



TEXAS
JUVENILE JUSTICE
DEPARTMENT

June 9, 2022

Jennifer Jones
Executive Director
Sunset Advisory Commission
1501 N. Congress Avenue
6th Floor, Robert E. Johnson Building
Austin, TX 78701

Dear Director Jones:

I want to thank you and your team at the Sunset Advisory Commission for the commitment and professionalism everyone has shown during your review of operations at the Texas Juvenile Justice Department. We have greatly appreciated the opportunity to collaborate these past months as the Commission staff studied and assessed all the issues affecting our ability to protect public safety and provide the youth in our purview the holistic services they need.

Your review was probing, and we agree with all key recommendations. The report produced will undoubtedly help improve our processes. While several recommendations will take time to implement as the agency appropriately collaborates with key stakeholders, we are already at work developing those plans. We trust too that, just as this document will guide us toward meaningful and targeted ways to optimize our operations, it will also assist our stakeholders as they seek to support TJJD in its dual mission to protect communities and help youth build better lives.

We look forward to continuing to work with your team and welcome their ongoing input as we offer our feedback and move ahead with this process. Please find outlined below our specific responses to issues identified by the Commission staff.

Respectfully,

A handwritten signature in black ink, appearing to read "Shandra Carter".

Shandra Carter
Interim Executive Director
Texas Juvenile Justice Department

The Honorable Lisa Jarrett, Chair

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Issue 1 – Unless TJJD’s Critical Staffing Issues are Adequately Addressed, the Juvenile Justice System Will Remain In a Cycle of Instability, Unable to Achieve Legislative Goals.

Despite significant progress over the past decade in reducing the number of youth committed to state facilities, TJJD’s prolonged and continuing staffing crisis has hindered the ability of the agency to move forward with the required agility and pace to address the significant issues affecting the juvenile justice system. There is a very real cycle of instability from which the agency cannot solve with current resources. Despite significant and comprehensive efforts to alleviate critical staffing issues detailed in the Sunset’s staff report, these measures, in the context of the economic realities like the national labor shortage, a strong Texas economy, and low unemployment, have served only to mitigate the crisis. TJJD welcomes Sunset’s thorough analysis of this issue and the recommendations offered to address it.

Change in Appropriation

1.1 The House Appropriations and Senate Finance committees should consider increasing TJJD’s appropriation to stabilize staffing levels and ensure the agency accomplished its statutory regionalization duties.

TJJD agrees with this recommendation. The first step to stabilize the juvenile justice system in Texas is ensuring the state correctional facilities have the ability to safely serve all the youth who are committed to the state’s care and custody. This requires an increase in salary for direct-care staff as the current salary is insufficient to compete with the robust job market throughout the state. However, increasing the pay for state correctional staff is not the only appropriative need to stabilize the system. TJJD staff also recommend an analysis of the state appropriations for the juvenile probation departments throughout the state.

County juvenile probation departments continue to serve the vast majority of youth in the juvenile justice system, and for these departments to continue providing these services the state must invest in a higher level of sustainable resources. To expand the legislative initiatives such as regional diversion, as discussed below, additional resources are also necessary for TJJD to dedicate to the agency divisions responsible for county grant management and oversight, and regional county programming.

Change in Statute

1.2 Require TJJD to update its regionalization plan biennially to ensure its contents are up-to-date and actionable.

TJJD agrees with this recommendation. TJJD staff and the Advisory Council on Juvenile Services have already begun the process to update the agency’s regionalization plan. This Regionalization workgroup will begin meeting in the summer of 2022, and pending additional legislative authority or direction, such as the ability for the TJJD board to appoint advisory bodies through Ch. 2110, Government Code, additional stakeholders will be able to provide input to this process.

1.3 Authorize TJJD to incentivize diversion within and collaboration between Texas counties through its grantmaking process.

TJJD agrees with this recommendation. Despite county departments' best efforts, the current appropriation structure disincentivizes investment in prevention, early intervention, and diversion from the juvenile justice system. TJJD supports finding ways to properly incentivize diversion that does not adversely impact juvenile probation departments. The solution to this is complex and requires a thorough assessment by all stakeholders; there is not a simple fix to this problem. Time is needed to identify the appropriate category of youth across the state to target for diversion efforts.

