

TEXAS JUVENILE PROBATION COMMISSION

BOARD MEETING

July 15, 2011
Brown-Heatly Building
Austin, Texas

COMMISSIONERS PRESENT

Will Conley
Billy Wayne McClendon
Scott O'Grady
Rene Ordoñez
Bob Shults
Ray West, Chair

COMMISSIONERS ABSENT

Jean Boyd, Vice Chair
Migdalia Lopez

TJPC MANAGEMENT STAFF PRESENT

Vicki Spriggs, Executive Director
Lisa Capers, Deputy Executive Director and General Counsel
Chris Hubner, Chief of Staff
Kristy Almager, Staff Services Manager
Denise Askea, Director Placement Services
Annie Collier, Deputy Chief Financial Officer
Kevin DuBose, Director Abuse, Neglect & Exploitation
Scott Friedman, Director of Compliance
Bill Monroe, Chief Financial Officer
Cindy Weisinger, Director of Training

TJPC STAFF PRESENT

Linda Brown
Nadine Butler
Laura M. Druerdow
Jessica Gonzales
Luis Guerrero
Rachael Kapur
Diane Laffoon
Samantha Retzlaff
Karen Roe
Kaci Sohrt

1. Call to Order – R. West

Commissioner Ray West called the board meeting of the Texas Juvenile Probation Commission to order at 9:14 a.m.

2. Excuse Absences – R. West

A **motion** was made by Commissioner Conley and **seconded** by Commissioner McClendon to excuse the absence of Commissioners Boyd and Lopez. Motion passed unanimously.

3. Approval of Minutes from May 20, 2011 Board Meeting – R. West

A **motion** was made by Commissioner Ordoñez and **seconded** by Commissioner Shults to approve the minutes as presented. Motion passed unanimously.

4. Update on Fiscal Year 2011 Expenditures – B. Monroe

Mr. Monroe presented a handout that replaced page ten of the meeting packet. The handout reflected current expenditures up to June 30, 2011. All of the fiscal categories on the expenditure report are within their appropriate tolerances.

As of today, the Commission has sent the very last payment to the 165 departments for their grants this year. Each year in September we give the departments two months of grant money to help with their capital cash needs and therefore there is no payment in August, the last month of the fiscal year.

The Commission's budget was reduced twice during this current fiscal year. First reduction was roughly 2.3 percent and the second is exactly 2.5 percent, representing a total of seven million dollars in reductions. At this point in the year, the Commission has sent four million of the seven million back to the Comptroller and has received advice this week that the Comptroller would like the remaining balance transferred by the end of July, not the end of the fiscal year in August.

On February 25, 2011, the Commission requested approval of 835 thousand in additional capital budget authority for the purchase of computer equipment and conferencing projects from the Legislative Budget Board (LLB). The LLB reviewed the request and approved 542 thousand in additional capital authority, with a 10 percent match by the agency, to fund this project.

These funds will allow for the Commission to complete a video conferencing project that will ultimately save a great deal of funds for the State. The majority of Probation Officer Certification Training is instructor led, so this project will allow us to have trainings in various regions throughout the State. It will also allow for a facility here in Austin where departments can participate in training via on-line and in real time conferencing. Additionally, the Commission was approved to purchase computer servers for the JCMS project. This year, via the Governor's Office, the Commission has received a total of \$1,161 million in criminal justice grants.

No action was required for this item.

5. Discussion and Possible Approval of Fiscal Year 2012 Overall Budget – B. Monroe

The Proposed FY12 Budget handout was given to the Board by Mr. Monroe at this time. The budget for the coming year has a core 3 percent reduction based on appropriations. The budget will also have approximately 2 million that was authorized by the Legislature that represents funds dependent on return of unutilized grants from the departments. Mr. Monroe pointed out that he felt it prudent not to budget the additional 2 million until the funding is available to the Commission this fall. The handout reflects 160 million dollars in the budget, where the Legislature actually authorized a 162 million dollar budget.

Operating expenses of the Commission at each core level have been reduced by roughly 5 percent. At the same time, one item was increased to hire 5 additional monitors within the Compliance Division of the Commission.

The biggest news of the 2012 overall budget is reflected on the colored chart handout. Eleven grants have now become one large grant called Grant A, or the State Financial Assistance Grant. This grant will allow for a more simplified method when working with all 165 departments but will not reduce the amount of funding given to the departments. This is something that the field has requested for quite some time and certainly the fiscal division of the Commission is happy with this change because it will help with a great deal of issues related to

exact expenditures that were mandated in advance to be spent in different grants. Now, each department will receive their master allotment but will be required to give the Commission detailed expenditure reports so all of the appropriate systems will know how the funds were spent. The amount of time spent auditing and monitoring will not reduce in any way, but it will be a very simplified and easier method.

