRAFT

Draft 4/18/16

Chapter: Agency Management and Operations Subchapter: Interaction with the Public Rule: Notification of a Facility Opening or Relocating ACA: N/A Implements: Local Government Code §244.002	Effective Date: Page: 1 of 2 Replaces: GAP.385.8161, 12/18/03
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Staff-recommended change on page 2

RULE

(a) **Purpose.**

This rule provides for notification to the public and certain elected officials of the opening or relocation of certain residential facilities and parole offices operated by the Texas Juvenile Justice Department (TJJD).

(b) **Applicability.**

This rule does not apply to:

- (1) facilities that were in operation, under construction, under contract for operation or construction, or planned for operation on land owned or leased for that purpose on September 1, 1997;
- (2) facilities that were in operation prior to the establishment of a residential area as described in subsection (e)(1) of this section;
- (3) temporary facilities that will operate less than one year at the location;
- (4) expansion of existing facilities;
- (5) facilities that will not operate primarily for use as a correctional or rehabilitation facility, but will house TJJD youth only for a treatment or educational purpose;
- (6) facilities that require, before operation, special or conditional use permits from the municipality in which the facility will operate; and
- (7) parole offices located in commercial use areas; and
- (8) any other facility described in §244.006 of the Texas Local Government Code.

(c) **Notice.**

Except as provided in subsection (e) of this section, TJJD will provide notice as soon as practical before beginning operation or construction of a TJJD residential facility or parole office. The notice must:

- (1) include the proposed address and a general description of the facility or office;
- (2) be published in a newspaper of general circulation in the county in which the proposed facility or office is to be located and include where public comment on the proposal may be sent for review; and
- (3) be mailed to each city council member, county commissioner, state representative, and state senator who represents the area in which the proposed facility or office is to be located.

(d) **Public Meeting.**

Upon request by one of the elected officials identified in subsection (c)(3) of this section, TJJD will hold a public meeting to inform the public about the proposed residential facility or parole office and to receive public comment.

(e) **Sixty-Day Notice for Sites 1,000 Feet from Designated Places and When Written Notice is Received by a Local Governmental Entity.**

- (1) Pursuant to §244.002 of the Local Government Code, 60 days before beginning construction or operation, whichever occurs first, of a TJJJ residential facility or parole office within 1,000 feet of a residential area, primary or secondary school, park or public recreation area, or place of worship, TJJJ will mail notice of the proposed location to the commissioners court and governing body of the municipality. The notice must:
- (A) state TJJJ's intent to construct or operate a correctional or rehabilitation facility within the area described in subsection (e)(1) of this section;
 - (B) describe the proposed location of the facility; and
 - (C) state that Chapter 244, Subchapter A, of the Texas Local Government Code governs the procedures for the notice of and consent to the operation of the facility.
- (2) TJJJ must prominently post an outdoor sign at the proposed location of the facility stating that a correctional or rehabilitation facility is intended to be located on the premises and providing the name and business address of the entity. The sign must be at least 24 by 36 inches in size and must be written in lettering at least two inches in size. The sign may be in both English and a language other than English if required by the municipality or county.

(f) **Denial of Consent to Operate.**

A residential facility or parole office operated by TJJJ that is subject to the 60-day notice requirement of subsection (e) of this section may not be operated at the proposed location if not later than the 60th day after the date on which notice is received by a commissioners court or governing body as provided for in subsection (e) of this section, the commissioners court or governing body determines by resolution after a public hearing that the operation of the TJJJ residential facility or parole office at the proposed location is not in the best interest of the county or municipality.

Draft 4/18/16

Chapter: Agency Management and Operations Subchapter: Interaction With The Public Rule: Decentralization ACA: N/A Statutes: Local Gov't Code §391.0091	Effective Date: Page: 1 of 1 Replaces: GAP.385.8163, 12/18/03
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Staff-recommended changes in red

RULE

(a) **Purpose.**

This rule provides for Texas Juvenile Justice Department (TJJD) interaction with regional planning commissions when TJJD decentralizes a service to a multi-county region.

(b) **Use of State Planning Region.**

- (1) When a service or program is decentralized to a multi-county region, TJJD must use the services of a state planning region or combination of regions for the decentralization.
- (2) In planning for decentralization of a service or program in a region, TJJD must consider using a regional planning commission for the purposes described in Local Government Code, §391.0091, related to achieving efficiencies through shared costs, coordinating the location of services, increasing accountability, and improving financial oversight.
- (3) The rule, order, or guide relating to decentralization of a service or program must state that TJJD complied with Local Government Code, §391.0091 in the issuance of the rule, order, or guide.
- (4) This rule does not apply to a service or program that continues to be operated by TJJD through a regional or district office or to a service or program whose location in a single county or adjacent counties of the state is determined more appropriate than decentralization as a matter of law or agency policy.

Draft 4/18/16

Chapter: Agency Management and Operations Subchapter: Interaction with the Public Rule: Background Checks ACA: 4-JCF-6C-05 Statutes: HR Code §242.010	Effective Date: Page: 1 of 3 Replaces: GAP.385.8181, 2/15/09
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Staff-recommended changes in red

RULE

(a) Policy.

The Texas Juvenile Justice Department (TJJD) reviews criminal histories and employment references for certain persons as required under §242.010 of the Texas Human Resources Code.

(b) Applicability.

This rule does not apply to:

- (1) youth access to a personal attorney under §380.9311 of this title;
- (2) youth access to a personal clergy member under §380.9317 of this title;
- (3) youth access to visitors under §380.9312 of this title; or
- (4) special event visitors, as defined in this rule.

(c) Definitions.

The following terms have the following meanings when used in this rule:

- (1) **Advocate**--a person employed by or otherwise officially associated with an organization registered with TJJD as an advocacy or support group under §385.8183 of this title.
- (2) **Background Check**--obtaining certain information, including, at a minimum:
 - (A) **Criminal History Check**--a compilation of the national and state criminal history information maintained by the Federal Bureau of Investigation and the Texas Department of Public Safety; and
 - (B) **Employment Reference Check**--references from previous and current employers.
- (3) **Contractor**--a person under contract with TJJD individually, or an employee or subcontractor of an organization under contract with TJJD.
- (4) **Covered Person**--
 - (A) an employee, volunteer, ombudsman, or advocate as defined in this rule, working for TJJD, or in a TJJD facility, or in a facility under contract with TJJD;
 - (B) a contractor who has direct access to youth in TJJD facilities;
 - (C) any person not described in paragraphs (4)(A) or (4)(B) of this subsection who provides direct delivery of services to youth in TJJD custody;
 - (D) any person not described in paragraphs (4)(A) or (4)(B) of this subsection who is authorized to have unsupervised access within TJJD facilities or offices to records of identifiable TJJD youth; or
 - (E) any person who is an applicant for a position described in paragraphs (4)(A)-(D) of this subsection.

- (5) **Employee**--a person employed by TJJJ.
- (6) **Ombudsman**--a person employed by the Office of Independent Ombudsman.
- (7) **Special Event Visitor**--a person who:
 - (A) is invited by TJJJ to participate in a special event for the benefit of youth;
 - (B) does not participate in more than four special events in any 12-month period;
 - (C) does not provide direct delivery of services to youth;
 - (D) does not have access to youth records; and
 - (E) does not meet the definition of advocate, contractor, employee, or ombudsman.
- (8) **Volunteer**--a person registered in a position that renders services for or on behalf of TJJJ that does not receive compensation in excess of reimbursement for expenses incurred in that position, or a person who participates in more than four special events in a 12-month period. For purposes of this rule, volunteer does not include special event visitors.

(d) **General Provisions.**

- (1) Except as described in paragraph (2) of this subsection, TJJJ's executive director or his/her designee:
 - (A) conducts a background check on each covered person prior to granting the person access to youth, youth records, or any residential facility operated by or under contract with TJJJ; and
 - (B) conducts a criminal history check on each covered person at least once per year thereafter.
- (2) The TJJJ executive director or his/her designee may waive the background check:
 - (A) for a contractor when physical or procedural barriers are in place to prevent the contractor from having contact with or access to TJJJ youth, and the scope of services to be performed does not involve access to youth records;
 - (B) for a contractor who has an independent legal obligation to protect the confidentiality of youth records, and the scope of services to be performed does not involve access to youth;
 - (C) for a covered person who provides direct delivery of off-site services to youth assigned to residential facilities when the person is required to submit to a background check as a condition of professional licensure or employment (e.g., health care specialist referrals);
 - (D) for a covered person providing necessary services in an emergency situation when no appropriately screened service providers offering the same or similar service are immediately available and a delay in providing the service would risk significant harm to a youth (e.g., emergency room visits or rape crisis counseling); or
 - (E) for a covered person, other than a TJJJ employee, providing services in his/her official capacity as an employee of a federal, state, or local governmental entity.
- (3) TJJJ does not assess a fee in connection with the administrative costs incurred in conducting a background check as described in this rule.
- (4) As part of the initial criminal history background check, a covered person must electronically provide a complete set of fingerprints to TJJJ in the manner determined by TJJJ.

- (5) A covered person must provide employment history information in a form and manner determined by TJJJ.
- (6) All criminal history information obtained from the National Crime Information Center or any state crime information database is confidential and may be released only in accordance with applicable law.

(e) **Standards for Evaluating Background Information.**

- (1) Background check results for covered persons are evaluated according to standards established in TJJJ's policies addressing eligibility for employment or assignment in effect at the time the background check is conducted.
 - (2) When a background check reveals criminal or employment history that is unacceptable for the position or service to be performed by an employee or volunteer, TJJJ terminates or denies that employee's or volunteer's employment or enrollment. TJJJ provides written notice to the employee or volunteer whose employment or enrollment is terminated or denied.
 - (3) When a background check reveals criminal or employment history that is unacceptable for the position or service to be performed by a contractor, advocate, or ombudsman, TJJJ denies the person access to any or all of the following, as appropriate: youth, youth information, and TJJJ facilities. TJJJ provides written notice to the contractor, advocate, or ombudsman whose access is denied.
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DRAFT



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §§385.8101 (PUBLIC INFORMATION REQUEST), 385.8107 (PETITION FOR ADOPTION OF A RULE), 385.8111 (COMPLAINTS FROM THE PUBLIC), 385.8136 (NOTIFICATION TO PUBLIC AND PRIVATE SCHOOLS), 385.8141 (CONFIDENTIALITY), 385.8161 (NOTIFICATION OF A FACILITY OPENING OR RELOCATING), 385.8163 (DECENTRALIZATION), AND 385.8181 (BACKGROUND CHECKS)

On this **20th day of May 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, Texas Human Resources Code §242.003 requires the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

WHEREAS, Texas Human Resources Code §242.010(g) requires the Board to adopt rules necessary to administer a system of background checks for employees, volunteers, ombudsman staff, advocates, and contractors; and

WHEREAS, Texas Government Code §2001.021 requires each state agency to adopt rules that prescribe the form for a petition to initiate rulemaking and the procedure for submission, consideration, and disposition of the petition; and

WHEREAS, Texas Human Resources Code §203.009 and §203.010 require TJJD to make information available regarding TJJD’s procedures for accepting, investigating, and resolving complaints; and

WHEREAS, the Board previously approved the publication of the proposed rule review and revisions for §§385.8101, 385.8107, 385.8111, 385.8136, 385.8141, 385.8161, 385.8163, and 385.8181 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 TJD staff has recommended additional minor changes to §§385.8111, 385.8141, 385.8161, 385.8163, and 385.8181;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review and revisions for §§385.8101, 385.8107, 385.8111, 385.8136, 385.8141, 385.8161, 385.8163, and 385.8181 as proposed, with additional revisions to §§385.8111, 385.8141, 385.8161, 385.8163, and 385.8181 as noted.

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

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJD Board Members

From: David Reilly, Executive Director

Jim Hurley, Communications Director

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

Date: April 22, 2016

As part of TJJD's rule review process, the Communications Department proposed changes to 37 TAC §385.8137 (Media Access) at the November 2015 board meeting. The board approved posting the revisions and a rule review notice in the *Texas Register* for a 30-day public comment period.

The comment period has ended, and we did not receive any public comments. However, the staff has recommended one additional grammatical correction.

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

Texas Administrative Code Rule Review
37 TAC Chapter 385, Subchapter B – Interaction with the Public
(Rule assigned to the Communications Department)

Rule #	Title of Rule	Summary of Rule	Is rule still needed?	Summary of Key Revisions	Status of Revisions
385.8137	Public and Media	Allows for communication between a TJJD youth and the media.	Yes	<ul style="list-style-type: none"> • Removed a reference to the TJJD rule about basic youth rights. That rule addresses normal visitation procedures, which do not apply to media visits. • Clarified that parental consent is not required for general news media visits that do not involve the interviewing of youth. • Deleted the provision that allows observation of treatment sessions for purposes of training staff or other clinical professionals. This provision does not relate to media visits. • Deleted the requirement for the facility administrator to consult with the director of rehabilitation services when the news media requests to interview youth. However, consultation with the communications director is still required. • Clarified that the recommendation to the youth and parent/guardian regarding whether the granting the interview would be advisable is made by the facility administrator <i>in consultation with the communications director</i>. • Clarified that if the youth is under 18 years of age, the wishes of the youth’s parent or guardian are honored as to whether the youth will participate in an interview or be filmed. • Clarified that before a youth who is under 18 years of age may participate in an interview or be filmed, the TJJD publicity release form must be: <ul style="list-style-type: none"> ○ explained to the youth <i>and to the youth’s parent or guardian</i>; and ○ signed by the youth <i>and by the youth’s parent or guardian</i>. 	Ready for board adoption

Draft 4/18/16

Chapter: Agency Management and Operations Subchapter: Interaction With The Public Rule: Media Access ACA: 4-JCF-3A-15	Effective Date: Page: 1 of 1 Replaces: GAP.385.8137, 2/25/03
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Staff-recommended change in red

RULE

(a) **Purpose.**

This rule allows for communication between a Texas Juvenile Justice Department (TJJD) youth and the media subject to rules established by TJJD in the interest of order and safety and within limitations of confidentiality rules.

(b) **General Provisions.**

- (1) The news media are granted access to TJJD facilities, as is any visitor, consistent with the preservation of a youth's privacy and the maintenance of order and security in the facility. TJJD supports media contact that serves the interest of public awareness and encourages the youth to contribute productively to the community.
- (2) Release of records or divulgence of information that identifies individual youth or that is otherwise confidential by law is strictly prohibited.
- (3) Parental consent is not required for general news media visits that do not involve any interviewing of youth.
- (4) Non-TJJD personnel are not permitted to make audio or visual recordings of any treatment session(s) addressing personal or confidential information.
- (5) When the news media requests to interview or to film youth, the facility administrator must consult with TJJD's communications director to review the purpose and to determine parameters for filming and/or interviews.
- (6) When the news media requests an interview or to film specific youth, the facility administrator, in consultation with the TJJD communications director or designee, makes a recommendation to the youth, and to the youth's parent or guardian if the youth is under 18 years of age, regarding the advisability of the youth granting the request. When the recommendation is against allowing an interview or filming, the request is denied by the administrator unless the youth, and the youth's parent or guardian if **the** youth is under 18 years of age, signs a written statement acknowledging the recommendation and electing to go forward with the interview or filming despite the recommendation. If the youth is under 18 years of age, the wishes of the youth's parent or guardian are honored. If the youth is 18 years of age or older, the wishes of the youth are honored.
- (7) Prior to each interview or filming:
 - (A) the TJJD publicity release form must be explained to the youth and to the youth's parent or guardian if the youth is under 18 years of age;
 - (B) the youth must indicate on the publicity release form whether he/she wants his/her primary therapist or designee to be present during the interview or filming;
 - (C) the youth, and parent or guardian if the youth is under 18 years of age, must sign the publicity release form; and
 - (D) the youth must be informed that:
 - (i) the interview is voluntary;
 - (ii) he/she may refuse to answer any questions during the interview; and
 - (iii) he/she may stop the interview at any time.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ADOPT THE RULE REVIEW AND REVISIONS FOR 37 TAC §§385.8137,
RELATING TO MEDIA ACCESS**

On this **20th day of May 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, Texas Human Resources Code §242.003 requires the Board to adopt rules appropriate to properly accomplish TJJD’s functions and to adopt rules for governing TJJD schools, facilities, and programs; and

WHEREAS, the Board previously approved the publication of the proposed rule review and revisions for §385.8137 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 minor change to §385.8137;

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the adoption of the rule review and revisions for §385.8137 as proposed, with an additional revision as noted.

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

Signed this 20th day of May 2016.

Texas Juvenile Justice Board

Scott W. Fisher, Chairman



Texas Juvenile Justice Department
Trust Committee Meeting
11209 Metric – Building H – Lone Star Conference Room
Austin, Texas 78757
Thursday, March 31, 2016, 10:00 a.m.

COMMITTEE MEMBERS PRESENT:

The Honorable Jimmy Smith, Committee Chair
Scott W. Fisher, Board Chairman
The Honorable John Brieden III
Scott Matthew

EXECUTIVE STAFF PRESENT

Chelsea Buchholtz, Chief of Staff
Jeannette Cantu, Executive Assistant
Jill Mata, General Counsel
Eleazar Garcia, Chief Internal Auditor

OTHER GUESTS PRESENT:

Karen Kennedy, TJJD
Kevin Dubose, TJJD
Kathryn Gray, TJJD
Shelley McKinley, TJJD
Marie Welsch, TJJD
Maria Tissing, TJJD
Fred Meinke, TJJD
Wallace Vernon, Boys & Girls Club of Central Texas
Susan Bennett, Parrie Haynes Ranch
Ona Trubee, Spotted Horse Livery and Friends of Parrie Haynes Ranch

Call to Order

Committee Chairman Jimmy Smith called the meeting to order at 10:00 a.m.

Trust Committee
March 31, 2016

Discussion, Consideration, and Possible Approval Regarding the January 28, 1916 Committee Meeting Minutes

Board Chairman Fisher moved to approve the minutes of the meeting. Judge Brieden seconded the motion. The motion passed unanimously.

Discussion and possible approval to authorize amending the Memorandum of Agreement (MOA) with Parks and Wildlife Foundation of Texas, Inc. to remove the requirement currently found at section 1.E. (1) of the MOA that the biologist be certified as a wildlife biologist by the Wildlife Society

Kathryn Gray, Staff Attorney, provided background on the item. In October, 2015, the Parrie Haynes Trust entered into a Memorandum of Agreement with the Texas Parks and Wildlife Foundation (TPWF) to develop and implement a wildlife management plan at the Parrie Haynes Ranch. Under the terms of the agreement, TPWF will vet and hire a wildlife biologist certified by the Wildlife Society to write the plan. During the hiring process a qualified applicant who did not hold the certification was identified. TPWF requests that the certification requirement be removed from the agreement because he is qualified to write the plan, but does not hold the required certification. The United States Fish and Wildlife Service representative working on this MOA has agreed that the certification is not necessary. Board Chairman Fisher moved to recommend approval of the resolution to the full board. Judge Brieden seconded the motion. The motion passed unanimously.

Discussion and possible approval to authorize the Boys and Girls Club of Central Texas, C5 Youth Foundation of Texas, Inc., and Spotted Horse Livery, as lessee and sub lessees of the Parrie Haynes Ranch, to utilize firearms when necessary to kill wild hogs that pose a danger to the safety and security of the Ranch and/or the persons located thereon, and delegate authority to the Board chairman in his capacity as trustee of the Parrie Haynes Trust to approve similar activities in relation to other wild animals when the need arises.

Ms. Gray explained that the resolution was the result of a discussion at the January, 2016 committee meeting regarding the menace of feral hogs on the equestrian side of the ranch and the damage they are inflicting on the property. At that meeting, committee members supported the need to mitigate the damage caused by the hogs, and requested staff present a resolution at the March meeting. In addition, it was agreed that other instances might arise when other wildlife posing a threat would require destruction of certain animals, including those that are rabid. In response to Judge Brieden's question regarding trapping animals, Ms. Gray responded that the resolution did not address trapping. Judge Brieden moved that the committee recommend approval of the resolution to the full Board. Mr. Smith seconded the motion. The motion passed unanimously.

Discussion and possible approval to authorize the Boys and Girls Club of Central Texas, as lessee of the Parrie Haynes Ranch, to host a sporting clay shooting event at the Parrie Haynes Ranch in October of 2016 and to host additional sporting clay shooting events from time to time at the Ranch under similar circumstances.

Ms. Gray stated the department received a request from the Boys and Girls Club of Central Texas, the primary leaseholder at Parrie Haynes Ranch, to hold a supervised sporting clay shooting event at the Ranch in October, 2016. A company, Tournament Targets, Inc., a San Antonio company established almost twenty years ago which has a long history of hosting these types of events, will provide the equipment and expertise for the event. Proceeds from this event, and others like it held in the future, will be used to fund improvements at the ranch. Mr. Wallace Vernon, representing the Boys & Girls Club of Central Texas, addressed the committee.

Trust Committee
March 31, 2016

He stated that the company, Tourist Targets, Inc., provides safety training and will be required to provide a certificate of insurance prior to the event at the ranch. Board Chairman Fisher asked if the company's insurance provided coverage for board members. Judge Brieden, who added that clay shooting events have become very popular, said that the company's insurance should provide protection for board members, as well as the insurance purchased for the ranch to cover the board. Mr. Vernon added that many non-profit organizations have turned to clay shooting from charity golf tournaments because courses are difficult to reserve. Judge Brieden moved to recommend approval of the resolution to the full Board. Mr. Matthew seconded the motion. The motion passed unanimously.

Staff Report on Activities of the Trust

No activities were discussed.

Public Comments

Mr. Vernon distributed a handout to committee members that summarized youth participation in programs in 2015 (1,826 youth participating) and opportunities for youth in 2016, beginning with spring break and extending through the summer.

Adjourn

Judge Brieden moved to adjourn the meeting and Board Chairman Fisher seconded the motion. There being no objection, Chairman Smith adjourned the meeting at 10:14 a.m.



**Texas Juvenile Justice Department
Programs Committee Meeting
11209 Metric Boulevard, Building H, Suite A
Lone Star Conference Room
Austin, TX 78758
Thursday, March 31, 2016 – 1:00 p.m.**

BOARD MEMBERS PRESENT:

Riley Shaw, Committee Chairman
Scott Matthew
The Honorable Jimmy Smith

BOARD MEMBERS ABSENT:

Dr. Rene Olvera
MaryLou Mendoza

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Eleazar Garcia, Chief Auditor
Jeannette Cantu, Executive Assistant
Jill Mata, Office of General Counsel
Luther Taliaferro, Senior Director of Education Services
Rebecca Walters, Director of Youth Placement and Program Development
Teresa Stroud, Senior Director of State Programs and Facilities
Dr. Tushar Desai, Medical Director

OTHER GUESTS PRESENT:

Deidre Hernandez
Jamyen Robinson-Hall, TJJD
Jeannette Lepe, TJJD
Karen Kennedy, TJJD
Kevin DuBose, TJJD

Nancy Slott, TJJD
Nora Oakmon, TJJD
Shelley McKinley, TJJD
Tammy Holland, TJJD

Call to Order

Mr. Shaw called the meeting to order at 1:06 p.m.

Discussion, Consideration, and Possible Approval Regarding Excused Absences

Mr. Shaw moved to excuse Marylou Mendoza's absence. Mr. Jimmy Smith seconded. The motion passed.

Discussion, consideration and possible approval regarding the November 12, 2015 meeting minutes

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

Family engagement in state facilities

Tammy Holland, Manager of Community Relations, Chaplaincy and Family Services, provided this informational report. TJJD's focus has shifted from a family informed care approved to one that involves the family more actively. Families are considered assets in the rehabilitation, treatment and community reentry of youth. Families participate in quarterly family days, family focused seminars, contact in virtual visitation and multidisciplinary team meetings. Throughout the year, families are given the opportunity to evaluate the residential services that TJJD provides. During FY 2015, the Family Satisfaction Survey collected a total of 272 surveys. This was double the number than collected in FY 2014. Staff attributed the higher number to keeping the survey open throughout the fiscal year.

In response to a question asked by Mr. Shaw, Ms. Holland stated staff felt the number of surveys submitted was due to the online survey link left open throughout the year, rather than only for a week or two.

All families were mailed a hard copy of the survey along with a self-addressed stamped envelope. The survey was administered by SurveyMonkey and consisted of 16 questions. The Survey was available in Spanish and English and the questions are kept the same from year to year. Respondents have the option to request a follow-up phone call to discuss their concerns. In the past year, 50 of the family members who completed the survey requested a follow-up phone call. Family concerns were shared with the relevant division.

In response to a question asked by Mr. Shaw, Ms. Holland stated the areas that showed the greatest improvement included assistance provided by family liaisons, parent notification when their child was sick or injured, and family inclusion in re-entry efforts.

Although the question regarding notification to families regarding children's illness or injury was an area that showed the greatest improvement from the previous year, it also was among those rated the lowest. Families indicated their desire for better and more frequent communication from all divisions and departments. Families place a high value on educational attainment from their youth. Spanish-speaking families tended to provide more favorable responses. A total of 45 Spanish surveys were returned. Overall, there was great improvement over the previous year on nearly all of the questions.

The most favorable responses came from families with youth at the Evins Regional Juvenile Center and at the Gainesville State School. Very few surveys were completed for halfway houses, which made the responses less reliable. Responses were also contrasted by length of stay, and the results indicated the

In response to a question asked by Mr. Shaw, Ms. Holland stated over the last year staff have made a lot of strides to reach out to families and be more proactive when information is disseminated.

In response to a question asked by Mr. Shaw, Ms. Holland stated staff have reached out to families and included them more through quarterly Family Day events. Family Liaisons are more proactive and reach out to family members who are not able to travel to the facility and offer virtual visitation through an online application called WebEx.

In a comment on youth safety in residential programs, Jimmy Smith stated it was surprising how the safety rate in facilities went down after answering other questions so positively. The results indicated a comfort level by parents throughout the survey.

In response to a question asked by Mr. Smith, Ms. Holland stated the rating was only a 4 point difference from FY 2014.

In response to a question asked by Mr. Shaw, Ms. Holland stated youth safety in residential programs included secure facilities and halfway houses, but does not include the contract care programs.

In response to a question asked by Mr. Shaw, Ms. Holland stated she did not know if the drop in the rating was associated with more than one facility but would get the information to the committee members.

Mr. Shaw stated it would be helpful to know if there is a facility that is having a significant problem that is having a negative impact on the overall numbers and it is important to know if staff need to focus some resources there.

Youth Placement and Program Development Division presentation on contract residential providers

Ms. Kimbla Newsom, Youth Services Contract Manager, reported on this informational item. In the previous Legislative Appropriations Request, the agency requested to transition some options for residential placement from state secure facilities and Halfway Houses (HWH) to contract care programs. The agency wanted to have more options as it relates to placing youth closer to home and an array of services to meet their individualized needs.

Case Management Specialists (CMS) are assigned to the Ft. Worth District Office, Austin Office and Dallas District Office. These specialists work closely with the contract care providers and perform monthly site visits to the contact care programs. TJJD determines the appropriate services that youth need while at the intake unit. CMS's review these services offered by contract programs to ensure youth receive appropriate and timely services. Staff work closely with the providers to ensure they are in compliance with the contract agreement. Staff also monitor, provide technical assistance and training and impose sanctions if deficiencies are discovered.

Providers have worked with TJJD to add specialized services. One of those services is Aggression Replacement Training (ART). The closest residential provider, Pegasus, specializes in sex offender treatment as well as a non sex offender treatment component. TJJD currently has two contracts for secure residential placements: Garza County Regional Juvenile Center, operated by Cornerstone Programs, and the G4S-The Oaks Program in Brownwood. TJJD is in the process of finalizing a contract for a third secure residential program, Rite of Passage, located in Granbury, TX. Rite of Passage provides secure services for both males and females and also specializes in trafficking for the female population.

In response to a question asked by Mr. Shaw, Ms. Newsom stated there were a few questions that need to be clarified but staff expect to receive the finalized Rite of Passage contract in the next couple of days.

In response to a question asked by Mr. Shaw, Ms. Newsom stated services offered by Rite of Passage include ART, individual and group counseling, cognitive behavior therapy, alcohol and drug treatment and trafficking for females.

In response to a question asked by Mr. Shaw, Ms. Newsom stated Rite of Passage is a secure residential program. Outside of Rite of Passage there are 7 total programs. Two of the programs are considered secure and the remaining are considered medium restriction and are all licensed by the Department of Family Protective Services (DFPS).

In response to a question asked by Mr. Matthew, Ms. Newsom stated the staff from the Office of the Independent Ombudsman (OIO) conduct site visits on a regular basis. OIO staff visit the secure programs

on a monthly basis and the medium restriction programs on a quarterly basis. Reports from those visits are sent to Ms. Newsom, Ms. Walters and the program.

In response to a question asked by Mr. Matthew, Ms. Newsom stated the programs capacity of contract beds is higher than what TJJD is budgeted. In FY 2016 the agency has contracts that include physical capacity of 239. However the budgeted capacity at the beginning of the FY 2016 was 120, ramping up by the end of the fiscal year and beyond.

In response to a question asked by Mr. Matthew, Ms. Newsom stated currently TJJD has 123 kids in contract care today.

For the record Mr. Shaw welcomed Ms. Mendoza to the meeting upon her arrival.

In response to a question asked by Mr. Shaw, Ms. Newsom stated the 120 beds the agency is budgeted for is a flexible number. Some of the rates are lower so staff make sure to manage the numbers.

In response to a question asked by Mr. Shaw, Ms. Newsom stated higher need facilities are typically more expensive.

In response to a question asked by Mr. Shaw, Ms. Newsom stated if the agency had a large group of high needs youth the number the agency would be budgeted for would be lower than the 120.

In response to a question asked by Mr. Matthew, Ms. Newsom stated the contract cost is similar to the secure facilities but can vary.

In response to a question asked by Mr. Shaw, Ms. Walters stated though agency actual funding for a higher needs program is between 70 and 120, the numbers vary throughout the year. However if the need is not one of the typical placements then staff may have to go off of the standard contract.

