



LEGISLATIVE BUDGET BOARD

Juvenile Justice System and Adult Community Supervision Funding

**PRESENTED TO HOUSE APPROPRIATIONS SUBCOMMITTEE ON I, IV, AND V
LEGISLATIVE BUDGET BOARD STAFF**

APRIL 2018

Statement of Interim Charge

Review state funding, including formula funds, for adult probation departments and the juvenile justice system. Consider recommendations to enhance equity, encourage the use of cost-effective practices, and meet the future needs of departments and counties throughout the state.

Funding for TJJD and TDCJ

- Funding for the Texas Juvenile Justice Department (TJJD) and Texas Department of Criminal Justice (TDCJ) includes state, local, and federal funds.
- Some strategies are formula funded, while other strategies are not formula funded.
- Funding for juvenile and adult probation departments can consist of both local and state funds.
- Funding for juvenile and adult correctional facilities and programs is mostly derived from state funds, though it can include some federal funds.
- LBB population projections are a component of formula funding.

Correctional Population Projections: Overview

	June 2016 Projections	January 2017 Projections
Purpose:	<ul style="list-style-type: none"> • Informed Agencies' Legislative Appropriation Requests • Informed the 2018-19 General Appropriation Bills as Introduced 	Informed the committee substitutes to the 2018-19 General Appropriation Bills as Introduced
Based on individual level data through:	Fiscal Year 2015	Fiscal Year 2016

- Projections (June and January) are based on current laws, policies, and practices. Subsequent shifts in these factors are considered and may be incorporated into future LBB projections.
- The LBB simulation model incorporates these factors into the population projections and tracks an individual movement into, through, and out of the criminal and juvenile justice system.

Correctional Population Projections: Methodology

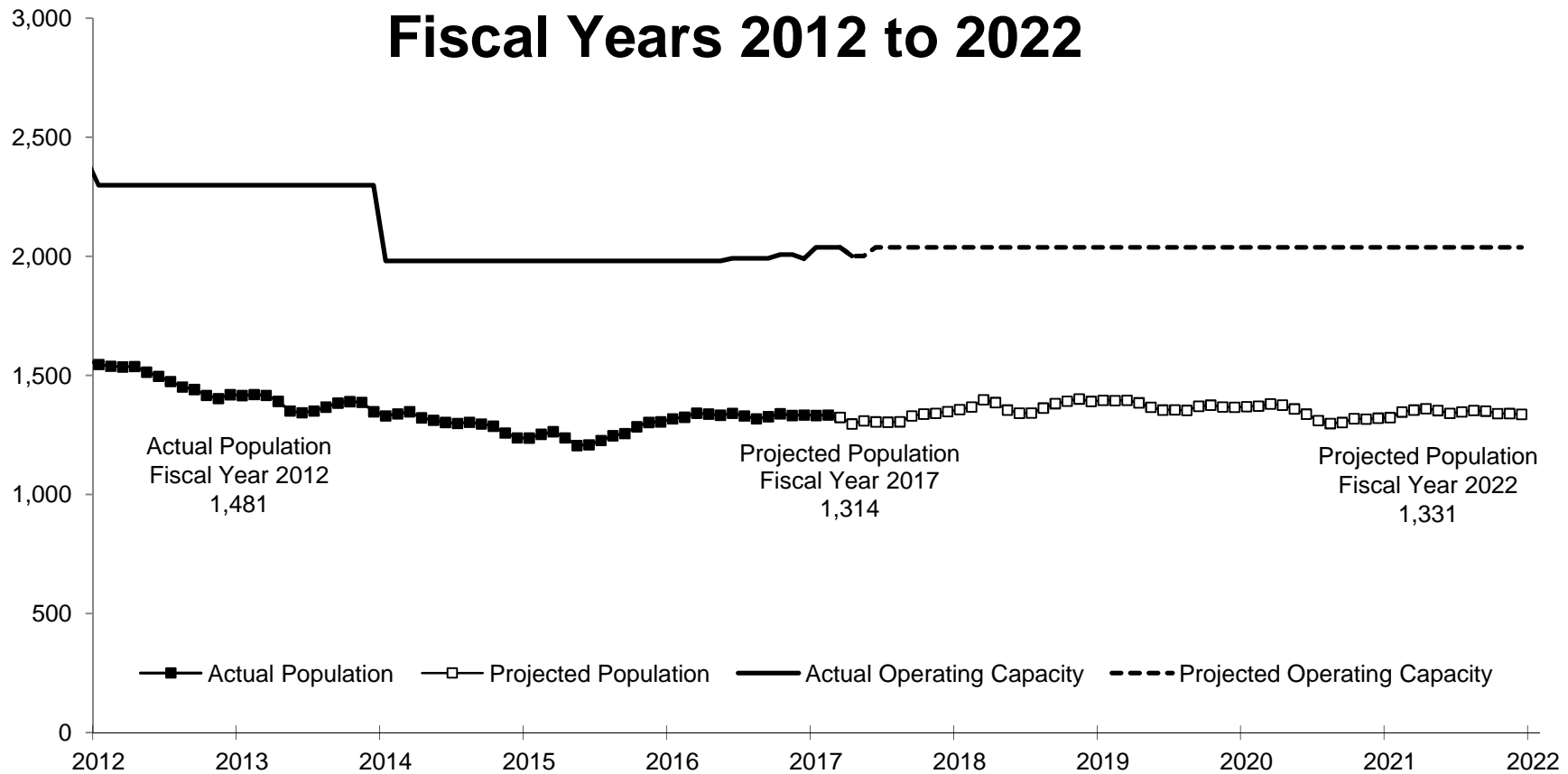
Central Questions

- How many individuals will enter the system?
- How long will they stay in the system?