Mr. Monroe requested approval of the overall 2012 budget for the remaining months that the Juvenile Probation Commission is in operation. Also, in the unlikely event that the new agency does not come into full existence on December 1 as planned, then he requested authorization to continue to spend funds if need be should the transition plan take longer than anticipated. Commissioner West commented that a motion to approve the overall 2012 budget will implicitly authorize the spending of funds should the new agency not be in effect December 1.

Commissioner Conley asked Mr. Monroe if the consolidation of these grants allows the field more flexibility regarding day to day workings and the ability to avoid dollars categorized into small different pockets. Mr. Monroe responded that this new process is the number one advantage of the change. It provides enormous flexibility that had not been there before when each department had eleven separate grants. Commissioner Conley then asked about the approval process for the allocations of the streamlined grant and how the money would be distributed. Mr. Monroe referred to the next item on the agenda where he would go into more detail about the process.

A **motion** was made by Commissioner Conley and **seconded** by Commissioner O'Grady to approve Fiscal Year 2012 Overall Budget. Motion passed unanimously.

6. Discussion and Possible Action on Funding Fiscal Year 2012-13 State Aid Allocation Grants and Related Funding – B. Monroe

This agenda item is the staff's recommendation for the County Probation Departments allocation of the budget strategy "Basic Probation" and "Community Corrections" for FY 2012 that are not directed by specifically approved legislative programs. The 82nd Legislature appropriated \$133,579,618 in funding available for allocation in FY 2012 and for FY 2013.

In the FY 2010-11 biennium, the Commission was appropriated \$7,661,542 more in total general revenue. This level of funding translates into a -3% general revenue reduction from the FY10-11 appropriations. A blended formula was created with input from the Legislature, Advisory Council of Chiefs and Urban Chiefs, as well as extensive staff research. To minimize the amount of decreased funding for State Aid, the Commission will utilize appropriated receipts and carry-over funds. Rider Fifteen requires full funding for the Commitment Reduction program (Grant C) and Rider Sixteen requires the same for the Boot Camp (Grant D). This and other adjustments translate into a -6 percent decrease in the available allocations from FY11.

The Commission requested the legislature to restructure grant funds to allow Juvenile Probation Departments more flexibility to respond to the needs of juvenile offenders. Based on this request, the legislature approved the consolidation of State Aid and ten other grants into a single State Financial Assistance Grant (Grant A).

Commissioner Shults noted that a couple of large-sized counties on the chart are not receiving diversion grants. Mr. Monroe explained that it is the county's option to accept the grant money. He explained that the Commission started the process with fifteen counties that still were not interested in Grant C because the contract for this grant has provisions in it related to targets and goals. Since the budget was pulled together, three more departments have now elected to accept Grant C funds, which leave twelve counties not accepting.

Commissioner McClendon raised concern about the impact on services that the departments will be able to provide due to funding changes. Mr. Monroe stated that there are a number of serious issues. Many of the Commission's partner agencies have received enormous reductions including the health and human services community. The Commission has yet to see the impact this will have on the ability of the departments to provide services. In addition to this, the county governments are under enormous economic and fiscal pressure and many counties have reported that they were requested to reduce their own budgets by 10 percent or more. The Commission does have an item in place where the counties are expected to maintain a level of effort based on their 2006 expenditures; however the Commission will create waivers based on issues that are related to the county's overall budget.

A **motion** was made by Commissioner Shults and **seconded** by Commissioner Conley to approve Funding Fiscal Year 2012-13 State Aid Allocation Grants and Related Funding. Motion passed unanimously.

7. Discussion and Possible Approval of Modifications to the Texas Juvenile Probation Commission's

Internal Audit Plan for Fiscal Year 2011 – K. Lopez-Gonzales

At the May 20, 2011 Board meeting, Commissioners approved the Internal Audit Plan (Plan) for Fiscal Year 2011, as presented by Garza/Gonzalez & Associates (G/G&A). The approved Plan includes two audits to be performed during the 2011 fiscal year, a follow-up of the prior year audit recommendations, other tasks as may be assigned by the Board or management during the year, and preparation of the Annual Internal Audit Report for fiscal year 2011.

