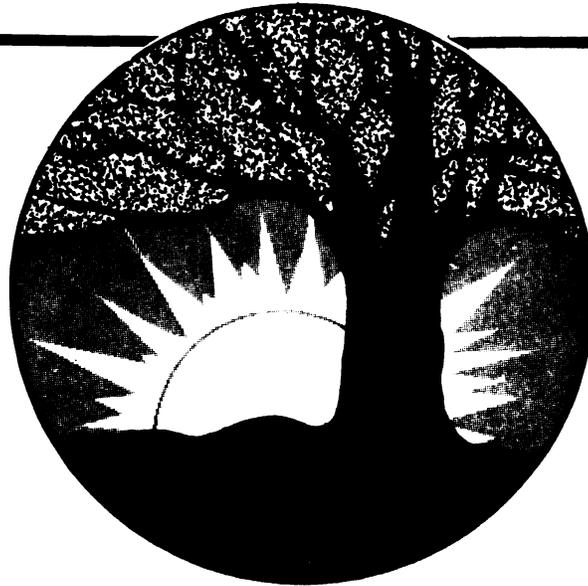


PERFORMANCE AUDIT

Commission on Children and Youth
December 2006



John G. Morgan
Comptroller of the Treasury



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John G. Morgan
Comptroller

December 28, 2006

The Honorable John S. Wilder
Speaker of the Senate
The Honorable Jimmy Naifeh
Speaker of the House of Representatives
The Honorable Thelma M. Harper, Chair
Senate Committee on Government Operations
The Honorable Mike Kernell, Chair
House Committee on Government Operations
and
Members of the General Assembly
State Capitol
Nashville, Tennessee 37243

Ladies and Gentlemen:

Transmitted herewith is the performance audit of the Commission on Children and Youth. This audit was conducted pursuant to the requirements of Section 4-29-111, *Tennessee Code Annotated*, the Tennessee Governmental Entity Review Law.

This report is intended to aid the Joint Government Operations Committee in its review to determine whether the commission should be continued, restructured, or terminated.

Sincerely,

John G. Morgan
Comptroller of the Treasury

JGM/dlj
05-081

State of Tennessee

Audit Highlights

Comptroller of the Treasury

Division of State Audit

Performance Audit
Commission on Children and Youth
December 2006

AUDIT OBJECTIVES

The objectives of the audit were (1) to determine whether the commission's process for awarding grants includes consideration of all relevant factors and information and to examine how availability of grant funds is communicated to potential grantees; (2) to determine whether the commission efficiently and effectively monitors its grantees and whether grantees are meeting reporting and other requirements; (3) to determine the efficiency and effectiveness of the commission's Ombudsman program and how the program compares to and interacts with the Department of Children's Services' Ombudsman; (4) to determine the effectiveness of the task forces working on the issue of Disproportionate Minority Confinement/Contact (DMC) and other commission activities to address DMC concerns; (5) to determine whether information in commission databases is appropriately safeguarded; (6) to summarize and assess information documenting the commission's compliance with Title VI requirements; and (7) to recommend possible alternatives for legislative or administrative action that might result in more efficient and effective operation of the commission.

FINDINGS

The Commission's Process for Awarding Grants Has Several Weaknesses That Raise Concerns Regarding the Fairness and Consistency of the Process

The commission is charged by Section 37-3-103(a)(1)(C), *Tennessee Code Annotated*, with implementing the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 and distributing state and federal funds. Auditors reviewed files and grant review committee meeting minutes, observed meetings of Juvenile Accountability Block Grants (JABG) and Federal Formula grant review committees, and interviewed staff to assess the commission's process for awarding Title V,

JABG, and Federal Formula grants. We identified the following weaknesses in the commission's process for awarding grants: (1) the process for scoring grant applications appears subjective and inconsistent; (2) funding was awarded to one grantee even though an application had not been submitted; and (3) although current grantees received priority for the next year's funding, it was unclear how closely the grantees' previous success/effectiveness was considered when making funding decisions (page 11).

The Commission Still Does Not Have Access to a Comprehensive Information System That Tracks Comparable Juvenile Justice Statistics for All Tennessee Counties

To maximize the effectiveness of its use of staff, advocacy efforts, and distribution of federal and state dollars, the commission needs comprehensive, accurate juvenile justice data. Such data can help the commission focus on the localities, types of facilities, and types of juveniles (e.g., by age groups, ethnic group, economic and family status) most in need of juvenile-justice-related programs. The commission has relied on the Tennessee Council of Juvenile and Family Court Judges (TCJFCJ), now merged with the Administrative Office of the Courts, for statistics from Tennessee's juvenile courts. Since fiscal year 1996, the commission has awarded the TCJFCJ grant money for the purpose of helping to train court staff and to develop and improve the TCJFCJ's Juvenile Information System. However, based on interviews with commission staff, Administrative Office of the Courts staff, and advocates, and our reviews of relevant reports and juvenile statistics information, there does not appear to be an adequate, comprehensive information system on which the commission can rely (page 19).

The Local Disproportionate Minority Contact (DMC) Task Forces Show Inconsistencies in Performance

According to an April 30, 2003, report prepared by the Tennessee State University Office of Business and Economic Research, minority children from age 10 to 17 are more likely to receive stricter treatment in the juvenile justice system than their white counterparts. Minority children, especially African-American children, are often confined in secure facilities in proportions greater than their proportion in the general population. To address this problem and related federal requirements, Tennessee has (among other actions) developed a statewide task force and several local task forces. A commission staff person has been designated as the State DMC Coordinator. Our review

indicates, however, that the performance and activity level of the local task forces varies widely and several of the initially planned task forces are currently inactive (page 22).

The Commission's Monitoring of Grantees Needs Improvement to Ensure Commission Staff (and Other Stakeholders) Have Accurate and In-depth Information on Grantees' Activities and the Extent to Which They Met Goals and Objectives

Reviews of quarterly reports submitted by grantees and site visits of grant recipients are essential commission tools for monitoring the performance of grant recipients. However, our review of the content of reviews of quarterly reports and site visit reports raised concerns about the effectiveness and usefulness of these reports. Without effective monitoring, a grantee's performance could potentially be below agreed-upon standards and go unnoticed. As a result, grantees whose programs do not provide the desired outcomes could continue to receive funding, while other applicants whose programs might result in more positive outcomes for children and youth do not receive any of the limited funding available (page 27).

The State Has Two Ombudsman Programs to Deal With Children's Issues, Which May Cause Confusion for the Public and May Lead to Duplication and Inefficiency in Resolving Complaints

In August 1996, the Tennessee Commission on Children and Youth (TCCY) developed an Ombudsman Program to investigate and resolve complaints made by children, families, care providers, caseworkers, or case managers that could not be resolved through normal remedies. In 2004, the Department of Children's Services (DCS) created an Ombudsman program whose purpose is also to resolve DCS complaint cases. According to the DCS webpage, the "DCS Ombudsman investigates complaints regarding programs administered by the department, recommends corrective action when appropriate and tries to resolve issues related to a child's safety and placement." Our review determined

that there is a possible duplication of services between the two programs. Both programs are concerned with the resolution of DCS-related case complaints and both consider themselves to be the official Ombudsman contact. Ombudsman staff from both TCCY and DCS stated that they work active cases to resolve disputes which involve parents, children, and DCS case personnel (page 30).

Some Commission Members Have Excessive Absences From Commission Meetings

Section 37-3-102(c), *Tennessee Code Annotated*, includes a provision for removing commission members with consecutive absences from commission meetings. Following a

member's three consecutive absences, the chair may request that the Governor declare a vacancy and fill the unexpired term. The commission's policies state that extenuating circumstances may be considered and that one absence may be excused per year based on cause. In addition, it appears youth members may be given more latitude in their absences because of the difficulty in finding youth members to serve on the commission. However, our review of commission meeting attendance records for calendar years 2002, 2003, and 2004 indicates excessive absences for a number of commission members, not just youth members (page 34).

OBSERVATIONS AND COMMENTS

The audit also discusses the following issues: the commission's development of a risk assessment tool, the commission's audit committee and its responsibilities, and the controls the commission has in place to secure the information in certain databases (page 7).

ISSUES FOR LEGISLATIVE CONSIDERATION

The General Assembly may wish to consider reviewing the state's two Ombudsman programs dealing with children's issues and determining (1) whether two such programs are necessary and (2) if not, which program should continue to exist or, if both programs are needed, how responsibilities should be divided between the two programs. The General Assembly may wish to consider defining the purposes and responsibilities of the Ombudsman program(s) in statute. Such a definition could help decrease duplication of activities and improve the public's understanding of the Ombudsman program(s). If two programs are maintained, one possibility might be for the DCS program to focus on first-time complaints and information requests, with the TCCY Ombudsman responsible for investigating and mediating difficult-to-resolve or recurring cases that would benefit most from an impartial, independent Ombudsman.

Performance Audit Commission on Children and Youth

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Performance Audit Commission on Children and Youth

INTRODUCTION

PURPOSE AND AUTHORITY FOR THE AUDIT

This performance audit of the Tennessee Commission on Children and Youth was conducted pursuant to the Tennessee Governmental Entity Review Law, *Tennessee Code Annotated*, Title 4, Chapter 29. Under Section 4-29-227, the commission was scheduled to terminate June 30, 2006. On May 24, 2006, the General Assembly passed Public Chapter 1000, which extended this and other entities in the 2006 Sunset cycle that had not yet been heard, for one year or until a public hearing can be held. The Comptroller of the Treasury is authorized under Section 4-29-111 to conduct a limited program review audit of the commission and to report to the Joint Government Operations Committee of the General Assembly. The audit is intended to assist the committee in determining whether the commission should be continued, restructured, or terminated.

OBJECTIVES OF THE AUDIT

The objectives of the audit of the Tennessee Commission on Children and Youth were

1. to determine whether the commission's process for awarding grants includes consideration of all relevant factors and information and how availability of grant funds is communicated to potential grantees;
2. to determine whether the commission efficiently and effectively monitors its grantees and whether grantees are meeting reporting and other requirements;
3. to determine the efficiency and effectiveness of the commission's Ombudsman program and how the program compares to and interacts with the Department of Children's Services' Ombudsman;
4. to determine the effectiveness of the task forces working on the issue of Disproportionate Minority Confinement/Contact (DMC) and other commission activities to address DMC concerns;
5. to determine whether information in commission databases is appropriately safeguarded;

6. to summarize and assess information documenting the commission's compliance with Title VI requirements; and
7. to recommend possible alternatives for legislative or administrative action that might result in more efficient and effective operation of the commission.

One additional objective initially identified—to determine the efficiency and effectiveness of the commission's regional coordinators and regional councils—was not pursued after additional preliminary work indicated that initial concerns were being addressed.

SCOPE AND METHODOLOGY OF THE AUDIT

We reviewed the commission's activities and procedures for fiscal years 2001 through 2005, and also reviewed some activities during the first six months of fiscal year 2006. The audit was conducted in accordance with the standards applicable to performance audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States. The methods included:

1. a review of applicable legislation, rules, and regulations;
2. examination of prior audit reports, both performance and financial and compliance;
3. examination of commission meeting minutes and attendance at commission meetings;
4. a review of commission files and other documents; and
5. interviews with commission staff, federal officials, employees of other state agencies, and children and youth advocates.

ORGANIZATION AND STATUTORY DUTIES

Section 37-3-102, *Tennessee Code Annotated*, created the commission to serve as “an informational resource and advocacy agency for the efficient and effective planning, enhancement, and coordination of state, regional and local policies, programs and services to promote and protect the health, well-being and development of all children and youth in Tennessee.”

Appointed by the Governor for three-year staggered terms, the 21 commission members serve as the policy board for the commission. Each development district is represented by at least one commission member. The commission also serves as the State Advisory Group required under the federal Juvenile Justice and Delinquency Prevention Act. This act requires the commission to have five youth members. A 1989 executive order created the State Advisory

Group, adding the five youth members.) See finding 6 for additional information regarding commission meetings and members' attendance.

Staff and Expenditures

As of October 2005, the commission had 51 staff. Commission expenditures for 2004-2005 were \$8,819,900. The commission's expenditures for fiscal year 2005-2006 were estimated at \$9,676,100.

Advocacy

The commission provides leadership for advocacy activities on behalf of children and families.

1. The commission is involved in state policy-making on child and family issues and participates on national, state, regional, and local committees, task forces, and boards for information gathering, sharing, and networking. The commission prepares impact statements on legislation affecting families and children.
2. The commission sponsors Children's Advocacy Day annually and also makes policy recommendations for administrative and legislative action.
3. The commission's periodic newsletter, *The Advocate*, provides information on timely children's issues and is distributed to children's advocates, service providers, juvenile court judges and staff, legislators, policy-makers, and regional council members.
4. The commission publishes the *Tennessee Compilation of Selected Laws on Children, Youth and Families* and disseminates it to juvenile courts, state government staff, and other children's services professionals. Staff prepare information about the ongoing legislative session and distribute a summary of legislative activities related to children at the end of each session. Staff also prepare reports and plans for the Governor, the Tennessee General Assembly, and the federal Office of Juvenile Justice and Delinquency Prevention.

