

Community Corrections

Y-FY2005

Effective date 09/01/2004, Y-FY2005

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I. GRANT DESCRIPTION.

- A. The Community Corrections grant provides funding to local juvenile boards for the purpose of developing community-based probation program alternatives for juveniles at risk of commitment to the Texas Youth Commission.

II. GRANT SPECIFIC DEFINITIONS.

- A. **Formal Referral.** A formal referral occurs when all three of the following conditions exist:
1. Delinquent conduct, conduct indicating a need for supervision or violation of probation was allegedly committed;
 2. The juvenile probation department has jurisdiction and venue; and
 3. Either face-to-face contact occurs with the office or official designated by the Grantee or written or verbal authorization to detain the juvenile is given by the office or official designated by the juvenile court.
- B. **Ideal Commitment Criteria.** The ideal commitment criteria is defined as any commitment to the Texas Youth Commission (TYC) recommended by and consistent with the Progressive Sanctions Model as defined in Texas Family Code Chapter 59.
- C. **Juvenile Justice Program.** A program operated for the benefit of juveniles referred to the juvenile probation department that is wholly or partly operated by the juvenile board or by a private vendor under contract with the juvenile board. As defined in Texas Family Code Section 261.405, this term also includes juvenile justice alternative education programs (JJAEP) and non-residential programs that serve juveniles that have been referred to the juvenile probation department and who are under the jurisdiction of the juvenile court. A juvenile justice program does not include any program operated in a facility that is licensed or operated by a state agency other than a facility registered with the Commission.
- D. **Juvenile Probation Services.** Juvenile probation services means services provided by or under the authority of the Grantee and provided by the juvenile probation department or other entity, including services contracted with third-party service providers, in response to a policy or directive instituted by the governing juvenile board or an order issued by a juvenile court and under the court's direction, including:
1. Protective services;
 2. Prevention of delinquent conduct and conduct indicating a need for supervision;
 3. Diversion;
 4. Deferred prosecution;
 5. Foster care;
 6. Counseling;
 7. Supervision;
 8. Diagnostic, correctional and educational services; and
 9. Services provided by a juvenile probation department that are related to the provision of services, operation of a secure pre-adjudication detention facility, a short-term detention facility (holdover), a secure post-adjudication correctional facility, a non-secure residential treatment facility, a juvenile justice alternative education program or a juvenile justice program as defined in Texas Family Code Section 261.405.

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- E. **Non-Residential Services.** A service or program provided to a juvenile who has not been placed in a residential facility or a service or program provided to a juvenile who has been placed in a residential setting, but the service or program is not included in the cost per day for the juvenile's placement. The following services/programs are considered non-residential including:
1. Psychological, psychiatric and other professional diagnostic, evaluation and therapeutic treatment services;
 2. Medical and dental diagnosis, evaluation, treatment and supplies;
 3. Vocational and educational fees and supplies;
 4. Related programs, services, supplies and tutoring not provided by public schools;
 5. Transportation and meals;
 6. Clothing and personal hygiene supplies; and
 7. Programs and services approved in writing in advance by the Commission, including professional and contractual services.
- F. **Primary Prevention Services.** Programs, services and activities designed to prevent law violations by youth identified as "at-risk" of becoming juvenile offenders. These services as designed for juveniles that have not had contact with the juvenile probation department prior to the service.
- G. **Progressive Sanctions Model.** The Progressive Sanctions Model is a set of recommended graduated dispositional guidelines defined in Texas Family Code Chapter 59. The Model provides uniform and consistent standards for juvenile case dispositions, taking into account the seriousness of conduct, history of delinquent conduct, previous interventions, special treatment/training needs and special circumstances of the juvenile.
- H. **Recommendation.** Recommendation means the most appropriate course of action or option that the probation officer and department recommend or present to the juvenile court as a dispositional alternative for a juvenile offender that is in the best interest of the child and society in the professional judgment of the probation officer.
- I. **Residential Services.** Residential services means the provision of services to a juvenile that has been placed in a secure pre-adjudication detention facility, a short-term detention facility (holdover), a post-adjudication correctional facility, or a non-secure residential placement facility operated by or under the authority of the Grantee. This category also includes services contracted for with a third-party service provider in any non-secure placement facility licensed and/or operated by or under the authority of another governmental entity under the laws of this state or another state.
- J. **Staff Services.** Staff services means:
1. Salaries and fringe benefits for staff employed by the department under the direction of the Grantee;
 2. Reimbursement for travel for official business of the juvenile probation staff at the county rate or if in a multi-county jurisdiction, at the rate of the lead county. If the county has no established rate then the county shall use the established State of Texas rate; in no event can reimbursement rates exceed the established travel rates for the State of Texas; and
 3. Operating expenses for the probation department, including postage, telephone, office supplies, printing and other costs directly related to juvenile probation services, such as registration fees for staff training and the cost of the certified annual audit required by the Commission.

