



GRIFFITH MOSELEY JOHNSON & ASSOCIATES

December 10, 2015

Hon. Stephen B. Tyler  
Criminal District Attorney  
205 N. Bridge Street, Suite 301  
Victoria, Texas 77901

Dear Mr. Tyler:

Your office engaged our firm September 22, 2015 to evaluate certain aspects of the operation of the Victoria Regional Juvenile Justice Center (VRJJC), and to develop conclusions, findings and recommendations. The project was structured in three phases, corresponding with three broad areas of consideration, including financial, offender and family, and facility.

I am pleased to submit the Phase I report, addressing financial considerations.

GMJ's team for this project was composed of career criminal justice, legal and financial professionals, including a former chief juvenile probation officer, two attorneys and a certified public accountant. The team submitted a data request, conducted preliminary research and initiated dialogue with VRJJC management in advance of a two-day site visit on October 8-9. During the site visit, GMJ's team members toured the facility, met with VRJJC management, the auditor's office, the county judge and a district court judge member of the juvenile board. In addition, the team attended a juvenile board meeting.

Following the site visit, the team conducted additional research and continued its dialogue with VRJJC management and the county auditor's office. The report is based on data provided by VRJJC and the auditor's office, as well as the Texas Juvenile Justice Department. In that regard, we particularly appreciate the high level of cooperation we received from the chief and assistant chief juvenile probation officers, as well as members of the county auditor's staff.

Our team is prepared to meet with you and other county and district officials to discuss the report's conclusions, findings and recommendations.

Best regards,

A handwritten signature in black ink, appearing to read "Carl R. Griffith". The signature is fluid and cursive, with a large, stylized initial "C" and "G".

Carl R. Griffith  
President and CEO

# **Victoria Regional Juvenile Justice Center**

## **A Report to the Criminal District Attorney of Victoria County, Texas**

**Phase I**

**December 10, 2015**



GRIFFITH MOSELEY JOHNSON & ASSOCIATES

**VICTORIA REGIONAL JUVENILE JUSTICE CENTER  
A REPORT TO THE CRIMINAL DISTRICT ATTORNEY OF VICTORIA COUNTY**

**EXECUTIVE SUMMARY**

Griffith Moseley Johnson and Associates, Inc., is a multi-faceted consulting firm based in Port Arthur, Texas. The firm's criminal justice consultants are career criminal justice, legal and financial professionals.

The Victoria County Criminal District Attorney engaged GMJ to evaluate certain aspects of the operation of the Victoria Regional Juvenile Justice Center (VRJJC), and to develop conclusions, findings and recommendations. The project was structured in three phases, corresponding with three broad areas of consideration, including financial, offender and family, and facility.

GMJ's team for this project included a former chief juvenile probation officer, two attorneys and a certified public accountant. The team received and reviewed data from VRJJC management and the county auditor's office. They then conducted a two-day site visit during which they toured the facility and met with VRJJC management. They also met during the site visit with the county judge, members of the county auditor's staff and a district court judge member of the juvenile board. In addition, the team attended a juvenile board meeting. We particularly appreciate the high level of cooperation we received from the chief and assistant chief juvenile probation officers, as well as members of the county auditor's staff.

The Phase I report, which follows, addresses financial considerations. The issues were put to us in the form of a series of questions. This report retains a question and response format.

We summarize the key points of the Phase 1 report here:

1. In 2012, there were 329 juvenile referrals in Victoria County, 77 of which went through the juvenile court system.
2. On average, Victoria County has approximately 100 juvenile cases per year cleared by court disposition.
3. Since 1994, gross VRJJC expenditures totaled \$49,146,239, with gross revenues totaling \$23,819,819. The net budgetary impact (total general fund expenditures) from 1994 through 2014 totaled \$23,819,819.
4. From 2010-2014, if all counties placing juveniles in the VRJJC paid the same rate based on full cost recovery, then the cost would have been \$176 per bed day; however, non-Victoria County juveniles were charged an average of \$113 per bed day. The difference represents an undercharge or unreimbursed amount of \$63 per detainee bed day.
5. The total unreimbursed amount is the effective cost to Victoria County. Because non-Victoria County juveniles make up the majority of bed days, the effective cost per bed day to Victoria County is much higher than either the reimbursement amount or the full cost recovery rate. For example, the unreimbursed amount in 2014 was \$1,407,288. That year, Victoria County utilized 3,523 bed days. The effective cost to Victoria County is the unreimbursed amount divided by the number of Victoria County bed days, or  $\$1,407,288 \div 3,523 = \$399.46$  per bed day.

6. With one of the only programs (in a secured facility) for pregnant justice-involved teens in the state, VRJJC accepts juvenile placements from counties around the state.
7. The six counties with the highest utilization were Dallas, Harris, Bexar, Hidalgo, Matagorda and Williamson. From 2010-2014, these counties were charged \$1,288,075 less than Victoria County's Cost of providing the service.
8. From 2010-2014, the five counties contiguous to Victoria County were charged \$667,898 less than Victoria County's cost of providing the service.
9. From 2010-2014, Victoria County charged other counties just over \$4 million less than it cost to provide the service, or just over \$800,000 per year.
10. Had Victoria County paid the same reimbursement rate it charged other counties, Victoria County's cost would have averaged just over \$460,000 per year, with additional costs for transport and increased costs for court-appointed attorneys.
11. VRJJC is a 72-bed facility and maintains staffing to accommodate 72 juveniles.
12. From 2010-2014, the facility averaged just under 42 juveniles per day.
13. Of those 42 juveniles, on average, 11.3 of them were from Victoria County.
14. During that five-year period, Victoria County juveniles accounted for 27 percent of all bed days, but Victoria County funded 47 percent of VRJJC's total operating costs.
15. The new Senate Bill 1630 could have an impact on VRJJC as that bill prioritizes regionalization, requiring counties to make an effort to keep their juveniles as close to home as possible.
16. Compensation for Victoria County's juvenile supervision officers is comparable with the average of counties surveyed, but Victoria County's juvenile probation officers lag behind the average by about 10 percent; that is, Victoria County's juvenile probation officers are paid on average about \$5,000 less than their peers in comparable counties.

These key points are addressed in more detail in the body of this report, below.

Issues to be addressed in greater depth in Phases 2 and 3 include:

1. On a per bed day cost, it may not be cost-effective for Victoria County to operate the current 72 bed juvenile detention facility only for Victoria County juveniles. If keeping Victoria County juveniles in Victoria County in the current facility is a priority, there is an easy case to be made for keeping the facility open to other counties to mitigate the cost of excess capacity, but only to the extent it does not create additional cost to Victoria County.
2. If the average daily population were capped at 48, then the closing of two housing units and adjusting staffing would be possible. The closing of this excess capacity could improve efficiency and result in reduced effective cost per Victoria County bed day.
3. The county could adjust rates annually to achieve full cost recovery.
4. VRJJC could consider the viability of adopting a multi-tiered fee schedule to incentivize participation in a regional facility by neighboring counties.
5. It may be appropriate to consider creation of a regional juvenile board committee and evaluate establishment of VRJJC as a truly regional facility with a proportional cost-sharing structure.