Projections Generated Using:

- Expected number of admissions over the projection period
- Predicted length of stay of those admitted
- Predicted length of stay of those in the system at the end of the previous fiscal year

TJJD Actual and Projected State Residential Average Daily Population and Operating Capacity

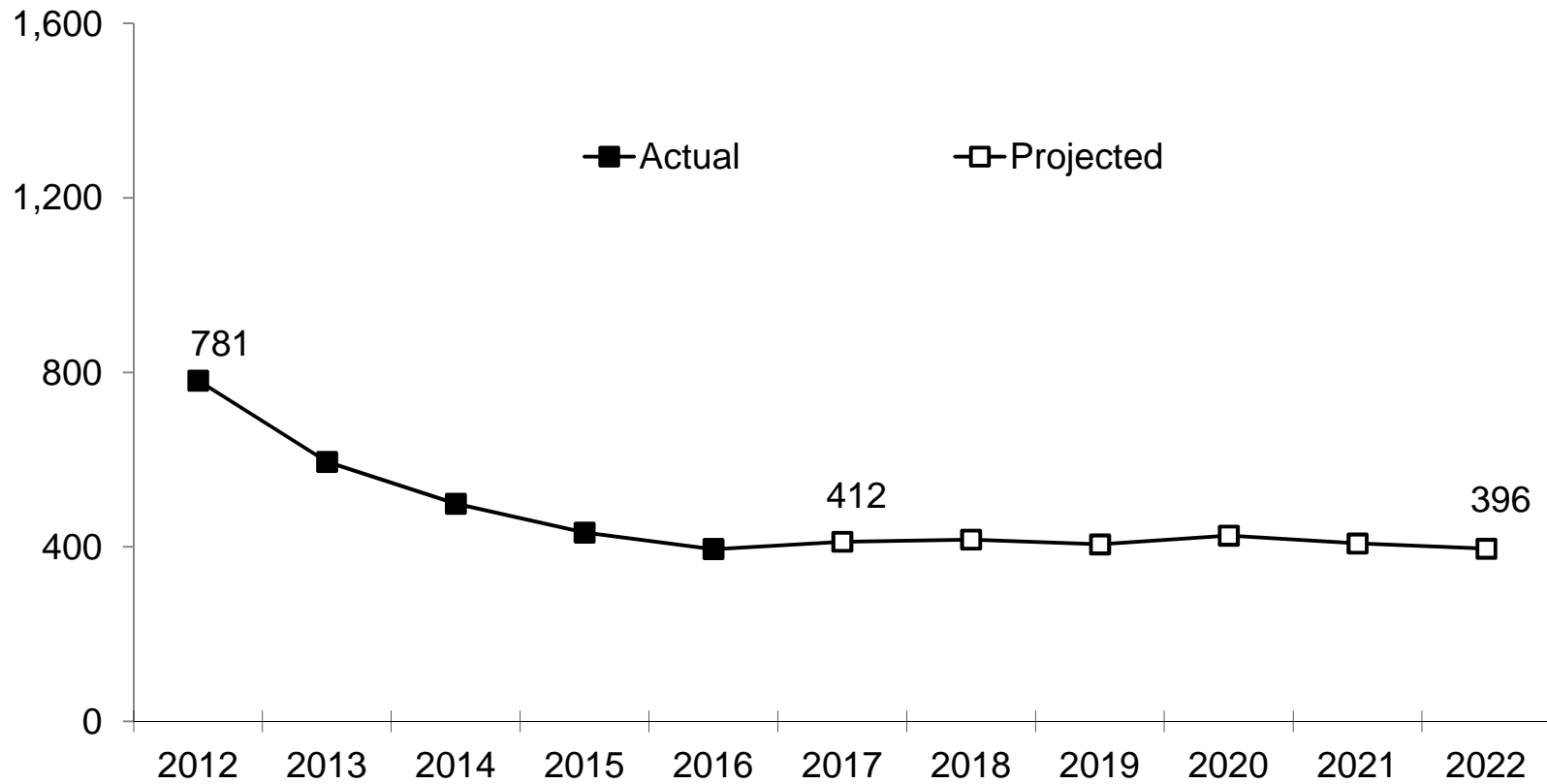


NOTES: Operating capacity represents the total number of beds available for permanent assignment. Not included within this number are 332 temporary assignment (youth management and clinic) beds. Capacity includes 479 permanent assignment beds and 74 temporary assignment beds offline. The operating capacity is projected to increase slightly from fiscal years 2017 to 2018, when the agency returns 36 beds to capacity which are temporarily offline due to construction. The operating capacity for fiscal year 2017 is the operating capacity as of January 2017.

SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

Juvenile Parole Projections

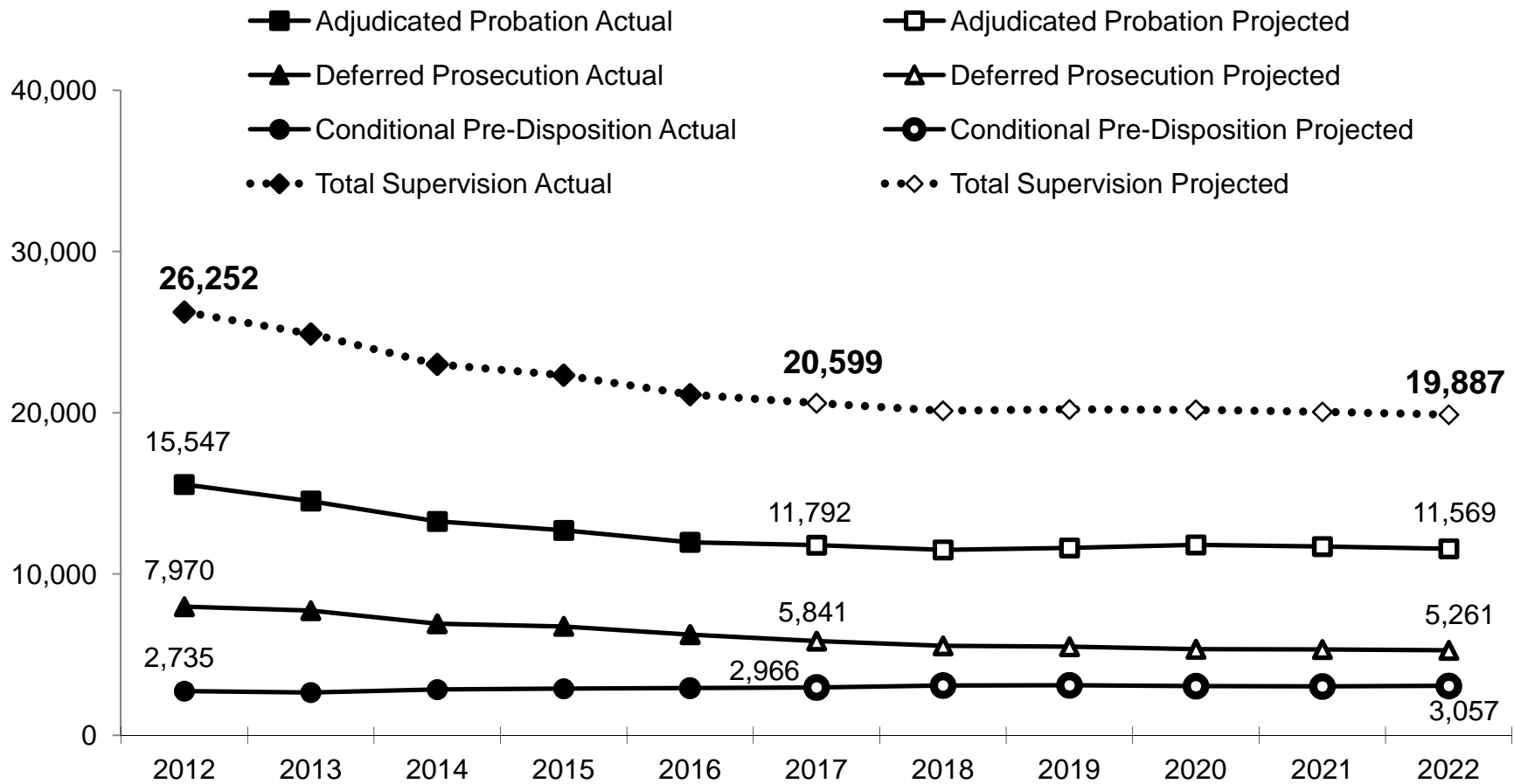
Fiscal Years 2012 to 2022



SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

Juvenile Probation Supervision Populations

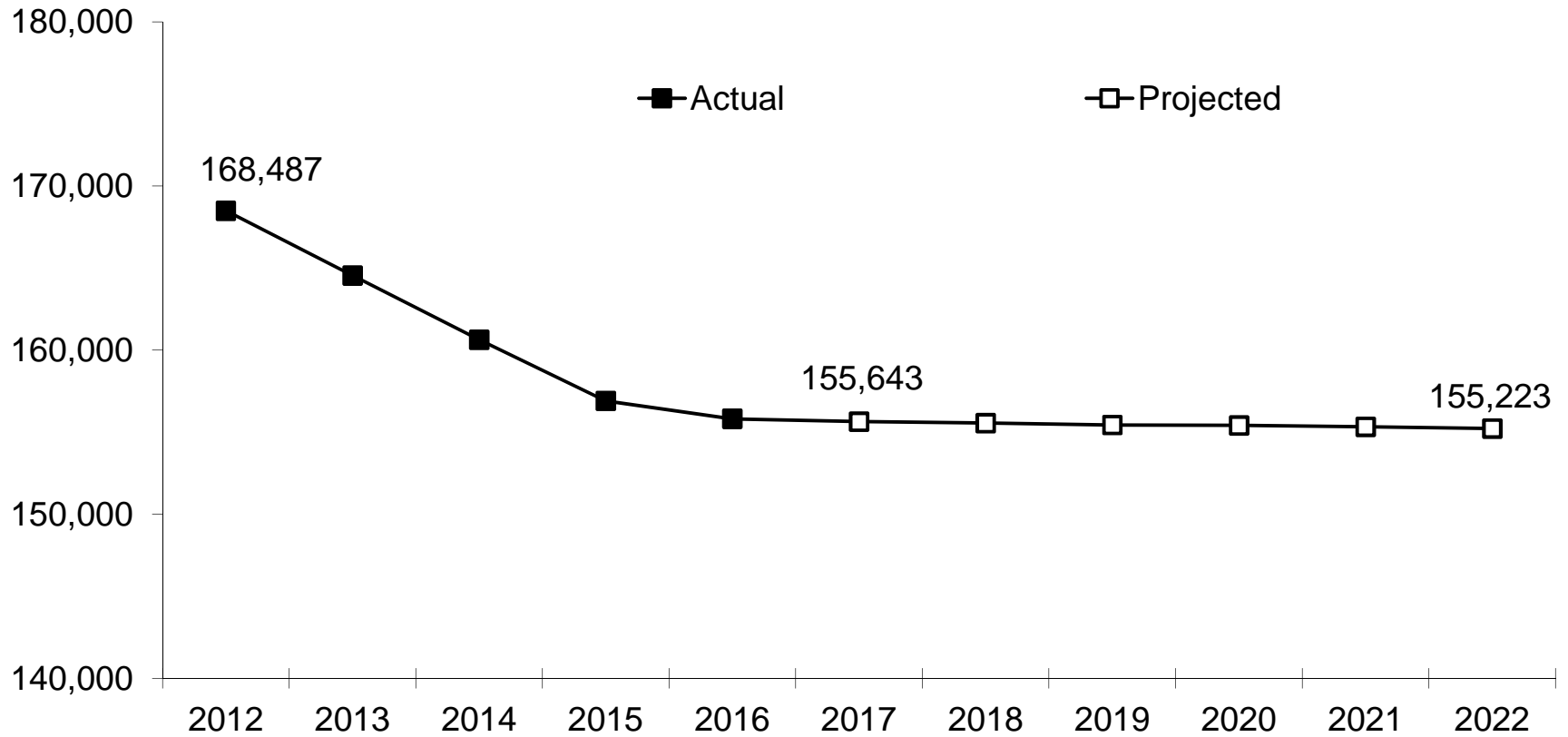
Fiscal Years 2012 to 2022



SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

Adult Felony Direct Community Supervision

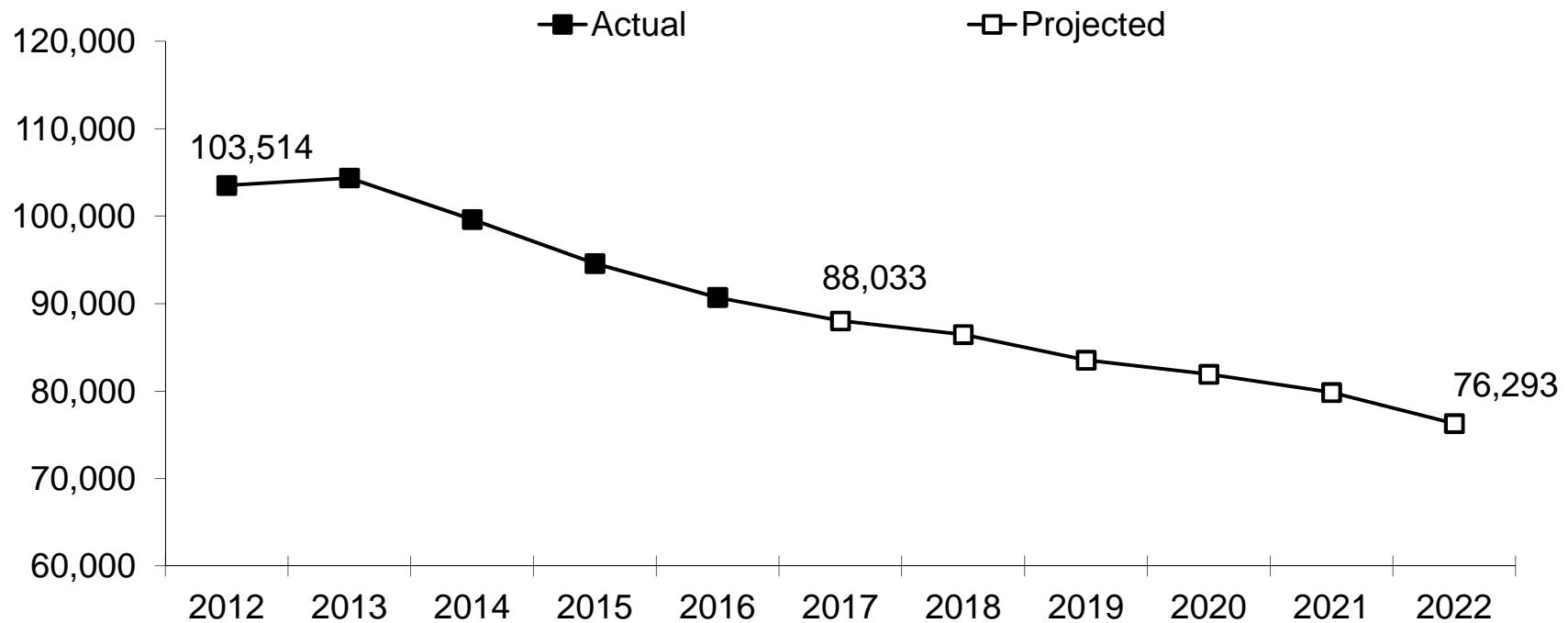
Fiscal Years 2012 to 2022



SOURCES: Legislative Budget Board; Texas Department of Criminal Justice.

Adult Misdemeanor Community Supervision Placements

Fiscal Years 2012 to 2022



SOURCES: Legislative Budget Board; Texas Department of Criminal Justice.

TJJD Funding

Formula Funding

- Refers to agency strategies formula-funded by Legislature (does not address TJJD policies or formulas for dispersing grants to local probation departments)
- Applies to strategies primarily affected by population fluctuations
 - Goal A - Basic Probation Supervision – includes funding for face-to-face contacts with probation officers
 - Goal B - Institutional Supervision and Food Service, Halfway House Operations, and Contract Residential Placements – includes supervision and food for youth housed in the three types of facilities used for youth committed to TJJD
 - Goal C – Parole Direct Supervision - includes funding for face-to-face contacts with parole officers
- Primary Methodology – LBB projected population for each FY multiplied by actual state cost per day (CPD) from the first year of previous biennium and number of days in each FY
- Other Methodologies – May be used if funds transferred in or out of a program or strategy significantly change actual CPD of first year of previous biennium
 - May use agency requested CPD
 - May use previous biennium appropriated CPD

TJJD Funding (cont.)

Non-Formula Funding

- Includes strategies, programs and services primarily focused on providing treatment, counseling, and other programs and services based on individual youth needs
 - Goal A – Community Programs, Commitment Diversion Initiatives, Mental Health Services Grants, Regional Diversion Alternatives Program
 - Goal B - Education, Health Care, Integrated Rehabilitation Treatment
 - Goal C – Parole Programs and Services
 - Goal D – Office of Independent Ombudsman
 - Goal E – Training and Monitoring
 - Goal F - Administration
- Methodology may include:
 - Base program or initiative level funding
 - Agency exceptional item funding
 - Funding for new initiative added by the Legislature
 - For example, Regional Diversion Alternatives Program – Initiated in 2016-17 at \$9.1 million; biennialized to \$18.3 million in 2018-19