Juvenile Justice

Pursuant to Section 37-3-103(a)(1)(C), *Tennessee Code Annotated*, the commission is charged with implementing the provisions of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 and distributing state and federal funds. The grants and commission awards are detailed below:

1. State Supplements—state funding for improving juvenile court services. In fiscal years 2002, 2003, and 2004, all 95 counties received \$10,000 each. In fiscal year 2005, each county received \$9,000.

2. Reimbursement Account—a combination of state and federal Juvenile Justice and Delinquency Prevention Act funds to provide financial assistance to counties for removing children from adult jails. During fiscal year 2001, 60 counties received reimbursement funds; in 2002, 51 counties received reimbursement funds; in 2003, 76 counties received reimbursement funds; in 2004, 53 counties received reimbursement funds; and in fiscal year 2005, 42 counties received reimbursement funds.
3. Court Appointed Special Advocates (CASA)—a program to recruit, train, and supervise court-appointed volunteers who serve as advocates for abused, neglected, and dependent children, and other children removed from their home by the court. Fourteen counties received CASA funds for fiscal years 2001 through 2005.
4. Federal Formula Grants—federal grants awarded to agencies to prevent delinquency and to ensure that youth who commit offenses are placed and served properly. These funds are distributed on a year-to-year basis and are available for a maximum of 3 years. Typically a declining award schedule is used: 100% of an approved budget funded in the first year, 75% of the first year’s budget funded in the second year, and 50% of the first year’s budget funded in the third year. After the third year, it is assumed that the agency can operate independently without the federal funds. At least \$793,000 was distributed each year between fiscal years 2002 and 2005.
5. Title V Grants—federal funds awarded to general units of government to promote collaboration within communities to develop delinquency prevention strategies. Communities demonstrate collaboration in the following ways: establishing a multi-disciplinary prevention policy board, developing a three-year delinquency plan, and maintaining compliance with Juvenile Justice and Delinquency Prevention Act mandates. In fiscal year 2002, nine counties received these funds, with eight counties receiving funds in 2003, six counties receiving funds in 2004, and five counties receiving funds in fiscal year 2005.
6. Juvenile Accountability Block Grants (JABG)—grants for use by state and local governments to increase accountability in the juvenile justice system. Unless they request a waiver (Tennessee did not), states are required to distribute at least 75% of allocation funds among all units of local government. The amount allocated to each local government is based on the government’s law enforcement expenditures and the average annual number of violent crimes reported by the government for the three most recent calendar years. The other 25% is distributed in areas not eligible to receive at least \$5,000 otherwise.

The Juvenile Justice and Delinquency Prevention Act has four mandates with which states must comply in order to participate: deinstitutionalization of status offenders, removal of children from adult jails, separation of children from adult offenders, and addressing minority overrepresentation in secure confinement. Each grantee must also submit a three-year plan to the U.S. Office of Juvenile Justice and Delinquency Prevention.

Children's Plan Outcome Review Team

Through the Children's Plan Outcome Review Team, or CPORT, the commission gathers data about the population of children served and their needs, and evaluates the ability of the service delivery system to meet those needs. There are 12 status indicators and 15 system functions or capabilities that CPORT examines. The status indicators are evaluated for family and child. Items listed below with an asterisk must be found positive for an overall adequate finding.

Status Indicators:

- | | |
|---------------------------|---|
| 1. Safety* | 7. Appropriateness of Placement |
| 2. Emotional Well-Being* | 8. Educational Progress |
| 3. Physical Well-Being* | 9. Family Unity Support |
| 4. Caregiver Functioning* | 10. Independent Living (for children 13 or older) |
| 5. Stability | 11. Child Satisfaction |
| 6. Permanent Goal | 12. Family Satisfaction |

System functions or capabilities:

- | | |
|---------------------------------|--|
| 1. Assessment of Needs* | 9. Early Child and Family Intervention |
| 2. Long-term View for Service* | 10. Home and Community Resources |
| 3. Child Participation* | 11. Placement Resources |
| 4. Family Participation* | 12. Supportive Intervention Services to Achieve Permanent Goal |
| 5. Service Plan Design* | 13. Urgency response |
| 6. Service Plan Implementation* | 14. Progress Achieved – Child |
| 7. Service Coordination* | 15. Progress Achieved – Family |
| 8. Advocacy | |

Commission staff randomly select the cases to be evaluated in each of the 12 regions. Staff present the results for each region at exit conferences held with (among others) participants in the review process such as direct service providers, supervisory and management personnel, social counselors, and case managers.

Regional Councils

Section 37-3-106, *Tennessee Code Annotated*, requires that the commission organize a regional council for each of the nine development districts in the state. These councils serve as communication links between the commission and the various regions of the state. The commission provides at least one locally based staff person for each regional council, to assist the council in performing its duties:

1. Provide for mutual exchange of information and networking among service providers, advocates, and elected officials.
2. Educate council members, officials, others involved in services for children and youth, and the general public about the needs and problems of children and youth in both the region and the state.
3. Coordinate regional and local efforts between public and private service providers to enhance services for children and youth.
4. Advocate for legislation, policies, and programs at the local and regional level to promote and protect the health, well-being, and development of children and youth.
5. Collect, compile, and distribute data.
6. Make recommendations on the needs and problems of children and youth.

Information Dissemination

To comply with Section 37-3-103(a)(1)(E), *Tennessee Code Annotated*, the commission publishes annually *Kids Count: The State of the Child in Tennessee*, a comprehensive report on the educational, social, and economic status of youth and children in Tennessee. *Kids Count* is a nationwide effort to track the status of children in the U.S., and Tennessee receives funding for *Kids Count* from the Annie E. Casey Foundation. The commission also publishes *The Advocate*, a quarterly newsletter that informs children's advocates, legislators, service providers, policy-makers, and regional council members about current children's issues.

OBSERVATIONS AND COMMENTS

DEVELOPMENT OF THE RISK ASSESSMENT TOOL

The Commission on Children and Youth was charged with creating a risk assessment tool to be used by juvenile courts in determining whether or not unruly or delinquent children should be detained in secure detention. The tool is to help address inadequate admissions practices and prevent inappropriate detention of children as part of a larger detention reform effort. Specifically, Chapter 304, Public Acts of 2005, states:

The commission is charged with the development of a decision-making tool that is proposed to be used by juvenile court judges and their designees to objectively assess the risk that a child who is alleged or determined to be delinquent or unruly poses to the community or the risk that such a child will not appear at future adjudicatory hearings and, therefore, to determine whether the child should be detained in secure detention . . . This assessment tool should be developed by the commission with the intention that, if implemented, it will be used consistently across the state.

To assist in developing the tool and recommendations regarding implementation of the tool and the monitoring of the tool's use, the commission is to assemble a group of stakeholders, including experts and representatives from a number of interested groups. The commission was to submit, for the General Assembly's consideration, a proposed risk assessment tool to the Select Committee on Children and Youth, the House Children and Family Affairs Committee, and the Senate Judiciary Committee no later than January 15, 2006. (The commission submitted the tool on January 13, 2006.) In its report to the General Assembly, the commission was also to include a plan for implementing the assessment tool statewide and recommendations for a monitoring and reporting process to track the use of the assessment tool, as well as a process to periodically review and modify the tool (if necessary).

As of December 2005, the commission had held three meetings with stakeholders and was in the midst of developing the risk assessment tool. Based on our attendance at these meetings, we noted several areas of concern that could affect the effectiveness of the tool:

- Resources for dealing with juveniles apparently vary by county, and several stakeholders present expressed concerns about the lack of alternatives to secure detention. For example, one county representative stated that all juveniles in the county are brought to the juvenile court intake center regardless of the offense (i.e., status or non-status), and added that kids are detained simply because of a lack of alternatives. Some juvenile court representatives stated that they receive juveniles from the Department of Children's Services and schools because the officials believe placing a child into the juvenile system is the only way to ensure the child receives needed services. Even if the risk assessment tool accurately assesses where and how

a juvenile should be served or held, it is questionable how much the system can change if sufficient alternative placements and services are not available.

- There appeared to be confusion and inconsistencies among counties in the issuing of warrants and attachments and how they should be interpreted for purposes of the tool. (For example, some counties may issue a warrant so that police can pick up a child who has committed no crime but has run away or is wanted for a court appearance. Other counties may issue an attachment to a court officer in a similar case.) Such inconsistencies could result in inconsistencies among counties when assessing juveniles using the risk assessment tool. Stakeholders present expressed concern that no stakeholders were present from police or District Attorneys' offices. According to commission staff, these groups (who presumably would have been helpful in clearing up the confusion) were invited to participate.
- During the meetings and work groups, there was little discussion of ensuring that the risk assessment tool is consistent with federal requirements of the Juvenile Justice and Delinquency Prevention Act. State law was used when creating the draft risk assessment tool; however, state law and federal law may not be uniform in terms of detaining juveniles. An example brought up during the meeting was that, according to state law, juveniles can be locked in a secure facility to keep them from harming themselves or others; some stakeholders suggested, however, that such an action is not consistent with federal law.
- During the meetings, there was a lot of discussion about who would be using the risk assessment tool (i.e., to determine whether the juvenile will be detained). Possible users mentioned were the police, Youth Service Officers (YSOs), or juvenile court staff. Eventually, the group agreed that YSOs would be the most likely to use the assessment tool. However, it did not appear that YSO representatives were participating in the development process.

An effective risk assessment tool used by juvenile courts statewide could help ensure that children are not detained in secure detention unless absolutely necessary but are detained when necessary to protect the public, and that such decisions are made more consistently statewide. The commission should take steps to ensure it solicits and carefully considers the input of interested entities, particularly those involved in making the decisions about children's detention, to ensure that those persons who would be using the tool have appropriate input into the tool's preparation and fully understand the risk assessment tool. As development of the tool and discussions regarding its implementation proceed, the commission should ensure that the tool is consistent with federal requirements and that legislators and local government leaders have clear and complete information on local constraints (e.g., insufficient options) that could affect use of the tool.

THE COMMISSION'S AUDIT COMMITTEE AND ITS RESPONSIBILITIES IN COORDINATION WITH COMMISSION MANAGEMENT

Pursuant to Chapter 310, Public Acts of 2005, the Commission on Children and Youth has established an audit committee. By law, the responsibilities of the audit committee include the following:

- overseeing the financial reporting and related disclosures especially when financial statements are issued;
- evaluating management's assessment of the commission's system of internal controls;
- formally reiterating, on a regular basis, to commission management and staff their responsibility for preventing, detecting, and reporting fraud, waste, and abuse;
- serving as a facilitator of any audits or investigations of the commission, including advising auditors and investigators of any information it may receive pertinent to audit or investigative matters;
- informing the Comptroller of the Treasury of the results of assessments and controls to reduce the risk of fraud; and
- promptly notifying the Comptroller of the Treasury of any indications of fraud.

The audit committee, which is a standing committee of the Commission on Children and Youth, has the power and duty to take whatever actions it deems necessary in carrying out its responsibilities.

Because of the newness of the audit committee legislation and the establishment of the commission's audit committee, we were not able to draw conclusions regarding the committee's activities and its effectiveness. However, the audit findings detailed on pages 11 through 35 highlight the need for commission management (specifically the executive director) to work with the audit committee to address the issues identified in the audit findings. It is management's responsibility to assess risks, design and implement effective internal controls to mitigate those risks, and monitor the operation and effectiveness of those internal controls on an ongoing basis. As noted above, it is the audit committee's responsibility (on behalf of the entire commission) to review and approve management's assessment of risks and the internal controls implemented to address those risks. Commission management should work with the commission's audit committee (and the full commission where appropriate) in a timely manner to review each of the problems identified in the audit report and evaluate what changes in existing controls or new controls need to be implemented to address the identified problems. Management should document the actions to be taken, assign clear responsibility for those actions, and develop a process for monitoring the actions taken. As part of the monitoring process, management should evaluate (in consultation with the audit committee) whether the actions are effectively addressing identified problems or whether additional or alternative controls need to be implemented.

ADDITIONAL AUDIT WORK PERFORMED

We also performed limited work to determine the controls the commission has in place to secure the information in its Ombudsman and Children's Plan Outcome Review Team (CPORT) databases.

To gain an understanding of the internal controls in place for the Ombudsman and CPORT database systems, auditors conducted interviews with Ombudsman, CPORT, and Information Systems staff; and participated in a hands-on walk-through of both database systems while observing actual cases/information being keyed in by staff. In addition, Information Systems staff completed (and provided additional explanation on) General and Application Controls Questionnaires, which are survey tools used to assist auditors in their review of database systems, potential security weaknesses, and computer-generated data. Based on our review, we determined that the commission had reasonable and appropriate controls in place to secure the information in these databases.

Ombudsman

The Ombudsman database system is used for the management of Ombudsman day-to-day operations and primarily maintains caseload information to document case outcomes, classifications, child status, and referent relationship, as well as sources, etc. In addition, the system can also produce Caseload Summary Reports, as well as generate illustrative case examples, graphics, narratives, and demographics, for management reporting purposes at commission meetings and in the Commission and Ombudsman Annual Reports. The database system is backed up nightly through the Office for Information Resources' (OIR's) normal back-up procedures.