**VICTORIA REGIONAL JUVENILE JUSTICE CENTER  
A REPORT TO THE CRIMINAL DISTRICT ATTORNEY OF VICTORIA COUNTY**

**PHASE 1. FINANCIAL**

**1. What is the estimated pecuniary loss associated with Victoria County juvenile crime?**

Referrals of juveniles statewide have gone down over the past ten years, while the average juvenile population has grown statewide. This is also true for Victoria County juvenile referrals and population growth. On average, there have been approximately 100 cases cleared by court disposition each year for Victoria County juveniles over the past 10 years. As a recent example, in 2012, Victoria County's juvenile population was 8,949 with 329 total referrals, or 37 per 1,000 juveniles, with 338 total dispositions.<sup>1</sup> Of these, 77 cases went through the juvenile courts. In Victoria County in 2012, there were 89 arrests for property crimes, which typically account for the majority of pecuniary losses associated with crime.<sup>2</sup>

However, while there are statistical reports (both on the state and local level) of referrals for juveniles who have engaged in delinquent conduct in Victoria County and surrounding counties serviced by the VRJJC, there are no detailed reports from which we can glean information as to actual pecuniary losses sustained by the citizens of Victoria and surrounding counties due to juvenile crime. This is due largely in part because these records simply are not maintained, but also because there are many crimes causing pecuniary loss that are not reported, are unsolved, or not pursued by the victim or law enforcement for a variety of reasons.

GMJ looked at many national, state, and local resources in order to obtain data on this subject; however, there is no data collected by any agency or department that details this specific information for Victoria County. There are broad numbers for crime statistics pertaining to juveniles which are accessible through the TJJD (number of referrals by county, by offense, by gender, and by ethnic group) and also by VRJJC (breakdown of referrals by CINS, misdemeanor, and felony and other statistical demographic data); however, there is no information relative to pecuniary losses sustained only through juvenile crime in Victoria County.

GMJ also reviewed Victoria County juvenile cases where restitution is ordered as a possible avenue to formulate a response; however, according to VRJJC management, in many cases where there is a pecuniary loss, the juvenile court judges do not order restitution due to the financial circumstances of the juvenile's family. Likewise, in many cases where restitution is ordered, the juvenile does not pay the ordered restitution and the probation department writes it off. In some cases, community service may be ordered in lieu of restitution. We were provided restitution data by the VRJJC, but it is not comprehensive and does not take into account those cases where a pecuniary loss was sustained but no restitution was ordered; according to the reports we reviewed, the data only tracks cases in which restitution payments are being made or in which restitution is being written off for nonpayment.

With these factors and limitations on data in mind, it is difficult to formulate a cohesive and accurate response to this inquiry and set a dollar amount on the pecuniary losses suffered by Victoria County

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<sup>1</sup> "The State of Juvenile Probation Activity in Texas 2012," found at [www.tjjd.texas.gov/publications/reports/RPTSTAT2012.pdf](http://www.tjjd.texas.gov/publications/reports/RPTSTAT2012.pdf)

<sup>2</sup> Restitution can be ordered in assault cases for medical bills, loss time from work, etc. Victoria County had 12 arrests for violent crimes and 69 arrests for other assaults in 2012. It is unknown if restitution was ordered those cases.

taxpayers due to juvenile crime during the time frame that the VRJJC has been in operation. GMJ recommends that metrics be developed and put into place to more accurately track this data through law enforcement, juvenile probation, or both, into the future.

**2. Since the creation of the VRJJC what have been the:**

- a. Gross outlays and expenses,**
- b. Gross revenues,**
- c. Net budgetary impact**

The basis of accounting is cash basis, which is the budgetary basis of the county. Since 1994, gross revenues total \$25,326,400, gross expenditures total \$49,146,239, and funds used in the general fund to cover expenditures exceeding revenues total \$23,819,819, the net budgetary impact (Table A). See gross expenditures, revenues, and the net budgetary impacts by calendar year in Tables B-1 and B-2, below. The revenues and expenditures for the last ten years are further broken down by category in Table C, below.

**Table A**

	<b>1994 - 2014</b>
Total Gross Expenditures	\$49,146,239
Total Gross Revenue	\$25,326,420
General Funds (Used)	(\$23,819,819)
<b>Net budgetary impact:</b>	
Funds used in general fund to cover expenditures exceeding revenues	(\$23,819,819)

**Table B-1**

<b>Gross Expenditures and Revenue by Calendar Year, with Net Budgetary Impact</b>											
Cash Basis (Budgetary Basis) of Accounting per Respective Comprehensive Annual Financial Report (CAFR)											
		2014	2013	2012	2011	2010	2009	2008	2007	2006	2005
Total Gross Expenditures	1, 2, 3, 4	2,899,327	2,764,008	2,546,528	2,430,513	2,786,203	3,255,877	3,281,890	2,797,846	2,699,441	2,541,488
Total Gross Revenue	1, 2	1,492,039	1,715,995	1,393,162	1,152,847	1,363,712	1,517,393	1,571,823	1,183,154	1,369,916	1,189,252
General Funds (Used)		(1,407,288)	(1,048,013)	(1,153,366)	(1,277,666)	(1,422,491)	(1,738,484)	(1,710,067)	(1,614,692)	(1,329,525)	(1,352,236)
<b>Net budgetary impact:</b>											
Funds used in general fund to cover expenditures exceeding revenues		(1,407,288)	(1,048,013)	(1,153,366)	(1,277,666)	(1,422,491)	(1,738,484)	(1,710,067)	(1,614,692)	(1,329,525)	(1,352,236)
<b>Budget to actual variances:</b>											
Gross Revenue - final budget	1	1,342,000	1,526,242	1,325,200	1,332,340	1,496,800	1,471,702	1,424,000	1,315,000	1,060,000	1,267,500
Gross Revenue - actual	1	1,492,039	1,715,995	1,393,162	1,152,847	1,363,712	1,517,393	1,571,823	1,183,154	1,369,916	1,189,252
Variance - positive (negative)		150,039	189,753	67,962	(179,493)	(133,088)	45,691	147,823	(131,846)	309,916	(78,248)
Gross Expenditures - final budget	1, 2,	2,983,744	2,890,758	2,665,137	2,564,797	2,898,007	3,386,474	3,327,424	2,951,968	2,755,390	2,655,938
Gross Expenditures - actual	1, 2,	2,899,327	2,764,008	2,546,528	2,430,513	2,786,203	3,255,877	3,281,890	2,797,846	2,699,441	2,541,488
Variance - positive (negative)		84,417	126,750	118,609	134,284	111,804	130,597	45,534	154,122	55,949	114,450
Source:											
1: Victoria County CAFR, Juvenile Detention Facility fund general ledger income statement report											
2: Gross expenditures and gross revenues are broken down by category/source in the following table											
3: Land lease expense, worker's compensation, unemployment and property/building insurance that are attributable to the Facility are not budgeted/allocated to the Juvenile Detention Facility. These expenditures are budgeted/paid from another County fund. Per support from the County auditor's office, the 2014 expenditures for these categories totaled \$60,118. General liability insurance is budgeted and paid from another fund, it is currently not budgeted/allocated to the Juvenile Detention Facility and the amount attributable to the Facility is not know n.											
4: See question 13 for discussion of shared costs with the Probation Department.											

