

BOARD MEETINGS

October 22-23, 2020

Austin, Texas



TEXAS
JUVENILE  JUSTICE
DEPARTMENT



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Virtual Board Meeting

<https://www.tjjd.texas.gov/index.php/board#board-meetings>

Friday, October 23, 2020 – 9:00 a.m.

1. Call to order
Chairman Ritchey
2. Prayer
Chairman Ritchey
3. Pledge
Chairman Ritchey
4. Discussion, consideration, and possible approval regarding excused absences (Action)
Chairman Ritchey
5. Discussion, consideration, and possible approval regarding the August 7, 2020 Board meeting minutes (Action)
Chairman Ritchey / Page 13
6. Discussion, consideration, and possible approval regarding the September 25, 2020 Board meeting minutes (Action)
Chairman Ritchey / Page 24
7. Report from the chairman
Chairman Ritchey
8. Public comments (must email Jeannette.Cantu@tjjd.texas.gov by 5:00 p.m. on October 22, 2020, to register for public comment)
Chairman Ritchey
9. Report from the executive director
Camille Cain
10. Report from The Advisory Council on Juvenile Services
Chief Ed Cockerell / Page 29
11. Report from the chief inspector general
Chief Forrest Mitchell / Page 33
12. Report from the Trust Committee
Jimmy Smith

13. Discussion, consideration, and possible approval of a sublease between Trubee, Inc., regarding approximately 1,804 acres of the Parrie Haynes Ranch (Action)
Mr. Wallace Vernon, Treasurer from the Boys & Girls Club / Page 53
Ms. Ona Trubee, Owner of Trubee, Inc.
Mr. John N. Macey, Wildlife Biologist
14. Discussion, consideration, and possible approval of an archeological field school being conducted by Texas A&M University – Central Texas at the Priddy Cabin on the Parrie Haynes Ranch (Action)
Linda Butler Arigucci / Page 58
15. Discussion, consideration, and possible approval of a cattle-grazing sublease between the Boys & Girls Club of Central Texas, Inc., and Billy Dean Adamson regarding approximately 818 acres of the Parrie Haynes Ranch. (Action)
Mr. Wallace Vernon, Treasurer from the Boys & Girls Club / Page 72
Mr. John N. Macey, Wildlife Biologist
16. Report from the Finance and Audit Committee
Chairman Ritchey
17. Discussion, consideration, and possible approval regarding an acknowledgement of gifts (Action)
Emily Anderson / Page 80
 - a. The McLennan County Community Resource Council for Troubled Texas Youth
 - b. Mr. Steve Tacker
 - c. House of Worship
18. Discussion, consideration, and possible approval regarding contracts requiring board approval pursuant to GAP.385.1101 (Action)
Christian von Wupperfeld / Page 86
 - a. Texas Christian University – TBRI Training
 - b. Central Office Lease
19. Discussion, consideration, and possible approval regarding the Release Review Panel Audit Report (Action)
Eleazar Garcia / Page 92
20. Discussion, consideration, and possible approval regarding the TAC 202 Audit Report (Action)
Eleazar Garcia / Page 106
21. Discussion, consideration, and possible approval regarding the Risk Assessment and FY 2021 Audit Plan (Action)
Eleazar Garcia / Page 114
22. Discussion, consideration, and possible approval regarding the Internal Audit Charter (Action)
Eleazar Garcia / Page 123
23. Discussion, consideration, and possible approval regarding the Internal Audit Annual Report (Action)
Eleazar Garcia / Page 129

24. Report from the Programs Committee
Chief Edeska Barnes
25. Discussion, consideration, and possible approval to publish a proposal to repeal 37 TAC Chapter 353, relating to Substance Abuse Treatment Program, and to publish proposed new 37 TAC Chapter 353, relating to Substance Use Disorder Treatment Programs, in the *Texas Register* for a public comment period of at least 30 days and possible conditional approval to adopt the final rule (Action)
Kaci Singer and Lou Serrano / Page 144
26. Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC Chapter 344, relating to Employment, Certification, and Training, in the *Texas Register* for a public comment period of at least 30 days and possible conditional approval to adopt the final rule (Action)
Kaci Singer and Lou Serrano / Page 193
27. Discussion, consideration, and possible approval to publish proposed revisions to 37 TAC §380.9183, relating to Health Care Services for Youth, in the *Texas Register* for a public comment period of at least 30 days and possible conditional approval to adopt the final rule (Action)
Kaci Singer & Dr. Lepor / Page 209
28. Report from the Safety and Security Committee
Judge Lisa Jarrett
29. Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Orders (Action)
Ashley DeWeese / Page 216
- a. Damarcus Terrell, Certification No. 20152, 20-20152-200041
 - b. Manuel Torres, Certification No. 18491, 20-18491-190256
30. Discussion, consideration, and possible approval regarding the discipline of certified officers- Default Orders (Action)
Chelsey Oden / Page 219
- a. Deontae Davis, Certification No. 34132, 20-34132-200205
 - b. Salvador Herrera, Certification No. 33618, 20-33618-20200
 - c. Raymond Williams, Certification No. 34792, 20-34792-200205
 - d. Phillip Costello, Certification No. 33902, 20-33902-190261
 - e. Jerold Hill, Certification No. 34958, 20-34958-200104
 - f. Terrell Green, Certification No. 28600, 20-28600-190297
 - g. Carina Ramon, Certification No. 34845, 20-34845-200101
 - h. David Harlston, III, Certification No. 33666, 20-33666-200142
 - i. Lawon Muckleroy, Certification No. 32963, 20-32963-200111
 - j. Nathan Martinez, Certification No. 34288, 20-34288-190314
 - k. Caleb Peganyee, Certification No. 34487, 20-34487-200228
 - l. Daniel Parker, Certification No. 35417, 20-35417-200169
 - m. Willie Mitchell, Certification No. 16375, 20-16375-200122

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

Chelsey Oden / Page 227

a. Kyrri Haston, Certification No. 33054, 20-33054-190195

32. Closed Session – Executive Session

Chairman Ritchey

a. Government Code §551.071 Consultation with attorney regarding litigation (see footnote)

b. Government Code §551.072 Deliberation regarding real property (John C. Wende and Parrie Haynes trusts)

c. Government Code §551.074 Discussion regarding personnel matters

33. Reconvene in Open Session

Chairman Ritchey

34. Discussion, consideration, and possible action regarding agenda items discussed in Executive Session (Action)

Chairman Ritchey

35. Adjourn

Chairman Ritchey

- The Texas Juvenile Justice Board reserves the right to limit the time and scope of public comments as deemed appropriate by the Board.
- The Texas Juvenile Justice Board 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 Texas Juvenile Justice Board may go into closed session with respect to any item as authorized by the Texas Open Meetings Act, as codified in Texas Government Code Section 551.071.
- If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or Jeannette.Cantu@tjjd.texas.gov
- The Texas Juvenile Justice Board reserves the right to broadcast its meeting live.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Virtual Trust Committee Meeting

<https://www.tjjd.texas.gov/index.php/board#board-meetings>

Thursday, October 22, 2020 – 10:00 a.m.

Trust Committee: Jimmy Smith – Chair, James Castro, Ann Lattimore, Allison Palmer, Mona Lisa Chambers

1. Call to order
Jimmy Smith
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Jimmy Smith
3. Discussion, consideration, and possible approval regarding the August 6, 2020, meeting minutes (Action)
Jimmy Smith / Page 230
4. Update on the John C. Wende and Parrie Haynes trust activities
Linda Butler Arigucci / Page 234
5. Discussion, consideration, and possible approval of a sublease between Trubee, Inc., regarding approximately 1,804 acres of the Parrie Haynes Ranch (Action)
Mr. Wallace Vernon, Treasurer from the Boys & Girls Club / Page 53
Ms. Ona Trubee, Owner of Trubee, Inc.
Mr. John N. Macey, Wildlife Biologist
6. Discussion, consideration, and possible approval of an archeological field school being conducted by Texas A&M University – Central Texas at the Priddy Cabin on the Parrie Haynes Ranch (Action)
Linda Butler Arigucci / Page 58
7. Discussion, consideration, and possible approval of a cattle-grazing sublease between the Boys & Girls Club of Central Texas, Inc., and Billy Dean Adamson regarding approximately 818 acres of the Parrie Haynes Ranch. (Action)
Mr. Wallace Vernon, Treasurer from the Boys & Girls Club / Page 72
Mr. John N. Macey, Wildlife Biologist
8. Adjourn
Jimmy Smith

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Virtual Finance and Audit Committee Meeting

<https://www.tjjd.texas.gov/index.php/board#board-meetings>

Thursday, October 22, 2020 – 11:00 a.m.

Finance & Audit Committee: Scott Matthew – Chair, Vincent Morales, Jr., Wes Ritchey, Melissa Martin

1. Call to order
Chief Scott Matthew
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Chief Scott Matthew
3. Discussion, consideration, and possible approval regarding the August 6, 2020, meeting minutes (Action)
Chief Scott Matthew / Page 236
4. Updates from the chief information officer
Nathan Jackson / Page 241
5. Updates from the chief financial and operations officer
Emily Anderson / Page 244
6. Discussion, consideration, and possible approval regarding an acknowledgment of gifts (Action)
Emily Anderson / Page 80
 - a. The McLennan County Community Resource Council for Troubled Texas Youth
 - b. Mr. Steve Tacker
 - c. House of Worship
7. Discussion, consideration, and possible approval regarding contracts requiring board approval pursuant to GAP.385.1101 (Action)
Christian von Wupperfeld / Page 86
 - a. Texas Christian University – TBRI Training
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Eleazar Garcia / Page 92
9. Discussion, consideration, and possible approval regarding the TAC 202 Audit Report (Action)
Eleazar Garcia / Page 106
10. Discussion, consideration, and possible approval regarding the Risk Assessment and FY 2021 Audit Plan (Action)
Eleazar Garcia / Page 114

11. Discussion, consideration, and possible approval regarding the Internal Audit Charter (Action)

Eleazar Garcia / Page 123

12. Discussion, consideration, and possible approval regarding the Internal Audit Annual Report (Action)

Eleazar Garcia / Page 129

13. Discussion regarding the FY 2020 Internal Audit Quality Assurance Report

Eleazar Garcia / Page 269

14. Adjourn

Chief Scott Matthew

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Virtual Programs Committee Meeting

<https://www.tjjd.texas.gov/index.php/board#board-meetings>

Thursday, October 22, 2020 – 1:30 p.m.

Programs Committee: Edeska Barnes – Chair, James Castro, Pama Hencerling, Jimmy Smith, Melissa Martin, Mona Lisa Chambers

1. Call to order
Chief Edeska Barnes
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Chief Edeska Barnes
3. Discussion, consideration, and possible approval regarding the August 6, 2020, meeting minutes (Action)
Chief Edeska Barnes / Page 278
4. Updates from the deputy executive director for probation services
Louis Serrano / Page 284
5. Updates from the deputy executive director for state services
Shandra Carter / Page 288
6. TJJJ Gang Programming Initiative presentation
Jim Elliott / Page 290
7. Discussion, consideration, and possible approval to publish a proposal to repeal 37 TAC Chapter 353, relating to Substance Abuse Treatment Program, and to publish proposed new 37 TAC Chapter 353, relating to Substance Use Disorder Treatment Programs, in the *Texas Register* for a public comment period of at least 30 days and possible conditional approval to adopt the final rule (Action)
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Kaci Singer and Lou Serrano / Page 193
9. Discussion, consideration, and possible approval to publish proposed revisions to 37 TAC §380.9183, relating to Health Care Services for Youth, in the *Texas Register* for a public comment period of at least 30 days and possible conditional approval to adopt the final rule (Action)
Kaci Singer & Dr. Lepor / Page 209
10. Adjourn

Chief Edeska Barnes

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Virtual Safety and Security Committee Meeting

<https://www.tjjd.texas.gov/index.php/board#board-meetings>

Thursday, October 22, 2020 –3:00 p.m.

Safety & Security Committee: Lisa Jarrett – Chair, James Castro, Scott Matthew, Allison Palmer, Pama Hencerling

1. Call to order
Judge Lisa Jarrett
2. Discussion, consideration, and possible approval regarding excused absences (Action)
Judge Lisa Jarrett
3. Discussion, consideration, and possible approval regarding the August 6, 2020, meeting minutes (Action)
Judge Lisa Jarrett / Page 302
4. Updates from the chief inspector general
Chief Forrest Mitchell / Page 33
5. Updates from the ombudsman's office
J.D. Robertson
6. Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Orders (Action)
Ashley DeWeese / Page 216
 - a. Damarcus Terrell, Certification No. 20152, 20-20152-200041
 - b. Manuel Torres, Certification No. 18491, 20-18491-190256
7. Discussion, consideration, and possible approval regarding the discipline of certified officers- Default Orders (Action)
Chelsey Oden / Page 219
 - a. Deontae Davis, Certification No. 34132, 20-34132-200205
 - b. Salvador Herrera, Certification No. 33618, 20-33618-20200
 - c. Raymond Williams, Certification No. 34792, 20-34792-200205
 - d. Phillip Costello, Certification No. 33902, 20-33902-190261
 - e. Jerold Hill, Certification No. 34958, 20-34958-200104
 - f. Terrell Green, Certification No. 28600, 20-28600-190297
 - g. Carina Ramon, Certification No. 34845, 20-34845-200101
 - h. David Harlston, III, Certification No. 33666, 20-33666-200142

- i. Lawon Muckleroy, Certification No. 32963, 20-32963-200111
- j. Nathan Martinez, Certification No. 34288, 20-34288-190314
- k. Caleb Peganyee, Certification No. 34487, 20-34487-200228
- l. Daniel Parker, Certification No. 35417, 20-35417-200169
- m. Willie Mitchell, Certification No. 16375, 20-16375-200122

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

Chelsey Oden / Page 227

- a. Kyrri Haston, Certification No. 33054, 20-33054-190195

9. Adjourn

Judge Lisa Jarrett

- Items may not necessarily be considered in the order in which they appear on the agenda.
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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Virtual Board Meeting

<https://www.tjtd.texas.gov/index.php/board#board-meetings>

Friday, August 7, 2020 – 9:00 a.m.

Call to order

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

Prayer

Chairman Ritchey provided the board prayer.

Pledge

Chairman Ritchey recited the Pledge of Allegiance and the Pledge to the Texas Flag.

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

Chairman Ritchey stated the Pama Hencerling was going to join the meeting late. All other members were present.

Discussion, consideration, and possible approval regarding the May 15, 2020 Board meeting minutes (Action)

Judge Jarrett moved to approve the minutes. Commissioner Morales seconded. A roll call vote was taken. The motion passed.

Discussion, consideration, and possible approval regarding the July 10, 2020 Board meeting minutes (Action)

Chief Matthew moved to approve the minutes. Jimmy Smith seconded. A roll call vote was taken. The motion passed.

Report from the chairman

Basically, my report is going to be a thank you. I want to start by thanking, first off, our probation officers and our detention staff out in the counties and in the field, who'd been carrying the line force.

They have just been nothing short of fantastic over the past four months and, and I just can't say enough about them and what they've been doing for us to our corrections officers and our staff, the facilities begin.

Words cannot describe how tremendously people appear to our teachers who have stepped up and filled in, who will be going into classrooms for us. You have you had the world's greatest admiration and respect.

For the Inspector general and the Ombudsman who have found ways to continue to check and make sure that our kids are safe, as well as Central Office staff who have made things work.

And, finally, of course, our Executive Team and our Executive Director for, for keeping us running, for thinking outside the box and, and just truly coming through, force in an inventive way that I never would have dreamed possible from all of us on the Board. Thank you for making this awesome.

Public comments

There were no public comments.

Report from the executive director

Good morning Mr. Chairman and members. Today, I will update you on where we are in terms of COVID-19 response and the some of the priorities for the year.

First, on COVID-19:

As you know, TJJD had few cases going into June. On the first day of June, we had one active case—a staff member. By July 1, we were at 65 active cases and by July 14, we hit our peak of 172 active cases. Beyond the primary concern of the health of our youth and our staff, this had many implications, both strategic and financial. Staffing took a hit, with staff in quarantine and out with the virus itself. Our first needed response was to implement our Continuation of Operations Plan, a first for me and for many others. This required additional campus staff, like teachers and case managers, to take on the roles of youth development coaches. I would like to thank all of the staff for sticking with us during this really tough time.

Unfortunately, even this was not enough to ensure that our campuses were safe. There were times when we were at risk of not making basic coverage and had to cover posts with Central Office and other staff. As you know, we entered into an agreement with a private non-profit, BCFS, to provide supplemental support on our campuses. We began that effort with 100 people and today, we are down to about 30. Additionally, the Department of State Health Services (DSHS), approved additional supplemental medical support, both to augment the growing need for Quarantine Response Teams and to support UTMB medical staff. We are grateful for that support. They provided support for 89 nurses and medical professionals and as of today, we no longer need this support for now. As I mentioned in our last meeting these teams can be grown and shrunk as needed; it is good to know that should we need them in the future, they are there and ready to help. As you also know, we conducted mass testing of all youth and staff at each of our secure facilities and halfway houses. Thank you to the Texas Department of Emergency Management, the Texas Department of Criminal Justice, and DSHS for that support. This was very helpful in us understanding the full weight of the situation we were in and being able to respond as quickly and thoroughly as possible. All in all, we tested 2,414 people and found 152 positive results, of which 117 were previously unknown. In addition to mass testing, we have also administered another 561 tests to youth for a total number of 3,001 tests, which does not include community tests our staff have taken or our youth in halfway houses. I'm pleased to say that in the mass testing done, no new positives were found at Gainesville, Willoughby House, McFadden Ranch, or Ayers House.

July was a tough month for TJJD but August is looking up. As I mentioned earlier, we hit our peak with 172 active cases on our campuses in mid-July. In total, we have had 395 cases of COVID 19 in our secure and nonsecure facilities. Today, we have a total of 15 active cases, with 5 staff and 10 youth—that includes a total of 10 in secure facilities and 5 in halfway houses. That means that 3.8% of the total cases we have seen remain active. I am happy to report that Gainesville, Evins, Willoughby House, McFadden Ranch, Ayers House, and Karyn's House, are currently 100% COVID-19-free. Ron Jackson and Mart currently have only one active case each. Giddings has 8 active cases, including 6 youth, Tamayo House, 1 staff case, and Schaeffer House has 4, although we believe those 4 youth will be cleared very soon. While we know that the threat to our campuses is not over and that a second wave may be in our future, we are happy to be able to have a bit of a respite and to focus on some forward-thinking activities.

As you also may know, juvenile probation is also having a hard time. As of yesterday, there have been 218 county COVID-19 reports made, with 326 staff and 94 youth who have tested positive. There are 21 juvenile facilities with active COVID cases and 70 adult jails.

In light of this, having to halt intakes was a decision we did not take lightly. Assuming all goes well for the next few days, we do plan on reopening intake next week. I have to ask for continued patience as we work through

admissions for the backlog of youth awaiting intake. Additionally, if any probation chief believes they have youth you might be a good candidate for long-term contract care, we do have a process to assess and expedite those youth.

Additionally, we are recommencing a more normal version of school on all of our campuses this month. Youth will remain cohorted to avoid possible spread, but will go to school at the education building and remain in their classrooms unless doing outdoor recreation or vocational training.

As you know, beginning in January, we began working on a better response for youth who assault others. Known as the Violence Intervention Continuum, we are implementing options for youth, who on a first offense, can get the intervention and support they need beginning with what we call the Intensive Intervention Program. This means that they will remain assigned to their normal dorms, they will spend their days in the program, receiving additional support on regulating responses and dealing with the individual reasons behind the behavior. At night, they will return to their dorms during sleeping hours. As they improve, they are offered safe opportunities to begin to join into some of the usual dorm activities to reacclimate them to dorm life. If the behavior continues they will be moved to the Evins facility for additional care. In certain, rare cases, a youth may be moved to Evins immediately if the assault was particularly violent or caused significant harm. Our goal here is to free the vast majority of our youth from violence to allow them to be and feel safer and focus on their treatment and plans to go home. This process was halted in some locations because we needed the dorm space for medical observation dorms for youth with COVID-19. We are now moving forward and understand that if additional cases happen on a campus that we may have to, once again, halt before moving forward.

Also, we are preparing for next session by focusing on ironing out details for our long-term plan for reform in relation to our actual facilities, how they are used, and what we need to do better by the youth in our care. In no to low cost changes, we have been and will continue to move toward better classification of youth. Evins will become the location for highly aggressive youth. When these plans are completed, no youth would be initially assigned to Evins unless they display a high level of aggression and assaultive behavior while in intake. Gainesville will specialize in sex offender treatment. Giddings will move towards housing only determinate sentenced offenders who do not display assaultive behaviors, the vast majority of DSOs. Ron Jackson will remain the intake facility. Mart will continue to be the location for indeterminate commitment boys who do not fall into other categories. In the short-term until we can secure support to start moving towards smaller facilities, the girls will need to remain at Ron Jackson and our youth with significant mental health needs will need to stay at Giddings.

In the longer term, we need support to be able to move towards right-sized campuses, where we can fully staff and provide the level of care and supervision these youth need. For example, a separate smaller facility for youth with deep end mental health needs would allow us to locate that closer to mental health staff resources and provide a true specialization for these youth. Additionally, we need a separate small facility for girls that allows us to provide the heightened supervision levels they need and more gender-specific care. In the even longer term, the end result should be a system of lower population facilities that allows for more individualized care and more specialized populations to better meet needs.

Finally, as you all know, in an effort to shore up the state budget, state agencies are cutting 5% of their budgets for fiscal 2021. Emily Anderson talked more about this yesterday, but our goal was to limit impact to youth as much as possible. We will be doing a rolling hiring freeze, eliminating some vacant positions, and closing our current central office. We will be renting a much smaller space to allow for meetings and collaboration but long-term we will be doing a combination of remote work and hoteling. I want everyone to

know that we did our best to tighten the belt with as little impact on youth at the state and county levels as possible.

I want to thank the people of TJJ and our county partners for their dedication, incredibly long hours, resilience under stressful conditions. Our entire team has pulled together and direct care staff, juvenile supervision officers, coaches, educators, case managers, and parole staff have truly gone above and beyond to support youth and operations. That work is paying off and I am very appreciative.

Report from The Advisory Council on Juvenile Services

Chief Lynne Hadnot, Vice-President of the Advisory Council on Juvenile Services, presented.

Our last Advisory Council meeting was conducted virtually on June the 19th.

Lou Serrano, Deputy Executive Director of Probation Services, provided an update on probation services. He reported that the first response to Covid 19 was in late February, early March. On March 13th, of 2020, a notice was sent out to the field in regards to what the county's needed to do, a response to Covid 19.

It was left up to local authorities to work with their juvenile boards to determine how they handle concerns, such as, ratio compliance, case management, and visitation of facilities, giving local departments and agencies a much needed and critical flexibility, and response to this, to this urgent situation. So, that support was very much appreciate it.

At the end of March, it was reported that. Will notice was sent out to probation field requesting that the report, any positive tests, took over 19 of staff or youth to the state via the Incident Reporting Center, and by all accounts, probation departments responded well according to the report that was submitted by mister Serrano.

It was also reported that 18 juvenile facilities had been impacted at that time.

With 48 staff ranging from ..., administrators, juvenile probation officers, eight youth also tested positive for Covid 19. There was also 11 juvenile facilities and 37 adult jails.

At that time, had been placed on an admission holds due to having positive test results at that time.

Additionally, there were 53 juveniles committed across the state that were pending transportation to TJJ at the time of our most recent meeting.

Next, Debra Emerson, the Director of Youth and Family Services, provided an update on TDFPS. She reported that caseworkers at that time were working remotely and using Zoom, Goto Meeting and FaceTime, applications to stay connected to their youth and families.

TDFPS Leadership was also encouraging caseworkers to look to find the best practices.

Regarding handling the pandemic and again, making sure that those kids and families receive those critical critically needed services. I'm doing that very stressful period. Mrs. Emerson also reported that there were some changes being made and leadership at the agency.

Mrs. Emerson also spoke about their staffing within their agency and reported that there were no layoffs. So, they were able to retain all of their staff at that time and again, staff training, informational meetings, everything was being conducted virtually due to the pandemic.

Next, during our AC meeting, we move to our subcommittee reports.

Kaci Singer provided an update on Chapter 344 workgroup. She reported that the workgroup had completed their work and the goal was still to present the proposed changes to the TJJ Board.

Chairman Cockerell reported to the Funding Formula Committee or provided a report for that committee, reported that due to the pandemic the group had suspended meetings until it could be determining what type of impact Covid 19 would have on state and local budgets.

Casey Singer also provided an update on the Chapter 353 workgroup, that workgroup has created a 12-page chapter and is requesting that chiefs on the AC, the Advisory Council to afford those recommendations to the field, for the field to be able to review and provide the workgroup with critically needed feedback.

The workgroup will continue to work on the research section and data that needs to be collected.

The goal of the workgroup is to have standards completed and ready to present to the TJJD Board at the October Board meeting.

In terms of new business, Mrs. Amy Miller informed the Advisory Council that Kelly Warren had been hired as a new director of integrated treatment.

Amy Miller also reported a request from the governor's office to produce a plan to reduce the budget by 5%, which was just discussed briefly, earlier in today's meeting.

Next thing, Mrs. Miller reported that the 5% reduction plan would also impact the TEA Agency, and their plan would include a reduction of approximately \$625,000, which will impact JJAEPs across the state of Texas.

They will take 180,000 out of FY 2020 and will take the remaining 445,000 out of the FY 2021 budget.

And again, that's out of the overall reductions of some of the agencies across the state.

In terms of old business, Mr. Bristow provided an update on information sharing, among counties statewide, and conversations continue to be ongoing with before texture counties and the JCMS basic counties across the state.

Our next meeting is scheduled to take place on September 11th at 10:00 AM.

Report from the chief inspector general

Mr. Forrest Mitchell, Chief Inspector General, reported.

Mr. Chairman, on behalf of OIG, thank you for your kind words.

The OIG reporting begins on page 23 of your board materials.

Yesterday, I briefed the Safety and Security on the OIG 3rd quarter statistics that have been included in you board materials, but also in the OIG quarterly report that we published to stakeholders last week.

As I mentioned to the Safety & Security Committee yesterday, some of these numbers are lower than the 2nd quarter.

OIG case dispositions were impacted by the temporary closure of courthouses, and the postponement of grand juries, hearings, and other court proceedings during the 3rd quarter.

I was pleased to report to the committee that we continued to see an overall reduction in the number of open state abuse, neglect, and exploitation cases based on the blending of the two investigative teams, criminal and administrative, as well as the cross training of staff.

There has also been a significant reduction in the average days required to closure on state administrative investigations as well.

I also reported to the committee that the number of county abuse, neglect, and exploitation investigations has remained relatively consistent between the calendar years.

I am pleased to report that the average number of days to close those county cases is also down from last quarter.

Yesterday, I briefed to committee on OIG operations.

OIG continues to collaborate with TJJJ on the COVID19 pandemic response.

The 24-hr Incident Reporting Center continues to handle COVID19 related calls, and OIG telecommunications operators assist TJJJ with notifications of placement/ or release of intake holds through secure messaging with county detention facilities throughout the state.

COVID19 continues to impact investigations and prosecutions of criminal and delinquent conduct occurring at TJJJ facilities, as well as the apprehension of TJJJ fugitives that have absconded from halfway houses or parolees violating the conditions of their parole.

Over the past five months, we have seen some jails seeking to release non-violent offenders, return TJJJ offenders that were booked on new OIG charges, delays in grand jury presentations, and delays in hearings which push back pleas and transfers to TDCJ.

I would like to conclude my board remarks by recognizing some professional achievements of a few members of the OIG team.

Capt. Angela Fritts is currently attending the first module of the Leadership Command College at Law Enforcement Management Institute at Sam Houston State University.

Assistant Chief Kevin Dubose and Capt. Lesly Jacobs are slotted to attend their program orientation this fall and next year.

Two other members of the OIG command staff have now submitted their applications as well. Capt. Reid, Deputy Chief Guajardo, and I are all alumni of this roughly 10-week state leadership program.

Finally, I am also excited to announce that Deputy Chief Guajardo has just graduated with his Master Degree in Criminal Justice Leadership and Management from Sam Houston State University as well. Well done.

I would also like to thank Chief Guajardo and Jeff Arrendondo on their hard work in moving the CRIMES project with SHSU forward. Despite the many obstacles of COVID19, Daniel and Jeff facilitated remote meetings, project demonstrations, and developmental workshops. Bottom line, they both kept the project moving ahead at a critical time. Thank you.

That concludes my prepared remarks and I will answer any questions you may have.

Chairman Ritchey asked for more information about the CRIMES system.

I informed the board that this system in law enforcement workflow system with a computer aided dispatch program. This would replace a number of legacy TYC applications that date back to 2008. Those systems are difficult to maintain, are obsolete, and will soon become unsupported. The CRIMES software application is in use by law enforcement agencies throughout the State of Texas, and was developed at Sam Houston State University. CRIMES and SHSU has been working with the OIG and the OIO to adapt these programs to the unique environment here at TJJJ. We hope to be operationalizing this application soon.

Report from the Trust Committee

Jimmy Smith, Trust Committee Chairman, provided an overview of the agenda items that were presented at the August 6, 2020 Trust Committee meeting.

Discussion, consideration, and possible approval of Parrie Haynes and John C. Wende Trust Fund FY 2021 Budgets (Action)

Emily Anderson, Chief Financial and Operating Officer. The FY 21 proposed budget for the Parrie Haynes Trust Fund totals \$113,000 and FY 21 proposed budget for the John C Wende totals \$161,500. The Parrie Haynes Trust budget for FY 21 contains expenditure projections that exceed the revenues for next fiscal year. However, available cash balances at the end of this fiscal year, coupled with projected revenue for next fiscal year, will be sufficient to support the projected expenditures staff recommends the Board's approval of the annual budget for these two trusts. Commissioner Morales moved to approve the trust budgets. Judge Jarrett seconded. A roll call vote was taken. The motion passed.

Report from the Finance and Audit Committee

Scott Matthew, Finance and Audit Committee Chairman, provided an overview of the agenda items that were presented at the August 6, 2020 Finance and Audit Committee meeting.

Chief Pama Hencerling joined the meeting.

Discussion, consideration, and possible approval regarding an acknowledgement of gifts (Action)

Emily Anderson, Chief Financial and Operating Officer. Reform Alliance has offered to donate 10,000 to 20,000 3-ply surgical masks to protect TJJD staff and youth from Covid 19. With a value of between \$4000 and \$8000. And staff recommends acknowledgement of these gifts pursuant to the provisions of Government Code and TJJD Policy. Following board's approval, a letter will be sent to Reform Alliance notifying them of the acknowledgement and to express appreciation for their support of the Department. Chief Matthew moved to approve the gift acknowledgement. Commissioner Morales seconded. A roll call vote was taken. The motion passed.

Discussion, consideration, and possible approval of the FY 2021 Operating Budget (Action)

The total FY 21 operating budget is \$324.45 million, of which \$304.2 million is General Revenue. This is an increase (note error in memo) \$0.05 million (0.02 percent) compared to the FY20 operating budget. Although the overall budget increased slightly, there is a \$5 million decrease in general revenue funding. The increase in funding occurs in non-General Revenue methods of finance. Not included in the FY21 totals are probation grant refunds that could be added to the budget as they are received.

The proposed budget works within available funding to continue the mission of the agency, maintain maximized support of local probation departments, operate safe facilities with effective programs, and preserve excellent customer service. With the uncertainty of the economic impact of current events, prudence would suggest the agency continue to identify efficiencies and reallocations of funding, reorganization of duties, and other changes in operations from the recommended budget to guard against unforeseen needs. Out of the FY 21 proposed budget, \$6.8M in probation funding and \$12.8M in state operations funding has been earmarked and set aside to meet the agency's obligation for the 5% cost reduction plan.

A resolution approving the proposed FY 2021 Operating Budget and granting authority to the Executive Director to make reasonable and necessary adjustments for the fulfillment of the mission of TJJD, the maintenance of a balanced budget, and the management of appropriations, has been prepared for board approval.

Chief Pama Hencerling moved to approve the budget. Chief Scott Matthew seconded. A roll call vote was taken. The motion passed.

Discussion, consideration, and possible approval of the County Grants Audit Report (Action)

Eleazar Garcia, Chief Internal Auditor, presented. The Report on the County Grants Audit, starts on page 54.

The objective for the audit is to determine if the Community Juvenile Justice Grant Funds are administered and managed in accordance with agency policies. The scope covered the 2018 / 2019 biennium [[and included grant disbursements, grant monitoring activities, management reports, review of records and reports, as maintained in the Uniform Statewide Accounting System (USAS) and Grant Manager, as well as System access controls for associated systems (COMETS, ICIS, and Grant Manager)]]]. The Chart on page 59 provides you the breakdown of the Community Juvenile Justice Funds for the biennium, approximately 159 million in each of the two fiscal years. As mentioned yesterday, the scope excluded Regional Diversion and Title IV-E Grants.

We noted:

- Standards and procedures are in place to manage and administer the funds.
- An allocation methodology is used to disburse the funds in compliance with Section 223 of the Human Resources Code.
- Contracts are entered into for grant disbursements.
- Procedures are in place to monitor and provide oversight of the Grant funds [[to include field visits, desk reviews, and completion of independent audits.]]
- Access to information systems is authorized and annual reviews of active users are performed for related systems (These are COMETS, ICIS, and Grant Manager).

Opportunities to improve operations were noted as follows:

- The State aid contracting process can be improved, specifically with pre-contract approval documentation, maintaining fully executed contract documentation, and ensuring conflict of interest forms are completed for all applicable parties
- The process for granting a waiver of the independent audit of the grant funds is not addressed in policy.
- The Independent Auditor's Report on Compliance and Internal Control should conform to expectations of the state aid contract.
- Fiscal monitoring documentation can be improved to support reviews completed.
- System user access levels should be updated to comply with information security standards and controls.
- Management concurs with the findings and responses to the recommendations, start on page 64 of the Board Packet.

Allison Palmer moved to approve the audit. James Castro seconded. A roll call vote was taken. The motion passed.

Discussion, consideration, and possible approval regarding contract renewals requiring board approval pursuant to GAP.385.1101 (Action)

Christian von Wupperfeld, General Counsel, presented. He stated we are modifying the way that we are presenting contracts now to the board. Our prior practice to bring contracts before the board with either just the base term amount or the upcoming years not to exceed value, which is a perfectly good practice. However, we, just, in reviewing our practices and always trying to improve, we identified an opportunity to provide the board additional information. Create, additional transparency at the same time.

So, here and going forward, when you see a contract it will reflect the total value of the contract, which is to say the base term plus all potential amendments or future option years. And so, the number may be big, but it's also potentially a 6- or 10-year contract.

So, you may be seeing some larger numbers, but that's the reason why, previously you might have only been seeing, in one year at a time, subject to your question, any of the specific contracts listed, I am open to any questions. Judge Jarrett moved to approve the contract renewals. Commissioner Morales seconded. A roll call vote was taken. The motion passed.

Report from the Programs Committee

Chief Edeska Barnes, Program Committee Chairman, provided an overview of the agenda items that were presented at the August 6, 2020 Program Committee meeting.

Report from the Safety and Security Committee

Judge Lisa Jarrett, Safety and Security Chairwoman, provided an overview of the agenda items that were presented at the August 6, 2020 Program Committee meeting.

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

Kaci Singer presented the agreed orders.

- a. Ramon Montanya, Certification No. 31248, 20-31248-190300
- b. Katrice Cole, Certification No. 34257, 20-34257-200085
- c. Yancy Angeles, Certification No. 29159, 20-29159-200071
- d. Ethan Farmer, Certification No. 30506, 20- 30506-200071
- e. Marcus Allen, Certification No. 25996, 20-25996-200053
- f. Derhl Pratt, Certification No. 34007, 20-34007-200050
- g. Jessica Heaney, Certification No. 34485, 20-34485-200002
- h. Jacklyn Medellin, Certification No. 34150, 20-34150-200094
- i. Kimberly Thomas, Certification No. 34586, 20-34586-200094
- j. Dennis Porter, Certification No. 20522, 20-20522-200121

Item a – Ms. Palmer moved to approve. Commissioner Morales seconded. A roll call vote was taken. Judge Jarrett abstained. The motion passed.

Item b – d, g, j – Judge Jarrett moved to approve. James Smith seconded. A roll call vote was taken. The motion passed.

Item e and f – Chief Scott Matthew moved to approve. Allison Palmer seconded. A roll call vote was taken. Chief Edeska Barnes and Mona Lisa Chambers abstained. The motion passed.

Item h and I – Chief Scott Matthew moved to approve. Commissioner Morales seconded. A roll call vote was taken. Allison Palmer abstained. The motion passed.

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

Kaci Singer presented the default orders.

- a. Laura De Los Santos, Certification No. 34334, 20-34334-200110
- b. Robert O Hill, Certification No. 10513, 20-10513-200133

- a. Eurie Merritt, Certification No. 34591, 20-34591-200048
- b. Eric Moore, Certification No., 19351, 20-19351-200048
- c. Osvaldo Villalobos, Certification No. 31603, 20-31603-200120
- d. Shirley Burr, Certification No. 33545, 20-33545
- e. Graciela Castillo, Certification No. 23210, 2020-0044-23210
- f. Guadalupe Chapa, Certification No. 26743, 2020-0044-26743
- g. Guadalupe Garcia, Certification No. 30664, 2020-0044-30664
- h. Robert Garza, Certification No. 34735, 2020-0044-34735
- i. Nelissa Gonzalez, Certification No. 32719, 2020-0044-32719
- j. Ruben Gonzalez, Certification No. 34700, 2020-0044-34700
- k. Humberto Hernandez, Certification No. 11544, 2020-0044-11544
- l. Chelsea Morales, Certification No. 27849, 2020-0044-27849
- m. Christy Morin, Certification No. 34736, 2020-0044-34736
- n. Pedro Ochoa, Certification No. 23212, 2020-0044-23212
- o. Georgia Parr, Certification No. 32629, 14311, 2020-0044-32629, 14311
- p. Amando Reyes, Certification No. 34284, 2020-0044-34284
- q. Vanessa Reyes, Certification No. 33822, 2020-0044-33822
- r. Daniel Sanchez, Certification No. 34573, 2020-0044-34573
- s. Juan Sanchez, Certification No. 27869, 2020-0044-27869
- t. Annie Tanguma, Certification No. 29011, 2020-0044-29011
- u. Mary Jo Vidal, Certification No. 11543, 2020-0044-11543
- v. Angel Santiago Mendoza, Certification No. 34207, 20-34207-190342
- w. Charles Durst, Certification No. 32173, 20-32173-190276
- x. Morris Kelly, Certification No. 32424, 20-32424-200091
- y. Courtney Macon, Certification No. 31948, 20-31948-190260
- z. Arthur McGuire, Certification No. 27588, 20-27588-200019
- aa. Nathan Martinez, Certification No. 34288, 20-34288-190314
- bb. Charles Smith, Jr., Certification No. 33709, 20-33709-200047
- cc. Juan Celedon, Certification No. 34906, 20-34906-200154
- dd. Charles Smith, Jr., Certification No. 33709, 20-33709-200047
- ee. Juan Celedon, Certification No. 34906, 20-34906-200154

We sent the petitions to each of these individuals, and they did not respond in the time period. And we have still not heard from them. And so, we're asking that you grant the discipline that was requested in the petitions on needs.

Item a – e – James Smith moved to approve the orders. Chief Pama Hencerling seconded. A roll call vote was taken. Judge Jarrett abstained. The motion passed.

Item f – Judge Jarrett moved to approve the orders. James Smith seconded. The roll call vote was taken. The motion passed.

Item g – y, and dd – Chief Scott Matthew moved to approve the orders. Commissioner Morales seconded. The roll call vote was taken. The motion passed.

Item z – bb - Judge Jarrett moved to approve the orders. Commissioner Morales seconded. A roll call vote was taken. Chief Edeska Barnes and Mona Lisa Chambers abstained. The motion passed.

Item ee – James Smith moved to approve the orders. Commissioner Morales seconded. A roll call vote was taken. Chief Scott Matthew abstained. The motion passed.

The vote on item cc was inadvertently missed. However, it was also listed twice as item ee. No further action is needed.

The open board meeting recessed so the members could convene in closed session.

Closed Session – Executive Session

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

Reconvene in Open Session

Discussion, consideration, and possible action regarding agenda items discussed in Executive Session (Action)

Chairman Ritchey announced there were no items discussed during executive session that needed action.

Adjourn

Chairman Ritchey adjourned the meeting.

- The Texas Juvenile Justice Board reserves the right to limit the time and scope of public comments as deemed appropriate by the Board.
- The Texas Juvenile Justice Board 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 Texas Juvenile Justice Board may go into closed session with respect to any item as authorized by the Texas Open Meetings Act, as codified in Texas Government Code Section 551.071.
- If ADA accommodations are needed, please contact Jeannette Cantu at 512.490.7004 or Jeannette.Cantu@tjjd.texas.gov
- The Texas Juvenile Justice Board reserves the right to broadcast its meeting live.



TEXAS JUVENILE JUSTICE DEPARTMENT

Virtual Board Meeting

<https://www.tjjd.texas.gov/index.php/board#board-meetings>

Friday, September 25, 2020 – 9:00 a.m.

Call to order

Chairman Ritchey called the meeting to order at 9:00 a.m. and led the board prayer.

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

Mona Lisa Chambers, Ann Lattimore, and Allison Palmer were absent. Commissioner Morales moved to approve their absences. Chief Matthew seconded. The motion passed.

Report from the chairman

Chairman Ritchey thanked those who were able to attend. He stated the October meeting will also be virtual but we are planning to meet in person after that. We are currently working on the 2021 meeting dates. He thanked the staff for their hard work on the LAR.

Public comments

There were no public comments.

Report from the Executive Director

Camille Cain, Executive Director, stated that today, we are together to talk about the Legislative Appropriations Request. First, I'll provide an update on COVID-19.

As you may be aware, TJJD has 3 levels of COVID awareness for our campuses. As of this morning, all non-secure facilities are Level 1, meaning that they are all COVID-19 free. This has been the case since September 9 when we cleared a staff member. Prior to that case, the last report was for a staff member for July 29. At our secure facilities, we have 2 that are currently Level 1. Again, this means they are COVID-19 free. To achieve this level, we must clear all staff and youth cases and have no new reported cases for a full 7 days after.

- Gainesville holds the record so far by holding this status since August 6.
- Evins has been Level 1 since September 16.
- Ron Jackson achieved Level 1 status on September 17 but since then reported a single case of a staff member and so has been moved back to Level 2.
- Giddings is currently COVID-19 free and in the waiting period to become Level 1. If no new cases are reported, that will happen on Sunday.
- Mart currently has 2 reported staff members and 1 youth who are COVID-19 positive. As a result, this campus is Level 2. Level 2 means that the campus has a small number of cases as measured by fewer

than 5% of the youth or 5% of the staff are COVID-19 positive or that the total number of cases on a campus is less than 10, whichever is lower.

- Overall, today, in all TJJJ facilities, we have 4 active cases—3 at Mart and 1 at Ron Jackson.

And now on to the LAR. Emily will also present and answer your questions but I will walk you through the major exceptional items at a high-level.

TJJJ has prepared a Texas Model Plan for Reform, which sets out a longer-term plan and correlates to the LAR. We have broken down our asks into three categories: Sustain, Enhance, and Innovate to better categorize our asks so that people can understand our priorities.

We begin with 3 basic goals:

- Youth remain as shallow in the system as possible with access to the right services
- Focus on needs and risks of youth
- Provide better solutions to growing mental health and specialized treatment needs

Exceptional item 1—or sustain—includes requests to maintain our current level of care for youth in the system including:

- Restoring capabilities for prevention, intervention, and commitment diversion for probation
- Maintaining basic state services
- Restoring the needed level of state contract care options
- Securing capability to provide required risk and needs assessments for youth at the probation level, and
- Modernizing our IT systems.

Our full ask for this exceptional item is: **\$26,010,414**

Exceptional items 2—or enhance—includes requests to provide new services and levels of care based on risks and needs, including:

- Enhancing probation options through more sustainable state-level funding to allow departments to focus on what is important to them and to be able to sustain what they have and build new local and regional options
- Improving the ability to maintain state staff staffing with salaries that match the work, and
- Continuing our new classification system of state youth to better focus services by enabling enhanced staffing ratios at Evins to accommodate the continuing Violence Intervention Continuum

Our full ask for this exceptional item is: **\$83,812,473**

Exceptional item 3—or innovate—includes requests to modernize the system and meet emerging needs and risks, including:

- Meeting the needs of specialized populations in smaller settings with enhanced staffing ratios while lowering populations at existing facilities
- Providing added reentry, aftercare, and family support at state and county levels, and
- Enabling emergency placements for youth in mental health crises and greater collaboration capabilities at the county and regional levels

Our full ask for this exceptional item is: **\$88,435,362**

Wrapped within the concept of innovation, is continuing to implement the Texas Model of Intervention within our facilities. We are not asking for new funds to be able to do this.

This brings our total ask to **\$198,258,249**.

Report from the Chief Inspector General

For the record, Forrest Mitchell, Chief Inspector General. Mr. Chairman, I would like to provide the board with a brief update about the status of OIG operations.

Despite COVID-19, OIG is continuing to conduct its on-site administrative investigations of abuse, neglect, and exploitation at county and contract care facilities.

Additionally, OIG criminal investigators continue to investigate allegations of criminal offenses and delinquent conduct at state and contract care juvenile facilities. The Incident Reporting Center continues to receive COVID-19 related calls in addition to the regular reports of serious and critical incidents and abuse, neglect, and exploitation complaints. COVID-19 has impacted OIG's ability to meet some of our performance measures.

The OIG fugitive apprehension numbers were down during this past fiscal year, as well as were the numbers of closed state administrative and criminal investigations.

We also saw a modest decline in the total number of calls to made into the IRC.

At the beginning of the COVID-19 pandemic, much of the OIG investigative staff assisted in performing the additional screening duties at the TJJJ secure facilities.

This of course, impacted our ability to conduct routine operations and consequently some investigations and operations were delayed, postponed, or cancelled in response to the pandemic.

Now that facility staff and temporary employees are assisting the OIG uniformed security personnel, the need for additional staffing has been reduced.

As a cost savings measure to meet the 5% reduction for this biennium, OIG has cancelled replacement vehicles, suspended paid overtime, restricted take home vehicle use to only K-9 officers, reduced travel, training, and other operational costs.

Additionally, we will be carrying a number of vacant positions in OIG in order to realize salary savings to meet that reduction.

Recruitment, retention, and attrition remain one of my highest concerns. OIG wages have not been able to keep pace with other state law enforcement agencies, as well as in some of the local jurisdiction where we have our regional offices.

That being said, I would like to now brief the Board on the OIG L.A.R. and its exceptional item request.

There have been some changes to the organization and structure of the OIG strategy.

Previously, portions of the OIG were found in different strategies and goals, more specifically Goal 2 and Goal 5.

For the new biennium, those have now been combined into one Goal, Goal 7, with the performance measures remaining consistent. As part of the LAR process for next biennium, we were tasked with incorporating the 5% cut into a new baseline. Unfortunately, this baseline reduction to the OIG budget cannot be achieved without staffing reductions. OIG has already trimmed operational costs, and little more can be achieved without significantly impacting operations.

Therefore, if OIG is unable to restore the 5% baseline reduction through the first exceptional item request, I am anticipating that I will need to reduce my staff by four commissioned peace officer investigator positions, and potentially two uniformed security officers. (\$276,194 annual savings)

In addition to this exceptional item request to restore the 5% baseline reduction, the OIG has prepared some additional exceptional item requests that I would like to brief you on.

The first exceptional item request was for 3 additional FTE to serve as commissioned peace officers serving as fugitive apprehension specialists. These investigators will focus on human trafficking prevention. Domestic minor sex trafficking is a real and serious concern for some of our parolees, and these investigators would prioritize those TJJD committed juveniles that are transitioning to parole, halfway houses, and release in an effort to prevent HT. They would also collaborate with the various HT task forces and units throughout Texas to reduce this potential. (FY 22 - 291,726 / FY23 - 159,726)

The next exceptional item request is for system improvements to the Incident Reporting Center, including 7 additional FTE positions. The recent report by the State Auditors Office highlighted some needed improvements in tracking all complaints and dispositions received by the Department, and OIG is seeking to hire more telecommunications operators, analysts, and other positions to support that operation. (FY 22 & 23 - 376,523)

The next exceptional item request is for C pay scale parity with other state law enforcement agencies, and to remain competitive with law enforcement salaries in Texas. We are in some challenging times, and there has been a paradigm shift in law enforcement recruitment, retention, and attrition. Where we once saw attrition rates as low as 2 or 3 % annually, many agencies are now seeing double digit rates with twice as many retirements as they once had. As part of that trend, OIG attrition rates have been roughly 20% for the past two years. This request is seeking additional funds to raise OIG law enforcement salaries to their peers. OIG attrition is damaging to the overall operations and safety in juvenile facilities through delays in investigations, increased overtime costs, and periods of alternative work assignments while allegations are being investigated in all type of juvenile justice facilities. Though we have worked hard to realize efficiencies in OIG staffing and positions, downgrading positions when we could, absorbed other duties as need, we still aren't there yet. We need some additional funds keep the specialized investigators that we have trained and developed at OIG (FY 22 & 23 - \$839,272)

Finally, the last exceptional item is to request additional funding for vehicle replacement. As I discussed earlier, OIG cancelled most of its scheduled fleet replacement to realize the 5% savings reduction this biennium. The OIG fleet continues to age with some vehicles reaching, and anticipated to reach, 200,000 miles in the next biennium. The funds will allow OIG to acquire new vehicles and equip them with the necessary public safety equipment for law enforcement operations.

Report from the Chief Financial Officer

Emily Anderson, Chief Financial and Operations Officer, presented.

The total biennial base request for 2022 and 2023 is \$631 million, of which \$591.4 million is General Revenue. This is equal to the general revenue budget for the current biennium and includes a \$21.9M base level cost reduction to mirror the cost reduction required for the FY 20/21 biennium. The base request supports a total state residential projected population of 987 in 2022 and 945 in 2023. These projections are developed by the Legislative Budget Board and are 34% lower than the appropriated population for FY 21.

Funding for Probation activities total \$311.9M and includes a base level funding reduction of \$7.4M from the current biennium's original appropriation. The base level reduction completely eliminated Prevention and Intervention grant funding (\$6M) and decreased funding for Commitment Diversion grant funding (\$1.4M).

Funding for State Services and Facilities totals \$264.2m. This is equal to current biennium's expenditure estimates.

Parole activity funding is 7.1M and is slightly lower than current biennium expenditure estimates. The decrease is due to the Parole division identifying and implemented cost savings initiatives.

And funding for system wide training/monitoring and central administration activities totals \$35M. This is a decrease of \$3.8M from the current biennium expenditure estimates and is due to the elimination of vacant non-direct care positions, downsizing of central office and other cost savings measures the agency has taken to meet the funding reduction obligations.

TJJD is requesting 3 exceptional items totaling \$198.3 million.

I have prepared summaries for each of the exceptional items but since Camille just reviewed them in detail, I will not go over them again.

Emily Anderson stated a resolution has been prepared to authorize the chairman to approve the final LAR submission which is due on Friday, October 2nd.

Discussion, consideration, and possible approval regarding TJJD's Legislative Appropriations Request (LAR) for the FY2022-23 Biennium (Action)

Chairman Ritchey stated that you've heard from Camille and Emily regarding the LAR. Chief Matthew moved to approve the resolution. Judge Jarrett seconded. The motion passed.

Adjourn

Chairman Ritchey adjourned the meeting.

Advisory Council on Juvenile Services

Date: October 23, 2020

To: Texas Juvenile Justice Department Board of Directors
Judge Wes Ritchey
Chairman

Chief Edeska Barnes
Chief Pama Hencerling
Ms. Melissa Martin
Ms. Allison Palmer

Mr. James Castro
Judge Lisa Jarrett
Chief Scott Matthew
Mr. James Smith

Ms. Mona Lisa Chambers
Ms. Ann Lattimore
Comm. Vincent Morales, Jr

From: Edward J. Cockrell, Sr
Chair, Advisory Council on Juvenile Services
Chief Juvenile Probation Officer Jefferson County

RE: Advisory Council on Juvenile Services Update

Meeting Update

The Advisory Council last met on September 11, 2020 by TEAMS (Virtual). A copy of the meeting agenda is attached for your review. The following is a summary of our meeting.

Strategic Planning:

Sean Groves, Chief of Staff, provided a report on the TJJD Strategic Plan for 2021 - 2025. Mr. Grove reviewed the goals of the agency. The goals include improving current operations at the secure facilities, develop and implement a fully Trauma Informed System and improving cross collaboration and local control. These goals are the foundation of the Texas Model. The AC discussed creating an Advisory Council Sub Committee to work with TJJD in the development of the Strategic Plan as it relates to needs and goals for probation. The AC will discuss creating a subcommittee at the next AC meeting.

TJJD Updates:

Camille Cain, Executive Director, provided a TJJD update. Mrs. Cain reported on the Legislative Appropriation Request development. TJJD will be requesting that probation funding be restored to the amount of funding received before the 5% cuts including the Prevention and Intervention Funding. They will be asking for an across the board raise for all probation services. They will be making a point that contract rates are expecting to continue to increase, TJJD population continues to drop and that county level of funding is inappropriate and needs to be moving up not down. They will also be asking for the risk and needs assessment to become part of the base funding as well as asking for an increase in regional diversion aftercare. They will also be asking for a change to the JJAEP Rider to get more stable funding.

Lou Serrano, Deputy Executive Director for Probation Services provided an update on Probation Services. Mr. Serrano provided an update on TJJD Covid 19 tracking. Through September 10, 2020, TJJD received 256 reports from county departments reporting 369 staff and 112 youth testing positive. As of September 11, 2020, nine juvenile facilities are on transfer holds. This is down from twenty four in July. Eighty-eight adult jails are also on transfer hold. There are 104 youth pending TJJD admission from thirty one county detention facilities. TJJD have begun processing some of those youth to go directly into contract care from county detention facilities.

At the beginning of FY2020 171 youth were placed in diversion placements. FY 2020 closed with 281 youth placed compared to 266 in FY 2019. A total of ninety three departments participated in the regional diversion process compared to ninety five in FY 2019. At the close of FY2020, there are twenty three youth that have been approved and are pending placement and 194 currently in diversion placement. At the time COVID-19 began, roughly 356 youth were committed to TJJD. We should finish the year with roughly 560 to 570 TJJD commitments.

Amy Miller, Director of Probation Services, provided an update on the Fluxx System. There are some security requirements that are being addressed. They are meeting virtually on this issue. Independent audit instructions will be going out to the field in a few days. Counties who are eligible for a waiver will receive an email from TJJD during the first week of October. The regionalization team has worked with the finance department to create a new RDA reimbursement process to streamline the administrative process to make it less burdensome on departments. In FY 2021, departments will not have to provide invoices for reimbursement as in the past. There will be a form that will need to be submitted monthly with youth placed and the number of days the youth were in placement during the month before and the rate that was paid.

Alan Michel, Director of Secure Facilities, reported on State services. Mr. Michel reported that there are currently 589 youth in secure facilities. As of July 1, 2020, there was a spike in confirmed COVID 19 cases including staff and youth. There was an implementation of mandatory mask wearing. Perimeters were set around quarantine units and they implemented risk levels for youth and staff. Currently, TJJD have five youth and one staff member reported positive at one location. TJJD continues to monitor youth and take necessary precautions at all locations. They are still

accepting youth at the Ron Jackson Orientation and Assessment unit. They are taking in ten to fifteen youth per week.

TDFPS Update:

Debra Emerson, DFPS Director Youth and Family Services Debra Emerson provided an update on TDFPS. She reported that based on a federal court order issued in March 2020, TDFPS implemented heightened monitoring for residential childcare operations and for child placement agencies that have a high risk of contract and licensing standard violations for three of the past five years. This will include an in-depth assessment of every operation on heighten monitoring and will develop a customized plan to address concerning issues. This will also include unannounced visits. Operations will remain on the heightened monitoring plan for a minimum of one year.

Due to ongoing litigation regarding the lawsuit, TDFPS have had a reduction in the number of residential contractors. They are able to find placements however the length of time it takes to actually get the kids in have increased which have made it very difficult.

Sub Committee Reports:

Lou Serrano provided an update on Chapter 353 Workgroup. He reported that the Workgroup have completed their work. The goal is to present recommendations to the board at the October TJJJ Board meeting.

Chairman Cockrell reported on the Funding Formula Committee. The Funding Formula Committee have not met since the beginning of the pandemic. The group will look to reconvene meeting in the near future.

Ryan Bristow provided an update on information sharing among counties statewide. He is still working with Non-JCMS, Techshare counties and two representatives of JCMS counties to work on sharing information. He is waiting to hear back from the Techsharing counties to discuss the proposal of how data will be shared. He is working on subsequent meeting to discuss any concerns or additional proposals. He reported that all but six counties have signed and returned the PACT agreements. They have just began to review the data.

New Business:

Amy Miller provided a report on the Governor's Office request for TJJJ to carry forward the reduction of funding by 5% for FY 2022-2023 Biennium. It has not been confirmed as to whether this will actually take place. TJJJ looked at the FY 2020-2021 plan and decided to keep that plan intact. She reported that the total reduction will total approximately \$7.4 Million. TJJJ is proposing that \$6 million come from eliminating Prevention and Intervention Funds and \$1.4 million come from commitment diversion strategies. She also reported that JJAEP's are looking at a possible reduction of \$625,000 for the Biennium. This will be \$312,500 per year.

Old Business:

NONE

Public Comment:

NONE

Advisory Council Member Updates and Announcements:

NONE

Next Meeting:

The next scheduled meeting of the TJJJ Advisory Council on Juvenile Services is scheduled to be a virtual meeting to be held on Friday, December 4, 2020 at 10:00 a.m.

Meeting Adjourned – at 11:45 a.m

Q4 Fiscal Year 2020

Incident Reporting Center	Totals
Total Inbound Calls to the Incident Reporting Center	11345
Complaints Entered for County Abuse/Neglect/Exploitation	698
After Hours Calls for the Office of Independent Ombudsman	88
Calls Regarding Other State Business	5902

Criminal Investigation

Facilities	EJC	GNS	GID	MART	RJ	Ayres	BWH	KARYN	McFad	Schf	Tamayo	Will	Contract	Parole	Other	Total
Complaints Entered by IRC	769	425	1337	732	736	27	2	30	22	23	20	13	36	153	201	4657
Investigation																
Opened Cases	55	39	51	33	82	2	0	1	7	3	3	1	2	68	1	376
Closed Cases	75	39	67	42	87	11	2	0	7	3	7	7	3	65	2	426
Types of Investigations																
Escapes/Absconders	0	0	0	1	0	2	0	0	6	3	3	1	0	67	1	85
Assaults on Other Youth	1	2	2	1	0	0	0	0	1	0	0	0	0	0	0	7
Assaults on Employees	33	24	31	15	63	0	0	0	0	0	0	0	1	0	0	188
Organized Crime(Gang Intelligence)	13	1	1	0	0	0	0	0	0	0	0	0	0	0	0	17
Abuse of Office	0	1	6	1	4	0	0	0	0	0	0	0	0	0	0	14
Narcotics or Contraband	2	1	8	6	1	0	0	1	0	0	0	0	0	0	0	19
Sexual Abuse	4	9	3	4	14	0	0	0	0	0	0	0	0	0	0	36
Other	2	1	0	5	0	0	0	0	0	0	0	0	1	1	0	10

Prosecution Data	Total
Submitted for Prosecution	100
Special Prosecution Unit	99
District Attorney	1
PREA Cases	38
Sustained for Prosecution	4
Sustained PREA SPU Review	2
Unfounded	18
Not Sustained	14
Indictments	61
Convictions	33
Declinations	57
Taken Into Consideration	58
Dismissals	14
Arrests (Non-DTA)	56
DTA Issued	85
DTA Apprehended by OIG	1
DTA Apprehended w/OIG Assist	3
DTA Apprehended by Other Agency	47



Total number, and type, of suspects involved in OIG-CID criminal sexual allegation investigations
Q4 FY 20 (6/1/2020 - 8/31/2020): 64

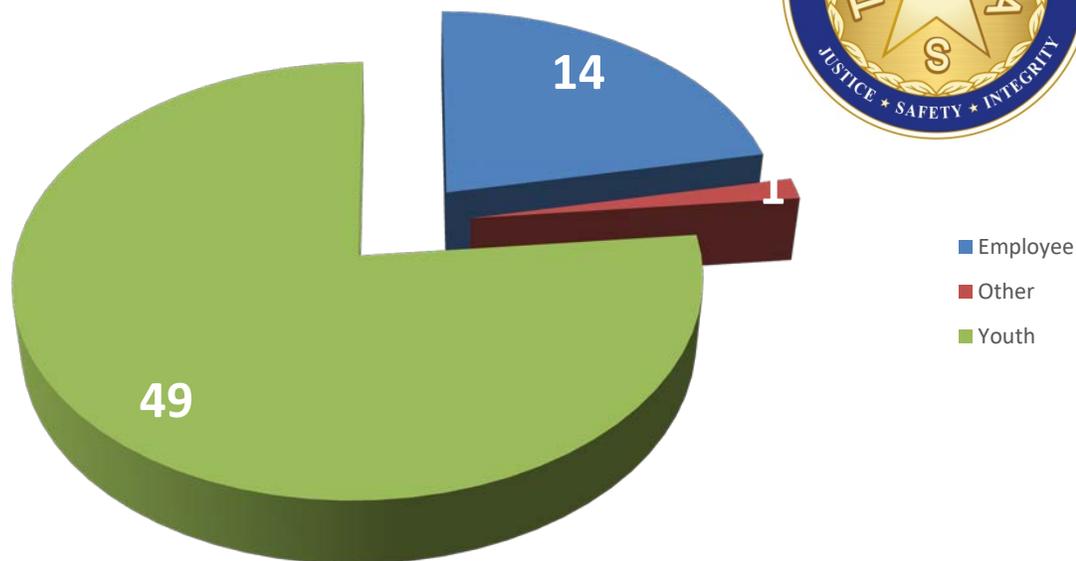


Figure 1 - Sexual Abuse Cases Suspect Types

Other:

It was alleged an unknown number of female offenders held another offender down and made “hickies” on the offender’s body.

Employee:

A female staff member was observed kissing a male offender in a case manager’s office. Another female staff member was seen bringing the male offenders out of their rooms and bringing them to the office.

A male staff member allegedly grabbed the buttocks of a female offender in the weight room.

It was alleged a female staff member entered the room of a female offender and digitally penetrated her on multiple occasions.

It was alleged a female staff member asked a male youth offender to show her his penis and threatened to force him if he did not comply.

An LVN was reported to be having an inappropriate relationship with a male TJJD offender. The suspect allegedly had the offender mail letters to a friend to relay them to her.

A TJJD offender reported he was anally penetrated by a male staff member.

It was alleged a staff member was not in her assigned area when two TJJD offenders engaged in an inappropriate sexual act.

A male staff member entered the room of a female offender and touched her between her legs.

A youth offender alleged a male staff member grabbed his penis and ripped his boxers during a restraint.

Two staff members are alleged to have walked into a room where female offenders were engaging in inappropriate sexual contact and did nothing.

It was alleged by a youth offender that a staff member allowed a female offender to digitally penetrate another female offender.

It was alleged a male staff member grabbed a male offender in an inappropriate manner while in a supply closet.

Total number of arrests made by OIG-CID and stemming from criminal investigations
Q4 FY 20 (6/1/2020 - 8/31/2020): 56

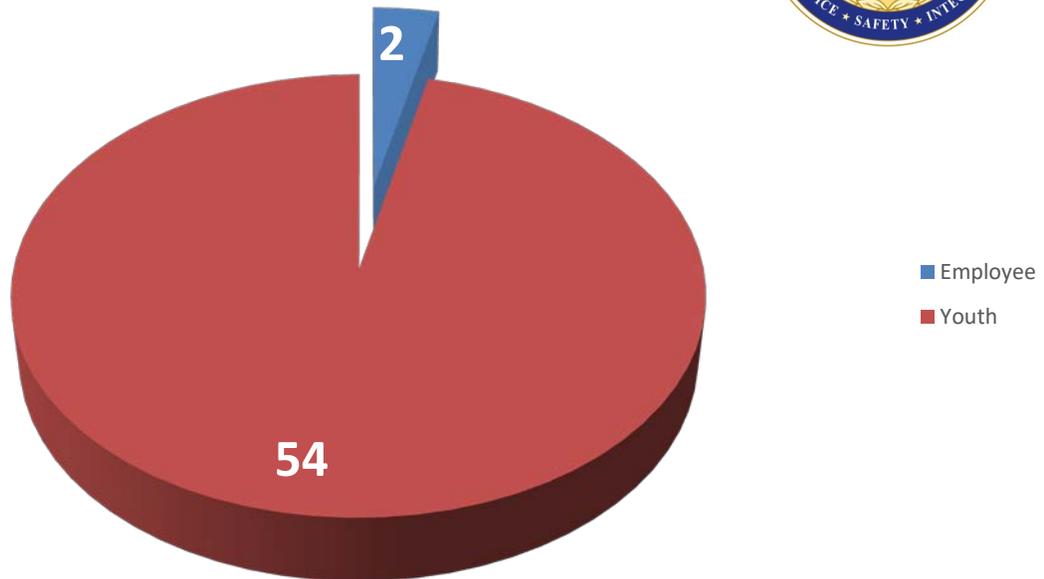


Figure 2 - Arrests by Suspect Type

Total number of arrests of Staff Offenders
made by OIG-CID by offense type
Q4 FY 20 (6/1/2020 - 8/31/2020): 2

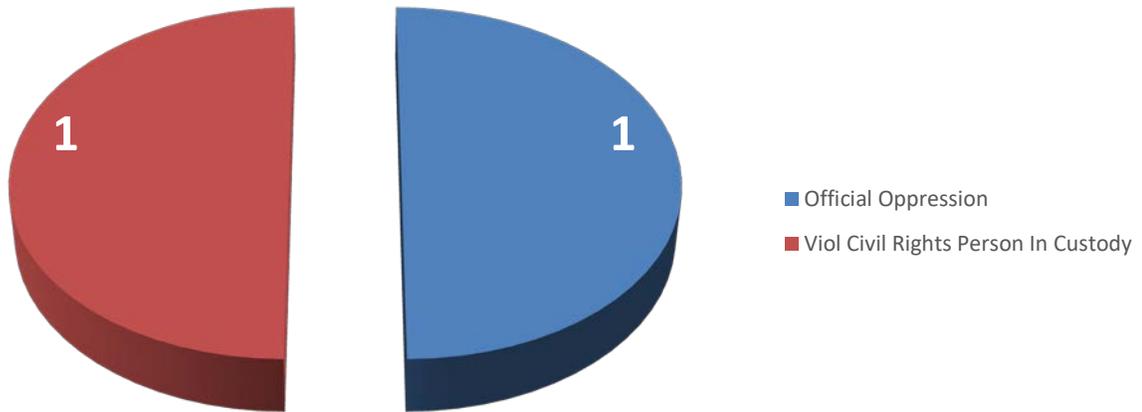


Figure 3 - Cases for Arrested Staff

Total number of arrests of Youth Offenders
made by OIG-CID by offense type
Q4 FY 20 (6/1/2020 - 8/31/2020): 54

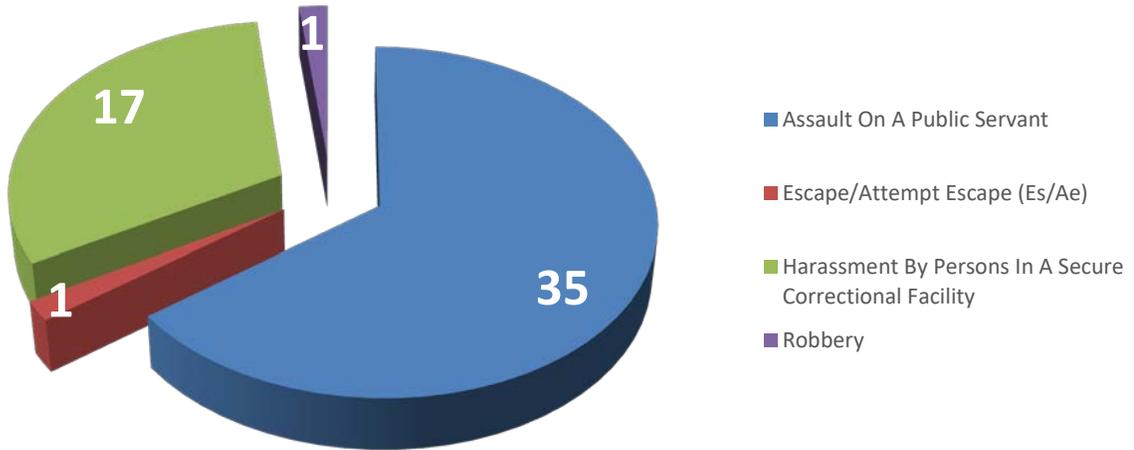


Figure 4 - Cases for Arrested Youth

Texas Juvenile Justice Department
Office of the Inspector General
Administrative Investigations – State
Q4FY20 (6/1/2020 – 8/31/2020)



	FY 2019	FY 2020
Abuse	137	111
Neglect	51	44
Exploitation	4	1
Policy Violations/Fraud, Waste or Abuse/HR Title VII	40	10
Total Investigations Opened During the Reporting Timeframe	232	166

	FY 2019	FY 2020
Confirmed	93	36
Exonerated	2	4
Unfounded	185	110
Unable to Determine	16	8
Under Investigation	134	65
Total Investigations Closed During the Reporting Time Frame	296	158
Total Investigations Opened and Closed During the Reporting Time Frame	195	139
Average Days to Closure	115	62

Disposition Definitions

Confirmed – an investigation established the allegation did occur.