Access to the database is limited to the commission's two Ombudsmen, the commission's Information Systems staff member, and OIR's Local Area Network (LAN) Administrators. The Ombudsmen log into the system with a user ID and a password that must be changed every 90 days. When both Ombudsmen are out of the office, staff members in the commission's Juvenile Justice section use intake forms to capture case information from calls received; the Ombudsmen enter that information into the database upon their return to the office. The system contains a number of checks that alert the user when improper/erroneous data is entered. In addition, according to the Ombudsmen, they conduct manual checks of accuracy by comparing caseload system information to information contained in the Ombudsman Caseload Report Runs.

CPORT

The commission's CPORT database system is used to capture and compile CPORT reviewers' information collected from the CPORT Protocol (a tool which consists of a set of questions, used by the reviewers to capture/collect detailed information about children served, through structured interviews and document reviews) and case summary (evaluating the status of child/family, as well as service system functions). According to commission staff, the CPORT database system was created in-house in October 2003, and is maintained by the CPORT and

Information Systems (IS) staff. Access to the database is limited to the commission's two CPORT Statistical Analysts, the commission's Information Systems staff member, and OIR's LAN Administrators. The Statistical Analysts log into the system with a user ID and a password that must be changed every 90 days. According to staff, the CPORT workload, which generally consists of an average of 42 cases every month, can be handled by the two analysts.

The system contains a number of checks that alert the user when improper/erroneous data is entered. In addition, the analysts check each other's work—information is entered twice to ensure that the information keyed in the first time matches information keyed in later. The system alerts the analyst if there are any discrepancies during the verification process. The database system is backed up nightly through OIR's normal back-up procedures. As an additional method to back up information maintained in the database system, the commission uses General Services' Imaging Services to scan in Protocol information onto two CDs (one of which is kept within the CPORT Section and the other, at a secured off-site location).

FINDINGS AND RECOMMENDATIONS

1. The commission's process for awarding grants has several weaknesses that raise concerns regarding the fairness and consistency of the process

Finding

The commission is charged by Section 37-3-103(a)(1)(C), *Tennessee Code Annotated*, with implementing the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 and distributing state and federal funds. We reviewed files and grant review committee meeting minutes, observed meetings of Juvenile Accountability Block Grants (JABG) and Federal Formula grant review committees, and interviewed staff to assess the commission's process for awarding Title V, JABG, and Federal Formula grants. Our file review focused on grantees with more than three consecutive years of funding, grantees receiving funding from two different sources (Federal Formula, Title V) in the same fiscal year, and a grantee being awarded two contracts within the same fiscal year under the same funding for fiscal years 2001-2002 through 2004-2005. (See Exhibit 1 for additional information regarding the grants.) We reviewed a total of 11 grantees that cut across Title V, JABG, and Federal Formula funding. The weaknesses identified in the commission's process for awarding grants are detailed below:

Exhibit 1 Grant Procedures

Federal Formula Grants

The Federal Formula Grants (FFG) are awarded for one year and are renewable for up to two additional years. Renewal is not automatic but is contingent upon satisfactory performance and on availability of funds. After the project is approved for funding, the funding level for the second and third years will be 75 percent and 50 percent, respectively, of the first year's budget. Federal regulations require that funds be allocated for programs that are part of a comprehensive and coordinated community system of services, including collaborative efforts under the Governor's Prevention Initiative for Children. The grants are primarily to be used for the deinstitutionalization of status offenders, the removal of juveniles from adult jails, and the separation of juveniles from adult offenders, and to address the problems of minority overrepresentation in secure confinement. The grants are also used to assist Tennessee in preventing delinquency and improving the juvenile justice system.

According to state policy, programs that have received a Federal Formula Grant are not likely to receive additional funds after three years of funding. A subsequent application will only be approved if it includes a new program or program component that is significantly different from the previously funded grant. The Federal Formula grant funds may not be used to replace funds from other sources. In addition, each grantee must file a quarterly progress report with the Tennessee Commission on Children and Youth.

Title V Grants

The Title V Grants are annually awarded start-up grants intended to provide an incentive for development of delinquency prevention programs at the local level. Grants may be awarded for a total of three years. Renewal is not automatic but is contingent upon satisfactory performance and on availability of funds. Each grantee must file a quarterly progress report with the Tennessee Commission on Children and Youth.

Juvenile Accountability Block Grants (JABG)

The JABG funding is for use by the states and by local units of government to promote greater accountability in the juvenile justice system. During 2001, administration of the JABG program in Tennessee was transferred from the Department of Children's Services to the Commission on Children and Youth. The state is given a sum of money which is divided into two types of distribution for JABG funds: local pass-through funds which account for 75% of the money and state-allocated funds which account for 25% of the funds. The pass-through funds are allocated among units of local government using a formula based on juvenile justice expenditures and the number of violent crimes. The state-allocated funds are used to benefit those areas that were not eligible to receive pass-through funding. The funds are available for 16 program areas, and a ten percent cash match is required when applying for these funds. The commission covers the match for state-allocated grants.

Source: Commission on Children and Youth Grant Information Sheets.

Subjective and Inconsistent Grant Application Scoring Process

Based on observation of grant review committee meetings and a review of grant review committee meeting minutes, the commission's process for scoring grant applications appears subjective and inconsistent. We obtained copies of the commission's grant scoring sheets, which rate the applicants in the categories of budget justification, project narrative (which includes background/need, project implementation, project evaluation, project personnel, past accomplishments, and future funding strategies), and originality of the application. The first step in scoring applicants is a review of the applications by the commission's juvenile justice staff. The reviewers rely heavily on the scoring sheets to determine an applicant's worthiness of being considered for funding. However, in the scoring process there is not an objective way to deduct points if an applicant is deficient in a category area. For example, if an applicant is deficient in the category of project implementation (which consists of seven criteria the applicant should meet), it is possible each reviewer would identify similar deficiencies but deduct different numbers of points.

The second step in the process is a review of the applications by a grant review committee for Federal Formula funds and Title V funding or the Juvenile Crime Enforcement Coalition (JCEC) for JABG funding. During the JCEC meeting and Federal Formula grant review committee meeting, commission staff presented the scores from the juvenile justice staff's reviews to committee/commission members, as well as staff's comments regarding the applications' deficiencies. Committee/commission members then score the applications. This second step in the process also raised concerns about inconsistencies in the scoring of applications. The scores for applicants with similar negative comments may vary significantly, and some applicants with fewer deficiencies appear to be scored lower overall. Our concerns were also noted by some committee/commission members who commented on the lack of guidance for scoring the applications and the need for additional guidance.

Award of Funding Without Grantee Submitting an Application

During the June 2005 JCEC meeting, members discussed the \$250,000 in surplus JABG funds the commission allocated to develop an information system that would enable the commission to collect accurate and relevant juvenile statistics information. The money was initially set aside for the grantee in summer 2004, but the money was not expended in fiscal year 2005. During the 2005 meeting, some of the committee members had questions as to the uses of the money since the grantee being awarded the money was merging with another agency and no plan for spending the money had been developed. (As of June 2005, the grantee had not yet submitted a grant application detailing how the funds would be used.) The federal and state guidelines state that each grantee is to submit an application listing prior accomplishments, goals and objectives, and operations information to attest to the agency's ability to expend the funds in an efficient and effective manner. In early October 2005, after the auditors had requested additional information from both the commission and the grantee describing how the money would be spent, auditors obtained from the grantee a copy of a two-page project proposal that briefly described the project's goals and objectives and initial project costs.

Because of the type of project and the grantee's specialized knowledge and access (see below), some variation in the process may not be unreasonable. It is important, however, that the commission has clear and specific information about the grantee's goals and objectives and how the funds will be spent. In addition, departure from the normal application process and from federal and state guidelines, raises concerns not only about a lack of compliance with procedures but also about inconsistent treatment of potential grantees and the appropriateness of the commission's and the grantee's actions.

Although Current Grantees Received Priority for the Next Year's Funding, It Was Unclear How Closely the Grantees' Previous Success/Effectiveness Was Considered When Making Funding Decisions

Based on auditors' reviews of grant review committee documents and observation of committee meetings, it seems very clear that the previous year's grantees are given priority in the awarding of grant funds. We noted few instances of a grantee applying for a continuation of funding and not receiving additional funding. In some cases, committee discussions included a clear statement that funding would be limited to continuation grants or that current grantees would be given priority. This focus on current grantees is not necessarily unreasonable, assuming that the grantee's performance is acceptable and the program is meeting objectives and having the desired results. In some cases we reviewed, however, grantees appeared to get continued funding despite questionable performance and results. Funding new grantees or different types of programs, and even focusing efforts in different areas within a region, could potentially help the state achieve better results for children and youth. In addition, our review raised questions about how much quality information regarding grantees' performance was available to grant review committee members and the extent to which the committees used available information (beyond that provided by the grantees in their applications).

We reviewed grantees' quarterly reports to determine grantees' self-reported success in meeting objectives. Some grantees continued to receive funding despite not meeting a number of objectives. In addition, as noted in finding 4, some grantees' quarterly reports did not provide clear descriptions of objectives or whether/how objectives were met. Of particular concern was the Tennessee Council of Juvenile and Family Court Judges' lack of success in meeting its objectives. Concerns were also noted in the commission's 2004 monitoring review of the council. In addition to the years we specifically reviewed, commission documents show that the council's information systems program had received funding since fiscal year 1996. We recognize that this program is somewhat different from other programs because accurate juvenile justice statistics from courts statewide are vital and only a very limited number of entities with specialized and needed knowledge and access could meet the funding objectives. However, the apparent continued lack of progress raises the issue of the need to reevaluate this continued funding. See finding 2 for information regarding weaknesses in the state's system for obtaining comprehensive, accurate, and comparable juvenile justice data.

As part of their grant application, entities provide information on past accomplishments. However, this information (based on our review of applications) appeared to be fairly general. (That is, the information typically included did not detail specific quantifiable outcomes, as

compared to specific goals and objectives.) For applicants that have previously received funding from the commission, commission staff could access information from quarterly reports and commission site visits and/or monitoring reviews. (See finding 4 regarding the quality of the quarterly reports and site visit reports.) Based on auditors' observation of grant review committee meetings and review of committee meeting minutes, however, it appeared that committee members relied largely on information in the application and less often on additional specific information about the applicant's prior performance. We did observe some instances (usually if grant committee members had concerns or were not in total agreement) where committee members questioned commission staff or others with firsthand knowledge about the applicant. We did not observe (or see evidence in meeting minutes) that committee members reviewed specific performance reports such as quarterly reports, site visit reports, or monitoring reviews. Commission staff confirmed that site visit and quarterly reports are not used in grant reviews, unless there is some sort of a problem or question.

Given the focus on continued funding of the same grantees, it seems particularly important that grant review committees review and discuss all available performance information before making decisions to fund applicants for additional years.

Recommendation

The commission should develop more specific scoring guidelines (e.g., guidance on how many points to deduct for certain types of application deficiencies) to assist grant reviewers and improve consistency in the scoring of grant applications.

The commission should require that all potential grantees follow the normal application process, so that grant review committee members have the necessary information before making funding recommendations, and that all applicants are treated consistently.

The commission should work with grant review committee members to ensure that, before grantees are awarded continuing funding, each grantee's performance has been reviewed (using available site visit and quarterly reports) and adequately discussed. The commission and grant review committee members should review applicants' goals and objectives thoroughly during the grant review process to ensure that goals and objectives are clear, reasonable, measurable, and outcome-focused.

Management's Comment

We concur. The Tennessee Commission on Children and Youth believes grant award processes can always be improved and is committed to fairness and reasonable consistency in the process. Each issue identified regarding the grant award process is addressed below.

Subjective and Inconsistent Grant Application Scoring Process

Tennessee Commission on Children and Youth (TCCY) Grant Review Committee (GRC) members are from various parts of Tennessee and have varied personal and professional backgrounds that influence their scoring of applications. As detailed in the example below and as recommended, the commission has established more specific scoring guidelines to assist grant reviewers and improve consistency in the scoring of grant applications.

However, ultimately the impact of variations in scores by individual grant reviewers is minimized by the process of taking the scores of all who reviewed the grant and averaging them to obtain a final score for use in funding decisions. Therefore, a reviewer with high expectations who consistently scores applications lower will be counterbalanced by a reviewer with different expectations who consistently scores applications higher.

Specific scoring guidelines have been developed for each section of the Application Review Guide, as illustrated in the example below for “Budget Justification,” which has been assigned a maximum of ten points. The number of points assigned to each criterion under “Budget Justification” provides guidance on how many points to deduct if the criterion is absent or inadequate. See Appendix 2 for a copy of the “Federal Formula Grant Application Review Guide.”

Example - Budget Justification	Maximum 10 points
Detailed accurate budget is included.	4 points
Budget narrative explains in detail the need for each line item.	4 points
Number of children to be served with the cost per child is included.	2 points

However, even with these more specific scoring guidelines, it is likely some grant reviewers will deduct varying levels of points for each grant. Below are examples of reasons for variations:

- There may be a detailed budget with an inaccuracy in totaling. Different grant reviewers may deduct different amounts of points.
- General information may be in the budget narrative, but more detail may be needed. One rater may give the applicant 3 points and another rater may give the applicant 2 points, depending on their perspective on the importance of the deficiency.
- The number of children served and cost per child may be included, but it may not have been calculated correctly, resulting in different readers deducting different amounts of points.

Another section of the review guide addresses goals and objectives. The applicant may provide three objectives, with only two of them time-bound and measurable. Therefore, raters may give the applicant different points.