Mr. Reilly pointed out when the budget model was built for this year, staff anticipated contract care levels and the number of youth would go up during the year so the budget model would rise throughout the year.

Adjourn

Mr. Shaw moved to adjourn the meeting. Ms. Mendoza seconded the motion. Mr. Shaw adjourned the meeting at 1:35 p.m.



TEXAS
JUVENILE ★ JUSTICE
DEPARTMENT

MEDICAL SERVICES

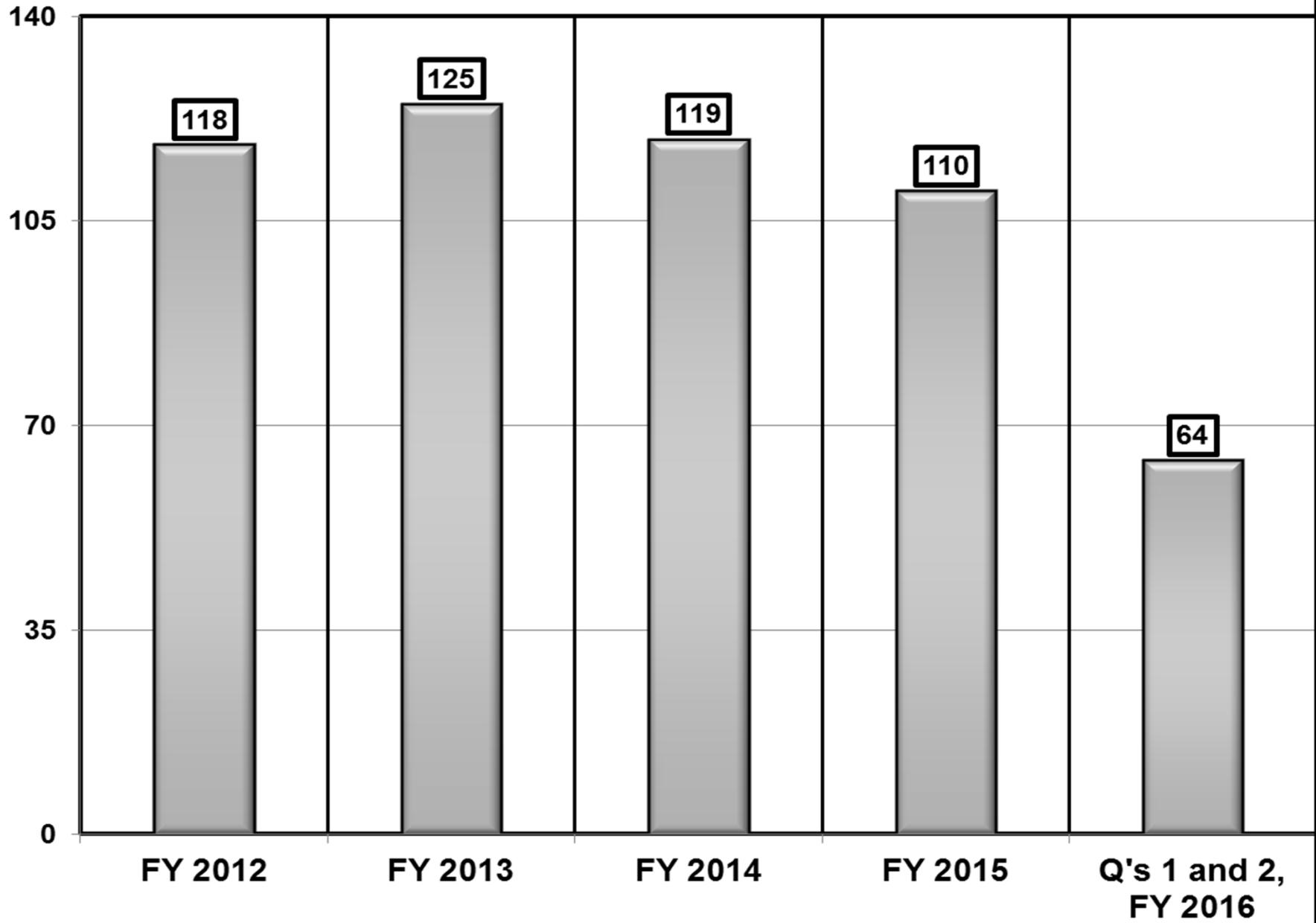
Overview of Medical Services

- ❖ **Administrative oversight of medical, psychiatric, dental, and pharmacy services provided by UTMB – Correctional Managed Care.**
- ❖ **Ongoing quality assurance monitoring of health care delivery provided at secure facilities, halfway houses, and contract care residential services:**
 - ❖ **Access to care measures, quality of care, and cost effectiveness of health care delivery**
 - ❖ **Data collection and analysis of health care delivery**
 - ❖ **Quality improvement measures of health care delivery**
- ❖ **Collaborative meetings with UTMB to provide a framework for quality improvement, resource management, cost containment, and utilization review.**
- ❖ **Oversight of all aspects of food and nutrition services, including medical diets, food safety and sanitation, and food quality to ensure that the agency meets or exceeds all federal and state standards for child nutrition programs.**
- ❖ **The Nursing Services under the direction of TJJD Medical Director and Director of Nursing Services, provides clinical and administrative oversight of medical, dental, and psychiatric services provided to youth in state-operated programs by the agency’s contract health care provider, UTMB-Correctional Managed Care. Nursing Services collaborates with UTMB and other TJJD departments to ensure that policies and procedures related to medical care are consistent with national guidelines and standards, protective of youth rights and consistent with the agency’s mission.**

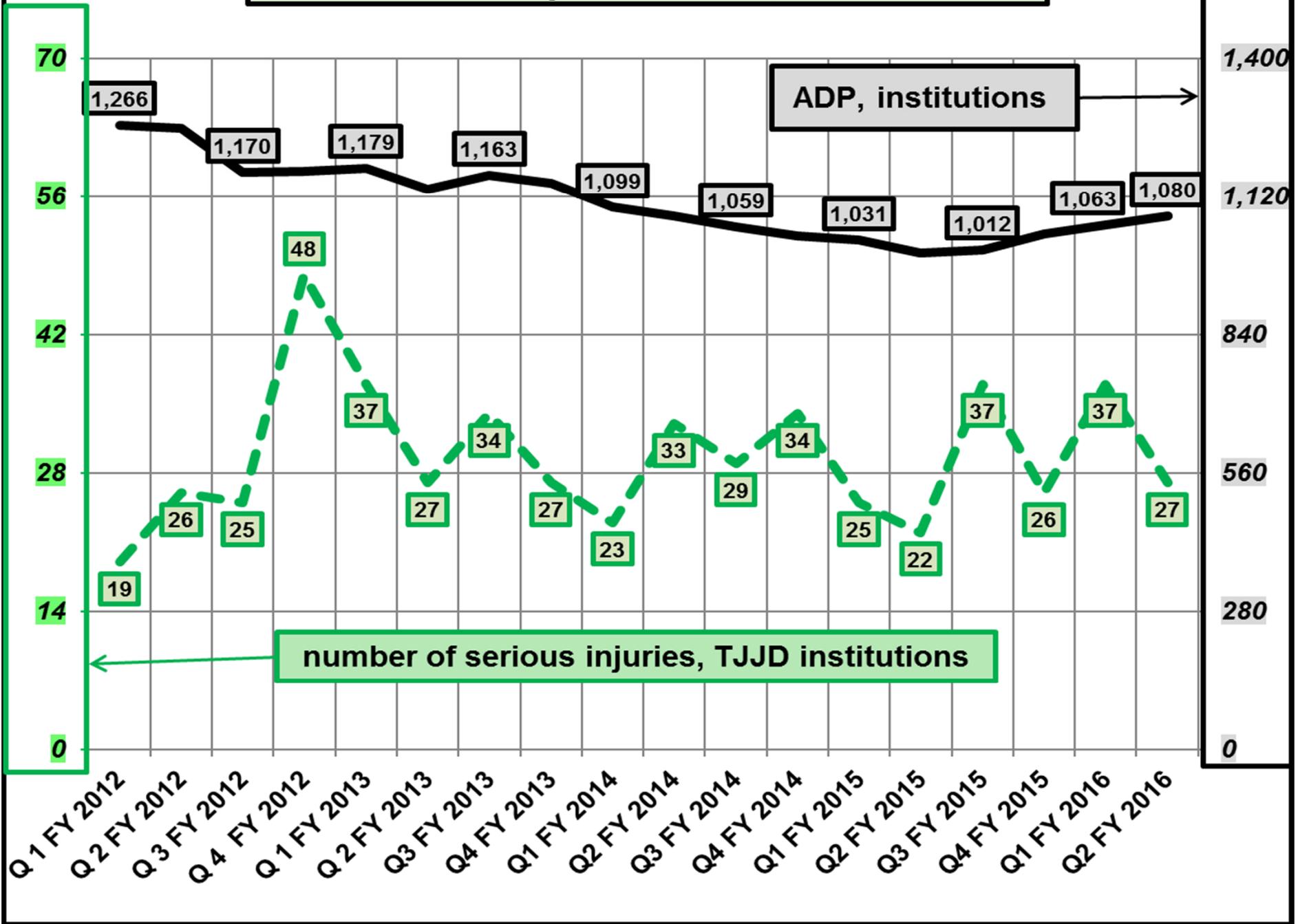
HEALTH SERVICES INDICATORS*	FY 2015 Q1	FY 2015 Q2	FY 2015 Q3	FY 2015 Q4	FY 2016 Q1	FY 2016 Q2
total serious youth injuries (institutions and HWH's)	27	23	39	28	37	28
intentional serious self-injuries (institutions and HWH's)	5	5	9	3	4	7
days without serious youth injuries (institutions and HWH's)	66	69	57	68	60	68
percentage of youths prescribed psychotropic medication (institutions and HWH's)	38.0%	39.0%	33.0%	33.3%	33.4%	32.1%
percentage of medication compliance	99.2%	99.4%	99.4%	99.6%	99.2%	99.6%
emergency room visits (institutions and HWH's)	31	37	46	29	35	32
mental health hospitalizations (institutions and HWH's)	0	0	1	0	1	0

* All data cover both HWH's and institutions, except for percentage of medication compliance. The latter includes only data on institutions.

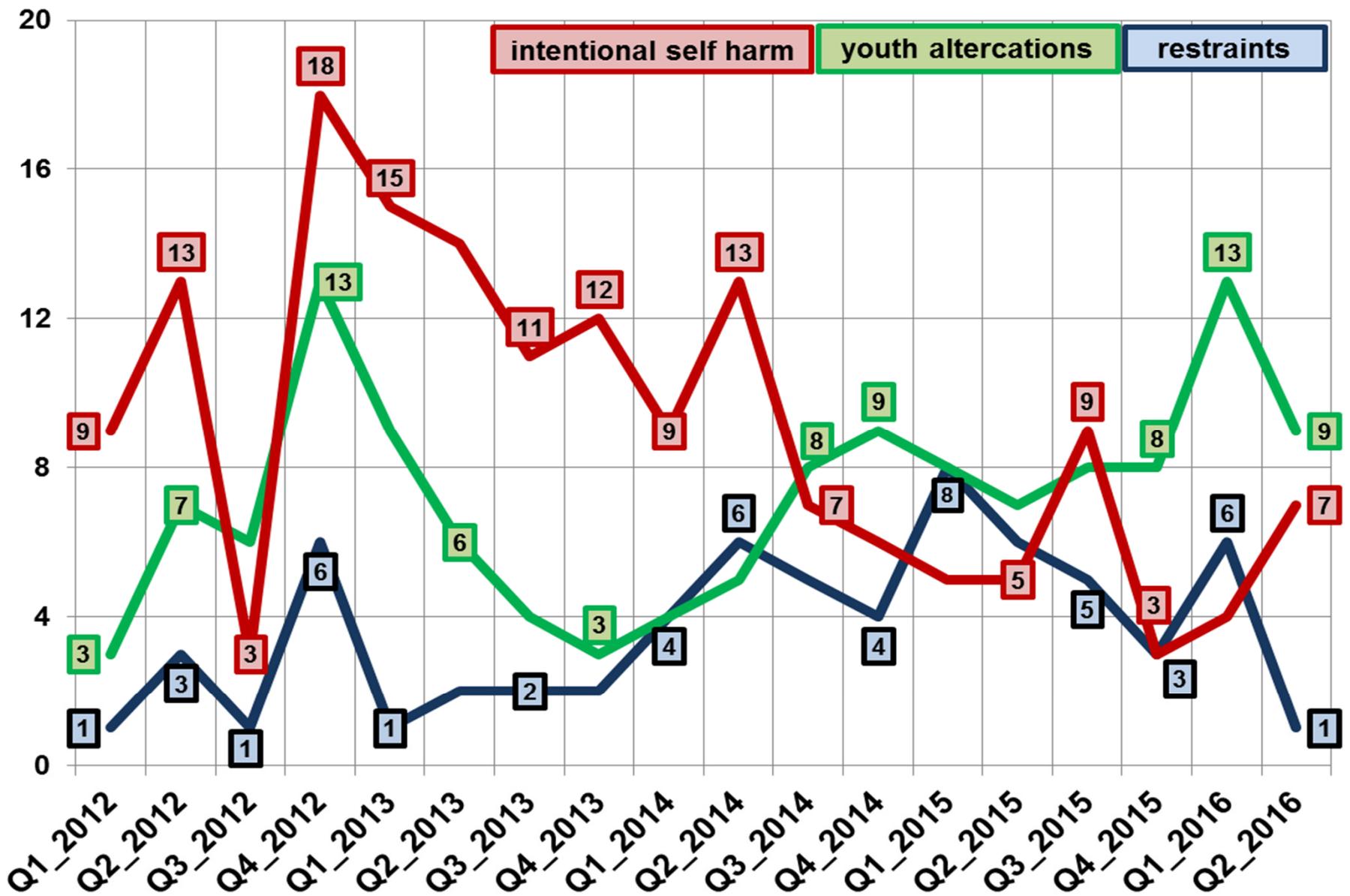
Serious Injuries from all causes, TJJD Institutions



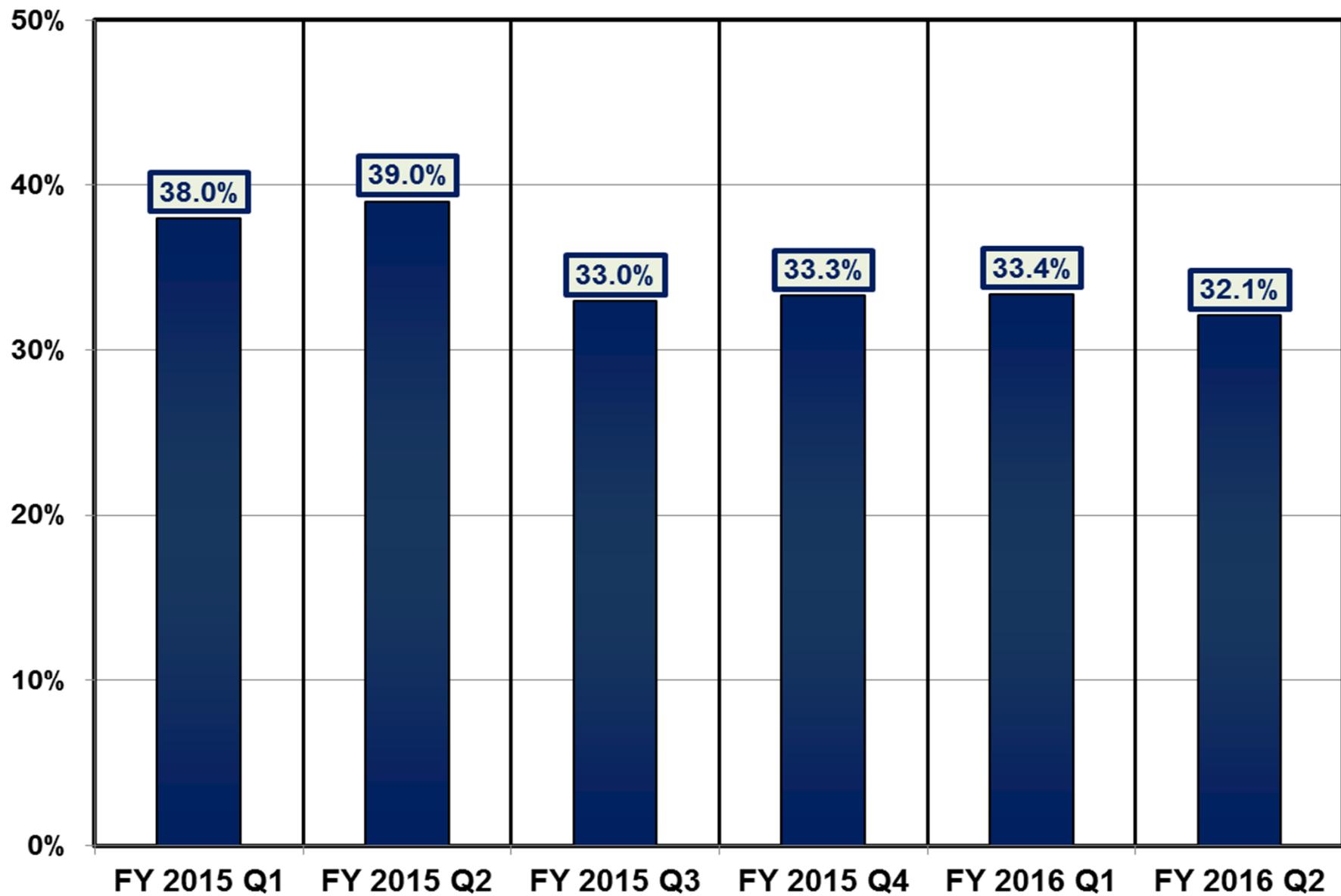
Trends in serious injuries and ADP, TJJD institutions



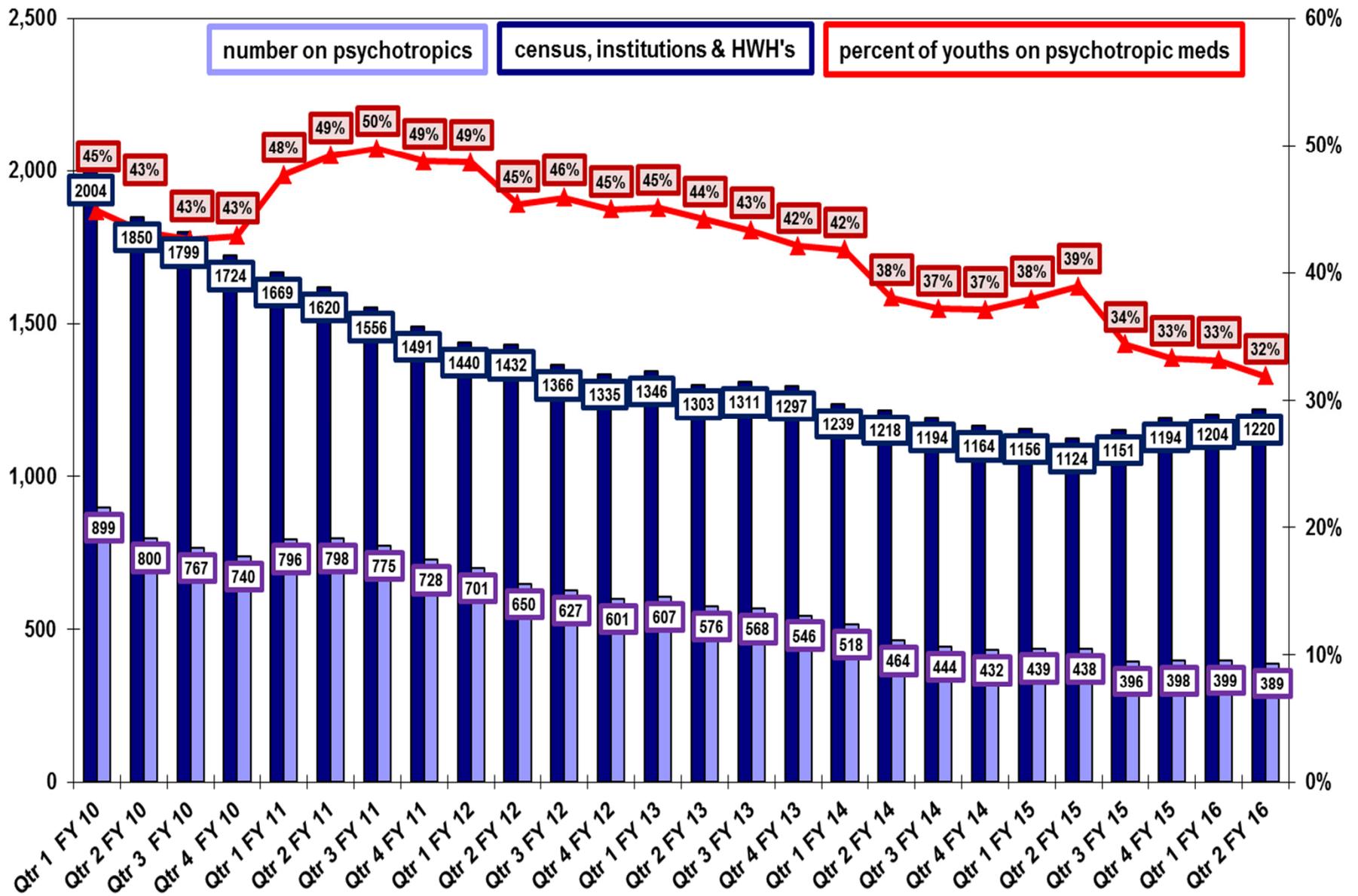
Serious injuries in TJJD institutions, classified by cause of injury



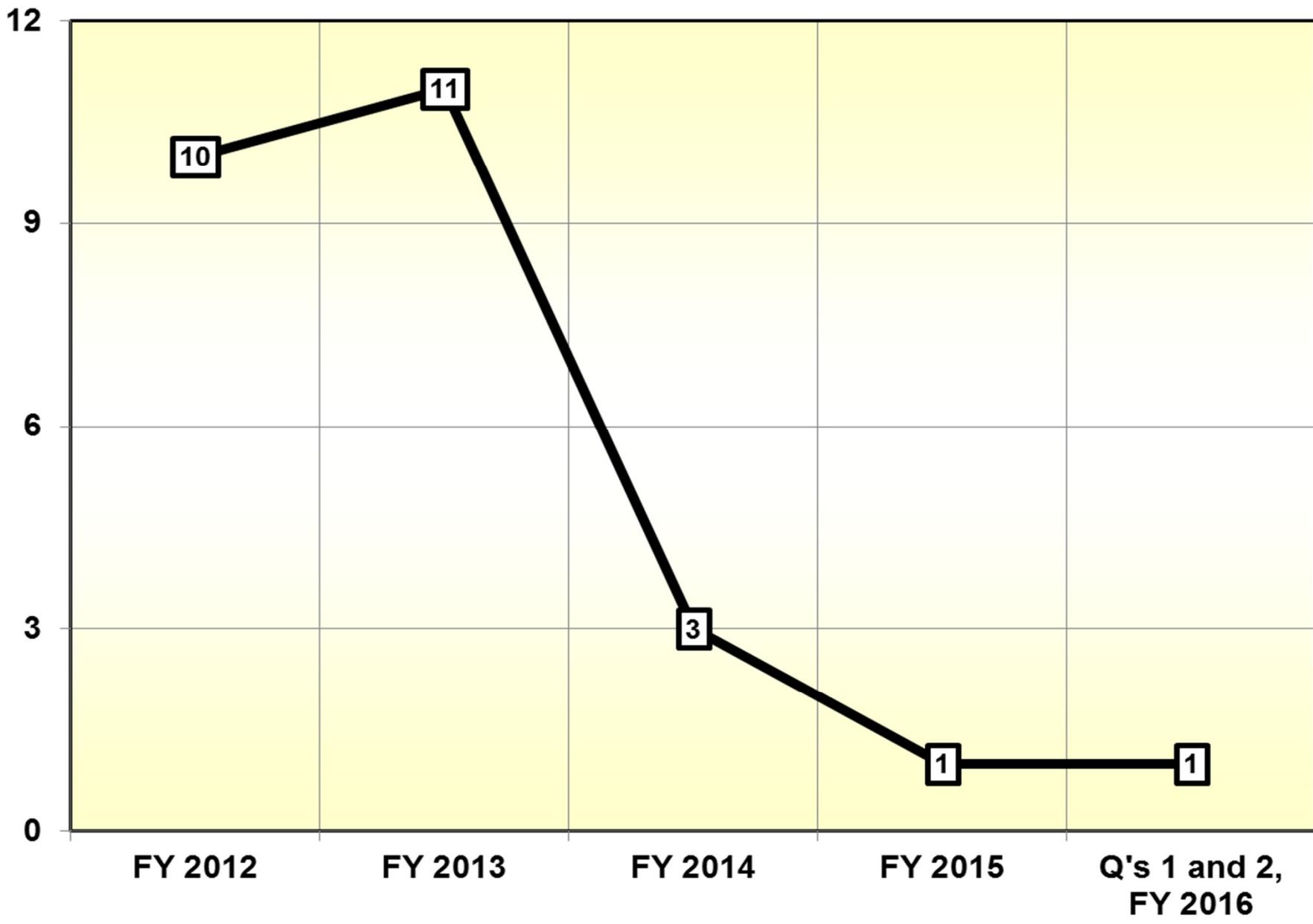
Percentage of Youths in TJJ Institutions and HWH's on Psychotropic Medications



Trend in youths on psychotropic meds: number on meds, census, and percent on meds
TJJD institutions and HWH's



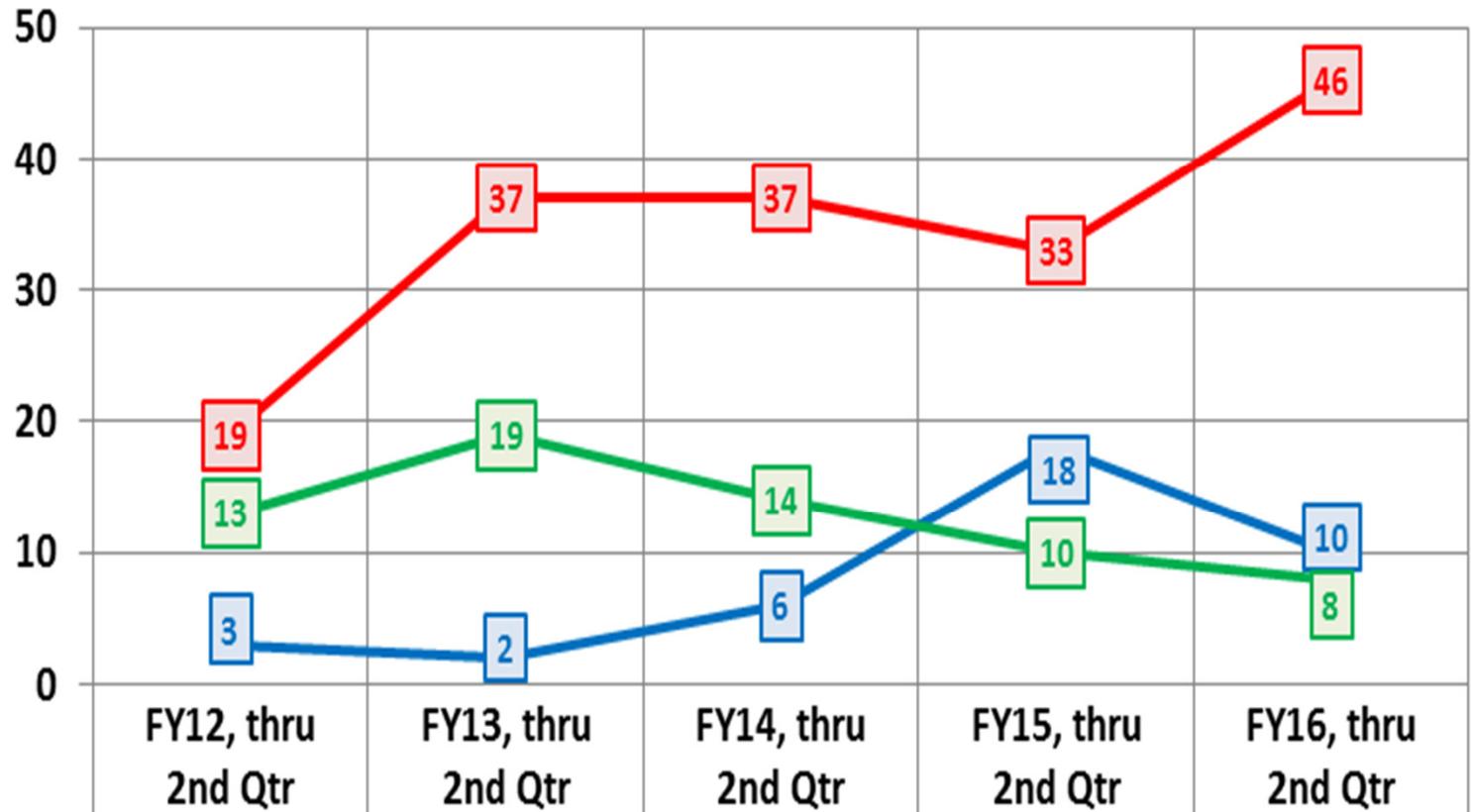
Mental Health Hospitalizations, TJJD Institutions and HWH's