**Table B-2**

<b>Gross Expenditures and Revenue by Calendar Year, with Net Budgetary Impact</b>												
Cash Basis (Budgetary Basis) of Accounting												
		2004	2003	2002	2001	2000	1999	1998	1997	1996	1995	1994
Total Gross Expenditures	1	2,442,213	2,401,436	2,378,166	2,284,793	2,340,575	2,270,896	2,172,776	1,888,904	1,762,854	799,926	400,579
Total Gross Revenue	1	1,105,278	1,224,805	1,002,101	1,306,161	1,397,809	1,321,043	1,386,779	1,268,599	881,263	244,952	238,337
General Funds (Used)		(1,336,935)	(1,176,631)	(1,376,065)	(978,632)	(942,766)	(949,853)	(785,997)	(620,305)	(881,591)	(554,974)	(162,242)
<b>Net budgetary impact:</b>												
Funds used in general fund to cover expenditures exceeding revenues		(1,336,935)	(1,176,631)	(1,376,065)	(978,632)	(942,766)	(949,853)	(785,997)	(620,305)	(881,591)	(554,974)	(162,242)
Source:												
1: Juvenile Detention Facility fund general ledger income statement report												

**Table C**

Expenditures and revenue by category/source (cash & budgetary basis of accounting) - Last Ten Years										
	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
<b>Total Expenditures by category:</b>										
Salaries & Fringe Benefits	1,661,608	1,772,607	1,821,712	2,169,761	2,186,765	2,119,583	2,032,446	2,144,151	2,261,864	2,396,604
Travel	13,802	9,494	8,480	11,883	11,977	11,702	8,806	9,080	9,447	11,536
Operating Expenditures	313,404	336,070	317,189	455,075	434,896	421,267	348,376	355,456	429,060	424,831
Non-Residential Services	25,750	22,458	23,841	28,800	31,200	28,800	28,800	28,800	32,444	-
Other services and charges	27,407	29,195	31,867	23,834	64,966	69,228	10,924	2,575	5,640	4,775
Capital Outlay	-	30,100	95,240	93,020	26,556	10,743	1,161	6,466	25,553	61,581
Debt Service	499,517	499,517	499,517	499,517	499,517	124,880	-	-	-	-
<b>Total Gross Expenditures</b>	<b>1</b>	<b>2,541,488</b>	<b>2,699,441</b>	<b>2,797,846</b>	<b>3,281,890</b>	<b>3,255,877</b>	<b>2,786,203</b>	<b>2,430,513</b>	<b>2,546,528</b>	<b>2,764,008</b>
<b>Total Revenue by source:</b>										
Residential and detention										
contract funds	1,113,154	1,265,281	1,105,400	1,317,731	1,246,650	1,047,806	985,730	1,154,401	1,490,823	1,349,378
Contract medical reimbursement	1,166	6,614	4,265	64,484	74,743	69,617	46,040	40,633	63,072	64,654
National lunch/breakfast program	67,248	63,294	62,192	92,677	81,947	78,522	67,060	75,852	80,913	75,384
USDA contract	3,094	5,487	7,707	9,531	1,835	4,287	5,073	1,932	3,945	2,623
Juvenile residential reimbursement	-	-	-	-	-	-	-	-	77,242	-
Diversionary fds/grant h	-	-	2,420	38,980	81,178	-	11,632	120,344	-	-
Level 5 placements	4,590	29,240	1,170	48,420	31,040	-	-	-	-	-
Placement service/grant	-	-	-	-	-	83,600	20,193	-	-	-
Secure felony replacement	-	-	-	-	-	79,880	17,119	-	-	-
<b>Total Gross Revenue</b>	<b>1</b>	<b>1,189,252</b>	<b>1,369,916</b>	<b>1,183,154</b>	<b>1,571,823</b>	<b>1,517,393</b>	<b>1,363,712</b>	<b>1,152,847</b>	<b>1,393,162</b>	<b>1,715,995</b>
Source:										
1: Victoria County CAFR; Juvenile detention facility general ledger; reports from County Auditor's office										

**3. Are there market-driven price points in Texas for these following types of juveniles, if so what are those price points and can the VRJJC charge that amount for each of the following classes of delinquents?**

- a. Pregnant**
- b. Violent offender**
- c. Sexual offender**
- d. Drug addicted offender**
- e. Diagnosed mentally ill or deficient offender**
- f. Typical juvenile offender**

Pricing for secure pre-adjudication and post-adjudication beds is not driven by the market, *per se*; rather, the market appears to have allowed the TJJD to set rates by adopting the TJJD's level of care reimbursement schedule (the rate at which TJJD will reimburse), without regard for the actual cost of providing the service. TJJD's rates are not broken down in the classes listed above.

Victoria County does not have specialized programs for sex offenders, drug dependent offenders or mentally ill offenders. When the need for these specialized services arises, the county contracts for those services with a community agency or facility offering them. The county does operate a program for pregnant teens and, because Victoria is one of the only counties operating such a program, those beds are in demand.

The Juvenile Board at its October 9 meeting increased rates at VRJJC to reflect new reimbursement rates authorized by TJJJ. The categories and reimbursement rates utilized by Victoria County are:

	<b>Prior to Oct. 9</b>	<b>New rates</b>
Basic (detention)	\$100 per day	\$110 per day
Moderate (post-adjudication)	\$98 per day	\$115 per day
Specialized (pregnant)	\$140 per day	\$162 per day

Like the other counties surveyed, Victoria County bills at the TJJJ rates. It appears that it is the widespread practice that counties do not deviate from these rates. VRJJC management indicated during our site visit that they tried to remain competitive and expressed concern that raising rates beyond the state-approved reimbursement rate would result in a loss of contracts. We confirmed with TJJJ that there is no prohibition on charging higher rates.

**4. With activity-point allocation of all costs, what is the unit cost per juvenile bed per night by each of the following classes of delinquents?**

- a. Pregnant**
- b. Violent offender**
- c. Sexual offender**
- d. Drug addicted offender**
- e. Diagnosed mentally ill or deficient offender**
- f. Typical juvenile offender**

VRJJC’s rates are not broken down along the classes listed above. Cost differences between the classes of juveniles (basic, moderate and specialized) are intended to address differences in the level of care required to meet the needs of those juveniles; that is, the level of counseling and programming they receive. Records made available to us do not reflect the actual cost of providing specific services and we understand no such records exist. As indicated in response to Question #3, above, the widespread practice is to conform to TJJJ rates without regard for the actual cost of providing the service, and the cost of providing counseling and programming is presumed to be included in the per day bed rate. The basic cost of providing a secure bed, whether pre-adjudication or post-adjudication, is the same across the categories of basic, moderate and specialized.

The composite average actual cost per bed day during the five-year period 2010-2014 was \$176, from a low of \$168 in 2012 to a high of \$187 in 2014. During that period, reimbursements averaged \$113 per bed day, from a low of \$103 in 2010 to a high of \$124 in 2013. We understand from VRJJC management there has been no rate analysis to determine a full-cost recovery rate.

The average undercharge/reimbursement shortfall during this period was \$63 per bed day.

To illustrate the undercharge/reimbursement shortfall, we compiled data on the six counties with the highest utilization, as well as the five counties contiguous to Victoria. Those counties with the highest utilization include Dallas, Harris, Bexar, Hidalgo, Matagorda and Williamson. With the exception of Matagorda County, these counties are significantly larger than Victoria County and operate secure pre- and post-adjudication facilities. During the five-year period, they were charged \$1,288,075 less than Victoria County's cost of providing the service. Charges for the five contiguous counties during the same period were \$667,898 less than Victoria County's costs. These 11 counties represented nearly half of the total reimbursement shortfall during the five-year period, or just under \$2 million.

The total undercharge/reimbursement shortfall from all counties during the five-year period totaled just over \$4 million, or just over \$800,000 per year.

COUNTIES WITH HIGHEST UTILIZATION AND AMOUNT UNDERCHARGED/UNDERWRITTEN 2010-2014							
County Name	Number of Juveniles	No. Days Detained	Total Reimbursement	Per Day Avg. Reimbursement	Per Day Avg. Cost	Avg. Underchg. Per Bed Day	Est. Amt. Underwritten By Victoria
Dallas	303	7,056	\$991,756	\$141	\$176	\$35	\$250,100
Harris	166	5,222	\$656,763	\$126	\$176	\$50	\$262,309
Bexar	125	3,242	\$434,521	\$134	\$176	\$42	\$136,071
Hidalgo	87	2,225	\$269,327	\$121	\$176	\$55	\$122,273
Matagorda	476	4,570	\$528,974	\$116	\$176	\$60	\$275,346
Williamson	149	3,814	\$429,288	\$113	\$176	\$63	\$241,976
						5-YR. TOTAL	\$1,288,075

CONTIGUOUS COUNTY UTILIZATION AND AMOUNT UNDERCHARGED/UNDERWRITTEN 2010-2014							
County Name	Number of Juveniles	No. Days Detained	Total	Per Day Avg. Reimbursement	Per Day Avg. Cost	Avg. Underchg. Per Bed Day	Est. Amt. Underwritten By Victoria
Calhoun	365	4013	\$397,256.96	\$98.99	\$176	\$77	\$309,031
DeWitt	417	2292	\$227,721.11	\$99.35	\$176	\$77	\$175,671
Goliad	68	602	\$59,274.00	\$98.46	\$176	\$78	\$46,678
Jackson	208	975	\$97,028.00	\$99.52	\$176	\$76	\$74,572
Refugio*	101	1205	\$150,133.83	\$124.59	\$176	\$51	\$61,946
						5-YR TOTAL	\$667,898

\*Refugio's average cost was driven up by its use of residential beds, as well as high medical expenses in 2014.