Even with specific scoring guidelines, it will still be up to the grant reviewer to determine how many points to deduct from the maximum allotted points. It is virtually impossible to eliminate all inconsistencies in the application scoring process, but as previously mentioned, averaging scores across grant reviewers minimizes the impact of each score.

Corrective Action

- TCCY has developed a review guide for each type of grant awarded, which has a point breakdown for each section of the score sheet, indicating specific points for each requirement of the section.
- TCCY will provide training to the GRC members each year to help them understand what to look for when determining deficiencies or requirements and how to determine scores.

Award of Funding Without Grantee Submitting an Application

The only funding allocated without a grantee application has been to other state departments or agencies. All funding to local governments or private, not-for-profit agencies requires an application. Because funding between state governmental entities can be accomplished through the journal voucher process without an application or contract, the Commission has not required an application in these circumstances.

In 2004, the Juvenile Crime Enforcement Coalition (JCEC) set aside \$250,000 of Juvenile Accountability Block Grant (JABG) residual funds to develop a better data information system than the one the Tennessee Council of Juvenile and Family Court Judges (TCJFCJ) was using for juvenile courts. At the same time, the JCEC also designated \$50,000 for the Department of Children's Services (DCS) to use for convening a Juvenile Justice Reform Workgroup to help identify better ways to serve juvenile justice youth in the custody of DCS.

At the beginning of 2005, before the TCJFCJ could develop and implement a plan for the \$250,000, a decision was made to transfer staffing for the TCJFCJ from an independent agency to the Administrative Office of the Courts (AOC). TCCY then began working with the AOC to develop a better data collection system. No grant application was submitted to TCCY by the AOC due to the policies and procedures established for agreements between state agencies as only a journal voucher is necessary for financial transactions between state agencies for services performed.

At the time of the 2005 JCEC meeting, the AOC had not performed any services or incurred any costs requiring reimbursement, so no funds had been expended on the data system project. The AOC did submit a project proposal on October 6, 2005, regarding how funds would be expended for the development of the new information system. The proposal was acceptable.

To date, TCCY has not been invoiced for the services on the project. Until the invoice is received, no funds will be paid to the AOC.

Likewise, TCCY staff consulted with DCS staff in developing the Juvenile Justice Reform Workgroup, called “Justice for Juveniles,” to develop recommendations for improving juvenile justice services. The task force was appointed, and met several times to develop recommendations. The costs of this process were reimbursed to DCS through the journal voucher process.

Corrective Action

- TCCY will require an application whenever funds will be awarded to a local government or private not-for-profit agency, as it always has.
- When allocation of funds is to another state governmental entity, TCCY will work with the entity in the planning and execution of the project, and will provide reimbursement upon the receipt of a proper journal voucher reflecting expenditures for implementation of the project.

Although Current Grantees Received Priority for the Next Year’s Funding, It Was Unclear How Closely the Grantees’ Previous Success/Effectiveness Was Considered When Making Funding Decisions

The Tennessee Commission on Children and Youth considers it a priority to fund continuation grantees when possible and appropriate in order to continue effective programming and to prevent the interruption of services to youth in local communities. TCCY therefore concurs with the following observation in the performance audit, “The focus on current grantees is not necessarily unreasonable, assuming that the grantee’s performance is acceptable and the program is meeting objectives and having the desired results.”

TCCY does not assume a program is doing a good job, but seeks to verify effective services by: 1) onsite monitoring and desk reviews of programs to make sure they comply with contracts in meeting goals and objectives specified; 2) requiring quarterly reports from grantees which indicate progress with participants and reviewing those reports to verify grantees are on track; and 3) providing technical assistance to grantees to enable programs to be more effective in the community.

In addition, the Grant Review Committee (GRC) reviews program files of continuation grantees to see if funds should be continued, reduced, or suspended based on the following factors: 1) progress in meeting goals and objectives; 2) findings identified during a monitoring review, if any, and submission of a corrective action plan, if required; and 3) any problems with the grantee identified by juvenile justice staff.

Once a program is determined to lack consistent progress toward goals, continuation funding is not provided. There have been several grantees over the years that have not received continuation funding due to lack of progress.

Beginning with the October 2005 Title II federal formula grant cycle, TCCY gave priority to applications that proposed to implement evidence-based programs. Also, performance measures became a part of the application requirements, mandating applicants to establish clearer, more measurable and time bound goals and objectives. In 2006, applicants for all funding sources were required to pattern their projects after an evidence-based program and to submit performance measures established by OJJDP.

Corrective Action

- All continuation files will be available for the Grant Review Committee and the Juvenile Crime Enforcement Coalition review concerning progress of programs when they meet to make funding decisions each year.
- Grantees will continue to be required to submit reports on a quarterly basis indicating progress toward meeting performance measures regarding the effectiveness of their program.
- Documentation regarding each continuation grantee's performance will be reviewed by the Grant Review Committee to ensure, before grantees are awarded continuation funding, that each grantee's performance has been reviewed and adequately discussed.
- Each applicant's goals and objectives will be reviewed thoroughly during the grant review process to ensure goals and objectives are clear, reasonable, measurable, time bound and outcome focused.

2. The commission still does not have access to a comprehensive information system that tracks comparable juvenile justice statistics for all Tennessee counties

Finding

To maximize the effectiveness of its use of staff, advocacy efforts, and distribution of federal and state dollars, the commission needs comprehensive, accurate juvenile justice data. Such data can help the commission focus on the localities, types of facilities, and types of juveniles (e.g., by age groups, ethnic group, economic and family status) most in need of juvenile-justice-related programs. The commission has relied on the Tennessee Council of Juvenile and Family Court Judges (TCJFCJ), now merged with the Administrative Office of the Courts (AOC), for statistics from Tennessee's juvenile courts. Since fiscal year 1996, the commission has awarded the TCJFCJ grant money for the purpose of helping to train court staff and to develop and improve the TCJFCJ's Juvenile Information System. However, based on interviews with commission staff, Administrative Office of the Courts staff, and advocates, and our reviews of relevant reports and juvenile statistics information, there does not appear to be an adequate, comprehensive information system on which the commission can rely.

Some of the concerns we identified included:

- problems obtaining detailed, timely information from the juvenile courts;
- lack of standardization of juvenile court information causing reporting issues; and
- the inadequacy of the current juvenile justice information system and the resulting need to develop a new system.

A 2003 report by Tennessee State University's Office of Business and Economic Research, College of Business, noted variations in the quality and consistency of information contained in the juvenile court case files. There were significant gaps in the data from the counties, with critical information not completed on standardized forms. The information was, as a result, unavailable to researchers, as well as to juvenile court staff, judges, and probation officers. The Office of Business and Economic Research noted that few counties use uniform assessment tools to evaluate juveniles, the risk they may pose to the community, and the appropriate treatment options, and even those counties with uniform assessment tools didn't always completely or accurately fill out the forms.

The Tennessee State University researchers encountered significant delays, unwilling participants, and in some cases, refusal to cooperate when researchers attempted to obtain necessary raw data from the Tennessee Council of Juvenile and Family Court Judges (TCJFCJ) and individual juvenile courts. In light of these difficulties, the researchers recommended the commission secure the cooperation of the TCJFCJ and other juvenile courts before awarding grants for research.

Information we obtained from the TCJFCJ's annual reports and interviews with advocates, researchers, and AOC staff also revealed problems with data accuracy and completeness of juvenile justice data supplied by the TCJFCJ's Juvenile Information System.

According to commission staff, a new information system is in the process of being developed to rectify the current data issues. The new system is being developed by the Administrative Office of the Courts and is currently in the Joint Application Development (JAD) phase. The JAD process is designed to bring together users/clients and Information Technology professionals in a workshop environment for planning the new system and lessening the potential for mistakes within the new database. With the new system just in the planning phase, there is no way of knowing what the new system will involve. In addition, a date of completion of the system has not been set.

Recommendation

The commission should work closely with the Administrative Office of the Courts to make sure the training needs of juvenile court staff are met and the new information system is developed as timely as possible and current data problems are addressed. Commission staff should work with the Administrative Office of the Courts and with juvenile courts statewide to

ensure juvenile court staff are documenting juvenile case information appropriately and have the technological capability to distribute this information to stakeholders in a timely manner.

Management's Comment

We concur. The Tennessee Commission on Children and Youth has worked with the Tennessee Council of Juvenile and Family Court Judges (TCJFCJ) for many years in an effort to improve the juvenile justice data system in the state in order to collect adequate data from all juvenile courts. This information is essential for preparation of the three-year plan required for continued eligibility for Federal Juvenile Justice and Delinquency Prevention Act funds and for establishing priorities to address with federal and state juvenile justice funds.

Over the years, the commission has consistently supported efforts of those with the responsibility for developing and implementing a comprehensive information system for all juvenile courts in Tennessee. This included annual funding to the Tennessee Council of Juvenile and Family Court Judges (TCJFCJ) to improve the Juvenile Information System (JIF). In 2004, TCCY did not award TCJFCJ federal formula grant funds to improve the Juvenile Information System (JIF) due to their lack of progress over the previous four years to improve the collection process with juvenile courts. As an alternative strategy, the Juvenile Crime Enforcement Coalition set aside \$250,000 to help develop a new and better information reporting system for juvenile courts.

When the TCJFCJ became a part of the Administrative Office of the Courts (AOC) in 2005, TCCY immediately began working with the AOC to improve the data collection process. TCCY representatives met with AOC staff to establish collection criteria, priorities for reporting data to be collected and reports needed to meet federal, state and local requirements for information. Additionally, to assist juvenile courts with improved technology for reporting juvenile justice system data, in 2003 TCCY awarded computer grants to 58 juvenile courts to help automate their data collection systems for accurate reporting.

In addition to developing an adequate data collection system, it is also necessary to establish appropriate guidelines for information sharing for juvenile courts when research is conducted regarding juvenile court processes. The performance audit report referenced this issue regarding the efforts of Tennessee State University researchers who “encountered significant delays, unwilling participants, and in some cases, refusal to cooperate when researchers attempted to obtain necessary raw data from the TCJFCJ and individual juvenile courts.”

As a result of these problems, the Report to the Tennessee General Assembly pursuant to HJR 890 by the Select Committee on Children and Youth recommended the following:

- Existing statutory directives regarding collection and submission of data on all types of juvenile court proceedings should be clarified and strengthened.

- Statutory authority should be established to allow for access of data regarding all types of juvenile proceedings for use in valid and legitimate research projects which are approved in keeping with standards of the International Research Board, the results of which should be solely intended to inform policymaking decisions.

Legislation was introduced in 2005 and 2006 to clarify access to juvenile court data for research purposes, but the bills did not pass either year. However, the AOC has been working with juvenile courts to improve the data collected and submitted for statewide compilation and analysis and for appropriate research.

Unfortunately, TCCY has no control over the juvenile court data collection system or the timeliness of its development, but TCCY has provided input on the data and reports needed and allocated funds to help in its development.

Corrective Action

- TCCY will continue to provide funding to the AOC to improve the data collection system for juvenile courts.
- TCCY will continue to provide input to the AOC regarding: 1) type of data to be collected, 2) revised report forms to be used by juvenile courts, and 3) reports needed to determine juvenile delinquency trends.
- TCCY will continue to work with and provide funding to the AOC to make sure the training needs of juvenile courts are met.

3. The local Disproportionate Minority Contact (DMC) task forces show inconsistencies in performance

Finding

According to an April 30, 2003, report prepared by the Tennessee State University Office of Business and Economic Research, minority children from age 10 to 17 are more likely to receive stricter treatment in the juvenile justice system than their white counterparts. Minority children, especially African-American children, are often confined in secure facilities in proportions greater than their proportion in the general population. To address this problem and related federal requirements (see below), Tennessee has (among other actions) developed a statewide task force and several local task forces. A commission staff person has been designated as the State DMC Coordinator. Our review indicates, however, that the performance and activity level of the local task forces varies widely and several of the initially planned task forces are currently inactive.

The Juvenile Justice and Delinquency Prevention Act of 1974 (amended 2002), sets out four requirements for states:

1. Deinstitutionalize status offenders and non-offenders.
2. Separate adult and juvenile offenders in secure facilities.
3. Eliminate the practice of detaining or confining juveniles in adult jails and lockups.
4. Address disproportionate minority contact (DMC) with the juvenile justice system.

Disproportionate contact occurs when members of one minority group come into contact with the juvenile justice system at a greater rate than another minority group or non-minorities. The Juvenile Justice and Delinquency Prevention Act requires states to “address juvenile delinquency prevention efforts and system improvement efforts to reduce, without establishing or requiring numerical standards or quotas, the disproportionate numbers of juvenile members of minority groups, who come into contact with the juvenile justice system.” Contact could be anything from arrest, to placement in secure facilities, to probation.

According to the commission’s *County Resource Manual*, the commission seeks to comply with the above-listed fourth requirement in the following ways:

- collect data to verify DMC in different areas of the state,
- provide education to communities about DMC,
- come up with plans to deal with the problem,
- analyze DMC at different stages in the juvenile justice system, and
- recruit AmeriCorps*VISTA volunteers to coordinate activities for local DMC task forces.

