

**Texas Juvenile Justice Department
Annual Report to the Governor and Legislative Budget Board**

**Community Juvenile Justice
Appropriations, Riders
and Special Diversion Programs**

December 2020



TEXAS
JUVENILE JUSTICE
DEPARTMENT

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Governor and Legislative Budget Board**

**COMMUNITY JUVENILE JUSTICE
APPROPRIATIONS, RIDERS AND
SPECIAL DIVERSION PROGRAMS**

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CERTIFICATE

Agency Name: TEXAS JUVENILE JUSTICE DEPARTMENT

This is to certify that the information contained in this agency Annual Report filed with the Legislative Budget Board (LBB) and the Governor's Statewide Budget and Policy Offices is accurate to the best of my knowledge and that the electronic submission to the LBB and the bound paper copies are identical.

Chief Financial Officer



Signature

Emily Anderson

Printed Name

12/1/20

Date

Executive Director



Signature

Camille Cain

Printed Name

12/1/2020

Date

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INTRODUCTION

The Texas Juvenile Justice Department (TJJD) was created December 1, 2011, combining the functions of the Texas Youth Commission (TYC) and the Texas Juvenile Probation Commission (TJPC). The mission statement of the TJJD is: *Transforming Young Lives and Creating Safer Communities.*

The core values of the Texas Juvenile Justice Department include:

- **JUSTICE:** We do the right thing, in all things, with all people.
- **SAFETY:** We commit to a culture that protects youth, employees, and the public.
- **INTEGRITY:** We build trust through transparency and ethical behavior.
- **PARTNERSHIP:** We achieve best results through collaboration with counties, stakeholders, youth and their families.
- **INNOVATION:** We proactively create opportunities to improve the juvenile justice system.

The vision of the Texas Juvenile Justice Department is an effective and integrated juvenile justice system that:

- Advances public safety through rehabilitation.
- Equitably affords youth access to services and trauma-informed care, matching their needs to enhance opportunities for a satisfying and productive life.
- Employs a stable and engaged workforce fully empowered to be agents of change and reinforce treatment goals for youth.
- Operates safe and therapeutic environments with positive peer cultures emphasizing mutual accountability.
- Is a model system with innovative, data-driven, and successful programming.
- Embraces a one-system approach that includes the significant voice of county probation offices, and allows for local control.

This annual report is provided in compliance with Riders 26 and 27 of TJJD's 2020-2021 appropriations bill pattern, and includes the impact of initiatives such as residential placements, community-based programs and services for serious, chronic felons and for misdemeanor offenders no longer eligible for commitment to TJJD.

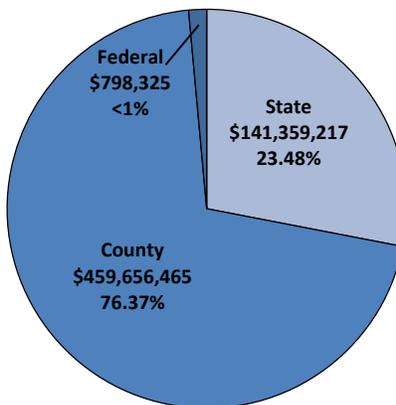
DESCRIPTION OF FUNDING CONTRACT AND ALLOCATION METHODOLOGY

Funding Overview

The Texas Juvenile Justice Department (TJJD) allocates funds appropriated by the Texas Legislature through grants to assist local juvenile boards in operating juvenile probation departments, juvenile detention and correctional facilities, and to assist in providing basic and special services to children in the juvenile probation system. TJJD allocates these funds to local juvenile probation departments through the *State Aid and Targeted Grant Contract* that encompasses grants to each of the 165 juvenile boards. The majority of the funding to the community-based juvenile probation system is provided by local county governments. In fiscal year 2020, county funding accounted for 76.37% of total juvenile probation funding while state funding accounted for 23.48% and federal funding accounted for less than 1%.

County and State Funding Comparison

Fiscal Year 2020



Current and prior departmental funding disbursements by fiscal year and by county for all probation grants can be found online at <https://www.tjjd.texas.gov/index.php/doc-library/category/344-disbursements>. Community-based program information by department and grant are located in the TJJD Program and Services Registry available online at <https://www2.tjjd.texas.gov/programregistryexternal/members/searchprograms.aspx>.

Strategy A.1.1. Prevention and Intervention

Established Fiscal Year 2012

Total Amount Appropriated for Fiscal Year 2020: \$3,012,177

Description: In January 2012, the TJJD Board approved \$1.4 million to fund prevention and early intervention services. In February 2012, the program announcement and submission guidelines related to prevention grants were distributed to all probation departments, and twenty-three departments received funding. The target populations were defined as children, adolescents, and youth (ages 6 to 17) who are not currently under departmental supervision, but are at increased risk of delinquency, truancy, dropping out of school, or referral to the juvenile justice system. The submission guidelines indicated a preference for evidence/research-based or promising practices.

Services are expected to be culturally competent and designed to successfully engage youth's family. The minimum required data include school attendance and juvenile justice referrals for students participating in the program. Counties are encouraged to engage in other data collection and analysis as possible. An agreement with the Texas Education Agency allows TJJD to match data for youth whose parents have signed consent forms, enabling the agency to assess school attendance rates, discipline referral rates, and ultimately, graduation rates for youth who participate in the funded prevention programs.

Funding Allocation Methodology: Each of the ongoing grants was scored by a four-person panel when originally submitted, using a rank order, upon which funding recommendations were based. Five specific areas were evaluated on each application (Target Population [2 items], Program Goal [3 items], Program Activities [4 items], and Budget Information [5 items]). Scoring in each area ranged from 0 to 5. A zero was given if the applicant failed to address the area; and the highest possible score was given if the area was exceptionally well-addressed. The budget information submitted was scored on a 0 to 10 scale. Funded programs included activities or services designed to focus on families, school-based intervention, out-of-school time, mental health needs, and skills- or character-building activities for youth. In total, thirty-four counties received thirty-six grant awards during fiscal year 2020.

Strategy A.1.2. Basic Supervision <i>Total Amount Appropriated for Fiscal Year 2020: \$36,651,788</i>	Established Fiscal Year 1982
Strategy A.1.3. Community Programs <i>Total Amount Appropriated for Fiscal Year 2020: \$44,679,895</i>	Established Fiscal Year 2014
Strategy A.1.4. Pre & Post Adjudication Facilities <i>Total Amount Appropriated for Fiscal Year 2020: \$24,782,157</i>	Established Fiscal Year 2014
Strategy A.1.5. Commitment Diversion Initiatives <i>Total Amount Appropriated for Fiscal Year 2020: \$19,492,500</i>	Established Fiscal Year 2010
Strategy A.1.7. Mental Health Services <i>Total Amount Appropriated for Fiscal Year 2020: \$14,178,353</i>	Established Fiscal Year 2014

State Aid

Description: The State Aid grant is by far the largest source of state funds in support of local juvenile boards to: (1) provide basic juvenile probation programs and services that are effectively delivered and adhere to standards and policies; (2) divert youth from commitment to a state residential facility through new or expanded community-based programs; and (3) increase the availability of mental health services for juveniles referred to and under the supervision of juvenile probation departments, including screenings, assessments/evaluations, programs, and placements. These objectives are achieved through the five component grants of State Aid – Basic Probation Supervision, Community Programs, Pre & Post Adjudication, Commitment Diversion, and Mental Health Services – which align with TJJD’s appropriations structure.

Funding Allocation Methodology: The largest portion of departmental State Aid grant allocations were determined by a funding formula that accounts for each jurisdiction’s juvenile population and referrals, with adjustments made for prior years’ allocations. The majority of each juvenile probation department’s total was allocated across the five funding categories noted above based on the department’s historical spending patterns. The remainder of the juvenile probation department’s allocation was assigned to a “Flexible Funds” category that the juvenile probation department could budget under any category. Additional funds may be distributed throughout the course of the fiscal year via the Supplemental and Emergent Needs (S&E) program. The S&E program responds to changing and unanticipated circumstances, principally in support of youth services to avoid increased commitments to TJJD. These funds are allocated to and administered by probation regional associations, with TJJD’s approval of each grant funding distribution to an individual juvenile probation department.

The structure and budgeting requirements of the current State Aid program are designed to ensure maximum funding flexibility as well as adherence to TJJD’s budget structure and transfer limits. In fiscal year 2020, TJJD distributed a total of \$131,822,245 through the State Aid program, and \$1,344,750 through S&E program awards.

Special Needs Diversionary Programs (Grant M)

Established Fiscal Year 2002

Total Amount Appropriated for Fiscal Year 2020: \$1,895,175

Description: The Special Needs Diversionary Program (SNDP) Grant is designed to increase the availability of effective services to juvenile offenders with mental health needs. TJJJ has worked in coordination with the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) and in cooperation with Mental Health Authority (MHA) agencies or other local mental health service providers, to implement programs that provide services to juveniles under the supervision of 20 local juvenile probation departments during fiscal year 2020.

Funding Allocation Methodology: Consistent with historical awards, in fiscal year 2020, TJJJ distributed funds in the amount of \$1,895,175 for specialized probation officers to work with juvenile offenders with mental health needs. Juvenile probation departments that utilize these funds enter into a cooperative arrangement for services with their local MHA agency or another local mental health service provider.

Harris County Leadership Academy (Grant D)

Established Fiscal Year 1996

Total Amount Appropriated for Fiscal Year 2020: \$1,000,000

Description: The Harris County Leadership Academy provides a residential intensive cognitive-based program to redirect the thinking and behavior patterns of juveniles and remove barriers to their successful transition back to their families and communities

Funding Allocation Methodology: As directed by rider 32, TJJJ allocated \$1,000,000 in available grant funds for operation of the Harris County Leadership Academy.

Strategy A.1.8. Regional Diversion Alternatives

Established Fiscal Year 2016

Total Amount Appropriated for Fiscal Year 2020: \$10,792,982

Description: Human Resources Code (HRC) Section 203.017 was amended during the 84th Legislative Session to require TJJJ to implement a regionalization plan designed to keep children receiving juvenile justice services closer to their homes and to improve outcomes through community-based services. The Regional Diversion Alternatives (RDA) program seeks to build capacity, regional collaboration, and access to programs and services with the goal to treat more youth “closer to home,” and avoid youth commitment to state residential programs. TJJJ began the planning process for this initiative immediately following the conclusion of the 84th Legislative Session and included the collaborative work of a Regionalization Task Force. The task force involved the participation of probation practitioners, contract vendors, advocates, legislative stakeholders, judges, and prosecutors. Planning concluded in May 2016, and TJJJ began implementation of the resulting regionalization plan in June 2016. During the same session, the legislature also amended HRC Section 223.001 to require TJJJ to set aside a portion of appropriated funds for discretionary state aid to fund programs designed to address special needs or projects of local juvenile boards, including projects dedicated to specific target populations based on risk and needs, and with established recidivism reduction goals.