For a more comprehensive discussion regarding costs, see the response to Question 11 and the accompanying table, below.

**5. What is the optimal occupancy and pricing for VRJJC achieving cost neutrality? When was this last done and by whom? What is the normal frequency that this should be done?**

The answers to these questions depend upon a number of variable factors. The recent increase in rates can be expected to result in an increased average daily rate of \$129, up from \$113. Based on five-year averages, that should generate an additional \$178,500 annually (in fees from sending counties).

A detention facility is a staff-intensive operation. Staff costs (including salary and fringe benefits) during the five-year period from 2010-2014 averaged nearly 82 percent of total operating costs, or \$2,190,930 annually. This is an average cost of \$39,763 per position and represents a staffing cost per bed day of \$143.29.

This cost is driven in part by strict staff-to-resident ratios, as well as state-mandated housing standards. These standards include, for example, the requirement that pre- and post-adjudication residents are kept separate.

There are three staffing ratios to consider. During program hours (generally days and evenings), the facility-wide ratio is one officer for every eight residents (a 1:8 ratio). These can include rovers (officers that move between units and are available to relieve other officers, escort detainees, etc.) and supervisors, but cannot include control room staff or other support staff who are not juvenile supervision officers. The housing unit ratio during program hours is 1:12; that is, a unit with up to 12 residents must be under the constant direct supervision of one officer. During non-program hours,<sup>3</sup> the minimum housing unit staffing ratio is 1:18. It would be permissible during these hours for an officer to secure the residents in their single-occupancy sleeping rooms and alternate between two housing units, so long as the staffing ratio is maintained at or below 1:18.

Other drivers of staffing costs include the configuration of the facility and current staffing levels. VRJJC has a capacity of 72, configured in six housing units, each with a capacity of up to 12 residents. VRJJC maintains staffing to accommodate 72 residents. The facility's average daily population (ADP) during the five years from 2010-2014 averaged 41.89. (See following note concerning ADP error.)

These numbers represent *average* populations and can fluctuate with little or no notice. We reviewed three years of daily shift reports, from 2012 and 2014<sup>4</sup>, and found that the actual daily population fluctuated between a low of 21 (reached on two occasions, June 15-16, 2012 and March 11, 2014), and a high of 59 (also reached on two occasions, May 13, 2013 and July 17, 2014). While the average was still about 42, the population fluctuated widely (and sometimes rapidly) between the high and low, rising or falling by as much as eight or 10 in a single day. While this is not a regular occurrence, such incidents reinforce the need for some surge capacity.

The VRJJC staff includes 55.1 full-time equivalent (FTE) positions. This includes 48 full-time positions, two of which (compliance and staff services) are shared 50% with juvenile probation, and one part-time nurse, for a total of 46.5 FTE's. In addition, VRJJC has 13 part-time positions that work .66 FTE, which works out to 8.6 FTEs. This is a total of 55.1 FTEs.

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<sup>3</sup> "Non-Program Hours" refers to the time period when all scheduled resident activity for the entire resident population in the facility has ceased for the day. Tex. Admin. Code Title 37 Part 11, Chapter 343.100, Definitions (40).

<sup>4</sup> We requested five years of shift reports, from 2010-2014, but understand from VRJJC management that their retention practice as it relates to these records is to discard records after three years.

The facility’s supervision function is staffed by four teams of eight full-time employees and two part-time employees. They work a 12-hour, 28-day shift pattern, alternating between day shift (6 a.m.-6 p.m.) and night shift (6 p.m.-6 a.m.). Every 28-day period, each employee is off 14 days, including one uninterrupted seven-day period. This pattern is common in the chemical sector and is called the DuPont schedule, named after the company where it originated. VRJJC staff we interviewed expressed support for the schedule due the amount of time off, but did acknowledge that fatigue could be an issue with rotating shifts. This is a common criticism of the schedule.

On a typical shift during program hours, there would be one control booth officer, six full-time officers assigned to housing units, one or two part-time rovers and a supervisor. This would ensure compliance with the 1:12 unit staffing ratio and the 1:8 facility ratio. These assignments might fluctuate, depending on whether all six housing units are operational. During non-program hours, staffing can be reduced to the 1:18 staffing ratio. This is accomplished by minimizing use of part-time staff during these hours, as well as by affording staff the opportunity to utilize accrued compensatory time for this purpose.

Based on VRJJC’s staffing plan, each 24-hour position requires a minimum of four FTEs.

The five-year (2010-2014) ADP was:

VRJJC APPROVED STAFFING		
POSITION	NO.	FTE
Facility Administrator	1	1
Compliance Officer	1	0.5
Counselor	1	1
Staff Services Coordinator	1	0.5
Clerk III	1	1
Supervisor	4	4
JSO III	4	4
JSO II	4	4
JSO I	9	9
JSO	11	11
Extra Help	13	8.6
Residential JPO	2	2
Intake Officer	1	1
Nurse Supervisor	1	1
Nurse Full Time	1	1
Cert. Nurses Aide -PT(Temp)	1	0.5
Food Service Supervisor	1	1
Cook	1	1
Cook	1	1
Maintenance	1	1
Maintenance	1	1
<b>TOTAL</b>		<b>55.1</b>

**PRE-ADJUDICATION**

	ADP*	% OF PRE ADP
MALE	13.9	83%
FEMALE	2.9	17%
TOTAL	16.8	

**POST-ADJUDICATION**

	ADP	% OF POST ADP
MALE	8.7	44%
FEMALE	11.1	66%
TOTAL	19.8	

\*We note that these figures were obtained from VRJJC annual calendar year reports and are not consistent with figures obtained from VRJJC monthly reports. GMJ discovered this inconsistency while attempting to reconcile reimbursements per the annual summary reports with the county auditor’s general ledger. It was determined that the annual reports for previous years underreport bed days. We know from the monthly report figures, which were successfully reconciled with the county auditor’s general ledger, that the five-year ADP was 41.89. The annual reports reflected an average ADP of 36.6. The underreporting was attributed to a software deficiency.

While these numbers underreport ADP (by as much as 12 percent), they illustrate the challenges associated with achieving cost neutrality in a juvenile detention operation. According to the annual report figures, the facility averages 2.9 pre-adjudication females and 11.1 post-adjudication females. Because these two populations cannot be combined and due to mandatory staffing ratios, during program hours these numbers would require an officer supervising a post-adjudication unit with 11 residents and an officer supervising a pre-adjudication unit with 3 residents. The low female pre-adjudication population skews the average per bed day cost.

Victoria County juveniles account for nearly 50 percent of all pre-adjudication bed days, or 8.4 ADP. Adding the contiguous counties, Victoria and those counties together make up 76.5 percent of all pre-adjudication beds, or 12.9 ADP. Using the ADPs discussed above, the Victoria and contiguous county combined pre-adjudication female ADP is about 2.