On-site and Off-site Monitoring

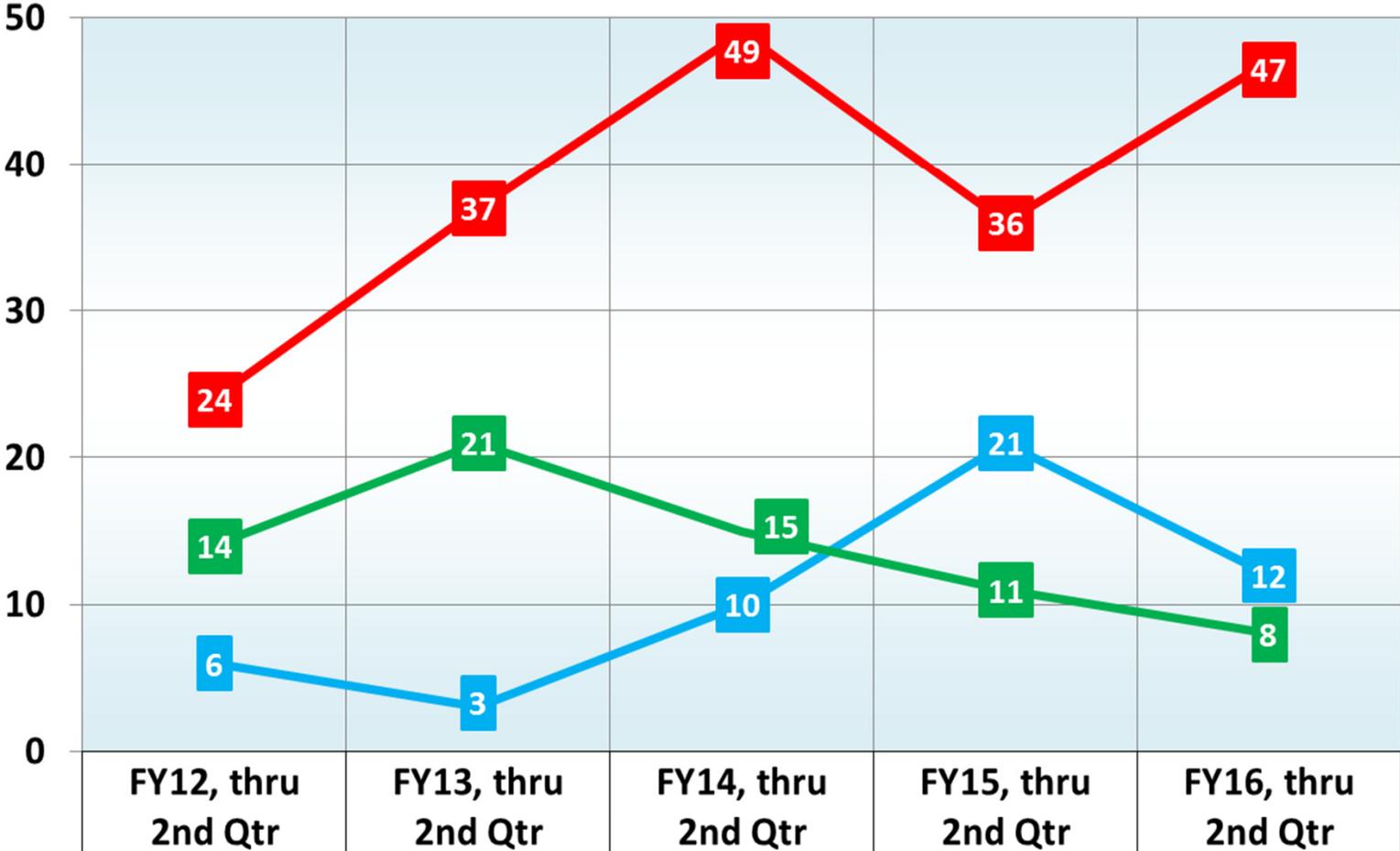
ER Visits FY12 - FY16, through 2nd Qtr, by Type of Incident

Institutions



— Injury	19	37	37	33	46
— Illness	3	2	6	18	10
— Mental Health	13	19	14	10	8
Total	35	58	57	61	64

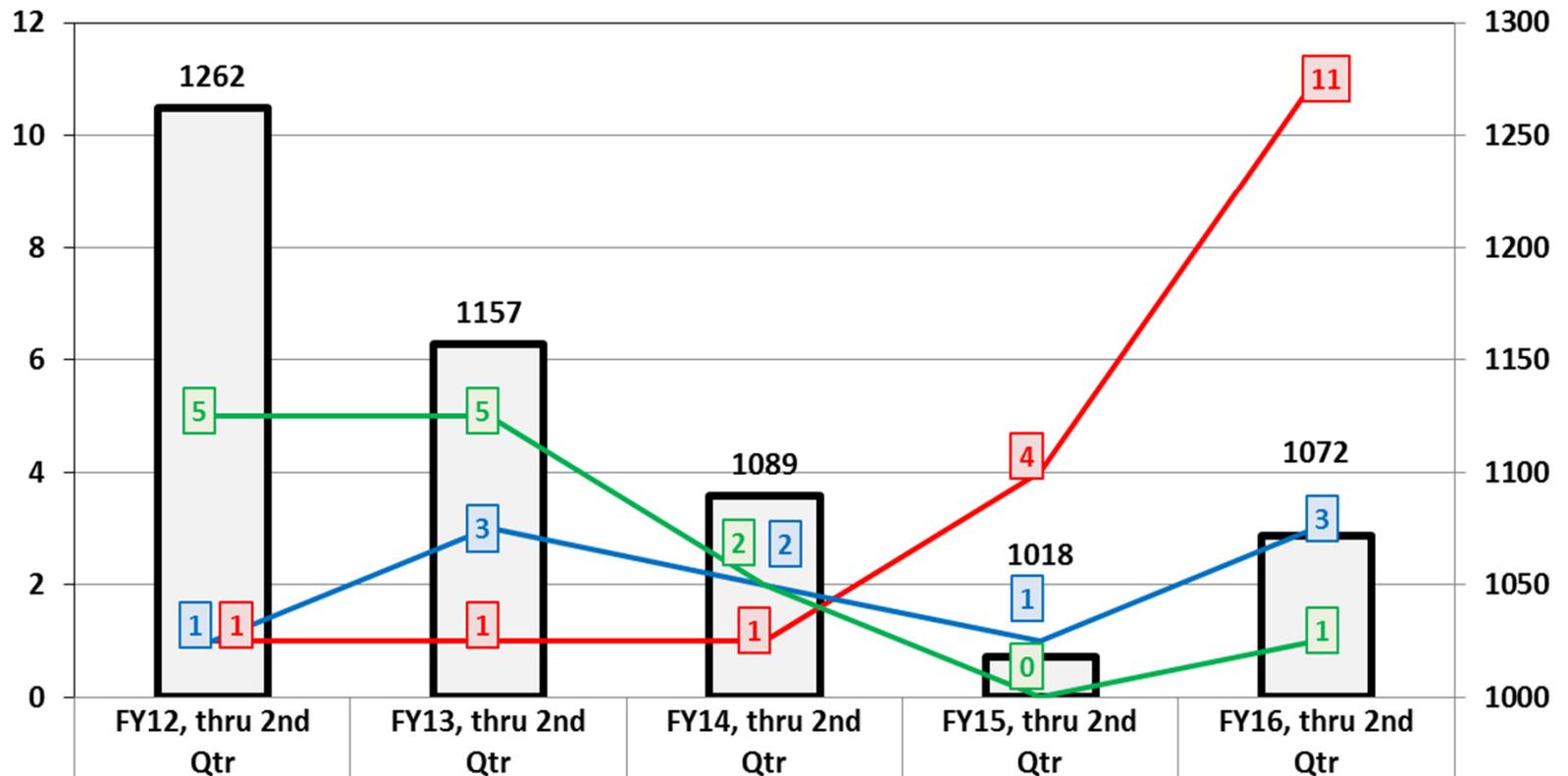
ER Visits FY12 - FY16, through 2nd Quarter, by Type of Incident
 (Institutions and Halfway Houses - excludes Contract Care)



Injury	24	37	49	36	47
Illness	6	3	10	21	12
Mental Health	14	21	15	11	8
Total	44	61	74	68	67

Hospitalizations & ADP for FY12-FY16, through 2nd Qtr, by Type of Incident

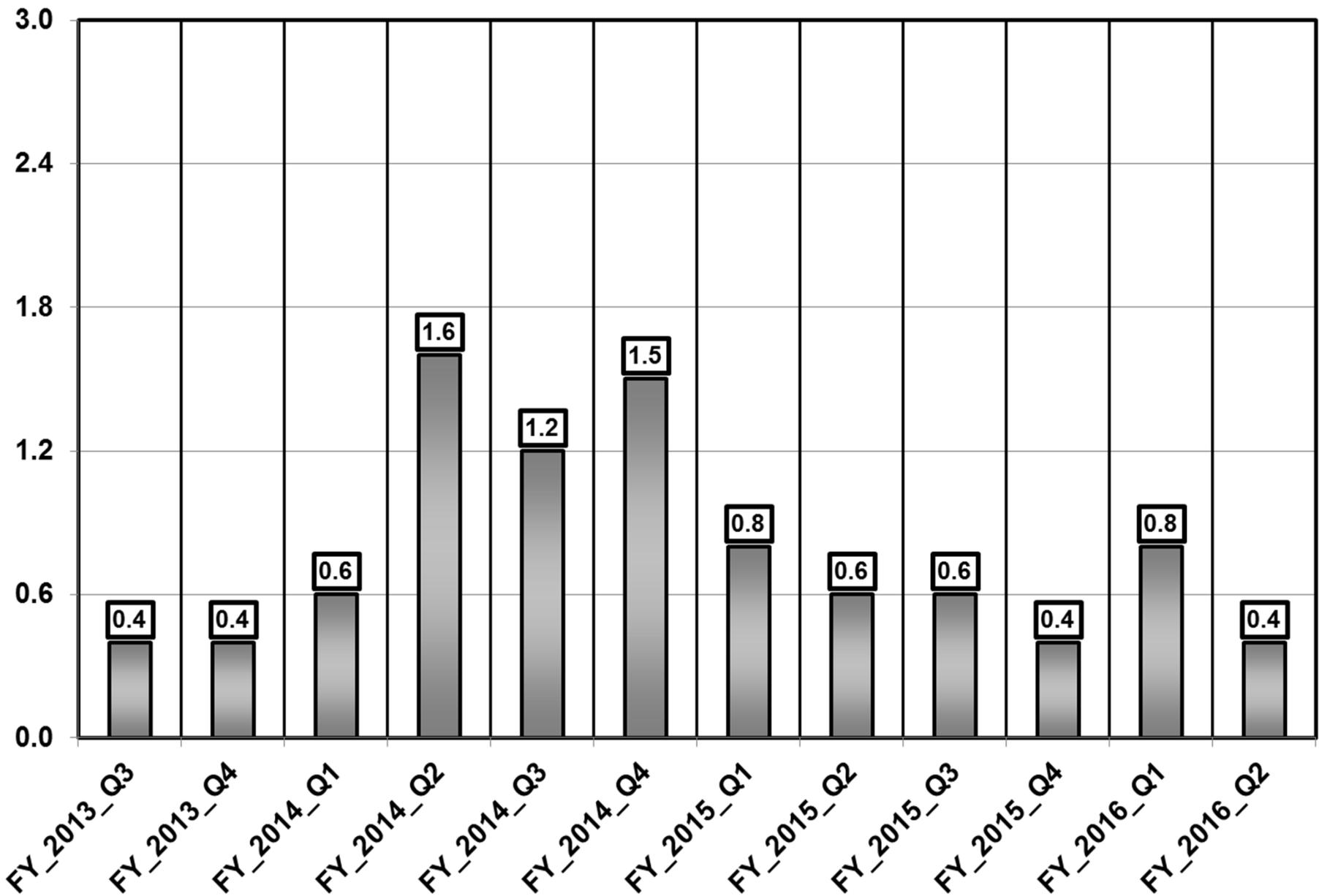
Institutions



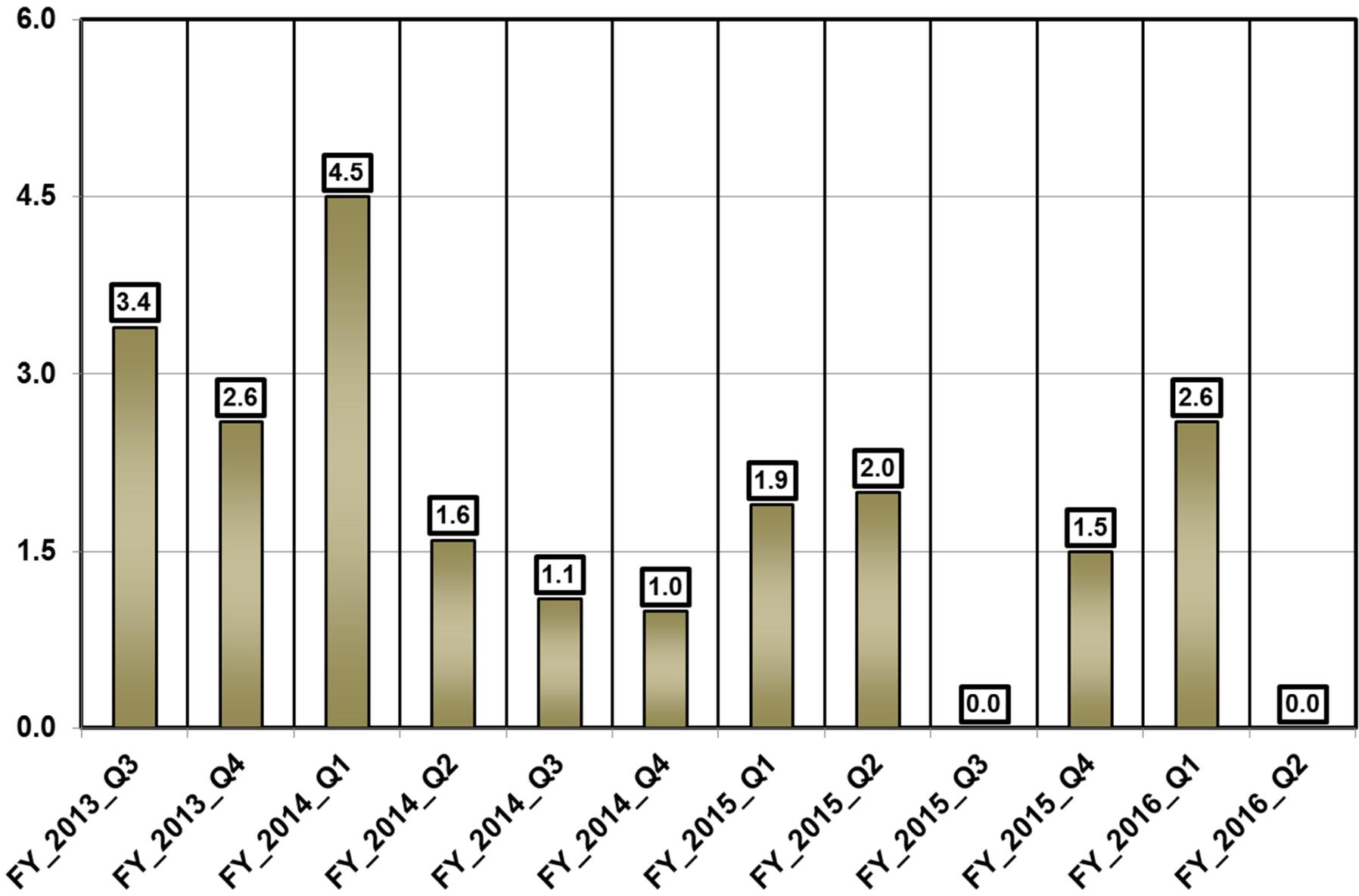
ADP	1262	1157	1089	1018	1072
Injury	1	1	1	4	11
Illness	1	3	2	1	3
Mental Health	5	5	2	0	1
Total	7	9	5	5	15

* There was a change in methodology in FY 2015 - Outpatient Surgery was added to the measure.
 FY 2015 (through 2nd Qtr.): 4 hospitalizations were due to injuries.
 FY 2016 (through 2nd Qtr.): 6 hospitalizations were due to injuries; 5 injuries required outpatient surgery.

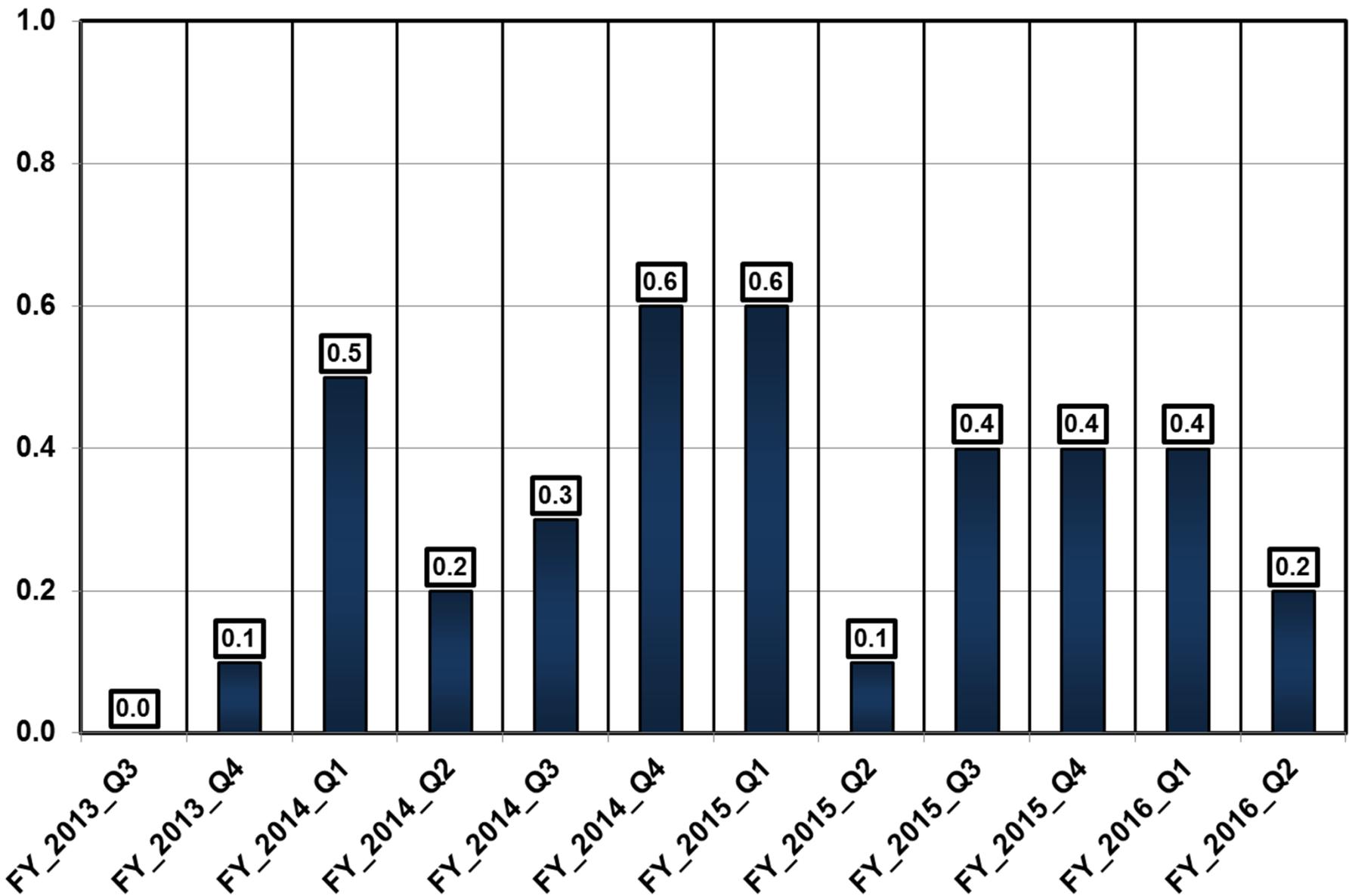
All TJJD Institutions, Percent of Medication Appointments Missed



All TJJD Institutions, Percent of Off-site Medical Appointments Missed



All TJJD Institutions, Percent of Scheduled Sick Calls Missed



Initiation of Tattoo Removal

- Under the supervision of the TJJD Medical Director, certified TJJD staff are performing the tattoo removal procedure.
- Youth participation is voluntary and the procedure is only performed on visible or gang related tattoos.
- 30 youth have initiated the tattoo removal process, of those 30 youth, 21 are still in the program. 8 of those youth have been removed either due to behavior issues or transfer from TJJD. 1 youth was removed due to having an adverse reaction to the procedure.
- Continuity of Care: Youth who are leaving TJJD and have not completed the tattoo removal process are given a list of providers within the community that may continue the tattoo removal process if the youth desires.
- Location: Giddings State School
- Start date: January 28, 2016

Tattoo Removal Results

Before and After Photos (after 1 treatment)



Before treatment



After 1 treatment



Before treatment



After 1 treatment

Tattoo Removal Results

Before and After Photos (after 2 treatments)



Before treatment



After 2 treatments



Before treatment



After 2 treatments

TJJD – CAREER & TECHNICAL EDUCATION

Vocational programming for the Texas Juvenile Justice Department (TJJD) supports academic programming to meet graduation requirements, provides youth with skill development and information about career pathways, and affords opportunities for industry certification(s) that enhance youths' likelihood of future employment.



Evins Regional Juvenile Center

Telecommunications & Network Cabling – C-Tech Certification
Horticulture – TNLA Certification
Construction Technology – NCCER Certification
Business Information Management – MOS Certification
Graphic Design – Adobe Certification
Video Game Design

Giddings State School

Welding– AWS & NCCER Certification
*Construction Technology – NCCER Certification
Automotive Technology – Automotive Service Excellence Certification
*Auto Collision Repair – I-CAR Certification
Business Information Management – Microsoft Office Specialist Certification
Graphic Design – Adobe Certification
Video Game Design

(*Career Academy)



Gainesville State School

*Welding – American Weld Society & National Center for Construction & Education Research Certification
Horticulture – TX Nursery & Land Association Certification
Automotive Technology – Automotive Service Excellence
Business Information Management – Microsoft Office Specialist Certification
Graphic Design – Adobe Certification
Video Game Design

(*Career Academy)

McLennan State Juvenile Correction Facility

*Telecommunications & Network Cabling – C-Tech Certification
*Computer Maintenance – A+ Certification
Intro to Telephone Systems & Voice Over Internet Protocol – C-Tech & Voice Communication Professional Certification
Horticulture – TX Nursery & Land Association Certification
Welding – American Weld Society & National Center for Construction & Education Research Certification
Agricultural Mechanics and Metal Technologies – National Center for Construction & Education Research Certification
Construction Technology – National Center for Construction & Education Research Certification
Business Information Management – Microsoft Office Specialist Certification
Graphic Design – Adobe Certification



Ron Jackson State Juvenile Corrections Center

Horticulture – TX Nursery & Landscaping Association Certification
 *Culinary Arts – ServSafe Certification
 Building Maintenance – National Center for Construction & Education Research Certification
 Welding – American Weld Society & National Center for Construction & Education Research Certification
 Small Animal Management
 Business Information Management – Microsoft Office Specialist Certification

Current career academy tracks, their associated career clusters and industry certification are:

CAREER ACADEMY TRACK	CAREER CLUSTER	INDUSTRY CERTIFICATION
Technology Mart Long-Term	Information Technology	A+ - CompTIA (Computer Maintenance)
	Information Technology	C-Tech – Telecommunications & Network Cabling
Construction Giddings	Architecture & Construction	NCCER - National Center for Construction Education Research
Culinary Arts Ron Jackson	Hospitality & Tourism	ServSafe - The ServSafe Food Handler Program
Transportation Giddings	Transportation, Distribution & Logistics	ASE – Automotive Service Excellence I-CAR – Collision & Repair
Welding Gainesville	Manufacturing	AWS – American Weld Society NCCER - National Center for Construction Education Research

New Initiatives & Technology

FACILITIES	TECHNOLOGY	INITIATIVE	COMMENT
Giddings, Mart & Ron Jackson	Virtual Welders		Reduces cost of consumables and other materials, power consumption is low, provides diagnostic for learner about deficiencies and areas needing improvement and instructor can program assignments, assessments and test for individual students. Trains in MIG, TIG and Flux Core.
Giddings		OSHA Certificate (Occupational Safety & Health Administration)	Partnership with Blinn College – just completed first round of student certifications
Giddings		CTE Dual Credit-Welding	Partnership with Blinn College – to begin next school year
Mart	VOIP Course		Voice Over Internet Protocol – C-Tech Certification
Gainesville	Multi-process Welder		Includes conventional Stick, TIG, FCAW and MIG welding processes. Pro-Pulse technologies reduce the number of required weld passes, reduce rejects and allows stainless without backing gas.

Challenges

FACILITY	ISSUE	COMMENT
Evins, Gainesville, Mart	Vacancies – Welding, Technology (2) and Culinary Arts,	Long-term vacancies due to difficulty finding applicants with the appropriate TEA certification and or background.



**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
August 27, 2015

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 TJJD 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
Safety and Security Committee Meeting**

**Texas Juvenile Justice Department
11209 Metric Blvd. Bldg. H Ste. A, Lone Star Conference Room
Austin, TX, 78758**

Thursday, January 28, 2016, 1:00 pm

BOARD MEMBERS PRESENT:

The Honorable Becky Gregory
The Honorable Laura Parker

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
Debbi McDaid, TJJD
Vivian Cohn, TJJD
Steve Roman, TJJD
Kyle Dufour, TJJD
Ashley Kintzer, TJJD
Karen Kennedy, TJJD
John Bowman, TJJD
Jason Ray
Curtis Jones

BOARD MEMBERS ABSENT

The Honorable Carol Bush
Riley Shaw

Rebecca Walters, Director of Youth Placement
and Program Development
Teresa Stroud, Senior Director of State
Programs and Facilities
Thomas Adamski, Director of Facility Operations
James Williams, Senior Director of
Probation and Community Services
Luther Taliaferro, Senior Director of Education
Services

Jeannette Lepe, TJJD
Nancy Slott, TJJD
Cathy Berryhill, TJJD
Angela Mitchell, TJJD
Kathryn Mattingly-Gray, TJJD
Matthew Segura, TJJD
Stephanie Merlot, TJJD
Karen McCarther, TJJD
Tami Coy, TJJD
Rod Venner, TJJD
Phillip Lloyd

Safety & Security Committee
January 28, 2016

Call to Order

Chairwoman Laura Parker called the meeting to order at 1:01 p.m.

Approval of the August 27, 2015 meeting minutes

The Honorable Laura Parker tabled the discussion and approval of the August 27, 2015 meeting minutes due to lack of a quorum.

Approval of the November 12, 2015 meeting minutes

The Honorable Laura Parker tabled the discussion and approval of the November 12, 2015 meeting minutes due to lack of a quorum.

Office of the Inspector General Update

Roland D. Luna, Chief Inspector General, presented the OIG investigative analysis with summary indicators for the Incident Reporting Center (IRC) for the first quarter of FY 2016. The total number of IRC reports were down approximately 18 % with 2,812 reports. 220 reports were referred to AID State, 430 reports were referred to AID County, 470 reports were retained by the Office of Inspector General, 1,213 were referred to youth rights and a total of 479 reports that were closed. Luna emphasized that closed reports include all of the directives to apprehend (DTA) that have been cleared in the IRC as well as the closed use of force (UOF) evaluations, duplicate IRC reports and human resource and medical referrals that did not require referral to any of the aforementioned divisions.

During the first quarter of 2016 the Security Intelligence Program performed 416 evaluations for gang involvement, trained 28 staff by Security Intelligence Officers and determined a 19% gang confirmation rate of the overall TJJD youth population. In regard to disposition tracking, formerly investigative lifecycle, OIG is averaging 29 days per investigation. On average cases take 145 days to reach final disposition.

Within the Criminal Investigation division a total of 45 assault cases were submitted for prosecution, 3 cases for contraband and zero cases for sexual offense and property damage were submitted. Finally, there were 3 cases submitted which fall in the "other" category which results in an overall decrease from the prior fiscal year.

Safety & Security Committee
January 28, 2016

Special Investigative Initiatives is inclusive of OIG's use of force monitoring division, fugitive apprehension and recovery and contraband detection and interception team. There was a slight decrease in the total number of Directives to Apprehend (DTA) with 101 directives entered for the first quarter of FY 2016 and 65 apprehensions. 166 cases were submitted for use of force review. Of those cases submitted for use of force review 14 were retained by OIG, 22 were referred to AID and 130 cases were closed with no further investigation. Chief Luna reported that across the board there was a 39% decrease in those cases retained for criminal investigation and a 53% decrease in the number of cases referred to AID. The total number of searches performed by Contraband Interception was 2,282 which is a significant increase over last year. Included in that number were 97 dorm searches as well as number of perimeter and open air searches.

Other activity in OIG includes collaboration with the TJJJ Training Division on a number of curriculum updates. OIG has also worked with TJJJ Office of General Counsel, State Programs and Facilities and the Administrative Investigations Division to review the existing Use of Force training, of which the curriculum outline has been completed. In addition, the Human Trafficking curriculum has also been completed and has been implemented in the "Train the Trainer" program. Chief Luna also extended congratulations to OIG's newest Officer, Javier Medina who is located at the Evins' facility. Officer Medina is a 16 year veteran of TJJJ and has an extensive background in canine. Officer Medina recently graduated from the regional Law Enforcement Academy and will now handles contraband investigations in addition to handling his canine functions.

Administrative Investigations Division

Kevin DuBose, Director of Administrative Investigations, reported data for the first quarter of FY 2016. The County Investigations Unit (CIU) report indicates a total of 868 reports received. Of the total reports 106 were assigned for investigation, 357 were grievances and 123 were non-reportable. Mr. DuBose anticipates a significant increase in the number of reports received as well as the number of investigations during the upcoming quarters. Average days to final disposition was reported at 33 days. 106 cases were closed with a significant percentage of those cases being from the preceding fiscal year.

The State Investigations Unit (SIU) summary data reflects 321 total investigations opened on the state side. It is significant to note that 160 of those investigations were for policy violations; leaving AID with

109 abuse complaints. Within the first quarter of FY 2016 AID closed 285 cases, with a large percentage of those being from the preceding fiscal year. Mr. DuBose reported that the median days to disposition for SIU is 79 days.