In response to these mandates, TJJJ provides funding for RDA grants and for Discretionary State Aid (DSA) grants. The majority of funds are used to reimburse local juvenile probation departments for funds spent on community-based treatment services, placement, and aftercare services intended to divert approved youth from commitment to TJJJ.

- RDA (individual youth diversions) support an array of rehabilitative services for juvenile offenders including, but not limited to, intensive community-based, residential, re-entry and aftercare programs. Any juvenile probation department that would otherwise recommend a youth for commitment to TJJJ may propose an individual youth diversion plan for approval by TJJJ’s Regionalization and County Grants Department. Such plans specify the proposed youth programs and services, provide information regarding the juvenile probation department’s prior efforts with the youth, and demonstrate how the proposed plan meets the specific needs of the youth in a research-driven way.

- DSA was created to comply with HRC Section 223.001(c) and began in fiscal year 2017. DSA supports juvenile probation department programs and services with a clearly defined target population that use research-driven practices and have well-defined recidivism reduction goals.

For fiscal year 2020, TJJJ approved \$8,264,405 to reimburse expenses for RDA individual youth diversions, \$3,577,916 for individual juvenile probation department DSA awards, and \$822,670 to support regional services enhancement projects.

Funding Allocation Methodology: RDA funding is awarded through an application process for individual youth diversion plans. A juvenile probation department identifies a youth meeting the target population, demonstrates prior effort to treat the youth locally, and proposes additional programs and services within the region or a nearby region that would help divert the youth from commitment to TJJJ. Additionally, the juvenile probation department must certify that if not for the regional diversion program the juvenile probation department’s recommendation would be for commitment to TJJJ. Once an individual youth diversion plan is approved and its funding limit is set, the juvenile probation department begins providing the indicated services, and requests reimbursement against the approved funding amount from TJJJ. DSA funding is awarded through a competitive application process. Juvenile probation departments submit an application detailing the target population, service methods and expected outcomes of the program or service they wish to provide, and a panel of TJJJ staff evaluates each application and makes recommendations for grant funding awards to TJJJ’s Executive Director for final approval.

Strategy A.1.9. Probation System Support

Established Fiscal Year 2016

Total Amount Appropriated for Fiscal Year 2020: \$2,758,112

Juvenile Justice Information Sharing

Established Fiscal Year 2010

Description: The Juvenile Case Management System (JCMS) is a comprehensive, state-of-the-art, web-based juvenile justice information and case management system providing common data collection, reporting and management for Texas juvenile probation departments. JCMS provides statewide data sharing between the 165 juvenile boards, the Texas Juvenile Justice Department, and the Department of Public Safety. The system consists of core case management components (intake, referral, case management, etc.) and additional enhancement features such as detention, institution management, and Juvenile Justice Alternative Education Programs (JJAEPs). JCMS facilitates sharing of data between juvenile justice agencies both across and within jurisdictions to allow for better focused programs and services to be offered to juvenile offenders.

Funding Allocation Methodology: In fiscal year 2020, TJJJ allocated \$1,119,000 toward the continued maintenance and operation costs of JCMS. Operation expenses include fees charged by the Managed Server Hosting provider to host, operate and maintain the physical servers; storage and network components of JCMS for the Production, Development/Test and Conversion environments; upgrades to the JCMS application to provide additional functionality, as well as the dedicated support staff that comprise the JCMS support infrastructure. Maintenance-related expenses include the costs of correcting deficiencies in the existing programming or functionality of the software application.

JUVENILE JUSTICE SYSTEM EFFECTIVENESS AND OUTCOMES

The Texas Juvenile Justice Department (TJJD) disburses funds appropriated by the Texas Legislature to local juvenile probation departments through the six grants and three reimbursement programs encompassed in the *State Aid and Targeted Grant Contract*. These grants ensure that all juveniles have access to juvenile probation services throughout the state and provide supervision, programs, services and residential placements to juveniles under the jurisdiction of the 165 juvenile boards.

TJJD grant funding is used at every point in the juvenile probation system. Because each grant and reimbursement program includes specific expenditure requirements and spending limits, departments blend funds to support the most appropriate level of supervision or service for a juvenile. In fiscal year 2020, all juvenile probation departments received state aid grant money, with some departments receiving as many as seven different state grants and reimbursement programs.

Juveniles under supervision include those on informal deferred prosecution supervision as well as those on formal court-ordered probation supervision. During their time under formal probation supervision, juveniles typically receive numerous services and programs. In addition to the supervision provided by their probation officer, juveniles leaving formal probation supervision in fiscal year 2020 received the following programs and services during their time on probation:

- 82% had at least one drug test;
- 81% had been detained at least once;
- 80% participated in at least one community-based program;
- 65% received at least one behavioral health service;
- 31% had been in a residential placement at least once; and
- 16% received at least one non-residential service.

As described above, each juvenile was provided supervision and services through numerous TJJD grants and local funding. No one funding source nor one program or service determines a juvenile's success or failure under supervision. The combination of the supervision and services that a juvenile receives while under supervision determines the impact juvenile probation has on that child's successful rehabilitation.

This section provides information on the supervision, programs, and services provided through local juvenile probation departments as well as a report on the effectiveness of the juvenile probation system.

Measuring Effectiveness

TJJD receives data from all juvenile probation departments through the monthly extract process (electronic data submission). Departments report individual level data on all juveniles referred, disposed, detained, placed in a residential facility, and/or provided a program or service. Data reported must conform to TJJD Electronic Data Interchange (EDI) specifications. Because TJJD receives data on all juveniles served by juvenile probation departments statewide, analysis and evaluation of the juvenile probation system is completed using all statewide data available rather than relying on a sample of juveniles served. A copy of the TJJD EDI specifications can be found online at <http://www.tjjd.texas.gov/index.php/doc-library/category/336-electronic-data-interchange-edj>.

The efforts, effectiveness, and accountability of the juvenile probation system is evaluated by TJJJ using the following measures:

- Formal referrals to juvenile probation departments
- Average Daily Population (ADP) of juveniles on Deferred Prosecution and Probation Supervision
- Total juveniles served on Deferred Prosecution and Probation Supervision
- Supervision Outcomes for juveniles leaving Deferred Prosecution and Probation Supervision
- Number of juveniles beginning programs and/or residential placements
- Average Daily Population (ADP) of juveniles in secure and non-secure residential placement facilities
- Recidivism rates for juveniles under supervision or placed in a secure residential facility
- Commitments to TJJJ
- Adult Certifications

Definitions and calculation methodologies can be found in Appendix B.

Juvenile Probation System Outcomes

Impact of COVID-19 Response on the Statistics within the Community Juvenile Justice Appropriations, Riders, and Special Diversion Programs 2020 Report

COVID-19 is a highly contagious respiratory illness spread from person-to-person primarily through droplets produced when an infected person coughs or sneezes. The virus is more likely to spread when people come in close contact with each other and sometimes when people come in contact with a surface or object that has the virus on it and subsequently touch their face, eyes, nose, or mouth.

In March 2020, the COVID-19 outbreak was deemed a national emergency and numerous safety precautions were enforced throughout the United States. In an effort to slow the spread of the virus in Texas, mandated stay-at-home orders were enforced and all public school campuses transitioned to online learning. 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 engage in delinquent behaviors or to violate conditions of supervision.

To limit face-to-face contact, there was a delay in Texas juvenile probation departments receiving and formalizing referrals; however, they prioritized referrals for more serious offenses. Additionally in Texas, there were temporary holds on non-essential court hearings and on admissions to some residential placement facilities. As a result, there is a substantial amount of variance between the fiscal years 2019 and 2020 statistics within this report— including but not limited to, the number of formal referrals to juvenile probation departments, commitments to TJJJ, adult certifications, as well as the number of juveniles beginning supervisions, programs, and residential placements. The statistics within the report should be accepted with caution, and may not generally reflect data trends as observed within prior years.

PREVENTION AND INTERVENTION PROGRAMS

In 2011, the 82nd Texas Legislature authorized the TJJJ to provide funds for prevention and intervention services to prevent or intervene in at-risk behaviors that lead to delinquency, truancy, dropping out of school, or referral to the juvenile justice system. To provide programming to at-risk youth, some juvenile probation departments collaborate with service providers to offer educational assistance, mentoring, character development, and skills building programs after school or during the summer. Other departments focus on providing parents of at-risk youth the skills, services, and supports they need to better manage their child's challenging behaviors. Prevention and intervention programs often focus on truancy intervention and feature partnerships with local schools to provide services, supports, and resources to ensure students are and remain actively engaged in school. Successful demonstration projects are expected to reduce the likelihood that at-risk youth will be engaged in delinquency, truancy, school dropout, and/or referred to the juvenile justice system. TJJJ has provided prevention grant awards since fiscal year 2012.

In fiscal year 2020, 2,782 youth participated in a TJJD-funded prevention and intervention program. There were 2,079 youth who started a prevention and intervention program in the fiscal year. The average age of youth referred to a TJJD-funded prevention and intervention program was 12 years old, significantly younger than the average age of 15 years old for youth formally referred to juvenile probation departments in the fiscal year. Of the youth served in a TJJD-funded prevention and intervention program, 48% were Hispanic, 19% were White, and 14% were African American. The remaining 19% of youth served comprised the “Other” race category, including Asian and Native American youth. Over half, or 54%, of the youth served were male. There was a significantly higher proportion of female youth served in TJJD-funded prevention and intervention programs compared to the proportion of female youth formally referred to juvenile probation departments (46% versus 28%, respectively).

During fiscal year 2020, 1,966 youth exited a TJJD-funded prevention and intervention program. While 5% of participants exited the program because they failed to comply with program requirements, 95% of youth completed all program requirements. Youth exiting programs were enrolled for an average of 180 days. Program duration can range from a three-week summer school/social skills class to year-round after school and summer programs.

Youth Beginning and Exiting a Prevention and Intervention Program
Fiscal Year 2019 and Fiscal Year 2020

	2019	2020
Youth Beginning a Program	2,939	2,079
Youth Exiting a Program	3,391	1,966
Youth Completing a Program	3,158	1,864
Percent Completing the Program	93%	95%

REFERRALS AND DISPOSITIONS

In fiscal year 2020, there were 40,398 formal referrals to juvenile probation departments throughout the state of Texas. This represents a 24% decrease from the 53,152 formal referrals in fiscal year 2019. Of these referrals, 47% were for Class A or B misdemeanor offenses, 34% were for felony offenses, 13% were for violations of probation, and 6% were for Conduct Indicating a Need for Supervision (CINS) offenses. In fiscal year 2020, 13% of formal referrals were for violent felony offenses. The number of formal referrals for violent felony offenses decreased from 6,437 in fiscal year 2019 to 5,385 in fiscal year 2020, a 16% decrease.