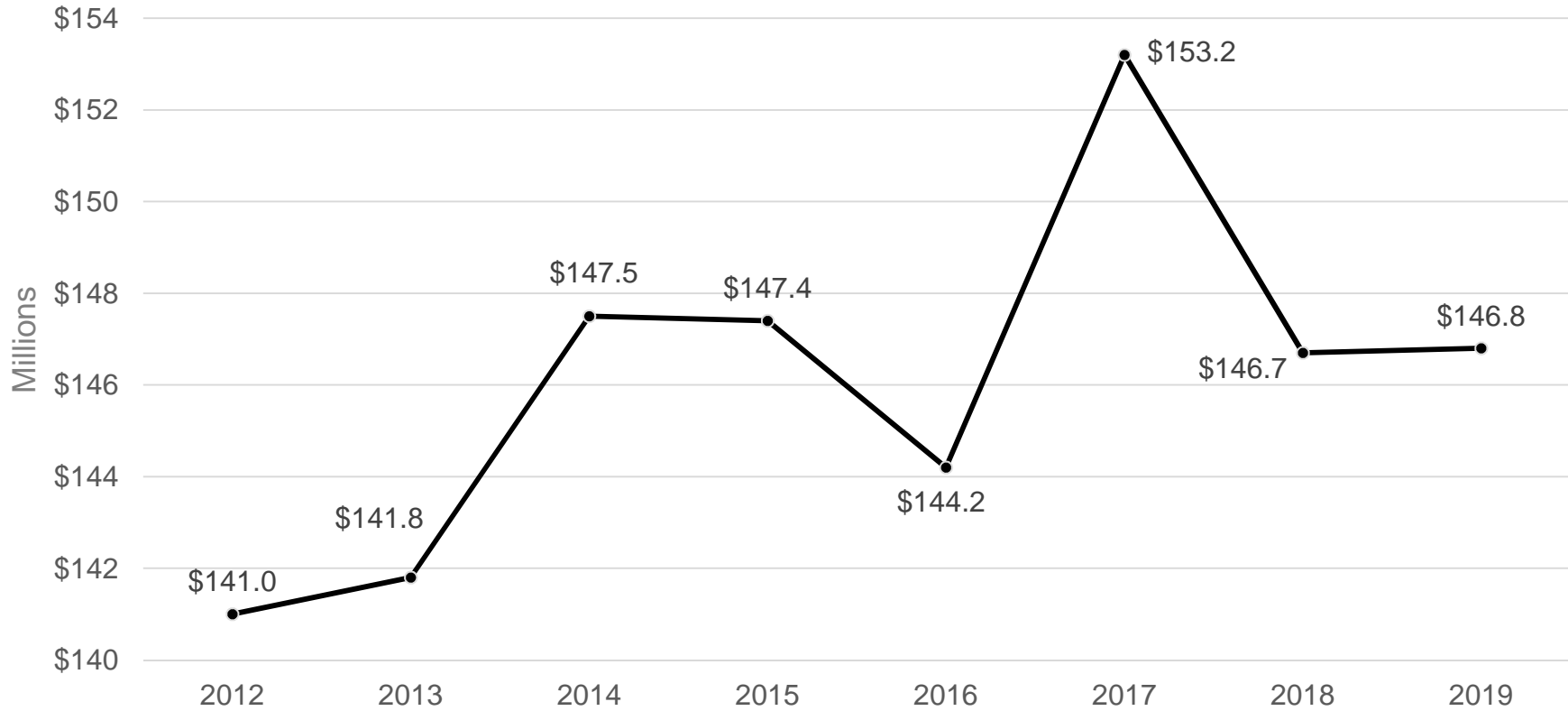
Juvenile Justice Department

Juvenile Probation

Goal A – Community Juvenile Justice

- Includes nine strategies, eight consist solely of pass-through grant funding for local probation departments
- Programs include:
 - Basic Supervision
 - Commitment Diversion Programs
 - Mental Health Services
 - Regional Diversion Alternatives Program
 - Community Programs
 - Pre and Post-Adjudication Facilities
 - Juvenile Justice Alternative Education Programs (JJAEPs)
- Basic probation supervision grants provide only supervision to juveniles in the system
- Programs and services are funded in other strategies listed above

Juvenile Probation General Revenue-Related Funding



—●— Community Juvenile Justice Funding (in \$millions)

NOTES: FY 2012-2017 expended amounts; FY 2018-19 Appropriated amounts. excludes probation refunds (\$2.3 million per biennium). FY 2017 expended includes the first full year of funding for the Regional Diversion Alternatives Program. FY 2018-19 appropriated also includes full funding for this initiative, but is offset by reductions for population projection and cost per day decreases, and agency requested funding levels for mental health services and pre-and post adjudication facilities grants.