AID recently filled five positions. Three were created for SIU and are located in the field. Two vacant positions within CIU were also filled which brings AID to a full staff. Mr. DuBose introduced Officer John Bowman and Officer Leslie Carsey who are both located at Central Office and are assigned to CIU. Officer Bowman brings with him over 25 years of law enforcement experience and is retired from the Killeen Police Department and is a highly decorated police officer. Officer Bowman is also prominent in the gang intelligence community. Officer Carsey joins AID from the Missouri Department of Corrections and brings extensive experience in administrative investigations in secure environments as well as heavy involvement in PREA.

State Programs and Facilities Update

Thomas Adamski, Director of Facility Operations, reported on behalf of Teresa Stroud. Mr. Adamski reported that overall population continues to be a challenge in the high restriction facilities. Specifically, the Gainesville, Giddings and Mart Long-term populations. State Programs is working closely with the Centralized Placement Unit (CPU) in an effort to effectively distribute youth based upon specialized treatment needs. However, due to physical locations and layouts of facilities the Gainesville and Mart long-term facilities currently receive the overflow until State Programs is able to get the populations closer to the average daily population (ADP). Halfway house populations vary. Brownwood House and Schaeffer are slightly over desired population, while the other halfway houses are slightly under. Mr. Adamski and Karen Lashbrook recently worked with a joint workgroup comprised of facility placement specialist, facility management staff and halfway house management staff to streamline transitional placement and to get vacant beds filled more expeditiously while allowing youth to take advantage of the transitional opportunities.

Mr. Adamski further reported that in Residential Programming the tattoo removal initiative has been launched at Giddings and he is anticipating many positive results for the youth. The program will allow for the removal of some tattoos prior to youth transitioning back to their local communities. The

Giddings and Gainesville facilities were able to take advantage of TAPPS football, with the Giddings' Indians progressing to regional play-offs before being eliminated. The Violet Offender Program (VOP) has been fully implemented at the McLennan long-term facility for those youth with capital offender moderate and low treatment needs. Mr. Adamski further reported a reduction in the turnover rate of JCO staff, down by 5.3%, which is the lowest turnover rate since 2002. Mr. Adamski noted the remarkable job that Superintendent Cabrera and her team have done in reducing the number of incidents at the Evins' facility since September. It is reported that from August – September there were 95 incidents per 180 ADP, which is a significant reduction. The reduced number of incidents was maintained through November and December of 2015.

Mr. Adamski reported 24 workers' compensation claims in November which is a decrease from the previous average of 38 per month. Ten of which were due to industrial accidents and 14 related to aggression (6 for assault and 8 during a restraint). The current injury frequency rate is 17.7% which is also a decrease from the previous year.

Members of the Psychology Department, Family Liaisons and Treatment Division represented TJJJ at the American Correctional Association Conference as presenters. Teresa Stroud led a panel discussion on Culture, Leadership and PREA implementation. In March 2016 Ms. Stroud and Dr. Brenda Sherman will be speaking at an international conference on Positive Behavioral Supports.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9951 and §380.9955, relating to Juvenile Correctional Officers

Discussion and voting on action items was postponed until the Board meeting due to lack of a quorum.

Discussion, consideration, and possible final adoption of revisions and rule review for 37 TAC §380.9703, relating to Possession of Weapons on Agency Premises

This action item was removed from the agenda.

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

Discussion and voting on action items was postponed until the Board meeting due to lack of a quorum.

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

Discussion and voting on action items was postponed until the Board meeting due to lack of a quorum.

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

Discussion and voting on action items was postponed until the Board meeting due to lack of a quorum.

Discussion, consideration, and possible approval regarding the discipline of certified officers – agreed orders

The following items were presented by Kaci Singer and Kyle Dufour, Staff Attorneys.

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

Brianna Casey was alleged to have sexually abused a youth. Singer reported that Casey agreed to give up her certification and requested that the Board approve the agreed order that would result in revocation of Casey's certification.

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

Robert Maldonado was found to have fallen asleep on the job; allowing one youth to assault another. Parties have agreed upon a probated suspension.

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

The following items were presented by Kaci Singer and Kyle Dufour, Staff Attorneys.

a. Curtis Jones; 14-28453-140231; 28453 (Brown)

Kaci Singer explained that a petition was filed alleging a code of ethics violation after an administrative investigation was completed in which Curtis Jones was designated as a perpetrator of abuse. The petition also alleged that Jones used excessive and unnecessary force on a juvenile. The video shows that Mr. Jones used his right forearm to “clothes line” a youth in the neck as the youth began approaching another youth. Mr. Jones then repositioned himself to where he had the juvenile bent forward in a manner that the youth’s neck was held in the bend of Mr. Jones’ right forearm and took several steps with the youth in that position before beginning to readjust his hold to a proper technique and take the youth to his seat. TJJJ disciplinary guidelines call for active suspension for a perpetrator of abuse in which there is no physical injury. TJJJ relied on aggravating factors and has requested the revocation of Mr. Jones certification. The aggravating factors were that the officer refused to provide a statement during the investigation and the nature of the incident which TJJJ believes to be egregious. Mr. Jones responded to the petition and a hearing was set at the State Office of Administrative Hearings (SOAH). The SOAH Administrative Law Judge issued a proposal for decision finding that Mr. Jones used excessive force and an unauthorized restraint but that he did not abuse the juvenile because his actions were not reckless. TJJJ disagreed with the ALJ’s assessment of the facts and filed exceptions to the decision, maintaining that the Officer’s actions were intentional or at least and reckless. TJJJ also took exception to the ALJ’s finding that there was no abuse, explaining that the force used around the juvenile’s neck posed a reasonable risk of injury and met the definition of abuse. TJJJ took further exception with the ALJ’s recommendation of a one year probated suspension with the condition that the officer receive additional Handle with Care training. After considering TJJJ’s exceptions the ALJ filed an amended proposal for decision where he found the officer’s actions were reckless and posed the threat of harm. Taking all the evidence into consideration, the ALJ changed his disciplinary recommendation to a one year active suspension. The respondent then filed exception to the ALJ’s recommendation, arguing that the conduct was not reckless and the active suspension is not warranted. The ALJ responded, confirming that the actions were reckless and explaining that the recommended sanction of suspension is only a recommendation and TJJJ has authority to determine the actual sanction.

Mr. Curtis Jones was present with his attorney, Jason Ray. Mr. Ray requested that TJJJ reconsider the sanction recommended by the ALJ. Mr. Jones expressed that the revocation of his certification would jeopardize his livelihood. Mr. Ray is requesting the TJJJ Board to depart from the ALJ's recommendation of one year active suspension and considered the ALJ's initial recommendation of one year of probated suspension.

b. Reginald Mangeni; 15-28092-140353; 28092 (Harris)

Mr. Mangeni was not present. Kyle Dufour explained that allegations were made against Mangeni, which were investigated by AID and then forwarded to the Office of General Counsel staff attorneys. Notice was then sent to Mr. Mangeni. Mr. Mangeni responded in writing, contesting the allegations, which prompted a hearing in the State Office of Administrative Hearings (SOAH). Mr. Mangeni failed to appear for the hearing. A default judgment was entered which Mr. Mangeni failed to file a motion to set aside the default. Staff attorney requested that the Committee recommend that the full Board make the recommended findings of facts and conclusion of law and revoke Mr. Mangeni's certification.

The Committee was unable to vote on these items due to lack of a quorum.

Adjourn

The Honorable Laura Parker presented the motion to adjourn which was seconded by The Honorable Becky Gregory. The meeting was adjourned at 2:02 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: April 29, 2016

Population: (as of 04/28/16)

Programs	Budgeted	Actual	Female Pop	Over Under	Percent
Evins	136	108	*	-28	(-20.6%)
Gainesville	192	259	.	67	34.9%
Giddings	205	232	.	27	13.2%
RJ Young Offenders	20	10	.	-10	(50.0%)
Mart Phoenix	16	16	.	0	0.0%
MRTC	49	47	.	-2	(4.1%)
Mart Long Term	192	214	.	22	11.5%
Ron Jackson O & A	92	90	13	-2	(2.2%)
RJ Long Term (females)	96	104	94	8	8.3%
Total Institutions	998	1080	107	82	8.2%

Halfway Houses	Budgeted	Actual	Female Pop	Over Under	Percent
Ayres	20	13	.	-7	(35.0%)
Brownwood House	6	7	7	1	16.7%
Cottrell	16	0	.	-16	(100.0%)
McFadden	48	43	.	-5	(10.4%)
Schaeffer	12	24	.	12	100.0%
Tamayo	16	13	.	-3	(18.8%)
Willoughby	12	9	.	-3	(25.0%)
York	16	8	.	-8	(50.0%)
Total HWH's	146	117	7	-29	(19.9%)

Residential Programming

The secure facilities population is 8.2% above budgeted capacity, with Gainesville and Mart carrying the largest overage. The State Programs and Facilities Division is engaged in weekly collaboration with the Centralized Placement Unit to ensure appropriate admission, release and transition of youth as they become eligible.

We are pleased to announce the promotion of Mike Studamire to Superintendent at the Gainesville State School Effective 5/1/16. Mike has more than 15 years with TJJJ including working in positions as Director of Security, Program Specialist and Assistant Superintendent. Most recently, Mike served as Assistant Superintendent at Gainesville for the last eight years and was Interim Superintendent for a few months following the retirement of former Superintendent Paul Bartush. Mike is an excellent leader as well as team player and we look forward to much more success at Gainesville under his leadership.

Gainesville is in the final stages of preparation for opening a PAWS dorm for the male population at that facility. A great deal of work has been completed to create community partnerships and prepare a previously vacant dorm for the program.

After months of planning and scheduling, Intramural activities are underway at each of our secure facilities and McFadden House in Roanoke, TX. Eligible youth at McFadden have now twice visited the Gainesville facility to compete in basketball; silly Olympics are also planned. Sports and schedules on each campus vary.

For several years, the Texas Juvenile Justice Department has participated in Global Youth Service Day and served as a lead agency, receiving \$3,000 in funding to disperse as mini-grants to community advisory councils across the state supporting Global Youth Service Day projects by TJJD Youth. 50 community service-learning projects were planned statewide engaging 3,000 youth. The social issues encompassed the whole spectrum – from poverty, hunger, and homelessness (the most common issue among our coalition) to human trafficking. Just about every partner day of service was included in projects – from the Great American Clean-Up and Earth Day (most common partner days among our coalition) to National Arbor Day. Many of our youth programs partnered with one of the YSA National Partners – such as Student Councils, Boys Scouts and Communities in Schools. Some also partnered with public school campuses across Texas.

In an effort to help train, mentor and coach staff at our Evins facility and work on improving the overall facility culture, staff from sister facilities visited Evins, including Facility Improvement Teams (FIT TEAMS), STAR teams managers and administrators during the vacancy of both a Superintendent and Asst. Superintendent. Additionally, small teams of supervisory staff are visiting the Ron Jackson facility shadowing staff on the Orientation and Assessment dorms for training on dorm life, schedules, behavior groups, movement and supervision beginning late April through early June.

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 March: 56 (Averaging 42 per month)
 - Due to industrial accidents: 19 (Averaging 12 per month)
 - Due to youth aggression: 37 (Averaging 30 per month)
 - Due to an assault: 7
 - During a restraint: 30

** 6 additional claims were added to the Evins total for February that were submitted late.

- FY16 YTD Injury Frequency Rate: 19.60
 - FY15 IFR: 20.26

- FY16 YTD Expenditures: \$2,175,220.31 (75% from previous year claims)
 - Same period FY15: \$2,141,154.27

- FY16 YTD Cost per FTE: Projected to be \$1,456.62
 - FY15 Cost per FTE was \$1,659.80

- FY16 YTD Lost Days: 3282

- FY16 YTD Restricted Days: 2222



**Texas Juvenile Justice Department
Finance and Audit Committee Meeting**

11209 Metric Blvd., Building H,
Austin, Texas 78758
Thursday, March 31, 2016 – 11:00 a.m.

BOARD MEMBERS PRESENT:

Scott W. Fisher, Board Chairman
The Honorable John Brieden III

BOARD MEMBERS ABSENT:

Calvin Stephens, Committee Chair
Jane King

EXECUTIVE STAFF PRESENT:

David Reilly, Executive Director
Chelsea Buchholtz, Chief of Staff
Eleazar Garcia, Chief Auditor
Jeannette Cantu, Executive Assistant
Jill Mata, General Counsel
Luther Taliaferro, Sr. Director of Education Services
Rebecca Walter, Director of Youth Placement and Program Development
Tushar Desai, Medical Director

OTHER GUESTS PRESENT:

Adrian Moore, Council on At-Risk Youth (CARY)
Deidre Hernandez, TJJD
Emily Anderson, TJJD
Jim Southwell, TJJD
Kaci Singer, TJJD
Karen Kennedy, TJJD

Kenneth Ming, TJJD
Kevin DuBose, TJJD
Nancy Slott, TJJD
Nora Oakmon, TJJD
Shelley McKinley, TJJD
Steven Vargas, TJJD

Call to order

In the absence of Chairman Calvin Stephens, Committee member John Brieden called the meeting to order at 11:00 a.m.

Excused Absences

There was no quorum for this meeting therefore no action taken on this item.

Finance and Audit Committee Meeting
March 31, 2016

January 28, 2016 Meeting Minutes

There was no quorum for this meeting therefore no action taken on this item. However Judge Brieden pointed out two typographical errors in the minutes. His name was misspelled and the heading reference to the Office of Internal Affairs should be the Office of Internal Audit.

Updates from the Deputy Chief Information Officer

Jim Southwell, Deputy Chief Information Officer, presented this informational report. Recently Internal Audit conducted an audit pertaining to the applications that face primarily the Juvenile Probation Departments. Weaknesses were identified on processes and how staff manage and secure these accounts and how they are kept current and accurate for the users. Staff implemented a process where they will contact the Chiefs on a quarterly basis and provide a list of all of their authorized users. The process was initiated in February 2016 and at this time is in 100% compliance. This is a successful endeavor and will improve the overall integrity and security of the agency systems.

In the beginning of FY 2016 staff created a more accurate tracking system to monitor the maintenance records with respect to radios, DVR's and cameras in the field. Staff will continue to track at a more detailed level and refine the report. Radios, DVR's, cameras and video surveillance systems will be items considered as exceptional item requests in the upcoming Legislative Appropriations Request (LAR).

In response to a question asked by Judge Brieden, Mr. Southwell stated staff started to capture greater detail to justify funding for this type of equipment.

In response to a question asked by Chairman Fisher, Mr. Southwell stated the surveillance equipment is the same equipment that was installed in 2007. Only damaged equipment had been replaced.

In response to a question asked by Chairman Fisher, Mr. Southwell stated the shelf life for this equipment is 5-7 years. Staff will continue to look at replacing the analog cameras with digital cameras. Digital cameras offer greater coverage and clearer images however they rely on infrastructure the agency currently cannot support. Staff will continue to refresh TJJJ's overall legacy infrastructure both at the fiber level in all of the facilities and all of the network equipment.

In response to a question asked by Chairman Fisher, Mr. Southwell stated in the last biennium the network infrastructure cost was \$8 million.

In response to a question asked by Chairman Fisher, Mr. Southwell stated this cost is not for the cameras but for the cost of the network infrastructure for our agency. In order to move forward with the camera technology the agency must move forward with the network technology.

In response to a question asked by Chairman Fisher, Mr. Southwell stated the initial estimate for the perimeter camera project in Evins is \$2 million just for the perimeter. As estimates become available, staff will share with the Board members.

In response to a question asked by Chairman Fisher, Mr. Southwell responded there is a very small supply of cameras. Some cameras have been purchased over the years along with a stockpile when the Corsicana was no longer used to house youth.

In response to a question asked by Chairman Fisher, Mr. Reilly stated at this time he was not readily aware of any standard related to the timeliness of replacing an inoperative camera but will find out and send that information to the Board members.

Chairman Fisher suggested staff look into this more closely.

In response to a question asked by Judge Brieden, Mr. Southwell stated the issues that occurred at Evins specifically lead to the research and analysis on how the agency can better secure information from a video surveillance stand point and increase the coverage as well as the detail of information gathered from the images.

In response to a comment made by Judge Brieden, Mr. Southwell stated staff is replacing storage devices made possible by available bond funds still allowed for use for the video surveillance the early part of FY 2016. Some aspects have been upgraded along with the long term servers however not the cameras or the short term DVR server.

In response to a question asked by Judge Brieden, Mr. Southwell stated these improvements do mean more storage space.

In response to a question asked by Chairman Fisher, Mr. Southwell stated he was not sure of the notification process when a camera becomes inoperative, however as soon as IT staff receive the notification the inoperative camera is replaced as quickly as possible. Mr. Southwell will provide more information regarding the process to the Board members.

In response to a question asked by Chairman Fisher and Judge Brieden, Mr. Southwell stated staff will get information to the Board regarding how quick is it identified at the facility level and what is staff's response time to actually correct the problem and who is watching while the equipment is inoperative.

Mr. Southwell reported in the last appropriation cycle IT requested \$2.2 million for desktop refreshments across the agency; however TJJD was awarded \$379,000.00 for the biennium. Those funds have been used to order 430 laptops/desktops that will arrive sometime in May 2016. Seventeen percent of those will reside in the Austin Office and the other 83% will be spread out through the field.

In response to a question asked by Judge Brieden, Mr. Southwell stated staff requested to establish a four year replacement cycle. In the previous request staff asked for \$1 million in year one, \$1 million in year two but did not stipulate what an ongoing amount would be. Staff will correct this at the next submission and include it as part of the IT request. Staff will also ensure to highlight this as an ongoing 25% replacement. Twenty-five percent will be less than \$1 million to do a larger amount of those first two years to re-establish the base line to move forward.

In response to a comment made by Chairman Fisher, Mr. Reilly stated staff intends to request sufficient funding to replace the agency's end-of-life equipment and that will enable TJJD to be at a four year schedule for replacing standard equipment.

Fourteen months ago staff began the legacy server modernization process working with the Department of Information Resources (DIR) through the Data Center Services (DCS) contract. TJJD has 72 servers that reside in the Data Center and out of that, 54 were running Windows 2003 as the operating system. Because Microsoft has ended support of Windows 2003 it forced not only TJJD but many other agencies to move forward. Staff initiated the process and at this time 100% of those

servers in progress are refreshing the hardware and the operating system. The goal for the State of Texas, as a whole, is to have everyone off of Windows 2003 by the end of August 2016.

There are servers that have not moved forward because the intent is to decommission them. Once those servers move forward staff will migrate functions from the remaining windows 2003 servers and then decommission the old servers not originally moved forward. This will help modernize the agency's overall server technology and lower the agency's footprint and cost within the DCS area.

In response to a question asked by Judge Brieden, Mr. Southwell stated staff does not anticipate any problems when the servers are switched over. The servers have been tested and the remaining servers are application servers. Older servers will move forward in a test environment and migrate applications to ensure they are going to work and what changes have to be made to the applications to allow them to work in the new environment on the new platform. Staff intentionally held off on the application side to get some hardware to work with at no additional expense to the agency.

Discussion regarding the TJJD population and commitment trends

Rebecca Walters, Director of Youth Placement and Program Development, presented this informational report. As of the date of this report the residential population is approximately 1,320 youth and in secure state-operated programs, the population is about 1,063. The total residential population is about 4.5 % over TJJD's budgeted population. The agency is 6.5% over population in the secure state-operated facilities.

In the second quarter new admissions were at or under the number compared to the same time last year. In February of this year there were fewer new admissions as compared to February 2015. Overall, there has been stabilization in our population since October 2015. More youth were released from secure programs than admitted to secure programs in February of this year. The average lengths of stay for both determinate and indeterminate sentenced offenders have not really changed over the last year. This, combined with the stabilization of new admissions, did produce a slight decrease in the number of youth in the state-operated secure facilities.

In response to a question asked by Judge Brieden, Ms. Walters concurred that TJJD's population has stabilized, but at 6.5% over the budgeted projections.

Though the information for revocations shows wide variability from month to month and an overall increase as compared to FY15, the number of revocations are fairly small. So far this year there have been close to 80 youth revoked which is about 16% over the number of revocations for the same time last year. Staff will conduct a survey regarding revoked youth to see what went right and what went wrong, what could've been different for them either in preparation on being on parole or being on parole prior to revocation. Staff felt this information could assist with determining if better treatment programing is need for those youth.

As of February 2016, Harris County had committed 79 youth as opposed to 42 in FY 2015 and 345 new admissions in FY 2016 as compared to 308. Overall, the percentage change in new admissions is 12%.

Determinate sentence commitments increased about 20% as compared to FY 2015. Last year the certification numbers decreased dramatically but this year the numbers increased again, although, not as high as they were two years ago.

In response to a question asked by Judge Brieden, Ms. Walters stated the determinate sentences are not rising as much as they did last year and the certifications increased slightly, so it could be they are balancing each other out.

In the last Board meeting, members inquired about the trend in felony referrals and violent felony referrals across the state of Texas. For FY 2014 and FY 2015, overall violent felony referrals for Texas increased 8%. This increase could account for the rise in the determinate sentence in felony referrals. Harris County is a little higher at 8.8%. Smaller counties have big rises in violent felony referrals although the numbers are still small.

Mr. Reilly stated staff is hopeful the regional diversion program will be a successful program and that the agency will be able to expand it next session.

Updates from the Chief Financial Officer

Emily Anderson, Fiscal Affairs & Budget Director, presented this informational report. Through February 2016 agency expenditures totaled \$166 million of which \$157 million was in general revenue. These amounts were slightly over 50% of the agency's appropriations. Overtime expenditures totaled \$2.64 million and almost 70% of that had been set aside for that purpose. Through the remainder of the year staff will identify additional funds for overtime expenditures. Juvenile Correctional Officer's (JCO's) accounted for approximately 95% of the overtime. As the expenditures are fractioned over what was expected at the midyear point, staff will continue to monitor closely.

In response to a question asked by Chairman Fisher, Ms. Anderson stated there was a typographical error and the actual amount of the overtime expenditure is \$2.64 million which is 68.8%.

In response to a question asked by Chairman Fisher, Ms. Anderson stated staff did budget more for overtime this year but the expenditures are coming in higher than anticipated.

In response to a question asked by Judge Brieden, Mr. Reilly stated overtime is the only method staff had to address the population increase but long term it would be less expensive to have more positions rather than pay overtime.

In response to a question asked by Judge Brieden, Mr. Reilly stated TJJD's turnover rate decreased last year for the first time in many years however the rate has increased a little since last fiscal year. In response to a question asked by Chairman Fisher, Ms. Anderson stated each year TJJD exceeds what was budgeted for overtime.

In response to a question asked by Chairman Fisher, Ms. Anderson confirmed this year TJJD is already at \$2.6 million and half way through the year the projection is probably over two and a half times than last fiscal year.

Mr. Reilly stated this is driven by populations. Leadership downtown are aware of this situation and expect staff to do the best they can to manage it. The next step would be to borrow forward from the next fiscal year. When the session starts staff can make a request for supplemental funding to make up that draw. This is the process in place for state agencies to address unanticipated short falls.

In response to a question asked by Chairman Fisher, Mr. Reilly stated the Legislative Budget Board (LBB) is aware TJJD no longer holds youth any longer than before so it's driven by higher admissions and a higher proportion of determinate sentenced offenders as well.

Since TJJD is slightly over staff will continue to monitor and let the Board know if any additional actions need to be taken.

In response to a question asked by Chairman Fisher, Ms. Anderson stated the county grants are front end loaded and should that be exceeded staff have the authority to transfer from the other Goal A strategies.

In response to a question asked by Chairman Fisher, Ms. Anderson stated TJJD pays three quarters to the State Office of Risk Management (SORM), in September, and right sizes in May. This includes both workman's compensation and unemployment done quarterly but it is front loaded to pay out in September as well.

Discussion, consideration and possible approval regarding Gift Acknowledgment (Action)

Emily Anderson, Fiscal Affairs & Budget Director, presented this action item. Sheldon and Charlene Ledbetter, volunteers at the Gainesville State School, donated a Casio keyboard with a purchase value of \$575.75 to the youth at Gainesville State School. This instrument is a welcome addition to the Chapel and will enhance worship services as well as music classes.

There was no quorum for this meeting therefore no action was taken on this item.

Discussion and possible approval to amend the Agreement for Construction and Operation of Secure Post-Adjudication Juvenile Facility; Project #TJPC-L-97-191, Randall County

Kaci Singer, TJJD Staff Attorney, presented this item. In 1993 the state of Texas passed a bond amendment dedicating funding to build juvenile county facilities and the Texas Juvenile Probation Commission (TJPC) was the administrator of that money. When TJPC administered grants to the counties to build facilities, the counties had to enter a contract to operate the facility for 20 years as a juvenile facility.

Randall County has the Next Step Home Program and is unable to operate it due to a sharp decline in youth being referred as well as the inability to get staff to work in the home-like setting where they have to live at the facility.

Staff at Randall County approached TJJD and asked to be released from their obligation to continue operating the facility for 20 years so it could be closed. The best way to do this is to amend the 1998 contract to reduce the length of operation from 20 years to 17 years so Randall County and its juvenile board are not in default of the contract.

In response to a question asked by Chairman Fisher, Ms. Singer stated Randall County owns the facility. A similar situation happened with Taylor County in 2013 or 2014 and it was approved by the TJJD Board and handled in the same manner.

In response to a comment made by Judge Brieden, Ms. Singer stated TJJD only administers the grants. This was state money approved through a bond and TJJD was given the authority to put requirements in the grant contracts and one of the requirements was that it operate for 20 years as a juvenile facility.

There was no quorum for this meeting therefore no action was taken on this item.

The meeting was adjourned at 11:51 a.m.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
Elaine Mays, Chief Information Officer

Subject: Updates from the Chief Information Officer

Date: April 28, 2016

This memo is for informational purposes; no formal Board action is required.

GENERAL UPDATES

Survey of Employee Engagement:

- In an effort to take the results of the agency's recent Survey of Employee Engagement, the IT Division, like others, is doing a staff-led deeper dive into the responses and working to develop some actionable steps the division can take to address the overall responses. A cross-section of staff from the IT division were nominated by fellow team members to be part of the work group to focus on developing these recommended actions. Their report should be completed in early May. It is our expectation that the steps outlined in this report will be communicated to agency leadership for implementation to the extent possible.

IT Mission, Vision and Core Values:

- Just as the agency has realigned and simplified the language that makes up its mission, vision and core values, the IT Division is undergoing the same effort to ensure that its statements maintain alignment with the agency's. Again a small work group was nominated by their peers to work on this initiative.

Legislative Appropriations Preparations:

- IT staff are working in collaboration with agency business units, vendors and outside agencies to develop a proposed list of target areas for consideration in advance of the upcoming Legislative Appropriations Request process. The agency's aging infrastructure and legacy applications will once again take center stage in these efforts.

APPLICATIONS DEVELOPMENT & OPERATIONS

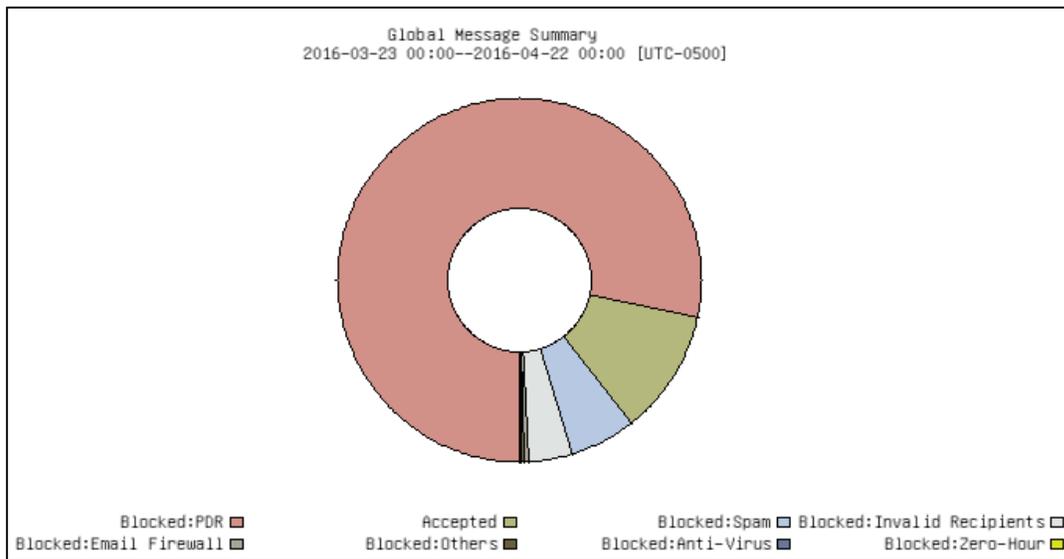
Field IT Initiatives:

- Percentages of maintenance performed on radios, cameras and DVRs were reported in the past IT Update. The percentages were quite high for both radio and DVR components prompting a closer look

at the reported data. In this update, preventive maintenance, like routine software upgrades were eliminated from the totals, which now fall more in line with expectations.

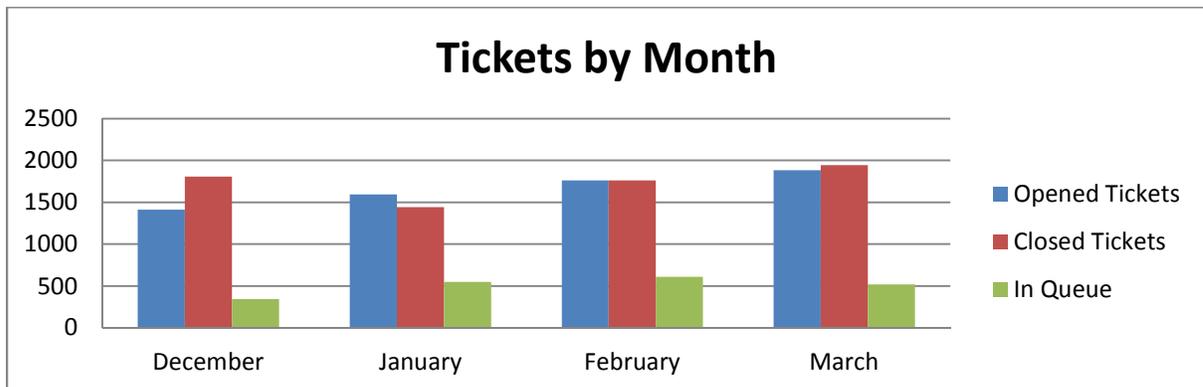
Operations:

- Working with the Department of Information Resources and the service providers under the DCS contract, TJJJ’s technical team participated in a tour of the State Data Center. A similar tour was arranged for agency leadership to help all parties better understand the breadth and scope of services currently provided as well as identify possible opportunities for expansion of these services for the agency.
- Protection from SPAM, malware and virus infected e-mail continues to be a focal point for the IT division. The agency continues to rely on Proofpoint, a leading e-mail security gateway for screening and filtering all inbound e-mail to protection from outside threats. Proofpoint is blocking over 85% of message traffic intended for the TJJJ e-mail accounts.