Victoria County juveniles account for only 11.9 percent of post-adjudication bed days, or 2.9 ADP. Adding the contiguous counties, Victoria and those counties together make up 13.4 percent of all post-adjudication bed days, or 3.4 ADP. Other Texas counties make up more than 86 percent of post-adjudication bed days at VRJJC, or 21.6 ADP.

The five-year ADP (2010-2014) of juveniles from only Victoria and the contiguous counties was:

**PRE-ADJUDICATION**

	ADP
MALE	10.7
FEMALE	<u>2.2</u>
TOTAL	12.9

**POST-ADJUDICATION**

	ADP
MALE	1.5
FEMALE	<u>1.9</u>
TOTAL	3.4

These numbers raise several policy questions. With such low numbers in every profile other than pre-adjudication males, would it be cost-effective to operate the facility for only Victoria juveniles (or for Victoria and the contiguous counties)? Is efficiency a primary determining factor, or does the value of keeping Victoria County’s juveniles in Victoria County outweigh efficiency considerations? (See Questions 10 and 11, below, for a discussion of the options, process and potential cost to Victoria County to outsource its juveniles to other facilities).

To meet demand for Victoria and the contiguous counties would require four housing units, one each for pre-adjudication male and female, and one each for post-adjudication male and female. As indicated above, this would result in consistently low populations for pre-adjudication females, as well as for post-adjudication males and females. Given this, if keeping Victoria County juveniles in Victoria County is the policy priority, there is an easy case to be made for keeping the facility open to other counties.

That decision would prompt other policy questions. How many beds within each category should Victoria make available to other counties? Should these beds be made available even if the TJJD rate does not fully cover the cost of providing the service? During our site visit, management pointed out that while TJJD rates don't fully recover costs, they do partially offset costs. This is true, but raises another question: Is there some point at which accepting juveniles from other counties results in a shift from those counties offsetting Victoria County's costs to Victoria County underwriting the other counties' costs?

Again, the real driver of costs is staffing. Given the fact that the facility has had a five-year ADP of just under 42, it may be possible to increase efficiency by capping the population at 48, limiting normal operation to four housing units, (one each for pre-adjudication male, pre-adjudication female, post-adjudication male and post-adjudication female) and adjusting the staffing plan for an ADP not to exceed 48. This would be adequate to meet Victoria County's anticipated needs and would allow for a reduction in force of at least eight FTE's.

Based on the five-year ADP, a 48-bed cap and staffing adjustment would not have a significant impact on the county's practice of making beds available to other counties. If reducing the cost to Victoria County of making those beds available to other counties is a priority, the county could work to maximize occupancy in the four units without opening a fifth or sixth unit unless there is some certainty that the additional occupancy would fully cover the expense (i.e., a long-term contract with utilization to justify increased staffing costs).

As discussed above, it would be necessary to preserve surge capacity to accommodate a large number of intakes. This could be accomplished by maintaining the two deactivated units so they are ready for occupancy in a surge situation, which could be staffed on an as-needed basis through use of overtime and/or part-time employees. This should only be an issue as it relates to pre-adjudication beds (and, based on historic averages, probably only male pre-adjudication beds). In addition, VRJJC has some ability to manage this population by declining to accept out-of-county admissions and by seeking authorization from the juvenile court judges to release pre-adjudication juveniles (excluding offenses involving firearms, for which the Family Code mandates detention). Any surge, by definition, should be a short-term contingency.

We noted during our review of population highs and lows, discussed above, particularly when the population was reaching its highs, the post-adjudication population nearly always exceeded the pre-adjudication population, sometimes by a significant margin. This is relevant because, as we discuss above, the post-adjudication population is overwhelmingly from counties other than Victoria and its contiguous counties and, therefore, any decision to limit the post-adjudication population is unlikely to impact Victoria or neighboring counties.

The reduction in force made possible by capping the population and adjusting the staffing plan for an ADP not to exceed 48 would generate annual savings of approximately \$320,000 in salary and benefits. VRJJC's five-year average operating cost is \$2.68 million. With a reduction of \$320,000, the average operating cost would drop to \$2.36 million. Using the five-year ADP of 41.89, full cost recovery would require an average daily rate of \$155. Without the reduction in force, full cost recovery will continue to require an average daily rate of \$176.

A comprehensive staffing and operational analysis is beyond the scope of this engagement, but would likely reveal additional opportunities for reductions in support (nursing, clerical and food service) staff, as well as other operational savings.

We are not aware that an analysis of this type has ever been done. We would recommend that it be done annually to ensure Victoria County is recovering the costs associated with making bed space and programs at VRJJC available to other counties. In that regard, true full cost recovery in any given year may be difficult to achieve. For this reason, one possible way to ensure full cost recovery over a period of years is to build the previous year's deficit into the next year's rate.

**6. What portion of the total costs of the VRJJC and personnel is provided by:**

- a. Victoria County**
- b. The other five counties represented by officials on the juvenile board**
- c. The other 248 counties of Texas**

Funding for VRJJC from all outside sources in the five years from 2010-2014 averaged 53 percent of total operating costs.

Funding from the five counties contiguous to Victoria during the five-year period represented an average of 7 percent of total operating costs. Funding from the other 248 counties of represented 40 percent of total operating costs.

In addition to reimbursements from sending counties, Victoria County received funding from other sources, including the National School Breakfast/Lunch Program, U.S. Department of Agriculture and TJJD. Funding from these other sources represented an average of 6 percent of total operating costs.

Funding from Victoria County during the five-year period represented 47 percent of total operating costs, while Victoria County juveniles accounted for only 27.1 percent of all bed days. (For a more comprehensive discussion regarding costs, see the response to Question 11 and the accompanying table, below.)

**7. Which of the other five counties represented by officials on the juvenile board also have County Juvenile Boards?**

- a. Could there be a regional Juvenile Board established in accordance with Tex. Hum. Res. Code Ann. § 142.003 (West)?**
- b. Could member counties of such a Regional Juvenile Board proportionally contribute to a VRJJC?**
- c. Have these represented counties proportionally contributed to the VRJJC?**

According to the Texas Human Resources Code, each of the counties contiguous to and serviced by the VRJJC are authorized to have juvenile boards (Calhoun, Dewitt, Goliad, Jackson, and Refugio), and each has a juvenile board. There is some overlap of membership between these juvenile boards along with Victoria, as discussed below.

The Texas Human Resources Code § 142.003 does not speak to the formation of a regional juvenile board; however, this section does specify that if a county does not have a sufficient number of juvenile probation cases to justify its own department, then the board or judge of that county has the authority to contract with surrounding counties to form a multi-county juvenile probation department (through an inter-local agreement). GMJ understands that Goliad County has done this with Victoria County, keeping one juvenile probation officer and one clerical staff in Goliad County, who operate with the guidance and assistance from the Chief JPO and Assistant Chief JPO of Victoria County, with some financial remuneration to Victoria County Juvenile Probation for this oversight.

Chapter 152 of the Texas Human Resources Code deals with the formation of juvenile boards. According to § 152.0036, the juvenile boards of two or more counties that are adjacent to or in close proximity to each other may agree to operate together. This chapter goes on to give specific instructions as to the member composition of the juvenile board in each county across the state. For Victoria County and the contiguous counties utilizing VRJJC, the composition is as follows:

Calhoun: County Judge, District Judges, CCAL Judge (§ 152.0351)  
Dewitt: County Judge and District Judges (§ 152.0681)  
Goliad: County Judge and District Judges (§ 152.0941)  
Jackson: County Judge and District Judges (§ 152.1261)  
Refugio: County Judge and District Judges (§ 152.2021)  
Victoria: County Judge, District Judges, CCAL Judges (§ 152.2411)

Because of the shared jurisdiction of the district courts in Victoria and the five contiguous counties, there is overlap in the membership of all of the juvenile boards. The district judges share jurisdiction in each county, with the exception of the 377<sup>th</sup> Judicial District Court of Victoria County, which serves only Victoria County. As to the formation of a regional juvenile board, the Texas Family Code also gives some guidance. According to § 58.301, a regional juvenile board committee is a committee that is composed of two members from each county juvenile board in a region that comprises a multi-county local juvenile information system.