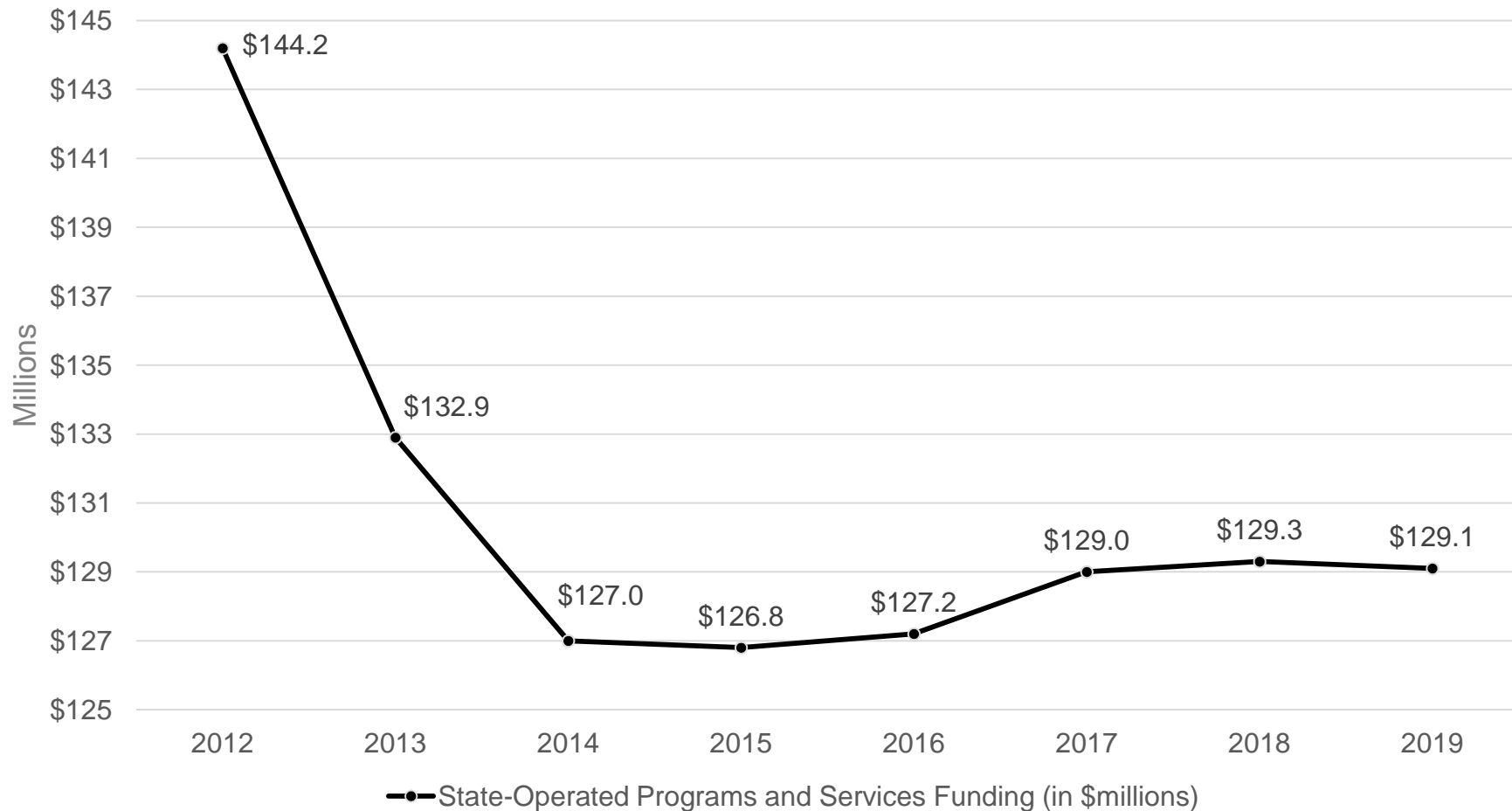
SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

TJJD State Services and Facilities

Goal B – State Services and Facilities

- Includes 13 strategies, 10 provide direct supervision and services to youth committed to state facilities
- Programs include:
 - Assessment, Orientation, and Placement Services
 - Institutional Supervision, Food Service, Operations, and Overhead
 - Halfway House Operations
 - Contract Residential Placements
 - Educational Services
 - Health and Mental Health, and Psychiatric Care
 - Integrated Rehabilitation Treatment, including Specialized Treatment

TJJD State Programs and Services General Revenue-Related Funding



NOTES: FY 2012-2017 expended amounts; FY 2018-19 appropriated amounts.

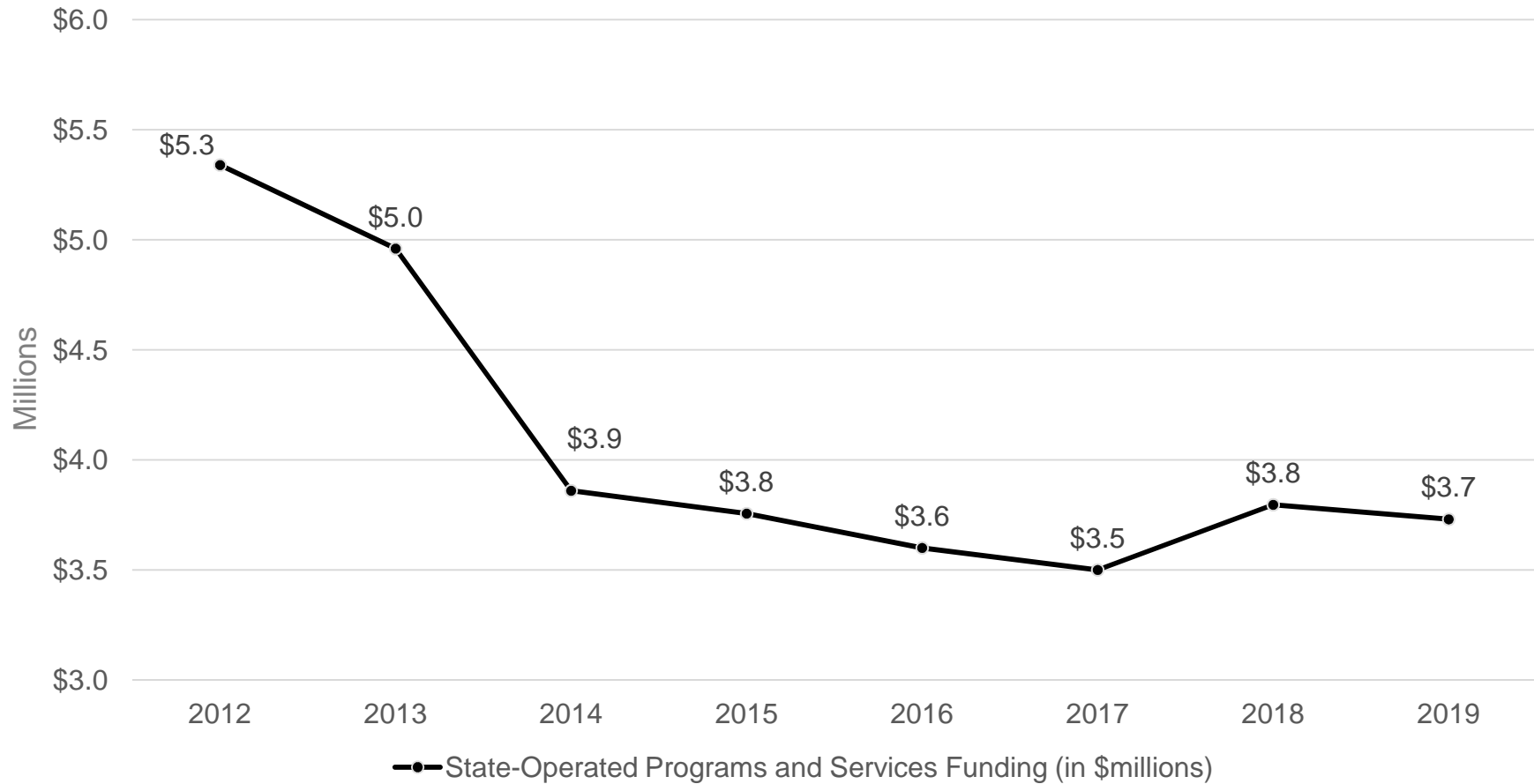
SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