The two audits to be performed include (1) Levels of Care (LOC) Program Monitoring – Post Adjudication Facilities, and (2) Management Information Systems (MIS) Division. Subsequent to the approval of the Plan, G/G&A was informed by the Commission of certain issues that have a significant effect to these areas, as follows:

- Elimination of LOC Reimbursement Grants – The LOC monitoring process was developed by the Commission to verify that these programs were being provided and delivering a higher level of service since departments were able to obtain higher rates of reimbursement for youth placed in these programs. Due to the elimination of these grants, effective September 1, 2011, the Commission will no longer perform this monitoring function.
- Abolishment of TJPC – Senate Bill 653 abolishes TJPC and TYC and transfers the powers and duties of both agencies to the newly created Texas Juvenile Justice Department effective December 1, 2011. As a result, it is not known what existing programs, systems, or departments will continue with the newly created agency.

Based on the above, G/G&A requests that TJPC Board members consider approving modifications to the plan by having G/G&A perform only the follow-up of the prior year audit recommendations and prepare the Annual Internal Audit Report for fiscal year 2011.

A **motion** was made by Commissioner McClendon and **seconded** by Commissioner Shults to Approve Modifications to the Texas Juvenile Probation Commission's Internal Audit Plan for Fiscal Year 2011. Motion passed unanimously.

8. TJPC Advisory Council Update – E. Medina

The Advisory Council on Juvenile Services and the Chief Juvenile Probation Officer Workgroup met on June 16 and 17 in Austin, Texas, at the Travis County Juvenile Probation Department. The following is a summary of the areas and discussion being followed by the Workgroup:

Funding Formulas: The Workgroup continued discussion regarding the funding being considered by the Texas Juvenile Probation Commission that was to be disseminated to the county juvenile probation departments. The funding formula being considered has some changes from the original discussion that based the funding on population. The Commission represented factors that are being considered going into the FY 12 and 13 funding cycle and the information was provided to the juvenile probation departments at the Budget Conference on July 8, 2011, in Austin.

Recidivism and Performance Measures: The need to continue to look at performance measures and recidivism factors continues to be a priority for the Workgroup. A sub-committee was formed (Jane King, Randall County; Mark Williams, Tom Green County; and Estela Medina, Travis County) and discussions continue with TJPC staff to assist with the implementation and determination of factors to be considered in measuring outcomes and recidivism for the field.

Standards Discussion: As previously reported in May 2011, the Workgroup of the Advisory Council has presented to staff of the Texas Juvenile Probation Commission two standards for review, Chapter 343.600 Psychological Testing and Chapter 343.816 Use of Chemical Restraints. Revisions and language to the standards have been provided for consideration by TJPC. Pending that determination, the same would also be subject to approval by the Board.

Legislative Changes and Implementation: The Advisory Council will continue to work with the Commission and others as SB 653, which merged TJPC and TYC, is implemented. Juvenile Probation Departments continue to support a probation driven system and to support community based alternatives. The field continues to support the development of effective statewide facilities and programs. The next Advisory Council meeting will be August 2, 2011 in Corpus Christi. Commissioner West asked what the timeframe would be for the Commission and Board to review and possibly

change standards. He suggested to Ms. Medina and to the Board, that due to time limitations, until the agency transition takes place, this Board will continue to do its job but may want to put on hold any type of standards review. Executive Director, Vicki Spriggs, responded that conservatively, it takes one year to review and change standards.

Commissioner West expressed concerns that if the Board were to begin a standards review, the Board will not exist in time to take any action on modification of any standards.

Ms. Medina stated, that if allowed, the Advisory Council hopes that priorities, suggestions or recommendations being developed by the existing Advisory Council will be transferred to the new Advisory Council and Board.

Commissioner West also asked if SB 653 included any language that would require a reformation of the Advisory Council and, if not, would it not be possible for the current Council to continue with the same make up. Lisa Capers, Commission Deputy Executive Director and General Counsel answered by stating that the new agency will have a new Advisory Council that will be made up of all new members.

No action was required for this item.

9. Update on Allegations of Abuse, Neglect and Exploitation for Fiscal Year 2011 – K. Dubose

Through May FY2011, 348 allegations of abuse have been reported. Of these, 167 were reported from the pre-adjudication secure facilities and 122 from secure placement facilities. There are 113 Physical Restraint cases that have been reported, as this category is historically the most reported. Eighty seven Non-Restraint cases were reported and 628 Serious Incidents have been reported.

