

1. Updated Description of the System

A. Structure and Function of the Juvenile Justice System

Texas Family Code The basis of Texas juvenile law is the Texas Family Code (commonly referred to as the Family Code), Title 3, enacted by the Texas Legislature in 1973 and substantially revised in 1995.

Texas' Definition of Juvenile A person 10 years of age or older and 16 years of age or younger, or a person who is 17 years of age or older and under 18 years of age who is alleged or found to have engaged in "delinquent conduct" or "conduct indicating a need for supervision" (see "Offense Classification below) as a result of acts committed before becoming 17 years of age.

- The minimum juvenile court age is 10
- The maximum age for referral to juvenile court is 16
- The maximum age of court control (juvenile probation) is 18
- The maximum age of TYC control (detention) is 21

Offense Classification Texas law provides three classifications of juvenile offenses: criminal violations, delinquent conduct, and conduct indicating a need for supervision.

- Conduct Indicating a Need for Supervision (CINS) includes: public intoxication, truancy, running away from home, offenses punishable only by fine, inhalant abuse, expulsion for violating a school disciplinary code, or a violation of a court order under the Services to At Risk Youth Programs.
- Delinquent conduct is a violation of any law punishable by incarceration (except traffic laws), violation of juvenile court orders entered under Section 54.04 or 54.05 of the Texas Family Code (except truancy, running away, or offenses punishable only by fine), contempt of magistrate orders, DWI and other related offenses and third offense driving under the influence of alcohol by a minor.
- Criminal violations are those for which adult courts have jurisdiction. Those offenses are perjury, traffic offenses, fineable misdemeanors, ordinance violations, and alcohol violations.

Juvenile Justice System Components: Local and State Boards, Agencies, and Courts

Juvenile Boards The Family Code mandates that each Texas county has a juvenile board that oversees the operation of local juvenile justice systems. In rural areas, one board may oversee multiple counties. Juvenile boards oversee operations, designate juvenile judges, appoint chief juvenile probation officers and approve policies and budgets of local juvenile probation departments. A juvenile board can create an advisory council on a permanent basis or only when needed for a particular purpose.

Juvenile Courts The Family Code provides a means by which existing courts may be designated to exercise juvenile jurisdiction. The following courts may be designated by the local Juvenile Board and/or by Texas statute: district court, criminal district court, domestic relations court, statutory juvenile court, constitutional county court, and county court-at-law. There are currently 407 juvenile court judges in Texas.¹

Detention Magistrates, Referees and Masters A detention magistrate conducts detention hearings for juveniles, usually within the second working day of the juvenile being taken into custody. Juvenile Court judges may designate other judges to conduct detention hearings in his/her absence. Some jurisdictions may employ "Referees" or "Masters", whose primary duty is to conduct detention hearings.

Juvenile Probation Departments Texas has 254 counties and 182 juvenile probation departments. Most (120) of the departments had jurisdiction over one county; 44 departments shared jurisdiction with contiguous counties; 18 departments operated in conjunction with the local adult probation department.

¹ Texas Juvenile Probation Commission, 2004

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Texas Juvenile Probation Commission (TJPC) This state agency 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.

TJPC accomplishes its mission through a continuum of services and programs that:

- include prevention, early intervention, and rehabilitative programs;
- maximize family participation and accountability;
- are community based, family oriented and as least restrictive as possible;
- include a mix of residential and non-residential services which reduce commitments to the Texas Youth Commission; and,
- are a balance of public and private services and resources

Texas Youth Commission (TYC) This state agency is responsible for the care and rehabilitation of serious and chronic juvenile offenders who are ordered by juvenile courts to serve time in secure detention. The agency operates 15 secure detention facilities, contracts with private and/or local government providers for detention services, and provides parole supervision for released juveniles. The agency provides residential and non-residential treatment services for chemical dependency, sex offenders, capital offenders and mental health issues.

B. System Flow

Referrals to Juvenile Court Referrals can originate from law enforcement or other sources such as schools, social service agencies, and citizens. In most Texas counties, the juvenile probation department works with the juvenile prosecutor and the juvenile court in determining an appropriate intake plan for each referral. Two options for referral intake are allowable under the Family Code:

Statutory Intake Referral Plan All referrals for felony offenses or misdemeanor offenses involving violence to a person or the use or possession of a firearm, illegal knife, or club must be referred to the juvenile prosecutor for review and determination as to whether informal or formal court proceedings are merited.

Alternative Intake Referral Plan Statute allows juvenile probation boards to develop an Alternative Intake Referral Plan instead of using the Statutory Intake Referral Plan in order to respond to local priorities and resources. For example, juvenile probation officers may be given authority to review all misdemeanor referrals, while felony referrals must always be addressed by the juvenile prosecutor. Murder and Capital Murder cases are an exception – all referrals for these offenses must be reviewed by the juvenile prosecutor.

Disposition without Referral to Court Law enforcement or prosecution may divert certain juvenile cases from formal court proceedings by referring the juvenile to certain programs. Usually, these programs are targeted to first time and less serious juvenile offenders for whom an alternative to traditional juvenile court would result in a more positive outcome than court referral alone.

Detention Hearing The intake process includes a determination as to whether or not a juvenile should be detained. The Family Code presumes favor toward releasing the juvenile to a suitable parent or guardian. In order to detain a juvenile, at least one of five statutory criteria must be present (Section 54.01):

- 1) the juvenile is likely to abscond or be removed from the jurisdiction of the court
- 2) suitable supervision, care or protection for the juvenile is not being provided by a parent, guardian, custodian, or other person
- 3) the juvenile has no parent, guardian, custodian, or other person able to return him/her to the court when required
- 4) the juvenile may be dangerous to him/herself or he/she may threaten the safety of the public if released

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- 5) the juvenile has previously been found to be delinquent or has been convicted of a penal offense punishable by a term in jail or prison and is likely to commit an offense if released.

If a juvenile is detained, a judge must make a finding of probable cause within 48 hours of detainment and hold a detention hearing within two working days. The court considers the same criteria as juvenile probation and/or the juvenile prosecutor considered during intake in determining probable cause. Detention hearings must be held following the initial detention hearing until the juvenile is released from detainment.

Adjudication Hearing The purpose of the adjudication hearing is to determine whether or not the juvenile engaged in delinquent conduct. Usually, the juvenile court judge hands down the determination. However, a juvenile has a right to a trial by jury unless that right is waived by the juvenile and the juvenile's attorney.

Disposition Hearing The purpose of the disposition hearing is to determine the outcome of cases in which the judge or jury determined that the juvenile engaged in delinquent conduct. This hearing must be separate, distinct, and subsequent to the adjudication hearing. Cases that are not diverted from adjudication can receive one of the following dispositions:

Supervisory Caution The juvenile probation department counsels the offender and provides the offender with services and referrals to address factors that contributed to the juvenile's delinquent behavior. This disposition is typically given in cases involving first time offenders and misdemeanor offenses.

Deferred Prosecution A period of voluntary probation (usually about six months) agreed to by the juvenile and his/her parent(s) in which the judge defers a final disposition until the completion or revocation of the probation agreement. If the juvenile violates the terms of deferred probation, then the court may proceed with formal court adjudication. If the juvenile successfully completes the terms of deferred prosecution, then the court may dismiss the referral. For felony referrals, the juvenile prosecutor must consent to deferred prosecution.

Modification Proceedings Any disposition, except commitment to the Texas Youth Commission, can be modified by the juvenile court until the juvenile turns 18 or completes the terms of the probation.

Certification as an Adult Juveniles must be at least 15 at the time of the offense unless the offense was a capital felony, an aggravated controlled substance felony, or a first degree felony. Juveniles certified as adults face the same range of punishment that an adult would face for the same crime. The only exception is that a juvenile cannot receive the death penalty for an offense committed before turning 17 years of age.

Determinate Sentencing A prosecutor can petition for determinate sentencing for juvenile cases involving certain serious offenses. A grand jury must agree with the petition to move forward with determinate sentencing. If the adjudication hearing results in a finding that the juvenile committed one of the specified offenses, the juvenile may be committed to the Texas Youth Commission. Depending on the offense, the juvenile may transfer to the Texas Department of Criminal Justice, Correctional Institutions Division, at age 21.

Delinquency Petition In the majority of cases, the juvenile prosecutor files a delinquency petition requesting the juvenile court to hear the case. If the court agrees, then the adjudication hearing process begins.

Progressive Sanctions Local juvenile probation departments, prosecutors, and judges develop progressive sanctions that meet local priorities. The state encourages a standard system of progressive sanctions through statutory guidelines in the Family Code. The guidelines establish seven progressively restrictive sanction levels. The sanction level is determined based on the severity of the offense, prior criminal history, individual needs, and the effectiveness of prior interventions.

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Sentencing If the adjudication hearing results in a finding that the juvenile engaged in delinquent conduct, the Family Code provides the following sentencing options:

Driver's License Suspension A juvenile court is mandated to suspend or prevent issuance of a driver's license for certain drug and alcohol violations. The juvenile court has the discretion to suspend or prevent issuance of the juvenile's license in all other cases as a part of the disposition or as a sanction for violating the conditions of probation.

Monetary and Community Service Restitution Restitution refers to the monetary restoration of the property or damages to be recovered from the commission of a crime. A juvenile court judge can collect restitution by:

- 1) ordering the juvenile to pay restitution as a condition of probation;
- 2) ordering the juvenile to pay restitution with no probation; and
- 3) ordering a parent to pay restitution.

Community service is a non-monetary form of restoring the juvenile, victim, and the community affected by the crime by giving back time and labor. The juvenile court *must* order community service restitution unless the court finds good cause why the juvenile should not perform the service. The court can order the juvenile and/or parent(s) to complete a certain number of hours of community service restitution.

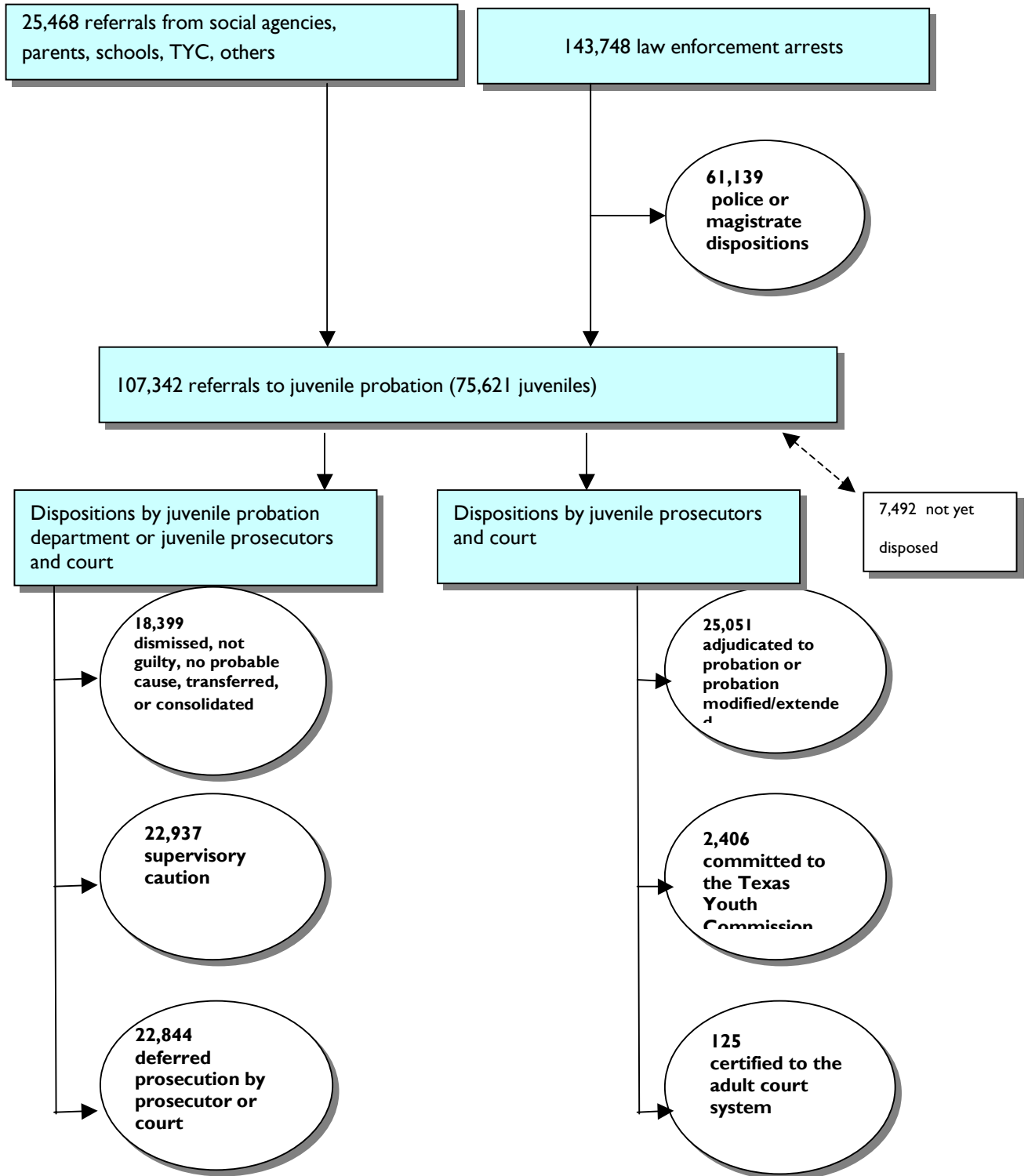
Orders Affecting Person(s) Other Than the Juvenile The juvenile court has power over certain persons in addition to the juvenile who is adjudicated. These powers include orders for juvenile support payment, injunctive orders, orders for social and/or psychological counseling to help rehabilitate the juvenile and family, and orders requiring parents to pay probation supervision fees and court costs.

Probation A juvenile may be placed on probation for any term not to exceed the juvenile's 18th birthday. The Family Code provides for three types of probation: (a) in the juvenile's own home or in the custody of a relative or other fit person; (b) in a suitable foster home; or (c) in a suitable public or private institution or agency, except the Texas Youth Commission.