These 40,398 referrals came from 29,823 juveniles, 72% of whom were male. Of all juveniles formally referred in the fiscal year, 51% were Hispanic, 26% were African American, and 22% were White. The average age of juveniles formally referred to the probation departments was 15 years old. Of the 29,823 juveniles referred in fiscal year 2020, a majority, or 79% had only one referral, while 13% had two referrals and 8% had three or more referrals. Of the youth referred to juvenile probation departments in fiscal year 2020, 37% had identified mental health needs.

At the time of referral, 77% of juveniles were attending regular, charter, home, private, or online school; another 11% of juveniles were attending school in a Disciplinary Alternative Education Program (DAEP) or in a Juvenile Justice Alternative Education Program (JJAEP). At the time of intake, a formally referred juvenile is assessed to determine if they have a need for substance abuse services. The juvenile had a known substance abuse problem in 22% of referrals in fiscal year 2020; a need for substance abuse services was suspected in another 10% of referrals.

Juvenile probation departments, prosecutors, and juvenile courts disposed 41,501 cases in fiscal year 2020. This represents a 23% decrease from the 53,795 dispositions in fiscal year 2019. A juvenile whose case is disposed may receive a supervisory caution, be placed on deferred prosecution supervision or probation supervision, be committed to TJJD, or be certified as an adult. Juveniles may also have their cases dismissed or dropped, transferred, or consolidated with another court disposition.

In fiscal year 2020, TJJD commitment accounted for 1% of total dispositions. Commitment dispositions decreased from 735 in fiscal year 2019 to 573 in fiscal year 2020, a 22% decrease. The decrease in commitment dispositions as well as the decrease in referrals and other dispositions reflect the impact of the COVID-19 response on the juvenile justice system. Of the commitment dispositions, 45% were for a violation of a felony probation court order, 37% were for a violent felony offense, and 18% were for a non-violent felony offense.

Accounting for less than 1% of all dispositions, 88 individuals were certified as adults in fiscal year 2020. Compared to fiscal year 2019, this represents a 39% decrease in adult certifications. While all individuals certified as adults committed the alleged offense while under the age of 17, not all cases were referred to juvenile court before the person turned age 18, which is the age at which the juvenile court loses jurisdiction. Of individuals certified as adults, 67% were age 17 or younger at the time of the referral to juvenile court, while 33% were age 18 or older. The average age at certification was 19 years old. Because the juvenile court loses jurisdiction at age 18, the only mechanism to pursue a felony case referred after the person has turned 18 is certification. The case is dismissed if certification is not sought, or if certification is sought but not granted, or if the case is ineligible for certification (i.e. not a felony).

Referrals and Dispositions
Fiscal Year 2019 and Fiscal Year 2020

	2019	2020	Change
Formal Referrals to Juvenile Probation Departments	53,152	40,398	-24%
Juveniles Referred	38,503	29,823	-23%
Referrals for Violent Felony Offenses	6,437	5,385	-16%
Total Dispositions	53,795	41,501	-23%
Juveniles Committed to TJJD	735	573	-22%
Individuals Certified as an Adult	145	88	-39%

JUVENILES UNDER SUPERVISION

A juvenile referred to a probation department may be placed under supervision in the community through a deferred prosecution or court-ordered probation. In fiscal year 2020, 17,758 juveniles began a deferred prosecution or probation supervision. During the year, 32,394 juveniles were served on deferred prosecution or probation supervision. Of the juveniles served on deferred prosecution or probation supervision, 48% were referred for a felony offense, with 41% of those youth referred for a violent felony offense.

Deferred prosecution is a voluntary supervision where the child, parent/guardian, prosecutor, and the juvenile probation department agree upon conditions of supervision. If a juvenile violates the conditions of a deferred agreement, the department may elect to proceed with a formal court adjudication and begin a probation supervision. Deferred prosecution supervision can last up to six months, and juveniles are eligible to receive any services and/or programming a juvenile probation department offers while on supervision. Of the 9,561 juveniles who started deferred prosecution supervision in fiscal year 2020, 58% demonstrated a low risk to reoffend.

Juveniles placed on adjudicated probation receive court-ordered supervision and must abide by the conditions of supervision stipulated in their court order. Juveniles are most often placed on probation supervision for a term of one year, but may be placed on probation supervision until their eighteenth birthday. In fiscal year 2020, 8,197 juveniles began probation supervision. Of these juveniles, 30% demonstrated a high risk to reoffend, and 33% displayed a medium risk to reoffend. Juveniles under probation supervision may be served on a regular, specialized, or intensive caseload. Specialized caseloads target juveniles with special needs by providing additional supervision, contacts and services. Examples of specialized caseloads include those for juveniles with mental health issues, female offenders, gang members, sex offenders, and juveniles with substance abuse problems.

Juveniles under Supervision

Fiscal Year 2019 and Fiscal Year 2020

	2019	2020	Change
Juveniles starting Deferred Prosecution Supervision	14,237	9,561	-33%
Juveniles starting Probation Supervision	11,457	8,197	-28%
Total Juveniles starting Deferred or Probation Supervision	25,694	17,758	-31%
Juveniles served Deferred Prosecution Supervision	20,209	15,654	-23%
Juveniles served Probation Supervision	19,822	16,740	-16%
Total Juveniles served on Deferred or Probation Supervision	40,031	32,394	-19%
Average Daily Population of Juveniles on Deferred Prosecution Supervision	6,117	4,816	-21%
Average Daily Population of Juveniles on Probation Supervision	10,493	9,353	-11%

In fiscal year 2020, 21,477 juveniles ended their deferred prosecution or probation supervision. Possible outcomes of a juvenile's supervision include successful completion, termination due to failure to comply with the conditions of supervision, TJJD commitment as a result of a violation or new offense, or transfer to the adult system as the result of a new offense not under the jurisdiction of the juvenile court. During the fiscal year, 86% of juveniles ended their deferred prosecution supervision successfully, while 84% of juveniles ended their probation supervision successfully. Of all juveniles ending their supervision in the fiscal year, only 1% were committed to TJJD.

Juveniles Ending Deferred Prosecution and Probation Supervision

Fiscal Year 2019 and Fiscal Year 2020

	Fiscal Year 2019				Fiscal Year 2020			
	Successful		Not Successful		Successful		Not Successful	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Deferred	11,648	83%	2,314	17%	10,909	86%	1,722	14%
Probation	8,086	82%	1,807	18%	7,423	84%	1,423	16%
Total	19,734	83%	4,121	17%	18,332	85%	3,145	15%

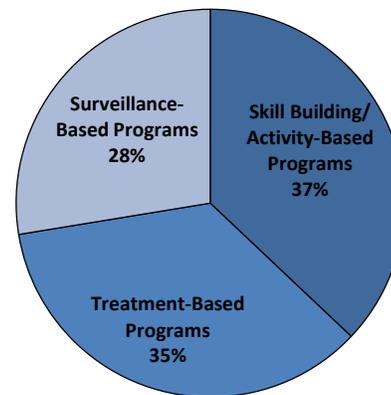
JUVENILES IN COMMUNITY-BASED PROGRAMS

In order to keep delinquent juveniles closer to their home communities, juvenile probation departments have been charged with the task of pairing juveniles with appropriate community-based resources and services, including programming. In fiscal year 2020, juvenile probation departments offered 1,412 community-based programs to juveniles under their jurisdiction, their families, and at-risk youth in the area.

Many programs offered by juvenile probation departments are designed to meet the needs of a wide array of youth. Of program participants in fiscal year 2020, 37% participated in a skill-building/activity-based program, 35% participated in a treatment-based program, and 28% participated in a surveillance-based program.

Community-Based Program Participation

Fiscal Year 2020



Juvenile probation departments do not always wait until disposition to enroll a juvenile in needed programming. Across the state, 660 programs allow juveniles who are awaiting disposition to participate. Of the juveniles enrolled in a pre-disposition program, 57% of juveniles were under temporary pre-court monitoring or conditional pre-disposition supervision in fiscal year 2020. The most common pre-disposition programs juveniles participated in were early intervention or first referral program, electronic monitoring, life skills, and counseling services.

Of the juveniles served in a community-based program during fiscal year 2020, 73% were under deferred prosecution or probation supervision. Of the juveniles under deferred prosecution or probation supervision and enrolled in programming, 43% were referred for Class A or B misdemeanor offenses, while 53% were referred for felony offenses. On average, these juveniles had three prior referrals to a juvenile probation department, and entered programming at the age of 15 years old. Juveniles may participate in numerous programs during their supervision. In fiscal year 2020, 16,068 juveniles under deferred prosecution or probation supervision added up to 32,827 program enrollments. During the fiscal year, 25% of juveniles were enrolled in three or more programs.

**Number of Programs Provided to Juveniles on Deferred Prosecution
And Probation Supervision by Program Type**

Fiscal Year 2019 and Fiscal Year 2020

Program Type	Program Approach or Delivery	Programs Provided	
		2019	2020
Aftercare Management	Surveillance-based	574	523
Anger Management	Treatment-based	952	819
Border Justice Project	Surveillance-based	22	7
Counseling Services	Treatment-based	4,815	3,559
Cognitive Behavioral	Treatment-based	1,464	1,175
Extended Day Program/Day Boot Camp	Treatment-based	201	169
Drug Court	Treatment-based	281	281
Educational	Skill-building/Activity-based	4,070	2,642
Electronic Monitoring	Surveillance-based	4,170	3,289
Early Intervention/First Referral	Skill-building/Activity-based	951	547
Animal/Equine Therapy	Treatment-based	352	132
Experiential Education	Skill-building/Activity-based	855	701
Family Preservation	Treatment-based	962	840
Female Offender	Skill-building/Activity-based	321	121
Gang Prevention/Intervention	Skill-building/Activity-based	41	44
Home Detention	Surveillance-based	2,105	1,659
Intensive Case Management	Surveillance-based	1,079	881
Intensive Supervision	Surveillance-based	4,355	2,977
Life Skills	Skill-building/Activity-based	3,428	2,324
Mental Health Court	Treatment-based	247	155
Mentor	Skill-building/Activity-based	1,644	1,174
Mental Health	Treatment-based	3,643	2,964
Other	Skill-building/Activity-based	317	377
Parenting (for juveniles)	Skill-building/Activity-based	6	5
Parenting (for parents)	Skill-building/Activity-based	1,105	654
Runaway /Truancy	Skill-building/Activity-based	34	29
Substance Abuse Prevention/Intervention	Skill-building/Activity-based	2,153	1,522
Sex Offender	Treatment-based	1,468	1,256
Substance Abuse Treatment	Treatment-based	2,567	1,579
Victim Mediation	Skill-building/Activity-based	143	95
Vocational Employment	Skill-building/Activity-based	157	88
Victim Services	Skill-building/Activity-based	458	239
Total Programs Participation		44,940	32,827
Total Juveniles Served*		21,209	16,068

**Juveniles may have participated in more than one program during the year.*

SPECIAL NEEDS DIVERSIONARY PROGRAMS

The Special Needs Diversionary Program (SNDP) was created in 2001 to provide mental health treatment and specialized supervision to rehabilitate juvenile offenders with mental health needs, and to prevent their further penetration into the juvenile justice system. SNDP is administered in a collaborative model by TJJJ and the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI) or local community mental health provider. Juvenile probation officers and local mental health providers coordinate community-based case management services. The program offers mental health services (including individual and group therapy), probation services (such as life skills, anger management, and mentoring), and parental support and education. This program requires in-home contact with the juvenile, involvement with the family, and small specialized caseloads. SNDP began providing services in eight counties at the beginning of fiscal year 2002 and expanded to an additional 11 counties later that year. In fiscal year 2020, SNDP operated in 20 juvenile probation departments.