Tennessee’s statewide DMC Task Force, established in 1995, meets at least four times during a fiscal year. The statewide task force initially planned to have seven local DMC task forces, in Davidson, Shelby, Knox, Rutherford, Hamilton, Madison, and Montgomery Counties. Davidson County’s task force was implemented first, in 2002, and during audit fieldwork four local task forces were active (Davidson, Hamilton, Knox, and Shelby Counties). Madison County’s task force had been inactive because of the death of the local chairperson. Rutherford County’s task force never started up, and Montgomery County has only recently begun working on its local task force. In addition, Sevier County, although it does not have a formal task force, has been active in DMC-related issues, led by a local judge who has developed some best practices for courts to help address DMC.

Of the four task forces that were active at the time of our review, one—Davidson—was (according to commission staff) having problems related to the amount of time the chairperson needs to spend to be effective. Each local task force currently receives a \$3,000 administrative budget, and all local chairpersons are unpaid. It may be difficult for a chairperson (and other

members) who may also have full-time, paid jobs to focus daily on task force activities (e.g., educating communities about DMC) needed to meet the task force's goals.

The local task forces can employ VISTA (Volunteers in Service to America) volunteers to help deal with DMC issues. Such volunteers are important because they could perform much of the daily work needed to achieve the task force's goals. The VISTA volunteers receive an approximately \$800 monthly stipend and housing, which are provided by AmeriCorps. At the time of our review, both the Davidson and Knox County task forces were operating without VISTA volunteers. According to commission staff, in general, VISTA volunteers are difficult to find. The position is considered a full-time job, and VISTA volunteers cannot be a student or hold another job during their time as a volunteer.

The local task forces are supposed to meet at least four times a year. There is, however, a lack of consistency in the record keeping from these meetings. For example, we were able to find minutes from many Davidson County task force meetings (more than the required four meetings per year), but the documentation for Knox, Shelby, and Hamilton Counties was incomplete. However, information regarding meetings and progress for these task forces was discussed at Commission on Children and Youth meetings.

In addition to member/staffing-related issues, some task force members raised concerns regarding the need for additional direction from and communication with the Commission on Children and Youth, as well as the need for data from the juvenile courts (see finding 2). Despite the problems, the task forces have taken many positive steps to address DMC. For example, Shelby County's task force has implemented a Memorandum of Understanding (indicating support for the task force's mission and vision and efforts to end disproportionate minority contact) with local stakeholders such as the Director of Police Services, Shelby County's Mayor, the District Attorney, the Sheriff of Shelby County, the Commander of the Memphis Police Department, and the Chief Shelby County Public Defender. The task force also reported using radio and television spots to inform the public about DMC. Commission staff and task force members made several presentations at a judges' training conference, the Joint Conference on Juvenile Justice, held in Chattanooga in summer 2005. Topics discussed included monitoring violations of the mandate concerning the deinstitutionalization of status offender violations, alternatives to secure detention, and the negative effects of secure detention; youth/teen courts; the Juvenile Detention Alternative Initiative; the history of DMC across the country; the Shelby County DMC Task Force; one judge's perspective on DMC; and the results of a cultural sensitivity survey that had been administered to approximately 50 judges.

Recommendation

The commission should assess its current efforts to assist the local task forces and, with input from local task force members, should identify potential actions (e.g., increased communication with the task force and/or community leaders, additional technical or monetary assistance) that could help the task forces meet their goals. In particular, the commission should work with the task forces to develop and facilitate strategies for raising public awareness of

DMC; identifying and communicating with those local leaders who could most impact DMC (e.g., in schools, law enforcement, courts, social service agencies); and addressing the task forces' need for additional volunteers.

The commission should encourage the task forces to consistently submit their meeting minutes to commission staff, and staff should review those minutes to assist them in tracking the task forces' progress and identifying areas where the task forces need assistance.

Management's Comment

We concur. The Tennessee Commission on Children and Youth established a statewide Disproportionate Minority Confinement (DMC) Task Force in 1995 to work on the minority overrepresentation of youth in the juvenile justice system. The DMC Task Force was established as a strategy to address the fourth core requirement of the Juvenile Justice and Delinquency Prevention Act (JJDP) of 1974 and its amendments: Address Disproportionate Confinement of Minority Youth in the Juvenile Justice System. The task force included representatives from across the state to provide input from a variety of perspectives. Information was disseminated to local communities regarding DMC to increase the awareness of community leaders and families about the growing problem.

To increase the activities regarding DMC, TCCY identified the need to address the issue at the local level. In 2000, members of the statewide task force were encouraged to establish local task forces in their areas to focus on minority overrepresentation of youth at the grassroots level. Five local task forces were developed in Davidson, Hamilton, Knox, Madison and Shelby Counties. These task forces were initiated at different times. TCCY provided technical assistance to each task force to help it determine the direction and focus of committees. In addition, TCCY established basic guidelines regarding set up procedures for the task force, types of committees to organize, number of meetings to convene per year, etc.

However, each task force is different and addresses the DMC problem according to local area needs. Therefore, it is not feasible for all local task forces to be consistent in the way they operate. As a matter of fact, the inconsistencies of local task forces reflect the trends of programs across the United States as they address DMC issues. This is stated in the Anne E. Casey Foundation publication "Pathways to Juvenile Detention Reform," a multi-volume guide for juvenile detention reform (www.aecf.org).

In 2002, the JJDP) was reauthorized and emphasis on the fourth core requirement changed from "addressing overrepresentation of minority youth in confinement" to "minority youth that come in contact with the juvenile justice system." With the change in federal legislation, local task forces were encouraged to look at the juvenile justice system from the first point of contact (referrals) to the point where a youth is transferred to adult court.

In 2005, a new local DMC task force was established in Montgomery County where members are reviewing local data from the juvenile court to determine if inconsistencies exist

and how to address any problems discovered. The Shelby County DMC Task Force is addressing school referrals to juvenile court by establishing guidelines of procedures before making referrals. Each task force varies in its approach to DMC depending on its perception of the most critical issue(s) to be addressed at the local level.

TCCY has taken basic steps to help establish local task forces by providing a package of information for the task force chair regarding the history of DMC requirements and efforts and guidelines for setting up committees and involving community leaders.

Additionally, TCCY contracts with the Federal AmeriCorps Vista Program for Vista Volunteers to work with the local task forces to provide staff support to increase community activities regarding DMC and to build relationships with community organizations, law enforcement and juvenile courts. Local task force representatives must make a report regarding their activities at the quarterly statewide DMC Task Force meetings.

If TCCY were funded to provide full-time employees to staff the local DMC Task Forces, we could improve the consistency of their operations. However, it is unlikely the DMC Task Forces will ever have a high level of consistency even if they were staffed, because they are likely to always be at different stages of development, they are focused on different issues depending on local concerns, and they will always be dependent on the commitment, time and energy of the local members of the task force, which are likely to vary substantially both from area to area and from time to time. All of these issues that contribute to inconsistencies are largely beyond the control of the Tennessee Commission on Children and Youth.

Corrective Action

- TCCY will include discussion on the statewide DMC Task Force agenda of potential actions to help local task forces better meet their goals, and TCCY will follow-up as appropriate.
- TCCY will require local task forces to submit minutes from their meetings on a quarterly basis.
- The statewide DMC Coordinator will review the minutes and provide technical assistance when identified as necessary or when requested.
- To the extent scheduling and funding permit, the DMC Coordinator will attend the local task force meetings and provide input on their procedures and activities for reducing the overrepresentation of minority youth in the juvenile justice system.

- 4. The commission's monitoring of grantees needs improvement to ensure commission staff (and other stakeholders) have accurate and in-depth information on grantees' activities and the extent to which they met goals and objectives**

Finding

Reviews of quarterly reports submitted by grantees and site visits of grant recipients are essential commission tools for monitoring the performance of grant recipients. However, our review of the content of reviews of quarterly reports and site visit reports raised concerns about the effectiveness and usefulness of these reports. Without effective monitoring, a grantee's performance could potentially be below agreed-upon standards and go unnoticed. As a result, grantees whose programs do not provide the desired outcomes could continue to receive funding, while other applicants whose programs might result in more positive outcomes for children and youth do not receive any of the limited funding available.

According to the commission's April 2004 County Resource Manual, grantees should complete quarterly reports detailing their performance at the end of each fiscal year quarter. The quarterly reports, along with quarterly expenditure reports, should be complete and received by the commission before the grantee can receive funds for the next quarter. In addition, commission staff should perform a site visit and complete a site visit report of each Federal Formula, Title V, and JABG grantee each year that the grantee receives funding. These reports should be complete before the grantee turns in an application for the next year's funding. Pursuant to the requirements of the Department of Finance and Administration's Policy 22 concerning subrecipient contract monitoring, the commission also conducts program monitoring reviews (desk reviews for smaller, less risky grants and on-site reviews for larger grants).

Quarterly Reports

As noted above, grantees are required to submit to the commission quarterly reports within 30 days after the end of the reporting period (i.e., by November 1, February 1, May 1, and June 25). As part of our file reviews, auditors attempted to determine whether grantees submitted the quarterly reports in a timely manner. We found documentation that almost all of the quarterly reports had been submitted. The timeliness of the report submissions was more difficult to determine because, although commission staff are supposed to date-stamp the reports when received, date-stamping did not always occur. Of the reports that were date-stamped, however, most were submitted timely. Timely reports are important because they can help the commission determine a grantee's progress in meeting goals and objectives and can alert the commission to potential problems with the grantee.

Auditors also reviewed quarterly reports to determine the types of information provided and whether the grantees' stated goals and objectives were clear, quantitative (with time frames and expected outcomes), and focused on outcomes (e.g., what positive results will be achieved because of the grantee's programs). Our review identified concerns about the usefulness of the quarterly reports as a monitoring tool because, in some cases, little documentation of reported results was provided, and goals and objectives were vague and not easily measurable. For

example, one grantee listed as an objective “to counsel and educate for youth rehabilitation.” The objective does not specifically mention the number of contacts, does not provide a time frame when goals would be met, does not specify what constitutes a met objective, and makes it difficult to substantiate what is an acceptable number of contacts or result. In some other instances, objectives reported were inconsistent with goals set in the grantee’s initial project narrative or objectives were reported as met, but no documentation was provided and/or information provided did not clearly support that conclusion. It did appear that, in the last few years, the grantees’ objectives have improved and are more specific and outcome-focused than in earlier years reviewed.

Site Visit Reports

As part of the file reviews of grant recipients, auditors reviewed documentation of commission site visit reports. According to commission staff, the purpose of these site visits is to provide an opportunity for the commission’s Juvenile Justice staff to view grantee activities and provide technical assistance as needed. Our review determined that site visit reports were not always adequately completed. The site visit reports were not presented in a standardized format and raised questions about the usefulness of the reports’ comments and the accuracy of the information that they report. Many of the reports were limited to several general questions asked of the grantee (e.g., describe the effect the program has had in the community, any changes to the program, technical assistance received and needed in the future, etc.). The questions failed to provide an adequate, in-depth look at the grantee’s performance but provided more of a surface overview.

Auditors also reviewed documentation of some program monitoring reviews, which appeared to focus more directly on the grantees’ performance and whether they were meeting the goals and objectives outlined in their grant application project narratives. In a particular year, some grantees may receive both a site visit and a program monitoring review. If, however, a grantee receives only a site visit focusing on technical assistance and general information, up-to-date and in-depth information on grantee performance may not be available when grant review committees are considering applications and making funding decisions.

Conclusion

Information obtained through a review of quarterly reports and through site visits should be vital to grant review committees in making funding decisions. Current grantees’ success in meeting goals and objectives and achieving desired outcomes should be essential to the committees in deciding whether a particular grantee should continue to receive funding as well as whether a certain type of program is having the expected and desired results for children and youth. In order for this process to be effective, however, the information obtained through both quarterly reports and site visits must be timely and focused on the grantees’ effectiveness and results. Furthermore, the information obtained must be available to grant review committees and should routinely be considered when making funding decisions. (See finding 1 for information regarding concerns about the commission’s process for awarding grants.)

Recommendation

Commission management should ensure that grantees submit quarterly reports as required in order to provide a record of the grantee's past achievements that is available in sufficient time and detail to be effectively used when grant review committees make funding decisions. Commission staff should always date-stamp quarterly reports when they are received to document grantees' timely (or non-timely) submission of reports. Management should provide training regarding the expected information to be obtained from a commission staff member's site visit and should require that staff conduct site visits using a standardized format which would provide a more in-depth analysis of a grantee's performance. Commission staff should ensure that grantees' goals and objectives are clear, quantitative, and outcome-focused. Staff should closely review quarterly reports to ensure grantees' activities are consistent with agreed-upon goals and objectives and that documentation regarding met goals is provided whenever possible. Commission staff should work with grantees to address problems with performance and should require corrective actions as needed.

Management's Comment

We concur. The Tennessee Commission on Children and Youth is committed to efforts to improve grantee monitoring through quarterly reports and site visits. The Commission is also committed to reasonable efforts to maintain compliance with the requirements of Finance and Administration, Policy Statement 22, *Subrecipient Monitoring*.

This performance audit was conducted essentially during the same time as TCCY's most recent financial audit which was through May 31, 2005, and released in September 2005. This finding is very similar to the following finding included in the financial audit: "Controls over monitoring of grant contracts are not adequate." TCCY immediately began to implement steps to address the financial audit finding, but the timing was too late for improvements to impact the performance audit finding.