Commitment A juvenile may be committed to the care, control and custody of the Texas Youth Commission (TYC) if the juvenile is adjudicated for a felony offense or upon the third adjudication for a misdemeanor offense. All commitments to TYC, except under the determinate sentence act, are for an indeterminate term not to extend beyond the juvenile's 21st birthday. TYC has exclusive and sole discretion of if, when and under what conditions a juvenile is released from TYC before his 21st birthday. The determination of the actual length of the juvenile's stay is determined by TYC based upon the nature of the offense, the juvenile's history and background, and the juvenile's behavior while in TYC. All offenses carry a minimum length of stay requirement set by TYC.

B. Juvenile Justice System Flow Chart

Referrals and Dispositions of Juveniles in 2003*



* Note: This chart illustrates (1) referrals that occurred in calendar year 2003 and (2) dispositions that occurred in 2003. The dispositions are not necessarily the same cases as the referrals. For referrals with more than one offense, the most severe offense is reflected.

Source: Texas Juvenile Probation Commission's *The State of Juvenile Probation Activity in Texas – 2003*

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C. Service Network

Major state and local programs operated outside the formal juvenile justice system that directly effect delinquency reduction, control, or prevention.

The table below lists programs operated or administered by state health, human services, and education offices that are designed to directly effect delinquency reduction, control and prevention.

Title	Target	Purpose
21 st Century Community Learning Centers	Students and families of students served by community learning centers	Offer a broad array of additional services, programs and activities such as drug and violence prevention programs and counseling programs.
Achievement of Students at Risk	School aged Youth	Develop and implement instructional support programs that take full advantage flexibility to support student achievement and ensure that all at-risk students graduate from high school with a world-class education.
At Risk Mentoring	Youth ages 7-17 who are at risk for substance abuse, school failure, and gang activity	To provide at risk youth with supportive relationships in order to prevent substance abuse, school failure, and other negative outcomes.
Buffalo Soldiers Heritage Mentoring Program	Youth ages 7-17 who are first time offenders or who are at risk of minor delinquency	Develop pride and dignity and prevent future delinquency through providing tutoring, mentoring, character development.
Community Based Child Abuse Prevention Grants	At-risk families	To increase community awareness of existing prevention services, strengthen community involvement in child abuse prevention and encourage families to utilize available services.
Communities in Schools	Youth	To reduce school dropouts and to prepare students for life.
Community Youth Development Program	Communities with high juvenile crime rates	Reduce or alleviate conditions that lead to juvenile crime.
Enhanced Mental Health Services Initiative	Adult and juvenile offenders on probation and Texas Youth Commission parolees	To provide enhanced mental health services for offenders.
Enforcing Underage Drinking Laws	School Age Youth	To provide services, training, and resources to enforce underage drinking laws.
Family Outreach	At-risk families and trained volunteers	To provide child abuse prevention services through the use of trained volunteers.

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Title	Target	Purpose
First Time Offender Program	Juvenciles who are first time offenders or at high risk and are in need of mental health services	To provide mental health services to juvenile first time offenders or those at high risk of involvement in the juvenile justice system.
Pregnancy, Parenting and Education Programs	Middle and high school students	Pregnancy prevention and parenting education and support systems.
Prevention Resource Centers	Youth and families	Provide regional headquarters to local communities with prevention information, resources and expertise and provide for the 2Young2Drink Campaign.
Safe & Drug Free Schools	School age youth and juveniles in the juvenile justice system	To prevent drug use and enhance safety in local neighborhoods and schools by creating neighborhoods that are free of drugs and weapons, fostering individual responsibility, promoting respect for the rights of others, and promoting school attendance, discipline, and learning.
School Resource Officers	School communities	To prevent crime and enforce laws on and around school campuses.
Services To At-Risk Youth (STAR)	Families with children and youth who do not meet the criteria for CPS or Juvenile Probation services but are at risk of child maltreatment, delinquency, truancy and running away	To reduce and prevent problems of runaway, truancy, abandonment, family conflict and delinquent behavior.
Texas After School Initiative	Students in middle school, at-risk of school failure or at-risk of committing juvenile offenses	A state-funded discretionary grant program that targets competitive grants to schools that correspond with high juvenile crime rates.
Texas Cooperative Extension – Health and Safety Education	Adult and Youth Programs	To educate Texans to take more responsibility for improving their health, safety productivity, and well-being.
Texas Families: Together and Safe	At-risk families	To reduce the risk of child abuse and neglect by fostering the development of support networks for at-risk families.
Texas School Safety Center	Texas schools, school age youth and juveniles	To serve as an ongoing interdisciplinary resource providing training and technical assistance statewide to reduce youth violence and promote safety.

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Title	Target	Purpose
Texas Youth and Runaway Hotlines	Runaway juveniles and their families	To provide comprehensive information and referrals to counseling, medical assistance and related services; conference calls to parents and to shelters/agencies in the caller's area; assistance to runaways who wish to access Operation Home Free, a service that provides them with free transportation home.
Treatment Youth (TRY)	Chemically-dependent youth	Help chemically-dependent youth prepare to re-enter society by giving them treatment that addresses an array of problems, including educational, legal, family and behavioral problems.
Youth Primary Prevention	Youth, and families of youth, who have used or are at risk of abusing drugs, alcohol and/or tobacco	Provides programs designed to encourage and foster bonding with peers, family and community.
Youth Primary Intervention	Youth, primarily those who have used or are at risk of abusing drugs, alcohol and/or tobacco	Provides services to ensure access to the appropriate level and type of services needed by youth with drug/alcohol problems.

Within the formal juvenile justice system, 165 local juvenile probation offices provide an array of individualized public awareness, prevention, treatment, restitution, runaway and truancy, intensive supervision, and other programs for their communities. Examples of these may be found in *Delinquency Prevention in Texas: A Compendium of Services*, published on line at <http://www.tjpc.state.tx.us/publications/> by the Texas Juvenile Probation Commission.

The Texas Education Code requires juvenile boards counties with populations exceeding 125,000 are required to develop a juvenile justice alternative education program. Any student expelled from school for an offense that requires expulsion must be placed in the program. These school districts must determine an appropriate placement for all other students who are expelled. Students' placement in the Juvenile Justice Alternative Education Programs for one of the mandatory expulsion offenses is paid for by the state through the juvenile board. Counties with a population below 125,000 may develop juvenile justice alternative schools at their discretion.

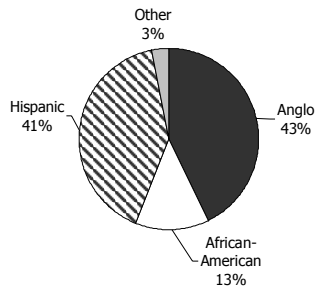
2. Updated Analysis of Juvenile Crime Problems and Juvenile Justice Needs

1. Updated Analysis of Juvenile Crime Problems

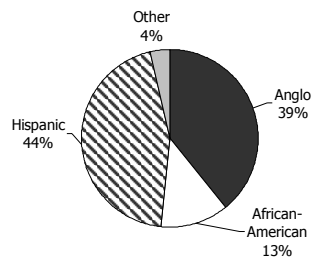
There is an estimated 2.4 million youth between the ages of 10-16 in Texas.² Although the total number of youth in this age group will increase, the rate of growth is expected to decline. In addition, the racial and ethnic composition of this age group will change:

- The percentage of Anglo and, to a lesser extent, African American youth will decline
- The percentage of Hispanic youth will increase
- The percentage of other racial and ethnic groups will increase

**Composition of Texas Juvenile Population
2004**

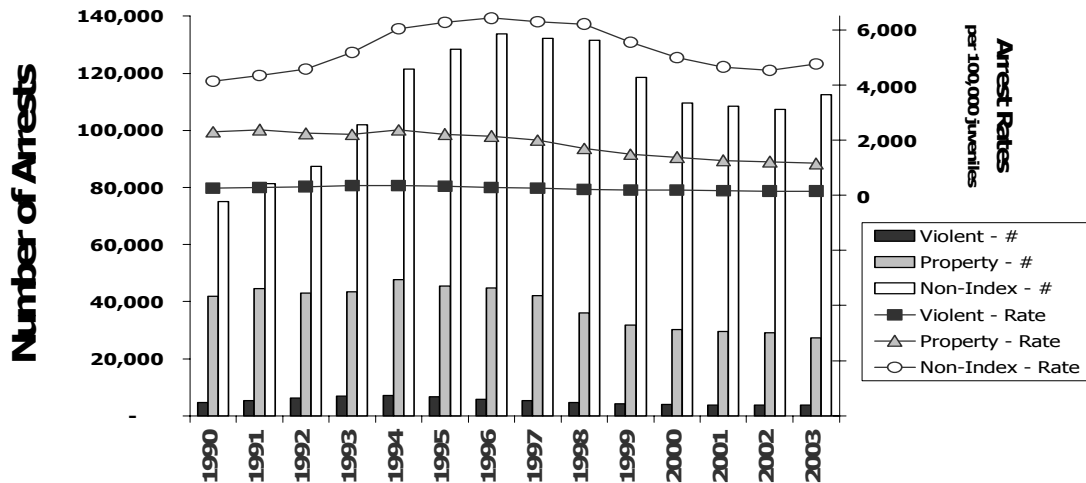


**Composition of Texas Juvenile Population
2010**



1. Juvenile Arrests

**Juvenile Arrests and Rates in Texas
10-16 year olds**



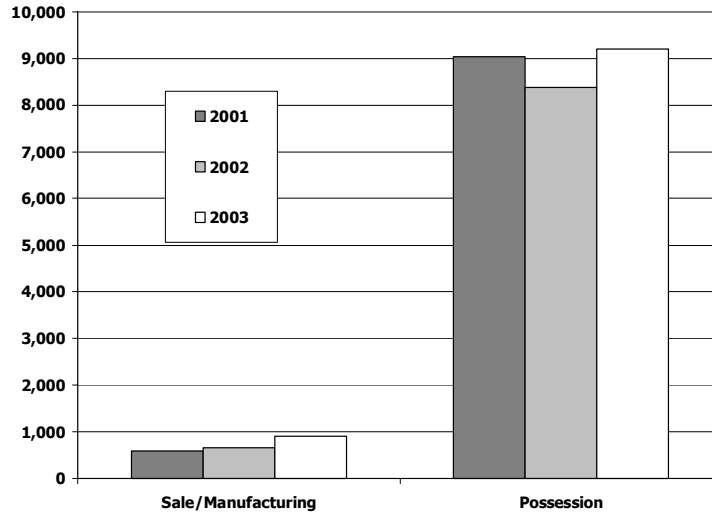
- The juvenile arrest rate had been declining since 1996. Although the rate increased in 2003, it remains below the all time high levels of the mid- 1990's.

² Texas State Data Center Census-based population estimates.

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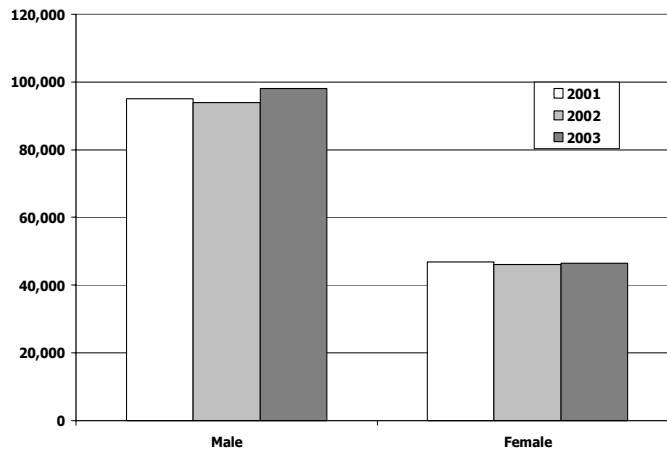
- As expected with population growth, the number of offenses has increased. Most of the increase is attributed to non-index crimes³. In 2003, police reported 144,667 juvenile arrests, an increase of approximately 2.6% from 2002.

Juvenile (10-16) Drug Related Arrests



- Drug-related arrests increased by nearly 12%, from 9,055 in 2002 to 10,141 in 2003.

Juvenile (10-16) Arrests by Gender

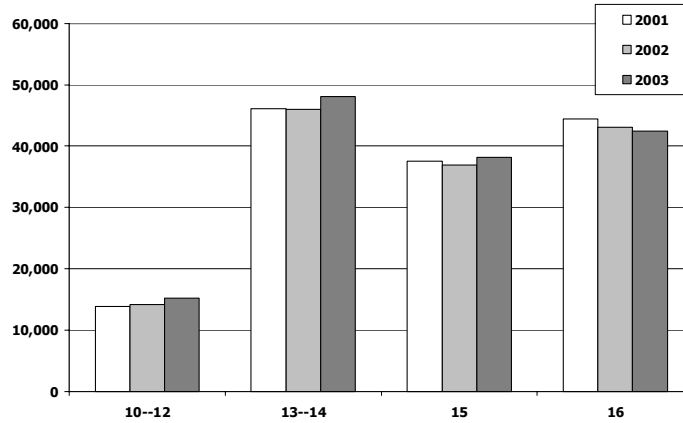


- The number of females arrested has remained steady; males account for the majority of the increase in numbers arrested.

³ Index crimes include murder, rape, robbery, assault, burglary, larceny, auto theft, and arson. Non-index crimes are all other crimes.