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

**Texas Juvenile Justice Department
Office of the Inspector General
Administrative Investigations – State
Q4FY20 (6/1/2020 – 8/31/2020)**



SECURE FACILITY	FY 2019	FY 2020
EVINS	Total	Total
Abuse	15	18
Neglect	3	11
Exploitation	0	1
PV/FWA/HR VII	9	0
SUB TOTAL	27	30
EVINS PHX	Total	Total
Abuse	0	7
Neglect	0	2
Exploitation	0	0
PV/FWA/HR VII	0	0
SUB TOTAL	0	9
GAINESVILLE		
Abuse	13	12
Neglect	3	11
Exploitation	0	0
PV/FWA/HR VII	7	0
SUB TOTAL	23	23
GIDDINGS		
Abuse	37	32
Neglect	18	8
Exploitation	0	0
PV/FWA/HR VII	14	5
SUB TOTAL	69	45
MCLENNAN II		
Abuse	19	12
Neglect	17	4
Exploitation	4	0
PV/FWA/HR VII	0	1
SUB TOTAL	40	17
MCLENNAN RTC		
Abuse	5	0
Neglect	4	0
Exploitation	0	0
PV/FWA/HR VII	0	0
SUB TOTAL	9	0
MCLENNAN PHX		
Abuse	4	2
Neglect	0	0
Exploitation	0	0
PV/FWA/HR VII	0	0
SUB TOTAL	4	2
RON JACKSON		
Abuse	26	26
Neglect	6	8
Exploitation	0	0
PV/FWA/HR VII	9	0
SUB TOTAL	41	34

HALFWAY HOUSE	FY 2019	FY 2020
AYRES HOUSE		
A/N/E/PV/FWA/VII	2-A	0
BROWNWOOD HOUSE		
A/N/E/PV/FWA/VII	0	0
KARYN HOUSE		
A/N/E/PV/FWA/VII	0	1-A/4-HR-VII
MCFADDEN RANCH		
A/N/E/PV/FWA/VII	3-A	1-A
SCHAEFFER HOUSE		
A/N/E/PV/FWA/VII	0	0
TAMAYO HOUSE		
A/N/E/PV/FWA/VII	0	0
WILLOUGHBY HOUSE		
A/N/E/PV/FWA/VII	0	0
TOTAL	5	6
CONTRACT CARE	FY 2019	FY 2020
AMIKIDS		
A/N/E/PV/FWA/VII	0	0
BYRD'S		
A/N/E/PV/FWA/VII	0	0
GARZA COUNTY		
A/N/E/PV/FWA/VII	0	0
GIOCOSA		
A/N/E/PV/FWA/VII	0	0
GULF COAST		
A/N/E/PV/FWA/VII	5-A	0
KRAUSE		
A/N/E/PV/FWA/VII	0	0
PEGASUS		
A/N/E/PV/FWA/VII	0	0
RITE OF PASSAGE F		
A/N/E/PV/FWA/VII	0	0
RITE OF PASSAGE M		
A/N/E/PV/FWA/VII	4-A	0
TRUECORE		
A/N/E/PV/FWA/VII	4-A/1-PV	0
TOTAL	14	0

Texas Juvenile Justice Department
Office of the Inspector General
Administrative Investigations - County
Q4FY20



Reports Received by Report Type*

Report Type	From 6/1/2019 To 8/31/2019	From 6/1/2020 To 8/31/2020
Grievance	604	587
Serious Incidents	237	129
Non-Reportable	146	84
Abuse, Neglect & Exploitation Cases	66	58
Other	41	25
Complaint	22	19
Duplicate	17	11
Non-Jurisdiction	31	11
Standards Violation	8	5
Total Reports Received	1,172	929

Reports Received by Program Type*

Program Type	From 6/1/2019 To 8/31/2019	From 6/1/2020 To 8/31/2020
Pre-Adjudication (Detention)	671	551
Post-Adjudication (Secure)	371	328
Post-Adjudication (Non Secure)	99	33
Probation	15	14
Unknown	13	3
JJAEP	3	0
Total Reports Received	1,172	929

Texas Juvenile Justice Department
Office of the Inspector General
Administrative Investigations - County
Q4FY20



ANE Investigations by Type of Complaint and Assessed Date*		
Complaint Type	From 6/1/2019 To 8/31/2019	From 6/1/2020 To 8/31/2020
Neglect - Supervisory	7	10
Physical Abuse - Non-Restraint	14	16
Physical Abuse - Physical Restraint	34	31
Serious Physical Abuse	5	6
Sexual Abuse - Contact	11	5
Sexual Abuse - Non-Contact	6	6
Verbal Abuse	1	0
Emotional Abuse	0	1
Physical Abuse - Mechanical Restraint	0	3
Neglect - Medical	0	2
Total Investigations Assessed	78	80

Serious Incidents by Type of Complaint and Assessed Date*		
Complaint Type	From 6/1/2019 To 8/31/2019	From 6/1/2020 To 8/31/2020
Attempted Escape	5	0
Attempted Suicide	102	37
Escape	6	1
Escape-Furlough	9	0
Reportable Injury	26	18
Youth On Youth Assault - Physical	10	11
Youth on Youth Sexual Conduct	80	62
Total	238	129

Texas Juvenile Justice Department
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Administrative Investigations - County
Q4FY20



ANE Investigations by TJJD Actions*		
Action	From 6/1/2019 To 8/31/2019	From 6/1/2020 To 8/31/2020
Baseless Allegation	1	0
Concur With Internal Investigation Disp	6	0
Does Not Meet Abuse/Neglect Definition	8	0
Reason To Believe	10	0
Ruled Out	49	0
Unable To Determine	4	2
Pending	0	23
Confirmed	0	14
Unfounded	0	41
Total Investigations Opened in Timeframe	78	80
Total Investigations Pending	0	23
Total Investigations Completed in Timeframe	111	85
Total Investigations Opened and Completed	14	42
Average Days to Close	109	45

ANE Investigations by Local Entity Actions*		
Action	From 6/1/2019 To 8/31/2019	From 6/1/2020 To 8/31/2020
Administrative Leave	3	2
None	55	46
Re-trained	11	3
Resigned	2	0
Terminated	7	4
Pending	0	23
Reprimanded	0	2
Total Investigations Opened in Timeframe	78	80

*The number of "cases" opened or reports received may not match the number of ANE investigations and/or dispositions as investigations and dispositions are reported by perpetrator and/or victim, and in some cases there may be multiple perpetrators and/or victims.

**The individual counts for ANE investigations by TJJD actions are listed based on a cases assessed date. Totals for cases completed and pending are at an aggregate level.

***Effective 9/1/19 "Confirmed" replaced the disposition Reason To Believe and "Unfounded" replaced the disposition Ruled Out.

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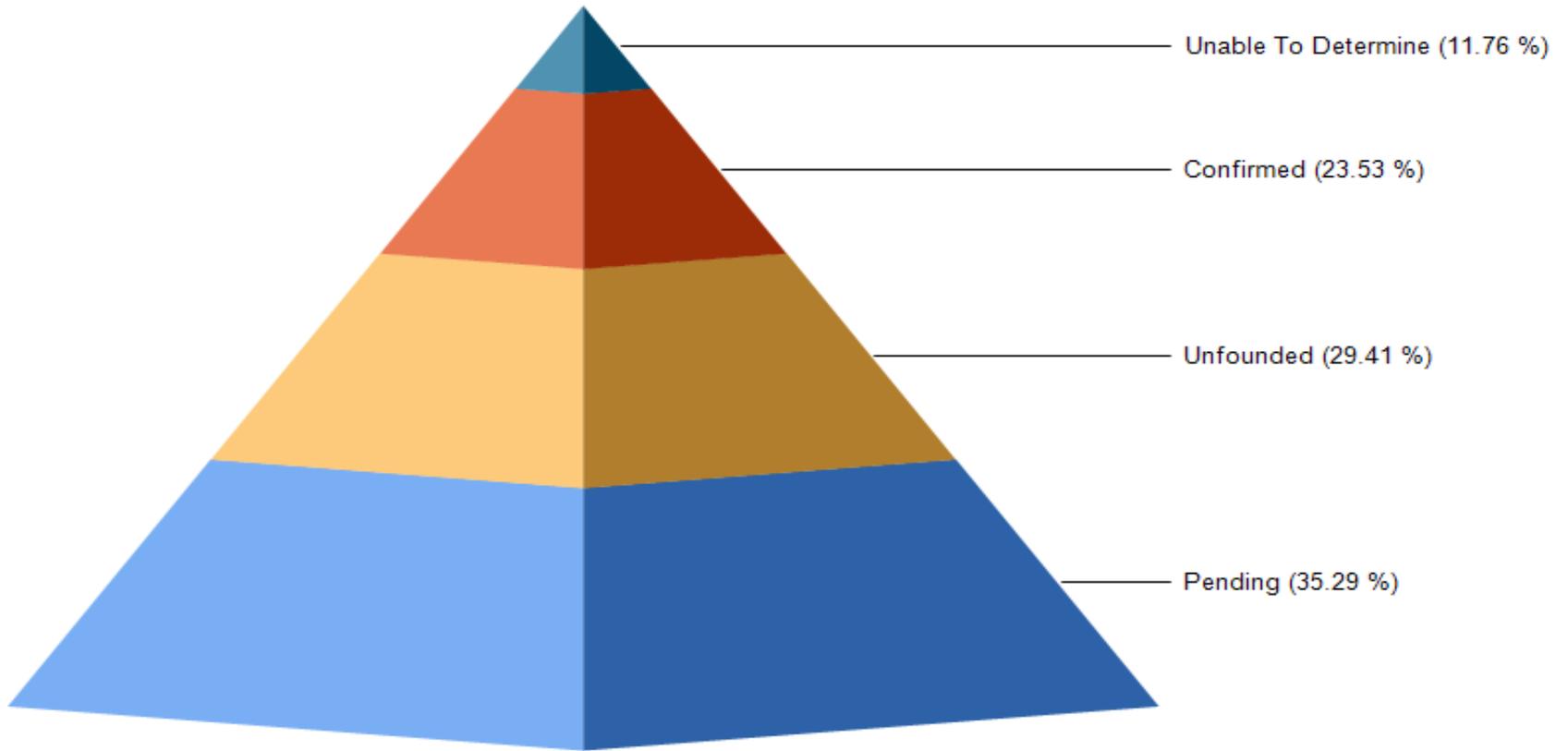
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Administrative Investigations - County

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TJJD Dispositions for Sexual Abuse-Related ANE Investigations



Texas Juvenile Justice Department

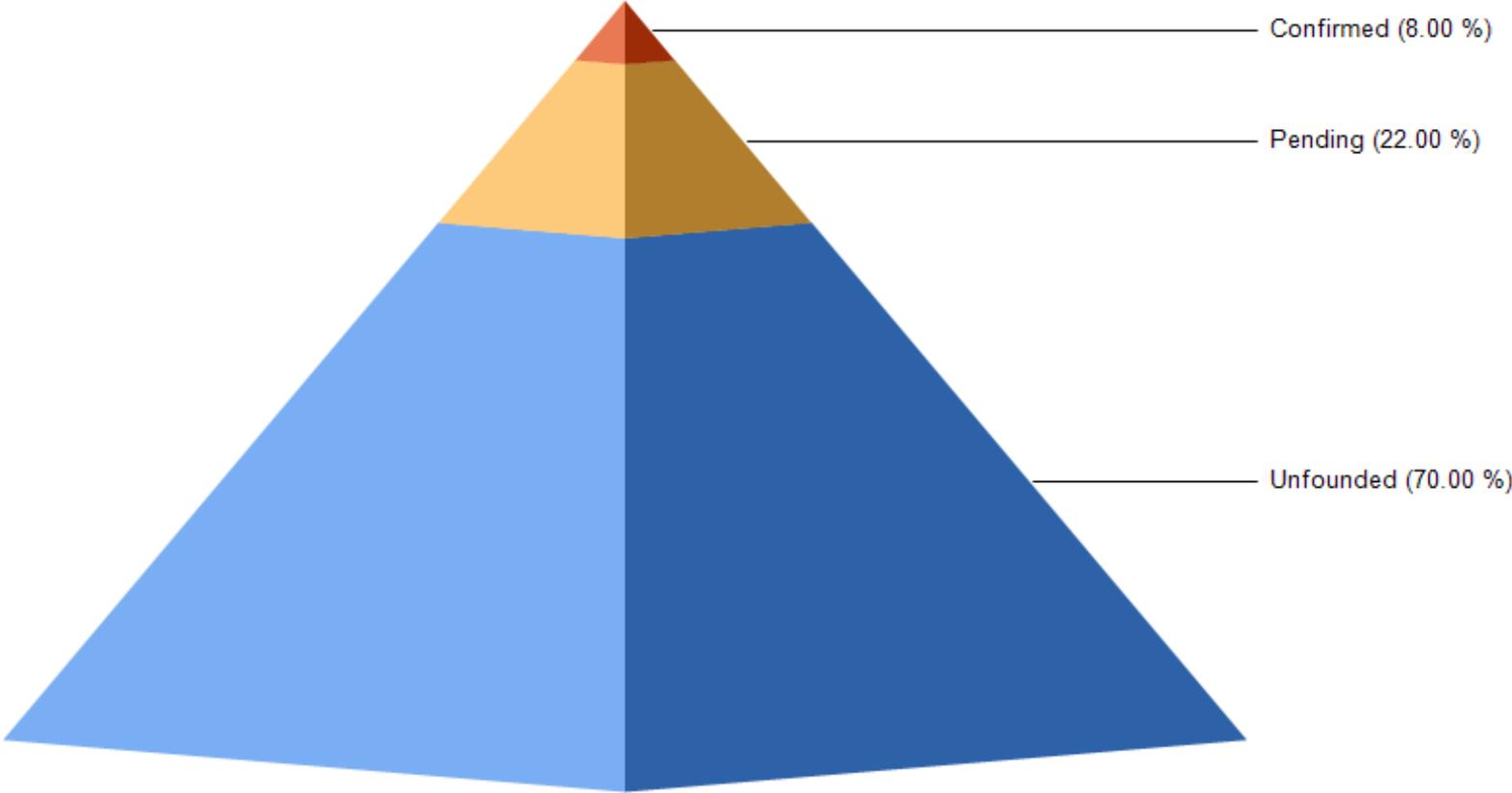
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Administrative Investigations - County

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TJJD Dispositions for Physical Abuse-Related ANE Investigations



Texas Juvenile Justice Department

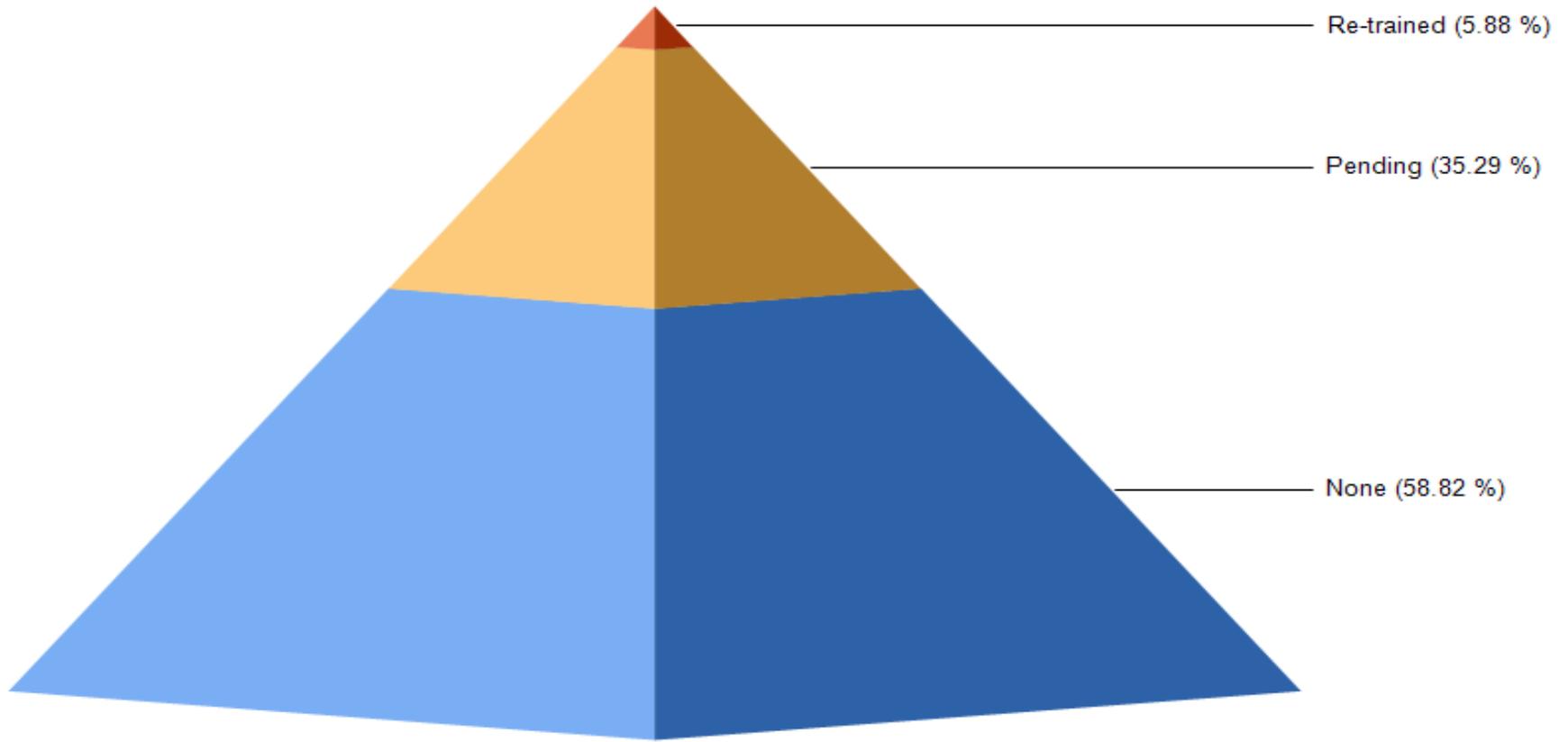
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Local Dispositions for Sexual Abuse-Related ANE Investigations



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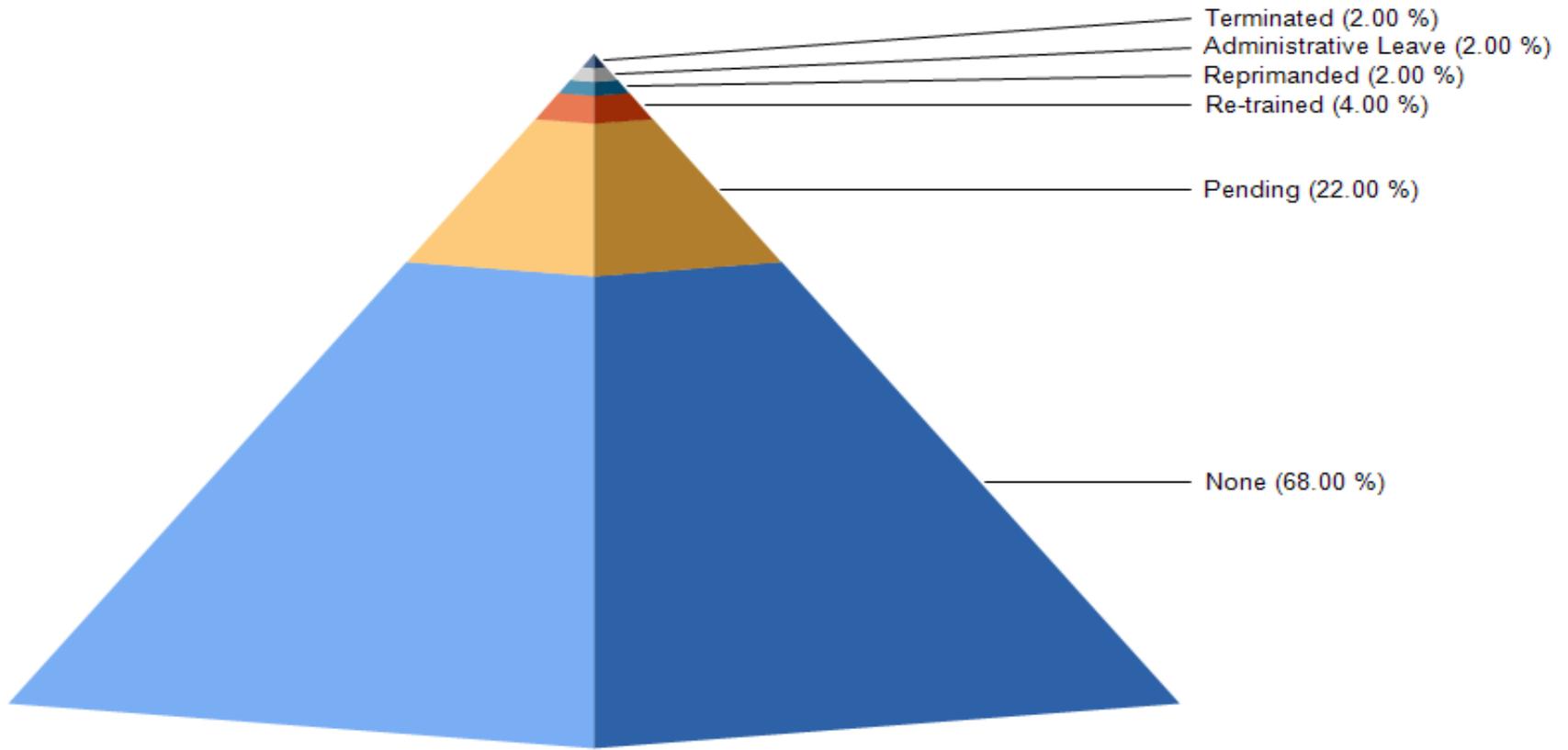
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Administrative Investigations - County

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Local Dispositions for Physical Abuse-Related ANE Investigations



**Texas Juvenile Justice Department
Office of the Inspector General
Administrative Investigations - County
Q4FY20**



Reports Received by County and Facility*		Abuse, Neglect, Exploitation	Complaint	Duplicate	Grievance	Non-Jurisdiction	Non-Reportable	Other	Serious Incident	Standards Violation	Total
ANGELINA	ANGELINA COUNTY JUVENILE DETENTION CENTER (11)	0	0	0	0	0	0	0	1	0	1
	Total ANGELINA County	0	0	0	0	0	0	0	1	0	1
ATASCOSA	ATASCOSA COUNTY JUVENILE JUSTICE CENTER (40)	0	0	0	0	1	0	0	0	0	1
	Total ATASCOSA County	0	0	0	0	1	0	0	0	0	1
BELL	BELL COUNTY JUVENILE SERVICES CENTER (35)	0	1	0	0	0	0	0	0	0	1
	Total BELL County	0	1	0	0	0	0	0	0	0	1
BEXAR	BEXAR COUNTY JUVENILE DETENTION CENTER (278)	13	0	3	34	2	4	1	19	1	77
	CYNDI TAYLOR KRIER JUVENILE CORRECTIONAL TREATMENT (96)	0	0	0	13	0	0	0	3	0	16
	Total BEXAR County	13	0	3	47	2	4	1	22	1	93
BRAZOS	R. J. HOLMGREEN JUVENILE JUSTICE CENTER (48)	1	0	0	0	0	0	0	0	0	1
	Total BRAZOS County	1	0	0	0	0	0	0	0	0	1
BROWN	THE OAKS BROWNWOOD (N/A)	2	0	1	144	0	1	1	10	0	159
	Total BROWN County	2	0	1	144	0	1	1	10	0	159
CAMERON	DARRELL B. HESTER JUVENILE JUSTICE CENTER (61)	1	0	0	7	0	3	0	4	0	15
	Total CAMERON County	1	0	0	7	0	3	0	4	0	15
COLLIN	JOHN R. ROACH JUVENILE DETENTION CENTER (144)	0	0	0	4	0	0	0	1	0	5
	Total COLLIN County	0	0	0	4	0	0	0	1	0	5
DALLAS	DALLAS COUNTY YOUTH VILLAGE (72)	0	0	0	10	0	0	0	0	0	10
	DR. JEROME MCNEIL JR. DETENTION CENTER (322)	0	1	1	57	0	21	1	25	1	107
	LETOT CENTER (40)	1	0	0	6	1	1	3	1	0	13
	LETOT RESIDENTIAL TREATMENT CENTER (96)	0	0	0	0	0	4	0	0	0	4
	LYLE B. MEDLOCK TREATMENT FACILITY (96)	2	0	0	7	0	1	1	0	0	11
	MARZELLE HILL TRANSITION CENTER (48)	1	0	0	3	0	1	1	0	0	6
	Total DALLAS County	4	1	1	83	1	28	6	26	1	151
DENTON	DENTON COUNTY JUVENILE DETENTION CENTER (128)	4	1	1	39	0	2	0	3	0	50
	DENTON COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	0	0	0	1	0	0	0	0	0	1
	DENTON COUNTY SECURE CORRECTIONAL FACILITY (128)	1	0	0	4	0	0	1	0	0	6
	Total DENTON County	5	1	1	44	0	2	1	3	0	57
ECTOR	ECTOR COUNTY YOUTH CENTER (21)	0	0	0	23	0	0	0	1	0	24
	Total ECTOR County	0	0	0	23	0	0	0	1	0	24
EL PASO	SAMUEL F. SANTANA CHALLENGE PROGRAM (48)	0	0	0	3	0	0	0	0	0	3
	Total EL PASO County	0	0	0	3	0	0	0	0	0	3
FORT BEND	FORT BEND COUNTY JUVENILE DETENTION CENTER (80)	0	1	0	1	0	2	0	0	0	4
	Total FORT BEND County	0	1	0	1	0	2	0	0	0	4
GALVESTON	GALVESTON COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	0	0	0	1	0	0	0	0	0	1
	JERRY J. ESMOND JUVENILE JUSTICE CENTER (29)	0	0	0	3	0	0	0	0	0	3
	Total GALVESTON County	0	0	0	4	0	0	0	0	0	4
GARZA	GARZA COUNTY REGIONAL JUVENILE CENTER (96)	0	0	0	8	0	0	0	0	0	8
	Total GARZA County	0	0	0	8	0	0	0	0	0	8
GRAYSON	GRAYSON COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	0	0	0	0	0	0	1	0	0	1
	GRAYSON COUNTY POST-ADJUDICATION FACILITY (85)	0	0	0	5	0	0	0	0	0	5
	TEXAS MONARCH ACADEMY FOR GIRLS (N/A)	0	0	0	0	1	0	1	0	0	2
	Total GRAYSON County	0	0	0	5	1	0	1	0	0	8
GUADALUPE	GUADALUPE COUNTY JUVENILE DETENTION CENTER (39)	0	0	0	0	0	1	1	0	0	2
	Total GUADALUPE County	0	0	0	0	0	1	1	0	0	2
HARRIS	BURNETT BAYLAND REHABILITATION CENTER (144)	1	0	0	0	0	5	1	2	0	9
	HARRIS COUNTY JUVENILE JUSTICE CENTER (250)	9	1	0	18	0	14	3	9	0	54
	HARRIS COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	2	1	0	0	1	2	0	0	0	6
	LEADERSHIP ACADEMY (96)	0	0	0	6	0	1	0	0	0	7
	Total HARRIS County	12	2	0	24	1	22	4	11	0	76
HARRISON	WILLOUGHBY JUVENILE SERVICES (26)	0	0	0	1	0	2	1	0	0	4
	Total HARRISON County	0	0	0	1	0	2	1	0	0	4
HAYS	HAYS COUNTY JUVENILE POST-DETENTION CENTER (114)	0	0	0	2	0	0	0	4	1	7
	HAYS COUNTY JUVENILE PRE-DETENTION CENTER (34)	0	0	0	1	0	0	0	1	0	2
	Total HAYS County	0	0	0	3	0	0	0	5	1	9
HIDALGO	JUDGE MARIO E. RAMIREZ JR. JUVENILE JUSTICE CENTER (96)	1	1	1	6	1	0	2	9	0	21
	JUDGE MARIO E. RAMIREZ, JR. JUVENILE JUSTICE CENTE (40)	0	0	0	1	0	2	0	1	0	4
	Total HIDALGO County	1	1	1	7	1	2	2	10	0	25
HOOD	LAKE GRANBURY YOUTH SERVICES (96)	5	3	2	86	0	0	0	12	0	108
	Total HOOD County	5	3	2	86	0	0	0	12	0	108
JEFFERSON	MINNIE ROGERS JUVENILE JUSTICE CENTER (48)	1	0	0	0	0	0	0	0	0	1
	Total JEFFERSON County	1	0	0	0	0	0	0	0	0	1
KLEBERG	KLEBERG COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	0	0	0	0	0	0	1	0	0	1
	Total KLEBERG County	0	0	0	0	0	0	1	0	0	1
LUBBOCK	LUBBOCK COUNTY JUVENILE JUSTICE CENTER (49)	2	2	0	7	0	0	0	0	0	11
	Total LUBBOCK County	2	2	0	7	0	0	0	0	0	11
MCLENNAN	BILL LOGUE JUVENILE JUSTICE CENTER (80)	0	0	0	3	0	0	0	2	1	6
	MCLENNAN COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	0	0	0	0	0	0	0	1	0	1
	Total MCLENNAN County	0	0	0	3	0	0	0	3	1	7
MIDLAND	BARBARA CULVER JUVENILE DETENTION CENTER (28)	0	0	0	1	0	0	0	0	0	1
	Total MIDLAND County	0	0	0	1	0	0	0	0	0	1
MILAM	ROCKDALE REGIONAL JUVENILE JUSTICE CENTER (N/A)	0	0	0	0	0	0	1	2	0	3
	THE CENTER FOR SUCCESS AND INDEPENDENCE ROCKDALE A (41)	1	1	0	2	0	0	0	4	0	8
	Total MILAM County	1	1	0	2	0	0	1	6	0	11
MONTGOMERY	MONTGOMERY COUNTY JUVENILE DETENTION CENTER (85)	0	0	0	0	0	4	0	2	0	6
	Total MONTGOMERY County	0	0	0	0	0	4	0	2	0	6
NUECES	NUECES COUNTY JUVENILE JUSTICE CENTER/OVERFLOW (60)	0	0	0	2	0	0	0	0	0	2
	NUECES COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	0	0	0	1	0	0	0	0	0	1
	ROBERT N. BARNES REGIONAL JUVENILE FACILITY (96)	0	0	0	17	0	0	1	1	0	19
	Total NUECES County	0	0	0	20	0	0	1	1	0	22
RANDALL	THE YOUTH CENTER OF THE HIGH PLAINS (48)	1	0	0	3	0	4	1	1	0	10
	Total RANDALL County	1	0	0	3	0	4	1	1	0	10
SAN PATRICIO	SAN PATRICIO COUNTY JUVENILE DETENTION CENTER (20)	0	0	0	1	0	0	0	0	0	1
	Total SAN PATRICIO County	0	0	0	1	0	0	0	0	0	1
SMITH	SMITH COUNTY JUVENILE DETENTION CENTER (69)	0	0	0	1	0	0	0	0	0	1
	Total SMITH County	0	0	0	1	0	0	0	0	0	1
TARRANT	LYNN W. ROSS JUVENILE DETENTION CENTER (120)	2	0	0	22	0	0	0	1	0	25
	Total TARRANT County	2	0	0	22	0	0	0	1	0	25
TAYLOR	TAYLOR COUNTY JUVENILE DETENTION CENTER (22)	0	2	1	4	0	6	0	1	1	15
	Total TAYLOR County	0	2	1	4	0	6	0	1	1	15
TOM GREEN	TOM GREEN COUNTY JUVENILE DETENTION CENTER (25)	1	0	0	14	0	0	0	0	0	15
	Total TOM GREEN County	1	0	0	14	0	0	0	0	0	15
TRAVIS	GARDNER-BETTS JUVENILE JUSTICE CENTER (120)	1	0	0	6	0	0	1	1	0	9
	MEURER INTERMEDIATE SANCTIONS CENTER (118)	5	0	1	3	0	0	1	4	0	14
	Total TRAVIS County	6	0	1	9	0	0	2	5	0	23
Unknown	(N/A)	0	0	0	0	2	0	0	1	0	3
	Total Unknown County	0	0	0	0	2	0	0	1	0	3
VAN ZANDT	VAN ZANDT COUNTY MULTI-YOUTH CENTER (16)	0	0	0	1	0	0	0	1	0	2
	Total VAN ZANDT County	0	0	0	1	0	0	0	1	0	2
VICTORIA	VICTORIA COUNTY JUVENILE JUSTICE CENTER (72)	0	4	0	2	0	0	1	0	0	7
	Total VICTORIA County	0	4	0	2	0	0	1	0	0	7
WALKER	WALKER COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	0	0	0	0	1	0	0	0	0	1
	Total WALKER County	0	0	0	0	1	0	0	0	0	<

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ANE Investigations by County and Facility*		Emotional Abuse	Neglect - Medical	Neglect - Supervisory	Physical Abuse - Mechanical Restraint	Physical Abuse - Non-Restraint	Physical Abuse - Physical Restraint	Serious Physical Abuse	Sexual Abuse - Contact	Sexual Abuse - Non-Contact	Total
BEXAR	BEXAR COUNTY JUVENILE DETENTION CENTER (278)	0	0	1	0	0	7	1	4	2	15
	Total BEXAR County	0	0	1	0	0	7	1	4	2	15
BRAZOS	R. J. HOLMGREEN JUVENILE JUSTICE CENTER (48)	0	0	0	0	0	1	0	0	0	1
	Total BRAZOS County	0	0	0	0	0	1	0	0	0	1
BROWN	THE OAKS BROWNWOOD (N/A)	0	2	0	3	0	0	0	0	0	5
	Total BROWN County	0	2	0	3	0	0	0	0	0	5
CAMERON	DARRELL B. HESTER JUVENILE JUSTICE CENTER (61)	0	0	1	0	0	0	0	0	0	1
	Total CAMERON County	0	0	1	0	0	0	0	0	0	1
DALLAS	LETOT RESIDENTIAL TREATMENT CENTER (96)	0	0	0	0	0	1	0	0	0	1
	LYLE B. MEDLOCK TREATMENT FACILITY (96)	0	0	0	0	0	4	0	0	0	4
	MARZELLE HILL TRANSITION CENTER (48)	0	0	0	0	0	0	0	0	1	1
	Total DALLAS County	0	0	0	0	0	5	0	0	1	6
DENTON	DENTON COUNTY JUVENILE DETENTION CENTER (128)	0	0	0	0	1	6	0	0	0	7
	DENTON COUNTY SECURE CORRECTIONAL FACILITY (128)	0	0	0	0	1	0	0	0	0	1
	Total DENTON County	0	0	0	0	2	6	0	0	0	8
HARRIS	BURNETT BAYLAND REHABILITATION CENTER (144)	0	0	0	0	1	0	0	0	0	1
	HARRIS COUNTY JUVENILE JUSTICE CENTER (250)	0	0	0	0	7	5	3	0	0	15
	Total HARRIS County	0	0	0	0	8	5	3	0	0	16
HIDALGO	JUDGE MARIO E. RAMIREZ JR. JUVENILE JUSTICE CENTER (96)	0	0	1	0	0	0	0	0	0	1
	Total HIDALGO County	0	0	1	0	0	0	0	0	0	1
HOOD	LAKE GRANBURY YOUTH SERVICES (96)	1	0	1	0	1	2	0	0	1	6
	Total HOOD County	1	0	1	0	1	2	0	0	1	6
JEFFERSON	MINNIE ROGERS JUVENILE JUSTICE CENTER (48)	0	0	1	0	0	0	0	0	0	1
	Total JEFFERSON County	0	0	1	0	0	0	0	0	0	1
LUBBOCK	LUBBOCK COUNTY JUVENILE JUSTICE CENTER (49)	0	0	0	0	4	0	0	0	0	4
	Total LUBBOCK County	0	0	0	0	4	0	0	0	0	4
MILAM	THE CENTER FOR SUCCESS AND INDEPENDENCE ROCKDALE A (65)	0	0	0	0	0	1	0	0	0	1
	Total MILAM County	0	0	0	0	0	1	0	0	0	1
RANDALL	THE YOUTH CENTER OF THE HIGH PLAINS (48)	0	0	1	0	0	0	0	0	0	1
	Total RANDALL County	0	0	1	0	0	0	0	0	0	1
TARRANT	LYNN W. ROSS JUVENILE DETENTION CENTER (120)	0	0	4	0	0	1	0	0	0	5
	Total TARRANT County	0	0	4	0	0	1	0	0	0	5
TOM GREEN	TOM GREEN COUNTY JUVENILE DETENTION CENTER (25)	0	0	0	0	0	0	2	0	0	2
	Total TOM GREEN County	0	0	0	0	0	0	2	0	0	2
TRAVIS	MEURER INTERMEDIATE SANCTIONS CENTER (118)	0	0	0	0	1	3	0	1	2	7
	Total TRAVIS County	0	0	0	0	1	3	0	1	2	7
Total Statewide		1	2	10	3	16	31	6	5	6	80

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Serious Incidents by County and Facility*		Attempted Suicide	Escape	Reportable Injury	Youth On Youth Assault - Physical	Youth on Youth Sexual Conduct	Total
ANGELINA	ANGELINA COUNTY JUVENILE DETENTION CENTER (11)	0	0	0	0	1	1
	Total ANGELINA County	0	0	0	0	1	1
BEXAR	BEXAR COUNTY JUVENILE DETENTION CENTER (278)	0	1	2	0	16	19
	CYNDI TAYLOR KRIER JUVENILE CORRECTIONAL TREATMENT (96)	0	0	0	0	3	3
	Total BEXAR County	0	1	2	0	19	22
BROWN	THE OAKS BROWNWOOD (N/A)	0	0	2	1	7	10
	Total BROWN County	0	0	2	1	7	10
CAMERON	DARRELL B. HESTER JUVENILE JUSTICE CENTER (61)	4	0	0	0	0	4
	Total CAMERON County	4	0	0	0	0	4
COLLIN	JOHN R. ROACH JUVENILE DETENTION CENTER (144)	0	0	0	0	1	1
	Total COLLIN County	0	0	0	0	1	1
DALLAS	DR. JEROME MCNEIL JR. DETENTION CENTER (322)	13	0	1	7	4	25
	LETOT CENTER (40)	1	0	0	0	0	1
	Total DALLAS County	14	0	1	7	4	26
DENTON	DENTON COUNTY JUVENILE DETENTION CENTER (128)	0	0	0	1	2	3
	Total DENTON County	0	0	0	1	2	3
ECTOR	ECTOR COUNTY YOUTH CENTER (21)	0	0	0	0	1	1
	Total ECTOR County	0	0	0	0	1	1
GRAYSON	GRAYSON COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	0	0	1	0	0	1
	Total GRAYSON County	0	0	1	0	0	1
HARRIS	BURNETT BAYLAND REHABILITATION CENTER (144)	2	0	0	0	0	2
	HARRIS COUNTY JUVENILE JUSTICE CENTER (250)	3	0	4	0	2	9
	Total HARRIS County	5	0	4	0	2	11
HAYS	HAYS COUNTY JUVENILE POST-DETENTION CENTER (114)	1	0	1	0	2	4
	HAYS COUNTY JUVENILE PRE-DETENTION CENTER (34)	0	0	0	0	1	1
	Total HAYS County	1	0	1	0	3	5
HIDALGO	JUDGE MARIO E. RAMIREZ JR. JUVENILE JUSTICE CENTER (96)	3	0	0	0	6	9
	JUDGE MARIO E. RAMIREZ, JR. JUVENILE JUSTICE CENTE (40)	1	0	0	0	0	1
	Total HIDALGO County	4	0	0	0	6	10
HOOD	LAKE GRANBURY YOUTH SERVICES (96)	3	0	2	0	7	12
	Total HOOD County	3	0	2	0	7	12
MCLENNAN	BILL LOGUE JUVENILE JUSTICE CENTER (80)	1	0	0	1	0	2
	MCLENNAN COUNTY JUVENILE PROBATION DEPARTMENT (N/A)	1	0	0	0	0	1
	Total MCLENNAN County	2	0	0	1	0	3
MILAM	ROCKDALE REGIONAL JUVENILE JUSTICE CENTER (N/A)	0	0	0	1	1	2
	THE CENTER FOR SUCCESS AND INDEPENDENCE ROCKDALE A (65)	0	0	2	0	2	4
	Total MILAM County	0	0	2	1	3	6
MONTGOMERY	MONTGOMERY COUNTY JUVENILE DETENTION CENTER (85)	1	0	0	0	1	2
	Total MONTGOMERY County	1	0	0	0	1	2
NUECES	ROBERT N. BARNES REGIONAL JUVENILE FACILITY (96)	0	0	0	0	1	1
	Total NUECES County	0	0	0	0	1	1
RANDALL	THE YOUTH CENTER OF THE HIGH PLAINS (48)	0	0	1	0	0	1
	Total RANDALL County	0	0	1	0	0	1
TARRANT	LYNN W. ROSS JUVENILE DETENTION CENTER (120)	1	0	0	0	0	1
	Total TARRANT County	1	0	0	0	0	1
TAYLOR	TAYLOR COUNTY JUVENILE DETENTION CENTER (22)	1	0	0	0	0	1
	Total TAYLOR County	1	0	0	0	0	1
TRAVIS	GARDNER-BETTS JUVENILE JUSTICE CENTER (120)	0	0	0	0	1	1
	MEURER INTERMEDIATE SANCTIONS CENTER (118)	1	0	1	0	2	4
	Total TRAVIS County	1	0	1	0	3	5
Unknown	(N/A)	0	0	0	0	1	1
	Total Unknown County	0	0	0	0	1	1
VAN ZANDT	VAN ZANDT COUNTY MULTI-YOUTH CENTER (16)	0	0	1	0	0	1
	Total VAN ZANDT County	0	0	1	0	0	1
Total Statewide		37	1	18	11	62	129

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ANE Investigations by County, Complaint, and TJJD Disposition Action*			Confirmed	Unable To Determine	Unfounded	Total
BEXAR	BEXAR COUNTY JUVENILE DETENTION CENTER (278)	Neglect-Related	1	0	0	1
		Physical Abuse-Related	0	0	5	5
		Sexual Abuse-Related	0	1	2	3
	Total BEXAR County		1	1	7	9
BRAZOS	R. J. HOLMGREEN JUVENILE JUSTICE CENTER (48)	Physical Abuse-Related	0	0	1	1
	Total BRAZOS County		0	0	1	1
BROWN	THE OAKS BROWNWOOD (N/A)	Neglect-Related	0	0	0	0
		Physical Abuse-Related	0	0	3	3
	Total BROWN County		0	0	3	3
CAMERON	DARRELL B. HESTER JUVENILE JUSTICE CENTER (61)	Neglect-Related	1	0	0	1
	Total CAMERON County		1	0	0	1
DALLAS	LETOT RESIDENTIAL TREATMENT CENTER (96)	Physical Abuse-Related	0	0	1	1
	LYLE B. MEDLOCK TREATMENT FACILITY (96)	Physical Abuse-Related	0	0	4	4
	MARZELLE HILL TRANSITION CENTER (48)	Sexual Abuse-Related	0	0	0	0
	Total DALLAS County		0	0	5	5
DENTON	DENTON COUNTY JUVENILE DETENTION CENTER (128)	Physical Abuse-Related	0	0	4	4
	DENTON COUNTY SECURE CORRECTIONAL FACILITY (128)	Physical Abuse-Related	0	0	0	0
	Total DENTON County		0	0	4	4
HARRIS	BURNETT BAYLAND REHABILITATION CENTER (144)	Physical Abuse-Related	0	0	1	1
	HARRIS COUNTY JUVENILE JUSTICE CENTER (250)	Physical Abuse-Related	2	0	8	10
		Sexual Abuse-Related	2	1	0	3
	Total HARRIS County		4	1	9	14
HIDALGO	JUDGE MARIO E. RAMIREZ JR. JUVENILE JUSTICE CENTER (96)	Neglect-Related	1	0	0	1
	Total HIDALGO County		1	0	0	1
HOOD	LAKE GRANBURY YOUTH SERVICES (96)	Emotional Abuse	1	0	0	1
		Neglect-Related	0	0	1	1
		Physical Abuse-Related	1	0	2	3
		Sexual Abuse-Related	0	0	0	0
	Total HOOD County		2	0	3	5
JEFFERSON	MINNIE ROGERS JUVENILE JUSTICE CENTER (48)	Neglect-Related	1	0	0	1
	Total JEFFERSON County		1	0	0	1
LUBBOCK	LUBBOCK COUNTY JUVENILE JUSTICE CENTER (49)	Physical Abuse-Related	1	0	0	1
	Total LUBBOCK County		1	0	0	1
MILAM	THE CENTER FOR SUCCESS AND INDEPENDENCE ROCKDALE A (65)	Physical Abuse-Related	0	0	1	1
	Total MILAM County		0	0	1	1
RANDALL	THE YOUTH CENTER OF THE HIGH PLAINS (48)	Neglect-Related	1	0	0	1
	Total RANDALL County		1	0	0	1
TARRANT	LYNN W. ROSS JUVENILE DETENTION CENTER (120)	Neglect-Related	0	0	0	0
		Physical Abuse-Related	0	0	1	1
	Total TARRANT County		0	0	1	1
TOM GREEN	TOM GREEN COUNTY JUVENILE DETENTION CENTER (25)	Sexual Abuse-Related	2	0	0	2
	Total TOM GREEN County		2	0	0	2
TRAVIS	MEURER INTERMEDIATE SANCTIONS CENTER (118)	Physical Abuse-Related	0	0	4	4
		Sexual Abuse-Related	0	0	3	3
	Total TRAVIS County		0	0	7	7
Total Statewide			14	2	41	57

Texas Juvenile Justice Department
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ANE Investigations by County, Complaint, and Local Disposition Action*

			Administrative Leave	None	Reprimanded	Re-trained	Terminated	Total
BEXAR	BEXAR COUNTY JUVENILE DETENTION CENTER (278)	Neglect-Related	0	1	0	0	0	1
		Physical Abuse-Related	0	5	0	0	0	5
		Sexual Abuse-Related	0	3	0	0	0	3
	Total BEXAR County			0	9	0	0	0
BRAZOS	R. J. HOLMGREEN JUVENILE JUSTICE CENTER (48)	Physical Abuse-Related	0	1	0	0	0	1
	Total BRAZOS County			0	1	0	0	0
BROWN	THE OAKS BROWNWOOD (N/A)	Neglect-Related	0	0	0	0	0	0
		Physical Abuse-Related	0	3	0	0	0	3
	Total BROWN County			0	3	0	0	0
CAMERON	DARRELL B. HESTER JUVENILE JUSTICE CENTER (61)	Neglect-Related	1	0	0	0	0	1
	Total CAMERON County			1	0	0	0	0
DALLAS	LETOT RESIDENTIAL TREATMENT CENTER (96)	Physical Abuse-Related	0	0	0	1	0	1
	LYLE B. MEDLOCK TREATMENT FACILITY (96)	Physical Abuse-Related	0	4	0	0	0	4
	MARZELLE HILL TRANSITION CENTER (48)	Sexual Abuse-Related	0	0	0	0	0	0
	Total DALLAS County			0	4	0	1	0
DENTON	DENTON COUNTY JUVENILE DETENTION CENTER (128)	Physical Abuse-Related	0	4	0	0	0	4
	DENTON COUNTY SECURE CORRECTIONAL FACILITY (128)	Physical Abuse-Related	0	0	0	0	0	0
	Total DENTON County			0	4	0	0	0
HARRIS	BURNETT BAYLAND REHABILITATION CENTER (144)	Physical Abuse-Related	0	1	0	0	0	1
		Physical Abuse-Related	0	9	1	0	0	10
		Sexual Abuse-Related	0	2	0	1	0	3
	Total HARRIS County			0	12	1	1	0
HIDALGO	JUDGE MARIO E. RAMIREZ JR. JUVENILE JUSTICE CENTER (96)	Neglect-Related	0	0	0	0	1	1
	Total HIDALGO County			0	0	0	1	1
HOOD	LAKE GRANBURY YOUTH SERVICES (96)	Emotional Abuse	0	0	1	0	0	1
		Neglect-Related	0	1	0	0	0	1
		Physical Abuse-Related	1	2	0	0	0	3
		Sexual Abuse-Related	0	0	0	0	0	0
	Total HOOD County			1	3	1	0	0
JEFFERSON	MINNIE ROGERS JUVENILE JUSTICE CENTER (48)	Neglect-Related	0	0	0	0	1	1
	Total JEFFERSON County			0	0	0	1	1
LUBBOCK	LUBBOCK COUNTY JUVENILE JUSTICE CENTER (49)	Physical Abuse-Related	0	0	0	0	1	1
	Total LUBBOCK County			0	0	0	1	1
MILAM	THE CENTER FOR SUCCESS AND INDEPENDENCE ROCKDALE A (65)	Physical Abuse-Related	0	1	0	0	0	1
	Total MILAM County			0	1	0	0	0
RANDALL	THE YOUTH CENTER OF THE HIGH PLAINS (48)	Neglect-Related	0	0	0	0	1	1
	Total RANDALL County			0	0	0	1	1
TARRANT	LYNN W. ROSS JUVENILE DETENTION CENTER (120)	Neglect-Related	0	0	0	0	0	0
		Physical Abuse-Related	0	1	0	0	0	1
	Total TARRANT County			0	1	0	0	0
TOM GREEN	TOM GREEN COUNTY JUVENILE DETENTION CENTER (25)	Sexual Abuse-Related	0	2	0	0	0	2
	Total TOM GREEN County			0	2	0	0	0
TRAVIS	MEURER INTERMEDIATE SANCTIONS CENTER (118)	Physical Abuse-Related	0	3	0	1	0	4
		Sexual Abuse-Related	0	3	0	0	0	3
	Total TRAVIS County			0	6	0	1	0
Total Statewide			2	46	2	3	4	57



Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director

Linda Butler Arrigucci, Staff Attorney

Subject: Discussion, consideration, and possible approval of a sublease between the Boys & Girls Club of Central Texas, Inc., and Trubee, Inc., regarding approximately 1,804 acres of the Parrie Haynes Ranch. (Action)

Date: October 7, 2020

The Parrie Haynes Trust (the Lessor) currently leases approximately 4,425 acres of the Parrie Haynes Ranch in Killeen, Texas (the Ranch) to the Boys & Girls Club of Central Texas, Inc., (Lessee). The lease commenced on January 1, 2016, and expires on December 31, 2030. Lessee primarily uses the ranch to provide school-age youth with daily programs and services after school and in the summer to address the areas of academic success, health lifestyles, character, and leadership development.

Article 6, Section 6.02 of the lease provides that Lessee may sublet the lease provided Lessee first obtains Lessor's express written consent. Lessee is respectfully requesting and is seeking written consent to sublease approximately 1,804 acres of the Ranch to Trubee, Inc., (proposed Sublessee) for purposes of allowing horseback riders to ride on the trails in that acreage. Trubee, Inc. anticipates that approximately 20 horses and riders will be using the trails for weekend trail rides and overnight camping activities and approximately 50-100 horses and riders will be using the trails for special event trail rides and overnight camping activities from time to time.

Trubee, Inc., entered into a fifteen year (15) sublease agreement with Lessee on December 29, 2015, regarding approximately 1,549 acres on the Ranch and is a tenant in good standing with Lessee pursuant to that sublease agreement. The 1,549 acreage is located on the eastern parcel of the Ranch. The new, proposed sublease relates to additional acreage (namely 1,804 acres) that is located on the western parcel of the Ranch.

The effective date of the proposed sublease begins January 1, 2021, and continues for a period of five years. The area contemplated by the sublease includes approximately 1,804 acres of the bird habitat, namely the golden-cheeked warbler and black-capped vireo habitats. A map of the referenced areas is attached.

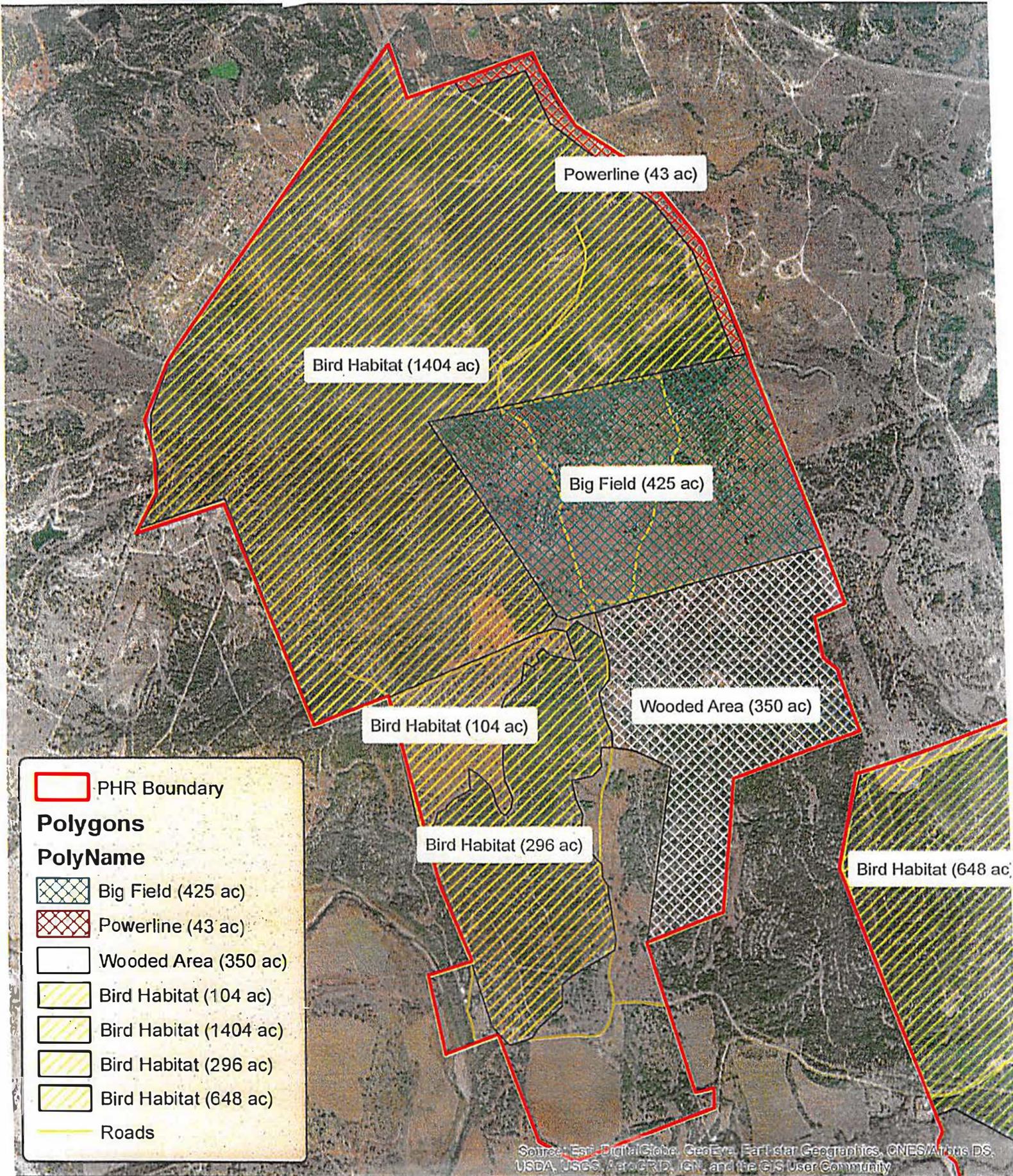
Sublessee agrees to maintain liability insurance in the amount of one million dollars (\$1M) naming TJJJ as an additional insured. Sublessee shall not be responsible for installing or maintaining fences at the Ranch. Sublessee shall have access to the area known as the cattle pens so that the horseback riders may have access to water. This access will be forty feet wide. Sublessee agrees that they shall not have any hunting rights on the property at any time and they agree to cooperate with Lessee regarding approved hunting events at the Ranch. Sublessee shall not have access to the area known as the "Hilltop Facilities." Sublessee shall cooperate with the biologist and the US Forest Service regarding any scheduled controlled burns in the leased area.

Mr. John N. Macey, wildlife biologist, has opined that the trail riding activities and overnight camping activities contemplated by the proposed sublease do not conflict and are compatible with the Wildlife Management Plan. Trubee, Inc., is going to use existing trails on the western parcel of the Ranch. Overall, the biologist feels that the environmental impact is insignificant. It is easily monitored and any issues may be addressed on an ongoing basis to avoid degradation of the habitat. Given that the trail riding will occur on mitigation lands that are subject to the US Fish and Wildlife Partners Agreement, the biologist believes that it will be important for sublessee to obtain permission from the biologist before removing any trees and/or bushes in the proposed acreage.

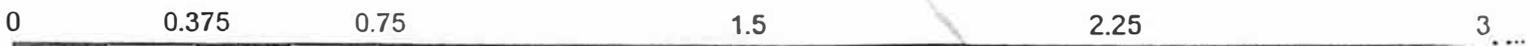
Based upon the recommendation of the wildlife biologist, TJJJ respectfully requests the Board's approval to allow Lessee to enter into a sublease with Trubee, Inc., to sublease an additional 1,804 acres of the Ranch.

Mr. Wallace Vernon, Treasurer of the Boys & Girls Club of Central Texas, Inc., and Ms. Ona Trubee, owner of Trubee Inc., will be available at the Trust Committee Meeting and the Board Meeting to review the terms and conditions of the proposed sublease and to answer any questions. Mr. John N. Macey, wildlife biologist, will also be available to answer any questions regarding the proposed sublease and its impact on the environment.

Attachment – Proposed Commercial Lease drafted by Lessee and Proposed Map



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community





**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ALLOW THE BOYS & GIRLS CLUB OF CENTRAL TEXAS, INC., TO ENTER INTO
A SUBLEASE WITH TRUBEE, INC.**

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the TJJ Board Members are trustees of the Parrie Haynes Trust (the Trust); and

WHEREAS, the Trust contains the Parrie Haynes Ranch (the Ranch) located in Killeen, Texas; and

WHEREAS, the Trust entered into a lease agreement with the Boys & Girls Club of Central Texas, Inc., (Lessee) to lease approximately 4,425 acres of the Parrie Haynes Ranch; and

WHEREAS, Lessee, has requested permission from the Board to enter into a sublease agreement with Trubee, Inc. to sublease approximately 1,804 acres of the Ranch (western parcel of the Ranch) for purposes of horseback riding on trails; and

WHEREAS, Lessee is required to comply with the terms of the Wildlife Management plan; and

WHEREAS, TJJ respectfully requests the Board’s approval to allow the Boys & Girls Club of Central Texas, Inc., to enter into a sublease agreement with Trubee, Inc., regarding the 1,804 acres of the Ranch for purposes of horseback riding on trails beginning January 1, 2021 and ending five (5) years.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the Boys & Girls Club of Central Texas, Inc., to enter into a sublease agreement with Trubee, Inc., regarding the 1,804 acres of the Ranch for purposes of horseback riding on trails beginning January 1, 2021 and ending five (5) years.

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

Signed this 23rd day of October 2020

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director

Linda Butler Arrigucci, Staff Attorney

Subject: Discussion, consideration, and possible approval of an archeological field school being conducted by Texas A&M University – Central Texas at the Priddy Cabin on the Parrie Haynes Ranch (Action)

Date: October 7, 2020

The Parrie Haynes Trust (the Trust) currently leases approximately 4,425-acres on the Parrie Haynes Ranch in Killeen, Texas (the Ranch) to the Boys & Girls Club of Central Texas, Inc., (Lessee), who in turn subleases a portion of the Ranch to Trubee, Inc. (Sublessee). On that sublet portion of the Ranch is the Priddy Cabin, a log cabin thought to be built circa 1859. It is one of the oldest, intact settlement cabins in Central Texas.

Texas A&M University - Central Texas is proposing to conduct another archaeological field school (field school or Project) at the Priddy Cabin. Prior Board approval was given in October, 2019, for Texas A&M University - Central Texas to conduct an archaeological field school from January 1, 2021 through April 1, 2021. The field school will consist of a survey and archaeological excavation of the area immediately in and around the Priddy Cabin structure. The necessary Antiquities Permit from the Texas Historical Commission (THC) has been obtained and all work will proceed as described in attached Scope of Work. The field school will be conducted by a field crew of up to 12 Texas A&M University - Central Texas undergraduate and graduate students and one archaeologist (Principal Investigator – Christine A. Jones, PhD).

Field data will be collected on the spatial distribution of artifacts, artifact concentrations, and densities of surface assemblages and recorded on appropriate Texas Historical Commission (THC/TXSite) site forms. The field school will maintain a collection policy whereby all artifacts found during the survey, shovel testing, and test unit excavations will be recorded, collected, and bagged to be transported and analyzed in the lab on the Texas A&M University Central Texas

campus in Killeen, Texas. The field school will prepare/complete all paperwork for artifacts recovered during the study and arrange for their transfer to a suitable curatorial facility. The intended curation facility for collected artifacts will be the Center for Archaeological Studies (CAS) in San Marcos, Texas. Following the completion of the field school, the Principal Investigator will incorporate findings into the overall report for the Project. Copies of the report will be distributed to TxDot, THC, and other parties in compliance with 13 Tex. Admin. Code § 26.24, as well as the Trust.

The field school would be conducted from January 1, 2021 through April 1, 2021. The Lessee and Sublessee are aware of and endorse the Project. It is anticipated that Texas A&M University Central Texas, Lessee, Sublessee, and the Trust will execute a Space Utilization Agreement ensuring that the occupants of the Ranch are not disturbed by the field school and ensuring that Lessee, Sublessee, and the Trust are not subject to liability from the field school being conducted on the Ranch. A copy of the Space Utilization Agreement is attached.

Therefore, TJJJ respectfully requests the Board's approval to allow the field school to continue to be conducted at the Priddy Cabin on the Ranch and authority for the TJJJ Executive Director to execute the Space Utilization Agreement on behalf of the Trust.

Attachments – Space Utilization Agreement and Scope of Work

SPACE UTILIZATION AGREEMENT

This AGREEMENT (“AGREEMENT”) between Texas A&M University – Central Texas, a member of the Texas A&M University System, an agency of the State of Texas (“A&M-CENTRAL TEXAS”), the Texas Juvenile Justice Department Board of Directors, as Trustees of the Parrie Haynes Trust (“TJJD” or “Lessor”), and the Boys & Girls Club of Central Texas, Inc. (“Lessee”), and Trubee, Inc. (“Sublessee”), is made and entered into as of January 1, 2021 (“EFFECTIVE DATE”).

I. PARTIES:

Performing Party:
Texas A&M University-Central Texas
1001 Leadership Place
Killeen, Texas 76549
Attn: Dr. Christine Jones

Land Owner/Lessor (In Trust):
Texas Juvenile Justice Department Board of Directors
11209 Metric Boulevard, Building H, Suite A
Austin, Texas 78758
Attn: Office of General Counsel

Lessee:
Boys & Girls Club of Central Texas, Inc.
304 West Avenue B
Killeen, Texas 76541
Attn: Wallace Vernon

Sublessee:
Trubee, Inc.
13816 N. Maxdale Road
Killeen, Texas 76549
Attn: Ona Trubee

II. STATEMENT OF SERVICES TO BE PERFORMED:

In accordance with the **attached Scope of Work**, A&M-CENTRAL TEXAS will conduct an archaeological field school from January 1, 2021 through April 1, 2021, at the Priddy Cabin, located on Parrie Haynes Ranch (PHR), a Parrie Haynes Trust property. The Priddy Cabin is located on a portion of PHR currently under lease to Sublessee, from Lessee, originally leased to Lessee from TJJD as Lessor. A&M-CENTRAL TEXAS will ensure that Lessee and Sublessee as occupants of PHR are not disturbed while the field school is onsite, and that the property will be returned to the same state in which it was found. Lessor, Lessee, or Sublessee shall not be held liable for any injury or death to any field school participant.

III. TERM.

The term of this AGREEMENT shall begin on January 1, 2021 and end on April 1, 2021.

V. STATE CONTRACTING REQUIREMENTS

Alternative Dispute Resolution. The dispute resolution process provided in Chapter 2260, Texas Government Code, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by the parties to attempt to resolve any claim for breach of contract made by Lessor, Lessee, or Sublessee that cannot be resolved in the ordinary course of business. Lessor, Lessee, or Sublessee shall submit written notice of a claim of breach of contract under this Chapter to the University Contracts Officer of A&M-CENTRAL TEXAS, who shall examine the claim and any counterclaim and negotiate with the party(ies) that submitted the written notice of claim in an effort to resolve the claim.