TCCY concurs that ". . . site visits and a review of quarterly reports should be vital to grant review committees in making funding decisions." As discussed in the response to finding 1, this is why files of continuation grantees are always available during the Grant Review Committee (GRC) meetings so progress reports, program monitoring site visit reports and desktop reviews, and Juvenile Justice Specialist onsite visit reports can be reviewed before determining an award. Also, the Program Monitor provides a summary to the GRC for each grantee monitored.

Corrective Action

Quarterly Reports:

- Quarterly progress reports will continue to be required from all grantees prior to processing claims for reimbursement.

- TCCY staff will make more concerted efforts to ensure dates are stamped on quarterly progress reports when they are received.
- Staff will make quarterly reports available for consideration by the Grant Review Committee when it meets to develop funding recommendations to the full Commission.

Site Visits by Commission Staff:

- TCCY Juvenile Justice (JJ) Specialists conduct onsite visits of Title V, FFG, JABG, and EUDL programs to provide technical assistance and view the program activities.
- A copy of the onsite visit report is kept in central office by the Juvenile Justice Director and a copy is placed in the grantees' grant file.
- Copies of onsite visit reports are therefore available for the Grant Review Committee when it considers continuation applications.

5. The state has two Ombudsman programs to deal with children's issues, which may cause confusion for the public and may lead to duplication and inefficiency in resolving complaints

Finding

In August 1996, the Tennessee Commission on Children and Youth (TCCY) developed an Ombudsman Program to investigate and resolve complaints made by children, families, care providers, case workers, or case managers that could not be resolved through normal remedies. According to TCCY's website, "the Ombudsman Office is an external problem resolution mechanism for children in the custody of the Department of Children's Services (DCS) or placed in the DCS kinship care/relative caregiver program." The TCCY program is made up of two Ombudsmen who are trained as Alternative Dispute Resolution (ADR) Tennessee Supreme Court Rule 31 mediators and follow the United States Ombudsman Association (USOA) standards. Tennessee Supreme Court Rule 31 was enacted in 1996 (and amended in 1997), to establish trained ADR mediators and "neutrals" that the court can use for case resolutions. The rule details training requirements and establishes a statewide resource for locating certified mediators.

In 2004, DCS created an Ombudsman program whose purpose is also to resolve DCS complaint cases. According to the DCS webpage, the "DCS Ombudsman investigates complaints regarding programs administered by the department, recommends corrective action when appropriate and tries to resolve issues related to a child's safety and placement." Currently, the DCS program is made up of four caseworkers who are not trained as ADR Rule 31 mediators, and the program does not appear to be based on USOA standards. Neither the DCS nor the TCCY Ombudsman program is established by statute.

Our review determined that there is a possible duplication of services between the two programs. Both programs are concerned with the resolution of DCS-related case complaints, and both consider themselves to be the official Ombudsman contact. Ombudsman staff from both TCCY and DCS stated that they work active cases to resolve disputes which involve parents, children, and DCS case personnel. According to the description of TCCY's program in an Office of Juvenile Justice and Delinquency Prevention bulletin on state Ombudsman programs, "On initial contact, the ombudsman will determine whether the caller has attempted to resolve his or her concern through administrative means because the ombudsman program is not designed to supersede existing complaint or grievance systems within the social services and juvenile justice systems. However, if the caller has made reasonable efforts to address the issue, the ombudsman may step in and initiate an investigation." Staff from both the TCCY and DCS programs acknowledge, however, that they have no protocol for working together, that formal communication lines do not exist, and that informal communication occurs only on occasion. TCCY Ombudsmen stated that they have taken cases that were currently being worked by DCS but that, generally, in such instances, they release these cases and allow DCS to proceed once they learn of their involvement. Both staffs stated they have worked together on a few cases in the past and that communication has recently begun to increase. However, both acknowledge that duplication of services is a real possibility and there is no policy or procedure to avoid duplication.

In addition to duplication of services, the existence of two Ombudsman programs may be confusing to the public. Staff from both programs agreed that the public may not understand that two different programs exist or may be confused about which entity to contact. The public learns of the DCS program through either the DCS website, from local case managers, legislators, or the Governor's office. There is no reference to the TCCY Ombudsman program on the DCS website and, according to the director of the DCS program, DCS case managers are not required to refer cases to TCCY. In comparison, most people learn about the TCCY program through either previous referrals, the TCCY website, or through a flyer included in the DCS information packet. According to DCS, information on its Ombudsman is not included in the information packet. Nevertheless, the result is that the DCS program is receiving the majority of referrals. DCS reports that from July 1 through September 26, 2005, the program received 391 cases with 154 cases active (i.e., requiring a case resolution) in September. In comparison, the TCCY program received 28 cases during the same time period with only 5 active cases during the month of September. In its annual report dated January 2005, the TCCY program reported receiving 95 active cases and 73 information-only cases (usually concerning children not in state custody) in calendar year 2004.

Since there is not a designated primary Ombudsman program, it is not clear to the public which to contact and for what purpose. Furthermore, since there is not a formal protocol for communication, a shared database, an agreed policy for handling cases, or clearly identifiable differences, it is possible TCCY and DCS frequently work the same cases and have clients who view them as the same entity, rather than two different programs.

According to the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention, one of the key requirements for being a true and effective Ombudsman program is to

ensure organizational independence. In its annual report, the TCCY Ombudsman program reported following the United States Ombudsman Association (USOA) standards. The USOA standards focus on four key areas: Independence, Impartiality, Confidence, and Credible Review Process. The TCCY Ombudsman program appears to comply more closely with the standards because the program is independent of DCS, has trained professional mediators, and appears more impartial, without influence from DCS oversight. Two components of the USOA's Independence standards could, if implemented by the state, help increase program legitimacy and aid in resolving confusion:

1. The Ombudsman's authority should be established by law. Establishment of the Ombudsman in an organic legal document such as a constitution or a charter provides the ultimate stature and protection. Creation by legislation through statute or ordinance gives the Ombudsman a sturdy, enduring existence.
2. The Ombudsman should be appointed by an entity not subject to the Ombudsman's jurisdiction and which does not have operational or administrative authority over the program(s) or agency(ies) that are subject to the Ombudsman's jurisdiction. Appointment by a legislative body is the preferred means to ensure independence.

Recommendation

The General Assembly may wish to consider reviewing the state's two Ombudsman programs dealing with children's issues and determining (1) whether two such programs are necessary and (2) if not, which program should continue to exist or, if both programs are needed, how responsibilities should be divided between the two programs. The General Assembly may wish to consider defining the purposes and responsibilities of the Ombudsman program(s) in statute. Such a definition could help decrease duplication of activities and improve the public's understanding of the Ombudsman program(s). If two programs are maintained, one possibility might be for the DCS program to focus on first-time complaints and information requests, with the TCCY Ombudsman responsible for investigating and mediating difficult-to-resolve or recurring cases that would benefit most from an impartial, independent Ombudsman.

Tennessee Commission on Children and Youth management and Ombudsman program staff should work with Department of Children's Services management and Ombudsman staff to develop lines of communication and establish case protocols that would allow each program to handle its cases more efficiently without duplicating actions taken by the other program.

Management's Comment

We concur. The Tennessee Commission on Children and Youth is committed to the provision of a quality Ombudsman program for children in state custody or relative placements.

This commitment has been reflected in TCCY Ombudsman staff participation in the United States Ombudsman Association (USOA) and completion of training to become certified as a Rule 31 mediator. TCCY Ombudsmen's extensive involvement in the USOA led to TCCY hosting the USOA Annual Conference in Nashville in September 2005.

TCCY agrees the current situation can cause confusion for the public and may lead to duplication of services and inefficiency in resolving complaints, though we are not sure this has happened very often.

As documented in the performance audit finding, TCCY has had an Ombudsman program since 1996. The Department of Children's Services has had an internal complaint resolution process since it was created, also in 1996. However, two years ago the name attached to this unit was changed to "Ombudsman" and this renaming and the potential confusion and perception of duplication has been of concern to TCCY since that time. The TCCY executive director discussed the concern with DCS officials regarding potential problems of having two programs with the same name, also focusing on standards, as cited in the report that Ombudsman programs should be independent. However, DCS remained unmoved in the determination to call their dispute resolution program the "Office of the Ombudsman."

One of the key elements of an effective Ombudsman program is autonomy. It is very important that citizens have an independent third party who can intervene when they are unable to resolve disputes with a government agency. In many of these situations, trust levels are low and fears of retaliation are high. These factors make it essential that an independent third party is available to intercede.

TCCY believes its current statutory provisions authorize it to implement an Ombudsman program under a variety of provisions, including TCA 37-3-103(a)(1)(D): "Advocate and coordinate the efficient and effective development and enhancement of state, local and regional programs and services for children and youth." Utilizing a mediation approach, the TCCY Ombudsmen do in fact advocate for and coordinate efficient and effective services for the children and youth who are the subject of Ombudsman referrals. TCCY would support the suggestion in the finding and support legislation to specifically add authority for its Ombudsman program to the agency's powers and duties as set out in TCA 37-3-103.

Corrective Action

- TCCY executive director will discuss this finding with DCS management staff.
- TCCY Ombudsman program staff will contact the DCS Office of the Ombudsman to arrange meetings to discuss ways to develop better lines of communication.
- TCCY Ombudsman program staff will also explore with DCS Office of the Ombudsman staff the possibility of establishing case protocols.
- TCCY will also cooperate fully with any review that the General Assembly may want to conduct.

6. Some commission members have excessive absences from commission meetings

Finding

Section 37-3-102(c), *Tennessee Code Annotated*, includes a provision for removing commission members with consecutive absences from commission meetings. Following a member's three consecutive absences, the chair may request that the Governor declare a vacancy and fill the unexpired term. The commission's policies state that extenuating circumstances may be considered and that one absence may be excused per year based on cause. In addition, it appears youth members may be given more latitude in their absences because of the difficulty in finding youth members to serve on the commission. However, our review of commission meeting attendance records for calendar years 2002, 2003, and 2004 indicate excessive absences for a number of commission members, not just youth members.

The Commission on Children and Youth's meetings typically consist of two consecutive meeting days, with the first day comprised of meetings by standing or ad hoc committees and the second day consisting of the full commission meeting to take roll, approve prior meeting minutes, hear committee reports, and vote on grants if necessary. The standing committees, which address items and provide information vital to commission operations, include the Executive Committee, Legislative Committee, Audit Committee, Budget and Data Committee, Children Services Committee, Councils Committee, and Juvenile Justice/Minority Issues Committee and are significant in the operation of TCCY. These committees then bring pertinent items (e.g., pay increases, suggested commission budget improvements, legislative matters affecting children and youth) before the full commission for approval.

After discussions with commission staff, we evaluated commission member attendance in two ways: (1) only including attendance on the second day of a two-day meeting when counting absences and (2) including both days of a two-day meeting in our analysis. Some staff only consider the second day of the commission meeting the actual commission meeting. However, excessive absences from standing committee meetings can hinder the progress of the committees and the commission if members are not present to address problems and proactively set priorities for the full commission. When we considered only the second day of the two-day meetings, the number of commission members (both total number and youth members only) who had three or more consecutive absences in a calendar year was as follows:

Calendar Year	Commission Members With Three or More Consecutive Absences	Youth Members With Three or More Consecutive Absences
2002	11	4
2003	5	2
2004	3	2

When we included both days of the two-day commission meetings in our analysis, the number of members with three or more consecutive absences increased as follows:

Calendar Year	Commission Members With Three or More Consecutive Absences	Youth Members With Three or More Consecutive Absences
2002	14	4
2003	12	5
2004	8	3

Under both scenarios, the attendance has improved from calendar year 2002 to calendar year 2004. The numbers still raise concerns, however, and, only one person (a youth member) has been removed from the commission. This removal occurred in June 2005. One non-youth member had three consecutive absences (under both scenarios) in each of the three years reviewed. Members who are committed to attending meetings, as well as being qualified, are necessary to ensure that quorum requirements (one-third of members) are met and that all regions of the state (and a variety of different perspectives) are represented when setting the direction for and executing the plans of the commission.

Recommendation

The chair of the commission should emphasize to commission members the importance of regular attendance at both committee and full commission meetings. While some latitude may be given to commission members who miss meetings, particularly for cause, consistent absences should be addressed to avoid developing an atmosphere of acceptance related to member absences.

Management's Comment

We concur. Historically, the Tennessee Commission on Children and Youth has had some members who have had excessive absences. This is distressing to both staff and other members who attend regularly, including the current chair. Though attendance varies from meeting to meeting and, as noted in the performance audit, even day to day for the two-day commission meetings, attendance overall at commission meetings has improved in recent years.

The current chair was appointed in Summer 2003 and has consistently emphasized the importance of members attending meetings on a regular basis both at meetings and in e-mail messages to members. During her tenure as chair, she has asked for one member to be replaced for non-attendance. She has also written a letter to another member indicating she would request replacement if the member missed the next meeting, as well as reminding that member via email of the possibility of asking for a replacement.