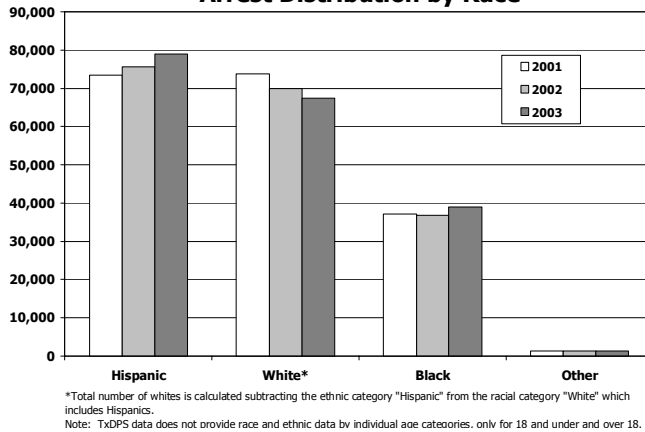
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Juvenile (10-16) Arrests by Age



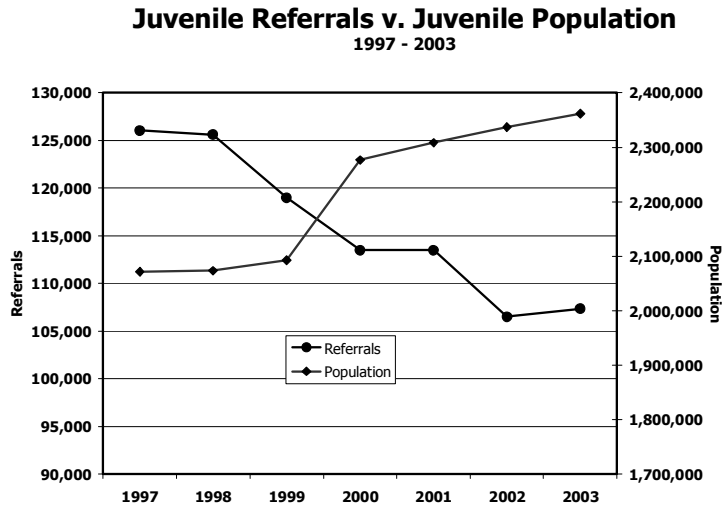
- The number of arrests increased across all age categories except sixteen year-olds.
- The highest percentage of arrests (33.2%) was among 13 and 14 year-olds.

Texas Juveniles (under 18) Arrest Distribution by Race

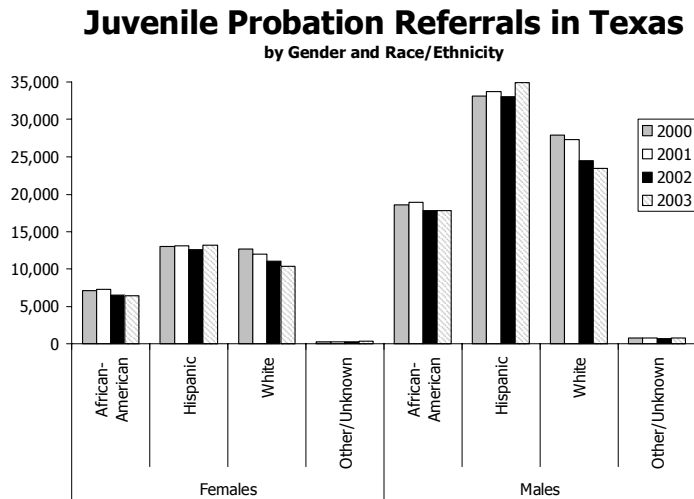


- Arrests increased among Hispanics and African Americans, decreased among whites and showed little change for other ethnicities.

2. Characteristics of Juveniles Referred to Juvenile Court⁴



- The number of referrals has decreased each year since 1995; referrals rose slightly in 2003, but remain well below levels seen in the mid 1990's.
- Although the juvenile population has increased, the arrest rates continue to decline.

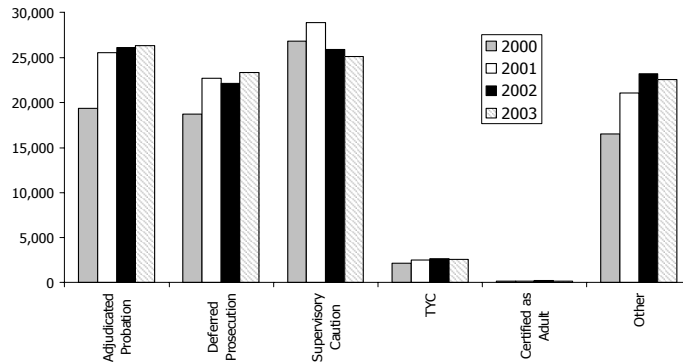


- Referrals of African-Americans and Whites decreased for both genders.
- Referrals of Hispanics were up 5% for females and 6% for males.

⁴ Data from Texas Juvenile Probation Commission. Referral and disposition data in this report represent the data on the date it was downloaded for this report. Published reports by TJPC may differ due to the "live" nature of the data base.

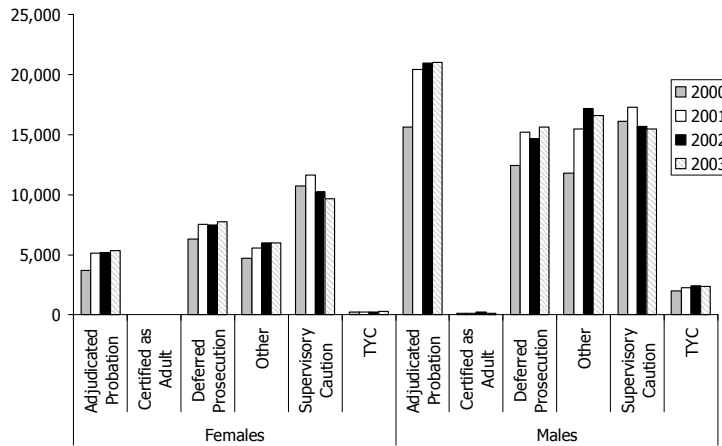
3. Juvenile Dispositions^{5,6}

Juvenile Dispositions



- In 2003, adjudicated probations increased by less than 1% while deferred prosecutions increased by about 5.5%.
- Juvenile commitments to the Texas Youth Commission decreased by 1.8%, from 2,639 in 2002 to 2,591 in 2003.
- 155 juveniles were certified as adults in 2003. This was a 27% decrease from the 214 certified in 2002.

Juvenile Dispositions by Gender



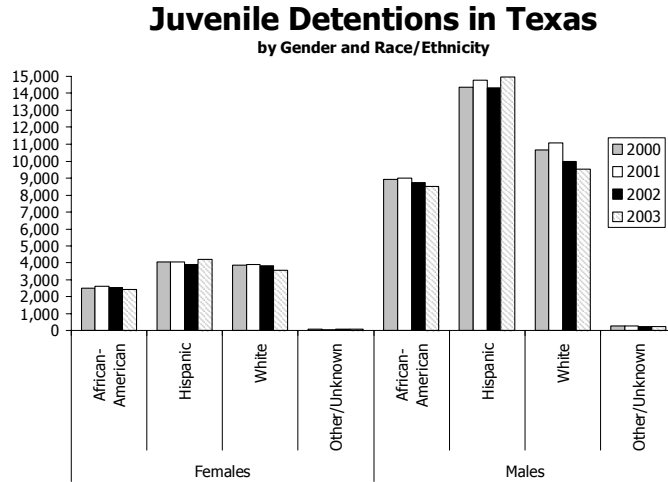
- Males were placed on adjudicated probation at a higher rate than females. Females were more often adjudicated to supervisory caution than males.

⁵ Data from Texas Juvenile Probation Commission.

⁶ Note: Definitions for each classification of disposition can be located in Section 1-A.

4. Juvenile Detentions

In 2003, Texas operated 56 pre-adjudication detention facilities that had a total of 2,378 beds available. As referrals have decreased and the crimes for which juveniles have been referred have become less serious, the need for detention has decreased.



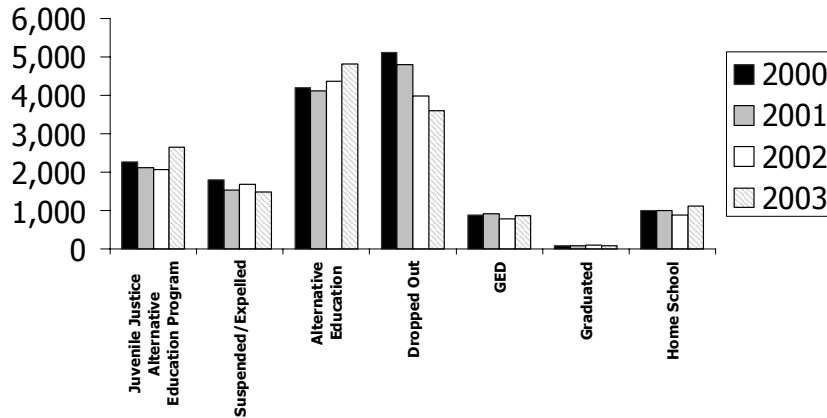
5. Extent of Disproportionate Minority Contact (DMC)

See Attachment 3 for full discussion of DMC.

6. Educational Needs, Gender-specific Services, Rural Prevention and Treatment Programs, and Mental Health Services in the Juvenile Justice System

(a) Education⁷

Educational Status of Juveniles Referred to the Texas Juvenile Justice System
(does not include students who are in regular school)



- Nearly 83% of juvenile referrals are attending regular school.
- The 17% who are not attending have either dropped out (3%) or are attending an alternative education program.
- The dropout rate for referrals (3%) is higher than that of the general juvenile population (1%).
- Since 2000, the number of dropouts has decreased as the number participating in alternative education programs has increased.
- About 2,000 youth were attending a legislatively mandated juvenile justice alternative education program when referred to juvenile court.

Juvenile Justice Alternative Education Programs

In 1995, the Texas Legislature created juvenile justice alternative education programs (JJAEPs) to serve the educational needs of juvenile offenders and at-risk youth who are expelled from the regular classroom or the school district’s disciplinary alternative education program. During the 2003 school year, 6,407 students entered JJAEP programs. Total student entries into JJAEPs increased 33 percent from 1999 to 2003 and 2003 was the first year that entries into JJAEPs have decreased.

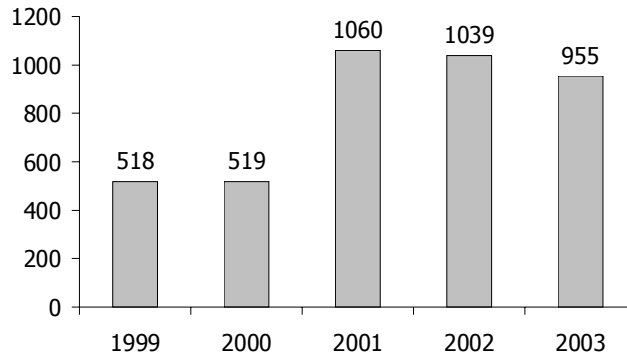
There are two types of referral to JJAEP programs:

- court-ordered or at-risk students who have not been expelled
- students who have been expelled by school officials

⁷ *Juvenile Justice Alternative Education Programs Performance Assessment Report: A Joint Report by the Texas Juvenile Probation Commission and the Texas Education Agency. May 2004.*

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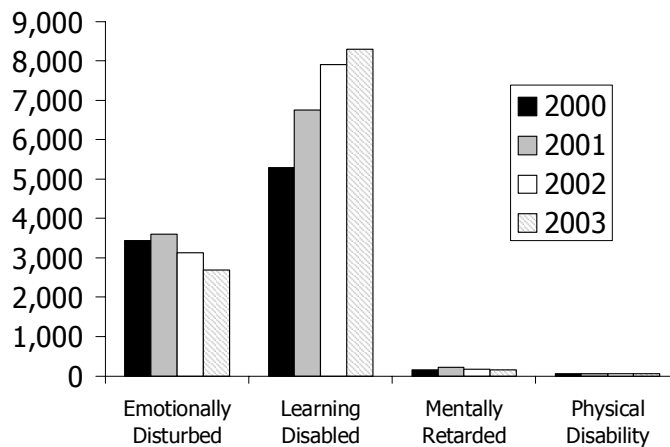
Court-Ordered JJAEP Attendance



- 14 JJAEP's accept court-ordered juveniles and juveniles referred by the juvenile probation department.
- In 2003, there were 955 juveniles attending JJAEP under these circumstances, which constituted 14% of the JJAEP population statewide.
- Placement doubled between school year 2000 and 2001 in part as a result of juvenile probation department policies that require students leaving residential placement facilities to attend the JJAEP prior to returning to their regular school campus.

According to TJPC, data from the 2003-2004 school year indicate that the number of student days in JJAEP programs for students who received a mandatory expulsion (school districts must expel students who commit certain serious criminal offenses, including violent offenses against persons, felony drug offenses, and weapons offenses) has increased by 21 percent over the previous school year. Reasons for this increase could be that counties are doing a better job in reducing truancy and that school districts are doing a better job of accurately reporting mandatory expulsions as a result of a bill passed during the last legislative session that allowed criminal charges to be filed for inaccurate reporting. The increase could also indicate an increase in delinquent behavior by students, which, depending on the age of the students, could result in more referrals to juvenile probation departments.

Special Education Status of Juveniles



- 26% of JJAEP students were placed in special education compared to about 12% of the total public school population and 12% of the juvenile referral population.

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(b) Gender Specific Services

From 1990 to 2000 the following trends occurred:

- Female juvenile arrests increased by 36% while male juvenile arrests increased by 12%;
- Female referrals increased by 37% compared to 8% for males; and
- Female referrals for violent offenses were up 28% compared to a decrease of 30% for males.⁸

The barriers to providing services to delinquent females include a limited number of service providers, a lack of resources, particularly for rural departments, and the small number of females referred, reducing the cost-effectiveness of developing programs specifically for females.

The 77th Texas Legislature passed House Bill 1758 which requires state health, human service, and juvenile corrections agencies to report on juvenile females' access to facilities, services and treatment. The areas addressed in the requirement are teen pregnancy, sexual or physical abuse, chemical dependency, gang membership, general delinquency, and runaway history. Following is a summary of the most recent results from these reports from each state agency.

Texas Juvenile Probation Commission:

- 28% of local probation departments provide teen pregnancy services and 33% of the teens receiving this service were female.
- 37% of departments provide physical and sexual abuse services and 22% of the teens receiving this service were female.
- 80% of departments provide substance abuse services and 22% of the teens receiving this service were female.
- 45% of departments provide services to runaway and homeless youth and 46% of the teens receiving this service were female.
- 16% of departments provide gang involvement services and 18% of the teens receiving this service were female.