Help Desk Ticket Management:

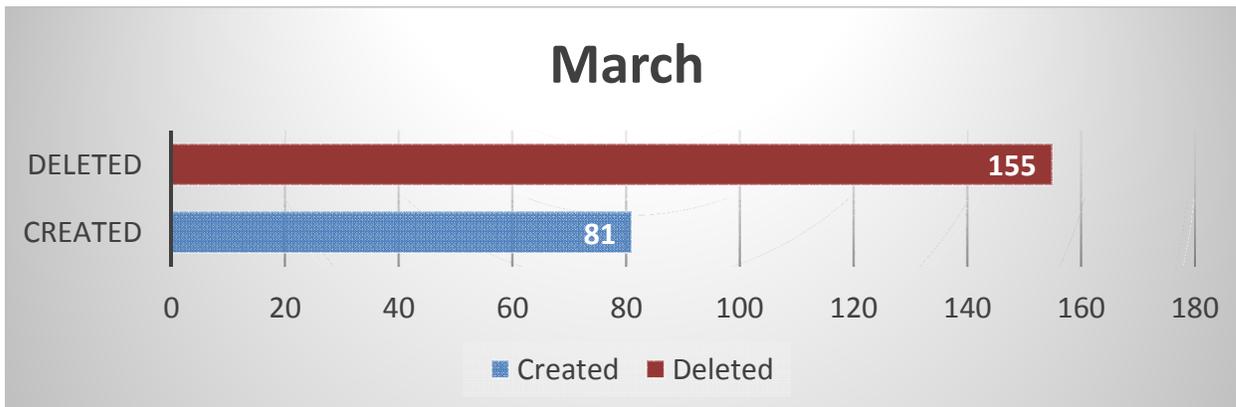
- Overall, Help Desk ticket levels continue to remain relatively flat with the four month average being approximately 1660 tickets closed, nearly 1740 tickets opened and 500 tickets in the queue to be processed. The tickets received by the Help Desk range from break-fix to service requests by staff across the entire agency. The majority of the tickets are addressed by IT-Security, the Austin Help Desk and the IT staff at the secure facilities.



SECURITY & ACCESS MANAGEMENT

Security Office:

- The IT Security office has been working to develop an Information Security awareness training program. Once completed, this will be required training for all employees – new hires must complete within a defined window of time following their start date and all other staff will be required to participate on an annual basis. The goal of the program is to ensure that agency staff understands the importance of information security from a general sense as well as the sensitive nature of the information we interact with on a daily basis. This will put the agency in compliance with Texas Administrative Code (TAC) 202.



GOVERNANCE & ENTERPRISE PROJECT MANAGEMENT

Change Management:

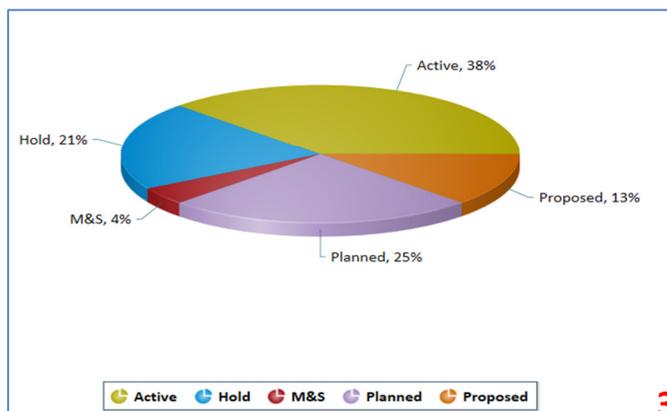
- The Change Management office brought in a certified individual to provide training to the IT staff on the Information Technology Infrastructure Library (ITIL) which is a framework for managing IT work processes and specifically the change management aspects. This training was well received and will provide the basis upon which this area of IT evolves.

Project Management:

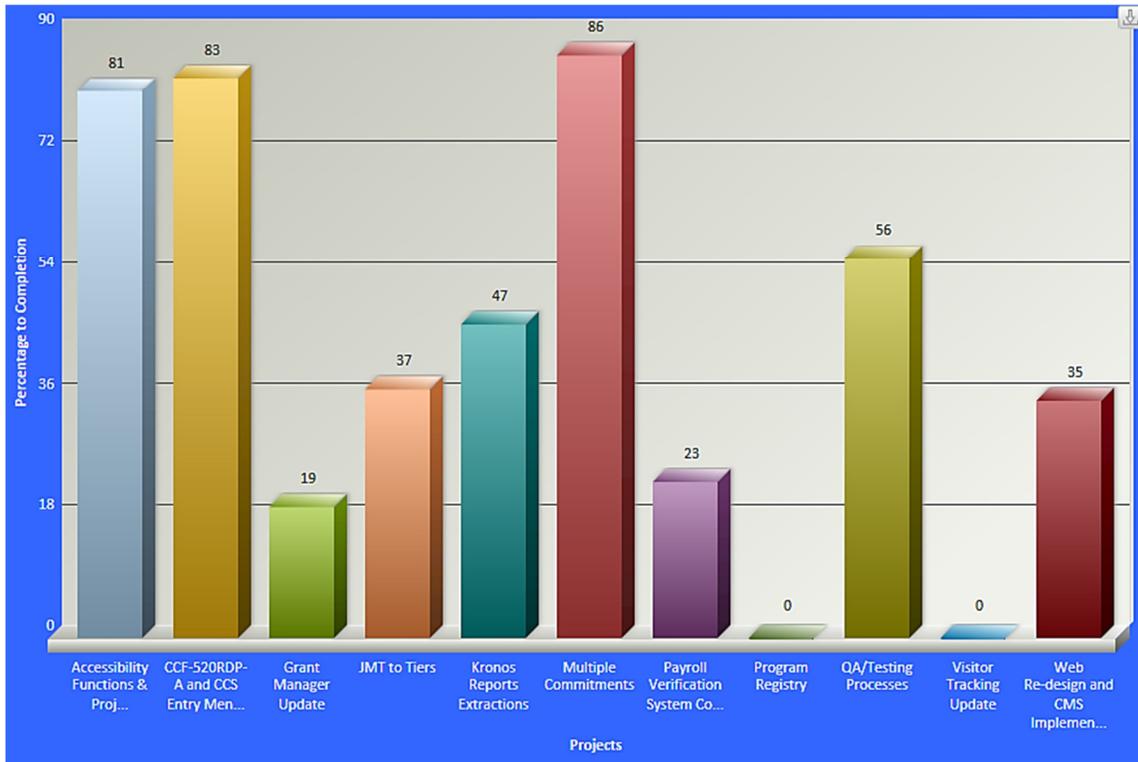
- Activities within the Project Management office have been focused on documenting and developing requirements associated with a number of agency and IT initiatives:
 - Requirements definition for the possible implementation of Information Technology Service Management (ITSM) toolset that will be the foundation of our configuration management and change management efforts;
 - Business Impact Analysis related to the agency's Business Continuity requirements; and
 - Assessment and lessons learned by other agency's regarding implementation of CAPPs-HR system from the Comptroller's office.

Project Summary

- **Active [38%]** —9 projects
- **On Hold [21%]** —5 projects
- **Planned [25%]** —6 projects (*pending resource availability*)
- **Proposed [13%]** —3 projects (*not yet formally requested, but filed*)
- **Closed**— 6 projects (*since March 2016*)



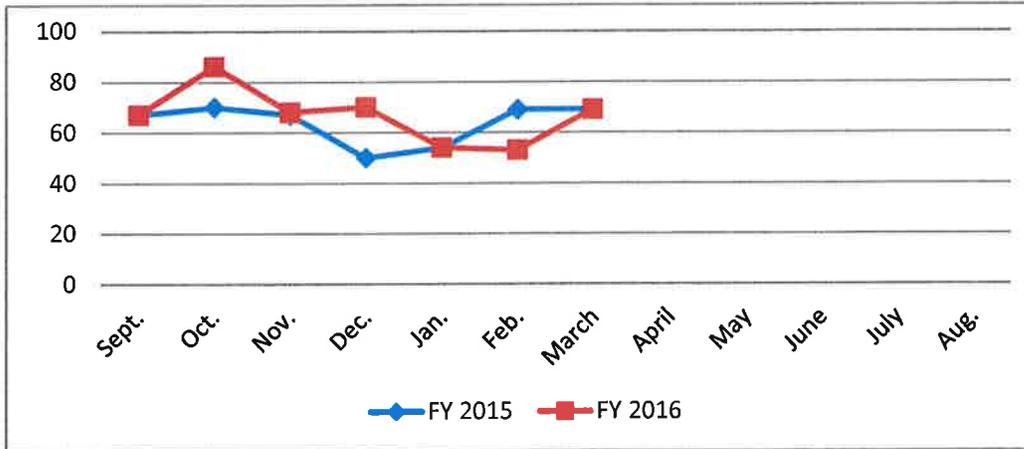
Percentage to Completion of Active projects



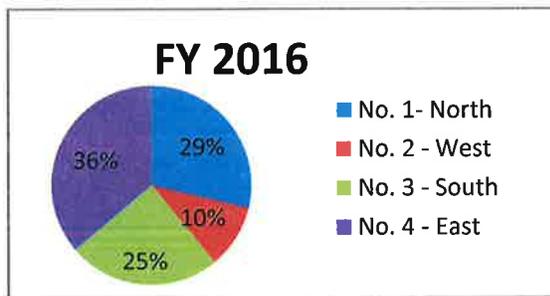
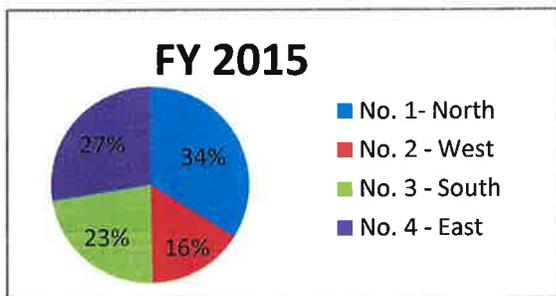
Summary of Commitment Trends for FY 2016

New Commitment Data

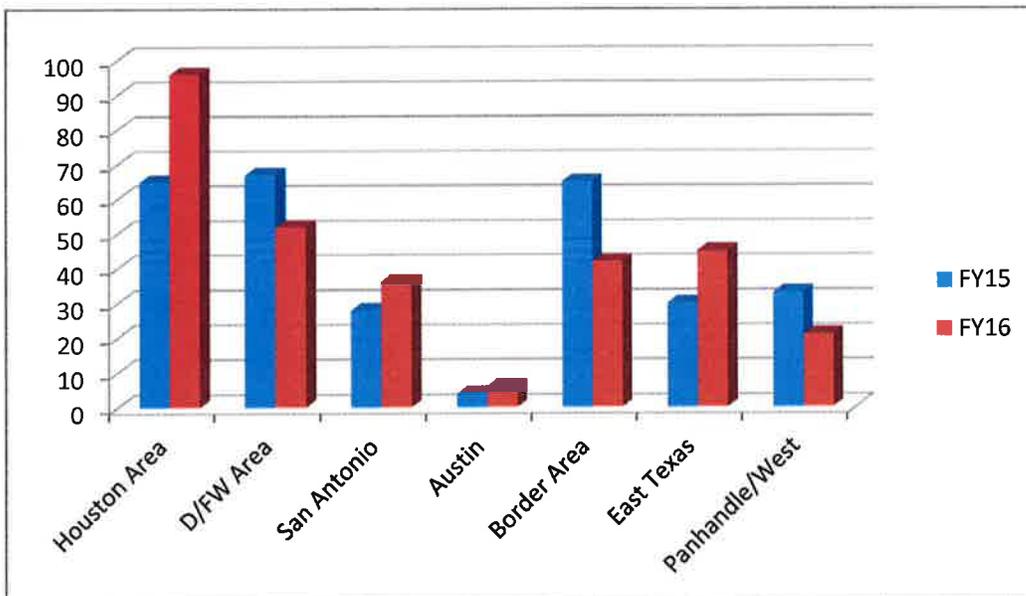
All Counties - FYTD change from FY 2015



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	1	0
Andrews	0	0
Angelina	3	2
Aransas	1	0
Archer	0	0
Armstrong	0	0
Atascosa	0	2
Austin	0	0
Bailey	0	0
Bandera	0	1
Bastrop	0	4
Baylor	0	0
Bee	1	1
Bell	3	3
Bexar	26	34
Blanco	0	0
Borden	0	0
Bosque	0	0
Bowie	4	3
Brazoria	7	6
Brazos	1	5
Brewster	0	0
Briscoe	0	0
Brooks	0	0
Brown	0	4
Burleson	0	1
Burnet	0	0
Caldwell	2	2
Calhoun	0	1
Callahan	0	0
Cameron	10	21
Camp	0	0
Carson	0	0
County	FY15	FY16
Kerr	2	1

County	FY15	FY16
Cass	1	0
Castro	0	0
Chambers	0	0
Cherokee	0	2
Childress	0	1
Clay	1	0
Cochran	0	0
Coke	0	0
Coleman	0	0
Collin	11	8
Collingsworth	0	0
Colorado	2	1
Comal	2	2
Comanche	0	0
Concho	0	0
Cooke	1	0
Coryell	2	1
Cottle	0	0
Crane	0	0
Crockett	0	0
Crosby	0	0
Culberson	0	0
Dallam	0	0
Dallas	33	27
Dawson	0	0
Deaf Smith	1	2
Delta	0	0
Denton	7	9
DeWitt	2	1
Dickens	0	0
Dimmit	0	0
Donley	0	1
Duval	0	0
County	FY15	FY16
Milam	1	1

County	FY15	FY16
Eastland	0	0
Ector	10	8
Edwards	0	0
Ellis	4	1
El Paso	18	7
Erath	1	0
Falls	2	2
Fannin	2	0
Fayette	0	0
Fisher	0	0
Floyd	1	0
Foard	0	0
Fort Bend	14	8
Franklin	0	0
Freestone	0	1
Frio	0	0
Gaines	0	0
Galveston	6	5
Garza	0	0
Gillespie	0	0
Glasscock	0	0
Goliad	0	0
Gonzales	0	0
Gray	1	1
Grayson	2	4
Gregg	4	6
Grimes	1	0
Guadalupe	2	0
Hale	2	1
Hall	0	0
Hamilton	0	0
Hansford	0	0
Hardeman	1	0
County	FY15	FY16
Rockwall	0	0

County	FY15	FY16
Hardin	1	1
Harris	65	96
Harrison	0	1
Hartley	0	0
Haskell	0	0
Hays	0	1
Hemphill	0	0
Henderson	1	2
Hidalgo	27	6
Hill	3	4
Hockley	2	3
Hood	2	0
Hopkins	1	0
Houston	0	0
Howard	2	2
Hudspeth	0	0
Hunt	2	1
Hutchinson	0	0
Irion	0	0
Jack	0	0
Jackson	2	0
Jasper	1	0
Jeff Davis	0	0
Jefferson	8	11
Jim Hogg	0	0
Jim Wells	0	0
Johnson	0	0
Jones	0	0
Karnes	0	0
Kaufman	3	0
Kendall	0	1
Kenedy	0	0
Kent	0	0
County	FY15	FY16
Uvalde	0	0

Kimble	0	0	Mills	0	0	Runnels	0	0	Val Verde	1	2	
King	0	0	Mitchell	1	0	Rusk	0	0	Van Zandt	0	0	
Kinney	0	0	Montague	0	0	Sabine	0	0	Victoria	2	3	
Kleberg	0	0	Montgomery	10	22	San Augustine	0	0	Walker	0	2	
Knox	0	0	Moore	3	1	San Jacinto	1	0	Waller	0	0	
Lamar	4	2	Morris	0	0	San Patricio	0	1	Ward	0	2	
Lamb	0	1	Motley	0	0	San Saba	0	0	Washington	1	1	
Lampasas	0	0	Nacogdoches	1	3	Schleicher	0	0	Webb	4	2	
La Salle	0	0	Navarro	0	0	Scurry	0	0	Wharton	2	0	
Lavaca	0	0	Newton	0	0	Shackelford	0	0	Wheeler	2	1	
Lee	0	0	Nolan	0	0	Shelby	0	0	Wichita	1	3	
Leon	0	0	Nueces	3	5	Sherman	0	0	Wilbarger	0	0	
Liberty	0	1	Ochiltree	0	0	Smith	8	13	Willacy	0	2	
Limestone	0	0	Oldham	0	0	Somervell	0	0	Williamson	3	4	
Lipscomb	0	0	Orange	2	7	Starr	2	3	Wilson	0	1	
Live Oak	0	0	Palo Pinto	0	1	Stephens	0	0	Winkler	0	0	
Llano	0	0	Panola	0	0	Sterling	0	0	Wise	0	0	
Loving	0	0	Parker	3	3	Stonewall	0	0	Wood	1	0	
Lubbock	9	5	Parmer	0	0	Sutton	0	0	Yoakum	0	0	
Lynn	0	0	Pecos	0	0	Swisher	0	1	Young	0	0	
Madison	0	0	Polk	0	1	Tarrant	34	25	Zapata	0	0	
Marion	0	0	Potter	4	1	Taylor	4	4	Zavala	0	0	
Martin	0	0	Presidio	0	0	Terrell	2	0				
Mason	0	0	Rains	0	0	Terry	0	0	Totals	446	467	
Matagorda	1	1	Randall	1	2	Throckmorton	0	0	% Change	5%		
Maverick	1	1	Reagan	0	0	Titus	0	0				
McCulloch	0	0	Real	0	0	Tom Green	1	1				
McLennan	8	9	Red River	0	0	Travis	1	1				
McMullen	0	0	Reeves	0	1	Trinity	0	0				
Medina	1	0	Refugio	0	1	Tyler	0	0				
Menard	0	0	Roberts	0	0	Upshur	2	3				
Midland	6	3	Robertson	0	1	Upton	0	0				
County Total	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July	Aug.
% Change '14	5%	8%	-7%	17%	6%	18%	8%					
% Change '15	0%	23%	1%	40%	0%	-23%	0%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
FY14	64	80	73	60	51	45	64					

FY15	67	70	67	50	54	69	69					
FY16	67	86	68	70	54	53	69					

TJJD Regions	FY15	%	FY16	%	% Change
No. 1 - North	151	34%	134	29%	-11%
No. 2 - West	71	16%	49	10%	-31%
No. 3 - South	101	23%	115	25%	14%
No. 4 - East	123	28%	169	36%	37%

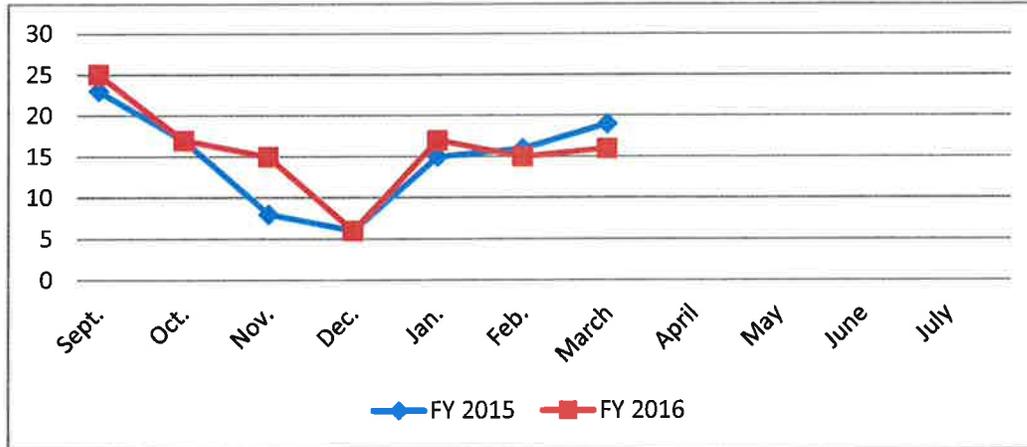
Probation Regions	FY15	%	FY16	%	% Change
Central	65	15%	78	17%	20%
North	107	24%	85	18%	-21%
Northeast	30	7%	37	8%	23%
Panhandle	27	6%	21	4%	-22%
South	49	11%	44	9%	-10%
Southeast	123	28%	168	36%	37%
West	45	10%	34	7%	-24%

Texas Areas	FY15	FY16	% Change
Houston Area	65	96	48%
D/FW Area	67	52	-22%
San Antonio	28	36	29%
Austin	4	6	50%
Border Area	65	42	-35%
East Texas	30	45	50%
Panhandle/West	33	21	-36%

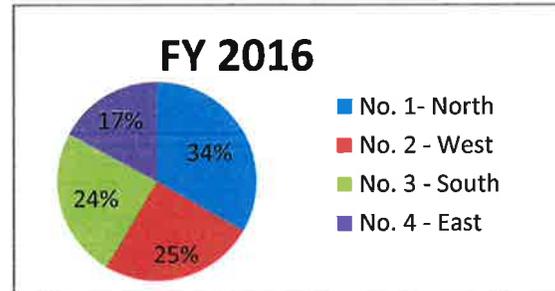
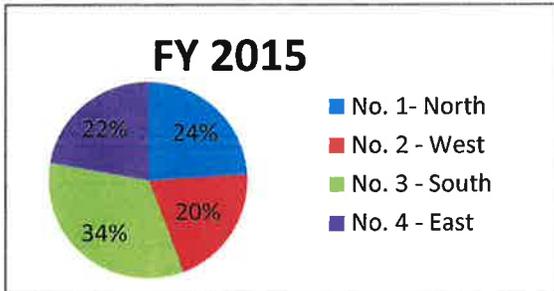
Summary of Commitment Trends for FY 2016

Revocation Data

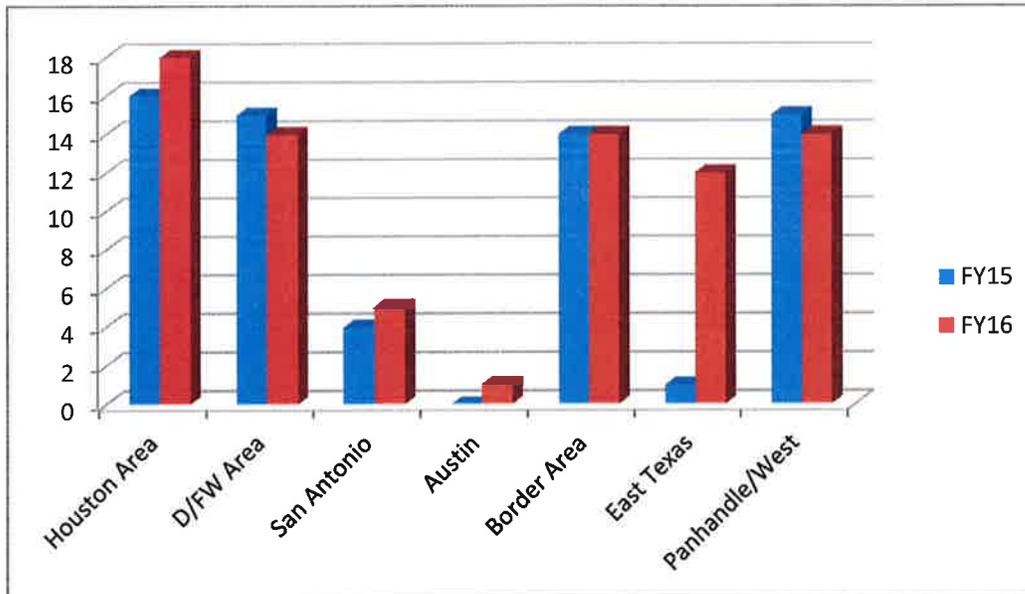
All Counties - FYTD change from FY 2015



TJJD Regions - FYTD



Areas of Texas - FYTD Changes

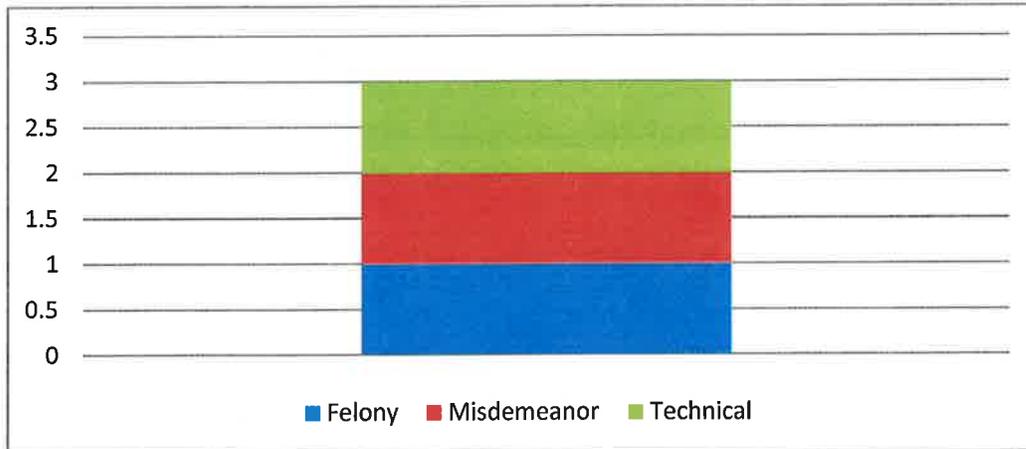


Note: All charts compare commitment data for the current fiscal year to date (FYTD) with the same timeframe from the previous fiscal year.

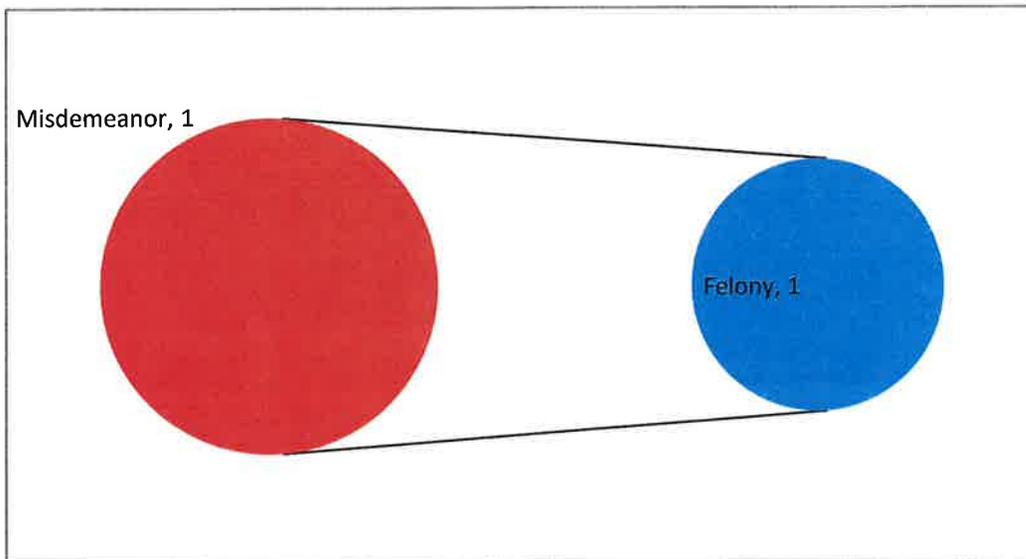
Summary of Commitment Trends for FY 2016

Revocation Data, Cont.