In other cases, the chair did not request replacement for members who had missed three consecutive meetings because of the difficulty receiving a timely replacement when non-

attending members were near the end of their three-year terms. Several members who did not attend regularly were also near the end of the maximum total time they could serve, and therefore would not be eligible for reappointment. For those who were eligible for reappointment but did not attend regularly, the chair requested a new member be appointed when the term expired in an effort to have members who would be more regular in their attendance. The current chair has also made it a point to remind members whose terms were expiring, whether eligible for reappointment or not, that they continue to serve as a member until their replacement was appointed. In the past two years, only one member attended meetings between the expiration of her term and the naming of a replacement. This situation has contributed to absences while the Commission is awaiting appointments/reappointments.

In calendar year 2005, only one youth member and two regular commission members had three or more consecutive absences, continuing the annual reductions in members in these categories noted in the report from 2002 to 2003 to 2004. The youth member was the one the chair asked to be replaced, and a replacement was named. The two other members were at the end of their third three-year term and not eligible for reappointment. The third consecutive meeting they missed in 2005 actually occurred after their term ended but before a replacement was appointed.

The table below indicates the percentage of members present on each of the two days for meetings for the past four years.

Percentage of TCCY Members in Attendance at Meetings								
Year	Summer 1 st Day	Summer 2 nd Day	Fall 1 st Day	Fall 2 nd Day	Winter 1 st Day	Winter 2 nd Day	Spring 1 st Day	Spring 2 nd Day
02-03	38%	35%	42%	54%	50%	54%	42%	58%
03-04	56%	59%	75%	58%	58%	63%	63%	67%
04-05	35%	52%	69%	62%	73%	60%	46%	62%
05-06	61%	61%	73%	73%	77%	69%	88%	73%

Corrective Action

- The chair of the commission will continue to emphasize to commission members the importance of regular attendance at both committee and full commission meetings, as she has done for the last three years.
- The chair will send correspondence to members who are at risk for removal for non-attendance.
- The chair will also consider attendance in recommendations to the Governor for reappointment/replacement when members' terms expire.

RECOMMENDATIONS

LEGISLATIVE

This performance audit identified one area in which the General Assembly may wish to consider statutory changes to improve the efficiency and effectiveness of the commission's operations.

1. The General Assembly may wish to consider reviewing the state's two Ombudsman programs dealing with children's issues and determining (1) whether two such programs are necessary and (2) if not, which program should continue to exist or, if both programs are needed, how responsibilities should be divided between the two programs. The General Assembly may wish to consider defining the purposes and responsibilities of the Ombudsman program(s) in statute. Such a definition could help decrease duplication of activities and improve the public's understanding of the Ombudsman program(s). If two programs are maintained, one possibility might be for the DCS program to focus on first-time complaints and information requests, with the TCCY Ombudsman responsible for investigating and mediating difficult-to-resolve or recurring cases that would benefit most from an impartial, independent Ombudsman.

ADMINISTRATIVE

The Commission on Children and Youth should address the following areas to improve the efficiency and effectiveness of its operations.

1. The commission should develop more specific scoring guidelines (e.g., guidance on how many points to deduct for certain types of application deficiencies) to assist grant reviewers and improve consistency in the scoring of grant applications.
2. The commission should require that all potential grantees follow the normal application process, so that grant review committee members have the necessary information before making funding recommendations, and that all applicants are treated consistently.
3. The commission should work with grant review committee members to ensure that, before grantees are awarded continuing funding, each grantee's performance has been reviewed (using available site visit and quarterly reports) and adequately discussed. The commission and grant review committee members should review applicants' goals and objectives thoroughly during the grant review process to ensure that goals and objectives are clear, reasonable, measurable, and outcome-focused.

4. The commission should work closely with the Administrative Office of the Courts to make sure the training needs of juvenile court staff are met and the new information system is developed as timely as possible and current data problems are addressed. Commission staff should work with the Administrative Office of the Courts and with juvenile courts statewide to ensure juvenile court staff are documenting juvenile case information appropriately and have the technological capability to distribute this information to stakeholders in a timely manner.
5. The commission should assess its current efforts to assist the local task forces and, with input from local task force members, should identify potential actions (e.g., increased communication with the task force and/or community leaders, additional technical or monetary assistance) that could help the task forces meet their goals. In particular, the commission should work with the task forces to develop and facilitate strategies for raising public awareness of Disproportionate Minority Contact (DMC); identifying and communicating with those local leaders who could most impact DMC (e.g., in schools, law enforcement, courts, social service agencies); and addressing the task forces' need for additional volunteers.
6. The commission should encourage the task forces to consistently submit their meeting minutes to commission staff, and staff should review those minutes to assist them in tracking the task forces' progress and identifying areas where the task forces need assistance.
7. Commission management should ensure that grantees submit quarterly reports as required in order to provide a record of the grantees' past achievements that is available in sufficient time and detail to be effectively used when grant review committees make funding decisions. Commission staff should always date-stamp quarterly reports when they are received to document grantees' timely (or non-timely) submission of reports. Management should provide training regarding the expected information to be obtained from a commission staff member's site visit and should require that staff conduct site visits using a standardized format which would provide a more in-depth analysis of a grantee's performance. Commission staff should ensure that grantees' goals and objectives are clear, quantitative, and outcome-focused. Staff should closely review quarterly reports to ensure grantees' activities are consistent with agreed-upon goals and objectives and that documentation regarding met goals is provided whenever possible. Commission staff should work with grantees to address problems with performance and should require corrective actions as needed.
8. Tennessee Commission on Children and Youth management and Ombudsman program staff should work with Department of Children's Services management and Ombudsman staff to develop lines of communication and establish case protocols that would allow each program to handle its cases more efficiently without duplicating actions taken by the other program.

9. The chair of the commission should emphasize to commission members the importance of regular attendance at both committee and full commission meetings. While some latitude may be given to commission members who miss meetings, particularly for cause, consistent absences should be addressed to avoid developing an atmosphere of acceptance related to member absences.

Appendix 1

Title VI Information

All programs or activities receiving federal financial assistance are prohibited by Title VI of the Civil Rights Act of 1964 from discriminating against participants or clients on the basis of race, color, or national origin. In response to a request from members of the Government Operations Committee, we compiled information concerning federal financial assistance received by the Tennessee Commission on Children and Youth, and the commission's efforts to comply with Title VI requirements. The results of the information gathered are summarized below.

The following commission programs received federal funding for fiscal year 2005:

Program/Activity (Grant)	Amount	Minority Youth Served	Non-Minority Youth Served	Total Served
Enforcing Under-aged Drinking Laws (EUDL)	\$338,401	6,216	2,155	8,371
Federal Formula (FF)	\$792,997	9,530	2,602	12,132
Juvenile Accountability Incentive Block Grant (JABG)	\$3,041,359	31,508	23,352	54,860
Title V	\$254,600	2,335	7,990	10,325
Total	\$4,427,357			85,688

Source: TCCY's 2005 Title VI Compliance Policy and Procedures Manual Data Analysis Report, and Title VI Coordinator.

See page 41 for a listing of federal grantees for fiscal year 2005.

The commission's Title VI Coordinator is responsible for maintaining all Title VI records and documentation, including the database used to conduct statistical analysis related to Title VI compliance. The coordinator works with commission staff to ensure an adequate number of Title VI training sessions are conducted statewide in conjunction with commission meetings and other relevant events. In addition, the coordinator works in cooperation with the Executive Director, the Juvenile Justice Director, and the Title VI Work Group to develop the annual *Title VI Compliance Policy and Procedures Manual* (i.e., the Title VI Implementation Plan). The Title VI Coordinator has a total of nine staff members to assist in Title VI program monitoring. Eight of the nine staff members are assigned to the Juvenile Justice Division, and the other staff member is assigned to the Fiscal Division.

According to the Title VI Coordinator and the commission's Title VI Plan, the commission's Juvenile Justice and Minority Issues Committee has primary oversight duties for the Title VI compliance, and meets in conjunction with regularly scheduled commission meetings, or as needed. The Chair of the Juvenile Justice and Minority Issues Committee oversees Title VI compliance efforts, in conjunction with the Title VI Coordinator and the Title VI Work Group, which consists of Juvenile Justice staff and committee members. The Juvenile Justice and Minority Issues Committee conducts an annual (informal) review to ensure that the following activities have occurred:

Fiscal Year 2005 Federal Grantees

Grantee	Amount Awarded
Enforcing Under-aged Drinking Laws (EUDL)	
Loudon County	\$20,651
City of Brownsville	\$26,157
Bradley County	\$19,789
MADD-Tennessee	\$102,397
Metro Drug Commission-Knox	\$58,038
Center for Youth Issues (Davidson County)	\$81,567
City of Bristol	\$29,802
Federal Formula	
Legal Aid of East Tennessee (DMC)	\$44,025
Youth Visions, Inc. (Shelby County)	\$22,500
Tennessee Legal Community Foundation (Davidson County)	\$60,000
TCJFCJ Training (Davidson County)	\$35,000
Knox County Government	\$57,431
Children's Advocacy Center of Hamilton County, Inc.	\$23,466
DVIC, Inc. (Rutherford, Sumner, Williamson Counties)	\$45,000
Exchange Club Family Center Memphis	\$45,000
Henry County Board of Education	\$21,454
Junior's House, Inc. (Dyer County)	\$39,467
Legal Aid of East Tennessee (Special Education)	\$37,500
Little Children of the World, Inc. (McMinn County)	\$35,205
Shelbyville Housing and Development Corporation	\$41,409
West Tennessee Legal Services, Inc.	\$45,000
United Way of Blount County	\$15,000
Frontier Health, Inc. (Washington County)	\$15,000
American Family Institute (Hamilton County)	\$17,000
Warren County	\$12,500
Catholic Charities of Tennessee (Davidson County)	\$60,000
Girl Scouts of Cumberland Valley (Davidson County)	\$21,040
Shelby County Government	\$60,000
University of Tennessee-Chattanooga	\$40,000
Title V	
Hancock County	\$65,184
City of Brownsville	\$41,723
City of Bristol	\$56,256
Hamilton County Government	\$39,044
Lawrence County Government	\$52,393

Fiscal Year 2005 Federal Grantees (Cont.)

Grantee	Amount Awarded
JABG-State Allocated	
Bedford County	\$110,700
Bradley County Excel Academy	\$161,277
Frontier Health, Inc. (Washington County)	\$246,000
Helen Ross McNabb Center, Inc. (Knox County)	\$153,750
Madison County	\$369,000
Upper Cumberland Community Services Agency (Putnam County)	\$184,500
Upper Cumberland Human Resources Agency (Putnam County)	\$170,355
JABG Pass Through	
Anderson County	\$15,861
Blount County	\$17,862
Bradley County	\$21,303
Metro Nashville-Davidson County	\$400,191
Dickson County	\$8,126
Fayette County	\$5,486
Greene County	\$7,894
Hamblen County	\$11,564
City of Morristown	\$9,259
Hamilton County	\$142,489
Knox County	\$79,933
City of Knoxville	\$63,763
Madison County	\$41,385
McMinn County	\$5,946
City of Clarksville	\$21,017
Montgomery County	\$14,255
Putnam County	\$15,169
Rutherford County	\$44,894
Shelby County	\$572,474
City of Bristol	\$8,142
Sullivan County	\$55,296
Sumner County	\$20,622
Tipton County	\$5,905
City of Johnson City	\$18,599
Williamson County	\$21,203
Wilson County	\$17,139

- a. Commission staff and members have received appropriate and adequate training on Title VI to function fully in their responsibilities associated with Title VI compliance and implementation.
- b. Commission staff and members have received all materials such as procedural manuals, posters, and pamphlets required for administering and complying with the Title VI program.
- c. Appropriate commission staff and members have on file copies of compliance reports (i.e., Title VI Compliance Surveys) from grantees indicating the status of their Title VI compliance.
- d. An overview of Title VI requirements has been incorporated into new staff and new commission member orientation, and information about Title VI is included in the commission's "Employee Policies and Procedures Manual."

The commission submitted its Fiscal Year 2006 *Title VI Compliance Policy and Procedures Manual* (i.e., the Title VI Implementation Plan) to the Office of the Comptroller of the Treasury on June 29, 2005, as required. According to staff, the commission also submits reports to the Tennessee General Assembly and the Title VI Compliance Commission.

Title VI Training

According to the Title VI Coordinator, each year the Federal Formula, Title V, Enforcing Underage Drinking Laws, and Juvenile Accountability Incentive Block Grant applicants, as well as potential applicants, receive Title VI compliance training during the grant writing orientation training. Employees of grant recipients, contractors, other organizations and governmental units also receive orientation training as necessary regarding the obligations and rights involved in the Title VI program through their own agencies. In addition, grantees and service recipients are given Title VI brochures, posters, and complaint procedures, which are to be displayed in respective agencies. Applicants seeking any commission grants are required to sign an Assurance of Compliance, which indicates their intent and willingness to comply with Title VI requirements. Applicants who do not sign this statement will not be considered for funding. In addition, Title VI language is included in all contracts executed by the commission. Information is also shared with commission members and staff to inform them of their obligations under Title VI.