There were three types of programs that some departments indicated were not equitable between males and females:

- Teen pregnancy services (17% of departments indicated that components of the program were not equitable between females and males);
- Physical and sexual abuse services (7% of the departments reported that the components of the program were not equitable between females and males); and
- Gang services (7% of the departments reported that the components of the program were not equitable between females and males).

Texas Youth Commission:

- About 10% of the TYC population was female.
- In FY 2003, females were more likely than their male counterparts to have been sexually or physically abused, emotionally disturbed, and to be runaways.
- Males and females were nearly equally likely (54% and 57%, respectively) to have chemical dependency issues.
- Females were slightly less likely than males (28% and 33%, respectively) to be members of a gang.

Children's Mental Health Services:

- Community mental health and mental retardation (MHMR) centers serve more males (68% of clients) than females (32% of clients).
- There were differences between males and females in the services to which they were assigned for treatment.

⁸ Texas Juvenile Probation Commission. "Female Juvenile Offenders: Services in Texas". May 2002.

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1. Females were assigned to service coordination and counseling and psychotherapy services significantly more than males.
 2. Males were significantly more likely than females to receive medication related services and skills training.
- There were no statistically significant differences between males and females on the Child Behavior Checklist scores.
 - Males and females showed the same levels of improvement during their treatment.

Texas Commission on Alcohol and Drug Abuse (TCADA):⁹

- Gender discrepancies in services were observed in treatment, but not in prevention programs.
- Males are more likely to receive services because much of TCADA's treatment base is juvenile justice system referrals, which tend to be male.
- "Though the differences are smaller, males appear to do somewhat better on treatment outcome measures such as treatment completion, abstinence at follow-up, and reduced school absenteeism. Females appear to do better on re-arrest measures, which is consistent with the literature regarding gender discrepancy in the juvenile justice system."

(c) Delinquency Prevention and Treatment Services in Rural Areas

Primary issues for rural communities are a lack of services and resources and the large distances that must be traveled, both to supervise youth and to get them into services. In addition, multi-county rural juvenile probation departments interact with multiple law enforcement agencies and mental health authorities whose boundaries differ from theirs. While rural areas do not have the volume of referrals in urban areas, they do have the same types of problems. In order to access services, the only choices may be commitment to the Texas Youth Commission (TYC) or residential treatment programs.

- In 2003, 40% of commitments to TYC were from rural counties and those youth tend to have fewer and less serious offenses than their urban counterparts.

(d) Mental Health Services for the Juvenile Justice System

Ten state agencies purchase or provide a range of mental health services for juveniles.¹⁰ Three of those agencies directly provide mental health services in the juvenile justice system: the Texas Juvenile Probation Commission (TJPC), the Texas Youth Commission (TYC) and the Texas Department of State Health Services (DSHS). Local juvenile probation departments also purchase mental health services for juveniles who have been referred.

TJPC estimated that, in 2002, approximately 27,595 juveniles in the justice system were in need of mental health services. This represented an increase of 42% over the need indicated in 2001. TJPC directly served 14,265 of those juveniles.

TYC indicated that nearly half of the juveniles committed to their care are in need of mental health services and that the number of youth committed with severe emotional problems has increased greatly in recent years, rising from 27% in fiscal year 1995 to 49% in fiscal year 2002.

TYC provides specialized treatment for youth who are diagnosed with severe emotional and/or mental illnesses at Corsicana Residential Treatment Center and Crockett State School. There is also a stabilization unit at Corsicana for those with unstable mental illnesses who are also dangerous to themselves or others. The goal of these specialized treatment services is to treat

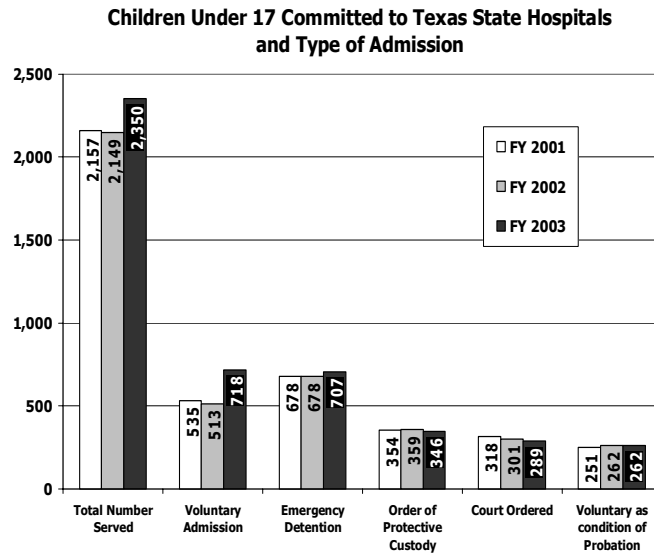
⁹ TCADA became a component of the Department of State Health Services effective September 1, 2004.

¹⁰ Texas Institute for Health Policy Research. *Children's Mental Health Care in Texas: Needs, Services and Funding*. 2003.

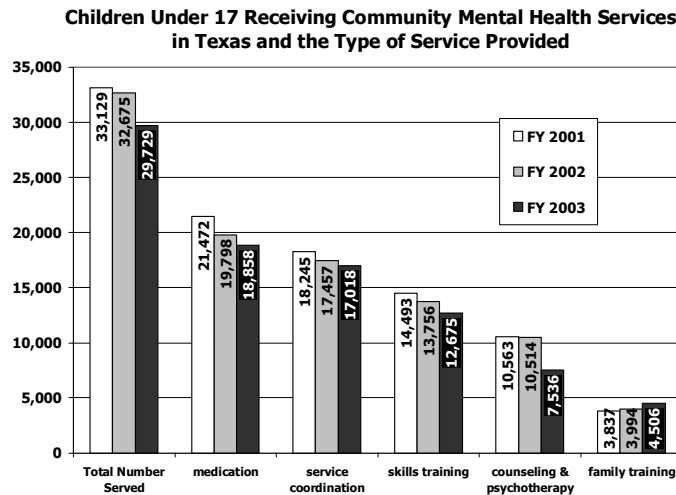
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the basic emotional or mental illness and allow the youth to regain control over his/her behavior. TYC also focuses on reintegrating the youth with his/her family and community in a program that addresses the emotional and correctional therapy needs of the youth.

Services of the Department of State Health Services are directed to children between the ages of 3 and 17 who have a demonstrated functional impairment and a diagnosis of mental illness. This group includes some children who may also be in the juvenile justice system (i.e., under the supervision of juvenile probation or the Texas Youth Commission).



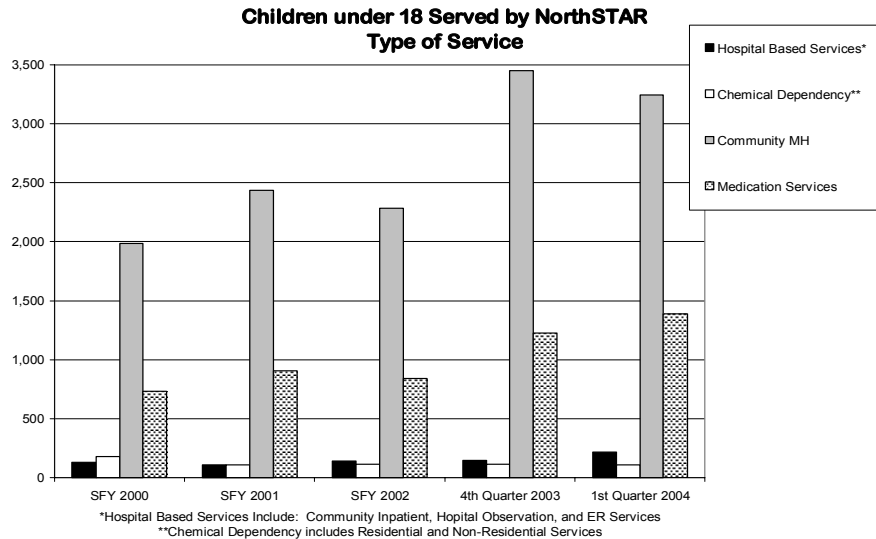
- During state fiscal year 2003, about 2,300 children were committed to state hospitals for mental health services.
- Most commitments occurred by court order.



In state fiscal year 2003, nearly 30,000 children in Texas received services through local mental health agencies. This is a reduction in the number served from the previous two fiscal years. As of February 2004, there were 632 children on the waiting list for local services. Some of these children were receiving some services while waiting for others, but 68% were not receiving

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services at that time. Most were on the waiting list for medication-related services and counseling and psychotherapy.



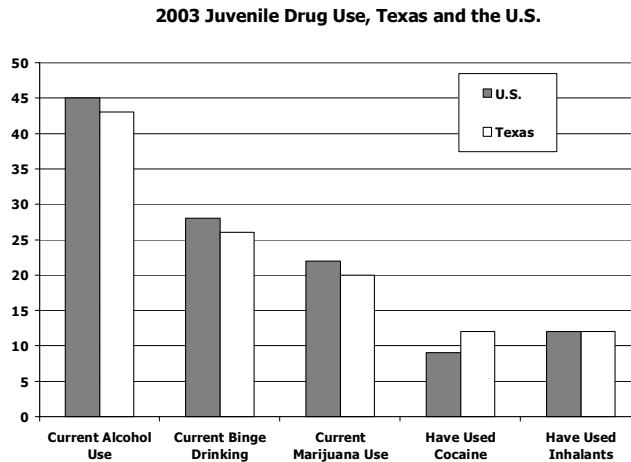
NorthSTAR is an integrated initiative of mental health and substance abuse services. The initiative serves residents of Collin, Dallas, Ellis, Hunt, Kaufman, Navarro and Rockwall counties. In 2004, NorthSTAR provided community mental health benefits to more than 3,000 children that met eligibility criteria.

Many mental health service providers stressed the need for community-based integrated systems of care or “wrap-around” service models designed to provide comprehensive family-centered services to children. Texas has funded a pilot program that uses this philosophy to fund services. The Texas Integrated Funding Initiative (TIFI) has funded mental health services in four communities by combining resources from six agencies.

Another state initiative, the Enhanced Mental Health Services Initiative, administered by the Department of Criminal Justice through the Texas Correctional Office on Offenders with Medical or Mental Impairments (TCOOMMI), provides funding to both local juvenile probation departments for staffing special mental health supervision caseloads and to local DSHS authorities to serve juveniles in the juvenile justice system. In many cases, this initiative has resulted in the co-location of mental health professionals and probation staff. TJPC is evaluating this program and.

7. Other Social, Economic, Legal, and Organizational Conditions Relevant to Delinquency Prevention Programs

(a) Juvenile Drug Use

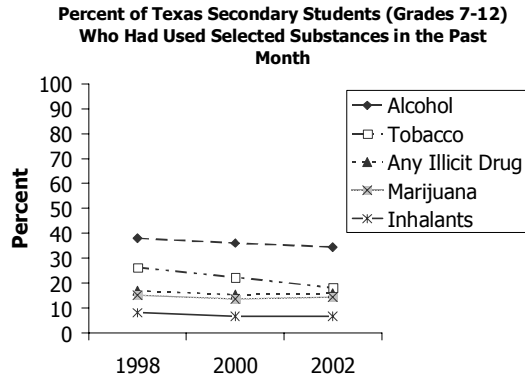
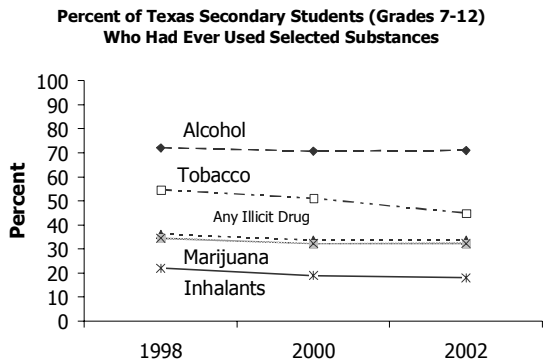


- Alcohol use has declined steadily since 1990, though it will continue to be the primary drug of abuse for juveniles in future years; with girls matching boys in terms of binge drinking and prevalence of use.
- Usage patterns for specific drugs in Texas tend to mirror national patterns, though cocaine use is higher in Texas. This is attributed to easy access especially along the Texas-Mexico Border Region.¹¹
- The five substances most widely used by young people in Texas are alcohol, tobacco, marijuana, inhalants, and Ecstasy.¹²
- In general, students along the Texas-Mexico Border region, particularly older students, reported higher use of cocaine, crack, Rohypnol, tobacco and alcohol than students living elsewhere in the state.
- 7.2% of Texas students in grades 7-12 in non-border counties had ever used powder cocaine, compared to 13.3% of students in counties along the border.
- More than 82% of youth admitted to state treatment services have had prior juvenile justice system involvement.

¹¹ United States Centers for Disease Control, Youth Behavior Survey, 2003.

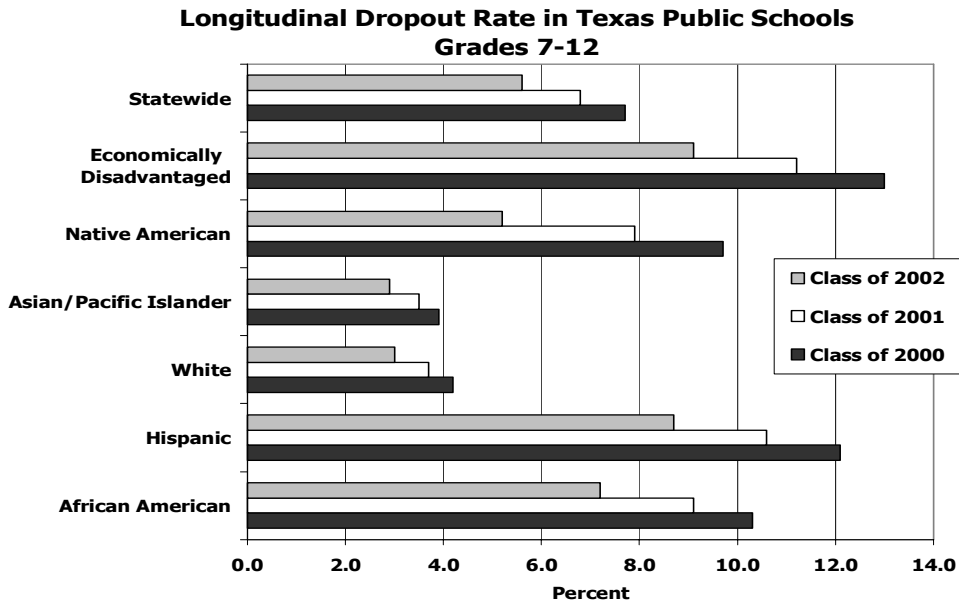
¹² Texas Commission on Alcohol and Drug Abuse, Texas School Survey of Substance Use Among Students: Grades 7-12.