Governing Law. This AGREEMENT is construed under and in accordance with the laws of the State of Texas, and is performable in Bell County, Texas. Pursuant to §85.18, *Texas Education Code*, mandatory venue is in Bell County for all legal proceedings against A&M-CENTRAL TEXAS pertaining to this AGREEMENT. Nothing in this AGREEMENT should be construed as being a waiver of sovereign immunity by A&M-CENTRAL TEXAS.

This AGREEMENT may be executed in counterparts and, when all counterpart documents are executed, the counterparts shall constitute a single binding instrument. The undersigned parties bind themselves to the faithful performance of this AGREEMENT:

A&M-CENTRAL TEXAS:

Jerry W. Jones

Authorized Signature

College of Arts and Sciences Dean

Title

09/21/2020

Date

TJJD/Lessor (In Trust):

Authorized Signature

Title

Date

Boys & Girls Club of Central Texas, Inc./Lessee:

Authorized Signature

Title

Date

Trubee, Inc./Sublessee:

Authorized Signature

Title

Date

SCOPE OF WORK

Proposed Field School at the Priddy Cabin on Parrie Haynes Ranch, Juvenile Justice Department Lands, Bell County, Texas

Antiquities Permit #8894

**Principal Investigator
Christine A. Jones, PhD**

Introduction

Texas A&M University Central Texas is proposing to conduct an archaeological field school at the Priddy Cabin, located on the Parrie Haynes Ranch Equestrian Center (PHR) on Texas Juvenile Justice Department (TJJD) Lands, within Bell County Texas. The PHR is open to the public and is comprised of 2 parcels including 4525 acres which are covered by 60 miles of trails and ranch roads. Priddy Cabin is located in the southern portion of the parcel, 175 meters away from the intersection of Maxdale and Gann Branch Road (Figure 1). The field school will consist of a survey and archaeological excavation of the area immediately in and around the Priddy Cabin structure.



FIGURE 1. Priddy cabin and cistern. *The log cabin is covered in corrugated metal. Also visible is the Hoover House (20th c.) to the east of the cabin and Gann Branch Road.*

The Priddy cabin, thought to be built in 1859, is a two-room dogtrot constructed of cedar logs. The size of the cabin measures approximately 148 square meters. A cistern and windmill are located 5 m south of the cabin. At some point in the last few decades the cabin was covered by corrugated metal to protect against damage. The roof is still intact but the shingles are damaged and many are missing. The logs making up the two rooms and the structure of the

rooms themselves are intact. The northern room appears to be a sleeping/private area, and has a gunport cut into the logs facing the breezeway (Figure 2). The southern room appears to be a cooking/living area, as its fireplace has ledges for keeping food warm. Each room's fireplace is intact, and the southern room still has portions of the floor boards.

The cabin is designated herein as the Permit Area and falls under the jurisdiction of the Antiquities Code of Texas (Code). The following scope of work outlines the field survey methods, artifact collection, curation, and site recordation strategies, and reporting protocols that will be utilized by the Texas A&M University Central Texas field school for the Permit Area.



Figure 2. Northern “room” of the dogtrot cabin. *Also visible is the stone foundation of the cabin, the roof rafters missing most of the shingles, and corrugated metal surrounding the structure.*

Environmental Setting

The Permit Area is located in Maxdale, Bell County, on the southern edge of the city of Killeen, located within the Lampasas cut plain sub-region of the Crosstimbers and Prairies ecoregion (Griffith et al. 2004). This ecoregion is rugged and covered by extensive grasslands with wooded mesas formed by erosion during geologic formation. The region was once covered by

grasslands or live oak savannah but the landscape has changed due to the introduction of livestock and farming practices such as fencing and control of natural wildfires (Griffith et al. 2004). Natural vegetation includes juniper and live oak (Griffith et al. 2004). The area has been used historically and in present times for agriculture, producing cotton, corn, oats, wheat and other crops, as well as livestock grazing.

Geologically, the Permit Area is underlain by the Glen Rose Formation (Kgr) (GDT 2019). These deposits consist of limestone, clay, marl and sand dating to the Cretaceous period. Soil survey data for the proposed field school was derived from the Web Soil Survey (WSS 2019). Overall, soils in the Permit Area are well drained and typically have loamy textures weathered from limestone. Two soil types are mapped within the Permit Areas, Real-Rock outcrop complex, gravelly clay loam, 12 to 40 percent slopes (REF) and the Tarrant-Purves association, very cobbly silt, 0 to 5 percent slopes (TPF) (WSS 2019).

Cultural Resources Background Review Results

The principal investigator conducted a thorough cultural resources literature search of the Permit Area by searching the Texas Historical Commission's (THC) Texas Archeological Sites Atlas (Atlas) online database and the National Register of Historic Places (NRHP) database to identify previously recorded cultural resource sites, historic structures, properties listed in the NRHP, and designated historic districts or State Antiquities Landmark (SAL)s in the permit area. Any previously recorded cultural resource site forms, reports of archaeological investigations, general historical documents, and secondary sources concerning the background of the area were also reviewed. The records search included a review of all previously recorded site forms, cemetery data, and surveys on file within a 0.6-mi (1 km) review radius of the Permit Area.

There is no site designation currently recorded for the cabin (Atlas 2019). Two small prehistoric sites (41BL317, 41BL1361), Maxdale cemetery, and the Maxdale bridge historic marker are located near the permit area (Figure 3). The Priddy cabin is 0.25 miles away from 41BL317, 0.46 miles away from 41BL1361, 0.56 miles away from Maxdale cemetery and 0.50 miles away from the Maxdale bridge historical marker. A preliminary search of the list of internments at the Maxdale cemetery suggested that relatives of those who built or lived in Priddy cabin are likely buried there, indicating a relevant historical connection between the two sites. No other previously recorded archeological sites or cemeteries are mapped within 0.5-mi (0.8-km) of the Permit Area (Atlas 2019). Additionally, based upon a review of the Atlas (2019), no previously conducted surveys overlap with the Permit Area.

Field Methods

The field school will be conducted by a field crew of up to 12 Texas A&M University Central Texas undergraduate and graduate students and one archaeologist (principal investigator). The field crew will conduct a pedestrian survey to include the use of metal detectors covering a 50 m radius surrounding the Priddy cabin. Shovel testing or pedestrian surveys will not be conducted beyond the Permit Area property boundaries.

Texas Archeological Sites Atlas

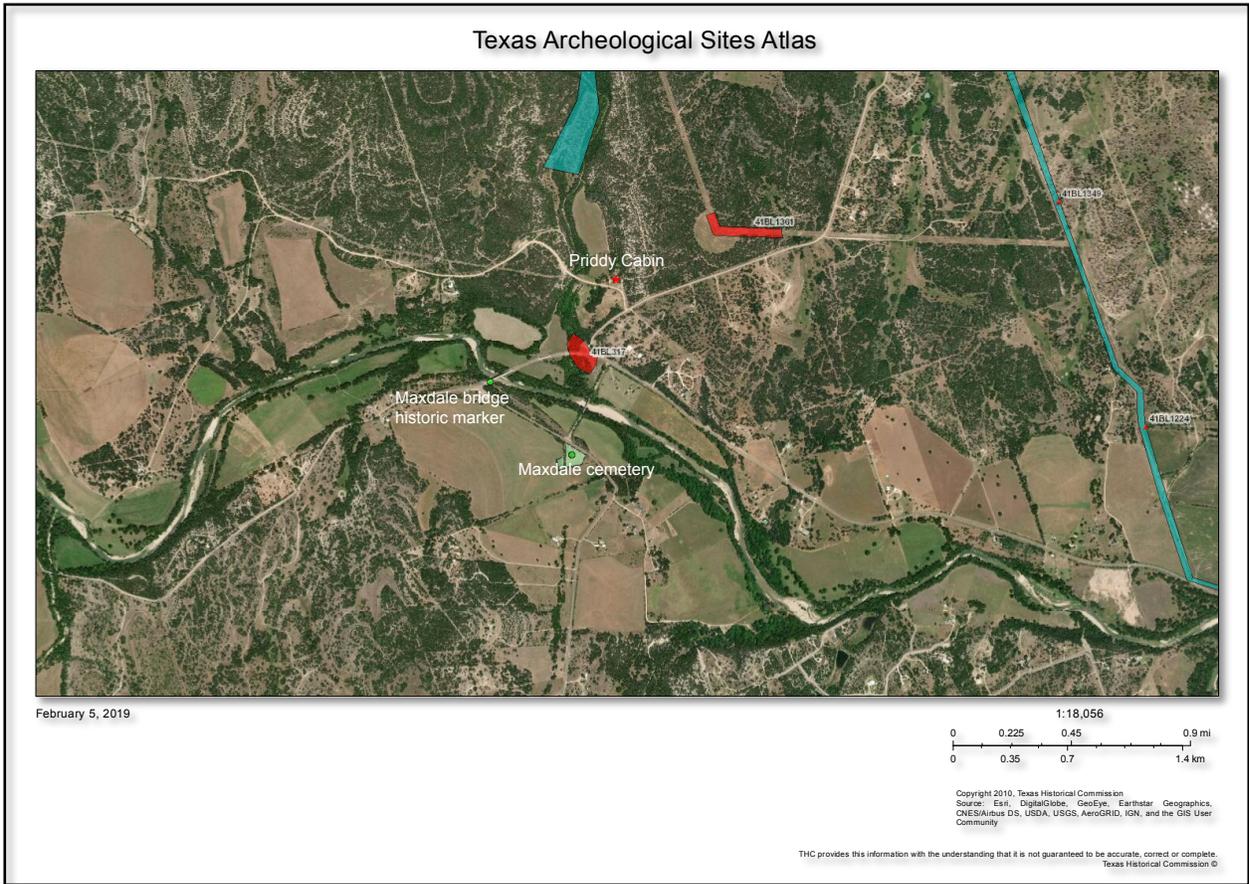


Figure 3. Sites in the vicinity of the Priddy Cabin.

Up to 12 shovel tests will be used to determine which areas contain associated subsurface artifacts in order to determine the placement of test units. In general, shovel tests will measure approximately 12.0 in (30.0 cm) in diameter and will be excavated by 3.93 to 7.87 in (10.0 to 20.0 cm) levels. Per the Council of Texas Archeologists (CTA)/THC survey standards, shovel tests will be excavated to a depth consistent with the project impacts or to the base of Holocene deposits unless dense, impenetrable clay soils or inundation prevent the continuation of excavations. All soil matrices will be screened through 6.3-millimeter (¼-inch) mesh hardware cloth unless dominated by clay. Clayey matrix will be trowel-sorted and visually inspected. For each of the shovel tests, the following information will be recorded on shovel test logs: location, maximum depth, and the number of soil strata. For each soil stratum, thickness, texture, color, and the presence or absence and nature of cultural materials will be recorded.

Controlled test units will be excavated in and around the Priddy cabin. Test units will be strategically placed in proximity to area where shovel tests encountered high artifact densities or where features were encountered during the survey. All controlled test units will measure 1x1 m and will be excavated in arbitrary 10-cm levels with trowels and shovels. A datum will be established in the highest corner of each test unit at the current ground surface and all depths

will be recorded in centimeters below datum (cmbd). A handheld GPS unit will be used to take GPS coordinates of the datum of all test units excavated during the project. Digital photos will be taken of each finished level and the completed test unit's wall profile. All excavated matrix will be screened through 6.3-millimeter (¼-inch) mesh hardware cloth unless dominated by clay. Clayey matrix will be trowel-sorted and visually inspected. For each test unit appropriate THC site forms will be used to record field data. Field data will be collected on the spatial distribution of artifacts, artifact concentrations, and densities of surface assemblages. The field crew will record all shovel test locations, isolated finds, finds within test units, and associated features using a handheld GPS device.

The Texas A&M University Central Texas field school will maintain a collection policy whereby all artifacts found during the survey, shovel testing, and test unit excavations will be recorded, collected, and bagged to be transported and analyzed in the lab on our campus in Killeen, Texas. All diagnostic artifacts will be photo-documented, but only representative samples of non-diagnostic materials will be photographed by artifact class. All non-diagnostic artifacts will be reburied in place after they are recorded and the representative sample is photographed. Diagnostic artifacts will be curated following the curation policy below.

A Historic Standing Structure form will be completed for the Priddy Cabin itself in order to record it as a standing historic structure. The structure will be adequately photo-documented, sketch maps will be drawn, and will be plotted with a GPS device. In addition, landowner interviews will be conducted in addition to deed research and archival research in order to document the history of the structure.

The Texas A&M University Central Texas field school will maintain a policy of open communication with THC regarding any unanticipated issues which may arise during field work which may affect these field methods.

Laboratory Methods

All materials will be cleaned and preserved using THC approved, nondestructive, and reversible techniques. Cleaning and preservation techniques and materials used will be documented and be submitted with the collection to be curated. Diagnostic artifacts such as nails, ceramics, coins, buttons, bottle glass, or items with maker's marks or other identifying features will be identified to the best extent possible based on defining characteristics, design, and a comparative analysis of historic assemblages in the region.

Artifacts will be individually labeled including site designation and intra-site provenience designations (lot/provenience system). Labels for each artifact will be created by writing the information with permanent, archival stable ink. Zip locking polyethylene bags, 4-millimeter thick, will be used for all artifacts. All bags will also have a clearly visible tag inside the bag printed on acid-free paper with tag information written in pencil or archival. Texas A&M University Central Texas field school will prepare all paperwork recovered during the study and

arrange for the transfer of records to a suitable curatorial facility pursuant to the standards and guidelines set forth by the THC/CTA.

Human Remains

In the event that human remains are encountered during any part of the field school, work will stop immediately, the field crew will be dismissed and the field school will be discontinued. The appropriate local law enforcement personnel and medical examiner's office will be notified of the discovery. Should the medical examiner determine that the human remains are older than 50 years, the principal investigator will notify the THC and file a notice of existence of a cemetery with the county clerk.

Curation

The intended curation facility for collected artifacts will be the Center for Archaeological Studies (CAS) in San Marcos, Texas. The collection will be prepared for curation according to CAS standards for collection preparation. A complete and accurate Artifact Catalog/Specimen Inventory will be submitted with all collections. Paper records will be submitted in labeled archival. All original records will also be digitized with a resolution of at least 300 dpi.

Reporting

Following the completion of the field school, the principal investigator, employed by Texas A&M University Central Texas, will incorporate findings into the overall report for the Project. A site form for the Priddy cabin will be submitted to the Texas Archeological Research Laboratory (TARL) in order to receive trinomial data for reporting. The format of the report will adhere to review guidelines suitable to the State Historic Preservation Officer (SHPO) in accordance with the THC's Rules of Practice and Procedure, Chapter 26, Section 27, and the CTA *Guidelines for Cultural Resources Management Reports*.

The report will document previous investigations in the area, background cultural setting, the methodology used during the field school investigations, the general nature and extent of cultural resources encountered during the field school survey, and will address how the project contributes to an understanding of important historical issues. A draft report will be submitted for review by TxDOT and THC. After review, changes will be made (if any), and a final report will be submitted to TxDOT, along with one archival-quality CD containing a tagged PDF format of the report. Copies of the report will be also be distributed to THC and other parties in compliance with 13 TAC 26.24.

References

(Atlas) Texas Archaeological Sites Atlas
2019 Texas Archaeological Site Atlas restricted database, Texas Historical Commission.
<http://nueces.thc.state.tx.us/>. Accessed 9 January 2019.

(GDT) Geologic Database of Texas
2019 Geologic Database of Texas, USGS Texas Water Science Center.
<https://txpub.usgs.gov/txgeology/>. Accessed 9 January 2019.

Griffith, G.E., Bryce, S.A., Omernik, J.M., Comstock, J.A., Rogers, A.C., Harrison, B., Hatch, S.L., and Bezanson, D.

2004 *Ecoregions of Texas*. U.S. Geological Survey, Reston VA (map scale 1:2,500,000)

(USGS) United States Geological Survey

2018 U.S. Geological Survey, United States Department of the Interior. Information and graphics available at <http://mrdata.usgs.gov/sgmc/tx.html>. Accessed 9 January 2019.

(WSS) Web Soil Survey

2019. Web Soil Survey, United States Department of Agriculture Natural Resources Conservation Service. <https://websoilsurvey.sc.egov.usda.gov>. Accessed 9 January 2019.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ALLOW TEXAS A&M UNIVERSITY – CENTRAL TEXAS TO CONDUCT AN
ARCHEOLOGICAL FIELD SCHOOL AT THE PRIDDY CABIN ON THE PARRIE HAYNES RANCH**

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the Parrie Haynes Trust (the Trust) currently leases approximately 4,425 acres of the Parrie Haynes Ranch, in Killeen, Texas (the Ranch) to the Boys & Girls Club of Central Texas, Inc., (Lessee), who in turn subleases a portion of the Ranch to Trubee, Inc., (Sublessee), and on that sublet portion of the Ranch is where the Priddy Cabin is located.

WHEREAS, Texas A&M University – Central Texas is proposing to conduct an archaeological field school (Field School) at the Priddy Cabin from January 1, 2021 through April 1, 2021; and

WHEREAS, Texas A&M University – Central Texas, Lessee, Sublessee, and the Trust would execute a Space Utilization Agreement insuring that the occupants of the Ranch are not disturbed by the Field School and insuring that the Lessee, Sublessee, and the Trust are not subject to liability from the Field School being conducted on the Ranch; and

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes Texas A&M University – Central Texas to conduct an archaeological field school at the Priddy Cabin on the Parrie Haynes Ranch from January through March, 2021 and the Texas Juvenile Justice Department Executive Director to execute a Space Utilization Agreement on behalf of the Parrie Haynes Trust regarding same.

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

Signed this 23rd day of October 2020

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director

Linda Butler Arrigucci, Staff Attorney

Subject: Discussion, consideration, and possible approval of a cattle-grazing sublease between the Boys & Girls Club of Central Texas, Inc., and Billy Dean Adamson regarding approximately 818 acres of the Parrie Haynes Ranch. (Action)

Date: October 13, 2020

The Parrie Haynes Trust (the Lessor) currently leases approximately 4,425 acres of the Parrie Haynes Ranch in Killeen, Texas (the Ranch) to the Boys & Girls Club of Central Texas, Inc., (Lessee). The lease commenced on January 1, 2016, and expires on December 31, 2030.

Article 6, Section 6.02 of the lease provides that Lessee may sublet the lease provided Lessee first obtains Lessor's express written consent. Lessee is respectfully requesting and is seeking written consent to sublease approximately 818 acres of the Ranch to Billy Dean Adamson, (proposed Sublessee) a cattle rancher located in Killeen, Texas, who raises Corriente cattle, which are primarily used as sport cattle for rodeo events.

The effective date of the sublease begins January 1, 2021, and continues for a period of five years. The area contemplated by the sublease includes approximately 43 acres near the power line, approximately 425 acres commonly known as the Big Field, and approximately 350 wooded acres, totaling 815 acres. A map of the referenced areas is attached. The areas of the sublease do not include any land associated with the golden-cheeked warbler or black-capped vireo habitats. Installation of new fences are needed to protect the bird habitats that are subject to the US Fish and Wildlife Service Partners Agreement, namely the area near the power line and the area between the wooded acreage and the bird habitat.

Lessee will be paid an annual rental income of \$3,250.00. Lessee and Sublessee agree to limit the number of cows to 25-30 cows on the approximately 818 acres. Sublessee agrees to work with the biologist on rotational grazing to prevent overgrazing and to ensure that only 50% of

available grass will be consumed by the cattle. Sublessee agrees to maintain liability insurance in the amount of one million dollars (\$1M) naming TJJD as an additional insured. Sublessee agrees to be responsible for fencing upkeep and agrees to provide Trubee, Inc., an additional sublessee at the Ranch, access to the area known as the cattle pens so that the horseback riders may have access to water. At the termination of the lease, sublessee shall be responsible for removal of all electric fencing and/or other types of fencing needed to control the cattle. Sublessee shall be responsible for fencing the 300+ year old "Big Oak Tree" located in the Big Field to protect the tree from cattle and mitigate any risk of oak wilt. Sublessee agrees to fence off the existing deer feeders. Sublessee agrees to be responsible for all above ground water issues for the cattle. Sublessee agrees that he shall not have any hunting rights on the property at any time and he agrees to cooperate with Lessee regarding approved hunting events at the Ranch. Sublessee agrees to cooperate with the biologist and the US Forest Service regarding any scheduled controlled burns and shall be responsible for the removal of cattle from the area of the controlled burn. Sublessee also agrees to access the property during daylight hours, unless there are problems with his cattle and he agrees to notify ranch management if he needs to access the property after hours. Sublessee agrees to work in cooperation with the assigned biologist at the Ranch to ensure that the cattle do not graze more than 50% of the available grasses. Sublessee agrees to construct and maintain seven (7) cattle exclusion pens to be scattered throughout the property on different soil types and elevations. The pens will enable the biologist to determine to what extent, if any, overgrazing is occurring.

Mr. John N. Macey, wildlife biologist believes that cattle grazing can either be a beneficial or detrimental aspect of any wildlife management plan. If cattle graze on a rotational basis and are monitored to graze no more than 50% percent of the available grasses, it is beneficial to the wildlife management plan. If it is done improperly, overgrazing results and this changes species composition of the grasses, loss of fuel for prescribed fires, the potential for erosion, and general habitat degradation.

Mr. Macey opines that the proposed sublease will impact the wildlife management plan and restoration efforts on the ranch--to what extent is hard to gauge and quantify at this point and will vary between years, seasons, and conditions. The requested amount of cattle (30) is reasonable for the Edwards Plateau region of Texas and the amount of land requested for sublease. Cattle in most circumstances can be beneficial to total range management when done correctly, with correct intensity and duration; however, the Big Field (425 acres +/-) is only at the beginning of restoration efforts. The preferred treatment for this area would be to conduct a prescribed fire and allow time for the native grasses to respond to the fire prescription. The amount of time depends on precipitation, timing, and conditions during burn. The wooded area of the sublease consists of 350 acres, but not all of that land is grazable. In addition, the cattle presence will increase the brown-headed cowbird and thus nest parasitism rates for the black-capped vireo.

Section 5.01 of the Parties' lease states that "Lessee shall not interfere with the development or implementation of the Wildlife Management Plan...." The proposed sublease includes steps to mitigate the impact to the wildlife management plan; however, there are concerns that habitat degradation will occur throughout the proposed 818 acres--especially at watering and feeding sites given the concentration of cows.

Mr. Wallace Vernon, Treasurer of the Boys & Girls Club of Central Texas, Inc., will be available at the Trust Committee Meeting and the Board Meeting to review the terms and conditions of his proposed sublease and to answer any questions. Mr. John N. Macey, wildlife biologist, and/or Brendan Witt, US Fish and Wildlife Service, will be available to answer any questions regarding the proposed cattle grazing lease and its impact on the environment.

Attachment – Proposed Commercial Lease drafted by Lessee and Proposed Map of Cattle Lease Area

COMMERCIAL LEASE:

PARTIES: The parties to this lease are:

Landlord: Boys & Girls Club of Central Texas, Inc.

Tenant: Billy Dean Adamson

LEASED PREMISES: Landlord leases to Tenant the following described real property for the sole purposes of a cattle grazing lease the following acreage of Parrie Haines as described on EXHIBIT A—map of leased property;

1. Powerline—approximately 43 acres
2. Big Field—approximately 425 acres
3. Wooded Area—approximately 350 acres

For a total of 818 acres, plus or minus. This lease will require the tenant to pay the lease in advance, beginning January 1, 2021 and each year following for the next five (5) years. The annual rents shall be for a total of \$3,250.00 per annum.

The tenant shall provide liability insurance as required by The Texas Juvenile Justice Department and Boys & Girls Club of Central Texas, Inc. with these entities as named insured, a certificate of insurance annually. This liability insurance shall provide coverage for both entities in the amount of \$1,000,000.00.

The tenant shall be responsible for any fencing upkeep during the term of this lease. Tenant shall fence access to the “cattle pens” for the purpose of horse-back riders to access water. This access will be 20 feet wide for horse-back riders and 20 feet for cattle movement. At the termination of this lease, the tenant shall be responsible for removal of all electric fencing or other types of fencing installed during this lease for control of cattle. The tenant shall be responsible for fencing the “Big oak tree”, located in the “Big Field” in a manner that will protect said oak tree from contact with the cattle. Further, the tenant shall fence the deer feeders placed in the leased area by Boys & Girls Club of Central Texas, Inc. in a manner that will protect the feeder from disturbance by the cattle. The fencing by the tenant shall be constructed in a manner that shall insure that cattle shall be excluded for the endangered species habit.

The tenant shall be responsible for all above ground water issues for the cattle. The tenant shall NOT have any hunting rights at any time on this property. The tenant shall work with Boys & Girls Club of Central Texas, Inc. and the Texas Park & Wildlife Department and the Biologist assigned to the ranch by the Texas Parks and Wildlife Foundation regarding Youth Hunts and Veterans Hunts as approved by the Texas Juvenile Justice Department.

The tenant shall work with the Biologist and the U. S. Forrest Service on scheduled controlled burns related to the control of Ash Juniper. Upon scheduling of any controlled burn, the tenant shall be responsible for the removable of cattle from the area of the controlled burn.

The tenant shall access cattle on the property described in EXHIBIT A during daylight hours, unless there is a problem with the cattle and shall alert the management of the ranch if the tenant needs access after -hours.

The tenant shall work with the Biologist assigned to the Parrie Haines Ranch by the Texas Parks and Wildlife Foundation and Boys & Girls Club of Central Texas, Inc. on rotational grazing. To prevent overgrazing the tenant shall limit the number of cattle on the assigned acreage to 25-30 cows. Tenant shall construct at least seven cattle exclusion pens in order for the Biologist to observe any overgrazing by the tenant. The tenant and the Biologist shall work together to insure that only 50% of available grass will be consumed by the cattle. Tenant shall also work with Boys & Girls Club of Central Texas, Inc., in accommodating other revenue generating events at the areas outside of the leased property.

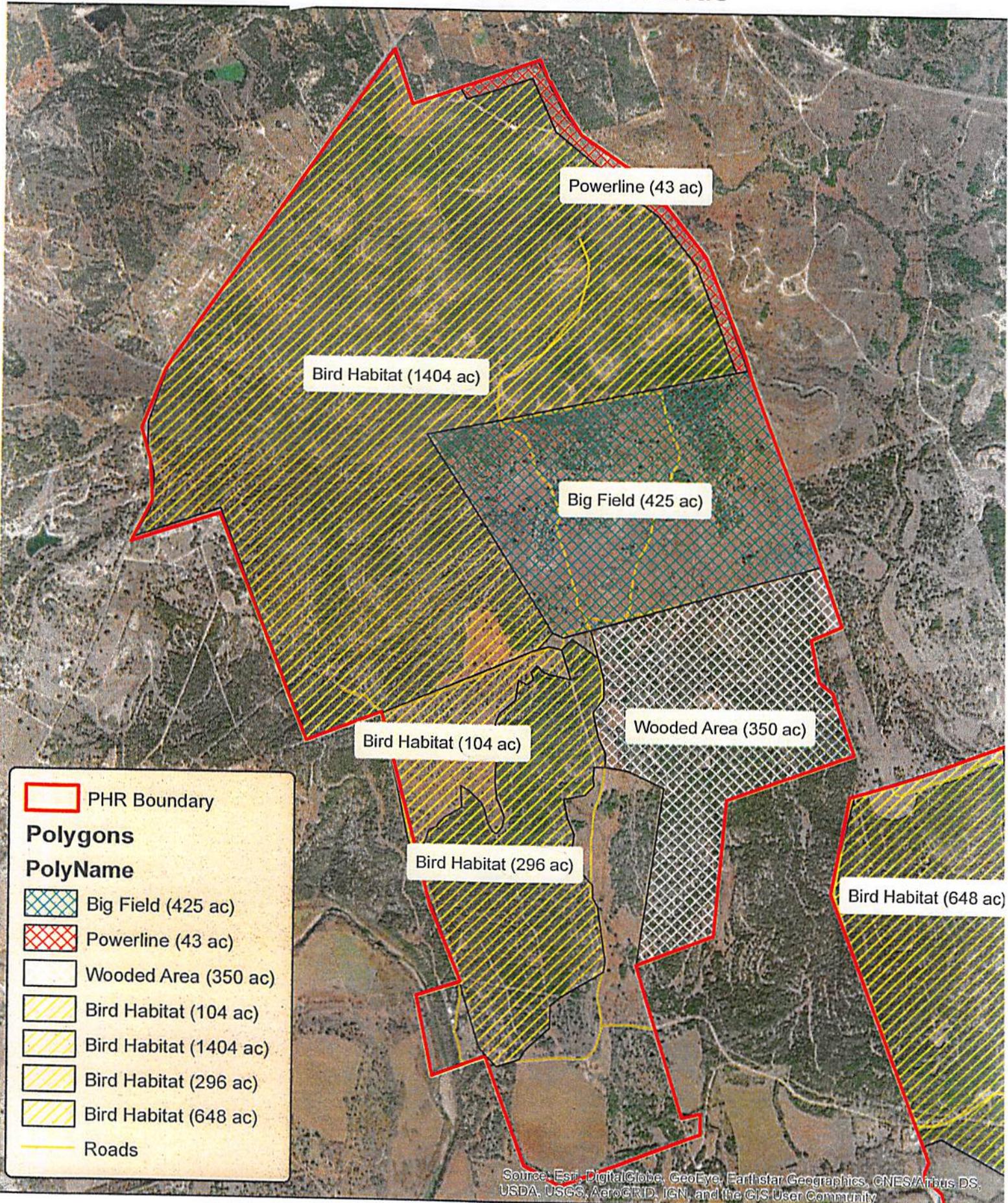
_____ Dated _____

Signed: Treasurer for Boys & Girls Club of Central Texas, Inc.

_____ Dated _____

Signed: Billy Dean Adamson

EXHIBIT A: Cattle Lease Lands





**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ALLOW THE BOYS & GIRLS CLUB OF CENTRAL TEXAS, INC., TO ENTER INTO
A CATTLE-GRAZING SUBLEASE WITH BILLY DEAN ADAMSON**

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the TJJ Board Members are trustees of the Parrie Haynes Trust (the Trust); and

WHEREAS, the Trust contains the Parrie Haynes Ranch (the Ranch) located in Killeen, Texas; and

WHEREAS, the Trust entered into a lease agreement with the Boys & Girls Club of Central Texas, Inc., (Lessee) to lease approximately 4,425 acres of the Parrie Haynes Ranch; and

WHEREAS, Lessee, has requested permission from the Board to enter into a sublease agreement with Billy Dean Adamson to sublease approximately 815 acres of the ranch for purposes of cattle grazing for 25 -30 cows; and

WHEREAS, Lessee has an obligation to comply with the terms of the Wildlife Management Plan developed by the wildlife biologist retained by the Texas Parks and Wildlife Foundation; and

WHEREAS, the approval of this sublease in no way relieves the Boys & Girls Club of Central Texas, Inc., from its obligations under their lease agreement with the Trust, acting by and through the TJJ Board, the duly appointed and qualified trustee, dated January 6, 2016.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the Boys & Girls Club of Central Texas, Inc., to enter into a cattle-grazing sublease with Billy Dean Adamson beginning January 1, 2021, and ending in five years.

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

Signed this 23rd day of October 2020

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director
Emily Anderson, Chief Financial Officer

Subject: Acknowledgement of Gifts

Date: October 23, 2020

Texas Government Code, Chapter 575, provides that a state agency that has a governing board may accept a gift with an actual or estimated value of \$500 or more only if the agency has the authority to accept the gift, and a majority of the board acknowledges the acceptance of the gift in an open meeting no later than the 90th day after the date the gift is accepted. The Government Code also provides that a state agency may not accept a gift from a person who is a party to a contested case before the agency. TJJJ policy GAP.385.8170 (Acceptance of Gifts of \$500 or more) implements these provisions.

- The McLennan County Community Resource Council for Troubled Texas Youth donated \$1,000 to be used for the purchase of items for the Mart Facility incentive dorm.

Staff recommends acknowledgement of this gift pursuant to the provisions of the Government Code and TJJJ policy. Following the Board's approval, a letter will be sent to Ms. Kalka, the Council's President, to notify her of the acknowledgement and to express appreciation for the Council's support of the Texas Juvenile Justice Department.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ACKNOWLEDGE THE ACCEPTANCE OF GIFTS FOR THE TEXAS JUVENILE JUSTICE DEPARTMENT

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the Texas Government Code requires a majority of the Board to acknowledge, in an open meeting, gifts with an actual, or estimated, value of \$500 or more; and

WHEREAS, TJD received a donation of \$1,000 from the McLennan County Community Resource Council for Troubled Texas Youth to be used for the purchase of items for the Mart Facility incentive dorm.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the acknowledgement of the donation and formally accepts this generous gift in support of the Texas Juvenile Justice Department.

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

Signed this **23rd day of October 2020**

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director
Emily Anderson, Chief Financial Officer

Subject: Acknowledgement of Gifts

Date: October 23, 2020

Texas Government Code, Chapter 575, provides that a state agency that has a governing board may accept a gift with an actual or estimated value of \$500 or more only if the agency has the authority to accept the gift, and a majority of the board acknowledges the acceptance of the gift in an open meeting no later than the 90th day after the date the gift is accepted. The Government Code also provides that a state agency may not accept a gift from a person who is a party to a contested case before the agency. TJJJ policy GAP.385.8170 (Acceptance of Gifts of \$500 or more) implements these provisions.

- Mr. Steve Tacker donated \$500 to be used for the purchase of food for a Gainesville campus barbeque.

Staff recommends acknowledgement of this gift pursuant to the provisions of the Government Code and TJJJ policy. Following the Board's approval, a letter will be sent to Mr. Tacker to notify him of the acknowledgement and to express appreciation for his support of the Texas Juvenile Justice Department.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ACKNOWLEDGE THE ACCEPTANCE OF GIFTS FOR THE TEXAS JUVENILE JUSTICE DEPARTMENT

On this **23rd day of October 2020**, 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:

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James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the Texas Government Code requires a majority of the Board to acknowledge, in an open meeting, gifts with an actual, or estimated, value of \$500 or more; and

WHEREAS, TJJD received a donation of \$500 from Mr. Steve Tacker to be used for the purchase of food for a Gainesville campus barbeque.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the acknowledgement of the donation and formally accepts this generous gift in support of the Texas Juvenile Justice Department.

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

Signed this **23rd day of October 2020**

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director
Emily Anderson, Chief Financial Officer

Subject: Acknowledgement of Gifts

Date: October 23, 2020

Texas Government Code, Chapter 575, provides that a state agency that has a governing board may accept a gift with an actual or estimated value of \$500 or more only if the agency has the authority to accept the gift, and a majority of the board acknowledges the acceptance of the gift in an open meeting no later than the 90th day after the date the gift is accepted. The Government Code also provides that a state agency may not accept a gift from a person who is a party to a contested case before the agency. TJJJ policy GAP.385.8170 (Acceptance of Gifts of \$500 or more) implements these provisions.

The House of Worship donated 12 pair of Air Force One Nike shoes for each of the youth at Ayres House. These items have an estimated value over \$500.

Staff recommends acknowledgement of this gift pursuant to the provisions of the Government Code and TJJJ policy. Following the Board's approval, a letter will be sent to Minister Joann Percival to notify her of the acknowledgement and to express appreciation for the House of Worship's support of the Texas Juvenile Justice Department.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO ACKNOWLEDGE THE ACCEPTANCE OF GIFTS FOR THE TEXAS JUVENILE JUSTICE DEPARTMENT

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the Texas Government Code requires a majority of the Board to acknowledge, in an open meeting, gifts with an actual, or estimated, value of \$500 or more; and

WHEREAS, TJJJ received a donation of 12 pair of Air Force One Nike shoes for each of the youth at Ayres House from the House of Worship. These items have an estimated value over \$500.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the acknowledgement of the donation and formally accepts this generous gift in support of the Texas Juvenile Justice Department.

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

Signed this **23rd day of October 2020**

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director
Christian von Wupperfeld, General Counsel

Subject: Contract NTE Increase

Date: October 23, 2020

TJJJ General Administrative Policy 385.1101 (GAP.385.1101), paragraph (d)(1), requires TJJJ staff to present certain contracts to the Board for approval, among those are any contract exceeding \$500,000. TJJJ staff is therefore requesting Board approval for contract NTE increases, each with a total contract value exceeding \$500,000.

1. TJJJ staff requests Board approval to increase the not-to-exceed (NTE) for the following contract by the amount listed.

PROVIDER FOR CONTRACT NTE INCREASE	NTE INCREASE BY	TOTAL CONTRACT NTE VALUE (INCLUDING INCREASE)
Texas Christian University – TBRI training (CON0000981)	\$200,000	\$650,000

TJJJ staff respectfully requests Board consideration and approval of the not-to-exceed (NTE) increases and approval of Executive Director execution of same.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO INCREASE THE TBRI TRAINING CONTRACT NOT TO EXCEED AMOUNT

On this 23rd day of October 2020, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, WHEREAS, Texas Juvenile Justice Department (TJJD) General Administrative Policy 385.1101 (GAP.385.1101), paragraph (d)(1), requires TJJD staff to present certain contracts to the Board for approval, among those are any contract exceeding \$500,000. TJJD staff is therefore requesting Board approval for a contract NTE increase, with a total contract value exceeding \$500,000; and

WHEREAS, TJJD requests Board approval to increase the not-to-exceed (NTE) amount for fiscal year (FY 2021 by the amount listed; and

PROVIDER FOR CONTRACT NTE INCREASE	NTE INCREASE BY	TOTAL CONTRACT NTE VALUE (INCLUDING INCREASE)
Texas Christian University – TBRI training (CON0000981)	\$200,000	\$650,000

NOW, THEREFORE BE IT RESOLVED THAT the Board authorizes the Texas Juvenile Justice Executive Director to increase the not-to-exceed amounts of the contracts listed above.

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

Signed this 23rd day of October 2020

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director

Christian von Wupperfeld, General Counsel

Subject: Discussion, consideration, and possible approval regarding lease contract(s) requiring board approval pursuant to GAP.385.1101 (Action)

Date: October 8, 2020

On May 20, 2020, Governor Greg Abbott, Lieutenant Governor Dan Patrick and Speaker of the House Dennis Bonnen issued a joint letter instructing Texas Agencies, Boards, Commissions, Courts and Institutions of Higher Education to institute cost-savings strategies to offset revenue losses. Additionally, State agencies were instructed to submit a plan that reduces spending five percent (5%) for the 2020-2021 biennium.

One of the key elements of the Texas Juvenile Justice Department's (TJJJ) cost-savings plan is space reduction. In order to achieve its space reduction goals, TJJJ has closed several of its district offices and is working with the Texas Facilities Commission (TFC) to downsize or relocate to a smaller space its Central Office in Austin, as well as district offices in the Dallas/Fort Worth, Houston and San Antonio areas.

TJJJ General Administrative Policy 385.1101 (GAP.385.1101), paragraph (d)(1), requires TJJJ staff to present certain contracts to the Board for approval, among those are any contract exceeding \$500,000. Given the need to reduce costs as soon as possible, as well as the dynamic nature of the current lease market, TJJJ staff is requesting the Board authorize the TJJJ Executive Director, through collaboration with the TFC, to enter into new leases for TJJJ's Central Office in Austin, and district offices in the Dallas/Fort Worth, Houston and San Antonio areas. Any such lease(s) must be in accord with TJJJ's cost-savings plan.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO ENTER INTO LEASE CONTRACT(S) REQUIRING BOARD APPROVAL
PURSUANT TO TEXAS JUVENILE JUSTICE DEPARTMENT GAP.385.1101**

On this 23rd day of October 2020, a duly called and lawfully convened meeting of the Texas Juvenile Justice Board (TJJD) 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the COVID-19 pandemic has had a deleterious effect on the State’s economy that has resulted in State agencies being instructed to submit a cost-savings plan; and

WHEREAS, one of the key elements of TJJD’s cost-savings plan is space reduction, which is to be achieved by the closing of several TJJD district offices and the downsizing or relocation to smaller spaces of its Central Office in Austin, and district offices in the Dallas/Fort Worth, Houston and San Antonio areas; and

WHEREAS, Texas Juvenile Justice Department General Administrative Policy 385.1101(d)(1) requires TJJD staff to present any contracts exceeding \$500,000 to the Board for approval, and the contract below is for a contract with a total contract values exceeding \$500,000; and

WHEREAS, given the need to reduce costs as soon as possible, as well as the dynamic nature of the current lease market, TJJD staff requests the TJJD Board authorize the TJJD Executive Director, through collaboration with the Texas Facilities Commission (TFC), to enter into new leases for TJJD’s Central Office in Austin, and district offices in the Dallas/Fort Worth, Houston and San Antonio areas. Any such lease(s) must be in accord with TJJD’s cost-savings plan.

NOW, THEREFORE BE IT RESOLVED THAT the Board authorize the TJJD Executive Director, through collaboration with the TFC, to enter into new leases for TJJD’s Central Office in Austin, and district offices in the Dallas/Fort Worth, Houston and San Antonio areas. Any such lease(s) must be in accord with TJJD’s cost-savings plan.

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

Signed this 23rd day of October 2020

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

BOARD MEMBERS

*The Honorable Wes Ritchey, Chair
Dalhart, Texas*

*David "Scott" Matthew
Georgetown, Texas*

*The Honorable Lisa Jarrett
San Antonio, Texas*

*Edeska Barnes
Jasper, Texas*

*James Castro
Bergheim, Texas*

*Pama Hencerling
Victoria, Texas*

*Allison Palmer
San Angelo, Texas*

*Melissa Martin
Deer Park, Texas*

*Ann Lattimore
Cedar Park, Texas*

*Mona Lisa Chambers
Houston, Texas*

*James Smith
Midland, Texas*

*The Honorable Vincent Morales, Jr.
Fort Bend, Texas*

Release Review Panel Audit

**Project 20-7
October 2020**

EXECUTIVE DIRECTOR

Camille Cain

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjjd.texas.gov

Internal Audit Mission

To enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.

Internal Audit Team Members

Karen McCarther
Stephanie Clarkson
Rose Samudio, CIA
Stephanie Valdez, CIA, CGAP – Deputy Chief Auditor

For additional copies contact:

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



Memorandum

To: TJJD Board Members
Camille Cain, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: Release Review Panel Audit 20-7

Date: October 23, 2020

Attached for your review and approval is our draft report on the internal audit of the Release Review Panel. This is a full scope audit and is part of the Fiscal Year 2020 Audit Plan.

The overall objective for this audit was to determine whether operations over the Release Review Panel (RRP) process are functioning as intended. The scope included Level II due process hearings for incidents occurring between March 1, 2020 and July 15, 2020, documentation for RRP reviews completed between January 1, 2020 and July 1, 2020, youth releases occurring between July 1, 2019 and July 1, 2020, and length of stay adjustments occurring between September 1, 2019 and August 11, 2020. Additional reviews were related to information technology system access controls and statistical reporting.

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

cc Executive Management

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DRAFT

EXECUTIVE SUMMARY

This report presents the results of the Texas Juvenile Justice Department's (TJJD) Release Review Panel Audit, which is included in the fiscal year (FY) 2020 Audit Plan. The audit objective is to determine whether operations over the Release Review Panel process are functioning as intended.

Strengths identified were as follows.

- The Release Review Panel (RRP) conducted 538 reviews from July 6, 2019 to July 6, 2020, and 524 (97%) of the reviews were conducted within the required timeframe.
- Agency staff were positive about their interactions with the RRP members. There is frequent communication between the RRP and facility staff.
- Required forms supporting youth's education progress are consistently provided to the RRP as required.

Controls should be strengthened to ensure compliance with agency policies and procedures and to provide more effective practices.

- Facilities can improve with completion of their required documentation prior to RRP reviews.
- Processes can be strengthened to ensure mandatory Level II Due Process Hearings are held.
- Reporting on Release Review Panel data should follow requirements set forth by the Human Resources Code.
- Documentation can be improved to support length of stay adjustments.
- Access to the Release Review Panel Tracking System should be periodically reviewed to ensure protection of data.
- Processes are in place to support release of youth without a Panel review.

BACKGROUND

In accordance with the Texas Human Resources Code Chapter 245, the agency established the Release Review Panel (RRP) to determine if a youth who has completed their minimum length of stay (MLOS) should be discharged from custody of the agency, be released under supervision to parole, or remain in custody. The RRP consists of three full time panel members, three attorneys serving as ad hoc members, and an administrator. General Administrative Policy outlines guidelines and evidence the RRP may use when making their decision which must be made within 30 days after expiration of the youth's MLOS.

The overall objective of this audit is to determine whether operations over the Releaser Review Panel process are functioning as intended.

- Sub-objective 1: To determine if mandatory Level II Due Process Hearings are being held.
- Sub-objective 2: To determine if facilities are completing responsibilities related to the RRP process.
- Sub-objective 3: To determine if adjustments to the length of stay (LOS) are documented accurately.
- Sub-objective 4: To determine if appropriate youth are being reviewed by the RRP.

The scope included Level II due process hearings for incidents occurring between March 1, 2020 and July 15, 2020, documentation for RRP reviews completed between January 1, 2020 and July 1, 2020, youth releases occurring between July 1, 2019 and July 1, 2020, and length of stay adjustments occurring between September 1, 2019 and August 11, 2020. Additional reviews were related to information technology system access controls and statistical reporting.

The methodologies used consist of researching laws and regulations, reviewing agency's policies and procedures, analyzing data and reports, identifying and collecting information, conducting interviews with management and staff in Central Office and at the secure facilities, assessing system and process controls, and evaluating test results.

This audit was conducted in conformance with the *International Standards for the Professional Practice of Internal Auditing* and *Generally Accepted Government Auditing Standards*. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. Furthermore, Internal Audit conforms to the independence requirements of the *Generally Accepted Government Auditing Standards* by reporting directly to the governing board and being free of operational responsibilities that would impair ability to make independent reviews of agency operations. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

RESULTS

Strengths identified were as follows.

- The RRP conducted 538 reviews from July 6, 2019 to July 6, 2020, and 524 (97%) of the reviews were conducted within the required timeframe.
- Agency staff were positive about their interactions with the RRP members. Communication between the RRP and facility staff is frequent.
- Required forms supporting youth's education progress are consistently provided to the RRP as required

Controls should be strengthened to ensure compliance with agency policies and procedures and to provide practices that are more effective.

Facilities can improve with completing their required documentation prior to Panel reviews.

Agency Case Management Standards require the facility to ensure all electronic youth documentation is up to date, and required paper documentation is submitted to the RRP no later than 15 calendar days before the youth's MLOS. The facility is also required to notify the youth's parents or guardians of the upcoming review no later than 30 calendar days prior to the MLOS. Within 15 days of the MLOS, the facility provides the RRP with a recommendation to release, discharge, or extend the youth and provides a justification for the recommendation. Specific recommendations and additional information must be provided to the RRP for youth with high severity offenses.

- A. Youth Stage Assessments may not be accurate at time of Panel review.** Of the 25 applicable Panel reviews, nine (36%) youth had an updated Stage Assessment within 15 calendar days prior to the expiration of a youth's MLOS.
- 16 (64%) of 25 Stage Assessments were not updated within 15 days of MLOS. Three records were not updated within 100 days prior to MLOS (the oldest update was 146 days prior to MLOS).
- B. Facility recommendations to the RRP are not always timely.** Of 25 applicable Panel reviews, 23 (92%) facility recommendations (CCS 520 Chronological Record - Rev. Panel Rec) were made to the RRP.
- 14 (61%) of the 23 recommendations were completed early (earlier than 15 days prior to MLOS) which may not provide the RRP with the most recent or relevant information.
 - Two (8%) recommendations were not provided to the RRP prior to their review.
- C. Parental Notifications of upcoming Panel reviews are not sent.** Of the 22 applicable records, zero (0%) parental notifications (LS-150/150a Notice of Referral to Release Review Panel) were sent to the parent/guardian.
- Case Managers and Supervisors were interviewed and stated they were not aware of the requirement for parental notification.
- D. High Severity Offender facility recommendation forms are not always provided to the RRP.** Facility recommendation forms for High Severity Offenders (CCF-156) were provided to the RRP for two (50%) of four High Severity Youth.
- During discussion with case management staff, it was stated the CCF-156 is no longer required in any situation and all staff referenced an FY13 and FY19 directive, which still require the form

under certain circumstances. The two directives and the current policy on High Severity Offender documentation contradict when the form is required and neither one eliminates the use of the form.

- E. Education documentation is provided consistently.** Of the 24 applicable records, 24 (100%) Education Participation forms (EDU-042rp and EDU-042pbis) were provided to the RRP.

Processes can be improved to ensure mandatory Level II due process hearings are held.

An Administrative Directive was issued in FY20 requiring Level II due process hearings be held for all Incident Reports (CCF-225) written for designated major rule violations such as assault resulting in bodily injury, fighting resulting in bodily injury, and possession of a weapon. Prior to holding a hearing, agency policy requires a preliminary investigation to make a decision to pursue a Level II Hearing. Each facility has its own process in place for requesting a hearing and conducting the preliminary investigation. Once the hearing request is submitted and approved by the designated party, Hearing Specialists staffed at each facility are tasked with holding the Level II hearings.

- A. Level II hearings are not always held as required for mandatory incidents.** 24 (24%) of 100 incidents did not have a Level II Hearing held.
- 12 (50%) incidents were not received by the Hearing Specialists; therefore, they were unaware a hearing should have been held.
 - 6 (25%) incidents occurred at one facility prior to the Hearings Specialist being hired. The process prior to hiring of the Hearing Specialists was not conducive to ensuring the responsible staff were informed of the need for a hearing.
 - 4 (17%) incidents were identified through preliminary review as not meeting criteria for a mandatory hearing and a downgrade was requested but was never made in the Correctional Care System (CCS).
 - 2 (8%) incidents occurred on the Phoenix Dorm. At the time of review, the Phoenix Program was not utilizing the Hearing Specialists and were administering their own hearings. Management has since required Phoenix to utilize the Hearing Specialists for all Level II Hearings.
- B. Each facility has a different process for reviewing and approving requests for Level II Hearings.**
- Even if the hearing is mandatory, the Level II Hearing must be requested and approved prior to being held. Each request and approval process is different.
 - At four locations, the incident report is reviewed by the Regulation and Safety Youth Leader (RSYL) with a preliminary investigation to determine if a hearing will be requested. A different person at each location, including the Superintendent, Case Manager Supervisor, or Hearing Specialists, provides the approval for the hearing.
 - At one location, the Hearings Specialists reviews each incident report that is submitted to the Regulation and Safety Unit (RSU). If a Level II Hearing is deemed necessary, a request is made to the Superintendent.
 - Each location expressed concern that incident reports are not always turned into the RSU for review. Staff stated incidents reports are sometimes directly turned into the data entry clerk or the incident report is not provided to the RSYL if the youth is not referred to security. Incidents that should have a Level II Hearing are later identified by a Hearing Specialists through review of CCS; however, due to delay in data entry, it is too late to hold a hearing.

Reporting on Release Review Panel data should follow requirements set forth by the Human Resources Code.

Texas Human Resources Code Chapter 245 requires RRP decisions to be publicly posted on the agency's website. The agency must include the race, age, sex, specialized treatment needs, and county of origin for each youth reviewed. Additionally, TJJJ is required to report these statistics to the standing committees of the Senate and House of Representatives with primary jurisdiction over matters concerning correctional facilities.

A. While a report on statistics related to the RRP is posted to the agency website, not all reporting requirements are met.

- The most recent report on the agency's website reflects FY 2016 data.
- Statistics are only reported for counties with 25 or more youth; however, the Human Resources Code requires the county of origin to be reported for each youth regarding extensions by the RRP and reconsiderations of extensions.
- The report is not provided to the required House and Senate Committees with primary jurisdiction over matters concerning correctional facilities.

Documentation can be improved to support length of stay adjustments.

Agency General Administrative Policy (GAP) allows for a youth's length of stay to be reduced by the Executive Director or designee when it is determined that the youth has made sufficient progress in treatment programs. The LOS may be reduced by up to three months so as long as the youth services at least nine months in a residential placement. GAP also states that any time spent as an escapee from a TJJJ placement, will not count towards the youth's length of stay. The RRP has been assigned the responsibility of updating lengths of stay for reductions and adjustments for escapes upon being notified.

A. Length of stay reductions are documented appropriately within youth records. Of the 30 sampled length of stay reductions, 29 (97%) lengths of stay were accurately adjusted in CCS to reflect the approved reduced date.

- One (3%) length of stay reduction was not updated in CCS.
- Per discussion with management and review of documentation, the Release Review Panel was unintentionally left off the notification.

B. Documentation to support length of stay adjustments for absconds is not consistently maintained within youth records. Of the nine youth requiring an adjustment to their length of stay:

- Eight (89%) youth's LOS was correctly updated in CCS with the number of days on abscond status added to their length of stay.
 - For 5 (63%) of the 8 lengths of stay, source documents did not readily support why the LOS was changed and required additional data and discussions with RRP staff to verify the update.
- One (11%) youth's length of stay was not updated to account for the two days the youth was on abscond status. Youth was subsequently released to parole at his initial length of stay and when taking into consideration his two days absconded, he was not released early.
 - The RRP is not notified of when a youth return's from escape/abscond until the youth is up for review. When a youth is up for Panel review, the RRP members review the youth's history of escape and inform the coordinator to update the LOS.

Access to the Release Review Panel Tracking System should be periodically reviewed to ensure protection of data.

The RRP utilizes the Release Review Panel Tracking System to track votes entered by members of the RRP. Information in the system includes each members vote to extend, discharge, or release to parole, and the final outcome of the review. Agency policy requires the system owner to periodically (at least annually) review the user access list to ensure appropriateness.

- A. Access controls are not in place for the Release Review Panel Tracking System.** Of the 53 access privileges, 44 (83%) have inappropriate access based on business need and job responsibility.
- Seven (78%) of nine users with administrator capabilities do not have appropriate access.
 - Six (55%) of 11 users with add capabilities do not have appropriate access.
 - Thirty-one (94%) of 33 users with read-only capabilities do not have appropriate access.

Processes are in place to support release of a youth without a RRP review.

General Administrative Policy (GAP) provides guidelines for authorizing the release of non-sentenced offenders to parole. If an indeterminate youth meets the criteria set forth in policy by the date of their MLOS, the youth is eligible for release to parole and does not require a review by the Release Review Panel. Criteria for release includes meeting their MLOS, being free of any major rule violations proven in a Level II due process hearings for 30 days prior to MLOS, completion of specialized treatment programs, and the youth must have reached the highest stage in completion of the agency's rehabilitation program. If the youth does not or will not meet the criteria by their MLOS, the youth must have a review by Release Review Panel.

A. For the 30 (100%) youth tested who were released to Parole without an RRP review:

- 29 (97%) youth were program complete and had no major rule violations confirmed with a Level II hearing within 30 days of their MLOS.
- 1 (3%) youth was not program complete and released to parole at Stage 2 without an RRP review. This youth was also the only youth with a major rule violation confirmed with a Level II Hearing within 30 days of his MLOS, which was not accounted during his release.
 - Management was informed the youth was at Stage 4 at the time of request; however, records indicate youth was Stage 3 and never reached Stage 4. Between the date of request for release and the date of approval, the youth received a major rule violation confirmed through a Level II Hearing and was demoted to Stage 2.
 - The process for reviewing transition requests has since improved with new management oversight, which includes a multi-level review, continuous verification of youth information throughout the approval process, and automatic denial if the youth has a pending Level II Hearing.

RECOMMENDATIONS

RECOMMENDATION	MGT RESPONSE CURRENT STATUS PROJ. COMPLETION DATE
<p>1. Deputy Executive Director of State Services should:</p> <p>A. Coordinate with the Release Review Panel to provide Case Managers training on responsibilities related to the RRP Process.</p> <p>B. Collaborate with the Release Review Panel to ensure policies reflect current intended practices regarding facility documentation.</p> <p>C. Upon implementation, review processes to ensure compliance with expectations.</p>	<p style="text-align: center;">CONCUR Planned December 6, 2020</p> <p>Team with Release Review Panel and form a work group to develop training and policy edits. Upon implementation of policy and training, processes will be reviewed to ensure compliance.</p>
<p>2. Office of General Counsel should:</p> <p>A. Collaborate with State Services to develop standardized procedures for submitting and reviewing 225's, and requesting and approving mandatory Level II hearings.</p> <p>B. Implement periodic monitoring of mandatory hearings to determine compliance and resolution of deficiencies.</p>	<p style="text-align: center;">CONCUR Underway December 1, 2020</p> <p>A. The OGC is (1) working with State Services to eliminate the facilities' ad hoc 225 appeal process (2) working with IT to update Correctional Care System (CCS) to allow for changes to the allegation and (3) collaborating with the facilities to establish a process whereby the Hearing Specialists will be responsible for reviewing every 225 that is submitted to Regulation and Safety and submitting a Hearing Request to the Superintendent for approval.</p> <p>B. OGC has worked with Facility Analytics and Reporting Team, to create a Dashboard to track mandatory offense incidents and whether or not a Level II Hearing was held in order to determine compliance and resolve deficiencies. The Dashboard is created and currently in use.</p>

<p>3. The Release Review Panel Administrator should ensure:</p> <ul style="list-style-type: none"> A. RRP reports on the public webpage are current and reflect required data. B. Required reports are submitted to the standing committees of the Senate and House of Representatives with primary jurisdiction over matters concerning correctional facilities. 	<p style="text-align: center;">CONCUR Underway August 31, 2021</p> <p>The RRP Administrator has requested the agency's web administrator to update the reports from the agency's intranet to the public website, on 9/25/2020, based on recommendations from the Manager of Legislative Reporting and Statistics. RRP Program Administrator will work with the agency's research department to work on correcting the reports as noted in the HR Code to show the individual counties as well as making them more user friendly to understand what the statistics are showing. (i.e. legend). The RRP administrator will collaborate with the General Counsel and Chief of Staff to develop the required reports, along with timelines, that are required to be submitted to the Senate and House of Representatives with primary jurisdiction over matters concerning correctional facilities. RRP Program Administrator will work on developing policy to reflect the above changes.</p>
<p>4. The Release Review Panel Administrator should ensure documentation is made within the youths electronic record to support length of stay adjustments.</p>	<p style="text-align: center;">CONCUR December 18, 2020 Underway</p> <p>Chronologicals will be entered to show a change in length of stay whether it be through addition of escape days or reduction of time due to MLOS reduction approval by Executive staff. A quarterly review will be completed to verify LOS adjustments are being documented correctly into the chronologicals.</p>
<p>5. The Release Review Panel Program Administrator should conduct a periodic review of user access to the Release Review Panel Tracking System to ensure appropriate access.</p>	<p style="text-align: center;">CONCUR October 2, 2020 Management Reports Implemented</p> <p>Review of access has been completed and IT ticket submitted to make necessary changes. Also updated procedures to reflect annual review of employees with access to be completed at the beginning of each fiscal year.</p>

6. State Services should continue with current oversight and verification process for youth transition to Parole to ensure accurate release.

CONCUR
December 30, 2020
Planned

Evaluate current process to find opportunities to streamline the process and minimize the timeline. Create workgroup if need arises.

STATUS OF RECOMMENDATION

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

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

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

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

DRAFT



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE RELEASE REVIEW PANEL AUDIT REPORT

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
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 reviews of audit reports submitted by the Office of Internal Audit; and

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

NOW, THEREFORE BE IT RESOLVED THAT the Board acknowledges receipt and review and endorses the distribution of the Office of Internal Audit’s report on the Release Review Panel Audit as required by statute.

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

Signed this 23rd day of October 2020

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

BOARD MEMBERS

*The Honorable Wes Ritchey, Chair
Dalhart, Texas*

*David "Scott" Matthew
Georgetown, Texas*

*The Honorable Lisa Jarrett
San Antonio, Texas*

*Edeska Barnes
Jasper, Texas*

*James Castro
Bergheim, Texas*

*Pama Hencerling
Victoria, Texas*

*Allison Palmer
San Angelo, Texas*

*Melissa Martin
Deer Park, Texas*

*Ann Lattimore
Cedar Park, Texas*

*Mona Lisa Chambers
Houston, Texas*

*James Smith
Midland, Texas*

*The Honorable Vincent Morales, Jr.
Fort Bend, Texas*

**Texas Administrative Code
(TAC) 202 Audit
Project 20-6
October 2020**

EXECUTIVE DIRECTOR

Camille Cain

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjtd.texas.gov

Internal Audit Mission

To enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.

Internal Audit Team Members

Jose Dominguez, CIA, CPA
Stephanie Valdez, CIA, CGAP – Deputy Chief Auditor
Eleazar Garcia, CIA, CRMA – Chief Auditor

For additional copies contact:

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



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members
Camille Cain, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: Texas Administrative Code (TAC) 202 Audit (20-6)

Date: October 23, 2020

Attached for your review and approval is our report on the TAC 202 Audit. TAC 202 Section 202.26(c) requires a biennial review of the agency's information security program for compliance with TAC 202 information security standards by individuals independent of the information security program.

This audit is part of the fiscal year 2020 Audit Plan. The audit objective is to determine whether the agency complies with TAC 202 information security standards. The scope includes review of policies, procedures, and practices over information security and resources. It also includes follow-up on prior audit recommendations and findings related to information security from the Gainesville State School audit regarding access to the Security Intelligence System. Information gathering, interviews, and review of records were performed during the period April through September, 2020.

Auditors communicated specific findings related to information security to management in writing. Due to the nature of these findings, full details and information are not included within this report. Recommendations to strengthen controls and improve accountability were provided to management outside of this report. Management concurs with the results of the work and responses to the recommendations are captured within Internal Audit's confidential working papers and internal audit follow-up database. We appreciate the cooperation and assistance provided throughout the audit.

cc Executive Management

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EXECUTIVE SUMMARY

This report provides the result of the Texas Juvenile Justice Department's (TJJD) TAC 202 Information security audit, which is included in the fiscal year 2020 Audit Plan. The audit objective is to determine whether the agency's information security program complies with TAC 202 standards. We also conducted follow-up on prior audit recommendations related to information security.

While the agency has shown significant improvements, full implementation of the TAC 202 information security standards will assist with managing and protecting the integrity and availability of information assets.

Auditors communicated specific findings related to information security to management in writing. Due to the nature of these findings, details and recommendations are not fully included within this report. Management concurs with the results of the work and responses to the recommendations are captured within Internal Audit's confidential working papers and the internal audit follow-up database.

BACKGROUND

The Texas Administrative Code, Chapter 202 (TAC 202) establishes the baseline for information security standards for State agencies, and provide guidelines for agencies to follow to ensure security of information resources. These standards are separated into seven rules that include the responsibilities of the agency head, the responsibilities of the Information Security Officer, staff responsibilities, security reporting, the agency information security program, managing security risks, and the Security Controls Standards Catalog.

The audit objective is to determine whether the agency complies with the TAC 202 information security standards. The scope includes review of policies, procedures, and practices over information security and resources. It also includes follow-up on prior audit recommendation and finding related to information security from the Gainesville State School audit regarding access to the Security Intelligence System.

The methodologies used consist of researching laws and regulations, reviewing agency's policies and procedures, analyzing data and reports, identifying and collecting information, conducting interviews with management and staff in Central Office, assessing system and process controls, and evaluating test results.

This audit was conducted in conformance with the International Standards for the Professional *Practice of Internal Auditing* and *Generally Accepted Government Auditing Standards*. These standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. Furthermore, Internal Audit conforms to the independence requirements of the *Generally Accepted Government Auditing Standards* by reporting directly to the governing board and being free of operational responsibilities that would impair ability to make independent reviews of agency operations. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

RESULTS

While the agency has shown significant improvements, full implementation of the TAC 202 information security standards will assist with managing and protecting the integrity and availability of information assets.

Strengths identified were as follows:

- The agency employs an Information Security Officer (ISO) and a Cybersecurity Analyst.
- Agency policies require completion of an information security awareness training for new employees and annually thereafter.
- The agency utilizes systems that include firewalls, gateways, and applications to protect against malware, viruses, and phishing incidents.
- The email filtering application blocks or quarantines email that may contain spam, viruses, or other malicious software that pose a threat to the agency's information systems.
- The agency monitors security incidents and reports them to the Department of Information Resources (DIR).
- The agency submitted the biennial Information Security Plan (ISP) in June 2020 to the DIR that shows a positive trend in the ratings of the security objectives when compared with the 2016 and 2018 ISPs.

Controls should be strengthened to ensure compliance with agency policies and procedures and to provide more effective practices.

- The agency's Executive Written Acknowledgment of Risk statement should be signed by all designated executives to acknowledge the risks identified in the Information Security Plan.
- Compliance with information security awareness and cybersecurity training to employees and contractors should be strengthened.
- Utilization of the Data Use Agreement should conform to expectations of Texas Government Code 2054.
- The Information Technology Division's Policies and Procedures Manual should be updated to reflect current TAC 202 rules and security controls.
- Purchases of computer applications that interact with agency applications should be vetted through the information security team.
- Risk assessment of the agency information systems should follow TAC 202 expectations.