Charges Proven in Revocation Hearings - FY 2016



Charges Proven FYTD 2016



County	FY15	FY16
Anderson		
Andrews		
Angelina	1	2
Aransas		
Archer		
Armstrong		
Atascosa		
Austin		
Bailey		
Bandera		
Bastrop	2	
Baylor		
Bee		
Bell	5	6
Bexar	4	5
Blanco		
Borden		
Bosque	1	
Bowie		
Brazoria	1	1
Brazos	1	1
Brewster		
Briscoe		
Brooks		
Brown	1	1
Burleson		
Burnet		
Caldwell	1	1
Calhoun		
Callahan	1	
Cameron	5	3
Camp		
Carson		
County	FY15	FY16
Kerr	1	2
Kimble		
King		
Kinney		
Kleberg		
Knox		
Lamar		
Lamb		
Lampasas	1	1
La Salle		
Lavaca		
Lee		
Leon		
Liberty		
Limestone		
Lipscomb		
Live Oak		
Llano		
Loving		
Lubbock	2	1
Lynn		
Madison		
Marion		
Martin		

County	FY15	FY16
Cass		
Castro		
Chambers		
Cherokee		
Childress		
Clay		
Cochran		
Coke		
Coleman		1
Collin		1
Collingsworth		
Colorado		
Comal		
Comanche		
Concho		
Cooke		
Coryell		
Cottle		
Crane		
Crockett		
Crosby		
Culberson		
Dallam		
Dallas	5	3
Dawson		
Deaf Smith		
Delta		
Denton	1	1
DeWitt	1	
Dickens		
Dimmit	1	
Donley		
Duval		
County	FY15	FY16
Milam	1	
Mills		
Mitchell		
Montague		
Montgomery		1
Moore		
Morris	1	
Motley		
Nacogdoches		1
Navarro		
Newton		
Nolan		
Nueces		
Ochiltree		
Oldham		
Orange		2
Palo Pinto		
Panola		
Parker	1	
Parmer		
Pecos	1	1
Polk		
Potter		2
Presidio		

County	FY15	FY16
Eastland		
Ector	4	4
Edwards		
Ellis		1
El Paso	2	7
Erath		
Falls	1	
Fannin		
Fayette		
Fisher		
Floyd		
Foard		
Fort Bend	1	1
Franklin		
Freestone		
Frio		
Gaines		
Galveston	2	2
Garza		
Gillespie		
Glasscock		
Goliad		
Gonzales	1	
Gray		1
Grayson	1	2
Gregg		2
Grimes		
Guadalupe		2
Hale		2
Hall		
Hamilton		
Hansford		
Hardeman		
County	FY15	FY16
Rockwall		
Runnels		
Rusk		
Sabine		
San Augustine		
San Jacinto		
San Patricio		
San Saba		
Schleicher		
Scurry		
Shackelford		
Shelby		
Sherman		
Smith		2
Somervell		
Starr	2	1
Stephens		
Sterling		
Stonewall		
Sutton		
Swisher		
Tarrant	10	11
Taylor	5	4
Terrell		

County	FY15	FY16
Hardin		
Harris	16	7
Harrison		
Hartley		
Haskell		
Hays		
Hemphill		
Henderson		
Hidalgo	2	
Hill		1
Hockley		
Hood	1	2
Hopkins		
Houston		
Howard	1	
Hudspeth		
Hunt		3
Hutchinson		
Irion		
Jack		
Jackson		
Jasper		
Jeff Davis		
Jefferson		3
Jim Hogg		
Jim Wells		
Johnson		
Jones		
Karnes		1
Kaufman		
Kendall		
Kenedy		
Kent		
County	FY15	FY16
Uvalde		
Val Verde	1	1
Van Zandt		
Victoria	3	
Walker		
Waller		
Ward		
Washington		
Webb		1
Wharton	1	
Wheeler		
Wichita	1	1
Wilbarger		
Willacy		
Williamson		1
Wilson		
Winkler		
Wise		
Wood		
Yoakum		
Young		1
Zapata		
Zavala		

Mason			Rains			Terry			Total Revoked	104	111
Matagorda	1	1	Randall			Throckmorton			% Change	7%	
Maverick	2	1	Reagan			Titus		1			
McCulloch			Real			Tom Green		2	Not Revoked		
McLennan	2	2	Red River			Travis			Total Held		
McMullen			Reeves		1	Trinity					
Medina			Refugio			Tyler					
Menard			Roberts			Upshur					
Midland	4	3	Robertson			Upton					
County Total	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	March	April	May	June	July
% Change	9%	0%	88%	0%	13%	-6%	-16%	#DIV/0!	#DIV/0!	#DIV/0!	#DIV/0!
FY15 - Rvkd	23	17	8	6	15	16	19				
FY15 - No Rvk	3	2	1	1	1	1	5				
FY15 - Total	26	19	9	7	16	17	24				
FY16 - Rvkd	25	17	15	6	17	15	16				
FY16 - No Rvk	0	1	1	0	3	1	2				
FY16 - Total	25	18	16	6	20	16	18				

FY2016 Charges	Sept.		Oct.		Nov.		Dec.		Jan.		Feb.		March		April		May		June		July	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
Felony	2	8%	2	12%	1	7%	2	33%	1	6%	2	13%	0	0%	###		###		####		#DIV/0!	
Misdemeanor	6	24%	4	24%	1	7%	1	17%	3	18%	1	7%	4	25%	###		###		####		#DIV/0!	
Technical	17	68%	11	65%	13	87%	3	50%	13	76%	12	80%	12	75%	###		###		####		#DIV/0!	
Non-Compliance	4	24%	5	45%	4	31%	1	33%	3	23%	4	33%	3	25%	#####		#####		#####		#DIV/0!	
Absond/Escapes	9	53%	5	45%	7	54%	2	67%	9	69%	6	50%	6	50%	#####		#####		#####		#DIV/0!	
Other	4	24%	1	9%	2	15%	0	0%	1	8%	2	17%	3	25%	#####		#####		#####		#DIV/0!	

TJJD Regions	FY15	%	FY16	%	% Change
No. 1 - North	25	24%	37	33%	48%
No. 2 - West	21	20%	28	25%	33%
No. 3 - South	35	34%	27	24%	-23%
No. 4 - East	23	22%	19	17%	-17%

Texas Areas	FY15	FY16	% Change
Houston Area	16	18	13%
D/FW Area	15	14	-7%
San Antonio	4	5	25%
Austin	0	1	#DIV/0!
Border Area	14	14	0%
East Texas	1	12	1100%
Panhandle/West	15	14	-7%



Memorandum

To: TJJJ Board Members

From: David Reilly, Executive Director
 Mike Meyer, Chief Financial Officer

Subject: Updates from the Chief Financial Officer

Date: April 29, 2016

FY16 Expenditure and Performance Measure Reporting. The March 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.

Amended Placement Budget¹	\$6,237,396	
Provider	NTE*	Expended
G4S – The Oaks at Brownwood – Secure	\$3,179,004	\$1,239,362
Cornerstone (Garza County) – Secure	\$2,685,816	\$1,301,220
Associated Marine Institute Kids (AMIKids)	\$1,009,225	\$459,681
Byrd’s Foster Group Home	\$631,596	\$32,229
Gulf Coast Trades Center	\$1,832,008	\$352,724
National Mentor Healthcare, dba Texas Mentor	\$183,559	\$704
Pegasus Schools, Inc.	\$2,759,400	\$250,992
Specialized Alternatives for Families and Youth	\$252,945	\$46,431
Rite of Passage	\$508,000	\$ -
TOTALS	\$12,533,553	\$3,683,343
*Approved contract Not-to-Exceed amounts		
Expenditures as a Percent of Placement Budget		59.1%

¹ The initial placement budget of \$6,032,396 was increased \$205,000 to accommodate provider rate increases.

Second 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 - Second Quarter

Within 5% of target:	Target	Actual	Pct of Target
<i>Probation</i>			
ADP: Deferred Prosecution	6,171	6,359.69	103.60%
CPD: Basic Supervision	\$5.40	\$5.62	104.07%
<i>State Programs</i>			
ADP: Halfway House Programs	146	141.26	96.75%
ADP: Gen Rehabilitation Treatment	1,144	1,200.09	104.90%
ADP: Specialized Treatment	900	943.39	104.82%
ADP: Contract Programs	120	118.81	99.01%
ADP: Parole	413	398.68	96.53%
CPD: State-Operated Correctional Facility	\$159.09	\$165.52	104.40%
CPD: Contract Capacity	\$148.34	\$154.22	103.96%

Outside 5% of target	Target	Actual	Pct of Target
<i>Probation</i>			
ADP: Conditional Release	3,251	2,824.96	86.90%
ADP: Court Ordered Probation	11,558	12,382.91	107.14%
ADP: Residential Placement	2,250	1,976.87	87.86%
ADP: Commitment Diversion Initiatives	1,500	1,297.16	86.48%
CPD (State): Residential Placement	\$31.35	\$21.66	69.09%
CPD: Commitment Diversion	\$35.51	\$31.72	89.33%
<i>State Programs</i>			
ADP: Assessment/Orientation	92	83.12	90.35%
ADP: State-Operated Corrections Facility	998	1,071.69	107.38%
ADA: JJD Operated Schools	949	1001.27	105.51%
CPD: Halfway Houses	\$182.24	\$193.21	106.02%
CPD: Health Care Services Cost	\$19.25	\$17.44	90.60%
CPD: Mental Health (PSYCH)	\$2.01	\$1.26	62.69%
CPD: General Rehabilitation Treatment	\$14.12	\$16.40	116.15%
CPD: Specialized Treatment	\$15.92	\$14.09	88.51%
CPD: Parole	\$18.38	\$16.11	87.65%

MAP Financing. As previously discussed with the Board, TJJJ staff are in the process of implementing a Management Action Plan (MAP) to address safety and security challenges in state facilities driven by the elevated residential population. The MAP includes several strategies with a financial impact, which the agency is financing for FY 2016 within existing appropriation authority.

TJJD left \$2.5 million of FY 2015 federal revenue unspent, and carried forward those funds to FY 2016 to free up General Revenue to support the MAP and operational needs tied to the increased residential population. This approach will have important implications to the FY 2018-2019 appropriations process due to the temporary nature of this resource. Agency staff are communicating with executive and legislative offices on an ongoing basis regarding the use of these funds and the potential impact to appropriations decisions.

The following table summarizes the use of MAP dollars to-date as reflected in the March 2016 financial report.

Original MAP Balance	2,524,424
Added JCO positions and Overtime ²	(781,234)
Gang Interventionist Activities	(78,806)
Pilot Roof Rollers	(13,885)
Youth in Custody Practice Model ³	(179,000)
Remaining as of March 31, 2016	1,471,500

It is important to note that while the table above describes the use of funds toward MAP activities, it does not capture the entirety of budgetary challenges TJJD faces this biennium. A more comprehensive discussion is provided below.

FY16-17 Budget Outlook. The March financial report shows that in the first seven months of the fiscal year TJJD expended 57.4 percent of available General Revenue when probation grants are excluded.⁴ This is on par with expectations, suggesting that for FY 2016, TJJD’s strategies to manage the increased residential population within available resources (including MAP funds brought forward from FY 2015 to FY 2016) are succeeding. However, the report also points toward severe budgetary pressures for FY 2017 unless the residential population decreases substantially.

FY 2016 Budgetary Pressures and Strategies

The table and chart below compare appropriations, the agency’s internal budget from the March financial report, and internal year-end projections as of April 15, 2016. The primary factors driving the difference between General Appropriations Act (G.A.A.) and internal budgeted figures are an increase to General Revenue for legislative statewide salary increases, federal funds brought forward from FY 2015 to support the MAP, other adjustments to federal funds to accommodate potential additional collections, General Obligation (G.O.) bond proceeds for repair and rehabilitation projects, and minor adjustments to appropriated receipts

² Refers to JCO positions added to address safety concerns caused by the rising population. Facilities have also seen increased overtime expenditures in order to maintain statutorily required staffing ratios.

³ Encumbered.

⁴ Note that this figure excludes lagged billing for contract residential placements as well as settle-up costs for youth healthcare/psychiatric treatment through the University of Texas Medical Branch (UTMB). The monthly cost of contract placements consistently exceeds \$500,000; UTMB monthly settle-up costs are more variable, but generally approach \$500,000 per month.

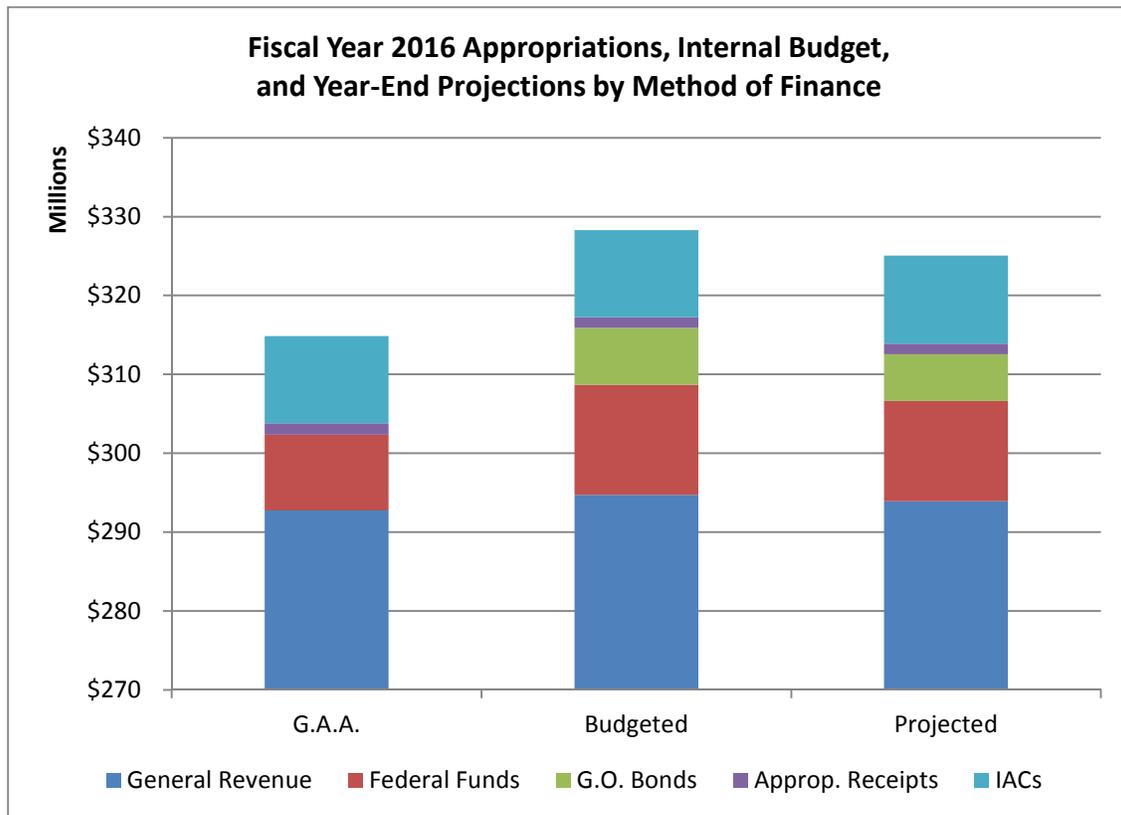
and interagency contracts (IACs). Year-end projections are reflective of current expectations for actual revenue collections and operational expenditures.

Fiscal Year 2016 Appropriations, Internal Budget, and Year-End Projections by Method of Finance

\$ (millions)	G.A.A.	Budgeted ^a	Projected ^{a, b}
General Revenue	\$292.7	\$294.7	\$293.9
Federal Funds	\$9.6	\$14.0	\$12.7
G.O. Bonds	UB	\$7.2	\$5.9
Approp. Receipts	\$1.5	\$1.3	\$1.3
IACs	\$11.1	\$11.0	\$11.2
TOTAL	\$314.9	\$328.3	\$325.1

^a GR figures include funding for legislative statewide salary increases.

^b Projections are current as of April 15, 2016, and are subject to ongoing recalculation.



Imbedded in projected expenditures is the impact of the elevated state residential population, which through March was 5.4 percent above the G.A.A. projections. This represents the net of halfway houses and contract care populations that were below projections by 3.6 percent and 0.6 percent, respectively, and secure facilities that were above projections by 7.4 percent. The resulting budgetary pressures affect all of TJJD’s Goal B, State Services and Facilities, but are most evident in Strategy B.1.3, Institutional Supervision and Food Service. That strategy predominately supports salaries and overtime for Juvenile Correctional Officers (JCOs).

In order to meet statutorily required supervision ratios, State Programs currently maintains more JCO positions (and expends more on overtime) than would be needed at G.A.A. projected population levels. As a frame of reference, at the appropriated cost per day for Strategy B.1.3, the annualized impact of the year-to-date facilities population overage is on the order of \$4.3 million,⁵ or more if the cost of the 2.5 percent statewide salary increase is considered. Although the population in halfway houses has been slightly below projections, due a lack of economies of scale those facilities are rarely able to realize savings when that occurs. The use of contract residential placements has been on par with legislative targets, though at a higher cost than originally projected due to increases to provider rates. Expenditures in other parts of Goal B or elsewhere in TJJJ's budget have a less direct connection to population, though areas such as assessment and orientation, youth medical care, rehabilitative treatment programming, education, and investigative activities do experience a negative impact when the population is on the rise.

To manage these additional costs for FY 2016, TJJJ brought \$2.5 million of FY 2015 federal revenue into FY 2016. The agency is also in the process of reducing operating budgets across *all* divisions to ensure sufficient funds are available to pay salaries, and well over a year ago instituted a practice of requiring that all salary/position adjustments have a net-zero impact.⁶ As of FY 2016 Finance is using a new, more rigorous process to evaluate requests for budgetary adjustments, and all directors have been advised that virtually no end-of-year funds for unbudgeted purchases will be made available. Lastly, the agency will likely be able to claim several hundred thousand dollars in additional federal and Texas Education Agency revenue to mitigate a portion of the increased costs.

As a result of these measures TJJJ staff project the agency will operate within available resources for FY 2016 without requesting spend-forward authority or other legislative or gubernatorial action. As of April 15th Finance also projects a remaining General Revenue balance of just over \$0.6 million in its data center services appropriation, and just over \$0.4 million in MAP funds. These represent potential resources to mitigate the ongoing impact of the elevated residential population in FY 2017; however, absent a significant decline the agency will face severe budgetary pressures in FY 2017 and beyond.

FY 2017 and Beyond

The G.A.A. projection for total residential population in FY 2017 is 1,237, including 923 in state facilities, 146 in halfway houses, and 168 in contract placements. The last time the total state residential population was at this level was April 4, 2015. The four-week moving average total residential population reached a local maximum toward the end of November at 1,339.8 before pulling back slightly and then peaking again at 1,338.5 at the end of February/beginning of March. Since that time the moving average total has declined a little less than 1 percent.

⁵ Appropriated cost per day (excluding 2.5 percent legislative salary increase): \$159.09. Excess year-to-date population in state facilities compared to G.A.A. projection: 73.7. Annualized impact: \$159.09 * 73.7 * 366 = \$4,291,325.

⁶ I.e., must be offset by a reduction to or elimination of another position's budgeted salary.

Additional months of data are required to determine whether the apparent stabilization and slight decrease of the residential population since November will be durable, or will give way to a more pronounced increase or decline. The remainder of the fiscal year will also give some indication as to the impact of regional commitment diversions under Senate Bill 1630. That program begins in June and, if successful, will mitigate or reverse other factors contributing to the higher commitment levels of recent months.

However, in the absence of a significant decline in the state residential population, TJJJ will face severe budgetary pressures in FY 2017 and beyond. General Revenue appropriations in Goal B decrease by \$2.4 million comparing FY 2017 to FY 2016, which is the net of a \$4.7 million reduction in strategies supporting state facilities and halfway houses, and a \$2.3 million increase in contract care. Within that reduced funding level, Juvenile Correctional Officers will also see a 2.5 percent salary increase in FY 2017. This creates further budgetary pressure due to the increased cost of regular and overtime hours. As previously noted, very little in General Revenue and MAP funds are projected to remain from FY 2016 to mitigate FY 2017 challenges.

Of equal or greater concern, the profile of the residential population since January 2015 suggests that the brunt of the population overage will continue to be felt in state secure facilities, where costs are high. The lack of youth appropriate for transitional halfway house settings has resulted in a decline in that population since the fall, while agency efforts to expand the contract care provider base have been only moderately successful.⁷ Meanwhile, between November 1 and March 31 the population in state secure facilities stayed in a relatively tight range (1,060 to 1,091) around the average figure of 1,076.4.

As a frame of reference, if the year-to-date residential population were to apply to FY 2017, and under the assumption that there are sufficient youth appropriate for halfway houses and sufficient contract care options to meet the G.A.A. population targets in those areas, the budgetary impact of the population overage in Strategy B.1.3, Institutional Supervision and Food Service, would be \$5.7 million (or more if statewide legislative salary increases are considered).⁸ However, this figure does not address the impact to education, treatment, or healthcare of other reductions in Goal B, nor does it address the possibility that the actual population overage would fall more to state secure facilities than other placement options for reasons described above.

Finance is in the process of developing more precise estimates of the operational impact and extent of budgetary pressures if the residential population does not significantly decline, while

⁷ The agency's ongoing Requests for Proposals (RFP) for contract beds have resulted in only one new provider contract this biennium. In an attempt to attract more interest and meet a specific need, the RFP for secure residential placements was amended to specify preference for a location in an urban area, with optimal scoring for a placement in Harris County. To date, it has received no responses.

⁸ The FY 2016 year-to-date residential population of 1,331.7, less FY 2017 G.A.A. population targets for halfway houses and contract care of 146 and 168, respectively, equates to a population overage for FY 2017 of 94.7. At the appropriated cost per day for Strategy B.1.3 of \$164.06 (excluding 2.5 percent legislative salary increase) the annualized impact of this overage is $\$164.06 * 94.7 * 365 = \$5,670,816$.

also exploring strategies to close as much of the gap as possible to minimize a potential supplemental appropriations request. Agency staff will stay in communication with the Board as the process unfolds.

SB 1630 Provisions Affecting General Probation Funding: Phase III. 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 (Phase I), to develop a new State Aid funding formula (Phase II), and to establish “discretionary funding protocols” for funding not subject to the formula (Phase III). The project includes direct involvement of the TJJAD Advisory Council as well as opportunities for broader feedback from practitioners and stakeholders across the state. Phase I concluded in November; Phase II concluded in April and is discussed under a separate agenda item related to FY 2017 State Aid probation funding allocations.

The purpose of Phase III of this project is to develop “discretionary grant funding protocols” in compliance with the Human Resources Code (HRC) Section 223.001(c), as amended by the bill. That provision requires TJJAD to set aside funds to support programs with a clearly defined target population that use research-driven practice and have well defined recidivism reduction goals. While several existing TJJAD grant programs will ultimately be subject to some form of discretionary protocols, the initial focus of this initiative is in setting program requirements and procedures for a new competitive program within State Aid.

Finance and other TJJAD staff held a series of internal meetings and conference calls to discuss broad program parameters and preliminary protocols with the Advisory Council. The attachment was prepared for discussion at the Council’s April 29 meeting and lays out general program parameters and funding application components. Remaining steps include finalizing the program name and design, developing the application form and related procedures, assigning program job duties, and notifying probation departments. It is the staff’s intent to take applications in June for grant awards of up to four years beginning with FY 2017.

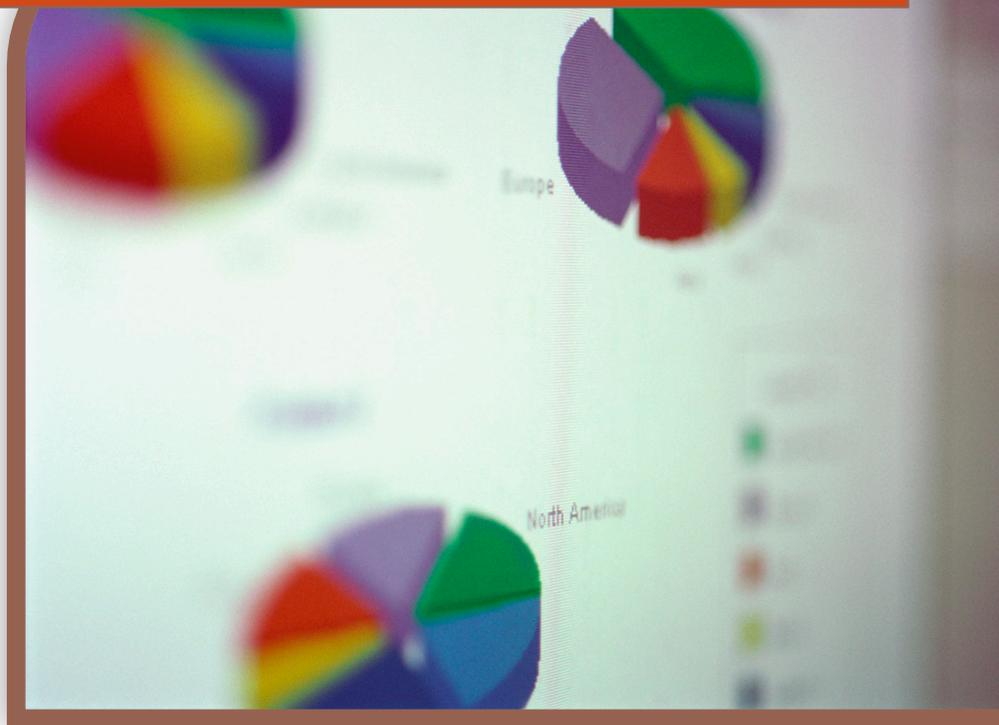
Other probation grant programs subject to HRC 223.001(c) will be the focus of ongoing efforts in FY 2017, with a planned effective date for related protocols of September, 2017.

Fiscal Years 2018-2019 Legislative Appropriations Request Timeline. Finance staff have developed an internal timeline for completing the agency’s FY 2017 operating budget and FY 2018-2019 Legislative Appropriations Request (LAR) based on an expected due date in mid-August, including consideration by the Board at its August 5th meeting. The following high-level timeline updates information previously provided to the Board. Board updates and feedback requests occurring between its May and August meetings will occur via email.

- Budget team develops initial baseline budgets for FY 2017-2019 (March/April-complete); Executive staff evaluate options to bring projected spending in line with baseline appropriations (May-in progress)
- Finance staff complete and submit budget structure and performance measure change request (due May 6-pending)

- Division staff review baseline allocations and request adjustments (May/June) and submit recommendations for exceptional items (May); Executive team conducts initial vetting of exceptional items (May/June)
- TJJ Board receives update on general budget outlook and baseline considerations (May-included in this memo) and initial exceptional item proposals (June); Board feedback requested on proposed exceptional items (June)
- FY 2017 division budgets are finalized and loaded into CAPPs (May/June)
- TJJ Board receives update/feedback requested on proposed baseline and exceptional requests (July)
- FY 2018-2019 draft baseline and exceptional requests are entered into Legislative Budget Board system (July/August)
- Staff submits FY 2017 operating budget and FY 2018-2019 LAR (baseline and exceptional item requests) for TJJ Board approval and completes final LBB submission (August)

Texas Juvenile Justice Department Financial Report FY 2016 through March 2016





Texas Juvenile Justice Department

TJJD Budget Status Highlights FY 2016 through March 31, 2016

- ◆ **Population:** As of the end of March 2016, TJJD's institutional Average Daily Population (ADP) was as follows:

	Close of Business 3.31.2016				Fiscal Year-to-Date		
	GAA Target	Actual	Over (Under)	Percent	Actual	Over (Under)	Percent
Secure Facilities	998.0	1,068.8	70.8	7.1%	1,071.7	73.7	7.4%
Halfway Houses	146.0	137.5	(8.6)	(5.9%)	140.7	(5.3)	(3.6%)
Contract Care	120.0	122.7	2.7	2.3%	119.3	(0.7)	(0.6%)
	1,264.0	1,329.0	65.0	5.1%	1,331.7	67.7	5.4%

These figures present a year-to-date total residential population that is above projections, and a current total that is above projections by a slightly lesser margin. This is reflective of an 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 a fraction below.

- ◆ **Agency Expenditures:** TJJD expenditures through the end of March totaled \$192.4 million, including \$181.3 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	61.5%	57.4%
All Methods of Finance	58.6%	54.6%

If monthly expenditures were even throughout the fiscal year we would expect the figures above to be 58.33 percent. Spending was slightly below this threshold in all areas except for "All Goals." 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. Staff will continue to monitor the agency's budgetary condition and will advise the Board if any additional action needs to be taken.

- ◆ **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 of March 31st were 2,578.45 which is 294.65 below the GAA cap and 3.05 below the budgeted FTE cap. The agency expended \$3.1 million in overtime through the end of March, or 69.6 percent of the current amended budget for this purpose. Juvenile Correctional Officers accounted for 95.2 percent of overtime spent. Over the same time period in FY 2014 and 2015 overtime expenditures totaled \$2.1 million and \$2.4 million, respectively.
- ◆ **Construction Projects:** All appropriations from repair and rehabilitation funding provided by the 81st Legislature have been allocated to projects and work has begun on projects funded from the 83rd Legislature and repurposed funds from the 79th Legislature.