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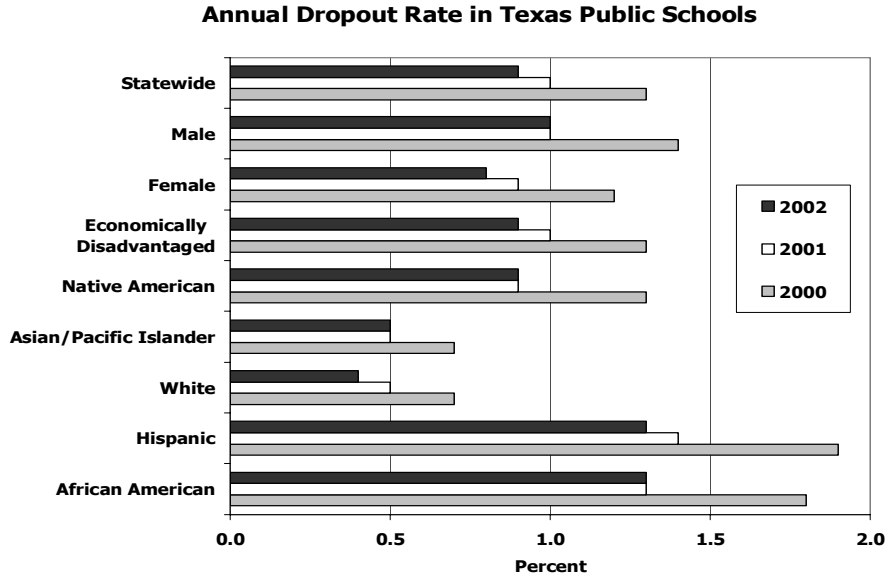


- About 16% of students in grades 7-12 reported using alcohol, tobacco, marijuana, inhalants, or another illicit substance within the past 30 days.
- Marijuana is the most popular illicit drug, accounting for about 75 percent of adolescent treatment admissions. Ecstasy use is increasing significantly, now matching cocaine usage, which has slightly declined.

(b) Education



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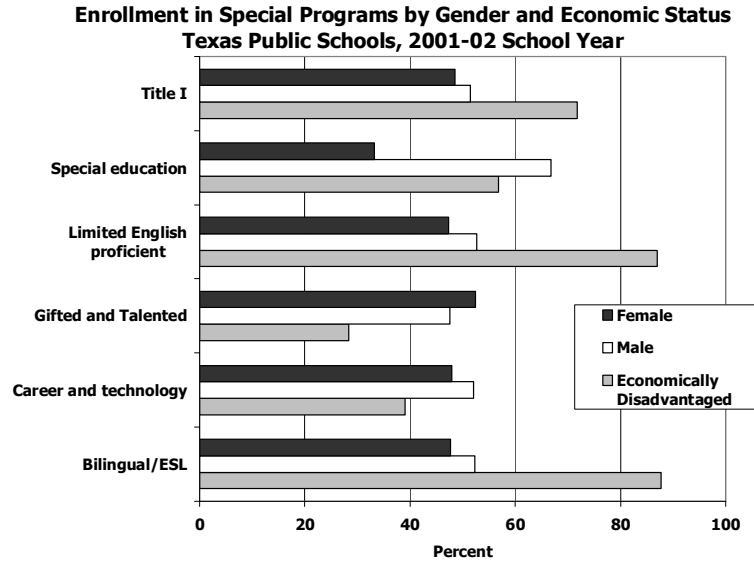


- From 2000 to 2001, public school dropout rates decreased.¹³
- Less than 1% of students dropped out of school in 2002.
- 5.6% of all public school students drop out of school between the time they entered 7th grade and their anticipated graduation date.
- Hispanic and African American students are more likely than Anglos to drop out of school. 9% of Hispanic students and 7% of African-American students drop out compared to .4% of Anglo students.
- Males are more likely to drop out of school than females.
- 74% of juveniles referred to juvenile court had a history of expulsion from school, enrollment in an alternative program, dropping out of school or failing a grade.¹⁴

¹³ Unless otherwise noted, data in this "Education" section are from Texas Education Agency, *Secondary School Completion and Dropouts in Texas Public Schools 2001-2002*. August 2003.

¹⁴ Texas Criminal Justice Policy Council. *Social Factors of Adjudicated Juvenile Offenders in Texas*. 2002.

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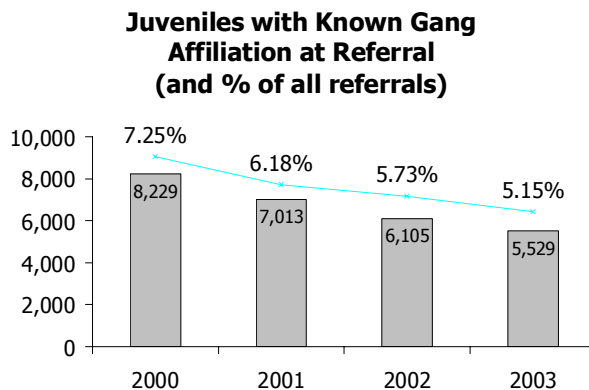


- Half of all Texas students are served by programs funded by Title I also referred to as the No Child Left Behind Act of 2001 or attend a campus receiving school-wide Title I funds.
- About 12 percent of students are enrolled in special education programs.

(c) Gangs

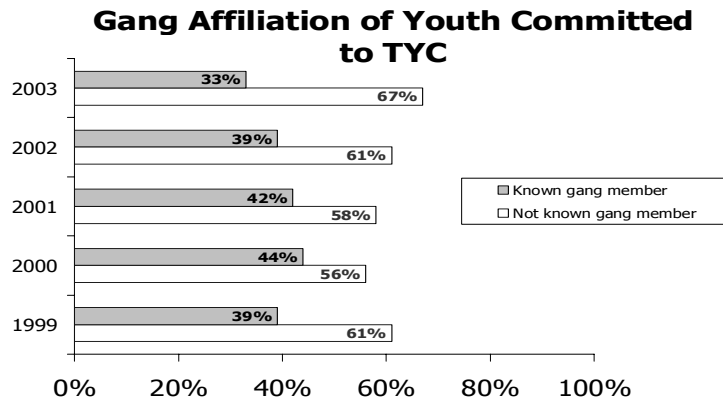
A preliminary report from the Gang Resource Center, funded by the Governor's Criminal Justice Division and housed in the Texas Office of the Attorney General, indicates that, as of June 2004, gang activity remains a concern in large urban areas. Smaller jurisdictions, although reporting a gang presence, are less likely to have serious gang issues. "However, results in larger cities and more populous counties suggest that major urban centers and larger cities are still experiencing considerable gang activity. In cities and counties with between 100,000 and 500,000 residents, 30% reported that gangs are one of the most serious law enforcement problems they face. In the major metropolitan areas, 39% reported that gangs are a serious problem."

According to the Gang Resource Center, "departments across the board reported that most gang members fall into the 16 to 18-year age bracket. Most reported that delinquent youth gangs are the most prevalent type of gang, and in many small jurisdictions they are the only kind of gang present."



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- Based on self-reported data from juveniles under probation supervision, the number and percentage of juveniles with a known gang affiliation has declined since 2000.¹⁵

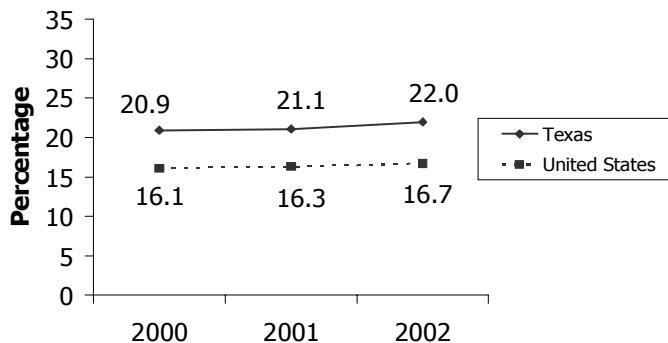


- The Texas Youth Commission (TYC) also collects gang affiliation data based on staff assessment, social history, and self-report information. In 2003, 33% of TYC intakes were known gang members. The percentage of juveniles at TYC with a known gang affiliation has also declined since 2000.¹⁶

In addition to tracking known gang affiliation of youth at TYC, gang incidents involving juveniles and/or staff are recorded. From September 2003 through June 2004, there were 260 gang-related assaults at TYC out of a total of 10,850 assaults (an assault can be either physical contact that causes injury or physical contact that is offensive or provocative (ie., spitting, inappropriate touching).

(d) Poverty¹⁷

% of Texas Children Under 18 Living Below 100% of the Federal Poverty Level



- In 2004, 24% of Texas children under the age of 18 were living at or below the Federal Poverty Level (FPL).
- Nearly half of Texas children under the age of 18 lived below 200 percent of the FPL.¹⁸

(e) Family and Home Stability

¹⁵ TJPC data files. Please note that these numbers may underestimate the number of juveniles with gang affiliation as this information is not required to be completed at intake.

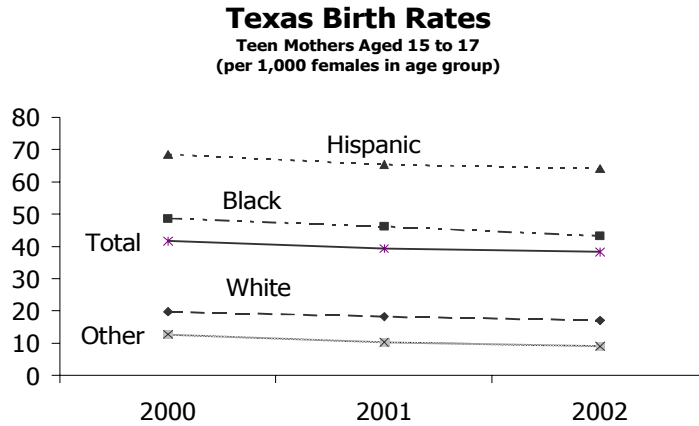
¹⁶ Texas Youth Commission Commitment Profile.

¹⁷ U.S. Census Bureau, Current Population Survey, 2003 Annual Social and Economic Supplement.

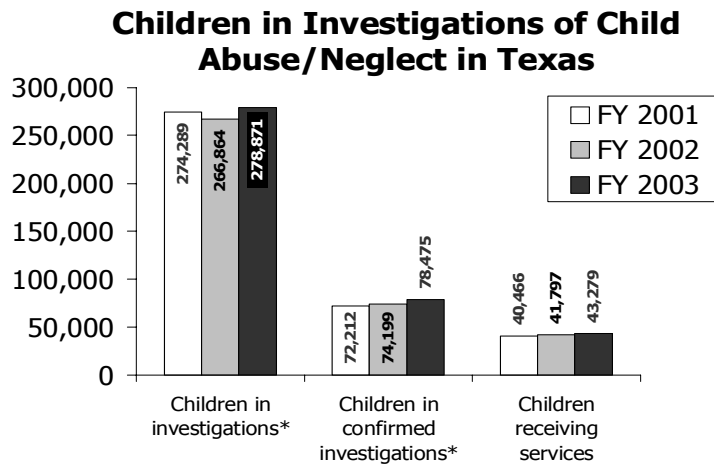
¹⁸ 200% of the FPL is a common "cutoff" point for government assistance programs, and would be an annual income of \$37,000 for a family of four.

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Of the over 5.2 million family households in Texas, nearly 14%, or 721,702, were single-parent households. 78% (562,927) of those were female-headed single-parent households.¹⁹



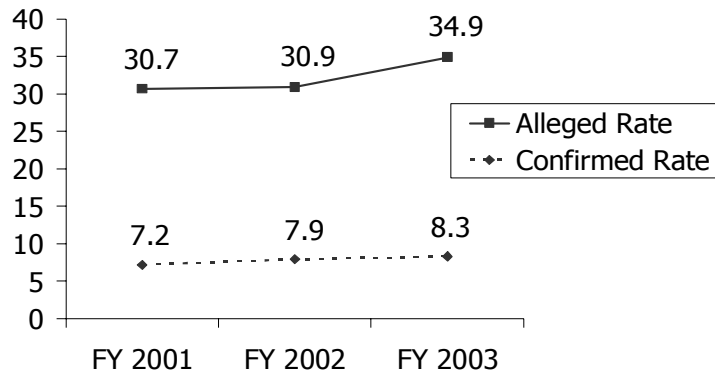
- Overall, teen birth rates have declined in Texas, even as the number of teenage females has risen slightly. However, teen birth rates among Hispanic and African American females remain higher than among Anglo females.²⁰



¹⁹ United States Census 2000.

²⁰ Texas Department of Health, Center for Health Statistics.

Incidence of Child Abuse/Neglect per 1,000 Children in Texas Child Population



- The number of investigations of child abuse and neglect and the number of confirmed cases have increased over the last three years. This has resulted in an increase in the incidence rate of child abuse and neglect in Texas. Incidents of child abuse and neglect are traditionally under reported.²¹

(f) Victim Services

Although not generally considered a direct component of the juvenile justice system, the impact of juvenile crime has warranted more attention to victims of juvenile crime. Most victims of juvenile violence and criminal offenses are other juveniles. Recent national studies cite that approximately two-thirds of the victims of nonfatal violence committed by juvenile offenders are under the age of 18. Other findings establish that in a majority of cases, victims of juvenile crime knew the offender, either as an acquaintance or family member.