In fiscal year 2020, SNDP served 1,023 juveniles with a diagnosed mental health need other than substance abuse, intellectual disability, or autism spectrum disorder. During the fiscal year, 611 juveniles began the program, while 697 juveniles exited the program. The average daily population of juveniles in SNDP in fiscal year 2020 was 384.

Juveniles Beginning and Exiting a Special Needs Diversionary Program
Fiscal Year 2019 and Fiscal Year 2020

	2019	2020
Juveniles Beginning SNDP	791	611
Juveniles Exiting SNDP	801	697
Juveniles Completing SNDP Successfully	551	492
Percent Completing Program Successfully	69%	71%

Of juveniles participating in SNDP in fiscal year 2020, 39% had three or more referrals prior to starting the program, 62% had a felony offense in their history, and 12% had a prior residential placement coordinated through a local probation department.

The most frequent diagnoses were Disruptive, Impulse-Control, and Conduct Disorders, which accounted for 23% of juveniles participating in SNDP during fiscal year 2020. Other common diagnoses included Depressive Disorders at 21%, Neurodevelopmental Disorders (primarily Attention Deficit Hyperactivity Disorder) at 19%, and Trauma and Stressor Related Disorders at 4%. Of juveniles served in SNDP, 6% had co-occurring diagnoses involving both a mental health related diagnosis and a substance abuse related diagnosis.

JUVENILES IN RESIDENTIAL PLACEMENTS

The average daily population of juveniles in residential placement in fiscal year 2020 was 1,292. This represents a 20% decrease from the 1,620 average daily population of juveniles in residential placement in fiscal year 2019. Juveniles under supervision may be placed into an emergency placement if there is no suitable living arrangement available or into a secure or non-secure residential facility as a condition of their deferred prosecution or probation supervision.

In fiscal year 2020, there were 3,009 juveniles admitted into emergency, secure, and non-secure residential facilities. Because a juvenile may enter more than one residential facility in a year, those juveniles accounted for 3,536 total placement admissions during the fiscal year.

Because residential placement removes the juvenile from their home, it is generally reserved for those juveniles with the greatest need for services or those juveniles whose offense and/or prior history warrants a more severe sanction than can be afforded in the community. In fiscal year 2020, 32% of juveniles placed outside of the home demonstrated a high need for services, and 46% displayed a high risk to reoffend. Of the juveniles placed in fiscal year 2020, 43% were placed outside of the home for committing a felony offense; another 22% entered placement after a referral for the violation of a court order.

Juveniles in a Residential Placement

Fiscal Year 2019 and Fiscal Year 2020

	2019	2020	Change
Average Daily Population in Secure Placement	963	769	-20%
Average Daily Population in a Non-Secure Placement	615	485	-21%
Average Daily Population in an Emergency Placement	42	38	-10%
Average Daily Population in Residential Placement	1,620	1,292	-20%
Secure Placements Beginning in Fiscal Year*	2,018	1,596	-21%
Non-Secure Placements Beginning in Fiscal Year*	1,535	1,134	-26%
Emergency Placements Beginning in Fiscal Year*	1,038	806	-22%

*A juvenile may begin an emergency, non-secure, or secure placement more than once during the fiscal year.

Juveniles entering a residential placement may be provided special programming while they are in the facility. About 12% of placements beginning in fiscal year 2020 provided “general correctional” services. More specialized services may also be provided, with 10% of placements offering mental health treatment, another 25% providing substance abuse treatment, and 6% offering sex offender specialized treatment.

Beginning Residential Placement by Placement and Service Type

Fiscal Year 2019 and Fiscal Year 2020

Placement Service Type	Non-Secure		Secure		Total	
	2019	2020	2019	2020	2019	2020
Boot Camp	0	0	332	298	332	298
Correctional	0	0	384	319	384	319
Female Offender	67	55	31	51	98	106
Mental Health	124	115	264	143	388	258
Other	40	26	16	17	56	43
Pregnant Female	0	0	1	3	1	3
Substance Abuse	637	510	338	184	975	694
General Treatment	550	347	544	492	1,094	839
Sex Offender	117	81	108	89	225	170
Total	1,535	1,134	2,018	1,596	3,553	2,730

HARRIS COUNTY LEADERSHIP ACADEMY

The Harris County Leadership Academy (HCLA) provides co-ed residential correctional program for adjudicated youths, ages 14 to 17, who have been determined by the court to need a highly structured behavioral management program. HCLA is adaptable to Harris County’s specific needs for treatment and rehabilitation, and provides an alternative to TJJD commitment.

HCLA utilizes the Intensive Behavioral Treatment (IBT) program, which is a comprehensive model incorporating evidence-based behavior modification practices with a multidisciplinary team approach. IBT's focus is to redirect the thinking and behavior patterns of juveniles by instilling in them a healthy self-concept, respect for others, authority, and personal accountability. HCLA strives to provide youth with the tools for a successful reintegration into the community. Educational classes are provided by teachers from the Excel Academy Charter School. Therapeutic services include individual and family counseling, as well as group interventions for youth who have a history of trauma. Youth with drug and/or alcohol problems receive treatment provided through Turning Point of Houston. Volunteer and staff facilitated programs introduce changes in thinking, promote pro-social behaviors, and reinforce rehabilitation efforts. The facility's intense Physical Training Program aims to increase the physical fitness level, well-being, self-esteem, and healthy behaviors of juveniles. HCLA has a capacity of 24 female and 72 male beds.

In fiscal year 2020, HCLA served 240 juveniles, 57% of whom were placed in HCLA due to a felony offense. Juveniles in HCLA during the fiscal year had, on average, four prior referrals and were age 16 at their time of entry. In fiscal year 2020, 177 juveniles entered HCLA, while 217 exited the placement. The average length of stay for juveniles exiting HCLA in fiscal year 2020 was 87 days. Of those exiting HCLA, 88% completed all program requirements, while 6% exited due to failure to comply. Other youth exited HCLA because they moved to a less restrictive residential placement or transferred out of jurisdiction.

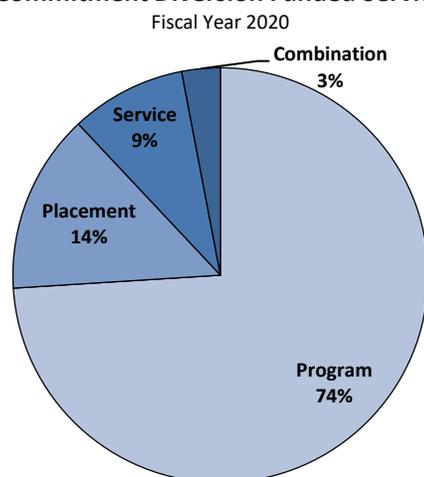
Juveniles Beginning and Exiting the Harris County Leadership Academy
Fiscal Year 2019 and Fiscal Year 2020

	2019	2020
Juveniles Beginning HCLA	196	177
Juveniles Exiting HCLA	203	217
Juveniles Completing HCLA	179	209
Juveniles Failing to Comply	6	13

COMMITMENT DIVERSION INITIATIVES

Created in 2009, the Commitment Diversion Program is designed to provide funding for an array of community-based rehabilitation services for juvenile offenders intended to divert juveniles from commitment to state-operated secure institutional facilities. In fiscal year 2020, the average daily population was 644 and the cost per day was \$72.64 for Commitment Diversion funded programs and placements.

Juveniles Participating in Commitment Diversion Funded Service



In fiscal year 2020, 2,803 juveniles received a program, placement or service funded completely or in part with Commitment Diversion funds. The majority, or 97%, of juveniles received one type of service through the grant, while 3% received a combination of two or more types of services.

Of all juveniles served with Commitment Diversion funds, 20% were female and 80% were male. Of juveniles served in the fiscal year, 49% were Hispanic, 35% were African American, and 16% were White. In fiscal year 2020, the average age of youth served by Commitment Diversion funds was 15 years old, which mirrors the age of 15 for all youth referred.

Although juveniles on deferred prosecution supervision are eligible for Commitment Diversion services, 73% of juveniles served in fiscal year 2020 were on probation supervision. Juvenile probation departments utilized Commitment Diversion funds to serve juveniles referred for a variety of different offenses. Misdemeanants comprised 35% of all juveniles on supervision served by Commitment Diversion while 30% of juveniles were on supervision for a violent felony offense and 32% for a non-violent felony offense.

During fiscal year 2020, 1,704 juveniles exited the supervision associated with their Commitment Diversion service. Of the juveniles exiting supervision, 78% successfully completed their supervision, 14% failed to comply with the terms of their supervision, and 4% were absent without permission. The courts disposed 50 juveniles to commitment to a state-operated secure facility and transferred 7 juveniles to the adult system.

Commitment Diversion provided services to 298 juveniles in fiscal year 2020. Of those juveniles, 44% received two or more grant-funded services, accounting for 822 Commitment Diversion funded services. Drug tests accounted for 44% of Commitment Diversion funded services, while 35% were non-residential services including services such as crisis intervention, educational assessments, and counseling (non-behavioral health) single sessions.

In fiscal year 2020, 2,011 juveniles were enrolled in a grant-funded community-based program. Approximately 18% participated in two or more grant-funded programs, bringing the total of Commitment Diversion funded programs provided to 2,899. Commitment Diversion was most often used to fund electronic monitoring, life skills, and mentoring programs. Juveniles exited 2,372 grant-funded programs during the fiscal year. Of the juveniles exiting a program, 71% successfully completed their program, and 21% failed to comply with program requirements.

Commitment Diversion provided funding for the residential placement of 441 juveniles during fiscal year 2020. Felony-level offenses accounted for 52% of juveniles placed with Commitment Diversion funds, and another 26% entered placement after a violation of probation. During the fiscal year, 3% of juveniles participated in two or more grant-funded placements, accounting for 458 Commitment Diversion funded placements. Of the Commitment Diversion funded placements, 61% were in a secure facility, and 37% were in a non-secure facility. Juveniles exited 381 grant-funded placements during the fiscal year. Of the juveniles exiting a placement, 75% successfully completed their placement, and 15% failed to comply with the placement requirements. The average length of stay for juveniles exiting a Commitment Diversion funded placement was 217 days. At the end of fiscal year 2020, 144 juveniles had completed at least 180 days in secure post-adjudication facility, or were in the sixth month of their placement.