Follow-up on Prior Audit Recommendation:

Follow-up was conducted on a prior audit recommendation from the Gainesville State School audit 18-1C related to the Security Intelligence System. Results of the verification work reflect the management action plan is implemented and functioning as intended. The recommendation has been closed.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE TAC 202 AUDIT REPORT

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
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 reviews of audit reports submitted by the Office of Internal Audit; and

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

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

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

Signed this 23rd day of October 2020

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

BOARD MEMBERS

*The Honorable Wes Ritchey, Chair
Dalhart, Texas*

*David "Scott" Matthew
Georgetown, Texas*

*The Honorable Lisa Jarrett
San Antonio, Texas*

*Edeska Barnes
Jasper, Texas*

*James Castro
Bergheim, Texas*

*Pama Hencerling
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*Melissa Martin
Deer Park, Texas*

*Ann Lattimore
Cedar Park, Texas*

*Mona Lisa Chambers
Houston, Texas*

*James Smith
Midland, Texas*

*The Honorable Vincent Morales, Jr.
Fort Bend, Texas*

**Risk Assessment and
FY 2021 Audit Plan
October 2020**

EXECUTIVE DIRECTOR

Camille Cain

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjjd.texas.gov



Memorandum

To: TJJJ Board Members
Camille Cain, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: Risk Assessment and FY 2021 Audit Plan 20-4

Date: October 23, 2020

Attached for your approval is our proposed audit plan for Fiscal Year 2021. This plan was developed in accordance with Government Code Chapter 2102 (Texas Internal Auditing Act), which requires state agency internal audit departments to develop an annual audit plan using risk assessment techniques. The risk assessment and project selection process used by the TJJJ Office of Internal Audit includes input from Board members and agency management and staff. Information describing the assumptions and process used to develop the plan include:

- Process Description for the annual audit plan development. (Page 3)
- Risk Assessment Scores and Coverage Schedule, which displays the risk level of each auditable unit and indicates whether audit coverage has been provided based on each unit's risk level. (Page 5)
- Proposed FY 2021 Audit Plan. (Page 8)

In addition to approving the audit plan, the Texas Internal Auditing Act requires the Board to review the resources dedicated to the internal audit program and determine if they are adequate to ensure coverage of the agency's risk in a reasonable time frame. This packet provides the information to make this determination. Additionally, the agency dedicates adequate resources to provide competitive salaries, training, and travel for the audit staff.

cc: Executive Team

Process Description

1. **Define the audit universe.** Develop a comprehensive list of “auditable units” (i.e., specific operating units such as Human Resources or cross-functional processes such as food service, etc.) through discussion with the Board, agency management, and auditor judgment to be considered for annual planning.
2. **Select and apply weighting system to the risk factors.** Risk factors are specific and identifiable sources of uncertainty or potential negative consequences. Risk is inherent to every auditable unit – what varies among units is the degree or *level* of risk. Level of risk is determined by the extent of impact to the agency as a whole should the specific risk occur. Risk factors are selected and weighted by consideration of current issues by the Chief Auditor. The risk factors and weights used for the risk assessment were as follows:

Risk Factor	Weight
Safety/Welfare of the Youth	25
Safety/Welfare of the Staff	25
Data Reliability	20
Safeguarding of Assets	20
Compliance with Laws & Regulations	20
Impact on Communities	20
Recent and/or Significant Changes	10

3. **Prioritize auditable units to assess overall risk level.**
 - **Score:** Score each unit’s risk level for each risk factor. For each factor, we use a 5-point scale: low risk levels receive 1 point, medium risk levels 3 points, and high risk levels 5 points. For example, the Case Management auditable unit would score a 5 on the risk factor of safety/welfare of the youth, while Purchasing would score a 1 in the same risk factor.
 - **Additional Points:** Areas identified as of interest or concern by Board members received 25 additional points; by Executive Management received 15 additional points (20 if more than one manager identified the area as a priority); and any identified as an area of concern by the Chief Auditor received up to an additional 10 points.
 - **Rank:** Calculate the products of the risk level score times the risk factor weight, sum all scores and rank all units relative to one another. Identify high, medium, and low risk areas.
 - **Risk:** Ranked from high to low score and subsequently categorized based on distributed thresholds.
4. **Determine available staff hours for audit work:**

- **Staff hours:** Taking leave, training requirements, and other responsibilities into consideration, determine available staff hours for audit work. Estimated available hours for FY 2021 are 8900.
5. **Identify areas of audit for Proposed FY 2021 Audit Plan.** Based on:
 - input from Board members, agency management, and other factors
 - available staff hours
 - review of statutory requirements including
 - a. Government Code
 - b. Human Resources Code
 - c. Texas Administrative Code
 - review of audit history including:
 - a. either a stand-alone audit or part of another audit (e.g. facility audit)
 - b. consulting services
 - c. external services (e.g. State Auditor’s Office (SAO), Texas Education Agency (TEA), Texas Comptrollers of Public Accounts (CPA))
 6. **Develop a proposal for Board review.**
 7. **Present to the Board Finance and Audit Committee and obtain input to finalize FY 2021 Audit Plan.**
 8. **Present to the full Board for approval.**
 9. **Distribute the approved plan to the oversight agencies (Governor’s Office of Budget, Planning, and Policy; Legislative Budget Board; Sunset Advisory Commission; and State Auditor’s Office.**
 10. **Post the approved Internal Audit Plan on the agency website by November 1, 2020.**

**JUVENILE JUSTICE DEPARTMENT
Office of Internal Audit
FY 2021 Annual Audit Plan Packet**

Risk Assessment Scores and Coverage Schedule

High Risk			
Rank	Auditable Unit	Risk Score	Last Audited FY
1	<i>Case Management</i>	470	2020
2	<i>Contract Care Facilities</i>	460	2018
3	<i>Halfway House operations</i>	460	2019
4	<i>Incident Reporting (CCF-225/Critical Incidents/Serious Incidents)</i>	460	None
5	<i>Contracts</i>	450	2019
6	IT Security Management	450	2020
7	<i>Visitation</i>	450	2018
8	<i>Due Process Hearings</i>	440	2020
9	<i>Treatment</i>	440	2019
10	Staff Development & Training	440	2019
11	Title IV-E	430	2016
12	<i>Texas Model</i>	430	None
13	Re-Entry and Parole Services	430	2019

Medium Risk			
Rank	Auditable Unit	Risk Score	Last Audited FY
14	Education	410	2019
15	Facility Business Management	410	2019
16	Volunteers\Community Relations	410	2017
17	IT Application Controls	410	2011
18	IT Data Management	410	2014
19	Workers Compensation	400	2019
20	Fixed Assets	400	2012
21	Drafting/Revising Policy Process	400	2018
22	Fleet Management	400	2019
23	Handle with Care	400	2019
24	Risk Management	400	None
25	Gatehouse Security	400	2018
26	Education Grant Management	400	2018
27	Budget and Financial Reports	395	2016
28	Workforce and Vocational Services	390	None

**JUVENILE JUSTICE DEPARTMENT
Office of Internal Audit
FY 2021 Annual Audit Plan Packet**

29	<i>Legislation Updates and Implementation</i>	390	2018
30	Staff Travel	390	2018
31	Construction/Maintenance/Engineering	390	2018
32	Human Resource Administration	385	2017
33	Employment Benefits	380	2018
34	Regulation and Safety Unit	380	None
35	Employee Grievance System	380	2018
36	Dorm Living/Control & Supervision (coverage)	380	2019
37	IT General Controls	370	2017
38	Youth Rights	360	2019
39	JSO/JPO Certification	360	2018

Low Risk			
Rank	Auditable Unit	Risk Score	Last Audited FY
40	County - Monitoring and Inspections	350	None
41	Nutrition and Food Services	350	2018
42	Release Review Panel	350	2020
43	Records Retention	350	None
44	Medical Services	350	2019
45	<i>Safety and Security/Physical Security</i>	340	2019
46	Corporate Governance/Ethics	330	2019
47	Endowment Trust Funds	330	2018
48	Alternative Education Programs	330	2013
49	Orientation and Assessment	330	2017
50	Certified Officer Discipline Process	330	None
51	<i>Administrative Investigations</i>	330	2020
52	Criminal Investigations	330	2020
53	External Affairs/ Media	320	None
54	<i>Incident Reporting Center</i>	320	2020
55	Student Transportation	320	2014
56	Sex Offender Registration/Disposition/Victim Rights/DNA	320	2019
57	<i>PREA Compliance</i>	320	2017
58	Contraband Detection	320	2018
59	County Grant Management & Monitoring	320	2020
60	<i>Regionalization</i>	320	None

**JUVENILE JUSTICE DEPARTMENT
Office of Internal Audit
FY 2021 Annual Audit Plan Packet**

61	Interstate Compact	320	2015
62	Gang Intelligence	320	2018
63	Purchasing	310	2018
64	Sentenced Offenders	310	None
65	State - Monitoring and Inspections	310	2014
66	Fugitive Apprehension	310	None
67	Youth Placement	310	2017
68	Payroll	310	2016

Bold Italicized type indicates area is on the proposed FY 2021 audit plan.

**JUVENILE JUSTICE DEPARTMENT
Office of Internal Audit
FY 2021 Annual Audit Plan Packet**

**Proposed Fiscal Year 2021 Audit Plan
Based on 8900 Available Hours**

Audit Projects	
Mandatory	Contract Review*
ANE Audit	Yes
Discretionary	
Workers Comp JSO/JPO Certification Regionalization Legislation Update and Implementation	Yes
Carryover Projects from FY 2019	
Facility Audit	Yes
Facility Audit	Yes
Other Projects	
Annual Risk Assessment and Audit Plan FY2020 Annual Internal Audit Report FY2020 Annual Internal Quality Assurance Follow Up/Verification Prior Audit Recommendations TeamMate Migration Ad-Hoc Consulting External Quality Assurance Review – Reciprocating Services	

*The passage of Senate Bill 65 added additional requirements to Texas Government Code Chapter 2102, Texas Internal Auditing Act, to consider methods for ensuring compliance with Contract processes and controls and for monitoring agency contracts. Internal Audit already includes review of applicable contracts in the course of conducting audits under the audit plan and will continue to do so.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE FISCAL YEAR 2021 INTERNAL AUDIT PLAN.

On this 23rd day of October 2020, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the Institute of Internal Auditor’s *International Standards for the Professional Practice of Internal Auditing*, and the Texas Internal Auditing Act (Government Code, Chapter 2012) requires the completion of an annual audit plan based on a documented risk assessment, undertaken at least annually;

WHEREAS, the annual audit plan must be posted on the Texas Juvenile Justice Department’s internet website within 30 days of Board approval or by November 1, 2020.

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Internal Audit Department’s FY 2021 Internal Audit Plan and authorizes its posting as required by statute.

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

Signed this 23rd day of October 2020.

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

BOARD MEMBERS

*The Honorable Wes Ritchey, Chair
Dalhart, Texas*

*David "Scott" Matthew
Georgetown, Texas*

*The Honorable Lisa Jarrett
San Antonio, Texas*

*Edeska Barnes
Jasper, Texas*

*James Castro
Bergheim, Texas*

*Pama Hencerling
Victoria, Texas*

*Allison Palmer
San Angelo, Texas*

*Melissa Martin
Deer Park, Texas*

*Ann Lattimore
Cedar Park, Texas*

*Mona Lisa Chambers
Houston, Texas*

*James Smith
Midland, Texas*

*The Honorable Vincent Morales, Jr.
Fort Bend, Texas*

EXECUTIVE DIRECTOR

Camille Cain

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjjd.texas.gov

Internal Audit Charter



INTERNAL AUDIT CHARTER

MISSION

To enhance and protect organizational value by providing risk-based and objective assurance, advice, and insight.

VALUES

- Internal Audit promotes an ethical culture by conducting its services with integrity, proficiency, and due professional care.
- Internal Audit is committed to performing accurate work and offering feasible recommendations for improvement.
- Internal Audit aligns with the strategies, objectives, and risks of the organization and is insightful, proactive, and future-focused.

AUTHORITY

In accordance with the Texas Internal Auditing Act (the "Act") (Chapter 2102, Texas Government Code), the Texas Juvenile Justice Department (TJJD) hereby establishes an Internal Audit Department, whose director is appointed by and reports to the governing board (Board), charged with developing and executing audit plans and programs designed to assess TJJD's operations. Internal Audit operates in accordance with the Institute of Internal Auditors (IIA) International Professional Practices Framework which includes, as mandatory guidance, the Core Principles for the Professional Practice of Internal Auditing, the Definition of Internal Auditing, the Code of Ethics, and the International Standards for the Professional Practice of Internal Auditing. In addition, Internal Audit should conform to the Generally Accepted Government Auditing Standards (GAGAS).

The objectivity of TJJD's Chief Auditor is established by reporting functionally to the Board and administratively to the Executive Director. Removal of the Chief Auditor shall be subject to Board approval.

The independence of the Chief Auditor and staff is maintained by keeping them free of all operational and management responsibilities that would impair their ability to make independent reviews of all aspects of TJJJ's operations.

Access to Records

Personnel of Internal Audit, in the performance of audits and with strict accountability for safekeeping and confidentiality, shall have unrestricted access to all TJJJ activities, records, reports (regardless of media), property, and employees.

The Institute of Internal Auditor's Definition of Internal Auditing

Internal auditing is an independent, objective assurance and consulting activity designed to add value and improve an organization's operations. It helps an organization accomplish its objectives by bringing a systematic, disciplined approach to evaluate and improve the effectiveness of risk management, control, and governance processes.

Standards

Audit Standards. All work of Internal Audit shall be conducted in accordance with the *International Professional Practices Framework* established by The Institute of Internal Auditors; *Government Auditing Standards*, published by the U.S. General Accountability Office; and relevant TJJJ policies and procedures. Additionally, Information Technology audits will be conducted in accordance with *IT Standards, Guidelines, and Tools and Techniques* promulgated by the Information Systems Audit and Control Association (ISACA).

Standards of Conduct. All staff of Internal Audit shall carry out their duties in a manner that is consistent with the *Code of Ethics* of the Institute of Internal Auditors and TJJJ's *Standards of Conduct and Ethics*. In particular, staff shall be prudent in the use of information acquired in the course of their duties.

RESPONSIBILITIES

Internal Audit

Internal Audit provides assurance and consulting services to TJJJ Divisions.

Assurance services involve the internal auditor's objective assessment of evidence to provide opinions or conclusions regarding an entity, operation, function, process, system, or other subject matters. The nature and scope of an assurance engagement are determined by the internal auditor.

Consulting services are advisory in nature and are generally performed at the specific request of an engagement client. The nature and scope of the consulting engagement are subject to agreement with the engagement client. When performing consulting services the internal auditor should maintain objectivity and not assume management responsibility.

In accomplishing its mission and responsibilities, the scope of internal auditing encompasses, but is not limited to, the examination and evaluation of the adequacy and effectiveness of

the organization's governance, risk management, and internal controls as well as the quality of performance in carrying out assigned responsibilities to achieve the organization's stated goals and objectives. To this end, Internal Audit will:

- Develop an annual audit plan using an appropriate risk-based methodology, including consultation with management and the board and an understanding of the agency's strategies, key business objectives, associated risks, and risk management processes.
- Submit the plan along with any periodic updates to the Board for approval.
- Implement the annual audit plan, as approved, including any special tasks or projects requested by management and the Board.
- Adjust the plan, as necessary with Board approval, in response to changes in the organization's risks, operations, programs, systems, and controls.
- Maintain a professional audit staff with sufficient knowledge, skills, experience, and professional certifications.
- Evaluate and assess significant functions and new or changing services, processes, operations, and control processes coincident with their development, implementation, and expansion.
- Issue reports to the Board, through the Finance and Audit Committee and Executive Director, summarizing the results of audit activities.
- Distribute audit reports to the Office of the Governor, Legislative Budget Board, Sunset Advisory Commission, and State Auditor's Office as required by the Act.
- Periodically review audit goals and results with the Finance and Audit Committee.
- Follow up on prior audit recommendations and report the current status to executive management and the Finance and Audit Committee periodically.
- Verify effective implementation of recommendations from prior audits that have been reported as implemented.
- As appropriate, consider the scope of work of monitoring activities, the external auditors and regulators for the purpose of providing optimal audit coverage to the agency.
- Develop, maintain, and continuously improve a quality assurance and improvement program that ensures compliance with standards.
- Participate in the State Agency Internal Audit Forum Peer Review Process.
- As requested, assist the Office of Inspector General in the investigation of significant suspected fraudulent activities within the agency; the results of which will be handled by the Inspector General.

Scope of Work

Internal Audit shall ensure audits of TJJJ programs, functions, activities, and systems are accomplished. Internal Audit shall perform sufficient audit work to determine whether:

- The systems for corporate governance, risk management, and control are effective;
- Activities and programs being implemented are properly authorized and are being conducted in a manner consistent with their objectives;
- Resources are acquired, protected, and used economically and efficiently;
- Programs, services, and activities are being operated effectively;

- Financial and performance reports are being provided that disclose fairly, fully, and accurately all required and necessary information to determine the scope of operations and the proper basis for measuring results;
- Management has established operating and administrative systems to ensure accountability for public resources; and
- Risks of fraud, waste, and abuse in the agency have been identified and, to the extent possible, minimized.

If Internal Audit does not possess the appropriate expertise or for some other reason does not have the personnel resources to conduct an audit, the Chief Auditor may contract for audit services.

Management

TJJD Management is responsible for:

- Applying resources efficiently, economically, and effectively to achieve the purposes for which the resources were furnished;
- Complying with applicable laws and regulations;
- Establishing and maintaining effective controls to ensure that appropriate goals and objectives are met;
- Ensuring resources are safeguarded;
- Ensuring reliable data is obtained, maintained, and fairly disclosed;
- Providing appropriate reports on efforts and accomplishments to those entities to which they are accountable;
- Providing information to Internal Audit as requested;
- Maintaining a process to ensure timely response and appropriate action is taken on audit recommendations; and
- Ensuring managers are trained on the role of Internal Audit in the agency.

Further, management should ensure that the Chief Auditor is informed of reviews, evaluations, assessments, audits, or inspections scheduled by local, state, or national agencies and/or external consultants or auditors evaluating programs or controls. This information is vital to Internal Audit's risk assessment and planning process and assists in minimizing duplication of effort.

Eleazar Garcia, CIA, CRMA
Chief Auditor

Camille Cain
Executive Director

This Charter is approved by the Texas Juvenile Justice Department Board on October 23, 2020.

Honorable Wes Ritchey
Chairman of the TJJD Board



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE FISCAL YEAR 2021 INTERNAL AUDIT CHARTER

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the Institute of Internal Auditor’s *International Standards for the Professional Practice of Internal Auditing* requires an internal audit charter;

WHEREAS, the internal audit charter defines the purpose, authority, and responsibility of the Internal Audit Department;

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Internal Audit Charter and instructs that it be posted on the agency’s intranet available to all agency staff.

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

Signed this 23rd day of October 2020.

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

BOARD MEMBERS

*The Honorable Wes Ritchey, Chair
Dalhart, Texas*

*David "Scott" Matthew
Georgetown, Texas*

*The Honorable Lisa Jarrett
San Antonio, Texas*

*Edeska Barnes
Jasper, Texas*

*James Castro
Bergheim, Texas*

*Pama Hencerling
Victoria, Texas*

*Allison Palmer
San Angelo, Texas*

*Melissa Martin
Deer Park, Texas*

*Ann Lattimore
Cedar Park, Texas*

*Mona Lisa Chambers
Houston, Texas*

*James Smith
Midland, Texas*

*The Honorable Vincent Morales, Jr.
Fort Bend, Texas*

EXECUTIVE DIRECTOR

Camille Cain

Chief Auditor

Eleazar Garcia, CIA, CRMA

www.tjtd.texas.gov

**FY 2020 Internal Audit
Annual Report
October 2020**



TEXAS
JUVENILE JUSTICE
DEPARTMENT

October 23, 2020

The Honorable Greg Abbott, Governor
The Legislative Budget Board
The Sunset Advisory Commission
State Auditor's Office
Texas Juvenile Justice Board
Camille Cain, TJJJ Executive Director

Attached is the Fiscal Year 2020 Annual Internal Audit Report from the Texas Juvenile Justice Department's Office of Internal Audit. This report is provided in accordance with the Texas Internal Auditing Act requirements for internal auditors to prepare and distribute an annual report of accomplishments and activities and complies with the guidelines set forth by the State Auditor's Office.

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

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

If you have any questions, please contact me at (512) 739-8387.

Sincerely,

A handwritten signature in black ink, appearing to read "Eleazar Garcia".

Eleazar Garcia, CIA, CRMA
Chief Auditor

The Honorable Wes Ritchey, Chairman | Camille Cain, Executive Director
11209 Metric Blvd. Bldg. H, Ste. A, Austin, Texas 78758 | Post Office Box 12757, Austin, Texas 78711
(Tel) 512.490.7130 |
WWW.TJJJ.TEXAS.GOV

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

Internal Audit will ensure the posting of the Fiscal Year (FY) 2021 Internal Audit Plan upon Board approval and the FY2020 Internal Audit Annual Report on the Texas Juvenile Justice Department's internet web site. The reports will be submitted to the agency's Webmaster for inclusion in the Internal Audit page of the Agency's internet website.

A summary of the Recommendations for the issues identified during audits included in the FY2020 Audit Plan can be found in Exhibit A attached at the end of the Annual Report.

II. INTERNAL AUDIT PLAN FOR FISCAL YEAR 2020

Below is the status of audits included in the FY 2020 audit plan:

Audit No.	Report Date	Report Title	Status
20-5	5/2020	Human Resource Audit	Issued - May 2020 Board Meeting
19-6	8/2020	County Grants Audit (State Grant Audit)	Issued – August 2020 Board Meeting
20-6	10/20	TAC 202	Present to Board Oct 2020
20-7	10/20	Release Review Panel	Present to Board Oct 2020
20-1A	01/21	Facility Audit	Carryover to FY 2021 Audit Plan
20-1B	03/21	Facility Audit	Carryover to FY 2021 Audit Plan

III. CONSULTING ENGAGEMENTS AND NON-AUDIT SERVICES COMPLETED

Consulting Services:

Activity	Key Results
Policy Review	Review policies and offer input and guidance on thoroughness, controls, and feasibility.
Executive Management Team	The Chief Auditor is a member of the Executive Management Team and as such attends meetings and provides input.
Champions Meetings	The Chief Auditor attended TJJJ Champions meetings designed to successfully implement the Texas Model to TJJJ facility operations.
Ad Hoc Consultation with Management and Staff	Discuss ideas and concerns and provide advice as needed by agency staff.
Construction Committee Meetings	Chief Auditor and Deputy Chief Auditor are members and attend meetings and provide input.
Covid Discussions	Chief Auditor and Deputy Chief Auditor are members and attend meetings on weekly basis.

IV. EXTERNAL QUALITY ASSURANCE REVIEW (PEER REVIEW)

The most recently completed External Quality Assurance Review was conducted using the State Agency Internal Audit Forum's Peer Review Process. It was completed February, 2019 by David Cuevas, Audit Manager for the Office of Court Administration, and Priscilla Salomon, Assistant Director Internal Audit Division for Texas Comptroller of Public Accounts.

Overall Opinion

(excerpt from final report – page 2)

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

We found that the Internal Audit Department is independent, objective, and able to render impartial and unbiased judgments on the audit work performed. The staff members are qualified, proficient, and knowledgeable in the areas they audit. Individual audit projects are planned using risk assessment techniques; audit conclusions are supported in the working papers; and findings and recommendations are communicated clearly and concisely.

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

V. INTERNAL AUDIT PLAN FOR FISCAL YEAR 2021

TEXAS JUVENILE JUSTICE DEPARTMENT
Fiscal Year (FY) 2021 Audit Plan
 Based on Available 8900 Hours

Audit Projects	
Mandatory	Contract Review*
Abuse, Neglect, Exploitation Audit	Yes
Discretionary	
Workers Comp JSO/JPO Certification Regionalization Legislation Update and Implementation	Yes
Carryover Projects from FY 2020	
Facility Audit 20-1A Facility Audit 20-1B	Yes Yes
Other Projects	
Annual Risk Assessment and Audit Plan FY 2020 Annual Internal Audit Report FY 2020 Annual Internal Quality Assurance Follow Up/Verification of Prior Audit Recommendations TeamMate Migration Ad Hoc Consulting External Quality Assurance Review – Reciprocating Services	

*The passage of Senate Bill 65 added additional requirements to Texas Government Code Chapter 2102, Texas Internal Auditing Act, to consider methods for ensuring compliance with Contract processes and controls and for monitoring agency contracts. Internal Audit already includes review of applicable contracts in the course of conducting audits under the audit plan and will continue to do so.

There were 13 high-risk areas identified in this year’s risk assessment. We expect to include ten of the 13 in the current audit plan with eight of the areas being incorporated into facility audits conducted in accordance with Texas Human Resources Code Section 203.013. Risks numbers 1, 6, and 8 have recent audit findings from the FY 2020 audit plan. High-risk auditable units identified for FY 2021 are as follows:

Rank	Auditable Unit	Last Audited (Fiscal Year)
1	Case Management	2020
2	Contract Care Facilities	2018
3	Halfway House operations	2019
4	Incident Reporting (CCF-225/Critical Incidents/Serious Incidents)	None
5	Contracts	2019
6	IT Security Management	2020
7	Visitation	2018
8	Due Process Hearings	2020
9	Treatment	2019
10	Staff Development & Training	2019
11	Title IV-E	2016
12	Texas Model	None
13	Re-Entry and Parole Services	2019

Risk Assessment Methodology

Internal Audit utilized input from Board members, agency staff, auditor judgment, and historical data and identified the auditable units to be included in the risk assessment. The units were ranked based on seven risk factors which included the safety and welfare of the youth, safety and welfare of the staff, impact on communities, data reliability, safeguarding of assets, compliance with laws and regulations, and recent and/or significant changes. Each unit’s risk factor was scored on a five-point scale with low risks being one, medium risks being three, and high risks receiving five points. Additionally, areas identified by Board members, Executive Management, and the Chief Auditor were also weighted and included in the final scoring. The units were ranked and a distribution level obtained to identify the high risks for the agency. After consideration of statutorily required audit work and audit history, consideration for leave, training requirements, and other responsibilities, and estimated available hours for FY 2021 of 8900 hours, the proposed audit plan for FY 2021 was developed.

VI. EXTERNAL AUDIT SERVICES

The following external audit services were procured or were ongoing in Fiscal Year 2020:

	External Audit Service	Focus of Review	Status
1	Texas State Auditor’s Office	Complaint, Grievance, and Allegation Processing	Completed
2	Texas State Auditor’s Office	Classification Audit of IT Positions	Completed
3	Texas Comptroller of Public Accounts	Duplicate Payment Audit	Ongoing
4	Texas Comptroller of Public Accounts	Post Payment Audit	Ongoing
5	Texas Comptroller of Public Accounts	Overpayment Recovery Audit	Ongoing
6	Texas Department of Public Safety	CJIS audit	Completed
7	Texas Department of Public Safety	TCIC Audit	Ongoing

VII. REPORTING SUSPECTED FRAUD AND ABUSE

To comply with the fraud reporting requirements of Section 7.09, page IX-37, the General Appropriations Act (86th Legislature), and the investigation coordination requirements of Texas Government Code, Section 321.022, the Texas Juvenile Justice Department has taken the following actions:

Currently, suspicions of fraud, waste, and abuse that have been reported to TJJJ have been processed through the Office of Inspector General. The Chief Inspector General coordinated fraud investigations and information as needed with the Special Investigation's Unit of the State Auditor's Office in accordance to Texas Government Code, Section 321.022.

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

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

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

**Exhibit A
Recommendations for FY 2020 Audit Plan Projects**

Project Code	Project Name	Recommendation	Recommendation Status
20-5	Human Resources Audit	Human Resource management should centralize the FMLA approval process and ensure procedures are established for: <ul style="list-style-type: none"> A. Accurate and timely approval of FMLA designation, not to exceed the allowed duration. B. Requesting and approving subsequent medical certifications. C. Separate formal approval of extended leave once FMLA has expired. 	Management Reports Planned
20-5	Human Resources Audit	The Director of Human Resources should establish an agency policy and form for the administration of employee to employee sick leave donations. The policy should adhere to the Government Code and should consider standardized record keeping of donation requests and approvals.	Management Reports Planned
20-5	Human Resources Audit	The Director of Human Resources should ensure effective management of the sick leave pool by: <ul style="list-style-type: none"> A. Setting clear expectations in policy for the award of hours. B. Formalizing expectations as to when unused sick leave pool hours should be returned to the pool. C. Periodic reconciliation of transactions on the Sick Leave Pool Log to CAPPs. 	Management Reports Planned
20-5	Human Resources Audit	The Director of Human Resources should ensure accurate and timely reporting of HR functions to external entities as required.	Management Reports Underway
20-5	Human Resources Audit	Chief Information Officer should collaborate with the Human Resources Director to ensure access to CAPPs HR is periodically reviewed for appropriateness.	Management Reports Planned
19-6	County Grants Audit	The Director of Probation Services should ensure: <ul style="list-style-type: none"> A. Office of General Counsel’s approval of the contract template is maintained as part of the contract process. B. Copies of fully executed contracts are maintained. 	Management Reports Planned

Project Code	Project Name	Recommendation	Recommendation Status
		C. Conflict of Interest Statement forms are completed by all relevant parties involved in the state aid contracting process.	
19-6	County Grants Audit	The Director of Probation Services should ensure the process to grant waivers of the independent audit is formalized.	Management Reports Underway
19-6	County Grants Audit	The Director of Probation Services should ensure the Independent Auditor's Report on Compliance and Internal Control conform to the financial assurance requirements of the state aid contract.	Management Reports Planned
19-6	County Grants Audit	The Director of Probation Services should ensure: A. Grant Monitoring Workbook clearly identifies the procedures to be performed during fiscal monitoring and desk reviews. B. Work performed by the fiscal monitors is reviewed for completeness and accuracy.	Management Reports Underway
19-6	County Grants Audit	Chief Information Officer (CIO) should evaluate and update user access level privileges and related definitions to comply with information security standards and controls (Texas Administrative Code 202).	Management Reports Planned
20-7	Release Review Panel	Deputy Executive Director of State Services should: A. Coordinate with the Release Review Panel to provide Case Managers training on responsibilities related to the RRP Process. B. Collaborate with the Release Review Panel to ensure policies reflect current intended practices regarding facility documentation. C. Upon implementation, review processes to ensure compliance with expectations.	Management Reports Planned
20-7	Release Review Panel	Office of General Counsel should: A. Collaborate with State Services to develop standardized procedures for submitting and reviewing 225's, and	Management Reports Underway

Project Code	Project Name	Recommendation	Recommendation Status
		<p>requesting and approving mandatory Level II hearings.</p> <p>B. Implement periodic monitoring of mandatory hearings to determine compliance and resolution of deficiencies. Periodic training is provided to all parties involved in the SO process to include training on the associated Code of Criminal Procedure rules and requirements.</p>	
20-7	Release Review Panel	<p>The Release Review Panel Administrator should ensure:</p> <p>A. RRP reports on the public webpage are current and reflect required data.</p> <p>B. Required reports are submitted to the standing committees of the Senate and House of Representatives with primary jurisdiction over matters concerning correctional facilities.</p>	Management Reports Underway
20-7	Release Review Panel	The Release Review Panel Administrator should ensure documentation is made within the youth's electronic record to support length of stay adjustments.	Management Reports Underway
20-7	Release Review Panel	The Release Review Panel Program Administrator should conduct a periodic review of user access to the Release Review Panel Tracking System to ensure appropriate access.	Management Reports Implemented
20-6	TAC 202 Information Security Audit	Due to the nature of this audit, recommendations are not included within this report	



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVING THE FISCAL YEAR 2020 INTERNAL AUDIT ANNUAL REPORT

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, the Texas Internal Auditing Act (Government Code, Chapter 2012) requires the completion of an internal audit annual report;

WHEREAS, the annual report must be filed with the Governor’s Office, the State Auditor’s Office, the Legislative Budget Board, and the Sunset Advisory Commission, and posted on the Texas Juvenile Justice Department’s internet website by November 1, 2020.

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Internal Audit Department’s FY 2020 Internal Audit Annual Report and authorizes its distribution and posting as required by statute.

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

Signed this 23rd day of October 2020.

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director

Kaci Singer, Deputy General Counsel for County Matters

Lou Serrano, Deputy Executive Director for Probation Services

Subject: Discussion, consideration, and possible approval to publish a proposal to repeal 37 TAC Chapter 353, relating to Substance Abuse Treatment Program, and to publish proposed new 37 TAC Chapter 353, relating to Substance Use Disorder Treatment Programs, in the *Texas Register* for a public comment period of at least 30 days and possible conditional approval to adopt the final repeals and new rules

Date: October 9, 2020

TJJJ staff is proposing to repeal and replace to 37 TAC Chapter 353 (Substance Use Disorder Treatment Programs).

Section 221.002, Human Resources Code, was amended effective September 1, 2017, to require TJJJ to adopt minimum standards for juvenile justice facilities and programs that offer substance abuse treatment to juveniles. Prior to the passage of this law, these substance abuse treatment programs were licensed and regulated by the Department of State Health Services (DSHS).

In response to that statutory change, the Texas Juvenile Justice Board adopted 37 TAC Chapter 353 to be very similar to the DSHS rules so that juvenile justice programs that had previously operated under DSHS could continue operating without a need to change their policies or procedures. TJJJ also convened a workgroup made up of agency staff and probation department staff with knowledge and experience in substance abuse treatment and programming.

The proposed new 37 TAC Chapter 353 is the result of that group's work. The new rules are designed to remove regulations that are covered in other chapters, to remove regulations that are not properly under TJJJ's purview, and to simplify the regulations for this specific programming that is operated under the larger facility or probation department umbrella.

The staff requests the board's approval to publish the new standards in the *Texas Register* for a comment period of at least 30 days.

The staff also requests the board's approval to adopt the final rules after the public comment period has ended, but only if the conditions listed in the accompanying resolution are met.

Attached to this memo please find:

- a summary of the changes being proposed;
- the text of the proposed new chapter and the text of the chapter to be repealed; and
- a resolution for board action.

Summary of Changes
37 TAC Chapter 353

NEW CHAPTER - Substance Use Disorder Treatment Programs

Rule #	Title	Summary of Rule
Subchapter A - Definitions and General Provisions		
353.101	Definitions	Defines terms used in the chapter.
353.102	Purpose	Establishes the purpose for the rules in this chapter.
353.103	Interpretation and Applicability	Explains what types of facilities or programs are subject to the requirements of this chapter. Provides guidance for understanding how certain terms are used. Establishes that other chapters also apply to facilities or programs subject to this chapter.
353.104	TJJD Notification	Explains when a juvenile board or designee must notify TJJD concerning the creation or discontinuation of a substance use disorder treatment program.
353.105	Waiver or Variance to Standards	Allows waivers or variances of standards in this chapter.
Subchapter B - Providers		
353.201	Standard of Care	Establishes basic standards that providers of substance use disorder treatment must adhere to.
353.202	Scope of Practice	Requires providers to offer services and use techniques that are within their scope of practice and limitations of their abilities.
353.203	Verification and Documentation	Requires the juvenile justice facility or program to verify and document certain qualifications of treatment providers. Also requires facilities and programs to document compliance with Texas Civil Practices and Remedies Code §81.003.
353.204	Ethics	Requires providers to adhere to the professional codes of ethics in their fields. Also requires facilities and programs to report suspected unethical conduct in accordance with the rules of the appropriate regulatory body.
353.205	Licensed Chemical Dependency Counselor Interns	Requires a facility or program that uses LCDC interns to be registered with the Department of State Health Services as a clinical training institution and to comply with applicable requirements.
Subchapter C - Treatment Program Requirements		
353.301	Notice of Client Rights	Establishes the rights of clients in substance use disorder treatment programs. Requires clients to be notified of these rights.
353.302	Client Records	Establishes various requirements concerning client records in areas such as creation, storage, preservation, access, and confidentiality. Requires the treatment program to adopt written policies regarding confidentiality of substance use disorder treatment records.
353.303	General Documentation Requirements	Establishes general requirements for documentation created by a treatment program.
353.304	Location and Environment	Establishes general requirements concerning the location and environment in which services are provided.

Rule #	Title	Summary of Rule
353.305	Policies and Procedures	Lists several requirements pertaining to the policies and procedures of the treatment program.
353.306	Assessment	Describes who is eligible for admission to a treatment program and the required elements of the assessment process.
353.307	Admission Authorization and Consent to Treatment	Establishes who may authorize admission to a treatment program. Also establishes various requirements relating to information that must be provided to the client and the consentor.
353.308	Treatment Planning, Implementation, and Review	Establishes requirements concerning the creation, contents, review, updating, and documentation of the treatment plan.
353.309	Requirements Applicable to All Treatment Programs	Establishes requirements in areas such as group size, curriculum, educational information, and qualifications of staff that apply to all levels and types of substance use disorder treatment programs.
353.310	Additional Requirements for Residential Treatment Programs	Establishes minimum requirements for service delivery at the intensive service level and the specialized service level within a residential treatment program.
353.311	Additional Requirements for Day Treatment Programs	Establishes minimum requirements for service delivery in day treatment programs.
353.312	Additional Requirements for Outpatient Treatment Programs	Requires outpatient programs to provide certain services in accordance with the client's needs.
353.313	Transfer to Another Treatment Program	Addresses the responsibilities of the sending treatment program to provide for continuity of care when a client is transferred to another treatment program.
353.314	Discharge	Establishes the responsibilities of the treatment program for discharging a client from treatment, including the required elements of a discharge plan and a discharge summary.

REPEALED CHAPTER - Substance Abuse Treatment Programs

Rule #	Title	Summary of Rule	Disposition
Subchapter A - Definitions and General Provisions			
353.101	Definitions	Defines terms used in the chapter.	Revised and addressed in new chapter at §353.101.
353.102	Purpose	Establishes the purpose for the rules in this chapter.	Revised and addressed in new chapter at §353.102.
353.103	Applicability	Explains what type of facilities or programs are subject to the requirements of this chapter. Establishes that other chapters also apply to facilities or programs subject to this chapter.	Renamed, revised, and addressed in new chapter at §353.103.
353.104	Program Approval and Registration	Requires the juvenile board to obtain approval from TJJDD to operate certain substance abuse treatment programs. Requires all treatment programs to be registered with TJJDD.	Renamed, revised, and addressed in new chapter at §353.104.

Rule #	Title	Summary of Rule	Disposition
353.105	Change in Status	Lists various changes in the types of services provided, location, number of beds, and other changes within a treatment program that require prior notice to or approval from TJJD.	Not included in new chapter.
353.106	Inspection	Establishes that TJJD may conduct scheduled or unannounced inspections or request materials for review at reasonable times.	Not included in new chapter.
353.107	Waiver or Variance to Standards	Allows waivers or variances of standards in this chapter.	Included in new chapter at §353.105.
Subchapter B - Standard of Care Applicable to All Providers			
353.201	General Standard	Establishes basic standards of care that treatment providers must adhere to.	Revised and addressed in new chapter at §353.201.
353.202	Scope of Practice	Requires providers to offer services and use techniques that are within their scope of practice and limitations of their abilities.	Revised and addressed in new chapter at §353.202.
353.203	Competence and Due Care	Establishes additional standards of care that treatment providers must adhere to.	Not included in new chapter.
353.204	Appropriate Services	Establishes general requirements relating to the appropriateness of services for the client.	Not included in new chapter.
353.205	Accuracy	Explains providers' responsibilities for accuracy in providing treatment and in communicating with others.	Not included in new chapter.
353.206	Documentation	Requires providers to document services provided and related transactions.	Not included in new chapter.
353.207	Discrimination	Prohibits discrimination by providers based on several client characteristics.	Not included in new chapter.
353.208	Access to Services	Requires providers to provide access to services and provide information about alternatives.	Not included in new chapter.
353.209	Location	Prohibits provision of services in locations that are inappropriate or harmful.	Not included in new chapter.
353.210	Confidentiality	Establishes requirements relating to the confidentiality of juvenile records and the provision of treatment services.	Confidentiality of information relating to treatment records is addressed in new chapter at §353.302.
353.211	Environment	Establishes requirements for the environment and space in which treatment services are provided.	Renamed and included in new chapter at §353.304.
353.212	Communications	Requires the provider to inform the client about relevant aspects of the service relationship.	Not included in new chapter.

Rule #	Title	Summary of Rule	Disposition
353.213	Exploitation	Prohibits the provider from exploiting relationships with clients for personal or financial gain.	Not included in new chapter.
353.214	Duty to Report	Requires staff to report knowledge of unethical conduct to the appropriate funding or regulatory body. Also requires allegations of abuse, neglect, or exploitation to be reported in accordance with TJJJ's chapter on alleged abuse, neglect, and exploitation.	Provisions relating to reporting unethical conduct are addressed in new chapter at §353.204.
353.216	Ethics	Requires providers to adhere to professional codes of ethics.	Revised and included in new chapter at §353.204.
353.217	Specific Acts Prohibited	Lists various prohibited acts for providers.	Not included in new chapter.
353.218	Standards of Conduct	Establishes standards of conduct and written policies for all program personnel regarding protection of client rights and reporting misconduct.	Not included in new chapter.
Subchapter E - Substance Abuse Program Requirements			
353.502	Operational Plan, Policies, and Procedures	Requires the program to operate according to an operational plan, which must contain several listed items. Also requires the facility or program to adopt and implement written policies and procedures, which must be current and accessible to staff.	Provisions relating to policies and procedures are addressed in new chapter at §353.305.
353.503	Reporting Measures	Requires facilities and programs to submit certain data to TJJJ annually regarding substance abuse programs.	Not included in new chapter.
353.504	Quality Management	Requires facilities and programs to implement a quality management process that addresses several listed components.	Not included in new chapter.
353.507	General Documentation Requirements	Establishes general requirements relating to the accuracy, completeness, and authentication of documents.	Revised and addressed in new chapter at §353.507.
353.508	Client Records	Establishes requirements for creating, maintaining, and limiting access to client records.	Revised and addressed in new chapter at §353.302.
Subchapter F - Personnel Practices and Development			
353.601	Hiring Practices	Requires facilities and programs to verify credentials of personnel, comply with Texas Civil Practices and Remedies Code §81.003, register as a clinical training institution when applicable, and undertake various general personnel practices.	Provisions relating to verifying credentials and compliance with Texas Civil Practices and Remedies Code §81.003 are addressed in new chapter at §353.203. Provision relating to registering as a clinical training institution is addressed in new chapter at §353.205.
353.602	Students and Volunteers	Establishes requirements and limitations that apply to the use of students and volunteers.	Not included in new chapter.

Rule #	Title	Summary of Rule	Disposition
353.603	Training	Establishes requirements relating to the topics, methods, timing, duration, and documentation of training for staff, volunteers, and students assigned to treatment programs.	Not included in new chapter.
Subchapter G - Client Rights			
353.701	Client Bill of Rights	Establishes the rights of clients in treatment programs.	Renamed, revised, and addressed in new chapter at §353.301.
353.704	Program Rules	Requires treatment programs to establish rules for client behavior and consequences for violations and to notify clients of this information.	Not included in new chapter.
Subchapter H - Screening and Assessment			
353.801	Screening	Establishes criteria for admission to a treatment program. Requires a screening process and specifies who may conduct screenings and how screenings are to be documented.	Not included in new chapter, except for admission criteria, which are addressed in new chapter at §353.306.
353.802	Admission Authorization and Consent to Treatment	Specifies who may authorize admission into a treatment program and requirements for providing information to the client and consentor.	Revised and addressed in new chapter at §353.307.
353.803	Assessment	Requires a comprehensive psychosocial assessment of clients admitted to a treatment program.	Revised and addressed in new chapter at §353.306.
353.804	Treatment, Planning, Implementation, and Review	Requires the development and ongoing review of a treatment plan and specifies components of the plan.	Revised and addressed in new chapter at §353.308.
353.805	Discharge	Requires the development of a discharge plan and a discharge summary and specifies the actions associated with each. Requires a follow-up contact after discharge.	Provisions relating to the discharge plan and discharge summary and related actions are addressed in new chapter at §353.314.
Subchapter I - Treatment Program Services			
353.901	Requirements Applicable to All Treatment Services	Establishes requirements in areas such as group size, curriculum, educational information, and qualifications of staff that apply to all levels of treatment programs,	Renamed, revised, and addressed in new chapter at §353.309.
353.902	Requirements Applicable to Detoxification Services	Establishes requirements in areas such as medical care, monitoring, housing, services, and staff qualifications for facilities providing detoxification services.	Not included in new chapter.
353.903	Requirements Applicable to Residential Services	Establishes requirements in areas such as caseload size, programming, and minimum hours of services for facilities providing various levels of residential services.	Renamed, revised, and addressed in new chapter at §353.310.

Rule #	Title	Summary of Rule	Disposition
353.904	Requirements for Outpatient Treatment Services	Establishes requirements for individualized treatment planning for outpatient programs.	Renamed, revised, and addressed in new chapter at §353.312.
353.905	Requirements for Programs for Juveniles	Establishes requirements in areas such as minimum hours of service, access to education, staffing requirements, programming, and age of clients for facilities and programs that serve juveniles.	Generally not included in new chapter, with several exceptions (e.g., access to education for day treatment programs is addressed in new chapter at §353.311, age-appropriate programming and involvement of family or alternate support system are addressed in new chapter at §353.201.)
353.906	Access to Services for Co-Occurring Psychiatric and Substance Use Disorders (COPSD) Clients	Prohibits limiting access to substance abuse services for individuals with past or present mental illness.	Not included in new chapter.
353.907	Additional Requirements for COPSD Programs	Requires services provided to clients with psychiatric disorders to address both the psychiatric and substance use disorders.	Not included in new chapter.
353.908	Specialty Competencies for COPSD Programs	Specifies the competencies required for providers who serve clients with co-occurring psychiatric and substance use disorders.	Not included in new chapter.
353.909	Treatment Planning of Services to Clients with COPSD	Establishes requirements relating to the treatment plan for clients with co-occurring psychiatric and substance use disorders.	Not included in new chapter.

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department
Chapter 353 Substance Use Disorder Treatment Programs

Draft of Proposed New Chapter, 10/1/20

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Subchapter A Definitions and General Provisions

§353.101 Definitions

Effective Date:

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

- (1) **Client**--An individual who receives or has received substance use disorder services from a provider in a substance use disorder treatment program.
- (2) **Clinical Training Institution**--An individual or legal entity registered with the Texas Department of State Health Services to supervise a licensed chemical dependency counselor intern.
- (3) **Consenter**--The individual legally responsible for giving informed consent for a client.
- (4) **Counseling**--A collaborative process that facilitates the client's progress toward mutually determined treatment goals and objectives. Counseling includes methods that are sensitive to individual client characteristics, to the influence of significant others, and to the client's cultural and social context.
- (5) **Diagnostic and Statistical Manual of Mental Disorders (DSM)**--The Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association. Any reference to DSM constitutes a reference to the most recent edition unless the context clearly indicates otherwise.
- (6) **Discharge**--Formal, documented termination of services.

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- (7) **Juvenile Justice Facility (or Facility)**--A facility operated wholly or partly by the juvenile board, by another governmental unit, or by a private vendor under a contract with the juvenile board, county, or other governmental unit that serves juveniles under juvenile court jurisdiction. The term includes:
- (A) a public or private juvenile pre-adjudication secure detention facility, including a holdover facility;
 - (B) a public or private juvenile post-adjudication secure correctional facility except for a facility operated solely for children committed to the Texas Juvenile Justice Department; and
 - (C) a public or private non-secure juvenile post-adjudication residential treatment facility that is not licensed by the Texas Department of Family and Protective Services or the Texas Department of State Health Services.
- (8) **Juvenile Justice Program (or Program)**--A program or department operated wholly or partly by the juvenile board or by a private vendor under a contract with a juvenile board that serves juveniles under juvenile court jurisdiction. The term includes:
- (A) a juvenile justice alternative education program;
 - (B) a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court; and
 - (C) a juvenile probation department.
- (9) **Licensed Chemical Dependency Counselor**--A counselor licensed by the Texas Department of State Health Services pursuant to Chapter 504, Occupations Code.
- (10) **Licensed Chemical Dependency Counselor Intern**--A person registered with the Texas Department of State Health Services who is pursuing a course of training in chemical dependency counseling at a registered clinical training institution.
- (11) **Life Skills Training**--A structured program of training, based upon a written curriculum and provided by qualified personnel, designed to help clients with social competencies such as communication and social interaction, stress management, problem-solving, decision-making, and management of daily responsibilities.
- (12) **Personnel**--The members of the governing body of a juvenile justice facility or juvenile justice program and, without limitation, the employees, contractors, consultants, agents, representatives, volunteers, interns, or other individuals working for or on behalf of the facility or program through a formal or informal agreement.
- (13) **Prevention**--A proactive process that uses multiple strategies to preclude the illegal use of alcohol, tobacco, and other drugs and to foster safe, healthy, drug-free environments.
- (14) **Provider**--A person who provides or offers to provide substance use disorder treatment in a substance use disorder treatment program. The term is limited to a qualified credentialed counselor or any other person authorized by the State of Texas to provide substance use disorder treatment under the supervision of a QCC.
- (15) **Qualified Credentialed Counselor (QCC)**--Means:
- (A) a licensed chemical dependency counselor who is licensed and in good standing in the State of Texas;
 - (B) one of the practitioners listed below who is licensed and in good standing in the State of Texas and, in performing any activity as a QCC, is acting within the authorized scope of the individual's license:
 - (i) licensed professional counselor (LPC);
 - (ii) licensed clinical social worker (LCSW);
 - (iii) licensed marriage and family therapist (LMFT);
 - (iv) licensed psychologist;

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- (v) licensed physician;
 - (vi) licensed physician assistant;
 - (vii) certified addictions registered nurse (CARN);
 - (viii) advanced practice registered nurse licensed by the Texas Board of Nursing as a psychiatric/mental health clinical nurse specialist or psychiatric/mental health nurse practitioner; or
- (C) an individual with a license that the administrative rules of the Texas Department of State Health Services identify as sufficient to qualify the individual as a QCC.
- (16) **Recovery Maintenance**--A level of treatment designed to maintain and support a client's continued recovery.
- (17) **Substance Use Disorder**--Defined by the most recent published edition of the Diagnostic and Statistical Manual of Mental Disorders (see DSM).
- (18) **Substance Use Disorder Services (or Services)**--A comprehensive term intended to describe activities undertaken to address any substance use disorder, including prevention activities. The term includes the provision of screening, assessment, referral, and treatment.
- (19) **Substance Use Disorder Treatment (or Treatment)**--A planned, structured, and organized clinical intervention designed primarily to help the client achieve appropriate levels of physical, psychological, or social functioning by identifying and changing patterns of behavior that are maladaptive, destructive, or injurious to health and that are related to or resulting from substance use disorders.
- (20) **Substance Use Disorder Treatment Program (or Treatment Program)**--A program that has a primary focus on providing substance use disorder treatment and that is offered by a juvenile justice facility or juvenile justice program. This term means *substance abuse facility or program* as used in Section 221.002, Human Resources Code.
- (21) **Supplemental Support**--Substance use disorder services that do not meet the definition of substance use disorder treatment, such as drug education, prevention, or other support services that are designed to support substance use prevention or treatment goals.

§353.102 Purpose

Effective Date:

The purpose of these rules is to ensure that juveniles receiving substance use disorder treatment offered by juvenile justice facilities or programs are afforded an efficient, effective, and appropriate continuum of services that are designed to address the juvenile's substance use disorder treatment needs. These rules further serve to protect the health, safety, and welfare of those juveniles receiving substance use disorder treatment.

§353.103 Interpretation and Applicability

Effective Date:

- (a) When the terms *include*, *includes*, and *including* are used in this chapter, the items that follow constitute a non-exhaustive list unless the context clearly indicates otherwise.
- (b) This chapter applies to a juvenile justice facility or juvenile justice program that provides substance use disorder treatment. This chapter does not apply to a juvenile justice facility or juvenile justice program that provides only supplemental support or substance use disorder services that do not include substance use disorder treatment.
- (c) The provisions of this chapter apply in addition to other chapters relevant to the juvenile justice facility or program.

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§353.104 TJJJ Notification

Effective Date:

- (a) A juvenile board or its designee must notify TJJJ in writing prior to a juvenile justice facility or program in its jurisdiction offering a substance use disorder treatment program. This provision does not apply to treatment programs in operation before September 1, 2017.
- (b) The juvenile board or its designee must notify TJJJ in writing if the juvenile justice facility or program ceases the operation of a substance use disorder treatment program.
- (c) If the juvenile board authorizes a designee to provide either of these notifications, the authorization shall be in writing.

§353.105 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 Providers

§353.201 Standard of Care

Effective Date:

- (a) Providers shall:
 - (1) provide adequate and appropriate services consistent with best practices and industry standards;
 - (2) maintain objectivity;
 - (3) respect each client's dignity, protect each client's rights, and act with integrity in providing services;
 - (4) ensure the treatment services, lectures, and written materials are age-appropriate and easily understood by clients; and
 - (5) involve the client's parent/guardian or an alternate support system in the treatment process or document why this is not possible or appropriate.
- (b) Providers shall not engage in any action that may cause physical, emotional, or other harm to a client.

§353.202 Scope of Practice

Effective Date:

- (a) Providers shall recognize the limitations of their abilities and shall not offer services outside their scope of practice or use techniques that exceed their professional competence.
- (b) Providers shall not make any claim, directly or by implication, that they possess professional qualifications or affiliations that they do not possess.

§353.203 Verification and Documentation

Effective Date:

- (a) Before allowing a provider to provide services in a treatment program, the juvenile justice facility or program shall verify with the credentialing authority that the provider has the required credentials and is in good standing. The juvenile justice facility or program shall maintain documentation of its compliance.
- (b) The treatment program shall maintain a list of each of its personnel who qualify as a QCC and maintain documentation that supports such qualification.
- (c) The facility or program must comply with its obligations under Section 81.003, Texas Civil Practices and Remedies Code, and maintain documentation of its compliance.

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§353.204 Ethics

Effective Date:

- (a) Providers must adhere to established professional codes of ethics. These codes of ethics define the professional context within which the provider works in order to maintain professional standards and a professional license and to safeguard the client or participant.
- (b) Juvenile justice facilities and programs must adopt and implement written policies and procedures to ensure that all suspected unethical conduct by a provider is reported to the appropriate regulatory body in accordance with the rules of the regulatory body.

§353.205 Licensed Chemical Dependency Counselor Interns

Effective Date:

A facility or program with personnel that includes licensed chemical dependency counselor interns must be registered with the Texas Department of State Health Services as a clinical training institution and comply with all applicable requirements.

Subchapter C Treatment Program Requirements

§353.301 Notice of Client Rights

Effective Date:

- (a) Before services in a treatment program begin, the facility or program shall provide each client with a notice of rights, which shall read as follows:
 - (1) You have the right to be told the following information before you start receiving services in the treatment program:
 - (A) the condition that will be treated;
 - (B) the proposed treatment;
 - (C) the risks, benefits, and side effects of all proposed treatment;
 - (D) how your physical and mental health may be affected if you refuse treatment;
 - (E) other treatments that are available and which ones, if any, might be appropriate for you; and
 - (F) the amount of time you will probably spend in the treatment program.
 - (2) You have the right to accept or refuse treatment after a personnel member explains what the treatment will include. However, be aware that refusal to participate in court-ordered treatment may be considered by the court in determining your compliance with probation conditions.
 - (3) If you agree to treatment, you have the right to change your mind at any time. However, be aware that refusal to participate in court-ordered treatment may be considered by the court in determining your compliance with probation conditions.
 - (4) You have the right to know that additional action could be taken by the court if you do not complete a treatment program successfully.
 - (5) You have the right to be told about the treatment program's rules before you start the program, including the rules about restraints and seclusion. Your parent or guardian also has the right to be notified of the rules about restraints and seclusion.
 - (6) You have the right to a treatment plan designed to meet your needs, and you have the right to participate in developing that plan.
 - (7) You have the right to meet with the provider on a regular basis to review and update your treatment plan.
 - (8) You have the right to have information about you kept private and to be told about the times when the information can be given to others without your permission.

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- (9) You have the right to have your rights and treatment plan explained to you in words you can understand.
- (b) The facility or program shall provide each client with the rights in the notice of client rights.

§353.302 Client Records

Effective Date:

- (a) The treatment program shall establish and maintain a separate treatment record for every client, beginning at the time of admission into the treatment program.
- (b) The treatment program shall protect all client records and other client-identifying information from destruction, loss, or tampering and from unauthorized access, use, or disclosure. These safeguards must protect against verbal disclosure and prevent unsecured maintenance of records or recording of an activity or presentation without appropriate releases. Information that identifies those seeking services shall be protected to the same degree as information that identifies clients.
- (c) Only personnel whose duties require access to client records may have such access. The treatment program shall keep records locked at all times unless authorized personnel are continuously present in the immediate area.
- (d) The treatment program shall comply with federal and state confidentiality laws and regulations, including 42 CFR Part 2 (federal regulations on the confidentiality of substance use disorder patient records), Chapter 611, Texas Health and Safety Code (relating to mental health records), and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The treatment program shall also protect the confidentiality of HIV information as required in Section 81.103, Texas Health and Safety Code (relating to confidentiality; criminal penalty).
- (e) The treatment program shall adopt written policies for personnel regarding the confidentiality of substance use disorder treatment records under the law. The policies shall specify the circumstances in which information regarding a client's substance use disorder treatment may be shared by law.
- (f) The treatment program may not deny clients access to the content of their records except as provided by Section 611.0045, Texas Health and Safety Code, and HIPAA or other law.

§353.303 General Documentation Requirements

Effective Date:

- (a) The treatment program shall keep complete, current documentation.
- (b) All documents shall be factual and accurate.
- (c) All documents and entries shall be dated and either signed or electronically authenticated by the person responsible for the content.

§353.304 Location and Environment

Effective Date:

- (a) Services shall be provided in an appropriate, safe, clean, and well-maintained environment.
- (b) Private space must be provided and used for confidential interactions, including all group counseling sessions.

§353.305 Policies and Procedures

Effective Date:

- (a) The juvenile justice facility or program shall adopt and implement written policies and procedures for the treatment program. The policies and procedures must contain, at a minimum, the following:
 - (1) a statement of the treatment program's purposes, goals, and objectives;
 - (2) a description of the services offered and how they are provided; and
 - (3) a description of the population to be served.

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- (b) The policies and procedures shall:
 - (1) contain sufficient detail to ensure personnel comply with all applicable TJJJ rules in this chapter;
 - (2) be current, as evidenced by documentation establishing that the most recent adoption, amendment, or review occurred no later than the last calendar day of the 12th month following the previous adoption, amendment, or review;
 - (3) be specific to the treatment program; and
 - (4) be easily accessible to treatment program personnel at all times.

§353.306 Assessment

Effective Date:

- (a) The juvenile must meet the current DSM criteria for a substance use disorder in order to be eligible for admission to a treatment program. An assessment process appropriate for the target population, juvenile's age, developmental level, culture, and gender shall be used to determine if the juvenile is eligible for the treatment program.
- (b) A provider shall conduct and document a comprehensive psychosocial assessment with each client admitted to the treatment program. Documentation shall reflect that the assessment process included consideration of each of the following areas:
 - (1) presenting problems resulting in admission;
 - (2) alcohol and other drug use;
 - (3) psychiatric and substance use treatment;
 - (4) medical history and current health status, to include an assessment of risk behaviors for tuberculosis, HIV, and other sexually transmitted infections, as permitted by law;
 - (5) relationships with family;
 - (6) significant life events, including any trauma;
 - (7) social and leisure activities;
 - (8) education and vocational training;
 - (9) employment history;
 - (10) legal problems;
 - (11) mental/emotional functioning; and
 - (12) strengths and weaknesses.
- (c) A comprehensive diagnostic impression, including the client's problems, needs, and strengths, shall be prepared based on the results of the assessment.
- (d) If the assessment identifies a previously unidentified mental health issue, the treatment program shall seek appropriate mental health services.
- (e) The assessment shall be signed by a QCC and filed in the client record within seven calendar days of admission.
- (f) The treatment program may accept an assessment from an outside source if:
 - (1) the assessment meets the criteria set forth herein;
 - (2) the assessment was completed during the 30 days preceding admission or is received directly from a treatment program that is transferring the client; and
 - (3) a provider reviews the information with the client and documents an update.

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§353.307 Admission Authorization and Consent to Treatment

Effective Date:

- (a) Only a QCC may authorize an admission. The QCC shall authorize each admission in writing and specify the level of care to be provided. The authorization shall be documented in the client record and shall contain sufficient documentation to support the diagnosis and the placement decision.
- (b) The treatment program must obtain written authorization from the consenter before providing any treatment. The consent form must be dated and signed by the client, the consenter, and the personnel member providing the information and must include documentation that the client and consenter received and understood the following information:
 - (1) the specific condition to be treated;
 - (2) the recommended course of treatment;
 - (3) the expected benefits of treatment;
 - (4) the probable health and mental health consequences of not consenting;
 - (5) the side effects and risks associated with the treatment;
 - (6) any generally accepted alternatives and whether an alternative might be appropriate;
 - (7) the qualifications of the personnel member(s) who will provide the treatment;
 - (8) the name of the primary provider;
 - (9) the client grievance procedure;
 - (10) the notice of client rights;
 - (11) the treatment program rules;
 - (12) violations that may lead to disciplinary action or discharge;
 - (13) any consequences or searches used to enforce treatment program rules;
 - (14) the services and treatment process; and
 - (15) opportunities for the parent/guardian or an alternate support system to be involved in treatment.
- (c) This information shall be explained to the client and consenter in simple, non-technical terms no later than 24 hours after the client's admission to the treatment program. Documentation of the explanation must be dated and signed by the client, the consenter, and the personnel member providing the explanation.
- (d) If an emergency or the client's physical or mental condition prevents the explanation from being given or understood by the client within 24 hours of the client's admission to the treatment program, a personnel member must document the circumstances in the client record and present the explanation as soon as possible.
- (e) The client record must include a copy of the notice of client rights dated and signed by the client and consenter.
- (f) If possible, all information shall be provided in the consenter's primary language.
- (g) When an applicant is determined to be eligible for services but denied admission, the treatment program shall maintain documentation signed by the examining QCC that includes the reason for the denial.

§353.308 Treatment Planning, Implementation, and Review

Effective Date:

- (a) The provider shall work with the client to develop and implement an individualized, written treatment plan that identifies the services and support needed to address the problems and needs identified in the assessment. The client's parent(s) or guardian(s) shall also be involved unless such involvement is not possible or appropriate. In such instances, the client record shall include documentation explaining why the involvement of the parent(s) or guardian(s) was not possible or appropriate.

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- (1) When the client needs services not offered by the treatment program, appropriate referrals shall be made and documented in the client's record.
- (2) The client record shall contain justification when identified needs are temporarily deferred or not addressed during treatment.
- (b) The treatment plan shall include goals, objectives, and strategies.
 - (1) Goals shall be based on the client's problems/needs, strengths, and preferences.
 - (2) Objectives shall be individualized, realistic, measurable, time-specific, appropriate to the level of treatment, and clearly stated in behavioral terms.
 - (3) Strategies shall describe the type and frequency of the specific services and interventions needed to help the client achieve the identified goals and shall be appropriate to the intensity level of the treatment program in which the client is receiving treatment.
- (c) The treatment plan shall identify discharge criteria and include initial plans for discharge.
- (d) The treatment plan shall include a projected length of stay in the treatment program.
- (e) The treatment plan shall identify the client's primary provider and must be dated and signed by the client and the provider. When the treatment plan is prepared by a provider who is not a QCC, a QCC must review and sign the treatment plan.
- (f) The treatment plan shall be completed and filed in the client record no later than seven calendar days after admission.
- (g) The primary provider shall meet with the client to review and update the treatment plan at appropriate intervals, as defined in writing by the treatment program. In non-residential treatment programs, treatment plans must be reviewed no less frequently than midway through the projected duration of treatment. In residential treatment programs, treatment plans must be reviewed no less frequently than monthly.
- (h) The treatment plan review shall include:
 - (1) an evaluation of the client's progress toward each goal and objective;
 - (2) revision of the goals and objectives, as necessary; and
 - (3) justification of continued length of stay in the treatment program.
- (j) Treatment plan reviews must be dated and signed by the client, the provider, and, if applicable, the supervising QCC.
- (k) When a client's intensity of service is changed, the client record must contain:
 - (1) clear documentation of the decision, signed by a QCC, including the rationale and the effective date;
 - (2) a revised treatment plan; and
 - (3) documentation of coordination activities with the receiving provider, if there is a different provider.
- (l) Treatment program personnel shall document all substance use disorder services in the client record within 72 hours, including the date, nature, and duration of the contact and the signature or electronic authentication of the provider.
 - (1) Education, life skills training, and group counseling notes must also include the topics/issues addressed.
 - (2) Individual counseling notes must include the goals addressed, clinical observations, and new issues or needs identified during the session.

§353.309 Requirements Applicable to All Treatment Programs

Effective Date:

- (a) Each client's treatment shall be based on a treatment plan developed in accordance with §353.308 of this chapter.

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- (b) Group counseling sessions must be limited to a maximum of 16 clients. This limit does not apply to multifamily educational groups, seminars, outside speakers, or other events designed for a large audience.
- (c) Group education and life skills training sessions must be limited to a maximum of 35 clients. This limit does not apply to multifamily educational groups, seminars, outside speakers, or other events designed for a large audience.
- (d) Substance use disorder education and life skills training must follow a written curriculum. All educational sessions must include the opportunity for client participation and discussion of the material presented.
- (e) The treatment program must provide education about the health risks related to the use of drugs, alcohol, and tobacco products.
- (f) The treatment program must include education about tuberculosis, HIV, hepatitis B and C, and sexually transmitted infections.
- (g) The treatment program must provide information on accessing screening for tuberculosis and testing for HIV antibody, hepatitis C, and sexually transmitted infections.
 - (1) HIV antibody testing must be carried out by an entity approved by the Texas Department of State Health Services.
 - (2) If a client tests positive, the treatment program must refer the client to an appropriate health care provider.
- (h) Individuals responsible for planning, directing, or supervising treatment programs must be QCCs. The clinical program director must have at least two years of post-licensure experience providing substance use disorder treatment.
- (i) Substance use disorder counseling may be provided only by individuals who meet the definition of a provider in this chapter.
- (j) Supplemental support may be provided only by individuals who have the appropriate specialized education and expertise to provide that particular supplemental support.
- (k) Counselor interns must be under the direct supervision of a QCC as required by Texas Administrative Code provisions related to QCC's and counselor interns.

§353.310 Additional Requirements for Residential Treatment Programs

Effective Date:

- (a) Clients assigned to an intensive service level in a residential treatment program must be provided at least 20 hours of substance use disorder services per week, including at least:
 - (1) ten hours of substance use disorder treatment (one hour of which must be individual counseling);
 - (2) five hours of additional substance use disorder treatment, counseling, substance use education, life skills training, coping skills training, and/or relapse prevention education; and
 - (3) five additional hours of services described in subsection (1) or (2) of this section.
- (b) Clients assigned to a specialized service level in a residential treatment program must be provided at least six hours of substance use disorder services per week for each client, including at least:
 - (1) three hours of substance use disorder treatment (one hour of which must be individual counseling); and
 - (2) three hours of additional substance use disorder treatment, counseling, substance use education, life skills training, coping skills training, and/or relapse prevention education.
- (c) Each residential treatment program must set limits on caseload size that ensure effective, individualized treatment. The treatment program must justify the caseload size in writing based on the treatment program design, characteristics and needs of the population served, and any other relevant factors.

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- (d) A treatment program may provide fewer than the number of weekly service hours required in subsections (a) and (b) of this section for good cause, such as the unavailability of the provider or client. All such justifications must be documented in the client record.

§353.311 Additional Requirements for Day Treatment Programs

Effective Date:

- (a) Day treatment programs are designed for clients who require substance use disorder services on a daily basis but who do not require the more structured environment of residential treatment to maintain sobriety.
- (b) Day treatment programs shall:
- (1) have written procedures addressing notification of parents or guardians in the event the client leaves the site of the day treatment program without authorization;
 - (2) have written procedures addressing the process for daily admission and release of clients;
 - (3) provide each client, within three school days of admission, access to education approved by the Texas Education Agency;
 - (4) provide each client at least 15 hours of substance use disorder services per week, including at least:
 - (A) one hour of individual counseling; and
 - (B) 14 hours of additional substance use disorder treatment, counseling, substance use disorder education, life skills training, coping skills training, and/or relapse prevention education. Attendance in school may not be counted toward this requirement.

§353.312 Additional Requirements for Outpatient Treatment Programs

Effective Date:

- (a) Outpatient treatment programs are designed for clients who do not require the more structured environment of day treatment or residential treatment to maintain sobriety.
- (b) Outpatient treatment programs shall provide each client with one or more of the following, in accordance with the client's needs:
- (1) substance use disorder treatment;
 - (2) educational and process groups;
 - (3) individual counseling; and
 - (4) other substance use disorder services.

§353.313 Transfer to Another Treatment Program

Effective Date:

- (a) When a client is transferred to another treatment program for continuing care, the sending treatment program must contact the receiving treatment program to provide information for continuity of care.
- (b) With proper client consent, the sending treatment program shall provide the receiving treatment program with copies of relevant parts of the client's record.