- In Texas, the impact of juvenile crime on its victims is represented in part by the significant portion of applications for restitution made from the Crime Victims Compensations Program administered by the Office of Attorney General. Of the 27,560 applications received in 2003, 7,479 (27%) were submitted by victims age 17 or younger.

2. List of State’s Priority Juvenile Justice Needs/Problem Statements

The Governor’s Criminal Justice Division requires all juvenile justice projects or projects serving delinquent or at-risk youth, regardless of fund source, to address at least one of the following priority needs developed in coordination with the Governor’s Juvenile Justice Advisory Board to be eligible for funding:

- 1) Family Stability – Programs or other initiatives designed to strengthen family support systems in an effort to positively impact the lives of youth and divert them from a path of serious, violent, and chronic delinquency.
- 2) Substance Abuse Early Intervention & Prevention – Programs or other initiatives designed to address the use and abuse of illegal and other prescription and nonprescription drugs and the use and abuse of alcohol.

²¹ Texas Department of Protective and Regulatory Services; 2001, 2002, and 2003 Data Books.

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- 3) Education - Programs and/or related services designed to prevent truancy, suspension, and expulsion. School safety programs may include support for school resource officers and law-related education.
- 4) Disproportionate Minority Contact (DMC) - Programs, research, or other initiatives designed to address the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.
- 5) Justice System Impact - Programs or other initiatives designed to impact offender accountability and/or improve the practices, policies, or procedures within the juvenile justice system.
- 6) Gang Prevention – Programs, research, or other initiatives designed primarily to address issues related to juvenile gang activity, including prevention and intervention efforts directed at reducing gang-related activities.
- 7) Rural Access – Programs or other initiatives designed to provide prevention, intervention, and treatment services outside a metropolitan area.
- 8) Training - Programs, research, or other initiatives offering specialized training for staff working directly with at-risk youth or juvenile offenders that can positively impact the quality of the services, staff turnover rates, and program stability.

3. Plans for Compliance with the First Three Core Requirements of the Juvenile Justice and Delinquency Prevention Act and the State’s Plan for Compliance Monitoring

A. Plan for Deinstitutionalization of Status Offenders and Non-Offenders

- **Strategy, Activities, Timetable and Resources to Support Implementation of the Plan**

Title 3 of the Texas Family Code is the state’s Juvenile Justice Code. The Code is consistent with requirements of Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act and with federal rules that apply to implementation of that section, as set forth in 28 CFR, Part 31: “Formula Grants: Final Rule”. State and local resources are used to maintain compliance.

- **Barriers to Achieving Full Compliance**

Texas is in full compliance with the deinstitutionalization requirement, with the minimum exceptions allowed in federal rules.

- **Role of State Advisory Group in Compliance Monitoring**

The Governor’s Juvenile Justice Advisory Board reviews annual compliance monitoring reports and makes recommendations to the Criminal Justice Division regarding compliance. Board members include executive staff of the Texas Youth Commission and the Texas Juvenile Probation Commission. These are the two state agencies that administer juvenile justice programs in Texas.

- **Assurances**

1. Plans are on file and available for review. The state’s Three-year Plan, annual compliance monitoring reports, annual performance reports, compliance monitoring manual, and a compliance follow-up database are all on file and available for review at the Criminal Justice Division.

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2. Resources are available to maintain compliance. State and local resources are used to comply with requirements of state law that are consistent with requirements of the Juvenile Justice and Delinquency Prevention Act. In addition, local units of government and private non-profit organizations are eligible to apply for Formula Grant funds and other state/federal funds managed by the Criminal Justice Division. Such grant funds may be used to implement a broad range of alternatives to detention of status offenders and non-offenders, including emergency shelter, transportation of runaways to other states or counties, family crisis counseling, and other services.
3. The Office of Juvenile Justice and Delinquency Prevention will be notified if resources needed to maintain compliance are lost.

B. Plan for Separation of Juveniles from Adult Offenders

- **Strategy, Activities, Timetable, and Resources to Support Implementation of the Plan.**

Title 3 of the Texas Family Code is the state's Juvenile Justice Code. The Code is consistent with requirements of Section 223(a)(12) of the Juvenile Justice and Delinquency Prevention Act. State and local resources are used to maintain compliance.

- **Barriers to Achieving Full Compliance**

Texas is in full compliance with the sight and sound separation requirement.

- **Role of the State Advisory Group in Compliance Monitoring**

The Governor's Juvenile Justice Advisory Board reviews annual compliance monitoring reports and makes recommendations to the Criminal Justice Division regarding compliance. Board members include executive staff of the Texas Youth Commission and the Texas Juvenile Probation Commission. These are the two state agencies that administer juvenile justice programs in Texas.

- **Assurances**

1. Plans are on file and available for review. The state's Three-year Plan, annual compliance monitoring reports, annual performance reports, compliance monitoring manual, and a compliance follow-up database are all on file and available for review at the Criminal Justice Division.
2. Resources are available to maintain compliance. State and local resources are used to comply with requirements of state law that are consistent with requirements of the Juvenile Justice and Delinquency Prevention Act. In addition, local units of government and private non-profit organizations are eligible to apply for Formula Grant funds and other state/federal funds managed by the Criminal Justice Division. Such grant funds may be used to implement a broad range of alternatives to detention of status offenders and non-offenders, including emergency shelter, transportation of runaways to other states or counties, family crisis counseling, and other services.
3. The Office of Juvenile Justice and Delinquency Prevention will be notified if resources needed to maintain compliance are lost.

Note: Following is the state's assurance that adjudicated offenders are not reclassified administratively or transferred to an adult correctional facility to avoid the intent of segregating adults and juveniles in correctional facilities: State law does not provide for administrative transfer of adjudicated juvenile offenders to adult correctional facilities. Transfer of adjudicated juvenile offenders may be made only by (a) a juvenile court in a determinate sentence case in which the sentence was begun in a juvenile facility and transfer is being made to an adult facility at the age of eighteen, in certain circumstances,

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and/or (b) a juvenile court following a hearing to certify a juvenile to stand trial in criminal court, in certain circumstances.

C. Plan for Removal of Juveniles from Adult Jails and Lockups

- **Strategy, Activities, Timetable, and Resources to Support Implementation of the Plan**

Title 3 of the Texas Family Code is the state's Juvenile Justice Code. The Code is consistent with requirements of Section 223(a)(13) of the Juvenile Justice and Delinquency Prevention Act. State and local resources are used to maintain compliance.

Six-hour hold exception: State law provides for a six-hour holding period before court appearance for purposes of identification, processing, or to arrange for release/transfer to a juvenile facility.

Rural removal exception: Texas does not take the rural exception allowed in federal rules.

Transfer or wavier exception: State law allows for detention of a juvenile in a jail or lockup if criminal felony charges have been filed in a court of criminal jurisdiction.

- **Barriers to Achieving Full Compliance**

Texas is in full compliance with Section(a)(13) of the Juvenile Justice and Delinquency Prevention Act.

- **Role of the State Advisory Group in Compliance Monitoring**

The Governor's Juvenile Justice Advisory Board reviews annual compliance monitoring reports and makes recommendations to the Criminal Justice Division regarding compliance. Board members include executive staff of the Texas Youth Commission and the Texas Juvenile Probation Commission. These are the two state agencies that administer juvenile justice programs in Texas.

- **Assurances**

1. Plans are on file and available for review. The state's Three-year Plan, annual compliance monitoring reports, annual performance reports, compliance monitoring manual, and a compliance follow-up database are all on file and available for review at the Criminal Justice Division.
2. Resources are available to maintain compliance. State and local resources are used to comply with requirements of state law that are consistent with requirements of the Juvenile Justice and Delinquency Prevention Act. In addition, local units of government and private non-profit organizations are eligible to apply for Formula Grant funds and other state/federal funds managed by the Criminal Justice Division. Such grant funds may be used to implement a broad range of alternatives to detention of status offenders and non-offenders, including emergency shelter, transportation of runaways to other states or counties, family crisis counseling, and other services.
3. The Office of Juvenile Justice and Delinquency Prevention will be notified if resources needed to maintain compliance are lost.

D. Plan for Compliance Monitoring

- **Strategy, Activities, Timetable, and Resources to Support Implementation of the Plan**

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Overview of Monitoring Plan

The Office of the Governor's Criminal Justice Division is the agency responsible for administering the compliance monitoring program. The monitoring strategy is based on a collaborative effort involving all state agencies that administer or regulate secure facilities of all types in the monitoring universe. Collaboration is achieved through membership on the Governor's Juvenile Justice Advisory Board and its Compliance Monitoring Work Group, which includes administrators from the Texas Youth Commission, the Texas Juvenile Probation Commission, the Texas Departments of Protective and Regulatory Services, the Texas Commission on Jail Standards, the Office of the Attorney General, and others. Monitoring activities begin in March of each year and end in December with the submission of state's compliance monitoring report to the Office of Juvenile Justice and Delinquency Prevention. Assistance in completing monitoring activities is provided under a grant to the Texas Commission on Jail Standards and a contract with Securicor New Century, LLC, a private service provider with expertise in compliance monitoring. In addition, staff members of the Criminal Justice Division are responsible for overall coordination of monitoring activities and for following up each reported incident of non-compliance. Following are detailed descriptions of essential components of the state's monitoring plan.

1. Identification of the Monitoring Universe

The monitoring universe is updated annually by the Criminal Justice Division and its contractor, Securicor New Century, LLC, in cooperation with state agencies. As defined in 28 CFR, Part 31, the monitoring universe refers to "identification of all residential facilities which might hold juveniles pursuant to public authority and thus must be classified to determine if they should be included in the monitoring universe. This includes facilities owned and/or operated by both public and private agencies."

The list of facilities includes all jails, lockups, detention centers, juvenile correctional facilities, halfway houses, group homes, foster homes, and any other secure or non-secure public and private facilities in which juveniles might be detained or placed. The list includes public and private mental health facilities, chemical dependency treatment facilities, and detoxification facilities. Annually, the Criminal Justice Division requests lists of facilities from the following agencies:

- Texas Juvenile Probation Commission: a list of all secure pre-adjudication detention facilities and secure post-adjudication correctional facilities operated by counties and private agencies
- Texas Youth Commission: a list of secure post-adjudication correctional facilities operated by the State of Texas
- Commission on Jail Standards: a list of all adult jails and lockups
- Texas Department of Protective and Regulatory Services: a list of all licensed child and youth care facilities
- Texas Department of Mental Health and Mental Retardation: a list of all public and private secure mental health facilities

2. Classification of Facilities

The Criminal Justice Division maintains a compliance monitoring database that is used to track facilities included in the monitoring universe. Four broad categories are used initially to classify facilities (1) public; (2) private; (3) residential; or (4) non-residential. Facilities are then assigned to sub-categories: (1) county jails; (2) municipal lockups; (3) juvenile detention facilities; (4) juvenile correctional facilities; (5) secure drug treatment facilities; (6) secure mental health facilities; and (7) other secure holding facilities including those maintained at airports and school districts.

3. Inspection of Facilities

Inspection of facilities is necessary to ensure the protection of juvenile required by the Juvenile Justice and Delinquency Prevention Act and to establish whether adequate data are maintained to determine compliance with the core requirements. There is a 10 percent mandatory minimum of on-site inspections required during the monitoring period for jails and lock-ups, secure detention facilities, secure correctional facilities, and collocated facilities. To meet this requirement, the Criminal Justice Division contracts with a private provider to collect, verify, analyze and report data regarding compliance with core requirements of the Juvenile Justice and Delinquency Prevention Act.

4. Data Collecting and Verification

a. Adult Jails and Lockups

By statute, jails and lockups are required to annually report juvenile detention data to the Texas Commission on Jail Standards. A grant from the Governor's Criminal Justice Division assists the Commission in its data collection responsibilities. Each year, the Commission collects juvenile detention data from jails and lockups for the time period of June 1 through May 31 and reports that data to the Governor's Criminal Justice Division. Data sets include (1) number of juveniles held securely for any length of time; (2) accused and adjudicated status offenders and non-offenders held securely for any length of time; (3) accused delinquent offenders held securely for more than 6 hours for the purpose of identification, investigation, processing, release to parent (s), or transfer to court or to a juvenile facility; (4) juveniles adjudicated for a delinquent offense held securely for any length of time; (5) federal award; (6) out-of-state runaways; and (7) status of sight and sound separation of juveniles from adult offender when detained in the same secure facility

b. Juvenile Detention Facilities

By statute, juvenile detention facilities are required to report detention data annually to the Texas Juvenile Probation Commission. Data sets include: (1) accused status offenders and non-offenders held in a secure facility for more than 24 hours, excluding weekends and holidays; (2) adjudicated status offenders held in a secure detention facility for any length of time; (3) status offenders detained for alleged violation of valid court orders; (4) out-of-state runaways; and (5) federal wards. In addition, the Texas Juvenile Probation Commission annually inspects collocated facilities that may hold both juveniles and adult offenders. The Commission makes inspection reports available to the Criminal Justice Division and its compliance contractor for inclusion in the state's annual compliance monitoring reports.

c. Juvenile Correctional Facilities

The Texas Youth Commission has statutory responsibility over state operated juvenile correctional facilities in Texas. Data is collected by that agency and reported annually to the Criminal Justice Division, with additional information regarding compliance with state law that is consistent with federal law regarding deinstitutionalization of status offenders. The Texas Juvenile Probation Commission has statutory responsibility for maintaining a facility registry, which includes all county-operated and privately operated correctional facilities in Texas. A 10% percent sample of such facilities is inspected on-site to verify compliance with the deinstitutionalization of status offenders requirement of Juvenile Justice and Delinquency Prevention Act.

d. Mental Health and Drug Treatment Facilities

The Department of State Health Services has statutory responsibility for setting standards for mental health and drug treatment facilities in Texas. Client data is collected by these agencies, which report annually to the Criminal Justice Division if status offender were placed in secure mental health and secure drug treatment facilities.

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e. Licensed child and Youth Care Facilities

The Texas Department of Protective and Regulatory Services has statutory authority for setting standards for all licensed child and youth care facilities, such as group homes, halfway houses, and residential treatment centers. No status offenders have been reported as being securely detained in such facilities in recent years, as state law prohibits secure confinement in licensed child and youth care facilities.