REGIONAL DIVERSION ALTERNATIVES PROGRAM

In 2015, the 84th Texas Legislature instructed TJJJ to develop and adopt a regionalization plan, in consultation with local juvenile probation departments, for keeping children closer to home in lieu of commitment to TJJJ.

The Regional Diversion Alternatives (RDA) Program provides resources to juvenile probation departments to obtain rehabilitative services for juvenile offenders including, but not limited to, the following programs: evidence-based, community-based, residential, reentry, and aftercare programs.

The staff of the RDA Program divert appropriate youth from commitment to TJJJ to:

- Evidence-based programs;
- TJJJ-registered post-adjudication secure correctional facilities;
- TJJJ-registered non-secure correctional facilities; and
- Residential child-care facilities.

The Regionalization and County Grants Department is bifurcated to include the fiscal team and the programs team. The fiscal team includes three staff: two county grants fiscal administrators and one county grants monitor. The program team includes six staff: five county program administrators and a community mental health administrator. The Regionalization and County Grants Department is managed by the regionalization and community grants manager. This department:

- Approves plans and related protocols to administer the developed regional model;
- Assists in research-based program development;
- Monitors contract and program measures for the regionalization plan;
- Analyzes department data to provide clear guidance to local probation departments on outcome measures;
- Reports on performance of specific programs and placements to assist in implementing best practices and maximize the impact of state funds;
- Provides training on best practices for all local probation departments affected by the regionalization plan;
- Provides consultative services, technical assistance, and support to probation departments regarding division activities related to mental and behavioral health and other special population programs and services;
- Reviews annual budget applications submitted by juvenile probation departments applying for or receiving grant funds for compliance with state and federal statutes, contract requirements, and internal regulations; and
- Prepares detailed and comprehensive audit reports of review findings, to include recommended changes in fiscal procedures and recommendations for appropriate utilization of resources as needed and client responses to recommended changes; prepares justifications for implementing operational changes.

Target Population for Diversion

The goal of regionalization is to reduce the number of TJJD commitments and, at the same time, ensure that the most severe juvenile justice dispositions are limited to youth with the highest risk of recidivism. From a research-informed perspective, the appropriate target population for TJJD commitments is youth with high risk of recidivism for which less restrictive alternatives have been attempted prior to TJJD commitment. Consequently, an important focus of regionalization is to divert youth from TJJD commitment, particularly youth with a low to moderate risk to reoffend.

The initial target population of youth appropriate for regionalization diversion are all youth who are eligible, and under consideration, for commitment to TJJD. In order to qualify, the juvenile probation department must demonstrate a prior effort to provide appropriate intervention with priority given to the treatment needs of the youth. Interventions should be commensurate with county resources.

Youth who may be especially appropriate for diversion include:

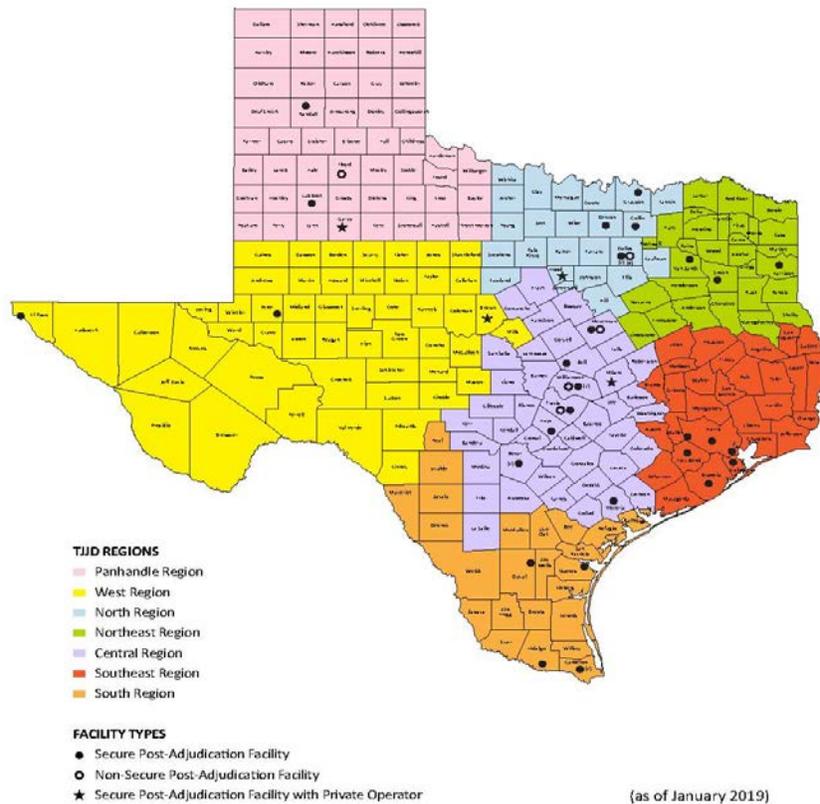
- Younger offenders (those between the ages of 10-14);
- Youth with a serious mental illness;
- Youth with a developmental or intellectual disability;
- Youth with only non-violent offenses;
- Youth with low to moderate risk levels for re-offense
- Youth for whom there is clear concern they have been, will be, or are being sex trafficked, as defined in Section 20A.02, Penal Code; or
- Youth who have four or more adverse childhood experiences (ACEs).

As risk and needs assessments increasingly guide programming and placement decisions, and local services are developed and enhanced, TJJD expects to see changes in the youth who counties are committing to state facilities and those they are seeking to divert to regional alternatives. As these changes occur, TJJD will reevaluate the target population and application parameters for regional diversions to include more high- and moderate-high-risk youth.

The Seven Regions of Texas

Historically, the 165 juvenile probation departments have been divided into seven regional associations. These regional associations are the basis for the seven regions used for the regionalization plan. The leadership within each region plays a vital role in successfully implementing the regionalization effort. Each region contains considerable diversity. In more densely populated areas, juvenile probation departments often can offer more robust and varied programs and services while smaller departments often have fewer program and service options.

TJJD Registered Juvenile Facilities



All post-adjudication correctional facilities within each region offer some form of behavioral intervention or therapeutic programming; however, the availability of specialized treatment services or programs varies amongst facilities. Specialized programming may include substance abuse, sexual behavior or mental health treatment, or programming for special populations such as female or young offenders, and juveniles with intellectual or developmental disabilities. Determining the types of programming, and the intensity of the services provided, is an important distinction to appropriately match a juvenile’s treatment needs with a program.

The region’s juvenile probation departments provide various community programs and services, operated by the departments, or through service provider contracts. Community programs or services vary greatly within departments and regions and may include: specialized treatment for substance abuse, mental health, and sexual behavior treatment, and programs for female offenders, violent offenders, and various psychoeducational and skills building services for general offenders.

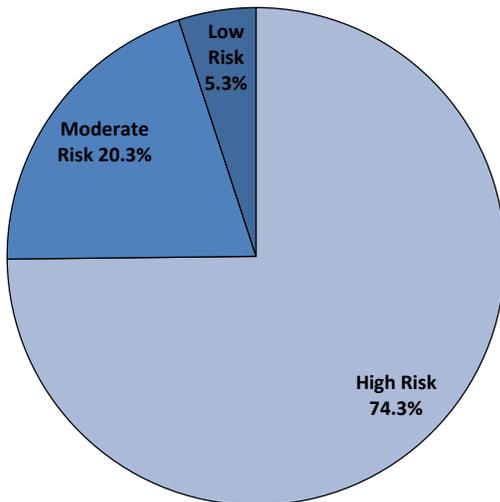
Regional Diversion Applications in Fiscal Year 2020

During fiscal year 2020, 414 regional diversion applications were submitted to the Regionalization and County Grants Department. Of those 414 applications, 329 were approved for the RDA Program; however, not all juveniles who are approved for the RDA Program are subsequently placed in residential facility. The final disposition remains with the local judiciaries. In fiscal year 2020, there were 266 juveniles placed in a residential facility using RDA funds. In addition to the traditional regional diversion program, there are now two regional facilities who accept diverted youth: the Meurer Intermediate Sanctions Center and The Youth Center of the High Plains. These two regional facilities helped divert an additional 16 youth from commitment to TJJD.

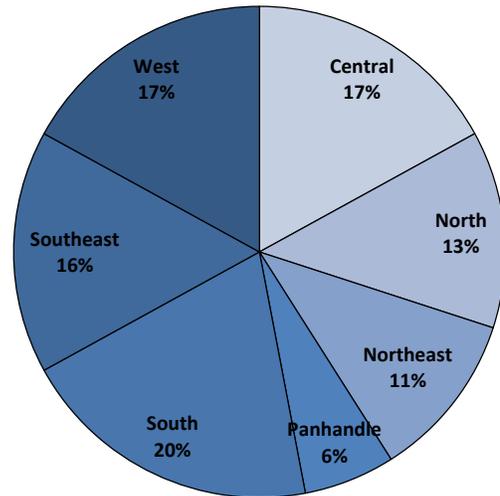
Of the submitted regional diversion applications, 81% were for male juveniles while 19% were for female juveniles, and the average age of the juvenile was 15 years old. Of the submitted applications, 46.6% were for Hispanic juveniles, 34.1% were for white juveniles, 18.8% were for African American juveniles, and less than 1% were for Asian or Pacific Islander and American Indian or Alaskan Native juveniles.

Of the regional diversion applications submitted in the fiscal year, 74.3% of the juveniles had a high risk to reoffend, while 25.6% had a low or moderate risk to reoffend. Each of the seven regions of Texas submitted regional diversion applications. Of the 414 regional diversion applications, 17% came from the Central Region, 13% from the North Region, 11% from the Northeast Region, 6% from the Panhandle Region, 20% from the South Region, 16% from the Southeast Region, and 17% from the West Region.

**Risk to Reoffend for
Regional Diversion Applications**
Fiscal Year 2020



**Texas Regions Sending
Regional Diversion Applications**
Fiscal Year 2020



Outcomes for Regional Diversion Alternatives

In fiscal year 2020, there were 278 discharges from a Regional Diversion Alternatives funded residential placement. Of these placement discharges, 81% ended with a successful completion. Of juveniles discharged from an RDA placement in fiscal year 2020, 12% were subsequently committed to TJJD.

Juveniles in Regional Diversion Alternatives Residential Placement

Fiscal Years 2018, 2019, and 2020

	2018	2019	2020
RDA Placement Discharges in Fiscal Year	199	274	278
RDA Placement Discharging Successfully	156	206	224
Percent Completing RDA Placement Successfully	78%	75%	81%
Juveniles Receiving Subsequent TJJD Commitment	55	90	33
Percent Receiving Subsequent TJJD Commitment	28%	34%	12%

Recidivism

To achieve its mission of creating a safer Texas through effective programs and services, TJJD tracks the re-referral/arrest (re-offense) and incarceration rates of juveniles served by the juvenile probation system. The date of disposition to supervision, date of program entry, or the end of residential placement as recorded by the TJJD monthly extract data marks the beginning of the recidivism tracking period. The match of this data to the Department of Public Safety (DPS) Criminal History Records and the Texas Department of Criminal Justice (TDCJ) records captures referrals and arrests that occur outside the originating juvenile probation department as well as arrests and incarcerations that occur in the adult criminal justice system.