Reports to the Commission have been trending down through the entire fiscal year. In May of last year, the Commission had received 487 reports of Abuse and Neglect and 733 reports of Serious Incidents. This fiscal year through May 2011, the Commission has received only 348 reports of Abuse and Neglect and 628 Serious Incident reports. It's important to note that, although allegations are trending down, the reporting requirements are stricter than ever and the field is more educated in terms of the reporting requirements and standards.

No action was required for this item.

10. Discussion and Possible Approval of Amendments Made to Chapter 341 Texas Juvenile Probation Commission Rules Relating to the Certification of Staff for Adoption and Final Publication in the Texas Register – C. Weisinger

The Board approved amendments made to Chapter 341 relating to the certification of staff for initial publication in the Texas Register at the March 25, 2011 Board Meeting. These amendments clarify who must be certified and who may be certified as a juvenile probation or supervision officer. During the 30 day public comment period, no public comment was received. TJPC staff is now requesting that the Board approve these standards for adoption and final publication in the Texas Register with an effective date of September 1, 2011.

341.28. Certification of Staff.

(1) Individuals required to maintain an active certification as a condition of job performance are:

(a) Chief administrative officers

(b) Facility administrators

(c) Supervisors in the direct chain of command over juvenile probation officers or juvenile supervision officers

~~(d)(e)~~ Juvenile probation officers

~~(e)(d)~~ Juvenile supervision officers

(f) Youth activities supervisors

(g) Any staff, excluding certified physical education teachers, who participates in the administration of intensive physical activity in a Juvenile Justice Alternative Educational Program (JJAEP).

(2) Individuals who may maintain an active certification as a condition of job performance are:

~~(a) Supervisors juvenile probation officers or juvenile supervision officers~~

~~(a)(b)~~ Quality assurance officers

~~(b)(e)~~ Juvenile probation and supervision officer trainers

(c) Staff members responsible for supervision of youth in a Juvenile Justice Alternative Educational Program (JJAEP).

(3) Juvenile Supervision Officers and Juvenile Probation Officers may be dually certified as both Juvenile Supervision Officers and Juvenile Probation Officers if they meet all criteria required for certification and employment for both positions and their job description is consistent with either a Juvenile Supervision Officer or Juvenile Probation Officer as defined in 344.100.

A **motion** was made by Commissioner Shults and **seconded** by Commissioner O'Grady to approve amendments made to Chapter 341 Texas Juvenile Probation Commission rules relating to the Certification of Staff for adoption and final publication in the Texas Register. Motion passed unanimously.

11. Discussion and Possible Approval of Amendments to the Electronic Data Interchange Specifications for Final Publication in the Texas Register – J. Gonzales

The Electronic Data Interchange (EDI) is the guideline for submitting data to the Commission. All departments must report the data elements contained in the EDI, using the same coding and format, to the Commission monthly.

The proposed changes were approved by the Board at the May 20, 2011 meeting for initial publication in the Texas Register for a 30 day public comment period. During this 30 day period, no public comments were received. TJPC staff is requesting that the Board approve these revisions for adoption and final publication in the Texas Register.

A **motion** was made by Commissioner Conley and **seconded** by Commissioner Ordonez to approve the amendments made to the EDI Specifications for final publication in the Texas Register. Motion passed unanimously.

12. Review, Discussion and Possible Action Regarding Certified Officers Jay Adams, Belinda Barrera, Jason Beltran, Jameka Brown, James Hacker, Zachary Hawkins, Mario Luera and Fredy Salazar for Review of Request for Default Orders Under 37 Texas Administrative Code Chapter 349. – K. Sohrt

Kaci Sohrt presented 8 disciplinary cases with requests that the Board issue default orders in the case. New rules were adopted last year that allow for the disposition of a case by default without having to refer the case to SOAH. This applies in cases in which the certified officer does not respond to the formal charges in writing as they are required to do and for which they did not request a hearing.

The Board's options are to enter the default order or order the case to SOAH. If a case is ordered to SOAH and the officer fails to appear, a default order would come back to the Board. Ms. Sohrt requested the board approve the default orders in each of the cases.

A **motion** was made by Commissioner McClendon and **seconded** by Commissioner O'Grady to approve the review of request for Default Orders under 37 Texas Administrative Code Chapter 349 of the above named certified officers. Motion passed unanimously.