§353.314 Discharge

Effective Date:

- (a) Before the client's discharge from the treatment program, the provider and client shall develop and implement an individualized discharge plan. The plan must address the client's ongoing needs, including, at a minimum:
- (1) individual goals or activities to sustain recovery;
 - (2) continuity of services to the client, including, if applicable, referrals to other providers or services; and
 - (3) recovery maintenance services, if applicable.

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- (b) The treatment program shall include the client's parent/guardian or an alternate support system in the discharge planning process when possible and appropriate. The treatment program shall document the inclusion of the parent/guardian or alternate support system or the reason that it was not possible or appropriate to do so.
- (c) The completed discharge plan shall be dated and signed by the provider, the client, and, if applicable, the consentor.
- (d) The treatment program shall give a copy of the plan to the client and, if applicable, the consentor and file the signed plan in the client record.
- (e) The treatment program shall complete a discharge summary for each client no later than 30 days after discharge. The discharge summary must be signed by a QCC and must include:
 - (1) dates of admission and discharge;
 - (2) needs and problems identified at admission, during treatment, and at discharge;
 - (3) services provided;
 - (4) assessment of the client's progress towards goals;
 - (5) reason for discharge; and
 - (6) referrals and recommendations for recovery maintenance, if applicable.

DRAFT

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department
Chapter 353 Substance Abuse Treatment Programs

Current Chapter to Be Repealed, 10/1/20

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Subchapter A Definitions and General Provisions

§353.101 Definitions

Effective Date: 2/28/18

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

- (1) **Advanced Practice Registered Nurse**--A registered nurse currently licensed by the Texas Board of Nursing to practice as a nurse practitioner or clinical nurse specialist.
- (2) **Assessment**--An ongoing process through which the counselor collaborates with the client and others to gather and interpret information necessary for developing and revising a treatment plan and evaluating client progress toward achievement of goals identified in the treatment plan, resulting in comprehensive identification of the client's strengths, weaknesses, and problems/needs.
- (3) **ATOD**--Alcohol, tobacco, and other drugs collectively.
- (4) **Authorized Representative**--An attorney authorized to practice law in the State of Texas or, if authorized by applicable law, a person designated in writing by a party to represent the party.
- (5) **Behavioral Health Integrated Provider System (BHIPS)**--The Department of State Health Services' Internet-based computer system for contracted service providers that offers contractors the tools to meet state and federal requirements for reporting, including capturing required client and billing data.
- (6) **Chemical Dependency**--In addition to the statutory provisions defining chemical dependency as abuse of, dependence on, or addiction to alcohol or a controlled substance (as defined by [Chapter 481, Health and Safety Code](#), and related statutory provisions in [Chapters 461 and 464, Health and Safety Code](#)), chemical dependency is also defined as substance-related disorders, as that term is used in the most recent published edition of the Diagnostic and Statistical Manual of Mental Disorders (See DSM).
- (7) **Chemical Dependency Counseling**--See Practice of Chemical Dependency Counseling Services.
- (8) **Chemical Dependency Counselor**--See Licensed Chemical Dependency Counselor (LCDC).
- (9) **Chemical Dependency Counselor Intern**--A person registered with the Department of State Health Services who is pursuing a course of training in chemical dependency counseling at a registered clinical training institution.
- (10) **Chemical Dependency Treatment**--A planned, structured, and organized chemical dependency program designed to initiate and promote a person's chemical-free status or to maintain the person free of illegal drugs. It includes, but is not limited to, the application of planned procedures to identify and change patterns of behavior related to or resulting from substance-related disorders that are maladaptive, destructive, or injurious to health, or to restore appropriate levels of physical, psychological, or social functioning.
- (11) **Client**--An individual who receives or has received services, including admission authorization or assessment or referral, from a chemical dependency treatment provider, counselor, counselor intern, or applicant for licensure as a counselor or from an organization where the counselor, intern, or applicant is working on a paid or voluntary basis.
- (12) **Clinical Training Institution**--An individual or legal entity registered with the Department of State Health Services to supervise a counselor intern.
- (13) **Consenter**--The individual legally responsible for giving informed consent for a client. Unless otherwise provided by law, a legally competent adult is his or her own consenter and the consenter for an adolescent or child is the parent, guardian, or conservator. Texas law allows a person 16 or 17 years of age to consent to his or her own treatment.

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- (14) **Counseling**--A collaborative process that facilitates the client's progress toward mutually determined treatment goals and objectives. Counseling includes methods that are sensitive to individual client characteristics and to the influence of significant others, as well as the client's cultural and social context. Competence in counseling is built upon the understanding of, appreciation of, and ability to appropriately use the modalities of care for individuals, groups, families, couples, and significant others.
- (15) **Counselor**--A qualified credentialed counselor, graduate, or counselor intern working towards licensure that would qualify them to be a qualified credentialed counselor (QCC).
- (16) **Crisis Intervention**--Actions designed to intervene in situations that require immediate attention to avert potential harm to self or others. Services include face-to-face individual, family, or group interviews/interactions and/or telephone contacts to identify needs.
- (17) **Digital Authentication Key**--Identification data (that includes user identification and a time stamp) that is digitally stamped on electronic documents identifying the specific user that created the document. The identification data must be controlled by a unique user ID and an encrypted password.
- (18) **Direct Care Staff**--Staff responsible for providing treatment, care, supervision, or other direct client services that involve face-to-face contact with a client.
- (19) **Discharge**--Formal, documented termination of services.
- (20) **Document (noun)**--A written or electronic record.
- (21) **Diagnostic and Statistical Manual of Mental Disorders (DSM)**--The Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Any reference to DSM constitutes a reference to the most recent edition then published, unless the context clearly indicates otherwise.
- (22) **Facility**--See Juvenile Justice Facility.
- (23) **Graduate**--An individual who has successfully completed the 270 hours of education, 300-hour practicum, and 4,000 hours of supervised work experience and who is still registered with the Department of State Health Services as a counselor intern.
- (24) **Human Immunodeficiency Virus (HIV)**--The virus that causes Acquired Immune Deficiency Syndrome (AIDS). Infection is determined through a testing and counseling process overseen by the Department of State Health Services. Being infected with HIV is not necessarily equated with having a diagnosis of AIDS.
- (25) **Intake**--The process for gathering information about a prospective client and giving a prospective client information about treatment and services.
- (26) **Intervention**--The interruption of the onset or progression of chemical dependency in the early stages. Intervention strategies target indicated populations.
- (27) **Juvenile Justice Facility**--A facility operated wholly or partly by the juvenile board, by another governmental unit, or by a private vendor under a contract with the juvenile board, county, or other governmental unit that serves juveniles under juvenile court jurisdiction. The term includes:
- (A) a public or private juvenile pre-adjudication secure detention facility, including a holdover facility;
 - (B) a public or private juvenile post-adjudication secure correctional facility except for a facility operated solely for children committed to the Texas Juvenile Justice Department; and
 - (C) a public or private non-secure juvenile post-adjudication residential treatment facility that is not licensed by the Department of Family and Protective Services or the Department of State Health Services.

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- (28) **Juvenile Justice Program**--A program or department operated wholly or partly by the juvenile board or by a private vendor under a contract with a juvenile board that serves juveniles under juvenile court jurisdiction. The term includes:
- (A) a juvenile justice alternative education program;
 - (B) a non-residential program that serves juvenile offenders under the jurisdiction of the juvenile court; and
 - (C) a juvenile probation department.
- (29) **License**--The whole or part of any agency permit, certificate, approval, registration, or similar form of permission authorized by law.
- (30) **Licensed Chemical Dependency Counselor (LCDC)**--A counselor licensed by the Department of State Health Services pursuant to [Chapter 504, Occupations Code](#).
- (31) **Life Skills Training (Treatment)**--A structured program of training, based upon a written curriculum and provided by qualified staff designed to help clients with social competencies such as communication and social interaction, stress management, problem solving, decision making, and management of daily responsibilities.
- (32) **Person**--An individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.
- (33) **Personnel**--The members of the governing body of a provider and, without limitation, its staff, employees, contractors, consultants, agents, representatives, volunteers, or other individuals working for or on behalf of the provider through a formal or informal agreement.
- (34) **Practice of Chemical Dependency Counseling Services**--Providing or offering to provide chemical dependency counseling services involving the application of the principles, methods, and procedures of the chemical dependency counseling profession as defined by the activities listed in the domains of Technical Assistance Publication 21 "Addictions Counseling Competencies: the Knowledge, Skills, and Attitudes of Professional Practice" published by the Center for Substance Abuse Treatment.
- (35) **Prevention**--A proactive process that uses multiple strategies to preclude the illegal use of alcohol, tobacco, and other drugs and to foster safe, healthy, drug-free environments.
- (36) **Program**--See Juvenile Justice Program.
- (37) **Provider**--A person who performs or offers to perform substance abuse services in a program offered by a juvenile justice facility or juvenile justice program. The term includes but is not limited to, a qualified credentialed counselor, applicant for counselor licensure, and counselor intern.
- (38) **Qualified Credentialed Counselor (QCC)**--A licensed chemical dependency counselor or one of the practitioners listed below who is licensed and in good standing in the State of Texas and has at least 1,000 hours of documented experience treating substance-related disorders:
- (A) licensed professional counselor (LPC);
 - (B) licensed master social worker (LMSW);
 - (C) licensed marriage and family therapist (LMFT);
 - (D) licensed psychologist;
 - (E) licensed physician;
 - (F) licensed physician assistant;
 - (G) certified addictions registered nurse (CARN); or
 - (H) APRN licensed by the Texas Board of Nursing as a psychiatric-mental health clinical nurse specialist (PMHCNS) or psychiatric-mental health nurse practitioner (PMHNP).

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- (39) **Recovery Maintenance**--A level of treatment designed to maintain and support a client's continued recovery.
- (40) **Referral**--The process of identifying appropriate services and providing the information and assistance needed to access them.
- (41) **Residential Site**--A physical location owned, leased, or operated by a provider where clients reside in a supervised treatment environment.
- (42) **Screening**--The process through which a qualified staff, client or participant, and available significant others determine the most appropriate initial course of action, given the individual's needs and characteristics and the available resources within the community. In a treatment program, screening includes determining whether an individual is appropriate and eligible for admission to a particular program.
- (43) **Services**--Substance abuse treatment services.
- (44) **Staff**--Individuals working for a person in exchange for money or other compensation.
- (45) **Substance Abuse**--A maladaptive pattern of substance use leading to clinically significant impairment or distress, as defined by the most recently published version of the DSM.
- (46) **Substance Abuse Services (Services)**--A comprehensive term intended to describe activities undertaken to address any substance-related disorder as well as prevention activities. The term includes the provision of screening, assessment, referral, treatment for chemical dependency, and chemical dependency counseling.
- (47) **Substance-Related Disorders**--Defined by the most recently published version of the DSM.
- (48) **Treatment**--See Chemical Dependency Treatment.
- (49) **Treatment Planning**--A collaborative process through which the provider and client develop desired treatment outcomes and identify the strategies for achieving them. At a minimum, the treatment plan addresses the identified substance use disorder(s), as well as issues related to treatment progress, including relationships with family and significant others, employment, education, spirituality, health concerns, and legal needs.
- (50) **Unethical Conduct**--Conduct prohibited by the ethical standards adopted by state or national professional organizations or by rules established by a profession's state licensing agency.
- (51) **Utilization Review**--The process of evaluating the necessity, appropriateness, and efficiency of the use of chemical dependency treatment services, procedures, and facilities.

§353.102 Purpose

Effective Date: 2/28/18

The purpose of these rules is to ensure that juveniles receiving substance abuse treatment services offered by juvenile justice facilities or programs are afforded an efficient, effective, and appropriate continuum of services that will enable the juveniles to be productive members of society. These rules further serve to protect the health, safety, and welfare of those receiving substance abuse treatment services.

§353.103 Applicability

Effective Date: 2/28/18

- (a) This chapter applies to a substance abuse facility or program offered by a juvenile justice facility or program.
- (b) All providers must comply with the provisions of this chapter in all matters related to the provision of services.
- (c) The provisions of this chapter apply in addition to other chapters relevant to the juvenile justice facility or program.

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§353.104 Program Approval and Registration

Effective Date: 2/28/18

- (a) A juvenile board must obtain approval from TJJD prior to operating a substance abuse treatment program. This provision does not apply to programs in operation prior to September 1, 2017.
- (b) All substance abuse treatment programs offered by a juvenile justice facility or program must be registered with TJJD.

§353.105 Change in Status

Effective Date: 2/28/18

- (a) A juvenile justice facility or program operating a substance abuse program must notify TJJD and receive written approval before:
 - (1) adding a new detoxification service;
 - (2) adding a new residential site;
 - (3) moving to a new residential site;
 - (4) increasing the number of beds in a residential substance abuse program;
 - (5) adding a new residential service;
 - (6) adding a new day-treatment service;
 - (7) adding a new outpatient service;
 - (8) adding a new outpatient site or moving an outpatient site to a new location; or
 - (9) providing services to a new age group or gender.
- (b) A juvenile justice facility or program operating a substance abuse treatment program must notify TJJD prior to a change in the name of the facility or program, closure of a residential or outpatient location, decrease in the number of residential beds in the substance abuse program, or discontinuation of a service related to the substance abuse program.

§353.106 Inspection

Effective Date: 2/28/18

TJJD may conduct a scheduled or unannounced inspection or request materials for review at reasonable times, including any time treatment services are provided. The facility or program must allow TJJD staff to access the grounds, buildings, and records of the facility or program. The facility or program must allow TJJD staff to interview members of the governing body, staff, and clients. The facility or program must make all property, records, and documents available upon request for examination, copy, or reproduction, on or off premises.

§353.107 Waiver or Variance to Standards

Effective Date: 2/28/18

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

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Subchapter B Standard of Care Applicable to All Providers

§353.201 General Standard

Effective Date: 2/28/18

- (a) Providers must provide adequate and appropriate services consistent with best practices and industry standards.
- (b) Providers must maintain objectivity.
- (c) Providers must respect each individual's dignity, must not engage in any action that may cause injury, and must always act with integrity in providing services.

§353.202 Scope of Practice

Effective Date: 2/28/18

- (a) Providers must recognize the limitations of their abilities and must not offer services outside their scope of practice or use techniques that exceed their professional competence.
- (b) Providers must not make any claim, directly or by implication, that they possess professional qualifications or affiliations that they do not possess.

§353.203 Competence and Due Care

Effective Date: 2/28/18

- (a) Providers must plan, adequately supervise, and evaluate all activities for which they are responsible.
- (b) Providers must render services carefully and promptly.
- (c) Providers must follow the technical and ethical standards related to the provision of services, strive continually to improve personal competence and quality of service delivery, and discharge their professional responsibilities to the best of their abilities.
- (d) Providers are responsible for assessing the adequacy of their own competence for the responsibility to be assumed.
- (e) Services must be designed and administered as to do no harm to recipients.
- (f) Providers must always act in the best interest of the individual being served.
- (g) Providers must terminate any professional relationship that is not beneficial, or is in any way detrimental, to the individual being served.

§353.204 Appropriate Services

Effective Date: 2/28/18

- (a) Services must be appropriate for the individual's needs and circumstances, including age and developmental level, and must be culturally sensitive.
- (b) Providers must possess an understanding of the cultural norms of the individuals receiving services.
- (c) Services must be respectful and non-exploitative.

§353.205 Accuracy

Effective Date: 2/28/18

- (a) Providers must report information fairly, professionally, and accurately when providing services and when communicating with other professionals, TJJD, and the general public.
- (b) Each provider must document and assign credit to all contributing sources used in published material or public statements.
- (c) Providers must not misrepresent, either directly or by implication, professional qualifications or affiliations.

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§353.206 Documentation

Effective Date: 2/28/18

Providers must maintain required documentation of services provided and related transactions, including financial records.

§353.207 Discrimination

Effective Date: 2/28/18

Providers must not discriminate against any individual on the basis of gender, race, religion, age, national origin, disability (physical or mental), sexual orientation, or medical condition, including HIV diagnosis or because an individual is perceived as being HIV-infected.

§353.208 Access to Services

Effective Date: 2/28/18

Providers must provide access to services, including providing information about other services and alternative providers, taking into account an individual's special needs.

§353.209 Location

Effective Date: 2/28/18

Providers may not offer or provide services in settings or locations that are inappropriate or harmful to individuals served or others.

§353.210 Confidentiality

Effective Date: 2/28/18

- (a) The provider must protect the privacy of individuals served and may not disclose confidential information except as permitted by law.
- (b) The provider must remain knowledgeable of and follow all state and federal laws and regulations relating to confidentiality of juvenile records and of records relating to the provision of services.
- (c) The provider is prohibited from discussing or divulging information obtained in clinical or consulting relationships except in appropriate settings and for professional purposes that demonstrably relate to the case.
- (d) Confidential information acquired during delivery of services must be safeguarded from illegal or inappropriate use, access, and disclosure and from loss, destruction, and tampering. These safeguards must protect against verbal disclosure and prevent unsecured maintenance of records or recording of an activity or presentation without appropriate releases.

§353.211 Environment

Effective Date: 2/28/18

- (a) Services must be provided in an appropriate, safe, clean, and well-maintained environment.
- (b) Private space must be provided and used for confidential interactions, including all group counseling sessions.

§353.212 Communications

Effective Date: 2/28/18

The provider must inform the individual receiving services about all relevant and important aspects of the service relationship.

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§353.213 Exploitation

Effective Date: 2/28/18

The provider must not exploit relationships with individuals receiving services for personal or financial gain of the provider or its personnel. The provider may not charge exorbitant or unreasonable fees for any service. The provider may not pay or receive any commission, consideration, or benefit of any kind related to the referral of an individual for services.

§353.214 Duty to Report

Effective Date: 2/28/18

- (a) When a provider or program staff has knowledge of unethical conduct or practice on the part of a person or provider, the individual with the knowledge must report the conduct or practices to the appropriate funding or regulatory bodies.
- (b) Any provider or provider personnel who receives an allegation of, or has reason to suspect that an individual has been, is, or will be subject to, abuse, neglect, or exploitation must report that information as provided by [Chapter 358 of this title](#).

§353.216 Ethics

Effective Date: 2/28/18

Providers must adhere to established professional codes of ethics. These codes of ethics define the professional context within which the provider works in order to maintain professional standards and safeguard the client or participant.

§353.217 Specific Acts Prohibited

Effective Date: 2/28/18

In addition to the provider's general duty to provide services in a professional manner, failure to adhere to the following rules constitutes a violation:

- (1) Providers must not provide services, interact with individuals receiving services, or perform any job duties while under the influence of or impaired by alcohol or mood altering substances, including prescription medications not used in accordance with a licensed prescriber's order.
- (2) Providers must not commit an illegal, unprofessional, or unethical act (including acts constituting abuse, neglect, or exploitation).
- (3) Providers must not assist or knowingly allow another person to commit an illegal, unprofessional, or unethical act.
- (4) Providers must not falsify, alter, destroy, or omit significant information from required reports and records or interfere with their preservation.
- (5) Providers must not retaliate against anyone who reports a violation of these rules or cooperates during a review, inspection, investigation, hearing, or other related activity.
- (6) Providers must not interfere with probation department, facility, or TJJD reviews, inspections, investigations, hearings, or related activities. This includes taking action to discourage or prevent someone else from cooperating with the activity.
- (7) Providers must not enter into a personal or business relationship of any type with an individual receiving services until at least two years after the last date an individual receives services from the provider.
- (8) Providers must not discourage, intimidate, harass, or retaliate against individuals who try to exercise their rights or file a grievance.
- (9) Providers must not restrict, discourage, or interfere with any communication with law enforcement, an attorney, the probation department, the facility, or TJJD for the purposes of filing a grievance.
- (10) Providers must not allow unqualified persons or entities to provide services.

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- (11) Providers must not hire or utilize known sex offenders in adolescent programs or programs that house children.
- (12) Providers must prohibit adolescent clients and participants from using tobacco products on the program site. Staff and other adults (volunteers, clients, participants, and visitors) must not use tobacco products in the presence of adolescent clients or participants.

§353.218 Standards of Conduct

Effective Date: 2/28/18

- (a) The program and program personnel must protect clients' rights and provide competent services.
- (b) Any person associated with the program who receives an allegation of, or has reason to suspect that a person associated with the program has been, is, or will be engaged in illegal, unethical, or unprofessional conduct must immediately inform the facility administrator or chief administrative officer of the juvenile probation department. If the person suspected of misconduct holds a license or certification from a state agency or other licensing entity, a report must also be made to the appropriate agency or entity.
- (c) There must be written policies on program personnel conduct that are consistent with this section.

Subchapter E Substance Abuse Program Requirements

§353.502 Operational Plan, Policies, and Procedures

Effective Date: 2/28/18

- (a) The facility or program must operate the substance abuse program according to an operational plan. The operational plan must reflect:
 - (1) program purpose or mission statement;
 - (2) services and how they are provided;
 - (3) a description of the population to be served; and
 - (4) goals and objectives of the program.
- (b) The facility or program must adopt and implement written policies and procedures as deemed necessary by the facility or program and as required herein. The policies and procedures must contain sufficient detail to ensure compliance with all applicable TJJD rules.
- (c) The policy and procedure manual must be current, consistent with program practices, individualized to the program, and easily accessible to all staff at all times.

§353.503 Reporting Measures

Effective Date: 2/28/18

For each facility or program, the following information must be submitted to TJJD annually in a format provided by TJJD:

- (1) total number of clients served by diagnosis;
- (2) gender of clients served;
- (3) ethnicity of clients served;
- (4) ages of clients served;
- (5) primary and secondary drug at admission;
- (6) discharge reason per treatment episode, including length of stay at time of discharge; and
- (7) average percent of occupancy for each residential substance abuse program.

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§353.504 Quality Management

Effective Date: 2/28/18

The facility or program must develop procedures and implement a quality management process. The procedures must address, at a minimum:

- (1) goals and objectives that relate to the program purpose or mission statement;
- (2) methods to review the progress toward the goals and a documented process to implement corrections or changes;
- (3) mechanisms to:
 - (A) review and analyze incident reports;
 - (B) monitor compliance with rules and other requirements;
 - (C) identify areas where quality is not optimal and analyze identified issues;
 - (D) implement corrections and evaluate and monitor their ongoing effectiveness;
- (4) methods of utilization review to ensure appropriate client placement, adequacy of services provided, and length of stay in the substance abuse program; and
- (5) documentation of the activities of the quality management process.

§353.507 General Documentation Requirements

Effective Date: 2/28/18

- (a) The facility or program must keep complete, current documentation.
- (b) All documents must be factual and accurate.
- (c) All documents and entries must be dated and authenticated by the person responsible for the content.
 - (1) Authentication of paper records must be an original signature that includes at least the first initial, last name, and credentials. Initials may be used if the client record includes a document that identifies all individuals initialing entries, including the full printed name, signature, credentials, and initials.
 - (2) Authentication of electronic records must be by a digital authentication key.
- (d) Documentation must be permanent and legible.
- (e) When it is necessary to correct a client record, incident report, or other document, the error must be marked through with a single line, dated, and initialed by the writer.
- (f) Records must contain only those abbreviations included on the facility's or program's list of approved abbreviations.

§353.508 Client Records

Effective Date: 2/28/18

- (a) The facility or program must establish and maintain a single record for every client beginning at the time of admission. The content of client records must be complete, current, and well-organized.
- (b) The facility or program is required to protect all client records and other client-identifying information from destruction, loss, or tampering and from unauthorized access, use, or disclosure.
 - (1) All active client records must be stored at the facility. Inactive records, if stored off-site, must be fully protected. All original client records must be maintained in the State of Texas.
 - (2) Information that identifies those seeking services must be protected to the same degree as information that identifies clients.
 - (3) Electronic client information must be protected to the same degree as paper records and must have a reliable backup system.

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- (c) Only personnel whose job duties require access to client records may have such access.
- (d) Personnel must keep records locked at all times unless authorized staff is continuously present in the immediate area.
- (e) The facility or program must ensure that all client records can be located and retrieved upon request at all times.
- (f) The facility or program must comply with federal and state confidentiality laws and regulations, including [42 CFR part 2](#) (federal regulations on the confidentiality of substance use disorder patient records), [Chapter 611, Texas Health and Safety Code](#) (relating to mental health records), and the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The program must also protect the confidentiality of HIV information as required in [Section 81.103, Texas Health and Safety Code](#) (relating to confidentiality; criminal penalty).
- (g) The facility or program may not deny clients access to the content of their records except as provided by [Section 611.0045, Texas Health and Safety Code](#), and HIPAA or other law.
- (h) Client records must be maintained for at least five years after the client turns 18.
- (i) If client records are microfilmed, scanned, or destroyed, the facility must take steps to protect confidentiality. The facility must maintain a record of all client records destroyed on or after September 1, 1999, including the client's name, record number, birth date, and dates of admission and discharge.

Subchapter F Personnel Practices and Development

§353.601 Hiring Practices

Effective Date: 2/28/18

- (a) A facility or program whose personnel includes counselor interns must be registered with the Department of State Health Services as a clinical training institution and comply with all applicable requirements.
- (b) The facility or program must verify by Internet, telephone, or letter and document the current status of all required credentials with the credentialing authority.
- (c) The facility or program must comply with its obligations under [Section 81.003, Texas Civil Practices and Remedies Code](#).
- (d) The facility or program must develop a job description that outlines job duties and minimum qualifications for all personnel.
- (e) The facility or program must maintain a personnel file for each contractor, student, and volunteer having any direct contact with a client and for each employee. The file must contain documentation demonstrating compliance with this section.

§353.602 Students and Volunteers

Effective Date: 2/28/18

- (a) The facility must ensure that students and volunteers comply with all applicable rules.
- (b) Students and volunteers may not be assigned to perform duties for which they are not qualified.
- (c) Students and volunteers must receive orientation and training appropriate to their qualifications and responsibilities.
- (d) Students and volunteers must be appropriately supervised.

§353.603 Training

Effective Date: 2/28/18

- (a) This section applies only to staff assigned to the substance abuse treatment program.
- (b) Unless otherwise specified, video, manual, or computer-based training is acceptable if the supervisor discusses and documents the material with the staff person in a face-to-face session to highlight key issues and answer questions.
- (c) The facility or program must maintain documentation of all required training.
 - (1) Documentation of external training must include:
 - (A) date;
 - (B) number of hours;
 - (C) topic;
 - (D) instructor's name; and
 - (E) signature of the instructor (or equivalent verification).
 - (2) The facility or program must maintain documentation of all internal training. For each topic, the documentation must include:
 - (A) an outline of the contents;
 - (B) the name, credentials, and relevant qualifications of the person providing the training; and
 - (C) the method of delivery.
 - (3) For each group training session, the facility must maintain a dated attendee sign-in sheet with signatures of the trainer and the attendees.
- (d) The facility or program must provide an orientation to staff, volunteers, and students before they perform their duties and responsibilities. This orientation must include information addressing:
 - (1) substance abuse program policies and procedures;
 - (2) client rights;
 - (3) client grievance procedures;
 - (4) confidentiality of client-identifying information ([42 CFR Part 2](#); HIPAA);
 - (5) standards of conduct; and
 - (6) emergency and evacuation procedures.
- (e) The following initial training(s) must be received within the first 90 days of employment and must be completed before the employee may perform a function to which the specific training is applicable. Subsequent training must be completed as specified.
 - (1) **Abuse, Neglect, and Exploitation.**
All substance abuse program personnel with any direct client contact must receive this training.
 - (2) **HIV, Hepatitis B and C, Tuberculosis, and Sexually Transmitted Diseases.**
All personnel with any direct client contact must receive this training.
 - (A) The initial training must be three hours in length.
 - (B) Staff must receive updated information about these diseases annually.
 - (3) **Cardiopulmonary Resuscitation (CPR).**
All direct-care staff in a residential substance abuse program must maintain current CPR and first-aid certifications.

(4) **Nonviolent Crisis Intervention.**

The face-to-face training must teach staff how to use verbal and other non-physical methods for prevention, early intervention, and crisis management. The instructor must have documented successful completion of a course for crisis intervention instructors or have equivalent documented training and experience.

- (A) The initial training must be four hours in length.
- (B) Staff must complete two hours of annual training thereafter.

(5) **Intake, Screening, and Admission Authorization.**

All staff who conduct intake and screening and who authorize admission for applicants to receive program services must complete training in the substance abuse program's screening and admission procedures. The training must include two hours of DSM diagnostic criteria for substance-related disorders and other mental health diagnoses.

- (A) The initial training must be eight hours in length.
- (B) Staff must complete eight hours of annual training thereafter.
- (C) The training must be completed before staff screen or authorize applicants for admission.

(6) **Self-administration of Medication.**

All personnel responsible for supervising clients in self-administration of medication who are not credentialed to administer medication must complete this training before performing this task.

- (A) The training must be two hours in length and is required only one time.
- (B) The training must be provided by a physician, pharmacist, physician assistant, or registered nurse before administering medication and must include:
 - (i) prescription labels;
 - (ii) medical abbreviations;
 - (iii) routes of administration;
 - (iv) use of drug reference materials;
 - (v) storage, maintenance, handling, and destruction of medication;
 - (vi) documentation requirements; and
 - (vii) procedures for medication errors, adverse reactions, and side effects.

Subchapter G Client Rights

§353.701 Client Bill of Rights

Effective Date: 2/28/18

The facility or program must respect, protect, implement, and enforce each client right that is required to be contained in the facility's Client Bill of Rights. The Client Bill of Rights for all facilities must include:

- (1) You have the right to accept or refuse treatment after receiving this explanation.
- (2) If you agree to treatment or medication, you have the right to change your mind at any time (unless specifically restricted by law).
- (3) You have the right to a humane environment that provides reasonable protection from harm and appropriate privacy for your personal needs.

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- (4) You have the right to be free from abuse, neglect, and exploitation.
- (5) You have the right to be treated with dignity and respect.
- (6) You have the right to appropriate treatment in the least restrictive setting available that meets your needs.
- (7) You have the right to be told about the program's rules and regulations before you are admitted, including, without limitation, the rules and policies related to restraints and seclusion. Your legally authorized representative, if any, also has the right to be and shall be notified of the rules and policies related to restraints and seclusion.
- (8) You have the right to be told before admission in the substance abuse program:
 - (A) the condition to be treated;
 - (B) the proposed treatment;
 - (C) the risks, benefits, and side effects of all proposed treatment and medication;
 - (D) the probable health and mental health consequences of refusing treatment;
 - (E) other treatments that are available and which ones, if any, might be appropriate for you; and
 - (F) the expected length of stay in the substance abuse program.
- (9) You have the right to a treatment plan designed to meet your needs, and you have the right to take part in developing that plan.
- (10) You have the right to meet with staff to review and update the plan on a regular basis.
- (11) You have the right to refuse to take part in research without affecting your regular care.
- (12) You have the right not to receive unnecessary or excessive medication.
- (13) You have the right to have information about you kept private and to be told about the times when the information can be released without your permission.
- (14) You have the right to be told in advance of all estimated charges and any limitations on the length of services of which the facility is aware.
- (15) You have the right to receive an explanation of your treatment or your rights if you have questions while you are in treatment.
- (16) You have the right to make a complaint and receive a fair response from the facility within a reasonable amount of time.
- (17) You have the right to complain directly to the Texas Juvenile Justice Department at any reasonable time.
- (18) You have the right to get a copy of these rights before you are admitted, including the address and phone number of the Texas Juvenile Justice Department.
- (19) You have the right to have your rights explained to you in simple terms, in a way you can understand, within 24 hours of being admitted.

§353.704 Program Rules

Effective Date: 2/28/18

- (a) The facility must establish therapeutically sound written program rules addressing client behavior that are designed to protect the health, safety, and welfare of clients.
- (b) The consequences for violating program rules must be defined in writing and must include clear identification of violations that may result in discharge. The consequences must be reasonable and take into account the client's diagnosis and progress in treatment and may not include:
 - (1) physical discipline;

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- (2) measures involving the denial of food, water, sleep, or bathroom privileges; or
- (3) discipline that is authorized, supervised, or carried out by clients.
- (c) At the time of admission, every client must be informed verbally and in writing of the program rules and consequences for violating the rules.
- (d) The facility must enforce the rules fairly and objectively and may not implement consequences for the convenience of staff.

Subchapter H Screening and Assessment

§353.801 Screening

Effective Date: 2/28/18

- (a) To be eligible for admission to a treatment program, an individual must meet the DSM criteria for a substance use disorder (or substance withdrawal or intoxication in the case of a detoxification program). The facility must use a screening process appropriate for the target population, individual's age, developmental level, culture, and gender.
- (b) The screening process must include the collection of other information as necessary to determine the type of services that are required to meet the individual's needs. This may necessitate the administration of all or part of validated assessment instruments.
- (c) Sufficient documentation must be maintained in the client record to support the diagnosis and justify the referral/placement decision. Documentation must include the date of the screening and the signature and credentials of the qualified credentialed counselor (QCC) supervising the screening process.
- (d) For admission to a detoxification program, the screening will be conducted by a physician, physician assistant, APRN, registered nurse, or licensed vocational nurse (LVN). An LVN may conduct a screening under the following conditions:
 - (1) the LVN has completed detoxification training and demonstrated competency in the detoxification process;
 - (2) the training and competency verification is documented in the LVN's personnel file;
 - (3) the LVN must convey the medical data obtained during the screening process to a physician, physician assistant, or APRN in person or via telephone. The physician, physician assistant, or APRN must determine the appropriateness of the admission and authorize the admission or give instructions for an alternative course of action; and
 - (4) the physician, physician assistant, or APRN must examine the client in person and sign the admission order within 24 hours of authorizing admission.
- (e) For admission to all other treatment programs, the screening will be conducted by a counselor or counselor intern.

§353.802 Admission Authorization and Consent to Treatment

Effective Date: 2/28/18

- (a) A QCC must authorize each admission in writing and specify the level of care to be provided. If the screening counselor or intern is not qualified to authorize admission, the QCC must review the results of the screening with the applicant, directly or indirectly, before authorizing admission. The authorization must be documented in the client record and must contain sufficient documentation to support the diagnosis and the placement decision.

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- (b) The facility must obtain written authorization from the consentor before providing any treatment or medication. The consent form must be dated and signed by the client, the consentor, and the staff person providing the information and must include documentation that the client and consentor received and understood the following information:
- (1) the specific condition to be treated;
 - (2) the recommended course of treatment;
 - (3) the expected benefits of treatment;
 - (4) the probable health and mental health consequences of not consenting;
 - (5) the side effects and risks associated with the treatment;
 - (6) any generally accepted alternatives and whether an alternative might be appropriate;
 - (7) the qualifications of the staff who will provide the treatment;
 - (8) the name of the primary counselor;
 - (9) the client grievance procedure;
 - (10) the Client Bill of Rights as specified in [§353.701 of this title](#);
 - (11) the program rules;
 - (12) violations that can lead to disciplinary action or discharge;
 - (13) any consequences or searches used to enforce program rules;
 - (14) the facility's services and treatment process; and
 - (15) opportunities for family to be involved in treatment.
- (c) This information must be explained to the client and consentor in simple, non-technical terms. If an emergency or the client's physical or mental condition prevents the explanation from being given or understood by the client within 24 hours, staff must document the circumstances in the client record and present the explanation as soon as possible. Documentation of the explanation must be dated and signed by the client, the consentor, and the staff person providing the explanation.
- (d) The client record must include a copy of the Client Bill of Rights dated and signed by the client and consentor.
- (e) If possible, all information must be provided in the consentor's primary language.
- (f) When an applicant is screened and determined to be eligible for services but denied admission, the facility must maintain documentation signed by the examining QCC that includes the reason for the denial.

§353.803 Assessment

Effective Date: 2/28/18

- (a) A counselor or counselor intern must conduct and document a comprehensive psychosocial assessment with the client admitted to the facility. The assessment must elicit and document enough information about the client's past and present status to provide a thorough understanding of the following areas:
- (1) presenting problems resulting in admission;
 - (2) alcohol and other drug use;
 - (3) psychiatric and chemical dependency treatment;
 - (4) medical history and current health status, to include an assessment of risk behaviors for tuberculosis (TB), HIV, and other sexually transmitted disease (STD), as permitted by law;
 - (5) relationships with family;
 - (6) social and leisure activities;

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- (7) education and vocational training;
 - (8) employment history;
 - (9) legal problems;
 - (10) mental/emotional functioning; and
 - (11) strengths and weaknesses.
- (b) A comprehensive listing of the client's problems, needs, and strengths must be prepared based on the results of the assessment.
- (c) A comprehensive diagnostic impression must be prepared based on the results of the assessment.
- (d) If the assessment identifies a potential mental health problem, the facility or program must obtain a mental health assessment and seek appropriate mental health services when resources for mental health assessments and/or services are available internally or through referral at no additional cost to the program. These services must be provided by a facility or person authorized to provide such services or a qualified professional as described in [§353.901 of this title](#).
- (e) The assessment must be signed by a QCC and filed in the client record within three individual service days of admission.
- (f) The program may accept an evaluation from an outside source if:
- (1) it meets the criteria set forth herein;
 - (2) it was completed during the 30 days preceding admission or is received directly from a facility that is transferring the client; and
 - (3) a counselor reviews the information with the client and documents an update.

§353.804 Treatment Planning, Implementation, and Review

Effective Date: 2/28/18

- (a) The counselor and client work together to develop and implement an individualized, written treatment plan that identifies the services and support needed to address the problems and needs identified in the assessment. When appropriate, the client's family must also be involved.
- (1) When the client needs services not offered by the facility, appropriate referrals must be made and documented in the client record. When feasible, other QCCs or mental health professionals serving the client from a referral agency should participate in the treatment planning process.
 - (2) The client record must contain justification when identified needs are temporarily deferred or not addressed during treatment.
- (b) The treatment plan must include goals, objectives, and strategies.
- (1) Goals must be based on the client's problems/needs, strengths, and preferences.
 - (2) Objectives must be individualized, realistic, measurable, time-specific, appropriate to the level of treatment, and clearly stated in behavioral terms.
 - (3) Strategies must describe the type and frequency of the specific services and interventions needed to help the client achieve the identified goals and must be appropriate to the level of intensity of the program in which the client is receiving treatment.
- (c) The treatment plan must identify discharge criteria and include initial plans for discharge.
- (d) The treatment plan must include a projected length of stay in the program.
- (e) The treatment plan must identify the client's primary counselor and must be dated and signed by the client and the counselor. When the treatment plan is conducted by an intern or graduate, a QCC must review and sign the treatment plan.

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- (f) The treatment plan must be completed and filed in the client record within five individual service days of admission.
- (g) The treatment plan must be evaluated on a regular basis and revised as needed to reflect the ongoing reassessment of the client's problems, needs, and response to treatment.
- (h) The primary counselor must meet with the client to review and update the treatment plan at appropriate intervals, as defined in writing by the program. At a minimum, treatment plans must be reviewed midway through the projected duration of treatment, and no less frequently than monthly in residential substance abuse programs.
- (i) The treatment plan review must include:
 - (1) an evaluation of the client's progress toward each goal and objective;
 - (2) revision of the goals and objectives; and
 - (3) justifications of continued length of stay in the program.
- (j) Treatment plan reviews must be dated and signed by the client, the counselor, and the supervising QCC, if applicable.
- (k) When a client's intensity of service is changed, the client record must contain:
 - (1) clear documentation of the decision signed by a QCC, including the rationale and the effective date;
 - (2) a revised treatment plan; and
 - (3) documentation of coordination activities with the receiving treatment provider.
- (l) Program staff must document all treatment services (counseling, chemical dependency education, and life skills training) in the client record within 72 hours, including the date, nature, and duration of the contact and the signature and credentials of the person providing the service.
 - (1) Education, life skills training, and group counseling notes must also include the topic/issue addressed.
 - (2) Individual counseling notes must include the goals addressed, clinical observations, and new issues or needs identified during the session.

§353.805 Discharge

Effective Date: 2/28/18

- (a) The counselor and client/consenter must develop and implement an individualized discharge plan.
- (b) Discharge plans must be updated as the client progresses through treatment and must address the continued appropriateness of the current treatment level.
- (c) The discharge plan must address continuity of services to the client.
 - (1) When a client is referred or transferred to another chemical dependency or mental health service provider for continuing care, the substance abuse program must contact the receiving program before the client is discharged to make arrangements for the transfer.
 - (2) Coordination activities must be documented in the client record, including a timeframe for the client to have access to needed services and any constraints associated with the referral.
 - (3) With proper client consent, the facility must provide the receiving program with copies of relevant parts of the client's record.
- (d) The substance abuse program must involve the client's family or an alternate support system in the discharge planning process when appropriate.
- (e) Discharge planning must be completed before the client's scheduled discharge from the substance abuse program.

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- (f) A written discharge plan must be developed and must address ongoing client needs, including:
 - (1) individual goals or activities to sustain recovery;
 - (2) referrals; and
 - (3) recovery maintenance services, if applicable.
- (g) The completed discharge plan must be dated and signed by the counselor, the client, and the consenter (if applicable).
- (h) The facility or program must give the client and consenter a copy of the plan and file the original signed plan in the client record.
- (i) The facility or program must complete a discharge summary for each client within 30 days of discharge. The discharge summary must be signed by a QCC and must include:
 - (1) dates of admission and discharge;
 - (2) needs and problems identified at admission, during treatment, and at discharge;
 - (3) services provided;
 - (4) assessment of the client's progress towards goals;
 - (5) reason for discharge; and
 - (6) referrals and recommendations, including arrangements for recovery maintenance.
- (j) The facility or program must contact each client between 60 and 90 days after discharge from the substance abuse program and must document the individual's current status or the reason the contact was unsuccessful.

Subchapter I Treatment Program Services

§353.901 Requirements Applicable to All Treatment Services

Effective Date: 2/28/18

- (a) Each client's treatment must be based on a treatment plan developed from the client's comprehensive assessment.
- (b) Group counseling sessions must be limited to a maximum of 16 clients. Group education and life skills training sessions must be limited to a maximum of 35 clients. This limit does not apply to multi-family educational groups, seminars, outside speakers, or other events designed for a large audience.
- (c) Chemical dependency education and life skills training must follow a written curriculum. All educational sessions must include client participation and discussion of the material presented.
- (d) The substance abuse program must include education about tuberculosis (TB), HIV, hepatitis B and C, and sexually transmitted diseases (STDs).
- (e) The substance abuse program must provide education about the health risks of tobacco products and nicotine addiction.
- (f) The substance abuse program must provide access to screening for TB and testing for HIV antibody, hepatitis C, and STDs.
 - (1) HIV antibody testing must be carried out by an entity approved by the Department of State Health Services.
 - (2) If a client tests positive, the facility or program must refer the client to an appropriate health care provider.

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- (g) The substance abuse program must facilitate access to physical health, mental health, and ancillary services if those services are not available through the program and are necessary to meet treatment goals; the facilitation efforts must be documented.
- (h) Individuals may not be denied admission or discharged from treatment because they are taking prescribed medication.
- (i) The facility must maintain an adequate number of qualified staff to comply with these standards, provide appropriate and individualized treatment, and protect the health, safety, and welfare of clients.
- (j) All personnel must receive the training and supervision necessary to ensure compliance with these rules, provision of appropriate and individualized treatment, and protection of client health, safety, and welfare.
- (k) Residential direct care staff included in staff-to-client ratios may not have job duties that prevent ongoing and consistent client supervision.
- (l) Residential substance abuse programs must have at least one counselor on duty at least eight hours a day, six days a week.
- (m) Individuals responsible for planning, directing, or supervising treatment programs must be QCCs. The clinical program director must have at least two years of post-licensure experience providing chemical dependency treatment.
- (n) Chemical dependency counseling must be provided by a QCC, graduate, or counselor intern. Chemical dependency education and life skills training must be provided by counselors or individuals who have the appropriate specialized education and expertise.
- (o) All counselor interns must be under the direct supervision of a QCC as required in [Texas Administrative Code, Title 40, Chapter 140](#) (relating to Counselor Licensure).

§353.902 Requirements Applicable to Detoxification Services

Effective Date: 2/28/18

- (a) A facility providing detoxification services must ensure every individual admitted to a detoxification program meets the DSM criteria for substance intoxication or withdrawal.
- (b) All detoxification programs must ensure continuous access to emergency medical care.
- (c) The program must have a medical director who is a licensed physician. The medical director must be responsible for admission, diagnosis, medication management, and client care.
- (d) The medical director or designee must approve all medical policies, procedures, guidelines, tools, and the medical content of all forms, which must include:
 - (1) screening instruments and procedures;
 - (2) protocol or standing orders for each major drug category of abusable drugs (opiates, alcohol and other sedative-hypnotic/anxiolytics, inhalants, stimulants, hallucinogens) that are consistent with guidelines published by nationally recognized organizations (e.g., Substance Abuse and Mental Health Services Administration, American Society of Addiction Medicine, American Academy of Addiction Psychology);
 - (3) procedures to deal with medical emergencies;
 - (4) medication and monitoring procedures for pregnant women that address effects of detoxification and medications used on the fetus; and
 - (5) special consent forms for pregnant women identifying risks inherent to mother and fetus.
- (e) The medical director or designee must authorize all admissions, conduct a face-to-face examination to include both a history and physical examination of each applicant for services to establish the diagnosis, assess level of intoxication or withdrawal potential, and determine the need for treatment and the type of treatment to be provided to reach a placement decision.

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- (1) The examination must identify potential physical and mental health problems and/or diagnoses that warrant further assessment.
 - (2) The authorization and examination must be documented in the client record and must contain sufficient documentation to support the diagnoses and the placement decision. If the physician, physician assistant, or APRN determines an admission is not appropriate, the client must be transferred to an appropriate service provider.
 - (3) The face-to-face examination (history and physical examination) and signed orders of admission must occur within 24 hours of admission.
 - (4) The program may accept an examination completed during the 24 hours preceding admission if it is approved by the program's medical director or designee and includes the elements in paragraphs (1)–(2) of this subsection. The program may not require a client to obtain a history and physical as a condition of admission.
 - (5) Detoxification programs must have a licensed vocational nurse or registered nurse on duty for at least eight hours every day and a physician or designee on call 24 hours a day.
 - (6) Detoxification programs must ensure that detoxification services are accessible at least 16 hours per day, seven days per week.
- (f) Providers must develop and implement a mechanism to ensure that all direct care staff in detoxification programs have the knowledge, skills, and abilities to provide detoxification services, as they relate to the individual's job duties. Providers must be able to demonstrate through documented training, credentials, and experience that all direct care staff are proficient in areas pertaining to detoxification, including, but not limited to areas, regarding:
- (1) signs of withdrawal;
 - (2) observation and monitoring procedures;
 - (3) pregnancy-related complications (if the program admits women);
 - (4) complications requiring transfer;
 - (5) appropriate interventions; and
 - (6) frequently used medications including purpose, precautions, and side effects.
- (g) Residential and ambulatory (outpatient) detoxification programs must provide monitoring to manage the client's physical withdrawal symptoms. Monitoring must be conducted at a frequency consistent with the degree of severity of the client's withdrawal symptoms, the drug(s) from which the client is withdrawing, and/or the level of intoxication of the client. This information will be documented in the client's record and reflected in the client's orders. Residential detoxification programs must have a licensed vocational nurse or registered nurse on duty for at least eight hours every day and a physician or designee on call 24 hours a day. Ambulatory detoxification programs must have a licensed vocational nurse or registered nurse on duty for at least two hours every day and a physician or designee on call 24 hours a day.
- (1) Monitoring must include:
 - (A) changes in mental status;
 - (B) vital signs; and
 - (C) response of the client's symptoms to the prescribed detoxification medications.
 - (2) It is recommended that providers use instruments such as the Clinical Institute Withdrawal Assessment-Alcohol, revised (CIWA-Ar) for alcohol and sedative hypnotic withdrawal, and the "clinician's assessment" in the Behavioral Health Integrated Provider System (BHIPS).
 - (3) More intensive monitoring is required for clients with a history of severe withdrawal symptoms (e.g., a history of hallucinosis, delirium tremors, seizures, uncontrolled vomiting/dehydration, psychosis, inability to tolerate withdrawal symptoms, and self-harming attempts) or the presence of current severe withdrawal symptoms and/or co-occurring medical and psychiatric disorders.

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- (4) At a minimum, monitoring must be done every four hours in residential detoxification programs for the first 72 hours and as ordered by the medical director or designee thereafter, dependent on the client's signs and symptoms.
 - (5) Medication must be available to manage withdrawal/intoxication from all classes of abusable drugs.
 - (6) While medication regimens, protocols, or standing orders may be used, detoxification must be tailored to each client's need based on vital signs and symptom severity (objective and subjective), which must be noted in the client's record.
 - (7) Ambulatory detoxification must have clear documentation by the physician or designee that the client's symptoms are or are expected to be of a severity that necessitates monitoring once a day at a minimum.
- (h) In addition to the management of withdrawal and intoxicated states, detoxification programs must provide services, including counseling, which are designed to:
- (1) assess the client's readiness for change;
 - (2) offer general and individualized information on substance abuse and dependency;
 - (3) enhance client motivation;
 - (4) engage the client in treatment; and
 - (5) include a detoxification plan that contains the goals of successful and safe detoxification and details the process for transferring to another treatment intensity. At least one daily individual session by a registered nurse, QCC, or counselor intern with the client must be conducted.
- (i) Ambulatory detoxification may not be a stand-alone service; services must be provided in conjunction with outpatient treatment services. When treatment services are not available in conjunction with ambulatory detoxification services, the ambulatory detoxification program must arrange for them.
- (j) Bunk beds may not be used in residential detoxification programs.
- (k) In residential substance abuse programs, direct care staff must be on duty where the clients are located 24 hours a day.
- (1) During day and evening hours, at least two staff must be on duty for the first 12 clients, with one more staff on duty for each additional one to 16 clients.
 - (2) At night, at least one staff member with detoxification training must be on duty for the first 12 clients with one more staff on duty for each additional one to 16 clients.
- (l) Clients who are not in withdrawal but meet the DSM criteria for substance dependence may be admitted to detoxification services for 72 hours for crisis stabilization.
- (m) Crisis stabilization is appropriate for clients who have diagnosed conditions that result in current emotional or cognitive impairment such that they would not be able to participate in a structured and rigorous schedule of formal chemical dependency treatment.
- (1) The specific client signs and symptoms that meet the DSM or other medical criteria for the disorder must be documented in the client record.
 - (2) Documentation must also include what symptoms are precluding the client from participating in treatment and the manner in which they are to be resolved.

§353.903 Requirements Applicable to Residential Services

Effective Date: 2/28/18

- (a) Residential treatment provides 24-hour per day, 7 days per week multidisciplinary, professional clinical support to facilitate recovery from addiction. Clients are housed in a residential site. Comprehensive chemical dependency treatment services offer a structured therapeutic environment.
- (b) The facility must ensure access to the full continuum of treatment services and sufficient treatment intensity to achieve treatment plan goals. Intensity and content of treatment must be appropriate to the client's needs and consistent with generally accepted placement guidelines and standards of care.

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- (c) Each individual admitted to intensive residential services must be appropriately suited to this type of treatment setting, and there must be written justification to support the admission.
- (d) Intensive residential substance abuse programs must provide an average of at least 30 hours of services per week for each client, comprised of at least:
 - (1) 10 hours of chemical dependency counseling (one hour of which must be individual counseling);
 - (2) 10 hours of additional counseling, chemical dependency education, life skills training, and relapse prevention education; and
 - (3) 10 hours of planned, structured activities monitored by staff (five hours of which must occur on weekends and evenings).
- (e) In intensive residential substance abuse programs, counselor caseloads may not exceed 10 clients for each counselor.
- (f) Supportive residential substance abuse programs must provide at least six hours of treatment services per week for each client, comprising at least:
 - (1) three hours of chemical dependency counseling (one hour per month of which must be individual counseling); and
 - (2) three hours of additional counseling, chemical dependency education, life skills training, and relapse prevention education.
- (g) Each supportive residential substance abuse program must set limits on caseload size that ensure effective, individualized treatment. The program must justify the caseload size in writing based on the program design, characteristics and needs of the population served, and any other relevant factors.

§353.904 Requirements for Outpatient Treatment Programs

Effective Date: 2/28/18

- (a) Outpatient programs are designed for clients who do not require the more structured environment of residential treatment to maintain sobriety.
- (b) Outpatient programs must ensure access to a full continuum of care and ensure sufficiency of treatment intensity to achieve treatment plan goals. Intensity and content of treatment must be appropriate to the client's needs and consistent with generally accepted placement guidelines and standards of care.
- (c) Each individual admitted to an outpatient program must be appropriately suited to this type of treatment setting, and there must be written justification to support the admission.
- (d) Treatment must include individualized treatment planning based on a comprehensive assessment, educational and process groups, and individual counseling.
- (e) Each client's progress must be assessed regularly by clinical staff to help determine the length and intensity of the program for that client.

§353.905 Requirements for Programs for Juveniles

Effective Date: 2/28/18

- (a) Facilities providing residential services for juveniles must:
 - (1) provide access to education approved by the Texas Education Agency within three school days of admission when treatment is expected to last more than 14 days;
 - (2) in addition to the service requirements set forth in [§353.903\(d\)\(3\) of this title](#), provide five hours of planned, structured activities during evenings and weekends. Recreational and leisure activities must be included in the structured time. The total number of hours of planned, structured activities must be at least 15. Attendance in school may be counted toward this requirement;
 - (3) ensure the direct care staff-to-client ratio is at least 1:8 during waking hours (including program-sponsored activities away from the facility) and 1:16 during sleeping hours;

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- (4) facilitate regular communication between an adolescent client and the client's family and may not arbitrarily restrict any communications without clear individualized clinical justification documented in the client record; and
 - (5) have written procedures addressing notification of parents or guardians in the event an adolescent leaves a residential substance abuse program without authorization.
- (b) Facilities or programs providing outpatient services must provide access to education approved by the Texas Education Agency within three school days of admission when treatment is expected to last more than 14 days, if required by law.
- (c) Facilities or programs providing day treatment must provide at least 15 hours of services per week, comprised of at least:
- (1) one hour of individual counseling; and
 - (2) 14 hours of additional counseling, chemical dependency education, life skills training, and relapse prevention education. Attendance in school may not be counted toward this requirement.
- (d) All facilities and programs must:
- (1) ensure the program's treatment services, lectures, and written materials are age-appropriate and easily understood by clients;
 - (2) involve the client's family or an alternate support system in the treatment process or document why this is not possible; and
 - (3) develop and implement a mechanism to ensure that all direct care staff in adolescent programs have the knowledge, skills, and abilities to provide services to adolescents, as they relate to the individual's job duties. Providers must be able to demonstrate through documented training, credentials, and experience that all direct care staff are proficient in areas pertaining to adolescent services, including, but not limited to, areas regarding:
 - (A) chemical dependency problems specific to adolescent treatment;
 - (B) appropriate treatment strategies, including family engagement strategies; and
 - (C) emotional, developmental, and mental health issues for adolescents.
- (e) Adolescent programs may serve children 13 to 17 years of age. However, young adults aged 18 to 21 may be admitted to an adolescent program when the screening process indicates the individual's needs, experiences, and behavior are similar to those of adolescent clients.
- (f) Every exception to the general age requirements must be clinically justified and documented and approved in writing by a QCC.

§353.906 Access to Services for Co-Occurring Psychiatric and Substance Use Disorders (COPSD) Clients

Effective Date: 2/28/18

- (a) In determining an individual's initial and ongoing eligibility for any service, an entity may not exclude an individual based on the following factors:
- (1) the individual's past or present mental illness;
 - (2) medications prescribed to the individual in the past or present;
 - (3) the presumption of the individual's inability to benefit from treatment; or
 - (4) the individual's level of success in prior treatment episodes.
- (b) Providers must ensure that a client's refusal of a particular service does not preclude the client from accessing other needed mental health or substance abuse services.
- (c) Providers must establish and implement procedures to ensure the continuity between screening, assessment, treatment, and referral services provided to clients.

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§353.907 Additional Requirements for COPSD Programs

Effective Date: 2/28/18

- (a) The services provided to a client with COPSD must:
 - (1) address both psychiatric and substance use disorders;
 - (2) be provided within established practice guidelines for this population; and
 - (3) help individuals to access the available services they need and choose, including self-help groups.
- (b) The services provided to a client with COPSD must be provided by staff who are competent in the areas identified in §353.908 of this title.

§353.908 Specialty Competencies for COPSD Programs

Effective Date: 2/28/18

- (a) Providers must ensure that services to clients are age-appropriate and are provided by staff within their scope of practice who have the following minimum knowledge, technical, and interpersonal competencies prior to providing services.
 - (1) Knowledge competencies:
 - (A) knowledge of the fact that psychiatric and substance use disorders are potentially recurrent relapsing disorders and that, although abstinence is the goal, relapses can be opportunities for learning and growth;
 - (B) knowledge of the impact of substance use disorders on developmental, social, and physical growth and development of children and adolescents;
 - (C) knowledge of interpersonal and family dynamics and their impact on individuals;
 - (D) knowledge of the current Diagnostic and Statistical Manual of Mental Disorders (DSM) diagnostic criteria for psychiatric disorders and substance use disorders and the relationship between psychiatric disorders and substance use disorders;
 - (E) knowledge regarding the increased risks of self-harm, suicide, and violence in individuals;
 - (F) knowledge of the elements of an integrated treatment plan and community support plan for individuals;
 - (G) basic knowledge of pharmacology as it relates to individuals with a mental disorder;
 - (H) basic understanding of the neurophysiology of addiction;
 - (I) knowledge of the phases of recovery for individuals;
 - (J) knowledge of the relationship between substance abuse disorders and psychiatric disorders; and
 - (K) knowledge of self-help in recovery.
 - (2) Technical competencies:
 - (A) ability to perform age-appropriate assessments of clients; and
 - (B) ability to formulate an individualized treatment plan and community support plan for clients.
 - (3) Interpersonal competencies:
 - (A) ability to tailor interventions to the process of recovery for clients;
 - (B) ability to tailor interventions with readiness to change; and
 - (C) ability to engage and support clients who choose to participate in 12-step recovery programs.

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- (b) Providers must ensure that staff who provide services to clients with COPSD have demonstrated the competencies described in subsection (a) of this section. These competencies may be evidenced by compliance with current licensure requirements of the governing or supervisory boards for the respective disciplines involved in serving clients with COPSD or by documentation regarding the attainment of the competencies described in subsection (a) of this section.

§353.909 Treatment Planning of Services to Clients with COPSD

Effective Date: 2/28/18

- (a) The treatment plan must identify services to be provided and must include measurable outcomes that address COPSD.
- (b) The treatment plan must identify the family members' need for education and support services related to the client's mental illness and substance abuse and a method to facilitate the family members' receipt of the needed education and support services.
- (c) The client and, if requested, the client's family member, must be given a copy of the treatment plan as permitted by law.

REPEAL



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH A PROPOSAL TO REPEAL 37 TAC CHAPTER 353, RELATING TO SUBSTANCE ABUSE TREATMENT PROGRAM, AND TO PUBLISH PROPOSED NEW 37 TAC CHAPTER 353, RELATING TO SUBSTANCE USE DISORDER TREATMENT PROGRAMS, IN THE *TEXAS REGISTER* FOR A PUBLIC COMMENT PERIOD OF AT LEAST 30 DAYS AND FOR CONDITIONAL APPROVAL TO ADOPT THE FINAL REPEALS AND NEW RULES

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, Section 221.002, Human Resources Code, requires the Board to adopt rules that provide minimum standards for the operation of substance abuse facilities that are juvenile justice facilities or juvenile justice programs, as defined by Section 261.405, Family Code; and

WHEREAS, the staff has proposed changes to 37 TAC Chapter 353, concerning Substance Use Disorder Treatment Programs and the extensive nature of the changes will result in the chapter being repealed and replaced; and

WHEREAS, 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 amended rules, the Board grants approval to publish the proposal in the *Texas Register* for a public comment period of at least 30 days; and

BE IT FURTHER RESOLVED THAT for the above-referenced rules, the Board grants approval to adopt the final repeals and new rule text after the comment period has ended if: (1) no public comments are received; (2) any additional revisions to the rule text are limited to technical, stylistic, or grammar changes or corrections of typographical errors; and (3) the board has not otherwise directed that final adoption must occur in a subsequent board meeting.

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

Signed this 23rd day of October 2020

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director

Kaci Singer, Deputy General Counsel for County Matters

Lou Serrano, Deputy Executive Director for Probation Services

Subject: Discussion, consideration, and possible approval to publish proposed revisions within 37 TAC Chapter 344, relating to Employment, Certification, and Training, in the *Texas Register* for a public comment period of at least 30 days and possible conditional approval to adopt the final rules

Date: October 9, 2020

The TJJJ staff is proposing revisions to 37 TAC Chapter 344 (Employment, Certification, and Training). These changes were prompted by statutory changes to Chapter 53, Occupations Code, which require a review prior to denying or revoking a certification based on criminal history. They were developed by a workgroup including members of the TJJJ Advisory Council and TJJJ staff members.

The changes require the probation department or facility to contact TJJJ for that review prior to hiring a person with a misdemeanor conviction or deferred adjudication that is less than 5 years old or a felony conviction or deferred adjudication that is less than 10 years old into a position requiring certification. Consistent with state law, a conviction or deferred adjudication for certain offenses remains a bar to certification regardless of time. The criteria that will be followed are set out in state law.

The standards also require the juvenile board or designee to conduct the same review before hiring or approving a person with the same criminal history who will not be certified but who may have unsupervised contact with a juvenile at a facility or program. Documentation of the review and outcome must be maintained.

A similar review must be conducted before TJJJ seeks to impose discipline on an officer's certification, with certain exceptions for offenses for which revocation is mandated by state law.

The staff requests the board's approval to publish the proposed revisions in the *Texas Register* for a public comment period of at least 30 days. The staff also requests the board's approval to adopt the final rules after the public comment period has ended, but only if the conditions listed in the accompanying resolution are met.

Attached to this memo please find:

- a summary of the changes being proposed;
- the text of the rules, including proposed changes shown as mark-ups; and
- a resolution for board action.

Summary of Changes
 37 TAC Chapter 344
 Employment, Certification, and Training

Rule #	Title	Summary of Rule	Summary of Proposed Key Changes
Division 1: Behavior Management			
344.200	General Qualifications for Positions Requiring Certification	Establishes the minimum qualifications for certification as a juvenile probation officer, juvenile supervision officer, and community activities officer.	<ul style="list-style-type: none"> Added that, to be eligible for certification, juvenile probation officers, juvenile supervision officers, and community activities officers must have no criminal history described in §344.410 unless TJJD has reviewed it and approved certification despite the criminal history.
344.300	Criminal History Checks	Establishes who must have a criminal history check and who may not have direct, unsupervised access to juveniles. Also includes requirements for using Fingerprint Applicant Services of Texas (FAST) and participating in the Fingerprint-Based Applicant Clearinghouse of Texas (FACT).	<ul style="list-style-type: none"> Added that department or facility policy must prohibit direct, unsupervised access to juveniles in a juvenile justice program or facility by any person with a criminal history described in §344.410 who has not been reviewed and approved by TJJD or the juvenile board or designee, as appropriate. Clarified that a criminal history check must be conducted for an individual who: <ul style="list-style-type: none"> is in a position eligible for optional certification <i>and who is seeking certification</i>; or may have direct, unsupervised access to juveniles and who provides goods or services under contract <i>on the premises of a juvenile justice facility or program</i>, with certain exceptions. Clarified that, before any individual listed earlier in this section begins employment or service provision, the department must <i>ensure the criminal history is reviewed and the person is not determined to have a criminal history prohibiting employment or certification</i> [instead of the department must use the information in Fingerprint-Based Applicant Clearinghouse of Texas (FACT) to determine if the individual has a disqualifying criminal history]. Added an additional reference to statute.
344.320	Criminal History Checks for Position and Departmental Transfers <i>and for Optional Certification</i>	Requires a criminal history check when a person transfers into a position requiring certification or when a certified officer accepts simultaneous or subsequent employment in a different department or private facility.	<ul style="list-style-type: none"> Modified section title to reflect changes to the text of the section. Added that the employing department or facility must complete a criminal history check when the department or facility is seeking certification for a person in a position that allows for optional certification.
344.330	Criminal History Checks for Employees of Private Juvenile Justice Facilities	Requires the juvenile probation department serving the county where a private juvenile justice facility is located to	<ul style="list-style-type: none"> Clarified that the department must immediately notify the private facility administrator in writing if the department receives a FACT alert regarding an arrest, conviction, or deferred adjudication for <i>any offense punishable by confinement or imprisonment</i> (instead of for a disqualifying offense) for an individual who is employed by or provides services at the private facility.

Rule #	Title	Summary of Rule	Summary of Proposed Key Changes
		conduct criminal history checks on behalf of the private facility. Explains the responsibilities of the department and the private facility.	
344.400	Disqualifying Criminal History	Establishes the disqualifying criminal history for positions requiring certification and for certain noncertified positions.	<p>OFFENSES THAT CONSTITUTE A DISQUALIFYING CRIMINAL HISTORY</p> <ul style="list-style-type: none"> • Added that disqualifying criminal history includes deferred adjudication or conviction for a sexually violent offense or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJJ), regardless of the date of disposition. • Removed the following from the definition of disqualifying criminal history: <ul style="list-style-type: none"> ○ deferred adjudication or conviction within the past 10 years for a felony other than those listed in Code of Criminal Procedure Article 42A.054 or a substantially equivalent violation against the laws of another state or the United States within the past 10 years; ○ deferred adjudication or conviction within the past five years for any Class A or B misdemeanor in Texas or a substantially equivalent violation against the laws of another state or the United States; and ○ current requirement to register as a sex offender. • Deleted references to variances granted under the repealed version of 344.410. • Clarified that TJJJ is the entity that determines whether a federal offense or an offense in another state is substantially equivalent to a felony listed in Code of Criminal Procedure Article 42A.054. <p>GENERAL PROVISIONS</p> <ul style="list-style-type: none"> • Clarified that the disqualifying criminal history applies beyond the <i>initial</i> certification and <i>initial</i> employment decisions. • Added that the newly created disqualification for a sexually violent offense does not apply to: <ul style="list-style-type: none"> ○ officers certified before the effective date of this section unless the certification expires; or ○ to noncertified individuals in a position requiring criminal history checks who began service provision before the effective date of this section with no break in service after that date. • Removed the following provisions: <ul style="list-style-type: none"> ○ the date of conviction or order of deferred adjudication is used to determine when applicable time periods expire (addressed in new §344.410); ○ regardless of the time periods set forth, at least one year must have elapsed since the completion of any period of incarceration, community supervision, or parole (addressed in new §344.410); ○ if a department receives notification of an arrest for potentially disqualifying criminal conduct of a person hired in the capacity of a certified officer, the department must notify TJJJ’s certification

Rule #	Title	Summary of Rule	Summary of Proposed Key Changes
			<p>office in writing of the alleged offense no later than 10 calendar days after receiving notice of the arrest (addressed in new §344.430);</p> <ul style="list-style-type: none"> ○ if a department receives notification of a conviction for disqualifying criminal conduct of a person hired in the capacity of a certified officer, the department must notify TJJJ’s certification office in writing of the offense no later than 10 calendar days after receiving notice of the conviction (addressed in new §344.430); ○ any conviction occurring before January 1, 2010, will not disqualify a noncertified individual in a position requiring a criminal history check who began employment or service provision before January 1, 2010, with no break in service after that date; and ○ any felony conviction, felony deferred prosecution, felony deferred adjudication, misdemeanor conviction, misdemeanor deferred prosecution, or misdemeanor deferred adjudication occurring before September 1, 2003, will not disqualify a certified officer who held an active certification on September 1, 2003.
344.410	Exemption or Variance for Qualifying Criminal History	Establishes a way to obtain approval for individuals convicted of Class B misdemeanors to be eligible for certification or to serve in certain noncertified positions.	<ul style="list-style-type: none"> • Repeal. Some content included in the new 344.410.
344.410	Other Criminal History	Establishes which types of criminal history would make an individual ineligible for certification without prior TJJJ approval and ineligible for certain noncertified positions without an exemption from the juvenile board	<p>New standard that includes portions of the former 344.410.</p> <p>APPLICANTS FOR CERTIFICATION</p> <ul style="list-style-type: none"> • Added the following factors related to criminal history that would make an individual ineligible for certification or employment in a position requiring certification without prior review and approval by TJJJ: <ul style="list-style-type: none"> ○ deferred adjudication or conviction within the past 10 years for a felony other than a disqualifying offense or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJJ); ○ deferred adjudication or conviction within the past five years for any Class A or B misdemeanor in Texas or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJJ) if the date of deferred adjudication or conviction was less than five years prior to the date the review is requested; ○ any offense described by this section—regardless of the date of conviction or deferred adjudication—if less than one year has elapsed since the completion of any period of incarceration, community supervision, or parole; or ○ a current requirement to register as a sex offender for an offense that is not a disqualifying offense.