A re-offense recidivism event includes a subsequent Class B misdemeanor offense or an offense of higher severity that resulted in either a referral to a juvenile probation department, an arrest by a law enforcement agency, or both. A juvenile referred for an offense can remain in the community, enter placement in a post-adjudication county facility, or be committed to TJJD; therefore, TJJD also tracks those juveniles whose subsequent behavior results in secure residential placement, commitment to TJJD, or incarceration in a Texas adult prison. Subsequent incarceration rates include felony and violation of court order offenses as it is possible to be committed to TJJD for a violation of a felony court order. The first two sections include three-year recidivism rates for juveniles disposed to deferred prosecution and probation supervision and for juveniles leaving residential placement in fiscal year 2017. The third section includes recidivism rates for youth served in a Commitment Diversion funded program or placement in fiscal year 2017.

Recidivism Rates for Juveniles Disposed to Deferred Prosecution or Probation Supervision

Juveniles disposed to deferred prosecution or probation supervision in fiscal year 2017 were followed for three years from the date of their disposition to supervision to determine the rate of re-offense during that period. The table below provides re-offense rates, subsequent secure placement, and incarceration rates as defined above. The disposition date to deferred prosecution or probation supervision marks the beginning of subsequent secure placement and incarceration rate analysis. Of the 20,598 juveniles disposed to either deferred prosecution or probation supervision in fiscal year 2017, 50.6% committed a re-offense recidivism event within the three-year tracking period. Of the juveniles that re-offended after starting supervision, 14.9% re-offended with a violent felony offense. Approximately 13.4% of the juveniles disposed to either deferred prosecution or probation supervision in fiscal year 2017 had a subsequent secure placement at a county facility, and 6.8% (n=1,409) had a subsequent incarceration event within the three-year tracking period.

**Three-Year Re-Offense and Incarceration Rates for Juveniles Disposed to
Deferred Prosecution and Probation Supervision in Fiscal Year 2017¹**

	Year One	Year Two	Year Three	Total
Probation Supervision	33.8%	17.0%	8.8%	59.6%
Deferred Prosecution Supervision	22.9%	12.2%	7.6%	42.6%
Total Re-Offense	28.1%	14.4%	8.1%	50.6%
Subsequent Secure Placement	6.3%	4.9%	2.2%	13.4%
Subsequent Incarceration	2.0%	2.6%	2.3%	6.8%

Recidivism Rates for Juveniles Leaving a Residential Placement Facility

Juveniles entering residential placement typically exhibit the greatest need for services and have the most serious offense and prior history, which warrant a more restrictive and intense treatment setting than can be afforded in the community. Because of this, juveniles placed in residential facilities typically have higher re-offense and subsequent incarceration rates than juveniles on probation in the community.

The table below provides the three-year re-offense and subsequent incarceration recidivism analysis for juveniles who exited a secure or non-secure residential placement in fiscal year 2017. Of the 3,397 juveniles who ended a secure or non-secure residential placement in fiscal year 2017, 68.3% committed a re-offense recidivism event within the three-year tracking period. Of the juveniles that re-offended after exiting a non-secure or secure residential placement, 18.7% recidivated with a violent felony offense. Approximately 20.3% of juveniles who exited a placement facility in fiscal year 2017 were subsequently committed to TJJD or incarcerated in a Texas adult prison within the three-year tracking period.

**Three-Year Re-Offense and Incarceration Rates for Juveniles
Ending Residential Placement in Fiscal Year 2017**

	Year One	Year Two	Year Three	Total
Ending Secure Placement	44.6%	17.5%	8.1%	70.3%
Ending Non-Secure Placement	40.3%	16.3%	9.0%	65.6%
Total Re-Offense	42.8%	17.0%	8.5%	68.3%
Subsequent Incarceration	7.7%	6.8%	5.9%	20.3%

Recidivism Rates for Juveniles Served in a Commitment Diversion Funded Program or Placement

Fiscal year 2010 was the first year probation departments began utilizing Commitment Diversion funds for community-based programs, services, and placements. The purpose of Commitment Diversion Initiatives, as put forth by the Legislature, is to divert youth from commitment to a state-operated secure institutional facility by focusing additional services on high-risk youth in the community.

Juveniles starting a Commitment Diversion funded program in fiscal year 2017 had the following characteristics:

- 16% were disposed for a violent felony offense
- 27% were disposed for a non-violent felony offense
- 13% were disposed for a violation of court order
- 14% had a prior violent felony level offense
- 36% had a prior non-violent felony level offense
- 34% had three or more prior referrals
- 7% had three or more prior adjudications

¹ Subsequent secure placement includes only secure residential placements and excludes juveniles 15 or older at the time of disposition.

Juveniles leaving a Commitment Diversion funded placement in fiscal year 2017 had the following characteristics:

- 15% were disposed for a violent felony offense
- 28% were disposed for a non-violent felony offense
- 36% were disposed for a violation of a court order
- 34% had a prior violent felony offense
- 66% had a prior non-violent felony offense
- 62% had three or more prior referrals
- 20% had three or more prior adjudications

The table below provides recidivism analysis for juveniles beginning a Commitment Diversion funded program or exiting a Commitment Diversion funded placement in fiscal year 2017. These juveniles were followed for three years from the date of program entry or placement exit to determine the rate of re-offense and subsequent incarceration or TJJJ commitment during that period, as defined above. Juveniles leaving a Commitment Diversion funded placement have a higher re-offense rate compared to juveniles entering a Commitment Diversion funded program (70.7% versus 54.2%, respectively). Of the juveniles entering a Commitment Diversion funded program that re-offended, 16.5% re-offended with a violent felony offense.

**Three-Year Re-Offense and Incarceration Rates for Juveniles
Served in a Commitment Diversion Funded Program and Placement in Fiscal Year 2017²**

		Year One	Year Two	Year Three	Total
Entering Commitment Diversion Program	Total Re-Offense	40.2%	10.2%	3.8%	54.2%
	Subsequent Incarceration	4.1%	5.4%	5.2%	14.7%
Leaving Commitment Diversion Placement	Total Re-Offense	42.6%	17.6%	10.5%	70.7%
	Subsequent Incarceration	9.0%	7.9%	6.2%	23.0%

The table below highlights the three-year re-offense and incarceration rates for juveniles leaving a Commitment Diversion funded secure or non-secure placement and juveniles leaving a state-operated secure facility in fiscal year 2017. All youth served in a Commitment Diversion funded placement are included in the analysis if Commitment Diversion accounted for more than 50% of the funding. Juveniles leaving a state-operated secure facility have a higher re-offense rate compared to juveniles leaving a Commitment Diversion funded placement (76.5% versus 70.7%, respectively). Of the juveniles that re-offended, 41.0% of those leaving a state-operated secure facility recidivated with a violent felony offense compared to 18.8% of those leaving a Commitment Diversion funded placement.

**Three-Year Re-Offense and Incarceration Rates for Juveniles
Leaving a Commitment Diversion Funded Placement or State-Operated Secure Facility in Fiscal Year 2017**

		Year One	Year Two	Year Three	Total
Leaving Commitment Diversion Placement	Total Re-Offense	42.6%	17.6%	10.5%	70.7%
	Subsequent Incarceration	9.0%	7.9%	6.2%	23.0%
Leaving State-Operated Secure Facility	Total Re-Offense	47.5%	21.6%	7.4%	76.5%
	Re-Incarceration	21.9%	12.5%	8.2%	42.6%

² Youth served in both programs and placements were included in both the program and placement recidivism rates. Analysis includes both Secure and Non-Secure Commitment Diversion funded placements.

DESCRIPTION OF TRAINING, MONITORING, AND INVESTIGATION

The Texas Juvenile Justice Department (TJJD) works in partnership with local juvenile boards and juvenile probation departments to support and enhance juvenile probation services throughout the state by providing funding, technical assistance, and training; establishing and enforcing standards; collecting, analyzing, and disseminating information; and facilitating communications between state and local entities. TJJD also provides oversight of county-operated detention facilities. Below are descriptions of the agency’s efforts during fiscal year 2020 to provide training, monitor secure pre- and post-adjudication facilities, and investigate abuse, neglect and exploitation allegations in county operated facilities and juvenile probation department programs.

Juvenile Probation Training Academy

The Texas Juvenile Justice Department Training Academy is committed to the mission of developing, evaluating, and delivering quality training, executed in a thorough and professional manner to equip agency staff and juvenile justice stakeholders with the professional skills needed for exemplifying and achieving the goals of the Texas Juvenile Justice Department. Two Training Academy team members are dedicated to the professional development of juvenile probation staff full-time, while three other employees work with some other aspect of juvenile probation training on a part-time basis.

In the fiscal year, TJJD staff facilitated and/or conducted a total of 105 training service events for community juvenile justice professionals, bringing new knowledge and skills to a total of 6,407 participants. Throughout the year, there were 32 in-person trainings with 1,132 participants and 73 webinar trainings with 5,275 participants.

In response to the COVID-19 pandemic, in-person trainings were suspended and trainings were only provided via webinars since March 2020. This is the reason for the increase in webinar trainings and the decrease in conferences and in-person trainings, compared to previous fiscal years.

Juvenile Justice Department Training Services

Fiscal Year 2020

	Events	Participants
Webinars	73	5,275
Trainings	32	1,132
Conferences	0	0
Total	105	6,407

Monitoring and Inspection of Secure and Non-Secure Community-Based Facilities

The Texas Juvenile Justice Department (TJJD) is required to annually inspect each public and private juvenile pre-adjudication secure detention facility, post-adjudication secure correctional facility and non-secure correctional facility. Facilities are identified in the TJJD Facility Registry, the statutorily mandated registry of secure and non-secure facilities which is updated on an annual basis. The TJJD Monitoring and Inspection Division schedules announced on-site facility inspections in which the facility’s compliance with applicable Texas Administrative Code (TAC) rules (i.e. minimum standards) is verified through a comprehensive review of the facility’s policies, operating practices, resident services, and physical plant. These on-site inspections are supplemented with pre-visit desk reviews of various facility documents.

At the conclusion of each comprehensive on-site inspection, TJJJ issues a web-based suitability report that is sent to the attention of the facility administrator, the jurisdiction’s juvenile board chairperson and each of the jurisdiction’s juvenile judges. Formal findings of standards non-compliance require the facility to provide a prompt corrective action plan that is reviewed and ultimately substantiated by TJJJ monitoring staff. Additionally, TJJJ has the ability to conduct unannounced on-site inspections to any registered facility and does so based on identified need as determined by individual circumstances that may be brought to the Department’s attention. While unannounced on-site inspections may also be comprehensive in nature, they more frequently have a limited scope of review as determined by the circumstances precipitating the unannounced inspection.