	FY 2016 - ADP											
	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG
Evins Regional Juvenile Center	131.57	130.94	130.67	133.39	134.71	127.21	122.42					
Gainesville State School	254.23	253.55	260.33	259.23	261.74	263.52	260.26					
Giddings State School	202.43	195.55	203.77	213.13	220.87	217.52	216.16					
McLennan County Long-Term	218.67	219.23	214.17	211.39	215.58	220.83	216.48					
McLennan County Phoenix	8.50	10.39	13.53	11.74	11.26	14.52	13.58					
McLennan County Residential Treatment Center	<u>51.33</u>	<u>50.52</u>	<u>47.50</u>	<u>48.23</u>	<u>47.13</u>	<u>46.52</u>	<u>45.26</u>					
Total McLennan County SJCF	278.50	280.13	275.20	271.35	273.97	281.86	275.32					
Ron Jackson SJCC Short-Term (O&A)	82.80	89.42	96.03	91.68	68.42	75.07	74.29					
Ron Jackson Young Male Program	6.37	9.97	12.73	12.35	13.90	14.24	11.84					
Ron Jackson SJCC Long-Term	<u>98.37</u>	<u>99.06</u>	<u>101.07</u>	<u>99.16</u>	<u>101.45</u>	<u>105.90</u>	<u>108.52</u>					
Total Ron Jackson SJCC	187.53	198.45	209.83	203.19	183.77	195.21	194.65					
Total, TJJJ Operated Secure	1054.27	1058.61	1079.80	1080.29	1075.06	1085.31	1068.81					
Halfway Houses	<u>144.93</u>	<u>138.94</u>	<u>143.37</u>	<u>142.94</u>	<u>140.26</u>	<u>137.03</u>	<u>137.45</u>					
Total, TJJJ Operated Facilities	1199.20	1197.55	1223.17	1223.23	1215.32	1222.34	1206.26					
Contract Care	<u>118.37</u>	<u>126.90</u>	<u>118.57</u>	<u>114.61</u>	<u>117.03</u>	<u>116.83</u>	<u>122.74</u>					
TOTAL RESIDENTIAL	1317.57	1324.45	1341.73	1337.84	1332.35	1339.17	1329.00					

	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	1,846,359	58.8%
A.1.2	Basic Supervision	41,464,872	41,464,872	25,927,037	62.5%
A.1.3	Community Programs	44,359,374	44,359,374	25,878,770	58.3%
A.1.4	Pre and Post Adjudication Facilities	25,814,997	25,814,997	16,439,973	63.7%
A.1.5	Commitment Diversion Programs	19,492,500	19,492,500	13,475,422	69.1%
A.1.6	JJAEP	6,250,000	6,250,000	2,531,114	40.5%
A.1.7	Mental Health Services	12,804,748	12,804,748	10,663,803	83.3%
A.1.8.	Regional Diversion Alternatives	435,490	435,490	-	0.0%
A.1.9.	Probation System Support	2,476,954	2,811,431	1,782,414	63.4%
B.1.1	Assessment & Orientation	2,021,924	2,100,152	1,260,888	60.0%
B.1.2	Institutional Operations and Overhead	13,637,898	14,831,440	8,456,229	57.0%
B.1.3	Institutional Supervision and Food Service	58,110,656	60,326,653	37,540,633	62.2%
B.1.4	Education	15,709,509	16,670,983	8,587,609	51.5%
B.1.5	Halfway House Operations	9,738,097	10,037,699	5,759,039	57.4%
B.1.6	Health Care	8,905,512	8,905,512	4,473,343	50.2%
B.1.7	Mental Health (Psychiatric) Care	841,595	841,595	303,147	36.0%
B.1.8	Integrated Rehabilitation Treatment	12,577,591	12,054,727	6,994,401	58.0%
B.1.10	Contract Care	6,514,978	7,111,937	3,439,943	48.4%
B.1.11.	Residential System Support	2,802,214	2,934,454	1,765,413	60.2%
B.2.1	Office of the Inspector General	2,184,961	2,229,937	1,395,725	62.6%
B.2.2	Health Care Oversight	995,233	1,013,878	551,114	54.4%
B.3.1	Construct & Renovate Facilities	302,796	7,531,518	488,982	6.5%
C.1.1	Parole Direct Supervision	2,777,638	2,933,179	1,360,244	46.4%
C.1.2.	Parole Programs and Services	1,443,121	1,284,205	538,113	41.9%
D.1.1	Office of Independent Ombudsman	1,007,961	1,034,039	531,220	51.4%
E.1.1.	Training and Certification	1,676,997	2,073,978	1,129,339	54.5%
E.1.2	Monitoring and Inspections	2,296,156	2,664,838	1,674,163	62.8%
E.1.3	Interstate Agreement	260,007	263,681	140,272	53.2%
F.1.1	Central Administration	8,878,871	8,903,511	4,957,494	55.7%
F.1.2	Information Resources	5,936,364	5,977,761	2,465,289	41.2%
TOTAL - Strategy Budget		\$314,856,698	\$328,296,774	\$192,357,493	58.6%

Method of Finance:

General Revenue	292,747,953	294,737,404	181,282,029	61.5%
Federal Funds	9,594,137	13,960,385	4,830,927	34.6%
Criminal Justice Grants	0	17,815	17,815	100.0%
General Obligation Bonds	0	7,214,302	356,173	4.9%
Appropriated Receipts	1,460,413	1,336,600	113,348	8.5%
Interagency Contracts	11,054,195	11,030,269	5,757,200	52.2%
TOTAL - Method of Finance	\$314,856,698	\$328,296,774	\$192,357,493	58.6%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 58.33% for March.
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas \geq (greater than or equal to) 61.25%

	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	1,846,359	
Subtotal	3,137,684	3,137,684	1,846,359	58.8%
A.1.2. Basic Supervision				
General Revenue	41,464,872	41,464,872	25,927,037	
Subtotal	41,464,872	41,464,872	25,927,037	62.5%
A.1.3. Community Programs				
General Revenue	38,476,045	38,476,045	24,849,587	
Federal Funds	4,733,329	4,733,329	1,029,183	
Appropriated Receipts	1,150,000	1,150,000	-	
Subtotal	44,359,374	44,359,374	25,878,770	58.3%
A.1.4. Pre and Post Adjudication Facilities				
General Revenue	25,814,997	25,814,997	16,439,973	
Subtotal	25,814,997	25,814,997	16,439,973	63.7%
A.1.5. Commitment Diversion Initiatives				
General Revenue	19,492,500	19,492,500	13,475,422	
Subtotal	19,492,500	19,492,500	13,475,422	69.1%
A.1.6. JJAEP				
Interagency Contracts	6,250,000	6,250,000	2,531,114	
Subtotal	6,250,000	6,250,000	2,531,114	40.5%
A.1.7. Mental Health Services				
General Revenue	12,804,748	12,804,748	10,663,803	
Subtotal	12,804,748	12,804,748	10,663,803	83.3%
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	2,591,486	1,756,825	
Federal Funds	-	219,945	25,589	
Subtotal	2,476,954	2,811,431	1,782,414	63.4%
B.1.1. Assessment, Orientation, Placement				
General Revenue	2,021,924	2,100,152	1,260,888	
Subtotal	2,021,924	2,100,152	1,260,888	60.0%
B.1.2. Institutional Operations and Overhead				
General Revenue	13,637,898	14,831,440	8,456,229	
Subtotal	13,637,898	14,831,440	8,456,229	57.0%
B.1.3. Institutional Supervision and Food Service				
General Revenue	56,036,628	56,507,309	35,248,932	
Federal Funds	1,858,615	3,774,244	2,268,036	

		General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	% Expended
<u>Strategies:</u>					
	Appropriated Receipts	215,413	45,100	23,665	
	Subtotal	58,110,656	60,326,653	37,540,633	62.2%
B.1.4. Education					
	General Revenue	9,586,314	9,458,495	4,662,754	
	Federal Funds	2,010,000	3,144,096	1,061,087	
	Interagency Contracts	4,113,195	4,068,393	2,863,768	
	Subtotal	15,709,509	16,670,983	8,587,609	51.5%
B.1.5. Halfway House Operations					
	General Revenue	9,466,195	9,611,265	5,550,432	
	Federal Funds	271,902	421,934	207,383	
	Appropriated Receipts	-	4,500	1,223	
	Subtotal	9,738,097	10,037,699	5,759,039	57.4%
B.1.6. Health Care					
	General Revenue	8,905,512	8,905,512	4,473,343	
	Subtotal	8,905,512	8,905,512	4,473,343	50.2%
B.1.7. Mental Health (Psychiatric) Care					
	General Revenue	841,595	841,595	303,147	
	Subtotal	841,595	841,595	303,147	36.0%
B.1.8. Integrated Rehabilitation Treatment					
	General Revenue	11,886,591	11,342,851	6,632,083	
	Interagency Contract	691,000	711,876	362,318	
	Subtotal	12,577,591	12,054,727	6,994,401	58.0%
B.1.10. Contract Capacity					
	General Revenue	5,887,864	5,473,530	3,206,960	
	Federal Funds	627,114	1,638,407	232,983	
	Subtotal	6,514,978	7,111,937	3,439,943	48.4%
B.1.11. Residential System Support					
	General Revenue	2,802,214	2,908,527	1,760,974	
	Federal Funds	-	25,927	4,439	
	Subtotal	2,802,214	2,934,454	1,765,413	60.2%
B.2.1. Office of the Inspector General					
	General Revenue	2,184,961	2,229,937	1,395,725	
	Subtotal	2,184,961	2,229,937	1,395,725	62.6%
B.2.2. Health Care Oversight					
	General Revenue	995,233	1,013,878	551,114	
	Subtotal	995,233	1,013,878	551,114	54.4%
B.3.1. Construct & Renovate Facilities					
	General Revenue	302,796	317,216	132,809	
	General Obligation Bonds	-	7,214,302	356,173	
	Subtotal	302,796	7,531,518	488,982	6.5%

	General Appropriation Act	Amended Budget	Expended/ Disbursed YTD	%
				Expended
<u>Strategies:</u>				
C.1.1. Parole Direct Supervision				
General Revenue	2,777,638	2,933,179	1,360,244	
Subtotal	2,777,638	2,933,179	1,360,244	46.4%
C.1.2. Parole Programs and Services				
General Revenue	1,443,121	1,284,205	538,113	
Subtotal	1,443,121	1,284,205	538,113	41.9%
D.1.1. Office of the Independent Ombudsman				
General Revenue	1,007,961	1,016,224	513,405	
Criminal Justice Grants	-	17,815	17,815	
Subtotal	1,007,961	1,034,039	531,220	51.4%
E.1.1. Training and Certification				
General Revenue	1,581,997	1,936,978	1,040,879	
Appropriated Receipts	95,000	137,000	88,460	
Subtotal	1,676,997	2,073,978	1,129,339	54.5%
E.1.2. Monitoring and Inspections				
General Revenue	2,296,156	2,664,838	1,674,163	
Subtotal	2,296,156	2,664,838	1,674,163	62.8%
E.1.3. Interstate Agreement				
General Revenue	260,007	263,681	140,272	
Subtotal	260,007	263,681	140,272	53.2%
F.1.1. Central Administration				
General Revenue	8,785,694	8,901,007	4,955,266	
Federal Funds	93,177	2,504	2,227	
Subtotal	8,878,871	8,903,511	4,957,494	55.7%
F.1.2. Information Resources				
General Revenue	5,936,364	5,977,761	2,465,289	
Subtotal	5,936,364	5,977,761	2,465,289	41.2%
Total - Strategy Budget	314,856,698	328,296,774	192,357,493	58.6%
<u>Method of Finance:</u>				
General Revenue	292,747,953	294,737,404	181,282,029	61.5%
Federal Funds	9,594,137	13,960,385	4,830,927	34.6%
Criminal Justice Grants	-	17,815	17,815	100.0%
General Obligation Bonds	-	7,214,302	356,173	4.9%
Appropriated Receipts	1,460,413	1,336,600	113,348	8.5%
Interagency Contracts	11,054,195	11,030,269	5,757,200	52.2%
Total - Method of Finance	314,856,698	328,296,774	\$192,357,493	58.6%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 58.33% for March
2. Amounts reflect grant funds disbursed to the counties.
3. Red represents areas ≥ (greater than or equal to) 61.25%.

<u>Location/Program:</u>	Amended Budget	Expended/ Disbursed YTD	% Expended
Ron Jackson State School	19,653,259	11,949,628	60.8%
Gainesville State School	18,617,818	11,139,567	59.8%
Giddings State School	20,670,929	12,336,525	59.7%
Evins Regional State School	15,240,793	8,950,269	58.7%
Corsicana State School	145,187	72,622	50.0%
McLennan Cnty State School	20,183,215	12,092,983	59.9%
McLennan Cnty State Treatment Center	7,711,034	4,437,740	57.6%
Phoenix Facility	1,875,585	1,121,524	59.8%
Subtotal - State-Operated Secure Facilities	\$104,097,821	\$62,100,858	59.7%
Halfway House Operations	10,883,698	6,318,199	58.1%
Regions	336,437	159,477	47.4%
Contract Care	6,490,477	3,430,183	52.8%
Parole	3,911,849	1,836,836	47.0%
County Disbursements	153,759,665	96,762,478	62.9%
MAP Funding	2,524,424	873,925	34.6%
Austin Office ³	46,292,403	20,875,537	45.1%
TOTAL	\$328,296,774	\$192,357,493	58.6%

Notes:

1. The normal range is +/- 5% of the straight-line projection of 58.33% for March.

2. Red represents areas ≥ (greater than or equal to) 61.25%.

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	1,846,359	58.8%
Subtotal - Strategy	3,137,684	1,846,359	58.8%
A.1.2 Basic Supervision	41,464,872	25,927,037	62.5%
Subtotal - Strategy	41,464,872	25,927,037	62.5%
A.1.3 Community Programs	43,209,374	25,878,770	59.9%
County Refunds	1,150,000	-	0.0%
Subtotal - Strategy	44,359,374	25,878,770	58.3%
A.1.4 Pre and Post Adjudication Facilities	25,814,997	16,439,973	63.7%
Subtotal - Strategy	25,814,997	16,439,973	63.7%
A.1.5 Commitment Diversion Programs	19,492,500	13,475,422	69.1%
A.1.6 JJAEP	6,250,000	2,531,114	40.5%
Subtotal - Strategy	6,250,000	2,531,114	40.5%
A.1.7 Mental Health Services	12,804,748	10,663,803	83.3%
A.1.8 Regional Diversion Alternatives	435,490	-	0.0%
A.1.9 Probation System Support			
Austin Office	968,775	505,865	52.2%
Contingency	24,882	-	0.0%
Title IVE	216,492	22,927	10.6%
JCMS	1,561,000	1,223,453	78.4%
SORM / Unemployment	40,283	30,169	74.9%
Subtotal - Strategy	2,811,431	1,782,414	63.4%
B.1.1 Assessment & Orientation			
Ron Jackson Unit Girls	123,466	71,319	57.8%
Ron Jackson Unit Boys	1,526,940	925,336	60.6%
Initial Placement	228,261	131,185	57.5%
Automated Assessment - Assessment.com	99,950	86,613	86.7%
Contingency	47,535	-	0.0%
SORM / Unemployment	74,000	46,436	62.8%
Subtotal - Strategy	2,100,152	1,260,888	60.0%
B.1.2 Institution Operations and Overhead			
Ron Jackson	2,510,818	1,563,031	62.3%
Gainesville State School	2,760,221	1,617,932	58.6%
Giddings State School	2,888,271	1,613,068	55.8%
Evins Regional Juvenile Center	2,152,852	1,140,444	53.0%
Corsicana Treatment Center	145,187	72,622	50.0%
Mart Complex	3,559,216	1,999,772	56.2%
MTC	277,385	145,411	52.4%
Warehouse Operations	50,000	32,185	64.4%
Youth Rights	70,098	43,081	61.5%
Employee Screening	90,000	32,106	35.7%
Contingency	64,322	-	0.0%
SORM / Unemployment	263,070	196,575	74.7%
Subtotal - Strategy	14,831,440	8,456,229	57.0%
B.1.3 Institution Supervision and Food Service			
Ron Jackson	9,512,893	6,128,959	64.4%
Gainesville State School	9,604,362	6,078,949	63.3%
Giddings State School	11,303,069	7,311,626	64.7%
Evins Regional Juvenile Center	8,509,102	5,334,522	62.7%
Mart Complex	10,203,283	6,651,068	65.2%
MTC	5,004,313	2,962,831	59.2%
Phoenix Program	1,460,272	862,035	59.0%
Contingency	1,005,552	-	0.0%
MAP Funding (JCO Positions)	781,234	781,234	100.0%
MAP Funding (Projects)	78,806	78,806	100.0%
MAP Funding (Contingency)	809,050	-	0.0%
SORM / Unemployment	2,054,717	1,350,604	65.7%
Subtotal - Strategy	60,326,653	37,540,633	62.2%

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.1.4 Education			
Ron Jackson	2,230,357	1,222,444	54.8%
Gainesville State School	2,794,688	1,525,816	54.6%
Giddings State School	3,003,322	1,507,363	50.2%
Evins Regional Juvenile Center	2,083,128	1,150,110	55.2%
Mart Complex	2,180,401	1,282,297	58.8%
MTC	1,339,833	595,315	44.4%
Halfway House Services	141,952	33,798	23.8%
Phoenix Program	217,584	139,454	64.1%
Regions	328,937	159,477	48.5%
Austin Office	1,566,035	606,196	38.7%
Contingency	152,745	-	0.0%
SORM / Unemployment	632,000	365,339	57.8%
Subtotal - Strategy	16,670,983	8,587,609	51.5%
B.1.5 Halfway House Operations			
Halfway House Services	9,360,149	5,567,169	59.5%
Contingency	189,643	-	0.0%
MAP Funding (Contingency)	223,907	-	0.0%
SORM / Unemployment	264,000	191,870	72.7%
Subtotal - Strategy	10,037,699	5,759,039	57.4%
B.1.6 Health Care			
Ron Jackson	2,307,000	1,177,124	51.0%
Gainesville State School	1,555,500	793,132	51.0%
Giddings State School	1,407,000	712,576	50.6%
Evins Regional Juvenile Center	1,320,500	644,375	48.8%
Mart Complex	2,134,887	1,077,944	50.5%
Halfway House Services	180,625	68,193	37.8%
Subtotal - Strategy	8,905,512	4,473,343	50.2%
B.1.7 Mental Health (Psychiatric) Care			
Ron Jackson	195,000	80,902	41.5%
Gainesville State School	95,000	36,198	38.1%
Giddings State School	41,000	24,932	60.8%
Evins Regional Juvenile Center	32,000	15,441	48.3%
Mart Complex	415,000	145,675	35.1%
Halfway House Services	63,595	-	0.0%
Subtotal - Strategy	841,595	303,147	36.0%
B.1.8 Integrated Rehabilitation Treatment			
Ron Jackson	1,246,785	780,514	62.6%
Gainesville State School	1,808,047	1,087,540	60.1%
Giddings State School	2,028,267	1,166,959	57.5%
Evins Regional Juvenile Center	1,143,211	665,377	58.2%
Mart Complex	1,690,428	936,228	55.4%
MTC	1,089,503	734,183	67.4%
Phoenix Program	197,729	120,036	60.7%
Halfway House Services	1,137,377	649,038	57.1%
Region	7,500	-	0.0%
Austin Office	998,072	555,340	55.6%
Contingency	242,808	-	0.0%
SORM / Unemployment	465,000	299,187	64.3%
Subtotal - Strategy	12,054,727	6,994,401	58.0%

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
B.1.10 Contract Capacity			
Contract Care Administration/Residential	4,852,070	3,197,200	65.9%
Title IV-E Contract Care	1,638,407	232,983	14.2%
Contingency	166,918	-	0.0%
MAP Funding (Contingency)	438,542	-	0.0%
SORM / Unemployment	16,000	9,761	61.0%
Subtotal - Strategy	7,111,937	3,439,943	48.4%
B.1.11 Residential System Support			
Austin	2,124,789	1,295,620	61.0%
MAP Funding (Projects)	179,000	-	0.0%
Title IV-E - Austin Office	25,025	3,847	15.4%
Data Center Services	418,030	418,030	100.0%
Contingency	123,526	-	0.0%
SORM / Unemployment	64,084	47,915	74.8%
Subtotal - Strategy	2,934,454	1,765,413	60.2%
B.2.1 Office of the Inspector General			
Office of Inspector General	2,157,728	1,338,769	62.0%
Contingency	-	-	0.0%
SORM / Unemployment	72,209	56,956	78.9%
Subtotal - Strategy	2,229,937	1,395,725	62.6%
B.2.2 Health Care Oversight			
Austin Office	951,537	527,748	55.5%
Contingency	26,310	-	0.0%
SORM / Unemployment	36,031	23,366	64.8%
Subtotal - Strategy	1,013,878	551,114	54.4%
B.3.1 Construct & Renovate Facilities			
Austin Office	289,177	110,938	38.4%
Repair and Rehab	7,214,302	356,173	4.9%
MAP Funding (Projects)	13,885	13,885	100.0%
Contingency	3,594	-	0.0%
SORM / Unemployment	10,560	7,986	75.6%
Subtotal - Strategy	7,531,518	488,982	6.5%
C.1.1. Parole Direct Supervision			
Parole	2,662,385	1,311,441	49.3%
Vehicle Replacement	160,000	-	0.0%
Contingency	32,767	-	0.0%
SORM / Unemployment	78,028	48,803	62.5%
Subtotal - Strategy	2,933,179	1,360,244	46.4%
C.1.2. Parole Programs and Services			
Parole	1,249,464	525,395	42.0%
Contingency	17,769	-	0.0%
SORM / Unemployment	16,972	12,718	74.9%
Subtotal - Strategy	1,284,205	538,113	41.9%

Strategy/Program	Amended Budget	Expended/ Disbursed YTD	% Expended
D.1.1 Office of the Independent Ombudsman			
Austin Office	895,574	436,841	48.8%
Vehicle Replacement	100,000	73,970	
Contingency	8,264	-	0.0%
SORM / Unemployment	30,201	20,408	67.6%
Subtotal - Strategy	1,034,039	531,220	51.4%
E.1.1 Training and Certification			
Training and Certification	2,020,209	1,089,706	53.9%
Contingency	777	-	0.0%
SORM / Unemployment	52,992	39,634	74.8%
Subtotal - Strategy	2,073,978	1,129,339	54.5%
E.1.2 Monitoring and Inspections			
Monitoring and Inspection	2,550,479	1,609,093	63.1%
Contingency	21,851	-	0.0%
SORM / Unemployment	92,508	65,070	70.3%
Subtotal - Strategy	2,664,838	1,674,163	62.8%
E.1.3 Interstate Agreement			
Interstate Compact	209,261	136,131	65.1%
Contingency	47,420	-	0.0%
SORM / Unemployment	7,000	4,141	59.2%
Subtotal - Strategy	263,681	140,272	53.2%
F.1.1 Central Administration			
Austin Office	8,379,906	4,801,621	57.3%
Vehicle Replacement	210,000	-	0.0%
Contingency	104,385	-	0.0%
SORM / Unemployment	209,220	155,872	74.5%
Subtotal - Strategy	8,903,511	4,957,494	55.7%
F.1.2 Information Resources			
Management Information Resources	3,077,686	1,714,932	55.7%
Data Center Services	2,235,675	687,653	30.8%
Desktop/Laptop Replacement	379,168	-	0.0%
Contingency	187,953	-	0.0%
SORM / Unemployment	97,280	62,704	64.5%
Subtotal - Strategy	5,977,761	2,465,289	41.2%
TOTAL - TJJD	328,296,774	192,357,493	58.6%

Method of Finance:

General Revenue	294,737,404	181,282,029	61.5%
Federal Funds	13,960,385	4,830,927	34.6%
Criminal Justice Grants	17,815	17,815	100.0%
General Obligation Bonds	7,214,302	356,173	4.9%
Appropriated Receipts	1,336,600	113,348	8.5%
Interagency Contracts	11,030,269	5,757,200	52.2%
TOTAL - Method of Finance	328,296,774	\$192,357,493	58.6%

	Amended Budget	Expended/ Disbursed YTD	% Expended
Goal A: Community Juvenile Justice	156,571,096	98,544,893	62.9%
Goal B: State Services and Facilities	146,590,485	81,016,468	55.3%
Goal C: Parole Services	4,217,385	1,898,357	45.0%
Goal D: Office of Independent Ombudsman	1,034,039	531,220	51.4%
Goal E: Juvenile Justice System	5,002,497	2,943,773	58.8%
Goal F: Indirect Administration	14,881,272	7,422,783	49.9%
TOTAL - Goal Summary	328,296,774	192,357,493	58.6%

1. The normal range is +/- 5% of the straight-line projection of 58.33% for March.
2. Red represents areas greater than or equal to 61.25%

Facility	Original Budget	Budget Amendments	Amended Budget	Expended JCOs	Expended Non-JCOs	Total Expended	Balance
Ron Jackson Unit I (21)	344,000	91,596	435,596	290,075	9,675	299,750	135,847
Gainesville State School (24)	550,000	155,724	705,724	517,608	37,468	555,076	150,648
Giddings State School (25)	650,000	6,280	656,280	393,656	26,454	420,110	236,170
Evins Regional Juvenile Center (27)	975,000	24,148	999,148	602,635	23,968	626,603	372,545
McLennan Cnty State Juv Corr Facility (34)	1,135,000	303,881	1,438,881	1,005,796	16,939	1,022,735	416,146
Corsicana	-	375	375	-	375	375	-
Halfway Houses (51-61)	175,000	-	175,000	118,200	5,638	123,838	51,162
Central Office (11)	-	-	-	-	6,340	6,340	(6,340)
Service Regions (41-44)	-	-	-	-	5,475	5,475	(5,475)
Office of Inspector General	5,000	-	5,000	-	14,702	14,702	(9,702)
TOTAL	3,834,000	582,005	4,416,005	2,927,970	147,036	3,075,005	758,995

NOTES:

1. The normal range is +/- 5% of the straight-line projection of 58.33% for March.
2. Red represents areas greater than or equal to 61.25%
3. Overtime does not count against FTE cap.

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	244.35	20.65	32.00	31.00	1.00	31.00	29.00	2.00	105.00	105.02	(0.02)	433.00	409.37	23.63
Al Price	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Gainesville	261.60	192.72	68.88	28.00	26.00	2.00	43.00	37.00	6.00	88.00	84.89	3.11	420.60	340.61	79.99
Giddings	301.60	268.58	33.02	27.00	21.00	6.00	43.00	39.00	4.00	95.00	92.95	2.05	466.60	421.53	45.07
Evins	181.00	168.39	12.61	16.00	14.00	2.00	29.00	26.89	2.11	75.00	69.18	5.82	301.00	278.46	22.54
Crockett	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Corsicana	-	-	-	-	-	-	-	-	-	1.00	1.00	-	1.00	1.00	-
McLennan	410.00	341.96	68.04	42.00	40.00	2.00	64.00	48.81	15.19	140.00	138.39	1.61	656.00	569.16	86.84
Halfway Houses	128.00	123.09	4.91	20.00	20.00	-	-	-	-	63.00	58.61	4.39	211.00	201.70	9.30
Contract Care	-	-	-	-	-	-	-	-	-	7.00	5.00	2.00	7.00	7.00	-
Parole	-	-	-	-	-	-	-	-	-	53.00	45.48	7.52	53.00	45.48	7.52
Inspector General Regions	-	-	-	-	-	-	-	-	-	23.00	22.00	1.00	23.00	22.00	1.00
Central Office Regions	-	-	-	-	-	-	-	-	-	8.00	7.88	0.12	8.00	7.88	0.12
Central Office	-	-	-	-	-	-	-	-	-	312.03	274.26	37.77	312.03	274.26	37.77
TOTAL	1,547.20	1,339.09	208.11	165.00	152.00	13.00	210.00	180.70	29.30	970.03	904.66	65.37	2,892.23	2,578.45	313.78

Summary by Month:	USPS	Actual	Vacant
September	2,875.00	2,502.70	372.30
October	2,870.00	2,510.99	359.01
November	2,873.00	2,537.65	335.35
December	2,877.00	2,558.91	318.09
January	2,879.00	2,578.59	300.41
February	2,891.50	2,571.03	320.47
March	2,892.23	2,578.45	313.78
April			0.00
May			0.00
June			0.00
July			0.00
August			0.00

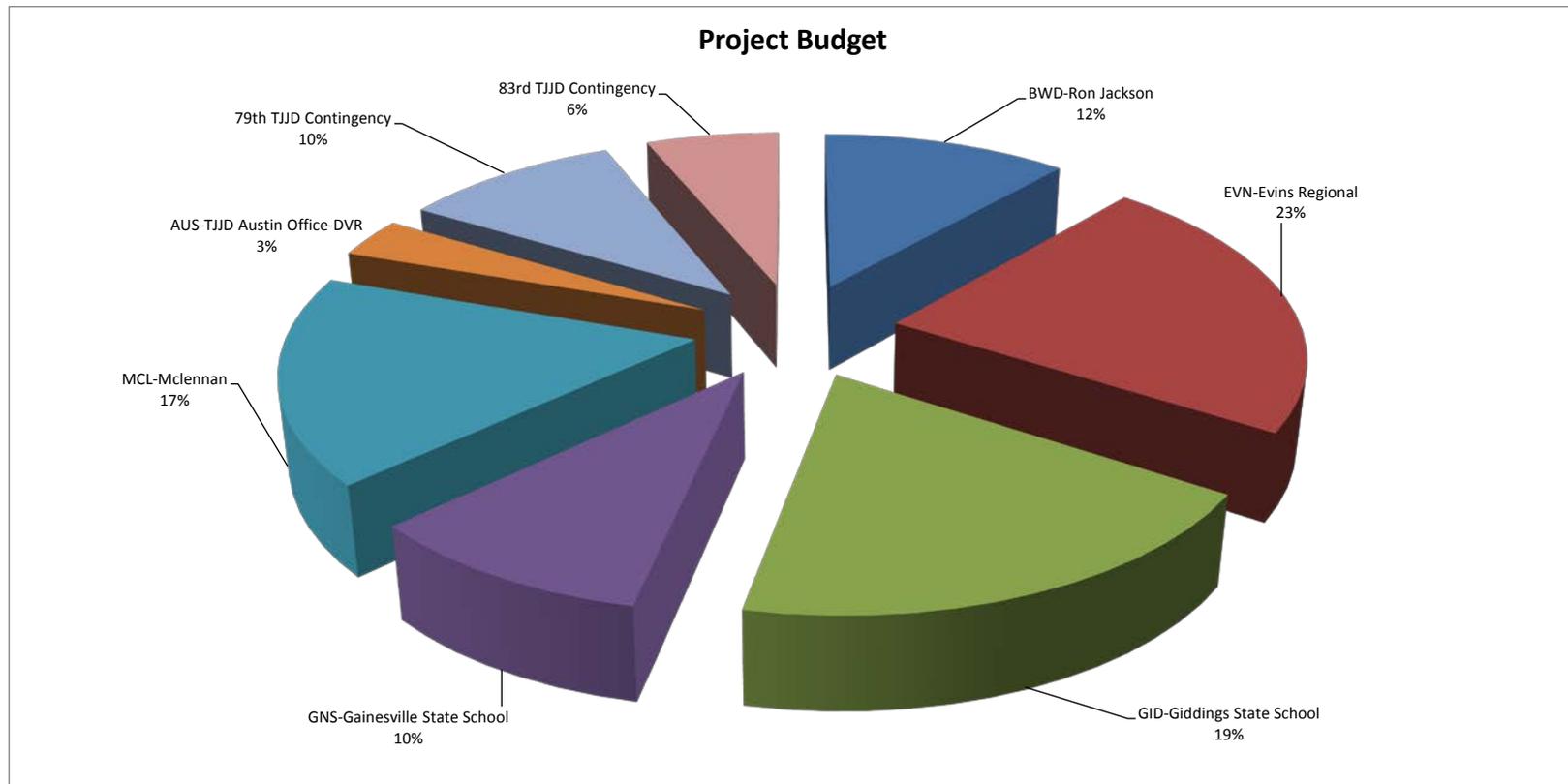
General Appropriations Act (GAA) FTE CAP	2,873.10
Under/(Over) GAA FTE CAP	294.65

Budgeted FTE CAP	2,581.50
Under/(Over) Budgeted FTE CAP	3.05

Location	Project Budget	Expenditures	Outstanding Work Authorizations	Available Budget
BWD-Ron Jackson	829,268.00	15,259.00	574,392.57	239,616.43
EVN-Evins Regional	1,635,663.00	55,463.46	905,673.12	674,526.42
GID-Giddings State School	1,384,462.00	72,423.86	955,830.29	356,207.85
GNS-Gainesville State School	708,486.40	38,208.20	211,007.86	459,270.34
MCL-Mclennan	1,245,545.00	54,300.17	215,407.33	975,837.50
AUS-TJJD Austin Office-DVR	240,000.00	251,103.70	375.05	(11,478.75)
79th TJJD Contingency	733,788.60	-	0.00	733,788.60
83rd TJJD Contingency	450,974.00	13.25	0.00	450,960.75
Total	7,228,187.00	486,771.64	2,862,686.22	3,878,729.14

MAP Roof top Rollers (Giddings Pilot project)
79th General Appropriations Act approved Allocation
83rd General Appropriations Act approved Allocation

	13,886.00
	1,714,301.00
	5,500,000.00
\$	7,228,187.00



The purpose of Phase III of TJJJ's implementation of Senate Bill 1630 (84[R]) provisions related to general probation funding is to develop "discretionary grant funding protocols" in compliance with Human Resources Code (HRC) Section 223.001(c), as amended by the bill. That provision requires TJJJ to set aside funds to support programs with a clearly defined target population that use research-driven practice and have well defined recidivism reduction goals.