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III. Performance Measures.

- A. **Goal.** The goal of the Community Corrections grant is to reduce delinquency, increase offender accountability and rehabilitate juvenile offenders through a comprehensive, coordinated, community-based juvenile probation system.
- B. **Program Objective.** The objective of the Community Corrections grant is to develop and support a system of community programs and services designed to provide alternatives for youth at risk of commitment to the Texas Youth Commission.
- C. **Program Performance.** Grantee performance under the grant shall be determined using the following measures:
1. Average daily population in secure post-adjudication correctional facilities;
 2. Percent of juveniles under supervision participating in programs; and
 3. Percent of delinquent referrals committed to the Texas Youth Commission.

IV. PROGRAMMATIC COMPONENTS.

- A. **Texas Youth Commission Recommendations for Commitments.** The Grantee shall use due diligence to assist the Commission in achieving its goal of limiting the number of juvenile offenders recommended for commitment to the Texas Youth Commission (TYC) by the state's juvenile probation departments during fiscal year 2005. The Grantee shall develop alternatives for juvenile offenders at immediate risk of TYC commitment with the goal of limiting staff recommendations for commitment to the number specified for the Grantee's probation department. The Grantee shall require its juvenile probation department staff to use due diligence to explore and recommend other appropriate dispositional alternatives for each adjudicated youth, including residential placement, before making any recommendation for commitment to TYC. The recommendation number includes all new commitments to TYC, but excludes recommitments.
- B. **Written Recommendation.** The Grantee shall require their juvenile probation department staff to make a written recommendation for disposition to the juvenile court based upon the probation officer's professional judgment, exercised in good faith and considering the facts, in every adjudicated case.
- C. **Recommended Commitments.** Recommendations for commitments to TYC applicable under this grant are listed in the following table:

County Juvenile Probation Department	TYC Commitments
ANDERSON	5
ANDREWS	2
ANGELINA	10
ATASCOSA	6
AUSTIN	3
BAILEY/PARMER	2
BANDERA	2
BASTROP, BURLESON, LEE, WASHINGTON	17
BAYLOR, COTTLE, KING, KNOX	1
BELL	29
BEXAR	175
BOWIE	9
BRAZORIA	33
BRAZOS	14
BREWSTER, JEFF DAVIS, & PRESIDIO	2
BROOKS	1
BROWN/MILLS	5

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BURNET, BLANCO, LLANO, SAN SABA	8
CALDWELL	5
CALHOUN	3
CALLAHAN	2
CAMERON	54
CASS	3
CHAMBERS	4
CHEROKEE	6
CHILDRESS, HALL, DONLEY, CARSON, COLLINGSWORTH	3
COCHRAN	0
COKE, CONCHO, IRION, RUNNELS, SCHLEICHER, & STERLING	4
COLEMAN	1
COLLIN	81
COMAL	11
COMANCHE, BOSQUE, HAMILTON	5
COOKE	5
CORYELL	10
CRANE	1
CROSBY	1
CULBERSON/HUDSPETH	1
DALLAM, HARLEY, SHERMAN	2
DALLAS	280
DAWSON	2
DEAF SMITH/OLDHAM	3
DENTON	62
DEWITT	2
DUVAL, JIM HOGG, STARR	12
EASTLAND	2
ECTOR	16
ELLIS	17
EL PASO	98
ERATH	4
FANNIN	4
FAYETTE	3
FLOYD, BRISCOE, DICKENS, MOTLEY	1
FORT BEND	64
FRIO	2
GAINES	2
GALVESTON	30
GARZA	1
GILLESPIE	2
GOLIAD	1
GONZALES, COLORADO, LAVACA	7
GRAY	2
GRAYSON	12
GREGG	13
GRIMES	3
GUADALUPE	14
HALE	5
HARDIN	6
HARRIS	443
HARRISON	8
HASKELL, KENT, STONEWALL, THROCKMORTON	1
HAYS	13
HENDERSON	9
HIDALGO	102
HILL	4
HOCKLEY	3
HOOD	5
HOPKINS, DELTA, FRANKLIN, RAINS	7
HOUSTON	2
HOWARD, MARTIN, GLASSCOCK	5