In response to the COVID-19 pandemic, TJJJ suspended all monitoring and inspections on March 13, 2020. However, prior to the suspension, the TJJJ Monitoring and Inspections Division completed a total of 47 comprehensive on-site inspections for 27 pre-adjudication secure detention facilities (including two short-term/holdover facilities), 18 post-adjudication secure correctional facilities, and 2 non-secure correctional facilities.

Facility Monitoring

Fiscal Year 2020

	Number	Percent
Pre-Adjudication Secure Detention	27	58%
Post-Adjudication Secure Correctional	18	38%
Non-Secure Correctional	2	4%
Total Comprehensive On-Site Inspections	47	100%

Abuse, Neglect and Exploitation (ANE) Investigation

The Office of Inspector General (OIG) investigates allegations of abuse, neglect, and exploitation at the county and state levels, including contract care facilities. The OIG receives allegations through various reporting mechanisms, including by phone and email. Juveniles held in county-operated facilities have the right to report allegations of abuse, neglect, or exploitation directly to the Incident Reporting Center (IRC) operated by the TJJJ’s Office of Inspector General. Reports can be made by juveniles, facility staff, parents, or the public. The allegations are assessed and assigned for investigation, if warranted. Once an investigation is initiated, OIG investigators work closely with facility personnel and local law enforcement to conduct thorough investigations of the allegations.

OIG - County Investigations Overall Referrals by Report Type

Fiscal Year 2020

	Number	Percent
Grievance	2,416	57%
Serious Incidents	822	19%
Non-Reportable	409	10%
Allegations of ANE	270	6%
Other	204	5%
Complaints	79	2%
Non-Jurisdiction	57	1%
Total	4,257	100%

Of the 4,257 total reports received by the OIG in fiscal year 2020, 2,870 were referred by the IRC. Of calls placed to the IRC, 81% were grievances that did not meet the definition of abuse, neglect, or exploitation, and were, therefore, handled at the local level. Of calls received by the IRC, 4% were investigated by the OIG as allegations of abuse, neglect, and exploitation.

OIG - County Investigations IRC Referrals by Report Type
Fiscal Year 2020

	Number	Percent
Grievance	2,330	81%
Serious Incidents	213	7%
Allegations of ANE	112	4%
Other/Duplicates	77	3%
Complaints	68	2%
Non-Jurisdiction	45	2%
Non-Reportable	25	1%
Total	2,870	100%

From the 270 reported allegations of abuse, neglect, or exploitation received in fiscal year 2020, 385 abuse, neglect, and exploitation investigations were opened. The majority, or 94%, of abuse, neglect, or exploitation cases disposed in fiscal year 2020 were either *Unfounded* or *Confirmed*; only 6% of dispositions were *Unable to Determine*. A preponderance of evidence resulted in affirmative findings for 33% of investigations; 1% were *Previously Investigated* or *Exonerated*. The average length of time for an investigation to be concluded decreased from 87 days in fiscal year 2019 to 84 days in fiscal year 2020. At the end of the fiscal year, only 16 investigations are on-going.

Abuse, Neglect, and Exploitation Investigation Dispositions
Fiscal Year 2020

	Number	Percent
Unfounded	224	61%
Confirmed	121	33%
Unable to Determine	21	6%
Unable to Investigate or Previously Investigated	2	1%
Exonerated	1	0%
Baseless	0	0%
Concur	0	0%
Does Not Meet the Definition of ANE	0	0%
Reason to Believe	0	0%
Ruled Out	0	0%
Total	369	100%

*Investigations are counted by perpetrator and/or victim, therefore the number may exceed the count of reports received.

FINANCIAL MONITORING OF COUNTY GRANTS

Financial monitoring and auditing of all grants awarded to local juvenile probation departments is critical to effective grant management at the state level. TJJJ's financial monitoring is a process that assesses the quality of internal control performance, allowable expenditures, and compliance with applicable laws and regulations. General principles for determining allowable costs under all TJJJ grants have been established for juvenile probation departments utilizing state funds.

The application of these principles is based on the fundamental premises that:

- The juvenile probation departments shall be responsible for the efficient and effective administration of state funds through the application of sound management and accounting practices; and
- The juvenile probation departments shall assume responsibility for administering the grant funds in a manner consistent with underlying agreements, program objectives and the terms and conditions of the *State Aid and Targeted Grant Contract* and grant requirements.

EXPENDITURE OF GRANT FUNDS

Juvenile probation departments statewide are required to expend all grant funds solely for the provision of juvenile probation services and juvenile justice programs within the budget categories of Basic Probation Services, Community Programs, Pre & Post-Adjudication, Commitment Diversion, and Mental Health Services, or according to the specific requirements of the individual grant. Examples of programs and services include community-based mental health services, individual and family counseling, substance abuse prevention and intervention, anger management, intensive supervision, family preservation, sex offender treatment, electronic monitoring, mentoring, after school programs, psychological and psychiatric evaluation, and therapeutic treatment. Funds may also be expended for the placement of juveniles in non-secure and secure pre- and post-adjudication facilities where they receive education, treatment and specialized services.

REPORTING REQUIREMENTS

Each juvenile probation department is required to submit a quarterly expenditure report detailing the utilization of all state funds received by the department and local county probation expenditures as required in the *State Aid and Targeted Grant Contract*. The quarterly expenditure report gives an assessment of whether expenditure patterns are consistent with the department's approved budget application submitted at the beginning of each fiscal year. This report identifies expenditures associated with each grant allocated to the juvenile probation department. In addition to documenting expenditures, the review of the quarterly expenditure report determines whether expenditures are allowable or unallowable under each grant. These reports can identify areas of concern during the fiscal year such as unfilled positions and funds not being utilized for juvenile programs and services. These reports are also used during on-site monitoring visits to confirm the accuracy of the report.

ON-SITE MONITORING

TJJJ staff conduct financial monitoring and compliance activities on all grant funds allocated to local juvenile probation departments. The *State Aid and Targeted Grant Contract* requires local juvenile probation departments to maintain sufficient records to account for the use of state funds and provide TJJJ with reasonable evidence that service delivery is consistent with provisions in the grant requirements. TJJJ also provides technical assistance to juvenile probation department and county staff regarding the proper expenditure and accounting for state funds. During the on-site financial monitoring visit, financial documents such as payroll reports, general ledger, expenditure detail reports, caseload summary reports, timesheets, and service provider contracts are reviewed to determine if expenditures are allowable under each grant provision.

The financial monitoring tasks include, but are not limited to:

- Interview the chief juvenile probation officer, financial manager, county auditor’s office or treasurer’s staff;
- Review purchase requisitions for authorization;
- Determine whether expenditures are reasonable;
- Compare journal entries to actual invoices and costs for accuracy;
- Ensure expenditures were incurred in the correct grant period;
- Ensure expenditures comply with all grant requirements;
- Review travel reimbursement documents for compliance with approved state travel rates;
- Determine compliance of juvenile probation officers’ salaries paid out of specialized grants by reviewing TJJJ caseload summary reports and timesheets; and
- Review all private service provider contracts paid in whole or part with TJJJ funds.

Fiscal analysts also review the submitted annual budget applications, quarterly expenditure reports, and independent audit reports in preparation for the on-site monitoring visit. TJJJ follows a schedule that allows staff to review each department approximately once every two years. The time between audits can be shortened if significant findings are revealed in the department’s independent audit, a new chief is hired, or community complaints indicate a need for more frequent auditing.

In fiscal year 2020, fiscal analysts audited 34 departments. Twenty-five reviews were conducted on-site, and there were nine desk audits conducted in the TJJJ offices. Covid-19 response resulted in the cancellation of 15 scheduled field audits. Field and desk audits were suspended from March 15, 2020 until July 14, 2020.

Fiscal Monitoring
Fiscal Year 2020

	Number	Percent
On-site Review	25	74%
Desk Review	9	26%
Total Reviews	34	100%

All audits are entered into the Compliance Monitoring and Enforcement Tracking System (COMETS), which allows TJJJ staff to generate and immediately issue a summary report on-site based on the outcome of the monitoring process. The juvenile probation department must respond to findings with a corrective action plan through the COMETS web-based system.

INDEPENDENT AUDIT REQUIREMENT

Each fiscal year, all juvenile probation departments are required to provide an independent financial compliance audit of funds received from TJJJ under the *State Aid and Targeted Grant Contract*. The audit report is prepared in accordance with Generally Accepted Auditing Standards, Governmental Auditing Standards, and TJJJ’s audit requirements. The audit includes as part of the Report on Compliance and Internal Control, the specific financial assurances contained in each specific grant requirement. The audit report includes an opinion on whether the department complied with the applicable assurance as well as a summary of all material instances of non-compliance and an identification of the total amount of funds in question for each assurance. A certified public accountant conducts the audit in accordance with the most current auditing standards. The independent audit reports for the fiscal year ending August 31st are due on March 1st of the following fiscal year.

The following process is followed to ensure consistent, efficient and effective review of the audit reports:

1. TJJJ mails out the audit requirements to each county fiscal officer, chief juvenile probation officer and a copy is published on the agency's website.
2. The department will submit one copy of the report which will be maintained at TJJJ. The Fiscal Unit Coordinator will conduct an initial review of the report after it has been received at TJJJ.
3. The initial review of the report with preliminary information is entered into a "County Grant Information" document form.
4. This form will document the county name, auditor name, date report is received, type of grants received, and whether receipts, expenditures and budgets reported in the audit report reconciles to TJJJ records.
5. After the "County Grant Information" is complete, the audit report is submitted to the internal auditor for a desk review.

The audit review includes insuring the following:

- The report meets generally accepted and government auditing standards;
- All grants are accounted for in the report;
- Receipts are reported on the cash basis for each grant;
- Expenditures are reported in proper budget categories;
- Expenditures agree with TJJJ's financial system; and
- The budget to actual operating statements includes a variance column.

The required format for the independent audit report is as follows:

- Statement of revenues, expenditure and changes in funds balance of all TJJJ grant funds;
- Required notes to the financial statements per audit requirements;
- Report on compliance and on internal control over financial reporting based on an audit of financial statements performed in accordance with Generally Accepted Governmental Auditing Standards; and
- Schedule of findings and questions costs for current and prior years.

After the review each department receives a letter based on recommendations from the audit review that may include a request for any additional information, a corrective action plan for each finding or questioned costs, and a request for refund. A copy of the letter is mailed to the department's chief juvenile probation officer, fiscal officer and the respective independent audit firm.

If the response from the department is accepted, the audit is considered closed and filed with the audit report. If the response is unacceptable, communications will continue until compliance is achieved. If compliance has not been achieved within fourteen working days, TJJJ issues a Non-Compliance Citation Report (NCCR) and may suspend funds.

Findings and questioned costs noted from the audit report (current and previous years) are included in the risk assessment monitoring tool and reviewed during the juvenile probation department's fiscal monitoring visit.