The Sunset staff report discusses specific targeted programs and facility bed space in certain counties that are dedicated to diversion efforts. As the youth diverted from state facilities have higher needs, these programs require a higher cost-per-day contracted rate than other placements. To expand these options, the state will need to increase its appropriated grant funding. TJJD is committed to exploring additional opportunities to engage the juvenile probation field on how best to allocate resources to diversion.

1.4 Continue TJJD for six years.

TJJD agrees with this recommendation.

Management Action

1.5 Direct TJJD to complete statutorily required regionalization duties that remain unfinished or underdeveloped.

TJJD agrees with this recommendation. Since 2018, TJJD has expanded the number of employees dedicated to regionalization duties and has provided approximately \$13 million in state cost savings to the county probation departments to further these efforts. TJJD has maxed out its ability to expand regionalization with the existing appropriative resources and staffing. Additional dedicated FTEs will be necessary to provide more support to the local county juvenile probation departments. For TJJD to adequately analyze what additional duties must be developed, we must identify the targeted population and resources needed as discussed in the agency's comment to Recommendation 1.3.

1.6 Direct TJJD to seek guidance from the State Office of Risk Management to develop strategies for addressing and minimizing employee injuries.

TJJD agrees with this recommendation. As discussed in the Sunset staff report, TJJD has taken steps to minimize employee injuries. TJJD has already engaged SAO to more accurately report the full FTE count for agency employees in the calculation of the agency's injury frequency rate. Additional collaboration with SORM on these issues is welcome.

Issue 2 – TJJD’s Board Must Vastly Improve Its Governance and Engagement to Overcome the Agency’s Operational Crises and Leadership Instability.

Many of the solutions to the issues identified in this section will be derived from building on the existing collaboration between the TJJD board and TJJD staff. More frequent and regular committee coordination by the TJJD board will provide the proper level of board engagement. More regular lines of communication and thorough information sharing by staff will provide the board the necessary details to guide the direction for the juvenile justice system to move forward.

Change in Statute

2.1 Require the board to provide oversight and accountability for any duties the board delegates to the executive director.

TJJD agrees with this recommendation. Clarity in statute on which responsibilities the board should appropriately delegate to the executive director will help better define the role of the governing body and the administrative head of the agency.

2.2 Authorize the board to appoint advisory committees.

TJJD agrees with this recommendation. Additional advisory committees under Ch. 2110, Government Code, will assist the TJJD board in fulfilling its statutory obligations and to meet the expectation on increased engagement with agency operations.

2.3 Require the board to adopt rules for the Advisory Council on Juvenile Services.

TJJD agrees with this recommendation.

2.4 Abolish the inactive statutory advisory committee on vocational education and employment programs.

TJJD agrees with this recommendation.

2.5 Update the standard across-the-board requirement related to board member training and improve the usefulness of the training.

TJJD agrees with this recommendation. TJJD staff have already begun the preparation on improving the training for board members, including clarity around the parameters of the Open Meetings Act to best allow more regular collaboration by board members and committee workgroups. Updated training will also improve board members’ ability to effectively govern agency operations, advisory bodies, and the Advisory Committee on Juvenile Services.

Management Action

2.6 Direct the board to evaluate and update its own policies and practices to more efficiently and effectively perform its duties.

TJJD agrees with this recommendation. Along with the additional targeted training in Recommendation 2.5, board engagement on policy evaluation for their operations will further the agency's efforts in solving issues identified in the Sunset staff report. Immediately, staff will begin the work to allow the board to appoint a rules committee to evaluate these practices.

2.7 Direct TJJD to adopt a four-year rule review plan and rules that are required by statute.

TJJD agrees with this recommendation. TJJD staff will engage with the TJJD board to adopt a rule review schedule that allows timely review and adoption of all TJJD standards codified in the Texas Administrative Code. By adopting additional guidelines for the Advisory Council on Juvenile Services (Recommendation 2.3) and the ability to appoint additional advisory councils (Recommendation 2.2), the TJJD board will be able to meet this expectation for four-year review.