Title VI Monitoring and Tracking

Commission staff's site visits and/or desk audits of grantees include Title VI monitoring. The Department of Finance and Administration's Policy 22 requires that all subrecipients receiving state and/or federal funds be monitored on a regular basis following monitoring guidelines that include a review of Civil Rights compliance. Effective July 1, 2004, all subrecipients are expected to be able to document, when they are monitored by the commission, that:

1. Notices of non-discrimination, including all applicable civil rights laws, are posted in conspicuous places available to employees and applicants. Applicable civil rights laws include Title VI of the Civil Rights Act of 1964; Title VII of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; American Disabilities Act of 1990; Age Discrimination in Employment Act of 1967; Age Discrimination Act of 1975; Vietnam Era Veterans' Readjustment Assistance Act of 1974; and Title IX of the Education Amendments of 1972.
2. Agency policies and procedures relevant to civil rights are available for review.
3. The agency provides and documents training to staff on non-discriminatory issues and policies.
4. If any formal discrimination complaints have been filed against the agency, complete records are available for monitoring review.
5. Eligibility requirements are applied uniformly; services provided to all participants equally based on need; outside referrals made on a non-discriminatory basis; and all client records maintained uniformly for all individuals.

Grantees are required to complete a Title VI Self-Survey and mail it to the commission's central office with the signed contract for funds. During on-site monitoring visits, monitors are to verify information reported in the survey and obtain any missing data.

In addition, the Title VI Coordinator analyzes the Title VI Self-Surveys to track grantee information such as the representation of minorities on governing boards, the number and percent of minority children served, the number and percent of minority staff employed, Title VI complaints filed, etc.

Title VI Complaints

According to the commission's Title VI Plan, a complaint alleging discrimination against a facility, contracting agency, or governmental unit providing services may be filed by a client with the contracting agency staff, commission members or commission staff, or with the U.S. Department of Justice. Complaints must be filed in writing; a complainant who is unwilling to complete the commission complaint form may write, or have written, a letter stating the circumstances of the complaint. Complaints initially received by contracting agency employees must be filed within ten days with the commission's Title VI Coordinator. The coordinator must

notify the Executive Director and Juvenile Justice Director immediately (within five days of receipt of the complaint) whenever a complaint is filed.

The Title VI Coordinator investigates the complaint and reports findings to the commission's Title VI Work Group, which has the primary responsibility for reviewing the complaints and reporting findings to the full commission and other appropriate state agencies. A copy of the complaint must be maintained by the Title VI Coordinator and must also be kept with the grantee or contractor files. When a complaint is received at the local level, the commission's Title VI Coordinator will conduct and complete a fact-finding investigation within 30 calendar days of receipt of the complaint and report the findings to the highest-ranking official of the contracting agency or governmental unit and the commission's Executive Director and Juvenile Justice Director. Within ten business days after this report, the written findings will be given to the complainant. The complainant's rights to appeal, including instructions for filing, will also be provided at this time. If the report includes a finding of noncompliance with Title VI, the report should include recommendations for remedial action by the grantee. The grantee must submit, within 30 days, a remedial action plan, which includes steps to correct the problem and procedures to avoid future discriminatory activities. If the grantee does not comply with this policy, the commission will notify the grantee that funds will be suspended until compliance is achieved.

Within 30 calendar days following receipt of the findings, the complainant may appeal a finding or the proposed remedial action by the commission. If, after appealing to the commission, a complainant remains dissatisfied with the findings or the proposed remedial action, the complainant may file externally, with the U.S. Department of Justice, within 180 calendar days after the alleged discrimination occurred.

According to the Title VI Coordinator, the commission received and investigated one Title VI complaint during the past two years. The investigation concluded that there was no cause for this Title VI complaint to have been filed. (The complainant had charged discrimination in being denied the opportunity to obtain funding and other support for a proposed program. The investigation found insufficient evidence of the entity's non-profit designation, which is needed to secure such funding.)

**Breakdown of the Commission on Children and Youth and Subcommittees
by Gender and Ethnicity
October 2005**

Commission and Subcommittees	Gender		Ethnicity		
	Male	Female	White	Black	Hispanic
Commission on Children and Youth	10	16	19	7	0
Juvenile Justice and Minority Issues Committee	7	6	9	4	0
Budget and Data Committee	7	5	9	3	0
Councils Committee	3	10	10	3	0
Children's Services Committee	3	9	10	2	0
Executive Committee	2	6	7	1	0
Personnel Committee	2	2	4	0	0
Grants Review Committee	3	5	7	1	0
Audit Committee	3	2	4	1	0
Total	40	61	79	22	0

Source: *Tennessee Commission on Children and Youth Title VI Compliance Policy and Procedures Manual 2005*; October 2005 Commission Meeting Packets; and Title VI Coordinator.

**Commission on Children and Youth Staff by Title, Gender, and Ethnicity
As of October 2005**

Title	Gender		Ethnicity					
	Male	Female	Black	White	Asian	Hispanic	Indian	Vacant
Accountant	3	0	1	1	1	0	0	0
Accounting Technician	0	2	1	1	0	0	0	0
Administrative Assistant								1
Administrative Secretary	0	4	0	4	0	0	0	0
Auditor	1	0	0	1	0	0	0	0
Children's Program Coordinator	9	20	10	18	1	0	0	1
Children's Program Director	1	3	1	3	0	0	0	0
Executive Director	0	1	0	1	0	0	0	0
Executive Secretary	0	1	0	1	0	0	0	0
Grants Program Manager	1	0	0	1	0	0	0	0
Information Resources Specialist	1	0	0	1	0	0	0	0
Publications Editor	0	1	0	1	0	0	0	0
Secretary–Part Time	0	1	1	0	0	0	0	1
Statistical Analyst	1	1	0	0	2	0	0	1
Totals	17	34	14	33	4	0	0	*
Percentages	33%	67%	27%	65%	8%	–	–	–

* Four staff positions vacant.

Source: TCCY's Sunset Public Hearing Questions for Sunset termination June 2005; and TCCY Title VI Coordinator.

**Breakdown of the Commission on Children and Youth's
Disproportionate Minority Contact (DMC) Task Forces
by Gender and Ethnicity
October 2005**

DMC State-wide Task Force & Local DMC Task Force	Gender		Ethnicity		
	Males	Females	White	Black	Hispanic
State-wide DMC Task Force	8	14	7	15	0
DMC Task Force – Memphis	17	22	4	34	1
DMC Task Force – Nashville	5	8	7	6	0
DMC Task Force – Knoxville	8	4	5	7	0
DMC Task Force – Chattanooga	2	9	4	7	0
Total	40	57	27	69	1

Source: Tennessee Commission on Children and Youth DMC Task Force Meeting Packets; and TCCY Title VI Coordinator.

Appendix 2

Federal Formula Grant Application Review Guide Submitted by the Commission on Children and Youth in Response to Finding 1

**FEDERAL FORMULA
GRANT APPLICATION REVIEW GUIDE**

	Possible Points	Points Earned
I. Budget Justification	10	_____
<ul style="list-style-type: none"> 1. Detailed, accurate budget is included (subtotals and totals match those on the face sheet). (4 pts) 2. The budget narrative and requested items are itemized and explained well. (4 pts) 3. The number of children to be served with a cost per child is included. (2 pts) 		
II. Project Narrative	20	_____
A. Background/Need		
<ul style="list-style-type: none"> 1. The nature, scope and degree of the problem has been fully documented using current local and/or state data and statistics. (10 pts) 2. The proposed problem was addressed in the project narrative. (7 pts) 3. The project is consistent with one of the four program categories funded by TCCY (alternatives to detention, delinquency prevention, minority overrepresentation, female gender specific). (3 pts) 		
B. Project Implementation	25	_____
<ul style="list-style-type: none"> 1. The target population is clearly defined. (3 pts) 2. The applicant describes how the program would address specific needs of minority youth. (3 pts) 3. The applicant identifies and describes how the program would address any gender-specific needs of females. (3 pts) 4. The project goal(s) for the year are clearly stated (1 to 2 goals only). (3 pts) 5. The project objectives address the goal(s) and are time bound, realistic and measurable (no more than 3 objectives per goal). (4 pts) 6. The activities for the objectives are presented in a quarterly format. (3 pts) 7. The project demonstrates collaborative efforts with other agencies. (2 pts) 8. A best practice model will be implemented by the program. (4 pts) 		
Page total	55	_____

	<u>Possible Points</u>	<u>Points Earned</u>
C. PROJECT EVALUATION		
1. The applicant provided output and outcome measures including data source, location of data, frequency of collection and how processed or retrieved. (10 pts)	<u>20</u>	_____
2. The applicant described the evaluation, data collection, and analysis procedure that will be used to assess the effectiveness of program. (10 pts)		
D. PROJECT PERSONNEL		
1. The applicant has identified project personnel and has indicated the percentage of time devoted to the project by each staff person. (2 pts)	<u>10</u>	_____
2. An explanation of qualifications for personnel is included. (2 pts)		
3. A copy of highest diploma achieved for each project personal is included. (1 pt)		
4. The organizational chart shows how project personnel fit into the overall organization. (1 pt)		
5. The applicant has over 50 employees and indicated they have an EEO Plan. (1 pt)		
6. The applicant indicated they have written policies and procedures for their employees. (1 pt)		
7. The applicant described other personnel who will be involved with project, but who will not be paid from the project budget. (2 pts)		
E. PAST ACCOMPLISHMENTS		
1. The continuation project has included a list of past accomplishments that state what outcomes and outputs were achieved; and, there are explanations for goals and objectives not met, if applicable. (5 pts) <u>OR</u> ,	<u>5</u>	_____
2. If this is an application for a new project, and the applicant or implementing agency has not been previously funded by TCCY, there is a description of other projects developed by the agency, funding obtained, and outcomes achieved. (5 pts)		
F. Future Funding Strategies.		
1. The applicant provides the names of three possible funding organizations. (1 pt)	<u>5</u>	_____
2. The applicant explains their strategy of obtaining future funding and provides an estimate of when the funding could begin. (4 pts)		
III. Originality of Application		
1. Gender-Specific (females) Program. (2 pts)	<u>5</u>	_____
2. Project Reducing DMC. (2 pts)		
3. Creative (new) idea. (1 pt)		
Attended Training (3 pts)	<u>3</u>	_____
Assurances _____		
Support Letter(s) _____		
Page total	<u>48</u>	_____
Grand total	<u>103</u>	_____

Appendix 3

Overview of SRAD Grant Programs Submitted by the Commission on Children and Youth in Response to Finding 1

OVERVIEW OF SRAD GRANT PROGRAMS

(For reporting requirements, see Paperwork Requirements for SRAD Grant Programs)

Revised on June 2, 2006

	Title II Formula	Title V	JABG	EUDL	Challenge
OJJDP Program Manager	Heidi Hsia 202-616-3667 heidi.hsia@usdoj.gov	Heidi Hsia 202-616-3667 heidi.hsia@usdoj.gov	Thomas Murphy 202-353-8734 Thomas.murphy@usdoj.gov	Scott Pestrige 202-514-5655 scott.pestridge@usdoj.gov	Heidi Hsia 202-616-3667 heidi.hsia@usdoj.gov
Website	Compliance monitoring: www.ojjdp.ncjrs.org/compliance/index.html DMC: www.ojjdp.ncjrs.org/dmc	www.ojjdp.ncjrs.org/titleV	www.ojjdp.ncjrs.org/jabg	www.ojjdp.ncjrs.org/programs/ProgSummary.asp?pi=17&ti=&si=&kw=&PreviousPage=ProgResults	None
Participation in the Title II Formula Grants Program	Yes	Not required. Must have a State Advisory Group. May subgrant to units of local government in compliance with the Act.	Not required	Not required	Required

	Title II Formula	Title V	JABG	EUDL	Challenge
State Advisory Group (SAG) Involvement	Required	Required	Advisory Board (OJJDP recommends using SAG)	Not required, although must coordinate with the State Agency if different from Formula Grant	Required
Planning and Administration (P&A)	Up to 10% of total award	Up to 5%	Up to 5% for the State; Up to 5% for local governments beginning with FY 2004 awards	Up to 5%	None
Pass-Through	Absent a waiver, 66 2/3 %	95%	Absent a waiver, 75%	Not required	Not required
Match by State	Yes. Dollar for dollar cash match only for P&A. No match requirement for program funds.	50 cents to a dollar cash match by the State for P&A by the State; can choose to provide 50 cents to a dollar cash/in kind match for some or all program funds.	10% of total program cost, and ultimately responsible for Statewide match. Must be cash. 50 cents to a dollar cash match for construction.	Not required	Not required
Program/Purpose Areas/ Categories	34	18	16	3	10; must be for systems change

	Title II Formula	Title V	JABG	EUDL	Challenge
Eligible Subgrant Recipients	State Local Government Non-profit For profit	Units of local government that meet 4 core requirements of the JJDP Act. Subgrantees may subaward for implementation.	Units of local government that meet the \$10,000 minimum threshold of a formula based on local law enforcement expenditures & the number of local violent crime	Does not have to be subgranted since the award may remain at the State level. All sources are eligible for subgrants.	Does not have to be subgranted since the award may remain at the State level. All sources are eligible for subgrants.
Match by Subgrantees	Not required	State can require subgrantees match or can match for them. Subgrantees cannot require their implementing non-profits to provide the match. Match can be cash or in-kind.	10% of total program cost	Not required	Not required
Length of Subgrant	No limitation. The Act requires discontinuation of subgrants that fail to demonstrate substantial success in 2 years.	One-year increments for up to 3 years	No limitation	No limitation	No limitation
Give Priority in Funding to Evidence-based Programs	Required by the Act (to the extent practicable)	Required by the Act	Encouraged	Encouraged	Encouraged