TJJD Parole

Goal C – Parole Services

- Includes two strategies:
 - Parole Direct Supervision
 - Parole Programs and Services
- Parole direct supervision provides basic supervision for youth released from TJJD on parole supervision
- Parole Programs and Services provide additional services like aftercare, substance abuse counseling, and specialized treatment

TJJD Parole General Revenue-Related Funding



NOTES: FY 2012-2017 expended amounts; FY 2018-19 appropriated amounts.

SOURCES: Legislative Budget Board; Texas Juvenile Justice Department.

Department of Criminal Justice

Adult Community Supervision

Goal A – Community Supervision and Discretionary Programs

- Goal is to divert offenders from incarceration through the use of community supervision (probation)
- 123 community supervision and corrections departments (CSCDs) serving Texas' 245 counties
- Community Justice Assistance Division (CJAD) administers state funding to local CSCDs
- CSCDs submit a strategic plan outlining current programs and services
- Goal funding includes both formula-funded (Basic Supervision) and non-formula funded strategies (Diversion Programs, Community Corrections, and Treatment Alternatives to Incarceration)

TDCJ Basic Supervision

Formula Funding

Refers to agency strategies formula-funded by Legislature (does not address TDCJ policies or formulas for dispersing grants to local probation departments)

Funded by projected number of direct felony and misdemeanor placements at actual cost per day

- Cost per Day - calculated by using actual GR cost per day of the first year of the previous biennium multiplied by the LBB projection and the number of days in each year of the next biennium

Basic Supervision – Felony Direct Community Supervision

- 2018-19 funded at \$1.057 per felony offender per day

Basic Supervision – Misdemeanor Community Supervision

- 2018-19 funded at \$0.70 per placement per day for 182 days per statute
- Appropriations total \$136.4 million in General Revenue-Related Funds in 2018-19 biennium

TDCJ Community and Diversion Programs

Non-Formula Funding

Community Corrections Program – Provides a variety of services to probationers

- Distribution: CJAD distributes funds based on the ratio of felons placed directly on community supervision to population of counties in the CSCD's jurisdiction
- 2018-19 Appropriations: \$83.5 million in GR

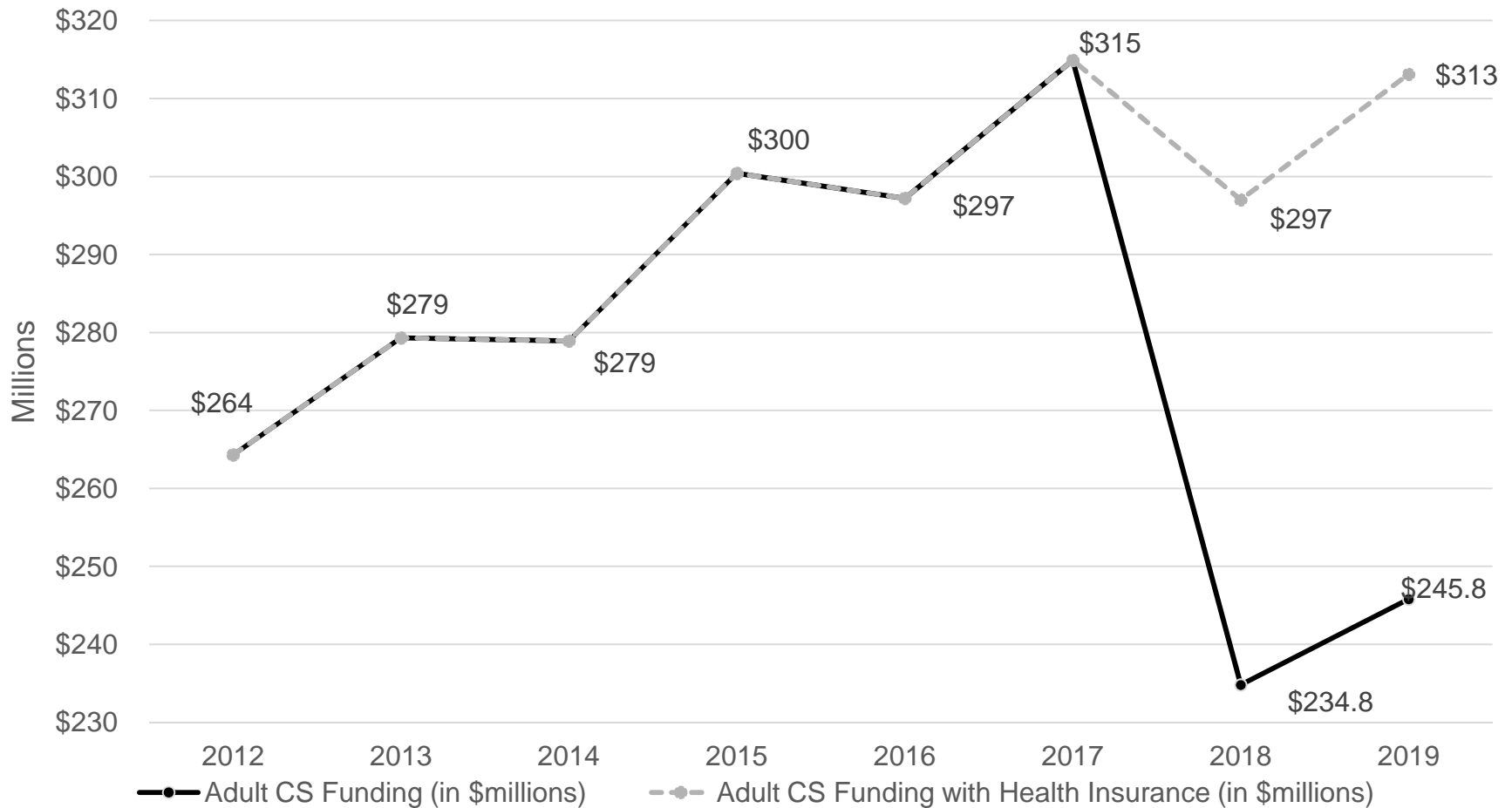
Diversion Programs - Include residential treatment beds, specialized mental health caseloads, substance abuse programs, and battering intervention and prevention programs