A local juvenile justice information system is a county or multi-county computerized database of information concerning children, with data entry and access by the partner agencies that are members of the system. Juvenile Case Management System (JCMS) is a data sharing case management system, used statewide by all but four Texas counties. Counties that use JCMS can share data and view across other counties. If a department is a multi-jurisdiction county they are all tied together and report back the data through the headquarter county. Each county enters its referrals using its designated county number. A shared system such as this does not currently exist between Victoria and the five contiguous counties; therefore, the cost of setting up such a system would have to be considered in the decision making process.

With these statutes in mind, it would be permissible for the five contiguous counties serviced by the VRJJC to join Victoria County in forming a regional juvenile board committee to oversee the operation of the VRJJC, and create a local juvenile justice information system (under the provisions of the Texas Family Code); or, to agree to operate together as one board (under the provisions of the Texas Human Resources Code). There is significant overlap in the membership of the boards of Victoria and each of the five contiguous counties, and creating a regional board or operating together as one board could be advantageous for VRJJC and the surrounding counties.

At the present time, reimbursements from the other regional counties served by the VRJJC are not proportional; that is, these counties are not sharing proportionally in the cost of operating VRJJC. Like other counties utilizing VRJJC, contiguous counties are charged the TJJD reimbursement rate on a per day/per juvenile basis, based on the level of care each juvenile receives and whether the juvenile is pre-adjudication or post-adjudication.

If the VRJJC were established as a truly regional facility, to be shared by the member counties, then the member counties should fund a proportional share of the facility's overall operating costs. This could potentially end the practice of underwriting the housing of juveniles from the other counties and move Victoria County toward cost neutrality, which is discussed further in response to Question 5, above.

This proportional cost sharing structure could be based on a number of factors, such as:

- a) the average number of juveniles housed at VRJJC from each of the contributing counties (calculated on average of a period of months or years);
- b) a proportional share based on a guaranteed number of beds available at any time for that county (for detention, residential, or both); or
- c) a fee schedule based on the total population of each contributing county.

Entering into a proportional cost sharing agreement could increase costs for each of the participating counties as, rather than paying only the reimbursement rate for juveniles they send to VRJJC, these counties would share responsibility for the overall operating cost of the facility (salaries, utilities, insurance, property lease, etc.).

It may also be possible to establish a multi-tiered fee schedule, with counties that are not party to a cost-sharing agreement paying a premium rate so as to ensure that participating counties receive some benefit for their participation (possibly in the form of reduced daily rates).

Victoria County might be able to achieve greater efficiency if the county were to enter into agreements with contiguous counties to work together and form a regional advisory board made up of representatives from each of the six juvenile boards (which in some cases will be an overlap due to the makeup of the boards), and devise a meeting schedule to accommodate the travel requirements of the district judges who sit on the various boards. Such an arrangement would not require the institution of a local information system, which could have some associated costs.

#### **8. What percentage of the juveniles served at the VRJJC come from:**

- a. **Victoria County?**
- b. **The other five counties represented by officials on the juvenile board?**
- c. **The other 248 counties of Texas?**

During the five-year period from 2010-2014, Victoria County juveniles comprised approximately 27.1 percent of all bed days, including 49.5 percent of all pre-adjudication bed days and 11.9 percent of all post-adjudication bed days.

During that same five-year period, the five contiguous counties (Calhoun, Refugio, Dewitt, Goliad and Jackson) utilized approximately 11.9 percent of all bed days, including 27 percent of all pre-adjudication bed days and 1.6 percent of all post- adjudication bed days.

During the same period, other Texas counties (other than the contiguous counties) utilized 61 percent of all bed days, including 23.5 percent of pre-adjudication bed days and 86.5 percent of post-adjudication bed days.

**9. What is the typical cost per juvenile for counties that outsource the housing of their kids? Include a survey of other comparable counties and include all costs associated with outsourcing (transportation, attorneys, specialized programs, counseling, and medical appointments)?**

The cost per juvenile is dependent upon whether the child is being detained (short term) or has been placed (residential), and also the level of care that the child needs based on a number of factors. The rate scale developed by the TJJD (for reimbursement purposes) ranges from \$110 per bed day for pre-adjudication detention, to a post-adjudication range of \$45.19 to \$162 per bed day depending upon the level of care (basic, moderate, specialized, or intense). This fee scale is used across the state. Victoria County Juvenile Board approved the raising of rates for VRJJC effective January 1, 2016 to match these state reimbursement rates.

According to the Criminal and Juvenile Justice Uniform Cost Report, during fiscal year 2014 the statewide average cost per day for residential detention/pre-adjudication was \$262.52; the statewide average cost per day for residential post-adjudication placement was \$207.61. The average length of stay in post-adjudication facilities in fiscal year 2014 was 139 days.<sup>5</sup>

GMJ conducted a survey of counties that do not have detention facilities and therefore must outsource the detention and residential placement of their juveniles.<sup>6</sup> Costs per bed day fall into the same range as discussed above for pre- and post-adjudication juveniles statewide.

Cost per county for transport of juveniles varies widely. All but one of the counties surveyed use the county sheriff transport division for their juvenile transport.<sup>7</sup> These costs vary depending upon whether the county has dedicated officers for juvenile transport and what their salaries/benefits are, whether there is use of overtime, the distances to which juveniles are transported, and how many juveniles are detained and transported per year.<sup>8</sup> Counties that contract out with private transport services pay a range of \$0.75 - \$2.00/mile.

Typically, most counties use two officers per transport unit as a local requirement (there is no TJJD or statutory requirement, this is simply a safety factor); however, the same requirement as in supervision also applies to transport officers: females must transport females, males must transport

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<sup>5</sup>[www.lbb.state.tx.us/Documents/Publications/Policy\\_Report/1440\\_Criminal\\_Juvenile\\_Justice\\_Uniform\\_Cost\\_Report.pdf](http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/1440_Criminal_Juvenile_Justice_Uniform_Cost_Report.pdf)

<sup>6</sup> For this question, GMJ surveyed the following Texas counties: Orange, Liberty, Tyler, Jasper, Chambers, Crosby, Walker, Polk, San Jacinto, Trinity, and Houston.

<sup>7</sup> Jasper County Juvenile Probation purchased its own vehicle for transporting juveniles. The attendant cost per year to maintain the vehicle averages \$5500, not including gasoline.

<sup>8</sup> Of the counties surveyed, the transport cost to the county sheriff department ranged from a low of \$1300 per year to over \$6500 per year for gasoline and overtime. These are additional costs over and above salaries and benefits, car maintenance, etc.

males. In some counties, if there is not a female transport officer available, a female juvenile probation officer from the detaining county rides with the transport officer to the detention facility. Victoria County currently uses officers from the Fire Marshal's office to transport juveniles from the VRJJC to court and medical appointments. If a decision is made to outsource Victoria County juveniles to other out-of-county facilities, the additional cost of transport will need to be considered.

Costs for court appointed attorneys most likely would not be impacted by the outsourcing of juveniles outside of Victoria County. Court appointed attorneys for juveniles are typically paid a flat fee for each case from the indigent defense fund for the county rather than an hourly rate,<sup>9</sup> and they are not reimbursed for travel. This may cause some attorneys to no longer accept appointments on juvenile cases depending upon where in relation to Victoria County the juvenile is housed during the pendency of the case, and how much time the attorney must expend in travel.<sup>10</sup>

Medical costs are paid predominantly by private insurance or Medicaid. Only 4 of the counties surveyed had any medical costs associated with outsourcing their juveniles, and these costs ranged from \$200 to \$2000/year on average. There is no financial impact on the cost of special programs or counseling services when juveniles are outsourced to other counties.