Resources

In addition to Criminal Justice Division staff resources, approximately \$40,000 of Formula grant funds are awarded annually to the Texas Commission on Jail Standards. The commission uses the funds to maintain its compliance database and to subcontract with a jail monitor who visits or contract jails and lockups on a regular basis to ensure complete, accurate, and timely reporting of data required for compliance monitoring effort. The purpose of on-site visits is to verify compliance with core requirements of the Juvenile Justice and Delinquency Prevention Act. The contact person for the contract is Mr. Peter Plant, 6206 Forrestal Drive, Tampa Florida, 33625. Mr. Plant's telephone number is 813/269-9324. The contract with Securicor New Century, LLC specifies certain deliverables that correspond to compliance data requirements. The Criminal Justice Division's contracts management section maintains administrative oversight of this and all other Criminal Justice Division contracts.

- **Barriers to Achieving Full Compliance**

Texas is in full compliance with requirements of Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act.

- **Role of State Advisory Group in Compliance Monitoring**

The Governor's Juvenile Justice Advisory Board reviews annual compliance monitoring reports and makes recommendations to the Criminal Justice Division regarding compliance. Board members include executive staff of the Texas Youth Commission and the Texas Juvenile Probation Commission. These are the two state agencies that administer juvenile justice programs in Texas.

- **Assurances**

1. Plans are on file and available for review. The state's Three-year Plan, annual compliance monitoring reports, annual performance reports, compliance monitoring manual, and a compliance follow-up database are all on file and available for review at the Criminal Justice Division.
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3. The Office of Juvenile Justice and Delinquency Prevention will be notified if resources needed to maintain compliance are lost.

4. Program Descriptions

Family Stability

State Program Designator:

- 9 (Delinquency Prevention)
- 11 (Diversion)
- 21 (Mentoring)

Standard Program Areas:

- 9 (Delinquency Prevention)
- 11 (Diversion)
- 21 (Mentoring)

Program Problem Statement:

- Nearly 14% of the family households in Texas consisted of single parent families. Female single-parent households accounted for over 78% of these families.
- Birth rates among teen mothers have been declining in Texas as they have been throughout the United States.
- The number of investigations of child abuse and neglect as well as the number of confirmed cases has increased over the last three years, resulting in an increase in the incidence rate of child abuse and neglect in Texas.
- Justice system treatment models tend to be treatment-oriented models rather than family-oriented integrated care models.

Goal:

Endorse programs or initiatives designed to strengthen family support systems in an effort to positively impact the lives of youth and divert them from a path of serious, violent, and chronic delinquency.

Objective:

Increase parental involvement in programs and promote service approaches targeted at the family environment.

Performance Indicators:

- Number of youth served.
- Number of parents served.
- Percent of families reporting satisfaction with services received.
- Percent of youth completing program requirements.

Activities:

Provide funds and program assistance to local jurisdictions and social service agencies to implement family-oriented prevention and treatment programs.

Budget:

<u>JJDPA Funds</u>	<u>State/Local Match</u>
\$515,000	\$0

Substance Abuse Early Intervention and Prevention

State Program Designator:

- 32 (Substance Abuse)
- 9 (Delinquency Prevention)

Standard Program Areas:

- 32 (Substance Abuse)
- 9 (Delinquency Prevention)

Program Problem Statement:

- Drug-related arrests increased by nearly 12% from 9,055 in 2002 to 10,141 in 2003.
- More than 82% of youth admitted to state administered substance abuse treatment services have had prior juvenile justice system involvement.
- 68% of the youth entering the Texas Youth Commission abused or were dependent upon alcohol or drugs in the year before their incarceration.

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Goal:

Endorse programs or other initiatives designed to address the use and abuse of illegal and other prescription and nonprescription drugs and the use and abuse of alcohol.

Objective:

Reduce the incidence of drug and alcohol abuse among at-risk youth and provide treatment alternatives to youth entering the juvenile justice system who are dependent on alcohol or other drugs.

Performance Indicators:

- Number of youth served.
- Best practice models used.
- Number of parents served.
- Average length of stay in program.
- Percent of youth exhibiting a desired change in substance abuse.
- Percent of youth completing program requirements.
- Number of families satisfied with program.

Activities:

Provide funds and program assistance to local jurisdictions and social service agencies implementing substance abuse programs, including prevention and intervention efforts.

Budget:

<u>JJDPA Funds</u>	<u>State/Local Match</u>
\$610,000	\$0

Education**State Program Designator:**

- 1 (Aftercare/Reentry)
- 9 (Delinquency Prevention)
- 21 (Mentoring)
- 27 (School Programs)

Standard Program Areas:

- 1 (Aftercare/Reentry)
- 9 (Delinquency Prevention)
- 21 (Mentoring)
- 27 (School Programs)

Program Problem Statement:

- Indicators for delinquent behavior include poor school performance, enrollment in special education, and dropouts.
- The dropout rate overall for Texas public schools is .9% while the dropout rate among kids in the juvenile justice system is 17%.
- Fewer students have dropped out of school while enrollment in alternative education programs has increased. It is forecasted that the demand for alternative programs will increase because of the positive impact on drop-out rates.

Goal:

Endorse and support programs designed to prevent truancy, suspension, and expulsion. This includes funding for school resource officers and law-related education.

Objective:

Reduce truancy, suspension, and expulsion rates among youth in Texas.

Performance Indicators:

- Number of youth served.
- Best practice models used by programs funded.

Attachment 2- Program Narrative

- Average length of stay in program.
- Percent of youth exhibiting desired change in school attendance.

Activities:

Provide funds and program assistance to local jurisdictions and social service agencies implementing programs to address truancy, suspension, and expulsion.

Budget:

<u>JJDPA Funds</u>	<u>State/Local Match</u>
\$2,050,000	\$0

Juvenile Justice System Impact

State Program Designator:

- 1 (Aftercare/Reentry)
- 2 (Alternatives to Detention)
- 6 (Compliance Monitoring)
- 7 (Court Services)
- 17 (Jail Removal)
- 20 (Mental Health)
- 24 (Probation)
- 34 (Youth Courts)

Standard Program Areas:

- 1 (Aftercare/Reentry)
- 2 (Alternatives to Detention)
- 6 (Compliance Monitoring)
- 7 (Court Services)
- 17 (Jail Removal)
- 20 (Mental Health)
- 24 (Probation)
- 34 (Youth Courts)

Problem Statement:

- Juvenile arrests went up 2.6% between 2002 and 2003. This is the first increase since 1996. Arrests increased across both genders and most age groups with the exception of 16 year olds.
- Juvenile referrals increased approximately 1% between 2002 and 2003. While referrals for African Americans and Caucasians decreased, referrals for Hispanic youth increased by 5%.
- The Texas Youth Commission estimates that nearly half of the juveniles in their care are in need of mental health services and that the number of youth with severe emotional problems has increased by 27% between 1995 and 2002.
- While juvenile referrals to detention have decreased overall, the number of referrals for Hispanics did increase in 2003.

Goal:

Endorse programs or other initiatives designed to impact offender accountability and improve the practices, policies, and procedures within the juvenile justice system.

Objective 1:

Reduce recidivism among juvenile offenders.

Performance Indicators:

- Number of youth served.
- Average length of stay in program.
- Percent of program youth who re-offend

Activities:

Provide funds and program assistance to local probation departments and detention centers to offer aftercare/reentry programs and mental health services to juvenile offenders.

Objective 2:

Reduce the number of youth placed in adult jails and lockups.

Attachment 2- Program Narrative

Performance Indicators:

- Number of shelter beds contracted.
- Number of jail removal violations.

Activities:

Provide funds and program assistance to local jurisdictions, councils of governments and detention centers to offer or contract for residential services and mental health screenings for detained juveniles.

Objective 3:

Monitor jails, detention facilities, and other facilities to assure compliance with sections 223(a) (11), (12), (13), and (14) of the JJDP Act of 2002.

Performance Indicators:

- Funds allocated to adhere to Section 223(a) (14) of the JJDP Act of 2002.
- Completion and submission of Annual Monitoring Report to OJJDP.

Activities:

The Criminal Justice Division will contract the function of monitoring jails, detention centers and other facilities to a qualified vendor. The vendor will coordinate with CJD staff to produce the Annual Monitoring Report to OJJDP.

Objective 4:

Endorse programs incorporating a comprehensive approach to addressing the mental health needs of program participants.

Performance Indicators:

- Number of program youth with formal psychological/psychiatric evaluations.
- Percent of youth who re-offend.
- Percent of youth exhibiting desired change in targeted behaviors.

Activities:

Provide funds and program assistance to local jurisdictions, councils of governments, and social services agencies to implement comprehensive prevention or aftercare/reentry programs addressing the mental health needs of youth.

Budget:

<u>JJDPA Funds</u>	<u>State/Local Match</u>
\$1,200,000	\$0

Gang Prevention

State Program Designator:

- 12 (Gangs)

Standard Program Areas:

- 12 (Gangs)

Program Problem Statement:

The number and percent of youth referred to the juvenile justice system with a known gang affiliation has declined in recent years. Despite this positive result, preventing and responding to gang activity is a priority for the majority of Texas cities with populations exceeding 100,000.

Goal:

Endorse prevention and intervention programs or other initiatives designed primarily to address issues related to juvenile gang activity.

Attachment 2- Program Narrative

Objective:

Maintain or further reduce the number of youth in gangs in Texas.

Performance Indicators:

- Number of youth served.
- Average length of stay in program.
- Percent of youth completing program requirements.
- Percent of families satisfied with program.

Activities:

Provide funds and program assistance to local jurisdictions and social services agencies implementing gang prevention and intervention programs to youth.

Budget:

<u>JJDPA Funds</u>	<u>State/Local Match</u>
\$170,000	\$0

5. Coordination of Child Abuse and Neglect and Delinquency Prevention Programs

- A. Reducing the Caseload of Probation Officers.** This new provision of the Juvenile Justice and Delinquency Prevention Act of 2002 will be added to the state's 2006 – 2008 Comprehensive Plan.
- B. Sharing Public Child Welfare Records (Including Protective Services Records) with the Courts in the Juvenile Justice System (Section 223(a)(26) of the JJDP Act of 2002).** According to the Texas Department of Family and Protective Services, Texas law allows public child welfare records, including child protective services records, to be provided to juvenile courts on a case-by-case basis, regarding a child that is before the court.
- C. Establishing Policies and Systems to Incorporate Child Protective Services Records into Juvenile Justice Records (Section 223(a)(27) of the JJDP Act of 2002).** Child welfare records, including child protective services records that are shared with juvenile courts must be for the specific purpose of establishing and implementing treatment plans for juvenile offenders. Records may be used for this purpose during the disposition phase of a juvenile court proceeding under Title 3 of the Texas Family Code. (Title 3 is the state's Juvenile Justice Code.) Detailed policies for establishing and implementing treatment plans for juvenile offenders are contained in Chapter 347 of the Texas Administrative Code. This chapter contains standards that apply to Title IV-E Federal Foster Care funds that the Texas Juvenile Probation Commission (TJPC) subcontracts to local juvenile probation departments. Standards and policies are reviewed periodically by TJPC and the Texas Department of Family and Protective Services, which is the state's child welfare agency.

Assurance that Juvenile Offenders Whose Placement is Funded Through Section 472 of the Social Security Act Receive Protections Specified in Section 471 of Such Act, Including a Case Plan and Review As Defined in Section 475 of the Act: Chapter 347 of the Texas Administrative Code stipulates that contractors must meet the federal requirements for Title IV-E of the Social Security Act. Juvenile court orders must contain language specific to the requirements. **Case Plan.** Section 347.15, **Case Plan and Review System**, requires a case plan that meets the requirements of 42 USC Sec. 675. "The case plan shall outline actions designed to facilitate the safe return of the child to his or her own home or other permanent placement and assure that the child receives safe and proper care while in substitute care." **Case Review.** Section 347.15 further stipulates that

Attachment 2- Program Narrative

“The status of each IV-E eligible child shall be reviewed periodically but no less frequently than once every six months from the date of actual placement.” Purposes of the case review are to determine (A) the safety of the child; (B) the continuing necessity and appropriateness of the placement; (C) the extent of compliance with the case plan; (D) the extent of progress on issues that led to the child’s removal from the home; and (E) to project a likely date for permanency. Chapter 347 provides for a system of program monitoring as well. These are the protections stipulated in the Fiscal Year 2004 Updates for the Comprehensive Three-Year Plan Application Kit (OJJDP, Formula Grants Program Under the JJDP Act of 2002).

6. Technical Assistance Needs

The State of Texas requests no technical assistance at this time. Technical assistance needs will be evaluated during the development of the 2006-2008 Comprehensive Three-Year Plan. Any new requests will be provided at that time.