- Distribution: Discretionary grants awarded to CSCD's for programs that divert offenders from incarceration. Requested through grant application process which considers offenders' needs, current CSCD funding, and program performance.
- 2018-19 Appropriations: \$241.0 million in GR, including \$6.3 million for new pretrial diversion initiative

Treatment Alternatives to Incarceration Program - Provides substance abuse screening, assessment, referral and treatment to offenders who do not qualify for or are unable to afford treatment

- Distribution: Grants awarded to CSCDs based on application process
- 2018-19 Appropriations: \$19.8 million in GR

TDCJ Community Supervision General Revenue Related Funding



NOTES: FY 2012-2017 expended amounts; FY 2018-19 Appropriated amounts. excludes cscd refunds (\$13.0 million in first FY of each biennium). Dotted line indicates total community supervision funding across agencies. The Eighty-Fifth Legislature transferred state contributions for CSCD health insurance to the Employees Retirement System. SOURCES: Legislative Budget Board; Texas Department of Criminal Justice.

Juvenile Justice Department Formula Funding

Juvenile Justice Department formula-funded strategies

- A.1.2. Basic Probation Supervision
- B.1.3. Institutional Supervision and Food Service
- B.1.5. Halfway House Operations
- B.1.9. Contract Residential Placements
- C.1.1. Parole Direct Supervision

How LBB Staff calculate formula funding

When developing funding recommendations for formula-funded strategies, three individual components of an equation are used:

- (1) Days in the fiscal year,
- (2) Juvenile population projected, and
- (3) Cost per day (CPD).

These three components are multiplied to determine an appropriations amount for the fiscal year.

How Components of the Formula are Calculated

Component (1) is 365 days in a normal year, and 366 days in a leap year.

Component (2) is the projection for each affected juvenile population as generated by the LBB's Criminal Justice Data Analysis Team.

Component (3) is calculated using total General Revenue Fund expenditures, divided by the average daily population, divided by the number of days in the fiscal year (FY 2016 expenditures and data were used in the 2018-19 calculation).

Other Considerations

The above approach is not a one-size-fits-all solution for the agency, or even each of the strategies listed, and may be altered based on a variety of factors (for example, agency requests or various analyses) and are ultimately the product of legislative deliberations.

*Cost per day for this purpose is only General Revenue funding allocated to a strategy for the purpose of supervising offenders served in programs within that strategy. CPD as described here is NOT to be confused with the CPD provided in the LBB's biennial Uniform Cost Report, which reflects All Funds expenditures, including benefits and other costs not used in formula funding, to determine the total cost of a program.

Department of Criminal Justice Formula Funding

Department of Criminal Justice formula-funded strategies

- A.1.1. Basic Supervision
- F.2.1. Parole Supervision

How LBB Staff calculate formula funding

When developing funding recommendations for formula-funded strategies, three individual components of an equation are used:

- (1) Days in a specified time period,
- (2) Adult population projected, and
- (3) Cost per day (CPD).

These three components are multiplied to determine an appropriations amount for the fiscal year. Adult felony and adult misdemeanor funding recommendations are calculated separately as the result of different statutory requirements. Then funding recommendations for adult felony and adult misdemeanor are summed to determine total formula funding for the strategy.

How components of the formula are calculated

Component (1)

- Felony direct community supervision: 365 days in a normal year, and 366 days in a leap year;
- Misdemeanor community supervision placements: 182 days as required by Government Code Section 509.011; and
- Parole Supervision: 365 days in a normal year, and 366 days in a leap year.

Component (2) as produced by the LBB's Criminal Justice Data Analysis Team

- Projected adult felony direct community supervision populations (end-of-month yearly average);
- Projected adult misdemeanor community supervision yearly placements; and
- Projected adult parole supervision (end-of-month yearly average).

Component (3)

- Felony direct community supervision cost per day (CPD) is calculated using total General Revenue Fund expenditures (less misdemeanor funding), divided by the end-of-month yearly average number of offenders under felony direct community supervision, divided by the number of days in the fiscal year (FY 2016 expenditures and data were used in the 2018-19 calculation).
- Misdemeanor community supervision placements, CPD is \$0.70 cents as required by TDCJ rider 48 (2018-19 biennium).
- Parole supervision CPD is calculated using total General Revenue Fund expenditures. divided by the end-of-month yearly average number offenders under parole supervision, divided by the number of days in the fiscal year (FY 2016 expenditures and data were used in the 2018-19 calculation).

*Funding for Community Supervision and Corrections Department health insurance was previously removed from total General Revenue Fund expenditures in the Basic supervision strategy prior to the CPD calculation. The Eighty-fifth Legislature transferred funding for CSCD health insurance to the Employees Retirement System, which will simplify the calculation going forward.

*Cost per day for this purpose is only General Revenue funding allocated to a strategy for the purpose of supervising offenders served in programs within that strategy. CPD as described here is NOT to be confused with the CPD provided in the LBB's biennial Uniform Cost Report, which reflects All Funds expenditures, including benefits and other costs not used in formula funding, to determine the total cost of a program.



LEGISLATIVE BUDGET BOARD

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