2.8 Direct TJJD to seek representation by the Office of Attorney General to pursue a modification of the Parrie Haynes and John C. Wende trusts that would appoint a qualified third party trustee and an advisory committee to assist the trustee.

TJJD agrees with the recommendation. TJJD was expending significant staff time managing the two trusts. Working with the Office of the Attorney General and the TJJD board to determine the best path forward will ensure the testators' intent continues to be met without dedicating agency time to the operations and maintenance of the trusts' assets.

Issue 3 – Key Elements of TJJD’s Statute, Rules, and Procedures Do Not Conform to Common Regulatory Standards.

Change in Statute

3.1 Require TJJD to establish a risk-based approach to inspections for county- and state-level entities, including contract facilities operated by private entities.

TJJD agrees with this recommendation. As discussed in the Sunset staff report, TJJD has incorporated ad hoc risk-based analysis in the monitoring efforts for state facilities and programming. This recommendation will take some time to build out, using the Advisory Council on Juvenile Services, the regional presidents’ council, and other stakeholders to determine the appropriate factors to analyze and to prepare TJJD’s report to the Sunset Commission regarding additional data needed.

3.2 Remove prescriptive education and experience requirements for JPOs from statute.

TJJD agrees with this recommendation. Absent prescriptive statutory requirements, TJJD will work with the probation field to determine appropriate education requirements for certification.

3.3 Clearly require TJJD to develop guidelines for evaluating applicants’ criminal history for all of its certifications.

TJJD agrees with this recommendation. TJJD staff and the Advisory Council on Juvenile Services created proposed rules to comply with statute, and staff will present these rules for adoption by the Texas Juvenile Justice Board.

3.4 Remove subjective certification requirements for county-level officers.

TJJD agrees with this recommendation. The statutory requirement to be of “good moral character” is vague and unenforceable. TJJD complies with this requirement solely based on the criminal background standards for certification and continued certification. Removing this requirement from statute will not impact TJJD’s processes.

3.5 Authorize TJJD to issue provisional certifications to officer applicants upon employment with a county juvenile probation department or relevant private entity while they complete their required training.

TJJD agrees with this recommendation. TJJD can implement this change within existing resources and processes.

3.6 Require TJJD to adopt rules governing its administrative investigation process to provide adequate due process for certified officers.

TJJD agrees with this recommendation. TJJD agrees that abuse, neglect, and exploitation investigations and findings should be completed through cooperation between the investigating division and the TJJD attorneys. This change can be implemented within existing resources and processes.

3.7 Require TJJD to collect, maintain, and make publicly available detailed statistical information on complaints regarding certified officers.

TJJD agrees with this recommendation. TJJD will need to review whether this can be done using existing tracking systems or if new software will be necessary, which may require additional appropriations or resources.

Management Action

3.8 Direct TJJD to comply with statutory requirements by developing rules and procedures regarding certification of military service members, veterans, and military spouses.

TJJD agrees with this recommendation. Because hiring applicants occurs before certification, and training requirements to supervise youth occurs after the applicant is hired, TJJD does not offer an expedited certification process for military service members, veterans, and military spouses. All applicants have 180 days to be certified, and completing this requirement early does not provide any benefit to an individual. TJJD will examine its standards to determine changes that can be made to comply with Ch. 55, Occupations Code.

3.9 Direct TJJD to develop a formal process to refer nonjurisdictional complaints to the appropriate agency.

TJJD agrees with this recommendation. While TJJD performs this function, the report accurately describes this effort as ad hoc. Formalized processes will allow the agency to ensure all complaints are appropriately provided to the entity with jurisdiction to act.

Issue 5 – TJJD’s Statute and Processes Do Not Reflect Some Standard Elements of Sunset Reviews

Change in Statute

- 5.1 Combine two TJJD reports related to the effectiveness of youth rehabilitation efforts, and continue all other reporting requirements for TJJD.**

TJJD agrees with this recommendation.

- 5.2 Update TJJD’s statute to reflect the requirements of the person-first respectful language initiatives.**

TJJD agrees with this recommendation.

Management Action

- 5.3 Direct TJJD to improve and update its website content.**

TJJD agrees with this recommendation. TJJD has already begun working on this recommendation using existing resources.