13. Board Appointment of a Representative from the Texas Juvenile Probation Commission to Serve on the Texas Juvenile Justice Department Transition Team Pursuant to Senate Bill 653. - R. West / V. Spriggs

Senate Bill 653 requires that the Board from Texas Juvenile Probation Commission appoint a representative from the Commission to serve on the Texas Juvenile Justice Department transition team. Ms. Spriggs advised the Board to make two appointments. The first appointment should be made on the assumption that if the TYC Board appoints their Executive Director, then this Board should appoint Ms. Spriggs. The second appointment should be in the event that TYC Board might assume that both Executive Directors will already be appointed, and then a conditional appointment of a current Commission Board Member be made.

A **motion** was made by Commissioner West and **seconded** by Commissioner Conley to appoint to appoint Ms. Spriggs as the Commission's representative on the transition team and conditionally appoint Bob Shults from this Board in the event his service is necessary if Ms. Spriggs does not serve. Motion passed unanimously.

**14. Executive Director's Report – V. Spriggs
- Agency Activity Update**

Ms. Spriggs acknowledged two individuals in attendance: Mike Meyer with the Senate Finance Committee and Mellissa Wurzer with the Legislative Budget Board. Ms. Spriggs then introduced one new staff member, Laura Druedow, as a new accountant in the Fiscal Division. Laura replaces a recent staff member that resigned due to the family being transferred to South Texas for her husband's job. Ms. Spriggs also noted that another staff member resigned from the Research Division in order to work for a public research firm.

The Commission sponsored three outstanding conferences during the last three weeks: The Post-Legislative Conference, with over 450 attendees; The Budget Conference, where 275 attendees received their department budgets; and The Juvenile Justice Summit, which had attendees from the Department of Ministries and Juvenile Justice in Bangkok, Thailand.

Ms. Spriggs then discussed the actions that have taken place regarding the future transition to TJJD. She noted that the Commission is made up of 75 employees that are juggling a lot by making sure the proper foundation is laid for the new department transition and at the same time ensuring that the 165 juvenile probation departments' needs are met. Our goal is a mutual goal between this Commission and TYC and it is to ensure a seamless transition on December 1.

To date, Ms. Spriggs and Cherie Townsend of TYC have met with the Governor's staff and both agencies' deputy directors to begin a plan to look at what needs to be accomplished to accommodate the transition. There are some major things that are few, but significant, that needs to be handled. Some of the items involve data transfers, human resources and staff. Senate Bill 653 abolishes both agencies, which typically means all staff would have to reapply for positions with the new agency. But, because we have two agencies that are fully operational with missions to accomplish, there is no time to allow for that. A letter was sent to the Comptroller's Office with a response stating that both agencies' staff will transfer into the new agency with both of the respective Human Resources departments making sure all staff information is sent over to the Comptroller's Office.

Ms. Spriggs and Ms. Townsend will meet again next Monday to review SB 653 again to make sure there are no areas that have been missed. They will also begin assigning workgroups to address specific areas that need to be addressed prior to December 1.

Both TJPC and TYC submitted a grant to the Office of Juvenile Justice and Delinquency Prevention to secure funding for PREA that would allow for enhancements of programs or training of staff. The grant focuses on training county department personnel and TYC's grant focuses on training and enhancing services. It was discussed between Directors if each agency should submit individual grants or one grant in order to reduce conflict. It was decided that each agency would submit individual grants and acknowledge that the other agency was applying but the purpose of the grant administration was so distinct that competition would not be an issue.

Ms. Spriggs acknowledged a newspaper article regarding Commissioner Scott O'Grady's announcement to run for a new Collin/Rockwall County House District 33 seat.

Ms. Spriggs reviewed the earlier request mentioned by Mr. Monroe regarding requested approval of an additional 835 million in additional capital budget authority for the purchase of computer equipment and teleconferencing projects.

The commitment target for this biennium was set at 1,783; and at the conclusion of FY 2010, the Commission had 1,119 commitments. This current fiscal year the projections are that the commitment target will come in at under 1,000. A couple of weeks ago the number was about 848, so the expectation is somewhere in the area of 940 commitments. The upcoming biennium target is 1,111, which should be manageable.

The next Board meeting will be on September 16, 2011. Some of the current Board member terms are due to expire on August 31, 2011, but all terms remain until the Governor reappoints. It is doubtful reappointments will take place because the new agency Board will be appointed on or before December 1, 2011.

No action was required for this item.

15. Public Comments – R. West

No public comments were received at this time.

16. Adjourn – R. West

A **motion** was made by Commissioner Shults and **seconded** by Commissioner McClendon to adjourn. Motion passed unanimously. The board meeting adjourned at 10:41 a.m. The next board meeting will be held on September 16, 2011.