Annual Report to State Leadership

Effective fiscal year 2010, the Texas Juvenile Probation Commission (TJPC) was required by Rider 16 to produce an annual report to Legislative Leadership that includes detailed monitoring, tracking, utilization and effectiveness information on funds appropriated in each budget strategy in Goals A (Basic Probation) and B (Community Corrections). This requirement was continued for the Texas Juvenile Justice Department (TJJD); the fiscal year 2020 report is the twelfth annual report to fulfill this requirement.

Rider 26 of the Fiscal Year 2020-2021 General Appropriations Act. Reporting Requirements to the Legislative Budget Board.

From funds appropriated above, the Juvenile Justice Department shall maintain a specific accountability system for tracking funds targeted at making a positive impact on youth. JJD shall implement a tracking and monitoring system so that the use of all funds appropriated can be specifically identified and reported to the Legislative Budget Board. In addition to any other requests for information, the agency shall produce an annual report on the following information for the previous fiscal year to the Legislative Budget Board by December 1st of each year:

- a. The report shall include detailed monitoring, tracking, utilization, and effectiveness information on all funds appropriated in Goal A, Community Juvenile Justice. The report shall include information on the impact of any new initiatives and all programs tracked by JJD. Required elements include, but are not limited to, prevention and intervention programs, residential placements, enhanced community-based services for serious and chronic felons such as sex offender treatment, intensive supervision, and specialized supervision, community-based services for misdemeanants no longer eligible for commitment to the Juvenile Justice Department, Commitment Diversion Initiatives, and Regional Diversion Alternatives.
- b. The report shall include information on all training, inspection, monitoring, investigation, and technical assistance activities conducted using funds appropriated in Goals A and E. Required elements include training conferences held, practitioners trained, facilities inspected, and investigations conducted.
- c. The annual report submitted to the Legislative Budget Board pursuant to this provision must be accompanied by supporting documentation detailing the sources and methodologies utilized to assess program effectiveness and any other supporting material specified by the Legislative Budget Board.
- d. The annual report submitted to the Legislative Budget Board pursuant to this provision must contain a certification by the person submitting the report that the information provided is true and correct based upon information and belief together with supporting documentation.
- e. The annual report submitted to the Legislative Budget Board pursuant to this provision must contain information on each program receiving funds from Strategy A.1.1, Prevention and Intervention, including all outcome measures reported by each program and information on how funds were expended by each program.

In addition to the annual report described above, the Juvenile Justice Department shall report juvenile probation population data as requested by the Legislative Budget Board on a monthly basis for the most recent month available. JJD shall report to the Legislative Budget Board on all populations specified by the Legislative Budget Board, including additions, releases, and end-of-month populations. End of fiscal year data shall be submitted indicating each reporting county to the Legislative Budget Board no later than two months after the close of each fiscal year. JJD will use Legislative Budget Board population projections for probation supervision and state correctional populations when developing its legislative appropriations request for the 2022-23 biennium.

Upon the request of the Legislative Budget Board, the Juvenile Justice Department shall report expenditure data by strategy, program, or in any other format requested, including substrategy expenditure detail.

The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to JJD in Goal F, Indirect Administration, if the Legislative Budget Board certifies to the Comptroller of Public Accounts that JJD is not in compliance with any of the provisions of this Section.

Rider 27 of the Fiscal Year 2020-2021 General Appropriations Act. Commitment Diversion Initiatives.

Out of the funds appropriated above in Strategy A.1.5, Commitment Diversion Initiatives, \$19,492,500 in General Revenue Funds in fiscal year 2020 and \$19,492,500 in General Revenue Funds in fiscal year 2021, may be expended only for the purposes of providing programs for the diversion of youth from the Juvenile Justice Department (JJD). The programs may include residential, community-based, family, and aftercare programs.

The allocation of State funding for the program is not to exceed a daily rate based on the level of care the juvenile receives. JJD shall ensure that the State is refunded all unexpended and unencumbered balances of State funds at the end of each fiscal year.

These funds shall not be used by local juvenile probation departments for salary increases or costs associated with the employment of staff hired prior to September 1, 2009.

JJD shall require juvenile probation departments participating in the diversion program to report to JJD regarding the use of funds within thirty days after the end of each quarter. JJD shall report to the Legislative Budget Board regarding the use of the funds within thirty days after receipt of each county's quarterly report. Items to be included in the report include, but are not limited to, the amount of funds expended, the number of youth served by the program, the percent of youth successfully completing the program, the types of programming for which the funds were used, the types of services provided to youth served by the program, the average actual cost per youth participating in the program, the rates of recidivism of program participants, the number of youth committed to JJD, any consecutive length of time over six months a juvenile served by the diversion program resides in a secure corrections facility, and the number of juveniles transferred to criminal court under Family Code, §54.02.

JJD shall maintain a mechanism for tracking youth served by the diversion program to determine the long-term success for diverting youth from state juvenile correctional incarceration and the adult criminal justice system. A report on the program's results shall be included in the report that is required under JJD Rider 26 to be submitted to the Legislative Budget Board by December 1st of each year. In the report, JJD shall report the cost per day and average daily population of all programs funded by Strategy A.1.5, Commitment Diversion Initiatives, for the previous fiscal year.

The Comptroller of Public Accounts shall not allow the expenditure of funds appropriated by this Act to JJD in Goal F, Indirect Administration, if the Legislative Budget Board certifies to the Comptroller of Public Accounts that JJD is not in compliance with any of the provisions of this Section.

APPENDIX B

Definitions and Calculation Methodologies in the Juvenile Probation System

This appendix provides the definitions and calculation methodologies used for the effectiveness and accountability measures of the juvenile probation system. All data used for these calculations is reported to the Texas Juvenile Justice Department (TJJD) by local juvenile probation departments through the monthly data extract submission process.

Definitions

Formal Referrals: This is any occasion when all three of the following conditions exist: (1) delinquent conduct, conduct indicating a need for supervision, or violation of probation was allegedly committed; (2) the juvenile probation department has jurisdiction and venue; and (3) face-to-face contact occurs with the office or official designated by the juvenile board.

Disposition of Commitment to the Texas Juvenile Justice Department (TJJD Commitment): This occurs when a juvenile is committed to the care, control and custody of the Texas Juvenile Justice Department (TJJD). As of 2007, all commitments to the TJJD, except under the determinate sentencing act, are for an indeterminate term not to extend beyond the juvenile's 19th birthday.

Disposition of Certified as an Adult: This is a situation where the juvenile court waives its jurisdiction in order for an accused juvenile felony offender to be prosecuted as an adult in the criminal justice system. Certification is permissive and not mandatory under Texas law. Depending upon the type of felony committed a juvenile as young as 14 years of age can be certified to stand trial as an adult.

Deferred Prosecution is a voluntary supervision where the child, parent/guardian(s), prosecutor, and the juvenile probation department agree upon conditions of supervision. Deferred prosecution can last up to six months and can be extended an additional six months by the court. If the child violates any of the deferred conditions, the department may elect to proceed with formal court adjudication.

Probation is a form of community-based supervision that is usually assigned for six months to one year, though it may be assigned until a juvenile's 18th birthday. While on adjudicated probation, the juvenile may be required to participate in any program or placement deemed appropriate.

Calculations

Average Daily Population (ADP) of Juveniles on Deferred Prosecution and Probation Supervision: This is the average number of juveniles under active supervision per day during a specified period of time. It is calculated by obtaining the entry and exit dates of every juvenile under deferred prosecution and probation supervision in a given fiscal year, summing the total days these juveniles were under each type of supervision in that year and dividing that total by 366. For juveniles whose supervision began prior to the start of the fiscal year, 09/01/2019 is used for the begin date. For juvenile whose supervision ended after the end of the fiscal year, 08/31/2020 is used for the end date.

Total Juveniles Served on Deferred Prosecution and Probation Supervision: This is calculated by identifying which juveniles started deferred prosecution or probation supervision during a given fiscal year, which juveniles started before the fiscal year and ended during or after the fiscal year, and which juveniles started before the fiscal year and are still currently under supervision. The number of juveniles in each category is summed to determine the total number of juveniles served.

Number of Juveniles Beginning a Program: This is calculated by identifying which juveniles started a program during a given fiscal year. A program is a non-residential, department-operated or contracted/purchased service. A program must have a measurable or reportable objective and outcome. A program serves juveniles who are on some type of supervision. It does not include community service restitution or services received while in detention or residential placement. Juveniles are counted once for each program they participate in during the fiscal year.

Number of Juveniles Beginning Residential Placement: This is calculated by identifying which juveniles started residential placement during a given fiscal year. Residential placement is the placement of a child in a secure or non-secure residential facility. Residential placements include secure placements, non-secure placements, court ordered placement into a foster care eligible facility, and probation emergency shelter placements. CPS, kinship, hospital and parental placements are not included in the number of residential placements.

Average Daily Population (ADP) of Juveniles in Secure and Non-Secure Placements: This is the average number of juveniles in placement per day during a specified period of time. It is calculated by obtaining the start and exit dates of every juvenile in residential placement in a given fiscal year, summing the total days these juveniles were in placement in that year, and dividing that total by 366. For juveniles whose placement began prior to the start of the fiscal year, 09/01/2019 is used for the begin date. For juvenile whose placement ended after the end of the fiscal year, 08/31/2020 is used for the end date.

Supervision Outcomes for Juveniles Leaving Deferred Prosecution and Probation Supervision: This is the outcome for the supervision to which the juvenile was disposed. The frequency and percent of outcomes are calculated based on juveniles terminating supervision during the fiscal year. The possible supervision termination outcomes are: Completed (sometimes called Successful), Transferred to the Adult System, TJJD Commitment, and Failure to Comply.

To calculate the percent of juveniles whose outcome is successful: The total number of juveniles with an outcome of Completed is divided by the sum of the number of juveniles with an outcome of Completed, Transferred to the Adult System, TJJD Commitment, and Failure to Comply.

Three-Year Re-offense Recidivism Rates: Calculations track behavior for three years from the date of disposition to supervision, the date of program start, or the date of placement exit. This rate includes formal referrals to the juvenile justice system and arrests in either the adult or juvenile justice system. The rate only includes subsequent referrals and arrests for felony offenses as well as Class A or B misdemeanor offenses. Juveniles are tracked using TJJD monthly extract data as well as Department of Public Safety Criminal History Records to capture referrals and arrests that occur outside of the originating juvenile probation department as well as arrests that occur in the adult criminal justice system.

Three-Year Subsequent Incarceration and Placement Recidivism Rates: Calculations track behavior for three years from the date of disposition to supervision, the date of program start, or the date of placement exit. This rate includes dispositions to the Texas Juvenile Justice Department for a felony offense or violation of felony probation as well as incarcerations in the adult prison system, as reported by the Texas Department of Criminal Justice. The subsequent placement rate tracks behavior for three years from the date of disposition to supervision or the date of placement exit and includes dispositions to secure placement for any offense.