Rule #	Title	Summary of Rule	Summary of Proposed Key Changes
			<p><i>NONCERTIFIED POSITIONS THAT REQUIRE A CRIMINAL HISTORY CHECK</i></p> <ul style="list-style-type: none"> • Added that an individual with a criminal history described above is not eligible to begin serving or continue serving in a noncertified position requiring a criminal history check unless the juvenile board or its documented designee has granted an exemption. • Added that, before granting an exemption, the juvenile board must consider the same factors as TJJJ considers, which are listed in §344.420. • Explained that exemptions may be granted only on a case-by-case basis and that the justification for the exemption must be documented. • Added that, if the department or facility receives notification of a new conviction or deferred adjudication, the individual may not continue serving in the position unless the juvenile board or its documented designee grants a new exemption. • Explained that the exemption is: <ul style="list-style-type: none"> ○ valid only for the probation department or facility operated by or under contract with the juvenile board granting the exemption; and ○ not valid if the person moves to a position requiring certification or if the department or facility seeks certification for the person in a position that allows for optional certification. (In such instances, prior review and approval from TJJJ is required.).
344.420	Review of Criminal History	Establishes the process TJJJ will use to review a person's criminal history	<ul style="list-style-type: none"> • New standard. • Added that a department or facility must request a review from TJJJ before hiring an individual with a criminal history described by §344.410 into a position requiring certification and before seeking certification for an individual in a position that allows for optional certification • Added a list of factors TJJJ will use to determine if the offense(s) directly relate to the duties and responsibilities of the position for which the certification is required or sought. • Added that, if TJJJ determines the criminal history offense(s) do not directly relate to the duties and responsibilities of the position, TJJJ will not deny the certification based on the criminal history. • Added a list of factors TJJJ will consider in determining whether to deny certification in cases where the offense(s) directly relate to the duties and responsibilities of the position. • Added that the individual to be certified is responsible for providing TJJJ with the information required to make a decision and that a denial of certification may result from failing to provide TJJJ with the requested information in a timely manner. • Added that, in making its determination, TJJJ will not consider an arrest that did not result in a conviction or placement on deferred adjudication. • Added that, if TJJJ determines that the criminal history will not result in a denial of certification, TJJJ will inform the individual and the department or facility, which may then proceed with hiring the individual.

Rule #	Title	Summary of Rule	Summary of Proposed Key Changes
			<ul style="list-style-type: none"> • Added that, if TJJJ determines that the criminal history should result in a certification being denied, TJJJ will provide the individual with written notice of the reason for the intended denial and will give the individual at least 30 days to submit any relevant information for consideration. • Added that TJJJ will provide a copy of the written notice to the administrative officer of the hiring entity.
344.430	Arrest or Conviction of Current Employees	Establishes steps to be taken when a person who is certified or is in the process of being certified is arrested or convicted.	<ul style="list-style-type: none"> • New standard. • Explained that this section applies to individuals employed by a department or facility who are certified or for whom the department or facility is seeking certification, whether they are employed in a position requiring certification or in a position for which certification is optional. • Added that, if a department or facility receives notification that an individual has been arrested for, convicted of, or placed on deferred adjudication for any criminal conduct specified in this chapter, the department or facility must notify TJJJ's certification office in writing no later than 10 calendar days after receiving notice. • Added that the department or facility must provide information regarding the circumstances of the arrest, conviction, or deferred adjudication and respond to any questions from TJJJ about the matter. • Added that, in cases of arrest, TJJJ may seek an emergency suspension of the certification if warranted. • Added that, in cases of conviction or deferred adjudication, TJJJ will take one of the following actions upon receipt of the notification: <ul style="list-style-type: none"> ○ TJJJ will deny certification if the notification pertains to criminal conduct described in §344.400(a) of this title and the person is not yet certified. ○ TJJJ will revoke certification if the notification pertains to criminal conduct described in §344.400(a) of this title and the person is certified. ○ If the notification pertains to criminal conduct described in §344.410(a) of this title and the person is not certified, TJJJ will conduct the review described in §344.420 to determine if certification should be denied. ○ If the notification pertains to criminal conduct described in §344.410(a) of this title and the person is certified, TJJJ will conduct the review described in §344.420 to determine if certification should be revoked or suspended. • Added that TJJJ will revoke or deny certification if the individual is imprisoned following a felony conviction, revocation or community supervision, revocation of probation, or revocation of mandatory supervision.
344.804	Dual Certification	Establishes circumstances under which a person may hold more than one TJJJ certification.	<ul style="list-style-type: none"> • Made nonsubstantive wording change.

Texas Administrative Code

Title 37 Public Safety and Corrections
Part 11 Texas Juvenile Justice Department
Chapter 344 Employment, Certification, and Training

Selected standards only. Not a complete version of the chapter.

§344.200 General Qualifications for Positions Requiring Certification

Effective Date: **2/1/18**

(a) **Juvenile Probation Officer.**

To be eligible for certification as a juvenile probation officer, supervisor of a juvenile probation officer, or chief administrative officer, an individual must:

- (1) be at least 21 years of age;
- (2) be of good moral character;
- (3) have no disqualifying criminal history as described in this chapter;
- (4) have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and approved certification despite the criminal history;
- ~~(5)~~(4) have acquired a bachelor's degree conferred by a college or university accredited by an organization recognized by the Texas Higher Education Coordinating Board;
- ~~(6)~~(5) possess the work experience required in §344.210 of this title or graduate study required in §344.204 of this title;
- ~~(7)~~(6) never have had any type of certification revoked by TJJD;
- ~~(8)~~(7) complete the training required by this chapter; and
- ~~(9)~~(8) pass the certification exam as required by §344.700 of this title.

(b) **Juvenile Supervision Officer.**

To be eligible for certification as a juvenile supervision officer, an individual must:

- (1) be at least 21 years of age;
- (2) be of good moral character;
- (3) have no disqualifying criminal history as described in this chapter;
- (4) have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and approved certification despite the criminal history;
- ~~(5)~~(4) have acquired a high school diploma or its equivalent as specified in §344.204 of this title;
- ~~(6)~~(5) never have had any type of certification revoked by TJJD;
- ~~(7)~~(6) complete the training required by this chapter; and
- ~~(8)~~(7) pass the certification exam as required by §344.700 of this title.

(c) **Community Activities Officer.**

To be eligible for certification as a community activities officer, an individual must:

- (1) be at least 21 years of age;
- (2) be of good moral character;
- (3) have no disqualifying criminal history as described in this chapter;
- (4) have no criminal history as described in §344.410(a) of this chapter unless TJJD has reviewed it and approved certification despite the criminal history;
- ~~(5)~~(4) have acquired a high school diploma or its equivalent as specified in §344.204 of this title;
- ~~(6)~~(5) never have had any type of certification revoked by TJJD; and
- ~~(7)~~(6) complete the training required by this chapter.

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§344.300 Criminal History Checks

Effective Date: ~~2/1/18~~

- (a) Department or facility policy must prohibit direct, unsupervised access to juveniles in a juvenile justice program or facility by the following:
- (1) any person with a disqualifying criminal history as described in §344.400 of this title; and
 - (2) any person with a criminal history described in §344.410 of this title who has not been reviewed and approved by TJJD or the juvenile board or designee, as appropriate, as provided in §344.420 and §344.430 of this title.
- (b) A criminal history check as described in this section must be conducted for:
- (1) an individual who is in a position requiring certification or who is eligible for and seeking optional certification; and
 - (2) an individual who may have direct, unsupervised access to juveniles in a juvenile justice facility or program and who is:
 - (A) an employee in a position not requiring certification [~~and not eligible for optional certification~~];
 - (B) a volunteer;
 - (C) an intern; or
 - (D) an individual who provides goods or services under contract on the premises of a juvenile justice facility or program, except as provided in subsection (c) of this section.
- (c) A criminal history check as specified in this section is not required for employees of a public school district who:
- (1) provide services in a juvenile justice facility or program; and
 - (2) have completed all criminal history checks required by the Texas Education Agency.
- (d) Before any individual listed in subsection (b) of this section begins employment or service provision:
- (1) the department or facility must ensure the individual has electronically submitted fingerprints using Fingerprint Applicant Services of Texas (FAST) and verify that the department is able to subscribe to the individual's Fingerprint-Based Applicant Clearinghouse of Texas (FACT) record;
 - (2) the department must subscribe to that individual's record in FACT; and
 - (3) the department must ensure the criminal history is reviewed [~~use the information in FACT to determine if the individual has a disqualifying criminal history~~] as specified in this chapter and the person is not determined to have a criminal history prohibiting employment or certification [~~§344.400 of this title~~].
- (e) The department must maintain a FACT subscription for each individual in a position requiring a criminal history check for as long as the individual remains in such a position. This requirement applies regardless of the date employment or service provision began.
- (f) The requirements of this section do not apply to the juvenile's attorney, family members, managing conservator, guardians, individuals listed as a juvenile's approved visitors, or any other individual not listed in subsection (b) of this section.

§344.320 Criminal History Checks for Position and Departmental Transfers and for Optional Certification

Effective Date: ~~2/1/18~~

- (a) The employing department or facility must complete a criminal history check in accordance with §344.300 and §344.302 of this title when:
- (1) an individual who was not previously certified accepts a position requiring certification; ~~or~~

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- (2) a certified officer employed by a department or facility accepts simultaneous or subsequent employment at a department or facility operated by or under contract with a different juvenile board; or
 - (3) the department or facility is seeking certification for a person in a position that allows for optional certification as provided in §344.802 of this title.
- (b) For individuals with a record in the Fingerprint-Based Applicant Clearinghouse of Texas (FACT), the searches may be conducted using the existing fingerprints.

§344.330 Criminal History Checks for Employees of Private Juvenile Justice Facilities

Effective Date: ~~2/1/18~~

The following provisions apply when a private juvenile justice facility is operating under contract with a governmental entity as required by Texas Family Code §51.12.

- (1) The juvenile probation department serving the county where the private facility is located is responsible for performing the checks and subscribing to the Fingerprint-Based Applicant Clearinghouse of Texas (FACT) as required under §344.300 of this title for the private facility.
- (2) The department and the private facility must have a written agreement that:
 - (A) authorizes the private facility to have access to information resulting from the criminal history checks;
 - (B) limits the private facility's use of the information to the purpose for which it is given;
 - (C) requires the private facility to ensure the confidentiality of the information; and
 - (D) provides for sanctions if the private facility violates a requirement in subparagraphs (B) or (C) of this paragraph.
- (3) The private facility must provide the following information to the department in writing:
 - (A) identifying information necessary for the department to conduct the criminal history checks as required by this chapter; and
 - (B) notification within 10 calendar days after an individual subject to criminal history checks separates from employment, ceases to provide services, or transfers out of a position that requires criminal history checks.
- (4) The chief administrative officer or designee of the juvenile probation department serving the county where the private facility is located must notify the private facility in writing of the results of each initial criminal history check and each check required for renewal of certification.
- (5) The department must immediately notify the private facility administrator in writing if the department receives a FACT alert regarding an arrest, conviction, or deferred adjudication for any offense punishable by confinement or imprisonment ~~[a disqualifying offense]~~ for an individual who is employed by or provides services at the private facility.

§344.400 Disqualifying Criminal History

Effective Date: ~~2/1/18~~

(a) Applicants for Certification.

An individual with the following criminal history is not eligible for ~~[initial]~~ certification or for ~~[initial]~~ employment in a position requiring certification:

- (1) deferred adjudication or conviction for a felony listed in Texas Code of Criminal Procedure Article 42A.054 (formerly known as "3(g) offenses" under former Article 42.12) or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD), regardless of the date of disposition; or

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- ~~(2) deferred adjudication or conviction for a sexually violent offense as defined in Texas Code of Criminal Procedure Article 62.001 or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD), regardless of the date of disposition.~~
- ~~[(2) deferred adjudication or conviction for a felony other than those referenced in paragraph (1) of this subsection or a substantially equivalent violation against the laws of another state or the United States within the past 10 years;]~~
- ~~[(3) deferred adjudication or conviction for any Class A or B misdemeanor in Texas or a substantially equivalent violation against the laws of another state or the United States within the past five years; or]~~
- ~~[(4) current requirement to register as a sex offender under Texas Code of Criminal Procedure Chapter 62.]~~

~~[(b) Individuals Employed in a Position Requiring Certification.~~

~~An individual with the criminal history described in subsection (a) of this section is not eligible for continued employment in a position requiring certification unless a variance has been granted in accordance with §344.410 of this title.]~~

~~[(b)](e) Other Individuals Subject to Criminal Background Checks.~~

~~An individual with the criminal history described in subsection (a) of this section is not eligible to serve in a position listed in §344.300(b)(2) of this title [unless an exemption has been granted in accordance with §344.410 of this title].~~

~~[(c)](d) General Provisions.~~

- ~~[(1) The date of conviction or order of deferred adjudication is used to determine when applicable time periods expire.]~~
- ~~[(2) Regardless of the time periods set forth in subsection (a) of this section, at least one year must have elapsed since the completion of any period of incarceration, community supervision, or parole.]~~
- ~~[(3) If a department receives notification of an arrest for potentially disqualifying criminal conduct of a person hired in the capacity of a certified officer, the department must notify TJJD's certification office in writing of the alleged offense no later than 10 calendar days after receiving notice of the arrest.]~~
- ~~[(4) If a department receives notification of a conviction for disqualifying criminal conduct of a person hired in the capacity of a certified officer, the department must notify TJJD's certification office in writing of the offense no later than 10 calendar days after receiving notice of the conviction.]~~
- ~~[(1)](5) Subsection (a)(1) of this section does not apply to officers certified before February 1, 2018, [the effective date of this section] unless the certification expires.~~
- ~~[(2)](6) Subsection (a)(1) of this section does not apply to individuals in a position listed in §344.300(b)(2) of this title who began service provision before February 1, 2018, [the effective date of this section] with no break in service after that date.~~
- ~~[(3) Subsection (a)(2) of this section does not apply to officers certified before the effective date of this section unless the certification expires.]~~
- ~~[(4) Subsection (a)(2) of this section does not apply to individuals in a position listed in §34.300(b)(2) of this title who began service provision before the effective date of this section with no break in service after that date.]~~
- ~~[(7) Any conviction occurring before January 1, 2010, will not disqualify an individual in a position listed in §344.300(b)(2) of this title who began employment or service provision before January 1, 2010, with no break in service after that date.]~~
- ~~[(8) Any felony conviction, felony deferred prosecution, felony deferred adjudication, misdemeanor conviction, misdemeanor deferred prosecution, or misdemeanor deferred adjudication occurring before September 1, 2003, will not disqualify a certified officer who held an active certification on September 1, 2003.]~~

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§344.410 Other Criminal History

Effective Date:

(a) Applicants for Certification.

An individual with the following criminal history is not eligible for certification or employment in a position requiring certification without prior review and approval by TJJD as provided in §344.420 of this title:

- (1) deferred adjudication or conviction for a felony other than those referenced in §344.400(a) of this title or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD) if the date of deferred adjudication or conviction was less than 10 years prior to the date the review is requested;
- (2) deferred adjudication or conviction for any Class A or B misdemeanor in Texas or a substantially equivalent violation against the laws of another state or the United States (as determined by TJJD) if the date of deferred adjudication or conviction was less than five years prior to the date the review is requested;
- (3) current requirement to register as a sex offender under Texas Code of Criminal Procedure Chapter 62 for an offense other than an offense described by §344.400(a) of this title; or
- (4) regardless of the date of conviction or deferred adjudication, any offense described by this subsection if less than one year has elapsed since the completion of any period of incarceration, community supervision, or parole.

(b) Other Individuals Subject to Criminal Background Check.

- (1) An individual with the criminal history described in subsection (a) of this section is not eligible to begin serving or continue serving in a position listed in §344.300(b)(2) of this title unless the juvenile board or its documented designee has granted an exemption after considering the factors in §344.420(a)(1)–(2) of this title.
- (2) Exemptions may be granted only on a case-by-case basis. The justification for the exemption must be documented.
- (3) If the department or facility receives notification of a new conviction or deferred adjudication, the individual may not continue serving in the position unless the juvenile board or its documented designee grants a new exemption in accordance with this subsection.
- (4) The exemption is valid only for the probation department or facility operated by or under contract with the juvenile board granting the exemption.
- (5) The exemption is not valid if the person moves to a position requiring certification or if the department or facility seeks certification for the person in a position that allows for optional certification as provided in §344.802 of this title; in such cases, prior review and approval from TJJD is required as provided by subsection (a) of this section.

~~§344.410 Exemption or Variance for Disqualifying Criminal History~~

~~Effective Date: 2/1/18~~

- ~~[(a) In accordance with §349.200 of this title, the juvenile board may request a variance to §344.400(b) of this title. Such a variance may not be requested for a felony or Class A misdemeanor conviction or deferred adjudication.]~~
- ~~[(b) The juvenile board may grant an exemption to §344.400(c) of this title for individuals described in §344.300(b)(2) of this title whose criminal history report reflects a Class B misdemeanor conviction or deferred adjudication. Exemptions may be granted only on a case-by-case basis. The justification for the exemption must be documented.]~~

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§344.420 Pre-certification Review

Effective Date:

A department or facility must request a review from TJJJ before hiring an individual with a criminal history described by §344.410(a) of this title into a position requiring certification and before seeking certification for an individual in a position that allows for optional certification as provided in §344.802 of this title. The purpose of the review by TJJJ is to determine whether TJJJ will deny a certification for the individual based on the criminal history. TJJJ will conduct the review in accordance with this standard.

- (1) TJJJ will first determine if the criminal history offense(s) directly relate to the duties and responsibilities of the position for which the certification is required or sought. In making this determination, TJJJ will consider:
 - (A) the nature and seriousness of the crime(s);
 - (B) the relationship of the crime(s) to the purposes for requiring a certification to engage in the occupation;
 - (C) the extent to which a certification might offer an opportunity to engage in further criminal activity of the same type as that in which the person was previously involved;
 - (D) the relationship of the crime(s) to the ability or capacity required to perform the duties and discharge the responsibilities of the position; and
 - (E) any correlation between the elements of the crime(s) and the duties and responsibilities of the position.
- (2) If TJJJ determines the criminal history offense(s) do not directly relate to the duties and responsibilities of the position, TJJJ will not deny the certification based on the criminal history.
- (3) If TJJJ determines the criminal history offense(s) directly relate to the duties and responsibilities of the position, TJJJ will consider the following in determining whether to deny certification:
 - (A) the extent and nature of past criminal activity;
 - (B) the age of the person when each crime was committed;
 - (C) the amount of time that has elapsed since the person's last criminal activity;
 - (D) the conduct and work activity of the person before and after the criminal activity;
 - (E) evidence of the person's rehabilitation and rehabilitative effort while incarcerated or after release;
 - (F) evidence of the person's compliance with any conditions of probation, community supervision, parole, or mandatory supervision; and
 - (G) any other evidence of the person's fitness to perform the duties of the position requiring certification, including any letters of recommendation.
- (4) The individual to be certified is responsible for providing TJJJ with the information required by TJJJ to make its decision. Failure to timely provide TJJJ with requested information may result in a denial of certification.
- (5) In making its determinations under this section, TJJJ will not consider an arrest that did not result in a conviction or placement on deferred adjudication.
- (6) If TJJJ determines that the criminal history will not result in a denial of certification, TJJJ will inform the individual and the department or facility, which may then proceed with hiring the individual.
- (7) If TJJJ determines that the criminal history should result in a certification being denied, TJJJ will provide the individual with written notice of the reason for the intended denial and will give the individual at least 30 days to submit any relevant information for consideration. The written notice will comport with the requirements in Section 53.0231, Occupations Code. TJJJ will provide a copy of the written notice to the administrative officer of the hiring entity.

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§344.430 Arrest or Conviction of Current Employees

Effective Date:

This section applies to individuals employed by a department or facility who are certified or for whom the department or facility is seeking certification, whether they are employed in a position requiring certification or in a position for which certification is optional under §344.802 of this title.

- (1) If a department or facility receives notification that an individual to whom this subsection applies has been arrested for criminal conduct described in §344.400(a) or §344.410(a) of this title, the department or facility must notify TJJD's certification office in writing no later than 10 calendar days after receiving notice of the arrest. The department or facility must provide information regarding the circumstances of the arrest and respond to any questions from TJJD regarding the arrest. TJJD may seek an emergency suspension of the certification if warranted.
- (2) If a department or facility receives notification that an individual to whom this subsection applies has been convicted of or placed on deferred adjudication for criminal conduct described in §344.400(a) or §344.410(a) of this title, the department or facility must notify TJJD's certification office in writing no later than 10 calendar days after receiving such notice. The department or facility must provide information regarding the conviction or deferred adjudication and respond to any questions from TJJD regarding the disposition. TJJD will take one of the following actions upon receipt of this notification.
 - (A) TJJD will deny certification if the notification pertains to criminal conduct described in §344.400(a) of this title and the person is not yet certified.
 - (B) TJJD will revoke certification if the notification pertains to criminal conduct described in §344.400(a) of this title and the person is certified.
 - (C) If the notification pertains to criminal conduct described in §344.410(a) of this title and the person is not certified, TJJD will conduct the review described in §344.420 to determine if certification should be denied.
 - (D) If the notification pertains to criminal conduct described in §344.410(a) of this title and the person is certified, TJJD will conduct the review described in §344.420 to determine if certification should be revoked or suspended.
- (3) Notwithstanding paragraphs (2)(C) and (2)(D) of this section, TJJD will revoke or deny certification if the individual is imprisoned following a felony conviction, revocation of community supervision, revocation of probation, or revocation of mandatory supervision.

§344.804 Dual Certification

Effective Date: ~~2/1/18~~

- (a) Individuals may hold more than one certification by TJJD if they meet all criteria required for each certification and their job duties are consistent with all certifications held, except as noted in subsection (b) of this section.
- (b) An individual may not hold an active certification as a juvenile supervision officer and as a community activities officer unless the individual [individually] is concurrently employed by more than one department or facility.
- (c) Training received may be used for credit toward more than one type of TJJD-issued certification if the topic is relevant to each certification sought or held.



**Texas Juvenile Justice Department
RESOLUTION**

**A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS TO 37 TAC CHAPTER 344,
RELATING TO EMPLOYMENT, CERTIFICATION, AND TRAINING, IN THE *TEXAS REGISTER* FOR A PUBLIC
COMMENT PERIOD OF AT LEAST 30 DAYS AND FOR CONDITIONAL APPROVAL TO ADOPT THE FINAL RULES**

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, Human Resources Code §221.002(a)(3) requires the Board to adopt reasonable rules that provide appropriate educational, preservice, and in-service training and certification standards for probation and detention officers or court-supervised community-based program personnel; and

WHEREAS, Human Resources Code §§222.001, 222.002, and 222.003 establish minimum requirements for appointment in a position requiring certification from TJJD; and

WHEREAS, Occupations Code Chapter 53 places requirements on licensing entities regarding evaluating applicants with criminal histories; and

WHEREAS, TJJD staff and the Advisory Council’s Standards Committee have jointly completed a review of 37 TAC Chapter 344 and have recommended revisions throughout the chapter; and

WHEREAS, 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 amended rules, the Board grants approval to publish the proposal in the *Texas Register* for a public comment period of at least 30 days; and

BE IT FURTHER RESOLVED THAT for the above-referenced rules, the Board grants approval to adopt the final rule text after the comment period has ended if: (1) no public comments are received; (2) any additional revisions to the rule text are limited to technical, stylistic, or grammar changes or corrections of typographical errors; and (3) the board has not otherwise directed that final adoption must occur in a subsequent board meeting.

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

Signed this 23rd day of October 2020

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



Memorandum

To: TJJD Board Members

From: Camille Cain, Executive Director

Kaci Singer, Deputy General Counsel for County Matters

Dr. Scott LePor, Medical Director

Subject: Discussion, consideration, and possible approval to publish proposed revisions to 37 TAC §380.9183, relating to Health Care Services for Youth, in the *Texas Register* for a public comment period of at least 30 days and possible conditional approval to adopt the final rule

Date: October 9, 2020

The Medical Services Division is proposing changes to 37 TAC §380.9183 (Health Care Services for Youth). The staff requests the board's approval to publish the proposed revisions in the *Texas Register* for a public comment period of at least 30 days.

The staff also requests the board's approval to adopt the final rule after the public comment period has ended, but only if the conditions listed in the accompanying resolution are met.

Attached to this memo please find:

- the text of the rule, including proposed changes shown as mark-ups; and
- a resolution for board action.

37 TAC §380.9183 Health Care Services for Youth

Summary of Contents

This rule establishes criteria, standards, and guidelines for providing health care services to youth in residential facilities.

Summary of Key Changes

- Clarified the manner in which youth in halfway houses receive medical care, including that:
 - nurses provide case management;
 - medical, psychiatric, and dental services are completed by providers in the community; and
 - fees for services are covered through Medicaid or by TJJD.

- Specified that several statements regarding health care arrangements apply to TJJD institutions but not to TJJD halfway houses.
- Clarified that procedures for medical care outside of TJJD's normal criteria must be approved by the TJJD medical director in consultation with the executive director *or designee*.
- Established that the *facility administrator* (instead of the medical provider or psychiatric provider) may authorize medical and pharmacological intervention when required in a life-threatening situation.
- With regard to medical concerns reported by youth:
 - Clarified that at *TJJD institutions*, staff contact a nurse if a youth reports a health concern or if the staff is concerned about a youth's health; and
 - Added that, at TJJD halfway houses, staff call the primary care physician or 911.
- Clarified that TJJD staff immediately notifies a youth's parent/guardian if *emergency* surgery is recommended.

Chapter: Rules for State-Operated Programs and Facilities	Effective Date: [4/15/15]
Subchapter: Program Services	Page: 1 of 4
Division: Health Care Services	Replaces: GAP.380.9183, <u>4/15/15</u>
Rule: Health Care Services for Youth	[11/15/14]
[ACA: 4-JCF-4C (Medical Services) 3-JCRF-4C (Health Care)]	
Statutes: Texas Hum. Res. Code §§244.006, 244.009	

Draft 04/15/20

RULE

(a) **Purpose.**

This rule establishes basic criteria, standards, and guidelines for delivering health care services to youth assigned to residential facilities operated by the Texas Juvenile Justice Department (TJJD) and to certain identified contract-care ~~[contract-care]~~ programs.

(b) **Definitions.**

See §380.9175 of this title for definitions of certain terms in this rule.

(c) **Criteria for Medical Care.**

- (1) Medical providers provide primary medical care according to the following criteria ~~[established by the TJJD medical director]~~:
 - (A) lifesaving treatment;
 - (B) limb-saving treatment;
 - (C) reasonable care to relieve pain;
 - (D) reasonable care for a degenerative condition;
 - (E) preventive services, including age-appropriate immunizations; and
 - (F) treatment for medical conditions ~~that, [which]~~ if left untreated, could result in serious bodily harm.
- (2) Procedures outside these criteria for medical care must be approved by the TJJD medical director in consultation with TJJD's executive director or designee.

(d) **Criteria for Dental Care.**

- (1) The dentist ensures ~~[assures]~~ equitable access to basic preventive services and essential treatment procedures when disease, significant malfunction, or injury occurs. Treatment priorities, in order, are:
 - (A) emergency/urgent--treatment for conditions that will worsen or become life-threatening or acute without immediate intervention; ~~[:]~~
 - (B) interceptive--intermediate treatment for asymptomatic advanced hard- or soft-tissue disease or loss of masticatory function; ~~[:]~~
 - (C) rehabilitative--definitive treatment for chronic hard- or soft-tissue disease or loss of masticatory function; and ~~[:]~~
 - (D) elective or special needs.
- (2) The attending dentist may deviate from this prioritization if necessary to protect a youth's overall health.
- (3) TJJD provides neither orthodontic braces nor maintenance of orthodontic braces for youth. However, if a youth has orthodontic braces when admitted to TJJD, TJJD provides necessary care to prevent injury to the mouth.
 - (A) The youth's parent/guardian is responsible for the maintenance and adjustment of orthodontic braces after notification of TJJD policy.

- (B) TJJD staff may assist youth and parents/guardians in making orthodontic appointments, if needed. Appointments are usually made with the treating orthodontist, although a local orthodontist who agrees to examine and treat the youth may be used.
- (C) TJJD staff may provide transportation for orthodontic care if the staff can accommodate traveling the distance required to return a youth to the treating orthodontist.

(e) **Services.**

- (1) TJJD administers at least the following services, either directly or through contractual arrangements:
 - (A) physical examinations and treatment;
 - (B) dental examinations and treatment;
 - (C) treatment of injuries;
 - (D) mental health evaluations;
 - (E) immunizations;
 - (F) laboratory and diagnostic tests;
 - (G) administration of prescription or non-prescription medication for an illness or condition;
 - (H) substance use disorder [chemical dependency] evaluations; and
 - (I) examination following use of physical force and/or following decontamination resulting from using oleoresin capsicum spray (pepper spray).
- (2) Each TJJD institution [TJJD-operated facility] and certain identified contract-care [contract-care] programs have a health services administrator designated to act as the local health authority. The local health authority provides coordination and/or supervision of medical services for youth.
- (3) Contract health care professionals provide health care services in the infirmary at each TJJD institution for youth who need increased observation or medical care, but who do not need hospitalization.
- (4) At TJJD [H] institutions:
 - (A) nurses are available seven days a week to triage youth health concerns and respond to on-site [onsite] emergencies;
 - (B) nurses conduct a regularly scheduled [regularly-scheduled] sick call five days a week to address non-urgent[,]; sick-call requests;
 - (C) medical and psychiatric providers deliver services on-site [onsite] or via telemedicine or [f] telepsychiatry at least once weekly; and
 - (D) dental staff provide [provides] services on-site [on-site] on a routine basis.
- (5) At TJJD [H] halfway houses:
 - (A) nurses provide case management; and
 - (B) medical, psychiatric, and dental services are completed by providers in the community. Fees for services are covered through Medicaid funding or by TJJD.
 - ~~[(A)—nurses provide on-site case management and consultation on a regularly-scheduled basis and are available by telephone as needed;~~
 - ~~[(B)—medical and psychiatric providers deliver services to youth via telemedicine/telepsychiatry and/or at the nearest institution as needed; and~~
 - ~~[(C)—dental services are provided at the nearest institution.]~~
- (6) When admitted to TJJD, all youth receive a:
 - (A) health screening;

- (B) physical examination, unless a physical examination was performed and documented within the past 90 days;
 - (C) mental health screening and evaluation;
 - (D) dental screening and examination, unless a dental screening and examination ~~were~~ **[have been]** performed and documented within the past 180 days; and
 - (E) vision and hearing screening.
- (7) If the vision screening indicates the youth needs a new prescription for eyewear, state-issued prescription eyewear is provided. Youth placed in high-restriction facilities are prohibited from wearing contact lenses, except when medically necessary and when glasses are ineffective for correcting vision.
- (8) If the youth fails the hearing screening, the youth is referred to an audiologist for evaluation and treatment as needed.
- (9) If the dentist determines a dental cleaning is necessary, the procedure is scheduled, performed by a dental hygienist, and documented in the electronic ~~health~~ **[medical]** record.
- (10) Youth receive physical and dental examinations annually and treatment as needed, in accordance with (c) and (d) above.
- (11) In facilities housing females, obstetrical and gynecological services are available on-site or by referral.
- (12) Family planning services are available by referral for youth who request information.
- (f) **Limitation of Services.**
- (1) TJJJ is not responsible for medical costs incurred by a youth:
 - (A) on furlough or conditional placement status with a parent, relative, or guardian;
 - (B) on parole status, unless the youth's placement is in a TJJJ-operated/contract residential program;
 - (C) on ~~escape or abscond~~ **[escape/abscond]** status; or
 - (D) in a detention center or a county facility.
 - (2) Pharmaceutical, cosmetic, and medical experiments are prohibited. This policy does not preclude individual treatment of a youth who needs a specific medical procedure that is not generally available.
- (g) **Health Care Requirements.**
- (1) Facilities housing more than 25 youth must have a central medical room with medical examination facilities.
 - (2) When youth are in the infirmary, they are supervised by a TJJJ staff member at all times.
 - (3) The physician or dentist at each facility is the decision authority for clinical decisions under their respective areas of responsibility.
 - (4) The medical provider develops the youth's medical plan of care.
 - (5) ~~At TJJJ institutions, a~~ **[A]** medical provider is available once each week to provide health care services to youth and to respond to youths' health concerns.

- (6) Youth complaints about services they did or did not receive are processed through the youth grievance system in accordance with §380.9331 of this title.
- (7) At [In] each TJJJ institution [TJJJ-operated residential program], the superintendent, health services administrator, medical provider, and dentist must have regularly scheduled meetings to review health care services at the facility, including any concerns, problems, or barriers related to providing health care. If concerns are identified, a corrective action plan is developed, implemented, and monitored to ensure that issues are adequately addressed.
- (8) A youth who, by history or examination, has a serious or life-threatening medical condition may be placed on medical alert status by a medical provider. A nurse may temporarily place a youth on medical alert status until a medical provider can be notified.
- (9) The facility administrator [medical provider or psychiatric provider] may authorize medical and pharmacological intervention when required in a life-threatening situation, consistent with §380.9181 of this title. When intervention requires psychotropic medication, the authorization must meet criteria in §380.9192 of this title.
- (10) Each TJJJ-operated residential program and certain identified contract-care [contract care] programs post emergency medical procedures including, but not limited to, how to contact the on-call nurse, if applicable, and medical, dental, and psychiatric providers in an emergency.
- (11) Pharmaceutical procedures comply with federal and state laws and accepted industry practices about the acquisition, storage, administration, and documentation of prescription drugs.
- (h) **Medical Concerns Reported by Youth.**
- (1) Any youth may request a sick call for the evaluation of health care concerns.
- (2) At TJJJ institutions, [TJJJ] staff [may] contact a nurse if a youth reports a health concern or if the staff is concerned about a youth's health status. At TJJJ halfway houses, staff call the primary care physician or 911.
- (i) **Emergency Room Referrals.**
- At TJJJ institutions, emergency [Emergency] room referrals may be authorized only by a medical provider, health services administrator or designee, or the medical or nursing director. In a life-threatening situation, non-medical personnel may contact 911 in accordance with medical emergency procedures.
- (j) **Notification.**
- TJJJ staff immediately notifies a youth's parent/guardian [parents or guardians] if a serious illness or injury occurs or emergency surgery is recommended.

For implementation procedures, see:

- CMS.03.25 (Referral for Psychological/Psychiatric Services)
- Institution Operations Manual, Chapter 45 (Health Services)
- Institution Health Services Procedure Manual
- Halfway House Health Services Manual



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL TO PUBLISH PROPOSED REVISIONS TO 37 TAC §380.9183, RELATING TO HEALTH CARE SERVICES FOR YOUTH, IN THE *TEXAS REGISTER* FOR A PUBLIC COMMENT PERIOD OF AT LEAST 30 DAYS AND FOR CONDITIONAL APPROVAL TO ADOPT THE FINAL RULE

On this **23rd day of October 2020**, 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
Edeska Barnes, Jr.					
James Castro					
Mona Lisa Chambers					
Pama Hencerling					
Lisa Jarrett					
Ann Lattimore					
Melissa Martin					

BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Scott Matthew					
Vincent Morales Jr.					
Allison Palmer					
Wesley C. Ritchey					
Jimmy Smith					
Vacant					
Motion:		Second:			

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

WHEREAS, 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 staff has proposed changes to §380.9183, concerning Health Care Services for Youth; and

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

NOW, THEREFORE BE IT RESOLVED THAT for the above-referenced rule, the Board grants approval to publish the proposed revisions in the *Texas Register* for a public comment period of at least 30 days; and

BE IT FURTHER RESOLVED THAT for the above-referenced rule, the Board grants approval to adopt the final rule text after the comment period has ended if: (1) no public comments are received; (2) any additional revisions to the rule text are limited to technical, stylistic, or grammar changes or corrections of typographical errors; and (3) the board has not otherwise directed that final adoption must occur in a subsequent board meeting.

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

Signed this 23rd day of October 2020.

Texas Juvenile Justice Board

The Honorable Wesley C. Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: Texas Juvenile Justice Board Members

From: Camille Cain, Executive Director

Ashley DeWeese, Staff Attorney

Subject: Discussion, consideration, and possible approval regarding the discipline of certified officers- Agreed Orders

Date: October 23, 2020

The Texas Juvenile Justice Department (TJJD) has statutory authority to reprimand, suspend, or revoke the TJJD-issued certification of a certified juvenile probation, juvenile supervision, and community activities officers under TEX. HUM. RES. CODE § 222.053. 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 37 TEX. ADMIN. CODE Chapter 349 allow TJJD to dispose of certain disciplinary cases without referring the cases to SOAH.

The rules require TJJD 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 TJJD 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 TJJD.

The rules allow a resolution to be negotiated informally between certified officers and TJJD 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). TJJD and the certified officer(s) have agreed to the discipline indicated.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL OF AGREED ORDER(S) RELATED TO DISCIPLINARY CASES OF CERTIFIED JUVENILE PROBATION OFFICERS OR JUVENILE SUPERVISION OFFICERS OR COMMUNITY ACTIVITIES OFFICERS

On this the **23rd day of October 2020**, 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: among other matters, came up for consideration and adoption the following Agreed Order(s) in the following matter(s) related to the discipline of certified juvenile probation officers, juvenile supervision officers or community activities officer(s):

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER					DISCIPLINE						
a.	20-20152-200041					Damarcus Terrell Certification No. 20152					6 mons. suspension, probated						
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Edeska Barnes, Jr.						Scott Matthew											
James Castro						Vincent Morales Jr.											
Mona Lisa Chambers						Allison Palmer											
Pama Hencerling						Wesley C. Ritchey											
Lisa Jarrett						Jimmy Smith											
Ann Lattimore						Vacant											
Melissa Martin						Motion:						Second:					

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER					DISCIPLINE						
b.	20-18491-190256					Manuel Torres Certification No. 18491					1 yr. suspension, period between January 1, 2020 through June 30, 2020 active followed by six-months probated, suspension period expires 12/31/2020						
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Edeska Barnes, Jr.						Scott Matthew											
James Castro						Vincent Morales Jr.											
Mona Lisa Chambers						Allison Palmer											
Pama Hencerling						Wesley C. Ritchey											
Lisa Jarrett						Jimmy Smith											
Ann Lattimore						Vacant											
Melissa Martin						Motion:						Second:					

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

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 the 23rd day of October 2020.

Texas Juvenile Justice Board

The Honorable Wes Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: Texas Juvenile Justice Board Members

From: Camille Cain, Executive Director

Chelsey Oden, Staff Attorney

Subject: Discussion, consideration, and possible approval regarding the discipline of certified officers- Default Orders

Date: October 23, 2020

The Texas Juvenile Justice Department (TJJD) has statutory authority to reprimand, suspend, or revoke the TJJD-issued certification of juvenile probation, juvenile supervision officers, and community activities officers under TEX. HUM. RES. 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. TJJD 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 TEX. ADMIN. CODE §349.340)

Proper notice is notice sufficient to comply with TEX. GOV'T. CODE §2001.054 and 37 TEX. ADMIN. CODE §349.320, which require TJJD 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 TJJD;
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 TEX. ADMIN. CODE §§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 TEX. GOV'T. CODE §2001.056 or
2. order the matter set for a hearing at SOAH.

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(s). A proposed Default Order for each case is also attached.



Texas Juvenile Justice Department

MASTER DEFAULT ORDER

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

On this the **23rd day of October 2020**, 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: came up for consideration and adoption the following Default Order(s) in the following matter(s) related to the discipline of certified juvenile probation officer(s), juvenile supervision officer(s) or community activities officer(s):

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER					DISCIPLINE						
a.	20-34132-200205					Deontae Davis Certification No. 34132					2 yr. suspension, probated						
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Edeska Barnes, Jr.						Scott Matthew											
James Castro						Vincent Morales Jr.											
Mona Lisa Chambers						Allison Palmer											
Pama Hencerling						Wesley C. Ritchey											
Lisa Jarrett						Jimmy Smith											
Ann Lattimore						Vacant											
Melissa Martin						Motion:						Second:					

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER					DISCIPLINE		
b.	20-33618-20200					Salvador Herrera Certification No. 33618					Revocation		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN		
Edeska Barnes, Jr.						Scott Matthew							
James Castro						Vincent Morales Jr.							
Mona Lisa Chambers						Stephanie Moreno							
Pama Hencerling						Allison Palmer							
Lisa Jarrett						Wesley C. Ritchey							
Ann Lattimore						Jimmy Smith							
Melissa Martin						Motion:	Second:						

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER					DISCIPLINE		
c.	20-34792-200205					Raymond Williams Certification No. 34792					2 yr. suspension, probated		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN		
Edeska Barnes, Jr.						Scott Matthew							
James Castro						Vincent Morales Jr.							
Mona Lisa Chambers						Stephanie Moreno							
Pama Hencerling						Allison Palmer							
Lisa Jarrett						Wesley C. Ritchey							
Ann Lattimore						Jimmy Smith							
Melissa Martin						Motion:	Second:						

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER					DISCIPLINE		
d.	20-33902-190261					Phillip Costello Certification No. 33902					six-month suspension, probated		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN		
Edeska Barnes, Jr.						Scott Matthew							
James Castro						Vincent Morales Jr.							
Mona Lisa Chambers						Stephanie Moreno							
Pama Hencerling						Allison Palmer							
Lisa Jarrett						Wesley C. Ritchey							
Ann Lattimore						Jimmy Smith							
Melissa Martin						Motion:	Second:						

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER						DISCIPLINE		
e.	20-34958-200104					Jerold Hill Certification No. 34958						Revocation		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN			
Edeska Barnes, Jr.						Scott Matthew								
James Castro						Vincent Morales Jr.								
Mona Lisa Chambers						Stephanie Moreno								
Pama Hencerling						Allison Palmer								
Lisa Jarrett						Wesley C. Ritchey								
Ann Lattimore						Jimmy Smith								
Melissa Martin						Motion:			Second:					

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER						DISCIPLINE		
f.	20-28600-190297					Terrell Green Certification No. 28600						1 yr. suspension, probated		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN			
Edeska Barnes, Jr.						Scott Matthew								
James Castro						Vincent Morales Jr.								
Mona Lisa Chambers						Stephanie Moreno								
Pama Hencerling						Allison Palmer								
Lisa Jarrett						Wesley C. Ritchey								
Ann Lattimore						Jimmy Smith								
Melissa Martin						Motion:			Second:					

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER						DISCIPLINE		
g.	20-34845-200101					Carina Ramon Certification No. 34845						1 yr. suspension, 6 mos. active followed by 6 mos. probated		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN			
Edeska Barnes, Jr.						Scott Matthew								
James Castro						Vincent Morales Jr.								
Mona Lisa Chambers						Stephanie Moreno								
Pama Hencerling						Allison Palmer								
Lisa Jarrett						Wesley C. Ritchey								
Ann Lattimore						Jimmy Smith								
Melissa Martin						Motion:			Second:					

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER					DISCIPLINE		
h.	20-33666-200142					David Harlson, III Certification No. 33666					Revocation		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN		
Edeska Barnes, Jr.						Scott Matthew							
James Castro						Vincent Morales Jr.							
Mona Lisa Chambers						Stephanie Moreno							
Pama Hencerling						Allison Palmer							
Lisa Jarrett						Wesley C. Ritchey							
Ann Lattimore						Jimmy Smith							
Melissa Martin						Motion:	Second:						

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER					DISCIPLINE		
i.	20-32963-200111					Lawon Muckleroy Certification No. 32963					Revocation		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN		
Edeska Barnes, Jr.						Scott Matthew							
James Castro						Vincent Morales Jr.							
Mona Lisa Chambers						Stephanie Moreno							
Pama Hencerling						Allison Palmer							
Lisa Jarrett						Wesley C. Ritchey							
Ann Lattimore						Jimmy Smith							
Melissa Martin						Motion:	Second:						

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER					DISCIPLINE		
j.	20-34288-190314					Nathan Martinez Certification No. 34288					Revocation		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN		
Edeska Barnes, Jr.						Scott Matthew							
James Castro						Vincent Morales Jr.							
Mona Lisa Chambers						Stephanie Moreno							
Pama Hencerling						Allison Palmer							
Lisa Jarrett						Wesley C. Ritchey							
Ann Lattimore						Jimmy Smith							
Melissa Martin						Motion:	Second:						

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER						DISCIPLINE		
k.	20-34487-200228					Caleb Peganyee Certification No. 34487						Revocation		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN			
Edeska Barnes, Jr.						Scott Matthew								
James Castro						Vincent Morales Jr.								
Mona Lisa Chambers						Stephanie Moreno								
Pama Hencerling						Allison Palmer								
Lisa Jarrett						Wesley C. Ritchey								
Ann Lattimore						Jimmy Smith								
Melissa Martin						Motion:			Second:					

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER						DISCIPLINE		
l.	20-35417-200169					Daniel Parker Certification No. 35417						Revocation		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN			
Edeska Barnes, Jr.						Scott Matthew								
James Castro						Vincent Morales Jr.								
Mona Lisa Chambers						Stephanie Moreno								
Pama Hencerling						Allison Palmer								
Lisa Jarrett						Wesley C. Ritchey								
Ann Lattimore						Jimmy Smith								
Melissa Martin						Motion:			Second:					

ITEM	DOCKET NUMBER					NAME AND CERTIFICATION NUMBER						DISCIPLINE		
m.	20-16375-200122					Willie Mitchell 20-16375-200122						Revocation		
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN			
Edeska Barnes, Jr.						Scott Matthew								
James Castro						Vincent Morales Jr.								
Mona Lisa Chambers						Stephanie Moreno								
Pama Hencerling						Allison Palmer								
Lisa Jarrett						Wesley C. Ritchey								
Ann Lattimore						Jimmy Smith								
Melissa Martin						Motion:			Second:					

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

NOW, THEREFORE BE IT ORDERED THAT the Final Order in each referenced matter and 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.

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

Signed this the 23rd day of October 2020.

Texas Juvenile Justice Board

The Honorable Wes Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: Texas Juvenile Justice Board Members

From: Camille Cain, Executive Director
Chelsey Oden, Staff Attorney

Subject: Discussion, consideration, and possible approval regarding the discipline of certified officers – cases conducted by the State Office of Administrative Hearings

Date: October 23, 2020

The Texas Juvenile Justice Department (“TJJD”) has statutory authority to reprimand, suspend, or revoke the TJJD-issued certification of a certified juvenile probation or supervision officer under TEX. HUM. RES. CODE § 222.053. The officer is entitled to a hearing before the State Office of Administrative Hearings (“SOAH”) if revocation or suspension is requested.

On October 23, 2020, the Board will consider disciplinary action related to the certification as a juvenile supervision officer of Kyrri Haston, at the open meeting.

The agency sought to revoke JSO Haston’s certification as a juvenile supervision officer based on information in an investigation report, which found that JSO Haston omitted several pieces of necessary information, including the fact that a resident made a suicide gesture, from his report, which is a governmental record, thereby failing in his responsibility to record the information affecting the resident and used unnecessary force when he grabbed a resident by the shirt and shoved him into his room.

On December 19, 2019, TJJD sent Kyrri Haston Notice and Petition for Disciplinary Action, 20-33054-190195, In the Matter of Kyrri Haston, Certification No. 33054. On or about January 12, 2020, TJJD received a response from JSO Haston. On January 14, 2020, TJJD filed a Request to Docket with SOAH. The matter was assigned docket #644-20-2289.CO.

A hearing was held on June 18, 2020 before Administrative Law Judge (“ALJ”) Christiaan Siano. JSO Haston appeared at the hearing and challenged the facts and the request to revoke his certification as a juvenile supervision officer. A Proposal for Decision was issued on August 3, 2020.

In the ALJ's Proposal for Decision, he found that on or about February 20, 2019, JSO Haston grabbed Juvenile 1 by the shirt and pushed him back into his cell. Juvenile 1 was not displaying any signs of imminent harm to self or others, damaging property worth \$100 or more, or escape, JSO Haston observed that Juvenile 1 had tied a garment around his neck as a suicide gesture, and JSO Haston used excessive force by grabbing Juvenile 1 by the shirt and shoving him into his room.

Additionally, the ALJ found JSO Haston omitted information, including the fact that Juvenile 1 made a suicide gesture, and that JSO Haston restrained Juvenile 1, from a governmental record, thereby failing in his responsibility to record material information affecting Juvenile 1's safety, that JSO Haston intentionally entered a pod to which he was not assigned, immediately entering the cell of an extremely vulnerable juvenile, and took actions for which he alone was culpable, that JSO Haston blatantly omitted required critical information from the incident report and attempted to conceal the misconduct. The omission was serious in that failure to appropriately respond to a suicide gesture could be fatal and JSO Haston received training on the appropriate action in such a situation just weeks before the incident, had previously be reprimanded for inappropriately responding to a juvenile, and his employment with the Center was terminated.

The ALJ concluded that JSO Haston's certification as a juvenile supervision officer should be revoked.

JSO Haston has been notified that the Board will be reviewing the Proposal for Decision at the October 2020 Committee and Board meetings and that JSO Haston has the right to appear at the meetings. JSO Haston was provided with a copy of the Proposal for Decision when it was issued on August 3, 2020. There are no procedural matters pending.

Attached for review is the Order Adopting Proposal for Decision as recommended for your approval to issue a Resolution related to disciplinary case of Kyrri Haston's certification as a juvenile supervision officer. If the proposed Resolution is adopted as presented, JSO Haston's certification will be revoked.

If the Board wishes to change the Proposal for Decision, the agency shall state in writing the specific reason and legal basis for a change made under this subsection. The Board's review of the Proposal for Decision is governed by the Section 2001.058(e), Government Code (the Texas Administrative Procedure Act), which provides:

- (e) A state agency may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the administrative law judge, only if the agency determines:
 - (1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies provided under Subsection (c), or prior administrative decisions;
 - (2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or
 - (3) that a technical error in a finding of fact should be changed.



**Texas Juvenile Justice Department
RESOLUTION**

A RESOLUTION FOR APPROVAL OF ORDER ADOPTING PROPOSAL FOR DECISION(S) FROM THE STATE OFFICE OF ADMINISTRATIVE HEARINGS (SOAH)

On this the 23rd day of October 2020, 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: among other matters, came up for consideration and adoption an Order Adopting Proposal for Decision(s) before the State Office of Administrative Hearings in the following matter(s) related to the discipline certified juvenile probation officer, juvenile supervision officer or community activities officer:

ITEM	DOCKET NUMBER		NAME AND CERTIFICATION NUMBER			RECOMMENDED DISCIPLINE					
a.	20-33054-190195		Kyrri Haston, # 33054			Revocation					
BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN	BOARD MEMBER	PRESENT	ABSENT	YES	NO	ABSTAIN
Edeska Barnes, Jr.						Scott Matthew					
James Castro						Vincent Morales Jr.					
Mona Lisa Chambers						Allison Palmer					
Pama Hencerling						Wesley C. Ritchey					
Lisa Jarrett						Jimmy Smith					
Ann Lattimore						Vacant					
Melissa Martin						Motion:			Second:		

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

WHEREAS the Board considered each matter and the Proposal for Decision(s) and a motion to adopt the recommended findings and facts and conclusions of law as set forth in each Order Adopting Proposal for Decision was lawfully made, duly seconded, and approved by a majority of the present and voting members of the Texas Juvenile Justice Board; and

NOW, THEREFORE BE IT RESOLVED THAT the Board approves the Order(s) Adopting Proposal for Decision 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 the 23rd day of October 2020.

Texas Juvenile Justice Board

The Honorable Wes Ritchey, Chairman



TEXAS
JUVENILE JUSTICE
DEPARTMENT

TRANSFORMING YOUNG LIVES AND CREATING SAFER COMMUNITIES

Trust Committee Meeting
Virtual Meeting
Thursday, August 6, 2020 – 10:00 a.m.

COMMITTEE MEMBERS PRESENT:

Jimmy Smith, Committee Chair
James Castro
Mona Lisa Chambers
Anne Lattimore
Allison Palmer

COMMITTEE MEMBERS ABSENT:

None.

OTHER BOARD MEMBERS PRESENT:

The Honorable Lisa Jarrett
The Honorable Wes Ritchey
Melissa Martin
Pama Hencerling
Scott Matthews
Wes Ritchey

EXECUTIVE STAFF PRESENT:

Camille Cain, Executive Director
Emily Anderson, Chief Financial and Operating Officer
Christian von Wupperfeld, General Counsel

OTHER STAFF AND GUESTS PRESENT:

Linda Butler Arrigucci
Ana Villarreal

Call to Order

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

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

All present.

Discussion, consideration, and possible approval regarding the January 23, 2020, meeting minutes (Action)

Trust Committee
August 6, 2020

Ms. Chambers noticed an error in the January meeting minutes. The Board asked to approve the correction to add Ms. Chambers to the list of Committee members present for the January 2020 meeting minutes. Mr. Castro asked for a motion to approve. Ms. Palmer seconded. Motion approved.

Discussion, consideration, and possible approval of Parrie Haynes and John C. Wende Trust Fund FY 2021 Budgets (Action)

Emily Anderson, Chief Financial and Operating Officer of TJJ, presented information on the budgets for the Trusts located on page forty-two of the Board packet. The FY2021 proposed budget for the Parrie Haynes Trust Fund totals \$113,000 and the FY2021 proposed budget for the John C. Wende Trust Fund totals \$161,500. Both of the cash balances at August 31, 2020, and the next fiscal year revenues will be sufficient to support the projected expenditures for Fiscal Year 2021. Mr. Castro asked for a motion to approve. Ms. Palmer seconded, motion approved.

Update on the John C. Wende and Parrie Haynes trust activities

Ms. Linda Butler Arrigucci, staff attorney for the Office of General Counsel, was introduced as the new attorney representing the Trusts. She presented information to the Committee regarding various on-going program occurrences dating from the previous Trust Committee meeting held January 23, 2020, to present. Her presentation included the status of monthly conservation efforts for the Parrie Haynes Ranch and the activities of the lessee, the Boys & Girls Club of Central Texas, Inc. The prescribed fire burning was not conducted as normally scheduled for January due to weather conditions and logistical constraints of the Texas Parks and Wildlife Department (TPWD). Ms. Arrigucci stated that according to the biologist, John Macey, 30 acres of black-capped vireo habitat were improved by removing large Ashe juniper trees and 179 acres on the west parcel of land were improved by thinning the Ashe Juniper trees. The Boys and Girls Club of Central Texas, Inc., supplied the equipment and labor. The biologist also conducted brown-headed cowbird population control and bird surveys for the golden-cheeked warbler and black-capped vireo. Due to COVID-19, the spring break camp, spring turkey hunts, and summer camps were not held. According to Mr. Wallace Vernon, Treasurer of the Boys & Girls Club of Central Texas, Inc., the late summer dove hunts have not been scheduled. One of their largest fundraisers, the 2020 Pull for Youth, a skeet-shooting event, will be held on October 17, 2020. More information may be found at www.bgctx.org. It has been over four years since the resolution authorizing sporting clay shooting events was given and Ms. Arrigucci asked the Committee for clarification regarding how often to bring this action item before the Committee and Board for approval.

An overview was given of the activities at the Maxdale Priddy Cabin located on the ranch. A video, entitled, "Searching for Artifacts at Maxdale Priddy Cabin," highlights the cabin and field school led by Dr. Christine Jones, Assistant Professor of Anthropology, Texas A&M University – Central Texas. The video may be found on the university's website at www.tamu.edu/warrior-stories.

Ms. Arrigucci advised the Committee that she reached out to Ms. Anita Harless, Texas Project Manager at the Compatible Lands Foundation. She advised that they are still very interested in working with TJJ and that now is a good time to begin discussion again. However, COVID-19 has affected funding and they have

landowners who have already come forward with a commitment. Ms. Arrigucci asked for permission to explore this potential opportunity.

Update on the John C. Wende and Parrie Haynes educational assistance program

Ms. Arrigucci presented information about the Trust Fund Educational Expenditures as outlined in the Board book from page ninety-seven to one-hundred. These pages give a breakdown of tuition, fees, books, rent, and utility expenditures. As of August 4, 2020, the John Wende Trust spent \$15,480.80 for tuition/fees/books and \$48,803.46 for rent/utilities. The grand total of expenditures was \$64,284.26 as of August 4, 2020, for the John Wende Trust. As of August 4, 2020, the Parrie Haynes Trust spent \$30,253.19 for tuition/fees/books and \$40,187.19 for rent/utilities. The grand total of expenditures was \$70,440.38 as of August 4, 2020, for the Parrie Haynes Trust. In comparing the July 2019 expenditures to the July 2020 expenditures, they have decreased by \$48,396.93; however, 25 youth were awarded grants this year—six more than FY 2019. Ms. Arrigucci expressed the need to increase visibility to qualifying youth and to maximize participation in this program. The Trust Fund Educational Committee, comprised of Marqus Butler, Melissa Skierski, and Myra Chandler are evaluating the definition of “orphan” and they have created a promotional flyer to make more youth aware of the program. Ms. Arrigucci commended the Re-entry team for working diligently to make the program a success and she thanked Ron Reininger, TJJJ accountant for providing the financial data. Ms. Arrigucci welcomed any input and creative suggestions from the Board.

Mr. Castro and Chairman Ritchey offered their commendation on increasing the educational aspect of the Trusts. Mr. Jimmy Smith asked if the educational needs would cost more during the pandemic. Ms. Arrigucci stated they will look into it and approach the Board if any increased costs occur. Ms. Mona Lisa Chambers asked about providing academic progress reports for the students. She specifically asked if the students are excelling or needing more help academically. Ms. Arrigucci stated there are academic requirements that need to be met and she will find out more detailed information to bring back to the Committee.

Ms. Arrigucci finished out her presentation with the following list of tentative action items to be addressed at the October Trust and Board Meetings:

- Cattle grazing sublease between the Boys and Girls Club of Central Texas, Inc., and Billy Dean Adamson (contemplated to be approx. 50-75 cows, 2000 acres on the west side of the ranch at \$5.00/acre for 4-5 years). A meeting with interested stakeholders to discuss their proposal and to determine the environmental impact will be held on August 13, 2020, via teleconference. Representatives from the US Fish and Wildlife Service will be on the call to answer any questions we may have about the environmental impact, the mitigated lands that are protected under the Partners Agreement, fencing, water issues, indemnification, prevention of overgrazing, etc.
- Cattle grazing sublease between the Boys and Girls Club of Central Texas, Inc., and Bradley Ware, regarding the land known as the Kline Grass Field (contemplated to be approx. 60 acres at \$1000/year).
- Prescribed Fires Burn Plan in January and February 2021, at the Parrie Haynes Ranch.
- Youth Hunts (deer and bird hunts) to be conducted by the Boys & Girls Club of Central Texas, Inc., in conjunction with the Texas Young Hunting Program.

- Space Utilization Agreement between TJJJ and Texas A&M University – Central Texas regarding a tentative Spring Semester archeological field school at the Priddy Cabin. Review of the US Fish & Wildlife Service Partners Agreement.

There were no questions or comments after Ms. Arrigucci presented her information to the Committee.

Adjourn

Mr. Castro asked for a motion to adjourn. Ms. Palmer seconded. The meeting adjourned at 10:36 a.m.

WHITE-TAILED DEER - Three nighttime spotlight surveys (27 miles) were completed in August 2020 and analysis conducted in DISTANCE 7.1 to determine population estimates, with daytime surveys conducted to determine herd composition (Table 4).

Table 4. Illustrates the 2017-2020 deer survey results for the Parrie Haynes Ranch, Bell County, Texas.

YEAR	WEST PARCEL						
	SURVEY	RESULTS			DENSITY	RATIOS	
		95% LCL	Estimate	95% UCL	Acs/deer	Does/Buck	Fawns/Doe
2017	1	113	128	145	22	4.15/1*	0.76/1*
	2	121	136	154	21		
	3	128	145	164	20		
	Average	121	136	154	21		
2018	1	94	106	120	27	3.50/1	0.35/1
	2	100	113	127	25		
	3	100	113	127	25		
	Average	98	111	125	26		
2019	1	111	125	142	23	1.74/1	0.45/1
	2	98	111	126	26		
	3	98	111	126	26		
	Average	102	116	131	25		
2020	1	135	153	173	19	4.29/1	0.53/1
	2	154	174	197	17		
	3	197	223	252	13		
	Average	162	183	207	16		

YEAR	EAST PARCEL						
	SURVEY	RESULTS			DENSITY	RATIOS	
		95% LCL	Estimate	95% UCL	Acs/deer	Does/Buck	Fawns/Doe
2017	1	73	83	93	20	4.15/1*	0.76/1*
	2	29	33	37	50		
	3	58	66	75	25		
	Average	53	61	68	27		
2018	1	66	74	84	22	5.47/1	0.35/1
	2	25	28	32	59		
	3	74	84	95	20		
	Average	55	62	70	27		
2019	1	35	39	45	43	5.05/1	0.30/1
	2	42	47	53	35		

	3	28	32	36	52		
	Average	35	39	45	42		
2020	1	49	55	62	30	4.80/1	0.74/1
	2	63	71	80	23		
	3	63	71	80	23		
	Average	58	66	74	25		

* East and West Parcels Combined

A total of 24 MLDP tags (8 bucks/16 antlerless) were issued by the TPWD for the west parcel.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Finance and Audit Committee Meeting
11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Thursday, August 6, 2020 – 11:00a.m.

BOARD MEMBERS PRESENT:

Chief Scott Matthew, Presiding Committee Chairman
Judge Wes Ritchey, Committee Member
Melissa Martin, Committee Member
Pama Hencerling, non-committee member
Lisa Jarrett, non-committee member
Edeska Barnes, non-committee member
Jimmy Smith, non-committee member
James Castro, non-committee member

BOARD MEMBERS ABSENT:

Commissioner Vincent Morales, Jr.,
Committee Member

EXECUTIVE STAFF PRESENT:

Camille Cain, Executive Director
Nate Jackson, Chief Operations Officer
Christian von Wupperfield, General Counsel
Eleazar Garcia, Chief Internal Auditor
Emily Anderson, Chief Financial and Operating Officer

Call to Order

TJJD Board Chair, Chief Scott Matthew called the meeting to order at 11:00a.m.

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

Motion was made to excuse Vincent Morales, Jr. The motion was seconded and approval was unanimous.

Discussion, consideration, and possible approval regarding the January 23, 2020, meeting minutes (Action)

Motion was made to approve the minutes, seconded and the motion passed unanimously.

Updates from the Chief Information Officer

Nate Jackson, Chief Information Officer, reported on this item. Nate highlighted the key COVID19 support activities that IT has been doing during the pandemic to keep key systems up, agency staff working remotely and projects moving forward. Back in March, all hardware was upgraded in a very short time period to support the increased load of staff working remotely. Sessions were conducted to get staff set up with loaners in Central Office and the field to work remotely. An additional 75 laptops were purchased and deployed to allow even more staff to work remotely to reduce high-risk staff from contracting

COVID19. Currently, we are successfully maintaining 960 staff working remotely. IT has also conducted agency wide trainings on Microsoft TEAMS for staff to use this tool to collaborate and stay in touch. From March 20 through July 31st, the agency has conducted 4,985 meetings and 10,966 calls between staff members through TEAMS.

IT currently has 7 major ongoing projects and Nate went over highlights of a few. The Connect project is the new stateside case management system. The 1st feature, an offender release workflow, is now complete and is set to be piloted at Gainesville starting this month. Staff are currently being trained on the system and after the piloted system at Gainesville, the system will be rolled out to other facilities. The Fiber Optic Cabling Replacement Program is complete as of June 26th. This was a key project and will allow building on other feature enhancements in the facilities. The last project he gave an update on is the project Radio Refresh. New radios have been deployed at the Mart, Ron Jackson and Giddings campuses. The reports have been positive and the signal strength is above 95% in all areas of the campuses. The refresh at Evins and Gainesville has been delayed. It was discovered that the radio towers weren't sufficient for the new radio systems so new towers have been ordered and the new radios will be deployed after the towers are installed with the anticipated install date of October 2020. In the interim, the old radios from Mart, Ron Jackson and Giddings have been sent to Evins and Gainesville to provide them additional supplies in the meantime.

Nate explained that the projects detailed in the Board Packet was not a comprehensive list of all the projects that the division has engaged in and he is currently tracking 70 smaller initiatives for other divisions throughout the agency, half of which are now complete, as well as strengthening the underlying infrastructure. This doesn't include all the helpdesk tickets from Central Office as well as the facilities that have been handled.

Nate concluded his report by expressing his sincere thanks to the entire IT team for all their hard work to keep the agency up and functioning during the trying time. The Board thanked Nate and the entire IT team and said that their ability to keep the agency functioning during this time was nothing short of amazing.

Updates from the Chief Financial and Operations Officer

Emily Anderson, Chief Financial-Operating Officer, reported on this item. Emily went over the 5% cost reduction plan, requested by Governor Abbot in a May 20th letter, the agency has submitted to the Office of the Governor and the Legislative Budget Board. Emily emphasized that all proposed cost reductions, to every extent possible, have the least impact to the youth in our system as well as the staff who directly care for the youth. Tier I is a reduction in Central Administration and Support Operations which totals \$5.8m and consisted of the elimination 25 non-direct care support positions, a 6-month rolling hiring freeze for Central Office positions and a 3-month rolling hiring freeze for all non-direct care field positions. In addition, it contains the downsize of Central Office space, operation reductions in training and travel and closure of 3 district parole offices where the parole officers will be utilizing telework from home.