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HUNT	10
HUTCHINSON	3
JACKSON	2
JASPER, NEWTON, SABINE, SAN AUGUSTINE	8
JEFFERSON	29
JIM WELLS	6
JOHNSON	19
JONES/SHACKELFORD	2
KARNES/WILSON	7
KAUFMAN	11
KENDALL	4
KERR	5
KIMBLE	0
KLEBERG/KENEDY	4
LAMAR	6
LAMB	2
LAMPASAS	2
LASALLE	1
LEON	2
LIBERTY	10
LIMESTONE/FREESTONE	5
LUBBOCK	26
LYNN	1
MC CULLOCH	1
MC LENNAN	24
MADISON	1
MASON	0
MATAGORDA	5
MAVERICK, DIMMIT, ZAVALA	12
MEDINA	6
MENARD	0
MIDLAND	15
MILAM, FALLS, ROBERTSON	7
MONTAGUE, ARCHER, CLAY	5
MONTGOMERY	49
MOORE	3
NACOGDOCHES	7
NAVARRO	6
NOLAN, FISHER, MITCHELL	3
NUECES	39
OCHILTREE/HANSFORD	2
ORANGE	11
PALO PINTO	3
PANOLA	3
PARKER	14
PECOS	2
POLK, SAN JACINTO, TRINITY	9
POTTER/ARMSTRONG	14
RANDALL	13
RED RIVER	2
REEVES/LOVING	2
REFUGIO	1
ROCKWALL	8
RUSK	5
SAN PATRICIO, ARANSAS, BEE, LIVE OAK, MC MULLEN	18
SCURRY, BORDEN	2
SHELBY	3
SMITH	21
SOMERVELL	1
SUTTON/CROCKETT	1
SWISHER/CASTRO	2
TARRANT	187

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TAYLOR	14
TERRY	2
TITUS, CAMP, MARION, MORRIS	10
TOM GREEN	12
TRAVIS	85
TYLER	2
UPSHUR	5
UPTON/REAGAN	1
UVALDE/REAL	4
VAL VERDE, EDWARDS, KINNEY, TERRELL	7
VAN ZANDT	6
VICTORIA	11
WALKER	5
WALLER	5
WARD	1
WEBB	33
WHARTON	5
WHEELER, HEMPHILL, LIPSCOMB, ROBERTS	1
WICHITA	14
WILBARGER, FOARD, HARDEMAN	2
WILLACY	3
WILLIAMSON	44
WINKLER	1
WISE, JACK	9
WOOD	4
YOAKUM	1
YOUNG, STEPHINS	3
ZAPATA	2
STATEWIDE TOTAL	2762

- D. **Ideal Commitment Criteria.** The Grantee shall ensure that its juvenile probation department's recommendations for commitments to TYC adhere to the ideal commitment criteria in every case unless mitigating or extenuating circumstances are present and documented.
- E. **Target Population.** The target population for this grant is juvenile offenders who are most at-risk of commitment to Texas Youth Commission and/or who pose the highest risk to public safety in the community. Included among this group of juveniles are the serious, violent, and chronic offending populations.

V. PROGRAMMATIC REPORTING.

- A. **Annual Reports.** See General Grant Requirements.
- B. **Quarterly Reports.** None.
- C. **Monthly Reports.** Grantee shall submit monthly extract data electronically to the Commission no later than the 10th day of each month following the reporting period as required in Title 37, Texas Administrative Code, Sections 341.49 and 341.54.
- D. **Other Periodic Reports.** See General Grant Requirements.