Attachment 2- Program Narrative

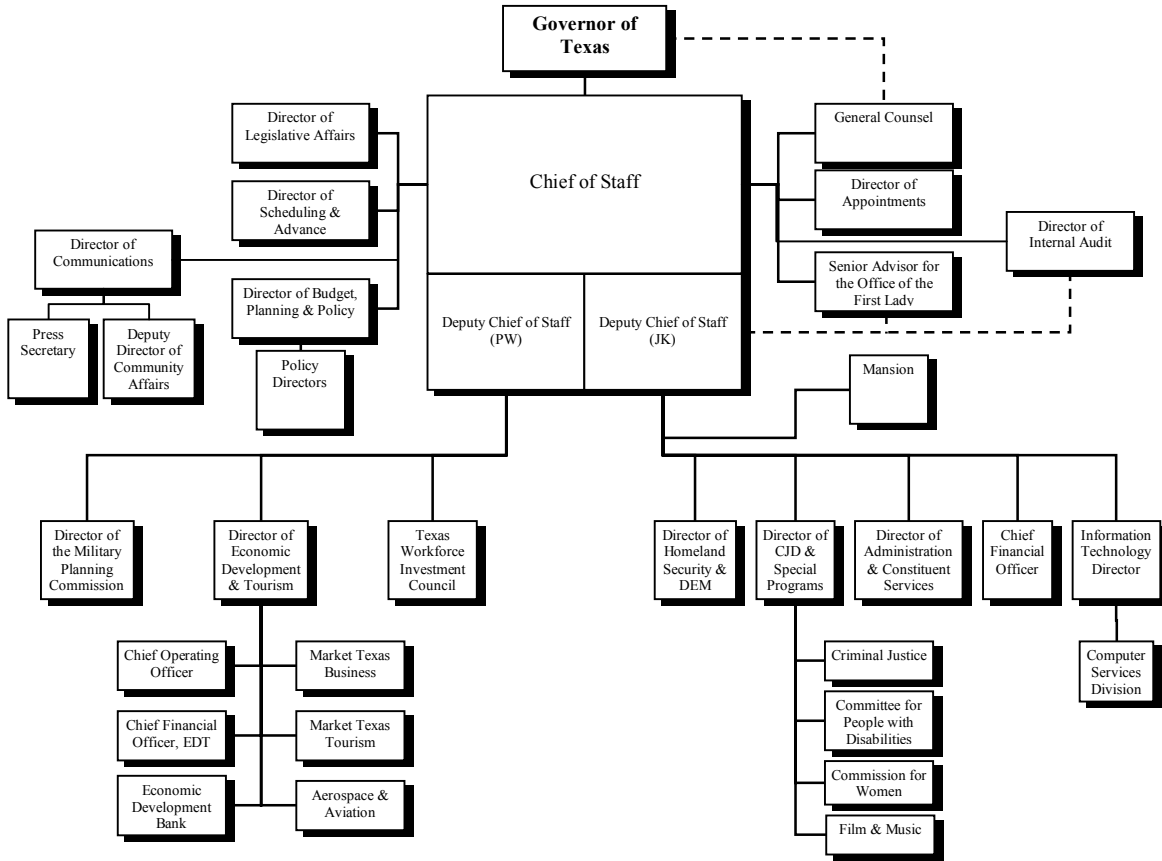
7. State Advisory Group Membership

Name	Represents	Full-Time Government	Youth Member	Date of Appointment	Residence
Charles Brawner, Chair	G			1995	1122 Fern Street Katy, Texas 77943
David Guterrez	C			2001	440 Watkinville Trail Robinson, Texas 76706
Dwight Harris	B	X		2001	4900 North Lamar Boulevard Austin, Texas 78751
Elizabeth Godwin	B			1995	3214 Robinhood Houston, Texas 77005
Felix Mejia	C			1995	234 County Creek Lane Fredericksburg, Texas 78624
Harold Gaither	B			1995	9876 Cherokee Trail Quinlan, Texas 75474
Jane Wetzel	E			1995	4250 Westway Dallas, Texas 75205
Kevin Knight	E		X	2001	3883 Turtle Creek Boulevard, Suite 2105 Dallas, Texas 75219
Lorena Gomez	E		X	2001	Post Office Box 542202 Houston, Texas 77254
Marcus Garret	E		X	2003	2424 Emmett Parkway Austin, Texas 78728
Mario Watkins	C	X		2001	2726 Leroy Pearland, Texas 77581
Marshawn Evans	E		X	1995	1115 Kenshire Lane Richardson, Texas 75081
Milton Duntley	B	X		1995	10724 Aldama Ct. El Paso, Texas 79935
Susan Reed	B	X		1995	300 Dolorosa Street, 5 th Floor San Antonio, Texas 78205
Tammy Hawkins	D	X		1995	2733 Halifax Odessa, Texas 79762
Vicki Spriggs	B	X		2001	4900 North Lamar Austin, Texas 78751

8. Staff of the JJDP Formula Grants Program

Organizational Chart - Office of the Governor

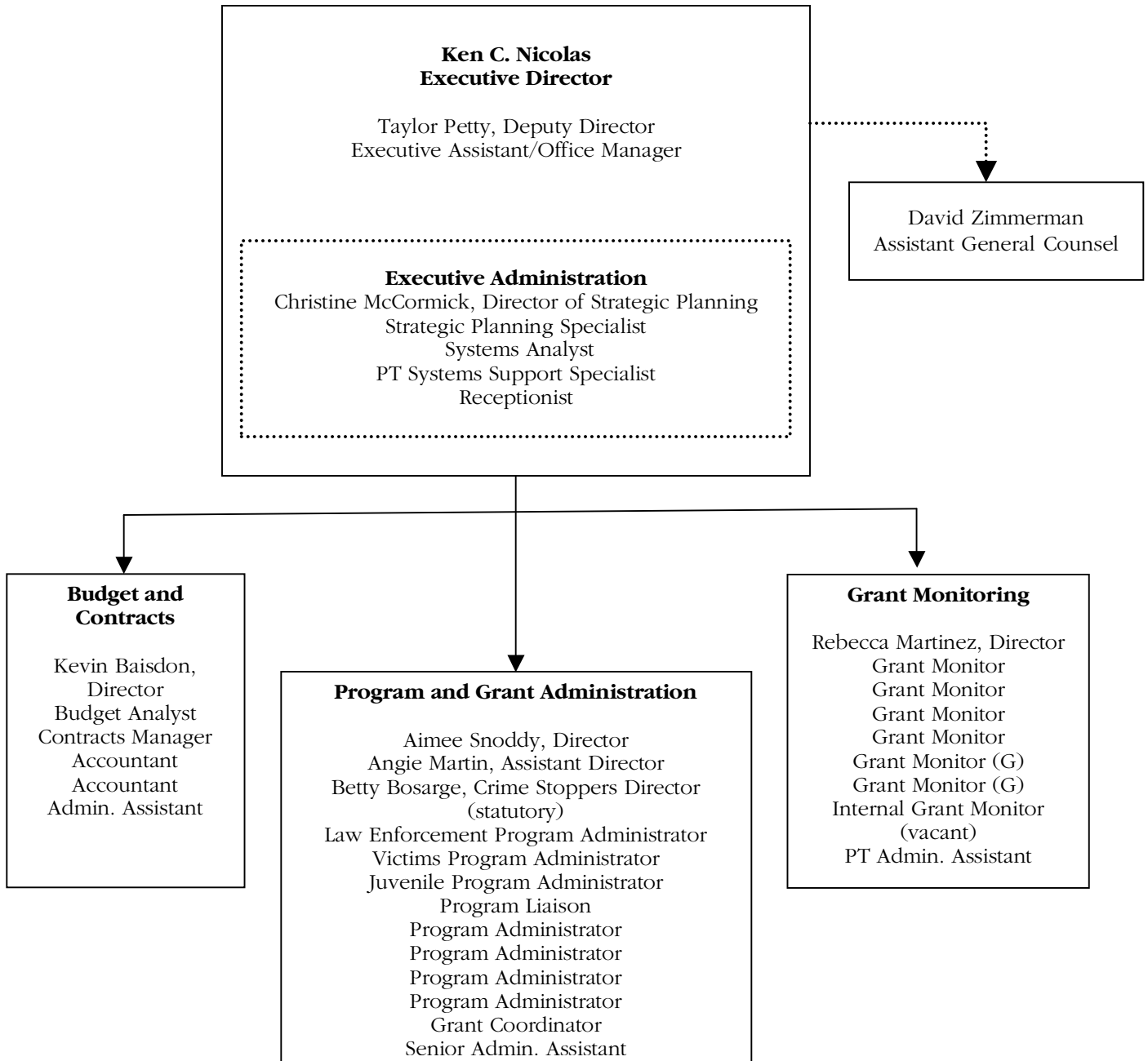
The chart below depicts the organizational set up for the Office of the Governor for the State of Texas. The Office of the Governor’s Criminal Justice Division is the designated state administering agency for the Juvenile Justice Delinquency Prevention Act Formula Grants program.



Attachment 2- Program Narrative

Organizational Chart – Office of the Governor’s Criminal Justice Division

The chart below depicts the organizational set up for the Office of the Governor’s Criminal Justice Division (CJD). CJD is the designated state administering agency for the Juvenile Justice Delinquency Prevention Act Formula Grants program.



(G) Texas National Guard

Attachment 2- Program Narrative

Federal and State Programs Administered by the Criminal Justice Division

Federal Programs

- Byrne Memorial Fund
- Coverdell
- Juvenile Accountability Block Grant
- Challenge Grant Program
- Title V – Juvenile Justice and Delinquency Prevention Funds
- Local Law Enforcement Block Grant Program
- Residential Substance Abuse Treatment Act Grant Program
- Victims of Crime Act Program
- Violence Against Women Act Program
- Bullet Proof Vests

State Programs

- Crime Stoppers Assistance Fund
- Criminal Justice Planning Fund
- Drug Courts
- County Essentials

CJD Staffing

Section	Title	Name	Salary Source	% Devoted to JJDP Formula
Executive Administration	Executive Director	Ken C. Nicolas	100% State Funds	10%
	Deputy Director	Taylor Petty	100% State Funds	
	Executive Assistant	Vacant	100% State Funds	
	Assistant General Counsel	David Zimmerman	100% State Funds	
	Director of Strategic Planning	Christine McCormick	100% State Funds	
	Strategic Planning Specialist	Nicolas Ramirez	100% State Funds	
	Administrative Assistant/Receptionist	Nelda Lyons	100% State Funds	
	Systems Analyst	Heather Morgan	100% State Funds	
	Systems Support Specialist (Part-Time)	Chris Eyhorn	100% State Funds	
Program and Grant Administration	Director of Programs and Grant Administration	Aimee Snoddy	100% State Funds	25%
	Assistant Director	Angie Martin	100% State Funds	0%
	Crime Stoppers Director	Betty Bosarge	100% State Funds	0%
	Law Enforcement Program Administrator	Judy Switzer	25% State Funds 75% Federal Funds (Byrne Memorial Grant Program)	0%
	Victim Program Administrator	Christina Grady	100% State Funds	0%
	Juvenile Program Administrator	Sanzanna Lolis	50% Federal Funds (JJDP Formula grant funds) 50% State Funds	60%

Attachment 2- Program Narrative

Section	Title	Name	Salary Source	% Devoted to JJDP Formula
	Program Liaison	Colleen Benefield	100% State Funds	0%
	Program Administrator	Ed Dickens	100% State Funds	25%
	Program Administrator	Lori Melcher	100% Federal Funds (Safe and Drug Free Schools and Communities Act funds)	10%
	Program Administrator	Susana Garcia	100% State Funds	10%
	Grant Coordinator	Vicki West	100% State Funds	10%
	Grant Coordinator	Whitney Stark	100% State Funds	10%
	Senior Administrative Assistant	Mary Helen Rositas	100% State Funds	10%
Budget and Contracts	Director of Budget and Contracts	Kevin Baisdon	100% State Funds	10%
	Budget Analyst	Alejandro Gonzales	100% State Funds	
	Contracts Manager	Dana Manuel	100% State Funds	
	Accountant	Yolanda Ruiz	100% State Funds	
	Accountant	Helen Martinez	100% State Funds	
	Administrative Assistant	Pamela Hailey	100% State Funds	
Grant Monitoring	Director of Grants Monitoring	Rebecca Martinez	100% State Funds	10%
	Internal Grant Monitor	Irene Marion	100% State Funds	10%
	Grant Monitor	Toni Kanetaky	100% State Funds	
	Grant Monitor	Everett Valdez	NA – on assignment from Texas National Guard	
	Grant Monitor	Liza Lorenzi	100% State Funds	
	Grant Monitor	Margaruite Cooke	100% State Funds	
	Grant Monitor	Vacant	100% State Funds	
	Administrative Assistant (Part-Time)	Veronica Talamantez	100% State Funds	

Juvenile Justice and Delinquency Prevention Staff

Executive Administration Staff

Executive Administration staff spend an approximate combined total of 10% of time on activities related to the administration of the Juvenile Justice and Delinquency Prevention Act (JJDP) Formula Grant program. Specific duties include:

- Setting programmatic and operational goals for the agency that coincide with the Governor’s overall mission for the state.
- Creating strategies to appropriately implement activities to achieve goals.

Programs and Grant Administration Staff

Programs and Grant Administration Staff are responsible for the day to day management of 14 federal and state fund sources. The following positions are directly involved in the administration of the JJDP Formula Grant program:

Attachment 2- Program Narrative

Director of Programs and Grant Administration – 25% of Time

- Provides supervision/administration over the Programs and Grant Administration section within the Criminal Justice Division.
- Maintains administrative oversight for state and federal grant programs including the JJDP Formula Grant program.
- Reviews grant applications for program and budget compliance.
- Provide executive briefing materials and funding recommendations to executive director.

Juvenile Program Administrator (Juvenile Justice Specialist) – 100% of Time

- Assist with management of federal grants funded through the Juvenile Justice & Delinquency Prevention Formula Grant, Juvenile Accountability Block Grant, and the Challenge and Title V sections of the Juvenile Justice and Delinquency Prevention Act.
- Serves as the Disproportionate Minority Contact Coordinator for Texas.
- Reviews grant applications for program and budget compliance.
- Attend to daily grant management activities for Programs and Grant Administration Section.

Program Administrator (Compliance Monitoring Coordinator) – 25% of Time

- Works with CJD staff, contractor(s), the Texas Commission on Jail Standards, and OJJDP in development, preparation, and submission of OJJDP Compliance Monitoring report.
- Reviews grant applications for programmatic and budget compliance.
- Performs daily grant management activities.

4 Additional Program Administrators – 10% of Time Each

- Reviews grant applications for programmatic and budget compliance.
- Performs daily grant management activities.

Budgets and Contract Staff

Budgets and Contract staff spend an approximate combined total of 10% of time on activities related to the administration of the JJDP Formula Grant program. Specific duties include:

- Maintain financial oversight of state and federal grant programs, including the JJDP Formula Grant program. This includes processing sub-grantee request for funds, expenditure reports, and preparing federally required financial status reports on a regular basis.

Grant Monitoring Staff

Grant Monitoring staff spend an approximate combined total of 10% of time on activities related to the administration of the JJDP Formula Grant program. Specific duties include:

- Perform on-site monitoring visits and desk reviews of sub-grantee organizations to ensure compliance with state and federal rules and guidelines, including the JJDP Formula Grant program.