**10. Is there availability at other facilities to accommodate Victoria County's juveniles? If so, how far away? Is there additional cost or liability to the county in the event a placement out of county is not immediately available?**

There are 49 detention facilities and 36 residential facilities statewide registered with the TJJD. While not all of them accept juveniles from other counties, there are several that could potentially accommodate Victoria County juveniles if space were available at the time of the need for pre-adjudication detention or post-adjudication placement.

Those in proximity to Victoria County are as follows:

**Pre-Adjudication Detention:**

Sinton (San Patricio Co.)	66 miles
Jourdanton (Atascosa Co.)	130 miles
Bryan (Brazos Co.)	153 miles
Conroe (Montgomery Co.)	164 miles
Kerrville (Kerr Co.)	177 miles
Laredo (Webb Co.)	183 miles

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<sup>9</sup> An exception in some counties is to consider the complexity of a case if the juvenile is to be certified as an adult or if it is a determinate sentencing case, and in those instances the flat fee is higher or the county will pay an hourly rate up to a cap. Victoria County allows appointed attorneys to elect either a fixed fee basis or an hourly rate basis for each case, according to the fee schedule adopted in February 2015. In addition, the juvenile court judges will allow reimbursement of other reasonable costs.

<sup>10</sup> Victoria County has the ability to use Skype to allow probation officers and attorneys from other counties to visit with their juveniles at the VRJJC. This could also be used to accommodate attorneys in Victoria County and prevent travel time, if the facilities where the Victoria County juveniles are outsourced also have Skype capabilities.

**Post-Adjudication Placement:**

Corpus Christi (Nueces Co.)	86 miles
Seguin (Guadalupe Co.)	93 miles
Richmond (Ft. Bend Co.)	96 miles
San Marcos (Hays Co.)	102 miles
Angleton (Brazoria Co.)	105 miles
San Antonio (Bexar Co.)	117 miles
San Diego (Duval Co.)	120 miles
Austin (Travis Co.)	125 miles
Houston (Harris Co.)	125 miles
Rockdale (Milam Co.)	135 miles
Dickinson (Galveston Co.)	148 miles
Georgetown (Williamson Co.)	152 miles
Killeen (Bell Co.)	189 miles

Detention or placement of Victoria County juveniles in another county requires a contractual relationship with that county. Victoria County does not currently have contracts for detention or placement, as the VRJJC uses its own programming resources for Victoria County juveniles. The only exception would be sex offenders, as the VRJJC does not accept them for residential placement. If there is a need for this type of placement, VRJJC will contract at the time of the placement with Pegasus Schools.

In addition, juveniles who need residential drug treatment are seen at a substance abuse treatment center, which is typically at no cost as there are free beds available, and if the parent or guardian of the juvenile has private insurance it will also cover any costs for residential treatment. Transport of these juveniles by the VRJJC would be an associated cost.

If a decision is made to send Victoria County juveniles to detention and/or placement out of county, this will require not only contractual relationships with the receiving county, but other due diligence prior to sending the juvenile out of Victoria County, both from a cost-savings perspective and also in accordance with the provisions of SB 1630, discussed in response to Question 12, below.

If detention or placement is not immediately available, the juvenile probation department will need to consider other options besides detention, such as electronic monitoring, home detention, or intensive supervision. Depending on the alternative chosen, there could be some cost involved (i.e., electronic monitoring has some fees associated with the monitoring and equipment). This could pose additional risk of continued delinquent behavior by the juvenile if he or she is not detained and there is no reasonable alternative to detention available.

In addition, if Victoria County juveniles are outsourced to other counties, there will be costs associated with transport, payment for specialized treatment and medical expenses, such as those discussed in response to Question 9, above.

**11. How many Victoria County children were housed in the years of 2014, 2013, 2012? What did it cost the taxpayers of Victoria County to house those Victoria County children for those years?**

2012:	Detention	354 children	2716 bed days	average 7.4 per day
	Residential	60 children	1652 bed days	average 4.5 per day
	Total		4153 bed days	average 11.9 per day
2013:	Detention	293 children	2222 bed days	average 6.1 per day
	Residential	31 children	815 bed days	average 2.2 per day
	Total		3037 bed days	average 8.3 per day
2014:	Detention	391 children	3067 bed days	average 8.4 per day
	Residential	19 children	456 bed days	average 1.3 per day
	Total		3523 bed days	average 9.7 per day

(There is overlap in the number of children housed; that is, some of the children housed in detention were later housed in the residential program.)

The five-year average for Victoria County juveniles was 11.3 per day, including 8.4 detention beds and 2.9 residential beds.

To determine the actual cost to the taxpayers of Victoria County, we obtained data on expenditures and revenues from the county auditor's office. We also obtained data from VRJJC on the number of juveniles, total bed days and county of residence. We first determined an average total cost per bed day by dividing total five-year average expenditures (\$2,685,316) by the total five-year average bed days (15,290). By this method, we determined that the five-year average cost per bed day from 2010-2014 was \$176.

To determine the average reimbursement during that same five-year period, we subtracted the average Victoria County bed days (4,136) from the average total bed days (15,290), and arrived at a net average bed days of 11,154. We divided the average reimbursement received from other counties (\$1,262,431) by the net average bed days (11,154). By this method, we determined that Victoria County's average five-year reimbursement was \$113 per bed day.

We then subtracted the average reimbursement of \$113 from the five-year average per bed day cost of \$176 and determined that the five-year average unreimbursed cost to Victoria County was \$63 per bed day. That is, every day a juvenile from another county was housed at VRJJC cost Victoria County an average of \$63 (this number was generally lower for post-adjudication beds because the reimbursement rate for post-adjudication beds is higher than the rate for pre-adjudication beds).

<b>VRJJC 5 YR. COSTS AND REIMBURSEMENT</b>	2010	2011	2012	2013	2014	5 yr avg
TOTAL COSTS	\$2,786,203	\$2,430,513	\$2,546,528	\$2,764,008	\$2,899,327	\$2,685,316
REIMBURSEMENT FROM OTHER COUNTIES	\$1,117,423	\$1,031,770	\$1,195,034	\$1,553,895	\$1,414,032	\$1,262,431
UNREIMBURSED COSTS	\$1,668,780	\$1,398,743	\$1,351,494	\$1,210,113	\$1,485,295	\$1,422,885
COST PER BED DAY <sup>1</sup>	\$172	\$174	\$168	\$177	\$187	\$176
REIMBURSEMENT PER BED DAY <sup>1</sup>	\$103	\$107	\$111	\$124	\$118	\$113
VICTORIA'S COSTS IF VICTORIA HAD PAID THE REIMBURSEMENT RATE <sup>2</sup>	\$556,696	\$468,723	\$483,907	\$375,851	\$415,171	\$460,070
UNREIMBURSED COSTS, PER BED DAY	\$69	\$67	\$57	\$54	\$69	\$63
NET UNREIMBURSED (UNREIMBURSED LESS WHAT VICTORIA WOULD HAVE PAID AT REIMB. RATE) <sup>3</sup>	\$1,112,084	\$930,020	\$867,587	\$834,262	\$1,070,124	\$962,815
OTHER GRANTS/REIMB. (SCHOOL LUNCH, USDA, ETC.)	\$246,289	\$121,077	\$198,128	\$162,100	\$78,007	\$161,120
VICTORIA'S ACTUAL COST PER BED DAY	\$264	\$293	\$264	\$345	\$399	\$313
VICTORIA CO. GEN. FUND EXP.	\$1,422,491	\$1,277,666	\$1,153,366	\$1,048,013	\$1,407,288	\$1,261,765
DIFF. BET. WHAT VICTORIA WOULD HAVE PAID AT REIMBURSEMENT RATE AND VICTORIA'S ACTUAL COST <sup>4</sup>	\$865,795	\$808,943	\$669,459	\$672,162	\$992,117	\$801,695
FIVE YR. TOTAL COST TO VICTORIA OVER REIMBURSEMENT RATE OTHER COUNTIES PAID	4,008,476.36					

<sup>1</sup>Based on 5 yr. average total bed days of 15,290

<sup>2</sup>Based on 5 yr. Victoria Co. average bed days of 4,136

<sup>3</sup>This is total unreimbursed costs less what Victoria Co. would have paid at the reimbursement rate, not deducting other grants and reimbursements (school lunch, USDA, etc.), which are not guaranteed from year-to-year and which costs would continue whether Victoria received the grant or not.