VI. PROGRAMMATIC MONITORING.

- A. **On-Site Monitoring Visits.** See General Grant Requirements.
- B. **Unannounced On-Site Monitoring Visits.** See General Grant Requirements.
- C. **Desk Audits.** See General Grant Requirements.
- D. **Other.** None.

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VII. **APPLICABLE LAW.** The Grantee shall comply with the following applicable state and federal laws under this grant.

A. **Applicable Standards.**

1. **Texas Administrative Code (TAC) Title 37 Public Safety and Corrections.**

- a. Chapter 341 – Texas Juvenile Probation Commission.
- b. Chapter 342 – Housing Non-Texas Juveniles in Texas Detention and Correctional Facilities.
- c. Chapter 343 – Secure Juvenile Pre-Adjudication Detention and Post-Adjudication Correctional Facilities.
- d. Chapter 349 – General Administrative Standards.
- e. Chapter 351 – Short-Term Detention Facilities.

B. **General Statutes.**

- 1. **Federal Law.** See General Grant Requirements.
- 2. **State Law.** See Also General Grant Requirements.
 - a. **General Appropriations Act, H.B. 1, R.S., 78th Legislature, 2003, Article V.**
 - b. **Texas Government Code, Title 7, Uniform Grant and Contract Management.**
 - i. Chapter 783 - Uniform Grant and Contract Management Act.

C. **Policy.**

- 1. **Texas Juvenile Probation Compliance Resource Manual, Volumes 1 - 2, 2004.**

VIII. **FINANCIAL COMPONENTS.**

A. **Allowable Expenditure of Funds.**

- 1. Community Corrections grant funds shall be expended solely for provision of probation services within the following three categories of staff services, non-residential services and residential services in accordance with the approved *Annual Budget Application* [TJPC-FIS-01-05] submitted by the Grantee for fiscal year 2005.
- 2. The Grantee may use grant funds to lease, contract for or reserve bed space with public and private residential facilities for the purpose of diverting juveniles from commitment to the Texas Youth Commission (TYC). (General Appropriations Act, H.B. 1, R.S., 78th legislature, 2003, Article V.)

B. **Unallowable Expenditure of Funds.** See Also General Grant Requirements.

- 1. No funds under this grant shall be expended for the provision of primary prevention services.

C. **Financial Match Requirements.** See General Grant Requirements.

D. **Funding Adjustments.**

- 1. **Reduction of Grant Payments.** See General Grant Requirements.
- 2. **Unexpended Balances.** See General Grant Requirements.
- 3. **Overpayments.** See General Grant Requirements.

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4. **Refunds Due.** See General Grant Requirements.

E. **Timely Expenditure of Grant Funds.** See General Grant Requirements.

F. **Audits.** See General Grant Requirements.

G. **Financial Assurances.** See General Grant Requirements.

H. **Service Provider.** See General Grant Requirements.

IX. FINANCIAL REPORTING.

A. **Annual Reports.** The Grantee shall submit a completed *Annual Budget Application* [TJPC-FIS-01-05] concurrent with the submission of the executed State Financial Assistance Contract for the Commission's approval. The *Annual Budget Application* shall be submitted electronically as specified by the Commission.

B. **Quarterly Reports.** The Grantee shall report the expenditure of all funds received through this grant on the *Quarterly Expenditure Report* [TJPC-FIS-02-05] and the *ISP Placement and Residential Cost Report* [TJPC-FIS-49-04]. Reports shall be received by the Commission no later than January 15, April 15, July 15 and October 15 of the fiscal year, respectively. Funds may be temporarily suspended if the *Quarterly Expenditure Report* and/or the *ISP Placement and Residential Cost Report* are not received by the due date.

C. **Monthly Reports.** None.

D. **Other Periodic Reports.**

1. **Budget Adjustments.** The Grantee shall submit the *Budget Adjustment Request* [TJPC-FIS-03-04] to the Commission and have received written approval from the Commission prior to expending the funds. The Grantee shall obtain prior written approval from the Commission Contract Administrator when projected expenditures in any budget category reported in the *Annual Budget Application* for this grant exceeds or is expected to exceed the amount budgeted in that category by more than twenty-five percent (25%).

X. Financial Monitoring.

A. **Annual Monitoring.** See General Grant Requirements.

B. **Periodic Monitoring.** See General Grant Requirements.