While several existing TJJJ grant programs will ultimately be subject to some form of discretionary protocols, the initial focus of this initiative is in setting program requirements and procedures for a new competitive program within State Aid (Discretionary State Aid, or DSA). The following lays out a preliminary proposal for general program parameters and funding application components, developed in collaboration with the TJJJ Advisory Council. This information will be discussed at the April 29 meeting of the Council and subsequently finalized. TJJJ intends to request applications for Fiscal Year (FY) 2017 DSA grants this June.

Basic Program Parameters:

- The focus of the program is intensive, community-based programs and aftercare (not front-end programs or residential placement), with preference given to programs for moderate to high risk youth with corresponding treatment needs.
- Total funding available to support the program for FY 2017 is up to \$1.8 million, projected to grow to \$8-9 million by year 4. Departments requesting funding will submit an application and approved requests will be funded through the State Aid program (not a separate grant).
- TJJJ will not limit or specify the number, size, or distribution of requests for funding that will be considered. Requests will be evaluated competitively and approved based on alignment with HRC 223.001(c) requirements and potential juvenile justice system impact.
- Applications will be open each June for the upcoming fiscal year. Applicants may request multi-year funding (up to 4 years); any such approved awards will be subject to review after years 2 and 3, and are contingent on continued legislative appropriations.
- Local financial or in-kind match is not required, but may be considered in the review process.
- Financial and data reporting will occur under State Aid; however, TJJJ will work with departments to create program names that will flag them as part of DSA. TJJJ will determine before the start of FY 2018 whether additional tracking or reporting efforts are needed.

Application Components:

- TJJJ will create an application form that must be submitted by departments to receive consideration under the DSA program. The application will incorporate elements from trainings on program design conducted by TJJJ's Research and Planning Department. TJJJ staff will be available to offer technical assistance on the application process and program design.
- Through the application, the requestor will identify the need being addressed, the program's target population, and the services to be provided, and will demonstrate that the proposed services are consistent with data-driven and research-based practice for the target population.
- The applicant will also establish one, two, and three year recidivism reduction goals for program participants. Goals must be relative to historical recidivism for a comparable population.
- Financial components such as the cost of services, projected participation level, total budget, etc., will also be specified in the application.

To: Finance and Audit Committee Members
David Reilly, Executive Director
TJJD Executive Team

From: Eleazar Garcia, Chief Auditor

Subject: Results of Audit Follow-up Review, Project 16-2

Date: May 19, 2016

Attached for your review is our report on the status of the agency's implementation of proposed management actions 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 verification 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 February 2016. This report was completed based on information reported to Internal Audit as of February 18, 2016.

This audit follow-up review 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

Management continues to address and improve upon the implementation of corrective actions.

Follow-up on audit recommendations is an ongoing process requiring assessment of management responses and actions. Based on the testing result, 27 of 29 (93%) management actions have been closed and verified by auditors.

The status of management actions was 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 2/18/2016. 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.

Follow-up Status Summary	# of Recommendations	Percentage
Pending/Started	28	18%
Implemented Reported by Management	15	9%
Closed-Verified	117	73%
Management Accepts Risk	0	0%
Total	160	100%

Comprehensive Overview

The 32 audits that were addressed during this follow-up report ranged from April 2012 to February 2016. The table below shows all of the audits that had outstanding recommendations prior to this report.

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	0	1
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	1	3
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	0	12
13-8 – Ethics	6	2	0	4
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	0	5
13-15 - SAO Audit Assistance	20	5	0	15
14-1A - McLennan County Juvenile Correctional Facility Audit	6	0	3	3
14-1B - Garza County Regional Juvenile Center	7	0	0	7
14-1C - Schaeffer House	8	1	1	6
14-1D - Gainesville (Facility Audit)	3	2	0	1
14-3 - Endowment Trust Funds Audit	4	2	0	2
14-5 - Medical Services	6	0	0	6
14-6 - Student Transportation	3	0	0	3
14-7 - Community Relations	5	3	0	2
14-8 - Gang Intervention Program Audit	7	5	0	2
14-9 - Fixed Assets Audit	4	0	0	4
14-10 - Risk Management Audit	3	1	0	2
15-1A - Ron Jackson	2	0	2	0
15-1B - Contract Care Facilities Audit	4	0	2	2
15-5 - Fleet Management	6	2	2	2
15-6 - Interstate Compact	3	1	0	2
15-7 - Staff Development & Training	3	2	0	1
Total: 32 Audits	160	28	15	117

Detailed Results for Recommendations

The following table outlines the results of 27 recommendations that the action plans were previously reported by management as implemented and are in the verification stage. If testing showed that corrective action has been implemented, the Report Status is “Closed-Verified” and no future follow-up is needed.

Recommendations in Verification Stage

Audit Control #/Title	Recommendation	Current Status per Management (Summarized)	Report Status
12-9 - Financial Controls (1)	To ensure consistent competitive bid practices and to monitor progress toward meeting agency HUB goals, the Director of Contracts and Procurement should periodically report HUB and non-HUB bids to the Director of Finance.	The quarterly HUB report was communicated to the CFO and the HUB information was reported to the CFO and Executive Management Team Members.	Closed & Verified
13-1D - Giddings State School (2)	The Senior Director of State Programs and Facilities should work with the Senior Director of Education to ensure assignment of a party responsible for direct oversight of the Campus Work Program including implementation of a periodic review in order to maintain accountability and compliance with local and agency policies.	The Education Procedure Manual (EDU) 37.01 was created for implementation procedures of the General Administrative Policy (GAP) 380.9161. Training was provided to educational liaisons 10/15/2013 for policy review and requirements concerning the Campus Work Program. In addition, designated staff as assigned to locally monitor the Campus Work Program annually.	Closed & Verified
13-8 - Ethics (1)	To ensure Board members are kept abreast of ethics related requirements, General Counsel should work with the governing Board to determine the need for periodic ethics related training.	The Office of General Counsel proposed the changes to the Board Governance Manual regarding the ethics training and the Board Manual was updated accordingly.	Closed & Verified

Audit Control #/Title	Recommendation	Current Status per Management (Summarized)	Report Status
13-14 - Student Use PCs and Flash Drives (1)	To ensure collaboration and application of necessary protocols with agency systems, the Chief of Staff should ensure the MOUs provide for pre-authorization and/or overview by IS&T of any IT related resources.	Processes have been put into place through the CAPPs system to ensure that IT reviews and approves any purchases or contracts (MOUs) with IT components. Additionally, the controls for PC and flash drive use in the halfway houses are either implemented or not applicable (i.e., Youth in York Halfway House do not use the laptops provided by West Oso ISD).	Closed & Verified
14-1A - McLennan County Juvenile Correctional Facility Audit (4)	To ensure consistent reporting of McLennan Facility data, the Executive Director should standardize reporting practices.	IT has addressed the location coding issues and location codes for the McLennan locations are available for all applicable systems. However, entry errors were still observed. Per CAE recommendation can be verified as implemented and he will discuss entry errors with executive management (email sent to EG 4/27/16 with a screen shot of an AIM entry error).	Closed & Verified
14-1B - Garza Audit - Contract Care (1)	To ensure eligible youth are receiving TCOOMMI screenings and referrals, the Senior Director of State Programs and Facilities should enhance the existing monitoring process.	The exception report in SRSS (C.8.1) is developed to identify youth with no TCOOMMI referrals and prior to the youth's minimum length of stay date (MLOS). TJJ staff Angelica Guerrero monitors referrals by using a tracking spreadsheet (C.8.3) including the TJJ facilities & contract care locations. She contacts case management for following up.	Closed & Verified

Audit Control #/Title	Recommendation	Current Status per Management (Summarized)	Report Status
14-1D - Gainesville Facility Audit (1)	The Office of General Counsel should provide guidance to facilities on retaining copies for recordings of Level II Hearings sent to General Counsel for Appeals as part of training on Level II Hearing procedures.	The Deputy General Counsel has attended Level II Hearing training to ensure requirements for audio recordings were discussed. General Administrative Policy (GAP) 380.9555 provides support that audio recordings should be recorded and retained for six months after the hearing is held. In addition to training, sign-in sheets are completed to document staff is being trained for Level II Hearing Procedures according to policy.	Closed & Verified
14-6 - Student Transportation (1)	The Director of State Programs and Facilities should work with the Chief Information Technology Officer to ensure the transportation system is operating effectively and properly documented to support the end-user.	The recommendation and the management action plan relating to the mileage comparison in the Transportation System are no longer applicable, and the Transportation Supervisor has different process to address the finding.	Closed & Verified
14-7 - Community Relations (2)	To ensure accountability of donated funds, the Manager of Community Program should evaluate and implement a standardized method for receipting donations.	The Manager of Programs has implemented a standardized method for receipting donations.	Closed & Verified
14-7 - Community Relations (2)	To ensure the Request for Donations Forms include required information and approvals for disbursing funds, and to simplify the review process, the Manager of Community Program should review and update the form.	The Request for Donations Form was revised and includes required information such as the approvals for disbursing the funds.	Closed & Verified

Audit Control #/Title	Recommendation	Current Status per Management (Summarized)	Report Status
14-8 - Gang Intervention Program Audit (1)	The Senior Director of State Programs and Facilities and the Chief Inspector General should collaborate to designate an owner of the Security Intelligence System, complete the required documentation, and to review the reliability of data entered in the system.	The Chief Inspector General reviews the access levels and users of the Security Intelligence System and he is the system owner of SIS.	Closed & Verified
14-9 - Fixed Assets Audit (4)	The Manager of Business and Staff Services should ensure the agency removes the two fixed assets identified as missing from the agency system as well as any other previously reported missing items in accordance with State Comptroller's requirements.	The two fixed assets identified as missing were removed from the Asset Property Listing report in CAPPs	Closed & Verified
14-9 - Fixed Assets Audit (4)	To improve the agency process for disposal of fixed assets, the Manager of Business and Staff Services should update policies to require a written statement for disposal of assets as well as having documentation available for subsequent review.	ACC policies 53.01, 53.05, 53.09, and 57.09 were updated to accurately report and track procedures regarding fixed assets with the implementation of CAPPs. The "Request for Property Disposal" form was developed to determine proper disposal of assets and provide supporting documentation for periodic review.	Closed & Verified
14-9 - Fixed Assets Audit (4)	The Manager of Business and Staff Services should reflect assigned parties to the fixed assets to improve accountability, while helping ensure compliance with State Comptroller's requirements.	All asset management information was placed into the CAPPs system, with an assigned "custodian" responsible for that asset accordingly.	Closed & Verified

Audit Control #/Title	Recommendation	Current Status per Management (Summarized)	Report Status
14-9 - Fixed Assets Audit (4)	To provide agency staff the ability to identify trends per location, the Manager of Business and Staff Services should periodically submit a report of missing assets to executive management.	ACC 57.09 was revised to require a copy of the physical inventory report be provided annually to Executive Management. In addition, the physical inventory report is submitted to the Texas Comptroller of Public Accounts.	Closed & Verified
14-10 - Risk Management Audit (2)	To improve compliance with the ARB process and required staff attend meetings, the Risk Manager should ensure Risk Management Specialists document and provide feedback of their ARB meeting reviews as well as having their documentation available for subsequent review by the Risk Manager	Risk Management Specialists documented and provided feedback of their ARB meeting reviews in email as well as ARB Risk Management Review (RMT-176) forms for review by the Risk Manager.	Closed & Verified
14-10 - Risk Management Audit (2)	To ensure inspections are fully completed and in a timely manner, the Risk Manager should create a formal process for verifying the completion of risk management specialists' inspection reports.	The Risk Manager has revised the process of scheduling inspections. Additionally, the revisions to policy (RMT.07.19) describe the completion of monthly, quarterly and comprehensive inspection checklists and inspection findings reports.	Closed & Verified
15-1B - Contract Care Facilities Audit (4)	Business Operations and Contracts division should maintain a periodic training program on contract requirements and expectations to agency's management staff.	The Director of Business Operations & Contracts provided training material used for contract requirements and expectations. In addition, the Contracts Management Guide and Handbook is located on the TJJJ's public internet website.	Closed & Verified

Audit Control #/Title	Recommendation	Current Status per Management (Summarized)	Report Status
15-1B - Contract Care Facilities Audit (4)	The Information Technology Division should establish a periodic access review process to the JMT.	The identified 2 accounts which should've been removed from access to JMT were deactivated. Also, the periodic access review process is established to the applications used by external parties JMT.	Closed & Verified
15-5 - Fleet Management (4)	The Fleet Management should submit applicable waivers to the Office of Vehicle Fleet Management, and monitor Alternative Fuel program to ensure compliance for agency vehicles.	51% of TJJJ's fleet is alternate fuel capable, therefore according to the Comptroller Fleet Program, the agency is compliant and no waivers are necessary.	Closed & Verified
15-5 - Fleet Management (4)	The Fleet Management should establish and implement a periodic review of TxFS to determine if appropriate access is granted to employees based on user's employment or job responsibilities and remove access accordingly.	Periodic review of the Texas Fleet Management System has been established to remove/review appropriate access to the database. However, according to Chuck Brown this review may replace with the implementation of Micromain, which will be used for fleet data collection and reporting in the future.	Closed & Verified
15-6 - Interstate Compact (2)	Agency should establish guidelines to follow when referrals are not provided.	The guideline is established relating to when referrals are not being provided, and the guideline is available in the TJJJ ICJ intranet.	Closed & Verified
15-6 - Interstate Compact (2)	Program Manager should establish a review process and create a tracking tool to ensure compliance with the ICJ Rules.	A process is established including instruction sheet for new referral, follow-up & reminder email for home evaluation & progress report deadlines, and annual training of ICJ rules and requirements. Additionally, Staff uses Tickle Date Inquiry report to track home evaluation and progress report.	Closed & Verified

Audit Control #/Title	Recommendation	Current Status per Management (Summarized)	Report Status
15-7 - Staff Development and Training	The Information Technology Division should establish periodic access review process to the Integrated Certification Information System (ICIS).	The identified account which should've been removed from access to ICIS was deactivated. Also, the periodic access review process is established to the applications used by external parties ICIS.	Closed & Verified
13-7 - Alleged Mistreatment	To ensure AID management is provided a tool to review investigative activities and provide guidance, the Director of AID should explore options with the Chief Technology Officer to automate the documentation of investigative activities.	The verification work was performed in the Abuse, Neglect, and Exploitation audit (#16-5).	Closed & Verified
13-7 - Alleged Mistreatment	The Chief of Staff should work with the Senior Director of Administration & Training to review and update policy regarding the handling of policy violations.	The verification work was performed in the Abuse, Neglect, and Exploitation audit (#16-5).	Closed & Verified
14-3 - Endowment Trust Funds Audit	To prevent unauthorized activities within a user's access to agency systems, the CTO should establish policy to prevent users from modifying their own user access level.	The verification work was performed in the Endowment Trust Funds audit (#16-7).	Closed & Verified

**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
16-7 Endowment Funds Audit	1/2016
16-5 Alleged Abuse, Neglect, and Exploitation Audit	5/2016
16-1A Brownwood Halfway House	5/2016
Discretionary Audits	
15-11 Human Resources Audit	1/2016
Other Projects	
FY13 SAO Reading Program Audit – Follow Up Status Report	12/2015
External Peer Review	1/2016
FY16 Follow-up Project	5/2016
2nd Quarter OIA Status Update	5/2016

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			
16-1B AMIKIDS	4/2016	5/2016	6/2016
16-1C Facility Audit	4/2016	6/2016	7/2016
16-8 Title IV-E Audit	4/2016	6/2016	7/2016

Discretionary

Other Projects	Start	Fieldwork	Complete
FY16 SAO Financial Process Audit - Coordination	12/2015	4/2016	7/2016
FY 2017 Annual Risk Assessment	3/2016	4/2016	6/2016

PENDING PROJECTS	PROJECTED START DATE
Mandatory	
Discretionary	
CAPPS	7/2016
Other Projects	
External Quality Assurance Review –Reciprocating Services	TBD
Annual Quality Assurance and Improvement Program Review	6/2016
Annual Internal Audit Report	6/2016

Report on Performance Measures

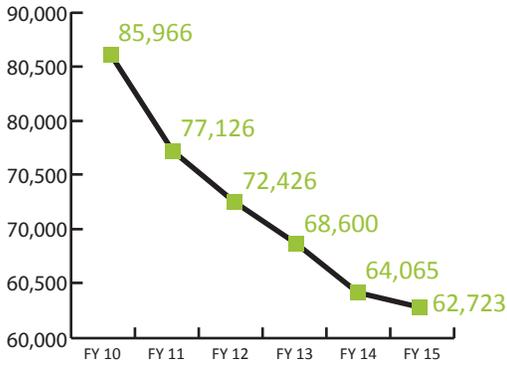
Performance Measures		
Measure	To Date	Goal
The percent of the approved 2016 audit plan completed.	44%	>= 80%
The percent of audits completed within 110% of budget.	25%	>= 75%
The percentage of high-risk areas included in audit work.	60%	>= 70%
The percent of staff time spent on planned audit activities.	85%	>= 70%

TJJD AGENCY REPORT CARD

MAY 20, 2016

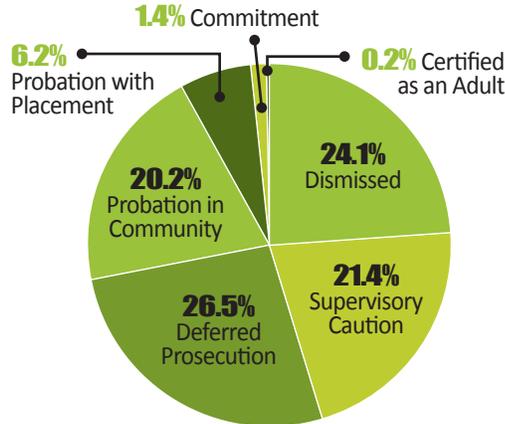
YOUTH DATA

Referrals to Probation



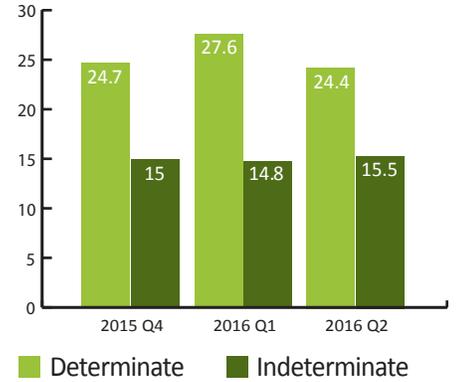
Source: FY 2010-2015

Youth Dispositions



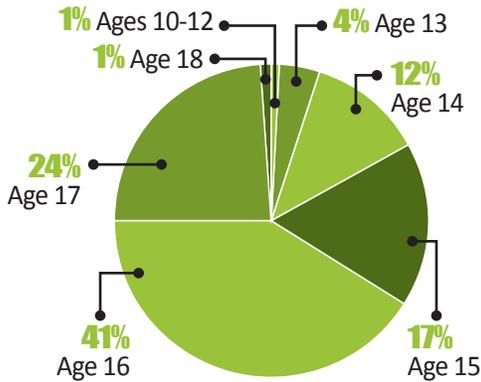
Source: FY 2015

Average Length of Stay (Months) at TJJD



Source: Q4 FY 2015 – Q1-Q2 FY 2016

Age at Admission to TJJD



Source: Q1 FY 2016

11.9% Youth placed directly into medium restriction from intake

Source: Q2 FY 2016

94% Youth grievances completed timely⁴

Source: Q2 FY 2016

42.4% Percentage of youth with no major rule violation²

Source: Q2 FY 2016

68 Number of days without serious youth injuries⁶

Source: Q2 FY 2016 All Institutions

95 Successful program completions¹

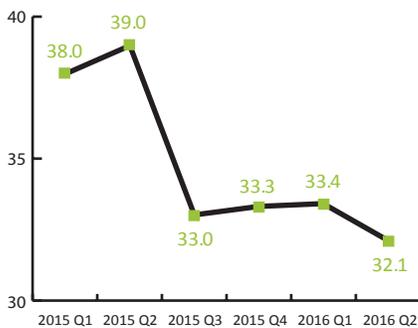
Source: Q2 FY 2016

135 Youth matched to mentor¹⁰

Source: Q2 FY 2016

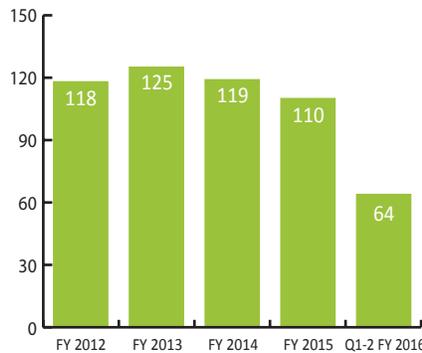
HEALTH SERVICES

Percentage of Youth Prescribed Psychotropic Medication



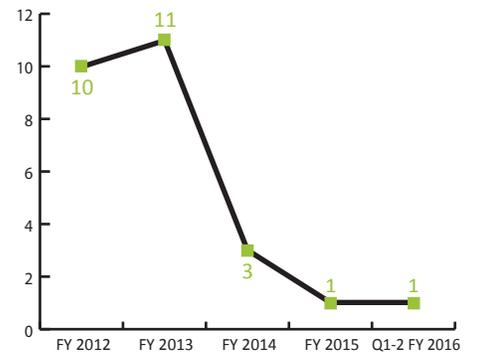
Source: All Institutions and Halfway Houses FY 2015-Q1-2 FY 2016

Serious Injury⁶ (All Causes)



Source: All Institutions FY 2012-Q1-2 FY 2016

Mental Health Hospitalizations⁸



Source: All Institutions FY 2012-Q1-2 FY 2016

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

25 Earned High School Diploma

Source: 8/3/2015-4/25/2016



192 Earned GED⁵

Source: 8/3/2015-4/25/2016



269 Earned Industry Certification

Source: 8/3/2015-4/25/2016



TJJD AGENCY REPORT CARD

	2015 Q2	2015 Q3	2015 Q4	2016 Q1	2016 Q2
SERVICE INDICATORS (Secure Facilities, Halfway Houses and Contract Care)					
Successful program completions ¹	102	109	114	122	95
Total number of youth enrolled in specialized treatment	1,099	1,118	1,154	1,188	1,204
Total number of youth that completed specialized treatment	409	467	463	402	440
• Alcohol or other drug	221	250	241	251	250
• Sexual behavior treatment	44	45	38	36	38
• Capital/violent offender	191	222	228	193	216
Percentage of youth with no major rule violation ²	46.5%	45.0%	44.3%	43.5%	42.4%
Percentage of youth with less than 5 major rule violations per quarter ²	83.9%	83.3%	81.5%	82.3%	82.2%
Youth on Stage 4 or Stage YES	241	244	226	216	239
Youth with major rule violations that are confirmed	496	573	652	602	687
Youth receiving stage promotions	484	503	496	522	473
Youth receiving stage demotions ³	75	84	93	100	112
Percentage of youth grievances completed timely ⁴	91.8%	90.4%	93.5%	88.6%	94%
EDUCATION (Secure Facilities Only)					
Number of youth currently holding high school diploma	*	*	*	17	16
Number of youth currently holding GED ⁵	*	*	*	161	168
Number of youth currently eligible to take the GED exam	*	*	*	622	601
Industry certifications	40	63	85	51	87
POPULATION TRENDS					
New admissions	173	227	204	221	177
Percentage of youth placed directly into medium restriction from intake	22.1%	19.6%	21.3%	18.6%	11.9%
Average length of stay (months) - Determinate	23	29.3	24.7	27.6	24.4
Average length of stay (months) - Indeterminate	15.9	14.1	15	14.8	15.5
HEALTH SERVICES					
Total serious youth injuries ⁶	23	39	28	37	28
Days without serious youth injuries	69	57	68	60	68
Total serious self-injuries ⁷	5	9	3	4	7
Percentage of youth prescribed psychotropic medication	39.0%	33.0%	33.3%	33.4%	32.1%
Percentage of medication compliance	99.4%	99.4%	99.6%	99.2%	99.6%
Emergency room visits	37	46	29	35	32
Mental health hospitalizations ⁸	0	1	0	1	0
	2015 Q1	2015 Q2	2015 Q3	2015 Q4	2016 Q1
FAMILY SUPPORTS					
Families participating in MDT assessments ⁹	635	663	678	738	679
Youth receiving web-based visits	51	28	20	16	23
Youth receiving in-person visits	525	586	576	560	602

TJJD AGENCY REPORT CARD

	2015 Q1	2015 Q2	2015 Q3	2015 Q4	2016 Q1
VOLUNTEER SERVICES AND CHAPLAINCY					
Youth matched to mentor ¹⁰	147	153	157	172	135
Number of mentoring hours per quarter	2,171	2,752	3,136	3,134	2,144
Active volunteers per quarter	842	799	811	759	587
Worship opportunities ¹¹	237	228	219	240	240
Religious education classes ¹²	354	402	549	582	424
	2015 Q2	2015 Q3	2015 Q4	2016 Q1	2016 Q2
FINANCIAL					
Budgeted total residential population	1,319	1,319	1,319	1,264	1,264
Actual total residential population	1,218	1,244	1,298	1,325	1,337
Average daily population: State Facilities	1,005	1,012	1,043	1,063	1,080
Cost per day: State Facilities ¹³	\$216	\$190	\$227	\$171	\$160
Average daily population: Halfway Houses	119	140	151	141	140
Cost per day: Halfway Houses	\$218	\$168	\$186	\$198	\$191
Average daily population: Contract Programs	94	92	103	121	116
Cost per day: Contract Programs	\$139	\$140	\$139	\$144	\$165
Percentage of general revenue operating variance ¹⁴	-7.3%	-6.0%	-4.5%	-1.5%	-1.7%
PAROLE					
Percentage of youth with indeterminate sentences who successfully complete parole ¹⁵	35.3%	35.8%	36.8%	32.0%	36.2%
Percentage of youth placed on parole who needed and achieved a GED or high school diploma while on parole	3.3%	3.9%	0.9%	1.1%	3.4%
MONITORING AND INSPECTIONS					
Number of completed compliance monitoring reports - state programs ¹⁶	8	7	4	4	10
Number of completed compliance monitoring reports - county facilities	26	29	23	15	18
TRAINING					
State: Number of training hours provided ¹⁷	9,542	8,233	10,994	9,099	13,024
State: Percentage of overall training compliance	***	***	***	63.3%	42.50%
Community-based: Number of training hours provided	141.25	151	297.75	365.00	428.75
Community-based: Number of staff trained	1,060	366	1,592	2,036	1,299
Community-based: Number of new juvenile probation and supervision officers certified	275	345	259	307	324
Community-based: Number of juvenile probation and supervision officer certifications renewed	620	662	489	872	626
Number of new or revised curricula implemented	0	7	1	7	1

TJJJ AGENCY REPORT CARD

STAFF	EJC	GNS	GID	MART	RJ	TOTAL INSTITUTIONS
JUVENILE CORRECTIONAL OFFICER						
FY 2015 turnover rate	31.28%	41.49%	32.25%	34.36%	26.35%	33.40%
FY 2016 projected turnover rate	43.35%	66.66%	29.24%	38.75%	27.36%	40.15%
Total positions	182	262	292	419	264	1,419
Positions filled	174	194	277	353	245	1,243
Positions vacant	8	68	15	66	19	176
Percent filled	95.60%	74.05%	94.86%	84.25%	92.80%	87.60%
CASE MANAGER						
FY 2015 turnover rate	0.00%	19.80%	31.82%	13.79%	23.93%	18.68%
FY 2016 projected turnover rate	52.42%	8.42%	35.38%	17.89%	20.81%	24.20%
Total positions	16	28	28	45	32	149
Positions filled	14	27	21	44	31	137
Positions vacant	2	1	7	1	1	12
Percent filled	87.5%	96.43%	75.00%	97.78%	96.88%	91.95%
MENTAL HEALTH						
FY 2015 turnover rate	0.00%	44.44%	73.68%	17.02%	10.00%	31.71%
FY 2016 projected turnover rate	0.00%	0.00%	0.00%	67.03%	0.00%	20.47%
Total positions	4	6	9	12	12	43
Positions filled	3	6	7	9	12	37
Positions vacant	1	0	2	3	0	6
Percent filled	75.00%	100.0%	77.8%	81.3%	100.0%	86.05%
EDUCATION						
FY 2015 turnover rate	34.41%	26.89%	19.51%	33.15%	47.06%	31.72%
FY 2016 projected turnover rate	24.89%	0.00%	18.01%	53.17%	56.57%	31.58%
Total positions	24	36	33	51	27	171
Positions filled	21	30	32	40	24	147
Positions vacant	3	6	1	11	3	24
Percent filled	87.50%	83.33%	96.97%	78.43%	88.88%	85.96%

TJJD AGENCY REPORT CARD

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

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

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

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

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

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

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

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

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

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

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

**Data not yet available due to conversion to Volgistics (new web-based volunteer management database used to manage the community engagement program).

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

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

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

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

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

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

¹⁷Includes classroom and on-the-job training, excludes e-courses.

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