This Tier I reduction will negatively impact the Agency's ability to support operations resulting in decreased Human Resource and Information Technology support, potential delay in Legislative reporting and weakened financial contracting and purchasing support.

Tier II of the plan is the elimination of the planned FY2021 planned contingency, reduction of certain Capital funding and operating funds for the office of the Inspector General. This reduction will put the agency in significant risk of planning and responding to emergencies and addressing critical infrastructure needs. Delaying capitol projects will result in increased expenses in the future and will stop many of the physical changes necessary for facilities to accommodate violence reduction efforts. Additionally, the IT

infrastructure for TJJJ is very old and is in a current state of improvement. Reductions will slow our ability to modernize systems and improve reporting capabilities.

Tier III is reduction of services and placements for the youth. This item will decrease the number of contract placement options for youth committed to TJJJ. In addition, this item will eliminate the transfer of state cost savings for regional diversion initiatives. Lastly, this item will eliminate the purchase of fleet vehicles for the Office of the Inspector General during the FY20-21 biennium. This item will place significant risk to youth and staff being held in security. It will detrimentally impair treatment and rehabilitation progress of the youth in our care which could result in longer lengths of stay, negative longer outcomes and increased population size. Lastly, the reduction to juvenile probation grant funding which totaled \$6.8M will eliminate all prevention and intervention funding, reduce spending for discretionary grants in FY21 and reduce FY21 state aid funding by \$1M. All of these reductions will significantly impact the ability of JPDs to provide services to youth in the community. This will have immediate and long-term impact for the Juvenile Justice System.

The Board remarked that they understood the significant impact the reductions will have on the system, specifically the field and thanked Emily for her work on the 5% reduction.

Discussion, consideration, and possible approval of the FY 2021 Operating Budget (Action)

Emily Anderson, Chief Financial-Operating Officer, reported on this item. The FY21 Operating budget is \$324.45M of which \$304.2M is general revenue. This is an increase of \$.05M or .02% compared to the FY20 Operating Budget. Although this is a slight increase over the FY20 budget, this is a \$5M decrease in general revenue funding. The increase in funding occurs in non-general revenue methods of finance. Not included in the FY totals are Probation grant funds that could be added to the budget as they are received. Appropriations for Probation grant programs were fully funded, allocated and approved at the May board meeting. Changes in available probation funding compared to FY20 include an increase of \$3M in general revenue. This increase was driven by population-based increase due to Probation strategies. The overall funding level was accounted for FY21 allocations was approved by the board in May. As discussed, \$6.8M of this budget has been set aside to meet the requirements of the 5% cost reduction plan. Excluding Capital budget items, the proposed operating budget for state programs is higher than the FY20 budget. This is the net impact of population-based increases to support direct care staff salaries and the body worn cameras project. In operational areas, funding was essentially flat with FY20; however, residential population expectations in the GAA are above levels that probation can support. Accordingly, allocations are based on internal populations for a target of 1012 so to align funding.

As of the writing of the memo, FY20 populations were at 931 but the on-hand population was about 770. Ongoing regional diversion efforts in state residential population control measures will be critical to the agency meeting its internal population targets.

The proposed budget works within available funding to continue the mission of the agency to maintain and maximize support of local probation departments, operate safe facilities with efficient programs and preserve excellent customer service. With the uncertainty of the economic impact of current events, prudence should yet suggest the agency continue to identify efficiencies and reallocate funding and other changes to operations from the recommended budget to guard against any unforeseen needs.

Out of the FY2021 proposed budget, \$12.8M has been earmarked and set aside to meet the 5% cost reduction plan. A resolution approving the proposed FY21 operating budget and granting authority to the Executive Director to make reasonable and necessary adjustments for the fulfillment of the mission of TJJJ and maintenance of a balanced budget and manage appropriations has been prepared for board approval.

The Board thanked Emily for all her work and Emily thanked the entire agency for pulling together to come up with the 5% reduction.

A motion was made to accept the FY2021 Operating Budget, seconded and passed unanimously.

Discussion, consideration, and possible approval regarding an acknowledgement of gifts (Action)

Emily Anderson, Chief Financial-Operating Officer, reported on this item. Reform Alliance has offered to donate 10,000 2-ply surgical masks to protect TJJD staff and youth from COVID19 at TJJD facilities and Halfway houses. The value of this donation is between \$4000-8000. Staff recommends acknowledgement of these gifts pursuant to the provisions of the Government Code and TJJD policy. Following board's approval, a letter will be sent to Reform Alliance to notify them of the acknowledgement to express appreciation for their support of the Juvenile Justice Department.

A motion was made to approve, seconded, and passed unanimously.

It was announced that Commissioner Morales, Jr. is online. Chief Scott Matthew went back to Item #2 and changed excused absences to 0. Commissioner Morales stated that he had some computer issues.

Discussion, consideration, and possible approval of the County Grants Audit Report (Action)

Eleazar Garcia, Chief Auditor, presented this item. The objective of the audit is to determine if the community Juvenile Justice funds are administered and managed in accordance with agency policies. The scope covered the 2018-2019 biennium and included grant disbursements, grant monitoring activities, review of records and reports, as well as system access controls for associated systems, which includes COMETS, ICIS, and Grant Manager. The grant funds disbursed were approximately \$159M for each of the 2 fiscal years included in the biennium. The scope excluded grants associated with Regional Diversion and Title IV-E. The following standards and procedures are in place to manage and administer the grant funds:

- An allocation methodology is used to disburse the funds in compliance with Section 223 of the Human Resources code and contracts are entered into for disbursements of the allocations with the Juvenile Probation Departments.
- Procedures are in place to monitor the use of State funds to include field visits, desk reviews, completion of independent audits
- Access to information systems is authorized and annual reviews of active users are performed for related systems.

Opportunities to improve operations were noted in the following:

- The state aid contracting process can be strengthened. Specifically, General Counsel's review and approval of the contracts is not well documented within the contract documentation, copies of fully executed contracts are not maintained, and conflict of interests forms were not obtained for all applicable parties.
- The process for granting a waiver of the independent audit of grant funds is not documented in policy.
- The Independent Auditor's report on compliance and internal controls should conform to the financial assurance requirements of the state aid contract.
- Probation services' fiscal monitoring documentation can be improved to support the reviews completed.
- System user access levels should be re-evaluated and updated to comply with information security standards and controls.
- Management concurs with our findings and responses to the recommendations can be found at the end of the report.

A motion was made to approve the Audit report, seconded and the motion passed unanimously.

Discussion, consideration, and possible approval regarding contract renewals requiring board approval pursuant to GAP.385.1101 (Action)

Christian Von Wupperfeld presented this item. There are some contracts that are coming up for renewal and this year, a slightly different approach is being taken for renewals. The Not to Exceed value is being adjusted. Previously, the Not to Exceed value was on the yearly amount but in line with the Department's transparency efforts, we think our new approach will give the Board and anyone else a very clear understanding of the total value of the contract, not just incrementally or yearly. The new approach will show the total value of the contract and will allow everybody to keep a closer eye on it.

A motion was made to approve this change, seconded and the motion passed unanimously.

Adjourn

A motion was made to adjourn the meeting, seconded and passed unanimously. The meeting was adjourned at 11:27am.



Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director
 Nate Jackson, Jr., Chief Information Officer

Subject: Chief Information Officer Updates

Date: October 8, 2020

1. Major Project Updates

Active Projects

Project	Status
JCMS Migration A project to migrate the JCMS basic application to a secure state-operated environment. <i>Est. Completion: January 2020 (migration); October 2020 (contracted maintenance)</i>	<ul style="list-style-type: none"> Continuing application maintenance and completed implementing enhancements to improve the connectivity with Noble. Finalizing the trainer sessions through October 2020.
Connect A project to replace CCS, the legacy mainframe case management system, by enhancing the JCMS platform with a new state case management system <i>Est. Completion Q2 2021</i>	<ul style="list-style-type: none"> Launched the offender release workflow for determinant sentenced offenders (DSOs) at Gainesville on August 26. Expanding offender release workflow to Mart in October 2020. Training on the workflow began on October 2. In the process of restructuring the development deliverables for the remainder of the project to ensure all the necessary functionality is available to move off of CSS upon the full release of the system in Q2 2021.
Visitor Tracking System A project to implement a solution to register and authorize access for all potential visitors to our secure facilities. <i>Est. Completion: November 2020 (revised)</i>	<ul style="list-style-type: none"> OIG is making changes to configurations and testing product's functionality and capability at administrator level prior to training their personnel.

Project	Status
<p>Radio Refresh A project to replace the existing legacy radio system with a new Motorola radio system and handsets. <i>Est. Completion: November 2020 (revised)</i></p>	<ul style="list-style-type: none"> • Continuing the radio tower replacement at Gainesville and Evins: <ul style="list-style-type: none"> ○ Completed power, access steps, fencing, generator installation. ○ Awaiting maintenance engineers to complete site work plan for towers to be installed at each site. ○ Anticipated completion of tower installs and go live with new radios is November 2020.
<p>Fixed Overhead Cameras Replacement A project to replace the existing legacy analog camera system with a new digital camera system and cameras act all secure facilities and halfway houses. <i>Est. Completion: Q2 2021</i></p>	<ul style="list-style-type: none"> • Mart – Equipment was received on September 28 and the installation will begin October 2020. • Evins – Site walkthrough was completed on September 10 and pending site proposals to order equipment. • Ron Jackson – Site walkthrough was completed on October 1 and pending site proposals to order equipment. • Giddings – Site walkthrough is scheduled for October 13. • Gainesville – Site walkthrough is scheduled for October 27. • Site walkthroughs for all halfway house are TBD.
<p>Offender Monitoring & Tracking System/RFID A project to implement a solution for the real-time tracking of youth and their wellbeing throughout all secure facilities and halfway houses. <i>Est. Completion: September 2020 (Pilot sites)</i></p>	<ul style="list-style-type: none"> • Gainesville and McFadden Ranch have received and mounting their hard tags. • Securely transferred youth and staff interface data for import to TJJD’s Guardian website. • Planning to review TJJD’s Guardian website for final configurations in October 2020. • In the process of ordering ethernet sync/charging cradles for Spartan (scanning) devices for the two pilot sites and expect to receive by the end of October 2020.
<p>*Wireless for Secure Facilities A project to implement wireless connectivity for all buildings at each secure facility. <i>Est. Completion: March 2021</i></p>	<ul style="list-style-type: none"> • In the process of evaluating implementation approach for campuses, including a full turnkey solution, a hybrid-turnkey solution with TJJD IT staff, or exclusively using TJJD IT staff. • Vendors walkthroughs have been completed for Mart, Gainesville and Ron Jackson. • Stood up a pilot wireless solution on all Mart dorms to address cellular connectivity issues with iPads being used for treatment and family calls.
<p>*Central Office Move A project to relocate and stand up IT equipment, network cabling, internet, and desk phones.</p>	<ul style="list-style-type: none"> • Identified and began to provide staff with laptops who were currently using a personal computers or loaner laptop to remotely connect to their desktop in the office. • In the process of finalizing the phone solution that will provide permanently remote staff with the ability to make calls via their computer. • Transferring the necessary server equipment from the central office to our centralized data centers.

* = new major projects added as of the previous board report

Upcoming Projects

Project	Description
Blue Phone Upgrade	A project to upgrade the phone system used by youth in our secure facilities and halfway houses.
Voice over Internet Protocol (VoIP)	A project to replace the legacy analog phone systems with a digital internet-based phone system at each secure facility.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: Camille Cain, Executive Director

Emily Anderson, Chief Financial and Operating Officer

Subject: Updates from the Chief Financial and Operating Officer

Date: October 9, 2020

Fiscal Year 2020 Expenditures through August

The fourth quarter financial report is attached. As noted in the summary memo, TJJJ had expended, or disbursed, 96.9% percent of available General Revenue, or 95.5 percent when excluding probation activities. Additional highlights from the report are available in the summary memo.

Below are several highlights from among recent activities for TJJJ finance and operations.

Fiscal Affairs and Budget

- The accounting team is preparing the Annual Financial Report that is due in November. This report provides expenditure information for the fiscal year ending August 31, 2020. It is a cumulative expenditure report for all transactions during fiscal year 2020 and includes information for all appropriation years that are valid.
- The budget team has been diligent in tracking and reporting COVID-19 expenses incurred by the agency. The agency has expended \$6.7M for COVID-19 response related activities through September 2020. These expenses include costs for salaries and overtime, PPE, contract staffing, telework/wireless technology, additional youth phone minutes, biohazard material disposal, gatehouse screening and many other miscellaneous services and items.

Business Operations

- The Business Operations team awarded \$30,763 to historically underutilized businesses during Senator West's Doing Business Texas Style virtual HUB event.

- End of year inventory has been completed. This inventory tracks and reports all agency assets and consumable supplies as of August 31, 2020.
- The central office downsize and relocation project is underway. Following are items that have been accomplished.
 - All paper files have been marked for retention or destruction and have been boxed for storage or disposal.
 - All personal items have been removed from central office
 - Office supplies have been collected and staged for distribution.
 - Scheduling of the breakdown and removal of ool furniture has been started.

Construction and Maintenance

- The construction and maintenance team are working on completing procurements for \$5M of life safety and deferred maintenance projects. All of these dollars will be on contract by the end of fiscal year 2021.

Human Resources

- During fiscal year 2020, the Human Resource Department was responsible for the following accomplishments.
 - Creating and modifying career paths for MHTP/CSU Youth Development Couches, Health Specialists, Psychologists, Substance Abuse Counselors, Social Workers and Parole Officers
 - Modified recruiting efforts by initiating on-site and virtual job fair, utilizing same day conditional offers for direct care positions, and maximizing use of social media and other on-line job recruitment platforms. These efforts increased the hiring of direct care positions by 84% in FY 2020.
 - Established a special sick leave pool for COVID-19. Employees have donated over 2,200 hours and about half of those hours have been awarded so far.
 - Collected information and stratifications for all high risk priority staff who self reported medical conditions, coordinated alternative work assignments for these staff and managed their return to normal operating assignments when campus response levels change.

TEXAS JUVENILE JUSTICE DEPARTMENT FINANCIAL REPORT

FISCAL YEAR 2020 THROUGH AUGUST





Texas Juvenile Justice Department

Financial Status and Performance Measure Highlights

Fiscal Year (FY) 2020 through August 2020

Agency-wide Highlights

- ◆ **Total Expenditures and Disbursements:** TJJD expenditures and grant disbursements through the end of August total \$313.9 million, including \$295.2 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	95.4%	92.6%
All Methods of Finance	92.6%	90.2%

For FY 2020, the agency will not expend all appropriated general revenue. All unexpended balances of general revenue will be returned to the state treasury as required to meet TJJDs 5% cost reduction obligation of \$21.8M for fiscal years 2020-2021.

- ◆ **Staffing Strength:** The total of TJJD’s internal position cap including the Office of Independent Ombudsman is 2,321.6 which is 382.7 below the FTE allocation established in the General Appropriations Act. The below table highlights position allocations specific to TJJD, filled positions, and FTE usage as of the end of May 2020.

Program Area	Authorized	Filled	%
Inst. Supervision & Meals	921.5	819.5	88.9%
Treatment Programing	239	182	76.2%
All other agency positions	1,393.7	1,071.5	76.9%
Agency Total	2,321.6	1,991.3	85.8%

Probation Highlights

- ◆ **Regional Diversions:** The Regionalization Diversion Alternatives (RDA) grant has been busy in FY20. The RDA team has reviewed 414 applications and approved 329, with 283 juveniles entering a placement and successfully diverted from commitment with TJJD. Currently there were 187 youth actively in an RDA placement.
- ◆ **Independent Audit Waivers:** The independent audit waiver eligibility assessment has been completed for FY21, with 64 departments notified that they are eligible. The waiver allows probation departments with low risk to the agency to save some of their grant money for services to youth instead of paying for an independent audit every year. Departments eligible for the waiver received \$750,000 or less in state grant funds, had no cited issues on their latest grant monitoring

review and completed required reporting timely. Those granted a waiver last year were not eligible again this year.

- ◆ **Single Grant Application:** TJJJ has implemented the single grant application process required by rider 35 included in the general appropriations act from the last legislative session. Implementation of this rider includes the following substantive changes to the grant process:
 - All grant requests will be submitted on a single application. Competitive grants that are not reimbursement grants will be funded from any available applicable funds.
 - All grants will be rebid more regularly than they have in the past (at least every 6 years).
 - Grants will be evaluated based on performance measures identified by TJJJ to make determinations of when to renew or rebid grant funds.

The rebid of grants was set to begin this year, but budget cuts necessary because of COVID-19 have eliminated prevention and intervention and any new discretionary funding for FY21.

State Programs Highlights

- ◆ **Population:** The following table compares key ADP figures in the month of August and through the end of August to internal budgeted targets:

	August 2020				Fiscal Year-to-Date		
	Budg. Target	Actual	Over (Under)	Percent	Actual	Over (Under)	Percent
Secure Facilities	818.0	618.0	(200.0)	-24.4%	750.3	(67.7)	-8.3%
Halfway Houses	112.0	52.3	(59.7)	-53.3%	75.6	(36.4)	-32.5%
Contract Care	127.0	50.2	(76.8)	-60.4%	79.7	(47.3)	-37.3%
	1,057.0	720.6	(336.4)	-31.8%	905.6	(151.4)	-14.3%

Figures are for reference only and should not be interpreted to represent officially reported performance measures. Comparisons are relative to internal targets, not population projections.

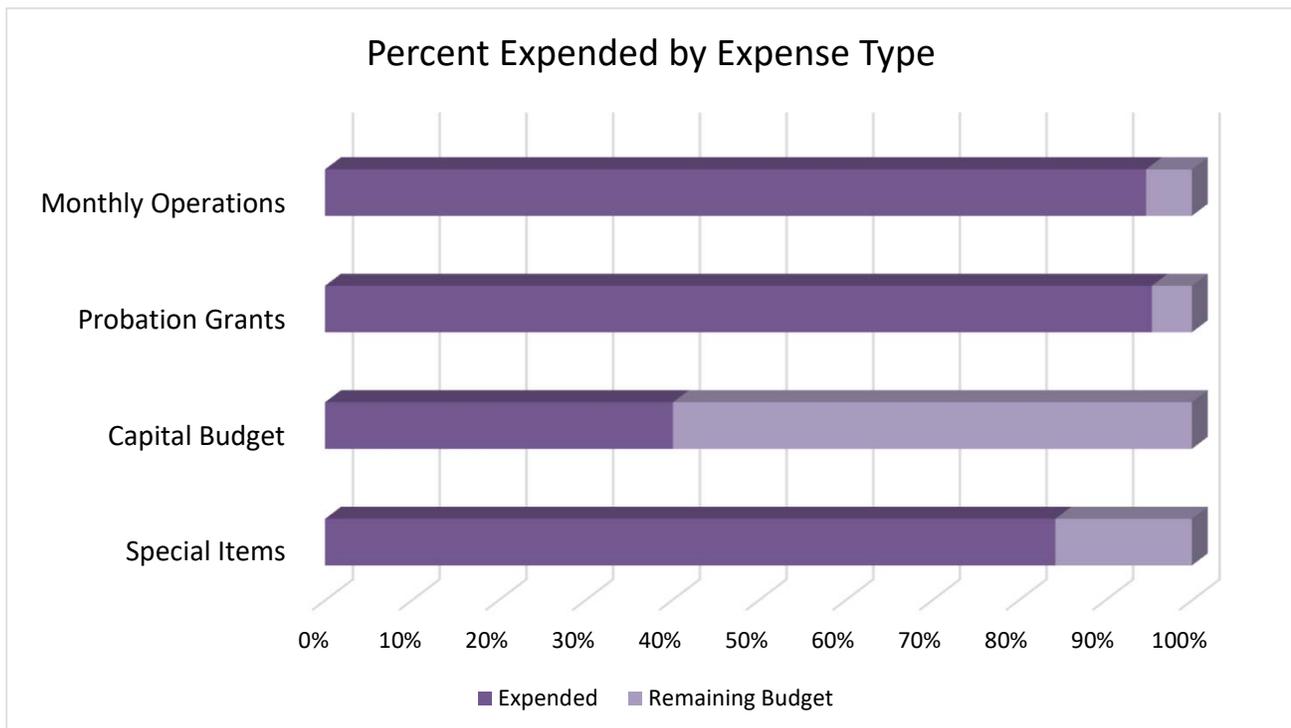
Through parallel efforts of regionalization and TJJJ management’s active steps to reduce the size of the state residential population, the agency has realigned internal budgeted population targets for state facilities below the projections in the General Appropriations Act (GAA). The total projection for all state residential programs was 1,209 in the GAA, compared to TJJJ’s operational target of 1,057. The actual population in secure facilities during the month of August FY 2020 was below TJJJ’s internal budgeted population target, and below to a lesser degree on a year-to-date basis.

- ◆ **Overtime:** The State Programs staff continues active management of overtime expenditures. However, due to the high number of Youth Development Coach “Coach” vacancies, the impact of these efforts will be limited. Overtime expenditures in fiscal year (FY) 2019 were approximately \$8.8 million. TJJJ began FY 2020 with about \$5.8 million budgeted for this purpose. TJJJ expended \$10 million on overtime in fiscal year 2020. There is ongoing collaboration between the Human Resource Division and facility leadership to monitor overtime hours worked and overtime expenditures.
- ◆ **Construction Projects:** Projects utilizing funding provided by the 85th Legislature have been identified and placed under contract. Work on these projects will continue through the current biennium. Projects utilizing funds provided by the 86th legislature have been identified and are in the

process of being approved by the construction committee and executive panel. Plan and specification development for these projects will begin soon.

Summary by Expense Type

Expense Type	Budgeted	Expended	%
Monthly Operations			
Salaries & Related	103,156,424	100,998,675	97.9%
Other Operating	43,901,114	38,277,979	87.2%
Subtotal - Monthly Operations	147,057,538	139,276,654	94.7%
Probation Grant Disbursements	163,089,851	155,561,286	95.4%
Capital Budget			
Repairs and Rehabilitation	1,250,000	327,170	26.2%
IR Technologies	7,515,224	1,860,727	24.8%
Transportation	618,492	563,626	91.1%
DCS	2,198,198	1,895,169	86.2%
Subtotal - Capital Budget	11,581,914	4,646,692	40.1%
Special Items			
JCMS	1,156,501	807,940	69.9%
Overtime	9,885,273	10,009,003	101.3%
SORM and Unemployment	3,712,040	3,652,628	98.4%
5% Reduction	1,901,610	-	0.0%
Contingency	507,215	(13,834)	-2.7%
Subtotal - Special Items	17,162,639	14,455,737	84.2%
Grand Total	338,891,942	313,940,369	92.6%

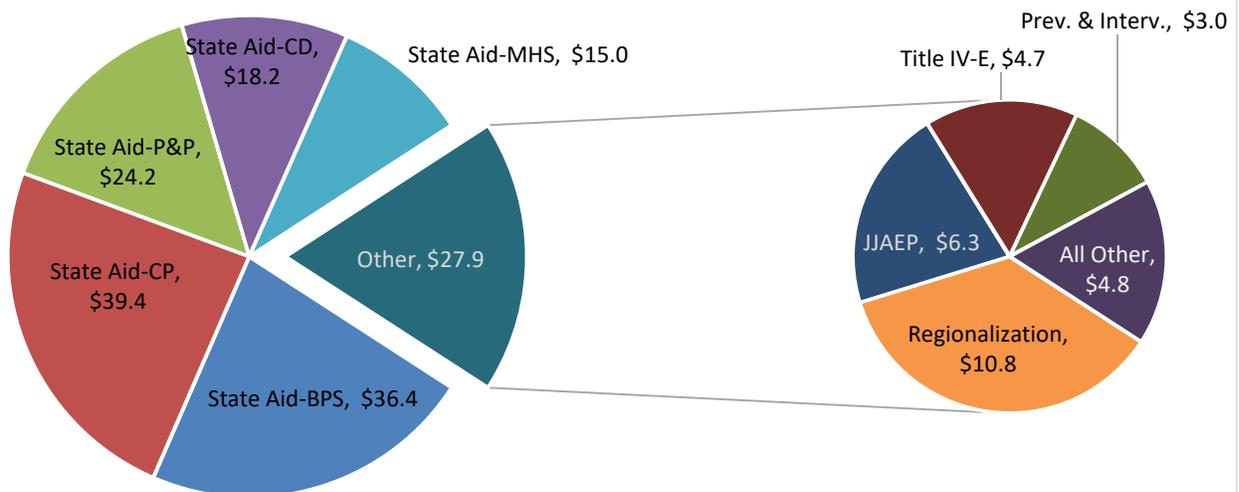


Summary by Program: Funding View

Probation Grants

Program	Budgeted	Expended	%
State Aid			
Basic Probation Supervision	36,444,959	36,444,959	100.0%
Community Programs	39,371,183	37,306,778	94.8%
Pre & Post Adjudication	24,208,421	24,163,834	99.8%
Commitment Diversion	18,199,556	18,142,795	99.7%
Mental Health Services	14,997,070	14,995,622	100.0%
Subtotal - State Aid	133,221,189	131,053,988	98.4%
Targeted Grants			
Special Needs Diversionary Program	1,880,175	1,774,011	94.4%
Reg. Div. Alt. - Regional Projects	732,670	691,184	94.3%
Reg. Div. Alt. - Individual Diversion	10,047,045	9,311,067	92.7%
Prevention & Intervention, "Family"	2,594,432	2,421,125	93.3%
Prevention & Intervention, "School"	417,745	391,764	93.8%
Juvenile Justice Alternative Education	6,250,000	6,052,000	96.8%
Discretionary State Aid	2,113,266	1,975,947	93.5%
Legislatively Mandated & Other Grants	1,100,000	1,091,875	99.3%
Subtotal - Targeted Grants	25,135,333	23,708,973	94.3%
Other Grant Activity			
Title IVE Pass Through Funding	4,733,329	798,325	16.9%
Subtotal - Other Grant Activity	4,733,329	798,325	16.9%
Subtotal - Probation Grants	163,089,851	155,561,286	95.4%

Probation Grants by Program (Budgeted, in \$ mil)

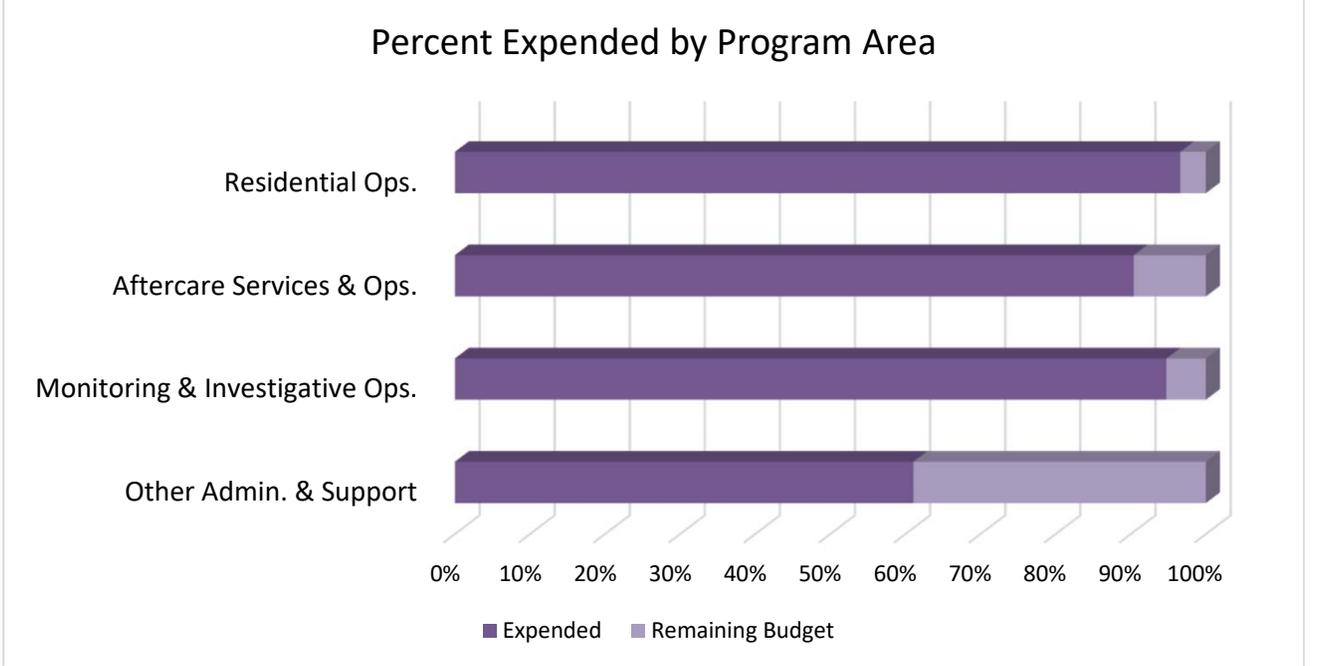
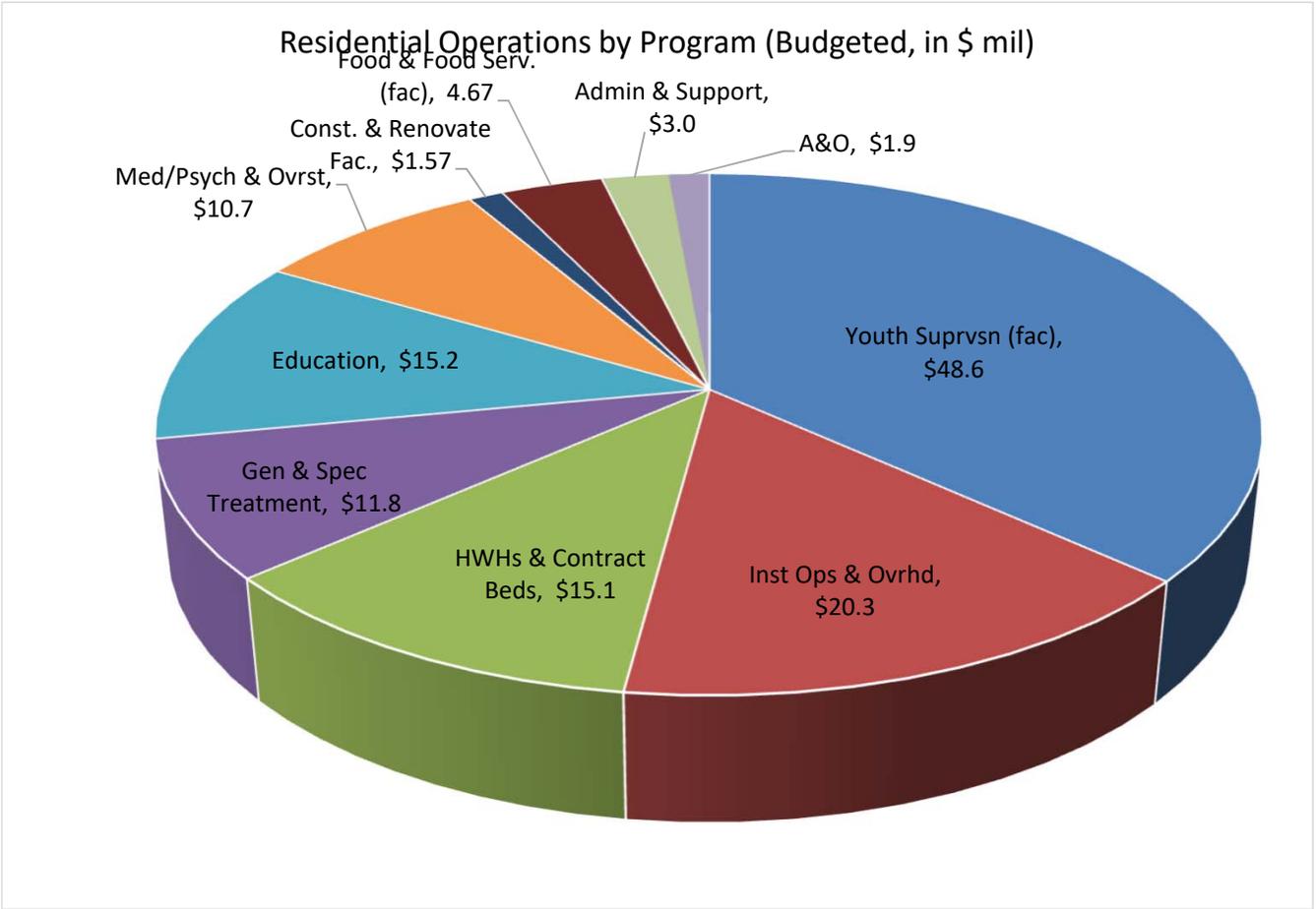


Summary by Program: Funding View (cont.)

Agency Operations

Program	Budgeted	Expended	%
Residential Operations			
System Administration & Support	3,040,280	2,983,542	98.1%
Assessment & Orientation	1,860,473	1,829,279	98.3%
Youth Supervision (facilities)	48,581,958	49,502,022	101.9%
Food and Food Service (facilities)	4,665,195	4,651,535	99.7%
Facility Operations	20,336,938	20,422,835	100.4%
Halfway House Operations	8,336,478	8,043,343	96.5%
Contract Placements & Oversight	6,741,305	5,409,628	80.2%
Education Programs	15,206,289	14,021,769	92.2%
General Rehabilitative Treatment	8,253,602	7,556,750	91.6%
Specialized Treatment	2,998,195	2,592,721	86.5%
Medical/Psychiatric Care & Oversight	10,732,439	10,133,336	94.4%
Construct & Renovate Facilities	1,570,823	660,190	42.0%
<i>Subtotal - Residential Ops.</i>	<i>132,323,975</i>	<i>127,806,950</i>	<i>96.6%</i>
Aftercare Services & Operations			
Parole Supervision, Programs & Services	3,696,770	3,323,024	89.9%
Interstate Agreement	222,661	220,045	98.8%
<i>Subtotal - Aftercare Services & Ops.</i>	<i>3,919,431</i>	<i>3,543,069</i>	<i>90.4%</i>
Monitoring & Investigative Operations			
Monitoring & Inspections	1,960,979	1,650,286	84.2%
Office of Inspector General	5,594,954	5,625,587	100.5%
Office of Independent Ombudsman	970,727	802,616	82.7%
<i>Subtotal - Monitoring & Investigative Ops.</i>	<i>8,526,661</i>	<i>8,078,489</i>	<i>94.7%</i>
Other Operations & Support			
Training & Certification	1,586,468	1,339,161	84.4%
Probation System Support	2,643,550	2,228,795	84.3%
Indirect Administration	26,802,006	15,382,618	57.4%
<i>Subtotal - Other Operations & Support</i>	<i>31,032,024</i>	<i>18,950,574</i>	<i>61.1%</i>
Subtotal - Agency Operations	175,802,091	158,379,083	90.1%
Grand Total	338,891,942	313,940,369	92.6%

Summary by Program: Funding View (cont.)

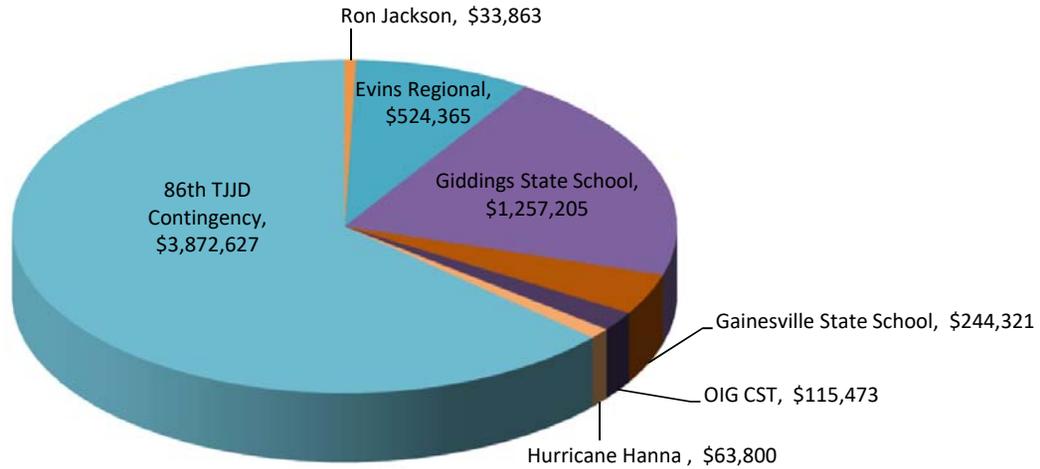


Summary of Construction Activities

Location	Project Budget	Expenditures	Outstanding Work Authorizations	Available Budget
Ron Jackson	\$ 33,863	\$ 33,863	\$ -	
Evins Regional	\$ 524,365	\$ 113,026	\$ 22,890	\$ 388,449
Giddings State School	\$ 1,257,205	\$ 115,544	\$ 903,777	\$ 237,884
Gainesville State School	\$ 244,321	\$ 56,241	\$ 2,438	\$ 185,642
Mart	\$ -	\$ -	\$ -	
OIG CST	\$ 115,473	\$ 78,157		\$ 37,316
Hurricane Hanna	\$ 63,800	\$ 899	\$ 58,600	\$ 4,301
86th TJD Contingency	\$ 3,872,627	\$ -	\$ -	\$ 3,872,627
Total	\$ 6,111,654	\$ 397,730	\$ 987,705	\$ 4,726,219

Fund 0001 Health and Safety/Security	1,250,000
5% Reduction moved to Contingency	(138,346)
85th General Appropriations Act approved Allocation	\$ 5,000,000
	<u>\$ 6,111,654</u>

Project Budget

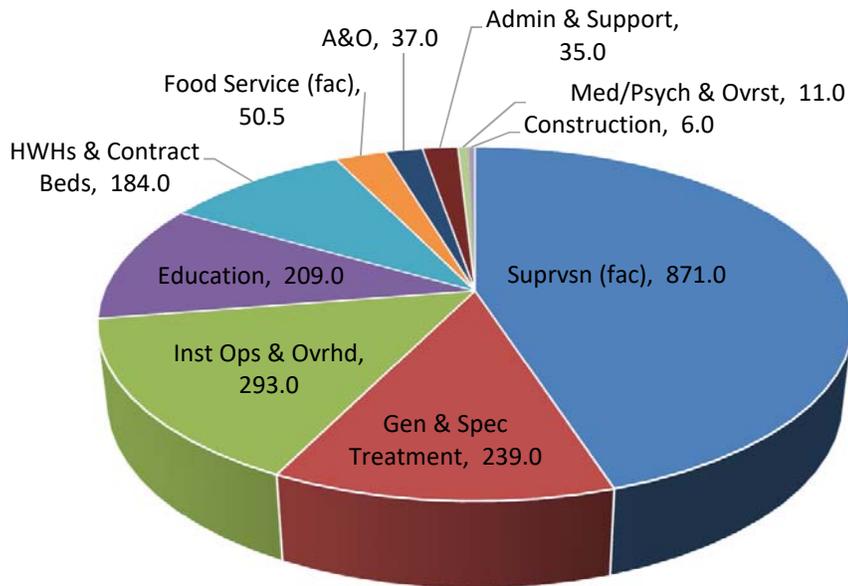


Summary by Program: FTE View

Program	Authorized	Filled	%
Residential Operations			
Administration & Support	35.0	33.0	94.3%
Assessment & Orientation	37.0	29.0	78.4%
Youth Supervision (facilities)	871.0	774.0	88.9%
Food & Food Service (facilities)	50.5	45.5	90.1%
Institutional Operations & Overhead	293.0	237.0	80.9%
Halfway House Operations	179.0	139.0	77.7%
Contract Placements & Oversight	5.0	5.0	100.0%
Education Programs	209.0	189.0	90.4%
General Rehabilitative Treatment	160.0	129.0	80.6%
Specialized Treatment	79.0	53.0	67.1%
Medical/Psychiatric Care & Oversight	11.0	11.0	100.0%
Construction & Renovate Facilities	6.0	5.0	83.3%
<i>Subtotal - Residential Ops.</i>	<i>1,935.5</i>	<i>1,649.5</i>	<i>85.2%</i>
Aftercare Services & Operations			
Parole Supervision, Programs & Services	57.0	54.0	94.7%
Interstate Agreement	3.0	3.0	100.0%
<i>Subtotal - Aftercare Services & Ops.</i>	<i>60.0</i>	<i>57.0</i>	<i>95.0%</i>
Monitoring & Investigative Operations			
Monitoring & Inspections	26.0	24.0	92.3%
Office of Inspector General	120.5	108.0	89.6%
Office of Independent Ombudsman	14.0	13.0	92.9%
<i>Subtotal - Monitoring & Investigative Ops.</i>	<i>160.5</i>	<i>145.0</i>	<i>90.3%</i>
Other Operations & Support			
Training & Certification	25.0	23.0	92.0%
Probation System Support	23.0	19.0	82.6%
Indirect Administration	117.6	97.8	83.2%
<i>Subtotal - Other Operations & Support</i>	<i>165.6</i>	<i>139.8</i>	<i>84.4%</i>
Grand Total	2,321.6	1,991.3	85.8%

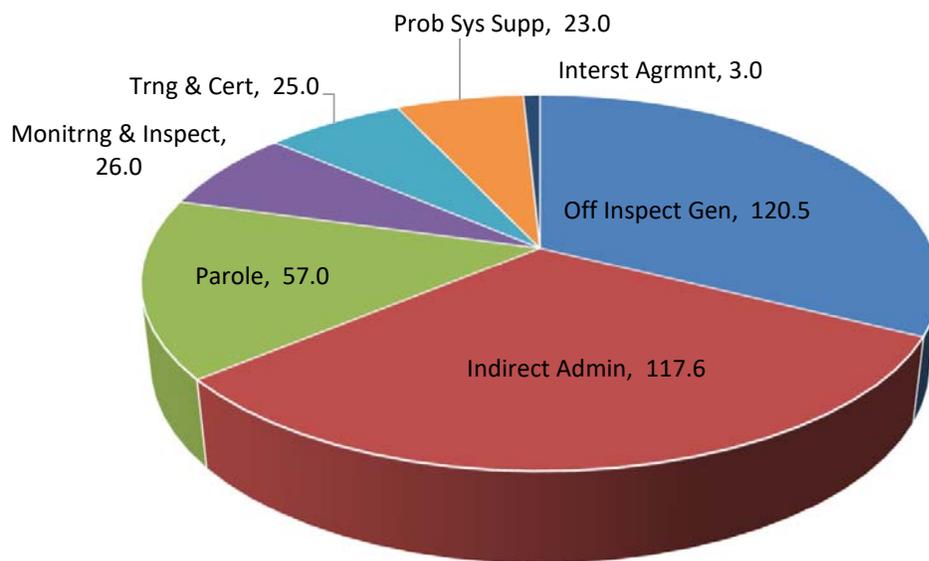
Summary by Program: FTE View (cont.)

Residential Operations Authorized FTEs by Program



All Other TJJD* Authorized FTEs by Program

**Excludes Indep. Ombudsman*

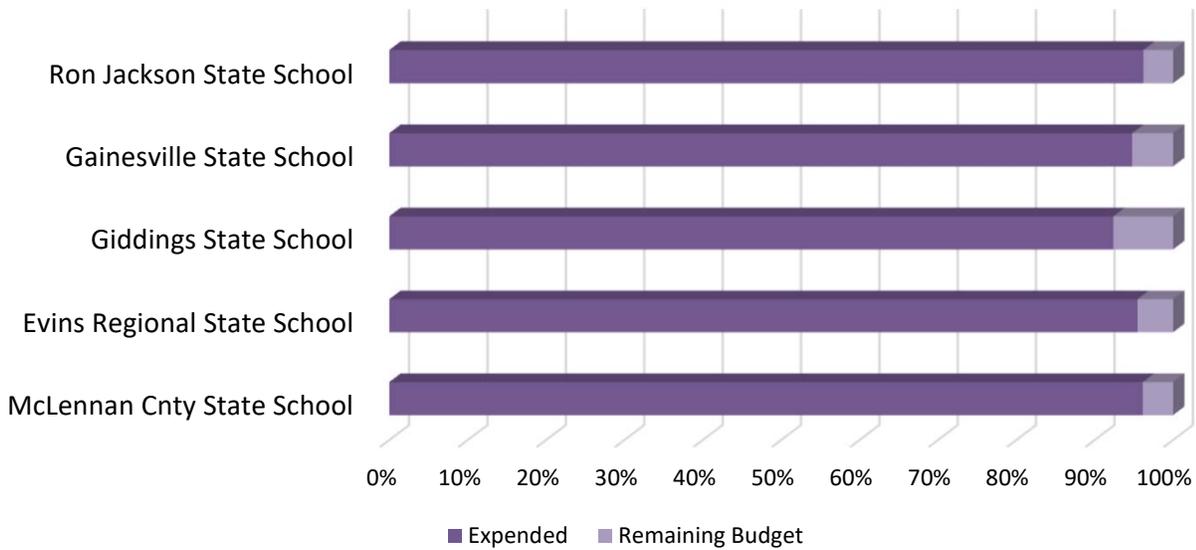


Summary by Location: Funding View

Location	Budgeted	Expended	%
State Residential Locations			
Ron Jackson State School	19,180,737	18,455,749	96.2%
Gainesville State School	17,500,849	16,587,994	94.8%
Giddings State School	22,995,489	21,247,044	92.4%
Evins Regional State School	18,318,901	17,488,464	95.5%
McLennan Cnty State School	27,137,007	26,093,920	96.2%
Halfway Houses	10,107,904	8,723,967	86.3%
Contract Placements & Oversight	6,353,796	5,381,869	84.7%
Subtotal - State Residential Locations	121,594,684	113,979,008	93.7%
Probation Grant Disbursements	163,089,851	155,561,286	95.4%
Other Locations / Multi-Location*	54,207,407	44,400,075	81.9%
Grand Total	338,891,942	313,940,369	92.6%

*Includes district offices, Central Office, and departments split across more than one location.

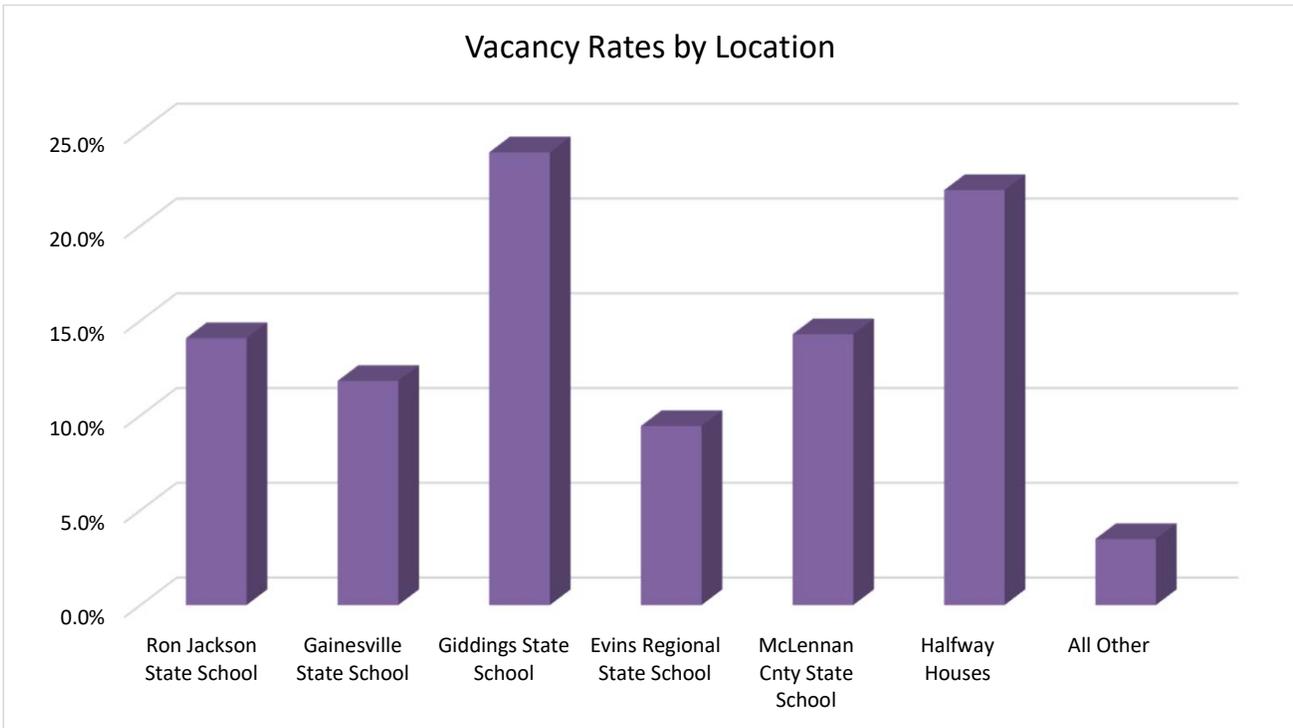
Percent Expended by Location - Secure Facilities



Summary by Location: FTE View

Location	Authorized	Filled	%
State Residential Locations			
Ron Jackson State School	348.0	299.0	85.9%
Gainesville State School	287.5	253.5	88.2%
Giddings State School	427.0	325.0	76.1%
Evins Regional State School	307.0	278.0	90.6%
McLennan Cnty State School	427.0	366.0	85.7%
Halfway Houses	201.0	157.0	78.1%
Contract Placements & Oversight	5.0	5.0	100.0%
Subtotal - State Residential Locations	2,002.5	1,683.5	84.1%
Probation Grant Disbursements	-	-	0.0%
Other Locations / Multi-Location*	319.1	307.8	96.5%
Grand Total	2,321.6	1,991.3	85.8%

*Includes district offices, Central Office, and departments split across more than one location.



Summary by Strategy and Method of Finance

General Revenue

Strategy	Budgeted	Expended	%
Goal A (Comm Juv Just)			
A.1.1 Prevention and Intervention	3,012,177	2,812,889	93.4%
A.1.2 Basic Supervision	36,444,959	36,444,959	100.0%
A.1.3 Community Programs	41,201,358	40,853,423	99.2%
A.1.4 Pre and Post Adjudication Facilities	24,208,421	24,163,834	99.8%
A.1.5 Commitment Diversion Programs	18,199,556	18,142,795	99.7%
A.1.7 Mental Health Services	14,997,070	14,995,622	100.0%
A.1.8. Regional Diversion Alternatives	12,892,981	11,297,439	87.6%
A.1.9. Probation System Support	2,522,801	2,160,016	85.6%
Subtotal - Goal A (Comm Juv Just)	153,479,323	150,870,977	98.3%
Goal B (State Svcs & Fac)			
B.1.1 Assessment & Orientation	1,860,473	1,829,279	98.3%
B.1.2 Institutional Operations and Overhead	20,336,938	20,422,835	100.4%
B.1.3 Institutional Supervision and Food Service	51,379,029	50,271,306	97.8%
B.1.4 Education	9,309,516	7,919,223	85.1%
B.1.5 Halfway House Operations	8,029,731	7,927,204	98.7%
B.1.6 Health Care	8,804,700	8,528,231	96.9%
B.1.7 Mental Health (Psychiatric) Care	855,580	594,196	69.4%
B.1.8 Integrated Rehabilitation Treatment	9,991,689	9,242,243	92.5%
B.1.9. Contract Residential Placements	6,541,305	5,409,628	82.7%
B.1.10. Residential System Support	3,040,280	2,983,542	98.1%
B.2.1 Office of the Inspector General	5,594,954	5,625,587	100.5%
B.2.2 Health Care Oversight	1,072,159	1,010,909	94.3%
B.3.1 Construct & Renovate Facilities	1,570,823	660,190	42.0%
Subtotal - Goal B (State Svcs & Fac)	128,387,176	122,424,372	95.4%
Goal C (Parole Svcs)			
C.1.1 Parole Direct Supervision	2,339,112	2,216,536	94.8%
C.1.2. Parole Programs and Services	1,357,658	1,106,488	81.5%
Subtotal - Goal C (Parole Svcs)	3,696,770	3,323,024	89.9%
Goal D (Indep Ombudsman)	970,727	802,616	82.7%
Goal E (Juv Just System)			
E.1.1. Training and Certification	1,469,836	1,337,707	91.0%
E.1.2 Monitoring and Inspections	1,914,083	1,649,230	86.2%
E.1.3 Interstate Agreement	222,661	220,045	98.8%
Subtotal - Goal E (Juv Just System)	3,606,579	3,206,982	88.9%
Goal F (Indirect Admin)			
F.1.1 Central Administration	8,473,298	8,544,853	100.8%
F.1.2 Information Resources	10,772,996	6,038,272	56.1%
Subtotal - Goal F (Indirect Admin)	19,246,294	14,583,125	75.8%
Subtotal - General Revenue	309,386,871	295,211,097	95.4%

Summary by Strategy and Method of Finance (cont.)

Other State Funds

Strategy	Budgeted	Expended	%
Goal A (Comm Juv Just)			
A.1.3 Community Programs	1,150,000	-	0.0%
A.1.4 Pre and Post Adjudication Facilities	-	-	0.0%
A.1.5 Commitment Diversion Programs			0.0%
A.1.6 Juv Just Alt Educ Prog	6,250,000	6,052,000	96.8%
Subtotal - Goal A (Comm Juv Just)	7,400,000	6,052,000	81.8%
Goal B (State Svcs & Fac)			
B.1.3 Institutional Supervision and Food Service	25,625	15,385	60.0%
B.1.4 Education	4,510,537	4,431,361	98.2%
B.1.8 Integrated Rehabilitation Treatment	734,588	605,660	82.4%
Subtotal - Goal B (State Svcs & Fac)	5,270,750	5,052,406	95.9%
Goal D (Indep Ombudsman)	-	-	0.0%
Goal E (Juv Just System)			
E.1.1. Training and Certification	116,632	1,454	1.2%
Subtotal - Goal E (Juv Just System)	116,632	1,454	1.2%
Goal F (Indirect Admin)			
F.1.1 Central Administration	8,712	5,309	60.9%
F.1.2 Information Resources	7,547,000	794,184	10.5%
Subtotal - Goal F (Indirect Admin)	7,555,712	799,493	10.6%
Subtotal - Other State Funds	20,343,094	11,905,352	58.5%

Federal Funds

Strategy	Budgeted	Expended	%
Goal A (Comm Juv Just)			
A.1.3 Community Programs	4,733,329	798,325	16.9%
A.1.9. Probation System Support	120,749	68,780	57.0%
Subtotal - Goal A (Comm Juv Just)	4,854,078	867,105	17.9%
Goal B (State Svcs & Fac)			
B.1.2 Institutional Operations and Overhead		1,857,280	100.0%
B.1.3 Institutional Supervision and Food Service	1,842,498	2,009,586	109.1%
B.1.4 Education	1,386,237	1,671,185	120.6%
B.1.5 Halfway House Operations	306,747	116,139	37.9%
B.1.8 Integrated Rehabilitation Treatment	525,520	301,568	57.4%
B.1.9. Contract Residential Placements	200,000	-	0.0%
Subtotal - Goal B (State Svcs & Fac)	4,261,003	5,955,759	139.8%
E.1.2 Monitoring and Inspections	46,897	1,056	2.3%
Subtotal - Goal E (Juv Just System)	46,897	1,056	2.3%
Subtotal - Federal Funds	9,161,978	6,823,919	74.5%

Summary by Strategy and Method of Finance (cont.)

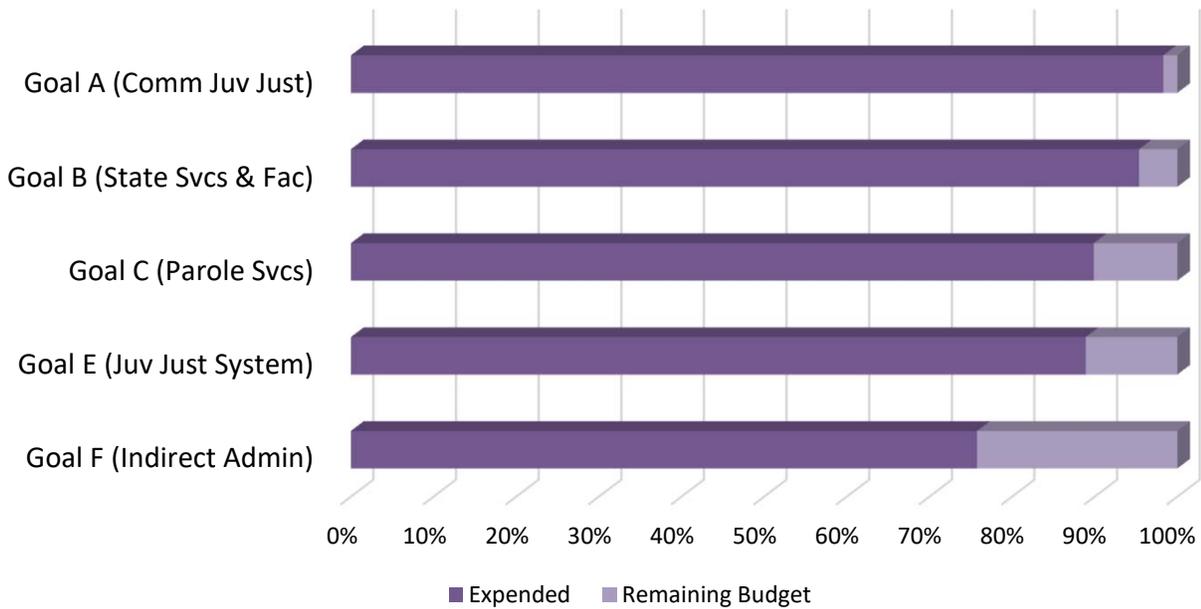
All Methods of Finance

Strategy	Budgeted	Expended	%
Goal A (Comm Juv Just)			
A.1.1 Prevention and Intervention	3,012,177	2,812,889	93.4%
A.1.2 Basic Supervision	36,444,959	36,444,959	100.0%
A.1.3 Community Programs	47,084,687	41,651,748	88.5%
A.1.4 Pre and Post Adjudication Facilities	24,208,421	24,163,834	99.8%
A.1.5 Commitment Diversion Programs	18,199,556	18,142,795	99.7%
A.1.6 Juv Just Alt Educ Prog	6,250,000	6,052,000	96.8%
A.1.7 Mental Health Services	14,997,070	14,995,622	100.0%
A.1.8. Regional Diversion Alternatives	12,892,981	11,297,439	87.6%
A.1.9. Probation System Support	2,643,550	2,228,795	84.3%
Subtotal - Goal A (Comm Juv Just)	165,733,401	157,790,082	95.2%
Goal B (State Svcs & Fac)			
B.1.1 Assessment & Orientation	1,860,473	1,829,279	98.3%
B.1.2 Institutional Operations and Overhead	20,336,938	22,280,115	109.6%
B.1.3 Institutional Supervision and Food Service	53,247,152	52,296,277	98.2%
B.1.4 Education	15,206,289	14,021,769	92.2%
B.1.5 Halfway House Operations	8,336,478	8,043,343	96.5%
B.1.6 Health Care	8,804,700	8,528,231	96.9%
B.1.7 Mental Health (Psychiatric) Care	855,580	594,196	69.4%
B.1.8 Integrated Rehabilitation Treatment	11,251,798	10,149,472	90.2%
B.1.9. Contract Residential Placements	6,741,305	5,409,628	80.2%
B.1.10. Residential System Support	3,040,280	2,983,542	98.1%
B.2.1 Office of the Inspector General	5,594,954	5,625,587	100.5%
B.2.2 Health Care Oversight	1,072,159	1,010,909	94.3%
B.3.1 Construct & Renovate Facilities	1,570,823	660,190	42.0%
Subtotal - Goal B (State Svcs & Fac)	137,918,930	133,432,537	96.7%
Goal C (Parole Svcs)			
C.1.1 Parole Direct Supervision	2,339,112	2,216,536	94.8%
C.1.2. Parole Programs and Services	1,357,658	1,106,488	81.5%
Subtotal - Goal C (Parole Svcs)	3,696,770	3,323,024	89.9%
Goal D (Indep Ombudsman)	970,727	802,616	82.7%
Goal E (Juv Just System)			
E.1.1. Training and Certification	1,586,468	1,339,161	84.4%
E.1.2 Monitoring and Inspections	1,960,979	1,650,286	84.2%
E.1.3 Interstate Agreement	222,661	220,045	98.8%
Subtotal - Goal E (Juv Just System)	3,770,108	3,209,492	85.1%
Goal F (Indirect Admin)			
F.1.1 Central Administration	8,482,010	8,550,162	100.8%
F.1.2 Information Resources	18,319,996	6,832,456	37.3%
Subtotal - Goal F (Indirect Admin)	26,802,006	15,382,618	57.4%
Subtotal - All Methods of Finance	338,891,942	313,940,369	92.6%

Summary by Strategy and Method of Finance (cont.)

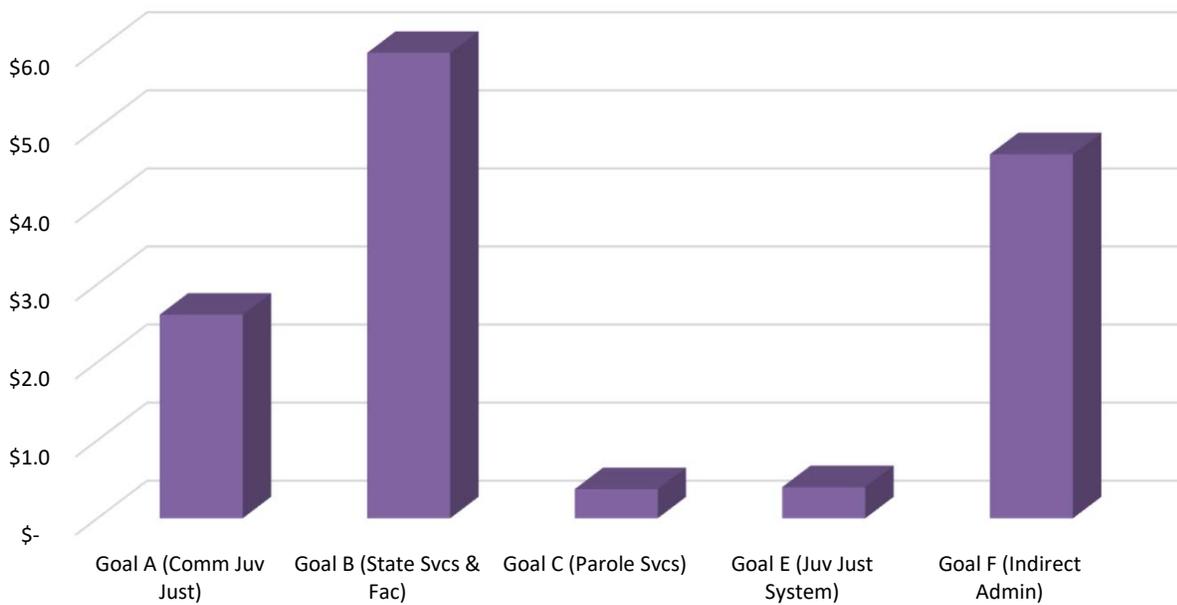
Percent General Revenue Expended by Budget Goal*

*Excludes Independent Ombudsman



Remaining General Revenue by Budget Goal (\$ mil)*

*Excludes Independent Ombudsman



FY 2020 Quarter Four Performance Measure Highlights

Outside 5% of GAA target:	Target	Actual	%
Probation			
ADP: Conditional Release	3,149.00	3,490.52	110.85% ^a
ADP: Deferred Prosecution	6,249.00	4,819.78	77.13% ^b
ADP: Court Ordered Probation	10,432.00	9,373.52	89.85% ^c
ADP: Residential Placement	1,991.00	968.84	48.66% ^d
ADP: Commitment Diversion Initiatives	1,131.00	647.33	57.24% ^e
Mandatory Students JJAEP	1,550.00	1,235.00	79.68% ^f
Mandatory Student Attendance Days JJAEP	64,000.00	93,360.00	145.88% ^g
Number of Regional Diversions	245.00	283.00	115.51% ^h
CPD: Basic Supervision	\$ 5.05	\$ 4.57	90.50% ⁱ
CPD: Residential Placement	\$ 34.01	\$ 51.02	150.01% ^j
CPD: Commitment Diversion Initiatives	\$ 47.09	\$ 51.32	108.98% ^k
Total Referrals	53,000.00	40,122.00	75.70% ^l
Felony Referrals	14,771.00	13,613.00	92.16% ^m
State Programs			
ADP: Assessment/Orientation	83.00	46.85	56.45% ⁿ
ADP: State-Operated Correctional Facility	928.00	750.28	80.85% ^o
ADA: JJD Operated Schools	905.00	738.54	81.61% ^p
ADP: Halfway House Programs	146.00	75.63	51.80% ^q
ADP: General Rehabilitation Treatment	957.00	739.53	77.28% ^r
ADP: Specialized Treatment	745.00	527.49	70.80% ^s
ADP: Contract Programs	135.00	79.66	59.01% ^t
ADP: Parole	435.00	318.33	73.18% ^u
CPD: State-Operated Correctional Facility	\$ 173.27	\$ 190.44	109.91% ^v
CPD: Halfway House	\$ 164.03	\$ 290.58	177.15% ^w
CPD: Health Care Services	\$ 20.21	\$ 28.21	139.58% ^x
CPD: Psychiatric Services	\$ 2.34	\$ 1.97	84.19% ^y
CPD: General Rehabilitation Treatment	\$ 19.85	\$ 22.72	114.46% ^z
CPD: Specialized Treatment	\$ 17.61	\$ 20.71	117.60% ^{aa}
CPD: Contracts Program	\$ 162.02	\$ 185.54	114.52% ^{bb}
CPD: Parole	\$ 15.13	\$ 19.02	125.71% ^{cc}
Juvenile Per Direct Supervision JCO Staff Per Shift	7.38	6.64	89.97% ^{dd}

^a Several factors contributed to probation departments placing more juveniles on conditional pre-disposition supervision during the reporting period. Some of these contributing factors include law enforcement philosophy, judicial philosophy, limited bed space in pre-adjudication detention facilities, and good case practices regarding whether or not to admit a juvenile into a detention facility. Furthermore, during the last half of fiscal year 2020, there was a temporary hold on non-essential court hearings due to COVID-19, contributing to an increase in the average length of stay on conditional pre-disposition supervision and to a higher than targeted average daily population of juveniles on conditional pre-disposition supervision.

^b Compared to fiscal year 2019, there was a 34% decrease in admissions to deferred prosecution supervision in fiscal year 2020. During the last half of fiscal year 2020, there was a delay in formalizing referrals in order to limit face-to-face contact as well as a temporary hold on non-essential court hearings due to COVID-19, contributing to a lower than targeted average daily population of juveniles on deferred prosecution supervision.

^c Compared to fiscal year 2019, there was a 28% decrease in admissions to probation supervision in fiscal year 2020. During the last half of fiscal year 2020, there was a temporary hold on non-essential court hearings due to COVID-19, contributing to a lower than targeted average daily population of juveniles on probation supervision.

^d Compared to fiscal year 2019, there was a 23% decrease in admissions to residential placement facilities in fiscal year 2020. The availability of community programs as well as the increasing cost of residential placements and specialized treatment services contributed to a lower number of juveniles placed in residential placement facilities during the reporting period. Furthermore, during the last half of fiscal year 2020, there were temporary holds on non-essential court hearings and on admissions to some residential placement facilities due to COVID-19, contributing to a lower than targeted average daily population of juveniles in residential placement. Commitment Diversion and Regional Diversion funded residential placements are excluded from the calculation of this measure.