<sup>4</sup>This is the difference between what Victoria Co. would have paid at the reimbursement rate and Victoria Co's. actual cost, taking into account other grants and reimbursements (school lunch, USDA, etc.)

To further illustrate this point, had Victoria County paid the same average \$113 per bed day to house Victoria County juveniles (an average of 4,136 bed days per year) that it received from other counties to house juveniles from those counties, Victoria County from 2010-2014 would have paid a five-year average of \$460,070 per year.<sup>11</sup> In fact, Victoria County paid an average of \$1,261,765, an average difference of \$801,695 per year. This represents an average per bed day cost of \$313, ranging from a low of \$264 in 2010 to \$399 in 2014.

Revenue from other grants and reimbursement (school lunch, USDA, etc.) is included in these calculations. Those grants and reimbursements have averaged \$161,120 annually. Without those grants, Victoria County's net unreimbursed amount would have averaged \$962,815 annually. With those grants, Victoria County's unreimbursed costs have averaged \$801,695. We note both amounts because those grants and reimbursements are not guaranteed from year-to-year, but the costs would remain if the grants were discontinued.

<sup>11</sup>The averages discussed here and reflected in the chart above are based on the five-year actual costs by line item, rounded to the nearest dollar. Dividing five-year averages from one line item by five-year averages from another line item could result in averages that differ slightly from those reflected in the chart.

## **12. How will SB1630 effect the VRJJC funding?**

Senate Bill 1630<sup>12</sup> seeks to amend a provision of the Texas Human Resources Code concerning the housing of detained juveniles in detention or residential facilities, in an effort to keep them as close to their home county as possible. There are means within the text of the bill as submitted that provide for intensive in home services provided that the county meets certain criteria to be established by TJJJ.<sup>13</sup>

Senate Bill 1630 could have a sizable impact on VRJJC funding. While there is not a definitive answer to this question, TJJJ has been given significant funding to implement the regionalization concept found in this senate bill. The senior director of probation and community service at TJJJ has reported that more money will be available in the seven regions currently established in Texas.

TJJJ has allocated \$500,000 in the first year of this biennium and \$9.1 million in the second year. County probation departments are directed to look “close to home” for services for their juveniles. However, it is the quality of care that is given the most attention when determining where a juvenile should be placed for rehabilitative treatment. The placing county is responsible to put a juvenile in the right program to access the treatment funds. Therefore a county in the panhandle or a county in northeast Texas could order a juvenile to be placed in VRJJC.

Certain expectations will be required by TJJJ through the use of valid assessment tools referred to as “risk and needs” instruments. A juvenile’s needs must match up with a facility’s treatment goals. VRJJC will need to insure their treatment goals adequately address the needs of juveniles to stay competitive in the statewide market.

Another issue that TJJJ will address is allowing a county with a post-adjudication facility to be allowed to use TJJJ funds to pay for its own juveniles to be placed in the county’s own residential program. If this policy is adopted, it would provide VRJJC with additional revenue as part of the cost recovery and assist in moving closer to cost neutrality.

## **13. How are costs allocated between Juvenile Probation and Juvenile Detention?**

There are shared costs, but those allocations are not reflected in formal budget documents.

According to probation department management, a compliance officer, staff services coordinator and two maintenance employees are budgeted in and paid from the juvenile detention fund, but work 50 percent of their time for the probation department. According to county auditor reports for 2014, this equates to \$103,295 from the juvenile detention fund to the probation department.

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<sup>12</sup> SB1630 was authored by Sen. John Whitmire (D-Houston) and sponsored by Rep. Sylvester Turner (D-Houston). Joint sponsors include Rep. Toni Rose (D-Dallas), Rep. Lyle Larson (R-San Antonio), Rep. Gene Wu (D-Houston) and Rep. Harold V. Dutton, Jr. (D-Houston).

<sup>13</sup> The bill, in pertinent part, provides as follows: “A regionalization plan will be developed and adopted statewide for keeping children closer to home in lieu of commitment to the secure facilities. The TJJJ shall consult with juvenile probation departments to identify post-adjudication facility capacity that may be dedicated to support the regionalization plan.” The Bill goes on to establish other enabling and planning resources to regionalize the state.

Utilities, repair and maintenance expenses are budgeted in and paid from the juvenile detention fund but also benefit the probation department. The probation department utilizes 34 percent of the building space. Based on this, management allocates 34 percent of utility, repairs and maintenance expense to probation and 66 percent of those costs to detention. Using the 34 percent allocation equates to \$44,762 from the juvenile detention fund to the probation department. This allocation is not reflected in official budget documents and may not be accurate. While detention does utilize 66 percent of the building's square footage, it is a 24-hour, seven day per week operation, while probation is generally a weekday operation. Given this, it is likely that detention's actual costs are greater than 66 percent of the total.

Auto expense and fingerprint services are budgeted in and paid from the juvenile detention fund, but management attributes 50 percent of the expense to the probation department. For 2014, this equates to \$6,653 from the juvenile detention fund to the probation department.

The probation department receives an annual state mental health grant (Grant N) in the amount of \$73,326. A portion of this grant (\$55,340) is to contract with mental health professionals to come into VRJJC weekly for group and individual counseling. This is money budgeted in and paid from the probation department fund but directly benefits the juvenile detention program. The balance of the grant is for treatment provided outside the facility.

In summary, looking at one year of costs, the above costs that are budgeted in and paid from the juvenile detention fund that directly benefit the probation department total \$154,710, while costs that are paid from the probation department fund that directly benefit the juvenile detention program total \$55,340.

It was noted during our review that some costs for both juvenile probation and juvenile detention are not allocated or budgeted from these department funds; rather, they are budgeted and paid from the general fund or other county funds. These include the building land lease (detention: \$21,771; and probation: \$11,215), general liability insurance premium (this is not allocated by department), worker's compensation and unemployment (for VRJJC only; juvenile probation does budget and pay for worker's compensation and unemployment expenditures in its fund).

**14. Conduct a salary survey of detention officers and probation officers in geographically and statistically (economic and criminal) comparable jurisdictions.**

The following table reports salaries for Victoria County with counties of similar size, demographics and number of juvenile referrals (based on 2014 referrals). Average salaries for juvenile probation officers (JPO) and juvenile supervision officers (JSO) are listed by county.<sup>14</sup>

**Calendar Year 2014 – Referrals**

<b>REFERRING COUNTY</b>	<b>NUMBER OF REFERRALS</b>
Ector	452
Smith	431
Tom Green	412
Victoria	437
Wichita	429

**Calendar Year 2014 – Average Salary**

<b>COUNTY</b>	<b>CERTIFIED JPO</b>	<b>CERTIFIED JSO</b>
Ector	50,000	41,000
Smith	53,005	37,433
Tom Green	35,020	29,338
Victoria	40,248	36,624
Wichita	49,272	34,321

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<sup>14</sup> Information received from Texas Juvenile Justice Department