^e In fiscal year 2019, the average daily population of juveniles served in commitment diversion funded programs and placements was 910, which was also lower than the 1,348 target. The budget structure implemented in fiscal year 2016 offers juvenile probation departments with additional state aid categories to use and greater flexibility in spending their funds. With the availability of regional diversion funds, more departments are using these funds resulting in a reduction of commitment diversion funded placements and programs. Additionally, the rising costs of residential placements and specialized treatment services contributes to the decline in the number of juveniles served through this strategy. Furthermore, during the last half of fiscal year 2020, there were temporary holds on non-essential court hearings, on some community-based programs, and on admissions to some residential placement facilities due to COVID-19, contributing to a lower than targeted average daily population of juveniles served in commitment diversion funded programs and placements.

^f This is a cumulative measure. The total number of mandatory students in JJAEP was 1,235, which is 79.68% of the target. Due to the disaster proclamation published in March 2020, as a result of the COVID-19 pandemic, all public schools were closed to on-campus instruction from March to June 2020. Most mandatory offenses for which students are expelled to JJAEP must have occurred while on campus. As students were not allowed on campus, the expected number of entries decreased.

^g This is a cumulative measure. The total number of mandatory attendance days in JJAEP was 93,360, which is 145.88% of the target. Starting in fiscal year 2019, for some JJAEPs, there has been a large increase in expulsions for Felony Drugs, 37.007A3, centered around vaping Tetrahydrocannabinol (THC) oil at school, an offense that has been so prevalent that many more students than expected have been caught on campus, charged, and expelled to JJAEPs. The students' length of expulsion ranges from 30 to 180 days.

^h This is a cumulative measure. In fiscal year 2020, the total number of regional diversions was 283, which is 115.51% of the target. However, a higher than targeted number of regional diversions is preferable and indicates the juvenile probation departments are diverting more juveniles from commitment to JJD facilities. The average daily population of juveniles in regional diversion funded placements was 156.52 in fiscal year 2020.

For the current biennium, the reported number of regional diversions reflects the number of juveniles placed using regional diversion funds. For the previous biennium, this measure reflected the number of applications approved by the agency. This official change in definition was not updated for this measure in the 2020-2021 General Appropriations Act.

ⁱ The state cost per day varies based on the expenditure data reporting practices of the juvenile probation departments. Due to the delayed nature of reporting by juvenile probation departments, the expenditure information is incomplete. The deadline for fourth quarter expenditure data reporting occurs after the deadline for fourth quarter performance measure reporting.

^j A lower than targeted average daily population of juveniles in residential placement facilities, an increase in the average length of stay in residential placements, and an increase in the cost of residential placement when DFPS raised their daily rates contributed to a higher than targeted cost per day for residential placement in fiscal year 2020.

^k Juvenile probation departments use Commitment Diversion funds to provide placements and programs to juveniles. In fiscal year 2020, approximately 61% of Commitment Diversion funds were utilized to pay for residential placements, which are more costly than community-based programs. A lower than targeted Commitment Diversion average daily population, an increase in the average length of stay in Commitment Diversion funded residential placements, and an increase in the cost of residential placement when DFPS raised their daily rates contributed to a higher than targeted Commitment Diversion cost per day in fiscal year 2020.

^l In fiscal year 2020, the total number of referrals to juvenile probation departments was 40,122 which is 75.70% of the target. Several factors contributed to the reduction of referrals to juvenile probation departments during the last half of fiscal year 2020. Due to COVID-19, there were disaster proclamations, stay-at-home orders, and closure of all public schools to on-campus instruction. As a result, social gatherings decreased, youth attended school virtually from home, and parents/guardians at home provided supervision, contributing to fewer opportunities for juvenile offending. Additionally due to COVID-19, there was a delay in juvenile probation departments receiving and formalizing referrals in order to limit in-person face-to-face contact.

^m In fiscal year 2020, the total number of referrals for felony offenses was 13,613 which is 92.16% of the target. Several factors contributed to the reduction of referrals to juvenile probation departments during the last half of fiscal year 2020. Due to COVID-19, there were disaster proclamations, stay-at-home orders, and closure of all public schools to on-campus instruction. As a result, social gatherings decreased, youth attended school virtually from home, and parents/guardians at home provided supervision, contributing to fewer opportunities for juvenile offending. Additionally due to COVID-19, there was a delay in juvenile probation departments receiving and formalizing referrals in order to limit in-person face-to-face contact. While the number of referrals decreased during the last half of fiscal year 2020, the proportion of referrals for felony offenses increased indicating that juvenile probation departments prioritized formalizing referrals for more serious offenses.

ⁿ The ADP of Orientation & Assessment (O&A) is driven by the number of new youth received and the length of time they stay. The ADP of O&A is under target because of lower than expected intakes. The target is based on 65 new admissions a month (785/12). The average for the first seven months of FY 2020 prior to COVID-19 was 54, partially based on a decline in new admissions from Harris County. In April, there was a temporary hold on all new admissions from Harris County and then all counties due to COVID-19. Admissions resumed gradually in August. The average length of stay during the second half of the fiscal year increased to 43.2 days due to COVID-19 procedures for quarantine of new admissions, which resulted in delays in the assessment process. Therefore, the average length of stay for the fiscal year to date was similar to fiscal year 2019.

^o TJJD has focused on reducing the number of youth in state-operated correctional facilities by supporting regional diversion programs and alternative placements outside of TJJD with the lowest structure consistent with youths' needs. Additionally, the agency has closely monitored youth progress through state-operated secure facilities to promote movement to lessor restriction settings as appropriate. Starting in April, there was a reduction in new admissions due to COVID-19. As a result, the ADP in state-operated facilities was lower than the target.

^p State-operated secure facility ADP was lower than the target resulting in lower average daily attendance (ADA). Every student assigned to a state-operated facility is required to attend school.

^q The average daily population of the halfway houses was below target for several reasons. First, the regional diversion efforts have reduced the number of youth committed to TJJD in general and those youth who would be eligible to go to medium secure halfway houses right after orientation in particular. Second, there was a temporary hold on placements at three halfway houses in quarter 3 due to COVID-19 while guidelines clarified. As placements resumed, additional quarantine procedures continued to delay movement of youth to halfway houses. Planned policy changes will cause juveniles scheduled to be in parole to spend time in a halfway house prior to parole; this should increase the halfway house ADP in upcoming quarters however, the process for making these changes will require additional time to implement.

^r The ADP for general rehabilitative treatment is largely a function of the average daily populations of the state-operated correctional facilities and the halfway houses. Both of these ADP's are below target for fiscal year 2020, resulting in an ADP for general rehabilitative treatment below target.

^s The ADP for specialized treatment is largely a function of the average daily populations of the state-operated correctional facilities and the halfway houses. Both of these ADP's are below target for fiscal year 2020, resulting in an ADP for specialized rehabilitative treatment below target. Although a youth can only be counted once per day for the ADP, it is possible for a juvenile to be enrolled in more than one program.

^l TJJJ has a continued focus on growing alternative placement options that can provide specialized rehabilitative services able to meet the individual needs of the TJJJ youth population. Additionally, TJJJ was unable to send youth to one of the contract facilities, Gulf Coast Trades Center, due to a fire in September. One secure facility has moved its female population to a new location and the agency can potentially resume placements if appropriate when beds are available. Finally, there was a hold on placements at another secure facility, TrueCore, while there was a change in ownership. Once the change in ownership was effective, the agency resumed placements. The agency has a new contract with a secure placement facility, which will increase the ADP when placements start in fiscal year 2021.

^u The target parole ADP for fiscal year 2020 was based on anticipated increases in the overall residential population; many youth in residential programs will eventually be released on parole. However, the anticipated growth in the residential population did not occur, resulting in a parole ADP that was below target.

^v The ADP for state-operated correctional facilities was 178 under target; that is 19 percent below target. Because many of the costs associated with correctional facilities are fixed, this shortage causes the cost per day to rise above the target.

^w The ADP for halfway houses was 70 under target; that is 48 percent below target. Because many of the costs associated with running halfway houses are fixed, this shortage causes the cost per day to rise above the target.

^x A number of youth in TJJJ custody have substantial medical needs. The agency implemented an enhanced staffing model in fiscal year 2020 to meet these needs. In addition, expenditures increased in the fiscal year due to an increase in self-harm resulting in hospital trips/stays. Contracted health care includes primarily fixed costs such as staff salaries. The average daily populations for both institutions and halfway houses are under target, so the cost per juvenile is increasing.

^y TJJJ pays UTMB a monthly prepayment and then a payment for the difference between the actual expense and the prepayment amount. As of the time of submission, prepayments for 12 months so far in the fiscal year and the payment of differences for 11 of the months had been paid. The cost per day for psychiatric services is below target because the calculation includes expenditure data for only part of the reporting period.

^z During the first quarter of the FY 2020, several vacant positions were filled and some positions received a salary increase. Additional staff were hired to assist in the implementation of the Texas Model, a trauma-informed care system being implemented across TJJJ. The ADP for general rehabilitation treatment decreased in the fourth quarter and was 217 under target for the fiscal year; that is 23 percent below target. These expenses combined with lower population contribute to the above-target cost per day.

^{aa} During the first quarter of the FY 2020, several vacant positions were filled and some positions received a salary increase. These expenses, in addition to lower population, continue to contribute to the above-target cost per day for the fiscal year.

^{bb} The contract program cost per day is above the target because of having to use higher cost per day facilities than initially budgeted. Both Gulf Coast Trades Center, which closed in September due to a fire, and TrueCore, which changed ownership in June, were two of the lowest per diem contract placements. As a result, the agency has relied on higher cost per day placements.

^{cc} Most parole service costs are fixed. The higher cost per juvenile service day reflects the parole ADP being 73 percent of the target population. Parole also raised the contract parole cost per day from \$12.50 to \$13.00.

^{dd} The youth-to-staff ratio in state-operated secure facilities is under the target because the average daily population for state-operated correctional facilities, 750, is 19 percent lower than the targeted ADP of 928. Part of the temporary decreases in population is a result of the COVID-19 pandemic. The staffing ratio for the first seven months of the fiscal year pre-pandemic was 7.43, which is in the target range. Additionally youth in security are not included in the count used to calculate the youth-to-staff ratio. Including youth who can return to the dorm during the period counted, the ratio for the first seven months pre-pandemic was 8.0.

FY 2020 Outcome Measures

Within 5% of target:	Target	Actual	%
Probation			
Successful Completion: Court Ordered Probation	81.00%	83.20%	102.72%
Re-Referral Rate - 1 year	16.00%	15.20%	95.00%
State Programs			
Re-incarceration Rate: Within 3 Years	41.50%	42.60%	102.65%
Outside 5% of target	Target	Actual	%
Probation			
Successful Completion: Deferred Prosecution	81.00%	86.30%	106.54% ^a
State Programs			
New Admissions to TJJD	785.00	456.00	58.09% ^b
Diploma/GED Rate (JJD-operated)	45.00%	34.22%	76.04% ^c
% Reading at Grade Level	20.00%	14.42%	72.10% ^d
Turnover Juvenile Corrections Officers	34.00%	61.19%	179.97% ^e
Re-Arrest/Re-Referral Rate	42.00%	54.50%	129.76% ^f
YR Re-Arrest/Referral/Violent Felony	10.00%	18.13%	181.30% ^g
Re-incarceration Rate: Within 1 Year	23.00%	15.54%	67.57% ^h

^a In fiscal year 2020, the successful completion rate for deferred prosecution supervision was 86.3% which is 106.54% of the target. Several factors contributed to a higher than targeted successful completion rate of youth on deferred prosecution supervision during the reporting period. Due to COVID-19, there were disaster proclamations, stay-at-home orders, and closure of all public schools to on-campus instruction. As a result, social gatherings decreased, youth attended school virtually from home, and parents/guardians at home provided supervision, contributing to fewer opportunities for youth to violate conditions of supervision.

^b The number of new admissions is under target because of lower than expected intakes. The target is based on 65 new admissions a month (785/12). The average for the first seven months of fiscal year 2020 prior to COVID-19 was 54, which is partially a result of regionalization efforts to divert youth from TJJD and a decline in new admissions from Harris County. In April, there was a temporary hold on all new admissions from Harris County and then all counties due to COVID-19. Admissions resumed gradually in August for youth committed in fiscal year 2020 and waiting at the county level for intake.

^c Two of the five TJJD secure facilities met the yearly target. Many of the youth in our state-operated facilities have acute needs that require intensive academic supports to access a general education curriculum and attain a diploma or certificate of high school equivalency. These students would be expected to perform lower than their peers did, as their educational needs are greater.

^d The percentage of youth reading at grade level at admission has decreased since the target was set. For the past two fiscal years, 90% of the students were reading below the average level of their peers at admission. Students were on average 15.9 years of age and reading a median of 5 years behind their peers on TABE. This means that the average student would have to gain 5.0 years on TABE while in a TJJD secure facility to meet the reading at grade level target (students that were in a TJJD secure facility for 1 year would have to gain 5.0 years of reading improvement). This is an unobtainable rate of growth. However, measuring each student's progress as noted in the average reading gain per month of instruction provides a better picture on how the students are progressing.

^e The turnover rate was higher than the target for several reasons. Historically, the agency has had difficulty retaining Youth Development Coaches, formerly Juvenile Correctional Officers (JCO), in the geographical areas of TJJD facilities. The agency hired more Coaches in fiscal year 2020 in efforts to maintain staffing ratios and many terminated in the same fiscal year. Additionally, there were more than expected voluntary terminations in June and July 2020 due to the COVID-19 pandemic.

^fThe higher rate than the target is largely due to an increase in the one-year violent rearrest/re-referral rate from when the target was established. Additionally, the higher rate is consistent with diversion resulting in an increase of youth assessed with a high risk to reoffend or higher offense severity /risk assessment being committed to TJJJ as a last resort. The agency is currently undergoing significant reform, which includes changes in the approach and services provided to youth. The results of these reforms will not be reflected in recidivism measures for several years.

^gThe higher rate than the target persists across subgroups of youth, including breakdowns by gender, risk level, committing offense against a person, and reason for release. The referral rate for violent felony offenses among youth generally has been trending upwards over the past several years in Texas prior to the COVID-19 pandemic despite decreasing juvenile crime overall. This trend of increased violent offending appears to have extended to youth released from TJJJ secure facilities.

^hThe one-year reincarceration rate has been trending down for the past several years, from 25% in fiscal year 2016 to 21% in fiscal year 2019. The more noticeable decline in fiscal year 2020 to 15.5% continues this trend and also reflects the impact of the COVID-19 pandemic on youth returning to secure facilities. Throughout the fiscal year, the agency made concerted efforts to address parole violations by exhausting all community resources for nonviolent behavior. This approach allowed the youth to remain in the community. In the second half of the fiscal year, the process to return youth to a secure facility if needed was delayed due to COVID-19.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

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Camille Cain

Chief Auditor

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**FY 2020 Internal Audit
Quality Assurance Report
October 2020**



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: Texas Juvenile Justice Department Board of Directors
Camille Cain, Executive Director

From: Eleazar Garcia, Chief Auditor

Subject: FY 2020 Internal Audit Quality Assurance Report 20-3

Date: October 23, 2020

Attached is the Internal Audit Quality Assurance Report for Fiscal Year (FY) 2020. The annual quality assurance report is a requirement of the Institute of Internal Auditor's (IIA) International Standards for the Professional Practice of Internal Auditing (Standards) Standard 1311, the results of which must be communicated to Senior Management and the Board in accordance with Standard 1320.

The internal assessment for FY 2020 included a review of the Audit Charter; review of the Audit Manual; review of internal audit work papers; review and discussion of industry best practices; results from the Internal Audit customer satisfaction survey; review of Office of Internal Audit (OIA) staff; review of FY 2020 Performance Measure Results; inclusion of the results of the FY 2019 External Quality Assurance Review of Internal Audit which is required on a 3 year cycle; and establishment of the FY 2021 Performance Measures and Goals.

The results of the assessment identified that the OIA conforms with the International Standards for the Professional Practice of Internal Auditing, as well as providing the agency with value-added information to assist the Texas Juvenile Justice Department (TJJD) in improving the effectiveness and efficiency of operations.

The assessment concludes with a list of performance measures and goals for FY 2021 as the OIA continues to emphasize compliance with standards and strives for continuous improvement. The OIA welcomes suggestions and feedback from the Board, management, as well as all stakeholders within TJJD, as we continue to assist the agency in accomplishing its mission of working to "transform young lives and create safer communities."

cc Executive Management

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Background

The Institute of Internal Auditors (IIA) International Standards for the Professional Practice of Internal Auditing (*Standards*) require the Chief Audit Executive (CAE) to develop and maintain a quality assurance and improvement program that covers all aspects of the internal audit activity. The quality assurance program must include both internal and external assessments.

Internal assessments include ongoing monitoring of the performance of the internal audit, including periodic self-assessments and assessments by other persons within the organization with sufficient knowledge of internal audit practices. Internal assessments must evaluate the internal audit activity's conformance with the IIA's International Professional Practices Framework (IPPF) Mandatory Guidance which consists of: the Core Principles for the Professional Practice of Internal Auditing, the Definition of Internal Auditing, the Code of Ethics, and the *Standards*.

External assessments are conducted in accordance with the *Standards* and the Government Accountability Office's Generally Accepted Government Auditing Standards (GAGAS), in that every three (3) years a qualified, independent assessment team from outside the organization reviews the internal audit activity's quality control system in order to provide the audit organization with reasonable assurance of conformance with applicable professional standards.

Review of the Charter

The *Standards* require the purpose, authority, and responsibility of the internal audit activity be formally defined in an internal audit charter, consistent with the Mission of Internal Audit and the mandatory elements of the International Professional Practices Framework (the Core Principles for the Professional Practice of Internal Auditing, the Code of Ethics, the *Standards*, and the Definition of Internal Auditing). The chief audit executive must periodically review the internal audit charter and present it to senior management and the board for approval.

The Charter currently in place was adopted by the TJJJ Board of Directors (Board) on October 25, 2019. The Charter has been reviewed and updated and will be presented to the Board for approval on October 23, 2020. The Charter contains all of the elements required by the Standards, including internal audit's purpose, authority, and responsibility; establishes internal audit's position within the organization, including the CAE's functional reporting relationship to the board; access to records, personnel, and physical properties relevant to the performance of engagements; and the scope of internal audit activities. Final approval of the Charter resides with the Board.

Review of the Audit Manual

The OIA Manual currently in use was approved September 2020 by the CAE. The manual was reviewed and policies needing revision were identified and addressed.

Review of Work Papers

Working papers are reviewed and coaching notes are given by the CAE, Deputy Chief Auditor, and team leads as audit work progresses. Additionally, a final working paper review is conducted by a staff member not specifically involved in the audit project. Although work papers consistently met the standards over the past year, opportunities for improvement exist and are addressed as they are identified. Furthermore, the timeliness of the final workpaper review could be improved and is an area being addressed by the CAE and the Deputy Chief Auditor. Analysis and ongoing review continues to result in training sessions throughout the year.

Review and Discussion of Industry Best Practices

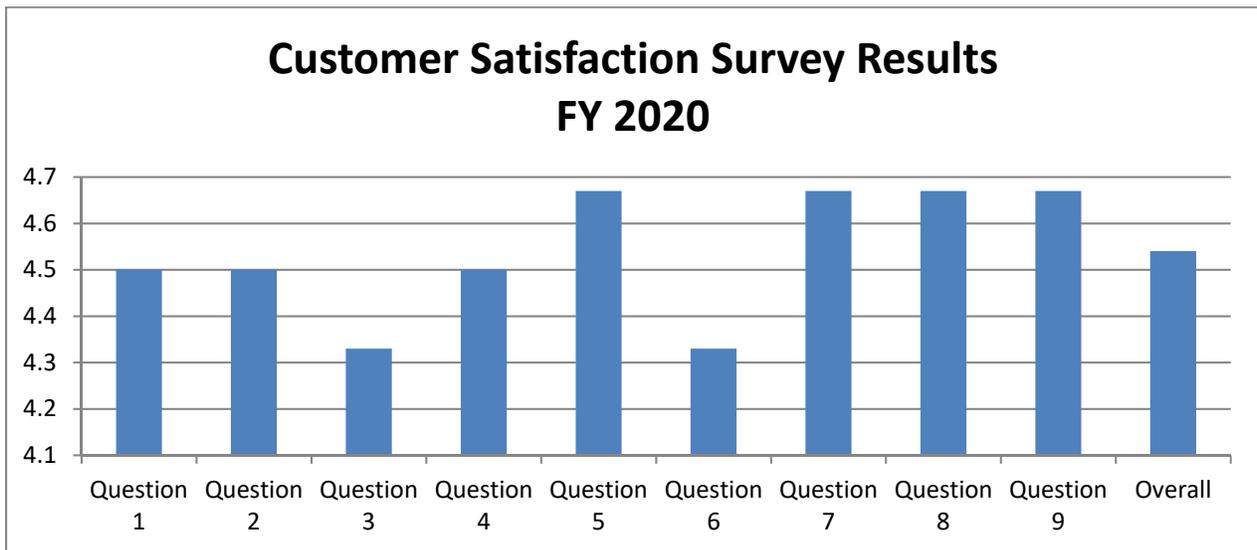
Internal Audit routinely reviews and discusses professional standards and guidance, industry best practices, journal articles, and other literature during staff meetings. Discussion topics in FY 2020 included:

- Teamwork
- Workpapers
- Ethics
- Independence and Objectivity
- Audit Process/Audit Plan
- Annual Risk Assessment
- Communication with Clients/MS Teams
- Internal Communications
- Government Audit Standards
- Workpaper Elements/Work Quality
- Data Security
- Internal Controls
- Leadership Traits
- Standards for Internal Control in the Federal Government

Customer Satisfaction Survey Results

Internal Audit distributed a survey to the Executive Management Team and agency staff that participated in audits during FY 2020. Responses to the survey questions were scored with responses ranging from strongly disagree to strongly agree. The results of the survey reflected an overall total average of 4.54, a slight improvement from last year's result of 4.39, and above the performance goal of 4.0. Questions 5, 7, 8, and 9 yielded the highest ratings at 4.67, respectively, with none of the individual question ratings being below 4.33.

The following chart displays the results of the survey:



- Question 1: Internal Audit demonstrates independence and objectivity.
- Question 2: Internal Audit demonstrates proficiency and competence.
- Question 3: The objectives and scope of the audit(s) are clearly communicated.
- Question 4: Internal Audit demonstrates professionalism in conducting audits.
- Question 5: Internal Audit provides opportunity for management's feedback regarding the findings identified.
- Question 6: Audit results are reported objectively and with appropriate perspective.
- Question 7: Internal Audit is willing to provide advice and assistance when needed.
- Question 8: Internal Audit follows up on corrective actions to prior audits.
- Question 9: Internal Audit adds value to the agency.

Review of Internal Audit Department Staff

During FY 2020, five staff members held at least one professional designation. The certifications and number of staff who hold them are as follows:

Certification	Number
Certified Internal Auditor (CIA)	5
Certified Government Auditing Professional (CGAP)	1
Certification in Risk Management Assurance (CRMA)	1
Certified Public Accountant	1

In calendar year 2020, staff have attended 590 hours of training, for a total of 1094 hours for the two-year period 2019 and 2020. Internal Audit staff meet the Continuing Professional Education (CPE) requirements set forth by both GAGAS and the IIA.

Internal Audit staff members have also actively participated in professional organizations such as the Institute of Internal Auditors local Austin chapter, the State Agency Internal Audit Forum (SAIAF), and Information Systems Audit and Control Association (ISACA).

FY 2020 Performance Measure Results

For FY 2020, Internal Audit set goals for seven (7) performance measures, of which Internal Audit was successful in meeting four (57%). Overall, Internal Audit met goals related to the percentage of the audit plan completed; rating on the customer satisfaction survey; percentage of staff holding at least one professional certification; and the percentage of staff meeting professional education requirements. The performance measures, goals, and results for FY2020 are illustrated in the following table:

Measure	FY 2020 Goal	FY 2020 Actual
1. The percent of the approved audit plan completed.	>=75%	75%
2. The percent of audits completed within 110% of budget.	>=75%	29%
3. The percentage of high-risk areas included in audit work.	>=70%	40%
4. The percent of time spent on planned audit activities.	>=70%	67%

5. The average overall score on customer satisfaction survey.		>=4.0	4.54
6. The percent of staff holding at least one professional certification.		>=60%	63%
7. The percent of staff meeting professional education requirements.		100%	100%

External Quality Assurance Review

The most recent External Quality Assurance Review for Internal Audit was completed in February 2019 and received a rating of “Pass/Generally Conforms” and is in compliance with the Institute of Internal Auditors (IIA) *International Standards for the Professional Practice of Internal Auditing and Code of Ethics*, the United States Government Accountability Office (GAO) *Government Auditing Standards*, and the Texas Internal Auditing Act (*Texas Government Code*, Chapter 2102). This opinion is the highest of the three possible ratings and means that policies, procedures, and practices are in place to implement the standards and requirements necessary for ensuring the independence, objectivity, and proficiency of the Internal Audit function.

The Internal Audit Department is independent, objective, and able to render impartial and unbiased judgments on the audit work performed. The staff members are qualified, proficient, and knowledgeable in the areas they audit. Individual audit projects are planned using risk assessment techniques; audit conclusions are supported in the working papers; and findings and recommendations are communicated clearly and concisely.

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

GAGAS requires each audit organization to have an external peer review at least once every three (3) years. Internal Audit will schedule the external assurance review in early 2022.

FY 2021 Performance Measures and Goals

The following table represents the Internal Audit Department’s performance measures and goals for FY 2021:

Measure	FY 2020 Goal	Reported
1. The percent of the approved audit plan completed within the fiscal year.	>=75%	Committee Meetings
2. The percent of audits completed within 110% of budget.	>=75%	Committee Meetings
3. The percentage of high-risk areas included in audit work.	>=70%	Committee Meetings
4. The percent of time spent on planned audit activities.	>=70%	Committee Meetings
5. The average overall score on customer satisfaction survey.	>=4.0	Annual
6. The percent of staff holding at least one professional certification.	>=60%	Annual
7. The percent of staff meeting professional education requirements.	100%	Annual



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Programs Committee Meeting

11209 Metric Boulevard, Building H, Ste. A
Lone Star Conference Room
Austin, TX 78758
Thursday, August 6, 2020 – 1:30 p.m.

BOARD MEMBERS PRESENT:

Edeska Barnes, Committee Chairman
James Castro
Pama Hencerling
Jimmy Smith
Melissa Martin
Mona Lisa Chambers
Allison Palmer (non-committee member)
The Honorable Lisa Jarret (non-committee member)
Scott Matthew (non-committee member)

BOARD MEMBERS ABSENT:

All Present

Call to Order

Edeska Barnes called the meeting to order at 1:30 p.m.

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

All committee members are present.

Discussion, consideration, and possible approval regarding the October 24, 2019 meeting minutes (Action)

Motion to approve January 23, 2020 meeting minutes by Jimmy Smith. Second by Chief Pama Hencerling. Motion carried.

Updates from the deputy executive director for probation services

Deputy Executive Director for Probation Services, Louis Serrano, provided updates within the probation services department. For regional diversion alternatives, we started the fiscal year with 171 youth and diversion placements, today we currently have 205 youth in diversion placements. Our probation departments are experiencing delays in court processes, and court dispositions which has caused stress into our juvenile justice system. Currently we have roughly 27 kids that are pending diversion placements. As kids wait for their disposition hearing or placement beds to

open up. Up until June 30th, we've had 416 new admissions to TJJD and we're tracking roughly 111 kids that have been committed to TJJD. We continue to make efforts in lowering commitments to the Texas Juvenile Justice Department institutional divisions. Probation departments have seen a decrease in referrals of roughly 20-25% since the start of the pandemic. Also, over this same period of time, the use of detention by probation departments has decreased. Departments continue to submit diversion applications however, we have seen a reduction of roughly 30% applications submitted this year as compared to last fiscal year.

Deputy Executive Director for Probation Services, Louis Serrano provided an update on the grants department. There has been progress made on updates to the contract, however, these updates are still being reviewed. This was something we implemented a couple of years ago where during the off legislative time, updates are made. We provide updates in our contract language that will go out to departments and it was an effort that's taken on by many of the departments within our agency, including Dynamics Research and the Office of General Counsel. Deputy Executive Director for Probation Services, Louis Serrano thanked all of those departments for participating with us, as we went through the contracts and various grant announcements, that will be released to the counties.

Deputy Executive Director for Probation Services, Louis Serrano reports due to having to work through the 5% reduction plan, we presently roughly 7.3 million dollars were in cuts and those cuts were accepted. So, we will see less than 1% cut to Basic State Aid, and those numbers were recently released to the probation departments. We will see an elimination of prevention and intervention programs, which was roughly 35 departments or programs across the state of Texas, for a total of \$3 million. We will also see a reduction in the number of discretionary State Aid grants that we can present out to the counties. Which, you know, usually, we've been, we've been very fortunate on the probation side, is, is under current agency leadership. Where we've moved roughly \$9 million dollars of state operational savings to the probation departments that have been instrumental in various discretionary State Aid Grant, including regional initiatives, which you'll will see some of those under some reduction. Over the coming years, we tackle this 5% reduction plan. We have met with the field about that reduction plan, including a virtual meeting with an Advisory Council Members to discuss what impact that would look like.

Deputy Executive Director for Probation Services, Louis Serrano stated, any cut to our Probation Department is unfortunate and kids will continuing be receiving services, and so we felt by reducing the Prevention Intervention Programs, could keep us focused on our mandate, and referred to us for Delinquent offenses to continue our efforts in public safety.

Deputy Executive Director for Probation Services, Louis Serrano briefly noted that all fiscal monitoring will be done through desk audits, and Mr. Paul Alamo has implemented this already, and this will be the new norm.

And so that'll be something we'll be implementing in the future as we monitor Grants and this goal expenditures. Deputy Executive Director for Probation Services, Louis Serrano asks the committee for any questions they may have regarding our Grants Department, or any of the discussion that needs to happen regarding the 5% reduction.

Alternative Education Programming.

Deputy Executive Director for Probation Services, Louis Serrano states we had a very lively discussion with representative James White with Juvenile Justice Alternative Education Program funding regarding future planning, but part of the 5% Reduction Plan, not a part of our plan. We are the pass-through agency of the TEA funds that go to support our 25 mandatory OJJDP sites and our five discretionary sites. We've done a lot of evaluation of that cut, which is going to be roughly \$600,000 to an already fiscally strapped program. This is mandated to these departments that have populations in excess of 125,000 people. We were able to gather enough data to reflect our initial decision, that we would only focus on the mandatory sites and eliminate the discretionary side. At the end of the school year there are roughly 1200 students, and mandatory JJAEP's, and we will be starting this fiscal year with roughly 600 students at JJAEP's mandatory placement with a delay in education services, taking place on campuses. Currently it is being done virtually. We made a recommendation to Executive Director Cain to approve the discretionary side to the reduced rate, and so we'll continue to provide those services in the smaller, rural areas that have provided Discretionary Juvenile Justice, Alternative Education programming, going back to, as far back as 1996.

Deputy Executive Director for Probation Services, Louis Serrano announces a new member that that has joined Probation Services. Ally Thomas on April 2020 and is working with Dr. Marie Welsh as we monitor our JJAEP programs across the state.

On Title 4E, we continue to make efforts with the DFPS and HHSC as we continue to increase participation.

For those youths who can qualify for the Federal reimbursement in foster care, we now have 20 departments participating with 15 active youth placements, and four pending approval. We have been able to streamline the amount of time it takes to get those reimbursements back to the

probation departments, although it's still not where we would like to see it. We've also continued to do our work on Medicaid services for kids and Medicaid tracking for youth that come into our care. Update on Interstate Compact numbers continue to stay somewhat steady.

Other projects and things that I'd like to go over with the committee members.

In our first communication regarding COVID 19, we went back and looked and it was as we were prepping, and was released back in late February. It was a time when we got with several facilities to start looking at their pandemic planning. Our first official notification went out to probation on March 13th. This communication provided probation departments, the flexibility needed to work with their local juvenile boards to address any specific modifications to standards or operational procedures, that made it much easier for the juvenile probation departments to do what they needed to get done during this response for COVID19. Through August 2020, we've received 218 reports from the departments, resulting in 326 staff positive for COVID-19 in county juvenile probation departments, and 90 youth.

Those are the latest numbers that we gather. one of the things we asked and implemented at the end of March, going into April, was asking that the department's report any positive results to our incident reporting center that allowed us to better track where youth might be and might impact the juvenile justice system. We place on our public website those facilities with active COVID-19 cases. Deputy Executive Director for Probation Services, Louis Serrano reports a facility administrator passed away a couple weeks ago due to related complications from COVID-19 and so this pandemic is real. Our training schedules related to professional conferences continue to be impacted. Many of the professional organizations have implemented virtual conferences, virtual trainings, and so, we'll continue to work that way. Deputy Executive Director for Probation Services, Louis Serrano finishes his updates and reporting and is happy to answer anything that we need to focus on or clarify for the committee members.

Updates from the deputy executive director for state services

Executive Director, Ms. Shandra Carter reports when looking at population report it states it is at 655, currently population is at 639, which is a low for the agency. Executive Director, Ms. Shandra Carter points out those numbers aren't completely accurate due to having 110 kids waiting in the queue in the counties. Executive Director, Ms. Shandra Carter then states population is a total of 750 including youth in counties and reports currently 50 kids in the halfway houses. Executive Director, Ms. Shandra Carter reports when looking at the strength report, since secure facility population numbers are so low staffing is in good standing. Giddings has a 90% staff strength

report due to moving youth to other facilities. Executive Director, Ms. Shandra Carter, states since COVID entered the Giddings facility first, there was some movement with two groups of youth. One group went to Ron Jackson and second group went to Mart. Executive Director, Ms. Shandra then states intake will be reopening on the August 10, 2020. The transition process will be averaging 10 youth a week from the counties to intake due to the need for them to be quarantined and COVID tested.

Executive Director, Ms. Shandra reports there has been some secure facility leadership changes. Since the last board meeting Ms. Tamu Steptoe who was Giddings Superintendent, accepted a position on Director of Secure Operations Alan Michael's Team. Currently Ms. Tamu Steptoe is a deputy for him and is responsible for building out the violence intervention continuum. Executive Director, Ms. Shandra Carter then states Daniel Siam, former Superintendent at Evins, has accepted a position on Director of Facility Safety Jim Elliott's team. Assistant Superintendent Kathryn Ellerman accepted the Superintendent position at Evins. Emily Shaw has accepted the Giddings's Superintendent position, which left a vacancy of an Assistant Superintendent at Mart.

Executive Director, Ms. Shandra Carter reports that the Violence Continuum due to COVID progress has slowed. Part of the violence intervention continuum includes developing a classification model with the Evins facility housing the most violent and aggressive youth. A smaller version of the continuum is being developed for girls at Ron Jackson including moving the Phoenix girls from Mart back to Ron Jackson.

Executive Director, Ms. Shandra Carter states the Intensive Intervention Program (IIP) has not been implemented as originally planned due to COVID. TJJD is not mixing youth across the dorms which made the IIP an overnight program. It was designed to be a day program. There are plans return to the day program model as soon as possible. Executive Director, Ms. Shandra Carter continued to report we have one Redirect program, at Evins. Executive Director, Ms. Shandra Carter then states we do not yet have an IIP for our girls and is still working on it due to being limited on our physical space. Executive Director, Ms. Shandra Carter advised that this concludes her preparation remarks, and she is happy to answer any questions that the committee may have.

Texas Model 101 – Building and Maintaining a Culture of Connection

Dr. Emily Knox began with presenting the Evaluation of the Texas Model, which is a comprehensive program evaluation that is informed by an interdisciplinary collection of social

scientific literature and measures multiple concepts fundamental to the success of the Texas Model. Dr. Emily Knox first provides a high-level overview of the Texas Model Study which presents a fundamental shift in the culture of the secure facilities. The goals of the Texas Model are to create safe environments for kids and staff, help staff understand behaviors that are survival behaviors vs. willful acts, and upstairs vs. downstairs brain, and to create appropriate, safe, and supportive youth/staff relationships, and establishing healthy boundaries. These goals also include establishing a healthy balance between nurture and structure, promoting skill building in emotional regulation, and successful community (re)integration. Dr. Emily Knox has been running the Texas Model evaluations for over a year now. The evaluation of the Texas model is structured as two concurrently run self-report Surveys, one goes to the kids in our five secure facilities, and one is answered by our direct care staff. Dr. Emily Knox had the opportunity to run two iterations of data collection so far on this project. The first one was in July of 2019, which took place before full implementation of the Texas model. The second iteration of data collection took place in January of 2020, 6 months after the first. Dr. Emily Knox reports for participants are distributed throughout all facility job functions teachers, coaches, administrators, case managers, maintenance and food prep staff, and facility leadership. Staff Response Rate for Wave 1, July 2019, was at 25% with 385 participants. During Wave 2, Jan. 2020, was at 32% with 466 staff participants. Dr. Emily Knox continues her reports for Youth Response Rate in Wave 1 was at 76% with 636 participants. In Wave 2 there was 80% with 661 participants. Dr. Emily Knox then states 214 Youth Participated in both Waves, and facility demographics was youth between ages 12 and 18, average age was 16.4, race category was 20% White; 43% Black; 36% Latino/a; <1% Other races, and sex category was 92% Male; 8% Female. Dr. Emily Knox made the decision to cancel the third round of data collection, due to the ongoing public health crisis, and will resume in January 2021. Also, to increase accountability through establishing Texas Model Mentors at each facility and forming a larger TBRI mentorship groups for facility leadership and incorporating social support behaviors into everyday practice. Lastly to collaborate with the reentry team, and new research focusing on how to help youth build and maintain healthy social support networks upon release. This ongoing research agenda focuses on identifying the controllable factors that put our youth in the best position for success. Dr. Emily Knox then concludes her presentation on the research of the Texas Model and happy to answer any questions that the board may have.

Adjournment

Mr. Barnes entertained a motion to adjourn. Motion by Mr. Smith. Second by Mr. Castro. The motion carried. Meeting adjourned.



TEXAS
JUVENILE JUSTICE
DEPARTMENT

Memorandum

To: TJJJ Board Members

From: Louis Serrano, Deputy Executive Director for Probation Services

Subject: Update on Probation Services Division

Date: October 12, 2020

Following is a brief update concerning each of the five departments within the Probation Division.

Regionalization

The regionalization team supports the activities of the agency's regionalization plan and administers the regional diversion alternatives and regional service enhancement grants.

- At the beginning of FY20, there were 171 youth in diversion placement. As of August 31, 2020, 283 youth have been placed during FY20, and 267 have been released from placement. There have been 414 applications submitted by 93 juvenile probation departments. As of October 5, 2020, there are 22 youth who have been approved and are pending placement, and 187 youth are in diversion placement.
- There have been 456 new admissions to TJJJ in FY20 through August 31, 2020. We continue to work on decreasing the number of youth who have been committed but waiting for intake.
- While diversion applications continue to be submitted by juvenile probation departments, there has been a decrease in applications over the last four months. If we compare May - Aug of FY19 to May - Aug of FY20, there has been a 18.8% decrease in the number of applications submitted.

Grants

The grants team administers the TJJJ grants to juvenile probation departments, including contractual, financial, and programmatic elements of the grants, and completes monitoring and technical assistance activities related to grants.

- We continue to work toward implementation of our new grant management software (FLUXX). We have completed the security review and been approved to continue with development.
- TJJD personnel from Probation Services has completed their first draft of the FY22-23 grant contract. We convened the larger group that included Finance, Research, to review the latest draft. The Office of General Counsel will soon be reviewing the draft.
- Grant disbursements for FY21 have begun for departments with finalized budgets, and FY20 grant refunds are due by November 1, 2020. Basic state aid grant disbursements are reduced by 0.8% at present. After FY20 refunds are completed, we will have a clearer picture of our budget outlook for the rest of FY21 and whether we'll have the ability to provide supplemental state aid grant disbursements.
- Instructions for the independent audit of FY20 funds have been issued to all departments, and the 64 probation departments eligible for a waiver of this independent audit requirement have been notified. Mr. Paul Alamo, County Grants Monitor, modified his procedures to implement desk monitoring and resumed grant monitoring.
- The procedures for requesting RDA placement reimbursements changed effective September 1, 2020. Probation departments will submit a reimbursement request form at the end of each month that certifies the placement costs for the previous month instead of invoices. TJJD will disburse based on this information and perform a sample review of your invoices and other cost supporting documents during grant monitoring.

FY21 commitment goals for each department have been sent out to all probation departments, along with the final commitment analysis for FY20. Probation continues to do an outstanding job of diverting kids from TJJD. Because the data from FY20 is so unusual due to COVID-19, the goals were not altered from those provided in FY20.

Juvenile Justice Alternative Education Program

This department provides guidance and technical assistance to juvenile probation departments in all matters related to Juvenile Justice Alternative Education Programs (JJAEP).

- The JJAEP staff track, study, and share, as appropriate, Texas Education Agency, Texas Association of School Boards, and Texas School Safety Center guidance to support JJAEPs in preparing and implementing services in the 2020-2021 school year. They also share resources that support health and safety as well as improved remote instruction activities. The JJAEP team provides weekly office hours and collaborative zoom meetings to keep JJAEP staff members informed about those issues that directly affect JJAEP programming.
- The JJAEP Virtual Conference 2020: we had approximately 200 individuals sign up for at least one of the eight offered sessions, starting June 24th and ending August 5. We had from 40 to over 100 participants signed up for individual sessions. There were 182

different individuals who signed up and attended at least one session. Topics included *JJAEP Business, Communication Strategies, Trauma Informed Practices, IOWA Testing, and Growth Mindset Supports*.

- Finally, JJAEP staff are continuing ongoing activities to support the distribution of funds for attendance days, including data cleanup, to ensure accuracy of the 2019-2020 JJAEP data and beginning of the year activities such as confirming all appropriate paperwork is in place for the 2020-2021 school year.

Federal Programs

This department administers the Title IV-E federal foster care reimbursement program, provides technical assistance and compliance monitoring on matters related to Title IV-E programs and funding, and assists juvenile justice youth and families with Medicaid services.

- Currently, there are 13 juvenile probation departments with 13 active Title IV-E placements and 8 youth pending approval. TJJD has 1 active youth at this time, and 4 pending approval.
- The relationship with DFPS has improved, and the reimbursement process is running much more smoothly. We are caught up through June.
- We currently have a vacancy in the Federal Programs department, so Lynn Jackson will be working on her own until we can fill it. Due to the agency budget reductions, the vacancy won't be filled until April 2021.

Interstate Compact

This department administers a contract between the states that regulates interstate movement of juveniles under court supervision or who have run away from home and left their home state, provides support to juvenile probation departments and TJJD in all matters related to the Interstate Compact, and represents Texas on the Interstate Commission for Juveniles.

- ICJ began FY20 with 400 opened supervision cases. During the 4th quarter of FY20, ICJ opened 188 supervision cases, closed 241 cases, extraditions included 38 cases, and provided 5 airport supervisions.
- For FY20 as a whole, ICJ opened 702 supervision cases, closed 895 supervision cases, extraditions included 170 cases and provided 18 airport supervision cases.

Other Projects/Updates

- Guidance continues to be provided to our probation departments and facilities in response to COVID-19. The juvenile probation departments have done a tremendous job implementing local policies, and adhering to agency directives related to COVID-19.

- Weekly updates are provided to the juvenile probation departments regarding positive COVID-19 cases involving staff and youth at the local level. Through October 9, 2020, there have been 289 county COVID-19 reports made. There have been 404 staff and 119 youth who have tested positive.
- The Data Coordinators Conference that was rescheduled for the Fall 2020 has been cancelled permanently. We will plan to hold a conference in April 2021 at the Georgetown Sheraton. We are also planning a contingency to hold this conference virtually if we are still unable to meet in person in the spring. Over 100 participants are already registered for this conference that will be held in partnership with the Correctional Management Institute of Texas.



TEXAS
JUVENILE JUSTICE
 DEPARTMENT

Memorandum

To: TJJD Board Members

From: Camille Cain, Executive Director

Shandra Carter, Deputy Executive Director of State Programs

Subject: Report from the State Programs and Facilities

Date: October 7th, 2020

Population: (as of 10/07/2020)

Programs	Actual	Female Pop
Evins Phoenix	22	
Evins	84	
Gainesville	102	
Giddings	97	
Giddings Mental Health Treatment	16	
MART Young Male Program	25	
RI Phoenix Girls	3	3
Mart LongTerm	144	
Ron Jackson Short-Term	67	5
RJ LongTerm (females)	53	53

Halfway Houses	Actual	Female Pop
AyresHouse	8	
Karyns House	4	4
McFadden	18	
Schaeffer House	6	
Tamayo House	10	
Willoughby House	9	
Total HWH	55	4
Total Residential	730	65

COACH STRENGTH REPORT

r612020

Type of Facility	Facility Name	Total Staff Needs (tTEs)	Filled Positions (FTEs)	Hires	Involuntary Terminations	Voluntary Terminations	Percent Filled	In Pre-Serurce Training (FTEs)	On Continuous FMI-A (FTEs)	Other Unavailable FTEs	Vacant Positions (FrEs)	Total FTEs Available for Coverage	Percent Available for coverage
1 - SECURE	Evins	127.00	172.00	1.00	0.00	0.00	135.43%	17.00	12.00	5.00	-45.00	138.00	108.66%
	Gainesville	125.00	121.00	2.00	0.00	0.00	96.80%	7.00	6.00	1.00	4.00	107.00	85.60%
	Giddings	158.00	181.00	10.00	0.00	0.00	114.56%	23.00	5.00	1.00	-23.00	152.00	96.20%
	Mart	210.000	202.00	3.00	0.00	1.00	96.19%	26.00	3.00	0.00	8.00	173.00	82.38%
	Ron Jackson	166.00	139.00	6.00	0.00	0.00	83.73%	19.00	10.00	0.00	27.00	110.00	66.27%
1 - SECURE Total		786.00	815.00	22.00	0.00	1.00	103.69%	92.00	36.00	7.00	-29.00	680.00	86.51%

Type of Facility	Facility Name	Total Staff Needs (FTEs)	Filled Positions (FTEs)	Hires	Involuntary Terminations	Voluntary Terminations	Percent filled	In Pre-Serurce Training (FTEs)	On Continuous FMI-A (FTEs)	Other Unavailable FTEs	Vacant Positions (FTEs)	Total FTEs Available for Coverage	Percent Available for Coverage
2-HWH	Ayres	12.00	16.00	0.00	0.00	0.00	133.33%	0.00	2.00	0.00	-4.00	14.00	116.67%
	Karyn's House	19.00	12.00	0.00	0.00	0.00	63.16%	2.00	0.00	0.00	7.00	10.00	52.63%
	McFadden Ranch	21.00	23.00	1.00	0.00	0.00	109.52%	1.00	1.00	0.00	-2.00	21.00	100.00%
	Schaeffer	12.00	18.00	0.00	0.00	0.00	150.00%	0.00	2.00	0.00	-6.00	16.00	133.33%
	Tamayo	12.00	18.00	0.00	0.00	0.00	150.00%	0.00	2.00	0.00	-6.00	16.00	133.33%
	Willoughby	12.00	17.00	1.00	0.00	0.00	141.67%	4.00	0.00	0.00	-5.00	13.00	108.33%
	88.00	88.00	104.00	2.00	0.00	0.00	118.18%	7.00	0.00	0.00	-16.00	90.00	102.27%
2 - HWH Total													
Grand Total		874.00	919.00	24.00	0.00	1.00	105.15%	99.00	43.00	7.00	-45.00	770.00	88.10%

- Violence Intervention Continuum update
- Texas Model update – TBRI Practitioner training in March
- Gang initiative update by Jim Elliott, Director of Facility Safety



Presentation to the TJJD Governing Board / Programs Committee:

TJJD Gang Programming Initiative

Jim Elliott - Director of Facility Safety, TJJD

OCTOBER 22, 2020

Agendum

- Overview
- Vision, Opportunity, and Expected Outcomes
- Goals and Lines of Effort
 - Gang Intelligence
 - Training
 - Treatment
 - Research
- Summary

Overview

- Challenges associated with gang activity in Texas impact public safety across multiple dimensions. TJJD shares in the mission aligned to the Texas state priority action associated with enhancing programs mitigating gang activity in juvenile correctional settings and beyond. Notably the nature of gangs and measures to address gang associated activity in juvenile corrections are distinct from adult correctional settings or in and around Texas communities.
- Current TJJD gang intervention programming commensurate with adjudication based on Chapter 54, Texas Family Code Sec. 54.0491 employs the New Freedom curriculum to a traditionally small set of youth.
- In an effort to better address TJJD gang associated risks for a larger portion of youth, staff, and Texas communities a multidiscipline collaborative gang initiative is in development to meet the specific features of TJJD gang associated challenges.
- An expanded and more customized gang programming initiative seeks to reach a more appropriate portion of TJJD youth through...
 - improved leveraging of internal gang intelligence,
 - focused and specific TJJD training for staff,
 - bolstered gang intervention actions more robustly aligned to treatment,
 - and assured quality control through research and program management.

Vision, Opportunity, and Expected Outcomes

- Vision: Strengthening an effective and integrated juvenile justice system...
 - by detecting, preventing, and treating gang associated behavior and attitudes
 - by discerning delinquent behaviors and attitudes misapplied to gang association
- Opportunity: Transforming young lives and creating safer communities...
 - through a more comprehensive and concerted effort to mitigate gang associated behavior and attitudes
- Expected Outcomes ...
 - Detecting and distinguishing which youth are engaging in gang associated activities and which youth are engaging in misconduct due to separate causality
 - Preventing youth from engaging in delinquent conduct informed by gang culture and preventing social identification derived from gang culture in TJJD and upon re-entry
 - Treating youth affiliated with gangs towards improved desistence and to appropriately identify other underlying root causes of violence and behavioral deviance potentially misidentified as gang affiliated causality

Goals and Lines of Effort

- Goals and Corresponding Lines of Effort
 - **Goal 1 / LOE 1 – Gang Intelligence** = Improved cross-collaboration between OIG and TJJD staff on identifying youth with gang affiliation, targeting youth who may be at risk to identify with a gang, and distinguishing youth who are engaging in delinquent behavior without ties to gang identity.
 - **Goal 2 / LOE 2 – Training** = Train staff to engage with youth based on gang affiliation or to distinguish separate causality. Train staff on providing care consistently to detect and prevent youth from engaging in gang-related conduct.
 - **Goal 3 / LOE 3 – Treatment** = Identify and deliver effective treatment—in a true treatment setting—for youth who are engaging in behavior tied to a gang affiliation.
 - **Goal 4 / LOE 4 – Research** = Research gang treatment for effectiveness and applicability to TJJD youth needs. Provide continuous research on the effectiveness of the treatment for youth and the corresponding effect on incidents and violence.

TJJD Gang Research Initiative

MISSION

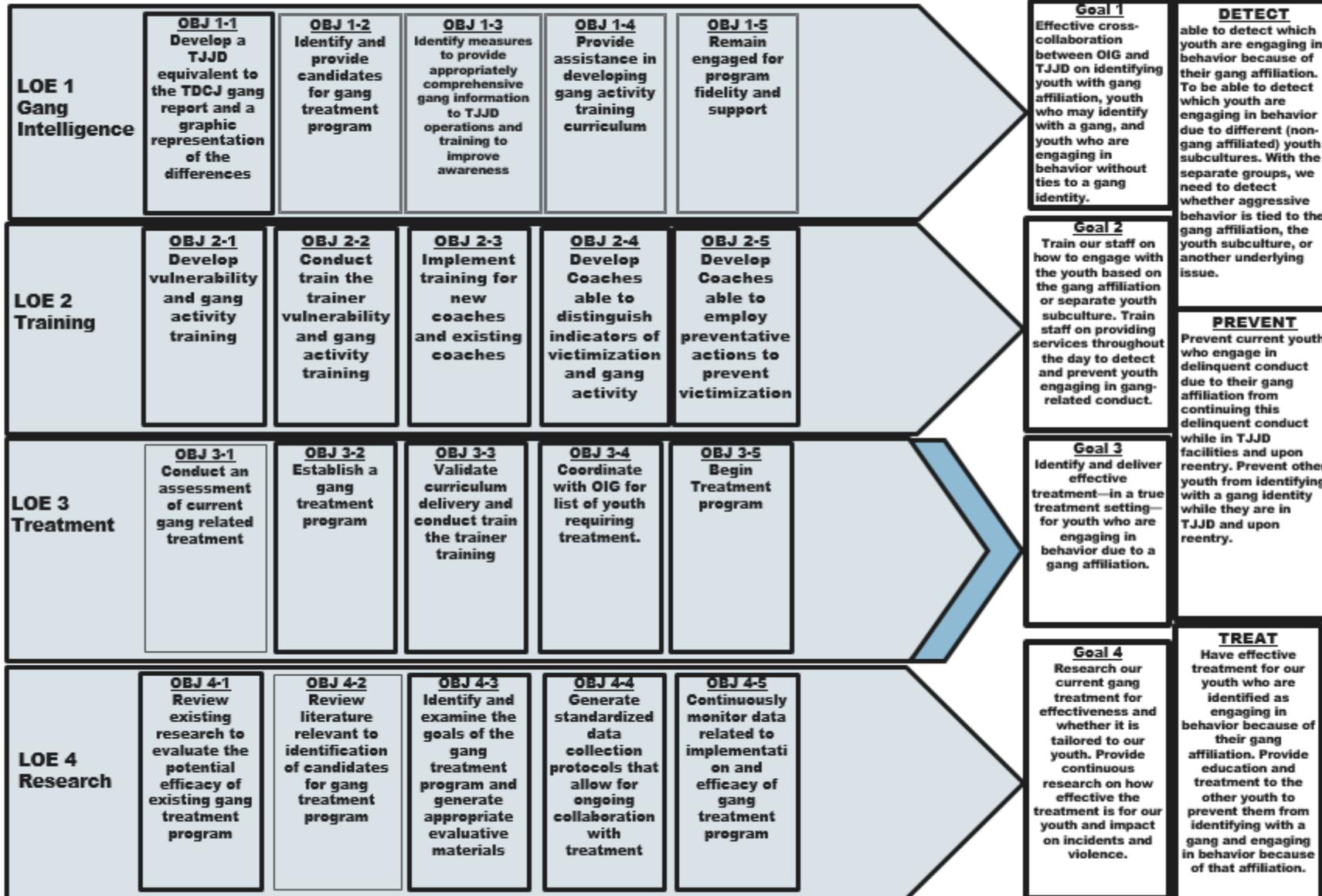
GOALS

OUTCOMES

VISION

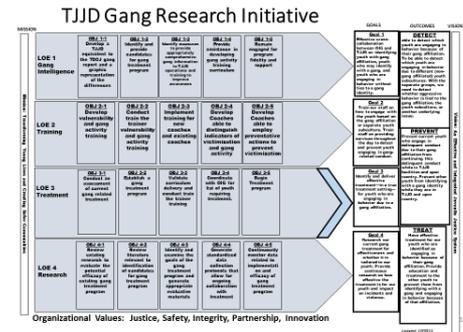
Mission: Transforming Young Lives and Creating Safer Communities

Vision: An Effective and Integrated Juvenile Justice System



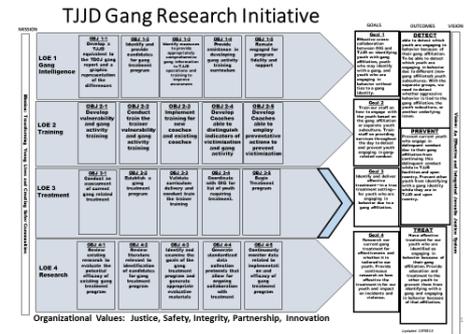
Organizational Values: Justice, Safety, Integrity, Partnership, Innovation

GANG INTELLIGENCE



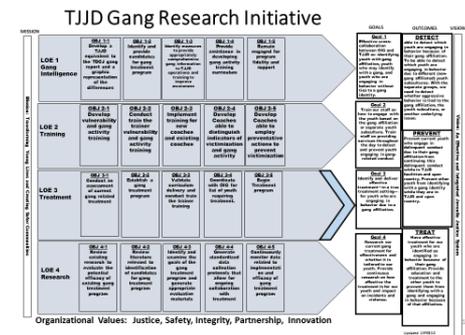
- OBJ 1-1: Develop a TJJJD equivalent to the TDCJ gang report and a graphic representation of the differences
- OBJ 1-2: Identify and provide candidates for gang treatment program
- OBJ 1-3: Identify measures to provide appropriately comprehensive gang information to TJJJD operations and training to improve awareness
- OBJ 1-4: Provide assistance in developing gang activity training curriculum
- OBJ 1-5: Remain engaged for program fidelity and support

TRAINING



- OBJ 2-1: Develop vulnerability and gang activity training
- OBJ 2-2: Conduct train the trainer vulnerability and gang activity training
- OBJ 2-3: Implement training for new coaches and existing coaches
- OBJ 2-4: Develop coaches able to distinguish indicators of victimization and gang activity
- OBJ 2-5: Develop coaches able to employ preventative actions to prevent victimization

RESEARCH



- OBJ 4-1: Review existing research to evaluate the potential efficacy of existing gang treatment program
- OBJ 4-2: Review literature relevant to identification of candidates for gang treatment program
- OBJ 4-3: Identify and examine the goals of the gang treatment program and generate appropriate evaluative materials
- OBJ 4-4: Generate standardized data collection protocols that allow for ongoing collaboration with treatment
- OBJ 4-5: Continuously monitor data related to implementation and efficacy of gang treatment program

Summary

- The risk of gang activity impacts TJJD and Texas at large. TJJD is committed to better serving TJJD youth, staff, and Texas communities with appropriate intervention and treatment aimed at detecting, preventing and mitigating gang related misconduct.
- Acknowledging gang associated activity in the Texas juvenile justice system is distinct from adult correctional settings or in external environments is key to applying the appropriate resources to address targeted gang associated risks.
- TJJD gang treatment can be afforded to TJJD youth affiliated with gangs, youth victimized by gangs, and youth at risk of being impacted by gang activity.
- Misapplication of gang labeling in regard to general delinquent behavior and more comprehensive attribution of affirmed gang related behavior is vital for the assurance of program effectiveness.
- Multidisciplinary collaboration in gang programming and appropriate program inclusion for all at risk youth is designed to confront the specific challenges of TJJD gang mitigation.
- Gang intelligence, focused TJJD training, gang intervention actions aligned to treatment, and assured program quality through research and management unify the capacity to fulfill the vision and goals of improved gang intervention and treatment.

QUESTIONS

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TEXAS
JUVENILE JUSTICE
DEPARTMENT

Virtual Safety and Security Committee Meeting

Thursday, August 6, 2020 –3:00 p.m.

Safety & Security Committee: Lisa Jarrett – Chair, James Castro, Scott Matthew, Allison Palmer, Pama Hencerling

1. **Call to order:** Lisa Jarrett called to order at 2:59 pm. All in attendance via virtual was as follows: Allison Palmer, Scott Matthews, Pama Hencerling, Camille Cain, Christian von Wupperfeld, Judge Wes Richey, Edeska Barnes, Mona Lisa Chambers, Forrest Mitchell, JD Roberts and Casey Singer.
2. **Discussion, consideration, and possible approval regarding excused absences (Action):** James Castro was absent due to a family emergency. Scott Matthews approved the motion and Pama Hencerling 2nd the motion.
3. **Discussion, consideration, and possible approval regarding the January 23, 2020, meeting minutes (Action):** Pama Hencerling approved the motion and Scott Matthews 2nd the motion.
4. **Updates from the chief inspector general:** Forrest Mitchell presented the updates for the OIG department. The OIG materials begins on page 23 in the Board material book. Mr. Mitchell gave recognition to the OIG staff for continuing to be essential workers while in the pandemic crisis and that he was proud of the employees despite the risks to COVID-19. We've had several team members test positive for the virus and has since then recovered, with the exception of two team members at the moment. During the 3rd quarter, 7,600 calls were handled by the IRC which is significantly higher than the 5,000 calls that was received in the 2nd quarter. A significant amount of these calls can be contributed to the COVID-19 pandemic. 3,917 were classified as complaints within the TJJD agency system 679 calls were processed as county abuse, neglect and exploitation. 185 calls were classified as afterhours ombudman's office calls, which were higher than the previous quarter. The remaining 2,880 were considered other. 100 cases were submitted for prosecutions, 60 arrests 31 indictments and 24 convictions and 55 declinations. 68 cases were taken into consideration with other cases. All of the case numbers are lower than the 2nd quarter. On page 28 of the materials you can see that the investigations for 3rd quarter. A reduction has been seen overall based on the criminal and administration coming together. On page 30 it shows the number of county abuse and neglect cases conducted by the teams has remained relatively low. A few cases on page 31 needs to be brought to the committee's attention. There were more physical abuse cases reported between years 5 versus 3. We saw more physical abuse non-restraint 23 versus 19 and more physical abuse with non-mechanical restraint 8 versus 0. The reported abuse of restraints dropped from 49 to 18 cases in 2019. Sexual abuse contact cases declined. Cases closed regarding county has reduced from 141 to 85 since 2019. OIG will be cutting back on its fleet replacement due to the COVID-19 pandemic effectiveness budget cuts of 5% reduction. The OIG will also cut back on its overtime, holding open vacancies in the OIG department and the usage of agency assigned cell phones.

5. Updates from the ombudsman's office: JD Roberts addressed updates from the ombudsman's office. March 14th, 2020 the ombudsman's office suspended onsite visits due to the COVID-19 pandemic. Toward the end of May 2020 with the government reopening the state, onsite visits at the secure facilities reopened; however, within a week the onsite visits were again suspended due to an increase outbreak of the COVID-19 virus. Currently virtual visits are conducted to comply with the TJJJ regulations at the secure facilities as well as county facilities. So far 400 site visits has been conducted and over 4000 interviews has been conducted with 481 hotline calls answered.

6. Discussion, consideration, and possible approval regarding the discipline of certified officers – Agreed Orders (Action): Presented by Casey Singer to the committee members -

- a. **Ramon Montanya, Certification No. 31248,20-31248-190300** – Motion by Scott Matthews, 2nd by Allison Palmer; Lisa Jarrett abstained from vote
- b. **Katrice Cole, Certification No. 34257, 20-34257-200085** – Motion by Scott Matthews; 2nd by Pama Hencerling
- c. **Yancy Angeles, Certification No. 29159,20-29159-200071** - Motion by Scott Matthews; 2nd by Pama Hencerling
- d. **Ethan Farmer, Certification No. 30506, 20- 30506-200071** - Motion by Scott Matthews; 2nd by Pama Hencerling
- e. **Marcus Allen, Certification No. 25996,20-25996-200053** - Motion by Scott Matthews; 2nd by Pama Hencerling; abstained by Edeska Barnes
- f. **Derhl Pratt, Certification No. 34007,20-34007-200050** - Motion by Scott Matthews; 2nd by Pama Hencerling; abstained by Edeska Barnes
- g. **Jessica Heaney, Certification No. 34485, 20-34485-200002** - Motion by Scott Matthews; 2nd by Pama Hencerling
- h. **Jacklyn Medellin, Certification No. 34150, 20-34150-200094** – Motion by Scott Matthews; 2nd by Pama Hencerling; abstained by Allison Palmer
- i. **Kimberly Thomas, Certification No. 34586, 20-34586-200094** - Motion by Scott Matthews; 2nd by Pama Hencerling; abstained by Allison Palmer
- j. **Dennis Porter, Certification No. 20522,20-20522-200121** - Motion by Scott Matthews; 2nd by Pama Hencerling

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

- a. **Laura De Los Santos, Certification No. 34334, 20-34334-200110** – Motion by Allison Palmer, 2nd by Scott Matthews; abstained by Lisa Jarrett
- b. **Robert O Hill, Certification No. 10513, 20-10513-200133** - Motion by Allison Palmer, 2nd by Scott Matthews; abstained by Lisa Jarrett
- c. **Eurie Merritt, Certification No. 34591, 20-34591-200048** - Motion by Allison Palmer, 2nd by Scott Matthews; abstained by Lisa Jarrett
- d. **Eric Moore, Certification No., 19351,20-19351-200048** - Motion by Allison Palmer, 2nd by Scott Matthews; abstained by Lisa Jarrett
- e. **Osvaldo Villalobos, Certification No. 31603,20-31603-200120** - Motion by Allison Palmer, 2nd by Scott Matthews; abstained by Lisa Jarrett

- f. **Shirley Burr, Certification No. 33545,20-33545** – Motion by Pama Hencerling; 2nd by Allison Palmer
- g. **Graciela Castillo, Certification No. 23210, 2020-0044-23210** – Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- h. **Guadalupe Chapa, Certification No. 26743, 2020-0044-26743** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- i. **Guadalupe Garcia, Certification No. 30664, 2020-0044-30664** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- j. **Robert Garza, Certification No. 34735,2020-0044-34735** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- k. **Nelissa Gonzalez, Certification No. 32719, 2020-0044-32719** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- l. **Ruben Gonzalez, Certification No. 34700, 2020-0044-34700** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- m. **Humberto Hernandez, Certification No. 11544, 2020-0044-11544** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- n. **Chelsea Morales, Certification No. 27849, 2020-0044-27849** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- o. **Christy Morin, Certification No. 34736, 2020-0044-34736** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- p. **Pedro Ochoa, Certification No. 23212,2020-0044-23212** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- q. **q. Georgia Parr, Certification No. 32629, 14311, 2020-0044-32629, 14311** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- r. **Amando Reyes, Certification No. 34284, 2020-0044-34284** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- s. **Vanessa Reyes, Certification No. 33822, 2020-0044-33822** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- t. **Daniel Sanchez, Certification No. 34573, 2020-0044-34573** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- u. **Juan Sanchez, Certification No. 27869,2020-0044-27869** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- v. **Annie Tanguma, Certification No. 29011, 2020-0044-29011** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- w. **Mary Jo Vidal, Certification No. 11543, 2020-0044-11543** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- x. **Angel Santiago Mendoza, Certification No. 34207, 20-34207-190342** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.

- y. **Charles Durst, Certification No. 32173, 20-32173-190276** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- z. **Morris Kelly, Certification No. 32424, 20-32424-200091** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- aa. **aa. Courtney Macon, Certification No. 31948, 20-31948190260** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- bb. **bb. Arthur McGuire, Certification No. 27588, 20-27588200019** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- cc. **cc. Nathan Martinez, Certification No. 34288, 20-34288190314** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- dd. **dd. Charles Smith, Jr., Certification No. 33709,2033709200047** - Motion by Scott Matthews; 2nd by Pama Hencerling; also any cases that are Harris county Edeska Barnes and Mona Lisa Chambers asked to be abstained from.
- ee. **Juan Celedon, Certification No. 34906, 20-34906-200154-**
Motion by Allison Palmer 2nd by Pama Hencerling; Scott Matthews abstains.

8. Adjourn – Meeting called to adjourn by Lisa Jarrett at 3:22 PM; motion by Scott Matthews and 2nd by Pama Hencerling.

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

